

Memorandum

DATE: May 10, 2023

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Joanne Kalchbrenner, AICP, B&F Construction Code Services Zoning Supervisor

SUBJECT: Staff advisory memo for case: 2023-01; Boone's Bar and Grill, 13535 Route 76

REQUEST AND LOCATION:

The applicant, Nikita Lopez, is requesting a special use pursuant to the Poplar Grove Zoning Ordinance, Section 8-6-9-B-2 Indoor Entertainment Sales/Service, Table 8-6-13 Permitted Uses and Section 8-5-7 Special Uses. Specifically, the applicant is requesting a special use to have video gaming machines in the Country Side Mall at 13535 Route 76, within the GB, General Business District in a 2,000 square foot tenant space (PIN: 03-26-402-006). The property is developed with a multi-tenant shopping center and parking area. The business would be named Boone's Bar and Grill.

BACKGROUND:

The property is just over 3 acres in size and is developed with a 18,180 square foot multiple tenant shopping center. The applicant proposes to lease a 2,000 square foot space that was formerly occupied by Immanuel Lutheran Church.

Parking is provided as part of the overall shopping center and should be adequate for the proposed video gaming establishment

According to the applicant, the proposed Boone's Bar and Grill will only allow customers 21 years old and older. They will have a bar area and lounge area along with four televisions. Six video gaming terminals are proposed, which is the maximum allowed by State of Illinois law. They plan to hire six to eight employees

The applicant will also be required to obtain a liquor license, which will be considered separately by the Village Board of Trustees.

The adjacent property owners were sent certified notices on April 27, 2023 and the green cards have been returned. The request was published in the Boone County Journal on April 27, 2023. The appropriate village staff and other agencies were notified on March 31, 2023. No objections from the agencies were received.

FINDINGS OF FACT:

Per Section 8-5-7(D) of the Village of Poplar Grove Zoning Ordinance, the criteria for granting a Special Use Permit are as follows:

- A. **Findings: The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The property has been a multi-tenant commercial shopping center for years. Provided that the proposed bar with video gaming operates within accordance with the law, there should be no negative impacts on the health, safety, morals and comfort of the general welfare.

- B. Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

The proposed business would occupy 2,000 square feet of the 136,000 square foot shopping center which was intended to provide multiple shopping and entertainment options for the public. The use should not negatively impact the other business in the center or neighborhood.

- C. Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The subject property and surrounding area is fully developed.

The general business district permits professional services, indoor retail sales or services and open space. Institutional, entertainment and boarding land uses require a special use. The bar and video gaming establishment is not expected to negatively impact the existing businesses or deter other businesses from locating in the area.

- D. Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is currently developed within a multi-tenant building and parking area. It has been used for commercial purposes prior to the special use request and is adequately served by utilities.

- E. Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

The special use will be within an existing multi-tenant shopping center with adequate parking for all of the tenants. The amount of traffic generated by the special use will be minimal compared to other land uses that are permitted within the general business district. The existing road network is adequate.

- F. Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.**

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.

RECOMMENDATION:

The planning staff recommends approval of case 2023-01 subject to following conditions:

1. The special use shall permit video gaming machines to operate in only one tenant space on the property.
2. The unit shall comply with building, fire and health codes prior to opening the business.

PLANNING AND ZONING COMMISSION/VILLAGE BOARD ACTION

The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed special use with the standards and make a recommendation to the Village Board. The Village Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the Village Board may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed special use.

Attachments
Aerial Photo
Location Map
Application
Applicant Narrative



Aerial Photo

2023-01: Boone's Bar and Grill, 13535 Route 76



Location Map