

VILLAGE OF BARTLETT

COMMITTEE AGENDA

AUGUST 16, 2022

BUILDING & ZONING, CHAIRMAN HOPKINS

1. Bannerman's Site Plan and Special Use Permit
2. Cannabis Dispensing Center Text Amendment

EXECUTIVE SESSION

To Discuss Security and Public Safety
Pursuant to Section 2(c)8 of the Open Meetings Act



Agenda Item Executive Summary

Item Name	Bannerman's Sportsgrill (Lot 15 Brewster Creek Business Park)	Committee or Board	Committee
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BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

The Petitioner is requesting a **site plan review** for a proposed 10,000 square foot restaurant and bar with an outdoor seating and recreation area on 8.1 acres on the south side of Hardt Circle in Brewster Creek Business Park.

The Petitioner is also requesting **special use permits** to allow a restaurant serving liquor, and indoor and outdoor live entertainment. Outdoor entertainment would take place on a stage located to the northwest of the proposed building.

The Petitioner has agreed to rotate the stage 5 degrees clockwise, install a sound wall on the east side of the stage, and limit the decibel level as measured at the mixing station to 92 dBC.

The **Planning and Zoning Commission** held the required public hearing, reviewed the petitioner's requests and **recommended approval** at their meeting on August 4, 2022.

ATTACHMENTS (PLEASE LIST)

PDS memo, minutes of the August 4, 2022 Planning and Zoning Commission meeting, cover letter, application, location map, site plan, floor plan, elevations, landscape plan, sound study, and sound study addendum

ACTION REQUESTED

- For Discussion only – *To review and forward to the Village Board for a final vote*
- Resolution
- Ordinance
- Motion

Staff: Kristy Stone, Interim Planning & Development Services
Director

Date: 8.9.2022

PLANNING & DEVELOPMENT SERVICES MEMORANDUM

22-68

DATE: August 9, 2022
TO: Paula Schumacher, Village Administrator
FROM: Kristy Stone, Interim Planning and Development Services Director *KS*
RE: **(#22-02) Bannerman's Sportsgrill**

PETITIONER

Mac Maqsood

SUBJECT SITE

Lot 15 in the Brewster Creek Business Park

REQUESTS

Site Plan Review

Special Use Permits – for a restaurant serving liquor, and live indoor and outdoor entertainment

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Vacant	Mixed Use Business Park	I-2 EDA
North	Light Industrial/Vacant	Mixed Use Business Park	I-2 EDA
South	Industrial Condos	Mixed Use Business Park	I-2 EDA
East	Industrial	Mixed Use Business Park	I-2 EDA
West	Industrial	Mixed Use Business Park	I-2 EDA

DISCUSSION

1. The Petitioner is requesting a **site plan review** for a proposed 10,000 square foot restaurant and bar with an outdoor seating and recreation area on 8.1 acres on the south side of Hardt Circle in Brewster Creek Business Park.
2. The exterior of the proposed building would consist of gray metal batten siding and gray face brick. The maximum building height is 21'-8".
3. The floor plans show a total of 272 seats indoors, with an additional 72 seats located in the outdoor seating area. The floor plans also show bench seating for approximately 50 people and a lawn seating area in front of the stage.

4. The site plan identifies a total of 189 parking spaces, seven (7) of which are accessible spaces, including 178 customer spaces to the east of the building and 11 employee spaces to the north west of the building. This exceeds the Zoning Ordinance requirement of 171 parking spaces.
5. Two curb cuts are proposed along Hardt Circle. Employee vehicles, deliveries, and trash service will enter the site from the western curb cut. Customer vehicles will utilize the eastern curb cut.
6. The petitioner is also requesting **special use permits** to allow a restaurant serving liquor, and indoor and outdoor live entertainment.
7. The outdoor stage would be located to the northwest of the building, facing southwest. The nearest residence is approximately 1,600 feet from the stage and buffered by evergreen trees, buildings, and berms.
8. The proposed hours of operation are as follows;

<u>Day</u>	<u>Restaurant</u>	<u>Outdoor patio</u>	<u>Outdoor Live Entertainment*</u>
Sunday – Tuesday	11:00am – Midnight	11:00am – 11:00pm	Music to end by 10:00pm
Wednesday	11:00am – 1:00am	11:00am – Midnight	Music to end by 10:00pm
Thursday	11:00am – 1:00am	11:00am – Midnight	Music to end by 11:00pm
Friday – Saturday	11:00am – 2:00am	11:00am – 1:00am	Music to end by 11:00pm

* The proposed hours meet the Village's amplifier regulations.

9. The site plan also shows 2 bocce ball courses and 2 bean bag toss set ups to the south of the building.
10. A 6-foot-high aluminum rail fence is proposed around the outdoor entertainment and seating area. The portion of the fence to the north of the stage would be a solid screen fence. Emergency exit gates have been provided in the fence to the north and south of the building.
11. The landscape, photometric and engineering plans are currently under review.

RECOMMENDATION

1. The Staff recommends **approval** of the petitioner's requests for, site plan review and special use permits subject to the following conditions and findings of fact:
 - A. Building permits shall be required for all construction activities;

- B. Install a sound wall on the east side of the stage as recommended in the sound study prepared by Acoustic Associates.
- C. The band sound level at the mixing station shall not exceed 92 dBC. The sound engineer shall determine the Leq of the music based on 15-minute periods. This measurement shall be done on an hourly basis. Logs of this data shall be kept for Village review.
- D. Bannerman's shall obtain amplifier permits for all outdoor concerts. An amplifier permit may be denied by the Planning & Development Services Director or designee from an applicant who has previously received documented complaints by the Police Department or Code Enforcement of excessive noise or extending the amplification beyond the permitted hours of operation.
- E. Outdoor live entertainment shall be limited to the hours of 11:00 am to 10:00 pm Sunday through Wednesday, and 11:00 am to 11:00 pm Thursday through Saturday.
- F. In the event noise complaints occur, are verified by village staff, and are determined to be a nuisance as defined in Section 4-3-4 of the Municipal Code, the petitioner shall provide a sound study paid at their expense, and be required to install mitigation measures deemed necessary by the Village's environmental consultant.
- G. Village Engineer approval of the engineering plans;
- H. Landscaping must be installed within one year of the issuance of a building permit;
- I. If landscaping cannot be installed at the time of construction, a landscape estimate shall be submitted to the Planning & Development Services Department for review and approval by the Village Forester and a bond posted in the approved amount for its future installation;
- J. All proposed signage shall require permits and approval from the Planning & Development Services Department prior to installation;
- K. A Public Improvements Completion Agreement (PICA) must be submitted and approved by the Village;
- L. Findings of fact (site plan):
 - i. That the proposed restaurant serving liquor is allowed as a special use in the I-2 EDA Zoning District;
 - ii. That the proposed building, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
 - iii. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
 - iv. That the site plan provides for the safe movement of pedestrians within the site;
 - v. That there is a sufficient mixture of grass trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses. Any part of the site plan area not used for buildings,

structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs; (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements.)

- M. Findings of fact (special use permits):
- a. The proposed restaurant serving liquor, and live indoor and outdoor entertainment events are desirable to provide a use which is in the interest of public convenience and will contribute to the general welfare of the community;
 - b. That the proposed Special Uses will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
 - c. That the Special Uses shall conform to the regulations and conditions specified in the Bartlett Zoning Ordinance for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.
2. The petitioner submitted the attached sound study by Acoustic Associates, Ltd dated July 8, 2022. The petitioner and his consultant met with staff and the Village's environmental consultant to discuss sound mitigation measures on July 27, 2022. Based on that discussion, the petitioner submitted the attached Sound Study Addendum 1 dated August 1, 2022. **After the staff report was written for the Planning and Zoning Commission meeting, the petitioner agreed to rotate the stage 5 degrees clockwise, install a sound wall on the east side of the stage, and limit the decibel level as measured at the mixing station to 92 dBC.** Based on the addendum to the sound study and discussions with the petitioner, prior to the Planning and Zoning Commission meeting, staff distributed an additional memorandum to the Planning and Zoning Commission revising conditions B and C in their recommendation with the following:
- B. Rotate the stage 5 degrees clockwise and install a sound wall on the east side of the stage as recommended in the sound study addendum #1 prepared by Acoustics Associates, Ltd dated August 1, 2022.
 - C. The band sound level at the mixing station shall not exceed 92 dBC at any time. The sound engineer shall determine the Leq of the music based on 15-minute periods. This measurement shall be done on an hourly basis. Logs of this data shall be kept for Village review.
3. The **Planning and Zoning Commission** held the required public hearing, reviewed the petitioner's requests and **recommended approval** of all the requests at their meeting on August 4, 2022 subject to the conditions, including the revisions to B and C, and the findings of fact in the staff report.
4. The minutes from the Planning & Zoning Commission meeting and background information are attached for your review and consideration.



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August 4, 2022

Case (#22-02) Bannerman's Sportsgrill
PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

The petitioners, **Mac Maqsood** of Bannerman's Sportsgrill, **Tom Thunder, AuD, FAAA, INCE** and **John Eggersdorfer**, Architect, and **Oscar Garcia** came forward and were sworn in by **M. Werden**. **M. Maqsood** stated, we would like to build a new 10,000 square foot space located in the Brewster Creek Business Park. It would be an indoor/outdoor space. Our vision is to provide a year-round destination for entertainment primarily with live music, but not limited to that. We want people to have their business meetings there, children sports teams, and continue to be a destination for our sports fans. We want to give back to our community and give to nonprofit organizations with a portion of proceeds given back. Most importantly, we want to foster a safe and fun environment going forward. We envision having approximately 270 seats inside with an additional 122 seats outside. We would be open 7 days a week. We would be open Sunday, Monday and Tuesday until 11 pm and Wednesday, Thursday, until 1 am and Friday, Saturday and Sunday until 1 am. The outdoor patio would mimic the indoor hours. The music will end by 10 pm Sunday through Wednesday and at 11 pm on Thursday, Friday, and Saturday. I do not envision us having a lot of outdoor music during the week. We will have music Friday and Saturday and potentially Sunday. I hope that I can get a positive recommendation. **M. Werden** this is quite an ambitious project. I think giving back to nonprofit groups is wonderful. Is the only entrance on Hardt Circle? **M. Maqsood** there is no entrance from Munger Road. **C. Deveaux** I noticed on the sound study that you moved the position of the outdoor stage by 5 degrees toward the southwest. **M. Maqsood** yes, this brought down the dBC level from 95 to 92 so that the residential areas to the east and southeast are at the ambient level. That is why we made that change to the stage position. Based on our sound study, we could have increased the dBC level to 95, but we want to keep it to 92 whether it is during the day or at night. We do not want to be a nuisance to our neighbors. If we do receive complaints about noise, we would mitigate that. Our goal is to make this workable for all parties involved. **M. Werden** how is the parking being handled? **M. Maqsood** we have sufficient parking. We are over the requirements. I think we have 191 stalls and the requirement is 178. **D. Kamperschroer** the site plan shows 189 parking spaces and the zoning requirement is 171. **M. Hopkins** how is that calculated? **D. Kamperschroer** we look at customer floor area which includes the interior and the patio area. We also included seating for roughly 50 with the bench seating near the stage area. The calculated total was 171 required parking spaces. **M. Werden** what about the outdoor lighting? **M. Maqsood** around the stage and the grass area we would have 3 large lights and around the building we have a light in each corner and the parking lot would have sufficient lighting as well. **C. Deveaux** how many employees do you expect to have? **M. Maqsood** we currently have about 20 employees and I have forecasted adding 12 to 15 more employees. I envision adding more employees as we get busier especially in the summer months when people want to be outside



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enjoying a nice evening and on the weekends when we might have bigger parties. **C. Deveaux** have any of the surrounding business contacted you? **M. Maqsood** no, not yet. I do think we are going to be the farthest business west in Bartlett in terms of a restaurant/bar. **C. Deveaux** I am thinking about the other businesses there. **M. Maqsood** those businesses will not be open on the weekends and those buildings will be empty during on the weekends and that will be our busiest time. We did send a public hearing notice to the businesses in the area and I do not see anyone here from the business park tonight so I am hoping they are okay with it. **K. Stone** I did speak with the business owner directly east of the site, Promark. I sent them the link and went over the plans with him over the phone. He did not have any concerns particularly and did not call me after he reviewed the plans himself. **M. Werden** was that the only call you received. **K. Stone** yes, that was the only call we received. **M. Hopkins** for the parking, you figured the capacity inside the facility for customers, the deck and for the benches in the grassy area. You took that number of patrons and did the math according to the code. **D. Kamperschroer** yes, according to the code, it is whichever is greater, 1 space for every 3 seats or the total customer floor area divided by 60 and in this case, the customer floor area was greater. We also included the seating for the stage. **M. Hopkins** what happens if you have a big concert with a couple of hundred people outside and a couple of hundred people inside, can you say from your history at your current facility how these shared spaces work? What is the real maximum capacity of this facility and will it have adequate parking? **M. Maqsood** we have thought about that and if we do have a concert and we notice that we need more parking spots, we can do a couple of things. We can offer an incentive for customers to take Uber and for those customers, we would not charge a cover charge. Hopefully, that will limit the number of people driving. In addition to that, we could talk to our neighbors and come up with an agreement to use their parking spots on the weekends for customer parking if we do find that is an issue. **M. Hopkins** if you need to valet with your neighbor, but a closer property owner says no, they do not want any part of it and do not want people walking across their property off hours that puts you in a position of protecting their property as well. It is a concern and something that needs a firmer contingency plan to be controlled and safe. Is there parking allowed on Hardt Circle? **K. Stone** there is no parking allowed on any of the streets in Brewster Creek Business Park at any time. **M. Maqsood** we will come up with a better contingency plan for the parking. **M. Hopkins** how will the truck unloading and maneuvering work for deliveries? **M. Maqsood** that would be done in the employee parking area. **J. Eggersdorfer** stated that the larger vehicles would pull into the rear drive for the employees, unload and then back out for deliveries in the back of the building. **M. Maqsood** our deliveries are early in the morning when there are no employees there and the manager on site takes the deliveries. I do not anticipate that there will be cars parked in the employee parking lot when we get our deliveries. We do have the option of eliminating one of the employee parking stalls so that trucks can get in and out easier. **M. Hopkins** will the rooftop equipment be screened? **J. Eggersdorfer** yes, the rooftop equipment will be screened with vertical siding similar to the material used for the building. **M. Hopkins** is the dumpster area sized for this operation? **M. Maqsood** yes, we will have space for 3 dumpsters in the enclosure. **M. Hopkins** you thought it through and it fits. **M. Maqsood** yes. **M. Hopkins** could we get a summary of the two modified conditions that are suggested in the sound study report? **T. Thunder** stated, I have doctorate degree in audiology, which is the science of hearing. I am both an acoustical engineer and an



