

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF OCTOBER 19, 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.

Chairman Trzupek 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 October 19, 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, Irwin, Farrell, Stratis, Parrella, and Trzupek

ABSENT: 0 – None

Assistant Village Administrator Evan Walter was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Irwin to approve the minutes of the September 21, 2020 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Broline, Irwin, Hoch, Petrich, Parrella and Trzupek

NAYS: 0 – None

ABSTAIN: 2 – Stratis and 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-12-2020: 7512 County Line Road (Giadla); Special Use, Text Amendment, and Findings of Fact; continued from September 21, 2020

Chairman Trzupke asked for a summary of the petition. Mr. Walter said that the petitioner is Peter Giadla, owner of the office building and property located at 7512 County Line Road. The petition was continued from September 21, 2020. The petitioner has revised the hours of operation be limited to 7:00am-6:00pm from Monday-Friday and 7:00am-3:00pm on Saturday. For comparison, the Shirley Ryan Ability Lab, adjacent to the south, is open from 7:30am-6:30pm Monday-Friday and closed on Saturday and Sunday, all while seeing a greatly increased patient quantity compared to the subject use. The existing dentist use at the subject property is open from 9:00am-5:00pm on Monday, 11:00am-8:00pm on Wednesday, and then 9:00am-3:00pm on Saturday, closed all other times except by appointment on Tuesday. The petitioner states that the practice will have 3-5 employees and one doctor seeing approximately 200 patients per week. This equates to approximately 33 patients per day or 3 per hour based on the revised proposed hours. The petitioner has also committed to regular maintenance on the landscaping buffer and drainage ditch abutting the western property line of the subject property, including installing year-round landscaping that will be sufficiently tall to block the view of headlights for the residences to the west, such as arborvitae. Staff does not anticipate that extending the fence north from the Shirley Ryan Ability Lab will allow for meaningful sound or light mitigation for neighboring residents. The petitioner also submitted a revised landscape plan on the day of the public hearing.

Chairman Trzupke asked for public comment.

Alice Krampits, 7515 Drew Avenue, asked for clarification if 6:00pm would be the last appointment or the conclusion of operations. Peter Giadla, petitioner, stated that the use's final appointment would be prior to 6:00pm and all staff and customers would be off the premises by 6:00pm. Ms. Krampits objected to the text amendment.

Mark Thoma, 7515 Drew Avenue, said that a central issue with the western property line was that while the scrub brush that was present allowed for greater light mitigation, but also precluded proper use of the drainage ditch that was present on the site. Mr. Walter acknowledged that there was a balance that he and the petitioner were trying to strike between protecting homes from light and noise while allowing for proper drainage, opting to solve the drainage issue since the options for improving this issue tended to be finite. Mr. Thoma acknowledged that progress was being made with the landscape plan but wanted to see additional details. Mr. Walter said that the petitioner's plan simply represented an attempt to find that balance and options could be explored.

Commissioner Stratis asked if the special use might be granted without the text amendment receiving approval. Mr. Walter confirmed this would be permitted. Commissioner Stratis said that the petitioner's landscape plan was generally acceptable but requested that some sort of metal or high-edged pipe be placed in the drainage ditch on the subject property.

Commissioner Farrell said that she supported the concepts presented in the special use but felt that the discussion that was occurring was evidence that special uses should remain.

Commissioner Petrich said he would like to explore a fence as a method to increase the efficacy of any drainage solution.

Commissioner Parrella concurred with the comments made by the Plan Commission.

Commissioner Irwin said he was sensitive to the neighbor's concerns regarding sound and light.

Commissioner Hoch said that she did not support the text amendment and felt that enforcement of the drainage was an important aspect of the petition.

Mr. Giadla said that he was flexible regarding the needs of the neighbors and committed to finding a solution to the issues discussed.

Commissioner Broline asked if a hearing notice letter went out to the residents. Mr. Walter said that the Village received three replies directly but acknowledged that Ms. Krampits submitted a high number of responses on her own accord.

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

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to recommend that the Board approve a request by Peter Giadla for a special use for a medical office at 7512 County Line Road, subject to the following conditions:

1. The special use permit shall be limited to Balance Chiropractic Medicine at 7512 County Line Road in a manner consistent with the submitted site and business plan, and shall be null and void at such time that Balance Chiropractic Medicine no longer occupies the space at 7512 County Line Road or at which time there is an assignment or termination of the lease for the space at 7512 County Line Road.
2. The business hours of Balance Chiropractic Medicine shall be limited to 7:00am-6:00pm on Monday-Friday, 7:00am-3:00pm on Saturday, and closed on Sunday.
3. The petitioner shall create a landscape plan that shall be approved by staff and neighboring property owners that accounts for light, noise, and drainage mitigation along the western property line. All property owners and residents who live on the east side of Drew Avenue between 75th Street and 77th Street shall be notified of said plans and receive the opportunity to comment on said proposal by the petitioner.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to recommend that the Board deny a request by Peter Giadla for a text amendment to amend Section VII.C.2 of the Zoning Ordinance to permit “offices, not including medical, at or under 2,700 square feet” as a permitted use and “offices over 2,700 square feet and medical offices of any size” as a special use.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Z-13-2020: Zoning Ordinance Amendments; Text Amendment and Findings of Fact

