

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JANUARY 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: 6– Cronin, Franzese, Bolos, Perri, Grunsten, and Trzupek

ABSENT: 1 – Stratis

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 Franzese to approve minutes of the December 5, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 2- Perri and Grunsten

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-26-2011: Babson Park West Subdivision; Rezoning After Annexation

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

Mr. Pollock reported that this hearing was continued from the last meeting to provide new notices. He said that a property that was annexed several years ago was added to the notice and that the letters to area property owners were re-sent. He described the public hearing as follows: This petition proposes to rezone certain properties in the Babson Park West Subdivision from the R-1 District to the R-3 District. All but one of these properties were annexed to the Village in 2010 with one property being previously annexed but never rezoned. As per Illinois State Statutes, annexed properties are

automatically rezoned to the lowest density residential district (R-1) and remain so until the Village takes action to rezone. Mr. Pollock explained that many of the lots and structures on the lots are non-conforming but that any lot that was legally created in the County will be considered a lot of record in the Village and any structure legally created in the County would be grandfathered in Burr Ridge.

Chairman Trzupek asked if there was anyone in attendance who wanted to speak to this request.

The owner of the property at 15W636 74th Street said that she was told recently that she could not build a home exceeding 3,100 square feet due to Village restrictions. She said she was previously told that she could build a house under the County floor area restrictions which would allow more than 4,000 square feet of floor area.

In response, Mr. Pollock explained that new construction is subject to Village zoning regulations now that the property is in Burr Ridge. He said that the floor area ratio is 20% and would be 20% no matter what zoning district the Village used in this area. Mr. Pollock suggested that the property owner contact him during normal business hours to discuss the options.

Mr. Mark Stednitz said he lives at 4 Normandy Court. He said that the Village zoning will detract from the value of properties in this area as the County allows 0.35 FAR and the Village only allows 0.2 FAR. Mr. Pollock noted that the residents who are annexed petitioned to be annexed and had the opportunity to know the changes in the zoning regulations. He said that they annexed knowing these restrictions because they wanted the opportunity to connect to Village water.

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

Commissioner Cronin said he had no questions or comments.

Commissioner Franzese asked staff to confirm that this action to rezone the property is not creating any new, more stringent regulations but instead was simply to conform the zoning as closely as possible to existing improvements. Mr. Pollock agreed.

Commissioner Bolos noted that the residents participated in the annexation of the property and were aware of the Village regulations.

Commissioner Perris asked if the residents received notice of the annexation prior to annexation. Mr. Pollock said that they did.

Commissioner Grunsten said that she knows several residents in the area and they wanted to annex so they could get Village water.

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

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to close the hearing for Z-26-2011.

ROLL CALL VOTE was as follows:

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

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 to the Board of Trustees that the subject properties be rezoned from the R-1 to the R-3 District as per petition Z-26-2011 and to adopt the findings of fact as prepared by staff.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. Z-01-2012: Zoning Ordinance Text Amendment; Restaurant Hours of Operation

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

Mr. Pollock described the public hearing as follows: At the October 10, 2011 meeting, the Village Board approved a special use for the Wok N Fire restaurant in the Burr Ridge Village Center. Part of this request was to extend the hours for special events to 2 AM on weekends. The Board approved this request for a six month period of time and subject to the pre-approval of each event by the Liquor Commissioner (the Village President). The Board limited the approval to six months with the idea that the Village would review its current policies on hours of operation for restaurants with liquor licenses during that time. The Board also discussed the hours that a restaurant kitchen is open and whether it should be related to the permitted hours for the service of alcoholic beverages. Subsequently, the Board directed the Plan Commission to conduct a public hearing to review restaurant hours and make a recommendation to the Board.

Chairman Trzupek asked if there was anyone in attendance at the public hearing to speak on this hearing. There was no one.

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

Commissioner Grunsten said that she thinks 12 midnight during the week and 1 AM on weekends is appropriate. She said that 2 AM seems too late and that she agrees that food service should be provided up to one hour before closing.

Commissioner Perri said he generally agrees but questioned a required midnight closing on Thursdays and he suggested that 2 AM on Fridays and Saturdays would be acceptable.

Commissioner Bolos agreed with the midnight closing during the week, the 1 AM closing on weekends, the requirement for food service up to one hour before closing, and issuance of a special permit for special events to stay open until 2 AM on weekends.

In response to Commissioner Perri, Mr. Pollock said that the hours for the outside patios would be the same as for the restaurant.

Commissioner Franzese said that he favors the 12 midnight closing during the week, 1 AM on weekends with the required food service as stated and with a special permit for 2 AM closings on the weekends.

Commissioner Cronin said that he was concerned about requiring a special permit by the liquor commissioner for 2 AM closings on the weekends. He said detailed parameters would have to be set or there would be concerns about equal treatment. He suggested 12 midnight during the week and 2 AM on weekends for everyone.

In response to Chairman Trzupek, Mr. Pollock reported that the Police Chief did not have any objections to the 2 AM weekend closings.

Chairman Trzupek asked why not go with the 1 AM during the week and 2 AM weekend closings like all of the other communities listed in the staff report.

Commissioner Franzese said that the issue of fair treatment is valid and based on that he would agree to the 2 AM closing for everyone on weekends.

Commissioner Bolos said she agrees. She asked if there had been any feedback from any residents that live near restaurants.

Mr. George Dunlap said he lives at 450 Village Center Drive. He said that the Village should support the restaurants and allow the extended hours including the 2 AM closing on weekends. He said he occasionally hears noise from Coopers Hawk and from Capri but it is not a big problem.

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

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to close the hearing for Z-01-2012.

ROLL CALL VOTE was as follows:

AYES: 6— Franzese, Grunsten, Cronin, Bolos, Perri, and Trzupek

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 to the Board of Trustees that the permitted hours of operation for

restaurants with liquor licenses be changed to a 12 Midnight closing Sundays through Thursdays; a 2 AM closing on Fridays and Saturdays; and to require food service for such establishments extending to at least one hour before closing – with said food service being either a full kitchen or a smaller bar menu.

Commissioner Perri suggested that they allow 1 AM during the week. Commissioners Franzese, Chairman Trzupek and Commissioner Bolos said they were not comfortable with the 1 AM closing during the week. Commissioner Grunsten noted that Thursday evenings were a popular evening for dining out and that some of the restaurants already had permission to stay open until 1 AM on Thursdays.

An amendment to the **MOTION** was made by Commissioner Franzese and seconded by Commissioner Cronin to allow a 1 AM closing on Thursdays.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

There were no other considerations discussed at this meeting.

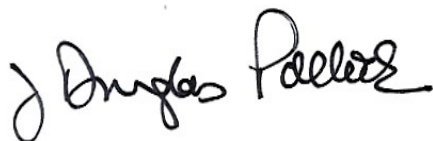
6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that two petitions had been filed for public hearings on February 6, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Perri to **ADJOURN** the meeting at 8:41 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:41 p.m.

Respectfully Submitted:



PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

FEBRUARY 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 Trzupek.

ROLL CALL was noted as follows:

PRESENT: 6– Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 1 – Cronin

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 Franzese to approve minutes of the January 16, 2012 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1- Stratis

MOTION CARRIED by a vote of 5-0.

