

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF JULY 19, 2021

I. ROLL CALL

The 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.

ROLL CALL was noted as follows:

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

ABSENT: 0 – None

Interim Village Administrator Evan Walter was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Stratis to approve the minutes of the June 21, 2021 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Broline, Stratis, Petrich, Farrell, Irwin, Hoch, 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.

Z-09-2021: 720-730 Village Center Drive (Kostandinov); Special Uses, PUD Amendment, and Findings of Fact

Chairman Trzupek asked for a summary of the petition. Mr. Walter said that the petitioner, Alexander Kostandinov, is seeking to open a restaurant called Pella, which would be located in the former LOFT and Banana Republic tenant spaces in Building 4 at the corner of Village Center Drive and LifeTime Drive. The petitioner requests an amendment to Ordinance #A-834-10-05 to amend the outdoor space use adjacent to Building 4 of the Village Center to add a patio with a permanent/retractable awning to accommodate outdoor dining, a special use as per Ordinance #A-834-10-05 for outdoor dining at a permitted restaurant use, and a special use as per Ordinance #A-834-10-05 to permit a restaurant with hours of operation exceeding midnight, all at the subject property. This petition was originally submitted as Z-04-2021 but was withdrawn to incorporate a request to remain open beyond the PUD's permitted hours of midnight.

The petitioner's proposed restaurant contains approximately 8,000 square feet of indoor space with two banquet rooms, a private dining room, a gelato shop, two bar areas (including one indoor/outdoor bar), and an indoor fountain. There is also 4,660 square feet of new outdoor patio area proposed on the east side of Building 4 between the building and street, including a permanent/retractable awning and additional outdoor bar. In total, there are over 450 seats shown in the petitioner's site plan, not counting any capacity that would be imputed in the two indoor banquet facilities. There is no current outdoor dining space in this area of the Village Center. A glass fence is shown surrounding the entire outdoor seating area. The proposed patio is shown as abutting just behind an existing Village Center entrance sign at the intersection of Burr Ridge Parkway and LifeTime Drive; the patio is estimated to be located generally abutting the sign's rear elevation. A minor re-grading is shown on the subject property as well, which would be considered as an alteration of the outdoor space of the property. An additional feature included in the petitioner's special use proposal is to include a permanent/retractable awning as shown in the petitioner's submittal. This awning would allow for year-round use of the space, with built in comforting and power. The petitioner revised their petition to reduce the size of the retractable awning to better align with the corner of the building and create a true outdoor dining area near the sidewalk. The petitioner is proposing façade alterations of their outdoor space, which include a minor addition of two columns with pots on each column. All of the façade amendments would be included in the general request to amend their outdoor space. The petitioner has submitted a petition to permit the entirety of the proposed restaurant to be open until 2am. At this time, no use in the Village Center has an allowable closing beyond 1am. No restaurant at the Village Center currently remains open past 11pm based upon their current business plans but may revise them to stay open until midnight without Village approval.

Chairman Trzupek asked for public comment.

Robert Harbour, 801 Village Center, said that he supported the concept of a restaurant but did not support a restaurant operating until 2am.

Ida Fakhouri, 801 Village Center, agreed with Mr. Harbour's comments regarding the hours of operation.

Ruthann McCarthy, 1000 Village Center, objected to the use as the patio would block sidewalks as well as the extended hours requiring additional security.

Mark Saltas, 801 Village Center, said that he objected to the use being open until 2am. Mr. Saltas asked about the lateness of the allowable hours of operation. Mr. Walter said that midnight was the latest a use could operate without a special use. Mr. Saltas asked what the standards for decision making are on these petitions. Mr. Walter explained the concept of findings of fact as well as the Plan Commission recommendation to the Board. Mr. Saltas asked if there was a maximum capacity to the building. Mr. Walter said that the fire and building codes had assigned a maximum capacity which far exceeded the capacity shown on the site plan.

Rich Panico, 8311 Fars Cove, said that he opposed a restaurant being open until 2am. Mr. Panico asked if the use was a bar. Mr. Walter said that the Village classified the use as a restaurant.

