

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**MINUTES FOR REGULAR MEETING OF MAY 2, 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 Police Department Training Room, 7700 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

**ROLL CALL** was noted as follows:

**PRESENT:** 8 – Petrich, Broline, Stratis, Morton, Irwin, Parrella, McCollian, and Trzupek  
**ABSENT:** 0

Trustee Guy Franzese and Community Development Director Janine Farrell were also present.

**II. APPROVAL OF PRIOR MEETING MINUTES – APRIL 18, 2022**

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Stratis to approve the minutes of the April 18, 2022 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 5 – Morton, Stratis, Petrich, Broline, and Trzupek  
**NAYS:** 0 – None  
**ABSTAIN:** 3 – Irwin, Parrella, and McCollian

**MOTION CARRIED** by a vote of 5-0 with 3 abstentions.

**III. PUBLIC HEARINGS**

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

**Z-04-2022: 308-312 Burr Ridge Parkway (Rovito); Special Use Amendment, Special Use, and Findings of Fact [CONTINUED FROM MARCH 21, 2022]**

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that Z-04-2022 is a request to expand a restaurant use, Are We Live. The petition was continued from the March 21, 2022 meeting. At that time, there was not an individual present able to answer questions regarding the petition and the Commission requested outdoor dining and parking plans. Since March 21, no new information has been received except two new email objections, and no changes have been made to the request.

Nick Esposito, attorney for the petitioner, distributed plans that had been previously included in the staff report packet. Sandy Andrews explained that three additional tables will be added to the interior and the outdoor dining area will extend to the end of the unit.

Chairman Trzupek stated that at the last meeting the Commission requested an outdoor dining plan. Chairman Trzupek noted the ADA ramp and planter box location may impact the outdoor dining and wished to see these items addressed on a plan.

Ms. Andrews and Chairman Trzupek discussed the locations of the existing ramp in relation to the outdoor dining plan. Ms. Andrews explained that the petitioner did not want to spend funds on architectural drawings if the request was not going to be approved. Chairman Trzupek reiterated the Commission's request for a plan to ensure that there was adequate space to accommodate the ramp and accessibility. Chairman Trzupek and Ms. Andrews discussed the need for the outdoor dining area to be accessed from the interior.

Chairman Trzupek confirmed that the outdoor dining space is calculated as part of the total restaurant square footage within the County Line Square PUD.

Chairman Trzupek asked for public comment.

Alice Krampits of 7515 Drew asked what the capacity would be for this additional unit. Ms. Andrews clarified that high tops within the existing space will be relocated to this new unit. The current capacity is about 80. Ms. Krampits questioned about rental space and the outdoor area. Ms. Andrews stated that the entire establishment would be rented. Ms. Krampits asked about happy hours. Mrs. Farrell explained that the Village Board discussed the matter but decided to not take action at this time. Ms. Krampits stated that she was opposed to the expansion since it is being marketed to a younger crowd which may be more like a nightclub which is not within the image of Burr Ridge.

Chairman Trzupek asked Mrs. Farrell about complaints. Mrs. Farrell noted that no complaints were received by the Village Hall, but there were a few complaints to the Police Department about rowdy patrons in the parking lot and a sign. The attorney for the petitioner confirmed that they are not aware of any complaints.

Richard Panico, 8311 Fars Cove, supported the request. Mr. Panico noted the small size of the expansion and that outdoor dining is very common in surrounding municipalities.

Commissioner Stratis expressed concerns about the location of the outdoor dining with the ramp. Commissioner Stratis asked the petitioner to comment on the sign which was installed and subject of the complaint. Commissioner Stratis supports first amendment rights but felt that the sign was inappropriate. Mr. Esposito stated that the matter was adjudicated and the sign was removed.

Commissioners McCollian and Broline did not have questions.

