

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF FEBRUARY 7, 2022

I. ROLL CALL

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

ABSENT: 1 – Parrella

Community Development Director Janine Farrell was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Irwin clarified his comments made in relation to Z-13-2021. Commissioner Irwin supported a 10 ft. garage door facing the road, and a taller door which was side-loaded or not facing the road.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Petrich to approve the amended minutes of the November 15, 2021 Plan Commission meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 4-0 with one abstention.

III. PUBLIC HEARINGS

Chairman Trzupek noted that Z-01-2022 and Z-02-2022 were withdrawn by the petitioner.

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearings on the agenda for the meeting.

Z-03-2022: 15W776 North Frontage Road (Criscione); Special Uses and Findings of Fact

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that the petitioner is Michael Criscione, owner of M&T Trucking located at 15W776 North Frontage Rd. The petitioner is requesting permanent special uses for (1) automobile and truck and equipment sales, rental, and service; and (2) outdoor, overnight storage of retail vehicles ancillary to a permitted or special use. The petitioner was previously approved in 2020 for the two special uses, with the outdoor storage

request as temporary in nature, lasting one year. The truck sales special use is included in this request in case conditions need to be updated. The property is zoned G-I/General Industrial, is 0.83 acres, and has 28 truck parking spaces. Mrs. Farrell reviewed the previously approved truck sales special use conditions. Conditions #4, #5, and #6 were completed. For condition #7, DuPage County Division of Transportation did not recommend extending the curb along Madison St. since it would restrict future users of the property. For the outdoor storage special use condition #3, aerial imagery shows that more than 14 trucks have been parked on the property at any one time. Condition #8 may be removed if the Commission recommends this as a permanent special use.

Chairman Trzuppek asked if staff received any complaints regarding the property. Mrs. Farrell stated that staff has not.

Chairman Trzuppek asked if the petitioner was present and wished to speak. Michael Criscione stated that there have been instances of more than 14 trucks on the property due to circulating inventory. Mr. Criscione stated that he has invested significantly in improving the property and received compliments from Burr Ridge residents.

Chairman Trzuppek asked for public comment. None was given.

Commissioner Stratis reviewed the conditions and stated that he wished to retain the gate and fence conditions but that the landscaping condition was completed satisfactorily. Commissioner Stratis questioned the curb cut and whether the recommendation came from the petitioner or DuPage County. Mrs. Farrell confirmed that this recommendation to retain the curb cut was from DuPage County DOT. Commissioner Stratis recommended a condition that the applicant cannot park cars in the right of way. Commissioner Stratis supported allowing more than 14 trucks parked on site during operating hours only and granting permanent approval of the special use requests.

Commissioner Broline noted non-compliance with the number of trucks parked on site. Commissioner Broline supported more than 14 trucks but was sensitive to the Board's review of the compliance issue. Commissioner Broline questioned if there were any trucks not owned by the petitioner parked on site. Mr. Criscione stated there were not and all the trucks are inventory. Mr. Criscione requested that the number of trucks be increased from 14 but would comply if the amount remained unchanged. Commissioner Broline asked about the landscape plan. Mrs. Farrell stated she would have to verify if the landscaping installed complied with the submitted plan. Chairman Trzuppek stated he did not recall reviewing a landscaping plan. Commissioner Broline desired to see more of a landscape barrier or screening along Madison St. Mr. Criscione was amenable to planting more trees and shrubs in that area. Commissioner Stratis recalled from the previous petition that there were concerns about safety and theft if there was an abundance of landscaping obscuring view into the property.

Commissioner Petrich agreed with the previous comments made. Commissioner Petrich noted that the lighting is intense and asked about the night vision cameras which were discussed in 2020 and supposed to be installed. Mr. Criscione stated that he put up strong lighting but later worked with staff to redirect the lighting to prevent glare. Mr. Criscione had multiple security camera companies come to the property, but the night vision cameras were unable to function properly which is why the bright lighting was installed. Commissioner Petrich requested a condition be

added to have staff review the lighting and ensure compliance with the Zoning Ordinance regulations. Commissioner Petrich supported increasing the number of trucks parked on the site but did not want them parked there on the weekends. Mr. Criscione explained the sales process where sold trucks may remain on the property waiting for parts, but no maintenance occurs on site. Commissioner Petrich commented that previously the process was described as once the vehicles were sold, they were transported to the site for a brief period waiting for pick-up only.

Commissioner Irwin remarked that this location was supposed to be a “white glove” office where customers completed final paperwork and picked-up the trucks, but the plan has changed and now trucks are sitting on the property for an extended period. Commissioner Irwin has witnessed more than 14 trucks regularly parked on site which shows the petitioner ignored the condition for a year. Commissioner Irwin stated that the intent to close off Madison St. was to create a buffer, but the petitioner is now parking cars there which makes the area look worse than if it was just a driveway. Commissioner Irwin agreed about the landscaping and lighting comments, and that the Commission did not receive straight answers in 2020. Commissioner Irwin was not in favor of approving the requests.

