

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
JULY 17, 2017

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 Trzupsek.

ROLL CALL was noted as follows:

PRESENT: 6 – Stratis, Hoch, Praxmarer, Broline, Scott, and Trzupsek

ABSENT: 1 – Grunsten

Also present was Village Administrator Doug Pollock and Assistant to the Village Administrator Evan Walter. In the audience was Public Works Director Dave Preissig, Trustee Al Paveza, Trustee Guy Franzese, and Stormwater Committee members Nancy Montelbano and Alice Krampits (check spelling).

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to approve the minutes of the June 19, 2017 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Stratis, Praxmarer, Scott, Broline, Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

III. PUBLIC HEARINGS

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

**Z-08-2017: Zoning Ordinance Renewal – 101 Tower Drive (Global Luxury Imports);
Special Use Renewal and Findings of Fact.**

As directed by Chairman Trzupsek, Mr. Pollock described this request as follows: the petitioner requests a special use relative to the L-I Light Industrial District of the Zoning Ordinance. The petitioner was granted a special use for this location in 2013. In 2015, the petitioner requested an amendment to that special use approval and were granted that amendment subject to a two-year trial period in which the Village would assess the impact of the use on the village and determine whether to grant a permanent special use and under what conditions to do so.

Chairman Trzupsek asked if the petitioner had been compliant in submitting sales figures every 90 days. Mr. Pollock confirmed that they had been doing this. Chairman Trzupsek then asked if the

village had received any complaints about the petitioner beyond the two that he was aware of. Mr. Pollock said no other complaints had been received.

Chairman Trzupsek asked the petitioner to make their presentation.

Gary Grasso, on behalf of Global Luxury Imports (henceforth: Global), offered a brief explanation for each of the two complaints received by the village. Mr. Grasso then asked the Plan Commission to recommend that the special use be made permanent, and to remove the condition stipulating a minimum average sale price of all cars.

Chairman Trzupsek asked if the minimum average sale price has caused a loss of sales. Mr. Grasso did not believe that to be the case.

There being no further comments from the petitioner, Chairman Trzupsek asked for public comments.

Mark Thoma, 7515 Drew, said that he saw cars parked outside several times. He said that the conditions placed upon the business are reasonable and should remain as is.

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

Commissioner Scott asked if the petitioner is fully compliant in meeting the conditions set forth in their special use. Mr. Pollock said that they are in full compliance. Commissioner Scott said that he was unsure about why the conditions for special use were still present, but that they should remain due to the business being located on a main gateway.

Commissioner Praxmarer asked if the average volume and price of sales are equal to when the business opened. Ceida Elizarraraz, director of marketing for Global, said that the volume and price of sales has not changed. She said that there are times where they have to turn down sales because they are under the minimum dollar amount that they are allowed to sell cars for.

Commissioner Praxmarer asked how far under the \$30,000 limit these sales were. Ms. Elizarraraz said that it was the limited percentage (15%) of sales between \$10-29,999 that was more restrictive than the dollar amount. She said that there are times when clients want to trade a vehicle but the business cannot take them, even to wholesale them at auction, due to these conditions.

Commissioner Praxmarer concurred with Commissioner Scott as to why the conditions were put in place at the previous time and would like to hear further discussion on the matter from other commissioners. Ms. Elizarraraz said that it was the goal of Global to maintain their reputation of being a luxury dealer regardless of whether the conditions remained or not.

Commissioner Broline asked if there has ever been times where cars were parked outside to increase the chance of a sale. Mr. Grasso said that this has not occurred and that outside parking of vehicles has been for temporary logistical reasons.

Mr. Grasso said that now may be a good time for the village to reconsider the initial conditions placed on the business. He said that it is not appropriate for the village to continue to impose the conditions on the business after four years of good stewardship.

Commissioner Hoch said that conditions were initially imposed to prove the concept and standard of the business. She suggested that the business have a restriction for the cars on the showroom

floor, and loosen the restrictions on the online portion of the business. Chairman Trzupsek confirmed that this condition already exists; Mr. Grasso said that that condition was fair.

