

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS

Draft Minutes of Regular Meeting
Held on Thursday, October 10, 2019
At the Warrenville City Hall
28W701 Stafford Place

A. CALL TO ORDER

Plan Commission Chairman Davis called the meeting to order at 7:00 p.m.

B. ROLL CALL

PC Present: John Davis, Tim Cosgrove, John Lockett, Robert Pepple, Shannon Burns, Jessica Tullier, Al Thompson, Byron Miller

PC Excused/Absent: Elizabeth Chapman

ZBA Present: John Davis, Tim Cosgrove, John Lockett, Robert Pepple, Al Thompson, Shannon Burns

ZBA Excused/Absent: Elizabeth Chapman

Also Present: Mayor David Brummel, Community and Economic Development Director Ron Mentzer, City Attorney Brooke Lenneman, Recording Secretary Marie Lupo

C. PUBLIC HEARING

1. City of Warrenville Zoning Ordinance Text Amendment

Consideration of possible amendments to the text of Warrenville Zoning Ordinance #1018, regarding the classification and regulation of cannabis business establishments in the City of Warrenville.

For the benefit of the audience, Ch. Davis provided a brief introduction to the text amendment and explained the public hearing process that would ensue. Ch. Davis assured the assembly that the general public would have an opportunity to ask questions and provide comments, following questions from the Plan Commission.

COM. COSGROVE MOVED, SECONDED BY COM. LOCKETT, TO OPEN THE CONTINUED PUBLIC HEARING. MOTION ADOPTED VIA VOICE VOTE.

Dir. Mentzer provided a brief overview of new information incorporated into the staff report by directing attention to a PowerPoint presentation that set forth the proposed scope of Plan Commission recommendations:

1. Opt out or permit recreational cannabis businesses; and
2. Determine scope of City zoning regulations for recreational cannabis businesses *if* they are ultimately permitted by the City Council.

Staff prepared the key components (framework) of potential zoning regulations to be narrowly focused, in a highly controlled manner, as follows:

1. Dispensary use only (no onsite consumption or loitering)
2. One (1) dispensary limit

3. Location Restrictions:

- Zoning – Business and Industrial districts, as a Special Use
- Along arterial streets
- Special separation requirements from sensitive uses
- 500-foot setback from religious institutions, libraries, public recreational facilities, and parks
- 1000-foot setback from day care facilities and schools

He directed attention to the following maps:

- Sensitive Uses and Commercial Properties Map
- 1,000-foot Buffer Zone Map
- 500-foot Buffer Zone Map
- Combined 1,000-foot and 500-foot Buffer Zones Map

Dir. Mentzer responded to a question posed at the last meeting's public hearing, i.e., due to the fact that recreational marijuana is not legal in Illinois, it is impossible to predict the revenue that would be derived from cannabis dispensaries. He reminded the assembly that if approved as a Special Use, cannabis dispensary applicants would be required to participate in a formal public hearing before this body, and the Plan Commission's recommendation would then be forwarded to the City Council for final vote, on a case-by-case basis.

In response to Ch. Davis' question regarding federal interference with local ordinances, City Attorney Lenneman replied that although the government does not like to make contradictory laws, changes in administrations and policy are unpredictable.

Upon request, Dir. Mentzer recited Warrenville's arterial streets to include Route 56, Butterfield Road, Batavia Road east of Route 59, Ferry Road, Diehl Road, Winfield Road, Route 59, and Warrenville Road east of Batavia Road.

Ch. Cosgrove inquired as to why the buffer zone is applied to day care facilities. In his opinion, such buffer zone is unfair to commercial business owners. Dir. Mentzer replied that staff evaluated other communities' approaches in identifying sensitive uses and their buffer zones, strictly as a starting point. Although the proposed framework commences with narrow restrictions, they could be relaxed, if necessary, and defined in a Warrenville-specific desired framework. All buffers would affect pre-existing uses only.

Audience Questions and Comments:

- James Marshall, Candlewood Lane – He expressed curiosity as to why there are different rules for different vices. Two dispensaries currently exist near Warrenville. As a combat veteran, cannabis has changed his life for the better. Society has stigmatized cannabis in a similar manner as alcohol and tobacco. There are many empty buildings in Warrenville that could accommodate dispensaries. The City should welcome new businesses. Shelby County adopted a business model whereby all revenue generated from cannabis sales is applied to mental health and veteran services. Additionally, passage of the SAFE Act would mean safe cannabis banking for all.

