

#### REGULAR MEETING PLAN COMMISSION/ZONING BOARD OF APPEALS February 5, 2024 - 7:00 PM VILLAGE HALL - BOARD ROOM

The Plan Commission/Zoning Board of Appeals hears requests for zoning text amendments, rezoning, special uses, and variations and forwards recommendations to the Board of Trustees. The Commission also reviews all proposals to subdivide property and is charged with Village planning, including the updating of the Comprehensive Plan for Land Use. All Plan Commission actions are advisory and are submitted to the Board of Trustees for final action.

#### I. ROLL CALL

#### II. APPROVAL OF JANUARY 15, 2024 MEETING MINUTES

#### **III. PUBLIC HEARINGS**

# A. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, & DECEMBER 18, 2023]

Requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

# B. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, & DECEMBER 18, 2023]

Request for an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to special use Ordinance #A-834-17-21 and County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

#### C. Z-17-2023: 16W020 79<sup>th</sup> Street (Dodevski/Lyons Truck Sales); Special Use and Findings of Fact [CONTINUED FROM JANUARY 15, 2024]

Request for a special use to permit the continued use of a non-conforming chain link fence on the subject property pursuant to Ordinance #A-834-01-19 and Sections IV.J & XII.F.3 of the Burr Ridge Zoning Ordinance.

#### D. Z-15-2023: Zoning Ordinance Amendment for Architectural Entrance Structures and Driveway Gates (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023]

Request to consider text amendments to Section IV.I of the Burr Ridge Zoning Ordinance for the regulations pertaining to architectural entrance structures and driveway gates in residential districts.

# E. Z-16-2023: Zoning Ordinance Amendment for Residential Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023]

Request to consider text amendments to Sections IV.J of the Burr Ridge Zoning Ordinance for the

regulations pertaining to fences in residential districts.

#### IV. CORRESPONDENCE

- A. <u>Board Reports</u> January 22, 2024 meeting canceled
- B. <u>Building Reports</u> None

#### V. OTHER CONSIDERATIONS

A. PC-01-2024: Annual Zoning Review

# **B.** PC-02-2024: 16W0290 Jeans Road (Oburrdale Inc.) Extraterritorial Review of a Conditional Use and Variations

Review of a DuPage County request for a conditional use (special use) for auto sales and variations, DuPage County Zoning Case ZONING-24-000005.

#### C. PC-03-2024: 901 McClintock Drive (Royal Oaks Development) - Informal Discussion

#### VI. PUBLIC COMMENT

#### VII. FUTURE MEETINGS

#### February 12 Village Board

Commissioner Parrella is the scheduled representative.

#### February 19 Plan Commission

#### A. Z-01-2024: 101 Burr Ridge Parkway (RE/MAX): Special Use and Findings of Fact

Request for a special use to permit a real estate office in a B-2 General Business zoned district in accordance with Zoning Ordinance VIII.C.2.al.

#### B. V-01-2024: 15W765 80th Street (LaConte): Variation and Findings of Fact

Requests a variation from Zoning Ordinance Section VI.D to permit a fence within a corner side yard setback deviating from the minimum 40 ft. required.

#### February 26 Village Board

Chairman Trzupek is the scheduled representative.

#### March 4 Plan Commission

#### A. V-02-2023 16W122 91st Street (Leon)

Requests for four (4) variations from Zoning Ordinance Section IV.I to permit (1) a driveway gate exceeding 6' in height, (2) a driveway gate within the minimum 30' front yard setback, (3) light fixtures on architectural entrance structures exceeding the 18" maximum height, and (4) wing walls of architectural entrance structures exceeding 4' in height and 3' in length. The petitioner seeks to construct a driveway entrance gate.

#### B. V-02-2024 15W627 89th Street (Eshghy)

#### March 11 Village Board

Commissioner Petrich is the scheduled representative.

#### VIII. ADJOURNMENT

#### VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS MINUTES FOR REGULAR MEETING OF JANUARY 15, 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 Vice Chairman Parella.

**ROLL CALL** was noted as follows:

**PRESENT:**5 – McCollian, Petrich, Broline, Stratis, and Parrella**ABSENT:**3 – Irwin, Morton and Trzupek

Community Development Director Janine Farrell and Planner Ella Stern were also present.

Vice Chairman Parella acted as Chairman since Chairman Trzupek was absent.

#### II. APPROVAL OF PRIOR MEETING MINUTES – DECEMBER 4, 2023

Commissioner Petrich clarified his statement on page 10 that he did not support the proliferation of gates.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to approve the minutes of the November 20, 2023 meeting as amended.

**ROLL CALL VOTE** was as follows:

AYES:5 – McCollian, Petrich, Broline, Stratis, and ParrellaNAYS:0 – None

MOTION CARRIED by a vote of 5-0.

#### III. PUBLIC HEARINGS

Vice-Chair Parella introduced the public hearings on the agenda. Vice-Chair Parella 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. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact [REMANDED FROM OCTOBER 23, 2023 BOARD OF TRUSTEES & CONTINUED FROM NOVEMBER 20, 2023]

Commissioner Petrich asked about the continuation. Director Farrell clarified that the case was going to be continued until February, but the attorney is out of town and the petitioner is unable to attend the March date.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Broline to continue V-01-2023 until the April 1, 2024 meeting.

#### **ROLL CALL VOTE** was as follows:

| AYES: | 5 – McCollian, Broline, Petrich, Stratis, and Parella |
|-------|---|
| NAYS: | 0 – None  |

MOTION CARRIED by a vote of 5-0.

#### B. V-02-2023: 16W122 91st Street (Leon); Variations and Findings of Fact [CONTINUED FROM AUGUST 21, OCTOBER 16, NOVEMBER 6, 2023]

Commissioner Petrich asked about the continuation. Director Farrell clarified that the petitioner is still working on the revised Plat of Survey and made the request.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue V-02-2023 until the March 4, 2024 meeting.

**ROLL CALL VOTE** was as follows:

AYES:5 – Stratis, Petrich, McCollian, Broline, and ParellaNAYS:0 – None

MOTION CARRIED by a vote of 5-0.

# C. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs): Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, 2023]

Vice-Chair Parella stated there was a request to continue the case.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue V-02-2023 until the February 5, 2024 meeting.

**ROLL CALL VOTE** was as follows:

AYES:7 – Petrich, McCollian, Broline, Stratis, and ParellaNAYS:0 – None

MOTION CARRIED by a vote of 7-0.

# D. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023]

Vice-Chair Parella stated there was a request to continue the case.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue V-02-2023 until the January 15, 2024 meeting.

**ROLL CALL VOTE** was as follows:

AYES:5 – Petrich, McCollian, Broline, Stratis, and ParellaNAYS:0 – None

MOTION CARRIED by a vote of 5-0.

# E. Z-17-2023: 16W020 79<sup>th</sup> Street (Dodevski/Lyons Truck Sales); Special Use and Findings of Fact

Vice-Chair Parrella introduced the case and asked for a summary. Stern stated that the property was zoned G-I General Industrial, along Madison and 79th St. Stern showed images of an existing 4 ft. wooden fence and 8 ft. chain link on the property. Stern stated any fence requires a special use in non-residential districts, and the chain link and wood fences are non-conforming since they appear to be in existence before the current Zoning Ordinance regulations. Stern stated in 2015, a special use was granted to Lyons Truck Sales for truck sales use. Stern stated in 2019, a special use was granted to allow for the temporary use of the fence for five years. Stern stated the petitioner requests a special use to permit the continued use of a non-conforming chain link fence on the subject property. Vice-Chair Parrella invited the Petitioner to speak.

Vic Dodevski stated he was the owner and introduced himself. The petitioner stated that he wanted a suggestion on the best approach for having a fence but did not know the specifics.

Vice-Chair Parrella asked for public comment. There was none.

Vice-Chair Parrella asked for Commissioner discussion.

Commissioner Stratis asked about theft. The petitioner stated that there was theft in 2015, but it was no longer an issue and did not recur. Commissioner Stratis mentioned the public comment stating that the petitioner allowed parking of trucks and limos. The petitioner stated that he does not allow the parking of trucks and limos. Commissioner Stratis stated that 27 years is a lot of time to bring the fence into compliance and wishes to see it brought into compliance.

Commissioner Broline noted that five years ago, the extension was granted. Commissioner Broline stated he believed the petitioner was a good corporate citizen. Commissioner Broline noted that other fences in the vicinity are chain-linked and suggested that the fences be maintained. The petitioner suggested installing a 6 ft. tall wooden fence. Commissioner Petrich suggested putting landscaping along Madison and 79th St.

Commissioner McCollian asked for clarification regarding the proposal. The Commissioners believed the petitioner would remove the fences and install something in compliance. Director Farrell clarified what the requests were before the Plan Commission meeting. Director Farrell noted originally, the petitioner wanted to keep a non-conforming fence. Director Farrell stated that information regarding a compliant fence was not provided. Director Farrell stated any fence in a nonresidential district required a special use approval.

Vice-Chair Parrella clarified with the petitioner that he would remove the 4 ft. wood fence with a new 5 ft. fence and keep the chain link fence.

Commissioners Stratis and Petrich preferred to see a fence that complies with the current regulations. Commissioner Broline supported the chain link fence. Commissioner Petrich asked the petitioner for information about the theft.

Commissioner Stratis confirmed with the petitioner that new lighting was installed on the property. Commissioner Stratis suggested the new lighting may contribute to the lack of thefts occurring.

Commissioner Petrich asked if the petitioner would remove the wooden fence and replace it with year-round landscaping. Commissioner Stratis recommended removing the chain link and the wooden fence and replacing it with a 50% open wood fence. Vice-Chair Parrella asked about security issues with having only a wooden fence. The petitioner stated there would be security issues. The Commissioners discussed a metal fence with landscaping.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Petrich to continue the public hearing for Z-17-2023 to the February 5, 2024 meeting.

Vice-Chair Parella stated the case was continued and the petitioner should return with a plan to keep the chain link fence and replace the solid wooden fence with a 50% wooden fence that is 5 or 6 ft. tall fence.

**ROLL CALL VOTE** was as follows:

| AYES: | 5 – Broline, Petrich, McCollian, Stratis, and Parella |
|-------|---|
| NAYS: | 0 – None  |

MOTION CARRIED by a vote of 5-0.

F. Z-18-2023: 411-421 Heathrow Court (Shipper/ARX Perimeters); Special Use and Findings of Fact

Vice-Chair Parrella introduced the case and asked for a summary. Stern stated that the property was zoned G-I and is a corner lot. The petitioner is Ben Shipper of ARX Perimeters. Stern stated that ARX Perimeters rents and sells mobile high-security perimeter systems and vehicle barriers. Stern stated the petitioner is requesting a solid, 6' wooden fence to screen the outdoor storage. Stern stated outdoor storage is a special use in the G-I district. Stern stated outdoor storage should be screened and located in the rear. Stern stated that the proposal deviates from the Zoning Ordinance regulations. Stern noted other fences in the Hinsdale Industrial Commons Subdivision. Stern showed the proposed site plan with the requested fence and outdoor storage.

Commissioner McCollian noted that the petitioner was a neighbor.

Vice-Chair Parrella invited the petitioner to speak. The petitioner, Ben Shipper, introduced himself. The petitioner noted that the storage is on the side of the building, and there are bushes in that area for screening. The petitioner stated the barriers are 4 ft. tall, and screening was not an issue.

Vice-Chair Parrella asked for public comment. There was none.

Vice-Chair Parrella asked for Commissioner discussion.

Commissioner McCollian did not have any comments.

Commissioner Stratis complemented the staff report. Commissioner Stratis noted the deviations from the fence regulations and supported them, except for the solid fence. Commissioner Stratis supported a 50% open fence and asked about the green space. The petitioner was not aware of any plans for that area.

Commissioner Broline asked about the mechanical work. The petitioner stated that mechanical work was indoors. Commissioner Broline supported a condition that the mechanical work only occurs inside. There was a discussion about the orientation of the lot and where to stop the fence in relation to the parking lot. The petitioner noted that the proposed fence is for screening, not security.

Commissioner Petrich asked how many parking spaces are used. The petitioner stated that there were five people in the building, and the owner had a parking lot across the street. The petitioner noted there were about 50 spaces across the street and only two other tenants in the building. Commissioner Petrich asked about screening on the south side of the property near the driveway. The petitioner stated that there were existing shrubs in the area.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to close the public hearing for case Z-18-2023.

**ROLL CALL VOTE** was as follows:

AYES:5 – Stratis, McCollian, Petrich, Broline, and ParellaNAYS:0 – None

**MOTION CARRIED** by a vote of 5-0.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner McCollian to approve case Z-18-2023, with Findings of Fact and the following conditions:

- 1. The special use shall be limited to Ben Shipper of ARX Perimeters and his business partners and shall expire at such time that Mr. Shipper and his business partners no longer occupy the space or an assignment or termination of the lease at 411-421 Heathrow Court occurs.
- 2. The outdoor storage is limited to equipment and materials, and restricted only to the screened area as shown in Exhibit A.
- 3. The fences and gates shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.
- 4. The fence located in the front yard shall be 50% open, wooden, 6' in height, is permitted.
- 5. The outdoor equipment shall be no taller than 6 feet.

#### **ROLL CALL VOTE** was as follows:

AYES:7 – Petrich, McCollian, Broline, Stratis, and ParellaNAYS:0 – None

MOTION CARRIED by a vote of 7-0.

# G. Z-19-2023: 8320-8350 S. Madison St., Unit 8350B (Pedi/Overtime Sports LLC); Special Use and Findings of Fact

Vice-Chair Parrella introduced the case and asked for a summary. Stern stated that the property was zoned G-I. Stern stated the petitioner requested a special use to operate an appointment-only exercise facility. Stern stated after the public notifications were sent out, the petitioner provided additional information about the business operations, and staff believed the use may be better classified as a "team athletic training and practice facility." Stern stated if the Plan Commission determines the use is a part of the business and request, staff recommends sending out a re-notification to the public to include the new request.

Vice-Chair Parrella invited the petitioner to speak. Phil Pedi, owner of Overtime Sports, Dave Grady, the attorney, and Emily Matthews, the real estate agent, introduced themselves. Gradey stated the team athletic training facility was not an appropriate use for the business since the facility was open to anyone, not a specific team affiliation. Vice-Chair Parrella asked about the age range of the clients. Pedi stated the age range of his clients was from 8 to 60 years old.

Vice-Chair Parrella asked for public comment. There was none.

Vice-Chair Parrella asked for Commissioner discussion.

Commissioner McCollian asked if the petitioner had contracts with schools to train the teams or contact with individuals.

The petitioner noted that sports teams are not renting out the facility. The petitioner stated they contract with the parents or individual but not a school.

Commissioner McCollian asked how many people come in and out of the facility in the evening. The petitioner stated there was a limit to the number of people in each class, and there would only be one class at a time. The petitioner confirmed that this was similar to Go Fast. The petitioner noted the classes are small. The petitioner noted there were over 200 parking spaces, and there would not be an issue due to the staggered class times. The petitioner stated that the requested use of an appointmentonly exercise facility would be less burdensome and create fewer traffic uses than uses like warehousing, which were permitted by right.

Commissioner Petrich stated concern about the hours of operation and noted it may be disruptive to the residents. Commissioner Petrich stated concern about the volume of traffic early in the morning and late at night. Commissioner Petrich stated concern about the headlights shining near residential homes. The petitioner stated the hours of operation were seasonal with the school. The petitioner stated that the current operations are near residential uses and noted most children carpool. The petitioner stated that the building was run down, and the proposed business would bring some vibrance to the area.

Commissioner Broline asked if the building was vacant. The petitioner confirmed the building was vacant. Commissioner Broline noted that was the reason for the lack of traffic. Commissioner Broline asked if an expansion was possible. The petitioner stated not at this point. Commissioner Broline asked about the revenue generation and estimated \$270-546K. The petitioner stated the revenue generation was 360K at his current space. The petitioner stated that participants must schedule appointments through an app and show up for that class only; they cannot drop in. Commissioner Broline asked about the 5,000 sq. ft classification. The petitioner clarified that the team or practice facility use was not appropriate due to the nature of their business. The petitioner stated that the total square footage was around 10,000 sq. ft. The petitioner stated that switching to a different special use would add additional time to the process.

Commissioner Stratis supported the by-appointment-only use. Commissioner Stratis estimated an 80,000 sq. ft. building and deemed the parking appropriate. Commissioner Stratis noted several semi-trucks parked in the parking lot, occupying numerous spaces, and asked that to be addressed with the owner of the building. Commissioner Stratis requested a condition that the landlord would enforce the parking to ensure no parallel or overnight parking of semi-truck trailers on the site. Commissioner Stratis asked if the petitioner would put money into the building. The petitioner did not know but stated that the tenant would add value to the property. Commissioner Stratis asked about parcel 2. The petitioner did not know the use of that space. Commissioner Stratis asked about locker rooms. The petitioner confirmed they did not have locker rooms, only singular bathrooms. Commissioner Stratis asked about signage. The petitioner stated they wished to add signage to the front monument that would comply with the regulations. Commissioner Stratis wanted additional information about the trucks, why they are there, and how long they will stay there. The petitioner stated that he would reach out to the owner to receive more information.

Vice-Chair Parrella supported the use of the facility but preferred that an architect look at the plan and ensure there was proper egress, ADA compliance, and restrooms. Vice-Chair Parrella asked about lighting in the parking lot with the early and late hours of operation. The petitioner confirmed that adults and children will not be in the space together. Vice-Chair Parrella recommended that the plan be submitted now since it would have to be reviewed later. Vice-Chair Parrella asked about the façade of the building and how it would look and requested more information.

Commissioner Broline noted that the sign regulations were strict in the Village of Burr Ridge.

There was discussion about the need to continue the case or to review the remaining items through the permit process.

There was discussion about putting up cameras to ensure the security of the children at the facility in the parking lot with the semi-trucks.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to close the public hearing for case Z-19-2023.

#### **ROLL CALL VOTE** as follows:

| AYES: | 5 – Broline, McCollian Petrich, Stratis, and Parella |
|-------|--|
| NAYS: | 0 – None   |

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to approve Z-19-2023, with Findings of Fact and the following conditions:

- 1. The special use shall be limited to Philip Pedi and his business partners and shall expire at such time that Mr. Pedi and his business partners no longer occupy the space at 8350B South Madison Street or at which time there is an assignment or termination of the lease for the space at 8350B South Madison Street.
- 2. The special use shall be limited to Overtime Sports LLC and operated in a manner consistent with the submitted business plan included as Exhibit A.
- 3. The special use shall be limited to the 10,800 square feet of floor area shown within the business plan at 8350B S. Madison Street included as Exhibit A.

- 4. The capacity of the special use shall be limited to appointment-only customers on the premises. Additional information shall be provided prior to Village Board review regarding the scheduling of appointments to ensure compliance with the use classification, subject to staff review and approval. Staff shall have the authority to request scheduling documents at any time once the use is in operation to verify continued compliance.
- 5. Staff shall receive confirmation from the property owner/landlord that the semi-truck trailers will not be parked on the site during tenants' occupancy.
- 6. Mr. Pedi shall have adequate security and lighting from 5am-10pm at 8350B South Madison Street.

#### **ROLL CALL VOTE** was as follows:

AYES:5 – Stratis, McCollian, Petrich, Broline, and ParellaNAYS:0 – None

MOTION CARRIED by a vote of 5-0.

#### IV. CORRESPONDENCE

Commissioner Petrich asked about the Patel zoning case and the process. Staff confirmed that they followed up with the petitioner throughout the process. Commissioner Petrich questioned the Coda Motors and UR Boss enforcement action of the vehicles parked outside. Director Farrell discussed the vehicles parked outside.

#### V. OTHER CONSIDERATIONS

#### A. PC-01-2024: Annual Zoning Review

The Commissioners requested the item be continued to February 5, 2024.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Stratis to continue PC-01-2024 to the February 5, 2024 agenda.

**ROLL CALL VOTE** was as follows:

| AYES: | 5 – Petrich, Stratis, McCollian, Broline, and Parella |
|-------|---|
| NAYS: | 0 – None  |

#### MOTION CARRIED by a vote of 5-0.

#### VI. PUBLIC COMMENT

There were no public comments.

#### VII. FUTURE MEETINGS

Commissioner Stratis stated he would be absent at the February 5, 2024 Plan Commission meeting.

Stern stated that the DuPage County case will be on the agenda for February 5 and submitted a request to DuPage County asking for a continuation until the Plan Commission can review it.

The Commissioners discussed the sale of the TCF property and the future of the development.

#### VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to adjourn the meeting at 8:36 p.m.

**ROLL CALL VOTE** was as follows:

AYES:5 – McCollian, Petrich, Broline, Stratis, and ParellaNAYS:0 – None

**MOTION CARRIED** by a vote of 5-0.

**Respectfully Submitted:** 

Ella Stern Planner



Z-10-2023: 212 Burr Ridge Parkway (Magnesen/Jonny Cabs); Request to amend a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

HEARING: November 20, December 18, 2023 & February 5, 2024

**TO:** Plan Commission Greg Trzupek, Chairman

**FROM:** Ella Stern, Planner

**PETITIONER:** Patrick Magnesen of Jonny Cabs

**PETITIONER STATUS:** Tenant

**PROPERTY OWNER:** Bob Garber

**EXISTING ZONING:** B-1 Business District

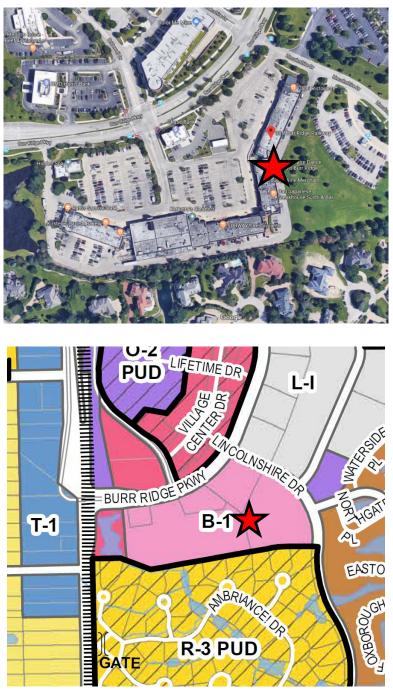
LAND USE PLAN: Recommends Commercial Uses

**EXISTING LAND USE:** Mixed-Use Shopping Center

**SITE AREA:** 7.2 Acres

**SUBDIVISION:** Burr Ridge Corporate Park

**PARKING:** 499 Public Spaces



#### Staff Report and Summary Z-10-2023: Burr Ridge Parkway (Magnesen/Jonny Cabs); Special Use, PUD Amendment, and Findings of Fact

On November 20, 2023, the Plan Commission held a public hearing on Z-10-2023, a request to amend an existing special use regarding an outdoor dining enclosure at an existing restaurant. At the November 20, 2023, Plan Commission meeting, the Plan Commission requested direction from the Board to hold a public hearing to amend the outdoor dining regulations, which is a part of the 2024 annual zoning review. At the time of the report, there has not been direction from the Board. The outdoor dining regulations, including the prohibition of wall enclosures, were most recently amended, and approved on May 8, 2023. The Plan Commission may determine whether to look at the special use request individually or to continue the case and wait for direction from the Board.

The petitioner is Patrick Magnesen of Jonny Cabs. Jonny Cabs was approved originally for sales of alcoholic beverages, live entertainment, and outdoor dining in 2021 through Ordinance #A-834-02-21. The entire outdoor dining area contains twelve (12) tables with a total of fifty-one (51) seats, one (1) 1-seater sofa, three (3) 2-seater sofas, and one (1) 4-seater sofa. The table and seat count will not change under the new proposal. Jonny Cabs canopy awning was approved through permit #2023-016.



Aerial of the property with the property lines and yards.

Section VIII.A of the Zoning Ordinance stipulates several regulations related to outdoor dining at all places of eating in the Village within the Business Districts (B-1 and B-2). The petitioner's compliance with these regulations is noted in red. The petitioner has submitted a plan and information about the proposed outdoor dining area, included as Exhibit A. Since the tenant space is located within the County Line Square PUD, those outdoor dining regulations in the PUD also apply.

- 1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
- 2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building; *The proposed enclosure is close to the curb. It appears similar to the approval in 2021.*

#### Staff Report and Summary

Z-10-2023: Burr Ridge Parkway (Magnesen/Jonny Cabs); Special Use, PUD Amendment, and Findings of Fact

- 3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- 4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
- 5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
- 6. The door to the dining area shall be self-closing;
- 7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
- 8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use; *The petitioner requests a fully enclosed, outdoor dining area with black fabric walls. No other tenants have a similar design, but Capri Express will propose a similar black wall enclosure at the December 4, 2023, Plan Commission meeting.*
- 9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- 10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- 11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas, or railings;
- 12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use; *The petitioner wants the outdoor dining enclosure for the winter season*.
- 13. Tables shall be cleaned promptly following use;
- 14. Outdoor food preparation, storage or display is prohibited;
- 15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
- 16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- 17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations
- 18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
- 19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;
- 20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

#### County Line Square Outdoor Dining Area Regulations

Restaurant outdoor dining areas shall be subject to the following:

• Dining areas must be limited to the linear frontage of the principal business to which the outdoor area is intended to serve;

#### Staff Report and Summary

Z-10-2023: Burr Ridge Parkway (Magnesen/Jonny Cabs); Special Use, PUD Amendment, and Findings of Fact

- Dining areas shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant if table service is provided or alcohol served in the outdoor dining area;
- Door to the dining area shall be self-closing;
- Tables shall be cleaned promptly following use;
- Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant, defined as being within 60" of a curbline or so as to impede the normal flow of pedestrian traffic into or from a doorway; *Proposed enclosure is close to the curb. It appears similar to the approval in 2021.*
- Outdoor food preparation, storage or display is prohibited;
- All furniture must be stored in the rear or off-site of the subject property when not in use;
- Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee;
- Approval of outdoor dining areas shall be subject to the Village's adopted building codes;
- Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;
- Outdoor dining areas must be cumulatively approved by the Village Administrator or their designee to determine final compliance with the regulations set forth herein; and
- Outdoor dining areas shall be included as part of the size calculation for restaurants.

#### **<u>Public Hearing History</u>** – Related to Jonny Cabs

Z-01-2023: Zoning Ordinance Amendments for Outdoor Dining (Ordinance #A-834-05-23)

**Z-15-2020:** Variation to permit a restaurant in County Line Square without the required number of parking spaces (Ordinance #A-835-03-21)

**Z-15-2020:** Special use for a restaurant with sales of alcoholic beverages, live entertainment, and outdoor dining. (Ordinance #A-834-02-21)

#### Public Comment

A total of five public comments were received, all against outdoor dining. Only one of those comments specifically mentioned Jonny Cabs.

#### Findings of Fact and Recommendation

The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. If the Plan Commission chooses to recommend approval of the special use amendment, PUD amendment, and special use for outdoor dining, staff recommends the following conditions. The conditions on this request include those from the 2021 approval.

- 1. The special use shall be limited to Jonny Cabs and shall not be transferable to any other party.
- 2. The special use shall substantially comply with the submitted site plan.

Staff Report and Summary

Z-10-2023: Burr Ridge Parkway (Magnesen/Jonny Cabs); Special Use, PUD Amendment, and Findings of Fact

- 3. All umbrellas, furniture, and other appurtenances shall be sorted off-site during the winter season when the enclosure is not being used for outdoor dining. \* If the Plan Commission allows outdoor dining year-round, this condition shall be removed.
- 4. The special use shall comply with the previously approved landscaping, alcohol, and live entertainment plan from the 2021 approval, Ordinance #A-834-02-21.

#### **Appendix**

Exhibit A - Petitioner's Materials and Public Notifications

- Application
- Findings of Fact
- Proposed site plan and illustrations
- Public Comments
- Public Notifications

Exhibit B – Plans from 2021 approval, Ordinance #A-834-02-21, #A-835-03-21, A-834-05-23 & County Line Square Planned Unit Development Regulations



## VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

PAID OCT 1 8 2023

VILLAGE OF BURR RIDGE

| CENEDAL INFORMATION (to be completed by Detitioner)  |
|--|
| GENERAL INFORMATION (to be completed by Petitioner)  |
| PETITIONER (All correspondence will be directed to the Petitioner): RATRICK MAGNESEN (OWNER)   |
| STATUS OF PETITIONER: BUSINESS (BIG FELLA INVESTMENTS DBA JONNY CAB'S)   |
| PETITIONER'S ADRESS: 212 BURE RIDGE PARKWAY (PATRICK'S HOME ADDRESS:<br>1104 SELDRIDGE LN, ELMHVRST 60126)   |
| ADDRESS OF SUBJECT PROPERTY: 212 BURR RIDGE PARKWAY  |
| PHONE: 708-373-1527  |
| EMAIL: PATRICK @ JONNY CABS. COM   |
| PROPERTY OWNER: BOB GARBER   |
| PROPERTY OWNER'S ADDRESS:PHONE: 630-842-2506   |
| PUBLIC HEARING REQUESTED: Special Use Rezoning Text Amendment Variation(s)   |
| DESCRIPTION OF REQUEST:  |
| Jonny Cab's is requesting a Special Use Permit to keep its enclosed, weatherized front patio operational during the winter months. This enclosed patio is<br>essential for the restaurant's financial viability, accommodating up to 30 patrons. It's noteworthy that we generate substantial revenue from this patio, with<br>an average spend of \$85.67 per guest during our most recent quarter. The restaurant consistently fills the patio to capacity on weekends and partially on<br>weekdays, contributing significantly to the local economy. The projected financial impact of losing the enclosure for 6 months is \$130K in revenue. The<br>potential loss of this revenue stream would have a severe financial impact on us, potentially leading to layoffs and even closure. The enclosed patio enhances<br>the customer experience by providing additional seating, space for lounging which is key since we often have lots of dancing with our live music. This benefits<br>the local community. The enclosed patio improves the overall aesthetics of the restaurant and the strip mall, making it a more attractive and welcoming place<br>for residents and visitors. |
| PROPERTY INFORMATION (to be completed by Village staff)  |
| PROPERTY ACREAGE/SQ FOOTAGE: $315,976$ sq ff. existing zoning: $B-1$   |
| EXISTING USE/IMPROVEMENTS: BUSINESS  |
| SUBDIVISION: Burr Ridge Corporate Park   |
| PIN(S) #   |
|  |
| The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition.  |
|  |
| 10/18/2023   |
| Petitioner's Signature Date of Filing  |



Findings of Fact – Special Use Burr Ridge Zoning Ordinance

As per Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance, for a special use to be approved, the petitioner must confirm all of the following findings by providing facts supporting each finding.

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.

Jonny Cab's enclosed patio meets a public necessity & provides a unique benefit to the Village and its residents in several ways. Firstly, it creates a vibrant and inviting space for both locals and visitors to enjoy, contributing to the social & cultural life of the community. Secondly, it fosters economic growth by generating substantial revenue for the restaurant, which, in turn, supports local jobs and businesses. The patio's contribution to the local economy is significant, especially on weekends when it reaches full capacity. Thirdly, it adds to the aesthetic appeal of the strip mall and the Village, making it a more attractive destination for both residents and tourists. In summary, the enclosed patio is a unique asset that enhances the community's social, economic, and aesthetic aspects.

## 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 patio is enclosed and weatherized, ensuring a comfortable and safe environment for patrons year-round. It also complies with all relevant regulations. including those related to building codes, fire safety, and noise control, thereby safeguarding public health and safety. The presence of live music and dancing is managed responsibly to avoid disturbances to the neighborhood. We have not had a single noise complaint since we opened. Moreover, the patio's role as a community gathering space enhances the general welfare and comfort of residents by providing a unique and enjoyable experience. Our proposal prioritizes the well-being and satisfaction of the Village and its residents while adhering to all necessary safety, morals, comfort, and general welfare standards.

# 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.

Our proposal is designed to minimize any potential negative impact on neighboring properties and property values. The enclosed patio is situated in a way that reduces noise and disturbances to neighboring businesses and residences. Additionally, the patio's presence enhances the overall aesthetics of the strip mall. making it a more attractive destination that could potentially increase foot traffic and benefit neighboring establishments. Furthermore, we have a proven track record of responsible operation and compliance with regulations, which minimizes the likelihood of any adverse effects on nearby properties. In summary, our proposal is structured to ensure it does not injure the uses/enjoyment of other property & may even positively impact property values in the strip mall.

### 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.

Our enclosed patio is carefully designed to complement the normal & orderly development of the surrounding property for uses permitted in the district. The patio is located in a way that does not obstruct access or create congestion on public streets or walkways, ensuring smooth traffic flow. It also adheres to all zoning regulations and special use requirements, demonstrating a commitment to responsible development within the district. Moreover, the patio's presence can contribute to the vibrancy of the area, potentially attracting more customers to nearby businesses and supporting their growth.

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

The proposal plan included provisions for adequate utilities, access roads, drainage, and necessary facilities. The restaurant has ensured that it has the necessary utility connections, like heating, electricity, and water, to support the patio's year-round operation. Access roads & parking accommodate any additional traffic generated by the patio, so are not effected. We already provide free valet to our guests. Furthermore, Jonny Cab's has committed to maintaining these facilities to ensure they continue to meet the needs of the patio and the surrounding area.

### 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 enclosed patio proposal includes measures to provide efficient ingress and egress, minimizing traffic congestion on public walkways. The existing patio remains compliant with existing permits. We are simply looking to keep the enclosure panels. Additionally, Jonny Cab's has a track record of effectively managing traffic during peak hours, especially on weekends when the patio is at its busiest. In summary, the proposal demonstrates a commitment to minimizing traffic congestion through careful planning and proactive management.

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

Our proposal aligns with the objectives of the Official Comprehensive Plan as amended in several ways. Firstly, it contributes to the economic development and vitality of the Village, which is a key goal of the Comprehensive Plan. The patio generates revenue, supports local jobs, and attracts visitors, all of which enhance the economic well-being of the community. It promotes social interaction, fostering the Comprehensive Plan's aim of creating a vibrant and attractive living environment. The patio serves as a gathering place for residents and visitors alike, enriching the social fabric of the Village. Finally, it improves the aesthetics of the strip mall, making it a more appealing destination consistent with the Plan's objectives to enhance the visual appeal of the area.

# 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.

Jonny Cab's proposal diligently adheres to all existing regulations within the district. Any necessary modifications will be made in strict accordance with the recommendations of the Plan Commission or the Zoning Board of Appeals, ensuring full compliance and responsible operation within the district.

### **Detailed Description of Special Use Request:**



Jonny Cab's, a vibrant restaurant located at 212 Burr Ridge Parkway, Burr Ridge, IL 60527, seeks a Special Use Permit to maintain its enclosed, weatherized front patio during the winter months. The patio is of paramount importance to Jonny Cab's operational livelihood, with significant economic and community benefits.

**Hours of Operation:** Jonny Cab's operates from 4:00 PM until close, which varies based on the day of the week. Specifically, it closes at midnight on Tuesday, Wednesday, and Thursday, while extending operations until 1:00 AM on Fridays and Saturdays. The restaurant is closed on Sundays and Mondays.

**Economic Significance:** Jonny Cab's has a proven track record of contributing significantly to the local economy. Our Point of Sale (POS) system for the most recent quarter reports an impressive average spend of \$85.67 per guest. This highlights the economic value generated by our establishment. The enclosed patio is pivotal to this success, accommodating up to 30 patrons. On peak nights, notably Fridays and Saturdays, the patio consistently reaches full capacity. Even on weekdays, it fills to approximately a quarter of its capacity, enhancing our economic viability in the village. The projected revenue impact from this decision is \$130K in missed opportunity.

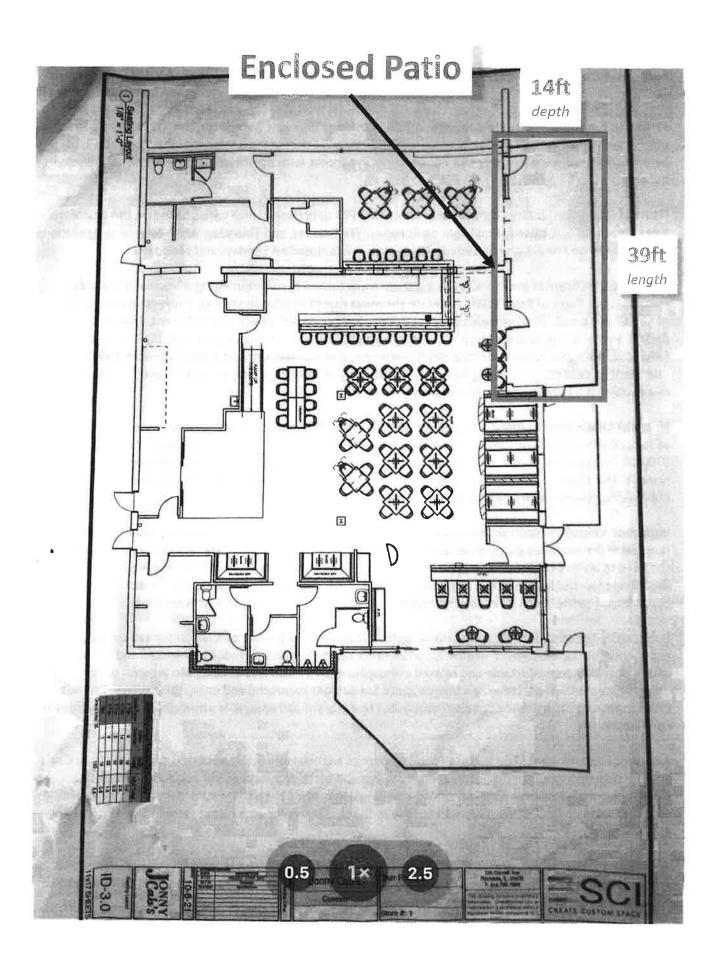
**Financial Challenges:** Running a restaurant with high-quality live music and top-notch entertainment, such as Jonny Cab's, comes with considerable expenses. Our monthly burn rate has ranged from \$20,000 to \$70,000, including expenses associated with our talented team members and the entertainment we provide. This represents a substantial financial commitment, which underscores the importance of maintaining revenue streams throughout the year.

**Impact on Valued Personnel:** The potential loss of revenue during the winter months, resulting from the removal of the enclosed patio, poses a significant challenge. It may necessitate difficult decisions, such as the need to let go of valued team members. We are proud to provide our team members with Blue Cross Blue Shield top-tier healthcare, a rare offering in the restaurant industry. This demonstrates our commitment to their well-being and highlights the potential human impact of this decision.

**Community Benefits:** Jonny Cab's enclosed patio is cherished by our patrons and enhances the overall experience for our customers. In addition to 24 table seats, the patio includes 2 loveseats and a long couch, providing a comfortable and relaxed atmosphere. Live music and dancing are integral to our entertainment offerings, creating a unique space for patrons to unwind and enjoy themselves. This not only increases their spending but also contributes to a vibrant and enjoyable atmosphere that benefits the community.

**Aesthetic Enhancement:** The enclosed patio also plays a crucial role in the aesthetic appeal of Jonny Cab's and the strip mall in which it is located. With the patio in place, the front of our restaurant exudes a cleaner, more professional, and welcoming ambiance. Removing the patio would leave a barren, fenced-in area that detracts from the visual appeal of the strip mall, becoming an eyesore rather than a welcoming establishment.

In conclusion, Jonny Cab's enclosed patio is not only a significant contributor to the local economy but also a vital component of the community's social and aesthetic fabric. We request the Special Use Permit to continue offering these benefits to our patrons and the Village of Burr Ridge.

