

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF NOVEMBER 20, 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 Chairman Morton.

ROLL CALL was noted as follows:

PRESENT: 7 – Morton, Irwin, McCollian, Parrella, Petrich, Broline, and Stratis

ABSENT: 1 – Trzupek

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

Vice Chairman Morton acted as Chairman since Chairman Trzupek was absent.

II. APPROVAL OF PRIOR MEETING MINUTES – NOVEMBER 6, 2023

Commissioner Petrich stated that for the amendment to the October 16 minutes, the petition against Quick Trip should say several hundred signatures instead of several signatures.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve the minutes of the November 6, 2023 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 5 – Petrich, Broline, McCollian, Stratis, and Vice Chairman Morton

NAYS: 0 – None

ABSTAIN: 2 – Irwin and Parrella

MOTION CARRIED by a vote of 5-0 with two abstentions.

III. PUBLIC HEARINGS

Vice Chairman Morton asked the Commissioners if they had any objections to switching public hearings V-08-2023 and Z-11-2023 on the agenda. None of the Plan Commissioners objected.

Vice Chairman Morton introduced the public hearings on the agenda. Vice Chairman Morton 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. 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, & OCTOBER 16, 2023]

Vice Chairman Morton introduced the case and asked for a summary. Director Farrell stated the case was remanded back from the Board of Trustees and continued at the last Plan Commission meeting until the November 20th, 2023, Plan Commission meeting. Director Farrell stated that Z-02-2023 was a request for two special uses, one for outdoor storage and one for internal expansion of the use. Director Farrell stated at the November 6, 2023, Planning Commission meeting that the Commissioners did not support the proposed chain link fence. The Plan Commission recommended Coda Motors propose a metal fence similar to the one recently approved for Tesla. Director Farrell stated the Plan Commission wanted more specific information about the fence location in relationship to the building and walls, the striping of the parking spaces within the area, the number of vehicles within the fenced area, information about the other tenants parking within the fenced area, and the owner approval. Director Farrell stated the Petitioner provided updated information on the fence, and the Plan Commissioner received the information via email. Director Farrell stated the updated fence was a six-foot-tall metal fence. Director Farrell pointed to an example image and the specifications of the fence. Director Farrell showed an updated ariel image, provided by the Petitioner, showing the parking spaces and the two gates. Director Farrell stated the Petitioner sent additional information in an email sent on the day of the public hearing. Director Farrell stated there were a few recommended conditions for the interior expansion and the outdoor storage.

Vice Chairman Morton invited the Petitioner to speak.

Joseph Naddaf, the Petitioner, stated he received an email with the landlord's approval for the gates. Naddaf explained the area of the building to the fence. Naddaf stated the area was not a part of their showrooms. Naddaf stated customers do not have access to the area. Naddaf explained the proposed gates open to the east to maximize the number of parking spaces within the fenced-in area.

Vice Chairman Morton read Chairman Trzupek's comments. Chairman Trzupek generally supported the new fence and the location. Chairman Trzupek stated the east side of the fence should be in line with the building, and the few parking spaces beyond the fence in what may be the right of way should not be parked there. Chairman Trzupek stated since the Plan Commission received the updated information on the day of the public hearing, the Commissioners may need more time to review the information before making a recommendation.

Commissioner McCollan agreed with Chairman Trzupek's comments. Commissioner McCollan stated it appeared there were more cars in the parking lot than in the fenced-in area. Commissioner McCollan asked if all the cars would fit in the fenced-in area overnight.

Naddaff stated there were fewer cars, and the image was not accurate. Naddaff stated all the cars would fit inside of the fence.

Commissioner Stratis stated the east side of the fence should align with the building.

Naddaff stated he would adjust the fence to align with the building.

Commissioner Broline asked about a written agreement with the landlord and stated landlord approval should be a condition.

Naddaff stated he had an email with the landlord's approval.

Commissioner Petrich stated the striping was still perpendicular. Commissioner Petrich stated that the parking lot striping and fence measures should be updated.

