

PLAN COMMISSION/ZONING BOARD OF APPEALS

VILLAGE OF BURR RIDGE

MINUTES FOR REGULAR MEETING OF

OCTOBER 7, 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 Commissioner Grela.

ROLL CALL was noted as follows:

PRESENT: 4 – Hoch, Scott, Grela, and Praxmarer

ABSENT: 4 – Cronin, Stratis, Grunsten, and Trzupek

Also present was Community Development Director Doug Pollock

Commissioner Grela stated that due to the absence of Chairman Trzupek and Vice-Chair Grunsten, he was asked to chair the meeting.

2. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Hoch to approve minutes of the September 16, 2013 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 4 – Praxmarer, Hoch, Scott, and Grela

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

3. PUBLIC HEARINGS

A. V-05-2013: 11349 71st Street (Tamborski); Variation and Findings of Fact

Acting Chairman Grela announced that due to a lack of a quorum for the Zoning Board of Appeals, this hearing is being continued to October 21, 2013

B. Z-18-2013: 7055 High Grove Boulevard (Three Fish, LLC); Text Amendment and Special Use

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

Mr. Pollock summarized the hearing as follows: The petitioner seeks to open a private, indoor swimming school in an existing building. The business would occupy 9,023 square feet of floor space. Improvements would include an in-ground swimming pool inside of the building and related locker room, office, lobby and spectator spaces. Parking is to be provided within the existing parking lot.

Acting Chairman Grela asked the petitioner if he had anything to add to the staff report.

Mr. John George introduced himself as the Attorney for the petitioner. Mr. George summarized the request and introduced other representatives of the petitioner.

Mr. Steve Karapetian said he works for Three Fish, LLC and is based in Bloomfield Michigan. He said Goldfish has 12 locations primarily in Michigan with other facilities in Ohio and Illinois. He described the business plan and introduced Lisa Stern.

Ms. Lisa Stern, also an employee of Three Fish, LLC, said that the goal of the swim school is provide a safe and comfortable experience for children from ages 4 months to 12 years. She said the water is kept at 90 degrees and that they maintain a friendly staff. She said they teach water safety and skills.

Acting Chairman Grela asked for public comments or questions.

Ms. Alice Krampit, 7915 Drew Avenue, asked about the location and if the school would be open to the public. Mr. Karapetian described the location and said that students must first be registered but otherwise it was open to anyone. In response to Ms. Krampit, he described the hours and noted that the school did not teach or conduct competitive swimming.

Mr. Terry Walker, 8S017 Vine Street, said he was impressed and happy that they are moving into the neighborhood. He suggested that the landlord should do something to maintain the landscaping adjacent to 71st Street. Mr. George responded that he would talk to the landlord.

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

Commissioner Hoch asked if the medical office tenants in the building had any concerns with the proposed swim club. Mr. George said they were notified but did not respond. He said the landlord is in full support of the swim club.

Commissioner Scott asked about activities other than swimming such as scuba lessons. Mr. Karapetian said there would be no other such activities.

Commissioner Praxmarer asked about chemicals used for the pool. Mr. Karapetian said they manufacture their own chlorine and they make sure the PH levels in the pool are similar to the PH levels in a human eye. In response to Commissioner Praxmarer, he said

that they will comply with all OSHA regulations and that there is no food preparation within the facility.

Acting Chairman Grela asked if the pool would be ADA compliant. Mr. Karapetian said they would have ramp into the pool for handicap accessibility.

Acting Chairman Grela asked about the birthday parties and similar events. Ms. Stern said that 95% of their revenues would be from swim lessons. She said parties would be for registered customers only and would only be conducted during times that there are no swim lessons. Mr. Karapetian said that the parties are for a two hour block of time and that they are only allowed when the facility is closed for lessons.

Acting Chairman Grela asked about any retail sales. Ms. Stern said that they really do not have retail sales to the public but rather they sell items such as goggles and towels that students may need for their classes.

There being no further questions or comments from the Plan Commission, Acting Chairman Grela asked for a motion to close the hearing.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to close the hearing for Z-18-2013.

ROLL CALL VOTE was as follows:

AYES: 4 – Scott, Hoch, Grela, and Praxmarer

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees of an amendment to the Zoning Ordinance to add "Indoor Private Athletic Training and Practice Facilities, located in a permanent building, and not including any retail, health club, or other activities that may be open to the public" to the list of special uses in the LI Light Industrial District.

