

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF AUGUST 17, 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 Trzupsek. Due to the current limitations on social distancing and gatherings of no more than 50 persons in physical attendance that were set forth in place by the Declaration of a State of Emergency by the Governor of the State of Illinois based upon the ongoing novel coronavirus pandemic disaster, the hearing was convened utilizing a virtual environment, pursuant to Public Act 101-0640.

Chairman Trzupsek read aloud the following statement:

“As Chairman of the Village of Burr Ridge Plan Commission and Zoning Board of Appeals, I am advising you in your capacity as Deputy Village Clerk that I hereby declare that conducting an in-person meeting of the Burr Ridge Plan Commission/Zoning Board of Appeals on August 17, 2020 is neither practical nor prudent due to Governor Pritzker’s May 29, 2020 Declaration of a State of Emergency caused by the COVID-19 pandemic.”

ROLL CALL was noted as follows:

PRESENT: 8 – Broline, Petrich, Hoch, Stratis, Farrell, Irwin, Parrella, and Trzupsek

ABSENT: 0 – None

Assistant Village Administrator Evan Walter was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Farrell to approve the minutes of the July 20, 2020 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

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-04-2020: 15W230 North Frontage Road (Bobak); Special Use, Variations, and Findings of Fact; continued from August 3, July 6, and February 3, 2020

At the outset of the discussion, Commissioner Broline recused himself from all discussion and voting on the present petition due to a conflict of interest in the potential property sale. This recusal was noted and accepted by the Plan Commission.

Chairman Trzupcek asked for a summary of the petition. Mr. Walter said that the petitioner is John Bobak, prospective buyer of the property at 15W230 North Frontage Road. The petitioner is requesting a special use consisting of a site plan and building elevation review for a 9,500-square foot, 2-story office building with associated parking in the T-1 Transitional District, along with several variations to accommodate development of said property to accommodate an office use on the subject property. Mr. Walter noted that several revisions were made to the site plan relative to previous iterations of the petition, including a new elevation, elimination of drive aisles from Hamilton and Elm Avenue, the three-sided screening of the loading dock with matching brick to the principal building, the relocation of the dumpster from the eastern property line to the front wall, as well as the addition of landscaping throughout the property but especially next to the northern property line.

Jonathan Hague, representative of the petitioner, said that he felt the proposal was a positive reflection of the feedback provided by the Plan Commission, staff, and residents.

Chairman Trzupcek asked for public comment.

Frank Mensik, 7339 Hamilton, said that the changes proposed by the petitioner were positive, noting that there would be no traffic impact on the adjoining residential subdivision.

Susann Pederson, 7250 Elm, said that the removal of entrances to the property from Hamilton and Elm was an improvement, but still had concerns about truck traffic on Frontage Road. Mr. Hague said that there was sufficient room for a box truck to pull forward and into the proposed loading dock without blocking any passing traffic. Mr. Walter said that the Village would be patrolling the subdivision to the north for illegal truck traffic independent of the outcome of the petition. Ms. Pederson said she was thankful for the improved site plan and attention to truck traffic.

Barbara Fantozzi, 7301 Hamilton, said that there was a significant amount of truck traffic in the area that would be further exacerbated by the presence of a loading dock on the site. Ms. Fantozzi asked what would preclude the business from expanding to have a larger warehouse. Mr. Walter said that the site plan would only be permitted as presented, which would mean that the size of the loading dock would also require amendments to revise to create a larger loading dock. Mr. Walter said that one of the conditions for approval that was proposed by staff was the limitation that the loading dock be used only 12 times per year, which would run with the land and not expire if the business eventually left the property.

Oscar Pederson, 7250 Elm, asked if the petitioner supplied a landscape plan. Mr. Walter said that a plan had been developed and reviewed it with the petitioner. Mr. Walter also said that a fence

was proposed for the entirety of the northern property line. Mr. Pederson said that he opposed the height of the building. Mr. Walter noted that the site plan was within the permitted standards for building height in the T-1 Transitional District. Mr. Pederson asked how water would be controlled. Mr. Walter said that existing County stormwater systems would be used to engineer the site, and that he had already initiated an inquiry with the County to make improvements to existing drains nearby which prompted unrelated resident complaints. Mr. Pederson asked if any lights were proposed for the subject property. Mr. Walter said that one safety light was proposed above a door on the north side of the property, while three other lights were added to the southern curblineline of the proposed parking lot.

