



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telser Road
Lake Zurich, Illinois 60047

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AGENDA ITEM
8 B

MEMORANDUM

Date: August 5, 2019

To: Ray Keller, Village Manager *RK*

From: Sarosh Saher, Community Development Director

CC: Tim Verbeke, Planner
Mary Meyer, Building Services Supervisor

Re: **Zoning Application for 125 North Old Rand Road – Sunset Pavilion
Special Use Permit for Outdoor Live Entertainment**

Issue.

Stefani Schweda Jerard, the operator of Sunset Pavilion, (the “*Applicant*”), has filed a zoning application for the property at 125 North Old Rand Road (the “*Subject Property*”). Specifically, the applicant is seeking:

- Special Use Permit for a performance space which allows for live outdoor entertainment

2014-2019 Strategic Plan: This agenda item is consistent with the following objectives under Goal #2

- Become more business friendly and customer oriented.

Analysis.

Sunset Pavilion is located within Breezewald Park in the Main Street Area of the Village. The property is zoned within the OS Open Space zoning district. Ms. Stefani Schweda Jerard has been the authorized lessee and operator of the Sunset Pavilion Beer Garden since its inception in July of 2018. She is proposing to offer live entertainment, specifically music, scheduled on certain days of the month during hours of operation of the beer garden at the pavilion, and in keeping with the village’s established noise ordinance, which prohibits the use of amplifiers and loudspeakers on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.

Regular operating hours of the beer garden pavilion are
Monday through Saturday 9:00 a.m. to 10:00 p.m. from May 1 through October 31;

Sunday from 10:00 a.m. to 9:00 p.m. from May 1 through August 31; and
Sunday from 10:00 a.m. to 8:00 p.m. from September 1 through October 31.

The Applicant's intention is to add to the ambiance of the environment and experience that they are currently offering to guests at the pavilion, not bring in loud music that will disrupt the surrounding neighbors. The Applicant would invite one or two acoustic musicians to perform at Sunset Pavilion on select nights in the summer.

The Planning and Zoning Commission (PZC) held a public hearing on July 17, 2019 to consider the application and voted 4-0 in favor of recommending approval of the Special Use Permit to allow for the requested outdoor live entertainment. No additional conditions were added by the PZC other than those initially recommended by staff. The video stream from the PZC meeting can be accessed via the link:

<https://view.earthchannel.com/PlayerController.aspx?PGD=lakezurichil&eID=423>

A detailed evaluation and summary of the project can be found in the Staff Report that was provided to the Planning and Zoning Commission, which is made a part of the attached Ordinance.

Recommendation.

At their meeting on July 17, 2019, the Planning and Zoning Commission recommended approval of the Special Use Permit incorporating the conditions for approval provided by staff in its report.

Staff therefore recommends approval of the attached ordinance, with its specific attachments based on the following conditions for approval that are contained within said ordinance:

1. Substantial conformance and compliance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated June 13, 2019, prepared by Ms. Stefani Schweda Jerard, President of PB & S Investments.
 - b. Additional correspondence from Ms. Stefani Schweda Jerard dated July 12, 2019 related to compliance with Section 3-2-16 entitled Sound Amplifiers.
 - c. Exhibit A: Legal Description of the Subject Property.
 - d. Ordinance #2018-07-266, authorizing the amended lease agreement between the Applicant and Village of Lake Zurich.
 - e. Lease Agreement for Beer Garden Pavilion, authorizing and providing and terms and conditions for the use and operation of the beer garden at Sunset Pavilion.
 - f. Plat of Survey, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion.
 - g. Drawings depicting the locations of potential live entertainment areas, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion dated June 13, 2019.

2. The use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16 entitled Sound Amplifiers, and shall not be operated on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.
 3. The operation of live entertainment shall not exceed the hours of operation of the beer garden as approved per Ordinance #2018-07-266 entitled “An Ordinance Amending a Lease Agreement for Beer Garden Pavilion Property at Breezewald Park, 125 North Old Rand Road, Village Of Lake Zurich, Lake County, Illinois.”
 4. The outdoor live entertainment is limited to no more than two amplifiers with a maximum of no more than two performers at any given time authorized for such entertainment.
 5. The Special Use Permit approved here, specifically authorizing a performance space for this outdoor live entertainment in conjunction with the beer garden facility is for Sunset Pavilion operated by Ms. Stefani Schweda Jerard d/b/a PB and S Investments, LLC, and shall be located within the Premises of the leased space at 125 North Old Rand Road, as defined within Ordinance #2018-07-266, and shall expire if this land use and operator requesting this Special Use Permit cease operating at the Subject Property.
 6. The development and operation of this Special Use shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich at all times.
- Approval Ordinance including the following exhibits
 - Exhibit A – Legal description of the subject property
 - Exhibit B – July 17, 2019 staff report and planning and zoning commission recommendation/conditions and accompanying documentation

ORDINANCE NO. 2019-_____ - _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
Performance Space for Outdoor Live Entertainment at Sunset Pavilion
Breezewald Park, 125 North Old Rand Road

WHEREAS, Stefani Schweda Jerard, of PB & S Investments, LLC, is the applicant (“Applicant”) for a special use permit for the property at 125 North Old Rand Road (“Subject Property”), legally described in **Exhibit A** hereto, for that space commonly known as Sunset Pavilion; and

WHEREAS, Sunset Pavilion constitutes the leased space comprising of the interior, deck and surrounding grounds of the Beverage Pavilion facility within Breezewald Park (the “Premises”) and is located at the southwest end of the Subject Property; and

WHEREAS, Applicant has entered into an amended lease agreement with the Village through Ordinance #2018-07-266 entitled “An Ordinance Amending a Lease Agreement for Beer Garden Pavilion Property at Breezewald Park, 125 North Old Rand Road, Village Of Lake Zurich, Lake County, Illinois,” and is the authorized operator of the Premises; and

WHEREAS, Applicant, as authorized operator of the Premises, wishes to offer outdoor live entertainment on such Premises located within the Subject Property as described in the preceding paragraph; and

WHEREAS, the Applicant has filed zoning application PZC 2019-14, dated June 17, 2019 (the “Application”) seeking the approval of the following:

- Special Use Permit for a performance space which allows for live outdoor entertainment.

WHEREAS, in compliance with the law, and the requirements of the Village of Lake Zurich Zoning Code, notice was published on June 29, 2019, in The Daily Herald, and the Village posted a public hearing sign on the Property on June 25, 2019, both the newspaper and sign notices informing the public of a public hearing to be held before the Lake Zurich Planning and Zoning Commission on July 17, 2019, to consider the Application for this requested zoning authority and approval; and

WHEREAS, the Lake Zurich Planning and Zoning Commission received and considered the STAFF REPORT dated July 17, 2019, which was provided to the Commission for the meeting, addressing the request for approval of said Special Use Permit to allow for the establishment and operation of a performance space for outdoor live entertainment on the Premises within the Subject Property in the OS Open Space district; and considered all information presented by the Applicant, and the applicable factors required under of the Zoning Code; and, after the conclusion of the public hearing, the Planning and Zoning Commission recommended that the Board of Trustees approve the zoning approval requested in this Application, subject to those conditions of approval recommended by Village staff; and

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich met on August 5, 2019, and considered the findings and recommendations of the Planning and Zoning Commission, including the STAFF REPORT dated July 17, 2019, all consisting of 11 pages, said required zoning standards, findings and recommendations attached hereto as **Exhibit B** and

having considered all of the facts and circumstances affecting the Application and these recommended approvals, the President and Board of Trustees have determined that the applicable standards related to this special use approval have been met.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, as follows:

SECTION 1: ADOPTION AND INCORPORATION OF RECITALS. The foregoing recitals, findings, recommendations, exhibits and plans are incorporated herein as findings and requirements of the President and Board of Trustees, and Exhibits referenced herein are made a part of and incorporated into this Ordinance and related approval, except as otherwise provided below.

SECTION 2: GRANT OF SPECIAL USE PERMIT. The Mayor and Board of Trustees, pursuant to the authority vested in them under the laws of the State of Illinois and (Section 9-7A-3, A) of Article A entitled "Open Space District" of Chapter 7 entitled "Special Districts and Overlay Districts" and Chapter 19 of the Lake Zurich Zoning Code, hereby grant the following approval, as shown and provided in the STAFF REPORT dated July 17, 2019, and final findings and recommendations of the Planning and Zoning Commission (hereinafter "PZC"), all consisting of 11 pages, attached hereto as **Exhibit B**, for the Premises within the Subject Property:

- A Special Use Permit pursuant to said Section 9-7A-3, A for a performance space which allows for live outdoor entertainment;

and subject to the following conditions for approval:

1. Substantial conformance and compliance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated June 13, 2019, prepared by Ms. Stefani Schweda Jerard, President of PB & S Investments.
 - b. Additional correspondence from Ms. Stefani Schweda Jerard dated July 12, 2019 related to compliance with Section 3-2-16 entitled Sound Amplifiers.
 - c. Exhibit A: Legal Description of the Subject Property.
 - d. Ordinance #2018-07-266, authorizing the amended lease agreement between the Applicant and Village of Lake Zurich.
 - e. Lease Agreement for Beer Garden Pavilion, authorizing and providing and terms and conditions for the use and operation of the beer garden at Sunset Pavilion.
 - f. Plat of Survey, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion.
 - g. Drawings depicting the locations of potential live entertainment areas, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion dated June 13, 2019.
2. The use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16 entitled Sound Amplifiers, and shall not be operated on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.

