

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

NOVEMBER 7, 2011

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5– Franzese, Bolos, Perri, Grunsten, and Trzupek

ABSENT: 2 – Cronin and Stratis

Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Perri and **SECONDED** by Commissioner Grunsten to approve minutes of the October 17, 2011 Plan Commission Meeting.

ROLL CALL VOTE was as follows:

AYES: 3– Perri, Grunsten, and Trzupek

NAYS: 0 – None

ABSTAIN: 2- Franzese, Bolos

MOTION CARRIED by a vote of 3-0.

3. PUBLIC HEARINGS

Chairman Trzupek confirmed all present who wished to give testimony at any of the public hearings on the agenda.

A. V-05-2011: 6545 County Line Road (Becker); Fence Variation

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described the public hearing as follows: The petitioner seeks to permit a temporary fence in the front yard of a residential property for the purpose of winter time salt protection. The subject property is on the east side of County Line Road approximately 200 feet south of Plainfield Road and the petitioner has had problems with salt damage on their front yard landscaping. In response, the petitioner has erected a salt protection fence along the County Line Road frontage of the property. Last year, the

Village staff received a complaint about the fencing and upon investigation, determined that the fencing violated the fence regulations of the Zoning Ordinance.

Mr. Pollock continued; in response to the above, the petitioner has filed a variation requesting permission to construct a salt protection fence along County Line Road. The fence is 8 feet tall. It is black vinyl coated chain link with a polypropylene wind screen spread over each 8 x 8' section of the fence. Permanent sleeves have been placed in the ground that allow the fence to be quickly erected in late fall (typically, mid-November) and removed in late winter (typically in March). The location of the fence is adjacent to the front lot line. It would extend along the entire frontage (except for the driveway) and would be on private property.

Chairman Trzupek asked the petitioner for comments.

Mr. Bob Becker, petitioner and resident from 6545 County Line Road, said that this request was a plea for property protection rather than a plea for relief from the Zoning Ordinance. He said that he agreed with staff's recommended conditions except that they would like the fence to remain until April 1 rather than March 15.

Mr. Becker said that when they moved to this location, County Line Road was a two lane road and has since grown into a five lane road with a signalized intersection. He described the level of salt that they have found on their property before using the subject fence as a salt barrier. He said that the subject fence has proven to be an effective barrier in reducing salt contamination on this property. He said they tried a smaller fence made from a wood snow fence with burlap but it did not block enough salt and it became damaged and unsightly just a few weeks into the winter. Mr. Becker said he has soil tests to verify the difference in salt content before and after the subject fence was used. He concluded that this was not a plea for value enhancement monetary gain but rather a plea to allow him to protect his property.

Mr. Becker introduced Mr. Tony Lobello, a landscape contractor. Mr. Lobello said that before the current fence protection was in place that nearly all of the plants were burned from salt damage. He said that at one time a pile of soil was removed from the property and it was rejected at the dump site due to contamination.

Chairman Trzupek asked if there was anyone in attendance who wanted to speak to this request. There being no one, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Franzese asked when the fence was removed last year. Mr. Becker said he thought it was in late March. Commissioner Franzese said that it was not removed until at least April 18.

Commissioner Franzese asked where the soil samples were taken and suggested that salt run off would simply run under the fence and therefore contaminate the yard anyway. Mr. Becker said that the soil samples were taken all over the property. He further explained that there is a swale behind the fence that directs the run off.

Commissioner Franzese asked if the fence was on private property or in the public right of way. Mr. Becker said that he believes the fence is on private property.

Commissioner Bolos asked if the sleeves were in the ground and if there were any poles or sleeves that extended above ground when the fence was not in place. Mr. Becker said there were none. He said the sleeves were capped at grade level when the fence is not in use.

Commissioner Bolos said that she was concerned about maintenance of the screens and fence. She also asked to clarify the end date and said that she wanted to be sure the fence would be on private property. In response, Mr. Becker said that the fence screen is in 8 foot sections and any damaged material would be replaced. He said that they would like an April 1 removal deadline and that if it were determined that the fence was not on private property, he would agree to move it.

Commissioner Perri asked the petitioner why the fence had to be 8 feet tall. Mr. Becker said it was based on their observation of the snow throw from plow on County Line Road. He said the height was necessary to prevent the snow from being thrown over the top of the fence. He noted that County Line Road was above the grade level of the fence.

