



**REGULAR MEETING
PLAN COMMISSION/ZONING BOARD OF APPEALS
JUNE 3, 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 MAY 20, 2024 MEETING MINUTES

III. PUBLIC HEARINGS

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

REQUEST BY STAFF TO CONTINUE UNTIL JUNE 17, 2024

Requests an amendment to a special use to permit automobile rentals at an existing business pursuant to Ordinance #A-834-01-23, and Section X.F.2.a of the Burr Ridge Zoning Ordinance.

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

Request to consider text amendments to Section VIII.I.e of the Burr Ridge Zoning Ordinance to amend outdoor dining regulations to permit outdoor dining year-round in the Business Districts.

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

Request to consider text amendments to Section IV.I.36 of the Burr Ridge Zoning Ordinance to permit Walls and Masonry Piers in the non-residential districts.

C. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, DECEMBER 18, 2023, FEBRUARY 5, & APRIL 15, 2024]

Requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant pursuant to Ordinance #A-834-02-21, County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

D. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, DECEMBER 18, 2023, FEBRUARY 5, & APRIL 15, 2024]

Request for an amendment to a special use regarding an outdoor dining enclosure at an existing

restaurant pursuant to Ordinance #A-834-17-21, County Line Square PUD Ordinance #A-834-19-21, and Section VIII.1.e of the Burr Ridge Zoning Ordinance.

IV. CORRESPONDENCE

A. Board Reports

None

B. Building Reports

None

V. OTHER CONSIDERATIONS

VI. PUBLIC COMMENT

In accordance with the Plan Commission/Zoning Board of Appeals Rules of Procedure, up to thirty (30) minutes shall be allocated for public comment which may be extended by the presiding officer. Each person shall be granted no more than three (3) minutes per meeting to address the Commission, unless such time limit is extended by the presiding officer.

VII. FUTURE MEETINGS

June 10 Village Board

Commissioner McCollian is the scheduled representative.

June 17 Plan Commission

**A. V-04-2024: 16W030 83rd Street (Double Good); Variations and Findings of Fact
[CONTINUED FROM MAY 20, 2024]**

Request for two (2) variations from Zoning Ordinance Section X.F.4 & IV.W.9 to permit (1) a floor area ratio of 0.497 instead of the maximum regulation of 0.40.; and (2) an addition to an existing building to be built within 40 feet of a residential district boundary line instead of the 150-foot regulation.

B. V-05-2024: 6520 S. Elm Street (Broucek); Variation and Findings of Fact

Request for three (3) variations from Zoning Ordinance Sections VI.F.7, IV.H.5, & IV.H.9 to permit (1) a corner side yard setback of 4' 9" instead of the 30' minimum regulations, (2) a rear yard setback 9' 7" instead of the 10' maximum regulation, and (3) a combined horizontal area of all accessory buildings, structures, and uses to exceed the 30 percent maximum regulation.

C. Z-05-2024: 340 Shore Drive (Factor 75); Special Use and Findings of Fact

Request for special uses for (1) outside storage in accordance with Zoning Ordinance Section X.F; and (2) a fence in a non-residential district in accordance with Zoning Ordinance Section IV.J.

D. Z-06-2024: Zoning Ordinance Amendment for Warehouse and Warehousing (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 6, 2024]

Request to consider text amendments to Section X.E, X.F, & XIV of the Burr Ridge Zoning Ordinance to clarify and define the “warehouse” and “warehousing” uses in the L-I and G-I districts.

June 24 Village Board

Commissioner Parella is the scheduled representative.

July 1 Plan Commission

No cases have been scheduled.

VIII. ADJOURNMENT

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF MAY 20, 2024

I. ROLL CALL

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

ROLL CALL was noted as follows:

PRESENT: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek

ABSENT: 2 – Parrella and Stratis

Planner Ella Stern was present.

II. APPROVAL OF PRIOR MEETING MINUTES – MAY 6, 2024

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to approve the minutes of the May 6, 2024 meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – McCollian

MOTION CARRIED by a vote of 5-0 with one absention.

III. PUBLIC HEARINGS

Chairman Trzupek introduced the public hearings on the agenda. Chairman Trzupek 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-03-2024: 9S241 Madison Street (Davalos); Variations and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the case was a request for three variations from Zoning Ordinance Section IV.J to permit (1) a fence in the interior side yard; (2) a fence 6 feet in height; and (3) a fence less than 50 percent open. Stern noted the property was zoned R-3 in the South Hinsdale Estates Subdivision. Stern stated Madison Street served as the front property line. Stern stated on September 18, 2023, a stop work was posted on the property for the petitioner constructing the fence without a building permit. Stern noted the petitioners requested a variation to permit a fence 6 feet in height. Stern stated a portion of the fence along the east and south property line appeared 4 feet tall. Stern stated the petitioners requested a fence in the interior side yard. Stern noted the fence on the north side of the home extended to the interior side yard, near the front wall of the house, and did not comply, but the fence along the south property line is behind the rear wall of the home and

complied. Stern stated the petitioners requested a fence less than 50 percent open. Stern noted the fence along the north property line was solid, and the 4-foot fence along the east and south property line appeared to be 50% open or less but not solid. Stern showed an illustration of the site plan and images of the fence. Stern stated of the eleven single-family residential homes surveyed along Madison Street between the blocks of 80th Street and 82nd Street, one house has a fence that does not comply with Zoning Ordinance. Stern noted that Staff found a few homes further south on Madison Street had non-compliant fences, but no building permits or variation requests were found on file for the properties. Stern stated one public comment was received.

Chairman Trzupek asked about the fence in the interior side yard in relation to the front of the home. Stern pointed to the fence location. The Commission discussed the location of the fence.

Alvaro Davalos, the petitioner, stated he had no additional comments.

David Huckvale, the neighbor of the petitioner, stated concern regarding the fence 2 feet away from the side yard and rear yard setback. Huckvale stated it would be challenging to maintain the space between the fences if he wanted to build a fence close to his property line. Huckvale stated he submitted the public comment.

Chairman Trzupek noted the fence was on the petitioner's property, and Zoning Regulations did not require the petitioner to build the fence on a property line.

Frank Bosnick, the neighbor of the petitioner, stated the fence was a nice shape and served a purpose. Bosnick supported the fence.

Commissioner Morton clarified that the fence was 2 feet inside the petitioner's property line. Commissioner Morton noted he did not find a hardship to support the 6 feet in height and less than 50% open fence. Commissioner Morton asked for clarification regarding the fence openness along the east and south property lines.

Stern noted the fence appeared to be 50% open or less but not solid. Staff would measure the distance between the pickets on the property.

Commissioner Broline discussed the Findings of Fact and neighbors. Commissioner Broline noted the petitioners violated the Zoning Code and received a stop work order, but that was not a reason to grant a variance.

Chairman Trzupek stated the variation was for the proposal presented tonight. Chairman Trzupek noted that although the fence already exists, it should not influence the decision on the variation request.

Commissioner Petrich discussed the Findings of Fact regarding the petitioner's dog and swimming pool. Commissioner Petrich noted residents had invisible fences to prevent dogs from leaving the property. Commissioner Petrich did not support the 6-foot-tall,

solid fence. Commissioner Petrich expressed interest in determining the fence openness along the south property line. Commissioner Petrich noted the Plan Commission had received many fence variations. Commissioner Petrich stated many fences have been constructed without permits. Commissioner Petrich suggested communicating the fence regulations around the Village and potentially in an Oak Leaf article.

Davalos stated the pool was above ground and 42 inches in height. Davalos noted his two-year-old daughter liked to explore the area, hence the reason for the fence.

Commissioner McCollian stated she did not find a hardship to permit the existing fence. Commissioner McCollian noted the 4-foot-tall fence looked sufficient. Commissioner McCollian asked the petitioner's neighbor if his dogs were fenced in.

Huckvale stated his dogs were not fenced in, but he did not let them off the leash. Huckvale stated he planned to install a fence.

Chairman Trzupek reiterated the variation request and noted he did not find a hardship to permit the variation.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to close the public hearing for V-03-2024.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to deny the variation requests from case V-03-2024 to permit (1) a fence in the interior side yard; (2) a fence 6 feet in height; and (3) a fence less than 50 percent open.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0

B. Z-05-2024: 340 Shore Drive (Factor 75); Special Use and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated the petitioner, Factor75, requests a special use for outdoor storage and a fence in a non-residential district. Stern stated that Factor75 provides prepared and ready-to-eat food. Stern stated that Factor75 operates three shifts and approximately 140 hourly employees and 15 salaried employees per shift. Stern stated the petitioner requests a special use for outdoor storage to improve operation efficiency by reducing the indoor storage facilities. Stern noted the petitioner uses the area in the rear yard for outdoor storage of dumpsters,

cardboard pallets, recyclable plastics, cooler boxes, and a box truck. Stern stated the area located in the rear yard has approximately nine parking spaces that the petitioner intends to use for outdoor storage. Stern showed an illustration of the parking onsite. Stern stated that Factor75 had shared parking leases with adjacent properties and companies, which provide approximately 171 parking spaces for the Factor75 employees. Stern stated the Village Zoning Code required two parking spaces for every three employees. Stern stated that Factor75 employs 115 employees throughout a shift. Stern stated that Factor75 must have 104 parking spaces but would maintain around 178 parking spaces, exceeding the requirement. Stern stated in the G-I zoning district outdoor storage required a separate special use. Stern noted the height of some of the equipment is unknown; therefore, it is unknown if the proposed fence will adequately screen the equipment and the outside storage area. Stern stated the petitioner requests a fence along the rear yard and interior side yard to screen the outdoor equipment. Stern stated the petitioner is proposing a 6-foot-tall, solid cedar fence. Stern stated the G-I zoned district, outdoor storage is a special use provided that storage is to the rear of the principal building, screened on all sides, does not exceed the height of the screening, and is not visible from any adjacent streets or residential areas. Stern stated that in 1992, the subject property received a variation to permit a chain-link, fenced-in area to the rear of the building, and the fence is still on the property.

Chairman Trzupek asked for clarification regarding the screening requirement for outdoor storage. Stern stated that fencing or landscaping fulfilled the screening requirement.

Tim Foley, attorney for the petitioner, stated that Factor75 has been a fast-growing company since 2019. Foley stated that Factor75's request for an outdoor storage area for equipment, including coolers and dumpsters for used grease, was essential for the food processing operations. Foley noted the fence was to provide screening to the outdoor storage, and Factor 75 did not have security issues. Foley noted the petitioners were receptive to different fence options. Foley discussed a provision in the Village Code regarding outdoor storage and fences in non-residential districts. Foley discussed the proposed outdoor storage and fenced-in area.

Chairman Trzupek asked about the regulations for trash and dumpster enclosures. Stern stated trash and dumpsters must be screened. Chairman Trzupek discussed screening for dumpster enclosures and outdoor storage screening for cars.

Commissioner Irwin discussed outdoor storage and screening.

Foley stated the proposed fence intended to provide screening to the outdoor storage. Foley noted the southwest of the property had inadequate buffer space for landscaping. Foley stated that Factor75 would support a condition limiting the special use to expire when the business no longer occupied the spaces.

Commissioner Irwin asked the petitioner why Factor75 needed the outdoor storage area. Commissioner Irwin stated outdoor storage was a special use and required screening.

Foley stated that Factor75 needed outdoor storage for the dumpsters and grease.

Commissioner McCollian questioned if storing dumpsters would be considered a special use or fall within a section of the Village Code. Commissioner McCollian asked about the shared parking spaces. Commissioner McCollian and Foley discussed parking.

Stern noted the petitioner requested to store dumpsters and other equipment that required a special use. Foley stated that Factor75 requested to store dumpsters, coolers, and cardboard pallets outside. Foley noted the shared parking leases were exclusive. Foley stated the proposed gate was not intended to be a security gate.

Commissioner Petrich stated it was great to have a successful business in Burr Ridge. Commissioner Petrich noted that Factor75 may have outgrown the property. Commissioner Petrich discussed the amount of employees, shift changes, and parking areas. Commissioner Petrich noted the dumpster requirements were to localize and shield them to keep them out of sight. Commissioner Petrich stated concern regarding moving operation equipment outside. Commissioner Petrich suggested a localized enclosure for the dumpsters. Commissioner Petrich noted he was not in support of a solid fence.

Foley noted that Factor75 intended to move the equipment scheduled for pickup outside. Foley reiterated the pickup schedule was Monday, Wednesday, and Friday. Foley stated that Factor75 had just extended the lease for five years. Foley stated the workers moved four or five grease dumpsters around on wheels. Foley noted that if the dumpsters were stored inside, operations may be restricted.

Commissioner Broline asked if security was an issue. Foley stated security was not a concern and reiterated the fence was not for security purposes.

Commissioner Morton asked for clarification regarding the number of employees. Foley stated there were approximately 140 hourly employees and 15 salaried employees. Commissioner Morton noted that Factor75 had an adequate amount of parking spaces. Commissioner Morton stated concern regarding grease, odors, attracting nuisance, and animals. Commissioner Morton discussed the outdoor storage and screening. Commissioner Morton noted the area did not have much surface area available for screening in the form of landscaping. Commissioner Morton discussed the grading on the property. Foley noted there had not been issues or concerns.

Chairman Trzupek confirmed that the cardboard pallets, recyclables, and coolers were stored outside overnight but picked up every other day. Chairman Trzupek noted the request appeared to be for dumpster locations and enclosures rather than outdoor storage. Chairman Trzupek noted the Village Code permits one box truck to park overnight on the property. Chairman Trzupek questioned whether the proposed area was an outdoor storage area or a trash enclosure. Chairman Trzupek suggested the petitioner approach the request as a trash enclosure rather than outdoor storage. Chairman Trzupek asked about the cooler boxes.

Foley noted the outdoor storage area would permit flexibility and a larger area to move around the equipment. Foley stated concern regarding the approach for trash enclosures and noted the cooler boxes were an essential part of the outdoor storage request. Foley noted the cooler boxes were industrial containers with a variety of foods.

Chairman Trzupek stated support for the request but was unsure if the request was for outdoor storage or trash dumpsters. Chairman Trzupek suggested the petitioner return with a clear site plan of the equipment location and the nature of the items stored outside.

Commissioner Irwin noted the Commission had reviewed multiple requests for outdoor storage and asked staff to review previous outdoor storage requests. Commissioner Irwin suggested the Commission review outdoor storage as a whole before reviewing case Z-05-2024. Commissioner Irwin questioned the location of the outdoor storage and noted that the proposed outdoor storage appeared to be in the interior side yard and rear yard.

Commissioner Morton suggested the petitioner review alternatives, including an expansion with a dumpster enclosure.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to continue the public hearing for case Z-05-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Morton, McCollian, Irwin, Petrich, Broline, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

C. V-04-2024: 16W030 83rd Street (Double Good); Variations and Findings of Fact

Chairman Trzupek introduced the case. Stern stated the petitioners requested a continuance to the June 17, 2024 Plan Commission meeting.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for case V-04-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

**D. V-02-2024: 15W627 89th Street (Eshghy); Variations and Findings of Fact
[CONTINUED FROM MARCH 4 & MAY 6, 2024]**

Chairman Trzupek introduced the case and asked for a summary. Stern stated the case was continued from the March 4 and May 6 Plan Commission meeting. Stern stated on May 6th, the petitioner provided an updated site plan. Stern stated the petitioner confirmed with a professional land surveyor that the swimming pool did not extend beyond the 40' corner side yard setback line. Stern stated on May 14, 2024, the petitioner's Engineer provided staff with a study of the stream from August 1, 2019. Stern noted the stream is a tributary to the Des Plaines River and was at the downstream end of a basin. Stern stated the Federal Emergency Management Agency (FEMA) map depicted the area south of the creek designated as a regulatory floodway. Stern stated staff discussed the stream with the Village Engineer and discovered that DuPage County required a 15' buffer between structures or an accessory use and the stream. However, the Village Engineer recommended a 20' buffer between the structures and the stream. Stern noted the proposed site plan illustrated a 5' buffer between the stream and structures. Stern discussed the two remaining variation requests for the patio and fence setback. Stern reiterated that the variation request for a swimming pool within the corner side yard setback was no longer a variation request since the swimming pool did not exceed the 40-foot corner side yard setback.

Chairman Trzupek summarized the discussions from the previous Plan Commission meetings and the remaining variation requests. Chairman Trzupek reiterated the home was constructed when the property was unincorporated, hence, the home does not meet R-2A setback regulations or buildable area requirements.

Willian Bakos, the petitioner's Engineer, noted he was unaware of DuPage County's requirements. Bakos stated his employer and Engineers reviewed the FEMA maps, previous constriction of the bridge, and stream study to determine the construction did not obstruct the creek. Bakos stated if DuPage County required a setback, the petitioner must comply with the setback regulations. Bakos noted that the petitioner was out of the country. Bakos stated that the petitioner must modify the patio and fence.

Chairman Trzupek asked about the permitting process and noted the creek was separate from a variation request or a Plan Commission item. Bakos stated the permitting agency was DuPage County. Bakos stated he would discuss the creek buffer with DuPage County and the Village Engineer. Stern stated the Village Engineer could not approve the permit without the required buffer setback between the steam and structures.

