

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

MAY 2, 2011

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 6– Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 2– Cronin and Manieri

Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to approve minutes of the April 4, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

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. Z-02-2011: 15W308-320 North Frontage Road (Martin) – Garage Variation

Mr. Pollock said that this hearing was continued from March 21, 2011 and that the Plan Commission had asked the petitioner to resolve the outstanding property maintenance violations before the Commission would consider the zoning request. Mr. Pollock said that an inspection was done on April 28, 2011 and on May 2, 2011 and there were still several outstanding violations. In particular, there were trailers and vehicles being stored on the property, there were two abandoned signs on the building, and there was a grill and other equipment stored outside the building.

Mr. Ted Martin, the owner of the property, said that he had resolved all of the violations and did not understand that the outside storage was a violation. He said the signs were not

removed because they hoped to re-use the signs. He said he would remove all of the vehicles from the property and the other equipment being stored outside if necessary.

Chairman Trzupsek asked if there was any public comment on the petition. There was none.

Chairman Trzupsek clarified that limited outside storage may be allowed but is subject to special use approval. He said that if the petitioner wants outside storage he would have to request special use approval.

Commissioner Franzese said that outside storage has only been allowed when it is integral to the business on the property. Mr. Pollock added that outside storage is usually only allowed when it is accessory to a legal business, limited in scope and area, and not located next to a residential area.

Mr. Pollock said that the Plan Commission indicated at the last meeting that they were willing to consider a temporary use of the property for the powder coating business but only if the petitioner agreed to rezone the property to the T1 District and resolved the existing property maintenance and outside storage violations. He said at this time, the petitioner has not cleaned up the property and the outside storage remains.

The petitioner stated that the trucks and trailers are a big part of the business. Mr. Pollock wondered why they could not be kept inside the building.

In response to Mr. Pollock, Mr. Martin said that the pole barn is used to store equipment for a construction company. Mr. Pollock said that was not a permitted use of the property.

Mr. Martin said that he would like to meet with the Village staff on the property and walk through the property to make sure he does everything the Village requests.

Commissioner Franzese suggested that the petitioner be given one more chance to clean up the property and perhaps amend the petition to request outside storage of vehicles.

Commissioner Stratis clarified that the petitioner said there were no fumes from the powder coating business. The petitioner confirmed and Chairman Trzupsek added that at the last meeting the neighbors testified that there were no problems with fumes from the business.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to continue Z-02-2011 to the June 6, 2011 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Franzese, Bolos, Perri, Stratis, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

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

Mr. Pollock described the petition as follows: The petitioner seeks special use approval to construct a solid fence enclosing an outdoor patio area. The outdoor patio is permitted and complies with the Zoning Ordinance. All non-residential fences are subject to special use approval. The subject fence was constructed without a permit and without proper approvals from the Village. The subject fence is a solid wood fence, often referred to as a stockade fence, and is 6 feet in height. It encloses a 15 x 48 foot patio area located in the side yard of the property. Patios are permitted in a side yard with a minimum setback of 10 feet of the side lot line. This patio is more than 10 feet from the side lot line.

Mr. George Arnold, attorney for the petitioner, said he had nothing to add but would answer any questions the Plan Commission may have.

There being no comments or questions from the public, Chairman Trzupsek asked for Plan Commission comments or questions.

Commissioner Franzese asked if there was more than one shift for the business and if there was any amplified music in the patio area. Mr. Arnold said that during the busy holiday season, they will run a second shift. He said there would be no amplified music.

Commissioner Bolos asked how the fence was anchored. Commissioner Franzese said he noticed during his site inspection that the fence posts are anchored in concrete. Commissioner Bolos also asked if the fence would be maintained and noted that it needs to be painted or stained. Mr. Arnold said that the petitioner intends to stain or paint the fence.

Commissioner Perri noted that maintenance of the fence is needed. He asked about lighting and security. He said the fenced area is open on one end and could be a security issue by providing a place for someone to hide.

Commissioner Grunsten said the fence is visible and needs to be painted or stained.

Mr. Arnold said the petitioner is willing to paint or stain the fence and would add a light if necessary.

Chairman Trzupsek suggested they add a self-locking gate that would only open from the inside.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Stratis to close the hearing for Z-05-2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Franzese, Stratis, Bolos, Perri, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to recommend that the Board of Trustees approve Z-05-2011 subject to the following conditions:

1. The fence shall comply with the plans submitted including location, area enclosed, height and materials except as modified herein.
2. The fenced area shall be used solely for an outdoor employee dining and lounge area. No equipment or business related materials shall be stored within the enclosed area.
3. The fence shall be painted or stained.
4. A self-closing gate that is always locked from the outside shall be provided to enclose the patio area.
5. If determined necessary by staff, lighting shall be added to the patio area for purposes of improving security.