In response to a request from Commissioner Perri, Mr. Becker passed out two soil reports, one from 2007 and one from 2010. He said the 2010 report was after the subject fence was installed and showed that there was a significant reduction in salt content in the yard.

Commissioner Perri asked about the number and types of plants that had to be replaced each year due to salt damage and if they have tried different plants or different plant locations. Mr. Lobello responded that before the subject fence was used, all of the plants in the front yard suffered salt burns. He said that they had to replace about \$1,000 to \$3,000 of plant materials per year at that time. He said they have definitely gone to salt tolerant plants but that location is limited due to the driveway and other existing features of the property.

Commissioner Grunsten clarified once again that the fence would be removed by April 1 each year.

Chairman Trzupsek said that he wanted to be sure the fence was on private property and should be relocated if it is in the public right of way. He said he does not like the look of the fence but is sympathetic to the problem. He said he is generally supportive of the variation.

Mrs. Lelko, 6547 County Line Road, said she is the neighbor and has no objection to the fence. She said the preservation of the landscaping would enhance their property values.

There being no further questions from the Plan Commission, Chairman Trzupsek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Franzese to close the hearing for V-05-2011.

ROLL CALL VOTE was as follows:

AYES: 5– Bolos, Franzese, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Grunsten to accept the petitioner's findings of fact and to recommend approval of a variation from Section IV.J of the Burr Ridge Zoning Ordinance to permit a temporary fence in the front yard of a residential property for the purpose of winter time salt protection subject to the following conditions:

1. The fence shall be maintained in good condition at all times with no rips or tears in the wind screen, with the black vinyl coating covering all of the fence posts and chain link material, and with fence posts in a straight and vertical condition at all times.
2. The fence shall be located adjacent to the front lot line only and within the confines of the private property.
3. The fence shall not be erected before November 15 of each year and shall be removed before April 1 of each year.
4. The property owner shall obtain a fence permit prior to construction of the fence each and every year the fence is to be erected.

ROLL CALL VOTE was as follows:

AYES: 3– Bolos, Grunsten, and Trzupek

NAYS: 2 – Franzese and Perri

MOTION CARRIED by a vote of 3-2.

Commissioner Franzese stated that he objected to the fence because it exceeds the maximum height of fences allowed in other residential areas of the Village, that it was not 50% open, it was chain link which is specifically prohibited and that in general its appearance was obtrusive. Commissioner Perri indicated he agreed and primarily objected to the height of the fence.

Mr. Pollock stated that he is concerned that ZBA rules may require a majority of the ZBA to make a recommendation to the Board. He said that would mean 4 votes are necessary for an official recommendation. Mr. Pollock stated that the minutes and letter of recommendation to the Board of Trustees would clearly indicate that the vote on the motion to approve was 3 to 2 so that the Board of Trustees would know the opinion of the members. He concluded that he would check with the Village's legal counsel to

determine how this matter should be presented to the Board of Trustees. He said it would either be presented as a recommendation to approve by a 3 to 2 vote or as no recommendation due to a 3 to 2 vote.

B. Z-24-2011: 84 Burr Ridge Parkway (Kumon); Text Amendment and Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this public hearing.

Mr. Pollock described the public hearing as follows: The petitioner operates a business that provides math and reading enrichment programs for students in pre-school, primary and secondary education levels. They are seeking to open a business location in County Line Square. The tenant space is at 84 Burr Ridge Parkway and consists of approximately 1,270 square feet. The closest land use category currently listed in the B-1 District is studios for teaching of martial arts, art and gymnastics. A tutoring center for math and reading is not listed. Mr. Pollock said that the Plan Commission may determine that this use is similar to a studio and classify it as a permitted use or may determine that a separate land use category is appropriate. He added that staff recommends that a new land use category be added and that the use be classified as a special use.

Chairman Trzupek asked the petitioner for comments.

The petitioner stated that she would be the operator of the learning center. She said the business would generally have two employees on-site (a tutor and an office person) and 4 to 6 students at a time for 60 minute sessions; that the business would be open every day for administrative purposes but would only conduct tutoring five days a week; and that the primary hours for tutoring would be from 3 pm to 7 pm during the week and all day on Saturdays.

Chairman Trzupek asked if there was anyone in attendance who wanted to speak to this request.

Mr. Andrew Mormon stated that he owns the building and a business at 50 Burr Ridge Parkway. He noted that there used to be a tutoring facility in his building.

Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Grunsten said she is personally familiar with Kumon and generally supports this use at this location. She said parking at the Willowbrook facility can be difficult and asked about the parking situation. The petitioner said that they would have at most 10 to 15 people visiting the site during the transition from one session to another and that she believed sufficient parking was available.

Mr. Mormon added that the Moondance Diner closes at 3 pm each day and there is plenty of parking at that end of the shopping center after 3 pm.

Commissioner Perri asked for clarification of the hours, ages of students if there were any changes in the hours during summer months, and about the training for the tutors. The petitioner stated that tutoring is from 3 pm to 7 pm Mondays through Saturdays, that almost all of the students were pre-school, elementary school, or junior high with very few high school students, and that the hours remained the same in the summer. The petitioner added that tutors are trained in methodology and are pre-qualified.

In response to Commissioner Bolos the petitioner said that the Kumon Learning Centers were all in strip centers and not free standing buildings. Commissioner Bolos also asked about how many cars might stack up at the curb to pick up students. The petitioner said that they discourage curbside pick-ups and that most parents park and wait for their children in the waiting room.

Commissioner Franzese asked the petitioner what they would do if parents were parking in the curbside fire lane waiting for students. The petitioner said she would ask them not to that.

In response to Commissioner Perri, the petitioner stated that students could not leave the building without being escorted by a parent.

There being no further questions from the Plan Commission, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to close the hearing for Z-24-2011.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Bolos, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to adopt the petitioner’s findings of fact and to recommend approval of a text amendment to add “Tutoring center for pre-school, primary and secondary education” to the list of special uses in the B-1 and B-2 Districts.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Bolos, Perri, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to adopt the petitioner’s findings of fact and to recommend approval of a special use for a “Tutoring center for pre-school, primary and secondary education” at 84 Burr Ridge Parkway.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Perri, Bolos, Grunsten, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 5-0.

4. CORRESPONDENCE

There was no discussion regarding any of the correspondence on the agenda.

5. OTHER CONSIDERATIONS

A. S-06-2011: Devon Ridge Subdivision Entryway Sign – Conditional Sign Approval

Chairman Trzupek asked Mr. Pollock to provide a summary of this request.

Mr. Pollock summarized this request as follows: The Devon Ridge Subdivision Homeowners Association received conditional sign approval in October for the replacement of their entryway sign. After the approval, they have decided to modify the sign to add finials on top of the sign posts. The finials on the sign result in the overall height of the sign exceeding the four foot maximum permitted by the Sign Ordinance. The approved sign was 47 inches in height and the proposed signs would be 67.5 inches in height.

Mr. John Gervase, 148 Circle Ridge Drive, was present on behalf of the homeowners. He said that the subdivision was trying to improve its entryway and they believe the proposed sign is more attractive than the previously proposed sign.

Commissioner Bolos said she was concerned about precedent. Mr. Pollock said that the precedent would be limited to the height of support posts or piers as the main sign panel complies with the 4 foot height limit. He added that a similar height variation was granted this year for the Timber Ridge Subdivision Entryway.

Chairman Trzupek asked about the text on the sign. Mr. Gervase said that the text had yet to be determined but it would include “Burr Ridge” and it would be centered near the top of the sign panel so that landscaping does not block the text.

Chairman Trzupek clarified that the main sign panel meets the height restriction and the variation was only for the finials on the sign posts.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to recommend approval of a conditional sign approval as per Section 55.04.B.1 of the Sign Ordinance to replace an existing subdivision sign and requests a variation from Section 55.04.B.1 to permit the sign to exceed the four foot height maximum subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Grunsten, Bolos, Perri, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 5-0.

B. S-07-2011: 101 Burr Ridge Parkway (BMO Harris); Conditional Sign Approval and Sign Variations

Chairman Trzupek asked Mr. Pollock to provide a summary of this request.

Mr. Pollock summarized this request as follows: The bank at the northeast corner of Burr Ridge Parkway and County Line Road is undergoing a name change from Harris Bank to BMO Harris Bank. As such, they are changing their signs to reflect the new bank name. The existing signs were approved in 2008 as they require conditional sign approvals and sign variations. The number of new signs is exactly the same as existing however the size and shape of the signs are different. Additionally, three traffic directional signs exceed the 4 square foot maximum permitted by the Sign Ordinance. The proposed signs are 7 square feet. Staff does not recommend the variation for the traffic directional signs.