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audiologist. I have worked in Illinois for over 35 years on noise issues and I am very familiar with the State of Illinois noise regulations. I see that Bartlett has adopted the State of Illinois Noise Regulations. The State of Illinois limits noise at different frequencies; low, middle and high. To simplify that, it is added up and called the dBC scale, which is the overall scale. We use this because we know that live band music is heavier at the bass and bass sounds propagate at a further distance without atmospheric absorption or absorption by vegetation. We have equated those limits to a C-weighted scale. In our report, we indicated that the State has a limit to daytime noise of 73 dBC and nighttime to 64 dBC. That is specifically for noise from commercial properties to residential properties. More important than that, it has been my experience that whether or not there is an impact it has more to do with ambient noise than an absolute limit. Really what matters is the ambient noise that currently exists in an area to assess impact. You get potential impact the higher the source noise is above the ambient noise. The more audible that is, the more impact there is. Part of our study was to get a good handle on what kind of ambient noise we are talking about during the times that the bands would be there. Normally, we make measurements where the residents are, but without easy access to residential property, we put the monitoring equipment in a more conservative place. The ambient noise that we measured from 10:00 pm to 11:59 pm was 64 dBC. We did the measurement at those times because that is the most critical timeframe for residents. As you go further into the evening the sound levels go down because traffic goes down. As traffic starts to drop on Route 59 all of the noise levels in those areas go down. It is not as important to make these measurements during the day. We took the measurements during the time the venue would have performances. We developed an ambient establishment of 64 dBC, which is the State of Illinois Noise Regulations. We used a very sophisticated modeling program called Sound Plan. It is a very rigorous examination about how sound propagates from any source, in this case, a live band source. The modeling program takes into consideration how much atmospheric absorption is there, the topography, the vegetation and reflections from buildings. Some buildings will collect sound. The large buildings in this industrial area shield the sound and reflect sound. The original predication without any sound treatment showed that it was obvious that some treatments would be worthwhile. Those treatments would be to rotate the stage by 5 degrees clockwise to direct the loudspeakers in a different direction and to put in a wall on the east side to act as a barrier to keep the sound from going in the direction of the residents. We will also have administrative controls as well with a sound engineer monitoring the sound. The biggest problem I have had with live band noise is when a venue does not have a sound engineer. It is important to have an engineer in the audience to listen and monitor the sound levels and make adjustments. This is a two-pronged approach. One is a physical acoustical approach where we rotated the stage and added a sound barrier. The second approach is to have a sound monitoring engineer to implement the sound monitoring. With these treatments and the natural shielding from the large buildings, the sound will dissipate down to about ambient levels when it reaches the residents. **M. Hopkins** has the petitioner agreed to these conditions? **K. Stone** yes, the petitioner has agreed to the conditions, which are the rotation of the stage, installing the sound wall as recommended and that the 92 dBC level be the limit at the mixing station at all times. Those conditions have been reviewed by the Village's Environmental Consultant, Gary Diegan. **M. Hopkins** there is language in the staff report about a log that will be kept by the sound engineer on site. How



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exactly will that work? **K. Stone** typically, the police department receives noise complaints periodically from residents close to the bars that have live entertainment and they make a report. We would look at the amplifier permit to see which bands were playing and get copies of the logs. Staff would follow up on that. I have spoken with the soon to be Chief Pretkelis and he is on board with this as well. He was glad that we involved him to make sure that this does not become a nuisance to the residents. **M. Hopkins** is the petitioner on board with all of this? **M. Maqsood** yes, I am willing to put in further mitigations to limit the noise if we get complaints. Our intention is not to be a nuisance to our neighbors. Our intention is to provide a good environment for people to come and enjoy good music. We are committed to that and we will put in any mitigations to meet those needs. **M. Werden** I am impressed with the safeguards that you have. You have a lot of good ideas. **M. Maqsood** our intention was to be about 1,500 away from any residences and not be close to a residential community. **G. Koziol** do you expect the residential area would be able to hear the music? **T. Thunder** we would not say they are not going to hear it. They are going to hear parts of the music. The criterion for annoyance is not that it is inaudible. It can be audible. The issue is that the average level of a live band does not exceed the average level of the ambient noise. That is a valid criterion. The model we used is a called a favorable propagation conditions model. The model assumes that there is as gentle wind blowing from the sound source towards the receivers. Wind can carry sound. Temperature inversions will do that as well. In the morning, as the sun is coming up and warming the upper atmosphere it bends sound down, but when the sun comes up further and there is a more even distribution of temperature, you do not hear the sound as much. There is not going to be a temperature inversion here, but there could be a situation when people complain when the wind is blowing from the west to the east fairly strongly. On the other hand, if the wind is going the opposite direction, they may not hear it at all. This is a situation where the model is being conservative, but it cannot possibly cover every meteorological condition that exists. **G. Koziol** I am impressed with the outcome of this study. It takes a lot into consideration. **T. Thunder** a program like this allows us to plan for this to mitigate at the planning stage. **G. Koziol** is the fence surrounding the back area a solid fence? **J. Eggersdorfer** it would be an aluminum picket fence. **G. Koziol** are the lights in the parking lot going to be on all night? **M. Maqsood** those lights would be until 2 am. **K. Stone** we are required to measure the foot candles at the property line. Also, the residences to the east are about 15 feet higher than this site. Lighting now is much more focused with not as much spillage. LED lighting is more focused. **J. Eggersdorfer** the light-focused intensity is directly under the fixture and does not spread out or add light pollution. It is a full cut off fixture. **M. Hopkins** the building looks great and this is a culmination of a good process. The petitioner working in advance to preclude any problems is huge. I would like to commend the staff and the petitioner as well as their consultants. I do think you have to be careful about a plan for the parking and the truck unloading. **M. Maqsood** we will think about how to make the parking and the delivery truck unloading better. I also want to commend the staff. They have been thorough. We want to plan this the right way.

M. Werden opened the public hearing portion of the meeting. No one from the public came forward.



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C. Deveaux made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#22-02) Bannerman's Sportsgrill Site Plan and Special Use Permits** subject to the conditions and findings of fact outlined in the staff report with amended conditions B and C from the Planning & Development Services Memo #22-66.

M. Werden closed the public hearing.

Motioned by: C. Deveaux

Seconded by: J. Miaso

Roll Call

Ayes: B. Bucaro, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Werden

Nays: None

The motion carried.



To: Village of Bartlett, Village President, Planning and Zoning Commission, Trustees
From: Mac Maqsood, Bannerman's Sports Grill
Date: March 28, 2022

Established in 2007, Bannerman's Sports Bar and Grill is family owned and has been a staple in the community for many years, serving the best wings in town with over 25 flavors to choose from. We are a venue where the entire community can enjoy. We cater to folks just looking for a place to hang out, families out to lunch or dinner, sports fans who want to watch the Cubs, Sox, Bears, Bulls, or Hawks and music lovers listening to their favorite bands. Bannerman's has been serving the Bartlett Community for more than 15 years, providing both excellent meals and an abundance of community service to our schools, clubs, families, and organizations.

When my wife Jackie and I took over from Murray in 2018, we didn't know how we'd be welcomed into the community. Fast forward 4 years and we couldn't have asked for a better community to be part of. We have an amazing staff and all the customers/people that we've met at the Bannerman's have been extremely supportive. Because of our customers and community encouragement/patronage, we are looking to be part of Bartlett for many years to come by building a new place here in Bartlett.

Bannerman's Sports Bar and Grill will be a distinctive year around gathering place in Bartlett. Our new location will be in the Brewster Creek Business Park on a 3.73-acre lot, housed in a 10,000sf+ standalone building with a large outdoor beer garden and covered patio. At the new and improved Bannerman's, we believe in creating memories, cultivating friendships, and coming together with a common purpose: **"that life if to be enjoyed"**.

We will offer:

- Exclusive summer concert series, specifically built for people looking for a relaxed festival inspired atmosphere.
- We will be a "destination" for indoor/ outdoor entertainment space in the western suburbs.
- We will create a warm and friendly atmosphere, and to leave our customers feeling totally satisfied with our service - whether they pop in for a pint or stay with us all day for a great meal, awesome music, and amazing drinks.
- Continue to be a sports enthusiast's destination – we will offer many TV's to watch your favorite sports teams.
- Offer an outdoor area with outdoor games, as well as two volleyball courts and a full bar.

- Maintain the game machines for kids as well as slot machines for adults.
- Foster a safe and fun environment.
- Continue to give back to the community.

We very much hope that we can gain your support and approval to operate our new location. The new Bannerman's is an exciting opportunity for the town, and it is an exciting opportunity for us as we look to continue to be an active and contributing business in the community for years to come. We welcome all your recommendations in order to make our new venue a success for everyone and we will continue to seek out new ways that we can benefit the community.

Thank you for your consideration in this matter.



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only
Case # 22-02
RECEIVED
PLANNING & DEVELOPMENT
MAR 29 2022
VILLAGE OF
BARTLETT

PROJECT NAME Bannerman's Sportsgrill

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Mac Maqsood

Street Address: _____

City, State: _____

Zip Code: _____

Email Address: _____

Phone Number: _____

Preferred Method to be contacted: Email

PROPERTY OWNER INFORMATION

Name: Triumph Construction Services

Street Address: 425 N. Martingale Road; Suite 1280

City, State: Schaumburg, IL

Zip Code: 60173

Phone Number: _____

OWNER'S SIGNATURE: _____ **Date:** _____

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

ACTION REQUESTED (Please check all that apply)

- Annexation
- PUD (preliminary)
- PUD (final)
- Subdivision (preliminary)
- Subdivision (final)
- Site Plan (please describe use: commercial, industrial, square footage): _____
- Unified Business Center Sign Plan
- Other (please describe) _____
- Text Amendment
- Rezoning See Dropdown to See Dropdown
- Special Use for: Liquor/alcohol consumption and outdoor music
- Variation: _____

SIGN PLAN REQUIRED? Yes

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFORMATION

Common Address/General Location of Property: Hardt Circle.....Lot 15 Brewster Creek BP

Property Index Number ("Tax PIN"/"Parcel ID"): 01-04-308-019

Zoning: Existing: I-2 EDA **Land Use:** Existing: Vacant
(Refer to Official Zoning Map)
Proposed: I-2 EDA Proposed: Mixed Use Business

Comprehensive Plan Designation for this Property: Mixed use Business Park
(Refer to Future Land Use Map)

Acreage: 8.1

For PUD's and Subdivisions:

No. of Lots/Units: _____
Minimum Lot: Area _____ Width _____ Depth _____
Average Lot: Area _____ Width _____ Depth _____

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Engineer ESM CIVIL SOLUTIONS, LLC - Eric S. Mancke, P.E.
4320 Winfield Road; Suite 200; Warrenville, IL 60555
630-300-0933; eric@esmcivilsolutions.com

Other Planner/Pre-Construction Services - Newpath Construction - Justin Rios
1300 Greenbrook Blvd; Suite 303; Hanover Park, IL 60133
630-338-7887; justin.rios@newpathconstruction.com

FINDINGS OF FACT (Standards)

The Village of Bartlett Zoning Ordinance requires that certain findings of fact, or standards, must be met before a special use permit, variation, site plan or planned unit development may be granted. Each application for a hearing before the Plan Commission or Zoning Board of Appeals for a special use, variation, site plan or planned unit development must address the required findings of fact for each particular request. The petitioner should be aware that he or she must present specific testimony at the hearing with regards to the findings. **(On the following pages are the findings of fact, or standards, to be met. Please respond to each standard, in writing, as it relates to the case.)**

****PLEASE FILL OUT THE FOLLOWING FINDINGS OF FACT AS THEY
RELATE TO YOUR PETITION****

Findings of Fact for **Site Plans**: Pages 4-5

Findings of Fact for **Planned Unit Developments**: Pages 6-9

Findings of Fact for **Special Uses**: Page 10

Findings of Fact for **Variations**: Pages 11-12

FINDINGS OF FACT FOR SPECIAL USES

Both the Plan Commission and Village Board must decide if the requested Special Use meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

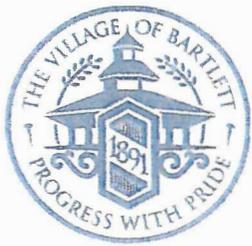
For 15 years, Bannerman's has been a successful establishment within Bartlett's restaurant and sports entertainment community. The new facility will continue the tradition of providing an enjoyable and safe environment for local patrons, continuing the Bannerman's tradition established in 2007.

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

Bannerman's will rely on its 15 year foundation of providing a safe and enjoyable environment to local patrons.

3. That the special use shall conform to the regulations and conditions specified in this Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

The Owner is committed to conforming to the regulations and conditions specified in the Village Code.



Location Map

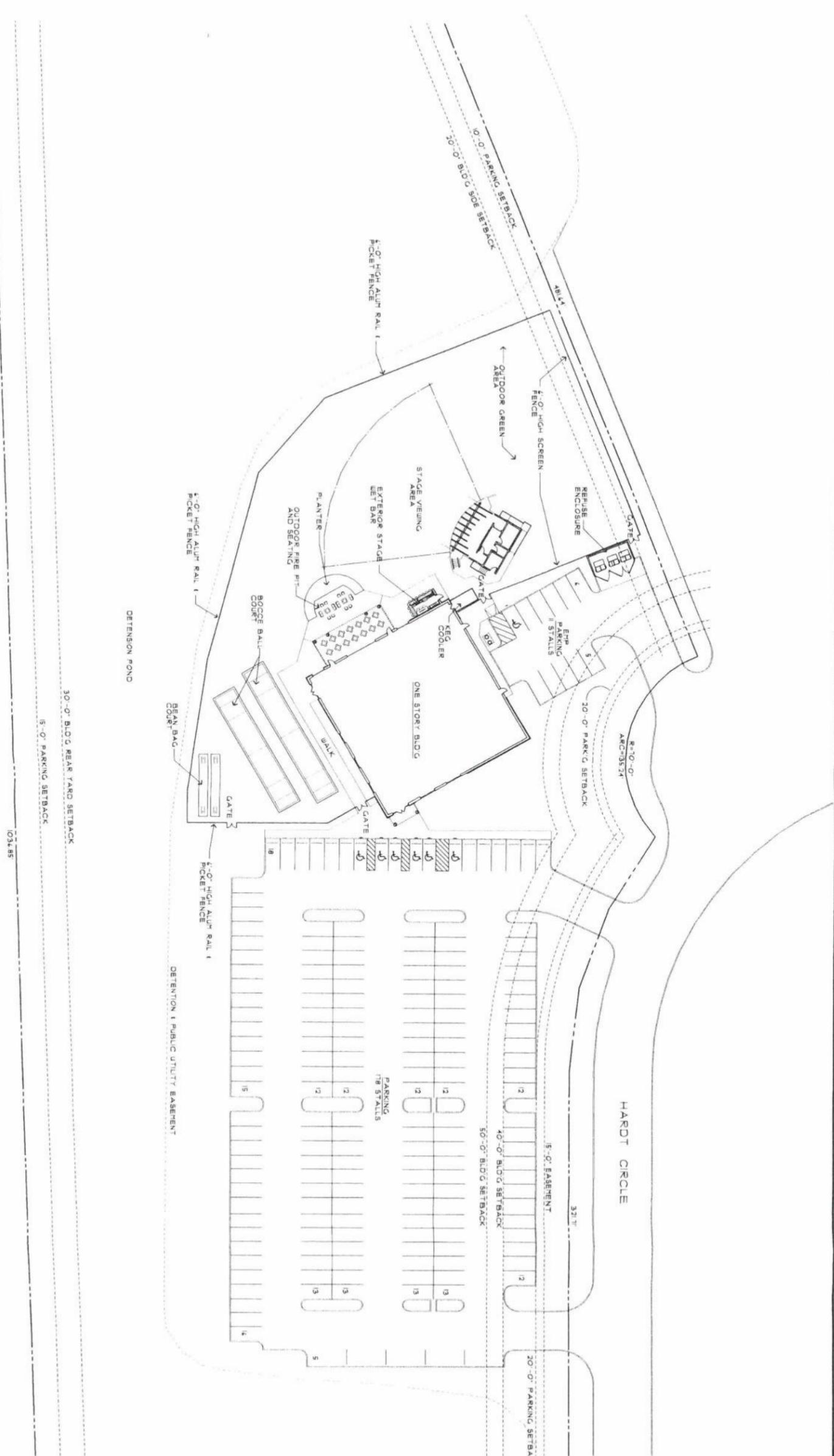
Case #22-02
 Bannerman's Sportsgrill

2022



0 90 180 360 US Feet

SITE PLAN
 NORTH
 SCALE: 1"=30'-0"



