

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS
MINUTES FOR REGULAR MEETING OF FEBRUARY 5, 2024

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: 7 – Irwin, McCollian, Parrella, Petrich, Broline, Morton, and Trzupek
ABSENT: 1 – Stratis

Planner Ella Stern was also present.

II. APPROVAL OF PRIOR MEETING MINUTES – JANUARY 15, 2024

Commissioner Morton clarified a motion made in section two, sentence two.

Commissioner Petrich clarified a motion made on pages two and three.

Commissioner Broline clarified his comment on page four, which should state he supported the chain-link fence because he thought there was a grandfathered consideration to be considered.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Petrich to approve the minutes of the January 15, 2024 meeting as amended.

ROLL CALL VOTE was as follows:

AYES: 4 – Petrich, Parrella, McCollian, and Broline
NAYS: 0 – None
ABSTAIN: 3 – Irwin, Morton, and Trzupek

MOTION CARRIED by a vote of 4-0 with three abstentions.

III. PUBLIC HEARINGS

Chairman Trzupek introduced the public hearings on the agenda. Chairman Trzupek 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-10-2023: 212 Burr Ridge Parkway (Jonny Cabs); Special Use Amendment and Findings of Fact [CONTINUED FROM NOVEMBER 20, & DECEMBER 18, 2023]

Chairman Trzupek introduced the case and asked for a summary. Stern stated the petitioner requests an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant. Stern stated at the November 20th Plan Commission meeting, the Plan Commission requested direction from the Board to hold a public hearing to amend the outdoor dining regulations, which is part of the 2024 annual Zoning Review. Stern stated outdoor dining regulations, including the prohibition of wall enclosures, were most recently amended, and approved on May 8th, 2023. Stern stated the Plan Commission may determine whether to look at the special use request individually or to continue the case and wait for direction from the Board. Stern stated the property was zoned B-1, Business District in County Line Square. Stern noted a total of 6 public comments were received, all against outdoor dining, but only one of the comments specifically mentioned Johnny 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 proposed 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 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.

Chairman Trzupek invited the Petitioner to speak.

The Petitioner, Patrick Magnesen of Jonny Cabs stated Stern provided a great summary.

Chairman Trzupek clarified the special use requests for an outdoor dining enclosure and to permit outdoor dining from November 1st through March 1st. Chairman Trzupek suggested the Plan Commission may need to remove the condition from the 2021 approval or potentially have a text amendment, so outdoor dining was permitted from November 1st to March 1st.

Commissioner Morton asked for clarification about a special use regarding year-round outdoor dining.

Stern clarified that a text amendment or condition to permit year-round outdoor dining would be required because the current outdoor dining regulations prohibit outdoor dining from November 1st to March 1st.

Chairman Trzupek stated there was a condition from Johnny Cabs 2021 approval noting that outdoor dining was only seasonal, and he noted they would need to remove that condition. Chairman Trzupek discussed the special use request for an enclosure and outdoor dining year-round. Chairman Trzupek noted the Plan Commission had not taken a condition off of a recommendation, and a text amendment may be more uniform.

Commissioner Morton noted the outdoor dining enclosure was a striking contrast to the rest of the development and preferred it to be open. Commissioner Morton noted he was open-minded. Commissioner Morton asked about direction regarding a text amendment.

Commissioner Broline asked about advertising the enclosure. Commissioner Broline noted there was an additional petition regarding an outdoor dining enclosure. Commissioner Broline pointed out other outdoor dining areas at restaurants within the vicinity. Commissioner Broline noted he would prefer one text amendment for outdoor dining areas or for the County Line Square Planned Unit Development.

The petitioner noted there was some advertisement on the front of the awning.

Commissioner Petrich stated the fabric structures were pretty unsightly. Commissioner Petrich stated concern that it proliferates throughout all the other restaurants that ask for temporary type structures. Commissioner Petrich stated he was in favor of a permanent type of structure, such as glass. Commissioner Petrich noted the location of the outdoor dining enclosure at Johnny Cabs and suggested a localized vestibule used just during the winter. Commissioner Petrich noted he was not in favor of approving case by case without better standards or more permanent structures.

The petitioner stated concern with a glass structure due to the sun.

Commissioner Broline agreed that they prevent presenting a view in the area.

Commissioner Parrella agreed with the Commissioner's previous comments. Commissioner Parrella stated she did not have a problem with enclosures but did not like the particular look of the proposed enclosure.

Commissioner McCollian agreed with Commissioner Parrella. Commissioner McCollian stated she liked the idea of the ability to take down the enclosure and have open-air dining.

Commissioner Irwin stated as long as the enclosure was temporary, looked nice, the sidewalk was open, and had rules that consistently apply, he did not have a problem with the enclosure.

Chairman Trzupek asked the petitioner about the enclosure and expanding the space.

The petitioner stated the enclosure was not primarily used for dining rights, and that it was used for the guests when they waited for a table. The petitioner noted the space was warm and weatherized with electric heaters. The petitioner noted there were couches and chairs in the space. The petitioner noted when the weather warms up in spring, they would take down the walls and have an open space. The petitioner noted the extra seats were crucial to the business.

Chairman Trzupek was in favor of a different enclosure or material but stated there was still an issue with year-round outdoor dining. Chairman Trzupek noted if the Plan Commission were in support of year-round outdoor dining, they could make a recommendation to remove the condition that was in the Jonny Cabs 2021 approval or have a text amendment so that anybody with outdoor dining had the ability to enclose their outdoor dining space and use it year-round. Chairman Trzupek summarized the Commissioners comments.

Commissioner Morton stated support of a uniform path forward instead of having the special use requests case by case.

Commissioner Irwin and Commissioner Petrich agreed with Commissioner Morton and preferred to have standards that could be applied to the enclosures.

The Commissioners discussed vestibules and enclosures.

Chairman Trzupek noted a fully enclosed area with heating, cooling, ventilation, and safety could become a concern.

Commissioner Morton clarified the petitioner was currently using the space.

The petitioner confirmed the space was being used.

Commissioner Irwin asked if the petitioner had a building permit from the Village.

The petitioner stated the awning and fence were approved, but the panels and enclosure were installed without a permit.

Chairman Trzupek suggested continuing the case until the petitioner came back with a new proposal for a different outdoor dining enclosure, and to ask the Board to hold a public hearing on modifying the outdoor dining to include year-round outdoor dining.

The Commissioner discussed standards and materials for enclosures. The Commissioners supported enclosures that were complementary, distinctive, and individual.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to continue Z-10-2023 until the March 18, 2024 meeting and ask the Board to hold a public hearing regarding year-round outdoor dining.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0

B. Z-12-2023: 114 Burr Ridge Parkway (Capri Express); Special Use Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, & DECEMBER 18, 2023]

Chairman Trzupek introduced the case and asked for a summary. Stern stated the petitioner requested an amendment to a special use regarding an outdoor dining enclosure at an existing restaurant. Stern stated at the December 4th Plan Commission meeting the Plan Commission continued the case. Stern stated at the November 20th Plan Commission meeting, the Plan Commission requested direction from the Board to hold a public hearing to amend the outdoor dining regulations, which is part of the 2024 annual Zoning Review. Stern stated the property was zoned B-1, Business District in County Line Square. Stern noted two public comments were received. Stern stated the previous public hearing cases related to Capri Express. Stern showed images 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.

Chairman Trzupek invited the petitioner to speak.

The Petitioner, Vito Salamone of Capri Express, stated the request was similar to Jonny Cabs' special use request.

Chairman Trzupek asked the petitioner about the entryways and noted it was different than Jonny Cabs.

The petitioner stated there were two doors on the enclosure and only one door to the restaurant. The petitioner confirmed that one must enter through the outdoor dining enclosure to enter the building.

The Commissioners discussed the outdoor dining regulations pertaining to entryways.

The petitioner stated they were open to changing the look of the enclosure. The petitioner confirmed they want to use the enclosure through the winter.

Commissioner Petrich suggested that the petitioner work with staff to create guidelines or complementary designs to Jonny Cabs' enclosure.

The petitioner noted they would work with staff and Jonny Cabs to create an attractive and complementary design.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue Z-12-2023 until the March 18, 2024 meeting.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0

C. Z-17-2023: 16W020 79th Street (Dodevski/Lyons Truck Sales); Special Use and Findings of Fact [CONTINUED FROM JANUARY 15, 2024]

Chairman Trzupek introduced the case and asked for a summary. Stern stated the request was for a special use to permit the continued use of a non-conforming chain link fence on the subject property. Stern stated on February 5th, the Plan Commission held a public hearing. Stern noted the Plan Commission continued the case and directed the petitioner to return with the plan to keep the chain link fence and replace the solid wooden fence with the 50% open wooden fence that was five or six feet tall. Stern stated the petitioner provided updated images of the fence, noting that the height was now 6 feet tall and 50% open, and the chain link fence was still on the site plan. Stern showed images of the proposed fence and site plan. Stern stated in 2015, a special use was granted to Lyons Truck Sales for truck sales use. Stern stated in 2019, a special use was granted to allow for the temporary use of the fence for five years. Stern stated the petitioner requests a special use to permit the continued use of a non-conforming chain link fence on the subject property. Stern stated the temporary special use expires on February 11th, 2024. Stern noted the applicable Zoning Ordinance Section. 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.

