

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

MARCH 18, 2013

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, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

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

ABSENT: 1 - Grunsten

Also present was Community Development Director Doug Pollock and Trustee Guy Franzese.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to approve minutes of the February 18, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Hoch, Bolos, Stratis, 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. V-01-2013: 6545 County Line Road (Becker); Variation

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

Mr. Pollock described the petition as follows: The petitioner resides at 6545 County Line Road and has recently purchased the vacant lot behind their property. The vacant lot has frontage on Shady Lane. The petitioner seeks to use the two lots as one single lot and to construct a garage in the rear yard of the consolidated lots. For access to the garage, the petitioner seeks to construct a driveway from Shady Lane. Zoning variations are required to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a

driveway for access to Shady Lane) and to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line.

Chairman Trzupsek asked for comments from the petitioner.

Mr. Bob Becker stated that he and his wife Betty have lived at this house for 25 years. He said that construction activity during that time has resulted in a lot of deforestation of land and that he and his wife want to give back to the community by preserving the additional land area and adding trees and other native plantings to the area. He said they will be constructing a garage with a glass pavilion on top for viewing the restored land and adding outdoor art to the land. He said that in order to access the garage he would have to either add a very long driveway from County Line Road or construct a much shorter driveway from Shady Lane. He said that due to the terrain and trees, the area is not visible from the house and security is a concern which needs to be addressed with the gate. Mr. Becker introduced his architect, Mr. Mike Culligan, and his Landscape Architect, Mr. Toney Lavello.

Mr. Culligan stated that the design and location of the building is to complement the area and to minimize the impact on the landscape.

Mr. Lavello said that if they had to construct a driveway from County Line Road many more trees would have to be removed. He said that security is very important, particularly with all of the valuable art that will be displayed on the property and that the logical location of the gate is at the existing bridge.

Chairman Trzupsek asked for public comments and there was none. He then asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about the location of the common lot line between the lots, any fencing on the property and asked about the distance from the house to the garage. In response to Commissioner Cronin, Mr. Lavello showed the approximate location of the lot line, stated that there was no existing or proposed fencing and said that there was approximately 700 feet from the garage to the house. Mr. Lavello added that there are pathways between the garage and the house.

Commissioner Bolos said that she appreciates the petitioner converting an average property into a great property. She confirmed with the petitioner that the garage is for a collection rather than everyday use. Mr. Becker said that the new garage is for "toys" that are parked elsewhere at this time and that they would continue to use the attached two car garage for their daily vehicles.

Commissioner Bolos asked how many trees would be removed. Mr. Becker said two trees would have to be removed but that many more trees will be added.

Commissioner Bolos asked about lighting and the condition of the bridge. Mr. Becker said that low level lighting will be provided along the pathways and for some of the artwork. He said that he believes the bridge is in good condition.

Commissioner Stratis asked the petitioner to describe the turf and grass area. Mr. Lavello said that there would be a prairie restoration area and that the pathways would be the same grass but mowed to form the pathway. In response to a follow up question, Mr. Lavello said that he does not believe there are any wetlands on the property. He also responded that there are about 1.5 car lengths between the gate and the street.

Commissioner Stratis asked staff if they had received any objections from neighbors. Mr. Pollock said he had not. The residents to the north and south of the subject property were present and stated that they did not object to the variations.

Commissioner Hoch asked about emergency access for the fire district. Mr. Becker said that they would have a lock box. Mr. Pollock added that a permit would not be issued until the Fire District provides an approval letter.

Chairman Trzupke asked Mr. Pollock what may be considered unique about this property. Commissioner Bolos added that there is at least one other similar property next door. Mr. Pollock said that unique for zoning purposes does not mean it is the only one but instead means that it is a situation or circumstance that occurs infrequently in the Village. He said that while there are other properties that have a rear lot line on a local street, it does not happen very often in the Village and may be considered unique.

Commissioner Stratis stated that his property has a rear lot line that abuts a local street and some day he may want to have similar access. He said that he would recuse himself from the vote as he may benefit from this variation.

There being no further questions or comments, Chairman Trzupke 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-01-2013.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Bolos, Stratis, Hoch, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Chairman Trzupke asked if there should be one or two motions for this request. Commissioner Stratis asked for two separate motions.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to approve the findings of fact as submitted by the petitioner and to recommend approval of a variation from Section IV.G.2 of the Burr Ridge Zoning Ordinance to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a driveway for access to Shady Lane) for the property at 6545 County Line Road subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 - Stratis

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to approve the findings of fact as submitted by the petitioner and to recommend approval of a variation from Section IV.I.12 of the Zoning Ordinance to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line for the property at 6545 County Line Road subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