Commissioner Morton asked for clarification regarding the remaining variation setback requests. Bakos pointed to the updated site plan and stated the remaining requests were for a 30' 6.5" corner side yard setback for the patio and fence, aligning and extending no further than the corner side wall of the home. Bakos reiterated the variation request for a swimming pool within the corner side yard setback was no longer a variation request since the swimming pool did not exceed the 40-foot corner side yard setback. Bakos discussed the front yard setback and fire pit.

Commissioner Irwin noted he evaluates corner properties by reviewing the true front of a house and assessing whether a proposed fence would be acceptable from that perspective.

Commissioner Irwin stated the 30' 6.5" setback would be acceptable but noted the petitioner did not obtain a building permit.

Commissioner McCollian discussed the objection letter and the swimming pool equipment pads. Bakos pointed to the location of one of the swimming pool and hot tub equipment pads and noted the petitioner intends to provide landscape screening. Bakos stated the second equipment pad was a small artificial rock. Chairman Trzupek stated the concern regarding the swimming pool equipment pad pertained to the noise. Chairman Trzupek stated the petitioner must address any noise and pathway issues but noted they were separate from the variation request. Bakos stated he was unaware of the concerns.

Chairman Trzupek supported the variation request for a fence and patio setback of 30' 6.5" to align with the existing side wall of the home.

Commissioner McCollian noted the objection letter stated the petitioner built a gravel shoulder on the South side of 89th Street. Stern noted it was not permitted. Commissioner McCollian suggested staff review all the unauthorized construction on the property, talk to DuPage County regarding the stream, and have the petitioner return with a final site plan including all the items that need to be approved.

Chairman Trzupek suggested the Plan Commission review the two variation requests with the understanding that staff would review all other concerns.

Commissioner Petrich recalled from the May 6th Plan Commission meeting that the items not encompassed within the variation request were compliance issues beyond the jurisdiction of the Plan Commission. Commissioner Petrich noted he would support voting on the variation request but did not condition the site plan.

Bakos stated he would inform the petitioner to stop construction and modification until the site plan was approved.

Commissioner McCollian questioned whether the petitioner would comply with the regulations. Commissioner McCollian reiterated the petitioner had violated multiple code violations and stop work orders.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for V-02-2024.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, McCollian, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve a variation request from case V-02-2024 to permit a fence and patio within the corner side yard setback, located 30' 6.5" off the property line, extending no further than the north wall of the home.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0

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, FEBRUARY 5, FEBRUARY 19, & APRIL 1, 2024]

Commissioner Broline recused himself from the discussion since he is adjacent to an individual who would benefit from the petition.

Chairman Trzupek introduced the case and asked for a summary. Stern stated 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. Stern stated at the December 4th and February 5th meetings, the Commission continued the case and directed staff to conduct research and prepare draft language. Stern noted on February 19, 2024, the Plan Commission continued the case and directed staff to look into permitting the proposed text amendment language as a special use. Stern stated staff spoke with the Village Attorney, who stated that a special use for fences on corner lots would be permitted but may not effectively resolve the matter of permitting a fence in the front or side yard of an adjacent home. Stern stated that at the April 1st Plan Commission meeting, the Commission discussed changing the requirement for fences on corner lots from a variation to a special use. Stern showed diagrams illustrating a corner property and a neighboring interior lot. Stern noted permitting a fence in the practical rear yard of the home on the corner lot potentially results in permitting a fence in the side yard of the adjacent interior lot. Stern stated on April 1st, the Commission discussed changing the requirement for fences on corner lots from a variation to a special use. Staff provided the proposed language in red below, adding the optional draft language to require special use approval for corner lots. Stern presented the proposed language for Section IV.J.1.2 of the Burr Ridge Zoning Ordinance as follows: *“Fences on corner lots that do not meet the aforementioned regulation, shall be considered as special uses and shall be subject to compliance with Section (13) XIII.K of this Ordinance except as modified herein.”* Stern noted that two public comments were received.

Chairman Trzupek noted the proposed language amends the requirement from a variation and a hardship to a special use and does not alter any regulations.

Robert Haley, 8461 Carlisle Court, supported the proposed language to amend the regulations from a variation to a special use. Haley noted the amendment would reduce the burden on corner lot homeowners.

Commissioner Irwin supported the proposed language to amend the regulations from a variance to a special use. Commissioner Irwin noted that the Plan Commission would continue to review the request to protect the neighbors' interests. Commissioner Irwin stated there were some cases where a corner lot property should be able to fence where the Ordinance did not allow it.

Commissioner McCollan agreed with Commissioner Irwin. Commissioner McCollan noted the proposed language was a sensible approach and the Commission would still review the cases individually.

Commissioner Petrich supported the proposed amendment on the condition that it would not affect the neighbor across the street. Commissioner Petrich suggested the proposed language be clarified to ensure it did not result in a resident having two corner side lots with fences. Commissioner Petrich noted the proposed language clarified the practical front or rear yard but did not alter the regulations for adding fences to the exterior corner sides. Commissioner Petrich stated he would not support a resident's request for a larger fence area than permitted and suggested it remain a variation.

Chairman Trzupek noted he did not believe the proposed language permitted a resident to request a larger fence area. Chairman Trzupek supported the proposed language. Chairman Trzupek supported ensuring the regulation would prohibit a resident from extending the fence to a larger fence area on both corner sides.

Commissioner Morton agreed with Commissioner Irwin and Commissioner McCollan.

Chairman Trzupek noted the Plan Commission had multiple public hearings to determine if there was an appropriate formula for a fence placement accommodating corner lots. Chairman Trzupek supported the proposed language. Chairman Trzupek noted the approach-maintained flexibility while retaining control through the special use. Chairman Trzupek stated the Board of Trustees would receive a recommendation from the Plan Commission.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollan to close the public hearing for Z-16-2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, McCollan, Petrich, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0 with Broline recused

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to approve the proposed text amendment language to Sections IV.J of the Burr Ridge

Zoning Ordinance by changing the requirement for fences on corner lots from a variation to a special use.

Commissioner Petrich asked for clarification and expressed concern regarding the potential amendment to the corner side yard setback regulations. Commissioner Petrich referred to item 2 in the mentioned article, which permitted fences to extend nearer to the exterior of corner side lot and street. Commissioner Petrich questioned whether that would still be a variation or if it would fall under the special use. Commissioner Petrich stated he did not support a corner side yard fence as a special use and should remain as a variation.

The Commissioners discussed the proposed language and the distinction between the special use and a variation.

ROLL CALL VOTE was as follows:

AYES: 4– Morton, Irwin, McCollian, and Trzupek
NAYS: 1 – Petrich

MOTION CARRIED by a vote of 4-1 with Broline recused

F. Z-06-2024: Zoning Ordinance Amendment for Warehouse and Warehousing (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 6, 2024]

Chairman Trzupek introduced the case. Stern stated on April 8, 2024, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to clarify and define the “warehouse” and “warehousing” uses in the Light Industrial (L-I) and General Industrial (G-I) districts. Stern noted the existing permitted uses in the Burr Ridge Zoning Ordinance pertaining to warehousing in L-I and G-I districts. Stern stated there was no definition of “warehousing” or a “warehouse” in the Zoning Ordinance, and differences between these two uses have been subject to staff interpretation. Stern stated at the May 6th PC meeting, staff provided comments based upon research from the neighboring municipalities. Stern noted the definitions of a Manufacturing Establishment, Motor Freight Terminals, and the permitted uses in the R-A/Research Assembly District. Stern stated the Plan Commission may wish to address a distribution center as a separate use or include it within the motor freight terminal or warehouse definitions/uses. Stern presented draft language prepared by staff based upon the May 6th Plan Commission meeting. Stern noted that five public comments were received.

Chairman Trzupek clarified the purpose of the discussion regarding the CNH property. Chairman Trzupek stated the differences between permitted activities in Light Industrial and General Industrial zoned districts. Chairman Trzupek expressed concern regarding the ambiguity of the term “warehousing” and the potential implications for the size and nature of future developments. Chairman Trzupek suggested setting a percentage limit for warehousing as the principal use versus an accessory use. Chairman Trzupek noted the

goal of the proposed text amendment was to refine the language in the zoning districts, not to evaluate specific plans.

Steve Patterson, 134 Surrey Lane, suggested including a definition for the term “warehousing” and clarifying whether "warehouse" or "warehousing" refers to an ancillary use subordinate to the primary use. Patterson stated concern regarding potential unintended consequences and noted the absence of clarity regarding fulfillment or distribution centers. Patterson discussed the terms warehouse and warehousing. Patterson discussed the unintended consequences of the proposed language, loading docks, and parking stalls.

Chairman Trzupek stated the Zoning Ordinance did not define fulfillment or distribution centers. Chairman Trzupek stated the public hearing intended to clarify and define warehousing and warehouses, but the Plan Commission also may wish to review distribution centers. Chairman Trzupek noted concern regarding the possibility of existing businesses in Light Industrial districts, which may not comply with the proposed definition of warehousing. Chairman Trzupek discussed truck uses and loading docks.

Harry Bradley, 121 Surrey Lane, noted concern regarding the property in question, CNH, located across County Line Road. Bradley questioned if the proposed text amendment were to prohibit trucking and warehousing in the area. Bradley stated he did not support a definition encouraging or expanding warehousing and truck traffic beyond its current levels and along County Line Road and adding warehouses to the special use section in the Light Industrial district.

Chairman Trzupek noted the public hearing was regarding the definition of warehousing and warehouse. Chairman Trzupek stated the public hearing was not to establish the number of trucks permitted within a zoning district.

Lisa Turano, 6916 Fieldstone Drive, questioned the distinction between the verb "warehousing" and the noun "warehouse." Turano clarified that although she owns a manufacturing organization in the food industry and conducts warehousing activities for raw materials, she does not consider herself part of the warehousing industry. Turano noted the importance of focusing on the ultimate use rather than the terminology, suggesting that warehousing should be an ancillary use subordinate to a primary use, as clarified by Patterson.

Commissioner Broline asked Turano if she was aware of the term vendor-controlled inventory. Turano stated she was aware. Commissioner Broline questioned whether such inventory control implies external control over truck traffic and if zoning variances would affect them. Turano provided an example from her experience, highlighting the logistical challenges of managing truck schedules and product handling. There was discussion regarding whether businesses with vendor-controlled inventory would still be considered warehouses.

Chairman Trzupek noted the public hearing was to review the distinction between the verb and noun forms of warehousing and to avoid actions that would increase truck traffic. Chairman Trzupek mentioned prior discussions with Bridge about the potential uses of their proposal. Chairman Trzupek noted staff suggested considering a percentage of the area for auxiliary use versus primary use.

Commissioner Morton stated that based on the public comments and reviewing the proposed modifications, limiting warehousing to less than 50%, specifically 49%, effectively achieves the goal of warehousing as a subordinate function to the primary one. Commissioner Morton noted that while a few minor details may be deficient, overall, the proposed language aligned with the intended goal.

Commissioner Broline supported the language but questioned whether 49% was sufficient.

Chairman Trzupek discussed permitted uses and ratios in the Research Assembly district. Chairman Trzupek noted the Research Assembly permitted up to 30% for warehouse or warehousing and 70% for office uses.

Commissioner Morton clarified the proposed text amendment included the Light Industrial and General Industrial districts, not amending the Research Assembly district.

Commissioner Petrich questioned whether 49% was a sufficient limit for warehousing but considered it a step in the right direction. Commissioner Petrich suggested considering the number of docks relative to the square footage of a building as another possible criterion for a regulation. Commissioner Petrich questioned whether a warehouse was previously under the special uses in the Light Industrial district.

Stern stated in the proposed language, staff added the term warehouse as a special use in the Light Industrial District. Stern confirmed that the Commission may omit the warehouse as a special use in the Light Industrial district.

There was a discussion regarding warehouses as a special in the Light Industrial district.

Chairman Trzupek suggested keeping warehouses in the General Industrial district and focusing on clarifying the definition. Commissioner Petrich agreed with Chairman Trzupek. Chairman Trzupek stated concern regarding the lack of definition for a warehouse in the General Industrial district. Chairman Trzupek suggested defining a warehouse to clarify the definition does not include a motor freight terminal. Commissioner Petrich discussed Amazon and UPS in terms of trucking and delivery.

Commissioner McCollan noted that warehousing involves the eventual departure of products and questioned. Commissioner McCollan noted in warehousing, goods are not permanently stored but eventually leave the facility.

Chairman Trzupek questioned the distinction between a distribution center and a warehouse. Chairman Trzupek noted that limiting the size of the warehouse to 49% of a facility could help prevent an increase in large distribution centers. Chairman Trzupek suggested defining distribution centers. Commissioner Petrich questioned the criteria used to determine square footage and whether it included goods in motion or only those stored on shelves. Commissioner Petrich noted he did not support a warehouse as a special use in the Light Industrial district. Commissioner Petrich noted a warehouse was a permitted use in the General Industrial District and suggested it be a special use. Chairman Trzupek questioned the potential disadvantages or unintended consequences of moving warehouses to special use in the General Industrial district.

Patterson noted the importance of identifying the permitted uses in Light Industrial districts. Patterson suggested defining how existing facilities with warehouses for inventory or ingredients could continue their operations without being grandfathered in. Patterson suggested redefining the permitted uses in the General Industrial District. Patterson referenced a Supreme Court case regarding freedom of speech, noting the challenge of defining warehousing and warehouses but expressing confidence in recognizing them when seen. Patterson suggested that warehouses incidental to manufacturing operations were distinguishable from motor freight terminals or distribution centers. Patterson acknowledged the difficulty in defining the 49% threshold for warehousing and emphasized the importance of definitions for warehousing and warehouses.

Commissioner McCollan suggested considering a definition including a manufacturing establishment with storage, warehousing, and shipping of the manufactured product to capture facilities that produce and distribute goods. Commissioner McCollan questioned whether the 49% threshold adequately addressed the concept. Commissioner McCollan noted an example of an overlay district where certain transportation activities required a special use permit based on factors like trip frequency or noise levels. Commissioner McCollan suggested evaluating truck traffic based on trip volume as a potential approach to regulating such activities.

Commissioner Irwin supported limiting the permitted uses in Light Industrial districts to storage and warehousing associated with manufacturing processes. Commissioner Irwin noted he did not support including warehouses as a special use in the Light Industrial District. Commissioner Irwin expressed concern that such designation might lead to an inclination to permit warehouses in Light Industrial districts and noted that should not be allowed.

Chairman Trzupek agreed with not adding warehouses as a special use in the Light Industrial district and supported the definition proposed for 1F in the Light Industrial district. Chairman Trzupek reiterated that facilities should be ancillary to the principal use or add value to materials rather than storage. Chairman Trzupek questioned existing buildings in the Light Industrial district and whether they would comply with proposed regulations. Chairman Trzupek stated concern regarding defining warehouses and

distribution centers, particularly regarding traffic implications, and suggested that defining traffic volume may be more suitable for a Planned Unit Development.

The Commission discussed warehouses and distribution centers.

Commissioner Morton suggested defining criteria that ensure raw materials were consumed in manufacturing assembly operations and that finished goods undergo value-added operations before leaving the facility. Commissioner Morton noted the approach would differentiate between warehouses and distribution centers and ensure that warehousing operations are secondary to the primary manufacturing or assembly use. Commissioner Morton suggested that warehousing should be fewer than 50% of the site.

Chairman Trzupek questioned whether the Commission should define distribution centers and determine where they could be permitted or prohibited. Chairman Trzupek stated concern regarding the current definition of warehousing potentially being used as a distribution center. Chairman Trzupek suggested the Commission recommend approval of the current text amendment or refine the language further. Chairman Trzupek suggested defining a distribution center. Stern stated the Plan Commission must request that the Board of Trustees direct the Plan Commission to hold a public hearing regarding distribution centers.

Commissioner Morton requested staff determine the maximum warehousing density in High Grove as a potential reference point for refining the proposed percentage limit for warehousing. Commissioner Morton expressed concern shared by the Commissioners regarding the 49% limit for warehousing.

Commissioner Petrich stated there were few truck docks when he drove through High Grove. Commissioner Petrich noted the facilities were more of ancillary structures rather than warehouses.

Chairman Trzupek stated he walked through High Grove and observed approximately 46 docks, with nearly half being external docks and the remainder being drive-in docks. Chairman Trzupek noted the difference in area between CNH and High Grove.

Commissioner Petrich suggested the Commission consider the number of truck docks, which were more tangible and visible from the outside. Commissioner Petrich noted it was challenging to measure a percentage of interior space, and the number of docks and the building size was observable and quantifiable. Chairman Trzupek questioned how to correlate the number of docks with the intended use of the space.

Commissioner McCollan supported considering the volume of traffic and turnover time in addition to the number of docks when evaluating the impact of a facility.

Commissioner Morton suggested the Commission explore the possibility of requiring enclosed truck docks rather than only allowing back-end truck docks. Commission

Morton suggested a limit on the density of outdoor truck docks and required all other docks to be enclosed, as a way to reduce noise and traffic congestion.

Chairman Trzupek stated that businesses often used a combination of dock types based on their needs. Chairman Trzupek suggested staff further refine the proposed language. Stern confirmed staff would prepare a definition for warehouse and warehousing.

McCollian requested the Plan Commission ask the Board of Trustees to direct the Plan Commission to hold a public hearing regarding the distribution center.

Chairman Trzupek suggested boarding the request to review permitted uses with the Light Industrial and General Industrial districts. Chairman Trzupek questioned the definition of a motor freight terminal. Stern shared the current definition of a motor freight terminal from the Zoning Ordinance.