Mark Thoma, 7515 Drew, said that allowing uses to stay open until 2am was inadvisable. Mr. Thoma asked if the patio's structure would be used year-round. Alexander Kostandinov said that the patio was intended for use year-round.

Chairman Trzupsek asked if the use was classified as a restaurant or banquet facility, as the site plan showed "banquet rooms". Mr. Walter said that staff classified the use as a restaurant in that its business plan clearly intended for the majority of its revenue to be individual dining parties with the opportunity to host smaller events, noting that the two banquet rooms were approximately 1,000 square feet in size. Chairman Trzupsek agreed with this interpretation.

Mr. Harbour asked if parking studies had been completed related to the growth of restaurant space. Mr. Walter said that the Plan Commission had considered the issue of parking in a recent petition, and concluded that sufficient parking would be available to serve the additional restaurant space.

Commissioner Stratis noted that there appeared to be a gap in the fence of the outdoor dining area. Mr. Garza said that the outdoor dining area plans would be corrected to better show that no gap would be intended in the specified area. Commissioner Stratis asked if restaurants could close to accommodate a private party. Mr. Walter said that would be permitted. Commissioner Stratis said that he supported the restaurant and staff's recommendation for 1am indoor closure, except that he would want no decorative pots on the roof of the retractable structure from an aesthetic perspective.

Commissioner Farrell generally agreed with Commissioner Stratis' comments about zoning classification, closing hours, and the decorative pots. Commissioner Farrell asked for additional landscaping to be added around the new patio, which the Plan Commission supported.

Commissioner Petrich asked if the Board had many any directives to amend the hours of operation on the liquor or zoning regulations. Mr. Walter said that Board had made some comments detailing a lack of support for 2am closures. Commissioner Petrich asked for clarification regarding an outdoor dining plan showing the Hampton Social's outdoor dining area. Mr. Walter said that staff interpreted the plans to be illustrative for scale rather than inclusive in their business plan.

Commissioner Parella said that she supported earlier closing outdoors, including more landscaping along Burr Ridge Parkway, as well as removing the decorative pots from the elevations.

Commissioner Irwin said that he liked the concept, but supported the use closing earlier than 2am. Commissioner Irwin said that he had concerns about windows being blocked. Mr. Walter said that the second floor windows were generally façade windows, in that they were not used for light or views. Commissioner Irwin said that he had continued concerns about the size and bulk of the building being located adjacent to the intersection as well as in context of the existing buildings.

Commissioner Hoch said that the 1am indoor closure and 11pm outdoor closure was acceptable. Commissioner Hoch asked for the stone cladding on the exterior of the new patio's building to be changed to brick matching the existing building. Commissioner Hoch asked how many employees would be present at the use. Mr. Kostandinov said between 50-100 staff would be present; Mr. Walter said they would park variously throughout the property.

Chairman Trzupsek asked if the patio space would be used year-round. Mr. Kostandinov said that the patio's retractable space would be used year-round.

Commissioner Irwin reiterated his concerns about the size of the structure proposed for the area, requesting that the retractable structure be reduced in size or architectural scope to allow for a smaller structure to be built.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing for Z-09-2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend the Board approve an amendment to Ordinance #A-834-10-05 to amend the outdoor space use adjacent to Building 4 of the Village Center to add a patio with a permanent/retractable awning to accommodate outdoor dining, subject to the following conditions:

1. The special use for a restaurant with outdoor seating shall be made to Alexander Kostandinov and his business partners of Pella Restaurant and shall not be transferable to any other party.
2. The special use shall substantially comply with the submitted site plans including but not limited to the number of seats, location of the awnings, etc.
3. The hours of operation shall be 1am for indoor dining and bar areas and 11pm for outdoor dining and bar areas. Any area labeled as "indoor/outdoor" must cease service to the outdoor portion at 11pm. "Outdoor dining areas" shall be defined as the areas designated as "retractable open terrace dining area" and "open terrace area" on the petitioner's submitted site plan.
4. Sound originating from the restaurant shall be kept to a level so as not to be audible from residential units.
5. Tables shall be cleaned promptly following use.
6. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
7. Outdoor food preparation, storage, or display is prohibited.
8. Additional landscaping shall be added on the perimeter of the patio under a plan approved by staff.
9. No pots shall be permitted as decorative features on the roof of the retractable structure.
10. Brick masonry matching the existing Village Center buildings shall be added whenever possible as cladding on the retractable structure.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Hoch, Petrich, Broline, and Trzupsek
NAYS: 1 – Irwin