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-02-2012: 510 Village Center Drive (Cooper's Hawk); 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 was granted special use approval in 2011 to construct an outdoor dining area for the existing Cooper's Hawk restaurant. Subsequent to receiving special use approval, the petitioner discovered that there is an easement adjacent to Burr Ridge Parkway that does not permit encroachment of a concrete and stone deck. The revisions to the plans are significant changes from the approved plans and, thus, require a new special use approval. The primary changes to the plan relate to the shape of the structure. The building materials, design features, number

of seats and the floor area of the outdoor seating area would remain about the same. The revised plan also provides for terraced retaining walls supporting the deck rather than a sheer wall supporting the seating area.

Chairman Trzupek asked the petitioner for comments. The petitioner was represented by Mr. Dan Bernatek, Architect for Cooper's Hawk Restaurants. He said that the petitioner was in agreement with the conditions recommended by the Village staff.

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 Franzese asked about the number of seats for the outdoor patio. Mr. Bernatek said the number of seats was the same as previously approved.

Commissioner Bolos asked about the material for the walls. Mr. Bernatek said that the first wall would use the same decorative block material as the existing retaining wall and that the second wall would be a pre-cast stone. He showed samples of the stone material.

In response to Commissioner Bolos, Mr. Bernatek confirmed that the stairs from the deck would be for exit only.

Commissioner Perri asked if the lights on the patio railing were on dimmers and if they would be turned down at night. Mr. Bernatek confirmed that they are on dimmers and that he believes they would be turned off after hours although he was not sure.

Commissioner Stratis said the survey shows a grease trap within the area of the patio but that it is not shown on the plans. Mr. Bernatek said the grease trap would remain in its current location.

Commissioner Grunsten asked if the screening of the utility boxes would be evergreens. Mr. Bernatek was not sure but said they would be evergreen if that is the desire of the Village.

Commissioner Perri asked if the Commission needed to review the furniture being used on the patio. Mr. Pollock said the furniture would be the same as previously approved and therefore there was no need for further review.

Chairman Trzupek asked about the separation between the terraced retaining walls. Mr. Bernatek said it complied with Village code which is a minimum of three feet. He said that adjacent to Lincolnshire Drive the minimum separation is 3 feet and 3 feet, 9 inches. Chairman Trzupek suggested that the separation be maximized so that quality landscaping could be provided in this area.

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 Franzese to close the hearing for Z-02-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos 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-02-2012 subject to the following conditions:

- A. 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.
- B. Music and all other amplified sound should be kept to a moderate level so it is not audible from the adjacent residential condos.
- C. There shall be no text or logos on the umbrellas.
- D. The door to the dining area shall be self-closing.
- E. Tables shall be cleaned promptly following use.
- F. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
- G. All umbrellas, furniture and other appurtenances shall be stored off-site during the winter season when the patio is not being used for outdoor dining.
- H. Additional landscaping shall be provided to screen the gas meters located northeast of the patio and to screen the garage entrance area to the southwest of the patio. The final landscaping plan shall be subject to staff review and approval prior to issuance of a permit for the construction of the outdoor patio.
- I. The landscaping screening north of the patio and in front of the utility meters shall be evergreen plants that provide year round screening.
- J. The separation of the retaining walls shall be increased at the south end of the patio to provide more area for landscaping materials.

ROLL CALL VOTE was as follows:

AYES: 5– Bolos, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 - Franzese

MOTION CARRIED by a vote of 5-0.

Commissioner Franzese said that he abstained because he has a family member that works for Cooper's Hawk Restaurant.

B. Z-03-2012: 145 Tower Drive (Ludicrous 6, LLC); Special Use

C. Z-04-2012: 161 Tower Drive (Ludicrous 6, LLC); Special Use

There being no objections, Chairman Trzupek said these two hearings would be conducted concurrently.

Chairman Trzupek asked Mr. Pollock to provide a summary of the public hearings.

Mr. Pollock described the public hearing as follows: In July of 2011, the petitioner was granted special use approval for the retail sales of luxury automobiles at 145 and 161 Tower Drive. Both special use approvals were granted subject to several conditions including two, 6 month trial periods. The first trial period expires on February 15, 2012 (six months from the August 15, 2011 issuance of a retail sales license by the State of Illinois). At this time, the petitioner is seeking to renew the special use approval.

Chairman Trzupek asked the petitioner for comments.

The petitioner was represented by Mrs. Christina Brotto, attorney for the petitioner. Mrs. Brotto said she had nothing to add and she and the general manager of the facility were present to answer any questions.

Chairman Trzupek asked if there was anyone in attendance at the public hearing to speak on this hearing. There was no one.

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

Commissioner Grunsten asked staff if there had been total compliance with the terms and conditions of the special use approvals. Mr. Pollock said that there have been no violations on either property. He said there was one call from a neighbor complaining about noise from a vehicle but that it was determined it was during permitted business hours and no violation was documented.

Commissioner Stratis asked why there was a condition requiring average sales to be \$90,000. Mr. Pollock said that the Board added that condition to ensure the facility was for sales of luxury automobiles as stated by the petitioner.

Commissioner Perri asked if the conditions relative to sales tax were met. Mr. Pollock confirmed that those and all other conditions have been met.

Commissioner Bolos said she did not have any further questions.

Commissioner Franzese asked the petitioner to explain the situation where the neighbor called and complained about noise. The general manager of the facility said that the

situation involved one car that was started inside the garage but had to be driven outside for photographs. He said they tried to keep the noise to a minimum and were confident they did not violate any noise regulations. He said a police report was filed but no further action was taken by the Village.

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to close the hearings for Z-03-2012 and Z-04-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos 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-03-2012 subject to the following conditions:

- A. This special use approval shall be for a second, six-month trial period and shall expire on August 15, 2012. Upon the expiration of this second six month extension, further extensions will not be granted if there are repeated violations (as reasonably determined by the Community Development Director) of any of the conditions of this special use. It is understood that if the Petitioner successfully receives two six month special use approvals, the Petitioner may request and the Village will consider a special use without an expiration date or specific time limit.
- B. The special use shall be limited to the Petitioner and affiliates and to the condominium space identified as Suite 9 and consisting of approximately 3,021 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 9 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 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. For the duration of the 6 month trial period, 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: 6 – Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos 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-04-2012 subject to the following conditions:

- A. This special use approval shall be for a second, six-month trial period and shall expire on August 15, 2012. Upon the expiration of this second six month extension, further extensions will not be granted if there are repeated violations (as reasonably determined by the Community Development Director) of any of the conditions of this special use. It is understood that if the Petitioner successfully receives two six month special use approvals, the Petitioner may request and the Village will consider a special use without an expiration date or specific time limit.
- 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. For the duration of the 6 month trial period, 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: 6 – Franzese, Bolos, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

There were no other considerations discussed at this meeting.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that one petition was filed for public hearings on February 20, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:04 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:04 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

February 20, 2012

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

FEBRUARY 20, 2012

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:35 P.M. at the Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5 – Franzese, Perri, Stratis, Grunsten, and Trzupek

ABSENT: 2 – Cronin and Bolos

Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Franzese noted that on Z-02-2012, on page 3 of the minutes, he abstained from voting. Mr. Pollock said that he would correct the minutes.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to approve minutes of the February 6, 2012 Plan Commission Meeting subject to the change as noted above.

ROLL CALL VOTE was as follows:

AYES: 5 – Franzese, Perri, Stratis, Grunsten and Trzupek

NAYS: 0 – None

ABSTAIN: 1- Stratis

MOTION CARRIED by a vote of 5-0.

