

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF APRIL 1, 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: 8 – Irwin, McCollian, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek

ABSENT: 0 – None

Community Development Director Janine Farrell, Planner Ella Stern, and Trustee Guy Franzese were also present.

II. APPROVAL OF PRIOR MEETING MINUTES – MARCH 4, 2024

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Broline to approve the minutes of the March 4, 2024 meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Morton, Broline, Parrella, Petrich, and Trzupek

NAYS: 0 – None

ABSTAIN: 3 – Irwin, McCollian, and Stratis

MOTION CARRIED by a vote of 5-0 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-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, FEBRUARY 5, & FEBRUARY 19, 2024]

Chairman Trzupek introduced the case and asked for a summary. Stern provided an overview of the history of the case. Stern stated that staff spoke with the Village Attorney and relayed information about the requirement of a special use for a gate which may result in unnecessary zoning action. Stern presented information discussed at the previous meetings. Staff provided research on the properties within the area which may benefit from the reduction in lot size for the gate and potential setback requirements. Stern noted that some of the properties were less than 150 feet in frontage and sought the

Commission's direction regarding the reduction in lot frontage. Stern presented the draft language.

Chairman Trzupke summarized what was for discussion; driveway gates on properties less than 2 acres, the consideration of parcels with less than 150 feet of frontage, and the special use requirement.

Chairman Trzupke asked for public comment.

Rey Zaffar, 6301 County Line Rd., noted that the proposed language was similar to Oakbrook's requirements and provided the history of his variation zoning case. Zaffar noted the setback difference from the right-of-way line versus the property line. Zaffar noted surrounding municipality regulations. Zaffar discussed arterial streets and noted gates were commonplace in the area.

Chairman Trzupke asked for Commissioner discussion.

Commissioner Irwin stated his position had not changed and discussed the special use requirement. Commissioner Irwin stated that driveway gates create a look that should not be proliferated throughout the Village. Commissioner Irwin noted he had not heard of gate requests on smaller properties being an issue. Commissioner Irwin stated that it was not a safety issue.

Commissioner McCollian supported the amendment requiring a special use. Commissioner McCollian asked if one-acre was a requirement that would further restrict from the 22 properties that are on the list.

Commissioner Parrella supported the special use and agreed with Commissioner McCollian's comments.

Commissioner Petrich stated that a special use would not solve the issue. Commissioner Petrich noted the homes in the area were granted variations due to hardships. Commissioner Petrich stated there was no public outcry to have gates. Commissioner Petrich noted if security was a concern, families would not purchase homes on arterial streets. Commissioner Petrich stated that there were several changes over the years, and there was no need to amend the current regulations.

Commissioner Broline stated that there was one property with a gate that was non-conforming in the area and was unsure of his position.

Commissioner Stratis did not support reducing the requirement below two acres and did not want to see a proliferation of fences. Commissioner Stratis stated that fences do not foster a sense of welcomeness.

Commissioner Morton agreed with Commissioner Irwin that nothing had materially changed since the Board sent the direction to the Commission. Commissioner Morton did not support amending the regulation due to a single petitioner.

Chairman Trzupke supported reducing the acre size of properties on arterial roads but noted that the homes in the area would not meet the minimum lot frontage requirement. Chairman Trzupke stated to be effective, they would need to reduce the acreage requirement and look at the street frontage and noted it would only affect about 14 homes.

Commissioner Stratis stated that the draft language read as special interest language which was applicable to a single petitioner. Commissioner Stratis noted it may incite other petitioners to apply to amend the language further.

Chairman Trzupke supported gates on arterial streets.

Commissioner Irwin noted that one of the homes used as an example had a large shoulder that appeared to accommodate the problem posed by the gate along the road.

Chairman Trzupke asked if the Commissioners supported the draft language and how the Commissioners wished to proceed.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for Z-15-2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, Petrich, Broline, Stratis, and Morton
NAYS: 2 – Parrella and Trzupke

MOTION CARRIED by a vote of 5-2

There was Commissioner discussion regarding a motion to deny the proposed text amendment language or to take a vote to recommend no changes.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to deny zoning case Z-15-2023, a request for a text amendment to section IV.I of the Zoning Ordinance to permit driveway gates on properties less than two acres in area located on arterial roadways and to uphold the current driveway gate regulations.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, Petrich, Broline, Stratis, and Morton
NAYS: 2 – Parrella, and Trzupke

MOTION CARRIED by a vote of 5-2

B. Z-16-2023: Zoning Ordinance Amendment for Residential Fences (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM DECEMBER 4, 2023, FEBRUARY 5, & FEBRUARY 19, 2024]

Commissioner Broline recused himself from the discussion since he is adjacent to an individual who would benefit from the petition.

Chairman Trzupke introduced the case and asked for a summary. Stern provided a history of the petition. Stern stated that there was one public comment received. Stern noted the Village Attorney reviewed the potential text amendment as a special use but stated that it would not solve the issue of allowing a fence in the side yard of an adjacent home. Stern stated the current fence regulations and provided illustrations. Stern provided a diagram showing a corner lot and a neighboring interior lot that resulted in permitting a fence in the interior side yard of the adjacent home if the regulations were changed. Stern stated that staff is seeking direction from the Plan Commission on whether to continue pursuing

this text amendment or to allow the language to remain unchanged. If unchanged, the Plan Commission would continue to review any deviations from the regulations as variations.

Chairman Trzupek summarized the current process for seeking a variation for the requests that do not comply with the current regulations.

Chairman Trzupek asked for public comment.

Robert Haley, 8461 Carlisle Ct., stated that this issue is how the Village defines a front lot line. Haley stated that people could not build fences behind their homes where accessory uses typically were found. Haley discussed issues about adjacent homes from corner properties. Haley pointed to the aerial images and noted that allowing a fence in the rear yard of the corner lot property would not impose a hardship on the neighbor. Haley distributed an aerial photograph to the Commissioners, demonstrating an anomaly of where fences would be permitted on properties. Haley mentioned he proposed language.

William Ryan, attorney for 6301 County Line Rd., had proposed language for allowing fences on properties along arterial roads and the height limitations for the fences. Chairman Trzupek stated that County Line Road was a corner side yard for his client's property, and the arterial was often someone else's front yard.

Chairman Trzupek noted that there was no possibility to have one ordinance cover all corner lots in the Village. Chairman Trzupek stated the Commission could keep the regulations as a variation or pursue a special use. Chairman Trzupek asked for a summary of a special use. Farrell provided a brief summation of the Findings of Fact for a special use application as opposed to a variation.

Chairman Trzupek asked for Commissioner discussion.

Commissioner Morton agreed with Chairman Trzupek that there was not one solution for all properties.

Commissioner Stratis pointed at the aerial diagram and noted that the adjacent neighbor would have a fence in the front yard. Commissioner Stratis supported leaving the language as is and requiring a hardship for variation.

Commissioner Petrich supported no change.

Commissioner Parrella supported no change.

Commissioner McCollan supported a special use since it did not require finding a hardship.

Commissioner Irwin suggested that while the code's permitted actions are preferred, alternative options could also be considered. Commissioner Irwin stated a corner lot should have the option of choosing one of the options. Commissioner Irwin did not support leaving the language as is and supported a special use.

Chairman Trzupek did not believe there was language to support either option. Chairman Trzupek noted he would support something with more latitude, such as a special use.

Commissioner Morton stated he would like to explore the special use versus a hardship paradigm. Commissioner Morton noted a special use allows for more latitude to address these unique situations.

There was discussion about requesting language for allowing the fence as a special use.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parella to continue the public hearing for Z-16-2023 until the May 20, 2024 meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parella, McCollian, Petrich, Stratis, Morton, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0 with Broline recused

C. 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 & JANUARY 15, 2024]

Chairman Trzupsek introduced the case and asked for a summary. Farrell stated that the petitioner is requesting a continuation to May 6, 2024.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to continue the public hearing for V-01-2023 until the May 6, 2024 meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Morton, Parella, Petrich, Broline, Stratis, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

