

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF JUNE 3, 2024

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 Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupsek.

ROLL CALL was noted as follows:

PRESENT: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupsek

ABSENT: 1 – Parrella

Planner Ella Stern was present.

II. APPROVAL OF PRIOR MEETING MINUTES – MAY 20, 2024

Commissioner Petrich stated on page ten, paragraph four, shall state “adjacent neighbors.”

Commissioner McCollian stated that her vote was not recorded for case V-02-2024. Stern clarified that Commissioner McCollian did not vote on variation requests.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to approve the minutes of the May 20, 2024 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 6 – Petrich, Irwin, McCollian, Broline, Morton, and Trzupsek

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 6-0 with one abstention.

III. PUBLIC HEARINGS

Chairman Trzupsek introduced the public hearings on the agenda. Chairman Trzupsek requested to swear in all those wishing to speak on such matters on the meeting agenda and a swearing in of such individuals was conducted.

A. Z-07-2024: 311 Shore Drive (Tesla); Special Use Amendment and Findings of Fact

Chairman Trzupsek introduced the case and asked for a summary. Stern stated that staff requested the case be continued until the June 17, 2024 Plan Commission meeting.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for case Z-07-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

B. Z-03-2024: Zoning Ordinance Amendment for Outdoor Dining (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM APRIL 1, 2024]

Chairman Trzupek introduced the case and asked for a summary. Stern stated that on February 12, 2024, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to permit outdoor dining year-round in the Business Districts. Stern stated on April 1, 2024, the Plan Commission continued case Z-03-2024 and requested staff research outdoor dining, outdoor dining enclosures, and design aesthetics. Stern noted that staff surveyed surrounding municipalities and reviewed their outdoor dining regulations. Stern stated that staff found that neighboring municipalities generally lack specific regulations regarding outdoor dining enclosures. Stern showed example illustrations of different enclosures, including the Village Center entertainment district approval from 2023. Stern noted that the Burr Ridge Zoning Ordinance does not define “demountable walls.” Stern stated that the Plan Commission may wish to define demountable walls. Stern noted that a demountable wall may be “moveable walls or demountable walls, which are wall systems that can be removed and reinstalled.” Stern provided the proposed language.

Chairman Trzupek discussed the outdoor dining regulations in the neighboring municipalities, outdoor dining versus enclosed dining, and building permits. Chairman Trzupek expressed concern regarding entering and exiting, ventilation, safety, and permits. Chairman Trzupek noted that the Plan Commission does not amend the Building Code.

Alice Krampits, 7515 Drew Ave., discussed temporary versus permanent outdoor dining, bollards, and outdoor dining designs. Krampits noted she was opposed to year-round outdoor dining and the wall enclosures. Krampits stated that the temporary structures did not enhance the mall or restaurants and that outdoor dining should be permanent structures. Krampits expressed concern regarding parking, fire, and safety.

Chairman Trzupek asked about the additional parking spaces needed for outdoor dining. Stern stated that staff reviewed parking in the special use request for outdoor dining.

Commissioner Irwin supported open outdoor dining year-round and only enclosed outdoor dining during the winter. Commissioner Irwin stated that enclosed outdoor dining should be aesthetically pleasing and made of high-quality, demountable wall structures, not plastic vinyl.

Commissioner McCollian agreed with Commissioner Irwin. Commissioner McCollian noted she was not opposed to the clear vinyl. Commissioner McCollian discussed and stated support for the Ordinances from neighboring municipalities.

Commissioner Petrich stated support for converting an outdoor dining area into an enclosed area provided that the enclosures met Building Code requirements. Commissioner Petrich questioned the term aesthetic uniformity and suggested the Plan Commission review alternative terms, such as monotonous or complimentary designs.

Commissioner Broline noted the public had shown interest in outdoor dining. Commissioner Broline expressed safety concerns. Commissioner Broline stated that enclosures should be reviewed for compliance with the Building and Engineering department. Commissioner Broline discussed the regulations from neighboring municipalities. Commissioner Broline discussed the outdoor dining enclosure at Pella restaurant.

Commissioner Irwin suggested the Plan Commission review outdoor dining enclosures through a special use. Commissioner Irwin supported the outdoor dining enclosure and approval process for Pella Restaurant.

Chairman Trzupek noted Pella did not have outdoor dining, and the area was a structure with a retractable roof and permanent walls with large doors that opened up.

Commissioner Stratis agreed with Commissioner Irwin. Commissioner Stratis supported outdoor dining for nine months of the year and enclosed outdoor dining for three or four months. Commissioner Stratis noted he did not support the outdoor dining enclosures, tables, and chairs outside year-round. Commissioner Stratis asked about the proposed draft language pertaining to the design standards. Stern stated staff proposed different design requirements, and the Plan Commission may wish to choose alternative materials and colors. Stern noted that the Village lacked regulations for uniform design standards. Commissioner Stratis discussed bollards and alternative materials regarding outdoor dining enclosures.

