

**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 Trzupek 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 Trzupek 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 Trzupek

**NAYS:** 0 – None

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

Chairman Trzupek 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 Trzupek

**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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek

**NAYS:** 0 – None

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

**4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

**5. OTHER CONSIDERATIONS**

Chairman Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek 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 Trzupek, 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 Trzupek 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

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**MARCH 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:** 5 – Cronin, Bolos, Stratis, Hoch, and Trzupek

**ABSENT:** 1 - Grunsten

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

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to approve minutes of the February 18, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

**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 described the petition as follows: The petitioner resides at 6545 County Line Road and has recently purchased the vacant lot behind their property. The vacant lot has frontage on Shady Lane. The petitioner seeks to use the two lots as one single lot and to construct a garage in the rear yard of the consolidated lots. For access to the garage, the petitioner seeks to construct a driveway from Shady Lane. Zoning variations are required to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a

driveway for access to Shady Lane) and to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line.

Chairman Trzupek asked for comments from the petitioner.

Mr. Bob Becker stated that he and his wife Betty have lived at this house for 25 years. He said that construction activity during that time has resulted in a lot of deforestation of land and that he and his wife want to give back to the community by preserving the additional land area and adding trees and other native plantings to the area. He said they will be constructing a garage with a glass pavilion on top for viewing the restored land and adding outdoor art to the land. He said that in order to access the garage he would have to either add a very long driveway from County Line Road or construct a much shorter driveway from Shady Lane. He said that due to the terrain and trees, the area is not visible from the house and security is a concern which needs to be addressed with the gate. Mr. Becker introduced his architect, Mr. Mike Culligan, and his Landscape Architect, Mr. Toney Lavello.

Mr. Culligan stated that the design and location of the building is to complement the area and to minimize the impact on the landscape.

Mr. Lavello said that if they had to construct a driveway from County Line Road many more trees would have to be removed. He said that security is very important, particularly with all of the valuable art that will be displayed on the property and that the logical location of the gate is at the existing bridge.

Chairman Trzupek asked for public comments and there was none. He then asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about the location of the common lot line between the lots, any fencing on the property and asked about the distance from the house to the garage. In response to Commissioner Cronin, Mr. Lavello showed the approximate location of the lot line, stated that there was no existing or proposed fencing and said that there was approximately 700 feet from the garage to the house. Mr. Lavello added that there are pathways between the garage and the house.

Commissioner Bolos said that she appreciates the petitioner converting an average property into a great property. She confirmed with the petitioner that the garage is for a collection rather than everyday use. Mr. Becker said that the new garage is for "toys" that are parked elsewhere at this time and that they would continue to use the attached two car garage for their daily vehicles.

Commissioner Bolos asked how many trees would be removed. Mr. Becker said two trees would have to be removed but that many more trees will be added.

Commissioner Bolos asked about lighting and the condition of the bridge. Mr. Becker said that low level lighting will be provided along the pathways and for some of the artwork. He said that he believes the bridge is in good condition.

Commissioner Stratis asked the petitioner to describe the turf and grass area. Mr. Lavello said that there would be a prairie restoration area and that the pathways would be the same grass but mowed to form the pathway. In response to a follow up question, Mr. Lavello said that he does not believe there are any wetlands on the property. He also responded that there are about 1.5 car lengths between the gate and the street.

Commissioner Stratis asked staff if they had received any objections from neighbors. Mr. Pollock said he had not. The residents to the north and south of the subject property were present and stated that they did not object to the variations.

Commissioner Hoch asked about emergency access for the fire district. Mr. Becker said that they would have a lock box. Mr. Pollock added that a permit would not be issued until the Fire District provides an approval letter.

Chairman Trzupek asked Mr. Pollock what may be considered unique about this property. Commissioner Bolos added that there is at least one other similar property next door. Mr. Pollock said that unique for zoning purposes does not mean it is the only one but instead means that it is a situation or circumstance that occurs infrequently in the Village. He said that while there are other properties that have a rear lot line on a local street, it does not happen very often in the Village and may be considered unique.

Commissioner Stratis stated that his property has a rear lot line that abuts a local street and some day he may want to have similar access. He said that he would recuse himself from the vote as he may benefit from this variation.

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

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

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

Chairman Trzupek asked if there should be one or two motions for this request. Commissioner Stratis asked for two separate motions.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to approve the findings of fact as submitted by the petitioner and to recommend approval of a variation from Section IV.G.2 of the Burr Ridge Zoning Ordinance to permit a driveway in the rear yard and across the rear lot line of a through lot (i.e. a driveway for access to Shady Lane) for the property at 6545 County Line Road subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Cronin, Bolos, Hoch, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 - Stratis

**MOTION CARRIED** by a vote of 4-0.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Bolos to approve the findings of fact as submitted by the petitioner and to recommend approval of a variation from Section IV.I.12 of the Zoning Ordinance to permit a residential driveway gate in a rear yard and less than 30 feet from the rear lot line for the property at 6545 County Line Road subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**B. Z-04-2013: 590 Village Center Drive (Wok N' Fire); Special Use**

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

Mr. Pollock introduced the hearing as follows: In 2012, the Board of Trustees granted a special use to allow a temporary outdoor dining area on the Village Center Drive and Lifetime Drive sidewalk. It was the intent of the landlord and the tenant to construct a permanent patio for outdoor dining but to use the sidewalk dining area for the first year. The petitioner and the landlord have indicated that they still intend to construct a permanent patio for outdoor dining but would like to continue the sidewalk dining area for at least one more year.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Michael Durlacher was present on behalf of the petitioner. Mr. Durlacher is the attorney for the petitioner. He confirmed that the petitioner plans to construct a patio in the future but would like to continue using the sidewalk dining area for at least one more year. He suggested a two year approval so that if the patio is not constructed for next year, they would not have to come back next year.

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

Commissioner Hoch asked staff if there had been complaints regarding the operation of the outside sidewalk dining area. Mr. Pollock said that there were no complaints.

Commissioner Stratis said he had no questions.

Commissioner Bolos said she does not favor the two year extension and prefers an annual review until such time that the patio is constructed.

Commissioner Cronin asked how many tables were in the sidewalk seating area. Mr. Durlacher said there were 8 tables and 32 seats.

Commissioner Cronin said that he recalls there were some issues with the railing. Mr. Pollock explained that the railing had been changed but was properly approved by staff and the Plan Commission.

Chairman Trzupek says that he recalls the enclosed seating area extending closer to LifeTime Drive than what is shown on the plan. He asked the petitioner to clarify.

Mr. Durlacher said he was not sure if it was different from last year but that he would be sure that the enclosure complies with the submitted plans in the future.

Chairman Trzupek asked staff if the patio complied with all of the regulations of the Zoning Ordinance for outside dining. Mr. Pollock said that it does comply. He added that it was the desire of the Village and the landlord to have a permanent patio constructed behind the restaurant rather than on the sidewalk and that was the reason for the temporary approval.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to close the hearing for Z-04-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of Z-04-2013, a request for special use approval for an outdoor dining area for an existing restaurant, at 590 Village Center Drive, subject to the following conditions:

1. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans including but not limited to the number of tables and chairs and the setback from LifeTime Drive.
2. The special use for the outdoor sidewalk dining area shall be temporary expiring December 31, 2013.
3. All railings, tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.

4. The concrete floor of the outdoor dining area shall be treated and cleaned after completion of its use before the winter season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.
5. The outdoor dining area shall not extend beyond the same hours of operation as the restaurant.
6. Music and all amplified sound should be kept to a moderate level so it is not audible from any adjacent residential condos or from any property outside the Burr Ridge Village Center.
7. The door to the dining area shall be self-closing.
8. Tables shall be cleaned promptly following use.
9. Furniture shall be weighted to prevent their movement in the wind.
10. Umbrellas used within the outdoor dining area shall be black and shall not include any logos, text or other advertising.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

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

Chairman Trzupek asked if there was anyone in attendance for this hearing. There being none, he suggested a continuance due to the number of items remaining on this agenda.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to continue the hearing for Z-03-2013 to April 15, 2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

**5. OTHER CONSIDERATIONS**

**A. S-01-2013; 150 Harvester Drive – Sign Variation**

Chairman Trzupek asked Mr. Pollock to describe this request.

Mr. Pollock described the request as follows: The owner of the office building at 150 Harvester Drive has recently signed a new tenant, Brookfield. The new tenant would like a 60 square foot wall sign on the building. An existing tenant, Insure One, already has a 60 square foot wall sign. The subject property is one of three parcels in a Planned Unit Development. The three parcels share access and parking. One of the parcels is improved with a one-story building, the second contains the subject building which is three stories, and the third parcel is planned for a matching three story building. There is also a monument sign that identifies tenants in the one-story office building. The monument sign is approximately 40 square feet in area.

Chairman Trzupek asked the applicant if they wanted to make any comments.

Mr. Jim Oguin, attorney, stated that he represents the owner of the property. He stated that the sign would be in harmony with the sign code as the building is large enough to support the sign area of the existing sign and the proposed sign. He noted that these signs are a combined 120 square feet and the sign code would typically allow up to 161 square feet of sign area for a building of this size.

Mr. Oguin added that the sign would not negatively impact the area as it is consistent with the Loyola building which has two signs on the property and that it is consistent with the building as it will be placed within a recessed area similar to the existing Insure One sign. He added that these factors combined with the difficulty competing with other towns for office tenants justified the granting of the variation.

Chairman Trzupek stated that he thinks this may be different from other corner lots as you will be able to see both signs at the same time. Mr. Oguin responded that this commonly happens on corner lots and referenced the Burr Ridge Police station as an example.

Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Cronin stated that the Insure One sign is more prominent and brighter than typical office building signs and that the Loyola signs match each other. He said he is concerned and needs to be convinced that this is appropriate.

Commissioner Bolos asked if the proposed sign used the same materials and lighting as the existing sign. Mr. Oguin said that the proposed sign would be back lit instead of internally illuminated.

Commissioner Stratis said he shares Commissioner Cronin's concern. He said he does not see the photos of other signs in other Villages as compelling because those signs are ugly. He also added that while Oak Brook may allow additional signs, they also have many sign constraints relative to design and illumination.



Commissioner Hoch asked if the two names could be combined into one sign such as was done for JPD Kitchen and LA Fastener.

Chairman Trzupek stated that it appears the existing Insure One sign is hurting the chances for the proposed sign. In response, Mr. Oguin said that if the Plan Commission wants to make a recommendation to replace the Insure One sign they would consider it.

Chairman Trzupek said that he would support the sign request if the Insure One sign was made to match the proposed sign. Mr. Oguin responded that they would agree to make the Insure One sign back lit but that it would still be red.

Chairman Trzupek asked if there was a consensus to proceed with a condition that both signs be back lit. Commissioner Bolos suggested that they be the same color. There was a consensus of the Plan Commission to make them both back lit but to allow the signs to be different colors. Commissioner Stratis summarized that the signs would be back lit at night and look identical but that one would be red and other blue during the day.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to recommend approval of variations from the Sign Ordinance as follows: from Section 55.08.A.1 to permit two wall signs on an interior lot in addition to a monument sign and from Section 55.08.A.1.b to permit the total sign area of 120 square feet on a building with less than 150 feet of street frontage subject to the following conditions:

1. Approval of the proposed sign shall be subject to the replacement of the existing “Insure One” sign in compliance with the terms of this approval and concurrent with the construction of the proposed sign.
2. Both signs shall be located on the building as shown on the submitted plans.
3. Both signs will use 100% opaque letters and may only be illuminated with back lighting (a.k.a. halo lighting) with each individual letter attached directly to the building.
4. Both signs shall be made by the same manufacturing for consistency in materials and design.
5. Approval of this request shall supersede all other signs for the third building in the PUD and any signs that may be sought for the third building shall be subject to the review and approval of the Plan Commission and Board of Trustees.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**B. PC-03-2013: 101 Tower Drive – Informal Review**

Chairman Trzupek asked Mr. Pollock to describe this request.

Mr. Pollock said that a contract purchaser of the property at 101 Tower Drive seeks to convert the building from a manufacturing facility into offices. The existing zoning permits office use of the property but the buyer may have problems with several regulations of the Village's Zoning Ordinance. In particular the buyer would like to put a synthetic stucco or EIFS façade on the building and may not have sufficient parking.

Mr. Tim Walsh was present and stated that his company is the potential buyer of this property. He said that the high ceilings and extra land for parking make this building well suited for conversion into an office building. He said they may be able to address the parking by leaving a loading dock and using it for indoor parking. He added that the purpose of the EIFS siding was to make the building look like the pre-cast concrete panels used on the adjacent Loyola building.

In response to Chairman Trzupek, Mr. Walsh said that the bio-swale is intended to reduce the amount of detention and that they may also use permeable pavers to reduce the amount of detention volume required.

Chairman Trzupek said he does not like the use of the EIFS for this building. He noted that all of the other buildings on Tower Drive were masonry. He is concerned that the use of EIFS would set a precedent and is particularly concerned because this is a high profile gateway to the Village. He suggested that they consider tuck pointing the brick and coating each individual brick with a material that would make the brick look new.

Chairman Trzupek also suggested metal panels that were used on a building in Oak Brook. Chairman Trzupek referred to two photos he had sent staff and were shown on the screen of a building in Oak Brook that was rehabbed with metal panels.

Commissioner Bolos said she shares the concerns with Chairman Trzupek.

Commissioner Cronin said he agrees and thinks there should be no flexibility on the prohibition of EIFS for the building façade. He said he wants to see the building rehabbed but does not want to set a precedent for the use of EIFS.

Commissioner Stratis agreed but said he is less concerned about the two walls that do not face the street. He noted that some of his business clients will not use EIFS because it does not last long. He added that he would like to see the building re-habbed and that maybe he would be more flexible with the limited use of EIFS on that portion of the building which does not face the street.

Chairman Trzupek thanked Mr. Walsh for his time and for presenting these issues for the Plan Commission's consideration.

## **6. FUTURE SCHEDULED MEETINGS**

Chairman Trzupek noted that there were no public hearings or other business scheduled for April 1, 2013 meeting.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Bolos to cancel the April 1, 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 9:23 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:23 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

April 15, 2013

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**APRIL 15, 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:** 5 – Bolos, Stratis, Grunsten, Hoch, and Trzupek

**ABSENT:** 1 - Cronin

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

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Bolos and **SECONDED** by Commissioner Hoch to approve minutes of the March 18, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Bolos, Hoch, Stratis, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 - Grunsten

**MOTION CARRIED** by a vote of 4-0.

**3. PUBLIC HEARINGS**

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

**A. Z-05-2013: 16W231 South Frontage Road (Shop Melee); Special Use**

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

Mr. Pollock described the petition as follows: The petitioner operates a warehouse and distribution facility for internet sales of clothing and household items. Twice a month they open the warehouse for retail sales to the general public. The Zoning Ordinance permits a warehouse and distribution business but requires special use approval for retail sales accessory to a permitted use. Mr. Pollock referenced a table listing the other

businesses in this multi-tenant building and that indicated there was sufficient parking for all existing businesses and the proposed retail business.

Chairman Trzupek asked for comments from the petitioner.

Mr. Michael Duggan said that he was the attorney for the petitioner and they are prepared to answer any questions.

Chairman Trzupek asked for public comments and there were none. He then asked for questions and comments from the Plan Commission.

Commissioner Bolos asked if there were any alterations to the building and about the percentage of the business that is retail and the days of the month retail sales occur. In response, Mr. Duggan said that there are no alterations to the building, that less than 20% of the sale is from customers on-site, and that sales typically occur on a Friday and Saturday, two times per month.

Commissioner Stratis asked if there were any other retail businesses within this property. Mr. Pollock said that there were no retail sales of products but that there was a fitness facility that provides retail services and a school for children with autism.

Commissioner Bolos asked if there were signs directing customers to the parking for the retail sales events. Mr. Duggan said that the sales events occur in the back of the building by the loading dock and that there is ample parking and signs.

Commissioner Bolos asked about the types of products sold and specifically the largest products sold. Mr. Duggan said that the largest items were sofas and armoires.

Commissioner Hoch asked about the hours on Fridays and expressed her concern that these hours would conflict with the other businesses. She noted that the petitioner's letter reference Saturday sales only. Mr. Duggan said that sales do occur on Fridays but that there is still plenty of parking available on Fridays.

