



Meeting Minutes

Downtown Advisory Commission

Monday, March 19, 2018

3:30 PM

NEU Conference Room

A. CALL TO ORDER:

Chairman Rubin called the meeting to order at 3:33 p.m.

B. ROLL CALL:

Present: Gustin, White (left at 5:00 p.m.), Rubin, Hitchcock (left at 4:40 p.m.),
Frank, Costello (left at 5:15 p.m.), Zangler, Jeffries, Nagle, Miers

Absent: Andersen, Schatz

Also Present: Laff, Loudon, DiSanto, Trotz

Marilyn Schweitzer, Naperville Resident

Gary Smith & Chris Murphy, Accessible Community Task Force

Barb Stark, Advisory Commission on Disabilities

Michael Heyden, Advisory Commission on Disabilities

Stacy Short & Lynn Reissenweber, RPAI/Main Street Promenade

Tom Stark, Naperville Resident

C. PUBLIC FORUM:

None

D. OLD BUSINESS:

1. Provide feedback on a proposed amendment to Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code related to outdoor seating permits.

Mike DiSanto, City Attorney, provided an overview of the proposed ordinance amendment pertaining to liquor establishments on public property. The current ordinance has been in place for approximately 1 year, but has a sunset. Staff prepared a code amendment to extend or eliminate the sunset clause and permit the ordinance to remain in place. City Council has requested DAC's feedback on the issue.

Rubin indicated that he will participate in the discussions but abstain from a vote due to property that he owns within the downtown. Rubin raised the following questions for DAC consideration: Should distinct and functional barriers be consistent amongst all outdoor seating areas? Should noise restrictions be more enforceable or at least easier to address as they are occurring? Confirmed that people must be seated within area to be served. Is the \$500

permit fee too low?

Jeffries believes that the fee is appropriate given the limited number of additional tables that could be added to this area. Frank noted that it may be appropriate for an establishment like Craftsman to pay a higher permit fee since they converted a public improvement for private use; staff later clarified that the Craftsman largely paid for the improvements that were installed in front of their building with a small amount of City participation. Frank is not necessarily opposed to liquor being served outside but wants to make sure that there are still adequate public gathering places as recommended by the streetscape plan.

Gustin - are we comfortable with some of the streetscape areas being made private?

DAC had general discussion regarding existing sections of streetscape, existing outdoor seating areas, and unobstructed walking widths throughout the downtown. Nagle indicated that 6' clear still feels tight; 8' wide would be preferable. Costello indicated concern with a reduced sidewalk clearance if it inhibits comfort for walkers/shoppers within the downtown between 9 a.m. to 5 p.m.

Jeffries - if Front Street Cantina has an outdoor seating permit but not a liquor license, could they restrict who sits at those tables? DiSanto - yes, they could. Jeffries - would Front Street still be able to put their tables adjacent to their building? TED would review the outdoor seating permit, once submitted; TED would direct them to move the seating area to the amenity zone.

Hitchcock - recommends 6' clear width to remain unobstructed by any use (sandwich boards, tables, chairs, etc.); 9' clear height (consistent with awning height clearance requirements).

Rubin - should clear width be increased if area is fenced given that there is less maneuverability?

Marilyn Schweitzer - expressed concerns with the accessibility of downtown. Believes that 3.5' is the absolute minimum ADA width but 5' is far more common. Without a barrier, tables and chairs have the potential to creep into the walking area. Believes that the Downtown Streetscape Standards that are recommended are good, but that the 5' recommended clearance is not consistent with the recommended standards. The current proposals should match the future streetscape improvements.

Jeffries - how many non-liquor establishments would be impacted if the sidewalk clearance width is increased? Laff indicated that many would likely be prohibited from placing tables/chairs out if the required width was 8'.

Miers - how many complaints have been received from the first year of this liquor permit? DiSanto indicated that no formal complaints have been received and no speakers appeared at the Liquor Commission meeting when this item was discussed; however, some residents, such as Ms. Schweitzer, have expressed concerns.

Gary Smith, Chairman of the Accessible Community Task Force - their position is that anything less than 8' is unacceptable - it is not enough space - Naperville needs to be accessible and inclusive.

Nagle made a motion to require 8' clearance regardless of liquor/non-liquor service; Frank - seconded the motion. Hitchcock indicated that he can support the 8' minimum but would like to give staff the ability to be flexible on that requirement down to 6' (i.e., minimum is 6', preference is 8'). Jeffries indicated that she cannot support that requirement as many existing benches, trees, light poles would already violate this requirement. Louden clarified the ADA requirements.

Louden noted that the majority of the downtown streets will fall within the "narrow" category with a minimum 6' sidewalk width being achievable.

Stacy Short - leasing director of Main Street Promenade (RPAI). Their sidewalk width is 14'. Some of their spaces are difficult to lease due to their location and lack of visibility (i.e., northeast corner of Main & Benton). If the minimum width of 8' is enforced, they will not be able to have a seating area and this will impact their ability to lease the space for restaurant use.

Schweitzer - there is a difference between public amenities in the right-of-way and private useage of this same space.

Frank noted that we have to work with the existing conditions present in the downtown. While 12' would be great, we could not achieve this with existing conditions. Gustin noted that the streetscape report did not account for the possible fencing off of areas within the amenity zone - does this need further consideration?

Michael Heyden & Chris Murphy (ACD/ACTF) indicated that they are comfortable with 6' minimum, 8' where possible.

Rubin - recommends that the fencing be quality, attractive, and be complimentary/consistent with the Downtown; DAC agrees. DiSanto noted that the Mayor, as Liquor Commissioner, reviews each liquor permit and has the ability to require changes, as needed.

Rubin - ordinance needs to reflect a requirement that private seating areas (seats, tables, fences) be removed in the off-season. Costello would like there to be a defined period for outdoor usage. Miers recommended that seating be permitted between April 1 - November 1st; outside of those dates, all equipment that is not permanently affixed must be removed and stored off-site.

Nagle - motion to require 8' clearance regardless of liquor/non-liquor service; require any requests less than 8' wide to be processed as a variance. Frank - seconded the motion.

Jeffries made a motion in substitution to require a 6' minimum, with 8' or wider if possible. Second - Miers.

Ayes: 5 - Zangler, Costello, Frank, Jeffries, Miers

Nays: 1- Nagle

Abstained: 2- Rubin, Gustin

Motion in substitution is approved.

Miers made a motion to permit outdoor seating between April 1 - November 1st; outside of those dates, all equipment that is not permanently affixed must be removed and stored off-site. Seconded by Zangler.

Ayes: 7- Zangler, Nagle, Gustin, Costello, Frank, Jeffries, Miers

Nays: 0

Abstained: 1 - Rubin

Miers made a motion to require the fencing installed for liquor establishments be consistent with either the Downtown Design Guidelines or the Downtown Streetscape Standards. Seconded by Frank.

Ayes: 5 - Zangler, Nagle, Gustin, Frank, Jeffries, Miers

Nays: 0

Abstained: 1 - Rubin

E. REPORTS:

1. Approve the February 12, 2018 DAC meeting minutes.

Jeffries made a motion to approve the February 12, 2018 DAC meeting minutes.

Seconded by Frank. Motion unanimously approved.

F. NEW BUSINESS:

G. ADJOURNMENT: