

**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**VILLAGE OF BURR RIDGE**  
**MINUTES FOR REGULAR MEETING OF JANUARY 20, 2020**

**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 – Hoch, Stratis, Broline, Irwin, Farrell, Petrich, and Trzupek

**ABSENT:** 1 – Praxmarer

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

Chairman Trzupek acknowledged that tonight would have been Commissioner Praxmarer's final meeting as a Plan Commissioner and thanked her for her time and dedication to the Commission. Chairman Trzupek also congratulated other Plan Commissioners on their re-appointments.

**II. APPROVAL OF PRIOR MEETING MINUTES**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to approve the minutes of the November 18, 2019 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Hoch, Broline, Petrich, Farrell, and Trzupek

**NAYS:** 0 – None

**ABSTAIN:** 2 – Stratis, Irwin

**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.

**V-01-2020: Oak Creek Club Subdivision (Curelo); Variation and Findings of Fact**

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said the petitioner was Ken Curelo on behalf of the Oak Creek Club subdivision HOA, a gated subdivision located on the south side of 91st Street adjacent to Burr Ridge Middle School. The petitioner requests a variation from Section IV.K.2 of the Zoning Ordinance to permit outdoor storage of one commercial vehicle (henceforth "vehicle") and relevant attachments and implements to be used for snow removal on a seasonal, annual basis in a guest parking spot in the subject subdivision. Because the HOA owns and maintains its own streets, it must also plow the roads when snowfall occurs. The variation is necessitated as the HOA has requested to store a plow vehicle outdoors on

HOA property, which is not permitted by Section IV.K.2 of the Zoning Ordinance, which states that commercial vehicles may not be stored outdoors in residential districts.

Chairman Trzuppek asked for public comment.

Dirk Gnodde, treasurer of the Oak Creek Club HOA, said that the Zoning Ordinance made sense for individual properties but felt that some relief was warranted for subdivisions such as Oak Creek Club, as they were gated and responsible for snow removal of their own roads and driveways.

Chairman Trzuppek asked what was meant by “outside storage” as defined by the Zoning Ordinance. Mr. Walter said that items are located either indoors, defined as being placed within an entirely enclosed structure that meets building codes, or outdoors.

Commissioner Stratis asked why the vehicle could not be stored in an alternate location. Mr. Curelo said that the location selected may have been more visible from street view, but was also not visible from any one home, with the parking area also being centrally located.

Commissioner Farrell asked how the snow was managed in previous years. Mr. Curelo said that the vehicle was stored in its current location for approximately ten years, and only during the previous year did a resident make a complaint to the Village. Mr. Curelo said there was no space to build an enclosure on the property due to a lack of space. Mr. Curelo said that the HOA considered parking the vehicle on an unused tennis court owned by the HOA, but that the vehicle would then be required to use public roads to enter the HOA due to a lack of drive access to the court. This option was deemed unfeasible by the Plan Commission. Commissioner Farrell asked if other subdivisions had made similar requests. Mr. Walter said that this was the first such request by a subdivision according to Village records.

Commissioner Petrich asked what was done to solicit resident input on the matter. Mr. Curelo said that the HOA has received one complaint on the appearance of the vehicle, who was also presently suing the HOA on an unrelated matter, but otherwise no issues have been presented.

Commissioner Irwin asked for clarification as to the nature of the suit against the HOA. Mr. Curelo said that the suit was unrelated to the petition before the Plan Commission. Commissioner Irwin asked why the vehicle could not be transported to the subdivision during a snow event. Mr. Curelo said that such an action would be costly, also noting that some contractors refused to bid on the snow removal contract if the vehicle were not permitted to be stored onsite. Mr. Curelo said that contractors use the subject vehicle to clear snow from driveways and cul-de-sacs, work that cannot be done with a simple blade plow. Commissioner Irwin asked how many subdivisions such as Oak Creek Club were similarly responsible for snow removal such as this. Mr. Walter said that there were five gated subdivisions in the Village, defined as subdivisions with a staffed, private guardhouse.

Commissioner Hoch said that she felt the vehicle was an eyesore and wanted to see an alternate location or plan put forward.