ROLL CALL VOTE was as follows:

AYES: 6 – Franzese, Bolos, Perri, Stratis, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. Z-06-2011: 201 Bridewell Drive (Eddie Merlot's); Special Use

Mr. Pollock described the petition as follows: The petitioner is the architect for Platinum Restaurants which owns and operates Eddie Merlot's Restaurants in five other Midwest locations. The petitioner seeks to use the former Max & Erma's Restaurant for an Eddie Merlot's and requests special use approval as per Sections VIII.A.9, VIII.C.2.11 and VII.C.2.x of the Burr Ridge Zoning Ordinance to permit a restaurant with limited live entertainment, sales of alcoholic beverages and with extended hours of operation in an existing building and with additions to the existing building.

Mr. Rich Busfield, Architect for the petitioner, was present. Mr. Busfield described the plans.

There being no comments or questions from the public, Chairman Trzupsek asked for Plan Commission comments or questions.

Commissioner Grunsten said she sees no problem with the special use requests and welcomes the new restaurant to Burr Ridge.

Commissioner Stratis asked how many Eddie Merlot's restaurants already exist and he asked about the hours of operation. Mr. Busfield said Burr Ridge would be the sixth and that they are concurrently planning a 7th in Warrenville. He said currently the restaurant is only planned to be open for dinner with no lunch hours.

Commissioner Perri said he loves the location and the proposed restaurant. He said it will have a positive impact on the community and suggested they may want longer hours because of the entertainment.

Commissioner Bolos asked if they would want outdoor seating. Mr. Busfield said it is not planned but that they would come back to the Plan Commission if they decided they wanted outdoor seating.

Commissioner Franzese asked about the meaning of limited live entertainment. Mr. Busfield said that generally live entertainment would be limited to weekends and one to three musicians playing light jazz, blues or soft rock.

Commissioner Franzese asked about the building materials. In response, Mr. Busfield said most of the façade would be a cement based stucco with a limited use of synthetic stucco.

Chairman Trzupsek said that he was concerned that the face brick on the building was being covered with stucco. He said brick is generally conceived of as a higher quality product than stucco and he would prefer to see the use of brick.

Mr. Busfield said he can ask his client if he would be willing to use brick instead of the stucco.

Commissioner Franzese noted that stucco was prohibited in the adjacent Village Center and instead the buildings are all brick and stone.

Chairman Trzupsek asked about the lease, which Mr. Busfield said was for 15 years. Chairman Trzupsek noted that the building will be changed more or less permanently and that brick would be a better façade next to the existing brick buildings in the area.

Commissioner Franzese said that stucco may be acceptable in a limited fashion but that the primary material should be brick.

Chairman Trzupsek said that the brick buildings in this area were more relevant to determining the proper design of the building than were other Eddie Merlot's restaurants in other cities.

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to close the hearing for Z-06-2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Perri, Stratis, Franzese, Bolos, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Stratis to recommend that the Board of Trustees approve Z-06-2011 subject to the following conditions:

1. The special use for a restaurant serving alcoholic beverages and including live entertainment shall be subject to the following conditions:
 - a. The special use shall be limited to Platinum Restaurants doing business as Eddie Merlot's and shall expire at such time that Platinum Restaurants doing business as Eddie Merlot's no longer own and operate the restaurant at 201 Bridewell Drive.
 - b. Live entertainment shall be accessory to the principal use of the building as a restaurant.
2. The special use for the extension of the hours of operation shall be limited as follows:
 - a. The restaurant shall close no later than 1 am on Fridays and Saturdays and 12 midnight Sunday through Thursdays; all other business hours shall comply with the Zoning Ordinance.
 - b. The extended hours shall be limited to Platinum Restaurants doing business as Eddie Merlot's and shall expire at such time that Platinum Restaurants doing business as Eddie Merlot's no longer own and operate the restaurant at 201 Bridewell Drive.
 - c. The special use for extended hours shall expire in one year at which time the petitioner may re-petition for a permanent extension of the hours.
3. The special use for the site plan approval shall be subject to compliance with the submitted plans including the site plan, landscaping plan, and building elevations except that the building elevations shall be revised to minimize the use of stucco and to minimize the amount of the existing brick that is covered. Primary façade building materials shall be brick, pre-cast stone, or natural stone.

