

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF OCTOBER 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 Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 6 – Irwin, Petrich, Broline, Stratis, Morton, and Trzupek
ABSENT: 2 – McCollian and Parrella

Community Development Director Janine Farrell and Planner Ella Stern were also present.

II. APPROVAL OF PRIOR MEETING MINUTES – SEPTEMBER 18, 2023

Commissioner Petrich requested that motion and roll call vote for adjournment of the meeting which is shown in both Future Meetings and Adjournment should be deleted from Future Meetings.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Morton to approve the minutes of the September 18, 2023 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 5– Petrich, Morton, Irwin, Broline, and Trzupek
NAYS: 0 – None
ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 5-0 with one abstention.

III. PUBLIC HEARINGS

Chairman Trzupek introduced the public hearings on the agenda. He requested to swear in all those wishing to speak on such matters on the meeting agenda and a swearing in of such individuals was conducted.

A. V-02-2023: 16W122 91st Street (Leon); Variations and Findings of Fact [CONTINUED FROM AUGUST 21, 2023]

Director Farrell stated that the Petitioner requested that the matter be continued until November 6, 2023 as they were getting a revised survey done for the property,

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue the public hearing to November 6, 2023.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

B. Z-02-2023: 60 Shore Drive (Naddaf – Coda Motors); Special Use Amendment, Special Use, and Findings of Fact [REMANDED FROM BOARD OF TRUSTEES MAY 22, 2023 & CONTINUED FROM JUNE 5, JULY 17 & SEPTEMBER 18, 2023]

Chairman Trzupek introduced the case and asked for a summary. Director Farrell stated the matter was first heard on May 1, 2023, by the Plan Commission and then remanded back to the Plan Commission from the Board of Trustees on May 22, 2023, and excerpts from those two meetings were provided for review. The case involves two requests, (i) for an interior expansion of the existing special use and (ii) for the outdoor overnight storage of retail vehicles ancillary to the special use. At the prior meeting, the Plan Commission voted unanimously to recommend the approval of the interior expansion and then denial of the outdoor overnight storage of the retail vehicles. A summary of the history of this matter was provided to the Plan Commission for reference.

Director Farrell stated the Petitioners have provided some additional information about the outdoor overnight storage of vehicles. There has been no change regarding the interior expansion of the use. Director Farrell referenced a picture of the site that was displayed on the screen and pointed out the location of the outdoor storage relative to Frontage Road and Shore Drive. Director Farrell displayed photos provided by Petitioner, which showed the striping in the outdoor storage area.

Director Farrell indicated there are two other tenants located in the building Ur Boss, which is also an online-based automobile sales business, and MyGreenMattress. According to the property owner, there are no assigned parking spaces for any of the tenants. There is a total of 62 spaces, and Coda Motors is seeking to use 29 of those spaces for storage.

The Petitioner proposed to enclose the outdoor storage area with a black chain link fence that has black privacy slats. Director Farrell displayed a photo of the proposed fence and pointed to the proposed enclosure area. Director Farrell indicated that the fence is proposed to be 5' tall with two access gates; one for driveway access along Shore Drive and a second internal access point.

In non-residential districts, a fence requires a special use permit. The regulations are the same as they are for residential zoning districts and any deviation is approved as a condition of that special use. Director Farrell noted that some of the deviations, in this case, are that chain link fences are prohibited, a fence must be 50% open (the proposed fence has privacy slats), and fences are permitted in the rear yard and behind the rear wall of the structure (in this instance, the fence is within the front yard and along the side yard of the structure). Thus, there are 3 deviations from the standard fence requirements. Director Farrell further stated that there are standards for consideration for a special use for a fence in a non-residential district.

Staff found only one other example of a chain link fence in the Hinsdale Industrial Park area. Director Farrell stated the fence was located at 340 Shore Drive; it is to the rear of a building and surrounds an outdoor-type storage tank used in connection with some sort of manufacturing process. The fence does have brown privacy slats. The fence was approved in 1992 for a corrugated recycling system.

Director Farrell stated there are other fences in the Hinsdale Industrial Park, but they are typically of the black, metal, or wrought iron look and are 50% open. Director Farrell noted what was approved for Tesla was a similar fence style to what is generally found within the Hinsdale Industrial Park.

The Petitioner provided photos of some existing security cameras and wall pack lighting on the site. No new or additional security cameras or lighting is being proposed.

Director Farrell provided a reminder of the previous motion and the vote count. Originally, there was an 8-0 vote to recommend the approval of the interior expansion of the use and an 8-0 vote to recommend the denial of the outdoor overnight storage of the retail vehicles.

Director Farrell stated that this case has been remanded back from the Board and indicated that the Plan Commission may desire to proceed in a couple of ways. The Plan Commission could re-affirm the two previous recommendations of approval or denial, or the Plan Commission may wish to take another motion on these actions and re-vote. The interior use expansion was a unanimous approval, but it is still an option to re-vote on this matter.

Director Farrell indicated a list of some conditions that the Plan Commission may wish to adopt if the Plan Commission does vote to recommend the approval of the outdoor storage. Two of those conditions relate to the deviation from the fencing regulation. One condition would permit chain link fencing with privacy slats, and the second condition would allow the fence to be located in the front and side yards. Director Farrell further noted two additional conditions that the Plan Commission may wish to adopt if recommending the approval of the outdoor storage, including a limit of 29 vehicles to be stored and a prohibition of the outdoor display of vehicles as an advertising mechanism.

Director Farrell invited the Plan Commissioners to ask any questions they may have.

Chairman Trzupsek asked if Director Farrell recalled if the 29-vehicle limit were based upon the size of the proposed fenced area.

Director Farrell indicated that the 29-vehicle number was based upon the Petitioner's request to store 29 vehicles outside.

Chairman Trzupsek asked for further clarification about whether at the time of the 29-vehicle limit discussion, the Plan Commission had any information regarding the proposed fence before it was for consideration.

Director Farrell stated that at the time of the original denial of the outside storage of vehicles, no fencing was proposed. The Board remanded the matter back for consideration by the Plan Commission with the stipulation that fencing, lighting, security, as well as potentially landscaping and screening, be provided.

Chairman Trzupsek asked for further clarification about the location of the fence relative to the front yard.

Director Farrell displayed a site plan and pointed out the locations of the front and side yards of the property. Director Farrell indicated that the technical "front" of the building borders the street with the least amount of frontage. Director Farrell noted that the actual entrance of the business is at the rear of the property.

Chairman Trzupsek sought further clarification as he believed that to be considered in the front, the fence must be located past the front face of the building.

Director Farrell clarified that to be in the front, the fence must be located within the front yard. A fence would only be permitted back, even with the rear wall.

Chairman Trzupsek asked about the fence located in the side yard.

Director Farrell stated that the fence is not permitted in the side yard.

Chairman Trzupsek pointed to the proposed fence area and asked if it was located in the front or side yard.

Director Farrell stated that the proposed fence is technically located in the front and side yard.

Chairman Trzupsek asked why it was considered to be located in the front.

Director Farrell stated that the proposed fence is considered to be in the front because it is not located behind the rear wall of the building. Director Farrell stated conceded that because the proposed fence was even with the front wall of the building, it could be considered to just be located in the side yard.

Commissioner Stratis asked for clarification about the parking extending beyond the front of the building's front wall.

Director Farrell stated the Petitioner would have to provide clarification on this matter as the original proposal showed parking up to the street frontage. Director Farrell noted that there were 4 existing parking spaces located in the front. Director Farrell stated the parking would be considered an existing non-conforming use. Director Farrell stated the proposed fence location were shown as starting even with the front wall.

Chairman Trzupsek discussed that last year, down at 311 Shore Drive, there was a fence that is farther back, but it is also along the side of the building. Chairman Trzupsek inquired about if it was permitted in the side yard.

Director Farrell stated a fence was permitted in the side yard, but it started halfway back down the building from the front wall.

Chairman Trzupsek noted that the permitted fence at 311 Shore Drive was further back than the proposed fence in this case. Chairman Trzupsek asked for confirmation that the Plan Commission approved the 311 Shore Drive fence despite it being located in the side yard.

