

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**APRIL 4, 2011**

**1. ROLL CALL**

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:34 P.M. at the Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 8– Cronin, Franzese, Bolos, Manieri, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 0– None

Also present was Community Development Director Doug Pollock.

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Franzese to approve minutes of the March 21, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Cronin, Franzese, Manieri, Perri, Grunsten, and Trzupek

NAYS: 0 – None

ABSTAIN: 2 – Bolos and Stratis

MOTION CARRIED by a vote of 6-0.

**3. PUBLIC HEARINGS**

Chairman Trzupek confirmed all those present who plan to speak at the scheduled public hearings.

**A. V-02-2011: 230 Devon Drive (Paintsil) – Garage Variation**

Mr. Pollock said that the petitioner sent an email withdrawing this petition and that no further action was required of the Plan Commission/Zoning Board of Appeals.

**D. Z-05-2011: 51 Shore Drive (Personalization Mall) – Special Use for a Non-Residential Fence**

Chairman Trzupek announced that the petitioner has requested a continuance. Mr. Pollock added that he received a letter from the petitioner’s attorney indicating he would be out of town and not able to attend today’s meeting.

Chairman Trzupek asked if there was anyone in attendance on this matter. There were none.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to continue Z-05-2011 to the May 2, 2011 meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Bolos, Cronin, Franzese, Manieri, Perri, Stratis, Grunsten and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

**B. Z-03-2011: 510 Village Center Drive (Cooper's Hawk); Special Use for Outdoor Patio and Dining**

Mr. Pollock described this petition as follows: The petitioner seeks special use approval to construct an outdoor patio for an existing restaurant. The patio is adjacent to the rear wall of the restaurant and to the intersection of Lincolnshire Drive and Burr Ridge Parkway. The petitioner also seeks renewal of extended hours of operation. The existing and proposed hours would allow the restaurant to stay open to 1 am on Fridays and Saturdays rather than closing at 12 Midnight as required by the PUD.

The petitioner was represented by Dan Bernatek with Aria Group Architects. Mr. Bernatek described the proposed patio addition as follows: the patio is a raised concrete and stone structure with about 1,400 square feet of patio area, 56 seats, a stamped concrete floor, with a perimeter stone veneer and metal railing.

Chairman Trzupek asked about the height of the wall. Mr. Bernatek said on the exterior side the wall varies but its maximum height is about 6 feet from the ground to the top of the wall/railing.

Chairman Trzupek asked for comments from the public.

Mr. Scott Rolston said he is the property manager of the Village Center retail and that he supports the proposed patio addition.

Mr. George Dunlap, 450 Village Center Drive, presented a petition from the condo homeowners. He said that 19 of the condo owner/residents support this request, that 2 oppose the request, and that there were 6 owner/residents that did not respond to the survey.

Mr. Tim McHenry said that he is the founder and owner of Cooper's Hawk Restaurants. He said that they are making an investment in the business with the outdoor patio and that this represents the growth of the restaurant in Burr Ridge.

A resident from 850 Village Center Drive stated that he supports the request and thinks the Village should do more to attract business activity to the Village Center.

There being no further public comment, Chairman Trzupek asked for comments and questions from the Plan Commission.

In response to questions from Commissioner Cronin, Mr. Bernatek said that the patio would be seasonal and in use from April to September, that he has no intention to use heaters, that music would be kept at low levels and that lighting would be limited to table lamps and small wall lamps.

Commissioner Franzese asked about wall lighting, screening of the gas meters adjacent to outdoor patio area, and about the materials for the railing. In response, Mr. Bernatek said that there would be very low level wall light and that the railing would be laser cut steel. He said they had no plans to provide landscaping around the gas meters. Commissioner Franzese added that the proposed landscaping around the base of the patio was an improvement but that it would benefit the patio if the gas meters were screened with landscaping.

In response to Commissioner Bolos, Mr. Bernatek said that there were no plans for a fire pit or a roof over the patio.

Commissioner Manieri said that he agreed that landscape screening around the gas meters should be provided. He also suggested additional and taller landscaping on the south side of the patio to screen the loading dock and garage entrance for the adjacent building. In response to Commissioner Manieri, Mr. Bernatek said that the furniture and umbrellas would be stored off-site in the winter and that the stone veneer on the patio deck would be material similar to that used for the Topaz deck.

Commissioner Manieri also asked if there had been any problems with the extended hours of operation such as police calls or neighbor complaints. Mr. Pollock said there had been no police calls and no problems reported relative to the extended hours.