Chairman Trzuppek said that he preferred an enclosure to be placed on the subject area. Mr. Walter said that if the Plan Commission requested a solid fence be placed on the subject property to screen the vehicle, said solid fence would also require a variation as well as be a permanent structure, whereas the vehicle would be present only 4 ½ months out of the year. Mr. Walter said that if the Plan Commission requested a full building be erected to store the vehicle indoors, staff would interpret such an action as requiring a PUD amendment, and thus would require a public hearing.

Commissioner Broline asked if the HOA would experience a loss of service if the vehicle were not permitted to be stored on the subject property. Mr. Curelo said that he worried about the loss of service for his more elderly residents who rely upon home health care and other services as part of their daily life if the snow could not efficiently be plowed.

Commissioner Hoch asked how other gated subdivisions plow snow. Mr. Walter first asked if the subdivision owns the driveways and walks; Mr. Curelo confirmed this. Mr. Walter then said that while there are five gated subdivisions in the Village, only two are responsible for clearing driveways and walks as well as the streets, with the other being Burr Ridge Club. Mr. Walter used the example of Falling Water being a gated subdivision where the HOA only maintained the street. Mr. Walter said that Burr Ridge Club was also different from Oak Ridge Club in that Burr Ridge Club has shared clay driveways, which require a special kind of plow to maintain safely.

Commissioner Irwin said that the request was for a variation, but the petitioner filled out findings of fact for a special use. Mr. Walter noted this and provided guidance as to how the Plan Commission can move forward.

Several Plan Commissioners asked for a poll of the community to understand the support for such a petition.

Mr. Walter said that he felt a poll of the residents would not be helpful in the Plan Commission's consideration of the request because public support or opposition of a request is not necessarily material to determining the findings of fact. Mr. Walter said that the Village did send letters to all residents of the subdivision, posted a sign in the exact spot where the vehicle would be stored, and thus outreach has already occurred. Mr. Walter noted that several residents did inquire as to the petition but very few had an opinion in support or against the petition, bar the objection letter received. Mr. Walter said that examples of hardship could be that contractors refused to plow the driveways of the subdivision if a vehicle could not be stored on site, as well as the possibility of heavy snow creating conditions wherein the vehicle could not be delivered quickly to the subdivision, thus creating a safety hazard for residents.

Commissioner Farrell agreed with Mr. Walter's statements, saying that her only additional request was that staff work with the HOA to determine if other locations to park the vehicle were present.

Commissioner Stratis asked if there was anything unique about Oak Creek Club that the Plan Commission could use to make a determination that the request was reasonable. Mr. Walter said that Burr Ridge Club was the only comparable subdivision in the Village, and that their driveways were dirt instead of asphalt, and used a different snow removal method.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to continue the public hearing to February 3, 2020.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 7-0.

**Z-03-2020: 6880 North Frontage Road (Hayes); Text Amendment, Special Use, and Findings of Fact**

Chairman Trzuppek asked Mr. Walter to review the public hearing request. Mr. Walter said that the petitioner is Nancy Hayes, owner of Grand Avenue Preschool and Day Care. The petitioner requests a text amendment to Section X.E.2 of the Zoning Ordinance to add “Child Care Center” as a special use in the L-I Light Industrial District and a special use as per the amended Section X.E.2 of the Zoning Ordinance to permit a “Child Care Center” at the subject property. The petitioner is the owner and proprietor of an accredited early childhood education center that has operated at several locations in the western suburbs since 1981. The petitioner seeks to open a new 5,000-square foot facility at the subject property that would provide continued services to the public.

Chairman Trzuppek asked for public comment. None was given.

Chairman Trzuppek asked for clarification as to the schedule of the use. Ms. Hayes stated that children would arrive between 7:00AM and 9:00AM based on the type of program the child is enrolled. Ms. Hayes said that children would either leave at 11:00AM if they were in a half-day program or between 3:00PM and 4:00PM if they were in a full-day program. Ms. Hayes said that she would be working with Vine Academy to create a coherent valet plan in the future.

Commissioner Hoch said she supported the petition and had no objections.

Commissioner Irwin asked if Grand Avenue would be sharing a playground with Vine Academy. Ms. Hayes said that she was required by the State to have a playground built for the needs of the ages of the children served by the use, and thus would be required to build their own playground.

