

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS

Minutes of Regular Meeting Held
on Thursday, October 24, 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, Elizabeth Chapman, Byron Miller

PC Excused/Absent: None

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

ZBA Excused/Absent: None

Also Present: Mayor David Brummel, Community and Economic Development Director Ron Mentzer, Sr. Planner Natalia Domovessova, City Attorney Brooke Lenneman, Planner/GIS Technician Lauren Whetstone, 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.

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

For the benefit of the audience, Ch. Davis provided a brief update to the proposed text amendment, and announced the Commission voted 7-1 at its last meeting to recommend the City Council allow a recreational dispensary in the City; however, it requested additional information from staff on buffer area alternatives. 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.

Dir. Mentzer directed attention to the staff report exhibits, which provide a framework for staff's recommendation for recreational cannabis business regulation, if allowed in the City. He explained staff's posture on taking a conservative approach to buffer zones for sensitive uses. Since the Commission previously expressed interest in allowing cannabis infusers to operate in the City, staff recommended this use to be located in the M-1 and M-2 zoning districts. Additionally, seven map exhibits were included in the revised staff report to provide various scenarios for physical separation of cannabis uses from sensitive uses, such as schools, day care centers, religious institutions, and others.

Dir. Mentzer explained that a measured approach to potential site locations would allow further evaluation of impacts in other communities that have allowed dispensaries—especially with relation to the unknown amount of traffic that could be generated. Staff’s recommendation of Exhibit B-1 buffer zones limit potential sites to more heavily traveled arterial streets. Additional modifications can be made to relax the regulations at a later date. He cautioned the Commission that once permits have been issued for a business in a certain location, it is extremely difficult to become more restrictive.

Attorney Lenneman confirmed that all products sold in this State must originate from Illinois. Dispensaries will be selling both loose cannabis, as well as cannabis-infused products. The State has yet to establish regulations for infusion centers. The State continues to establish tracking regulations to deter products from flowing into the black market. Infused products will be regulated by the Illinois Department of Agriculture, based on accurate identification and amount of ingredients. Com. Cosgrove reported he spoke with the proprietor of Naperville’s 3C medical marijuana dispensary, which requires a commercial kitchen that must undergo health inspections similar to other commercial food preparation facilities.

In response to Com. Miller’s inquiry regarding traffic, Dir. Mentzer replied the materials distributed in the meeting packet from quasi-independent organizations suggest the traffic generated from cannabis businesses in other states is similar to that of quick-serve restaurants. However, Illinois will have a smaller number of licenses for a larger population than western U.S. states. Additionally, if Warrenville opts in and is surrounded by other communities that opt out, it could likely generate a large amount of traffic. Dispensaries would be required to provide six parking spaces per 1,000 square feet, which is higher than that of a commercial retail establishment.

Ch. Davis reviewed a recent tally of 45 area communities, noting that 16 have voted to opt in, whereas 21 voted to opt out.

Com. Pepple expressed his opinion that if Warrenville took a more restrictive approach, it would make it a less attractive town in which to locate. Com. Cosgrove added that business owners would also incur the hardship of spending time and money on a special use public hearing. He felt restrictive buffers eliminate locations that could offer better parking opportunities for such businesses. Dir. Mentzer replied there are costs associated with doing business in any municipality. He reasoned that parameters are a useful tool for interested applicants at the outset of their research in locating a potential site. He felt even the most restrictive setback map would offer adequate opportunities to accommodate a cannabis business in Warrenville. If the City were to deny a special use permit, it must be based on a case it could defend in a court of law.

Com. Miller expressed concern over deterring potential cannabis business owners if restrictive buffers were applied to locations. He proposed criteria that allows a dispensary as a special use based on expected traffic and available parking. Dir. Mentzer replied those two criteria are already included as considerations in all special use petitions.

COM. MILLER MOVED, SECONDED BY COM. BURNS, TO REOPEN THE PUBIC COMMENT PORTION OF THE HEARING. MOTION ADOPTED VIA VOICE VOTE.

Ch. Davis cautioned that questions and comments should be only limited to incorporation of infusion facilities in town, and text amendments related to buffer zones.