Chairman Trzupek asked how the number 14 was reached. Mr. Criscione stated that it was an agreed upon number at the time. Chairman Trzupek supported increasing the amount to a number between 14 and maxing out at the 28 spaces available. Chairman Trzupek asked why the cars were parked in the right of way along Madison St. Mr. Criscione stated it was an available space and they were unaware they could not do so. Chairman Trzupek noted the Fire District’s request to limit the number of trucks. Mr. Criscione stated that the Fire District requested no trucks be parked in the middle of the site. Chairman Trzupek requested conditions be added which prohibited parking in the center of the lot and along Madison St. Chairman Trzupek stated that the landscaping along Madison St. is too sparse and requested a landscape plan be reviewed by staff to ensure it looks more finished along the road. Chairman Trzupek noted the landscaping should be inside the fence and that there may be opportunity to add planter boxes along the closed off driveway. Chairman Trzupek requested that lighting be reviewed by staff to ensure it meets code requirements and that shields be added if needed to block the light source. Mr. Criscione stated that he worked with staff on the lighting but is happy to go back and have it reviewed. Chairman Trzupek supports the special uses be granted on permanent basis with conditions on the number of trucks, lighting, and landscaping.

Commissioner Petrich read from the petitioner’s business plan. Mr. Criscione stated that it is difficult to define a business plan and adjustments need to be made. Mr. Criscione stated that the condition regarding limiting the trucks to be parked on site for seven consecutive days is not being followed due to the pandemic. Mr. Criscione stated that while the trucks are sent to satellite repair shops for maintenance, parts are delayed with supply chain issues and it is often difficult to move trucks in and out within seven days. Mr. Criscione stated that there may be a delay in delivery due to a sensor or other parts on backorder, so the truck sits at the site instead of the maintenance shop.

Commissioner Stratis was empathetic and understood unprecedented delays in these unusual times. Commissioner Stratis stated that the site is in an industrial district with other trucks and supports the business.

Chairman Trzupsek agreed with Commissioner Stratis and supported making the special uses permanent with revised conditions regarding the number of trucks, parking on Madison St., lighting, and landscaping.

Commissioner Stratis proposed a twenty truck limit which is 5/8th of twenty-eight. This would allow for more cars, not trucks, to be parked on site. Commissioner Stratis asked about the 'X' in the center of the lot. Mr. Criscione said it was a display spot which allowed for customers to walk around the truck before taking possession.

Chairman Trzupsek asked about the supply chain issues and if over 14 trucks on the site is a permanent situation. Mr. Criscione would like to have more trucks on site on a permanent basis even though the goal is to move the trucks on and off the site as quickly as possible.

Commissioner Broline stated that he is familiar with servicing machinery and has not witnessed anything like that occurring on the property. Mr. Criscione confirmed that no maintenance occurs on the site.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Petrich to close the public hearing for Z-03-2022.

ROLL CALL VOTE was as follows:

AYES: 5 –Broline, Petrich, Irwin, Stratis, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Commissioner Petrich requested more discussion and to add a condition for the outdoor storage special use that it is temporary, for one year only.

Chairman Trzupsek asked for motions on the requests for either a temporary or permanent basis.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board approve a permanent 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 included as Exhibit A.
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. No maintenance of trucks shall be performed on the subject property.

5. No rental of vehicles of any kind may be advertised or occur on the subject property.
6. No trailers or other accessories may be parked or stored at any time on the subject property.
7. The business hours shall be 9:00am-5:00pm from Monday-Friday, 9:00am-12:00pm on Saturday, and closed on Sunday.
8. No storage of vehicles not owned by either M&T Trucks or a secured buyer for a vehicle is permitted on the subject property.
9. A landscaping plan shall be prepared and approved by staff to increase the screening along Madison Street.
10. A photometric plan shall be prepared and approved by staff to ensure compliance with Zoning Ordinance outdoor lighting regulations.
11. No more than twenty (20) semi-truck cabs shall be stored on site at any one time. All trucks shall be parked in a striped parking space. Trucks shall not be parked or stored in the open, center area of the parking lot.
12. Vehicles parked in the right-of-way driveway areas are prohibited.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Petrich, and Trzupsek
NAYS: 1 – Irwin

MOTION CARRIED by a vote of 4-1.

Discussion amongst the Commission occurred regarding whether to grant the outdoor storage special use on a temporary basis and if the new conditions from the truck sales special use should be added to this request. The Commissioners generally agreed to add the lighting, landscaping, number of trucks, and parking in the right of way conditions to the outdoor storage special use, and to make the use temporary. Commissioner Petrich preferred to leave the condition limiting the trucks on site to seven consecutive days. Mr. Criscione explained the business process and preferred that condition removed but agreed to limit the number of trucks. Commissioner Broline did not support the seven day limitation and other Commissioners agreed to remove that condition.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend that the Board approve a special use for outdoor, overnight storage of retail vehicles ancillary to a permitted or special use, 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 included as Exhibit A.
2. The special use shall expire if M&T Trucks ceases operations at 15W776 North Frontage Road.
3. No more than twenty (20) semi-truck cabs shall be stored on site at any one time. All trucks shall be parked in a striped parking space. Trucks shall not be parked or stored in the open, center area of the parking lot.
4. Any truck stored overnight on the subject property shall be in good working condition.
5. No maintenance of trucks shall be performed on the subject property.
6. No trailers or other accessories may be parked or stored at any time on the subject property.

