

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF APRIL 15, 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 Trzupek.

ROLL CALL was noted as follows:

PRESENT: 7 – Praxmarer, Broline, Farrell, Hoch, Stratis, Petrich, and Trzupek

ABSENT: 1 – Irwin

Assistant to the Village Administrator Evan Walter was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to approve the minutes of the March 4, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – Farrell

MOTION CARRIED by a vote of 6-0.

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-02-2019: 16W241 South Frontage Road (Brines); Special Use and Findings of Fact

As directed by Chairman Trzupek, Mr. Walter provided an overview as follows: The petitioner is Amy Brines, owner of Bonsai Massage and Bodywork, a therapeutic massage therapy clinic. The petitioner is requesting a special use pursuant to Section X.F.2.e of the Burr Ridge Zoning Ordinance to permit a health and wellness clinic at 16W241 South Frontage Road, Suite 36, in the G-I General Industrial District. The petitioner states that her practice will sublet a small room within an existing business, The Relationship Store, and while it will not be a primary leaseholder, the use is required to obtain a special use permit to operate. The petitioner states that her practice specializes in therapeutic modalities including acupuncture, trigger point, cupping therapy, and other chronic pain and illness management techniques. Bonsai would operate by appointment only four days per week, 8:00am-7:00pm, with a maximum of 12-15 clients per week.

Chairman Trzupek asked for public comment. None was given.

Amy Brines, 16W241 South Frontage Road, introduced herself as the petitioner.

Commissioner Petrich asked what would occur if The Relationship Store closed. Mr. Walter said that Ms. Brines would likely need to get a new special use since she would likely need to relocate

in such an event. Mr. Petrich suggested that a condition be included to state that if The Relationship Store closed, the special use for Bonsai would also be null and void. There was no objection to this proposal.

At 7:10pm, a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees adopt the Findings of Fact and approve a request for a special use for Amy Brines and Bonsai Massage and Bodywork pursuant to Section X.F.2.e of the Burr Ridge Zoning Ordinance to permit a health and wellness clinic at 16W241 South Frontage Road, Suite 36, in the G-I General Industrial District, subject to the following conditions:

1. The special use shall be limited to Bonsai Massage and Bodywork in a manner consistent with the submitted business plan.
2. The special use shall be null and void if Ms. Brines no longer operates Bonsai Massage and Bodywork at 16W241 South Frontage Road, Suite 36, in which Bonsai Massage and Bodywork will sublet space from The Relationship Store.
3. The special use shall be null and void if The Relationship Store no longer operated within the space at 16W241 South Frontage Road, Suite 36.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

V-04-2019: 7875 Wolf Road (Mihailovic); Variation and Findings of Fact

As directed by Chairman Trzupek, Mr. Walter provided an overview as follows: The petitioner is Ziv Mihailovic, property owner of 7875 Wolf Road. The petitioner requests a variation from Section VI.D.7 of the Zoning Ordinance to permit a front yard principal building setback of 40 feet rather than the permitted 50 feet to accommodate a new single-family residential building. The petitioner is attempting to construct a new single-family home on a NOW-vacant property; a single-family home previously existed on the subject property but has since been demolished. The subject property is located adjacent to Flag Creek and is primarily located in a principal floodplain. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) through its National Flood Insurance Program, enforced by County ordinances adopted by the Village, do not permit single-family homes to be built within or near a floodplain without elevating it above the flood protection elevation. In addition, any adverse impacts to the existing functions of a riparian environment, defined as a vegetated buffer area adjacent to a waterway or body of water, shall be mitigated and a mitigation plan shall be prepared. Under standard zoning, the location of the proposed principal structure, elevated above the flood protection elevation, and