ROLL CALL VOTE was as follows:

AYES: 6 – Franzese, Stratis, Bolos, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

D. Z-07-2011: Annual Zoning Ordinance Update; Text Amendments

Chairman Trzupek said that staff was still working on the draft amendments and asked that this public hearing be continued to the next meeting.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Perri to continue the hearing for Z-07-2011 to June 6, 2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Bolos, Perri, Franzese, Stratis, Grunsten and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

4. CORRESPONDENCE

There was no discussion regarding any of the correspondence on the agenda.

5. OTHER CONSIDERATIONS

A. S-03-2011: 201 Bridewell Drive (Eddie Merlot's); Sign Variation

Mr. Pollock described this request as follows: The petitioner is the sign contractor for the proposed Eddie Merlot's restaurant in the former Max & Erma's building. This petition seeks approval of a standard sign package that the restaurant uses in its various locations. The sign requests include the following variations from the Sign Ordinance; to allow four wall signs rather than the permitted two wall signs; to allow the combined area of wall signs to exceed 100 square feet (196 square feet proposed); to allow a sign extending above the roof line of the building; and requests conditional sign approval to allow signs with more than three colors.

Mr. Ron Michel of Creative Signs was present on behalf of Eddie Merlot's. He described each of the signs including the lighting of the signs.

There was no one else in attendance to speak on this consideration.

Commissioner Bolos stated that she believes the blade sign is not appropriate for this location.

Chairman Trzupek said he agrees that the blade sign is not appropriate and he thinks that the total sign area is excessive relative to Village code and relative to other restaurants in Burr Ridge. He said that the blade sign is appropriate in Eddie Merlot's downtown locations but does not fit in this location in Burr Ridge.

Commissioner Perri said he likes the blade sign. He said that the Village Center was designed as an urban area and the blade sign complements the Village Center design.

Commissioner Franzese said he thinks the blade sign looks tacked on. He said he likes the marquee sign but with the blade sign it is too much signage in one location.

Chairman Trzupek noted that the canopy/marquee is too small to be truly functional.

Commissioner Perri asked if the marquee sign and the blade sign could be lowered so it did not extend above the roof line.

The architect for the restaurant, Rich Busfield, responded that he would prefer not to put signage in the marquee windows as the glass was intended to give views into the restaurant.

Commissioner Stratis said that although the location of the building with multiple street frontages justifies some increase in sign area, the proposed 196 square feet is way too much.

Chairman Trzupsek asked for a straw poll on the blade sign.

Commissioner Perri said he supports the blade sign and wondered if they could provide a site plan and some perspective drawings to give the Commission an idea of what the blade sign would look like from County Line Road. Mr. Michel said he could do that.

Commissioner Stratis said he is inclined not to support the blade sign. He added that additional sign area of perhaps 120 to 130 square feet may be appropriate but not the proposed 196 square feet.

Commissioner Grunsten said she would like to see more drawings of the signs including the blade sign.

Commissioners Franzese and Bolos both said they would not support the blade sign.

Chairman Trzupsek said he does not want a sign that extends above the roof. He also suggested that they consider making the marquee and entryway canopy larger. He suggested and the petitioner agreed that this should be continued to the next meeting.

A MOTION was made by Commissioner Stratis and SECONDED by Commissioner Bolos to continue the hearing for S-03-2011 to June 6, 2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Bolos, Franzese, Perri, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. S-02-2011: Sign Ordinance Text Amendments; Draft Ordinance

Mr. Pollock said that staff has not completed the draft Ordinance and asked that this be continued.

Chairman Trzupsek agreed but said he would like staff to consider adding a requirement that larger signs in the Manufacturing District and Office District also be dependent upon street frontage as well as the size of the building.

A MOTION was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to continue the hearing for S-02-2011 to June 6, 2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Bolos, Franzese, Perri, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. S-01-2011: 51 Shore Drive (Personalization Mall); Sign Variation

Mr. Pollock said that the consideration of this matter is dependent upon the Sign Ordinance update and since the update was continued, that this petition should be continued.

A MOTION was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to continue the hearing for S-01-2011 to June 6, 2011.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Bolos, Franzese, Perri, Grunsten and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said there were no public hearings scheduled for May 16, 2011 nor any other business scheduled for that meeting.

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to cancel the May 16, 2011 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Perri, Stratis, Bolos, Franzese, Grunsten, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 9:24 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:24 p.m.

Respectfully Submitted:

