



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL

SPECIAL MEETING

City of Crystal Lake

100 West Woodstock Street, Crystal Lake, IL

City Council Chambers

May 27, 2020

7:00 p.m.

NOTICE OF SOCIAL DISTANCING PROCEDURES

Members of the City Council will remotely attend the Special Meeting via a digital platform. Live audio of the digital meeting will be broadcast in the City Council Chambers and any overflow rooms at City Hall, as well as through the Zoom electronic platform (see below).

City Council Chambers will be open to the public during the Special Meeting. The Acting Mayor, City Clerk and certain Members of City staff will be physically present in the City Council Chambers. As a public health precaution, social distancing practices will be observed during the meeting. As a result, persons wishing to attend the Special Meeting at City Hall may be directed to overflow rooms if necessary to ensure social distancing. **THERE WILL ONLY BE LIMITED SPACE AVAILABLE AT CITY HALL, SO PERSONS WHO ARE ABLE TO ATTEND VIA THE ZOOM ELECTRONIC PLATFORM (SEE BELOW) ARE ENCOURAGED TO DO SO.**

Members of the public may address the City Council in accordance with the "Temporary Rules Concerning Public Comment, Participation, and Social Distancing at City Public Meetings" (the "Temporary Rules") which are posted on the City's website at: <https://www.crvstallake.org/Home/ShowDocument?id=18690>

ELECTRONIC ATTENDANCE: Members of the public may hear the audio of the meeting and address the City Council in accordance with the Temporary Rules by utilizing the following call in number and login information through the Zoom electronic platform:

From your computer, laptop, tablet, or smart phone:

Join Zoom Meeting

<https://us02web.zoom.us/j/86827321965?pwd=a0w1WEZYVDJCO3RjVUdwME9uRzN6dz09>

Meeting ID: 868 2732 1965

Password: 778611

You can also dial in using your phone (Chicago Metro Area):

1-312- 626-6799 US

Meeting ID: 868 2732 1965

The Special Meeting can also be viewed through the live stream broadcast at:

Comcast: 17 / AT&T: 99

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Presentation

The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the City staff, Mayor or City Council

will not be allowed at this time, nor will any comment from the Council. Personal invectives against City staff or elected officials are not permitted.

- 5. Acting Mayor's Report**
- 6. City Council Reports**
- 7. Consent Agenda**
- 8. Café Olympic Temporary Outdoor Seating Area and Liquor License Amendment Request**
- 9. The Cottage Temporary Outdoor Seating Area Expansion and Liquor License Amendment Request**
- 10. Duke's Alehouse and Kitchen Temporary Outdoor Seating Area Expansion and Liquor License Amendment Request**
- 11. Mookie's Steak and Seafood Temporary Outdoor Seating Area and Liquor License Amendment Request**
- 12. Richard Walker's Temporary Outdoor Seating Area and Liquor License Amendment Request**
- 13. Administrative Approval for Outdoor Seating Areas**
- 14. Ordinance to allow the Liquor Control Commissioner to amend liquor licenses in order to allow for temporary expansion or creation of outdoor seating areas for the sale and consumption of alcoholic liquor**
- 15. Amendment to Ordinance #6563 to reallocate \$70,000 from the matching grant program for the proposed Business Transition Grant Program**
- 16. Council Inquiries and Requests**
- 17. Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining and personnel**
- 18. Reconvene to Regular Session**
- 19. Adjourn**

If Special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Melanie Nebel, Executive Assistant, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 8

City Council Agenda Supplement

Meeting Date:

May 27, 2020

Item:

Cafe Olympic Temporary Outdoor Seating Area and Liquor License Amendment Request

Staff Recommendation:

Motion to approve a Resolution allowing a Temporary Amendment to Café Olympic Class 25 Liquor License to allow a temporary outside seating area expansion request at 90 N. Williams Street, per the conditions outlined in this agenda supplement.

Staff Contact:

Eric T. Helm, Deputy City Manager
Michelle Rentzsch, Director of Community Development

Background:

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, Café Olympic, located at 90 N. Williams Street, has requested the temporary approval of an outside seating area (see picture below) to help minimize the impact on the business in the summer months once patrons are allowed to frequent bars and restaurants again. In the event that a future Executive Order from the Governor allows on-premises consumption of food and beverages at restaurants and bars, but maintains restrictions regarding physical distancing at these establishments, the proposed expansion would only be for that period of time during which such physical distancing requirements/recommendations remain in effect but, in any event, not later than October 31, 2020.

The plan illustrates (5) 4-top tables and (1) 2-top table in the decorative sidewalk areas along Williams Street and Woodstock Street. This layout is subject to change based on actual table spacing, but provides a general estimate of the location and quantity of seating that could be provided.



The petitioner's Class 25 Liquor License allows the retail sale of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 7:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 2:00 a.m. Friday and Saturday; and 7:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A Type restaurant may be located on the premises.

The Police Department and Fire Rescue Department have reviewed the request and recommend that a fence designate the seating area and that other exiting/safety requirements be met. The temporary outdoor seating area will conform to the following conditions contained in the City's liquor code for Classes of Liquor License holders that permit outdoor seating:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (c) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the

required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.

- (d) All electrical wiring shall comply with the codes of the City.
- (e) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (f) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (g) The license holder shall be responsible for preventing violations of this chapter.

In addition, the following conditions shall apply:

1. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
2. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
3. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
4. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
5. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

The attached Resolution would allow for such an amendment to the liquor license until October 31, 2020, unless otherwise determined by the City Council. Finally, the resolution provides that in the event that the Governor removes social distancing recommendations/requirements prior to October 31, 2020, the amended seating area must be removed within fourteen days of such action by the Governor.

Votes Required to Pass:

Simple majority.

DRAFT



The City of Crystal Lake

RESOLUTION

WHEREAS, on November 19, 2019, the City Council approved the creation of a Class 25 liquor license for Sustainable Hospitality, LLC DBA Café Olympic (“Olympic”); and

WHEREAS, said approval was based, in part, upon the information submitted by Olympic which detailed the patron seating area, including the location and dimensions of outdoor seating for patrons; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic

liquor has been approved or the creation of such areas in order to accommodate patrons, while complying with social distancing requirements; and;

WHEREAS, in anticipation of the eventual easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place once on-premises consumption of food and beverages in restaurants and bars is allowed, Café Olympic has requested that it be permitted to temporarily open an outdoor seating area, as provided in plans submitted to the City and as generally depicted in the photograph attached hereto as Exhibit A, attached hereto; and

WHEREAS, the Mayor and City Council have found and determined that it would be appropriate to allow for such temporary outdoor seating area, subject to the limitations set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor License.
The liquor license issued to Café Olympic may be amended to allow the temporary outdoor seating (“Temporary Seating Area”) subject to the following conditions:

1. The Temporary Seating Area shall not exceed the area generally depicted on the site plan and shall comply with all plans submitted to and approved by the City and applicable conditions for open unroofed areas outline below, as set forth in the City Code;
2. The open unroofed area shall be particularly described and adjacent to and operated

as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be

- automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
10. Due to the potential impact upon neighboring residential properties, no portion of the outdoor seating area, including the Temporary Seating Area, may be used by patrons after 11:00 p.m.
 11. No amplified music shall be permitted in the outside seating area, unless approved in connection with a Special Event permit.
 12. Work with staff on selecting a temporary event fencing or similar fencing material to comply with the liquor license criteria.
 13. Provide an executed copy of the hold harmless insurance agreement.
 14. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor

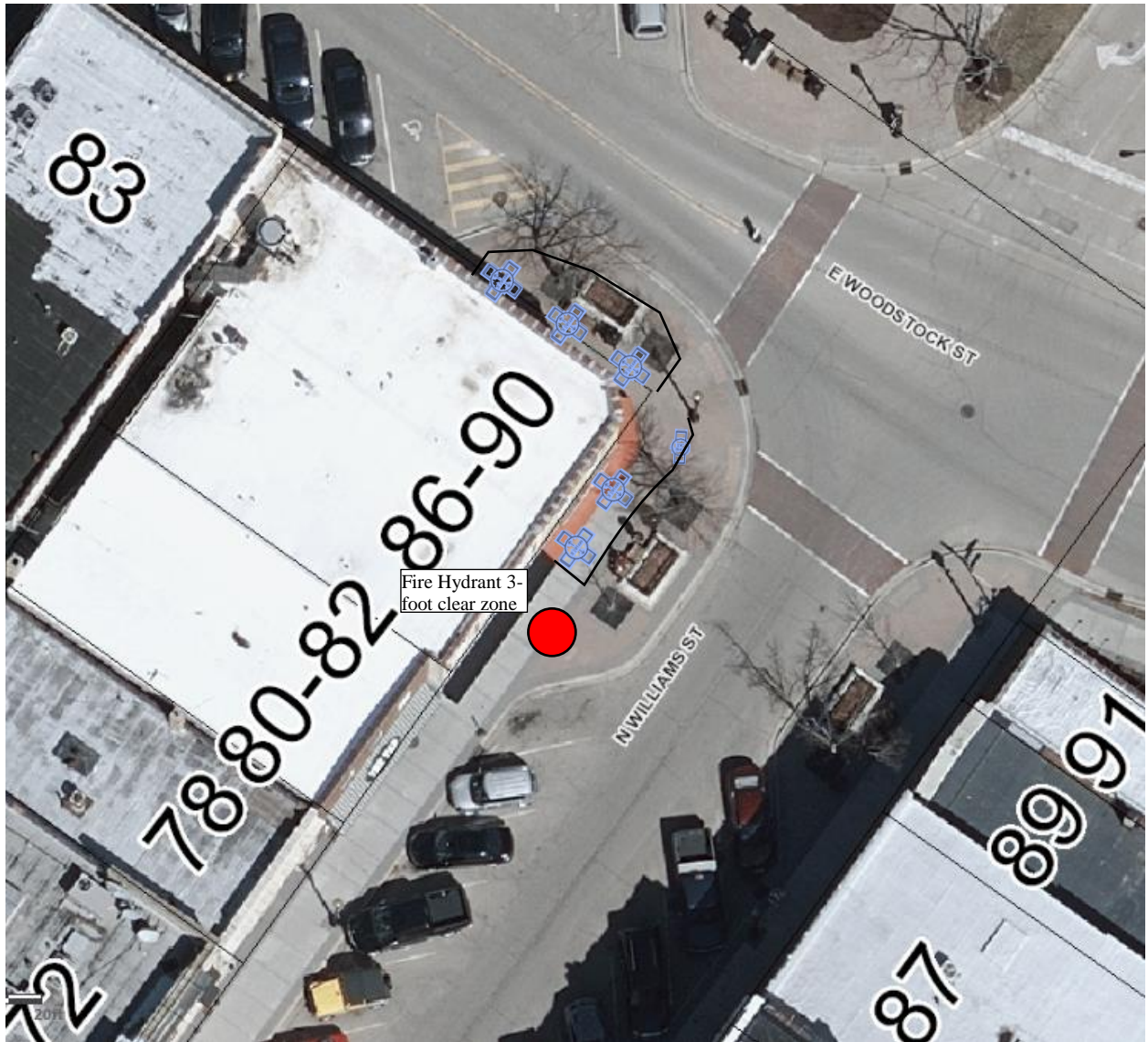
SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Proposed seating and outdoor barricade fencing.





USE OF CITY PROPERTY AND HOLD HARMLESS AGREEMENT

Whereas, the _____ (name of "Organization") desires to use the City's property located at _____ ("the Premises") for a _____ ("Event").

Whereas, the City agrees to allow the Organization to use the Premises for the Event in consideration of the Organization agreeing to assume all risk and liability pertaining to the Event.

Now therefore, the Organization agrees as follows:

To the fullest extent permitted by law, the Organization hereby indemnifies, defends, and holds harmless the City and its officials, employees, agents and volunteers from and against any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from the Event or connected with an act or omission of the Organization, or an agent, invitee, guest, employee, or anyone in, on or about the Premises invited by and/or with the permission and consent of the Organization, with respect to the Premises or the operations, activities or services, of any nature whatsoever, of the Event, including, but not limited to, liability expense and claims for: bodily injury, death, personal injury, or property damage caused by the negligence, creation or maintenance of a dangerous condition of property, or intentional infliction of harm or violation of state and federal laws.

Nothing set forth in this Agreement shall be deemed a waiver by the City of any defenses or immunities that are or would be otherwise available to the City or its officials, employees, agents or volunteers under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this Section shall survive the expiration or earlier termination of this Agreement or renewal thereof.

Without limiting the Organization's indemnification of the City as provided above, the Organization shall provide and maintain at its own expense for the Event the below listed policies of insurance or liability coverage covering the activities, services or operations relating to the Event. All such insurance of the Organization and the insurance of the owners/operators shall be secured through a carrier(s) satisfactory to the City. Satisfactory evidence of such insurance and any required endorsements, including the insurance required of the owners/operators, will be delivered to the Community Development Department three days before the Event. The

City's insurance or liability coverage shall always be deemed excess over any other insurance or liability coverage whether primary, excess, pro rata, contingent or any other basis.

- a. Commercial General Liability: \$2,000,000 combined single limit per occurrence for bodily injury, property damage and personal injury with a general aggregate of \$4,000,000 limit. The City, its officials, employees, agents and volunteers shall be named as an additional insured on a primary and non-contributory basis under the policy or coverage by original endorsement signed by a person authorized to bind coverage.
- b. Liquor Liability: maintain a minimum of \$2,000,000 per occurrence for its sale of alcoholic beverages and require that any other party selling or serving alcoholic beverages during the Event shall provide Liquor Liability insurance in the same amount with the City, its officials, employees, agents and volunteers named as additional insured on a primary and non-contributory basis by original endorsement signed by a person authorized to bind coverage.

All policies of insurance or liability coverage shall contain a waiver of subrogation as against the City, its official, employees, agents and volunteers except with respect to the sole negligence of the City.

The invalidity or unenforceability of any of the provisions hereof shall not affect the validity or enforceability of the remainder of this Agreement.

The undersigned represents it has full authority to execute this Use of Property and Hold Harmless Agreement on behalf of the _____.

Agreed this _____ day of _____, 2020.

(Name of Organization)

Signature of Authorized Person

Title



Agenda Item No: 9

City Council Agenda Supplement

Meeting Date:

May 27, 2020

Item:

The Cottage Temporary Outdoor Seating Area Expansion and Liquor License Amendment Request

Staff Recommendation:

Motion to approve a Resolution allowing a Temporary Amendment to The Cottage Class 22 Liquor License to allow a temporary outside seating area expansion request at 6 E. Crystal Lake Avenue, per the conditions outlined in this agenda supplement.