D. Z-03-2024: Zoning Ordinance Amendment for Outdoor Dining (Village of Burr Ridge); Text Amendment and Findings of Fact

Chairman Trzupsek introduced the case and asked for a summary. Stern stated on February 12, 2024 the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to permit outdoor dining year-round in the Business Districts. Stern noted the text amendment was in response to the recent special use requests for year-round outdoor dining enclosures at Jonny Cabs and Capri Express. Stern noted four public comments were received and included in the staff report packet. Stern read the existing language which required outdoor dining furniture to be removed during the winter season and the outdoor dining areas shall not be occupied from November 1st through March 1st. Stern mentioned all furniture must be stored out of public view or off-site of the subject property when not in use. Stern noted wall enclosures required special use approval. Stern read the proposed draft language. Stern stated if the Plan Commission chooses to recommend approval to permit year-round outdoor dining, the Plan Commission may wish to modify the regulation pertaining to wall enclosures.

Chairman Trzupsek confirmed that wall enclosures would still require a special use. Chairman Trzupsek expressed concern regarding wall enclosures, heaters, and public safety.

Chairman Trzupsek asked for public comment.

Alice Krampits, 7515 Drew Ave., asked if the enclosures would be year-round. Krampits noted she was opposed to year-round outdoor dining and the wall enclosures. Krampits stated the enclosures did not enhance the front of the restaurant. Krampits questioned when temporary outdoor dining becomes permanent. Krampits mentioned the definition of outdoor dining was not behind a plastic covering. Krampits stated that the restaurants profit from the enclosure and expressed concern about fire safety, egress, and maximum occupancy. Krampits questioned whether bollards would be installed for safety.

Mark Thoma, 7515 Drew Ave., agreed with the previous public comment and stated that the enclosures were an extension of the restaurant, not outdoor dining. Thoma stated that outdoor dining was to enhance the dining experience. Thoma did not support the appearance of the enclosures from a safety and visibility perspective. Thoma stated that the enclosures expand the capacity of a restaurant which could be a parking issue.

Chairman Trzupsek stated the parking calculations included outdoor seating areas.

Chairman Trzupsek asked for Commissioner discussion.

Commissioner Irwin agreed with the public comments and did not support the wall enclosures year-round. Commissioner Irwin supported outdoor dining year-round.

Commissioner McCollian agreed with Commissioner Irwin. Commissioner McCollian supported businesses in town but did not want to approve outdoor dining year-round until the wall enclosures were dealt with.

Commissioner Parrella stated that there were businesses in the area that have had the enclosure for years and that other businesses have followed suit. Commissioner Parrella supported defining the outdoor dining season and a standard design for wall enclosures that complement each other. Commissioner Parrella noted if there was a standard for the wall enclosures, they may be acceptable.

Commissioner Petrich agreed that the enclosures should be permanent, not temporary canvas enclosures. Commissioner Petrich stated that outdoor dining furniture should be stored away when not in use rather than exposed outdoors. Commissioner Petrich agreed with Commissioner Parrella regarding maintaining a cohesive design for the development.

Commissioner Broline questioned if wall enclosures would meet the Building Code and asked how to obtain uniformity and design element requirements. Commissioner Broline stated the outdoor dining walls being proposed shall be subject to engineer review.

Commissioner Stratis stated he preferred some conformity with the enclosures in addition to having regulations for when they can be installed and removed, colors, manufacturer, windows, and ADA compliance. Commissioner Stratis stated that staff should review the design for the enclosure but also suggested Fire District approval due to the heaters installed.

Commissioner Morton supported the previous comment. Commissioner Morton supported eliminating #12 from the outdoor dining regulations and not permitting the wall enclosures year-round.

Chairman Trzupke stated that the Village Center proposed demountable walls that were uniform in design and recommended the same for County Line Square. Chairman Trzupke agreed that the enclosures should be utilized within a set time frame and expressed concern about egress and recommended a Building Code review. Chairman Trzupke stated that more concise regulations should be required rather than eliminating #12 from the outdoor dining regulations. Chairman Trzupke suggested the building owner propose a cohesive design.

Commissioner Parrella supported uniformity and was not opposed to year-round outdoor dining.

