



**REGULAR MEETING
VILLAGE OF BURR RIDGE
PLAN COMMISSION**

**May 18, 2015
7:30 P.M.**

I. ROLL CALL

Greg Trzupek, Chairman

**Mike Stratis
Dehn Grunsten
Robert Grela**

**Luisa Hoch
Greg Scott
Mary Praxmarer**

II. APPROVAL OF PRIOR MEETING MINUTES

- A. May 4, 2015 Plan Commission Regular Meeting**

III. PUBLIC HEARINGS

- A. Z-07-2015: 16W020 79th Street (Lyons Truck Sales); Special Use and Findings of Fact; continued from May 4, 2015**

Requests special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance for an addition to a building used for Truck and Equipment Sales and Service.

- B. Z-04-2015: 322-324 Burr Ridge Parkway (Capri Restaurant); Special Use, Variation, and Findings of Fact; continued from February 16, 2015**

Requests the following approvals relative to the Burr Ridge Zoning Ordinance: special use approval as per Section VIII.B.2.x to amend the conditions of a prior special use approval for outdoor dining; special use approval as per Section VIII.B.2.ff and VIII.B.2.x to permit the expansion of a restaurant with alcoholic beverage sales and with outdoor dining; and a variation from Section XI.C.13 to permit the expansion of the existing restaurant without the required number of parking spaces.

IV. CORRESPONDENCE

- A. Board Report – May 11, 2015**

V. OTHER CONSIDERATIONS

There are no other considerations scheduled.

VI. FUTURE SCHEDULED MEETINGS

- A. June 1, 2015:** The filing deadline for this meeting was May 11, 2015. There are no public hearings scheduled.
- B. June 15, 2015:** The filing deadline for this meeting is May 25, 2015.

VII. ADJOURNMENT

PLEASE NOTE: All Plan Commission recommendations are advisory and are submitted to the Mayor and Board of Trustees for review and final action. Any item being voted on at this Plan Commission meeting will be forwarded to the Mayor and Board of Trustees for consideration at their May 26, 2015 Regular Meeting beginning at 7:00 P.M. Commissioner Grunsten is the scheduled Plan Commission representative for the May 26, 2015 Board meeting.

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
MAY 4, 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: 6 – Stratis, Hoch, Grunsten, Praxmarer, Grela, and Trzupek

ABSENT: 1 – Scott

Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to approve minutes of the February 16, 2015 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Grunsten, Stratis, Hoch, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

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-06-2015: 3 Regent Court (Richards); Text Amendment or Variation

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

Mr. Pollock said that the petitioner wants to erect a flag pole on his property at 3 Regent Court that would be 25 feet tall. Prior to 1997, the Zoning Ordinance did not restrict the height of a flag pole. Flag poles were permitted on residential properties with the only restriction being a 10 foot setback from all lot lines. A 1997 amendment maintained the 10 foot setback but also restricted the height of flag poles on residential properties to 15 feet. The petitioner has submitted this petition as either a variation specific to the property at 3 Regent Court or as an amendment to the Zoning Ordinance which would allow flag poles in residential districts up to 25 feet in height.

Chairman Trzupek asked Mr. Pollock to reiterate the Village Attorney's opinion regarding the potential to regulate what types of flags are flown. Mr. Pollock said that a couple of neighbors had suggested that flags be limited in some manner. Mr. Pollock said he checked with the Village Attorney who said that regulating the content on a flag pole may be considered an inappropriate regulation of free speech.

Chairman Trzupek asked the petitioner for comments.

Mr. Kevin Richards said that the only thing he wanted to add was that the flag pole he wants to erect has been in the Village for 30 years on his parents' property. He wants to move it to his property to honor his father who passed away.

Chairman Trzupek asked for comments and questions from the public.

Mr. Al Petkus, 5 Regent Court, submitted a written statement indicating his support for the proposal.

Mr. Richards also submitted a written petition signed by other neighbors.

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

Commissioner Stratis asked Mr. Pollock if there was any reason for the 15 foot height limit. Mr. Pollock said he thought it was applied because it was the height limit for accessory buildings in residential districts.

Commissioner Stratis said he was on a trip over the weekend and noted the height of flag poles on residential properties. He said that he did not see one that looked less than 20 feet and most were closer to 40 feet. He said that 15 feet was too short and he would support an amendment to the Zoning Ordinance.

In response to Commissioner Stratis, Mr. Richards said that flag protocol dictates that the flag be flown at night only during times of war and when it is flown at night, it must be illuminated.

Commissioner Stratis concluded that he likes the Willowbrook regulations and would suggest similar regulations for Burr Ridge.

Commissioners Hoch, Grunsten and Praxmarer all said they agree with Commissioner Stratis.

Commissioner Grela said that the current 15 foot height limit is somewhat arbitrary and he has no problem raising the height to 25 feet. He said he would not want to regulate the hours, illumination and other protocols for flags.

Chairman Trzupek asked Commissioner Stratis if he wanted to regulate hours or illumination. Commissioner Stratis said he did not. Chairman Trzupek agreed.

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the hearing for Z-06-2015.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Hoch, Grunsten, Grela, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Chairman Trzupek asked for a motion regarding the requested variation or text amendment.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend that the Board of Trustees

amend Section IV.I.18 of the Zoning Ordinance to permit a maximum of three flag poles on a residential property not exceeding 25 feet in height.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Grela, Hoch, Grunsten, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-07-2015: 16W020 79th Street (Lyons Truck Sales); Special Use

As requested by Chairman Trzupek, Mr. Pollock summarized this petition as follows: The petitioner owns and operates a truck sales business at the northwest corner of 79th Street and Madison Street. The use of this property for truck sales was established in 1980 by approval of a special use. At this time, the petitioner seeks to add a second floor addition to the building. Since an increase in floor area represents an increase in the intensity of the use, the addition requires a new special use approval.

Mr. Pollock added that it has been the policy of the Plan Commission to recommend that non-conforming parking lots be brought into conformance when a special use expands. In this case, about half of the parking area is gravel and there is no curbing around the parking area.