Commissioner Petrich expressed a desire to have outdoor dining and indoor seating plans in advance of the next meeting. Chairman Trzupek supported the request for an interior plan. The

petitioner and Chairman Trzupek discussed what would be shown on that plan and the costs associated with an architectural plan.

Commissioner Petrich noted that there was a space inside which was set up for a dancing area and reinforced the need for a seating plan. The petitioner stated that there is not an intent to have a dance floor inside the restaurant. Commissioner Petrich asked the petitioner to clarify the type of outdoor furniture. Ms. Andrews confirmed that the photos from the report packet were for the grand opening only and not the furniture which is intended to be there permanently.

Commissioner Parrella reiterated the need for a conceptual plan which illustrates the interior and outdoor flow of the spaces. This would be a 2-D plan, not a rendering or 3-D model, which shows connections, ingress and egress, and any safety issues.

Commissioner Irwin seconded Commissioner Parrella's comments.

Commissioner Morton requested that the relationship of the ramp with the flat area and slope be shown on the plan. Commissioner Morton also requested that the seating plan be shown to ensure wheelchair access within the spaces and around tables and chairs. Commissioner Morton did not have concerns about noise issues since the noise ordinance is in effect and the piped in music should not create problems.

Chairman Trzupek stated that there were options to continue the public hearing to obtain additional information or the hearing could be closed and a vote taken on the request.

Commissioner Broline commented that the concern about accessibility has been brought up with other establishments. Commissioner Broline did not have concerns about the expansion of the use.

Mr. Esposito requested that the Commission move the petition forward subject to receiving the plans.

Commissioner Stratis stated that he supported moving the request forward with staff and Chairman Trzupek's review and approval of the plans. Commissioner Morton requested additional information be added about ADA and noise ordinance compliance to the conditions.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing for Z-04-2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Stratis, Irwin, Morton, Broline, Petrich, Parrella, McCollian, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to recommend to the Village Board approval of an amendment to Ordinance #A-834-10-21 to expand the subject use and a special use for a restaurant over 4,000 square feet with indoor and outdoor dining, and with the sale of alcoholic beverages pursuant to section XIII.K of the Zoning Ordinance and the County Line Square Planned Unit Development (Ordinance #A-834-19-21) with the following conditions:

1. The special use shall be limited to Filipino Rovito and shall be null and void should Filipino Rovito no longer have ownership interest in the restaurant consisting of approximately 4,400 square feet commonly known as 308-312 Burr Ridge Parkway.
2. Activity in the indoor restaurant area shall cease and all patrons shall vacate the premises no later than midnight on any given day.
3. Activity in the outdoor dining area shall cease and all patrons shall vacate the premises no later than 11pm on any given day.
4. The outdoor dining area shall comply with the Burr Ridge Municipal Code and County Line Square PUD regulations in respect to ingress, egress, and ADA compliance, as well as liquor control and noise ordinance regulations. The outdoor dining plan and any remaining details shall be approved by staff and the Plan Commission Chairman through the building permit process and prior to building permit issuance.
5. Prior to building permit issuance, the petitioner shall submit a parking management plan, subject to staff and Plan Commission Chairman approval, that includes at a minimum:
  - a. A commitment to provide valet parking off-site, behind the building, or at the west end of the shopping center.
  - b. The reservation of four (4) parking spaces for valet parking that does not interfere with any drive aisles or fire lanes.
  - c. A commitment that employees be required to park offsite or behind the shopping center.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Stratis, Irwin, Petrich, Broline, Morton, Parrella, McCollian, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