Chairman Trzupke asked if the Commission supported year-round outdoor dining, and the Commission generally agreed. Chairman Trzupke asked about how the Commission would determine the appearances and aesthetics of the enclosures. Chairman Trzupke reiterated his concern about building code issues. Farrell stated that the items would be addressed as part of the special use review and approval. Farrell noted it would be difficult for staff to compel the owner of County Line Square to come forward with an amendment to the PUD to have a certain design aesthetic. Farrell noted a special use allows for more flexibility when considering other dining establishments outside the downtown area. Chairman Trzupke confirmed the Commission could clarify #8 and #12 of the outdoor dining regulations. Farrell stated a special use for an enclosure would require a building permit and be reviewed in accordance with the Building Code.

The Commission provided direction to staff to clarify #8 and #12 in the outdoor dining regulations for the demountable partitions and Building Code compliance.

There was discussion regarding enclosure language and a criteria requirement for aesthetics, and a potential prohibition against canvas and plastic enclosures. There was a discussion about outdoor dining fences and the enclosures. Chairman Trzupke noted demountable walls or folding doors was a preferred term, and the term “outdoor dining” should be reviewed. There was discussion about adding onto the restaurant space and the seasonality of the space.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-03-2024 until the June 3, 2024 meeting.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 8-0.

E. Z-04-2024: Zoning Ordinance Amendment for Walls and Masonry Piers (Tuschall); Text Amendment and Findings of Fact

Chairman Trzupsek introduced the case and asked for a summary. Stern stated the petitioner requested a continuation since he would not be in attendance but did not confirm a date.

Chairman Trzupsek asked to include clarification on that section of the Zoning Ordinance and noted it had changed over time. There was a discussion about the pictures provided by the petitioner and what the petitioner intended to do with the walls.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for Z-03-2024 until the June 3, 2024 meeting.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 7-0.

IV. CORRESPONDENCE

Commissioner Petrich asked if the Plan Commission recommendations were unchanged by the Board. Stern confirmed.

V. OTHER CONSIDERATIONS

- A. PC-04-2024: By-Laws/Rules of Procedure Amendment - Virtual PC Meeting Attendance**
- B. PC-07-2024: By-Laws/Rules of Procedure Amendment – Public Testimony & Public Participation**

Chairman Trzupsek introduced the cases and asked for a summary. Stern stated the Rules of Procedure for the Plan Commission meetings require in-person attendance, and to

permit virtual meeting attendance, the Plan Commission must amend the Plan Commission by-laws. Stern stated while reviewing the Plan Commission's Rules and Procedures, staff discovered that additional sections of the Plan Commission Rules of Procedures needed to be updated. Stern stated the Village Attorney additionally reviewed and revised the Plan Commission's Rules and Procedures, including the Roman numerals, Public Hearing Procedures, Rules for Public Testimony at a Public Hearing, and a section on Public Participation. Stern provided a history of PC-04-2024 and stated staff confirmed with the Village Attorney that the public could not attend virtually with the proposed language. Stern noted the Village Attorney confirmed per the Open Meetings Act (OMA), a Commissioner could only attend virtually for one of the specific reasons listed, and the Commissioner must disclose the reason for attending virtually at the meeting. Stern stated that the Village Attorney drafted the language to clarify testimony provided at a public hearing as opposed to the general public comments made at the end of the meeting.

Chairman Trzupke confirmed the different language for the public hearing and public comment. Chairman Trzupke confirmed that there was no time limit for the public hearing and "herein" should be removed.

Farrell confirmed that this topic was brought up during the review of public participation procedures for virtual meetings and was partially in response to the upcoming pre-application meeting for CNH to ensure that all public comments are heard. Farrell clarified the difference between testimony given during a public hearing, which was not limited, and general public comments which would be limited.

Chairman Trzupke asked for Commissioner discussion.

Commissioner Morton confirmed that the virtual meeting would not allow the public to attend. Commissioner Morton stated that a person's remote attendance could confuse the public. There was a discussion about the technological restrictions for videoing and calling in.

Commissioner Stratis had no comments or questions.

