

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF MAY 3, 2021

I. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

Chairman Trzupek read aloud the following statement:

“As Chairman of the Village of Burr Ridge Plan Commission and Zoning Board of Appeals, I am advising you that I hereby declare that conducting a solely in-person meeting of the Burr Ridge Plan Commission/Zoning Board of Appeals on April 19, 2021 is neither practical nor prudent due to Governor Pritzker’s May 29, 2020 Declaration of a State of Emergency caused by the COVID-19 pandemic.”

ROLL CALL was noted as follows:

PRESENT: 8 – Parella, Stratis, Broline, Petrich, Hoch, Irwin, Farrell, and Trzupek

ABSENT: 0 – None

Village Planner Doug Pollock was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Irwin to approve the minutes of the April 19, 2021 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Irwin, Broline, Petrich, Farrell, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

III. PUBLIC HEARINGS

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearings on the agenda for the meeting.

V-03-2021: 15W361 95th Place (Dimitov)

Chairman Trzupsek asked for a summary of the petition. Mr. Pollock said that the petitioner seeks a zoning variation to erect a fence in the side yards of his home. The Zoning Ordinance only allows fences in the rear yard. The petitioner had previously requested a text amendment to allow fences in side yards but after a negative recommendation from the Plan Commission, the petitioner withdrew that request.

Chairman Trzupsek asked the petitioner for further comment.

Mr. Dimitar Angelov stated that his house has bedroom windows on the side and he wants that portion of the yard enclosed with a fence. He said the fence is needed for privacy and security and noted that the neighbor's house was very close to his house.

Chairman Trzupsek asked for public comments. There was none.

Chairman Trzupsek asked for comments and questions from the Commissioners.

Commissioner Hoch said she agrees with the letter from the neighbor stating that fence should not be allowed in the side yard. She said side yard fences are not in keeping with the atmosphere of Burr Ridge and that there was nothing unique about this property that created a hardship.

Commissioner Irwin noted that there was no record of any police investigations. He said that this variation would be a precedent that is undesirable for Burr Ridge. He added that there is no hardship shown and therefore, he opposes granting the variation.

Commissioner Parella said she had nothing to add.

Commissioner Broline agreed that this variation would be a negative precedent and that there is no hardship shown.

Commissioner Farrell agreed with the other Commissioners and added that there is no unique physical condition to the property that creates the need for the variation.

Commissioner Petrich said it appears the security issue described by the petitioner was random and is not grounds for a variation.

Commissioner Stratis also agreed that there was nothing unique about this property.

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the public hearing for V-03-2021.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Hoch, Irwin , Broline, Farrell, Petrich, 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 that the Board of Trustees deny the request for a fence variation. **ROLL CALL VOTE** was as follows:

AYES: 7 – Stratis, Hoch, Broline, Irwin, Petrich, Farrell, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Z-01-2021: 310-312 Burr Ridge Parkway (Andrews/Rovito)

Chairman Trzupek asked for a summary of the petition by staff. Mr. Pollock said that the petitioner is seeking special use approvals for a restaurant with service of alcoholic beverages and outdoor dining. He said the petitioner originally included live entertainment but that was withdrawn. Mr. Pollock said that the petition also includes a parking variation as the existing parking is not sufficient for the proposed restaurant.

Chairman Trzupek asked for comments by the petitioner.

Ms. Sandy Andrews said that the name of the restaurant, Are We Live, was originated in March of 2020 as a way of letting people know on social media that Capri was open for the business during the pandemic. She went on to describe the proposed restaurant.

Chairman Trzupek asked for public comments.

Mr. Neal Smith said he was an attorney representing a business and various residents. He referenced his written statements that were submitted to the Plan Commission. Mr. Smith questioned whether Ms. Andrews had standing to file this petition.

Commissioner Hoch asked Mr. Smith who exactly he is representing. Mr. Smith said one business is Capri Express. He said there was also a group of concerned residents that he is representing.

Mr. Mike Mallon introduced himself and said that he is representing the same group as Mr. Smith. He also referenced the letter he submitted prior to the hearing. He concluded that it his professional opinion that the petition does not meet the standards for special use approval or a variation.

