



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

M. Werden called the meeting to order at 7:00 pm.

**Roll Call**

**Present: M. Werden, G. Koziol, B. Bucaro, J. Banno, G. Papa, M. Sarwas and C. Deveaux**

**Absent:**

**Also Present: Roberta Grill, Planning & Development Director and Renée Hanlon, Senior Planner,  
Kristy Stone, Assistant Planner**

**Approval of Minutes**

**A motion was made to approve the minutes of the October 3, 2019 meeting.**

**Motioned by: B. Bucaro**

**Seconded by: G. Koziol**

**Roll Call**

**Ayes: G. Koziol, B. Bucaro, J. Banno, G. Papa, M. Sarwas, C. Deveaux and M. Werden**

**Nays: None**

**Abstain:**

**The motion carried.**



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**(#19-12) 120 Live (120 W. Bartlett Avenue)**

**Variations:**

- a) A reduction in the required number of off-street parking spaces,
- b) A reduction of the required open space, and
- c) An increase in the maximum wall sign square footage allowance

**PUBLIC HEARING**

**The following Exhibits were presented:**

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

**Exhibit C - Notification of Publication**

**R. Hanlon** stated the first petitioners are requesting to renovate an existing building and renovate and establish a restaurant with alcohol service, outdoor dining area and also offer live entertainment. In order to do this they are required to get 3 variations. The first is a reduction in the required number of parking spaces. The second is a reduction of the required open spaces and lastly, an increase in the maximum wall signage square footage allowed. The first variation is parking. They are asking for a 94% reduction in the number of off-street parking spaces required. The zoning ordinance requires 46 off-street parking spaces to accommodate this use. There exists 3 parking spaces on the site right now and they plan to maintain those 3 parking spaces. Due to the large number of public on and off-street parking spaces in the area there should be adequate parking. We included the downtown parking utilization map in your packet, the same one that you saw when More Brew came through and the available parking spaces in the area listed.

The second variation is the reduction in the amount of zoning space. The zoning ordinance currently requires a 15% open space on lots in the downtown area. This property currently does not meet that requirement. This is a little bit more open space on the property that they do plan to improve in order to do the outdoor seating area (outdoor patio).

Lastly, they are asking for an increase in the amount of allowable wall signage. The zoning ordinance allows 1 sq ft of wall signage per 1 linear ft of building width. On the front façade they allowed 22 sq ft of wall signage and they are planning for about 60 sq ft of wall signage. The variation is for the wall signage of the front faced not the rear façade. As you are all aware, the downtown overlay heard recently is making its way through process and will probably be approved by the board at the next meeting. If the downtown overlay were already approved the variation for open space for green space would not be necessary because the overlay does not require that it be set aside. The parking variation would be greatly reduced. The downtown overlay would require for this use only 8 parking spaces and the sign variation would be the same because the downtown overlay does not speak to signage. If you have any questions, I will be happy to answer them. The petitioners are in the audience if you have any questions.

**M. Werden** asked if the signage will be permanent or temporary. **R. Hanlon** stated it is all permanent signage. **J. Banno** questions how does the signage size compare to other businesses in the area?



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**R. Hanlon** we did not do an analysis of that, but I think that it is very compatible to the others in the area. The design as well is in keeping with the downtown area. **R. Grill** stated it appears they are trying to balance the appearance of the signage. **G. Koziol** agrees that larger signage is reasonable request and appropriate. **B. Bucaro** agrees with it being balanced and thinks it looks good. **M. Werden** agrees, highly visible, does not block windows. **C. Deveaux** agrees, looks impressive, and would be beneficial.

**M. Sarwas** question about parking overlay requiring 8 space. Currently they only have 3. **R. Hanlon** correct, they still would be required to get a variation that would be much reduced from the variation they are asking for currently. **R. Hanlon** asks if the 3 spots are in the back of the building. **R. Hanlon** correct, they are on the site plan currently existing. **M. Sarwas** agrees that there is also plenty of public parking available.

**M. Werden** asked if anyone else had any comments or questions.

**M. Werden** opened public hearing. No one came forward.

**M. Werden** asked if there were any further discussions or motions.

**G. Koziol** made a motion to pass along a positive recommendation to the Village Board to approve case (#19-12) 120 Live at 120 W. Bartlett Avenue.

