PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

FEBRUARY 3, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Police Station, 7700 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 6 – Grunsten, Hoch, Scott, Grela, Praxmarer, and Trzupek
ABSENT: 1 – Stratis
Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to approve minutes of the December 16, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Grela, Grunsten, Scott, Praxmarer and Trzupek
NAYS: 0 – None
ABSTAIN: 1 – Hoch
MOTION CARRIED by a vote of 5-0.

3. PUBLIC HEARINGS

A. V-01-2014: 8462 Meadowbrook Drive (Leja); Variation

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The property owner would like to add to an existing detached garage. The garage is located in a side and front yard and the Zoning Ordinance requires that all detached buildings be located in the rear yard. A variation is being requested to allow an addition to a garage with the existing garage located in a front and side yard and the addition being in the side yard.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Kazimierz Leja said that he is the property owner and the petitioner. He said that the picture of the garage submitted with the petition shows a brick façade but that the garage will be siding similar to the house. He said that there are no homes in the Meadowbrook Drive area that have detached garages in the back yard. He said there are two homes with detached garages in the side yard and the others have attached garages. He said putting the garage in the back yard would not look as good as keeping it in the side yard.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter. There were none.

Chairman Trzupek asked the petitioner about the amount of the existing garage that was being preserved. Mr. Leja said that the foundation, three walls, and the roof trusses of the existing garage would be kept.

Commissioner Praxmarer asked if any of the neighbors commented on the variation and if the existing shed was to be removed. Mr. Leja said he had not heard from any neighbors and that the shed would be removed. Mr. Pollock added that he did not get any calls from other residents regarding this request.

Commissioner Grela said that the Commission usually receives better drawings showing greater detail of the proposed building. He said that he cannot identify a hardship other than perhaps the cost of re-locating the garage. In response to Commissioner Grela, Mr. Leja clarified that he is keeping most of the walls and roof and the new garage would have the same width but extended toward the rear yard.

Commissioner Scott asked if the petitioner looked at the cost of relocating the garage to the rear yard. Mr. Leja said he did not because he assumed the cost would be too much and that he feels the garage would look better and function better in its current location.

Commissioner Hoch asked if the garage will look about the same from the street and if the existing shed would be removed. Mr. Leja said that the garage would look the same except it would have new siding and new roof. He added that the shed located in the side yard would be removed.

Commissioner Hoch noted that the approval of the variation will not increase the extent that the garage is non-conforming and that it will result in the removal of one, non-conforming building.

Commissioner Grunsten said that she is struggling with whether there is a hardship for this variation. In response to Commissioner Grunsten, Mr. Leja said that the garage would be used for two cars plus lawn and gardening equipment.

Mr. Leja added that he would agree to plant additional trees between the street and garage.

Chairman Trzupek confirmed with Mr. Pollock that if the garage and the proposed garage addition were attached to the house they would be permitted and a variation would not be needed. He added that he believes if it were a complete removal, it would be different but with this variation being an addition that does not increase the non-conformity, it may be acceptable.

Commissioner Grela stated that after hearing the testimony tonight, he believes that the requirement to completely remove the existing structure to comply with the Zoning Ordinance is a hardship similar to the variation that was granted for the addition to the house.

Chairman Trzupek concurred stating that the hardship is that the existing garage cannot be expanded without removal or a variation.

Mr. John Bittner, 2 Hidden Lake Drive, said that he thinks the variation should be approved to allow the resident to make a significant improvement to the property.

There being no more questions or comments from the public, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to close the hearing for V-01-2014.

ROLL CALL VOTE was as follows:
AYES: 5 – Grela, Grunsten, Hoch, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend approval to the Board of Trustees of V-01-2014, a variation from Section IV.I.1 of the Zoning Ordinance to permit the expansion of a detached garage located in a side yard subject to the following conditions:

A. The variation shall be limited to the existing garage and an addition to said garage that extends to the west as per the submitted site plan.

B. The total area of the garage with the addition shall not exceed 1,250 square feet.

ROLL CALL VOTE was as follows:

AYES: 4 – Grela, Scott, Hoch, and Trzupek
NAYS: 1 – Grunsten
MOTION CARRIED by a vote of 4-1.

4. CORRESPONDENCE

There was no discussion regarding the Board Report.

5. OTHER CONSIDERATIONS

A. PC-01-2014: Annual Zoning Ordinance Review

Chairman Trzupek asked Mr. Pollock to provide a review of this item.

Mr. Pollock presented the written report that summarizes all activities of the Plan Commission during the calendar year 2013. He said that the Commission conducts this review each year to determine if there are any trends that need to be addressed or if there are clarifications or other amendments to the Zoning Ordinance that would be appropriate. He concluded that staff does not have any recommendations for further action.

Ms. Alice Krampits was in the audience and asked about expanding the range for public hearing notice letters. Mr. Pollock said the current practice is to send letters to property owners within 500 feet of the subject property.

The Commission discussed whether to extend the range to 750 feet. Although some members believed the existing 500 feet was acceptable, there was a general consensus to recommend that the Board review this and change the minimum to 750 feet.

Mr. Pollock said he was not sure if a public hearing would be necessary or if this could be done administratively.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to recommend that the Board of Trustees either authorize the Plan Commission to conduct a public hearing to extend the public hearing notice range to 750 feet or if a public hearing is not necessary, for the Board of Trustees to direct staff to begin providing notice for public hearings to all property owners within 750 feet of a property.

ROLL CALL VOTE was as follows:
AYES: 4 – Grela, Grunsten, Scott, and Trzupek
NAYS: 1 – Hoch
MOTION CARRIED by a vote of 4-1.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that there is nothing scheduled for the February 17, 2014 meeting and the deadline for publishing legal notices has passed.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to cancel the February 17, 2014 meeting. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 8:48 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:48 p.m.

Respectfully Submitted: **March 3, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

MARCH 3, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Scott, and Trzupek
ABSENT: 1 – Sheth
Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Hoch stated that her vote on PC-01-2014 regarding the expansion of the public notice range from 500 feet to 750 feet is incorrect in the draft minutes. She said she voted not to expand the range.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the February 3, 2014 Plan Commission meeting with the change to indicate Commissioner Hoch's no vote on PC-01-2014.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Scott, Hoch, Grunsten, Praxmarer and Trzupek
NAYS: 0 – None
ABSTAIN: 1 – Stratis
MOTION CARRIED by a vote of 6-0.

3. PUBLIC HEARINGS

A. V-02-2014: 15W050 87th Street (Renewable Energy); Variation

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner proposes to construct a solar panel on the south facing roof of an attached garage. As per the Zoning Ordinance, a five foot setback is required from the façade of the building. The petitioner meets this

setback on the south façade but would be 1'-5" from the east and west façade. Mr. Pollock showed the plans and photos of the property that were provided by the petitioner.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Bernard Schmidt of Renewable Energy Alternatives, was present to represent the property owner. Mr. Schmidt said that if they were required to meet the five foot setback it would significantly reduce the size of the solar panels and as a result, sufficient energy would not be produced to make the solar installation economically viable.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter. There were none.

Chairman Trzupek asked the Commissioners if anyone recalled why the 5 foot setback was included in the regulations. The other Commissioners said they did not recall.

Chairman Trzupek said he thought perhaps that it was because of the use of hot water solar panels rather than photovoltaic panels. In response to Chairman Trzupek, Mr. Schmidt said that these panels would be photovoltaic.

Commissioner Stratis asked if the panel would be mounted flat to the roof or at an angle. Mr. Schmidt said it would be parallel with the angle of the roof with about 3 inches between the roof and the 1.5" panel.

In response to Commissioner Stratis, Mr. Schmidt said that the panels have a 30 year warranty and do not require regular maintenance.

Commissioner Hoch asked about approval from the electric company. Mr. Schmidt said they have to enter into an agreement with Com Ed for the interconnection and to sell excess energy to Com Ed. He said the only approval Com Ed has to provide is to ensure that the grid can receive the excess energy produced by the solar panels. He said that is not an issue until you have 30 to 40% of the homes in an area with solar panels and that this area is nowhere near that level.

Commissioner Hoch asked if the panel would generate sufficient electricity for this house. Mr. Schmidt said that it is designed to be a net zero house, meaning that the total energy produced over a one year period would equal the total energy used.

Commissioner Grunsten asked the petitioner if they had done other installations in the area. Mr. Schmidt said he knew of two in Hinsdale that his company did.

Commissioner Praxmarer said she sees shade over the roof in one of the pictures. She wondered if this would impact electrical generation. She also asked about Com Ed black out times. Mr. Schmidt said shade does have an impact but they are most concerned about the hours between 10 AM and 2 PM and are confident this location will get

sufficient sunlight. He added that during Com Ed black outs the solar panels are automatically shut off.

Commissioner Grela asked if the system stores energy and if it will generate sufficient electricity for the house. Mr. Schmidt explained that it does not store energy but they get a credit from Com Ed for energy generated but not used by the house. He said with that credit they expect the house to be net zero in terms of energy use.

Commissioner Scott asked if a setback is required in Hinsdale or other Villages and if the petitioner had tried to make it work with the five foot setback. Mr. Schmidt said he thinks other Villages do not require a setback. Mr. Schmidt said that they laid it out with the five foot setback and the area of the panels was so small that it would not be worth doing.

Commissioner Grela asked about the potential uplift from wind and the possibility of animals getting into the space between the panels and the roof. Mr. Schmidt said they are designed to withstand winds up to 95 miles per hour. He said he has never experienced problems with animals.

Commissioner Stratis asked if there are ever any issues with reflection from the panels. Mr. Schmidt said he had never heard of any such issues.

