

**VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**MINUTES FOR REGULAR MEETING OF JUNE 6, 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 Trzupsek.

**ROLL CALL** was noted as follows:

**PRESENT:** 7 – Irwin, Broline, Stratis, Morton, McCollian, Petrich, and Trzupsek

**ABSENT:** 1 – Parrella

Community Development Director Janine Farrell was also present.

**II. APPROVAL OF PRIOR MEETING MINUTES – MAY 16, 2022**

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Petrich to approve the minutes of the May 16, 2022 Plan Commission meeting.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Morton, Petrich, Stratis, Broline, Trzupsek, and McCollian

**NAYS:** 0

**ABSTAIN:** 1 – Irwin

**MOTION CARRIED** by a vote of 6-0 with one abstention.

**III. PUBLIC HEARINGS**

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

**Z-15-2022: 7950 Drew Avenue (Perino/Jarper Properties LLC); Special Use, PUD Amendment and Findings of Fact [REMANDED BACK FROM MAY 23, 2022 VILLAGE BOARD MEETING]**

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. The petition was remanded from the May 23, 2022 Village Board meeting back to the Plan Commission.

Chairman Trzupsek asked for a summary of the petition. Director Farrell clarified that a resident commented during the May 23, 2022 Village Board meeting that a statement made by one of the Commissioners on May 16, 2022 may have influenced other Commissioners' voting. The Board remanded the petition back to the Plan Commission to ensure that there was no undue influence.

Since the May 23<sup>rd</sup> meeting, updated landscape plans have been provided, including new evergreen trees on the western property line, trees have been relocated to minimize impact with the retaining walls, and the fence rail on the retaining wall was eliminated. Currently five homes are shown to have three-car garages, not six as originally submitted. The site plan now shows the open space is 84% instead of 88.5% which is a reduction of 4.5%. In 2018, the petitioner was to provide 20% stormwater retention above the ordinance regulations. It is currently slightly under 30%. The Commission may wish to move forward with the original recommendation or take a new vote on the petition.

Chairman Trzupsek confirmed that the Board was concerned about landscaping and undue influence or improper proceedings which is why the petition was remanded. Chairman Trzupsek stated that the Commissioner was transparent at the meeting relaying that he had a conversation with the petitioner. Director Farrell clarified that at the Board meeting, only one member of the public spoke and commented on the petition. The individual stated that Commissioner Stratis had a phone conversation with the petitioner about 18 months ago asking why the proposed homes do not have three-car garages. This was reflected in the minutes. The person at the public hearing took this to mean that Commissioner Stratis was interested in purchasing one of the homes and was the reason behind this petition coming forward again with the three-car garages as part of the proposal.

Chairman Trzupsek understood the resident's concern but stated that Commissioner Stratis was very transparent. Chairman Trzupsek was not clear why the petition was remanded. Director Farrell commented that the Board wanted to ensure utmost transparency to the public and that no one was influenced by any comments made.

Chairman Trzupsek asked for public comment. There was none.

Nick Patera, representative for the petitioner, agreed what staff presented but clarified that they are still petitioning to have up to six of the eight homes with three-car garages, not five.

Commissioner Morton generally stands by his comments that were made May 16<sup>th</sup> and had little to add aside from the comments that were made at the Board meeting about side-load vs. front-load garages. Commissioner Morton did not find guidance or ordinance documents that said there was a requirement for front-load or side-load. He is currently satisfied and his position doesn't change.

Commissioner Irwin did not have comments or questions.

Commissioner Petrich noted that on the drawings there was a minimum distance between 20' to 22'5" with up to six three-car garages between houses. The petitioner confirmed the measurements.

Commissioner Broline stated that Commissioner Stratis was transparent and he took the comments made as if he was a potential client, not an actual customer.

Commissioner McCollian did not have comments or questions.

Commissioner Stratis stated that he made a comment, has since bought another property, and has had no conversations with the petitioner for over 18 months.

Nick Patera confirmed for Chairman Trzupsek that nothing has changed for the stormwater calculations.

