

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF APRIL 18, 2022

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 Police Department Training Room, 7700 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5 – Petrich, Broline, Stratis, Morton, and Trzupek

ABSENT: 3 – Irwin, Parrella, and McCollian

Trustee Guy Franzese and Community Development Director Janine Farrell were also present.

II. APPROVAL OF PRIOR MEETING MINUTES – APRIL 4, 2022

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve the minutes of the April 4, 2022 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Broline, Morton, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

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-08-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact - Request to consider text amendments to Sections VIII.A, VIII.B, VIII.C, and XIV.B of the Zoning Ordinance to define "live entertainment" and permit "live entertainment" as accessory to certain uses in the Business Districts.

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that Z-08-2022 are proposed text amendments related to live entertainment, both to define live entertainment and to permit it as accessory to a restaurant use. Currently, there is no definition for live entertainment, and live entertainment as accessory to a restaurant use requires a special use. The Village Attorney stated that any text changes regarding live entertainment would not apply to those establishments already with a special use for live entertainment or to those establishments within PUDs. For those establishments with live entertainment special uses that have specific conditions limiting the live entertainment, like County Wine Merchant and Dao, the text amendment would not apply. For the

County Line Square PUD, live entertainment for a restaurant use requires a special use. For the Village Center PUD, certain entertainment venues are permitted and a restaurant is permitted to have live entertainment or liquor service or dancing. Any text amendment to change it to a permitted use would not apply unless the petitioner requested to amend their PUD. The research into neighboring municipalities showed that about half require a special use and half permit it as accessory. Mrs. Farrell posed two questions to the Commission; if they wished to pursue a definition for live entertainment and if they wished to permit it as accessory to restaurant uses based upon the fact that it would not apply to the County Line Square or Village Center PUDs.

Chairman Trzupek asked for the definition of a restaurant. Mrs. Farrell stated that a restaurant is defined as “an establishment that serves unpackaged food and beverages in individual servings, or in nondisposable containers to customers who consume these foods while seated within the building.” Chairman Trzupek stated that a restaurant should be better defined since it was broad, particularly if live entertainment would be permitted as accessory.

Chairman Trzupek confirmed that if a text amendment were approved to permit live entertainment as accessory to a restaurant use, it would not apply to the existing PUDs. Mrs. Farrell stated that a definition of live entertainment would apply since there currently is not one in the Zoning Ordinance or in the PUDs. Mrs. Farrell presented a draft definition that was based on neighboring municipalities, and those nationwide, and from legal sites.

Chairman Trzupek stated that this text amendment precipitated from the concern about live entertainment venues as opposed to a restaurant with live entertainment. This enforces the need for a better definition of a restaurant. Chairman Trzupek stated that there is a noise ordinance in place which should help to mitigate any nuisances. Chairman Trzupek asked for comments from the Commissioners on how they would wish to proceed before opening to public comment.

Commissioner Morton was concerned about the noise ordinance language and if it was strong enough to enforce. Commissioner Morton stated that the language is not specific or technical but is vague. Chairman Trzupek and Commissioner Morton discussed the use of decibel levels and sound metering. Chairman Trzupek stated that the intent of the noise ordinance was to eliminate the decibel level measuring due to the difficulties for police officers to enforce it.

Commissioner Stratis supported keeping live entertainment as a special use since it allows for greater control. Commissioner Stratis disclosed that he and his wife own the McDonald’s but he did not feel that the ownership compromised his ability to be impartial in his evaluation of these text amendments. Commissioner Stratis supported prohibiting live entertainment outside and believed that some of these text amendments are derivative of one or two issues. Commissioner Stratis supported a sliding scale for noise violation fines as a method to alter the behavior of those businesses since many are adjacent to residential or in a mixed-use environment.

Commissioner Petrich confirmed that the definition of live entertainment would be applied to all establishments.

Chairman Trzupek confirmed that if there were special regulations regarding live entertainment that conflicted with already approved special use permits, the special use would still govern those

businesses. Chairman Trzupek confirmed that the property owners would have to petition to amend their PUDs in order to change their regulations for live entertainment.