DRAWN: JJE	DATE: 04-15-22	SHEET
	CHECKED: JJE	
JOB NO: 2203.01		
SCALE: AS NOTED		
SITE PLAN		
OF 5 SHEETS		

New Sports Grill (Restaurant) for:
Bannerman's Sports Grill

Lot 15
 Brewster Creek, Business Park
 Bartlett, Illinois 60103
 Attn: Mac Maqsood
 Off Phone: 630-213-2400
 E-Mail: macsm@outlook.com

General Contractor 'Builder'
New Path Construction
 1300 Greenbrook Blvd
 Suite 303
 Hanover Park, Illinois 60133
 Office: 630-283-3884
 Contact: Oscar Garcia
 Cell: 630-290-1899
 oscargarcia@newpathconstruction.com

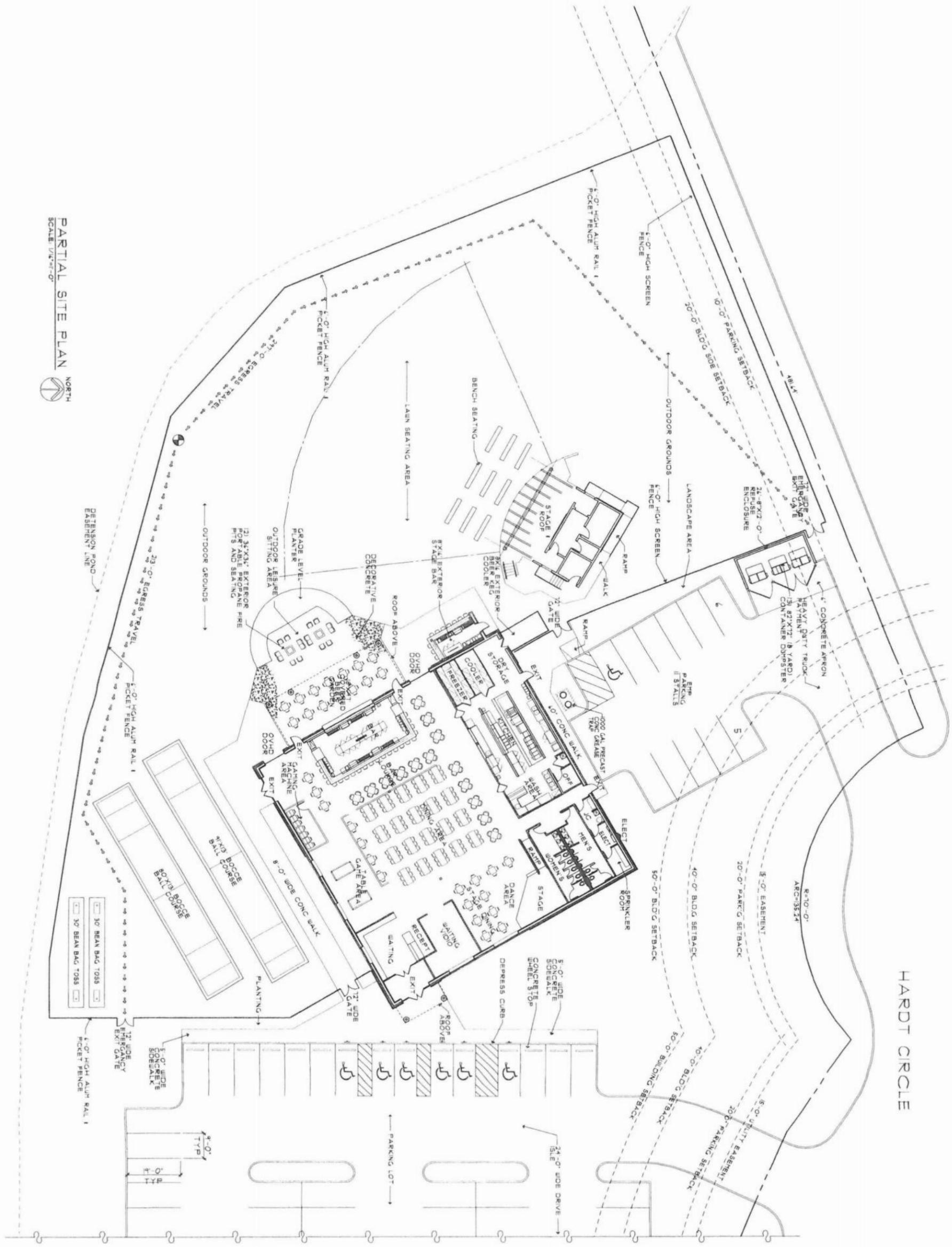
EA EGGERSDORFER ARCHITECTS & ASSOC. INC.
 PO BOX 88521
 CAROL STREAM ILLINOIS 60888
 PHONE: 630-671-0740
 EMAIL: JJE@EGGARCO.COM

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DRAWING DATE	BY
SITE ENG. REVIEW #2	
04-15-22	

PARTIAL SITE PLAN
 SCALE: 1/4"=1'-0"



DATE: 04-0-22
 JOB NO: 2203.01
 SCALE: AS NOTED
 ENLARGED PARTIAL SITE PLAN
 SHEET 4 OF 4 SHEETS

New Sports Grill (Restaurant) for:
Bannerman's Sports Grill
 Lot 15
 Brewster Creek, Business Park
 Bartlett, Illinois 60103
 Attn: Mac Maqsood
 Off Phone: 630-213-2400
 E-Mail: macsm1@outlook.com

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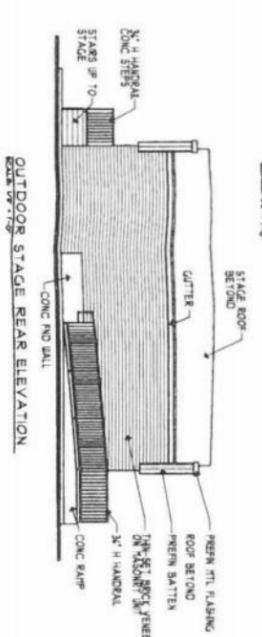
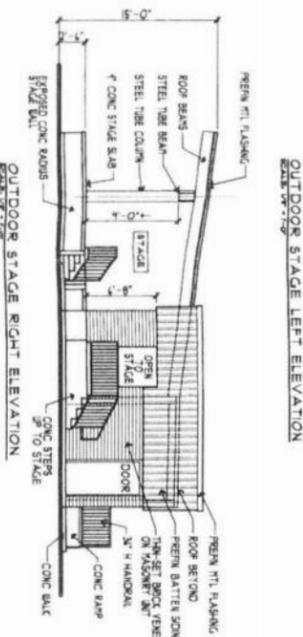
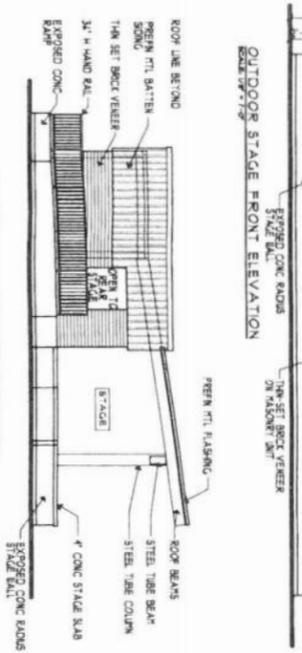
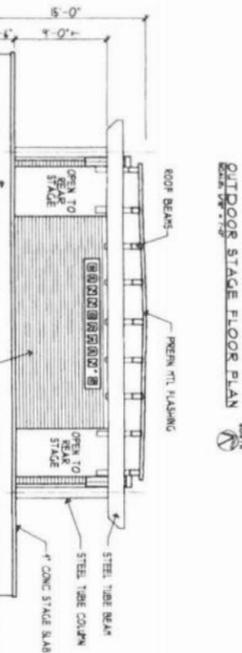
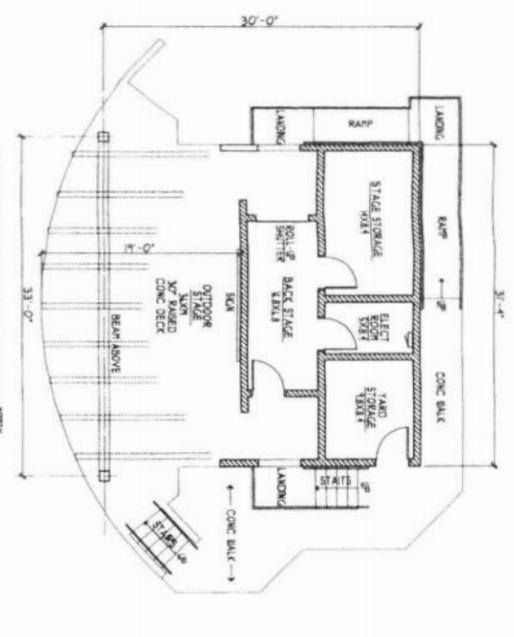
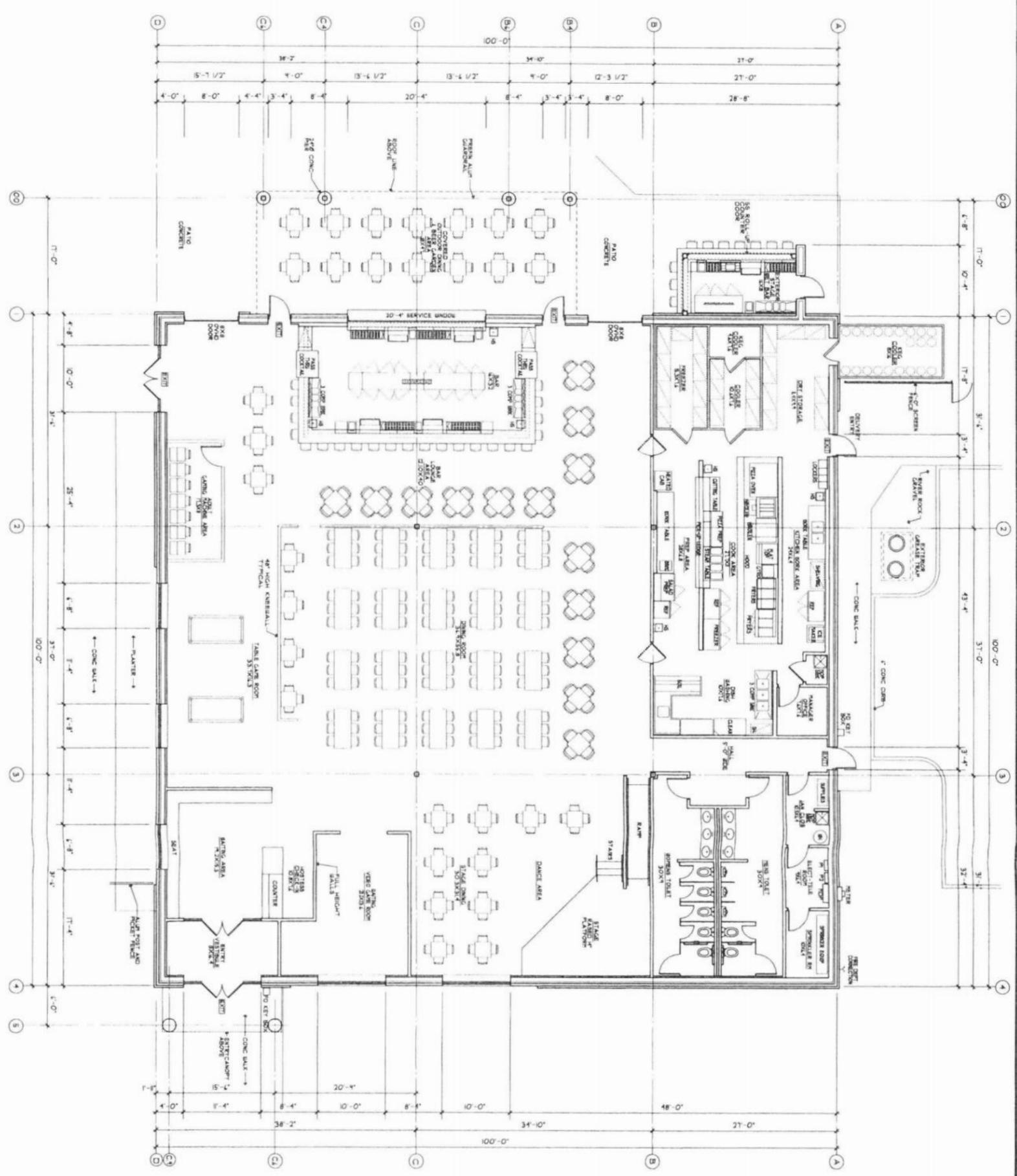
EA EGGERSDORFER ARCHITECTS & ASSOC. INC.
 PO BOX 88521
 CAROL STREAM ILLINOIS 60188
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 EMAIL: JJE@EGGARC.COM

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NO.	DATE	BY	REVISION
1	04-10-22	JJE	SITE ENG REVIEW #2

