

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**APRIL 21, 2014**

**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 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Sheth, and Trzupek

**ABSENT:** 1 – Scott

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

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to approve minutes of the April 7, 2014 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Hoch, Grunsten, Stratis, Praxmarer, Grela, Sheth, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**3. PUBLIC HEARINGS**

**A. Z-01-2014: 590 Village Center Drive (Wok N Fire); Special Use**

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

Mr. Pollock summarized the request as follows: The public hearing for this petition was continued from April 7 to April 21, 2014. The petitioner requested continuation of a temporary outdoor dining area located on the sidewalk. Prior special uses were granted for a one year period in 2012 and renewed for another year in 2013. At the April 7 hearing, the Plan Commission said they would consider allowing the temporary outdoor dining area if the petitioner first submitted plans for the permanent patio and committed to constructing the patio this year. The Commission had indicated they would like to see the permanent patio completed and the temporary dining area removed by July 15, 2014.

Mr. Pollock concluded that the petitioner agreed to construct the permanent patio and has submitted plans for that patio. He said that staff recommends approval of the plan but also recommends that the extension of the railing to a new service door in the front be removed.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Michael Durlacher stated that he was the attorney for the petitioner and that the petitioner had to leave the meeting tonight due to a family emergency. He said he had nothing to add to the staff comments and he is available to answer questions.

Chairman Trzupek asked staff to describe the plan in more detail. Mr. Pollock referenced a slide on the screen and described the layout of the proposed permanent patio. Chairman Trzupek asked the petitioner how they would phase and transition between the construction of the new patio and the use of the temporary patio. Mr. Durlacher indicated that there may be some down time as they make that transition.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter.

Trustee Guy Franzese suggested that the railing be raised from 3 feet to 4 feet. He was concerned that a 3 foot railing would not provide adequate security.

Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Stratis asked about the height of the Starbucks railing. Mr. Pollock said Starbucks used a four foot railing but that Dao Sushi and Thai used a three foot railing. He said staff prefers the shorter railing because diners can see over the railing and it creates more interaction between the outdoor dining area and the sidewalk. He said that he believes the landlord also prefers the 3 foot railing.

Commissioner Stratis asked for an explanation of the emergency exit doors. Mr. Pollock described the four existing exit doors plus the proposed service door. Commissioner Stratis added that he does not object to the extension of the railing toward the front door.

Commissioner Hoch said she is not concerned about congestion at the front door caused by the addition of a service door and the extension of the railing. She said she did not like the temporary outdoor dining area because it was too close to the street.

Commissioner Hoch questioned whether the permanent patio could be constructed on time and asked why the petitioner wanted to extend the railing toward the front and install a new service door. In response, Mr. Durlacher said they would like the deadline extended to July 31 so that they would be sure to have sufficient time. He said the new

service door would be closer to the bar and closer to the host station and thus make service better.

Commissioner Grunsten said she likes the curvature of the patio because it complements the building. She said she is happy with the plan as presented.

Commissioner Sheth said he had no questions or comments.

Commissioner Praxmarer said she did not think it was necessary to extend the deadline past July 15 and asked the petitioner to explain why they need more time. Mr. Durlacher said that they need to order the materials and that people have told him the contractors are behind due to the hard winter. He said July 1 is their goal but they are concerned they may need more time.

Commissioner Praxmarer asked why they do not build more of the back area. Mr. Durlacher said it is because of economics.

Commissioner Grela said that concrete should not be the reason for any delay as this work was a simple slab on grade. He said the railing is a catalogue item and he sees no reason to extend the deadline beyond July 15. He added that he does not like the extension to the front door.

Chairman Trzupsek said that he does not like the extension of the railing to the proposed new service door but it is something he can accept. He said he agrees that the railing should be 3 feet tall and not 4 feet. He said that he prefers to see the curved exterior for the railing and that he thinks July 15 is sufficient time to get the new patio completed. Chairman Trzupsek suggested that one of the two trees being removed for the patio be relocated to an island in the adjacent sidewalk.

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

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to close the hearing for Z-01-2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Grunsten, Stratis, Hoch, Sheth, Praxmarer, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to adopt the petitioner's findings of fact and recommend approval of Z-01-2014, a petition requesting special use approval as per Section VIII.C.2.ee of the Burr Ridge Zoning Ordinance to permit outdoor dining area for an existing restaurant subject to the following conditions:

- A. The temporary outdoor dining area may continue subject to the terms and conditions of the 2013 special use approval except that the special use shall expire on July 15, 2014 and the temporary outdoor dining shall be removed by July 16, 2014.
- B. All facilities and the configuration of the permanent outdoor dining area shall comply with the revised plans submitted to the Plan Commission for the April 21, 2014 hearing.
- C. All tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.
- D. 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.
- E. The outdoor dining area shall not extend beyond the same hours of operation as the restaurant.
- 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.
- K. A landscaping planter island with the placement of a parkway tree shall be provided in the vicinity of the permanent patio to replace one of the two trees being removed for the patio.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Stratis, Hoch, Grunsten, Sheth, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

Prior to the vote on the motion to recommend approval of the special use, the Plan Commission clarified some of the terms and conditions.