Commissioner Stratis said that he initially was not in favor of imposing conditions on the business but now wants to continue keeping some. He said he wanted to see more data on the business to determine where best to make changes to the conditions.

Ms. Elizarraraz said it was difficult to pass on a sale even though the traded car would not be sold at an auction by a wholesaler. She said it was possible to sustain the business but it would be hard to grow the business with the conditions currently imposed. Mr. Grasso said that the conditions could become guidelines to allow for analysis of the business, as well as a way for the Board to keep tabs on the standard of the business.

Commissioner Stratis said that he would invite Global to propose new conditions for the business.

Chairman Trzupsek asked if low-dollar amount trades that were immediately wholesaled count against the conditions imposed. Mr. Pollock said that those transactions do not count towards enforcement; only retail sales.

Allen Samen, general manager of Global, said that if a car doesn't meet the standards for Global, the car is not listed for sale. He said that if a car could be retailed, they will pay more to get the car and take it over the \$10,000 threshold. He said that are rare cases where they cannot complete a client's preferred transaction due to the conditions imposed.

Commissioner Stratis asked the petitioner to prioritize the conditions in terms of their ease of compliance. Mr. Grasso said that c) and d) are easier than a) and b). Commissioner Stratis asked if many cars are traded under \$10,000. Mr. Samen said that there are a few instances a month where the \$10,000 limit affects his ability to buy and sell a car.

Chairman Trzupsek asked whether their inability to take cheap cars affects other parts of their conditional compliance. Mr. Samen said that a low trade value will affect their total sale average. Commissioner Stratis added that c) and d) are essentially connected.

Commissioner Stratis proposed making b) 30% of cars may be sold from \$0-29,999. Commissioner Scott proposed making b) 25% of cars may be sold from \$10,000-29,999. He said that changing 15% to 25% will result in the sale of 5-6 extra cars per month.

Chairman Trzupsek asked the petitioner if they felt it was beneficial dropping the bottom dollar limit on sales or increasing the percentage. Mr. Grasso said that increasing the percentage would be more beneficial.

Commissioner Scott said that a reading of previous minutes indicated that the bottom dollar limit was the more sensitive issue when this special use was first allowed.

Chairman Trzupsek said that pass-through sales where trades go directly to wholesalers may not be pertinent to commerce that the village is concerned with.

Mr. Grasso said that the petitioner has met the issue of image in the community. He said pass-through sales could be removed from the conditions altogether.

Chairman Trzupsek said that he was unsure how to word the condition of allowing luxury cars while allowing pass-through sales to be not counted towards the conditions. He suggested continuing the hearing until more precise language could be crafted.

Mr. Pollock said that it was always his understanding that Global could wholesale a trade and it not count towards Global's enforcement. Chairman Trzupsek said that there is also ambiguity regarding the lesser part of a deal that Global cannot currently handle due to the conditions imposed.

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

At 8:10 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to continue the hearing for Z-08-2017 to the August 7, 2017 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Stratis, Scott, Praxmarer, Broline, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Z-05-2017: Zoning Ordinance Amendment – Rear Yard Lot Coverage and Permeable Pavers; continued from April 3, 2017 and May 15, 2017 and Remanded by Board of Trustees on May 22, 2017

As directed by Chairman Trzupsek, Mr. Walter described the hearing as follows: this is a consideration of an amendment to Section IV.H.9 of the Burr Ridge Zoning Ordinance which states that the combined horizontal area of all accessory buildings, structures, and uses shall not exceed 30 percent of the area to the rear of the principal building; said amendment to consider allowing greater coverage for structures that use permeable systems. He said that the Board requested the Plan Commission to conduct another public hearing to hear from an industry provider of permeable paver systems and gather more information.

Chairman Trzupsek invited representatives from Unilock to make their presentation.

Mike Anderson and Justin Ronney, both of Unilock, summarized the permeable paver product system offered by Unilock, including the engineering behind the product, maintenance of pavers, as well as the environmental and stormwater runoff benefits of the systems.

