

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF JANUARY 21, 2019

I. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 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: 8 – Broline, Irwin, Farrell, Hoch, Praxmarer, Petrich, Stratis, and Trzupsek

ABSENT: 0 – None

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

II. APPROVAL OF PRIOR MEETING MINUTES

Several edits to the draft minutes were suggested by Commissioners Broline, Hoch, and Irwin.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to approve the minutes of the January 7, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Petrich, Praxmarer, Farrell, Broline, Stratis, and Trzupsek

NAYS: 0 – None

ABSTAIN: 1 - Irwin

MOTION CARRIED by a vote of 7-0.

III. PUBLIC HEARINGS

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

Z-25-2018: 16W020 79th Street (Dodevski); Special Use and Findings of Fact; continued from November 19, 2018 and January 7, 2019

As directed by Chairman Trzupsek, Mr. Walter described the request as follows: the petitioner is Lyons Truck Sales, a truck sales and service business located at 16W020 79th Street. The petitioner requests a special use pursuant to Section XII.F.3 of the Burr Ridge Zoning Ordinance to permit the continued use of a non-conforming chain link and barbed wire fence on the subject property. Chain-link and barbed wire fences are expressly prohibited by the Zoning Ordinance; however, it appears that this structure was in place before the Zoning Ordinance went into effect. Section XII of the Zoning Ordinance permits the owner of an illegal non-conforming use which was in existence on the effective date of the Ordinance (August 11, 1997) to apply for a special use allowing the continued use of said structure. Along with a previous recommendation made for the fence on the subject property, the Plan Commission recommended a ten-year administrative non-enforcement period be provided to the property owner to allow for the fence to remain in place and be amortized.

At this time, Mr. Walter noted that despite several conversations with the petitioner, the petitioner was not present. Commissioner Stratis asked if the Plan Commission could move forward with consideration of the petition without the petitioner present. Mr. Pollock said that would be acceptable. No Commissioners objected to this suggestion.

Chairman Trzupsek asked if there was any point when chain-link fence on the property was legal. Mr. Pollock said that the fence was never known to be legally conforming or non-conforming at any point. Chairman Trzupsek asked what would happen if the special use was not granted. Mr. Walter said that the fence would immediately become a code violation and staff would enforce the Zoning Ordinance and have it removed.

At 7:20 p.m. **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 8 – Stratis, Hoch, Broline, Farrell, Petrich, Irwin, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Commissioner Hoch said that the property appeared unique in that it backed up to the Interstate and was a rare property in which there was not a frontage road between the business and the Interstate, and would support the petition for that reason.

Commissioner Stratis expressed no concerns with the petition and felt that the petitioner should come into total compliance with the Zoning Ordinance after the amortization period expired.

Commissioner Hoch asked if there were any portions of the wooden fence that were in disrepair. Mr. Walter said that staff would conduct an investigation of the state of the fence.

Commissioner Petrich asked for additional details regarding the wooden fence. Mr. Walter said that the wooden fence was required as part of the property's original special use and must remain.

Commissioner Hoch asked what an ideal fence would be for this location. Mr. Walter said that ultimately any replacement fence would be a special use as per the Zoning Ordinance and that the Plan Commission would have the opportunity to review that petition when it materialized.

Commissioner Irwin said that the fence did not appear necessary or attractive, and felt that the chain link fence was undesirable in its present location. Mr. Walter provided a summary of the criminal issues that have occurred on the property and the chain link fence was deemed to be a necessary security measure by the property owners.

The Plan Commission requested that a statement be included on the record that the recommendation for approval is being made on the basis of amortizing the fence, and that re-approval of an additional temporary special use was not desired beyond the initial period at this time.

Commissioner Hoch said that she was disappointed that the petitioner was not present for the hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees approve a temporary special use for an illegal, non-

conforming chain link fence and barbed wire, to expire after five years from the execution of an Ordinance.

ROLL CALL VOTE was as follows:

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

NAYS: 1 – Irwin

MOTION CARRIED by a vote of 6-1.

