

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS
Minutes of Regular Meeting (*via Zoom*)
Held on Thursday, July 23, 2020

A. CALL TO ORDER

Plan Commission Chairman Davis called the meeting to order at 7:00 p.m. Attorney Lenneman summarized the legal basis for the virtual meeting, and confirmed adherence to the Open Meetings Act Section 7E, which permits public meetings to be held remotely, with mandatory retention of an audio recording of the proceedings. Ch. Davis explained the two opportunities interested parties would have to provide remarks: (i) public comments and questions during the public hearing would be accepted after the applicant's presentation and Commission's questions, and (ii) the Citizens' Comments item of the agenda.

Per Ch. Davis's request, Pl. Domovessova explained the Citizens' Comments portion of the virtual meeting protocol, including how public comment would be accepted via Zoom and call in, which would include:

1. Public comment from anyone at City Hall;
2. Public comment from anyone participating in the meeting via Zoom with camera; and
3. Public comment from anyone participating in the meeting via phone.

Pl. Domovessova explained all meeting participants should stay muted until they are asked to provide their comment, and start their comment by announcing their name and address. Emailed public comments received prior to the meeting would be read aloud following verbal comments. Individual Commissioner comment would follow. Commissioners and staff members wishing to speak were asked to use the raise hand feature on Zoom, and wait for their name to be called. Presentation materials are available on the City's website.

B. ROLL CALL

PC Present: John Davis, Tim Cosgrove, Robert Pepple, John Lockett, Elizabeth Chapman, Shannon Burns, Byron Miller, Jessica Tullier, Amit Thaker

PC Excused/Absent: None

ZBA Present: John Davis, Tim Cosgrove, Robert Pepple, Jonathan Lockett, Elizabeth Chapman, Shannon Burns, Byron Miller

ZBA Excused/Absent: None

Also Present: Mayor David Brummel, Community and Economic Development Director Ron Mentzer, Sr. Civil Engineer Kristine Hocking, Sr. Planner Natalia Domovessova, City Attorney Brooke Lenneman, Consulting Engineer Tom Adomshick, Consulting Engineer Grant Hicks

C. PUBLIC HEARING

1. 4S120 N. IL Route 59, Naperville, IL 60563 / NuMed Partners LLC
Located within the City of Warrenville corporate boundaries, at the northwest corner of Route 59 and Ferry Road
Project No. 2020-0163
Request for approval of Special Use Permit for an Adult Use Cannabis Dispensary in the B-4 Motorist Service District, per Table 3A of the Warrenville Zoning Ordinance No 1018. The petition, if approved, would allow a remodel of the former bank building and operation of a recreational and medical cannabis sale business at the property.

For the benefit of the audience, Ch. Davis provided a brief introduction to the request. Dir. Mentzer confirmed that the applicant electronically submitted proof of lawful notice in the form of signed, certified mail returned receipts to City staff.

COM. PEPPLE MOVED, SECONDED BY COM. COSGROVE, TO OPEN THE PUBLIC HEARING.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Peple, Chapman, Lockett, Miller, Tullier, Thaker, Burns

Nay: None

Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

Dir. Mentzer duly administered an oath, collectively, to all parties that will be speaking tonight.

Jim Hughes of Next Generation Development, L.L.C., who is working with applicant Numed, addressed the Commission, and introduced Robert Fitzsimmons with Numed Partners LLC. Mr. Fitzsimmons announced that the company's dispensary name was recently changed to NuEra, and explained the company's operations, which serve both medical needs, and more increasingly, recreational cannabis use. NuEra currently has three operating dispensaries located in Urbana, East Peoria and near River North in Chicago, and a cultivation center 10 miles west of DeKalb. The cultivation center has a staff of 25, and each retail dispensary employs 10-15 people, totaling 50-70 employees at present. NuEra seeks to open new dispensaries in Chicago, DeKalb, and Warrenville.

Consulting Civil Engineer Bob Gudmundson, with RWG Engineering, directed attention to an aerial view of the site and its surroundings, a Boundary and Topographic Survey, and a Site Plan dated April 13, 2020. The approximately one half-acre site originally was a gas station that was raised in 2003 and replaced with a bank building. The building footprint, just under 5,000 square feet, will not change. A parking lot with 22 stalls exists on the east side of the building. Modifications and construction will occur on the west side of the building, which currently has a canopy and drive-thru lanes that will be removed and replaced with seven parking stalls. Two handicapped stalls are included in the 29 total proposed parking spaces.