Director Farrell confirmed that he was correct and also noted that the 311 Shore Drive fence was taller than 5' in height.

Commissioner Irwin asked if the case was remanded back from the Board because the Petitioner sought for it to be remanded.

Director Farrell confirmed that this was correct.

Commissioner Irwin further clarified that the Board did not, independent of the Petitioner's request, remand the case for further consideration by the Plan Commission.

Director Farrell stated that Commissioner Irwin was correct. The Petitioner was not present at the case's first presentation before the Plan Commission but was then present at the Board meeting and requested that this matter be remanded.

Commissioner Irwin clarified that the reason it was remanded was not because the Board had a particular viewpoint on the case but rather because the Petitioner showed up to the Board meeting, indicated that it was not present at the Plan Commission meeting, and requested a further opportunity to be heard.

Director Farrell confirmed that Commissioner Irwin was correct. Director Farrell added that that was when the Board agreed to remand the case subject to the requirement that Petitioner address the Plan Commission's comments regarding the case from its original meeting.

Commissioner Irwin asked to look at the aerial view of the property again and inquired about the location of the front and rear of the neighboring building to ascertain which area of the neighboring building would be facing the proposed fence.

Director Farrell indicated that the area Commissioner Irwin pointed out was the back/side of the neighboring building. Director Farrell pointed out where the front of the neighboring building was located.

Chairman Trzupsek asked if the Petitioner was present and if they would like to add anything.

Al Samen, representative for the Petitioner, Joseph Naddaf, stepped forward and stated that he would like to add something. Al Samen stated that the parking the Petitioner is asking for is in the back of the building so if you were on Frontage Road, you would not see the cars. The fence will not go all the way to the first five spots toward the front of the building because those spots are for employees. Al Samen pointed to an area on a visual depiction of the property to show where the fence would be located. Al Samen stated that the five spots will be empty at night. There are 22-24 spots in the proposed fenced area. The tenants upstairs have dedicated, marked (with names) spots for use.

Director Farrell asked Al Samen to confirm that it was still the Petitioner's intention to use the spaces outside of the fenced area.

Al Samen stated that Director Farrell was correct. The spaces outside of the fenced area would be used for employee parking.

Chairman Trzupsek invited public comment and questions. No one stepped forward.

Chairman Trzupsek moved on to Commissioner comments and questions and invited Commissioner Morton to speak.

Commissioner Morton stated he had a few questions. First, he sought further clarification about the spots that were just discussed; those that are assigned for use by the employees. Commissioner Morton asked the Petitioner to point out the exact location of the spots on a site plan, which was displayed.

Al Samen pointed out the location of the spots.

Commissioner Morton asked if the employees would park in the non-conforming parking spots.

Director Farrell stated that he was correct based on the information being presented. Director Farrell stated there will be vehicles parking in the front yard, outside of the fenced area.

Commissioner Petrich stated he believed those spots would be used by Petitioner employees. Commissioner Petrich asked for further clarification of where other tenants would park.

Al Samen pointed to areas in the back of the building where additional parking is located and showed where other tenants park.

Commissioner Petrich confirmed that the spaces outside of the proposed fenced area are for the Petitioner's employees.

Al Samen agreed that they would be for the Petitioner's employees or whoever else parks there.

Commissioner Morton stated that before he came to the Plan Commission meeting that evening, he drove through the parking lot in question. Commissioner Morton stated that both the side lot and back lot appeared to be at capacity. Commissioner Morton expressed concern that the Plan Commission may create a situation where the building does not have adequate parking.

Al Samen stated that the Petitioner buys cars nearly every Monday. Al Samen acknowledged that the lot was full. Al Samen mentioned that cars are also stored in another location in unincorporated Burr Ridge, but the cars were just dropped off today. Al Samen stated that the back lot was very full because the cars had not been moved to the other location, but the front spaces remained open.

Commissioner Morton asked if the Petitioner was stating that this situation is a Monday event.

Al Samen confirmed it is a Monday/Tuesday event.