Motioned by: **G. Koziol**

Seconded by: **C. Deveaux**

**M. Werden** closed the Public Hearing portion of the meeting.

**Roll Call**

**Ayes:** G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol, M. Sarwas and C. Deveaux

**Nays:** None

**The motion carried.**

**Mike Kelly** entered the Council Chambers and wished to speak on the 120 Live project.

**M. Werden** asked for a motion to re-open the Public Hearing for 120 Live to allow **Mike Kelly** to speak.

Motioned by: **J. Banno**

Seconded by: **M. Sarwas**

**Roll Call**

**Ayes:** G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol, M. Sarwas, and C. Deveaux

**Nays:** None



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**The motion carried.**

**M. Kelly** For the record, he could not get into the building at 7:02 p.m. Concerned about the outdoor entertainment next door. Concerned about the residential next door and residence that he will be putting on top of his office, residence towards the dentist's office, and behind it. There will be a lot of people affected by the noise and the sounds that will echo. Also would like to put on the record that he saw that the building was shut down at least twice for not having permits, but while it was shut down, they were building on it anyway every day, all day and that did not seem to mean anything. He does not think there has been zoning granted yet, but there has been a lot of work done. **R. Grill** what was discussed tonight was not the special use permit for the noise. Tonight they discussed the variations for the wall signage and the off-street parking, reducing the number of parking spaces and the required open space. The live entertainment is going to be discussed next Thursday at the Plan Commission. **M. Kelly** stated that he is concerned about the parking. He wants these people to be successful, but this is a major problem and when he built his building he was required by the village to build a parking lot in the back and it seems now if you do not have the space that is okay. When he left tonight there was no parking and something has to be done more than just 3 parking spaces in the back. **R. Grill** you are on the record.

**Luz Alvarez** stated that her concern is about the business next door having music outside and she is going to be living upstairs in an apartment that she sometimes stays in in the wintertime, but she is afraid she will not be able to sleep because of all of the noise. That is her main concern. He told her there was going to be karaoke inside and a bar outside. She thinks it will be great to have another business nearby that will bring in more people, but her only concern is about what kind of people will come on the weekends. She is concerned that it will be extremely loud and extremely late. **M. Werden** asks if there are earlier restrictions during the week than there are on the weekend. **R. Hanlon** we will be suggesting to Plan Commission next week that they place a condition on special use for live entertainment that the amplified noise on the outside of the business cease at 11:00 Monday through Saturday and at 10:00 on Sunday. The reason we came up with those is because that is consistent with our amplification ordinance. **M. Werden** informs **L. Alvarez** that this will be discussed next week. **M. Werden** stated you both have brought up valid concerns for people living on that block. Again, voice those next week at the hearing to have some influence and that 11:00 may be a little late during the week. **L. Alvarez** said, yes, she will come next week to the meeting.

**M. Werden** closed the Public Hearing portion of the meeting.

**Roll Call**

**Ayes: G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol, M. Sarwas and C. Deveaux**

**Nayes: None**

**The motion carried.**



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**(#19-15) 211 Gatewood Lane**

**Variation:**

To allow a six (6) foot high fence where a 4-foot high fence is permitted

**PUBLIC HEARING**

**The following Exhibits were presented:**

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

**Exhibit C - Notification of Publication**

Petitioner, **Bozena Strozik** was sworn in by **M. Werden**.

**B. Strozik** of 211 Gatewood Ln is requesting a 6 ft high fence where a 4 ft is currently allowed because they are on a corner lot by a busy street, which is Gerber and they have 2 small kids and a dog. They are requesting the 6 ft high fence 10 ft off the property line for safety and privacy. **M. Werden** stated that he noticed that the current fence is very close to the sidewalk. On the drawing, it appears that there will be a 10 ft setback for the taller fence. **K. Stone** stated that the existing 3 ft fence is up to the property line. They will be pulling the fence back 10 ft from the existing fence that is out there. **M. Werden** concerned about fences that are along the sidewalk where you cannot see what is on the other side. It is a very busy area there and normally this would be quite a stretch for a fence that high, but giving the traffic area, it probably is justified. According to the picture, I think it is going to be a solid fence. **B. Strozik** stated, yes, it is going to be a solid wood fence. **M. Werden** concerned about the maintenance of a wooden fence. **B. Strozik** stated that her husband will be very good at maintaining the fence.