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

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

Mr. Pollock described the public hearing as follows: The petitioner is in the process of constructing a back yard spa, patio and outdoor kitchen. The original permit plans showed the pool equipment in a side yard. After review by staff, the contractor moved

the proposed location of the pool equipment to the rear yard to comply with the Zoning Ordinance. Subsequently, the contractor for the homeowner filed this petition seeking a variation to place the equipment in the side yard rather than in the rear yard.

Chairman Trzupek asked the petitioner for comments. The petitioner was represented by Mr. Mike Higgins of Platinum Pool Care, Inc., the contractor for the homeowner. Mr. Higgins said that the unique shape of the lot and how the house is situated on the lot creates a hardship in the placement of the equipment. He said that the homeowners association and the immediate neighbor support the granting of the variation.

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.

Chairman Trzupek asked if the hardship is created by the size of the patio which limits the placement of the pool equipment. He also asked about the noise created by the equipment and whether it was covered.

In response, Mr. Higgins said that the pool equipment creates a similar noise level as an air conditioning unit and that it is only covered by landscaping.

Chairman Trzupek referenced the emails from the neighbor and from the homeowners association which the Plan Commission received at tonight's public hearing.

Commissioner Franzese asked for clarification on the location of the pool equipment. Mr. Higgins presented a more detailed drawing that he said was prepared at the request of the homeowners association. Mr. Higgins said that the revised plan shows more detail for the landscaping. Commissioner Franzese noted that the letter from the HOA implies that the equipment would have to be next to the pond if it were placed in compliance with the code. He said that was a bit misleading as it could be anywhere in the back yard.

In response to Commissioner Franzese, Mr. Higgins said that the 4 x 10 foot pool equipment pad would be 11 feet from the side lot line in its required location.

Commissioner Perri asked about the sight lines from the neighboring properties. In response, Mr. Pollock showed an aerial photo of the area. Commissioner Perri acknowledged that the preferred location may be better but he said there does not appear to be anything unique about this property that creates a hardship.

Commissioner Stratis said he struggled in reviewing this request because he agrees that this may be a better location and he knows the neighbors support the variation but there does not appear to be any hardship.

Commissioner Grunsten asked if there were any specific regulations about the location of pool equipment. Mr. Pollock said the regulations pertain to pools only and there is

nothing specific about pool equipment. He said that pools are restricted to the rear yard and that as a result; all pool equipment has been required to be located in the rear yard.

Mr. Pollock stated that the written staff report provides information pertaining to the location of air conditioning units and generators. He said the regulations permit ac units and generators in a side yard provided they are at least 15 feet from the front of the house and that generators are limited to 28 square feet in area.

Chairman Trzupek said that he agrees with the other Commissioners and asked if it would be appropriate to consider a text amendment that would treat pool equipment like ac units or generators.

Commissioner Franzese asked how and how often the pool equipment would be serviced. In response, Mr. Higgins said that normal maintenance would typically be every other month and would consist of replacing filters. Commissioner Franzese added that he thinks this is different from ac units and generators because the mechanical equipment is exposed and not inside a box.

Chairman Trzupek said there were several options to be considered. He said the Commission could close the hearing and vote on a recommendation to the Board of Trustees. He said that based on comments he has heard at the hearing, the recommendation would likely be to deny the variation. He said the other options would be to continue the public hearing to allow the petitioner to revise the plans or to continue the public hearing with the intent of conducting a public hearing for a text amendment.

Mr. Pollock said that a text amendment hearing could be held with the annual zoning update hearing which is anticipated to be done on March 19, 2012. Mr. Pollock recommended that the variation hearing be continued to March 19 and that the Commission also hold a public hearing at that time to consider a text amendment.

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

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to continue the hearing for V-01-2012 to March 19, 2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Franzese, Perri, Stratis, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

A. PC-01-2012; Annual Zoning Ordinance Update

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

Mr. Pollock referenced the staff report which provided a summary of all zoning and variation hearings from 2011. He said there were no issues from those hearings that would lead staff to recommend any changes to the Zoning Ordinance.

Mr. Pollock added that there are a few issues that have come up at the staff level. He said that a resident inquired about the height of ornamental light standards and suggested that the 6 foot height was too low. The resident presented evidence that most ornamental light poles in the Village were 7 feet or taller.

Mr. Pollock said also that staff has seen a number of permits in the last two years for outdoor kitchens. He said there is not specific listing for outdoor kitchens but that staff has classified these structures as outdoor fireplaces which are permitted in a rear yard but there is no height limit for an outdoor fireplace. He suggested that outdoor kitchens be added to the list of permitted accessory structures and that a height limit be added.

Mr. Pollock said a resident complained about portable gas generators and about parking on the street for a home occupation. He said that there are no zoning regulations for portable generators as they would be similar to lawn mowers and leaf blowers and not a structure that would be regulated by the Zoning Ordinance. In regards to parking, Mr. Pollock said it is possible to add a regulation requiring an employee of a home occupation to park on the property but it would be difficult to enforce if public parking is allowed on the street.

Finally, Mr. Pollock added that an amendment regarding the location of pool equipment be included in the zoning update as per the discussion earlier tonight.

Commissioner Stratis said that he did the research for ornamental lights and discovered that almost all in his neighborhood are more than 6 feet tall. He said he found one that was 6 feet tall and it looked odd because the light was right at eye level.

Mr. Pollock said that it is staff's recommendation that the Plan Commission request authorization to hold a public hearing to consider amendments pertaining to the permitted height of ornamental lights, adding outdoor kitchens to the list of permitted accessory structures, and the location of pool equipment.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Stratis to request authorization from the Board of Trustees to conduct a public hearing to

consider amendments to the Zoning Ordinance pertaining to the permitted height of ornamental lights, adding outdoor kitchens to the list of permitted accessory structures, and the location of pool equipment.

ROLL CALL VOTE was as follows:

AYES: 5 – Franzese, Stratis, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that there were no public hearings scheduled for the March 5, 2012 meeting.

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Grunsten to cancel the March 5, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Perri, Grunsten, Franzese, Stratis, and Trzupek

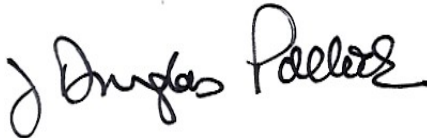
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:45 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

March 19, 2012

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 Trzupek 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 Trzupek 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 Trzupek

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 Trzupek

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

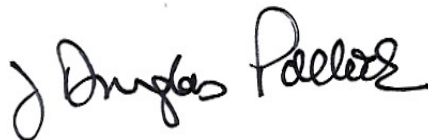
Mr. Pollock reported that there were no public hearings scheduled for the April 2, 2012 meeting.

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

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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 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-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 Trzupek 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 Trzupek

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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek

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 Trzupek

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 Trzupek 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 Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

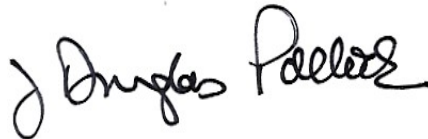
6. FUTURE SCHEDULED MEETINGS

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:



J. Douglas Pollock, AICP

May 7, 2012

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 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

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 Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

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-08-2012: 7928 Madison Street (Burr Ridge Fitness); 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 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek

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 Trzupek

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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupsek asked if there was anyone in attendance to speak at this public hearing. There was no one to speak and, therefore, Chairman Trzupsek 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 Trzupek 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 Trzupek

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 Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

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

Chairman Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek

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 Trzupek

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

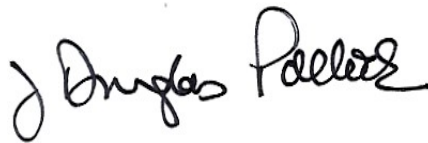
Chairman Trzupek noted that there are no public hearings scheduled for May 21.