Commissioner Morton agreed with Chairman Trzupek regarding Pella restaurant. Commissioner Morton discussed the potential contradiction of temporary or permanent walls with outdoor dining. Commissioner Morton supported maintaining the current outdoor dining regulations. Commissioner Morton expressed concern regarding fire, safety, occupancy, and compliance with the Building Code. Commissioner Morton noted that Jonny Cabs had removed their outdoor dining enclosure. Commissioner Morton suggested the Commission emphasize open throughways. Commissioner Morton noted that bollards would further limit space for wheelchair users and pedestrians. Commissioner Stratis noted an accident that occurred in Hinsdale.

Chairman Trzupek agreed with Commissioner Morton. Chairman Trzupek suggested outdoor dining enclosures be demountable walls, not vinyl if the Commission chose to permit outdoor dining enclosures year-round. Chairman Trzupek discussed and questioned entering and exiting, fire safety, and ventilation with the building codes. Stern stated demountable walls were reviewed for compliance with the building codes. Chairman Trzupek supported maintaining the current outdoor dining regulations. Stern noted the existing regulations require special use approval to permit an outdoor dining enclosure. Chairman Trzupek stated the Commission could permit outdoor dining year-round while maintaining wall enclosure regulations but including standards for a special use.

Commissioner Morton noted that addressing concerns related to special use and other issues required a special use application, which might involve further steps and involvement.

Commissioner Irwin stated that permitting outdoor dining year-round would allow businesses to leave their furniture outside during the winter and when the furniture was not in use.

Chairman Trzuppek suggested maintaining current outdoor dining regulations but permitting enclosed outdoor dining year-round through a special use.

Commissioner Stratis suggested including regulations to require bollards, compliance with building, fire, and safety codes, and glass.

Commissioner Morton asked Commissioner Stratis about the bollard requirement for outdoor dining year-round as opposed to outdoor dining for nine months. Commissioner Stratis suggested bollards operated by removable power. Commissioner Morton stated that the risk of a vehicle entering the area exists year-round. Commissioner Petrich agreed and noted that a fence would not prevent an automobile from entering an outdoor dining area.

Chairman Trzuppek noted the accident in Hinsdale and suggested that all outdoor dining areas have a bollard requirement. Chairman Trzuppek suggested prohibiting wall enclosures and year-round outdoor dining unless approved through a special use. Chairman Trzuppek suggested the Commission include conditions for a special use approval. Chairman Trzuppek questioned outdoor dining versus an enclosed structure.

Commissioner Petrich noted the Commission would be converting designated outdoor dining areas to an enclosed structure that met all building codes.

Commissioner Stratis suggested that outdoor dining furniture be removed unless actively utilized by the establishment. Commissioner Petrich confirmed that the outdoor furniture would be removed if the enclosure was demounted.

Commissioner Irwin suggested the Commission retain the existing outdoor dining regulations for number eight, with potential minor modifications.

Commissioner Irwin proposed amending the regulations to mandate that all outdoor furniture must be removed from November to March, except in cases where a wall enclosure had obtained special use approval.

Commissioner Morton stated he could support Commissioner Irwin's suggestion but noted he was not inclined to make a final decision without the proposed language in writing.

Commissioner Petrich questioned if the wall enclosure regulations required a separate section in the Zoning Ordinance.

Commissioner Morton questioned the implications of additional requirements for outdoor dining areas in special use permits pertaining to occupancy and fire code concerns.

Chairman Trzupek stated that enclosed spaces would be considered structures, subject to building permit requirements and a review of the structure, entryways and exits, and ventilation. Chairman Trzupek questioned whether the wall enclosures should remain in the current section. Chairman Trzupek noted that there might be a more suitable term for enclosed dining. Chairman Trzupek stated wall enclosures would be considered in accordance with all applicable building permits. Additionally, they expressed uncertainty about fully supporting the proposal at this stage, indicating that further discussion and refinement might be necessary before reaching a decision.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue the public hearing for case Z-03-2024 to the July 1, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Morton, McCollian, Petrich, Broline, Stratis, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

C. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, DECEMBER 18, 2023, FEBRUARY 5, & APRIL 15, 2024]

Chairman Trzupek requested cases Z-10-2023 and Z-12-2023 be moved on the agenda for discussion before case Z-04-2024.

Chairman Trzupek asked if the petitioners for cases Z-10-2023 and Z-12-2023 were present. Chairman Trzupek noted the Commission would not approve the vinyl enclosures tonight and potentially not approve the enclosures at all. The petitioner for Jonny Cabs was absent.

The Petitioner, Vito Salamone of Capri Express, stated he would submit information and illustrations for different enclosure options. Chairman Trzupek requested the petitioner return with feasible options for outdoor dining enclosures at Capri Express.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for cases Z-10-2023 and Z-12-2023 to the July 1, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

D. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs); Special Use Amendment and

Findings of Fact [CONTINUED FROM NOVEMBER 20, DECEMBER 18, 2023, FEBRUARY 5, & APRIL 15, 2024]

A motion was made for the continuance of both Z-10-2023 and Z-12-2023 under Section III.C.