Chairman Trzupsek asked to clarify that permeable pavers means permeable paver systems. Mr. Anderson said that was correct; the water does not travel through the paver, but rather through joints around each paver brick. Chairman Trzupsek asked whether permeable pavers reduce runoff relative to asphalt. Mr. Ronney said that is correct.

Chairman Trzupsek said that a point of debate in previous hearings was whether to allow for permeable systems to be equivalent in runoff to grass. Mr. Anderson said that permeable systems are equitable to grass. Chairman Trzupsek asked if a clogged permeable system performs to that claim. Mr. Anderson said that even a poorly maintained permeable system will perform better than concrete or asphalt.

Chairman Trzupsek said that another concern was the lack of a common definition of a permeable system, and how the village would be able to supervise the proper installation of permeable systems intended to replace concrete or asphalt. Mr. Anderson said that there are challenges in enforcing installation and maintenance on a residential scale for a municipality.

Chairman Trzupsek asked for public comment.

Ron Michels asked how these systems contend against weeds. Mr. Anderson said that proper grout fill will provide a less fertile environment for weeds.

Nancy Montelbano asked how paver bricks are cared for in the winter. Mr. Ronney said that a rubber or poly blade is the appropriate method to clear snow.

Alice Krampits, 7515 Drew, asked if there was a grade of slope where a permeable system may not work. Mr. Anderson said that 5% for the excavated sub-grade is a good rule of thumb in most cases but that the surface may be relatively flat. Ms. Krampits asked where water is distributed once it is collected. Mr. Anderson said that each case is site specific, but the idea is for the system to slow-release the water it has collected to prevent flooding elsewhere. Ms. Krampits asked what happens to pollutants that become trapped in the joints. Mr. Anderson said that they remain there until the system is fully cleaned via preventative maintenance.

Ms. Montelbano asked about pavement failures. Mr. Anderson said that permeable paver bricks act independently and are intended to move with the ground as needed.

Mark Thoma, 7515 Drew, asked whether every system would need to be inspected by either the Village Engineer or an outside consultant. Mr. Walter said that it was the role of the Stormwater Committee to come up with a specification for permeable systems.

Mr. Thoma asked if dynamic testing occurred on existing systems. Mr. Anderson said that there are ASTM infiltration rates to test existing surfaces.

Mr. Thoma asked if permeable paver systems count as a best management practice (BMP). Mr. Walter said that permeable pavers are listed as a BMP in the DuPage County ordinance, which the village follows. Mr. Thoma said that it was his preference not to increase the lot coverage percentage.

Guy Franzese, 11740 Woodside, asked where water goes using the example of a flat surface. Mr. Anderson said that the water is diverted to existing storm sewers or retention pond.

Mr. Franzese asked about out-of-state vendors and whether their products would be available locally. Mr. Anderson said that each of their products is available locally from a nearby vendor.

Chairman Trzupek summarized the history of Plan Commission recommendations on permeable pavers as follows: permeable pavers are not the same as grass as related to lot coverage, but permeable pavers are encouraged and preferred to asphalt when using one's allowable lot coverage. Chairman Trzupek asked if there was any way that the use of permeable pavers could be encouraged or incentivized.

Commissioner Stratis said that he has a driveway with wide grout lines and it requires much maintenance. He said that he consulted Costco on these systems and said that they work well if they are not near trees.

Commissioner Stratis asked why this was remanded to the Plan Commission after they made a recommendation. Mr. Walter said that the Board wanted to gather input from an industry provider and have further debate.

Chairman Trzupek asked if there was the possibility to formally encourage the use of permeable pavers. Commissioner Stratis said that he would support encouraging the use of permeable systems

in front yards, but would not support eliminating green space in rear yards. Mr. Walter said that many communities informally encourage permeable systems but do not offer formal incentives.

Commissioner Stratis said that ongoing inspections was unlikely to be possible due to staff constraints. Mr. Walter said that only one community enforces ongoing inspections and permeable pavers rarely are a part of their regimen.