**M. Werden** asked if there were any further questions. **B. Bucaro** commented that considering the committee of whole meeting on Tuesday and the discussion about changing our fence ordinance would fit in with the permanent change. **K. Stone** stated that the Village Board directed staff to look into possible allowing 6 ft fences in corner side yards. We did an analysis of all fence variations that we have had since 1991 and since 2002, the Zoning Board and the Village Board have approved fences as long as they are 10 ft off the property line. We felt the proposed text amendment that you will see next month is to make this a permanent change if someone has their fence set off 10 ft. from their corner side property line they could go up to 6 ft in height. **B. Bucaro** asks if there would be some distinction from major streets and minor streets. **K. Stone** for major arterials, which would be Lake St, County Farm, and Route 59, we would allow people to go up to 6 inches, because we do not want to have an area that is not being maintained. There are only 8 lots in the village that would qualify as having a corner side yard along one of those major arterials. A lot of those already have fences up to the property line. A lot of times, the developer puts those in initially instead of the homeowner having to come in at a later date. **M. Sarwas** agreed that this would be a great security benefit, especially with young children on such a busy street. **K. Stone** we also think this would make for a more uniform look. When you are going down streets, a lot of time people will have a 4 ft fence. They wanted the 6 ft fence. They did not want to go through the variance process, so they have shrubs that are almost overgrown onto the sidewalk. We think if we allow people the 6 ft fence, but have it set back further, it avoids some of those issues as well.



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**M. Werden** opened public hearing.

**M. Werden** asked if the public had any other comments. No one came forward.

**Mike Kelly** arrived to join the meeting and stated that he was unable to enter the building because the doors were locked and wanted to make comments on 120 Live. **M. Werden** informs M. Kelly that the current discussion is about 211 Gatewood Ln, but he will be added to the record once the current public hearing is finished. **R. Grill** advised M. Kelly that there is a public hearing next Thursday, November 14 during the Plan Commission meeting.

**M. Werden** asked if anyone had a motion.

**C. Deveaux** made a motion to pass along a positive recommendation to the Village Board to approve case **(#19-15) 211 Gatewood Lane**.

**Motioned by: C. Deveaux**

**Seconded by: G Papa**

**M. Werden** closed the Public Hearing portion of the meeting.

**Roll Call**

**Ayes: G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol, M. Sarwas and C. Deveaux**

**Nayes:**

**The motion carried.**



**Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019**

---

**(#19-13) Adult-Use Cannabis**

**Text Amendments:**

- a) Definitions: Section 10-2-2
- b) Prohibited Uses: Commercial Districts: Sections 10-6A-6, 10-6B-6, 10-6C-6, 10-6D-6
  - Adult-use cannabis cultivation center,
  - Adult-use cannabis dispensing center,
  - Adult-use cannabis craft grower,
  - Adult-use cannabis infuser organization or infuser,
  - Adult-use cannabis processing organization or processor,
  - Adult-use cannabis transporting organization or transporter
- c) Prohibited Uses: Industrial Districts: Sections 10-7A-6, 10-7C-6
  - Adult-use cannabis craft grower,
  - Adult-use cannabis infuser organization or infuser,
  - Adult-use cannabis processing organization or processor,
  - Adult-use cannabis transporting organization or transporter
- d) Prohibited Uses: Public Land District: Section 10-8A-6
  - Adult-use cannabis cultivation center,
  - Adult-use cannabis dispensing center,
  - Adult-use cannabis craft grower,
  - Adult-use cannabis infuser organization or infuser,
  - Adult-use cannabis processing organization or processor,
  - Adult-use cannabis transporting organization or transporter
- e) Special Uses: Industrial Districts: Sections 10-7A-4 and 10-7C-4
  - Adult-use cannabis cultivation center,
  - Adult-use cannabis dispensing center
- f) Special Uses: Administration and Enforcement: 10-13-8D

**PUBLIC HEARING**

**The following Exhibits were presented:**

**Exhibit A - Mail Affidavit**

**Exhibit B - Notification of Publication**

**R. Hanlon** stated that last summer, Governor Pritzker signed into law House Bill 1438 *Cannabis Regulation and Tax Act*. The purpose of this law is to legalize, beginning January 1, 2020, the legal consumption of cannabis by anyone over the age of 21. This law provides for the expansion of cannabis dispensing, growing, and processing beyond what is currently legal now with medical cannabis. The law recognizes the need for municipalities to regulate the time, place, and manner of these new business enterprises. This summer, we brought the Village Board the idea of addressing the adult use cannabis businesses and how we would address those in the zoning ordinance. The Village Board Committee discussed it and continued their conversation to the fall at the meeting of September 17. The board directed staff to prepare a text amendment that basically treats the adult use cannabis business the same as the zoning ordinance currently that regulates medical dispensaries and cultivation centers. The state law also licenses some additional businesses that are