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:



J. Douglas Pollock, AICP

June 4, 2012

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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek, Mr. Hautzinger said that the letters on the brick portion of the sign are back lit.

Chairman Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek, 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 Trzupek 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

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JULY 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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to approve minutes of the June 4, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 2 – Stratis and Grunsten

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.

Chairman Trzupek said that the petitioner for Z-16-2012 has asked for a continuance and that this request will be considered first.

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

Chairman Trzupek announced that the petitioner has asked for a continuance to the August 6, 2012 meeting.

Mr. Bernard Citron was present on behalf of the petitioner. Mr. Citron said that the petitioner was preparing a traffic study related to the drive through facility and the traffic

study was not yet completed. He stated that was the reason for the request for continuance and that he expected the study to be completed before August 6.

There was no one else present for the public hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to continue the public hearing for Z-16-2012 to August 6, 2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. Z-14-2012: 16W535 South Frontage Road (Burr Ridge Car Care); 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 owns and operates an automobile service and repair facility and would like to be able to display one car for sale on the property.

Chairman Trzupek asked about the automobile rental facility that was granted special use approval in 2011. Mr. Pollock said that the auto rental business was operating and that there were no complaints or issues with this business.

In response to Chairman Trzupek, Mr. Bruce Kania said that he is the owner of the business. He said that he occasionally has a car for sale and would like to display it on the property with a for sale sign. He said there would be no banners, pennants or flashy lights but instead just a simple for sale sign. He said he occasionally has more than one car available for sale but he would advertise only one at a time.

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

Commissioner Cronin asked how old the cars are. Mr. Kania said they are usually three to five years old. Mr. Kania said one of his primary customers is parents buying a first car for a son or daughter.

Commissioner Franzese asked if cars would be displayed any other place on the property other than what is shown on the site plan. Mr. Kania said they would not be displayed any other place and they would definitely not be in the public right of way.

Commissioner Bolos said she has no problems with what is being requested.

In response to Commissioner Perri, Mr. Kania said he does not sell collector cars and that all cars are detailed before they are put up for sale.

Commissioner Stratis said he did not have any questions.

Commissioner Grunsten said that she likes the way this business is run and is confident that the automobile sales will be conducted in a professional manner.

Chairman Trzupek asked if there were any questions about the sign variation. There were none.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to close the public hearing for Z-14-2012.

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 Bolos to adopt the petitioner's findings of fact for Z-14-2012 and to recommend that the Board of Trustees approve a special use for automobile sales subject to the following conditions:

- a. There shall be no more than one car for sale on display in the parking lot at any given time.
- b. There shall be no flags, balloons or similar attention getting devices used in relation to the car sales.

ROLL CALL VOTE was as follows:

AYES: 7 – Franzese, Bolos, Cronin, 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-04-2012: 16W535 South Frontage Road (Burr Ridge Car Care); Sign Variation

Chairman Trzupek said that this item was related to the special use approval for automobile sales. He said the petitioner is seeking a sign variation to allow a for sale in the automobile for sale on the property. There being no further questions or comments, Chairman Trzupek asked for a motion.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Cronin to recommend that the Board of Trustees approve a sign variation to allow a “For Sale” sign in the window of a car for sale subject to the sign being inside the car and not exceeding 4 square feet in area.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. S-05-2012: 108 Burr Ridge Parkway (Chase); Sign Variations

Chairman Trzupek said that this request should also be continued to August 6 as it is related to the public hearing previously continued.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Perri to continue S-05-2012 to the August 6, 2012 meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

C. PC-03-2012: Zoning Ordinance Text Amendment – Backyard Chickens

Chairman Trzupek asked Mr. Pollock to describe this matter.

Mr. Pollock described the request as follows: Staff received a letter from a resident asking the Village to consider an amendment to the Zoning Ordinance that would allow the keeping of chickens on all single-family residential properties in the Village. The current regulations limit any type of livestock to properties that are 5 acres or more. Mr. Pollock added that the Plan Commission is not being asked to decide whether to approve such an amendment but instead is being asked to request authorization to hold a public hearing to further discuss the matter.

Mr. Pollock said that he has done some research and determined that other Village’s have adopted regulations permitting the keeping of backyard chickens. Some of the more common restrictions include limiting the number of chickens and prohibiting roosters.

Chairman Trzupek asked if anyone in the audience wanted to speak on this matter.

Mr. Chris Herringshaw, 8150 Steepleside Drive, said that he requested the Village consider this matter. He said he has a property that is 1.5 acres and he would like to raise chickens to have fresh eggs for his family. He said he grew up in rural Michigan and understands how to raise and keep chickens.

Commissioner Cronin asked what happens when a chicken dies and if the chickens would be used in any way for retail sales. Mr. Herringshaw said that he would take the carcass to a vet for disposal. He also said the chickens and eggs would be for his family only and would not be sold.

Commissioner Cronin said that there are chickens behind his house at the Hanson Center and he has not noticed any problems with noise or smells from the chickens.

Commissioner Franzese said he would save his questions for the public hearing.

Commissioner Bolos said she thinks she would not want chickens next door to her. She said she would be worried about smells and about attracting predators such as coyotes and raccoons.

Mr. Herringshaw noted the difference between a large chicken farm and the keeping of 4 to 6 chickens in a back yard. He said that 10 chickens produce half the waste material as one, 40 pound dog.

Commissioner Bolos asked how the chicken coops are kept clean and how predators are kept away.

Mr. Herringshaw said that it is important not to leave left over food lying in the coop and to raise food dishes above the ground to keep rodents away. He said that the chickens are kept in an enclosed area only and he would use a heavy gauge wire enclosure and not traditional chicken wire.

Commissioner Perri said that he is concerned that it would be difficult to regulate the types and quality of enclosures.

Commissioner Stratis said he does not have a problem with it particularly on larger lots provided proper regulations are established. He suggested a minimum of one acre.

Commissioner Grunsten agreed with Commissioner Stratis. She said people are going toward more organic foods and raising their own food. She said she would favor conducting a public hearing.

Chairman Trzupek asked if there are laws regulating slaughtering of animals. Mr. Pollock said he did not know.

Mr. Herringshaw said that each chicken needs about 3 square feet of enclosed area for roosting and that four chickens would need about 60 square feet of open area.

Chairman Trzupek said he would be in favor of holding a public hearing. He asked if roosters would be included. In response, Mr. Herringshaw said he would not want roosters as they make too much noise.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to request authorization from the Board of Trustees to hold a public hearing to consider an amendment to the Zoning Ordinance regulating the keeping of chickens in residential districts.

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.

D. PC-05-2012: Zoning Ordinance Text Amendment – Outdoor Kitchens

As directed by Chairman Trzupek, Mr. Pollock described this request as follows: The Village amended the Zoning Ordinance earlier this year to allow outdoor fireplaces and built-in grills but restricted the size to 20 square feet in area. Several permit applications have been filed requesting larger outdoor kitchens that include masonry structures with a countertop, a sink, refrigerator and storage areas. The 20 square foot restriction does not permit all of these features that are commonly desired by residents.

In regards to the draft regulations prepared by staff, Chairman Trzupek asked about the height restrictions and chimneys for a wood burning stove. Mr. Pollock said he would look at that and modify the draft regulations accordingly.