Chairman Trzupsek asked for a summary of the petition. Mr. Walter said that the petition requests text amendments to Zoning Ordinance Sections VIII and XI to permit temporary indoor dining activities at Village businesses, such as restaurants, including waiver of parking regulations, subject to staff approval. Staff was directed by the Board of Trustees to prepare this public hearing in an effort to assist Village businesses, primarily restaurants, in preparation of the winter dining season during the ongoing COVID-19 pandemic. Under current State regulations, restaurants are permitted to seat dining parties of no more than 10 persons, with social distancing of six feet provided between tables. Standing or bar areas are also limited to 25% of normal capacity. While the State does not impose a hard cap on the number of indoor diners at a restaurant, the rules regarding socially distancing have resulted in a loss of about half of the dining capacity at most Village restaurants.

Section VIII.A.4.c of the Burr Ridge Zoning Ordinance states that “[t]emporary (for a limited duration of time) outdoor activities may be permitted subject to written approval by the Community Development Director. Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.” In the spring, staff used this existing language to permit the presence of temporary outdoor dining tents at several restaurants throughout the Village in the onset of the COVID-19 pandemic. As winter approaches, several existing restaurants are considering temporary indoor expansions of their spaces to replace some of their current outdoor capacity that will be lost due to cold weather.

The salient purpose of the amendments are to ensure that existing Village businesses are able to obtain truncated zoning approval to operate through the winter season. Under current Zoning Ordinance regulations, a business operating under an existing special use i.e. a restaurant wishing to expand its indoor space, even on a temporary basis, would be required to obtain a revised special use, normally a 6-week process. If the text amendments were approved, this process would be

reduced to as little as one day. All non-existing uses would be required to seek traditional zoning approval and thus not included in the scope of these amendments. While the aforementioned amendments do not have a sunset date and thus would be permanently included in the Zoning Ordinance, staff administratively recommends that the ability for restaurants and other uses to receive temporary staff approval for indoor activities shall expire on May 1, 2021. For instance, if a use were permitted temporary expansion prior to May 1, 2021 and wished to keep its expanded space beyond this date, staff recommends that the use be required to obtain permanent zoning approval through standard processes.

Chairman Trzupek asked for public comment.

Alice Krampits, 7515 Drew, said that any text amendments should include a more permanent sunset clause.

Commissioner Hoch asked for clarification about whether an enclosed tent was an indoor or outdoor activity. Mr. Walter said that an enclosed tent would be considered an outdoor activity. Commissioner Hoch asked who was responsible for maintenance of existing tents. Mr. Walter said that the Village works with the Fire Districts to maintain safe tent spaces.

Commissioner Irwin asked for clarification that the text amendments would permit staff to approve any temporary activity. Mr. Walter said that was the amendment's general intent, however with direction from the Board that these temporary approvals be limited to business with a demonstrable loss of capacity due to the COVID-19 pandemic. Mr. Walter said that the approvals would be limited to existing uses.

Chairman Trzupek asked if some sort of element could be added specifying COVID-19 as being the cause of the need for temporary activities. Mr. Walter said that could easily be added, as that was the intent of the amendment. Commissioner Irwin recommended that there be a sunset clause added to the final ordinance as well as agreed with Chairman Trzupek's statement that COVID-19 impacts be added to the amendment in some capacity.

Commissioner Parrella concurred with the statements made by Commissioner Irwin.

Commissioner Petrich asked how temporary activities would be defined. Mr. Walter used the example of a restaurant expanding into a neighboring tenant space for a six-month lease would meet the general intent and definition of a temporary activity. Commissioner Petrich asked why parking waivers were included in the proposed amendments. Mr. Walter said that since all uses need to provide a specific amount of parking, there is a definite possibility that parking variations would be needed in addition to a special use under normal zoning circumstances. Commissioner Petrich supported including a May 1, 2021 sunset clause.

Commissioner Broline said that the intent of the amendments were necessary to assist the business community, but agreed that a sunset clause was also important to include.

Commissioner Farrell clarified that the amendments were to be applied solely to existing uses. Mr. Walter confirmed that would be the case, and stated that the proposed amendments would be clarified to strengthen this intent.

Commissioner Stratis said that he agreed with the intent of the amendments, and stated that he preferred to delegate broader powers to staff than were proposed by the Plan Commission. Commissioner Stratis asked how the Village could revoke any staff approvals that may exceed community value. Mr. Walter said that the Board is reserved this power by default.

Chairman Trzupsek said that he wanted to include a COVID-19 clause to the proposed amendment but felt that a sunset clause was not necessary for him to support the petition.

Commissioner Irwin asked staff to provide an update on any temporary approvals that are granted.

