

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JUNE 4, 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: 5 – Cronin, Franzese, Bolos, Perri, and Trzupek

ABSENT: 2 – Stratis and Grunsten

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 May 7, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

3. PUBLIC HEARINGS

Chairman Trzupek confirmed all present who wished to give testimony at the public hearing and introduced the public hearing as follows.

A. Z-13-2012: 201 Bridewell Drive (Eddie Merlot's); 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 requests special use approval for an outdoor dining area for an existing restaurant. The dining area would be completely enclosed with a railing and would be accessible only through the restaurant. The outdoor dining area would be used for full food and beverage service.

Chairman Trzupek asked the petitioner for their comments.

Mr. Steve Singleton, manager of Eddie Merlot's restaurant in Burr Ridge, said that they are seeking a small dining area that would be located on an existing patio/sidewalk area.

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

Commissioner Cronin asked for a more detailed description of the location for the access from the restaurant to the outdoor dining area. Mr. Singleton pointed to the access on the site plan.

Commissioner Franzese asked about the location of the emergency access gate from the outdoor dining area. Mr. Singleton said that there are two and pointed to those on the site plan.

Commissioner Bolos asked about the location of the fire pit and whether the railing would include brick piers as shown on the submitted drawings. Mr. Singleton showed the location of the fire pit and said that the Burr Ridge location would not include the brick piers.

Commissioner Bolos asked whether the patio area would be large enough. Mr. Singleton said they considered expanding the patio to include the adjacent parking spaces but due to a storm sewer inlet, it was too costly.

Commissioner Perri asked if the patio could be expanded. Mr. Singleton said it could but it would be expensive and that they considered expanding the other direction but felt it would block the front door and detract from the appearance of the restaurant.

Commissioner Perri asked if they could be open for lunch. Mr. Singleton said they are considering opening for lunch on a trial basis and that if there is sufficient demand they will open for lunch on a regular basis.

Chairman Trzupek asked if the petitioner agrees with the conditions recommended by staff. Mr. Singleton said they agree.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to close the public hearing for Z-13-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to adopt the petitioner's findings of fact for Z-13-2012 and to recommend that the Board of Trustees approve a special use for outdoor dining subject to the following conditions:

- a. All tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.
- b. The outdoor dining area shall comply with the same hours of operation as the restaurant.
- c. 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.
- d. Music and all amplified sound should be kept to a moderate level so it is not audible from any property outside the subject property.
- e. The door to the dining area shall be self-closing.
- f. Tables shall be cleaned promptly following use.
- g. Furniture shall be weighted to prevent their movement in the wind.
- h. The umbrellas shall be a solid color and there shall be no text, logos or designs printed on the umbrellas.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

A. Z-06-2012: 590 Village Center Drive (Wok N Fire); Plan Revisions

Chairman Trzupek asked Mr. Pollock to describe this request.

Mr. Pollock described the request as follows: A special use was approved for a temporary outdoor dining area located on the sidewalk in front of the restaurant. The special use was granted subject to a specific type of railing enclosing the sidewalk dining area. After the approval, the petitioner discovered that the railing was not immediately available. The petitioner has custom made a rail that will enclose the sidewalk seating area and is requesting approval of the change.

Mr. Pollock added that staff gave permission to the petitioner to proceed with the use of the new railing understanding that it is subject to Plan Commission approval. He said the outdoor seating area has been constructed and that it is larger than what had been approved by the Plan Commission.

Chairman Trzupsek asked if the enclosure can be moved to comply with the size and configuration approved by the Plan Commission. Mr. Siri Lanpouthakoun, owner of the restaurant, said that he expanded the area so that there was more room for the tables and chairs. He said it could be made smaller but it would be less comfortable for the diners.

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

Commissioner Perri said he had no questions.

Commissioner Bolos asked if the wood boards would last the entire season. Chairman Trzupsek said it is a manufactured board and would probably be good for one season but not any longer than one.

Commissioner Franzese asked if the logo would be painted. Mr. Lanpouthakoun said that the panels are painted black and that the logo would not be painted any other color.

Commissioner Franzese said that he would like to see the enclosure comply with approved configuration.

