

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

SEPTEMBER 16, 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: 7 – Cronin, Hoch, Grunsten, Scott, Grela, Praxmarer, 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 Scott and **SECONDED** by Commissioner Cronin to approve minutes of the August 19, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Scott, Cronin, Grela, Praxmarer, and Trzupek

NAYS: 0 – None

ABSTAIN: 2 – Hoch and Grunsten

MOTION CARRIED by a vote of 5-0.

3. PUBLIC HEARINGS

A. V-04-2013: 8426 Meadowbrook Drive (Leja); Variation and Findings of Fact

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

Mr. Pollock summarized the hearing as follows: The subject property is improved with a 1.5 story single family residence. The petitioner proposes to construct a full second story and make other improvements to the home. The existing home was constructed prior to annexation into the Village and is non-conforming as to its setback from the north lot line. By adding a second story the petitioner is expanding the degree of the non-conformity and, therefore, a variation is required.

Chairman Trzupke asked if the home was built prior to annexation to Burr Ridge and if it complied with County zoning regulations. Mr. Pollock said it was definitely built before annexation. He said he could not confirm that it was built to County zoning regulations but based on similar homes in the area he guessed that it complied with County zoning regulations.

Chairman Trzupke asked the petitioner if he had anything to add to the staff report.

Mr. Casey Leja said that he bought the property earlier this year and intends to move into the home with his family. He had nothing further to add to the staff report.

Chairman Trzupke asked for comments or questions from the public.

Mr. Glenn Smoczynski, 8616 Meadowbrook Drive, stated that the homes in the area were served by well and septic and he wanted to make sure the expansion of this house would comply with appropriate standard for the septic field. Mr. Leja said that his architect had confirmed that they would be in compliance with applicable regulations for the septic field.

Mr. Smoczynski said he has no problems with the proposed setback variation.

Mr. Pollock said that before a building permit can be issued for the addition, the property owner would have to verify that the existing septic system complies with applicable codes. He said he did not know if it would have to be expanded or improved but if the codes required expansion or improvement, the permit would not be issued until appropriate plans are provided.

There being no further public comments, Chairman Trzupke asked the Plan Commission for questions and comments.

Commissioner Cronin asked if the immediate neighbors had any objections. Mr. Pollock said he heard from one neighbor who said they did not object. There were no other neighbors present at the hearing beside Mr. Smoczynski.

Commissioner Hoch confirmed that the addition would be built on the existing foundation and within the existing footprint of the home.

Commissioners Grunsten, Scott, and Grela said they had no questions. However, Commissioner Grela added that he thinks this is a textbook case for a variation.

Commissioner Praxmarer said she agrees.

There being no further questions or comments from the Plan Commission, Chairman Trzupke asked for a motion to close the hearing.

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

ROLL CALL VOTE was as follows:

AYES: 7 – Cronin, Hoch, Scott, Grunsten, Grela, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of V-04-2013 subject to compliance with the submitted plans and the variation being limited to the addition as proposed.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. Z-17-2013: 116-118 Burr Ridge Parkway (LaCabanita); Special Use

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

Mr. Pollock summarized the hearing as follows: The petitioner received special use approval in 2011 for a restaurant with sales of alcoholic beverages. A previous special use approval allowed a sidewalk seating area for a restaurant at this location. At this time, the petitioner proposes to double the floor area of the restaurant and to convert the sidewalk seating area to full service outdoor dining area. Special use approval is required for a restaurant with sales of alcoholic beverages within the additional floor area and for a full service outdoor dining area. The special use approval for the existing sidewalk seating area does not permit table service or consumption of alcoholic beverages for the sidewalk seating area.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Robert Spadoni said he was the attorney for the petitioner and was prepared to answer any questions.

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

Chairman Trzupek asked about the proposed vestibule shown on the floor plan. Mr. Spadoni said this was a vinyl awning that is intended to protect guests from the weather as they enter the restaurant. In response to Chairman Trzupek, Mr. Spadoni said the vinyl vestibule will only have one door.

Commissioner Grela said that the description provided by the attorney for the petitioner is different from what is shown on the plan.

Commissioner Praxmarer asked about the number of tables and chairs. She noted that only four tables were shown. Mr. Spadoni said that they could have as many 33 chairs and if they need to express a number, they would commit to no more than 33. Mr. Spadoni added that the tables and chairs would be identical to Dao Sushi and Thai Restaurant.

Commissioner Grela asked the attorney why the plans did not accurately reflect what is intended for the entryway and outdoor dining area. Mr. Spadoni said he did not draw the plans. Commissioner Grela noted that it is the petitioner's responsibility to submit accurate plans and the attorney is representing the petitioner.