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- Tom Smillie, Sunset Drive – Does not understand why the City is considering heavy industrial zoning for something that is recreational in nature. Cannabis dispensaries should be located in a zoning district that has recreational activities. He does not consider a frontage road as an arterial. He does not want a cannabis dispensary in his backyard. He fought to restrict his street to one-way traffic, without cut-throughs and does not want his neighborhood used as a thoroughfare. A dispensary would result in additional traffic from other towns. The City's financial stability would be at the expense of a vice for residents. The State adopted this practice as a way to solve its dire financial problems resulting from unfunded pension plans. Our City is financially balanced and does not desperately need a revenue influx. If an area is zoned for industrial and manufacturing uses, it should allow only those uses. Moreover, the proposed area fronts the CN railroad line and is dark and wooded. What is to stop someone from purchasing marijuana at a nearby dispensary and smoking it there? He suggested locating a dispensary in Cantera's heavily lit parking lot for the theater and restaurants, as it is a recreational use.
 - George Wundsan, Amber Lane – Asked the percentage of Illinois residents that require medical cannabis. He and his family are 100% against this initiative. West Chicago is twice the size of Warrenville, and they project \$400,000-\$600,000 in revenue from sales. Warrenville will, at most, garner \$200,000 from this exercise. It is not worth bringing another vice into our City. High school students are dying of heroin overdoses. Marijuana is a gateway to other drugs. Our idiot Governor has signed on to this initiative because the Democrats have totally ruined this State and are desperate for money. Let's be different; let's stay different. This is a beautiful town.
 - Trish Joseph, Wembly Drive – As a 40-year resident, she has watched Warrenville deteriorate through the years. She sees numerous empty businesses. There is a need for businesses in this City. We do not need to be building hundreds of townhomes and apartments. Marijuana dispensaries would be to our benefit. She suggested situating a dispensary in the bank building on the corner of Route 59 and Ferry Road that has been empty for a long, long time.
 - John Pratscher, Oxford Drive – Expressed thanks to James Marshall for his service. As a 42-year resident, and banking industry retiree, he is grateful Warrenville is in good financial shape. So why are we doing this? It is about the money. The banks were leery about opening an account for cannabis sales because it would be considered money laundering. Warrenville is comprised of residential neighborhoods. He is supportive of people using cannabis for medical reasons—but not recreational purposes. He is afraid this will add to deterioration, as it is a vice.
 - Judith Smith, Redwood Court – Stands against recreational marijuana for all the reasons stated. Appreciates the veteran present tonight. She has worked with families with drug problems for 18 years. If one has children, or grandchildren, locating a dispensary in Warrenville will make the drug more convenient. The jury is still out on where this is leading. This is a great town; how will this benefit us? Financially? How about morally?

Abe Lincoln once said, “Without a vision, the people perish.” Please consider what could happen to us as a result. Cigarette and alcohol use are diminishing among 12 to 21-year olds, whereas more in that age group are using marijuana. When a person begins using marijuana at a young age, they typically become regular users. Warrenville is fiscally responsible. What will this bring us?

- Kevin LaForge, Williams Road – He has never used marijuana in his lifetime, but stands in favor of opting in. Although he does not believe it will bring a financial windfall to the City, he does believe we need to expand our liberties and take advantage of this opportunity for liberty, so long as people do no harm to others. Opting in would provide an enterprising person an opportunity to start their own business, despite the heavy tax burden that Springfield has laid upon them, and still possibly turn a profit while competing with the existing black market. The City should not lay additional restrictions on said entrepreneur.
- Ed Lowrie, Forestview Drive – Has lived in this beautiful town for 30 years. We cannot keep marijuana out of Warrenville, as even if we opt out, people will be driving through to buy it from other neighboring communities that opt in. Therefore, we may as well participate in the financial revenue stream. This will provide the funds to hire the additional police and firefighters a dispensary would require, and a better youth center can also be built.
- Rob Kornal, Glenhurst Court – Marijuana users are unfairly characterized as psychotic, alcoholic zombies who hide in forests behind schools, and go crazy with their friends. God created cannabis too! Why not bring it to this town so that we can have more money.
- William Pugh, Hurlingham – As a 19-year resident, he does not think it is a good idea to bring such business to town, even if it is legal in Illinois. Liquor stores are also legal. Everyone knows you are not supposed to drink and drive—yet he often sees empty 12-pack cartons left on median strips at intersections. It goes with the territory of irresponsible people. God created poison ivy too—but he does not recommend you rub that on your body. Does Warrenville want to sell its soul for the 3% tax that the City would be gaining from dispensaries? Casinos are legal, as well, for places that have licenses. However, he has not seen a town with a casino that has not seen a great increase in the need for police coverage due to the deteriorating factors associated with vice businesses. When considering opting in, please consider the added police costs, as well.
- Robert Tyler, River Oaks Drive – Recommends opting out. There is not sufficient evidence about long-term use of this drug. It is unknown. It is a social experiment. It is my hope we do not find ourselves in the same state as that of alcohol, where we find that we are promoting alcoholism through its sale. It is his fear that by accepting long-term use of marijuana before we have had more time in ascertaining its effects, that we have essentially promoted brain damage. City Council should not put its stamp of approval on marijuana sales other than what would be a doctor’s recommendation for medical use. He lives fairly close to a shopping center that has been identified as a potential site for sales.