NuEra's proposal will increase green space on the site by 1,575 square feet, thus slightly reducing stormwater runoff. The concrete curb with metal fencing on the west side of the site will remain. There will be no changes in the sanitary sewer and water main connections, and stormwater will continue to drain in accordance with the current site drainage system design. The proposal is in compliance with DuPage County's stormwater management requirements.

Building elevations exhibits showing proposed signage locations and façade modifications were displayed. On the west elevation, the existing drive-thru windows will be replaced with brick. The Landscape Plan dated April 20, 2020, will combine the existing vegetation with proposed new plant material.

Traffic Engineer Javier Milan, with KLOA, addressed the Commission. Traffic studies were performed on Tuesday, September 24, 2019, and Saturday, September 21, 2019, in order to determine pre-pandemic flows. Estimated traffic volume to be generated by the proposed dispensary was based on information provided by the operator of two similar facilities in Chicago and Urbana, operating hours, deliveries, peak traffic flows, and various other factors. Although parking exceeds what is required, to further reduce the amount of time customers spend on site, NuEra will (i) encourage customers to pre-order products, (ii) encourage off-peak time visits with off-peak time business discounts, and (iii) provide medical-only hours.

Ch. Davis recalled from the Courtesy Review that appointment-only business was to be conducted from the beginning of operations, until all potential traffic hurdles are worked out. Mr. Fitzsimmons replied that during COVID-19, their business has been entirely conducted by appointment only, except for medical business during certain hours, and they will continue this means of operation indefinitely, as it has been a good business model.

The existing bank floor plan was efficiently designed and will have only minor changes. Entrances and exits will remain the same; existing storage vaults and security areas will be utilized. Steel display cases will be installed. As they enter from the front, customers will be serviced at a security desk where it will take less than three minutes for payment. They will then pick up their product and exit to the south.

Laura Jaramillo Bernal of NuEra further expounded on internal operations using the online, preorder system, which allows NuEra to view, package, and have customer orders ready for pickup, in an average 3-1/2 minute visit time. Pre-established pickup time slots support a more even, controlled customer flow, balancing traffic and high-volume times, and eliminating the need for lines. Customers are texted to remind them of their scheduled pickup time, and letting them know their order is ready. NuEra considers itself unique due to its communication between the business and its customers, which includes a live chat option. Although it is a cash-only business due to federal banking regulations, Mr. Fitzsimmons is confident Congress will allow access to the banking system for tracking purposes, and providers are actively working to use debit cards to speed up the check-out process in the future. Prices include taxes. An ATM would be located inside the dispensary after passing security. Ch. Davis asked about orders not picked up during the designated time slot. Ms. Bernal replied it happens infrequently. Such orders are then cancelled and the product is placed back into inventory. Products are tracked with a bar code from the cultivation center to the point in time when they are sold to a customer. Missing product must be reported to the State; defective product must be destroyed. Products are never left out in the open. Two storage vaults exist on site.

A State-licensed security guard is present during open hours. Extensive interior and exterior cameras are also present. Motion detectors will trigger alarms and are monitored by police. A receptionist checks I.D.'s so as not to distract the security guard. Deliveries occur approximately five times per week and are monitored by a guard. All employees receive security training.

Com. Cosgrove requested clarification of the existence of four stalls near the door for express parking; Ms. Bernal replied in the affirmative, and commented that it is a safe, efficient method and they have received good reviews from customers on it. She surmised all orders will be

handled in this manner in the future. Com. Cosgrove encouraged Commissioners to visit the applicant's website, which is <https://nueracannabis.com/>

Chief Turano spoke of a meeting he had with various representatives of the applicant and expressed no concerns with the applicant's proposed security plan for the facility. He reported that he had consulted with law enforcement colleagues in Addison and Villa Park, who reported no issues with their cannabis dispensaries other than initial long waiting lines they experienced after opening the first of the year. They experienced no loitering in the parking lot or surrounding areas. The only serious criminal activity he was aware of occurred at a Chicago dispensary that was burglarized by an employee of the facility.

Com. Miller complimented the applicant on its comprehensive security plan, and asked for additional clarifications on security operations. Mr. Fitzsimmons stated a trained security guard is always on-site during hours of operation and until the facility is locked and night cameras are activated. Security camera video is monitored 24/7 and stored for three months. It is available to NuEra's security team, the Illinois State police, and the Warrenville Police Dept.

