

VILLAGE OF BURR RIDGE PLAN COMMISSION/ZONING BOARD OF APPEALS

MINUTES FOR REGULAR MEETING OF MAY 20, 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: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek

ABSENT: 2 – Parrella and Stratis

Planner Ella Stern was present.

II. APPROVAL OF PRIOR MEETING MINUTES – MAY 6, 2024

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to approve the minutes of the May 6, 2024 meeting.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

ABSTAIN: 1 – McCollian

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

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. V-03-2024: 9S241 Madison Street (Davalos); Variations and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated that the case was a request for three variations from Zoning Ordinance Section IV.J to permit (1) a fence in the interior side yard; (2) a fence 6 feet in height; and (3) a fence less than 50 percent open. Stern noted the property was zoned R-3 in the South Hinsdale Estates Subdivision. Stern stated Madison Street served as the front property line. Stern stated on September 18, 2023, a stop work was posted on the property for the petitioner constructing the fence without a building permit. Stern noted the petitioners requested a variation to permit a fence 6 feet in height. Stern stated a portion of the fence along the east and south property line appeared 4 feet tall. Stern stated the petitioners requested a fence in the interior side yard. Stern noted the fence on the north side of the home extended to the interior side yard, near the front wall of the house, and did not comply, but the fence along the south property line is behind the rear wall of the home and

complied. Stern stated the petitioners requested a fence less than 50 percent open. Stern noted the fence along the north property line was solid, and the 4-foot fence along the east and south property line appeared to be 50% open or less but not solid. Stern showed an illustration of the site plan and images of the fence. Stern stated of the eleven single-family residential homes surveyed along Madison Street between the blocks of 80th Street and 82nd Street, one house has a fence that does not comply with Zoning Ordinance. Stern noted that Staff found a few homes further south on Madison Street had non-compliant fences, but no building permits or variation requests were found on file for the properties. Stern stated one public comment was received.

Chairman Trzupek asked about the fence in the interior side yard in relation to the front of the home. Stern pointed to the fence location. The Commission discussed the location of the fence.

Alvaro Davalos, the petitioner, stated he had no additional comments.

David Huckvale, the neighbor of the petitioner, stated concern regarding the fence 2 feet away from the side yard and rear yard setback. Huckvale stated it would be challenging to maintain the space between the fences if he wanted to build a fence close to his property line. Huckvale stated he submitted the public comment.

Chairman Trzupek noted the fence was on the petitioner's property, and Zoning Regulations did not require the petitioner to build the fence on a property line.

Frank Bosnick, the neighbor of the petitioner, stated the fence was a nice shape and served a purpose. Bosnick supported the fence.

Commissioner Morton clarified that the fence was 2 feet inside the petitioner's property line. Commissioner Morton noted he did not find a hardship to support the 6 feet in height and less than 50% open fence. Commissioner Morton asked for clarification regarding the fence openness along the east and south property lines.

Stern noted the fence appeared to be 50% open or less but not solid. Staff would measure the distance between the pickets on the property.

Commissioner Broline discussed the Findings of Fact and neighbors. Commissioner Broline noted the petitioners violated the Zoning Code and received a stop work order, but that was not a reason to grant a variance.

Chairman Trzupek stated the variation was for the proposal presented tonight. Chairman Trzupek noted that although the fence already exists, it should not influence the decision on the variation request.

Commissioner Petrich discussed the Findings of Fact regarding the petitioner's dog and swimming pool. Commissioner Petrich noted residents had invisible fences to prevent dogs from leaving the property. Commissioner Petrich did not support the 6-foot-tall,

solid fence. Commissioner Petrich expressed interest in determining the fence openness along the south property line. Commissioner Petrich noted the Plan Commission had received many fence variations. Commissioner Petrich stated many fences have been constructed without permits. Commissioner Petrich suggested communicating the fence regulations around the Village and potentially in an Oak Leaf article.

Davalos stated the pool was above ground and 42 inches in height. Davalos noted his two-year-old daughter liked to explore the area, hence the reason for the fence.

Commissioner McCollian stated she did not find a hardship to permit the existing fence. Commissioner McCollian noted the 4-foot-tall fence looked sufficient. Commissioner McCollian asked the petitioner's neighbor if his dogs were fenced in.