BUILDING FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 NORTH



<p>DATE: 04-10-22 JOB NO: 2203 01 SCALE: AS NOTED</p> <p>BUILDING FLOOR PLAN OF 4 SHEETS</p>	<p>New Sports Grill (Restaurant) for: Bannerman's Sports Grill</p> <p>Lot 15 Brewster Creek, Business Park Bartlett, Illinois 60103 Attn: Mac Maqsood Off Phone: 630-213-2400 E-Mail: macsm1@outlook.com</p>	<p>General Contractor 'Builder' New Path Construction</p> <p>1300 Greenbrook Blvd Suite 303 Hanover Park, Illinois 60133 Office: 630-283-3884 Contact: Oscar Garcia Cell: 630-240-1899 oscargarcia@newpathconstruction.com</p>	<p>EA EGGERSDORFER ARCHITECTS & ASSOC. INC. PO BOX 88521 CAROL STREAM ILLINOIS 60888 PHONE: 630-671-0740 EMAIL: JJE@EGGARC.COM</p> <p>THIS DRAWING MUST NOT BE SCALED. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. ALL ERRORS AND OMISSIONS TO BE REPORTED IMMEDIATELY TO THE ARCHITECT. VARIATIONS AND MODIFICATIONS TO WORK SHOWN ON THESE DRAWINGS SHALL NOT BE CARRIED OUT WITHOUT WRITTEN PERMISSION FROM THE ARCHITECT. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE ARCHITECTS AND CAN BE REPRODUCED ONLY WITH THE PERMISSION OF THE ARCHITECTS, IN WHICH CASE THE REPRODUCTION MUST BEAR THEIR NAME AS ARCHITECTS.</p> <p>© COPYRIGHT 2022 EGGERSDORFER ARCHITECTS</p>	<p>DRAWING DATE BY</p>	<p>SITE ENG REVIEW #2 04-10-22</p>
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DRAWING DATE	BY
SITE ENG REVIEW #2 04-10-22	

EGGERSDORFER ARCHITECTS & ASSOC. INC.
 PO BOX 68927
 CARLE STREAM ILLINOIS 60188
 PHONE: 630-671-0740
 EMAIL: JJE@EGGARCO.COM

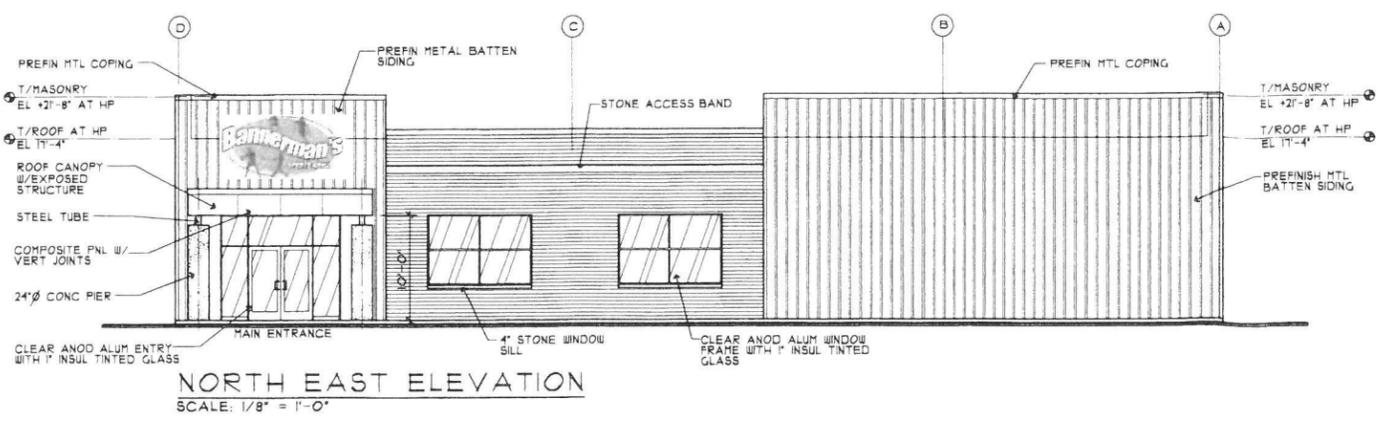
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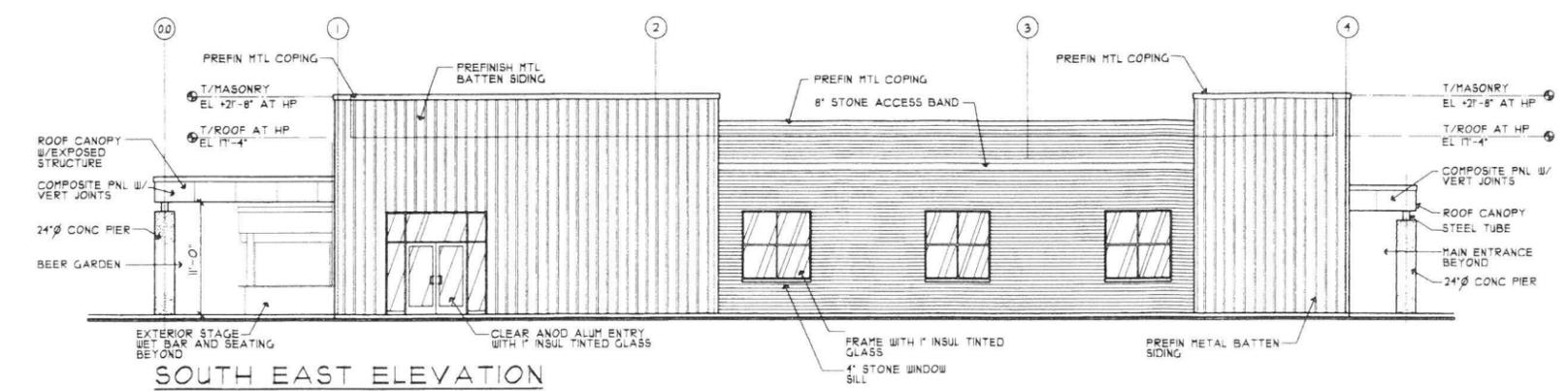
General Contractor "Builder"
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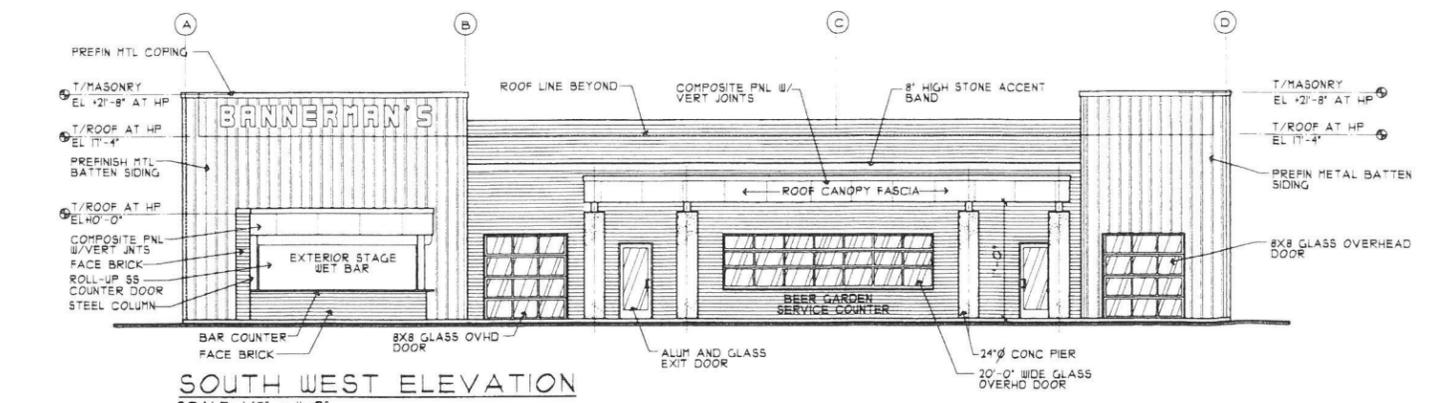
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DATE: 04-10-22	SHEET
JOB NO: 2203.01	
SCALE: AS NOTED	A-3
BUILDING ELEVATIONS AND DETAILS	OF 4 SHEETS



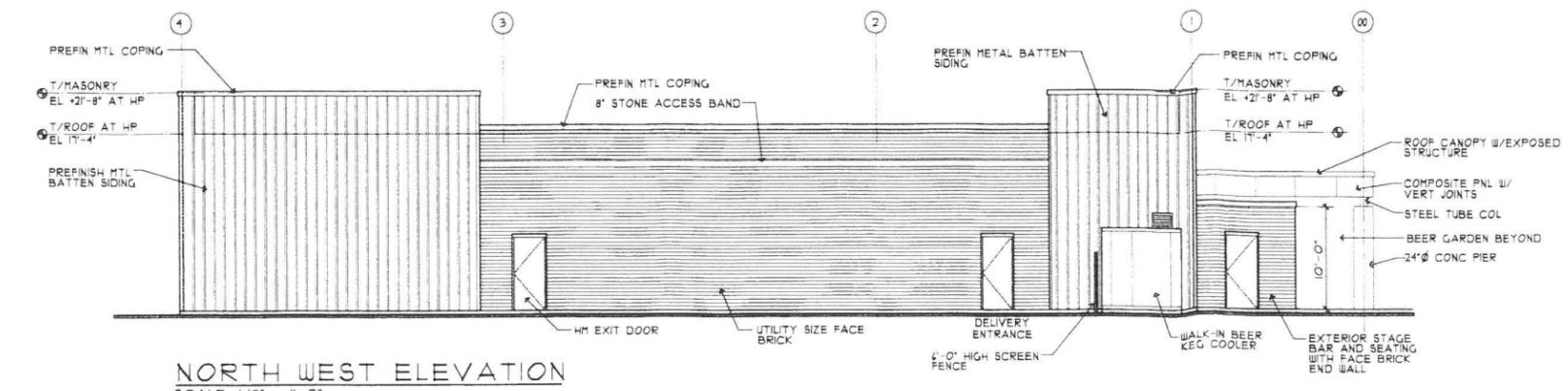
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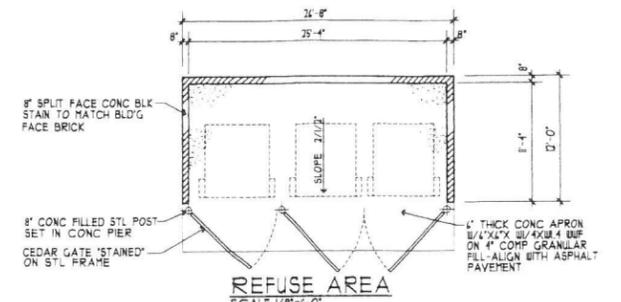
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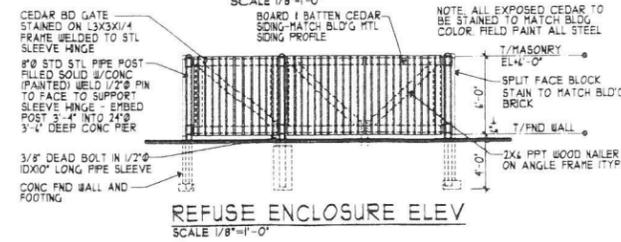
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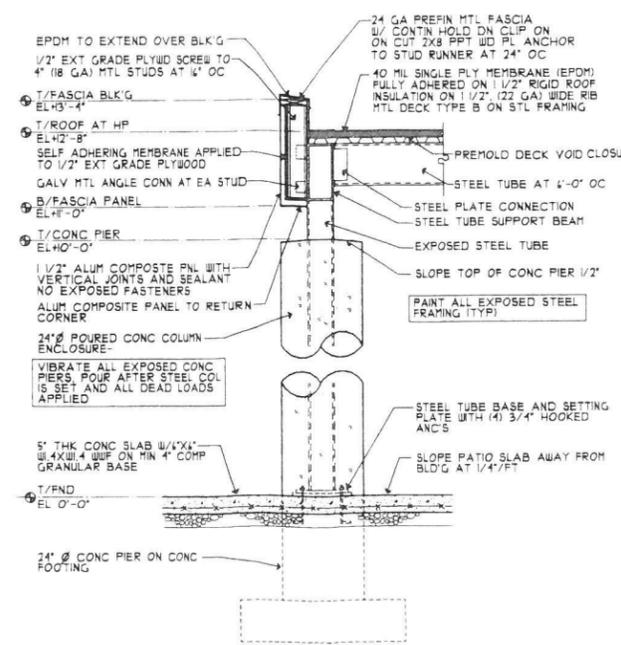
NORTH WEST ELEVATION
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REFUSE AREA
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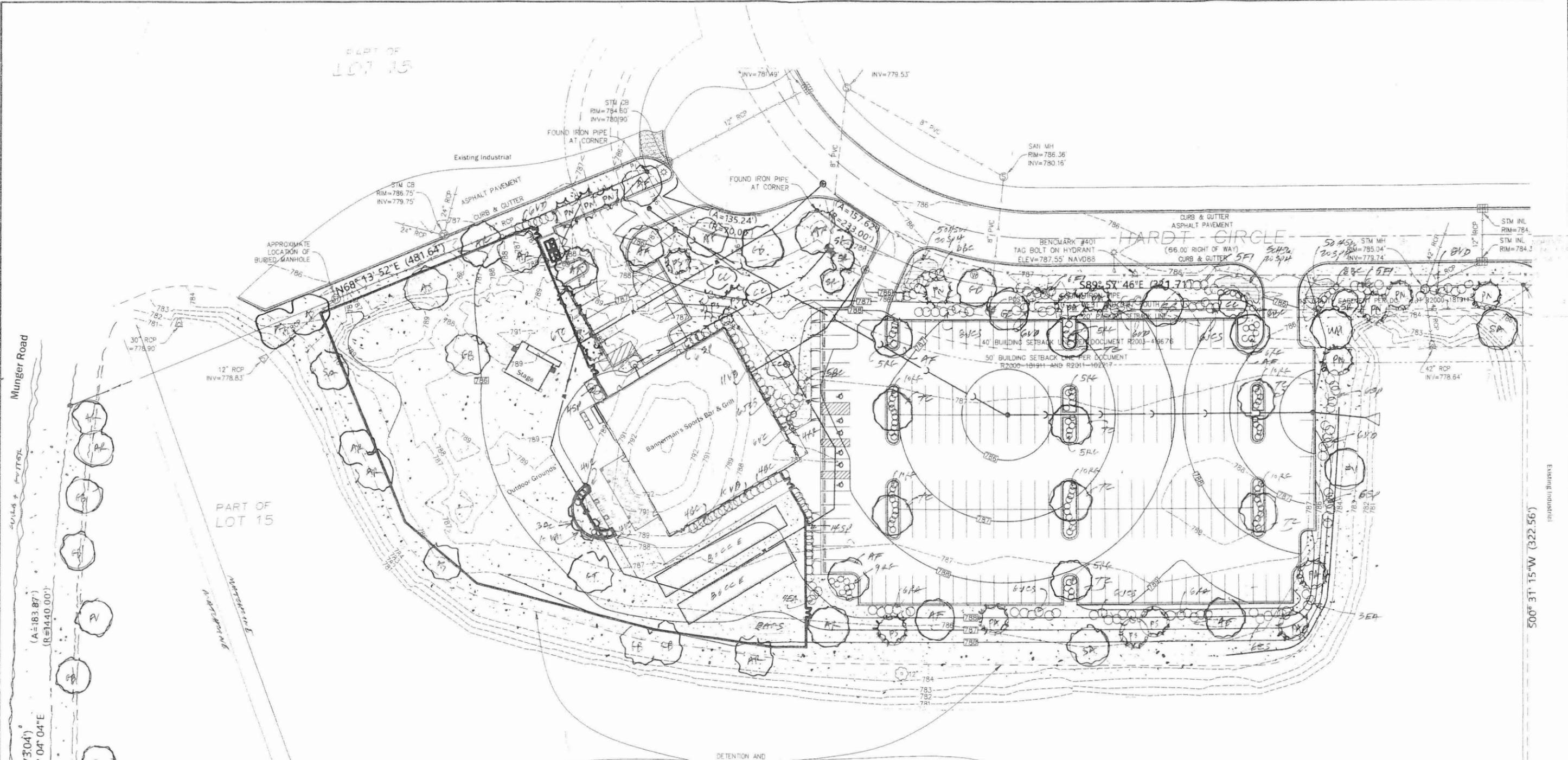
REFUSE ENCLOSURE ELEV
 SCALE: 1/8" = 1'-0"



