

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF**  
**JANUARY 15, 2018**

**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 Vice Chair Broline.

**ROLL CALL** was noted as follows:

**PRESENT:** 5 – Stratis, Hoch, Grunsten, Praxmarer, and Broline

**ABSENT:** 2 – Scott, Trzupsek

Staff present were Village Administrator Doug Pollock and Assistant to the Village Administrator Evan Walter.

**II. APPROVAL OF PRIOR MEETING MINUTES**

Commissioner Hoch clarified that a resident's name had been spelled incorrectly. Ms. Hoch also said that she also wished to clarify a comment she made about re-zoning a property from R-2A to R-3 in the context that the neighboring lots were much larger than R-3 minimum standards. Ms. Hoch also stated that the Comprehensive Plan update was not being pursued due to a lack of funds.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to approve the minutes of the December 4, 2017 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 3 – Hoch, Grunsten, Broline

**NAYS:** 0 – None

**ABSTAIN:** 2 – Stratis, Praxmarer

**MOTION CARRIED** by a vote of 3-0.

**III. PUBLIC HEARINGS**

Vice Chair Broline confirmed all those wishing to speak during the public hearings on the agenda for tonight's meeting.

**Z-01-2018: 6860 North Frontage Road (Agarwal): Special Use and Findings of Fact**

As directed by Vice Chairman Broline, Mr. Walter described this request as follows: the petitioner is Arun Agarwal, owner of an 18,020 square foot commercial building at 6860 North Frontage Road. The property shares a parking lot with 6880 North Frontage Road to the east, which the petitioner also owns. The petitioner is requesting approval for three medical clinics in two suites at 6860 North Frontage Road. The petitioner has submitted a blocking plan demonstrating how the interior space will be delineated between tenants. The owner requests one special use for Athletico Physical Therapy, who will occupy Suite B, as well as two special uses for Midwest Sports Medicine and Burt and Will Plastic Surgery/Limelight, who will share Suite C. Burt and Will

Plastic Surgery and Limelight are two separate brands that are part of the same company which provides aesthetic medical services.

Dr. Neena Will, petitioner and co-owner of 6860 North Frontage Road, said that she is a medical doctor who owns Burt and Will Plastic Surgery as well as the building jointly with other partners.

Commissioner Hoch asked staff to clarify the need for a special use for the tenants. Mr. Walter stated that medical and dental clinics were listed as a special use in the L-I Light Industrial District, and that it is currently listed as a special use and no amendments were required to approve the petition.

Vice Chair Broline asked for public comment; none was given.

Commissioner Stratis asked staff about the impact of traffic on the intersection at County Line Road and Carriage Way. Dr. Will stated that their hours would be standard business hours. Mr. Walter said that staff suggested a traffic study be conducted but the petitioner did not feel that his use would bring more traffic than the previous use, which was a technical college. Dr. Will estimated that her practice would bring approximately 30 visitors to the building on a daily basis.

Commissioner Stratis said that he did not prefer the option of granting a special use for medical clinics for the entire building, which would eliminate the need for future public hearings to approve special use petitions for medical clinics.

Commissioner Hoch asked what was planned to go into the empty space in the building. Dr. Will said that they were hoping to attract an additional medical clinic to the space, such as an occupational clinic. Commissioner Hoch asked about signage options for the property. Dr. Will said that they were working with staff to tailor a sign plan.

Commissioner Grunsten asked if there was any public comment on the petition. Mr. Walter said that staff had only received inquiries and no objections were registered.

Commissioner Praxmarer asked if overnight care would be offered or necessary at any of the special uses. Dr. Will said that none of the clinics under lease would offer such services.

Vice Chair Broline asked if emergency medical services would be offered as part of their business. Dr. Will said that some of her clinics do offer same-day appointments but none offer emergency services. Vice Chair Broline asked for clarification on the option offered by staff to grant a special use by right to the entire building. Mr. Walter said that this option is available to the Plan Commission as it has been recommended to a few other buildings in the past.

Commissioner Hoch said that she agreed with Commissioner Stratis in that she did not want to grant a special use by right for medical clinics for the entire building. Commissioner Grunsten also agreed.

At 7:47 p.m. a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the public hearing.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve three special uses pursuant to Section X.E.2.k of the Burr Ridge Zoning Ordinance to permit three medical clinics to Athletico Physical Therapy and Burt and Will Plastic Surgery/Limelight in a L-I Light Industrial District at 6860 North Frontage Road in a manner consistent with the submitted business plan and to expire once each business no longer operates at this property.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

**V-01-2018: 7210 Giddings Avenue (Marth): Variation and Findings of Fact**

As directed by Vice Chairman Broline, Mr. Walter described this request as follows: the petitioner is Dan Marth, property owner of 7210 Giddings Road. The petitioner requests a variation from Section IV.J.1.b of the Burr Ridge Zoning Ordinance to permit a fence in a corner side yard. The petitioner is in the process of building a new home on the land after demolishing the existing home; the proposed fence would extend to the northern property line and into an unpermitted side yard setback but would not extend beyond the rear wall of the home. In the R-3 Residential District, the corner side yard setback is 30 feet from the property line. The lot abuts two parallel but unconnected streets located directly north of the property (72nd Street and Harvester Drive).

