

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF NOVEMBER 18, 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 – Hoch, Praxmarer, Broline, Farrell, Petrich, and Trzupek

ABSENT: 2 – Stratis, Irwin

Village Administrator Doug Pollock, Assistant Village Administrator Evan Walter, and Trustee Guy Franzese were also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to approve the minutes of the November 4, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Petrich, Broline, Farrell, and Praxmarer

NAYS: 0 – None

ABSTAIN: 1 – Trzupek

MOTION CARRIED by a vote of 5-0.

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-22-2019: Zoning Ordinance Amendments; Text Amendments and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that the Board of Trustees had directed the Plan Commission to consider amendments to the Zoning Ordinance regarding the prohibition of recreational cannabis businesses in the Village. 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 held a special town hall meeting on October 21 to determine whether the Village should permit or prohibit recreational cannabis businesses in the Village. Using input collected from the Plan Commission, EDC, and Police Department staff, the Board elected to “opt out” by a 6-0 vote, directing the Plan Commission hold a public hearing to consider amendments to the Zoning Ordinance which would prohibit recreational cannabis businesses in the Village.

Mr. Walter said that the Plan Commission must affirm or reject the direction from the Board and recommend that the Zoning Ordinance be amended to prohibit Recreational Businesses in the Village. If the Plan Commission rejected the direction from the Board regarding the prohibition of Recreational Businesses in the Village, the Plan Commission should then request that the Plan Commission hold a separate public hearing be held at a later date which would allow for consideration of permitting certain Recreational Businesses in the Village.

No public comment was given on the petition.

All of the Plan Commissioners expressed support for the Board's direction and stated that recreational cannabis businesses were not appropriate in Burr Ridge.

At 7:06 pm, a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Praxmarer, Broline, Farrell, Petrich, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to recommend that the Board of Trustees amend the Zoning Ordinance to prohibit recreational cannabis businesses in the Village.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Petrich, Farrell, Praxmarer, Broline, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

Z-21-2019: 9500 Madison Street (Mohamed); Variations and Findings of Fact

Chairman Trzupek asked Mr. Walter to review the public hearing request. Mr. Walter said that the petitioner is Mokhtar Mohamed, developer of the subject property located at 9500 Madison Street. The petitioner requested variations from Section IV.I.2 of the Zoning Ordinance to permit a shared driveway to encroach within two feet of four unique side lot lines to accommodate a proposed subdivision in the R-2A Residential District. The petitioner is attempting to subdivide the subject property from a single parcel into five lots; the purpose for the variation is to permit a single shared driveway bisecting the front of the five lots in lieu of one driveway for each of the five lots. Section IV.I.2 of the Zoning Ordinance requires that driveways be setback at least two feet from all lot lines; because the shared driveway is shown to bisect the side lot lines on each of the five lots, the shared driveway is not permitted by right and thus requires variations for each of the instances that it encroaches within two feet of a side lot line, including outright bisection in each case.

No public comment was given.

Chairman Trzupek asked the petitioner what the hardship was which necessitated the need for a variation. Sam Polema, representative of the petition, said that the severe slope would make the

creation of five individual driveways very challenging, and felt that the proposed design was more workable than the standard method.

Commissioner Farrell said that she supported the petition based on safety and terrain issues that are present on the property.

Commissioner Praxmarer said that she felt that a hardship was not demonstrated and did not support the petition as was presented.

Commissioner Broline asked what the shaded areas on either end of the property represented. Mr. Polema said that they represented emergency access for emergency vehicles. Mr. Pollock said that these would need to resemble standard curb cuts and said that the petitioner was really requesting a reduction in curb cuts from five to three based on the presence of these access points.

Commissioner Hoch said that the property was unique and said that she preferred the proposed design to the standard design.

Chairman Trzupsek asked why the drive was defined as a driveway instead of a road. Mr. Walter said that the petitioner had met the standard of the Subdivision Ordinance by providing the access as shown. Mr. Walter said that making the shared driveway into a street would result in said area no longer counting towards the size of the lots and thus making the lots non-compliant.

Chairman Trzupsek said he did not support the proposal as shown based on the lack of a hardship.

Mr. Pollock suggested that the petitioner bring forth several options to Village staff which would allow for either the reduction in number of variations or elimination altogether and the petition be continued to a later date. This recommendation was supported by the Plan Commission.

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to continue the public hearing to December 16, 2019.

ROLL CALL VOTE was as follows:

AYES: 5 – Hoch, Broline, Praxmarer, Farrell, and Trzupsek

NAYS: 0 - None

MOTION CARRIED by a vote of 5-0.

Z-18-2019: Zoning Ordinance Amendments; Text Amendment and Findings of Fact

This petition was continued from November 4, 2019. Chairman Trzupsek asked Mr. Walter to review the public hearing request. The petitioner is Tad Christensen, 8079 Creekwood Drive, requests consideration of amendments to Section IV of the Zoning Ordinance regarding the installation and maintenance of prairie grasses, natural plantings, and other such vegetation in lieu of grass in yards in residential zoning districts. Mr. Walter explained that at this time, there were several ancillary regulations dealing with prairie grasses but nothing that specifically regulated behavior on residential lots.

The petitioner was again not present for the public hearing.

Mr. Walter recommended that if the Plan Commission wished to discuss options for amending the Zoning Ordinance to permit prairie grasses, the petition be cancelled and staff bring forth the discussion during the annual zoning review. The Plan Commission supported this concept.

At 7:48pm, a **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to cancel the public hearing.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Praxmarer, Petrich, Broline, Farrell, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

IV. CORRESPONDENCE

V. OTHER PETITIONS

PC-02-2019: Annual Appointment of Plan Commission Vice Chairperson

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to appoint Commissioner Irwin as Vice Chairperson for a term to expire November 18, 2020.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Broline, Praxmarer, Petrich, Farrell, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

VII. FUTURE SCHEDULED MEETINGS

A. December 2, 2019

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Praxmarer to cancel the December 2, 2019 meeting.

ROLL CALL VOTE was as follows:

AYES: 6 – Hoch, Praxmarer, Broline, Petrich, Farrell, and Trzupek

NAYS: 0 - None

MOTION CARRIED by a vote of 6-0.

B. December 16, 2019

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Broline to **ADJOURN** the meeting at 7:55pm. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 7:55p.m.

**Respectfully
Submitted:**

Evan Walter, Assistant Village Administrator