Com. Miller then asked Chief Turano to compare this security plan with that of a bank's. Chief Turano replied it exceeds that of a bank because of the on-site security personnel during hours of operation, appointment-only customer visits, and locked doors. Added to this is the strict monitoring of the product from seed to sale. It is comparable to the security casinos use to manage money operations.

Com. Miller inquired whether the plan includes a trail or sidewalk along Route 59, as he hopes it would be included. Mr. Gudmunson replied a new carriage walk will be installed along the south side of the building to provide a pedestrian connection between the new parking in the rear of the building and the front customer entrance. Otherwise, he is not aware of other new sidewalk requirements along Route 59. Ch. Davis replied staff will review this issue as part of their technical review and address this item, as appropriate, in their formal review and recommendation.

Com. Lockett inquired whether NuEra received its State license in May, per testimony at the Courtesy Review. Mr. Fitzsimmons replied that due to COVID, the approval of State licenses has been delayed—possibly until Labor Day. Com. Lockett then requested clarification of pre-ordering products; Mr. Fitzsimmons replied NuEra will continue this means of operating indefinitely.

Com. Pepple inquired about the alarm system. Ms. Bernal replied the alarm sounds thru the Illinois State police system, which transmits directly to local police. He confirmed that despite State guidelines that allow these types of facilities to open at 6 a.m., the Warrenville facility would operate from 9:00 am. to 9:00 p.m. in compliance with local City of Warrenville ordinance restrictions. He requested confirmation of the contents of the display tables; Ms. Bernal replied they house accessories and/or empty packages. The actual product must be in a secure, restricted area and therefore is not displayed in these display cases. Medical customers sometimes require short consultations at the point of sale, which could be held in office space for privacy purposes. Unlike recreational users, medical customers are not required to purchase via pre-ordering, but may walk in for service. Com. Pepple commented that requiring recreational

users to pre-order online allows employees additional time to service medical users. Ms. Bernal stated express pickup reduces customers in the store to no more than five at one time.

Com. Cosgrove inquired how the applicant would repair the roof. Mr. Hughes replied he is aware of the roof and it would be addressed appropriately.

Com. Cosgrove inquired whether NuEra processes cannabis. Mr. Fitzsimmons replied in the affirmative—at the facility in Hillcrest, with a limited number of products. NuEra will also sell product to other dispensary businesses.

Com. Cosgrove inquired whether NuEra is amenable to having service animals in the building; Mr. Fitzsimmons replied in the affirmative.

Com. Cosgrove inquired whether the business model gets tied into the special use if the business is sold to another cannabis dispensary. Dr. Mentzer replied any recommendation for approval would have conditions under which a new dispensary would be required to comply; otherwise, a new dispensary would have to obtain a new special use permit.

Com. Cosgrove requested clarification of the discrepancy in the Marous & Company submittal regarding parking calculations. Dir. Mentzer responded that according to the Zoning Ordinance, parking calculations exclude storage areas of a building—of which the Marous submittal included in its square foot calculations. Com. Cosgrove also disputed Marous's history of the site pertaining to the reason the Amoco gas station closed, citing site constraints. To the contrary, Com. Cosgrove claimed corporate forced it to close because of the BP/Amoco merger. Commissioner Cosgrove also felt that the bank closure was due to an over saturation of branch banks in the early 2000s.

Ch. Davis inquired as to the manner in which a dispensary salesperson is schooled in all of the varieties of marijuana. Mr. Fitzsimmons replied he is proud of NuEra's medical roots, because in the early days of medical use, bud tenders were trained in the various strains of cannabis; however, recreational cannabis is a different world. Employees are offered a discount for products.

Public comment was as follows:

- From Kenneth Witkowski, Senior Vice President, Calamos Property Holdings LLC (located diagonally across from the subject property):

Calamos has 400,000 square feet of office space, 60,000 square feet of retail, a 144-room hotel, three restaurants, and is building 285-unit luxury multi-family housing development with event space. Along with his real estate practice, he was formerly a Chicago and Villa Park police officer for over 35 years. His concern is for the safety and security of the facility. As mentioned previously by Chief Turano, within the last six months, the Chicago facility on Fullerton was burglarized. In addition, a South Chicago facility was ransacked during the civil unrest in early June. A June 1, 2020, *Chicago Tribune* article claimed that facility was supposed to be impenetrable. Naperville experienced increased crime and property damage at the same time as Chicago, and had riots in early June. People are coming here from out of the area. The concern is that this type of facility would entice the wrong element and will be a potential attractive target of opportunity—especially with the cash basis of the business.

