

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF NEW LENOX PLAN COMMISSION

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, March 4, 2014 7:00 p.m.

#14-03-A

CALL TO ORDER

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:02 p.m. by Chairman Pro-Tem Gary Berner.

Chairman Pro-Tem Berner led the assembly in the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following were present: Chairman Pro-Tem Gary Berner, Commissioners Rob Moss, Joan Byerley, John Kuchler, and Terry Schultz.

The following were absent: Chairman Mark Muehlnickel and Commissioner Annette Boyd.

Mr. Berner announced there was a quorum present for this meeting.

Also present were Senior Planner Jeff Smith, Planner Jennifer Neubauer and Secretary Pat Hansen.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF FEBRUARY 18, 2014

A motion was made by Commissioner Byerley and seconded by Commissioner Kuchler to approve the February 18, 2014 minutes as presented, with Chairman Pro-Tem Gary Berner abstaining. Voice vote was taken. Motion carried.

REQUEST FOR AMENDMENT TO SPECIAL USE FOR OUTDOOR PATIO

(Public Hearing)

Bulldog Ale House

2387 E. Joliet Highway

Paul Marrin/Bulldog Ale House – Petitioner

Chairman Pro-Tem Berner asked if proper notice was given for this public hearing. Mr. Smith replied affirmatively. Mr. Berner asked for a motion to open the public hearing.

A motion was made by Commissioner Moss and seconded by Commissioner Kuchler to open the public hearing. Voice vote was taken. Motion carried.

The public hearing was opened at 7:06 p.m.

Petitioner Paul Marrin explained that the amendment is being requested in order for the patio to remain open an extra hour on weeknights and weekends. He said that if approved, the patio hours would be extended to 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday.

Senior Planner Jeff Smith referenced the slide presentation, pointing out the location of the Bulldog Restaurant and patio. He explained that Bluestone Bar and Grill was a previous tenant of the space and that at that time, there were complaints about noise and disorderly behavior. Mr. Smith said that as a result, the Village amended their zoning ordinance requiring a Special Use for an outside patio. In 2009, Mr. Smith said the Bluestone Bar and Grill tenant submitted the proper application, and the Village Board granted a Special Use with a number of very restrictive conditions. He said some of the conditions included the prohibition of speakers, music, live entertainment and beer tubs. Also, the patio had to close at 9:00 p.m. seven days a week. When a new tenant took over the space and conducted business as Prime Time Restaurant, Mr. Smith said it was subject to the same conditions. He said at that time, there were minimal complaints about disorderly behavior. Mr. Smith said Prime Time has since closed its doors and now Bulldog Ale House has taken over the space and wants to extend the patio hours to 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Mr. Smith said that of all the restaurant outdoor patios in the Village, the most restrictive conditions apply to this site.

Mr. Smith continued with the slide show.

Mr. Smith said it is Staff's opinion that the proposed amended patio hours are a reasonable request, subject to the other existing Special Use conditions remaining in place, as well as adding a number of other conditions that Staff is recommending tonight. Based upon the distances of the patio from Joliet Highway, the closest single-family home and the nearest townhome; as well as the existing masonry patio wall and the continued exclusion of speakers, music, and live entertainment, he said Staff feels that extending the hours as requested would not be a detriment to the surrounding residential land uses.

Mr. Smith explained that one of the new conditions Staff is recommending includes utilizing ten of the twenty parking stalls located directly across from the patio and designating them for "Employee-Only" parking. He said this should result in fewer vehicle turnovers in these spaces and less noise and lighting concerns for the nearby residential uses. He said Staff is also recommending that along the patio, where there is available green space, that the appearance of the patio would be enhanced with some additional landscaping. Also, placing landscape planters along the balance of the wall where there is only an abutting sidewalk would enhance the appearance of the outside patio. Referring to the next slide, Mr. Smith pointed out that the gates

on each end of the patio restrict access to the patio from the outside, adding that all patrons must access the patio from inside the restaurant. He explained that there are a number of lights on top of the pillars on the patio and that if the Village Board approves the special use amendment, Staff is recommending that the lights on the pillars are turned off at least one hour after closing the patio. Mr. Smith said Staff also recommends that signs are placed in the patio asking patrons to be respectful in terms of noise and behavior.

