

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

MARCH 19, 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, Stratis, and Trzupek

ABSENT: 1 – Grunsten

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 Perri to approve minutes of the February 20, 2012 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 4 – Franzese, Perri, Stratis, and Trzupek

NAYS: 0 – None

ABSTAIN: 2- Cronin and Bolos

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-05-2012: 200 Burr Ridge Pkwy. (Dao Sushi & Thai Restaurant); Variation

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

Mr. Pollock described the public hearing as follows: The petitioner operates an existing restaurant in County Line Square and seeks to add live entertainment. Live entertainment requires a special use. The petitioner has stated that the live entertainment would be limited to 1 to 4 musicians playing for restaurant patrons.

In response to Chairman Trzupek, the petitioner stated she had nothing to add to the staff comments.

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

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

Commissioner Cronin asked if the live entertainment would be inside the restaurant only and if any music would be provided in the outside dining area. The petitioner stated that no live entertainment would occur outside the restaurant.

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

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to close the hearing for Z-05-2012.

ROLL CALL VOTE was as follows:

AYES: 6 – Bolos, Cronin, Franzese, Perri, Stratis, 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 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-05-2012 to allow live entertainment in an existing restaurant subject to the following conditions:

- A. The live entertainment shall be limited no more than 4 musicians at a time and shall be ancillary to the primary use of the facility as a restaurant (i.e. live entertainment could not occur without food service).
- B. There shall be no live entertainment outside the building (i.e. within the outside dining area).

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-06-2012: 590 Village Center Drive (Wok N Fire); 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 proposes to add an outdoor seating area for an existing restaurant in the Village Center. The restaurant contains 5,418 square feet of floor area and is located at the southeast corner of Village Center Drive and LifeTime Drive. Special use approvals were granted for a restaurant

that serves alcoholic beverages and provides live entertainment in 2011 and the restaurant opened in February of 2012.

Chairman Trzupek asked the petitioner for their comments.

Mr. Michael Durlacher introduced himself as the Attorney for the petitioner. Mr. Durlacher submitted a drawing showing a proposed new location for outdoor seating.

Chairman Trzupek asked about the recommended five foot separation between the LifeTime Drive sidewalk and the patio area. Mr. Durlacher said that they would lose too many seats if they were to reduce this area by 5 feet. He estimated that they would lose 28 seats.

There being no further comments at this time from the petition, Chairman Trzupek asked for public comments.

Mr. Scott Rolston introduced himself as the property manager and landlord's representative for the Village Center. Mr. Rolston said that the landlord has not reviewed or approved the revised plan that was submitted tonight. In regards to the setback from the sidewalk, he suggested a compromise setback.

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

Referring to the revised plan submitted for tonight's meeting, Commissioner Perri asked how guests and servers would access the new sidewalk seating area. Mr. Mark Bartlett, representing the petitioner, identified an access door from the restaurant to the proposed patio area. Commissioner Perri responded that this would require guests and servers to leave the patio area through a gate and enter the sidewalk area through another gate, there being no direct access from the restaurant to the sidewalk seating area.

Chairman Trzupek suggested that any consideration of the sidewalk seating area should not be considered tonight as there are too many unresolved issues.

Mr. Bartlett said that they would like the sidewalk seating area so they could begin using immediately as the patio area will take a while to construct. He also suggested that the Village allow the sidewalk seating area temporarily while they are waiting to resolve any issues and receive a final vote.

Commissioner Bolos noted that when the restaurant special use was approved, the Plan Commission asked that the sidewalk seating area be removed and instead the petitioner has expanded the sidewalk seating.

Commissioner Bolos asked how many seats were included in the outdoor dining areas. In response, Commissioner Cronin said he counts more than 160 outdoor seats.

Commissioner Cronin asked about the walls. The petitioner's architect, Mr. Randy Pruyn, said that the walls would be vinyl and retract into a box located at the leading edge

of the awning roof. He said there would be vinyl windows that are located and shaped like the windows in the building.

Commissioner Franzese asked about winter operations. Mr. Bartlett said that they hope to operate the outdoor patio during the winter with infra-red heaters in the ceiling and with the retractable walls. Commissioner Franzese responded that the walls would be open for approximately six months and closed for approximately six months.

Commissioner Franzese said he does not like the appearance of the enclosures. He said that he regrets approving similar enclosures for Capri restaurant. He described the detail review that the Plan Commission undertook to review the materials, colors and design for the Village Center and he does not want it to appear like a tent city. Commissioner Franzese said that Topaz and Cooper's Hawk will have outdoor patios and whatever is allowed for Wok N Fire may have to be repeated for these restaurants.