Chairman Trzupek noted he was absent at the January 15th, 2024, Plan Commission meeting. Chairman Trzupek stated he thought the intent from the 2018 temporary approval was to eventually remove the chain-link and barbed wire fence. Chairman Trzupek summarized the January 15th, 2024, Plan Commission meeting.

Commissioner Irwin agreed with Chairman Trzupek, that he thought the plan was to eventually remove the chain-link fence. Commissioner Irwin stated there had been no additional criminal activity at the location and he was against the chain-link fence.

Commissioner Broline noted at the January 15th, 2025 Plan Commission meeting, the Commissioners noted maintaining the chain-link fence, should be added as a condition. Commissioner Broline noted they were good citizens. Commissioner Broline mentioned the public comment received regarding the parking of trucks and cars.

Commissioner Petrich noted that the new proposed fence was a six-foot wooden fence, 50% open and enhanced by landscaping along Frontage Road and Madison Street. Commissioner Petrich noted he was slightly sympathetic since the fence was

grandfathered in.

Chairman Trzupek invited the petitioner to speak.

The Petitioner, Vic Dodevski of Lyons Truck Sales, stated he would tell the people to move the trucks and car. The petitioner confirmed they need the existing chain-link fence for security. The petitioner noted they provided the requested information pertaining to the wooden fence.

Chairman Trzupek noted when he drove by the site Friday afternoon, a car was parked in the driveway. Chairman Trzupek noted that was a separate issue from the fence. Chairman Trzupek summarized his recollection from the 2018 approval. Chairman Trzupek asked the petitioner questions about the chain-link fence.

Randy King, the architect for the petitioner, noted less than 3 miles from the site, two trucks were stolen in the last week, and there was a security issue. King mentioned the significant grade change between the fences.

Chairman Trzupek noted the corners, towards I-55, splay away from the fence and asked the petitioner if they could prohibit access between the fences. Chairman Trzupek clarified his comment by pointing to the proposed site plan.

Commissioner Irwin stated the chain-link fence was not necessary, and he was not in support of the chain-link fence.

Commissioner McCollian stated she would be ok with a chain-link fence if the petitioner put up the new proposed wooden fence and landscaping. Commissioner McCollian stated she was not at the original discussion in 2018.

Commissioner Parrella stated the petitioner needed security and questioned if the new wooden fence could become security. Commissioner Parrella stated she did not support the chain-link fence but did not support the idea of a resident being exposed to theft or compromising the security at the property.

Commissioner Petrich reiterated the chain-link fence existed before the petitioner had the business and prior to the Ordinance amendments. Commissioner Petrich noted a condition should be added to repair the chain-link fence and add landscaping, subject to staff approval.

Commissioner Morton stated the 50% open wooden fence may provide security and could be a perimeter-blocking device that could prevent people from easily gaining access. Commissioner Morton noted someone may be able to crawl and scale over a chain-link fence. Commissioner Morton questioned the need for two fences. Commissioner Morton stated he may support keeping the chain-link fence just along I-55. Commissioner Morton mentioned theft and the fences around the vicinity. Commissioner Morton generally agreed that the 2018 approval was intended for the

petitioner to eventually remove the chain-link fence.

Chairman Trzupek stated he was not entirely opposed to the chain link. Chairman Trzupek stated he was not in support of the chain-link fence but understood why it is there. Chairman Trzupek noted the existing chain-link fence was not in good shape. Chairman Trzupek summarized the special use requests.

Commissioner Petrich asked what the vote was at the previous meeting. Commissioner Petrich noted the petitioner complied with the requests that the Plan Commission made at the last meeting. Commissioner Petrich noted the petitioner was willing to make improvements. Commissioner Petrich agreed that closing the wooden fence at the two ends would enhance security.

Chairman Trzupek clarified the vote at the January 15th, 2024, Plan Commission meeting was 5-0.

The Commissioners discussed climbing fences.

Commissioner Irwin reiterated the consensus in 2018 was to remove the chain-link fence in five years.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner McCollan to close the public hearing for case Z-17-2023.

