

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF AUGUST 1, 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 Board Room, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

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

Community Development Director Janine Farrell was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – JULY 18, 2022

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

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Morton, Broline, Petrich, Stratis, and Trzupek
NAYS: 0 – None
ABSTAIN: 2 – McCollian and Parrella

MOTION CARRIED by a vote of 6-0 with 2 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.

A. Z-10-2022: 9115 Kingery Highway (Thorntons LLC) AMENDED PETITION; Special Uses, PUD Amendment, Variations, and Findings of Fact [CONTINUED FROM JUNE 20, 2022]

Chairman Trzupek asked for a summary of the petition. Director Farrell stated that this case was continued from June 20, 2022. Since that meeting, the petitioner has worked with Spectrum Senior Living regarding additional landscape screening. Spectrum has withdrawn its objection based upon the updated landscape plan which was mutually agreed upon by Spectrum and the petitioner. The Village would ask that a maintenance agreement be established since the

landscaping will be on Spectrum's property, not Thorntons. The door on the east side of the building will become an emergency exit only and the signage will be removed.

Chairman Trzupek confirmed the objection letter submitted by Jeffrey Kraus and the new letter submitted by Erica Howard. Commissioner Stratis stated that Jeffrey Kraus is the owner and CEO of Spectrum.

Chairman Trzupek asked if the petitioner was present and wished to speak. Tad Lagestee, the owner of the property and speaking on behalf of the petitioner, stated that originally Spectrum thought the gas station would be a truck stop which is why they objected. The petitioner has agreed to extend landscaping to McDonald's to block headlights.

Chairman Trzupek asked for public comments.

Joann Krypel, 10S721 Jackson, was concerned about the sale of liquor and people coming crossing Route 83 to purchase liquor 24-hours a day. Ms. Krypel asked about the increase in traffic and how many people will be coming in the middle of the night. Ms. Krypel stated that noise and racing cars have been a concern in the area. Chairman Trzupek and Director Farrell confirmed that through the liquor license, liquor cannot be sold after 10 or 11 p.m. depending on the day. The petitioner stated that gas station staff would refuse to sell the liquor after that time. Ms. Krypel asked about lighting and compared it to the Thorntons in Westmont. The petitioner stated they will comply with the Village's lighting ordinances except where the variation is requested. The petitioner did not have specifics on what was installed in Westmont. Ms. Krypel was concerned about floodlights, the size of the monument sign, and that an asphalt plant had been proposed in the area. Director Farrell reviewed the sign package and associated variation requests.

Mark Wolski, 16W371 94th Place, stated that there have been issues with fireworks, car racing, and noise from across Route 83 and is concerned that the Thorntons would attract those issues.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Irwin confirmed that Spectrum withdrew its objection as the closest neighbor, does not believe there is a need for 24-hour gas station operation in this area, and that concerns about vehicle noise are legitimate. Commissioner Irwin was torn since a 24-hour gas station was already there and there were not many objectors present.

Commissioner McCollian agreed with Commissioner Irwin but stated that since there was already a 24-hour gas station there, the issues would not likely increase.

Commissioner Parrella agreed with previous comments and reiterated her question from June, asking if Thorntons would not build if 24-hour operation was not approved. The petitioner confirmed.

Commissioner Petrich complimented the petitioner on the design of the gas station and trying to work out landscaping. Commissioner Petrich spoke with two Spectrum residents who were

outside the facility, and neither were informed of the gas station or the proposed 24-hour operation. The residents were not supportive of the gas station since the Speedway is already 24-hours, that there would be additional dumping and littering on Spectrum's property, and more unauthorized use of the parking lot. Commissioner Petrich indicated that he could not support this petition for 24-hour operation.

Commissioner Broline asked for details on the landscaping plan. The petitioner and Commissioner Morton stated that they are year-round trees. Commissioner Broline researched gas station lighting and spillover and asked about the canopy lights. The petitioner stated that gas station chains have researched lighting, but many Villages are strict about downlighting and businesses will comply.

Commissioner Stratis had no concerns about lighting since older establishments do not retrofit to comply with current standards, and that Spectrum would be concerned about their business and residents. Commissioner Stratis was not enthusiastic about 24-hour operation but did not believe it would have significant traffic impact. Commissioner Stratis stated that his wife owns the McDonald's property and that McDonald's did not object. Commissioner Stratis asked about the rear door. The petitioner and Director Farrell confirmed that the sidewalk to the east will be removed from providing access to the door. Commissioner Stratis was concerned about conditioning a private agreement between Spectrum and Thorntons. Chairman Trzupsek agreed.