- From Michael Marous, owner of Marous & Company:

After being duly sworn in by Dir. Mentzer, Mr. Marous spoke of his company, which is a full-service valuation firm that performs impact studies and deals in condemnation matters. He noted that the special use application materials did not state that NuEra would operate as by-appointment only (recreational), allow a maximum of five customers inside, and prohibit outside waiting business. The history of the property regarding the gas station is that it is too small to operate a larger gas station with a right-in/right-out access. Based on history in Illinois and Colorado, cannabis is a hot retail use with strong demand. In his professional opinion, the proposed 29-parking spaces would be constrained and would be inadequate—especially with an estimated 10-15 employees, full-service security, waiting lines, and a surge in demand. As a result, he anticipates NuEra encroachments and customer trespassing on the adjacent 4M plaza shopping center property. He believes the commercial business in the 4M Plaza would be negatively impacted by this type of business if it is ultimately approved by the City. He stated the studies the applicant provided in the application submittal only focused on the impacts this type of facility would have on residential property values.

- From Tom Moroukas, business owner of property adjacent to subject site:

After being duly sworn in by Dir. Mentzer, Mr. Moroukas identified himself as the owner of three properties contiguous to the proposed dispensary, namely the 4M Plaza buildings 1 and 2, and the vacant restaurant building to the north on Route 59. He also owns the Warrenville Plaza retail center on Route 59 and numerous small retail and offices in surrounding municipalities. He has worked for 20 years with his a family business that has owned and managed retail centers for over 50 years. He has developed 15 restaurants, a few of which are in Warrenville.

He stated that based on his past communications with past owners and tenants of the corner site, LaSalle Bank/Bank of America left due to lack of deposits because of difficulties in getting in and out of the site. Prior to their departure, tenants of 4M reported that bank customers would regularly use the 4M Plaza parking lot for bank business parking needs. The 2017, BP/Dunkin Donuts proposal requested a cross-access easement between the corner property and the 4M Plaza. When that project did not materialize, a Starbucks' proposal for the corner parcel also requested a similar cross easement with the 4M Plaza due to concerns over parking and ease of ingress/egress. Mr. Moroukas noted that at the January 23, 2020 Plan Commission meeting, Mr. Fitzsimmons acknowledged the ingress/egress issue. Mr. Moroukas is confident that if approved, NuEra cannabis customers would be using 4M Plaza for ease of access to the NuEra facility. He feels it is unreasonable to believe that northbound customers would head west on Ferry Road and then use Eola Road and Butterfield Road to go north on Route 59.

Some of Mr. Moroukas' tenants are family-oriented businesses, such as the Boy Scouts of America, which is 35 feet away from the property line. The Boy Scouts are concerned with loitering and safety. Besides the anticipated loss of parking and unnecessary traffic impacts on the 4M Plaza, he feels the cannabis business will not bring business to his buildings. Instead, he feels it would negatively affect his tenants—and he suspects he will lose some of them if the NuMed application is approved. He posed the question of why he should he take on the burden of losing his businesses for a cannabis business' sake. One tenant has already exercised early cancellation and left his plaza.

He feels a dispensary site should be self-contained. He has owned restaurants who offered online, make-ahead reservations. People do not always abide by scheduled appointments, and it resulted in walk-in patrons lingering. He would like to know more about NuMed's plans to deal with parking needs for impulse dispensary customers.

He stated that in 2019, a national family-type restaurant was interested in the vacant Route 59 restaurant building on his property. However, he had to disclose that a dispensary may be coming to the former bank site. He claimed that this news caused all negotiations with this restaurant to freeze. Although he was planning to make up \$1 million in improvements to his adjacent, vacant, restaurant property, he is now hesitant due to the concerns he expressed. He felt the City should prioritize retention of existing businesses versus accommodating new questionable businesses like a cannabis dispensary.

He inquired whether the cannabis business would lose its license if it were to default on the "by appointment only" in-store customer limitations the application testified would be implemented. He felt the key to a business's success is traffic access. He recognized that the dispensary would be a destination-type retailer but was concerned that its customers will cut through his parking lot. He felt that a cannabis dispensary facility site must have the characteristics of good parking and ease of accessibility for customers who are coming and going, and the property involved in this application is constrained and does not possess these characteristics.

He noted that per Civil Engineer Gudmundson's presentation, stormwater detention will be directed to the north pond—which is on his property. He stated that there is no reason his property should have to take on anyone else's stormwater.