**Z-10-2022: 9115 Kingery Highway (Thorntons LLC); Special Uses, PUD Amendment, Variations, and Findings of Fact**

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that Z-10-2022 is for ten requests related to a gas station development on a vacant parcel south of McDonald's. Mrs. Farrell stated that the petitioner is Ryan Swanson of Arc Design Resources, Inc., on behalf of Thorntons LLC. Thorntons is proposing to develop the vacant site with a gas station and convenience store, amending the Spectrum PUD. The 4,400 sq. ft. convenience store will have packaged liquor and tobacco sales, and extended hours of operation, 5:00 a.m. to 11:00 p.m., which

is beyond the 7:00 a.m. to 10:00 p.m. permitted. The neighboring property to the north, McDonald's, was approved for extended hours 5:00 a.m. to 11:00 p.m. Mrs. Farrell illustrated the requests on the site plan. Mrs. Farrell displayed the sign proposal and explained the four variation requests. All of the ground and walls combined exceed 100 sq. ft. of area, measuring 155 sq. ft. There are three wall signs total, two on the convenience store itself and one on the fuel canopy. The internal drive on the property is private and does not count as a road frontage. A gasoline pricing sign is required to be affixed to an existing sign, but the proposed sign is itself a free-standing sign. This sign also exceeds the maximum sign face square footage for a gasoline pricing sign from 20 sq. ft. to 49.8 sq. ft. and 40 sq. ft. to 99.6 sq. ft. The gasoline pricing sign contains six colors, exceeding the three colors permitted. Mrs. Farrell displayed the photometric plan and showed the footcandle amount at the property lines. The average foot candle light level is 4.39 exceeding the 1.0 permitted and the uniformity ratio is 4.39 to 1 exceeding the 4 to 1 permitted.

Chairman Trzupek confirmed that the average foot candle light level permitted is 1.0.

Ryan Swanson of Arc Design Resources introduced himself as the project manager and Todd Smutz as the representative of Thorntons. Thorntons currently has 212 stores with 10 new stores proposed and 3,000 employees. Thorntons was acquired by British Petroleum last year but permitted to keep the Thorntons banner. Mr. Smutz discussed the core values of Thorntons and the company's charitable initiatives. Mr. Smutz stated that while the pandemic shut down many businesses, Thorntons was permitted to be open and had policies which allowed them to adapt to the changing environment. Mr. Smutz stated that the proposed store will be a typical convenience store with 10 fuel stations and air service station.

Chairman Trzupek asked if the sign on the rear façade was illuminated and believed it was not necessary for identification purposes. Chairman Trzupek believed the light may negatively impact the residential use neighboring the property. Chairman Trzupek also asked about the wall packs on the rear. The petitioner displayed photometry on the screen to illustrate the real light levels. There are higher light levels under the fuel canopy due to the fueling, credit card use, and checking under the hood of automobiles.

Chairman Trzupek stated for clarification on the traffic study. Mr. Smutz confirmed that the original traffic study was modeled for uses which had a greater traffic impact than the proposed gas station, including a drive-through restaurants and a retail pharmacy.

Chairman Trzupek asked for public comment.

Richard Panico, 8311 Fars Cove, stated that this site has access to major thoroughfares which could be a target for car jackings. Mr. Panico did not see a business core value regarding safety. Mr. Panico asked if this proposal has been shown to the Police Department and what measures the petitioner will take for safety. Mr. Smutz stated that adequate lighting and security cameras are a necessity for safety. The security cameras are monitored remotely. A uniformed security guard would not be at the site since the area is safe.

Chairman Trzupek asked Mrs. Farrell to confirm if the Police Department had reviewed the request. Mrs. Farrell stated that Chief Madden was informed of the proposal and did not express concerns about extra police force being required for the operation.

Sandra Allen, a Burr Ridge resident for 44 years, expressed concern about the subdivision to the south and if this development would be a disruption.

Alice Krampits, 7515 Drew, asked if Spectrum had comments about the proposal and why there were no entrances or exits to Route 83. Mrs. Farrell stated that the entire development was planned to limit direct access to Route 83 from a safety and congestion standpoint. Route 83 is under IDOT jurisdiction and authorizes access points.

