

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

SEPTEMBER 19, 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– Cronin, Franzese, Bolos, Perri, Grunsten, and Trzupek

ABSENT: 1 – Stratis

Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve minutes of the July 18, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

3. PUBLIC HEARINGS

Chairman Trzupek confirmed all present who wished to give testimony at any of the public hearings on the agenda.

A. Z-18-2011: 16W241 South Frontage Road (Paganis); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described this petition as follows: The petitioner seeks to open a business at 16W241 South Frontage Road which provides a counseling and therapy center for children and families affected by autism and related developmental disorders. The business would be classified by the Burr Ridge Zoning Ordinance as a “School, workshop, training center for developmentally disabled persons” which is listed in the GI District as a special use.

Mr. Pollock added that the business would be located in a multi-tenant building and could occupy less than 3,000 square feet of floor area. He said that there are two other similar businesses in other locations within the GI District and that sufficient parking is provided on the property.

Chairman Trzupsek asked the petitioner for comments. Mrs. Jessica Paganis was present and said she had nothing to add to the staff report or to the written documentation previously provided.

There being no response to his invitation for public comment, Chairman Trzupsek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about the hours and how late the business would be open. Mrs. Paganis said that the last appointment would be scheduled for 6 pm and conclude by 7 pm. Commissioner Cronin asked if the appointments were typically one-on-one. Mrs. Paganis confirmed that the appointments usually involve one therapist and one child or family.

Commissioner Franzese asked about the number of employees. Mrs. Paganis said there would be four employees.

In response to Commissioner Bolos, Mrs. Paganis said this is a new business that is not currently open.

Commissioner Perri asked about security in particular about how children are monitored. Mrs. Paganis said that there is an alarm system emergency security and that the children are always with an employee/therapist.

Commissioner Grunsten said she had no additional questions.

Chairman Trzupsek asked if there were dedicated parking spaces available. Mrs. Paganis said they are not dedicated specifically to her tenant space but that there is ample parking available.

There were no other questions or comments from the public or from the Plan Commission. Therefore, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to close the hearing for Z-18-2011.

ROLL CALL VOTE was as follows:

AYES: 6—Franzese, Cronin, 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 Cronin to approve the Findings of Fact as presented by the petitioner and to recommend approval of a special use as per Section X.F.2.p of the Burr Ridge Zoning Ordinance to permit a “School, workshop, training center for developmentally disabled persons” in an existing tenant space subject to the following conditions:

1. The special use approval will be limited to The Center for Hope & Healing under the ownership of the petitioner, Jessica K. Paganis.
2. The business shall be limited to the tenant space referenced as Suite 35 at 16W241 South Frontage Road.
3. The hours of operation for the business shall not exceed 9:30 AM to 7 PM on Mondays through Fridays with limited appointments during these same hours on Saturdays.
4. All other aspects of the business shall comply with the description submitted by the petitioner.

ROLL CALL VOTE was as follows:

AYES: 6– Franzese, Cronin, Bolos, Perri, Grunsten, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. V-03-2011: 140 Tower Drive (AMS Mechanical); Variation

Mr. Pollock said that the petitioner requests a continuance to the October 3, 2011 meeting and that he is considering relocating the dumpsters so that a variation is not required.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to continue V-03-2011 to the October 3, 2011 meeting.

ROLL CALL VOTE was as follows:

AYES: 6– Bolos, Franzese, Cronin, Perri, Grunsten, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. Z-19-2011: 590 Village Center Drive (Wok N Fire); Special Use

Chairman Trzupke asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described the public hearing as follows: The petitioner proposes to open a restaurant in the Village Center. The restaurant would occupy 5,418 square feet at the

southeast corner of Village Center Drive and LifeTime Drive. Special use approvals are required for a restaurant that serves alcoholic beverages and provides live entertainment and special use approval is requested for an outdoor seating area and for extended hours of operation.

Chairman Trzupek asked the petitioner for comments.

Mr. Michael Derlacher, Attorney for the petitioner, was present. Mr. Derlacher said he had nothing to add to the staff report or his written documentation other than that the petitioner agrees with the conditions recommended by staff.

