

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**MAY 7, 2012**

**1. ROLL CALL**

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:31 P.M. at the Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupsek.

ROLL CALL was noted as follows:

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

ABSENT: 0 – None

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 April 16, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

**3. PUBLIC HEARINGS**

Chairman Trzupsek 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-08-2012: 7928 Madison Street (Burr Ridge Fitness); Special Use**

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

Mr. Pollock described the public hearing as follows: The petitioner requests special use approval for a fitness center in a 2,740 square foot tenant space within a multi-tenant industrial building. The property has sufficient parking for the existing tenants and for the proposed tenant but it is in need of re-striping.

Chairman Trzupsek asked the petitioner for their comments.

Mr. Matt Makowski, the owner and operator of the proposed business, submitted a letter from the landlord indicating that they would be resurfacing and restriping the parking lot over the course of the next two years. He described the business including that there would be no exercise machines but instead the program is based on weight and cardio classes with coaches overseeing work-out and running classes.

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

Commissioner Cronin asked how many people would be at the site. Mr. Makowski said that the classes would be 12 people maximum with one instructor. He said during cross over times as one class is ending and another is beginning, there would be 25 people maximum at the site. He added that there are no locker facilities and that there are more than 30 similar Cross Fit facilities in the Chicago area.

Commissioner Franzese asked how many parking spaces were reserved for this business. Mr. Makowski said that there are 2 in the front court yard and 17 on the north side of the building. He said that there are also common spaces available.

Commissioner Bolos asked what they will do if they are successful and grow. Mr. Makowski said they would expand the hours but the class sizes would remain the same. He said they would have to find another location to have multiple classes at one time.

Commissioner Perri asked if they would do re-habilitation work with clients. Mr. Makowski said they do not take the place of physical therapists but that if a client has specific re-hab work they wanted to do they would be accommodated. He said one-on-one work is available but not commonly provided.

Commissioner Stratis asked if music was part of the exercise classes. Mr. Makowski said that this was a concern of the landlord and that there would be music but it would not be loud. He said the landlord specifically asked them to restrict the music so other tenants do not hear it. Also, in response to Commissioner Stratis, Mr. Makowski said that there are no locker rooms and no food or beverage service other than water bottles.

Commissioner Grunsten asked about the qualifications of the instructors. Mr. Makowski said they have three instructors that are all experienced and have been trained. He added that they would like to open in mid-June of this year and that classes are generally scheduled on-line.

Chairman Trzupsek asked if the petitioner agrees with the three conditions. Mr. Makowski said that they do but noted the landlord intends to complete the parking lot improvements in 2 years rather than the one year recommended by staff.

Commissioner Cronin said that he thinks the extra year is justified since they are not only restriping but also doing surface repairs.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to close the public hearing for Z-09-2012.

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 Franzese and **SECONDED** by Commissioner Bolos to adopt the petitioner's findings of fact for Z-09-2012 and to recommend that the Board of Trustees approve a special use for a Health and Wellness Clinic subject to the following conditions:

1. The special use shall be limited to a health and fitness clinic as described in the petitioner's findings of fact and business plan and shall be limited to the 2,740 square feet at 7928 Madison Street.
2. There shall be no more than 25 people at the site at any given time.
3. The parking lot shall be re-stripped within two years from approval of the special use.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

**B. Z-10-2012: 104 Burr Ridge Parkway (Burr Ridge Bagel); Special Use**

Chairman Trzuppek asked if the petitioner was present. There was no one present. Mr. Pollock suggested that this item be moved to the end of the agenda. The Commissioners agreed.

**C. Z-11-2012: 324 Burr Ridge Parkway (Capri); Special Use**

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

Mr. Pollock described the public hearing as follows: Capri Restaurant would like to add tables and chairs to the sidewalk in front of their restaurant primarily for customers waiting for a table for dining. All outside tables and chairs require special use approval. The petitioner originally said they would like to serve appetizers and drinks at the outside tables but after discussing with staff, they agreed that they would not serve alcoholic beverages. The Zoning Ordinance requires that outside tables with food or beverage service must be enclosed with access only through the restaurant. The proposed tables would not be enclosed with a railing or fence.

Chairman Trzuppek asked the petitioner if they had any additional comments.

Mr. Robert Spadoni, attorney for the petitioner, stated that the owner has agreed that they will not allow alcoholic beverages at the sidewalk tables. He said they have customers from the neighborhood who use the tables and chairs and they want to be able to have limited food service.

