

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF AUGUST 5, 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: 6 – Irwin, Broline, Farrell, Stratis, Petrich, and Trzupsek

ABSENT: 2 – Praxmarer and Hoch

Assistant Village Administrator Evan Walter was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve the minutes of the June 17, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Broline, Stratis, Farrell, and Irwin

NAYS: 0 – None

ABSTAIN: 1 – Trzupsek

MOTION CARRIED by a vote of 5-0.

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.

V-06-2019: 8335 County Line Road (Pizzuto); Variations and Findings of Fact

Chairman Trzupsek asked Mr. Walter to review the public hearing request. Mr. Walter said that Michael Pizzuto was requesting variations from Section IV.J of the Burr Ridge Zoning Ordinance to permit a six-foot tall fence with spike-topping in the front and/or side yard of a residential property.

Michael Pizzuto, 8335 County Line Road, said that the purpose of the fence was to act as an additional privacy barrier in the front of his home due to the secluded nature of the property.

Chairman Trzupsek asked for public comment. None was given.

Several Plan Commissioners questioned the need for a six-foot fence when a five-foot fence is permitted. Mr. Pizzuto said that a six-foot fence was simply more challenging to clear than a five-foot fence.

Several Plan Commissioners noted whether the fence's proposed elevation met the definition of "spike-topping".

The Plan Commission generally agreed that while the property was unique due to its size and location of development on the subject property, they did not feel that this was a variation that should be granted to all parties.

At 10:36 pm, a **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 5 – Farrell, Irwin, Broline, Stratis, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Irwin to recommend that the Board of Trustees adopt the Findings of Fact and approve variations for a six-foot tall fence in the front and side yards of a residential property, subject to the submitted site plans and elevations, with the condition that the fence meet the requirement that no impaling members be on the final elevation.

ROLL CALL VOTE was as follows:

AYES: 4 – Farrell, Irwin, Broline, and Trzupek

NAYS: 1 – Stratis

MOTION CARRIED by a vote of 4-1.

Chairman Trzupek requested that consideration of amendments to the Zoning Ordinance regarding front-yard privacy fences next to security gates be considered as part of the next annual Zoning Ordinance review.

Z-08-2019: 120 Harvester Drive (Olguin); PUD Amendment and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that Jim Olguin was requesting an amendment to Planned Unit Development Ordinance #A-834-09-16 to permit a reconfiguration and expansion of an existing surface parking lot.

Jim Olguin, petitioner, stated that the petition would allow for 181 parking spaces to be constructed on the subject property to serve as parking for a lease expansion by the University of Chicago in a building owned at a neighboring property.

Chairman Trzupek asked for public comment. None was given.

Commissioner Stratis said he would ordinarily not be in favor of a parking lot being the primary use of a space but understood the purpose of the proposal and supported the petition. All Plan Commissioners supported Commissioner Stratis' statements.

Chairman Trzupek asked if there was any issue with the parking ratios currently being used. Mr. Walter said that parking ratios are determined by building size, not building load. Chairman Trzupek said that he would like to address this matter at the next annual Zoning Ordinance review.

At 10:56 pm, a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Irwin, Petrich, Farrell, Broline, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to recommend that the Board of Trustees adopt the Findings of Fact and approve a request to amend Planned Unit Development Ordinance #A-834-09-16 to permit a reconfiguration and expansion of an existing surface parking lot, subject to the petitioner's submitted site plans.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Broline, Stratis, Farrell, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Z-11-2019: 800 Village Center Drive (Hassan); PUD Amendment, Special Use, and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that Ramzi Hassan had requested an amendment to Planned Unit Development Ordinance #A-834-10-05 to add “coworking space” as a first-floor special use in Building 6 of the Village Center, a special use for a “coworking space” in Building 6 of the Village Center, and a revision to the exterior building footprint of Building 6 of the Village Center.

Ramzi Hassan, Edwards Realty Company, gave a brief presentation regarding the Village Center and the proposed use, Life Time Work.

John Nagan, Life Time Work, introduced himself and gave a brief description of the Life Time Work business model.

Greg Dose, 835 McClintock, spoke on behalf of the residents of 850 Village Center Drive and acting as said residents' legal counsel. Mr. Dose stated that the residents objected to the petition on the grounds that it would materially detract from the property values, use, and enjoyment of their properties as a result of the loss of the breezeway access due to the location of Life Time Work. Mr. Dose said that all service activities that are currently conducted in the east lot would necessarily occur on Village Center Drive, which would be objectionable to the residents as well as not promote sound planning. Mr. Dose said that there were existing declarations between the owner and residents, which were not within the purview of the Village, that would preclude the use of the property for the stated purpose even if approval were provided by the Village.