There being no one from the public to speak at this hearing, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Grunsten asked if the wall and patio would interfere with the existing Village Center sign. Mr. Derlacher said that the existing sign and wall would remain in place and not be impacted.

Commissioner Grunsten also asked how this restaurant compares to Dao Sushi and Thai Restaurant. Mr. Siri Lanpouthakoun, one of the owners of the restaurant, said that his restaurant specializes in more pan Asian food and sushi and that the atmosphere has brighter lighting than Dao.

Commissioner Perri asked about the type of entertainment provided. Mr. Lanpouthakoun said that they would occasionally have a DJ and performers with one or two instruments. In response to Commissioner Perri, he said that the sound would not usually be amplified outdoors but may on occasion and that there would be no food prep at the tables.

Commissioner Bolos asked about the proposal for year round use of the outdoor patio. Mr. Derlacher explained that they would have removable canvas or vinyl side walls on the outdoor patio with heat provided. He said the enclosed patio area would be used primarily for special events and private parties.

In response to Commissioner Franzese, Mr. Pollock said that there are no other restaurants in the Village that are allowed to stay open until 2 AM. Commissioner Franzese asked the petitioner to describe the special events or private parties that he wants to allow to remain until 2 AM. Mr. Derlacher responded that the request for a 2 AM closing would be only for private parties that are by invitation only. He said that they average about one per month.

Commissioner Franzese asked if valet parking would be provided. In response, Mr. Scott Rolston, Manager of the Village Center, said that with the opening of a third restaurant, the Village Center would take over the valet parking management for all of the restaurants. He said valet parking would be provided for the subject restaurant.

In response to Commissioner Franzese, Mr. Derlacher said that the exterior door or gate to the patio was for emergency only and that customer access to the patio would be from the restaurant. He also said that the awning material would be black.

Commissioner Cronin asked about heating and if there would be a fire place. Mr. Derlacher said there would be no heating and that heating vents would be provided within the patio area.

Chairman Trzuppek asked about a seating area on the sidewalk that was shown the floor plan. He asked for more detail about this area including whether it was enclosed. Mr. Lanpouthakoun said it would not be enclosed. Mr. Pollock said that he had not noticed the sidewalk seating and therefore, staff had not reviewed or commented on that aspect of the plan.

Chairman Trzuppek asked about the materials and colors for the side walls on the patio and asked about the location of the patio and its walls relative to the sidewalk on LifeTime Drive. He said that the plans do not show LifeTime Drive and he is concerned about how close the wall may be to the street. He suggested planter boxes or something to soften the appearance of the wall since it looks as though there will be no landscaping between the patio retaining wall and the sidewalk.

Commissioner Franzese noted that the sidewalk seating is on one of the plans submitted but not the other and that may explain why it was not noticed by staff. In response to Commissioner Franzese, Mr. Derlacher confirmed that the construction of the outdoor patio will comply with building code requirements including fire suppression sprinklers, exit lighting, and accessibility.

Commissioner Cronin stated he is concerned about the precedent of allowing the 2 AM closing even if it is limited to private parties. He said he is concerned that other restaurants will request the same hours and he is not sure if this is inappropriate. Commissioner Franzese concurred.

Mr. Mark Bartlett, another owner of the restaurant, asked if some type of special permission could be granted for each event. Mr. Pollock said that the Village has no mechanism in place to issue special even licenses but that the special use approval could limit the number of days per week or month that the restaurant could stay open until 2 AM.

Chairman Trzuppek suggested that the Plan Commission approve 1 AM and leave it to the Board to consider the 2 AM closing. Commissioner Cronin agreed.