Commissioner Cronin said the enclosure should be moved back to comply with the approved configuration. He confirmed that the logos on the railing would not be painted a different color and that there would be no logos or text on the umbrellas. In response to Commissioner Cronin, Mr. Lanpouthakoun said that there would be no additional lighting beyond the existing ambient lighting.

Commissioner Franzese noted that the drawing submitted with this request does not accurately show the configuration of the outdoor seating area.

Chairman Trzupsek said that there are two plan revisions the Plan Commission needs to consider; the different type of railing and the enlarged size of the enclosure.

Mr. Scott Rolston, manager of the Burr Ridge Village Center, was present and stated that he does not object to the changes because it is for one season only. He said that the landlord will not approve the use of this area for a second year and that they expect the restaurant owner to construct a permanent patio and dining area to the rear of the restaurant.

Mr. Pollock stated that the enlarged patio decreases the width of the sidewalk on LifeTime Drive but that there is still sufficient usable area for pedestrians. He said he would not like to see this encroachment permanently but does not object for this temporary, one-season use.

Commissioner Cronin said that he can accept the enlarged configuration provided the number of tables and chairs remains at 8 and 32 as approved by the Plan Commission.

Commissioner Bolos noted that each time the petitioner appears before the Plan Commission they have deviated from previous Plan Commission approvals or direction. She said that the petitioner will be back for special use approval for the permanent deck next year and that he should stop pushing his plans and requests beyond the direction provided by the Plan Commission.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Franzese to approve the modifications to the special use conditions including the new railing and new configuration subject to the plans submitted and that the number of tables and chairs shall not exceed 8 tables and 32 chairs.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 - Franzese

MOTION CARRIED by a vote of 4-0.

B. Z-11-2012: 324 Burr Ridge Parkway (Capri); Plan Revisions

Chairman Trzupek asked Mr. Pollock to describe this request.

Mr. Pollock described the request as follows: A special use was approved for an outdoor sidewalk seating area for Capri Ristorante. Due to the seating area not providing any enclosure, the special use did not allow outdoor table service or food and beverage consumption. At this time, the petitioner would like to modify the approval to enclose the outdoor seating area in full compliance with the Zoning Ordinance and thus, to be able provide full table service.

Mr. Robert Spadoni, attorney for the petitioner, stated that after considering the Plan Commission's previous recommendation, they determined that it would be best to enclose the sidewalk seating area so that it could be used for full service dining.

In response to Commissioner Cronin, Mr. Spadoni said that access to the seating area would be exclusively from the interior of the restaurant, that the tables and chairs will be removed in the winter and stored inside or off-site, and that the umbrellas would be solid color with no logos or text. Mr. Spadoni said that they would like to have additional tables and chairs if there is room.

Commissioner Franzese asked about the emergency exit gate location and whether the supports for the railing would cause a trip hazard. Mr. Spadoni described the location of the gate opposite the deck gate. He said that they would review the base of the railing and make sure there was no trip hazard potential.

In response to Commissioner Bolos, Mr. Spadoni said that the concrete of the seating area is at the same level as the existing deck.

Commissioner Perri said he was pleased to see these changes and said that this is the way it should have been done from the beginning.

Chairman Trzupsek asked for further clarification on the location of the gate. Mr. Pollock said that the gate will have to be located on the railing that is perpendicular to the front of the restaurant in order to comply with accessibility requirements.

In response to Commissioner Bolos, Mr. Spadoni said that the railing is about 42 inches in height.

There being no further questions, Chairman Trzupsek asked for a motion. Mr. Pollock said that the petitioner is seeking changes to the original Plan Commission recommendation and to the Ordinance approved by the Village Board.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin recommend to the Board of Trustees that the terms and conditions of the special use approved as per Z-11-2012 be modified to remove the stricken condition and add the italicized conditions as follows:

- A. The special use is limited to four tables and eight chairs located on either side of the front door to the restaurant within the enclosed area as depicted on the submitted site plan.
- B. The tables and chairs shall match other sidewalk tables and chairs in County Line Square as depicted in the submitted photographs.
- ~~C. 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.~~
- C. The outdoor dining area shall be located and shall be enclosed with ceramic pots and an aluminum railing as shown on the submitted site plan and photograph.*
- D. All furniture shall be removed during the winter season.
- E. The petitioner may use umbrellas but they shall be a uniform color with no text or logos on the umbrellas.
- F. There shall be no advertising, signs, or leaflets on the tables or chairs.
- G. Failure at any time to comply with these regulations shall deem this special use approval null and void.
- H. An emergency gate shall be provided for exiting the outdoor dining area as required by Section VIII.A.5 of the Zoning Ordinance.*