Julie Mensik, 7339 Hamilton, asked to see where the parking lot lights were being added. Chairman Trzuppek said that the Village's light standards needed further adherence and recommended light shields for the 15' parking lights.

Commissioner Hoch said that she was looking forward to the building being developed on the site. Commissioner Hoch thanked the petitioner for their responsiveness to the Plan Commission and residents.

Commissioner Irwin asked to review the setbacks of the property, which Mr. Walter explained. Commissioner Irwin noted that while the setback to the Frontage Road property line was approximately 10 feet but in actuality, the building was located approximately 30 feet back from the roadway. Commissioner Irwin asked about the height and style of the garage door, and requested that the garage door be revised to be more residential in style, recommending it be painted or windows added. Mr. Hague concurred that these revisions could be accommodated.

Commissioner Petrich said that there were significant improvements made on the site plan and elevation. Commissioner Petrich asked that more landscaping be made along Elm Avenue to improve the buffer between the park and the building. Mr. Walter confirmed more would be added.

Commissioner Farrell supported the proposed condition wherein the building would be permitted to use the loading dock no more than 12 times per year.

Commissioner Stratis supported the petition but requested that additional landscaping be added between any north-facing parking space and the northern property line. Commissioner Stratis said that he would like to condition the site plan to include the proposed fence elevation as proposed within the petitioner's packet, as well as include the same elevation around the trash dumpster.

Chairman Trzuppek asked about the outer wall plane and rooftop screening. Mr. Hague said that the rooftop screen walls would be metal and match the dark brick accents, measuring no more than four feet tall.

At 7:48pm, 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, Farrell, Stratis, Petrich, Parrella, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Farrell and **SECONDED** by Commissioner Petrich to recommend that the Board approve a special use for a site plan and building elevation review for the purpose of erecting a 9,500-square foot, 2-story office building in the T-1 Transitional District as well as the following variations from the Zoning Ordinance: a principal building that exceeds the maximum FAR requirements; insufficient setbacks for a principal building in the corner and rear yards; a trash dumpster located nonadjacent to the rear wall of the principal building; an insufficient number of parking spaces for the specified building usage; an off-street loading berth in a side yard adjoining a street; insufficient setbacks for off-street parking; and off-street parking located in the front yard of the subject property, all subject to the following conditions:

1. The special use and variations be made subject to the business and site plan submitted by the petitioner.
2. The special use shall be limited to John Bobak and his business partners.
3. The loading dock be used not more than 12 times per calendar year.
4. The garage door on the loading dock shall reflect a residential character.
5. Landscaping shall be added along the eastern property line as well as screening all north-facing parking spaces, all to be approved by staff.
6. A 6' fence matching that; which is included in the petition's submittal, be erected along the entirety of the northern property line.
7. All rooftop mechanical units must be screened with metal and matching brick.
8. All lighting shall be screened with light shields to prevent light spillage.

ROLL CALL VOTE was as follows:

AYES: 7 – Farrell, Petrich, Hoch, Irwin, Stratis, Parrella, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Z-09-2020: 15W776 North Frontage Road (Criscione); Re-Zoning, Special Uses, Text Amendment, and Findings of Fact

Chairman Trzupsek asked for a summary of the petition. Mr. Walter said that the petitioner is Michael Criscione, owner of M&T Trucking located at 7545 Madison Street in unincorporated DuPage County. This petition is intended to replace petition #Z-08-2020. The petitioner requests re-zoning of the subject property from the B-2 Business District to G-I General Industrial, as well as a special use for “automobile and truck and equipment sales, rental, and service”, a text amendment to add “outdoor, overnight storage of retail vehicles ancillary to a permitted or special use” as a special use, and a special use for “outdoor, overnight storage of retail vehicles ancillary

to a permitted or special use” per the aforementioned amendment, all in the G-I General Industrial District. Mr. Walter said the current petition replaced Z-08-2020, which was withdrawn due to a lack of support to permit truck sale uses in the B-2 Business District. Mr. Walter reviewed each of the four requests by the petitioner.

Chairman Trzupke asked for public comment. There was none.