There being no further questions from the Plan Commission, Chairman Trzuppek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to close the hearing for Z-19-2011.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Chairman Trzupek, in consultation with Mr. Pollock, suggested three separate motions, one for the restaurant with beverage sales and live entertainment, a second for the hours of operation, and a third for the outdoor dining.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve the Findings of Fact as presented by the petitioner and to recommend special use approval as per Section VIII.C.2.11 of the Burr Ridge Zoning Ordinance to permit a restaurant with sales of alcoholic beverages and live entertainment subject to the following conditions:

- a. The special use permit shall be limited to Wok N Fire and the current owners and shall expire at such time that Wok N Fire and the current owners no longer own and operate the business at 590 Village Center Drive.
- b. Music and all amplified sound should be kept to a moderate level so it is not audible from any adjacent residential condos or from any property outside the Burr Ridge Village Center.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve the Findings of Fact as presented by the petitioner and to recommend special use approval as per Section VIII.C.2.x of the Burr Ridge Zoning Ordinance to extend the hours of operation for a restaurant to 1 AM on Fridays and Saturdays subject to the following conditions:

- a. The special use permit shall be limited to Wok N Fire and the current owners and shall expire at such time that Wok N Fire and the current owners no longer own and operate the business at 590 Village Center Drive.
- b. The hours of operation for the restaurant and for the outdoor dining area may be extended to 1 AM closing on Fridays and Saturdays (rather than 12 midnight as permitted by the PUD). All other hours shall comply with the hours permitted by the PUD.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Commissioner Bolos stated that she wanted to be sure the Board of Trustees knew that the Plan Commission considered the 2 AM closing if it was limited to a specific number of days and to private parties.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve the Findings of Fact as presented by the petitioner and to recommend special use approval as per Section VIII.C.2.ee of the Burr Ridge Zoning Ordinance to permit a restaurant with an outdoor dining area subject to the following conditions:

- a. The special use permit shall be limited to Wok N Fire and the current owners and shall expire at such time that Wok N Fire and the current owners no longer own and operate the business at 590 Village Center Drive.
- b. The hours of operation for the restaurant and for the outdoor dining area may be extended to 1 AM closing on Fridays and Saturdays (rather than 12 midnight as permitted by the PUD). All other hours shall comply with the hours permitted by the PUD.
- c. 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 except as may be specifically modified by the Plan Commission.
- d. Music and all amplified sound should be kept to a moderate level so it is not audible from any adjacent residential condos or from any property outside the Burr Ridge Village Center.
- e. There shall be no text or logos on the awning except as may otherwise be permitted by the Sign Ordinance or approved by the Village.
- f. The door to the dining area shall be self-closing.
- g. Tables shall be cleaned promptly following use.
- h. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
- i. Landscaping to be removed for the outdoor patio area shall either be transplanted or replaced in kind elsewhere within the Village Center as may be deemed appropriate by the Village staff.
- j. The final plans for the outdoor dining areas shall be submitted to the Plan Commission for administrative review (no public hearing required) prior to construction of the outdoor dining area. Said plans shall include details regarding the awning and side walls materials and colors; the location of the existing sign and brick wall relative to the outdoor dining area; the location of the outdoor patio

relative to the existing sidewalk and street including the location of planter boxes on the outside of the retaining wall; the materials, color and design of the sidewalk seating area including tables, chairs, and enclosure; and a revised floor plan indicating direct access to the enclosed sidewalk seating area from the interior of the restaurant.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

D. Z-20-2011: 118 Burr Ridge Parkway (Capri Mex); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described this petition as follows: The petitioner is in the process of opening a new restaurant in County Line Square and would like to extend the permitted hours of operation and add sales of alcoholic beverages. The proposed hours of operation are Sunday through Thursday 11:00 a.m. to 12 midnight and Friday & Saturday 11:00 a.m. to 1:00 a.m. A special use is required to extend the hours beyond 10 pm. Mr. Pollock added that earlier this year, the petitioner received special use approval for open, sidewalk seating. The petitioner indicates that the liquor sales will be limited to inside sales only and no liquor consumption will be allowed outside. There are a total of 36 seats inside the restaurant.

Chairman Trzupek asked the petitioner for comments. Mr. Robert Spadoni, attorney for the petitioner, was present. Mr. Spadoni said he had nothing to add to the staff report or to the written descriptions provided.

There being no one present from the public to speak to this matter, Chairman Trzupek asked for questions and comments from the Plan Commission.

Chairman Trzupek asked if any alcoholic beverages would be allowed to be consumed in the outdoor seating area. Mr. Spadoni said that no alcoholic beverages would be allowed to be taken outside the restaurant.

