

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

AUGUST 19, 2013

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: 5 – Cronin, Stratis, Scott, Grela, and Trzupek

ABSENT: 3 – Hoch, Grunsten, Praxmarer

Also present was Community Development Director Doug Pollock and Village Trustee Guy Franzese

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to approve minutes of the August 5, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 4 – Cronin, Scott, Grela, and Trzupek

NAYS: 0 – None

ABSTAIN: 1 – Stratis

MOTION CARRIED by a vote of 4-0.

3. PUBLIC HEARINGS

A. Z-16-2013: 16W020 79th Street (International Motor Group); Special Use and Findings of Fact

Chairman Trzupek stated that this petition has been withdrawn by the petitioner and as a result the public hearing has been canceled.

4. CORRESPONDENCE

There was no discussion regarding the correspondence.

5. OTHER CONSIDERATIONS

A. S-04-2013: 60 Shore Drive (Brand Max Motors)

Chairman Trzupke asked Mr. Pollock to summarize this request.

Mr. Pollock summarized the petition as follows: The owner of Brand Max Motors at 60 Shore Drive is seeking sign approvals to enlarge an existing sign and add two new signs. There is currently one sign on the property for Corvette Mike which is 80 square feet in area. The petition requests to add 12 square feet to that sign (adding the text Sales and Service). The petition also requests to add a principal sign for Brand Max Motors that would be 64 square feet in area and a secondary sign above the door on the side of the building that would be 15 square feet. The Sign Ordinance permits two signs on the property (one on each street frontage) with a combined area of 110 square feet.

The petitioner was present and said they had nothing to add to the staff summary.

In response to Chairman Trzupke, a representative of the petitioner stated that they planned to complete the exterior improvements prior to construction of the signs. He said the exterior improvements included sanding and painting the walls and adding a window.

Commissioner Grela said he had nothing to add except that he agreed with staff that the third sign should not be allowed.

Commissioner Scott asked if the combined area of the signs was less than the maximum area permitted by the Sign Ordinance. Mr. Pollock said that the proposed sign area exceeded the sign area allowed by the Sign Ordinance but was less than the sign area previously approved for this property by an earlier sign variation.

Commissioner Stratis said he had no questions.

Commissioner Cronin asked about the difference between the doors for Corvette Mike and for the proposed business. He suggested the petitioner emulate the signs used by Corvette Mike to identify his entrance. Those signs include an awning sign and window sign. Mr. Pollock confirmed that those signs are allowed by code.

In response to Chairman Trzupke, Mr. Pollock said that the sign proposed for the west façade could be placed inside the window.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Cronin to recommend approval of S-04-2013 subject to the elimination of the third sign on the west façade of the building.

ROLL CALL VOTE was as follows:

AYES: 5 – Grela, Cronin, Stratis, Scott, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

B. Z-11-2013: 6501 County Line Road (Lindell); Fence Variation

Chairman Trzupek asked Mr. Pollock to summarize this request.

Mr. Pollock summarized this request as follows: At its July 1, 2013 meeting, the Plan Commission conducted a public hearing to consider either a fence variation or a text amendment to permit the property at 6501 County Line Road to construct a six foot high fence along the front and corner side lot lines. The Plan Commission unanimously recommended denial of the text amendment and the variation. The Board of Trustees reviewed the Commission's recommendation at its July 8, 2013 meeting and remanded the matter to the Commission for further consideration. In particular, the Board asked the Commission to consider the variation with the condition that a five foot tall fence be located behind the perimeter landscaping and with additional perimeter landscaping to fill any existing gaps. The Board also recommended that the petitioner provide traffic counts comparing the adjacent intersection to other arterial intersections in the Village.

Mr. Dennis Lindell stated that he is the attorney for the property owner. He said that the plans were revised to move the fence 15 or more feet from the front lot line, to fill any gaps in the perimeter landscaping with additional evergreen shrubs, and to replace any dead shrubs or trees. He said that police reports were also provided to show the trespassing and vandalism that has occurred on the property and he has provided traffic counts for various intersections that show there are three times as many cars at this intersection as at other similar intersections in the Village. He also mentioned the notoriety of the property as an issue.

Chairman Trzupek noted that the trespassing and vandalism occurred when the house was vacant and asked if the house would remain vacant. Mr. Lindell said that the owner intends to move into the house and live there.

Chairman Trzupek stated that the criteria for a variation include both uniqueness and hardship and that these were two separate issues. He said that it is possible that a property can be shown to be unique but that the unique condition does not create a hardship that justifies a certain variation request.

Commissioner Cronin asked about the number of evergreen shrubs being added and the size of the shrubs at planting. Mr. Lindell was not sure of the number or the size. Commissioner Cronin said he was concerned there still would not be enough.

Commissioner Cronin noted that the fence would not encircle the entire property. He said that as a result, the fence would not provide security from trespassers or vandals.