Commissioner Morton was concerned about the light levels and asked about the accuracy of the photometry illustration to real life. Mr. Smutz stated that the photometry is an accurate representation of how the real light levels will appear. Commissioner Morton asked for clarification on the number of colors for the signage. Kate Berliner with Thorntons clarified the number of colors for the gas pricing sign. There are two different reds, green, blue, black, and white. Commissioner Morton confirmed the LED digits are included in the colors. Commissioner Morton reviewed the gas pricing signage in the Village and had concerns about the size and number of colors for the proposed sign in relation to others that are existing. Commissioner Morton asked about the salt tolerance of the landscaping proposed. Mr. Swanson stated that the species are salt tolerant. Commissioner Morton asked if this is a full-service station. Ms. Berliner stated it was not, but there are help buttons on the pumps which can be pressed from inside the vehicle to request assistance. Commissioner Morton asked for the petitioner to expound on the Findings of Fact which stated that "an equivalent facility is not located in the general area of the proposed development." Mr. Swanson stated that it was related to the amount of fuel stations, the circulation, and the modern store. Commissioner Morton asked about electronic vehicle (EV) charging. Ms. Berliner stated that Thorntons has an infrastructure plan for EV in the future.

Commissioner Irwin asked Ms. Berliner to explain further. Ms. Berliner stated that the infrastructure, the electricity, will be installed but she cannot state if the charging stations themselves will be installed at the time of development. Ms. Berliner stated that Thorntons is working with a vendor to have stations installed at multiple locations. Commissioner Irwin stated that the EV charging could contribute to the Findings for the necessity of the use. Commissioner Irwin asked about the remote monitoring. Mr. Smutz confirmed that the office is located in Louisville but the individuals monitoring the site cannot sound internal alarms. The remote office can notify local law enforcement. Commissioner Irwin asked about the red colors and if they are the same. Ms. Berliner stated they are the same tone, but two different vendors and therefore counted as two colors.

Commissioner Parrella asked if the reds will look the same. Ms. Berliner confirmed they will.

Commissioner Petrich asked about the original PUD and what was envisioned. Mrs. Farrell read Condition B of the PUD which required "the future preliminary and final plans for the commercial development on Lot 2 under this planned unit development shall be submitted to the Plan Commission for its review and recommendations, and then to the Board of Trustees for approval." Commissioner Petrich asked about McDonald's signage. Mrs. Farrell confirmed that McDonald's was approved for variations related to the number of signs. Commissioner Petrich asked about the design of the proposed convenience store in relation to McDonald's. Ms. Berliner stated that the

design was intended to complement the McDonald's with the stone. Ms. Berliner confirmed there are storefront windows. Commissioner Petrich confirmed with staff that the plans had been reviewed by the Village Engineer. Commissioner Petrich questioned how often the Route 83 entrance is used and expressed concerns about the safety of this entrance and exit. Mr. Smutz stated that the access is existing and was approved by IDOT. Commissioner Petrich confirmed the location of the underground fuel tanks. Commissioner Petrich was concerned about the amount of the variations required for signage. Commissioner Petrich confirmed with the petitioner that there was no dine-in, only carry-out.

Commissioner Broline confirmed the existing one-way exit to Route 83. Commissioner Broline asked about the size of the sign proposed and if it was similar to Speedway's. Ms. Berliner stated that the speed on the road and the 640 ft. slow down distance sets the standard for pricing digit size which dictates the overall size of the sign. Commissioner Broline asked about the foot candle amount on the east side adjacent to Spectrum. Mrs. Farrell confirmed it was 1.5 foot candles to the property line which borders the access drive.

Commissioner McCollian asked about security cameras and the need for extra security if it is deemed necessary. Ms. Berliner stated that if it is necessary, the stores can be changed over quickly. Commissioner McCollian expressed concern about the volume of traffic on 91<sup>st</sup> Street. Chairman Trzupsek stated that traffic was a big issue for the McDonald's proposal and is unsure about how it is working today. Commissioner McCollian asked where the EV chargers would be located under the canopy. Ms. Berliner stated that it would be on the south side of the canopy. Mr. Smutz stated it is two dedicated triple charge stations.