Commissioner Morton agreed with Commissioner Stratis' comments, that liquor would not be purchased 24-hours, and believed that Thorntons management would not tolerate drag racing and fireworks on their property. Commissioner Morton stated that the building would create a barrier from Route 83 as was stated in a previous meeting and appreciated that Thorntons and Spectrum worked together.

Chairman Trzupsek stated that the building and landscaping wouldn't be a huge sound barrier. Chairman Trzupsek stated that in 2015 the PUD was approved for commercial use on Route 83 and the senior living facility. In 2018, there was a lot of concern about McDonald's and they requested hours until midnight which was deemed too late and only 11 p.m. was approved. Chairman Trzupsek asked the Commission what is different today.

Commissioner Stratis stated that for the past five years, Spectrum worked to find a user for the property and believes that a gas station was not their first choice. Commissioner Stratis stated that you must be realistic and that Thorntons has high housekeeping standards which is why he supports it.

Chairman Trzupsek stated that a gas station was not originally planned and is that a reason to change what was hoped for back then.

Commissioner Petrich added that one resident he spoke with suggested that he meet with local Burr Ridge Senior Living management for more information. Commissioner Petrich stated it was apparent that Spectrum corporate office is approving it, and without input from Spectrum local and the residents. Commissioner Irwin noted the corporate office is in Colorado. Chairman Trzupsek noted the letter states that they are approving the plan and concerned about their liability

but nothing about the residents. Commissioner Petrich is concerned about the gas station's 24-hour activity offering no respite to the senior residents, in particular the assisted living and memory care on the west end. Chairman Trzupsek noted the disconnect in the Thorntons team back in May at the public hearing, that the Commission approved everything with 5 a.m. – 11 p.m., and that the question today is 24-hour operation.

Commissioner Irwin asked why the 24-hour operation. Mr. Lagestee stated that evening sales are critical to the operations and that the projections are low enough to not go through with the project if it is not 24-hours. Mr. Lagestee stated that we are a 24-hour society.

Chairman Trzupsek stated that the Commission is a recommending body. Mr. Lagestee stated that the original intent of the two fast food restaurants would generate more traffic than the gas station. Chairman Trzupsek noted that the concerns are about a 24-hour convenience store operation and that McDonald's may now ask for 24-hour operation.

Rosemary Wagner, 10S741 Jackson, stated that the Spectrum corporate office supports the proposal, not the residents. The quality of life for the residents should be considered. Ms. Wagner asked if Spectrum will receive money from this development. The petitioner responded no.

Commissioner Morton questioned security for the site and that having 24-hour operation would be more secure. The petitioner stated that employees will be managing the site and would discourage people parking and littering.

Commissioner Stratis stated that senior executives with Spectrum have spoken with him since he owns the McDonalds and is a neighbor, and that they have taken notice of the proposal. Commissioner Stratis stated that the Burr Ridge Spectrum would forward any public notice about the proposal to their corporate office.

There was discussion among Commissioners and Director Farrell about the Spectrum objection being withdrawn, the residents' opinion about the proposal, and the public notice that was provided. Chairman Trzupsek noted that the direction at the June meeting was to work with Spectrum. Commissioner Petrich stated that he was the acting Chair at that meeting and asked that clear evidence be provided that the residents did not object. Commissioner Petrich stated that this evidence was not received.

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

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to recommend approval of Z-10-2022, 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 24-hour 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, with Findings of Fact and subject to five conditions:

1. Final plans shall substantially comply with the submitted business plan, site plan, building elevations, photometric plan, sign plans, and the revised landscape plan showing screening on Spectrum's property subject to final review and approval by staff, all 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 outdoor sales area shall be restricted to the area shown on the plan.
4. The Thorntons sign on the rear (east) elevation shall be eliminated.
5. A Certificate of Occupancy shall not be granted until the landscaping is installed as shown on Spectrum's property.

ROLL CALL VOTE was as follows:

AYES: 4 – Stratis, Broline, Parrella, and Morton
NAYS: 3 – Irwin, Petrich, and Trzupek

MOTION CARRIED by a vote of 4-3.