BEER GARDEN ROOF DTL
 SCALE: 1/2" = 1'-0"

Bannerman's Sports Grill - Bartlett, 05-12-22
 PLOT SCALE 1/8" = 1'-0"

PART OF LOT 15



Munger Road

HARDT CIRCLE

PART OF LOT 15

(A=183.87')
(R=1440.00')
N00° 04' 04"E

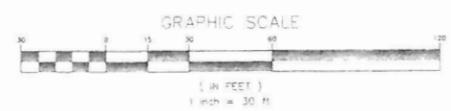
500° 31' 15"W (322.56')

- Legend**
- Canopy Tree
 - Understory Tree
 - Evergreen Tree
 - Deciduous/Evergreen Shrub
 - Perennials
 - Turf Grass (Sod)

S88° 02' 41"W (1036.85')

LANDSCAPE ARCHITECT
No. 157-000968
TIMOTHY E. PARMENTER
JULIET
STATE OF ILLINOIS

LDC
Planners
Landscape
Architects



PREPARED FOR:
MAC MAQSOOD

PREPARED BY:
ESM CIVIL SOLUTIONS, LLC
Civil Engineering, Land Entitlements & Project Feasibility
4320 WINFIELD RD - Suite 200, Warrenville, Illinois 60555
☎ 630 300-0933 ☎ 630 624-0520

NO.		DATE		DESCRIPTION	

BANNERMAN'S SPORTS BAR AND GRILL
Landscape Plan

Revisions:
06/10/2022

FILE NAME: BASE PLAN	DSGN. BY: LDC	JOB NO: PMW-001	FLD. BK:
DISC. NUM: PMW-001	DRN. BY: LDC	SCALE: 1:30	DATE: 03/29/2022

L1

Acoustic Associates, Ltd.



Specialists in Hearing and Acoustics

867 Scottsdale Drive, Pingree Grove, IL 60140
Office: 847-359-1068 • Fax: 847-359-1207
Website: www.AcousticAssociates.com

Tom Thunder, AuD, FAAA, INCE - Principal
Greg Andorka, BSEE, MCS - Senior Field Engineer
Steve Thunder, BSA - Acoustical Engineer

Bannerman's Sports Grill Outdoor Venue Sound Study

July 8, 2022

Prepared for:
Bannerman's Sports Grill
858 S. Route 59
Bartlett, IL 60103

A new outdoor music venue has been proposed by Bannerman's Sports Grill in Bartlett. The new facility would be located at the southwest end of Hardt Circle. In addition to an indoor restaurant, there would be an approximately 36x36-foot raised outdoor stage with a roof and back building. The stage would be oriented facing a southwestern direction with bench and lawn seating nearby. Because amplified live music can propagate into the community, Acoustic Associates was asked to investigate the potential impact of this new venue on the residential community.

Village of Bartlett Noise Code

Under Section 4-3-4, *Excessive Noise*, the Village has adopted the State of Illinois Noise Regulations (*Title 35: Environmental Protection, Subtitle H: Noise, Chapter I: Pollution Control Board*). Under these regulations, the music venue would be classified as Class B (commercial) property and the nearby homes would be classified as Class A (residential) property. For sound radiated from the venue to the homes, the State would limit the 1-hour time-average sound level to an equivalent of 73 dBC during the daytime hours and 64 dBC during the nighttime hours, defined as 10:00 PM to 7:00 AM. Because outdoor performances could last until midnight, the more restrictive 64 dBC limit would apply.

In our experience, the evening and nighttime ambient sound levels in the Chicago suburbs often exceed this 64 dBC limit. When this occurs, the ambient noise level is the defacto limit. This is because there is a negligible impact of sound if it does not exceed the existing background sound levels. This means that the sound level of the band music alone should not exceed the sound level of the ambient noise already present near the residential homes. Accordingly, it was important in this study to establish the existing ambient levels.

Ambient Noise Measurements

The ambient noise in most suburbs is dominated by vehicle traffic noise. Because the hourly traffic volume in the area varies over a 24-hour period, so too does the ambient noise. Furthermore, because the hourly traffic volume is different on the weekends compared to the weekdays, the ambient sound levels are different as well. Since the Bannerman outdoor music would occur on the weekend and in the

evening, it was important for us to assess this noise on a Friday or Saturday evening. Accordingly, we set up professional-grade digital recording equipment in the area to record the ambient noise from 6:00-11:59 PM on Friday, June 17, 2022.

We located the equipment as indicated in **FIGURE 1**. Normally, we locate our equipment near the closest receivers which, in this case, would be near the homes on Groton Lane about 1500 feet east of the proposed venue. However, we chose the location indicated here because: 1) it was safe and easy to access, 2) this location would yield a lower, more conservative, ambient sound level because there would be minimal influence from local noise sources (since the surrounding businesses were closed) and this location would be further from Route 59, a highway that carries a major amount of traffic, and 3) we did not have the authorization to access any residential properties in the area.

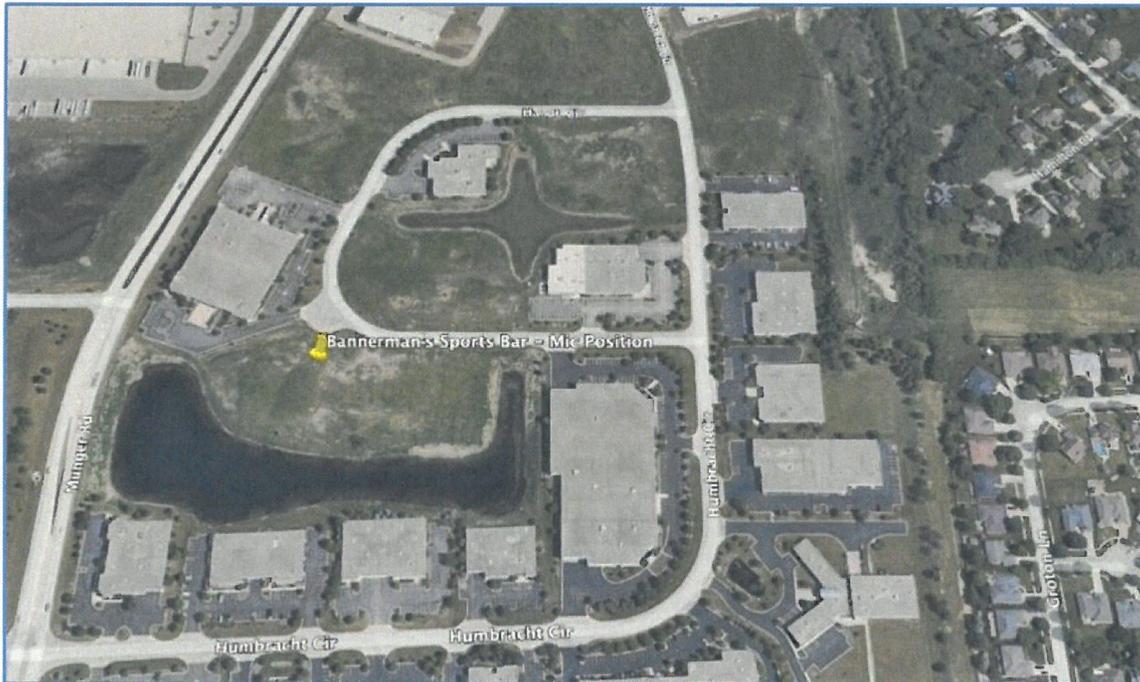


Figure 1 - Aerial view showing the location of the digital audio recording equipment.

After the calibrated recording was retrieved and verified, we ran a lab analysis to produce sound levels at 1-second intervals. This resulted in over 21,000 samples. Because live music is somewhat heavy in the low frequencies, we chose to use the C-weighting for our sound metric – instead of the normally used A-weighting – because the former is more sensitive to bass sound.

The results of our analysis can be seen in **Figure 2**. In this graph, the thin, blue lines show the instantaneous (1-second) sound levels. These lines show a small drop in the minimum ambient levels over the 6-hour period. However, the maximum levels remain largely the same because of continued traffic in the area and because of air traffic over the site.

To better visualize the trend of the ambient noise, we determined the 10-minute time-averaged level (called the equivalent level or Leq) which is shown by the thick, red line. This averaging period was chosen based on the State of Illinois procedure for assessing background noise. It shows that the ambient noise at the site is comparable to the level of normal conversation. It also shows that the ambient noise does not decline much on the weekends as the evening draws closer to midnight. To establish the criterion

limit for this project, we calculated that the time-averaged level during the nighttime hours (i.e., 10:00 to 11:59 PM) was 64 dBC.

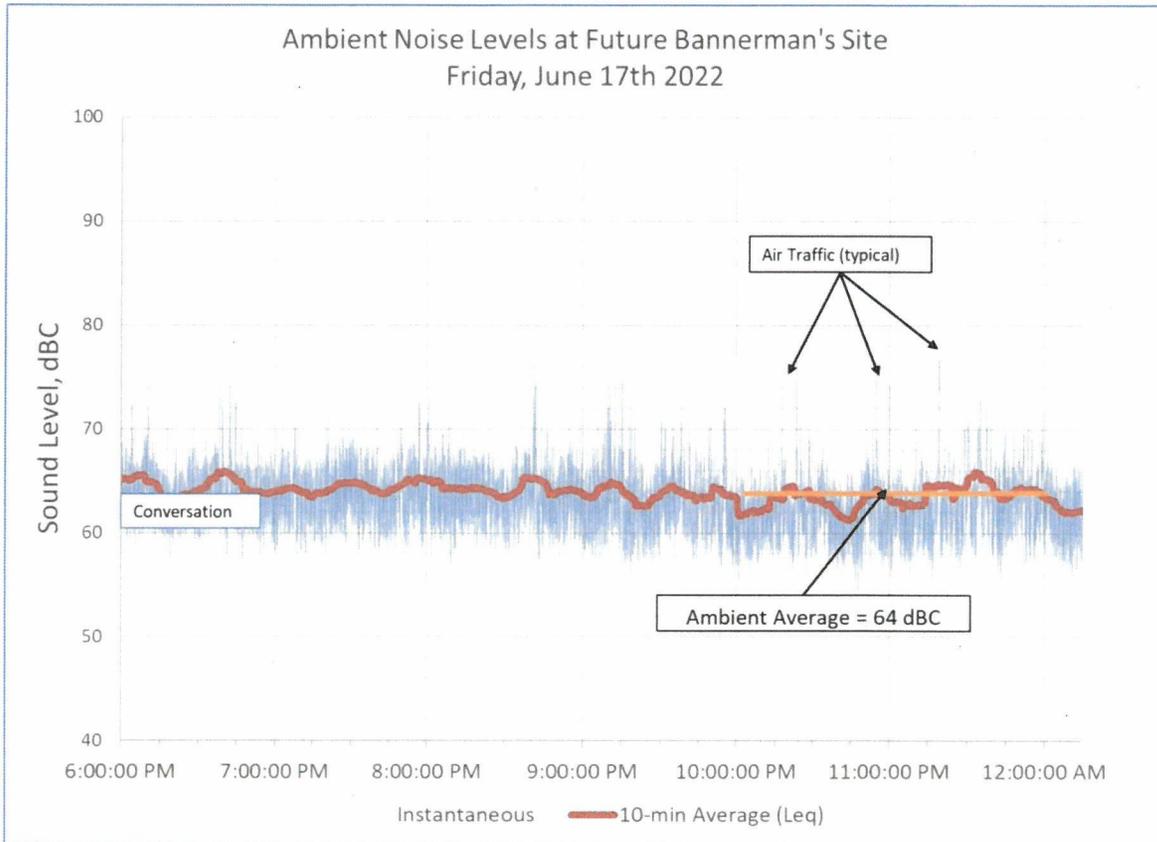


Figure 2 - Sound level trace showing the 1-second and 10-minute time-averaged, C-weighted sound levels of ambient noise in the area.

Sound Modeling

To visualize the propagation of sound into the community, we acoustically modeled the loudspeakers and stage using a program called SoundPlan™. Based on the height and orientation of the loudspeakers (4 full-range speakers elevated above the stage and 4 subwoofers placed below the stage), a rock-pop live band spectrum inherent in our computer model, the topography of the land, and the reflectivity of nearby buildings, the software produced the C-weighted sound level contours shown in **Figure 3**. These contours represent the level of the outdoor restaurant music only.

The dark blue area around the stage represents levels that exceed 91 dBC. The dark green in the outlying areas represents the ambient sound level of 64 dBC that we measured in the 10:00-11:59 PM period. Each incremental color is a change of 3 dB which is the just-noticeable difference to the human ear.

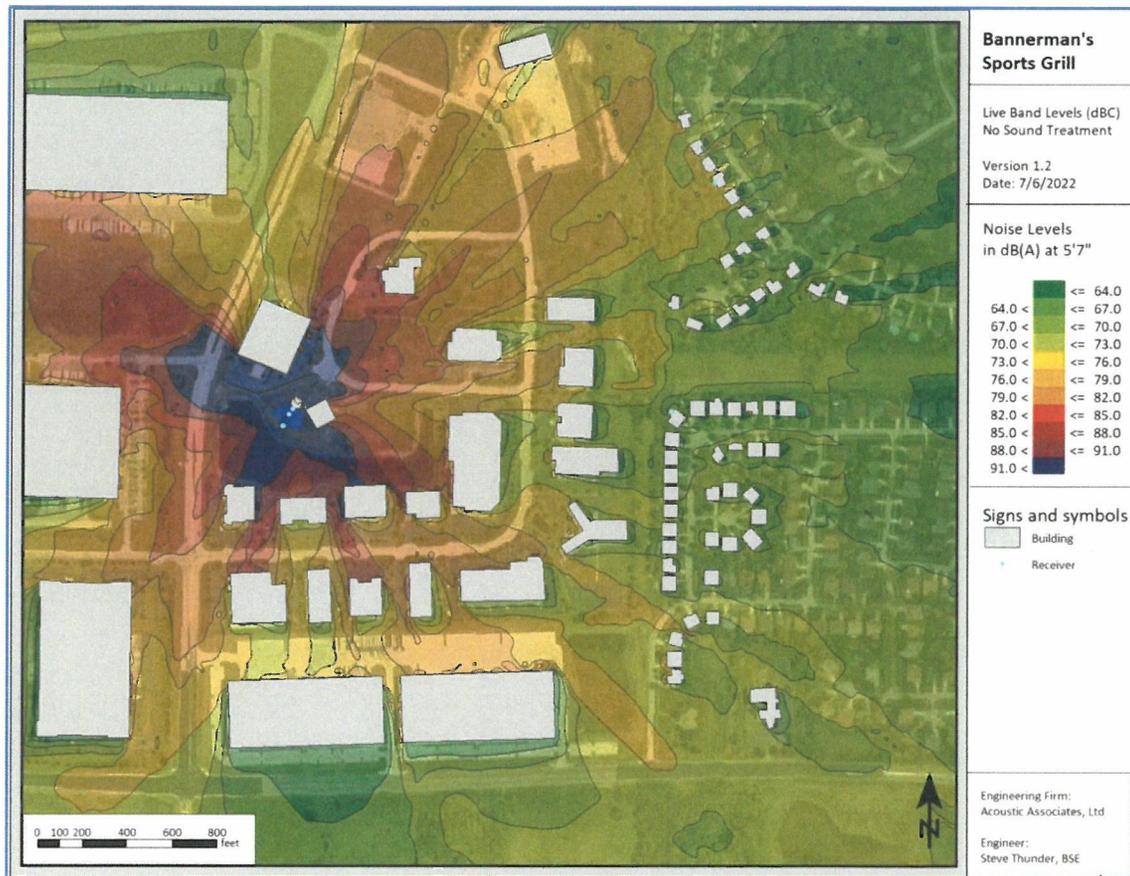


Figure 3 - C-weighted sound contours while a live band is playing on the stage.

