

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF OCTOBER 7, 2019

I. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 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: 6 – Irwin, Broline, Farrell, Stratis, Petrich, and Trzupek

ABSENT: 2 – Praxmarer and Hoch

Village Administrator Doug Pollock and Assistant Village Administrator Evan Walter were also present.

II. APPROVAL OF PRIOR MEETING MINUTES

Commissioner Petrich noted the absence of names on page 8 of the August 5 minutes.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to approve the minutes of the August 5, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Broline, Stratis, Farrell, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

III. PUBLIC HEARINGS

Chairman Trzupek conducted the swearing in of all those wishing to speak during the public hearing on the agenda for the meeting.

Z-07-2019: 7000 County Line Road (Wiegand); Special Use, Text Amendment, and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that Laura Wiegand on behalf of Birth Partners, Inc., a specialty birth center (henceforth “Center”) which focuses on providing a home-like environment for women giving birth. The petitioner requests an amendment to Section VIII.B.2 of the Zoning Ordinance to add “Birthing Center” as a special use in the B-1 Business District, a special use for a Birthing Center in the B-1 Business District as per the amended Zoning Ordinance, a special use for a business whose hours of operation exceed 7:00am to 10:00pm in the B-1 Business District, and a text amendment to establish parking regulations for a Birthing Center.

Dr. Dele Ogunleye, Birth Partners, Inc., gave a brief presentation about the business described in the application.

Commissioner Broline asked how far patients drive to the existing location in Bloomington. Dr.

Ogunleye said that some mothers live in the Burr Ridge area and drive over two hours to their existing Bloomington location.

Commissioner Stratis asked if abortion or other life-cessation activities would occur at the location. Dr. Ogunleye said that such services would not be offered. Commissioner Stratis asked if there would be any way that the Village could stop such services if they were one day offered. Mr. Walter said that since such services were not included in the business plan, the commencement of such services could be construed as operating in violation of a potential special use, as the special use would be granted on the condition that the business operations follow the submitted business plan.

Commissioner Irwin asked if patients ever require transport to hospitals. Dr. Ogunleye said that their transfer rate is 9%, which is lower than the national birth center average of 12%.

At 7:17 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Broline, Farrell, Stratis, and Trzuppek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees adopt the Findings of Fact and approve a text amendment establishing “Birthing Center” as a special use in the B-1 Business District.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Petrich, Irwin, Broline, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees adopt the Findings of Fact and approve a special use for a Birthing Center in the B-1 Business District as per the amended Zoning Ordinance and a special use for a business whose hours of operation exceed 7:00am to 10:00pm in the B-1 Business District, staff recommends that it be made with the following conditions:

1. The special use shall be limited to persons Laura Weigand and Dele Ogunleye, principals of Birth Partners, Inc., in a manner consistent with the submitted business plan.
2. The special use shall be null and void if Birth Partners, Inc. no longer operates a medical office at 7000 County Line Road.
3. All medical waste shall be stored indoors at all times except for when actively disposing said waste into a vehicle for transportation off-site.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Petrich, Irwin, Broline, and Trzuppek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees adopt the Findings of Fact and approve a text amendment to the Zoning Ordinance establishing that “Birthing Center” uses be required to provide 1 parking space for every 250 square feet of commercial space.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Farrell, Petrich, Irwin, Broline, and Trzupek

NAYS: 0 – None

MOTION CARRIED by a vote of 6-0.

Z-15-2019: 16W260 83rd Street (Odeh); Special Use and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that Ehab Odeh requests special use approval as per Section X.F.2.a of the Zoning Ordinance for an “automobile sales and rental” use. Mr. Walter noted several issues that had been observed with the business in terms of non-compliance with its original temporary special use, which had since expired in June 2019. These issues included commercial maintenance of vehicles not owned by Apex, such as oil changes, etc. has occurred on premises; evidence of rental activity originating from the business, which was not permitted as a condition of the original temporary special use; as well as staff not in receipt of sales figure data.