Commissioner Stratis disclosed that he and his wife own McDonald's to the north. Commissioner Stratis clarified that Route 83 is a Strategic Arterial Roadway which is under IDOT jurisdiction and Spectrum was only able to receive the one access to Route 83. Commissioner Stratis asked about the fuel tanks. Mr. Smutz confirmed that they are fiberglass, double wall tanks with monitoring and two emergency shut-off buttons. Commissioner Stratis asked about the security and if there is the ability to lock the doors with a panic button. Ms. Berliner stated that there is not that option currently. Commissioner Stratis asked about ownership. Mr. Smutz confirmed that Thorntons will rent and have a 50-year lease. Commissioner Stratis asked about liquor sales. Phillip Bolove with Thorntons stated it will have beer, wine, and hard spirits. Commissioner Stratis asked how much of the interior is dedicated to liquor sales. Ms. Berliner stated that the hard liquor will fit in an 8 ft. cabinet. Commissioner Stratis asked if the lights will be dimmed when closed. Mr. Smutz stated that only four stores are not 24-hour operation so they intend to keep them on for security reasons even when closed. Commissioner Stratis confirmed with the petitioner that the light bulbs will not be exposed in the canopy. Commissioner Stratis confirmed with the petitioner that background or existing lighting is factored into the photometric plan. Commissioner Stratis noted that there was an intent to have matching lighting throughout the development but Spectrum and McDonald's do not match. The petitioner's proposed lighting will not match McDonald's. Commissioner Stratis complemented the high cleanliness standard for Thorntons and requested that outdoor sales be limited to the spot designated on the plan and not anywhere else on the site. Commissioner Stratis spoke with Evan Walter, Village Administrator, about the traffic on 91<sup>st</sup> Street shortly after McDonald's opened. Mr. Walter stated that traffic has not been a significant issue. Commissioner Stratis asked if Thorntons was going to request to be on the multi-tenant sign.

Ms. Berliner stated that they would like to, but they were not sure if that would count towards their signage calculations. There was discussion about the sign being off-site in a common area in the PUD and potentially calculated separately.

Chairman Trzupek stated that the sign package is reasonable given the use. Chairman Trzupek asked about the red illuminated band on the fuel canopy. Mrs. Farrell confirmed that it was not included in the signage calculation. Ms. Berliner confirmed that the signage calculations were for the logos only, not the red backgrounds.

Commissioner Parrella asked about the alarm system and who is notified. Ms. Berliner stated that it notifies local police and fire and the corporate office.

Commissioner Morton asked about the proposed fuel tanker truck circulation. Mr. Smutz stated that the trucks would enter the site and head east since the fueling is on the driver side. Mr. Smutz confirmed an auto-turn plan was generated to ensure access.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to close the public hearing for Z-10-2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Irwin, Morton, Stratis, Broline, Petrich, Parrella, McCollan, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to recommend to the Village Board approval of amending the Spectrum PUD Ordinance #A-834-24-15; special uses for an automobile gasoline sale station, with a convenience food store, with packaged liquor and tobacco sales, and with hours of operation exceeding 7:00 a.m. to 10:00 p.m. pursuant to section VIII.C of the Zoning Ordinance; special use for an outside sales display accessory to a special use pursuant to sections VIII.A and VIII.C of the Zoning Ordinance; variations from sections 55.06.A.1, 55.06.A.2, 55.06.A.4.a, and 55.06.A.4.b of the Sign Ordinance to permit ground and walls signs in excess of 100 sq. ft. of area measuring 155 sq. ft., to permit more than one wall sign per street frontage for a total of three, to permit a free-standing gasoline pricing sign, and to exceed the maximum sign face square footage for a gasoline pricing sign from 20 sq. ft. to 49.8 sq. ft. and 40 sq. ft. to 99.6 sq. ft.; conditional sign approval for a sign with six colors, exceeding the three colors permitted pursuant to Sign Ordinance section 55.06.B; and variations from Zoning Ordinance section XI.C.9.c.2 to permit an average foot candle light level of 4.39 exceeding the 1.0 permitted and a uniformity ratio of 4.39 to 1 exceeding the 4 to 1 permitted subject to four conditions:

1. Final plans shall substantially comply with the submitted business plan, site plan, landscape plan, building elevations, photometric plan, and sign plans attached hereto as Exhibit A.



