

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF**  
**OCTOBER 17, 2016**

**I. 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 – Stratis, Grunsten, Broline, Praxmarer, Scott and Trzupek

**ABSENT:** 2 – Hoch and Grela

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

**II. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Grunsten to approve the minutes of the September 19, 2016 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Praxmarer, Grunsten, Stratis, Broline, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 1 – Scott

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

**III. PUBLIC HEARINGS**

Chairman Trzupek confirmed all those wishing to speak during the public hearing on the agenda for tonight's meeting.

**Z-11-2016: 440 Village Center Drive (Portillo/Szczodry); Text Amendment, Special Use and Findings of Fact**

As directed by Chairman Trzupek, Mr. Pollock described this request as follows: The petitioner is seeking zoning approval to open a new business in the Burr Ridge Village Center. The business is a recreational use that would provide golf simulation facilities and would serve alcoholic and non-alcoholic beverages along with pre-packaged snacks. This use is not listed as a permitted or special use in the B-2 District nor in the Village Center Planned Unit Development (PUD). Thus, a text amendment is being requested to add this use to the list of special uses in the B-2 District and in the Village Center PUD. Concurrently, the petitioner is requesting special use approval for this specific business at 440 Village Center Drive.

Chairman Trzupsek asked the petitioner to make their presentation. Mr. Ken Portillo said he had nothing to add to the staff report.

Chairman Trzupsek asked for public comments and questions. There were no public comments or questions.

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

Commissioner Scott asked about the closing times of other stores. Mr. Pollock said that most of the other retail stores close at 8 or 9 p.m., that the restaurants close at midnight, and that the PUD Ordinance limits uses in the mixed use building to a 10 p.m. closing time.

Commissioner Praxmarer asked if there would be any retail sales and if there were similar businesses in the area. Mr. Portillo said there would be none or very little. He said they could sell golf balls or gloves. He said there are similar businesses in Elmhurst, Naperville and Orland Park.

In response to Chairman Trzupsek, Mr. Portillo said that these others also sell alcoholic beverages.

Commissioner Broline asked about the sales of alcoholic beverages. He asked if the drink sales could be done when the golf simulator is not working. Mr. Portillo said that only golf customers would be served drinks and that the drinks would be sold, not given away.

Commissioner Grunsten asked if drinks would be beer and wine only or if liquor was included. Mr. Portillo said he would like the opportunity to sell liquor as well as beer and wine. Mr. Portillo said that the sales and service of beverages was critical to the business.

Commissioner Stratis asked Mr. Pollock if the business would generate any taxes. Mr. Pollock said that it would be subject to an amusement tax of 5%. In response to Commissioner Stratis, Mr. Portillo said customers could not bring in their own food but they may allow restaurants such as Stix and Stones to deliver food to customers. Mr. Portillo said there would be no exterior advertisement of alcoholic beverage sales.

Commissioner Stratis said he was concerned about the business being a bar rather than an amusement facility. Mr. Portillo said that customers would not be allowed to drink unless they are playing golf. He said the intent was that the beverage sales would be accessory to the golf.

Chairman Trzupsek asked if being open until 11 p.m. was critical to the business and confirmed that the management company was aware that the business is proposing to be opened until 11 p.m. He said he was concerned about extending the hours to 11 p.m. and wondered if that was a deal breaker. Mr. Portillo said that he would like to be open to 11 p.m. on Fridays and Saturdays. Chairman Trzupsek said he has a problem allowing an 11 p.m. closing.

Commissioner Stratis suggested that the petitioner accept the currently permitted hours of 10 p.m. and after being open for a while and proving that they are a good corporate citizen, they could petition the Village for extended hours. Mr. Portillo said that would be okay.

Chairman Trzupsek acknowledged Mr. Mark Thoma who requested to speak. Mr. Thoma asked if they could limit the beverage sales to beer and wine. Mr. Portillo said he would be willing to do so.

Chairman Trzupsek asked if the petitioner has seen the conditions for similar businesses in the staff summary. Mr. Portillo said he had and he is okay with those conditions.

There being no further discussion, Chairman Trzupsek asked for a motion to close the hearing.