Dan Marth, 7210 Giddings Avenue, said that he is petitioning to replace an old chain-link fence with a conforming elevation in the side yard. Mr. Marth said that his primary motive for the request is traffic on Harvester Drive.

Vice Chair Broline asked for public comment; none was given.

Commissioner Praxmarer said that she was reluctant to support the petition as stated.

Commissioner Grunsten asked if any public comment was given. Mr. Walter said that four residents had registered objections with staff.

Mr. Marth asked if any comments had been made about the old, chain-link fence. Mr. Walter said that the comments were not made against the old fence, but rather the petition for a new fence.

Commissioner Hoch said that the Plan Commission considers petitions for variances based on hardships, and said that while the area around the property was changing over time, the rules should be enforced without a hardship.

Commissioner Stratis said that the goal of the Zoning Ordinance is conformance, and hardships are rare in the minds of the Plan Commission and did not see one in this particular instance.

Vice Chair Broline agreed with Commissioners Hoch and Stratis regarding the lack of hardship in this particular petition.

At 8:00 p.m. a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the public hearing.

**ROLL CALL VOTE** was as follows:

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

**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 deny the request for a variation from Section IV.J.1.b of the Burr Ridge Zoning Ordinance to permit fence in a corner side yard at 7210 Giddings Avenue.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 – None

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

## **V. OTHER CONSIDERATIONS**

### **PC-01-2018: Informal Discussion of the Dremonas Subdivision**

As directed by Vice Chairman Broline, Mr. Walter described this request as follows: the petitioner for the Dremonas Subdivision, Provencal Building & Development, has requested an informal discussion from the Plan Commission regarding the property at 15W110 87<sup>th</sup> Street. Mr. Walter said that the informal review process is offered to any potential petitioner within the planning process, and that the Plan Commission should be careful not to usurp the public hearing process and make any final determinations prior to a public hearing, and is not required to make any response to an informal request. The Plan Commission recently considered a request to re-zone the property at 15W110 87th Street from R-2A Residential to R-3 Residential, which was recommended for denial by the Plan Commission but withdrawn by the petitioner before it was considered by the Board of Trustees. The property owner is in the process of developing a new plan for this property and is seeking informal comments from the Plan Commission.

Mr. Walter said that three possible options available to the petitioner in developing this property. These options are for informational purposes only. The first option is to develop the property using the land's current zoning designation, R-2A Residential. This option is available to the developer by right, and would require 40,000 square foot lots with a minimum width of 125'. Current zoning would yield eight lots, as is shown in one of the developer's site plans. The second option is to re-zone the property to R-3 Residential, which the petitioner has already requested. It is staff's opinion that re-zoning the property to any designation other than R-3 Residential would be spot zoning; spot zoning is a change in zoning applied to a small area. According to several Circuit Court decisions in Illinois, spot zoning is unlawful when the change violates a zoning pattern that is homogenous, compact, and uniform. Re-zoning the property to R-3 Residential would permit the petitioner to build approximately 15 lots if they were built to the highest density. The Village is legally not permitted to consider the site plan in conjunction with a re-zoning request. The third option is to petition for a PUD, which would allow for the Village to consider the site plan as part of any request. Regardless of the designated zoning for the PUD, the petitioner would be required to obtain a variance for a PUD, as both R-2A and R-3 Residential Districts require a minimum of 40 acres for a PUD.

Commissioner Hoch asked if it was common for a petition to be denied and subsequently re-petitioned at a later date. Mr. Walter said that the petitioner will not be pursuing the site plan as originally offered, but that the Plan Commission was not permitted to consider the site plan as offered with their re-zoning request. Mr. Walter explained that the petitioner had met with staff and would be petitioning the Village for a PUD, which would allow the re-zoning to be discussed along with the site plan.

Commissioner Hoch asked how and why parties petition for a PUD. Mr. Walter said that a public hearing is scheduled, and that the purpose of the PUD is to allow for unique development to occur based on the configuration or location of the property under consideration. He explained that while developers are permitted to have higher density or unique lot sizes, such as zero-lot-line developments, the Village can receive additional public benefit beyond what is required by the Subdivision Ordinance. He provided the example of Lakeside Pointe, which was approved as a zero-lot-line development because the developer offered to build extensive walking paths around the property to connect it to the Village Center.

Commissioner Hoch said that she was worried about the precedent that might be set if the Village allowed a PUD in this location due to its proximity to County Line Road.

Vice Chair Broline asked if any variances would be required for a PUD on the subject property. Mr. Walter said that the minimum size for a PUD under existing R-2A or potential R-3 zoning is 40 acres; the property owners would require a variance to be granted a PUD as it is approximately 10 acres in size.