Commissioner Perri asked about drainage off the patio. Mr. Bernatek said that water would drain between the raised walls and through the area where the metal railing is located. Commissioner Perri added that he thinks they should consider an overhead awning in the future.

Commissioner Stratis asked if the exterior gates to the patio are locked. Mr. Rolston replied that with the Topaz deck, the Fire District did not allow the gates to be locked and he would expect the same thing for this deck.

Commissioner Grunsten suggested that the plantings be chosen to provide year round yard interest and color.

Chairman Trzupek asked about the floor of the patio. Mr. Bernatek said it would be decorative stamped concrete. Chairman Trzupek asked if the petitioner accepted the conditions recommended by staff. Both Mr. Bernatek and Mr. McHenry said they had no objection to the conditions.

Both Commissioner Manieri and Chairman Trzupsek asked about how the floor of the patio would be installed and how it would be made to wrap around the exterior wall below the metal railings. Mr. Bernatek said that they would pour the concrete and if necessary re-do the vertical area with a thin layer of concrete to give it a finished look. He assured the Commission that this portion of the wall would have a clean, finished appearance.

A **MOTION** was made by Commissioner Manieri and **SECONDED** by Commissioner Cronin to close the public hearing for Z-03-2011.

ROLL CALL VOTE was as follows:

AYES: 7 – Manieri, Cronin, Bolos, Franzese, Perri, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Manieri and **SECONDED** by Commissioner Cronin to recommend to the Board of Trustees the approval of a special use to extend the hours of operation for Cooper's Hawk Restaurant to 1 AM on Fridays and Saturdays as requested by Z-03-2011 and subject to the special use being limited to Cooper's Hawk and the current owners and expiring at such time that Cooper's Hawk and the current owners no longer own and operate the business at 510 Village Center Drive.

ROLL CALL VOTE was as follows:

AYES: 7 – Manieri, Cronin, Bolos, Franzese, Perri, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Commissioner Franzese added that he thinks Cooper's Hawk is a good business for the Village Center and for Burr Ridge and he welcomes their continued investment in the Village.

A **MOTION** was made by Commissioner Manieri and **SECONDED** by Commissioner Bolos to recommend to the Board of Trustees the approval of a special use for outdoor dining as requested by Z-03-2011 subject to the following conditions:

1. The outdoor dining area shall be restricted by the same hours of operation as the restaurant.
2. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans including but not limited to the number of seats.
3. Music and all other amplified sound should be kept to a moderate level so it is not audible from the adjacent residential condos.
4. There shall be no text or logos on the umbrellas.
5. The door to the dining area shall be self-closing.

6. Tables shall be cleaned promptly following use.
7. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
8. All umbrellas, furniture and other appurtenances shall be stored off-site during the winter season when the patio is not being used for outdoor dining.
9. Additional landscaping shall be provided to screen the gas meters located northeast of the patio and to screen the garage entrance area to the southwest of the patio. The final landscaping plan shall be subject to staff review and approval prior to issuance of a permit for the construction of the outdoor patio.

ROLL CALL VOTE was as follows:

AYES: 7 – Manieri, Bolos, Cronin, Franzese, Perri, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

#### **C. Z-04-2011: Braemoor Units 1 and 2 PUD – FAR Amendment**

Mr. Pollock described this petition as follows: The Braemoor PUD restricts floor area to 20% of the lot area consistent with most other zoning districts and single-family residential subdivisions in the Village. However, it was noted during the consideration of two different variations last year that many of the homes in Braemoor were built prior to the creation of a floor area limit and that some of these homes exceed the permitted floor area. It was also noted that the adjacent Parkview Subdivision allows floor area to be 25% of the lot area. These two factors led the Plan Commission to request authorization from the Board of Trustees to consider an amendment to the Braemoor PUD allowing a floor area of 0.25 rather than the existing floor area of 0.2. Mr. Pollock referenced a table of floor areas for homes in Braemoor and noted that about one-quarter of the homes in Braemoor exceed the 0.2 FAR and that more than half of the homes in Parkview are between 0.21 and 0.25 FAR.

Chairman Trzupsek asked for public comments.

Mrs. Nancy Montelbano, 8437 Charleston Drive, said that this area has experienced flooding and stormwater management problems in the past and she is concerned that allowing additional floor area would make this problem worse.

