

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**APRIL 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: 7 – Cronin, Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 0 – None

Also present was Community Development Director Doug Pollock.

**2. APPROVAL OF PRIOR MEETING MINUTES**

Commissioner Franzese noted two corrections to the minutes as follows: On page 5, second paragraph, the sentence should read, “Commissioner Franzese said that the Capri restaurant was approved with side walls but he believes that ~~was a~~ *he made a* mistake by *voting to approve the side walls* ~~the Plan Commission~~ and *that mistake* should not be repeated.” And, “Commissioner Franzese said *that Opus had spent significant money on premium building materials and that* he would only support fixed walls using the ~~same~~ *comparable premium* building materials ~~as the principal building.~~”

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Franzese to approve minutes of the March 19, 2012 Plan Commission Meeting subject to the 2 changes above.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1- Grunsten

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 and introduced the public hearings as follows.

**A. Z-06-2012: 590 Village Center Drive (Wok N Fire); Special Use**

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

Mr. Pollock described the public hearing as follows: The public hearing was continued from March 19, 2012 so that the petitioner could respond to several Plan Commission concerns about the construction of an outdoor deck at the rear of the restaurant. Instead of changing the plans for the deck, the petitioner is asking for temporary approval of outdoor dining on the existing sidewalk in front of the restaurant.

Chairman Trzupsek asked the petitioner for their comments.

Mr. Mark Bartlett, one of the owners of the restaurant, was present. He stated that they agreed with staff's recommendation except that they would like to make the corner a 45 degree angle instead of a curve.

Chairman Trzupsek asked for clarification as to whether the sidewalk seating was temporary for a limited time period or seasonal where it is erected every year. Mr. Bartlett responded that they would like it to be permanent.

Mr. Pollock responded that the petitioner only has landlord approval for one year and that the petitioner has repeatedly told staff that they would use the sidewalk seating for only one year and then construct the deck.

Mr. Scott Rolston, manager of the Village Center, said that the landlord has approved the sidewalk seating for just one year and their goal is that the permanent deck be constructed.

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

Commissioner Cronin asked if the dining area would be lit. Mr. Bartlett said there was existing lighting from the street and the storefront but no additional lighting was planned.

Commissioner Cronin asked if there would be umbrellas or heaters. Mr. Bartlett said there would be both and that the heaters would be portable propane heaters.

In response to questions from Commissioner Franzese, Mr. Bartlett said that the umbrellas would not have logos or text, that the umbrellas, tables, chairs and railing would be black and that the railing would be 3'-10' in height.

Commissioner Franzese said that he had noticed parking of cars for the valet service on LifeTime Drive. Mr. Rolston said that they are not supposed to do that and they could have been parked for staging purposes. Commissioner Franzese noted that he has observed cars parked there for as long as 30 minutes.

Commissioner Bolos confirmed that the petitioner agreed to make the corner of the outdoor seating area a 45 degree angle and she asked about the expansion area.

Commissioner Perri said that he does not agree with changing the shape of the dining area as it would result in the loss of too many tables and he believes it does not provide a significant benefit. He said he would be in favor of the expansion area as the seating area does not seem to be large enough to match the scale of the building. He added that he agrees the construction of the permanent deck is preferred.

Commissioner Grunsten clarified that the color of the umbrellas would be black. She said that she does not object to the inclusion of the expansion area.

Chairman Trzuppek said that for a one year use, he does not think the green space should be lost for the expansion area. He said the loss of green space was small but not worth the benefit of additional seating for only a one year period.

In response to Commissioner Stratis, Mr. Bartlett said that the railing would not be mounted to the sidewalk.

In response to Commissioner Franzese, Mr. Bartlett said that the live music from inside the restaurant would not be amplified outside.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to close the public hearing for Z-06-2012.