There being no more questions or comments from the public, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to close the hearing for V-02-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grunsten, Hoch, Praxmarer, Scott, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend approval to the Board of Trustees of V-02-2014, a variation from Section IV.N.2.b of the Burr Ridge Zoning Ordinance to permit rooftop solar energy panels located less than the required five feet from the perimeter of the building, subject to compliance with the submitted plans.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Grela, Hoch, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

In regards the Board Report, Chairman Trzupek asked Mr. Pollock to review the Board's actions relative to the recommendation to increase the public notice range. Mr. Pollock responded that the Board accepted the recommendation to increase the range from 500 feet to 750 feet and added that the range should be increased as needed to include a minimum of 20 residents. Mr. Pollock said that staff was concerned that this could cause confusion and inconsistency as sometimes the range could be 750 feet and other times it would be 1,000 feet, 1,500 feet or more. It was the consensus of the Plan Commission to direct Commissioner Grela, who is the Commission's representative at the next Board meeting, to request that the Board not include the 20 residents but rather establish a consistent minimum distance.

5. OTHER CONSIDERATIONS

A. PC-02-2014: Consideration to Conduct Public Hearing to Consider an Amendment to the Zoning Ordinance Regulation Hobby Beekeeping

Chairman Trzupek asked Mr. Pollock to provide a review of this item.

Mr. Pollock said staff was contacted by a resident asking about doing beekeeping in their backyard. He said he researched the matter and determined it was not permitted by the Burr Ridge Zoning Ordinance but that other Village's, including Clarendon Hills, had recently amended their codes to allow backyard beekeeping. Mr. Pollock recommended that the Plan Commission request authorization from the Board to conduct a public hearing for such an amendment.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to request authorization from the Village Board to conduct a public hearing to consider an amendment to the Zoning Ordinance establishing regulations for backyard beekeeping.

ROLL CALL VOTE was as follows:

AYES: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock reported that there is nothing scheduled for the March 17, 2014 meeting and the deadline for publishing legal notices has passed.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to cancel the March 17, 2014 meeting. The **MOTION** was unanimously approved by **VOICE VOTE** of the Plan Commission.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:17 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:17 p.m.

Respectfully Submitted: **April 7, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

APRIL 7, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Scott, and Trzupek
ABSENT: 1 – Sheth
Also present was Community Development Director Doug Pollock and Trustee Guy Franzese.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the March 3, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Hoch, Grunsten, Praxmarer and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

3. PUBLIC HEARINGS

A. Z-01-2014: 590 Village Center Drive (Wok N Fire); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner operates a restaurant in the Village Center and was granted a special use for a sidewalk dining area. The special use was granted for a one year period in 2012 and renewed for another year in 2013. The outdoor dining area is located on the sidewalk in front of the restaurant and uses portable wood railings. The intent of the original special use was to give the petitioner time before they built a permanent patio for outdoor dining on the side and in the rear of the building.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Michael Durlacher stated that he was the attorney for the petitioner. He said he had nothing to add to the staff comments and he and his client are available to answer questions.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter. There were none.

Chairman Trzupek asked the petitioner if they had plans for a more permanent patio and outdoor dining area. Mr. Durlacher said they were considering replacing the wood railing with a metal railing and adding another door from the restaurant to the sidewalk; using the same general area for outdoor dining.

Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Stratis asked if there were any issues with the landlord relative to the construction of a permanent outdoor dining area. Mr. Durlacher said the landlord has approved the continuation of the same sidewalk dining area contingent on construction of a more permanent patio.

Commissioners Hoch and Grunsten each asked if there would be the same amount of tables and chairs and the same configuration. Mr. Durlacher confirmed there would be the exact same set up.

In response to Commissioner Praxmarer, Mr. Durlacher said that the umbrellas and other materials would not have any advertising.

Commissioner Grela said he is concerned that the petitioner is asking for a continuation of a temporary special use that the Village previously said they would not extend again. He noted that the Board of Trustees specifically said last year that they would not consider granting another special use for the sidewalk dining area as they expected the petitioner to proceed with the permanent patio to be constructed on the side or rear of the building.

Mr. Durlacher responded that the finances of the business do not allow them to construct the patio at this time. He suggested this was an opportunity for the Village to help a struggling business.

Mr. Mark Bartlett introduced himself as one of the owners of the restaurant. He said they want to have the grand structure originally envisioned for the outdoor dining but they did not have the finances to do so. He estimated that would cost them $100,000 to $200,000. He said that the restaurant needs to have outdoor dining to succeed and that is why the temporary sidewalk area was requested.

Commissioner Scott asked about the plans for a metal rail that the petitioner noted were given to staff. Mr. Durlacher said they originally submitted a metal rail to replace the wood rail in the same location. Mr. Pollock said that the petitioner subsequently asked staff not to present the metal rail to staff.

Commissioner Scott said he is struggling with what to do because he fears that if given another year the petitioner will be back again next year asking for the same relief. He said he does not want to continue approving the temporary installation.

Mr. Bartlett said that the permanent patio in the back would never happen. He said it costs too much money.

Chairman Trzupek said that there are two features of the previously approved outdoor dining area that he believes were only allowed because they were temporary. He said those two features are the wood railing and the configuration or location of the dining area. He said he would be hesitant to make either one permanent. Chairman Trzupek referenced a permanent patio that was originally approved by the Village in 2011 and located on the side and back of the restaurant. He suggested that the petitioner consider constructing that portion of the permanent patio that is located to the side of the building. He said that would allow for a better configuration and a permanent installation. He said it could be considered phase 1 of the final plan.

Chairman Trzupek suggested that the hearing be continued to April 21 so that the petitioner could submit plans for a permanent installation of the patio. He added that if that were done, he might consider supporting continued use of the temporary dining area until the permanent patio is constructed.

Commissioner Stratis added that he agrees but would want a definite date. He suggested July 15 as an example.

There being no more questions or comments from the public, Chairman Trzupek asked for a motion to continue the hearing.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Praxmarer to continue the hearing for Z-01-2014 to April 21, 2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Praxmarer, Stratis, Grunsten, Hoch, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

B. Z-02-2014: Zoning Ordinance Text Amendment – Rooftop Solar Panels

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the hearing as follows: At its March 3, 2014 meeting, the Plan Commission, acting as the Zoning Board of Appeals, recommended approval of a variation to allow rooftop solar panels to encroach into the required five foot setback from the perimeter wall of the building for the property located at 15W050 87th Street. The variation was subsequently approved by the Board of Trustees. Immediately after making its recommendation to approve the variation, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider an amendment to the Zoning Ordinance to modify the setback requirement for rooftop panels. It was the consensus of the Plan Commission that the reduced setback approved for this particular property may be appropriate for all rooftop solar panel installations.

There were no questions or comments from the audience. Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Scott asked if other Villages had similar regulations. Mr. Pollock said that he looked at regulations for a few other Villages pertaining to solar panels and did not find any with a similar setback requirement. He added that the contractor for the installation on 87th Street testified at the hearing that he has never seen such a regulation in the various Village's in which he has worked.

Chairman Trzupek asked if anyone recalled why the five foot setback is required. No one recalled any specifics but Chairman Trzupek said he thought it might be because of older types of solar panels that were more obtrusive. Commission Stratis said it may also have been to encourage conduit to travel through the building rather than on the outside of the building.

Commissioner Hoch said she googled pictures of rooftop solar panels and most of the pictures showed the panels going to the edge and that appearance seemed acceptable.

Chairman Trzupek noted that as long as the other regulations remain in place regarding the conduit matching the building and related regulations, he did not object to eliminating the setback requirement.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to close the hearing for Z-02-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Scott, Stratis, Hoch, Grunsten, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to recommend an amendment to the Section IV.N.2.b of the Zoning Ordinance as follows:

Solar collectors ~~must be set back a minimum of five feet (5') from the principal façade for sloped and flat-roofed buildings~~ *shall not extend beyond the edge of a roof* and not extend beyond the hip rafter on hip-roofed buildings. ~~Collectors may be located closer to the front façade for flat-roofed buildings, if they are not visible from the street at the front property line.~~

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

C. Z-03-2014: Zoning Ordinance Text Amendment – Beekeeping

Chairman Trzupek asked Mr. Pollock to summarize this public hearing.

Mr. Pollock summarized the hearing as follows: At its March 3, 2014 meeting, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider adding beekeeping to the list of permitted accessory uses in residential districts and to establish regulations for backyard beekeeping. At their March 10, 2014 meeting, the Village Board directed the Plan Commission to proceed with the requested public hearing. This issue was brought to staff's attention by a resident interested in beekeeping as a hobby. Upon investigation, it was discovered that this is an activity with growing interest and that many other communities have adopted regulations to permit backyard or hobby beekeeping. The Burr Ridge Zoning Ordinance currently does not list beekeeping as a permitted accessory use.

Chairman Trzupek asked for public comments.

Chief Ted Jenkins said that he was a member of the Cook Du Page Beekeepers Association and also Chief of Police for the Village of Clarendon Hills. He said he was involved with the adoption of regulations for Clarendon Hills. Also present was Mr. John Hansen, past President of the Cook Du Page Beekeepers Association.

Mr. Hansen said that honey bees are not dangerous and that most people who think they are allergic are actually allergic to other types of bees or wasps. He described beekeeping practices when done as a hobby and referenced regulations established in other communities.

Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Scott asked about the size of a bee colony. Mr. Hansen said a bee colony may have 30,000 to 50,000 bees at its peak but only about one third will leave the hive at any given time. He said the bees will fly up to three miles from their hive.

Commissioner Grela asked if there was a standard ratio of bee hives to the size of the property. Mr. Hansen said there was not an industry standard. He said the City of Evanston has smaller lots and they allow one hive per lot.

Commissioner Hoch asked if there were any animals that are attracted to bee hives. Mr. Hansen said that skunks can be attracted but that the bees do a good job of keeping animals away from their hives. He said he has not seen this to be a problem.

Commissioner Grunsten referenced a Lake County Ordinance which requires re-queening of hives that show aggressive behavior. Mr. Hansen said that re-queening is something that should be done more often.

Chief Jenkins noted that the State of Illinois requires licensing of beehives maintained by people and has strict regulations for beehive maintenance. He said Clarendon Hills relies on the state regulations.

Mr. Pollock asked about the size of the structure for a beehive. Mr. Hansen said that four colonies can be kept within the footprint about the size of a pallet and that they are usually four to 5 feet tall.

