

VILLAGE OF BARTLETT

COMMITTEE AGENDA

JUNE 20, 2017

PLANNING & ZONING, Chairman Hopkins

1. Acton Mobile Site/PUD Plan Amendment
2. Olivia's Place Special Use Permits
3. O'Hare's Pub Special Use Permits
4. Consolidation of Zoning Board and Plan Commission



Agenda Item Executive Summary

Item Name Acton Mobile- Site/PUD Plan Amendment Committee or Board Committee

BUDGET IMPACT

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

EXECUTIVE SUMMARY

The Petitioner is requesting a Site/PUD Plan Amendment at an existing building located at 2300 Graham Street on the east side of Rt. 25, north of Graham Street, approximately 0.5 miles northeast of Kenyon Road and Route 25 at the Acton Mobile Site.

ATTACHMENTS (PLEASE LIST)

CD Memo, Applicant Cover Letter, Application, Location Map, Previously Approved Site Plan and Amended Final PUD Plan

ACTION REQUESTED

- For Discussion only- To discuss the Petitioner's requests and forward to the Plan Commission for further review and to conduct the required public hearing.
- Resolution
- Ordinance
- Motion

Staff: Jim Plonczynski, Com Dev Director Date: 6/8/2017

COMMUNITY DEVELOPMENT MEMORANDUM

17-113

DATE: June 8, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, CD Director
RE: **(#17-15) Acton Mobile - PUD Plan Amendment**

PETITIONER

Dean Kelley on behalf of Acton Mobile

SUBJECT SITE

2300 Graham Street- East side of Rt. 25, north of Graham Street, approximately 0.5 miles northeast of Kenyon Road and Route 25.

REQUESTS

Site/PUD Plan Amendment

SURROUNDING LAND USES

Subject Site	<u>Land Use</u> Maintenance Bldg/Ind.	<u>Comprehensive Plan</u> Industrial	<u>Zoning</u> PD
North	Industrial	Industrial	PD/ I*
South	Industrial	Industrial	PD
East	Industrial	Industrial	PD
West	Industrial/ Vacant	Unincorporated Kane	I*

*I-Industrial -unincorporated Kane County

SITE HISTORY

1. This property was annexed and zoned PD (Planned Development) on July 29, 2003 by Ordinance #2003-98. The 186 acre Bluff City Industrial Park was approved for Light and Heavy Industrial uses including special uses for an asphalt plant, a concrete batch plant, a liquid asphalt facility, concrete and asphalt recycling operations and to continue the surface and deep subsurface mining operation.

2. The original **Site Plan** for the existing building was approved by Ordinance #2016-90 (An Ordinance Approving An Amended Preliminary PUD Plan and Amended General Site Plan for the Bluff City Industrial Park 186 Acres, Approve a Final PUD Plan for Acton Mobile and Granting Special Use Permits for a Planned Unit Development and to Allow Outdoor Storage) on December 6, 2016.

DISCUSSION

3. The petitioner is requesting a **Site/PUD Plan Amendment** for Acton Mobile on their 8.35 acre site to demolish an existing 1,000 square foot attached storage shed and construct an addition of approximately 2,000 square feet to the existing building and reduce the rear yard setback from 30 feet to 22 feet.
4. Acton Mobile has already improved the lot from gravel to asphalt pavement around the building and made modifications to the existing pond to meet the Village's stormwater requirements. This request will not require an additional improvements to the stormwater detention area.
5. Acton Mobile has also relocated all their mobile office trailers, storage trailers and portable classrooms to this site and have a triple wide trailer south of the existing building which is used for their office operations.
6. The Village of Bartlett is working with the Petitioner with regards to sewer and water. The site currently has a septic tank and the petitioner is proposing to hook up to the Village water lines.
7. The Landscape Plan and Engineering Plans will stay the same including the following conditions from the original ordinance:
 - a. Village Engineer approval of the Engineering Plans;
 - b. Fence fabric must be installed within one year of the issuance of a building permit on the existing 8' tall fence on the 3.35 acre Kane County portion of the site along the private drive.
 - c. Landscaping on the Cook County portion must be installed within one year of the issuance of a building permit per the approved landscape plan. If landscaping cannot be installed at the time of construction, a landscape bond in an amount approved by the Village Arborist must be posted in the approved amount for its future installation;
 - d. Lock boxes shall be provided and access granted to the South Elgin & Bartlett Fire Protection Districts for the gates located on the Subject

- Property along the private road and along Graham Street;
- e. The following are permitted to be stored outside on the Acton Mobile 8.35 acre site:
 - Mobile office trailers
 - Storage trailers
 - Portable classrooms
 - f. The following are prohibited on the 5 acre truck and trailer storage/concrete plant site:
 - No operation of commercial office or retail businesses out of stored vehicles
 - No truck or motor vehicle repair operations
 - Storage of furniture not in an enclosed container
 - Storage of vehicles and trucks in disrepair
 - Junk yards
 - g. Building permits shall be required for all construction activities;

RECOMMENDATION

1. The Staff recommends forwarding the Petitioner's requests to the Plan Commission for further review and to conduct the required public hearing.
2. Background information is attached for your review and consideration.



ABBOTT LAND AND INVESTMENT CORP.
Commercial and Industrial Real Estate

May 24, 2017

SENT VIA HAND DELIVERY

Village President and Board of Trustees
Village of Bartlett
228 S. Main Street
Bartlett, Illinois 60103

RE: Bluff City Industrial Park
Acton Mobile

Dear Village President and Board of Trustees,

I represent the owner of property in Bluff City Industrial Park, Bluff City, LLC. We are seeking to amend the Site Plan that is located at 2300 Graham Street, Bartlett, Illinois to allow for a building addition to be within 22 feet of the north property line. Our request can be summarized as follows:

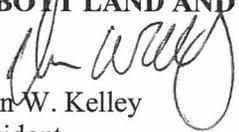
1. Amend the Site Plan allow our tenant, Acton Mobile, to demolish an existing 1,000 SF attached storage shed and construct an addition of approximately 2,000 square feet to the existing building.

The purpose of the addition is to allow for the storage of product and the free movement between the existing building and the new addition. Also, we have agreed to sprinkler the existing building and the addition. This was based on feedback received from the Building Department and Fire Protection District. Please note that we are unable to meet the 30' setback because the size of the addition needs to be sufficient to accommodate Acton Mobile's needs. Nevertheless, the 22' separation between the building and the property line is more than enough to provide for vehicular access. Furthermore, the north property line is heavily screened with existing vegetation and is several hundred feet away from the nearest user to the north, which is an industrial building in Elgin.

2. We have submitted a Development Application with all of the required materials. This includes our response to the Findings of Fact as required within the Development Application as it relates to Site Plans.

I will be available in person to discuss the request and answer any questions that the Village Board may have. Thank you for your consideration.

Sincerely,
ABBOTT LAND AND INVESTMENT CORPORATION


Dear W. Kelley
President

Enclosures



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only
Case # 2017-15

(RECEIVED)
COMMUNITY DEVELOPMENT
RECEIVED
COMMUNITY DEVELOPMENT

JUN 01 2017
VILLAGE OF
BARTLETT
VILLAGE OF
BARTLETT

PROJECT NAME Bluff City Industrial Park - Acton Mobile

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Dean W. Kelley

Street Address: 2250 Southwind Blvd

City, State: Bartlett, IL

Zip Code: 60103

Email Address: dean@abbottland.com

Phone Number: 630-497-9440 x4

Preferred Method to be contacted: Email

PROPERTY OWNER INFORMATION

Name: Bluff City, LLC

Street Address: 2250 Southwind Blvd

City, State: Bartlett, IL

Zip Code: 60103

Phone Number: 630-497-8700

OWNER'S SIGNATURE: [Signature]

Date: 5/24/17

(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); Change to a Final PUD Amendment to allow for building addition to be within 22' of North property line.
 - Unified Business Center Sign Plan
 - Other (please describe) _____
- Text Amendment
 - Rezoning See Dropdown to See Dropdown
 - Special Use for: _____
 - Variation: _____

SIGN PLAN REQUIRED? No

(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

2300 Graham St, Bartlett, IL 60103 (Kane County)

Common Address/General Location of Property: 2250 Graham St, Bartlett, IL 60103 (Cook County)

Property Index Number ("Tax PIN"/"Parcel ID"): Part of 06-25-200-016-0000 (Kane County) & Part of 06-30-101-003-0000 (Cook County)

Zoning: Existing: I-2 PUD **Land Use:** Existing: Industrial
(Refer to Official Zoning Map)

Proposed: I-2 PUD Proposed: Industrial

Comprehensive Plan Designation for this Property: Industrial
(Refer to Future Land Use Map)

Acreeage: 8.38 Acton Mobile

For PUD's and Subdivisions:

No. of Lots/Units: N/A

Minimum Lot: Area _____ Width _____ Depth _____

Average Lot: Area _____ Width _____ Depth _____

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

Attorney Brian Lansu
2250 Southwind Blvd, Bartlett, IL 60103
P: 630-497-8700 x 337 Email: brain@grp7.com

Engineer Mackie Consultants, LLC - Martin T. Burke
9575 W. Higgins Road, Suite 500, Rosemont, IL 60018
P: 847-696-1400 email: mburke@mackieconsult.com

Other Developer: Abbott Land & Investment Corp. - Dean W. Kelley
2250 Southwind Blvd, Bartlett, IL 60103
P630-497-9440 Email: dean@abbottland.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 SITE PLANS

Both the Plan Commission and Village Board must decide if the requested Site Plan 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. The proposed use is a permitted use in the district in which the property is located.

The Acton use is a permitted use within the district and the 2,000 square foot addition will enhance the utility of the building and overall operation.

2. The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.

The addition to the building that involves a Site Plan Amendment replaces an existing 1,000 SF storage area and improves it with a larger storage area that will also be connected and free-flowing with the existing building. It is consistent with the surrounding uses and is heavily screened to the north by existing vegetation.

3. 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.

The onsite circulation will be maintained sufficiently so traffic can flow around the building in either direction.

4. The site plan provides for the safe movement of pedestrians within the site.

Very little pedestrian movements would occur within the site other than onsite activities, which are not impacted by the Amendment to the Site Plan.

5. There is 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 and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking or accessways shall be landscaped with a mixture of grass, trees and shrubs. (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements)

The existing landscaping to the north as well as landscaping installed as part of the original site plan approval for Acton Mobile provide for a sufficient mixture of grass, trees, and shrubs within the interior and perimeter of the site.

6. All outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

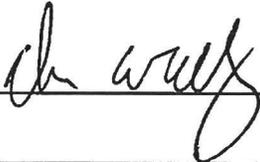
The building addition will not impact any outside storage area, which are screened in accordance with required village standards.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: 

PRINT NAME: Dean W. Kelley

DATE: 5/24/2017

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: Bluff City, LLC

ADDRESS: 2250 Southwind Blvd.
Bartlett, IL 60103

PHONE NUMBER: 630-497-9440

EMAIL: _____

SIGNATURE: 

DATE: 5/24/2017

ZONING/LOCATION MAP

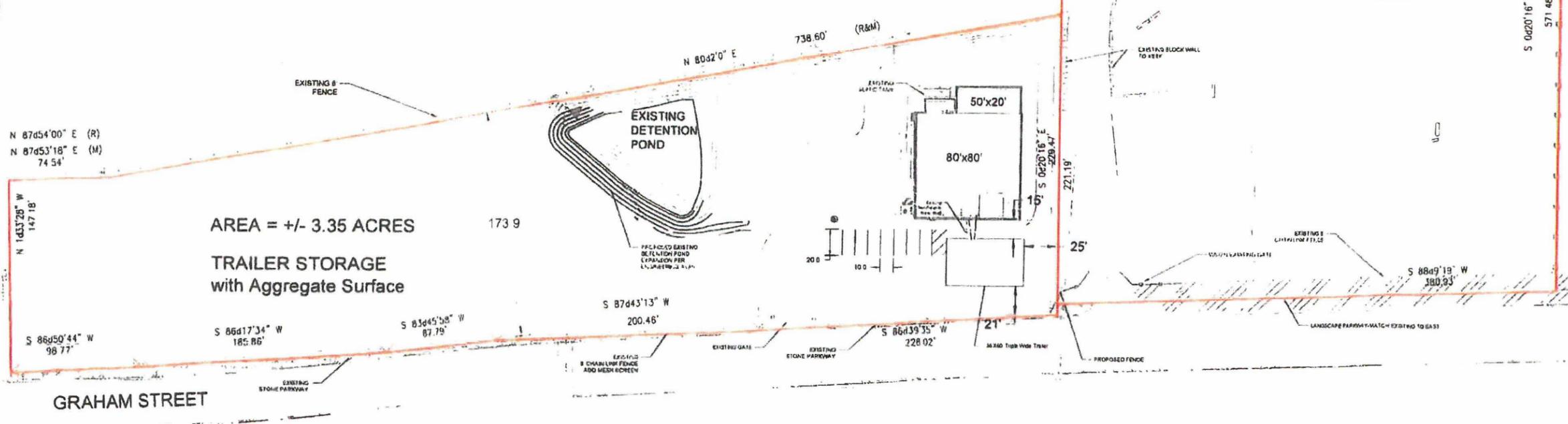
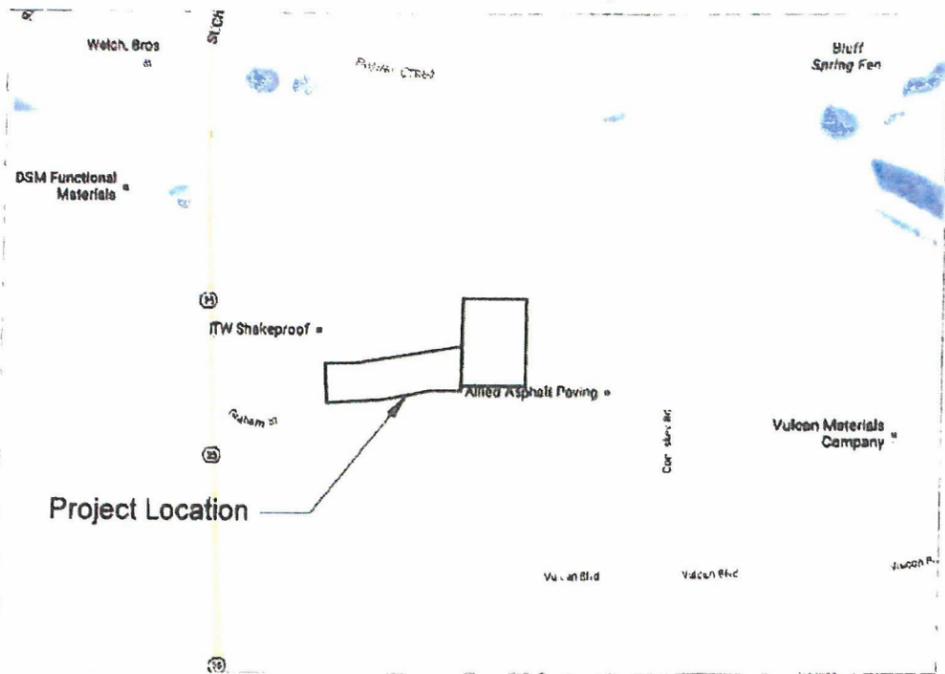
Acton Mobile

