

MINUTES OF THE MAY 5, 2015 REGULAR MEETING
OF THE ZONING BOARD OF APPEALS OF THE
VILLAGE OF OAK BROOK APPROVED AS WRITTEN
ON OCTOBER 6, 2015

1. CALL TO ORDER:

CALL TO ORDER

The Meeting of the Zoning Board of Appeals was called to order by Chairman Champ Davis in the Samuel E. Dean Board Room of the Butler Government Center at 6:58 p.m.

2. ROLL CALL:

ROLL CALL

Gail Polanek called the roll with the following persons

PRESENT: Chairman Champ Davis, Members Jeffrey Bulin, Natalie Cappetta, Baker Nimry, Alfred Savino, Steven Young and Wayne Ziemer

IN ATTENDANCE: Dr. Mark Moy, Trustee, Robert Kallien, Jr., Director of Community Development and Gail Polanek, Planning Technician

3. APPROVAL OF MINUTES:

MINUTES

REGULAR MINUTES OF THE APRIL 7, 2015 MEETING

Motion by Member Young, seconded by Member Nimry to approve the minutes of the April 7, 2015 Regular Zoning Board of Appeals meeting as written. VOICE VOTE: Motion carried.

4. UNFINISHED BUSINESS

UNFINISHED
BUSINESS

There was no unfinished business to discuss.

5. NEW BUSINESS

NEW BUSINESS

A. REAL URBAN BARBECUE OAK, LLC – 2119 CLEARWATER
DRIVE – VARIATION – SIDE YARD SETBACK

REAL URBAN BBQ –
2119 CLEARWATER
DR – VARIATION –
SIDE YARD SETBACK

Chairman Davis announced the public hearing and stated the requested relief. All witnesses providing testimony were sworn in.

Scott Marland, Real Urban Barbecue, LLC, Special Projects Manager, reviewed the background of the request. They are seeking approval of a variation to the



side yard setback of the property to construct a patio and are also seeking special use approval for an outdoor dining area. They are located in the multi-tenant building located at 2122 York Road, and their address is 2119 Clearwater Drive.

Mr. Marland said that they were requesting the issuance of a Variance in order to construct an outdoor dining patio located adjacent to its existing restaurant. Due to a unique circumstances caused by the lot size, shape and topography, the outdoor dining area as proposed encroaches into the 30 foot side yard setback. The setback lines runs diagonally through the center of the proposed patio. This encroachment ranges from 11 feet to approximately 12 feet 8 inches, for an approximate span of less than 21 feet, which also diminishes going toward the setback due to the curvature of Clearwater Dr. Without the relief this requested Variation would provide, this unique circumstance would severely limit the ability of Real Urban Barbecue to build the outdoor dining area as proposed in its request for Special Use Permit and which the Planning Commission recommend with unanimous approval for any usable patio.

Their Oak Brook location opened in November 2014, and business has been a great success. In fact, lunch business is so successful, that there are often not enough seats immediately available for all its patrons. The outdoor dining area as proposed will add much needed seating to reduce or eliminate customer wait times, and is an amenity that will be enjoyed by patrons during the busier warmer months. Another important consideration is that this outdoor dining area is not like a typical building structure; there will be no negative impact on lighting, air or view. In fact, the outdoor dining area as proposed with its fence and landscaping will actually provide screening from the patio and will be an enhancement to the currently undeveloped property. Additionally, the owner of the property fully supports and has approved our request for a variation.

Chairman Davis noted that the Standards were on page D-D.2 of the case file and were addressed in great detail.

Chairman Davis asked for the square footage of the patio.

Mr. Marland responded that the area of the patio was 965 square feet and the area of encroachment would be 375 square feet, which is about 38.6 percent of the total area of the patio.

The members did not have any questions in regards to the standards that were addressed in writing.

Mr. Marland said that even though the patio would encroach over the setback line, there would remain roughly 31-33 feet of space between the curb on Clearwater Drive and what would be the outside edge of the patio. It would be a cement patio with fencing around it, which is very similar to what exists in front of Roti Mediterranean Grill located directly next door to their location.

Member Ziemer noted that the length of the variation was closer to 40 feet than the 21 feet noted in the packet.

Director of Community Development Kallien said that when the very complicated set of regulations was adopted as part of the special use approved for the Clearwater Development. One of the things approved allowed certain types encroachments. Specifically, it approved awnings that could encroach into the setback and was to be part of the hotel that was never constructed. The approval did not call out this type of encroachment, which is why they were seeking the variation.

Chairman Davis questioned if the 30-foot setback was also part of the approval and Director of Community Development Kallien said that it had been reduced from 40 to 30 feet.

No one spoke in support of or in opposition to the request.

Chairman Davis noted that the Standards had been addressed in their testimony and in writing on page D-D.2 of the case file and that the Zoning Board of Appeals was of the opinion that the applicant had satisfied the requirements for the requested variation.

Motion by Member Young, seconded by Member Ziemer that the applicant had satisfied the requirements for the requested variation for the property located at 2119 Clearwater Drive and to recommend approval, subject to the following conditions

1. The proposed development shall be constructed in substantial conformance to the approved plans.
2. Approval of the special use as proposed.
3. Add the condition "Notwithstanding the attached exhibits, the applicant shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived."

ROLL CALL VOTE:

Ayes: 7 – Members Bulin, Cappetta, Nimry, Savino, Young, Ziemer and Chairman Davis

Nays: None. Motion carried.



