

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved June 9, 2014

MINUTES

DEVELOPMENT COMMITTEE

May 12, 2014, 7:00 p.m.

1. Call to Order, Roll Call, and Establishment of a Quorum

Chairman Stout called the meeting to order at 7:00 p.m.

Roll call found Aldermen John Banas, James Beifuss, Alan Murphy, Jim Smith, John Smith and Rebecca Stout present.

Also in attendance was Director of Community Development John D. Said.

2. Approval of Minutes

A. April 14, 2014

Alderman Alan Murphy made a motion, seconded by Alderman Jim Smith, to approve the April 14, 2014 Development Committee Minutes with changes as discussed. The Committee members unanimously agreed and the motion carried.

3. Public Participation

None.

4. Items for Consent

- 4A. RJR West Chicago Resubdivision – 191 W. North Avenue
- 4B. Nutrition Live – 528 Main Street, Façade Grant
- 4C. Norris-Walen-Segert Funeral Home – 132 Fremont Street, Façade Grant
- 4D. Rite Way Automotive – 101 E. Washington Street, Façade Grant

Alderman John Smith made a motion, seconded by Alderman Banas, to place all Consent Items on the May 19, 2014 City Council Agenda. The Committee members unanimously agreed and the motion carried.

5. Items for Discussion

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Nancy M. Smith
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Michael L. Guttman
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5A. Forming America Progress Report – 1200 N. Prince Crossing Road

Mr. Said gave a brief summary and introduced Forming America staff. Forming America must appear semi-annually before the community to give an update on their progress. The last time they were here was in November 2013. They have experienced some delays in terms of completing the improvements by the specified dates. The owner has some upcoming deadlines and there may be some challenges with trying to meet those. The work involves improvements such as paving, removal of clay stock piles and other items which are all summarized in the staff memo. We are just coming in to the season for paving and landscaping so this is an opportunity to see where things are at and then assess the situation in another six months when we'll have a better idea of what is necessary to complete the improvements. There is an upcoming deadline on July 31st and as these target dates approach, and some even pass by, we can work with the owner to identify additional deadlines or even necessitate a special use approval with a performance requirement set.

Alderman Stout asked if anyone had any questions and if it would be reasonable to wait until the next six month update.

Alderman Murphy stated the long winter delayed many projects and agreed to see where things are at in six months.

The Development Committee will meet with Forming America again in six months.

5B. Medical Marijuana Facilities Zoning Code Text Amendment

Mr. Said gave a brief introduction in accordance with the Agenda Item Summary. Illinois state legislation now allows medical marijuana cultivation centers and dispensaries in Illinois. Municipalities cannot prohibit such uses, but they may regulate the zoning issues so long as such regulations do not conflict with applicable state law. Staff has reviewed ordinances already approved by other municipalities, and found that the provisions for the City of Wheaton provided a good model to follow.

The draft regulations proposed by staff would allow cultivation centers and dispensaries as permitted uses only in the Manufacturing District. State regulations further limit such uses to separations (of at least 2,500 feet for cultivation centers and 1,000 feet for dispensaries) from all residentially-zoned areas, schools, day care centers or homes and group day care facilities. The maps provided indicate the areas available for cultivation centers and dispensaries based on these requirements. Staff felt these should be kept in the M-District as opposed to the ORI District or the DuPage Business Center as these seem like districts that would be best for higher profile uses.

The proposed amendments would consist of changes to the permitted use list in the Manufacturing District to allow cultivation centers and dispensaries. These uses, per the

state statutes, are generally defined as locations where medical marijuana is grown (cultivation centers) and provided to patients (dispensaries).

Alderman Murphy commented that over the years we have had facilities such as transfer stations and the first dump in DuPage County. He posed the question of whether someone would propose to put 1 or 2 facilities here, if we would have something in place beforehand for things such as a scale fee, tipping fee, or dispensary fee. Alderman Murphy suggested researching this now while the ordinances are being drafted because once these facilities come in and apply, they would be grandfathered in.

Mr. Said stated this could be researched although he does have some concern as to potential conflict with State law against some kind of a local licensing fee on those types of uses. Mr. Said will check in to the fees and asked if everyone was okay moving forward as the process will take some time with public notices, applications, and other details.