Commissioner Grunsten said that she favors further consideration. She said residents are building more and more outdoor kitchens. The rest of the Commissioners indicated their agreement.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to request authorization from the Board of Trustees to hold a public hearing to consider an amendment to the Zoning Ordinance regulating outdoor kitchens in residential districts.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

E. S-02-2012: Sidewalk Signs in Retail Business Districts

Chairman Trzupek asked Mr. Pollock to summarize this consideration.

Mr. Pollock said that the Plan Commission previously recommended an amendment to the Sign Ordinance to regulate portable sidewalk signs in retail districts. He said the regulations included a requirement for conditional sign approval among other regulations. Mr. Pollock said that the Board was concerned about requiring conditional sign approval and that the Board wanted to be sure that changeable copy signs could be used, particularly for restaurants who like to advertise daily specials.

Chairman Trzupek noted that one of the concerns of the Plan Commission was that the signs have a minimum quality and a consistent appearance within any one shopping center.

Commissioner Franzese said that he does not like the plastic A-frame signs that were shown in the pictures from County Line Square. He said he would like the regulations to prohibit those signs or some other means for the Village to prohibit those types of signs.

Commissioner Grunsten agreed and described the plastic A-frame signs as being very down-market.

Commissioner Perri said that the signs as they exist now lack a consistent appearance and a consistent level of quality. Mr. Pollock responded that the Board seemed to favor allowing greater diversity so that each store may create its own identity.

Commissioner Grunsten suggested a variety of sign types would be okay but there has to be minimum standards for quality.

Commissioner Franzese asked if there was a consensus to prohibit the plastic A-frame signs. The Commission indicated unanimous agreement.

Commissioner Stratis suggested a regulation requiring that all of the signs be either metal or wood. He also thought it would be good to require shopping center owners to make a presentation to the Village of all types of sign structures that they propose to use.

Chairman Trzupek agreed that the shopping center owners should be required to show the Village all sign structure types that they would like to use and then they would be limited to those signs presented to and approved by the Village.

Commissioner Franzese asked about the changeable copy signs. He said that he is okay with the chalk board type signs but that he would not want to allow the plastic letter signs as have been used by the County Wine Merchants in County Line Square and he does not want signs where the proprietor writes a message with a marker on a sign not designed for that purpose.

Mr. Pollock summarized that the Plan Commission agrees with the draft regulations except that the signs should be subject to conditional sign approval, that the plastic A-frame signs should be prohibited, and that the changeable copy signs should not include plastic letters or messages written on signs not designed for changeable copy.

There being general agreement with these changes, Chairman Trzupek asked for a motion.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to recommend to the Board of Trustees approval of an amendment to the Sign

Ordinance as per the draft regulations prepared in the staff report and with the changes outlined herein – with the modified draft regulations being as follows:

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 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. *One sign per storefront is permitted. Additional signs may be used for shopping center event signs provided the total number of signs in a shopping center does not exceed one per storefront.*
- d. *Storefront signs shall only be displayed during business hours and shall be removed at any time the business is not open.*
- e. *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.*
- f. *Sign shall be of sufficient weight or design to prevent its movement in the wind.*
- g. *Changeable copy on the sign shall be permitted provided the sign is designed to accommodate changeable copy (for example, chalk board signs). Changeable copy signs using individual plastic letters are generally discouraged.*
- h. *The sign structure shall be metal or wood. Plastic A-frame signs are not permitted.*

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

F. PC-04-2012: Recommendation to Appoint Vice Chair for One Year Term

Commissioner Franzese said that he would volunteer to continue to serve as the Vice Chair. He noted that during the last year he did not need to act as Chair as Chairman Trzupek did not miss any meetings.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to recommend that the Board of Trustees appoint Commissioner Guy Franzese as Vice Chairman of the Plan Commission for a one year term ending on June 9, 2013. The **MOTION CARRIED** by a unanimous voice vote of the Commission.

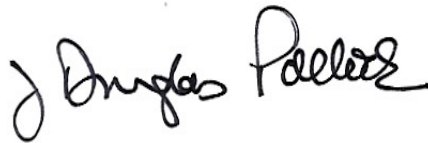
6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that the next meeting is scheduled for August 6, 2012 and that due to the Board room remodeling, it will likely be held at the Police Station.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 8:55 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:55 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

August 6, 2012

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 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

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 Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

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

Chairman Trzupek 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 83rd 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 83rd 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 Trzupek

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 Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

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

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

Chairman Trzupek 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

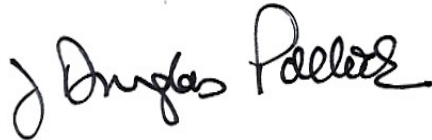
Chairman Trzupek noted that the next meeting is scheduled for August 20, 2012 and that there were no public hearings or other business scheduled for that meeting.

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:

A handwritten signature in black ink, appearing to read "J. Douglas Pollock". The signature is written in a cursive, flowing style.

J. Douglas Pollock, AICP

September 17, 2012

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

OCTOBER 15, 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 Burr Ridge Police Station, 7700 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5 – Cronin, Bolos, Stratis, Grunsten, and Trzupek

ABSENT: 1 – Franzese

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 October 1, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Cronin, Stratis, Grunsten, 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-19-2012: Zoning Ordinance Text Amendment – Backyard Chickens

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

Mr. Pollock described the public hearing as follows: The Plan Commission opened the public hearing for this text amendment on October 1, 2012 and continued the hearing to allow staff to prepare a draft amendment based on the discussion at that meeting. The draft amendment would allow up to 4 chickens in the back yard of a one acre residential property subject to several conditions as outlined in the written staff report. Mr. Pollock said that he believes the only outstanding issue was related to where the chicken coop could be located. He showed a graphic on the screen indicating three different sets of location regulations. All restricted chicken coops to the rear yard but with different

setbacks. One of the options was based on the Plan Commission discussion at the last meeting and would require a 50 foot rear yard setback and a 30 foot side yard setback. The second option shown would restrict the chicken coop to the area directly behind the house but with a 10 to 30 foot rear yard setback. The third option showed the location of the chicken coop with a 10 foot rear yard setback and a 10 to 20 foot side yard setback as is required for most other accessory structures and buildings.

Chairman Trzupek asked for comments from the public.

Mr. Chris Herringshaw, 8150 Steepleside Drive, said that the regulations would be appropriate to what he wants to do although he said he was somewhat concerned with the location requirements as discussed at the last Plan Commission meeting. He said with a 50 foot rear yard setback and 30 foot side yard setback, his property could only accommodate a chicken coop in a narrow strip that is in the rear yard but not directly behind the house.

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

Chairman Trzupek asked the Commissioners about their intent in suggesting the 50' rear and 30' side yard setback. He asked if the preference would be to keep it behind the house. Commissioners Bolos, Cronin and Stratis said that they would prefer to keep it directly behind the house.

Commissioner Bolos asked about the option that would keep the chicken coop behind the house. Mr. Pollock said the only problem with that option is that if combined with a 50 foot rear yard setback, it may put chicken coops right next to a home and interfere with patios and other accessory buildings. He added that staff would not object to reducing the rear yard setback to 10 feet as this is the required setback for other accessory buildings and for accessory structures such as pools and sport courts. Mr. Pollock added that since the rear yard setback for a principal building is a minimum of 50 feet, the 10 foot rear yard setback would result in a separation of at least 60 feet from a neighbor's house.

Mr. Pollock added that under any circumstances if a resident with a chicken coop failed to properly maintain the coop, it would be a violation of the property maintenance code and the nuisance codes and staff would require removal or maintenance even if the coop otherwise complied with the Zoning Ordinance.

