

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JULY 7, 2014

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: 8 – Stratis, Hoch, Grunsten, Sheth, Praxmarer, Grela, Scott, and Trzupek

ABSENT: 0 – None

Also present was Community Development Director Doug Pollock, Village Administrator Steve Stricker, Trustee Guy Franzese, Trustee Diane Bolos, Trustee Len Ruzak, and Trustee John Manieri.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the June 2, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Scott, Hoch, Praxmarer, Sheth, and Trzupek

NAYS: 0 – None

ABSTAIN: 2 – Stratis and Grunsten

MOTION CARRIED by a vote of 6-0.

3. PUBLIC HEARINGS

A. Z-06-2014: 15W150 South Frontage Road and 15W211 75th Street (Anthem Memory Care); Text Amendment, Special Use, Variations and Findings of Fact

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

Mr. Pollock summarized the request as follows: The petitioner seeks to construct a one-story building consisting of 48,200 square feet of floor area for a residential and health care facility for people with dementia. The building would contain 64 rooms and be staffed 24 hours per day. The facility will be licensed by the State of Illinois as an assisted living facility. Access to the property will be restricted to South Frontage Road. The petition seeks approval of an amendment to the Zoning Ordinance to add Dementia

Care Community Facility or some such similar land use to the list of special uses in the O-2 District; for a special use as per the aforesaid amendment to permit a Dementia Care Community Facility on the subject property; a variation from the Zoning Ordinance to permit parking located between the building and the front lot line; and a variation to permit a 48,200 square foot building without the required loading berth.

Chairman Trzupsek asked for a presentation from the petitioner.

Mr. Steve Miller of Anthem Memory Care in Colorado introduced himself. He said that his company is 100% in the business of building and operating Alzheimer's dementia care facilities and nothing else. He said they have built others in Colorado and elsewhere but this would be the first in the Chicago area. He said they plan to build 6 to 8 facilities in the Chicago area. He said that outside activities by residents is limited to the interior court yards; that the staff does not administer any drugs, that there are no nurses on staff and that there are very few ambulance calls.

Chairman Trzupsek asked if there was anyone in the audience wishing to speak on this matter.

Ms. Alice Krampits, 7515 Drew Avenue, asked about visiting hours, if there would be a fence around the property, signage on the frontage road to keep cars from using 75th Street, loading, lighting, and stormwater. In response, Mr. Miller said that the visiting hours would be 8 AM to 8 PM, that a fence is not needed because this is a residential use, that loading would be minimal and would use the 42 inch wide service door on the back of the building and would consist of 4 to 5 vehicles per week about the size of a garbage truck, and that lighting would be minimal.

In response to questions about stormwater, the petitioner's engineer, Mr. Jonathon Grzywa, described the proposed stormwater system. He said the petitioner would be capturing nearly all of the stormwater on site and directing it into the detention pond and then releasing the stormwater through a pipe to be installed along 75th Street. He said the pipe would extend along 75th Street and release the stormwater into the existing stormwater system west of 75th and Hamilton.

In response to a question from Chairman Trzupsek, Mr. Grzywa said that a small portion of the existing landscaping area adjacent to 75th Street would still drain into the adjacent 75th Street right of way but the total surface run off would be significantly diminished. Chairman Trzupsek suggested that the goal should be to capture 100% of the stormwater runoff and direct it away from the intersection of 75th and Drew.

Mr. Roger Leyland said he owns Lot 21 adjacent to the corner of 75th and Hamilton. He said he is concerned about the stormwater being dumped onto this property and causing further problems for him.

Mr. Bohdan A. Iwanetz, 7516 Drew Avenue, asked about staffing and administration of drugs for the residents. Mr. Miller said they have a nurse practitioner on staff at all times

but that generally residents and their families take care of their own medication. He added that the facility will be fully licensed and regulated by the State.

Mr. Miller added that the project will take about 10 months from ground breaking to opening and will house about 67 residents.

Mrs. Sandra Szynal, 7819 Drew Avenue, asked where the residents of the facility come from. Mr. Miller said it is a private business and that no Medicare residents are taken. He said that the average room rents for \$6,000 per month.

Mr. Mark Thomas, 7515 Drew Avenue, asked if the parking lot and drives would have perimeter curbs and gutters and if the dumpster area would be screened. Mr. Miller confirmed both.

Ms. Carol Novak, 7508 Drew Avenue, wanted to know how medical appointments are conducted for residents. Mr. Miller said they are generally scheduled by the family and the family is responsible for transportation. He said they do have a small bus for outings but it is rarely used.

Mr. Tom Koukol, 15W108 75th Street, asked about drainage in the area and in particular if the building would be higher than the existing property. Mr. Miller and his engineer said that the building would be at about the same grade but only 1 to 3 feet higher if it is higher at all.

Chairman Trzupiek asked the audience if there were any further questions or comments. There being none, Chairman Trzupiek asked the Commissioners for questions and comments.

Commissioner Stratis stated that he wanted to disclose that he has worked with the engineer outside of the Village but he does not believe there is any conflict of interest with this project.

Commissioner Stratis said he would like to see an open fence to separate the property from the residential area. He added that he did not have a problem with the variation for loading.

In response to Commissioner Stratis, Mr. Miller said that visitation would be 9 to 12 people per day and the open space on the property is 53% of the property. Mr. Miller's engineer stated that the detention ponds would be dry ponds and about 6 feet deep. Mr. Miller said that hazardous waste would be handled internally and not placed in the dumpster.

Commissioner Hoch said she agrees with the idea of a fence along 75th Street. She asked if the other places the petitioner had built were bigger. Mr. Miller said that this project would be the biggest to date. He said the others are generally 35,000 square feet of floor area and this building would be 48,000 square feet. Mr. Miller added that he would agree to a fence on the rear lot line but prefers not to fence the property.

Commissioner Grunsten said that she would be in favor of a fence along the rear lot line. In response Commissioner Grunsten, Mr. Miller said that trucks would not use back up beepers because of the loop around the building, that there has never been a resident escape from one of their other facilities, and that the generator is tested once every 3 to 6 months.

Commissioner Sheth said that stormwater seems to be the primary issue. He asked Mr. Miller what other problems they have encountered at other locations. Mr. Miller described a radio communication problem encountered by first responders at another location where they had to install an amplifier so that first responders could use their radios.

Commissioner Praxmarer asked how often ambulances come to the property. Mr. Miller said that the Colorado facility had about 14 in the last year. He added that the ambulances typically do not arrive with sirens on. Also in response to a question, Mr. Miller said that the residents are not given medical treatment at the facility and that family members are not allowed to stay overnight.

Commissioner Grela said that he appreciates the work the petitioner and staff have done to create a good plan for the site. He said he does not agree with putting a fence around the property because the property should not be seen or treated like a detention facility.

Commissioner Scott said the use is respectful of the neighborhood. Responding to a question from Commissioner Scott, Mr. Miller said the facility will employ about 36 people with 12 per shift. Commissioner Scott said he is not sure about whether a fence should be provided or not.

Chairman Trzupke asked about screening of mechanicals on the roof and said he does not want to see plumbing vents for each room on the roof line. Mr. Miller gave assurance that all mechanicals including the plumbing vents will not be seen.

Chairman Trzupke asked if there were any additional comments or questions from the audience.

Mr. Tom O'Toole asked the petitioner what other uses could use this building if for some reason the memory care was no longer needed. Mr. Miller said that the building is easily adapted to other uses because the internal walls can be moved. He said another type of assisted living or skilled care facility could use the building and even though it is rather large, it could be used as a restaurant.

Mr. Tom Koukol asked about elevation of the building relative to 75th Street and Mr. Miller explained that the existing topography of the site would not be raised except where necessary to properly drain the property. He said no dirt was planned to be removed from or added to the property.

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

At 8:46 P.M., a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grela to close the hearing for Z-06-2014.

ROLL CALL VOTE was as follows:

AYES: 7 – Scott, Grela, Stratis, Grunsten, Hoch, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to adopt the petitioner’s findings of fact and recommend approval to the Board of Trustees of an amendment to Section IX.D.2 of the Zoning Ordinance to modify the current listing for Senior Housing as recommended in the staff report.

The staff report for this petition recommended the following change to the listing for Senior Housing: “*Senior Housing with ~~a combination of independent living units, assisted living units, and~~ or skilled care facilities*”

ROLL CALL VOTE was as follows:

AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

In response to a discussion about the conditions for the special use, Chairman Trzupsek asked the petitioner to clarify whether they were planning to capture 100% of the stormwater run-off from the 75th Street side of the property. Mr. Grzywa said that the current plan shows a small amount of run-off from the existing landscape buffer are still going into the ditch on 75th Street. Chairman Trzupsek suggested that this runoff be captured and managed through the proposed detention pond. Mr. Grzywa said he did not know if that was possible but if it is, he would agree to do so.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to adopt the petitioner’s findings of fact and recommend approval to the Board of Trustees of the following: a special use as per the amended Section IX.D.2 of the Zoning Ordinance for Senior Housing with assisted living at 15W150 South Frontage Road; a variation from Section XI.C.8 of the Zoning Ordinance to permit parking located between the building and the front lot line; and a variation from Section XI.D.7.q to permit a 48,200 square foot building without the required loading berth; all as per petition number Z-06-2014 and subject to the following conditions:

1. Compliance with the submitted plans.
2. Staff review of the screening of the dumpster and generator pad to ensure compliance with the Zoning Ordinance.
3. Final landscaping plan review by staff including preservation of existing trees along the south and east property lines and enhancement of the screening along these lot lines as may be determined necessary by staff.

4. Maintenance by the property owner of the IDOT right of way located between the subject property and South Frontage Road.
5. Final review of the stormwater management plan by the Village Engineer with the intent of capturing 100% of the stormwater runoff from the property to 75th Street with the final determination of whether all stormwater can be captured to be at the discretion of the Village Engineer.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Chairman Trzupek suggested that the Commission consider the request for a sign variation that is on this agenda for consideration. There were no objections.

A. S-04-2014: 15W150 South Frontage Road (Anthem Memory Care); Sign Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The petitioner seeks approval for a sign for a senior housing project. The Sign Ordinance requires that the entire sign structure be counted toward the sign area. The proposed sign structure measures over 130 square feet although the sign text is only 14.5 square feet. The Sign Ordinance permits 100 square feet of sign area.

Chairman Trzupek asked about the stucco material on the sign. He said that stucco sign panels do not do well in this climate and suggested a flat stone panel. Mr. Miller agreed to replace the stucco with stone.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend approval to the Board of Trustees of a variation from Section 55.08 of the Sign Ordinance to permit a ground sign with a sign structure exceeding the maximum permitted area of 100 square feet subject to the following conditions:

1. The sign shall comply with the submitted site plan and sign elevation.
2. The stucco panel shall be replaced with a flat stone panel.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. Z-07-2014: 60 Shore Drive (Forklift Exchange); Special Use and Variations

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

Mr. Pollock summarized the request as follows: The petitioner proposes to purchase the building at 60 Shore Drive and operate an equipment sales business from this location. The petitioner would like to construct a customer door on the north side of the building and provide front yard parking for customers and display three pieces of equipment adjacent to the new door and within the corner side yard. The Zoning Ordinance does not currently permit parking in a front or corner side yard and does not permit outside display.

Chairman Trzupek asked for a presentation from the petitioner.

Mr. Marty Flaska said that he hopes to locate an equipment sales business in this location specializing in the sales of construction equipment such as bobcats and similar sized equipment. He said he has a similar business in Arizona and in Bedford Park, Illinois. He said that there would be 30 to 35 employees at this location and he anticipates doing about \$800,000 in sales each month. He introduced his architect, Mr. Jim Rundle, who described the site plan.

Chairman Trzupek asked if there was anyone in the audience who wanted to speak on this matter.

Mr. Roger Leyland said he owns 100 Shore Drive which is next door. He said he is concerned about the precedent for outside storage and the potential for water problems due to the new parking area.

Mr. Rundle referenced other properties in the area with front yard parking. He said it was quite common along South Frontage Road to have front yard parking.

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

Commissioner Scott asked if the display were necessary. Mr. Flaska said that the manufacturer's require that the equipment be displayed outside and therefore is necessary to operate the business.

Commissioner Hoch said she was unsure about allowing outside display. She did note that Case displays equipment in their front yard.

Commissioner Grela asked if the display is not approved would that be a deal killer. Mr. Flaska said he believes it would.

Commissioner Grela suggested putting the equipment behind large glass wall that would be visible from I-55 and could be lit at night.

Commissioner Grela said he is concerned also about the front yard parking. He said it would require landscaping to screen the parking and that may also screen the display. He said he cannot support the outside display.

In response to Commissioner Praxmarer, Mr. Flaska confirmed that the manufacturers of the equipment will not allow him to sell the equipment unless he can display it outside.

Commissioner Sheth asked if the equipment would be displayed in the winter time. Mr. Flaska said it would. Commissioner Sheth said that he does not have an issue with the limited outside display and sees a benefit to the community with the sales taxes the business would generate.

Commissioner Grunsten said she is very concerned about the precedent and future problems with outside display as a result. She noted that the Village has declined other requests for outside display or storage.

Commissioner Hoch asked if they sell equipment on line. Mr. Flaska said they have a web site but they do not do many sales on line. He said most buyers want to see the equipment and test it themselves before buying.

Commissioner Stratis said he disagrees that a negative precedent would be set if the Village allowed the outside display of three pieces of equipment as requested. He said he sees no problem with the outside display as it is adjacent to the interstate and at least a quarter mile from any residential properties. He said he supports this request.

Chairman Trzupke asked the petitioner why they cannot forego the outside display as they said they are able to forego the dig pit that is usually required by the manufacturer. Mr. Flaska said that the manufacturer will forego the dig pit but not the outside display. Mr. Flaska added that 30% of the sales are from drive by identification of the business and it is too risky to invest in the building without knowing they can display the equipment.

Chairman Trzupke suggested that putting the equipment behind a glass wall could actually provide greater visibility. He said he is concerned with precedent.

Commissioner Grela asked about test driving the equipment. Mr. Flaska said that customers often want to test the equipment in the parking lot and that may occur for one or two hours total in a day.

Commissioner Grela asked staff if that was permissible. Mr. Pollock said that outside work is not allowed in any zoning district but that the test driving of equipment for sale would be considered inherent in a vehicle sales business. Mr. Pollock said that if the Commission felt this was undesirable it would be a reason not to recommend the special

use for retail sales of equipment at this location. Mr. Flaska added that this was an industrial area and there is already similar noise from the highway.

At 10:00 P.M., a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to close the hearing for Z-07-2014.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Chairman Trzupek suggested separate motions for each of the various requests.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve a special use as per Section X.F.2.a of the Zoning Ordinance to permit the retail sales of equipment at 60 Shore Drive.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Chairman Trzupek explained that the preceding motion allows the petitioner to operate the equipment sales business at 60 Shore Drive but does not allow any outside display. He suggested the next motion should be for the text amendment as to whether to modify the special use listing for equipment sales to include outside display.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees deny an amendment to Section X.F.2.a of the Zoning Ordinance to permit outside display as part of the special use listing for an equipment sales business in the GI District.

ROLL CALL VOTE was as follows:

AYES: 6 – Scott, Praxmarer, Hoch, Grunsten, Grela, Scott, and Trzupek

NAYS: 1 – Stratis

MOTION CARRIED by a vote of 6-1.

Mr. Pollock requested that despite the recommendation to deny the text amendment adding outside display as a special use in the GI District, the Commission make a recommendation regarding the special use request. He said that the Board could approve the text amendment and if so would still need a recommendation on the special use that the petitioner has requested.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees deny a special use as per the proposed amendment to Section X.F.2.a of the Zoning Ordinance to permit outside display as part of an equipment sales business at 60 Shore Drive.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Scott, Hoch, Grunsten, Praxmarer, and Trzupek

NAYS: 1 – Stratis

MOTION CARRIED by a vote of 6-1.

Chairman Trzupek said the final request was for a variation for parking in the front yard. Mr. Pollock clarified that the term “front yard” is used but in this case it is the corner side yard. He said that the Zoning Ordinance does not permit parking in any yard between the street and a building.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Grela to adopt the petitioner’s findings of fact and recommend that the Board of Trustees approve a variation from Section XI.C.8 of the Zoning Ordinance to permit parking in the corner side yard subject to the following conditions:

1. The improvements shall comply with the submitted plans except that the outside display area and the drive connecting the parking area to the east side of the property shall be eliminated.
2. The surface of the driveways and parking area shall utilize permeable pavers with a perimeter B6:12 concrete curb.
3. A final landscaping plan shall be submitted for staff review and approval prior to issuance of a permit.

ROLL CALL VOTE was as follows:

AYES: 2 – Grunsten, Trzupek

NAYS: 5 – Stratis, Hoch, Praxmarer, Grela, and Scott

MOTION FAILED by a vote of 2-5.

Mr. Pollock said it would be appropriate to consider a motion making a specific recommendation to the Board of Trustees rather than relying on the denial of a motion approving the variation.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees deny a variation from Section XI.C.8 of the Zoning Ordinance to permit parking in the corner side yard

ROLL CALL VOTE was as follows:

AYES: 5 – Grela, Scott, Hoch, Grunsten, and Praxmarer

NAYS: 2 – Stratis and Trzupek

MOTION CARRIED by a vote of 5-2.

Chairman Trzupke summarized that a recommendation will be forwarded to the Board of Trustees to approve the retail sales of equipment but to deny the requests related to the outside display and front yard parking.

Chairman Grela suggested that the Commission consider the request for a sign variation that is on this agenda for consideration. There were no objections.

B. S-05-2014: 60 Shore Drive (Forklift Exchange); Sign Variation

Chairman Trzupke asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: This sign variation seeks to replace an existing sign for Brand Max Motors (approved by variation in 2013 – S-04-2013) with a new sign for the proposed business. The new sign would be the identical size as the sign it is replacing. The Sign Ordinance permits two signs on the property (one on each street frontage) with a combined area of 110 square feet. The variation granted in 2013 allowed the total area of the two signs to be up to 160 square feet and allowed both signs to face South Frontage Road rather than one on each street frontage. The 2013 variation was limited to the sign for Brand Max Motors and is not transferable to a new business. This variation seeks to transfer the approval to the new tenant.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to recommend approval to the Board of Trustees of a variation from Section 55.07 of the Sign Ordinance to permit two wall signs on the same street frontage and with a total sign area of 160 square feet subject to compliance with the approval of S-04-2013 except that the sign text will be for Forklift Exchange.

ROLL CALL VOTE was as follows:

AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupke

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There were no questions or comments regarding the Board Report or the Building Report.

5. OTHER CONSIDERATIONS

The other considerations were previously reviewed.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said the next scheduled meeting is July 21, 2014 and there are several hearings scheduled.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 10:09 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:09 p.m.

**Respectfully
Submitted:**



July 21, 2014

J. Douglas Pollock, AICP