Chairman Trzupek asked Mr. Duggan if the petitioner agreed to the conditions recommended by staff in its written report. Mr. Duggan said they agreed with the exception that they be allowed Friday hours at least two times a month in addition to the Saturday hours.

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the hearing for Z-05-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

Chairman Trzupek asked for a motion regarding this petition.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to approve the findings of fact as submitted by the petitioner and to recommend approval of a special use approval as per Section X.F.2.m of the Burr Ridge Zoning Ordinance to permit accessory retail sales for a warehouse and distribution facility for used clothing and related household items subject to the following conditions:

1. The special use approval shall be limited to Shop Melee and its current owners.
2. The business shall be limited to 7,307 square feet of floor area at 16W231 South Frontage Road, Units 11, 12 and 13.
3. The hours of operation for the on-site retail sales shall be limited to Fridays and Saturdays only.
4. All other aspects of the business shall comply with the description submitted by the petitioner.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**B. Z-06-2013: 8542 Johnston Road (Schulz); Text Amendment or Variation**

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

Mr. Pollock introduced the hearing as follows: The petitioner is constructing improvements to an outdoor living space including the construction of an outdoor kitchen and enhancements to an existing fence. The outdoor kitchen includes a built-in cooking appliance that would be located less than 10 feet from the house and two masonry piers that would frame a gate for the fence.

In regards to the outdoor kitchen, Mr. Pollock described this request as follows: The Zoning Ordinance used to regulate outdoor cooking facilities as a fireplace. Fire places have always been required to have a 10 foot separation from any other building. When outdoor kitchens were separated from fire places in 2012, the 10 foot separation was maintained. In checking with the Fire District, it has been determined that built-in outdoor grills that are a self-contained appliance and are ventilated through a hood are allowed by the fire code adjacent to a building and are similar to indoor ovens and stoves in terms of fire safety. Thus, the 10 foot separation is not necessary for such units.

In regards to the masonry piers for fences, Mr. Pollock added the following: The Plan Commission has rejected requests for masonry fence piers when such piers are adjacent

to the lot line. The concern was the proximity of a structure to the neighbor's property. However, the petitioner would like to have masonry piers as a gateway feature in the rear yard and the piers would meet the setback requirement. Other structures which are more obtrusive than masonry piers are allowed in these same locations. Thus, it may be appropriate to allow a limited number of masonry piers with a fence provided the piers meet all setback requirements.

Chairman Trzupek asked the petitioner for his presentation.

Mr. David Schulz said that he is the architect for the property owner. He said he had nothing to add and was available for questions.

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

Commissioner Hoch said that she was okay with the masonry piers provided they meet the setbacks. She said that the outdoor kitchen is acceptable as well if it meets all of the manufacturer's specifications for fire safety.

Commissioner Grunsten said that she agrees regarding the outdoor kitchen but would like to hear from the other Commissioner's before deciding on the masonry piers.

Commissioner Stratis said he agrees with the staff recommendations to amend the Zoning Ordinance relative to outdoor kitchens and masonry piers.

Commissioner Bolos referenced an exhibit submitted by the petitioner and asked staff to confirm that a building would be allowed in the same location that the petitioner proposes to construct the masonry piers. Mr. Pollock responded affirmatively.

Chairman Trzupek asked if inspections were done on outdoor kitchens to ensure they are constructed to the manufacturer's specifications. Mr. Pollock said that a permit is required and inspections are done.

There being no further questions or comments, Chairman Trzupek 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-06-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

Chairman Trzupek suggested two separate motions; one for the outdoor kitchens and another for the masonry piers.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of an amendment to Section IV.H.22 of the Zoning Ordinance to permit built-in gas grills and similar cooking facilities to be located less than 10 feet from a building provided they comply with applicable manufacturer's specifications for venting and enclosure.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to accept the petitioners findings of fact as submitted and to recommend approval of an amendment to Section IV.I of the Zoning Ordinance to add masonry piers to the list of permitted accessory structures in a rear yard provided the number of piers is limited to four or less, that they do not exceed 6 feet in height and four square feet in area, and that they comply with the required setbacks for other accessory structures in the underlying zoning district.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

### **C. Z-07-2013: 118 Burr Ridge Parkway (LaCabanita); Special Use**

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

Mr. Pollock introduced the hearing as follows: In 2011, a special use was granted for a restaurant with sales of alcoholic beverages. That special use was limited to Capri Mex and its owner. The petitioner seeks to purchase the business and rename it LaCabanita. Thus, a new special use is required.

Chairman Trzupek asked the petitioner for comments.

Mr. Robert Spadoni said he was the attorney for the petitioner and had nothing to add to the staff report.

There being no public comments, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Bolos said that she was pleased the restaurant will continue to operate.

Commissioner Stratis asked staff if any type of background check is done for restaurant operators. Mr. Pollock said that the liquor license required finger printing of the owner and restaurant manager and that the Police Department does complete background checks before a liquor license is issued.



There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Bolos to close the hearing for Z-07-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to accept the petitioners findings of fact as submitted and to recommend approval of Z-07-2013, a special use for a restaurant with sales of alcoholic beverages, subject to the special use permit shall be limited to LaCabanita and the current owners and shall expire at such time that LaCabanita and the current owners no longer own and operate the business at 118 Burr Ridge Parkway.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**D. V-02-2013: 7920 Wolf Road (Lainovic); Variation**

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

Mr. Pollock introduced the hearing as follows: The petitioner is in the process of rehabilitating an older home located at the corner of 79<sup>th</sup> Street and Wolf Road. The work being done did not require a permit. However, during this process the petitioner began replacing an existing addition that was non-conforming as to its setback from the 79<sup>th</sup> Street property line. As soon as staff became aware of this work, a stop work order was issued. The petitioner is now seeking a variation to allow the room addition to encroach into the required 40 foot setback from the 79<sup>th</sup> Street property line. The addition is located 14.5 feet from the lot line.

Mr. Pollock stated that staff's recommendation to the Plan Commission was that the decision to recommend approval or denial of the variation should not consider that the work was done without a permit and in violation of the zoning code. He said that the variation should stand on its own merits as to whether it meets the standards for a zoning variation.

Mr. Pollock further added that the non-conforming room addition could have remained if it were not first removed and if the work was limited to repair and maintenance. However, the room addition was removed and the work included an enlargement of the roof – specifically, a flat sloped roof was replaced by a gable roof.

Chairman Trzupek asked the petitioner for comments.

The property owner, Mr. Phil Stefanovic, said he had nothing to add to the staff report.

Chairman Trzupek asked for public comments.

Mrs. Carmen, who resides at 8080 Wolf Road, said that the room addition has been there for a long time and should be allowed to remain.

Mr. Vic Glazer said he lives south of property on Wolf Road. He said that he has no problems with the variation but would like to see the contractor maintain the property in a better condition.

Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Hoch asked why they did not put the addition on the other side. She said there was plenty of space on the property for additional floor area. In response, Mr. Stefanovic that the room was already there and that is why they proceeded with the same location.

Chairman Trzupek asked if the foundation slab was already there or if it was enlarged or replaced. Mr. Stefanovic said that the slab was not replaced or enlarged but was repaired.

In response to Commissioner Grunsten, Mr. Stefanovic said that the footprint of the addition was not changed but the roof line was modified.

Commissioner Stratis said that he is trying to determine what he would have recommended if the petitioner had come before the Plan Commission before proceeding with the work. He said he probably would have supported the variation because of the legal status of the existing addition and the fact that the modifications were minor.

Commissioner Bolos said that she agrees with Commissioner Stratis and is glad to hear that the petitioner will be living in the house.

Chairman Trzupek said that he tends to agree with Commissioner Stratis but is wondering if a variation is needed. He asked if it would be better for the Plan Commission to make an interpretation of the Zoning Ordinance that the changes were not significant and as a result, the legal non-conforming status of the building would remain.

Mr. Pollock said that was worth considering but suggested it may be a more significant precedent to make such an interpretation. He said there was definitely an enlargement of the mass of the building although the enlargement was quite small. Mr. Pollock said that making an interpretation would require the Plan Commission to determine the extent to which a non-conforming structure may be enlarged before it loses its non-conforming status. He said that he is more comfortable with the present definition that mandates any enlargement of a non-conforming structure is prohibited.

Mr. Pollock further said that granting a variation based on the unique conditions of this property may be less precedential. He said there are likely very few properties that have an older house with a legal non-conforming addition which would be comparable to this property.

There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

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

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Bolos to accept the petitioners findings of fact as submitted and to recommend approval of V-02-2013, a variation from Section VI.D.7 of the Burr Ridge Zoning Ordinance to permit the replacement of a room addition with a setback from the corner side lot line (79<sup>th</sup> Street) of 14.5 feet rather than the required setback of 40 feet, subject to the following conditions:

- A. The variation is limited to a reduction of the required corner side lot line for the replacement of an existing room addition (79<sup>th</sup> Street) as shown on submitted site plan.
- B. The grant of this variation may not be used to allow any other additions or for the construction of any new buildings on the subject property.
- C. No additions or modifications may be made to the building or property without full compliance with the Zoning Ordinance.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

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

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

Mr. Pollock said that this hearing was scheduled in response to an inquiry from Trustee Al Paveza and that Trustee Paveza said he was going to be out of town and unavailable for this hearing. Trustee Paveza asked that if there were any issues that required his

input, that this hearing be continued. Mr. Pollock added that Trustee-Elect Guy Franzese was in the audience and would likely want to comment on this matter.

Chairman Trzupek suggested that Trustee-Elect Franzese provide his comments before the Plan Commission decides to continue this hearing.

Mr. Franzese said that he was present on behalf of the Burr Oaks Glen Homeowners Association. He said that there are 80 homes in this subdivision and that 13 of them have driveways that exceed 22 feet wide. He said that making them conform would cause a hardship for the homeowners.

Chairman Trzupek asked if the wider driveways typically are for three car garages that face the street. Mr. Franzese responded that probably all of the wider driveways are for three car garages and that requiring the driveways to be narrowed would significantly reduce the utility of having a three car garage that faces the street.

There was a discussion regarding whether to continue the hearing. Mr. Pollock said that if the consensus of the Commission is to allow non-conforming driveways to be replaced without making them narrower, that he is confident Trustee Paveza would not object to moving forward with a recommendation. The Commissioners generally indicated their support of such an amendment.

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

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

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend to the Board of Trustees that the Zoning Ordinance be amended to allow non-conforming residential driveways that exceed the permitted maximum width to be replaced with the same or alternate materials and to remain legal non-conforming as to their width.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Stratis, Hoch, Grunsten, and Bolos

**NAYS:** 1 – Trzupek

**MOTION CARRIED** by a vote of 4-1.

Chairman Trzupek said that he voted against the amendment because he believes it is inconsistent with the concept of grandfathering which seeks to eliminate non-conforming structures.

**4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

**5. OTHER CONSIDERATIONS**

There were no other considerations.

**6. FUTURE SCHEDULED MEETINGS**

Chairman Trzupek noted that there were no public hearings or other business scheduled for May 6, 2013 meeting.

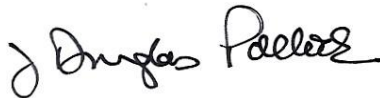
A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Bolos to cancel the May 6, 2013 meeting. The **MOTION** was approved by a unanimous voice vote.

Commissioner Bolos referenced her recent election to the Village Board of Trustees and that this would be her last meeting as a Plan Commissioner. She thanked the Commissioners for their service to the Village and said that she appreciated the thoughtfulness of each and every one of the Commissioners. She noted that they do not always agree but the Commissioners always act in a professional, courteous and civil manner. The other Commissioners thanked Commissioner Bolos for her service on the Plan Commission.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to **ADJOURN** the meeting at 8:49 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:49 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

June 3, 2013

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**JUNE 3, 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:** 5 – Cronin, Stratis, Grunsten, Hoch, and Trzupek

**ABSENT:** None

Also present was Community Development Director Doug Pollock

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to approve minutes of the April 15, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Hoch, Grunsten, Stratis, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 - Cronin

**MOTION CARRIED** by a vote of 4-0.

**3. PUBLIC HEARINGS**

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

**A. Z-08-2013: 200 Burr Ridge Parkway (Dao Restaurant); Special Use**

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

Mr. Pollock described the petition as follows: In 2011 the petitioner expanded the restaurant to incorporate an additional tenant space in the shopping center. This petition seeks to extend the outdoor dining area in front of this additional storefront space while also removing some of the outdoor dining area from the opposite end of the expanded storefront.

Chairman Trzupek asked for comments from the petitioner.

Mr. Frank Strahan, contractor for the owner, said that he has nothing to add to the staff report but he did show a sample of the metal railing.

Chairman Trzupek asked for public comments and there were none. He then asked for questions and comments from the Plan Commission.

Chairman Trzupek noted that the site plan showed wider gaps between the vertical members of the railing than the typical code maximum of 4 inches. Mr. Strahan said that they would use a railing with a maximum 4 inch gap as required by code.

Commissioner Cronin asked if there had been any complaints about the restaurant or outdoor dining area. Mr. Pollock said he was not aware of any complaints.

Commissioner Stratis asked if the railing was anchored to the concrete. Mr. Strahan said that it would be anchored to the concrete and remain up throughout the winter months.

Commissioner Grunsten asked if there would be access to the outdoor dining area from the new hibachi restaurant. The owner was present and said that there would be access from both parts of the restaurant.

In response to Commissioner Hoch, the owner said there would be planters throughout the outdoor dining area. Commissioner Hoch also asked about the design on the railing. Mr. Strahan said there would be no diamond or circle patterns as shown in the drawings. He anticipated it would be a simple vertical railing.

Chairman Trzupek read the conditions recommended by staff and asked the petitioner if they agreed with these conditions. The owner stated that she did agree.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to close the hearing for Z-08-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

Chairman Trzupek asked for a motion regarding this petition.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Cronin to adopt the same findings of fact as were adopted in 2011 for the original special use and to recommend approval of a special use approval as per Section VIII.B.2.x of the

Burr Ridge Zoning Ordinance to allow for the expansion and modification of an outdoor dining area for an existing restaurant. subject to the following conditions:

- A. Tables, chairs and umbrellas shall be removed during the winter season when the outdoor dining area is not in use.
- B. The concrete floor 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 concrete sidewalks within County Line Square.
- C. The outdoor dining area shall be restricted by the same hours of operation as the restaurant.
- D. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans except that the design of the metal railing shall be subject to the review and approval of the Community Development Director.
- E. Music and all other amplified sound should be kept to a moderate level so it is not audible from any property adjacent to County Line Square.
- F. There shall be no text or logos on the umbrellas.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**B. Z-09-2013: 60 Shore Drive (Muka); Special Use**

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

Mr. Pollock introduced the hearing as follows: The petitioner seeks special use approval for automobile sales and service in an existing building at 60 Shore Drive. The subject property is improved with a 60,000 square foot warehouse building. There is already an auto sales business in the building (Corvette Mike's). The subject business would be similar except that it would specialize in the sales of pre-owned luxury automobiles. They would occupy 7,400 square feet of the building.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Rosso Boba stated that he is an owner of the business. He said he had nothing to add to the staff report.

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



Commissioner Hoch asked if there were any current violations on the property. Mr. Pollock said that other than the need for the special use, there were not violations that he was aware of at this time.

Commissioner Grunsten asked if this was their first time in the auto sale business. Mr. Boba said they had been selling cars in Indiana for 20 years.

In response to Commissioner Grunsten, Mr. Boba said that all of their cars have been moved inside the building and they will not keep any cars outside.

Commissioner Stratis asked about trash on the property. Mr. Boba said that he has cleaned up the property and will continue to maintain the property.

In response to Commissioner Stratis, Mr. Boba explained the hybrid parking lot lights. Mr. Boba said this is another business they have in the building, the business being the manufacturing of self-sustaining lights.

Commissioner Stratis also asked about signs and noted that the sales tax figures provided by the petitioner do not add up. Mr. Pollock said that they would likely be back for sign approval as they would like a sign and any additional signage on the property would require a variation.

Mr. Boba apologized for the errors in the sales tax numbers and said that perhaps the accountant had included their other business in calculating the numbers.

