

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF MAY 1, 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: 6 – Parrella, Petrich, Broline, Stratis, Morton, and Trzupsek

ABSENT: 2 – Irwin and McCollian

Commissioner McCollian arrived at 7:02 p.m.

Commissioner Irwin arrived at 7:03 p.m.

Community Development Director Janine Farrell was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – APRIL 17, 2023

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve the minutes of the April 17, 2023 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Morton, Broline, Parrella, Petrich, Stratis, and Trzupsek

NAYS: 0 – None

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.

A. Z-05-2023: 1400 Burr Ridge Parkway/Portions of Outlots A, C, and D of Lakeside Pointe Subdivision/PINs 18-30-303-016-0000, 18-30-101-048-0000, 18-30-101-045-0000, and 18-30-101-047-0000 (McNaughton Development LLC); PUD Amendment, Special Use, Variations, Preliminary Plan approval, and Findings of Fact

Chairman Trzupsek introduced the case. Director Farrell noted that the petitioner has requested this case be continued until May 15.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to continue Z-05-2023 to May 15, 2023.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Chairman Trzupek stated that the case is being continued since transferring a portion of the outlots of the Lakeside Pointe Subdivision to the corner property would require amending the Declaration and approval by 50% of the homeowners in Lakeside Pointe. Director Farrell confirmed that any change from the 2016 Weekly Homes proposal would require amending the PUD and Plan Commission and Board of Trustees review and approval.

B. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated that the request is to amend an existing special use to expand the interior use to 10,100 sq. ft. and an additional special use for the outdoor, overnight storage of vehicles. In 2019, Coda Motors, an online based automobile sales business, was approved for a special use for auto sales but limited to 7,400 sq. ft. of floor area and outdoor display and storage of vehicles was prohibited. The interior space will accommodate existing operations and there is no change in the business plan. Storing vehicles outside requires a special use. Coda Motors would like to store 29 vehicles outside temporarily while they are being prepped for sale before being moved indoors. Coda Motors uses spaces in front of the building which are unmarked for customer parking and moving vehicles in and out of the building for test drives or pick-up.

Chairman Trzupek asked if the petitioner was present and wished to speak. The petitioner was not present.

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

Commissioner Morton confirmed with Director Farrell that outdoor storage or display of vehicles for vehicles for sale is not typical in the Village. Director Farrell noted that vehicles associated with business operations, not for sale, such as Perma-Seal and Tesla were permitted but conditioned to have fencing and screening. Chairman Trzupek noted that M&T Trucking was permitted for truck sales and the temporary outdoor storage of trucks before they are picked up.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton expressed concern about security and recent theft issues within the Village.

Commissioner Stratis confirmed that M&T Trucking was required to have a fence for their storage area. Commissioner Stratis confirmed that the parking needs for the other tenants at 60 Shore Dr. could not be determined since the number of employees working there is unknown. Commissioner Stratis questioned what constituted minor detailing and requested that the proposed advertising condition be elaborated upon so that no inflatables or other advertising devices be allowed. Commissioner Stratis also expressed concerns about theft.

Commissioner Broline questioned the adverse impact to the neighbors with the storage of vehicles outside. Commissioner Broline noted that Shore Dr. is the address of the property and the area with storage borders the front of the property. Commissioner Broline questioned where a fence could be located on the property and if it was possible.

Commissioner Petrich agreed with the other concerns mentioned and could not recommend approval of the outside storage without knowing the needs of the other tenants. If outside storage is granted for one tenant, it should then be allowed for other tenants if they requested it. Commissioner Petrich did not have an issue with the interior expansion.

Commissioner Parrella requested clarification and more information on the interior expansion, security measures, and fencing.

Commissioner McCollian noted that when she visited the site, the cars were not parked in accordance with the parking lot striping and looked haphazard. Commissioner McCollian requested more information on the extent of the maintenance and repairs.

Commissioner Irwin was not in favor of the outdoor storage of vehicles even with fencing. Commissioner Irwin had an issue with the five spaces closest to Shore Dr. which extended near the road.

Chairman Trzupek wanted clarification on the use of the outside spaces, whether they are for staging or maintenance. Director Farrell noted that the vehicles are stored outside until they can be assessed and prepared for sale. Chairman Trzupek supported the interior expansion but was concerned about staging vehicles outside which is not typical in the Village and may take up parking from other tenants in the development.

Commissioner Parrella asked if the petitioners could be present to provide the Commission with more information. Director Farrell stated that she requested that the petitioners be present tonight.

The Commissioners discussed whether to continue the requests or move forward with a vote. The Commissioners generally agreed that they would not support the outdoor storage of vehicles regardless of additional information provided by the petitioner.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to close the public hearing for Z-02-2023.