Resident Alice Krampits said that she used to have four hives and they caused no problems at all for her or her neighbors.

Mr. Pollock asked if the Plan Commission wanted him to prepare a draft ordinance based on the Clarendon Hills Ordinance.

Commissioner Grunsten said she would like to see the City of Evanston Ordinance. There was general consensus to proceed with a draft Ordinance.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to continue the hearing for Z-03-2014 to April 21, 2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grunsten, Hoch, Praxmarer, Grela, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

There were no other considerations.

6. FUTURE SCHEDULED MEETINGS

Chairman Trzupek noted that due to the continuances tonight, there would be a meeting on April 21.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 9:11 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:11 p.m.

Respectfully Submitted: **April 21, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

APRIL 21, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Sheth, and Trzupek
ABSENT: 1 – Scott
Also present was Community Development Director Doug Pollock, Trustee Guy Franzese, and Trustee Diane Bolos.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to approve minutes of the April 7, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Grunsten, Stratis, Praxmarer, Grela, Sheth, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

3. PUBLIC HEARINGS

A. Z-01-2014: 590 Village Center Drive (Wok N Fire); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The public hearing for this petition was continued from April 7 to April 21, 2014. The petitioner requested continuation of a temporary outdoor dining area located on the sidewalk. Prior special uses were granted for a one year period in 2012 and renewed for another year in 2013. At the April 7 hearing, the Plan Commission said they would consider allowing the temporary outdoor dining area if the petitioner first submitted plans for the permanent patio and committed to constructing the patio this year. The Commission had indicated they would like to see the permanent patio completed and the temporary dining area removed by July 15, 2014.

Mr. Pollock concluded that the petitioner agreed to construct the permanent patio and has submitted plans for that patio. He said that staff recommends approval of the plan but also recommends that the extension of the railing to a new service door in the front be removed.

Chairman Trzupek asked the petitioner for comments and questions.

Mr. Michael Durlacher stated that he was the attorney for the petitioner and that the petitioner had to leave the meeting tonight due to a family emergency. He said he had nothing to add to the staff comments and he is available to answer questions.

Chairman Trzupek asked staff to describe the plan in more detail. Mr. Pollock referenced a slide on the screen and described the layout of the proposed permanent patio. Chairman Trzupek asked the petitioner how they would phase and transition between the construction of the new patio and the use of the temporary patio. Mr. Durlacher indicated that there may be some down time as they make that transition.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter.

Trustee Guy Franzese suggested that the railing be raised from 3 feet to 4 feet. He was concerned that a 3 foot railing would not provide adequate security.

Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Stratis asked about the height of the Starbucks railing. Mr. Pollock said Starbucks used a four foot railing but that Dao Sushi and Thai used a three foot railing. He said staff prefers the shorter railing because diners can see over the railing and it creates more interaction between the outdoor dining area and the sidewalk. He said that he believes the landlord also prefers the 3 foot railing.

Commissioner Stratis asked for an explanation of the emergency exit doors. Mr. Pollock described the four existing exit doors plus the proposed service door. Commissioner Stratis added that he does not object to the extension of the railing toward the front door.

Commissioner Hoch said she is not concerned about congestion at the front door caused by the addition of a service door and the extension of the railing. She said she did not like the temporary outdoor dining area because it was too close to the street.

Commissioner Hoch questioned whether the permanent patio could be constructed on time and asked why the petitioner wanted to extend the railing toward the front and install a new service door. In response, Mr. Durlacher said they would like the deadline extended to July 31 so that they would be sure to have sufficient time. He said the new

service door would be closer to the bar and closer to the host station and thus make service better.

Commissioner Grunsten said she likes the curvature of the patio because it complements the building. She said she is happy with the plan as presented.

Commissioner Sheth said he had no questions or comments.

Commissioner Praxmarer said she did not think it was necessary to extend the deadline past July 15 and asked the petitioner to explain why they need more time. Mr. Durlacher said that they need to order the materials and that people have told him the contractors are behind due to the hard winter. He said July 1 is their goal but they are concerned they may need more time.

Commissioner Praxmarer asked why they do not build more of the back area. Mr. Durlacher said it is because of economics.

Commissioner Grela said that concrete should not be the reason for any delay as this work was a simple slab on grade. He said the railing is a catalogue item and he sees no reason to extend the deadline beyond July 15. He added that he does not like the extension to the front door.

Chairman Trzupek said that he does not like the extension of the railing to the proposed new service door but it is something he can accept. He said he agrees that the railing should be 3 feet tall and not 4 feet. He said that he prefers to see the curved exterior for the railing and that he thinks July 15 is sufficient time to get the new patio completed. Chairman Trzupek suggested that one of the two trees being removed for the patio be relocated to an island in the adjacent sidewalk.

There being no further questions or comments, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to close the hearing for Z-01-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Grunsten, Stratis, Hoch, Sheth, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to adopt the petitioner's findings of fact and recommend approval of Z-01-2014, a petition requesting special use approval as per Section VIII.C.2.ee of the Burr Ridge Zoning Ordinance to permit outdoor dining area for an existing restaurant subject to the following conditions:

A. The temporary outdoor dining area may continue subject to the terms and conditions of the 2013 special use approval except that the special use shall expire on July 15, 2014 and the temporary outdoor dining shall be removed by July 16, 2014.

B. All facilities and the configuration of the permanent outdoor dining area shall comply with the revised plans submitted to the Plan Commission for the April 21, 2014 hearing.

C. All tables, chairs and other appurtenances shall be removed during the winter season when the outdoor dining area is not in use.

D. The concrete floor of the outdoor dining area shall be treated and cleaned after completion of its use before the winter season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.

E. The outdoor dining area shall not extend beyond the same hours of operation as the restaurant.

F. Music and all amplified sound should be kept to a moderate level so it is not audible from any adjacent residential condos or from any property outside the Burr Ridge Village Center.

G. The door to the dining area shall be self-closing.

H. Tables shall be cleaned promptly following use.

I. Furniture shall be weighted to prevent their movement in the wind.

J. Umbrellas used within the outdoor dining area shall be black and shall not include any logos, text or other advertising.

K. A landscaping planter island with the placement of a parkway tree shall be provided in the vicinity of the permanent patio to replace one of the two trees being removed for the patio.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Stratis, Hoch, Grunsten, Sheth, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

Prior to the vote on the motion to recommend approval of the special use, the Plan Commission clarified some of the terms and conditions.

Mr. Pollock asked specifically about the extension of the railing to a new front service door. Commissioner Grela said his motion permits the railing extension and the service door.

Commissioner Grela also clarified that the railing would be 3 feet tall and that the circular potion of the railing could be done with straight pieces of railing in segments not to exceed 4 feet in length. He said curving the metal segments would be difficult and that straight segments situated in an arc would work better.

B. Z-03-2014: Zoning Ordinance Text Amendment – Beekeeping

Chairman Trzupek asked Mr. Pollock to summarize this public hearing.

Mr. Pollock summarized the hearing as follows: The Plan Commission opened the hearing for this text amendment on April 7, 2014 and continued it to April 21 with direction to staff to prepare a set of draft regulations for beekeeping as a permitted accessory use in single –family residential districts. Draft regulations have been prepared for the Plan Commission's review.

Chairman Trzupek asked for public comments. There were none.

Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Grela asked about the proposed 25 foot setback from all lot lines. Mr. Pollock said it was based on the regulations from Clarendon Hills that require a 20 foot setback if a solid fence or wall is not provided around the bee hive. He said that a bee hive located less than 20 feet from a lot line without a fly away barrier could become a nuisance for neighbors.

Ms. Alice Krampits said that she has kept bee hives before and believes that a 10 foot setback is sufficient.

Commissioner Grela said he does not want to require that yards with bee hives be fenced as required by the draft regulations.

Commissioner Hoch asked if there were any animals that are attracted to bee hives. Mr. Hansen said that skunks can be attracted but that the bees do a good job of keeping animals away from their hives. He said he has not seen this to be a problem.

Commissioner Grunsten referenced a Lake County Ordinance which requires re-queening of hives that show aggressive behavior. Mr. Hansen said that re-queening is something that should be done more often.

Chief Jenkins noted that the State of Illinois requires licensing of beehives maintained by people and has strict regulations for beehive maintenance. He said Clarendon Hills relies on the state regulations.

Commissioner Grela also suggested that the setback match the requirement for chicken coops. Mr. Pollock said that chicken coops are required to meet the setback of the home on the property which could result in a setback of more than 25 feet. Commissioner Grela suggested that perhaps 15 feet would be better.

Commissioner Praxmarer said she agrees with Commission Grela.

Commissioner Grunsten asked about the condition requiring a water source. Mr. Pollock said as he understands it, if there is not a water source by the hive, the bees will swarm to the nearest water source and could become a nuisance for neighbors.

Commissioner Hoch asked about requiring the removal of bee hive structure once it is abandoned. Commissioner Stratis responded that he does not think anything needs be added because an abandoned bee hive would be like any other structure on a property and subject to the same property maintenance regulations.

There being no further questions or comments, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to close the hearing for Z-03-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grunsten, Hoch, Praxmarer, Grela, Sheth, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Hoch to recommend approval of Z-03-2014, a petition to amend Section IV of the Burr Ridge Zoning Ordinance to add regulations for backyard or hobby beekeeping and related structures as follows:

> Bee colonies are permitted as an accessory use for detached single-family residential properties when such accessory use is conducted by a resident of the same property for personal use only subject to the following terms and conditions:
>
> 1. All bees shall be of the common domestic honey bees of the Apis Mellifera species.
>
> 2. All bee colonies and beekeepers shall be registered with the Illinois Department of Agriculture as required by the Illinois Bees and Apiaries Act (510 ILCS 20/1 et seq.) and shall comply with all applicable regulations of said Department and legislation.

3. All colonies must be kept in inspectable-type hives, with removable combs, which shall be kept in sound, usable, and sanitary condition.

4. All colonies must be kept within the rear yard and rear buildable area with a minimum setback from all lot lines of 15 feet.

5. Bee hives on a lot shall be kept within one or more contiguous bee hive structure(s) with a combined area not exceeding 8 square feet and 6 feet in height.

6. Lots having 80,000 square feet of lot area or less shall not have more than two colonies. Lots exceeding 80,000 square feet of lot area may have a maximum of four colonies.

7. In any instance where a bee colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from a stock bred for gentleness and non-swarming characteristics.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Sheth, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

A. S-01-2014: 7650 Lincolnshire Drive (Pace Bus); Sign Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The petitioner is Pace Suburban Bus who operates the park and ride commuter lot in downtown Burr Ridge. They would like to put up a 1.5’ x 4’ electronic message panel that announces bus arrival times. The Burr Ridge Sign Ordinance does not permit electronic message signs. The only other such sign that has been allowed was for the Gower Middle School.

Chairman Trzupek asked for comments from the applicant.

Christine Rose from Pace Bus clarified that the sign would have a maximum of three rows of text but would typically use just one line. She said if there are more than one bus on its way there would be two or three lines used.

Chairman Trzupek asked for questions or comments from the public or from Commissioners.

Chairman Trzupek asked about the hours of operation for the sign and the park and ride. Ms. Rose said that first route in the morning leaves at 5:50 AM and last scheduled route arrives at 8:55 PM. In response to Commissioner Hoch, Ms. Rose added that there would be later buses after Sox and Bears games.

In response to Commissioner Stratis, Ms. Rose confirmed that there would not be advertising on the sign.

The other Commissioners all indicated that they had no further questions. Chairman Trzupek asked for a motion.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Grunsten to recommend approval of S-01-2014, an application requesting a variation from Section 55.11 of the Burr Ridge Sign Ordinance to permit a sign with electronic messaging, subject to the following conditions:

A. There shall be no animation, videos or other moving text within the electronic message panel.

B. The electronic message panel shall be turned off every night from 12 Midnight to 4 AM.

ROLL CALL VOTE was as follows:
AYES: 7 – Hoch, Grunsten, Stratis, Praxmarer, Grela, Sheth, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

B. S-02-20914: 308 Burr Ridge Parkway (Tuesday Morning); Sign Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The wall signs in County Line Square are subject to compliance with a 1988 sign variation which requires uniform design and colors for the wall signs. The petitioner would like to replace an existing sign with red letters. The 1988 variation requires bronze letters.

Chairman Trzupek asked about the sign for Brookhaven which does not have the bronze letters. Mr. Pollock said that Brookhaven was granted an exception to the standards because it is the anchor tenant with a different architectural storefront. Mr. Pollock said the rest of the stores share a common architectural storefront and that is why they were required to have a common design for signs.

Mr. Bob Garber, the owner of County Line Square, said he was there on behalf of Tuesday Morning. He said Tuesday Morning has gone to red letters at all of their stores and would like to do the same here. He said that Tuesday Morning may have an opportunity opt out of their lease and he wants to do anything he can to entice them to stay.

Chairman Trzupek asked if they get lots of requests for different sign colors. Mr. Garber said he does get such requests.

Commissioner Grela said that given the architecture of the building he believes uniform sign color should be maintained. He noted that the Village Center is different because each storefront is design to look different and therefore it makes sense for the signs to be different. He said that if this exception is granted, all signs would have to be allowed to be different colors and he is worried that would have a negative impact.

Commissioner Praxmarer said she would like to maintain the continuity of the signs having the same color.

In response to Commissioner Sheth, Mr. Garber said that Tuesday Morning has been at this location for about 20 years and that all of their signs at other locations are red.

Commissioners Grunsten and Grela noted that Tuesday Morning was one of the top stores in the country for that chain.

Commissioner Grela added that he likes the continuity of the same colors for the signs.

Commissioner Hoch said she does not like the Brookhaven sign and does like the conformity of the other signs.

Commissioner Stratis asked staff why the Chase sign was different. Mr. Pollock said that they are on a different property and are not subject to the 1988 sign variation.

Commissioner Stratis said that he drives through Oak Brook and on one side of the road is an Oak Brook shopping plaza with bronze signs for all storefronts and on the other side is an Oak Brook Terrace shopping plaza with a variety of sign types and colors. He said the uniform signs in Oak Brook look much better. He added that he has never seen a retailer leave because of the sign color.

Chairman Trzupek said he agrees that it is unlikely that a store would leave because of the color of the sign. He noted that Brookhaven has a different architectural storefront which is a reason for them to have a different sign.

Chairman Trzupek said that if this is allowed all tenants would likely want to change their signs to keep up. He said he is somewhat torn because Chase and Brookhaven have different sign but that generally he prefers keeping the uniformity.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to recommend denial of S-02-2014, an application requesting an amendment or variation from the 1988 sign variation granted for County Line Square to permit a wall sign with red letters rather than the required bronze letters.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Hoch, Stratis, Grunsten, Praxmarer, Sheth, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock stated that there are two public hearings scheduled for May 5.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 9:04 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 9:04 p.m.

Respectfully Submitted: J Douglas Pollock **May 5, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

MAY 5, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 8 – Stratis, Hoch, Grunsten, Praxmarer, Sheth, Grela, Scott, and Trzupek
ABSENT: 0 – None
Also present was Community Development Director Doug Pollock.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the April 21, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Grela, Scott, Stratis, Hoch, Grunsten, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

3. PUBLIC HEARINGS

A. Z-04-2014: 503 Village Center Drive (Red Mango); Special Use

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner operates a frozen yogurt restaurant in the Village Center and is seeking approval for up to 3 tables with four chairs and an umbrella for each table to be placed on the sidewalk outside of the restaurant. The restaurant does not serve alcoholic beverages and no outside table service would be provided. The sidewalk seating area would be for carry out customers only. Because there is not table service or alcoholic beverage service, the sidewalk seating area does not include a railing to enclose the tables.

The petitioner, Mr. Gopal Radadia, stated that he did not have anything to add to the staff's summary.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter. There being none, Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Stratis asked staff about the conditions imposed on other sidewalk dining areas for power washing of the sidewalk. Mr. Pollock said that condition was imposed on enclosed sidewalk dining areas such as Dao Restaurant but not on the sidewalk seating for the carry out restaurants in County Line Square. Mr. Pollock added that this could be added as a condition of this special use.

Mr. Scott Rolston, Manager of the Village Center, said that they would power wash the sidewalk twice a year.

Commissioner Stratis asked if the umbrellas would go through the center of the tables. He was concerned about the light weight of the tables and if they would be knocked over by wind. Mr. Radadia stated that the umbrella stands are heavy and would go through the center of the tables.

Commissioner Grunsten asked about the chairs and if they would be subject to wind damage.

Mr. Rolston said the Village Center gets lots of wind on Village Center Drive but he is not concerned about wind damage at this end of the shopping center.

The other Commissioners all stated that they had no further questions.

In response to Chairman Trzupek, Mr. Radadia said he understood the conditions recommended by staff and accepts those conditions.

There being no further questions or comments, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grunsten to close the hearing for Z-04-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grunsten, Hoch, Praxmarer, Grela, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend approval of Z-04-2014, a petition requesting special use approval as per Section VIII.C.2.ee of the Burr Ridge

Zoning Ordinance to permit a sidewalk seating area for an existing restaurant subject to the following conditions:

A. The number of tables and chairs shall be limited to a maximum of three tables and twelve chairs and they shall be located in a single row along the front wall of the restaurant so as not to impede pedestrian traffic.

B. There shall be no table service or service of alcoholic beverages for the sidewalk dining area.

C. There shall be no advertising, signs, or leaflets on the tables, chairs, or umbrellas.

D. A trash container shall be provided in the vicinity of the tables and chairs matching other trash containers in the Village Center and with a self-closing lid.

E. Sidewalk seating shall be limited to May 1 to October 31 each year, and all furniture and facilities for sidewalk seating shall be removed from November 1 to April 30.

F. Failure at any time to comply with these regulations shall deem this special use approval null and void.

G. The sidewalk within and surrounding the seating area shall be treated and cleaned after completion of its use before the winter season to ensure the removal of all food stains and return it to a state consistent with other concrete sidewalks within the Village Center.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grela, Hoch, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

B. Z-05-2014: 10S265 and 10S231 Vine Street (Pizzuto and Krelina)

Chairman Trzupek asked Mr. Pollock to summarize this public hearing.

Mr. Pollock summarized the hearing as follows: The petitioner seeks to annex his property and his neighbor's property into the Village. The purpose of the annexation is to connect the homes to the Village's water supply system. This petition seeks to rezone the property upon annexation to the R-2B Single-Family Residence District. The R-2B District is consistent with existing zoning and development in this area.

Chairman Trzupek asked the petitioner for comments. Mr. Pizzuto said he was working with staff to complete plans for a water main extension from 89th to 90th Street on Vine Street. He said the proposed zoning is acceptable to himself and his neighbor.

Chairman Trzupek asked for public comments.

Mr. Thomas of 15W627 89th Street asked about the creek that runs along 89th and who would have jurisdiction over the creek once the property is annexed. Mr. Pollock said that because the creek is a special management area, Du Page County would continue to be responsible for issuing approvals for any work that impacts the creek.

Mr. Thomas also asked about existing fences. Mr. Pollock said that existing fences that were legal in Du Page County would be grandfathered and allowed to remain. He said new fences would require a permit from the Village and compliance with Village regulations.

A resident from 15W660 90th Street asked if Vine Street would be extended to 90th Street. Mr. Pollock said it would be very unlikely as Vine Street has cul de sac turnaround and the creek would interfere with the extension.

A resident from 15W700 90th Street asked about the existing R-1 District property in Burr Ridge. Mr. Pollock said that property was annexed but never rezoned and would likely be rezoned to the R-2B District.

Mr. Espisoto of 15W627 89th Street asked about the impact of annexation on the rest of the area. Mr. Pollock said that this annexation would give the Village the legal authority to annex the rest of the area long 89th and Grant Street. He said the Village Board would likely annex that area in the near future. He said any existing structures that are legally established in the County would be grandfathered once annexed to Burr Ridge.

There being no further public comments or questions, Chairman Trzupek asked the Plan Commission for questions and comments.

Commissioner Scott asked the petitioners if they intend to build on the vacant lots. Mr. Pizzuto said he may in the future but has no intentions at this time.

Commissioner Stratis asked about the portion of Vine Street between 90th Street and the subject lots. Mr. Pollock said that right of way would remain under the jurisdiction of the Township but the Village would likely work out an arrangement to plow the snow on this street due to its small size.

Commissioner Grela clarified that existing non-conforming structures are only grandfathered if they were legally established in the County prior to annexation.

There being no further questions or comments, Chairman Trzupek asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to close the hearing for Z-05-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Scott, Hoch, Grunsten, Praxmarer, Grela, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to direct staff to prepare findings of fact and to recommend that the Board of Trustees approve Z-05-2014, a petition to rezone the properties commonly known as 10S265 and 10S231 Vine Street to the R-2B District upon annexation to the Village.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Hoch, Stratis, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

Commissioner Stratis said that the Board tabled the recommendation to adopt beekeeping regulations pending more information. Specifically, the Board wanted to know if bees would colonize on adjacent properties and create nuisance for neighbors. Mr. Pollock added he was working on getting a response to that question for the May 12 Board meeting.

5. OTHER CONSIDERATIONS

There were no other considerations on the agenda.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock stated that there are no public hearings scheduled for May 19.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Praxmarer to cancel the May 19, 2014 meeting. The **MOTION CARRIED** by a unanimous voice vote of the Commission.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Praxmarer to **ADJOURN** the meeting at 8:37 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:37 p.m.

Respectfully Submitted: J Douglas Pollock **June 2, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JULY 7, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:
PRESENT: 8 – Stratis, Hoch, Grunsten, Sheth, Praxmarer, Grela, Scott, and Trzupek
ABSENT: 0 – None
Also present was Community Development Director Doug Pollock, Village Administrator Steve Stricker, Trustee Guy Franzese, Trustee Diane Bolos, Trustee Len Ruzak, and Trustee John Manieri.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to approve minutes of the June 2, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Grela, Scott, Hoch, Praxmarer, Sheth, and Trzupek
NAYS: 0 – None
ABSTAIN: 2 – Stratis and Grunsten
MOTION CARRIED by a vote of 6-0.

3. PUBLIC HEARINGS

A. Z-06-2014: 15W150 South Frontage Road and 15W211 75th Street (Anthem Memory Care); Text Amendment, Special Use, Variations and Findings of Fact

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner seeks to construct a one-story building consisting of 48,200 square feet of floor area for a residential and health care facility for people with dementia. The building would contain 64 rooms and be staffed 24 hours per day. The facility will be licensed by the State of Illinois as an assisted living facility. Access to the property will be restricted to South Frontage Road. The petition seeks approval of an amendment to the Zoning Ordinance to add Dementia

Care Community Facility or some such similar land use to the list of special uses in the O-2 District; for a special use as per the aforesaid amendment to permit a Dementia Care Community Facility on the subject property; a variation from the Zoning Ordinance to permit parking located between the building and the front lot line; and a variation to permit a 48,200 square foot building without the required loading berth.

Chairman Trzupek asked for a presentation from the petitioner.

Mr. Steve Miller of Anthem Memory Care in Colorado introduced himself. He said that his company is 100% in the business of building and operating Alzheimer's dementia care facilities and nothing else. He said they have built others in Colorado and elsewhere but this would be the first in the Chicago area. He said they plan to build 6 to 8 facilities in the Chicago area. He said that outside activities by residents is limited to the interior court yards; that the staff does not administer any drugs, that there are no nurses on staff and that there are very few ambulance calls.

Chairman Trzupek asked if there was anyone in the audience wishing to speak on this matter.

Ms. Alice Krampits, 7515 Drew Avenue, asked about visiting hours, if there would be a fence around the property, signage on the frontage road to keep cars from using 75th Street, loading, lighting, and stormwater. In response, Mr. Miller said that the visiting hours would be 8 AM to 8 PM, that a fence is not needed because this is a residential use, that loading would be minimal and would use the 42 inch wide service door on the back of the building and would consist of 4 to 5 vehicles per week about the size of a garbage truck, and that lighting would be minimal.

In response to questions about stormwater, the petitioner's engineer, Mr. Jonathon Grzywa, described the proposed stormwater system. He said the petitioner would be capturing nearly all of the stormwater on site and directing it into the detention pond and then releasing the stormwater through a pipe to be installed along 75th Street. He said the pipe would extend along 75th Street and release the stormwater into the existing stormwater system west of 75th and Hamilton.

In response to a question from Chairman Trzupek, Mr. Grzywa said that a small portion of the existing landscaping area adjacent to 75th Street would still drain into the adjacent 75th Street right of way but the total surface run off would be significantly diminished. Chairman Trzupek suggested that the goal should be to capture 100% of the stormwater runoff and direct it away from the intersection of 75th and Drew.

Mr. Roger Leyland said he owns Lot 21 adjacent to the corner of 75th and Hamilton. He said he is concerned about the stormwater being dumped onto this property and causing further problems for him.

Mr. Bohdan A. Iwanetz, 7516 Drew Avenue, asked about staffing and administration of drugs for the residents. Mr. Miller said they have a nurse practitioner on staff at all times

but that generally residents and their families take care of their own medication. He added that the facility will be fully licensed and regulated by the State.

Mr. Miller added that the project will take about 10 months from ground breaking to opening and will house about 67 residents.

Mrs. Sandra Szynal, 7819 Drew Avenue, asked where the residents of the facility come from. Mr. Miller said it is a private business and that no Medicare residents are taken. He said that the average room rents for $6,000 per month.

Mr. Mark Thomas, 7515 Drew Avenue, asked if the parking lot and drives would have perimeter curbs and gutters and if the dumpster area would be screened. Mr. Miller confirmed both.

Ms. Carol Novak, 7508 Drew Avenue, wanted to know how medical appointments are conducted for residents. Mr. Miller said they are generally scheduled by the family and the family is responsible for transportation. He said they do have a small bus for outings but it is rarely used.

Mr. Tom Koukol, 15W108 75th Street, asked about drainage in the area and in particular if the building would be higher than the existing property. Mr. Miller and his engineer said that the building would be at about the same grade but only 1 to 3 feet higher if it is higher at all.

Chairman Trzupek asked the audience if there were any further questions or comments. There being none, Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Stratis stated that he wanted to disclose that he has worked with the engineer outside of the Village but he does not believe there is any conflict of interest with this project.

Commissioner Stratis said he would like to see an open fence to separate the property from the residential area. He added that he did not have a problem with the variation for loading.

In response to Commissioner Stratis, Mr. Miller said that visitation would be 9 to 12 people per day and the open space on the property is 53% of the property. Mr. Miller's engineer stated that the detention ponds would be dry ponds and about 6 feet deep. Mr. Miller said that hazardous waste would be handled internally and not placed in the dumpster.

Commissioner Hoch said she agrees with the idea of a fence along 75th Street. She asked if the other places the petitioner had built were bigger. Mr. Miller said that this project would be the biggest to date. He said the others are generally 35,000 square feet of floor area and this building would be 48,000 square feet. Mr. Miller added that he would agree to a fence on the rear lot line but prefers not to fence the property.

Commissioner Grunsten said that she would be in favor of a fence along the rear lot line. In response Commissioner Grunsten, Mr. Miller said that trucks would not use back up beepers because of the loop around the building, that there has never been a resident escape from one of their other facilities, and that the generator is tested once every 3 to 6 months.

Commissioner Sheth said that stormwater seems to be the primary issue. He asked Mr. Miller what other problems they have encountered at other locations. Mr. Miller described a radio communication problem encountered by first responders at another location where they had to install an amplifier so that first responders could use their radios.

Commissioner Praxmarer asked how often ambulances come to the property. Mr. Miller said that the Colorado facility had about 14 in the last year. He added that the ambulances typically do not arrive with sirens on. Also in response to a question, Mr. Miller said that the residents are not given medical treatment at the facility and that family members are not allowed to stay overnight.

Commissioner Grela said that he appreciates the work the petitioner and staff have done to create a good plan for the site. He said he does not agree with putting a fence around the property because the property should not be seen or treated like a detention facility.

Commissioner Scott said the use is respectful of the neighborhood. Responding to a question from Commissioner Scott, Mr. Miller said the facility will employ about 36 people with 12 per shift. Commissioner Scott said he is not sure about whether a fence should be provided or not.

Chairman Trzupek asked about screening of mechanicals on the roof and said he does not want to see plumbing vents for each room on the roof line. Mr. Miller gave assurance that all mechanicals including the plumbing vents will not be seen.

Chairman Trzupek asked if there were any additional comments or questions from the audience.

Mr. Tom O'Toole asked the petitioner what other uses could use this building if for some reason the memory care was no longer needed. Mr. Miller said that the building is easily adapted to other uses because the internal walls can be moved. He said another type of assisted living or skilled care facility could use the building and even though it is rather large, it could be used as a restaurant.

Mr. Tom Koukol asked about elevation of the building relative to 75th Street and Mr. Miller explained that the existing topography of the site would not be raised except where necessary to properly drain the property. He said no dirt was planned to be removed from or added to the property.

There being no further questions or comments, Chairman Trzupek asked for a motion to close the hearing.

At 8:46 P.M., a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grela to close the hearing for Z-06-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Grela, Stratis, Grunsten, Hoch, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings of fact and recommend approval to the Board of Trustees of an amendment to Section IX.D.2 of the Zoning Ordinance to modify the current listing for Senior Housing as recommended in the staff report.

The staff report for this petition recommended the following change to the listing for Senior Housing: "*Senior Housing with ~~a combination of~~ independent living units, assisted living units, ~~and~~* ***or*** *skilled care facilities"*

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

In response to a discussion about the conditions for the special use, Chairman Trzupek asked the petitioner to clarify whether they were planning to capture 100% of the stormwater run-off from the 75th Street side of the property. Mr. Grzywa said that the current plan shows a small about run-off from the existing landscape buffer are still going into the ditch on 75th Street. Chairman Trzupek suggested that this runoff be captured and managed through the proposed detention pond. Mr. Grzywa said he did not know if that was possible but if it is, he would agree to do so.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to adopt the petitioner's findings of fact and recommend approval to the Board of Trustees of the following: a special use as per the amended Section IX.D.2 of the Zoning Ordinance for Senior Housing with assisted living at 15W150 South Frontage Road; a variation from Section XI.C.8 of the Zoning Ordinance to permit parking located between the building and the front lot line; and a variation from Section XI.D.7.q to permit a 48,200 square foot building without the required loading berth; all as per petition number Z-06-2014 and subject to the following conditions:

1. Compliance with the submitted plans.

2. Staff review of the screening of the dumpster and generator pad to ensure compliance with the Zoning Ordinance.

3. Final landscaping plan review by staff including preservation of existing trees along the south and east property lines and enhancement of the screening along these lot lines as may be determined necessary by staff.

4. Maintenance by the property owner of the IDOT right of way located between the subject property and South Frontage Road.

5. Final review of the stormwater management plan by the Village Engineer with the intent of capturing 100% of the stormwater runoff from the property to 75th Street with the final determination of whether all stormwater can be captured to be at the discretion of the Village Engineer.

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

Chairman Trzupek suggested that the Commission consider the request for a sign variation that is on this agenda for consideration. There were no objections.

A. S-04-2014: 15W150 South Frontage Road (Anthem Memory Care); Sign Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: The petitioner seeks approval for a sign for a senior housing project. The Sign Ordinance requires that the entire sign structure be counted toward the sign area. The proposed sign structure measures over 130 square feet although the sign text is only 14.5 square feet. The Sign Ordinance permits 100 square feet of sign area.

Chairman Trzupek asked about the stucco material on the sign. He said that stucco sign panels do not do well in this climate and suggested a flat stone panel. Mr. Miller agreed to replace the stucco with stone.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend approval to the Board of Trustees of a variation from Section 55.08 of the Sign Ordinance to permit a ground sign with a sign structure exceeding the maximum permitted area of 100 square feet subject to the following conditions:

1. The sign shall comply with the submitted site plan and sign elevation.

2. The stucco panel shall be replaced with a flat stone panel.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Scott, Stratis, Hoch, Grunsten, Praxmarer, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

B. Z-07-2014: 60 Shore Drive (Forklift Exchange); Special Use and Variations

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner proposes to purchase the building at 60 Shore Drive and operate an equipment sales business from this location. The petitioner would like to construct a customer door on the north side of the building and provide front yard parking for customers and display three pieces of equipment adjacent to the new door and within the corner side yard. The Zoning Ordinance does not currently permit parking in a front or corner side yard and does not permit outside display.

Chairman Trzupek asked for a presentation from the petitioner.

Mr. Marty Flaska said that he hopes to locate an equipment sales business in this location specializing in the sales of construction equipment such as bobcats and similar sized equipment. He said he has a similar business in Arizona and in Bedford Park, Illinois. He said that there would 30 to 35 employees at this location and he anticipates doing about $800,000 in sales each month. He introduced his architect, Mr. Jim Rundle, who described the site plan.

Chairman Trzupek asked if there was anyone in the audience who wanted to speak on this matter.

Mr. Roger Leyland said he owns 100 Shore Drive which is next door. He said he is concerned about the precedent for outside storage and the potential for water problems due to the new parking area.

Mr. Rundle referenced other properties in the area with front yard parking. He said it was quite common along South Frontage Road to have front yard parking.

There being no further public comments, Chairman Trzupek asked the Commissioners for questions and comments.

Commissioner Scott asked if the display were necessary. Mr. Flaska said that the manufacturer's require that the equipment be displayed outside and therefore is necessary to operate the business.

Commissioner Hoch said she was unsure about allowing outside display. She did note that Case displays equipment in their front yard.

Commissioner Grela asked if the display is not approved would that be a deal killer. Mr. Flaska said he believes it would.

Commissioner Grela suggested putting the equipment behind large glass wall that would be visible from I-55 and could be lit at night.

Commissioner Grela said he is concerned also about the front yard parking. He said it would require landscaping to screen the parking and that may also screen the display. He said he cannot support the outside display.

In response to Commissioner Praxmarer, Mr. Flaska confirmed that the manufacturers of the equipment will not allow him to sell the equipment unless he can display it outside.

Commissioner Sheth asked if the equipment would be displayed in the winter time. Mr. Flaska said it would. Commissioner Sheth said that he does not have an issue with the limited outside display and sees a benefit to the community with the sales taxes the business would generate.

Commissioner Grunsten said she is very concerned about the precedent and future problems with outside display as a result. She noted that the Village has declined other requests for outside display or storage.

Commissioner Hoch asked if they sell equipment on line. Mr. Flaska said they have a web site but they do not do many sales on line. He said most buyers want to see the equipment and test it themselves before buying.

Commissioner Stratis said he disagrees that a negative precedent would be set if the Village allowed the outside display of three pieces of equipment as requested. He said he sees no problem with the outside display as it is adjacent to the interstate and at least a quarter mile from any residential properties. He said he supports this request.

Chairman Trzupek asked the petitioner why they cannot forego the outside display as they said they are able to forego the dig pit that is usually required by the manufacturer. Mr. Flaska said that the manufacturer will forego the dig pit but not the outside display. Mr. Flaska added that 30% of the sales are from drive by identification of the business and it is too risky to invest in the building without knowing they can display the equipment.

Chairman Trzupek suggested that putting the equipment behind a glass wall could actually provide greater visibility. He said he is concerned with precedent.

Commissioner Grela asked about test driving the equipment. Mr. Flaska said that customers often want to test the equipment in the parking lot and that may occur for one or two hours total in a day.

Commissioner Grela asked staff if that was permissible. Mr. Pollock said that outside work is not allowed in any zoning district but that the test driving of equipment for sale would be considered inherent in a vehicle sales business. Mr. Pollock said that if the Commission felt this was undesirable it would be a reason not to recommend the special

use for retail sales of equipment at this location. Mr. Flaska added that this was an industrial area and there is already similar noise from the highway.

At 10:00 P.M., a **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Grunsten to close the hearing for Z-07-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Grunsten, Stratis, Hoch, Praxmarer, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

Chairman Trzupek suggested separate motions for each of the various requests.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve a special use as per Section X.F.2.a of the Zoning Ordinance to permit the retail sales of equipment at 60 Shore Drive.

ROLL CALL VOTE was as follows:
AYES: 7 – Stratis, Grela, Hoch, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

Chairman Trzupek explained that the preceding motion allows the petitioner to operate the equipment sales business at 60 Shore Drive but does not allow any outside display. He suggested the next motion should be for the text amendment as to whether to modify the special use listing for equipment sales to include outside display.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to recommend that the Board of Trustees deny an amendment to Section X.F.2.a of the Zoning Ordinance to permit outside display as part of the special use listing for an equipment sales business in the GI District.

ROLL CALL VOTE was as follows:
AYES: 6 – Scott, Praxmarer, Hoch, Grunsten, Grela, Scott, and Trzupek
NAYS: 1 – Stratis
MOTION CARRIED by a vote of 6-1.

Mr. Pollock requested that despite the recommendation to deny the text amendment adding outside display as a special use in the GI District, the Commission make a recommendation regarding the special use request. He said that the Board could approve the text amendment and if so would still need a recommendation on the special use that the petitioner has requested.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees deny a special use as per the proposed amendment to Section X.F.2.a of the Zoning Ordinance to permit outside display as part of an equipment sales business at 60 Shore Drive.

ROLL CALL VOTE was as follows:
AYES: 6 – Grela, Scott, Hoch, Grunsten, Praxmarer, and Trzupek
NAYS: 1 – Stratis
MOTION CARRIED by a vote of 6-1.

Chairman Trzupek said the final request was for a variation for parking in the front yard. Mr. Pollock clarified that the term "front yard" is used but in this case it is the corner side yard. He said that the Zoning Ordinance does not permit parking in any yard between the street and a building.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Grela to adopt the petitioner's findings of fact and recommend that the Board of Trustees approve a variation from Section XI.C.8 of the Zoning Ordinance to permit parking in the corner side yard subject to the following conditions:

1. The improvements shall comply with the submitted plans except that the outside display area and the drive connecting the parking area to the east side of the property shall be eliminated.

2. The surface of the driveways and parking area shall utilize permeable pavers with a perimeter B6:12 concrete curb.

3. A final landscaping plan shall be submitted for staff review and approval prior to issuance of a permit.

ROLL CALL VOTE was as follows:
AYES: 2 – Grunsten, Trzupek
NAYS: 5 – Stratis, Hoch, Praxmarer, Grela, and Scott
MOTION FAILED by a vote of 2-5.

Mr. Pollock said it would be appropriate to consider a motion making a specific recommendation to the Board of Trustees rather than relying on the denial of a motion approving the variation.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Scott to recommend that the Board of Trustees deny a variation from Section XI.C.8 of the Zoning Ordinance to permit parking in the corner side yard

ROLL CALL VOTE was as follows:
AYES: 5 – Grela, Scott, Hoch, Grunsten, and Praxmarer
NAYS: 2 – Stratis and Trzupek
MOTION CARRIED by a vote of 5-2.

Chairman Trzupek summarized that a recommendation will be forwarded to the Board of Trustees to approve the retail sales of equipment but to deny the requests related to the outside display and front yard parking.

Chairman Grela suggested that the Commission consider the request for a sign variation that is on this agenda for consideration. There were no objections.