ROLL CALL VOTE was as follows:

AYES: 7 – Petrich, McCollan, Irwin, Parrella, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner McCollan to approve case Z-17-2023, with Findings of Fact, and the following conditions:

1. Additional evergreen landscape screening shall be added in the areas along S. Frontage Rd. and Madison St., subject to staff review and approval.
2. The chain-link fence shall be repaired and maintained, subject to staff review and approval.
3. The wooden fence shall be 50% open, 6' in height, and close the two ends of the property with the chain-link fence, subject to staff review and approval.

ROLL CALL VOTE was as follows:

AYES: 4 – Petrich, McCollan, Parrella, and Broline
NAYS: 3 – Irwin, Morton, and Trzupek

MOTION CARRIED by a vote of 4-3.

D. Z-15-2023: Zoning Ordinance Amendment for Architectural Entrance Structures and Driveway Gates (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023]

Chairman Trzupek introduced the case and asked for a summary. Stern stated on November 13th, the Board of Trustees directed the Planning Commission to hold a public hearing on potential zoning ordinance text amendment pertaining to architectural entrance structures and driveway gates. Stern stated the direction from the Board focused on residents within the residential districts and to consider the permitted size of a parcel for a driveway gate. Stern stated depending on whether or not the Plan Commission wishes to amend the driveway gate regulations, the regulations for architectural entrance structures may also need to be amended. Stern stated on December 4th, the Plan Commission continued the case and directed staff to research the estimated number of homes between 1 and 2 acres, traffic speed limits, and traffic volume counts throughout the Village. Stern noted the information regarding speed limits. Stern stated information was not provided for every street throughout the Village. Stern noted that North Frontage Road and South Frontage Road had the highest speed limits at 35 mph. Stern showed an image of a map that noted the annual average daily traffic counts throughout the Village. Stern stated County Line Road had the largest volumes of traffic, and Plainfield Road, Madison Street, and Wolf Road had high had higher volumes of traffic. Stern showed three maps that noted the properties per a specific zoning district. Stern noted approximately 50 properties were zoned R-1 Single-Family Residence (5 acres). Stern stated the R-1 Single-Family Residence zoned properties included the Trinity Lutheran Church, 15W460 N Frontage Road, Growers Middle School, Burr Ridge Middle School, Burr Ridge Public Works, Walker Park Subdivision, King Burwaert Home Subdivision, and Heatherfields Subdivision, in which the properties were smaller than 5 acres, or non-residential uses. Stern noted approximately 42 properties were zoned R-2 Single-Family Residence (2 acres), and approximately 300 properties were zoned R-2A Single-Family Residence (40,000 sq ft.). Stern stated the driveway gate provisions have been changed over the years. Stern reviewed the current regulations for driveway gates and architectural entrance structures, including the regulations of the Village's neighboring municipalities. Stern noted formal language had not been proposed for adoption in the staff report.

Chairman Trzupek confirmed the speed limit on Plainfield and County Line Road was 45 miles per hour.

Stern noted the staff's research did not include speed limits over 35 miles per hour.

Chairman Trzupek asked for public comment.

Bill Ryan, attorney for the owner of 6301 County Line Rd., provided the Plan Commission with proposed draft language for the driveway gate text amendment. Ryan stated he researched surrounding towns and mirrored the proposed text amendment of the Oakbrook, Willowbrook, and Hinsdale regulations. Ryan discussed his proposal

and arterial roads. Ryan noted the Burr Ridge Comprehensive Plan defined the arterial roadways.

Commissioner Irwin asked which roads were arterial.

Ryan stated Route 83, County Line Road, Plainfield Road, Madison Street, 55th Street and Wolf Road were arterial roads. Ryan suggested if a resident was on an arterial roadway, they should have the opportunity to be permitted to use a gate due to security and safety. Ryan discussed the proposed text amendment.

Chairman Trzupsek confirmed that the current regulations for a driveway gate were based on the size of the property. Chairman Trzupsek noted the petitioner introduced the idea to have the regulations based on arterial roadways. Chairman Trzupsek noted the staff's findings regarding the speed limits and traffic counts throughout the Village. Chairman Trzupsek stated he was open to the idea of a text amendment that considered the arterial roadways.

Rey Zaffar, 6301 County Line Rd., stated the speed limit on Plainfield Rd. and County Line Rd. was 45 miles per hour.

Commissioner Morton asked for clarification regarding the traffic count map. Commissioner Morton stated he was open to a text amendment that considered thoroughfares or arterial roadways as an exception. Commissioner Morton noted the Board of Trustees proposed changing the acreage. Commissioner Morton noted the total amount of properties in the R-1 and R-2 zoning was approximately 80, but then the R-2A zoning district had over 300 properties.