Commissioner Stratis asked if they had been operating without a special use as well as non-responsive to staff’s inquiries. Mr. Walter confirmed these events. Commissioner Stratis said that he was disappointed with the petitioner and did not feel that Apex deserved to receive a special use renewal as they had failed to demonstrate compliance with the initial special use.

Commissioner Farrell said that she similarly felt that the petitioner had not followed the special use as was originally prescribed.

Commissioner Broline said that he was disappointed to hear about issues with additional signage. Mr. Walter said that the wall signs were also not in compliance, and staff would be addressing this issue subject to the outcome of the petition.

Commissioner Petrich asked if the petitioner had brought any sales figures, and if so, if they complied with the special use. Mr. Odeh said that he had brought sales figures, and he believed that they would demonstrate compliance with the special use. Commissioner Petrich asked how often rental cars were made available. Mr. Odeh said that they generally only rented high-end cars.

Commissioner Irwin said that rental cars should only be permitted if there was a condition that only truly exotic cars would be made available for rent.

Chairman Trzupek said he concurred that only high-end vehicles should be rented and also questioned if additional service needs would come forward if rental cars were used more frequently.

Mr. Walter asked for additional clarification as to how the Plan Commission wanted to define hours of operation as it related to the rental business. The Plan Commission generally agreed that

“hours of operation” would include both sales and rental activity, meaning that a single definition of when commerce could occur at the business would be created.

At 8:00 pm, a **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Broline to continue the public hearing to October 21, 2019.

ROLL CALL VOTE was as follows:

AYES: 6 – Stratis, Broline, Irwin, Petrich, Farrell, and Trzupsek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

Z-17-2019: 582 Village Center Drive (Hassan); PUD Amendment and Findings of Fact

Chairman Trzupsek asked Mr. Walter to review the public hearing request. Mr. Walter said that Ramzi Hassan had requested an amendment to PUD Ordinance #A-834-09-05 to amend the façade elevation at 582 Village Center Drive to accommodate Sephora, a potential new retail tenant.

Ramzi Hassan, owner of the Village Center, said that he was excited to bring forth this proposal to bring a new tenant to the Village Center.

Dave Atkenson, 850 Village Center Drive, said that he was concerned with the proposal because there would be challenges in eventually removing the paint, while he also felt that it would detract from the overall look of the property.

Yvonne Mayer, 6100 Elm Street, said that she supported the proposal and asked the Plan Commission to recommend approval of the request.

Commissioner Petrich asked if the façade was masonry or concrete. Mr. Walter confirmed that it was a pre-cast brick material.

Commissioners Broline, Farrell, and Stratis said that they supported the petition as shown.

Chairman Trzupsek said that he did not support the petition as it would be challenging to re-orient the façade to a different color.

At 8:27 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Petrich to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Irwin, Petrich, Stratis, Farrell, Broline, and Trzupsek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Farrell to recommend that the Board of Trustees approve a request for an amendment to PUD Ordinance #A-834-09-05 to amend the façade elevation at 582 Village Center Drive, subject to the condition that it be done in a manner similar to that shown in the submitted elevation.

ROLL CALL VOTE was as follows:

AYES: 5 – Irwin, Farrell, Petrich, Stratis, and Broline

NAYS: 1 – Trzupek

MOTION CARRIED by a vote of 5-1.

Z-12-2019: Zoning Ordinance Amendments; Text Amendment and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request.

The Board of Trustees has directed the Plan Commission to consider amendments to the Zoning Ordinance relative to the location and regulation of medical and recreational cannabis business establishments. On June 25, 2019, Governor Pritzker signed HB 1438, the Cannabis Regulation and Tax Act, which legalized the sale, possession, and consumption of recreational cannabis by adults over 21 effective January 1, 2020. In response to the adoption of the Act, the Board of Trustees seeks recommendations from the Plan Commission regarding appropriate zoning regulations for medical and recreational cannabis businesses in Burr Ridge. Mr. Walter provided a general overview of the Act and what powers to create zoning regulations are available to the Village.