Commissioners Stratis asked if the hardware cloth would rust where it is required to be buried in the ground. Mr. Herringshaw said that it would rust over time and would have to be replaced.

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 Grunsten to close the public hearing for Z-19-2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Grunsten, Bolos, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Stratis to recommend approval of an amendment to Section IV.H of the Burr Ridge Zoning Ordinance to modify the regulations for the keeping of livestock on residential properties and specifically to allow the keeping of chickens on residential properties less than 5 acres in area as follows:

3. Keeping of Livestock as an Accessory Use

Except as otherwise expressly provided herein, accessory buildings or structures shall not be used for the keeping of livestock, poultry or rabbits, whether for profit or not, unless said buildings or structures meet the following requirements:

- a. All livestock, poultry, and rabbits (except up to a maximum of two rabbits kept as household pets *and except for chickens as regulated herein*) shall be kept only on lots or parcels of at least five acres in size.
- b. There shall be no more than one horse or other livestock, poultry, and rabbits for each 20,000 square feet of lot area *except for chickens and rabbits as regulated herein*.
- c. Such **Accessory** buildings or structures *for livestock* shall be located at least 50 feet from the side or rear lot lines.
- d. *Chickens, also referred to herein as domestic hens or hens, are permitted on properties of one acre or more and zoned for single-family residential use subject to the following terms and conditions:*
 - (1) *A maximum of four domestic hens are permitted;*
 - (2) *The keeping of roosters and the slaughtering of any chickens is prohibited;*
 - (3) *Hens shall be kept in an enclosure at all times and the enclosure shall comply with the following:*
 - (i) *The area of the enclosure shall not exceed 150 square feet.*
 - (ii) *The enclosure shall be designed for the specific purpose of keeping chickens, to prevent access by wild animals, and to prevent attraction of rodents.*
 - (iii) *The enclosure shall include an open area enclosed with hardware cloth that is buried at the perimeter at least six inches in the ground.*

(iv) The enclosure shall be considered an accessory building for purposes of zoning, shall comply with all zoning regulations for accessory buildings not specifically modified herein, and shall be subject to the issuance of permit.

(4) The enclosure shall be located in the rear buildable area of the property with a minimum setback from the interior side and corner side lot lines equal to the setback of the principal building and may encroach into the required rear yard setback subject to a minimum setback from the rear lot line of 10 feet.

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Stratis, Cronin, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

B. Z-16-2012: 150 Burr Ridge Parkway (Chase); Special Use, Variation and Findings of Fact

Mr. Pollock said that Chase Bank has asked for a continuance to the November 19, 2012 meeting. He said they are considering changes to the building and do not yet have final plans.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the public hearing for Z-16-2012 to November 19, 2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Grunsten, Cronin, Bolos, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. Z-20-2012: 15W580 North Frontage Road (Compass); Rezoning Upon Annexation, Variation, and Findings of Fact

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

Mr. Pollock described the public hearing as follows: The petitioner owns and operates a truck sales business at 15W580 North Frontage Road. The property is currently unincorporated but is surrounded on all sides by the Village of Burr Ridge. The petitioner is seeking rezoning upon annexation and a zoning variation.

Mr. Pollock also reported the following: Village staff received a notice from Du Page County in August of 2012 that the petitioner was seeking special use approval for a truck driving school. The Village Board immediately directed staff to prepare an Ordinance force annexing the property (with the intent of circumventing any County zoning approvals). The property owner withdrew the County zoning request and asked the Village to enter into an Annexation Agreement instead of force annexing the property.

The Village Board has agreed to proceed with an annexation agreement with the understanding that the truck driving school would be eliminated from the property (staff has received complaints about noise and traffic from the truck driving school). As a result, the truck driving school is not part of this zoning request.

Mr. Pollock said that the proposed GI zoning is the same as the zoning to the south and west of the subject property and that truck sales is consistent with the use of the property to the east which is a truck terminal. He said the primary issue with this petition is the residential area to the north and the need to provide an adequate buffer between this industrial property and the residential area. He said that the petitioner has stated that they intend to construct a 16 foot tall wall along the north property line to provide a screen between the subject property and the residences to the north and that they have agreed to clean up the landscaping in the right of way between the property and 75th Street.

Chairman Trzupek asked what the Zoning Ordinance requires for the height of the landscaping in the 30 foot buffer. Mr. Pollock said he was not sure and would have to check the Zoning Ordinance.

Chairman Trzupek asked the petitioner for comments.

Mr. Tim Dwyer, attorney for the property owner, described how the property owner began talking to the Village staff some time ago about annexation. He said there were really no problems with the property until the driving school began and neighbors began complaining about noise. He said they initially talked with staff about landscaping the buffer yard but that the neighbors would prefer a wall similar to the wall that was constructed by the SAIA on the adjoining property. Mr. Dwyer said that the property owner has always worked closely with the neighbors to resolve problems and is agreeable to constructing the wall as requested.

Chairman Trzupek asked for comments and questions from the audience.

Mr. Ed Tameling said that the neighbors met with the property owner and discussed a wall similar to the SAIA wall. He said some of the residents were concerned about the color of the wood and would prefer a different color. Mr. Tameling said those residents were not at the hearing.

Mr. Mario Magliano of Compass Trucks said that it would be too expensive to change the wood and that he did not want to stain or paint the wood as that would create maintenance expenses. Mr. Dwyer added that the bids for the fence were all in the range of \$83,000. Mr. Magliano said that they would add additional landscaping on the residents side of the fence.

Chairman Trzupek said that he was concerned about the depth of the landscaping area between the fence and 75th Street. He said his concern was whether anything would grow in that area. Mr. Magliano stated that the area between the SAIA wall and 75th Street is shorter and that plants grow very well in that area.

Chairman Trzupek asked Mr. Tameling if the neighbors were satisfied with the proposal for the wall. Mr. Tameling said that they are satisfied.

In response to Commissioner Cronin, Mr. Magliano said that the wall would extend across the entire north lot line.

Commissioner Bolos wanted to know when the wall would be constructed. Mr. Dwyer said that they would like to begin immediately but that they would have to get a permit from DuPage County and he does not know if Du Page County would issue a permit. He said that they may have to wait until the property is annexed. He added that the other concern would be getting the footings constructed before the ground freezes.

Commissioner Bolos asked about the neighbor's preference for the color of the fence. Mr. Tameling said that some of the neighbors expressed interest in a green fence but they are not at the hearing. Mr. Magliano reiterated that it would be cost prohibitive to use a different wood and he did not want to create maintenance problems by staining or painting the wood but that he would work with the lumber provider to make sure they get the best wood possible for the fence.

Commissioner Stratis asked about planting in the right-of-way. Mr. Pollock said that evergreens are not normally allowed in the right-of-way but that since this backs up to the truck property, Village staff would allow evergreens to be planted as a buffer.

Commissioner Grunsten said that she wanted to make sure all the neighbors and the petitioner were in agreement. All parties present indicated their agreement. Commissioner Grunsten added that she thought it was very kind of the petitioner to cooperate with the neighbors and offer to construct the wall.

Chairman Trzupek asked if the petitioner would be required to submit a plan for the wall and the landscaping. Mr. Pollock said that they would be required to submit a plan before proceeding.

A MOTION was made by Commissioner Cronin and SECONDED by Commissioner Stratis to close the public hearing for Z-20-2012.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Stratis, Grunsten, Bolos, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A MOTION was made by Commissioner Bolos and SECONDED by Commissioner Stratis to direct staff to prepare findings of fact and to recommend approval of Z-20-2012 subject to the construction of a 16 foot wall on the north lot line comparable to the wall on the adjoining SAIA property with landscaping on the outside of the wall.

