

**I. CALL TO ORDER:**

The Planning and Zoning Commission meeting was called to order at 7:30 pm by Chairman Susanke.

**II. ROLL CALL:**

Present were Chairman Susanke, Commissioners, Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen. Also in attendance were Community Development Director Cathleen Tymoszenko and Village Planner Gosia Pociecha and eight (8) people in the audience.

**III. PLEDGE OF ALLEGIANCE:**

Chairman Susanke led those in attendance in reciting the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA:**

**MOTION:** Moved by Commissioner Gilmore and seconded by Commissioner Kotleba to approve the agenda. The motion was carried by roll call vote.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

**V. APPROVAL OF MINUTES:**

1. Regular Meeting – July 28, 2014 – To be provided at next month's meeting.

**VI. QUESTIONS FROM THE AUDIENCE:** There were none.

**VII. UNFINISHED BUSINESS:** There were none.

**VIII. NEW BUSINESS:**

**A. Public Hearing Petition 14-09: Text Amendment – Corner Garage Setbacks in R-3 Residential District**

**MOTION:** Commissioner Martin made a motion to open the public hearing and was seconded by Commissioner Magsamen. The motion was carried by unanimous roll call vote.

Chairperson Susanke gave a brief summary of the reason for the Public Hearing for Petition 14-09 Corner Garage Setbacks in R-3 Residential District.

Director Tymoszenko provided the Commission with a brief background regarding the text amendment noting that due to the increased number of zoning variance petitions and per Trustee Tom Price, Planning and Zoning liaison's direction, staff is suggesting a text amendment be

considered to alleviate the need to process a zoning variance for future similar cases. On September 8<sup>th</sup>, the Village Board approved a motion directing staff to hold a public hearing to consider an amendment to the regulations.

Director Tymoszenko provided the Commission with a map of the garages in the R-3 Residential District that have corner lot garages. It was noted that currently any accessory structure located in the R-3 district must be set back at least 50 feet from the front lot line. Staff is recommending a minimum setback from sidewalk to existing structure be 19' to be consistent with the standard parking space size per Zoning Ordinance.

Discussion was held regarding the number of curb cuts a property is allowed.

**MOTION:** Commissioner Kotleba moved to make motion to close the Public Hearing and was seconded by Commissioner Martin. The motion was carried by unanimous roll call vote.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

**MOTION:** Commissioner Gilmore moved to make motion to approve Petition 14-09 Text Amendment - Corner Garage Setbacks in R-3 Residential District based on the Finding of Facts as follows:

1. The 50' front setback requirement for accessory structures renders it impossible to expand or replace a detached garage on the majority of corner properties in the R-3 zoning district without seeking a variation to allow the obstruction in the required front yard. Due to the limited width of corner lots in the R-3 Zoning District, many of the existing motor vehicle storage structures are located within the required 50' accessory structure setback requirement;
2. Historical review of prior petitions has been completed, and over the recent years at least five similar requests have been considered and approved. Allowing detached garages to be located within the required 50' setback on corner lots in the R-3 Zoning District is consistent with past variations granted for this type of situation and would alleviate the need to process a zoning variance;
3. A study of the corner lots in the R-3 Zoning District reveals that majority of the detached garages are set back towards the rear of the property. Also, there are only few instances where the detached garage is set closer to the front lot line than the principal structure or neighboring principal structures. However, to ensure that there is sufficient space for parking in the driveway without obstructing the sidewalk, the detached garages shall be located not closer to the front lot line than the principal structure but no less than 19' away from the sidewalk; and

with the additional language that two (2) curb cuts are not allowed on a zoning lot and if the size and configuration of a corner lot in the R-3 Zoning District renders it possible to meet the 50'

setback requirement for the accessory motor vehicle storage, the 50' rule will still be applicable to such lot and was seconded by Commissioner Magsamen.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

**B. Public Hearing Petition 14-08: 1104 Thatcher Trail – Variation of the maximum fence height**

**MOTION:** Commissioner Martin made a motion to open the public hearing and was seconded by Commissioner Magsamen. The motion was carried by unanimous roll call vote.

Chairperson Susanke gave a brief summary of the background for the Public Hearing for Petition 14-09 1104 Thatcher Trail – Variation of the maximum height. The petitioner applied for a permit to replace an aging wooden fence in June of 2013. The permit was issued with a condition that the fence not to exceed a total of 5 feet in height which is the maximum allowable height for fencing. After the permit was issued, the petitioner and her contractor advised our office that the height of the fence would be 5'3". Our office responded that the fence could not exceed 5' in height. The petitioner advised us that she was under contract for a custom iron wrought fence, that the fence was already manufactured, that only the finial section of the fence would exceed the 5' limit and that she was told by the former building official that the taller fence would be allowed.

