

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JUNE 3, 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, Stratis, Grunsten, Hoch, and Trzupek

ABSENT: None

Also present was Community Development Director Doug Pollock

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to approve minutes of the April 15, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 4 – Hoch, Grunsten, Stratis, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 - Cronin

MOTION CARRIED by a vote of 4-0.

3. PUBLIC HEARINGS

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

A. Z-08-2013: 200 Burr Ridge Parkway (Dao Restaurant); Special Use

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

Mr. Pollock described the petition as follows: In 2011 the petitioner expanded the restaurant to incorporate an additional tenant space in the shopping center. This petition seeks to extend the outdoor dining area in front of this additional storefront space while also removing some of the outdoor dining area from the opposite end of the expanded storefront.

Chairman Trzupek asked for comments from the petitioner.

Mr. Frank Strahan, contractor for the owner, said that he has nothing to add to the staff report but he did show a sample of the metal railing.

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

Chairman Trzupek noted that the site plan showed wider gaps between the vertical members of the railing than the typical code maximum of 4 inches. Mr. Strahan said that they would use a railing with a maximum 4 inch gap as required by code.

Commissioner Cronin asked if there had been any complaints about the restaurant or outdoor dining area. Mr. Pollock said he was not aware of any complaints.

Commissioner Stratis asked if the railing was anchored to the concrete. Mr. Strahan said that it would be anchored to the concrete and remain up throughout the winter months.

Commissioner Grunsten asked if there would be access to the outdoor dining area from the new hibachi restaurant. The owner was present and said that there would be access from both parts of the restaurant.

In response to Commissioner Hoch, the owner said there would be planters throughout the outdoor dining area. Commissioner Hoch also asked about the design on the railing. Mr. Strahan said there would be no diamond or circle patterns as shown in the drawings. He anticipated it would be a simple vertical railing.

Chairman Trzupek read the conditions recommended by staff and asked the petitioner if they agreed with these conditions. The owner stated that she did agree.

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 Stratis to close the hearing for Z-08-2013.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Chairman Trzupek asked for a motion regarding this petition.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Cronin to adopt the same findings of fact as were adopted in 2011 for the original special use and to recommend approval of a special use approval as per Section VIII.B.2.x of the

Burr Ridge Zoning Ordinance to allow for the expansion and modification of an outdoor dining area for an existing restaurant. subject to the following conditions:

- A. Tables, chairs 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 County Line Square.
- C. The outdoor dining area shall be restricted by 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 except that the design of the metal railing shall be subject to the review and approval of the Community Development Director.
- E. Music and all other amplified sound should be kept to a moderate level so it is not audible from any property adjacent to County Line Square.
- F. There shall be no text or logos on the umbrellas.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

B. Z-09-2013: 60 Shore Drive (Muka); Special Use

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

Mr. Pollock introduced the hearing as follows: The petitioner seeks special use approval for automobile sales and service in an existing building at 60 Shore Drive. The subject property is improved with a 60,000 square foot warehouse building. There is already an auto sales business in the building (Corvette Mike's). The subject business would be similar except that it would specialize in the sales of pre-owned luxury automobiles. They would occupy 7,400 square feet of the building.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Rosso Boba stated that he is an owner of the business. He said he had nothing to add to the staff report.

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 if there were any current violations on the property. Mr. Pollock said that other than the need for the special use, there were not violations that he was aware of at this time.

Commissioner Grunsten asked if this was their first time in the auto sale business. Mr. Boba said they had been selling cars in Indiana for 20 years.

In response to Commissioner Grunsten, Mr. Boba said that all of their cars have been moved inside the building and they will not keep any cars outside.

Commissioner Stratis asked about trash on the property. Mr. Boba said that he has cleaned up the property and will continue to maintain the property.

In response to Commissioner Stratis, Mr. Boba explained the hybrid parking lot lights. Mr. Boba said this is another business they have in the building, the business being the manufacturing of self-sustaining lights.