Alderman Stout stated that the fees would be handled by the Finance Committee.

Alderman Murphy recommended the inquiry regarding these types of fees be put on the Finance Committee agenda for their review

Alderman Stout referred to the map for medical marijuana cultivation center restrictions and stated that the indicated area is basically the area they have to cultivate in. In West Chicago this is the largest area and not even all those properties are available because they can not divide a property. The centers have to be completely enclosed in an area on the property so if there are boundary lines that go beyond this area they can not cultivate on those. They are fairly restricted as to the area they would be able to cultivate and the dispensary should be close to the cultivation sites. Alderman Stout then asked if there were restrictions regarding how many of these are allowed in the county or the state.

Mr. Said stated there is only one allowed per zone as indicated on the map. DuPage is its own zone so there can only be one cultivation center and one dispensary allowed in entire county. This does not mean that the location has to be in West Chicago. They could be located anywhere in county.

Alderman Stout commented that if the area that we designated is the only available area in West Chicago, they are probably not going to want to come to West Chicago because they will want a larger area to be able to cultivate. This is why we need to get our language in place.

Alderman Banas inquired if we have any history or review with other cultivation or dispensary centers throughout the state or if the issue is just too new.

Alderman Stout stated that the medical marijuana laws are too new and we'd have to check with another state like Colorado that allows cultivation centers and dispensaries.

Mr. Said stated he doesn't think any even exist yet in Illinois.

Alderman Murphy commented that the areas marked on the map are perfect for cultivating. He has a conversation with someone who had brought in \$800,000 in hydroponics and this year he was hoping to do \$1,500,000. Companies are constructing 100,000 square foot warehouses for these growing operations. This type of operation doesn't take much to produce and is something that could easily fit here as far as cultivating and a retail outlet.

Alderman Stout feels that what we have in place as far as restrictions are perfectly in line with State regulations and keeping it in the manufacturing district is the best location.

Alderman Murphy agreed as it not located against a school and is not in a high profile spot.

Alderman Banas commented there are a couple of empty facilities on the east side of Powis Road that have been available for years that even are close to train tracks.

Mr. Said stated a lot of these areas will not even be possible due to the 2,500 and 1,000 feet of separation.

Alderman Beifuss asked if this was all per State law.

Mr. Said stated the 2,500 and 1, 000 feet of separation were both per State law.

Alderman Beifuss referred to the proposed zoning information we received from the City of Wheaton and asked if there were any changes made from what the City of Wheaton generated.

Mr. Said stated there were no changes made as Wheaton's proposal was simple and straightforward and he decided to keep it the same. He had a conversation with Wheaton and they are just allowing the centers and dispensaries in the M-Districts.

Alderman Beifuss asked if Wheaton has any manufacturing overall.

Mr. Said state that they do, however, they are much more limited than West Chicago. They may have just a few sites.

Alderman Beifuss asked if West Chicago has different levels of manufacturing than Wheaton.

Mr. Said responded that West Chicago has one manufacturing district, the airport district, which includes the DuPage Business Center, and the ORI district.

Alderman Stout commented that most areas in the manufacturing area, for example by General Mills, are even too close to schools and residential areas.

Mr. Said agreed and stated a lot of the areas are cut out due to the schools and residential areas. Any area zoned for residential use is subject to separation so there are a lot of areas around us including unincorporated areas that are zoned residential, even in surrounding cities.

Alderman Beifuss asked if we are talking about the cultivation portion of the discussion and not the dispensary portion.

Mr. Said stated the dispensary is a different map but they are both part of the same agenda item.

Alderman Beifuss asked if there is any reason why there hasn't been a recommendation to put a moratorium in place until we have rules that are consistent with the State since we don't permit this right now.

Mr. Said responded that the city cannot prohibit these so it is up to us to make rules with regard to zoning to accommodate these facilities. The State will allow us to create zoning regulations and if we can appropriately guide those it gives us a chance to control our future.

Alderman Murphy inquired if there could be a sin tax, not necessarily a business fee or tipping fee, but a sin tax since West Chicago is a home-rule community.