Commissioner Stratis said that he liked the flagpole that was proposed for the southwest side of the property, and preferred a non-wooden fence.

Commissioner Farrell asked where employees of the business would park. Michael Criscione, petitioner, said that four to five employees and four customers at a time would park along the rear of the principal building. Commissioner Farrell said that in review of the PermaSeal approval, she liked the condition which limited the outdoor parking to those owned by PermaSeal, but understood that the same arrangement was not feasible in this petition due to the nature of the sales business. Commissioner Farrell said that she would want to include a condition that precluded the ability to store trucks that were not owned by the business or in process of being sold. Commissioner Farrell asked about the style of fences in the area. Mr. Walter said that there were not many fences nearby, except for a white vinyl fence at Madison’s Pub and a rail fence at Taming’s.

Commissioner Broline said that he had no real concerns about the truck use.

Commissioner Petrich asked how many issues had occurred at the petitioner’s existing business. Mr. Criscione said that he had not experienced a criminal issue on his present property in six years. Commissioner Petrich asked if the proposed swing gate would provide any security. Mr. Criscione said that he would like to have a military-style swing gate that would match the fence placed on the western property line. Commissioner Petrich requested that the business’ hours and a prohibition on rentals be added to the proposed conditions.

Commissioner Parrella said that the landscape plan remained lacking, and felt that an iron bar fence would be appropriate at the site.

Commissioner Irwin said that nothing presented in the petition changed his mind that the business and G-I zoning was inappropriate for the corner.

Commissioner Hoch said she was not motivated to have additional truck sales in Burr Ridge, but also said that there is not always perfect uses for every corner. Commissioner Hoch said that she would not want to see a solid fence along Madison Street. Commissioner Hoch said that this was a higher quality truck use compared to other such uses in town, but did not feel it was completely appropriate. Mr. Criscione said that he did not have any concerns about crime occurring at the subject property, but since there was diverging feedback from the Plan Commission about the style of the fence they wanted, he wanted to offer several options, being open to their suggestions.

Chairman Trzupke said that he wanted to have more of a hard proposal from the petitioner regarding fences and landscaping. Mr. Criscione said that he wanted to have a black metal fence with a flat top. Mr. Criscione apologized for the lack of quality in the landscape plan, but felt that he was not given clear feedback from the Plan Commission at past meetings about whether there was a desire for larger or smaller vegetation, etc.

Commissioner Stratis said that he felt that the subject property's past uses as restaurants were relics of the past, and that Madison Street should not be considered a major arterial from a planning or economic development perspective. Commissioner Stratis said that the rezoning petition was obvious on its merits.

Chairman Trzupke said that he preferred that the Plan Commission retain some level of control over the final landscape plan, even after closing the public hearing.

Commissioner Hoch said that the landscaping plan was irrelevant to her thinking, noting that it was simply the use itself to which she objected.

Commissioner Farrell asked if it were possible to permit truck sales without overnight parking. Mr. Walter said that was possible. Commissioner Farrell felt that the precedent of overnight parking was a big step that the Village should be careful not to cross. Mr. Criscione said that Lyons Truck Sales already set a precedent for the Village. Mr. Walter said that Lyons was granted outdoor parking permission for trucks, etc. in 1980 as a condition of a truck sales use.

Chairman Trzupke asked if it were more palatable to condition the truck sales special use to permit outdoor parking. Mr. Walter said that would be legally feasible. Mr. Walter said that the Plan Commission could partially control setting precedent by creating revised Findings of Fact, such as denoting that the property was located adjacent to a highway and not located adjacent to any other parcels in the Village or near any homes. Commissioner Farrell supported further consideration of this concept.

Commissioner Irwin said that overnight parking was not necessary to accommodate the sales office use. Mr. Criscione disputed Commissioner Irwin's characterization of the business. Chairman Trzupke said that he expected trucks to be kept on the property overnight.

Mr. Criscione said that he had a letter from Madison's Pub who strongly endorsed his business locating at the subject property.

At 9:02pm, a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Irwin, Broline, Farrell, Hoch, Petrich, and Trzupke
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to recommend that the Board approve a request by Michael Criscione to re-zone the subject property from the B-2 Business District to G-I General Industrial, subject to the Findings of Fact submitted by the petitioner.