At 7:40 p.m. a **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Scott to close the hearing for Z-11-2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Grunsten, Scott, Stratis, Praxmarer, Broline, and Trzupsek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Stratis to adopt the petitioner’s findings of fact and recommend that the Board amend the Zoning Ordinance and the Village Center PUD to add “Golf Simulation Facility with Sales of Alcoholic and non-Alcoholic Beverages and pre-packaged food and snacks” to the list of special uses in the B-2 District and on the first floor of retail buildings in the Village Center PUD.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Stratis, Grunsten, Praxmarer, Broline, and Trzupsek

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Stratis to adopt the petitioner’s findings of fact and recommend that the Board grant special use approval for a “Golf Simulation Facility with Sales of Alcoholic and non-Alcoholic Beverages and pre-packaged food and snacks” for the property at 440 Village Center Drive subject to the following conditions:

- A. The store shall substantially comply with the submitted floor plan including the limitation to the size of the food and beverage service area.
- B. The use shall be limited to a golf simulation facility with sales of wine, beer, non-alcoholic beverages and pre-packaged food and snacks and at no time shall there be sales of beer or wine to non-golf customers. The special use approval does not include the sales or service of hard liquor.
- C. The establishment must provide the sale of pre-packaged food such as cheese, meats and crackers at all times that service of wine and beer is provided.
- D. The special use permit shall be limited to Kenneth Portillo and Michael Szczodry and shall expire at such time that they no longer own and operate the business at 440 Village Center Drive.
- E. There shall be no advertising of beer and wine sales visible through the storefront window.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Scott, Stratis, Grunsten, Praxmarer, Broline, and Trzupsek

**NAYS:** 0 – None

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

**Z-12-2016: 7600 and 7630 County Line Road (Med Properties Group); Special Use, Variations, and Findings of Fact**

As directed by Chairman Trzupsek, Mr. Pollock described this request as follows: The petitioner seeks approval to raze the two buildings and construct a single office building. The petition includes the following approvals relative to the Burr Ridge Zoning Ordinance: special use approval for site, landscaping and building elevation plan review; special use approval for the use of the property for a medical office; a variation to permit the construction of a parking lot and dumpster enclosure 19.76 feet from the rear lot line rather than the required 30 feet or in lieu thereof, a variation to permit a reduction of the front yard building setback; a variation to permit the parking lot and shared access drive without the required 8 foot setback from the south side lot line; and a variation to permit a parking lot drive aisle to encroach into the front yard.

Chairman Trzupsek asked the petitioner to make their presentation.

Mr. Ed Case introduced himself as the Executive Vice President of Rehabilitation Institute of Chicago (RIC). He said that RIC wants to lease the new building for their unique rehab clinic. He said RIC was started to service military veterans. He said they have grown to serve the general public and are rated as the number one rehabilitation hospital in the country. He said that they service patients from over 70 countries and 48 states. He said the program for this building is currently operated in Willowbrook, but they have outgrown their facility. He said last year they treated 100 patients in the Burr Ridge zip code and 150 in adjacent zip codes. He submitted a brochure that describes RIC's history with the military. Mr. Case introduced Mr. Tom Lee, the architect for the project.

Mr. Lee went through a PowerPoint presentation describing the site plan, landscaping plan and architecture for the building.

Mr. Lance Theis introduced himself as another Architect for the petitioner. He continued the PowerPoint presentation relative to the site design. Mr. Theis also described the traffic study and circulation of traffic. He noted the easements on the property which he said are the primary reason for the variations.

Mr. Lee concluded the petitioner's presentation with a description of the building exterior.

Chairman Trzupsek referenced a document submitted by the petitioner showing the number of cars and vans during the entire daytime operation.

Chairman Trzupsek asked for public comments and questions.

Mr. Tom Koukal, 122 75<sup>th</sup> Street, said his concern is with sidewalks. He said there should be a sidewalk in front of this property as there are lots of people who walk on the street in this area.

In response to a question from Chairman Trzupsek, Mr. Pollock said that the Pathway Commission would like to see a sidewalk in front of the property but that the Village codes do not require a sidewalk for this development. Mr. Pollock said that a sidewalk could be a condition of the special use if the Plan Commission believes there is a connection between the special use and the need for a sidewalk.

Mr. Theis said there is not enough space between the front lot line and the street and the sidewalk would have to be on private property. Commissioner Stratis asked if that would impact compliance with the green space requirements. Mr. Theis said it would reduce green space below the

minimum. Mr. Pollock said that he believes there may be a way to provide the sidewalk within an easement while accommodating compliance with the required amount of green space.