7. A landscaping plan shall be prepared and approved by staff to increase the screening along Madison Street.
8. A photometric plan shall be prepared and approved by staff to ensure compliance with Zoning Ordinance outdoor lighting regulations.
9. Vehicles parked in the right-of-way driveway areas are prohibited.
10. The special use shall be temporary in nature, expiring one year after final ordinance approval is granted by the Board of Trustees.

ROLL CALL VOTE was as follows:

AYES: 3 – Stratis, Broline, and Trzupek
NAYS: 2 – Irwin and Petrich

MOTION FAILED by a vote of 3-2. Four affirmative votes were required to approve.

Mr. Criscione explained that the seven day limitation was placed on the special use to prevent the parking of trucks by private individuals paying him for long-term storage. Mr. Criscione suggested that the wording could state only inventory is allowed on site.

IV. CORRESPONDENCE

Chairman Trzupek asked if there were any comments on the Board or Building Reports. There were none.

V. OTHER CONSIDERATIONS

PC-01-2022: Annual Zoning Review

Chairman Trzupek asked for a summary. Mrs. Farrell explained the report has a list of cases reviewed and actions taken by the Plan Commission and Board. The report also has several items which were directed by the Board to the Plan Commission.

Mrs. Farrell stated that the definition of an attached garage was discussed by the Commission at a previous meeting where the petitioner was requesting a text amendment to allow a garage in the side yard. The Commission generally agreed to pursue this potential text amendment. Chairman Trzupek requested staff to bring this before the Board so the Plan Commission can receive official direction and that research on neighboring municipalities be provided on the topic.

Mrs. Farrell explained that short-term rentals were discussed briefly in 2019. At the November 22, 2021 Board meeting, the Commission received direction to hold a public hearing on this topic. The Zoning Ordinance does not have a definition or use listed for short-term rentals, and the use of a single-family residential home as a short-term rental property violates the Zoning Ordinance since it is not a home occupation. The Commissioners agreed that the short-term rental use should be defined, examined if it should be permitted, and if permitted, what the regulations should be.

Mrs. Farrell stated that the Commission received direction by the Board to review right-of-way sign regulations on June 28, 2021. While there are existing regulations, they could be made clearer for the benefit of the public and Village enforcement. Chairman Trzupsek noted that this was addressed previously, but enforcement is difficult. Commissioner Broline discussed real estate signs and restrictions on how long these types of signs are permitted to be posted. The Commissioners generally agreed to hold a public hearing if it is clear which provisions need to be amended.

Mrs. Farrell stated that the Commission received direction by the Board to review commercial vehicle parking regulations in residential districts on June 28, 2021. While there are regulations pertaining to this, the issue is the definition of what a commercial vehicle is, specifically that “auxiliary equipment such as racks or boxes” defines a vehicle as commercial. Mrs. Farrell stated that a personal truck with a storage box built in is technically a commercial vehicle even though it may not be used as such. The Commissioners discussed the regulation of allowing commercial vehicles parked inside. The Commissioners generally agreed to review this regulation.

Chairman Trzupsek asked if there were any additional items that needed to be researched further. There were none.

VI. PUBLIC COMMENT

Mark Thoma, 7515 Drew, had items that he wished the Commission to review.

- Mr. Thoma was concerned about the grandfathering of properties and mentioned the Montessori school building expansion. Mr. Thoma questioned at what point does the building need to meet current standards. Chairman Trzupsek stated that the school received special use and variation approval for the development, but some nonconformities were permitted to continue. Commissioner Stratis explained that when a building changes use, certain things are required to be brought to today’s standards. Mrs. Farrell stated that there is a section of the Zoning Ordinance regarding nonconformities. Chairman Trzupsek asked specifically what Mr. Thoma would like the Commission to review. Mr. Thoma responded the restrictions and regulations on grandfathering status.
- Mr. Thoma desired to see more consideration of outdoor space, like outdoor dining and the outdoor playground for the Montessori school. Chairman Trzupsek asked staff to look at restrictions on outdoor uses and if it is included in the FAR calculations.
- Mr. Thoma stated that the Montessori school is allowed two years to complete construction and since it backs up to a residential area, this duration should not be allowed. Chairman Trzupsek asked staff to review what the timetable is and if it should be different for the Transitional zoning districts.

VII. FUTURE MEETINGS

Mrs. Farrell noted that there were no items scheduled for the February 21, 2022 meeting.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to cancel the February 21, 2022 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Broline, Irwin, Petrich, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to adjourn the meeting at 8:25 pm.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Broline, Petrich, Irwin, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director