E. Z-04-2024: Zoning Ordinance Amendment for Walls and Masonry Piers (Tuschall); Text Amendment and Findings of Fact [CONTINUED FROM APRIL 1, 2024]

Chairman Trzuppek introduced the case and asked for a summary. Stern stated that the petitioner, James Tuschall, requested a text amendment to Section IV.I.38 of the Zoning Ordinance to permit walls and masonry piers in non-residential districts. Stern noted that on April 1, 2024, the petitioner requested the case be continued, and the Plan Commission continued the case until June 3, 2024. Stern stated staff emailed the petitioner on February 20, March 13, March 28, April 2, and May 27, 2024, requesting additional information regarding the text amendment request. Stern noted that the petitioner had not submitted a signed copy of the petition or an updated application. Stern stated that the petitioner provided images of masonry walls in residential districts that were otherwise permitted, subject to compliance with Zoning Ordinance regulations. Stern noted the petitioner's non-residential property, located at 15W700 79th Street, was built with masonry walls in 1982. Stern stated the walls could not be replaced, and only repairs would be allowed. Stern noted that there were no current regulations for walls or masonry piers in non-residential districts. Stern stated that staff surveyed surrounding municipalities and found each municipality reviewed the structures differently and had varying regulations.

Chairman Trzuppek confirmed the walls were permitted on the subject property in 1982. Stern clarified that the walls could not be replaced, and only repairs would be permitted.

The petitioner, James Tuschall, stated the brick walls were constructed in 1982 and were outdated. Tuschall stated that the brick material was no longer available. Tuschall noted that he searched for matching materials to repair the bricks, but due to deterioration and lack of availability, it was not feasible to achieve a uniform appearance. Tuschall noted that he was not removing the foundation of the brick wall. Tuschall stated he wished to construct a new product to enhance the appearance of the road and the experience for their tenants.

Chairman Trzuppek questioned the need for the walls. Tuschall stated that the walls screened the parking lot to the west of the building. Tuschall noted that there were residents across the road. Tuschall stated that the walls enhanced the property.

Commissioner Morton stated he drove by the property, and the bricks had deteriorated, which was consistent with the neglect seen in other monuments and structures in residential and business areas. Commissioner Morton supported repairs to the walls to meet current regulations but did not support introducing similar structures to business districts.

Chairman Trzupsek stated current Zoning Ordinance regulations prohibited the replacement of the walls, and a text amendment was needed to address the issue comprehensively.

Commissioner Stratis agreed with Commissioner Morton. Commissioner Stratis noted he did not support amending the Ordinance to permit and expand walls and masonry features for commercial properties.

Commissioner Broline agreed with the Commissioners.

Commissioner Petrich agreed with the Commissioners. Commissioner Petrich noted that the petitioner could plant landscaping.

Commissioner McCollian agreed with the Commissioners. Commissioner McCollian expressed support for a provision stating that if a structure was constructed under an approved permit and was permitted at that time, it should be allowed to replace the structure.

Commissioner Irwin agreed with the Commissioners. Commissioner Irwin stated that insufficient information was provided to the Plan Commission. Commissioner Irwin noted that the petitioner submitted images of walls and masonry piers in residential districts, but the request was for walls and masonry piers in non-residential districts.

Chairman Trzupsek noted that the petitioner could only make repairs to the wall. Chairman Trzupsek stated the request was for a text amendment that applied to the Village. Chairman Trzupsek agreed with the Commissioners. Chairman Trzupsek expressed support for a provision where a grandfathered-in structure, legally built, could be maintained beyond patching.

Commissioner Petrich noted that a resident wishing to replace a non-conforming fence or mailbox must adhere to the current Zoning Ordinance regulations.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to close the public hearing for Z-04-2024.

ROLL CALL VOTE was as follows:

AYES: 7 – Morton, Broline, Irwin, McCollian, Petrich, Stratis, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to deny the proposed text amendment language to Section IV.I.38 of the Burr Ridge Zoning Ordinance to permit Walls and Masonry Piers on non-residential districts.

ROLL CALL VOTE was as follows:

AYES: 7– Morton, Irwin, McCollian, Petrich, Broline, Stratis, and Trzupke
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

Chairman Trzupke stated he supported the replacement of the structure with a similar one if feasible. Chairman Trzupke noted the petitioner must pull the item off the consent agenda if he wished to speak at the Village Board meeting.

IV. CORRESPONDENCE

There were no comments.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

Chairman Trzupke stated the Plan Commission received a public comment regarding the CNH property and was included in the June 3, 2024, meeting packet.

Mary Bradley, 121 Surrey Lane, stated concerns regarding the proposed redevelopment of the CNH property and the potential impact on their neighborhood. Bradley stated opposition from both their neighborhood and others in Burr Ridge to the type of redevelopment proposed. Bradley quoted a letter by the Village Mayor and Chairman of the Ad Hoc Committee. Bradley discussed concerns regarding the warehouse text amendment and truck traffic. Bradley suggested the Plan Commission seek an outside land use consultant to review current zoning and urged caution in broadening the use of the CNH property.

VII. FUTURE MEETINGS

Stern stated the six cases scheduled for the June 3, 2024 Plan Commission meeting.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commission McCollian to adjourn the meeting at 7:55 p.m.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, McCollian, Petrich, Broline, Stratis, Morton, and Trzupke
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted:



Ella Stern
Planner