3. The operation of live entertainment shall not exceed the hours of operation of the beer garden as approved per Ordinance #2018-07-266 entitled "An Ordinance Amending a Lease Agreement for Beer Garden Pavilion Property at Breezewald Park, 125 North Old Rand Road, Village Of Lake Zurich, Lake County, Illinois."
4. The outdoor live entertainment is limited to no more than two amplifiers with a maximum of no more than two performers at any given time authorized for such entertainment.
5. The Special Use Permit approved here, specifically authorizing a performance space for this outdoor live entertainment in conjunction with the beer garden facility is for Sunset Pavilion operated by Ms. Stefani Schweda Jerard d/b/a PB and S Investments, LLC, and shall be located within the Premises of the leased space at 125 North Old Rand Road, as defined within Ordinance #2018-07-266, and shall expire if this land use and operator requesting this Special Use Permit cease operating at the Subject Property.
6. The development and operation of this Special Use shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich at all times.

SECTION 3: FINDINGS IN SUPPORT OF APPROVAL OF GRANT OF SPECIAL USE PERMITS. The findings, conditions and recommendations as set forth in the STAFF REPORT dated July 17, 2019, and the PZC recommendations, all consisting of 11 pages, along with the filings provided to the PZC, as required by Chapter 7 (Section 9-7A-3) and Chapter 19 of the Lake Zurich Zoning Code, are hereby accepted as the Board's own, are incorporated herein by this reference and shall be made a part of the official record for the Application.

SECTION 4: SEVERABILITY. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

PASSED THIS _____ day of _____, 2019.

Ayes:

Nays:

Absent:

Abstain:

APPROVED this _____ day of _____, 2019.

Mayor Tom Poynton

ATTEST:

Village Clerk
Kathleen Johnson

EXHIBIT A

Legal description of Property

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17 TOWNSHIP 83 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPLE MERIDIAN DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING IN THE CENTER OF THE MCHENRY ROAD (SO CALLED) AT A POINT 1.94 CHAINS WEST OF THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION AND RUNNING THENCE NORTH 43 DEGREES 30 MINUTE WEST ALONG SAID ROAD 7.10 CHAINS: THENCE NORTH 15 DEGREES WEST ALONG SAID ROAD 5.70 CHAINS: THENCE NORTH 36 DEGREES 26 MINUTES WEST ALONG SAID ROAD 3.80 CHAINS TO THE WEST LINE OF SAID QUARTER QUARTER SECTION; THENCE NORTH 11.43 CHAINS TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE EAST 11.61 CHAINS, MORE OR LESS TO THE PLACE OF BEGINNING INCEPTING THEREFROM A TRACT OF LAND DESCRIBED AS COMMENCING AT THE POINT INTERSECTION OF THE WEST LINE OF SAID QUARTER QUARTER SECTION 402.4 FEET; THENCE NORTH 52 DEGREES 49 MINUTES EAST 296.9 FEET TO THE CENTER OF THE MCHENRY ROAD; THENCE NORTH 57 DEGREES 7 MINUTES WEST ALONG SAID ROAD 123.1 FEET; THENCE NORTH 38 DEGREES 22 MINUTES WEST ALONG SAID ROAD 250.8 FEET EAST TO THE PLACE OF BEGINNING; IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

Exhibit B – July 17, 2019 staff report and planning and zoning commission recommendation/conditions consisting of 11 total pages and accompanying documentation.



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APPLICATION PZC 2019-14
PZC Hearing Date: July 17, 2019

AGENDA ITEM 5.A

STAFF REPORT

To: Chairperson Stratman and Members of the Planning & Zoning Commission

From: Sarosh Saher, Community Development Director

CC: Tim Verbeke, Planner
Mary Meyer, Building Services Supervisor

Date: July 17, 2019

Re: PZC 2019-14 Zoning Application for 125 North Old Rand Road
Sunset Pavilion at Breezewald Park
Special Use Permit for Outdoor Live Entertainment

SUBJECT

Stefani Schweda Jerard, the operator of Sunset Pavilion (the “Applicant”), requests a Special Use Permit to allow for outdoor live entertainment, specifically live music, at the outdoor pavilion within Breezewald Park commonly known as 125 North Old Rand Road and legally described in Exhibit A attached hereto (the “Subject Property”).

GENERAL INFORMATION

Requested Action: Special Use Permit

Current Zoning: OS Open Space Zoning District
DR Downtown Redevelopment Overlay District
LP Lake Protection Overlay District

Current Use: Beer Garden and Public Park

Proposed Use: Beer Garden with Outdoor Live Entertainment and Public Park

Property Location: 125 North Old Rand Road (Breezewald Park)

Applicant: Stefani Schweda Jerard, d/b/a PB and S Investments, LLC

Owner: Village of Lake Zurich

Staff Coordinator: Tim Verbeke, Planner

LIST OF EXHIBITS

- A. Legal Description
- B. Public Hearing Sign
- C. Site Photos
- D. Aerial Map
- E. Zoning Map
- F. Parcel Map
- G. Development Application and Attachments
- H. Development Review Comments

BACKGROUND

Stefani Schweda Jerard, d/b/a PB and S Investments, LLC (the “Applicant”), is the applicant and operator of Sunset Pavilion for the Village of Lake Zurich (the “Owner”) located within Breezewald Park. The applicant is proposing to offer live entertainment, specifically music, during normal scheduled hours of operation at the pavilion. The Subject Property is located at 125 North Old Rand Road, and legally described in Exhibit A attached hereto (the “Subject Property”). The Applicant filed an application with the Village of Lake Zurich received on June 17, 2019 (the “Application”) seeking:

- Special Use Permit to allow for Live Entertainment (accessory to an eating place).

The existing land use is operated as a beer garden within Breezewald Park located within the Village’s OS Open Space zoning district. The beer garden consists of a seasonal pavilion structure and deck located at the southwestern corner of the park along Lake Zurich. The pavilion structure is used for employee operation and general storage with patron seating located around the structure on the deck with views of the lake. The Applicant operates the facility for the service of alcoholic and non-alcoholic beverages as a public amenity Village park property offering a selection of beer, wine, sparkling wine, ciders, and fermented malts, along with a selection of non-alcoholic beverages and light food options. No hard liquor, spirits or cocktails are served.

Regular operating hours of the beer garden pavilion are

- Monday through Saturday 9:00 a.m. to 10:00 p.m. from May 1 through October 31;
- Sunday from 10:00 a.m. to 9:00 p.m. from May 1 through August 31; and
- Sunday from 10:00 a.m. to 8:00 p.m. from September 1 through October 31.

The Applicant, Ms. Stefani Schweda Jerard, has been the authorized lessee and operator of the Sunset Pavilion Beer Garden since its inception in July of 2018. The Applicant intends to continue her relationship with the Village of Lake Zurich. The current lease with the Village runs through December 31st, 2019 with separate one-year extensions if mutually agreeable between the Village and Lessee.

The Applicant intends to provide outdoor live entertainment on or in the immediate area of the deck to provide ambient music to the guests. The proposed use will not require the deck to be retrofitted to accommodate the proposed live entertainment, as its existing configuration will suit the proposed use. Depending upon the location of the proposed live entertainment, the remaining deck space will continue to be used for outdoor seating for the beer garden operated by the Applicant.

The Applicant had initially proposed to offer live music entertainment on Sundays and Mondays. However, after becoming aware of the amplified sound/music requirements in the village code, has revised her proposal to be able to offer live entertainment working within the guidelines of the village sound amplifier ordinance. The Applicant is now requesting the ability to offer such entertainment on any evening during the week except Sundays and stopping all plugged-in/amplified music before 8:00 p.m. during the remaining days of the week.

Scheduling of entertainment will vary depending on the availability of the entertainers. The Applicant's intention is to add to the ambient of the environment and experience that they are currently offering to guests at the pavilion, not bring in loud music that will disrupt the surrounding neighbors.

The Applicant would invite one, or two acoustic musicians to perform at the Sunset Pavilion on select nights in the summer. The hours of entertainment are scheduled so as not to exceed the hours of operation.