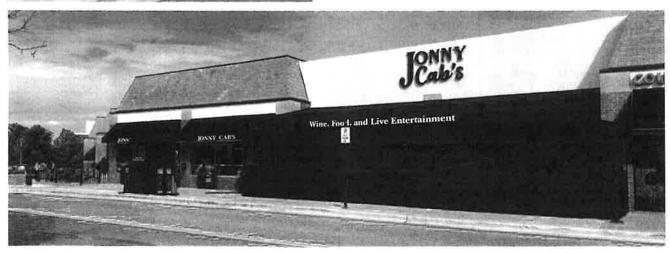


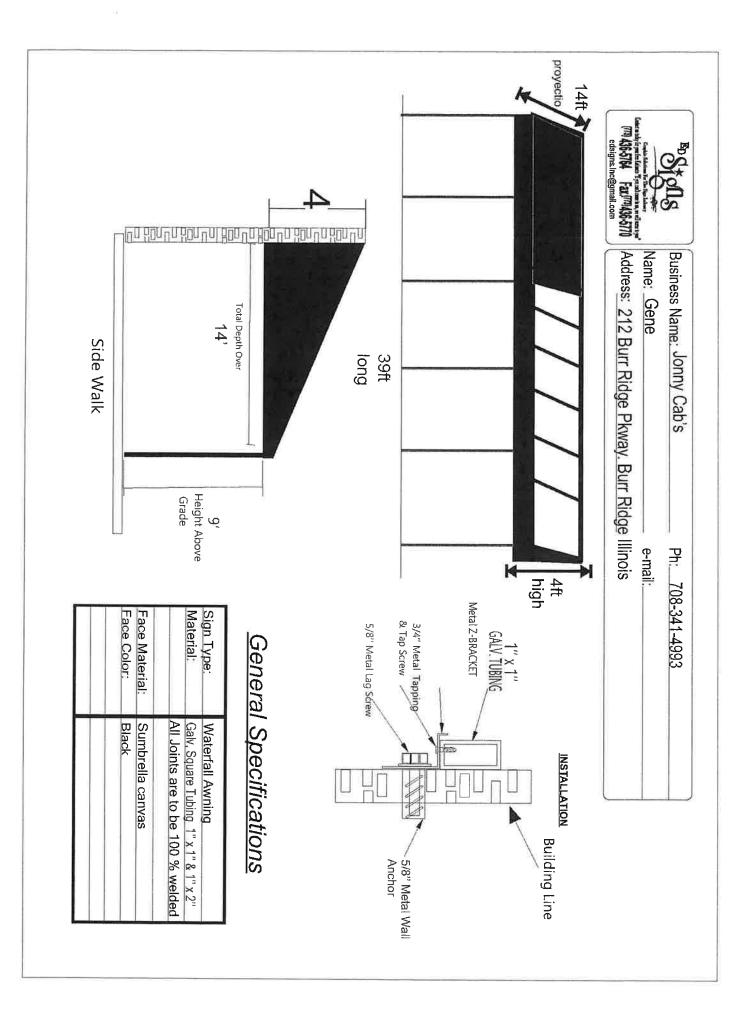






# Enclosed Patio Pictures





| From:    | nickolaou1@att.net                    |  |  |  |  |  |  |  |  |
|----------|---------------------------------------|--|--|--|--|--|--|--|--|
| То:      | Ella Stern                            |  |  |  |  |  |  |  |  |
| Subject: | County Line Square                    |  |  |  |  |  |  |  |  |
| Date:    | Thursday, November 9, 2023 3:03:37 PM |  |  |  |  |  |  |  |  |

Please do NOT consider the expansion of "outdoor spaces. Glassed in dining space will take away from the "Town Square" vibe.

Sincerely, Marilyn Nickolaou 15w322 79<sup>th</sup> Street Burr Ridge, IL 60527 I have lived in Burr Rudge since 1987 and the quality of the mall is becoming solely for entertainment. Brick and mortar stores are struggling. Leave the architecture alone. Have more security enforcement.

This is only my opinion.

Karen Elizabeth Phillipp

Against!!

Sent from my iPhone

| From:    | patricia Krueger                       |
|----------|--|
| To:      | Ella Stern                             |
| Subject: | outdoor dining                         |
| Date:    | Saturday, November 11, 2023 9:22:23 AM |

No permanent outdoor dining should be allowed

November 12, 2023

To Chairman Trzupek and Burr Ridge Plan Commissioners:

As a Burr Ridge resident I write in opposition to petition Z-10-2023 (Jonny Cabs) to be discussed at your November 20 meeting. It's unfortunate that petitions Z-12-2023 (Capri Express) and Z-13-2023 (Great American Bagel) aren't all being discussed at the same meeting because they are virtually the same request: to make so-called "outdoor dining" a permanent use outside County Line Square (CLS) businesses. This is a bad idea for various reasons.

**INCREASED ENFORCEMENT IS THE CATALYST** -- At your November 6 meeting, Community Development Director Farrell noted that "staff began enforcement action at County Line Square which is why special uses are coming in for these temporary wall enclosures." Many businesses in that mall have been in existence for decades, and the CLS PUD was enacted November 8, 2021, yet "enforcement action" is just a *recent* event? Residents currently see a hodge-podge of awnings, decorations, fence design, lighting, colors, signage, and materials in CLS, and that's the fault of Village code enforcement. Kirsten's Bakery doesn't even have an approved special use for outdoor dining, yet it has tables and chairs out front seasonally (See attached from Z-01-2023). Perhaps these businesses should be made to comply with existing uses FIRST without granted them additional special uses?

<u>"OUTDOOR DINING" SHOULD BE...OUTDOORS!</u> -- "Outdoor dining" is, by definition, <u>outside in fresh air</u>, and should remain a seasonal event from March 1 to November 1. The proliferation of black canvascovered structures in front of CLS businesses creates blight, destroys the openness of the mall, encroaches on public walkways, and is not in keeping with what other towns and villages do. Hinsdale and La Grange, for instance, do not permit year-round so-called "outdoor dining" structures. Arlington Heights also enjoys a vibrant, successful outdoor dining scene, but it is confined to the summer months. To enclose these areas directly in front of the businesses and call it "outdoor dining" is patently absurd. Jonny Cabs' and Capri Express' petitions both indicate they will be heated. That's <u>not</u> "outdoor dining."

The proliferation of outdoor dining in all towns was likely the result of COVID-19 when very few patrons wished to eat indoors. But the pandemic is over and there is no reason – other than simple greed – to have these unsightly enclosed structures operating on CLS's sidewalks year-round. <u>True</u> outdoor dining in front of CLS businesses in good weather? Sure, great idea – but with regulation <u>and</u> enforcement.

**BAD AESTHETICS** -- The "Findings of Fact" section of Jonny Cabs' petition claims several times that its blackened enclosure "adds to" or "enhances" the aesthetic appeal of the strip mall. *Nothing could be further from the truth.* The proliferation of these enclosures creates a foreboding, uninviting, funereal look in a shopping area that was once open and bright. If you approve this one – and Capri Express's later – many others will follow. It opens the floodgates for every other business in the mall to request, and expect, the same approval. Can "outdoor" physical therapy (ATI, 212 Burr Ridge Parkway) and music lessons (Bel Canto, 92 Burr Ridge Parkway) be far behind? It is the wrong look for Burr Ridge.

**ENROACHMENT INTO PUBLIC SPACE** -- Besides being unattractive, these enclosed structures encroach on the public right-of-way. The CLS PUD mandates that "outdoor dining areas" be located 60" from a curb line. Initially the PUD had 48" from the curb line; however, Trustee Guy Franzese brought up the fact that 60" was always the will of the Plan Commission historically as outdoor dining petitions were considered. In approving the CLS PUD on November 8, 2021, the Board did make that stipulation back to 60". But no matter, the Cabs petition doesn't show 60" distance to the curb in their plans. In fact, none of these "outdoor dining" petitions show this approved 60" distance from the curb line.

**PARKING IN COUNTY LINE SQUARE IS AT A PREMIUM** -- As you know, parking is at a premium in County Line Square. There are three nightclubs currently (Cab's, Are We Live/Gazi, and County Wine Merchant) and permanent, year-round enclosures for these -- and other businesses to come -- just mean more capacity. The CLS PUD states that "outdoor dining areas shall be included as part of the size calculation for restaurants." The PUD further requires the mall to "provide one parking space for each 200 gross square feet of commercial space available." I don't see any discussion of parking in Jonny Cab's petition, only its claim that the enclosed patio "consistency reaches full capacity."

In April 2021, Village staff prepared the attached list of required spaces in CLS. It's somewhat outdated since new businesses have moved in after its preparation, but it gives you some idea of the number of parking spaces required by code for businesses at the time. Jonny Cab's was assigned 14 parking spaces. Despite its provision of valet parking, Cab's petition states the proposed "outdoor dining" enclosure accommodates "up to 30 patrons" (it's actually more than that if you look at their photos) – in the enclosed "outdoor" structure alone. Jonny Cab's has maxxed out its parking and yet seeks even more capacity by enclosing their "outdoor dining" space year-round.

WHAT'S DRIVING THESE REQUESTS? -- Ask yourselves: what's really driving these requests? Is it "monkey see-monkey do?" Is it because Capri Ristorante has been operating an enclosed "patio" for years and now others want the same? Of course it is. Remember: Capri erected its striped awning without Village approval in conflict with a 2012 special use that required the use of table umbrellas in its sidewalk dining area. The owner continued his blatant disregarded Village rules for signage when establishing his new businesses in CLS: first Are We Live? and thereafter Gazi By Gigi. County Line Square businesses want to have the same amenities as some restaurants in the Burr Ridge Village Center (e.g., Pella, Topaz), only they lack the space. If they require such increased capacity, maybe they should relocate?

In approving the CLS PUD in November 2021, Mayor Grasso stated the PUD "will allow the Village more say on what is happening over there and bring it into a state of compliance with the rest of the Village." That was a pipe dream, with many CLS businesses doing whatever they wanted. Village staff claims "enhanced enforcement" has given rise to these petitions for enclosed "outdoor dining." I would include "pure greed" as a reason, too. The Cab's petition suggests it may have to "let go of valued team members" if it doesn't get its permanent "outdoor dining." It's disingenuous and a smokescreen. Mismanagement and poor planning are not reasons to approve this petition and I respectfully request you vote this – and all similar petitions to come – down. Please keep "outdoor dining" what it's meant to be: **OUTDOORS** and **SEASONAL**. Thank you.

Respectfully submitted,

Patricia A. Davis Burr Ridge resident

2 attachments/exhibits

#### Z-01-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 2 of 2

Under current Zoning Ordinance regulations, outdoor dining accessory to restaurant uses in the B-1 and B-2 zoning districts requires a special use permit. In the County Line Square Planned Unit Development (PUD), adopted in 2021, outdoor dining areas are calculated as part of the total size of the restaurant and may be permitted by right. In the Village Center, the entertainment district (Buildings 4 and 5) is proposed to have outdoor dining (Ordinance A-834-15-20), but the specifics on the final streetscape design, materials, furniture, etc. have not been submitted to the Plan Commission for approval.

There are fourteen restaurants in the Village which have approved outdoor dining areas accessory to the restaurant use, although some outdoor dining areas may not yet have been constructed. An asterisk (\*) indicates restaurants with liquor service. Only one of these restaurants, Capri Express, does not have a fenced enclosure for their outdoor dining area.

- Are We Live Ordinance A834-06-22 (2022)\*
- Capri Ordinance A-834-15-18 (2018)\*
- Capri Express Ordinance A-834-17-21 (2021)
- Cooper's Hawk Ordinance A-834-16-22 (2022)\*
- Dao Sushi and Thai Ordinance A-834-08-12 (2012)\*
- Falco's Ordinance A-834-08-20 (2020)\*
- Jonny Cab's Ordinance A-834-02-21 (2021)\*
- La Cabanita Ordinance A-834-27-11 (2011)\*
- Pella Ordinance A-834-14-21 (2021)\*
- Starbuck's Ordinance A-834-10-12 (2012)
- Stix & Stones Ordinance A-834-07-15 (2015)\*
- Topaz Ordinance A-834-14-12 (2012)\*
- Wok n Fire Ordinance A-834-28-13 (2013)\*
- Yolk Ordinance A-834-12-22 (2022)

#### **Findings of Fact**

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

#### Attachments

- Exhibit A Petitioner's Materials and Findings of Fact
- Exhibit B Current Zoning Ordinance regulations for outdoor dining, hours of operation, and live entertainment
- Exhibit C Draft Zoning Ordinance regulations for outdoor dining
- Exhibit D Excerpt of outdoor dining regulations from County Line Square PUD

#### April 26, 2021 Parking at County Line Square Prepared by Community Development Staff

| Address          | Occupant              | Land Use      | Section | Required By<br>Code<br>w/Variations | 5-6AM | 6-7AM | 7-8AM | 8-9AM | 9-10AM | 10-11AM | 11-12PM | 12-1PM | 1-2PM | 2-3PM | 3-4PM | 4-5PM | 5-6PM | 6-7PM | 7-8PM | 8-9PM | 9-10PM | 10-11PM |
|------------------|-----------------------|---------------|---------|-------------------------------------|-------|-------|-------|-------|--------|---------|---------|--------|-------|-------|-------|-------|-------|-------|-------|-------|--------|---------|
| 50               | Office Outlot (4)     | office        | West    | 10                                  |       |       |       | 10    | 10     | 10      | 10      | 10     | 10    | 10    | 10    | 10    |       |       |       |       |        |         |
| 78               | Patti's Sunrise Café  | restaurant    | West    | 37                                  |       | 37    | 37    | 37    | 37     | 37      | 37      | 37     | 37    | 37    |       |       |       |       | 100   |       |        |         |
| 80               | Patti's Sunrise Café  | restaurant    | West    | 5                                   |       |       |       | 5     | 5      | 5       | 5       | 5      | 5     | 5     | 5     | 5     |       |       |       |       |        |         |
| 82               | State Farm            | office        | West    | 4                                   |       |       |       | 4     | 4      | 4       | 4       | 4      | 4     | 4     | 4     | 4     |       |       |       |       |        |         |
| 84               | Kuman                 | tutoring      | West    | 4                                   |       |       |       |       |        |         |         | 4      | 4     | 4     | 4     | 4     | 4     | 4     |       |       |        |         |
| 88-90            | Remax                 | realtor       | West    | 13                                  |       |       |       |       | 13     | 13      | 13      | 13     | 13    | 13    | 13    | 13    |       |       |       |       |        |         |
| 92               | Bel Canto             | music school  | West    | 4                                   |       |       |       |       | 4      | 4       | 4       | 4      | 4     | 4     | 4     | 4     | 4     | 4     | 4     |       |        |         |
| 94               | Kirsten's Bakery      | bakery        | West    | 7                                   |       | 7     | 7     | 7     | 7      | 7       | 7       | 7      | 7     | 7     | 7     | 7     | 7     |       |       |       |        |         |
| 96               | China King            | restaurant    | West    | 8                                   |       |       |       |       |        |         | 8       | 8      | 8     | 8     | 8     | 8     | 8     | 8     | 8     | 8     |        |         |
| 98               | Imperial Jewelers     | jewelry       | West    | 2                                   |       |       |       |       |        | 2       | 2       | 2      | 2     | 2     | 2     | 2     |       |       |       |       |        |         |
| 100              | Brookhaven            | grocery store | West    | 91                                  |       |       | 91    | 91    | 91     | 91      | 91      | 91     | 91    | 91    | 91    | 91    | 91    | 91    | 91    | 91    |        |         |
| 102              | Kerkstra's Cleaners   | cleaners      | East    | 7                                   |       |       | 7     | 7     | 7      | 7       | 7       | 7      | 7     | 7     | 7     | 7     | 7     | 7     |       |       |        |         |
| 104              | Great American Bagel  | restaurant    | East    | 20                                  |       | 20    | 20    | 20    | 20     | 20      | 20      | 20     | 20    | 20    | 20    | 20    | 20    |       | 100   |       |        |         |
| 106              | Magic Nails           | salon         | East    | 6                                   |       |       |       |       | 6      | 6       | 6       | 6      | 6     | 6     | 6     | 6     | 6     | 6     | 6     |       |        |         |
| 108              | Vince's Floral        | flower shop   | East    | 5                                   |       |       |       |       | 5      | 5       | 5       | 5      | 5     | 5     | 5     | 5     |       |       |       |       |        |         |
| 110              | Salon Hype            | salon         | East    | 5                                   |       |       |       | 5     | 5      | 5       | 5       | 5      | 5     | 5     | 5     | 5     | 5     | 5     | 5     | 5     |        |         |
| 112              | Vacant                | restaurant    | East    | 15                                  |       |       | 15    | 15    | 15     | 15      | 15      | 15     | 15    | 15    | 15    | 15    | 15    | 15    | 15    | 15    | 15     |         |
| 114              | Capri Express         | restaurant    | East    | 15                                  |       |       |       |       |        | 15      | 15      | 15     | 15    | 15    | 15    | 15    | 15    | 15    | 15    | 15    | 15     |         |
| 116-118          | LaCabinita            | restaurant    | East    | 21                                  |       |       |       |       |        |         | 21      | 21     | 21    | 21    | 21    | 21    | 21    | 21    | 21    | 21    | 21     |         |
| 120              | ATI Physical Therapy  | medical       | East    | 8                                   |       |       | 8     | 8     | 8      | 8       | 8       | 8      | 8     | 8     | 8     | 8     | 8     | 8     |       |       |        |         |
| 124              | Cyclebar*             | health        | East    | 10                                  | 10    | 10    | 10    | 10    | 10     | 10      | 10      | 10     | 10    | 10    | 10    | 10    | 10    | 10    | 10    |       |        |         |
| 150              | Chase Bank            | Bank          | East    | 12                                  |       |       |       |       | 12     | 12      | 12      | 12     | 12    | 12    | 12    | 12    |       |       |       |       |        |         |
| 200              | Dao Sushi and Thai    | restaurant    | East    | 45                                  |       |       |       |       |        |         | 45      | 45     | 45    | 45    |       | 45    | 45    | 45    | 45    | 45    | 45     |         |
| 208              | County Wine Merchant  | restaurant    | East    | 13                                  |       |       |       |       |        |         |         | 13     | 13    | 13    | 13    | 13    | 13    | 13    | 13    | 13    | 13     | 13      |
| 212              | Johnny Cab's          | Restaurant    | East    | 14                                  |       |       |       |       |        |         |         |        |       |       | 14    | 14    | 14    | 14    | 14    | 14    | 14     | 14      |
| 302              | Vacant                | retail        | East    | 4                                   |       |       |       |       |        | 4       | 4       | 4      | 4     | 4     | 4     | 4     | 4     | 4     |       |       |        |         |
| 304              | Vacant                | retail        | East    | 4                                   |       |       |       |       |        | 4       | 4       | 4      | 4     | 4     | 4     | 4     | 4     | 4     |       |       |        |         |
| 306              | Vacant                | retail        | East    | 5                                   |       |       |       |       |        | 4       | 4       | 4      | 4     | 4     | 4     | 4     | 4     | 4     |       |       |        |         |
| 308              | Amore Yoga            | health        | East    | 4                                   |       |       |       |       | 4      | 4       | 4       | 4      | 4     | 4     | 4     | 4     | 4     | 4     | 4     |       |        |         |
| 312              | Proposed Restaurant   | Restaurant    | East    | 38                                  |       |       |       |       |        |         |         |        |       |       |       | 38    | 38    | 38    | 38    | 38    | 38     | 38      |
| 314-316          | Chiro One             | medical       | East    | 6                                   |       |       | 6     | 6     | 6      |         |         |        |       |       | 6     | 6     | 6     | 6     |       |       |        |         |
| 318              | Dental Fitness Center | dental        | East    | 6                                   |       |       | 6     | 6     | 6      | 6       | 6       | 6      | 6     | 6     | 6     | 6     |       |       |       |       |        |         |
| 320              | Medandspa             | medical       | East    | 18                                  |       |       |       |       |        | 18      | 18      | 18     | 18    | 18    | 18    | 18    | 18    |       |       |       |        |         |
| 324              | Capri***              | restaurant    | East    | 56                                  |       |       |       |       |        |         | 56      | 56     | 56    |       |       | 56    | 56    | 56    | 56    | 56    | 56     | 55      |
| BUSINESSES OPEN  |                       |               |         |                                     | 1     | 4     | 10    | 14    | 20     | 25      | 29      | 31     | 31    | 30    | 30    | 33    | 25    | 22    | 15    | 1,1   | 8      | 4       |
| SPACES REQUIRED  |                       | ED            |         | 522                                 | 10    | 74    | 207   | 231   | 275    | 316     | 446     | 463    | 463   | 407   | 345   | 484   | 427   | 382   | 345   | 321   | 217    | 120     |
| SPACES AVAILABLE |                       | BLE           |         |                                     | 499   | 499   | 499   | 499   | 499    | 499     | 499     | 499    | 499   | 499   | 499   | 499   | 499   | 499   | 499   | 499   | 499    | 499     |
|                  |                       | Required:     | WEST    |                                     | 0     | 44    | 135   | 154   | 171    | 173     | 181     | 185    | 185   | 185   | 148   | 148   | 114   | 107   | 103   | 99    | 0      | 0       |
|                  |                       | Avaiable:     | WEST    |                                     | 201   | 201   | 201   | 201   | 201    | 201     | 201     | 201    | 201   | 201   | 201   | 201   | 201   | 201   | 201   | 201   | 201    | 201     |
|                  |                       |               |         |                                     |       |       |       |       |        |         |         |        |       |       |       |       |       |       |       |       |        |         |
|                  |                       | Required:     | EAST    |                                     | 10    | 30    | 72    | 77    | 104    | 143     | 265     | 278    | 278   | 222   | 197   | 336   | 313   | 275   | 242   | 222   | 217    | 120     |
|                  |                       |               |         | 1                                   |       |       |       |       |        |         |         |        |       |       |       |       |       |       |       |       |        | 298     |
|                  |                       | Available:    | WEST    |                                     | 298   | 298   | 298   | 298   | 298    | 298     | 298     | 298    | 298   | 298   | 298   | 298   | 298   | 298   | 298   | -     |        |         |





#### LEGAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission and Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, will conduct the following Public Hearing beginning at 7:00 p.m. on **Monday, November 20, 2023,** at **Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.** 

#### PURPOSE OF HEARING

The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Patrick Magnesen of Jonny Cab's for an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance. The petition number and address of this petition is <u>Z-10-2023: 212 Burr Ridge Parkway.</u> and the Permanent Real Estate Index Number is <u>18-30-305-003-0000.</u>

Public comment may be provided by individuals who physically attend the meeting at 7660 County Line Road, Burr Ridge, Illinois, 60527. All written public comment wishing to appear in the Plan Commission report shall be provided no later than Tuesday, November 14, 2023. All public comment may be emailed to Planner Ella Stern (estern@burr-ridge.gov) or mailed to Ms. Stern's attention at the address above. The Plan Commission/Zoning Board of Appeals reserves the right to continue said hearings from time to time as may be required without further notice, except as may be required by the Illinois Open Meetings Act.

# BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

#### Greg Trzupek, Chairman

# MEMBERS: GREG TRUZPEK, MIKE STRATIS, JIM BROLINE, BARRY IRWIN, JOSEPH PETRICH, ENZA PARRELLA, RICHARD MORTON, AND DEANNA MCCOLLIAN.



The site is outlined in red

www.burr-ridge.gov 630.654.8181



Proposed outdoor dining enclosure.

Additional information is posted on the Village's website in the link below: <u>https://www.burr-</u> <u>ridge.gov/government/boards\_committees\_commissions/plan\_commissions\_zoning\_board\_of\_appeals/index.php</u>

Burr Ridge homepage – Government – Boards, Committees, and Commissions – Plan Commission & Zoning Board of Appeals – Upcoming Public Hearing Petitions

The November 20, 2023 Plan Commission meeting agenda packet will be posted the Thursday before the meeting and will be available on the website here: https://www.burr-

ridge.gov/government/boards\_committees\_\_\_\_\_commissions/plan\_commissions\_\_\_\_\_zoning\_board\_of\_appeals/agendas\_\_\_\_minutes.php

Burr Ridge homepage – Government – Agendas & Minutes – Plan Commission & Zoning Board of Appeals

KARL J VAN CURA 20 38TH STREET SIOUX CITY, IA 51104

RANJBAR, DONNA A 7734 S COUNTY LINE RD BURR RIDGE, IL 60527

SUNIL SURI 103 AMBRIANCE DRIVE BURR RIDGE, IL 60527

GEETHA PUNDALEEKA 502 AMBRIANCE DR BURR RIDGE, IL 60527

KUKUC, STANLEY & IRENE 7615 S DREW AVE BURR RIDGE, IL 60527

101 BRP LLC 20 DANADA SQ W #274 WHEATON, IL 60189

S SINGHAL 405 AMBRIANCE DR BURR RIDGE, IL 60527

OPUS NORTH MGMT CORP 701 VILLAGE CENTER DR BURR RIDGE, IL 60527

HOSPITALITY PROP TRUST 255 WASHINGTON ST NEWTON, MA 2458

NABEEL JABRI 204 AMBRIANCE DRIVE BURR RIDGE, IL 60527 HETALKUMAR PATEL 202 AMBRIANCE DR BURR RIDGE, IL 60527

T & M KELLY 802 AMBRIANCE DR BURR RIDGE, IL 60527

DANA SHINNEMAN 207 AMBRIANCE DR BURR RIDGE, IL 60527

ANDREW J MOORMANN 50 BURR RIDGE PKWY BURR RIDGE, IL 60527

PARRIS SZOT 301 AMBRIANCE DR BURR RIDGE, IL 60527

TERRELL PATTERSON 407 AMBRIANCE DR BURR RIDGE, IL 60527

MAGDALENA KOLOSA 303 AMBRIANCE DR BURR RIDGE, IL 60527

TCF BANK 1405 XENIUM LN PCCOOPD PLYMOUTH, MN 55441

GYTIS ARANAUSKAS 402 AMBRIANCE DR BURR RIDGE, IL 60527

INTER CONTL BURR RIDGE 108 BURR RIDGE RD ESSEX, IL 60527 FERN INC 15 AMBRIANCE BURR RIDGE, IL 60527

KUKUC, FRANK & MARGARET 7603 S DREW AVE BURR RIDGE, IL 60521

VILLAGE OF BURR RIDGE 7660 S COUNTY LINE RD BURR RIDGE, IL 60521

BRVC OWNER LLC PO BOX 1243 NORTHBROOK, IL 60065

L PETERSON & J KENNEDY 117 NORTHGATE PL BURR RIDGE, IL 60527

ASTA KAUPAITE 201 AMBRIANCE DR BURR RIDGE, IL 60527

BREYMEYER, WILLIAM G 7711 DREW AVE BURR RIDGE, IL 60527

KRISHNA & ARUNA REDDY 406 AMBRIANCE DR BURR RIDGE, IL 60527

KENSINGTON PARK LLC 743 MCCLINTOCK DR BURR RIDGE, IL 60527

GARY R MURINO 18 AMBRIANCE BURR RIDGE, IL 60527 JAMES M SNYDER 807 AMBRIANCE DR BURR RIDGE, IL 60527

AN UNDIVIDED ONE HALF 801 AMBIANCE DRIVE BURR RIDGE, IL 60527

LIFE TIME FITNESS 130 2902 CORPORATE PLACE CHANHASSEN, MN 55317

NILUFAR KABIR 304 AMBRAINCE DR BURR RIDGE, IL 60527

FIRST MIDWEST BANK AS 704 AMBRIANCE DR BURR RIDGE, IL 60527

SPENCER LEE & MI Y WON 205 AMBRIANCE BURR RIDGE, IL 60527

SALVATORE QUATRUCHI 404 AMBRIANCE DRIVE BURR RIDGE, IL 60527

MONA GHOBRIAL & SONIA 450 VILLAGE CENTER DR3 BURR RIDGE, IL 60527

ALAN JOHNSON 17 AMBRIANCE DR BURR RIDGE, IL 60527

FAROUK B ASAAD 705 AMBERIANCE BURR RIDGE, IL 60527 PAULIUS, ANDRIUS 1815 W IOWA ST CHICAGO, IL 60622

TRP 745 MCCLINTOCK LLC 1700 W HIGGINS RD 280 DES PLAINES, IL 60018

YANAHAN, PARTICK 0013505 7754 S COUNTY LINE RD BURR RIDGE, IL 60521

KALEEM MALIK 101 AMBRIANCE CT BURR RIDGE, IL 60527

SHARAD GANDHI 403 AMBRIANCE DR BURR RIDGE, IL 60527

RIVERA, RUDOLPH & L TR 7607 DREW AVE BURR RIDGE, IL 60527

MOINNUDDIN, ABID & S 7623 S DREW BURR RIDGE, IL 60521

R & N KAPOOR TR KNR TR 302 AMBRIANCE DR BURR RIDGE, IL 60527

MPG RIC BURR RIDGE LLC 71 S WACKER DRIVE APT. 3725 CHICAGO, IL 60606

PATRICIA FORKAN 305 AMBRIANCE DR BURR RIDGE, IL 60527 EDWARD T PRODEHL 104 AMBRIANCE CT BURR RIDGE, IL 60527

CHRISTIAN BROTHER MIDWEST 7650 S COUNTY LINE RD BURR RIDGE, IL 60527

FIRST MIDWEST S19733 703 AMBRIANCE DR BURR RIDGE, IL 60527

PABIJANSKI, HENRYK 7626 DREW AVE BURR RIDGE, IL 60521

KORFIST, CHRISTIAN 7611 DREW AVE BURR RIDGE, IL 60527

REEGS PROPERTIES PO BOX 639 HINSDALE, IL 60522

GEORGE S SPINDLER 7344 LAKESIDE CIRCLE BURR RIDGE, IL 60527

SPIRIT MASTER FUNDING 2727 N HARWOOD ST#300 DALLAS, TX 75201

ATHIHALLI NAGARAJ 102 AMBRIANCE DR BURR RIDGE, IL 60527

GIADLA HOLDINGS LLC 7702 CASS AVE APT. 220 DARIEN, IL 60561 BREYMEYER, WILLIAM 7701 DREW AVE BURR RIDGE, IL 60527

ANNE E MICALETTI TRUST 203 AMBRIANCE DR BURR RIDGE, IL 60527

STRZELEC, WM E 7750 S COUNTY LINE RD BURR RIDGE, IL 60527

SUZANNE DEYOUNG 12A AMBRIANCE BURR RIDGE, IL 60527

MUDJER, STEPHEN &MARGARET 15W700 81ST ST BURR RIDGE, IL 60527

SHAHID HUSSAIN 11 AMBRIANCE DR BURR RIDGE, IL 60527 RGT FAMILY LLC 501 AMBRIANCE DR BURR RIDGE, IL 60527

NANCY GATTUSO 401 AMBRIANCE DR BURR RIDGE, IL 60527

MANSOUR AMIRAN 16 AMBRIANCE DR BURR RIDGE, IL 60527

ANTONIJE KELJEVIC 803 AMBRIANCE DRIVE BURR RIDGE, IL 60527

DR GHASSAN ABBOUD 206 AMBRIANCE DR BURR RIDGE, IL 60527 D BEKTESHI 14 AMBRIANCE DR BURR RIDGE, IL 60527

KONDA REALTY LLC 10 ORCHARD APT. 200 LAKE FOREST, CA 92630

AMBRIANCE TRUST 1 AMBRIANCE DR BURR RIDGE, IL 60527

MOHRE LLC 1 CLUBSIDE CT BURR RIDGE, IL 60527

CERVANTES, LAURA 7619 DREW AVE BURR RIDGE, IL 60527



#### VILLAGE OF BURR RIDGE PLAN COMMISSION AND ZONING BOARD OF APPEALS

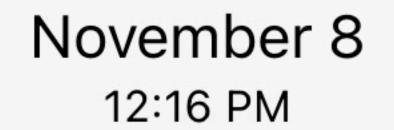
**Consent to Install Public Notice Sign** 

The owner of the property referenced below, or an authorized representative of the owner, which is the subject of a public hearing before the Village of Burr Ridge Plan Commission or Zoning Board of Appeals, hereby consents to allow the Village of Burr Ridge to install a public notice sign on the aforesaid property. The public notice sign will be erected 15 to 30 days prior to the public hearing and will remain on the property until it is removed by the Village of Burr Ridge subsequent to a final dispensation of petition request.

Street Address of Subject Property:

Property Owner or Petitioner:

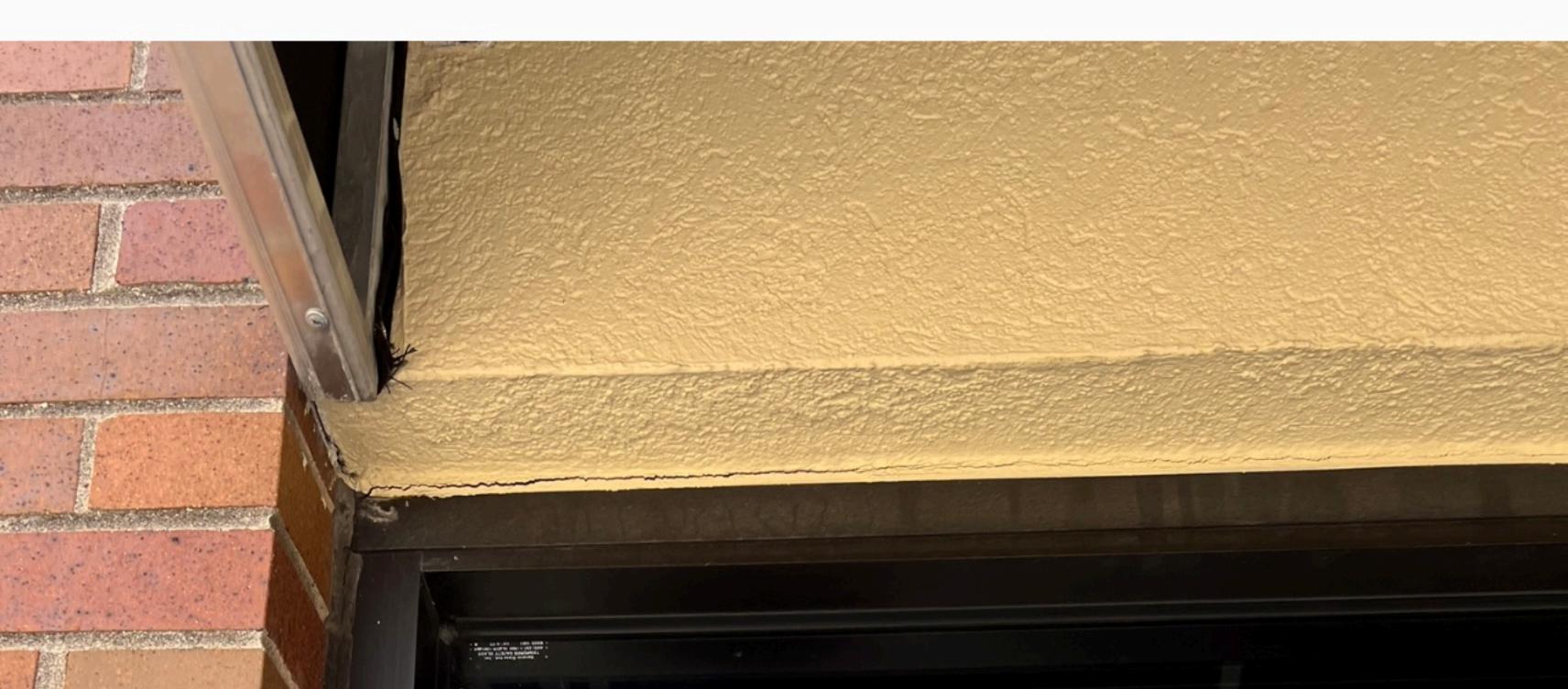
212 BUER RIDGE PARKWAY PATRICK MAGNESEN (Signature)







世界の大学の中国の



# NOTICE

## There will be a public hearing on November 20, 2023, regarding this property.

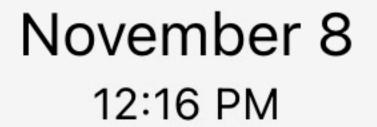
At 7:00 p.m., or as soon thereafter as the matter may be heard, the Plan Commission will consider a request by Patrick Magnesen of Jonny Cabs regarding the property commonly known as **212 Burr Ridge Parkway** (Petition No. **Z-10-2023**). The petitioner requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

For further information, please email or call Ella Stern or visit:

Burr Ridge Village Hall 7660 County Line Road estern@burr-ridge.gov (630) 654-8181, Extension 6260

Ask for Information Re: Z-10-2023

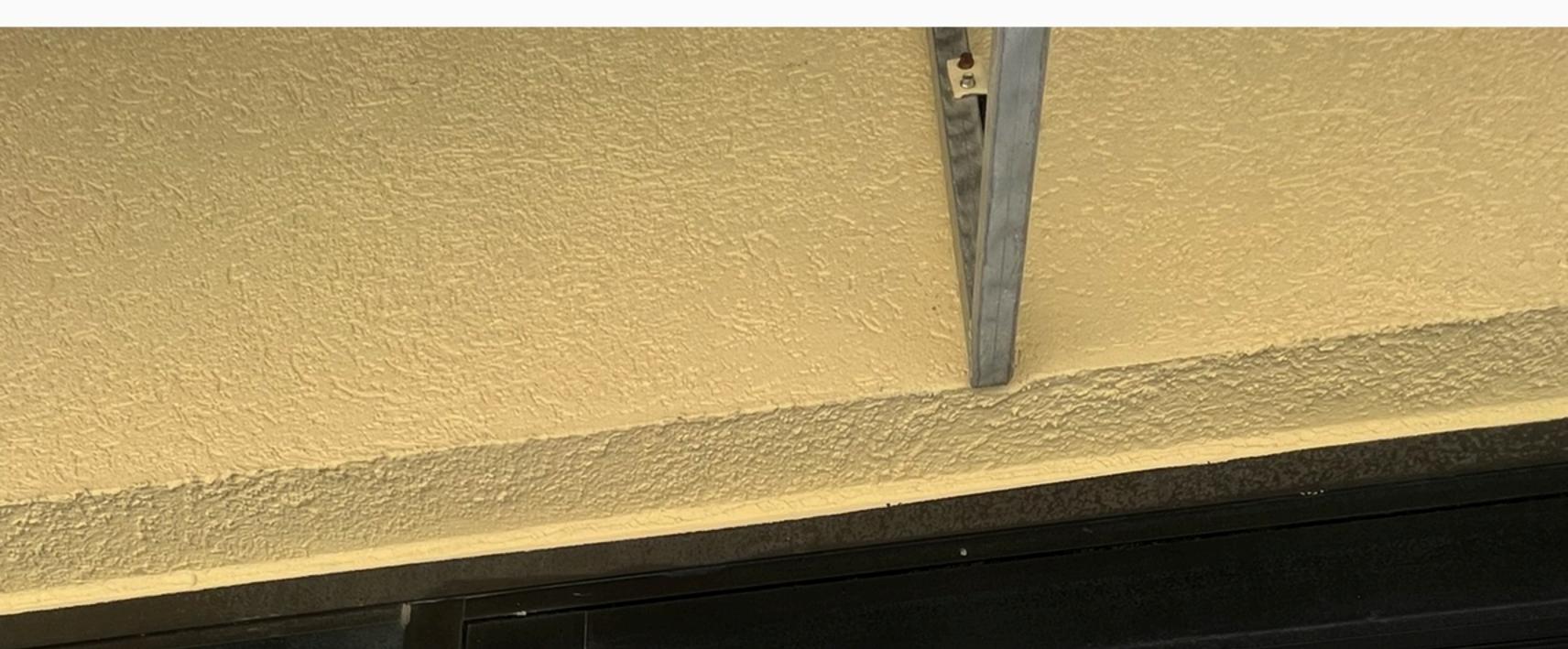








\*\*\*\*\*\*





### NOTICE BR Village of Bure Ro

There will be a public hearing on November 20, 2023, regarding this property.

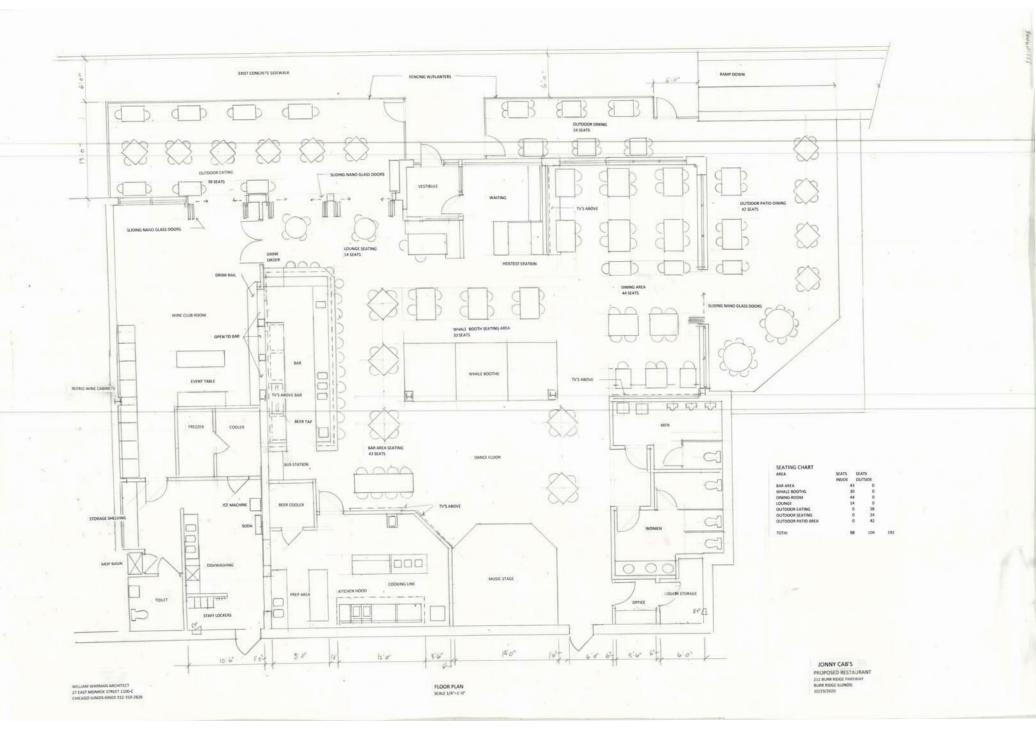
At 7:00 p.m., or as soon thereafter as the matter may be heard, the Plan Commission will consider a request by Patrick Magnesen of Jonny Cabs regarding the property commonly known as **212 Burr Ridge Parkway** (Petition No. **Z-10-2023**). The petitioner requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21 and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

For further information, please email or call Ella Stern or visit:

Burr Ridge Village Hall 7660 County Line Road estern@burr-ridge.gov (630) 654-8181, Extension 6260

Ask for Information Re: Z-10-2023





From: Carro Halferan To: Douglas Police Subject: Fwit: Externic Randerings updated 11-17-20 Date: Tuesday, December 1, 2020 10-30-22 AM

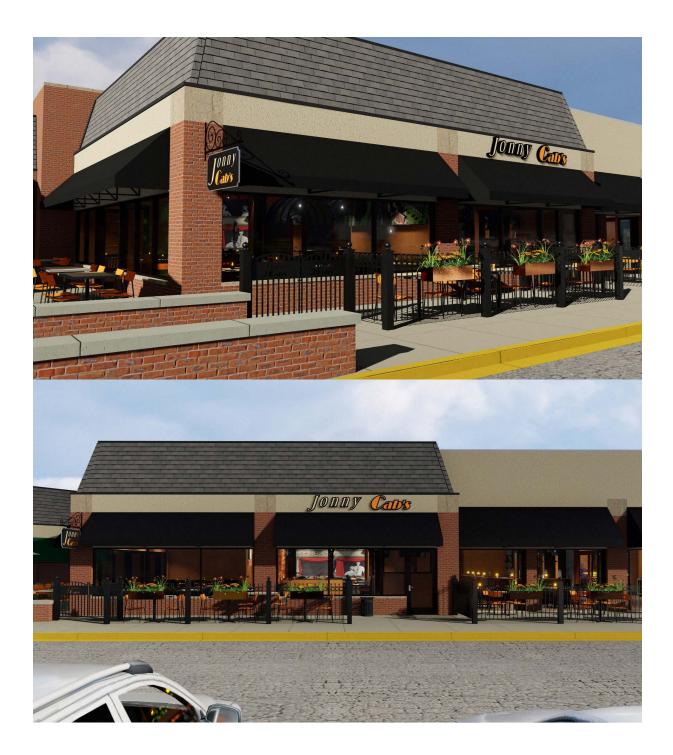
Sent from my iPhone Begin forwarded message:

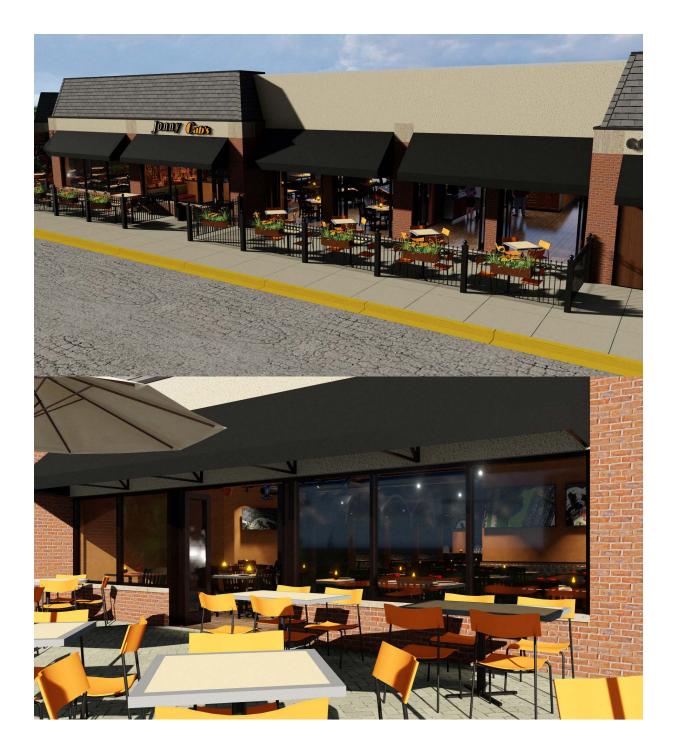
.

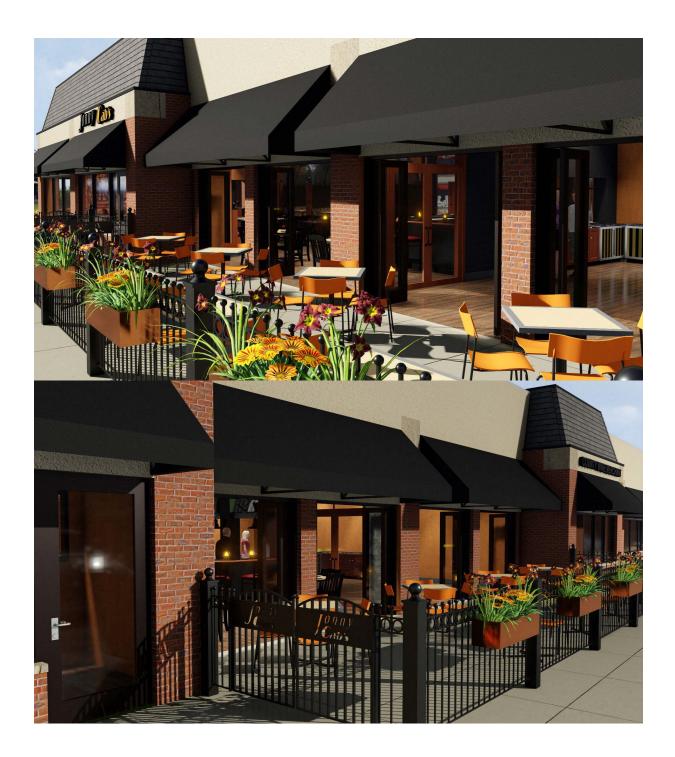
From: william warnan </warchitects|@gmail.com> Date: November 17, 2020 at 80:01.8 PM CST Drie Gene Hillera- worhallerand @gmail.com>. Tyler Metcalf </TMetcalf@randallmetals.com> Subject: Fwd: Exterior Renderings updated 11-17-20

Here are the revised views
-----Forwarded message -----From: Chuck <\_disi@wirr.com>
Date: Tuesday, November 17, 2020
Subject: Exterior Renderings updated 11-17-20
To: "waarchitects! @ gmail.com/>
No: "waarchitects! @ gmail.com/>
Subject: Startior Agmail.com/>
Subject: Starti









#### ORDINANCE NO. A-834-02-21

#### AN ORDINANCE GRANTING SPECIAL USE APPROVALS PURSUANT TO THE BURR RIDGE ZONING ORDINANCE FOR A RESTAURANT WITH SALES OF ALCOHOLIC BEVERAGES, LIVE ENTERTAINMENT AND OUTDOOR DINING

#### (Z-15-2020: 212 Burr Ridge Parkway - Halleran)

WHEREAS, an application for special use approvals for certain real estate has been filed with the Assistant Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said special use approvals on November 16, 2020 and December 7, 2020 at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The</u> <u>Doings</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for special use approvals, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

**NOW THEREFORE, BE IT Ordained** by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of special use approvals indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 212 Burr Ridge Parkway, Burr Ridge, Illinois, is Gene Halleran (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section VIII.B.2.ff to permit a restaurant with alcoholic beverage sales and live entertainment and a special use approval as per Section VIII.B.2.x to permit outdoor dining for said restaurant.
- B. That the proposed restaurant is in a shopping center with a variety of commercial tenants including other restaurants.

C. That the subject property is appropriate for restaurants with sales of alcoholic beverages, live entertainment, and outdoor dining.

<u>Section 3</u>: That special use approvals for a restaurant with sales of alcoholic beverages, live entertainment, and outdoor dining **are hereby granted** for the property commonly known as 212 Burr Ridge Parkway and identified by the Permanent Real Estate Index Numbers of **18-30-301-001**; and **18-30-305-003**.

**Section 4**: That the special use is subject to the following terms and conditions:

- 1. The special use shall be limited to Gene Halleran and shall be null and void should Gene Halleran no longer have ownership interest in the restaurant consisting of approximately 4,200 square feet commonly known as 212 Burr Ridge Parkway.
- 2. Outdoor dining shall conform to the requirements of Section VII.A.5 of the Zoning Ordinance.
- 3. The enclosure of the outdoor dining area and design of outdoor furniture shall match the adjacent Dao Restaurant subject to staff review and approval.
- 4. Hours of operation for the restaurant and outdoor dining areas shall comply with Section VIII.A.11.c of the Zoning Ordinance.
- 5. The restaurant shall comply with the following parking management conditions:
  - a. All employees shall park behind the building or west of the shopping center main entryway.
  - b. Valet parking shall be provided each and every evening that the restaurant is open for business.
  - c. Four parking spaces shall be designated in the parking lot for staging of valet parking and under no circumstances shall the drive aisle/fire lane be used for valet parking or staging of valet parking.
  - At all times, valet customer vehicles shall be parked west of the shopping center main entryway.
     Before 8 pm each evening, valet customer vehicles shall be parked west of the first two double rows

(four single rows) of parking spaces that are west of the main entryway.

<u>Section 5</u>: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Acting Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 11<sup>th</sup> day of January 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Mital, Snyder, Franzese, Schiappa, Paveza

NAYS: 1 - Trustee Mottl

ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Didge on this 11<sup>th</sup> day of January 2021.

IAA

Mayor

ATTEST Acting Village Clerk

#### ORDINANCE NO. A-834-03-21

#### AN ORDINANCE GRANTING A VARIATION FROM THE BURR RIDGE ZONING ORDINANCE TO PERMIT A RESTAURANT IN COUNTY LINE SQUARE WITHOUT THE REQUIRED NUMBER OF PARKING SPACES

#### (Z-15-2020: 212 Burr Ridge Parkway - Halleran)

WHEREAS, an application for a variation from the Village of Burr Ridge Zoning Ordinance for certain real estate has been filed with the Assistant Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Zoning Board of Appeals of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Zoning Board of Appeals of this Village held a public hearing on the question of granting said zoning variation on November 16, 2020 and December 7, 2020, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The</u> <u>Doings</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Zoning Board of Appeals has made its report on the request for zoning variation, including its findings and recommendations, to this Mayor and Board of Trustees; and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the zoning variation indicated herein are in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Zoning Board of Appeals and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the variation for the property located at 212 Burr Ridge Parkway, Burr Ridge, Illinois, is Gene Halleran (hereinafter "Petitioner"). The Petitioner requests a variation from Section XI.C.13 to permit a restaurant in a shopping center without the required number of parking spaces.
- B. That the proposed restaurant results in the shopping center requiring approximately 35 more parking spaces than is currently available within the shopping center.

- C. That documentation was provided indicating that based on the varying hours of operation of businesses within the shopping center, sufficient parking is available during the peak hours of the proposed restaurant.
- D. That the petitioner has agreed to provide valet parking so that the customer vehicles may be parked at the far west end of the shopping center where parking is most available during the peak hours of the proposed restaurant.

<u>Section 3</u>: That a variation from Section XI.C.13 to permit a restaurant in a shopping center without the required number of parking spaces *is hereby granted* for the property commonly known as 212 Burr Ridge Parkway and identified with the Permanent Real Estate Index Numbers of <u>18-30-301-001</u>; and <u>18-</u>

30-305-003.

<u>Section 4</u>: That the variation is subject to the following conditions:

- 1. All employees shall park behind the building or west of the shopping center main entryway.
- 2. Valet parking shall be provided each and every evening that the restaurant is open for business.
- 3. Four parking spaces shall be designated in the parking lot for staging of valet parking and under no circumstances shall the drive aisle/fire lane be used for valet parking or staging of valet parking.
- 4. At all times, valet customer vehicles shall be parked west of the shopping center main entryway. Before 8 pm each evening, valet customer vehicles shall be parked west of the first two double rows (four single rows) of parking spaces that are west of the main entryway.

Section 5: That this Ordinance shall be in full force

and effect from and after its passage, approval, and publication

A-834-03-21

as required by law. The Acting Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 11<sup>th</sup> day of January 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Franzese, Snyder, Mital, Schiappa, Paveza

NAYS: 1 - Trustee Mottl

ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Ridge on this 11th day of January 2021.

Mayor Acting Village Clerk

A-834-03-21

#### ORDINANCE NO. A-834-05-23

#### AN ORDINANCE AMENDING SECTION VIII OF THE ZONING ORDINANCE TO AMEND THE REGULATIONS FOR OUTDOOR DINING.

#### (Z-03-2023: Text Amendment - Outdoor Dining)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held two public hearings on the question of granting said text amendment on February 6 and March 20, 2023, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The Chicago</u> <u>Sun-Times</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

**NOW THEREFORE, Be It Ordained** by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Section VIII, the regulations for Outdoor Dining, as attached hereto as Exhibit A.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

<u>Section 3:</u> That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 8<sup>th</sup> day of May, 2023, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Schiappa, Franzese, Paveza, Mital, Smith

NAYS: 0 - None

Village Clerk

ABSENT: 1 - Trustee Snyder

APPROVED by the Mayor of the Village of Burr Ridge on this 8<sup>TH</sup> day of May, 2023.

A-834-05-23

#### EXHIBIT A

#### Zoning Ordinance Section VIII Language for Outdoor Dining

#### **Outdoor Dining**

Restaurant outdoor dining areas are areas set up adjacent to the exterior wall of a commercial building with tables, chairs, or other such furnishings, for the purpose of serving food and/or beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. Outdoor dining areas shall be subject, at a minimum, to the following:

- 1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
- 2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
- 3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- 4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
- 5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
- 6. The door to the dining area shall be self-closing;
- 7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
- 8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use;
- 9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- 10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- 11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas or railings;
- 12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use;
- 13. Tables shall be cleaned promptly following use;
- 14. Outdoor food preparation, storage or display is prohibited;
- 15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
- 16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- 17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations;
- 18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
- 19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

#### EXHIBIT A

#### Zoning Ordinance Section VIII Language for Outdoor Dining

20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

#### PLANNED UNIT DEVELOPMENT REGULATIONS RELATED TO THE SHOPPING CENTER AT 50-324 (EXCLUDING 150) BURR RIDGE PARKWAY

The following regulations are intended to govern the current use, scope, as well as present and future conditions of the subject property at 50-324 (excluding 150) Burr Ridge Parkway, known at this time as "County Line Square Shopping Center", as described in Exhibit A (Plat of Survey).

#### Operation within Enclosed Buildings

All business, service, storage, merchandise display, repair, and processing, where allowed, shall be conducted within a completely enclosed building, except as follows:

- a. Outdoor activities are permitted for uses which by definition require outdoor activities such as parking and loading areas, automobile service stations, or recreation areas for child care centers and nurseries.
- b. Outdoor activities listed as special uses may be approved by the Board of Trustees upon recommendation from the Plan Commission subject to the Zoning Ordinance.
- c. Temporary (less than or equal to 72 hours in total duration) outdoor activities may be permitted subject to written approval by the Village Administrator or their designee. Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.

#### Signs

Building Signs located at the subject property are subject to the issuance of a sign permit by the Village. Building Signs are subject to the following regulations:

- a. Each tenant shall be permitted one Building Sign on the building façade.
- b. Each Building Sign shall not exceed one square foot for each lineal foot of the storefront or tenant space width with a minimum area allowed of 20 square feet and a maximum area allowed of 40 square feet.
- c. All tenants are permitted to affix Storefront/Window Signs, defined as any covering of the front window for advertisement purposes, without need for a sign permit and in adherence to the following regulations:
  - 1. The sum total of all Storefront Signs shall not exceed 30 percent of the total area of the windows in which they are located.
  - 2. Storefront Signs shall not have any moving parts.
  - 3. A series of windows that are separated by frames and supporting material of less than six inches in width shall be considered as a single window for the purpose of computation.
  - 4. Storefront Signs must be hung from some appurtenance of the tenant space and may not be taped or suction-cupped to the window, except if the advertisement is not related to the business' primary functions and is equal or less than 8 ½ x 11 inches in size and laminated.

Design guidelines for Building Signs shall be defined as follows:

- f. Dry cleaners with on-site equipment for dry cleaning
- g. Funeral parlors or crematoriums
- h. Gun and ammo sales, including shooting ranges
- i. Hours of operation exceeding 7 A.M. to 10 P.M. for any permitted or special use
- j. Liquor stores
- k. Live entertainment and dancing accessory to any permitted or special use
- 1. Professional massage services
- m. Offices related to the Secretary of State's Vehicle Services Division
- n. Parking lots and structures where such uses are the principal use on a lot
- o. Pet shops and pet service stores, with or without overnight services
- p. Restaurants (including specialty restaurants such as donut shops and ice cream shops) over 4,000 square feet with or without sales of alcoholic beverages.
- q. Tobacco shops
- r. Wine boutique with ancillary service of wine and beer by the glass and with service of prepackaged food for consumption on-site

#### Outdoor Dining Area Regulations

Restaurant outdoor dining areas shall be subject to the following:

- Dining areas must be limited to the linear frontage of the principal business to which the outdoor area is intended to serve;
- Dining areas shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant if table service is provided or alcohol served in the outdoor dining area;
- Door to the dining area shall be self-closing;
- Tables shall be cleaned promptly following use;
- Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant, defined as being within 60" of a curbline or so as to impede the normal flow of pedestrian traffic into or from a doorway;
- Outdoor food preparation, storage or display is prohibited;
- All furniture must be stored in the rear or off-site of the subject property when not in use;
- Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee;
- Approval of outdoor dining areas shall be subject to the Village's adopted building codes;
- Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

- Outdoor dining areas must be cumulatively approved by the Village Administrator or their designee to determine final compliance with the regulations set forth herein; and
- Outdoor dining areas shall be included as part of the size calculation for restaurants.

#### Parking Design Regulations

The subject property shall provide one parking space for each 200 gross square feet of commercial space available.

Every parking lot in excess of fifteen spaces shall contain planting islands for shade trees in compliance with the following standards:

- a. There shall be one island for every 15 parking spaces and one shade tree for each island.
- b. Each parking lot landscape island shall be a minimum of 9 feet wide and 18 feet in length.
- c. Required shade trees shall have a minimum 3 inch diameter measured two feet above ground level.
- d. Parking lot landscape islands generally shall be located at the ends of each row of parking (one double island to be located at the end of a double row of parking) and every 15 parking spaces within a row.
- e. Maintenance of Landscape Areas and Screening: All such landscaped areas and screening shall, once installed, be maintained in such manner as to retain at least the intended standards of the initial landscaping and to conform to the landscaping requirements of the Village.

| Angle of Parking      | 45 Degrees | 60 Degrees | 90 Degrees |
|-----------------------|------------|------------|------------|
| Width of Stall        | 9'         | 9'         | 9'         |
| Stall Width (parallel | 12'9"      | 10'5"      | 9'         |
| to aisle)             |            |            |            |
| Stall Depth (perp. to | 20'        | 21'        | 18'        |
| aisle)                |            |            |            |
| Stall Length          | 19'        | 19'        | 18'        |
| Aisle Width           | 13'*       | 17'*       | 24'        |

Minimum Standards for Parking Stalls and Aisles

\*One-way aisles only

Parallel parking shall be permitted with stalls at least 24' in length with an aisle of 14' Accessible parking areas shall be designed in accordance with State requirements

All open off-street loading berths, access drives, aisles, and maneuvering spaces shall be improved with an all-weather hard surface pavement including, at a minimum, a two inch (2") bituminous concrete surface course, with a twelve inch (12") minimum thickness aggregate base course, and six inch (6") high perimeter concrete curbing (Type B or Type B6:12) installed in accordance with Illinois Department of Transportation specifications.

#### Parking and Loading Regulations

The area immediately adjacent to the curbline shall be permitted to be used as a standing and loading zone (as shown in Exhibit C in yellow), except no parking, standing, or loading areas shall



Z-12-2023: 114 Burr Ridge Parkway (Salamone/Capri Express); Request for an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to special use Ordinance #A-834-17-21 and County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

HEARING: December 4, December 18, 2023 & February 5, 2024

**TO:** Plan Commission Greg Trzupek, Chairman

**FROM:** Ella Stern, Planner

**PETITIONER:** Vito Salamone of Capri Express

**PETITIONER STATUS:** Co-Owner of Capri Express

**PROPERTY OWNER:** Bob Garber

**EXISTING ZONING:** B-1 Business District

LAND USE PLAN: Recommends Commercial Uses

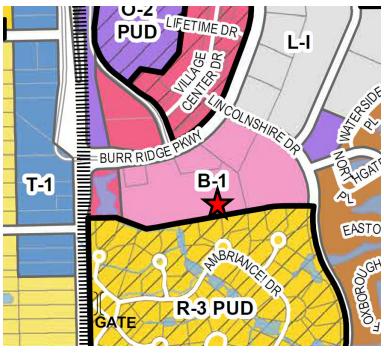
**EXISTING LAND USE:** Mixed-Use Shopping Center

**SITE AREA:** 7.2 Acres

**SUBDIVISION:** Burr Ridge Corporate Park

**PARKING:** 499 Public Spaces





#### Staff Report and Summary Z-12-2023: Burr Ridge Parkway (Salamone/Capri Express); Special Use, PUD Amendment, and Findings of Fact

On December 4, 2023, the Plan Commission held a public hearing on Z-12-2023, a request to amend an existing special use regarding an outdoor dining enclosure at an existing restaurant. At the November 20, 2023, Plan Commission meeting, the Plan Commission requested direction from the Board to hold a public hearing to amend the outdoor dining regulations, which is a part of the 2024 annual zoning review. At the time of the report, there has not been direction from the Board. The outdoor dining regulations, including the prohibition of wall enclosures, were most recently amended, and approved on May 8, 2023. The Plan Commission may determine whether to look at the special use request individually or to continue the case and wait for direction from the Board.

The petitioner is Vito Salamone of Capri Express. Capri Express was approved originally for outdoor dining in 2021 through Ordinance #A-834-17-21. The outdoor dining area contains four (4) tables and sixteen (16) seats. The table and seat count will not change under the new proposal.



Aerial of the property with the property lines and yards.

Section VIII.A of the Zoning Ordinance stipulates several regulations related to outdoor dining at all places of eating in the Village within the Business Districts (B-1 and B-2). The petitioner's compliance with these regulations is noted in red. The petitioner has submitted a plan and information about the proposed outdoor dining area, included as Exhibit A.

- 1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
- 2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
- 3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- 4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant; *Outdoor*

#### Staff Report and Summary

Z-12-2023: Burr Ridge Parkway (Salamone/Capri Express); Special Use, PUD Amendment, and Findings of Fact

dining was previously approved through Ordinance #A-834-03-11, without a fence or enclosure.

- 5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
- 6. The door to the dining area shall be self-closing;
- 7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
- 8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use; *The petitioner requests a fully enclosed, outdoor dining area with black fabric walls. Jonny Cabs proposed a similar black wall enclosure at the November 20, 2023, Plan Commission meeting and the case was continued until December 18, 2023. The Plan Commission will ask the Board to direct them to hold a public hearing for a text amendment regarding outdoor dining wall enclosures at the December 11, 2023 Board meeting.*
- 9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- 10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- 11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas, or railings;
- 12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use; *The petitioner wants the outdoor dining enclosure for the winter season*.
- 13. Tables shall be cleaned promptly following use;
- 14. Outdoor food preparation, storage or display is prohibited;
- 15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
- 16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- 17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations
- 18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
- 19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;
- 20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

#### County Line Square Outdoor Dining Area Regulations

Restaurant outdoor dining areas shall be subject to the following:

• Dining areas must be limited to the linear frontage of the principal business to which the outdoor area is intended to serve;

#### Staff Report and Summary

Z-12-2023: Burr Ridge Parkway (Salamone/Capri Express); Special Use, PUD Amendment, and Findings of Fact

- Dining areas shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant if table service is provided or alcohol served in the outdoor dining area; *The petitioner requests an outdoor dining enclosure*.
- Door to the dining area shall be self-closing;
- Tables shall be cleaned promptly following use;
- Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant, defined as being within 60" of a curbline or so as to impede the normal flow of pedestrian traffic into or from a doorway;
- Outdoor food preparation, storage or display is prohibited;
- All furniture must be stored in the rear or off-site of the subject property when not in use;
- Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee;
- Approval of outdoor dining areas shall be subject to the Village's adopted building codes; *The petitioner requests an outdoor dining enclosure.*
- Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner; *The petitioner requests an outdoor dining enclosure*.
- Outdoor dining areas must be cumulatively approved by the Village Administrator or their designee to determine final compliance with the regulations set forth herein; and *The petitioner requests an outdoor dining enclosure*.
- Outdoor dining areas shall be included as part of the size calculation for restaurants.

#### Public Hearing History – Related to Capri Express

**Z-01-2023:** Zoning Ordinance Amendments for Outdoor Dining (Ordinance #A-834-05-23) **Z-06-2023:** Zoning Ordinance granting special use approval for a restaurant with amended outdoor dining. (Ordinance #A-834-17-21)

**Z-12-2010:** Zoning Ordinance granting special use pursuant to the Village of Burr Ridge Zoning Ordinance for an outdoor sidewalk dining area. (Ordinance #A-834-03-11) County Line Square Planned Unit Development Regulations

#### Public Comment

Two public comments were received.

#### Findings of Fact and Recommendation

The petitioner has provided findings of fact, which the Plan Commission may adopt if in agreement with those findings. If the Plan Commission chooses to recommend approval of the special use amendment, PUD amendment, and special use for outdoor dining, staff recommends the following conditions. The conditions on this request include those from the 2021 approval.

- 1. The special use shall be limited to Capri Express and shall not be transferable to any other party.
- 2. The special use shall substantially comply with the submitted site plan.

Staff Report and Summary

Z-12-2023: Burr Ridge Parkway (Salamone/Capri Express); Special Use, PUD Amendment, and Findings of Fact

- 3. All umbrellas, furniture, and other appurtenances shall be sorted off-site during the winter season when the enclosure is not being used for outdoor dining. \* If the Plan Commission allows outdoor dining year-round, this condition should be removed.
- 4. The special use shall comply with the previously approved outdoor dining plan from the 2021 approval, Ordinance #A-834-17-21.

#### **Appendix**

Exhibit A - Petitioner's Materials and Public Notifications

- Application
- Findings of Fact
- Proposed site plan and illustrations
- Public Notifications

Exhibit B – Plans from 2021 approval, Ordinance #A-834-03-11, #A-834-17-21, #A-834-05-23 & County Line Square Planned Unit Development Regulations



### VILLAGE OF BURR RIDGE

#### PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

| GENERAL INFORMATION (to be completed by Petitioner)  |  |  |  |
|--|--|--|--|
| PETITIONER (All correspondence will be directed to the Petitioner): Vito Salamone  |  |  |  |
| STATUS OF PETITIONER: CO-OWNER Capi Expiress   |  |  |  |
| PETITIONER'S ADRESS: BOI Village Center JI; Unit 406; Buir B.J. IL 60527   |  |  |  |
| ADDRESS OF SUBJECT PROPERTY: 114 BUIG R. Jye Parkway   |  |  |  |
| PHONE: 630-323-1200  |  |  |  |
| EMAIL: Vito 823 6 GMail.com  |  |  |  |
| PROPERTY OWNER: Bob Grar ber   |  |  |  |
| PROPERTY OWNER'S ADDRESS: P.O. Box 639PHONE: 630-920-9612  |  |  |  |
| Hinsalle       IL       60522         PUBLIC HEARING REQUESTED:       >       Special Use       Text Amendment       Variation(s)  |  |  |  |
| DESCRIPTION OF REQUEST:  |  |  |  |
| Install an enclosure to provide outdoor Seating  |  |  |  |
| Install an enclosure to provide outdoor Seating<br>For the Customers of Capi: Express  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| PROPERTY INFORMATION (to be completed by Village staff)  |  |  |  |
| PROPERTY ACREAGE/SQ FOOTAGE: 35,976 S9 F4. EXISTING ZONING: B-1  |  |  |  |
| EXISTING USE/IMPROVEMENTS: BUSINESS  |  |  |  |
| subdivision: Burr Ridge corporate park   |  |  |  |
| PIN(S) #   |  |  |  |
| The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible |  |  |  |
| for any costs made necessary by an error in this petition.   |  |  |  |
|  |  |  |  |
| Petitioner's Signature Date of Filing  |  |  |  |

# Special Use Ordinance Plan for Capri Express Outdoor Seating

### Area

Applicant: Capri Express Restaurant Date: 10/9/2023

### Introduction

This Special Use Ordinance Plan outlines the proposal for installing an enclosed outdoor seating area at Capri Express Restaurant. The purpose of this proposal is to ensure that the outdoor seating area complies with local zoning regulations and adheres to specific guidelines for design, noise reduction, waste management, and lighting.

### **Description of Proposed Project**

**Project Name**: Capri Express Enclosed Outdoor Seating Area **Location**: 114 Burr Ridge Parkway; Burr Ridge IL 60527 **Description**:

The proposed project entails the construction of an enclosed outdoor seating area adjacent to Capri Express Restaurant. This seating area will consist of four tables and comfortably seat up to 16 customers. The enclosure will match the existing awning attached to the restaurant and will closely mirror the design of neighboring restaurants, including La Cabanita, DAO Sushi, and Capri Restaurante. The primary focus of this proposal is to create an outdoor space that enhances the dining experience while maintaining harmony with the surrounding establishments.

### **Compliance with Local Zoning Regulations**

The project will adhere to all relevant local zoning regulations, including setback requirements, maximum seating capacity, and

use of public space. The proposed outdoor seating area will not encroach on public walkways or violate any established zoning codes.

### **Design and Aesthetics**

The design of the outdoor seating area will be in keeping with the existing restaurant aesthetics, featuring matching awnings, colors, and materials. The design will closely mirror that of neighboring restaurants to maintain a cohesive look and feel in the area.

### **Noise Reduction Measures**

To minimize disturbances to neighboring properties, the following noise reduction measures will be implemented:

Use of noise-absorbing materials in the enclosure.

Establishment of clear guidelines for acceptable noise levels. Training of restaurant staff in noise reduction techniques and customer communication.

Regular monitoring of noise levels during peak hours.

### Waste Management

A comprehensive waste management plan will be developed and implemented to ensure the cleanliness and hygiene of the outdoor seating area. This plan includes:

Regular garbage collection and disposal.

Staff training on waste management protocols.

Scheduled cleaning and maintenance of the seating area.

### Lighting

Appropriate lighting will be installed to enhance the safety and ambiance of the outdoor seating area. Lighting fixtures will be chosen to minimize light pollution and to avoid any glare or disturbance to surrounding properties.

### **Community Engagement**

To address any concerns and maintain positive relations with the local community, the restaurant will engage in proactive

communication with neighboring businesses and residents. Timeline

The project is expected to be completed within 60 days, including the necessary construction, lighting installation, and implementation of noise reduction and waste management measures.

### Conclusion

This Special Use Ordinance Plan outlines Capri Express Restaurant's proposal to construct an enclosed outdoor seating area that enhances the dining experience while ensuring compliance with local regulations and harmonious coexistence with neighboring establishments. We are committed to implementing noise reduction, waste management, and lighting solutions that contribute positively to the community. The cooperation of local authorities and community stakeholders is highly appreciated to move this project forward successfully.

This Special Use Ordinance Plan is subject to review, approval, and potential revisions by the relevant local authorities. All aspects of the plan will be implemented in accordance with local regulations and guidelines. As per Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance, for a special use to be approved, the petitioner must confirm all of the following findings by providing facts supporting each finding.

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.

Allowing Capri Express to have outdoor seating benefits the Village by enhancing the dining experience, increasing foot traffic, creating a community gathering space, supporting local businesses, attracting tourists, and improving residents' quality of life.

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.

Allowing Capri Express to have outdoor seating will not endanger public health, safety, morals, comfort, or general welfare because the restaurant will adhere to safety and zoning regulations, ensuring that the outdoor seating area is designed and managed responsibly to mitigate any potential negative impacts on the community.

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.

Outdoor seating at Capri Express will not be injurious to nearby property uses or property values because it will be designed and managed to minimize noise, traffic disruptions, and other potential nuisances, ensuring that the immediate vicinity retains its character and property values remain unaffected.

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.

Outdoor seating at Capri Express will not impede the normal and orderly development of surrounding properties for permitted uses in the district, as it will conform to zoning regulations and not disrupt the existing development plans or hinder the potential for future property improvements in the area.

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

Outdoor seating at Capri Express will feature adequate utilities, including proper lighting to ensure safety, sound reduction measures to minimize noise disturbances, and a well-maintained waste management system. These provisions are in place or will be provided to create a comfortable and compliant outdoor seating area.

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.

Outdoor seating at Capri Express will have two points of entry, which have been designed to minimize traffic congestion in public streets. Adequate measures have been taken to ensure smooth ingress and egress, reducing the impact on traffic flow in the surrounding area. 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 proposed outdoor seating for Capri Express aligns with the objectives of the Official Comprehensive Plan of the Village of Burr Ridge as amended because it promotes economic development and community engagement while adhering to zoning and safety regulations. The Plan aims to create a vibrant and attractive community, and allowing outdoor seating contributes to this goal by enhancing the local dining experience and supporting local businesses, which is in line with the Plan's economic development and community enhancement objectives.

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.

Outdoor enclosed seating at Capri Express will conform to the applicable regulations of the district in which it is located, unless specific modifications are recommended by the Plan Commission or the Zoning Board of Appeals, following due process and review. This ensures that the outdoor seating complies with local zoning and safety requirements while allowing for potential adjustments based on expert recommendations.

# **Business Plan for Capri Express -The Restaurant**

## **Table of Contents**

Executive Summary Business Description Market Analysis Marketing and Sales Strategy Products and Services Operations Plan Special Use Ordinance for Outdoor Seating Management and Personnel

## **1. Executive Summary**

**Capri Express - The Restaurant** is a charming Italian restaurant located in a vibrant urban area. We specialize in authentic Italian cuisine, prepared with the finest ingredients, and served in a warm and inviting atmosphere. Our mission is to be the top choice for Italian dining in the area, providing our customers with a delightful experience.

## **Business Details:**

## **Hours of Operation:**

Sunday: 10 am - 9 pm Monday through Thursday: 10 am - 9:30 pm Friday and Saturday: 10 am - 10 pm

## **Outdoor Seating:**

Capri Express plans to introduce outdoor seating in an enclosed structure. The outdoor area will undergo regular maintenance, which includes proper lighting, noise reduction strategies, and efficient waste management.

## **Average Daily Customers:**

Capri Express serves an average of 50-80 customers daily. **Employee Count**:

Capri Express employs 25 dedicated and skilled individuals.

# 2. Business Description

**Capri Express** - offers a diverse range of Italian culinary delights, from traditional pasta dishes to delicious pizzas and mouthwatering desserts. We aim to bring the flavors of Italy to our community, with a commitment to quality, authenticity, and outstanding customer service.

# 3. Market Analysis

## **Target Market:**

Local residents and families seeking a cozy dining experience. Tourists and visitors in search of authentic Italian cuisine. Working professionals looking for a quick and delicious lunch.

## **Competition:**

Capri Express faces competition from local Italian restaurants. Our competitive advantage lies in our commitment to delivering the highest quality and a consistent dining experience.

## 4. Marketing and Sales Strategy

Our marketing strategies include:

**Online Presence**: Maintain a strong online presence through a user-friendly website and active social media profiles.

**Local Partnerships**: Collaborate with local businesses and organizations for cross-promotion.

**Customer Loyalty Program**: Implement a rewards system to encourage repeat visits.

## 5. Products and Services

Our menu includes:

Authentic Italian Dishes: A variety of pasta, pizza, and seafood dishes prepared with fresh, high-quality ingredients.

Desserts: Homemade Italian desserts to satisfy any sweet tooth.

## 6. Operations Plan

## **Outdoor Seating Structure:**

**Construction**: Build an enclosed outdoor seating structure. **Maintenance**: Regularly maintain the outdoor area, including lighting, noise reduction measures, and waste management.

# 7. Special Use Ordinance for Outdoor Seating

To implement outdoor seating, Capri Express will adhere to the local Special Use Ordinance, which outlines specific regulations and requirements for this addition:

**Zoning Compliance**: Ensure that the proposed outdoor seating structure complies with local zoning regulations.

**Noise Reduction Measures**: Implement noise reduction strategies to minimize disturbances to neighboring properties.

**Proper Waste Management**: Develop and adhere to a waste management plan to keep the outdoor area clean and eco-friendly. **Proper Lighting**: Install suitable lighting for the safety and comfort of customers.

**Community Engagement**: Collaborate with the local community to address any concerns and ensure a harmonious coexistence.