B. S-05-2014: 60 Shore Drive (Forklift Exchange); Sign Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the request as follows: This sign variation seeks to replace an existing sign for Brand Max Motors (approved by variation in 2013 – S-04-2013) with a new sign for the proposed business. The new sign would be the identical size as the sign it is replacing. The Sign Ordinance permits two signs on the property (one on each street frontage) with a combined area of 110 square feet. The variation granted in 2013 allowed the total area of the two signs to be up to 160 square feet and allowed both signs to face South Frontage Road rather than one on each street frontage. The 2013 variation was limited to the sign for Brand Max Motors and is not transferable to a new business. This variation seeks to transfer the approval to the new tenant.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to recommend approval to the Board of Trustees of a variation from Section 55.07 of the Sign Ordinance to permit two wall signs on the same street frontage and with a total sign area of 160 square feet subject to compliance with the approval of S-04-2013 except that the sign text will be for Forklift Exchange.

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Hoch, Stratis, Grunsten, Praxmarer, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There were no questions or comments regarding the Board Report or the Building Report.

5. OTHER CONSIDERATIONS

The other considerations were previously reviewed.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said the next scheduled meeting is July 21, 2014 and there are several hearings scheduled.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 10:09 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:09 p.m.

Respectfully Submitted: **July 21, 2014**

J. Douglas Pollock, AICP

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

JULY 21, 2014

1. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:30 P.M. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Chairman Trzupek.

ROLL CALL was noted as follows:

PRESENT: 7 – Stratis, Hoch, Grunsten, Praxmarer, Grela, Scott, and Trzupek

ABSENT: 1 – Sheth

Also present was Community Development Director Doug Pollock, Trustee Guy Franzese, and Trustee Diane Bolos.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Grunsten to approve minutes of the July 7, 2014 Plan Commission meeting.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Grunsten, Stratis, Hoch, Praxmarer, Scott, and Trzupek
NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

3. PUBLIC HEARINGS

Chairman Trzupek asked all persons in attendance who may speak at any of the public hearings to stand and affirm to tell the truth. Chairman Trzupek affirmed all those who stood.

Chairman Trzupek suggested that the order of the public hearings be changed so that V-03-2014 be conducted first. The Plan Commission agreed by consensus.

B. V-03-2014: 15W281 91st Street (Sedlacek); Variation and Findings of Fact

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The petitioner seeks a variation to reduce the interior side yard and rear yard setbacks for a detached accessory building. The Zoning Ordinance requires a 17 foot side yard setback and a 10 foot rear yard setback in the R-2B District. The garage is a one story building and would be located at the southwest corner of the property. The petitioner proposes a 3 foot setback from the rear lot line and a 3 foot setback from the west side lot line.

Chairman Trzupek asked the petitioner if they had anything they would like to add.

Mr. Wesley Zaba, attorney for the property owner, said that the basis of the variation was the location of a septic tank and field on the property which prevents the building from being located in compliance with the requires setbacks. He added that the setbacks were consistent with the neighboring property

Chairman Trzupek asked for clarification on precise location of the septic system. The property owner, Mr. Sadlacek, said the drawing was not precise and the tank is actually located differently than is shown. He said the brick sidewalk shown on the plan has been removed.

Chairman Trzupek asked for questions and comments from the public.

Ms. Sherri Kissel, 9210 Forest Edge Lane, said the neighbors do not want a large building in the neighborhood that would be seen from the other yards. In response, Mr. Sadlacek said that the garage would be 22 x 22 feet which is only a two car garage.

Mr. Cortez Curtis, 10S601 Garfield, asked if the variation was only for this property or if it would apply to other properties in the neighborhood. Chairman Trzupek said the variation would be limited to this one property.

There being no further questions from the public, Chairman Trzupek asked for questions and comments from the Plan Commission.

Commissioner Stratis asked about the cost of relocating the septic system. Mr. Sadlacek said that connecting to the public sewer would cost $25,000. Commissioner Stratis suggested the garage could be moved toward the house and reduce or eliminate the rear yard setback. Mr. Sadlacek said that he did not want it to get too close to the house.

Commissioner Hoch asked if a one car garage was an option as it may not require a variation. Mr. Sadlacek said that a one car garage would not give him sufficient storage area.

Commissioner Grunsten confirmed that the siding on the garage would match the house. She suggested a one car garage could be built with a separate shed. Mr. Sadlacek said he was concerned that the shed would have to be placed over the septic field.

Commissioner Praxmarer asked if there was any complaints or input from the neighbors immediately to the west. Mr. Pollock said he did not receive any inquiries from that neighbor.

Commissioner Grela stated that a standard garage in Chicago is 22 x 22 and that is for a much smaller lot. He said the proposed garage is not too big for this property. He said that the petitioner did not answer the question about the cost of relocating the septic and that from his experience he would anticipate the cost being about $6,000 to $9,000.

Commissioner Grela said that he believes a one car garage would diminish the value of the property as people expect to have two car garages. He said he does not see the setback affecting the neighbors and does not object to the size of the garage. He noted that the Zoning Ordinance requires that the driveway be replaced with a dustless, hard surface and that any approval of the variation would require a hard surfaced driveway.

Commissioner Scott asked if there was an easement for the driveway. The petitioner indicated there is an easement. He asked about moving the garage to the north to increase the rear yard setback. He said he has no problem with the size of the garage.

Chairman Grela said he is most concerned about the west side setback. He said he cannot support any variation without knowing the exact location of the septic system.

Commissioner Grela suggested the petitioner have the septic company mark the exact location of the septic system and that a plan to scale be submitted.

In summary, Chairman Trzupek suggested the public hearing be continued and that the petitioner provide the additional information requested.

At 8:22 p.m., a **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to continue this hearing to August 18, 2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Grunsten, Hoch, Stratis, Praxmarer, Grela, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A. Z-08-2014: 11411 German Church Road (Malek); Rezoning and Findings of Fact

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: The subject property was annexed into the Village in 2013 along with other properties to the south. Upon annexation the default zoning is the R-1 District. The petitioner requests rezoning from the R-1 Single Family Residential District to the R-3 Single-Family Residential District. The petitioner has also filed a preliminary plat which is on this same agenda for discussion. The zoning of the property should be considered separately from the plat and the zoning should be considered based on surrounding zoning and development and based on the Comprehensive Plan.

Chairman Trzupek asked the petitioner to present their petition.

Mr. Bob Sodikoff introduced himself as the attorney for the property owner. Mr. Sodikoff noted that the property was a transition property between smaller lots to the east, west, and north and larger lots further west and south. He said that the lots on the other side of Buege Lane are less than 20,000 square feet. He said that the property owner originally discussed annexation into Willow Springs and developing the land with 9 to 11 lots and that upon annexation to Burr Ridge they have gone down to 7 lots.

In regards to the preliminary plat, Mr. Sodikoff said that there would be less stormwater runoff from the property after it is developed because they will construct a stormwater detention pond and control the release of stormwater downstream as required by the Village regulations.

Chairman Trzupek asked for questions and comments from the public.

Ms. Nancy Sanchez of Willow Springs said that there has been open dumping on the property that should be addressed before development. Mr. Sodikoff responded that the property owner was not aware of any dumping and that remediation would occur before development as may be necessary.

Mr. Mike McGrath said he was the Village Attorney for the Village of Willow Springs. He said that five Trustees and the Village President were in attendance from the Village of

Willow Springs. He described the history of boundary agreement discussion between the villages and he noted that this property drains into Willow Springs.

Mr. Alan Nowaczyk said he is the Mayor of Willow Springs. He said the zoning of the property should only be considered in context with the drainage issues. He said Willow Springs was asking for stormwater based on a 500 year flood. He said that Willow Springs is willing to share information and engineering plans for the property with Burr Ridge.

Mr. Sodikoff said that he discussed this with the Chairman of the Willow Springs Plan Commission who was concerned that Burr Ridge would allow more than 9 lots. Mr. Sodikoff said instead they are only asking for 7 lots.

Mr. William Huff, 7 Buege Lane, said he does not want smaller lots and smaller houses on his street. He was concerned that the R-3 zoning would diminish his property value.

Mr. Bill Gibson of Crescent Court in Willow Springs said that he is concerned about flooding in the area and on his property.

Chairman Trzupek said that since the primary interest from the audience was stormwater that the developer should describe the proposed plat and stormwater facilities.

Mr. Pollock said that the plat was on the agenda separately and if there was discussion on the plat, the Plan Commission needs to know that they cannot base their zoning decision on the plat or on the stormwater issues. He said the zoning recommendation should be based on surrounding zoning and development and the Comprehensive Plan.

Mr. Dustin Erickson said he was the civil engineer for the property owners. He described the plat of subdivision and the stormwater management facilities.

Chairman Trzupek asked if the plat illustrates how the property could be developed under the R-3 District. Mr. Erickson confirmed and said that the average lot size would be 20,000 square feet and that the Burr Ridge standards for stormwater were double the standards of the MWRD. In response to Chairman Trzupek, Mr. Erickson said that currently stormwater sheet drains overland to the east and south and into the Willow Springs neighborhood. He said the engineering plan proposes to direct all of that stormwater into a detention pond and release it downstream at a controlled rate.

Mr. Greg Strazzanti said he is a Trustee from Willow Springs and lives in the neighborhood. He described the current flooding problems.

Mr. Mark Lattner said he is a civil engineer employed by the Village of Willow Springs. He asked if the development would take some run off that currently flows north and direct it south. Mr. Erickson said that is correct but it would be captured by the detention pond and released at a controlled rate.

In response to Chairman Trzupek, Mr. Erickson said that 100 percent of the stormwater on the property would be directed to the pond and released at a controlled rate of flow.

Mr. Zed Francis, 8237 Greystone Court, said that he represents the Bridle Path Homeowners and they are concerned with R-3 zoning in the German Church Road corridor. He referenced the Comprehensive Plan which recommends that all new development be on lots of 30,000 square feet or more. He said R-3 does not seem to fit the area.

Ms. Christine Sudlek of Crescent Court in Willow Springs, said that surveyors were on her property claiming to be from the Village but they were not. She wondered how much impervious coverage would be on the lots. In response, Mr. Pollock explained the Burr Ridge zoning regulations for lot coverage.

Ms. Sudlek asked what would happen if there was a problem with the stormwater facilities after the development is completed. Mr. Pollock said that all stormwater facilities are required to be in easements. He said the easements require that if a facility fails the Village can require the property owners to fix it and if they fail to fix it the Village will fix and lien the properties.