While sound normally spreads in a circular manner, the contours near the stage show a star-shaped pattern. We attribute this to the directivity of the stage structure and to the reflections from nearby buildings. The model also reveals that while the closest homes are 1500 feet to the east, the more affected homes would actually be those at 1900 feet to the northeast. We attribute this to the shielding effect of the multiple commercial buildings. Since there is a direct line of sight from the stage to the homes along Lichfield Lane, there is little shielding effect by these buildings.

Mitigation

The results in **Figure 3** indicate that live music would exceed the ambient noise for the nearby homes – especially for those homes to the northeast. Accordingly, we used our computer modeling software to explore options to reduce the live band sound at these residential locations. We determined that the optimum approach was to modify the stage design to incorporate a sound barrier wall on the northeast (house-right) side of the stage. This is shown schematically in **Figure 4**.

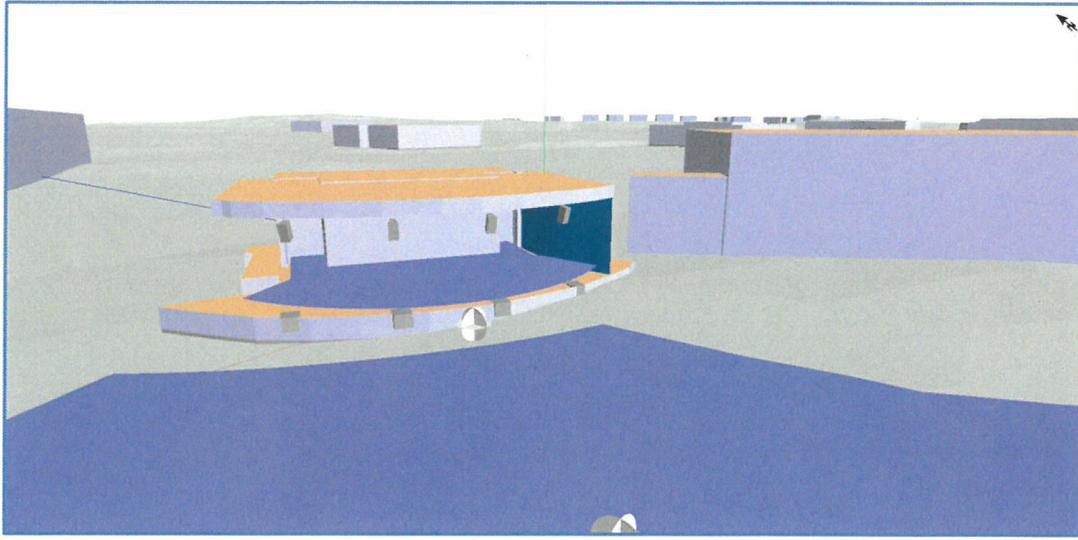


Figure 4 - 3D perspective of the stage wall on the northeast side (in dark blue)

A wall that meets our definition of a “sound wall” is a solid wall that provides a sound transmission loss of at least 20 dB and is constructed without gaps and extends from the stage floor to the roof. It is okay to incorporate doors, if necessary, but they should also be solid with at least 20 dB transmission loss. This guarantees that the sound will not transmit through the wall but instead be “forced” to pass around it. Since sound will still pass around the stage and this wall, this treatment will not eliminate the sound radiated from the stage, but it would offer a significant reduction.

Since this treatment will not result in enough reduction to meet the ambient noise criterion of 64 dBC – the defacto IL code limit, we recommend that in addition to the sound wall, the sound level from the live bands must be monitored at the mixing station and lowered by 5 dB compared to the typical sound mixing levels. When we incorporated the effect of the sound wall and of lowering the music volume into our computer model, the software generated the contours shown in **Figure 5**. As can be seen, when these two controls are used together, the residential areas become a dark green color meaning that the Bannerman music venue would meet the ambient sound levels. While the model shows a higher sound level for a few homes to the south near Sterns Road, these homes are also much closer to Sterns Road than our measurement position and therefore we would expect the ambient noise levels to be higher at that location.

Lowering the band sound level by 5 dB translates to a level of **95 dBC** at the mixing station (100 ft from the front of the stage). Because the sound level of live music varies a lot and depends on the genre and energy in each song, the sound engineer should determine the Leq (time-average) of the music based on 15-minute periods. This measurement should be done on an hourly basis.

This mitigation does not mean that live band sound would always be inaudible. As mentioned above, live sound can vary a lot. Also, as shown in **Figure 2**, the ambient noise varies a lot. Accordingly, if the band is playing a high-energy song at a time when the ambient sound happens to be low (e.g., between airplanes or lulls in traffic), then the band would be audible. What is important, however, is that the time-average sound of the bands would not exceed the time-average sound of the ambient noise.

We should also note that the audibility of the bands will vary from night to night depending on meteorological effects. To clarify, the bands would be more audible when winds are blowing from the southwest (i.e., toward the homes), but hardly audible for winds blowing in the opposite direction. And

although rare at night, a temperature inversion would bend the sound down toward the homes to make the bands more audible. For conservative modeling, our computer program uses a prediction approach known as “favorable propagation conditions.” This means that the contours were generated based on a mild wind blowing toward the receivers.

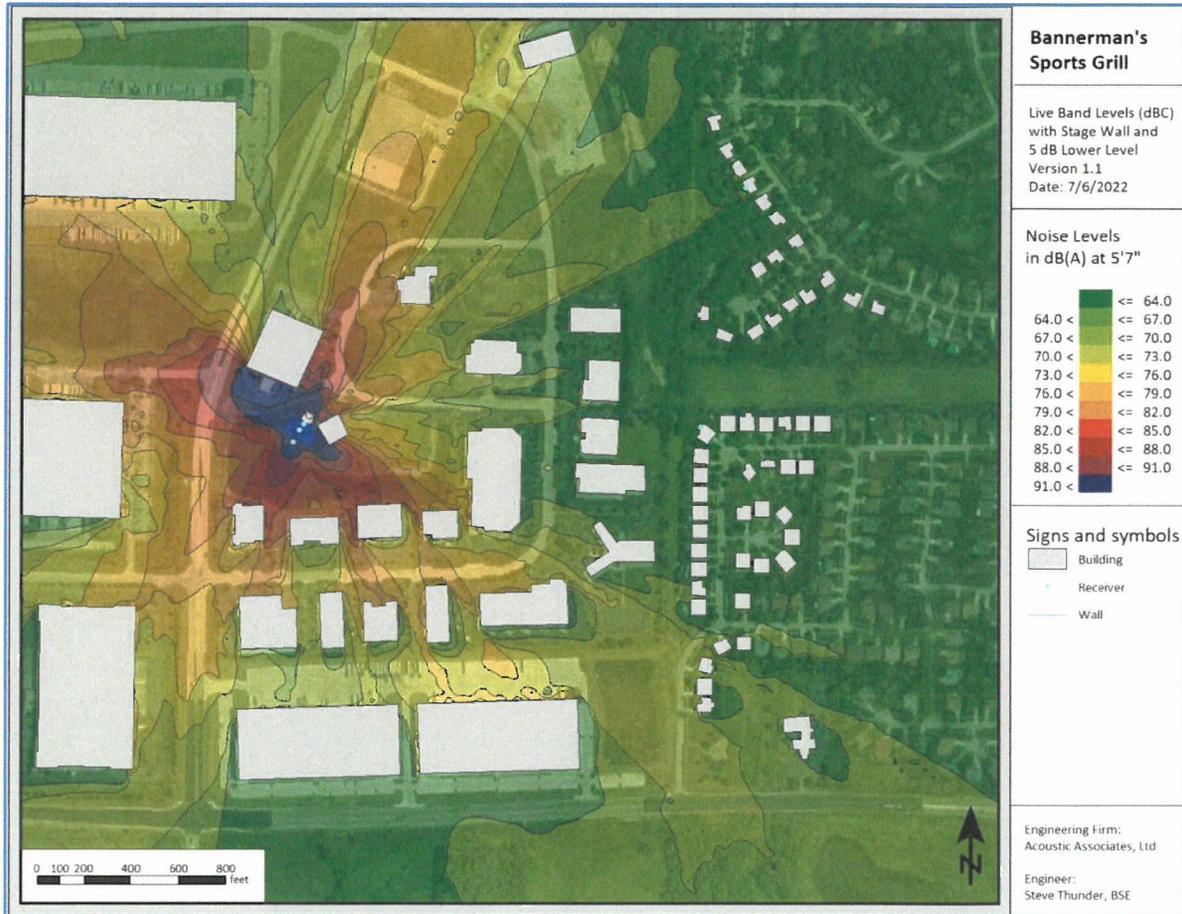


Figure 5 - C-weighted sound contours with stage wall and 5 dB lower level

Conclusions

Based on our analysis, if Bannerman’s Sports Grill implements the recommended stage wall and limits the sound level to 95 dBC at the mixing location (100 ft from the front of the stage) we don’t expect live band sound from the stage to have an adverse impact on the community.

Submitted,

Stephen Thunder, BSE
Acoustical Engineer

Acoustic Associates, Ltd.



Specialists in Hearing and Acoustics

867 Scottsdale Drive, Pingree Grove, IL 60140
Office: 847-359-1068 • Fax: 847-359-1207
Website: www.AcousticAssociates.com

Tom Thunder, AuD, FAAA, INCE - Principal
Greg Andorka, BSEE, MCS - Senior Field Engineer
Steve Thunder, BSA - Acoustical Engineer

Bannerman's Sports Grill Outdoor Venue Sound Study Addendum 1

August 1, 2022

Prepared for:
Bannerman's Sports Grill
858 S. Route 59, Bartlett, IL 60103

This report is an addendum to our original report dated July 8th, 2022, where we reviewed the applicable regulations, discussed our ambient sound measurements, presented the computer modeling we did, and recommended a specific mitigation approach. The purpose of this addendum is to add additional details about daytime vs. nighttime regulations and to reveal new computer modeling showing lower sound levels.

Village of Bartlett Noise Code

The Bartlett noise code references the Illinois noise code which gives different limits for daytime and nighttime noise. In this code, nighttime is defined as the hours of 10:00 PM to 7:00 AM. This distinction is common because noise sources are more audible at night when the ambient noise is lower and because people are more sensitive to noise because of the desire to relax and sleep.

For sound radiated from the Bannerman music venue (a Class B land use) to the residential homes (a Class A land use), the State limits the 1-hour time-average sound level to an equivalent of 73 dBC during the daytime hours and 64 dBC during the nighttime hours.

Since our original report was issued, Bannerman's Sports Grill intends to limit its operating hours to 10:00 PM Sunday through Wednesday and 11:00 PM Thursday through Saturday. Accordingly, the venue would operate past 10:00 PM for only one hour on Thursday, Friday, and Saturday. It should also be noted that our ambient measurements were conducted on a Friday evening to better reflect the noise observed on a weekend as opposed to the levels observed during the normal week at the same time.

Although the Illinois noise code limits the sound levels at different octave band frequencies, to simplify our analysis and the monitoring to occur at the mix station, we computed the equivalent overall level using the C-weighting scale instead of the often-used A-scale. We chose the C-weighting because live band pop-rock music is heavy in the bass frequencies and the A-scale diminishes the importance these frequencies. In short, the C-scale is a better measurement of live band sound than the A-scale.

Sound Modeling

To visualize the propagation of sound into the community, we acoustically modeled the loudspeakers and stage using a program called SoundPlan™. In our modeling, we used the height and orientation of four full-range loudspeakers elevated above the stage and four subwoofers placed below the stage. In addition, we modelled the sound generated by a live, rock-pop band as opposed to the quieter sound generated by bands of other music genres such as acoustic rock, jazz, or country. The computer model also factored the topography of the land and the reflectivity of nearby buildings. Based on these parameters, the software generated the C-weighted sound level contours shown in the figures below which represent the sound radiated from the outdoor music.

The dark blue area immediately around the stage represents levels that exceed 91 dBC. The dark green in the outlying areas represent the ambient sound level of 64 dBC that we measured in the 10:00-11:59 PM period (see the full report for details about the ambient noise levels). Each incremental color is a change of 3 dB which is the just-noticeable difference to the human ear.

Figure 1 represents the sound levels after 10:00 PM and includes a stage sound wall on the east side of the stage, a 5-degree clockwise rotation of the stage (from the original position), and sound level limit of 92 dBC at the mixing station (100 ft from the front of the stage).