There are a lot of children in the area, and the Batavia Road/Route 59 intersection is very busy. He does not want people that like to use mind-altering drugs driving to this high-traffic intersection. As to sensitive areas, we should expand the list to include grocery stores that have mothers and children shopping daily for household goods. We cannot affect what the State of Illinois does, but we can have an effect on what Warrenville does. Warrenville should be very careful in its thought process, as this is a scary thing.

- Valerie Hargrave, Candlewood Lane – As a 25-year resident, she wanted to remind everyone that medical cannabis facilities were approved in this town, and she does not understand why it is a huge stretch to go from medical to recreational use. People’s fear is reminiscent of the 1930’s propaganda of refer madness. In response to crime fears, Illinois has strict regulations with regard to lighting and security. Washington reported that cannabis arrests are down 15% since 2012. Drug-only driving, including pot and other drugs, has been reduced by one-third. Drivers involved in fatalities that tested for drugs or alcohol stayed at an even level. People who have smoked marijuana are driving through this community all the time; it is happening whether it will be approved here or not. Colorado public health experts agree that youth abuse of pot can be associated to lower graduation rates and increased susceptibility for addiction and mental health issues, but evidence that legalizing pot changes the patterns or increases them is lacking. She was in favor of opting in.
- Keith Swinden, Timber Drive – Was in favor of opting in. Back in the 1960’s, the City Council and City essentially sat on their hands while Aurora and Naperville played Hungry Hippo and took all of our land, thereby making Warrenville landlocked. He would like to see Warrenville be proactive for a change, instead of thinking 20 years from now that we should have been on the forefront of this issue.
- Dale Williams, Briggs Avenue – Expressed appreciation for the information and buffer zone maps provided by staff, and also encouraging a ban on production facilities, as property prices around production facilities have been proven to be adversely affected. He expressed that there has been insufficient data, at this point, to opt in. Contrary to a Commissioner’s comment at the last meeting that ‘convenience’ would be important, he does not think Warrenville needs to make this drug convenient. Tobacco is regulated heavily for a reason—for the general welfare of the community. At the last meeting, the audience heard that the best location for a dispensary would be in the industrial park. However, that happens to be where he lives. This is unfair. As harmless as some people say marijuana use is, why then don’t we put it in the center of town? The answer: It appears this is not a harmless substance. The argument that a majority of speakers were opposed at the last meeting, but those who were in favor may not have attended the meeting does not hold weight, because the nature of a public meeting is that those who show up are the ones who get heard. As Pastor of Emmanuel Baptist Church, contrary to tonight’s comments that this business would not impact the church in any way, I can attest to having even the business park impact our church. Several times per week, business park employees have their lunch in Emmanuel Baptist’s parking lot. After the sun sets, more nefarious activities take place in our darkened parking lot (due to Zoning Ordinance requirements) that police are then called to investigate. Vehicles and trucks

find it easier to cut through our neighborhood than take the main arterials. In conclusion, it is better to take a cautious approach to begin and weigh the impacts, as it is easier to loosen up regulations than to go the opposite way, once the door has already been opened. He respectfully asked that the City opt out of recreational marijuana sales.