ROLL CALL VOTE was as follows:

AYES: 4 – Praxmarer, Scott, Hoch, and Grela

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Praxmarer to adopt the petitioner's findings and fact and recommend approval to the Board of Trustees for special use approval for an Indoor Private Athletic Training and Practice Facility as per Z-18-2013 subject to the following conditions:

1. The Indoor Private Athletic Training and Practice Facility shall be limited to an indoor swim school consistent with the business plan submitted with this petition.

2. A minimum of 36 parking spaces shall be provided for this use exclusive of parking required for other tenants in the building.

ROLL CALL VOTE was as follows:

AYES: 4 – Scott, Praxmarer, Hoch and Grela

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

C. Z-19-2013; Zoning Ordinance Text Amendment – Regulations for Medical Cannabis Cultivation and Distribution Facilities

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

Mr. Pollock summarized the hearing as follows: At its August 19, 2013 meeting, the Plan Commission requested authorization from the Board of Trustees to conduct a public hearing to consider an amendment to the Zoning Ordinance in response to the recent enactment by the State of Illinois of the Compassionate Use of Medical Cannabis Pilot Program Act by the State of Illinois. This law preempts municipal authority to wholly prohibit “medical marijuana cultivation and disbursement facilities” (as defined in the Act) within municipal borders. It does, however, allow municipalities to regulate the location of such facilities from a zoning standpoint. The Board of Trustees concurred and authorized the Plan Commission to proceed with a public hearing.

Mr. Pollock described staff’s recommendation as follows: State law requires that a cultivation facility cannot be located within 2,500 feet of the property line of an area zoned for residential use. Within the corporate limits of the Village of Burr Ridge there are no properties that meet this separation criterion. Therefore, staff is recommending that cultivation facilities not be added to the Zoning Ordinance.

In regards to disbursement facilities for medical cannabis, Mr. Pollock added the following: State law requires that a dispensing organization may not be located within 1,000 feet of the property line of a school or child care facility but does require a separation from residential areas. Mr. Pollock said that the written staff report was wrong in this regard as it stated that there was a separation requirement from residential districts. Thus, it is possible to allow disbursement facilities in any non-residential district in the Village.

Acting Chairman Grela asked for public comments or questions. There were no comments or questions from the public.

Acting Chairman Grela asked the Plan Commission for questions and comments.

Commissioner Praxmarer said she had no comments.

Commissioner Scott said he agreed with staff's recommendation to make medical cannabis disbursement facilities a special use in the GI General Industrial District.

Commissioner Hoch said she had no comments.

Acting Chairman Grela said that he supports the need for cancer patients to have access to appropriate medical treatments. He said he is concerned about burying disbursement facilities in the middle of an industrial park and creating a stigma for patients seeking approved medical treatments. He noted that more harmful drugs are sold at Walgreens and other pharmacies.

Mr. Pollock suggested that an option would be to classify stand-alone disbursement facilities as a special use in the GI District but also allow them as a permitted or special use in other districts when they are part of a full service pharmacy.

Mr. Pollock further suggested that the hearing be continued so that the other Commissioners can offer their thoughts on the matter. He said the state law does not go into effect until 2014 so there is time to consider this further.

A **MOTION** was made by Commissioner Scott and **SECONDED** by Commissioner Hoch to continue the hearing for Z-19-2013 to October 21, 2013.

ROLL CALL VOTE was as follows:

AYES: 4 – Scott, Hoch, Grela, and Praxmarer

NAYS: 0 – None

MOTION CARRIED by a vote of 4-0.

4. CORRESPONDENCE

There was no discussion regarding the Board Report or Building Report.

5. OTHER CONSIDERATIONS

There were no other considerations scheduled.

6. FUTURE SCHEDULED MEETINGS

There was no further discussion regarding future scheduled meetings.

7. ADJOURNMENT

A **MOTION** was made by Commissioner Praxmarer and **SECONDED** by Commissioner Scott to **ADJOURN** the meeting at 8:32 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 8:32 p.m.

Respectfully
Submitted:



October 21, 2013

J. Douglas Pollock, AICP