## 8. Management and Personnel

Capri Express is managed by a dedicated team with extensive experience in the restaurant industry. Our 25 employees include chefs, waitstaff, and administrative personnel, all committed to delivering exceptional service.

**Capri Express - The Restaurant** is ready to become a culinary hub in our community, offering Italian authenticity and an unforgettable dining experience. We are dedicated to providing quality food, exceptional service, and fostering a sense of community. Thank you for considering our business plan. We look forward to bringing the flavors of Italy to your neighborhood.



November 25, 2023

To Chairman Trzupek and Burr Ridge Plan Commissioners:

As a Burr Ridge resident I write in opposition to petitions Z-12-2023 (Capri Express) and Z-13-2023 (Great American Bagel) to be discussed at your December 4 meeting. I object to these petitions for year-round outdoor dining in County Line Square for many of the same reasons I proffered against Z-10-2023 (Jonny Cab's). I don't know the status of the Cab's petition, but I reiterate some of my same objections: this is the wrong look for County Line Square.

Generally, neither petition meets Section XII.K.7(a) of the Burr Ridge Zoning Ordinance: "The use meets a public necessity...". The petitions for "outdoor dining" merely seek to expand the capacity of each business and, as such, is not strictly a "public necessity."

#### Z-12-2023 (Capri Express)

IT'S NOT A SIT-DOWN DINING EXPERIENCE -- Capri Express's petition claims that it is "a charming Italian restaurant" and that "its mission is to be the top choice for Italian dining in the area, providing customers with a delightful experience." Let's face facts: *Capri Express is a take-out and delivery operation (hence the name, "Express").* It is disingenuous to call it "a cozy dining experience" in "an unforgettable hub in our community." It is a grab-n-go operation who was previously chastised by Village Board members in July 2021 for having delivery vehicles parked too long in the mall's fire lane. (https://patch.com/illinois/burrridge/inconsistent-burr-ridge-enforcement-fire-lanes)

**PETITIONER'S RENDERINGS ARE INADEQUATE** – The rendering shows the proposed "outdoor dining" enclosure at 201' x 152'. No fence is shown, yet that is a requirement for so-called "outdoor dining" per the County Line Square PUD (CLS PUD). The rendering also shows the only ways of entry and exit would be through the canvas structure which is not ideal. Is the proposed enclosed space ADA compliant?

**ENCROACHMENT INTO PUBLIC SPACE** – The rendering does not show how far into the public right-ofway the proposed enclosure would extend. The CLS PUD mandates that "outdoor dining areas" be located 60" from a curb line.

<u>"OUTDOOR DINING" SHOULD BE...OUTDOORS!</u> – "Outdoor dining" is, by definition, <u>outside in fresh air</u>, and should remain a seasonal event from March 1 to November 1. Outdoor dining in decent weather, with necessary regulation, is a fine option, but no-one can call tables enclosed in black canvas "outdoor dining." It is also not in keeping with how other villages (e.g., Hinsdale, La Grange, Arlington Heights) handle outdoor seasonal dining; <u>none</u> of them allow enclosed "outdoor" structures year-round.

**BAD AESTHETICS** – These black enclosures destroy the openness of the mall, give a funereal and foreboding look, and create blight. The proliferation of year-round, enclosed "outdoor dining" structures outside restaurants serves only to make County Line Square less inviting, not more so.

**MORE CAPACITY MEANS MORE PARKING PROBLEMS** – Capri Express asks for 16 more seats in its "outdoor dining" petition. If both indoor and outdoor seating were at full capacity, that creates additional parking requirements for the restaurant and affects parking availability of surrounding businesses. No parking plans are provided in the petition.

#### Z-13-2023 (Great American Bagel)

**<u>KNOW THY PETITIONER!</u>** – The petitioner is Michael Garber, son of County Line Square owner, Bob Garber d/b/a/ Reegs Properties. He is the franchise owner of Great American Bagel-Burr Ridge.

**PETITIONER'S RENDERINGS ARE INADEQUATE** – Little information is given in the petition to show the type and style of fence or the awning proposed. It does not show how far into the public right-of-way the proposed fence will extend. Is it ADA compliant? There also is no entry into/exit from the main of the bagel shop into the outdoor dining space as all other "outdoor dining" petitions are mandated to have.

I would also caution the Plan Commission that if you approve the bagel store's petition for outdoor dining delineated by a fence, then it's just a matter of time until Mr. Garber comes back with a petition to enclose it for year-round "outdoor dining." This isn't the look we want in County Line Square.

Both petitions nod to increasing the ambience of the dining experience at their establishments, but that's a disingenuous claim. It's all about greed and capacity. The restaurants in County Line Square *wish* they had the same space and opportunities for "outdoor dining" as restaurants in the Village Center, only they lack the space. If they truly "need" such increased capacity, perhaps they should relocate?

Community Development Director Janine Farrell admitted recently that increased "enforcement action at County Line Square" explains "why special uses are coming in for these temporary wall enclosures." Only they are not "temporary;" two petitioners have now said they want to increase their business by offering meals in these outdoor enclosures. Don't be fooled: <u>these are permanent, year-round structures</u>. And why is "enforcement action" only a recent event? I would advise the Community Development Director, the new Village Planner, and our Village Code Enforcement Officer together uphold the mandates of the County Line Square PUD, enacted November 8, 2021, and hold these businesses to the terms set for them FIRST before granting them any additional special uses. Thank you.

Respectfully submitted,

Patricia A. Davis Burr Ridge resident

| From:    | Gail DeMory                                |  |
|----------|--|--|
| To:      | Ella Stern                                 |  |
| Subject: | Plan Commision Meeting - December 4th 2023 |  |
| Date:    | Friday, December 1, 2023 10:38:23 PM       |  |

As a resident of Burr Ridge for 35 years, I still remember when there was nothing on that land. Today we have our restaurants thriving and bringing people to Burr Ridge from other suburbs and the City. In my opinion, the black enclosures are very tastefully designed with large windows all around, holiday decorations, beautiful lights, and the cozy atmosphere they provide. I applaud Jonny Cabs and Capri for opening up their space to provide more residents and patrons to enjoy Burr Ridge.

I have NO OBJECTION to any or all of our restaurants putting up these temporary enclosures for the winter months. In the Springtime when the enclosures are taken down, the lovely patios and awnings will still be there for our outside dining pleasure. This is the best of both worlds. Please say yes to keeping them up.

### Gail DeMory





#### **LEGAL NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Plan Commission and Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, will conduct the following Public Hearing beginning at 7:00 p.m. on **Monday, December 4, 2023,** at **Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.** 

#### PURPOSE OF HEARING

The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Vito Salamone of Capri Express for an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to special use Ordinance #A-834-17-21 and County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance. The petition number and address of this petition is <u>Z-12-2023: 114 Burr Ridge Parkway (Capri Express)</u>, and the Permanent Real Estate Index Number is <u>18-30-305-003-0000</u>.

Public comment may be provided by individuals who physically attend the meeting at 7660 County Line Road, Burr Ridge, Illinois, 60527. All written public comment wishing to appear in the Plan Commission report shall be provided no later than Tuesday, November 28, 2023. All public comment may be emailed to Planner Ella Stern (estern@burr-ridge.gov) or mailed to Ms. Stern's attention at the address above. The Plan Commission/Zoning Board of Appeals reserves the right to continue said hearings from time to time as may be required without further notice, except as may be required by the Illinois Open Meetings Act.

# BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

#### Greg Trzupek, Chairman

# MEMBERS: GREG TRUZPEK, MIKE STRATIS, JIM BROLINE, BARRY IRWIN, JOSEPH PETRICH, ENZA PARRELLA, RICHARD MORTON, AND DEANNA MCCOLLIAN.



The site is outlined in red



Proposed outdoor dining enclosure. Walls will be attached to the awning

Additional information is posted on the Village's website in the link below: <u>https://www.burr-</u> ridge.gov/government/boards\_committees\_\_commissions/plan\_commissions\_\_zoning\_board\_of\_appeals/index.php

Burr Ridge homepage – Government – Boards, Committees, and Commissions – Plan Commission & Zoning Board of Appeals – Upcoming Public Hearing Petitions

The December 4, 2023 Plan Commission meeting agenda packet will be posted the Thursday before the meeting and will be available on the website here:

https://www.burr-

ridge.gov/government/boards\_committees\_\_\_commissions/plan\_commissions\_\_zoning\_board\_of\_appeals/agendas\_\_\_minutes.php

Burr Ridge homepage - Government - Agendas & Minutes - Plan Commission & Zoning Board of Appeals

KARL J VAN CURA 20 38TH STREET SIOUX CITY, IA 51104

RANJBAR, DONNA A 7734 S COUNTY LINE RD BURR RIDGE, IL 60527

SUNIL SURI 103 AMBRIANCE DRIVE BURR RIDGE, IL 60527

GEETHA PUNDALEEKA 502 AMBRIANCE DR BURR RIDGE, IL 60527

KUKUC, STANLEY & IRENE 7615 S DREW AVE BURR RIDGE, IL 60527

101 BRP LLC 20 DANADA SQ W #274 WHEATON, IL 60189

S SINGHAL 405 AMBRIANCE DR BURR RIDGE, IL 60527

OPUS NORTH MGMT CORP 701 VILLAGE CENTER DR BURR RIDGE, IL 60527

HOSPITALITY PROP TRUST 255 WASHINGTON ST NEWTON, MA 2458

NABEEL JABRI 204 AMBRIANCE DRIVE BURR RIDGE, IL 60527 HETALKUMAR PATEL 202 AMBRIANCE DR BURR RIDGE, IL 60527

T & M KELLY 802 AMBRIANCE DR BURR RIDGE, IL 60527

DANA SHINNEMAN 207 AMBRIANCE DR BURR RIDGE, IL 60527

ANDREW J MOORMANN 50 BURR RIDGE PKWY BURR RIDGE, IL 60527

PARRIS SZOT 301 AMBRIANCE DR BURR RIDGE, IL 60527

TERRELL PATTERSON 407 AMBRIANCE DR BURR RIDGE, IL 60527

MAGDALENA KOLOSA 303 AMBRIANCE DR BURR RIDGE, IL 60527

TCF BANK 1405 XENIUM LN PCCOOPD PLYMOUTH, MN 55441

GYTIS ARANAUSKAS 402 AMBRIANCE DR BURR RIDGE, IL 60527

INTER CONTL BURR RIDGE 108 BURR RIDGE RD ESSEX, IL 60527 FERN INC 15 AMBRIANCE BURR RIDGE, IL 60527

KUKUC, FRANK & MARGARET 7603 S DREW AVE BURR RIDGE, IL 60521

VILLAGE OF BURR RIDGE 7660 S COUNTY LINE RD BURR RIDGE, IL 60521

BRVC OWNER LLC PO BOX 1243 NORTHBROOK, IL 60065

L PETERSON & J KENNEDY 117 NORTHGATE PL BURR RIDGE, IL 60527

ASTA KAUPAITE 201 AMBRIANCE DR BURR RIDGE, IL 60527

BREYMEYER, WILLIAM G 7711 DREW AVE BURR RIDGE, IL 60527

KRISHNA & ARUNA REDDY 406 AMBRIANCE DR BURR RIDGE, IL 60527

KENSINGTON PARK LLC 743 MCCLINTOCK DR BURR RIDGE, IL 60527

GARY R MURINO 18 AMBRIANCE BURR RIDGE, IL 60527 JAMES M SNYDER 807 AMBRIANCE DR BURR RIDGE, IL 60527

AN UNDIVIDED ONE HALF 801 AMBIANCE DRIVE BURR RIDGE, IL 60527

LIFE TIME FITNESS 130 2902 CORPORATE PLACE CHANHASSEN, MN 55317

NILUFAR KABIR 304 AMBRAINCE DR BURR RIDGE, IL 60527

FIRST MIDWEST BANK AS 704 AMBRIANCE DR BURR RIDGE, IL 60527

SPENCER LEE & MI Y WON 205 AMBRIANCE BURR RIDGE, IL 60527

SALVATORE QUATRUCHI 404 AMBRIANCE DRIVE BURR RIDGE, IL 60527

MONA GHOBRIAL & SONIA 450 VILLAGE CENTER DR3 BURR RIDGE, IL 60527

ALAN JOHNSON 17 AMBRIANCE DR BURR RIDGE, IL 60527

FAROUK B ASAAD 705 AMBERIANCE BURR RIDGE, IL 60527 PAULIUS, ANDRIUS 1815 W IOWA ST CHICAGO, IL 60622

TRP 745 MCCLINTOCK LLC 1700 W HIGGINS RD 280 DES PLAINES, IL 60018

YANAHAN, PARTICK 0013505 7754 S COUNTY LINE RD BURR RIDGE, IL 60521

KALEEM MALIK 101 AMBRIANCE CT BURR RIDGE, IL 60527

SHARAD GANDHI 403 AMBRIANCE DR BURR RIDGE, IL 60527

RIVERA, RUDOLPH & L TR 7607 DREW AVE BURR RIDGE, IL 60527

MOINNUDDIN, ABID & S 7623 S DREW BURR RIDGE, IL 60521

R & N KAPOOR TR KNR TR 302 AMBRIANCE DR BURR RIDGE, IL 60527

MPG RIC BURR RIDGE LLC 71 S WACKER DRIVE APT. 3725 CHICAGO, IL 60606

PATRICIA FORKAN 305 AMBRIANCE DR BURR RIDGE, IL 60527 EDWARD T PRODEHL 104 AMBRIANCE CT BURR RIDGE, IL 60527

CHRISTIAN BROTHER MIDWEST 7650 S COUNTY LINE RD BURR RIDGE, IL 60527

FIRST MIDWEST S19733 703 AMBRIANCE DR BURR RIDGE, IL 60527

PABIJANSKI, HENRYK 7626 DREW AVE BURR RIDGE, IL 60521

KORFIST, CHRISTIAN 7611 DREW AVE BURR RIDGE, IL 60527

REEGS PROPERTIES PO BOX 639 HINSDALE, IL 60522

GEORGE S SPINDLER 7344 LAKESIDE CIRCLE BURR RIDGE, IL 60527

SPIRIT MASTER FUNDING 2727 N HARWOOD ST#300 DALLAS, TX 75201

ATHIHALLI NAGARAJ 102 AMBRIANCE DR BURR RIDGE, IL 60527

GIADLA HOLDINGS LLC 7702 CASS AVE APT. 220 DARIEN, IL 60561 BREYMEYER, WILLIAM 7701 DREW AVE BURR RIDGE, IL 60527

ANNE E MICALETTI TRUST 203 AMBRIANCE DR BURR RIDGE, IL 60527

STRZELEC, WM E 7750 S COUNTY LINE RD BURR RIDGE, IL 60527

SUZANNE DEYOUNG 12A AMBRIANCE BURR RIDGE, IL 60527

MUDJER, STEPHEN &MARGARET 15W700 81ST ST BURR RIDGE, IL 60527

SHAHID HUSSAIN 11 AMBRIANCE DR BURR RIDGE, IL 60527 RGT FAMILY LLC 501 AMBRIANCE DR BURR RIDGE, IL 60527

NANCY GATTUSO 401 AMBRIANCE DR BURR RIDGE, IL 60527

MANSOUR AMIRAN 16 AMBRIANCE DR BURR RIDGE, IL 60527

ANTONIJE KELJEVIC 803 AMBRIANCE DRIVE BURR RIDGE, IL 60527

DR GHASSAN ABBOUD 206 AMBRIANCE DR BURR RIDGE, IL 60527 D BEKTESHI 14 AMBRIANCE DR BURR RIDGE, IL 60527

KONDA REALTY LLC 10 ORCHARD APT. 200 LAKE FOREST, CA 92630

AMBRIANCE TRUST 1 AMBRIANCE DR BURR RIDGE, IL 60527

MOHRE LLC 1 CLUBSIDE CT BURR RIDGE, IL 60527

CERVANTES, LAURA 7619 DREW AVE BURR RIDGE, IL 60527



#### VILLAGE OF BURR RIDGE PLAN COMMISSION AND ZONING BOARD OF APPEALS

**Consent to Install Public Notice Sign** 

The owner of the property referenced below, or an authorized representative of the owner, which is the subject of a public hearing before the Village of Burr Ridge Plan Commission or Zoning Board of Appeals, hereby consents to allow the Village of Burr Ridge to install a public notice sign on the aforesaid property. The public notice sign will be erected 15 to 30 days prior to the public hearing and will remain on the property until it is removed by the Village of Burr Ridge subsequent to a final dispensation of petition request.

Street Address of Subject Property:

114 Burr Rube Parkvay; Burr Ridge 12 60527

Property Owner or Petitioner:

Vito Solamone (Print Name) (Signature)

# Nov 16, 2023 at 9:01:41 AM 114 Burr Ridge Pkwy Burr Ridge IL 60527 United States

Village of Burr Ridge

10 1.8

CHASEO

There will be a public hearing on December 4, 2023, regarding this property.

At 7:00 p.m., or as soon thereafter as the matter may be heard, the Plan Commission will consider a tequest by Vito Salamone of Capit Express regarding the property commonly known as 144 Burr Ridge Parkway (Petition No. Z-12-2023). The petitioner requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-17-21 and Section VIII Le of the Burr Ridge Zoning Ordinance.

For further information, please email or call Eller Stem or visit. Burr Ridge Village Hall 7660 County Line Road estern@burr-ridge.gov (630) 654-8181, Extension 6260

Ask for Information Re: Z-12-2023



#### ORDINANCE NO. A-834-03-11

#### AN ORDINANCE GRANTING SPECIAL USE PURSUANT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE FOR AN OUTDOOR SIDEWALK DINING AREA (Z-12-2010: 114 Burr Ridge Parkway - Capri Express)

WHEREAS, an application for a special use for certain real estate has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said special use on December 6, 2010, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the <u>Suburban Life</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a special use, including its findings and recommendations, to this President and Board of Trustees, and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of special use indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 114 Burr Ridge Parkway, Burr Ridge, Illinois, is Robert Spadoni on behalf of Capri Express (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section VIII.B.2.x of the Zoning Ordinance to permit outdoor seating on the common sidewalk in front of an existing restaurant.
- B. That the special use will not be detrimental to surrounding properties because the outdoor seating area will be limited in size and will not include outdoor table service and the restaurant does not serve alcoholic beverages.
- C. That the special use is consistent with the Burr Ridge Comprehensive Plan which calls for the continued use of the property and retail shopping center as commercial which is consistent with the other uses in the retail shopping center.

<u>Section 3</u>: That special use approval as per Section VIII.B.2.x of the Zoning Ordinance to permit outdoor seating on the common sidewalk in front of an existing restaurant *is hereby granted* for the tenant space within the existing County Line Square commonly

-2-

known as 114 Burr Ridge Parkway and legally described as follows:

Parcel 1 - Lot 1 in Burr Ridge Market Resubdivision of Lots, 4, 5 and Vacated Emro Drive in Burr Ridge Park Unit 2 in the West ½ of the Southwest ¼ of Section 30, Township 38 North, Range 12, East of the Third Principal Meridian, According to the Plat Thereof Recorded April 18, 1989 as Document Number 89171549, Cook County, Illinois.

Parcel 2 - Lot 1 in Burr Ridge Unit 1 Being a Subdivision in the West ½ of the Southwest ¼ of Section 30, Township 38 North, Range 12, East of the Third Principal Meridian, According to the Plat Thereof Recorded January 3, 1984 as Document Number 26915064, in Cook County, Illinois.

<u>Section 4</u>: That the special use approval as per Section VIII.B.2.x of the Burr Ridge Zoning Ordinance to allow modifications to the outdoor dining area is subject to the following terms and conditions:

- A. The location and configuration of the outdoor seating area shall be as specified on the submitted plans attached hereto as **Exhibit A** including but not limited to a maximum of four tables and 16 chairs.
- B. 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.
- C. The tables shall not exceed 36 inches in diameter.
- D. There shall be no table service or service of alcoholic beverages for the sidewalk seating.
- E. The umbrellas shall be black or heather beige but shall be a uniform color for all umbrellas that are used and shall not include any lettering, logos or other advertising.
- F. The operation of the outdoor seating areas shall not include any advertising, signs, or leaflets.
- G. The tables and chairs shall match the tables and chairs approved for other sidewalk seating for County Line Square as approved in Ordinance # A-834-5-03.
- H. A trash container shall be provided adjacent to the

-3-

building and said container shall include a self-closing lid.

- I. Outdoor seating shall be limited to May 1 to October 31 each year, and all furniture and facilities for outdoor seating shall be removed from November 1 to April 30.
- J. Failure at any time to comply with these regulations shall deem this special use approval null and void.

<u>Section 5</u>: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 10<sup>th</sup> day of January, 2011, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Grela, DeClouette, Sodikoff, Paveza, Allen

NAYS: 0 - None

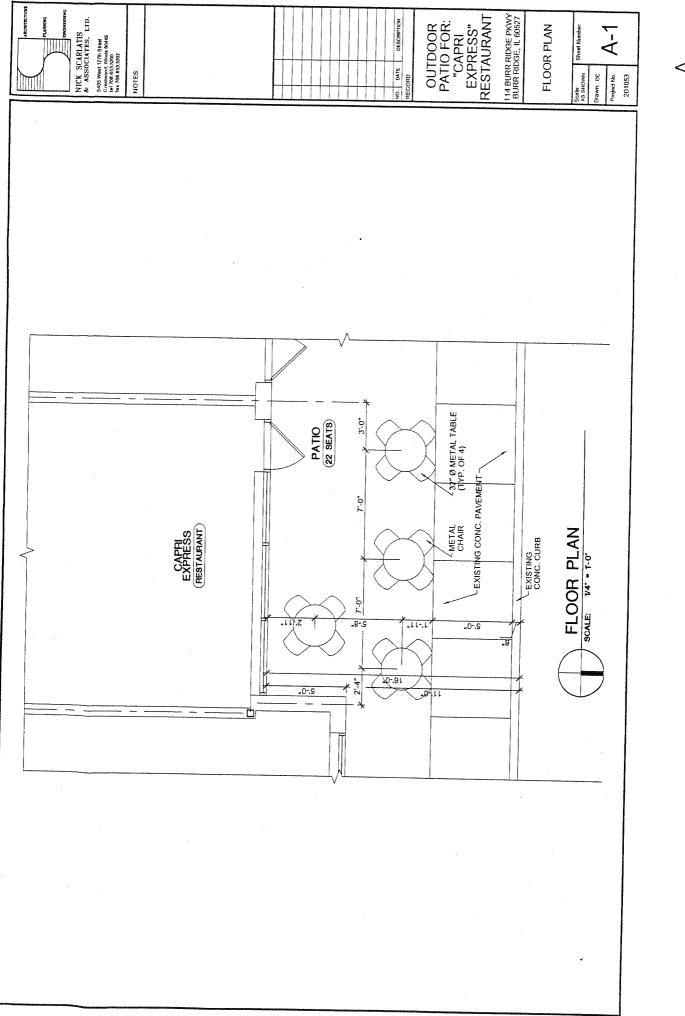
ABSENT: 1 - Trustee Wott

APPROVED by the President of the Village of Burr Ridge on this 10<sup>th</sup> day of January, 2011.

Village President

ATTEST: -era,

Village Clerk



EXHIBIT

#### ORDINANCE NO. A-834-17-21 AN ORDINANCE GRANTING SPECIAL USE APPROVAL FOR A RESTAURANT WITH AMENDED OUTDOOR DINING

## (Z-06-2021: 114 Burr Ridge Parkway - Salamone)

WHEREAS, an application for special use approval for certain real estate has been filed with the Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said special use approvals on July 19, 2021, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The</u> <u>Doings</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for special use approvals, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of special use approvals indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

Section 2: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 114 Burr Ridge Parkway, Burr Ridge, Illinois, is Phil Salamone (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section VIII.B.2.ff to permit a restaurant with amended outdoor dining.
- B. That the restaurant is in a shopping center with a variety of commercial tenants including other restaurants.
- C. That the subject property is appropriate for a restaurant with outdoor dining, as the use has provided outdoor dining for many years without incident.

A-834-17-21

<u>Section 3</u>: That special use approval for a restaurant with amended outdoor dining *is hereby granted* for the property commonly known as 114 Burr Ridge Parkway and identified by the Permanent Real Estate Index Number of <u>18-30-305-003</u>.

**Section 4:** That the special use is subject to the following terms and conditions:

- The general location of the outdoor seating area and of the proposed awning shall be as specified on the submitted plans attached hereto as <u>Exhibit A</u> 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 clearlyvisible identification, such as paint or planter.
- 9. The slope of the adjacent canopy at La Cabanita shall match that of the proposed awning.

Section 5: That this Ordinance shall be in full force and

effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 11<sup>th</sup> day of October, 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as

follows:

AYES: 6 - Trustees Snyder, Schiappa, Paveza, Mital, Smith, Franzese

NAYS: 0 - None

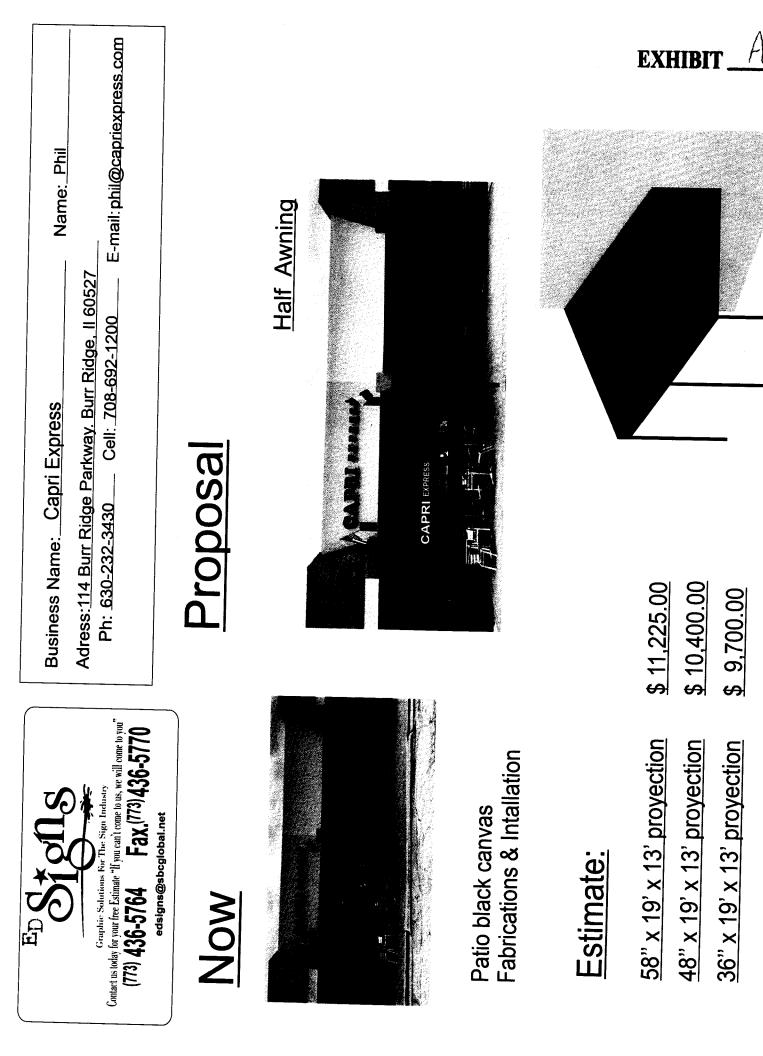
ABSENT: 0 - None

APPROVED by the Mayor of the Village of Burr Ridge on this

11<sup>th</sup> day of October, 2021.

ATTEST Village<sup>-</sup>Clerk

Mayor



#### ORDINANCE NO. A-834-05-23

#### AN ORDINANCE AMENDING SECTION VIII OF THE ZONING ORDINANCE TO AMEND THE REGULATIONS FOR OUTDOOR DINING.

#### (Z-03-2023: Text Amendment - Outdoor Dining)

WHEREAS, an application for a text amendment to the Village of Burr Ridge Zoning Ordinance has been filed with the Community Development Director of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held two public hearings on the question of granting said text amendment on February 6 and March 20, 2023, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The Chicago</u> <u>Sun-Times</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a text amendment to the Burr Ridge Zoning Ordinance, including its findings and recommendations, to this Mayor and Board of Trustees, and this Mayor and Board of Trustees has duly considered said report, findings, and recommendations.

**NOW THEREFORE, Be It Ordained** by the Mayor and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This Mayor and Board of Trustees find that the granting of the proposed text amendment indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this Mayor and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the recommendation is to amend Section VIII, the regulations for Outdoor Dining, as attached hereto as Exhibit A.
- B. That the amendments described are consistent with the purpose and intent of the Zoning Ordinance.

<u>Section 3:</u> That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 8<sup>th</sup> day of May, 2023, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Schiappa, Franzese, Paveza, Mital, Smith

NAYS: 0 - None

Village Clerk

ABSENT: 1 - Trustee Snyder

APPROVED by the Mayor of the Village of Burr Ridge on this 8<sup>TH</sup> day of May, 2023.

A-834-05-23

#### EXHIBIT A

#### Zoning Ordinance Section VIII Language for Outdoor Dining

#### Outdoor Dining

Restaurant outdoor dining areas are areas set up adjacent to the exterior wall of a commercial building with tables, chairs, or other such furnishings, for the purpose of serving food and/or beverages by an adjoining restaurant in which the same food and beverages are offered for sale, sold, and served. Outdoor dining areas shall be subject, at a minimum, to the following:

- 1. Dining areas must be located adjacent only to the principal business to which the outdoor area is intended to serve;
- 2. No outdoor dining area shall be located so as to impede pedestrian traffic, or to obstruct curb cuts and the surrounding ramp and transition area, or to impede accessible access to and from the restaurant building;
- 3. No public sidewalks or public area may be used for a private restaurant's outdoor dining unless specifically approved by the Village;
- 4. The dining area shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant;
- 5. All fences surrounding the outdoor seating area shall have matching elevations and colors;
- 6. The door to the dining area shall be self-closing;
- 7. The area may be covered by an awning protruding from the exterior wall of the adjacent building, provided the awning is properly anchored. Awnings are subject to review and approval by the Community Development Director or their designee and should be consistent with other awnings within the development. Awnings which are not consistent with the neighboring tenants are subject to Plan Commission review and approval;
- 8. Wall enclosures, whether permanent or temporary, are prohibited unless specifically approved through a special use;
- 9. Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- 10. Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- 11. There shall be no advertising, signs, logos, or leaflets on the tables, chairs, fences, umbrellas or railings;
- 12. All furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1 through March 1. All furniture must be stored out of public view or off-site of the subject property when not in use;
- 13. Tables shall be cleaned promptly following use;
- 14. Outdoor food preparation, storage or display is prohibited;
- 15. The floor or ground surface of the outdoor seating area shall be treated and cleaned before and after each season to ensure the removal of all food stains and return it to a state consistent with other sidewalks in the area;
- 16. Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- 17. Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee. Outdoor dining areas shall comply with Zoning Ordinance Section IV, Noise Regulations;
- 18. Approval of outdoor dining areas shall be subject to the Village's adopted Building Codes;
- 19. Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

#### EXHIBIT A

## Zoning Ordinance Section VIII Language for Outdoor Dining

20. Outdoor dining areas must be approved by the Community Development Director or their designee to determine final compliance with the regulations set forth herein.

- f. Dry cleaners with on-site equipment for dry cleaning
- g. Funeral parlors or crematoriums
- h. Gun and ammo sales, including shooting ranges
- i. Hours of operation exceeding 7 A.M. to 10 P.M. for any permitted or special use
- j. Liquor stores
- k. Live entertainment and dancing accessory to any permitted or special use
- 1. Professional massage services
- m. Offices related to the Secretary of State's Vehicle Services Division
- n. Parking lots and structures where such uses are the principal use on a lot
- o. Pet shops and pet service stores, with or without overnight services
- p. Restaurants (including specialty restaurants such as donut shops and ice cream shops) over 4,000 square feet with or without sales of alcoholic beverages.
- q. Tobacco shops
- r. Wine boutique with ancillary service of wine and beer by the glass and with service of prepackaged food for consumption on-site

#### Outdoor Dining Area Regulations

Restaurant outdoor dining areas shall be subject to the following:

- Dining areas must be limited to the linear frontage of the principal business to which the outdoor area is intended to serve;
- Dining areas shall be enclosed by an open fence of approved design preventing access to the outdoor dining area except by a doorway from the interior of the restaurant if table service is provided or alcohol served in the outdoor dining area;
- Door to the dining area shall be self-closing;
- Tables shall be cleaned promptly following use;
- Furniture and umbrellas shall be weighted to prevent their movement in the wind;
- Seating shall not exceed one chair for every 10 square feet devoted to outdoor dining and shall be counted in determining restroom and parking requirements;
- No outdoor dining area shall be located so as to impede pedestrian traffic or proper access to and from the restaurant, defined as being within 60" of a curbline or so as to impede the normal flow of pedestrian traffic into or from a doorway;
- Outdoor food preparation, storage or display is prohibited;
- All furniture must be stored in the rear or off-site of the subject property when not in use;
- Any and all outdoor dining areas must cease to be occupied not less than one-half hour prior to the closure of the principal business;
- Outdoor music, performances, and other such entertainment is prohibited within outdoor dining areas, except when specifically exempted by one-time permit by the Village Administrator or their designee;
- Approval of outdoor dining areas shall be subject to the Village's adopted building codes;
- Approval of outdoor dining areas may only be approved by the Village if they are also approved by the property owner;

- Outdoor dining areas must be cumulatively approved by the Village Administrator or their designee to determine final compliance with the regulations set forth herein; and
- Outdoor dining areas shall be included as part of the size calculation for restaurants.

#### Parking Design Regulations

The subject property shall provide one parking space for each 200 gross square feet of commercial space available.

Every parking lot in excess of fifteen spaces shall contain planting islands for shade trees in compliance with the following standards:

- a. There shall be one island for every 15 parking spaces and one shade tree for each island.
- b. Each parking lot landscape island shall be a minimum of 9 feet wide and 18 feet in length.
- c. Required shade trees shall have a minimum 3 inch diameter measured two feet above ground level.
- d. Parking lot landscape islands generally shall be located at the ends of each row of parking (one double island to be located at the end of a double row of parking) and every 15 parking spaces within a row.
- e. Maintenance of Landscape Areas and Screening: All such landscaped areas and screening shall, once installed, be maintained in such manner as to retain at least the intended standards of the initial landscaping and to conform to the landscaping requirements of the Village.

| Angle of Parking      | 45 Degrees | 60 Degrees | 90 Degrees |
|-----------------------|------------|------------|------------|
| Width of Stall        | 9'         | 9'         | 9'         |
| Stall Width (parallel | 12'9"      | 10'5"      | 9'         |
| to aisle)             |            |            |            |
| Stall Depth (perp. to | 20'        | 21'        | 18'        |
| aisle)                |            |            |            |
| Stall Length          | 19'        | 19'        | 18'        |
| Aisle Width           | 13'*       | 17'*       | 24'        |

Minimum Standards for Parking Stalls and Aisles

\*One-way aisles only

Parallel parking shall be permitted with stalls at least 24' in length with an aisle of 14' Accessible parking areas shall be designed in accordance with State requirements

All open off-street loading berths, access drives, aisles, and maneuvering spaces shall be improved with an all-weather hard surface pavement including, at a minimum, a two inch (2") bituminous concrete surface course, with a twelve inch (12") minimum thickness aggregate base course, and six inch (6") high perimeter concrete curbing (Type B or Type B6:12) installed in accordance with Illinois Department of Transportation specifications.

#### Parking and Loading Regulations

The area immediately adjacent to the curbline shall be permitted to be used as a standing and loading zone (as shown in Exhibit C in yellow), except no parking, standing, or loading areas shall



Z-17-2023: 16W020 79<sup>th</sup> Street (Lyons Truck Sales); Requests a special use to permit the continued use of a non-conforming chain link fence on the subject property pursuant to Ordinance #A-834-01-19 and Sections IV.J & XII.F.3 of the Burr Ridge Zoning Ordinance.

**HEARING:** January 15, & February 5, 2024

**TO:** Plan Commission Greg Trzupek, Chairman

**FROM:** Ella Stern, Planner

**PETITIONER:** Vic Dodevski of Lyons Truck Sales

**PETITIONER STATUS:** Property Owner

**PROPERTY OWNER:** Vic and Sandra Dodevski

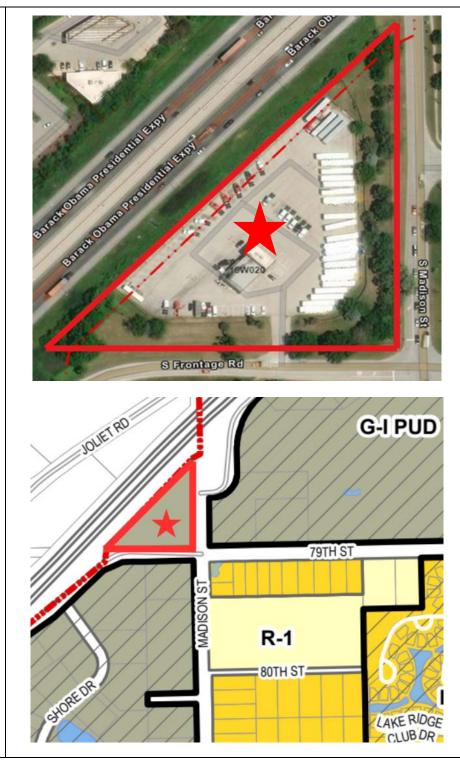
**EXISTING ZONING:** G-I General Industrial

LAND USE PLAN: Recommends Industrial Uses

**EXISTING LAND USE:** Commercial Business

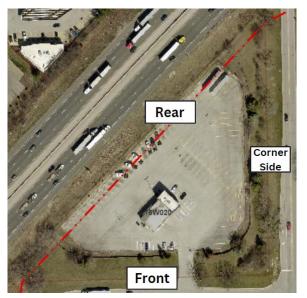
**SITE AREA:** 4.00 Acres

SUBDIVISION: None



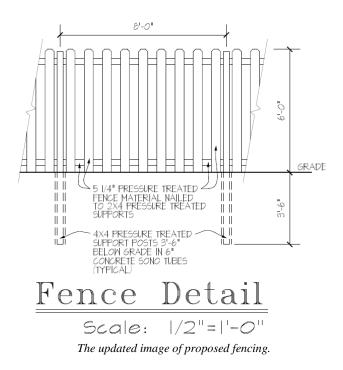
#### Staff Report and Summary Z-17-2023: 16W020 79<sup>th</sup> Street (Lyons Truck Sales); Special Use and Findings of Fact Page 2 of 5

On February 5, 2024, the Plan Commission held a public hearing on Z-17-2023, a request to consider a special use to permit the continued use of a non-conforming chain link fence on the subject property pursuant to Ordinance #A-834-01-19 and Sections IV.J & XII.F.3 of the Burr Ridge Zoning Ordinance. The Plan Commission continued the case and directed the petitioner to return with a plan to keep the chain link fence and replace the solid wooden fence with a 50% wooden fence that is a 5 or 6 ft. tall fence.



Aerial of the property with the property lines and yards noted.