Mr. Said was not sure but stated he would check on this question.

Alderman Banas asked if it was possible to have a sin tax given it would be for medical use.

Alderman Stout stated the legality of a sin tax would have to be looked into. She then asked if the proposal is basically defining the area as it is keeping it away from schools, residential, and churches. She would rather be proactive than reactive and if there is something in place it can be modified at a later date once the State makes its rules.

Alderman John Smith stated that what is currently established is good, it's a State law now and it is important that we establish our own regulations.

Alderman Banas asked if there are any unincorporated areas or locations further away than the manufacturing district.

Alderman Stout stated that by putting the centers in the Manufacturing District we are already limiting them as much as we can.

Mr. Said stated the ORI District or Airport District would provide more visibility and land area. The Manufacturing District provides the tightest level of control while still conforming to State regulations.

Alderman Banas expressed some concern with the proximity to his neighborhood.

Mr. Said stated that only one cultivation center is allowed in DuPage County.

Alderman Beifuss commented that there are three dispensaries allowed per District.

Alderman Stout asked if everyone was favorable to move forward.

Mr. Said stated the proposal to the committee is for authorization to pursue zoning code text amendments for allowing these uses in the M-District in conformance with State law.

Alderman Banas added that the regulations should be made as strict as possible.

Alderman Beifuss said to send it on to the Plan Commission

Alderman Banas asked if there are any other municipalities considering this as well.

Mr. Said state that others are considering zoning regulations and when he looked into them, Wheaton seemed the best and simplest given the layout of West Chicago.

Alderman Banas asked that if by adopting something soon, would we be inviting this business to West Chicago.

Alderman Stout stated it would be best to deal with it now because if someone comes to us now and there is nothing in place then there isn't any way to control it.

Mr. Said agreed that it is best to get ahead of the game because currently all they have to do is conform to State law. The tightest control possible is by restricting it to the M-District.

Alderman Murphy commented about the pending Oliver Hoffman property sale which would potentially be zoned residential and possibly provide a smaller foot print that these facilities could occupy.

Mr. Said stated that it would cut out some land but not a lot and it may not reach the Manufacturing District. If the zoning on the Oliver Hoffman property is done first then the map would change a little more.

Alderman Stout recommended addressing the zoning as soon as possible.

6. Unfinished Business

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None.

7. New Business

None.

8. Reports from Staff

Mr. Said reported on an item that is going to be a text amendment and was looking for an informal concurrence regarding a temporary fence that was approved for a property on High Gate. The property is being used for the temporary residence of the occupants of the home. Staff is looking at changes to the zoning and municipal codes to only allow temporary fences when dealing with site clearing, construction, and demolition. If some one wants a fence they would need to construct a permanent fence in accordance with zoning regulations as they currently are. This would limit temporary fence usage for site clearing, construction, and demolition such as AutoZone used during the winter to provide safety and security.

Alderman Banas asked if Mr. Said would specify the criteria for temporary fences.

Mr. Said stated the code already specifies criteria and we would want to be in conformance with that.

Alderman John Smith commented that this fence is in the entrance way to his neighborhood, it is unsightly, mainly houses two large dogs, and he has been inundated with complaints for the past 2 years.

Mr. Said stated that the City Administrator has checked in on this matter because the people living there are supposed to relocate back into their other home but there have been some delays with insurance settlements that have resulted in this loophole.

Alderman John Smith commented this is what he hears about the most in his ward and he hears about it every week.

Alderman Stout commented this is something that has to be addressed and something needs to be put in place.

Alderman Murphy stated he spoke with the City Administrator a couple of weeks ago and this issue does need to be addressed. Alderman Murphy then wanted to address the medical marijuana discussion and stated that after giving it more thought he doesn't think we should pursue a tax or tipping fee because is it a medical item and is not recreational.

Alderman Stout commented that we could still look into the legality of taxes or fees just in case.

9. Adjournment

Alderman Beifuss made a motion, seconded by Alderman Banas, to adjourn the May 12, 2014 Development Committee meeting at 7:39 p.m. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,

Charity Mitchell
Executive Secretary