

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

FEBRUARY 6, 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– Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 1 – Cronin

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 January 16, 2012 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 5– Bolos, Franzese, Perri, Grunsten and Trzupek

NAYS: 0 – None

ABSTAIN: 1- Stratis

MOTION CARRIED by a vote of 5-0.

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-02-2012: 510 Village Center Drive (Cooper’s Hawk); Special Use

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

Mr. Pollock described the public hearing as follows: The petitioner was granted special use approval in 2011 to construct an outdoor dining area for the existing Cooper’s Hawk restaurant. Subsequent to receiving special use approval, the petitioner discovered that there is an easement adjacent to Burr Ridge Parkway that does not permit encroachment of a concrete and stone deck. The revisions to the plans are significant changes from the approved plans and, thus, require a new special use approval. The primary changes to the plan relate to the shape of the structure. The building materials, design features, number

of seats and the floor area of the outdoor seating area would remain about the same. The revised plan also provides for terraced retaining walls supporting the deck rather than a sheer wall supporting the seating area.

Chairman Trzupsek asked the petitioner for comments. The petitioner was represented by Mr. Dan Bernatek, Architect for Cooper's Hawk Restaurants. He said that the petitioner was in agreement with the conditions recommended by the Village staff.

Chairman Trzupsek asked if there was anyone in attendance who wanted to speak to this request. There was no one.

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

Commissioner Franzese asked about the number of seats for the outdoor patio. Mr. Bernatek said the number of seats was the same as previously approved.

Commissioner Bolos asked about the material for the walls. Mr. Bernatek said that the first wall would use the same decorative block material as the existing retaining wall and that the second wall would be a pre-cast stone. He showed samples of the stone material.

In response to Commissioner Bolos, Mr. Bernatek confirmed that the stairs from the deck would be for exit only.

Commissioner Perri asked if the lights on the patio railing were on dimmers and if they would be turned down at night. Mr. Bernatek confirmed that they are on dimmers and that he believes they would be turned off after hours although he was not sure.

Commissioner Stratis said the survey shows a grease trap within the area of the patio but that it is not shown on the plans. Mr. Bernatek said the grease trap would remain in its current location.

Commissioner Grunsten asked if the screening of the utility boxes would be evergreens. Mr. Bernatek was not sure but said they would be evergreen if that is the desire of the Village.

Commissioner Perri asked if the Commission needed to review the furniture being used on the patio. Mr. Pollock said the furniture would be the same as previously approved and therefore there was no need for further review.

Chairman Trzupsek asked about the separation between the terraced retaining walls. Mr. Bernatek said it complied with Village code which is a minimum of three feet. He said that adjacent to Lincolnshire Drive the minimum separation is 3 feet and 3 feet, 9 inches. Chairman Trzupsek suggested that the separation be maximized so that quality landscaping could be provided in this area.

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

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to close the hearing for Z-02-2012.

ROLL CALL VOTE was as follows:

AYES: 6– Bolos, Franzese, Perri, Stratis, 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 adopt the findings of fact as prepared by the petitioner and to recommend that the Board of Trustees grant special use approval as per Z-02-2012 subject to the following conditions:

- A. 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.
- B. Music and all other amplified sound should be kept to a moderate level so it is not audible from the adjacent residential condos.
- C. There shall be no text or logos on the umbrellas.
- D. The door to the dining area shall be self-closing.
- E. Tables shall be cleaned promptly following use.
- F. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
- G. 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.
- H. 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.
- I. The landscaping screening north of the patio and in front of the utility meters shall be evergreen plants that provide year round screening.
- J. The separation of the retaining walls shall be increased at the south end of the patio to provide more area for landscaping materials.

ROLL CALL VOTE was as follows:

AYES: 5– Bolos, Perri, Stratis, Grunsten, and Trzupsek

NAYS: 0 – None

ABSTAIN: 1 - Franzese

MOTION CARRIED by a vote of 5-0.