Commissioner Morton asked for clarification on the stormwater percentage. Bill Zalewski, representative for the petitioner, stated that the stormwater percentage is about 29.5% over the requirement.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to close the public hearing for Z-15-2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Irwin, Broline, McCollian, Morton, Petrich, and Trzupsek  
**NAYS:** 0  
**ABSTAIN:** 1 – Stratis

**MOTION CARRIED** by a vote of 6-0 with one abstention.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner McCollian to reaffirm the previous recommendation to approve a special use and PUD amendment request by Anthony Perino of Jarper Properties LLC for a major change and amendment to the Cottages of Drew PUD Ordinance #A-834-16-18, and approval of final engineering plans, landscaping plans, and building elevations, and Findings of Fact, subject to the following conditions:

1. Final plans shall substantially comply with the submitted site plans, landscape plans, and building elevations attached hereto as Exhibit A and subject to final engineering approval.
2. The Final Plat of Subdivision shall include Deck/Patio Easement Provisions to permit open decks/patios without roofs to extend no greater than 12 ft. from the rear exterior wall of the residence and shall not extend beyond the width of the residence.
3. The proposed fencing on the retaining walls shall be eliminated.
4. Tree planting in proximity to retaining walls shall be shifted to avoid concern over roots impacting wall stability.
5. The subdivision monument sign requires conditional sign approval by the Plan Commission and Village Board approval.
6. A minimum of 125% of stormwater volume detention shall be provided (25% increase in stormwater volume detention above requirements).
7. No more than six of the eight homes shall have three-car garages.

**ROLL CALL VOTE** was as follows:

**AYES:** 6 – Broline, McCollian, Morton, Petrich, Trzupsek, and Irwin  
**NAYS:** 0  
**ABSTAIN:** 1 – Stratis

**MOTION CARRIED** by a vote of 6-0 with one abstention.

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

Chairman Trzupsek asked for a summary of the petition. Mrs Farrell confirmed that this was first heard on April 18, 2022 at the Plan Commission meeting. The text amendment is to define live entertainment and permit live entertainment as accessory to uses within the business district. The takeaways from the April 18<sup>th</sup> meeting were as follows. There was no formal consensus to keep live entertainment as a special use, but many Commissioners favored that. Previously, the Village Attorney stated that any text amendment wouldn't apply to existing establishments or those with existing special uses, but he has relooked at this and crafted language so that the text amendment would apply to those establishments within PUDs and for those with existing special uses. The proposed definition of live entertainment is unchanged since April 18<sup>th</sup>. The Zoning Ordinance definition of a restaurant was added to the packet. A new #12 has been added within Section 8 which addresses the floorplan and applying the amendment to establishments within PUDs and with existing special uses.

Chairman Trzupsek confirmed with Director Farrell that most existing establishments only offer live music as entertainment and that this text amendment would apply to establishments like Are We Live.

Chairman Trzupsek asked for public comments.

Mark Thoma, 7515 Drew, stated that live entertainment should remain a special use since there are many restaurants that back up to residential areas.

Nick Esposito, representative for Capri and Are We Live, stated that he is happy with the text amendment.

Commissioner Stratis stated that 49% of floor space for live entertainment is too large and questioned if there is a better standard for size. Commissioner Stratis did not support this language applying to other businesses outside of the Business Districts like Edgewood Valley Country Club or the Marriott.

Commissioner McCollian did not support 49% floor space dedicated to live entertainment.

Commissioner Broline preferred keeping live entertainment as a special use.

Commissioner Petrich stated that live entertainment should be a special use consistent with Clarendon Hills, Hinsdale, and Western Springs. Commissioner Petrich confirmed with Director Farrell that the live entertainment amendment does not include dancing which is separate within the Zoning Ordinance and that karaoke would be included. Commissioner Petrich wanted clarification that the pre-packaged food is related only to the wine boutique and that 49% is too high.

Commissioner Irwin supports the comments from the Commissioners and did not like the first sentence of the proposed definition since that opens to other uses. Commissioner Irwin favors a special use for live entertainment.

Commissioner Morton supports keeping live entertainment as a special use. Commissioner Morton confirmed with staff the special event provision within the Noise Ordinance.

Chairman Trzupke would support making live entertainment a permitted accessory use or keep as a special use. Chairman Trzupke agreed on modifying the definition and that 49% floor space is too large since only a couple hundred square feet is needed to accommodate a stage.

Commissioner Stratis would support live entertainment as an accessory use and defining how much space should be dedicated to the live entertainment space.

