

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF JANUARY 16, 2023

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 Vice-Chair Morton.

ROLL CALL was noted as follows:

PRESENT: 6 – Irwin, McCollian, Petrich, Broline, Stratis, and Morton

ABSENT: 2 – Parrella and Trzupsek

Community Development Director Janine Farrell was present.

II. APPROVAL OF PRIOR MEETING MINUTES – DECEMBER 19, 2022

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve the minutes of the December 19, 2022, Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Stratis, and Morton,

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Commissioner Irwin stated that he would like to have the December 5, 2022 meeting minutes amended. Commissioner Irwin wanted to clarify that his objection was to not disclosing payments made to individuals in exchange for them endorsing a project, and formal government officials lobbying Commissioners to support a project without informing the Commissioners that they are being paid to do so. Vice-Chair Morton stated that he was not sure if approved minutes could be amended and that this needs to be confirmed.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to amend the minutes of the December 5, 2022 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, McCollian, Broline, Stratis, and Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

III. PUBLIC HEARINGS

Vice-Chair Morton conducted the swearing in of all those wishing to speak during the public hearings on the agenda for the meeting.

A. Z-26-2022: 525 Village Center Dr.; AT&T Special Uses; PUD Amendment and Findings of Fact

Vice-Chair introduced the case and noted that the petitioner requested it be continued until February 6, 2023.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue Z-26-2022 to the February 6, 2023 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Stratis, and Morton
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-22-2022: 7600-7630 County Line Rd. (MedProperties LLC); Variation, Special Use Amendment, and Findings of Fact

Vice-Chair Morton introduced the case and asked Director Farrell for a summary. Director Farrell presented the changes that occurred since the last meeting. The proposal to reconfigure the parking lot and add parking spaces to the north including five spaces in the front yard setback is unchanged. For stormwater, the petitioner submitted a revised Stormwater Management Report. The petitioner also presented at the Stormwater Management Committee meeting in November and received a recommendation of approval. For preventing lighting glare and spillover, the petitioner installed parking lot light shields, installed roller shades on interior windows, and proposes to plant evergreens along the fence line to the west.

Vice-Chair Morton asked if the petitioner was present and if they wished to add anything.

Petitioner Caitlyn Culbertson of Elrod Friedman LLP stated that they listened to the Commissioners and resident concerns and have addressed them. Ms. Culbertson stated that they have an updated landscape plan and a plan to address lighting in the parking lot. Ms. Culbertson stated that they are communicating with the cleaning company to adjust the timing and route of cleaning so that the interior lighting is no longer an issue. Ms. Culbertson stated that they attended the Stormwater Committee meeting and received a recommendation of approval.

Petitioner Trudy Buehler of Mackie Consultants discussed the connection of the dry well to the residential properties to the west. Ms. Buehler detailed the specific water flow direction and rates.

Petitioner Mike Trippiedi of Trippiedi Design discussed the fence elevation in relation to the grade and how the fence becomes shorter with the grade change from south to north. Mr. Trippiedi discussed the installation of the evergreen hedge row and explained that the fence elevation is effective at the southern end and then becomes deficient towards the northern end where the land begins to slope. The evergreens will provide screening in this area. Mr. Trippiedi is proposing to install the evergreens at 5 ft. tall, planted 5 ft. on center, with an initial 18" gap between them. The trees will fill in within 2-3 years.

Vice-Chair Morton asked for public comments.

Mark Thoma, 7515 Drew, presented slides and discussed the farmers drain tile that runs to SRA from the residential properties. Mr. Thoma spoke with the original engineer from Manhard Engineering who stated that there is a connection between the dry well and detention basin. Mr. Thoma is concerned that stormwater will back up onto his property. Mr. Thoma questioned why the detention structure was built in its location if it did not have a connection to the dry well. Mr. Thoma discussed the soil samples taken in 2017 which indicated fill on the property.

Commissioner Stratis asked Mr. Thoma if he spoke with the Village Engineer or the petitioner's engineer. Mr. Thoma said that he had not.

Mr. Thoma stated that he did not like the trees proposed along the fence line and doesn't believe it is enough coverage.

Commissioner Broline asked if Mr. Thoma believed that the information in the Stormwater Report was incorrect. Mr. Thoma stated yes.

Ms. Culbertson confirmed that the fence will remain on the property and that the plantings are concentrated along the properties where the headlights are an issue. Ms. Culbertson stated that the Village Engineer reviewed the plans and everything will be subject to final engineering approval.

