

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**FEBRUARY 18, 2013**

**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 Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois, by Chairman Trzupek.

**ROLL CALL** was noted as follows:

**PRESENT:** 6 – Cronin, Bolos, Stratis, Grunsten, Hoch, and Trzupek

**ABSENT:** 0 - None

Also present was Community Development Director Doug Pollock and Trustee Guy Franzese.

Chairman Trzupek introduced Mrs. Louisa Hoch as a new member on the Plan Commission. Chairman Trzupek noted that she was recently appointed by the Village Board and also serves on the Pathway Commission.

Chairman Trzupek also acknowledged the presence of former Commissioner Guy Franzese. Chairman Trzupek said that Mr. Franzese resigned from the Plan Commission after nearly 16 years of service in order to accept an appointment to the Village Board. Chairman Trzupek asked Trustee Franzese if he would like to address the Plan Commission.

Trustee Franzese thanked all of the past and present Plan Commissioners for their support during his tenure and for their service to the Village. He also expressed his thanks to the Village staff and Community Development Director Doug Pollock.

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to approve minutes of the December 3, 2012 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Bolos, Cronin, Grunsten, Stratis, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 - Hoch

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

### **3. PUBLIC HEARINGS**

Chairman Trzupek confirmed all present who wished to give testimony at the public hearing and introduced the public hearing as follows.

#### **A. V-01-2013: 6545 County Line Road (Becker); Variation**

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

Mr. Pollock said that due to an incomplete legal notice, the staff is requesting a continuance of this hearing to March 18, 2013. He said that a variation for the driveway gate was not included in the legal notice. Mr. Pollock said that the petitioner prefers to have the Plan Commission review the entire request and agreed that it should be continued.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to continue the hearing for V-01-2013 to March 18, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Cronin, Grunsten, Bolos, Stratis, Hoch, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

#### **B. Z-01-2013: 16W251 South Frontage Rd (Burr Ridge Kettlebell); Special Use**

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

Mr. Pollock introduced the hearing as follows: The petitioner requests special use approval to open a fitness facility in a tenant space at 16W251 South Frontage Road. The property is within a GI General Industrial District which classifies Health and Wellness Clinics as a special use. Mr. Pollock said the Village has categorized similar fitness facilities in this category.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Paul Lyngso said that he has operated a kettlebell fitness business in conjunction with Right Start Fitness Center in Willowbrook. He said the business has outgrown its space at Right Fit and he would like to open in a larger facility.

There being no one else in attendance to speak to this matter, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked if there was shared parking and if there were any spaces dedicated for this business. Mr. Lyngso said that most of the parking is shared but that he has 2 dedicated spaces. He said there is available a minimum of 2.5 spaces per 1,000 square feet of floor area. Mr. Lyngso said that he would have smaller groups during the day and larger groups during off peak hours so that there will always be plenty of parking

available. In response to Commissioner Cronin, he added that there was a break room and two rest rooms.

Commissioner Bolos asked about the length of classes and the hours of operation. Mr. Lyngso said that each class lasts 45 minutes and are scheduled a minimum of one hour apart so that there is no overlap. He said that the latest classes are at 7 or 8 pm during the week with classes on Saturday morning but no classes on Sundays.

Commissioner Stratis said that all of his questions had been addressed.

In response to Commissioner Grunsten, Mr. Lyngso said that a semi-private group included 2 to 4 people.

Commissioner Hoch asked about the number of trainers. Mr. Lyngso said it was only him and his wife.

Chairman Trzupke asked if the petitioner was aware of the conditions recommended by staff. After reviewing, Mr. Lyngso said that he accepted those conditions.

Commissioner Bolos asked what and how they would grow the business. Mr. Lyngso said that they would add more classes rather than adding more students per class.

There being no further questions or comments, Chairman Trzupke asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Grunsten to close the hearing for Z-01-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Bolos, Grunsten, Cronin, Stratis, Hoch, and Trzupke

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

Chairman Trzupke asked for a motion on the request for special use approval.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of Z-01-2013, a request for special use approval for a Health and Wellness Clinic at 16W251 South Frontage Road, Unit 26, subject to the following conditions:

1. The special use approval will be limited to Burr Ridge Kettlebell, LLC as operated by the petitioner, Mr. Paul Lyngso.
2. The business shall be limited to 2000 square feet of floor area at 16W251 South Frontage Road, Unit 26.