B. Z-11-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 16, JUNE 20, and JULY 18, 2022]

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that the text amendment was previously reviewed and the Commission supported the definition that an attached garage could be connected by a roof with open space underneath. The open space would count towards the square footage of the garage per the draft definition.

Chairman Trzupek asked for public comments. There was none. Chairman Trzupek asked for Commissioner discussion.

Commissioners Morton, Stratis, and Broline did not have comments.

Commissioner Petrich requested something more substantial that attaches the garage to the house, he supported the DuPage County definition for a linkage building, and that the draft definition permits what is technically a detached garage in the side yard. Commissioner Petrich stated that adding a detached structure to the side yard uses the whole frontage, can negatively impact the neighbors, and may be more appropriate on larger lots only. Chairman Trzupke noted that the garage was still in the buildable area.

Commissioners Parrella and McCollian had no comments.

Commissioner Irwin reviewed the information with Director Farrell that was detailed in the staff report and the draft definition being proposed.

Director Farrell read the DuPage County definition of linkage building and noted concern about placing size restrictions on the structure since the attached garage size includes the whole portion of the open and enclosed portions.

The Commissioners discussed the DuPage County definition of detached garage and noted that certain examples of homes provided in the packet, specifically 68 Cabernet Court and 15W351 87th Street, would be constituted as detached garages under DuPage County's definition. The Commissioners discussed whether the connecting portion of the roof should count towards FAR, be habitable space or adjacent to habitable space, and what spaces count towards FAR, such as loft space in a garage and ceiling height.

The Commissioners discussed breezeways and roofs and whether that meant the garage was attached or detached. The Commissioners recommended that the definition be modified to include language requiring the roofline elevation, pitch, and architectural character match the rest of the home, and addressing both primary and second accessory garages as attached.

The Commissioners discussed that any space above the garage should count towards FAR calculations and that any attached garage area over 1,000 sq. ft. also counts towards FAR. This limits the overall size of the garage, home, and breezeway.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to continue the public hearing for Z-11-2022 until September 19, 2022.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0.

C. Z-13-2022/S-01-2022: Sign Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 16, JUNE 6/20, and JULY 18, 2022]

Chairman Trzupsek asked for a summary of the petition. Director Farrell stated that the case was continued from previous meetings. From those meetings, some Commissioners supported eliminating right-of-way signs completely and some wanted to permit only certain types of temporary signs. The draft language was updated to bring the sign closer to the right-of-way, not allowing them to be affixed to utility poles, and limiting signs which are time sensitive and related to an event. Staff discouraged permits for temporary signs.

Chairman Trzupsek confirmed the proposed changes to the text amendment from the previous meeting.

Chairman Trzupsek asked for public comments.

Alice Krampits, 7515 Drew, appreciated the updates so that it would allow temporary directional signage related to events and confirmed the size of the signage allowed with staff.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Irwin clarified the redline version and the clean copy in the packet and noted inconsistencies.

The Commissioners discussed the homeowner consent provision removed from the draft and the ability to place signs in front of other people's property without their consent.

The Commissioners discussed keeping #3 and #8 from the existing text which requires owner consent and requiring an owner label on the sign.

The Commissioners discussed that a sign could be placed in the right-of-way in front of someone's home without the consent of the owner of the property, ownership of the right-of-way, what constitutes the right-of-way, and constitutional rights for public ways.

The Commissioners confirmed with staff that political signs on private property are within a different section of the Sign Code, but political signs in the right-of-way would fall under the draft provision.

The Commissioners supported time limitations on the signs being placed.

The Commissioners discussed lost dog type signs which are affixed to poles and that they would be prohibited under the draft language. Commissioner Morton did not support this provision and felt it was too heavy handed.

The Commissioners discussed the enforcement proceedings of confiscation and allowing three weeks for someone to collect the signs.

The Commissioners generally agreed that homeowner consent for placing signs in the right-of-way in front of someone's home should be required and directed staff to revise the text to make it more of an event sign.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-13-2022/S-01-2022 until September 19, 2022.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0.

D. Z-12-2022: Zoning Ordinance Amendments (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM JUNE 6 and JULY 18, 2022]

Chairman Trzupek asked for a summary of the petition. Director Farrell stated that the case was continued from previous meetings. The Commissioners discussed Roman numeral 'v' regarding vans but there was not consensus on eliminating that provision. The Commissioners generally agreed to eliminate storage boxes and lockers from 'ii' and that draft language is proposed.