Ms. Carol Novak, 7508 Drew Avenue, said she likes the architecture but that there is nothing similar in the area. She also expressed concern regarding the access to the site and that the southern driveway would be difficult to maneuver due to the left turn lane on Frontage Road.

Chairman Trzupsek asked if the north entrance was exit only and if the south entrance was ingress and egress. Mr. Theis said that the south entrance was ingress and egress and that the total number of parking spaces is reduced by 43 spaces and that the traffic study indicates that access and traffic would actually be improved.

Commissioner Stratis responded that he is struggling with the circulation and wondered about combing the north access with the access to the property to the north.

Mr. Bud Coglianesi, 8680 Heather Drive, stated that he owns the funeral home north of the property. He asked about the floor area which was reported to be about 25,000 square feet for the proposed building and 27,000 square feet for the two existing buildings combined. He said that the mass of the building does not look residential. He said that it was important to enhance the landscaping as a buffer to the residential.

Mr. Andy Paulius, 7523 Drew Avenue, said that the existing landscaping is not very dense and asked about adding a fence or wall along the rear lot line.

Brother Joseph of the Christian Brothers at 7650 County Line Road, asked if the width of the access easement was staying the same. Mr. Theis said it was remaining unchanged.

Ms. Mary Labus, 7612 Drew Avenue, asked why they wanted to build at this location when there is vacant land available elsewhere. Mr. Theis said that this land meets the needs of the petitioner. Ms. Labus said there was too much traffic and too many variations.

Mr. Mark Thoma, 7515 Drew Avenue, said that the proposed building does not fit the T-1 Transitional District. He said it does not look residential and the building is too large as evidenced by the number of variations being requested. He said that the 30 foot rear yard setback should be provided for the parking lot. He said that garbage collects in this rear yard and that the 30 foot setback would allow more space for snow removal. He added that the dumpster location should be closer to the building. Mr. Thoma added that the petitioner has not addressed drainage and he referenced a drainage pipe that runs between the existing building and under the proposed building. He suggested that the hearing be continued until more information about engineering is available.

Ms. Margaret Kukuc, 7603 Drew Avenue, said that the utility company removed some of the landscaping between the properties and that a fence or wall is needed to block headlights.

Ms. Alice Krampits, 7515 Drew Avenue, asked if the petitioner were leasing or buying the property. Mr. Case said that RIC would be leasing from the property owner, Med Properties Group. Ms. Krampits asked about the dumpster and whether there would be any food or medical waste; she asked about closing times and hours of operation; and she asked about the construction schedule and cost. Mr. Case said that there would be food provided for the day patients and that the last patient leaves at 6 p.m. Mr. Matt Campbell of Med Properties Group said they are not open on weekends and that they hope to be under construction in the spring, and the total cost is north of 10 million dollars. Ms. Krampits asked about the floor area ratio. Mr. Pollock said they

are within code which permits 0.24 FAR. In response to Ms. Krampits, Mr. Case said that he anticipates that this building will meet their needs for at least 10 years and that he believes the business will serve the needs of the residents of Burr Ridge.

Ms. Krampits summarized her concerns as follows: the architecture does not fit the area, she is concerned that the building will not be easily re-used when the medical office leaves, that access is backwards, she questioned the need for another rehab facility, that the reduction of the 30 foot rear yard setback is a problem, the location of the dumpster is a problem, that more trees are needed in front of the property, that the building is too large for the property and there is no hardship for the variations, and that the drainage is a problem.

Ms. Sandra Szynal, 7819 Drew Avenue, expressed concerns about drainage and agreed that the access was a problem.

Chairman Trzupsek asked if there were any other questions or comments from the public. There being none, he asked for comments and questions from the Plan Commission.

Commissioner Stratis asked about the roof being a metal seam material and asked if the building would be LEED certified. Mr. Campbell said it is a metal seam roof and that they will be trying for a silver LEED rating.

Commissioner Stratis said he likes the design of the building. He asked about the easement and if it is intended for shared parking. Mr. Theis said it was for shared parking. Commissioner Stratis suggested that the easement be extended to the north entryway so that cars from the south property can egress through that driveway.

Commissioner Stratis said he agrees with the concern about the lack of parking if the building were converted to offices. He said the big issue is the rear parking lot setback but that he would be okay with the reduced setback if a fence is provided. He said he would object to moving the building closer to the front lot line to increase the rear yard setback. Commissioner Stratis said that he would like to see a sidewalk along the frontage road.