- From Bruce Goldsmith, Attorney, Dykema Gossett PLLC in Lisle:

He indicated this is not a "not in my back yard" issue. He stated there are legitimate concerns about the site. The most noteworthy feature about 4M Plaza is that it has full access to both Route 59 and Ferry Road—neither of which are inherent to the subject site. He believes customers of NuEra would naturally take advantage of and use the full access points to the 4M Plaza to access the proposed dispensary. He felt it is highly questionable that the applicant's traffic engineer could suggest that a vehicle coming from the north and returning to the north would cross three lanes of traffic and make a U-turn at the Route 59 and Ferry Road intersection. He noted that heavy truck traffic often requires a driver to wait in a queue to make a left turn onto Ferry Road, which has a 50 mph speed limit. Westbound traffic would have difficulty, as well. He feels the current access constraints on the subject site would encourage people to make bad traffic moves and it would not be safe.

Mr. Goldsmith then directed attention to a PowerPoint presentation, outlined as follows:

Legitimate Concerns Expressed by Adjacent Property Owner:

- Nature of use at this location
- Skyrocketing market for recreational use
- Inappropriate use next to existing tenants
- Access is horrible
- Parking is solely deficient

- Negative impact on value of 4M Plaza (the Applicant previously represented questionable impacts on residential zoning only—which is highly questionable)

The following are unknown impacts from this proposal:

- Medical dispensaries in Illinois history
- Introduction of recreational cannabis use in January 2020
- Many parking issues are reported
 - North Aurora's initial flood of demand had to use two large off-site parking areas for its facility
 - Gold Coast Chicago proposed site raised serious questions about long queues
 - Naperville is revisiting its parking issue with respect to dispensaries
 - 6 spaces per 1,000 square feet standard--without any comparable data or site-specific analysis, is unreasonable, especially given up to 12 areas of service, security guard, 12-15 employees, and customers

Inappropriateness of Use:

- Businesses serving many children in 4M Plaza
 - Boy Scouts Store (have policy discouraging use of marijuana)
 - Hosts events
 - Boy Scout Champ Camp
 - Merit Badge Camp
 - Midwest Academy for Martial Arts
 - Fox Valley Coin

Site Specific Deficiencies:

- Access aerial shows difficulties in maneuvering
- Right in/right out only
- Convoluted access from other two directions-KLOA acknowledges this (p. 11)
- 4M Plaza has full access on Route 59 and Ferry Road
- NuMed site is 10 minutes away from I-88 and Farnsworth

Parking:

- 29 spaces at maximum
- 8-15 Points of sale
- Security guard
- Deliveries 5 times per week
- Customers coming, going, and shopping
- 4M Spaces next door (only other parking in entire area)
- 4M Rejected cross access on 3 prior occasions (Site owner recorded Declaration of Easement without two-party agreement)

4M Plaza Deferred Reinvestment

- Proposed \$1,000,000 project on restaurant property to the north
- Plans for restaurant and shops

Failure to meet special use factors:

- Need to find favorably on all factors

- NuMed misses the mark on almost all findings of fact (only public services and facilities in place)

Impact on Health and Safety:

- Letters from Boy Scouts/Midwest Academy, and Fox Valley Coins, plus testimony
- Tenant and neighbor concerns
 - Farmers Insurance letter, plus other tenants
 - Monarch Landing letter
 - Calamos letter
 - Cash business challenges

Use and Enjoyment:

- Same reasons as regarding public health and safety
- Destination business – will not generate cross-selling to adjacent commercial business (similar to a casino)
- Not compatible with 4M Plaza, area businesses, or nearby residential

Negative Impact on Value of 4M Plaza:

- Valuation Report
- Deferred investment in 4M Plaza
- NuMed only offered studies on residential values in other states

Normal and Orderly Development:

- Failed location over 20 years
 - Gas station
 - Bank
 - Proposed gas station/Dunkin Donuts
 - Proposed Starbucks

Inadequate Ingress and Egress:

- Site has severe limitations
- Dispensary would be high volume use – 300 customers per day minimum
- Failed uses
- Discouraged prospects

Diminishment in Value to Neighboring Property:

- Valuation - \$175,000 to \$350,000 decrease in value
“The 4M Plaza & Office Center and adjacent free standing restaurant building contains approximately 40,000 square feet of building area. It would appear that the fair market value for this property could exceed \$3,500,000. A combination of compensation for a permanent easement and damages to the 4M Plaza & Office Center as a result of the encroachment of the NuMed Chicago LLC development, could be possibly in the range of 5% to 10% of market value, indicating a total impact to the 4M Plaza & Office Center of \$175,000 to \$350,000.”
- Deferred investment in 4M Plaza (\$1,000,000.00)

NuMed as Operator:

- Social equity applicant for three additional licenses
- 25 other applications
- Site in Aurora
- Successful existing dispensaries do not help assess potential impact on this site
 - East Peoria
 - Urbana
 - Chicago
 - High traffic volume
 - Proximity to interchange

Mr. Goldsmith then exhibited NuMed Dispensary's Table of Ownership and Control.

Mr. Goldsmith asked Mr. Fitzsimmons what his annual revenue forecast is for the proposed facility. He replied that after a slower start, it will ultimately be in the multiple millions of dollars. Mr. Goldsmith inquired as to the anticipated customer volume over time; Mr. Fitzsimmons replied they will start at several dozen per day, and the number will be regulated.

Mr. Fitzsimmons was given an opportunity to respond to some of the concerns raised by those that testified thus far. He reminded the assembly that he was largely responsible for bringing the casino to Aurora in the 1990's and he feels it has a positive effect on the community. In similar ways, a medical cannabis dispensary can have a good effect on the community. His company has not seen deleterious effects result from the switch from medical to recreational cannabis use. He was an Eagle Scout and suggested a lot of folks who have that background are very open to cannabis use. Regarding commercial property values, dispensaries have been good commercial neighbors, in his opinion. He cited a recent study performed by the National Association of Realtors that found commercial property values near dispensaries are either unaffected (67%) or increased in value (7%). Said study will be distributed to the Commission following the meeting. He felt Mr. Goldsmith's presentation consisted of hypotheticals and inaccurate historical references. In attempting to be a good neighbor, his group asked the adjacent property owner for an agreement for overflow parking on their property, but have received a resounding "No" to such request. In his opinion, the most important factor that has the greatest effect on property values is vacant properties. He felt the best users of a site with access restrictions such as the subject site are destination uses. Therefore, a destination use such as a cannabis dispensary is the ideal user for the subject site.

Ms. Bernal clarified the five-person limit of in-store customers currently complies with COVID requirements. This number will vary according to circumstances in the future.

Ch. Davis asked Dir. Mentzer to read aloud the emails submitted to the City, and he did so as follows:

- From Carolyn O'Hearn:

Hi,

I understand that there is a decision pending on a dispensary to be located at the corner of Hwy 59 and Ferry Rd. I live within 2 blocks of there and definitely am against this. We are a small, but very safe neighborhood and would like it to stay that way. We also do not need additional traffic.

Thank you.

- From Calamos Property Holdings LLC:

To Whom It May Concern:

We are writing regarding the hearing scheduled for Thursday, July 23, 2020, at 7:00 p.m. on the petition from NuMed Partners LLC ("Petitioner") for approval of Special Use Permit for an Adult use Cannabis Dispensary in the B-4 Motorist Service District at the above-referenced Property. As you are aware, the petition, if approved, would allow the Petitioner to remodel the former bank building and operate a recreational and medical cannabis sale business at the Property.

Calamos Property Holdings LLC ("Calamos") is the owner of approximately 31 acres of a mixed-use development located across from the Property at the southeast corner of Route 59 and Ferry Road (CityGate Centre). CityGate Centre is home to Class A Office Buildings, medical offices, AAA Four Diamond Hotel Arista and family-friendly restaurants and play-spaces. It is complemented by nearby senior housing and additional family entertainment venues. The Petitioner's proposed redevelopment of the Property is of special interest to Calamos due to its proximity to CityGate Centre and its neighbors.

It is reasonable to believe that the introduction of a Cannabis Dispensary to the area would increase the likelihood of an unwanted criminal element. In the past several months, numerous Cannabis Dispensaries in the Chicago metro area have either been burglarized or ransacked as business at these dispensaries is usually conducted in cash. Even extreme security measures were not sufficient to prevent such crimes. In addition, the close proximity to I-88 and a limited law enforcement presence (as the facility in question rests upon the immediate exterior boundaries of both Warrenville and Naperville) make the location optimal for the activities of motivated criminals looking to make a quick exit from the scene of a crime.