Commissioner Cronin asked about the location of the retractable walls. Mr. Pruyn showed the locations on the site plan and Commissioner Cronin summarized that the walls would be located on two sides of the building and would cover a significant portion of the exterior of the restaurant.

Commissioner Cronin noted that the sidewalk seating nearest the intersection does not work because it does not have direct access from the restaurant.

Commissioner Cronin added that this is an enormous amount of outdoor seating for one restaurant.

Mr. Durlacher said that the sidewalk on Life Time Drive was wider than the sidewalk on McClintock Drive and that it may be possible to narrow the sidewalk to create more room for outdoor dining.

Commissioner Bolos said that she believes the outdoor seating area and the enclosed area is too large and will be unattractive.

Chairman Trzupsek asked about the doors on the side walls of the awning, the service bar shown on the site plan, and the configuration of the exterior railing relative to the existing sign and sign rail. Mr. Pruyn described the spring loaded vinyl doors that would be provided for the outside patio area during the time that the awning walls are in use. Mr. Bartlett described the portable service bar. He said it would not be connected to anything but would be on wheels. Mr. Pruyn said that the railing would be directly behind the existing sign and sign rail.

Commissioner Franzese said that the plan has a lot of seats and he suggested they consider doing the back portion only. He said there must be some green space between the patio and the LifeTime Drive sidewalk.

Chairman Trzupsek said that the Commission has reviewed a number of outdoor patios in the last several years and is supportive of outdoor patios in the Village Center and other

areas of the Village. He added, however, that the green space and the walls were significant issues.

Commissioner Franzese said that the Capri restaurant was approved with side walls but he believes that was a he made a mistake and that mistake should not be repeated He said he can support the awning but not the side walls.

Chairman Trzupek said he agreed.

Mr. Bartlett asked if it would be possible to have any walls at all.

Commissioner Franzese said that Opus had spent significant money on premium building materials and that he would only support fixed walls using the comparable premium building materials.

Chairman Trzupek said he thinks it is a tough sell.

Commissioner Cronin said he would like to see an example of the proposed walls.

Mr. Rolston repeated that the plans have not received final landlord approval and that there remain lots of tenant/landlord issues.

Chairman Trzupek suggested that the public hearing be continued to April 16, 2012 to allow the petitioner time to consider alternative plans. Mr. Bartlett indicated agreement with this recommendation.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to continue the hearing for Z-06-2012 to April 16, 2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. Z-07-2012: Annual Zoning Ordinance Update; Text Amendments

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

Mr. Pollock described the public hearing as follows: The Plan Commission requested and the Board authorized that a public hearing be held for consideration of three amendments to the Zoning Ordinance. Those amendments include: increasing the permitted height for ornamental light standards above the current restriction of 6 feet; adding outdoor kitchens to the list of permitted accessory structures in residential districts; and allowing pool equipment to be located in a side yard subject to the same regulations as generators.

Chairman Trzupek asked if there was anyone in attendance to speak at this public hearing.

Mr. Mike Higgins of Platinum Pool Care was present to address the amendment regarding the location of pool equipment.

There being no one else in attendance, Chairman Trzupek opened the hearing for questions and comments from the Plan Commission.

Chairman Trzupek asked Mr. Higgins if the 28 square foot limit was sufficient to accommodate most pool equipment. Mr. Higgins said he believes that it is sufficient.

Commissioner Cronin asked if pool equipment were louder than a generator. Mr. Higgins said such equipment would not be louder than a generator.

In regards to lights, Commissioner Cronin asked if the amendment addresses light spillage. Mr. Pollock said the amendment does not regulate lighting at all but instead only the height of a freestanding light pole. He added that the Zoning Ordinance restricts all lighting on property not to exceed 0.5 foot candles at the property line.

Commissioner Stratis said that based on his survey of existing light poles in the Village, he suggests that the light bulb be no higher than 8 feet off the ground but that the light standard may be as high as 10 feet. He said this accommodates some common light pole designs whereby the light fixture hangs lower than parts of the light pole.