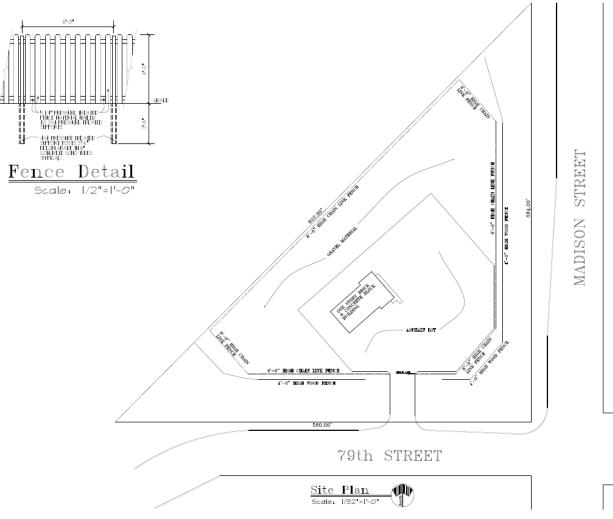
The petitioner is Vic Dodevski of Lyons Truck Sales. Lyons Truck Sales is a truck sales and service business located at 16W020 79<sup>th</sup> Street, Burr Ridge, Illinois. The petitioner provided an updated site plan and fence elevation for a special use request regarding the continued use of a non-conforming 8' chain-link and barbed wire fence and a wooden fence 6' in height and 50% open on the subject property.



Staff Report and Summary Z-17-2023: 16W020 79<sup>th</sup> Street (Lyons Truck Sales); Special Use and Findings of Fact Page 3 of 5



The red line represents a 50% open, 6' wooden fence and the yellow line represents an 8' chain-link and barbed wire fence.



The updated site plan provided by the petitioner.

#### Staff Report and Summary Z-17-2023: 16W020 79<sup>th</sup> Street (Lyons Truck Sales); Special Use and Findings of Fact Page 4 of 5

In non-residential districts, a fence requires a special use permit. Fences must meet the same requirements as those in the residential districts and any deviation from those standards must be included as a condition. The deviations from the Zoning Ordinance regulations for the petitioner's proposed fence is below:

- Chain link is prohibited.
- Fences shall not be more than 5' in height; the newly proposed wooden fence is 6' in height and the chain-link fence is 8' ft.

Under Zoning Ordinance regulations, chain-link and barbed wire fences are prohibited. However, it appears that the structure was in place before the Zoning Ordinance went into effect. Section XII of the Zoning Ordinance permits the owner of an illegal non-conforming use that was in existence on the effective date of the Ordinance (August 11, 1997) to apply for a special use allowing the continued use of said structure.

Along with the Ordinance approval on August 11, 1997, the Plan Commission recommended a ten-year administrative non-enforcement period be provided to the property owner to allow for the fence to remain in place and be amortized.



Images of the existing wooden, chain-link, and barbed wire fences.

#### **Public Hearing History**

In 2015, Ordinance A-834-10-15, a special use was granted to Lyons Truck Sales for *automobile and truck and equipment sales and rental and service* use with several conditions related to site improvements, all of which have been completed and sustained. Several petitions were brought forward in 2018 to attempt to locate an electric fence on the property and to amend the Zoning Ordinance to permit a chain link fence as a special use.

In 2018, Ordinance A-834-01-19, a special use was granted to Lyons Truck Sales with a five-year temporary condition to the property, allowing the illegal non-conforming chain-link and barbed wire fence to remain temporarily. The temporary special use expires on February 11<sup>th</sup>, 2024. The petitioner requests to keep the existing chain-link, barbed wire, and solid wooden fences along the property.

#### **Applicable Zoning Ordinance Section(s)**

Section XII.F.3 of the Zoning Ordinance states:

• The owner or occupier of an illegal non-conforming use in existence on the effective date of this Ordinance may apply for a special use permit in accordance with Section XIII of this Ordinance. Upon receipt of such an application, the Board of Trustees, upon recommendation from the Plan Commission, may grant special use approval, subject to Staff Report and Summary Z-17-2023: 16W020 79<sup>th</sup> Street (Lyons Truck Sales); Special Use and Findings of Fact Page 5 of 5

such conditions as the Board of Trustees finds necessary for compliance with the special use standards set forth in Section XIII of this Ordinance.

Section XIII sets out the standards for granting a special use, which are commonly known as the Findings of Fact.

### **Public Comment**

One public comment was received.

### **Findings of Fact and Recommendation**

The petitioner has provided Findings of Fact which may be adopted if the Plan Commission is in agreement with those findings. If the Plan Commission chooses to recommend approval of a special use for a non-conforming illegal use in the form of a chain-link, barbed wire, and solid fence on the subject property, the following conditions are recommended:

1. Add screening in the form of evergreen landscaping buffers to the areas along S. Frontage Rd. and Madison St., subject to staff approval.

### Appendix

Exhibit A – Petitioner's Application and Public Notifications

Exhibit B – Ordinance A-834-10-15 and Ordinance A-834-01-19



### **VILLAGE OF BURR RIDGE**

### PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

| GENERAL INFORMATION (to be completed by Petitioner)   |
|---|
| PETITIONER (All correspondence will be directed to the Petitioner): LDD Proporties LLC  |
| STATUS OF PETITIONER: property owner manager  |
| PETITIONER'S ADRESS: 5666 S Thurlow St, Hinsdule, IL  |
| ADDRESS OF SUBJECT PROPERTY: 16W020 7944 Street, BURR Ridge, 16 60527   |
| PHONE: 708-526-2135   |
| EMAIL: 1ddcondos8200@gmail.con  |
| PROPERTY OWNER: VIC DODOUSU   |
| PROPERTY OWNER'S ADDRESS: 5666 SThurlow St. Hinsdole, IL PHONE: 773-406-3676  |
| PUBLIC HEARING REQUESTED: X Special Use Rezoning Text Amendment Variation(s)  |
| DESCRIPTION OF REQUEST:   |
| Keep the existing Chain line tence.   |
|   |
|   |
|   |
| PROPERTY INFORMATION (to be completed by Village staff)   |
| property acreage/sq footage: 194,240 Sq.Ft existing zoning: GJ-General Industria<br>existing use/improvements: H - Commercial - GJ General Industrial   |
| EXISTING USE/IMPROVEMENTS: H- Commercial - GT General Industrial  |
| SUBDIVISION: NA   |
| PIN(S) # 09-26-405-001  |
| NULLES-   |
| The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition. |
|   |
| 11/13/2023  |
| Petitioner's Signature Date of Filing   |



Findings of Fact – Special Use Burr Ridge Zoning Ordinance

As per Section XII.K.7 of the Village of Burr Ridge Zoning Ordinance, for a special use to be approved, the petitioner must confirm all of the following findings by providing facts supporting each finding.

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

yes, that is correct.

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

Yes, this is not, something that would be ordenged to the public health, satety.

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

yes, I confirm will not be injurious for the neighborhood.

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.

yes, this is corred.

Adequate utilities, access roads, drainage and/ or necessary facilities have been or will be e. All the villites, access raads, drains of have been on the property. The tence are chready on the property. Will not be provided.

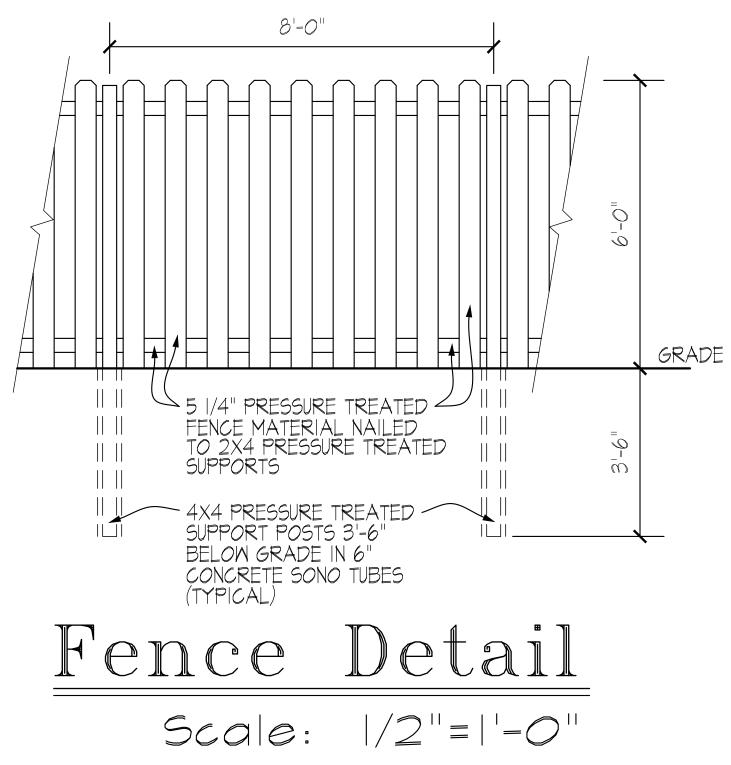
Adequate measures have been or will be taken to provide ingress and egress so designed as to

- f. minimize traffic congestion in the public streets. Will not be only traffic congestion in the public streets.
- The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of g. the Village of Burr Ridge as amended.

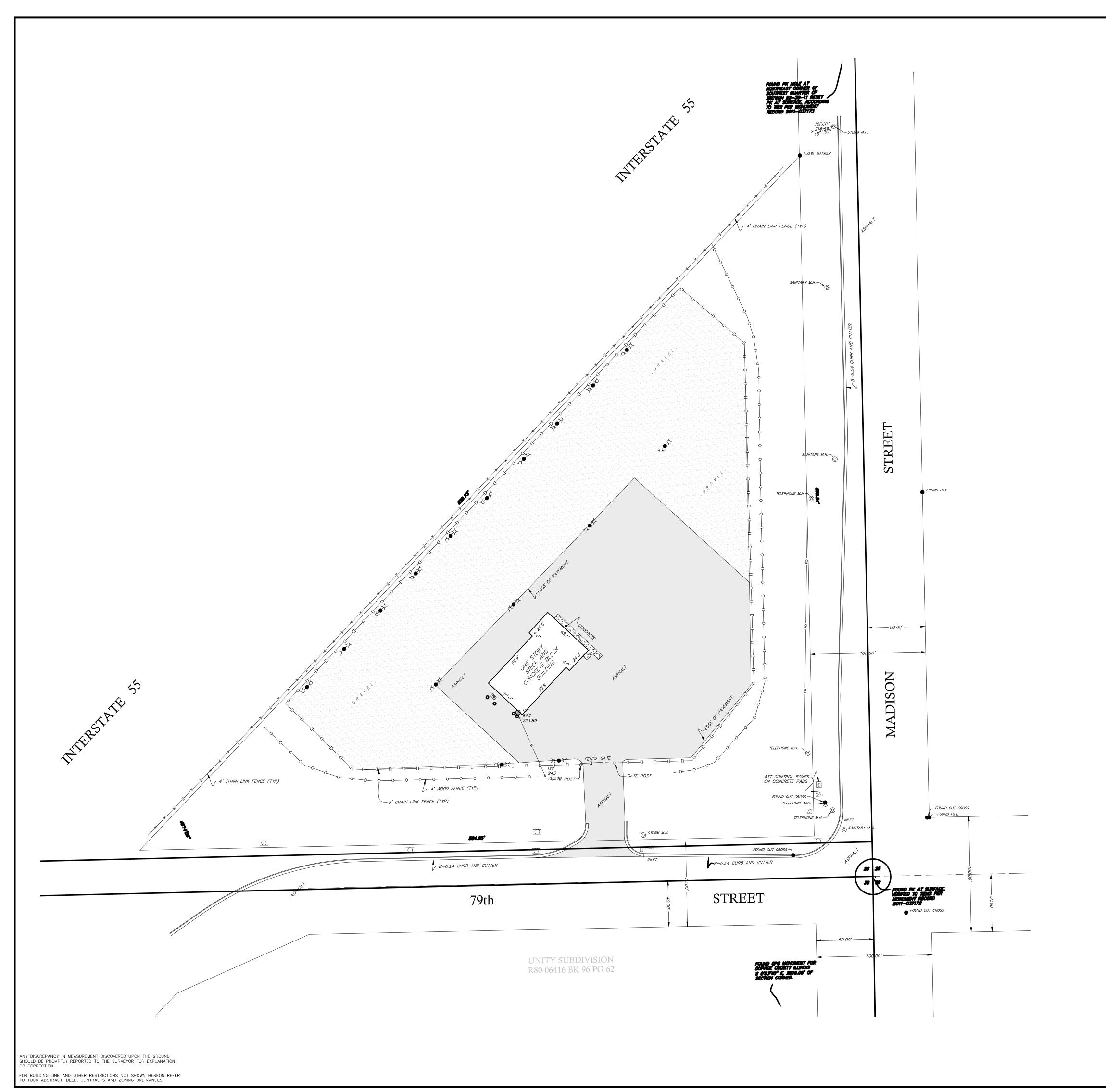
This is correct.

The special use shall, in other respects, conform to the applicable regulations of the district in h. 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. Yes, this is correct. Everythis is applicable by regulations. The tence is current with e property. We are open tool modification.





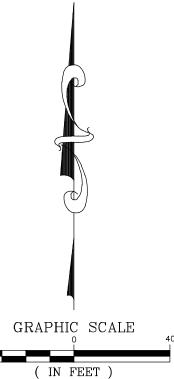


TO: FIRST AMERICAN TITLE INSURANCE COMPANY LDD PROPERTIES, LLC THEREOF.

FIELD WORK COMPLETED: \_\_\_\_\_\_27-2015 DATED THIS\_\_\_\_\_DAY OF\_\_\_\_\_, 20\_\_\_\_\_.

BY: \_\_\_\_

### ALTA / ACSM LAND TITLE SURVEY

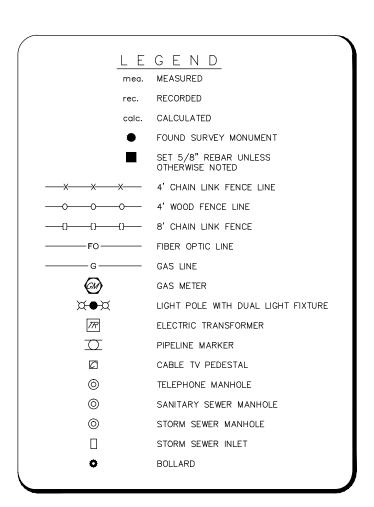


THAT PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 11EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF F.A. .ROUTE 55, EXCEPT THEREFROM THAT PART THEREOF DEDICATED FOR MADISON STREET AND 79TH STREET, IN DU PAGE COUNTY, I LLINOIS.

LAND IS KNOWN AS: 16W020 79TH STREET

BURR RIDGE, L 60527

( IN FEET ) 1 inch = 40 ft.BASIS OF BEARINGS IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83)





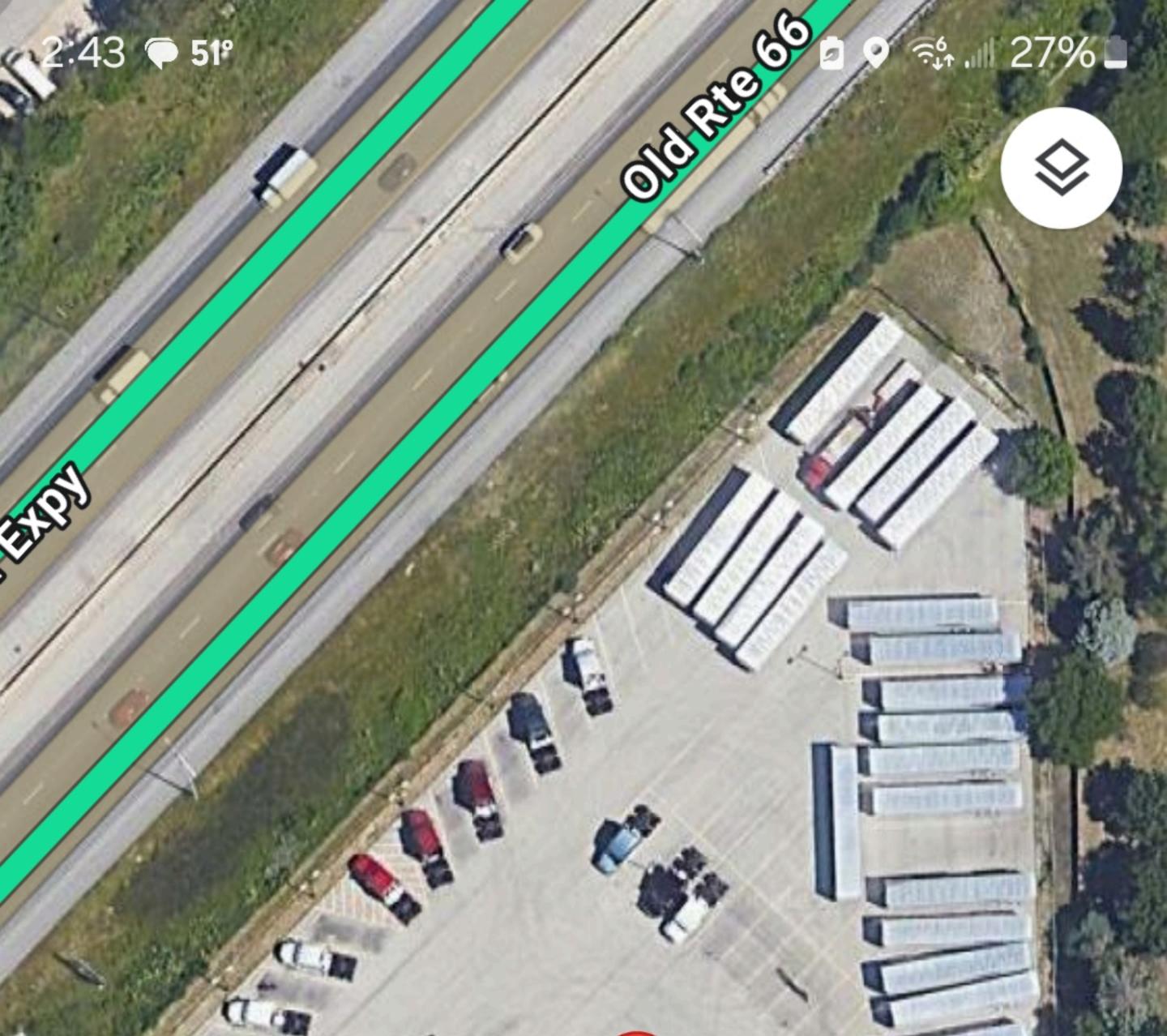
DRAWING TITLE: ALTA / ACSM LAND TITLE SURVEY

315-0070-A

ILLINOIS PROFESSIONAL LAND SURVEYOR (MY LICENSE EXPIRES 11-30-2016) TO ENSURE AUTHENTICITY OF THIS DRAWING, IT MUST BEAR THE EMBOSSED SEA OF THE DESIGN FIRM OR PROFESSIONAL LICENSEE WHO PREPARED THIS DRAWING







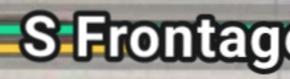
### Lyons Truck Sales Used truck dealer

age Rd

### **Dylan's Equipment L**

Leader Properties LLC

-





Dear Chairman Trzupek, Plan Commission, and staff:

I wish to address Petition Z-17-2023 Lyons Truck Sales and <u>formally ask that</u> <u>these comments and my question be considered at your Monday</u> <u>meeting.</u> I'm not able to attend Monday night's Plan Commission meeting and just saw the published agenda packet.

The existing wooden fence and chain link/barbed wire fence are eyesores and not in keeping with the character of Burr Ridge. But that's not my concern and trust that the Plan Commission will prohibit those.

My concern is that the petitioner allows parking of truck cabs, limousines, and other vehicles on the asphalt entrance to his business along S. Frontage Rd. On multiple occasions I have seen those vehicles parked there, usually unattended and beyond business hours, and that entrance takes on a "parking lot" feel. Truck cabs park on that asphalt pad beyond the enclosure of the property which amounts to storage. It's not right, and petitioner Vic Dodevski should address this.

Here is photographic evidence of a limousine parked on the asphalt entry last May. I don't have a good photo of truck cabs and other vehicles there, but I tell you truthfully that I have seen them parked there on multiple occasions beyond this business's enclosure.

Hopefully the Plan Commission will take this into consideration during Monday's hearing and ask the petitioner to address it. If you approve the petition, maybe you could make "No vehicle parking or standing" a condition of use? Thank you.

Respectfully,

### Patricia A. Davis Resident





### VILLAGE OF BURR RIDGE PLAN COMMISSION AND ZONING BOARD OF APPEALS

**Consent to Install Public Notice Sign** 

The owner of the property referenced below, or an authorized representative of the owner, which is the subject of a public hearing before the Village of Burr Ridge Plan Commission or Zoning Board of Appeals, hereby consents to allow the Village of Burr Ridge to install a public notice sign on the aforesaid property. The public notice sign will be erected 15 to 30 days prior to the public hearing and will remain on the property until it is removed by the Village of Burr Ridge subsequent to a final dispensation of petition request.

Street Address of Subject Property:

Property Owner or Petitioner:

| 160020 78th Street, Bure Rige/L 60527 |
|---------------------------------------|
| Vic Dopensi                           |
| (Print Name)                          |
| (Signature)                           |





### **LEGAL NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Plan Commission and Zoning Board of Appeals of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, will conduct the following Public Hearing beginning at 7:00 p.m. on Monday, January 15, 2024, at Village Hall, 7660 County Line Road, Burr Ridge, Illinois, 60527.

### PURPOSE OF HEARING

The Plan Commission/Zoning Board of Appeals will hold a public hearing to consider a request by Vic Dodevski of Lyons Truck Sales for a special use to permit the continued use of a non-conforming chain link fence on the subject property pursuant to Ordinance #A-834-01-19 and Sections IV.J & XII.F.3 of the Burr Ridge Zoning Ordinance. The petition number and address of this petition is <u>Z-17-2023: 16W020 79<sup>th</sup> Street</u> and the Permanent Real Estate Index Number is <u>09-26-405-001-0000.</u>

Public comment may be provided by individuals who physically attend the meeting at 7660 County Line Road, Burr Ridge, Illinois, 60527. All written public comment wishing to appear in the Plan Commission report shall be provided no later than Tuesday, January 9, 2024. All public comment may be emailed to Planner Ella Stern (<u>estern@burr-ridge.gov</u>) or mailed to Ms. Stern's attention at the address above. The Plan Commission/Zoning Board of Appeals reserves the right to continue said hearings from time to time as may be required without further notice, except as may be required by the Illinois Open Meetings Act.

### BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

### Greg Trzupek, Chairman

### MEMBERS: GREG TRUZPEK, MIKE STRATIS, JIM BROLINE, BARRY IRWIN, JOSEPH PETRICH, ENZA PARRELLA, RICHARD MORTON, AND DEANNA MCCOLLIAN.



The site is outlined in red

www.burr-ridge.gov 630.654.8181



Illustration of the proposed fence.

Additional information is posted on the Village's website in the link below:

https://www.burr-

ridge.gov/government/boards\_committees\_\_\_commissions/plan\_commissions\_\_zoning\_board\_of\_appeals/index.php

Burr Ridge homepage – Government – Boards, Committees, and Commissions – Plan Commission & Zoning Board of Appeals – Upcoming Public Hearing Petitions

The Plan Commission meeting agenda packet will be posted the Thursday before the meeting and will be available on the website here: https://www.burr-

ridge.gov/government/boards\_committees\_\_\_commissions/plan\_commissions\_\_zoning\_board\_of\_appeals/agendas\_\_\_minutes.php

Burr Ridge homepage – Government – Agendas & Minutes – Plan Commission & Zoning Board of Appeals

STARHA, JAMES & JO ANN 15W759 79TH ST BURR RIDGE, IL 60527

SCHOOL DISTRICT NO 62 7700 CLARENDON HILLS WILLOWBROOK IL60527

MARS SNACKFOOD US 1 PPG PLACE APT. 2810 PITTSBURGH, PA 15222

FLEX CAPITAL LLC 15W776 N FRONTAGE RD BURR RIDGE, IL 60527

BIRTCH, ERIC & JOANNE 7921 S MADISON SVE BURR RIDGE, IL 60521

7900 MADISON LLC 3100 DUNDEE RD NORTHBROOK, IL 60062

HPM INVESTMENTS INC 314 SUNRISE AVE WILLOWBROOK, IL 60527

760 N FRONTAGE LLC 760 N FRONTAGE RD WILLOWBROOK, IL 60527

SSC PROPERTY HOLDINGS INC PO BOX 25025 GLENDALE, CA 91201

LOMBARDI, ANNE 645 JOLIET RD WILLOWBROOK, IL 60527 QSS REAL ESTATE LLC 1519 W 55TH ST LA GRANGE, IL 60525

WILLOWBROOK 2012 LLC 50W580 N Frontage Rd BURR RIDGE, IL 60516

ASPEN INVESTMENTS LLC 314 SUNRISE AVE WILLOWBROOK, IL 60527

RANDOLPH PROPERTIES LLC 250 LAKELAND DR PALOS PARK, IL 60464

MBC 57 LLC 9450 BRYN MAWR AVE APT. 550 ROSEMONT, IL 60018

CTLTC B8500963207 10 S LASALLE ST APT. 2750 CHICAGO, IL 60603

SUN RAY INVESTMENTS LLC 15W700 79TH ST BURR RIDGE, IL 60527

PACKAGING DESIGN CORP 101 SHORE DR BURR RIDGE, IL 60521

PINE LAKE PARTNERS LLC 8963 ENCLAVE DR BURR RIDGE, IL 60527

BARBARA HOLDING CO LLC 640 JOLIET RD WILLOWBROOK, IL 60527 BISWAS, TAPAN & BANI 6464 RICHMOND AVE WILLOWBROOK, IL 60527

MMH LLC 9120 SLOANE ST ORLANDO, FL 32827

BUTTERFIELD RIDGE NO 2 15W760 N FRONTAGE RD HINSDALE, IL 60521

SLIWINSKI, STEVEN & K 15W737 79TH ST HINSDALE, IL 60521

GUO, ZHENGANG 1413 WESLEY CT WESTMONT, IL 60559

Am Natl Bk & Tr 123910-09 1801 N Mill St NAPERVILLE, IL 60521

LDD PROPERTIES LLC 16W020 79TH ST BURR RIDGE, IL 60527

SIEGEL, RONALD B 535 JOLIET RD WILLOWBROOK, IL 60527

LOMBARDI, ANNE 406 W 69TH ST DARIEN, IL 60561

MICAL, LUTGARDA & STANLEY 15W773 79TH ST BURR RIDGE, IL 60527 CHANEY, DAVID 15W749 79TH ST BURR RIDGE, IL 60527

WILLOWBROOK 2012 LLC 625 JOLIET RD WILLOWBROOK, IL 60527

500 JOLIET ROAD LLC 500 JOLIET RD WILLOWBROOK, IL 60527

QSS REAL ESTATE LLC 7855 S QUINCY DR WILLOWBROOK, IL 60527

SIEGEL, RONALD B 535 JOLIET RD WILLOWBROOK, IL 60527 LAYKO PROPERTIES 100 SHORE DR APT. 2 BURR RIDGE, IL 60527

SSC PROPERTY HOLDINGS INC 801 JOLIET RD WILLOWBROOK, IL 60521

OCP WILLOWBROOK LLC 600 JOLIET RD WILLOWBROOK, IL 60521

MMH LLC 525 EXECUTIVE DR WILLOWBROOK, IL 60527 BUTTERFIELD RIDGE NO 2 106 STEPHEN ST APT. 202 LEMONT, IL 60439

OCP WILLOWBROOK LLC 7700 GRIFFIN WAY WILLOWBROOK, IL 60521

GUO, ZHENGANG 7882 QUINCY DR WILLOWBROOK, IL 60521

PINE LAKE PARTNERS LLC 15W700 FRONTAGE RD BURR RIDGE, IL 60527

## Dec 21, 2023 at 1:46:18 PM 16W020 S Frontage Rd Burr Ridge IL 60527 United States

### Village of Burr Ridge

### There will be a public hearing to consider zoning changes or approvals for this property.

NOTICE

For further information,

### please call or visit:

### Burr Ridge Village Hall 7660 County Line Road (630)654-8181, Extension

# Ask for Information Re Z-17-23

Further details are available at:

### www.burr-ridge.gov

### (see Public Hearing/Plan Commission Agenda)

## Dec 21, 2023 at 1:46:16 PM 16W020 S Frontage Rd Burr Ridge IL 60527 United States

# Willage of Burr Ridge

# There will be a public hearing to consider zoning changes or approvals for this property.

### For further information, please call or visit:

Burr Ridge Village Hall 7660 County Line Road (630)654-8181, Extension

Ask for Information Re Z-17-23



### ORDINANCE NO. A-834-10-15

### AN ORDINANCE GRANTING A SPECIAL USE PURSUANT TO THE BURR RIDGE ZONING ORDINANCE FOR A BUILDING ADDITION FOR AN EXISTING TRUCK SALES BUSINESS

### (Z-07-2015: 16W020 79<sup>TH</sup> Street - Lyons Truck Sales)

WHEREAS, an application for a special use for certain real estate has been filed with the Village Clerk of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said special use on May 18, 2015 at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in the <u>Suburban Life</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for a special use, including its findings and recommendations, to this President and Board of Trustees, and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1</u>: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of special use indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 16W020 79<sup>th</sup> Street, Burr Ridge, Illinois, is Mr. Vic Dodevski, Owner of Lyons Truck Sales (hereinafter "Petitioner"). The Petitioner requests a 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 Sales.
- B. That the property has been used for truck sales since 1980 without any apparent negative impact on the surrounding area.
- C. That the proposed addition does not represent a significant change in the intensity of the truck sales business but is only intended to accommodate existing office functions.

Section 3: That special use approval to permit an addition

to a building used for Truck Sales **is hereby granted** for the property commonly known as 16W010 79<sup>th</sup> Street and identified by the Permanent Real Estate Index Number (PIN) of: <u>09-26-405-001</u>.

**Section 4**: That the approval of this special use is subject to compliance with the following conditions:

- A. The special use shall be limited to the Truck Sales in the existing and expanded building as per the submitted plans attached hereto as **Exhibit A**. The special use approval shall not include automobile sales.
- B. 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. Final building elevations shall be subject to staff approval.
- C. The gravel parking lot shall be brought into conformance with Section XI of the Zoning Ordinance including hard surface but not including perimeter curbing, perimeter landscaping, and landscaping islands. Existing landscaping and fencing shall continue to be maintained.
- D. A current Plat of Survey shall be provided and 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.
- E. 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.
- F. All parking lot improvements shall be completed within 3 years after issuance of a building permit for the second floor addition. In the event the parking lot is not completed within three years, the Village shall issue a cease and desist order for the discontinuation of the truck sales business at this location until

such time that the parking lot improvements are completed.

<u>Section 5</u>: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 8<sup>th</sup> day of June, 2015, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

| AYES:   | 6 | - | Trustee Franzese, Paveza, Grasso,<br>Bolos, Murphy, Schiappa |
|---------|---|---|--|
| NAYS:   | 0 | - | None   |
| ABSENT: | 0 | - | None   |

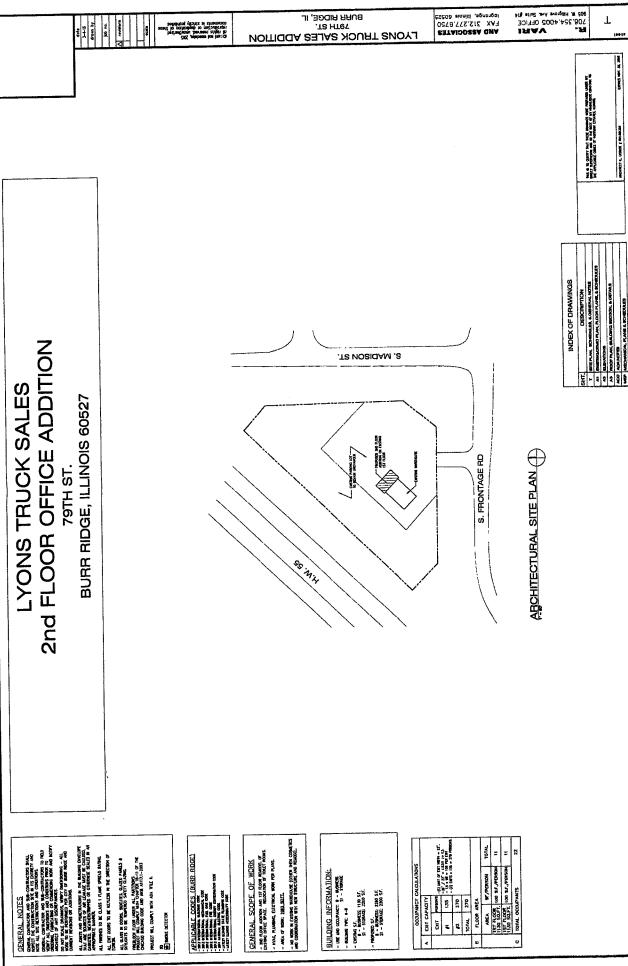
**APPROVED** by the President of the Village of Burr Ridge on this 8<sup>th</sup> day of June, 2015.

Village President

ATTEST

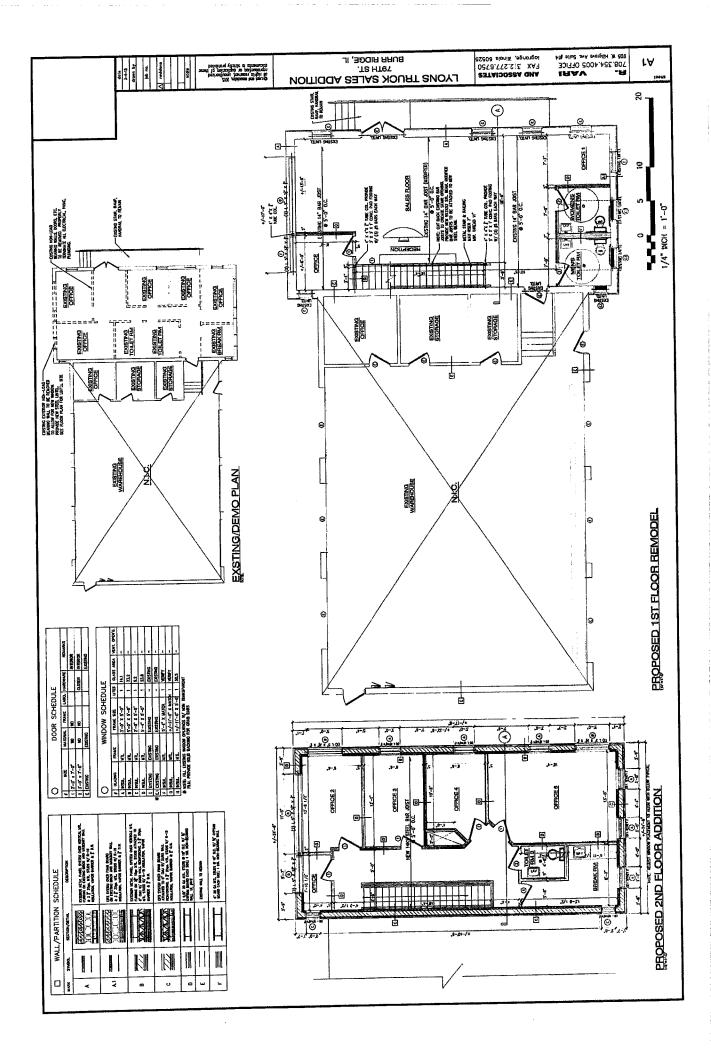
Village Clerk

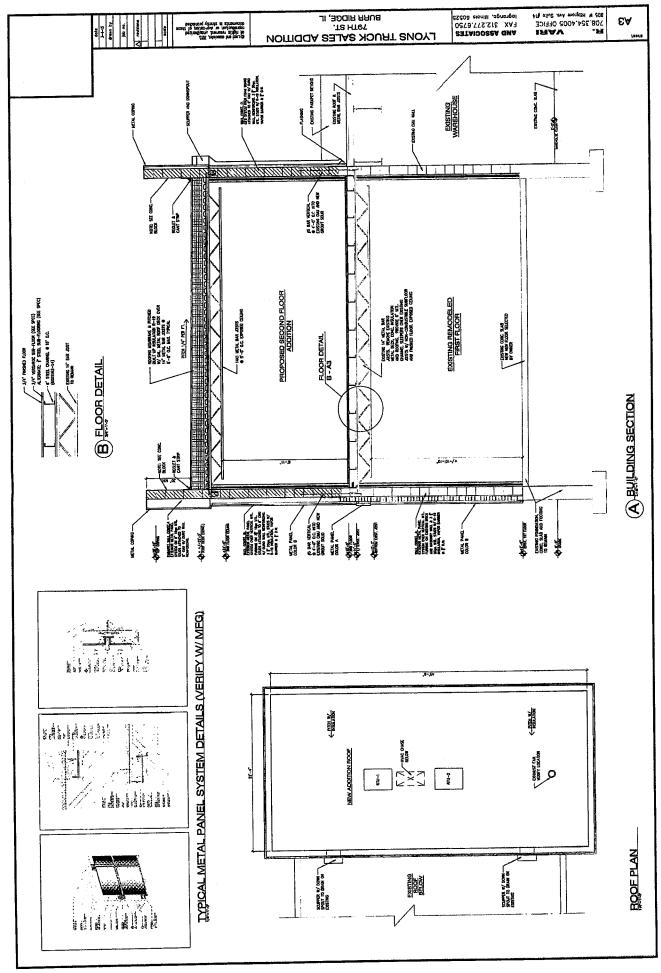




:

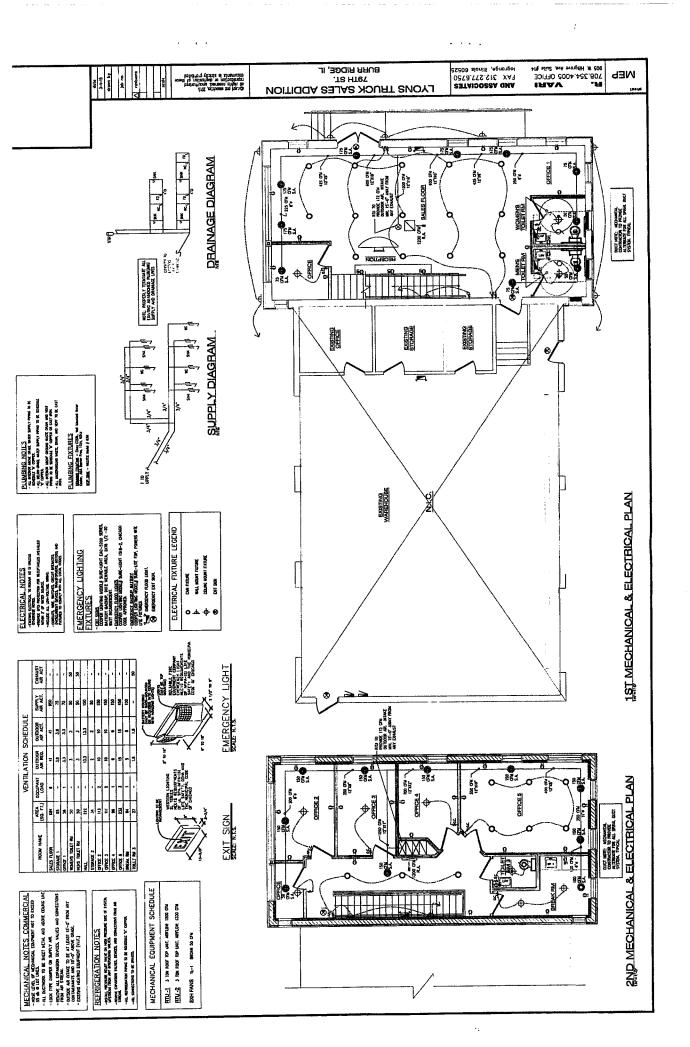
•





· · · · ·

. -\*



### ORDINANCE NO. A-834-01-19

### AN ORDINANCE GRANTING SPECIAL USE APPROVAL SECTION XII.F.3 OF THE BURR RIDGE ZONING ORDINANCE TO PERMIT AN ILLEGAL, NON-CONFORMING CHAIN LINK FENCE AND BARBED WIRE ON THE SUBJECT PROPERTY.