3. All other aspects of the business shall comply with the description submitted by the petitioner.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Bolos, Hoch, Cronin, Stratis, Grunsten, and Trzuppek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**C. Z-02-2013: 8335 County Line Road (Pizzuto); Text Amendment, Special Use, and Variations**

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

Mr. Pollock introduced the hearing as follows: The petitioner has a building permit to construct a new home on the five acre property. The new home plans include a detached accessory building that would be used primarily as a garage but would also include a second story residential unit. The current R-2 District does not permit accessory dwelling units. The R-1 District classifies “accessory dwellings for non-gratuitous guests as a special use. The petitioner requests that the same listing be added to the R-2 District and that a special use be granted for this property.

Mr. Pollock further described the petition as follows: The petition also requests a building height variation and a floor area variation both for the detached accessory building. The R-2 District restricts the maximum height to 22.5 feet and the proposed building would be 26 feet at the peak of the roof. The proposed building does comply with the R-1 District which restricts the height of an accessory building to 25 feet measured at the mean between the peak and ridge of a sloped roof. Mr. Pollock said that he believes the floor area variation is not needed because the walk out basement is typically excluded from the floor area calculation for a house. If the Commission agrees that the basement of a garage should also be excluded from the floor area, than a floor area variation is not needed.

Mr. Pollock added that the subject property is a legally, non-conforming flag lot in that it does not have public street frontage. He added that it was legally platted before annexation into the Village and used for one single-family residence. As a legally non-conforming lot, it can be continued to be used for single-family residence.

Mr. Pollock also said that the detached accessory building is connected to the house via an underground tunnel. He said it is still classified as a detached building because it is not attached above grade.

Chairman Trzuppek asked the petitioner for his presentation.

Mr. Jason Racine was present on behalf of the petitioner. He said that the property owner is seeking to construct a home that he can live in for a long time. He anticipates that the accessory dwelling could be used for a caretaker in the future which would allow the owner to stay in the house with privacy while still having a caretaker on the property.

There being no one else in attendance to speak on this matter, Chairman Trzuppek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about the definition of a basement and when it counts as floor area. Mr. Pollock said that if there is 4.5 feet or more of a basement above grade, it counts toward floor area except that a walk out basement that results from the natural grade does not count.

Commissioner Cronin said that he is concerned about watering down the differences between the R-1 and R-2. In response, Mr. Pollock said that the primary difference between all residential districts is the minimum size of the lots and that would not be changed.

Chairman Trzuppek asked about the differences between the R-1 and R-2 Districts. Mr. Pollock said the primary difference is the lot size as the R-1 District requires 5 acres per lot and the R-2 District requires 2 acres per lot. He said in terms of permitted uses and bulk requirements, there is very little difference.

Commissioner Bolos asked for a more detailed description of the building height issue. Mr. Pollock said that in most districts, building height is measured to the mean height between the peak and the ridge of a sloped roof but that in the R-2 District there is an absolute height limit of 22.5 feet. He said that this came from an amendment and was intended to address an A-Frame building. Mr. Pollock said that the proposed building would comply with the 25 foot building height maximum of the R-1 District which is measured at the mean height level, not the peak of the roof. He said it does not comply with the absolute height of 22.5 feet as required by the R-2 District.

Mr. Pollock added that a text amendment for building height may require more study than is possible for this particular petition. He suggested that if the Plan Commission thinks the proposed building is acceptable in terms of height, they could recommend the variation and that accessory building height in the R-2 District be further reviewed as part of the annual Zoning Ordinance update.

Commissioner Stratis asked about the Village's tree ordinance. Mr. Pollock said that the tree ordinance allows removal of trees for the purpose of constructing a home.

Commissioner Grunsten said that this is a secluded area and she believes the requests would not have a negative impact on any adjacent properties.

Commissioner Hoch asked if the building were attached to the house would they need these same approvals. Mr. Pollock said they would not need the building height variation but that they would still need the text amendment and special use for an accessory dwelling.

There being no further questions or comments, Chairman Trzuppek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to close the hearing for Z-02-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grunsten, Hoch, Cronin, Bolos, Stratis, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

Chairman Trzupek asked for separate motions on the requests for a text amendment, special use approval, and variations.

Mr. Pollock added that if the Plan Commission concurred with staff's recommendation that a walk out basement in a detached accessory building does not count as floor area, than no further action is necessary on that particular variation. Chairman Trzupek asked if all of the Commissioners agreed with staff's interpretation and everyone indicated their agreement.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Cronin to accept the petitioners findings of fact as submitted and to recommend approval of an amendment to the Zoning Ordinance to add "Accessory dwellings for non-gratuitous guests, domestic employees, or extended family" to the list of special uses in the R-2 District.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Bolos, Cronin, Stratis, Grunsten, Hoch, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of a special use as per the amended Zoning Ordinance to allow an accessory dwelling for non-gratuitous guests, domestic employees, or extended family" for the property at 8335 County Line Road subject to compliance with the submitted plans including limiting the accessory dwelling to the second floor of the proposed detached accessory building.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Bolos, Hoch, Cronin, Stratis, Grunsten, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Grunsten to accept the petitioners findings of fact as submitted and to recommend approval of a variation from the Zoning Ordinance to allow an accessory building with an absolute height of 26 feet rather than the permitted 22.5 feet subject to compliance with the plans as submitted.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Bolos, Grunsten, Cronin, Stratis, Hoch, and Trzupek