At 8:48 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to close the public hearing.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Petrich to recommend that the Board approve a request for the following text amendments to the Zoning Ordinance:

Section VIII.A.4.c (Business Districts):

Temporary (for a limited duration of time) outdoor activities may be permitted subject to written approval by the ~~Community Development Director~~ **Village Administrator or his/her designee.** Such activities shall not include any permanent improvements, buildings, or structures. Outdoor activities which may be permitted include festivals, tent sales, or seasonal sidewalk sales.

Section VIII.A.4.d (Business Districts):

- d. Temporary (for a limited duration of time) indoor activities, whether contiguous or non-contiguous to the principal use, may be permitted subject to written approval by the Village Administrator or his/her designee. Such activities shall not include any permanent improvements, buildings, or structures. Temporary indoor activities shall only be approved for existing uses that were in operation prior to January 1, 2020 and have experienced a demonstrable impact on their physical business due to the COVID-19 pandemic; such temporary activities shall not exceed an existing use's approved hours.**

Section XI.13.d.(17) (Off-Street Parking and Off-Street Loading):

17) The Village Administrator or his/her designee may administratively waive the minimum parking requirements for a temporary indoor or outdoor activity if the activity complies with the purpose and intent of Sections VIII.A.4.a and VIII.A.4.b.

These amendments, excepting the amendments to Section VIII.A.4.c, shall be made on the condition that they are to automatically sunset on May 1, 2021.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

Commissioner Hoch asked for clarification about veterinary clinic being added as a permitted use at the Village Center PUD. Mr. Walter said that the Board ultimately approved such an amendment.

Alice Krampits, 7515 Drew, objected to the process and procedures used by the Board to approve the veterinary clinic.

Commissioner Petrich asked for an analysis of the new home construction rates. Mr. Walter said that it was potentially indicative of the suburbs increasing in values again, and mentioned that many home alteration permits for minor renovations were received this year.

Commissioner Irwin asked what a right-of-way permit was meant to represent. Mr. Walter said that those permits were necessary when private parties were performing work in public rights of way, such as a driveway replacement.

V. OTHER PETITIONS

S-04-2020: 16W361 South Frontage Road (Price); Conditional Sign Approvals and Text Amendment

Chairman Trzupsek requested an overview of the petition. Mr. Walter said that the petitioner is Don Price, owner of the subject property at 16W361 South Frontage Road. The petitioner requests conditional sign approval for seventeen blade signs at the subject property. The petitioner and subject property is the same as in petition S-03-2020, which established “blade sign” as a conditional sign in Manufacturing Districts through an amendment to the Sign Ordinance. The amendments stated that blade signs be “not more than 18 inches extending from the building; 9 inches in total height; and 3 inches in thickness, with no other writing other than address numerals

on the face of the sign.” Each of the seventeen signs comply with these regulations. The address to which the blade signs would be affixed include 100, 102, 103, 104, 105, 106, 118, 120, 123, 124, 125, 126, 127, 128, 129, 130, and 131.

Chairman Trzupek asked for public comment. There was none.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Irwin to recommend that the Board approve a request by Don Price for conditional approval of seventeen blade signs at 16W361 South Frontage Road, subject to the submitted elevations and addresses.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

S-05-2020: 101 Burr Ridge Parkway (Lynch); Sign Variations and Findings of Fact

Chairman Trzupek requested an overview of the petition. Mr. Walter said that the petitioner is Karen Lynch, acting on behalf of the property owner. The petitioner requests variations from the Burr Ridge Sign Ordinance to permit two wall signs in addition to two permitted wall signs as well as a property with more than 100 total square feet of combined signage. The subject property contains a three-story commercial office building principally occupied by BMO Harris Bank but also includes J.J. Doorhy, who is requesting the sign variation. The building is permitted to have two wall signs, one for each street frontage, with the combined size of all ground and wall signs not to exceed 100 square feet. The subject property presently contains one ground sign and two wall signs totaling approximately 65 square feet. The variation is required to add two additional wall signs for J.J. Doorhy on each of the street frontages, who currently does not have signage on the exterior of the building or a ground sign. The proposed signs would be approximately 25 square feet each in size and have two colors. If approved, the subject property would have approximately 115 square feet of signage, thus exceeding the 100 square foot cap and requiring a separate variation.

Austin Davis, petitioner, had no additional comment.

Chairman Trzupek asked for public comment. There was none.

The Plan Commission generally felt that the petition deviated from the intent of the Sign Ordinance and set a potential precedent.

Chairman Trzupek asked if there were other types of office buildings with multiple tenants. Mr. Walter said that there were other buildings in general scope, but this was unique in that it was located in the B-2 Business District.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to recommend that the Board deny a request by Karen Lynch for variations from the Burr Ridge Sign Ordinance to permit two wall signs in addition to two permitted wall signs as well as a property with more than 100 total square feet of combined signage.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

VII. FUTURE SCHEDULED MEETINGS

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Farrell to adjourn the meeting at 8:56 pm.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted:

Evan Walter, Assistant Village Administrator