Commissioner Stratis also asked if there is a required distance between a house and an outdoor fire place. Mr. Pollock said that the amendment should include a minimum separation of 10 feet.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to close the hearing for Z-07-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Chairman Trzupek suggested three separate motions, one for each proposed amendment.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to recommend that the Board of Trustees amend Section IV.I. 25 of the Zoning Ordinance regarding Ornamental Light Standards as follows:

25. Ornamental Light Standards

Ornamental light standards, defined as light standards with a prefabricated, monopole design, may be located in any buildable area and are also permitted in the required front or rear yards, but not closer than 10 feet to the lot line. Such ornamental light standards shall not exceed **6 10**

feet in height. *However, the location of the light on the ornamental light standard shall be not be more than 8 feet above grade and all lighting shall comply with the performance standards as per Section IV.W.7 herein.*

ROLL CALL VOTE was as follows:

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

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 amend Section IV.I of the Zoning Ordinance regarding Outdoor Fireplaces and Grills as follows:

17: Fireplaces and Grills, Outdoor

Masonry fireplaces including gas or wood grills may be located in the rear buildable area and are also permitted in the required rear yard of a residential property, but not closer than 10 feet to any principal or accessory building, not closer than 10 feet to the rear lot line and not closer than the required side yard setback to the interior side yard. Outdoor fireplaces and grills may not exceed the maximum height of 15 feet and 20 square feet in area.

ROLL CALL VOTE was as follows:

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

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 that the Board of Trustees amend Section IV.I of the Zoning Ordinance regarding Swimming Pool Equipment as follows:

38. *Swimming Pool Equipment*

Equipment for swimming pools and spas are permitted subject to the following standards;

a. Pool equipment may be located within a court yard, in an interior side, corner side, or rear buildable area or within the buildable area between the principal building and the corner side lot line and may also project into the required interior side yard and rear yard setbacks if said equipment is located within 5 feet from the side or rear wall of the principal building. However, under no circumstance may such equipment be located within 15 feet of the façade of the principal building facing the front lot line nor shall any such units encroach into a required side or rear setback by more than 5 feet.

b. Pool equipment must be adequately screened with year-round landscaping material.

c. Pool equipment shall not generate noise exceeding 75 decibels measured 23 feet from the equipment pad.

d. Pool equipment shall not exceed 28 square feet in area or 5 feet in height.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

D. V-01-2012: 26 Ambriance! Drive (Platinum Pool); Variation

The petitioner was represented by Mr. Mike Higgins. Mr. Higgins said that based on the Plan Commission recommendation to amend the Zoning Ordinance to allow pool equipment in a side yard, he is withdrawing this variation.

Chairman Trzupek acknowledged the withdrawal of this variation petition.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

A. S-01-2012; 1000 Burr Ridge Parkway (Teamsters); Signs

Chairman Trzupek asked Mr. Pollock to provide an overview of this consideration.

Mr. Pollock described the request as follows: The applicant seeks approval to replace an existing ground sign and add a wall sign to an existing office building. Conditional sign approval is required for the height of the wall sign and for the total sign area exceeding 100 square feet. A variation is required to allow two signs on a corner lot oriented toward the same street frontage rather than being oriented to two separate streets.

Mr. Brian Lappin was present on behalf of the property owner.

Commissioner Stratis said that he thinks this is a lot of sign area for a building of this size.

Commissioner Perri agreed and said the wall sign needs to be scaled better to the building.

In response to Commissioner Bolos, Mr. Lappin said that he could make the wall sign smaller.

Commissioner Franzese said he thought the configuration and size of "731" text would be confused with an address sign. He added that the 731 looks larger than the 4 feet as shown on the elevation.

Mr. Lappin explained that the sign text on the ground sign is internally illuminated and the wall sign letters are back lit.

Chairman Trzupek said that it appears that the Commission has no problem with the size and design of the ground sign but that the wall sign needs to be smaller. He suggested that the total sign area of the wall sign and ground sign be approximately 140 square feet. He said this would allow for approximately 50 square feet for the wall sign.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to recommend approval of S-01-2012 subject to the total sign not exceeding 140 square feet..

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

6. FUTURE SCHEDULED MEETINGS

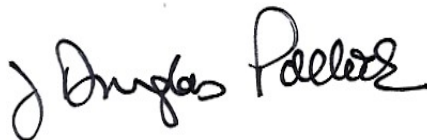
Mr. Pollock reported that there were no public hearings scheduled for the April 2, 2012 meeting.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to cancel the April 2, 2012 Plan Commission meeting. The MOTION was approved by a unanimous voice vote the Plan Commission.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:32 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:32 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

April 16, 2012