MOTION CARRIED by a vote of 6-1.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend the Board approve a special use as per Ordinance #A-834-10-05 for outdoor dining at a permitted restaurant use, subject to the following conditions:

1. The special use for a restaurant with outdoor seating shall be made to Alexander Kostandinov and his business partners of Pella Restaurant and shall not be transferable to any other party.
2. The special use shall substantially comply with the submitted site plans including but not limited to the number of seats, location of the awnings, etc.
3. The hours of operation shall be 1am for indoor dining and bar areas and 11pm for outdoor dining and bar areas. Any area labeled as “indoor/outdoor” must cease service to the outdoor portion at 11pm. “Outdoor dining areas” shall be defined as the areas designated as “retractable open terrace dining area” and “open terrace area” on the petitioner’s submitted site plan.
4. Sound originating from the restaurant shall be kept to a level so as not to be audible from residential units.
5. Tables shall be cleaned promptly following use.
6. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
7. Outdoor food preparation, storage, or display is prohibited.
8. Additional landscaping shall be added on the perimeter of the patio under a plan approved by staff.
9. No pots shall be permitted as decorative features on the roof of the retractable structure.
10. Brick masonry matching the existing Village Center buildings shall be added whenever possible as cladding on the retractable structure.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Hoch, Petrich, Broline, and Trzupsek
NAYS: 1 – Irwin

MOTION CARRIED by a vote of 6-1.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend the Board approve a special use as per Ordinance #A-834-10-05 to permit a restaurant with hours of operation exceeding midnight, subject to the following conditions:

1. The special use for a restaurant with outdoor seating shall be made to Alexander Kostandinov and his business partners of Pella Restaurant and shall not be transferable to any other party.
2. The special use shall substantially comply with the submitted site plans including but not limited to the number of seats, location of the awnings, etc.
3. The hours of operation shall be 1am for indoor dining and bar areas and 11pm for outdoor dining and bar areas. Any area labeled as “indoor/outdoor” must cease service to the outdoor portion at 11pm. “Outdoor dining areas” shall be defined as the areas designated as “retractable open terrace dining area” and “open terrace area” on the petitioner’s submitted site plan.

4. Sound originating from the restaurant shall be kept to a level so as not to be audible from residential units.
5. Tables shall be cleaned promptly following use.
6. Furniture and umbrellas shall be weighted to prevent their movement in the wind.
7. Outdoor food preparation, storage, or display is prohibited.
8. Additional landscaping shall be added on the perimeter of the patio under a plan approved by staff.
9. No pots shall be permitted as decorative features on the roof of the retractable structure.
10. Brick masonry matching the existing Village Center buildings shall be added whenever possible as cladding on the retractable structure.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Hoch, Irwin, Broline, and Trzupek
NAYS: 1 – Petrich

MOTION CARRIED by a vote of 6-1.

Z-10-2021: 6547 County Line Road (Klein); Re-Zoning and Findings of Fact

Chairman Trzupek asked for a summary of the petition. Mr. Walter said that the petitioner, Matthew Klein, is seeking to re-zone to R-2A Residential. Properties in the R-2A Residential District must have at least 40,000 square feet and 130 feet of lot width at the street frontage; the subject property complies with both requirements. The subject property currently contains one single-family home. The Comprehensive Plan recommends single family residential uses for these parcels and for the surrounding area on lot sizes “encouraged to be 30,000 square feet or larger.” The subject property is surrounded on the north, east, and south sides by properties zoned R-2A Residential of a similar size and development pattern.

Chairman Trzupek asked for public comment. None was given.

Commissioner Irwin asked if the property qualified for R-2 zoning. Mr. Walter said that the property qualified for such zoning, but that the area around was generally R-2A Residential. Commissioner Irwin said he favored R-2 Residential zoning.