- Robin Hackenbruch, Winchester Circle East – Contrary to someone’s comment that Warrentville does not have a drug problem, a heroin problem definitely exists here. In Kentucky, people are paid *not* to plant tobacco in their fields, because they know it is bad for you. Ingredients are not listed on marijuana products. Unlike cigarettes, this product does not have a label saying it is dangerous for you, and that pregnant women and others should not be using it. This drug has not been studied the way it should be studied prior to recreational use legalization. What are the benefits of this drug’s recreational use? Currently, she can smell cigarette smoking in her multi-tenant housing unit; she does not wish to smell pot in the future—which will be the end result in close-quarter townhomes, apartments and hotels. We do not know the consequences of going down this path. Additionally, she has a fear of armed robberies in dealing with large amounts of cash being brought into dispensaries.
- Bethany Rogers, Twin Pines Drive – Warrentville is a unique community that has an opportunity to show progress. Prior to 1937, Americans were using this drug all the time in tinctures and medicines. It has a variety of benefits that have been utilized for thousands of years—and not a lot of negative impacts. She is a mother of children aged 10 and 13 years. Supposedly Naperville opted out because they have strong family values. However, on any Saturday night, its downtown has drunk people everywhere. She does not want to set an example for her children of drinking, when we cannot nail down the negative impacts of marijuana--as there are none. When her children come of age, she prefers that they use marijuana rather than alcohol. She has never been black-out high—but she has indeed been black-out drunk. Marijuana products *do* have labels that tell you exactly what is in them. They show in giant letters, “Products contain THC. Do not operate a vehicle, as it may affect motor skills; keep away from children.” No one is saying marijuana is 100% safe or harmless—but not many substances are. This should be viewed as a business opportunity for a smaller community. It is a unique opportunity. Warrentville should show progress. It is not a gateway drug; legalization has resulted in an exponential decline in the use of harder drugs. Heroin and marijuana are not the same thing. She would prefer that it becomes more of a social norm than going for a glass of wine after work, or to a happy hour. She asked that everyone educate themselves. She asked that other educated people would not be denied the opportunity to purchase marijuana here in Warrentville, as it would make them feel more “at home.”
- Kay Halpin, Grove Lane – Felt Warrentville should opt in.
- Philip Ebbeson, Timber Drive – Because of cannabis being federally illegal, it is classified as a Schedule 1 narcotic. Due to this classification, it is difficult for any scientific community to obtain cannabis to perform studies. This is the reason for the lack of long-term studies on this substance. Based on the fact that we should support more

information, we should also support marijuana legalization--to make more educated decisions on its effect on society. He supports opting in.

- Patrick Niesen, Heather Court – Has visited several dispensaries out west. All have bouncers that ID people; you must be 21 and over, and none are open to the public. Everything is labeled in a similar manner to that of cigarettes, including warnings about operating heavy machinery and driving. There is no difference between use of alcohol and cannabis, as they are both vices. He has lost a father and girlfriend to alcohol. It is how you are brought up and how your parents have educated you. In the entire history of marijuana, there has been zero overdoses and zero deaths due to its use.
- Kate Oliver, Estes Street – Agreed with the first speaker opposed to opting in, who had the best arguments against marijuana she has ever heard, and any recommendation should include his input. She grew up on the south side of Chicago as one of five children, two of whom heavily used marijuana and never graduated from high school; two of whom tried marijuana and did not get off to the best start in life; and one of whom never tried it—and was the first in the family to graduate from college. She is that person. And she is the only member of such family that got out of the south side of Chicago and did something with her life. She has watched her siblings struggle because of the choices they have made, and continue to make. The less we enable, the less we open up the possibility of negatively affecting the future of our children, one of which is her one-year old son growing up in Warrenville. This decision needs to be unbiased. If Commissioners do not wish to have a dispensary close to their homes, she asked that they do not promote placing one next to her home. The opinions expressed that it needs to be west of Route 59 were not unbiased. She asked that the Commission keep in mind *all* of Warrenville when making its decision.
- Charles Scouten, Forestview Drive – Wondered if anyone had done a study of impacts on crime and traffic accidents--particularly in the area surrounding the introduction of a recreational cannabis dispensary. Com. Miller cited a Colorado Division of Criminal Justice Report on impacts of marijuana legalization (in Colorado). He asked for a copy.

City Attorney Lenneman clarified that the 3% tax garnered from cannabis sales would be in addition to the City's sales tax.