Z-01-2019: 60 Shore Drive (Naddaf); Special Use and Findings of Fact

As directed by Chairman Trzupek, Mr. Walter described this request as follows: the petitioner is Joseph Naddaf, prospective buyer of an existing automobile sales use in an existing building at 60 Shore Drive. The petitioner requests special use approval as per Section X.F.2.a of the Burr Ridge Zoning Ordinance to permit an automobile sales business in the G-I General Industrial District. The petitioner is part of a local consortium that is seeking to buy Midwest Auto, an existing automotive sales business at the subject property, and continuing to operate as a luxury, online-based automobile sales business. The petitioners have stated that they plan to rename the business to provide a new image for their venture. Mr. Walter said that two previous automobile sales uses have occupied this space recently, but have been the subject of code violations. Mr. Walter noted that an additional condition not initially recommended by staff, which would prohibit outdoor detailing and servicing of the vehicle, was included for Midwest Auto but not BrandMax.

Anwar Alsalem, representative of the petitioner, said that he was involved with the prospective investor group and felt that the location was ideal for such a business. Mr. Walter said that Mr. Alsalem is the former general manager of Global Luxury Imports, who recently closed.

Chairman Trzupek asked if Midwest Auto was defined as a “pre-owned luxury automobile” use. Mr. Walter said that “luxury automobiles” has been defined by a certain sale price by aggregate and by percentage, such as a \$75,000 average sale price. Only Global Luxury Imports has had these conditions applied to their special use approval.

Commissioner Hoch asked what the new name of the business would be. Mr. Alsalem said that they were leaning towards Burr Ridge Luxury Exchange at this time. Commissioner Hoch asked what the complaints were about regarding the previous automobile uses. Mr. Walter said that the issues were primarily related to outdoor vehicle storage as well as some instances of late-night noise, but the issues were primarily related to a separate operator.

Commissioner Broline said that there were no complaints from Global Luxury Imports and that the location next to residential and County Line Road made it unique, but the use would not be impactful at the proposed location.

Commissioner Farrell said that she supported the request but wished to add the condition to prohibit detailing and minor servicing outdoors. Commissioner Farrell requested that the Findings of Fact be elaborated upon, specifically that the property had been used for automobile uses in previous form.

Commissioner Stratis said that he felt that the prohibition of outdoor detailing and servicing was burdensome and did not support such a condition.

Chairman Trzupek asked if there were any conditions that prohibited actions related to outdoor storage or activity. Mr. Walter said that only outdoor storage of materials was prohibited, and all conditions listed would prohibit otherwise permitted actions.

Commissioner Farrell said that she would revise her position to reflect that outdoor mechanical maintenance be prohibited. Commissioner Stratis concurred. Mr. Alsalem said that almost all mechanical work was performed off-site anyway, so it would be unlikely that such behavior would occur on the site. Mr. Alsalem concurred with all conditions proposed.

At 8:13 p.m. a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Irwin, Praxmarer, Farrell, Broline, Stratis, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees approve a request for a special use as per Section X.F.2.a of the Burr Ridge Zoning Ordinance to permit an automobile sales use in an existing building.

1. The special use permit shall be limited to the sales of pre-owned luxury automobiles with minor detailing and repairs.
2. The special use shall be limited to the 7,400 square feet of floor area known as Suite A at 60 Shore Drive.
3. The special use permit shall be limited to Joseph Naddaf and his business partners and shall expire at such time that Mr. Naddaf and his business partners no longer occupies the space at 60 Shore Drive or at which time there is an assignment or termination of the lease for the space at 60 Shore Drive.
4. Outside display or storage of any goods, materials, and automobiles shall be prohibited.
5. Outdoor mechanical maintenance of any vehicle shall be prohibited.

ROLL CALL VOTE was as follows:

AYES: 7 – Broline, Farrell, Irwin, Stratis, Hoch, Praxmarer, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Z-26-2018: Zoning Ordinance Amendments; Text Amendments and Findings of Fact; continued from November 19, 2018

As directed by Chairman Trzupek, Mr. Walter described the request as follows: Staff's initial proposal can be summarized as follows:

- The permitted size and setbacks of accessory buildings would be based on the size of the lot and the proposed accessory building. Interior side yard setbacks were based on a 1% accessory building size-to-setback ratio, while rear yard setbacks are based on a 0.5% accessory building size-to-setback ratio, with both having a minimum setback of 10'.

