

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**AUGUST 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 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 Cronin and **SECONDED** by Commissioner Bolos to approve minutes of the July 16, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Cronin, Bolos, 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 the public hearing and introduced the public hearing as follows.

**A. Z-16-2012: 108 Burr Ridge Parkway (Chase); Special Use, Variation, and Text Amendment**

Chairman Trzupsek announced that the petitioner has asked for a continuance to the September 17, 2012 meeting.

Mr. Bernard Citron was present on behalf of the petitioner. Mr. Citron said that when he requested the previous continuance he was not aware that the property owner and other representatives of the petitioner would not be available for tonight's meeting. He apologized and assured the Commission that they would be ready to go on September 17.

There was no one else present for the public hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to continue the public hearing for Z-16-2012 to September 17, 2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

**B. Z-17-2012: 16W300 83<sup>rd</sup> Street (Moreno); 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 is the Architect for the property owner. The property owner seeks special use approval for a medical office in an industrial district. The medical office would occupy 1,020 square feet. The rest of the building would be occupied with permitted offices and industrial uses. Sufficient parking is provided on-site.

Chairman Trzupek asked for comments from the petitioner.

Mr. Hernando Moreno, the Architect for the property owner, stated that the medical office would be a pediatric neurological doctor which would be a benefit to the schools and residents of the Village. He said there would be one doctor and that the doctor is the wife of the property owner. Mr. Moreno said she sees a small patient load which would not generate significant traffic. He added that the office portion of the building would be occupied by the property owner who operates a medical billing and administration service.

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

Commissioner Cronin asked about the other parts of the building and about the hours for the medical office. Mr. Moreno said that the property owner would occupy a portion of the building with his business and administrative office and the rest would be leased to industrial users most likely warehouse type uses. He added that the hours would be normal daytime hours but most likely less than the normal work hours.

Commissioner Franzese asked if more doctors would be added. Mr. Moreno said that they do not intend to add more doctors but if they did more parking could be added on the adjacent lot to the west.

Commissioner Bolos had no questions.

Commissioner Perri asked the petitioner why they want to put a medical office in this location. Mr. Moreno said that the property owner's wife is a doctor and would like to work in the same building as her husband.

Commissioners Stratis and Grunsten both said they had no questions.

Chairman Trzupek asked how the special use would be applied to the property relative to the amount of floor area used for medical offices. Mr. Pollock said that the Plan Commission should determine if the special use is limited to the 1,020 square feet proposed or if it should be for medical offices in the entire building. He said that the petitioner is only asking to occupy 1,020 square feet with medical offices and that staff recommends limiting this special use to the 1,020 square feet.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to close the public hearing for Z-17-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to adopt the petitioner's findings of fact for Z-17-2012 and to recommend that the Board of Trustees approve a special use for medical office at 16W300 83<sup>rd</sup> Street subject to the medical office being limited to 1,020 square feet of floor area as shown on the submitted plans.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

### **C. Z-18-2012: Zoning Ordinance Text Amendment – Outdoor Kitchens**

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

Mr. Pollock described the public hearing as follows: At its July 16, 2012 meeting, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing for the above referenced text amendment and at its July 23, 2012 meeting, the Board approved this request. The amendment proposes to add "Outdoor Kitchens" as a permitted accessory structure in residential districts and to establish appropriate regulations for outdoor kitchens.

Mr. Pollock added that he received there were two residents pursuing outdoor kitchens that would be impacted by the Ordinance. He said both supported the amendment but both asked for some minor changes. He said those changes included; increasing the

permitted height from 4 feet to 5 feet and increasing the maximum area from 60 to 70 square feet.

Chairman Trzupek asked if the area included any seating area around the kitchen. Mr. Pollock said that it does not include the seating area as that would be part of the patio. He said the 60 square feet only includes the vertical structure used for an oven, cooktop, fridge, sink, etc.

Chairman Trzupek asked for question and comments from the public.

Mr. Dave Sheehan, 131 Kraml Drive, suggested that the height be increased to five feet. He said he was planning the construction of an outdoor kitchen and it would be 4 feet tall plus a back splash that would exceed the 4 feet. He said some outdoor kitchens are made from standard uni-lock blocks and that they would typically exceed 48 inches when there is a backsplash.

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

Commissioner Grunsten said that she sees outdoor kitchens as a popular trend in the Village and supports the proposed amendment.

Commissioner Stratis said that he supports the additional height for back splashes. He added that he has no further questions.

Commissioner Perri asked how the structures would be vented. Mr. Sheehan said that the one he was planning has a built-in fan. Chairman Trzupek said that typically venting is not necessary as they are similar to any other outdoor portable grill.

Commissioner Bolos asked for clarification of what was being recommended. Mr. Pollock said that the regulations for outdoor fireplaces and grills would remain in place but that a separate classification for outdoor kitchens is being added.

Commissioner Franzese asked if a permit is required for these structures. Mr. Pollock said that a permit is required.

Commissioner Franzese suggested that the stove be referred to as a cooktop. He also asked if masonry would include uni-lock blocks. Chairman Trzupek said that he believes the term masonry would include uni-lock blocks.