Commissioner Cronin asked if the petitioner had an Illinois Dealers License. Mr. Boba said they could not get the license until they have approval from the Village.

Commissioner Cronin asked about the number and types of cars. Mr. Boba said they usually have 45 to 50 cars inside the building and they turnover 10 to 15 cars per month. He said they are not exotic cars but are luxury cars such as Mercedes Benz and BMW. He added that they will unload vehicles from a truck parked along the south side of the building.

Chairman Trzupek asked about the service and repair. Mr. Boba said there is a service bay and they do minor detailing and repairs but they send the cars out if they need more work. He added that they now have 5 employees but would anticipate that going up to 15. He said that 95% of the cars they sell are on site but they will occasionally search for a specific car if a customer requests.

Chairman Trzupek asked about an old van parked on the site. Mr. Boba said that is not theirs.

Commissioner Hoch asked about the hours of operation. Mr. Boba said they would be 9 am to 8 pm Monday through Friday, 9 am to 6 pm on Saturdays, and closed on Sundays.

Chairman Trzupek asked the petitioner if he agreed with the conditions recommended by staff. After review, the petitioner said he agreed.

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Cronin to close the hearing for Z-09-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to accept the petitioners findings of fact as submitted and to recommend approval of Z-09-2013, a special use as per Section X.F.2.a of the Burr Ridge Zoning Ordinance for an Automobile Sales and Service business in a GI General Industrial District, subject to the following conditions:

- A. The special use permit shall be limited to the sales of pre-owned luxury automobiles with minor detailing and repairs.
- B. The special use shall be limited to the 7,400 square feet of floor area as designated on the site plan.
- C. The special use permit shall be limited to Brand Max Motors and shall expire at such time that Brand Max Motors no longer occupies the space at 60 Shore Drive or at which time there is an assignment or termination of the lease for the space at 60 Shore Drive.
- D. Outside display and/or storage of any goods, materials, and automobiles shall be prohibited.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**C. Z-10-2013: 15W308 North Frontage Road (Bryjak); 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 for the continued use of the property for an automobile repair and service business with limited outside storage of automobiles. In 2011 the petitioner was granted a temporary special use for automobile service with limited outside storage of vehicles

for sale. The petitioner's business powder coats and installs automobile parts (for example, wheels). The previous special use was temporary for two reasons. There were prior property maintenance violations and the two year time period would allow the Village to determine if the property was going to be properly maintained. Also, the Plan Commission indicated that they would like to see the property rezoned to the T1 District but accepted this use as an interim use.

Chairman Trzupek asked the petitioner for comments.

Mr. Richard Bryjak said he had nothing to add to the staff report.

There being no public comments, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about occupancy of the other buildings on the site. Mr. Pollock said that the owner uses one of the buildings for storage. Mr. Bryjak said there was an office in the other building.

The other Commissioners said they had no further questions.

Chairman Trzupek asked the petitioner if he agreed with the conditions recommended by staff. Mr. Bryjak said he agreed with those conditions.

There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to close the hearing for Z-10-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the findings of fact from the 2011 special use approval and to recommend approval of Z-10-2013, a special use as per Section VIII.C.2 of the Burr Ridge Zoning Ordinance for the continued use of the property for an automobile repair and service business with limited outside storage of automobiles, subject to the following conditions:

- A. The special use shall be restricted to the current tenant and owner and shall be limited to the powder coating of automobile parts and related work.
- B. The special use may include outside storage of operable vehicles located immediately behind the building at 15W308 North Frontage Road and with said

storage not exceeding 5 vehicles. No wrecked, unlicensed, or inoperable vehicles shall be stored on the property at any time.

C. The special use shall be for a limited period of time not to exceed 2 years.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**D. V-03-2013: 8611 Crest Court (Schulz); Variation**

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

Mr. Pollock introduced the hearing as follows: The petitioner requests a variation to permit a fence that exceeds the maximum permitted height of 5 feet. The homeowner seeks to construct a swimming pool and patio improvements for an existing home. A requirement of the Village's Building Ordinance is that the pool be enclosed with a fence. In this particular case, the petitioner is challenged by a significant change in grade and the need to construct retaining walls around the pool and patio area. As a result, the fence that is proposed for the pool has to cross the retaining walls at a 90 degree angle which results in the fence exceeding the maximum height permitted by the Zoning Ordinance (4 foot fence plus 3.5 foot retaining wall).

Chairman Trzupek asked the petitioner for comments.

Mr. David Schulz, architect for the property owner, added that the fence cannot be seen from any adjacent property. He said that the pool and fence sit 4 feet below the street level and with the berming and landscaping, the fence will not be seen.

Chairman Trzupek asked for public comments. There being no public comments, Chairman Trzupek asked for questions and comments from the Plan Commission.

Chairman Trzupek asked about other options that would not require the fence to cross the retaining walls. Mr. Pollock said that is possible but due to the grade change, it would make the pool and surrounding patio extremely small.

Commissioner Hoch asked the petitioner if they had the approval of the Homeowners Association. Mr. Schulz said they did.

Commissioner Stratis said he had no further questions and believes the variation meets the standards for a variation.

There were no more questions or comments from the Plan Commission. Chairman Trzupek asked for a motion to close the public hearing.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to close the hearing for V-03-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Cronin to accept the petitioners findings of fact as submitted and to recommend approval of V-03-2013, a variation from Section IV.J.1 of the Burr Ridge Zoning Ordinance to permit a fence that exceeds the maximum permitted height of 5 feet, subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

#### **4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

#### **5. OTHER CONSIDERATIONS**

##### **A. PC-04-2013: 15W150 South Frontage Road (Odyssey Hotels): PUD Pre-Application Review**

Mr. Pollock said that the Zoning Ordinance requires a pre-application review by the Plan Commission for all Planned Unit Developments. He said a hotel developer has entered into a contract to purchase the 4.4 acre property located between South Frontage Road and 75<sup>th</sup> Street and between the ESA Hotel and the Quality Inn Hotel. The developer proposes to construct two five-story hotel buildings. The proposed development requires a Planned Unit Development to allow more than one building on a lot, to allow the maximum height to exceed three stories, to allow the floor area ratio to exceed 0.25, and to allow a reduced front yard setback.

The developer, Mr. Rachit Dhingra, introduced himself and his construction manager, Mr. Eric Augt. They presented the site plan and building elevations to the Commission.

Chairman Trzupek asked about the location of dumpsters next to the house on 75<sup>th</sup> Street and asked about the alignment of the driveway on South Frontage Road.

Commissioner Hoch asked about the need for a hotel and suggested a market study with occupancy rates of existing hotels in Burr Ridge.

Commissioner Stratis asked about the lighting plan. Mr. Pollock suggested that the petitioner refer to the parking lot lighting standards in the Zoning Ordinance and provide a lighting plan for the public hearing.

Commissioner Stratis recommended a fence to be located along the south lot line and wrapping around the south portion of the side lot lines. He said this may deter some crime that occurs in parking lots.

There was a general discussion regarding the sight lines from the residential area to the south as well as the signs on the property. It was suggested that the developer provide perspective or cross section drawings showing different views from the residential areas.

There was also discussion regarding the elevations and building materials. Chairman Trzupsek noted that the EIFS indicated on the vertical panels of the Hampton building should be changed and recommended that EIFS not be used on the hotel canopy.

Mr. Pollock noted that this was a pre-application review and he will continue to work with the developer to incorporate the Commission's recommendations before the public hearing.

## **6. FUTURE SCHEDULED MEETINGS**

Chairman Trzupsek noted that there would not be a quorum for the June 17, 2013 meeting and therefore, that meeting would be canceled. He said that there would be a special meeting on July 1 to make up for the canceled meeting.

## **7. ADJOURNMENT**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 9:23 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:23 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

July 1, 2013

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**JULY 1, 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:** 7 – Cronin, Stratis, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**ABSENT:** 1 - Hoch

Also present was Community Development Director Doug Pollock

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to approve minutes of the June 3, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Cronin, Grunsten, Stratis, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Scott, Grela, and Praxmarer

**MOTION CARRIED** by a vote of 4-0.

**3. PUBLIC HEARINGS**

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

**A. Z-11-2013: 6501 County Line Road (Lindell); Text Amendment or Variation**

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

Mr. Pollock described the petition as follows: The petitioner represents the new owner of the home at the southeast corner of County Line Road and Plainfield Road. The owner would like to construct a six foot tall black steel ornamental fence along the County Line Road and Plainfield Road frontages of the property. The Zoning Ordinance restricts fences to the rear yard and to 5 feet in height. The petitioner requests either a variation for the fence or a text amendment.

Chairman Trzupek asked for comments from the petitioner.

Mr. Dennis Lindell said he was the attorney for the property owner. He said that this was a unique house on a unique property. He said it draws a lot of attention because of its location and unique architecture. Mr. Lindell said the owner's primary concern is safety due to the attention given the house and its location at a very busy intersection. He said there has been a lot of trespassing and vandalism at the property. He added that the existing landscaping will be preserved, that the fence will blend with the gates, and will not block any sight lines.

Chairman Trzupek asked for public comments.

Mr. Bob Becker, 6547 County Line Road, said he lives next door to the property and is delighted that they want to put a fence around the front of the property. He said numerous people have crossed onto their property and that the fence will enhance security for both properties.

Chairman Trzupek asked Mr. Becker if he was concerned about people going around the fence. Mr. Becker said that the fence would not prevent that but would reduce the possibility.

There being no further public comments, Chairman Trzupek asked for comments and questions from the Plan Commission.

Commissioner Cronin said that they are asking for changes to the fence regulations for one property and that he does not see any hardship for a variation.

Commissioner Stratis said he shares Commissioner Cronin's concerns. He said that the location at a busy intersection may be unique but the concern with safety is one of equal value to all residents. He said that existing landscaping is the appropriate surround for the property. He added that he may be more sympathetic if the owner had lived there for a while and experienced safety and security problems. Commissioner Stratis said that the problems are more likely due to the vacancy of the home for so many years. He concluded that there are more 2 acre residential properties at busy intersections that would also want front yard fencing.

Mr. Lindell said that he would consider a five foot fence. Commissioner Stratis said that the variation would still not meet the findings for a variation.

Commissioner Grunsten said that one of the qualities of Burr Ridge is the openness without fences dividing the properties. She said that is a quality that should be maintained throughout the community.

Commissioner Scott said that there are similar parcels in the Village and he is struggling with finding anything unique about this particular property. He suggested that it may be



better if the fence were setback behind the landscaping. He added that he was not sure if he would support the variation even with this setback.

Commissioner Grela said that the property is somewhat unique but he does not see a hardship to grant a variation. He too said that he may consider the variation if the fence were setback behind the landscaping.

Commissioner Praxmarer said she believes the landscaping accomplishes the goal of providing security for the property. She added that she too would like to see the fence moved behind the landscaping if the Village were to consider approving the fence.

In regards to a potential text amendment, Chairman Trzupek said that he does not see why a larger parcel should be allowed a front yard fence and not a smaller parcel. He said they both have equal needs for security and privacy. He said it would make more sense to have an amendment that allowed front yard fencing on any arterial street but that would be a large departure from the current standards of the Village and he believes would not be appropriate.

Chairman Trzupek asked if anyone on the Commission sees any reason for a text amendment. There were no affirmative responses.

Commissioner Stratis asked how moving the fence behind the landscaping would work relative to the standards for approving a variation. Mr. Pollock said that the standards would be the same and they would still have to show a unique condition to the property that creates a hardship and a need for the variation.

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Cronin to close the hearing for Z-11-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grunsten, Cronin, Stratis, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

Chairman Trzupek asked for a motion regarding this petition. He said there should be separate motions for the text amendment and the variation.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to recommend that the Board of Trustees deny the request for an amendment to Section IV.J of the Zoning Ordinance to allow 6 foot fences in the front buildable area of residential properties of 2 acres or more.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Cronin, Stratis, Grunsten, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to recommend that the Board of Trustees deny the request for a variation from Section IV.J of the Zoning Ordinance to allow a 6 foot fence in the front buildable area of the subject property.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Cronin, Stratis, Grunsten, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**B. Z-12-2013: 15W150 South Frontage Road (Odyssey Hotels); Planned Unit Development**

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

Mr. Pollock introduced the hearing as follows: The petitioner seeks to construct two, five-story hotels on the subject property. The hotels would be accessed from South Frontage Road. The proposed hotel brand names are Hampton Inn and Suites and Fairfield Inn and Suites. A PUD is required to allow 2 buildings on 1 lot and to allow the buildings to exceed the permitted height and floor area.

Chairman Trzupek asked the petitioner for his presentation.

Mr. Rachit Dhingra introduced himself as the representative of Odyssey Hotels. He said that the development will add significantly to the tax base of the Village. He said the clientele would be similar to the Spring Hill Suites. Mr. Dhingra reviewed the hotel brands and went through a PowerPoint slide presentation. He introduced the Director of Construction Management, Mr. Eric Augst.

Mr. Augst described the site plan and building elevations and completed the PowerPoint slide show. He also showed building elevations, perspectives of the buildings on the site from four different angles and sign drawings.

Chairman Trzupek asked for questions and comments from the audience.

Mrs. Pat Svatos, 7506 Hamilton Avenue, said that the trees that are to be used to block the hotel buildings are old and are cut often because they interfere with the ComEd lines. She said they will not block the view in the winter. She said the property is adjacent to large residential lots, that there will be a negative impact on traffic on the frontage road, that five stories is unreasonable and that the development may cause stormwater problems in the area.

In response, Mr. Dhingra said that the customers will be corporate and there will not be congestion on the frontage road as they arrive at different times during the day. Mr. August explained the detention on the property.

Mr. Tom Koukol, 122 75<sup>th</sup> Street, asked about the height of the detention pond. He was concerned that the water from the pond would infiltrate the ground and raise the ground water on his property.

Mrs. Alice Krampits, 7515 Drew Avenue, said that stormwater is a big problem in the area and is concerned this development will make it worse. She said that the five stories are not appropriate for this site.

Mr. Bohdan Iwanetz, 7516 Drew Avenue, said that he will have to look at the hotel from his property. He said a better description of the berm is needed. He said that one story shorter would be better for the neighborhood. He said that the trees will make a difference but that it will still be seen in the winter. He added that he appreciates there will be no access from 75<sup>th</sup> Street.

Chairman Trzupek said he would like to know how they photo shopped the building into the perspective photo. Mr. August said that he would story-pole it if needed.

Mr. Bruce Church, 7612 Hamilton Avenue, asked about the location of the bushes and trees along 75<sup>th</sup> Street. Mr. August said they were right on the property line. Mr. Church suggested an impact study on the effect of the hotels on residential property values.

Chairman Trzupek asked if the Quality Inn was closer to 75<sup>th</sup> Street than the proposed building and parking lot. Mr. August said he was not sure but would find out.

Mr. Ivan Harrison, 7518 Hamilton Avenue, said that the Illinois Department of Transportation may one day construct a sound wall along I-55. He is concerned that the hotels may object to the sound wall.

Mr. Tom O'Toole, 15W115 79<sup>th</sup> Street, asked if a market study was done for the hotels. Mr. Pollock said that the developer had submitted a market study.

Mrs. Svatos said that she thought PUDs were for residential development where smaller lots are requested in exchange for open space. She said the property was not just zoned for hotels and there were other uses possible on this property.

Mr. Silvana Curlo, 7816 Drew Avenue, said that flooding is an ongoing problem in the area that has tried to be resolved unsuccessfully.

Mrs. Labus, 7612 Drew Avenue, said that her property has changed over the years and her back yard gets soggy even though she is on high ground. She said she does not want to see a five story building and that people from the hotels will walk through her neighborhood.

Mrs. Barbara Tatic, 7725 Drew, said that she has flooding problems but that tall buildings were not the answer.

Mr. Harrison added that he is concerned about the impact on the two residential properties on the north side of 75<sup>th</sup> Street.

Mrs. Svatos recommended that the hearing be continued to allow the petitioner to answer the questions that have been asked.

Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Cronin asked about the security cameras that are proposed for the parking lot. Mr. Augst said that the cameras would be located throughout the parking lot and the hotels would be staffed 24 hours per day. Mr. Augst added that the parking lot setback from the east lot line would be adjusted to 15 feet as requested by staff.