5. B. REAL URBAN BARBECUE, LLC – 2119 CLEARWATER DRIVE – SPECIAL USE – OUTDOOR DINING AREA ADJACENT TO A RESTAURANT REAL URBAN BBQ
2119 CLEARWATER
– SPECIAL USE –
OUTDOOR DINING

Chairman Davis announced the public hearing and stated the requested relief. All witnesses providing testimony had already been sworn in.

Scott Marland, Real Urban Barbecue, LLC, Special Projects Manager, reviewed the background of the request. . He stated that in the Chicago area we are provided a very short window of opportunity from which to enjoy outdoor dining. For that reason, Real Urban Barbecue likes to offer outdoor dining at all of its locations whenever possible. They have witnessed firsthand the benefits at the other locations in Highland Park and Vernon Hills and for that reason they are requesting approval of a special use for outdoor dining adjacent to their restaurant.

The patio will be located just west of the existing building.

- There are two sets of glass doors from the restaurant into the patio area, which will provide the only access to the outdoor patio. There will be no access from outside the patio into the patio area, except through the restaurant.
- Construction will consist of cement patio surrounded by a 42-inch high anodized aluminum fence with galvanized steel posts.
- Four - six by six (6" x 6") cement filled galvanized steel bollards will be installed in the exterior of the perimeter fencing that faces any parking spaces in the parking lot located to the south of the patio to address any safety concerns and protect the guests from any possible accidental motor vehicle. The bollards will be placed 60" apart and painted black.
- Lighting will be provided on the patio consisting of a light wall pack and emergency lighting will be mounted on the exterior. A light pole will be installed on the far west end of the patio, which is the same style used throughout the center.
- There will be a one-way emergency egress access gate with panic hardware.
- Attractive shrubbery will be planted around the perimeter of the patio area to enhance the area and act as a shield as well.
- There will be 64 seats and operational weather permitting.



- The furniture will be stored off-site during the winter months.
- There will not be live entertainment on the patio
- As part of the special use the sought an allowance of the placement of mounted outdoor speakers, to be connected to the internal sound system. They feel that playing music outdoors is an integral part of keeping with its theme and the overall experience of their customers. Real Urban Barbecue will only play its outdoor music at low sound levels that: are in full compliance with both the Village's noise ordinances, adhere to any lease specified requirements, and will not disturb residents or interfere with other nearby restaurants.

Chairman Davis noted that the Plan Commission recommended unanimous approval of the request subject to 6 conditions and asked the Applicant if they accept those conditions.

Mr. Marland agreed that they accepted all of the conditions.

Chairman Davis noted that the Factors for a special use were addressed in their testimony and in writing on page D of the case file. Sufficient facts had been presented to enable a vote on the matter.

Member Nimry questioned if the width of the gate met Code.

Director of Community Development Kallien said that it did.

The architect said that the gate and the size of the gate met code requirements.

The Zoning Board discussed whether an additional emergency egress should be added with an excess of 49 patrons. After a discussion it was suggested that the building permit should be reviewed in regards to the gate and include and to add a second gate if required.

The Zoning Board discussed the need for additional landscaping along the patio and it was agreed that 3 additional trees, perhaps shade type trees would be added to the landscape plan providing for a total of 7 trees.

The Zoning Board discussed the overall landscaping required for the Clearwater Development. It will be discussed and addressed later, but would not be a requirement of this special use request.

No one spoke in support of or in opposition to the request.



Motion by Member Nimry, seconded by Member Ziemer that the applicant had satisfied the requirements for a special use and to recommend approval of the special use to allow an outdoor dining area to be located at 2119 Clearwater Drive adjacent to the Real Urban Barbecue, subject to the following conditions:

1. The development of the outdoor dining area shall be in substantial conformance with the plans as modified to include the installation of a second means of egress from the patio area.
2. The restaurant will be responsible for maintaining and cleaning the outdoor area and shall comply with all applicable requirements of the DuPage County Health Department.
3. The outdoor dining area will be operated in accordance with the following rules of operation:
 - a. A maximum seating capacity for 64 patrons may be provided in the outdoor dining area.
 - b. No live music, dancing or other outdoor entertainment will be permitted in the outdoor dining area.
4. Community Development will review the required number of egress gates from the patio and ensure that the source of light is shielded as part of the building permit.
5. The landscaping surrounding the patio will be enhanced by adding four additional trees around the perimeter for a total of 7 trees.
6. The Applicant will comply with all other applicable rules and ordinances of the Village of Oak Brook including the lighting requirements.
4. Notwithstanding the attached exhibits, the applicant shall meet all Village Ordinance requirements at the time of building permit application except as specifically varied or waived.

ROLL CALL VOTE:

Ayes: 7 – Members Bulin, Cappetta, Nimry, Savino, Young, Ziemer and Chairman Davis

Nays: None. Motion carried.

6. OTHER BUSINESS

OTHER BUSINESS

Director of Community Development Kallien reviewed possible upcoming cases.

There was no other business to discuss.



7. ADJOURNMENT:

ADJOURNMENT

Motion by Member Young, seconded by Member Bulin to adjourn the meeting at 8:03 p.m. VOICE VOTE: Motion carried.

ATTEST:

/s/ Robert L. Kallien, Jr.
Director of Community Development
Secretary

