

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

ROLL CALL was noted as follows:

PRESENT: 5 – McCollian, Parrella, Petrich, Morton, and Trzupsek
ABSENT: 3 – Stratis, Irwin, Broline

Community Development Director Janine Farrell was present.

II. APPROVAL OF PRIOR MEETING MINUTES – JANUARY 16, 2023

Director Farrell noted that Commissioner Irwin requested an amendment to the minutes on the first page where he requested that the December 5 minutes be amended. Director Farrell distributed a redlined text to the Commissioners with the amended verbiage which stated, “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.”

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner McCollian to approve the minutes of the January 16, 2023 Plan Commission meeting with the amendment proposed by Commissioner Irwin on page 1.

ROLL CALL VOTE was as follows:

AYES: 4 – Petrich, McCollian, Parrella, and Morton
NAYS: 0 – None
ABSTAIN: 1 – Trzupsek

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

III. APPROVAL OF PRIOR MEETING MINUTES – DECEMBER 5, 2022 AS AMENDED

Chairman Trzupsek confirmed with Director Farrell that the prior minutes could be brought forward for amendment.

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Morton to approve the minutes of the December 5, 2022 Plan Commission meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 5 – McCollian, Morton, Parrella, Petrich, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

IV. 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-26-2022: 525 Village Center Dr.; AT&T Special Uses; PUD Amendment and Findings of Fact [CONTINUED FROM DECEMBER 5, 2022 AND JANUARY 16, 2023]

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that the case is a special use permit for a personal wireless facility to be located inside and on top of Building 3 at the Village Center. Since the December 5th meeting, the antenna was reduced in height. It was originally 14 ft. and now is proposed to be 12 ft. above the height of the structure. At the public hearing in December, the Commission asked for more specific information about the screen wall. The petitioner provided renderings and brought samples of the material with them tonight. The petitioner provided Findings of Fact which may be adopted by the Commission in their recommendation. Should the Commission recommend approval, there are two proposed conditions regarding the submitted plans.

Chairman Trzupek asked if the petitioner was present. The petitioner, Mike Bieniek with LCC Telecom Services introduced himself and John Banks as the architect for the project.

Chairman Trzupek referred to the plans and asked for clarification about the beam on the parapet wall. Chairman Trzupek noted that the plans show the flashing removed and a steel plate being fastened to the wall. Chairman Trzupek asked for more information on these details and the fasteners being used. Chairman Trzupek was concerned about the wind load on the addition.

Mr. Banks stated that the block walls are load bearing while the other is an outside wall. Mr. Banks stated that their structural engineers did the calculations, and the walls can support the additional load. The plate will extend a half-inch beyond the masonry, have a

drip edge and a silicone bead to prevent any water from coming in. Epoxy anchors will be used for the fasteners.

Chairman Trzupek requested a condition be added that the structural engineer provides a written statement noting that they have taken into account how the existing building was built and that it can take the lateral and dead loads.

Commissioner Petrich stated that the plans state that the structural engineers have not evaluated the existing structure. Mr. Banks stated that was a boiler plate note and not accurate. Chairman Trzupek and Commissioner Petrich requested that the plans be updated and signed and stamped by the engineer.

Chairman Trzupek requested a condition be added that all steel be galvanized.

Mr. Banks distributed material samples of the screen wall to the Commissioners.

Commissioner Parrella asked how the material is adhered. Mr. Banks stated that it is laminated and is bolted to the structure.

Chairman Trzupek asked for public comment.

Bob Harbour, a resident of the Village Center, stated that this is an inappropriate use in this mixed-use area which includes residential properties. Mr. Harbour stated that the building proportions will be difficult to match.

There was no other public comment. Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton questioned if the brick could be a continuous façade. Mr. Banks stated that there would be a noticeable seam where the material joins together. Commissioner Morton and the petitioner discussed the material of the faux window and the petitioner did not know if 5G could penetrate glass.

Commissioner Petrich stated that the structure is much taller with the screen wall addition and it will be visible to residents in the upper levels. Commissioner Petrich requested that information about snow load be added to the plans. Mr. Banks stated that the snow load is negligible. Commissioner Petrich asked about a note on the plans which stated that the material is recommended for only up to 3G. Mr. Bieniek said that was a boiler plate note which needs to be updated and is not accurate. Commissioner Petrich requested that a condition be added stating that the contractor cannot approve changes, only the Village.

Commissioner Parrella asked if the radio frequencies emitting from the antennae will be dangerous to residents. The petitioners stated that the FCC evaluates this and determines what is safe. Commissioner Parrella stated that from the first day, the material will not look the same, and the materials will not age the same.

Commissioner McCollian did not have any additional questions but was concerned about the weathering of the material.

Chairman Trzupsek stated that the screen wall will look different than the rest of the building. Chairman Trzupsek asked what was the advantage to the Village and what was the public benefit to amending the PUD to allow for this use. The petitioner stated that this is a capacity site and cell sites compete with one another. The site will provide additional coverage to AT&T customers only. Chairman Trzupsek said this was a narrow benefit and other carriers could make the same request. There was discussion about cell tower sites, different carriers, and coverage in the Village.

Commissioner Morton stated that while the FCC may have our hands-tied about radio frequency emissions, they cannot bind us regarding location of the sites.

Mr. Harbour asked if precedence would be set if this was approved and what would prohibit other carriers from making the same request at the Village Center.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Parrella to close the public hearing for Z-26-2022.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Parrella, McCollian, Petrich, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

The Commissioners reviewed the additional conditions that should be added – all steel should be galvanized, the engineer must certify the plans regarding loads, the contractor cannot make changes, the window option be selected over the applique, and final colors shall be approved by staff. The Commissioners discussed separating the requests into separate motions for the special use and PUD amendment. Director Farrell requested that they remain under one motion since this might create confusion where the use is approved, but without the screen wall and architectural modifications.

A **MOTION** was made by Commissioner Morton to approve a special use for a personal wireless facility as per section VIII.C.2 of the Zoning Ordinance and to amend Ordinance A-834-10-05 to permit alterations to the structure related to the wireless facility, with Findings of Fact, and with the following conditions:

1. The development shall substantially comply with the submitted plans, attached as Exhibit A.
2. The maximum height permitted is up to 12 ft. above the height of the existing structure.

3. All steel and metal shall be galvanized.
4. An engineer must certify the plans regarding loads.
5. The contractor cannot make changes to the approved plans.
6. The window option be selected over the applique for the screen wall.
7. Final colors shall be approved by staff.

There was no **SECOND** to the motion and the motion failed.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Parrella to deny Z-26-2022, a special use for a personal wireless facility as per section VIII.C.2 of the Zoning Ordinance and to amend Ordinance A-834-10-05 to permit alterations to the structure related to the wireless facility located at 525 Village Center Drive.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Parrella, McCollian, Petrich, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Since there was only one member of the public remaining who wanted to speak on PC-01-2023, Chairman Trzupek requested that the case be heard next.

B. PC-01-2023: 10S630 Garfield Ave. (Aliyeva); Extraterritorial Review of a Variation [CONTINUED FROM JANUARY 16, 2023]

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that this is a review of a DuPage County request for a variation for lot width from 165 feet to 143.55 feet in order to divide a parcel into two lots. Initial comments were provided to DuPage County outlining the Commission's concerns that this type of division would not be permitted under the Village's Codes and Ordinances. In follow-up to the discussion that occurred in January, the property cannot be forcibly annexed since the Village only surrounds on two sides, the north and the west; the east is a separate parcel and the south is unincorporated. Director Farrell spoke with the Oak Creek Club HOA president. Oak Creek Club HOA members planned on attending the DuPage County meeting and were going to have their attorney review the easement language. Director Farrell reviewed the documents that discussed the easement which was in place since 1961 and reaffirmed through the Plat of Subdivision for Oak Creek Club.

Chairman Trzupek asked for public comment.

Susan Sullivan, a resident of Oak Creek Club, expressed concern that the residents in Oak Creek Club were not given notice about a public hearing.

Chairman Trzupsek responded that because the property is in DuPage County, DuPage County is the entity holding the official public hearing and the one to send out notifications. Chairman Trzupsek said that the response from the Commission will be that the request to divide the parcel does not meet the Village's criteria for minimum lot width and that the Commission does not see hardship for variation.

Commissioner Morton asked what would happen if in the future the divided parcel was requesting to be annexed to Village of Burr Ridge. Chairman Trzupsek and Director Farrell responded that it would be a legal, nonconforming parcel.

Director Farrell stated that she will provide the Commission's comments to DuPage County for the February 8th meeting. The letter will note that the parcel does not meet Village regulations for minimum lot width, that the standard of a hardship has not been met, and will question the notification of nearby residents.

C. Z-01-2023: Zoning Ordinance Amendments for Outdoor Dining (Village of Burr Ridge); Text Amendments and Findings of Fact.

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell stated that the Commission was directed by the Board to review the outdoor dining regulations in light of the changes that were made to business hours of operation and the addition of live entertainment. The Board wanted to ensure that there were no conflicts in the rules and regulations. Staff did not find conflict with live entertainment, but potential conflict with hours of operation. Current regulations state that the hours are set by the Village, the County Line Square PUD states that the outdoor dining shall close one half-hour prior to the closing of the principal establishment, and hours of operation states that it is set by the special use. Director Farrell reviewed the proposed, draft language which incorporated existing language, verbiage from approved special uses, and the County Line Square PUD.

Chairman Trzupsek asked if there was public comment. There was none.

Chairman Trzupsek asked if this language would change the County Line Square PUD. Director Farrell confirmed that it would not. Chairman Trzupsek asked why the hours should be reduced to 11:00 p.m. just to make it uniform and why not adopt the County Line Square PUD.

Director Farrell noted that the Board and staff were also concerned with wall enclosures, year-round use, and portable heaters. Director Farrell noted that if someone was specifically approved for a certain type of wall enclosure or heater through the special use, they would be permitted to continue to have it.

Chairman Trzupsek did not take issue with the heaters if it extends the season as long as there are no wall enclosures. The Commissioners discussed the safety concern about portable heaters inside enclosed spaces and their use since COVID.