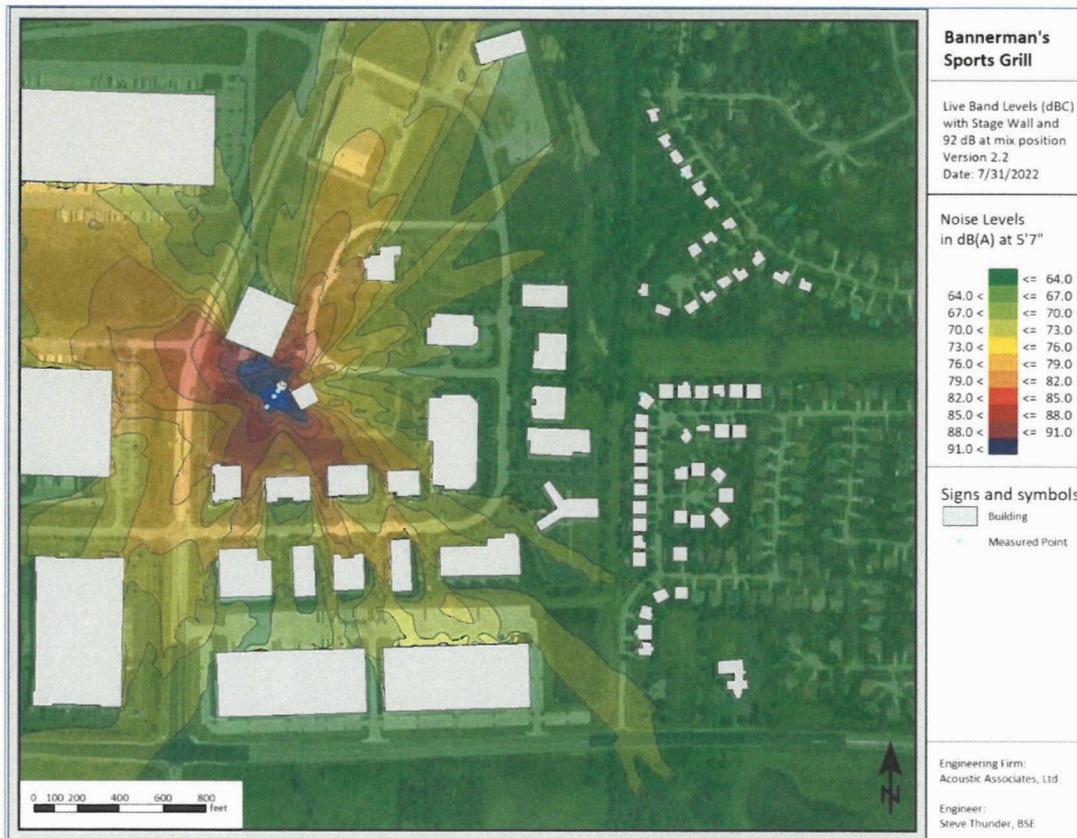


Figure 1 - C-weighted sound contours with stage wall, stage rotation, and a 92 dBC limit at the mix station (Nighttime)

Figure 2 represents the daytime sound levels (before 10:00 PM) and includes a stage sound wall on the east side of the stage, a 5-degree clockwise rotation of the stage (from the original position), and a sound level limit of 98 dBC at the mixing station (100 ft from the front of the stage). The red line represents the daytime (7 AM – 10 PM) sound limit regulation of 73 dBC.

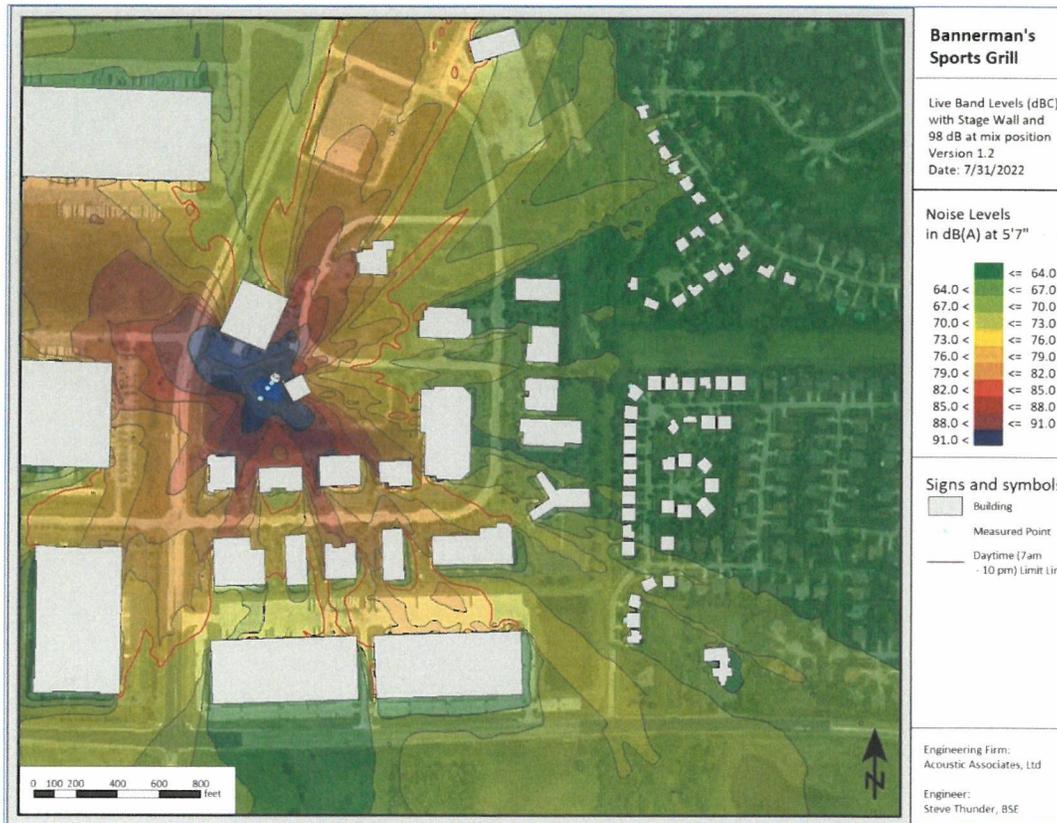


Figure 2 - C-weighted sound contours with stage wall, stage rotation, and a 98 dBC limit at the mix desk (Daytime)

Conclusions

Based on our analysis, if Bannerman's Sports Grill implements the recommended stage wall, a 5-degree clockwise rotation, and limits the sound level at the mix desk to 98 dBC for daytime hours and 92 dBC for nighttime hours, live band sound from the stage will not have an adverse impact on the community and will meet local and state sound emission regulations.

Since live music is a time-varying sound source, we recommend that all monitoring be done using a 15-minute time-average metric called the equivalent level or Leq. This averaging is the preferred metric in making acoustic measurements and is accomplished with an "integrating" sound level meter.

Submitted,

Stephen Thunder, BSE
Acoustical Engineer

Acoustic Associates, Ltd.



Agenda Item Executive Summary

Item Name Amending Municipal Code Title 10, Zoning Ordinance: Cannabis Dispensing Centers Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A

List what fund N/A

EXECUTIVE SUMMARY

As discussed at the Committee of the Whole meeting on March 15, 2022, below is a summary of the proposed text amendments to the Zoning Ordinance pertaining to adult-use and medical cannabis dispensing centers:

- (a) the 1,000-foot distance requirement would be removed from the definitions,
- (b) said uses would be allowed as a special use in the B-2 (Local Convenience), B-3 (Neighborhood Shopping), and B-4 (Community Shopping) Zoning Districts,
- (c) said uses would be prohibited in the Downtown Overlay District (including Bartlett Town Center, Main Street Plaza and Streets of Bartlett), and
- (d) the findings of fact for a special use permit would be updated to delete the distance requirements

The **Planning & Zoning Commission** reviewed the proposed text amendments and conducted the requisite public hearing at their meeting on July 7, 2022. During their discussion, Planning & Zoning Commissioners did not object to allowing dispensaries as a Special Use in the Downtown Overlay District; however, they deemed that to be a matter of policy to be determined by the Village Board. The P & Z Commission **recommended approval** of the text amendments as written and **requested the Village Board review the P & Z discussion regarding dispensaries in the Downtown Overlay District.**

ATTACHMENTS (PLEASE LIST)

PDS Memo, minutes of the July 7, 2022 P & Z Commission meeting, Downtown Overlay District Map, Proposed Cannabis Dispensary Use Map

ACTION REQUESTED

- For Discussion only - *To review and forward to the Village Board for a final vote*
- Resolution
- Ordinance
- Motion

Staff: Kristy Stone, Interim PDS Director

Date: 08.04.2022

PLANNING & DEVELOPMENT SERVICES MEMORANDUM
22-058

DATE: August 4, 2022

TO: The Chairman and Members of the Planning & Zoning Commission

FROM: Kristy Stone, Interim PDS Director *KJ*

RE: Adult-Use and Medical Cannabis Dispensing Center Zoning Ordinance Text Amendments

BACKGROUND

Ordinance #2013-81 amended the Zoning Ordinance to define cannabis cultivation centers and medical cannabis dispensing centers to match the Medical Cannabis Program Act definitions and to list cannabis cultivation centers (for medical cannabis) and medical cannabis dispensing centers as a special use in the I-1 (Light Industrial) and I-2 EDA (General Industrial Economic Development Area) Zoning Districts.

Ordinance #2019-94 amended the Zoning Ordinance to allow adult-use cannabis dispensing centers as a special use in the I-1 (Light Industrial) and I-2 EDA (General Industrial Economic Development Area) Zoning Districts and as a prohibited use in all other zoning districts. The ordinance additionally restricted the number of dispensing centers to one (1) within Blue Heron Business Park/Bluff City Industrial Park and one (1) within Brewster Creek Business Park.

The original Medical Cannabis Program Act imposed a distance restriction that medical dispensing organizations could not locate within 1,000 feet of a school, day care center, day care home, or an area zoned for residential use. In 2019, the State eliminated the distance requirements for medical use dispensaries and allowed local units of government to adopt any distance requirements by local ordinance. The Village currently requires the 1,000-ft distance requirement for both medical and adult-use dispensing centers.

A concept plan was submitted for an adult-use cannabis dispensing center at the Bartlett Town Center. The application was withdrawn prior to its scheduled discussion at the March 15, 2022 Committee of the Whole meeting, however Staff requested input from the Committee regarding cannabis dispensing centers in commercial districts. The consensus of the Committee was to (1) follow the State's revision and remove the 1,000-foot distance requirement for all cannabis dispensing centers and (2) allow cannabis dispensing centers, as a special use, in the commercial districts except for B-1 (Village Center) District and the Downtown Overlay District. *A map of the Downtown Overlay District is attached.*

TEXT AMENDMENTS

In order to accomplish the goal of allowing, by special use, adult-use cannabis dispensing centers and medical cannabis dispensing centers within the commercial districts of the Village (excluding the downtown), the following amendments to the Zoning Ordinance are proposed:

Section 10-2-2 Definitions is amended to (a) remove the requirement that adult-use cannabis dispensing centers and medical cannabis dispensing centers be located at least one thousand (1,000) feet from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes and (b) remove the limit of one (1) adult-use dispensing center within the Blue Heron Business Park/Bluff City Industrial Park and one (1) within the Brewster Creek Business Park.

Section 10-6A-6 Prohibited Uses is amended in the B-1 Village Center District to add medical cannabis dispensing center to the list of prohibited uses. (*Adult-use dispensing centers are currently prohibited.*)

Section 10-6B-6 Prohibited Uses and 10-6B-4 Special Uses are amended in the B-2 Local Convenience Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center (except in the Downtown Overlay District, where such uses shall be prohibited) to the list of special uses.

Section 10-6C-6 Prohibited Uses and 10-6C-4 Special Uses are amended in the B-3 Neighborhood Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center (except in the Downtown Overlay District, where such uses shall be prohibited) to the list of special uses.

Section 10-6D-6 Prohibited Uses and 10-6D-4 Special Uses are amended in the B-4 Community Shopping District: to remove adult-use cannabis dispensing center from the list of prohibited uses and to add adult-use cannabis dispensing center and medical cannabis dispensing center to the list of special uses.

Section 10-9A-6 Prohibited Uses is amended in the PD Planned Development District to add Section C to prohibit adult-use cannabis dispensing centers and medical cannabis dispensing centers in any PD Planned Development District which is located within the Downtown Overlay District.

Section 10-13-9 Special Uses to amend the findings of fact specific to adult-use cannabis dispensing centers and adult-use cannabis cultivation centers to also include medical cannabis dispensing centers and medical cannabis cultivation centers and to eliminate the 1,000-foot distance requirement.

Section 10-13-9 Special Use Permits is amended to remove the requirement that adult-use cannabis dispensing centers are located a minimum of one thousand feet (1,000') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes.

Proposed Use Designations for Adult-Use and Medical Cannabis Dispensing Centers by Zoning District

	<u>Special Use</u>	<u>Prohibited Use</u>
All Residential Districts (ER-1 thru SR-6 & MH-1)		YES
B-1 Village Center District		YES
B-2 thru B-4 Commercial Districts	YES (when not located within the Downtown Overlay District)	YES (when located within the Downtown Overlay District)
OR Office/Research District		YES
I-1 & I-2 EDA Industrial Districts	YES	
PD Planned Development District	YES (when not located within the Downtown Overlay District and commercial/industrial uses are allowed)	YES (when located within the Downtown Overlay District)
P-1 Public Land District		YES

A proposed cannabis dispensary use map is attached to further clarify where cannabis dispensaries could operate with a Special Use Permit if the text amendments are adopted.

RECOMMENDATION

1. The Planning & Zoning Commission reviewed the proposed text amendments and conducted the requisite public hearing at their meeting on July 7, 2022. During their discussion, Planning & Zoning Commissioners did not object to allowing dispensaries as a Special Use in the Downtown Overlay District; however, they deemed that to be a matter of policy to be determined by the Village Board. The P & Z Commission **recommended approval of the text amendments as written and requested the Village Board review the P & Z discussion regarding dispensaries in the Downtown Overlay District.**
2. The minutes of the Planning & Zoning Commission meeting and background information are attached for your reference.