Commissioner Grela asked if the Plan Commission could make recommendations to change the plan as a condition of approval or if the hearing needed to be continued. Mr. Pollock said he thought conditions could be attached to a recommendation rather than continuing the hearing.

Commissioner Scott said he wants to know the exact number of chairs proposed. Chairman Trzupke suggested that a revised plan should be provided showing the maximum number of chairs proposed.

Commissioner Grunsten asked about the live entertainment. Mr. Spadoni said they would have strolling musicians for the entertainment of diners.

Commissioner Hoch clarified the condition in the staff report regarding sound levels.

Commissioner Cronin asked if a patron could order drinks without food. Mr. Spadoni said that food would always be available.

Commissioner Cronin said he would like to see the revised plan emailed to him before the Board meeting next week. He said if he did not get a revised plan he would attend the Board meeting and recommend that the Board send it back to the Plan Commission for further review.

There being no further questions or comments from the Plan Commission, Chairman Trzupke asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for Z-17-2013.

ROLL CALL VOTE was as follows:

AYES: 7 – Cronin, Grunsten, Hoch, Scott, Grela, Praxmarer, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A MOTION was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval to permit a restaurant with sales of alcoholic beverages and live entertainment as per Z-17-2013 subject to the following conditions:

- a. The special use permit shall be limited to LaCabanita and the current owners and shall expire at such time that LaCabanita and the current owners no longer own and operate the business at 116 - 118 Burr Ridge Parkway.
- b. A revised site plan shall be provided to the Community Development Director prior to Friday, September 20, 2013. The revised site plan shall indicate limited access to the outdoor dining area and the maximum number of tables and chairs in the outdoor dining area as required by the Zoning Ordinance.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Hoch, Cronin, Scott, Grunsten, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A MOTION was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval for the outdoor dining area as per Z-17-2013 subject to the following conditions:

- a. The outdoor dining area shall comply with Section VIII.A.5 of the Zoning Ordinance including the complete enclosure of the outdoor dining area.
- b. All furniture and related appurtenances shall be removed during the winter season when the outdoor dining area is not in use.
- c. 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.
- d. The outdoor dining area shall be restricted by 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.
- f. 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.
- g. There shall be no text or logos on the umbrellas.

- h. A revised site plan shall be provided to the Community Development Director prior to Friday, September 20, 2013. The revised site plan shall indicate limited access to the outdoor dining area and the maximum number of tables and chairs in the outdoor dining area as required by the Zoning Ordinance.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There was no discussion regarding the Board Report or Building Report.

5. OTHER CONSIDERATIONS

Chairman Trzupek asked that item B be considered first.

B. Z-12-2013: 15W150 South Frontage Road (Odyssey Hotels); Findings of Fact

Mr. Pollock explained that in response to the Commission's recommendation to deny the PUD, it is necessary to adopt Findings of Fact in support of its recommendation.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to adopt as the Findings of Fact for Z-12-2013 as submitted by staff.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Cronin, Hoch, Grunsten, Scott, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

C. PC-09-2013: Zoning Ordinance Text Amendment – Driveway Width

Mr. Pollock said that he was asked by two Trustees to place this on the agenda to ask the Plan Commission if they wanted to hold a public hearing to consider additional amendments to the regulations for driveway widths. Mr. Pollock described this consideration as follows: Earlier this year the Plan Commission recommended and the Board approved an amendment that allowed residents with non-conforming driveways to replace the driveways without bringing them into conformance relative to the driveway width. Subsequently, a resident who was made to narrow their driveway in 2010 asked if they could go back to a wider, non-non-conforming driveway. In response, two Trustees are asking the Plan Commission to consider requesting authorization to conduct a public hearing for further amendments to the driveway regulations.

After discussion, the Plan Commission concluded that there was sufficient reason to hold a public hearing and consider further amendments.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to request authorization from the Board of Trustees to hold a public hearing to consider amendments to the driveway regulations. The **MOTION** was unanimously approved by a voice vote of the Plan Commission.

A. PC-08-2013: Discussion of Plan Commission Procedures

Mr. Pollock asked if the Plan Commission wanted to consider any changes regarding the order of voting, the order of discussion, or seating arrangement. He said the issue was recently brought to his attention and he thought with the new Commissioners, this would be a good time to discuss.

After discussion by the Plan Commission, it was determined not to make any formal changes at this time but to allow the Chairman discretion in determining the order of voting and to consider new seating arrangements annually.

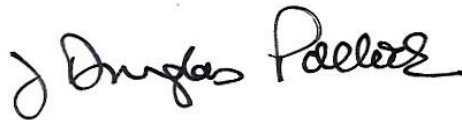
6. FUTURE SCHEDULED MEETINGS

There was no further discussion regarding future scheduled meetings.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:29 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:29 p.m.

Respectfully Submitted:



October 7, 2013

J. Douglas Pollock, AICP