2. The special uses shall be limited to Thorntons LLC or a designated franchisee in a manner consistent with the submitted business plan and shall expire if Thorntons LLC or a designated franchisee no longer operates the business at 9115 Kingery Highway.
3. The hours of operation shall be limited to 5:00 a.m. to 11:00 p.m.
4. The outdoor sales area shall be restricted to the area shown on the plan.
5. The Thorntons sign on the rear (east) elevation shall be eliminated.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Irwin, Petrich, Morton, Stratis, Broline, Parrella, McCollian, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

Mr. Bolove asked if the hours were restricted to 5:00 a.m. to 11:00 p.m. Chairman Trzupek confirmed. Mr. Bolove stated that he was unaware of this restriction and that the business requires 24-hour operation. Mr. Bolove asked if there was a way to amend that. Chairman Trzupek stated that there was not, that 5:00 a.m. to 11:00 p.m. was what was requested through the petition and noticed. Mr. Bolove stated that he will petition the Village Board to change the hours.

Commissioner Stratis believed that this would need to be re-noticed and questioned if Spectrum and Tad Lagestee was aware of the 24-hour request. Tad Lagestee stood in the audience and confirmed that Spectrum has reviewed and approved the proposal.

**V-02-2022: 8311 Fars Cove (Panico); Variation and Findings of Fact**

Chairman Trzupek asked for a summary of the petition. Mrs. Farrell stated that Z-10-2022 is a request by Richard Panico, as petitioner, for a variation to permit a detached accessory building, specifically a garage, within the side buildable area pursuant to Zoning Ordinance section IV.I.1. The property is zoned R-2B. Current Zoning Ordinance regulations permit accessory structures within the rear yard only. The petitioner currently has an attached garage and detached garage on the property and wishes to build a second detached garage in the side buildable area. In 2004, the petitioner provided plans to the Village when the home was initially proposed which showed the residence with a side yard garage attached by a masonry wall. When these plans were then submitted for permit, they were rejected. The petitioner received a letter of apology from the Village acknowledging that incorrect information was provided when the original plans were shown. In 2005, the petitioner abandoned the side yard garage and continued with the residence and detached garage in the rear. In 2021, the petitioner pursued a text amendment to allow detached garages in the side buildable area which was denied by the Plan Commission and later withdrawn. The petitioner is now seeking to build this secondary garage in the side buildable area.

Chairman Trzupek clarified with the petitioner that the original drawing showed the proposed structure connected to the residence with a masonry wall. Richard Panico confirmed that the wall was to keep with the architecture of the residence and these plans were preliminary approved. Mr. Panico stated these were the plans which were then later denied. Mr. Panico then eliminated the proposed garage and moved forward with the residence and detached garage in the rear yard. Mr.

Panico now would like to build this garage and was provided advice by the Village to pursue a text amendment to allow detached garages in the side buildable area. Mr. Panico explored what it would take to attach the garage but the cost and structural requirements made it not feasible. Mr. Panico was also denied a balcony on the residence but appealed to the Board and was permitted to construct it.

Chairman Trzupek confirmed the history and sequence of events with the petitioner.

Mr. Panico stated that in order to build a second detached garage on the property in the rear yard, a new driveway would need to be installed which would not be aesthetically pleasing and could negatively impact his neighbor's property. The proposed garage is to house a classic car collection.

