

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF
APRIL 2, 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: 6 – Stratis, Scott, Praxmarer, Hoch, Broline, and Trzupek

ABSENT: 1 – Grunsten

Staff present was Assistant to the Village Administrator Evan Walter. Trustee Guy Franzese was also present in the audience.

II. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Hoch said that the minutes of the previous meeting appeared to be abbreviated. Mr. Walter explained that the audio recorder had technical difficulties and did not record the previous meeting's discussion, therefore limiting staff's ability to provide complete minutes. Suggestions were offered by the Plan Commissioners which would allow them to be completed in greater detail.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to approve the minutes of the March 19, 2018 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – Scott

MOTION CARRIED by a vote of 5-0.

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

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is Jennifer Hennessy, owner of The Henn House, a business which sells hand-painted wood signs and other products. The petitioner is requesting a text amendment to add "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. The petitioner has stated that the establishment will operate as a "paint and sip" concept, meaning that customers will be able to create their own pieces while consuming alcohol on premises. Alcohol will be consumed under a "bring your own beverage" model, meaning that customers will be permitted to bring alcohol for consumption but

the business will not originate any retail sales of alcohol. Staff will create a new liquor license category which will permit such activity, which will be considered separately by the Board of Trustees. The petitioner has stated that the business will observe the standard hours of operation in Business Districts should this use be permitted, which is 7am-10pm, seven days a week.

Mr. Walter said that the subject property is located within County Line Square, which is zoned B-1 Business. The Village requires each use within County Line Square to receive a variance should it require additional parking compared to the previous use, which was Tuesday Morning. In staff's interpretation of the use, the petitioner's proposed use did not have a higher parking requirement than the previous use, and thus no variance was required, but explained that the Plan Commission had the option to define the use as something other than a retail business and create unique parking requirements for the use. The parking requirement for a retail goods and service use is one space per 250 square feet of retail space.

At this time, Chairman Trzupsek asked for public comment.

Alice Krampits, 7515 Drew, asked what the hours of the proposed use would be. Jennifer Hennessy, 11222 91st Street, said that the business would have retail hours from approximately 10am-4pm daily except Mondays, and then reopen after dinner for private parties and events. Ms. Krampits asked what other services would be offered. Ms. Hennessy said that she would be providing a bulk order service as well that would cater to groups who did not elect to create their own pieces.

Commissioner Scott asked how this business' parking requirement compared to Tuesday Morning. Mr. Walter said that they were equal if they were both classified as general retail uses, but reiterated that the Plan Commission could choose to define the use as non-retail and create a custom parking requirement. Commissioner Scott asked what type of sign would be permitted on this location. Mr. Walter said that each tenant in County Line Square had to erect a bronze sign as defined by their own sign regulations. Commissioner Scott asked if the Plan Commission needed to take any action regarding the liquor license. Mr. Walter said that the petitioner could not receive a liquor license if the special use was not recommended for approval, and that only the Board would be considering the liquor license.

Commissioner Praxmarer asked about hours of operation. Ms. Hennessy said that she would likely be open during the day to serve individual guests and prepare for private events in the evening. Ms. Hennessy said that customers purchase each sign and then paint their own sign at said events.

Commissioner Broline asked if power tools would be kept at the business. Ms. Hennessy said that drills would be kept at the business.

Commissioner Hoch asked what other stores operate a BYOB basis. Mr. Walter said that there were no other uses in the Village that officially operated on this basis. Commissioner Hoch said that she felt other businesses already had this type of service.

Commissioner Stratis said that the combination of power tools being used while customers consumed alcohol was a liability issue. Commissioner Stratis asked what type of glassware would be permitted. Ms. Hennessy said that she would be installing a dishwasher in the business and providing glassware. Commissioner Stratis asked how much and what kind of alcohol would be permitted. Mr. Walter said that staff was still formulating a recommendation for a liquor license but that it would likely be limited to a small amount of unopened beer and wine with no hard liquor

permitted. Commissioner Stratis asked if power tools could be brought by the customers and if paint was used in the business. Ms. Hennessy said that no power tools could be brought, and that only water-based paints would be used and no solvents would be kept within the store.