Commissioner Morton asked about the difference in hours of operation for establishments with liquor licenses and without. Director Farrell confirmed that the text amendment was intended to make all the hours the same since the special uses approved many different hours. Commissioner Morton requested that additional language be added regarding access so that the outdoor dining would not impede or obstruct curb cuts and would allow for wheelchair access through the pedestrian corridor.

Commissioner Petrich stated that rules have been relaxed about outdoor dining since the pandemic and was concerned about any expansion of the outdoor dining regulations to be permitted by right. Director Farrell confirmed that the special use would still be required in the Business Districts, and that the County Line Square PUD is the only place where it is permitted if under a certain size.

Chairman Trzupsek confirmed with Director Farrell that the entertainment district in the Village Center was approved, but the specifications on the chairs, tables, railings, and other furniture still must be submitted to the Plan Commission for approval.

Commissioner Petrich requested that the Village be required to approve awnings and that there should be no advertising on the awnings as well.

The Commissioners discussed what was meant by the wall enclosures and wanted to control the appearance of the enclosures. The Commissioners were generally supportive of heaters with open fences but not with wall enclosures for safety concerns. The Commissioners also supported enclosures or vestibules around the entrance door, but not walls for the dining spaces with the railings.

Commissioner Petrich confirmed with Director Farrell that #19 was to ensure Building Code compliance and accessibility standards are met.

Commissioner McCollian asked to clarify #1 that the outdoor dining area must be accessed from inside the restaurant, but it allows a dining space to the rear of the building. Director Farrell stated that it can be clarified so it is along the restaurant which it serves.

Commissioner Petrich asked to include Noise Ordinance language and change the one time permit to be one time per calendar year.

The Commissioners discussed music and noise outdoors.

Commissioner McCollian requested the language be modified so that the outdoor area cannot be occupied from November 1 to March 1. The Commissioners discussed including that language as well as not storing furniture within the space.

Director Farrell clarified that the wall enclosures would be permitted through special use approval, such as Pella, on a case-by-case basis.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-01-2023 until February 20, 2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, McCollian, Parrella, Petrich, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

V. CORRESPONDENCE

A. Board Reports

There were no comments on the Board Report.

B. Building Reports

There were no comments on the Building Report.

VI. OTHER CONSIDERATIONS

A. PC-01-2023 10S630 Garfield Ave. (Aliyeva); Extraterritorial Review of a Variation [CONTINUED FROM JANUARY 16, 2023]

This case was moved to IV.B.

B. PC-02-2023 Annual Zoning Review [CONTINUED FROM JANUARY 16, 2023]

Director Farrell introduced the annual zoning review stating that it is a compilation of all the zoning cases that were reviewed by the Commission in 2022. The second part are items which were brought up as potential issues to be address or possible text amendments. On the list are short term rentals which was from 2021 and amending outdoor dining which is in progress. For mobile storage units, there is currently no Zoning Ordinance provision regulating them and there have been code enforcement issues with these being stored on driveways for months. For public hearing notification, newspaper notices are published, public hearing signs posted, and letters sent to residents within 750 ft. to 800 ft. of the site, but the Commission has received complaints that residents were not notified of requests. For updating applications, this would include identifying the whole project team involved in the project. For trucking company offices, this is a use not specified to this detail in the Zoning Ordinance. These are different from a traditional office where the employees are driving semi-trucks, which can be disruptive to neighbors, other tenants, and pose an enforcement issue. For the fence requirement for pools, this is within the Building Code and the Zoning Ordinance references it, but it may have been deleted at some point in a text amendment. Director Farrell noted that no public comment was received.

Chairman Trzupsek asked if there were topics which should be addressed sooner rather than later. Director Farrell stated that trucking company offices are posing a current enforcement issue and has impacted neighboring tenants.

Commissioner Parrella stated that the fence requirement is a safety issue and is important to address. Commissioner Morton requested that fence height be reviewed in light of the Shirely Ryan AbilityLab issue where the fence was in a ditch and not at the 5 ft. height. Director Farrell clarified that a fence is a special use in the non-residential districts and confirmed that how fence height is measured can be reviewed.

The Commissioners directed staff to bring forward the fence requirement for swimming pools, trucking company offices, and mobile storage units to the Board for direction.

VII. PUBLIC COMMENT

There was no additional public comment.

VIII. FUTURE MEETINGS

Chairman Trzupsek noted the future Village Board and Plan Commission meetings and the cases scheduled. Commissioner Petrich stated that he will be absent for the February 20th Plan Commission and February 27th Village Board meetings and requested to switch with Commissioner Broline as the representative for February 13th.

Chairman Trzupsek requested that if the Coda Motors case at 60 Shore Dr. is not ready for public hearing on February 20th, that the meeting be canceled since the outdoor dining text amendments are not an urgent matter.

IX. ADJOURNMENT


A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Parrella to adjourn the meeting at 9:08 p.m.

ROLL CALL VOTE was as follows:

AYES: 5 – McCollian, Parrella, Petrich, Morton, and Trzupsek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

Respectfully Submitted:



Jahine Farrell, AICP
Community Development Director