Case #17-15 - PUD Plan Amendment

PINs 06-25-200-016 & 06-30-101-003



Project Location Map



- PROPERTY LINE
- PROPOSED 4" HMA PAVEMENT
- LANDSCAPE PKWY

Project Data	
• Total Acres = 8.35 Acres	
• Parking Stalls = 6	
• Accessible Stalls = 1	
• Ex Bldg. Floor Area Ratio = 2.1%	
• Prop. Trailer Floor Area Ratio = 0.6%	
• No. Employees = 5	



CALL JULIE 1-800-892-0123 with the following:
 COUNTY: KANE/COOK
 CITY: BARTLETT

48 hours before you dig
 (including Sat. Day and Holidays)

811

NOTIFY 48 HOURS BEFORE YOU DIG. BEHIND CONSTRUCTION FOR THE BEST RESULTS OF THE SERVICE AND FOR YOUR PROTECTION. THE BEST PRACTICE IS TO CALL 811 BEFORE ANY CONSTRUCTION. PLEASE REPORT TO 811 ANY NEW CONSTRUCTION. REPORTERS MUST BE IDENTIFIED AND 811.

PREPARED BY
BLUFF CITY MATERIALS, INC.
 2252 SOUTHWIND BOULEVARD
 BARTLETT, ILLINOIS
 PHONE 630-497-8700 FAX: 630-497-9800

PREPARED FOR

DATE	DESCRIPTION OF REVISION	BY

<input checked="" type="checkbox"/> DRAFT	DESIGNED BY:	OWNER:	ACTION:
<input type="checkbox"/> PERMIT APPLICATION	DRAWN BY: AKG	Proj Type: REAL ESTATE	
<input type="checkbox"/> APPROVED FOR CONSTRUCTION	APPROVED BY: MSD	Proj #: 1514-XX	
<input type="checkbox"/> CLIENT APPROVED BY:	DATE: 11.17.16	Folder: xxx	
	SCALE: 1"=40'	File: xxx	

NOTICE

Location
BLUFF CITY INDUSTRIAL PARK
BARTLETT, IL

Title
 Final PUD Plan

SHEET
1
X

EXHIBIT E

PREVIOUSLY APPROVED SITE PLAN



Agenda Item Executive Summary

Item Name Olivia's Place Special Use Permits Committee or Board Committee

BUDGET IMPACT

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

EXECUTIVE SUMMARY

The Petitioner is requesting

Special Use Permits:

- a) To serve beer and wine;
- b) Allow outdoor seating including serving beer, wine and food; and
- c) Allow live entertainment (acoustical music)

These requests are for Olivia's Place to be located at 143-149 E. Lake Street, near the southeast corner of Lake Street/U.S.20 and Oak Avenue in the Oakfield Center.

ATTACHMENTS (PLEASE LIST)

CD Memo, Applicant Cover Letter, Application, Location Map, Conceptual Pictures, Proposed Renderings, Floor Plan including Outdoor Seating, 100' buffer map and Site Plan

ACTION REQUESTED

- For Discussion only- to discuss the project and move forward to the Plan Commission for further review and to conduct the public hearing on the Special Uses.
- Resolution
- Ordinance
- Motion

Staff: Jim Plonczynski, Com Dev Director Date: 6/8/2017

COMMUNITY DEVELOPMENT MEMORANDUM

17-104

DATE: June 8, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, CD Director
RE: **(#17-12) Olivia's Place**

PETITIONER

Walter Jack Owner/Operator of Olivia's Place- a Division of Lacey Place and Lucky Bernie's

SUBJECT SITE

143-149 E. Lake Street – Oakfield Center (Southeast corner of Lake Street/U.S. 20 and Oak Avenue)

REQUEST

Special Use Permits:

- a) To serve beer and wine;
- b) Allow outdoor seating including serving beer, wine and food; and
- c) Allow live entertainment (acoustical music)

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Commercial	Commercial	B-3
North	Residential	Townhouse Residential*	R-5 PUD*; B-3
South	Institutional	Municipal/Institutional	P-1
East	Commercial	Commercial	B-3
West	Open Space	Open Space/Recreation	SR-2

* Village of Streamwood

ZONING HISTORY

1. The Oakfield Center was approved by Ordinance #1979-59 on August 7, 1979.
2. The Village Board approved video gaming in the Village of Bartlett by Ordinance #2012-52 on July 17, 2012.

DISCUSSION

1. The petitioner is requesting three **Special Use Permits**: a) to serve beer and wine, b) to allow outdoor seating, including serving beer, wine and food, and c) to allow live entertainment of acoustical music to their patrons at this proposed location.
2. The petitioner is proposing to open a video gaming establishment that will provide dining and refreshments including beer and wine for adults that wish to game outside of a casino environment in accordance with the new state laws. The petitioner also proposes to have wine tastings, paint parties and live acoustic music on Friday and Saturday nights.
3. Olivia's Place is a Division of Lacey's Place and Lucky Bernie's. Attached are pictures from Lucky Bernie's which will be similar to the proposed Olivia's Place and proposed renderings of Olivia's Place. The owners currently have a small Olivia's Place in Berwyn, IL and are also opening up another location in Elk Grove Village this summer.
4. The proposed 2,400 square foot establishment would include a dining area with about 30 seats as well as an "entertainment area" with five (5) gaming stations (which is the state maximum). A draft floorplan of the proposed location is attached for reference.
5. The petitioner is also requesting a Special Use for outdoor seating with about 6 seats. A 36" fence around the existing outdoor seating area is required for the outdoor consumption of alcohol and they must maintain an accessible pedestrian walkway between the enclosure and the street. As proposed, there will be 4' of sidewalk between the fence and curb.
6. The State Law requires establishments operating video gaming machines to have a valid liquor license. Olivia's Place is proposing to offer only beer and wine for their patrons and proposes to be open seven days a week from 8 a.m. to 2 a.m. and is applying for a Class B liquor license. The hours permitted to serve beer and wine for the Class B liquor license are Sun.-Thurs. 8:00 a.m. to 1:00 a.m. and Fri.-Sat. 8:00 a.m. to 2:00 a.m. Olivia's Place is aware they can only serve beer or wine during the hours specified for the Class B liquor license. Once a liquor license is issued, the petitioner will be able to apply for the state video gaming license.
7. The State Law requires video gaming establishments to be a minimum of 100 feet from any school or place of worship. A map depicting the 100 foot buffer is attached for reference. The school building is located about 207 feet from the Oakfield Shopping Center building.
8. Olivia's Place would have about ten (10) employees with three (3) employees on each shift. Parking for the Oakfield Shopping Center consists of 177 parking spaces, 43 of which are located in the parking lot directly in front of this unit. This

use would require 20 parking spaces. There appears to be ample parking for this use. The Site Plan is attached for reference.

RECOMMENDATION

1. The Staff recommends forwarding the petitioner's request on to the Plan Commission for further review and to conduct the public hearing.
2. Background information is attached for your review.

ALZ/attachments
x:\comdev\mem2017\104_Olivia's Place_beer and and_vbc1.docx



*Division of Lacey's Place and
Lucky Bernie's*

Village of Bartlett

Proposed New Location: Olivia's Place Wine -Deli -Gaming 143-49 E. Lake Street Bartlett, IL 60103

Dear Village of Bartlett

Our family has come up with a unique upscale concept that we feel would be very successful in your community. We would love the opportunity to schedule a sit down with you and the mayor to describe our concept a little bit more in depth. Below are a few things to help with the Village of Bartlett understand not only our unique concept but also the aesthetic and quality of work we intend to do. Our business will be multifaceted in nature. All our locations have a mandated 60% food requirement, per the city (Total Revenue is comprised of: 50% Food (\$22,000/month), 30% Alcohol Beer & Wine (\$10,000/month), 20% Gaming (\$10,000/month). We currently have a signed lease, for 2,300 sq. ft. space, at 143-49 E. Lake Street:

Revenue Drives:

- Boars Head exclusive hot/cold deli sandwiches
- Carry out and dine in options
- Seating for over 30 people
- Deli meat/cheese sold by the pound
- Meat and cheese sampler/charcuterie boards, to go alongside a nice glass of wine
- Daily soup specials
- Build-you-own salad menu
- Gluten free and healthy options
- Corp/private party catering
- Signature small vineyard wines, that we will hand-pick ourselves (Napa; Illinois; Quad Cities; Argentina; New Zealand; etc.)
- Local craft beers (Chicago; Burke Beverage; Lakeshore Beverage; etc.)
- Video Gaming to supplement income and pay expenses while we establish a regular customer base.

Entertainment / Promo:

- Wine Tasting
- Wine and Paint Parties
- Live Acoustic music on Fri/Sat. nights ("One man band and duos")

Olivia's Place hours of operation are 8 am – 2am, 7 days a week, with all aspects of the business functioning from open to close. Our shifts are comprised of three employees, with opening, mid, and closing shifts. We are a family friendly business, with our target market being very diverse.

A lot of people ask us about our name... I think if you would ever have met our Daughter now age (7) the youngest of our three daughters and being a twin, she is funny, friendly and outgoing. You too would think of a place that is fun, friendly and outgoing. We named all our stores Olivia's Place to remember that family fun is important.

We currently have a small Olivia's Place in Berwyn, IL, but it is not as upscale as the new location we are in with Phase I in Elk Grove Village, which it will be as upscale as our Bartlett Location.

We believe that upscale, unique nature of our business, will do phenomenal in Bartlett, and would greatly appreciate consideration for a liquor license approval.

Please feel free to review our website:

www.luckybernies.com this is the upscale Wine and Deli concept that we are seeking.

Thank you very much!

Walter Jack
Owner/ Operator



VILLAGE OF BARTLETT
SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case # 17-1212
RECEIVED
COMMUNITY DEVELOPMENT
MAY 08 2017

PROJECT NAME Olivia's Place

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Walter T. Jack

Street Address: 2640 Boxwood DR.

City, State: Elgin, IL

Zip Code: 100124

Email Address: blackjacksenterprise@gmail.com Phone Number: 773-1040-7717

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: FB Property Mgmt, Inc.

Street Address: 125 N. Halsted - 203

City, State: Chicago, IL

Zip Code: 60661

Phone Number: 312 876-9300

OWNER'S SIGNATURE

Date: 5-5-17

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

SPECIAL USE PERMIT REQUESTED (Please describe i.e. liquor sales, outdoor seating, etc.)

Wine / Deli with supplemental video gaming.

PROPERTY INFORMATION

Common Address/General Location of Property: 105-213 E. Lake St., Bannock, IL

Property Index Number ("Tax PIN"/"Parcel ID"): 06-28-302-012/013-0000

Acreage: 3.28 acres 06 26 302 012 -0000

Zoning: B3 Land Use: See Dropdown
(Refer to Official Zoning Map)

Comprehensive Plan Designation for this Property: See Dropdown
(Refer to Future Land Use Map)

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

Attorney: NA

Engineer: NA

Other: NA

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.

Family style deli for all ages.

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.

NO

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.

Yes

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: X *Walter Jack*

PRINT NAME: Walter Jack

DATE: 5-4-2017

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: Walter Jack

ADDRESS: 2040 Boxwood Dr.

Elgin, IL 60124

PHONE NUMBER: 773-640-7717

EMAIL: blackjacksenterprise@gmail.com

SIGNATURE: X *Walter Jack*

DATE: 5-4-17

ZONING/LOCATION MAP

143-149 E. Lake St.