The live music will be projected out of one to two amplified speakers located in two potential areas, either on the Sunset Pavilion deck, or in the immediate picnic area to the west of the deck:

- On the southeast corner of the deck to service all the guests on the deck and the picnic tables in front of the deck; OR
- The Applicant would rent a portable platform and place it near the pedestrian path in the grass area in front of the deck. This will service guests on the deck as well as the picnic tables in front of the deck.

The hours of operation for the Beer Garden Pavilion will not be changed due to the proposed special use.

In the OS Open Space district, live entertainment may be allowed under the authorized Special Use of band shells and amphitheaters. A Special Uses is required to go through the public hearing process and requires Village Board approval.

Pursuant to public notice published on June 29, 2019, in the Daily Herald, a public hearing has been scheduled with the Lake Zurich Planning & Zoning Commission for July 17, 2019, to consider the Application. On June 25, 2019, the Village posted a public hearing sign on the Subject Property (Exhibit B).

Staff offers the following additional information:

- A. **Courtesy Review.** Due to the low impact of this project, and the Sunset Pavilion already being an established operation on the property, courtesy review was not recommended.
- B. **Zoning History.** The property was privately held until the mid-1990s (1998), when the Village took ownership, established Breezewald Park and built the parking lot, picnic shelter, and restroom building. In 2018, the village constructed the beer garden pavilion (Sunset Pavilion) as an added amenity in the park.

Presently, the beer garden is a leased space within the park. The property is zoned within the OS – Open Space and is also subject to the DR Downton Redevelopment Overlay District and the Lake Protection District. This is the first public amenity as a leased commercial venture within Breezewald Park with the intention of serving the smaller immediate demographic of the central business district as well as the greater Lake Zurich community.

The Applicant has been operating the facility for the past year, has demonstrated success in operating the business and would now like to add the additional amenity of live music to the beer garden to enhance the guest experience. The addition of the live entertainment is not projected to impact the parking requirement or need. The Applicant only intends to offer small acoustic performances whose influence will not extend much beyond the beer garden pavilion, its deck and the immediately surrounding picnic areas.

- C. **Surrounding Land Use and Zoning.** The subject property is located on North Old Rand Road at the northern end of the Lake Zurich Main Street area. The areas to the south, north and northeast are zoned within the R-5 single-family residential district and B-2 central business district. The property to the northeast is improved with a restaurant operated as Scoreboard Bar & Grill. The properties directly to the east contain a variety of retail and service uses along Old Rand Road within the Alpine Shopping Center. The property to the south was recently developed with 39 new townhomes and 48 new apartments as part of the Somerset Townhomes and Somerset by the Lake apartments. Lake Zurich is located immediately to the west of the subject property.
- D. **Trend of Development.** The subject property is located within the Main Street Area of Lake Zurich in the heart of the Village. This area is the historic heart of the community and is developed with residential uses, smaller locally owned businesses and recreational uses serving the immediate area of the community.
- E. **Zoning District.** The OS Open Space District is established to recognize the existence of major open space and recreational areas in the Village and is intended to apply to all public open space of notable quality and to major private open spaces such as golf courses and cemeteries. (Ord., 10-2004)

GENERAL FINDINGS

As it relates to the proposed Special Use Permit, Chapter 19 of the Lake Zurich Zoning Code entitled “Special Use Permits” provides for special uses that have some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect. The standards for special uses examine the location, design and operational characteristics of a use.

Staff finds that the land use as proposed to be established will continue to comply with the location, design and operational standards associated with the subject property and offers the following findings on specific sections of the Code.

9-19-3: STANDARDS FOR SPECIAL USE PERMITS.

Staff has reviewed the plan and found that the development proposal will continue to remain in substantial conformance with the standards for Special Use Permits as outlined below.

A. General Standards: No special use permit shall be recommended or granted unless the applicant shall establish substantial conformance with the following:

1. Zoning Code and Plan Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this zoning code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the official comprehensive plan.

Staff Response: Standard met. The proposed use will continue to remain in substantial conformance with the purpose and intent of the OS – Open Space, the land use designation of the adopted Comprehensive Plan and Ordinance 2018-07-266 which established and amended the lease agreement between the Village and Application for operation of the pavilion.

2. No Undue Adverse Impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area, or the public health, safety, and general welfare.

Staff Response: Standard met. The business and use is consistent with the commercial, and recreational uses in the Main Street area. The business has demonstrated that it does not have any substantial or undue adverse effect upon any adjacent properties and does not adversely impact the public health, safety, and general welfare of the Village. The addition of one or two persons producing amplified acoustic music performances will not adversely change the overall impact of the subject property.

The live entertainment is proposed to be located no closer than 80 feet from the nearest residence to the south, no less than 320 feet from the nearest single-family residence to the north and no less than 400 feet to the nearest single-family residence to the east and northeast.

The applicant has indicated that the volume of the amplified music will be set at a level to be heard no further than the pavilion deck and picnic areas towards which it is directed. That amounts to an approximately 50-foot radius around the music source.

No Interference with Surrounding Development. The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.

Staff Response: Standard met. The entirety of the business and the live entertainment will be operated within the space leased by the applicant within Brezewald Park.

3. Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

Staff Response: Standard met. The proposed development is currently served by and will continue to be served adequately by essential public facilities and services such as streets, utilities, drainage and other municipal services. No change in impact these are anticipated at this time.

4. No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through the surrounding streets.

Staff Response: Standard met. The addition of a small one to two-person musical set will have minimal associated additional traffic.

Parking is in conformance with the requirements of the zoning code. The beer garden was designed to be adequately served by the existing street and municipal parking areas.

5. No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

Staff Response: Standard met. The proposed use will not result in the destruction or removal of any natural features. The subject property has been

previously developed as a beer garden with a deck overlooking Lake Zurich. The live entertainment is proposed within the already improved areas.

6. Compliance with Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

Staff Response: Standard met. The only additional standards imposed on the land use by the Ordinance 2018-07-266 are the hours of operation. The general operation of the Pavilion shall continue to be limited by the lease agreement to the following hours: 9:00 am to 10:00 pm Monday through Saturday from May 1st through October 31st; Sunday from 10:00 am – 9:00 pm from May 1st through August 31st; Sunday from 10:00 am – 8:00 pm from September 1st through October 31st.

The hours during which amplified music will be offered shall be limited to and not exceed – Mondays through Saturdays between 9:00 a.m. and 8:00 p.m. Amplified music is not permitted on Sundays.

7. Positive Effect. The proposed special use creating a positive effect for the zoning district, its purpose, and adjacent properties shall be placed before the benefits of the petitioner.

Staff Response: Standard met. The proposed use will continue to contribute to the operation and use of the established beer garden at Breezewald Park to serve as an amenity in Lake Zurich’s Main Street area.

- B. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.

Staff Response: Standard met. The applicant has agreed to and staff will ensure that the Applicant continues to comply with the conditions imposed on Live Entertainment specifically with the use of amplified music.

- C. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Board of Trustees shall consider:

1. Benefit. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

Staff Response: Standard met. The business will continue to provide a convenient location for this service within the community.

2. Alternative Locations. Whether the purposes of the zoning code can be met by the location of the proposed use and development in some other area or zoning district that may be more appropriate than the proposed site.

Staff Response: Standard met. There is no evidence that the proposed location is inappropriate for the proposed land use. Additionally, the land use is proposed as an accessory use to the already established beer garden. Therefore the operator is not proposing an alternative location.

3. Mitigation of Adverse Impacts. Whether all steps possible have been taken to minimize any substantial or undue adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

Staff Response: Standard met. The Sunset Pavilion was developed in a manner that creates a minimal adverse effect on itself or on surrounding property in relation to its location, design and operation.

RECOMMENDATION

The recommendation of the Planning and Zoning Commission should be based on the standards included in the following Sections of the Lake Zurich Municipal Code:

- Section 9-19-3: Standards for Special Use Permits

Based on the review of staff, the standards for approval continue to be met and therefore staff recommends that the Planning and Zoning Commission make these standards a part of the official record of the Application.