Huckvale stated his dogs were not fenced in, but he did not let them off the leash. Huckvale stated he planned to install a fence.

Chairman Trzupek reiterated the variation request and noted he did not find a hardship to permit the variation.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to close the public hearing for V-03-2024.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Broline to deny the variation requests from case V-03-2024 to permit (1) a fence in the interior side yard; (2) a fence 6 feet in height; and (3) a fence less than 50 percent open.

ROLL CALL VOTE was as follows:

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

MOTION CARRIED by a vote of 5-0

B. Z-05-2024: 340 Shore Drive (Factor 75); Special Use and Findings of Fact

Chairman Trzupek introduced the case and asked for a summary. Stern stated the petitioner, Factor75, requests a special use for outdoor storage and a fence in a non-residential district. Stern stated that Factor75 provides prepared and ready-to-eat food. Stern stated that Factor75 operates three shifts and approximately 140 hourly employees and 15 salaried employees per shift. Stern stated the petitioner requests a special use for outdoor storage to improve operation efficiency by reducing the indoor storage facilities. Stern noted the petitioner uses the area in the rear yard for outdoor storage of dumpsters,

cardboard pallets, recyclable plastics, cooler boxes, and a box truck. Stern stated the area located in the rear yard has approximately nine parking spaces that the petitioner intends to use for outdoor storage. Stern showed an illustration of the parking onsite. Stern stated that Factor75 had shared parking leases with adjacent properties and companies, which provide approximately 171 parking spaces for the Factor75 employees. Stern stated the Village Zoning Code required two parking spaces for every three employees. Stern stated that Factor75 employs 115 employees throughout a shift. Stern stated that Factor75 must have 104 parking spaces but would maintain around 178 parking spaces, exceeding the requirement. Stern stated in the G-I zoning district outdoor storage required a separate special use. Stern noted the height of some of the equipment is unknown; therefore, it is unknown if the proposed fence will adequately screen the equipment and the outside storage area. Stern stated the petitioner requests a fence along the rear yard and interior side yard to screen the outdoor equipment. Stern stated the petitioner is proposing a 6-foot-tall, solid cedar fence. Stern stated the G-I zoned district, outdoor storage is a special use provided that storage is to the rear of the principal building, screened on all sides, does not exceed the height of the screening, and is not visible from any adjacent streets or residential areas. Stern stated that in 1992, the subject property received a variation to permit a chain-link, fenced-in area to the rear of the building, and the fence is still on the property.

Chairman Trzupek asked for clarification regarding the screening requirement for outdoor storage. Stern stated that fencing or landscaping fulfilled the screening requirement.

Tim Foley, attorney for the petitioner, stated that Factor75 has been a fast-growing company since 2019. Foley stated that Factor75's request for an outdoor storage area for equipment, including coolers and dumpsters for used grease, was essential for the food processing operations. Foley noted the fence was to provide screening to the outdoor storage, and Factor 75 did not have security issues. Foley noted the petitioners were receptive to different fence options. Foley discussed a provision in the Village Code regarding outdoor storage and fences in non-residential districts. Foley discussed the proposed outdoor storage and fenced-in area.

Chairman Trzupek asked about the regulations for trash and dumpster enclosures. Stern stated trash and dumpsters must be screened. Chairman Trzupek discussed screening for dumpster enclosures and outdoor storage screening for cars.

Commissioner Irwin discussed outdoor storage and screening.

Foley stated the proposed fence intended to provide screening to the outdoor storage. Foley noted the southwest of the property had inadequate buffer space for landscaping. Foley stated that Factor75 would support a condition limiting the special use to expire when the business no longer occupied the spaces.

Commissioner Irwin asked the petitioner why Factor75 needed the outdoor storage area. Commissioner Irwin stated outdoor storage was a special use and required screening.

Foley stated that Factor75 needed outdoor storage for the dumpsters and grease.

Commissioner McCollian questioned if storing dumpsters would be considered a special use or fall within a section of the Village Code. Commissioner McCollian asked about the shared parking spaces. Commissioner McCollian and Foley discussed parking.

Stern noted the petitioner requested to store dumpsters and other equipment that required a special use. Foley stated that Factor75 requested to store dumpsters, coolers, and cardboard pallets outside. Foley noted the shared parking leases were exclusive. Foley stated the proposed gate was not intended to be a security gate.