Commissioner Irwin questioned the permitted use of government and institutional uses in Light Industrial districts. Commissioner McCollian questioned the permitted use of public utility and transportation in Light Industrial districts.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for case Z-06-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Irwin to request that the Board of Trustees direct the Plan Commission to hold a public hearing regarding the permitted uses and special uses in the G-I and L-I districts.

ROLL CALL VOTE was as follows:

AYES: 6 – McCollian, Irwin, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

IV. CORRESPONDENCE

There were no comments.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

There was no public comment.

VII. FUTURE MEETINGS

Stern stated the May 27, 2024 Village Board meeting was not scheduled due to Memorial day. Stern stated the five cases scheduled for the June 3, 2024 Plan Commission meeting.

Commissioner Petrich asked if staff had received any updated information from Jonny Cabs or Capri Express. Stern stated staff had not received any information. Stern discussed the outdoor dining text amendment.

The Commissioners discussed Pella restaurant and the valet in the entertainment district.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commission McCollian to adjourn the meeting at 9:17 p.m.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Respectfully Submitted:

Ella Stern
Planner



Z-03-2024: Request to consider text amendments to Section VIII.I.e of the Burr Ridge Zoning Ordinance to amend outdoor dining regulations to permit outdoor dining year-round in the Business 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: April 1, & June 3, 2024

On February 12, 2024, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to permit outdoor dining year-round in the Business Districts. This was in response to the recent special use requests for year-round outdoor dining enclosures at Jonny Cab's and Capri Express. On April 1, 2024, the Plan Commission continued case Z-03-2024 and requested staff research outdoor dining, outdoor dining enclosures and design aesthetics.

Under current Zoning Ordinance regulations, outdoor dining furniture shall be removed during the winter season and the outdoor dining areas shall not be occupied from November 1st through March 1st. Additionally, all furniture must be stored out of public view or off-site of the subject property when not in use. Walls enclosures require special use approval.

Neighboring Municipality Research

Staff surveyed surrounding municipalities and found the following information regarding outdoor dining regulations. Staff found that neighboring municipalities generally lack specific regulations regarding outdoor dining enclosures. Staff found that certain municipalities review these structures under permits and special use cases, while other municipalities had no regulations pertaining to outdoor dining structures.

Municipality	Regulation
Darien	<p>3-3-24: OUTDOOR SALES AND CONSUMPTION:</p> <p>(A) It shall be unlawful for any licensee to permit the sale of alcoholic liquor in an outdoor area without the written permission of the City Liquor Control Commissioner, and, except for hotels, golf courses and Class J licenses for special events, such permission shall be granted subject to the following conditions:</p> <ol style="list-style-type: none">1. The perimeter of the outdoor area shall be enclosed.2. The outdoor area shall be owned or leased by the licensee. (Ord. 0-31-08, 7-7-2008)3. The outdoor area may be open only at times when food service is available in the restaurant. The restaurant must offer and have available during all times that alcoholic liquor is available, a full menu and not the limited menu of a bar. This section shall not be deemed to permit activities such as outdoor beer gardens, large scale celebrations, or similar festivities within the outdoor seating area. (Ord. 0-32-08, 7-21-2008)4. Access to the outdoor area shall be limited to entrances from within the licensed establishment only and not from a sidewalk or parking lot.

	<p>5. Seating in the outdoor area shall not be included to meet the required maximum capacity or occupancy restrictions for any license classification as established by this title.</p> <p>6. Sale of alcoholic liquor shall be for consumption on the licensed premises only.</p> <p>7. The outdoor area shall be closed at eleven o'clock (11:00) P.M. on Sunday through Thursday, and at twelve o'clock (12:00) midnight on Friday and Saturday.</p> <p>8. A plat of survey must be submitted showing the location of the outdoor area, along with the enclosure details.</p> <p>9. The licensee shall be required to take all necessary measures to prevent the level of noise and music from the outdoor area from causing any unreasonable disturbance to any nearby Residentially zoned area. (Ord. 0-31-08, 7-7-2008)</p> <p>10. Live entertainment is not permitted in the outdoor area, except that live music shall be permitted in the outdoor area provided that such events are limited to two (2) days per calendar year at a restaurant and the hours of the event are limited to 7:00 P.M. - 10:00 P.M. on Fridays or Saturdays and 2:00 P.M. - 5:00 P.M. on Sundays. (Ord. 0-22-19, 8-5-2019)</p> <p>11. An annual permit is required to serve alcoholic liquor at an outdoor area. The Liquor Commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, service of liquor in an outdoor area may be canceled, suspended or not renewed by the Liquor Commissioner. (Ord. 0-31-08, 7-7-2008)</p>
Hinsdale	<p>7-1-5.1: COMMERCIAL USE OF STREET AND SIDEWALK SPACE FOR OUTDOOR DINING PURPOSES:</p> <p>A. Use Authorized: Village dining establishments may, upon application and subject to approvals as required below, place or utilize tables and other structures related to outdoor dining in and on approved public sidewalks or other public right of way as a temporary outdoor dining use, for the purpose of facilitating consumption by members of the public of food and drinks, including, where applicable, alcoholic liquor.</p> <p>B. Outdoor Dining Requirements and Conditions: The use of public sidewalks and other public right of way for outdoor dining use shall be permitted as a temporary use incidental to the operation of a restaurant on nearby private property and only under the following conditions:</p> <ol style="list-style-type: none"> 1. No person shall use a public sidewalk or other public right of way for outdoor dining use without obtaining in advance a temporary outdoor dining permit from the Village; 2. Permit fees shall be as follows: Application Fee (for all outdoor dining permits): \$100 fee; Outdoor Dining on Sidewalks: \$25 per dining table; Outdoor Dining on Streets: \$50 per dining table. 3. All permits issued under this section shall be temporary for an outdoor dining season term. The outdoor dining season shall run from April 1 through October 31 each year, subject to modification by the Village Manager for an individual year in his or her reasonable discretion; 4. Except as otherwise authorized by the Board of Trustees, all tables, chairs and other outdoor dining appurtenances shall be removed during the months of November to March or if required by the Village Manager at any other time; 5. All outdoor dining facilities shall comply with State, County and Village health codes and other regulations; 6. An outdoor dining use shall not unreasonably interfere with pedestrian or vehicular traffic in the area, as determined by the Director of Public Services; 7. An outdoor dining use shall not be detrimental to the health, safety or general welfare of persons residing or working near the approved outdoor dining area; 8. The operation of an outdoor dining use shall be permitted only during the hours as specified in the Village's Outdoor Dining Design Standards and other outdoor dining program documents or as otherwise approved by the Board of Trustees;

	<p>9. In no case shall the operation of an outdoor dining use reduce the open portion of public and private sidewalk to less than four feet (4') clear of all obstructions (i.e., street lighting, parking meter, traffic sign, tree well, bicycle rack, benches, trees, etc.);</p> <p>10. The dining establishment shall maintain the sidewalk or other public right-of-way areas subject to the permit in a clean and safe condition at all times. Any damage to public property as a result of the outdoor dining use shall be the responsibility of the dining establishment;</p> <p>11. Outdoor dining tables, chairs and other appurtenances shall conform to any design criteria set forth in the Village's Outdoor Dining Design Standards and other outdoor dining program documents, or as otherwise approved by the Board of Trustees;</p> <p>12. No permit for an outdoor dining use shall be issued to a person or establishment who has an outstanding fine, fee, penalty or other debt due and owing to the Village; and</p> <p>13. Any other conditions judged by the Board of Trustees as necessary to protect the general welfare and assure that permits issued under this section shall benefit the general public.</p> <p>C. Liquor Service: Where liquor service is approved as part of a temporary outdoor dining permit, the temporary outdoor dining use area of the dining establishment shall be regarded as an extension of the dining establishments existing licensed premises. The Village shall waive enforcement of subsection <u>3-3-26</u> of the Village Code prohibiting possession and consumption of open containers of alcohol in public places in the approved temporary outdoor dining use area. Within an approved temporary outdoor dining use area, alcohol may only be consumed by patrons seated at tables. No bar areas are permitted in the temporary outdoor dining use area.</p> <p>D. Signage: Temporary signage, if allowed pursuant to the Village's Outdoor Dining Design standards, shall meet all requirements listed in the Village's Outdoor Dining Design Standards or other outdoor dining program documents, except as otherwise approved by the Board of Trustees.</p> <p>E. Physical Barriers: All approved temporary outdoor dining use areas where liquor is served shall be demarcated by physical barriers or in some other manner approved by the Village Manager, in consultation with the Chief of Police. No alcohol consumption shall be permitted beyond the demarcated areas.</p> <p>F. Submittal Requirements: The following items are required as part of a temporary outdoor dining use application:</p> <ol style="list-style-type: none">1. A fully-executed application for a temporary outdoor dining permit with all required attachments shall be made to the Community Development Department on a form provided by the Village;2. Payment of the application fee;3. Execution of a temporary outdoor dining permit use of property and hold harmless agreement on a form provided by the Village;4. Proof of general liability insurance (and, when applicable, dramshop liability insurance) including the Village as a named insured and insuring the Village against any liability resulting from the permitted temporary outdoor dining use, in or exceeding minimum coverage amounts set forth in the Village's outdoor dining program documents. Workers compensation coverage in statutory amounts is also required;5. Site plan drawn to accurate scale illustrating the location of the proposed outdoor dining area;6. Catalog cuts and/or photographs of all furniture and other appurtenances to be located within the outdoor dining area; and7. Any other information required by the Village's temporary outdoor dining permit program documents or otherwise reasonably required by the Village. <p>G. Approval Process: Initial applications shall be reviewed for completeness by the Community Development Department and considered by the Board of Trustees for approval as a temporary use pursuant to Section 9-103 of the Hinsdale Zoning Code;</p> <p>H. Renewals: A temporary outdoor dining permit issued under this section may be renewed by the Village Manager upon payment of the required annual fee and completion and filing of a renewal form with all required attachments with the Community Development Department, including a certification signed by the applicant that the proposed outdoor dining use complies with all of the conditions of this section and with every other condition imposed by the Board of Trustees on the original permit. Applications for renewal may be sent to the Board of Trustees for review and approval at</p>
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	<p>the option of the Village Manager, or if the proposed plans deviate from the original plans approved by the Board of Trustees.</p> <p>I. Suspension or Revocation: Temporary outdoor dining permits issued under this section are temporary uses and licenses at will, and may be suspended or terminated at any time, for any reason, including, but not limited to the following:</p> <ol style="list-style-type: none"> 1. A finding that the permittee intentionally or carelessly misrepresented any material fact on a permit application or permit renewal form; 2. A finding that the permittee failed to continuously comply with all conditions of the issued temporary outdoor dining permit, the Village's temporary outdoor dining permit program documents, or the Village's Outdoor Dining Design Standards; 3. A finding that the use is in violation of one or more requirements of the Village Code, Zoning Code, or other applicable federal, State, County or other local law or regulation; 4. A finding that the permittee has conducted the use in such a manner so as to constitute a public nuisance or to be a threat to the public health, safety or general welfare; 5. A finding that the permittee has failed to continuously maintain the required insurance coverages; 6. A finding that the operation of the outdoor dining area negatively impacts pedestrian travel along the sidewalk or other public right-of-way and/or does not facilitate safe passage in accordance with ADA requirements; or 7. The Village finds it necessary to complete maintenance or repairs to the sidewalk or other public right-of-way, utilities, or other public improvements. (Ord. O2022-12; 4-26-2022)
Indian Head Park	Per May 28 th , 2020 agenda, Indian Head Park had temporary outdoor dining regulations. No regulations or permits found on the Village website or Zoning Ordinance
Oakbrook Terrace	<p>(I) Outdoor sales. It shall be unlawful for any licensee to permit the sale of alcoholic liquor in an outdoor area without the written permission of the Commissioner, and except for hotels and Class C licenses for temporary events, unless there is an executive order of the Governor or the Mayor or an order of the Illinois Department of Public Health or the DuPage County Health Department in effect during a disaster which prohibits or substantially restricts indoor dining, such permission shall be granted only subject to the following conditions:</p> <ol style="list-style-type: none"> (1) No outdoor area shall be in or on the public right-of-way, including any sidewalk; (2) The outdoor area shall be owned or leased by the licensee; (3) The outdoor area shall be included as part of the regular food service business located on the licensed premises; (4) Access to the outdoor area shall be limited to entrances through the licensed premises or entrances at which control by employees of the licensed premises is provided to assure that no unlawful sale to minors shall occur; (5) Sale of alcoholic liquor shall be for consumption on the licensed premises only; (6) The licensee shall be required to take all necessary measures to prevent the level of the noise from the outdoor area from causing any unreasonable disturbance to any nearby residentially zoned area, which measures will be determined by the Commissioner in consultation with the city's Police and Community Development Departments; (7) If there is an executive order of the Governor or the Mayor or an order of the Illinois Department of Public Health or the DuPage County Health Department in effect during a disaster which prohibits or substantially restricts indoor dining, the Commissioner may by permit allow the sale of alcoholic liquor in an outdoor area in or on the public right-of-way, including any sidewalk and for the sale of alcoholic liquor for consumption off the licensed premises.
Oakbrook	<p>13-7-6: OUTDOOR DINING AREAS:</p> <p>A. For the purposes of this section, "outdoor dining areas" are defined as the use of an adjacent, outside area by a restaurant for the same eating and drinking activities that occur within the restaurant.</p> <p>B. The following regulations shall apply to outdoor dining areas:</p>

	<ol style="list-style-type: none"> 1. The location of any outdoor dining area comply with all setback requirements in the applicable zoning district and shall not obstruct pedestrian or vehicular traffic. A minimum of five feet (5') of sidewalk clearance shall be maintained at all times for pedestrian travel; 2. Any outdoor dining area be under the direct supervision and control of the principal restaurant, and such dining area be enclosed by a fence or other protective safety barrier which shall be constructed to clearly delineate the boundaries of the area and to protect the health and safety of restaurant patrons and the general public; 3. The hours of operation of any outdoor dining area be within the normal operating hours of the principal restaurant; 4. There shall be no live entertainment in the outdoor dining area; 5. Plans shall be provided delineating the location of the outdoor dining area, and such location be approved by the Building Official as part of a building permit. The outdoor dining area shall be maintained in compliance with the approved plans; 6. The principal restaurant and outdoor dining area shall be in compliance with all the requirements of this code and all other applicable rules and regulations of any other governing agency including the DuPage County Health Department regarding restaurant and outdoor dining areas. (Ord. G-1163, 4-28-2020)
Willowbrook	<p>(I) Outdoor Seating For Eating And Drinking Uses:</p> <ol style="list-style-type: none"> 1. The outdoor seating area shall be located on an approved hard paved surface. 2. Outdoor seating areas may utilize a maximum of twenty percent (20%) of the parking spaces required for the operation of the principal use or two thousand (2,000) square feet, whichever is less. 3. The capacity of an outdoor seating area shall not exceed the posted capacity of the principal eating and drinking use it is associated with, when combined with the capacity of the eating and drinking use. 4. Outdoor seating areas shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five (5) feet. 5. Outdoor seating areas shall be visually delineated on-site by a fence, landscape hedge, or wall, the height and placement of which shall be deemed appropriate by the Plan Commission. The fence, landscape hedge, or wall shall be at least four (4) feet in height when facing a residential property or use. 6. A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to delineate the outdoor seating area from other structures and features on-site. 7. The use of outdoor seating areas shall be limited to the posted operational hours of the associated eating and drinking use, but shall not extend past 10:00 P.M. when adjoining a residential use.
Willow Springs	<p>Within Zoning Ordinance PUD Regulations</p> <p>Restaurants shall be allowed to operate outdoor cafes on sidewalks, including areas within the public right of way and in courtyards, provided that each owner/operator secures an outdoor use permit from the Village. The following are minimum standards that shall apply to all outdoor cafes:</p> <ol style="list-style-type: none"> 1. Planters, posters with ropes or other similar removable enclosures are permitted as a way of defining the area occupied by the café. 2. Pedestrian circulation and access to store entrances shall not be impaired. 3. Extended awnings, canopies or large umbrellas shall be permitted. Colors shall complement building colors. 4. Outdoor cafes provide additional trash receptacles in the outdoor eating area. 5. Operators of outdoor cafes shall be responsible for maintaining a clean, litter-free and well-kept appearance within and immediately adjacent to the area of their activities.