Staff of the Community Development Department therefore recommends the approval of Application PZC 2019-14, subject to the following conditions:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - a. Zoning Application and Cover Letter dated June 17, 2019, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion
 - b. Exhibit A: Legal Description of the Subject Property
 - c. Ordinance #2018-07-266, prepared by the Village of Lake Zurich
 - d. Lease Agreement for Beer Garden Pavilion, prepared by the Village of Lake Zurich
 - e. Plat of Survey, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion

- f. Drawings of potential live entertainment areas, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion
 - g. Building Plan for Sunset Pavilion, prepared by the Village of Lake Zurich
 - h. Concept Plan for the Sunset Pavilion, prepared by the Village of Lake Zurich
2. The use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16 entitled Sound Amplifiers, and shall not be operated on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.
3. The operation of live entertainment shall not exceed the hours of operation of the beer garden as approved per Ordinance #2018-07-266.
4. The live entertainment is limited to two amplifiers at a maximum of one to two performers.
5. The Special Use Permit approved here, constituting this live entertainment in conjunction with the beer garden facility is Sunset Pavilion operated by Ms. Stefani Schweda Jerard d/b/a PB and S Investments, LLC, and shall be located within the premises of 125 North Old Rand Road, and shall expire if the this land use and operator requesting this Special Use Permit cease operating at the Subject Property.
6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

Respectfully Submitted,

Tim Verbeke
Planner

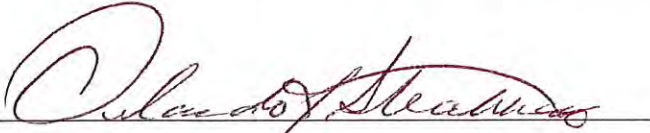
LAKE ZURICH PLANNING & ZONING COMMISSION
FINAL FINDINGS & RECOMMENDATIONS

**FOR 125 N. OLD RAND ROAD
JULY 17, 2019**

The Planning & Zoning Commission recommends approval of Application PZC 2019-14, and the Planning & Zoning Commission adopts the findings as contained within the Staff Report dated **July 17, 2019** for this Application and subject to any changes or approval conditions as listed below:

1. Substantial conformance with the following documentation submitted as part of the application subject to revisions required by Village Staff, Village Engineer, Village Landscape Consultants and applicable governmental agencies:
 - i. Zoning Application and Cover Letter dated June 17, 2019, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion
 - j. Exhibit A: Legal Description of the Subject Property
 - k. Ordinance #2018-07-266, prepared by the Village of Lake Zurich
 - l. Lease Agreement for Beer Garden Pavilion, prepared by the Village of Lake Zurich
 - m. Plat of Survey, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion
 - n. Drawings of potential live entertainment areas, prepared by Ms. Stefani Schweda Jerard, of Sunset Pavilion
 - o. Building Plan for Sunset Pavilion, prepared by the Village of Lake Zurich
 - p. Concept Plan for the Sunset Pavilion, prepared by the Village of Lake Zurich
2. The use of amplifiers and or loudspeakers shall conform to the requirements of Section 3-2-16 entitled Sound Amplifiers, and shall not be operated on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. on any other day.
3. The operation of live entertainment shall not exceed the hours of operation of the beer garden as approved per Ordinance #2018-07-266.
4. The live entertainment is limited to two amplifiers at a maximum of one to two performers.
5. The Special Use Permit approved here, constituting this live entertainment in conjunction with the beer garden facility is Sunset Pavilion operated by Ms. Stefani Schweda Jerard d/b/a PB and S Investments, LLC, and shall be located within the premises of 125 North Old Rand Road, and shall expire if the this land use and operator requesting this Special Use Permit cease operating at the Subject Property.
6. The development shall be in compliance with all other applicable codes and ordinances of the Village of Lake Zurich.

- Without any further additions, changes, modifications and/or approval conditions.
- With the following additions, changes, modifications and/or approval conditions:

A handwritten signature in red ink, appearing to read "Orlando Hernandez", is written over a horizontal line.

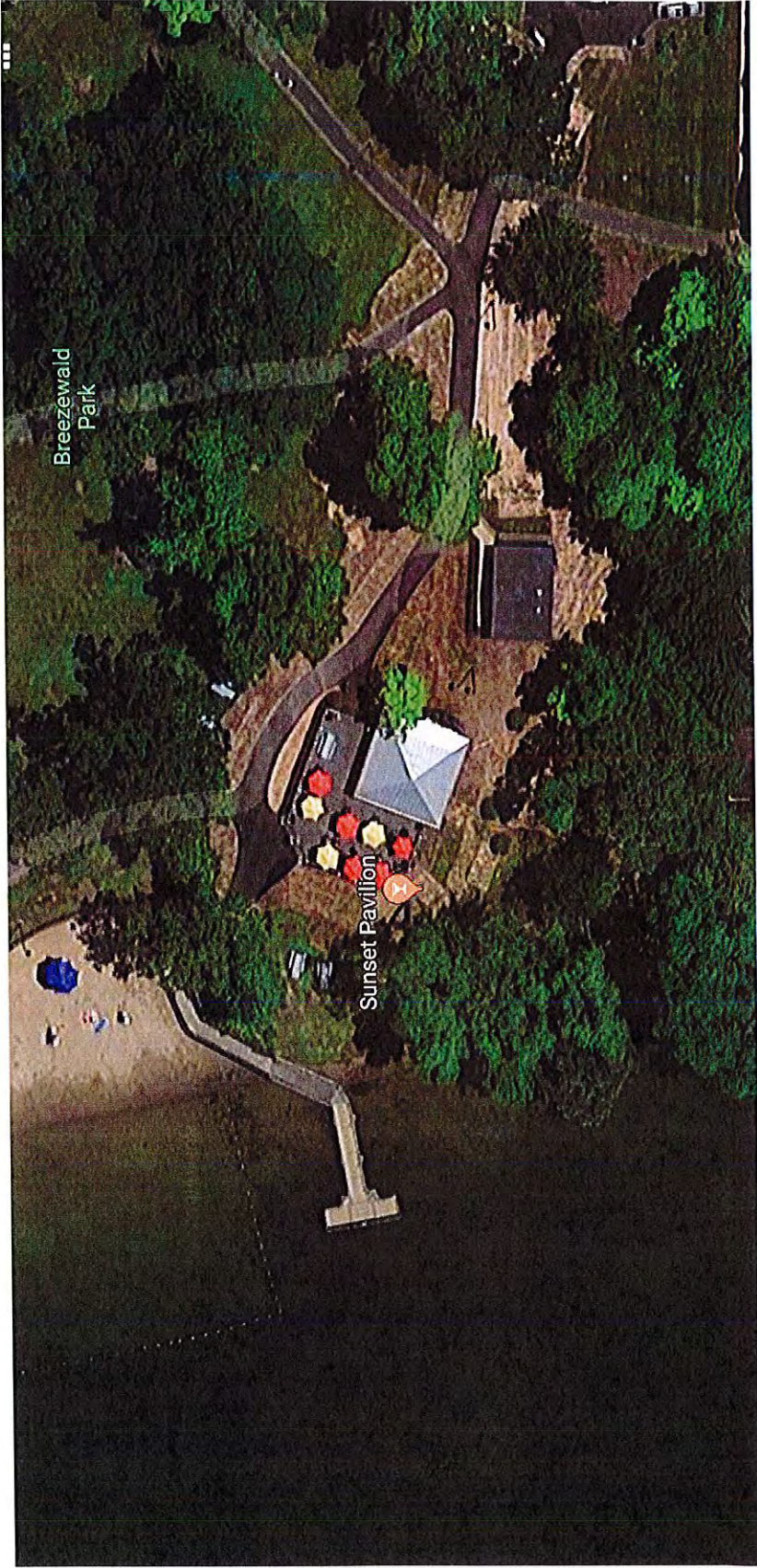
Planning & Zoning Commission Chairman

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17 TOWNSHIP 83 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPLE MERIDIAN DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING IN THE CENTER OF THE MCHENRY ROAD (SO CALLED) AT A POINT 1.94 CHAINS WEST OF THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION AND RUNNING THENCE NORTH 43 DEGREES 30 MINUTE WEST ALONG SAID ROAD 7.10 CHAINS: THENCE NORTH 15 DEGREES WEST ALONG SAID ROAD 5.70 CHAINS: THENCE NORTH 36 DEGREES 26 MINUTES WEST ALONG SAID ROD 3.80 CHAINS TO THE WEST LINE OF SAID QUARTER QUARTER SECTION; THENCE FOURTH 11.43 CHAINS TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION; THENCE EAST 11.61 CHAINS, MORE OR LESS TO THE PLACE OF BEGINNING INCEPTING THEREFROM A TRACT OF LAND DESCRIBED AS COMMENCING AT THE POINT INTERSECTION OF THE WEST LINE OF SAID QUARTER QUARTER SECTION 402.4 FEET; THENCE NORTH 52 DEGREES 49 MINUTES EAST 296.9 FEET TO THE CENTER OF THE MCHENRY ROAD; THENCE NORTH 57 DEGREES 7 MINUTES WEST ALONG SAID ROAD 123.1 FEET; THENCE NORTH 38 DEGREES 22 MINUTES WEST ALONG SAID ROAD 250.8 EAST TO THE PLACE OF BEGINNING; IN LAKE COUNTY, ILLINOIS.