Chairman Trzupek asked how many persons may be present at a private party. Ms. Hennessy said that she could accommodate up to 24 guests. Chairman Trzupek said that he was concerned about the parking ratios based on that expected capacity. Chairman Trzupek asked what County Wine Merchant was classified as. Mr. Walter said that their parking requirement was classified as a restaurant, which was one space per 100 square feet plus one per employee. Chairman Trzupek said that there would very likely be issues with parking.

Commissioner Praxmarer asked if parking was available in the rear of the property. Mr. Walter said that employee parking was available in the rear. Chairman Trzupek asked if Capri used Pace's lot for their valet needs, as he felt he recalled such an agreement existed. Mr. Walter said he was unsure of this agreement but would conduct further research on the subject.

Commissioner Hoch asked how often parties were held. Ms. Hennessy said that they would become a regular part of the business now that a retail space was available.

Mr. Walter brought up the option of limiting parties at the use, such as how the special use for County Wine Merchant permits live entertainment only on certain days of the week, could be a solution to mitigating the parking issues. Chairman Trzupek said that presently there was not likely going to be a major issue but that it may become an issue once the space is fully occupied.

At 7:58 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: 6 – Hoch, Broline, Stratis, Scott, Praxmarer and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees approve a text amendment to permit "custom art studio" as a special use in a B-1 Business District.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees approve a special use for The Henn House at 306 Burr Ridge Parkway subject to the following conditions:

1. The special use shall be limited to The Henn House at 306 Burr Ridge Parkway in a manner consistent with the submitted business plan and to expire once the business no longer operates at this property.

2. Alcohol may only be consumed at the business if a liquor license is approved.
3. No retail sales of alcohol may occur at the business.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

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

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is Lyons Truck Sales, a truck sales and service business located at 16W020 79th Street. The petitioner requests an amendment to Section IV.J of the Zoning Ordinance to permit a chain link fence as a special use in non-residential districts and requests a special use as per the amended Section IV.J to permit a chain link fence on the property. Chain link fences are currently prohibited by the Zoning Ordinance. Mr. Walter said that the petitioner, through a third party, had expressed a desire to withdraw both this petition and the previous petition to permit an electric fence on the property.

It was the interpretation of the Plan Commission that while the petitioner may have stated this, they had not officially done so in writing and wished to consider the petition at this time.

No petitioner was present to represent the petition.

All of the Plan Commissioners said that they did not support the proposed petition.

At 8:14 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to recommend that the Board of Trustees deny a request to amend the Zoning Ordinance to permit a chain link fence as a special use in Manufacturing Districts:

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

V. OTHER CONSIDERATIONS

PC-05-2018: Consideration of Amendments to the Sign Ordinance

As directed by Chairman Trzupsek, Mr. Walter described this request as follows: at its February 19, 2018 meeting, the Plan Commission considered amendments to the Sign Ordinance. These amendments were initiated by the Economic Development Committee but are being reviewed by the Plan Commission on a land-use basis. The Plan Commission provided feedback to staff, which has been summarized as follows:

- **Guaranteed Signage Allotments.** Lots in Office and Manufacturing Districts with buildings less than 100,000 square feet are permitted one wall sign not exceeding 100 square feet per street frontage. Discussion was held regarding allowing one sign per tenant on multi-tenant buildings, subject to a cap. For example, a building with three tenants would be permitted to have three wall signs, with each no larger than 33 square feet in area, or three signs all totaling no more than 100 square feet. Either example would provide property owners with additional flexibility regarding their properties. In this example, the building would be permitted to have three signs if there were three tenant spaces regardless of the quantity of street frontages.
- **Ground and Wall Sign Mixture.** Lots in Office and Manufacturing Districts with buildings less than 100,000 square feet are permitted one wall sign not exceeding 100 square feet per street frontage. Discussion was held regarding allowing one wall sign and one ground sign per lot. For example, a lot containing a building with less than 100,000 square feet of space could be permitted to have one ground sign per lot and one wall sign per street frontage, each not exceeding 50 square feet. The Plan Commission has received six petitions for sign variations from properties in the Office and Manufacturing Districts in the past three years; of these petitions, four requested additional signs (one was denied), one requested a single sign larger than 100 square feet, and one requested that previously approved signs be relocated on the property.
- **Larger, Premium Ground Signs.** Currently, Burr Ridge does not require ground signs to be landscaped in any form. Discussion was held regarding allowing a bonus for ground signs that are landscaped and lit, as well as permitting larger ground signs that are made of a premium material, such as brick or stone. For example, the Plan Commission could recommend that a ground sign may be enlarged to 150 square feet from 100 if it were surrounded by 2 square feet of landscaping per 1 square foot of the largest sign area, lit with white LED lights, and/or made of a designated premium material, such as brick.
- **Clarification of Color Restrictions.** The Plan Commission stated that all colors should be considered part of the three color restriction, including white and black.