ROLL CALL VOTE was as follows:

AYES: 8 - Irwin, Parrella, McCollian, Petrich, Broline, Stratis, Morton, 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 **APPROVE** zoning case Z-02-2023, a request to amend Ordinance #A-834-02-19, a special use for automobile sales, to expand the existing special use from 7,400 sq. ft. to 10,100 sq. ft., with Findings of Fact, and with the following conditions:

1. The special use shall be limited to the sale of automobiles with minor detailing and repairs.
2. The special use shall be limited to the 10,100 square feet of floor area known as Suites A-B at 60 Shore Drive.
3. The special use shall be limited to Joseph Naddaf and his business partners and shall expire at such time that Mr. Naddaf and his business partners no longer occupy the space or an assignment or termination of the lease at 60 Shore Drive occurs.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0

After discussion by the Commissioners to add two conditions from the 2019 special use approval to this amended special use request, Commissioner Stratis requested to amend the motion as follows, with the additional conditions:

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to **APPROVE** zoning case Z-02-2023, a request to amend Ordinance #A-834-02-19, a special use for automobile sales, to expand the existing special use from 7,400 sq. ft. to 10,100 sq. ft., with Findings of Fact, and with the following conditions:

1. The special use shall be limited to the sale of automobiles with minor detailing and repairs.
2. The special use shall be limited to the 10,100 square feet of floor area known as Suites A-B at 60 Shore Drive.
3. The special use shall be limited to Joseph Naddaf and his business partners and shall expire at such time that Mr. Naddaf and his business partners no longer occupy the space or an assignment or termination of the lease at 60 Shore Drive occurs.
4. Outside display or storage of any goods, materials, and automobiles shall be prohibited.
5. Outdoor mechanical maintenance of any vehicle shall be prohibited.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to **DENY** zoning case Z-02-2023, a request for a special use for outdoor, overnight storage of retail vehicles ancillary to a special use in accordance with Zoning Ordinance section X.F. Staff was directed to amend the Findings of Fact accordingly.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0

C. Z-06-2023: Zoning Ordinance Amendments for Swimming Pool Fences (Village of Burr Ridge); Text Amendment and Findings of Fact

Chairman Trzupsek introduced the case and asked for a summary. Director Farrell stated that this text amendment was part of the annual zoning review, and the Board of Trustees directed the Plan Commission to hold a public hearing on the topic. The current requirement for a fence around a swimming pool is within the Building Ordinance, Appendix G of the 2012 International Residential Code (IRC), where a “barrier,” a fence, wall, building wall or combination thereof, is required. The Zoning Ordinance references this code by stating, “Fences for Swimming Pools - As regulated in the other codes and ordinances of the Village.” The Building Ordinance also adopted the 2012 International

Swimming Pool and Spa (ISPS) Code which states that the barrier requirement does not apply to swimming pools with a powered safety cover that complies with ASTM F 1346. Director Farrell posed two guiding questions for the Commission; should a fence be required even if the Building Ordinance changes in the future and would only require a powered safety cover and should a fence be required for above-ground pools or is a barrier on top of the pool sufficient.

Chairman Trzupek asked for clarification. Director Farrell noted that there are conflicting regulations in the Building Ordinance and the more restrictive provision, requiring the barrier, applies. Under Building Ordinance regulations, the barrier is required and it would be beneficial to have it more explicated stated in the Zoning Ordinance. In the future, if the powered safety cover is only required under the Building Ordinance and the Commission still desires to have a fence for swimming pools, then it must be explicitly stated within the Zoning Ordinance.

Chairman Trzupek asked for public comment. There was none.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Irwin asked how the Building Ordinance is updated. Director Farrell stated that a consultant would be retained and that the Board of Trustees is the approving authority. The Plan Commission may be consulted if there is overlap with Zoning Ordinance regulations. Commissioner Irwin supported eliminating the fence requirement as long as a pool has a powered safety cover.

Commissioner McCollian asked about the adoption of the other codes in the Building Ordinance and stated that a fence provides better protection.

Commissioners McCollian and Parrella asked about the powered safety covers and requested more information on the product and if there is a fail-safe.

Commissioner Petrich supported adding the fence requirement to the Zoning Ordinance. The fence could be locally around the pool and not necessarily around the full property.

Commissioner Broline was not familiar with powered safety covers and is in favor of the fence.

Commissioner Stratis supported a fence for safety purposes but having a safety cover should exempt them from the fence requirement. Commissioner Stratis stated that a pond should have a fence. Director Farrell confirmed that a perimeter fence is a requirement for a private pond under existing language.

Commissioner Morton asked whether detention ponds are subject to the fence requirement. Commissioner Morton expressed concern about the fence height in relation to grading for above-ground pools where the barrier is on top of the pool. Commissioner

Morton stated that there are other safety detection systems available and they should be investigated. Director Farrell stated that the provision pertains to private ponds on individual properties, not detention ponds.

There was discussion about barriers on top of above-ground pools, latches and locks for pool fences, powered safety covers, and other safety measures that might be available. The Commissioners confirmed that temporary pools are held to the same standards as permanent pools, with the exception of kiddie pools which are emptied each day.

The Commission requested more information about different safety systems and technologies available.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to continue the public hearing for Z-06-2023 to June 5, 2023.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0

IV. CORRESPONDENCE

There were no Board or Building Reports.

V. OTHER CONSIDERATIONS

There were no other considerations.

VI. PUBLIC COMMENT

There was no additional public comment.

VII. FUTURE MEETINGS

Chairman Trzupek noted that correspondence was received regarding Commissioners' terms and confirmed that Commissioners serve until they are replaced by another individual.

Director Farrell noted that the May 8th Village Board meeting is the swearing-in ceremony and the only item on the agenda will be the Ordinance for the outdoor dining text amendment.

Commissioner McCollian stated that she will not be able to attend the May 15th meeting. Commissioners Stratis and Irwin will not be able to attend the June 5th meeting.

Chairman Trzupsek requested that the May 15th and June 5th meetings be canceled if there are no additional cases added to the agendas and if Z-05-2023 is continued. Commissioner Petrich questioned notification about the continuation of the McNaughton proposal. Director Farrell confirmed that the residents who sent letters were notified about the continuation and would continue to be.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to adjourn the meeting at 8:20 p.m.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director