### (Z-25-2018: 16W020 79<sup>th</sup> Street - Dodevski)

WHEREAS, an application for a special use for certain real estate has been filed with the Assistant to the Village Administrator of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, and said application has been referred to the Plan Commission of said Village and has been processed in accordance with the Burr Ridge Zoning Ordinance; and

WHEREAS, said Plan Commission of this Village held a public hearing on the question of granting said special use on November 19, 2018, January 7, 2019, and January 21, 2019, at the Burr Ridge Village Hall, at which time all persons desiring to be heard were given the opportunity to be heard; and

WHEREAS, public notice in the form required by law was provided for said public hearing not more than 30 nor less than 15 days prior to said public hearing by publication in <u>The Doings</u> <u>Weekly</u>, a newspaper of general circulation in this Village, there being no newspaper published in this Village; and

WHEREAS, the Village of Burr Ridge Plan Commission has made its report on the request for special uses, including its findings and recommendations, to this President and Board of Trustees, and this President and Board of Trustees has duly considered said report, findings, and recommendations.

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

Section 1: All Exhibits submitted at the aforesaid public hearing are hereby incorporated by reference. This President and Board of Trustees find that the granting of special use indicated herein is in the public good and in the best interests of the Village of Burr Ridge and its residents, is consistent with and fosters the purposes and spirit of the Burr Ridge Zoning Ordinance as set forth in Section II thereof.

<u>Section 2</u>: That this President and Board of Trustees, after considering the report, findings, and recommendations of the Plan Commission and other matters properly before it, in addition to the findings set forth in Section 1, finds as follows:

- A. That the Petitioner for the special use for the property located at 16W020 7<sup>9th</sup> Street, Burr Ridge, Illinois, is Sandra Dodevski (hereinafter "Petitioner"). The Petitioner requests special use approval as per Section XII.F.3 of the Burr Ridge Zoning Ordinance to permit an illegal, non-conforming chain link fence and barbed wire on the subject property.
- B. That the property will not detract from the public health, safety, morals, comfort, or general welfare.
- C. That the special use will not adversely impact any adjacent properties.

- D. That the special use will allow the petitioner to keep a necessary service in the Village.
- E. That the site plan of the property is adequate for the use.
- F. That adequate traffic facilities are present on or adjacent to the property.
- G. That the use is not contrary to the objectives of the Official Comprehensive Plan.
- H. That the special use will otherwise conform to the applicable regulations of the Zoning Ordinance.

<u>Section 3</u>: That the special use approval as per Section XII.F.3 of the Burr Ridge Zoning Ordinance to permit an illegal, non-conforming chain link fence and barbed wire on the subject property is *hereby granted* for the property commonly known as 16W020 79<sup>th</sup> Street and identified by the Permanent Real Estate Index Number (PIN) of: 09-26-405-001.

<u>Section 4</u>: That approval of the special uses is subject to the condition that the special use expire on February 11, 2024.

<u>Section 5</u>: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. The Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

**PASSED** this 11<sup>th</sup> day of February, 2019, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows: AYES: 6 - Trustees Snyder, Mital, Paveza, Mottl, Franzese, Schiappa

NAYS: 0 - None

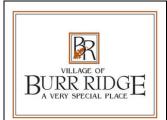
ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge on this 11<sup>th</sup> day of February, 2019.

Ç,

Acting Village President

ATTEST Viíllage Cl



Z-15-2023: Request to consider a text amendment to Sections IV.I for the regulations pertaining to architectural entrance structures and driveway gates in residential districts.

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

Petitioner: Village of Burr Ridge

Prepared by: Ella Stern, Planner

Date of Hearing: December 4, 2023 & February 5, 2024

On November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments pertaining to architectural entrance structures and driveway gates. The direction from the Board focused on residents within the residential districts and to consider the permitted size of a parcel for a driveway gate. Depending on whether the Plan Commission wishes to amend the driveway gate regulations, the regulations for architectural entrance structures may also need to be amended so there is no conflict. Architectural entrance structures are often constructed in conjunction with the gate.

On December 4, 2023, the Plan Commission held a public hearing on Z-15-2023, a request to consider a text amendment to Section IV. I for the regulations pertaining to architectural entrance structures and driveway gates in residential districts. The Plan Commission continued the case and directed staff to research the estimated number of homes between one and two acres, traffic speed limits, and traffic volume counts throughout the Village of Burr Ridge.

Staff found the following information regarding traffic speed limits, the annual average daily traffic counts, and the number of Single-Family Residential properties by acreage.

### **Speed Limits:**

Twenty-five (25) miles per hour on the following streets:

Aintree Lane, Arrowhead Farm Drive, Ashton Drive, Briarwood Court, Briarwood Lane, Bridewell Dr. (Burr Ridge Parkway. to Central Avenue), Brighton Place, Burr Oak Lane, Burr Ridge Parkway Carriage Way Drive, Chasemoor Drive (Lincolnshire Drive to 79th Street) Chestnut Hills Circle, Chestnut Hills Drive, Chippewa Court, Circle Ridge Drive, Commerce Street, County Line Lane Deer Path Trail, Devon Drive, Dougshire Court, Drew Avenue, from 75th St. to 79th St., Enclave Drive, Forest Hill Road, Garfield Avenue (72nd Street to 74th Street), Garywood Drive, Glenmora Lane, Glenn Drive Grant Street, between 59th Street and Wildwood Lane, Grant Street, between the 62nd Street right-of-way and 63rd Street, Grant Street, 87th Street south to the end of the cul-de-sac, Greenbriar Court, Gregford Road Hamilton Avenue (72nd Street to Frontage Road) Hamilton Avenue, from 75th Street to 79th Street), Hampton Court, High Grove Boulevard, International Street, Johnston Road, Lake Ridge Court Lake Ridge Drive (81st Street to 83rd Street), Laurie Lane Manor Drive, Navajo Court, Omaha Drive, Park Avenue (72nd Street to Frontage Road) Post Road Ridgewood Lane, Royal Drive, St. James Z-15-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 2 of 6

Court, Seneca Court, Shag Bark Court, Shag Bark Lane, Shenandoah Drive, Shepard Lane South Drive, Stirrup Lane, Surrey Lane, Tomlin Circle, Tomlin Drive, Walnut Circle, Wedgewood Drive, 87th Street south to Glenmora Lane, White Oak Court, Wildwood Lane, Woodcreek Drive Woodglen Lane, Woodland Court, Woodland Lane, Woodside Court, Woodside Lane, Woodview Drive 59th Street, from Garfield Avenue to the western Village limits (a point approximately 625 feet east of Madison Street), 63rd Street, between Garfield Avenue and Grant Street, 72nd Street (Wolf Road to Central Avenue), 73rd Street (Elm Street to Garfield Avenue), 74th Street (Park Avenue to Garfield Avenue), 75th Street, between its intersections with South Frontage Road, 77th Street, from County Line Road to Hamilton Avenue, 81st Street (Madison Street to Ridge pointe Drive), 94th Street (Glenn Drive to Madison Street).

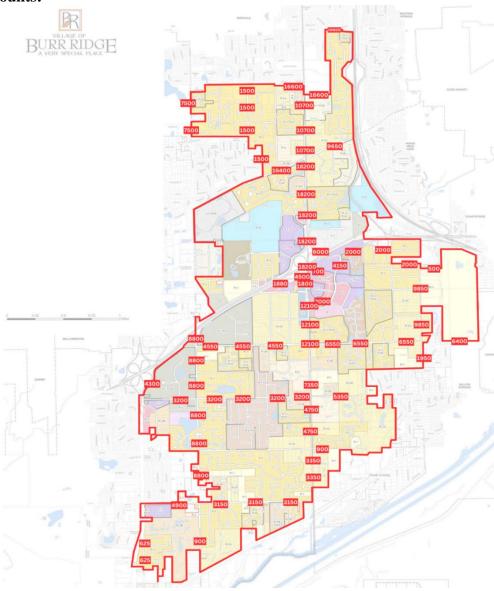
Twenty (20) miles per hour on the following streets:

• Elm Street (72nd Street to Frontage Road), Giddings Avenue (72nd Street to Frontage Road), 72nd Street (Elm Street to Garfield Avenue).

Thirty-five (35) miles per hour on the following streets:

• North Frontage Road (Veterans Boulevard to Elm Street), South Frontage Road (Route 83/Kingery Highway to County Line Road).

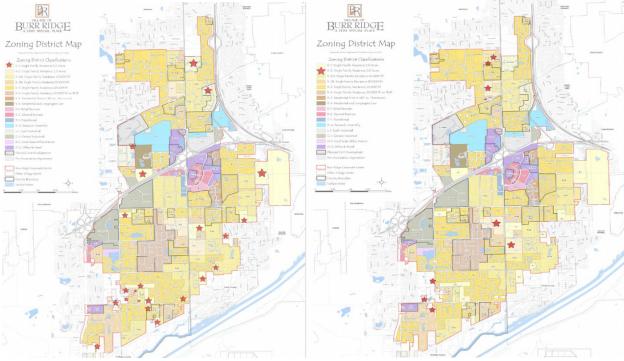
### **Traffic Counts:**



The annual average daily traffic counts are noted in red.

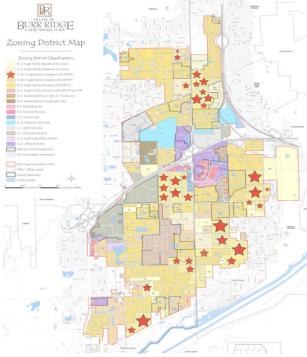
### Z-15-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 3 of 6

Staff found approximately 50 properties zoned R-1 Single-Family Residence (5 acres). The R-1 Single-Family Residence zoned properties include the Trinity Lutheran Church, 15W460 N Frontage Road, Growers Middle School, Burr Ridge Middle School, Burr Ridge Public Works, Walker Park Subdivision, King Burwaert Home Subdivision, and Heatherfields Subdivision, in which the properties were smaller than 5 acres, or non-residential uses. Staff found approximately 42 properties zoned R-2 Single-Family Residence (2 acres), including the Tri-State Fire Department, Burr Ridge United Church, and Stonehedge Estates. Staff found approximately 300 properties zoned R-2A Single-Family Residence (40,000 sq ft.).



2024 Zoning Map noting R-1 zoned properties.

2024 Zoning Map noting R-2 zoned properties.



2024 Zoning Map noting R-2A zoned properties.

### Z-15-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 4 of 6

The Village of Burr Ridge has amended the driveway gate regulations a few times based on a single petitioner proposing a driveway gate for their property. In 2007, driveway gate regulations were added to the Zoning Ordinance. A driveway gate was permitted on parcels that are a minimum of 5 acres in area and 220 feet in width and subject to the following terms and conditions:

- 1. Driveway gates are permitted in the required front yard but not closer to the front lot line than 30 feet.
- 2. Only one driveway gate is permitted per lot.
- 3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
- 4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron or similar materials.
- 5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property.

In 2008, driveway gate regulations were amended due to a single petitioner's request. A driveway gate was permitted on parcels with a minimum of 2 acres in area and has a front or corner side lot line with a minimum of 220 feet of street frontage. In 2011, driveway gate regulations were amended to change the minimum 220 feet of street frontage to 150 feet of street frontage.

Under current Zoning Ordinance regulations, Driveway gates across private driveways shall be permitted on parcels in residential districts that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage (Amended by Ordinance A-834-13-11). All driveway gates must comply with the following terms and conditions:

- 1. Driveway gates are permitted in a front buildable area and are also permitted in the required front and corner side yard but not closer to the front or corner side lot line than 30 feet. However, for each 3 feet of lot frontage less than 220 feet, an additional one-foot setback shall be provided. For example, for a 2-acre lot with 160 feet of lot frontage, the minimum required setback from the front lot line shall be 50 feet [30+(220-160)/3) = 50]. (Amended by Ordinance A-834-13-11).
- 2. One gate per driveway is permitted.
- 3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
- 4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron, or similar materials.
- 5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property. (Amended by Ordinance A-834-24-07 and Ordinance A-834-26-08)

Under current Zoning Ordinance regulations, architectural entrance structures are permitted on a lot not less than 40,000 square feet in area, are permitted in a front, side or rear buildable area and are also permitted in the required front yard. It is important to note that architectural entrance structures are not permitted in a corner side yard although many homes have a driveway in this location. Architectural entrance features must comply with the following terms and conditions:

Z-15-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 5 of 6

- 1. Architectural entrance structures shall be located adjacent to driveways and the number of structures shall not exceed two per driveway; one on each side of the driveway.
- 2. Each architectural entrance structure may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the structure. A light fixture may be added above the six-foot height limit not exceeding 18 inches.
- 3. The footprint of an architectural entrance structure shall not exceed three feet by three feet except that wing walls not exceeding four feet in height and three feet in length shall be permitted.
- 4. The primary materials for architectural entrance structures are limited to masonry brick, natural stone, or similar materials.
- 5. Architectural entrance structures are subject to the issuance of a permit and must be provided with a foundation and structural elements as required by the Village building codes.
- 6. Architectural entrance features at an entrance to a subdivision are permitted as regulated by the Village of Burr Ridge Subdivision Ordinance.

Any new regulations pertaining to driveway gates and architectural entrance structures may be included in Zoning Ordinance sections IV.I.5 and IV.I.12, depending on the Plan Commission's direction.

### Neighboring Municipality Research:

Staff researched neighboring municipalities to check their regulations for driveway gates. Of the seven municipalities surveyed, only one municipality had regulations on the required acreage for a driveway gate.

| Municipality     | Regulation  |  |  |  |  |
|------------------|---|--|--|--|--|
| Darien           | The city code does not contain specific regulations on driveway gates or any architectural requirements.  |  |  |  |  |
| Hinsdale         | Driveway entry gates, and any parapet or column utilized in a fence design: Eight feet (8').  |  |  |  |  |
| Indian Head Park | Fences and gates are not allowed in Indian Head Park.   |  |  |  |  |
| Oakbrook Terrace | No more than one ornamental entry gate shall be permitted on each side of an entrance from a street frontage, not exceeding eight feet in height, and such gates shall be set back not less than five feet from the front lot line, street pavement and driveway. Such gates shall be subject to the approval of the City Engineer and shall be certified by a structural engineer  |  |  |  |  |
| Oakbrook         | <ul> <li>Driveway gates are permitted as accessory structures in required front yards, or side yards adjoining a street; provided that they conform with the following criteria:</li> <li>A. Required Acreage:</li> <li>No driveway gate may be installed on a lot of less than two (2) acres, unless the front yard of said lot abuts a thoroughfare.</li> <li>B. Any driveway gate previously approved and constructed in accordance with applicable law at that time shall be treated as a permitted and legally conforming use. Direction Of</li> <li>Swing: Driveway gates shall not swing outward from the property.</li> <li>C. Width: The minimum width for a gate structure shall be twelve feet (12') for opening the gate. All driveway gates shall be greater than fifty percent (50%)</li> </ul> |  |  |  |  |

|                | open in design when viewed from a ninety-degree $(90^{\circ})$ angle, except that this required open space in louver type gates may be viewed from any angle and excluding metal gates with more than seventy five percent (75%) of its surface |
|----------------|---|
|                | area open space.  |
|                | D. Location Of Gates: Gates shall be located a minimum distance of twenty   |
|                | feet (20') from the nearest edge of pavement on local residential streets and thirty  |
|                | feet (30') from the nearest edge of pavement on all other streets including all   |
|                | thoroughfares and collectors (reference the Oak Brook transportation plan phase   |
|                | II report dated January 1971), to allow adequate room for vehicular access to the   |
|                | property. (Ord. G-678, 6-26-2001; Ord. G-741, 2-10-2004)  |
| Willowbrook    | The Village of Willowbrook has no specific regulations regarding driveway gates.  |
| W HIOWDIOOK    | However, they would follow the UDO for fences in the front yard of properties.  |
|                | Fences on Lots with Single-Family Detached and Duplex Uses. Fences on lots  |
|                | with single-family detached and duplex uses shall meet the requirements   |
|                | established below. Barbed wire, razor wire, or makeshift materials such as  |
|                | plywood or tarps shall be prohibited on lots with single-family detached and  |
|                | duplex uses. All fences shall be erected so that the posts and all other supporting   |
|                | members face inward toward the owner's property.  |
|                | Fences in Front Yards.  |
|                | <ul> <li>(a) Height. Fences in front yards shall not exceed four (4) feet in height.</li> <li>(b) Setback. Fences in front yards shall be set back a minimum of seven (7)</li> </ul>  |
|                | feet from the property line.  |
|                | (c) Materials.  |
|                | (1) <sup>500</sup> Fences in front yards shall be of non-sight barrier construction and have a maximum opacity of fifty (50) percent.   |
|                | (2) Ence materials utilized in front yards shall complement fence materials   |
|                | utilized in other yards.  |
|                | (3) EPermitted fence materials shall be only those materials which are  |
|                | designed and intended for use in fence installations and shall be limited to:   |
|                | (i) Wood, chemically treated or naturally resistant to decay,   |
|                | (ii) Wood Composites,   |
|                | (iii) Aluminum,   |
|                | (iv) Vinyl/PVC,<br>(v) Wrought Iron   |
|                | <ul><li>(v) Wrought Iron,</li><li>(vi) As approved by the Village Administrator or their designee.</li></ul>  |
|                |   |
| Willow Springs | No gates are permitted in the front yard.   |

Formal language has not been proposed for adoption in this staff report. Staff is seeking direction from the Plan Commission at this initial public hearing and will prepare draft language based upon that discussion.

### **Findings of Fact**

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

### **Attachments**

• Exhibit A – Petitioner's Materials and Findings of Fact



### VILLAGE OF BURR RIDGE

### PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

| <b>GENERAL INFORMATION (to be completed by Petitioner)</b>  |
|---|
| PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director  |
| Village of Burr Ridge STATUS OF PETITIONER: Village of Burr Ridge/municipality  |
| PETITIONER'S ADRESS: 7660 S. County Line Road, Burr Ridge, IL 60527   |
| ADDRESS OF SUBJECT PROPERTY: N/A  |
| PHONE: (630) 654-8181 x. 6100   |
| EMAIL: jfarrell@burr-ridge.gov  |
| PROPERTY OWNER: _N/A  |
| PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A  |
| PUBLIC HEARING REQUESTED: Special Use Rezoning Text Amendment Variation(s)  |
| DESCRIPTION OF REQUEST:          Request to amend the architectural entrance structure and driveway gate regulations in section IV.I of the         Zoning Ordinance.   |
| PROPERTY INFORMATION (to be completed by Village staff)   |
| PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A   |
| EXISTING USE/IMPROVEMENTS:N/A   |
| SUBDIVISION:N/A   |
| PIN(S) #  |
| The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition. |
| Petitioner's Signature Date of Filing   |
|   |



#### FINDINGS OF FACT FOR AN AMENDMENT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV of the Zoning Ordinance details the regulations for architectural entrance structures and driveway gates in residential districts. Architectural entrance structures are permitted only on properties that are a minimum of 40,000 sq. ft. and driveway gates on properties a minimum of 2-acres.

b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance currently contains regulations for driveway gates and architectural entrance structures. This section of the code has been modified over the years to permit gates on smaller parcels, from 10 acres to 5 acres to now 2 acres. The architectural entrance structure provisions would need to be updated to ensure there is no conflict with the gate regulations in terms of minimum lot size, setbacks, or location.

(Please transcribe or attach additional pages as necessary)

# ZONING ORDINANCE LANGUAGE FOR ARCHITECTURAL ENTRANCE STRUCTURES AND DRIVEWAY GATES - SECTION IV.I

## **Architectural Entrance Structures**

Architectural entrance structures, on a lot not less than 40,000 square feet in area, are permitted in a front, side or rear buildable area and are also permitted in the required front yard. Architectural entrance features must comply with the following terms and conditions:

- 1. Architectural entrance structures shall be located adjacent to driveways and the number of structures shall not exceed two per driveway; one on each side of the driveway.
- 2. Each architectural entrance structure may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the structure. A light fixture may be added above the six foot height limit not exceeding 18 inches.
- 3. The foot print of an architectural entrance structure shall not exceed three feet by three feet except that wing walls not exceeding four feet in height and three feet in length shall be permitted.
- 4. The primary materials for architectural entrance structures are limited to masonry brick, natural stone, or similar materials.
- 5. Architectural entrance structures are subject to the issuance of a permit and must be provided with a foundation and structural elements as required by the Village building codes.
- 6. Architectural entrance features at an entrance to a subdivision are permitted as regulated by the Village of Burr Ridge <u>Subdivision Ordinance</u>.

# **Driveway Gates (Residence Districts)**

Gates across private driveways shall be permitted on parcels in residential districts that are a minimum of 2 acres in area and have a front or corner side lot line with a minimum of 150 feet of street frontage (Amended by Ordinance A-834-13-11). All driveway gates must comply with the following terms and conditions:

- Driveway gates are permitted in a front buildable area and are also permitted in the required front and corner side yard but not closer to the front or corner side lot line than 30 feet. However, for each 3 feet of lot frontage less than 220 feet, an additional one foot setback shall be provided. For example, for a 2 acre lot with 160 feet of lot frontage, the minimum required setback from the front lot line shall be 50 feet [30+((220-160)/3) = 50]. (Amended by Ordinance A-834-13-11).
- 2. One gate per driveway is permitted.
- 3. Driveway gates and related architectural entrance structures may not exceed six feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
- 4. The primary materials for driveway gates and related architectural entrance structures are limited to natural stone, masonry, wrought iron, or similar materials.
- 5. Driveway gates are subject to the issuance of a permit and are subject to access requirements by the Fire District having jurisdiction over the property. (Amended by Ordinance A-834-24-07 and Ordinance A-834-26-08)



Z-16-2023: Request to consider a text amendment to Section Sections IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts.

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

Petitioner: Village of Burr Ridge

Prepared by: Ella Stern, Planner

Date of Hearing: December 4, 2023 & February 5, 2024

On November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing regarding fences in residential districts, specifically for corner lots and permitting fences in the practical rear yard of homes when the home faces the corner side yard.

On December 4, 2023, the Plan Commission held a public hearing on Z-16-2023, a request to consider a text amendment to Sections IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts. The Plan Commission determined the research regarding architectural entrance structures and driveway gates (Z-15-2023) may benefit the discussion of fences in residential districts.



Figure IV.I Required Yards and Buildable Areas

Illustration from the Zoning Ordinance showing the required yards and buildable areas for interior and corner lots. The Zoning Ordinance defines a front yard or front lot line as the one with the shortest distance.

Z-16-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 2 of 3



Using a vacant corner parcel in the Village, above are examples where the front of the home faces the corner side yard (left) and the front yard (right) and where a fence would be permitted under current regulations (yellow outline).



Using a vacant corner parcel in the Village, above is an example where the front of the home faces the corner side yard and where a fence would be permitted under the proposed regulations (yellow outline).

# **Current Regulations:**

Section IV.J of the Zoning Ordinance regulates fences as detailed below, with the specific passage highlighted yellow.

# Fences, Open -- in residence districts only

- 1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
- 2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)
- 3. All fence posts and all supports must face the interior of the property on which it is located.

Z-16-2023: Zoning Ordinance Amendments; Text Amendment and Findings of Fact Page 3 of 3

- 4. Chain link, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited. No fence shall have any sharp, dangerous, or impaling members.
- 5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.

# **Proposed Language:**

Staff provided proposed language below, changing only the section pertaining to corner lots.

2. Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots as follows: where the true front or main entrance of the home faces the front yard, such fences shall extend not nearer to the corner side lot line than the required corner side yard setback; where the true front or main entrance of the home faces to that lot line.

# **Findings of Fact**

The findings of fact for a text amendment are limited to assessing whether the amendment is compatible with other standards of the Zoning Ordinance and if the amendments fulfill the purpose and intent of the Zoning Ordinance.

# **Attachments**

- Exhibit A Petitioner's Materials
  - o Application
  - Findings of Fact

EXHIBIT A



# VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

| <b>GENERAL INFORMATION (to be completed by Petitioner)</b>  |  |  |  |  |  |
|---|--|--|--|--|--|
| PETITIONER (All correspondence will be directed to the Petitioner): Janine Farrell, Community Development Director  |  |  |  |  |  |
| Village of Burr Ridge STATUS OF PETITIONER: Village of Burr Ridge/municipality  |  |  |  |  |  |
| PETITIONER'S ADRESS: 7660 S. County Line Road, Burr Ridge, IL 60527   |  |  |  |  |  |
| ADDRESS OF SUBJECT PROPERTY: N/A  |  |  |  |  |  |
| PHONE: (630) 654-8181 x. 6100   |  |  |  |  |  |
| EMAIL: jfarrell@burr-ridge.gov  |  |  |  |  |  |
| PROPERTY OWNER: N/A   |  |  |  |  |  |
| PROPERTY OWNER'S ADDRESS: N/A PHONE: N/A  |  |  |  |  |  |
| PUBLIC HEARING REQUESTED: Special Use Rezoning X Text Amendment Variation(s)  |  |  |  |  |  |
| DESCRIPTION OF REQUEST:   |  |  |  |  |  |
| Request to amend the regulations for residential fences in section IV.J of the Zoning Ordinance.  |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
| PROPERTY INFORMATION (to be completed by Village staff)   |  |  |  |  |  |
| PROPERTY ACREAGE/SQ FOOTAGE: N/A EXISTING ZONING: N/A   |  |  |  |  |  |
| EXISTING USE/IMPROVEMENTS: N/A  |  |  |  |  |  |
| SUBDIVISION:N/A   |  |  |  |  |  |
| PIN(S) #  |  |  |  |  |  |
| The above information and the attached Plat of Survey are true and accurate to the best of my knowledge. I understand the information contained in this petition will be used in preparation of a legal notice for public hearing. I acknowledge that I will be held responsible for any costs made necessary by an error in this petition. |  |  |  |  |  |
| Petitioner spignature HOLVER 11/14/2023   |  |  |  |  |  |



#### FINDINGS OF FACT FOR AN AMENDMENT TO THE VILLAGE OF BURR RIDGE ZONING ORDINANCE

Section XIII.J of the Village of Burr Ridge Zoning Ordinance requires that the Plan Commission determine compliance with the following findings in order to recommend a text amendment to the Zoning Ordinance. The petitioner must respond to and confirm each of the following findings by indicating the facts supporting such findings.

a. The amendment is compatible with other standards and uses of the Zoning Ordinance;

Section IV.J of the Zoning Ordinance details the regulations for fences in residential zoning districts. Fences are permitted behind the rear wall of the residence only. On a corner lot, a fence may be located in the corner side yard, but it must meet the minimum setback requirement for that zoning district. This regulation poses a challenge for corner properties where the front of the home faces the corner side yard, not the Zoning Ordinance defined front yard. In these instances, a fence is permitted only in a small corner of the property. This regulation could be clarified to allow for fences behind the rear wall of the residence regardless of what street the home faces, whether the front or the corner side yard.

b. The amendment fulfills the purpose and intent of the Zoning Ordinance;

The Zoning Ordinance currently contains regulations for fences in residential districts. Clarifying the location of where a fence could be permitted ensures that the fence is located in relation to the orientation of the home instead of the Zoning Ordinance definition of the front, rear, side, and corner side yards.

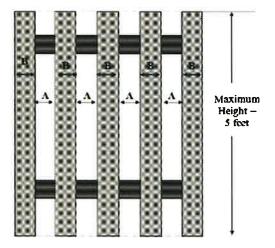
(Please transcribe or attach additional pages as necessary)

#### **ZONING ORDINANCE LANGUAGE FOR FENCES - SECTION IV.J**

#### Fences, Open -- in residence districts only

- 1. Fences in residential districts shall be not more than five feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
- Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots such fences shall extend not nearer to the corner side lot line than the required corner side yard setback. (Amended by Ordinance A-834-13-11)

# Figure IV.J.1.e Graphic Definition of Open Fence



# "A" must be equal to or greater than "B"

- 3. All fence posts and all supports must face the interior of the property on which it is located.
- 4. Chain link, barbed wire and fences which are electrically charged to produce a shock when touched are specifically prohibited. No fence shall have any sharp, dangerous, or impaling members.
- 5. All fences in residential districts shall be open fences as defined by Section XIV and as depicted below (Amended by Ordinances A-834-09-01 and A-834-13-11). Open fences are defined as a fence, including gates, which has, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area in open spaces which afford direct views through the fence.



# VILLAGE OF BURR RIDGE

# **MEMORANDUM**

- TO: Village of Burr Ridge Plan Commission Greg Trzupek, Chairman
- **FROM:** Ella Stern, Planner
- DATE: January 15, & February 5, 2024

# **RE:** PC-01-2024 Annual Zoning Review

Listed below are summaries of all actions considered by the Plan Commission in 2023. Staff is presenting this information for the annual Zoning Ordinance review. The annual zoning review is an opportunity to identify areas where the Zoning Ordinance may need to be updated to remain consistent with the Village's Comprehensive Plan, to keep up with property trends, to resolve conflicts, or address unintended consequences of zoning regulations.

| Zoning Cases (ZC)  |                  |                  |                      |             |           |            |                  |
|--|------------------|------------------|----------------------|-------------|-----------|------------|------------------|
| Petition   | Address          | Туре             | Use                  | Result      | Plan      | Board      | Ordinance #      |
| Z-01-2023  | N/A              | Text Amend.      | Outdoor dining       | App         | Арр       | Арр        | A-834-05-23      |
|  | Text an          | nendment to am   | end the existing out | door dinin  | g regulat | tions.     |                  |
|  |                  |                  |                      |             |           |            |                  |
| Z-02-2023  | 60 Shore         | Spec. Use        | Outdoor storage      | App         | App       | App        | In-prog.         |
|  | Drive            | Amend.,          |                      |             |           |            |                  |
|  |                  | Spec. Use        |                      |             |           |            |                  |
| Special use  | requests to expa | nd an existing a | utomobile sales use  | e, a reques | t for out | door, over | night storage of |
|  |                  | vehicles, and a  | fence in a non-resi  | dential dis | strict.   |            |                  |
|  |                  |                  |                      |             |           |            |                  |
| Z-03-2023  | N/A              | Text Amend.      | Trucking             | App         | App       | App        | A-834-04-23      |
|  |                  |                  | Companies in         |             |           |            |                  |
|  |                  |                  | Office Districts     |             |           |            |                  |
| Text amendment request to amend Section IX for permitted uses in the Office zoning district to require a |                  |                  |                      |             |           |            |                  |
| special use for trucking and logistic company offices.   |                  |                  |                      |             |           |            |                  |
|  |                  |                  |                      |             |           |            |                  |
|  |                  |                  |                      |             |           |            |                  |

| Z-04-2023 | 78-80 Burr<br>Ridge<br>Parkway   | Special Use | Outdoor dining<br>and sales of<br>alcohol | W/D | W/D | W/D | N/A |
|-----------|--|-------------|---|-----|-----|-----|-----|
| Special u | Special use request for a restaurant over 4000 square feet to permit sales of alcohol, and outdoor dining. |             |   |     |     |     |     |

| Z-05-2023   | 1400 Burr<br>Ridge<br>Parkway | PUD,<br>Variations,<br>Spec Use. | Requests for the development of townhomes                     | W/D          | Deny         | W/D          | N/A             |
|-------------|-------------------------------|----------------------------------|---|--------------|--------------|--------------|-----------------|
| Requests to | develop a parce               | l for a Planned                  | Unit Development v  | vith five g  | roupings     | of three a   | ttached homes.  |
| Z-06-2023   | N/A                           | Text Amend.                      |   | App          | Арр          | Арр          | A-834-12-23     |
|             |                               |                                  | ulations/language fo<br>it pools without fenc<br>requirement. |              |              |              |                 |
| Z-07-2023   | N/A                           | Text Amend.                      | Short Term<br>Rentals   | App          | App          | Арр          | A-834-14-23     |
|             | Text amo                      | endments to reg                  | ulate short-term rent   | tal use.     |              |              |                 |
| Z-08-2022   | N/A                           | Text Amend.                      | Unrelated<br>Persons  | App          | App          | App          | A-834-11-23     |
|             | Т                             | ext amendments                   | s to amend the definition                                     | ition of "I  | Family".     |              |                 |
| Z-09-2023   | 6880 N.<br>Frontage Rd.       | Special Use<br>Amendment         | Day Care  | App          | App          | App          | A-834-08-23     |
| Special u   | <u> </u>                      |                                  | nter to expand the us<br>the outdoor playgrou                 |              | se the am    | ount of ch   | ildren, and to  |
| Z-10-2023   | 212 Burr<br>Ridge<br>Parkway  | Special Use<br>Amendment         | Outdoor dining<br>enclosure                                   | In-<br>prog. | In-<br>prog. | In-<br>prog. | In-prog.        |
| S           | pecial use amend              | lment regarding                  | an outdoor dining e   | enclosure    | at an exis   | sting restar | urant.          |
|             |                               |                                  |   |              |              | I            |                 |
| Z-11-2023   | 405-409<br>Heathrow Ct.       | Special Use                      | Fences in a non-<br>residential<br>district                   | Арр          | App          | Арр          | In-prog.        |
| Special use | L                             |                                  | in a non-residential front yard setback,                      |              |              | 1            | e of the fences |
| Z-12-2023   | 114 Burr<br>Ridge<br>Parkway  | Special Use<br>Amendment         | Outdoor dining<br>enclosure                                   | In-<br>prog. | In-<br>prog. | In-<br>prog. | In-prog.        |
| S           |                               | lment regarding                  | an outdoor dining e   | enclosure    | at an exis   | sting resta  | urant.          |
| Z-13-2023   | 104 Burr<br>Ridge<br>Parkway  | Special Use<br>Amendment         | Outdoor dining<br>awning                                      | Deny         | Арр          | In-<br>prog. | In-prog.        |
|             | Special use amer              | ndment regardin                  | g an outdoor dining   | awning a     | t an exist   | ing restau   | rant.           |

|             |                         |                     | Equipment Pads                 |             |            |              |                |
|-------------|-------------------------|---------------------|--------------------------------|-------------|------------|--------------|----------------|
| Req         | uest to increase        | the size of swim    | nming pool equipme             | ent pads fi | rom 28 so  | q. ft. to 48 | sq. ft.        |
|             |                         |                     |                                |             |            | _            | _              |
| Z-15-2023   | N/A                     | Text Amend.         | Driveway                       | In-         | In-        | In-          | In-prog.       |
|             |                         |                     | Gates/Arc.<br>Entrance Struct. | prog.       | prog.      | prog.        |                |
|             | Request to amen         | d the architectu    | ral entrance structur          | e and driv  | eway gat   | e regulatio  | ons.           |
|             |                         |                     |                                |             |            |              |                |
| Z-16-2023   | N/A                     | Text Amend.         | Fences                         | In-         | In-        | In-          | In-prog.       |
|             |                         |                     |                                | prog.       | prog.      | prog.        |                |
|             | Request to ame          | nd the regulation   | ns for residential fen         | ices, speci | fically fo | or corner lo | ots.           |
|             |                         |                     |                                |             |            |              |                |
| Z-17-2023   | 16W020 79 <sup>th</sup> | Special Use         | Non-conforming                 | In-         | In-        | In-          | In-prog.       |
|             | St.                     |                     | Fence                          | prog.       | prog.      | prog.        |                |
| Request for | or a special use to     | permit the con      | tinued use of a non-           | conformir   | ng chain l | ink fence    | on the subject |
|             |                         |                     | property.                      |             |            |              |                |
|             |                         | ſ                   |                                |             |            |              |                |
| Z-18-2023   | 411-421                 | Special Use         | Equip                          | In-         | In-        | In-          | In-prog.       |
|             | Heathrow Ct.            |                     | sales/rental,                  | prog.       | prog.      | prog.        |                |
|             |                         |                     | Outdoor storage,               |             |            |              |                |
|             |                         |                     | fence                          |             |            |              |                |
| Request for |                         |                     | sales and rentals. (2          |             |            |              | ence in a non- |
|             | residentia              | al district in acco | ordance with Zoning            | g Ordinano  | ce Section | n IV.J.      |                |
| 7 10 0000   | 0000 0050 0             | a : 111             |                                |             | T          | T            | Ŧ              |
| Z-19-2023   | 8320-8350 S.            | Special Use         | Exercise facility              | In-         | In-        | In-          | In-prog.       |
|             | Madison St.             |                     | tment-only exercise            | prog.       | prog.      | prog.        |                |
|             |                         |                     |                                |             |            |              |                |

|   |   |                    | Variations (V)   |              |              |               |                    |
|---|---|--------------------|--|--------------|--------------|---------------|--------------------|
| Petition  | Address   | Туре               | Use  | Result       | Plan         | Board         | Ordinance #        |
| V-01-2023   | 6301 S.<br>County Line<br>Rd.   | Var.               | Location,<br>setback, height   | App/<br>Deny | Арр          | App           | A-834-15-23        |
| on a parcel le  | ess than two acre   | s in lot area; (3) | a deck in the front ya<br>to permit a drivewa<br>corner side yard set<br>side yard setback | y gate exc   | ceeding 6    | ó ft. in heig | ght; (4) to permit |
| V-02-2023   | 16W122 91 <sup>st</sup><br>St.  | Var.               | Location,<br>setback, height,<br>size  | In-<br>prog. | In-<br>prog. | In-<br>prog.  | In-prog.           |
| Requests for four (4) variations to permit (1) a driveway gate exceeding 6' in height, measuring 9'11" in height; (2) a driveway gate within the minimum 30' front yard setback, located at a 4' setback; (3) light fixtures on architectural entrance structures exceeding the 18" maximum height, measuring 29"; and (4) wing walls of architectural entrance structures exceeding 4' in height and 3' in length. |   |                    |  |              |              |               |                    |
| V-03-2023   | 7703<br>Hamilton<br>Ave.  | Var.               | Setback  | Арр          | Арр          | Арр           | A-834-13-23        |
| Request for   | a variation to pe   |                    | de yard setback of 3<br>ew single-family res   |              | ad of the    | e minimur     | n 40 ft. required  |
| V-04-2023   | 106 Kraml<br>Dr.  | Var.               | FAR  | In-<br>prog. | In-<br>prog. | In-<br>prog.  | In-prog.           |
|   |   |                    | <b>AR</b> ) for a single-fam<br>on was provided to s                                       |              |              |               |                    |
| V-05-2023   | 724 Tomlin<br>Dr.   | Var.               | Location   | Арр          | App          | App           | A-834-16-23        |
| ]   | Request for a variation to permit a fence in the front yard of a single-family residence. |                    |  |              |              |               | ence.              |
| V-06-2023   | 8891 S.<br>Madison St.  | Var.               | Location   | W/D          | W/D          | W/D           | N/A                |
| 1   | Request for a variation to permit a fence in the front yard of a single-family residence. |                    |  |              |              |               |                    |
| V-07-2023   | 6816<br>Fieldstone Dr.  | Var.               | FAR  | Deny         | Deny         | Deny          | In-prog.           |
|   | Request to  | increase the Flo   | or Area Ratio (FAR   | ) for a sin  | gle-famil    | ly home.      |                    |
| V-08-2022   | 11680<br>German<br>Church Rd.   | Var.               | Location, height   | Арр          | Арр          | Арр           | A-834-17-23        |