Commissioner Stratis said that he understands the neighbors' concerns regarding stormwater but that the stormwater management regulations require that all stormwater be managed on site and that there can be no increase in impact of stormwater runoff from the property. Commissioner Stratis asked about the potential purchase of the IDOT easement in front of the property, if that area can be used for stormwater detention, if the developer would do underground stormwater detention or permeable pavers, and he suggested that the developer provide 110% of the required stormwater detention as further justification for the PUD. He also asked if the building would be LEED certified.

Mr. Dhingra responded that he would like to purchase the IDOT easement but that they would not sell the easement. He said he liked the idea of detention on the easement but that area is the highest point of the land. Mr. Augst said that they would have certain LEED qualities to the building but would likely not be LEED certified.

Commissioner Stratis also asked about lighting on the building. Mr. Augst said that there would be downward lighting on the building. Commissioner Stratis said he was concerned about lighting on the side of the building facing the residential area.

Commissioner Stratis said that the property is not suitable for retail and given the options available, the use should be office or hotel. He added that a traffic engineer should be engaged to analyze the traffic impact and that he believes it is important to construct a fence along the south, east and west property lines.

Commissioner Grunsten agreed that a fence should be provided. She also noted concern with the buffer on the south lot line as the trees may not always be there. She suggested adding evergreens to this area.

Commissioner Scott asked if both hotels would be built at the same time. Mr. Dhingra said he was not sure but the Hampton would be built first if they are not built at the same time.

Commissioner Scott said he was struggling with whether the PUD provides sufficient public benefit to justify the additional floor area and building height. He said he was particularly concerned about justifying the additional building height. He shared the concern about the tree line being deciduous and the lack of screening in the winter time.

Commissioner Grela stated that he thinks the petitioner has not demonstrated the need for a Planned Unit Development. He said that he is not pleased with the lack of continuity in the presentation, noting that some of the plans differed from other plans. He said that the partial payment for a sidewalk is not sufficient to satisfy the request for a PUD.

Commissioner Praxmarer said that she needs to digest all of the information that has been presented and the questions asked. She expressed her concern about the preservation of trees along the east and south lot lines.

Chairman Trzupek asked about the east elevation of the Hampton Inn building. He said he was concerned about the large blank wall facing east. He wondered if that was the elevators and he said he was concerned with a blank wall facing County Line Road.

Chairman Trzupek summarized the concerns expressed at the public hearing as follows: Further details regarding stormwater management needs to be provided and he agrees with Commissioner Stratis that it would be good to provide additional stormwater management to contribute to the justification of the PUD. The buffer on the south lot line is relying on existing deciduous trees and additional details, with year round landscaping, should be provided. A fence should be provided along the south, east and west lot lines. A traffic study should be done to measure the impact on area streets and to determine the exact configuration of the driveway access to South Frontage Road. The petitioner has failed to justify the floor area and building height requested for the PUD.

Commissioner Stratis asked the petitioner if the project would work with 3 story buildings. Mr. Dhingra said he does not think that would work.

Chairman Trzupek asked the petitioner to quantify the economic impact of the project. He noted that the petitioner has said the hotels would have a significant economic impact but has not quantified that claim.

Chairman Trzupek asked how the Commission would like to proceed.

Commissioner Grunsten said that the Commission needs more information. She said that she is still not certain if the demand is sufficient to warrant the additional hotel rooms represented by the additional height and floor area. She suggested the petitioner consider two, four-story hotels.

Commissioner Cronin suggested continuing to a future Plan Commission meeting.

Mr. Pollock said that the next meeting is July 15 and after that is August 5. He questioned whether the petitioner would be able to get all the information by July 15 as it would actually be due by July 10.

Mr. Dhingra said he would like to try to get the information for the July 15 meeting.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to continue the hearing for Z-12-2013 to July 15, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grunsten, Stratis, Cronin, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

Mr. Pollock asked the audience to check with Village staff before July 15 to make sure the hearing would continue on that date as it is quite possible that it would be continued again to August 5.

#### **4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

#### **5. OTHER CONSIDERATIONS**

##### **A. S-03-2013: 15W150 South Frontage Road (Odyssey Hotels)**

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to continue the hearing for S-03-2013 to July 15, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grunsten, Stratis, Cronin, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

##### **B. PC-05-2013: Annual Appointment of Plan Commission Vice Chairperson**

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to recommend that the Board of Trustees appoint Commissioner Dehn Grunsten as Vice Chairperson of the Plan Commission for a one year term expiring on June 9, 2014. The **MOTION WAS APPROVED** by a unanimous voice vote of the Commission.

##### **C. PC-06-2013: Revised Plan Commission Schedule**

It was noted that Commissioner Grunsten was not on the revised schedule as a Commission representative for a Board of Trustees meeting. Mr. Pollock said he would revise the schedule and bring it back to the next meeting.

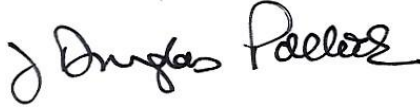
#### **6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 11:10 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 11:10 p.m.

**Respectfully Submitted:**



July 15, 2013

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J. Douglas Pollock, AICP

# **PLAN COMMISSION/ZONING BOARD OF APPEALS**

## **VILLAGE OF BURR RIDGE**

### **MINUTES FOR REGULAR MEETING OF**

**AUGUST 5, 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:** 7 – Cronin, Hoch, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**ABSENT:** 1 - Stratis

Also present was Community Development Director Doug Pollock, Village President Mickey Straub, Village Clerk Karen Thomas, and Village Trustees Guy Franzese, Diane Bolos, Len Ruzak, John Manieri, Janet Grasso

#### **2. APPROVAL OF PRIOR MEETING MINUTES**

Commissioner Grela said that the minutes previously approved for the July 1 public hearing did not include that Mr. John Syzmal spoke at the public hearing. Chairman Trzupek said that would be duly noted in the minutes for tonight's meeting.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to approve minutes of the July 15, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Cronin, Hoch, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Grunsten

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

#### **3. PUBLIC HEARINGS**

Chairman Trzupek recommended that the following matters be continued to the August 19, 2013 meeting:

- **Z-16, 2013; 16W020 79<sup>th</sup> Street (International Motors Group); Special Use**
- **S-04-2013; 60 Shore Drive (Brand Max); Sign Variation**
- **Z-11-2013; 6501 County Line Road (Lindell); Fence Variation**



Chairman Trzupek said that due to anticipated length of the first hearing tonight, he directed staff to contract the petitioners for these matters and suggest that they be continued. Mr. Pollock confirmed that all three petitioners had agreed to the continuance.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to continue these matters to the August 19, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Hoch, Scott, Cronin, Grunsten, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

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

**A. Z-12-2013: 15W150 South Frontage Road (Odyssey Hotels); Planned Unit Development**

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

Mr. Pollock stated that the public hearing was opened on July 1 at which time testimony was provided by the petitioner and the public. He said the Commission continued the hearing to July 15, 2013 to allow the petitioner to provide information requested by the public and by the Commission. Mr. Pollock said the hearing was continued again from July 15 to August 5 as the petitioner was not ready to proceed on July 15.

Chairman Trzupek asked for comments from the petitioner.

Ms. Tracy Arman, Vice President of Operations for Odyssey Hotels, described the changes to the plans. She said that the hotel building perpendicular to 75<sup>th</sup> Street has been reduced from 5 stories to 4 stories. She referenced the written traffic study and the economic impact study. Ms. Arman introduced the developer's civil engineer to describe the site plan and stormwater management plan.

Mr. Brian Johnson said he was a professional civil engineer. He explained existing drainage patterns on the property and described how the stormwater management would be provided for this development. He referenced several slides in a PowerPoint presentation. Mr. Johnson introduced the Architect for the project.

Mr. Gary Frank said that he is the architect for Odyssey Hotels. He used the PowerPoint slides to show a revised perspective drawing of the four story building from Drew Avenue. He noted that a security fence is being provided along 75<sup>th</sup> Street and on the side lot lines and described the existing and proposed landscaping.

In response to Chairman Trzupek, Mr. Frank said that it would take about five years for the new evergreens to grow to the size shown on the plans. Mr. Frank also described the tree protection measures that would be used to protect the trees during construction.

Mr. Frank further referenced and described the building elevations in the slide show. He concluded by introducing Ms. Lynn Gietz of Odyssey Hotels.

Ms. Gietz said she was the Corporate Director of Revenue Development for Odyssey Hotels. She referenced the slides describing the public benefits of the proposed hotel development. Those benefits described included stormwater management, economic and fiscal impact, and a contribution toward 50% of the cost of a sidewalk on South Frontage Road from 75<sup>th</sup> Street to Burr Ridge Parkway. She also said additional benefits of the hotels would be the limit to 3-star hotels and above and the landscaping along 75<sup>th</sup> Street.

With the petitioner concluding their presentation, Chairman Trzupek asked for public comments.

Mr. Bruce Church, 7612 Hamilton Avenue, presented a PowerPoint slide show. The slide show described in detail Mr. Church's statement that the PUD did not meet the requirement of providing an exceptional benefit to the community. As a result, Mr. Church said that the PUD should be denied.

Mr. Deepak Mitel, 8224 Windsor Court, spoke in favor of the petition. He said more businesses will help keep property taxes lower for residents.

Dr. David Cziperle, 8650 Crest Court, said he does not oppose the hotel. He said that the project will help keep property taxes down.

Ms. Sandra Szynal, 7819 Drew Avenue, said the evergreen trees take too long to grow and will not provide an adequate buffer. She opposed the project and said the PUD was not justified.

Ms. Nehad Leonarhdson, 15W761 74<sup>th</sup> Street, said she supports the hotel development. She said we need to develop our community and is thrilled that someone wants to invest in our community.

Ms. Kathleen Scanlon, 16 Tartan Ridge, said she fought the movie theater project a number of years ago and as a result, the property was available for the development of the Village Center.

Mr. Jesus Davila, 124 79<sup>th</sup> Street, said he moved away from the city 20 years ago and he objects to the proposed hotels.

Mr. Mark Toma, 7515 Drew Avenue, presented a slide show describing his reasons for objecting to the proposed hotel development.

Mr. & Mrs. Daniel Gierczyk, 161 Carriageway Drive, asked if the buildings were pre-cast or brick. Mr. Frank said they were brick and stone. Mr. Gierczyk wondered why the buildings were not more attractive.

Mr. Eduardo Jesus Davila, 124 79<sup>th</sup> Street, said he does not see any benefits but only costs.

Mr. Michael Pastiak, 7507 Hamilton Avenue, stated that his property value will go down and that crime will increase because of the hotels.

Ms. Deepak said that this project is about the quality of life for residents versus profit for developer and that the Village should protect the residents.

Ms. Isabella said she is planning on moving to Burr Ridge and that the Village does not need any additional hotels and the project does not bring any benefits to the community.

Mr. Tom O'Toole, 79<sup>th</sup> Street, said he sent a letter of opposition to the Plan Commission.

Mr. Panday, 7519 Hamilton Avenue, questioned why the Village should have hotels in a residential area, it will take away from the quality of the houses.

Ms. Dolores Cizek submitted written comments and read those comments into the record.

Ms. Alice Krampit, 7515 Drew Avenue submitted written documents and said that she was opposed to the project.

Mr. Kumar said he has been a resident since 1997 and he supports the project and that it would contribute to the local economy.

Mr. & Mrs. Daniel Gierczyk, 161 Carriageway Drive, said that he has stayed at the Spring Hill Suites Hotel and has seen guests take food from the breakfast bar. He questioned how much money guests would spend locally.

Ms. Suda, 7620 Drew Avenue, said this was a very quiet area and the hotel development will result in cars passing through the neighborhood. She said there are no stop signs and no sidewalks in the subdivision.

Ms. Marilou McGirr said that she lives in Woodcreek which is a PUD. She said that the Pathway Commission responded to the proposed sidewalk project and did not recommend any rebate to the developer for the sidewalk. She said they did not endorse the project but only reacted to the request for the sidewalk. She described her concerns about traffic, the use of a PUD, maintenance of the stormwater pond, and her objections to a hotel at this location.

Ms. Tracy Stasevicius, 7515 Hamilton Avenue, said she walks in the neighborhood and that residents should not have to worry about locking their car doors.

Ms. Cervantes said she grew up at 7619 Drew Avenue. She was concerned primarily about safety in the neighborhood.

Mr. John Syzmal, 7819 Drew Avenue, said he was on the stormwater committee and agrees with others that there are other places where they can build hotels. He said that this project would be detrimental to stormwater.

Mr. John Bittner suggested that the Commission think about having these hotels next to their house. He said that the market could not support two new hotels.

Mr. Bohdan Iwanetz, 7516 Drew Avenue, asked about the stormwater run-off from the property. Mr. Johnson responded.

Mr. Woodrow Brown, 7619 Hamilton Avenue, said that this project does not belong in this location.

Ms. Scanlon said that the residents who live closest to this property have spoken and they are clearly against the project. She said the Commission should give due consideration to the residents. She submitted a letter to the Commission which she said would like entered into the record.

There being no further public comments, Chairman Trzupek asked for comments and questions from the Plan Commission.

Chairman Trzupek said that the Commission was being asked to recommend approval or denial for a PUD. He said that the developer is suggesting three benefits to justify the PUD; those being the stormwater improvements, an economic benefit that would be double a hotel without a PUD and a sidewalk on South Frontage Road. He said the question before the Commission is whether these benefits are sufficient to meet the requirements for a PUD.

Commissioner Cronin asked the petitioner upon what occupancy rate the economic benefits are based on. Mr. Rachit Dhingra of Odyssey Hotels said that it was based on 60 to 70% occupancy. Mr. Dhingra added that the economic benefit assumes that each guest would spend \$40 in Burr Ridge. Commissioner Cronin asked where else the petitioner operates hotels. Mr. Dhingra said they have hotels in Michigan, Ohio, and Wisconsin.

Mr. Johnson responded to questions from Commissioner Cronin about stormwater management and tree preservation. He said that the tree protection fencing would protect the trees during construction and that the detention pond would be outside of the drip line of the trees.

In response to Commissioner Cronin, Mr. Dhingra said that he has not determined whether both buildings would be built at the same time or if they would be done in phases.

In response to Commissioner Hoch, Mr. Dhingra clarified that the economic impact study is based on \$40 spent per person rather than per room.

Commissioner Hoch noted that traffic would all come from South Frontage Road and clarified that the permanent fence along 75<sup>th</sup> Street would be constructed prior to opening of the hotel.

She suggested that if the project construction cost was over 16 million dollars that the contribution toward the sidewalk was insufficient. Mr. Dhingra said that he would take that under consideration.

Commissioner Hoch also questioned why the building design was not better or more unique. Mr. Dhingra said they thought they were following the guidelines provided by the Village. He said that some of the designs presented that were unique included EIFS which the Village prohibits.

Chairman Trzupek said that he had previously recommended different building materials and the developer has used those materials. He said that due to the developer's need to provide a branded building, the developer was not willing to consider different designs for the buildings. Commissioner Hoch said that some of the other designs shown were nicer. Mr. Frank added that for the hotels to be successful they must follow the brand identification architecture.

Commissioner Hoch asked about public safety and the potential for additional criminal activity as a result of the hotels. Ms. Arman said that she met with the Police Chief to review security concerns and the Chief did not think that additional police staffing would be required as a result of the hotels.

Commissioner Grunsten said that the phrase cost conscious in some of the literature raised a concern about the quality of the hotels. She said she is very concerned about whether the hotels would bring more money into the Village Center stores and restaurants.

Commissioner Scott stated that most of his concerns had been discussed. He said he is struggling with the question of whether the PUD provides meets the requirement of providing an exceptional benefit to the community.

Commissioner Grela said the developer's presentation was very good and much better than the first presentation. He said that he moved to Burr Ridge to get away from the places that are a tourist destination. He said that the petitioner has not met the criteria for a PUD and he is prepared to make a motion recommending denial of the PUD.

Commissioner Praxmarer asked why they were considering this particular property. Mr. Dhingra said they looked at other properties but that other properties have other restrictions which made them unsuitable for hotel development.