Commissioner Petrich stated remote participation could make it challenging to fully engage in the process. Commissioner Petrich did not support remote participation unless there was a better system to engage the individual participating remotely. Commissioner Petrich did not support the reasons for allowing someone to participate remotely.

Commissioner Broline agreed with Commissioner Petrich.

Commissioner Parrella agreed with the previous comments and preferred a technology reboot for the virtual attendance to foster engaged participation. Commissioner Parrella agreed with remote participation and distractions if someone is sick or traveling for work.

Commissioner McCollan agreed that the technology is not conducive to voting but ultimately supported remote participation.

Commissioner Irwin supported the language and pointed out remote attendance was only allowed twice a year. Commissioner Irwin did not see an issue with following along

virtually and noted court cases were held that way. Commissioner Irwin stated if remote attendance was not working, it could be adjusted.

Chairman Trzupke did not object but did not feel it was necessary since there were quorums and an alternate. Chairman Trzupke noted remote attendance was only permitted twice a year with reasons in advance. Chairman Trzupke understood the concerns with voting.

Commissioner Morton asked about a sunset provision for a year. Farrell stated that staff could confirm the option of a sunset provision with the Village Attorney.

There was a discussion about conveying the amendment notice to the public regarding the time limitation on public comment. Farrell confirmed that a notice would be on the agenda to notify the public going forward.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Morton to approve PC-07-2024, the Public Participation and Public Testimony amendments to the Plan Commission Rules of Procedure.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Morton, Parrella, Broline, Stratis, and Trzupke
NAYS: 1 – Petrich

MOTION CARRIED by a vote of 6-1

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to approve PC-04-2024, the Virtual Attendance amendments to the Plan Commission Rules of Procedure with a one-year sunset provision.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Parrella, Broline, Stratis, Morton and Trzupke
NAYS: 1 – Petrich

MOTION CARRIED by a vote of 6-1

C. Discussion of Zoning Ordinance Sections X and XIV – Warehouse Use and Definition

Chairman Trzupke stated that he attended the open house held by Bridge for the CNH redevelopment. Chairman Trzupke stated one of the proposed rezoning was to Light Industrial (L-I). Chairman Trzupke noted the L-I District permits manufacturing and warehousing as a permitted use and the General Industrial (G-I) District permits a warehouse. Chairman Trzupke asked for clarification regarding warehousing and its use and function between the L-I and G-I Districts in the Zoning Ordinance. Farrell clarified the differences as interpreted by staff for the uses. In L-I, there is typically a mix of office, manufacturing, and storage or warehousing as part of a single business’

operations. In G-I, a warehouse would be a large space dedicated to dead storage without the manufacturing operations.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Parrella to request that the Board direct the Plan Commission to hold a public hearing regarding the definition and use of warehousing in the G-I and L-I districts.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Parrella, Petrich, Broline, Stratis, Morton, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

VI. PUBLIC COMMENT

Alice Krampits, 7515 Drew, asked about the outdoor dining discussion and the Jonny Cab's and Capri Express meeting. Chairman Trzupek asked if Stern could speak with the petitioners about the actions that occurred tonight. There was discussion about the proposal and that they were supposed to submit new documents with a proposed enclosure.

Commissioner Irwin noted that there were no ADA spaces available at County Line Square and asked staff to review if there were an adequate number of spaces.

Commissioner Broline asked if any comments were received from DuPage County on the recent cases that have happened over the past few months. Stern stated that she could ask DuPage County for an update.

VII. FUTURE MEETINGS

Commissioner Stratis stated he was not available for the April 8th Village Board meeting. Commissioner Morton stated he would attend in his place if needed.

The Commissioners discussed the location and process for the April 15, 2024 pre-application meeting for the CNH property and confirmed that it is not a public hearing and will be held at the Village Hall. Chairman Trzupek noted that there was a board at the open house that detailed the planning process. Farrell clarified the preliminary plan process and procedures.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to adjourn the meeting at 9:09 p.m.

ROLL CALL VOTE was as follows:

Plan Commission/Zoning Board of Appeals
April 1, 2024 Regular Meeting

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

MOTION CARRIED by a vote of 8-0.

Respectfully Submitted:



Ella Stern
Planner