Commissioner Petrich stated it was great to have a successful business in Burr Ridge. Commissioner Petrich noted that Factor75 may have outgrown the property. Commissioner Petrich discussed the amount of employees, shift changes, and parking areas. Commissioner Petrich noted the dumpster requirements were to localize and shield them to keep them out of sight. Commissioner Petrich stated concern regarding moving operation equipment outside. Commissioner Petrich suggested a localized enclosure for the dumpsters. Commissioner Petrich noted he was not in support of a solid fence.

Foley noted that Factor75 intended to move the equipment scheduled for pickup outside. Foley reiterated the pickup schedule was Monday, Wednesday, and Friday. Foley stated that Factor75 had just extended the lease for five years. Foley stated the workers moved four or five grease dumpsters around on wheels. Foley noted that if the dumpsters were stored inside, operations may be restricted.

Commissioner Broline asked if security was an issue. Foley stated security was not a concern and reiterated the fence was not for security purposes.

Commissioner Morton asked for clarification regarding the number of employees. Foley stated there were approximately 140 hourly employees and 15 salaried employees. Commissioner Morton noted that Factor75 had an adequate amount of parking spaces. Commissioner Morton stated concern regarding grease, odors, attracting nuisance, and animals. Commissioner Morton discussed the outdoor storage and screening. Commissioner Morton noted the area did not have much surface area available for screening in the form of landscaping. Commissioner Morton discussed the grading on the property. Foley noted there had not been issues or concerns.

Chairman Trzupek confirmed that the cardboard pallets, recyclables, and coolers were stored outside overnight but picked up every other day. Chairman Trzupek noted the request appeared to be for dumpster locations and enclosures rather than outdoor storage. Chairman Trzupek noted the Village Code permits one box truck to park overnight on the property. Chairman Trzupek questioned whether the proposed area was an outdoor storage area or a trash enclosure. Chairman Trzupek suggested the petitioner approach the request as a trash enclosure rather than outdoor storage. Chairman Trzupek asked about the cooler boxes.

Foley noted the outdoor storage area would permit flexibility and a larger area to move around the equipment. Foley stated concern regarding the approach for trash enclosures and noted the cooler boxes were an essential part of the outdoor storage request. Foley noted the cooler boxes were industrial containers with a variety of foods.

Chairman Trzupek stated support for the request but was unsure if the request was for outdoor storage or trash dumpsters. Chairman Trzupek suggested the petitioner return with a clear site plan of the equipment location and the nature of the items stored outside.

Commissioner Irwin noted the Commission had reviewed multiple requests for outdoor storage and asked staff to review previous outdoor storage requests. Commissioner Irwin suggested the Commission review outdoor storage as a whole before reviewing case Z-05-2024. Commissioner Irwin questioned the location of the outdoor storage and noted that the proposed outdoor storage appeared to be in the interior side yard and rear yard.

Commissioner Morton suggested the petitioner review alternatives, including an expansion with a dumpster enclosure.

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner McCollan to continue the public hearing for case Z-05-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Morton, McCollan, Irwin, Petrich, Broline, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

C. V-04-2024: 16W030 83rd Street (Double Good); Variations and Findings of Fact

Chairman Trzupek introduced the case. Stern stated the petitioners requested a continuance to the June 17, 2024 Plan Commission meeting.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollan to continue the public hearing for case V-04-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollan, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

**D. V-02-2024: 15W627 89th Street (Eshghy); Variations and Findings of Fact
[CONTINUED FROM MARCH 4 & MAY 6, 2024]**

Chairman Trzupek introduced the case and asked for a summary. Stern stated the case was continued from the March 4 and May 6 Plan Commission meeting. Stern stated on May 6th, the petitioner provided an updated site plan. Stern stated the petitioner confirmed with a professional land surveyor that the swimming pool did not extend beyond the 40' corner side yard setback line. Stern stated on May 14, 2024, the petitioner's Engineer provided staff with a study of the stream from August 1, 2019. Stern noted the stream is a tributary to the Des Plaines River and was at the downstream end of a basin. Stern stated the Federal Emergency Management Agency (FEMA) map depicted the area south of the creek designated as a regulatory floodway. Stern stated staff discussed the stream with the Village Engineer and discovered that DuPage County required a 15' buffer between structures or an accessory use and the stream. However, the Village Engineer recommended a 20' buffer between the structures and the stream. Stern noted the proposed site plan illustrated a 5' buffer between the stream and structures. Stern discussed the two remaining variation requests for the patio and fence setback. Stern reiterated that the variation request for a swimming pool within the corner side yard setback was no longer a variation request since the swimming pool did not exceed the 40-foot corner side yard setback.