Naddaff stated the fence would be on asphalt along the property line. Naddaff stated the landscaping would be preserved.

Commissioner Petrich asked about the detail reviewed in a permit.

Director Farrell stated that was correct. Director Farrell stated staff would ensure the fence was on the property and parking was not cut off.

Commissioner Petrich stated the Board and Plan Commission requested screening and landscaping on Shore Drive to screen the fence.

Naddaff stated they could put in year-round landscaping.

Commissioner Parrella stated the perpendicular striping in the parking lot should be parallel striping. Commissioner Parrella asked how the gate would operate.

Naddaff stated the gate was manual, and the tenants and the fire department would have access to the inside.

Commissioner Irwin stated he would support continuing the case to analyze the updated information given to the Plan Commission on short notice. Commissioner Irwin stated the only documentation for the request was a one-page summary.

Director Farrell stated an email was sent out earlier that day, with three attachments and additional information.

Commissioner Irwin stated he liked to review the original proposal, petition, and previous discussions. Commissioner Irwin asked about the concerns from the previous Plan Commission meetings.

Commissioner Stratis stated at the previous Plan Commission meeting, that the Petitioners proposed a chain-link fence, and the Plan Commission did not support the chain-link fence.

Naddaff stated the new proposed fence was 6 feet tall and not chain-link.

Vice Chairman Morton stated the length of the fencing was previously discussed. Vice Chairman Morton sympathized with Commissioner Irwin's comments. Vice Chairman Morton stated the proposal was significantly different from the first proposal.

Commissioner Irwin asked what the procedural mechanism was for the case.

Director Farrell stated the original request was heard by the Plan Commission for the outdoor storage and the internal expansion. Director Farrell stated there was unanimous approval for the internal expansion. Director Farrell stated outdoor storage

was not typically allowed in the Village unless fencing or screening was provided. Director Farrell stated that was how the discussion and proposal for the fence began.

Commissioner Irwin confirmed the fence was a condition and requirement for the allowance of outdoor storage.

Director Farrell stated that was correct. Director Farrell stated if the Plan Commission wished to recommend approval for outdoor storage, the request could be conditioned to have a specific type of fence.

Commissioner Irwin stated he was opposed to the outdoor storage. Commissioner Irwin stated the fence should align with the building and property line, parking spaces to the east of the fence should be removed, and landscaping should be added.

Commissioner Petrich agreed with Commissioner Irwin. Commissioner Petrich stated the asphalt to the east of the fence should be removed.

Naddaf stated he would ask for permission to remove the asphalt.

Vice Chairman Morton asked for public comment. There was none.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to approve Z-02-2023, requests for (1) a special use for automobile sales, to expand the existing special use from 7,400 sq. ft. to 10,100 sq. ft; (2) a special use for outdoor, overnight storage of retail vehicles ancillary to a special use per Zoning Ordinance Section X.F.; and (3) a special use for a fence in a non-residential district in accordance with Section IV.J of the Burr Ridge Zoning Ordinance with Findings of Fact and 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. Outdoor mechanical maintenance of any vehicle shall be prohibited.
5. The outdoor storage of vehicles shall be limited to the spaces as shown in Exhibit A.
6. The outdoor display of vehicles used as an advertising mechanism is prohibited.
7. The fence shall substantially comply with the plans submitted in Exhibit A. The fence shall be permitted in the side yard, not closer to Shore Dr. than the front wall of the building, and may be up to 6 ft. in height.
8. The asphalt parking area outside of the fence closest to Shore Dr. will be removed and replaced with grass. There shall be evergreen shrubs or trees planted in front of the fence along Shore Dr. to provide screening.
9. Owner approval for the fence shall be provided at the time of building permit application.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, McCollian, Petrich, Broline, Stratis, and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

B. V-01-2023: 6301 S. County Line Rd. (Zaffar); Variations and Findings of Fact [REMANDED FROM OCTOBER 23, 2023 BOARD OF TRUSTEES & CONTINUED FROM NOVEMBER 6, 2023]

Vice Chairman Morton introduced the case and asked for a summary. Director Farrell stated the case was remanded back from the Board on October 23, 2023, and continued at the November 6th Plan Commission meeting. Director Farrell stated V-01-2023 was a request for a total of 5 variations to permit a deck in the front yard, a driveway gate on a parcel less than two acres in lot area, a driveway gate exceeding 6 ft. in height, and a driveway gate within the minimum 30 ft. corner side yard setback; and one (1) variation from Zoning Ordinance Section IV.J to permit a fence in the corner side yard setback. Director Farrell summarized all the variations and their current status. Director Farrell stated there were three remaining requests, (1) To permit a driveway gate on a parcel less than two acres in the lot area, (2) to permit a driveway gate within the minimum 30 ft. corner side yard setback, and (3) to permit a fence in the corner side yard setback. Director Farrell stated the remaining requests were remanded back from the Board of Trustees and provided their comments. Director Farrell stated the Board directed the Planning Commission to hold a public hearing on potential text amendments to permit gates and driveway gates on properties less than two acres in the area and to review the fence regulations in residential districts. Director Farrell stated the Board's direction did not include permitting a fence in the front yard. Director Farrell stated the text amendments would be on the December 4, 2023, Plan Commission agenda. Director Farrell showed the Plat of Survey and pointed to the proposed driveway gate and fence. Director Farrell reiterated the remaining variation requests. Director Farrell stated the Petitioner provided findings of fact and updated information on the gates.

Vice Chairman Morton invited the Petitioner to speak.

The attorney for the Petitioner, William Ryan, asked about the December 4, 2023, text amendments for gates and fences. The Petitioner stated the text amendments may have an effect on their case.

Vice Chairman Morton stated a continuance may be the best option.

The Petitioner, Rey Zaffar, read a seven minute long statement into the record reiterating the comments made at previous public hearings. The petitioner stated this is a simple request that should be approved and concerns the safety of his family.

Vice Chairman Morton stated he understood what the Petitioner stated was important to the Petitioner. Vice Chairman Morton stated the Plan Commission operated based on ordinances, text amendments, etc.. Vice Chairman Morton stated the Plan Commission would review the fence text amendments on December 4th, which may provide a better opportunity to consider the points raised tonight, and other residents could provide their public comments. Vice Chairman Morton stated the text amendments may give the Plan Commission a deliberative way to look at the regulations and consider revisions to the amendment that could positively affect the outcome of the Petitioner's request. Vice Chairman Motion stated that it was the Petitioner's decision to decide whether to go forward tonight or to continue the case.

The Petitioners stated they would request to continue the case.

Director Farrell stated the case could be continued to December 18, 2023.

Commissioner Petrich stated the text amendments may not be approved by December 18, 2023.

Director Farrell stated that was correct, but there would be direction on the language for the text amendments, which could impact the case.

Commissioner Stratis asked questions about the property and text amendments.

The Petitioner stated there was one driveway.

Vice Chairman Morton stated there were issues with the setback as well.

Director Farrell stated the Board's direction to staff was to look at gate regulations on the size and acreage of properties. Director Farrell stated staff would research the neighboring municipalities' regulations for fences and gates and the history of driveway gate regulations in the Village of Burr Ridge.

Commissioner Stratis stated that gate regulations were discussed and changed many times. Commissioner Stratis stated that many residents had cases with unique situations. Commissioner Stratis stated the Plan Commission had made special considerations for residents living on County Line Road.

The Petitioner spoke about the variation requests and concerns about the speed limit on County Line Road.

Commissioner Petrich asked if the text amendments for gates and fences included looking at the setbacks.

Director Farrell stated staff would look at that holistically. Director Farrell stated if the Plan Commission, for example, wanted to permit a driveway gate on a property that is 20,000 square feet and R-3 Residential Zoned, the setback for a house on R-3 was 30 feet, so there would be a driveway gate at the same setback as the home. Director

Farell stated in conjunction with looking at allowing driveway gates on properties that were smaller or less than one or less than two acres, setbacks would be reviewed.

Commissioner Broline asked if the text amendments could apply to a specific corridor.

Director Farrell stated that would be a challenge from a permitting perspective and for staff to enforce.

Commissioner Broline agreed with Commissioner Stratis. Commissioner Broline agreed the Plan Commission could not make exceptions for everyone's unique situation.

Commissioner Petrich stated the Petitioners could build a fence per regulations on the property.

The Petitioner stated the fence would be 7 feet from the front door.

Commissioner Petrich asked where the fence would be permitted.

Director Farrell pointed to the northeast corner, where the fence would be permitted.

Commissioner Petrich stated the location of the permitted fence and gates. Commissioner Petrich stated the Petitioners were close to the east property line. Commissioner Petrich stated there was hardship based on the orientation of the home.

Commissioner Broline stated the problems were due to the front yard and corner side yard definition and length, which made County Line Road the corner side yard.

Vice Chairman Morton reiterated the text amendment hearing would be on December 4, 2023, to review the fence and gate regulations.

Commissioner Parrella asked about the adjacent properties with existing gates.

Director Farrell stated information was provided in the staff report packet. Director Farrel stated the two properties north and adjacent to the property had driveway gates and fences within the setbacks before the Village was incorporated.

Commissioner Stratis stated the adjacent properties were not corner lots.

Vice Chairman Morton asked for public comment. There was none.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to continue V-01-2023 to the December 18, 2023, Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, McCollian, Petrich, Broline, Stratis, and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

C. V-07-2023: 6816 Fieldstone Dr. (Patel): Variation and Findings of Fact

Staff requested the case be continued to the December 4, 2023, Plan Commission meeting.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to continue V-07-2023 to the December 4, 2023, Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Petrich, Irwin, McCollian, Parrella, Broline, Stratis, and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

D. Z-10-2023: 212 Burr Ridge Parkway (Jonny Cabs): Special Use Amendment and Findings of Fact

Vice Chairman Morton introduced the case and asked for a summary. Stern stated the Petitioner requested a special use regarding an outdoor dining enclosure at an existing restaurant. Stern stated the property was zoned B-1 Business District in County Line Square. Stern stated six public comments were received, all against outdoor dining, but only one of the comments specifically mentioned Jonny Cabs. Stern stated the previous public hearing cases related to Jonny Cabs. Stern stated the Petitioner requested an outdoor dining enclosure close to the curbs, although appeared similar to the approval in 2023. Stern stated the Petitioner requested a fully enclosed, outdoor dining area with black fabric walls. Stern stated no other tenants had a similar design, but Capri Express would propose a similar black wall enclosure at the December 4, 2023, Plan Commission meeting. The Petitioner requested the outdoor dining enclosure for the winter season, deviating from the regulations that all outdoor dining furniture shall be removed during the winter season, and outdoor dining areas shall not be occupied from November 1st through March 1st. Stern showed images of the proposed outdoor dining enclosure. Stern stated the entire outdoor dining area contains twelve (12) tables with a total of fifty-one (51) seats, one (1) 1-seater sofa, three (3) 2-seater sofas, and one (1) 4-seater sofa. Stern stated the table and seat count will not change under the new proposal. Stern showed the proposed site plan with the location and dimensions of the proposed outdoor dining enclosure. Stern stated the Petitioner provided findings of fact that could be adopted by the Plan Commission with their recommendation and were included in the staff report. Stern stated there were four recommended conditions if the Commission wished to recommend approval, noting that condition three would be removed if the Plan Commission allowed outdoor dining year-round.

Vice Chairman Morton invited the Petitioner to speak.

The Petitioner, Patrick Magnesen of Jonny Cabs stated he was a resident of Burr Ridge. Magnesen stated the restaurant business had been difficult and financially draining, but they embraced the fight and enjoyed the challenge. Magnesen stated whether the enclosure was there or not, the ability for residents to access the restaurant remained unchanged. Magnesen stated Jonny Cabs was busy on the weekends, and the enclosure was a tool for them to manage the overflow. Magnesen stated from a financial standpoint, the enclosure significantly helped Jonny Cabs.

Vice Chairman Morton read Chairman Trzupek's comments. Chairman Trzupek stated that amending an existing special use to allow for year-round use with black fabric walls was contrary to having outdoor dining regulations. Chairman Trzupek stated if the Plan Commission believed that making outdoor dining an enclosed but temporary structure year-round was in the best interest of the Village, it should be a text amendment to the ordinance for all businesses, not an amendment to one or a few.

Commissioner Irwin stated there have been many similar applications, and the Plan Commission should look at outdoor dining as a whole.

Commissioner Parrella agreed with Commissioner Irwin.

Commissioner Petrich asked about the measurement from the end of the enclosure to the road. Commissioner Petrich asked about the heating.

Magnesen stated the distance was about 5 feet. Magnesen stated Jonny Cabs would use electrical heating to hang from bars. Magnesen stated La Cabanita had a similar structure for the last two years and was helpful for them by managing the seasonal flow of the restaurant and having the extra space.

Commissioner Petrich stated La Cabanita had to take down their enclosure. Commissioner Petrich asked if parking would be affected if the Plan Commission chose to allow the outdoor dining enclosures year-round.

Stern stated the parking would not be affected.

Commissioner Broline stated that ventilation and safety should be reviewed.

Commissioner Stratis asked about the wall enclosure. Commissioner Stratis stated he would not support the enclosure. Commissioner Stratis stated if the enclosure was permitted year-round, Jonny Cabs may as well build an addition. Commissioner Stratis stated he would not want to see outdoor dining enclosures throughout County Line Square.

Magnesen stated the enclosure had plastic flaps with a few windows. Magnesen stated the outdoor dining enclosure would be removed during the warmer months. Magnesen stated the winter season had the best months of business summer seasons were tough, and Jonny Cabs would lose the extra square footage in their best time of the year.

Commissioner McCollian supported the concept but wished the enclosure was more aesthetically appealing.

Commissioner Stratis asked if the Petitioner could put in regular windows.

Magnesen stated they would be open to regular windows.

Commissioner McCollian asked if the enclosure could go on the side of Jonny Cabs, where the string lights were.

Magnesen stated there was not much space there. Magnesen stated the shape of the area was abstract and would have been difficult to enclose.

Vice Chairman Morton asked about the location of the enclosure. Vice Chairman Morton raised concerns about the heating and fire suppression.

Magnesen stated the red rectangle on the site plan does not accurately depict the distance from the enclosure to the curb. Magnesen stated the outdoor dining enclosure was flush with the existing fence.

Stern confirmed more outdoor dining enclosure requests were on the December 4, 2023 Plan Commission agenda.

Vice Chairman Morton stated instead of looking at each case individually, the Plan Commission may choose to move the request to a text amendment.

Director Farrell stated the process was to move forward to the Board, with the Plan Commission's request to hold a public hearing regarding text amendments to outdoor dining.

Vice Chairman Morton asked what the next step was for the case.

Director Farrell stated that would really be up to the Petitioner. Director Farrell stated the Petitioner may wish just to continue the case until after the Board had a chance to provide the Plan Commission with direction. Director Farrell stated the Board does not necessarily have to provide that direction, so the Petitioner may wish to continue with their request.

Magnesen stated they would be okay with delaying the decision and continuing the case.

Director Farrell stated the next Board meeting was December 11, 2023, so the case could be continued to December 18, 2023.

Vice Chairman Morton asked for public comment. There was none.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner McCollian to continue Z-10-2023 to the December 18, 2023, Plan Commission meeting, and to ask the Board to direct the Plan Commission to hold a public hearing for a text amendment regarding outdoor dining.

ROLL CALL VOTE was as follows:

AYES: 7 – Broline, McCollian, Irwin, Parrella, Petrich, Stratis, and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

E. Z-11-2023: 407 Heathrow Ct. (Fortress Plus Solutions); Special Use and Findings of Fact

Vice Chairman Morton introduced the case and asked for a summary. Stern stated Z-11-2023, 407 Heathrow Court was a request for a special use to permit (1) four total fences in a non-residential district and (2) to permit one of the fences within the 40' minimum front yard setback, located at a 38' setback. Stern stated the property was zoned G-I Planned Unit Development, and the Petitioner was Michael Gillespie of Fortress Plus Solution. Stern stated Fortress Plus Solutions provides law enforcement with secure long-term evidence storage. Stern stated the Plan Commission would need to approve the spike-topped fences, the height of the fences, and the location of the fences as conditions. Stern stated the Petitioner requested to install four fences, two in the front yard and two in the side yard. Stern stated two of the fences were around generators, and two of the fences were around door entryways. Stern showed the proposed site plan and example images of the fences and gates. Stern stated the fences and gates were 8 feet tall and spike topped. Stern stated the gates would have a lock and a multi-functional keypad/card swipe to access the building. Stern stated within the Burr Ridge Industrial Common Subdivision area, only one property had a fence, located at 412 Rockwell Court. Stern stated the fence was approved in 2017 for overnight and outdoor parking of vans and trucks. Stern stated the fence was behind the rear of the building and was 8' tall and made of cedar wood. Stern stated the Petitioner provided findings of fact that could be adopted by the Plan Commission with their recommendation and were included in the staff report. Stern stated there were two recommended conditions if the Commission wished to recommend approval.

Vice Chairman Morton invited the Petitioner to speak.

The Petitioner, Matt Gainer, stated that fence numbered four on the site plan was around gas and electric utilities, not a generator. Gainer stated the fire department would have full access to the building.

Vice Chairman Morton read Chairman Trzupek's comments. Chairman Trzupek stated support of Fortress Plus Solutions. Chairman Trzupek stated the Plan Commission may want to gain awareness of the size, type, locations, and how the fences provided increased security.

Commissioner McCollian asked how much square footage would be inside each fenced-in area. Commissioner McCollian asked the Petitioner if there had been any break-ins.

The Petitioner directed the Commissioners to the image with all the measurements. The Petitioner stated Fortress Plus Solutions was a new business, but they wanted to provide enhanced security.

Commissioner Stratis asked the Petitioner about the business and fences. Commissioner Stratis stated he only had an issue with the spiked tops on the fence.

The Petitioner stated they offered secure evidence storage for law enforcement and municipalities. The Petitioner stated he had a 30-year career in law enforcement. The Petitioner stated law enforcement was running out of room to store evidence. The Petitioner stated someone was in the building at all times. The Petitioner stated there was a cooling refrigerated storage. The Petitioner stated the fences were steel-wrought iron fences. The Petitioner stated they could collaborate with the designer to propose a different fence top.

Commissioner Petrich asked the Petitioner about the entrances and the color of the building. Commissioner Petrich asked who the owners were.

The Petitioner pointed out the entrances, generator, and utility areas. The Petitioner stated the building was white, the fences were black, and they preferred the contrast in colors. The Petitioner stated Austin Intelligence Group/ Michael Gillespie was the owner and he was a part owner. The Petitioner stated the Fire Department had looked at the proposal but not at the time of the report. The Petitioner stated the Fire Department was pleased with the request.

Commissioner Parrella stated she was fine with the black fence and white building.

Commissioner Irwin asked if any clients had reached out stating they would not use the services without those protections. Commissioner Irwin asked if there were any rules or regulations stating protection was required.

The Petitioner stated no client had mentioned it specifically, and there were no rules or regulations but was considered best practice in the security industry.

Commissioner Irwin stated he was not generally in favor of fences or fences in the front of the building. Commissioner Irwin stated that ever since Tesla's fence was approved, there had been a cluster of similar requests that may not be necessary.

Vice Chairman Morton confirmed the location of the front entryway. Vice Chairman Morton questioned why the Petitioners could not harden the doors.

The Petitioner stated there were glass enclosures, but the ultimate intention was to remove the enclosures in a few years. The Petitioner stated the fencing would give them an added layer of security until then.

Vice Chairman Morton stated he would support impalement devices. Vice Chairman Morton stated he was not in support of the fences around the entrances because there were different alternatives.

Commissioner Stratis asked where the front yard was located. Commissioner Stratis stated the property was a corner lot.

Stern pointed out the front yard.

Vice Chairman Morton asked for public comment. There was none.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, McCollian, Irwin, Parrella, Petrich, Broline and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner McCollian to approve Z-11-2023, a request for a special use for a fence in a non-residential district in accordance with Section IV.J of the Burr Ridge Zoning Ordinance, with Findings of Fact and the following condition:

1. The fences and gates shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.
2. The fence may be up to 8' in height and located in the front and side yard.
3. The fence shall be made of steel and there shall be no spike-top.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, McCollian, Parrella, Petrich, Broline and Vice Chairman Morton

NAYS: 1 – Irwin

MOTION CARRIED by a vote of 6-1.

F. V-08-2023: 11680 German Church Road (Village of Burr Ridge): Variation and Findings of Fact

Vice Chairman Morton introduced the case and asked for a summary. Stern stated V-08-2023, 11680 German Church Road was a request for four variations to permit (1) a fence in the front and side yard of a single-family residential zoned property, (2) a 6' tall fence, (3) a driveway gate 2' from the property line deviating from the 50' minimum requirement and (4) to replace the existing chain link box around the reservoir hatch with the same style as the existing one. Stern stated the property was zoned R-2 Single-Family Residential. Stern stated in 1986, the property was zoned from R-5 Single-Family Residential to R-1 Single-Family Residential with a

conditional permitted special use for a water pumping station and reservoir. Stern stated in 2013, the property was zoned from R-1 Single-Family Residential to R-2A Single-Family Residential. Stern stated German Church Road serves as the front property line. Stern stated the Petitioner and owner of the property was the Village of Burr Ridge. Stern stated the Village was requesting a fence and gate because the pump center had sensitive underground facilities for the Village's water distribution system, which need to be secured, in addition to the building itself. Stern stated one public comment was received and was included in the staff report packet. Stern reiterated the variation requests. Stern pointed to an illustration of the proposed site plan and pointed out the fence, the motorized front gate, the manual rear gate, and the chain link box around the reservoir hatch. Stern stated the Petitioner provided findings of fact that could be adopted by the Plan Commission with their recommendation and were included in the staff report. Stern stated there was one recommended condition if the Commission wished to recommend approval.

Vice Chairman Morton invited the Petitioner to speak.

The Petitioner, David Preissig, Director of Public Works, introduced himself. Preissig stated the Village's pump center was the single source of all water that comes into the Village. Preissig stated the pumping center had a three-million-gallon reservoir underground for storage, treatment, and then pressurization for the distribution system. Preissig stated the Village received water from the Village of Bedford Park, and there was a four-mile transmission route to the pump center. Preissig stated that the Village received a grant to construct a fence around the critical area. Preissig stated the purpose of the fence was to deter vehicles and pedestrians from the property. Preissig stated the proposed fence was similar to the adjacent properties.

Commissioner Irwin stated he thought it was common to have fences around public work facilities. Commissioner Irwin stated support for the fence request.

Commissioner Parrella agreed with Commissioner Irwin.

Commissioner Petrich agreed with the Commissioners. Commissioner Petrich mentioned the possibility to include landscaping.

Preissig stated they were looking into landscaping.

Commissioner Broline stated the fence would be for public security and substantially benefit the community.

Commissioner Stratis agreed with Commissioner Petrich. Commissioner Stratis asked if the Village owns the property to the north. Commissioner Stratis stated he supported the fence.

Preissig stated that the property was subdivided and sold.

Vice Chairman Morton stated the pump center was a sensitive facility and was surprised there was no current protection. Vice Chairman Morton stated despite the property's location in a residential district, the property was never residential. Vice Chairman Morton stated it was in the public's interest to have safe tap water, and he supported the fence.

Vice Chairman Morton asked for public comment. There was none.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Petrich, Irwin, McCollian, Parrella, Broline, Stratis, and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner McCollian to approve V-08-2023, a request for a variation from Section VI.J. and VI.I.12 of the Burr Ridge Zoning Ordinance to permit (1) a fence in the front yard of a single-family residence, (2) three separate fences in the side yard, with the regulations requiring that a fence be located behind the rear wall of a building and (3) a driveway gate 2' from the property line deviating from the 50' minimum requirement, with Findings of Fact and the following condition:

1. The fence and gate shall substantially comply with the plans submitted by the petitioners and included as Exhibit A.
2. Additional landscaping shall be added along the German Church Road fence line.

ROLL CALL VOTE was as follows:

AYES: 7 – Petrich, McCollian, Irwin, Parrella, Broline, Stratis and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

There were no comments.

V. OTHER CONSIDERATIONS

A. PC-09-2023: 2024 Plan Commission/Zoning Board of Appeals Meeting Dates

Director Farrell presented a list of meeting dates for the 2024 Plan Commission meetings.

Commissioner Irwin asked if he could call into meetings.

Director Farrell stated she would check the rules.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to approve the dates for the 2024 Plan Commission meetings.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, McCollian, Petrich, Broline, Stratis and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Director Farrell stated a case from unincorporated DuPage County was received after the packet was out. Director Farrell stated the case was for a special use to permit internet auto sales across Route 83 from Village limits. Director Farrell opened the discussion for anyone who wanted to add comments or questions about the case.

Vice Chairman Morton stated the existing property was in poor condition, and any new use would be an advantage. Vice Chairman Morton stated he did not see an objectional business.

Commissioner Petrich stated the Plan Commission would not be approving the case. Commissioner Petrich stated there was no information on who the owner was, the business and its hours of operation, the kind of cars, or any indication on security, fencing, or landscaping, and the Plan Commission may want to ask for that information.

Commissioner Stratis agreed the Plan Commission should receive more information about the case.

Commissioner Broline stated the display of automobiles in the front of a building was prohibited in the Village of Burr Ridge. Commissioner Broline agreed with the Commissioners.

Commissioner Parrella agreed with the Commissioners.

Commissioner Irwin agreed with the Commissioners.

Commissioner Petrich stated that the area had many problems, and having vehicles there could be problematic.

Director Farrell stated she could request more information from DuPage County based on the comments the commissioners addressed tonight. Director Farrell summarized the discussed comments and stated the case could be on another agenda for the Plan Commission.

VI. PUBLIC COMMENT

Lisa Turano, 6916 Fieldstone, stated she was representative of a community-organized Illinois Non-Profit corporation called Burr Ridge Allies in Development, BRAID. Turano stated the organization was at various meetings in the last several months. Turano stated rather than pitting residents against the Village, or in some cases, residents against residents, they had been committed to trying to be allies and find the most productive way to steer the development of the CNH property. Turano restated a request made to the Mayor during an open forum hosted for residents last Wednesday. Turano stated the request was for Mayor Grasso to consider and propose to the Village Board a moratorium on all proposals and development for that site until an adequate Village plan had been revised and revamped. Turano reiterated that BRIAD wanted the Village to suspend development on CNH until options for the property were discussed.

VII. FUTURE MEETINGS

Director Farrell stated the Village Board meeting on November 27, 2023, was canceled. Director Farrell stated the agenda items for the December 4th Planning Commission meeting.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to adjourn the meeting at 8:49 p.m.

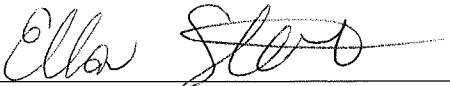
ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, McCollian, Petrich, Broline, Stratis and Vice Chairman Morton

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted:



Ella Stern
Planner