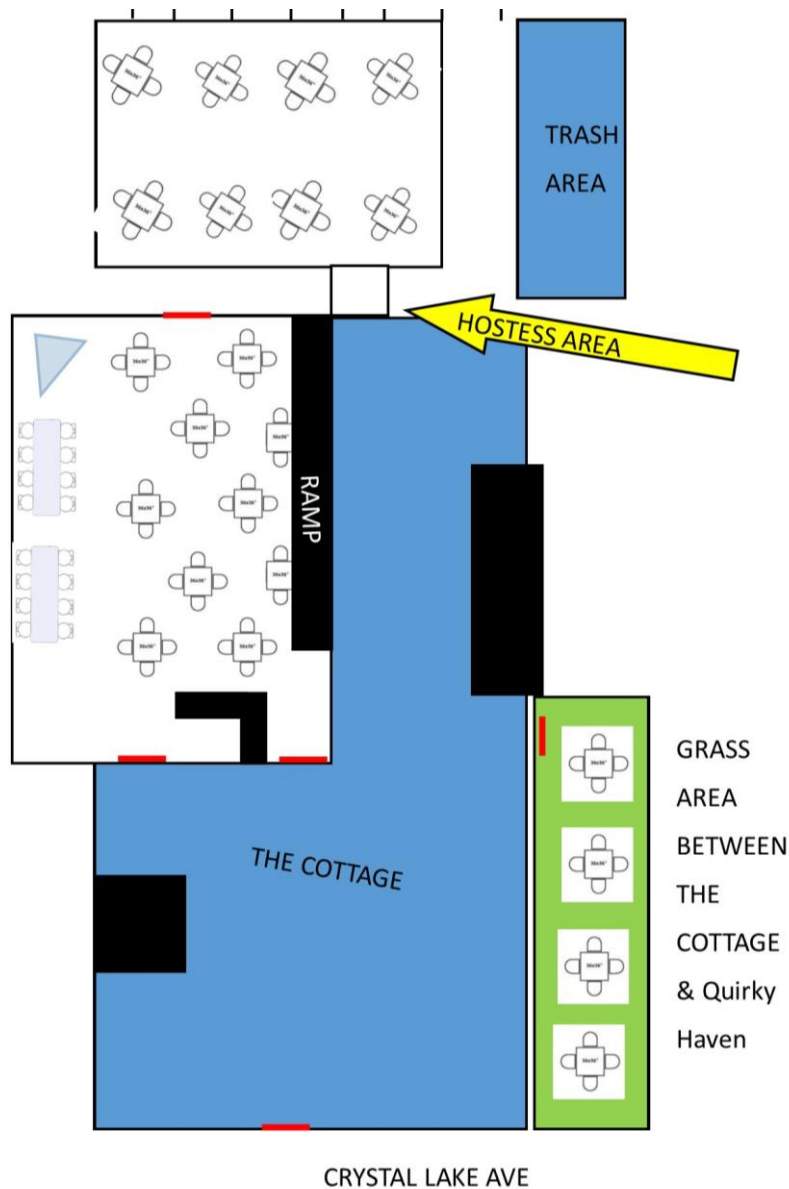
Staff Contact:

Eric T. Helm, Deputy City Manager
Michelle Rentzsch, Director of Community Development

Background:

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, The Cottage, located at 6 E. Crystal Lake Avenue, has requested a temporary outside seating area expansion (see attached picture) to help minimize the impact on the business in the summer months once patrons are allowed to frequent bars and restaurants again. In the event that a future Executive Order from the Governor allows on-premises consumption of food and beverages at restaurants and bars, but maintains restrictions regarding social distancing at these establishments, the proposed expansion would only be for that period of time during which such social distancing requirements/recommendations remain in effect but, in any event, not later than October 31, 2020.

The petitioner's Class 22 Liquor License does allow for an outside seating area. Since the Class 22 liquor license was created by the City Council and approved by the Liquor Commissioner for the petitioner, City Council approval is required in order to allow the Liquor Commissioner to consider an amendment to the liquor license to permit a temporary outside seating area expansion. The proposed temporary patio addition in the parking lot is approximately 1,200 square feet and the grass area along the southeast side of the building is approximately 500 square feet and will extend along the building and sidewalk (see attached pictures and plan). The petitioner proposes to designate the area through a temporary fence and tent over the parking lot seating.



From a zoning perspective, the expanded outdoor seating area meets the City’s UDO and Building Code requirements. The Police Department and Fire Rescue Department have reviewed the request and recommend that a fence designate the seating area, the tent meet the requirements for special event tents and that other exiting/safety requirements be met. The expanded temporary outdoor patio area will conform to the following conditions contained in the City’s liquor code for Classes of Liquor License holders that permit outdoor seating:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (c) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.

- (d) All electrical wiring shall comply with the codes of the City.
- (e) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and slightly condition.
- (f) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (g) The license holder shall be responsible for preventing violations of this chapter.

In addition, the following conditions shall apply:

1. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the “Expansion Time Period”) and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
2. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
3. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
4. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
5. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.
7. Work with staff on selecting a temporary event fencing or similar fencing material that for the grass seating area to comply with liquor license criteria.
8. Meet the conditions of the Fire Rescue Department for special event tents.

The attached Resolution would allow for such an amendment to the liquor license until October 31, 2020, unless otherwise determined by the City Council. Finally, the resolution provides that in the event that the Governor removes social distancing recommendations/requirements prior to October 31, 2020, the amended seating area must be removed within fourteen days of such action by the Governor.

Votes Required to Pass:

Simple majority.

DRAFT



The City of Crystal Lake

RESOLUTION

WHEREAS, on March 15, 1988, the City Council approved the creation of a Class 22 liquor license for Majesty Investments, LLC DBA The Cottage (“Cottage”); and

WHEREAS, said approval was based, in part, upon the information submitted by Cottage which detailed the patron seating area, including the location and dimensions of outdoor seating for patrons; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic liquor has been approved or the creation of such areas in order to accommodate patrons, while complying with social distancing requirements; and;

WHEREAS, in anticipation of the eventual easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place once on-premises consumption of food and beverages in restaurants and bars is allowed, Cottage has requested that it be permitted to temporarily open an outdoor seating area, as provided in plans submitted to the City and as generally depicted in the photograph attached hereto as Exhibit A, attached hereto; and

WHEREAS, the Mayor and City Council have found and determined that it would be appropriate to allow for such temporary outdoor seating area, subject to the limitations set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor License.
The liquor license issued to Cottage may be amended to allow the temporary outdoor seating (“Temporary Seating Area”) subject to the following conditions:

1. The Temporary Seating Area shall not exceed 1,700 square feet and shall comply with all plans submitted to and approved by the City and applicable conditions for open unroofed areas outline below, as set forth in the City Code;
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.

4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.

10. Due to the potential impact upon neighboring residential properties, no portion of the outdoor seating area, including the Temporary Seating Area, may be used by patrons after 11:00 p.m.
11. No amplified music shall be permitted in the outside seating area, unless approved in connection with a Special Event permit.
12. Work with staff on selecting a temporary event fencing or similar fencing material that for the grass seating area to comply with liquor license criteria.
13. Meet the conditions of the Fire Rescue Department for special event tents.
14. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor

SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Agenda Item No: 10

City Council Agenda Supplement

Meeting Date:

May 27, 2020

Item:

Duke's Alehouse and Kitchen Temporary Outdoor Seating Area Expansion and Liquor License Amendment Request.

Staff Recommendation:

Motion to approve a Resolution allowing a Temporary Amendment to Duke's Alehouse and Kitchen Class 7 Liquor License to allow a temporary outside seating area expansion request at 110 N. Main Street, per the conditions outlined in this agenda supplement.

Staff Contact:

Eric T. Helm, Deputy City Manager
Michelle Rentzsch, Director of Community Development

Background:

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, Duke's, located at 110 N. Main Street, has requested a temporary outside seating area expansion (see attached picture) to help minimize the impact on the business once patrons are allowed to frequent bars and restaurants again. In the event that a future Executive Order from the Governor allows on-premises consumption of food and beverages at restaurants and bars, but maintains restrictions regarding social distancing at these establishments, the proposed expansion would only be for that period of time during which such social distancing requirements/recommendations remain in effect but, in any event, not later than October 31, 2020.

The petitioner's Class 7 Liquor License does allow for an outside seating area. Since the Class 7 liquor license was created by the City Council and approved by the Liquor Commissioner for the petitioner, City Council approval is required in order to allow the Liquor Commissioner to consider an amendment to the liquor license to permit a temporary outside seating area expansion. The proposed temporary patio addition in the parking lot is approximately 3,600 square feet and will extend along the rear patio (see attached pictures and plan). The petitioner proposes to designate the area through a temporary fence.



From a zoning perspective and Public Works, the expanded outdoor seating area meets the City's UDO and Building Code requirements. The Police Department and Fire Rescue Department have reviewed the request and recommend that a fence designate the seating area and that other exiting/safety requirements be met. The expanded temporary outdoor patio area will conform to the following conditions contained in the City's liquor code for Classes of Liquor License holders that permit outdoor seating:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (c) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.
- (d) All electrical wiring shall comply with the codes of the City.
- (e) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (f) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (g) The license holder shall be responsible for preventing violations of this chapter.

In addition, the following conditions shall apply:

1. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the “Expansion Time Period”) and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
2. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
3. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
4. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
5. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.
7. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
8. Designate one parking stall to the north of the outdoor seating area for Handicap parking.
9. Work with staff to ensure cars do not back up onto Main Street at the entrance to the parking lot.