Chairman Trzupsek stated that the cars in the back with dates on their windows, do not appear to be employee cars leaving at night, and without an employee headcount, the Plan Commission does not know how much employee parking is required. This remains an open issue. Chairman Trzupsek asked if the cars in the lot today with the circular dates are Petitioner's cars.

Al Samen stated those cars were not the Petitioner's cars. Al Samen stated that they do not display cars in the front.

Chairman Trzupsek indicated that to Commissioner Morton's point, the lot was packed at 5:45 p.m., and it is doubtful that it was empty by the present time in the meeting. Chairman Trzupsek stated there may be another zoning issue with a different tenant if these cars are out there overnight. Chairman Trzupsek noted while employee parking might not be the issue, there is another issue on the property with these cars being out there all night.

Commissioner Morton referenced the penultimate sentence in the last paragraph of an email from March 2, 2023, from Mr. Naddaf to Director Farrell which stated that the staging area was needed for the purchased cars that require inspection and work done before they are offered for retail. Commissioner Morton stated that he believed this use is a “non-starter” as the Plan Commission does not ever allow outside mechanical work to be done. Commissioner Morton expressed confusion about how the Plan Commission could approve this use with the condition of no mechanical work being done outside while at the same time having this email indicating that this language in the email referenced.

Chairman Trzupke stated that the email merely references cars needing work. It does not state that work would be done outside.

Commissioner Morton stated that he considers inspecting vehicles as work being done.

Al Samen asked to clarify. Al Samen indicated that they take 5 cars at a time offsite, third-party mechanics who perform the inspections. The Petitioner does not do any work outside of the property in question.

Commissioner Morton stated that he is bothered by the chain link and does not know why the Plan Commission would approve such a fence when in other instances, it has gone to great lengths to approve a more attractive fence, such as in the case of Tesla. Commissioner Morton stated that he had no further questions at this time.

Chairman Trzupke invited Commissioner Stratis to comment.

Commissioner Stratis agreed with Commissioner Morton regarding the fence. Commissioner Stratis asked the staff if it was correct that Tesla was required to do a 50% impervious fence.

Director Farrell indicated that the Tesla fence was 50% open.

Commissioner Stratis indicated that the Plan Commission does not like chain link fences for several reasons, including they tend to rust and even stainless steel looks great for five years and then begins rusting. Commissioner Stratis stated he could not come up with a good distinction between this case and Tesla’s, so he is struggling with that. Commissioner Stratis indicated that the front yard question had already been answered for him. Commissioner Stratis sought confirmation that the vehicles on site were not vehicles that had been in a collision and thus were unsightly.

Al Samen indicated that Commissioner Stratis was correct. Al Samen stated none of the vehicles had any major damage.

Commissioner Stratis stated if there were going to be junked cars parked in the back, he could see supporting slatted fencing, but if there are going to be new cars back there and

the fence is being used to deter people from scaling it to obtain access to the cars, then it is tough for him to support slatted fencing.

Al Samen asked what the root of the objection was to the slatted fencing.

Commissioner Stratis indicated it is because it is the cheapest fence and is not appealing to our community.

Al Samen indicated there may be other fencing options.

Commissioner Stratis further indicated that the fence being shown was a 6'-8' fence or at least certainly not a 5' fence. Commissioner Stratis reiterated that he could not come up with a distinction for why the application is unique to others that have come before the Plan Commission. Commissioner Stratis stated if the intent is to make it difficult for people to jump the fence, a 50% fence is sufficient. Commissioner Stratis also inquired about the 29-car limitation and wanted to clarify if that was to be included in the suggested motion.

Director Farrell stated that it should have been included as it was included among the conditions in the May staff report.

Commissioner Stratis commented on the lack of information about the number of employees. Commissioner Stratis pondered why this information was difficult to obtain.

Director Farrell stated that it has been challenging to get responses from the property owner. As an example, Director Farrell indicated that the property owner's consent for the fence has not yet been confirmed. The building permit for the fence would require this consent. Staff did obtain the landlord's approval for the zoning action, but when the owner was asked about how many employees in the building, assigned parking, etc., it was challenging to receive a response.

Commissioner Stratis stated it was hard to have so many volunteers spending significant time on this only to have the landlord fail to respond to some simple inquiries. Commissioner Stratis believes it is disrespectful to the system.

Chairman Trzupsek stated that although the Plan Commission has the property owner's consent to move forward with the zoning hearing, it does not mean that they will cooperate with the outcome.

Director Farrell stated Chairman Trzupsek's statement is correct. For the original zoning action regarding the expansion of the use and the outdoor storage of vehicles, the owner consented, but for this particular fence on the property, the owner's consent has not been obtained at this time.

Al Samen indicated that he spoke to the owner, and he will be asking for a little more money, which the Petitioner does not take exception to. The owner had questions about

access via a keypad and fire department approvals. The owner also wants the Petitioner to be responsible for the repair of any damage to the lot. Al Samen stated these were the only matters that the owner expressed concerns about.

Chairman Trzupsek stated that the original petition did not include a fence and while the Petitioner is saying the owner is okay with the fence, if there was any kind of recommendation by the Plan Commission, it would need to include a condition requiring owner approval.

Director Farrell confirmed that consent would be required to obtain the building permit.

Commissioner Stratis indicated that he had no further comments.

Chairman Trzupsek invited Commissioner Broline to present his comments and questions.

Commissioner Broline asked where the gates are shown on the site plan.

Al Samen stated the proposed site plan does not accurately depict where the gates will be. Al Samen showed the correct location of the gates.

Commissioner Broline asked if one is coming from Shore Drive, there will be secured gates with a code.

Al Samen confirmed.

Commissioner Broline asked for clarification on the west side of the building and the parking spaces. Commissioner Broline asked for clarification on how the gate locks work.

Al Samen stated they lock the gates around 7:00 p.m. when they leave work. Al Samen stated the Fire Department, tenants, and the landlord will have access and the code.

Commissioner Broline asked how the lock is controlled

Al Samen stated the lock will be controlled by a battery.

Chairman Trzupsek asked in terms of circulation if the gates are open in the morning and all day.

Al Samen stated he did not know. Al Samen stated the width of the gate will not be very wide. The gate will fit two cars in width.

Commissioner Broline asked for clarification on the traffic pattern.

Commissioner Startis stated the proposed site plan for the gate and fence is not accurate.

Al Samen pointed to where he thought the gates were going to go. Al Samen stated he is unsure where the Petitioner wants the gate. Al Samen stated the business UR Boss is displaying cars to the front.

Director Farrell asked for clarification on the fence and gate location based upon on the diagram. Director Farrell stated the proposed plans are not accurate.

Chairman Trzupsek stated the Plan Commission does not have an accurate plan of where the fence will be. Chairman Trzupsek stated back in May the hearing was for the Plan Commission to decide if Coda Motors could expand the business inside and have outdoor storage. Chairman Trzupsek reiterated the Plan Commission stated no to outdoor storage because there were no plans for a fence or security. The Board sent it back to the Plan Commission with a plan for a fence because the Plan Commission previously allowed outdoor storage vehicles overnight with a fence in the area. Chairman Trzupsek stated the Plan Commission still does not know what extent of fencing the Petitioner wants, how many cars will be in the area, or the gate's location. Chairman Trzupsek stated they may want to put a fence along the whole property since Al Samen stated cars are parked all along the lot at night. Chairman Trzupsek suggested a plan with a fence may get a recommendation from the Board for approval, but they need to see a real plan addressing tonight's comments.

Commissioner Broline questioned the flow of cars with the gate for the other businesses and neighbors in the same parking lot.

Al Samen stated he did not know.

Commissioner Irwin stated from Google Earth it appears the street is directed as a one-way in the opposite direction, and they back into the parking spots.

Commissioner Petrich stated the stripping of the parking spaces is not how the cars are parked. Commissioner Petrich agreed with everything mentioned. Commissioner Petrich stated confusion about the location of the fencing. Commissioner Petrich asked how the gates would open. The striping should be accurate and reflect the parking space. Commissioner Petrich questioned why there is no parking sign for MyGreenMattress, and if they are the owners of the property. Commissioner Petrich agreed Coda Motors needs a metal and 50% open fence, not a chain link fence. Commissioner Petrich mentioned adding landscaping to cover the fence along Shore Dr. Commissioner Petrich stated every time he drove by the area, there were cars parked in the grass to the curb. Commissioner Petrich stated if the Plan Commission were to approve something that should change.

Al Samen stated that MyGreenMattress is a warehouse. A box truck will pick up a mattress occasionally, but there are no customers at the location. Al Samen confirmed that MyGreenMattress is the owner of this property. Al Samen stated information about the cars in the grass by the curb. Commissioner Petrich stated in May, he drove by the site and there only used to be about 3 or 4 corvettes. Commissioner Petrich noted he was surprised

to see all of the cars on the lot. Commissioner Petrich agreed with Chairman Trzupek that the location may evolve into an outdoor storage area, and the owner needs to figure out what he wants to do with the property.

Al Samen stated that UR Boss has a few locations that shut down, so they are moving all their cars outside to this lot. Al Samen Stated there are no more Corvette Mikes.

Commissioner Irwin stated if Mike Corvette is no longer there, the Plan Commission may want to go back and look at the conditions and use of that property. Commissioner Irwin stated his objections are strong. Commissioner Irwin stated in terms of the location, he is in favor of the commonsense approach to defining a yard and allowing a fence as long as it does not impact the neighbors. Commissioner Irwin stated he is not in favor of a chain-link fence and mentioned the discussion at the Plan Commission for Tesla's fence case. Commissioner Irwin stated if he can get over the hurdle of putting a fence where it does not belong, there are still modifications needed.

Chairman Trzupek stated if they were to put a fence in the proposed location that was not chain link and where the gates are, they may find a recommendation of approval. Chairman Trzupek stated the Petitioners need to come back with an accurate plan of defense of where the fence and gates will be, how the gate will operate, a different gate, and address the striping of the parking spots. Chairman Trzupek suggested to look at Tesla's fence. Chairman Trzupek stated they need to have consent and support from the owner. Chairman Trzupek stated they may get a consensus.

Commissioner Petrich mentioned he would like them to consider adding some landscaping.

Al Samen stated the fence would be on the asphalt, not the grass. Al Samen stated it may not look great to the neighbors, but they have trucks and trailers.

Commissioner Stratis asked if they faced theft or vandalism and why they wanted a fence.

Chairman Trzupek stated the Plan Commission is because the Petitioner asked for outdoor storage, and the Plan Commission stated not without a fence. The Plan Commission denied any recommendation for just outdoor storage.

Commissioner Irwin stated he would want outdoor storage without a fence.

Commissioner Stratis stated Tesla had a fenced-in area.

Chairman Trzupek reiterated back in May the Plan Commission denied a recommendation for outfoot storage that did not show a fence.

Commissioner Petrich stated the Village Board remanded it back to the Plan Commission to ensure the Petitioners add a fence.

Chairman Trzupsek stated yes.

Commissioner Irwin summarized the previous meetings.

Commissioner Petrich stated Trustee Francis was clear the Petitioners needed to add a fencing plan, lighting, and security.

Chairman Trzupsek stated the Board stated not to bring back the same plan, which referred to as no outdoor storage without a fence.

The Commissioners discussed the fence.

Commissioner Morton stated by eliminating the fence, the property would become a used car lot, which would propose appearance concerns. Commissioner Morton stated a fence would help mitigate the corners.

Chairman Trzupsek stated the Petitioner can come back with more details on a different fence, how it operates, and where it will be, or the Plan Commission can make a motion to deny the case again. Chairman Trzupsek stated it would be inconsistent with Tesla, to say the Plan Commission does not want a fence there.

Commissioner Morton stated he agreed with Chairman Trzupsek's points he summarized earlier about not going forward tonight. Commissioner Morton stated the primary problem is the Plan Commission does not have an actionable plan in front of them. Commissioner Morton stated the drawing is inaccurate. Commissioner Morton stated if the Petitioners provide additional details, accurate drawings, a non-chain link fence, and address the comments from tonight he could be in support of continuing the case.