Commissioner Petrich supported the proposed definition, that live entertainment should remain a special use, it should be prohibited outdoors, and that a seating plan should be shown as part of the special use request.

Commissioner Broline supported prohibiting live entertainment outdoors. Commissioner Broline asked about the Village Center PUD with restaurants which have live entertainment or dancing or liquor service. Commissioner Broline supported keeping the special use for live entertainment.

Commissioner Morton questioned having a sliding scale for live entertainment as to whether it's a permitted or a special use. Chairman Trzupek did not support quantifying or placing limits on live entertainment since there is a noise ordinance which all must abide by, regardless of the number of musicians. Commissioner Morton recommended putting an absolute number of musicians or limiting amplification.

Commissioner Stratis stated that there is a very small number of restaurants coming forward each year for this request which does not make the special use burdensome.

Chairman Trzupek summarized that there was a support for the draft definition, to prohibit live entertainment from being outside, to keep it a special use, to create a better definition for a restaurant, and to provide a seating plan. There were concerns about how noise is measured and he asked to know how the noise ordinance enforcement is working.

Commissioner Stratis asked about hotel and office lobbies that might have live entertainment. Commissioner Petrich and Mrs. Farrell confirmed that the proposal was only for establishments within the Business Districts.

Chairman Trzupek asked for public comment.

Alice Krampits of 7515 Drew preferred to keep the live entertainment as a special use, had concerns about the seating arrangements for establishments with live entertainment, and asked about other businesses, like an art gallery, that might request live entertainment. In those instances, Ms. Krampits stated it was best to keep live entertainment as a special use. Ms. Krampits asked about the strike-out text in the report. Mrs. Farrell confirmed the redlined text reflected the proposed changes if live entertainment was permitted as accessory.

Mark Thoma of 7515 Drew asked about a permit for live entertainment for a special event. Mrs. Farrell noted the special event permit that is detailed in the noise ordinance.

Z-09-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact Request to consider text amendments to Sections VIII.A, VIII.B, and VIII.C of the Zoning Ordinance to amend hours of operation for restaurant uses in the Business Districts.

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that Z-09-2022 is regarding proposed text amendments to the hours of operation for uses in the Business Districts. Currently, any business in B-1 or B-2 is permitted to be open from 7:00a.m. to 10:00p.m. Should a business wish to operate beyond these hours, a special use is required. Restaurants with liquor could potentially be permitted to be open until midnight on Sundays, Mondays, Tuesdays, and Wednesdays, 1:00a.m. on Thursdays, and 2:00a.m. on Fridays and Saturdays with an approved special use. The Village Attorney stated that any text amendments regarding altering hours of operation would not apply to existing establishments with special uses for extended hours or those establishments governed by a PUD which has specified hours of operation. There are twelve businesses with special uses for extended hours which these changes would not apply to. The text amendment changes would not apply to County Line Square and Village Center PUDs which have specified hours of operation. Research into neighboring municipalities shows that most do not have any standardized hours of operation in their Zoning Ordinance, they default to the Liquor Ordinance which has hours of operation stipulated. If the Commission wished to pursue changing hours of operation, the hours in the Liquor Ordinance should also be evaluated.

Chairman Trzupek asked the Commission if they wished to pursue changing the standard hours of operation and the special use requirement knowing that it would not apply to most establishments.

Commissioner Stratis could not find a compelling reason to change the existing hours of operation. Commissioner Stratis stated that many people are waking up earlier and he personally has often waited for businesses to open while enroute to the airport for an early flight. Commissioner Stratis supports restaurants obtaining a special use to open earlier than 7:00a.m. since some may be located next to residential uses.

Commissioner Petrich wanted to ensure that extended hours would not apply to outdoor dining and that a restaurant kitchen should be providing full service an hour up until closing.

Commissioner Broline mentioned single-tenant buildings and keeping the special use requirement.

Commissioner Morton questioned the impact that having patrons from all restaurants with liquor leaving at one time would have.