Chairman Trzupek summarized the discussions from the previous Plan Commission meetings and the remaining variation requests. Chairman Trzupek reiterated the home was constructed when the property was unincorporated, hence, the home does not meet R-2A setback regulations or buildable area requirements.

Willian Bakos, the petitioner's Engineer, noted he was unaware of DuPage County's requirements. Bakos stated his employer and Engineers reviewed the FEMA maps, previous constriction of the bridge, and stream study to determine the construction did not obstruct the creek. Bakos stated if DuPage County required a setback, the petitioner must comply with the setback regulations. Bakos noted that the petitioner was out of the country. Bakos stated that the petitioner must modify the patio and fence.

Chairman Trzupek asked about the permitting process and noted the creek was separate from a variation request or a Plan Commission item. Bakos stated the permitting agency was DuPage County. Bakos stated he would discuss the creek buffer with DuPage County and the Village Engineer. Stern stated the Village Engineer could not approve the permit without the required buffer setback between the stream and structures.

Commissioner Morton asked for clarification regarding the remaining variation setback requests. Bakos pointed to the updated site plan and stated the remaining requests were for a 30' 6.5" corner side yard setback for the patio and fence, aligning and extending no further than the corner side wall of the home. Bakos reiterated the variation request for a swimming pool within the corner side yard setback was no longer a variation request since the swimming pool did not exceed the 40-foot corner side yard setback. Bakos discussed the front yard setback and fire pit.

Commissioner Irwin noted he evaluates corner properties by reviewing the true front of a house and assessing whether a proposed fence would be acceptable from that perspective.

Commissioner Irwin stated the 30' 6.5" setback would be acceptable but noted the petitioner did not obtain a building permit.

Commissioner McCollian discussed the objection letter and the swimming pool equipment pads. Bakos pointed to the location of one of the swimming pool and hot tub equipment pads and noted the petitioner intends to provide landscape screening. Bakos stated the second equipment pad was a small artificial rock. Chairman Trzupek stated the concern regarding the swimming pool equipment pad pertained to the noise. Chairman Trzupek stated the petitioner must address any noise and pathway issues but noted they were separate from the variation request. Bakos stated he was unaware of the concerns.

Chairman Trzupek supported the variation request for a fence and patio setback of 30' 6.5" to align with the existing side wall of the home.

Commissioner McCollian noted the objection letter stated the petitioner built a gravel shoulder on the South side of 89th Street. Stern noted it was not permitted. Commissioner McCollian suggested staff review all the unauthorized construction on the property, talk to DuPage County regarding the stream, and have the petitioner return with a final site plan including all the items that need to be approved.

Chairman Trzupek suggested the Plan Commission review the two variation requests with the understanding that staff would review all other concerns.

Commissioner Petrich recalled from the May 6th Plan Commission meeting that the items not encompassed within the variation request were compliance issues beyond the jurisdiction of the Plan Commission. Commissioner Petrich noted he would support voting on the variation request but did not condition the site plan.

Bakos stated he would inform the petitioner to stop construction and modification until the site plan was approved.

Commissioner McCollian questioned whether the petitioner would comply with the regulations. Commissioner McCollian reiterated the petitioner had violated multiple code violations and stop work orders.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing for V-02-2024.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, McCollian, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner Petrich and **SECONDED** by Commissioner Broline to approve a variation request from case V-02-2024 to permit a fence and patio within the corner side yard setback, located 30' 6.5" off the property line, extending no further than the north wall of the home.

ROLL CALL VOTE was as follows:

AYES: 5– Petrich, Broline, Irwin, Morton, and Trzupek
NAYS: 0 – None.