Pursuant to the State's Compassionate Care Act, which mandated that every municipality make accommodations for medical facilities, Dir. Mentzer stated the City's Zoning Ordinance allows medical distribution dispensaries as a Permitted Use in the industrial zoning classification and a Special Use in commercial (B-2 and B-4) zoning classifications. Although one facility applied to locate in Warrenville, it was not successful in obtaining a license. Attorney Lenneman added that all new recreational licenses must also sell medical marijuana, and it is anticipated that no new dispensary would exist solely for medical sales, for obvious business purposes. Com. Pepple and Ch. Davis pointed out that the tax for sales of medical marijuana is far lower—by 40%.

COM. MILLER MOVED, SECONDED BY COM. PEPPLE, TO CLOSE THE PUBLIC COMMENT PERIOD OF THE PUBLIC HEARING. MOTION ADOPTED VIA VOICE VOTE.

Ch. Davis expressed he was remiss in reading a letter from a resident into the record.

COM. PEPPLE MOVED, SECONDED BY COM. LOCKETT, TO ENTER SAID LETTER INTO THE RECORD OF THIS PUBLIC HEARING. MOTION ADOPTED VIA VOICE VOTE.

- Linda Standinger – She is opposed to cannabis distribution in Warrenville because it is not consistent with current public safety ordinances or with the ongoing opioid addition crisis in DuPage County. In restaurants and public buildings around DuPage County, smoking tobacco has been prohibited. The dangers of second hand smoke are clear. A ban on tobacco smoking in public places protects non-smokers from exposure to a product that they have chosen to avoid. However, legal distribution of cannabis for recreational use will almost certainly increase exposure to airborne cannabis in public venues for many who choose not to use cannabis, including children. The effects of long-term exposure to second-hand cannabis smoke and the effects on children of early exposure to second-hand cannabis smoke can at least be concluded to be similar to the harmful effects of tobacco smoke.

For many years, driving under the influence of alcohol or illegal drugs has been a major factor in serious traffic accidents, many of which result in fatalities. It is known that driving under the influence of cannabis also contributes significantly to traffic accidents. Warrenville's police and fire departments are already busy patrolling our streets and highways to detect impaired drivers and responding to accidents within the city limits of Warrenville. If recreational cannabis consumption increases, we can expect that traffic accidents related to cannabis use will also increase, more first-responder resources will be needed, and more precious lives will likely be lost. As of yet, our traffic officers do not have a reliable method to detect cannabis consumption in people who are stopped for traffic violations or involved in traffic accidents. This makes their already difficult jobs even more complicated. Developing a detection method and training officers to use it will consume even more of our valuable personnel and financial resources.

According to recent news reports, deaths related to opioid overdoses doubled in DuPage County from 2015 to 2018. Although supporters of recreational cannabis use might downplay the connection between cannabis use and opioid use, cannabis is often called a gateway drug, or a substance that leads to the use of stronger, more addictive, and illegal recreational drugs. Since the stated goal of DuPage County law enforcement officials is to decrease the number of cases of opioid addiction, it makes sense for the City of Warrenville to support DuPage County in this initiative, and, therefore, to avoid distributing gateway drugs like cannabis.

Warrenville is one of very few cities that has a balanced budget. She and her husband have raised our three children here, and they have loved being a part of this community.

Distribution of recreational cannabis in Warrenville is not good for children, young adults, or the public safety budget of our community. She asked that Warrenville is protected as a family-friendly, safe, and financially responsible City. She respectfully asked not to approve the distribution of recreational cannabis in Warrenville.

Commission sentiment was as follows:

- Com. Miller – Although neither he, nor his sons, has deliberately taken marijuana, having attended MIT in the late 1960's thru early 1970's, he has likely inhaled it—especially walking through the School of Engineering, which alumni have been awarded numerous Nobel Prizes. There is no doubt that in weighing marijuana against alcohol, marijuana has less deleterious effects. He has consulted with a pharmaceutical company in the 1990's who wanted to study THC and its medical impacts, and it could not obtain permission from the federal government to do so. In his consulting work, high net margins allow for increased advertising to encourage more people to purchase a product. The drug industry has high gross margins. He was hopeful that the State's control of this product provided minimal gross margins, thus discouraging commercial use of drugs. If the State were to remove the legal prohibitions of the worst drugs, but through government offer drugs at low prices, this would take the profit out of it, and we would see quite a drop in drug use. However, Illinois' 45% tax, plus a municipality's 3% tax, would not lower the overall gross market over that which could be obtained by dealers. Nonetheless, because he would like to see gross margins reduced, he supports opting in.
- Com. Tullier – She supports opting in.
- Com. Burns – Some of the public commented related to the severity of substance abuse problems and I agree. Addiction is an illness that impacts the entire family as well as society as a whole. But the issue of addiction is the same now as it was 40 years ago. For those of you who are concerned about substance abuse, there are many things you can do to help: Volunteer, get a counseling certificate from College of DuPage, become involved in a 12-step program of your own....there are many options. But we are here tonight to consider an ordinance that would allow a legal retail operation of a legalized substance. Warrenville's vote on this issue will have no impact on the degree of substance abuse in this State. Further, Warrenville is a fiscally sound community, without bonded debt, because we make good use of opportunity. I don't believe we should walk away from this chance to make money on a legal business. Finally, as one citizen mentioned in public comment, America was founded on principles of tolerance and personal freedoms. Illinois law has addressed consequences for underage and public use of marijuana and unlawful use can be addressed by law enforcement. I have great faith in the ability of Warrenville staff to draft sensible recommendations for special use and zoning. For these reasons I would vote to opt in.
- Com. Lockett – He agreed with Mr. LaForge on civil liberties. We should have faith in people to make their own decisions and live with the consequences. This City prides itself on diversity, and thinking outside the box. We have not necessarily conformed to the norm and what it should be. Users will be coming through our town anyway, and

Warrenville will have to use its resources to deal with them, such as ambulance and police services. Opting in would provide some revenue to supplement such service costs. Just because a community opts in for marijuana, it does not necessarily define such community. Drugs are everywhere. Warrenville has an opportunity to be different and make a smart choice. We should opt in.

- Com. Pepple – He has always prided Warrenville as being different than Naperville and Wheaton, where we do not care about keeping up with the Jones'. As long as adults were doing what they wanted, and it was legal—and perhaps sometimes illegal, and they were not bothering neighbors, everyone let everyone do what they wanted to do in town. The City should not tell you that you cannot purchase something like alcohol or lottery tickets. That would be the opposite of how he always viewed Warrenville. We should opt in.
- Com. Thompson – Although he is on the Fire District staff, these opinions are his own, as a Plan Commissioner. He has been to dozens of alcohol-related and heroin-related overdoses in 30 years—but not one fatal marijuana overdose or car accident. It is not nearly as dangerous as some of the products we sell in every strip mall in every suburb across the country. The City should take advantage of this opportunity. Furthermore, he would like to see the park buffers rolled back, because it unduly restricts cannabis business locations. We should opt in.
- Com. Cosgrove – He recommends opting in.
- Ch. Davis – His wife takes medical marijuana and it has helped her. However, given our Police Chief's comments at the September cannabis public hearing, his concerns about enforcement and the risks associated with it, the other communities' assignment of additional police officers to specifically deal with this issue, and the unknown impact on communities in general—especially considering how many have opted out at this time, he feels we should opt out at the present time, and wait to see what transpires in the communities that have opted in during the interim period—even though we may lose out on an influx of sales. We are trying to avoid the impacts to a community—which at this time has not yet been defined by anyone. He would err on the side of caution to opt out for the time being, as we can always opt in at a later time if events indicate there is not a great impact on a community.

COM. COSGROVE MOVED, SECONDED BY COM. LOCKETT, THAT THE PLAN COMMISSION RECOMMENDS THE CITY COUNCIL ALLOW RECREATIONAL CANNABIS BUSINESSES IN THE CITY OF WARRENVILLE.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Burns, Tullier, Thompson, Miller, Lockett

Nay: Davis

Absent/Excused: Chapman

MOTION ADOPTED.

Com. Cosgrove requested that language in the staff report's proposed amendments be amended to reflect that the City cannot remove a licensed cannabis business owner's right to operate unless it is for due cause. The City Attorney replied that this language is a means to control the number of applications. The City Council can always pass legislation regarding how they want to regulate cannabis businesses in the future. That said, this language can be clarified that City Council cannot take away an active use for no other reason but to reduce the number of such businesses in town. Dir. Mentzer further clarified that there is a process to revoke an active Special Use permit, and it cannot be done without cause (violation).

In deliberation, Com. Miller suggested elimination of the 500-foot buffer from a Park District or Forest Preserve. He also recommended that the 1,000-foot buffer from a day care facility should be reduced to 500 feet, unless Commissioners disagree. This prompted a lengthy discussion, with Commissioners in general agreement with the proposal, based on the likelihood of underage children entering and purchasing cannabis products, and the extremely limited number of locations the proposed buffer zones allow such businesses. Commissioners generally felt that cannabis businesses should not be unnecessarily pigeon holed, especially since they must return to the Commission for a Special Use permit on a case-by-case basis. Commissioners requested revised maps to show how many properties would be affected.