The attached Resolution would allow for such an amendment to the liquor license until October 31, 2020, unless otherwise determined by the City Council. Finally, the resolution provides that in the event that the Governor removes social distancing recommendations/requirements prior to October 31, 2020, the amended seating area must be removed within fourteen days of such action by the Governor.

Votes Required to Pass:

Simple majority.

DRAFT



The City of Crystal Lake

RESOLUTION

WHEREAS, in 2016, the City Council approved the creation of a Class 7 liquor license for March 17th, Inc., DBA Duke’s Alehouse and Kitchen (“Duke’s”); and

WHEREAS, said approval was based, in part, upon the information submitted by Cottage which detailed the patron seating area, including the location and dimensions of outdoor seating for patrons; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic liquor has been approved or the creation of such areas in order to accommodate patrons, while complying with social distancing requirements; and;

WHEREAS, in anticipation of the eventual easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place once on-premises consumption of food and beverages in restaurants and bars is allowed, Duke's has requested that it be permitted to temporarily open an outdoor seating area, as provided in plans submitted to the City and as generally depicted in the photograph attached hereto as Exhibit A, attached hereto; and

WHEREAS, the Mayor and City Council have found and determined that it would be appropriate to allow for such temporary outdoor seating area, subject to the limitations set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor License.
The liquor license issued to Duke's may be amended to allow the temporary outdoor seating ("Temporary Seating Area") subject to the following conditions:

1. The Temporary Seating Area shall not exceed 3,600 square feet and shall comply with all plans submitted to and approved by the City and applicable conditions for open unroofed areas outline below, as set forth in the City Code;
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.

4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.

10. Due to the potential impact upon neighboring residential properties, no portion of the outdoor seating area, including the Temporary Seating Area, may be used by patrons after 11:00 p.m.
11. No amplified music shall be permitted in the outside seating area, unless approved in connection with a Special Event permit.
12. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
13. Designate one parking stall to the north of the outdoor seating area for Handicap parking.
14. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor


SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Seating
would be
in this
area

Text

Patio
Entrance

Patio



Agenda Item No: 11

City Council Agenda Supplement

Meeting Date:

May 27, 2020

Item:

Mookie's Steak and Seafood Temporary Outdoor Seating Area and Liquor License Request.

Staff Recommendation:

Motion to approve a Resolution allowing a Temporary Amendment to Mookie's Steak and Seafood Class 2 Liquor License to allow a temporary outside seating area request at 444 W. Virginia Street, per the conditions outlined in this agenda supplement.

Staff Contact:

Eric T. Helm, Deputy City Manager
Michelle Rentzsch, Director of Community Development

Background:

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, Mookie's Steaks & Seafood, located at 444 W. Virginia Street, has requested a temporary outside seating area (see attached picture) to help minimize the impact on the business once patrons are allowed to frequent bars and restaurants again. In the event that a future Executive Order from the Governor allows on-premises consumption of food and beverages at restaurants and bars, but maintains restrictions regarding social distancing at these establishments, the proposed expansion would only be for that period of time during which such social distancing requirements/recommendations remain in effect but, in any event, not later than October 31, 2020.

The petitioner's Class 2 Liquor License does not allow for an outside seating area. Since the Class 2 liquor license was created by the City Council and approved by the Liquor Commissioner for the petitioner, City Council approval is required in order to allow the Liquor Commissioner to consider an amendment to the liquor license to permit a temporary outside seating area. The proposed temporary patio addition is approximately 684 square-foot and will extend along the building (see attached pictures and plan). The petitioner proposes to designate the area through a temporary fence.



From a zoning perspective, the expanded outdoor seating area meets the City's UDO and Building Code requirements. The Police Department and Fire Rescue Department have reviewed the request and recommend that a fence designate the seating area and that other exiting/safety requirements be met. The temporary outdoor patio area will conform to the following conditions contained in the City's liquor code for Classes of Liquor License holders that permit outdoor seating:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
- (c) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners.
- (d) All electrical wiring shall comply with the codes of the City.
- (e) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (f) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
- (g) The license holder shall be responsible for preventing violations of this chapter.

In addition, the following conditions shall apply:

1. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the “Expansion Time Period”) and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
2. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
3. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
4. Work with staff on selecting a temporary event fencing or similar fencing material for the expanded outdoor seating area.
5. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

The attached resolution would allow for such an amendment to the liquor license until October 31, 2020, unless otherwise determined by the City Council. Finally, the resolution provides that in the event that the Governor removes social distancing recommendations/requirements prior to October 31, 2020, the amended seating area must be removed within fourteen days of such action by the Governor.

Votes Required to Pass:

Simple majority.

DRAFT



The City of Crystal Lake

RESOLUTION

WHEREAS, on November 19, 2019, the City Council approved the creation of a Class 2 liquor license for Riviera Maya Steak & Seafood, LTD, DBA Mookie’s Steak & Seafood (“Mookie’s”); and

WHEREAS, said approval was based, in part, upon the information submitted by Mookie’s which detailed the patron seating area, including the location and dimensions of outdoor seating for patrons; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic liquor has been approved or the creation of such areas in order to accommodate patrons, while

complying with social distancing requirements; and;

WHEREAS, in anticipation of the eventual easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place once on-premises consumption of food and beverages in restaurants and bars is allowed, Mookie's has requested that it be permitted to temporarily open an outdoor seating area, as provided in plans submitted to the City and as generally depicted in the photograph attached hereto as Exhibit A, attached hereto; and

WHEREAS, the Mayor and City Council have found and determined that it would be appropriate to allow for such temporary outdoor seating area, subject to the limitations set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor License. The liquor license issued to Mookie's may be amended to allow the temporary outdoor seating ("Temporary Seating Area") subject to the following conditions:

1. The Temporary Seating Area shall not exceed 684 square feet and shall comply with all plans submitted to and approved by the City and applicable conditions for open unroofed areas outline below, as set forth in the City Code;
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period

- (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
10. Due to the potential impact upon neighboring residential properties, no portion of the outdoor seating area, including the Temporary Seating Area, may be used by patrons after 11:00 p.m.
 11. No amplified music shall be permitted in the outside seating area, unless approved in connection with a Special Event permit.
 12. Work with staff on selecting a temporary event fencing or similar fencing material that should be used to distinguish the seating area from the parking lot.
 13. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor

SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Date Printed: 5/21/2020

NOTES:
Proposed outdoor seating at Mookie's. Includes 10 four top tables.

Parcel(s)

 Municipal Boundary

This map was generated using the City of Crystal Lake's GIS Web Mapping Application.
This map is a user generated static output from an Internet Mapping Site and is for reference only.





Agenda Item No: 12

City Council Agenda Supplement

Meeting Date:

May 27, 2020

Item:

Richard Walker's Temporary Outdoor Seating Area Construction and Liquor License Amendment Request.

Staff Recommendation:

Motion to approve a Resolution allowing a Temporary Amendment to Richard Walker's Class 10 Liquor License to allow a temporary outside seating area at 5680 Northwest Highway, per the conditions outlined in this agenda supplement.

Staff Contact:

Eric T. Helm, Deputy City Manager
Michelle Rentzsch, Director of Community Development

Background:

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, Richard Walker's Pancake House, located at 5680 Northwest Highway, has requested the temporary construction of an outside seating area (see picture below) to help minimize the impact on the business once patrons are allowed to frequent bars and restaurants again. In the event that a future Executive Order from the Governor allows on-premises consumption of food and beverages at restaurants and bars, but maintains restrictions regarding social distancing at these establishments, the proposed expansion would only be for that period of time during which such social distancing requirements/recommendations remain in effect but, in any event, not later than October 31, 2020.



The plan illustrates (15) 4-top tables and (3) 6-top tables in the eastern parking lot area. This layout is subject to change based on actual table spacing, but provides a general estimate of the location and quantity of seating that could be provided. This area would be barricaded off at the front and back restricting vehicles from entering. This seating area is 2,631 SF and per the liquor license cannot be more than 50% of the building area, which is 5,286 SF.