Mr. Rick Climber was present on behalf of the sign contractor for BMO Harris Bank. He said that the 7 square foot directional sign was the smallest in their standard set of plans and they would have to design a new sign to meet the 4 square foot requirement. He was also concerned that the sign be legible. He then presented a drawing of a sign that would match the proposed signs but would comply with the maximum size of 4 square feet.

In response to Commissioner Grunsten, Mr. Climber said that similar sign packages were used at the Hinsdale branch of BMO Harris Bank.

Commissioner Perri said he did not want the free standing sign at the corner when Harris Bank proposed that sign previously. He feels it blocks the view of the Village Center. He asked about the white portion of the sign and said he was concerned that it were lit it would be more intrusive than the existing sign. Mr. Climber said the white portion of the sign would not be lit.

Commissioners Bolos and Franzese both said that the directional signs should comply with the maximum 4 square feet as permitted by the Sign Ordinance.

Chairman Trzupek noted that the property is unique because of its location with visibility from three streets. He added that with the change in the size of the directional signs, the proposed sign package would actually be less sign area than the existing signs.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Perri to recommend approval of: conditional sign approval as per Section 55.06.B.6 of the Sign Ordinance to install wall signs more than 20 feet above grade on the east and west walls of an existing building; a variation from Section 55.06.A.2 of the Sign Ordinance to permit three principal identification signs with a total sign area of approximately 110 square feet rather than the maximum of 2 signs with a combined area not to exceed 100 square feet; a variation from Section 55; a variation to permit a ground

sign to be located closer than 10 feet to a lot line; all subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Perri, Bolos, Grunsten, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Grunsten to recommend denial of a variation from Section 55.10.L to permit private traffic directional signs of 7 square feet rather than the permitted maximum of 4 square feet and to direct staff to prepare Findings of Fact in support of this recommendation.

ROLL CALL VOTE was as follows:

AYES: 5– Franzese, Grunsten, Bolos, Perri, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. S-08-2011: 6880 North Frontage Road (Seasons Hospice); Sign Variation

Chairman Trzupek asked Mr. Pollock to provide a summary of this request.

Mr. Pollock summarized this request as follows: This petition seeks approval to add a second sign to the building at 6880 North Frontage Road. The existing tenant in the building, Everest College, has a wall sign on the building. The Sign Ordinance only allows one sign per lot. Mr. Pollock added that a similar request was made by a previous tenant, Pasquinelli, Inc. and that it was denied. He also said that earlier this year the Plan Commission and Village Board considered additional signage for properties facing I-55 and that it was decided that only buildings exceeding 50,000 square feet would be allowed additional sign area. He said this building is 38,000 square feet and that even for larger buildings the amendment was limited to more sign area but not an increase in the number of signs.

Commissioner Franzese asked how much space this tenant would occupy. The petitioner responded that they would occupy about 11,000 square feet.

Commissioner Franzese said that he does not see any reason why this building should have additional signs beyond the code requirements and that he cannot support the variation request.

Commissioners Bolos, Perri and Grunsten indicated their agreement with Commissioner Franzese.

Chairman Trzupek added that when the Plan Commission discussed the recent amendments allowing more sign area for buildings exceeding 50,000 square feet, this building was used as an example and it was felt that smaller buildings should only have one sign.

Commissioner Franzese suggested that this consideration be continued to allow the petitioner to reconsider their options. The petitioner agreed.

Mr. Pollock added that the two tenants in the building could share a sign but that it would likely require the existing tenant, Everest College to relocate or replace their existing sign to make room for Seasons Hospice.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to table S-08-2011. The motion was unanimously approved by a voice vote of the Commission.

6. FUTURE SCHEDULED MEETINGS

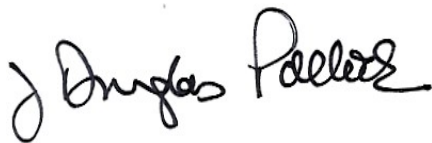
Mr. Pollock said that there were no public hearings and no other business scheduled for November 21.

A **MOTION** was made by Commissioner Franzese and **SECONDED** by Commissioner Bolos to cancel the November 21, 2011 Plan Commission meeting. The motion was approved by a unanimous voice vote of the Commissioners present.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Perri to **ADJOURN** the meeting at 9:22 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:22 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

November 7, 2011