ROLL CALL VOTE was as follows:

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

NAYS: 2 – Irwin and Hoch

MOTION CARRIED by a vote of 5-2.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to recommend that the Board approve a request by Michael Criscione for a special use for “automobile and truck and equipment sales, rental, and service”, subject to the following conditions:

1. The special use shall be limited to Michael Criscione and his business partners at M&T Trucks, subject to the submitted business and site plan.
2. The special use shall expire if M&T Trucks ceases operations at 15W776 North Frontage Road.
3. No ramps, balloons, copy-changing signs, signs on or inside any part of a truck stored on the subject property, or other attention-getting devices not otherwise permitted by the Burr Ridge Sign Ordinance are permitted on the subject property. These conditions shall supersede any otherwise permitted exemptions provided by Chapter 55 of the Burr Ridge Municipal Code (Sign Ordinance).
4. A black metal fence shall be installed along Madison Street.
5. A black metal swinging gate shall be installed across the Frontage Road property entrance.
6. A landscaping plan shall be prepared and approved by both staff and the Chairman of the Plan Commission at a later date, and shall include both a hedgerow and complimenting trees along Madison Street.
7. The curb along Madison Street shall be extended across the entirety of the Madison Street entrance, with the adjoining space between the street and sidewalk to be landscaped with dirt, grass, and other landscaping as permitted and required by DuPage County. This action shall be completed within 12 months of Board approval of the special use.
8. No maintenance of trucks shall be performed on the subject property.
9. No rental of vehicles of any kind may be advertised or occur on the subject property.
10. No trailers or other accessories may be parked or stored at any time on the subject property.
11. The business hours shall be 9:00am-5:00pm from Monday-Friday, 9:00am-12:00pm on Saturday, and closed on Sunday.
12. No storage of vehicles not owned by either M&T Trucks or a secured buyer for a vehicle is permitted on the subject property.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Petrich, and Trzupsek
NAYS: 3 – Irwin, Hoch, and Farrell

MOTION CARRIED by a vote of 4-3.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board approve a request by Michael Criscione to add “outdoor, overnight storage of retail vehicles ancillary to a permitted or special use” as a special use in the G-I General Industrial District, subject to the Findings of Fact submitted by the petitioner.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Petrich, and Trzupsek
NAYS: 3 – Irwin, Hoch, and Farrell

MOTION CARRIED by a vote of 4-3.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board approve a request by Michael Criscione for a special use for an “outdoor, overnight storage of retail vehicles ancillary to a permitted or special use” as a special use in the G-I General Industrial District as per the amended Zoning Ordinance, subject to the following conditions:

1. The special use shall be limited to Michael Criscione and his business partners at M&T Trucks, subject to the submitted business and site plan.
2. The special use shall expire if M&T Trucks ceases operations at 15W776 North Frontage Road.
3. No more than fourteen (14) semi-truck cabs shall be stored on site at any one time, and all trucks stored overnight shall be parked in a striped parking space.
4. Individual trucks may not be stored on the subject property for more than seven (7) consecutive days.
5. Any truck stored overnight on the subject property shall be in good working condition.
6. No maintenance of trucks shall be performed on the subject property.
7. No trailers or other accessories may be parked or stored at any time on the subject property.
8. The special use shall be temporary in nature, expiring one year after final ordinance approval is granted by the Board of Trustees.

Commissioner Stratis said that it was important to note that the Findings of Fact reflect the unique location of the subject property. Commissioner Broline concurred with Commissioner Stratis’ statements.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Petrich, and Trzupek
NAYS: 3 – Irwin, Hoch, and Farrell

MOTION CARRIED by a vote of 4-3.

IV. CORRESPONDENCE

V. OTHER PETITIONS

PC-03-2020: 16W415 99th Street (American Castle); Extraterritorial Review of Preliminary Plat of Subdivision