# Request for a variation to permit a fence and gate at the Village Pump Center.

|                 |                         | Plan (        | Commission mi         | sc. (PC)     |                        |             |                   |
|-----------------|-------------------------|---------------|-----------------------|--------------|------------------------|-------------|-------------------|
| Petition        | Address                 | Туре          | Use                   | Result       | Plan                   | Board       | Ordinance #       |
| PC-01-2023      | 10\$630                 | 1.5-mile      | Variation             | Comme        | ents sent              | N/A         | N/A               |
|                 | Garfield Ave.           |               |                       |              |                        |             |                   |
| DuPage C        | County variation r      | equest for lo | ot width in order to  | divide a 4   | .99-acre p             | property in | to two lots.      |
|                 | -                       |               | 1                     |              | r                      |             |                   |
| PC-02-2023      | N/A                     | Zoning        | Zoning Review         | N/A          | N/A                    | N/A         | N/A               |
|                 | Th                      | e Village of  | f Burr Ridge annua    | l Zoning r   | eview.                 |             |                   |
|                 | 1                       |               | Γ                     | I            |                        | I           |                   |
| PC-03-2023      | 10\$321                 | 1.5-mile      | Variation             | N/A          | N/A                    | N/A         | N/A               |
|                 | Madison St.             |               |                       |              |                        |             |                   |
| DuPage Co       | ounty variation rec     |               | ace a interior side s |              | m 20' to a             | pproxima    | tely 0' for the   |
|                 |                         | installa      | tion of accessory s   | tructures.   |                        |             |                   |
|                 | I                       |               |                       |              |                        |             |                   |
| PC-04-2023      | 720 Village             | Minor         | Paint facades         | App.         | Deny                   | App.        | A-834-07-23       |
|                 | Center Dr.              | PUD           |                       |              |                        |             |                   |
|                 |                         | Change        |                       |              |                        |             |                   |
| 0               | 0                       |               | e #A-834-14-21 to     | 1            |                        |             | 1.                |
| the Plan Comm   |                         |               | r alerted the plans t |              |                        | nissioner's | comments. This    |
|                 | re                      | vised versio  | n was then approve    | ed by the l  | Board.                 |             |                   |
|                 | 4                       |               |                       |              |                        |             |                   |
| PC-05-2023      | 15W730 90 <sup>th</sup> | 1.5-mile      | Variation             | Comme        | ents sent              | N/A         | N/A               |
|                 | St.                     |               |                       |              |                        |             | ~ .               |
| DuPage          | County variation        | requests for  | r lot width and lot a | area for the | e proposed             | d lot recon | figuration        |
| DC 06 2022      | 0000 W:                 | 1 5 1         |                       | 01:          | • • • • • •            | •           |                   |
| PC-06-2023      | 9200 Kingery            | 1.5-mile      | Rezoning &            | 5            | ion letter/            |             | N/A               |
|                 | Hwy (Quik               |               | Conditional Use       | 1            | protest ser            | nt          |                   |
|                 | Trip)                   |               | for Planned           |              |                        |             |                   |
| <b>D</b>        |                         | D 4/0: 1      | Development           | 1 10 5       |                        | 1.          |                   |
|                 |                         |               | Family Residentia     |              |                        |             |                   |
| Business, for a | convenience stor        | e, automobi   | le fueling station a  | rea, semi-t  | тиск рагк              | ing, and se | emi-truck fueling |
|                 |                         |               | station area          |              |                        |             |                   |
| DC 07 2022      | 37:11                   | Creati-1      | Engl er ree 1         | A            | A                      | A           | A 924 10 22       |
| PC-07-2023      | Village                 | Special       | Final approval        | App          | App                    | App         | A-834-10-23       |
|                 | Center<br>Entertainment | Use           | of streetscape        |              |                        |             |                   |
|                 |                         | Amend.        |                       |              |                        |             |                   |
|                 | District                |               |                       | aiona in 4   | <b>V</b> <sup>11</sup> | Contor      |                   |
|                 | Request to a            |               | inal streetscape de   | 0            | ie village             | Center      |                   |
|                 |                         | E             | Entertainment Dist    | lict.        |                        |             |                   |
| DC 08 2022      | 6200 5                  | 1.5-mile      | Variation             | Comme        | nta aont               | NI/A        | NT/A              |
| PC-08-2023      | 6200 S<br>Medison St    | 1.5-IIIIe     | Variation             | Comme        | ents sent              | N/A         | N/A               |
|                 | Madison St.             |               |                       |              |                        |             |                   |

| DuPage County variation request to reduce the front yard setback from 30' to approximately 18' for the construction of two recreational pickleball courts |                    |               |                     |              |             |             |                 |
|---|--------------------|---------------|---------------------|--------------|-------------|-------------|-----------------|
|   |                    | constructio   | on of two recreatio | паї ріскіе   | ball courts | 5           |                 |
| PC-09-2023  | N/A                | Review        | PC Meeting<br>Dates | App          | App         | N/A         | N/A             |
| Review  | the 2024 Regul     | ar Meeting    | dates of the Plan C | Commissic    | n/Zoning    | Board of    | Appeals         |
|   |                    |               |                     |              |             |             |                 |
| PC-10-2023  | N/A                | Review        | PC Vice Chair       | App          | App         | App         | N/A             |
|   | Annual non         | nination of t | he Plan Commissi    | on's Vice    | Chair po    | sition.     |                 |
|   |                    |               |                     |              |             |             |                 |
| PC-11-2023  | 10\$710            | 1.5-mile      | Conditional         | Comme        | nts sent    | N/A         | N/A             |
|   | Kingery Hwy        |               | Use                 |              |             |             |                 |
| DuPage Coun   | ty requests for a  | Conditional   | Use to allow auto   | sales (selli | ing on the  | internet) i | n the B-1 Local |
|   |                    |               | <b>Business</b> Dis | trict.       |             |             |                 |
|   |                    |               |                     |              |             |             |                 |
| PC-12-2023  | 10S644             | 1.5-mile      | Conditional         | Comme        | nts sent    | N/A         | N/A             |
|   | Kingery Hwy        |               | Use                 |              |             |             |                 |
| DuPage Co   | ounty requests for | a Condition   | nal Use to allow au | to sales in  | the B-1 I   | .ocal Busi  | ness District.  |
|   |                    |               |                     |              |             |             |                 |

Throughout 2023, the Board of Trustees and Plan Commission requested several items be brought forward again at the 2024 annual zoning review for further consideration and possible direction to pursue as text amendments. Staff has also identified several matters requiring additional Plan Commission consideration.

# **Definition of Family**

At the September 18, 2023 Plan Commission meeting, the Plan Commission asked the Board to direct the Plan Commission to hold a public hearing to review the definition of family in the Zoning Ordinance. This was intended to be a follow-up to the text amendment change to evaluate any issues.

# **Definition of Boarding, Rooming, and Lodging Homes**

At the September 18, 2023 Plan Commission meeting, the Plan Commission asked the Board to direct the Plan Commission to hold a public hearing to review the definition of Boarding, Rooming, and Lodging Homes in the Zoning Ordinance. The Commission views these uses as posing a similar enforcement issue as the number of unrelated persons residing together.

# Height of a Detached Garage Door

At the May 15, 2023 Plan Commission meeting, the Plan Commission directed the Board to hold a public hearing on amending the regulation for a detached garage door height, increasing it from 9 ft. to 10 ft. A few years ago, a Zoning Ordinance amendment permitted one door of an attached garage to be up to 10 ft. in height.

# **Location of Masonry Piers**

A request from the Mayor to review the regulations regarding the location of masonry piers, potentially permitting them in the front yard. Under the current Zoning Ordinance, Masonry

pier regulations state: A maximum of four masonry piers are permitted in the rear buildable area of a residential lot and may encroach into the required rear yard provided a 10-foot setback from the rear lot line is provided and that they do not exceed 6 feet in height and four-square feet in area.

# **Definition and Classify Use for CILA Homes**

There are currently no regulations regarding the definition or use of CILA (Community Integrated Living Arrangement) homes. At the September 18, 2023 meeting, the Plan Commission directed staff to ensure that CILA homes would not be prohibited under short-term rental language. It was the staff's opinion that a short-term rental is a distinctly separate use from a CILA home. Staff recommended that CILA homes be included in the annual zoning review for further discussion.

# **Administrative Variation**

The Plan Commission may wish to review the process of a variation request if the request is a numerical variation within a certain minor percentage of the Zoning Ordinance Regulations (for example, 10% - a request for a setback from 10 ft. to 9 ft.). Staff may assess the extent of the variation in terms of percentage from the current Zoning Ordinance regulations and may be able to authorize the request without going through the Plan Commission and Board of Trustees. Staff recommended administrative variations be added to the annual zoning review for other consideration.

# **Outdoor Dining Enclosures**

At the November 20, 2023 Plan Commission meeting, the Plan Commission asked the Board to direct the Plan Commission to hold a public hearing for a text amendment regarding outdoor dining. Many restaurants have requested special uses for outdoor dining enclosures and the consensus from the Commission is to review the requests through a text amendment. The outdoor dining regulations which prohibited these wall enclosures were approved May 8, 2023.

# **Decibel Level Regulations for Swimming Pool Equipment**

At the December 4, 2023 Plan Commission meeting, a text amendment was approved to increase the swimming pool equipment pad from 28 sq. ft. to 48 sq. ft., with the direction to have staff review the Noise Ordinance regulations and the decibel level for swimming pool equipment. Under the current Zoning Ordinance, the decibel level for swimming pool equipment regulations state: Pool equipment shall not generate noise exceeding 75 decibels measured 23 feet from the equipment pad. Generators are also held to this same decibel level.

# BR

# VILLAGE OF BURR RIDGE

# MEMORANDUM

| TO:   | Village of Burr Ridge Plan Commission<br>Greg Trzupek, Chairman  |
|-------|--|
| FROM: | Ella Stern, Planner  |
| DATE: | February 5, 2024   |
| RE:   | Extraterritorial Review of 16W296 Jeans Road, (Oburrdale, Inc.) Conditional Use for Automobile Sales and Variations/DuPage County Zoning Case ZONING 24-000005 |

The Village received notification of a Conditional Use and variation request for the property located at 10SW296 Jeans Road, Willowbrook, IL. This property is located in unincorporated DuPage County, west of Illinois Route 83. The property is zoned I-1 Light Industrial and is 1.63 acres. Within the immediate area, properties are zoned I-1 Light Industrial and I-2 General Industrial, and the uses include dense storage, processing, and truck traffic use. Across Burlington Northern Santa Fe Railway, there are R-4 Single Family Residence zoned properties. The property consists of a single zoning lot from 2 parcels, and the Permanent Real Estate Index Numbers are 10-11-401-008 and 10-11-401-009.



Aerial map of the site with the property outlined in yellow.

The petitioner requests a conditional use (special use) for open storage of equipment, equipment storage containers, and landscape materials and variation setbacks. The petitioner also requests variations to reduce the south (front yard) setback from the required 40 feet to approximately 2 feet, the east (interior side yard) setback from the required 20 feet to 1.5 feet, the west (interior side yard) setback from the required 20 feet to 2 feet, and the north (rear yard) setback from the required 20 feet to 0 feet. There are no buildings on the property, and the property is for industrial landscape processing, supply, and storage.



Images of the existing property.

On January 12, 2024, staff sent a letter requesting an extension from DuPage County to formally have the case heard on the February 5, 2024 Plan Commission agenda. The DuPage County public hearing for zoning case 24-000005/Oburrdale, Inc., was held on January 25, 2024, and continued to March 7, 2024. At the January 25, 2024 Zoning Board of Appeals meeting, the Commission requested the petitioner to submit more information regarding the site. The Commission questioned if it was possible for the petitioner to move the items to the interior of the property and have an excess road/path around the exterior of the property.

# Legal Authority for Review and Recommendation

According to the State of Illinois, the Village is notified of certain zoning actions and may have the legal authority to review certain zoning actions or subdivision proposals up to 1.5 miles outside of its boundaries. In this instance, the Commission may wish to submit comments on the proposal.

# **Attachments**

Exhibit A – Petition Materials from DuPage County



www.dupagecounty.gov/building

### DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000005 Oburrdale, Inc.

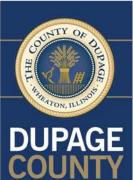
#### Please review the information herein and return with your comments to:

Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at <u>Jessica.Infelise@dupagecounty.gov</u> or via facsimile at 630-407-6702 by **January 24, 2024.** 

| COMMENT SECTION:  |  |  |  |  |  |
|---|--|--|--|--|--|
|   |  |  |  |  |  |
| D JURISDICTION IN THIS MATTER   |  |  |  |  |  |
| : NO OBJECTION/CONCERNS WITH THE PETITION<br>: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.<br>ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION  |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
|   |  |  |  |  |  |
| DATE:   |  |  |  |  |  |
| HIP/AGENCY/DEPARTMENT:  |  |  |  |  |  |
|   |  |  |  |  |  |
| ERAL ZONING CASE INFORMATION  |  |  |  |  |  |
| ZONING-24-000005 Oburrdale, Inc.  |  |  |  |  |  |
| 1. Conditional Use for open storage of equipment, equipmer  |  |  |  |  |  |
| storage containers, and landscape materials.  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the south (front yard) setbac</li> </ol>   |  |  |  |  |  |
| from required 40 feet to approximately 2 feet.  |  |  |  |  |  |
| 3. Exception/Variation to reduce the east (interior side yard   |  |  |  |  |  |
|   |  |  |  |  |  |
| setback from required 20 feet to approximately 1.5 feet   |  |  |  |  |  |
| setback from required 20 feet to approximately 1.5 feet.  |  |  |  |  |  |
| 4. Exception/Variation to reduce the west (interior side yard   |  |  |  |  |  |
| 4. Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from</li> </ol>   |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> </ol>   |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURING.</li> </ol>  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763</li> </ol>  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI</li> </ol>  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 230</li> </ol>  |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 230 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613</li> </ol>   |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 230 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613</li> <li>16W290 JEANS ROAD, WILLOWBROOK, IL 60527 ANI</li> </ol> |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 230 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613</li> <li>16W290 JEANS ROAD, WILLOWBROOK, IL 60527</li> </ol>     |  |  |  |  |  |
| <ol> <li>Exception/Variation to reduce the west (interior side yard setback from required 20 feet to approximately 2 feet.</li> <li>Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.</li> <li>OBURRDALE, INC. 7630 HAMILTON AVENUE, BURI RIDGE, IL 60527/ AGENT: DAN PATTERSON, 763 HAMILTON AVENUE, BURR RIDGE, IL 60527 ANI MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 230 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613</li> <li>16W290 JEANS ROAD, WILLOWBROOK, IL 60527 ANI</li> </ol> |  |  |  |  |  |
|   |  |  |  |  |  |

Building Division

Zoning & Planning Divisior



# **BUILDING & ZONING DEPARTMENT**

www.dupagecounty.gov/building

| AREA  | 1.63 ACRES (71,003 SQ. FT.)    |  |  |  |
|---|--------------------------------|--|--|--|
| UTILITIES   | N/A                            |  |  |  |
| <b>PUBLICATION DATE</b>   | DAILY HERALD: JANUARY 10, 2024 |  |  |  |
| PUBLIC HEARING  | THURSDAY, JANUARY 25, 2024     |  |  |  |
| PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION |                                |  |  |  |
| PURSUANT TO THE ILLINOIS STATE STATUTES.                                    |                                |  |  |  |

Building Division

Zoning & Planning Division



www.dupagecounty.gov/building

#### DU PAGE COUNTY ZONING BOARD OF APPEALS JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187/ 630-407-6700

Zoning Petition ZONING-24-000005 Oburrdale, Inc.

The DuPage County Zoning Board of Appeals will conduct the following public hearing:

**<u>PUBLIC HEARING</u>**: 6:00 p.m. **THURSDAY, JANUARY 25, 2024**, 3-500 B, JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

**PETITIONER:** OBURRDALE, INC. 7630 HAMILTON AVENUE, BURR RIDGE, IL 60527/ AGENT: DAN PATTERSON, 7630 HAMILTON AVENUE, BURR RIDGE, IL 60527 AND MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 2300 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613

#### **REQUEST:**

- 1. Conditional Use for open storage of equipment, equipment storage containers, and landscape materials.
- 2. Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet.
- 3. Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet.
- 4. Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet.
- 5. Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.

ADDRESS OR GENERAL LOCATION: 16W290 JEANS ROAD, WILLOWBROOK, IL 60527 AND 16W296 JEANS ROAD, WILLOWBROOK, IL 60527

**LEGAL DESCRIPTION**: LOT 5, EXCEPT THE WESTERLY 97.29 FEET, AS MEASURED PERPENDICULAR TO THE WESTERLY LINE THEREOF, IN JACOB J. JEAN'S PLAT OF SURVEY OF PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1950, AS DOCUMENT NUMBER 606585 IN DUPAGE COUNTY, ILLINOIS.

THE WESTERLY 97.29 FEET, AS MEASURED PERPENDICULAR TO THE WESTERLY LINE THEREOF, OF LOT 5 IN JACOB J JEAN'S PLAT OF SURVEY OF PART OF THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1950 AS DOCUMENT 606585, IN DUPAGE COUNTY, ILLINOIS.

#### Respectfully Submitted, ROBERT J. KARTHOLL, CHAIRMAN, DUPAGE COUNTY ZONING BOARD OF APPEALS

Notice of this hearing is being sent to property owners within 300 feet of the subject property and as one of them you are invited to attend the meeting and comment on the petition. A reduced scaled sketch or drawing of the petitioner's request is included for your review. If you have any questions or require a full-scale version of the site plan, please contact the Zoning Division at (630) 407-6700.

Please be advised that access to the 421 JACK T. KNUEPFER ADMINISTRATION BUILDING is limited to the main entrance located in the center on the east side of the building.

Building Division

Zoning & Planning Division



# **BUILDING & ZONING DEPARTMENT**

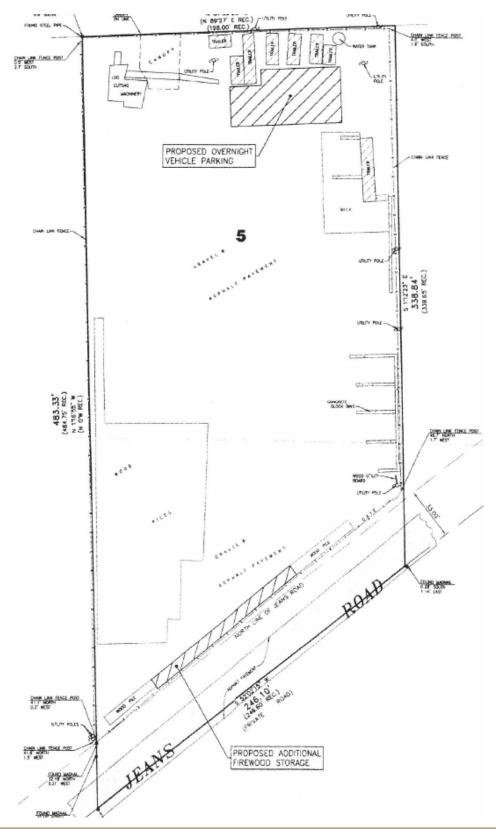
# 630-407-6700 fax: 630-407-6702

www.dupagecounty.gov/building

# DUPAGE COUNTY



Zoning & Planning Division





2300 Cabot Drive | Suite 455 | Lisle, IL 60532-4613 Chicago Columbus DuPage County, III.

Indianapolis New York Philadelphia Washington, D.C.

WRITER'S DIRECT NUMBER: (630) 955-6594 DIRECT FAX: (630) 955-4273 INTERNET: Michael.Roth@icemiller.com

December 21, 2023

Mr. Paul Hoss Zoning Administration Coordinator Department of Economic Development and Planning 421 N. County Farm Road Wheaton, IL 60187

# RE: Zoning Application for Property at 16W296 Jeans Road, Willowbrook, IL

Dear Mr. Hoss:

We represent Oburrdale Inc. and Oburrdale Enterprises Inc. in its application for zoning relief at the above-referenced location. Enclosed please find the following:

- 1. Completed, signed and notarized Zoning Application requesting conditional use approval with setback variances/exceptions under 37-1001.2 for open storage of equipment, equipment storage containers and landscaping materials;
- 2. Zoning Application Narrative with exhibits:

A. Plat of Survey with legal description;

- B. Platform Architectural Drawings
- C. Site Photos
- D. Site Plan
- 3. Vesting deeds for each of the two subject property parcels as proof of ownership;
- 4. Kane-DuPage Soil and Water Conservation District Land Use Opinion Application;

The filing fee has been paid. Please have this matter placed on the ZBA's first available agenda for consideration. If you have any questions, please do not hesitate to contact our office. Thank you.

Very truly yours

Enclosure

2300 Cabot Drive, Suite 455 | Lisle, IL 60532 | P 630-955-0555 | F 630-955-0662 INDIANAPOLIS | CHICAGO | DUPAGE COUNTY, ILLINOIS | WASHINGTON D.C.



1

**DU PAGE COUNTY ZONING BOARD OF APPEALS** 

JACK T. KNUEPFER ADMINISTRATION BUILDING 421 NORTH COUNTY FARM ROAD, WHEATON, ILLINOIS 60187/ 630-407-6700

| PROPERTY  | INFORMATION:  | PETITION #:   |  |  |  |
|---|---|---|--|--|--|
| PIN:  | 10-11-401-008, 10-11-401-009                        | HEARING DATE:   |  |  |  |
| FULL ADDRESS  | : 16W296 Jeans Road                                 | FEE PAID: \$  |  |  |  |
|   | Willowbrook, IL 60527                               | DATE RECEIVED:  |  |  |  |
| UTILITIES:  | WATER / WELL SEWER / SEPTIC                         | RECEIVED BY:  |  |  |  |
| ZONING:   | INDICATE WIRT OTILITIES WILL SERVE THE TROTER IT    | TO BE COMPLETED BY STAFF  |  |  |  |
| OWNER INFORMATION:  |   |   |  |  |  |
| NAME:   | Oburrdale Enterprises, Inc. SIGNATURE               |   |  |  |  |
| FULL ADDRESS: 7630 S. Hamilton Ave., Burr Ridge, IL 60527   |   |   |  |  |  |
|   | DNE #: (630) 986-1919 Oburrdale1@hotmail.com        |   |  |  |  |
| APPLICANT INFORMATION: (IF DIFFERENT THAN OWNER   |   |   |  |  |  |
| NAME:   | Oburrdale Inc. SIGNATURE: Dat Horiz                 |   |  |  |  |
| FULL ADDRESS: 7630 S. Hamilton Ave., Burr ridge, IL 60527   |   |   |  |  |  |
| PHONE.#: (630) 986-1919 EMAIL: 0burrdale1@hotmail.com   |   |   |  |  |  |
| ZONING RE   | QUEST:  |   |  |  |  |
| VARIATION:  |   |   |  |  |  |
| CONDITIONAL Conditional Uses for storage containers and stacked firewood, with setback exceptions for stacked   |   |   |  |  |  |
|   | firewood, storage containers, material bins, and wo | od processing platform and equipment                                |  |  |  |
| REZONING:   |   |   |  |  |  |
| -   |   |   |  |  |  |
| NOTARY SE<br>SUBSCRIBED   | AND SWORN TO BEFORE ME THIS:                        | OFFICIAL SEAL<br>MICHAEL M. ROTH<br>DTARY PUBLIC, STATE OF ILLINOIS |  |  |  |
| Ī   |   | COMMISSION EXPIRES 02/19/2025                                       |  |  |  |
| BY SIGNING THIS FORM I ACKNOWLEDGE THAT I AM AUTHORIZED TO MAKE THIS APPLICATION; AND<br>THAT TO THE BEST OF MY KNOWLEDGE THE INFORMATION PROVIDED IS CORRECT; AND<br>THAT I AUTHORIZE COUNTY STAFF AND ZBA MEMBERS ACCESS TO THE PROPERTY TO PERFORM ALL NECESSARY SITE<br>INSPECTIONS RELATIVE TO THE ZONING HEARING PROCESS; AND<br>THAT STAFF ADVISED ME OF THE REGULATIONS, PROCESS AND STANDARDS FOR ZONING RELIEF CONTAINED IN THIS<br>APPLICATION INCLUDING THE PATH OF THE ZBA PETITION AND THE STANDARDS FOR ZONING RELIEF AND :; AND<br>THAT ANY ZONING RELIEF GRANTED DOES NOT AUTHORIZE CONSTRUCTION WITHOUT APPROPRIATE PERMITS OR THE<br>USE THEREOF IN VIOLATION OF ANY CODE OR ORDINANCE OF DUPAGE COUNTY. |   |   |  |  |  |

ZONING STAFF WILL ASSIST IN THE PREPARATION OF THIS APPLICATION. HOWEVER, THE COMPLETENESS OF THE APPLICATION IS THE <u>SOLE RESPONSIBILITY</u> OF THE PETITIONER.

EXHIBIT

# **Zoning Application Narrative**

## Subject Property Uses, Conditions, and Business Operations

The subject site is 1.63 acres zoned I-1, semi-developed with concrete block material bins and an unenclosed timber processing platform. The Property consists of a single zoning lot from 2 parcels having PINs: 10-11-401-008 and 10-11-401-009. **Exhibit 1, Plat of Survey** The site is 483' x 246' x 198' x 339'. Jeans Road was widened by 33' and the site is legal nonconforming due to front yard setbacks.

The use of the property is for industrial landscape processing, supply and storage. The property is **not** used for retail landscape sales. Applicant does not have and has no use for an office at the site. The subject site is industrial only with no on-site sales or business orders consummated at the site. All business transactions other than signing bills of lading are done at two off-site offices at 7630 Hamilton Ave. Burr Ridge and 527 S. Wilmette Ave Westmont. Billing, accounts payable, accounts receivable, payroll, customer invoicing, etc., are generated at the off-site offices and mailed monthly to Oburrdale's customers.

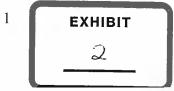
The character of the immediate area of the subject property is I-1 and I-2 industrial uses with dense storage, processing and truck traffic uses. Primary access to this industrial neighborhood is from IL Rt. 83 to the west. There are very few, if any, other areas in DuPage County zoned for landscape processing, supply and storage.

The are no buildings on the property, but there is an unenclosed timber processing platform and conveyor equipment for loading wood for processing as firewood at the north area of the property. **Exhibit 2**, **As-Built Drawings** Also, landscape material such as gravel, sand, screening material, and mulch are kept in open concrete-block bins along the east property line for loading and removal. **Group Exhibit 3a-k, Site Photos** 

There are also locked storage trailers along the north-northeast property line. <u>Exhibit 4a-c,</u> <u>Storage Photos</u> These equipment containers have doors that are locked, but rest on the ground so they cannot be moved. During business hours the lawn maintenance equipment (i.e., commercial lawn mowers, weed whackers, blowers etc.) are loaded from the closed-door cargo storage containers onto open utility trailers and are brought to the job sites. At the end of the workday, the equipment is stored in the locked, closed-door cargo storage containers. To prevent theft of the equipment, as extra security overnight, company equipment/vehicles are parked abutting the storage containers so that the storage doors cannot be opened or broken into by vandals. An overall site plan is attached as <u>Exhibit 5, Site Plan</u> showing the equipment/vehicle parking area abutting the storage containers, identified as "Proposed Overnight Vehicle Parking." The Proposed Overnight Vehicle Parking area will also serve as daytime on-site employee parking for 12 passenger vehicles.

There are also large stackings of processed (cut) firewood located along the entire west and southwest property lines. **Exhibit 6a-c, Stacked Firewood Photos** This firewood inventory is greatly reduced in size after the fall season as purchaser supplies are met.

Finally, there is needed on-site space for operations that necessitates reduced yard setbacks. Semitractor trailer trucks deliver materials on the east side of the property, and therefore clearance is



required for them to get into the yard, back up to drop off the materials, and turn around to exit. An average semi-truck is 75' long and 13-14' wide, and needs about 70' to turn around. Given the width of the site there is not enough room for necessary firewood storage and for semi-trucks to turn around if the setback deviations requested in this application are not granted.

The Applicant does not propose any new improvements or changes to existing improvements. The existing site is non-conforming due to the storage containers, processing equipment and the firewood – and due to setback requirements. The storage containers and the processing platform encroach into the required north (rear) and west (side) yards. The concrete storage bins encroach into the required east (side) yard, and firewood stacking encroaches into the west (side) and south (front) yards. The widening of Jeans Road eliminated 33' of subject property's front yard.

# Zoning Relief Requested

For purposes of conformity with Code, Applicant is applying to DuPage County for the following Conditional Use approval which shall, under Sec 37-1001.4.C of the DuPage County Zoning Ordinance in the I-1 zoning district, include exceptions for the existing structures and improvements described and detailed in the Application and exhibits. The zoning relief requested is:

1. Zoning relief for conditional use under .37-1001.2 for open storage of equipment, equipment storage containers and landscaping materials.

Section 37-1001.2 allows as a conditional use in I-1 zoning districts "Open storage: Any open storage of manufactured goods, equipment or materials, including the storage of commercial vehicles and equipment, need not be enclosed." Applicant, Oburrdale Enterprises requests conditional use approval for open storage of the storage containers, processing equipment, and landscaping materials.

2. Zoning relief from required setbacks as to the proposed the conditional use, to allow for current placement of the storage containers, processing equipment and landscaping materials.

The requested setback conditional use exceptions/variations are shown the Site Plan attached as Exhibit 5. The requested setback approvals are:

- Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet. (plat shows property deeded to center line of road but existing distance to Jeans Rd. ROW is 2 feet)
- Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet for material storage bins.
- Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet for firewood stacking.
- Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet. The wood processing equipment permanently attached to the processing platform encroaches into the required rear yard necessitating setback relief.

The platform canopy extends to the property line, and the wood processing equipment permanently attached to the processing platform also encroaches 2' into the required 20' west side yard, thus necessitating setback relief.

# 3. Other Conditional Use Conditions and Limitations:

Applicant proposes that the above zoning relief requested be subject to the following additional conditions and limitations:

- Standard Zoning Board of Appeals conditions; and
- The conditional use zoning relief shall be tied to the approved site plan; and
- All exceptions approved with the grant of the conditional use shall be for the existing structures and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
- Applicant agrees to site plan review for access control, signage control, lighting and landscaping as required, per Sec 37-1001.4.D of the DuPage County Zoning Ordinance

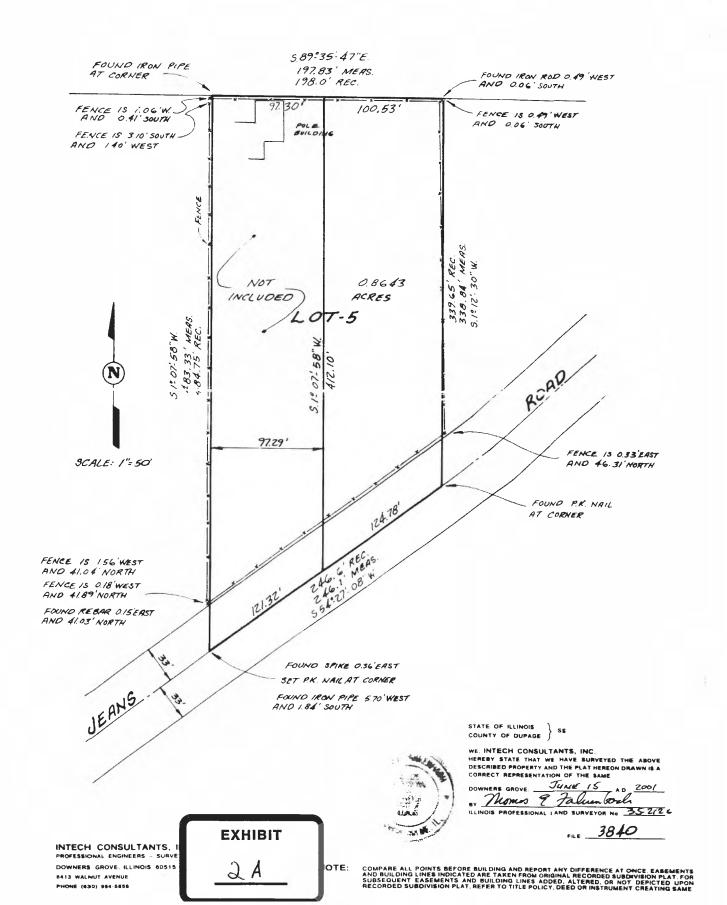
# **County Conditional Use Standards**

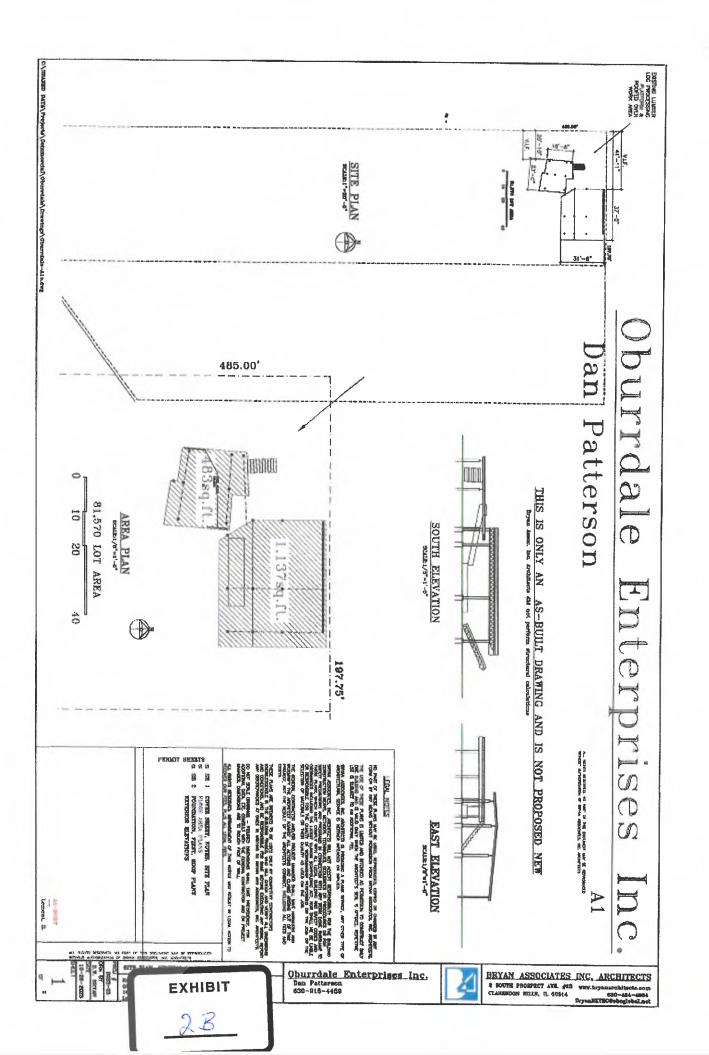
The exceptions will satisfy the standards under Sec 1413.5 of the DuPage County Zoning Code. These are the same standards under the code as for variances. If granted, the conditional use and exception status will not:

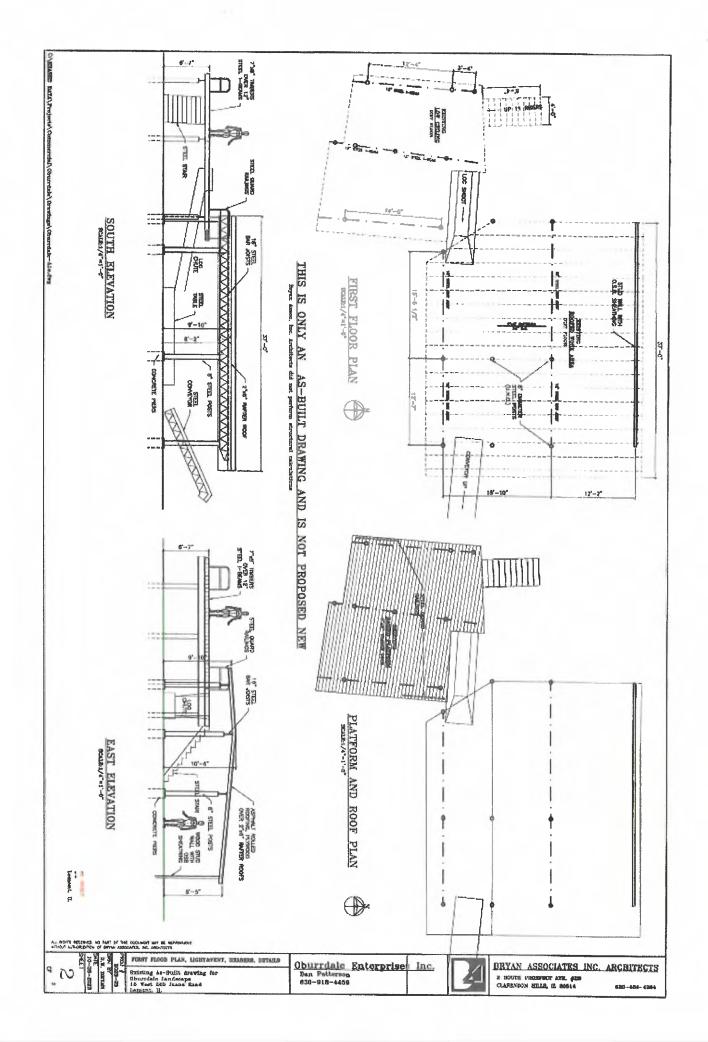
- impair an adequate supply of light and air to the adjacent property. No alteration or new improvements will result from the requested exceptions.
- increase the hazard from fire or other dangers to said property. No alteration or new improvements will result from the requested exceptions.
- diminish or have any effect on the value of land and buildings throughout the County.
- unduly increase or have any effect on traffic congestion in the public streets and highways.
- increase the potential for flood damages to adjacent property. No alteration or new improvements will result from the requested exceptions.
- Incur additional public expense for flood protection, rescue or relief. No alteration or new improvements will result from the requested exceptions.
- otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County. The use of the site with current setbacks does not impair the public health safety comfort morals or general welfare of neighboring properties; is consistent with the uses and setbacks of surrounding/neighboring properties; subject site is fully improved and no alteration or new improvements will result from the requested exceptions.