Stern stated the map showed the annual average daily traffic counts throughout the Village.

Commissioner Broline noted the traffic count map was informative. Commissioner Broline noted County Line Rd. was a busy street. Commissioner Broline stated the proposed language did not have a limit on the property size.

Commissioner Petrich remarked that allowing properties in zoning district R-2A to have a gate would allow at least 300 properties to have gates, potentially leading to the proliferation of gates. Commissioner Petrich discussed the traffic counts and stop signs. Commissioner Petrich noted if there was an issue, the County could discuss addressing traffic or speed limits.

Commissioner McCollian was in support of a text amendment that considered thoroughfares or arterial roadways. Commissioner McCollian suggested creating a special use for a property less than two acres or if one was on an arterial road with a traffic count over a certain amount. Commissioner McCollian noted the proposal was a nuanced approach and would allow a property-by-property basis to address one's concerns.

Commissioner Irwin stated he struggled to understand the correlation between traffic and the need for a gate.

Commissioner Parrella noted she believed that was the initial proposal.

Commissioner Irwin noted the increase of traffic on County Line Rd., north of 70th Street, and suggested if the Plan Commission determined to go down that path, limit it to County Line Rd., north of 79th St. and Plainfield Rd.

Chairman Trzupek stated the traffic counts were meaningful. Chairman Trzupek noted he thought fences should be between something and should not necessarily be limited only by the acreage or frontage of the yard. Chairman Trzupek agreed with Commissioner Irwin regarding the traffic counts on County Line Rd. and north of 79th St. and Plainfield Rd. Chairman Trzupek noted he would be open to considering driveway gates on arterial roads. Chairman Trzupek suggested less broadly defining arterial roads and finding a minimum acreage.

Stern stated staff needed a consensus for draft language to propose at the next Plan Commission meeting.

Chairman Trzupek summarized the Commissioner's discussion pertaining to the consideration for arterial roadways or traffic counts based on a location for the draft language. Chairman Trzupek suggested finding a standard for an arterial roadway or high traffic count.

Commissioner Broline mentioned localities.

The Commissioner's discussed roadways, traffic counts, and speed limits.

Commissioner Petrich stated he would be interested to see the traffic counts on arterial streets in Oak Brook since Ryan's draft language mimicked Oak Brook. Commissioner Petrich stated the definition of an arterial roadway in The Village of Burr Ridge was where traffic comes in from outside of Burr Ridge, which did not necessarily mean that an arterial roadway has high traffic or speed.

Chairman Trzupek suggested the consideration of setbacks.

A **MOTION** was made by Commissioner Broline and **SECONDED** by Commissioner Morton to continue Z-15-2023 until the February 19, 2024 meeting.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0

E. Z-16-2023: Zoning Ordinance Amendment for Residential Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023]

Chairman Trzupek introduced the case and asked for a summary. Stern stated on November 13, 2023, the Board of Trustees directed the Plan Commission to hold a public hearing regarding fences in residential districts, specifically for corner lots and permitting fences in the practical rear yard of homes when the home faces the corner side yard. Stern stated on December 4, 2023, the Plan Commission held a

public hearing on Z-16-2023, a request to consider a text amendment to Sections IV.J of the Zoning Ordinance for the regulations pertaining to fences in residential districts. The Plan Commission determined the research regarding architectural entrance structures and driveway gates may benefit the discussion of fences in residential districts. Stern reviewed the current fence regulations and showed illustration of the current fence regulations. Stern showed images illustrating the proposed amendment to the fence regulations. Stern stated the Plan Commission may wish to include an image illustrating the regulation. Stern read the proposed draft language pertaining to corner lots and permitting fences in the practical rear yard of homes when the home faces the corner side yard, as follows; *Such fences shall be permitted, unless otherwise provided herein, along the rear lot line and along the side lot lines extending no further toward the front of the lot than the rear wall of the principal building on the lot. Except, however, on corner lots as follows: where the true front or main entrance of the home faces the front yard, such fences shall extend not nearer to the corner side lot line than the required corner side yard setback; where the true front or main entrance of the home faces the corner side yard, such fences shall extend not nearer to the front lot line than the wall of the home closest to that lot line.*

Chairman Trzupsek asked for clarification regarding the proposed draft language.

Stern showed example images where the front of the home faces the corner side yard and the front yard and where a fence would be permitted under current regulations, and an example where the front of the home faces the corner side yard and where a fence would be permitted under the proposed regulations. Stern stated if a home were on a corner lot and the front of the home was oriented to the corner side yard, a fence would be permitted to the rear of the front of the home. Stern noted in the draft language, that the true front lot line language was different than the front lot.