EXHIBIT B
PUBLIC HEARING SIGN PRESENT AT SUBJECT PROPERTY





Sunset Pavilion (Breezewald Park)



- Tax Parcel Lines
- Subject Parcel



Map Printed on 7/11/2019



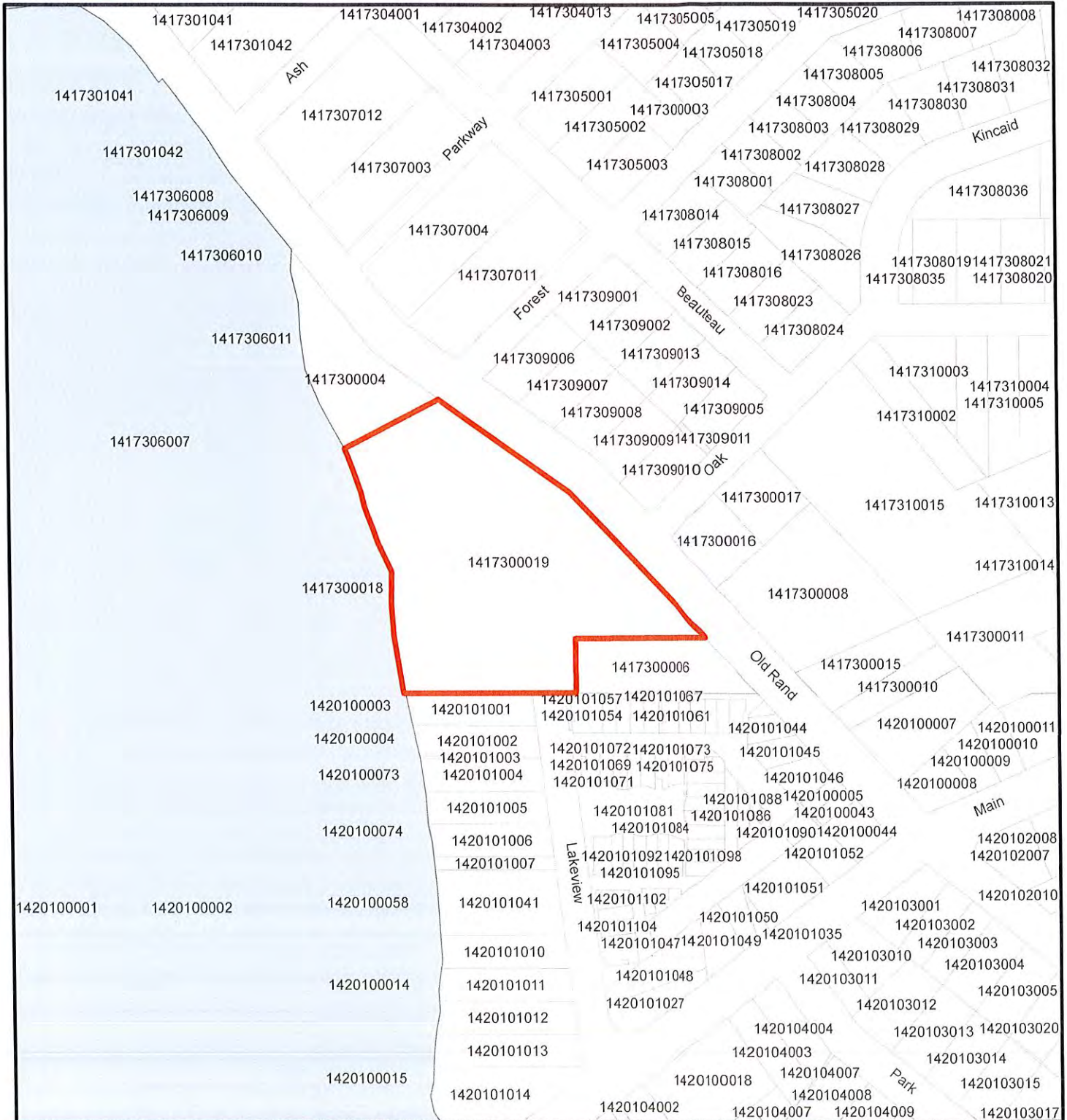
Lake County, Illinois

Disclaimer: The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.



Sunset Pavilion (Breezewald Park)

125 N. Old Rand Rd



COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696
Fax: (847) 726-2182
LakeZurich.org



Sunset Pavilion (Breezewald Park)

125 N. Old Rand Road



COMMUNITY SERVICES DEPARTMENT
Building and Zoning Division
505 Telser Road, Lake Zurich, Illinois 60047

(847) 540-1696
Fax: (847) 726-2182
LakeZurich.org

June 13, 2019

Dear lake Zurich Village Board and Staff,

We are currently leasing from The Village of Lake Zurich and operating the Sunset Pavilion at Breezewald Park. The address of the property is 125 N Old Rand Road, Lake Zurich. We offer a variety of craft beers, wine and small bites. We are interested in providing live entertainment to our guests. 1-2 man bands using 1-2 amplifiers, depending on the act. We would like to offer live music on Sunday afternoons (5:30pm-8:30PM and some Monday evenings (6pm-9pm).

I have included two sketches showing options for entertainment set up.

- **PLAN A**
Entertainment can be set up on the south east corner of the deck to provide music to all guests on the deck and on the picnic tables in the front of the deck
- **PLAN B**
Rent a portable platform and set entertainment up on the ground near the path and grass area in front of the deck. This too will provide music to all guests both on the deck and at the picnic tables in the front of the deck.

I have included a copy of our lease agreement with The Village of Lake Zurich. I would like to request that the \$1000 fee be waived for permitting process due to the business relationship we have with the Village of lake Zurich in our lease agreement.

Thank you for your time and consideration.

Sincerely



Stefani Schweda Jerard

President PB and S Investments



RECEIVED
JUN 17 2019
COMMUNITY DEVELOPMENT

ZONING APPLICATION

Community Development Department
505 Telser Rd.
Lake Zurich, IL 60047
Phone: (847) 540-1696
Fax: (847) 540-1769

(Please Type or Print)

1. Address of Subject Property: 125 N Old Rand Road
2. Please attach complete legal description
3. Property Identification number(s): 14-17-300-019
4. Owner of record is: Village of Lake Zurich Phone: 847-540-1696
E-Mail _____ Address: 70 E Main Street
5. Applicant is (if different from owner): Stefani Schweda Jerard Phone: 847-372-5424
E-Mail stefani@improv.com Address: _____
6. Applicant's interest in the property (owner, agent, realtor, etc.): Contractor
7. All existing uses and improvements on the property are: Beer Garden
8. The proposed uses on the property are: Live Entertainment - Live Music
9. List any covenants, conditions, or restrictions concerning the use, type of improvements, setbacks, area, or height requirements placed on the Subject Property and now of record and the date of expiration of said restrictions:

10. Describe any contract or agreement of any nature relevant to the sale or disposal of the Subject Property:

11. For applications requiring a public hearing, please attach a list which contains the PIN, owner, and owner's mailing address of all properties located within 250 feet (excluding all Public Right-of-Ways) of the Subject Property.

THE APPLICANT'S SIGNATURE BELOW INDICATES THE INFORMATION CONTAINED IN THIS APPLICATION AND ON ANY ACCOMPANYING DOCUMENTS IS TRUE AND CORRECT.
THE APPLICANT ALSO ACKNOWLEDGES IF THE CONSULTANT EXPENSES EXCEED THE INITIAL ESCROW DEPOSIT, THE APPLICANT WILL REIMBURSE THE ACCOUNT IMMEDIATELY.

Stefani Schweda Jerard
(Name of applicant)

[Signature]
(Signature of applicant)

Subscribed and sworn to before me this 17 day of June, 2019.

Nadine J. Gerling
(Notary Public)

My Commission Expires 4/19/2020

"OFFICIAL SEAL"
NADINE J. GERLING
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 04/19/2020

Village of Lake Zurich
(Name of Owner, if different)

[Signature]
(Signature of Owner, if different)

Subscribed and sworn to before me this 12th day of July, 2019.

Nadine J. Gerling
(Notary Public)

My Commission Expires 4/19/20

"OFFICIAL SEAL"
NADINE J. GERLING
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 04/19/2020

Please indicate what form of zoning relief your application requires. For assistance, please contact Staff:

- Zoning Code **Map** Amendment to change zoning of Subject Property from ____ to ____
- Zoning Code **Text** Amendment to amend the following section(s) of the Zoning Code _____

(See Section 18-103 of the Lake Zurich Zoning Code for specific standards. If a specific parcel is the subject of this amendment, then provide the additional information listed in Section 18-103C.)

- Special Use Permit/Amendment for Live Entertainment

(See Section 19-103 of the Lake Zurich Zoning Code for specific standards.)

- Planned Unit Development/Major Adjustment/Amendment

(Planned Unit Developments are a distinct category of special use and are intended to create a more desirable environment than through strict application of the zoning and subdivision regulations. See Section 22-105 of the Lake Zurich Zoning Code for specific standards. Please list all the 'modifications' requested in the cover letter.)