all grading which encroaches the floodplain, would require additional compensatory storage outside of the floodplain. Per the MWRD requirements, for any fill placed within the floodplain, 1.5 times the volume of compensatory storage, i.e., cut, shall be provided. In this circumstance, the majority of the property is located in a floodplain, leaving little opportunity for compensatory storage to be placed elsewhere on the property. The petitioner has provided site plans which show the proposed locations of the home under normal zoning as well as if a variation were approved. The proposed site plan of the home in both site plans would be a ranch-style home. The homes on either side of the subject property are setback approximately 55' from their respective property lines. The majority of the property being categorized as being under the jurisdiction of a Regulatory Floodway and Special Flood Hazard Area (or, "A" zone), while the rear of the home under standard zoning is proposed to be located in a lesser floodway (an "X" zone). Following the passage of the Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994, the purchase of flood insurance is mandatory for any federally backed mortgage on a building located in a Special Flood Hazard Area. The location of the proposed home under standard zoning in Zone X, would not require flood insurance under federal law but would be required to go through the aforementioned permitting process under the MWRD.

Chairman Trzupsek asked for public comment. None was given.

Ziv Mihailovic, 7875 Wolf Road, introduced himself and said that he initially planned to build a two-story home but elected to pursue a ranch-style home due to personal health issues. Mr. Mihailovic said he realized that the reduction in front-yard setback would not completely remove the burden of living on the property but felt that it would make the development more secure from potential flooding.

Commissioner Stratis asked what the green buffer area meant to symbolize. Mr. Walter said that this was an "X" zone, which only relieved the petitioner of being required to purchase flood insurance. It would likely still require an MWRD permit due to the likelihood of needing to provide compensatory storage somewhere on the lot. Commissioner Stratis asked if the property fell under the regulation of needing to comply with the "neighbor setback" requirement. Mr. Walter said that such a regulation did not apply here since the property to the north of the subject property was not in the Village. Commissioner Stratis said that if the petitioner needed to go to the MWRD for permitting, he would support the request as reasonable.

Commissioner Farrell asked about the permitting experience of the property to the south and asked about the history of said development. Mr. Walter said that the property to the south required several years to develop but did not ask for any variations. Mr. Walter said that the MWRD is highly concerned about allowing built structures in floodplains and is sensitive to any development occurring in or near such areas.

Commissioner Praxmarer said that the request was reasonable and was pleased to see a vacant lot be developed in the area.

Commissioner Broline asked staff to define compensatory storage. Mr. Walter provided an answer for the Plan Commission.

Commissioner Petrich asked if the petitioner's desire to build a ranch-style home with a larger footprint compared to a two-story home created a self-imposed hardship and considered an inconvenience. Mr. Walter said that the Plan Commission should consider the physical

characteristics of the property compared to the proposed site plan, and not consider the petitioner's medical history in determining whether a variation is appropriate.

Commissioner Hoch did not support the request for a variation as she felt that there was no hardship based on what could be built on the dry area of the property.

Chairman Trzupsek asked if the home were entirely out of the floodplain would the petitioner be required to provide compensatory storage. Mr. Walter said the petitioner would likely be required to provide significantly less compensatory storage but could not definitely state that no compensatory storage would be required if the variation were granted.

Commissioner Broline said that even if the petitioner elected to build a two-story home, it would not guarantee that the footprint would be smaller than what was proposed in the petition.

Commissioner Stratis said that it was his belief that houses should be built as far as is reasonable from floodplains for the purposes of creating more sustainable development. Commissioner Stratis also said that the petitioner's desire to build closer to busy Wolf Road and further from the floodplain lent credence to the concept that a variation was appropriate. Chairman Trzupsek concurred with this assertion as it was his opinion that the proposed house was not oversized and would not be out of character.

At 7:44pm, a **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Farrell to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees adopt the Findings of Fact and approve a request for a variation from Section VI.D.7 of the Burr Ridge Zoning Ordinance to permit a front yard setback of 40 feet rather than the permitted 50 feet to accommodate a new single-family residential home in the R-2A Residential District, subject to the petitioner's proposed site plan reflecting a 40' front yard setback along with the condition that no impervious surfaces may be constructed in the rear yard of the property within the designated floodplain.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Praxmarer, Farrell, Broline, and Trzupsek

NAYS: 1 – Hoch

MOTION CARRIED by a vote of 5-1.

