

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
JANUARY 5, 2015

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: 4 – Hoch, Praxmarer, Grela, and Trzupek

ABSENT: 4 – Stratis, Grunsten, Scott, and Sheth

Also present was Community Development Director Doug Pollock. Trustee Diane Bolos was in attendance.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to approve minutes of the November 17, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 3 – Grela, Hoch, and Praxmarer

NAYS: 0 – None

ABSTAIN: 1 – Trzupek

MOTION CARRIED by a vote of 3-0.

3. PUBLIC HEARINGS

Chairman Trzupek asked all persons in attendance who may speak at any of the public hearings to stand and affirm to tell the truth. Chairman Trzupek affirmed all those who stood.

A. Z-01-2014: 410 Village Center Drive (1st Family Dental); Special Use and Findings of Fact

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

Mr. Pollock summarized the hearing as follows: The petitioner seeks approval to operate a dental office with ancillary retail sales within the first floor tenant space at 410 Village Center Drive. The building is in the Village Center Planned Unit Development and is located at the corner of Village Center Drive and Bridewell Drive with frontage on Burr Ridge Parkway. The dental office would be located at the southern end of the building adjacent to the intersection of Bridewell Drive and Burr Ridge Parkway. It would occupy 4,237 square feet of floor area.

Chairman Trzupke asked the petitioner for their presentation.

Mr. Robert Sodikoff introduced himself as the attorney for the petitioner. Mr. Sodikoff described the request. He said that the business would occupy about 4,300 square feet and would generate a significant number of patients. He said it would be owned by Dr. Ghasson Abboud who lives in Burr Ridge and whose parents live in the Village Center. Mr. Sodikoff said that the business would practice general dentistry, orthodontics and related disciplines; that customers will use other stores and generate foot traffic and sales for other stores; that there would be significant number of international visitors as that is a big part of Dr. Abboud's practice; that the business would be open six days a week with limited appointments on Sundays; that appointments would be scheduled so that there would be limited impact on parking; that employees will be instructed to park in the garage so that convenient parking is maintained for customers; and that the business is similar in impact to other uses allowed in the Village Center including a barbershop, dressmaking, and others. Mr. Sodikoff said that the dental office may have qualified as an office open to the public which is already listed as a special use in this building but that they were seeking to create a unique classification that would be very limited to dental offices with ancillary retail sales.

Chairman Trzupke asked why they did not consider a second floor location and what will be seen through the windows. Dr. Abboud said that with the retail sales, this location works better than a second floor space and they like the better visibility of this particular space. He said that HIPPA requirements prohibit patients from being seen through the windows so that the windows will be frosted at eye level and some windows will have product display.

Mr. Scott Rolston stated that he was the property manager for the Village Center. He said he has had difficulty renting this space with the only other party showing interest in the past being a barbershop. He said the space was difficult because of the parking. He said he likes the dental office because it will provide some retail and it is a destination business by appointment only. He said the second floor office spaces do not permit the retail.

Dr. Abboud said that he started his practice in 1996 and that his family lives in Burr Ridge. He said he wants to create a flagship office in addition to his existing dental offices in other locations and wants that flagship location to be in Burr Ridge. He said that he advertises heavily and will attract patients and customers to the Village Center from all over which will add value to the Village Center.

Chairman Trzupke asked for public comments.

Ms. Betsy Levy, 8014 Garfield Avenue, said that she lives in Burr Ridge and owns a condo at 450 Village Center Drive. She said the dental office cannot be on the second floor due to the residents. She suggested if the Village is patient there will be more interest from restaurants or retail uses which she would rather see in this location. She said this is a showcase location and sets the tone for the Village Center. She said a dental office is not consistent with the Village Center. She added that dental office smells are a concern for the residents living above the dental office.

In reply, Mr. Sodikoff said that restaurants are not permitted on the first floor of this building. He said that a dental office would benefit the community and that was part of the vision for the Village Center.

Dr. Abboud said that the business will have a significant retail component. He said the retail will have its own space in the front of the business and its own name, Dental Essentials. He said that if anyone could detect a dental smell at one of his offices, he will withdraw this petition. He said they take specific steps to ensure that there are no bad smells. Mr. Rolston added that he visited some of the other locations and there was no objectionable smells.