Chairman Trzupek requested an overview of the petition. Mr. Walter said that the petitioner is American Estate Development of Willowbrook, who is petitioning DuPage County for a 20-unit townhome development at the southern terminus of Jackson Street just east of Route 83. The subject property is located outside of the Village's corporate boundaries; however, the State of Illinois grants the Village legal authority to enforce its subdivision regulations beyond the Village boundaries up to a distance of one and one-half miles. Such a review would allow for an understanding as to the developer's investment in half-street improvements, including a half-street resurfacing, curb, sidewalk, and other items required by the Village Subdivision Ordinance. The Village does not have any rights of review regarding the zoning of said property. Where conflicts or inconsistencies arise between the subdivision code of a Village and the adjacent County, the Illinois Municipal Code provides that such conflicts be resolved by deferring to the most restrictive subdivision ordinance or code in place at the time of review. Therefore, if a municipality has adopted a comprehensive plan extending into those unincorporated areas within one-and-one-half-miles of the Village, the subdivision of such property is legally exempted from "the application of any less restrictive rules or regulations". In summary, the property owner must comply with the most restrictive standards and requirements set forth by both the Village and the County, which in this case, is the Village of Burr Ridge. Staff has reviewed the petition and has found that the subdivision's entire proposed infrastructure meets the standards imposed by the Village's Subdivision Ordinance. Mr. Walter recommended that the Plan Commission retain its right to review and approve the proposed subdivision for compliance with the Village's Subdivision Ordinance, as Village approval of the proposed subdivision will permit collection of school and park impact fees. The Plan Commission may also recommend waiver of said right at any time and allow the development to continue as proposed with no further review or enforcement, including waiving the Village's right to collect any impact fees.

Chairman Trzupek asked for public comment. There was none.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend that the Board approve a request by American Estate Development for extraterritorial review and preliminary plat of subdivision at 16W415 99th Street, subject to the submitted site plans.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Farrell, Irwin, Hoch, Petrich, Broline, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

PC-04-2020: 11622 87th Street (Vari); Preliminary Plat of Subdivision and Subdivision Variations

Chairman Trzupsek requested an overview of the petition. Mr. Walter said that the petitioner is Jim Vari, requesting a preliminary plat of subdivision with subdivision variations at 11622 87th Street. Mr. Walter said that the purpose of the petition was to receive feedback from the Plan Commission on a proposed subdivision with variations, but to take no vote on the petition this evening. To create this subdivision, the petitioner is normally required to provide a cul-de-sac terminus with a 90' pavement width and 120' right-of-way per the Subdivision Ordinance. The petitioner has requested a variation from this requirement as the property would not be generally sub-dividable without a variation from this requirement. Two single-family residential lots are proposed; each lot complies with the minimum 40,000 square foot lot area but not from the 125' width as required in the R-2A District. Lot 2, as generally described by the petitioner, would not have sufficient width at either the southern terminus along 87th Street nor along the lot as proposed in the northeast portion of the subject property. The petitioner is also requesting a variation to waive the requirement for a 60' right of way and 28' public road leading to either lot in the proposed subdivision. The lots would both become accessible via a shared private driveway with an access easement. The driveway that would be shared by the new lots already exists and would not require any improvements if such a variation were permitted. The petitioner presents the proposal to the Plan Commission with a simple plat of subdivision to gauge the Plan Commission's feedback as to the feasibility of the petition. If the Plan Commission were to be receptive to recommending approval of the variations, the petitioner would return with more detailed plans for an official recommendation later.

Commissioner Irwin said he understood the purpose of the request and would be open to further consideration.

Commissioner Farrell said that the petition seemed forced and asked if the petition would set any precedents if the variations were approved. Mr. Walter said that granting a variation not to require the full public street would certainly set a precedent for future petitions.

PC-05-2020: Village Center PUD (Hassan); Informal Discussion

Ramzi Hassan, owner of the Village Center, made a presentation regarding the economic and planning status of the Village Center. Mr. Hassan said that he planned to bring several petitions forward in the coming weeks which would create revisions to the Village Center PUD which would allow for greater flexibility in creating a vibrant shopping center. The Plan Commission appreciated Mr. Hassan's presentation and looked forward to his petitions coming forth.

VII. FUTURE SCHEDULED MEETINGS

Mr. Walter said that no meeting was scheduled for September 7, 2020 due to Labor Day. The next scheduled Plan Commission meetings were set for September 21, 2020 and October 5, 2020.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to adjourn the meeting at 10:58p.m.

ROLL CALL VOTE was as follows:

AYES: 8 – Hoch, Petrich, Broline, Irwin, Stratis, Farrell, Parrella, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

Respectfully Submitted:

Evan Walter, Assistant Village Administrator