There was no public comments or questions regarding this petition. Chairman Trzupek asked for comments and questions from the Plan Commission.

Mr. Mark Scarlato of Fornaro Law introduced himself as the attorney for the petitioner. Mr. Scarlato also introduced Mr. Walter Veselinovic who is the contractor for the petitioner.

Mr. Scarlato said that the Village code does not require that the parking lot be improved to current standards. He said that due to the cost of stormwater improvements, his client cannot afford to improve the parking lot and to do the addition. He suggested that due to the history and location of this property, paving of the parking lot is not necessary. Mr. Scarlato said that they only need the special use because of the second floor addition and the use would not change. He added that he would agree to use the gravel area for display of trucks only and that all customer and employee traffic and parking would be on the paved area of the parking lot.

Mr. Scarlato concluded that the addition will improve the property, improve the tax base and encourage more investment in the area. He said the use of the property as truck sales for the last 35 years is evidence that this is a good use for the area.

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

Chairman Trzupek asked for clarification of what is being done to the building. Mr. Veselinovic explained the work that was being done included the second floor addition and a new façade on the front of the building.

Chairman Trzupek asked if the addition will bring more people to the property. Mr. Vic Dodevski, the petitioner, stated that it will bring more people to the property. He expects to hire additional employees and hopes to increase sales.

Chairman Trzupek asked if an elevator is needed for the second floor addition. Mr. Veselinovic said he had the plans reviewed by the Village's consultant and the consultant indicated an elevator is not needed. Mr. Pollock said he was not sure if a review had been done by the Village's consultant.

Commissioner Grela stated that the petitioner is increasing the intensity of the use. He said if it were built today, all of the parking lot would have to be hard surfaced. He said the lack of hard surfacing creates dust problems. Commissioner Grela concluded that he has no problem with the land use but to approve any expansion, it needs to be brought up to current codes. He said he is willing to allow some time, perhaps up to three years.

Mr. Scarlato emphasized that the code does not require the parking lot to be improved. Chairman Trzupek said he understands that but since they are asking for a special use, the Plan Commission can recommend reasonable conditions including improvement of the parking lot.

Commissioner Praxmarer asked for further clarification of the building addition. Mr. Dodevski said the existing truck bays would remain and are for servicing of the trucks for sale. He said they do not provide truck service to the public. In response to Commissioner Praxmarer, Mr. Dodevski said that he would be adding 3 to 5 employees as a result of the addition.

Commissioner Grunsten asked about the exterior materials of the addition. She asked staff if the elevations were subject to Plan Commission review and approval. Mr. Pollock responded that he had not taken that into consideration but the Zoning Ordinance requires review of building elevations for new commercial buildings and additions.

Commissioner Hoch said that there are portions of the fence that need to be fixed. She said she would be more inclined to support the special use request if the parking lot were improved to current standards.

Commissioner Stratis asked the petitioner how much money he thinks it would cost to improve the parking lot and bring it into compliance with current standards. Mr. Veselinovic responded that the cost is increased because stormwater management improvements would also be required. He said he is doing a similar project in Willowbrook and estimates the cost at this location as exceeding \$400,000. Commissioner Stratis said that he understands the high cost but that he is concerned with allowing the expansion of a special use without bringing it into compliance as has been done with other properties.

Chairman Trzupek asked if all rooftop equipment would be screened from view. Mr. Veselinovic said that they would be screened. Chairman Trzupek said he believes the business is good for the Village but he would like to see the gravel parking lot improved.

In response to questions from Chairman Trzupek, Mr. Dodevski explained that the customer and employee parking area is paved but does not have curbs. He said that he anticipates 3 to 5 visitors per day and 5 employees.

Mr. Pollock suggested that the petitioner may not need the entire gravel area for display of trucks. He suggested they look at making the area smaller and replacing the remaining gravel area with grass. He said this would reduce the cost and may open some area for surface detention rather than underground detention. In response to Mr. Pollock, Mr. Dodevski said he has about 40 to 60 trucks on the property for sale.

Chairman Trzupek suggested a continuance so that the petitioner can consult with a civil engineer and determine the cost for a parking lot improvement as described by Mr. Pollock.

Commissioner Grunsten added that she wants to review the building elevation and that the EIFS material is not discouraged by the Zoning Ordinance.

Mr. Scarlato said that his client will agree to a continuance to the May 18 meeting.

Chairman Trzupek asked for a motion to continue the hearing.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to continue the hearing for Z-07-2015 to May 18, 2015.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Stratis, Hoch, Grunsten, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

4. CORRESPONDENCE

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

5. OTHER CONSIDERATIONS

A. S-08-2014: Sign Ordinance Amendment – Grand Opening Signs

Chairman Trzupek asked Mr. Pollock to summarize this consideration.

Mr. Pollock summarized the consideration as follows: At prior meetings, the Plan Commission discussed a possible amendment to the Sign Ordinance to permit new businesses to erect temporary signs to announce their opening. At the February meeting, the Commission rejected any consideration to allow grand opening signs in the right of way but agreed to consider an amendment permitting grand opening banners on a building. The Commission discussed the length of time a banner would be allowed and how to regulate when the banner is placed on the building. Based on that discussion, a draft amendment has been provided in the staff summary for this consideration.

Chairman Trzupek asked if it was appropriate to tie the size of the sign to the size of the building. Mr. Pollock said that some signs are based on the size of the building but most zoning districts have one standard size limit.

Commissioner Grela said he likes the draft as written and is prepared to recommend approval.