Chairman Trzupek discussed the need for a hardship with a variation request. The Chairman asked staff to discuss with the Village Attorney. The Village Attorney stated that there may be a hardship if someone purchased a property with the intent to do something and was informed that it would be allowed only to then be told it was not after the purchase. Chairman Trzupek stated that this was not the situation in this case.

Mr. Panico would like to build a garage that is aesthetically pleasing. Mr. Panico stated that the hardship was created by misdirection provided by the authorities that are now restricting his ability to build and a lack of accountability by the Village. Mr. Panico stated that what he is proposing will not negatively impact his neighbors.

Chairman Trzupek asked for public comment. There was none.

Commissioner Stratis felt bad that the petitioner was provided bad advice but is concerned about setting precedent. Commissioner Stratis understands the petitioner's frustration but does not believe that granting this garage now will address the previous wrongs. Mr. Panico stated that he does not believe this will create a precedent due to the documented history of this particular situation. Mr. Panico stated that there are structures in his neighborhood which are in poor condition that the Village does not address. Commissioner Stratis confirmed with the petitioner that this occurred 17 years ago and questioned why it was not addressed during that time. Mr. Panico stated that he did not have time to pursue the issue while growing his business and did not have the expansive car collection that he now does.

Chairman Trzupek asked if the petitioner would construct the wall which was originally shown. Mr. Panico stated he would not due to the foundation disturbance, the impact to the façade of his residence, and the cost.

Commissioner McCollian did not have questions.

Commissioner Broline stated that there is a ring of a hardship in the letter of apology but struggles with it.

Commissioner Parrella asked for the rendering to be displayed on the screen. Commissioner Parrella stated that the proposed garage is not a negative or bad thing and looks better without the archway wall.

Commissioner Irwin stated that this garage looks nice and wants to find a way to approve it. Commissioner Irwin does not want the petitioner to game the system with an attached wall.

Commissioner Morton agreed the structure looks good. Commissioner Morton stated that the litany of errors set up this condition. Commissioner Morton confirmed with Chairman Trzupek the information about a hardship from the Village Attorney. Commissioner Morton stated that the hardship in this situation is different than someone building a structure that did not meet regulation and then later asked for forgiveness. Commissioner Morton asked if a similar variation had ever been requested. Chairman Trzupek said that it had not, but that hardships are typically tied to the land. Commissioner asked about pursuing a text amendment to allow for garages like this. Chairman Trzupek stated that the text amendment had been pursued but was denied because it would apply to the whole Village.

Commissioner Petrich was concerned about precedence but stated that this proposal was unique in terms of setbacks and design.

Chairman Trzupek stated that precedence is a concern but he has heard that there is also no such thing as precedence if the conditions of approval are specific enough to the site and request.

Mr. Panico asked how many requests like this have been made in the past decade. The Commissioners could not recall any such similar cases.

Chairman Trzupek was concerned that someone may challenge the hardship. Mrs. Farrell offered to obtain a more formal comment from the Village Attorney. The Commissioners agreed to make a motion and have the Village Attorney then review their findings for a hardship.

Commissioner McCollian asked for clarification on the attorney's review. The Commissioners confirmed that the Commission finds the hardship, but the attorney will review and confirm the language.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Irwin to close the public hearing for V-02-2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Stratis, Irwin, Morton, Broline, Parrella, Petrich, and Trzupek  
**NAYS:** 0 – None

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

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to recommend to the Village Board approval of a request for a variation to permit a detached accessory building (garage) within the side buildable area pursuant to Zoning Ordinance section IV.I.1 with two conditions:

1. The Village Attorney shall review the Findings of the Fact made by the Plan Commission.
2. The garage shall substantially comply with the rendering submitted by the petitioner depicting the red brick structure and included as Exhibit A.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, Stratis, Petrich, Broline, Morton, Parrella, and Trzupek  
**NAYS:** 0 – None

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

#### **IV. CORRESPONDENCE**

Chairman Trzupek asked if there were any comments on the Board or Building Reports. Commissioner Petrich asked for clarification about a right-of-way permit by a concrete contractor and if it was related to a brick mailbox. Mrs. Farrell was unsure about the specific permit but stated that it was likely for a driveway.