- I. *Tables shall be cleaned promptly after use.*
- J. *The outdoor dining area shall have hours not extending beyond the hours of the restaurant.*

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. S-03-2012: 7941 Madison Street (Gower School); Sign Variations and Conditional Sign Approval

At the direction of Chairman Trzupek, Mr. Pollock described this request as follows: Gower Middle School is planning to replace an existing sign with a more modern sign with an electronic message board. The existing sign has a manually changeable sign board. The proposed requires variations for its location within the 10 foot setback, the area of the sign being 88 square feet rather than the permitted 16 square feet, and for the changeable copy. Signs with changeable copy are not permitted for this use in this district. The existing sign is 84 square feet and the proposed sign would be located in the same place as the existing sign. Mr. Pollock said that he could find no record of when the existing sign with the changeable copy panel was constructed.

Chairman Trzupek asked the petitioner for comments.

Mr. Steve Hautzinger said he was the architect for the school's new sign. He submitted copies of the sign plans and findings of fact. He reviewed the findings of fact in detail. He said that the sign would not have any animation and would be one color of text.

Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Perri said that he was concerned that the ledge at the base of the sign would be used by skateboarders.

Commissioner Bolos asked how many lines of text there would be on the electronic message panel. Mr. Hautzinger said that it varies but generally there could be 4 to 6 lines of text.

Commissioner Bolos asked if the sign would ever flash and if the school intends for the sign to be a static image. Mr. Hautzinger said it would be a static image but would cycle through different messages.

Commissioner Franzese asked if the sign would be turned on 24 hours a day. Mr. Hautzinger said that it could be on a timer and would be turned off between 12 midnight and 4 am.

Commissioner Franzese noted that there are no other electronic message boards in the Village and this would be breaking new ground. He said he would oppose the sign if it included blinking messages or other animation. In response, Mr. Hautzinger said that the sign would not flash, blink or otherwise move except they do not to limit how often they change the message.

Commissioner Franzese noted that the logo/medallion on the sign is similar to what was approved for the Pleasant Dale Park District.

Commissioner Cronin said that he had no concern about the ledge being used for skateboarding. He said given the size of the ledge and its location he does not think that will be a problem.

Chairman Trzupsek asked about the width of the ledge and determined that it was about 4 inches. He said he thinks the ledge is too small to be a concern relative to skateboarders.

In response to Chairman Trzupsek, Mr. Hautzinger said that the letters on the brick portion of the sign are back lit.

Chairman Trzupsek said that he does not personally see the benefit of a message board sign for a school. He said that he is concerned about the precedent of having an electronic message board but that if it were properly conditioned and if it were understood it is for school use only, that he would not object to the sign.

Commissioner Bolos said that it should be clear that this approval is based on the use of the message board for a school and with the limiting conditions that prohibit flashing text or other animation.

Commissioner Perri suggested that the ledge be modified in order to discourage skateboarders from using it. Mr. Hautzinger said that he could add a slope on the ledge and also vary its width so that it is not conducive to skateboarding.

There being no other comments or questions from the Plan Commission, Chairman Trzupsek asked for a motion.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to recommend that the Board of Trustees approve S-03-2012 subject to the following conditions:

1. The sign shall comply with the submitted plans except that the base of the sign shall be modified to provide a slope away from the sign and to vary its width with the final design subject to staff review and approval.
2. There shall be no animation, videos or other moving text within the electronic message panel

3. The electronic message panel shall be turned off every night from 12 Midnight to 4 AM.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

D. S-02-2012: Sign Ordinance Text Amendment – Portable Sidewalk Signs in Business Districts

Mr. Pollock said that staff is recommending an amendment to the Sign Ordinance that would establish regulations for portable sidewalk signs in business districts. He said that many businesses already are using sidewalk signs but that the Sign Ordinance is not clear on whether these are prohibited or exempt. He said that it is staff's recommendation that rather than debating whether they are prohibited or exempt, that the Village should just adopt regulations to permit sidewalk signs with reasonable restrictions. Mr. Pollock said that staff has prepared regulations which are described in the written staff report.