Mr. Eric Hansen, 11 Buege Lane, said that the Comprehensive Plan recommends 30,000 square foot lots and he believes the R-3 District is not consistent with his lot and other Buege Lane lots which are 30,000 square feet or more.

Mr. Ramy Saif said he represented the petitioner. He acknowledged the concerns of the neighbors and describe the stormwater detention for the property. He concluded that this development would make the stormwater situation better for neighbors. He also said that Willow Springs had promised them 10 lots but then would not return their phone calls.

Mayor Novaczyk added that there has been no discussion of sight lines along German Church Road which was a major concern of Willow Springs. Mr. Pollock responded that the proposed zoning would require standard setbacks from German Church Road for all of the lots.

Ms. Lisa Bethel, 8400 Pleasant View Lane in Willow Springs, asked if water from German Church Road would be diverted to the south. Mr. Erickson said that water on the north 40 feet of the property would be diverted to the detention pond as required by law.

Ms. Pam McHenry, 7 Buege Lane, said that the smaller lots would not conform to the larger lots on Buege Lane and would diminish her property value.

Mr. Tom Jelow, 8104 Pleasant View Lane in Willow Springs, said his street is a one lane street and he wanted to know how construction traffic would be managed. Mr. Sodikoff said they had not looked at that yet but that there were other ways to access the property other than Pleasant View Lane.

Mr. Tom Kaptur said he is the Chairman of the Willow Springs Plan Commission. He said the lots on the other side of Pleasant Lane are over 15,000 square feet. He said Willow Springs looked at this property but could not come up with an agreement with the property owner. He encouraged larger lots for the property and maybe less than 7 lots.

Mr. Refaat Abdel-Malak said he was one of the owners of the property. He said they originally wanted 12 lots on the property but have come down to 7 lots.

Mayor Novaczyk said that the lots on the west side of Buege Lane will have 150 feet of frontage so they will look bigger. Mr. McGrath added that there is also open space behind those lots which will make them look even bigger.

Ms. Sudlek said that more houses would mean more run off and she submitted a document to support her claim.

Mr. Sodikoff said he understands the problems with stormwater but that these problems are not caused by the property owners and were existing long before his clients purchased

the property. He suggested the stormwater problems should be addressed with the Village of Willow Springs.

Mr. Waaf Abdel-Malak said he was another owner of the property. He said for Willow Springs to try to get Burr Ridge to fix their problems was wrong. He said the residents should take these matters up with the Willow Springs Board and not ask the developer to fix their problems.

Ms. Annette Kaptor of Willow Springs said that the best arguments for this request came from Burr Ridge residents who want larger and fewer lots on the property.

Mr. Robert from 8407 Crescent Court in Willow Springs, presented photographs of flooding in the area.

Chairman Trzupek asked if there was anyone else in attendance who wanted to speak on this matter. There being none, he asked for questions and comments from the Commissioners.

Commissioner Scott asked if the developer looked at wider lots. Mr. Sodikoff said that in response to a recommendation from staff, they wanted to keep all of the lots fronting on Buege Lane rather than Pleasant View Lane. Also in response to Commissioner Scott, Mr. Sodikoff said that all stormwater would be detained on site and released at a controlled rate.

Commissioner Grela said that this property was an anomaly in that it was bounded by Willow Springs on three sides. He said the property was a poster child for transitional zoning with the smaller lots to the east and larger lots to the west. He said the law does not require the developer to fix the neighbors stormwater problem but only to ensure that stormwater on their property is properly controlled so it does not contribute to downstream problems. Mr. Grela said that based on the existing zoning and development in the area he does not object to the proposed R-3 zoning.

Commissioner Praxmarer said in general should we prefer more open space but that she is not sure about which zoning district is appropriate for this property.

Commissioner Grunsten said she would like to see the property developed with only five lots.

Commissioner Hoch asked how many lots may be possible with R-2B zoning. Commissioner Stratis said he estimated that six lots could be obtained under the R-2B District. Commissioner Hoch acknowledged the stormwater problems in the neighborhood but said this development would not make those problems worse.

Commissioner Stratis agreed that the stormwater problems existing in the neighborhood cannot be fixed by the proposed development nor should anyone expect the property to remain undeveloped because of existing stormwater problems. He asked if the Village could require more stormwater facilities than the code requires. Mr. Pollock said that because the property is already in the Village, the developer has the right to develop under existing stormwater regulations and the Village cannot require additional stormwater facilities.

Commissioner Stratis agreed that this was a transitional property but he said he thinks six lots would be appropriate and recommends R-2B zoning. He said he cannot support the R-3 zoning.

Chairman Trzupek said it is a transitional property but that the R-3 was too steep a drop off from the Burr Ridge properties in the area. He suggested the R-3 is not compatible with other lots on Buege Lane and he recommends the R-2B district for this property.

Mr. Sodikoff reiterated that there are smaller lots to the north, east and west and the R-3 District is the appropriate transitional zoning.

Chairman Trzupek asked Mr. Pollock if the Plan Commission is restricted to recommending or not recommending the R-3 District or if they could recommend another zoning district. Mr. Pollock responded that the legal notice was for the R-3 District and that a lower density district could be recommended but not a higher density district. He added that the R-2B District is a lower density district so the Plan Commission could recommend the R-2B District.

At 10:14 p.m., a **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to close the hearing for Z-08-2014.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Stratis, Hoch, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Scott to recommend to the Board of Trustees that the property at 11411 German Church Road be rezoned to the R-2B District.

ROLL CALL VOTE was as follows:
AYES: 6 – Stratis, Scott, Hoch, Grunsten, Praxmarer, and Trzupek
NAYS: 1 – Grela
MOTION CARRIED by a vote of 6-1.

C. Z-09-2014: Zoning Ordinance Text Amendment; Accessory Building Setbacks

Chairman Trzupek asked Mr. Pollock to provide a summary of this hearing.

Mr. Pollock summarized the request as follows: In response to complaints from a resident regarding the construction of a large accessory building at the minimum rear yard setback line, the Village Board directed the Plan Commission to consider an amendment to the Zoning Ordinance that would increase the rear yard setback for larger accessory buildings. Currently, the rear yard setback for a detached accessory building is 10 feet in all districts regardless of the size of the building.

Mr. Pollock showed two tables that described the maximum size of accessory buildings in the various residential zoning districts. Mr. Pollock said the Plan Commission could establish a rear yard setback the same as the side yard setback, create a setback based solely on the size of the building, or do nothing.

Commissioner Grela asked if a new setback would apply to an addition to an accessory building. Mr. Pollock said any addition would have to comply with a new setback.

Chairman Trzupek asked Mr. Pollock if he had any idea how many buildings may be impacted by a change in the setback. Mr. Pollock said he was unsure but could try to make a determination using the Village's permit database.

Chairman Trzupek asked for public comments or questions.

Mrs. Conidi of 8107 Park Avenue spoke about an accessory building that is under construction at 15W241 81st Street. She referenced different documents from the Village web site one of which described the building as an accessory building and the other described it as accessory residential building. She wondered which one was correct. She also said that the web site Zillow lists this as two single-family homes and she said she believes the accessory building is a second home on the property. She said that the building is also causing flooding of other properties.

Chairman Trzupek asked Mrs. Conidi if a greater setback for the building would help the flooding. Mrs. Conidi said it would not help. Chairman Trzupek said that this public hearing is to discuss setbacks for future accessory buildings and would not impact any of the situations described.

Mr. Pollock said he would have an inspector visit the property to determine if the building that was permitted as an accessory building is being converted to a dwelling unit. Mr. Pollock said such a conversion would violate the Zoning Ordinance and would be stopped.

Mrs. Natalie Romeo, 8139 Kathryn Court, asked if there would ever be consideration to lowing the maximum size of a detached building. She said she would be in favor of increasing the setback including requiring a minimum separation from other buildings.

Commissioner Grela said he has not seen setbacks based on other buildings. Commissioner Stratis said that such a scheme would be unfair because the first to build would gain advantage of neighboring properties.

Commissioner Stratis said he does not see a compelling reason to change the setback but he is not opposed to changing the setback.

Commissioner Praxmarer said she sympathizes but is not sure if an increased setback would be beneficial.

Commissioner Hoch suggested that one solution would be for a resident to provide landscaping on their own property when a building is built next to them.

Commissioner Grela said he is not sure of the solution and suggested that the Commission take more time to consider this matter. Commissioner Scott agreed.

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Hoch to continue Z-09-2014 to the August 18, 2014 meeting.

ROLL CALL VOTE was as follows:
AYES: 7 – Grunsten, Hoch, Stratis, Praxmarer, Grela, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

4. CORRESPONDENCE

There were no questions or comments regarding the Board Report or the Building Report.

5. OTHER CONSIDERATIONS

A. Preliminary Plat of Subdivision: Burr Ridge Greens; 11411 German Church Road

Mr. Pollock suggested that since the rezoning of this property to the R-3 District was not approved that this plat be tabled to the August 18 meeting pending review of the zoning by the Plan Commission. Mr. Sodikoff said that the petitioner agrees that the plat should be continued.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Hoch to continue consideration of the Burr Ridge Greens Preliminary Plat of Subdivision to the August 18, 2014 meeting.

ROLL CALL VOTE was as follows:
AYES: 7 – Grela, Hoch, Stratis, Grunsten, Praxmarer, Scott, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

6. FUTURE SCHEDULED MEETINGS

Mr. Pollock said the next scheduled meeting is August 4, 2014 and there are no public hearings or other considerations scheduled for this meeting.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to cancel the August 4, 2014 meeting.

ROLL CALL VOTE was as follows:
AYES: 7 – Scott, Praxmarer, Stratis, Hoch, Grunsten, Grela, and Trzupek
NAYS: 0 – None
MOTION CARRIED by a vote of 7-0.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grunsten and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 11:14 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 11:14 p.m.

Respectfully Submitted: **August 18, 2014**

J. Douglas Pollock, AICP