Mr. Dhingra said that he understood the residents' concerns about stormwater and that he is willing to donate to the Village's stormwater fund for this neighborhood instead of contributing toward the sidewalk if the Village preferred.

Mr. Dhingra further stated that he is willing to reduce the height of the Hampton building to four stories which would also reduce the floor area ratio to approximately 0.52.

Chairman Trzupek asked why the stormwater release rate could not be made even lower. Mr. Johnson said that would require the restrictor to be made smaller and he would be concerned about the restrictor becoming a maintenance problem if it were smaller.

Commissioner Cronin said that stormwater is not an issue for this development. He said that the residents have an existing stormwater problem that this development will not adversely impact. He said the residents should take up those concerns with the Village Board unrelated to the review of this PUD.

Commissioner Cronin added that the denial of this PUD will set a precedent for this area to prohibit any hotel or office building more than 3 stories.

Chairman Trzupek summarized that the question remains whether they have met the criteria for a PUD.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for Z-12-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Grunsten, Hoch, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

Chairman Trzupek asked for a motion regarding this petition.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to direct staff to prepare findings of fact in denial of this petition and to recommend to the Board of Trustees that Z-12-2013 be denied.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Scott, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**B. Z-15-2013: 16W260 83<sup>rd</sup> Street (Tower Communications); Special Use and Findings of Fact**

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

Mr. Pollock described the petition as follows: The petitioner seeks special use approval to store up to 10 business trucks, vans, and trailers in the rear area of the property. A list of similar special uses granted by the Village for other properties in the area was provided to the Commission with the staff report. Photos of the trucks, vans and trailers were also provided.

Chairman Trzupek asked for comments from the petitioner.

Ms. Laura Malkani introduced herself as Vice President of Tower Communications. She clarified that some of the vehicles would not be parked directly behind the building but would be along the rear lot line. She said that it is rare that they have more than two vehicles stored overnight.

Chairman Trzupek asked for public comments. There were none.

Mr. Pollock suggested that the trailers be kept behind the building but that the trucks and vans could be kept along to the side along the rear lot line.

Chairman Trzupek read the conditions recommended by staff. The petitioner said they agreed to the conditions.

Commissioner Grunsten asked if a trailer attached to a truck counts as one or two vehicles. Mr. Pollock said that would count as two.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for Z-15-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Grunsten, Hoch, Grela, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings of fact and to recommend that the Board of Trustees that Z-15-2013, a special use approval as per Section X.F.2.j of the Burr Ridge Zoning Ordinance for the outside storage of a maximum of 10 business trucks and utility trailers behind the building, be approved subject to the following conditions:

1. There shall be a maximum of 10 commercial vehicles and trailers parked overnight on the property at any given time. All trailers shall be parked overnight directly behind the building. Trucks must be parked overnight anywhere adjacent to the rear lot line.
2. The vehicles to be parked overnight by authority of this special use shall be of similar size and design as those shown in the submitted photos.
3. This special use approval shall be limited to Tower Communication Experts, LLC at this location and shall expire at such time that Tower Communication Experts, LLC no longer occupies the subject property.

4. Failure to comply with the terms of this special use shall render the special use null and void.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Hoch, Grela, Grunsten, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

#### **4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

#### **5. OTHER CONSIDERATIONS**

##### **A. S-03-2013: 15W150 South Frontage Road (Odyssey Hotels)**

Mr. Pollock suggested that this be continued to the next meeting pending the Board's decision regarding the PUD.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grela to continue the hearing for S-03-2013 to August 19, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Scott, Grela, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

#### **6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

#### **7. ADJOURNMENT**

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 11:41 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 11:41 p.m.

Respectfully Submitted:



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J. Douglas Pollock, AICP

August 19, 2013



**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**AUGUST 19, 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:** 5 – Cronin, Stratis, Scott, Grela, and Trzupek

**ABSENT:** 3 – Hoch, Grunsten, Praxmarer

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

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to approve minutes of the August 5, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Cronin, Scott, Grela, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Stratis

**MOTION CARRIED** by a vote of 4-0.

**3. PUBLIC HEARINGS**

**A. Z-16-2013: 16W020 79<sup>th</sup> Street (International Motor Group); Special Use and Findings of Fact**

Chairman Trzupek stated that this petition has been withdrawn by the petitioner and as a result the public hearing has been canceled.

#### **4. CORRESPONDENCE**

There was no discussion regarding the correspondence.

#### **5. OTHER CONSIDERATIONS**

##### **A. S-04-2013: 60 Shore Drive (Brand Max Motors)**

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the petition as follows: The owner of Brand Max Motors at 60 Shore Drive is seeking sign approvals to enlarge an existing sign and add two new signs. There is currently one sign on the property for Corvette Mike which is 80 square feet in area. The petition requests to add 12 square feet to that sign (adding the text Sales and Service). The petition also requests to add a principal sign for Brand Max Motors that would be 64 square feet in area and a secondary sign above the door on the side of the building that would be 15 square feet. The Sign Ordinance permits two signs on the property (one on each street frontage) with a combined area of 110 square feet.

The petitioner was present and said they had nothing to add to the staff summary.

In response to Chairman Trzupek, a representative of the petitioner stated that they planned to complete the exterior improvements prior to construction of the signs. He said the exterior improvements included sanding and painting the walls and adding a window.

Commissioner Grela said he had nothing to add except that he agreed with staff that the third sign should not be allowed.

Commissioner Scott asked if the combined area of the signs was less than the maximum area permitted by the Sign Ordinance. Mr. Pollock said that the proposed sign area exceeded the sign area allowed by the Sign Ordinance but was less than the sign area previously approved for this property by an earlier sign variation.

Commissioner Stratis said he had no questions.

Commissioner Cronin asked about the difference between the doors for Corvette Mike and for the proposed business. He suggested the petitioner emulate the signs used by Corvette Mike to identify his entrance. Those signs include an awning sign and window sign. Mr. Pollock confirmed that those signs are allowed by code.

In response to Chairman Trzupek, Mr. Pollock said that the sign proposed for the west façade could be placed inside the window.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to recommend approval of S-04-2013 subject to the elimination of the third sign on the west façade of the building.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Grela, Cronin, Stratis, Scott, and Trzupek

**NAYS:** 0 – None

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

**B. Z-11-2013: 6501 County Line Road (Lindell); Fence Variation**

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized this request as follows: At its July 1, 2013 meeting, the Plan Commission conducted a public hearing to consider either a fence variation or a text amendment to permit the property at 6501 County Line Road to construct a six foot high fence along the front and corner side lot lines. The Plan Commission unanimously recommended denial of the text amendment and the variation. The Board of Trustees reviewed the Commission's recommendation at its July 8, 2013 meeting and remanded the matter to the Commission for further consideration. In particular, the Board asked the Commission to consider the variation with the condition that a five foot tall fence be located behind the perimeter landscaping and with additional perimeter landscaping to fill any existing gaps. The Board also recommended that the petitioner provide traffic counts comparing the adjacent intersection to other arterial intersections in the Village.

Mr. Dennis Lindell stated that he is the attorney for the property owner. He said that the plans were revised to move the fence 15 or more feet from the front lot line, to fill any gaps in the perimeter landscaping with additional evergreen shrubs, and to replace any dead shrubs or trees. He said that police reports were also provided to show the trespassing and vandalism that has occurred on the property and he has provided traffic counts for various intersections that show there are three times as many cars at this intersection as at other similar intersections in the Village. He also mentioned the notoriety of the property as an issue.

Chairman Trzupek noted that the trespassing and vandalism occurred when the house was vacant and asked if the house would remain vacant. Mr. Lindell said that the owner intends to move into the house and live there.

Chairman Trzupek stated that the criteria for a variation include both uniqueness and hardship and that these were two separate issues. He said that it is possible that a property can be shown to be unique but that the unique condition does not create a hardship that justifies a certain variation request.

Commissioner Cronin asked about the number of evergreen shrubs being added and the size of the shrubs at planting. Mr. Lindell was not sure of the number or the size. Commissioner Cronin said he was concerned there still would not be enough.

Commissioner Cronin noted that the fence would not encircle the entire property. He said that as a result, the fence would not provide security from trespassers or vandals.

Commissioner Cronin stated that the public park and church property across the street do not have fences to separate them from the busy street. He said he does not understand why this property would need a fence. He said the owner purchased the property without any assurance of having a fence. Commissioner Cronin said the trees and shrubs along the streets will provide sufficient privacy and that the traffic counts on the adjacent streets are not a sufficient cause for granting the variation.

Commissioner Stratis said he is grateful that the petitioner has purchased the home and is planning on moving into the home. He said that he believes the trespassing and vandalism issues were because the house was empty. He said that vacant homes attract these problems. He said that if the home were occupied for two years and these problems occurred, they might be relevant to this request. He agreed with Commissioner Cronin that the fence would not address security. Commissioner Stratis said that the traffic was not enough to make a hardship and that other property owners could make this same argument. He concluded that there will be a lot of other requests for front yard fence variations if this one is approved.

Commissioner Scott said that Chairman Trzupek's statement at the beginning of this discussion got to the heart of the matter. He said that while the property may be unique, he does not see that the unique condition creates a sufficient hardship to grant the variation.

Commissioner Grela said that he believes the petition has not met the criteria for a hardship but that it may be worth considering an amendment based on the size of the property, the classification of the adjacent street, and the provision of a setback with landscaping.

Chairman Trzupek said he agrees that there is not a hardship but that he could see considering a text amendment based on the street classification.

Mr. Lindell said the petition requested either a text amendment or variation. In response, Chairman Trzupek said that the requested amendment was very specific and he is not sure how an amendment would be done. He is concerned that someone on a local street would have the same concern with safety and traffic as someone on a busier street.

Commissioner Stratis said that he does not think the size or front footage of the property would have any relevance which would mean the front yard fence regulations would be based on street classification. He said if that were done, you could have hundreds of front yard fences because the amendment would include County Line Road, Madison, and as many as 8 different streets.

Chairman Trzupek asked if the Plan Commission needs to hold a new hearing to consider a text amendment. Mr. Pollock said that it would be best to hold a new public hearing. He added that the purpose of prohibiting front yard fences was to preserve the openness of streetscapes and landscaping with fences may be contrary to this policy. Mr. Pollock said that he is concerned that there is no way to allow some front yard fences without substantially opening up the number of front yard fences throughout the Village.

In response to Commissioner Scott, Commissioner Stratis said limiting the fences to corner lots would be too narrow.

Chairman Trzupek suggested three options: consider variation as revised; consider the text amendment based on the size of the property as requested by the petitioner; or hold a new public hearing to consider a different text amendment. He asked if anyone on the Commission would support the petitioner's text amendment. There was consensus that this amendment would not be supported.

Mr. Pollock suggested that the Commission consider a motion for the findings of fact for both the variation and the proposed text amendment and ask the Board for direction on whether to consider an amendment regarding front yard fencing at a future date.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the findings of fact denying the variation and text amendment as per Z-11-2013 and to forward a recommendation to the Village Board denying the petition as amended.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Cronin, Scott Grela, and Trzupek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to request direction from the Village Board on whether to conduct a public hearing to consider an amendment to the Zoning Ordinance to determine if there are circumstances where front yard fencing should be permitted.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Cronin, Stratis, Scott Grela, and Trzupek

**NAYS:** 0 – None

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

#### **C. Z-13-2013: 8320 Madison Street (Soaring Eagle Academy)**

Chairman Trzupek asked Mr. Pollock to summarize this matter.

Mr. Pollock said that special use approval was granted for a fenced outdoor play area for the Soaring Eagle Academy subject to staff review of the final plans. Mr. Pollock said he

wanted to be sure the Plan Commission was in agreement with the final plans. He said no action is necessary from the Commission.

Chairman Trzupek suggested that perhaps to extend the planting bed along the entire front of the fenced area and add some ground cover.

**D. PC-07-2013: Discussion Regarding Zoning Regulations Pertaining to Compassionate Use of Medical Cannabis Pilot Program Act**

Mr. Pollock explained that the State of Illinois has passed legislation that requires municipalities to allow medical cannabis growing and distribution facilities but allows reasonable regulations on the location of such facilities. He said staff is recommending that the Plan Commission request authorization from the Village Board to conduct a zoning hearing to consider appropriate regulations.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to request authorization from the Village Board to conduct a hearing to consider an amendment to the Zoning Ordinance pertaining to regulations for the location of medical cannabis cultivation centers and dispensing organizations as per the recent State of Illinois statute.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Grela, Stratis, Cronin, Scott, and Trzupek

**NAYS:** 0 – None

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

**6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:46 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:46 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

September 16, 2013

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**SEPTEMBER 16, 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:** 7 – Cronin, Hoch, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**ABSENT:** 1 – Stratis

Also present was Community Development Director Doug Pollock

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Cronin to approve minutes of the August 19, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Scott, Cronin, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 2 – Hoch and Grunsten

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

**3. PUBLIC HEARINGS**

**A. V-04-2013: 8426 Meadowbrook Drive (Leja); Variation and Findings of Fact**

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

Mr. Pollock summarized the hearing as follows: The subject property is improved with a 1.5 story single family residence. The petitioner proposes to construct a full second story and make other improvements to the home. The existing home was constructed prior to annexation into the Village and is non-conforming as to its setback from the north lot line. By adding a second story the petitioner is expanding the degree of the non-conformity and, therefore, a variation is required.

Chairman Trzupek asked if the home was built prior to annexation to Burr Ridge and if it complied with County zoning regulations. Mr. Pollock said it was definitely built before annexation. He said he could not confirm that it was built to County zoning regulations but based on similar homes in the area he guessed that it complied with County zoning regulations.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Casey Leja said that he bought the property earlier this year and intends to move into the home with his family. He had nothing further to add to the staff report.

Chairman Trzupek asked for comments or questions from the public.

Mr. Glenn Smoczynski, 8616 Meadowbrook Drive, stated that the homes in the area were served by well and septic and he wanted to make sure the expansion of this house would comply with appropriate standard for the septic field. Mr. Leja said that his architect had confirmed that they would be in compliance with applicable regulations for the septic field.

Mr. Smoczynski said he has no problems with the proposed setback variation.

Mr. Pollock said that before a building permit can be issued for the addition, the property owner would have to verify that the existing septic system complies with applicable codes. He said he did not know if it would have to be expanded or improved but if the codes required expansion or improvement, the permit would not be issued until appropriate plans are provided.

There being no further public comments, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Cronin asked if the immediate neighbors had any objections. Mr. Pollock said he heard from one neighbor who said they did not object. There were no other neighbors present at the hearing beside Mr. Smoczynski.

Commissioner Hoch confirmed that the addition would be built on the existing foundation and within the existing footprint of the home.

Commissioners Grunsten, Scott, and Grela said they had no questions. However, Commissioner Grela added that he thinks this is a textbook case for a variation.

Commissioner Praxmarer said she agrees.

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



A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to close the hearing for V-04-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Hoch, Scott, Grunsten, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of V-04-2013 subject to compliance with the submitted plans and the variation being limited to the addition as proposed.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Scott, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**B. Z-17-2013: 116-118 Burr Ridge Parkway (LaCabanita); Special Use**

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

Mr. Pollock summarized the hearing as follows: The petitioner received special use approval in 2011 for a restaurant with sales of alcoholic beverages. A previous special use approval allowed a sidewalk seating area for a restaurant at this location. At this time, the petitioner proposes to double the floor area of the restaurant and to convert the sidewalk seating area to full service outdoor dining area. Special use approval is required for a restaurant with sales of alcoholic beverages within the additional floor area and for a full service outdoor dining area. The special use approval for the existing sidewalk seating area does not permit table service or consumption of alcoholic beverages for the sidewalk seating area.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Robert Spadoni said he was the attorney for the petitioner and was prepared to answer any questions.

There being no public comments, Chairman Trzupek asked the Plan Commission for questions and comments.

Chairman Trzupek asked about the proposed vestibule shown on the floor plan. Mr. Spadoni said this was a vinyl awning that is intended to protect guests from the weather as they enter the restaurant. In response to Chairman Trzupek, Mr. Spadoni said the vinyl vestibule will only have one door.

Commissioner Grela said that the description provided by the attorney for the petitioner is different from what is shown on the plan.