Commissioner Cronin asked if there was any outdoor table service. Mr. Spadoni explained that there is no outdoor table service. He added that there is inside table service.

Commissioner Franzese asked if they would provide a full service bar and if drinks would be sold by the pitcher. Mr. Spadoni said it would be a full service bar but sold in individual servings only.

There were no other questions or comments from the public or from the Plan Commission. Therefore, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to close the hearing for Z-20-2011.

ROLL CALL VOTE was as follows:

AYES: 6—Franzese, Cronin, Bolos, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to approve the Findings of Fact as presented by the petitioner and to recommend special use approval as per Sections VIII.B.2.ff and VIII.B.2.p of the Burr Ridge Zoning Ordinance to permit a restaurant with sales of alcoholic beverage and with extended hours of operation subject to the following conditions:

- a. The special use permit shall be limited to Capri Mex and the current owners and shall expire at such time that Capri Mex and the current owners no longer own and operate the business at 118 Burr Ridge Parkway.
- b. The hours of operation for the restaurant and for the outdoor dining area may be extended to 1 AM closing on Fridays and Saturdays and 12 midnights on all other days. All other hours shall comply with the hours permitted by the Zoning Ordinance.
- c. Service and consumption of alcoholic beverages shall be limited to the interior of the restaurant and no outside service or consumption of alcoholic beverages shall be permitted.

E. Z-21-2011: 15W230 North Frontage Road (Straub); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described this petition as follows: The Zoning Ordinance requires special use approval for all non-residential fences. Additionally, the Zoning Ordinance does not permit any accessory structures or buildings to be built until the principal structure is built. The petitioner would like to construct a screening fence prior to the construction of a building on the property and thus requests a variation and a special use for said fence.

Chairman Trzupek asked the petitioner for comments. Mr. Mickey Straub was present. Mr. Straub said he was the property owner and that he wanted to provide screening for the residential properties adjacent to his vacant property.

There being no one present from the public to speak to this matter, Chairman Trzupek asked for questions and comments from the Plan Commission.

Chairman Trzupsek asked about the location of the fence relative to the utility poles. Mr. Straub said that the fence would be located at the north edge of the property which is about 20 feet north of the utility poles.

In response to Commissioner Grunsten, Mr. Straub explained the design of the fence. He said the fence would be red cedar and use steel posts in a concrete foundation.

Commissioner Perri asked if the fence would be removed when a building is constructed. Mr. Straub said the fence is being placed in the same location that a fence would be if the building were built. He said he intends for the fence to remain after a building is built.

Commissioner Bolos asked if any neighbors had commented on the fence. Mr. Straub said they have not but that he is building the fence because he has promised the neighbors a fence when he was planning the building. He said he removed landscaping in the area in preparation for the building and since the building was not being built he felt he owed the neighbors a fence.

Commissioner Franzese complemented the petitioner for the quality of work done to rehab the adjacent property and building. Chairman Trzupsek agreed.

There were no other questions or comments from the public or from the Plan Commission. Therefore, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Franzese to close the hearing for Z-21-2011.

ROLL CALL VOTE was as follows:

AYES: 6—Cronin, Franzese, 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 Cronin to approve the Findings of Fact as presented by the petitioner and to recommend special use approval as per Section IV.J.2 of the Burr Ridge Zoning Ordinance to permit a fence to be erected on a non-residential property and requests a variation from Section IV.H.1 to permit said fence on a property without a principal use or building rather than the requirement that accessory structures shall be accessory to the principal use, subject to the following conditions:

1. The fence shall be a 6 foot high board on board fence with metal posts in concrete foundations.

2. The fence shall extend along the majority of the north lot line beginning 30 feet from the Hamilton Avenue property line and ending 30 feet from the Elm Street property line.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

There were no other considerations.

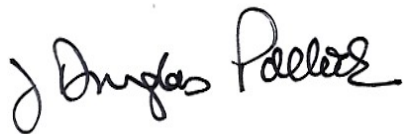
6. FUTURE SCHEDULED MEETINGS

There was no comment or discussion regarding future meetings.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Grunsten to **ADJOURN** the meeting at 9:13 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:13 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

October 3, 2011