Commissioner Broline said that there could be an opportunity for permeable systems to offset green space if they are done properly. He said that he felt that there still is some ambiguity regarding definition and specifications regarding what permeable systems are.

Commissioner Stratis said that there are no examples of residential lots in the Unilock brochure.

Commissioner Hoch said that the Plan Commission should encourage the use of permeable systems where non-permeable systems may otherwise be placed.

Commissioner Broline said that there is an opportunity to offset some green space that would be vetted by an engineer, but said that there was no consensus about how those systems would be defined.

Commissioner Praxmarer said that she did not support altering the lot coverage amendment.

Commissioner Scott said he would prefer to give a credit for a permeable system instead of a non-permeable system in the form of larger areas.

Chairman Trzupsek said that he would support encouraging residents to put down permeable systems instead of a non-permeable systems.

Commissioner Hoch asked how the village could guarantee that the permeable systems would continue to work. Chairman Trzupsek said that this was an impossible task, but that permeable systems are more than likely to be better than non-permeable systems for runoff purposes.

Commissioner Broline said that the Plan Commission turned down the original variance because there was no process for analyzing the use of permeable systems.

Mr. Anderson said that many neighboring municipalities are moving to encourage these systems and that residential applications will continue to improve.

Commissioner Hoch said that she preferred to offer residents incentives to use permeable systems but had reservations about allowing the use of additional green space over the existing 30% limit.

Mr. Anderson said that he has seen other municipalities give credits on water bills and receive expedited permit reviews on permeable systems.

Commissioner Broline said that permeable systems could provide a solution in situations where only a variance could be given previously. Chairman Trzupsek said this could also be used as a preventative measure towards land use.

Mr. Pollock said that he was confident that the existing permitting system will ensure proper installation, but that maintenance would be difficult to manage. He also said that the Board of Trustees ultimately will make the decision regarding what incentives to offer, if any.

At 9:18 p.m. a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to close the hearing for Z-05-2017.

ROLL CALL VOTE was as follows:

AYES: 5 – Scott, Praxmarer, Stratis, Hoch, and Trzupsek

NAYS: 1 – Broline

MOTION CARRIED by a vote of 5-1.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend no alterations to Section IV.H.9 of the Burr Ridge Zoning Ordinance which states that the combined horizontal area of all accessory buildings, structures, and uses shall not exceed 30 percent of the area to the rear of the principal building.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Hoch, Broline, Praxmarer, Scott, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend that the Board of Trustees encourage the use of permeable systems in lieu of non-permeable systems, except through the reduction of green space.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Hoch, Broline, Praxmarer, Scott, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

There was no discussion on correspondence.

V. OTHER CONSIDERATIONS

S-01-2017: Conditional Sign Approval - 16W115 83rd Street (RCM Data); Conditional Approval and Findings of Fact

Mr. Walter summarized the request of the petitioner as follows: the petitioner is requesting a conditional sign approval pursuant to Section 55.07.B.3 of the Burr Ridge Sign Ordinance to permit a sign with more than three colors.

Chairman Trzupsek asked if the amount of colors was the only item by which the petitioners were requesting a conditional sign approval. Mr. Walter said that was correct.

Commissioner Hoch said that the proposed sign is in harmony with the intent of the Sign Ordinance and supported the request.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve a conditional sign approval as per S-01-2017.

ROLL CALL VOTE was as follows:

AYES: 6 – Scott, Praxmarer, Stratis, Hoch, Broline, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

VI. FUTURE SCHEDULED MEETINGS

Mr. Walter said the filing deadline for the August 7, 2017, meeting was July 10, 2017. Mr. Walter said that there is a special use petition for a kennel, a text amendment petition to re-classify all special uses as permitted uses in B-1 Business Districts, a discussion of the Sign Ordinance after the *Reed v. Gilbert* decision, as well as the continuance of the petition for a special use by Global Luxury Imports. No filings had been made for the August 21, 2017, meeting and the deadline is July 24, 2017.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 9:36 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:36 p.m.

Respectfully

Submitted:

Evan Walter, Assistant to the Village Administrator