

**MINUTES OF THE
PLANNING & ZONING COMMISSION MEETING
TUESDAY, JUNE 16, 2021**

CALL TO ORDER

Chairperson Celske called the meeting to order at 7:00 p.m.

ROLL CALL

Present were Chairperson Dan Celske and members Anderson, Bloom, Buster, Cramer, and Riley. Also, present were Assistant to the Village Administrator Bechler and Village Clerk Caesar. Member Dimmick was absent.

PUBLIC COMMENT

Robert Cooke, 415 Lucille
Steve and Barb Hubbard, 411 Lucille
Kent Locke, 9207 Gardner

Chairperson Celske administered the oath to all present for public comment.

APPROVAL OF THE APRIL 27, 2021 MINUTES

A motion was made by Bloom and seconded by Riley to approve the April 27, 2021 minutes. A voice vote was taken. Anderson, Bloom, Buster, Celske, Cramer, and Riley – all “yes.” Motion Passed.

ZONING CASE 2021-05: VARIANCE – METAL FENCE IN SIDE YARD ADJOINING STREET – 721 OLD HUNT ROAD

Chairperson Celske opened the public hearing for zoning case 2021-05 and accepted the proof of mailing certificates as well as the property owner notification form. Petitioner Kevin Cialdella was present to answer any questions from commission members. Celske began with the Petitioner’s request for a variance from the current code, which only allows natural fences (hedges) and split-rail fences in side yards adjoining streets to allow a 4’ open style metal fence. Petitioner Cialdella sighted several examples where similar variances had been granted.

A motion was made by Cramer and seconded by Buster to make a recommendation to the Village Board to approve the variance with the condition that the fence be located no closer than three (3) feet from the sidewalk. The findings of fact, as well as factual assertions as presented are adopted into this motion. Roll Call: Celske, Anderson, Bloom, Buster, Cramer, and Riley – all “yes.” Motion Passed.

The public hearing for zoning case 2021-05 was closed at 7:20 p.m.

ZONING CASE 2021-07: SPECIAL USE, OUTDOOR SEATING & SERVING AREAS – 412 NORTHWEST HIGHWAY

Chairperson Celske opened the public hearing for zoning case 2021-07 and accepted the proof of mailing certificates as well as the property owner notification form. Petitioner Nikunj Patel and Himansu Patel were present to answer any questions from commission members. Celske began with the Petitioner’s request for a special use to allow outdoor seating & serving areas at 412 Northwest Highway. Mr. Patel gave mid-July as the tentative opening date, operating hours would be 8:00 a.m. – 1:00 a.m. on weekdays, and 8:00 – 2:00 a.m. on weekends, noting the outdoor area would close earlier depending on weather

and pest control. Patel stated that the front outdoor patio would have no more than four (4) tables and that there would be no change to the footprint of the second proposed outdoor dining area, except the addition of a garage window 42" off the ground.

Chairperson Celske noted safety & noise impact on neighboring property owners as the Commission's biggest concern.

Robert Cooke expressed concerns with the proximity of his residence to the outdoor seating. Cooke spoke of the many sleepless nights and calls to the police he dealt with due to a lack of cooperation from the previous owner, specifically with loud music, smoking, foul language, and fighting. Cooke stated he felt 9:00 p.m. would be a reasonable closing time for the outdoor area.

Steve and Barb Hubbard supported neighbor Robert Cooke's sentiments and wanted to express their wishes that enforcement of agreed upon terms of the special use were monitored and enforced appropriately.

A motion was made by Celske and seconded by Cramer to make a recommendation to the Village Board of Trustees for the special use with the following conditions:

- 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.
- The restaurant outdoor seating area(s) shall be constructed and operated in general compliance with the drawing submitted to the Planning & Zoning Commission.
- No food or beverages may be stored, cooked, or otherwise prepared in the outdoor seating area(s).
- No open keeping or storage of used dishes, utensils, or food scraps shall be permitted within the outdoor seating area(s).
- Operation of outdoor seating area(s) shall be permitted only at such times, as the indoor restaurant is open, and in no event before 8:00 a.m. or after 10:00 p.m. on Friday and Saturday and 8:00 a.m. – 9:00 p.m. on Sunday – Thursday.
- Doors from the main restaurant to the outdoor seating area(s) shall be self-closing, with the exception of the garage doors.
- The outdoor seating area(s) 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.
- The outdoor seating area(s) shall not obstruct any fire exit, fire escape, or other required ingress or egress.
- Music/noise level in outdoor seating area must be in compliance with Village Code.
- Must possess a Liquor License that permits consumption on premise if serving alcohol.
- Due to the proximity to Route 14, outdoor seating area(s) shall be enclosed by an open style fence that is at least 3 feet in height, and primary ingress and egress to the outdoor seating area(s) shall be from the main indoor restaurant area.

- The outdoor seating area(s) shall be supervised at all times by an employee of the restaurant that is at least 21 years old.
- No alcohol shall be removed from the outdoor seating area(s), except to the interior of the restaurant.
- Table umbrellas shall have no advertising on them.
- No smoking is allowed in the outdoor seating area(s).
- The outdoor seating and serving area special use shall be assigned to the current business, and not the property. Should the business cease to operate the special use permit for outdoor seating shall terminate.

Roll Call: Celske, Anderson, Bloom, Buster, Cramer, and Riley – all “yes.” Motion Passed.

The public hearing for zoning case 2021-07 was closed at 8:18 p.m.

OTHER BUSINESS

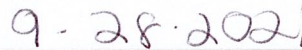
None.

ADJOURNMENT

A motion was made by Bloom and seconded by Anderson to adjourn the meeting. All were in favor. The meeting adjourned at 8:30 p.m.



Shelley Caesar
Village Clerk
Village of Fox River Grove



Date