

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JANUARY 16, 2012

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 Franzese to approve minutes of the December 5, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 4– Bolos, Franzese, Cronin, and Trzupek

NAYS: 0 – None

ABSTAIN: 2- Perri and Grunsten

MOTION CARRIED by a vote of 4-0.

3. PUBLIC HEARINGS

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

A. Z-26-2011: Babson Park West Subdivision; Rezoning After Annexation

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

Mr. Pollock reported that this hearing was continued from the last meeting to provide new notices. He said that a property that was annexed several years ago was added to the notice and that the letters to area property owners were re-sent. He described the public hearing as follows: This petition proposes to rezone certain properties in the Babson Park West Subdivision from the R-1 District to the R-3 District. All but one of these properties were annexed to the Village in 2010 with one property being previously annexed but never rezoned. As per Illinois State Statutes, annexed properties are

automatically rezoned to the lowest density residential district (R-1) and remain so until the Village takes action to rezone. Mr. Pollock explained that many of the lots and structures on the lots are non-conforming but that any lot that was legally created in the County will be considered a lot of record in the Village and any structure legally created in the County would be grandfathered in Burr Ridge.

Chairman Trzupsek asked if there was anyone in attendance who wanted to speak to this request.

The owner of the property at 15W636 74th Street said that she was told recently that she could not build a home exceeding 3,100 square feet due to Village restrictions. She said she was previously told that she could build a house under the County floor area restrictions which would allow more than 4,000 square feet of floor area.

In response, Mr. Pollock explained that new construction is subject to Village zoning regulations now that the property is in Burr Ridge. He said that the floor area ratio is 20% and would be 20% no matter what zoning district the Village used in this area. Mr. Pollock suggested that the property owner contact him during normal business hours to discuss the options.

Mr. Mark Stednitz said he lives at 4 Normandy Court. He said that the Village zoning will detract from the value of properties in this area as the County allows 0.35 FAR and the Village only allows 0.2 FAR. Mr. Pollock noted that the residents who are annexed petitioned to be annexed and had the opportunity to know the changes in the zoning regulations. He said that they annexed knowing these restrictions because they wanted the opportunity to connect to Village water.

Chairman Trzupsek asked for questions and comments from the Plan Commission.

Commissioner Cronin said he had no questions or comments.

Commissioner Franzese asked staff to confirm that this action to rezone the property is not creating any new, more stringent regulations but instead was simply to conform the zoning as closely as possible to existing improvements. Mr. Pollock agreed.

Commissioner Bolos noted that the residents participated in the annexation of the property and were aware of the Village regulations.

Commissioner Perris asked if the residents received notice of the annexation prior to annexation. Mr. Pollock said that they did.

Commissioner Grunsten said that she knows several residents in the area and they wanted to annex so they could get Village water.

There being no further questions or comments, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to close the hearing for Z-26-2011.

ROLL CALL VOTE was as follows:

AYES: 6– Franzese, Bolos, Cronin, 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 recommend to the Board of Trustees that the subject properties be rezoned from the R-1 to the R-3 District as per petition Z-26-2011 and to adopt the findings of fact as prepared by staff.

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.

C. Z-01-2012: Zoning Ordinance Text Amendment; Restaurant Hours of Operation

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

Mr. Pollock described the public hearing as follows: At the October 10, 2011 meeting, the Village Board approved a special use for the Wok N Fire restaurant in the Burr Ridge Village Center. Part of this request was to extend the hours for special events to 2 AM on weekends. The Board approved this request for a six month period of time and subject to the pre-approval of each event by the Liquor Commissioner (the Village President). The Board limited the approval to six months with the idea that the Village would review its current policies on hours of operation for restaurants with liquor licenses during that time. The Board also discussed the hours that a restaurant kitchen is open and whether it should be related to the permitted hours for the service of alcoholic beverages. Subsequently, the Board directed the Plan Commission to conduct a public hearing to review restaurant hours and make a recommendation to the Board.

Chairman Trzupek asked if there was anyone in attendance at the public hearing to speak on this hearing. There was no one.

Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Grunsten said that she thinks 12 midnight during the week and 1 AM on weekends is appropriate. She said that 2 AM seems too late and that she agrees that food service should be provided up to one hour before closing.

Commissioner Perri said he generally agrees but questioned a required midnight closing on Thursdays and he suggested that 2 AM on Fridays and Saturdays would be acceptable.

Commissioner Bolos agreed with the midnight closing during the week, the 1 AM closing on weekends, the requirement for food service up to one hour before closing, and issuance of a special permit for special events to stay open until 2 AM on weekends.

In response to Commissioner Perri, Mr. Pollock said that the hours for the outside patios would be the same as for the restaurant.

Commissioner Franzese said that he favors the 12 midnight closing during the week, 1 AM on weekends with the required food service as stated and with a special permit for 2 AM closings on the weekends.

Commissioner Cronin said that he was concerned about requiring a special permit by the liquor commissioner for 2 AM closings on the weekends. He said detailed parameters would have to be set or there would be concerns about equal treatment. He suggested 12 midnight during the week and 2 AM on weekends for everyone.

In response to Chairman Trzupsek, Mr. Pollock reported that the Police Chief did not have any objections to the 2 AM weekend closings.

Chairman Trzupsek asked why not go with the 1 AM during the week and 2 AM weekend closings like all of the other communities listed in the staff report.

Commissioner Franzese said that the issue of fair treatment is valid and based on that he would agree to the 2 AM closing for everyone on weekends.

Commissioner Bolos said she agrees. She asked if there had been any feedback from any residents that live near restaurants.

Mr. George Dunlap said he lives at 450 Village Center Drive. He said that the Village should support the restaurants and allow the extended hours including the 2 AM closing on weekends. He said he occasionally hears noise from Coopers Hawk and from Capri but it is not a big problem.

There being no further questions or comments, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to close the hearing for Z-01-2012.

ROLL CALL VOTE was as follows:

AYES: 6– Franzese, Grunsten, Cronin, Bolos, Perri, 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 recommend to the Board of Trustees that the permitted hours of operation for

restaurants with liquor licenses be changed to a 12 Midnight closing Sundays through Thursdays; a 2 AM closing on Fridays and Saturdays; and to require food service for such establishments extending to at least one hour before closing – with said food service being either a full kitchen or a smaller bar menu.

Commissioner Perri suggested that they allow 1 AM during the week. Commissioners Franzese, Chairman Trzupke and Commissioner Bolos said they were not comfortable with the 1 AM closing during the week. Commissioner Grunsten noted that Thursday evenings were a popular evening for dining out and that some of the restaurants already had permission to stay open until 1 AM on Thursdays.

An amendment to the **MOTION** was made by Commissioner Franzese and seconded by Commissioner Cronin to allow a 1 AM closing on Thursdays.

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.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

There were no other considerations discussed at this meeting.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that two petitions had been filed for public hearings on February 6, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Perri to **ADJOURN** the meeting at 8:41 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:41 p.m.

Respectfully Submitted:

