

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF**  
**AUGUST 18, 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:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupek

**ABSENT:** 3 – Grunsten, Praxmarer, and Grela

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

**2. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to approve minutes of the July 21, 2014 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

**ABSTAIN:** 1 - Sheth

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

**3. PUBLIC HEARINGS**

Chairman Trzupek asked all persons in attendance who may speak at any of the public hearings to stand and affirm to tell the truth. Chairman Trzupek affirmed all those who stood.

Chairman Trzupek suggested that the order of the public hearings be changed so that V-03-2014 be conducted first. The Plan Commission agreed by consensus.

**A. V-03-2014: 15W281 91st Street (Sedlacek); Variation and Findings of Fact**

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

Mr. Pollock stated that the petitioner has asked for a continuance to the September 15, 2014 meeting so they can do some further surveying work related to the driveway and research the cost of paving the driveway.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to continue the hearing for V-03-2014 to September 15, 2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Scott, Hoch, Sheth, and Trzupek

**NAYS:** 0 – None

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

Chairman Trzupek suggested that due to the length of the agenda that the hearing for the text amendment be continued. The Commission agreed to take that hearing out of order and consider a continuance at this time.

**a. Z-09-2014: Zoning Ordinance Text Amendment; Accessory Building Setbacks**

Chairman Trzupek asked if there was any discussion or comments regarding the recommendation to continue this hearing. There being none, he asked for a motion.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to continue the hearing for Z-09-2014 to September 15, 2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupek

**NAYS:** 0 – None

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

**B. Z-10-2014: 15W320 North Frontage Road (Vanderwerk); Text Amendment and Special Use**

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

Mr. Pollock summarized the request as follows: The petitioner seeks to open a business in one of three buildings on the subject property. The business would occupy 1,000 square feet of the building known as 15W320 North Frontage Road. The proposed business is the retail sales of fishing, hunting and firearms. The Zoning Ordinance currently does not list firearm sales as a permitted or special use in any district and the petitioner seeks to add firearm sales as a special use in the B-2 District and approval of firearm sales at this location.

Chairman Trzupek asked for the petitioner for their presentation.

Mr. Jerry Vanderwerk stated that he owns a firearm sales and training business on Madison Street in unincorporated Du Page County. He said that he would like to sell hunting and fishing supplies and firearms at this location in Bur Ridge. He said his business has experienced no problems at its current location on Madison Street.

Chairman Trzupek asked Mr. Vanderwerk to describe his business and the percentages that would be hunting supplies, fishing supplies, and firearms.

Mr. Vanderwerk said that right now his primary business is training people for concealed carry permits. He said his customers go to Midwest Guns in Lyons or Bass Pro Shop to purchase guns and those Villages get all the sales taxes.

Chairman Trzupke asked for questions and comments from the public.

Mrs. Bhurcri, 7237 Garfield Avenue, said she was against firearm sales at this location because it is next to a residential neighborhood.

Mr. Mark Anton, 7340 Giddings, said that he has been in law enforcement for 23 years and knows that a firearm sales business on I-55 will attract customers from the city and will lead to straw purchases – legal purchases that are then transferred to persons who cannot legally purchase guns. He said this would lead to undesirable persons in their neighborhood.

Mr. Davila, 124 79<sup>th</sup> Street, said that most unscrupulous people will not travel to a gun shop to buy guns but instead will purchase them through other means. He said most customers will be local residents who want to purchase guns for legitimate uses.

Mr. Ted Martin said he owns 15W320 North Frontage Road. He asked the audience to raise their hands if they own a gun. He said the petitioner has had no problems in his current location on Madison Street.

Mrs. Anton, 7340 Giddings, said that the current business location is all commercial and is not next to residential. She said she is worried about safety in the neighborhood and that property values would be adversely affected by a gun shop in the neighborhood.

Mr. Vanderwerk said that everyone should look at his past performance. He said that since 1982 he has only had one gun trace call. He added that people can go to other places and buy guns.

Mrs. Marilou McGirr, 15W567 60<sup>th</sup> Place, said that Burr Ridge is not the place for a gun shop. She asked what is the argument for a gun shop and how does it meet the requirements for a special use. She said she does not object to guns but does object to gun sales in a residential area.

Mrs. Linda Bedoe, 15W321 73<sup>rd</sup> Street, said that she was a 35 year resident of the area and wants to keep the area safe. She said a gun sales store in the neighborhood scares her. She said her husband was a hunter but she does not think guns should be allowed in a residential area.

Mrs. Jason, 7339 Giddings, said she lives two houses away from the property. She said there are lots of kids in the area and a park in the area. She said she is not willing to take a chance with a gun shop in the neighborhood.

Mr. Vanderwerk asked if people think the guns will fly off the shelves by themselves and hurt people.

Mr. Mark Brunell of Willowbrook, said that the Village of Willowbrook had a similar request and they changed their code to prohibit gun stores along IL 83 or I-55. He said the proposed location in Willowbrook was denied because it was too close to schools.

Mr. Davila asked what the residents think they are protecting the children from.

Mrs. Leah Jason, 7340 Park Avenue, said a gun shop in a residential neighborhood is a concern. She said even if this business owner were reputable, she would be concerned that he could sell the business to someone who is not.

Mr. Mark Thomas, 7515 Drew Avenue, asked if there would be a shooting range, what percentage of the business would be gun sales versus fishing and other supplies, and what kind of security would be provided. Mr. Vanderwerk said there would not be a range, that currently 100% of his business is gun sales but he would hope to take that down to 30 to 40%, and that an alarm system and other security would be provided.

Mr. Mark Founier, 7219 Park Avenue, said he is not against guns but feels a gun shop is not appropriate in a residential area. He said there is too much risk for the residents.

Chairman Trzupsek asked if there was anyone else in attendance who wanted to speak. There being none, he asked for questions and comments from the Plan Commission.

Commissioner Stratis asked about the current volume of gun sales at the existing business and asked how this small facility of 1,000 square feet could accommodate fishing, hunting and firearm sales. Mr. Vanderwerk said that he currently does about \$300,000 in sales but would hope to increase that significantly. He said his business is small and that 1,000 square feet is sufficient. Commissioner Stratis concluded that he is opposed to firearms sales next to a residential area.

Commissioner Hoch said she agreed that firearm sales should not be located next to residential areas.

In response to Commissioner Sheth, Mr. Vanderwerk said that his current business is 100% guns. Commissioner Sheth said that firearm sales next to a residential area is not appropriate.

Commissioner Scott asked if the petitioner would be willing to split the business and limit the gun sales to the existing location. Mr. Vanderwerk said he could not because he is a one man shop and cannot handle both locations for retail sales.

Chairman Trzupsek asked staff about other uses along North Frontage Road and in particular the property to the east that is zoned for office use. Mr. Pollock said that those properties were rezoned to the T1 District for office uses with the idea that this frontage area would provide a transition between I-55 and the residential neighborhood. Chairman Trzupsek said he sees the proposed use as a step backward relative to that plan. He said that this location is not appropriate for the proposed use.

Chairman Trzupsek asked if there were any additional comments from the Plan Commission, the petitioner or the public. There being none, he asked for a motion to close the hearing.

At 8:20 p.m., a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the hearing for Z-10-2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupsek

**NAYS:** 0 – None

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

Commissioner Stratis said that he is not in favor of the special use at this location and is not prepared to determine where firearm sales may best be located in the Village. Mr. Pollock suggested that the Commission proceed with consideration of the text amendment and special use requested by the petitioner and that if it is denied, the Commission may request authorization from the Board to review the Zoning Ordinance and determine how best to classify firearm sales.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to recommend denial of a text amendment to add fishing, hunting and firearm sales to the list of special uses in the B-2 District as requested by Z-10-2014, to direct staff to prepare findings of fact in support of this recommendation, and to request direction from the Village Board to review the Zoning Ordinance to determine how to classify firearm sales.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Scott, Hoch, Sheth, and Trzupsek

**NAYS:** 0 – None

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

Chairman Trzupsek suggested that the Commission consider a motion regarding the special use in case the Board decides to approve the text amendment.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend denial of a special use for fishing, hunting and firearm sales as requested by Z-10-2014 and to direct staff to prepare findings of fact in support of this recommendation.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupsek

**NAYS:** 0 – None

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

### **C. Z-11-2014: 11411 German Church Road; Rezoning and Findings of Fact**

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

Mr. Pollock summarized the request as follows: The subject property was annexed into the Village in 2013 along with other properties to the south. Upon annexation the default zoning is the R-1 District. A prior petition requested rezoning from the R-1 Single Family Residential District to the R-3 Single-Family Residential District. The Plan Commission

did not recommend the R-3 District but instead recommended that the Board of Trustees consider the R-2B District. The Board of Trustees concurred with the Plan Commission, the property owner withdrew their request for R-3 zoning and the Board directed staff to schedule a hearing for the R-2B District.

Chairman Trzupsek said that he wanted to make it clear to everyone that stormwater and flooding is not an issue for discussion at this hearing. He said that there is no plat being presented at this time and that regardless of which zoning district is ultimately approved, the same stormwater management requirements will be imposed on the property.

Chairman Trzupsek asked for questions and comments from the property owner.

Mr. Ramy Shenouda said that he is a resident of Willow Springs and he represents the property owner. He said that he is concerned that the Plan Commission's recommendation not to approve the R-3 was based on misinformation from the Willow Springs Mayor. He said the lots on the other side of Buege Lane are not 30,000 square feet. He said that the owner of that property told him it was approved for five lots at 17,250 square feet each. He said that it defies logic to zone the subject property for 30,000 square foot lots given the surrounding zoning.

Chairman Trzupsek said he disagrees that the Plan Commission may have been influenced by misinformation at the previous public hearing. He said the Commission made their recommendation on facts regarding the surrounding zoning and the Comprehensive Plan.

Mr. Bob Sodikoff, Attorney for the property owner, said that this is a transitional property and that the transition should be from the north and east where there are lower density lots. He said that he knows the Commission can only consider the R-2B District but he asked that the Commission comment on and suggest that the Board reconsider the R-3 District.

Chairman Trzupsek asked for comments and questions from the public.

Mr. Zed Frances, 8237 Greystone Court, said he and the other homeowners in the Bridle Path Subdivision support the R-2B District for this property.

Mr. Bill Huff, 7 Buege Lane, said he owns two properties in the area. He said he is concerned about maintaining his property value and thinks 30,000 square foot lots are okay.

Mr. Mike McGrath said he is the Village Attorney for the Village of Willow Springs. He introduced Mr. Bill Murray, Village Administrator for Willow Springs, and Mr. Alan Nowaczyk, Mayor of Willow Springs. He said that the Ruzika property on the west side of Buege Lane was approved for four lots. He said he agrees with the R-2B zoning for the subject property.

Mayor Nowaczyk said that the west side of the street will have wide lots so they will be appear to be larger.

Mr. Tom Kaptor said he was the Chairman of the Willow Springs Plan Commission and a resident of the immediate area. He said he supports the R-2B District zoning. He said he has watched with envy how Burr Ridge manages development and does not compromise its standards.

Mr. Eric Hanson, 11 Buege Lane, said that each parcel on the south side of Buege Lane was one acre or more. He said he appreciates being annexed to Burr Ridge and he referenced the mission statement of the Village as support for the R-2B zoning. He said

Buege Lane is similar to Steepleside which is zoned R-2A has been very successful and is next to smaller lots in Willow Springs.

Mr. Mohamed Alattar, 8285 Greystone Court, said he does not want to lose the investment in his homes due to smaller lots being allowed in the area.

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

Commissioner Scott said he is comfortable with the R-2B District for this property based on surrounding Burr Ridge zoning and the Comprehensive Plan.

Commissioner Sheth said he agrees and has no further comments.

Commission Hoch referenced the Comprehensive Plan which encourages new lots to be 30,000 square feet or larger and said she supports the R-2B District zoning.

Commissioner Stratis said that the testimony about the property owners dealings with Willow Springs and the testimony about stormwater management did not have any bearing on his vote at the last hearing regarding the proposed R-3 District. He said he appreciates Mr. Sodikoff's view of the transition in this area between zoning and lot sizes but he believes the more relevant transition is from the Burr Ridge lots to the south. He cited the Comprehensive Plan and the Burr Ridge lots to the south as the conclusive reasons he supports the R-2B District for this property.

Chairman Trzupsek said he also supports the R-2B District based on the same considerations.

Chairman Trzupsek read a statement from Commissioner Grela indicating he supports the proposed R-2B District.

At 9:00 p.m., a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the hearing for Z-11-2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupsek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Stratis to recommend to adopt the findings of fact as presented by staff and recommend that the Board rezone the subject property from the R-1 District to the R-2B District as per Z-11-2014.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Scott, Stratis, Hoch, Sheth, and Trzupsek

**NAYS:** 0 – None

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

Chairman Trzupsek asked if any of the Commissioners wanted to make any comments for the Board of Trustee's consideration about the potential for R-3 District zoning for this property. There were no comments offered.

#### **4. CORRESPONDENCE**

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

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

##### **A. S-06-2014: 74-324 Burr Ridge Parkway (County Line Square); Sign Variation**

Chairman Trzupsek asked Mr. Pollock to summarize this request.

Mr. Pollock said that the owner of County Line Square wants to use blade signs similar to the ones in the Village Center. He said blade signs are small sign mounted perpendicular to the façade of the building and intended for pedestrians. He asked the Commission to determine if the signs are okay, if they should all be the same, if every store should be allowed to have a blade sign and if the height on the building is okay.

Mr. Bob Garber, owner of County Line Square was present. Mr. Garber said that he has received lots of complements from customers and from store owners about the blade signs. He said he would like them to all be the same.

Commissioner Stratis said he supports the signs and believes they should all be the same design given the uniform architecture of County Line Square.

Commissioner Hoch said the signs are beautiful and add to the shopping center.

Commissioner Sheth agreed.

Commissioner Scott said he agreed as well and agrees that the signs should all use the same design.

Mr. Pollock suggested that instead of approving a variation it would be more appropriate to amend the Sign Ordinance to add blade signs as a conditional sign in the business districts and to grant conditional sign approval for County Line Square. He said the conditional sign approval could establish conditions relative to the design of the blade signs and the number of signs.

In response to questions from Mr. Pollock, the Commission agreed that the height of the signs in County Line Square are okay, that each store should have the opportunity to have a blade sign, and that all of the signs should have the same basic design although font style and color may differ.

There being no further discussion, Chairman Trzupsek asked for a motion.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend an amendment to the Sign Ordinance to add blade signs as a conditional sign in the Business Districts as described in the written staff report.



**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupsek

**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 conditional sign approval for blade signs in County Line Square subject to the following conditions:

- a. The blade signs shall comply with the regulations of the amended Section 55.06.B.9 of the Sign Ordinance.
- b. The blade signs shall comply with the submitted sign plans except that the font on the signs may vary from one sign to another.
- c. Approval is given for a maximum of one blade sign per storefront.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Scott, Sheth, and Trzupsek

**NAYS:** 0 – None

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

## 6. FUTURE SCHEDULED MEETINGS

Chairman Trzupsek noted that the next scheduled meeting of the Plan Commission is September 15, 2014.

## 7. ADJOURNMENT

A **MOTION** was made by Commissioner Sheth and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:25 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:25 p.m.

Respectfully  
Submitted:



September 15, 2014

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J. Douglas Pollock, AICP