Proposed language:

At the April 1st meeting, the Commission directed staff to review outdoor dining enclosures and a design criterion for outdoor dining, specifically noting a preference for demountable walls or enclosures similar to what was approved in the Village Center Entertainment District. Draft language has been provided as follows and some examples of outdoor dining enclosures and notes are below:



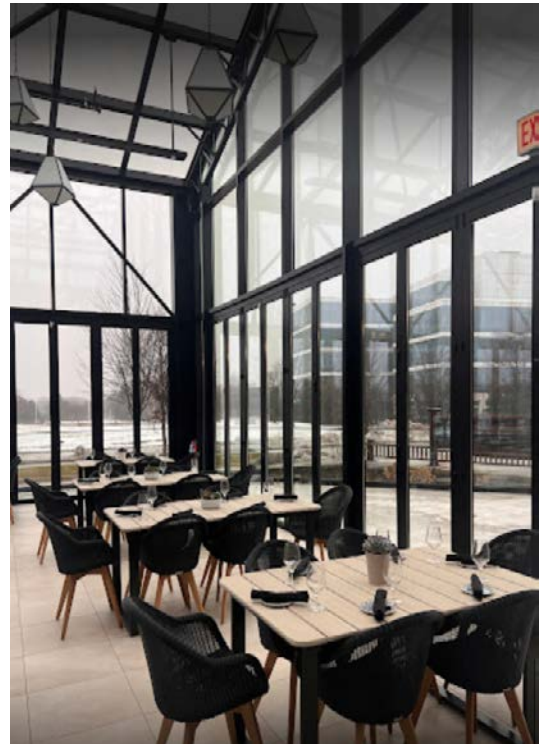
Example of a demountable wall enclosure.
(Retractable Enclosure by Roll-A-Cover)



Example of a Clear Vinyl enclosure.



Examples from the Village Center Entertainment
District approval.



Outdoor dining at Pella restaurant
in Burr Ridge.

- The Burr Ridge Zoning Ordinance does not define “demountable walls.” The Plan Commission may wish to define demountable walls. A demountable wall may potentially be defined as “moveable walls or demountable walls and are wall systems that can be

removed and reinstalled.” Demountable partitions are typically installed on a track that allows them to be easily moved.

VIII.I.e 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.~~ *Wall enclosures must be demountable walls and approved through a special use. The outdoor dining area must maintain aesthetic uniformity and meet design standards as follows:*
 - A. *Neutral colors, aluminum, glass, clear, and overall design is compatible with the standards of Village of Burr Ridge.*
 - B. *The enclosures must be durable and weather resistant.*
 - C. *The enclosure must be a demountable wall.*
 - D. *No advertising and signage attached to or within the enclosures.*
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. Outdoor dining areas shall be permitted year-round.~~
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.

Public Hearing History

Z-01-2023: Zoning Ordinance Amendments to Outdoor Dining Regulations for Restaurant Uses in the Business Districts. (Ordinance #A-834-05-23)

Public Comment

Four public comments were received and are included as Exhibit B.

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 – Public Comments
- Exhibit C – Current Zoning Ordinance regulations for outdoor dining (Ordinance #A-834-05-23)
- Exhibit D – Excerpt of outdoor dining regulations from County Line Square PUD



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): Ella Stern, Planner Village of Burr Ridge

STATUS OF PETITIONER: Village of Burr Ridge/municipality

PETITIONER'S ADDRESS: 7660 S. County Line Road, IL 60527

ADDRESS OF SUBJECT PROPERTY: N/A

PHONE: (630) 654-8181 X. 6260

EMAIL: estern@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 outdoor dining regulations in Section VIII 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) # N/A

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.

Ella Stern
Petitioner's Signature

3/9/24
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 VIII of the Zoning Ordinance details the outdoor dining regulations for restaurant uses in the Business Districts. Current Zoning Ordinance regulations (Section VIII.1.e) adopted on May 8, 2023 state that "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 a public view or off-site of the subject property when not in use."

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

The Zoning Ordinance currently contains regulations for outdoor dining. The proposed text amendment is to review the regulations specifically to permit outdoor dining year-round. Outdoor dining year-round could be broadly applicable to all dining establishments within the Village of Burr Ridge and should be evaluated as a text amendment to the Zoning Ordinance.

(Please transcribe or attach additional pages as necessary)

From: [Mike Delaney](#)
To: [Ella Stern](#)
Subject: Burr Ridge Public Hearing: Permanent Black "Outdoor" Dining
Date: Friday, March 22, 2024 8:25:16 AM

BR,

I'm hearing that there will be a meeting on Monday, April 1st, in regard to permanent, year round enclosure for any business.

I would be in FAVOR of such structures that help and better support local business. I would like the board to put together strict guidelines on appearance of these structures to ensure esthetically they fit in.

Mike Delaney
1502 Burr Ridge Club
Burr Ridge, IL

From: [Joanne Carnagio](#)
To: [Ella Stern](#)
Subject: Outdoor dining
Date: Sunday, March 24, 2024 11:17:31 AM

I 100% vote Yes for allowing dining establishments to have the Outdoor dining capability in our town! I do not agree with the horrific FB page that bashes everything in this town!

Joanne carnagio
Sent from my iPhone

From: [Robert Rosenberg](#)
To: [Ella Stern](#)
Subject: Outdoor dining
Date: Saturday, March 23, 2024 10:11:06 AM

I want outdoor dining in Burr Ridge if it was done well and tasteful.

Bob Rosenberg
28 Lake Ridge Club Dr.
Burr Ridge, IL 60527

March 22, 2024

Re: Petition Z-03-2024 "Outdoor Dining"

To Chairman Trzupek and Burr Ridge Plan Commissioners:

As a Burr Ridge resident I write in opposition to Petition Z-03-2024 for many of the same reasons I opposed the individual petitions for Capri Express (Z-12-2023) and Jonny Cab's (Z-10-2023) late last year. Enclosed "outdoor dining" structures destroy an open aesthetic and are eyesores.

To reiterate: "outdoor dining" is exactly that – dining outdoors, al fresco, when the weather allows between March 1 and November 1 per current Village ordinance. It does NOT mean, nor should it be construed to mean, dining in a foreboding, uninviting, enclosed canvas box outside the restaurant. That, by definition, is not "outdoor dining." It just means that businesses are exceeding their occupancy limits by encroaching on the sidewalk in front of their doors. More capacity means less overall parking.

You cannot take seriously the cries of businesses like Jonny Cab's who say their businesses will suffer if they don't have a black canvas enclosure outside their main storefront year-round. Both Dao Sushi and La Cabiñita seem to do just fine without enclosed "outdoor" dining all year. Both those establishments remove their outdoor furniture by November 1, as required, and serve customers happily and profitably inside their doors. (Maybe Jonny Cab's is just crying wolf? Or is mis-managed?)

Last month this Commission gave Patti's Sunrise Café authority to expand their service outside. It's only a matter of time before its owner encloses that large space in ugly black canvas, too. What's next? Outdoor music lessons at Bel Canto? Outdoor physical therapy at ATI? Do you really want this proliferation?

These canvas structures – a hodge-podge of materials, colors, signage, fonts – are ugly, foreboding, funereal, and uninviting. This is not an upscale look befitting Burr Ridge. There will be plenty of enclosed dining spaces within the new Entertainment District at Burr Ridge Village Center. Please don't allow this anywhere else in town.

Lastly: just because Capri Ristorante has had an enclosed patio for decades should not sway you into deciding that all businesses should erect those structures outside their doors. Don't be fooled by the "Well, Capri has one, why can't we?" pitch. There are a lot of things proprietor Rovito does that are wrong.

The proliferation of these ugly canvas boxes is **not** the look we want in town. Please vote NO on permanent, year-round "outdoor dining."

Respectfully,

Patricia A. Davis
Resident/taxpayer

"Top Burr Ridge FOIA Requester 1 Year in a Row!"



- 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
- l. 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 pre-packaged 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 curblin 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.

Minimum Standards for Parking Stalls and Aisles

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

*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 curblin 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

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 The Chicago Sun-Times, 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:

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 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.

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 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.

Section 3: 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 8th 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

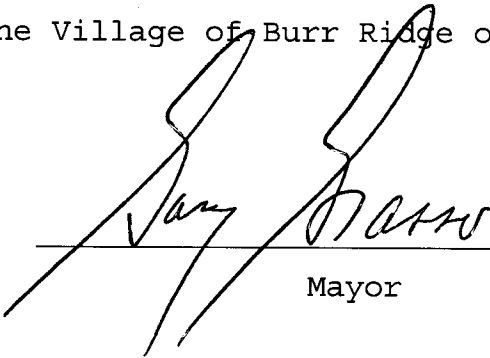
NAYS: 0 - None

ABSENT: 1 - Trustee Snyder

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

ATTEST:



Village Clerk

Mayor

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.



Z-04-2024: Request to consider text amendments to Section IV.I.38 of the Burr Ridge Zoning Ordinance to permit Walls and Masonry Piers in the non-residential districts.

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

Petitioner: James Tuschall of Sun Ray Investments

Prepared by: Ella Stern, Planner

Date of Hearing: April 1, & June 3, 2024

The petitioner, James Tuschall of Sun Ray Investments, requests a text amendment to Section IV.I.38 of the Zoning Ordinance to permit walls and masonry piers in Non-Residential Districts.

On April 1, 2024 the petitioner requested the case be continued. The Plan Commission continued the case till June 3, 2024. Staff emailed the petitioner on February 20, March 13, March 28, and April 2, 2024, requesting additional information regarding the text amendment request. At the time of the staff report, the petitioner has not submitted a signed copy of the petition or updated the application noting they request to amend section IV.I of the Zoning Ordinance, to permit solid architectural walls in the non-residential districts.

The petitioner's non-residential property located at 15W700 79th Street was built with masonry walls in 1982. At the time, staff determined the walls to be permitted under the Zoning Ordinance regulations in place. The petitioner is now requesting to replace the masonry walls. Staff deemed the masonry walls as a non-conforming structure and not permitted under current Zoning Ordinance regulations. As such, the walls cannot be replaced (i.e. taken down and rebuilt), only repairs would be allowed. The petitioner did not provide a proposed height, size, or length for the walls or any language for the proposed text amendment. It is also important to note that the petitioner provided images of masonry walls in residential districts which are otherwise permitted (subject to compliance with Zoning Ordinance regulations).

Current Regulations:

Section IV.I.38 of the Zoning Ordinance regulates walls and masonry piers in Residential Districts as detailed below, with the specific passage highlighted yellow.

Walls and Masonry Piers (Residence Districts)

In Residence Districts only, solid architectural walls of compatible building material as the principal building shall be permitted as follows:

1. ***Wing Walls:*** Wing walls, not more than 4 feet in height, shall be permitted in a front buildable area, an interior side buildable area or courtyard extending not more than 10

feet from the front two corners of the principal building; and may also project up to 3 feet into the required front or corner side yard.

2. ***Solid or open decorative walls:*** *Solid or open decorative walls, not more than 4 feet in height may be located in court yards.*
3. ***Patio Seat Walls:*** *Patio seat walls, not more than 24 inches in height from patio floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall shall be permitted in association with patios in permitted locations as per Section IV.I.32. Monuments in association with patio seat walls shall be not more than 42 inches in height from the patio floor to the top of the monument and shall be limited to not more than two per patio. (Amended by Ordinance A-834-20-04)*
4. ***Driveway Seat Walls:*** *Driveway seat walls shall be permitted in association with driveways in permitted locations as per Section IV.I.2. and subject to the following terms and conditions:*
 1. *Driveway seat walls may be located in a required front yard or corner side yard provided they are at least 20 feet from a front or corner side lot line.*
 2. *Driveway seat walls shall not exceed 24 inches in height from drive floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall except that monuments located at the end of such walls may be 36 inches in height. (Amended by Ordinance A-834-20-04 and A-834-27-146)*
5. ***Decorative Estate Walls:*** *For parcels that are a minimum of 2 acres in area and 220 feet in width, decorative estate walls shall be permitted subject to the following terms and conditions:*
 1. *Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.*
 2. *Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.*
 3. *Decorative estate walls may be located in any buildable area and shall be permitted to encroach into the required front, corner side, interior side, and rear yard setbacks but shall be setback a minimum of 30 feet from the front and corner lot lines and 10 feet from the interior side and rear lot lines.*
 4. *Decorative estate walls shall be constructed of natural stone materials – synthetic or manufactured materials and wood are prohibited. (Amended by Ordinances A-834-24-07 and A-834-26-08).*
6. ***Retaining Walls:*** *Retaining walls may be located in any buildable area and are also permitted in any required yard subject to the following:*
 1. *Retaining walls shall not exceed 42 inches in height measured from the top of grade at the bottom of a wall to the top of the wall.*
 2. *Terraced retaining walls shall be permitted where each section of the wall does not exceed 42 inches in height and a minimum of 36 inches is provided between each face of the retaining walls. (Amended by Ordinance A-834-13-11)*
7. ***Masonry Piers:*** *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. (Amended by Ordinance A-834-10-13)*

Neighboring Municipality Research

Staff surveyed surrounding municipalities and found the following information regarding walls and masonry piers in non-residential districts;

Municipality	Regulation
Darien	<p>The zoning code does not directly address Walls and Masonry Piers in Non-Residential Districts. The Village of Darien would apply their fence regulations to a stand-alone wall or piers if creating a similar structure.</p> <p>Fence Regulations for Business and Office-Industrial Districts:</p> <p>(B) Business Districts: These are the regulations that apply to business uses except where the fences are required for buffering or screening purposes under section 5A-5-8-3 of this chapter.</p> <ol style="list-style-type: none"> 1. In rear and interior side yards fences shall be permitted; provided, that the fence does not extend beyond the front line, or in the case of corner lots, not beyond the street side line, of the building or structure and does not exceed the height of six feet (6'). 2. In front yards, corner side yards or in that part of the rear yard between the corner side lot line and the corner side yard line, open fences shall be permitted to a height not to exceed four feet (4'). <p>(C) Office-Industrial Districts: These are the regulations that apply to office-industrial uses except where the fences are required for buffering or screening purposes under section 5A-5-8-3 of this chapter.</p> <ol style="list-style-type: none"> 1. In rear and interior side yards, fences shall be permitted; provided, that the fence does not extend beyond the front line, or in the case of corner lots, not beyond the street sideline, of the building or structure and does not exceed a height of eight feet (8'). 2. In front yards, corner side yards or in that part of the rear yard between the corner side lot line and the corner side yard line, open fences shall be permitted to a height not to exceed four feet (4'). (Ord. 0-03-00, 4-3-2000)
Hinsdale	<p>The Village of Hinsdale applies their fence regulations to a stand-alone wall or masonry pier.</p> <p>2. Nonresidential districts and lots used for nonresidential purposes:</p> <ol style="list-style-type: none"> a. Front yard: Eight feet (8'); b. Corner side yard: Eight feet (8'); c. Any other yard: Eight feet (8'); <p>provided, however, the maximum allowable fence height provided for in this subsection E2 shall be reduced to a maximum height of not less than four feet (4') along any lot line abutting a lot used for residential purposes, if determined by the building commissioner to be necessary for purposes of promoting pedestrian and vehicular traffic safety.</p> <p>H. Prohibited Fences: Notwithstanding any provision of this code to the contrary, the following prohibitions apply to all fences in the village:</p> <ol style="list-style-type: none"> 1. No fence shall be permitted in violation of sections 7-1D-4 to 7-1D-5 of this code. 2. No chain-link, stockage, or cinder block fence shall be permitted in any front yard or any corner side yard. 3. No "solid fence", as defined herein, shall be permitted that exceeds twenty-four inches (24") in height as measured from the natural grade in any front yard or any corner side yard. A "solid fence" is a fence in which the open spaces, when viewed at a right angle to the vertical fence plane, constitute less than one-third

	<p>(¹/₃) of the total fence contour. The "total fence contour" is the entire square foot area within and between the outside vertical outline of the fence. The "open spaces" are areas within the "total fence contour", which, when viewed at right angles to the vertical fence plane, allow clear visibility through said fence plane.</p> <p>4. No chain-link fence shall contain strips or slats of any kind between or among the links.</p> <p>5. No barbed wire fences shall be permitted; provided, however, that no more than three (3) strands of barbed wire may be used on the top of fences enclosing public utility facilities.</p> <p>6. No electrically charged fences shall be permitted.</p> <p>7. No wingwall may encroach into a required yard.</p>
Indian Head Park	The Village of Indian Head park does not have any regulations regarding walls and masonry piers in non-residential districts.
Oakbrook Terrace	<p>The Village of Oakbrook Terrace permits landscape walls and retaining walls in non-residential districts, with the following regulations:</p> <p>Yards (applies to all districts)</p> <p>² The height of landscape walls shall not exceed 30 inches above the existing grade. The depth of any level of a landscape terrace, as extended toward the structure, shall be no less than 1.5 times the height of the rise in the terrace that is immediately beneath such level of the landscape terrace. The materials used for the construction of landscape walls shall be limited to landscape materials. On corner lots, no landscape wall shall exceed 18 inches above the grade in any portion of the yard situated within 25 feet of the lot corner formed by the curve of any two street lines.</p> <p>³ The height of retaining walls shall not exceed the top of the foundation unless approved by the City Engineer for structural purposes. Any retaining wall that is more than three feet in height shall be certified by a structural engineer. On corner lots, no retaining wall shall exceed 18 inches above the grade in any portion of the yard situated within 25 feet of the lot corner formed by the curve of any two street lines.</p>
Oakbrook	Staff attempts to address walls and masonry pier in non-residential districts as a part of Planned Development.
Willowbrook	Willowbrook did not respond at the time of the staff report. It appears from the Willowbrook Zoning Ordinance, that there are no regulations for walls or masonry piers in Non-Residential Districts.
Willow Springs	The Building Commissioner and architect review masonry walls to ensure the structure does not affect water retention and runoff.

