

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
MARCH 5, 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 Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 4 – Stratis, Scott, Broline, and Trzupek

ABSENT: 3 – Grunsten, Praxmarer, and Hoch

Staff present were Village Administrator Doug Pollock and Assistant to the Village Administrator Evan Walter. Trustees Guy Franzese and Zach Mottl were also present in the audience.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to approve the minutes of the February 19, 2018 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 3 – Stratis, Scott, and Broline

NAYS: 0 – None

ABSTAIN: 1 – Trzupek

MOTION CARRIED by a vote of 3-0.

III. PUBLIC HEARINGS

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearing on the agenda for the meeting.

Z-05-2018: 9101 Kingery Highway (McDonald's) – PUD and Findings of Fact

Commissioner Stratis stated that he would be recusing himself from the discussion and voting regarding this petition due to a conflict of interest. With this recusal, a quorum of the Plan Commission was not present, and staff recommended the petition be continued to March 19, 2018.

At 7:31 p.m. a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Broline to continue the public hearing until the March 19, 2018 meeting of the Plan Commission.

ROLL CALL VOTE was as follows:

AYES: 3 – Scott, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 3-0.

Z-06-2018: 16W020 79th Street (Lyons Truck Sales) – Text Amendment, Special Use, and Findings of Fact

As directed by Chairman Trzupsek, Mr. Walter described this request as follows: the petitioner is Lyons Truck Sales, located at 16W020 79th Street. The petitioner requests an amendment to Section IV.J of the Zoning Ordinance to permit an electric fence as a special use in non-residential districts and requests a special use as per the amended Section IV.J to permit an electric fence on the property. Electric fences are currently prohibited by the Zoning Ordinance. Two fences currently exist on the property; a 4' wood fence and an 8' chain link fence topped with barbed wire. Chairman Trzupsek asked if either fence was permitted. Mr. Walter said that the wood fence was permitted based on a previous ordinance but the chain link and barbed wire were not as the Zoning Ordinance prohibits both materials.

Cindy Williams, Electric Guard Dog, spoke on behalf of the property owner. She explained the need for the electric fence was due to security issues and discussed how the electric fence works.

Chairman Trzupsek asked why the petitioner did not elect to pursue security dogs instead. Ms. Williams said that dogs can be put down, be ineffective, and carry large liability costs.

Chairman Trzupsek at this time asked for public comment.

Mark Thoma, 7515 Drew, asked if the fence could be shorted out. Ms. Williams said that the fence is a monitored alarm system which sounds an alarm when it is touched. Mr. Thoma asked if video cameras were more effective. Ms. Williams said that video cameras do not prevent crimes, and rarely capture information. She said that the petitioner had already tried video cameras.

Alice Krampits, 7515 Drew, asked what was of value at the business' location and why the barbed wire did not stop criminals. Ms. Williams said that the business had high-value inventory and that the barbed wire continues to be cut on the property.

Commissioner Scott asked about police activity on the property in recent years. Mr. Walter explained that there was over ten calls for criminal activity to the Burr Ridge Police Department in the past four years. Ms. Williams said that criminal activity has occurred at other businesses near them besides Interstate 55. Commissioner Scott asked if a solid fence would be effective towards blocking sight lines along Interstate 55. Ms. Williams said that this might block the sight line, but also provide cover for criminals. Commissioner Scott expressed reluctance regarding the need for such an amendment.

Commissioner Broline asked how the fence was underwritten. Ms. Williams explained that several national laboratories have created certified standards for this fence, which they abide by. Commissioner Broline asked who holds liability. Ms. Williams said Electric Guard Dog carried the liability on behalf of the property owner. Commissioner Broline asked about the gap between the two fences. Ms. Williams says that fences should be within 3-12 inches of each other to ensure safety and that growth does not occur in the gap between fences. Commissioner Broline said that his primary concern was related to appearance, and felt that safety was not a major concern for him due to his previous experience with this type of fencing.

Commissioner Stratis asked staff what petitioners must do when a portion of a petition is non-conforming. Mr. Walter said that it was their responsibility to bring any non-conforming structure into compliance. Ms. Williams said that the property owner was not aware of the legal status of the chain link fence when they bought the property in 2015.