Chairman Trzupsek asked for public comment.

Bill Ryan, attorney for the owner of 6301 County Line Rd., provided the Plan Commission with proposed draft language for the fence text amendment. Ryan discussed the fence proposal and mentioned the proposal included the consideration of arterial roadways. Ryan discussed a neighboring municipality's fence regulations. Ryan asked the Plan Commission to review fences, including the relationship to arterial roadways.

Robert Haley, 8461 Carlisle Ct. in Cambridge Estates, supported the staff's recommended language. Haley stated that his house was on a corner property, and the address was Carlisle Ct., but the home faced Camelot Drive. Haley stated although their practical rear yard was to the rear of the home, it was the side yard, and the fence permit was denied. Haley stated the proposed language solved the problem for people living on corner lots where the address of the home was not where the home faces.

Chairman Trzupek summarized the text amendment request.

Commissioner Irwin stated the arterial roadways were not a current issue.

Commissioner Irwin discussed the proposed language. Commissioner Irwin stated concern for the neighboring properties. Commissioner Irwin suggested considering the location of a fence on a corner lot for the homes adjacent to the corner lot, so a fence does not extend to the front of a neighbor's property.

Commissioner McCollan agreed with Commissioner Irwin's suggestion.

Commissioner McCollan stated she would be open to a subsequent discussion on fences on arterial roadways.

Commissioner Parrella agreed with Commissioner McCollan.

Commissioner Petrich questioned a statement made by Bill Ryan. Ryan stated he believed the Board recommended looking at gates and fences due to an issue regarding fences on busy arterial streets. Commissioner Petrich stated he was at the meeting and did not recall the Board saying that. Commissioner Petrich recalled a suggestion to put a hedge on the front of the house and clarified the discussion at the Village Board meeting. Commissioner Petrich agreed with Commissioner Irwin.

Commissioner Broline noted the draft language for the proposed text amendment was unclear. Commissioner Broline discussed the different zoning districts pertaining to buildable areas and setbacks.

Commissioner Morton asked Stern how the revised language would help the decision-making process in regard to the case a few weeks ago for a fence on a corner lot. Commissioner Morton agreed with Commissioner Irwin's suggestion.

Stern stated the language would conform with the approved case.

Chairman Trzupek supported the proposed language. Chairman Trzupek agreed with Commissioner Irwin's suggestion. Chairman Trzupek suggested tightening the proposed language and would want to know if the language affects the setbacks or buildable areas. Chairman Trzupek suggested including a definition for what is considered the front. Chairman Trzupek supported the direction moving forward and referenced an image illustrating the proposed language. Chairman Trzupek stated he was sympathetic to the issue of fences on arterial roadways but believed that was a separate discussion.

Commissioner Irwin supported the concept of the short fence.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollan to continue Z-16-2023 until the February 19, 2024 meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, McCollan, Parrella, Petrich, Broline, Morton and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0

IV. CORRESPONDENCE

There were no comments on the Board Report or Building Report.

V. OTHER CONSIDERATIONS

A. PC-01-2024: Annual Zoning Review

Chairman Trzupek stated the annual zoning review was continued at the January 15, 2024 meeting and suggested continuing the case again. Chairman Trzupek asked the Commissioners if there were any items on the list that the Commission wanted to discuss immediately.

Commissioner Irwin confirmed the Commission was reviewing approvals of variations that may need a text amendment.

Commissioner Petrich suggested a text amendment for the outdoor storage of vehicles. Commissioner Petrich discussed the vehicles by UR Boss and Coda Motors. Commissioner Petrich stated if they were going to allow fences for automobile storage, they may as well address it properly.

Chairman Trzupek agreed with Commissioner Petrich and noted there were more issues than just a fence. Chairman Trzupek asked if there were any items the Commission wanted to direct the Board to ask for a public hearing tonight.

Stern stated the list of items on the presentation were items that the Board of Trustees, Plan Commission, and staff requested to be brought forward at the 2024 annual zoning review for further consideration and possible direction to pursue as text amendments.

Chairman Trzupek suggested deferring discussion on the items but sought a motion to ask the Board to direct a public hearing regarding outdoor storage and continue the review for another time.

Commissioner Petrich noted the review regarding decibel level regulations for swimming pool equipment should include generators.

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Irwin to direct the Board to hold a public hearing regarding the outdoor storage of vehicles and equipment.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Commissioner Irwin clarified outdoor storage should be added to the Annual Zoning Review, but stated the Definition of Family, and the Definition of Boarding, Rooming, and Lodging Homes were important

Chairman Trzupek suggested the Commission continue the items to discuss them in more detail.