Commissioner Stratis also asked about signs and noted that the sales tax figures provided by the petitioner do not add up. Mr. Pollock said that they would likely be back for sign approval as they would like a sign and any additional signage on the property would require a variation.

Mr. Boba apologized for the errors in the sales tax numbers and said that perhaps the accountant had included their other business in calculating the numbers.

Commissioner Cronin asked if the petitioner had an Illinois Dealers License. Mr. Boba said they could not get the license until they have approval from the Village.

Commissioner Cronin asked about the number and types of cars. Mr. Boba said they usually have 45 to 50 cars inside the building and they turnover 10 to 15 cars per month. He said they are not exotic cars but are luxury cars such as Mercedes Benz and BMW. He added that they will unload vehicles from a truck parked along the south side of the building.

Chairman Trzupsek asked about the service and repair. Mr. Boba said there is a service bay and they do minor detailing and repairs but they send the cars out if they need more work. He added that they now have 5 employees but would anticipate that going up to 15. He said that 95% of the cars they sell are on site but they will occasionally search for a specific car if a customer requests.

Chairman Trzupsek asked about an old van parked on the site. Mr. Boba said that is not theirs.

Commissioner Hoch asked about the hours of operation. Mr. Boba said they would be 9 am to 8 pm Monday through Friday, 9 am to 6 pm on Saturdays, and closed on Sundays.

Chairman Trzupsek asked the petitioner if he agreed with the conditions recommended by staff. After review, the petitioner said he agreed.

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Cronin to close the hearing for Z-09-2013.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to accept the petitioners findings of fact as submitted and to recommend approval of Z-09-2013, a special use as per Section X.F.2.a of the Burr Ridge Zoning Ordinance for an Automobile Sales and Service business in a GI General Industrial District, subject to the following conditions:

- A. The special use permit shall be limited to the sales of pre-owned luxury automobiles with minor detailing and repairs.
- B. The special use shall be limited to the 7,400 square feet of floor area as designated on the site plan.
- C. The special use permit shall be limited to Brand Max Motors and shall expire at such time that Brand Max Motors no longer occupies the space at 60 Shore Drive or at which time there is an assignment or termination of the lease for the space at 60 Shore Drive.
- D. Outside display and/or storage of any goods, materials, and automobiles shall be prohibited.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. Z-10-2013: 15W308 North Frontage Road (Bryjak); Special Use

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

Mr. Pollock introduced the hearing as follows: The petitioner requests special use approval for the continued use of the property for an automobile repair and service business with limited outside storage of automobiles. In 2011 the petitioner was granted a temporary special use for automobile service with limited outside storage of vehicles

for sale. The petitioner's business powder coats and installs automobile parts (for example, wheels). The previous special use was temporary for two reasons. There were prior property maintenance violations and the two year time period would allow the Village to determine if the property was going to be properly maintained. Also, the Plan Commission indicated that they would like to see the property rezoned to the T1 District but accepted this use as an interim use.

Chairman Trzupek asked the petitioner for comments.

Mr. Richard Bryjak said he had nothing to add to the staff report.

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

Commissioner Cronin asked about occupancy of the other buildings on the site. Mr. Pollock said that the owner uses one of the buildings for storage. Mr. Bryjak said there was an office in the other building.

The other Commissioners said they had no further questions.

Chairman Trzupek asked the petitioner if he agreed with the conditions recommended by staff. Mr. Bryjak said he agreed with those conditions.

There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to close the hearing for Z-10-2013.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the findings of fact from the 2011 special use approval and to recommend approval of Z-10-2013, a special use as per Section VIII.C.2 of the Burr Ridge Zoning Ordinance for the continued use of the property for an automobile repair and service business with limited outside storage of automobiles, subject to the following conditions:

- A. The special use shall be restricted to the current tenant and owner and shall be limited to the powder coating of automobile parts and related work.
- B. The special use may include outside storage of operable vehicles located immediately behind the building at 15W308 North Frontage Road and with said

storage not exceeding 5 vehicles. No wrecked, unlicensed, or inoperable vehicles shall be stored on the property at any time.