Case #17-12 - Olivia's Place

Special Uses



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, GIS User Community



Lucky Bernie's Pictures- Woodstock and Spring Grove



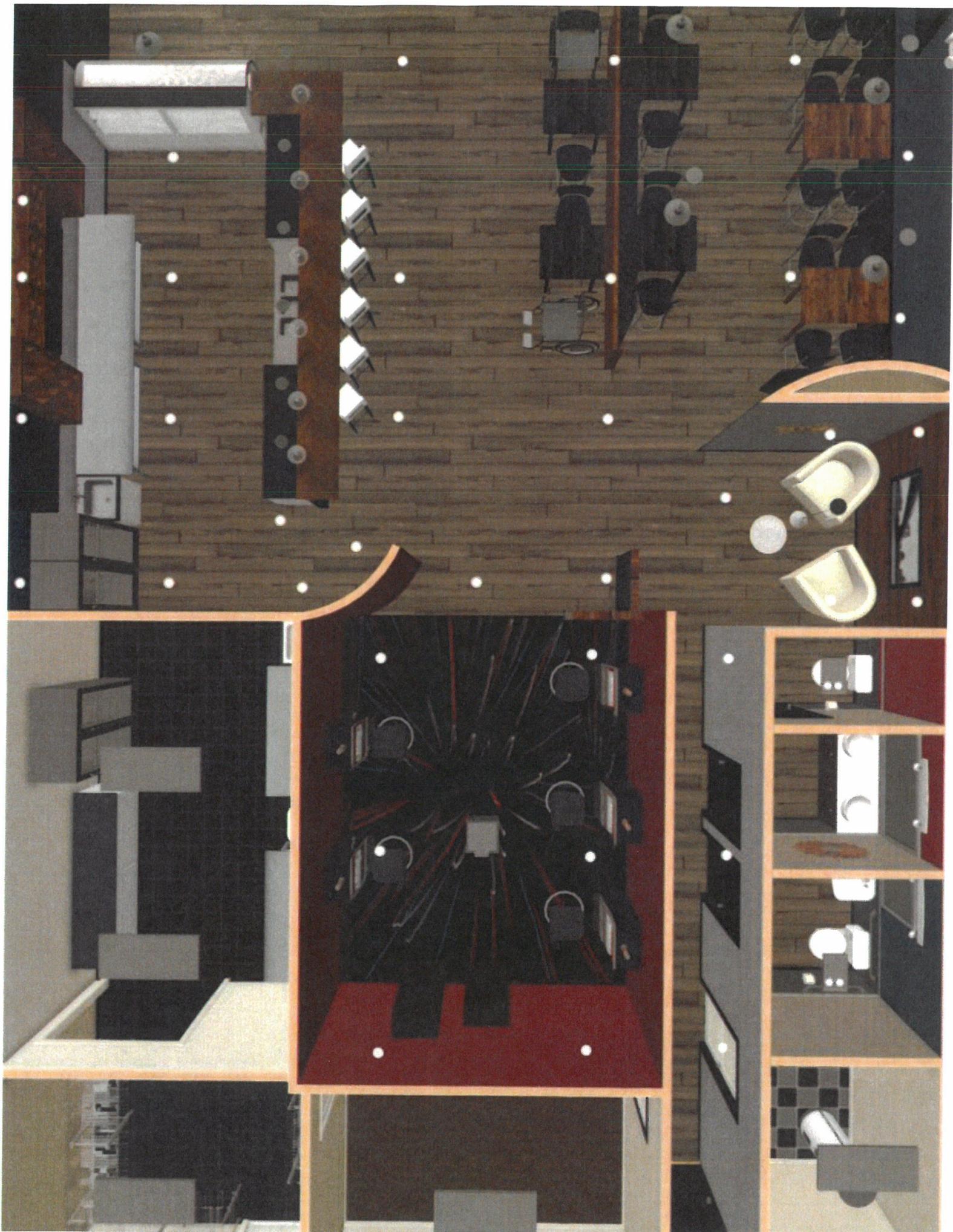










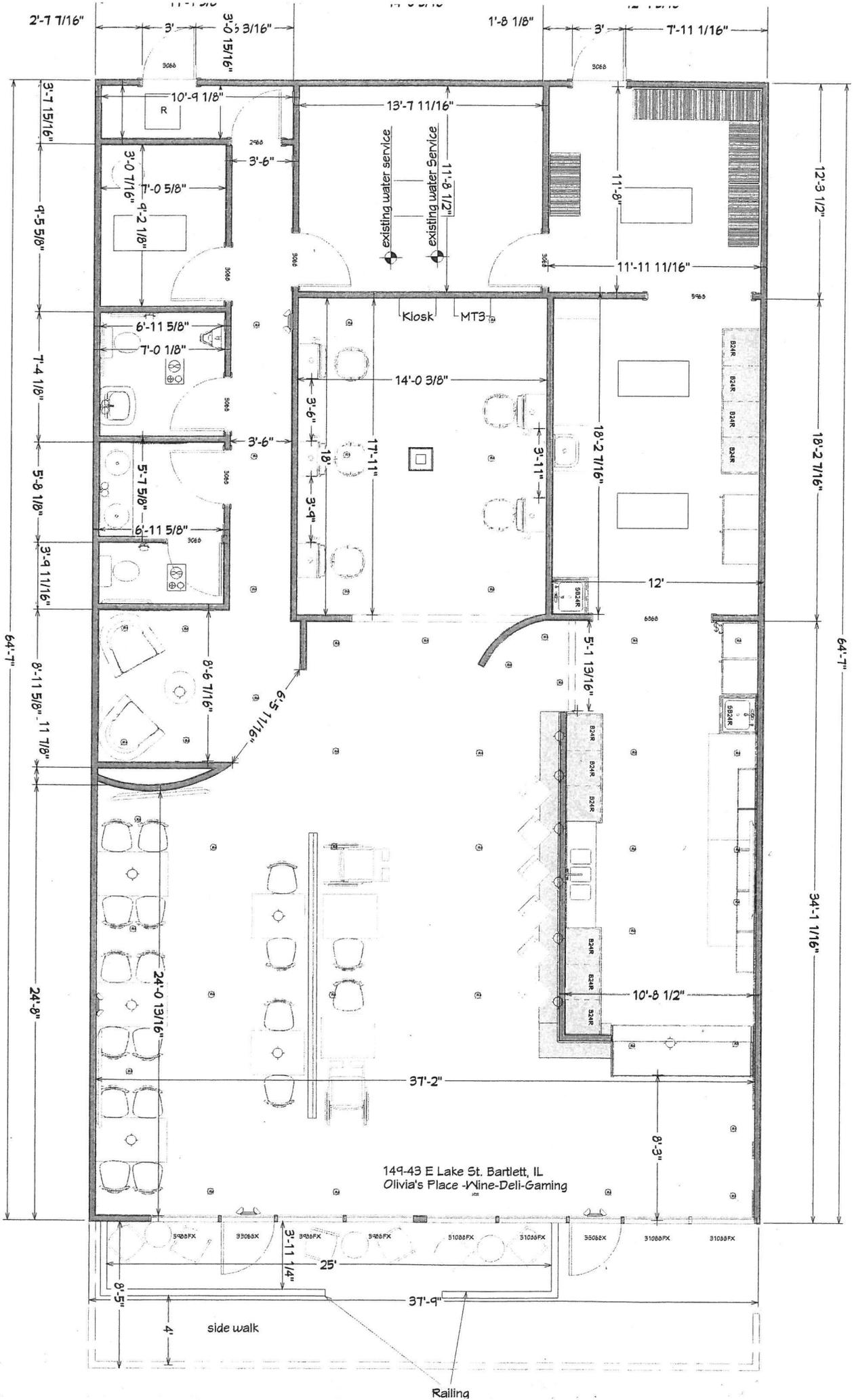




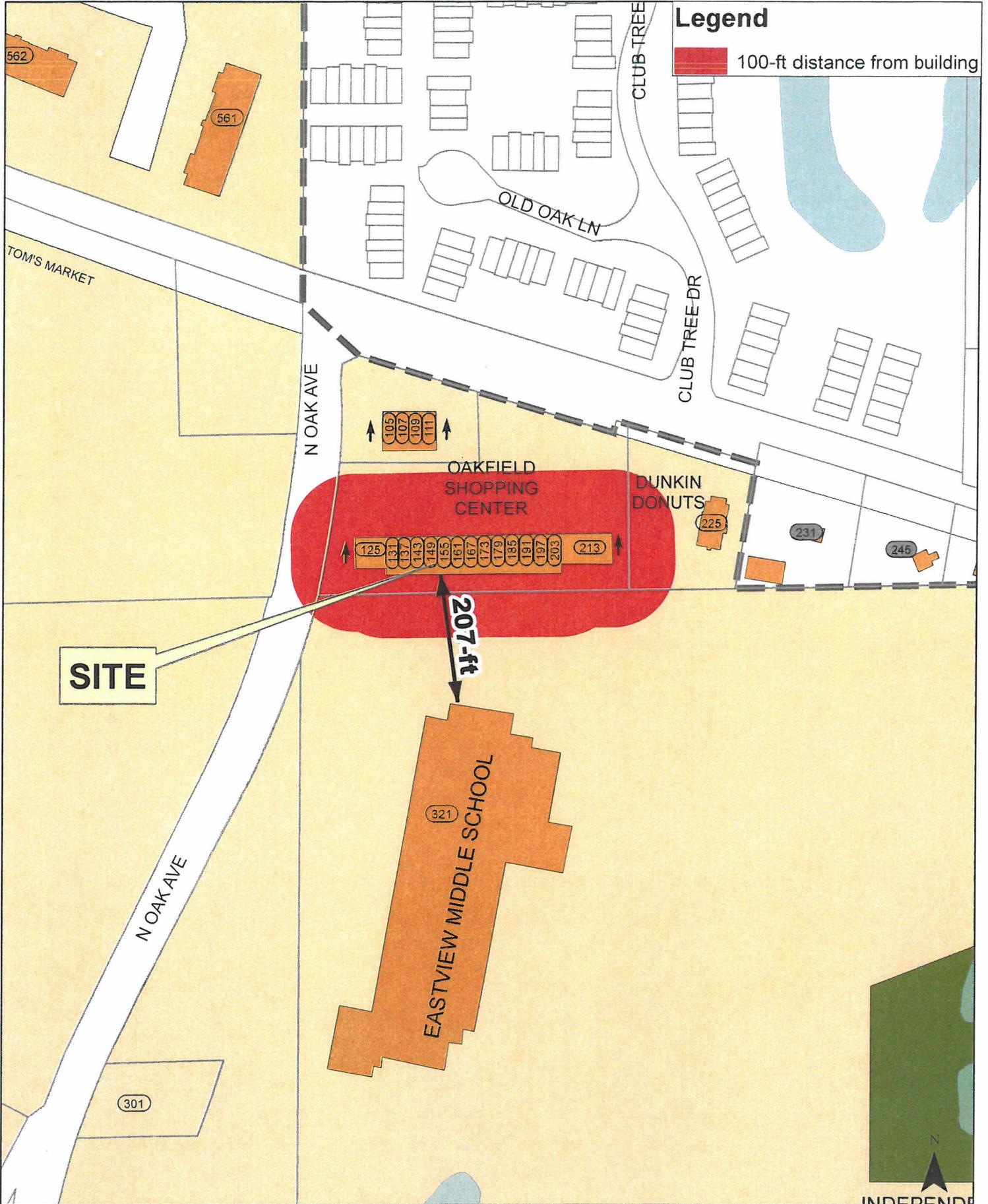
And Co., Inc. © www.2ndcit



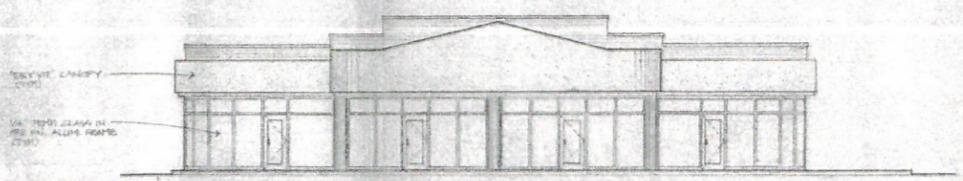




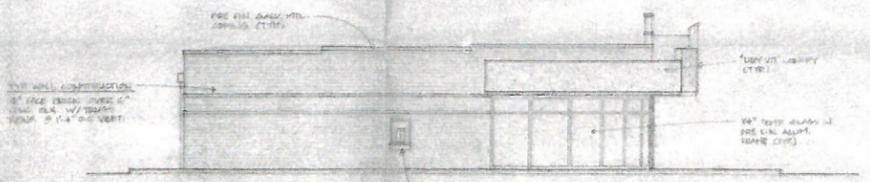
LOCATION MAP



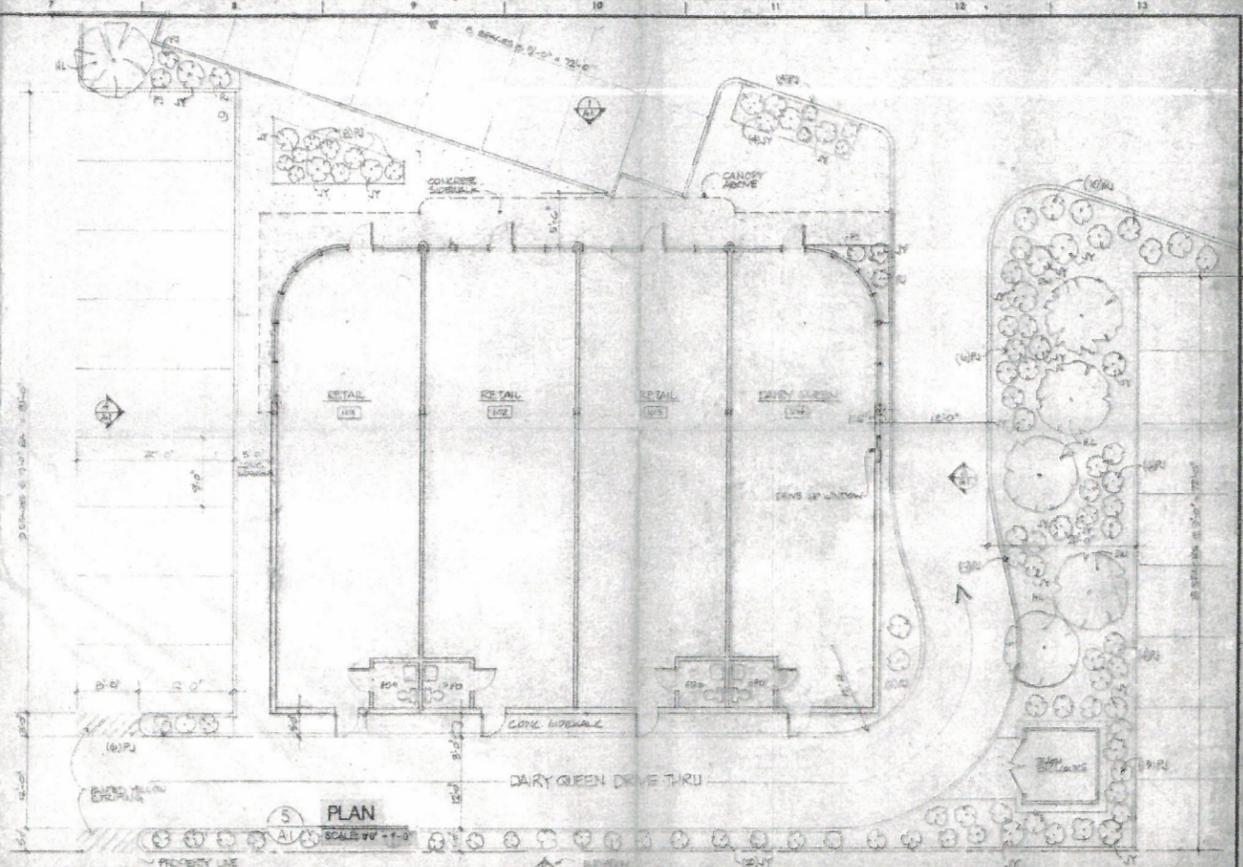
1 inch = 200 feet



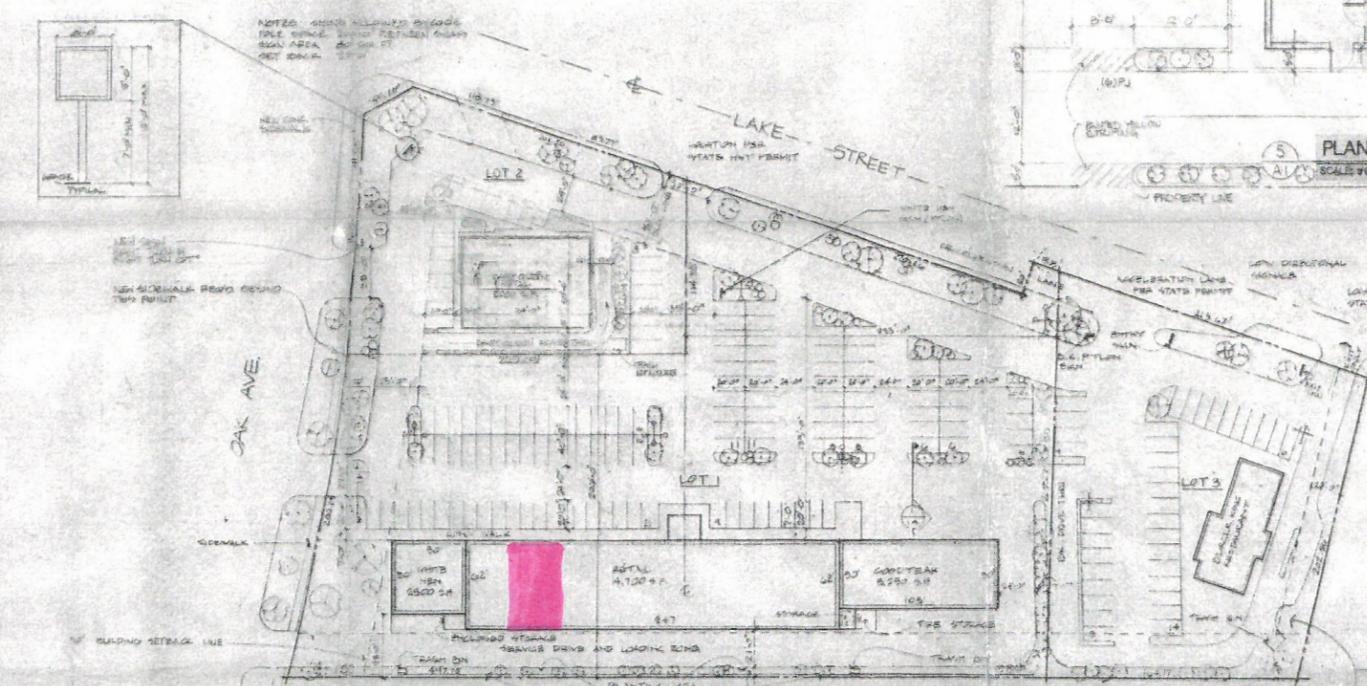
1 NORTH ELEVATION
SCALE 1/8" = 1'-0"



2 WEST ELEVATION
SCALE 1/8" = 1'-0"



5 PLAN
SCALE 1/8" = 1'-0"



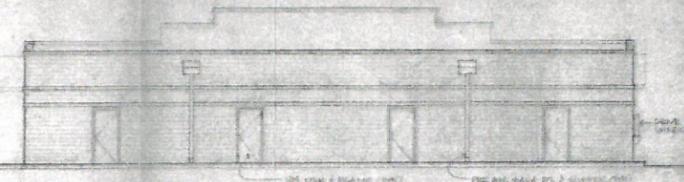
6 SITE PLAN
SCALE 1/4" = 1'-0"

LOT 1
RETAIL SPACE 22,450 SF (TOTAL)
REG'D PARKING 123M
ACTUAL PARKING 119
NOTE:
FOR ADDITIONAL UTB INFORMATION
SEE CIVIL DRAWINGS
CURRENT ZONING:
B-3 NEIGHBORHOOD BUSINESS DISTRICT ORD. 74-54

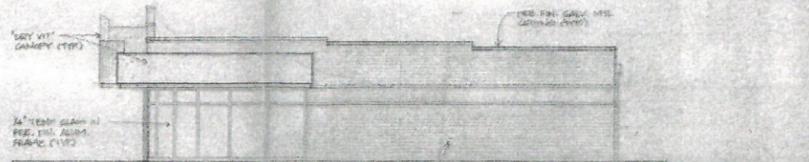
LOT 2
RETAIL SPACE 9,000 SF
REG'D PARKING 30,000 SF x 24
ACTUAL PARKING 25

LOT 3
REG'D PARKING 27
ACTUAL PARKING 37

PLANTING SCHEDULE				
PLANT	BOTANICAL NAME	COMMON NAME	REMARKS	QTY (TOT)
HL	AGAVE PARVIFLORA	SMALL AGAVE	5/8" 10' HIGH	4
PL	SPIDER PLANT	SPIDER PLANT	5/8" 10' HIGH	71
PL	SPIDER PLANT	SPIDER PLANT	5/8" 10' HIGH	42
PL	SPIDER PLANT	SPIDER PLANT	5/8" 10' HIGH	2



3 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



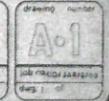
4 EAST ELEVATION
SCALE 1/8" = 1'-0"

REV.	DATE	DESCRIPTION	BY	CHKD.
1	10/21/10	ISSUED FOR PERMITS	SB	SB
2	10/21/10	ISSUED FOR PERMITS	SB	SB
3	10/21/10	ISSUED FOR PERMITS	SB	SB

schaffer bonavolonta architects inc
6812 south madison
chicago, IL 60637
312 421-8888
111 chinquapin
round rd, suite 10-B
barrington, IL 60015
815 253-1540

OAKFIELD, DAIRY QUEEN & RETAIL
BARTLETT, ILLINOIS

SITE PLAN & ELEVATIONS
DATE: 10/21/10
SCALE: 1/8" = 1'-0"



COMMUNITY DEVELOPMENT MEMORANDUM

17-114

DATE: June 8, 2017
TO: Paula Schumacher, Acting Village Administrator
FROM: Jim Plonczynski, CD Director
RE: **(#17-14) O'Hare's Pub**

PETITIONER

Peggy O'Hare Vance, Owner/Operator of O'Hare's Pub

SUBJECT SITE

207 S. Main Street – Town Center (Directly East of Village Hall)

REQUEST

Special Use Permits:

- a) To sell package liquor;
- b) Allow outdoor seating including serving alcoholic beverages and food;
and
- c) Allow live entertainment (acoustical music)

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Commercial	Village Center Mixed Use	PD
North	Commercial	Village Center Mixed Use	PD
South	Commercial	Village Center Mixed Use	PD
East	Condos	Attached Residential- Med.	PD
West	Village Hall	Municipal/Institutional	P-1

DISCUSSION

1. The petitioner is requesting three **Special Use Permits:** a) to sell package Liquor, b) to allow outdoor seating, including serving alcoholic beverages and food, and c) to allow live entertainment (acoustical music) to their patrons at this location.

2. O'Hare's Pub is located in the Town Center. Before O'Hares Pub moved into this location the previous restaurant, La Dolce Vita, received approval for liquor sales by Ordinance #2004-142. The Special Use is associated with the address. Therefore O'Hare's Pub has been serving alcoholic beverages since it opened in 2016.
3. Packaged liquor sales was previously approved by Ordinance #2008-106 for a restaurant/grocery/café (Sweet Bean) that occupied this location and the space to the north where Two Toots is now located. However, the Special Use runs with the address which is now where Two Toots is located.