As such, it is our position that a Cannabis Dispensary at the northwest corner of Route 59 and Ferry Road would adversely impact the overall family-friendly and business-welcoming atmosphere of the community by introducing increased crime risk not previously associated with the area. We, therefore, oppose approval of the Special Use Permit for the Petitioner.

Sincerely,

Kenneth S. Witkowski, Sr. Vice President

- From Mark Trnka, Executive Director, Monarch Landing:

Dear Planning Commission,

I am the Executive Director of Monarch Landing and am writing this letter with no intent to argue whether or not marijuana has a legal place in society, nor am I taking a stance of support or opposition of the legality. I am writing this letter as a local business leader and steward of nearly 600 permanent residents' holistic well-being, which includes health and financial, at Monarch Landing.

Monarch Landing is a premier Life Plan Community located on the Northeast corner of Route 59 and Ferry Road, directly across from where NuMed is proposing to open. As the Executive Director, I am speaking on behalf of the community in opposition to the City of Warrenville granting licensing to open a recreational marijuana dispensary in the same neighborhood and directly across the road from Monarch Landing. I ask that each board member question themselves as to whether they would want a marijuana dispensary across the street from their house, or in the same neighborhood as they live.

Approximately 470 older adults that are age 62+ call Monarch Landing their home. There are approximately 100 more residents who live in our long-term care and assisted living facility. Our residents have made a conscious decision to make Monarch Landing their home for the rest of their lives and have put their life savings towards living in a Life Plan Community.

The Independent Living apartments range in price from mid \$200,000's to upper \$700,000's. The sale and value of these homes is dependent on market conditions and neighborhood conditions, just as any other residential real estate area.

Again, I ask each board member to ask themselves, "Would I buy a house across the road from a marijuana dispensary?" "Would I be in favor of my village or city representatives approving a marijuana dispensary across the street from my home?" If your answer is no, then please deny NuMed's request.

*Sincerely,
Mark Trnka, Executive Director, Monarch Landing*

Director Mentzer also recognized that he had received a July 22, 2020, letter from Attorney Bruce Goldsmith which included additional letters and emails 4M Plaza owner Tom Moroukas received from shopping center tenants, all of which were electronically forwarded to the Plan Commission in advance of this hearing, and are available for review at the Community Development Department. Director Mentzer noted that the relatively long letter provided by the Midwest Academy of Martial Arts was addressed to both the shopping center owner and the City but the City has no record of receiving it.

Since this letter was addressed to both shopping center owner Tom Moroukas and the City of Warrenville, Dir. Mentzer summarized key takeaways, namely the business owner is opposed to the recreational cannabis use at the corner because (i) children remain the focus of many of the center's businesses, (ii) the cannabis use will attract criminal activity to the area, and (iii) concerns relating to traffic and parking consistent with that of the 4M Plaza owner and Attorney Goldsmith.

Dir. Mentzer noted that he also received an email communication from Attorney Goldsmith after 5:00 p.m. this evening, which he has not yet opened, but will forward to the Commission subsequent to tonight's meeting.

Attorney Goldsmith requested that all information he submitted electronically to Dir. Mentzer be made a part of the public hearing record for this request. Ch. Davis replied in the affirmative.

Ch. Davis requested clarification regarding the location of the stormwater detention for the subject site. Attorney Goldsmith responded it is located north of the subject property, on the 4M Plaza site. City Sr. Civil Engineer Hocking replied that when the free-standing restaurant facility to the north was constructed in 1988, two detention ponds were constructed on the properties owned by Mr. Moroukas site, as well as detention provided in Route 59 drainage swales. The drainage areas from the former gas station and property to the west drains toward these ponds. A memo from the City Engineer at the time these ponds were constructed confirmed these ponds were sized correctly to accept the flow from the gas station. The storm sewers on the subject property do not directly connect into the pond area on the 4M Plaza site. The storm sewers drain toward Route 59 drainage swales. They are designed to contain a 10-year storm event. The only time stormwater would drain to the north is if the volume of stormwater exceeds that of a 10-year storm. This is a typical design. The subject site naturally drains toward the 4M Plaza property. When 4M Plaza was developed, it was that owner's responsibility to deal with offsite stormwater drainage coming their way. Under the current DuPage County Stormwater Ordinance, there must be a net new impervious surface of 25,000 square feet to trigger new detention on the subject site. Since there will be less impervious area, no detention will be required for the NuMed site.

COM. COSGROVE MOVED, SECONDED BY COM. PEPPLER, TO CONTINUE THE PUBLIC HEARING UNTIL AUGUST 20, 2020.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns
Nay: None
Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

D. CITIZENS' COMMENTS

No additional comments at this time.