- Variation for _____

(See Section 17-104 of the Lake Zurich Zoning Code for specific standards. Please indicate what your specific hardships are in the cover letter.)

- Modification to the Land Development Code (Includes retaining walls more than 2 feet in height)
(See Section 10-6-18 of the Land Development Code for specific standards.)

-
- Preliminary Plat of Subdivision

- Final Plat of Subdivision or Amendment to Plat of Subdivision
(See Sections 10-5-2 and 10-5-9 of the Land Development Code for specific standards.)

-
- Site Plan Approval/Major Adjustment/Amendment
(See Section 20-103 of the Lake Zurich Zoning Code for specific standards.)

- Exterior Appearance Approval or Amendment
(See Section 21-103 of the Lake Zurich Zoning Code for specific standards.)

APPLICATION TO ANNEX CERTAIN TERRITORY

All land annexed to the Village is classified automatically after such annexation in the R-1\2 Single Family Residential District. The owner must file an application for a Zoning Map amendment if he or she desires a different zoning classification for the Subject Property.

- Petition to Annex Certain Territory (Please complete attached petition)
- Application to Annex Certain Territory

COMPREHENSIVE PLAN APPLICATION

- Comprehensive Plan **Map** Amendment for _____
- Comprehensive Plan **Text** Amendment for _____

***Note: This is to be notarized and returned to Staff after notifications are mailed out.**

**VILLAGE OF LAKE ZURICH
NOTIFICATION AFFIDAVIT**

I, Stefani Schueda Jorand hereby certify as follows:

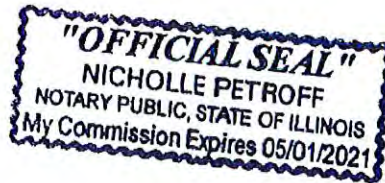
1. That on the 1 day of July 2019, affiant caused to be mailed in the Post Office of Lake Zurich, Illinois, copies of the attached Notice of Public Hearing to all listed taxpayers of real estate within 250 feet, excluding all Public Right of Way, of the subject property and to the owners or representatives of property listed as exempt.
2. That the parties to whom said notice was mailed are set forth on Page 15, Item #13 of this application.

[Signature]
Signature

Subscribed and sworn to before me this 18th day of July, 2019.

Nicholle Petroff
(Notary Public)

My Commission Expires 5/1/2021



PAMPHLET

FRONT OF PAMPHLET



ORDINANCE # 2018-07-266

AN ORDINANCE AMENDING A LEASE AGREEMENT FOR BEER GARDEN
PAVILION PROPERTY AT BREEZEWALD PARK,
125 NORTH OLD RAND ROAD,
VILLAGE OF LAKE ZURICH, LAKE COUNTY, ILLINOIS

Published in pamphlet form this July 20th, 2018 by Order of the Corporate
Authorities of the Village of Lake Zurich, Lake County, Illinois.

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)

CERTIFICATE

I, KATHLEEN JOHNSON, certify that I am the duly elected Village Clerk of the Village of Lake Zurich, Lake County, Illinois.

I DO HEREBY CERTIFY that as such Village Clerk I am keeper of Ordinances, Resolutions, Minutes, Entries, Orders, Books, Papers, Records and Seal of said Village.

I DO HEREBY CERTIFY that the attached is a true and correct copy of:

AN ORDINANCE AMENDING A LEASE AGREEMENT FOR BEER GARDEN
PAVILION PROPERTY AT BREEZEWALD PARK,
125 NORTH OLD RAND ROAD,
VILLAGE OF LAKE ZURICH, LAKE COUNTY, ILLINOIS
ORD. # 2018-07-266

WITNESS my Hand and Corporate Seal of said Village of Lake Zurich, Illinois, this day, July 18, 2018.



Kathleen Johnson
Village Clerk



VILLAGE OF LAKE ZURICH
ORDINANCE NO. 2018-07-266

**AN ORDINANCE AMENDING A LEASE AGREEMENT FOR BEER GARDEN
PAVILION PROPERTY AT BREEZEWALD PARK, 125 NORTH OLD RAND ROAD,
VILLAGE OF LAKE ZURICH, LAKE COUNTY, ILLINOIS**

WHEREAS, the President and Board of Trustees of the Village of Lake Zurich have determined that it is in the best interests of the Village and its residents to lease the Subject Property at Breezewald Park to Stefani Schwada Jerard, PB and S Investments, LLC (the "Tenant") and the Tenant desires to lease the Subject Property, on the terms of the lease attached to and by this reference incorporated into this Ordinance as Exhibit A (the "Lease"); and,

WHEREAS, the real estate at the Subject Project is no longer necessary, appropriate, required for the use of, profitable to, or for the best interest of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals are hereby incorporated into this Ordinance by this reference as findings of the President and Board of Trustees.

Section 2. Public Notice. On December 5, 2017, a public Request for Proposals for the operation of the Beverage Pavilion at Breezewald Park was provided, resulting in three formal submittals.

Section 3. Lease Amendment. On May 21, 2018, the Village Board of Trustees approved a two-year lease with PB and S Investments, LLC to operate the Subject Property. The Village Board hereby authorizes an amendment to that lease that will extend the closing time of the Pavilion on Sundays by one hour from 8:00 pm to 9:00 pm from May 1st through August 31st.

Section 4. Approval of Lease. The President and Board of Trustees hereby approve the Lease and authorize and direct the Village Manager to execute the Lease on behalf of the Village.

Section 5. Effective Date. This Ordinance will be in full force and effect from and after its passage and approval and publication in pamphlet form in the manner provided by law.

PASSED this 16 day of July, 2018, pursuant to a roll call vote as follows:

AYES: 4 Trustees Euter, Snow, Sprawka, Weider

NAYS: 0

ABSENT: 2 Trustees Beaudoin, Sparone

ABSTAIN: 0

APPROVED this 19th day of May, 2018.

Kathleen Johnson
Kathleen Johnson, Village Clerk

By: Thomas Poynton
Thomas Poynton, Village President

(SEAL)



**LEASE AGREEMENT FOR BEER GARDEN PAVILION PROPERTY AT
BREEZEWALD PARK, 125 NORTH OLD RAND ROAD, VILLAGE OF LAKE
ZURICH, LAKE COUNTY, ILLINOIS (AMENDED)**

THIS LEASE AGREEMENT ("Lease"), is made and entered into as of the 19th day of July ("Agreement Date") by and between the **VILLAGE OF LAKE ZURICH, ILLINOIS**, an Illinois municipal corporation, located in Lake County, Illinois (the "Village"), and **PB AND S INVESTMENTS, LLC** (the "Lessee").

Landlord: Village of Lake Zurich (the "Village")

Lessee: PB & S Investments, LLC
84 N Old Rand Rd, Lake Zurich, IL 60047 ("Lessee")

Premises: Beverage pavilion facility & deck located at 125 North Old Rand Road, Lake Zurich, Illinois