Mr. Scott Rolston, property manager of the Burr Ridge Village Center, said that he supports the amendments to the Sign Ordinance. He said the regulations are consistent with those imposed by the Village Center on its tenants. He said some of the signs currently being used do not comply but that they would be removed upon approval of the amendments.

Chairman Trzupek said that some of the plastic A-frame signs shown on the photos from the Village Center and County Line Square may not be what the Village wants. He suggested that the sign design for the sidewalk signs should be consistent within a particular shopping center or property.

Mr. Pollock said that if the Plan Commission is not comfortable with allowing the signs without specific design approvals, that it may be appropriate to classify portable sidewalk signs as conditional signs in retail districts. He said each shopping center owner, rather than each tenant, would request sign design approval for all portable sidewalk signs within that shopping center.

Commissioner Bolos asked about the cost of each of portable signs in the Village Center. Mr. Rolston said that the nicer signs cost about \$300 to \$400 each.

Commissioner Franzese said that the standard for the signs in the Village Center is good but that most of the signs in County Line Square do not promote the image the Village wants to see in its retail districts.

Commissioner Franzese asked to see the photo slide with the fire hydrant and the portable signs. He noted that there were three different sign designs. He asked how the Village would control the number and type of signs.

Chairman Trzupsek said that the conditional sign approval would allow the Village to control the design, location and number of signs.

Mr. Rolston said that he would agree that the sign copy should not exceed 22" x 28" which is the standard for most portable signs in the Village Center. In response, Chairman Trzupsek noted that most of the sign structures were about 4 feet tall and 2 feet or less wide.

Commissioner Perri noted one of the signs in the photo and suggested that the Village may want to regulate the font size and the colors used in the sign. He was concerned that the signs could become garish.

Chairman Trzupsek said that he does not believe the Village should regulate the font and color. He said the same sign could be placed in a window with the only restriction being on the size.

In response to Chairman Trzupsek, Mr. Pollock said there are several questions to be answered by the Commission in formulating a recommendation. Those questions include: Should the size of the sign structure be limited more than the 12 square feet recommended by staff; should the sign copy area be further restricted; and, should portable sidewalk signs be listed as a conditional sign approval.

Commissioner Franzese noted that the 22" x 28" sign copy was between 4 and 4.5 square feet in area.

There being no further questions or comments, Chairman Trzupsek asked for a motion.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to recommend that the Board of Trustees the following amendments to Sections 55.02 and 55.06 of the Burr Ridge Sign Ordinance:

55.02 Definitions

T. Portable Sidewalk Sign: A sign made of a rigid material (i.e. not a banner, placard or pennant), not attached to the ground or a building, and easily carried and moved by one person.

55.06 Business District Signs

B. Conditional Signs

8. Portable Sidewalk Signs:

- a. The sign structure shall not to exceed 4 feet in height and 9 square feet in area.
- b. The sign copy shall not exceed 4.5 square feet in area.

- c. There shall be no electrical parts, moving parts, or lighting attached to or highlighting the sign. Any and all changeable copy or other attachments must be affixed to the sign in a manner that does not allow movement.
- d. Only one sign per storefront is permitted.
- e. The sign shall only be displayed during business hours and shall be removed at any and all times the business is not open for business.
- f. The sign shall not interfere with any pedestrian area or block necessary sight lines for pedestrians or vehicles. Under no circumstances shall a sign cause the sidewalk to be less than 4 feet in usable width.
- g. The sign shall not be carried by or attached to a person for the purpose of bringing attention to the sign.
- h. Sign shall be of sufficient weight or design to prevent its movement in the wind.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.


6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that there are no public hearings scheduled for June 18.

MOTION was made by Commissioner Bolos and **SECONDED** by Commissioner Perri to cancel the June 18, 2012 Plan Commission meeting. **ALL MEMBERS VOTING AYE**, the **MOTION WAS APPROVED**.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Franzese to **ADJOURN** the meeting at 9:42 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:42 p.m.



Respectfully Submitted: _____

J. Douglas Pollock, AICP

July 16, 2012