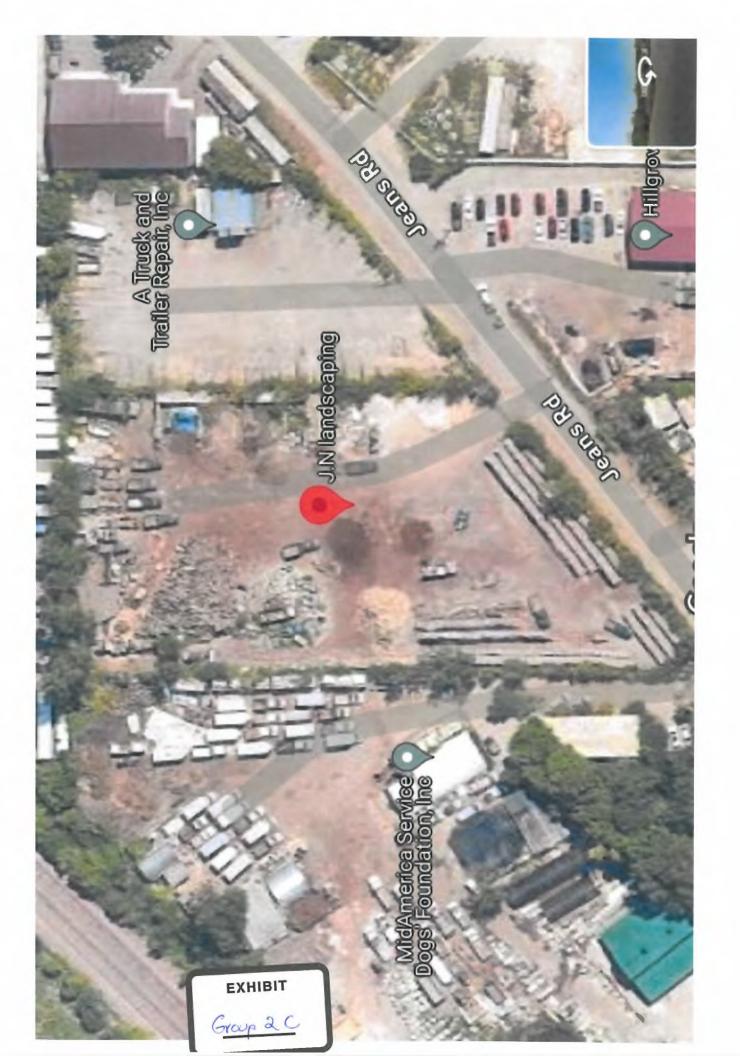
# PLAT OF SURVEY

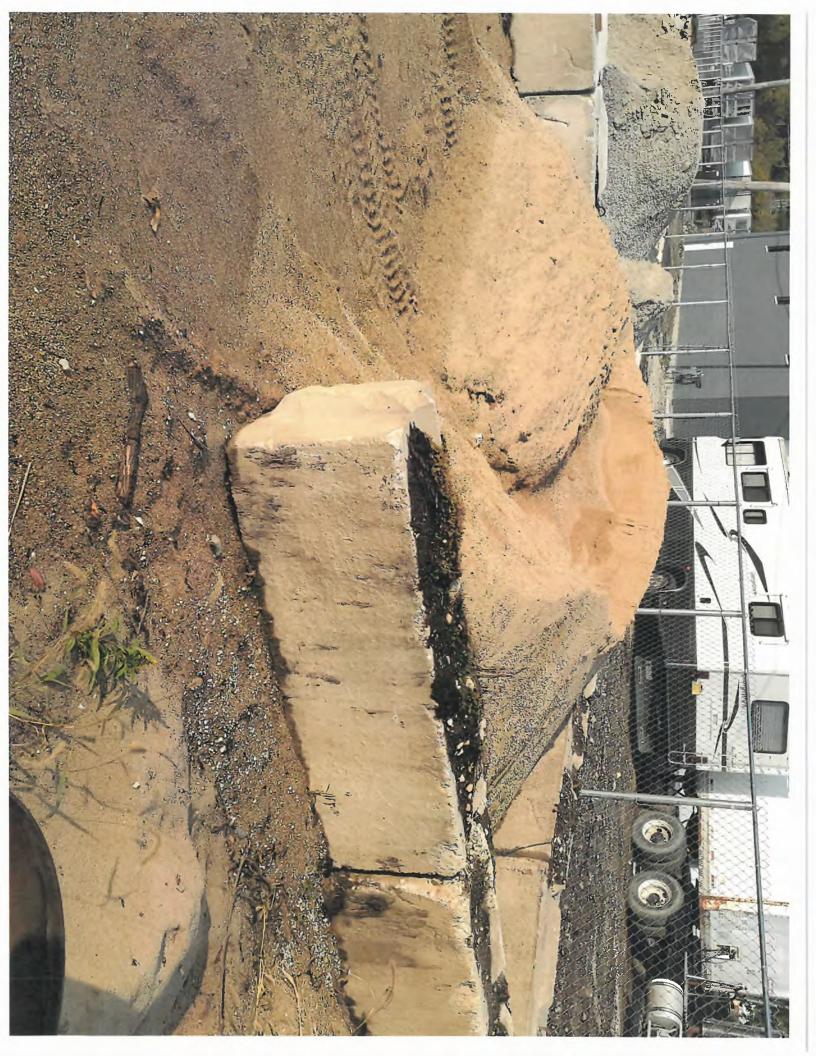
LOT 5, EXCEPT THE WESTERLY 97.29 FEET, AS MEASURED PERPENDICULAR TO THE WESTERLY LINE THEREOF, IN JACOB J. JEAN'S PLAT OF SURVEY OF PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1950 AS DOCUMENT NUMBER 606585 IN DU PAGE COUNTY, ILLINOIS.







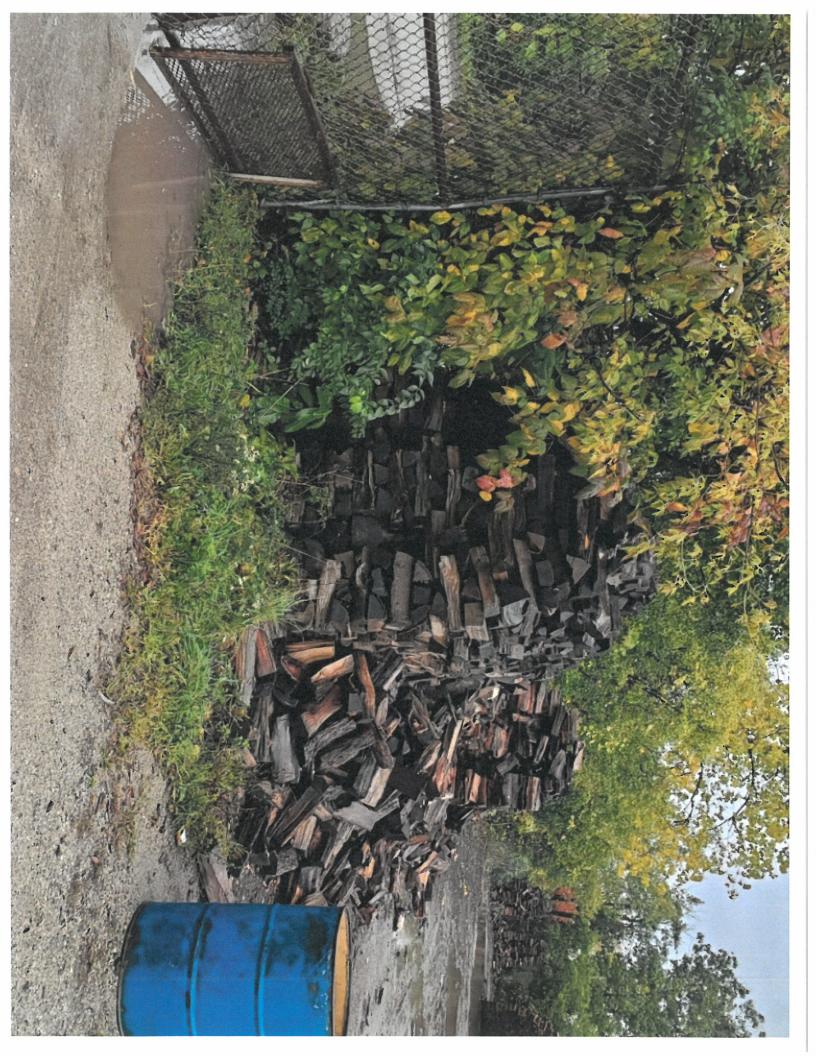




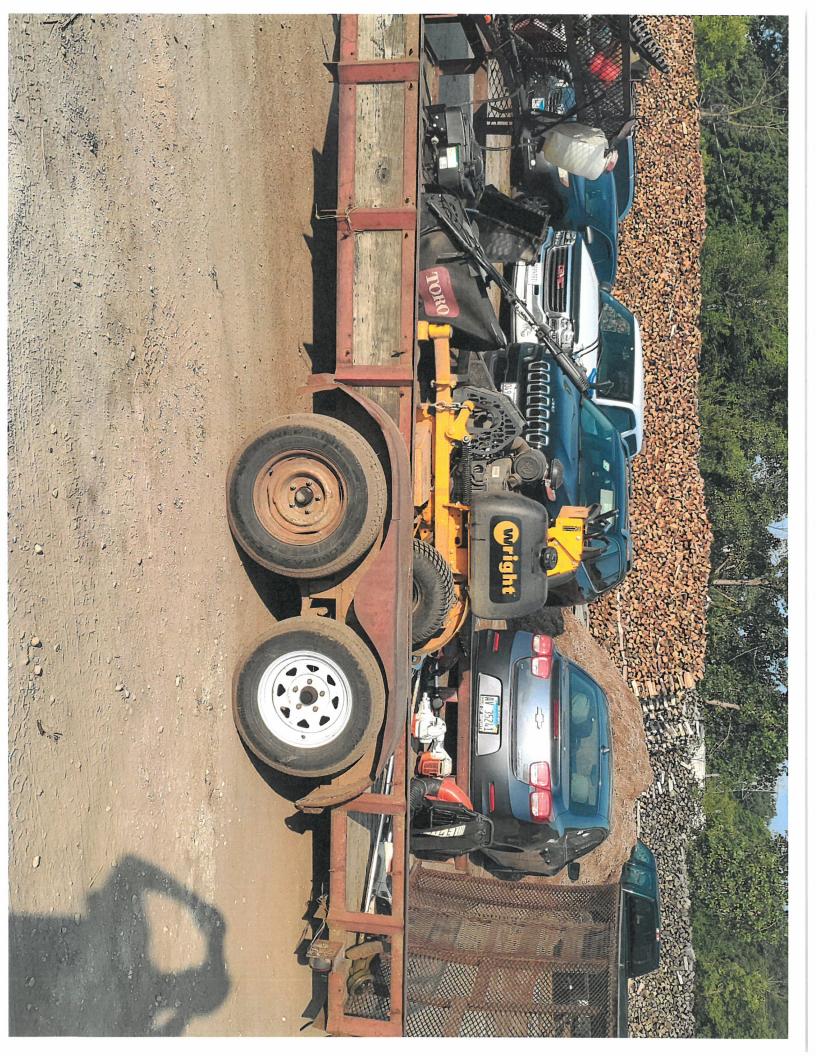


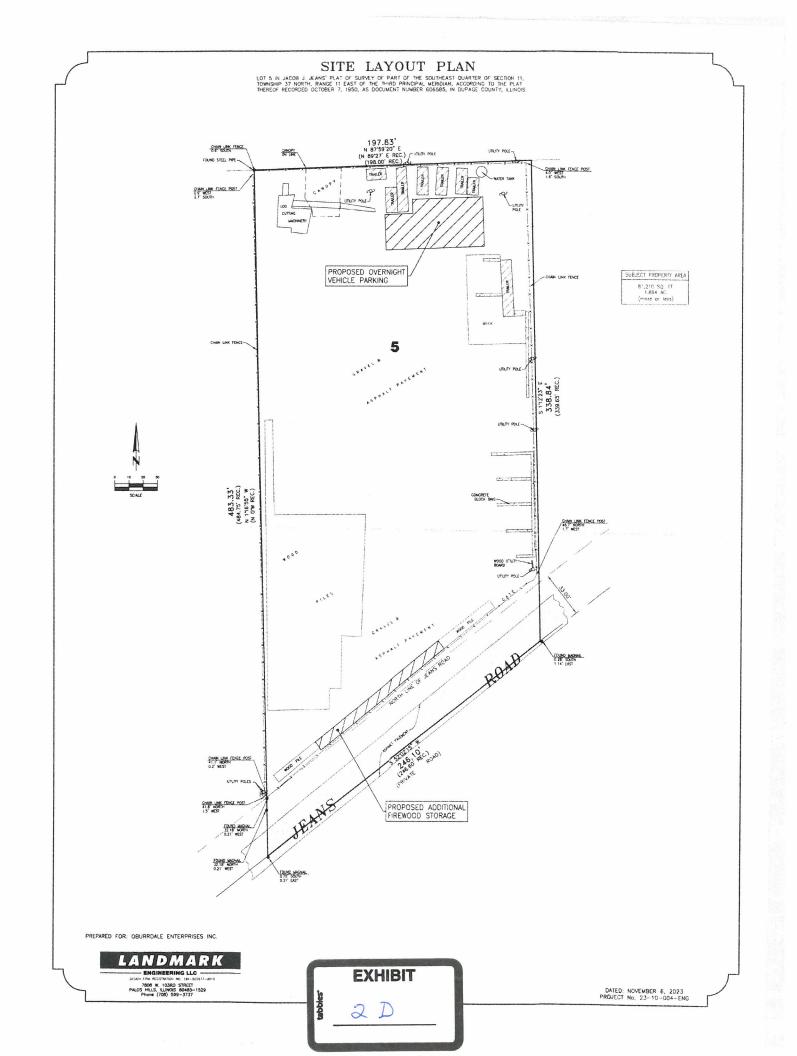














# VILLAGE OF BURR RIDGE

# **MEMORANDUM**

| FROM: | Ella Stern, Planner   |
|-------|---|
| DATE: | February 5, 2024  |
| RE:   | PC-03-2024: Informal Discussion - 901 McClintock Dr. (Royal Oaks Development), PIN 18-30-303-019-0000 |

The petitioner is Sam Alosman, requesting a pre-application conference to discuss the potential construction of a 16-unit townhome development called the Royal Oaks Development, located at 901 McClintock Drive. The petitioner presents the consideration to the Plan Commission with preliminary plans and elevations to gauge the Plan Commission's feedback as to the feasibility of the petition. The informal review process is offered to any potential petitioner within the planning process. The Plan Commission should be careful not to usurp the public hearing process and make any final determinations prior to a public hearing and is not required to make any response to an informal request.

The preliminary plan shows 16 townhome units, eight blocks of two units each. The proposed structures are 29' 9' ft. in height, and 30' ft. is the maximum permitted. The preliminary plan depicts 4 parking spaces per unit, with 12 guest parking spaces provided throughout the site. The proposed density is 3.3 dwelling units per acre, and 4.2 is the maximum permitted. The following requests would be required for the proposed development: to rezone the property from O-2/Office & Hotel to R-5/Single-Family Residential, a variation for minimum area for R-5 from 80 contiguous acres to 4.876 acres, and a variation to permit a planned unit development on less than 20 acres and less than 800 ft. of lot width all as per Zoning Ordinance section VI.H, and a special use for a planned unit development pursuant to section VI.H and XIII.L.

Section XIII.I.2.b of the Burr Ridge Zoning Ordinance states the following information regarding a pre-application conference;

Prior to filing the preliminary plan referred to below, the applicant shall request a preapplication conference with the Plan Commission. The request shall be accompanied by the documents previously submitted to the Community Development Director with such changes as the applicant has made subsequent to the applicant's meeting with the Community Development Director and shall include the documentation required in Section XIII.L.3 hereof. At the preapplication conference, the Plan Commission shall advise the applicant of planning objectives which may affect the property and any other issues of concern to the Plan Commission. The Plan Commission shall obtain the report of its staff on the proposed development, recommending such changes in building location, pattern of roadways, landscaping, and other matters as may be required to achieve a site plan consistent with the purposes and standards set forth in this Ordinance and the goals of the Comprehensive Plan. If, in the opinion of the Plan Commission, the proposed plan could be improved in respect to the criteria listed herein by modification of the location of open space, buildings, structures, or any other detail, the proposed plan shall be so modified, or the developer shall provide in writing the objections to the modifications.

# **Attachments**

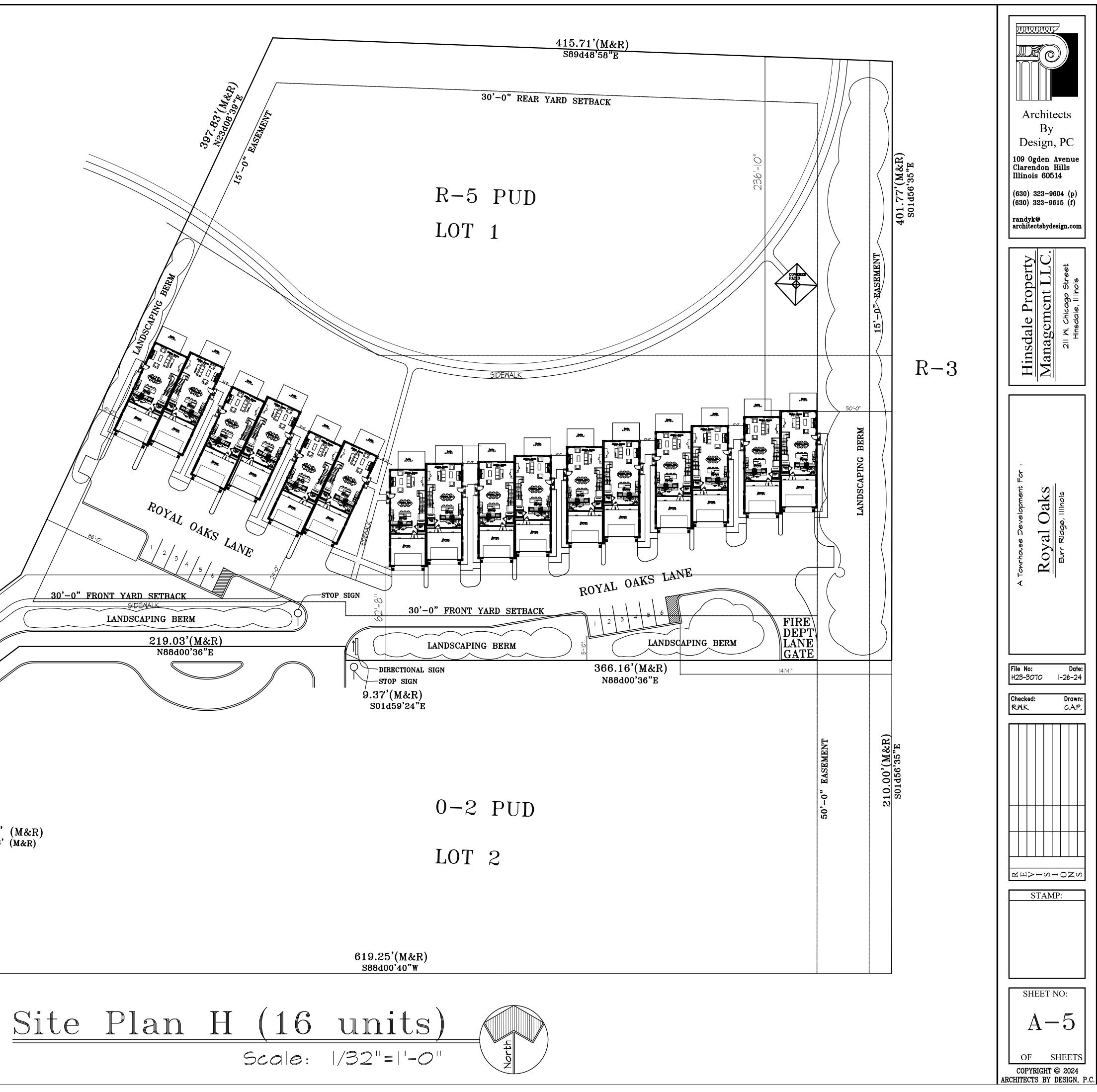
Exhibit A – Petitioner's Materials

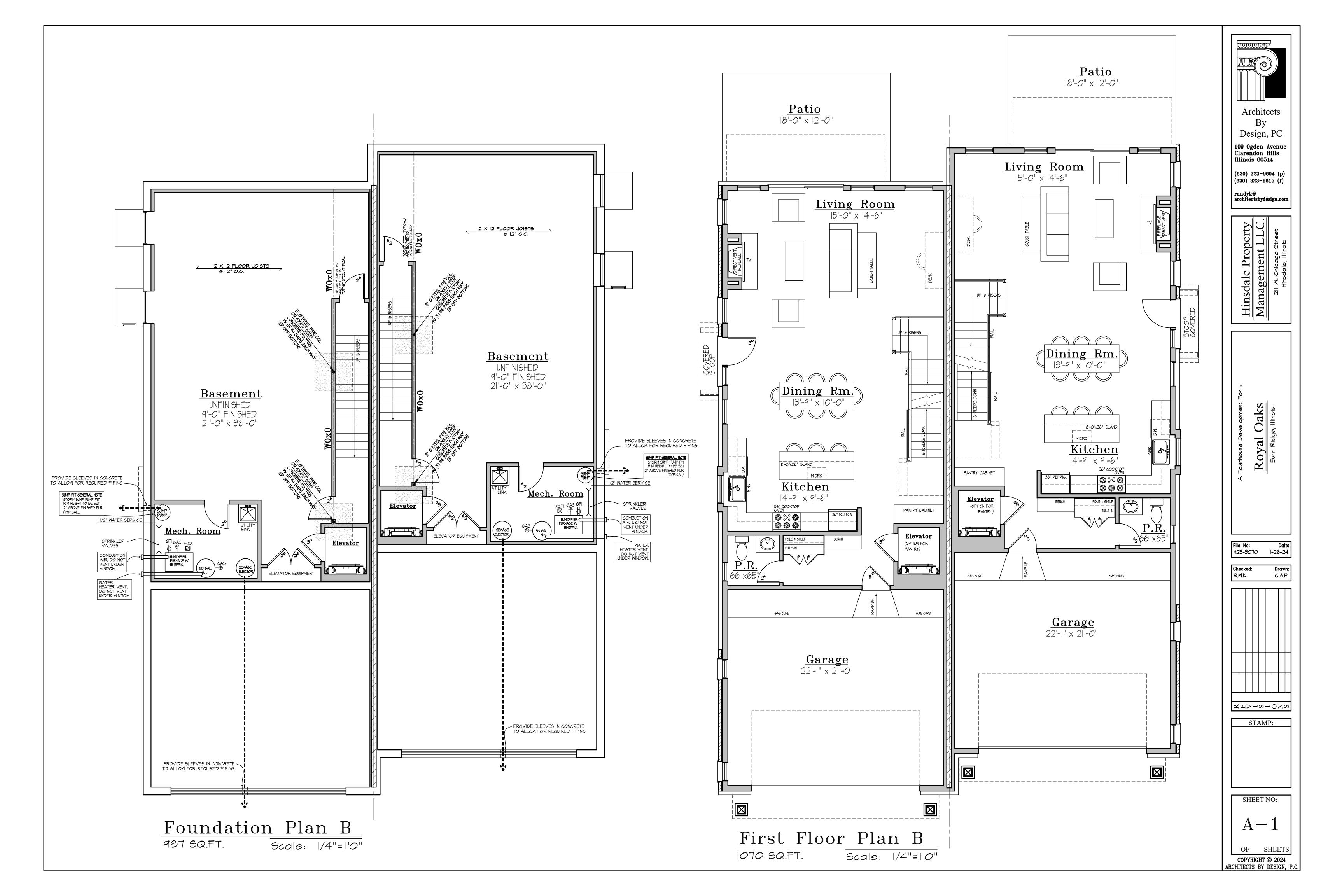
| ZONING LEGEND                         |   |                                |  |  |  |
|---------------------------------------|---|--------------------------------|--|--|--|
| PROPERTY ZONING:                      | 0-2 PUD EXISTING / PROPOSED R-5   |                                |  |  |  |
| PROPERTY USE:                         | TOWNHOUSE DEVELOPMENT PROJECT<br>VARIATION NEEDED FOR LOTS LESS THAN<br>2 ACRES |                                |  |  |  |
| LOT SIZE:                             | 4.8755 ACRES (212,3   | 4.8755 ACRES (212,378.28 S.F.) |  |  |  |
|                                       | ALLOWED   | ACTUAL                         |  |  |  |
| UNITS PER ACRE                        | 4.2 UNITS PER ACRE  | 3.3 UNITS PER ACRE             |  |  |  |
|                                       |   |                                |  |  |  |
| INTERIOR SEPARATION BETWEEN BUILDINGS | <i>O</i> '- <i>O</i> "  | <i>O</i> '- <i>O</i> "         |  |  |  |
|                                       |   |                                |  |  |  |
|                                       |   |                                |  |  |  |
| BUILDING HEIGHT (MAX.)                | 30'-0" TO THE MEAN  | 29'-9" TO THE MEAN             |  |  |  |
| PARKING REQUIREMENTS                  |   |                                |  |  |  |
| BUILDING AREA:                        | REQUIRED  | ACTUAL                         |  |  |  |
| TOWNHOUSE PARKING( 4 PER UNIT)        | 32  | 64                             |  |  |  |
|                                       |   |                                |  |  |  |
|                                       |   |                                |  |  |  |
|                                       |   |                                |  |  |  |
| TOTAL PARKING PER UNIT:               | 4 SPACES PER UNIT   | 12 GUEST SPACES                |  |  |  |
|                                       |   |                                |  |  |  |
| SETBACKS                              |   |                                |  |  |  |
| BUILDING SETBACKS                     | ALLOWED   | ACTUAL                         |  |  |  |
| FRONT:                                | 30'-0"  | 62'-8"                         |  |  |  |
| INTERIOR SIDE:                        | 15'-0"  | 15'-0"                         |  |  |  |
| INTERIOR SIDE:                        | 15'-0"  | 50'-0"                         |  |  |  |
| REAR:                                 | 30'-0"  | 236'-10"                       |  |  |  |
| PARKING SETBACKS                      |   |                                |  |  |  |
| FRONT:                                | -   | 15'-10"                        |  |  |  |
| EXTERIOR SIDE:                        | -   | 4 '-  "                        |  |  |  |
| INTERIOR SIDE:                        | -   | 66'-0"                         |  |  |  |
| REAR:                                 | -   | 35'-7"                         |  |  |  |
| SIGNAGE (UNDER SEPARATE PERMIT)       |   |                                |  |  |  |
|                                       | ALLOWED   | PROPOSED                       |  |  |  |
| MONUMENT SIGN                         | 60 SQ. FT.  | 60 SQ. FT. (NOT SHOWN)         |  |  |  |
|                                       |   |                                |  |  |  |
| 1                                     |   |                                |  |  |  |

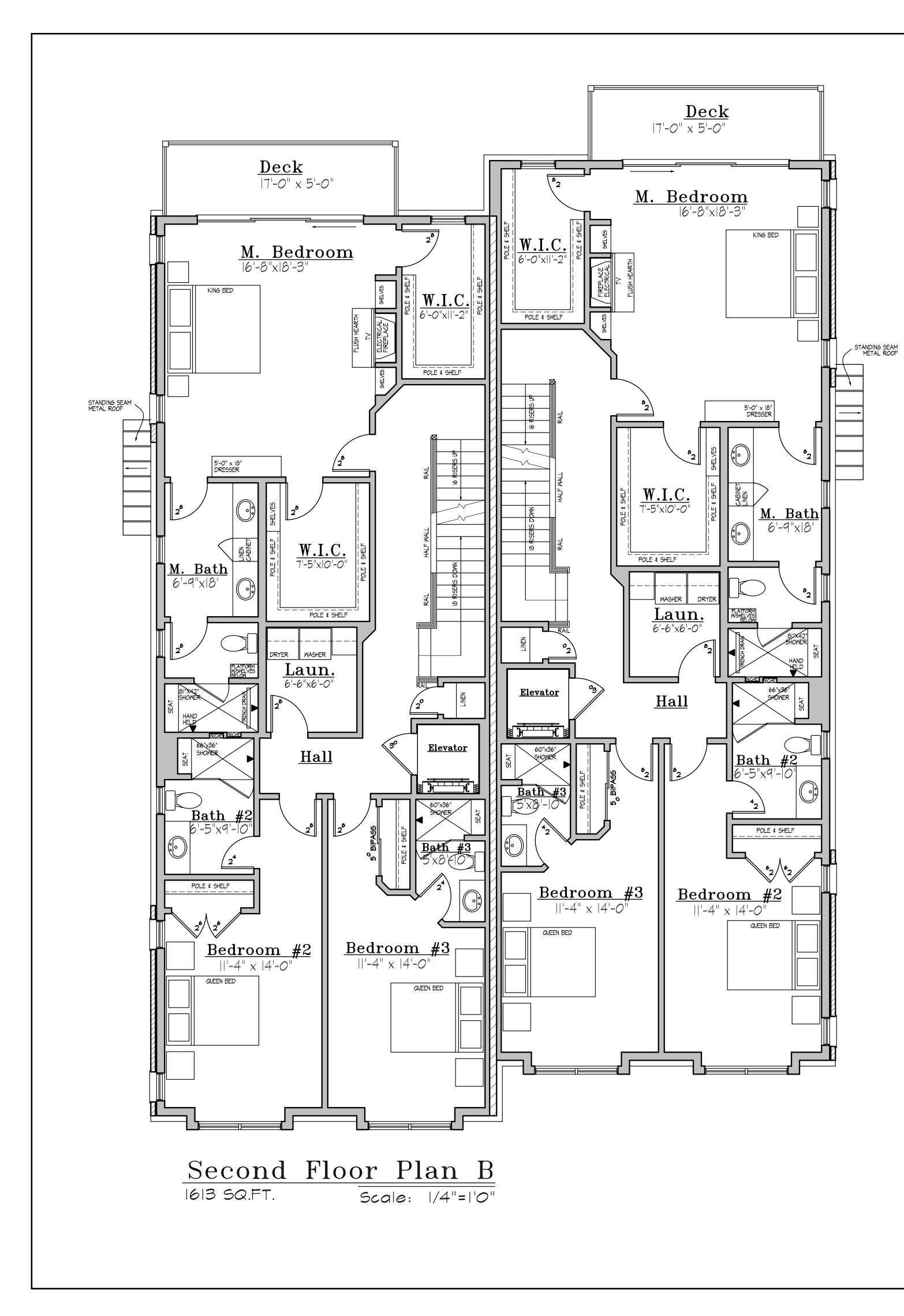
125.29 (M&R)

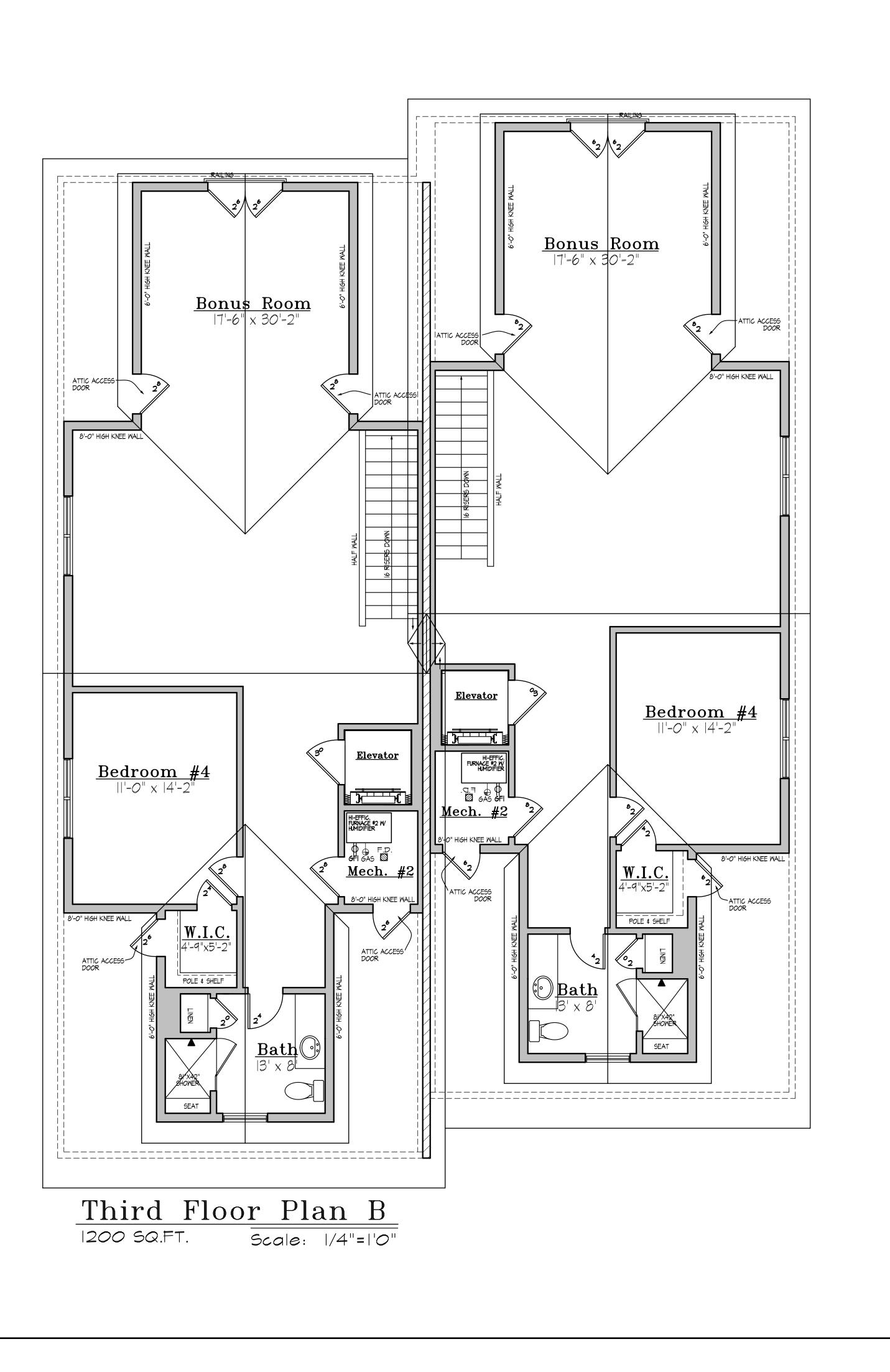
MCCLINTOCK

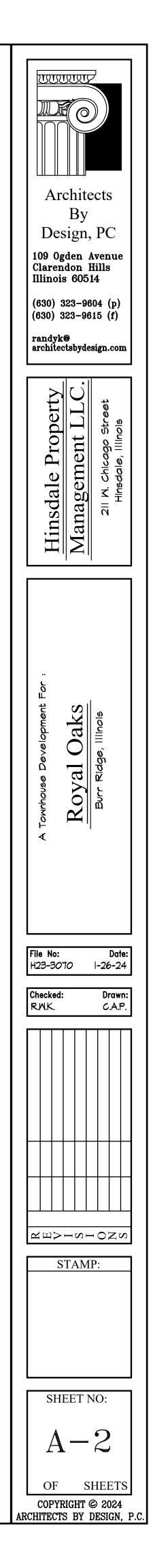
DRIVE

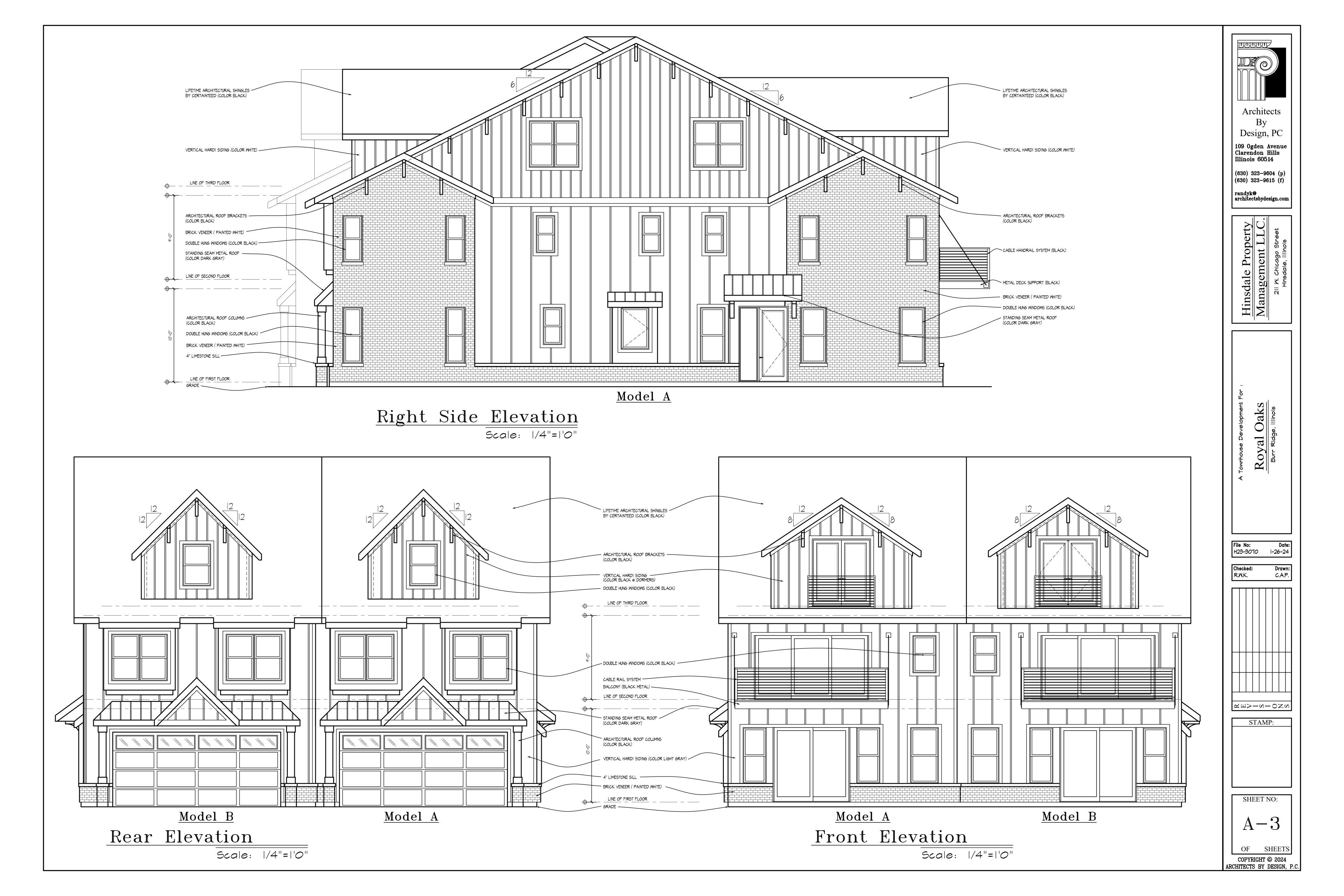












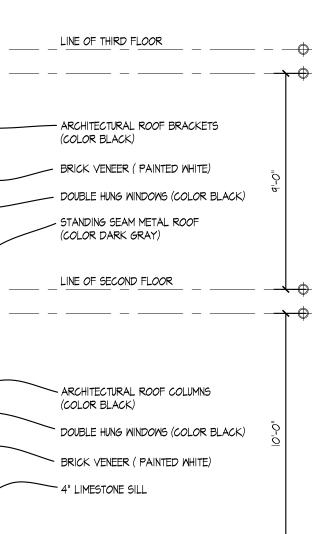


# Left Side Elevation

Scale: 1/4"=1'0"

LIFETIME ARCHITECTURAL SHINGLES
 BY CERTAINTEED (COLOR BLACK)

VERTICAL HARDI SIDING (COLOR BLACK @ DORMERS)



GRADE

LINE OF FIRST FLOOR

 $\rightarrow$ 

# MARGAR Architects By Design, PC 109 Ogden Avenue Clarendon Hills Illinois 60514 (630) 323-9604 (p) (630) 323–9615 (f) randyk@ architectsbydesign.com Hinsdale Property Management LLC. <sup>211</sup> M. Chicago Street <sup>Hinsdale, Illinois</sup> Royal Oaks Burr Ridge, Illinois ∢ File No: Date: H23-3070 I-26-24 Drawn: C.A.P. Checked: R.M.K. **スヨッーター**OZS STAMP: SHEET NO: A-4OF SHEETS

COPYRIGHT © 2024 ARCHITECTS BY DESIGN, P.C.