The blocked off area would create a dead end parking area in front of the building requiring people to turn around.

With the limited capacity for seating due to the current Governor's order, the reduction in the parking should not create any issues. In addition, there is share parking in the larger shopping center parking lot to the north.

The petitioner's Class 10 Liquor License allows the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and 10:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. For the purposes of this license, premises shall include not only the interior of any building or structure but also an open unroofed area immediately contiguous to the building or structure where alcoholic beverages are served or consumed.

- The proposed temporary seating area would observe the same hours as the current indoor liquor license allows.
- The proposed temporary seating area is immediately contiguous to the building.
- There would not be a fence around the outside seating area, which requires an amendment to the liquor code.
- City Council approval is required in order to allow the Liquor Commissioner to consider an amendment to the liquor license to permit the unfenced temporary outside seating area.

From a zoning perspective, the expanded outdoor seating area meets the City's UDO and Building Code requirements. The Police Department and Fire Rescue Department have reviewed the request and recommend that reflective material be placed on the portions of the barricades located at the front and back of the drive aisle, proper signage and safe operation of the curb side service area, and that other exiting/safety requirements be met. The temporary outdoor patio area will conform to the following conditions contained in the City's liquor code for Class 10 Liquor License holders:

329-5-J-(1) Any open unroofed area in which alcoholic beverages are served or consumed pursuant to this license shall conform to the following:

- (a) The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
- (b) The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
 - (a) Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the city regarding vision, clearance and required distances from corners. **A variation has been requested from this requirement. The front and back area would have a barricade to stop vehicle traffic, but the east side would only be bounded by the curbed parkway.**
- (c) All electrical wiring shall comply with the codes of the City.
- (d) All combustible rubbish shall be stored in a non-combustible container and the license holder shall be responsible for keeping the area in a clean and sightly condition.
- (e) The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.

- (f) The license holder shall be responsible for preventing violations of this chapter.

In addition, the following conditions shall apply:

1. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the “Expansion Time Period”) and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
2. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
3. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
4. Reflective striping shall be installed on the barricades that block the existing entry drives and exiting/safety requirements must be implemented per City Code.
5. Work with staff on the temporary signage to ensure safe operation of the curbside pickup service.
6. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.

The attached resolution would allow for such an amendment to the liquor license until October 31, 2020, unless otherwise determined by the City Council. Finally, the resolution provides that in the event that the Governor removes social distancing recommendations/requirements prior to October 31, 2020, the amended seating area must be removed within fourteen days of such action by the Governor.

Votes Required to Pass:

Simple majority.

DRAFT



The City of Crystal Lake

RESOLUTION

WHEREAS, on September 16, 1997, the City Council approved the creation of a Class 10 liquor license for Walker Crystal Services, Inc., DBA Richard Walker’s Pancake House (“Walker’s Pancake House”); and

WHEREAS, said approval was based, in part, upon the information submitted by Walker’s Pancake House which allowed for indoor liquor sales; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic liquor has been approved or the creation of such areas in order to accommodate patrons, while

complying with social distancing requirements; and;

WHEREAS, in anticipation of the eventual easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place once on-premises consumption of food and beverages in restaurants and bars is allowed, Walker’s Pancake House has requested that it be permitted to allow a temporarily outdoor seating area, as provided in plans submitted to the City and as generally depicted in the photograph attached hereto as Exhibit A, attached hereto; and

WHEREAS, the Mayor and City Council have found and determined that it would be appropriate to allow for such temporary construction of the outdoor seating area, subject to the limitations set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor License. The liquor license issued to Walker’s Pancake House may be amended to allow the temporary service in an unfenced outdoor seating area (“Seating Area”) subject to the following conditions:

1. The total outdoor seating area (inclusive of the Expanded Area) shall not exceed 2,643 square feet and shall comply with all plans submitted to and approved by the City and applicable conditions for open unroofed areas outline below, as set forth in the City Code;
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.

3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of:
 - 1) The termination of the Expansion Time Period (including any Renewal Period);
 - 2) the termination of any requirement/recommendation of the Governor pertaining to

social distancing; 3) the order of the Liquor Commissioner requiring such removal.

10. This temporary outdoor seating area approval may be rescinded if the area is not kept in an orderly manner. All refuse, litter and debris must be removed and disposed of in private refuse containers.
11. No amplified music shall be permitted in the outside seating area, unless approved in connection with a Special Event permit.
12. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.
13. Work with staff on the temporary signage to ensure safe operation of the curb side pickup service.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor

SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Door which servers would use to access outdoor seating located in the parking lot.



Outdoor seating area.

Proposed Site Plan of Table Layout



Fire Truck access around the building





Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date:

May 27, 2020

Item:

Administrative Approval of Outdoor Seating Areas

Recommendation:

Motion to adopt a Resolution authorizing administrative approvals for outdoor seating areas on private and public property.

Staff Contact:

Michelle Rentzsch, Director of Community Development

Background:

The Unified Development Ordinance allows for certain administrative approvals of specified land uses. For example, a limited use permit application for outdoor seating is currently reviewed and approved by staff. Once the business provides a site plan, staff reviews the plan to ensure that the outdoor seating meets all the City's ordinance requirements for exiting, spacing, and other safety and aesthetic standards; then the administrative approval is given.

In response to the rapidly changing landscape of business reopenings in light of the Governor's Orders, which will be allowing bars and restaurants to offer outdoor seating starting May 29, 2020, an administrative approval would allow staff to review businesses' outdoor seating plans in accordance with the City Code and approve them in short fashion.

Attached are the sample checklists that would be provided to the businesses and utilized by staff to review the proposed outdoor seating for administrative approval.

Votes Required to Pass:

Simple majority vote.

DRAFT



The City of Crystal Lake Illinois

RESOLUTION

WHEREAS, Section 2-400 of the Unified Development Ordinance allows for limited and special uses and further includes standards for buffering, location, bulk, and scale; and

WHEREAS, Section 2-400 further stipulates administrative review and approval of limited uses can be approved once compliance with the standards have been verified; and

WHEREAS, in response to the COVID-19 Pandemic, temporary outdoor seating areas are being established by the restaurants and bars in Crystal lake to better and safely serve their customers; and

WHEREAS, the limited use criteria for outdoor seating on private and public areas has been established and would be utilized by staff for the temporary outdoor seating areas associated with the COVID-19 Pandemic;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Approve. The City Manager, or his designee,

is authorized to approve outdoor seating areas on private or public properties.

SECTION THREE Effective Date. This resolution shall be in full force and effect from and after its passage and approval.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Mayor

SEAL

ATTEST:

City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



CHECKLIST Temporary Outdoor Seating on Private Property

Site plan must indicate

- Sketch of proposed seating layout with dimensions provided
- Any proposed lighting, tents, or outdoor heating appliances

Outdoor Seating on Private Property is permitted, so long as the following is provided:

Requirement	Meets	Does not meet
1) A site plan been provided for verification of these requirements		
2) Tables are spaced 6 feet apart between backs of chairs		
3) Tables and chairs maintain a 3-foot spacing from fire hydrants		
4) For seating connected to a required exit door, a clear 3-foot aisle is provided		
5) Seating area allows for adequate site circulation		
6) A clear 36" path through the seating area to the exit is provided		
7) Provide verification how parking needs will be met		
For establishments with outdoor liquor service		
1) Appropriate barriers around seating area, not blocking sight lines		
2) Area is operated as part of established business with all property permits		
3) Maximum capacity determined and posted on premises		
4) Electrical wiring complies with City code		
5) All trash can be responsibly stored in clean sanitary condition		
6) Noise requirements of the City Code met		
7) Outdoor seating area closed by 11pm		
8) No amplified music is provided		
Temporary approval is valid through October 31, 2020, unless otherwise determined by the City Council.		