In the spirit of being a good neighbor, Com. Burns suggested a reduction in setbacks only near forest preserves and parks. To the contrary, Com. Pepple suggested the buffer to churches should be reduced, based on the fact that they operate only one day per week. Moreover, he suggested eliminating buffer zones altogether. He based this on the premise that although school children may be aware of cannabis, they could never legally purchase it, and day care-aged children would not even be aware of such activity anyway. Com. Cosgrove concurred, as it was likely the reason buffer zones were not included in the State-level inception of this law. Com. Pepple drew no distinction between a marijuana dispensary and a store that sells something in a sealed container, such as whiskey.

Dir. Mentzer shared his philosophy regarding the incorporation of buffers. Staff felt buffers would be beneficial to end users in the application process to ascertain whether they would fit within the City's parameters for approval, and potential for consternation would be removed in the Special Use process. Buffers may not be essential, but they would provide framework in the administration of this use in the future. Com. Pepple disagreed on the basis that the City would be picking winners and losers down the road.

In order for the Commission to make an informed decision on its recommendation to the City Council, Dir. Mentzer agreed to produce four alternative buffer maps for the next meeting. Maps would begin from that of the most restrictions presented tonight, and be further modified to set forth the following scenarios:

- Eliminate park setbacks;
- Eliminate park setbacks and reduce day care setbacks to 500 feet;
- Eliminate park setbacks, reduce day care setbacks to 500 feet, and reduce religious institution setbacks to 250 feet; and

- Eliminate park setbacks, reduce day care setbacks to 500 feet, and eliminate setbacks for religious institutions.

Upon discussion, several Commissioners suggested that day care setbacks should be further reduced to 100 feet, and school setbacks should be reduced to 500 feet.

In the spirit of being proactive toward business, Com. Cosgrove suggested that cannabis processing and infusing businesses should also be allowed in Warrenville. Commissioners were asked to independently research details of such businesses, and return to the next meeting with their findings.

Com. Tullier suggested the 9:00 a.m. to 9:00 p.m. hours of operation should be reduced on Sundays to open at 11:00 a.m., to conform to liquor store hours. Commissioners were generally not in favor of such suggestion.

Attorney Lenneman suggested that although cannabis regulations are not required by January 1, 2020, it would be prudent to pass an ordinance by such date, in the event a business owner approaches the City with a petition to locate here. She recommended that staff include proposed regulations regarding infusers and processors for the next meeting, as well. Dir. Mentzer agreed that any and all cannabis establishments the Commission is considering, including dispensaries, infusers and processors, should be part of the discussion and recommendation to City Council on cannabis regulations, because another public hearing would be required if ancillary uses, such as infusion and processing plants, were considered at a later date.

COM. PEPPLER MOVED, SECONDED BY COM. THOMPSON, TO CONTINUE THE PUBLIC HEARING UNTIL OCTOBER 24, 2019. MOTION ADOPTED VIA VOICE VOTE.

D. NEW BUSINESS

1. 4201 Winfield Road (Cantera Subarea F) / MJH Warrenville, LLC
Located on the east side of Winfield Road, south of Ferry Road, north of I-88
Project No. 2019-0804
Request for approval of a minor amendment to approved PUD plans to allow modifications and upgrades to existing outdoor sports facilities.

Daniel Weinbach & Partners, Ltd. Landscape Architect Bill Ferguson, creator of the original Navistar landscape design plan, addressed the Commission. Property Manager Jones Lang LaSalle desires to upgrade existing sports facilities on site, and build additional facilities that include sand volleyball and bocce ball courts, and concrete pads for cornhole games, together with benches. The existing basketball court and putting green will be resurfaced. The proposal complies with all applicable City requirements and regulations. Commissioners expressed no opposition to the request.