4. The Petitioner is also requesting a Special Use for outdoor seating with about 18 seats. A 36" fence around the outdoor seating area is required for the outdoor consumption of alcohol and they must maintain an accessible pedestrian walkway between the enclosure and the street. As proposed, there will be 4' of sidewalk between the fence and curb.
5. The Petitioner is also requesting to have live acoustical music **only** for St. Patrick's Day celebrations and for private special events.
6. O'Hare's Pub is currently open seven days a week Monday thru Thursday from 11:00 a.m. to 12:00 a.m. and Friday & Saturday from 11:00 a.m. to 1:00 a.m. and Sunday from 11 a.m. to 11 p.m. The Class H liquor license restrictions are Sunday thru Thursday from 8:00 a.m. to 10:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 a.m. The petitioner is aware if the special use is granted to sell packaged liquor they cannot sell outside of the Class H liquor license hours.

RECOMMENDATION

1. The Staff recommends forwarding the petitioner's request on to the Plan Commission for further review and to conduct the public hearing on the Special Uses.
2. Background information is attached for your review.

May 22, 2017

To The Village of Bartlett, Community Development Department

Subject: Special Use Permit for Outdoor Seating and Class "H" Retail Liquor License

O'Hare's Pub & Restaurant opened downtown Bartlett October 28, 2016. We have been pleased with outstanding results to date. Many of our loyal followers who have patronized our Pub at our old location have followed us to downtown Bartlett. We have met many new guests at this location that are close by residents, people working and enjoying downtown Bartlett, and regular commuters.

In order to maintain our commitment to superior service and customer accommodation, as our clientele has expanded, we must also be consistent and expand our level of service and sales. We feel strongly that a Class H Liquor License for carry out package sales will meet our goals of superior service and guest satisfaction, especially for those commuters.

In concert we wish to have outdoor seating to enhance our ability to fulfill the requests of our guests. We believe outdoor seating will bring another enjoyable experience to downtown Bartlett.

Both the "H" Class liquor license and the Outdoor seating can only be an asset to our daily business operations.

As always, due regard and precautions will be enacted.

Thank you for your consideration in this matter.

Cordially, 

Peggy O'Hare Vance, Owner
O'Hare's Pub & Restaurant
207 S. Main Street
Bartlett, IL 60103
734-646-2942 (cell)
630-372-8878 (Pub)



VILLAGE OF BARTLETT
SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case # 2017-14
RECEIVED
COMMUNITY DEVELOPMENT
MAY 23 2017
VILLAGE OF
BARTLETT

PROJECT NAME D'Hare's Outdoor Seating
AND Retail Liquor Beer/wine
PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Peggy O'Hare Vance
Street Address: 310 Mansfield Ct.
City, State: Bartlett, IL
Email Address: Peggy@oharespub.com
Preferred Method to be contacted See Dropdown

Zip Code: 60103
Phone Number: 734-646-2947
cell

PROPERTY OWNER INFORMATION

Name: Bartlett Town Center
Street Address: 120 South Riverside Plaza #1200
City, State: Chicago IL Zip Code: 60606
Phone Number: Steve Malitz / Barry Millman 847-810-8585

OWNER'S SIGNATURE: see letter Date: Dated 2-22-17
(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

SPECIAL USE PERMIT REQUESTED (Please describe i.e. liquor sales, outdoor seating, etc.)
outdoor seating
retail liquor for beer/wine

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.