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 (Staff requested a signed petition and other items on February 20 and March 13, 2024, but did not receive a response from the petitioner)
- Exhibit B – Current Zoning Ordinance regulations



VILLAGE OF BURR RIDGE

PETITION FOR PUBLIC HEARING PLAN COMMISSION/ZONING BOARD OF APPEALS

RECEIVED

FEB 20 2021

VILLAGE OF BURR RIDGE

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): James Tuschall

STATUS OF PETITIONER: _____

PETITIONER'S ADDRESS: 553 Wilshire Ave Glen Ellyn IL 60137

ADDRESS OF SUBJECT PROPERTY: 15w700 79th st Burr Ridge IL 60527

PHONE: 630 655 9100

EMAIL: james@tuschalleng.com

PROPERTY OWNER: Jim Tuschall

PROPERTY OWNER'S ADDRESS: 920 Bolender Dr. Delray FL PHONE: 630 655 9100

PUBLIC HEARING REQUESTED: ☐ Special Use ☐ Rezoning ☐ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Rework Existing Brick Wall

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 2.1 Acres EXISTING ZONING: G-I PUD

EXISTING USE/IMPROVEMENTS: Business

SUBDIVISION: N/A

PIN(S) # 09-25-302-023-0000

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;

We were granted a permit during original construction and now bricks are deteriorating and no longer available. We wish to improve the existing wall by using new brick set on existing foundation. See attached photos of other garden entry walls within the village.

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

Our intent is to enhance the property by replacing the gailed brickwall for the benefit of our occupants and the community.
The garden wall also acts as a screening to the west parking lot. We also plan to upgrade the landscaping in front of the garden wall.

(Please transcribe or attach additional pages as necessary)

James Tuschall Jr

From: James Tuschall Jr
Sent: Tuesday, February 20, 2024 9:17 AM
To: James Tuschall Jr
Subject: Medium









15w700 79th Street

Burr Ridge, IL 60527

O: 630.655.9100 | M: 630.272.8603

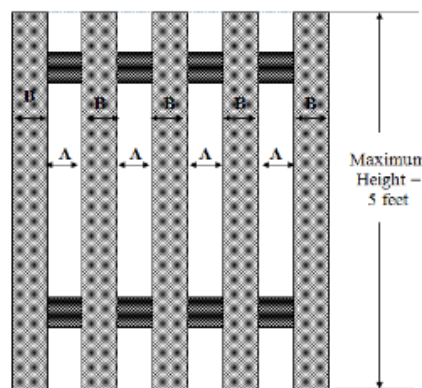
Current Zoning Ordinance Regulations, Section IV.I.38;

Walls and Masonry Piers (Residence Districts)

In Residence Districts only, solid architectural walls of compatible building material as the principal building shall be permitted as follows:

1. **Wing Walls:** Wing walls, not more than 4 feet in height, shall be permitted in a front buildable area, an interior side buildable area or court yard extending not more than 10 feet from the front two corners of the principal building; and may also project up to 3 feet into the required front or corner side yard.
2. **Solid or open decorative walls:** Solid or open decorative walls, not more than 4 feet in height may be located in court yards.
3. **Patio Seat Walls:** Patio seat walls, not more than 24 inches in height from patio floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall shall be permitted in association with patios in permitted locations as per Section IV.I.32. Monuments in association with patio seat walls shall be not more than 42 inches in height from the patio floor to the top of the monument and shall be limited to not more than two per patio. (Amended by Ordinance A-834-20-04)
4. **Driveway Seat Walls:** Driveway seat walls shall be permitted in association with driveways in permitted locations as per Section IV.I.2. and subject to the following terms and conditions:
 1. Driveway seat walls may be located in a required front yard or corner side yard provided they are at least 20 feet from a front or corner side lot line.
 2. Driveway seat walls shall not exceed 24 inches in height from drive floor to the top of wall and not more than 42 inches measured within 2 feet of the base of the wall except that monuments located at the end of such walls may be 36 inches in height. (Amended by Ordinance A-834-20-04 and A-834-27-146)

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



“A” must be equal to or greater than “B”

5. **Decorative Estate Walls:** For parcels that are a minimum of 2 acres in area and 220 feet in width, decorative estate walls shall be permitted subject to the following terms and conditions:
 1. Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
 2. Decorative estate walls shall not exceed 4 feet in height measured from the ground level at the lowest grade level within five feet of either side of the fence.
 3. Decorative estate walls may be located in any buildable area and shall be permitted to encroach into the required front, corner side, interior side, and rear yard setbacks but shall be setback a minimum of 30 feet from the front and corner lot lines and 10 feet from the interior side and rear lot lines.
 4. Decorative estate walls shall be constructed of natural stone materials – synthetic or manufactured materials and wood are prohibited.(Amended by Ordinances A-834-24-07 and A-834-26-08).
6. **Retaining Walls:** Retaining walls may be located in any buildable area and are also permitted in any required yard subject to the following:
 1. Retaining walls shall not exceed 42 inches in height measured from the top of grade at the bottom of a wall to the top of the wall.
 2. Terraced retaining walls shall be permitted where each section of the wall does not exceed 42 inches in height and a minimum of 36 inches is provided between each face of the retaining walls. (Amended by Ordinance A-834-13-11)
7. **Masonry Piers:** 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. (Amended by Ordinance A-834-10-13)



VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

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, April 15, &
June 3, 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:

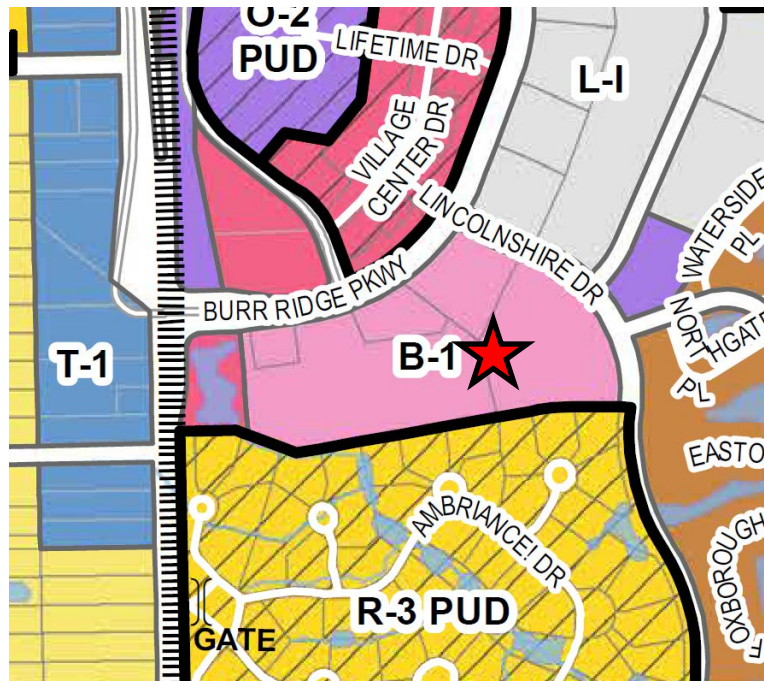
7.2 Acres

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 for case 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. The outdoor dining regulations, including the prohibition of wall enclosures, were most recently amended and approved on May 8, 2023.

On February 5, 2024, the Plan Commission held a public hearing for case Z-10-2023 and discussed outdoor dining enclosures. The Plan Commission continued the case and requested the petitioners return with updated information regarding an outdoor dining enclosure. On April 1, 2024, the Plan Commission held a public hearing for case Z-03-2024, a request to amend the outdoor dining regulations to permit year-round outdoor dining. The consensus from the meeting included permitting year-round outdoor dining but establishing concise regulations regarding year-round outdoor dining and outdoor dining enclosures. On April 15, 2024, the Plan Commission continued the public hearing for case Z-10-2023. The Plan Commission requested the petitioners return with updated information regarding an outdoor dining enclosure.

Staff reached out to the Petitioner on May 21, 2024, but the petitioner did not provide any new documents at the time of this report. The Plan Commission may determine whether to look at the special use request individually or to continue the case and wait for more direction from the proposed outdoor dining text amendment. The following information was included in the previous staff report and remains unchanged.

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.*
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

Staff Report and Summary

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

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;
- 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 curblin 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.

Public Hearing History – 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)

Staff Report and Summary

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

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.
3. All umbrellas, furniture, and other appurtenances shall be stored 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 18 2023

VILLAGE OF BURR RIDGE

GENERAL INFORMATION (to be completed by Petitioner)

PETITIONER (All correspondence will be directed to the Petitioner): PATRICK MAGNSEN (OWNER)

STATUS OF PETITIONER: BUSINESS (BIG FELLA INVESTMENTS DBA JONNYCAB'S)

PETITIONER'S ADDRESS: 212 BURR RIDGE PARKWAY (PATRICK'S HOME ADDRESS: 1104 S ELDRIDGE LN, ELMHURST 60126)

ADDRESS OF SUBJECT PROPERTY: 212 BURR RIDGE PARKWAY

PHONE: 708-373-1527

EMAIL: PATRICK@JONNYCABS.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 essential for the restaurant's financial viability, accommodating up to 30 patrons. It's noteworthy that we generate substantial revenue from this patio, with 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 weekdays, contributing significantly to the local economy. The projected financial impact of losing the enclosure for 6 months is \$130K in revenue. The 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 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 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 for residents and visitors.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 315,976 sq ft. EXISTING ZONING: B-1

EXISTING USE/IMPROVEMENTS: BUSINESS

SUBDIVISION: Burr Ridge Corporate Park

PIN(S) # 1830305003

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

10/18/2023
Date of Filing



Findings of Fact – Special Use Burr Ridge Zoning Ordinance

Address: _____

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.

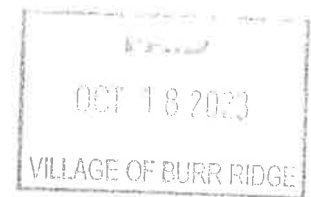
The enclosed patio proposal includes measures to provide efficient ingress and egress, minimizing traffic congestion on public walkways. **The existing patio remains compliant with existing permits. We are simply looking to keep the enclosure panels.** Additionally, Jonny Cab's has a track record of 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

14ft
depth

39ft
length

① Setting Layout
 $1/8" = 1'-0"$

[illegible]

1D-3.0
11x17 SHEET

**JOHNNY
Cabe's**

10-6-21

0.5

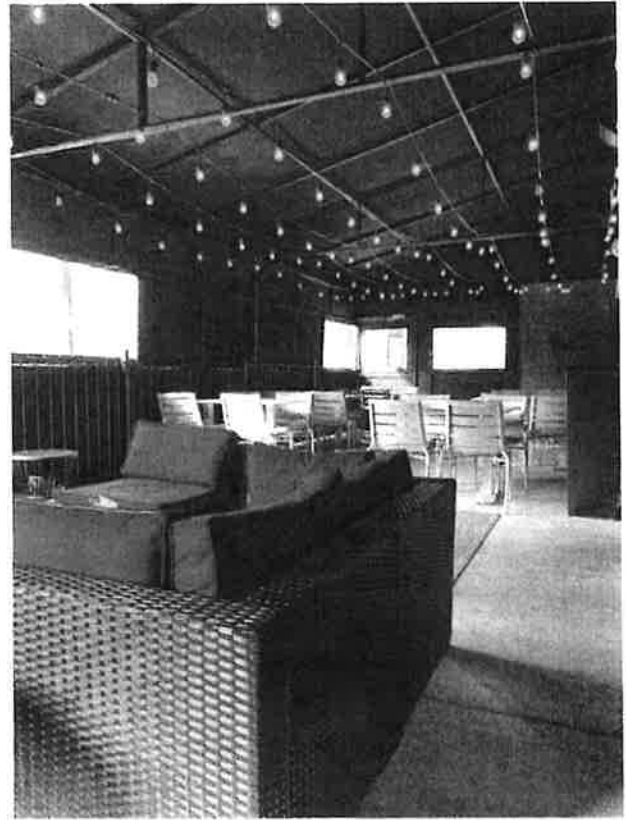
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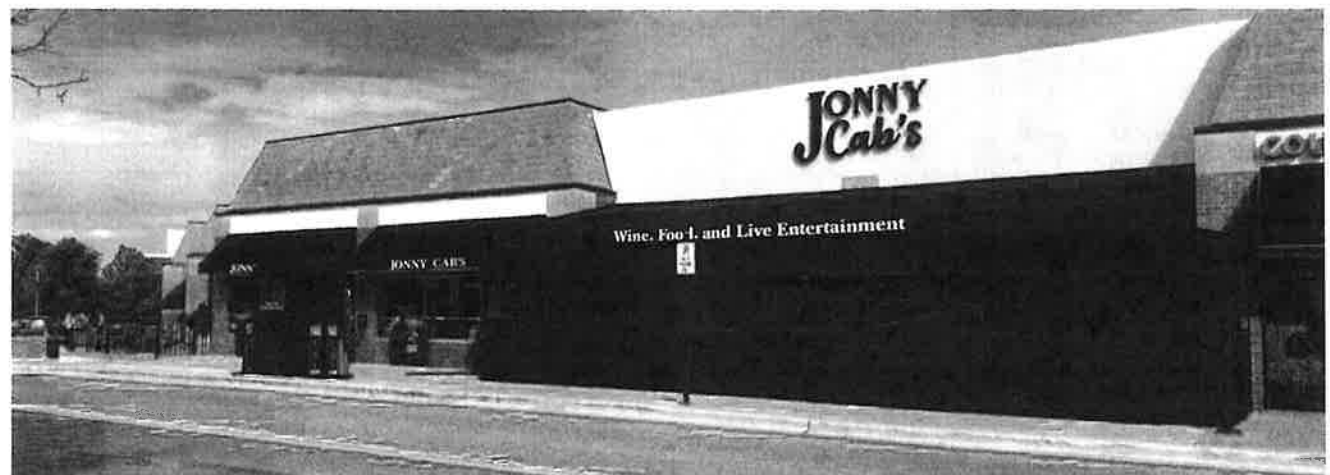
EDS Cybernet Inc.
Huntington, N.J. 07030
Tel. 609.726.1100

The following formula is given by Legendre. Consider the line as represented by a polynomial of odd degree $2n + 1$, measured in

SCI
CUSTOM SPACE



Enclosed Patio *Pictures*



Ed Signs
Graphic Solutions for the Sign Industry
 (708) 438-5774 Fax (708) 438-5770
 edsigns, inc@gmail.com

Order online at www.edsigns.com
 5711 W. 95th St., Suite 100
 Chicago, IL 60632

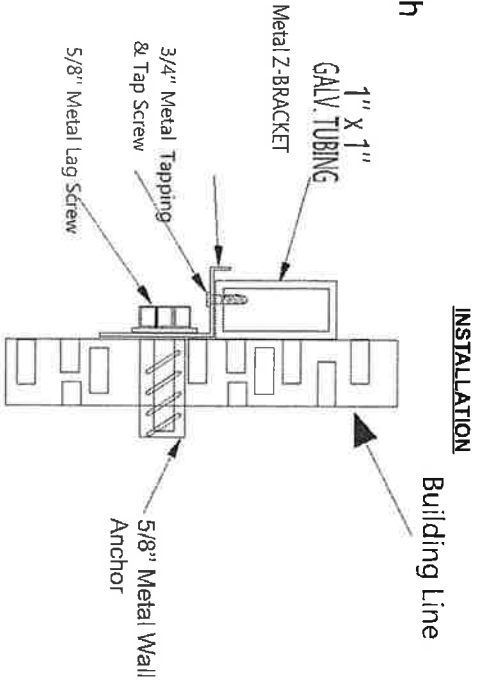
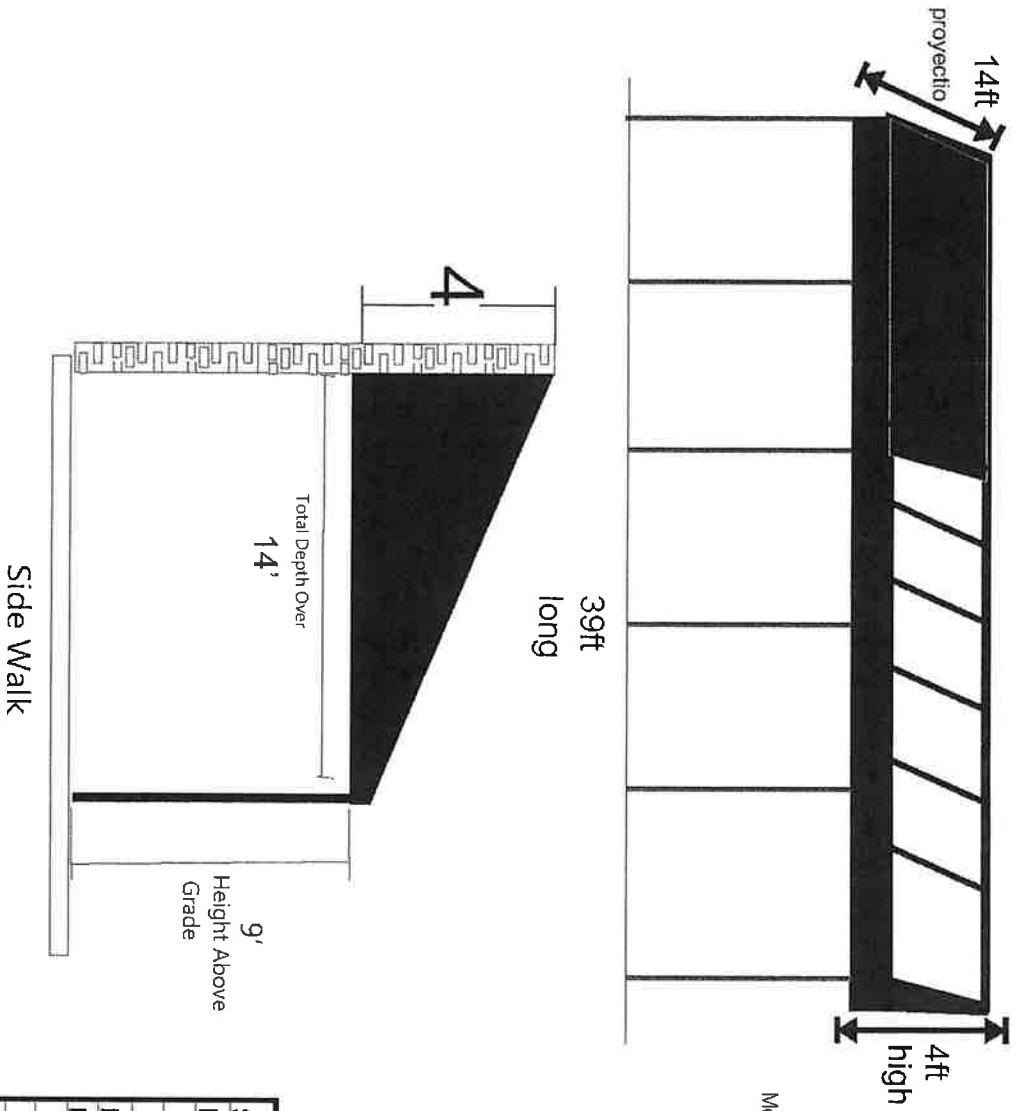
Business Name: Jonny Cab's

Ph: 708-341-4993

Name: Gene

e-mail:

Address: 212 Burr Ridge Pkwy. Burr Ridge Illinois



General Specifications

Sign Type:	Waterfall Awning
Material:	Galv. Square Tubing 1" x 1" & 1" x 2"
	All Joints are to be 100 % welded
Face Material:	Sumbrella canvas
Face Color:	Black

From: nickolaou1@att.net
To: [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 79th Street
Burr Ridge, IL 60527

From: [Karen Elizabeth Berg Phillipp](#)
To: [Ella Stern](#)
Subject: Nothing should be changed
Date: Thursday, November 9, 2023 3:36:47 PM

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

From: [John Kuhlman](#)
To: [Ella Stern](#)
Subject: Outdoor Dining
Date: Thursday, November 9, 2023 3:52:39 PM

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 Trzupsek 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?