COM. PEPPLER MOVED, SECONDED BY COM. COSGROVE, THAT THE PLAN COMMISSION APPROVE A MINOR AMENDMENT TO THE FINAL PUD DOCUMENTS FOR THE EDWARD-ELMHURST HEALTH PROJECT APPROVED BY ORDINANCE NO. 1744, WHICH WOULD ALLOW THE CONSTRUCTION OF A VOLLEYBALL COURT,

BOCCE BALL COURT, AND CONCRETE PADS AND RELATED LANDSCAPE MODIFICATIONS, AS ILLUSTRATED ON ATTACHED EXHIBIT A, SUBJECT TO THE APPLICANT COMPLYING WITH THE FOLLOWING CONDITIONS:

1. DOCUMENTS AND PLANS: THE IMPROVEMENTS ON THE SUBJECT PROPERTY SHALL BE PERFORMED IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLANS ATTACHED AS EXHIBIT A OF THIS STAFF REPORT.
2. CIVIL ENGINEER REVIEW: THE APPLICANT SHALL COMPLY WITH THE COMMENTS AND RECOMMENDATIONS OUTLINED IN THE MARKUP REVIEW FROM CIVIL ENGINEER ROMERO (ATTACHED AS EXHIBIT B).
3. FEES: THE APPLICANT SHALL PAY OUTSTANDING FEES PRIOR TO PERMIT ISSUANCE FOR THIS PROJECT.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Burns, Tullier, Thompson, Miller, Lockett

Nay: None

Absent/Excused: Chapman

MOTION ADOPTED UNANIMOUSLY.

E. OLD BUSINESS

1. 28301 Ferry Road (Cantera Subarea C) / Interforum Holdings/Cantera Development Holdings, LLC
Located on the south side of Ferry Road, west of Winfield Road, north of I-88
Project No. 2019-0765
Plan Commission and Zoning Board of Appeals' review and authorization for Chairman and Secretary to execute PC/ZBA Resolution 2019-003, to memorialize prior approval of a minor PUD amendment to allow modification of exterior color scheme and Hardi siding materials on a 364-unit apartment building currently under construction.

COM. PEPPLE MOVED, SECONDED BY COM. BURNS, TO MEMORIALIZE PRIOR APPROVAL OF A MINOR PUD AMENDMENT TO ALLOW MODIFICATION OF EXTERIOR COLOR SCHEME AND HARDI SIDING MATERIALS ON A 364-UNIT APARTMENT BUILDING CURRENTLY UNDER CONSTRUCTION.

ROLL CALL VOTE:

Aye: Davis, Cosgrove, Pepple, Burns, Tullier, Thompson, Miller

Nay: None

Abstain: Lockett

Absent/Excused: Chapman

MOTION ADOPTED.

F. APPROVAL OF MINUTES

1. Regular Meeting of September 19, 2019

COM. COSGROVE MOVED, SECONDED BY COM. BURNS, TO APPROVE THE MINUTES OF SEPTEMBER 19, 2019. MOTION ADOPTED VIA VOICE VOTE, WITH COM. MILLER ABSTAINING. MOTION ADOPTED VIA VOICE VOTE.

G. CHAIRMAN'S REPORT

No report.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT

Dir. Mentzer reported that the City Council approved the real estate contract for acquisition of the Citgo property at the northeast corner of Batavia and Warrenville Roads, for a purchase price of \$30,000, payment of back taxes, and coordination of environmental clean-up activities on site. The City has approximately four months to perform due diligence in order for the City Council to make an informed decision on whether it should close on the site.

I. SR. PLANNER'S REPORT

Pl. Domovessova reported the next meeting may include a courtesy review for a new, five single-family home subdivision at the southeast corner of Winfield and Galusha Roads. Culver's is developing its plans and intends to submit for approval in the near future.

J. MAYOR'S REPORT

No report.

K. CITIZENS' COMMENTS

Kate Oliver commented on the restriction of cannabis dispensaries placed on day care facilities. In particular, she referenced the day care facility located in the strip mall off of Route 59 near Dairy Queen, which currently shares a parking lot and experiences a large amount of traffic. If a cannabis dispensary is added, it would exacerbate the traffic situation for the children on site. She asked that this concern be kept in mind when making a recommendation to City Council.

Tom Smillie commented that a map should be prepared to identify Warrenville's arterial streets. He does not think the Route 56 frontage road should be considered as such. He would like the industrially zoned area rezoned to residential when properties become available. He commented on the excessive traffic in such area. Ch. Davis replied that private citizens own such properties.

L. ADJOURN

COM. COSGROVE MOVED, SECONDED BY COM. THOMPSON, TO ADJOURN THE MEETING AT 9:56 P.M. MOTION ADOPTED VIA VOICE VOTE.

Approved: 10-24-19

Marie Lupo

Marie Lupo, Recording Secretary