Jon Molfese, resident of Timberlake subdivision, introduced himself as representing three of his business partners in their pursuit of acquiring a recreational cannabis dispensary license. Mr. Molfese said that he and his partners wished to have a presence in Burr Ridge and wanted to have a dialogue with the Plan Commission about where such uses would be appropriate.

Joseph Wright, Des Plaines, IL, introduced himself as a consultant working for Mr. Molfese and his business partners. Mr. Wright provided expert testimony on the subject of recreational and medical cannabis programs in the State of Illinois.

The Plan Commission discussed general guidelines which they could provide to the Board in their discussion of whether to opt in or out at their next meeting. The Plan Commission generally concurred that recreational cannabis uses should be special uses and limited to the Manufacturing and Business Districts within the community. The Plan Commission generally concurred that dispensaries would be considered as potential options, while also generally agreeing that the other five uses were not seen as attractive options for Burr Ridge.

Upon receiving this direction, Mr. Walter said that staff would take this report from the Plan Commission and report to the Board. Mr. Walter recommended no further action at this time.

IV. CORRESPONDENCE

V. OTHER PETITIONS

Preliminary Plat of Subdivision – Plat Approval and Subdivision Variation (Mendi)

Chairman Trzupek asked Mr. Walter to review the consideration. Mr. Walter said that the petition was a request by Resham Mendi for a preliminary plat of subdivision at 6100 Grant Street. The Plan Commission previously directed staff to work with adjacent property owners to the north to ensure that Keller Drive terminates in the proper manner and place. Since the previous consideration of this plat, both adjacent property owners have requested that the Village allow for the opportunity for subdivision on their properties, thus creating the potential for further extensions and eventual termination of Keller Drive in the form of a cul de sac farther north than the Mendi property. The attached plat reflects the proposed subdivision for the Mendi property as well as the

eventual DeGeer subdivision, the latter of which is not proposed to occur at this time. The plat proposes to subdivide a parcel approximately 2 acres in area into two single-family residential lots.

The Plan Commission discussed the wisdom of allowing the variation to allow the extension of Keller Drive without a cul de sac but ultimately came to a consensus that such a variation was warranted as it would allow for better long-range planning.

A **MOTION** was made by Commissioner Stratis and **SECONDED** by Commissioner Petrich to recommend that the Board of Trustees adopt the Findings of Fact and approve a request by Resham Mendi for a preliminary plat of subdivision with a subdivision variation to permit a 60-foot-wide T-type terminus at the north end of the property in lieu of a standard cul de sac.

ROLL CALL VOTE was as follows:

AYES: 5 – Stratis, Petrich, Farrell, Broline, and Trzupek

NAYS: 1 – Irwin

MOTION CARRIED by a vote of 5-1.

VI. PUBLIC COMMENT

There were no additional public comments.

VII. FUTURE SCHEDULED MEETINGS

A. October 21, 2019

- **Z-13-2019: Zoning Ordinance Amendment; Findings of Fact**

Requests consideration of amendments to the Zoning Ordinance regarding parking regulations in Business Districts.

B. November 4, 2019

- **Z-14-2019: 1400 Burr Ridge Parkway (Patel); Rezoning, Special Use, and Findings of Fact**

Requests rezoning from the R-5 Planned Residence District to the O-2 Office and Hotel District and a special use as per Section IX.D.2.h of the Zoning Ordinance to approve a Planned Unit Development in the O-2 Office and Hotel District to accommodate a hotel on the subject property.

- **Z-16-2019: 7500 Hamilton Avenue (Moskal): Rezoning and Findings of Fact**

Requests rezoning of a property from the R-2A Residential District to the T-1 Transitional District.

- **Z-18-2019: Zoning Ordinance Amendment; Findings of Fact**

Consideration of amendments to the Zoning Ordinance regarding the adoption of regulations related to the permitted installation of prairie grasses, natural plantings, and other such vegetation in yards at residential properties.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Stratis to **ADJOURN** the meeting at 10:35p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:35p.m.

Respectfully

Submitted:

Evan Walter, Assistant Village Administrator