Commissioner Perri asked about safety and shut-offs for the gas line. Mr. Pollock said that the building code would regulate the gas and water lines to be constructed for an outdoor kitchen.

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to close the public hearing for Z-18-2012.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Grunsten, Cronin, Bolos, Franzese, Perri, 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 staff's findings of fact for Z-18-2012 and to recommend that the Board of Trustees approve an amendment to Section IV.I of the Burr Ridge Zoning Ordinance to add Outdoor Kitchens as a permitted accessory structure in residential districts and to create appropriate regulations for Outdoor Kitchens as follows:

**38. Kitchens, Outdoor**

*Outdoor kitchens (typically being a masonry structure with a cook top and oven, plumbing, cabinet storage areas, and counter top) may be located in the rear buildable area and are also permitted in the required rear yard of a residential property subject to the following:*

- a. Outdoor kitchens must be a minimum of 10 feet from the rear lot line and not closer than the required side yard setback to the interior side yard.*
- b. Any cooking unit or fireplace included in an outdoor kitchen must be a minimum of 10 feet from the principal building and all accessory buildings.*
- c. Outdoor kitchens may not exceed 5 feet in height and 60 square feet in area except that a chimney provided for a stove or fireplace may extend to 15 feet in height.*

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.

**D. Z-15-2012: 161 Tower Drive (Ludicrous 6, LLC); Special Use**

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

Mr. Pollock described the public hearing as follows: In July of 2011, the petitioner was granted special use approval for the sales of automobiles in conjunction with an existing automobile storage facility. The special use approval was granted subject to several conditions including two, 6 month trial periods. The first trial period expired on February 15, 2012 (six months from the August 15, 2011 issuance of a retail sales license by the State of Illinois). A second trial period was approved earlier this year. At this time, the petitioner is seeking to renew the special use approval on a permanent basis.

Chairman Trzupke asked about the public notices for this hearing. Mr. Pollock said that notices were sent to all of the property owners within 500 feet of the property. He said that the petitioner did a new search of the public records for this hearing.

Chairman Trzupke asked the petitioner for comments.

Christina Brotto said she was the attorney for the petitioner. She said that during the first six month period, there was on complaint and it was determined that it was not a violation of the special use. She said that during the second six month trial period there was one complaint and it was determined it was a loud car not associated with this business.

Ms. Brotto also said that the petitioner no longer owns the property at 145 Tower Drive and no longer operates from that location.

Chairman Trzupke asked if there was anyone in attendance to speak on this matter. There were none.

Chairman Trzupke asked the Plan Commission for questions and comments.

Commissioner Cronin confirmed that this business conducts sales of luxury and exotic cars and there were no changes to the business since the original approval. Ms. Brotto said there were no changes.

Commissioner Franzese asked about the subject of the latest noise complaint. Ms. Brotto said she did not know.

Commissioner Franzese said that he is concerned that it is difficult to determine if there is a noise violation. He said it was possible to have cars with after-market mufflers which could be louder. He said that one complaint was one too many.

Commissioner Bolos asked if there was sufficient space for cars to be moved internally without going outside the building. Ms. Brotto said there was sufficient space.

Commissioner Stratis said that he disagrees and that only one complaint is admirable. He said that some noise is to be expected and is typical of any neighborhood during daytime hours.

Commissioner Stratis asked about the condition requiring a minimum value of cars sold. Mr. Pollock said that condition was added by the Board to ensure that the business would remain a luxury car sales business. Ms. Brotto added that the condition required an average sales price and not a minimum.

Commissioner Grunsten said that with the limited hours she has no objection to granting the special use.

Chairman Trzupek asked the petitioner if they had any concerns with any of the conditions being continued. Ms. Brotto said they did not.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the public hearing for Z-15-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to adopt the petitioner's findings of fact for Z-15-2012 and to recommend that the Board of Trustees approve a special use as per the Section X.E.2 of the Burr Ridge Zoning Ordinance to permit wholesale and retail sales of automobiles in an existing tenant space subject to the following conditions:

- A. This special use approval shall become null and void if there are repeated violations (as reasonably determined by the Community Development Director and confirmed by the Plan Commission and Village Board) of any of the conditions of this special use.
- 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. 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: 7 – Bolos, Cronin, Franzese, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

#### **4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

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

##### **A. S-05-2012: 125 Burr Ridge Parkway (Chase); Sign Variations**

Consistent with the public hearing related to this request, Chairman Trzupek asked for a motion to continue this consideration to the September 17, 2012 meeting.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Stratis to continue S-05-2012 to September 17, 2012. The motion was approved by a unanimous voice vote of the Commission.



**6. FUTURE SCHEDULED MEETINGS**

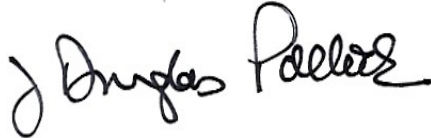
Chairman Trzupsek noted that the next meeting is scheduled for August 20, 2012 and that there were no public hearings or other business scheduled for that meeting.

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Grunsten to cancel the August 20, 2012 meeting. The motion was approved by a unanimous voice vote of the Commission.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 8:34 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:34 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

September 17, 2012