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

not related to medical and they are allowing for craft growers of cannabis, the transportation of cannabis, infuser operations and processing. The text amendment addresses all of those businesses. We define all of the businesses that the state law addresses. Most of them are prohibited village wide. The only 2 uses that Village Board decided were appropriate were the dispensaries and cultivation operations. The text amendment allows for those businesses by special use and the I-1 and I-2 EDA zoning districts with the same distancing requirements as medical marijuana facilities currently. The text amendment goes further in that it limits the total number of these businesses within the village. There is a limitation of 2 adult use cannabis dispensing locations and 2 adult use cannabis cultivation operations. Further, they are limited to 1 in the Blue Heron Industrial Park and 1 in the Brewster Creek Industrial Park. This text amendment has several sections that need to be amended in order to set forth these regulations.

**R. Hanlon** stated that she would be happy to answer any questions. **J. Banno** asks why are we not allowing craft growers and infusers. If we are going to allow it for dispensing and cultivation, why prohibit the others? **R. Hanlon** states that the Village Board determined that the potential negative effects of regulating those businesses was not necessarily off-set with the tax increases or special taxes that can be levied with the dispensing. **J. Banno** stated we should allow or not allow. **C. Deveaux** asks, is that what we are determining today or is the Village Board determining this. **R. Hanlon** Village Board provided the broad policy direction and in order for that policy to be enacted there has to be an amendment to the zoning ordinance. The zoning ordinance will be the document that regulates the business. The ZBA has the authority to hold the Public Hearing for any text amendments to the zoning ordinance. The Village Board does not see any value in allowing small growers. Hobbyists will not be allowed. Zoning currently allows for medical cultivators and medical dispensaries by special use in the I-1 and I-2 EDA zoning districts with the same distancing requirements that we are proposing here. The map shows the only places (Blue Heron and Brewster Creek) are currently allowed for such uses. You could apply for special use for a medical cultivation center. Those would be the same places where you would be allowed to apply for special use for adult use cannabis. The only difference is there is a further limitation. There will only be 1 maximum dispensary, 1 maximum cultivation operation in Brewster Creek and 1 each in Blue Heron. **B. Bucaro** questions, are there any restriction placed on new businesses coming in i.e. daycare center. **R. Hanlon** we would not require them to shut down if a daycare facility positioned themselves across the street. **R. Grill** there is vacant land in the industrial area and we have had inquires for dispensaries there. **M. Sarwas** stated that she feels dispensaries will be the biggest draw as they are able to sell all of the different products. **G. Koziol** stated that we are allowing it, but we are saying where it can happen and at what numbers it can happen. That is reasonable. **M. Werden** discusses how much control the State is holding for itself and reserving a lot of power for themselves. We have limited control. **R. Hanlon** stated that the State will be doing all of the licensing, requiring, security measures, inventory control, and inspections. The State Law specifically gives municipalities the right to further regulate these businesses and even gave municipalities the right to opt out completely to say that none of the adult use cannabis operations would be allowed in the municipality. **M. Werden** stated that home rule towns like Bartlett would be allowed to raise a special tax, right. **R. Hanlon** stated that yes that is correct. There is an occupation tax on any sales of cannabis in the municipality up to 3%. **B. Bucaro** asks if a company could put in a dispensary for both medical and adult cannabis dispensing. Would that be considered 1 facility or 2 in this ordinance? **R. Hanlon** We do not limit the number of medical dispensaries. It would count as the 1 dispensary for adult use. **B. Bucaro** agrees with G. Koziol that this gives the





Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

Village control over it rather than just opting out, quite stringent control. His first thought was that we have a pretty conservative Board and believed there was no way that the current Village Board was going to allow this in any fashion. He thinks there will be issues if there are dispensing facilities in Streamwood or South Elgin and even we do not have one for our residence they are still going to get it and they are still go to use it, so why not control what is going on at least from dispensing and get some tax revenue and add whatever police enforcement we need. Also, stated that in his opinion this is not going to be a money maker and not bring in tax revenue if it in business park. **M. Werden** Villa Park and Glendale Heights are allowing it all over. **J. Banno** Thinks it is too restrictive and we should either say no or allow it. He asks, who will really go into an industrial area to buy this? These places need to be on major thoroughfare. We should either go in all the way or stay out of it. **G. Deveaux** stated that we need to make a statement up front that these are the places you cannot open a facility and control the number of them or we run the risk of having them everywhere. He stated that he does not think that is what the residence want. That is a way of saying yes, but in a very controlled fashion. **G. Papa** asked if since this is still illegal federally, this will prohibit federally funded grants that Bartlett is receiving right now by passing this. **R. Hanlon** says, she does not think that will be an issue. **C. Deveaux** asks, will this go forward for vote to the Board as is. **R. Grill** says, it can be changed, it is up to this committee. **G. Papa** stated that he thinks the prohibited use language is good. **M. Sarwas** agrees, we should put controls in at least at the onset from public safety perspective. **M. Werden** stated that if these areas become growing areas in some ways it is going to preserve open space as opposed to have having everything build up. **R. Hanlon** stated that all cultivation must be in an enclosed building for security purposes.