MOTION CARRIED by a vote of 5-0

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, FEBRUARY 5, FEBRUARY 19, & APRIL 1, 2024]

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

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 at the December 4th and February 5th meetings, the Commission continued the case and directed staff to conduct research and prepare draft language. Stern noted on February 19, 2024, the Plan Commission continued the case and directed staff to look into permitting the proposed text amendment language as a special use. Stern stated staff spoke with the Village Attorney, who stated that a special use for fences on corner lots would be permitted but may not effectively resolve the matter of permitting a fence in the front or side yard of an adjacent home. Stern stated that at the April 1st Plan Commission meeting, the Commission discussed changing the requirement for fences on corner lots from a variation to a special use. Stern showed diagrams illustrating a corner property and a neighboring interior lot. Stern noted permitting a fence in the practical rear yard of the home on the corner lot potentially results in permitting a fence in the side yard of the adjacent interior lot. Stern stated on April 1st, the Commission discussed changing the requirement for fences on corner lots from a variation to a special use. Staff provided the proposed language in red below, adding the optional draft language to require special use approval for corner lots. Stern presented the proposed language for Section IV.J.1.2 of the Burr Ridge Zoning Ordinance as follows: *“Fences on corner lots that do not meet the aforementioned regulation, shall be considered as special uses and shall be subject to compliance with Section (13) XIII.K of this Ordinance except as modified herein.”* Stern noted that two public comments were received.

Chairman Trzupek noted the proposed language amends the requirement from a variation and a hardship to a special use and does not alter any regulations.

Robert Haley, 8461 Carlisle Court, supported the proposed language to amend the regulations from a variation to a special use. Haley noted the amendment would reduce the burden on corner lot homeowners.

Commissioner Irwin supported the proposed language to amend the regulations from a variance to a special use. Commissioner Irwin noted that the Plan Commission would continue to review the request to protect the neighbors' interests. Commissioner Irwin stated there were some cases where a corner lot property should be able to fence where the Ordinance did not allow it.

Commissioner McCollian agreed with Commissioner Irwin. Commissioner McCollian noted the proposed language was a sensible approach and the Commission would still review the cases individually.

Commissioner Petrich supported the proposed amendment on the condition that it would not affect the adjacent neighbors. Commissioner Petrich suggested the proposed language be clarified to ensure it did not result in a resident having two corner side lots with fences. Commissioner Petrich noted the proposed language clarified the practical front or rear yard but did not alter the regulations for adding fences to the exterior corner sides. Commissioner Petrich stated he would not support a resident's request for a larger fence area than permitted and suggested it remain a variation.

Chairman Trzupek noted he did not believe the proposed language permitted a resident to request a larger fence area. Chairman Trzupek supported the proposed language. Chairman Trzupek supported ensuring the regulation would prohibit a resident from extending the fence to a larger fence area on both corner sides.

Commissioner Morton agreed with Commissioner Irwin and Commissioner McCollian.

Chairman Trzupek noted the Plan Commission had multiple public hearings to determine if there was an appropriate formula for a fence placement accommodating corner lots. Chairman Trzupek supported the proposed language. Chairman Trzupek noted the approach-maintained flexibility while retaining control through the special use. Chairman Trzupek stated the Board of Trustees would receive a recommendation from the Plan Commission.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to close the public hearing for Z-16-2023.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, McCollian, Petrich, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 5-0 with Broline recused

A **MOTION** was made by Commissioner Morton and **SECONDED** by Commissioner Irwin to approve the proposed text amendment language to Sections IV.J of the Burr Ridge

Zoning Ordinance by changing the requirement for fences on corner lots from a variation to a special use.

Commissioner Petrich asked for clarification and expressed concern regarding the potential amendment to the corner side yard setback regulations. Commissioner Petrich referred to item 2 in the mentioned article, which permitted fences to extend nearer to the exterior of corner side lot and street. Commissioner Petrich questioned whether that would still be a variation or if it would fall under the special use. Commissioner Petrich stated he did not support a corner side yard fence as a special use and should remain as a variation.

The Commissioners discussed the proposed language and the distinction between the special use and a variation.