Mr. Pollock suggested adding a limit that the sign has to be used within 90 days after the Zoning Certificate of Occupancy is issued.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to recommend to the Board of Trustees an amendment to the Sign Ordinance to permit temporary grand opening signs as follows:

- F. **Grand Opening Banners:** One, temporary grand opening banner sign, advertising the opening of a new business, may be erected subject to the following:

1. The banner shall be professionally printed, shall not exceed 12 square feet in area; and shall be securely attached to the wall of the building so as not to move in the wind.
2. A grand opening banner may be used for a period of 14 consecutive days anytime within 90 days after the issuance of a Zoning Certificate of Occupancy.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Grunsten, Stratis, Hoch, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said the next scheduled meeting of the Plan Commission is May 18, 2015 and the continued Capri Restaurant hearing is scheduled for that date.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 9:05 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:05 p.m.

**Respectfully
Submitted:**

May 18, 2015

J. Douglas Pollock, AICP



**VILLAGE OF BURR RIDGE
COMMUNITY DEVELOPMENT DEPARTMENT**

STAFF REPORT AND SUMMARY

Z-07-2015; 16W020 79th Street (Lyons Truck Sales); Requests special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance for an addition to a building used for Truck and Equipment Sales and Service.

Prepared For: Village of Burr Ridge Plan Commission / Zoning Board of Appeals
Greg Trzupek, Chairman

Prepared By: Doug Pollock, AICP
Community Development Director

Date of Hearing: May 18, 2015

SUMMARY

The public hearing for this petition was opened at the May 4, 2015 meeting and continued to the May 18, 2015 meeting. The petition was continued to permit the petitioner to consult with a civil engineer regarding the paving of the gravel parking lot. It was the consensus of the Plan Commission to recommend that the existing gravel parking lot be paved and curbed as a condition of the special use approval. The petitioner was concerned about the cost which was thought to include underground stormwater detention.

Stormwater Update: Since the May 4 meeting, staff has discovered that the petitioner would not have to provide stormwater detention if the existing gravel area is paved. Attached is a series of emails between the Village and the Du Page County Stormwater Management Department. The emails state the finding of Du Page County that a gravel parking lot is already considered an impervious surface and therefore, paving a gravel parking lot does not require additional stormwater detention. The petitioner has been told they do not have to provide stormwater detention.

Also attached is an email from the petitioner's architect indicating that they will agree to pave the gravel parking area but do not agree to provide the required perimeter curbing. Curbing and landscaping is required by the Zoning Ordinance for new parking lots and has been required by the Plan Commission as a condition of expanding a non-conforming use or structure. Perimeter curbing preserves the edge of the asphalt, prevents vehicles from damaging adjacent landscaping areas, and provides a means for controlling drainage. Landscaping, including landscape islands and perimeter landscaping, is required for aesthetics and pollution (air and heat) control.

Exterior Building Materials: At the May 4 meeting, the Plan Commission also asked about the use of synthetic stucco on the building. Section X.B.10 of the Zoning Ordinance discourages the use of synthetic stucco for the exterior of buildings in the Manufacturing Districts. Cement based stucco may be used in limited conditions. The petitioner's architect was made aware of this

requirement and indicated that they would be able to use a different material that would be allowed by the Zoning Ordinance.

Other Issues: As previously noted, there is a portion of the perimeter fence that is in need of repair. The petitioner has indicated they will complete this work.

Please also note the aerial photo provided by the petitioner. It appears that a part of the gravel parking lot encroaches into the IDOT right of way. This is a condition that would need to be verified with an updated survey. If it is confirmed that the gravel parking encroaches into the right of way, it should be removed in conjunction with any improvements to the parking lot and the required 8 foot parking lot setback from the property line should be provided.

Findings of Fact and Recommendations

The petitioner previously submitted findings of fact which may be adopted by the Plan Commission if the Commission is in agreement. If the Plan Commission recommends approval of the special use, staff suggests the following conditions:

1. The special use shall be limited to the Truck and Equipment Sales in the existing and proposed building as per the submitted plans.
2. The building addition shall not use synthetic stucco as an exterior building material and shall comply with Section X.B.10 of the Zoning Ordinance.
3. The gravel parking lot shall be brought into conformance with Section XI of the Zoning Ordinance including hard surface, perimeter curbing, perimeter landscaping, and landscaping islands. That portion of the gravel parking area that encroaches into the I-55 right of way shall be eliminated and an 8 foot setback provided from the property line as required by said Section XI.
4. Final engineering plans for the parking lot improvement shall be subject to the review and approval of the Village staff prior to issuance of a building permit for the addition.
5. All parking lot improvements shall be completed within 3 years from the approval of this special use.



Douglas Pollock

From: Ron Vari <ron.rvariandassociates@gmail.com>
Sent: Wednesday, May 13, 2015 3:18 PM
To: Douglas Pollock
Subject: Fwd: Parking lot overlay 16W020 79th st. Burr Ridge
Attachments: 16w020 79th Street Burr Ridge.pdf; ATT00001.htm

Good afternoon Doug! Please find below for review.

Thank you,

Ron Vari

Sent from my iPhone

Begin forwarded message:

From: Walter Veselinovic <walterveselinovic@yahoo.com>
Date: May 13, 2015 at 1:57:32 PM CDT
To: Wally Krawczyk <secivil@aol.com>
Cc: Vlatko Dodevski <v.dodevski@yahoo.com>, Phil Fornaro <philip@fornarolaw.com>, "Mark A. Scarlato" <mark@fornarolaw.com>, Ron Vari <ron.rvariandassociates@gmail.com>
Subject: Fw: Parking lot overlay 16W020 79th st. Burr Ridge
Reply-To: Walter Veselinovic <walterveselinovic@yahoo.com>

Wally,
Thank you very much. Hopefully we can have confirmation from Mr. Jim Miedema by Monday for our meeting.
Have a great day,
Walter Veselinovic
Rose Development Corp.
7851 W. Ogden Ave Suite 200
Lyons, Ill. 60534
708 878 5107 direct
www.rosedevelopmentcorp.com

----- Forwarded Message -----

From: "secivil@aol.com" <secivil@aol.com>
To: jmiedema@burr-ridge.gov
Cc: v.dodevski@yahoo.com; walterveselinovic@yahoo.com
Sent: Wednesday, May 13, 2015 1:51 PM
Subject: Parking lot overlay 16W020 79th st. Burr Ridge

Jim,

Per our conversation on 5-12-15 find enclosed an aerial photo of the existing conditions for the above referenced property. As we discussed we are willing to comply with the hard surface request for dust control on the site. We would like to propose the following for your review and consideration.