Mr. Walter said that staff was requesting further feedback as to whether the Plan Commission felt that the amendments were desired and, if so, more specificity could be provided on each point. Mr. Walter said that staff needed additional time to fully research the topic of sign amortization and requested that it be considered separately. Commissioner Hoch asked if more details could be provided. Mr. Walter provided additional details regarding the Fifth Amendment and the “takings clause”, and discussed how much time should be granted for non-conforming signs and when the timeline begins and ends, such as when the law is passed or when a complaint is lodged against a

sign. Commissioner Hoch asked if other communities currently practice amortization. Mr. Walter provided the example of Niles, Illinois, who narrowly amortizes signs on poles.

Commissioner Praxmarer asked about larger, premium signs. Mr. Walter said that it would be the responsibility of the property owner. Several Plan Commissioners asked what would be defined as a landscaped sign. Mr. Walter said that standards could conceivably put in place but there may not be concrete, objective rules that could be followed. Commissioner Broline said the he understood the concept of a larger, premium sign but felt it was vague. The Plan Commission said that they felt this was not an amendment they could support.

Commissioner Scott said that he could support the general amendments found in the first, second, and fourth points above. Commissioner Stratis agreed with this statement.

Chairman Trzupke said that he could support the concept of multiple wall signs on a multi-tenant building, but felt that a limit such as 33 square feet per sign was small and would not be of great help to many businesses. Chairman Trzupke said that he felt that a different regulatory mechanism was necessary to accommodate such an amendment, such as a ratio. Chairman Trzupke used the example of a 10,000 square foot building and a 100,000 square foot building getting the same raw number of signage as not being a practical or fair regulation. He said that he could support a regulation taking into account the building size or street frontage as dictating the sign sizes.

Commissioner Praxmarer asked what types of signs were prohibited. Mr. Walter said that there were a number of prohibited types of signs and that this list of prohibitions was not recommended for review by the Economic Development Committee.

Commissioner Hoch said she could support the concept of allowing a ground and wall sign on buildings less than 100,000 square feet provided that they were sized appropriately.

Chairman Trzupke asked about previous petitions for additional signs. Mr. Walter said the Plan Commission had received six petitions for sign variations from properties in the Office and Manufacturing Districts in the past three years; of these petitions, four requested additional signs (one was denied), one requested a single sign larger than 100 square feet, and one requested that previously approved signs be relocated on the property.

Mr. Walter asked for clarification regarding the first and second amendments working together, using the example of a three-tenant building as conceivably being permitted to have three wall signs and one ground sign. Commissioner Scott said that the ground sign could be an address, directory, or single-tenant sign. The Plan Commission as a whole indicated that this interpretation was correct.

The Plan Commission agreed that all colors would be counted in the total for the three-color limit.

Mr. Walter said that he would provide specific language regarding these amendments for approval at the next appropriate meeting.

VI. FUTURE SCHEDULED MEETINGS

1. April 16, 2018

A. Z-05-2018: 9101 Kingery Highway (McDonald's); PUD and Findings of Fact; continued from March 5, 2018 and March 19, 2018.

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

2. May 7, 2018

A. Z-04-2018: 7950 Drew Avenue (Patera); PUD, Variation, and Findings of Fact; continued from March 5, 2018

Requests special use approval as per Section VI.F.2.h of the Burr Ridge Zoning Ordinance to approve a Planned Unit Development and requests a variation from Section VI.F.3.b.(6) of the Burr Ridge Zoning Ordinance to permit a Planned Unit Development on 8.87 acres rather than the required minimum of 40 acres; all of which is to accommodate the proposed development of nine single-family homes with private streets and with floor areas of approximately 2,200 square feet.

Staff requested that the November 5, 2018 meeting be cancelled due to scheduling issues with both the Village Hall and Police Station serving as polling sites for the fall general election

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to cancel the November 5, 2018 regular meeting of the Plan Commission.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:50 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:50 p.m.

Respectfully

Submitted:

Evan Walter, Assistant to the Village Administrator