"OUTDOOR DINING" SHOULD BE...OUTDOORS! -- "Outdoor dining" is, by definition, *outside in fresh air*, and should remain a seasonal event from March 1 to November 1. The proliferation of black canvas-covered 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 not "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. True outdoor dining in front of CLS businesses in good weather? Sure, great idea – but with regulation and 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

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 Code 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	37								
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		4	4				
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			
102	Kerkstra's Cleaners	cleaners	East	7			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						
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	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	11	8	4	
SPACES REQUIRED					522	10	74	207	231	275	316	446	463	463	407	345	484	427	382	345	321	217	120
SPACES AVAILABLE						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	
		Available:	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	
		Available:	WEST		298	298	298	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 **Z-10-2023: 212 Burr Ridge Parkway**, and the Permanent Real Estate Index Number is **18-30-305-003-0000**.

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



Proposed outdoor dining enclosure.

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 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

HETALKUMAR PATEL
202 AMBRIANCE DR
BURR RIDGE, IL 60527

FERN INC
15 AMBRIANCE
BURR RIDGE, IL 60527

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

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

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

SUNIL SURI
103 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

DANA SHINNEMAN
207 AMBRIANCE DR
BURR RIDGE, IL 60527

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

GEETHA PUNDALEEKA
502 AMBRIANCE DR
BURR RIDGE, IL 60527

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

BRVC OWNER LLC
PO BOX 1243
NORTHBROOK, IL 60065

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

PARRIS SZOT
301 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

TERRELL PATTERSON
407 AMBRIANCE DR
BURR RIDGE, IL 60527

ASTA KAUPAITE
201 AMBRIANCE DR
BURR RIDGE, IL 60527

S SINGHAL
405 AMBRIANCE DR
BURR RIDGE, IL 60527

MAGDALENA KOLOSA
303 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

TCF BANK
1405 XENIUM LN PCC00PD
PLYMOUTH, MN 55441

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

HOSPITALITY PROP TRUST
255 WASHINGTON ST
NEWTON, MA 2458

GYTIS ARANAUSKAS
402 AMBRIANCE DR
BURR RIDGE, IL 60527

KENSINGTON PARK LLC
743 MCCLINTOCK DR
BURR RIDGE, IL 60527

NABEEL JABRI
204 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

INTER CONTL BURR RIDGE
108 BURR RIDGE RD
ESSEX, IL 60527

GARY R MURINO
18 AMBRIANCE
BURR RIDGE, IL 60527

JAMES M SNYDER
807 AMBRIANCE DR
BURR RIDGE, IL 60527

PAULIUS, ANDRIUS
1815 W IOWA ST
CHICAGO, IL 60622

EDWARD T PRODEHL
104 AMBRIANCE CT
BURR RIDGE, IL 60527

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

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

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

LIFE TIME FITNESS 130
2902 CORPORATE PLACE
CHANHASSEN, MN 55317

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

FIRST MIDWEST S19733
703 AMBRIANCE DR
BURR RIDGE, IL 60527

NILUFAR KABIR
304 AMBRAINCE DR
BURR RIDGE, IL 60527

KALEEM MALIK
101 AMBRIANCE CT
BURR RIDGE, IL 60527

PABIJANSKI, HENRYK
7626 DREW AVE
BURR RIDGE, IL 60521

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

SHARAD GANDHI
403 AMBRIANCE DR
BURR RIDGE, IL 60527

KORFIST, CHRISTIAN
7611 DREW AVE
BURR RIDGE, IL 60527

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

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

REEGS PROPERTIES
PO BOX 639
HINSDALE, IL 60522

SALVATORE QUATRUCHI
404 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

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

GEORGE S SPINDLER
7344 LAKESIDE CIRCLE
BURR RIDGE, IL 60527

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

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

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

ALAN JOHNSON
17 AMBRIANCE DR
BURR RIDGE, IL 60527

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

ATHIHALLI NAGARAJ
102 AMBRIANCE DR
BURR RIDGE, IL 60527

FAROUK B ASAAD
705 AMBERIANCE
BURR RIDGE, IL 60527

PATRICIA FORKAN
305 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

RGT FAMILY LLC
501 AMBRIANCE DR
BURR RIDGE, IL 60527

D BEKTESHI
14 AMBRIANCE DR
BURR RIDGE, IL 60527

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

NANCY GATTUSO
401 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

MANSOUR AMIRAN
16 AMBRIANCE DR
BURR RIDGE, IL 60527

AMBRIANCE TRUST
1 AMBRIANCE DR
BURR RIDGE, IL 60527

SUZANNE DEYOUNG
12A AMBRIANCE
BURR RIDGE, IL 60527

ANTONIJE KELJEVIC
803 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

MOHRE LLC
1 CLUBSIDE CT
BURR RIDGE, IL 60527

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

DR GHASSAN ABOUD
206 AMBRIANCE DR
BURR RIDGE, IL 60527

CERVANTES, LAURA
7619 DREW AVE
BURR RIDGE, IL 60527

SHAHID HUSSAIN
11 AMBRIANCE DR
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.

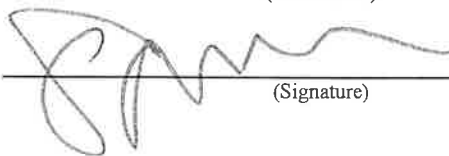
Street Address of Subject Property:

212 BURR RIDGE PARKWAY

Property Owner or Petitioner:

PATRICK MAGNESEN

(Print Name)



(Signature)



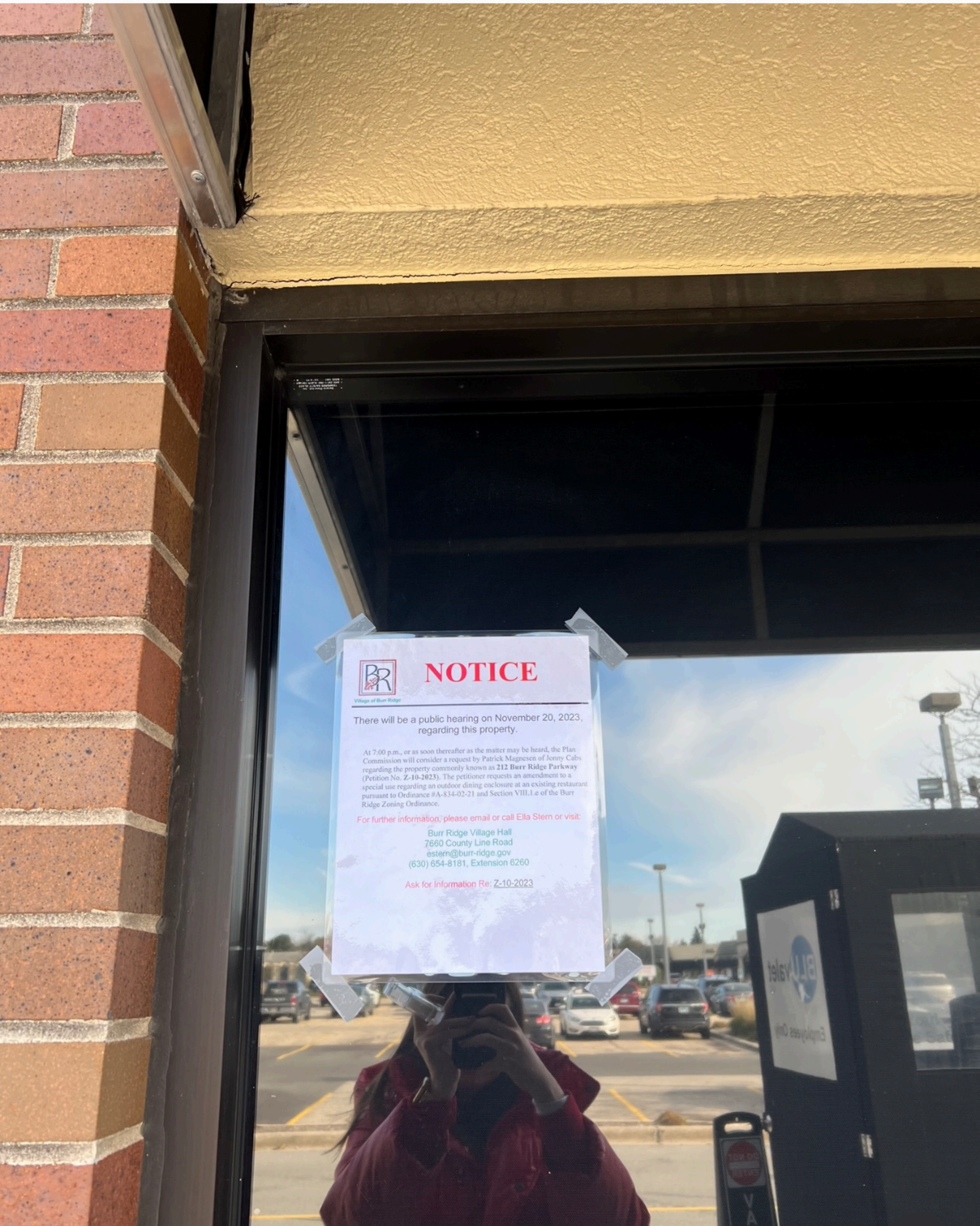
November 8

12:16 PM

[Edit](#)



LIVE ▾



Village of Burr Ridge

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 Magnusen 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



November 8
12:16 PM

[Edit](#)



LIVE ▾



NOTICE

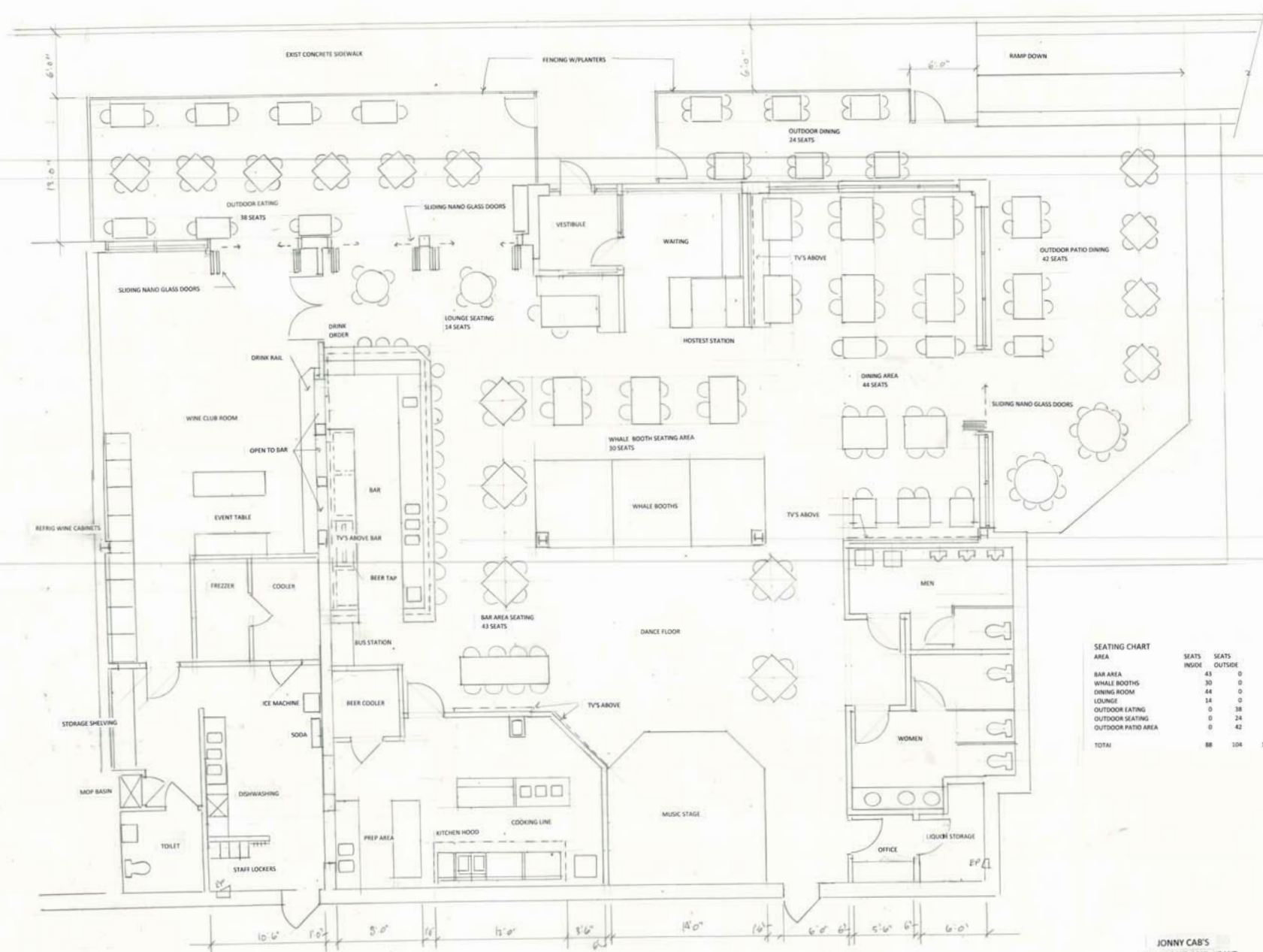
There will be a public hearing on November 20, 2023, regarding this property.

At 7:00 p.m., or as soon thereafter as the matter may be heard, the Plan Commission will consider a request by Patrick Magnusen of Joeny 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.c 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



SEATING CHART

AREA	SEATS INSIDE	SEATS OUTSIDE
BAR AREA	43	0
WHALE BOOTHS	30	0
DINING ROOM	44	0
LOUNGE	14	0
OUTDOOR EATING	0	38
OUTDOOR SEATING	0	24
OUTDOOR PATIO AREA	0	42
TOTAL	88	104

WILLIAM WARMAN ARCHITECT
27 EAST MADISON STREET 1100-4
CHICAGO ILLINOIS 60601 312-310-2826

FLOOR PLAN
SCALE 1/4"=1'-0"

JONNY CAB'S
PROPOSED RESTAURANT
212 BURRIDGE PARKWAY
BURRIDGE HILLS
10/20/2020

From: [Gene Halleran](#)
To: [William Warman](#)
Subject: Fresh Exterior Renderings updated 11-17-20
Date: Tuesday, December 1, 2020 10:30:22 AM

Sent from my iPhone

Begin forwarded message:

From: william warman <wwarchitects1@gmail.com>
Date: November 17, 2020 at 8:00:18 PM CST
To: Gene Halleran <cwmhaleran@gmail.com>, Tyler Metcalf <TMetcalf@randallmetals.com>
Subject: Fwd: Exterior Renderings updated 11-17-20

Here are the revised views

----- Forwarded message -----
From: Chuck <chuck@all.com>
Date: Tuesday, November 17, 2020
Subject: Exterior Renderings updated 11-17-20
To: "wwarchitects1@gmail.com" <wwarchitects1@gmail.com>









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 The Doings, 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 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.