#### **V. OTHER CONSIDERATIONS**

##### **PC-03-2022: 16W135 Honeysuckle Rose St. (New Wave Carwash); Extraterritorial Review of a Conditional Use for a PUD and Variations**

Mrs. Farrell stated that this proposal was discussed briefly at the last meeting but was not formally on the agenda. Mrs. Farrell introduced the proposal that was received from DuPage County for an expansion of an existing car wash located on Route 83, south of 91<sup>st</sup> Street. Mrs. Farrell did not have a response on the outcome of the County meeting and did not receive any extra information regarding directional signage. Mrs. Farrell stated that the Village does not have the authority to hold the proposal to their standards, but comments can be submitted.

Commissioner Stratis was unsure how the development would impact Burr Ridge which is across the highway but expressed concern about the access.

#### **VI. PUBLIC COMMENT**

There were no public comments.

#### **VII. FUTURE MEETINGS**

##### **May 9, 2022 Board of Trustees**

Commissioner McCollan is the scheduled representative.

##### **May 16, 2022 Plan Commission**

Commissioner Parrella is the scheduled representative.

**June 20, 2022 Plan Commission**

No cases scheduled at this time. The deadline for newspaper publication is May 27, 2022.

**June 27, 2022 Board of Trustees**

Commissioner Petrich is the scheduled representative.

**VII. ADJOURNMENT**

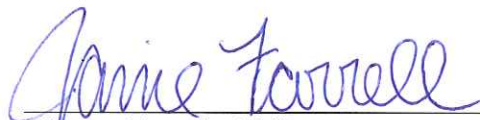
A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to adjourn the meeting at 9:56 pm.

**ROLL CALL VOTE** was as follows:

**AYES:** 8 – Irwin, Stratis, Petrich, Morton, Broline, Parrella, McCollian, and Trzupek  
**NAYS:** 0 – None

**MOTION CARRIED** by a vote of 8-0.

**Respectfully Submitted:**



Janine Farrell, AICP  
Community Development Director

**Z-11-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact**

Request to consider text amendments to Section XIV.B of the Zoning Ordinance to create a definition for an attached garage.

The Commission agreed that this item should stay on the agenda regardless of the outcome of the variation request that was approved earlier.

**Z-13-2022: Sign Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact**

Request to consider text amendments to Section 55.09.E of the Sign Ordinance to clarify regulations pertaining to right-of-way signs.

**Z-15-2022: 7950 Drew Avenue (Perino/Jarper Properties LLC); Special Use, PUD Amendment and Findings of Fact**

Request to consider a major change and amendment to the Cottages of Drew PUD Ordinance #A-834-16-18 in accordance with Section XIII of the Zoning Ordinance. This major change will reduce the open space in the PUD and increase the garage area for the proposed homes.

Alice Krampits asked for clarification on the proposal. Mrs. Farrell clarified that three-car garages are now proposed which reduces open space. The petitioner was required to bring forward landscaping, final engineering, and elevations to the Plan Commission for final approval regardless, but now the PUD is being amended as well.

**May 23, 2022 Board of Trustees**

Commissioner Irwin is the scheduled representative.

**June 6, 2022 Plan Commission**

**Z-08-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM APRIL 18, 2022]**

Request to consider text amendments to Sections VIII.A, VIII.B, VIII.C, and XIV.B of the Zoning Ordinance to define "live entertainment" and permit "live entertainment" as accessory to certain uses in the Business Districts.

**Z-12-2022:** Consideration of text amendments regarding commercial vehicles in residential zoning districts.

**Z-14-2022:** Consideration of text amendments regarding short-term rentals.

**June 13, 2022 Board of Trustees**