**M. Werden** stated that they are looking to us to set the ground work and for the most part, when we make a recommendation for them to overrule it, it takes a supermajority. He asks if there are specifics to add or delete. **J. Banno** stated that he would like remove prohibitions in the 2 allowed areas (I-1 and I-2) and allow all 5 operations in those 2 allowed areas. **R. Hanlon** asks, as special uses similar to the dispensary and the cultivation to allow as special uses. **J. Banno** states that in addition, he would allow the craft growers, transportation and cannabis infusers by special use, sections 10-7A-6, 10-7C-6. A motion was made by J. Banno move the Prohibited Uses in Section 10-7A-6, 10-7C-6 to special uses only to the Industrial Districts I-1 and I-2. **R. Hanlon** stated that are distancing requirements for those prohibited uses including schools and daycare centers. **J. Banno** stated that for the time being, he would them the same. **B. Bucaro** asks, what was the Board's objection to the craft growers and transportation. **R. Hanlon** stated that she thinks they did not discuss that. The policy idea is that this has to be addressed in a conservative way. We can always go back and allow more in the future. The approach is to be as conservative as possible. There are a lot of unknowns with the other types of businesses. **R. Grill** stated that she thinks the Board was looking to mirror what is currently in our code, which is medical dispensaries and medical cultivation. **B. Bucaro** asks, does the state give guidance for craft growers or transportation. **R. Hanlon** stated that all of those businesses have to be licensed with the state and there are a lot of security requirements. The biggest concerns burglary are and illegal sales. **M. Werden** asks, how practical would it be to have a sunset clause where it would come up for review in 2 years. **R. Grill** stated that might difficult even though the law goes into effect January 1, 2020, the Village of Bartlett is not even in the first round because we currently do not have medical. Communities that have those currently are part of the first 55 licenses that get issued. It could be some time before we have the opportunity to open one. Two years might be too short.



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**J. Banno** make a motion to move the prohibited use of cannabis from prohibited uses to special uses so that they are allowed only in the I-1 and I-2 areas restriction the distance to 1,000 feet. **G. Papa** asks if the changes from prohibited to special are consistent with the state statute that will be implemented in January. **R. Grill** stated that this is our local.

**R. Grill** asks if we have a second the motion yet. **G. Koziol** asks for it to be restated carefully. **R. Grill** asks again if there is a second on the motion. **B. Bucaro** states this is getting complex. He would go for as it is written and we have something on the books as of January 1. This does not mean we cannot add once we learn more and once we see what the demands are, do we have business asking about a transportation operation. We can always add if something warrants us doing something rather than jumping in with both feet now. **R. Grill** states that she thinks that motion died and asks if there is a new motion. **G. Papa** makes a new motion to pass item case **(#19-13) Adult Use Cannabis** with the current language. **C. Deveaux** seconds the motion.

**Motioned by: G. Papa**

**Seconded by: C. Deveaux**

**M. Werden** closed the Public Hearing portion of the meeting.

**Roll Call**

**Ayes: G. Papa, B. Bucaro, M. Werden, G. Koziol, M. Sarwas and C. Deveaux**

**Nayes: J. Banno**

**The motion carried.**



Village of Bartlett  
Zoning Board of Appeals Minutes  
November 7, 2019

---

**Old Business/ New Business**

**R. Grill** stated that there will be a meeting next month for fence height text amendment. Also, the holiday party will be on Friday, December 13 at Bartlett Hills. Lastly and sadly, tonight is Diane's last meeting. She is moving to the Police Department. We are sad to see her leave, but we are happy for her.

**B. Bucaro** asked about the status of Buckey's. **R. Grill** informed him that it is not going through. Buckey's has withdrawn their application for that location.

**M. Werden** asked if there was a motion to adjourn.

**Motioned by: M. Sarwas**

**Seconded by: G. Koziol**

**Motion passed by unanimous voice vote.**

**The meeting was adjourned at 8:32 P.M.**