B. Z-04-2013: 590 Village Center Drive (Wok N' Fire); Special Use

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

Mr. Pollock introduced the hearing as follows: In 2012, the Board of Trustees granted a special use to allow a temporary outdoor dining area on the Village Center Drive and Lifetime Drive sidewalk. It was the intent of the landlord and the tenant to construct a permanent patio for outdoor dining but to use the sidewalk dining area for the first year. The petitioner and the landlord have indicated that they still intend to construct a permanent patio for outdoor dining but would like to continue the sidewalk dining area for at least one more year.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Michael Durlacher was present on behalf of the petitioner. Mr. Durlacher is the attorney for the petitioner. He confirmed that the petitioner plans to construct a patio in the future but would like to continue using the sidewalk dining area for at least one more year. He suggested a two year approval so that if the patio is not constructed for next year, they would not have to come back next year.

There being no one else in attendance to speak to this matter, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Hoch asked staff if there had been complaints regarding the operation of the outside sidewalk dining area. Mr. Pollock said that there were no complaints.

Commissioner Stratis said he had no questions.

Commissioner Bolos said she does not favor the two year extension and prefers an annual review until such time that the patio is constructed.

Commissioner Cronin asked how many tables were in the sidewalk seating area. Mr. Durlacher said there were 8 tables and 32 seats.

Commissioner Cronin said that he recalls there were some issues with the railing. Mr. Pollock explained that the railing had been changed but was properly approved by staff and the Plan Commission.

Chairman Trzupsek says that he recalls the enclosed seating area extending closer to LifeTime Drive than what is shown on the plan. He asked the petitioner to clarify.

Mr. Durlacher said he was not sure if it was different from last year but that he would be sure that the enclosure complies with the submitted plans in the future.

Chairman Trzupsek asked staff if the patio complied with all of the regulations of the Zoning Ordinance for outside dining. Mr. Pollock said that it does comply. He added that it was the desire of the Village and the landlord to have a permanent patio constructed behind the restaurant rather than on the sidewalk and that was the reason for the temporary approval.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to close the hearing for Z-04-2013.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Stratis, Bolos, Hoch, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Chairman Trzupsek asked for a motion on the request for special use approval.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of Z-04-2013, a request for special use approval for an outdoor dining area for an existing restaurant, at 590 Village Center Drive, subject to the following conditions:

1. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans including but not limited to the number of tables and chairs and the setback from LifeTime Drive.
2. The special use for the outdoor sidewalk dining area shall be temporary expiring December 31, 2013.
3. All railings, tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.

4. The concrete floor of the outdoor dining area shall be treated and cleaned after completion of its use before the winter season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.
5. The outdoor dining area shall not extend beyond the same hours of operation as the restaurant.
6. 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.
7. The door to the dining area shall be self-closing.
8. Tables shall be cleaned promptly following use.
9. Furniture shall be weighted to prevent their movement in the wind.
10. Umbrellas used within the outdoor dining area shall be black and shall not include any logos, text or other advertising.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. Z-03-2013: Zoning Ordinance Text Amendment – Residential Driveways

Chairman Trzupek asked if there was anyone in attendance for this hearing. There being none, he suggested a continuance due to the number of items remaining on this agenda.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to continue the hearing for Z-03-2013 to April 15, 2013.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Hoch, Cronin, Bolos, 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. S-01-2013; 150 Harvester Drive – Sign Variation

Chairman Trzupsek asked Mr. Pollock to describe this request.

Mr. Pollock described the request as follows: The owner of the office building at 150 Harvester Drive has recently signed a new tenant, Brookfield. The new tenant would like a 60 square foot wall sign on the building. An existing tenant, Insure One, already has a 60 square foot wall sign. The subject property is one of three parcels in a Planned Unit Development. The three parcels share access and parking. One of the parcels is improved with a one-story building, the second contains the subject building which is three stories, and the third parcel is planned for a matching three story building. There is also a monument sign that identifies tenants in the one-story office building. The monument sign is approximately 40 square feet in area.

Chairman Trzupsek asked the applicant if they wanted to make any comments.

Mr. Jim Oguin, attorney, stated that he represents the owner of the property. He stated that the sign would be in harmony with the sign code as the building is large enough to support the sign area of the existing sign and the proposed sign. He noted that these signs are a combined 120 square feet and the sign code would typically allow up to 161 square feet of sign area for a building of this size.

Mr. Oguin added that the sign would not negatively impact the area as it is consistent with the Loyola building which has two signs on the property and that it is consistent with the building as it will be placed within a recessed area similar to the existing Insure One sign. He added that these factors combined with the difficulty competing with other towns for office tenants justified the granting of the variation.

Chairman Trzupsek stated that he thinks this may be different from other corner lots as you will be able to see both signs at the same time. Mr. Oguin responded that this commonly happens on corner lots and referenced the Burr Ridge Police station as an example.

