

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF NOVEMBER 4, 2019

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to appoint Commissioner Stratis as Acting Chairman for the November 4 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Hoch, Petrich, Broline, Praxmarer, and Farrell

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 6-0.

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 Acting Chairman Stratis.

ROLL CALL was noted as follows:

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

ABSENT: 1 – Trzupke

Village Administrator Doug Pollock, Assistant Village Administrator Evan Walter, and Trustee Guy Franzese were also present.

II. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Hoch requested that further elaboration of meeting minutes be made whenever possible to allow for better understanding of previous discussions.

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

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 2 – Hoch, Praxmarer

MOTION CARRIED by a vote of 5-0.

III. PUBLIC HEARINGS

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

Z-15-2019: 16W260 83rd Street (Odeh); Special Use and Findings of Fact

Acting Chairman Stratis asked Mr. Walter to review the public hearing request. Mr. Walter said that the petitioner is Ehab Odeh on behalf of Apex Motorworks, located at 16W260 83rd Street. The petitioner requests special use approval as per Section X.F.2.a of the Zoning Ordinance for an “automobile sales, service, and rental” use. The purpose of the request is to renew a temporary special use previously granted to Apex on a permanent basis and to expand the special use to include automobile rental and service. This petition represents a follow up to a previous petition filed by Apex which, if approved, would have permitted the business to rent and sell vehicles but not perform maintenance on vehicles not owned by Apex (Z-15-2019). Z-15-2019 has since been withdrawn and replaced by this petition. The petitioner originally received a special use for an “automobile sales” use, but is now requesting to be re-classified to an “automobile sales, service and rental” use which would permit them to rent vehicles as well as perform maintenance on vehicles that are not owned by the business. In 2017, the Village approved a two-year temporary special use for Apex Motorworks, which expired in June 2019.

Mr. Walter said that staff received feedback from the Plan Commission at their public hearing for Z-15-2019 as to the nature of the proposed business plan, including related to renewal periods, rental services, and maintenance offerings to the public. Mr. Walter reviewed the recommended conditions for the special use request.

Ehab Odeh, 16W260 83rd Street, provided an overview of the discussions that he had with Mr. Walter before the public hearing, including acknowledging that maintenance services were becoming a major portion of their business plan, discussing how rental activities are offered and managed, as well as disclosing that the business presently sells and services third-party warranties. Mr. Odeh said that it was his desire to have a successful primary location in Burr Ridge, while also maintaining a service and storage center in Chicago.

Mr. Walter explained elements of the proposed conditions of the special use as to how they related to Mr. Odeh’s statement.

Commissioner Hoch asked where rental cars were parked. Mr. Odeh said that they were stored inside at the Burr Ridge facility as well as at the Chicago facility. Mr. Odeh said that the rental business used digital and media advertising to promote the business. Mr. Odeh elaborated to say that Apex did not originally intend to get into the rental business, and did not interpret the initial special use to prohibit such activity. Commissioner Hoch asked if the signage was up to date on the building. Mr. Walter said that should a special use be approved, the signage would be addressed immediately.

Commissioner Irwin said that Burr Ridge would welcome a luxury retail business, but interpreted the sales data provided by the petitioner to indicate that the percentage of non-luxury cars being sold recently had increased. Mr. Odeh said he would be amenable to increasing the lowest allowable sales price from \$10,000 to \$20,000, to which Commissioner Irwin concurred.

Commissioner Petrich said that there was no clear business plan attached to the petition and was concerned about how to regulate the entity. Commissioner Petrich said that he went on the petitioner’s business’ website over the weekend, which was shown to list several services that were yet not permitted. Mr. Odeh said that the website that was published had since been taken down and any website would reflect only services that were permitted by the Village.

Commissioner Broline asked what the business does with trade-ins. Mr. Odeh said that they welcome trade-ins which are then distributed to auctions or passed on to another dealer.

Commissioner Praxmarer said that she appreciated the honesty of the petitioner and expressed optimism that the business can work.

Commissioner Farrell asked if Apex sold motorcycles. Mr. Odeh said that he would not rent them but would sell them if they were appropriately priced. Commissioner Farrell requested that the conditions be clarified to reflect that service be permitted but be limited to vehicles that are currently owned or were previously sold by Apex may be serviced on-site.

Acting Chairman Stratis asked to clarify that the condition governing the executed rental price of vehicles be amended to \$400 per day. Acting Chairman Stratis said that he would be opposed to general retail service on site. Acting Chairman Stratis requested that the condition confining test drives to specific areas be deleted.

A discussion was held regarding what kind of service might be amenable to occur on site. Mr. Odeh asked if the business could be allowed to service any vehicle instead of the restrictions proposed. The Plan Commission generally agreed that open-ended maintenance would not be appropriate.

At 8:00 pm, a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees approve a request by Ehab Odeh for a special use for an automobile sales, service, and rental use at Apex Motorworks, located at 16W260 83rd Street, subject to the following conditions:

1. The special use shall be limited to Apex Motorworks in a manner consistent with the submitted business plan.
2. The special use shall be null and void if Apex Motorworks no longer operates an automobile sales, service, and rental use at 16W260 83rd Street.
3. The special use shall be temporary in nature, expiring one year from the date of any approving ordinance. If no petition for renewal is received by said date, the special use shall be null and void.
4. No advertisements for maintenance service shall be permitted on the subject property.
5. All vehicles, except for personal vehicles of customers and staff, shall be stored inside at all times.
6. All rental transactions shall have an executed transaction price of at least \$400 per day.
7. The hours of operation for sales and maintenance operations shall be limited to 10:00am to 7:00pm, Mondays through Saturdays.
8. The hours of operation for rental operations shall be limited to 10:00am to 7:00pm, seven days per week.

9. Within any 12-month period, all automobiles sold from the subject property shall comply with the following sale price requirements:
 - 75% of all automobiles sold will have an average sale price of \$75,000 or more;
 - 15% of automobiles sold may be sold for \$20,000 to \$29,999;
 - No vehicles may be sold for under \$20,000.
 - All other automobiles must be sold for \$30,000 or more.
 - Apex shall provide this data to staff prior to any future special use petitions.
10. Only vehicles that are currently owned or were previously sold by Apex may be serviced on-site. On-site maintenance of aforementioned vehicles shall occur entirely indoors, with all exterior doors closed. No body work shall be permitted on the subject property.
11. All aforementioned conditions shall apply to Prestige Exotics, which acts as a rental company for the petitioner, operating at 16W260 83rd Street.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

Z-16-2019: 7500 Hamilton Avenue (Moskal); Re-Zoning and Findings of Fact

Chairman Trzupsek asked Mr. Walter to review the public hearing request. Mr. Walter said that the petitioner is John Moskal, owner of the subject property located at 7500 Hamilton Avenue. The petitioner is seeking to re-zone the property from the R-2A Residential District to the T-1 Transitional District. The subject property is approximately 1.5 acres in size and has adequate size and width to be zoned as T-1 Transitional without any variations. The subject property is located within Bartlett's Subdivision, the first area which originally constituted the Village of Burr Ridge. The petitioner has stated that the request for re-zoning is primarily motivated by a lack of interest in a residential development on the site. The petitioner has no specific site plan that would be developed on the site should it be re-zoned other than stating that there has been some reported interest by third parties in developing a small office building on the subject property. The property is bordered by R-2A Residential to the south and east; B-2 Business to the north; and G-I General Industrial to the west. South Frontage Road and Interstate 55 are also located north of the property. While the Comprehensive Land Use Plan Update Steering Committee stated that this area of the Village should be that of "transitional and office uses with sensitivity to adjacent homes", the Future Land Use Plan adopted in the Burr Ridge Comprehensive Plan recommends that the subject property be used for parks or open space.

John Moskal, 8721 Stark Drive, made a brief presentation about the merits of his petition, stating that the re-zoning would not be detrimental to the surrounding development.

Patricia Svatos, 7506 Hamilton Avenue, said that she lived directly adjacent to the south and was opposed to the petition. Ms. Svatos said that the property was currently overpriced and the proposed re-zoning did not meet with the character of the neighborhood, including that it violated a previous Village commitment that no parcels south of 75th in this area would be zoned commercial.

Mark Thoma, 7515 Drew, said he was opposed to the re-zoning of the property due to the impact of the critical wetlands on site, the impact of commercial development on residential zoning, specifically noise, trash, and environmental issues, as well as concurring that the 75th Street demarcation line should be enforced.

Ivan Harrison, 7515 Hamilton Avenue, said he was opposed to the re-zoning of the property. Mr. Harrison discussed the history of development and wetland impacts in the area.

John Giacomini, 220 75th Street, said he was opposed to the re-zoning of the property due to the precarious nature of development that has surrounded their subdivision.

Alice Krampits, 7515 Drew, submitted a list of names who were in objection to the re-zoning of the subject property, as well as a letter which stated her opposition to the petition. Ms. Krampits discussed issues with financial and property value impacts, traffic increases, environmental impacts, and specifically stressed that the Village has long enforced 75th Street as a demarcation line between commercial and residential.

At 9:14 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Praxmarer to close the public hearing.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

Commissioner Farrell said that she did not support the petition based on the unique nature of the lot and its impact on the character of the subdivision, as well as its non-compliance with the Comprehensive Plan.

Commissioner Hoch said that she did not support the petition, stating that this property was different than the T-1 property on North Frontage Road in that the front yard was located within a residential development on South Frontage Road.

Acting Chairman Stratis said that he did not support the petition on the basis that it simply did not make sense to violate the 75th Street demarcation at this time.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to recommend that the Board of Trustees deny a request by John Moskal for re-zoning of the subject property at 7500 Hamilton Avenue from R-2A Residential to T-1 Transitional.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Hoch, Farrell, Petrich, Praxmarer, and Stratis

NAYS: 0 – None

ABSTAIN: 1 – Broline

MOTION CARRIED by a vote of 6-0.

Z-18-2019: Zoning Ordinance Amendments; Text Amendment and Findings of Fact

Acting Chairman Stratis asked Mr. Walter to review the public hearing request. The petitioner is Tad Christensen, 8079 Creekwood Drive, requests consideration of amendments to Section IV of the Zoning Ordinance regarding the installation and maintenance of prairie grasses, natural plantings, and other such vegetation in lieu of grass in yards in residential zoning districts. Mr. Walter explained that at this time, there were several ancillary regulations dealing with prairie grasses but nothing that specifically regulated behavior on residential lots.

The Village has in the past, by internal action, allowed for the managed installation of Landscaping with permits in residential yards; however, there is no formally defined and codified standard for such action in Village regulations. This petition seeks to establish such regulations on a general basis. Mr. Walter said that the staff report was prepared from a direction-seeking perspective and requested that the Plan Commission provide feedback on the merits of the petition and the suggested aspects of potential regulation located in the staff report.

The petitioner was not present for the public hearing.

Robert Grela, 8045 Creekwood Drive, said that as the neighbor of the petitioner, the proposed amendments would not absolve his neighbor of his duty to cut his lawn. Mr. Grela said that he felt that this petition would be generally positive if done correctly and on a non-discriminatory lot size basis.

Alice Krampits, 7515 Drew, said that she supported any effort to allow prairie grasses to be planted in the Village, and looked forward to further discussions on this matter.

Several Plan Commissioners asked if there were a significant number of requests for such landscaping. Mr. Walter said that there was not a significant amount of requests but staff had previously made exceptions with one-time landscaping permits for such flora in yards, and that while the petition was originally submitted by one person, that the petition could be an opportunity to specify where and how prairie grasses would be appropriately permitted on a by-right basis. Mr. Pollock said that it was his hope that amendments related to prairie grasses would memorialize what had previously been permitted by internal policy.

Mr. Pollock suggested that the Plan Commission continue the public hearing for one additional meeting to allow the petitioner an additional chance to be present, but if the petitioner did not present himself, to withdraw the petition and request that the Board allow the Plan Commission to hold a public hearing on this matter. The Plan Commission agreed with this concept.

At 9:40 pm, a **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Irwin to continue the hearing to November 18, 2019.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

V. OTHER PETITIONS

VI. PUBLIC COMMENT

There were no additional public comments.

VII. FUTURE SCHEDULED MEETINGS

A. November 4, 2019

- **Z-14-2019: 1400 Burr Ridge Parkway (Patel); Rezoning, Special Use, and Findings of Fact**

Requests rezoning from the R-5 Planned Residence District to the O-2 Office and Hotel District and a special use as per Section IX.D.2.h of the Zoning Ordinance to approve a Planned Unit Development in the O-2 Office and Hotel District to accommodate a hotel on the subject property.

- **Z-16-2019: 7500 Hamilton Avenue (Moskal): Rezoning and Findings of Fact**

Requests rezoning of a property from the R-2A Residential District to the T-1 Transitional District.

- **Z-18-2019: Zoning Ordinance Amendment; Findings of Fact**

Consideration of amendments to the Zoning Ordinance regarding the adoption of regulations related to the permitted installation of prairie grasses, natural plantings, and other such vegetation in yards at residential properties.

B. December 2, 2019

- No business is currently scheduled for the December 2, 2019 meeting. If no business is scheduled by the November 18, 2019 meeting, staff recommends that this meeting be cancelled.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 9:48pm. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:48p.m.

**Respectfully
Submitted:**

Evan Walter, Assistant Village Administrator