- A 5% total lot coverage cap for one accessory building and a 2% total lot coverage cap for a second accessory building (a total of 7%). All lots would be permitted to have one accessory building of up to 1,000 square feet in size, while the second structure would be limited to the 2% total lot coverage cap regardless of lot size.
- Accessory buildings on properties over 200,000 square feet in size that are at least 50 feet from all property lines be permitted to be no more than 25 feet in peak height from the present restriction of 15 feet.

In consideration of the amendments, members of the Plan Commission and public provided feedback on staff's proposal, which staff believes can be summarized as follows:

- While using ratios to regulate size of accessory buildings was desired, the ratios were too liberal, resulting in excessively large accessory buildings.
- Conflicts between side and rear yard setbacks were present.
- A cap on the size of accessory buildings was desired at 6,000 square feet.
- Amending the permitted height of larger accessory buildings was not desired.

After review of feedback to the initial proposal, staff has revised its initial proposal as follows:

- The proposed ratio levels were revised down from 5% and 2% (a total of 7%) of lot coverage to 3% and 1% (a total of 4%) of lot coverage. Under the revised proposal, a 50,000-square foot lot would be permitted to have two accessory buildings no larger than 1,500 square feet and 500 square feet in floor area, respectively. At these ratios, all lots less than 120,000 square feet (2.75 acres) in area will have the total size of permitted accessory buildings reduced from current regulations. This would reduce the amount of total permitted size of accessory buildings on the vast majority of properties in the Village.
- All lots in the Village will be permitted to have one accessory building not to exceed 600 square feet and a second accessory building not to exceed 200 square feet.
- Staff proposes that the setbacks for accessory buildings be equal to 1% of the floor area of the accessory building itself from all lot lines. For example, a 1,500 square foot accessory building would be required to observe 15 foot setbacks. All accessory buildings would be required to be observe 10 foot setbacks from all property lines regardless of buildings size.
- Accessory buildings would be capped at 6,000 and 2,000 square feet in size. This would mean that the ratio-method of determining the size of accessory buildings would be limited at lots above 200,000 square feet. Currently, the Zoning Ordinance permits all lots under five acres in size to have two total accessory buildings; however, one additional accessory building is permitted for every two additional acres on lots larger than five acres in all zoning districts with the exception of the R-2 District. Put another way, lots that are seven acres in size may have three accessory buildings, lots that are nine acres in size may have four accessory buildings, and so forth. Under staff's revised proposal, each lot would be limited to two accessory buildings regardless of the lot's size, but the size of accessory buildings would be based on the size of the lot as previously described.
- Finally, accessory buildings would be limited to 15 feet in mean height in all zoning districts. Currently, accessory buildings are permitted to be 25 feet and two stories in height in the R-1 District and 15 feet and one story (whichever is lower) in all other districts. Accessory buildings in the R-2 District may have an absolute height to the peak of the roof of 22 feet, 6 inches. In summary, all accessory buildings would be limited to a 15-foot

mean height, thus shortening a very small amount of potential accessory buildings in the Village.

Staff wishes to clarify several additional regulations that are not proposed to be amended or be affected by the proposed amendments:

- 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.
- The combined horizontal area of all accessory buildings shall not exceed 60% of the horizontal floor area of the principal building.
- Accessory buildings shall be separated by at least 10 feet from the principal building and from all other accessory buildings on a lot.

Chairman Trzupsek said that he felt the revised petition was too broad, and impacted small lots too directly. It was his understanding that the Plan Commission would focus solely on larger lots and how accessory buildings could be constructed on those.

Commissioner Stratis said that it was his understanding of the proposal that the setbacks of buildings would grow as the lot size grew, and preferred the setbacks be based on the size of the accessory building. Mr. Walter confirmed that the setbacks for accessory buildings were proposed to be based on the size of the accessory building, not the lot.