Reviewer: _____ Approved: _____ Not Approved: _____ Date: _____



CHECKLIST Temporary Outdoor Seating on Public Property

Site plan must indicate

- Sketch of proposed seating layout with dimensions provided
- Any proposed lighting, tents, or outdoor heating appliances

Outdoor Seating on Public Property is permitted, so long as the following is provided:

Requirement	Meets	Does not meet
1) A site plan been provided for verification of these requirements		
2) Tables are spaced 6 feet apart between backs of chairs		
3) Tables and chairs maintain a 3-foot spacing from fire hydrants		
4) For seating connected to a required exit door, a clear 3-foot aisle is provided		
5) Seating area allows for adequate site circulation		
6) A clear 36" path through the seating area to the exit is provided		
7) Provide verification how parking needs will be met		
For establishments with outdoor liquor service		
1) Appropriate barriers around seating area, not blocking sight lines		
2) Area is operated as part of established business with all property permits		
3) Maximum capacity determined and posted on premises		
4) Electrical wiring complies with City code		
5) All trash can be responsibly stored in clean sanitary condition		
6) Noise requirements of the City Code met		
7) Outdoor seating area closed by 11pm		
8) No amplified music is permitted		
Conditions of approval for all seating on public property:		
1) All protocols and guidelines issued by the Illinois Department of Public Health and CDC must be met.	--	--
2) No bar areas permitted that would allow congregation of patrons.	--	--
3) At any time, this temporary approval may be amended or discontinued by the Liquor Commissioner to address safety concerns.	--	--
4) Temporary approval is valid through October 31, 2020, unless otherwise determined by the City Council.		

Reviewer: _____ Approved: _____ Not Approved: _____ Date: _____



USE OF CITY PROPERTY AND HOLD HARMLESS AGREEMENT

Whereas, the _____ (name of "Organization") desires to use the City's property located at _____ ("the Premises") for a _____ ("Event").

Whereas, the City agrees to allow the Organization to use the Premises for the Event in consideration of the Organization agreeing to assume all risk and liability pertaining to the Event.

Now therefore, the Organization agrees as follows:

To the fullest extent permitted by law, the Organization hereby indemnifies, defends, and holds harmless the City and its officials, employees, agents and volunteers from and against any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from the Event or connected with an act or omission of the Organization, or an agent, invitee, guest, employee, or anyone in, on or about the Premises invited by and/or with the permission and consent of the Organization, with respect to the Premises or the operations, activities or services, of any nature whatsoever, of the Event, including, but not limited to, liability expense and claims for: bodily injury, death, personal injury, or property damage caused by the negligence, creation or maintenance of a dangerous condition of property, or intentional infliction of harm or violation of state and federal laws.

Nothing set forth in this Agreement shall be deemed a waiver by the City of any defenses or immunities that are or would be otherwise available to the City or its officials, employees, agents or volunteers under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this Section shall survive the expiration or earlier termination of this Agreement or renewal thereof.

Without limiting the Organization's indemnification of the City as provided above, the Organization shall provide and maintain at its own expense for the Event the below listed policies of insurance or liability coverage covering the activities, services or operations relating to the Event. All such insurance of the Organization and the insurance of the owners/operators shall be secured through a carrier(s) satisfactory to the City. Satisfactory evidence of such insurance and any required endorsements, including the insurance required of the owners/operators, will be delivered to the Community Development Department three days before the Event. The

City's insurance or liability coverage shall always be deemed excess over any other insurance or liability coverage whether primary, excess, pro rata, contingent or any other basis.

- a. Commercial General Liability: \$2,000,000 combined single limit per occurrence for bodily injury, property damage and personal injury with a general aggregate of \$4,000,000 limit. The City, its officials, employees, agents and volunteers shall be named as an additional insured on a primary and non-contributory basis under the policy or coverage by original endorsement signed by a person authorized to bind coverage.
- b. Liquor Liability: maintain a minimum of \$2,000,000 per occurrence for its sale of alcoholic beverages and require that any other party selling or serving alcoholic beverages during the Event shall provide Liquor Liability insurance in the same amount with the City, its officials, employees, agents and volunteers named as additional insured on a primary and non-contributory basis by original endorsement signed by a person authorized to bind coverage.

All policies of insurance or liability coverage shall contain a waiver of subrogation as against the City, its official, employees, agents and volunteers except with respect to the sole negligence of the City.

The invalidity or unenforceability of any of the provisions hereof shall not affect the validity or enforceability of the remainder of this Agreement.

The undersigned represents it has full authority to execute this Use of Property and Hold Harmless Agreement on behalf of the _____.

Agreed this _____ day of _____, 2020.

(Name of Organization)

Signature of Authorized Person

Title



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date:

May 27, 2020

Item:

Temporary Expansion or Creation of Outdoor Seating Areas for the Sale and Consumption of Alcoholic Liquor

Council Discretion:

Motion to adopt an Ordinance authorizing the Liquor Control Commissioner to amend liquor licenses in order to allow for temporary expansion or creation of outdoor seating areas for the sale and consumption of alcoholic liquor.

Staff Contact:

Eric T. Helm, Deputy City Manager
Melanie Nebel, Executive Assistant
Michelle Rentzsch, Director of Community Development

Background:

Following the passage of the attached proposed Ordinance, the Liquor Control Commissioner will be able to review and amend liquor licenses per the conditions of the proposed Ordinance, without City Council review.

In anticipation of an eventual easing of restrictions imposed by Governor Pritzker's Executive Orders 5 and 8 addressing the COVID-19 pandemic, and the Governor's recent announcement that Phase 3 of his plan to re-open Illinois will allow for restaurants and bars to resume operations for outdoor seating, local bars and restaurant owners have expressed an interest in either temporarily creating outdoor seating areas in which liquor can be sold and consumed or expanding any existing outdoor areas which are currently permitted by their existing licenses.

The attached Ordinance would allow the holder of any valid liquor license that permits the sale and on-premises consumption of liquor, to seek a temporary amendment to their license in order to allow for either the creation of a new outdoor seating area or the expansion of a currently existing outdoor seating area. The newly created or expanded outdoor seating areas would only be allowed to be occupied once the Governor's prohibition against either indoor or outdoor consumption of food and alcohol has been removed and only during such period that social distancing requirements remain in place. The Ordinance further provides that the temporary outdoor seating areas must be removed upon: (1) social distancing requirements being lifted, (2) the expiration of any temporary license period but in any event not later than October 31, 2020, or, (3) the order of the Liquor Commissioner.

Any newly created or expanded outdoor seating area would be subject to the following limitations:

1. The total open unroofed area located upon the licensed premises (inclusive of the Expanded Outdoor Seating Area) shall not exceed the approved area specified in the amended liquor license and shall comply with all plans submitted to and approved by the City.
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty-day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods ("Renewal Periods") expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty-day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.
10. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
11. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
12. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.

City Council approval is required in order to allow the Liquor Commissioner to consider amendments to liquor licenses to permit the temporary creation or expansion of outdoor seating areas for on premises consumption of liquor.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No. _____
File No. _____



The City of Crystal Lake

ORDINANCE AUTHORIZING THE LIQUOR CONTROL COMMISSIONER TO AMEND LIQUOR LICENSES IN ORDER TO ALLOW FOR TEMPORARY EXPANSION OR CREATION OF OUTDOOR SEATING AREAS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR

WHEREAS, Chapter 329 of the City Code sets forth classifications for the licensing of establishments for the sale of alcoholic liquor

WHEREAS, certain license classifications which allow for on premises consumption of alcoholic liquor provide that the premises upon which such alcoholic liquor may be sold and consumed may include outdoor seating within “open unroofed areas”, subject to certain conditions set forth within each such license classification, and

WHEREAS, approval of each of the outstanding liquor licenses issued within such classifications was premised upon information submitted and reviewed by the City Council and the Liquor Control Commissioner detailing the patron seating area, including the location and dimensions of outdoor seating areas for patrons; and

WHEREAS, as a result of the COVID-19 pandemic, Governor Pritzker issued Executive Orders 5 and 8 (the “Executive Orders”) which prohibited on-premises consumption of food and beverages at restaurants and bars throughout the State of Illinois; and

WHEREAS, Governor Pritzker has announced a five phase plan to re-open businesses in Illinois and further announced that Phase 3 of such plan will allow for bars and restaurants to have the option to resume operations for outdoor seating, subject to social distancing requirements that tables must be six feet apart and away from sidewalks; and

WHEREAS, in light of the proposed Phase 3 portion of the Governor’s plan and in anticipation of the eventual further easing of restrictions imposed by the Executive Orders, and to remain compliant with any social distancing recommendation/restrictions which will remain in place during this period, it is expected that licensed establishments will require either the expansion of previously approved outdoor seating areas upon which consumption of alcoholic liquor has been approved or the creation of such areas in order to accommodate patrons, while complying with social distancing requirements; and;

WHEREAS, the Acting Mayor and City Council have found and determined that it would be appropriate to authorize the Liquor Control Commissioner to temporarily amend any currently valid liquor licenses which allow for on premises consumption of alcoholic liquor, in order to permit the expansion or creation of open unroofed outdoor seating areas (hereinafter, the “Expanded Outdoor Seating Area”) and to allow for the sale and consumption of alcoholic liquor within such Expanded Outdoor Seating Area, subject to the limitations set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE ACTING MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE THAT:

SECTION ONE Recitals. The foregoing recitals are incorporated as though fully set forth herein.