Mr. Pollock asked specifically about the extension of the railing to a new front service door. Commissioner Grela said his motion permits the railing extension and the service door.

Commissioner Grela also clarified that the railing would be 3 feet tall and that the circular portion of the railing could be done with straight pieces of railing in segments not to exceed 4 feet in length. He said curving the metal segments would be difficult and that straight segments situated in an arc would work better.

### **B. Z-03-2014: Zoning Ordinance Text Amendment – Beekeeping**

Chairman Trzupke asked Mr. Pollock to summarize this public hearing.

Mr. Pollock summarized the hearing as follows: The Plan Commission opened the hearing for this text amendment on April 7, 2014 and continued it to April 21 with direction to staff to prepare a set of draft regulations for beekeeping as a permitted accessory use in single-family residential districts. Draft regulations have been prepared for the Plan Commission's review.

Chairman Trzupke asked for public comments. There were none.

Chairman Trzupke asked the Plan Commission for questions and comments.

Commissioner Grela asked about the proposed 25 foot setback from all lot lines. Mr. Pollock said it was based on the regulations from Clarendon Hills that require a 20 foot setback if a solid fence or wall is not provided around the bee hive. He said that a bee hive located less than 20 feet from a lot line without a fly away barrier could become a nuisance for neighbors.

Ms. Alice Krampits said that she has kept bee hives before and believes that a 10 foot setback is sufficient.

Commissioner Grela said he does not want to require that yards with bee hives be fenced as required by the draft regulations.

Commissioner Hoch asked if there were any animals that are attracted to bee hives. Mr. Hansen said that skunks can be attracted but that the bees do a good job of keeping animals away from their hives. He said he has not seen this to be a problem.

Commissioner Grunsten referenced a Lake County Ordinance which requires re-queening of hives that show aggressive behavior. Mr. Hansen said that re-queening is something that should be done more often.

Chief Jenkins noted that the State of Illinois requires licensing of beehives maintained by people and has strict regulations for beehive maintenance. He said Clarendon Hills relies on the state regulations.

Commissioner Grela also suggested that the setback match the requirement for chicken coops. Mr. Pollock said that chicken coops are required to meet the setback of the home on the property which could result in a setback of more than 25 feet. Commissioner Grela suggested that perhaps 15 feet would be better.

Commissioner Praxmarer said she agrees with Commission Grela.

Commissioner Grunsten asked about the condition requiring a water source. Mr. Pollock said as he understands it, if there is not a water source by the hive, the bees will swarm to the nearest water source and could become a nuisance for neighbors.

Commissioner Hoch asked about requiring the removal of bee hive structure once it is abandoned. Commissioner Stratis responded that he does not think anything needs be added because an abandoned bee hive would be like any other structure on a property and subject to the same property maintenance regulations.

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to close the hearing for Z-03-2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Stratis, Grunsten, Hoch, Praxmarer, Grela, Sheth, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend approval of Z-03-2014, a petition to amend Section IV of the Burr Ridge Zoning Ordinance to add regulations for backyard or hobby beekeeping and related structures as follows:

Bee colonies are permitted as an accessory use for detached single-family residential properties when such accessory use is conducted by a resident of the same property for personal use only subject to the following terms and conditions:

1. All bees shall be of the common domestic honey bees of the *Apis Mellifera* species.
2. All bee colonies and beekeepers shall be registered with the Illinois Department of Agriculture as required by the Illinois Bees and Apiaries Act (510 ILCS 20/1 et seq.) and shall comply with all applicable regulations of said Department and legislation.

3. All colonies must be kept in inspectable-type hives, with removable combs, which shall be kept in sound, usable, and sanitary condition.
4. All colonies must be kept within the rear yard and rear buildable area with a minimum setback from all lot lines of 15 feet.
5. Bee hives on a lot shall be kept within one or more contiguous bee hive structure(s) with a combined area not exceeding 8 square feet and 6 feet in height.
6. Lots having 80,000 square feet of lot area or less shall not have more than two colonies. Lots exceeding 80,000 square feet of lot area may have a maximum of four colonies.
7. In any instance where a bee colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from a stock bred for gentleness and non-swarmling characteristics.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Sheth, 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-01-2014: 7650 Lincolnshire Drive (Pace Bus); Sign Variation**

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The petitioner is Pace Suburban Bus who operates the park and ride commuter lot in downtown Burr Ridge. They would like to put up a 1.5' x 4' electronic message panel that announces bus arrival times. The Burr Ridge Sign Ordinance does not permit electronic message signs. The only other such sign that has been allowed was for the Gower Middle School.