Our community welcomes outdoor seating and it will be an enhancement and a draw to people visiting O'Hare's at a downtown location. We will be certain to have proper area with clear walkway.

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.

IN NO way should it be detrimental especially since our business neighbors already have outdoor seating. It will improve business atmosphere in downtown and take into consider a proper walkway.

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.

O'Hare's Pub will adhere to all Village stipulations and conditions to approve the outdoor seating. We have the measurements to allow for plenty of walkway.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: Peggy O'Hare Vance
PRINT NAME: Peggy O'Hare Vance
DATE: 5-22-17

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

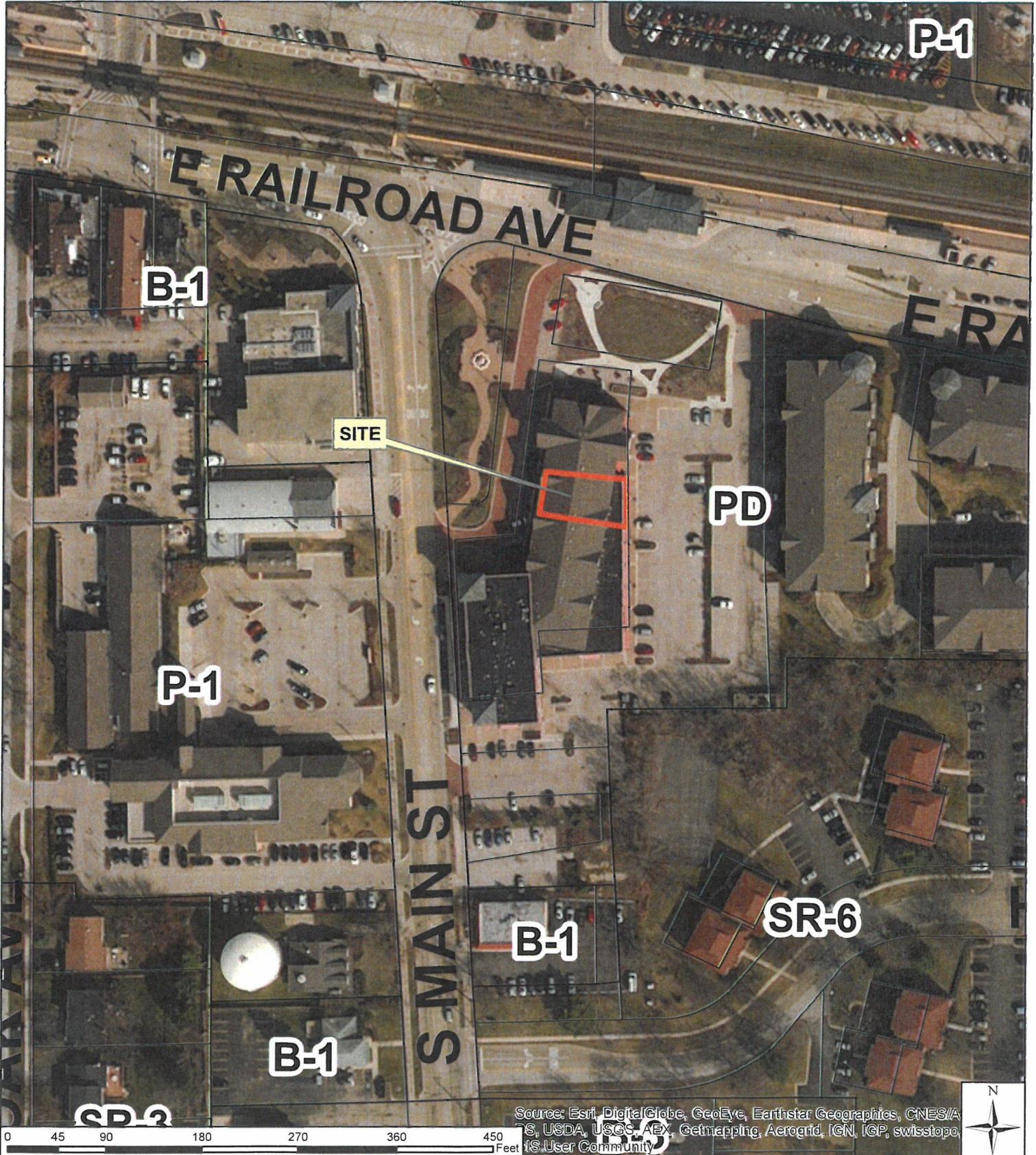
NAME OF PERSON TO BE BILLED: Peggy O'Hare Vance
ADDRESS: 207 S. Main St.
PHONE NUMBER: 630-372-8878
EMAIL: Peggy@oharespubs
SIGNATURE: Peggy O'Hare Vance
DATE: 6-1-17

ZONING/LOCATION MAP

207 S. Main St. - O'Hares Pub and Restaurant

Case # 17-14 - Special Uses

PIN 06-34-410-018



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



MAIN STREET

RAILROAD AVENUE

CIVIC CENTER BUILDING PAD

BUILDING 'B'
2 STORY
RETAIL/RESIDENTIAL

BUILDING 'A'
2 STORY
RETAIL/
OFFICE

RESIDENTIAL
BUILDING #1

SEE SHEET 7 OF 12

AREA CALCULATIONS FOR RETAIL/RESIDENTIAL BUILDINGS:	
BUILDING 'A' 2 STORY RETAIL/OFFICE BUILDING	18,740 GSF
CUSTOMER FLOOR AREA (1ST FLR)	6,442 GSF
CUSTOMER FLOOR AREA (2ND FLR)	6,595 GSF
BUILDING 'B' 2 STORY RETAIL/RESIDENTIAL BUILDING	59,342 GSF
CUSTOMER FLOOR AREA (1ST FLR)	22,654 GSF
RESIDENTIAL FLOOR AREA (1ST FLR)	1,500 GSF
RESIDENTIAL FLOOR AREA (2ND FLOOR)	26,038 GSF
RESIDENTIAL FLOOR AREA (MEZZANINE)	430 GSF
RESIDENTIAL FLOOR AREA (ATTIC SPACE W/ >= 7'-6" HEADROOM)	3,056 GSF
RESIDENTIAL FLOOR AREA (BLDG 'B')	31,024 GSF
AREA CALCULATIONS FOR ENTIRE PROJECT:	
SITE AREA	342,381 GSF
TOTAL CUSTOMER FLOOR AREA (BUILDINGS 'A' AND 'B')	35,691 GSF
TOTAL RESIDENTIAL AREA (BUILDING 'B' AND 1-5)	427,634 GSF
TOTAL PROJECT AREA (BUILDINGS A, B, AND 1-5)	474,692 GSF
FAR (BUILDINGS A, B, AND 1-5 VS. SITE AREA)	1,386
BUILDING COVERAGE (BUILDINGS A, B, AND 1-5)	135,033 GSF

PARKING CALCULATIONS:	
RETAIL AND RESIDENTIAL AREA (BUILDINGS 'A' AND 'B') SURFACE PARKING	
TOTAL NUMBER OF PARKING SPACES	161 SPACES
NUMBER OF HANDICAP ACCESSIBLE SPACES	6 SPACES
TYPICAL PARKING SPACE SIZE	9'W x 18'D
TYPICAL HANDICAP PARKING SPACE SIZE (INCLUDING LOADING ZONE)	16'W x 18'D

RECEIVED
COMMUNITY DEVELOPMENT

APR - 4 2008

VILLAGE OF
BARTLETT

- NOTES:
1. ALL DIMENSIONS ARE TO BACK OF CURB OR LOT CORNER, UNLESS OTHERWISE NOTED.
 2. FOR ACCURATE BOUNDARY INFORMATION, SEE FINAL SUBDIVISION PLAN.
 3. ALL PROPOSED STRIPING (IN PARKING AREAS) SHALL BE 4 INCH WIDE YELLOW PAINT.
 4. ALL PROPOSED CURB SHOWN HEREON IS 6.12 CURB AND GUTTER, UNLESS OTHERWISE NOTED.
 5. BUILDING ENVELOPES SHOWN AS REFERENCE PER FINAL PLAN OF SUBDIVISION PREPARED BY PAVA-MARTING COMPANY, INC. (PMC). FOR FURTHER INFORMATION, REFER TO THE FINAL PLAN PREPARED BY PMC.

04-26-2006 ISSUE FOR FULL BUILDING PERMIT

BARTLETT TOWN CENTER
SOUTHEAST CORNER OF MAIN STREET AND RAILROAD STREET
BARTLETT, ILLINOIS

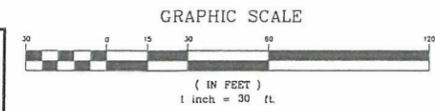
11. 01-11-05 PER VILLAGE
10. 12-13-04 PER CLIENT
9. 09-03-04 PER MWRD REVIEW

GEOMETRIC PLAN (RETAIL)		DRAWN BY: RAR	CHECKED BY: MDC
SCALE: 1"=30'		DATE: 06-29-03	
JOB NUMBER: 03-113		SHEET: 6 OF 12	
#	DATE	DESCRIPTION	
1	08-14-03	PER VILLAGE REVIEW COMMENTS	
2	09-15-03	PER VILLAGE REVIEW COMMENTS	
3	10-02-03	ISSUE FOR PERMIT	
4	10-07-03	PER VILLAGE REQUIREMENTS	
5	01-07-04	PER CLIENT	
6	04-14-04	PER CLIENT	
7	06-10-04	PER MWRD SUBMITTAL	
8	07-28-04	PER MWRD REVIEW	

Consulting Civil Engineering
Land Planning & Surveying
633 Rogers Street
Downers Grove, Illinois 60515
voice 630-434-2780
fax 630-434-2781

C.M. Lavoie & Associates, Inc.

- CONCRETE SIDEWALK PAVING
- EXISTING SIDEWALK (PREVIOUSLY INSTALLED BY VILLAGE OF BARTLETT)
- EXISTING DRIVEWAY ENTRANCE (AGGREGATE BASE COURSE & BITUMINOUS BINDER COURSE (PREVIOUSLY INSTALLED BY VILLAGE OF BARTLETT))
- SIDEWALK IMPROVEMENTS FOR METRA PROJECT (BY OTHERS)



© Copyright, 2003 C. M. Lavoie & Associates, Inc.
These plans are protected under the copyright laws of the United States and foreign countries, and are to be used only for the construction and/or repair of the Site Improvements as defined in the contract between the Engineer and the Owner. Any use of these plans, including details and specifications, to construct and/or repair additional items not described in these plans, constitutes a violation of the Engineer's copyright of these plans and is prohibited.

- △ REVISED PLANS PER SITE PLAN REVISIONS RECEIVED PER PAVA-MARTING FAX DATED 07-22-03 AND REVIEW COMMENTS FROM VILLAGE OF BARTLETT DATED JULY 25, 2003.
1. REVISED SHADING PATTERNS ON PLAN AND LEGEND TO BE MORE LEGIBLE AND TO DENOTE VILLAGE OF BARTLETT'S SCOPE OF WORK AS EXISTING.
- △ REVISED PLANS PER MWRD LETTER DATED JULY 19, 2004.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER MWRD LETTER DATED AUGUST 25, 2004.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER SCB DESIGN E-MAIL DATED 11-10-04.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER NEW ENGLAND BUILDERS MEMORANDUM DATED 01-05-05.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER CLIENT REQUEST ON 08-19-05.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER SCB DESIGN E-MAIL DATED 09-28-05.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER SCB DESIGN E-MAIL DATED 11-10-05.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER SITE PLAN REVISIONS RECEIVED PER SOLOMON CORDWELL BUENZ & ASSOCIATES FAX DATED 09-10-03.
1. REVISED WALKWAY LOCATED EITHER SIDE OF THE FOUNTAIN.
2. ADDED RIGHT ANGLE DISTANCE AT THE PARKING LOCATED WEST SIDE OF THE COMMERCIAL BUILDING.
- △ REVISED PLANS PER SOLOMON CORDWELL BUENZ & ASSOCIATES E-MAIL DATED 09-25-03.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER PHONE CONVERSATION WITH TOWN OF BARTLETT FIRE DEPARTMENT DATED OCTOBER 7, 2003.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER FAX RECEIVED FROM CLIENT DATED JANUARY 7, 2004.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER FAX RECEIVED FROM SOLOMON CORDWELL BUENZ & ASSOCIATES INC. DATED APRIL 6, 2004.
1. NO REVISIONS THIS SHEET.
- △ REVISED PLANS PER MEETING AT VILLAGE OF BARTLETT JUNE 9, 2004.
1. NO REVISIONS THIS SHEET.