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

Commissioner Grela said that he has had some perspective on the Village Center since he was a Trustee and first met with the attorneys for the developer long before the Village Center was approved and built. He said that for many years he would have agreed with the resident about this use and its compatibility with the Village Center. He said that he always thought this particular space would be a nice restaurant because it was a gateway to the Village Center. Commissioner Grela said he now feels differently because it has been empty for 10 years and parking for this space is a problem. He said that after reviewing the floor plan and reading about the retail storefront, he thinks this use will be an asset to the Village Center and will not conflict with the attached residential uses or other businesses.

Commissioner Praxmarer said she agrees with Commissioner Grela and sees this as a win-win for the community. She added that her dentist office does not have problems with smells.

Commissioner Hoch agreed that this tenant space is a problem due to parking. She said that she is concerned about the retail aspect of this business and asked about the average sales at the other locations for this practice. Dr. Abboud said that the other locations do not emphasize the retail sales of products. He said this location would have a large area devoted to retail sales and have its own retail identity. He said based on the number of patients anticipated, he expects a significant amount of retail sales. He passed around two electric tooth brushes as examples and said each one retails for about \$225.

Chairman Trzupke said he understands the concept of medical tourism as his company does business in that area. He said he agrees that parking is a problem for this location. He said he was concerned about precedent and wants to be sure there is a significant retail component to this business and that it appears as a retail use from the windows. He said it is important that the windows display retail products for sale.

Commissioner Grela said that he would only support if this approval is limited to the specific space at 410 Village Center Drive. He said that it may not be appropriate use in another location within this same building due to the unique parking problems associated with this location.

Mr. Pollock read emails received from Commissioners Grunsten and Stratis. The email from Commissioner Stratis said that Commissioner Stratis is okay with this request. The email from Commissioner Grunsten asked if there would be permanent dentists at this location. Dr. Abboud said that there would be some dentist rotating from this location to others because they are specialized but that at least two dentists would have their regular practice at this location.

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

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to close the hearing for Z-01-2015.

ROLL CALL VOTE was as follows:

AYES: 4 – Hoch, Praxmarer, Grela and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

Chairman Trzupsek suggested separate motions for the text amendment and special use.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to adopt the findings of fact as submitted by the petitioner and recommend that the Board of Trustees approve an amendment to the Village Center PUD, Ordinance A-834-10-05 to add Dental Office with Ancillary Retail Sales to the list of special uses in Building 1 otherwise known as 450 Village Center Drive as requested by Z-01-2015.

ROLL CALL VOTE was as follows:

AYES: 4 – Grela, Hoch, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to adopt the findings of fact as submitted by the petitioner and recommend that the Board of Trustees approve a special use to permit a Dental Office with Ancillary Retail Sales consisting of 4,237 square feet in the tenant space commonly known as 410 Village Center Drive as requested by Z-01-2015 and subject to the following conditions:

- A. The special use approval shall be limited to the petitioner and not transferable to another entity.
- B. The special use approval shall be limited to 4,237 square feet within the tenant space commonly known as 410 Village Center Drive.

ROLL CALL VOTE was as follows:

AYES: 4 – Grela, Hoch, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

B. Z-02-2015: 201 Bridewell Drive (Eddie Merlot's); Special Use

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

Mr. Pollock summarized the hearing as follows: The petitioner operates a restaurant in downtown Burr Ridge and is seeking special use approval to sell bottled wine for consumption off premises. The sales would be primarily to wine club members but would also be available to the general public.

Chairman Trzupsek asked the petitioner if they had anything they wanted to add.

Mr. Jeff Stoltman was present on behalf of the restaurant. He said he had nothing to add. Chairman Trzupsek asked for questions and comments from the public. There being none, he asked for questions and comments from the Plan Commission.

Chairman Trzupsek asked Mr. Pollock to explain the zoning. Mr. Pollock said that sales of packaged alcoholic beverages for consumption off-site is a separate land use category in the Business Districts, separate from restaurants that sell alcoholic beverages for consumption on site only. He said that is the reason Coopers Hawk and now Eddie Merlot's have to get a separate special use for carry out sales. He added that they will also have to get a different liquor license.

There were no other questions or comments from the Commissioners.

Chairman Trzupsek asked for explanation of the wine club. Mr. Stoltman said that the carry out sales is primarily for wine club members but that anyone could ask to buy a bottle of wine for carryout. He said there would be no physical accommodations and that customers would have to ask a server or bartender if they want to purchase a bottle of wine for carryout.

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 Hoch to close the hearing for Z-02-2015.