Jim DiBella, Attorney 37 Carlisle Road, Hawthorn Woods, IL and Lynn Lietz, homeowner of 1104 Thatcher Trail were present to discuss the variance for the installation of the decorative fence.

Mr. DiBella spoke on the homeowner's behalf and discussed the fence height. He noted that the fence sections do measure five feet, but the fence's finial, which as a decorative piece makes it measure to 5'3". He noted that he did not want to come here this evening to make issue of any misunderstanding of the conversation with someone no longer employed by the Village. Mr. DiBella noted that Ms. Lietz is improving the lot and many neighbors have attended this meeting to show their support and read a letter from the neighbors.

Resident from 1101 Thatcher Trail read a letter of support for the petitioner noted that it was signed by 25 people in 18 different households.

Discussion regarding the finials and the fence was held. Mr. DiBella noted that the fence has already been ordered and specially manufactured for 1104 Thatcher Trail. Additional conversation was held regarding the contract and it was noted that the contract states the fence height to be 5' but additional writing was added that changed it to 5'3".

**MOTION:** Commissioner Martin moved to make motion to close the Public Hearing and was seconded by Commissioner Gilmore. The motion was carried by unanimous roll call vote.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

**MOTION:** Commissioner Kaufman moved to make motion to approve Petition 14-08: 1104 Thatcher Trail – Variation of the maximum fence height based on the Finding of Facts and was seconded by Commissioner Martin. The motion was carried by unanimous roll call vote.

1. The applicant's intent was to replace an aging solid wooden fence, with a more aesthetically pleasing decorative fence. This hardship was created by the owner but she has stated that she received verbal assurance from a former staff member that allowed her to proceed with signing of the contract for manufacturing of the fence at five feet three inches (5'3"). Regardless of the applicant's statement; no one on the staff has the authority to authorize a fence in excess of 5' in height in this zoning district and the only way to obtain special consideration is by way of petitioning for a variation.
2. The granting of the variation is not expected to be substantially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Per applicant's statement, the decorative fence would add to the value of the house and improve the appearance of the neighborhood. Furthermore, the additional 3 inches (3") in height would be visually indistinguishable to onlookers.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

Director Tymoszenko advised the petitioner that final approval is still required by the Board of Directors.

### **C. Public Hearing Petition 14-10: Text Amendment – Medical Cannabis Cultivation and Dispensing Centers definition and placement**

**MOTION:** Commissioner Martin made a motion to open the public hearing and was seconded by Commissioner Slovacek. The motion was carried by unanimous roll call vote.

Director Tymoszenko provided the Commission with a memo providing information regarding the state legislation regarding medical marijuana and the noted that the Village Staff has been studying modifying zoning regulations to address land use regulations and cultivation and dispensing facilities. The Village Board directed staff and the Planning and Zoning Commission to hold a public hearing to define a Cannabis Cultivation Center and a Medical Cannabis Dispensing Center and to determine the appropriate and compatible location for these uses.

Director Tymoszenko noted that they are looking to do a similar text amendment as to what was done for the second hand retail shops.

The recommendation for the cultivation center would be an industrial location but the dispensing center locations are less clear and is looking for guidance from the Commission.

Discussion was held and it was asked if the dispensaries should be treated as any other drug dispensing pharmacy or be more special use. Chairperson Susanke asked that since it is medical marijuana, why can't pharmacies dispense and it was noted that due to federal standards, pharmacists can't dispense.

Commissioner Gilmore noted that they should also think of the future and adjust the ordinance to address recreation use. Director Tymoszenko noted that they can not include that in the ordinance as it is illegal.

Commissioner Magsamen recommended that the dispensaries be away from schools and daycare.

Commissioner Martin inquired if they could recommend the Board to have the Liquor Commission oversee the locations.

It was recommended to make the dispensaries Special Use and use what the state requires and add to the requirements so that it gives the Commission more control over the person holding that permit.

Director Tymoszenko recommend that the Commission take some time to think it over and she will draft the text amendment for further discussion. She noted that she will talk to Counsel about adding parks and religious locations to the list under L1: Special Use.

**MOTION:** Commissioner Martin moved to make motion to close the Public Hearing and was seconded by Commissioner Gilmore. The motion was carried by unanimous roll call vote.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

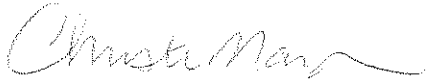
**MOTION:** Commissioner Martin moved to make motion to have Staff to create a draft text amendment and was seconded by Commissioner Gilmore. The motion was carried by unanimous roll call vote.

**AYES:** Gilmore, Kaufman, Martin, Slovacek, Kotleba, and Magsamen

**NAYS:** None

**X. ADJOURNMENT:**

Commissioner Magsamen moved for adjournment, and Commissioner Kotleba seconded the motion. The meeting adjourned at 9:12 p.m.

  
Christin Mangan  
Commission Secretary