Commissioner Grunsten said she agrees that a fence is needed along the west lot line to provide a screen between this property and the residences to the west. She also asked about a sidewalk and whether it could be built with or without a variation. Mr. Pollock responded that he believes there would be a way to grant easements or variations to accommodate the sidewalk due to it being a significant public benefit.

Commissioner Broline said that he believes drainage is the biggest issue. He added that he too would like to see a fence along the west side of the parking lot. He said that the most important aspect of a project like this is to protect the residents.

Commissioner Praxmarer said she sympathizes with the neighbors and their concern with headlights from the parking lot. She said that she does not think the building is a transitional appearance.

Commissioner Scott asked about parking lot lights. Mr. Theis said they have not designed site lighting but would comply with the Village requirements. In response to Commissioner Scott, Mr. Lee said that the peak of the roof on the front of the building is 28 feet and 24 feet on the back of the building.

Commissioner Scott said that at first he did not like the appearance of the building but that it is growing on him. He said he is fine with the 20 foot rear lot setback but that he prefers evergreen plantings over a fence. He asked about locations of the sidewalks in this area. In response, Mr. Pollock said that there is a sidewalk one property to the south and 2 properties to the north and that a sidewalk in this location is a high priority in the Village's pathway and sidewalk plan.

Chairman Trzupsek asked about the rooftop equipment and screening and confirmed that the building would have a standing seam metal roof. He said that he likes the building but is not sure if it's residential in character. He said that the standing seam metal roof is not residential in character. He said he wants to be sure that the roof top equipment will fit into the screening area. Chairman Trzupsek said that the building is appropriate for the transitional district and that he would not want it to be too residential in appearance. He referenced the Village Hall and Police Station as buildings that are transitional but not residential. He said he would be okay with the appearance if it did not have a metal roof.

Chairman Trzupsek added that the drainage and circulation easements should be addressed in more detail that he would like to see the 30 foot parking lot setback but may be okay with a 20 foot setback due to the easement but only if they have a really good separation from the neighbors. He said he would not support moving the building closer to the front lot line. He said that the proposed use is distinct from other rehab clinics so he is not concerned with the need. Chairman Trzupsek said that he would like to see the dumpster moved further away from the residences. In regards to traffic, he noted that he is struggling with the traffic pattern and is concerned about having two curb cuts so close together on the north side. He said he would like to see a sidewalk. He concluded that he generally supports the project, that the two variations along the south side are givens due to the existing shared access, he could go either way with the rear yard setback variation, and that in regards to the building he wants to see a different roof and wants to see what they do with the rooftop screening enclosure.

Chairman Trzupsek said that he did talk with Commissioner Grela today who expressed concerns about the appearance of the building and was against the rear yard or front yard setback variations.

Chairman Trzupsek summarized the hearing. He said that it appears the Commission is generally supportive of the project but with concerns that need to be addressed.

Commissioner Stratis asked about alternatives to the metal roof. Chairman Trzupsek said that they do make low pitch shingles. He said that they could raise the pitch of the roof as it is not very tall right now. He said that would accommodate a shingled roof.

Commissioner Stratis said that he would like to see the petitioner take a step back and work on responses to the questions raised, particularly the questions about drainage and engineering. He also asked about a dedicated left turn on frontage road at the north driveway. Mr. Pollock responded that if this hearing is continued, he recommends having the Village's traffic consultant review the traffic study prepared by the petitioner.

Chairman Trzupsek summarized the issues as follows: review of traffic study by the Village's traffic consultant, the parking lot setback on the west side, the building including the rooftop screening and roof materials, the dumpster location, stormwater management, a public sidewalk on frontage road, extension of the access easement to the north entryway, and making the north driveway a shared driveway with the neighbor to the north.

There being no further discussion, Chairman Trzupek asked for a motion to continue the hearing.

At 10:11 p.m. a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the hearing for Z-12-2016 to November 21, 2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Grunsten, Praxmarer, Scott, Broline, and Trzupek

**NAYS:** 0 – None

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

### **Z-13-2016: Zoning Ordinance Text Amendment – Front Yard Walls and Monuments**

As directed by Chairman Trzupek, Mr. Pollock described this request as follows: Village staff has three pending code enforcement cases involving the construction of masonry piers and decorative driveway walls in front yards. In all three cases, the property owners indicated their desire to seek zoning relief to allow the structures to remain. In response, the Plan Commission and Village Board agreed to staff's recommendation to conduct a public hearing to consider Zoning Ordinance text amendments relative to these structures.