C. The special use shall be for a limited period of time not to exceed 2 years.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

D. V-03-2013: 8611 Crest Court (Schulz); Variation

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

Mr. Pollock introduced the hearing as follows: The petitioner requests a variation to permit a fence that exceeds the maximum permitted height of 5 feet. The homeowner seeks to construct a swimming pool and patio improvements for an existing home. A requirement of the Village's Building Ordinance is that the pool be enclosed with a fence. In this particular case, the petitioner is challenged by a significant change in grade and the need to construct retaining walls around the pool and patio area. As a result, the fence that is proposed for the pool has to cross the retaining walls at a 90 degree angle which results in the fence exceeding the maximum height permitted by the Zoning Ordinance (4 foot fence plus 3.5 foot retaining wall).

Chairman Trzupek asked the petitioner for comments.

Mr. David Schulz, architect for the property owner, added that the fence cannot be seen from any adjacent property. He said that the pool and fence sit 4 feet below the street level and with the berming and landscaping, the fence will not be seen.

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

Chairman Trzupek asked about other options that would not require the fence to cross the retaining walls. Mr. Pollock said that is possible but due to the grade change, it would make the pool and surrounding patio extremely small.

Commissioner Hoch asked the petitioner if they had the approval of the Homeowners Association. Mr. Schulz said they did.

Commissioner Stratis said he had no further questions and believes the variation meets the standards for a variation.

There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to close the hearing for V-03-2013.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Cronin to accept the petitioners findings of fact as submitted and to recommend approval of V-03-2013, a variation from Section IV.J.1 of the Burr Ridge Zoning Ordinance to permit a fence that exceeds the maximum permitted height of 5 feet, subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

AYES: 5 – Grunsten, Cronin, Stratis, Hoch, 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. PC-04-2013: 15W150 South Frontage Road (Odyssey Hotels): PUD Pre-Application Review

Mr. Pollock said that the Zoning Ordinance requires a pre-application review by the Plan Commission for all Planned Unit Developments. He said a hotel developer has entered into a contract to purchase the 4.4 acre property located between South Frontage Road and 75th Street and between the ESA Hotel and the Quality Inn Hotel. The developer proposes to construct two five-story hotel buildings. The proposed development requires a Planned Unit Development to allow more than one building on a lot, to allow the maximum height to exceed three stories, to allow the floor area ratio to exceed 0.25, and to allow a reduced front yard setback.

The developer, Mr. Rachit Dhingra, introduced himself and his construction manager, Mr. Eric Augt. They presented the site plan and building elevations to the Commission.

Chairman Trzupek asked about the location of dumpsters next to the house on 75th Street and asked about the alignment of the driveway on South Frontage Road.

Commissioner Hoch asked about the need for a hotel and suggested a market study with occupancy rates of existing hotels in Burr Ridge.

Commissioner Stratis asked about the lighting plan. Mr. Pollock suggested that the petitioner refer to the parking lot lighting standards in the Zoning Ordinance and provide a lighting plan for the public hearing.

Commissioner Stratis recommended a fence to be located along the south lot line and wrapping around the south portion of the side lot lines. He said this may deter some crime that occurs in parking lots.

There was a general discussion regarding the sight lines from the residential area to the south as well as the signs on the property. It was suggested that the developer provide perspective or cross section drawings showing different views from the residential areas.

There was also discussion regarding the elevations and building materials. Chairman Trzupke noted that the EIFS indicated on the vertical panels of the Hampton building should be changed and recommended that EIFS not be used on the hotel canopy.

Mr. Pollock noted that this was a pre-application review and he will continue to work with the developer to incorporate the Commission's recommendations before the public hearing.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupke noted that there would not be a quorum for the June 17, 2013 meeting and therefore, that meeting would be canceled. He said that there would be a special meeting on July 1 to make up for the canceled meeting.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch 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

July 1, 2013