Chairman Trzupek asked for comments from the applicant.

Christine Rose from Pace Bus clarified that the sign would have a maximum of three rows of text but would typically use just one line. She said if there are more than one bus on its way there would be two or three lines used.

Chairman Trzupek asked for questions or comments from the public or from Commissioners.

Chairman Trzupek asked about the hours of operation for the sign and the park and ride. Ms. Rose said that first route in the morning leaves at 5:50 AM and last scheduled route arrives at 8:55 PM. In response to Commissioner Hoch, Ms. Rose added that there would be later buses after Sox and Bears games.

In response to Commissioner Stratis, Ms. Rose confirmed that there would not be advertising on the sign.

The other Commissioners all indicated that they had no further questions. Chairman Trzupek asked for a motion.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to recommend approval of S-01-2014, an application requesting a variation from Section 55.11 of the Burr Ridge Sign Ordinance to permit a sign with electronic messaging, subject to the following conditions:

- A. There shall be no animation, videos or other moving text within the electronic message panel.
- B. The electronic message panel shall be turned off every night from 12 Midnight to 4 AM.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Hoch, Grunsten, Stratis, Praxmarer, Grela, Sheth, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**B. S-02-20914: 308 Burr Ridge Parkway (Tuesday Morning); Sign Variation**

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The wall signs in County Line Square are subject to compliance with a 1988 sign variation which requires uniform design and colors for the wall signs. The petitioner would like to replace an existing sign with red letters. The 1988 variation requires bronze letters.

Chairman Trzupek asked about the sign for Brookhaven which does not have the bronze letters. Mr. Pollock said that Brookhaven was granted an exception to the standards because it is the anchor tenant with a different architectural storefront. Mr. Pollock said the rest of the stores share a common architectural storefront and that is why they were required to have a common design for signs.



Mr. Bob Garber, the owner of County Line Square, said he was there on behalf of Tuesday Morning. He said Tuesday Morning has gone to red letters at all of their stores and would like to do the same here. He said that Tuesday Morning may have an opportunity opt out of their lease and he wants to do anything he can to entice them to stay.

Chairman Trzupke asked if they get lots of requests for different sign colors. Mr. Garber said he does get such requests.

Commissioner Grela said that given the architecture of the building he believes uniform sign color should be maintained. He noted that the Village Center is different because each storefront is design to look different and therefore it makes sense for the signs to be different. He said that if this exception is granted, all signs would have to be allowed to be different colors and he is worried that would have a negative impact.

Commissioner Praxmarer said she would like to maintain the continuity of the signs having the same color.

In response to Commissioner Sheth, Mr. Garber said that Tuesday Morning has been at this location for about 20 years and that all of their signs at other locations are red.

Commissioners Grunsten and Grela noted that Tuesday Morning was one of the top stores in the country for that chain.

Commissioner Grela added that he likes the continuity of the same colors for the signs.

Commissioner Hoch said she does not like the Brookhaven sign and does like the conformity of the other signs.

Commissioner Stratis asked staff why the Chase sign was different. Mr. Pollock said that they are on a different property and are not subject to the 1988 sign variation.

Commissioner Stratis said that he drives through Oak Brook and on one side of the road is an Oak Brook shopping plaza with bronze signs for all storefronts and on the other side is an Oak Brook Terrace shopping plaza with a variety of sign types and colors. He said the uniform signs in Oak Brook look much better. He added that he has never seen a retailer leave because of the sign color.

Chairman Trzupke said he agrees that it is unlikely that a store would leave because of the color of the sign. He noted that Brookhaven has a different architectural storefront which is a reason for them to have a different sign.

Chairman Trzupke said that if this is allowed all tenants would likely want to change their signs to keep up. He said he is somewhat torn because Chase and Brookhaven have different sign but that generally he prefers keeping the uniformity.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to recommend denial of S-02-2014, an application requesting an amendment or variation from the 1988 sign variation granted for County Line Square to permit a wall sign with red letters rather than the required bronze letters.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Hoch, Stratis, Grunsten, Praxmarer, Sheth, and Trzupke

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

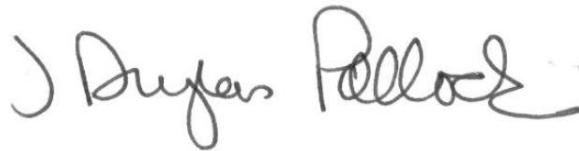
## 6. FUTURE SCHEDULED MEETINGS

Mr. Pollock stated that there are two public hearings scheduled for May 5.

## 7. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 9:04 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:04 p.m.

Respectfully  
Submitted:



May 5, 2014

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J. Douglas Pollock, AICP