We would provide a detailed grading plan showing the new 2" asphalt overlay over the existing gravel surfaces. We would revise the grading to ensure proper drainage of the site.

The Village will not request additional hard surface improvements. (ie. curb and gutter or storm sewers)

I trust this recaps our conversation and if you concur with our interpretation of the ordinance then we will direct our client to proceed with drawings.

Thanks Again,
Wally

Walter S. Krawczyk P.E.
Southwest Engineering Consultants Inc.
7621 Baimbridge Drive
Downers Grove Illinois 60516
Phone & Fax 630-737-0025 Cell 847-507-4142

Douglas Pollock

From: Paul May
Sent: Tuesday, May 12, 2015 1:28 PM
To: Douglas Pollock
Cc: James Miedema
Subject: RE: Compass Parking Lot upgrade

Yes, it is DuPage County's interpretation that packed gravel parking lots are impervious, so detention and VCBMPs are not required if paving occurs within the existing footprints. The following would trigger these requirements, when proposed outside the existing footprint:

- VCBMP required when net new impervious area (impervious area outside the existing footprint) exceeds 2,500 SF
- Stormwater Detention required when disturbed area (outside the existing footprint) exceeds 25,000 SF

Paul D. May, P.E.
Director of Public Works

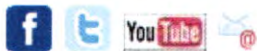
Village of Burr Ridge Public Works Department
451 Commerce Street
Burr Ridge, IL 60527
(630) 323-4733 #6000

From: Douglas Pollock
Sent: Tuesday, May 12, 2015 8:33 AM
To: Paul May
Subject: RE: Compass Parking Lot upgrade

Paul,

Would this apply to Lyons Trucking?

Doug Pollock, AICP
Community Development Director
Village of Burr Ridge, IL
(630) 654-8181, Ext. 3000
www.burr-ridge.gov
Follow Us at:



From: Paul May
Sent: Tuesday, May 12, 2015 8:32 AM
To: Gary A. Grasso (ggrasso@grassolaw.com)
Cc: James Miedema; Douglas Pollock
Subject: Compass Parking Lot upgrade

Gary, I received a confirmation from DuPage County that they would consider packed gravel already "impervious". Therefore, if Compass or a similar site would like to upgrade the parking lot from gravel to pavement within the existing footprint, no detention or VCBMP (Volume Control BMP) infrastructure would be required. I have CC'd Doug Pollock and James Miedema on this e-mail to ensure continuity going forward.

Paul D. May, P.E.
Director of Public Works

Village of Burr Ridge Public Works Department
451 Commerce Street
Burr Ridge, IL 60527
(630) 323-4733 #6000

From: Heffter, Clayton [<mailto:Clayton.Heffter@dupageco.org>]
Sent: Tuesday, May 12, 2015 8:23 AM
To: Paul May
Subject: RE: question regarding definition of "impervious surfaces"

Paul,

Great questions. With the old Ordinance (prior to the overhaul in 2012) we gave applicants the opportunity to demonstrate the gravel was essentially impervious and therefore an upgrade to asphalt wouldn't change the runoff characteristics. Under the existing ordinance, that's a forgone conclusion. As you note, based on the definition of impervious, a switch from gravel to asphalt in the same footprint would not be considered an increase in new impervious area and would not count towards the BMP or detention thresholds.

-Clayton

Clayton Heffter
Stormwater Permitting Manager
DuPage County Stormwater Management
421 N. County Farm Rd.
Wheaton, Illinois 60187
phone: (630) 407-6729
fax: (630) 407-6702
clayton.heffter@dupageco.org

From: Paul May [<mailto:pmay@burr-ridge.gov>]
Sent: Monday, May 11, 2015 1:38 PM
To: Heffter, Clayton
Subject: question regarding definition of "impervious surfaces"

Clayton, the DuPage County Ordinance includes "gravel used for parking lots" under the definition for impervious surfaces. We have an existing trucking terminal that would like to upgrade their parking lot (in place prior to 1992) from gravel to asphalt. Would stormwater detention be required in this case?

Thanks for your help,

Paul D. May, P.E.
Director of Public Works

Village of Burr Ridge Public Works Department
451 Commerce Street
Burr Ridge, IL 60527



**VILLAGE OF BURR RIDGE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT AND SUMMARY**

Z-04-2015; 320-324 Burr Ridge Parkway (Capri); Requests the following approvals relative to the Burr Ridge Zoning Ordinance: special use approval as per Section VIII.B.2.x to amend the conditions of a prior special use approval for outdoor dining; special use approval as per Section VIII.B.2.ff and VIII.B.2.x to permit the expansion of a restaurant with alcoholic beverage sales and with outdoor dining; and a variation from Section XI.C.13 to permit the expansion of the existing restaurant without the required number of parking spaces..

Prepared For: Village of Burr Ridge Plan Commission / Zoning Board of Appeals
Greg Trzupek, Chairman

Prepared By: Doug Pollock, AICP
Community Development Director

Date of Hearing: May 18, 2015, continued from February 16, 2015

SUMMARY

This petition was continued from the February 16, 2015. Subsequently, the petitioner amended the petition to request modifications to the existing outdoor dining area and to eliminate the Gelato Restaurant which also reduces the parking variation. The petitioner has also provided additional information regarding its agreement for off-site parking and general parking management plans.

Amendment to Special Use for Existing Outdoor Dining Area

The restaurant has recently erected a new awning over the enclosed sidewalk dining area. This outdoor dining area was approved in 2012 (Ordinance A-834-16-12). The approval included umbrellas for individual tables but did not include an overhead awning for the sidewalk dining area. Upon notification that the awning was built, staff contacted the restaurant owner to report that the awning had been built in violation of the special use approval and that an amendment to the special use is required. Attached is a photo of the new awning.