ROLL CALL VOTE was as follows:

AYES: 5 – Bolos, Stratis, Cronin, Grunsten, 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

There were no other considerations scheduled.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that the next meeting is scheduled for November 19, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 8:32 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:32 p.m.

Respectfully Submitted:

J. Douglas Pollock, AICP

November 19, 2012

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

NOVEMBER 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 Burr Ridge Village Hall, 7760 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 6 – Cronin, Franzese, Bolos, Stratis, Grunsten, and Trzupek

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 Grunsten to approve minutes of the October 15, 2012 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Grunsten, Bolos, Stratis, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 - Franzese

MOTION CARRIED by a vote of 5-0.

3. PUBLIC HEARINGS

Chairman Trzupek said that if there were no objections, he would like to conduct the zoning variation hearing first. He confirmed all present who wished to give testimony at either public hearing and introduced the public hearings as follows.

A. V-04-2012: 15W431 59th Street (Hanson Center); Variation

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

Mr. Pollock summarized the hearing as follows: The petitioner requests a variation to permit a stand-by generator in a front buildable area rather than adjacent to a side or rear wall of the principal building. The property is a corner lot and the north side is considered the front lot line. The permitted location for a stand by generator is the south or west sides of the building which are considered the interior side and rear yards.

Chairman Trzupek asked the petitioner for their presentation.

Ms. Lynn Austin stated that she is the contractor for the Hanson Center. She said that existing mechanical equipment is located on the north side of the building; that utilities inside and outside the building dictated the location of the generator on the north side of the building, that there is a parking lot between the north wall of the building and the street, and that the generator would be more than 200 feet from any street. She added that there is existing landscaping but they would add more landscaping if needed.

There being on one else in the audience to speak to this matter, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked if the generator would be fueled by natural gas and what portion of the property the generator would service. Ms. Austin said it was to be fueled by natural gas and that it would be for the principal building only.

In response to Commissioner Cronin, Mr. Pollock said that the location of the existing mechanical equipment is legally non-conforming.

Commissioner Franzese asked about the height of the generator and if additional landscaping would be added. Ms. Austin said that the generator is just over 2 feet tall and that they would move some existing landscaping and add some evergreen shrubs.

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

A MOTION was made by Commissioner Cronin and SECONDED by Commissioner Bolos to close the hearing for V-04-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Bolos to accept the findings of fact as prepared by the petitioner and to recommend to the Board of Trustees approval of V-04-2012 subject to the following conditions:

- A. The location of the generator shall be as per the submitted plans attached hereto as Exhibit A.
- B. A final landscaping plan shall be provided at the time of permit application and landscaping shall be provided to screen the generator subject to the review and approval of the Community Development Director.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-16-2012: 150 Burr Ridge Parkway (Chase); Special Use, Variation and Findings of Fact

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 construct a bank with a free standing drive through facility. The property is zoned B-1 which lists banks and drive through facilities as special uses. The petitioner also requests a variation of the required front yard setback and a text amendment to reduce the required number of stacking spaces for a drive-through facility.

Chairman Trzupek asked the petitioner for comments.

Mr. Bernie Citron, Attorney for the petitioner, stated that Chase Bank seeks to construct a one-of-a-kind bank branch building. He said that a bank at this location would be a good fit because downtowns traditionally develop around government offices, post offices, banks and similar institutions. Mr. Citron introduced the other representatives of Chase Bank.

Ms. Cheryl Levin, Vice President of Chase Bank, said that there are 4900 households on Burr Ridge that do their banking outside of Burr Ridge. She said this includes over 500 of Chase's private client accounts which this bank branch would service. She said Chase wants to be at this location to service those existing Burr Ridge customers as well as to attract new customers.

Mr. Tim Mesak, Architect for Chase Bank, described the site plan, landscaping plan and building elevations. He said there would be 1,600 square feet of green spaces on the developed plan and 47 parking spaces. He said there would be 10 employees maximum at any given time and probably 14 overall employees working at this branch.

Mr. Mesak added the following in describing the plans: The building is located at the corner to complement the Village Center building across the street and to frame the intersection. They would re-do the corner brick plaza to add a sign and seat wall matching the Village's downtown sign at Burr Ridge Parkway and County Line Road. The drive through would have an ATM lane and 3 lanes with video screens and serviced by underground vacuum tubes for personal banking. The drive-through lanes were separated from the building so that the building would be more attractive and better fit into the downtown street and building layout. There will be an 8 foot wide sidewalk along Burr Ridge Parkway and a 5 foot wide sidewalk extending along the shopping center access drive. There will be generous landscaping including a seating plaza that will be similar to the seating plazas on the north side of Burr Ridge Parkway. The petitioner has prepared alternate site plans for the vehicle stacking at the drive through facility. One plan shows full compliance with the 6 spaces required by the Zoning Ordinance but the petitioner believes that 3 spaces per lane will be sufficient. The

building has a two story architecture to complement the four story buildings in the Village Center and as a transition to the one story shopping center buildings. The building façade uses brick, stone and glass. And the building will utilize sustainable building practices such as energy efficient heating, cooling and plumbing.

Mr. Louie Abooma, traffic consultant for the petitioner, described the traffic study. He concluded that the bank will not adversely impact traffic conditions and would actually generate much less traffic than most other retail or restaurant uses.

Mr. Citron summarized the petitioner's request.

Chairman Trzupek asked for comments and questions from the audience. There were none.

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

Commissioner Cronin asked if there is a pass through lane and is there a teller window. Mr. Mesak said that there would be one ATM and the other lanes would have video conferencing with a teller inside the bank. He said there is a pass by lane as required by code.

Commissioner Cronin also asked about screening of rooftop equipment. Mr. Mesak said they would work with staff to be sure the equipment is placed so that it is not visible from any adjacent street.

Commissioner Franzese pointed out that if there are three cars in the lane next to the pass-by lane, the pass-by lane would be blocked. Mr. Mesak said they could adjust the curbing to make the pass-by lane more accessible.

Commissioner Franzese asked about the four spaces at the south end of the property and suggested that the honey locust trees be replaced with white oak or bur oaks. In response, Mr. Pollock said that staff is recommending the removal of the four parking spaces because they are isolated and access would interfere with traffic movement.

Commissioner Franzese added that he appreciates the times that the traffic surveys were conducted – on a busy Saturday as well as on a weekday.

Commissioner Bolos asked if Chase is closing its Plainfield branch in Willowbrook. Ms. Levin said they have no plans to close that branch. She believes demand will be sufficient for both locations.

Commissioner Bolos said that one of the objectives of the Village's zoning for this area is to maximum retail sales. In response, Mr. Citron said they understood this concern and that is why Chase volunteered to provide an annual contribution to the Village.

Commissioner Bolos asked what the owner of County Line Square thought about this request. Mr. Bob Garber, owner of County Line Square, said that he believes the bank

will complement County Line Square but that he would prefer to see the building be shorter and he would like the four parking spaces to remain.

Commissioner Stratis said that the height of the building will not impact sight lines into the shopping center. Mr. Garber agreed but said he just thinks the building would look better if it were not as tall.

In response to Commissioner Stratis, Mr. Mesak explained the lighting of the canopy and the building and Ms. Sarah Glen of Chase Bank said that there would be no window signs in the upper glass areas of the building.