Chairman Trzupek asked how parking requirements were calculated at the Village Center. Mr. Walter said that the Village Center created an aggregate total parking capacity based on the estimated use of the property, which resulted in the present amount of parking now observed on the property.

Dave Atkinson, 850 Village Center Drive, Board president of the subject property, objected to the use on the basis that it would impair the logistical use of the property and impact property values.

Mr. Atkenson also noted that persons with accessibility issues would be highly impacted by this proposal.

Alice Krampits, 7515 Drew Avenue, asked if Mr. Hassan had any experience leasing or constructing coworking offices. Mr. Hassan said that this was his first such deal. Ms. Krampits asked if the community room would be relocating. Mr. Hassan said that the final location of the community room within Barbara's Bookstore was not yet determined.

Eloise Carnevale, 850 Village Center Drive, Unit 213, objected to the petition as her unit overlooked the primary residential entrance and the trash would be moved out immediately below her unit if the breezeway were closed.

Janet Andreotti, 850 Village Center Drive, Unit 214, objected to the petition as her unit overlooked the primary residential entrance and the trash would be moved out immediately below her unit if the breezeway were closed.

Rita Michaels, 801 Village Center Drive, objected to the petition as it would create a serious impact on Village Center Drive that was not appropriate for the space.

Bob Sunstein, 850 Village Center Drive, asked where the garbage would be retrieved. Chairman Trzupsek stated that it would be through a set of double-doors on the west side of the property. Mr. Sunstein said that he felt that this proposal was unrealistic and objected to the petition.

Lorie Chang, Burr Ridge resident, stated that she objected to the breezeway being amended but also to the use itself due to safety concerns.

Bill Petty, 1000 Village Center Drive, said that he used to rent in the 850 building but purchased in the 1000 building at a later date. Mr. Petty asked about the guest policy. Mr. Nagan said that two guests per member were permitted for one hour at a time.

Leslie Bowman, 1000 Village Center Drive, said that she was appearing as both resident and business owner of Design Bar in Building 6 of the Village Center. Ms. Bowman asked about how customers of the proposed use traditionally park. Mr. Nagan said that they sometimes park near the site but other times may leave their car at the health club and walk over. Ms. Bowman said that the parking spaces would turn over at a slower rate than retail and negatively impact the properties at the Village Center. Ms. Bowman also requested that the customers of the use be restricted to park in certain areas.

Joanne Kerkstra, 850 Village Center Drive, objected to the use as presented but said that she could support a compromise in which the breezeway would be altered but otherwise be left open to the public.

Mary Desliosa, 850 Village Center Drive, asked if on-street parking on Village Center Drive would be permitted 24 hours a day under the proposal. Mr. Hassan said that no changes to the on-street parking hours were part of the proposal.

Joanne Palmisano, Burr Ridge resident, said the entire development was a mistake, and taking away the walkway would create a dangerous area on the Village Green.

Adam Altabelli, 850 Village Center Drive, said that Mr. Hassan told him that if the breezeway could not be closed, Life Time Work would not come to the property. Mr. Nagan confirmed that was the case.

Commissioner Stratis said that he felt that the size of the Village Center did not support the concept of a mixed-use center such as this with a health club as an anchor tenant. Commissioner Stratis said that he was not prepared to allow first-floor office to be leased in Building 6, but also strongly objected to the concept of closing the breezeway.

Commissioner Farrell said that she objected to the concept of closing the breezeway as doing so would not make conceptual planning sense.

Commissioner Broline said that he supported the use in the proposed location, but objected to the closing of the breezeway to accommodate the use.

Commissioner Petrich said that the other members of the Plan Commission generally spoke in agreement with his feelings and did not support the petition.

Commissioner Irwin said that he objected to the closing of the breezeway but supported the concept of the coworking space as a use, as he has experience using such facilities. Commissioner Irwin said that the parking problems needed to be solved to create a more tenable planning environment for all parties.

Chairman Trzupsek said that he was in general agreement with the statements made by the Plan Commission and did not support the closing of the breezeway as a viable method to accommodate the use.