Chairman Trzupek asked for public comments.

Mark Thoma, 7515 Drew, learned he was in violation for owning a van without windows behind the first row of seats and no rear seats and that his personal van is considered a commercial vehicle. Mr. Thoma read from other municipalities' definitions of commercial vehicles, stated that the purpose of the Ordinance has lost focus, and should focus on nuisances.

Alice Krampits, 7515 Drew, read from other municipalities', insurance companies', and State of Illinois' definitions of commercial vehicles. Ms. Krampits stated the Ordinance is targeting both the type and usage of vehicles, that the auto industry has seen different trends in vehicles, and that vans with no seats and windows serve different needs for personal reasons. Ms. Krampits stated Burr Ridge is the only municipality from her research which includes vans and the others follow DMV guidelines. Ms. Krampits discussed window tints and previous attempted theft of vehicles at her home.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Irwin supported the language as presented and that other changes may need to be evaluated in the future. Chairman Trzupek and Commissioner Irwin discussed racks and those used for commercial versus recreational purposes.

Commissioner McCollian supported removal of 'ii' completely, enhancing 'iv', and remove 'v' as a subsequent amendment.

Commissioner Parrella agrees with previous comments and had not previously evaluated the van provision but supports removing it.

Commissioner Petrich asked about what caused the 2003 amendment for vans and would like to read that Ordinance. Commissioner Petrich is concerned about randomly occurring vans without windows parking overnight and potential safety issues, and does not support storage boxes above the bed or tailgate and not integrated into the fender.

Commissioner Broline questions if things are being over regulated and agreed with removing 'v' but also sees a safety hazard. Commissioner Broline supported allowing plows during snow season.

Commissioner Stratis did not support giving code enforcement leeway with the Ordinance language interpretation and that there is a difference between hauling objects or equipment and passengers regarding vans. Commissioner Stratis supports striking the storage boxes and lockers but does not support the 'u' shaped boxes.

Commissioner Morton once owned a windowless van, supports removing 'v', and states that Illinois licenses them as personal vehicles. Commissioner Morton prefers the below the rail storage boxes and supports plows since they can be for personal use.

Chairman Trzupsek discussed defining a commercial vehicle beyond how the State licenses a commercial vehicle, supported luggage racks, plows for personal use, and does not understand why vans are singled out.

Commissioner Irwin asked if a waiver or registration system can be instituted to allow individuals to register certain vehicles as not being for commercial use. Commissioners generally agreed and discussed the ticketing process. Director Farrell stated that there is no vehicle registration currently and that the Police Department and Village Attorney would need to be engaged in creation of this system.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-12-2022 until September 19, 2022.

ROLL CALL VOTE was as follows:

AYES: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Morton, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 8-0.

V. CORRESPONDENCE

Chairman Trzupsek asked about engaging the Village Attorney for 10S675 Glenn Dr. Director Farrell confirmed that occurred and the case is on the August 8th Board of Trustees meeting.

VI. OTHER CONSIDERATIONS

There were no other considerations.

VII. PUBLIC COMMENT

There were no other public comments.

VIII. FUTURE MEETINGS

Commissioner Stratis is the scheduled representative for the August 8th Board of Trustees meeting.

Director Farrell briefly mentioned the upcoming cases scheduled for August 15, 2022 which included the continuation of Z-17-2022 the Village Center townhome proposal, Z-21-2022 amended outdoor dining at Coopers Hawk, and Z-22-2022 modified parking lot design for Shirley Ryan Ability Lab.

Commissioner Irwin stated that he will be out of town for the August 15th meeting.

Commissioner Trzupsek offered to be the Plan Commissioner representative for the August 22 Board of Trustees meeting. Commissioner Morton volunteered to be the Plan Commission representative for the September 12 Board of Trustees meeting.

Director Farrell noted the continuation of the text amendments from tonight for the September 19 Plan Commission meeting.

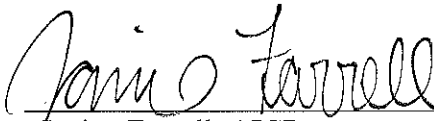
IX. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to adjourn the meeting at 9:43 p.m.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0.

Respectfully Submitted: 

Janine Farrell, AICP
Community Development Director