Agenda Item Executive Summary

Item Name Consolidation of Plan Commission and ZBA Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A

List what fund N/A

EXECUTIVE SUMMARY

Staff conducted a review of 20 surrounding municipalities that have consolidated their Plan Commission and Zoning Board of Appeals into a joint Planning and Zoning Commission.

The consolidated Planning and Zoning Commission's average 8 members, meet once a month and function in the same capacity as they hear special uses, zonings, subdivision review, variances and text amendments.

Examples of several of the ordinances that have been enacted to combine the two commissions are also attached.

ATTACHMENTS (PLEASE LIST)

Staff Memo, chart of municipalities with consolidated commissions, examples of ordinances.

ACTION REQUESTED

- For Discussion only
- Resolution-
- Ordinance
- Motion:

Staff: Jim Plonczynski, Com Dev Director Date: 6/12/2017

COMMUNITY DEVELOPMENT MEMORANDUM

17- 125

DATE: June 12, 2017

TO: Paula Schumacher, Acting Village Administrator

FROM: Jim Plonczynski, Community Development Director

RE: **Combined Plan Commission/Zoning Board of Appeals**

BACKGROUND

Staff has been researching surrounding communities that have consolidated their Plan Commission and Zoning Board of Appeals in to one Plan and Zoning Commission. The consolidation of the two into one commission functions in the same manner hearing both zoning, special uses, subdivisions and variances and text amendments. The municipal authority to create a combined commission is done as an exercise of municipal home rule authority.

COMBINED MUNICIPAL COMMISSIONS

A survey of 20 communities that have consolidated their commissions shows that the average joint Plan and Zoning Commission has 8 members, meets once a month (see attached chart), with a 4 year term limit and is created by enacting a municipal ordinance that details the joint commissions functions and duties. A couple of the joint municipal commissions have alternates that serve in the absence of a commission member. Attached are some examples of the municipal ordinances that are enacted to combine the two commissions.

The joint commissions conduct public hearings and follow the Robert's Rules of Order in conducting the hearings and need a majority to establish a quorum to begin a hearing. The public hearing notices follow the same notice requirement of not more than 30 but not less than 15 days before the hearing date, notice published in a newspaper and in most cases provide written notice to the surrounding property owners and post a sign on the property.

Joint ZBA/Plan Commission Communities				
Municipality	# Monthly Meetings	# Commissioners	Enacted By	Length of Term
Bannockburn	1	7	Ordinance	5 years
Buffalo Grove	2	9	Ordinance	3 years
Carol Stream	1	7	Ordinance	5 years
Carpentersville	1	7	Ordinance	5 years
Des Plaines	2	7	Amendment	3 years
Elgin	1	11	Ordinance	3 years
Glendale Heights	2	7	Ordinance	5 years
Grayslake	1	7	Ordinance	5 years
Hanover Park	2	10	Ordinance	3 years
Hoffman Estates	2	11	Ordinance	4 years
Lake Zurich	1	8	Text Amendment	5 years
Morton Grove	1	7	Same People, Different Boards	5 years
Naperville	2	9	Ordinance	3 years
Niles	1	7	Ordinance	1 year
Propsect Heights	1	7	Ordinance	4 years
Rolling Meadows	1	TBD	Enacting Ordinance	TBD
South Elgin	1	7	Ordinance	2 years
Streamwood	1	10	Ordinance	4 year
Vernon Hills	2	7	TBD	TBD
West Chicago	2	7	Ordinance	5 years
Average	1	8	N/A	4 years

ORDINANCE

**ORDINANCE COMBINING PLAN COMMISSION AND
BOARD OF APPEALS**

WHEREAS, the President and Board of Trustees desire to combine the functioning duties and responsibilities of the Plan Commission and Board of Appeals; and

WHEREAS, the two aforesaid bodies shall be combined into a new commission to perform all functions and duties of the previous two bodies which new commission shall be named the Planning and Zoning Commission; and

WHEREAS, it is the desire of the President and Board of Trustees to provide for a transition schedule to facilitate the aforesaid change; and

WHEREAS, the combining of the two bodies into one unit and the procedures that follow are an exercise of the Village's home rule authority pursuant to the Constitution of the State of Illinois; and

WHEREAS, following a public hearing, as provided by law, held by the Zoning Board of Appeals on the 8th day of July, 2003, that body recommended to the President and Board of Trustees that the Board of Appeals and Plan Commission be combined in the manner as hereinafter described and recommended passage of this ordinance; now, therefore

BE IT ORDAINED BY THE PRESIDENT and BOARD OF TRUSTEES of the Village of Carpentersville, Illinois, as follows:

Section 1. That Chapter 4 of the Municipal Code of the Village of Carpentersville, Illinois, 1973, be amended by deleting it in its entirety.

Section 2. That there be added to the Municipal Code of the Village of Carpentersville, Illinois, 1973, Chapter 4, Planning and Zoning Commission, and in place of the deletion provided for in Section 1 of this Ordinance, the following:

PLANNING AND ZONING COMMISSION

Sec. 4-1. TITLE. This ordinance may be referred to as the "Planning and Zoning Commission Ordinance".

Sec. 4-2. MEMBERSHIP, APPOINTMENT AND TERM OF OFFICE.

A. The Planning and Zoning Commission shall consist of seven members, appointed by the President subject to confirmation by the President and Board of Trustees. To be qualified, an appointive member shall be a qualified elector of the Village and shall have been a resident thereof for at least one year. Each member shall serve until his or her successor is appointed and qualified.

- B. The members of the Commission shall be appointed for terms of five (5) years, the same to be staggered to provide continuity of service. One of the members shall be named as Chairman at the time of appointment.
- C. Appointments to fill a vacancy shall be for the remainder of the unexpired term.
- D. Members of the Commission shall receive such compensation for their service as may be fixed from time to time by the Village Board.
- E. Members of the Commission may be removed by the Village President for non-performance of duty, misconduct in office, or other cause upon written charges having been filed with the Village Board and after a public hearing has been held before the Village Board regarding such charges. Three (3) consecutive absences without good cause shall be grounds for removal. The charges shall be served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. A majority vote of all the corporate authorities holding office shall be necessary to sustain the removal. Vacancies shall be filled for the unexpired term.
- F. Regular meetings of the Commission shall be held once each month on Thursday on a schedule to be provided by its bylaws. The Chairman, or in his absence, an Acting Chairman, may administer oaths. The Commission may compel the attendance of witnesses by subpoena when hearing appeals, special uses, or variance requests. All meetings of the Commission shall be open to the public. All business of the Commission shall be transacted at such meetings. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record. A quorum of all members is required for a meeting. Any absent member who certifies that he or she has read the transcript of the proceedings before the Commission may vote upon any question before the Commission. The concurring vote of four (4) members is necessary to render a decision or make a recommendation.

Sec. 4-3. ORGANIZATION AND MEETINGS.

- A. The Chairman shall cause the Commission to organize by the election a Secretary, and such other officers as it deems necessary. Such officers, as selected by the Commission, shall hold office for a term of one year and may succeed themselves.
- B. The Secretary of the Commission may be a non-member of the Commission and, if so, shall have no vote.
- C. The Commission shall adopt such bylaws governing its procedures and regulating its business as it deems proper and necessary.

Sec. 4-4. POWERS AND DUTIES. The Commission shall have the following powers and duties:

A. Planning.

1. Preparation and/or review of a Comprehensive Plan for the present and future development and redevelopment of the Village. Such plan may be recommended for adoption in whole or in separate geographical or functional parts which, when adopted by the Village Board, shall be the Official Comprehensive Plan or part thereof.
2. Recommending amendments to the plan as may be deemed necessary.
3. Preparing an Official Map of the Village and such later revisions in said Map as may be deemed necessary by the Village Board or by the Commission.
4. Planning for specific improvements pursuant to the provisions of the Official Map.

In connection with the foregoing, the Commission shall:

- a. Review and make recommendations for neighborhood or area renewal, conservation, redevelopment, urban esthetics and civic design.
- b. Call upon any officials of the Village for aid and advice upon any matter properly within the scope of interest of the Commission and give aid to the officials of the Village and other governmental agencies charged with the direction of projects for improvements included in the Official Map, to further the making of such improvements and to generally promote the realization of the Official Comprehensive Plan. If the Commission deems it advisable to secure technical assistance or service, it may do so upon authority from and within appropriations made by the Village Board.
- c. Exercise such other powers germane to this Ordinance as may, from time to time, be conferred on the Commission by the Village Board, or by state law.

B. Subdivision.

The Planning and Zoning Commission shall review all preliminary plans or plats and final plats.

C. Appeals.

An appeal to the Commission may be taken by any person aggrieved or by any officer, department, or board of the Village. The appeal shall be taken within 45 days of the action complained of by filing, with the officer from whom the appeal is taken and with the Commission a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Commission all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Commission or by a circuit court on application and on notice to the officer from whom the appeal is taken, and on due cause shown.

The Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof (which shall not be less than 10 days) to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

D. Variations.

The Planning and Zoning Commission may determine and vary the application of the zoning regulations of the Village in harmony with their general purpose and intent and in accordance with general or specific rules therein contained in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land in the following three areas:

1. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, which condition is not generally prevalent in the neighborhood and which condition when related to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
2. Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than 50 percent of the Ordinance requirement.
3. Vary regulations on signs and fences only in cases of genuine need. Provided, the Commission shall require evidence that the plight of the owner is due to unique circumstances and that the variation, if granted, will not alter the essential character of the locality.

Variations shall be permitted by the Planning and Zoning Commission in the above matters only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the use of land. In its consideration of the standards of practical difficulties or particular hardship, the Planning and Zoning Commission shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the

essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the Planning and Zoning Commission sustains each of the 3 conditions enumerated. A decision of the Planning and Zoning Commission shall not be subject to review, reversal or modification by the Village Board when deciding an appeal or a variation, but shall be judicially reviewable under the provisions of Administrative Review Law.

All other variations are reserved to the Village Board, and shall be exercised only by the adoption of an ordinance. However, no such variation shall be made by the Village Board as specified without a hearing before the Planning and Zoning Commission, and any proposed variation which fails to receive the approval of the Commission shall not be passed except by the favorable vote of 2/3 of all Trustees of the Village.

E. Special Uses.

To hear applications for special use permits specifically listed in the district regulations of the Zoning Ordinance and to make a recommendation to the Village Board concerning their issuance. Before recommending the issuance of such a special use permit, the Commission may recommend such conditions as will, in the Commission's judgment, insure that:

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.

Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The special use shall in all other respects conform to the applicable regulations of the district in which it is located and the Commission shall find that there is a public necessity for a special use.

F. Amendment of the Zoning Ordinance.

To hear applications for amendments to the Zoning Ordinance and to make recommendations to the Village Board.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall make findings based upon the evidence presented to it in each case with respect to the following matters:

- a. Existing uses of property within the general area of the property in question.
- b. The zoning classification of property within the general area of property in question.
- c. The suitability of the property in question to the uses permitted under the existing and proposed classifications.
- d. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the date of the property in question was placed in its present zoning classification.
- e. Proposed uses of property within the general area of the property in question as represented on the Village Comprehensive Plan.
- f. The parcel shall contain at least 200 feet of frontage or 25,000 square feet of area, or adjoin a parcel of land which bears the same zoning district classification as the proposed amendment.

The Planning and Zoning Commission shall not recommend the adoption of the amendment unless it finds that it is in the public interest and not solely in the interest of the applicant. The Planning and Zoning Commission shall not recommend the adoption of an amendment changing the zoning classification of the property in question to any other classification than that requested by the applicant.

The Village Board shall not act upon a proposed amendment until it shall have secured a written report and recommendation from the Planning and Zoning Commission. If an application is not acted upon by the Village Board within six (6) months of the date upon which such application is received by the Commission, it shall be deemed to have been denied.

G. Public Hearings and Notices - Protests.

No amendment to the Comprehensive Plan, Zoning Ordinance, District Map, nor variation or special use shall be made without a hearing before the Planning and Zoning Commission. Notice shall be given of the time and place of the hearing, not more than 30 days, nor less than 15 days before the hearing, by publishing a notice thereof at least once in one or more newspapers published in the Village, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village. The notice herein required to be published concerning a specific property shall contain the address of the location for which action is requested (if available), the legal description, a brief statement of the nature of the request, and the name and address of the owner of the property. In the case of a variation or special use, there shall be no requirement to serve written notice on the owners of all property within 250 feet in each direction of the location for which the

variation or special use is requested. The applicant shall erect a sign or signs on the subject property not less than fifteen (15) days before the scheduled public hearing by the Planning and Zoning Commission. The sign(s) shall have on their surface a statement that the property is subject to a public hearing concerning its use, the name of the Village and a statement concerning where further information may be obtained from the Village. The sign shall not be removed until the Village Board has taken final action on the application or until the application is withdrawn. There shall be one (1) sign erected for every public street frontage and it shall be clearly visible from the adjacent or nearest public rights-of-way. All signs shall be furnished by the Village after receiving from the applicant at time of application a \$100 deposit per sign. \$50 per sign of the deposit(s) shall be returned to the applicant upon the timely return of the sign or signs in good condition. Failure to post or maintain the sign shall not affect any action taken by the Village.