Section 3: 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.
 - d. 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 as required by law. The Acting Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form.

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

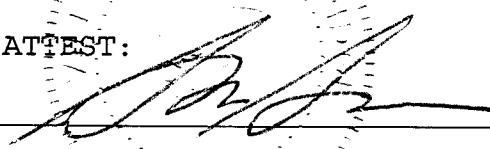
AYES: 5 - Trustees Mital, Snyder, Franzese, Schiappa, Paveza

NAYS: 1 - Trustee Mottl

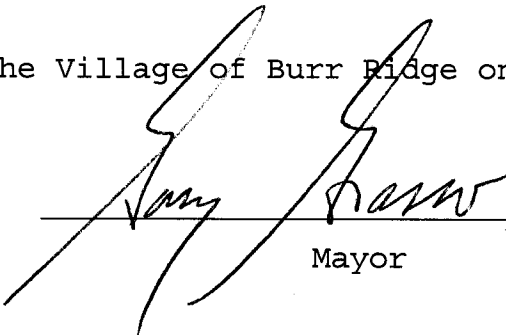
ABSENT: 0 - None

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

ATTEST:



Acting Village Clerk



Mayor

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 The Doings, 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:

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 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.

Section 2: 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.

Section 3: 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 18-30-301-001; and 18-30-305-003.

Section 4: 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

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

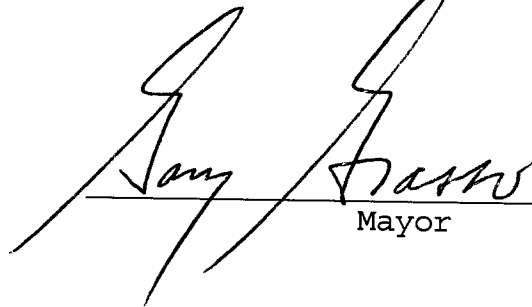
PASSED this 11th day of January 2021, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

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

ATTEST:



Acting Village Clerk

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 The Chicago Sun-Times, 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:

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 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.

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 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.

Section 3: 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 8th 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

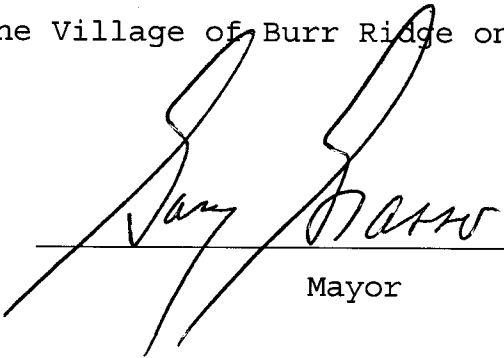
NAYS: 0 - None

ABSENT: 1 - Trustee Snyder

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

ATTEST:



Village Clerk

Mayor

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
- l. 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 pre-packaged 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:

- There shall be one island for every 15 parking spaces and one shade tree for each island.
- Each parking lot landscape island shall be a minimum of 9 feet wide and 18 feet in length.
- Required shade trees shall have a minimum 3 inch diameter measured two feet above ground level.
- 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.
- 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.

Minimum Standards for Parking Stalls and Aisles

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

*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 curblin 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



VILLAGE OF
BURR RIDGE
A VERY SPECIAL PLACE

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, April 15, & June 3,
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:

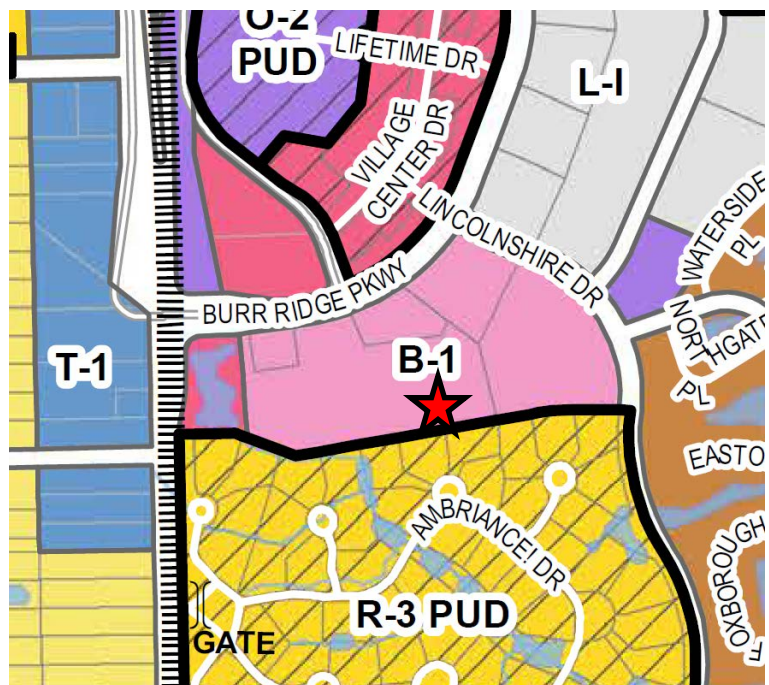
7.2 Acres

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 for case 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. The outdoor dining regulations, including the prohibition of wall enclosures, were most recently amended and approved on May 8, 2023.

On February 5, 2024, the Plan Commission held a public hearing for case Z-12-2023 and discussed outdoor dining enclosures. The Plan Commission continued the case and requested the petitioners return with updated information regarding an outdoor dining enclosure. On April 1, 2024, the Plan Commission held a public hearing for case Z-03-2024, a request to amend the outdoor dining regulations to permit year-round outdoor dining. The consensus from the meeting included permitting year-round outdoor dining but establishing concise regulations regarding year-round outdoor dining and outdoor dining enclosures. On April 15, 2024, the Plan Commission continued the public hearing for case Z-12-2023. The Plan Commission requested the petitioner return with updated information regarding an outdoor dining enclosure.

Staff emailed the Petitioner on May 21, 2024, requesting the updated information. The petitioner did not provide any updated documents at the time of this report. The Plan Commission may determine whether to look at the special use request individually or to continue the case and wait for more direction from the proposed outdoor dining text amendment. The following information was included in the previous staff report and remains unchanged.

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 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

Staff Report and Summary

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

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;
- 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 curblin 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

Staff Report and Summary

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

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.
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 Capri Express
PETITIONER'S ADDRESS: 801 Village Center Jr; Unit 406; Burr Ridge IL 60527
ADDRESS OF SUBJECT PROPERTY: 114 Burr Ridge Parkway
PHONE: 630-323-1200
EMAIL: Vito823@gmail.com
PROPERTY OWNER: Bob Garber
PROPERTY OWNER'S ADDRESS: P.O. Box 639 PHONE: 630-920-9612
Hinsdale IL 60522
PUBLIC HEARING REQUESTED: ☒ Special Use ☐ Rezoning ☐ Text Amendment ☐ Variation(s)

DESCRIPTION OF REQUEST:

Install an enclosure to provide outdoor seating
for the customers of Capri Express.

PROPERTY INFORMATION (to be completed by Village staff)

PROPERTY ACREAGE/SQ FOOTAGE: 315,976 sq ft. EXISTING ZONING: B-1
EXISTING USE/IMPROVEMENTS: Business
SUBDIVISION: Burr Ridge corporate park
PIN(S) # 18-303-050-03

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.

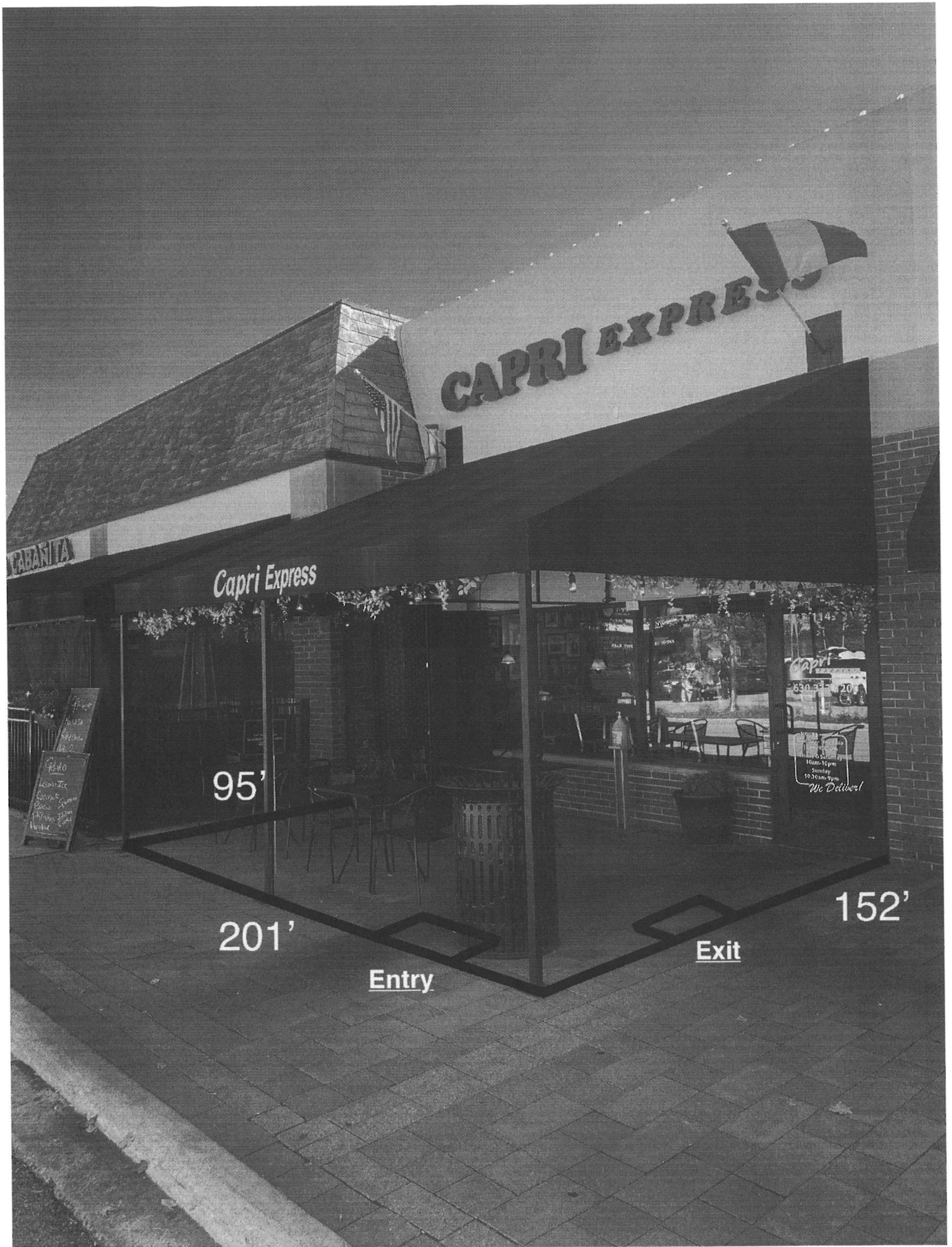
Proper Lighting: Install suitable lighting for the safety and comfort of customers.

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 Trzupsek 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/burridge/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-of-way the proposed enclosure would extend. The CLS PUD mandates that "outdoor dining areas" be located 60" from a curb line.

"OUTDOOR DINING" SHOULD BE...OUTDOORS! – "Outdoor dining" is, by definition, *outside in fresh air*, 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; *none* 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)

KNOW THY PETITIONER! – 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: these are permanent, year-round structures. 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 **Z-12-2023: 114 Burr Ridge Parkway (Capri Express)**, and the Permanent Real Estate Index Number is **18-30-305-003-0000.**

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.

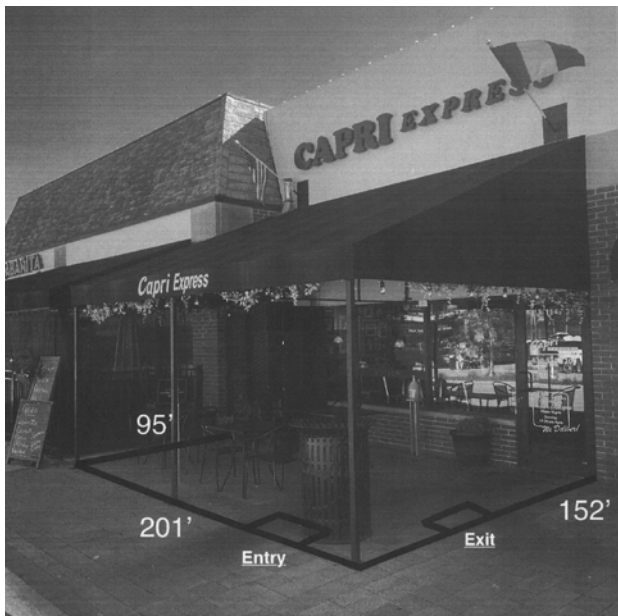
BY ORDER OF THE PLAN COMMISSION/ZONING BOARD OF APPEALS OF THE VILLAGE OF BURR RIDGE, COOK AND DUPAGE COUNTIES, ILLINOIS.

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:

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 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

HETALKUMAR PATEL
202 AMBRIANCE DR
BURR RIDGE, IL 60527

FERN INC
15 AMBRIANCE
BURR RIDGE, IL 60527

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

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

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

SUNIL SURI
103 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

DANA SHINNEMAN
207 AMBRIANCE DR
BURR RIDGE, IL 60527

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

GEETHA PUNDALEEKA
502 AMBRIANCE DR
BURR RIDGE, IL 60527

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

BRVC OWNER LLC
PO BOX 1243
NORTHBROOK, IL 60065

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

PARRIS SZOT
301 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

TERRELL PATTERSON
407 AMBRIANCE DR
BURR RIDGE, IL 60527

ASTA KAUPAITE
201 AMBRIANCE DR
BURR RIDGE, IL 60527

S SINGHAL
405 AMBRIANCE DR
BURR RIDGE, IL 60527

MAGDALENA KOLOSA
303 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

TCF BANK
1405 XENIUM LN PCC00PD
PLYMOUTH, MN 55441

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

HOSPITALITY PROP TRUST
255 WASHINGTON ST
NEWTON, MA 2458

GYTIS ARANAUSKAS
402 AMBRIANCE DR
BURR RIDGE, IL 60527

KENSINGTON PARK LLC
743 MCCLINTOCK DR
BURR RIDGE, IL 60527

NABEEL JABRI
204 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

INTER CONTL BURR RIDGE
108 BURR RIDGE RD
ESSEX, IL 60527

GARY R MURINO
18 AMBRIANCE
BURR RIDGE, IL 60527

JAMES M SNYDER
807 AMBRIANCE DR
BURR RIDGE, IL 60527

PAULIUS, ANDRIUS
1815 W IOWA ST
CHICAGO, IL 60622

EDWARD T PRODEHL
104 AMBRIANCE CT
BURR RIDGE, IL 60527

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

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

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

LIFE TIME FITNESS 130
2902 CORPORATE PLACE
CHANHASSEN, MN 55317

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

FIRST MIDWEST S19733
703 AMBRIANCE DR
BURR RIDGE, IL 60527

NILUFAR KABIR
304 AMBRAINCE DR
BURR RIDGE, IL 60527

KALEEM MALIK
101 AMBRIANCE CT
BURR RIDGE, IL 60527

PABIJANSKI, HENRYK
7626 DREW AVE
BURR RIDGE, IL 60521

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

SHARAD GANDHI
403 AMBRIANCE DR
BURR RIDGE, IL 60527

KORFIST, CHRISTIAN
7611 DREW AVE
BURR RIDGE, IL 60527

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

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

REEGS PROPERTIES
PO BOX 639
HINSDALE, IL 60522

SALVATORE QUATRUCHI
404 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

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

GEORGE S SPINDLER
7344 LAKESIDE CIRCLE
BURR RIDGE, IL 60527

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

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

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

ALAN JOHNSON
17 AMBRIANCE DR
BURR RIDGE, IL 60527

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

ATHIHALLI NAGARAJ
102 AMBRIANCE DR
BURR RIDGE, IL 60527

FAROUK B ASAAD
705 AMBERIANCE
BURR RIDGE, IL 60527

PATRICIA FORKAN
305 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

RGT FAMILY LLC
501 AMBRIANCE DR
BURR RIDGE, IL 60527

D BEKTESHI
14 AMBRIANCE DR
BURR RIDGE, IL 60527

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

NANCY GATTUSO
401 AMBRIANCE DR
BURR RIDGE, IL 60527

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

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

MANSOUR AMIRAN
16 AMBRIANCE DR
BURR RIDGE, IL 60527

AMBRIANCE TRUST
1 AMBRIANCE DR
BURR RIDGE, IL 60527

SUZANNE DEYOUNG
12A AMBRIANCE
BURR RIDGE, IL 60527

ANTONIJE KELJEVIC
803 AMBRIANCE DRIVE
BURR RIDGE, IL 60527

MOHRE LLC
1 CLUBSIDE CT
BURR RIDGE, IL 60527

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

DR GHASSAN ABBOUD
206 AMBRIANCE DR
BURR RIDGE, IL 60527

CERVANTES, LAURA
7619 DREW AVE
BURR RIDGE, IL 60527

SHAHID HUSSAIN
11 AMBRIANCE DR
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 Ridge Parkway, Burr Ridge IL 60527