Z-05-2019: 6901 Madison Street (Five Seasons); PUD Amendment and Findings of Fact

As directed by Chairman Trzupsek, Mr. Walter provided an overview as follows: the petitioner is LifeTime Fitness, owner and sole tenant of the property located at 6901 Madison Street. The petitioner is requesting an amendment to Planned Unit Development Ordinance #A-834-09-99 to permit an annual, temporary accessory structure covering a pool in the rear yard of a health club

in the L-I Light Industrial District. Planned Unit Developments (PUD's) are considered special uses under the Burr Ridge Zoning Ordinance, and thus any major amendments to them require a special use approval via a public hearing. The petitioner has stated that they have received numerous requests from their members to allow for year-round use of their outdoor pool, which is presently uncovered. The structure would be a white, inflatable dome no taller than 33' in height, and be removed during summer months. At this time, the petitioner has provided only a conceptual overview of the structure that would cover the pool if the petition were approved, with no specific amended site plan or design specifications provided. The petitioner has stated that they have not invested in specific plan designs and would only do so unless the special use were approved.

Barb Potter, 6901 Madison, and Michael Moore, Yeadon Domes, introduced themselves and provided a brief overview of their request.

Chairman Trzupsek asked how the dome would be secured to the ground. Mr. Moore said that it would be tied to a grade beam below grade of the pool. Chairman Trzupsek asked how the dome was stored offseason. Mr. Moore said that it was generally stored in a secured box out of the elements.

Chairman Trzupsek asked for public comment.

A resident asked what the cost of the dome would be. Ms. Potter said that exact figures were not available since a final site plan and design had not been created.

Commissioner Hoch said that she supported the concept as a method to increase the availability and use of the pool at the club. Commissioner Hoch said that she felt that it would likely be hidden and not be obtrusive to neighboring properties.

Commissioner Petrich asked if the shaded pink area in the staff exhibit is the proposed footprint of the dome. Mr. Moore said that the dome would likely be a bit smaller than what was shaded in the staff exhibit but still cover the entire pool and would allow for sufficient deck space. Commissioner Petrich asked if a dome could be produced in other colors. Mr. Moore said that while white was the traditional color, the dome could be made in other colors, such as gray. The Plan Commission supported the concept of the dome in a color other than white.

Commissioner Broline asked how the dome would be connected to the primary building. Ms. Potter said there would be a closed tunnel connecting the dome to the main building.

Commissioner Praxmarer asked how weight from snow and wind turbulence was mitigated against. Mr. Moore said that sensors provided additional height and stabilization mechanisms to allow for additional rigidity.

Commissioner Farrell asked if there were any architectural elements that governed the color and type of buildings in the PUD. Mr. Walter said that no such elements appeared in the PUD review. Commissioner Farrell supported the concept but sought to include conditions that mandated the dome be non-white in color, restricted in height, as well as limited in the months it could be erected.

Commissioner Stratis asked about the number of doors that would be on the dome. Ms. Potter said that one door would be on the dome. Commissioner Stratis said that he would want to place a restriction on the dome prohibiting any signs or sponsorships of any kind. Commissioner Stratis supported Commissioner Farrell's condition of a time restriction. Commissioner Stratis also requested that a condition be included to clean the dome on an annual basis.

Chairman Trzupsek asked about the amount of open space and accessory structures on the property should this be approved. Mr. Walter said that neither were a concern on a legal basis.