In case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately adjoining or across any alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, is filed with the clerk of the municipality, the amendment shall not be passed except by a favorable vote of two-thirds of the trustees of the Village then holding office. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendments and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

Every variation or special use shall be accompanied by findings of facts and shall refer to any exhibits containing plans and specifications for the proposed use or variation, which shall remain a part of the permanent records of the Planning and Zoning Commission. The findings of facts shall specify the reason or reasons for making the variation or special use. The terms of the relief granted shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Planning and Zoning Commission or ordinance. Property for which relief has been granted shall not be used in violation of the specific terms of the Planning and Zoning Commission's findings of fact or ordinance, as the case may be, unless its usage is changed by further findings of fact of the Planning and Zoning Commission or additional ordinances.

Sec. 4-5. APPLICATIONS TO THE PLANNING AND ZONING COMMISSION.

- A. All applications for amendments, special uses, variations, and plat review shall be made to the Director of Community Development who shall review them prior to forwarding them to the Planning and Zoning Commission.
- B. The Director of Community Development, in consultation with the Village Engineer and the Chairman of the Planning and Zoning Commission shall initially schedule any required meeting to consider such application.
- C. No special meeting of the Planning and Zoning Commission shall be scheduled without the consent of the Chairman or three members thereof.

Section 3. That Sections 22, 23, and 33 of Chapter 5 of the Municipal Code of the Village of Carpentersville, Illinois, 1973, be amended by deleting said sections in their entirety.

Section 4. That Section 31 of Chapter 5 of the Municipal Code of the Village of Carpentersville, Illinois, 1973, be amended by deleting the word Board from its alphabetically appropriate place. Said deletion being:

Board means Board of Appeals established in Article IX

Section 5. That there be added to the Municipal Code of the Village of Carpentersville, Illinois, 1973, as Section 31 of Chapter 5 and in place of the deletion provided for in Section 4 of this Ordinance, the following:

Board means the Board of Appeals as heretofore existing whose duties and functions are now performed by the Planning and Zoning Commission

Section 6. Transition Schedule. The existing Plan Commission and Board of Appeals shall cease to exist on December 31, 2003, and all members thereto shall cease to hold office on December 31, 2003. The Planning and Zoning Commission created pursuant to this ordinance shall commence its duties and responsibilities and begin functioning on January 1, 2004. The appointments to the new Planning and Zoning Commission may be made on or after October 1, 2003, for the initial terms as follows: two for one year, two for 2 years, one for 3 years, one for 4 years, and one for 5 years, the successor to each member so appointed to serve for a term of 5 years.

PASSED BY THE PRESIDENT and BOARD OF TRUSTEES of the Village of Carpentersville, Illinois, at a regular meeting thereof held on the 16th day of September, 2003, and approved by me as President on the same day.

AYES 6 (Moore, Folster, Whitehouse, Sigwalt, Frost, Boettger)
NAYS 0
ABSENT 1 (Roeckner)



Village President



Village Clerk

PAMPHLET

FRONT OF PAMPHLET

ORDINANCE NO. 2015-3-050

ORDINANCE AMENDING CHAPTER 12 (ADMINISTRATIVE OFFICIALS
AND BODIES) AND CHAPTER 14 (ZONING APPLICATIONS AND
HEARINGS) OF TITLE 9 (ZONING) OF THE MUNICIPAL CODE OF THE
VILLAGE OF LAKE ZURICH

Published in pamphlet form this 3 day of March, 2015, by Order of the Corporate
Authorities of the Village of Lake Zurich, Lake County Illinois.

Katherine Johnson
Village Clerk



STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CLERK'S CERTIFICATE

I, **KATHLEEN JOHNSON**, the duly elected, qualified, and acting Village Clerk of the Village of Lake Zurich, Lake County, Illinois, do hereby certify that attached hereto is a true and correct copy of that Ordinance now on file in my office, entitled:

ORDINANCE NO. 2015 - 3 - 050

ORDINANCE AMENDING CHAPTER 12 (ADMINISTRATIVE OFFICIALS AND BODIES) AND CHAPTER 14 (ZONING APPLICATIONS AND HEARINGS) OF TITLE 9 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF LAKE ZURICH

which Ordinance was passed by the Board of Trustees of the Village of Lake Zurich at a regular meeting held on the 2 day of March, 2015, at which meeting a quorum was present, and approved by the President of the Village of Lake Zurich on the ___ day of _____, 2015.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Lake Zurich was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Lake Zurich, and that the result of said vote was as follows, to-wit:

AYES: 5 Trustees Beaudoin, O'Connor, Shew, Sprawka, Starovich
NAYS: 0
ABSENT: 1

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Lake Zurich, this 3 day of March, 2015.

Kathleen Johnson
Village Clerk



ORDINANCE AMENDING CHAPTER 12 (Administrative Officials And Bodies) AND CHAPTER 14 (Zoning Applications And Hearings) OF TITLE 9 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF LAKE ZURICH

WHEREAS, by enactment of prior ordinances, the Village of Lake Zurich has created two separate administrative bodies to address certain zoning and planning matters, a plan commission and a zoning board of appeals; and

WHEREAS, the plan commission currently consists of 9 members, each serving a 4 year term and hears matters related to special uses, text amendments and the comprehensive plan; and

WHEREAS, the zoning board of appeals consists of 7 members and hears requests for variations and related matters, each member serving a 5 year term; and

WHEREAS, it is in the best interests of the Village of Lake Zurich and its residents, relative to the expertise and knowledge of the members of these two bodies, the time and expense of operating two separate bodies, and the overall efficiency of the zoning processes in the Village, that the duties, responsibilities and functions of these two bodies be served by a single set of persons charged with the duties and responsibilities of both bodies; and

WHEREAS, the Village hereby proposes to eliminate the previous positions or offices of member of the plan commission and member of the zoning board of appeals, and establish a joint plan commission and zoning board of appeals with members that can fulfill the duties and responsibilities of both plan commissioner and zoning board of appeals member as established by Village Code; and

WHEREAS, the Village of Lake Zurich has filed application PC 2015-02 #2 for text amendments to the current Village of Lake Zurich Municipal Code consolidate the plan commission and the zoning board of appeals and to amend the current procedures of the plan commission ("Application"); and

WHEREAS, a courtesy review on this Application was held before the Village Board of Trustees on February 17, 2015 and the Board forwarded the application to the Plan Commission for its consideration; and

WHEREAS, public notice of the February 18, 2015 public hearing on this request before the Lake Zurich Plan Commission was published on January 29, 2015 in the *Lake Zurich Courier*; and

WHEREAS, at its February 18, 2015 meeting the Plan Commission received and considered the STAFF REPORT dated February 13, 2015, regarding the request for the text amendment to consolidate the plan commission and zoning board of appeals, and the plan commission procedures, pursuant to the applicable standards set forth in

section 9-18-3 of Chapter 18 of Title 9 of the Village of Lake Zurich Municipal Code for zoning text amendments, and considered all of the applicable factors required under the Zoning Code, and, after the conclusion of the public meeting, the Plan Commission recommended that the Board of Trustees authorize the proposed text amendments requested in this Application; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich have considered the findings and recommendations of the Plan Commission, including the STAFF REPORT February 13, 2015, consisting of 6 pages, said REPORT attached hereto as **Exhibit A**, and having considered all of the facts and circumstances affecting the Application, the President and Board of Trustees have determined that the applicable standards related to the approval of these zoning text amendments and amendment to the Village of Lake Zurich Municipal Code have been met.

WHEREAS, the proposed text amendments are in the best interests of the Village of Lake Zurich and its residents.

BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, as follows:

SECTION 1: ADOPTION AND INCORPORATION OF RECITALS. The foregoing recitals and recommendations are incorporated herein as findings and requirements of the President and Board of Trustees. The findings, conditions and recommendations of the Plan Commission and the staff reports and filings provided to the Plan Commission are hereby accepted as the Board's own and shall be made a part of the official record for the application and are attached hereto as **Exhibit A**.

SECTION 2: APPROVAL OF TEXT AMENDMENT. The President and Board of Trustees, pursuant to the authority vested in them under the laws of the State of Illinois and the Lake Zurich Zoning Code, hereby find that the proposed text amendments comply with the standards set forth at Section 9-18-3 of Chapter 18 of Title 9 of the Village of Lake Zurich Municipal Code.

SECTION 3: That subsection A. of section 9-12-2 of Chapter 12 of Title 9 of the Village of Lake Zurich Municipal Code is hereby repealed and deleted in its entirety. The offices or positions of the seven (7) members of the zoning board of appeals previously created by ordinance, as set forth in, are hereby eliminated and hereby terminated by law at this end of this fiscal year, and any and all duties and responsibilities held or performed by said zoning board of appeals and its members shall be assigned and transferred to the members of the plan commission of the Village of Lake Zurich effective at the end of this fiscal year.

SECTION 4: That subsection A. of section 9-12-2 of Chapter 12 of Title 9 of the Village of Lake Zurich Municipal Code is hereby amended by deleting those provisions shown as stricken through below and such provisions are hereby replaced with the provisions underscored below, as follows:

9-12-2: ZONING BOARD OF APPEALS:

A. Creation; Membership: The zoning board of appeals shall consist of seven (7) members appointed by the president, with the advice and consent of the board of trustees. All members shall be residents of the village. The members appointed by the president shall serve, respectively, for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years and until their successors have been appointed and have qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president, with the advice and consent of the board of trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five (5) years and until a successor has been appointed and has qualified for office. A member shall be eligible for reappointment. All members of the zoning board of appeals shall serve without compensation.

A. Creation. Membership. The Plan Commission for the Village of Lake Zurich is hereby established as the Zoning Board of Appeals and the members of such Commission shall constitute the members of the Zoning Board of Appeals (with the exception that the Alternate Member of the Plan Commission shall not be a member of the Zoning Board of Appeals) under this Ordinance shall consist of seven members with staggered terms of five years each so that only one term of office expires each year. The members of the Plan Commission shall serve as members of the Zoning Board of Appeals and perform all the duties provided for by ordinance and law, in the same capacity and for the same term of office as they serve on the Plan Commission. The successor to each member so appointed shall serve for a term of five years. All appointments to the Zoning Board of Appeals (Plan Commission) shall be made by the Village President, subject to the approval of the Village Board of Trustees. One of the members so appointed shall be named as Chairman at the time of appointment. The Village President, subject to approval by the Village Board of Trustees, shall have the power to remove, after a public hearing, any member of the Zoning Board of Appeals (Plan Commission) for cause. Vacancies shall be filled as soon as possible for the unexpired term of any member whose office has become vacant. In the event that the office of Chairman is vacant for any reason, the Village President shall immediately appoint at his option, either one of the remaining members on the Board, or any member who is appointed to fill such vacancy on the Board as the new Chairman. Such appointment shall be subject to the approval of the Village Board of Trustees at its next scheduled meeting. Any chairperson, vice chairperson, and/or staff secretary appointed or designated to serve on the zoning board of appeals, shall serve in the identical capacity for the plan commission.

said changes to become effective as of the first day of the next fiscal year.

SECTION 5: That subsection A. of section 9-12-3 of Chapter 12 of Title 9 of the Village of Lake Zurich Municipal Code is hereby repealed and deleted in its entirety. The offices or positions of the nine (9) members of the plan commission previously created by ordinance, as set forth in subsection A. of section 9-12-3, are hereby abolished and terminated by law effective at this end of this fiscal year, and any and all duties and responsibilities held or performed by said plan commission and its members shall be assigned and transferred to such members of the plan commission of the Village of Lake Zurich as may be appointed to the plan commission at the end of this fiscal year.

SECTION 6: That subsection A. of section 9-12-3 of Chapter 12 of Title 9 of the Village of Lake Zurich Municipal Code is hereby amended to delete those

provisions shown as stricken through and such provisions are hereby replaced with those shown with underscoring below as follows:

9-12-3: PLAN COMMISSION:

~~A. Creation; Membership: The plan commission shall consist of nine (9) members appointed by the president, with the advice and consent of the board of trustees. All members shall be residents of the village. The members appointed by the president shall serve for a term of four (4) years and until their successors have been appointed and have qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president, with the advice and consent of the board of trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of four (4) years and until a successor has been appointed and has qualified for office. A member shall be eligible for reappointment. All members of the plan commission shall serve without compensation.~~

A. Creation; Membership: The plan commission shall consist of seven (7) members appointed by the president, with the advice and consent of the board of trustees. All members shall be residents of the village. The members appointed by the president shall serve, respectively, for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years and until their successors have been appointed and have qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the president, with the advice and consent of the board of trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five (5) years and until a successor has been appointed and has qualified for office. A member shall be eligible for reappointment. All members of the zoning board of appeals shall serve without compensation. Any chairperson, vice chairperson, and/or staff secretary appointed or designated to serve on the plan commission, shall serve in the identical capacity for the zoning board of appeals.

Alternate Member of Plan Commission: In addition to the 7 members of the Plan Commission appointed by the President, subject to the approval of the Board of Trustees, the President can also appoint one additional member to the Plan Commission who shall be an alternate member of the Plan Commission. Such alternate shall be an ex-officio member of the Plan Commission without power to vote when all seven members of the Plan Commission are in attendance at a particular meeting, but with full power to participate in all discussions before the Plan Commission. If any member of the Plan Commission is absent at any meeting of the Plan Commission, the alternate Plan Commission member shall have the power to vote on all matters before the Plan Commission at such meeting, and to participate in such meeting as fully as if he or she was a full-time member of such Commission, including being counted for purposes of determining a quorum. It is the intent of this provision that the alternate Plan Commission member shall be appointed to eliminate the problems involved with reaching decisions on matters before the Plan Commission because of absences occurring during meetings from time to time. The term of the alternate Plan Commissioner shall be for a period of three (3) years from the date of such member's appointment, or such lesser term as may be established by the Village President in making the appointment of such alternate Plan Commission member.

said provisions to become effective as of the first day of the next fiscal year.