At 9:36 pm, a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Irwin, Petrich, Farrell, Broline, and Trzupsek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to recommend that the Board of Trustees approve a request for a text amendment to add “coworking space” as a special use in Buildings 1 and 6 of the Village Center.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Stratis, Farrell, Broline, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board of Trustees approve a request for a special use for a “coworking space” for Life Time Work, subject to the following conditions:

1. The special use shall be limited to Life Time Work in a manner consistent with the submitted business plan.
2. The special use shall be null and void should Life Time Work and its business entities or partners no longer operate the coworking space at 800 Village Center Drive within Building 6 of the Village Center.

3. Life Time Work shall be permitted to be open to the public between the hours of 7:00am-10:00pm, with private key-fob access granted only to customers outside of these hours.
4. The breezeway underneath Building 6 shall remain in place as shown.

Discussion was held whether the Plan Commission should include requirements that parking be addressed. It was determined that the Plan Commission would make a statement that parking be addressed as a part of any future text amendment or special use hearing at the Village Center.

Mr. Nagan said that if the fourth condition were included, the deal would be off the table.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Broline, Petrich, Farrell, and Trzuppek

NAYS: 1 – Irwin

MOTION CARRIED by a vote of 5-1.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board of Trustees deny a request for a revised exterior building footprint at Building 6 of the Village Center.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Broline, Irwin, Petrich, Farrell, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Z-10-2019: Zoning Ordinance Amendments; Text Amendment and Findings of Fact

Chairman Trzuppek asked Mr. Walter to review the public hearing request. Mr. Walter said that staff requests amendments to the Zoning Ordinance regarding short-term home rentals, home occupations, and similar land use regulations. Under the Zoning Ordinance, the use of single-family residential homes as short-term rentals necessarily represents customers coming to the dwelling for goods and services, as well as the home itself being a commercial entity, thus creating a violation of the Zoning Ordinance. It is not clear how “short-term rental” is specifically defined. For example, it is not uncommon for a property owner to rent their home to a tenant for a one-year term, although this use of the property is not legally distinct from a one-night rental under the current reading of the Zoning Ordinance. Staff also received complaints regarding the storage and use of personal vehicles as rentals. This type of rental functions similarly to a short-term home rental; the owner of a vehicle advertises a vehicle as “for rent” on a website, usually for a number of hours or days, and the car is picked up by the renter at a designated location. In some cases, vehicles have been picked up at homes, which violates Section IV.R. of the Zoning Ordinance. In other cases, vehicles are stored at a home for personal use, but delivered to a location outside of the Village for transaction. These actions are not generally regulated by the Zoning Ordinance, as personal vehicles are generally not defined as commercial vehicles by Section IV.K.2 of the Zoning Ordinance, as the vehicles that are rented are personal-use vehicles and do not fall under the definition and regulations of a commercial vehicle being stored at a residential property.

Chairman Trzuppek asked for public comment.

Nico and Colleen Salhas, 16W267 93rd Street, said that they were grateful to Mr. Walter for his work in bringing the amendments for car rental use forward as they felt the proposed amendments would definitively solve the problems that were previously present on their street.

Chairman Trzupsek asked how such amendments would be enforced. Mr. Walter said that there are many methods to track such behavior and would not be challenging to accomplish.

Commissioner Irwin said he would like more information regarding options for regulating short-term rentals.

Commissioner Petrich said that the word “gratuitous” should in fact mean “non-gratuitous”. Mr. Walter acknowledged the grammatical error and stated that the intent was to prohibit paid use of the properties.

Commissioner Broline supported the amendments as proposed.

Commissioner Farrell supported the amendments but requested that more information be provided regarding coach houses and other relevant regulations. Chairman Trzupsek asked that such information be provided at the annual Zoning Ordinance review.

Commissioner Stratis supported the amendments as proposed.

After some discussion, the Plan Commission agreed to not pursue amendments for short-term home rentals at the present time.

At 11:18 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Farrell, Broline, Stratis, and Trzupsek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to recommend that the Board of Trustees adopt the Findings of Fact and approve a text amendment to Section IV.K.2 of the Zoning Ordinance regarding listing rental vehicles as commercial vehicles, with the condition that the staff recommendation be made as “non-gratuitous.”

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Stratis, Petrich, Broline, Farrell, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

V. OTHER PETITIONS

S-04-2019: S-04-2019: 7425 Wolf Road (Pleasantdale Park District) – Conditional Sign Approval and Sign Variations

Chairman Trzupsek asked Mr. Walter to review the consideration. Mr. Walter said that the Pleasantdale Park District requests requesting conditional sign approval for a non-residential sign in a residential district and requests three variations from Section 55.04.B and Section 55.11.K of the Sign Ordinance to allow a sign: (1) exceeding the maximum permitted size for a ground sign; (2) with an electronic changeable message panel; and (3) located less than 10 feet from a property line.