The balance of the Plan Commission generally supported the request.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to close the public hearing for Z-10-2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Petrich to recommend the Board approve the re-zoning of 6547 County Line Road from R-1 Residential to R-2A Residential.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Hoch, Petrich, Broline, and Trzupek
NAYS: 1 – Irwin

MOTION CARRIED by a vote of 6-1.

Z-06-2021: 114 Burr Ridge Parkway (Salamone); Special Use and Findings of Fact

Chairman Trzupek asked for a summary of the petition. Mr. Walter said that the petitioner is Phil Salamone, owner and operator of Capri Express at 114 Burr Ridge Parkway. The petitioner is requesting an amendment to a special use (Ordinance #A-834-03-11) regarding outdoor dining at an existing restaurant. Capri Express was granted a special use for limited outdoor dining related to a specific site plan and layout and is seeking to upgrade their space with an awning of similar design to other restaurants at County Line Square. Capri Express' 2011 special use limited their outdoor seating to four tables and sixteen chairs; the petitioner has stated that this amount of seating would remain the same. The petitioner was not previously permitted to have table service or alcoholic beverages in their outdoor dining area; this would also not change.

Nancy D'Alessio said that she was present on behalf of the petitioner and confirmed the staff report's details.

Chairman Trzupek asked for public comment. None was given.

Commissioner Broline asked if the gate at La Cabanita adjacent to the outdoor dining area needed to be kept clear of any obstructions. Mr. Walter suggested a condition be added to the special use to mandate that the gate area be kept free of tables, chairs, etc.

Commissioner Petrich asked if the slope of the awning would match that of La Cabanita. Ms. D'Alessio confirmed that it would. Commissioner Petrich asked if the middle support column could have some marking, such as a planter, to ensure that the pole could be more visible.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Hoch to close the public hearing for Z-06-2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Petrich to recommend the Board approve a special use for amended outdoor dining at 114 Burr Ridge Parkway, subject to the following conditions:

1. The general location of the outdoor seating area and of the proposed awning shall be as specified on the submitted plans attached hereto as **Exhibit A** including and limited to a maximum of four tables and 16 chairs.
2. At all times, the tables and chairs shall be kept at least 5 feet from the back of the curb to ensure an adequate pedestrian sidewalk.
3. The tables shall not exceed 36 inches in diameter.
4. There shall be no table service or service of alcoholic beverages for the sidewalk seating.
5. The operation of the outdoor seating areas shall not include any advertising, signs, or leaflets.
6. A trash container shall be provided adjacent to the building and said container shall include a self-closing lid.
7. Failure at any time to comply with these regulations shall deem this special use approval null and void.
8. The middle pole on the awning shall be marked by a clearly-visible identification, such as paint or planter.
9. The slope of the adjacent canopy at La Cabanita shall match that of the proposed awning.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Z-07-2021: Zoning Ordinance Amendments (Panico); Text Amendments and Findings of Fact

Chairman Trzupsek asked for a summary of the petition. The petitioner is Richard Panico, a resident seeking to construct a second detached garage on his property. The current detached garage is located in the rear yard of the subject property. While the petitioner is legally entitled to construct two detached garages on any residential property by right, the petitioner is seeking to develop the second detached garage in an interior side yard of the subject property, which is not currently permitted. Accessory detached buildings are only permitted in the rear yard of residential properties, with the rear yard being defined as the taper of the rear wall extended to the side yard lot line extended back to the rear lot line. Section IV of the Zoning Ordinance currently permits all residential properties to construct two detached accessory buildings, with some variation regarding the size of these properties. All detached accessory buildings must be at least 10 feet from the side and rear property lines as well as 10 feet away from either the principal or other accessory buildings on the subject property in which they are located. In the case of this petition, the petitioner is seeking to build an additional garage for vehicle storage, etc. but the Zoning Ordinance makes no distinction about how accessory detached buildings are used; all regulations govern all accessory detached buildings equally. The Village has considered two petitions regarding the location of

accessory detached buildings in side yards. Westmont, Downers Grove, and Willowbrook each permit garages to be generally located in any interior side or rear yard without significant restriction on building size. Oak Brook and Darien prohibit detached accessory buildings of any kind in side yards. Mr. Walter acknowledged that each of these communities are not exact comparables to that found in Burr Ridge.

Richard Panico, 8311 Fars Cove, said that the purpose of the petition was to allow him to build a second detached accessory building on his property in which to store classic cars. Mr. Panico said that the Village had provided him an opinion many years ago in which he was denied the opportunity to build an attached structure similar to the site plan attached. Mr. Panico said that the petition would allow him the opportunity for further enjoyment of his property without the detriment to others.

Chairman Trzupek asked for public comment. None was given.

The Plan Commission was generally unsupportive of the proposed text amendments.

Commissioner Stratis said that he has a similar type of home and had inquired about a similar type of development in the past and was similarly denied. Commissioner Stratis recused himself from voting on the petition.

Chairman Trzupek asked if there was any hardship which could be perceived on the subject property which may justify a variation. Mr. Panico said that no such hardship would be present.

A discussion was held about the nature of attached compared to detached accessory structures. Mr. Walter said that staff's current interpretation of the Zoning Ordinance would allow for garages attached to the home via a permanent structure, such as found in a porte cochere, would be permitted, and encouraged the petitioner to send staff a more detailed concept proposal to see if it could be administratively approved.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Irwin to close the public hearing for Z-07-2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to recommend the Board deny the request for text amendment to permit a detached accessory structure in a side yard.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Hoch, Farrell, Petrich, Broline, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 6-0.

Z-08-2021: 50-124 and 200-324 Burr Ridge Parkway (Village of Burr Ridge); Planned Unit Development and Findings of Fact

Chairman Trzupek asked for a summary of the petition. The petitioner is the Village of Burr Ridge in partnership with Bob Garber, owner of the subject property. On June 28, 2021, the Board of Trustees directed the Plan Commission to hold a public hearing at the subject property (hereinafter referred to as “County Line Square” or “CLS”) for the purposes of considering a Planned Unit Development to create local parking and land use regulations for the subject property. The Board found that several parking variances and special uses had been granted in succession at the subject property and has requested that the Plan Commission consider alternative approaches to regulating parking and land uses in light of these successive approvals. The petitioner requests establishment of a Planned Unit Development (PUD) as per Section VIII.B.2.cc of the Zoning Ordinance for the purpose of creating parking and land use regulations at the subject property. The intent of the PUD is to provide greater flexibility regarding the regulation of parking as well as evaluate and optimize land-use regulations for the purpose of creating an economically-healthy commercial property in downtown Burr Ridge. If a PUD is ultimately adopted, it would become the governing document regarding all zoning matters for the subject property; amendments to the PUD would be brought as public hearings. Mr. Walter asked for Plan Commission direction regarding the draft PUD regulations which had been created for the petition.

Chairman Trzupek asked for public comment.

Mark Thoma, 7515 Drew, said that the PUD was a good faith attempt to help the property develop, but the parking issue remained nonetheless.

Chairman Trzupek asked if the PUD could be further elaborated to establish a parking management plan, including items such as requiring valet, specifying employee parking, etc. Mr. Walter said that the draft PUD document was merely a first draft, and that staff was seeking any direction from the Plan Commission as to how to better perfect the document. Chairman Trzupek asked if the parking could be resolved through a Zoning Ordinance amendment.

Commissioner Stratis said the he did not initially see the solution to parking management in the current PUD draft.

Commissioner Farrell said that the PUD, even applied retroactively, cannot solve all issues, but that some solutions could be had.

Chairman Trzupek said that he wanted to see further elaboration on the parking plan, saying that the Village needed to get the parking issues handled. Several Plan Commissioners agreed with this sentiment, but admitted that they had recommended many variations over the years.

The Plan Commission agreed that more permitted uses should be added to the PUD compared to special uses.

Commissioner Irwin asked that any future PUD drafts include more clear elaboration as to what changed between standard B-1 Business zoning to the PUD.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Farrell to continue the public hearing for Z-07-2021 to August 16, 2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

V. OTHER PETITIONS

VI. PUBLIC COMMENT

VII. FUTURE MEETINGS

Mr. Walter said that there were four public hearings scheduled for August 2, 2021.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to adjourn the meeting at 10:01 pm.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted:

Evan Walter – Village Administrator