The Commission briefly discussed masonry piers.

Commissioner Petrich asked about outdoor dining.

Chairman Trzupek noted the Commission asked the Board to hold a public hearing regarding outdoor dining.

Commissioner Morton agreed with Commissioner Irwin's concern.

Commissioner Irwin mentioned the item regarding an amendment to the Plan Commission bylaws to permit virtual attendance. Commissioner Irwin noted the Board of Trustees had a virtual attendance.

The Commission discussed amending the Plan Commission bylaws to permit virtual attendance.

Stern stated she would research the regulations and procedures to permit virtual attendance.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to direct the Board to hold a public hearing regarding the definition of family, definition of boarding, rooming, and lodging homes, the height of a detached garage door, and continue PC-01-2024 to the February 19, 2024 meeting.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0

B. PC-02-2024: 16W0290 Jeans Road (Oburrdale Inc.) Extraterritorial Review of a Conditional Use and Variation

Chairman Trzupek introduced the case and asked for a summary. Stern stated the property is in unincorporated DuPage County. The property is zoned Light Industrial, and properties were zoned Light and General Industrial in the immediate areas and include outdoor storage and truck traffic uses. Stern stated that there were no buildings on the property and the property is being used for outdoor storage of equipment, storage containers, trailers, and landscaping materials such as wood, gravel, and sand. On January 12th, staff sent a letter requesting an extension from DuPage County to formally have the case reviewed by the Plan Commission on February 5th. The DuPage County public hearing was held on January 25th and continued to March 7th. At the January 25th Zoning Board of Appeals, the Commission requested the petitioner to submit more information regarding the site and if it was possible for the petitioner to move the items and storage to the interior of the property to have an access road or path around the exterior of the property. The Commission may wish to submit comments on the proposal.

Chairman Trzupek confirmed this business is in operation today and in violation in terms of where stuff is being stored, including in setbacks. Chairman Trzupek asked why the Commission would support storing potentially flammable materials closer than they are supposed to be, and in a setback. Stern stated that the Commission likely would not support that and would submit comments to that effect in a letter.

Commissioner Morton questioned the firewood storage and if it could harbor bad insects, including ones that could be harmful to the tree population. Chairman Trzupek noted that was a good point.

Chairman Trzupek asked if the material could be stored indoors. Stern stated that request is for the variations for storage from property lines and the conditional use.

Commissioner Petrich confirmed the perimeter path could be within the setback. Commissioner Irwin asked about the variations and Stern confirmed it is for the storage of the materials on the property line. Commissioner Irwin did not know you could not store materials on the property line. Chairman Trzupek stated that the conditional use is for the open storage of materials and variations for that material and equipment on the property line. Commissioner Irwin stated that it appears they want to build on the property line and store their wood or trailers on the property line.

Chairman Trzupek stated that the objection is to the use for open storage of materials and without consideration for the location. Chairman Trzupek noted that setbacks were typically for buildings.

Commissioner Petrich stated the property was a mess and would not be allowed in Burr Ridge.

Chairman Trzupek confirmed that a letter of objection can be sent to DuPage, noting the concerns mentioned.

A **MOTION** was made by Commissioner Parrella and **SECONDED** by Commissioner Petrich to direct staff to send a letter of objection to DuPage County.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0

C. PC-03-2024: 901 McClintock Drive (Royal Oaks Development) - Informal Discussion

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the petitioner, Sam Alosman, is requesting a pre-application conference to discuss the potential construction of a 16-unit townhome development at 901 McClintock Dr. The petitioner presents the consideration to the Plan Commission to gauge the Commission's feedback. Stern stated that the informal review process is offered to any potential petitioner within the planning process. The preliminary plan shows 16 townhomes in eight blocks of two units each. There were 12 guest parking spaces, density is 3.3 units per acre, and the structures were 29'9" in height. Stern showed the elevations and proposed floor plans.

Chairman Trzupek asked if the petitioner was present.

The petitioner's architect, Randy King with Architects By Design, stated that office space is going to be at a low demand and for the property, their intent is to attract current Burr Ridge residents that want to stay in Burr Ridge, walk to the downtown, but do not quite want as big a house. The proposed townhomes will be customized regarding elevators and garages. King described the site plan and proposed orientation of the homes, the setbacks between the buildings, the reduction in impervious from the previous office proposal, and the density. The intent is to have the same size home as a detached single-family home, but to downsize and remove the maintenance responsibility. King stated that the zoning requests are to rezone from the O-2 to the R-5 PUD, a variation for the 80-acre minimum, but for the buildings and setbacks, there are no other variations requested. King showed the fire access, landscaping, and the pavilion.