Special Use for Expansion of Restaurant and Additional Outdoor Dining Area

The petition has been amended to eliminate the Gelato Restaurant. The special use for the expansion of Capri and the additional outdoor dining area has not been changed. Attached are revised plans and elevations showing only the expansion of the restaurant and additional outdoor dining area. The plans indicated compliance with applicable regulations for outdoor dining.

Parking Variation for Expansion of Restaurant and Additional Outdoor Dining Area

At the present time, the number of parking spaces in the County Line Square shopping center is less than the required parking for the existing uses within the shopping center. Thus, the required

parking for any change of use for any floor area within County Line Square cannot exceed the parking that was required for the prior use (i.e. a new use cannot increase the degree of non-conformity). The Capri expansion requires a total of 15 parking spaces (11 spaces for the interior and 4 spaces for the outdoor dining area). The existing use, a medical office, requires a total of 18 spaces; divided in half since Capri is only taking one half of the medical office, the parking requirement for the existing use is 9 spaces. Thus, the proposed parking variation is to reduce the required parking by 6 spaces.

Findings of Fact and Recommendations

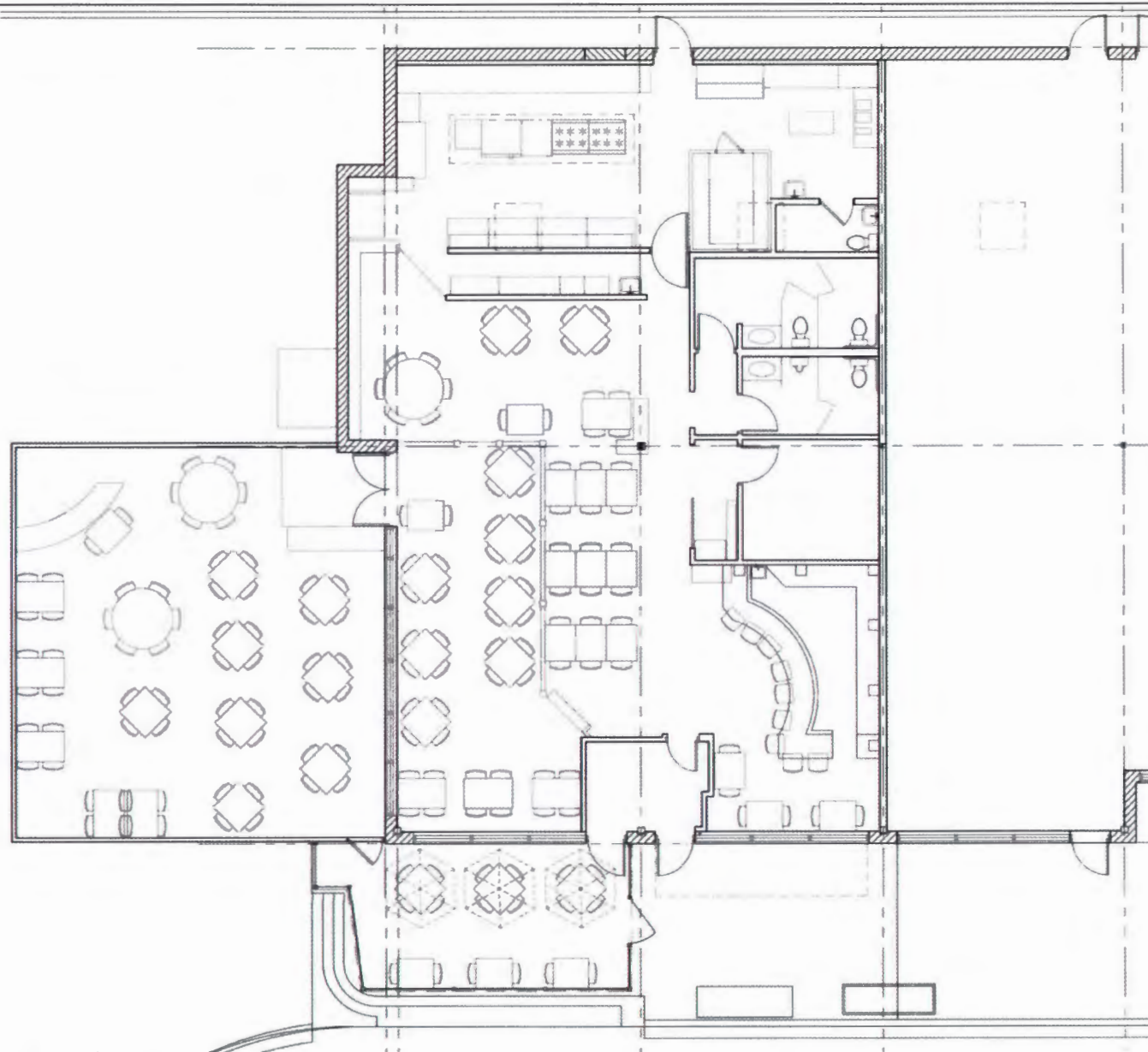
Amendment to Special Use for Existing Outdoor Dining Area; The only change to the original special use approval is the replacement of individual table umbrellas with an awning attached to the building and supported by posts from the perimeter railing. This change does not impact compliance with any of the regulations for outdoor dining areas but since it is different than the approved design, it requires Plan Commission review and Board of Trustees approval.

Special Use for Expansion of Restaurant and Additional Outdoor Dining Area; The use of the subject 1,240 square feet of floor area for a restaurant with alcoholic beverage sales is consistent with other uses in the shopping center and is a logical extension of the existing Capri Restaurant. The proposed outdoor dining area complies with all of the regulations for outdoor dining. There is a separate door provided from the restaurant to the outdoor dining area with an emergency gate and the outdoor dining area is enclosed with a metal railing that will match the railing for the existing outdoor dining area. The plans show the use of umbrellas rather than an awning as has been constructed for the existing outdoor dining area. Sufficient area is provided for continued pedestrian use of the sidewalk.