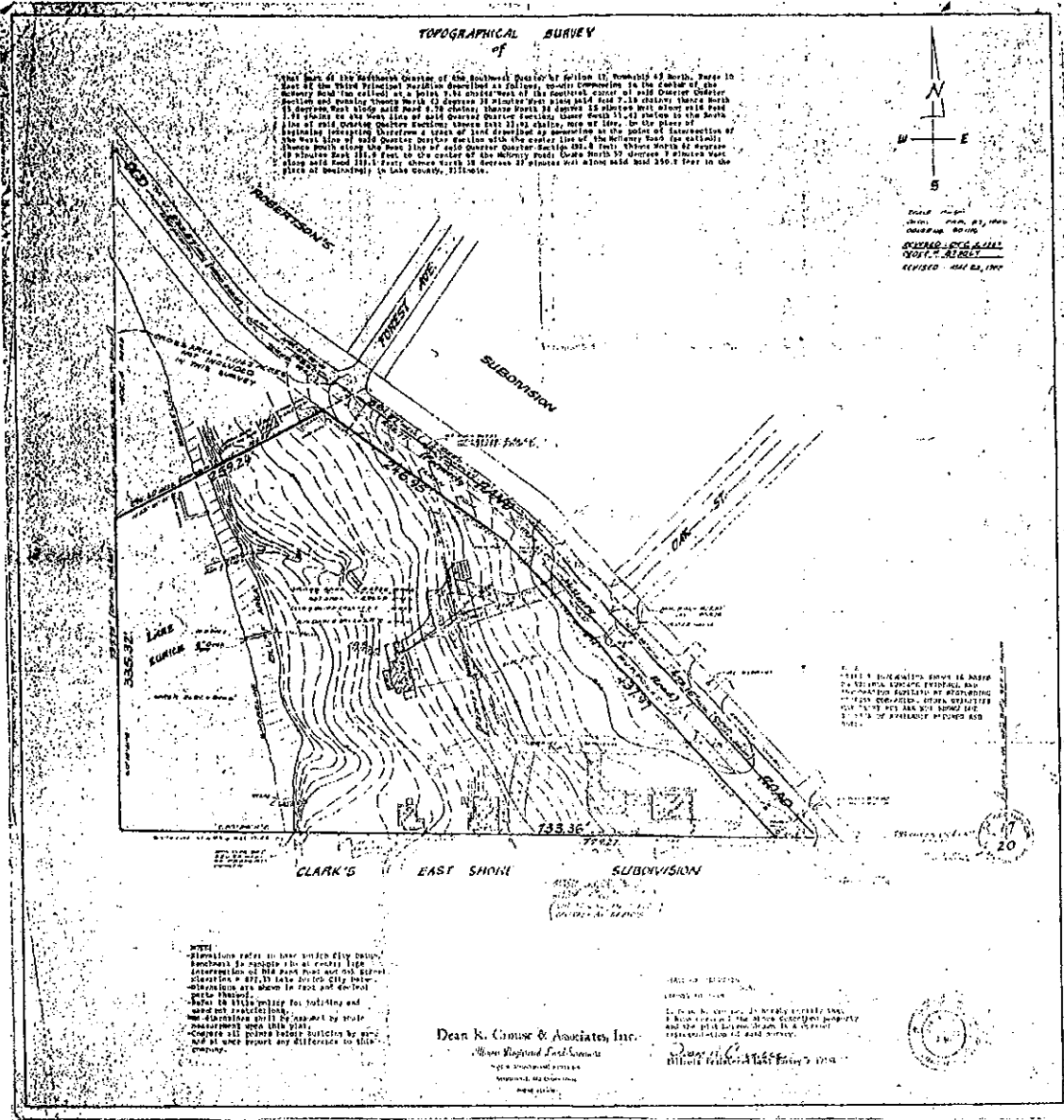
- A. **Access:** Village shall have access to the interior, deck and surrounding grounds of the Beverage Pavilion facility ("Pavilion") at all times, 24 hours, as well as the parking use provided for herein ("Premises").
- B. **Permitted Uses:** The Premises will be used to operate a facility for the service of alcoholic and non-alcoholic beverages, as provided herein, as a public amenity Village park property that will offer a selection of beer, wine, sparkling wine, ciders, and fermented malts, along with a selection of non-alcoholic beverages and light food options. No hard liquor, spirits or cocktails shall be served. No uses of the Premises shall be allowed except as provided herein.
- C. **Hours of Operation:** Lessee and Village agree that the hours of operations for the Pavilion shall be limited to 9:00 am to 10:00 pm Monday through Saturday from May 1st through October 31st; Sunday from 10 am – 9 pm from May 1st through August 31st; Sunday from 10 am – 8 pm from September 1st through October 31st.
- D. **Months of Operation:** 2018: June through October; 2019: May through October
- E. **Lease Term:** Two (2) years term commencing May 1, 2018 and ending December 31, 2019 with separate one-year extensions if mutually agreeable between the Village and Lessee. If Lessee desires to terminate this Lease, sixty (60) days advance written notice shall be served upon the Village. If the Village desires to terminate this Lease, sixty (60) days advance written notice shall be served upon Lessee.
- F. **Rent and Late Fees:** Lessee shall pay Village monthly rent of \$500 OR 20% of gross sales of alcohol and 12% of gross sales of other items supported by daily sales documentation, whichever is *greater*, payable for months of operation only. Gross sales are hereby tabulated to not include applicable sales taxes. The rental payment is due on the 1st day of the month. Rental payments received by the Village later than the 10th day after the due date shall bear a late charge of \$50. If payment is made by check that is dishonored by Lessee's bank, Lessee shall be assessed any bank fees incurred by the Village as a result

- of such dishonored check in addition to the late charge. This covenant to pay rent shall be independent of and separate from the other terms of this Lease.
- G. **Subletting:** Lessee shall not assign this Lease nor sublet any portion of the Premises without prior written consent of the Village.
- H. **Sales Report:** Lessee agrees to furnish, by the 15th calendar day of each month, a detailed summary sales report of food and beverages sold (format to be agreed upon) and additional amounts due above the rent payment of \$500 OR 20% of gross sales of alcohol and 12% of gross sales of other items, whichever is *greater*. Gross sales are hereby tabulated to not include applicable sales taxes. The Village shall keep sales reports confidential where applicable by law, provided such information shall be subject to disclosure as may be required by law. Village reserves the right to audit sales records/receipts of Lessee in detail to confirm that appropriate rental payments are made.
- I. **Utilities:** Lessee shall not be responsible for all utility payments and use, including electricity, water, phone, and internet service. Lessee's use of electrical energy in the Premises shall not, at any time, exceed the capacity of either or both of (i) any of the electrical conductors and equipment in or otherwise servicing the Premises; and (ii) the heating systems of the Premises.
- J. **Security Deposit:** Upon execution of the Lease, Lessee shall deposit with the Village a Security deposit of \$1,000 for the Premises to be held by the Village to secure the faithful performance of the Lessee. If the Lessee performs all of the obligations as provided by this Lease and pays all sums due the Village when due, then the Village shall refund the security deposit to Lessee within 45 days after possession of the Premises is relinquished by Lessee. If the Lessee fails to comply with the provisions of this Lease, then the Village may apply all or any part of the security deposit as payment of any sums due from Lessee to the Village or pay for repair of damage caused by Lessee, their agents or customer. The security deposit shall not be treated as advance payment of rent and Lessee shall not apply the security deposit as rent during the term of the Lease.
- K. **Liquor License:** Lessee is obligated to satisfy the legal requirements for and obtain a proper liquor license from State of Illinois and the Village to lawfully authorize the retail sale of alcoholic beverage for on-premises consumption at an outdoor café in a municipal public park.
- L. **Health Department:** Lessee shall be responsible for all health and sanitation requirements, and for maintaining the Premises in a clean and sanitary condition for and during the operation of the Pavilion on the Premises, including the Lake County Health Department and Illinois Department of Public Health code requirements.
- M. **Garbage and Bathrooms:** The Village will provide one cleaning of the bathrooms each day. Lessee shall be responsible for maintaining the public bathrooms, replacement of paper products, hand soaps and waste collection at Breezewald Park daily during their hours of operation. The Village is responsible for the provision of bathroom supplies, including toilet paper, paper towels, and hand. Lessee shall be responsible for keeping Pavilion, deck and immediate surrounding area clean and sanitary at all times during the term of this Lease, including emptying garbage cans immediately surrounding the Pavilion. The Village will supply rolling garbage totes for Pavilion use only.

TOPOGRAPHICAL SURVEY
of

That part of the Northwest Quarter of the Southwest Quarter of Section 17, Township 49 North, Range 10 East of the Third Principal Meridian described as follows, to-wit: Commencing in the center of the Highway Road (as called) at a point 7.54' east of the Southern corner of said Quarter Quarter Section and passing thence North 12 degrees 38' minutes West along said Road 7.19' distant thence North 15 degrees West along said Road 4.78' distant thence North 18 degrees 15' minutes West along said Road 1.98' distant to the West line of said Quarter Quarter Section thence North 51.41' distant to the South line of said Quarter Quarter Section thence East 11.02' distant, here of 100', by the piece of original platting thence a track of land described as hereinafter at the point of intersection of the West line of said Quarter Quarter Section with the center line of the Highway Road (as called) thence South along the West line of said Quarter Quarter Section 101.8' (two) thence North 62 degrees 10' minutes East 114.8' feet to the center of the Highway Road thence North 32 degrees 7' minutes West along said Road 131.1' distant thence North 18 degrees 23' minutes West along said Road 250.2' feet in the City of Des Moines in Lake County, Illinois.

Scale 1" = 100'
 Date: March 25, 1944
 Prepared by: Dean K. Couse & Associates, Inc.
 Checked by: J. H. Riley
 Revised: April 22, 1944

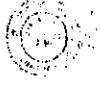


NOTE: All elevations refer to mean sea level datum. Benchmarks in vicinity of city datum determined by means of spirit level. Elevation of this bench mark over city datum is 471.33 feet. All elevations are shown in feet and decimal parts thereof.