The Plan Commission said that while they generally supported the concept, they wished to see a finalized site plan and design. Mr. Moore said that he could provide such a plan by the next Plan Commission meeting on May 6, 2019.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Farrell to continue Z-05-2019 to May 6, 2019.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Z-03-2019: 601 Burr Ridge Parkway (LifeTime Fitness); PUD Amendment and Findings of Fact

As directed by Chairman Trzupsek, Mr. Walter provided an overview as follows: the petitioner is LifeTime Fitness, owner and sole tenant of the property located at 601 Burr Ridge Parkway. The petitioner is requesting an amendment to Planned Unit Development Ordinance #834-26-00 to permit an addition to an existing commercial building used for a health club. Planned Unit Developments (PUD's) are considered special uses under the Burr Ridge Zoning Ordinance, and thus any major amendments to them require a special use approval via a public hearing. The petitioner is attempting to construct an approximately 3,350 square foot addition onto their existing building, which will be used to provide an additional fitness option within the health club. The addition would be located on the north wall of the existing building facing Bridewell Drive and Interstate 55 and would likely not be visible from Burr Ridge Parkway. The petitioner has provided site plans along with color elevations of the proposed addition, with the new structure proposed to match the existing building's color and architectural style as well as adding additional faux windows along the property. The current building on the subject property is approximately 108,000 square feet in gross square footage, which would increase to approximately 111,350 if the amendment were granted through the additional space. At this time, there are 641 parking spaces on site, with the petitioner required to maintain 360 parking spaces on the property (one parking space per 300 square feet as per Section XI of the Zoning Ordinance). If the amendment were approved, the petitioner's parking capacity would be reduced by 11 spaces and their minimum parking requirement would be increased to 378 parking spaces; therefore, there would be no legal impact on the subject property if the amendment were approved.

Chairman Trzupsek asked for public comment. None was given.

No questions were asked of the petitioner.

Chairman Trzupsek said that he wished to include a condition that the color of the addition match that of the existing building.

At 8:22pm, a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to recommend that the Board of Trustees adopt the Findings of Fact and approve a request by LifeTime Fitness for an amendment to Planned Unit Development Ordinance #834-26-00 to permit an addition to an existing commercial building used for a health club, subject to the condition that the addition match the submitted site plan and elevations and that staff be authorized to confirm that the addition match the existing building in color.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Z-04-2019: 10S110 Madison Street (Tri-State Fire Protection District); Special Use and Findings of Fact

Mr. Walter requested that the petition be continued to May 20, 2019 to allow staff additional time to review materials submitted by property owners relevant to the case. A brief explanation was provided by Mr. Walter to the public as to why the petition was being continued as well as explained the process for a continuation to occur. There were no objections by the Plan Commission.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Farrell to continue Z-04-2019 to May 20, 2019.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

V. OTHER CONSIDERATIONS

S-02-2019: 11650 Bridewell Drive (McNaughton Development); Conditional Sign Approval and Sign Variation

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Hoch to recommend that the Board of Trustees approve a request for conditional approval and a variation to permit four subdivision entryway signs, subject to the proposed site plan.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

VI. PUBLIC COMMENT

VII. FUTURE SCHEDULED MEETINGS

May 6, 2019

A. Z-06-2019: 6880 North Frontage Road (Vine Academy); Text Amendment, Special Use, and Findings of Fact

Requests a text amendment to Section X.E of the Burr Ridge Zoning Ordinance to add “private school” as a special use in the L-I Light Industrial District and a special use as per the amended Section X.E to permit a special use for a private school in the L-I Light Industrial District.

B. Z-09-2019: 15W460 North Frontage Road (SAIA Trucking); Text Amendment, Special Use, and Findings of Fact

Requests a text amendment to Section IV.J of the Burr Ridge Zoning Ordinance to permit an electric fence as a special use in a non-residential district and requests a special use as per the amended Section IV.J to permit an electric fence on the subject property.

May 20, 2019

A. Z-04-2019: 10S110 Madison Street (Tri-State Fire Protection District); Special Use and Findings of Fact; continued from April 15, 2019

Requests a special use as per Section IV.V of the Burr Ridge Zoning Ordinance to permit a personal wireless service facility at a property owned and used for municipal services.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:42 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:42 p.m.

**Respectfully
Submitted:**

EVAN B WALTER

Evan Walter, Assistant to the Village Administrator