Chairman Trzuppek asked if a recommendation could be made based upon staff approval of a parking plan. Mr. Walter said that this was acceptable.

Commissioner Petrich asked if the business would be opening early to service Loyola employees. Ms. Hayes said that she would not be pursuing this possibility.

Commissioner Farrell asked if other tenants were present. Mr. Walter said that Vine Academy, Seasons Hospice, and Advanse were the other tenants present. Commissioner Farrell asked if there was any concern about the playground occupying parking spaces. Mr. Walter said that this use presented no zoning impact.

Commissioner Stratis asked if an exit shown would open to a shared office area. Ms. Hayes said that the exit shown would be moved to a public area and not have the use be accessible from private areas.

At 8:33p.m., a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing.

**ROLL CALL VOTE** was as follows:

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

**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 approval of a text amendment to Section X.E.2 of the Zoning Ordinance to add “Child Care Center” as a special use in the L-I Light Industrial District.

**ROLL CALL VOTE** was as follows:

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

**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 approval of a special use as per the amended Section X.E.2 of the Zoning Ordinance to permit a “Child Care Center” at the subject property, subject to the following conditions:

1. The special use permit shall be limited to Grand Avenue Preschool and Day Care in a manner consistent with the submitted business plan.
2. The special use shall be limited to the 5,000 square feet of floor area shown within the business plan at 6880 North Frontage Road.
3. The special use permit shall be limited to Nancy Hayes and her business partners and shall expire at such time that Ms. Hayes and her business partners no longer occupies the space at 6880 North Frontage Road or at which time there is an assignment or termination of the lease for the space at 6880 North Frontage Road.
4. The capacity of the special use shall be limited to 80 children on the premises at any particular time.
5. Staff shall administratively review and approve a parking management plan for the pickup and drop-off times at the subject property.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 7-0.

#### **IV. CORRESPONDENCE**

Commissioner Irwin asked about the Board’s decision to deny a special use to Apex, even though the Plan Commission recommended approval of the renewal. Mr. Walter said that the petitioner asked for additional relief beyond what was suggested at the Plan Commission hearing, and the Board disagreed with this sentiment.

#### **V. OTHER PETITIONS**

##### **PC-01-2020: Annual Zoning Review**

Mr. Walter reviewed the annual zoning review, explaining that it served as a summary of all petitions in the previous year as well as provided suggestions for the Plan Commission as to items that may warrant additional attention.

The Plan Commission concurred that all of the suggestions except for a review of office parking standards warranted additional consideration in the form of a public hearing.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to request that the Board permit the Plan Commission to hold public hearings regarding planned

landscaping, solar panels, short-term residential rentals, and elaborating zoning definitions within the Zoning Ordinance.

**ROLL CALL VOTE** was as follows:

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

**NAYS:** 0 - None

**MOTION CARRIED** by a vote of 7-0.

## **VII. FUTURE SCHEDULED MEETINGS**

### **A. February 3, 2020**

- **Z-04-2020: 15W230 North Frontage Road (Bobak); Special Use, Variations, and Findings of Fact**

Requests a special use for a site plan and building elevation review for the purpose of erecting a 10,000-square foot, 2-story office building with associated parking in the T-1 Transitional District. The request requires the following variations from the Zoning Ordinance: development of a lot without minimum lot area and lot width; a principal building that exceeds the maximum FAR requirements; insufficient setbacks for a principal building on the interior side, corner side, and rear yards; a driveway which exceeds the maximum allowable width in a non-residential district; insufficient setbacks for a driveway from a property line; an off-street loading berth in a yard adjoining a residential district that is not fully enclosed; a trash dumpster located partially in the side yard and nonadjacent to the rear wall of the principal building; an insufficient number of parking spaces for an office use; and insufficient setbacks for off-street parking as well as off-street parking located in the front and corner side yards of the subject property.

### **B. February 17, 2020**

Mr. Walter said that at least one petition was received for this hearing but a complete legal description had not been finalized.

## **VII. ADJOURNMENT**

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to **ADJOURN** the meeting at 9:05p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:05p.m.

**Respectfully  
Submitted:**

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Evan Walter, Assistant Village Administrator