Audience Questions and Comments:

- Margie Leonard, Behrs Circle Drive West, felt a conservative, restrictive approach was best. Day care centers are a particular concern that require adequate buffers.
- Dale Williams, Briggs Avenue, supported a narrow, highly controlled ordinance, with restrictive buffer zones. He is pastor of a church near a potential area under consideration that is currently impacted by people who trespass on the property. He is concerned cannabis purchasers may not want to wait to use the product, and will do so in his church parking lot, which is not highly lit at night, per City ordinance.
- Kate Oliver, Estes Street, was concerned that the assembly is not thinking about the future. Laws may change that allow on-site consumption. Also, the frontage road is often difficult to navigate—especially during high traffic times. Additional streetlight and traffic controls would be necessary, for safety purposes.
- Charles Scouten, Forestview Drive, supported staff’s recommendation for conservative buffer zones, as they can be relaxed at a later date, if warranted. He wondered about odor controls placed on infusion operations. (*Dir. Mentzer replied that although odor is a major issue with processors, it is not an issue with infusers. In the event a potential business owner would be interested in locating in the City, the scope and procedures of infusion facilities would be thoroughly examined and reflected in approval conditions during the special use process.*)
- Annette Voss, Maplewood Court, agreed that the City should be as restrictive as possible with this use. She expressed concern that the Family Foods plaza would be greatly impacted in the proposed B-1 buffer map. Said shopping center is an important community hub that has historically been frequented by families. Locating a cannabis business in said shopping center would be detrimental to the perception of Warrentville.
- Tom Sherlock, Main Street, agreed with staff’s recommended, conservative buffer zones, and agrees it should be located on a main thoroughfare.
- Lana Grodoski, Glen Drive South, agreed with staff’s recommended, conservative buffer zones, because of the unknown factor. In her opinion, Warrentville should watch other communities that opt in and examine what develops after the law is in effect.

COM. PEPPLER MOVED, SECONDED BY COM. LOCKETT, TO CLOSE THE PUBLIC COMMENT PORTION OF THE HEARING. MOTION ADOPTED VIA VOICE VOTE.

Commission sentiment was as follows:

- Com. Pepple – While Warrenville has 234 commercially zoned properties, the most restrictive map would allow only 37 properties as potential locations for dispensaries, while the least restrictive map would allow 108 properties as potential locations for dispensaries. He supports the least-restrictive B-7 buffer zone map, which would allow additional properties farther away from downtown, preferably locations on the west or south sides of town, rather than limiting sites to locations such as the Family Foods plaza. As an afterthought, he would suggest a 250-foot buffer zone from multi-family unit housing. This would encourage location in commercial areas, but eliminate locations near the Family Foods plaza, the apartments along Route 59, and some of the new developments--and guard against having users wandering around in the center of town.
- Com. Miller – A major concern is that we shift people from obtaining marijuana from illegal drug dealers to legal drug dealers. Legal cannabis operations will offer the safety of regulation, monitoring, and checking for age—and would not encourage transitioning to heavier drugs. He favored the B-7 least restrictive buffer zone map, and would like to base special use consideration upon traffic and parking situations, per regulations.
- Com. Tullier – The decision to opt in is to allow a business, not provide them free reign on location. Given public comment, and to continue the growth of the community, she favored a B-2 buffer zone map.
- Com. Chapman – If opting in, she was in agreement with the B-2 buffer zone map.
- Com. Burns – The City needs to be considerate and sensitive to residents who do not want this use in their community. Based on being good neighbors, she was in favor of the B-2 buffer zone map.
- Com. Lockett – Realistically, the most restrictive map would limit a potential business to locate only in the Route 59 former bank building today—and possibly the Family Foods shopping center, or Route 59 strip mall that houses Fox Coins. He felt it would be better to be lenient and follow up with a special use public hearing before the Commission. Therefore, he would support the B-7 or B-6 buffer zone map.
- Com. Cosgrove – Although he would prefer a B-5 buffer zone map, in order to reach a consensus, he opted for the B-2 buffer zone map. He asked Dir. Mentzer how the properties on the frontage road that run front to back on sites within the buffer zone, but have a unit outside of the buffer zone, would be interpreted. (*Dir. Mentzer replied it would be determined by the Zoning Administrator, and if the applicant did not concur with such interpretation, they could appeal it to the Commission, which has the final authority to make a decision.*)
- Ch. Davis – Since this is uncharted territory in Illinois, and the City should be cautious so as to avoid unintended consequences, he supported the B-2 buffer zone map.