Commissioner Franzese said that he abstained because he has a family member that works for Cooper's Hawk Restaurant.

B. Z-03-2012: 145 Tower Drive (Ludicrous 6, LLC); Special Use

C. Z-04-2012: 161 Tower Drive (Ludicrous 6, LLC); Special Use

There being no objections, Chairman Trzupek said these two hearings would be conducted concurrently.

Chairman Trzupek asked Mr. Pollock to provide a summary of the public hearings.

Mr. Pollock described the public hearing as follows: In July of 2011, the petitioner was granted special use approval for the retail sales of luxury automobiles at 145 and 161 Tower Drive. Both special use approvals were granted subject to several conditions including two, 6 month trial periods. The first trial period expires on February 15, 2012 (six months from the August 15, 2011 issuance of a retail sales license by the State of Illinois). At this time, the petitioner is seeking to renew the special use approval.

Chairman Trzupek asked the petitioner for comments.

The petitioner was represented by Mrs. Christina Brotto, attorney for the petitioner. Mrs. Brotto said she had nothing to add and she and the general manager of the facility were present to answer any questions.

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 asked staff if there had been total compliance with the terms and conditions of the special use approvals. Mr. Pollock said that there have been no violations on either property. He said there was one call from a neighbor complaining about noise from a vehicle but that it was determined it was during permitted business hours and no violation was documented.

Commissioner Stratis asked why there was a condition requiring average sales to be \$90,000. Mr. Pollock said that the Board added that condition to ensure the facility was for sales of luxury automobiles as stated by the petitioner.

Commissioner Perri asked if the conditions relative to sales tax were met. Mr. Pollock confirmed that those and all other conditions have been met.

Commissioner Bolos said she did not have any further questions.

Commissioner Franzese asked the petitioner to explain the situation where the neighbor called and complained about noise. The general manager of the facility said that the

situation involved one car that was started inside the garage but had to be driven outside for photographs. He said they tried to keep the noise to a minimum and were confident they did not violate any noise regulations. He said a police report was filed but no further action was taken by the Village.

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to close the hearings for Z-03-2012 and Z-04-2012.

ROLL CALL VOTE was as follows:

AYES: 6– Grunsten, Stratis, Franzese, 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 Bolos to adopt the findings of fact as prepared by the petitioner and to recommend that the Board of Trustees grant special use approval as per Z-03-2012 subject to the following conditions:

- A. This special use approval shall be for a second, six-month trial period and shall expire on August 15, 2012. Upon the expiration of this second six month extension, further extensions will not be granted if there are repeated violations (as reasonably determined by the Community Development Director) of any of the conditions of this special use. It is understood that if the Petitioner successfully receives two six month special use approvals, the Petitioner may request and the Village will consider a special use without an expiration date or specific time limit.
- B. The special use shall be limited to the Petitioner and affiliates and to the condominium space identified as Suite 9 and consisting of approximately 3,021 square feet, as may be modified or built-out by the Petitioner in accordance with the Village of Burr Ridge municipal code.
- C. There shall be no more than 9 vehicles stored on the property and available for sale at any given time.
- D. All vehicles shall be stored inside the building at all times except for the temporary (but not overnight) parking of vehicles outside for purposes of moving automobiles or cleaning or maintaining the interior of the tenant space.
- E. There shall be no advertisement of automobile sales on the exterior of the building or property; provided, however, nothing herein shall prevent Petitioner from posting its business identification signs on the property as otherwise permitted by law.