SECTION TWO Authorization to Allow Temporary Amendment to Liquor Licenses The Liquor Control Commissioner is hereby authorized to review, and if deemed appropriate, amend any currently valid liquor license which permits the sale of alcoholic liquor for consumption upon the licensed premises in order to allow for the temporary expansion or creation of open unroofed seating areas for consumption of such alcoholic liquor within such Expanded Outdoor Seating Area, subject to the conditions set forth herein. Upon the amendment of such licenses, the sale and consumption of such alcoholic liquor shall be temporarily permitted within the Expanded Outdoor Seating Area, notwithstanding the fact that the classification under which the license is issued does not otherwise expressly allow for such sale and consumption within an a open unroofed

area. The following conditions shall apply to all amended licenses which temporarily authorize the creation of an Expanded Outdoor Seating Area pursuant to this ordinance.

1. The total open unroofed area located upon the licensed premises (inclusive of the Expanded Outdoor Seating Area) shall not exceed the approved area specified in the amended liquor license and shall comply with all plans submitted to and approved by the City.
2. The open unroofed area shall be particularly described and adjacent to and operated as a part of the premises licensed to sell alcoholic liquor on the premises and shall have obtained all permits or approvals required by the ordinances of the City Code, City or other governmental authority.
3. The open unroofed area shall have a maximum capacity as defined by the Building Commissioner which shall be separately posted at the entrance to the open unroofed area.
4. Any part of the open unroofed area not blocked by a building shall be surrounded by a fence or other barrier approved by the Building Commissioner which shall contain the required number of fire exits. All fences or other barriers shall comply with the ordinances of the City regarding vision, clearance and required distances from corners.
5. All electrical wiring shall comply with the codes of the City.
6. All combustible rubbish shall be stored in a noncombustible container, and the license holder shall be responsible for keeping the area in a clean and sightly condition.
7. The noise emanating from any open unroofed area where alcoholic beverages are served pursuant to this license shall not violate any of the provisions of the City Code of Ordinances pertaining to noise.
8. The license holder shall be responsible for preventing violations of this chapter.
9. The Expanded Outdoor Seating Area shall be temporarily permitted for a thirty day period (the "Expansion Time Period") and shall not be established or occupied until such time as the prohibition against either indoor or outdoor on-premises consumption of food and beverages at bars and restaurants has been removed and only during such period of time

that social distancing requirements/recommendations issued by the Governor remain in place. The Extension Time Period shall be automatically extended for additional thirty-day periods (“Renewal Periods”) expiring no later than October 31, 2020, unless the City Council, in its sole discretion determines that no Renewal Period shall be allowed beyond the then current thirty day period. The Expanded Outdoor Seating Area shall be removed within fourteen days of the earlier to occur of: 1) The termination of the Expansion Time Period (including any Renewal Period); 2) the termination of any requirement/recommendation of the Governor pertaining to social distancing; 3) the order of the Liquor Commissioner requiring such removal.

10. Due to the potential impact upon neighboring residential properties, no portion of the open unroofed area, including the Expanded Outdoor Seating Area, may be used by patrons after 11:00 p.m.
11. No amplified music shall be permitted in the Expanded Outdoor Seating Area, unless approved in connection with a Special Event permit.
12. Reflective striping shall be installed on fencing material that blocks any existing entry drives and exiting/safety requirements must be implemented per City Code.

SECTION THREE Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

DATED this twenty-seventh day of May, 2020.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Haig Haleblian, Acting Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: May 27, 2020

APPROVED: May 27, 2020



Agenda Item No: 15

City Council Agenda Supplement

Meeting Date: May 27, 2020

Item: Amendment to Ordinance #6563 to reallocate \$70,000 from the matching grant program for the proposed Business Transition Grant Program.

Staff recommendation: Motion to adopt an Ordinance reallocating the remaining \$70,000 of the matching grant program to applications for the Business Transition Grant Program.

Staff Contact: Michelle Rentzsch, Director of Community Development
Heather Maieritsch, Economic Development Manager

Background:

On May 4, 2010, the City Council approved an Ordinance establishing a Retailer Façade and Commercial Tenant Improvement and a Manufacturer Building Improvement and Equipment matching grant program that has been utilized since its adoption to help starting retailers and manufacturers cover their costs for establishing a business in the community.

The City budgeted \$80,000 for the grant programs for the 2020-2021 fiscal year. Out of the total funds allocated, \$70,000 is available to retool into a COVID-19 Business Transition Grant Program for sales tax generating businesses to help them transition their businesses to meet the physical distancing and sanitation standards for reopening. Local businesses help create jobs, boost the economy and enhance the community. Crystal Lake is proud to have so many unique businesses spread throughout our community making Crystal Lake a desirable place to live, work and play.

The City of Crystal Lake is home to approximately 2,000 industrial, commercial, and office businesses, including:

- 45 small retail businesses
- 14 salons
- 21 fitness and healthcare businesses
- 82 locally owned restaurants (non-franchise or chain)


Last year alone 75 new small businesses joined the Crystal Lake community. COVID-19 has negatively impacted our business community and those hardest hit by the impacts of COVID-19 have been small retail and restaurant businesses.

This program would enable the City to expand its financial assistance programs and assist small businesses negatively impacted by COVID-19 by helping them with the unexpected expenses of altering their business to meet new required health and safety guidelines.

Program Parameters

- ✓ Must be a tax generating business with sales up to \$4 million.
- ✓ Business must generate walk-in traffic.
- ✓ Reimbursement for capital improvements for physical distancing and sanitation due to COVID-19 up to \$1,000 per applicant.
- ✓ Franchise businesses, home-based businesses, home occupation businesses and businesses with more than 3 business units do not qualify.

Examples of Protective Enhancements Include:

<p>Plexiglass Enhancements</p>	
<p>Sanitation stations</p>	
<p>Walk-up Windows</p>	

<p>Separations for Entrance/Exits</p>	
<p>Face Coverings</p>	
<p>Signage for Traffic Flow or Distance Dots</p>	

Votes Required to Pass: A simple majority vote.

DRAFT

Ord. No.
File No.



The City of Crystal Lake Illinois

AN ORDINANCE AMENDING ORDINANCE #6563, ADOPTING A RETAILER FACADE AND COMMERCIAL TENANT IMPROVEMNET PROGRAM AND A MANUFACTURER BUILDING IMPROVEMENT PROGRAM, TO REALLOCATE FUNDS AND ESTABLISH THE BUSINESS TRANSITION GRANT PROGRAM

WHEREAS, the City has the authority, pursuant to the laws of the State of Illinois, to promote the health, safety, and welfare of the City and its inhabitants, to prevent the spread of blight, to encourage private development in order to enhance the local tax base, to increase employment, and to enter into contractual agreements with third parties for the purpose of achieving these purposes.

WHEREAS, to stimulate and assist with business retention, the City has, after giving all notices required by law, adopted and amended the following ordinance:

WHEREAS, in an effort to assist existing small businesses in the community, the City wishes to and replace the New and Existing Retailer Job Creation and Investment Program and the New or Expanding Manufacturer Job Creation and Equipment Investment Program with the establishment of the Business Transition Grant Program.