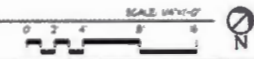
Parking Variation for Expansion of Restaurant and Additional Outdoor Dining Area; Attached is a written summary of actions planned by the petitioner to mitigate the parking variation, tables showing the hours of operation for the different uses in County Line Square, and an agreement with an adjacent property owner, the PACE Park and Ride property, to use off-site parking after 6 pm. In summary, the petitioner proposes:

- That based on hours of operation and peak hours for the various businesses in County Line Square, necessary parking does not exceed the parking provided.
- To increase parking availability by posting and enforcing signs indicating parking for County Line Square customers only and violators will be towed.
- To implement a valet parking plan that includes using the PACE parking lot for overflow parking and designating four parking spaces for staging of valet parking.
- To require employees to move their cars to the PACE parking lot after 5:30 pm each day.

The petitioner has submitted findings of fact and the Plan Commission may adopt those findings if the Commission is in agreement with the findings. Any recommendation to approve these requests should be made subject to compliance with the submitted plans.



1 Floor Plan



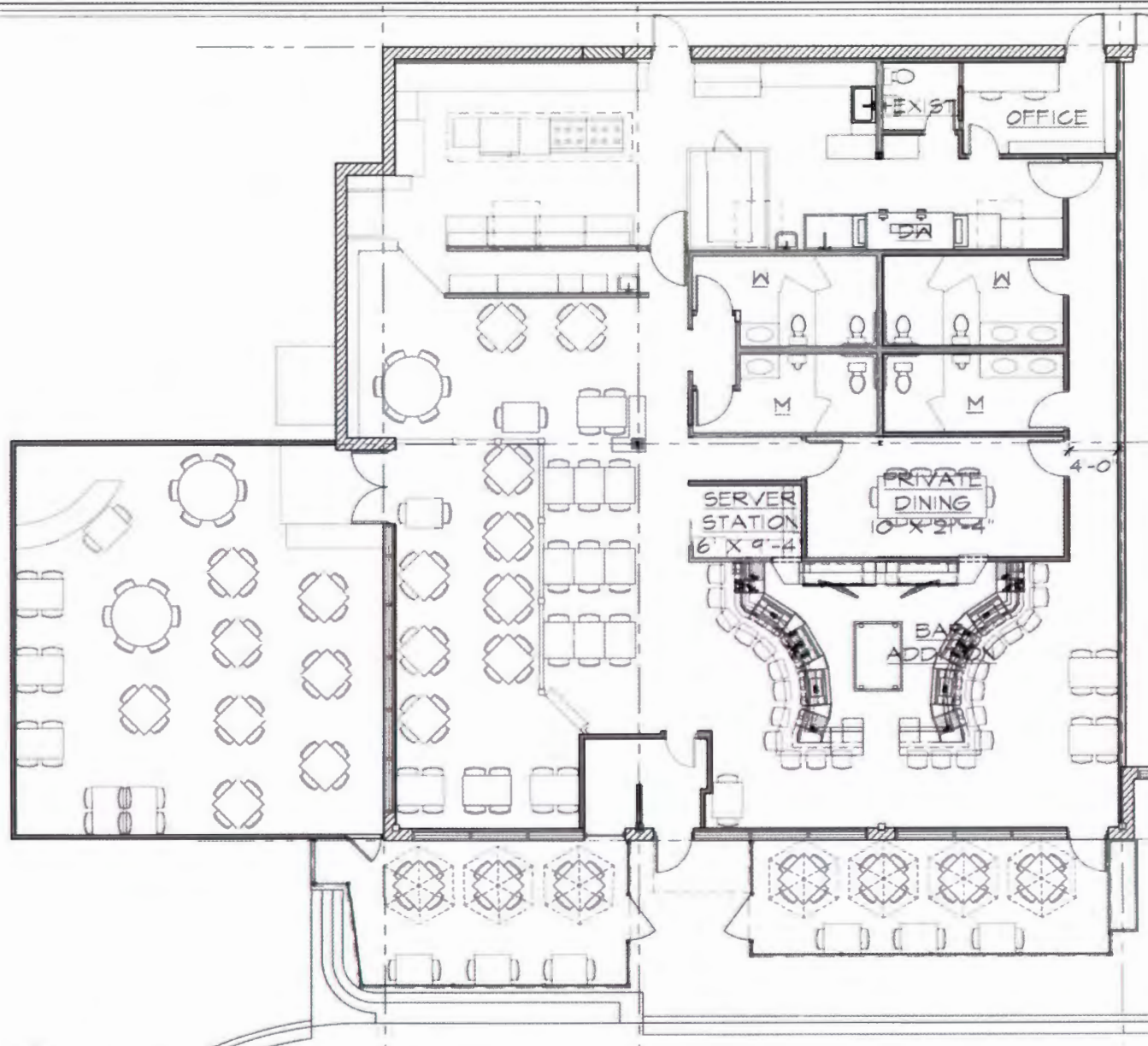
**Richard
Thomas
Architects**
639 Arbor Lane
Glenview, IL. 60025
847-486-0850