Ms. Nancy Delosio spoke and said that the truth is that this will be a nightclub with live entertainment and will be detrimental to the Village. She also said that the Plan Commission will do whatever the Mayor tells them to do.

Ms. Karen Wiggins said she opposed the Chase bank because the parking was needed for the shopping center. She suggested the Village could allow restaurants with valet parking required.

Mr. John Manderscheid said he is the owner of Patti's Sunrise Café. He noted that the proposed restaurant would not open until 4 pm and that plenty of parking is available at that time at the west end of the shopping center.

Mr. Robert McAnally said that he goes to Capri every Friday evening and is always able to find a parking spot.

Ms. Judy Raka asked how late the restaurant would stay open. Mr. Pollock responded that permitted hours for restaurants was a midnight closing on Sundays through Wednesdays, 1 AM on Thursdays, and 2 AM on Fridays and Saturdays. Ms. Raka said that traffic through Chasemoor is a concern.

A resident from Burr Oaks Glen South subdivision spoke and said he walks to the area. He said that we need more restaurants in downtown Burr Ridge.

Mr. Spencer Lee said he lives in Ambriance! and is concerned with noise.

A resident identifying herself as Barbara said that she live in Chasemoor and that the Village should require a traffic study to determine impact on Chasemoor Drive.

Ms. Jeana McClure said that the garbage behind Capri was a problem and that this restaurant would make it worse.

Ms. Patricia Davis asked about when Capri would take down the tent. She said that it was very congested in that area. She was concerned about noise from the proposed restaurant interfering with residents enjoyment of their homes.

Commissioner Hoch asked about the removal of the tent in front of Capri. She suggested that the proposed restaurant be postponed until the tent is removed.

Chairman Trzupsek said that a recommendation could include a condition that the new restaurant not open until the tent was removed.

Mr. Paul Jepson, owner of Kirstens Bakery, said that even with the lifting of restrictions, people are still afraid to go into restaurants and the tents will be necessary for a while longer.

Mr. Hassan Aboud said he is a resident of Burr Ridge. He said he got letters saying this was a night club but now knows it is not. He said he supports the proposed restaurant and believes it will benefit Burr Ridge.

Ms. Ellen Raymond asked about the procedures for obtaining a liquor license. Chairman Trzupsek said that is a separate process and outside the purview of the Plan Commission.

Ms. Davis spoke again and said that the restaurant would have 82 chairs indoor and 26 outside. She said that there will not be enough parking for the restaurant.

Mr. Roland Smith said that the Commission should have pictures taken of the interior and continue the hearing so those may be reviewed. He suggested that the interior was being designed for live entertainment.

A resident by the name of Tom said that it is a great idea to open another restaurant just as long as you can figure out the parking.

Mr. Zach Mottl said he was a resident and believes the noise from the restaurant will be too much for nearby residents. He suggested 2 am was too late for dining.

Ms. Linda Kramer said that Burr Ridge needs more restaurants as people do not feel safe going into the city.

Mr. Bill Svatas said that he lives on Hamilton Avenue. He said that Gi Gi runs his restaurant with class and he welcomes another restaurant.

Mr. Smith spoke again and suggested there was no hardship for the granting of the parking variation.

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

Commissioner Stratis confirmed that Ms. Andrews was authorized to speak on behalf of the owner. He said that it was always the practice of the Village to allow representatives to speak on behalf of the business or property owner. In response to one public comment, he said that elected officials have never contacted him about a pending petition. He said that his concern with the petition was the parking. Commissioner Stratis said he is on record suggesting that no more parking variations be granted in County Line Square unless the owner addresses the lack of parking.

Commissioner Farrell said that she needs more information before she can decide. She would like to see a detailed business plan, a shared parking agreement if off-site parking is proposed, and specifically wants the business plan to be updated to make it clear that there will be no live entertainment. She also mentioned the lack of interior access to the outdoor dining area and the need to modify the plans to show the required access.

Commissioner Broline referenced the noise complaint that was resolved immediately upon notice from the police department. He said that parking is available in the area but that he understands Commissioner Stratis' concern with the parking variation.

Commissioner Petrich stated that the Special Use Findings of Facts should be revised to remove the word "entertainment"; and for the Variation to remove "extension of Capri in this space to increase the bar seating," as this should not be considered a necessity and public service for Burr Ridge. Commissioner Petrich asked the petitioner to confirm that both the Capri restaurant and the proposed restaurant will be self-sufficient for food and beverages and there will be no public crossover of wait staff with food or beverages between the two restaurants. He also expressed a

concern about proposed late hours beyond midnight till 2am on Fridays/Saturdays and 1am on Thursdays. He said that based on comments from nearby residents, these proposed hours are too late and are also beyond what other restaurants in the area are currently open, including Johnny Cab's planned hours no later than midnight on weekends. He concluded that he too would like to see an updated business plan.

Commissioner Parella said this would be a good facility to have in Burr Ridge. She noted that La Cabanita closes at 9 pm and that maybe 12 midnight would be more appropriate for the proposed restaurant.

Commissioner Irwin said that the owner refuses to submit a request for a Planned Unit Development which would be helpful to create parking plan for the shopping center. He said that he has never had a problem parking at County Line Square. He said that this restaurant never was a nightclub and noted that there was no opposition to the restaurant proposed by Gene Halleran. He said that it was unanimous by the Plan Commission that these are the types of businesses the Village wants.

Commissioner Irwin also noted that he sensed personal animosity in the letters objecting to the restaurant. He noted that the idea that we do not want outsiders is inappropriate, as the businesses would not survive on Burr Ridge customers only. Commissioner Irwin said that no trustee had ever called him about a pending petition. He suggested this business will not promote consumption of alcohol any more than any other restaurant. And finally he added that the additional foot traffic and outdoor dining would be good for the shopping center.

Commissioner Hoch said she agrees that this would be a good business for Burr Ridge. She noted this could take overflow from Capri and may not create much additional traffic. She said the noise complaint was a one time complaint from County Wine Merchant regarding someone singing outside of the restaurant.

Commissioner Hoch said that the continued use of the tent created parking problems. She said she does think there is a hardship for the variation as businesses would not be able to locate in the shopping center if they were required to comply with the parking regulations. She also commented that the access doors to the outdoor dining need to be brought into code and that the designated pick up parking spaces should be more restrictive in their hours.

Chairman Trzupsek said that he had nothing to add but did mention his concern that the landlord has not come up with a better parking plan for the shopping center.

Commissioner Stratis noted that there are very few complaints from Ambriance! and he would expect that would not change with the proposed restaurant.

Commissioner Farrell said she wants more information and Commissioner Hoch agreed.

Chairman Trzupsek summarized the desired additional information as follows:

- Confirm in writing again that there will be no live entertainment.

- Revise the outdoor dining plan to comply with the access requirements.
- Consider tighter restrictions for the hours of operation.
- Provide a more detailed description of the business plan.
- Consider tighter restrictions on the outdoor dining, perhaps closing no later than 10 pm.

Commissioner Hoch said that she wants more specific schedule for removing the tent in front of Capri restaurant. In response, Chairman Trzupsek said a possible condition could be that the proposed restaurant does not open until the tents are removed.

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Hoch to continue Z-01-2021 to June 7, 2021.

ROLL CALL VOTE was as follows:

AYES: 7 – Farrell, Hoch Broline, Irwin, Petrich, Stratis, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

There were no comments regarding the Board Report.

V. OTHER PETITIONS

There were no other Petitions on the agenda.

VI. PUBLIC COMMENT

There were no further public comments.

VII. FUTURE MEETINGS

Mr. Pollock said that the next meeting is May 17 and on that agenda is the review of final plans for the Village Center entertainment district.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Farrell to adjourn the meeting at 9:48 pm.

ROLL CALL VOTE was as follows:

AYES: 7 – Broline, Farrell, Hoch, Petrich, Irwin, Stratis, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted: _____
Doug Pollock, Planner