ROLL CALL VOTE was as follows:

AYES: 4– Morton, Irwin, McCollian, and Trzupek
NAYS: 1 – Petrich

MOTION CARRIED by a vote of 4-1 with Broline recused

F. Z-06-2024: Zoning Ordinance Amendment for Warehouse and Warehousing (Village of Burr Ridge); Text Amendment and Findings of Fact [CONTINUED FROM MAY 6, 2024]

Chairman Trzupek introduced the case. Stern stated on April 8, 2024, the Board of Trustees directed the Plan Commission to hold a public hearing on potential Zoning Ordinance text amendments to clarify and define the “warehouse” and “warehousing” uses in the Light Industrial (L-I) and General Industrial (G-I) districts. Stern noted the existing permitted uses in the Burr Ridge Zoning Ordinance pertaining to warehousing in L-I and G-I districts. Stern stated there was no definition of “warehousing” or a “warehouse” in the Zoning Ordinance, and differences between these two uses have been subject to staff interpretation. Stern stated at the May 6th PC meeting, staff provided comments based upon research from the neighboring municipalities. Stern noted the definitions of a Manufacturing Establishment, Motor Freight Terminals, and the permitted uses in the R-A/Research Assembly District. Stern stated the Plan Commission may wish to address a distribution center as a separate use or include it within the motor freight terminal or warehouse definitions/uses. Stern presented draft language prepared by staff based upon the May 6th Plan Commission meeting. Stern noted that five public comments were received.

Chairman Trzupek clarified the purpose of the discussion regarding the CNH property. Chairman Trzupek stated the differences between permitted activities in Light Industrial and General Industrial zoned districts. Chairman Trzupek expressed concern regarding the ambiguity of the term “warehousing” and the potential implications for the size and nature of future developments. Chairman Trzupek suggested setting a percentage limit for warehousing as the principal use versus an accessory use. Chairman Trzupek noted the

goal of the proposed text amendment was to refine the language in the zoning districts, not to evaluate specific plans.

Steve Patterson, 134 Surrey Lane, suggested including a definition for the term “warehousing” and clarifying whether “warehouse” or “warehousing” refers to an ancillary use subordinate to the primary use. Patterson stated concern regarding potential unintended consequences and noted the absence of clarity regarding fulfillment or distribution centers. Patterson discussed the terms warehouse and warehousing. Patterson discussed the unintended consequences of the proposed language, loading docks, and parking stalls.

Chairman Trzupek stated the Zoning Ordinance did not define fulfillment or distribution centers. Chairman Trzupek stated the public hearing intended to clarify and define warehousing and warehouses, but the Plan Commission also may wish to review distribution centers. Chairman Trzupek noted concern regarding the possibility of existing businesses in Light Industrial districts, which may not comply with the proposed definition of warehousing. Chairman Trzupek discussed truck uses and loading docks.

Harry Bradley, 121 Surrey Lane, noted concern regarding the property in question, CNH, located across County Line Road. Bradley questioned if the proposed text amendment were to prohibit trucking and warehousing in the area. Bradley stated he did not support a definition encouraging or expanding warehousing and truck traffic beyond its current levels and along County Line Road and adding warehouses to the special use section in the Light Industrial district.

Chairman Trzupek noted the public hearing was regarding the definition of warehousing and warehouse. Chairman Trzupek stated the public hearing was not to establish the number of trucks permitted within a zoning district.

Lisa Turano, 6916 Fieldstone Drive, questioned the distinction between the verb “warehousing” and the noun “warehouse.” Turano clarified that although she owns a manufacturing organization in the food industry and conducts warehousing activities for raw materials, she does not consider herself part of the warehousing industry. Turano noted the importance of focusing on the ultimate use rather than the terminology, suggesting that warehousing should be an ancillary use subordinate to a primary use, as clarified by Patterson.

Commissioner Broline asked Turano if she was aware of the term vendor-controlled inventory. Turano stated she was aware. Commissioner Broline questioned whether such inventory control implies external control over truck traffic and if zoning variances would affect them. Turano provided an example from her experience, highlighting the logistical challenges of managing truck schedules and product handling. There was discussion regarding whether businesses with vendor-controlled inventory would still be considered warehouses.

Chairman Trzupek noted the public hearing was to review the distinction between the verb and noun forms of warehousing and to avoid actions that would increase truck traffic. Chairman Trzupek mentioned prior discussions with Bridge about the potential uses of their proposal. Chairman Trzupek noted staff suggested considering a percentage of the area for auxiliary use versus primary use.

Commissioner Morton stated that based on the public comments and reviewing the proposed modifications, limiting warehousing to less than 50%, specifically 49%, effectively achieves the goal of warehousing as a subordinate function to the primary one. Commissioner Morton noted that while a few minor details may be deficient, overall, the proposed language aligned with the intended goal.