Mr. Dan Pallat, 8532 Heather Drive, said that he has lived at this address for 32 years and he asked why the floor area ratio should be changed now. He said he is not aware of any problems with the existing regulation and that existing non-conforming homes should simply be grandfathered. He expressed his concern that the change would increase density and make the Village more like Hinsdale. Mr. Pallat said that it would be unfair to existing residents to change the FAR at this time. He also agreed that stormwater management and flooding are a reason not to change the FAR.

Mrs. Dolores Balcunas, 8360 Clynderven asked why this change would be made now after all of the homes have been built. She said that other areas may ask for an increase in FAR if this is approved.

Mr. Tom Needham, 8337 Park Avenue, said the increase in FAR would negatively impact property values and is unfair to longtime residents in the area.

Dr. Osman, 8361 Dolfer Cove, asked if any studies had been done to determine whether there would be negative or positive impact on property values.

Mr. Pollock responded that no studies had been done and that he believes it would be difficult if not impossible to establish a direct link between property values and FAR.

There being no further public comment, Chairman Trzupek asked for comments and questions from the Plan Commission.

Commissioner Grunsten said she was hesitant to move forward without support of the residents as they are ones directly affected by this change.

Commissioner Stratis asked if there was an active Homeowners Association for Braemoor. Mr. Needham responded that there was not. Commissioner Stratis said he is concerned that residents in Braemoor and Parkview are subject to different rules regarding floor area.

Commissioner Perri said that he feels if the residents are happy with the current regulations he sees no reason for a change.

Commissioner Manieri said he is concerned about fairness and how the Village tells one resident they cannot have a 0.25 FAR when a neighbor on the same block is allowed to have a 0.25 FAR.

Commissioner Bolos said that the Plan Commission initiated this change because they thought the residents of the neighborhood would welcome the change. She suggested that the Plan Commission should go with the will of the residents on this matter.

Commissioner Franzese asked if there were objections to the floor area variations that were requested in 2010. Mr. Pollock said he did not recall any objections from residents and if there any they were very few. Other Commissioners concurred. Commissioner Franzese added that the purpose of the public hearing was to gauge the opinion of the residents.

Commissioner Cronin said he is not sure if the residents are more concerned about potential tear downs or about additions to existing houses. He said the purpose of the amendment would be to level the playing field between Parkview and Braemoor.

Mr. Pallat said that leveling the playing field still creates winners and losers. Mr. Needham added that he is concerned about the loss of open space.

Dr. Osman asked if it would be appropriate to consider a compromise where the FAR would be increased somewhere between 0.2 and 0.25 or where additions would be allowed only if within the existing footprint of the house.

Chairman Trzupek responded that he thought such a compromise would create inconsistencies between properties.

Mr. Datta Sambare, 8448 Park Avenue, said that he was the one who asked for a variation in 2010 to increase his FAR from 0.2 to 0.23. He said he believes it was unfair to him to deny him a higher FAR when there are neighbors in the same area with floor areas that exceed 0.2 FAR.

Dr. Osman suggested that there may be others who want an increase in FAR but do not request a variation.

Chairman Trzupek asked if there were any more comments or questions from the Plan Commission or the public. There were none.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Manieri to close the public hearing for Z-04-2011.

ROLL CALL VOTE was as follows:

AYES: 7 – Bolos, Manieri, Cronin, Franzese, Perri, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to recommend to the Board of Trustees the denial of Z-04-2011.

ROLL CALL VOTE was as follows:

AYES: 7 – Bolos, Cronin, Franzese, Manieri, Perri, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

#### **4. CORRESPONDENCE**

There was discussion regarding any of the correspondence on the agenda.

#### **5. OTHER CONSIDERATIONS**

There were no other considerations.

## 6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said there were no public hearings scheduled for April 18, 2011 nor any other business scheduled for that meeting.

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Cronin to cancel the April 18, 2011 meeting.

ROLL CALL VOTE was as follows:

AYES: 8 – Perri, Cronin, Bolos, Franzese, Manieri, Perri, Grunsten, and Trzupke

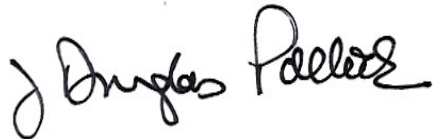
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

## 7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Manieri to **ADJOURN** the meeting at 9:03 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:03 p.m.

**Respectfully Submitted:**



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J. Douglas Pollock, AICP

May 2, 2011