Commissioner Cronin stated that the public park and church property across the street do not have fences to separate them from the busy street. He said he does not understand why this property would need a fence. He said the owner purchased the property without any assurance of having a fence. Commissioner Cronin said the trees and shrubs along the streets will provide sufficient privacy and that the traffic counts on the adjacent streets are not a sufficient cause for granting the variation.

Commissioner Stratis said he is grateful that the petitioner has purchased the home and is planning on moving into the home. He said that he believes the trespassing and vandalism issues were because the house was empty. He said that vacant homes attract these problems. He said that if the home were occupied for two years and these problems occurred, they might be relevant to this request. He agreed with Commissioner Cronin that the fence would not address security. Commissioner Stratis said that the traffic was not enough to make a hardship and that other property owners could make this same argument. He concluded that there will be a lot of other requests for front yard fence variations if this one is approved.

Commissioner Scott said that Chairman Trzupsek's statement at the beginning of this discussion got to the heart of the matter. He said that while the property may be unique, he does not see that the unique condition creates a sufficient hardship to grant the variation.

Commissioner Grela said that he believes the petition has not met the criteria for a hardship but that it may be worth considering an amendment based on the size of the property, the classification of the adjacent street, and the provision of a setback with landscaping.

Chairman Trzupsek said he agrees that there is not a hardship but that he could see considering a text amendment based on the street classification.

Mr. Lindell said the petition requested either a text amendment or variation. In response, Chairman Trzupsek said that the requested amendment was very specific and he is not sure how an amendment would be done. He is concerned that someone on a local street would have the same concern with safety and traffic as someone on a busier street.

Commissioner Stratis said that he does not think the size or front footage of the property would have any relevance which would mean the front yard fence regulations would be based on street classification. He said if that were done, you could have hundreds of front yard fences because the amendment would include County Line Road, Madison, and as many as 8 different streets.

Chairman Trzuppek asked if the Plan Commission needs to hold a new hearing to consider a text amendment. Mr. Pollock said that it would be best to hold a new public hearing. He added that the purpose of prohibiting front yard fences was to preserve the openness of streetscapes and landscaping with fences may be contrary to this policy. Mr. Pollock said that he is concerned that there is no way to allow some front yard fences without substantially opening up the number of front yard fences throughout the Village.

In response to Commissioner Scott, Commissioner Stratis said limiting the fences to corner lots would be too narrow.

Chairman Trzuppek suggested three options: consider variation as revised; consider the text amendment based on the size of the property as requested by the petitioner; or hold a new public hearing to consider a different text amendment. He asked if anyone on the Commission would support the petitioner's text amendment. There was consensus that this amendment would not be supported.

Mr. Pollock suggested that the Commission consider a motion for the findings of fact for both the variation and the proposed text amendment and ask the Board for direction on whether to consider an amendment regarding front yard fencing at a future date.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Cronin to adopt the findings of fact denying the variation and text amendment as per Z-11-2013 and to forward a recommendation to the Village Board denying the petition as amended.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Cronin, Scott Grela, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

A **MOTION** was made by Commissioner Cronin and **SECONDED** by Commissioner Stratis to request direction from the Village Board on whether to conduct a public hearing to consider an amendment to the Zoning Ordinance to determine if there are circumstances where front yard fencing should be permitted.

ROLL CALL VOTE was as follows:

AYES: 5 – Cronin, Stratis, Scott Grela, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

C. Z-13-2013: 8320 Madison Street (Soaring Eagle Academy)

Chairman Trzuppek asked Mr. Pollock to summarize this matter.

Mr. Pollock said that special use approval was granted for a fenced outdoor play area for the Soaring Eagle Academy subject to staff review of the final plans. Mr. Pollock said he

wanted to be sure the Plan Commission was in agreement with the final plans. He said no action is necessary from the Commission.

Chairman Trzupsek suggested that perhaps to extend the planting bed along the entire front of the fenced area and add some ground cover.

D. PC-07-2013: Discussion Regarding Zoning Regulations Pertaining to Compassionate Use of Medical Cannabis Pilot Program Act

Mr. Pollock explained that the State of Illinois has passed legislation that requires municipalities to allow medical cannabis growing and distribution facilities but allows reasonable regulations on the location of such facilities. He said staff is recommending that the Plan Commission request authorization from the Village Board to conduct a zoning hearing to consider appropriate regulations.

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to request authorization from the Village Board to conduct a hearing to consider an amendment to the Zoning Ordinance pertaining to regulations for the location of medical cannabis cultivation centers and dispensing organizations as per the recent State of Illinois statute.

ROLL CALL VOTE was as follows:

AYES: 5 – Grela, Stratis, Cronin, Scott, and Trzupsek

NAYS: 0 – None

MOTION CARRIED by a vote of 5-0.

6. FUTURE SCHEDULED MEETINGS

There was no further discussion regarding future scheduled meetings.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Grela and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 8:46 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:46 p.m.

Respectfully Submitted:



J. Douglas Pollock, AICP

September 16, 2013