WHEREAS, the creation of the Retailer Façade and Commercial Tenant Improvement and Manufacturer Building Improvement and Equipment Programs were established to promote and strengthen the business community which during this current time would be better achieved through the creation and execution of a Business Transition Grant Program.

WHEREAS, the City Council has found and determined that participation in the Business Transition Grant Program will encourage the maintenance and improvement of businesses within the City and will stimulate economic activity in the City, including the creation and maintenance of jobs and the attraction of consumers to the City and will otherwise generally benefit the well-being of the residents of the City by stimulating commercial growth and provide crucial economic support to allow the City to continue to provide the level of municipal services to its commercial and residential citizens;

WHEREAS, the City is authorized to expend public funds for a public benefit and participation in the Business Transition Grant Program will provide a benefit to the public, generally.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, is hereby amended as follows:

SECTION 1: §228-23. New Retailer Job Creation and Investment Program.

SECTION 2: §228-24. New or Expanding Manufacturer Job Creation and Equipment Investment Program.

SECTION 3: §228-25. Existing Retailer Job Creation and Investment Program.

SECTION 4: Business Transition Program

- A. The City intends to encourage and support further investment in the Crystal Lake business community by its current building and business owners. This program is designed to assist business owners in their efforts to continue operations within Crystal Lake. Through this program, the City will award grants to existing Crystal Lake retail businesses collecting retail sales taxes not in excess of \$4 million for protective equipment and supplies for their existing retail storefronts. This grant program will provide financial assistance to such restaurants and retailers for fixtures and equipment (FFE) to help them transition their businesses to meet the physical distancing and sanitation standards for reopening. The City will reimbursement businesses for capital improvements for physical distancing and sanitation due to COVID-19 up to \$1,000 per applicant. The building or business owner who has funded the investment in the fixtures and equipment must first apply for and be approved administratively in order to receive the grant from the City. All awards are subject to financial limitations established by the City's appropriation ordinance.
- B. The total grant award available to an existing retailer pursuant to this section shall be limited based upon the retailer's previous annual taxable sales during the twelve-month period immediately preceding the date of application for the grant award. The amount of sales generated may not exceed \$4 million in revenue. Existing retail businesses meeting the eligibility provisions of this section may be awarded grants in a first-come-first served basis.
- C. Eligibility criteria.
 - 1. The program is open to any existing Crystal Lake sales-tax-revenue-generating business.
 - 2. Any improvements must comply with all applicable codes and ordinances.
 - 3. Must be a tax generating business with a maximum annual taxable sales threshold \$4 million in annual sales over the twelve-month period.
 - 4. Business must generate walk-in traffic.

5. Reimbursement for capital improvements for physical distancing and sanitation due to COVID-19 up to \$1,000 per applicant.
6. Franchise businesses, home-based businesses, home occupation businesses and businesses with more than 3 business units do not qualify.

SECTION 5: § 228-26. Eligible fixtures and equipment expenses.

Eligible investments for ~~new and existing retailers~~ the Business Transition Grant Program include, but are not limited to: ~~shelving, racks, tables, chairs, point of sale systems, fixed computer equipment used in the business operation, office furniture, and appliances~~ plexiglass enhancements, sanitation stations, face coverings and signage for traffic flow or distance dots. Eligible facade improvements include, but are not limited to: ~~exterior brick cleaning; exterior tuck pointing; exterior painting; wall facade construction, repair, and treatment; original exterior architectural features repair or replacement; interior/exterior demolition; and historic renovation to interior/ exterior~~ enhancements to make a pick-up/walk-up window or creation and alterations to doors to create separations for entrances and exits. ~~Eligible investments for new manufacturers include, but are not limited to: shelving, racks, fixed computer equipment used in the business operation, manufacturing/assembly equipment used in everyday operation of the business, and office furniture~~ Improvements not included within the eligibility list above are subject to approval by staff. Reimbursement for eligible fixture and equipment expenses to comply with physical distancing and sanitation due to COVID-19 up to \$1,000 per applicant.

SECTION 6: § 228-27. Ineligible projects.

The Business Transition ~~Retailer Job Creation and Investment Program and the Existing Retailer Expansion and Relocation~~ Grant Program will not provide grant funds to businesses that do not collect sales taxes, do not have walk-in traffic, are home-based businesses, home-occupation businesses, exceed \$4 million in sales per annum, are franchise “chain” businesses, or have more than 3 business units. ~~that do not meet the minimum taxable sales threshold of \$150,000 in taxable sales.~~ Furniture, Fixtures and equipment costs shall not include working capital, debt refinancing, inventory acquisition, application fees, permit fees, or legal fees, ~~or signage.~~ Facade improvements where prevailing wages have not been paid are also ineligible.

SECTION 7: § 228-28. Grant agreement.

For applications that receive City Council approval, applicant(s) must enter into a grant agreement with the City. The grant agreement will specify grant parameters, requirements for proof of expenditure, and early termination provisions.

SECTION 8: § 228-29. Administration.

- A. Any eligible business owner who wishes to apply for a grant can obtain an application from the City. All applications for grants will be accepted on a first-come first-served basis and

will be subject to the financial limitations established by the City's annual appropriation ordinance and from time to time. Only completed applications that include all required submittal documents and information will be accepted. The City's Community Development Department will review each application for accuracy and will determine if it meets the requirements for funding. If the application is determined to meet the requirements of the program, then the application will be reviewed and approved administratively.

- B. Matching grant funds will be disseminated to grant recipient only after: ~~(1) The recipient's business receives a final certificate of occupancy; (2)~~
 - (1) The recipient provides the City with proof of ~~furniture, fixture, and equipment~~ costs;
 - (2) The recipient provides material costs, receipts and proof of payment ~~and certified payroll reports, for any facade work; and~~ (4)
 - (3) The City has been able to verify the business is open to walk-in traffic, and is a sales tax generating business not exceeding \$4 million in annual revenues.
- C. If all available grant funds for a current funding cycle, as established by the City's annual appropriation ordinance or from time to time, have been fully distributed, then applicants may be placed on a waiting list to be considered for a grant when funds become appropriated and available.

SECTION 9: § 228-30. Required documentation.

- A. Eligible applicants who apply for the ~~New Retailer and Manufacturer Job Creation and Investment Programs and the Existing Retailer Job Creation and Investment~~ Business Transition Grant Program will be required to provide documentation, drawings, specifications, and estimates for the acquisition of ~~furniture, fixtures and equipment~~. Applicants also will be required to provide a signed Illinois Department of Labor Authorization to Release Sales Tax Information form.
- B. Applicants must provide material costs and certified payroll verifying prevailing wages were paid for any facade work reimbursement. [Amended 8-15-2017 by Ord. No. 7391]
- C. After the applicant's business has provided ~~obtained a final certificate of occupancy,~~ proof satisfactory to the City of purchase of, and payment for the ~~furniture, fixtures, and equipment~~ must be provided to the Community Development Department, including receipts, cancelled checks, or other certifiable proof. [Amended 6-3-2014 by Ord. No. 7036]

SECTION 10: § 228-31. Review of proposals.

Every project will be evaluated for the value of the project improvements, the overall scope and extent of the proposed work, the potential economic impact of the project, and other relevant criteria. The staff review will consider the following aspects for its proposal review (analysis of the application):

- A. Aesthetic improvement value and occupancy.
 - (1) Improvement in overall site appearance.
 - (2) Impact to area.

B. Scope of new investments proposed. [Amended 8-15-2017 by Ord. No. 7391]

- (1) Value of fixtures, ~~furniture~~, and equipment to be purchased.
- (2) Potential economic impact.
- (3) Use of the subject property as a result of the new business activity.
- (4) Ways it will contribute to the economic vitality of the community.
- (5) How the use is compatible with and/or complements mix of existing uses.

SECTION 11: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 27th day of May, 2020.

City of Crystal Lake, an
Illinois municipal corporation

Haig Haleblian, Acting Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: May 27, 2020

Approved: May 27, 2020