Nick Esposito stated that he has a lot of performers in his family. Mr. Esposito stated that the definition could include words like theatrical or within the realm of performing arts.

Chairman Trzupke confirmed that the definition needs to be amended and the amount of floor space dedicated to the use.

There was discussion amongst the Commissioners about live entertainment floor space and that it should exclude room for dancing.

Mark Thoma stated this should be a special use because it is so difficult to determine how much space is needed.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue the public hearing for Z-08-2022 until July 18, 2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, Morton, Petrich, Broline, Stratis, McCollian, and Trzupke  
**NAYS:** 0

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

**Z-12-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact**

Chairman Trzupke asked for a summary of the petition. Director Farrell stated that this is related to commercial vehicles within residential districts. Commercial vehicles are prohibited from being parked overnight and outside. Only two commercial vehicles may be stored inside a fully enclosed building or structure for a single family detached home. Only one commercial vehicle can be stored indoors for duplexes, multifamily, or townhomes. Director Farrell stated that within

those existing regulations, there are five criteria which define a commercial vehicle. One criterion which poses a challenge is, “any vehicle with attached axillary equipment including, but not limited to, plows, equipment, rafts, storage boxes or lockers.” A storage box or locker doesn’t necessarily have to be used for commercial purposes, sometimes storage boxes are used for personal storage. There are options for the Commission to pursue including striking that provision completely, removing portions of the provision which seem to be problematic such as the racks, storage boxes or lockers, or requiring one other qualifier from that section. For example, if you have a storage box and a business logo then you are defined as a commercial vehicle.

Chairman Trzupsek asked for public comment.

Alice Krampits, 7515 Drew, asked what the purpose of the amendment was and if there was a particular problem going on in the town. Director Farrell stated there was a code enforcement complaint about a pickup truck vehicle which had a storage box for personal use. Ms. Krampits stated that the rules sound like they belong in a subdivision that has a homeowner’s association and that they are extremely restricting. Ms. Krampits asked about Uber and if that would be a commercial vehicle since they have stickers in the windows. Director Farrell stated that would be considered a commercial vehicle if there was a business logo. Ms. Krampits does not think that utility boxes on the back of pick-up trucks is a big deal. Ms. Krampits stated that the regulation for vans without windows or seats is too restrictive.

Commissioner Morton also objects to vans without windows being prohibited and that he does not have an issue with pick-up trucks. He stated there are some challenges distinguishing commercial from private use and if there was a way to check registration or insurance.

Commissioner Irwin agreed to remove the storage lockers and boxes but not racks. Commissioner Irwin supported the idea to check registration.

Commissioner Petrich prefers keeping the regulation as is. Commissioner Petrich would support storage boxes or lockers that are below the sides of the truck or under the cover.

Commissioner Broline questioned if there was a way to allow plows seasonally.

Commissioner McCollian supports removing storage boxes and lockers from the definition.

Commissioner Stratis supports removing storage boxes and lockers from the definition but did not support amending the provision regarding vans.

Chairman Trzupsek confirmed that RVs are classified under a different provision of the Zoning Ordinance. Chairman Trzupsek supported eliminating the storage boxes and lockers.

Commissioner Morton stated that the State of Illinois recognizes vans as passenger vehicles and that the restriction is an overreach.

By a show of hands, there were only three Commissioners who were in favor of eliminating the provision about vans.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to continue the public hearing for Z-12-2022 until July 18, 2022.

**ROLL CALL VOTE** was as follows:

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

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

## V. CORRESPONDENCE

There were no comments on the May 23, 2022 Board Report or April 2022 Building Report.

## VI. OTHER CONSIDERATIONS

### A. PC -02-2022: 10S381 Madison St. (Musa); Extraterritorial Review of Rezoning and Plat of Subdivision [FROM APRIL 4, 2022 MEETING BUT PETITION WAS REVISED]

Review of a DuPage County rezoning request from R-1 Single Family to R-2 Single Family with variations for lot size on Lot 2 and Lot 3 from 40,000 sq. ft. to 36,000 sq. ft. and a proposed three-lot subdivision.