- F. There shall be no servicing, repairing, painting, or other work conducted on automobiles at any time other than routine cleaning and maintenance that is conducted inside the building.
- G. There shall be no more than 4 customers on the site at any given time and all customer visits shall be by appointment only.
- H. The hours of operation for customer visitation, moving of vehicles (except as provided herein), and sales shall be limited to 10 AM to 3 PM, Mondays through Fridays, with no business conducted on Saturdays, Sundays or state and federal holidays. Nothing herein shall prohibit any principals of Petitioner from moving the vehicles in and out of the building at any given time when the vehicles are for personal use.
- I. The Petitioner shall sign a Sales Tax Disclosure Agreement with the Village of Burr Ridge.
- J. The business shall comply with the noise regulations as outlined in the Zoning Ordinance.
- K. There shall be no test driving of automobiles in the residential areas to the north of the subject property including on streets within the Carriageway Subdivision, Carriageway Club, and Carriageway Condos.
- L. For the duration of the 6 month trial period, 90% of all sales shall average \$100,000 or more.
- M. The point of sale for all vehicles stored in this location will be registered as this location in the Village of Burr Ridge.
- N. All sales of vehicles stored in this location shall be consummated and completed at this location in the Village of Burr Ridge.
- O. The Petitioner shall promptly pay to the State of Illinois, as required by law, all applicable vehicle sales taxes in such amounts as required by the State of Illinois.

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.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to adopt the findings of fact as prepared by the petitioner and to recommend that the Board of Trustees grant special use approval as per Z-04-2012 subject to the following conditions:

- A. This special use approval shall be for a second, six-month trial period and shall expire on August 15, 2012. Upon the expiration of this second six month extension, further extensions will not be granted if there are repeated violations (as reasonably determined by the Community Development Director) of any of the conditions of this special use. It is understood that if the Petitioner successfully receives two six month special use approvals, the Petitioner may request and the Village will consider a special use without an expiration date or specific time limit.
- B. The special use shall be limited to the Petitioner and affiliates and to the condominium space identified as Suite J and consisting of approximately 14,356 square feet, as may be modified or built-out by the Petitioner in accordance with the Village of Burr Ridge municipal code.
- C. There shall be no more than 50 vehicles stored on the property and available for sale at any given time.
- D. All vehicles shall be stored inside the building at all times except for the temporary (but not overnight) parking of vehicles outside for purposes of moving automobiles or cleaning or maintaining the interior of the tenant space.
- E. There shall be no advertisement of automobile sales on the exterior of the building or property; provided, however, nothing herein shall prevent the Petitioner from posting its business identification signs on the property as otherwise permitted by law.
- F. There shall be no servicing, repairing, painting, or other work conducted on automobiles at any time other than routine cleaning and maintenance that is conducted inside the building.
- G. There shall be no more than 4 customers on the site at any given time and all customer visits shall be by appointment only.
- H. The hours of operation for customer visitation, moving of vehicles (except as provided herein), and sales shall be limited to 10 AM to 3 PM, Mondays through Fridays, with no business conducted on Saturdays, Sundays or state and federal holidays. Nothing herein shall prohibit any principals of Petitioner from moving the vehicles in and out of the building at any given time when the vehicles are for personal use.
- I. The Petitioner shall sign a Sales Tax Disclosure Agreement with the Village of Burr Ridge.
- J. The business shall comply with the noise regulations as outlined in the Zoning Ordinance.

- K. There shall be no test driving of automobiles in the residential areas to the north of the subject property including on streets within the Carriageway Subdivision, Carriageway Club, and Carriageway Condos.
- L. For the duration of the 6 month trial period, 90% of all sales shall average \$100,000 or more.
- M. The point of sale for all vehicles stored in this location will be registered as this location in the Village of Burr Ridge;
- N. All sales of vehicles stored in this location shall be consummated and completed at this location in the Village of Burr Ridge;
- O. The Petitioner shall promptly pay to the State of Illinois, as required by law, all applicable vehicle sales taxes in such amounts as required by the State of Illinois.

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.

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.

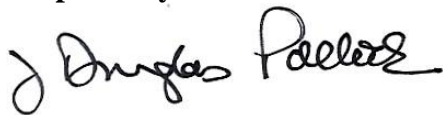
6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that one petition was filed for public hearings on February 20, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:04 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:04 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

February 20, 2012