Chairman Trzupek asked how the gate connected. Ms. Williams said that the fence turns off when the gate is opened and turns on when the gate is closed. Ms. Williams said that the fence needs to be two feet taller than the perimeter fence, so an 8' electric fence could be installed behind a 6' perimeter fence, as an example.

At 8:12 p.m. a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Scott, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board of Trustees approve an amendment to Section IV.J of the Zoning Ordinance for the following language:

Fences which are electrically charged to produce a shock when touched shall be considered special uses in Manufacturing Districts. Such fences must be located on lots with a minimum size of 3 acres and be no more than 8' in height.

ROLL CALL VOTE was as follows:

AYES: 3 – Stratis, Broline, and Trzupek

NAYS: 1 – Scott

MOTION CARRIED by a vote of 3-1.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline adopt the petitioner's findings of fact and recommend that the Board of Trustees approve a special use as per the amended Section IV.J of the Zoning Ordinance for an electric fence to Lyons Truck Sales at 16W020 79th Street subject to the following conditions:

1. Both Lyons Truck Sales and Electric Guard Dog shall enter into a hold harmless agreement with the Village of Burr Ridge for as long as the electric fence is on the subject property.
2. A conforming fence between 6' tall shall be erected 3-12 inches in front of any electric fencing placed on the property.
3. Bilingual signs shall be placed on both sides of the fence every 50 feet.
4. A Knox box with spare keys shall be kept on premises at all times.

ROLL CALL VOTE was as follows:

AYES: 3 – Stratis, Broline, and Trzupek

NAYS: 1 – Scott

MOTION CARRIED by a vote of 3-1.

Z-04-2018: 7950 Drew (Patera): PUD, Variation, and Findings of Fact

As directed by Chairman Trzuppek, Mr. Walter described this request as follows: The petitioner is Nicholas Patera, consultant to the property owner at 7950 Drew Avenue. The petitioner is seeking a Planned Unit Development (PUD) to build nine, detached, single-family homes approximately 2,200 square feet in size on a public street and a variation from Section VI.F.3.b.(6) of the Zoning Ordinance to permit a PUD on 8.87 acres rather than the required minimum of 40 acres. Approximately 5.25 of the 8.87 acres of the property are located within a wetland and is unbuildable. The petitioner's findings of fact describe the public benefit of the PUD as controlling stormwater runoff outside of the Watershed that is not presently restricted.

Nicholas Patera, Teska & Associates, presented regarding the highlights of the proposal. Bill Zalewski, civil engineer, described the public benefit as being additional runoff restriction and runoff capacity beyond what is currently available on the site. He said that they originally attempted to make improvements to the onsite wetlands but was not permitted by DuPage County.

Chairman Trzuppek at this time asked for public comment.

Sandra Syzmal, 7819 Drew, said that the petitioner had not demonstrated a public benefit in their proposal, and that the proposed density was not appropriate for the subject property.

Kevin Moore, 15W214 81st Street, said that the proposed development was not appropriate for the neighborhood, and that further development of cluster-homes should be discouraged.

Eric Davila, 124 79th Street, said that the developer did not respond to his inquiries regarding the development and was disappointed, and said that the development would further exacerbate the flooding issues in the area.

Ted Schmidt, 9S175 Drew, said that he supported the proposal because he favored the PUD's site plan over what could be built with standard zoning.

Joanne Palmisano, 15W230 79th Street, said that water drains into her backyard, and that the area's engineering has failed. She asked several questions regarding the Village's involvement in the petition; Mr. Walter discussed the role of staff in the petition as being limited to providing guidance regarding the existing rules of development.

Mark Thoma, 7515 Drew, questioned how the property could support eight lots under standard zoning.

Scott McGuire, 120 79th Street, agreed with the previous comments and wanted to focus on preserving home values.

Alice Krampits, 7515 Drew, agreed with the previous comments and was concerned with flooding issues in the area. She asked about the type of curbs and street lights being installed, how snow plowing would occur, and was concerned about the height of the retaining walls being proposed.

Dave Hammer, 207 79th Street, said that flooding issues were important for the residents in the area, and wanted to make sure that the best environmental solution could be reached.

