

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
SEPTEMBER 18, 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 Trzupek.

ROLL CALL was noted as follows:

PRESENT: 5 – Hoch, Broline, Praxmarer, Scott, and Trzupek

ABSENT: 2 – Grunsten, Stratis

Also present was Village Administrator Doug Pollock and Assistant to the Village Administrator Evan Walter.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to approve the minutes of the August 21, 2017 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Praxmarer, Scott, Hoch, Broline, Trzupek

NAYS: 0 – None

ABSTAIN: 0 – None

MOTION CARRIED by a vote of 5-0.

III. PUBLIC HEARINGS

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

Z-11-2017: Special Use – 15W308 Frontage Road (VIP Paws); Special Use Approval and Findings of Fact; continued from August 21, 2017.

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the hearing is a continuation for a special use approval for VIP Paws. The petitioners have requested that their petition be continued to the October 2, 2017 meeting in order to allow them more time to respond to questions from the August 21, 2017 meeting.

There being no discussion, Chairman Trzupek asked for a motion to continue the hearing for Z-11-2017.

At 7:34 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to continue the public hearing for Z-11-2017.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Scott, Broline, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Z-12-2017: Special Use and Text Amendment – 280 Shore Drive (Windy City Curling) – Special Use Approval and Findings of Act

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is Windy City Curling, a volunteer curling club. The petitioner is requesting a special use approval and a text amendment to operate a Team Athletic Training and Practice Facility in a G-I General Industrial District. The petitioner proposes to rent space at 280 Shore Drive to open a dedicated facility for club activities, such as curling leagues, as well as hosting tournaments for non-members.

Chairman Trzupek asked what the purpose of the text amendment was. Mr. Walter said that staff wanted the Plan Commission to have the opportunity to amend the Zoning Ordinance should they interpret the most applicable section to be inadequately worded if they chose to recommend a special use approval for the petitioner.

Matt Galas, Windy City Curling, said that his organization was looking forward to being located in the village should they receive approval.

Commissioner Scott asked what the hours of operation would be. Mr. Galas said that the club will primarily use the facilities on weekends, with some weekday evening activities scheduled as well. Commissioner Scott asked if there was enough parking on-site. Mr. Galas said that the club is granted 30 spaces as part of their lease, and that most curling groups travel in carpool groups to ease the parking burden. Mr. Walter said that staff had no concerns about parking for the use.

Commissioner Praxmarer asked about liability insurance. Mr. Galas said club dues to both the US Curling Association and Illinois Curling Association allows them to be covered. Commissioner Praxmarer asked about the size of the club. Mr. Galas said that there are currently about 100 members but that they hoped to grow to 150 members in the next year. Commissioner Praxmarer asked about the challenges of maintaining ice. Mr. Galas said that they have invested in dedicated ice-making equipment and will be removing it during the summer months.

Commissioner Broline asked how many tournaments would be held annually. Mr. Galas said that they will try and hold 2-4 tournaments per year.

Commissioner Hoch asked if there were any complaints about Kettlebell. Mr. Walter confirmed that no complaints had been received about Kettlebell. Commissioner Hoch asked about the potential for ice melting. Mr. Galas said that they will install an impermeable membrane along the floor and walls to prevent water damage.

Chairman Trzupek asked if the ice was put down directly on concrete. Mr. Galas said that they will put sand down to level the floor and then make ice on top of it. Chairman Trzupek asked whether retail sales would occur at the facility. Mr. Galas said that any orders placed with the club would be done so through a third party. Chairman Trzupek asked about parking concerns with tournaments. Mr. Galas said that the club will organize shuttles to hotels to alleviate any parking issues.

At 7:45 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Scott, Praxmarer, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees approve text amendments to Section X.F.1.e to revise the classification for Team Athletic Training and Practice Facilities to read as follows: “Team and Club Recreational Facilities, occupying less than 5,000 square feet of floor area, located in a permanent building with no outdoor facilities, and not including any retail, health or fitness facilities” and Section X.F.2.f of the Zoning Ordinance to revise the classification for Team Athletic Training and Practice Facilities to read as follows: “Team and Club Recreational Facilities, occupying 5,000 square feet or more of floor area, located in a permanent building with no outdoor facilities, and not including any retail, health or fitness facilities.”

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Praxmarer, Scott, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to adopt the petitioner’s findings of fact and recommend that the Board of Trustees grant a special use approval pursuant to Section X.F.2.f of the amended Zoning Ordinance to permit a Team Athletic Training and Practice Facility at 280 Shore Drive subject to the following conditions:

1. The special use approval will be limited to Windy City Curling in a manner consistent with the submitted business plan.
2. The special use and facility shall be limited to the 13,144 square feet at 280 Shore Drive.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Praxmarer, Scott, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

V-02-2017: Fence Variation – 15W455 79th Street (St. Mark Christian Montessori Preschool) - Variation and Findings of Fact

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is St. Mark Christian Montessori Preschool, which operates at St. Mark Coptic Church at 15W455 79th Street. The petitioner is seeking a variation to install a fence in a corner side yard in a residential district. Section IV.J of the Burr Ridge Zoning Ordinance states that fences in corner side yards in residential districts are not permitted. The Illinois Department of Child and Family

Services (DCFS) has informed the preschool that the playground must be fenced to be compliant with its standards.

Richard Benjamin, St. Mark Christian Montessori Preschool, said that the fence is intended to comply with Illinois DCFS regulations for playgrounds.