Commissioner Praxmarer asked about the number of tables and chairs. She noted that only four tables were shown. Mr. Spadoni said that they could have as many 33 chairs and if they need to express a number, they would commit to no more than 33. Mr. Spadoni added that the tables and chairs would be identical to Dao Sushi and Thai Restaurant.

Commissioner Grela asked the attorney why the plans did not accurately reflect what is intended for the entryway and outdoor dining area. Mr. Spadoni said he did not draw the plans. Commissioner Grela noted that it is the petitioner's responsibility to submit accurate plans and the attorney is representing the petitioner.

Commissioner Grela asked if the Plan Commission could make recommendations to change the plan as a condition of approval or if the hearing needed to be continued. Mr. Pollock said he thought conditions could be attached to a recommendation rather than continuing the hearing.

Commissioner Scott said he wants to know the exact number of chairs proposed. Chairman Trzupek suggested that a revised plan should be provided showing the maximum number of chairs proposed.

Commissioner Grunsten asked about the live entertainment. Mr. Spadoni said they would have strolling musicians for the entertainment of diners.

Commissioner Hoch clarified the condition in the staff report regarding sound levels.

Commissioner Cronin asked if a patron could order drinks without food. Mr. Spadoni said that food would always be available.

Commissioner Cronin said he would like to see the revised plan emailed to him before the Board meeting next week. He said if he did not get a revised plan he would attend the Board meeting and recommend that the Board send it back to the Plan Commission for further review.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for Z-17-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Grunsten, Hoch, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**A MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval to permit a restaurant with sales of alcoholic beverages and live entertainment as per Z-17-2013 subject to the following conditions:

- a. The special use permit shall be limited to LaCabanita and the current owners and shall expire at such time that LaCabanita and the current owners no longer own and operate the business at 116 - 118 Burr Ridge Parkway.
- b. A revised site plan shall be provided to the Community Development Director prior to Friday, September 20, 2013. The revised site plan shall indicate limited access to the outdoor dining area and the maximum number of tables and chairs in the outdoor dining area as required by the Zoning Ordinance.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Hoch, Cronin, Scott, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

**A MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval for the outdoor dining area as per Z-17-2013 subject to the following conditions:

- a. The outdoor dining area shall comply with Section VIII.A.5 of the Zoning Ordinance including the complete enclosure of the outdoor dining area.
- b. All furniture and related appurtenances shall be removed during the winter season when the outdoor dining area is not in use.
- c. The concrete floor 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 concrete sidewalks within County Line Square.
- d. The outdoor dining area shall be restricted by the same hours of operation as the restaurant.
- e. All facilities and the configuration of the outdoor dining area shall comply with the submitted plans.
- f. Music and all other amplified sound should be kept to a moderate level so it is not audible from any property adjacent to County Line Square.
- g. There shall be no text or logos on the umbrellas.

- h. A revised site plan shall be provided to the Community Development Director prior to Friday, September 20, 2013. The revised site plan shall indicate limited access to the outdoor dining area and the maximum number of tables and chairs in the outdoor dining area as required by the Zoning Ordinance.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Scott, Cronin, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

#### **4. CORRESPONDENCE**

There was no discussion regarding the Board Report or Building Report.

#### **5. OTHER CONSIDERATIONS**

Chairman Trzupek asked that item B be considered first.

##### **B. Z-12-2013: 15W150 South Frontage Road (Odyssey Hotels); Findings of Fact**

Mr. Pollock explained that in response to the Commission's recommendation to deny the PUD, it is necessary to adopt Findings of Fact in support of its recommendation.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to adopt as the Findings of Fact for Z-12-2013 as submitted by staff.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Grela, Cronin, Hoch, Grunsten, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

##### **C. PC-09-2013: Zoning Ordinance Text Amendment – Driveway Width**

Mr. Pollock said that he was asked by two Trustees to place this on the agenda to ask the Plan Commission if they wanted to hold a public hearing to consider additional amendments to the regulations for driveway widths. Mr. Pollock described this consideration as follows: Earlier this year the Plan Commission recommended and the Board approved an amendment that allowed residents with non-conforming driveways to replace the driveways without bringing them into conformance relative to the driveway width. Subsequently, a resident who was made to narrow their driveway in 2010 asked if they could go back to a wider, non-non-conforming driveway. In response, two Trustees are asking the Plan Commission to consider requesting authorization to conduct a public hearing for further amendments to the driveway regulations.

After discussion, the Plan Commission concluded that there was sufficient reason to hold a public hearing and consider further amendments.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Hoch to request authorization from the Board of Trustees to hold a public hearing to consider amendments to the driveway regulations. The **MOTION** was unanimously approved by a voice vote of the Plan Commission.

**A. PC-08-2013: Discussion of Plan Commission Procedures**

Mr. Pollock asked if the Plan Commission wanted to consider any changes regarding the order of voting, the order of discussion, or seating arrangement. He said the issue was recently brought to his attention and he thought with the new Commissioners, this would be a good time to discuss.

After discussion by the Plan Commission, it was determined not to make any formal changes at this time but to allow the Chairman discretion in determining the order of voting and to consider new seating arrangements annually.

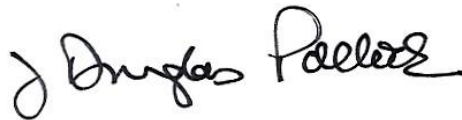
**6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:29 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:29 p.m.

Respectfully Submitted:



October 7, 2013

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J. Douglas Pollock, AICP

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**OCTOBER 7, 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 Commissioner Grela.

**ROLL CALL** was noted as follows:

**PRESENT:** 4 – Hoch, Scott, Grela, and Praxmarer

**ABSENT:** 4 – Cronin, Stratis, Grunsten, and Trzupek

Also present was Community Development Director Doug Pollock

Commissioner Grela stated that due to the absence of Chairman Trzupek and Vice-Chair Grunsten, he was asked to chair the meeting.

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Hoch to approve minutes of the September 16, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Praxmarer, Hoch, Scott, and Grela

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 4-0.

**3. PUBLIC HEARINGS**

**A. V-05-2013: 11349 71<sup>st</sup> Street (Tamborski); Variation and Findings of Fact**

Acting Chairman Grela announced that due to a lack of a quorum for the Zoning Board of Appeals, this hearing is being continued to October 21, 2013

**B. Z-18-2013: 7055 High Grove Boulevard (Three Fish, LLC); Text Amendment and Special Use**

Acting Chairman Grela asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the hearing as follows: The petitioner seeks to open a private, indoor swimming school in an existing building. The business would occupy 9,023 square feet of floor space. Improvements would include an in-ground swimming pool inside of the building and related locker room, office, lobby and spectator spaces. Parking is to be provided within the existing parking lot.

Acting Chairman Grela asked the petitioner if he had anything to add to the staff report.

Mr. John George introduced himself as the Attorney for the petitioner. Mr. George summarized the request and introduced other representatives of the petitioner.

Mr. Steve Karapetian said he works for Three Fish, LLC and is based in Bloomfield Michigan. He said Goldfish has 12 locations primarily in Michigan with other facilities in Ohio and Illinois. He described the business plan and introduced Lisa Stern.

Ms. Lisa Stern, also an employee of Three Fish, LLC, said that the goal of the swim school is provide a safe and comfortable experience for children from ages 4 months to 12 years. She said the water is kept at 90 degrees and that they maintain a friendly staff. She said they teach water safety and skills.

Acting Chairman Grela asked for public comments or questions.

Ms. Alice Krampit, 7915 Drew Avenue, asked about the location and if the school would be open to the public. Mr. Karapetian described the location and said that students must first be registered but otherwise it was open to anyone. In response to Ms. Krampit, he described the hours and noted that the school did not teach or conduct competitive swimming.

Mr. Terry Walker, 8S017 Vine Street, said he was impressed and happy that they are moving into the neighborhood. He suggested that the landlord should do something to maintain the landscaping adjacent to 71<sup>st</sup> Street. Mr. George responded that he would talk to the landlord.

There being no further public comments, Acting Chairman Grela asked the Plan Commission for questions and comments.

Commissioner Hoch asked if the medical office tenants in the building had any concerns with the proposed swim club. Mr. George said they were notified but did not respond. He said the landlord is in full support of the swim club.

Commissioner Scott asked about activities other than swimming such as scuba lessons. Mr. Karapetian said there would be no other such activities.

Commissioner Praxmarer asked about chemicals used for the pool. Mr. Karapetian said they manufacture their own chlorine and they make sure the PH levels in the pool are similar to the PH levels in a human eye. In response to Commissioner Praxmarer, he said

that they will comply with all OSHA regulations and that there is no food preparation within the facility.

Acting Chairman Grela asked if the pool would be ADA compliant. Mr. Karapetian said they would have ramp into the pool for handicap accessibility.

Acting Chairman Grela asked about the birthday parties and similar events. Ms. Stern said that 95% of their revenues would be from swim lessons. She said parties would be for registered customers only and would only be conducted during times that there are no swim lessons. Mr. Karapetian said that the parties are for a two hour block of time and that they are only allowed when the facility is closed for lessons.

Acting Chairman Grela asked about any retail sales. Ms. Stern said that they really do not have retail sales to the public but rather they sell items such as goggles and towels that students may need for their classes.

There being no further questions or comments from the Plan Commission, Acting Chairman Grela asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to close the hearing for Z-18-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Scott, Hoch, Grela, and Praxmarer

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 4-0.

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of an amendment to the Zoning Ordinance to add "Indoor Private Athletic Training and Practice Facilities, located in a permanent building, and not including any retail, health club, or other activities that may be open to the public" to the list of special uses in the LI Light Industrial District.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Praxmarer, Scott, Hoch, and Grela

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 4-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval for an Indoor Private Athletic Training and Practice Facility as per Z-18-2013 subject to the following conditions:

1. The Indoor Private Athletic Training and Practice Facility shall be limited to an indoor swim school consistent with the business plan submitted with this petition.



2. A minimum of 36 parking spaces shall be provided for this use exclusive of parking required for other tenants in the building.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Scott, Praxmarer, Hoch and Grela

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 4-0.

**C. Z-19-2013; Zoning Ordinance Text Amendment – Regulations for Medical Cannabis Cultivation and Distribution Facilities**

Acting Chairman Grela asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the hearing as follows: At its August 19, 2013 meeting, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider an amendment to the Zoning Ordinance in response to the recent enactment by the State of Illinois of the Compassionate Use of Medical Cannabis Pilot Program Act by the State of Illinois. This law preempts municipal authority to wholly prohibit “medical marijuana cultivation and disbursement facilities” (as defined in the Act) within municipal borders. It does, however, allow municipalities to regulate the location of such facilities from a zoning standpoint. The Board of Trustees concurred and authorized the Plan Commission to proceed with a public hearing.

Mr. Pollock described staff’s recommendation as follows: State law requires that a cultivation facility cannot be located within 2,500 feet of the property line of an area zoned for residential use. Within the corporate limits of the Village of Burr Ridge there are no properties that meet this separation criterion. Therefore, staff is recommending that cultivation facilities not be added to the Zoning Ordinance.

In regards to disbursement facilities for medical cannabis, Mr. Pollock added the following: State law requires that a dispensing organization may not be located within 1,000 feet of the property line of a school or child care facility but does require a separation from residential areas. Mr. Pollock said that the written staff report was wrong in this regard as it stated that there was a separation requirement from residential districts. Thus, it is possible to allow disbursement facilities in any non-residential district in the Village.

Acting Chairman Grela asked for public comments or questions. There were no comments or questions from the public.

Acting Chairman Grela asked the Plan Commission for questions and comments.

Commissioner Praxmarer said she had no comments.

Commissioner Scott said he agreed with staff's recommendation to make medical cannabis disbursement facilities a special use in the GI General Industrial District.

Commissioner Hoch said she had no comments.

Acting Chairman Grela said that he supports the need for cancer patients to have access to appropriate medical treatments. He said he is concerned about burying disbursement facilities in the middle of an industrial park and creating a stigma for patients seeking approved medical treatments. He noted that more harmful drugs are sold at Walgreens and other pharmacies.

Mr. Pollock suggested that an option would be to classify stand-alone disbursement facilities as a special use in the GI District but also allow them as a permitted or special use in other districts when they are part of a full service pharmacy.

Mr. Pollock further suggested that the hearing be continued so that the other Commissioners can offer their thoughts on the matter. He said the state law does not go into effect until 2014 so there is time to consider this further.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to continue the hearing for Z-19-2013 to October 21, 2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 4 – Scott, Hoch, Grela, and Praxmarer

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 4-0.

#### **4. CORRESPONDENCE**

There was no discussion regarding the Board Report or Building Report.

#### **5. OTHER CONSIDERATIONS**

There were no other considerations scheduled.

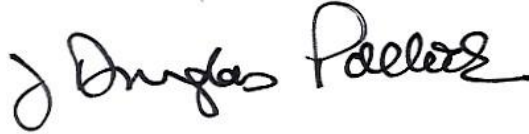
#### **6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

#### **7. ADJOURNMENT**

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 8:32 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:32 p.m.

Respectfully  
Submitted:

A handwritten signature in black ink, appearing to read "J. Douglas Pollock". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

October 21, 2013

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J. Douglas Pollock, AICP

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**OCTOBER 21, 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, Stratis, Hoch, Grunsten, Scott, and Trzupek

**ABSENT:** 2 – Grela and Praxmarer

Also present was Community Development Director Doug Pollock. In the audience were Trustees Franzese, Manieri, and Bolos

**2. APPROVAL OF PRIOR MEETING MINUTES**

Commissioner Scott noted that on page 3 of the draft minutes, regarding the Goldfish Swim School Special Use, the description of retail sales should state that the sales are for items such as towels and goggles for students only rather than re-sell of items.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to approve minutes of the October 7, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 2 –Hoch and Scott

**NAYS:** 0 – None

**ABSTAIN:** 4 – Cronin, Stratis, Grunsten, and Trzupek

**MOTION CARRIED** by a vote of 2-0.

**3. PUBLIC HEARINGS**

Chairman Trzupek affirmed all present wishing to speak at a public hearing.

**A. V-05-2013: 11349 71<sup>st</sup> Street (Tamborski); Variation and Findings of Fact**

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

Mr. Pollock summarized the hearing as follows: The petitioner seeks to replace a detached garage for a single-family home. The existing garage conforms to the Zoning

Ordinance. The proposed garage would be moved closer to the street and would encroach into the required corner side yard setback.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Joseph Tamborski introduced himself. He said his goal is to have a larger back yard. He said the property has a small back yard and by moving the garage closer to the street, he will have a larger back yard.

Chairman Trzupek asked for public comments or questions.

Dolores Cizek, LaGrange, asked if the proposed setback was 17 feet or 20 feet. Mr. Pollock said it was 20 feet.

There being no further public comments, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Cronin asked how long the petitioner had lived in the home and if there was a septic field in the front yard. Mr. Tamborski said he has lived there for 30 years and that the septic system was abandoned when they connected to the public sewer system. Also in response to Commissioner Cronin, Mr. Tamborski said the existing and the proposed garage are two car garages.

Commissioner Stratis said that he agrees with the petitioner that the property should have a back yard larger than the existing. He said that the property is unique because of its location and the location of the house toward the back of the lot.

Commissioner Hoch said she was stuck on the fact that the garage could be 12 feet closer to the street without a variation.

Commissioner Scott said that he believes the variation should be granted.

Chairman Trzupek asked about the slope of the corner side lot line to the south. He noted that it slopes away from this property making this property unique.

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

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to close the hearing for V-05-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**A MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of a variation from Sections IV.H.4 and VI.F.7 of the Zoning Ordinance to permit a detached garage to be located 20 feet from the corner side (i.e. west) lot line rather than the requirement that a detached garage be located a minimum of 30 feet from a corner side lot line subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

Chairman Trzupek said that they would conduct the hearings out of order to accommodate the residents in the audience who are here for two of the public hearings.

**C. V-06-2013: 2 Carriage Place (Werr/Slaga); Patio Setback Variation**

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

Mr. Pollock summarized the hearing as follows: The petitioner proposes to replace and expand an existing patio located within an interior side yard. The existing patio is approximately 3 feet from the interior side lot line; the Zoning Ordinance requires a 10 foot setback. A variation is necessary because the Zoning Ordinance allows a legal non-conforming structure to be repaired but if replaced, it has to be brought into conformance.