Property Owner or Petitioner:

Vito Salomone

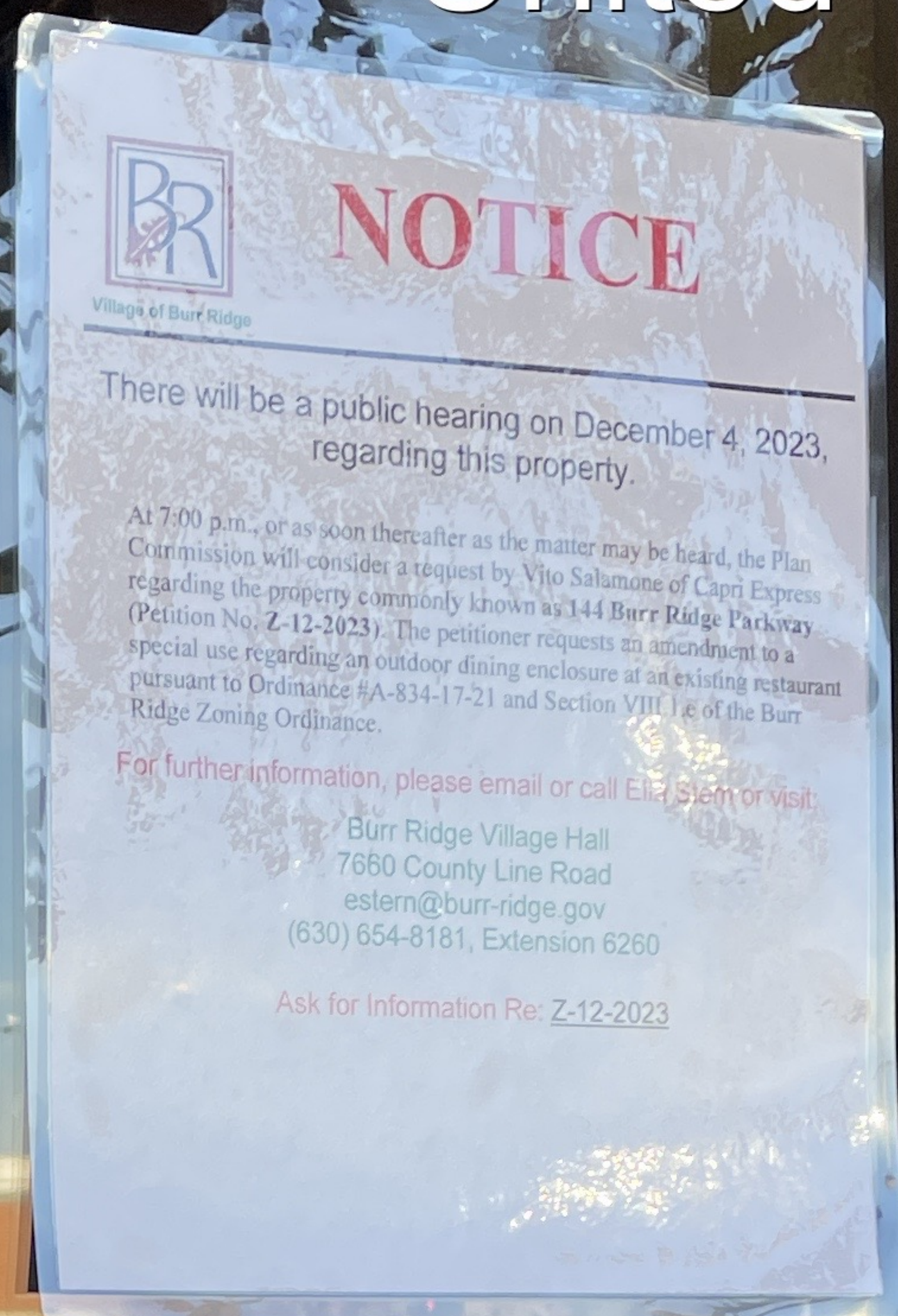
(Print Name)

[Signature]

(Signature)

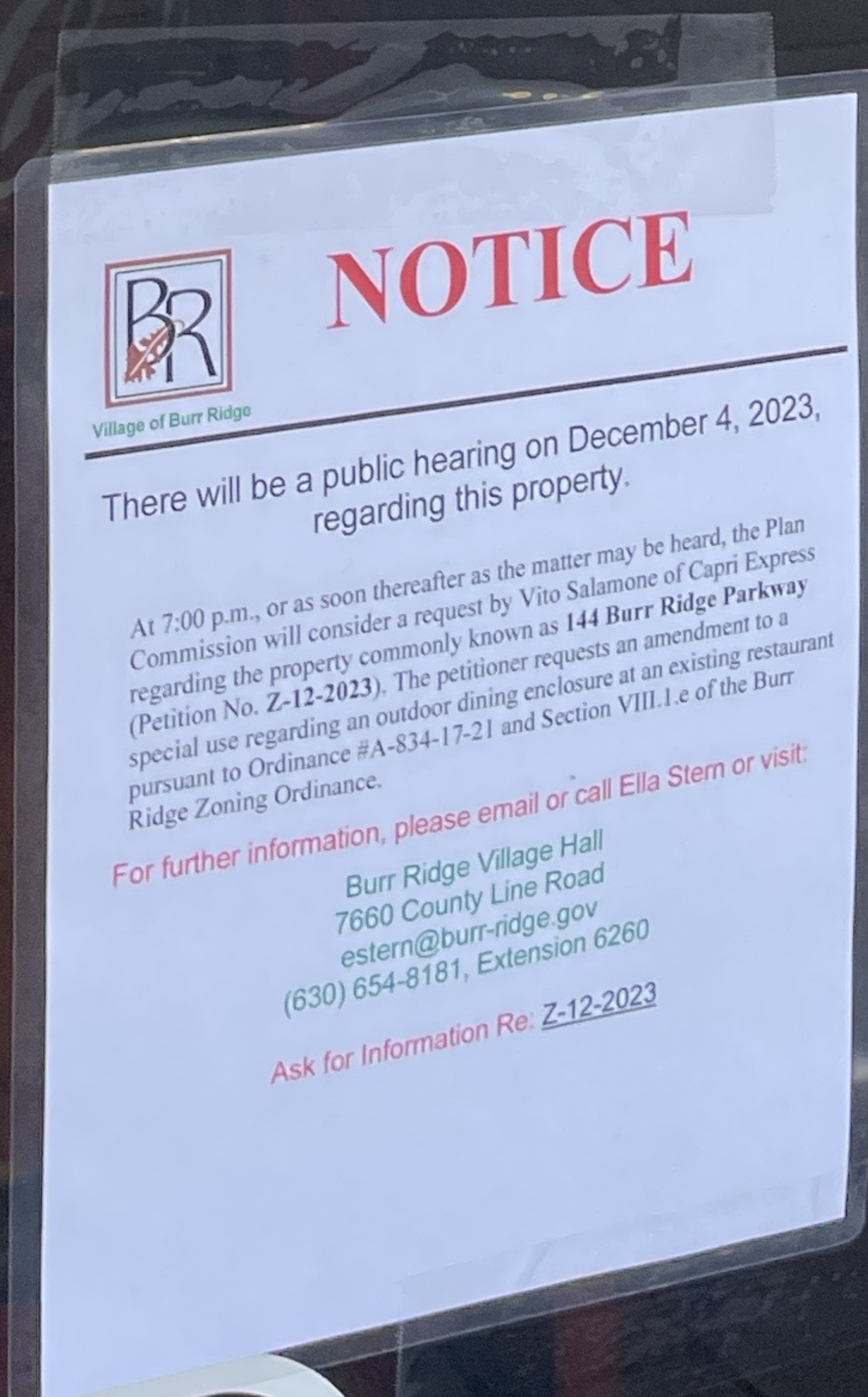
114

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



Capri
EXPRESS

630.323.1200



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 Suburban Life, 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:

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.

Section 2: 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.

Section 3: 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

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.

Section 4: 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

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

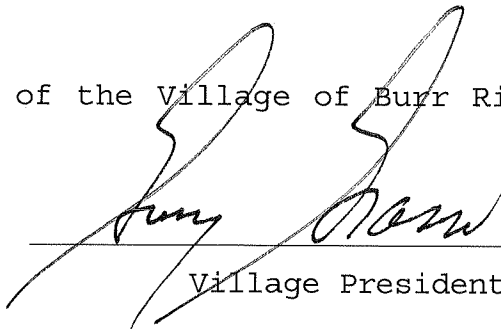
- I. Outdoor seating shall be limited to May 1 to October 31 each year, and all furniture and facilities for outdoor seating shall be removed from November 1 to April 30.
- J. Failure at any time to comply with these regulations shall deem this special use approval null and void.

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 10th 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 10th day of January, 2011.



Village President

ATTEST:



Village Clerk

NOTES:

NO.	DATE	DESCRIPTION
RECORD		

OUTDOOR
PATIO FOR:
"CAPRI
EXPRESS"
RESTAURANT

114 BURR RIDGE PKWY
BURR RIDGE, IL 60527

FLOOR PLAN

Scale:	Sheet Number:
--------	---------------

AS SHOWN

Drawn: DC

Project No. _____

FLOOR PLAN

SCALE: 1/4" = 1'-0"



**CAPRI
EXPRESS
RESTAURANT**

PATIO
22 SEATS

32" Ø METAL TABLE
(TYP. OF 4)

METAL
CHAIR

EXISTING CONC. PAVEMENT

EXISTING
CONC. CURB

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 The Doings, 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.

Section 3: 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 18-30-305-003.

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

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

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 11th 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
11th day of October, 2021.

ATTEST:



Village Clerk



Mayor

Ed Signs

Graphic Solutions For The Sign Industry

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(773) 436-5764 Fax: (773) 436-5770

edsigns@sbcglobal.net

Business Name: Capri Express

Name: Phil

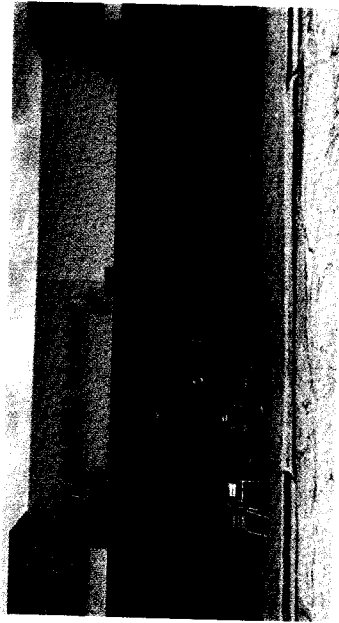
Address: 114 Burr Ridge Parkway, Burr Ridge, IL 60527

Ph: 630-232-3430

Cell: 708-692-1200

E-mail: phil@capriexpress.com

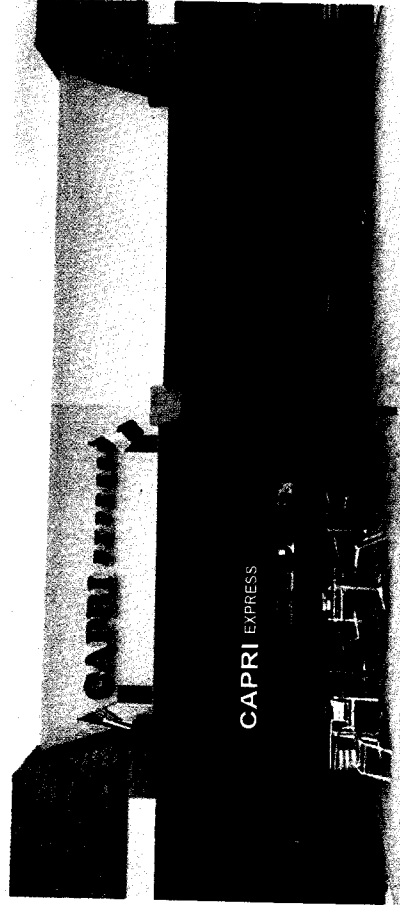
Now



Patio black canvas
Fabrications & Intallation

Proposal

Half Awning



Estimate:

58" x 19' x 13' proyection

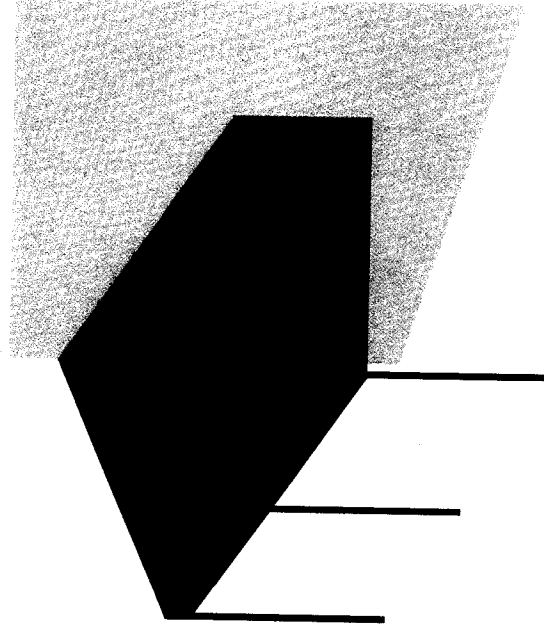
48" x 19' x 13' proyection

36" x 19' x 13' proyection

\$ 11,225.00

\$ 10,400.00

\$ 9,700.00



EXHIBIT

A

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 The Chicago Sun-Times, 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:

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 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.

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 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.

Section 3: 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 8th 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

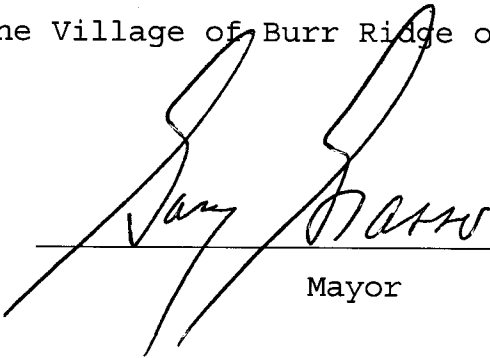
NAYS: 0 - None

ABSENT: 1 - Trustee Snyder

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

ATTEST:



Village Clerk

Mayor

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
- l. 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 pre-packaged 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.

Minimum Standards for Parking Stalls and Aisles

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

*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

From: [ELAINE LAYDEN](#)
To: [Ella Stern](#)
Subject: RE: June 3rd meeting
Date: Wednesday, May 29, 2024 1:27:47 PM

If you can put it into the packet for the commission members that would be great.
Thanks, Elaine

On 05/29/2024 8:09 AM CDT Ella Stern <estern@burr-ridge.gov> wrote:

Good morning, Elaine,

This letter does not pertain to any items on the June 3rd agenda. We can only include it at the end of the June 3rd packet. You may also speak at the meeting under public comments. Please let me know if you would like the public comment added at the end of the June 3rd meeting packet.

Thank you,

Ella Stern



Ella Stern | Planner
The Village of Burr Ridge
estern@burr-ridge.gov | 630-654-8181 X. 6260

From: Elaine Layden <ejlayden@comcast.net>
Sent: Tuesday, May 28, 2024 4:42 PM
To: Ella Stern <estern@burr-ridge.gov>
Subject: June 3rd meeting

Attached find a letter that I would like to present at the June 3rd Zoning Commission Meeting.
Please confirm if that is possible.

Elaine Layden
Thomas Layden

Dear Village board, Mayor and staff:

We have attended zoning board meetings, read the news articles, talked with neighbors and have kept current with the issue of the potential Bridge purchase of the CNH property and development plans. We have heard the list of concerns including:

- additional truck traffic/congestion at an already busy intersection
- noise pollution
- pollution from diesel fumes
- converting a quiet cross village street into a 6 lane road at that intersection
- water displacement
- night time noise and lighting issues
- conflicts with current zoning for the area
- decreased home values
- inappropriate use for the residential sense of the community
- etc.....etc.....etc.

We would like to focus on just one of these: health related issues.

Numerous studies of diesel truck traffic emissions have been related to various health issues, including asthma, cardiovascular events and cancer. We currently have a good deal of truck traffic at this intersection feeding into both the East and West side of County Line Road, including the frontage roads as well as existing traffic on 294 and 55.

It has taken this community some time to recover from the Sterigenics ethylene oxide pollution and its related health issues. There are lawsuits currently related to the cancer deaths that were found to be high in our area and related to the ethylene oxide. It took community action, led by concerned residents working with Burr Ridge and Willowbrook to force this company to shut down. Families have faced losses. Many of us knew these neighbors and share in their pain.

Why would we allow ourselves to get into another situation where we have concerns about the health of our residents, especially the children who will be exposed to the long term health issues. Environmental studies have already concluded that asthma and other lung issues have been increasing among our youth. AND YET - WE ARE CONSIDERING ADDING ADDITIONAL TRUCK POLLUTION TO THIS PROPERTY WHICH IS DIRECTLY ADJACENT TO HARVESTER PARK AND MULTIPLE HOUSING AREAS

It seems to us, that there is NO BETTER REASON needed to not allow Bridge to move into our community with the plans they have shared which **include a dramatic increase of truck traffic.**

Should you wish to receive a list of references related to the above health concerns and/or a presentation to that effect, we would be happy to accommodate you.

Sincerely,
Thomas J. Layden, M.D.
Elane J Layden
121 Carriage Way Dr
708-829-7770