Commissioner Scott asked what the fence would be made of. Mr. Benjamin said that the fence would be made of aluminum.

At 7:51 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Broline, Scott, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to adopt the petitioners findings of fact and recommend that the Board of Trustees approve a variance from Section IV.J of the Burr Ridge Zoning Ordinance to permit a fence in a corner side yard subject to compliance with the submitted plans and so long as the playground exists on the proposed site.

ROLL CALL VOTE was as follows:

AYES: 5 – Scott, Hoch, Broline, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

IV. CORRESPONDENCE

There was no discussion on correspondence.

V. OTHER CONSIDERATIONS

S-03-2017: Sign Ordinance Amendment; Non-Commercial Sign Regulation

As directed by Chairman Trzupek, Mr. Walter described this consideration as follows: the purpose was to inform the Plan Commission of the details of the Supreme Court case *Reed v. Town of Gilbert* (henceforth: *Reed*) and how the ruling affects the Burr Ridge Sign Ordinance. The *Reed* ruling made content-based regulation of non-commercial signs unconstitutional. A non-commercial sign is one expressing a viewpoint or perspective that is not intended to be commercial in nature, such as one's political or religious beliefs. Before *Reed*, the village could regulate non-commercial signs without violating the First Amendment so long as restrictions were viewpoint-neutral, as non-commercial speech is considered more valuable than commercial speech. For example, distinctions for signs could be content-based, but not based upon disagreement with the message. In *Reed*, the defendant, the Town of Gilbert, Arizona, regulated types of non-commercial

signs differently based on the content of the sign, including permitting different sizes and times that they could be posted. The *Reed* ruling no longer permits this type of regulation on non-commercial signs. The village is still permitted to regulate commercial signs based on their content. An analysis of the Burr Ridge Sign Ordinance revealed that section 55.09.C, dealing with political campaign signs is the only section that is fully non-compliant with *Reed*. The Sign Ordinance specifically defines “political campaign signs” as a sign category and creates a unique regulation for political campaign signs based on the content of the sign; because of this regulation, Section 55.09.C is unconstitutional. Staff also recommends adding a message substitution clause and a severability clause to the Sign Ordinance to protect the Sign Ordinance from litigation. A substitution clause allows a non-commercial message to be displayed on any sign. A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. In conclusion, staff recommended that the language in the Sign Ordinance be amended to the recommended language to comply with the ruling in *Reed v. Gilbert*.

Chairman Trzupsek asked if the proposed amendments changes their ability to regulate commercial signs. Mr. Walter said that it does not change anything related to commercial signs.

Commissioner Scott asked if the recommended change would eliminate one’s ability to have multiple signs that were exactly alike on a lot. Mr. Walter said that was true, although the changes recommended are meant to keep the amendments as simple as possible to avoid confusion.

Commissioner Broline asked what was meant by a lot. Mr. Walter said that a lot is defined by the Zoning Ordinance.

Chairman Trzupsek asked what is permitted in right-of-ways. Mr. Pollock said that content is not regulated in the right-of-way as there is a general restriction on right-of-way signs except for certain times on weekends.

Chairman Trzupsek asked if there were any technological innovations that affected the Sign Ordinance from a legal basis. Mr. Walter said that the Supreme Court specifically cited certain signs, such as LED signs, that were permitted to be regulated as they are a method of delivering a message and not content-based.

Chairman Trzupsek asked if the discussion should be continued to include feedback from Commissioners Grunsten and Stratis. The Plan Commission generally agreed.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Broline to continue the consideration to the next meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

S-06-2017: Discussion of Staff Reports

At the request of Chairman Trzupsek, Mr. Walter summarized the consideration as follows: as part of its efforts to better serve the public, staff has evaluated the structure and content of its Plan Commission reports to create better documents. Staff examined the reports produced by other

communities to determine best practices and better inform our own analysis. As part of this process, staff had several goals that they wanted to achieve in re-designing the reports. They are to create a more effective cover page, develop a document that promoted more common understanding of the information within the reports, as well as include more photos to provide more clarity and context when applicable.

Chairman Trzupsek said that he felt that including all staff reports from past hearings may be too much information, and that eliminating some may be helpful. Commissioner Hoch agreed. Chairman Trzupsek also said that photos are good but should be taken from very close or very far away to remove or add context.

The Plan Commission generally agreed that the changes to the documents were positive.

S-07-2017: Discussion of Plan Commission Training

Mr. Pollock asked the Plan Commissioners who participated in a training session to summarize what they learned. Commissioner Scott said that the training would be very beneficial to new Commissioners and suggested that it be part of an onboarding process in the future. Chairman Trzupsek, Commissioner Broline, and Commissioner Hoch concurred with Commissioner Scott.

Mr. Pollock closed the discussion by reviewing the rules and procedures of the Plan Commission.

VI. FUTURE SCHEDULED MEETINGS

Mr. Walter summarized the tentative agenda for the October 2 meeting as follows: a continuation of Z-11-2017 (VIP Paws), a preliminary review of Z-14-2017 (Lakeside Pointe PUD subdivision), and a continuation of S-03-2017 (Sign Ordinance Amendment).

Mr. Pollock requested that the Plan Commission cancel their October 16, 2017 meeting to accommodate a strategic goal setting meeting for the Board of Trustees. The Plan Commission agreed to this request.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 8:27 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:27 p.m.

**Respectfully
Submitted:**

Evan Walter, Assistant to the Village Administrator