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

Commissioner Cronin stated that the Insure One sign is more prominent and brighter than typical office building signs and that the Loyola signs match each other. He said he is concerned and needs to be convinced that this is appropriate.

Commissioner Bolos asked if the proposed sign used the same materials and lighting as the existing sign. Mr. Oguin said that the proposed sign would be back lit instead of internally illuminated.

Commissioner Stratis said he shares Commissioner Cronin's concern. He said he does not see the photos of other signs in other Villages as compelling because those signs are ugly. He also added that while Oak Brook may allow additional signs, they also have many sign constraints relative to design and illumination.

Commissioner Hoch asked if the two names could be combined into one sign such as was done for JPD Kitchen and LA Fastener.

Chairman Trzupsek stated that it appears the existing Insure One sign is hurting the chances for the proposed sign. In response, Mr. Oguin said that if the Plan Commission wants to make a recommendation to replace the Insure One sign they would consider it.

Chairman Trzupsek said that he would support the sign request if the Insure One sign was made to match the proposed sign. Mr. Oguin responded that they would agree to make the Insure One sign back lit but that it would still be red.

Chairman Trzupsek asked if there was a consensus to proceed with a condition that both signs be back lit. Commissioner Bolos suggested that they be the same color. There was a consensus of the Plan Commission to make them both back lit but to allow the signs to be different colors. Commissioner Stratis summarized that the signs would be back lit at night and look identical but that one would be red and other blue during the day.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to recommend approval of variations from the Sign Ordinance as follows: from Section 55.08.A.1 to permit two wall signs on an interior lot in addition to a monument sign and from Section 55.08.A.1.b to permit the total sign area of 120 square feet on a building with less than 150 feet of street frontage subject to the following conditions:

1. Approval of the proposed sign shall be subject to the replacement of the existing “Insure One” sign in compliance with the terms of this approval and concurrent with the construction of the proposed sign.
2. Both signs shall be located on the building as shown on the submitted plans.
3. Both signs will use 100% opaque letters and may only be illuminated with back lighting (a.k.a. halo lighting) with each individual letter attached directly to the building.
4. Both signs shall be made by the same manufacturing for consistency in materials and design.
5. Approval of this request shall supersede all other signs for the third building in the PUD and any signs that may be sought for the third building shall be subject to the review and approval of the Plan Commission and Board of Trustees.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Bolos, Cronin, Hoch, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

B. PC-03-2013: 101 Tower Drive – Informal Review

Chairman Trzupek asked Mr. Pollock to describe this request.

Mr. Pollock said that a contract purchaser of the property at 101 Tower Drive seeks to convert the building from a manufacturing facility into offices. The existing zoning permits office use of the property but the buyer may have problems with several regulations of the Village's Zoning Ordinance. In particular the buyer would like to put a synthetic stucco or EIFS façade on the building and may not have sufficient parking.

Mr. Tim Walsh was present and stated that his company is the potential buyer of this property. He said that the high ceilings and extra land for parking make this building well suited for conversion into an office building. He said they may be able to address the parking by leaving a loading dock and using it for indoor parking. He added that the purpose of the EIFS siding was to make the building look like the pre-cast concrete panels used on the adjacent Loyola building.

In response to Chairman Trzupek, Mr. Walsh said that the bio-swale is intended to reduce the amount of detention and that they may also use permeable pavers to reduce the amount of detention volume required.

Chairman Trzupek said he does not like the use of the EIFS for this building. He noted that all of the other buildings on Tower Drive were masonry. He is concerned that the use of EIFS would set a precedent and is particularly concerned because this is a high profile gateway to the Village. He suggested that they consider tuck pointing the brick and coating each individual brick with a material that would make the brick look new.

Chairman Trzupek also suggested metal panels that were used on a building in Oak Brook. Chairman Trzupek referred to two photos he had sent staff and were shown on the screen of a building in Oak Brook that was rehabbed with metal panels.

Commissioner Bolos said she shares the concerns with Chairman Trzupek.

Commissioner Cronin said he agrees and thinks there should be no flexibility on the prohibition of EIFS for the building façade. He said he wants to see the building rehabbed but does not want to set a precedent for the use of EIFS.

Commissioner Stratis agreed but said he is less concerned about the two walls that do not face the street. He noted that some of his business clients will not use EIFS because it does not last long. He added that he would like to see the building re-habbed and that maybe he would be more flexible with the limited use of EIFS on that portion of the building which does not face the street.

Chairman Trzupek thanked Mr. Walsh for his time and for presenting these issues for the Plan Commission's consideration.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupsek noted that there were no public hearings or other business scheduled for April 1, 2013 meeting.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Bolos to cancel the April 1, 2013 meeting. The **MOTION** was approved by a unanimous voice vote.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:23 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:23 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

April 15, 2013