Matt Russian, Executive Director of the Pleasantdale Park District, stated that the sign would be used only for Park District purposes.

Commissioner Farrell said that she would not support the petition as proposed.

Commissioner Broline asked how many colors were permitted. Mr. Russian said that they would have access to the full color spectrum but would likely not ever need to use more than a small number of said options.

The Plan Commission expressed some concern about the appropriateness of the request, but there was general consensus that the request was appropriate based upon the location and use at a public facility.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner to recommend that the Board of Trustees adopt the Findings of Fact and approve a request by Matt Russian for conditional sign approval for a non-residential sign in a residential district and requests three variations from Section 55.04.B and Section 55.11.K of the Sign Ordinance to allow a sign: (1) exceeding the maximum permitted size for a ground sign; (2) with an electronic changeable message panel; and (3) located less than 10 feet from a property line. subject to the following conditions:

1. The sign shall comply with the sign elevations and the sign location plan attached hereto.
2. There shall be no animation, videos, or other moving text within the electronic message panel.
3. The electronic message panel shall be turned off every night from 11:00 p.m. to 6:00 a.m.
4. The electronic message panel shall be permitted to message changes no more than every 60 seconds.
5. The sign shall display only advertisements which promote the activity of governmental bodies.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Irwin, Petrich, Broline, and Trzupsek

NAYS: 1 – Farrell

MOTION CARRIED by a vote of 5-1.

S-05-2019: 7450 Wolf Road (Pleasantdale School District 107) – Conditional Sign Approval and Sign Variations

Chairman Trzupsek asked Mr. Walter to review the consideration. Mr. Walter said that Pleasantdale School District 107 requests requesting conditional sign approval for a non-residential sign in a residential district and requests three variations from Section 55.04.B and Section 55.11.K of the Sign Ordinance to allow a sign: (1) exceeding the maximum permitted size for a ground sign; (2)

with an electronic changeable message panel; and (3) located less than 10 feet from a property line.

Griffin Sontag, principal of Pleasantdale Middle School, stated that the sign would be used only for School District purposes.

Commissioner Farrell said that she would not support the petition as proposed.

Commissioner Broline asked how many colors were permitted. Mr. Russian said that they would have access to the full color spectrum but would likely not ever need to use more than a small number of said options.

The Plan Commission expressed some concern about the appropriateness of the request, but there was general consensus that the request was appropriate based upon the location and use at a public facility.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to recommend that the Board of Trustees adopt the Findings of Fact and approve a request by Griffin Sontag for conditional sign approval for a non-residential sign in a residential district and requests three variations from Section 55.04.B and Section 55.11.K of the Sign Ordinance to allow a sign: (1) exceeding the maximum permitted size for a ground sign; (2) with an electronic changeable message panel; and (3) located less than 10 feet from a property line, subject to the following conditions:

1. The sign shall comply with the sign elevations and the sign location plan attached hereto.
2. There shall be no animation, videos, or other moving text within the electronic message panel.
3. The electronic message panel shall be turned off every night from 11:00 p.m. to 6:00 a.m.
4. The electronic message panel shall be permitted to message changes no more than every 60 seconds.
5. The sign shall display only advertisements which promote the activity of local government bodies.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Irwin, Petrich, Broline, and Trzupek

NAYS: 1 – Farrell

MOTION CARRIED by a vote of 5-1.

Chairman Trzupek asked that a review of changeable message panel sign policy be provided at the annual Zoning Ordinance review.

Z-04-2019: 10S110 Madison Street (Tri-State Fire Protection District) – Findings of Fact

Mr. Walter explained that the Plan Commission needed to approve a revised set of Findings of Fact and recommended that the Commissioners vote as they did in accordance with the original motion.

The Plan Commission concluded that Finding of Fact *b* was met and should be removed from the final motion.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees adopt the revised Findings of Fact *c*, *d*, and *g*, as stated.

ROLL CALL VOTE was as follows:

AYES: 3 – Irwin, Farrell, and Broline

NAYS: 2 – Stratis and Petrich

ABSTAIN: 1 – Trzupek

MOTION CARRIED by a vote of 3-2.

VI. PUBLIC COMMENT

There were no additional public comments.

VII. FUTURE SCHEDULED MEETINGS

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to cancel the August 19, 2019 meeting of the Plan Commission

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Stratis, Broline, Farrell, Petrich, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 12:00 a.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 12:00 a.m.

**Respectfully
Submitted:**

Evan Walter, Assistant Village Administrator