Mr. Smith recommended approval of the Special Use amendment since it is Staff's opinion that the special use criteria are met in terms of the existing conditions as well as Staff's recommended conditions. He said approval is recommended subject to the seven conditions contained in Staff's report.

Mr. Rich Milkeris of 651 Schooner Drive explained that he has been down this road before and that residents across the street from the patio have had trouble in the past. He said as a result of patrons having a few beers on the patio, the noise escalates. Mr. Milkeris said he is suggesting that the patio close at 10:00 p.m. on Friday and Saturday nights instead of 11:00 p.m.

Mr. Robert Ukockis of 701 Westwind Drive said he lives directly across from the patio and that there have been noise problems in the past with traffic, motorcycles, and radios when the patio was open until 1:00 a.m. He said the noise from the patio echoes onto his property. Mr. Ukockis asked what the cut-off time would be for the patio. He acknowledged that Prime Time was good, but that he had a lot of problems with Bluestone Bar and Grill.

Mr. Smith said the owners of the Bulldog Ale House are required to apply for two liquor licenses, one for the inside, and one for the patio. He said the licenses will be reviewed for renewal by the Village Board on an annual basis and if there are issues, the Village Board can change the outside patio hours of operation.

Mr. Schultz asked what the average age of the clientele will be, and Mr. Marrin replied that the demographics include both families and young adults. He said it is not just one or the other. He said there can be something put in place that addresses "last call" for alcohol. Mr. Marrin said they make an effort to understand everyone in the community and the issues they are experiencing. He said it is not an establishment that is going to get crazy. Mr. Schultz said that at one time, at 10:00 p.m., the restaurant turned into "The 21 Club". Mr. Marrin explained that there is the younger demographic that stays later, and they have seen problems in other establishments, but explained that this is not what they want to do, and it is not what they like. He said they will have clientele that will want to come in to enjoy food, conversation, and craft beer.

Mr. Schultz wanted to know if there will be enough parking, and Mr. Smith said there is plenty of parking in the shopping center that has 240 parking stalls. With regard to the proposed patio hours, Mr. Smith said that if the proposed hours are approved and there are complaints, the New Lenox Police Department could assist with enforcement.

Mr. Kuchler asked if the restaurant staff will be able to tell people to leave if the customers stay past closing time. Mr. Marrin said the security staff, as well as the management staff, will go around letting people know in advance when the patio is going to close. He said he can put something in place in order that the host staff can let customers know how much longer they have to order food and drinks. Mr. Kuchler asked if there is staff in the patio at all times. Mr. Marrin said waitresses and bus staff is continually in and out of the patio area. He noted that on weekend nights, security is always present.

A motion was made by Mr. Kuchler and seconded by Mr. Moss to close the public hearing.

The public hearing was closed at 7:28 p.m.

Chairman Pro-Tem Berner asked for a recommendation.

A motion was made by Commissioner Kuchler and seconded by Commissioner Byerley to recommend to the Village Board approval of an amendment to a Special Use for an outdoor patio located at 2387 E. Joliet Highway subject to the seven conditions listed in Staff's report. Voice vote was taken. Motion carried unanimously.

Mr. Smith advised that this request will go before the Village Board on March 24, 2014.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Smith stated that the next regular meeting is scheduled for March 18, 2014, however, there is nothing on the agenda and it is likely that the meeting will be cancelled.

Also, Mr. Smith introduced Jennifer Neubauer, the new Planner, to the Plan Commission.

ADJOURNMENT

Mr. Berner asked for a motion to adjourn the meeting at 7:25 p.m.

A motion was made by Commissioner Byerley and seconded by Commissioner Schultz to adjourn. Voice vote was taken. Motion carried.