Greg Morrissey, 15W214 79th Street, had concerns about additional traffic in the neighborhood as well as the developer's ability to complete the landscape plan as proposed.

Angelo Lazzara, 7951 Drew Avenue, said that he agreed with the previous comments and opposed the development as presented.

Ivan Morrison, 7518 Hamilton Avenue, asked about the possibility of having Cook and DuPage County work together to solve the flooding issues in the area.

Mr. Patera took time to respond to some of the questions and comments posed by the residents.

Commissioner Stratis said that the Village's regulations stipulate that the developer must do no harm, and that it was not fair to make them fix issues that would not affect them. Commissioner Stratis said that he felt the yield plan put forth by the petitioner was not realistic, and asked if property owners could build anything in the wetland or wetland buffer. Mr. Walter said that the Village discourages development in this area. Commissioner Stratis said that the presence of mountable curbs usually indicates that there may be insufficient space for cars to pass in the street.

Commissioner Broline said that he felt the PUD request should be viewed as on 3 acres. He stated that he needed to see more engineering studies regarding the site.

Commissioner Scott said that the Plan Commission generally did not support development similar to this in terms of size and density.

Chairman Trzupek said that the yield plan shown for R-3 zoning was unrealistic and doubted that the pond shown was of sufficient size. He said that he did not feel that a public benefit beyond what is already required was present within the petitioner's proposal.

Mr. Patera requested a continuance of the petition to allow the petitioner time to respond to the comments provided by the residents and Plan Commission.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to continue the public hearing until the April 16, 2018 meeting of the Plan Commission.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Scott, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

IV. CORRESPONDENCE

V. OTHER CONSIDERATIONS

VI. FUTURE SCHEDULED MEETINGS

1. March 19, 2018 (To be held at the Police Station)

A. Z-06-2018: 9101 Kingery Highway (McDonald's); PUD and Findings of Fact; continued from March 5, 2018

Requests an amendment to Planned Unit Development Ordinance #A-834-24-15 and requests a special use approval as per Section VIII.C.2.q of the Burr Ridge Zoning Ordinance for a restaurant with drive-thru facilities in a B-2 Business District.

B. Z-07-2018: 6860 North Frontage Road (Agarwal); Special Use and Findings of Fact

Requests special use pursuant to Section X.E.2.k of the Zoning Ordinance to permit a medical clinic in a L-I Light Industrial District.

C. Z-08-2018: Z-08-2018: 15W110 87th Street (Provencal); PUD, Variation, and Findings of Fact

Requests for special use approval as per Section VI.D.2.h of the Burr Ridge Zoning Ordinance to approve a Planned Unit Development and requests a variation from Section VI.D.3.b.(6) of the Burr Ridge Zoning Ordinance to permit a Planned Unit Development on 10 acres rather than the required minimum of 40 acres; all of which is to accommodate the proposed development of 11 single-family homes with private streets and with floor areas of approximately 3,000 square feet.

D. Z-03-2018: Zoning Ordinance Amendment – Outdoor, Overnight Commercial Vehicle Parking in Manufacturing Districts; continued from February 19, 2018

Requests consideration of an amendment to Section X.B.7 of the Zoning Ordinance, which states that no more than two delivery trucks weighing less than 24,000 pounds are permitted to be parked outdoors, overnight in a Manufacturing District, except by approval of a special use; said amendment to consider allowing different quantities and types of outdoor, overnight commercial vehicle parking in Manufacturing Districts.

2. April 2, 2018

A. Z-09-2018: 306 Burr Ridge Parkway (Hennessy); Text Amendment, Special Use, and Findings of Fact

Requests a text amendment to permit “custom art studio” as a permitted or special use in the B-1 Business District and requests special use approval for a custom art studio in a B-1 Business District, if necessary.

B. Z-10-2018: 16W020 79th Street (Lyons Truck Sales); Text Amendment, Special Use, and Findings of Fact

Requests a text amendment Section IV.J of the Burr Ridge Zoning Ordinance to permit chain link fence as a special use in Manufacturing Districts and requests a special use approval as per the amended Section IV.J to permit a chain link fence on the subject property.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 10:14 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:14 p.m.

**Respectfully
Submitted:**

Evan Walter, Assistant to the Village Administrator