Commissioner Broline supported the language but questioned whether 49% was sufficient.

Chairman Trzupek discussed permitted uses and ratios in the Research Assembly district. Chairman Trzupek noted the Research Assembly permitted up to 30% for warehouse or warehousing and 70% for office uses.

Commissioner Morton clarified the proposed text amendment included the Light Industrial and General Industrial districts, not amending the Research Assembly district.

Commissioner Petrich questioned whether 49% was a sufficient limit for warehousing but considered it a step in the right direction. Commissioner Petrich suggested considering the number of docks relative to the square footage of a building as another possible criterion for a regulation. Commissioner Petrich questioned whether a warehouse was previously under the special uses in the Light Industrial district.

Stern stated in the proposed language, staff added the term warehouse as a special use in the Light Industrial District. Stern confirmed that the Commission may omit the warehouse as a special use in the Light Industrial district.

There was a discussion regarding warehouses as a special in the Light Industrial district.

Chairman Trzupek suggested keeping warehouses in the General Industrial district and focusing on clarifying the definition. Commissioner Petrich agreed with Chairman Trzupek. Chairman Trzupek stated concern regarding the lack of definition for a warehouse in the General Industrial district. Chairman Trzupek suggested defining a warehouse to clarify the definition does not include a motor freight terminal. Commissioner Petrich discussed Amazon and UPS in terms of trucking and delivery.

Commissioner McCollian noted that warehousing involves the eventual departure of products and questioned. Commissioner McCollian noted in warehousing, goods are not permanently stored but eventually leave the facility.

Chairman Trzupek questioned the distinction between a distribution center and a warehouse. Chairman Trzupek noted that limiting the size of the warehouse to 49% of a facility could help prevent an increase in large distribution centers. Chairman Trzupek suggested defining distribution centers. Commissioner Petrich questioned the criteria used to determine square footage and whether it included goods in motion or only those stored on shelves. Commissioner Petrich noted he did not support a warehouse as a special use in the Light Industrial district. Commissioner Petrich noted a warehouse was a permitted use in the General Industrial District and suggested it be a special use. Chairman Trzupek questioned the potential disadvantages or unintended consequences of moving warehouses to special use in the General Industrial district.

Patterson noted the importance of identifying the permitted uses in Light Industrial districts. Patterson suggested defining how existing facilities with warehouses for inventory or ingredients could continue their operations without being grandfathered in. Patterson suggested redefining the permitted uses in the General Industrial District. Patterson referenced a Supreme Court case regarding freedom of speech, noting the challenge of defining warehousing and warehouses but expressing confidence in recognizing them when seen. Patterson suggested that warehouses incidental to manufacturing operations were distinguishable from motor freight terminals or distribution centers. Patterson acknowledged the difficulty in defining the 49% threshold for warehousing and emphasized the importance of definitions for warehousing and warehouses.

Commissioner McCollian suggested considering a definition including a manufacturing establishment with storage, warehousing, and shipping of the manufactured product to capture facilities that produce and distribute goods. Commissioner McCollian questioned whether the 49% threshold adequately addressed the concept. Commissioner McCollian noted an example of an overlay district where certain transportation activities required a special use permit based on factors like trip frequency or noise levels. Commissioner McCollian suggested evaluating truck traffic based on trip volume as a potential approach to regulating such activities.

Commissioner Irwin supported limiting the permitted uses in Light Industrial districts to storage and warehousing associated with manufacturing processes. Commissioner Irwin noted he did not support including warehouses as a special use in the Light Industrial District. Commissioner Irwin expressed concern that such designation might lead to an inclination to permit warehouses in Light Industrial districts and noted that should not be allowed.

Chairman Trzupek agreed with not adding warehouses as a special use in the Light Industrial district and supported the definition proposed for 1F in the Light Industrial district. Chairman Trzupek reiterated that facilities should be ancillary to the principal use or add value to materials rather than storage. Chairman Trzupek questioned existing buildings in the Light Industrial district and whether they would comply with proposed regulations. Chairman Trzupek stated concern regarding defining warehouses and

distribution centers, particularly regarding traffic implications, and suggested that defining traffic volume may be more suitable for a Planned Unit Development.

The Commission discussed warehouses and distribution centers.