ROLL CALL VOTE was as follows:

AYES: 7 – Cronin, Bolos, Franzese, Perri, Stratis, Grunsten, and Trzuppek

NAYS: 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to adopt the petitioner's findings of fact for Z-06-2012 and to recommend that the Board of Trustees approve a special use for outdoor dining subject to the following conditions:

- A. The special use for the outdoor sidewalk dining area shall be temporary expiring one year from approval by the Board of Trustees.
- B. All railings, tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.
- C. The concrete floor of the outdoor dining area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.
- D. The outdoor dining area shall not extend beyond the same hours of operation as the restaurant.

- E. 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 follows:
- i. The proposed sidewalk dining area shall be pushed back so it does not extend any closer to the center line of Village Center Drive than the leading edge of the restaurant tenant space provided, however, that staff may allow the dining to encroach into this setback to maintain the number of seats shown on the petitioner's plan.
  - ii. The corner of the outdoor sidewalk dining area nearest the intersection of Village Center Drive and LifeTime Drive should be angled to reflect the building curve and the street curb at the intersection.
- F. 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.
- G. The door to the dining area shall be self-closing.
- H. Tables shall be cleaned promptly following use.
- I. Furniture shall be weighted to prevent their movement in the wind.
- J. Umbrellas used within the outdoor dining area shall be black and shall not include any logos, text or other advertising.

Commissioner Bolos asked if the motion included the expansion area. Chairman Trzupsek reiterated his concern that this was only for a one year period and he prefers not to include the expansion area. There was no motion made to amend the original motion to include the expansion area. Thus, the expansion area was not included in the motion.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 - Franzese

MOTION CARRIED by a vote of 6-0.

**C. Z-08-2012: 515 Village Center Drive (Starbucks); Special Use**

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

Mr. Pollock described the public hearing as follows: The existing Starbucks Restaurant would like to add the sales of wine and beer to their existing menu. They also would like to provide an outdoor dining area for consumption of wine and beer as well as the other beverages and food currently provided. In order to allow wine and beer consumption within the outdoor seating area, the area has to be enclosed with access through the

restaurant. The addition of wine and beer sales and the enclosure of the outdoor seating area require special use approvals.

Chairman Trzupek asked the petitioner if they had anything to add.

Mr. Harlan Howe, attorney for the petitioner, stated that this was a prototype for Starbucks and the first one outside the Pacific Northwest to begin sales of wine and beer. He said their intent is to extend their business model into the evening hours with the sales of premium wines by the glass and locally brewed craft beers by the glass.

In response to Chairman Trzupek, Mr. Howe said that they anticipated the wine and beer sales being about 5% of their total sales.

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

Mr. Scott Rolston, Manager of the Village Center, said that the landlord endorses these changes and has approved the modifications to the outdoor dining area.

Commissioner Cronin asked Mr. Rolston if he was concerned about the precedent of allowing sidewalk seating. Mr. Rolston said that for those restaurants that do not have a location for outdoor dining other than the sidewalk, that he is willing to consider sidewalk seating areas. He referenced building 5b as an example.

Ms. Nancy Rizuto, 801 Village Center Drive, said that she endorses the proposed changes.

In response to a question from Ms. Rizuto, Mr. Dean Klein, Director of Store Development for Starbucks, said he hopes to open for wine and beer sales in July of 2012. He also said that sales would be one glass to one person at a time.

There being no other public comments, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Grunsten asked if wine and beer sales would be in plastic or paper cups. Mr. Klein said that all wine and beer sales would be in glasses.

Commissioner Stratis asked how they would monitor drinking activity and prevent customers from leaving the restaurant with wine or beer. Mr. Klein said that employees will all be 21 or over and will be trained for service of alcoholic beverages. Also in response to Commissioner Stratis, Mr. Klein said that the railing enclosing the outdoor seating area would remain even if they decided to no longer sell wine or beer. In response to a suggestion from Commissioner Stratis, Mr. Klein said that he would consider some type of audible alarm to notify employees if a customer were to exit via the emergency gate.

Commissioner Perri asked about the seating inside and outside and if they would have table service. Mr. Klein said that the outside would include soft seating and he referenced the plans submitted with the petition. He added that they did not plan on having any table service.

Commissioner Bolos asked about the hours of operation. Mr. Klein said that they would begin service of wine and beer at 2 pm each day and they would likely maintain the same closing time of 9 pm but under no circumstances would they want to go beyond 12 midnight as allowed by Village code.