Chairman Trzupek asked about the density and if it includes the pond. King confirmed. Chairman Trzupek noted the preapplication process and asked if staff had any comments on the proposal. Stern stated that staff has reviewed, and the petitioner

made changes to the plans to address the landscaping, rearranged parking, and reoriented the townhomes.

Chairman Trzupsek was concerned about the orientation of the homes and that a garage door is the front entrance which is not attractive.

King stated that you would enter a more open, greener, landscaped area, and would not see all the garage doors. There is an attempt to berm and shelter the homes from all the adjacent parking lots.

Chairman Trzupsek confirmed that there is landscaping and the park to the north, but it is mainly paving between the units.

King stated that there are architectural variations within the complex regarding the garage doors.

Commissioner Morton asked if it is a grade level entrance, duplex with common wall, and asked about fire suppression. King confirmed fire suppression is a consideration and they are building a block wall between units.

Commissioner Morton asked about the shared parking lot entrance with the commercial property to the south. King confirmed it will be shared.

Commissioner Broline had no comments.

Commissioner Petrich stated it does not look like a downsizing product due to the size and the price point. For the public hearing, Commissioner Petrich requested the lighting and landscaping plans to be more detailed, and the monotony be addressed. Commissioner Petrich asked about any improvements to the pond perimeter road.

King stated that before the public hearing, engineering, lighting, HOA requirements will be addressed but right now is to gauge the Commission's interest before spending additional money.

Commissioner Parrella asked what the frontage is of each unit. King stated approximately 24 feet. Commissioner Parrella stated that is like a Chicago lot. Commissioner Parrella stated that the proposal has potential as long as it is not overcrowded, considers all the safety issues, and privacy issues. Commissioner Parrella would like to see the next step.

Commissioner McCollian did not have anything to add and appreciated that it was designed in a way that kept requests to a minimum.

Commissioner Irwin stated it looks out of place in this area which has office complexes all around and the townhomes do not make sense and are squeezed into this little area. Commissioner Irwin did not support rezoning from Office to Residential.

Chairman Trzupek agreed and was concerned about how the zoning map would look with having a piece of residential in this area. Chairman Trzupek was concerned about the density and noted the pond to the north and if the property line were further south, the density would be greater. Chairman Trzupek was also concerned about the downsizing proposal.

King stated that while the homes are larger, which is what people want when guests are in town, the downsizing aspect comes from the responsibility of taking care of the property. The HOA will take care of those things. King stated that basements and garages are not considered in the square footage of homes.

Chairman Trzupek stated that the size of the homes could accommodate a family with kids and the location is not great for that.

King stated that the idea is for 65 and older and does not have an intent to impact the school district but does not know how to codify that with the HOA.

Chairman Trzupek stated that in regard to the potential public hearing, the concerns were about density, architectural monotony, and the size of the townhome product.

Commissioner Petrich stated that if the product is upscale and dedicated to 65 and older, elevators should become standard. King stated that elevators will be planned for each unit, but it could become a pantry and could be converted into an elevator later.

Chairman Trzupek asked about the timeframe for submittal. King stated that there is a deadline, and they would need to move quickly.

Commissioner McCollian asked if two-car garages are large enough. King stated that when you start going into the three-car garage, the square footage starts ramping up.

Chairman Trzupek stated that there is no public hearing on the proposal, but the public comment portion is next.

VI. PUBLIC COMMENT

Chairman Trzupek asked for public comment.

Ellen Raymond stated that the Chairman addressed her concerns about the previous proposal and asked about the dwelling units per acre without the pond. Chairman Trzupek noted the lot size is what it is, but in reality part of the lot is a line in the pond. Raymond asked to have the density without the water included. Chairman Trzupek stated that the dry acreage could potentially be addressed. Raymond was shocked that the Commission was able to have this discussion and not give the notice to the neighbors. Chairman Trzupek stated that the Commission can, and it is just comments provided to a petitioner and an informal discussion. Raymond stated that it would be nice to somehow notify people who spoke at the last public hearing about items in this area.

VII. FUTURE MEETINGS

Parrella confirmed that she is the representative for the February 12th Board meeting and that the meeting starts at 6:30p.

Stern confirmed there are four cases scheduled for February 19th Plan Commission meeting.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to adjourn the meeting at 9:37 p.m.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

Respectfully Submitted:



Ella Stern
Planner