Ms. Buehler was not involved in 2017 and is quoting from the Soil Boring Report done at the time. Ms. Buehler stated that the stormwater management section of the Soil Boring Report states that the soils are practically impervious. Commissioner Irwin asked for clarification on fill. Ms. Buehler stated that fill can mean the soil was moved from one location to another, or has gravel, or sand. Ms. Buehler cannot say for sure what the soils are between the dry well and the detention pond unless it is dug up.

Vice-Chair Morton asked if there is a connection between the dry well and detention pond. Ms. Buehler illustrated on the plans that the drain tile comes into the dry well very low and there is a second, emergency relief coming out of the dry well. Vice-Chair Morton confirmed with Ms. Buehler that if the dry well and detention pond are connected, the backyard will still drain, but there might be a temporary increase in a higher water level that can take a few hours to drain, depending on conditions.

Commissioner McCollian confirmed with Mr. Thoma that these were all prior conversations with someone at Manhard Engineering.

Commissioner Petrich questioned Mr. Thoma if he believes that the system is not working as it was designed. Mr. Thoma stated that it is working as designed but there is a passive connection between the dry well and detention pond. Ms. Buehler stated that she does not see anything in the design documents showing these two systems are connected and that the Village Engineer confirms. Commissioner Petrich stated that it cannot be proven they are connected.

Commissioners Irwin and Stratis stated that there has not been an analysis or tests done on the system since it was constructed so this is all speculative.

Commissioner Stratis asked if Mr. Thoma had any evidence that these systems are connected. Mr. Thoma stated that he was told in a meeting that they were connected.

Commissioners Petrich and Stratis confirmed with the petitioner that the soils report was done before construction.

Mr. Thoma asked why the dry well is located close to the detention pond. Ms. Buehler stated she believes that since the drain tile is so low, they tried to pick it up and then add the emergency release which sends water south.

The Commissioners, petitioner, and Mr. Thoma discussed of the location of the 24" drain tile.

Russell Allen, 7519 Drew, wanted to ensure that the care and maintenance of the trees be placed in the Ordinance and confirmed with the petitioner that the trees will be 5 ft. apart on center.

Alice Krampits, 7515 Drew, stated that parking was questioned heavily when the development was first proposed. The bus program played a role in the initial decision about parking requirements, and then the program was eliminated. Ms. Krampits is opposed to more impervious surface and parking in the front yard which makes it look like a B-1 zoning district not a Transitional District. Ms. Krampits recommended that a better solution to the parking issue should be found and there are no aesthetics since everything is concrete and asphalt. Commissioner Stratis asked what Ms. Krampits would like to see. Ms. Krampits stated more greenery and parking islands.

There was no additional public comment. Vice-Chair Morton asked for Commissioner discussion.

Commissioner Irwin reviewed the previous request and special use findings and stated that not much has changed. Commissioner Irwin stated that lighting and other issues have been addressed, so he does not see why the approval should be changed from before. Commissioner Irwin did not see the hardship for the five extra spots and supports approval of the special use but not the variation.

Commissioner McCollian is concerned about the stormwater and questioned what the resolution would be if they are wrong. Commissioner McCollian supported the parking variation.

Commissioner Stratis agreed with Commissioner Irwin on the special use and is not concerned about the parking variation as long as green space requirements are met. Director Farrell confirmed that they were. Commissioner Stratis requested something else provided for the trees like mats to prevent wood chips washing away. Mr. Trippiedi stated that there will be oak sedge groundcover to maintain the slope, confirmed that it will stay in place year-round, and that it is shown on the landscape plan. Commissioner Stratis discussed the care of arborvitae. Commissioner Stratis stated that he is proud of SRA, that it is a beautiful addition to the community, and appreciated their responses to the issues. Commissioner Stratis has faith in staff and their review of the submissions and data. Commissioner Stratis did not hear any actionable data and only conjecture about what could be happening regarding stormwater. Commissioner Stratis supported both requests.

Commissioner Broline looks at inputs and givens and is focused in on the facts as an engineer. Commissioner Broline stated that the system was likely redesigned to reduce costs. Commissioner Broline did not support the parking in the front since this is a Transitional District and should be viewed as such from the front and back. Commissioner Broline preferred to have someone take soil samples.