Mr. Pollock referenced photographs provided to the Plan Commission showing monument piers and driveway walls on properties on Drew Avenue and on Lee Court. He said the monument piers on Drew Avenue would be permitted if the lots were 70,000 square feet but the lots are only 40,000 square feet. He said that one amendment to consider is to permit these structures on smaller lots. Mr. Pollock said that the driveway walls for the property on Lee Court would be permitted if the walls did not encroach into the front yard setback.

Chairman Trzupek asked for public comments and questions.

Dr. Iwanetz, 7516 Drew Avenue, said he owns the property in the photograph. He said the piers are located appropriately and are made from brick matching the home. He said the home is set back so far from the street that the piers provide lighting and a place for an address sign. He asked that the Commission consider reducing the minimum lot size for piers to 40,000 square feet.

Mr. Richard Patel, 7616 Drew Avenue, said he was the owner of the newer home on Drew with monument piers. He agreed with Dr. Iwanetz and asked that the Commission consider amending the Zoning Ordinance to reduce the minimum lot size for piers to 40,000 square feet.

Ms. Alice Krampits, 7515 Drew Avenue, said that two of her neighbors have been cited for piers and wondered why they are being cited now. She said that she has talked to other neighbors and they all agreed that the piers should be allowed to remain. She said that the homes in her subdivision are estates and should be allowed to have the monument piers.

Mr. Mark Thoma, 7515 Drew Avenue, asked about the purpose of the code.

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

Commissioner Scott asked why 70,000 square feet. He said he is not having an issue with changing it to 40,000 square feet.

Commissioner Praxmarer said that she agrees.



Commissioner Broline said there were a couple of questions; one is there an enforcement issue and should the structures be grandfathered, and the second is whether the code should be changed. He said if it is an enforcement issue, it should not be discussed by the Commission. In response to Chairman Trzupke, Commissioner Broline said he would not have a problem reducing the minimum lot area for driveway piers to 40,000 square feet.

Commissioner Grunsten said she is familiar with Drew Avenue and agrees that the driveway piers are beneficial for lighting and addresses and should be permitted.

Commissioner Stratis said he does not object to reducing the lot size to 40,000 square feet but he is concerned about how to regulate the appearance of the structures.

Mr. Pollock responded to the questions about code enforcement. He said that in both cases on Drew Avenue, the Village received complaints about the structures and had to take action to enforce the code. He said that the Village's policy on code enforcement is that the Village staff reacts to complaints and does not actively seek out violations.

In regards to the lot size, Mr. Pollock said that the Plan Commission has previously determined that they do not want to permit these types of structures on smaller lots; and at that time, they determined to draw the line at 70,000 square feet.

Mr. Pollock summarized that it appears the Commission is willing to amend the Zoning Ordinance to accommodate the structures that are the subject of this hearing. He suggested that the Commission continue the hearing and allow staff to prepare a draft amendment for final consideration.

Chairman Trzupke confirmed that there is a consensus to proceed as recommended by staff. There being no further discussion, Chairman Trzupke asked for a motion to continue the hearing.

At 10:48 p.m. a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the hearing for Z-13-2016 to November 21, 2016.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Stratis, Grunsten, Praxmarer, Scott, Broline, and Trzupke

**NAYS:** 0 – None

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

#### **IV. CORRESPONDENCE**

There was no discussion regarding the Board Report.

#### **V. OTHER CONSIDERATIONS**

There were no other considerations on the agenda.

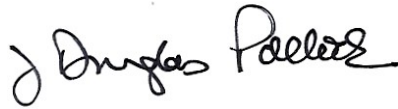
#### **VI. FUTURE SCHEDULED MEETINGS**

Mr. Pollock said the November 7, 2016 meeting is not scheduled due to the November 8 election. He said the next scheduled meeting is November 21, 2016.

**VII. ADJOURNMENT**

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to **ADJOURN** the meeting at 10:52 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:52 p.m.

Respectfully  
Submitted:



November 21, 2016

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J. Douglas Pollock, AICP