SECTION 7: The current positions and offices of each and every member of the plan commission and of the zoning board of appeals is hereby abolished, effective at the end of the current fiscal year, as provided by law, with all duties and

responsibilities of said positions and offices to be transferred to and vested in the new offices created, and members to be appointed to, the plan commission established hereunder.

SECTION 8: That subsection G of Section 9-12-2 of Chapter 12 of Title 9 of the Lake Zurich Municipal Code is hereby amended to delete those provisions shown with strike-through below and to add those provisions shown with underscoring:

“G. Record: ~~The transcript of testimony, if any; t~~The minutes of the staff secretary; all applications, requests, exhibits, and papers filed in any proceeding before the zoning board of appeals; and the decision of the zoning board of appeals shall constitute the record.”

SECTION 9: That subsection G of Section 9-12-3 of Chapter 12 of Title 9 of the Lake Zurich Municipal Code is hereby amended to delete those provisions shown with strike-through below and to add those provisions shown with underscoring:

“G. Record: ~~The transcript of testimony, if any; t~~The minutes of the staff secretary; all applications, requests, exhibits, and papers filed in any proceeding before the plan commission; and the decision of the plan commission shall constitute the record.”

SECTION 10: That subsection D of Section 9-14-1 of Chapter 14 of Title 9 of the Lake Zurich Municipal Code is hereby amended to delete those provisions shown with strike-through below and to add those provisions shown with underscoring, as follows:

“D. Fees:

1. Fee Established; Lien: Every application filed pursuant to this zoning code shall be subject to an application and filing fee as established from time to time by the board of trustees, to recover the costs incurred by the village in processing such application. The owner of the property subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of said fee. By signing the application, the owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, in the event such fee has not been properly paid as required with the filing of the application. Any lien filed pursuant to this subsection may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.

2. Recoverable Costs: The costs incurred by the village in processing an application shall be deemed to consist of the following items of direct and indirect expense:

- a. Legal publication; and
- b. Recording secretarial services; and
- ~~c. Court reporter; and~~
- c.d. Document preparation and review; and

d.e. Professional and technical consultant services; and

e.f. Legal review, consultation, and advice; and

f.g. Copy reproduction; and

g.h. Document recordation; and

h.i. Inspection fees.

SECTION 11: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 12: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 13: This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

SECTION 14: The Village Clerk is hereby authorized and directed to publish this ordinance in pamphlet form.

PASSED this 2 day of March, 2015, pursuant to a roll call vote of the Corporate Authorities of the Village of Lake Zurich as follows:

AYES: 5 Trustees Beauvais, O'Connor, Shew, Sprawka, Stanovich
NAYS: 0
ABSTAIN: 0
ABSENT: 1 Trustee Haler

APPROVED by the President of the Village of Lake Zurich this 5 day of MARCH 2015.


Village President

ATTEST:


Village Clerk



VILLAGE OF STREAMWOOD

ORDINANCE NO. 2015 - 7

AN ORDINANCE AMENDING TITLE 2 ENTITLED
"BOARDS AND COMMISSIONS" OF THE VILLAGE CODE OF THE
VILLAGE OF STREAMWOOD, COOK COUNTY, ILLINOIS

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF STREAMWOOD
THIS 7th DAY OF May, 2015

Published in pamphlet form by authority of the Board of
Trustees of the Village of Streamwood, Cook County,
Illinois this 7th day of May, 2015

ORDINANCE NO. 2015 - 7

AN ORDINANCE AMENDING TITLE 2 ENTITLED
"BOARDS AND COMMISSIONS" OF THE VILLAGE CODE OF THE
VILLAGE OF STREAMWOOD, COOK COUNTY, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees
of the Village of Streamwood, Cook County, Illinois as
follows:

SECTION ONE: Chapter 1 entitled "Plan Commission" of
Title 2 entitled "Boards and Commissions" of the Village
Code of Ordinances of the Village of Streamwood, as
amended, is hereby further amended in its entirety, to read
as follows:

CHAPTER 1
PLANNING AND ZONING BOARD

"2-1-1: CREATION AND MEMBERSHIP:

There is hereby authorized and established the
Planning and Zoning Board of the Village. The
Planning and Zoning Board shall consist of seven (7)
members including its chairman to be appointed by the
Village President with the advice and consent of the
Board of Trustees. All members of the Planning and
Zoning Board shall reside within the village or within
territory contiguous to the village and not more than
one and one-half (1½) miles beyond the corporate
limits and not included within any other municipality.
The Village President shall be a member ex officio of
said Planning and Zoning Board.

2-1-2: TERM OF OFFICE:

Regular Members: The regular members of the Planning
and Zoning Board shall serve respectively for the

following terms: one (1) for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. The successor (or reappointment) for each term shall serve for a term of four (4) years.

2-1-2-1: ALTERNATE MEMBERS:

- A. The Village President with the advice and consent of the Board of Trustees may appoint three (3) alternate members of the Planning and Zoning Board. The President shall designate a first alternate, second alternate and third alternate member. Alternate members shall serve in the order of their designation. All appointments for alternate members shall be for a period of four (4) years.
- B. Alternate members must conform to the same requirements for residency as regular members of the Planning and Zoning Board.
- C. When a regular appointed member is absent for any reason from a meeting of the Planning and Zoning Board, any alternate shall have such powers and may exercise such duties as a regularly appointed member.
- D. When there is a vacancy of a regular member and a new appointment is to be made, the alternate member who has been designated first alternate shall then be appointed as a regular member. When the first alternate member is appointed as a regular member, the second alternate member shall become the first alternate member, the third alternate member shall become the second alternative member and the new appointment shall be the third alternate member.

2-1-3: ORGANIZATION AND RECORDS:

The members of the Planning and Zoning Board shall elect a vice chairman, who shall so serve during the period of his or her term, and such other officers as they deem necessary. The secretary to the Planning and Zoning Board shall be appointed and need not be a member of the Planning and Zoning Board. The Planning and Zoning Board shall keep written records of its

proceedings, which shall at all times be open to inspection by the Board of Trustees.

2-1-4: COMPENSATION:

The chairman and members of the Planning and Zoning Board shall serve without compensation.

2-1-5: QUORUM:

Except as may otherwise be provided by law, four (4) members of the Planning and Zoning Board shall constitute a quorum. No meeting (or hearing) shall be conducted without a quorum being present.

2-1-6: POWERS AND DUTIES:

The Planning and Zoning Board shall have the following powers and duties:

- A. To initiate, direct, draft and review the comprehensive plan for the village and each subsequently proposed amendment thereto, which, upon the adoption by the president and board of trustees, shall become the "official comprehensive plan" of the village.
- B. To act in the capacity of, and discharge the duties conferred upon the Planning and Zoning Board referred to in the subdivision control ordinance of the village, the zoning ordinance of the village, this code and the state statutes.
- C. To hear and review all matters upon which it is required to recommend under this code and such other matters as may from time to time be referred to it, consistent with this code.

2-1-7: MEETINGS AND RULES:

- A. Open Hearings And Meetings: All Planning and Zoning Board hearings and meetings shall be open to the public.
- B. Calls And Quorum: In addition to regular meeting dates, special meetings shall be held at the call of the board of trustees, the chairman, or in

his/her absence, the vice chairman, or at the request of three (3) members. Except as provided by law, four (4) members of the Planning and Zoning Board, shall be necessary for a quorum at each meeting.

- C. Testimony: All testimony by witnesses at any public hearing shall be given under oath. The chairman, vice chairman or acting chairman may administer oaths and compel the attendance of witnesses.
- D. Minutes and Records: The Planning and Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The minutes of all hearings and meetings of the Planning and Zoning Board shall be filed in the office of the village clerk and shall be open to public inspection during normal business hours.
- E. Rules of Procedure: The Planning and Zoning Board shall adopt its own rules of procedure not in conflict with title 10 "Land Subdivisions," title 11, "Zoning", or other provisions of this code. An official copy of these rules shall be filed in the office of the village clerk where they shall be open to the public inspection during normal business hours.
- F. Publish Meeting Dates: The Planning and Zoning Board shall annually cause to be published in a newspaper of general circulation within the village a listing of regular meeting dates for that year. Said list shall be kept on file in the office of the village clerk.

2-1-8: JURISDICTION:

For the purpose of title 10, chapter 7 "Administration And Enforcement" and title 11, chapter 13, "Administration And Enforcement" of this code, the Planning and Zoning Board is hereby vested with the following jurisdiction and authority:

- A. Map Amendments: To hear and make recommendations to the board of trustees on all applications or

requests for amendments to the zoning map which make up title 11, "Zoning", of this code.

- B. Planned Unit Developments: To hear and make recommendations to the board of trustees on all applications for planned unit developments.
- C. Annexations: To hear and make recommendations to the board of trustees on all applications for annexations to the village.
- D. Review of Comprehensive Plan: to review on a regular basis the comprehensive plan and to hear and make recommendations to the board of trustees regarding any proposed changes.
- E. Review of Zoning Ordinance: to review the zoning ordinance (title 11 of this code) on a continuing basis and to hear and make recommendations to the board of trustees to improve its effectiveness.
- F. Appeals: To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the community development director as set forth in this chapter.
- G. Special Uses: To hear and report to the board of trustees on special uses as set forth in title 11, section 11-13-8 of this code.
- H. Text Amendments: To hear and report to the board of trustees on requests for amendments to the text provisions of the zoning ordinance (title 11 of this code).
- I. Variations: to hear and make recommendations to the board of trustees on requests for variations for the requirements of the zoning ordinance (title 11 of this code) in the manner and subject to the standards set forth in this chapter and to file with the board of trustees findings of fact and recommendations on said requests."
- J. Other Matters: To hear and make recommendations upon all other matters referred to it by the board

of trustees or upon which it is required to pass under the zoning ordinance (title 11 of this code).

SECTION TWO: Chapter 2 entitled "Community Relations Commission" of Title 2 entitled "Boards and Commissions" of the Village Code of Ordinances, as amended, is hereby further amended by deleting "eleven (11)" from section 2-2-3 therein and inserting in lieu thereof "nine (9)"; by deleting "four (4)" from section 2-2-3A therein and inserting "three (3)" in lieu thereof and by deleting the words "one school district," from section 2-2-3A.

SECTION THREE: Chapter 3 entitled "Community and Economic Development Commission" of Title 2 entitled "Boards and Commissions" of the Village Code of Ordinances as amended, is hereby further amended, by deleting the fourth paragraph of section 2-3-3 therein and inserting the following in lieu thereof.

"If for any reason a Commissioner is unable to attend any meeting or meetings, that Commissioner may appoint a designee to attend in his or her absence. Appointed designees shall be counted for purposes of a quorum and shall have the right to vote in lieu of the absent Commissioner."

Chapter 3 is further amended by deleting "twenty-four (24)" from section 2-3-4 therein and inserting "forty eight (48)" in lieu thereof.

SECTION FOUR: Section 2-5-2 entitled "Terms" of Chapter 5 entitled "Blood Commission" of Title 2 entitled "Boards and Commissions" of the Village Code of Ordinances as amended, is hereby further amended, by deleting the words "a term of one year" and inserting "two (2) year staggered terms" in lieu thereof and by amending section 2-5-2-1 entitled "Alternate Members:" by deleting the words "one year" from section 2-5-2-1-A and inserting the words "two years" in lieu thereof."

SECTION FIVE: Chapter 11 entitled "Natural Resource Conservancy Commission" of Title 2 entitled "Boards and Commissions" of the Village Code of Ordinances as amended, is hereby further amended by amending subsection 2-11-3-B to read as follows: "The natural resource conservancy commission shall also include one (1) ex officio nonvoting member who shall be the assistant village engineer."; and by deleting "twenty four (24)" from section 2-11-6-B therein and inserting "forty eight(48)" in lieu thereof.

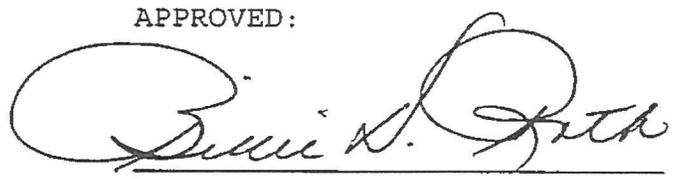
SECTION SIX: Chapter 12 entitled "Zoning Board of appeals" of Title 2 entitled "Boards and Commissions" of

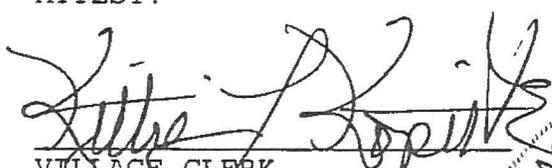
the Village Code of Ordinances of the Village of Streamwood is hereby repealed in its entirety.

SECTION SEVEN: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ROLL CALL VOTE:	AYES	<u>6</u>
	NAYS	<u>0</u>
	ABSTENTIONS	<u>0</u>
	ABSENT	<u>0</u>

PASSED AND APPROVED this 7th day of May, 2015

APPROVED:

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

