



Village of Fox River Grove

ZONING BOARD OF APPEALS

JUNE 29, 2015

CALL TO ORDER

Chairman Celske called the meeting to order at 7:01 p.m.

ROLL CALL

Present at roll call were: Members Celske, Karls, Murren, Riley, Schneider and Weber. Also present were Administrator Soderholm, Management Assistant Bechler, Attorney Hill, and Village Clerk Brouder.

President Nunamaker and Trustees Anderson and Migdal were in the audience.

Chairman Celske welcomed and introduced new Zoning Board member Pat Riley.

APPROVAL OF THE NOVEMBER 11, 2014 MINUTES

A motion was made by Karls and seconded by Murren to approve the minutes from the November 11, 2014 meeting as presented. A voice vote followed with all in favor. The motion carried.

ZONING BOARD CASE 2015-01 PUBLIC HEARING - REQUEST FOR VARIANCE AND SPECIAL USE, GROVERS, 412 NORTHWEST HIGHWAY – Ryan & Jackie Gopin, owners

Chairman Celske accepted the proof of proper posted notice of meeting photograph and the certified mail receipts.

SIGN VARIANCE

Mr. Gopin explained they would like to update the current sign. Their business is new and the sign is needed to make people aware of their presence.

Administrator Soderholm explained that in accordance with our current ordinance a pole sign is non-conforming. It can not be painted, change names, or add an LED sign. A monument sign would meet Village code.

There were questions on the ownership of the sign and if there was any agreement to share the sign with the Liquor store and cleaners. Mr. Gopin stated he owned the sign. There was a previous agreement with White Hen Pantry to share the sign, but nothing current.

There was a suggestion to remove the top of the sign and make it into an attractive monument sign. If the modified sign meets the Village Code as it relates to a ground or monument sign, there is no need for a variance. Mr. Gopin was agreeable to that. It was asked if this could qualify for façade assistance. It could but would have to be approved by the Village Board. A poll was taken by members - they would like it converted to a monument sign, and agreed to painting the frame

Village President Robert Nunamaker

Trustees Thomas Anderson / Suzanne Blohm / Jennifer Curtiss / Steve Knar / Andrew Migdal / Patrick Wall

and changing the panel, but the majority said no LED sign. Mr. Gopin will work with Village staff to make the sign into a monument sign.

Chairman Celske made a motion to recommend to the Village Board approval for a temporary sign panel that is non-electric, and to allow painting the sign frame for up to 90 days from Village Board approval. Member Murren seconded. Roll Call: Celske, Karls, Murren, Riley, Schneider, Weber – all “yes”. MOTION PASSED.

OUTDOOR SEATING SPECIAL USE

Mr. & Mrs. Gopin are requesting an outdoor seating area at their restaurant to serve food and drinks to their patrons. Two letters of concern have been submitted to the Village by property owners behind the restaurant - Mr. & Mrs. Hubbard, 411 Lucille Avenue and Mr. & Mrs. Cooke, 415 Lucille Avenue. Mr. & Mrs. Hubbard support the request, with two conditions – have the six foot fence built as far up the embankment as possible and landscape the area. This will help to block the noise from the outdoor seating area. Mr. & Mrs. Cooke object to the request. They had problems with the previous owner and most recently with current owner for noise. If the Village does grant the special use, then they also would like live vegetation along with the fence line to help lessen the sounds, no outdoor music of any kind at any time, and the area would not be allowed as a Beer Garden/Smoking area. President Nunamaker, as Liquor Commissioner, added the Village does not allow Beer Gardens. Waitstaff must serve the drinks to the guests and no one can walk around with a drink in hand. Mr. Gopin was agreeable to the fencing placement and landscaping. He would like the area to be open until 10:00 p.m. during the week and Friday and Saturdays until 11:00 p.m. Drinks would only be served by waitstaff. There were other conditions suggested by the Village that Chairman Celske asked for agreement from Mr. Gopin. They are:

- The licensee shall comply with all applicable federal, state, and local health and sanitation laws and regulations.
- Operation of the outdoor seating will not be permitted if the Village determines that such operation will be detrimental to the health, safety, or welfare of persons residing or working in the vicinity.
- No food or beverages may be stored, cooked, or otherwise prepared in the outdoor seating area.
- No open keeping or storage of used dishes, utensils, or food scraps shall be permitted within the outdoor seating area.
- Operation of outdoor seating areas shall be permitted only at such times as the indoor restaurant is open, and in no event before 7:00 a.m. or after 10:00 p.m.
- Food, music, alcohol sales shall terminate one hour prior to the permitted hours of operation of the outdoor seating area.
- Doors from the main restaurant to the outdoor seating area shall be self-closing.
- No animals, except those assisting the disabled, shall be allowed in the outdoor seating area.

- The outdoor seating area shall be accessible to the disabled, and the licensee shall at all times comply with all applicable federal, state, and Village laws, ordinances, and regulations concerning accessibility and non-discrimination in the providing of services.
- An outdoor seating area must be located on an impervious surface.
- Primary ingress and egress shall be from the main indoor restaurant area.
- The outdoor seating area must be engaged primarily in selling and serving meals as defined under restaurants in the Village's Liquor Code. The sale and service of alcohol must be at tables where the customers may be provided meals. Customers shall have the ability to order a meal anytime alcohol is available. Alcohol may not be purchased from the interior bar area by the customer and moved to the outdoor seating area.
- If alcohol is sold or consumed in the outdoor seating area, the outdoor seating area shall be enclosed by a border that is at least three feet in height.
- No alcohol shall be removed from the outdoor seating area, except to the interior of the restaurant.

Mr. Gopin was agreeable to all of the above. There was a question on table umbrellas. They will be having some umbrellas in the outdoor seating area. Their restaurant capacity is 125 people which will cover the area for the outdoor seating. **Chairman Celske made a motion to approve the Special Use with the recommendations listed above and including the following:**

- 6-foot fence on back embankment from the corner of Grover's building to the liquor store (as shown on diagram) and landscaping.
- 3-foot border around seating area with a gate.
- No smoking in the seating area.

Member Karls seconded. Roll Call: Celske, Karls, Murren, Riley, Schneider, Weber – all "yes". MOTION PASSED. The hearing was closed at 8:05 p.m.

ZONING BOARD CASE 2015-02 PUBLIC HEARING - TEXT AMENDMENT

Administrator Soderholm introduced Stephen Bechler, Village Management Assistant, and Attorney Buzz Hill, from Klein, Thorpe and Jenkins Law Firm. He explained Mr. Hill is the Village's legal counsel as advisor on the potential Gart Redevelopment.

The Text Amendment will modify our Planned Unit Development (PUD) ordinance to work in areas where development already exists. This will help in facilitating the downtown redevelopment. It will also allow the Village and the Planning & Economic Development Commission (PEDC) to incorporate variances to the standards for design of a Planned Unit Development as part of a special use permit. It also allows for a multi-phase development to receive preliminary plan review and approval on a phase-by-phase basis. A public hearing at PEDC will still be required for each phase when preliminary plans are presented at a later date. This text amendment will also modify the Business Use table to include metal plating companies within the B-2 zone as a permitted use only on parcels that are larger than 50,000 square feet in size. Our current ordinance does not include metal plating companies.

Member Weber made a comment about Phase 4 – Hotel/Marina. Gart Partners is not experienced in development of that and they will be bringing in another partner with experience in Hotel/Marina development.

Member Schneider made a motion to approve the Text Amendment as presented. Member Murren seconded. Roll Call: Celske, Karls, Murren, Riley, Schneider – all “yes”. Member Weber abstained. MOTION PASSED. The hearing was closed at 8:28 p.m.

Member Murren made a motion to adjourn the Zoning Board of Appeals meeting at 8:28 p.m. Member Weber seconded. All were in favor.

Dan Celske, Chairman

Donna M. Brouder, Village Clerk

Date Approved