In response to Commissioner Bolos, Mr. Klein said that they did not plan on using portable heaters and that the metal railing would be black.

Commissioner Franzese asked about sales of wine and beer at the stores in the northwest. Mr. Klein said about 5 to 7% of their sales is wine and beer and if they reached the same at this store, they would consider it a success.

Commissioner Franzese noted that the emergency exit for the railing should go out instead of in toward the dining area. He asked whether smoking is permitted in the outdoor dining area and how many months of the year they would operate the outdoor dining area. In response, Mr. Klein said that they do not provide ash trays and would follow local ordinances on smoking. He said that generally they operate the outdoor dining area from April 1 to mid-November.

In response to Commissioner Cronin, Mr. Klein said that there would be some lighting on the railing and there are existing lights on the building.

Chairman Trzuppek asked the petitioner if they agreed with the conditions recommended by staff. Mr. Klein said they do agree except that they would like logos on the umbrellas if it were possible. Chairman Trzuppek said that it is the policy of the Plan Commission not to allow advertising, logos, or any text on dining area umbrellas.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to close the public hearing for Z-08-2012.

ROLL CALL VOTE was as follows:

AYES: 7 – Franzese, Cronin, Bolos, Perri, Stratis, Grunsten, and Trzuppek

NAYS: 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to adopt the petitioner's findings of fact for Z-08-2012 and to recommend that the Board of Trustees approve a special use for outdoor dining and service of alcoholic beverages subject to the following conditions:

- A. All furniture and umbrellas shall be removed during the winter season when the outdoor dining area is not in use.

- B. The concrete floor of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.
- C. The outdoor dining area shall comply with the same hours of operation as the restaurant.
- D. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans attached hereto as **Exhibit A** including but not limited to the number of seats, the enclosure, and the types and colors of awnings, chairs, and seats.
- E. Music and all other amplified sound should be kept to a moderate level so it is not audible from the residential condominiums on the other side of Village Center Drive.
- F. There shall be no text or logos on the umbrellas.

ROLL CALL VOTE was as follows:

AYES: 7 – Franzese, Cronin, Bolos, Perri, Stratis, Grunsten, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Commissioner Franzese noted that he abstained from the vote for Wok N Fire Restaurant because he has a relative that works for the restaurant.

#### **4. CORRESPONDENCE**

Chairman Trzupsek noted that the Board Report included the approval of the variation for 26 Ambriance! Drive but that the variation was withdrawn in lieu of the approval of a text amendment. Mr. Pollock confirmed that was the case and apologized for the error in the Board Report.

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

#### **5. OTHER CONSIDERATIONS**

##### **A. PC-02-2012; Portable Sidewalk Signs in Retail Districts**

Mr. Pollock reported that many of the restaurants and stores in the Village Center and in County Line Square use portable sidewalk signs to advertise products and sales. He referenced photographs of these signs taken at the Village Center and County Line Square and included with the agenda packet. Mr. Pollock said that it is staff's recommendation that the Plan Commission request authorization from the Board of Trustees to conduct a public hearing to consider an amendment regulating portable sidewalk signs in retail districts.

Mr. Scott Rolston, property manager for the Village Center, was present and stated that he would support regulations that allowed sidewalk signs. He said that the Village Center has standards for such signs and those standards could also be made applicable for County Line Square.

**MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to request authorization from the Board of Trustees to conduct a public hearing to consider an amendment to the Sign Ordinance pertaining to portable sidewalk signs in retail districts.

ROLL CALL VOTE was as follows:

AYES: 7 – Franzese, Grunsten, Cronin, Bolos, Perri, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

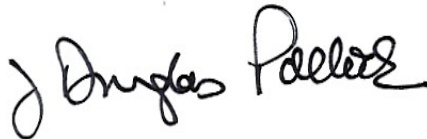
## 6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that there were several public hearings scheduled for the May 7, 2012 meeting.

## 7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Perri to **ADJOURN** the meeting at 9:00 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

May 7, 2012