**NAYS:** 0 – None  
**MOTION CARRIED** by a vote of 6-0.

**D. Z-03-2013: Zoning Ordinance Text Amendment – Residential Driveways**

Chairman Trzupsek noted that staff has requested a continuance of this hearing. Mr. Pollock said that at the direction of the Chairman and due to the large number of agenda items staff is requesting a continuance. He said that staff has notified interested parties that the hearing would be continued.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the hearing for Z-03-2013 to March 18, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Grunsten, Cronin, Bolos, Hoch, and Trzupsek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 6-0.

**4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

**5. OTHER CONSIDERATIONS**

Chairman Trzupsek asked that the two considerations be considered in reverse order since there was someone in attendance for the second consideration. The Plan Commission agreed.

**A. PC-02-2012; 405 Village Center Drive – Informal Review**

Chairman Trzupsek asked Mr. Pollock to describe this request.

Mr. Pollock described the request as follows: A potential buyer of the outlot in the Village Center has inquired about a new restaurant building on the outlot. Village staff was concerned that the building may not be consistent with the other buildings in the PUD or with the requirements of the Zoning Ordinance. Mr. Pollock said that the use of the property for a restaurant is permitted by the Village Center PUD and this informal discussion is regarding only the building elevation.

Mr. Pollock introduced Mr. Vince Priest who is the owner of the Standard Grill restaurant. Mr. Priest briefly described his restaurant and referenced an existing restaurant in Westmont. He said the restaurant in Westmont is part of a grocery store but for the Village Center outlot, he would do the restaurant only.

Chairman Trzupsek asked if the petitioner were willing to add masonry to the building particularly at the base of the building. Mr. Priest said that the design of the building is

his brand and he would not do the building if he could not maintain the same look of the building. However, he added that he would consider adding some masonry as long as he was able to maintain his brand appearance.

Commissioner Bolos said that she is concerned about a building at the entryway to the Village Center that is all white. She is concerned that it would look out of place.

Chairman Trzupsek said he shares the same concern and would also have a problem with an all-white building. He said that the owner would have to mix the materials to include stone or other masonry materials.

Commissioner Cronin asked if there was enough parking. Mr. Pollock said that the Village Center was planned to include a restaurant at this location and there is plenty of parking on the street, in the surface lots and in the parking decks. He agreed that the parking adjacent to the outlot is very limited but he added that in order to achieve the look of the Village Center it was necessary to make some of the parking less convenient than in a traditional shopping center.

Mr. Pollock added that another concern of staff was the height of the building. He said that the Chase Bank on the County Line Square outlot was required to be up to 28 feet tall and that a previously approved building for the Village Center outlot was also 24 to 28 feet in height. He said the height was important to keep in the building in scale with other buildings in the Village Center.

Chairman Trzupsek agreed that the height is important. He suggested that the owner photo shop elevations of the building into photographs of the area so that the scale of the building can be seen relative to the existing buildings.

Commissioner Bolos noted that former Commissioner and current Trustee Guy Franzese was in the audience and she asked if he wanted to comment. Trustee Franzese said that he thinks the proposed siding would not be congruent with the Village Center buildings or with Chase Bank.

Chairman Trzupsek suggested that the branding of the building could be achieved with a brick and stone building with the siding used as an accent material.

Mr. Priest thanked the Plan Commission and said he would take the comments under consideration.

## **B. PC-01-2013: Annual Zoning Ordinance Review**

As requested by Chairman Trzupsek, Mr. Pollock presented an overview of the annual zoning review. Mr. Pollock said that staff did not identify any specific issues to be addressed. He noted that the driveway widths were already scheduled for review and that tonight the Plan Commission directed further review of the accessory building heights in the R-2 District.



## **FUTURE SCHEDULED MEETINGS**

Chairman Trzupsek noted that there were no public hearings or other business scheduled for March 4, 2013 meeting.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Bolos to cancel the March 4, 2013 meeting. The **MOTION** was approved by a unanimous voice vote.

## **7. ADJOURNMENT**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:00 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:00 p.m.

**Respectfully Submitted:**



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J. Douglas Pollock, AICP

March 18, 2013