Chairman Trzupek asked for public comment.

Alice Krampits of 7515 Drew supported keeping the existing regulations.

Chairman Trzupek polled the Commissioners to confirm if there was support to pursue amending the hours of operation.

Mrs. Farrell read back notes with items related to live entertainment that the Commissioners wished to have more information about.

Commissioners Broline and Petrich mentioned neighboring municipalities that were more similar to Burr Ridge, like Hinsdale, and that their hours of operation are not as late.

Commissioner Petrich questioned restaurants that have extended hours approved but do not fully utilize and how to potentially reduce their hours. Mrs. Farrell stated that she would need to speak with legal counsel.

Commissioner Petrich questioned outdoor dining and hours of operation. Mrs. Farrell confirmed that outdoor dining hours are to be specifically approved by the Village.

Commissioner Morton mentioned the reasoning behind the text amendment was to have a level playing field for all restaurants. Chairman Trzupek noted that was the original intent, but as the Commission found out, the text amendments would not apply to existing special uses or PUDs.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Morton to continue the public hearing for Z-08-2022 until June 6, 2022.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Morton, Broline, Petrich, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to close the public hearing for Z-09-2022.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Broline, Stratis, Petrich, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to recommend that current Zoning Ordinance regulations regarding hours of operation remain unchanged.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

IV. CORRESPONDENCE

Chairman Trzupek asked if there were any comments on the Board or Building Reports. Commissioner Petrich asked about the proposed text amendments and if other accessory structures, like attached sports courts, could be included. Mrs. Farrell stated that the direction was specifically for attached garages but there may be other topics that arise from the discussion which could be brought forward to the Board.

V. OTHER CONSIDERATIONS

Mrs. Farrell introduced a proposal that was received from DuPage County for an existing car wash located on Route 83, south of 91st Street. The information was received after the packet was distributed. The request is for additions to an existing car wash and variations. Mrs. Farrell asked the Commissioners if they wished this to be on their next agenda for discussion.

Chairman Trzupek noted the date of the DuPage County Plan Commission meeting and if there was time to submit comments after that meeting. Mrs. Farrell confirmed that it would proceed to the County Board so there would be time.

Commissioners Morton, Petrich, and Stratis discussed the parking lot configuration and the new entrance/exit location.

Commissioners Stratis and Morton expressed concerns about the location of the new curb cut and the congestion it might cause.

Chairman Trzupek confirmed the zoning requests including the building and pavement setbacks. Chairman Trzupek requested that it be placed on the May 2, 2022 agenda so the Commission can review and provide comments.

Commissioner Stratis requested a plan for the directional signage and was concerned about the traffic flow.

VI. PUBLIC COMMENT

Alice Krampits of 7515 Drew asked if future meetings would be held at the Police Department. Mrs. Farrell confirmed that the meetings will be held at the Police Department at least through the end of May.

VII. FUTURE MEETINGS

April 25, 2022 Board of Trustees

Chairman Trzupek is the scheduled representative. Mrs. Farrell stated that she would inform him if his attendance was required.

May 2, 2022 Plan Commission

Z-04-2022: 308-312 Burr Ridge Parkway (continuation from March 21, 2022)

Z-10-2022: 9115 Kingery Highway (Thorntons LLC); Special Uses, PUD Amendment, and Variations to operate a proposed gas station with convenience store.

V-02-2022: 8311 Fars Cove (Panico); Variation to permit a detached accessory building (garage) within the side buildable area.

May 9, 2022 Board of Trustees

Commissioner McCollian is the scheduled representative.

May 16, 2022 Plan Commission

Z-11-2022: Consideration of text amendments to define an “attached” garage.

Z-12-2022: Consideration of text amendments regarding commercial vehicles in residential zoning districts.

Z-13-2022: Consideration of text amendments regarding right of way signs.

May 23, 2022 Board of Trustees

Commissioner Irwin is the scheduled representative.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to adjourn the meeting at 8:15 pm.

ROLL CALL VOTE was as follows:

AYES: 5 –Stratis, Petrich, Morton, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director