REVISIONS		
1	AMENDMENT TO THE SPECIAL AND PERMIT FOR THE AWARD EXTENSION	4-21-2009

**Capri
Ristorante**
324 Burr Ridge Pkwy #1,
Burr Ridge, IL 60527

**EXISTING
FLOOR PLAN**

SCALE	AS NOTED	DRAWING NO.
BY	LTB	A.0
DATE	4-4-2009	



1 Proposed Floor Plan

SCALE 1/4" = 1'-0"
0 2 4 6 8 10
N

**Richard
Thomas
Architects**

639 Arbor Lane
Glennview, IL. 60025
847-486-0850

REVISIONS	DATE
1. REVISION TO THE SPECIAL SEE FLOOR FOR THE AWARD EXTENSION	4-21-2005

**Capri
Ristorante**

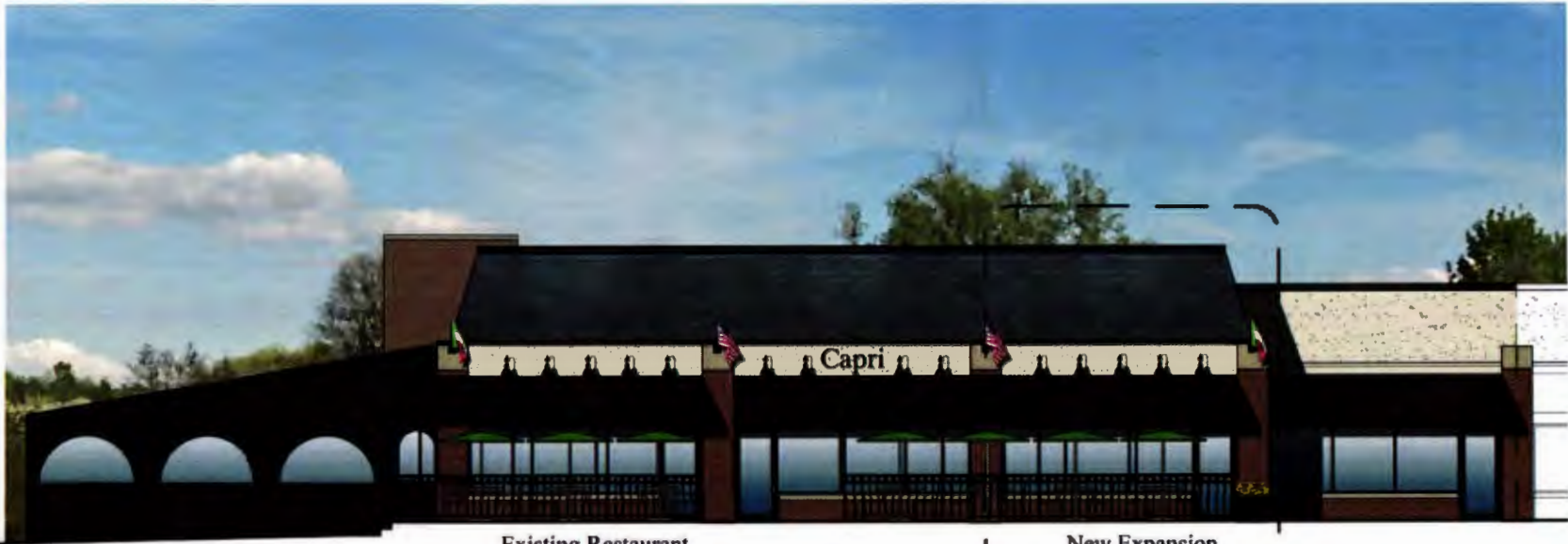
324 Burr Ridge Pkwy #1,
Burr Ridge, IL 60527

**RESTAURANT
EXPANSION
FLOOR PLAN**

SCALE	AS NOTED	DRAWING NO.
BY	JCS	A.1
DATE	4-14-2005	

**Richard
Thomas
Architects**

639 Arbor Lane
Glenview, IL. 60025
847-486-0850



Existing Restaurant

New Expansion

① Front Elevation



REVISIONS	
1	AMENDED TO THE SPECIAL USE PERMIT FOR THE AWARD EXPANSION
4/12/2009	
Capri Ristorante	
324 Burr Ridge Parkway #1, Burr Ridge, IL 60527	
RESTAURANT EXPANSION ELEVATION	
SCALE: AS NOTED	DRAWING NO.
BY: LGS	A.2
DATE: 4/12/2009	



GRASSO BASS, P.C.

ATTORNEYS AT LAW
38 S. BLAINE STREET, SUITE 100
HINSDALE, IL 60521
Telephone (630) 654-4500

GARY A. GRASSO
ggrasso@grassolaw.com

May 4, 2015

Via PDF: dpollock@burr-ridge.gov

J. Douglas Pollock, AICP
Director, Community Development
Village of Burr Ridge
Burr Ridge, IL 60527

RE: Garber / Capri Ristorante: Application for Parking Variance

Dear Mr. Pollock:

On behalf of Bob Garber and Capri Ristorante for the referenced application, this letter is confirmation that Mr. Garber, as principal and operator of County Line Square ("CLS"), has authorized me to inform the Plan Commission and you that he will promptly: (1) install signs within CLS stating that parking in CLS is solely for the businesses in CLS and violators will be towed, and (2) install signs directly across from Capri's entrance (not the handicapped space) designating four tandem (2x2-front to back) parking spaces for valet staging and carry-out.

The first item is to address a known number of Village Center patrons and employees who regularly park in CLS. We estimate this signage alone will free up at least the seven (7) spaces that are needed - and probably several more. The second item is to provide a close staging area for patrons of Capri who valet their cars. The staging spaces should provide a sufficient area where the valet can promptly remove a patron's car from the front of Capri's entrance.

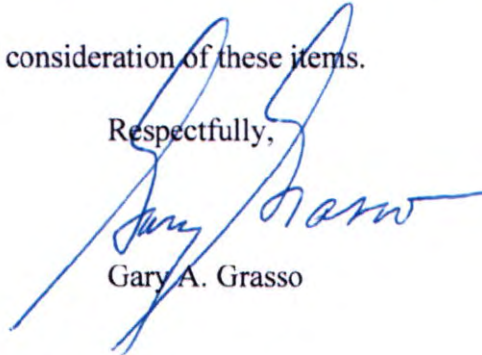
In order to free-up additional spaces in CLS, Capri also will instruct all its employees (which aggregate 18 on Friday and Saturday evenings) to park in the PACE lot per the letter of understanding Capri has with PACE to use its lot in the evening. Employees who park in CLS before 5:30 pm will be instructed and given the opportunity between 5:30 and 6:00 pm to move their cars to the PACE lot.

J. Douglas Pollock, AICP
May 4, 2015

If you have questions or need further information on any of these items, please contact me.