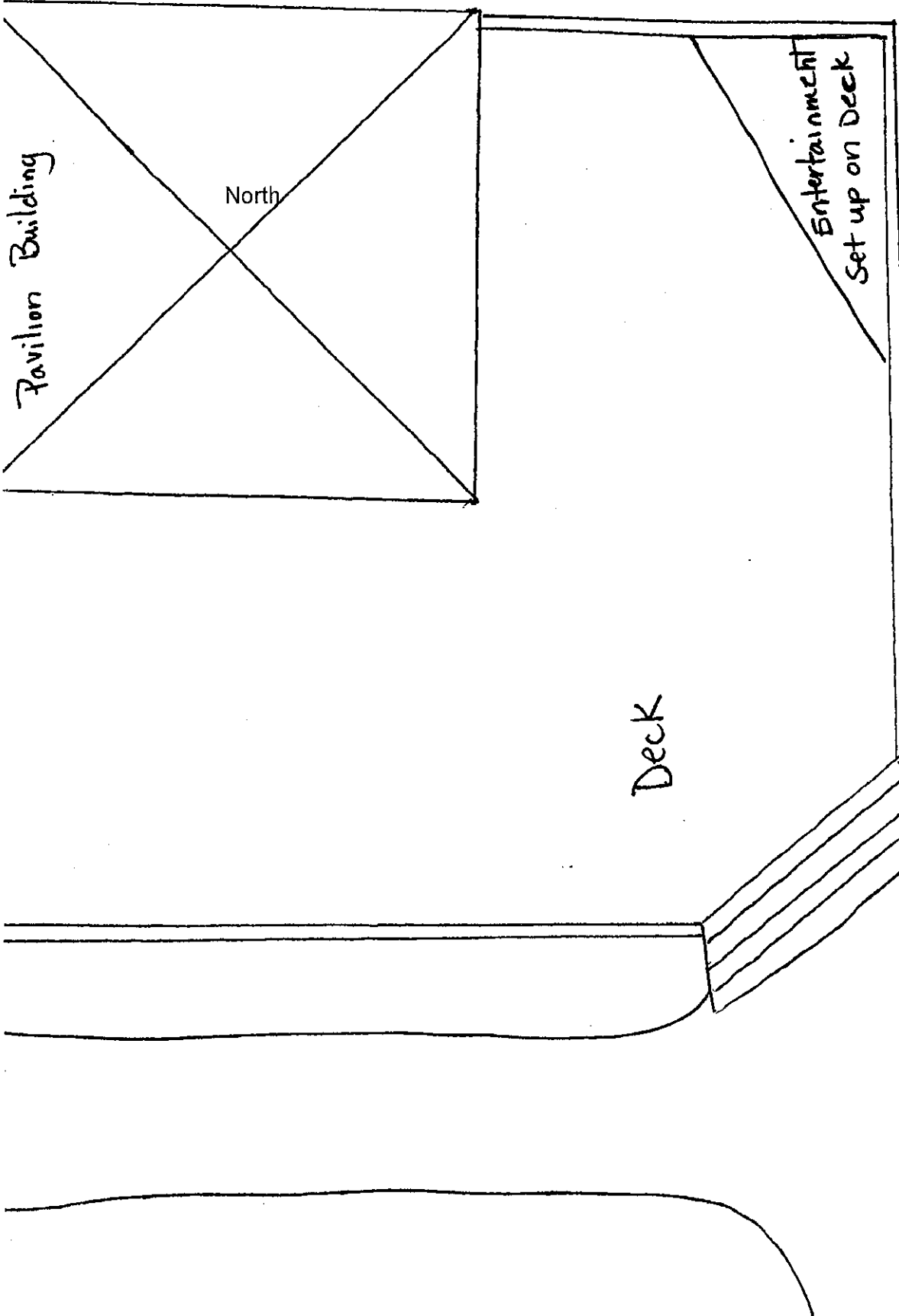
NOTE: In this survey for utility and road purposes, the elevations of the ground surface were taken by stadia measurements with this instrument. All points located by stadia measurements are shown in red and all other points are shown in black.

Dean K. Couse & Associates, Inc.
 1001 North Grand Street
 Des Moines, Iowa

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE ORDINANCES OF THE STATE OF ILLINOIS, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND LAND COMMISSIONERS OF THE STATE OF ILLINOIS.



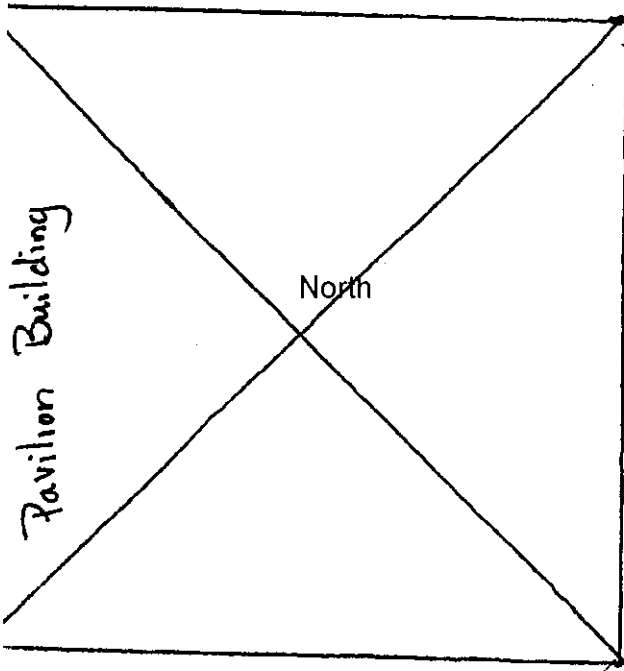
Plan A



(This area includes 9 picnic tables
for additional Pavilion Seating
↓ Lake ↓

□ - Light Pole
w/ power

Plan B



Deck

(This area includes 9 picnic tables)
for additional pavilion seating
↓ Lake ↓

4x4 or
4x8 riser
for Entertainment

□ Light Pole
w/ Power



At the Heart of Community

COMMUNITY DEVELOPMENT DEPARTMENT
Building and Zoning Division

505 Telsler Road
Lake Zurich, Illinois 60047

(847) 540-1696
Fax (847) 726-2182
LakeZurich.org

To: Tim Verbeke, Planner
From: Betty Harrison, EQC Supervisor
Date: July 3, 2019
Re: Sunset Pavilion – Outdoor Entertainment

- No issues or concerns from Public Works.



At the Heart of Community

FIRE DEPARTMENT
Fire Prevention Bureau

1075 N. Old McHenry Road
Lake Zurich, Illinois 60047
Fire.bureau@lakezurich.org
(847) 540-5073
LakeZurich.org

July 2, 2019

Tim Verbeke
Village of Lake Zurich
505 Telsler Road
Lake Zurich, IL 60047

**RE: PR19-107 – 125 N. OLD RAND
SUNSET PAVILION – PLANNING & ZONING**

Dear Tim:

Thank you for the packet. The only comment that I would have would be in reference to a platform. This would need to be submitted by the company that it is being rented from. All Building Department issues for securing it to the ground would need to be addressed.

If you have any questions, please contact my office.

Sincerely,

Robert Kleinheinz
Fire Prevention Specialist
Lake Zurich Fire Department

From: [Tracey Goodyear](#)
To: [Tim Verbeke](#)
Subject: RE: TWO Submittals for July PZC
Date: Tuesday, July 2, 2019 12:12:05 AM

The police department has reviewed the attached documents and do not have any concerns at this time. Thank you

From: Tim Verbeke
Sent: Friday, June 21, 2019 3:06 PM
To: Betty Harrison <betty.harrison@lakezurich.org>; Bob Kleinheinz <Bob.Kleinheinz@lakezurich.org>; Keli Amato <Keli.Amato@LakeZurich.org>; Mary Meyer <mary.meyer@lakezurich.org>; Mike Brown <mike.brown@lakezurich.org>; Nadine Gerling <Nadine.Gerling@lakezurich.org>; Nicholle Petroff <Nicholle.Petroff@lakezurich.org>; Pat Stone <pat.stone@lakezurich.org>; Peter Stoehr <pstoehr@manhard.com>; Roy Witherow <Roy.Witherow@lakezurich.org>; Sarosh Saher <Sarosh.Saher@lakezurich.org>; Shawn Walkington <shawn.walkington@lakezurich.org>; Steve Schmitt <Steve.Schmitt@lakezurich.org>; Tracey Goodyear <tracey.goodyear@lakezurich.org>
Subject: TWO Submittals for July PZC

Good Afternoon,

I have two submittals in this email.

1. Sunset Pavilion's operator has submitted her application packet for the July PZC Meeting. They will be requesting outdoor live entertainment. The electronic submittal can be [found here](#)
2. Steffens Subdivision has submitted their application packet for the July PZC Meeting. They will be requesting preliminary and final plat approval for a 2 unit subdivision. The electronic submittal can be [found here](#)

It would be great if you could review these two submittals and get any comments back to me by **Monday July 8th**.

If you need a hard copy of the application, please let me know. I have a copy for you Betty and there are copies of both up front for Bob and Manhard.

The next DRT meeting will be on Thursday July 18th. The meeting on Tuesday July 2th has been cancelled.

Thanks!
Tim