Chairman Trzupsek stated with the understanding that even with all of Commissioner Morton's points addressed, the Plan Commission still might not support it.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to continue the public hearing to November 20, 2023.

Commissioner Morton stated he agreed with the motion, but the Petitioners may need more direction from the Plan Commission on what is acceptable.

Chairman Trzupsek stated the Plan Commission will not know what is acceptable until the Petitioners present something to them. Chairman Trzupsek stated they need an accurate plan, how the gates operate, where the gates will be, what the fence will look like, what the striping looks like, and then the Plan Commission may agree to approve the case. Stated if they come back with everything discussed

Commissioner Stratis stated the Plan Commission also needs landlords' approval.

Commissioner Petrich stated he would like to see consideration to landscaping.
Director Farrell stated staff will follow up with the Petitioner as well to memorialize the comments discussed.

Commissioner Petrich stated he would like clarification on the parking in the front outside of the fence right to the curb.

Chairman Trzupke asked Al Same what date they could continue the matter.

Al Samen stated they could come back the first week of November.

Director Farrell presented November 20th, to give the Petitioners more time to address all the comments.

ROLL CALL VOTE was as follows:

AYES: 6F – Statis, Irwin, Petrich, Broline, Morton and Trzupke
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

Commissioner Irwin asked how the discussion for case V-01-2023 went.

Director Farrell stated that the case will be at the Board meeting on October 23, 2023.

Chairman Trzupke invited any comments on the Board or Building Reports.

V. OTHER CONSIDERATIONS

Commissioner Morton asked Director Farrell if there were any updates on QuikTrip.

Director Farrell stated QuikTrip requested the Board withdraw their objection, which will also be on the Board meeting agenda on October 23, 2023. Director Farrell stated QuikTrip adjusted the site plan, the car wash is gone, and there is less semi-truck parking, but ultimately it is the same re-zoning request and conditional use for the PUD.

Commissioner Stratis asked about Thorntons.

Director Farrell stated Thornton intends to break ground in the spring.

Commissioner Broline asked if QuikTrip and the County had addressed the concerns from Gary Grasso's letter.

Director Farrell stated the Board will discuss this on October 23, 2023. Director Farrell stated from her knowledge QuikTrip had to make changes based on IDOT's requirements. The Board meeting is another option for them, looking for the Village of Burr Ridge to withdraw the rejection, so they need a majority of the County Board. Director Farrell stated from her knowledge QuikTrip has requested continuations at the County level to try and get the rejection withdrawn so they can get a majority instead of the three-fourths majority at the County level, which the protest requires.

Commissioner Petrich stated from his understanding the school district formally opposed it, and the public petition had several signatures.

Director Farrell stated from her knowledge, that is correct.

Commissioner Broline asked if Burr Ridge has authority.

Director Farrell stated the Village of Burr Ridge does have authority. The Village of Burr Ridge filed a written protest, also known as a legal objection. Director Farrell stated a resolution was passed by the Board with the letter from Mayor Grasso and the motion was filed with the County clerk. Director Farrell stated the motion was sent to the property owners and the Petitioners. Director Farrell stated it is a legal mechanism where the Village has triggered a three-fourth majority vote of the county board members.

Commissioner Petrich asked if the car/truck wash was eliminated.

Director Farrell stated yes.

Commissioner Morton asked Director Farrell if any other Villages objected.

Director Farrell stated other villages may object, but per the County's Ordinance, only the closest Village can file a legal protest, which is the Village of Burr Ridge.

VI. PUBLIC COMMENT

There was no additional public comment.

VII. FUTURE MEETINGS

Stern noted that there three items are scheduled for the Plan Commission meeting on November 6, 2023.

Stern noted that Commissioner Petrich is the scheduled representative for the October 23, 2023 Village Board meeting.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to adjourn the meeting at 8:06 p.m.

ROLL CALL VOTE was as follows:

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

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0

Respectfully Submitted:



Janine Farrell, AICP
Community Development Director