ROLL CALL VOTE was as follows:

AYES: 4 – Grela, Hoch, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to adopt the findings of fact as submitted by the petitioner and recommend that the Board of Trustees approve a special use to permit the sale of packaged wine at an existing restaurant located at 201 Bridewell Drive.

ROLL CALL VOTE was as follows:

AYES: 4 – Hoch, Praxmarer, Grela, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

4. CORRESPONDENCE

There were no questions or comments regarding the Board Report or the Building Report.

5. OTHER CONSIDERATIONS

- A. PC-07-2015; 120 Harvester Drive; Informal Discussion Re: Hotel Development**

Mr. Pollock said he received an email message from the property owner's attorney asking that this discussion be postponed to a later date as the owner was out of town. The Plan Commission concurred. Mr. Pollock said he would put it back on the agenda when the property owner is available.

B. S-09-2014: Sign Ordinance Amendment or Variation – Temporary Right of Way Signs

Chairman Trzupsek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The applicant, McNaughton Development, Inc., is a homebuilder that is currently building homes at 89th and Madison and 87th and Madison in Burr Ridge. Mr. McNaughton seeks approval to place temporary signs in the right of way on Friday evenings, leave the signs through the weekend without removal on Saturday evenings, and remove the signs on Sunday evening. The Sign Ordinance restricts such signs to Saturdays and Sundays only from 9 AM to 6 PM. Mr. McNaughton has placed his signs along Madison Street and County Line Road at the intersections with 91 Street, 83rd Street, 79th Street, and 71st Street (Madison only).

Mr. Paul McNaughton, Jr. was present on behalf of the applicant. He said that besides realtor traffic the only way to get customer traffic to his properties is with the signs. He said it is not practical to have his sign contractor pick up the signs every Saturday evening and put them back up on Sunday mornings. He also said that occasionally, the signs cannot get picked up on Sunday evenings but in no case would they remain by the time businesses open on Monday morning.

Chairman Trzupsek questioned whether the signs really generate traffic or if they are used primarily for directions. Mr. McNaughton said they are primarily for directions to the site.

Commissioner Grela said he is surprised the applicant is making this request after knowingly violating the code and continuing to violate the code beyond just the time of day for the signs. He asked why the applicant has not complied with the code. Mr. McNaughton responded that he does not check local sign codes for temporary signs and that he has seen other developers use similar signs in the area.

Commissioner Grela said that he gets lots of complaints about temporary signs in the public right of way. He asked the applicant to clarify exactly the times they want to use the signs and how long before they complete their sales.

Mr. McNaughton said he would like to put the signs up on Friday but would agree to wait until Saturday morning. He said normally they would be removed on Sunday evenings but occasionally they may stay up until early Monday morning when the contractor can pick them up. He said he hopes to have all his homes sold in one year.

Commissioner Praxmarer said if the signs are allowed to stay up longer, she is concerned about too many signs in the public right of way.

Chairman Trzupsek asked about the content of the sign and whether the temporary sign provision was limited to realtors or developers. Mr. Pollock said that the allowance for temporary right of way signs does not limit the type or content of the sign.

Commissioner Hoch said that she agrees that these sign restrictions are important and strictly regulating such signs is important toward keeping Burr Ridge a very special place.

Mr. Pollock read an email comment from Commissioner Stratis objecting to any further changes to the sign regulations.

Chairman Trzupke said that Burr Ridge is the only local government in the area that permits these signs at all.

Commissioner Grela said that the Village Board should consider stronger enforcement and if that does not gain compliance, the Board should consider eliminating the allowance of right of way signs altogether.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees deny the request for a variation or amendment to the Sign Ordinance to expand the hours for temporary signs in the public right of way.

ROLL CALL VOTE was as follows:

AYES: 4 – Grela, Praxmarer, Hoch, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

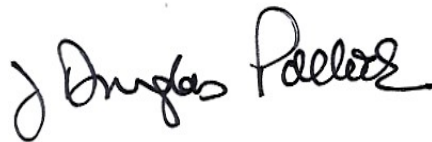
6. FUTURE SCHEDULED MEETINGS

Chairman Trzupke said the next scheduled meeting of the Plan Commission is January 19, 2015. Mr. Pollock summarized three public hearings scheduled for that meeting.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 9:10 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:10 p.m.

Respectfully
Submitted:



January 19, 2015

J. Douglas Pollock, AICP