Commissioner Petrich stated that since the five spaces are in the front, and that they are permitted in the Business District, he supports the request. Commissioner Petrich stated that the stormwater is designed to be separate, and it cannot be proven otherwise unless the engineers do a project to challenge it. Commissioner Petrich stated that everyone has reviewed and agreed to the information and has no issue with the stormwater.

Vice-Chair Morton agrees with Commissioner Stratis. Vice-Chair Morton stated that he is not sure if the petitioner has met the hardship standard for the variation. Vice-Chair Morton stated that the van program was a great amenity to the community and hopes that it is reconsidered to bring it back. Vice-Chair Morton stated that parking in that area is difficult and there may be a future tenant requesting a variation. Vice-Chair Morton stated that only four full spaces are in the setback and only a small portion of the fifth. Vice-Chair Morton appreciated the responsiveness of SRA.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for Z-22-2022.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, McCollian, Broline, Stratis, and Morton
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to recommend approval of Z-22-2022, a request by MedProperties, LLC to amend Ordinance #A-834-02-17 for a special use for final plat approval and a medical office in the T-1 Transitional District, with Findings of Fact, and with the following conditions:

1. The development shall comply with the submitted site plan, subject to final engineering approval, attached as Exhibit A.
2. The development shall comply with the submitted landscape plan, subject to staff review and approval, attached as Exhibit A.
3. The petitioner, owner, tenant, or occupant shall maintain the landscaping including but not limited to the prompt replacement of any diseased or dead material.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Stratis, McCollian, Petrich, Broline, and Morton
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Stratis to recommend approval of Z-22-2022, a request by MedProperties, LLC for a variation from Zoning Ordinance section XI.C.8 to permit parking in the front yard, with Findings of Fact.

ROLL CALL VOTE was as follows:

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

MOTION FAILED by a vote of 3-2.

V. **CORRESPONDENCE**

A. **Board Reports**

There were no comments on the Board Report.

B. **Building Reports**

There was no building report and no comments.

VI. OTHER CONSIDERATIONS

A. PC-01-2023 10S630 Garfield Ave. (Aliyeva); Extraterritorial Review of a Variation

Vice-Chair Morton introduced the case and asked for a summary. Director Farrell stated that this is an extraterritorial review of a variation request located in unincorporated DuPage County. The parcel is south of Oak Creek Club, east of the Oak Ridge Creek Subdivision, and to the west of Rustic Acres, the former Village Public Works facility. The property is accessed through a private road easement located on Oak Creek Club property. The petitioner proposes to divide the property into two lots. Staff reviewed the request and had a concern about the easement on Oak Creek Club's property. Staff was unable to find a copy of the easement and does not know if it will permit this new lot access. Staff requested a copy of the easement through the County and was informed that the DuPage County State's Attorney reviewed the easement and stated that the new lot should be able to use it. Staff also requested verification from DuPage County that the Oak Creek Club HOA was notified.

Vice-Chair Morton asked what actions the Commission could take on this proposal. Director Farrell stated that there is no formal Plat of Subdivision review or approval required since the division is exempt under the Plat Act. The Commission's comments are limited to concerns about the lot width and easement access.

Vice-Chair Morton confirmed with Director Farrell that Oak Creek Club can comment on the petition through the public hearing.

Commissioner Stratis was concerned about the legal review of the easement performed by DuPage County and does not believe that the new lot would necessarily be granted access.

The Commissioners discussed if notification was provided to Oak Creek Club. The Commissioners also questioned the possibility of forcibly annexing the property and that the proposed division would not be approved under Village codes and ordinances.

The Commissioners directed staff to submit comments to DuPage County requesting a delay in the vote until more information is provided about the easement and to mention that the proposed division would not be approved under Village codes.

B. PC-02-2023 Annual Zoning Review

Vice-Chair Morton polled the Commissioners to see if they preferred to hold the discussion on the annual zoning review until Chairman Trzupsek is present. The Commissioners agreed.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue PC-02-2023 until February 6, 2023.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Stratis, and Morton
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

VII. PUBLIC COMMENT

Mark Thoma, 7515 Drew, asked how to prove to staff that additional water is on his property. Mr. Thoma stated that the functioning of the system was explained to him by Manhard Engineering when the development was originally planned, that he had to hire an engineer, and had to inform the engineers that there is a watershed in the area.

VIII. FUTURE MEETINGS

Vice-Chair Morton noted the future Village Board and Plan Commission meetings and the cases scheduled.

IX. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to adjourn the meeting at 8:52 p.m.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Stratis, McCollian, Petrich, Broline, and Morton
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director