Vice Chair Broline asked for public comment; none was given.

Harry Liesenfelt, owner of Provencal Building & Development, said that the owners of the land at 15W110 87<sup>th</sup> Street took the comments from the previous public comment into consideration when they put together the preliminary site plan submitted as part of the informal discussion. Mr. Liesenfelt said that the intention remained to build a club-like atmosphere on a private street with premium landscaping. Mr. Liesenfelt said that he felt that there was too much inventory in Burr Ridge as most of the inventory was older.

Commissioner Stratis said that he felt that there was a lot of residential activity in Burr Ridge, and that there was no need to introduce new inventory to stimulate turnover.

Stephanie Dremonas, property owner, said that they did not believe that traffic is a major issue in this consideration. Commissioner Hoch said that there is little concern about quantity, but 87<sup>th</sup> Street is narrow. Ms. Dremonas said that she did not believe that there was much housing inventory in Burr Ridge.

Commissioner Stratis said that Mr. Liesenfelt's opinion was that there was too much inventory in the Village, while Ms. Dremonas said that there was little inventory. Commissioner Stratis said that the Plan Commission does not make decisions based on economics, and that it is their role to provide for proper land use.

Ms. Dremonas said that she wanted to work with the Village on a PUD concept so that both parties had control over what went in on the property. She said that she is allowed to build eight homes by right but that allowing higher density would allow her to provide an additional benefit along with giving the Village control over what is built.

Mr. Liesenfelt said that the premium landscaping included with the higher amount of lots would be included as part of their PUD, and that the density would allow them to spend more money on this amenity than would otherwise be feasible.

Commissioner Hoch said that the petitioners should speak to the neighbors, which was agreeable to the petitioners. Mr. Liesenfelt said that they wanted to meet with neighbors and distribute materials in the future.

Mr. Walter said that after the initial petition to re-zone the property, the petitioner met with staff to discuss what options were available to them. Mr. Walter said that a PUD was discussed as it would give both the petitioner and the Village a voice in what could be developed on the property. Mr. Walter recommended that the petitioner meet with staff to discuss what options were feasible or desirable to the petitioner and Village before meeting with the neighbors.

Mr. Walter asked the petitioner if they would consider orienting the homes closest to 87<sup>th</sup> Street to face the street to continue the streetscape. Mr. Liesenfelt said that they felt that this would detract from the club-like atmosphere of the proposed subdivision.

Commissioner Stratis asked about the marketability of the lots near the sanitary sewer easement that ran through the property. Mr. Liesenfelt said that they felt confident that the sewer's impact would be mitigated through planning.

**PC-02-2018: Outdoor, Overnight Commercial Vehicle Parking**

As directed by Vice Chairman Broline, Mr. Walter described this consideration as follows: The purpose of this consideration is to discuss potential amendments to the Burr Ridge Zoning Ordinance related to outdoor, overnight commercial vehicle parking in Manufacturing Districts. The Zoning Ordinance prohibits outdoor, overnight parking of commercial vehicles, with the exception of two delivery trucks. Staff routinely receives inquiries from businesses seeking to relocate to Burr Ridge's Manufacturing Districts. Almost all cite competitive and stable tax rates, proximity to Interstates 55 and 294, and quality of buildings and public infrastructure as Burr Ridge's advantages. Despite these advantages, Burr Ridge is eliminated from consideration by some businesses due to the restrictions placed on outdoor, overnight commercial vehicle parking. Staff requests consideration of amendments to the Zoning Ordinance to allow for expanded access to outdoor, overnight commercial vehicle parking for businesses in Manufacturing Districts.

Commissioner Praxmarer said that she had experience in the manufacturing industry and said that competition for property is very high in that sector, and wanted to take a harder look at this portion of the Zoning Ordinance.

Commissioner Hoch asked about the aesthetics of permitting additional parking. Mr. Walter said that there are few buildings which could accommodate semi-trucks, while most commercial properties in the Manufacturing Districts have office and warehouse space located in the same property.

Commissioner Stratis said that he agreed that the Zoning Ordinance could use additional scrutiny on this subject. Commissioner Stratis said that insurance rates for commercial property is higher when vehicles are parked inside. Commissioner Stratis suggested that staff come up with a method to establish different classifications of uses in Manufacturing Districts in which to permit different

levels of commercial parking, and also suggested establishing an expedited review process in which staff reviews each application without a public hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to request permission from the Board of Trustees to hold a public hearing to consider amendments to the Zoning Ordinance regarding outdoor, overnight commercial vehicle parking.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Stratis, Hoch, Grunsten, Praxmarer, Broline

**NAYS:** 0 – None

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

## **VI. FUTURE SCHEDULED MEETINGS**

- 1. February 5, 2018**
- 2. February 19, 2018**

## **VII. ADJOURNMENT**

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to **ADJOURN** the meeting at 9:00 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:00 p.m.

**Respectfully  
Submitted:**

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Evan Walter, Assistant to the Village Administrator