Commissioner Stratis asked what was the amount is that Chase is volunteering to contribute to the Village. Mr. Citron said it was \$12,000. Commissioner Stratis said that he believes that is consistent with what a small restaurant would generate on this site. He further cautioned the other Commissioners that the contribution was voluntary and did not impact the Commission's review of the site plan, special use, or variation.

Commissioner Grunsten asked if the stop bar exiting the drive through area was textured or was designed as a speed bump. She also asked about lighting. Mr. Mesak said there was no speed bump or texturing. He also responded to the specific questions about lighting.

Chairman Trzupek asked why they only had one ATM. Mr. Mesak said that a second lane would be wired for another ATM and if demand justified it, they would convert a second lane to ATM.

Chairman Trzupek asked about the type of glass used throughout the building and stated that he is concerned about seeing the rooftop units from the street. Mr. Mesak said that most of the glass is clear glass but some is spandrel glass. He said they would commit to making sure the rooftop units are not visible from the street.

Chairman Trzupek said that he prefers seeing the building stay at its height as it provides a good transition from the four story building across the street.

Chairman Trzupek asked if there were any further questions or comments.

Mr. Citron concluded said that although it is not a factor in the zoning review, Chase has addressed the lack of sales tax by volunteering to contribute to the Village. He said further that the bank fits nicely with the architecture and design of the area and its low traffic character would complement County Line Square.

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

A MOTION was made by Commissioner Cronin and SECONDED by Commissioner Grunsten to close the public hearing for Z-16-2012.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Chairman Trzupek said a separate motion should be made for the text amendment and the rest of the requests could be taken together or separately.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Grunsten to recommend approval of a text amendment to reduce the required stacking for a bank drive through facility to 3 spaces per lane.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Cronin to accept the petitioner's findings of fact as submitted and recommend that the Board of Trustees approve the special uses and variation as requested by Z-16-2012 subject to the following conditions:

1. Compliance with the submitted plans including building, site and landscaping plans;
2. Design of the seating plaza area in a manner similar to the history plaque seating areas on the north side of Burr Ridge Parkway subject to staff review and approval;
3. Land banking of the four parking spaces accessed from the adjacent shopping center drive with the parking spaces to be added at a future date as may be determined by the Village.
4. The curb around the drive through facility shall be modified to prevent the pass-by lane from being blocked when three cars are stacked in the adjacent drive through lane. The final configuration shall be subject to staff review and approval.
5. All roof top mechanical equipment shall be screened from view from any adjacent street. Final plans relative to roof top screening shall be subject to staff review and approval.
6. The five honey locust trees proposed in the landscaping plan shall be replaced with white oaks, bur oaks or similar variety subject to staff review and approval.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

A. S-05-2012; 108 Burr Ridge Parkway (Chase) Sign Variations

Chairman Trzupek asked the petitioner to present their sign request.

Mr. Citron said that for the following reasons, Chase seeks four building signs with an increase in the maximum sign area; Chase has agreed to construct a monument sign that complements the Village downtown signs as was requested by Village staff and that precludes Chase from having their own monument sign; if the property were considered a corner lot, they would be allowed two signs and although the property is not a corner lot it functions as a corner lot because of the shopping center driveway; by moving the building to the front corner of the property as requested by staff, the bank needs a sign on the south side of the building in addition to the two street sides of the building.

Ms. Sarah Glen of Chase Bank said that she does signs for all new Chase banks. She said that the typical Chase Bank is blue and its architecture identifies it as a Chase Bank. She said because they were doing this building in traditional brick and glass, it would not be as easily identifiable. She said this was another reason that additional signs were needed.

In response to earlier questions that were asked, Ms. Glen said that there would be no window signs and that the only electronic message signs would be located inside and behind the teller which would not be visible from the outside.

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

Commissioner Grunsten said that additional signs may be justified but she is not sure if four signs are justified.

Mr. Pollock said he agrees and said that staff is recommending a maximum of three signs.

Mr. Citron said that they would like four signs but would agree to proceed with only three signs if that is the decision of the Commission.

Commissioners Stratis and Bolos both said they agree that three signs should be the maximum.

There was discussion on which sign would be removed. Chairman Trzupek said that he thinks the north side sign should be the one to be removed because it has the least impact and would be visible at the same time as the west side sign. However, he added that he would suggest that the petitioner determine which sign would be removed.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Stratis to accept the petitioner's findings of fact as submitted and recommend that the Board of Trustees approve the conditional sign and sign variations as requested by S-05-2012 subject to the following conditions:

1. Compliance with the submitted sign plans except as specifically modified herein;
2. Removal of one of the four wall principal wall signs from the building with the result being a maximum of three walls signs.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. S-06-2012: 450-850 Village Center Drive (Village Center); Conditional Sign Approval for Portable Sidewalk Signs

Chairman Trzupek asked staff to summarize this request.

Mr. Pollock said that the petitioner seeks approval of portable sidewalk sign as per a recent amendment to the Sign Ordinance. He said the sign package includes several signs for tenants that exceed the height and area permitted by the Sign Ordinance. He said the largest sign was 72 inches in height and about 16 square feet in area rather than the maximum of 48 inches and 9 square feet in area.

Mr. Scott Rolston, property manager of the Burr Ridge Village Center, described the signs that had been included in the request. He said that the signs that exceed the maximum permitted area and height would be located within 3 feet of the building.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Cronin to recommend that the Board of Trustees approve the conditional sign and sign variations as requested by S-06-2012 subject to the following conditions:

1. Compliance with the submitted sign plans;
2. Any sign exceeding the maximum permitted size of four feet in height and 9 square feet in area shall be located within 3 feet of the front wall of the building.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

C. S-07-2012: 76-324 Burr Ridge Parkway (County Line Square; Conditional Sign Approval for Portable Sidewalk Signs

Chairman Trzupek asked staff to summarize this request.

Mr. Pollock said that the petitioner seeks approval of portable sidewalk sign as per a recent amendment to the Sign Ordinance. He said the sign package includes chalkboard signs and plastic A-frame signs. He said both signs comply with the size restrictions of the Sign Ordinance but that the chalkboard signs are prohibited.

Mr. Bob Garber, owner of the County Line Square Shopping Center, agreed to withdrawal the request for the plastic A-frame signs.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Bolos to recommend that the Board of Trustees approve the conditional sign request subject to compliance with the submitted sign plans except that plastic A frame signs are prohibited.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

D. PC-07-2012: Zoning Ordinance Text Amendment – Driveway Width

Chairman Trzupek asked staff to summarize this consideration.

Mr. Pollock said that he had been asked by several residents that the Village consider allowing non-conforming driveways to be replaced without having to bring them into compliance with the maximum width requirement of 22 feet. He said that the requirement for legal non-conforming structures is that when they are replaced, they must be made to conform to current standards. Mr. Pollock said that there are quite a few driveways in subdivisions developed in the 1980's and early 1990's that have driveways that are up to 30 feet wide.

The Commission discussed the matter and although were clearly not committed to amending the Zoning Ordinance, the Commissioners believed a hearing was warranted.

A MOTION was made by Commissioner Franzese and SECONDED by Commissioner Stratis to request authorization from the Board of Trustees to conduct a public hearing to consider a Zoning Ordinance text amendment relative to driveway widths.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that the next meeting is scheduled for December 3, 2012.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to **ADJOURN** the meeting at 09:51 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:51 p.m.

Respectfully Submitted:

J. Douglas Pollock, AICP

December 3, 2012