Village of Bartlett
Planning and Zoning Commission
July 7, 2022

(#22-03) Cannabis in Commercial Districts
PUBLIC HEARING

The following exhibits were presented:
Exhibit A – Notification of Publication

K. Stone before you is a Text Amendment addressing adult use and medical cannabis dispensing centers and possibly allowing them in commercial districts. Currently, we only allow one in the Blue Heron Business Park and one in the Brewster Creek Business Park. The Village received a concept plan for an adult use dispensary in Town Center. The petitioner withdrew their application immediately before it was to be discussed at the Village Board meeting. The Village Board directed staff to draft the text amendment to remove the distance requirements that were previously in our definition. Our definition originally followed the State's definition and the State removed the distance requirement. We want our definitions to match the State's definitions. The amendments before you are to remove the limit of one adult dispensing center in Blue Heron Business Park and one in Brewster Creek Business Park. We are also adding medical dispensing centers to the list of prohibited uses in the B-1 Village Center District. That would make adult use cannabis and medical cannabis centers Special Uses in B-2, B-3, and B-4 Zoning Districts. We are proposing to allow adult use and medical cannabis dispensing centers in the B-2, B-3 and B-4 commercial districts provided they are not located in the downtown overlay. The Village Board is concerned about allowing this downtown and wanted to have a discussion about it. **B. Bucaro** what are the Board's concerns specifically? **M. Hopkins** could you please clarify what you are asking the Planning & Zoning Commission to do? **K. Stone** we are asking if you are okay with the Text Amendments as proposed. **M. Hopkins** the Village Board is setting these policies and we are simply reviewing the text to see if that works within the constraints of how the zoning codes operate. **K. Stone** yes and they would also appreciate your input on if you agree. You are a recommending body and the Board would like your recommendations. **M. Werden** I think we want to follow what the State is doing. **K. Stone** yes, for the definitions. Villages that are home rule have the authority to limit where these can be located with the zoning. **M. Hopkins** what would the separation limits be for residential, a daycare or a school be? **K. Stone** there would be no limit. It would match the State's requirements. **M. Werden** would it be allowed at Stearns Road and Route 59? **K. Stone** yes. **J. Kapadoukakis** it would be allowed anywhere we have commercial except for downtown. **K. Stone** correct, because that is in the downtown overlay district. **B. Bucaro** my question is, why eliminate the downtown area? Is it because of a concern about traffic? There is not a lot of traffic in downtown Bartlett and traffic in downtown would be a good thing. I do not feel strongly either way that the overlay district remains or is taken out, but if it is about traffic, I do not see that as a big issue. I do not know if other towns have had issues or problems that we could learn from. Certainly, loosening the restrictions that were put in previously is good. I am fine with removing any distance requirements and I am fine with opening it up to commercial districts. I do question whether we are being shortsighted by not allowing it in the downtown overlay district. **J. Miaso** was the concern that the residents downtown did not want this? **K. Stone** I do not know if it is the residents who do not want it. There may have been concerns with the one proposal that we had with residents directly above the location, but the Village Board did not specifically state what their concerns were, just that they had concerns with dispensaries being downtown. **M. Hopkins** technically, in terms of parking, a commercial establishment and uses, that is fine, but this is a political decision. We are appointed officials and a recommending



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body. I do not think it our responsibility to set policy. I do not see any technical issues with what is proposed, but I hesitate to go any further than that. Would each case be reviewed on its own especially for impact on neighboring uses? **K. Stone** yes, you are not changing the special use requirements for dispensaries. It was very detailed and goes into the impacts that it would have. **M. Hopkins** we would need purview to go into saying no to a special use because of impact on adjacent uses. **K. Stone** a typical special use has 3 findings of fact. There is a litany of findings of fact for this. **J. Kapadoukakis** if we look at this as a special use we can set those guidelines, like if it is close to a school. **K. Stone** you look at the impacts of that use in that location. You are looking at each one on a case by case basis. Someone could not just move into a location and open up. They would have to go before this Commission and the Village Board, and would have to meet the criteria. It is very regulated. That is why it is a special use and not a permitted use. **G. Koziol** I think that State laws should be followed. I am not in favor of imposing distances. I think that creates more problems in the future. I have a slight concern about the overlay district. Downtown Bartlett really does not have traffic and we have an abundance of parking now. Maybe it could work. If it has to be approved on a case by case basis for special use, I am okay with it. We should not restrict it from the downtown overlay. It might be a good thing. **B. Bucaro** again, from a traffic and parking standpoint, that is not a problem. **C. Deveaux** you are right, there is open parking. Do we send this as it is or add that the downtown overlay be removed? **K. Stone** if you prefer, we can add a summary of what this discussion was and include the discussion in the executive summary. You can make recommendations about what is presented and include the discussion points as well. You can say that you recommend the text amendment and include the items that need additional discussion. **B. Bucaro** I would suggest that we look at other towns to get an idea of any problems they have had. We do not have that experience because we do not have any establishments. **G. Koziol** I do not recall hearing anything. It is almost like it does not exist. I do not think there have been any real problems. We are going to force out a business just because of something we are not sure of that might not even ever happen and say no just because. I am not in favor of that. **K. Stone** there is the option that if you leave it as is and someone wants to locate within the downtown overlay, they could petition for a text amendment as part of their petition. We have had circumstances where there is a use that is not allowed in the current zoning ordinance and so it is addressed in conjunction with their application. **B. Bucaro** I do not know if I like that. We are making them jump through hoops. **K. Stone** it would all be done at the same time. It would be a public hearing for a text amendment to allow a special use and a request for a special use permit. We did the same thing with True North for the truck stop at W. Bartlett Road and Route 25. Per the current Zoning Ordinance, the applicant for Town Center could not go into Town Center at all. It is prohibited. We asked the applicant to apply as a concept because we did not know how receptive the Village Board would be to that proposal. The Board never got to give their input to that proposal because the applicant withdrew, but it did start the discussion about allowing dispensaries within the commercial districts. That is what brought this on. Had that applicant gone forward and the Village Board reviewed that, it is possible that they would have come forward with the text amendment and the special use request. We are trying to be preemptive before we get another application. **J. Miaso** is everything done on a case by case basis? **K. Stone** yes, because it is a special use. **J. Miaso** the trustees want our input. These stores have very tight security. I have been to the dispensary in Oak Park and that is in the middle of their downtown. There were no problems whatsoever. **C. Deveaux** staff has recommended that the Planning & Zoning Commission review this text amendment and make their recommendations. **K. Stone** correct. You can approve, modify or deny the text amendments. I



Village of Bartlett
Planning and Zoning Commission
July 7, 2022

can word my executive summary to say that the Commission had a discussion about allowing it in the downtown overlay district and decided to recommend approval as written. **B. Bucaro** if a case comes to the Commission for a specific text amendment, we will have to look at it on a case by case basis. **J. Miaso** we need the traffic. It is not a problem. **M. Werden** I still have reservations if it is close to a school. **M. Hopkins** I think we need to protect the adjacent uses. **K. Stone** you can say that you want to keep the distance requirements as part of your recommendation. You can say that you think that is important and you want to keep that portion in the ordinance as it stands now. One of the conditions in the findings of fact is that "the proposed facility will not negatively impact existing or future uses located within the vicinity of the subject property." If you do not want to remove the distance requirement or you want to reduce it to 200 feet or 500 feet that is a recommendation that you can make. **B. Bucaro** I do not think 1000 feet would work because that would eliminate many of the potential commercial locations. **K. Stone** it is worded now as excluding residential purposes, daycares, schools and preschools. If you want to eliminate the residential uses and leave in the schools and daycares, you could do that. **G. Koziol** I think keeping the distance requirements would cause additional problems. For example; Streets of Bartlett, Lake Street and Oak Avenue, Stearns Road and Route 59 near the Walgreen's. I am not in-favor of keeping distances at all. **J. Kapadoukakis** I am concerned that this would affect property values. **J. Miaso** you are looking at a noise factor and a traffic factor, that is all. **M. Hopkins** we are not equipped because we do not know the ramifications or how these operate, or what other municipalities are doing. **K. Stone** most towns are allowing them in their commercial districts. Hanover Park does not, Streamwood, Schaumburg does as a special use, St. Charles, Villa Park, Westmont, and Wheeling all allow dispensaries as a special use. Many municipalities do not allow them in their downtown or town centers. Lombard and Wheeling are two that allow it in their downtown as a special use, but most of the others that we surveyed do not. **G. Koziol** I am hearing a lot of discussion about what we like and we do not like. What are we recommending to the Village Board? **K. Stone** I can summarize the discussion. There needs to be a motion. The motion can fail or the motion can pass.

M. Werden opened the public hearing portion of the meeting. No one from the public came forward.

B. Bucaro made a motion to pass along a **positive recommendation** to the Village Board to approve case **(#22-03) Cannabis in Commercial Districts Text Amendment** as written with an executive summary to include the Commission's discussion regarding the downtown overlay.

M. Werden closed the public hearing portion of the meeting.

Motioned by: B. Bucaro

Seconded by: J. Miaso

Roll Call

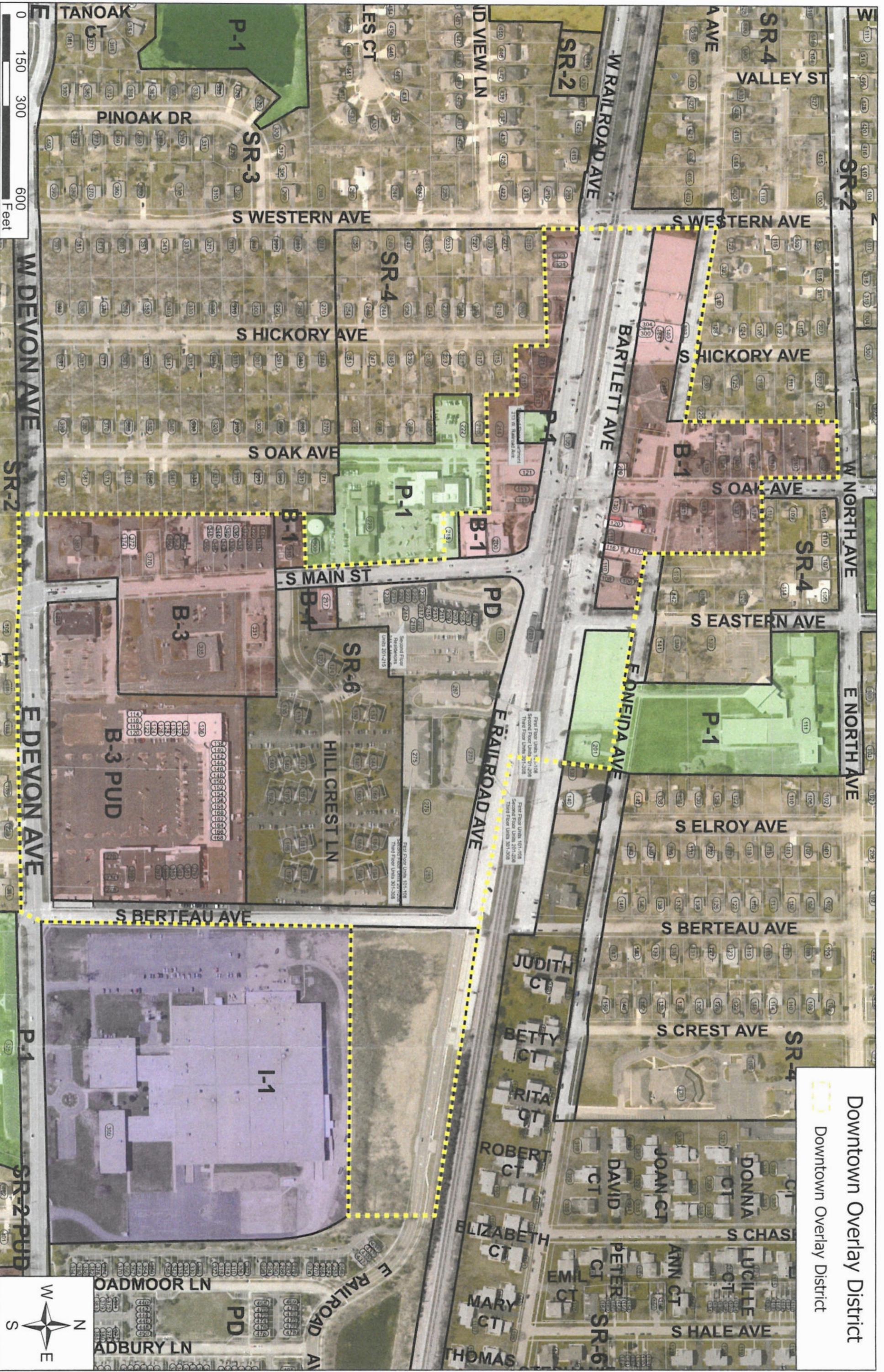
Ayes: B. Bucaro, C. Deveaux, J. Kapadoukakis, G. Koziol, J. Miaso,

Nays: M. Werden, M. Hopkins

The motion carried.

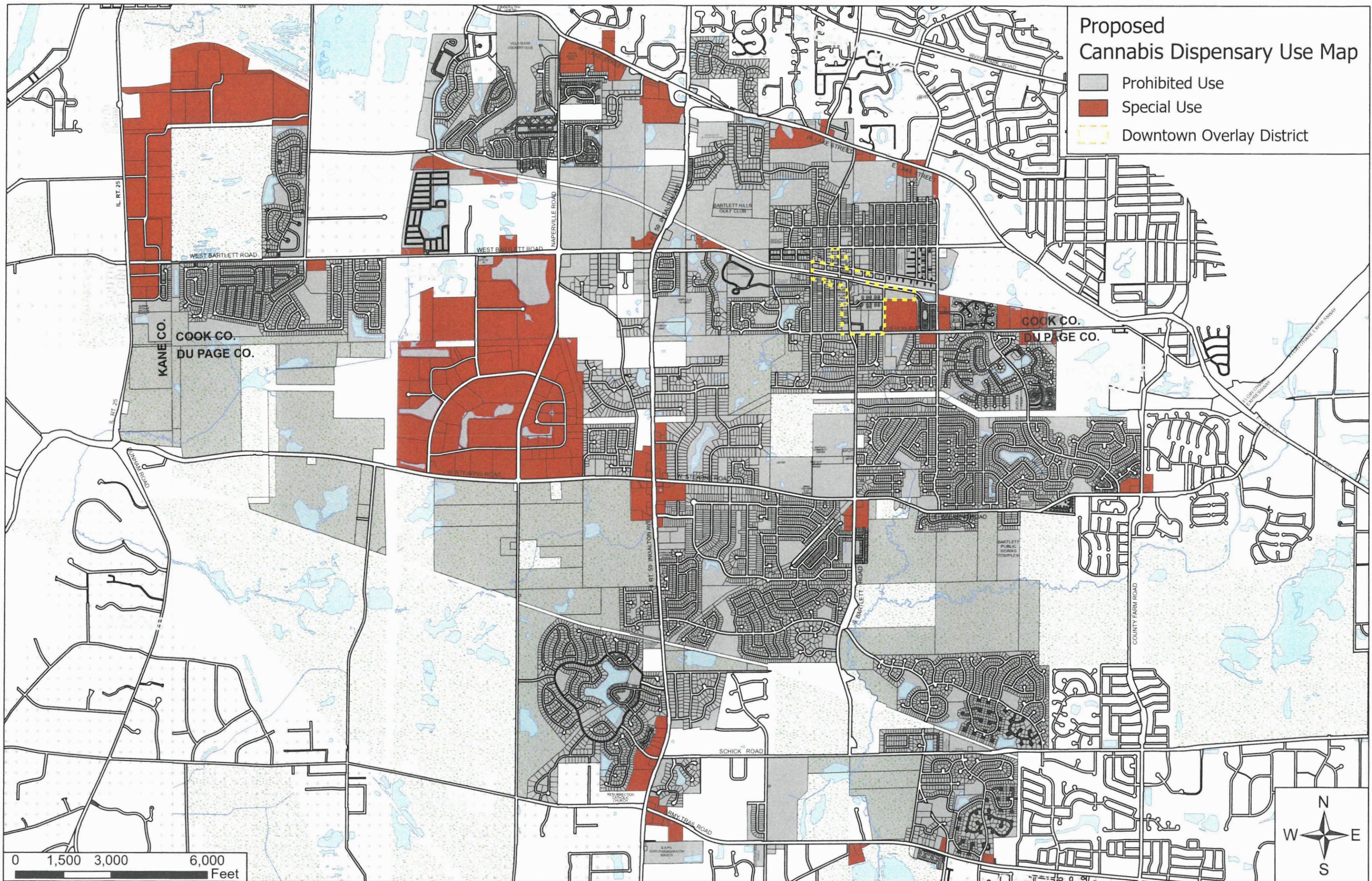
Downtown Overlay District

 Downtown Overlay District



Proposed Cannabis Dispensary Use Map

- Prohibited Use
- Special Use
- Downtown Overlay District



0 1,500 3,000 6,000 Feet