CH. DAVIS MOVED, SECONDED BY COM. COSGROVE, THAT THE PLAN COMMISSION RECOMMENDS THAT IN THE EVENT THE CITY COUNCIL ULTIMATELY ALLOWS RECREATIONAL CANNABIS BUSINESSES, THE PLAN COMMISSION RECOMMENDS APPROVAL OF THE ZONING ORDINANCE TEXT AMENDMENTS REFLECTED IN THE PROPOSED CITY OF WARRENVILLE CANNABIS-RELATED ZONING ORDINANCE AMENDMENTS FRAMEWORK DOCUMENT LAST UPDATED ON OCTOBER 17, 2019, AND ATTACHED TO THE OCTOBER 17, 2019, REVISED COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT AS EXHIBIT A, WITH THE CHANGE OF THE BUFFER REQUIREMENTS TO REFLECT EXHIBIT B-2, RATHER THAN EXHIBIT B-1.

ROLL CALL VOTE:

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

MOTION ADOPTED.

COM. CHAPMAN MOVED, SECONDED BY COM. LOCKETT, TO CLOSE THE PUBLIC HEARING. MOTION ADOPTED VIA VOICE VOTE.

D. COURTESY REVIEW

1. 3S511 Winfield Road / Galusha Ridge Subdivision/Airhart Construction
Located on the southeast corner of Winfield and Galusha Roads
Potential request for rezoning and approval of Plat of Subdivision and Planned Unit Development (PUD), which would allow for development of a 40,000-square foot property with five new single-family homes.

The applicant requested that this matter be carried over to the next meeting (November 7, 2019) due to a last-minute conflict. (Commissioners were asked to retain all backup materials and bring them for the hearing.)

E. OLD 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
Plan Commission and Zoning Board of Appeals' review and authorization for Chairman and Secretary to execute PC/ZBA Resolution 2019-004, to memorialize prior approval of a minor PUD amendment to allow modifications and upgrades to existing outdoor sports facilities.

COM. COSGROVE MOVED, SECONDED BY COM. BURNS, TO MEMORIALIZE PRIOR APPROVAL OF A MINOR PUD AMENDMENT TO ALLOW MODIFICATIONS AND UPGRADES TO EXISTING OUTDOOR SPORTS FACILITIES.

MOTION ADOPTED UNANIMOUSLY VIA VOICE VOTE.

F. APPROVAL OF MINUTES

1. Regular Meeting of October 10, 2019

COM. COSGROVE MOVED, SECONDED BY COM. CHAPMAN, TO APPROVE THE MINUTES OF OCTOBER 10, 2019, WITH THE FOLLOWING CHANGES:

- Page 2, Paragraph 6, Sentence 1 – Delete “restricts” and insert “is applied to”; delete when a home day care is not similarly restricted.”
- Page 2, Paragraph 6, Sentence 2 – Delete “day care.”
- Page 5, Paragraph 2, Sentence 2 – Delete “of” and insert “movie”; capitalize “refer madness.”
- Page 9, Paragraph 4 – Delete in entirety and restate Com. Burns’ comment, as follows: “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.”

MOTION ADOPTED UNANIMOUSLY VIA VOICE VOTE.

G. CHAIRMAN’S REPORT

No report.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR’S REPORT

No report.

I. SR. PLANNER’S REPORT

Pl. Domovessova reported the next meeting will include a public hearing for Culver’s.

There is no update on the Speedway project.

J. MAYOR'S REPORT

Mayor Brummel thanked the Commission for its thoughtful deliberation on important issues facing our City.

K. ADJOURN

COM. COSGROVE MOVED, SECONDED BY COM. CHAPMAN, TO ADJOURN THE MEETING AT 8:24 P.M. MOTION ADOPTED VIA VOICE VOTE.

Approved: _____ 11/7/19

Marie Lupo, Recording Secretary