E. NEW BUSINESS

1. City of Warrenville Zoning Ordinance Text Amendments
Consideration of certain future amendments to the text of Warrenville Zoning Ordinance #1018.

Dir. Mentzer summarized tonight's intention that Commissioners review the list of the potential amendments to the Zoning Ordinance, confirm those that should be considered (add new as deemed necessary), and prioritize the amendments based on their importance to the community at this point in time. A formal public hearing for the amendments will be initiated upon authorization by the City Council.

Upon Ch. Davis' urging for input on proposed amendments, Com. Miller stated he places a high priority on revisiting the City's residential lot coverage regulations. He would also like to encourage permeable pavement by providing an incentive in bonus lot coverage if it is installed.

Ch. Davis prioritized parking requirements. He also felt lot coverage should be revisited, as people build bigger houses with lots of accessory structures.

Com. Lockett felt residential lot coverage should be revisited because people are staying home more often, and have the opportunity to do projects they were not able to do before, such as pergolas and pools. The City should keep current with the times. Such improvements increase home values and ultimately improve the City. He would also like to see the City provide a credit for the use of permeable pavement.

Com. Cosgrove provided various clean-up items, namely that sidewalks do not count toward lot coverage, and should be added to Table 4A, Footnote H. He also felt Footnote J should refer to 40,000 square feet to be consistent with the rest of the Zoning Ordinance. Lastly, page 4.5, Footnote O should be deleted because it was only added for one particular house. Also, pools should perhaps be added to the list of items that do not count against lot coverage. There is a difference between built-in pools and above-ground pools with large decks around it—which affects lot coverage from a structural standpoint. The visual aspect should be taken into account—both for the owner and the neighboring properties.

Dir. Mentzer committed that Community Development staff will prepare and distribute a survey document that will allow Commissioners to provide individual feedback on the priority of the different Zoning Ordinance text amendments that the City should work on, in going forward. The results of the survey feedback received from the Commissioners will be summarized and presented at a future PC meeting.

Pl. Domovessova commented that lot coverage is increasingly an issue as people are often unaware that the homes they purchase are maxed out and therefore they cannot install pools or patios.

F. OLD BUSINESS

1. 28301 Ferry Road / John C. Schiess

Located along north side of Ferry Road and immediately east of West Branch of the DuPage River

Project No. 2020-0349

Plan Commission review and authorization for Chairman and Secretary to execute PC Resolution 2020-001, to memorialize prior approval of a Minor PUD Amendment for modified site entrance configuration and relocated permeable pavement for the Riverview West development.

COM. PEPPLER MOVED, SECONDED BY COM. BURNS, TO AUTHORIZE THE CHAIRMAN AND SECRETARY TO EXECUTE RESOLUTION 2020-001.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Miller, Tullier, Thaker, Burns

Nay: None

Recused: Lockett

Absent/Excused: None

MOTION ADOPTED.

G. APPROVAL OF MINUTES

1. Regular Meeting of July 9, 2020

COM. LOCKETT MOVED, SECONDED BY COM. BURNS, TO APPROVE THE JULY 9, 2020, MINUTES, WITH THE FOLLOWING CHANGES:

- Page 6, Paragraph 3 – Delete “crossing over the” and insert “using the commercial centers’.”
- Page 6, Paragraph 3 – Delete “site” and insert “apartments.”
- Page 6, Paragraph 4, Line 3 – Delete “Com. Cosgrove suggested” and insert “Responding to a question, Com. Cosgrove noted there are.”
- Page 9, Paragraph 3, Line 2 – Insert “except Com. Miller” after “project.”

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns

Nay: None

Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

H. CHAIRMAN’S REPORT

No report.

I. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR’S REPORT

No report.

J. SENIOR PLANNER’S REPORT

Pl. Domovessova reported no items as of today for the August 6, 2020, meeting. There may be additional items on the August 20, 2020, agenda besides the continuation of the NuEra public hearing.

K. MAYOR’S REPORT

No report.

L. ADJOURN

COM. COSGROVE MOVED, SECONDED BY COM. BURNS, TO ADJOURN THE MEETING AT 10:01 P.M.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Chapman, Lockett, Miller, Tullier, Thaker, Burns

Nay: None

Absent/Excused: None

MOTION ADOPTED UNANIMOUSLY.

Approved: _____

Marie Lupo, Recording Secretary