Chairman Trzupek asked the petitioner if he had anything to add to the staff report.

Mr. Robert Werr and Ms. Mary Slaga introduced themselves as the petitioners and the residents at 2 Carriage Place. They presented photographs of the existing patio to show that it is in disrepair and needs to be replaced.

Chairman Trzupek asked for public comments or questions.

There was no one present to speak. Ms. Slaga stated that they received approval from the Homeowners Association and submitted a letter from the immediate neighbor indicating their support of the variation. She said that the neighbors were present to support the request.

There being no further public comments or questions, Chairman Trzupek asked for comments and questions from the Plan Commission.

Commissioner Scott asked about the material to be used for the new patio and if the additional patio area was designed to meet the 10 foot setback. Ms. Slaga said the new surface would be paver bricks and confirmed that the additional patio area will meet the 10 foot setback.

Commissioner Grunsten asked if the patio was covered. Ms. Slaga said it is not covered.

Commissioner Hoch asked if the variation would be different if this were the rear yard. Mr. Pollock said it would not be different as patios are permitted in the rear and side yard and with a minimum 10 foot setback from the side and rear lot lines.

Commissioner Stratis noted that the house exceeds the minimum corner side yard setback and if planned better, they would have sufficient area in the side yard for a patio.

Commissioner Cronin noted that technically they could put pavers over the top of the existing patio and it would be considered in compliance with the applicable regulations.

Chairman Trzupek asked if the sub-base of the patio would be kept. Mr. Werr said he did not know. Chairman Trzupek suggested that it is likely the gravel sub-base would be used for the paver patio and noted that it is hard to distinguish between repair and replacement. Therefore, he supports the variation.

Commissioner Grunsten asked if there were any covenants that would impact the patio. Mr. Werr said he was not aware of any covenants and that they have the written approval of the Homeowners Association.

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

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to close the hearing for V-06-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of a variation from Section IV.I.34 of the Zoning Ordinance to permit the replacement and expansion of a patio and patio seat wall located less than 10 feet from the interior side (south) lot line rather than the requirement that patios and patio seat walls be located a minimum of 10 feet from an interior side lot line subject to compliance with the submitted plans.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**D. Z-20-2013: 11680 German Church Road (Village of Burr Ridge); Rezoning**

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

Mr. Pollock summarized the hearing as follows: At its September 23, 2013 meeting, the Board of Trustees directed the Plan Commission to conduct a public hearing to consider rezoning the Village owned property at 11680 German Church Road. The Board directed the Plan Commission to consider either the R-2A or the R-2B Single-Family Residence District. The total property consists of 12 acres. Four acres are occupied by the Village's pump station which includes a pump station building and an underground tank. The remaining 8 acres are for sale by the Village.

Chairman Trzupek asked for public comments or questions.

Mr. Zed Francis, 8237 Greystone Court, said he was representing the Bridle Path Homeowners Association. He said the Association supports the rezoning and had previously advocated that the Village rezone the property prior to selling the property.

Chairman Trzupek asked if the homeowners had preference for either the R-2A or the R-2B District. Mr. Francis said they did not have a preference.

Mr. Vlado Lenocho, 8101 Woodside Lane, said that he lives adjacent to the property and would prefer rezoning to the R-2B District.

Ms. Dolores Cizek, LaGrange, noted that the property contains 12 acres yet the Village was only selling 8 acres. She said the Village's pump station property should have separate PIN number and she strongly encourages that the 4 acre pump station property be disconnected from this rezoning.

Mr. Pollock responded that the properties already were subdivided and have separate PIN numbers. He said the rezoning includes both properties so that the 4 acre pump station parcel does not appear as a spot zoning.

Mr. Scott Magnesen, 8265 Steepleside Drive, said he believes it is important that the property be rezoned to the R-2A or the R-2B District consistent with the zoning on Steepleside and the other subdivisions on German Church Road.

Chairman Trzupek asked for comments and questions from the Plan Commission.

Commissioner Cronin confirmed that the property is legally divided into two lots and the north 8 acres are for sale. Mr. Pollock confirmed and added that the south 4 acres contains the Village's pump station and underground water storage tank.

Commissioner Stratis asked if it were possible for the 15 acres to the west that front on County Line Road to be rezoned to the R-2B District. Mr. Pollock said based on the Bridle Path and Crosscreek zoning, it is likely it could be rezoned to R-2B.



Commissioner Stratis said he was agnostic on whether the Village property should be rezoned R-2B or R-2A.

Commissioner Hoch asked about the subdivision of the property. Mr. Pollock said it was subdivided but for some reason did not show on the zoning map.

Commissioner Grunsten said she had no questions.

Commissioner Scott said he agrees with the logic of zoning the property to the R-2B District.

Chairman Trzupek said he would error on the side of caution and recommend rezoning to the R-2A District. He said a developer could always propose to rezone the property to the R-2B District in the future. In response to Chairman Trzupek, Mr. Pollock said the difference between the two zoning districts would likely be just a couple of lots.

Commissioner Grunsten said she agrees with Chairman Trzupek.

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to close the hearing for Z-20-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to direct staff to prepare findings and fact and recommend to the Board of Trustees that the subject property be rezoned to the R-2A District.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**B. Z-19-2013; Zoning Ordinance Text Amendment – Regulations for Medical Cannabis Cultivation and Distribution Facilities**

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

Mr. Pollock summarized the hearing as follows: After a brief discussion at the October 7, 2013 meeting, the Plan Commission continued this hearing. At that meeting, staff reported that the original staff summary was incorrect in its statement that a medical

cannabis dispensing facility must be 1,000 feet from a residential district. There is no separation requirement from residential districts for a dispensing facility. The continuance was also to allow the full Plan Commission to consider the amendment and to consider allowing medical cannabis dispensing facility as a permitted or special use when accessory to a fully licensed pharmacy in addition to allowing a dispensing facility as a special use in the GI District as recommended by staff.

Mr. Pollock reminded the Commission that the State law requires municipalities to accommodate medical cannabis facilities within the guidelines established by the law. He said that the state law requires a 2,500 foot separation from residential districts for a cultivation facility and that precludes a cultivation facility in Burr Ridge. Mr. Pollock said that a dispensing facility could be located in any non-residential district even if adjacent to a residential district.

Chairman Trzupek asked if it would be consistent with the state law to only allow medical cannabis dispensing facilities as an accessory to a pharmacy. Mr. Pollock said he was not sure but it is possible that would not be consistent with the state law.

Commissioner Stratis said he does not agree that with the statements made by Commissioner Grela at the last hearing relative to stigmatizing medical cannabis by limiting it to industrial districts. He said that the industrial districts in Burr Ridge are different from other communities. He suggested that the Village should proceed cautiously and limit medical cannabis to a special use in the GI District. Commissioner Stratis concluded that the Commission should continue this hearing again for further discussion since Commissioner Grela was not present at tonight's meeting.

Ms. Mary Bradley, 121 Surrey Lane, said she agrees that the Village should be cautious as this is an issue with unknown consequences.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to continue the hearing for Z-19-2013 to November 4, 2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

#### **E. Z-21-2013: Zoning Ordinance Text Amendment – Driveway Widths**

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

Mr. Pollock summarized the hearing as follows: Earlier this year, the Plan Commission recommended and the Board approved an amendment to the Zoning Ordinance relative to the regulations for residential driveway widths. The intent of the amendment was to allow residents with non-conforming driveway widths to replace their driveways without having to narrow the driveway. After approval of that amendment, a resident complained

that they were made to narrow their driveway before this amendment and would like to go back to a wider driveway. The Board of Trustees asked that the Plan Commission review this again.

Mr. Pollock suggested the following options for the Plan Commission: leave the amendment as it currently exists in which case a resident who was made to narrow their driveway would have leave the driveway as is; amend the regulations to allow a resident who was made to narrow their driveway to go back to a wider driveway; or allow all driveways that access front loaded three car garages to be 30 feet wide.

Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Scott said he had no comments or questions at this time.

Commissioner Grunsten said she was not sure how to proceed.

Commissioner Hoch said that she feels the Commission is being held hostage by inspectors who do not do their job prior to 1996. She said she understands the unfairness factor but also feels more narrow driveways are a benefit to a residential street.

Chairman Trzupek said that he thinks very few residents would widen their driveways if given the opportunity. He suggested an amendment that would allow any existing residential property with a three car front loaded garage to have a 30 foot wide driveway but that any new home or new garage would continue to be restricted to the maximum width of 22 feet. He also suggested that the combined driveway width remain at 36 feet. He said that additional pavement allowed by more driveway width is not desirable.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Cronin to close the hearing for Z-21-2013.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to direct staff to recommend to the Board of Trustees approval of an amendment to Section IV.Y of the Burr Ridge Zoning Ordinance to permit a maximum 30 foot wide driveway for residential properties with existing three-car front loaded garages but to continue to limit driveways for new garages or new homes to a maximum width of 22 feet.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**4. CORRESPONDENCE**

There was no discussion regarding the Board Report.

**5. OTHER CONSIDERATIONS**

There were no other considerations scheduled.

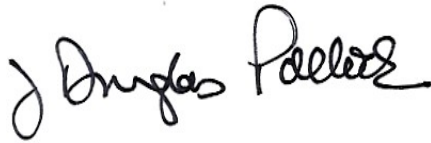
**6. FUTURE SCHEDULED MEETINGS**

There was no further discussion regarding future scheduled meetings.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Grunsten to **ADJOURN** the meeting at 9:05 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:05 p.m.

Respectfully Submitted:



November 4, 2013

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J. Douglas Pollock, AICP

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**NOVEMBER 4, 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 –Hoch, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**ABSENT:** 2 – Cronin and Stratis

Also present was Community Development Director Doug Pollock. In the audience were Trustees Manieri and Bolos

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to approve minutes of the October 21, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Grunsten, Hoch Scott, Praxmarer and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Grela

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

**3. PUBLIC HEARINGS**

Chairman Trzupek affirmed all present wishing to speak at a public hearing. Chairman Trzupek also said that the public hearing for item III.B would be held first.

**B. Z-22-2013: 15W455 79<sup>th</sup> Street (St. Mark); Special Use, Variations and Findings of Fact**

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

Mr. Pollock summarized the hearing as follows: St. Mark Coptic Orthodox Church owns 8.6 acres located at the southwest corner of 79<sup>th</sup> and Garfield Avenue. They are seeking approval to construct an addition to the church. The addition would contain a second worship sanctuary, meeting rooms, common areas, and other facilities accessory to the

church. Special use approval is required for the expansion of the church. Variations are requested for front yard parking adjacent to 79<sup>th</sup> Street, building height for the bell tower and dome, and a variation for about 10 parking spaces that encroach into the side yard setback.

Chairman Trzupek asked the petitioner for their presentation.

Mr. Awad Eskander said he was the Architect for the church and for this project. Mr. Eskander described the site plan and building elevations. He emphasized that the site plan and elevations were intended to provide balance to the site and building. He showed photos of the existing landscaping around the perimeter of the property and mentioned two neighborhood meetings held by the church. Mr. Eskander described the parking lot lighting and said the parking lot lighting would comply with the Zoning Ordinance.

Mr. Dustin Erickson of Terra Engineering said he was the civil engineer for the project. Mr. Erickson said that the property is about 12 feet lower at the northeast corner than the southwest corner and that is why detention is planned for the northeast corner. He noted that the driveway to Garfield Avenue was recommended by the Fire District.

Commissioner Grela asked for more explanation as to why they do not keep the detention at the southwest corner of the property. Mr. Erickson explained that in addition to the land being lower at the northeast corner, they have to comply with new standards for detention that expand the detention volume significantly. Mr. Eskander added that the location of the church addition and the need to provide drives and parking near the front entrance are other reasons why the existing detention needs to be relocated.

Mr. Bill Schmidt of Terra Engineering introduced himself as the Landscape Architect for the project. He said that most of the trees along Garfield Avenue will be saved; that there will be a 4 foot berm on the north side of the 79<sup>th</sup> Street parking lot; and that they will preserve the existing arbor vitae along the south lot line.

Ms. Naveen Michael said she was a member of the church and was leading the church committee for this project. She said the project is being done to address the need for more capacity for current membership. She said they have concurrent church services on Sunday mornings and one is held in the gym. The addition would allow that service to be held in a sanctuary. She referenced the two neighborhood meetings and added that the church was considering security cameras in the parking lot.

Mr. Eskander summarized the petitioner's presentation. He acknowledged the concern from residents regarding the driveway to Garfield Avenue but said he believes this access is important for safety. He said that only 20 to 30% of the congregants would use this driveway at peak times on Sundays as most would still use the 79<sup>th</sup> Street driveways. He also described the use of the outdoor classroom and other facilities. Finally, he showed some three dimensional elevations of the building.

Chairman Trzupek asked for public comments or questions.

Ms. Connie Markiewicz, 61 Pine Tree Lane, expressed her concern about the height of the building and recommended that the Garfield driveway be moved 30 feet north, away from the residents and where the ground was flatter, and that a gate be added to the driveway to limit the driveway to emergency access only. She recommended that the arbor vitae along the south lot line be maintained and the gaps in the arbor vitae be filled. She also mentioned a ponding problem at the southwest corner of the church property.

Mr. Jamil Bou-Saab of Terra Engineering, stated that they would fix the ponding problem at this location.

Mr. Bud Arquila, 61 Pine Tree Lane, said that the arbor vitae should be maintained and additional arbor vitae added at each end to provide a complete screen between Pine Tree and the church property. He said that if this done and the drainage problem at the southwest corner is fixed, he believes the Pine Tree residents will be satisfied.

Mr. Leo Ditewig, 26 Pine Tree Lane, said that moving the building closer to his property will not increase the value of his property. He said he is not in favor of allowing the buildings to be moved closer to his property.

Mr. Martin Cavaney, 51 Pine Tree Lane, said he works at Panduit on the north side of the church. He said that parking is currently a problem and church members park on Grant Street. He suggested that the Garfield driveway should be used.

Chairman Trzupsek asked the petitioner about the number of existing and proposed parking spaces and the church attendance before and after the addition. Ms. Michael stated that they are not building the addition in anticipation of an increase in attendance. She said that they hold concurrent services and one is in the gym – that service would be moved to the new sanctuary. She described the demographics of the church and the denominations plans for construction of new churches in other locations if growth continues.

Mr. Eskander said they are increasing the number of parking spaces on-site from about 200 spaces to over 300 spaces. He said they believe this will be sufficient for any new growth that may occur.

Mr. Chris Becker, 14 Pine Tree Lane, said that his bank recently told him that his property value had fallen by five figures in recent months and speculated that it may be due to the plans for the church addition. He said there was no shielding planned in the vicinity of this property and that the Garfield driveway was too close to his property. He said he is very concerned about the impact of the church addition on his property.

Mr. Bob Sodikoff, 6029 Woodcreek Drive, said as a former Plan Commission Chairman, former Trustee and former Acting Village President he is very familiar with the church and considers the church a good neighbor for Burr Ridge. He said with any new development like this there are always questions that have to be answered. He suggested

making the Garfield access emergency only but added he does not think that is a major issue. He said the church solidifies the area and the church is an asset to the Village. He urged the Plan Commission to recommend approval.

Mr. Domenic Reda, 53 Chesterfield Court, said he was pleased to see the parking lot is complying with the 30 foot perimeter setback. He said he was not sure if it would cause a drainage problem and they need to add evergreen shrubs along the west lot line to provide a year round screen.

Mr. Mark Collins, 7974 Garfield Avenue, said that the only issue is the driveway onto Garfield Avenue. He said there are no sidewalks on Garfield Avenue and people have to walk in the street – with the additional cars from the church, the safety of pedestrians will be a problem.

Mr. Mike Kelling, 6 Berkshire Lane, said that he is on the Lake Ridge Club Homeowners Association Board but was not authorized to speak on behalf of the Board. He said that with only two exceptions, he believes the residents of Lake Ridge Club do not have a problem with the church or the addition. He agreed that 4 to 5 foot evergreens along the west lot line should be provided.