Alice Krampits, 7515 Drew, said that the proposal was too restrictive for smaller lots. Ms. Krampits asked if the proposal meant to permit two, 6,000-square foot accessory buildings on the largest lots. Mr. Walter explained that the proposal would permit one, 6,000-square foot accessory building and one, 2,000-square foot accessory building, and that there was no potential to combine the square footage into a single larger building under the most recent proposal. Ms. Krampits asked for an explanation of the definition of horizontal floor area. Mr. Walter said that horizontal area was based upon the footprint of any building, so a second story would not artificially expand the size of either building.

Ms. Krampits said that she hoped that the previous Plan Commission workshop was helpful as she believed that additional training was needed for certain Trustees. Ms. Krampits said the proposed amendments penalized the smaller lots, and that the discussion should be limited to larger lots.

Ms. Krampits asked that the Board and Plan Commission re-establish its policy of having two considerations before an Ordinance was approved in final.

Commissioner Stratis said that the amendments were moving in the right direction and that lot proportions were a logical approach to this petition. Commissioner Stratis said that it was his feeling that too many in the community had the perspective that other people do not have the right to develop their own property to the letter of the law.

At this time, Mr. Pollock gave a brief history of amendments that had been made regarding the size of accessory buildings in the Village.

Commissioner Farrell said that she was in favor of exploring the option to combine two smaller buildings into one larger building, at least on smaller lots, which was defined as 30,000 square foot lots and smaller. Commissioner Farrell said that she would like to see additional information based on permit histories to determine what the market is bearing in terms of accessory building size. Mr. Walter concurred with exploration of both concepts at a future meeting.

Commissioner Praxmarer asked about other communities. Mr. Walter said that he had provided comparable examples of Wayne, Mettawa, and Barrington at a previous meeting, but noted that finding a comparable community with 20,000 square foot and 5-acre lots in the same community was rare and difficult to find a true comparison that would be helpful.

Commissioner Broline said he was thinking of a particular home with a large coach house in the rear yard. Commissioner Stratis asked about the legal basis for coach houses. Mr. Pollock provided a summary of the relevant regulations.

Commissioner Petrich asked if height restrictions were proposed to be amended. Mr. Walter said that the generally would not be changed except in the R-1 District.

Commissioner Irwin said that he was pleased with the proposal and could support it as presented. Commissioner Irwin said that he would support a single garage door's height be made as 10' to permit indoor parking of recreational vehicles, which was supported by the Plan Commission.

Chairman Trzupsek said that everything in green in Exhibit A reducing the size of accessory buildings was not something he could support as presented.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Irwin to continue the public hearing to February 18, 2019.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Irwin, Stratis, Farrell, Broline, Praxmarer, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

V. OTHER CONSIDERATIONS

PC-01-2019: Annual Zoning Review

Mr. Walter said that the attachment was a complete review of all items presented to the Plan Commission in 2018. Mr. Walter commented on the ratio of variation requests to variations that were ultimately approved, noting that the Plan Commission had done a good job of giving serious consideration to such petitions. Ms. Hoch asked for several edits which would promote ease of comprehension.

VI. FUTURE SCHEDULED MEETINGS

February 4, 2019

- **V-03-2019: 145 Tower Drive (De La Fuente); Variation and Findings of Fact**

Requests a variation from Section IV.I.36 of the Burr Ridge Zoning Ordinance to permit a dumpster without a trash enclosure on an annual, seasonal basis at an industrial building.

The Plan Commission requested that this petition be moved to February 18, 2019 to allow for the February 4 meeting to be cancelled.

February 18, 2019

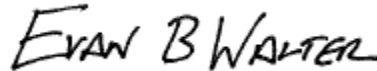
- **V-02-2019: 11905, 11933, 11957 Heritage Drive (Karunaratne); Variations and Findings of Fact; continued from January 7, 2019**

Requests a variation pursuant to Section VI.D of the Burr Ridge Zoning Ordinance to reduce the required front yard setback on three lots of record in the R-2A Residential District from 50 feet to 35 feet at three lots of record in the R-2A Residential District.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:45 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:45 p.m.

**Respectfully
Submitted:**



Evan Walter, Assistant to the Village Administrator