Chairman Trzupke asked if there was anyone in attendance to speak at this public hearing. There was no one to speak and, therefore, Chairman Trzupke asked the Plan Commission for questions and comments.

Commissioner Grunsten asked if they would use the same tables and chairs as approved for other sidewalk tables and chairs. Mr. Spadoni said yes they would use the same tables and chairs.

Commissioner Stratis asked why they would not enclose the area as is required for all other restaurants. Mr. Spadoni said that they wanted the tables for walk up customers to sit without having to be seated by the wait staff. Mr. Pollock added that it would be a management issue to be sure that no one sits at one of the tables with a drink. Commissioner Stratis said he is concerned about the precedent of allowing open outdoor dining without the control provided by an enclosure.

Commissioner Perri asked why they did not use benches for this purpose as is common at other sit-down restaurants and asked how it will be policed. Mr. Spadoni said the tables and chairs provide a more comfortable waiting area, that staff will be told not to allow anyone to carry out a drink and he said the tables and chairs would be in at night.

Commissioner Bolos said she was reluctant to set a precedent for open seating with table service.

Commissioner Franzese said that serving alcoholic beverages at open tables is a big concern for him. In response, Mr. Spadoni said that if so desired they will agree not to allow any service or consumption of alcoholic beverages at the sidewalk seating. Commissioner Franzese noted that on April 18 he drove by the restaurant and noticed a large group of people with alcoholic beverages standing around outside the restaurant. He said it appeared to be banquet or private party. He noted that this is not allowed by the Village but management allowed it to happen anyway.

Commissioner Cronin said he agrees with the others and does not want to allow open consumption of alcoholic beverages.

Mr. Pollock noted that an enclosure is required if they provide table service or alcoholic beverage consumption and that open seating has only been allowed where it is carry out food and tableware can be thrown away after use.

Commissioner Stratis asked if tables and chairs without table service or alcoholic beverage service would require a special use. Mr. Pollock said that they would require special use and that other carry out restaurants in County Line Square have obtained

special use approvals for sidewalk seating without table service or alcoholic beverage service.

In response to the above, Mr. Spadoni said that they would agree to prohibit any and all food and beverage service or carry out and use the tables exclusively for a waiting area.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the public hearing for Z-11-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to adopt the petitioner's findings of fact for Z-11-2012 and to recommend that the Board of Trustees approve a special use for sidewalk tables and chairs in front of Capri Ristorante subject to the following conditions:

1. The special use is limited to four tables and eight chairs in a location as depicted on the submitted site plan.
2. The tables and chairs shall match other sidewalk tables and chairs in County Line Square as depicted in the photographs submitted by the petitioner.
3. There shall be no food or beverage table service by wait staff and no carry out food or beverage consumption allowed at the subject tables including but not limited to service or consumption of alcoholic beverages at the sidewalk tables and chairs.
4. All furniture shall be removed during the winter season.
5. The petitioner may use umbrellas but they shall be a uniform color with no text or logos on the umbrellas.
6. There shall be no advertising, signs, or leaflets on the tables or chairs.
7. Failure at any time to comply with these regulations shall deem this special use approval null and void.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

**D. Z-12-2012: 780 Village Center Drive (Topaz); Special Use**

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

Mr. Pollock described the public hearing as follows: Topaz Café is seeking special use approval to expand their outdoor dining area. The existing dining area is an enclosed deck that is accessible by the public only from inside the restaurant. Topaz seeks to expand the patio area with an uncovered concrete and paver patio using the same railing as the existing deck.

Chairman Trzupsek asked the petitioner if they had any additional comments.

Mr. Walter Veselinovic said he is one of the owners of the restaurant. He said that they would like to create a patio area as a lounge and there would be no meals served in the patio. He said that it would be for appetizers, deserts and drinks. He said the patio area would be accessible only through the restaurant and would be totally enclosed.

Mr. Branko Palijuca said he is one of the owners and the manager of Topaz. He said he wanted to thank the Village for all its support and all that it is doing to promote restaurants in Burr Ridge.

Chairman Trzupsek asked for comments or questions from the public. There being none, he asked for comments and questions from the Plan Commission.

Commissioner Cronin asked how the patio would be accessed and when it would be open if approved. Mr. Palijuca said it would be accessed through the existing deck and that they would hope to have it ready to go soon after July 4. In response to a follow up question, he said that the furniture would be put into storage in the winter time.

Commissioner Franzese said that he is glad to hear that the business is growing and they need to add more space. He said the appearance of the deck exceeds all expectations and has been used repeatedly by the Plan Commission as an example of how the Village would like to see outdoor decks and patios constructed.

In response to Commissioner Bolos, Mr. Veselinovic described the floor plan and the configuration of the fireplaces.

Commissioner Perri said he thought this was a great idea and asked if there would be any music. Mr. Palijuca said they occasionally have an acoustic guitar player but it would always be at low volume.

Commissioner Grunsten asked about lighting. Mr. Palijuca said that there would be lights on the railing similar to what Cooper's Hawk recently provided and that there would be battery operated lights that look like candles on the tables.

Chairman Trzupsek asked if the petitioner agreed to the conditions recommended by staff. Mr. Palijuca said that they do agree with those conditions.

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

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to close the public hearing for Z-12-2012.

ROLL CALL VOTE was as follows:

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

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-12-2012 and to recommend that the Board of Trustees approve a special use for the expansion of the outdoor dining area at Topaz Cafe subject to the following conditions:

1. All facilities and the configuration of the outdoor dining patio shall comply with the submitted plans including but not limited to the number of seats.
2. 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.
3. 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.
4. The door to the dining area shall be self-closing.
5. Tables shall be cleaned promptly following use.
6. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
7. Landscaping shall be provided around the perimeter of the expanded patio area with the final landscaping plan subject to staff review and approval.
8. Sidewalk seating shall be limited to May 1 to October 31 each year, and all furniture and facilities for sidewalk dining shall be removed from November 1 to April 30.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Chairman Trzupek asked if the petitioner were present for Z-10-2012. No one was present for this petition.

Mr. Pollock said that the request was simple and sufficient information has been provided. He recommended that the Plan Commission proceed with the public hearing and if there were questions that he could not answer, it could be continued.

**E. Z-10-2012: 104 Burr Ridge Parkway (Burr Ridge Bagel); Special Use**

Chairman Trzupsek asked Mr. Pollock to provide a review of the petition.

Mr. Pollock described the petition as follows: The petitioner operates a carry out restaurant in County Line Square and is seeking approval for two tables and 8 chairs for sidewalk seating. There would be no table service and the restaurant does not have a liquor license. Although the petitioner went ahead and put out two tables with chairs that do not match the other sidewalk seating in County Line Square, they have agreed that they would replace these tables and chairs with matching tables and chairs.

There being no one in the audience and no questions from the Plan Commission, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to close the public hearing for Z-10-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

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

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to adopt the petitioner's findings of fact for Z-10-2012 and to recommend that the Board of Trustees approve a special use for sidewalk seating at 104 Burr Ridge Parkway subject to the following conditions:

1. The number of tables and chairs shall be limited to a maximum of two tables and eight chairs and they shall be located adjacent to the front wall of the restaurant so as not to impede pedestrian traffic.
2. There shall be no table service or service of alcoholic beverages for the sidewalk dining area.
3. There shall be no advertising, signs, or leaflets on the tables or chairs.
4. The tables and chairs shall match other approved sidewalk tables and chairs in County Line Square.
5. A trash container shall be provided in the vicinity of the tables and chairs matching other trash containers in County Line Square and with a self-closing lid.



6. Sidewalk seating shall be limited to May 1 to October 31 each year, and all furniture and facilities for sidewalk dining shall be removed from November 1 to April 30.
7. Failure at any time to comply with these regulations shall deem this special use approval null and void.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

#### 4. CORRESPONDENCE

There was no discussion regarding the correspondence.

#### 5. OTHER CONSIDERATIONS

There were no other considerations on this agenda.

#### 6. FUTURE SCHEDULED MEETINGS

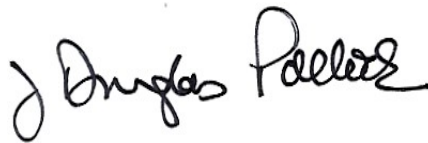
Chairman Trzuppek noted that there are no public hearings scheduled for May 21.

**MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to cancel the May 21, 2012 Plan Commission meeting. **ALL MEMBERS VOTING AYE**, the **MOTION WAS APPROVED**.

#### 7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Perri to **ADJOURN** the meeting at 9:25 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:25 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

June 4, 2012