Thank you for your time and consideration of these items.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gary Grasso", is written over the word "Respectfully,".

Gary A. Grasso

GG/ng

C: Bob Garber: garberconstruction@yahoo.com
Sandra Andrews: sandy@qcenterprises.com



Thomas J. Ross
Executive Director

March 3, 2015

Capri Ristorante
324 Burr Ridge Parkway #1
Burr Ridge, IL 60527

Re: Lincolnshire Drive, Burr Ridge, Illinois

Dear Mr. Rovito,

Pace hereby grants Capri Ristorante a nonexclusive license, without fee, for the use of its park-n-ride facility at Lincolnshire Drive and McClintock Drive in Burr Ridge, Illinois for the purpose of customer parking between the hours of 6:00 p.m. and 11:00 p.m.. No long term or overnight parking will be permitted.

This license is effective March 9, 2015 and shall end March 9, 2025, unless otherwise terminated by either party, by written notice.

Capri Ristorante shall conduct any parking operations in a clean, sanitary, and safe manner. It accepts use of the premises "As is" and recognizes Pace makes no warranty as to the condition of the premises or that it will be suitable for the needs of Capri Ristorante.

This license is not assignable by Capri Ristorante without the prior written consent of Pace.

Capri Ristorante agrees to defend and hold harmless, Pace, from all suits, claims, judgments, and demands of any kind arising from the parking of its customers on the premises by a customer or any entity or person. Pace must be named as an additional insured on any insurance policy, for general on premises liability, held by Capri Ristorante.

Sincerely,

T.J. Ross
Executive Director
Pace Suburban Bus

Acknowledged and Agreed to this _____ day of _____, 2015

By: _____

Title: _____

COUNTY LINE SQUARE SHOPPING PARKING MATRIX MONDAY AND TUESDAY

[illegible]

[illegible][illegible]

[illegible][illegible]

[illegible][illegible]



Findings of Fact

Variation from the Village of Burr Ridge Zoning Ordinance

Section XIII.H.3 of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission/Zoning Board of Appeals determine compliance with the following findings. In order for a variation to be approved, the petitioner must respond to and confirm each and every one of the following findings by indicating the facts supporting such findings.

- a. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out

Capri Ristorante would not be able to expand without the requested variance.

- b. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located.

The limitation of the ability to park additional cars will cause Capri Ristorante to be unable to yield a reasonable return on the proposed expansion project.

- c. The conditions upon which an application for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

The expansion of the Capri Ristorante is unique to the property location and applicable to no other property in the shopping center or this B-1 Zoning Classification.

- d. The purpose of the variation is not based primarily upon a desire to increase financial gain.

The purpose of the variation is to seek permission for additional car parking. The parking count is constrained by the applicant of the Zoning Ordinance.

- e. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property.

The hardship relating to the parking count was not created by the shopping center owner or any tenant in the shopping center

- f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

It is expected the variance will allow the expansion and improvement of a popular amenity used by the public.

- g. The granting of the variation will not alter the essential character of the neighborhood or locality.

The expansion of Capri Ristorante will not alter the essential character of the shopping center or the neighborhood

- h. The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The expansion project will not change the shape of the building and will not cause any of the harms listed above

- i. The proposed variation is consistent with the official Comprehensive Plan of the Village of Burr Ridge and other development codes of the Village.

The current consistency of the shopping center and the Capri Ristorante expansion with the Village of Burr Ridge Comprehensive Plan will not be changed

(Please transcribe or attach additional pages as necessary.)



FINDINGS OF FACT

FOR A SPECIAL USE PERMIT PURSUANT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE

Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings. In order for a special use to be approved, the petitioner must respond to and confirm each and every one of the following findings by indicating the facts supporting such findings.

- a. The use meets a public necessity or otherwise provides a service or opportunity that is not otherwise available within the Village and is of benefit to the Village and its residents.

Restaurant shall continue to provide dining and drinks to the village residents. Capri has been approached by many companies requesting private areas for lunch/dinner meetings and events.

- b. The establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare.

The operation of this business is not currently detrimental to the village and the expansion will not cause any harm.

- c. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood in which it is to be located.

The business expansion shall not be injurious to other properties in the immediate vicinity or impair property values.

- d. The establishment of the special use will not impeded the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The expansion shall not alter the current building exterior design and will not inhibit the orderly development and improvement of the surrounding property.

- e. Adequate utilities, access roads, drainage and/ or necessary facilities have been or will be provided.

The current infrastructure support to the building has been provided and will not be changed.

- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The business expansion shall not require any changes to the current auto traffic patterns. Additional parking spaces that will be needed due to the expansion will be detailed in an agreement with the valet service.

- g. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village of Burr Ridge as amended.

The current Official Comprehensive Plan includes this special use and the expansion is not contrary to this plan.

- h. The special use shall, in other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the Plan Commission or, if applicable, the Zoning Board of Appeals.

Current use is under a Special Use Permit and the expansion shall not require any change to this current permitted use.

(Please transcribe or attach additional pages as necessary)



VILLAGE OF BURR RIDGE

MEMORANDUM

TO: Village of Burr Ridge Plan Commission
Greg Trzupek, Chairman

FROM: Doug Pollock, AICP

DATE: May 14, 2015

RE: Board Report for May 18, 2015 Plan Commission Meeting

At its May 11, 2015 meeting, the following actions were taken by the Board of Trustees relative to matters forwarded from the Plan Commission.

Z-06-2015: Zoning Ordinance Text Amendment (Richards) – Flag Pole Height: The Board concurred with the Plan Commission and directed staff to prepare an amendment to the Zoning Ordinance permitting up to three flag poles on a residential property not exceeding 25 feet in height.

S-08-2015: Sign Ordinance Text Amendment: The Board concurred with the Plan Commission and directed staff to prepare an amendment to the Sign Ordinance adding Temporary Grand Opening Signs as a permitted sign and subject to the same parameters as recommended by the Plan Commission.