Mr. Ron Zachary, 7958 Garfield Avenue, said he does not want to see more traffic on Garfield Avenue. He suggested a gate on the driveway so it can be used for emergency purposes only. He was also opposed to the outdoor play area saying he did not want to see that from his home. Mr. Zachary noted sight line problems at the corner of 79<sup>th</sup> and Garfield which should be avoided when considering a final landscaping plan.

An unidentified resident from Kraml Estates supported the project noting the increase in on-site parking and that the outdoor activities would be similar as a residential property.

Ms. Alice Krampit, 7519 Drew Avenue, asked about the construction schedule. Mr. Eskander said they hope to begin in summer of 2014 and the entire project would take 1 to 1.5 years.

Mr. Ramy Saif mentioned that there is 30 feet from the parking lot to the south lot line that is on the church property. He said the church has been there for 35 years preceding the Pine Tree homes.

Mr. Paul Castellvi, 44 Pine Tree Lane, asked what the benefit would be for the Pine Tree residents. He said it will disrupt the residents. He asked for a walking path on Garfield Avenue.

There being no further public comments, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Hoch asked about the landscaping along the south lot line. Mr. Schmidt said the original plan was to construct a berm in this area but after further review and



after hearing what the neighbors have to say, he believes it would be best to maintain the grades in this area, maintain the existing arbor vitae and to add additional landscaping where needed. Commissioner Hoch said a more accurate survey and plan for that area is needed.

Commissioner Grela asked Mr. Pollock if he had discussed the Garfield driveway with the Fire District and if so, what they are requiring. Mr. Pollock said that he did discuss this with the Fire District and they are recommending a driveway for emergency access from Garfield Avenue. He said the Fire District believes a driveway to Garfield Avenue will provide a significant public safety benefit. Commissioner Grela asked if this was being required by the Fire District. Mr. Pollock said that the Fire District cannot dictate to the Village whether a driveway is provided. He said the Village has to make that decision based on the input from the Fire District and from others.

Commissioner Grunsten asked how often weddings and other events were held at the church. Ms. Michael said that weddings were not held during Lenten or Advent seasons and usually only one per month. She said receptions for weddings are not held at the church.

Commissioner Grunsten said she was concerned about the Garfield access drive and suggested it should be for emergency use only. She added that it may be appropriate to require a sidewalk on Garfield to reduce the conflict between pedestrians and traffic.

Commissioner Scott asked about the use of the outdoor kitchen and other outdoor areas. Ms. Michael said that the plans should not have called it an outdoor kitchen as it is really only a barbeque grill. She said she would expect that area to be used once a month in the summer and the patio to be used weekly.

Commissioner Scott asked if it was possible to move some or all of the detention to the south lot line. Mr. Bou-Saab explained that it would be very difficult to move the detention to the south lot line because it is so much higher than the northeast corner of the property.

Commissioner Scott asked if the Garfield access drive can be moved to the north. Mr. Bou-Saab said that they will agree to erect a gate to limit the drive to emergency only but they did not want to move it north as it would take split their land and make much of that area unusable.

Commissioner Grela confirmed that the detention pond would be a dry basin pond and Mr. Bou-Saab reiterated that they would not agree to move the Garfield drive to the north. Commissioner Grela suggested that they extend a detention basin along the south lot line and to eliminate the Garfield access drive. He said that even with a gate, he is concerned that it would get used on Sundays. Mr. Bou-Saab said he believes the Garfield access is necessary and that it would be extremely difficult to move detention to the south lot line.

Commissioner Grela noted that at one point the church was considering senior housing on the Garfield property. He asked if that was still being considered. Ms. Michael said the church was not considering senior housing and had no plans for the open space along Garfield Avenue.

Commissioner Praxmarer asked if the Garfield driveway would be visible and she asked about exposed mechanical equipment at the northeast corner of the building. Mr. Schmidt said they will continue the berm and landscaping along the south lot line so that it is screened from the residences. Mr. Eskander said that they would provide landscaping screening around this existing equipment.

Ms. Michael stated that the church will agree to eliminate the driveway to Garfield in the spirit of cooperation with the neighbors.

Chairman Trzupek suggested that with the topographical peak in the center of the property, it would seem to make sense to have some detention in the southwest corner. He said he would also like to see more detail on the berm and screening at the south lot line.

Chairman Trzupek asked about the height of the addition relative to the existing church. Mr. Eskander said the new building is about 2 feet above the gym. Chairman Trzupek said he does not believe the new tower is necessary and may be too close to the residential area. Mr. Eskander said he could lower the tower but would not want to remove the tower. He said it is very significant to their faith.

In response to Chairman Trzupek, Mr. Eskander said the parking lot lights would be shielded and would comply with the Zoning Ordinance. He said the foot candles would be less than 0.5 at the property line and that there would be no lights on the side of the building facing south.

Chairman Trzupek said that if there is a driveway to Garfield, it should be a pervious surface the blends with the landscaping and has a gate to limit access to emergency vehicles.

Chairman Trzupek said the Plan Commission could continue this hearing if they feel additional information is needed or they could proceed with a recommendation with conditions to be resolved by staff.

Commissioner Grela said he is prepared to make a recommendation with conditions for the petitioner to work out with staff.

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

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to close the hearing for Z-22-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grela, Grunsten, Hoch, Scott, Praxmarer, and Trzupek

**NAYS:** 0 – None

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

Commissioner Grela suggested conditions requiring permeable or grass pavers for the driveway with a gate limiting access to emergency vehicles. He also suggested a condition requiring staff approval of the final engineering with consideration of providing detention at both the southwest and northeast corners of the property.

Mr. Pollock said he was concerned about the condition requiring staff approval of the final stormwater plans. He said if the intent was to resolve the ponding problem at the southwest corner, he thought the condition was okay but if the intent is provide stormwater across the south lot line to increase the buffer between the church and Pine Tree, the plans should come back to the Plan Commission for further review.

Commissioner Grela said the intent of the final engineering review would be to address the ponding issue, only.

Chairman Trzupek added a condition requiring that the bell tower be reduced in height. In response to a question from Mr. Pollock, Chairman Trzupek said he would suggest leaving the amount the tower is reduced to the discretion of the architect.

**A MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of a special use approval as per Section VI.F.2.k of the Burr Ridge Zoning Ordinance for the construction of a building addition to a church and the expansion of the parking lot and with an outdoor playground, outdoor classroom and outdoor kitchen and gazebo; a variation from Section VI.F.5.b of said Zoning Ordinance to allow sections of the building addition to exceed the 45 foot maximum permitted height for non-residential uses; a variation from Section XI.C.8.a of said Zoning Ordinance to allow parking to be located in a front buildable area rather than in the side or rear buildable area of the lot; and a variation from Section XI.C.11.a(2)(a) of said Zoning Ordinance to allow a limited number of parking spaces to encroach into the required 30 foot setback from the west property line; with all recommendations subject to the following conditions:

1. The driveway between the parking lot and Garfield Avenue shall be surfaced with grass pavers to blend with the surrounding grass/turf and an emergency access gate shall be provided preventing use of the driveway to Garfield Avenue by vehicles other than emergency vehicles. The final plan for the driveway and gate shall be subject to administrative review by the Plan Commission.
2. The final landscaping plan shall be subject to staff review and approval prior to issuance of any building permit and shall include maintenance of the

existing arbor vitae along the south lot line, maintenance of the existing plant materials along the west lot line, the addition of arbor vitae or similar landscaping along the south lot line to fill in gaps, and the addition of a solid row of evergreens along the west lot line to shield the adjacent residential district.

3. The height of the bell tower on the church addition shall be reduced as determined appropriate by the petitioner.
4. The final stormwater management plan shall be subject to staff review and approval with the intent of eliminating the existing ponding adjacent to the existing detention area at the southwest corner of the property and consideration of maintaining some of the detention at the southwest corner of the property if it contributes to the resolution of the existing ponding.
5. A pathway shall be provided along Garfield Avenue subject to the concurrence of the Pathway Commission.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grela, Scott, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

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

**A. Z-19-2013; Zoning Ordinance Text Amendment – Regulations for Medical Cannabis Cultivation and Distribution Facilities**

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

Mr. Pollock summarized the hearing as follows: The Plan Commission continued this hearing from the previous meetings to allow input from all Commissioners. The continuance was also to allow the full Plan Commission to consider allowing medical cannabis dispensing facility as a permitted or special use when accessory to a fully licensed pharmacy in addition to allowing a dispensing facility as a special use in the GI District as recommended by staff. After the last meeting, the Village Attorney provided an opinion that the State law would likely not allow medical cannabis accessory to a pharmacy. It is anticipated that medical cannabis dispensing will be stand-alone facilities.

Mr. Pollock reminded the Commission that the State law requires municipalities to accommodate medical cannabis facilities within the guidelines established by the law. Based on the input from the Village Attorney and the mandate from the State of Illinois, Mr. Pollock said that staff is recommending that medical cannabis dispensing facilities be added as a special use in the GI District.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to close the hearing for Z-19-2013.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Hoch, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend to the Board of Trustees an amendment to the Zoning Ordinance to add “Medical Cannabis Dispensing Facility, licensed by the State of Illinois as per the State of Illinois of the Compassionate Use of Medical Cannabis Pilot Program Act” to the list of special uses in the GI General Industrial District.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grela, Scott, Hoch, Grunsten, Praxmarer, and Trzupek

**NAYS:** 0 – None

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

#### **4. CORRESPONDENCE**

There was no discussion regarding the Board Report.

#### **5. OTHER CONSIDERATIONS**

##### **A. PC-10-2013: 2014 Plan Commission Schedule**

Mr. Pollock presented the 2014 Plan Commission schedule including meeting dates and designations for Village Board meeting representatives.

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to approve the 2014 schedule as submitted. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

##### **B. Z-20-2013: 11680 German Church Road; Findings of Fact**

Mr. Pollock presented the findings of fact for the recent Village initiated rezoning of the Village owned property at 11680 German Church Road.

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to approve the Findings of Fact for Z-20-2013 as submitted. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

#### **6. FUTURE SCHEDULED MEETINGS**

Mr. Pollock reported that there is nothing scheduled for the November 18, 2013 meeting.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to approve to cancel the November 18, 2013 meeting. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

**7. ADJOURNMENT**

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 10:53 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:53 p.m.

Respectfully Submitted:



December 16, 2013

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J. Douglas Pollock, AICP

**PLAN COMMISSION/ZONING BOARD OF APPEALS**

**VILLAGE OF BURR RIDGE**

**MINUTES FOR REGULAR MEETING OF**

**DECEMBER 16, 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:** 7 – Cronin, Stratis, Grunsten, Scott, Grela, Praxmarer, and Trzupek

**ABSENT:** 1 – Hoch

Also present was Community Development Director Doug Pollock. In the audience were Trustees Bolos and Franzese

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the November 4, 2013 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Grela, Scott, Grunsten, Praxmarer and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 2 – Cronin and Stratis

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

**3. PUBLIC HEARINGS**

There were no public hearings scheduled.

**4. CORRESPONDENCE**

There was no discussion regarding the Board Report.

**5. OTHER CONSIDERATIONS**

**A. Preliminary Plat of Subdivision: McNaughton's 87<sup>th</sup> and Madison Subdivision**

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

Mr. Pollock reported that a developer has a contract to purchase the property at the southeast corner of 87<sup>th</sup> and Madison Streets and is seeking to subdivide the property into three residential lots with a separate lot for stormwater detention. Mr. Pollock said that the proposed subdivision complies with the Subdivision and Zoning Ordinances.

Mr. John Barry was present on behalf of McNaughton Development. Mr. Barry did not have anything to add at this time.

Chairman Trzupek noted that this was not a public hearing but asked if anyone was in the audience who wanted to speak on this matter. There was no one.

Chairman Trzupek asked the petitioner if a house that is consistent with other houses in Burr Ridge can be built on each lot without a zoning variation. Mr. Barry responded affirmatively. Chairman Trzupek asked for questions and comments from the Commissioners.

Commissioner Cronin asked about the orientation of the lots, whether additional street lights are proposed and if the detention pond would be dry or wet bottom.

Mr. Barry said that two lots will face Madison Street and two lots will face Polo Ridge Court. He said that no additional street lights are required and that the pond will have a wetlands bottom.

Commissioner Stratis asked what a wetland bottom pond is. Mr. Barry introduced Mr. Scott Scheiner his consulting engineer. Mr. Scheiner explained that DuPage County encourages a wetland bottom for filtration of stormwater. He said it is not required but it would be difficult to meet the County stormwater requirements for this property without a wetland bottom. In response to Commissioner Stratis, Mr. Scheiner added that the developer would establish a maintenance plan to ensure that the wetlands would be properly maintained. Mr. Pollock added that the Village ordinances requires that the developer create an escrow fund to provide resources for the homeowners to maintain the pond after the developer's responsibility is completed.

Commissioner Grunsten asked if there were other similar ponds in the area. Mr. Scheiner said that his firm had done one in Westmont.

Commissioner Scott said he had no questions.

Commissioner Grela asked if the bottom of the pond would be wet at all times. Mr. Scheiner explained that it would detain water longer than a traditional dry pond but would eventually become dry as water soaks into the ground. In response to Commissioner Grela, Mr. Scheiner explained that the developer would maintain the pond for at least two years and thereafter, the homeowners association would be responsible.



Commissioner Praxmarer confirmed that the homeowners association would be responsible for the long term maintenance of the subdivision pond and she asked for a description of grading of the properties.

In response to Chairman Trzupek, Mr. Scheiner said that the pond is similar to a bio swale and will have underdrains.

Chairman Trzupek asked if some of the detention will flow south from the property. Mr. Scheiner explained that the driveways have to be pitched to drain to the street and that stormwater for those two lots will then have to run in the gutter into the Polo Ridge storm system but that it will be minimal and within code.

Trustee Franzese asked about the maintenance of the pond and wetlands. Mr. Scheiner explained that the first three years were critical to establish the wetland plants and after that the plants have to be replaced as needed but that should not occur often. He also added that generally geese do not like wetland areas so that should not be a problem. In response to Trustee Franzese, Mr. Scheiner said that there is no reason why a homeowner would prefer to live next to the planned wetland pond but that is being planned because of the stormwater regulations. He added that lots adjacent to the pond will not be priced differently due to that proximity.

There being no more questions or comments, Chairman Trzupek asked for a motion.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to recommend approval to the Board of Trustees of the Preliminary Plat of Subdivision for McNaughton's 87<sup>th</sup> and Madison Subdivision subject to the following conditions:

- A. The Final Plat and Final Engineering Plans shall substantially comply with the submitted Preliminary Plat and Preliminary Engineering Plans.
- B. Application for a final plat of subdivision within one year after approval of the preliminary plat by the Board of Trustees.
- C. Payment of the required school impact fee in effect at the time of approval of the final plat of subdivision - estimated at this time to be \$23,572.
- D. Payment of the required park impact fee in effect at the time of approval of the final plat of subdivision – estimated at this time to be \$31,296.80.
- E. Approval by the Village Engineer of final engineering plans including an engineer's cost estimate for all required improvements.
- F. Payment of all outstanding reimbursable fees, including but not limited to legal, engineering, and forestry fees prior to recording of the final plat of subdivision.
- G. Sidewalks shall be constructed as recommended by the Pathway Commission and approved by the Village Board.

- H. Final Landscaping and Tree Preservation Plans shall be subject to the review and approval of the Community Development Director after consultation with the Village's consulting forester.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Cronin, Stratis, Grela, Scott, Grunsten, Praxmarer and Trzupek

**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 7-0.

## **6. FUTURE SCHEDULED MEETINGS**

Mr. Pollock reported that there is nothing scheduled for the January 6, 2014 meeting and the deadline for publishing legal notices has passed.


A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Praxmarer to approve to cancel the January 6, 2014 meeting. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

Commissioner Grela acknowledged that tonight was Commissioner Cronin's last meeting after 13 years of service as a Plan Commissioner. Commissioner Grela thanked Commissioner Cronin and noted that he had been dedicated and kind in his duties for the Plan Commission. Chairman Trzupek and the other Commissioners agreed. Commissioner Cronin responded that Burr Ridge is a good Village with a dedicated staff and thanked his fellow Commissioners.

## **7. ADJOURNMENT**

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 8:22 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:22 p.m.

**Respectfully  
Submitted:**



**February 3, 2014**

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J. Douglas Pollock, AICP