Commissioner Morton suggested defining criteria that ensure raw materials were consumed in manufacturing assembly operations and that finished goods undergo value-added operations before leaving the facility. Commissioner Morton noted the approach would differentiate between warehouses and distribution centers and ensure that warehousing operations are secondary to the primary manufacturing or assembly use. Commissioner Morton suggested that warehousing should be fewer than 50% of the site.

Chairman Trzupek questioned whether the Commission should define distribution centers and determine where they could be permitted or prohibited. Chairman Trzupek stated concern regarding the current definition of warehousing potentially being used as a distribution center. Chairman Trzupek suggested the Commission recommend approval of the current text amendment or refine the language further. Chairman Trzupek suggested defining a distribution center. Stern stated the Plan Commission must request that the Board of Trustees direct the Plan Commission to hold a public hearing regarding distribution centers.

Commissioner Morton requested staff determine the maximum warehousing density in High Grove as a potential reference point for refining the proposed percentage limit for warehousing. Commissioner Morton expressed concern shared by the Commissioners regarding the 49% limit for warehousing.

Commissioner Petrich stated there were few truck docks when he drove through High Grove. Commissioner Petrich noted the facilities were more of ancillary structures rather than warehouses.

Chairman Trzupek stated he walked through High Grove and observed approximately 46 docks, with nearly half being external docks and the remainder being drive-in docks. Chairman Trzupek noted the difference in area between CNH and High Grove.

Commissioner Petrich suggested the Commission consider the number of truck docks, which were more tangible and visible from the outside. Commissioner Petrich noted it was challenging to measure a percentage of interior space, and the number of docks and the building size was observable and quantifiable. Chairman Trzupek questioned how to correlate the number of docks with the intended use of the space.

Commissioner McCollan supported considering the volume of traffic and turnover time in addition to the number of docks when evaluating the impact of a facility.

Commissioner Morton suggested the Commission explore the possibility of requiring enclosed truck docks rather than only allowing back-end truck docks. Commission

Morton suggested a limit on the density of outdoor truck docks and required all other docks to be enclosed, as a way to reduce noise and traffic congestion.

Chairman Trzupek stated that businesses often used a combination of dock types based on their needs. Chairman Trzupek suggested staff further refine the proposed language. Stern confirmed staff would prepare a definition for warehouse and warehousing.

McCollian requested the Plan Commission ask the Board of Trustees to direct the Plan Commission to hold a public hearing regarding the distribution center.

Chairman Trzupek suggested boarding the request to review permitted uses with the Light Industrial and General Industrial districts. Chairman Trzupek questioned the definition of a motor freight terminal. Stern shared the current definition of a motor freight terminal from the Zoning Ordinance.

Commissioner Irwin questioned the permitted use of government and institutional uses in Light Industrial districts. Commissioner McCollian questioned the permitted use of public utility and transportation in Light Industrial districts.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner McCollian to continue the public hearing for case Z-06-2024 to the June 17, 2024 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, McCollian, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

A **MOTION** was made by Commissioner McCollian and **SECONDED** by Commissioner Irwin to request that the Board of Trustees direct the Plan Commission to hold a public hearing regarding the permitted uses and special uses in the G-I and L-I districts.

ROLL CALL VOTE was as follows:

AYES: 6 – McCollian, Irwin, Petrich, Broline, Morton, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 6-0

IV. **CORRESPONDENCE**

There were no comments.

V. **OTHER CONSIDERATIONS**

There were no other considerations.

VI. PUBLIC COMMENT

There was no public comment.

VII. FUTURE MEETINGS

Stern stated the May 27, 2024 Village Board meeting was not scheduled due to Memorial day. Stern stated the five cases scheduled for the June 3, 2024 Plan Commission meeting.

Commissioner Petrich asked if staff had received any updated information from Jonny Cabs or Capri Express. Stern stated staff had not received any information. Stern discussed the outdoor dining text amendment.

The Commissioners discussed Pella restaurant and the valet in the entertainment district.

VIII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commission McCollian to adjourn the meeting at 9:17 p.m.

ROLL CALL VOTE was as follows:

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

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Respectfully Submitted: _____

Ella Stern
Planner

A handwritten signature in black ink, appearing to read 'Ella Stern', is written over a horizontal line. The signature is stylized with a long, sweeping horizontal stroke extending to the right.