Chairman Trzupek asked for a summary of the petition. Director Farrell stated that the proposed three-lot subdivision and rezoning was on the April 4<sup>th</sup> meeting but since that time, the request was amended. The petition is now proposing R-2 instead of R-3 and variations for two lots since they do not meet the minimum 40,000 sq. ft. minimum requirement. Director Farrell read a statement from Jessica Infelise, Zoning Administration Coordinator with DuPage County Building & Zoning Department, “the petitioner stated that most of the unincorporated adjacent residential properties are R-1 single-family and that transitioning from R-1 to R-2 would make more sense than R-3 for the neighborhood and the presentation.” Director Farrell noted that was the reason for the change in the rezoning request, but that the three-lot subdivision itself is unchanged.

Chairman Trzupek understands that the area is more consistent from R-1 to R-2 but it is the same size lots which are really R-3. Chairman Trzupek did not support variations on the R-2 zoning and preferred to see proper R-3.

Commissioner Stratis agreed and questioned what the petitioner gained by rezoning to R-2.

Commissioners McCollian, Broline, Petrich, Irwin, and Morton did not have any comments.

Sherie DeDore, 10S420 Glenn Dr., lives across from the parcel. Ms. DeDore did not support R-3 since the lots could be made smaller. Ms. DeDore supports R-2 with variations since they cannot come back and re-subdivide the parcels smaller.

Chairman Trzupsek clarified with Director Farrell that Lots 2 and 3 would not meet R-3 standards if they were further divided, but Lot 1 might be able to be divided to create two R-3 lots.

Chairman Trzupsek prefers the R-2 with variations after the public comments which were made. The Commissioners generally agreed to submit updated comments to DuPage County to that effect.

## **VII. PUBLIC COMMENT**

Mark Thoma recommended an eyesore ordinance about commercial vehicles that are unsightly or contain construction materials.

## **VIII. FUTURE MEETINGS**

Director Farrell briefly listed the June 20 Plan Commission scheduled cases.

### **A. V-03-2022: 10S675 Glenn Dr. (Rohan); Variation and Findings of Fact**

Request for variations to permit a detached accessory building (garage) within the corner side yard area and within the corner side yard setback.

### **B. Z-10-2022: 9115 Kingery Highway (Thorntons LLC) AMENDED PETITION; Special Uses, PUD Amendment, Variations, and Findings of Fact [REMANDED FROM MAY 23, 2022 VILLAGE BOARD MEETING]**

Amended request for the automobile gasoline sale station to include 24-hour operation.

### **C. Z-16-2022: 6860 North Frontage Rd. (Action Behavior Centers); Special Uses and Findings of Fact**

Requests special uses for a child care center and for a fence in a non-residential district.

### **D. Z-17-2022: Vacant/901 McClintock Dr./PIN 18-30-303-019-0000 (Cornersite, LLC); Rezoning, Special Use, Variation, Planned Unit Development, and Findings of Fact**

Requests to rezone the property, variations, and a PUD.



**E. Z-11-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 16, 2022]**

Due to case load for this agenda, staff requested that this be continued until July 18.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-11-2022 until July 18, 2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, McCollian, Morton, Stratis, Broline, Petrich, and Trzupsek  
**NAYS:** 0 – None

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

**F. Z-13-2022/S-01-2022: Sign Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 16, 2022]**

Due to case load for this agenda, staff requested that this be continued until July 18.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-11-2022 until July 18, 2022.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, McCollian, Morton, Stratis, Broline, Petrich, and Trzupsek  
**NAYS:** 0 – None

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

Chairman Trzupsek noted that he will be out of town on June 20<sup>th</sup>. Commissioner Petrich confirmed that he will be in attendance and acting as Chair.

Commissioner Broline asked about public notice for the commercial vehicles text amendment. Director Farrell stated that text amendment notifications are published in the newspaper and the agendas published online.

Chairman Trzupsek asked about recordings of Plan Commission meetings being available online. Director Farrell stated that this is being reviewed including cost estimates solicited on the potential to film the meetings.

**IX. ADJOURNMENT**

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to


adjourn the meeting at 8:16 pm.

**ROLL CALL VOTE** was as follows:

**AYES:** 7 – Irwin, Stratis, Morton, Petrich, Broline, McCollian, and Trzupsek  
**NAYS:** 0 – None

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

**Respectfully Submitted:**

  
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Janine Farrell, AICP  
Community Development Director