

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

Approved with changes October 14, 2019

MINUTES

DEVELOPMENT COMMITTEE

September 9, 2019, 7:00 P.M.

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

Alderman Stout called the meeting to order at 7:00 P.M.

Roll call found Aldermen James Beifuss, Melissa Birch-Ferguson, Matt Garling, Jayme Sheahan and Rebecca Stout present.

Also in attendance was Community Development Director, Tom Dabareiner.

2. **Approval of Minutes.**

A. **August 12, 2019.**

Alderman Sheahan moved and Alderman Garling seconded a motion to approve the minutes. Voting Aye: Aldermen Beifuss, Garling, Sheahan and Stout. Voting Nay: 0. Voting to Abstain: Alderman Birch-Ferguson.

3. **Public Participation.**

Diane Ferguson of 30W276 Pomeroy Street spoke to the members. She recapped she had previously talked to the members in 2018 about working to convey ownership of McAuley School to the West Chicago Historical Society. She remarked that the idea of restoring and resurrecting the school is in keeping with the spirit of Farmer McAuley's intention when he donated the land to build the school. She pointed out the resurrection of the school would be of no cost to the taxpayers. And, in light of the fact that the DuPage Business Center is taking off, it would bring to life the City motto of "Where history and progress meet." They have vendors, a structural engineer, landscapers, painters, etc. lined up waiting to help. The school cannot be sold, and they hope that the School District 33 will gift it. While there is additional work from the attorneys that remains to be done, she hopes the members will agree to keep this matter moving along.

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4. Items for Consent. None.

5. Items for Discussion.

Alderman Stout announced that the agenda items for the evening's meeting would be taken out of order.

B. 207 Main Street – Consideration of a Resolution authorizing award of a façade grant in the amount of \$950.00.

Alderman Beifuss informed about a text change needed to the Agenda Item Summary whereby “garage door replacements” should be changed to “awnings.”

Alderman Birch-Ferguson moved and Alderman Beifuss seconded a motion to approve this Item. Voting Aye: Aldermen Beifuss, Birch-Ferguson, Garling, Sheahan and Stout. Voting Nay: 0.

C. 111-115 Galena Street – Consideration of a Resolution authorizing award of a façade grant in the amount of \$12,268.00.

Alderman Beifuss asked whether the applicant would be allowed to apply again for a façade grant in the next three years, given their award request is greater than \$10,000. Mr. Dabareiner said they would not be allowed. Alderman Garling asked Mr. Dabareiner about the likelihood of receiving more grant requests for the remainder of the year if the entire grant fund has already been awarded. Mr. Dabareiner replied they will not be able to award any more grants, but they will likely receive two or three more inquiries. Alderman Garling expressed caution about awarding nearly the entire year's budget to two requests from the same applicant. Mr. Dabareiner stated that it is allowed as they are two different properties, even though it is the same owner.

Alderman Garling moved and Alderman Sheahan seconded a motion to approve this Item. Voting Aye: Aldermen Beifuss, Birch-Ferguson, Garling, Sheahan and Stout. Voting Nay: 0.

D. 136 West Washington Street – Consideration of a Resolution authorizing award of a façade grant in the amount of \$16,782.00.

Alderman Beifuss asked for clarification on why the amount requested is more than the amount being awarded, and Mr. Dabareiner explained it is because it is what is left in the façade grant fund. Alderman Beifuss stated that in the past, awards were granted on a first come, first serve basis. He asked what happens if requests are received after the funds have already been awarded, and Mr. Dabareiner answered that interested parties are encouraged to apply after the first of the year, and he added that applications are reviewed in the order they are received.

Alderman Birch-Ferguson moved and Alderman Beifuss seconded a motion to approve this Item. Voting Aye: Aldermen Beifuss, Birch-Ferguson, Garling, Sheahan and Stout. Voting Nay: 0.

E. 124 West Stimmel Street – Plat of Easement for Storm Sewer and Drainage.

Alderman Garling moved and Alderman Sheahan seconded a motion to approve this Item. Voting Aye: Aldermen Beifuss, Birch-Ferguson, Garling, Sheahan and Stout. Voting Nay: 0.

A. 191 West North Avenue – Amendment to the Final PUD for the Shoppes of West Chicago to allow the sharing of parking within the development to accommodate a proposed banquet facility.

Tom Dabareiner explained this item was tabled at last month's meeting so that the petitioner could meet with staff and firm up some of the facts. They did indeed meet, and the location of the banquet facility has changed and is now proposed in Units 6 & 7, which is slightly smaller than the previous location. This results in one fewer parking space being required. The hours of operation have increased to 5 PM to midnight Monday through Friday and 10:00 AM to midnight on Saturday and Sunday. He also reviewed the hours of operations for the other tenants, and pointed out that if the tenant mix and operating hours change, this could present challenges for parking. If demand exceeds supply, unsafe or illegal parking can result. Staff's recommendation remains the same, but should approval be granted, staff recommends adding a condition to limit the banquet hours.

Alderman Garling thanked staff and the applicant for working together to find common ground. He asked the applicant if the newly proposed hours fit with the events she intends to host, and she stated they do. He stated that he would like to see this move forward with the conditions staff recommends. Alderman Beifuss agreed, and stated that they seem to have found a solution that will work for everyone.

Alderman Birch-Ferguson asked staff for clarification on the hours. Mr. Dabareiner replied that staff recommends that the hours be locked in if approval is granted. She stated that she is concerned about parking overlap with the other tenants' hours of operations and that there would not be enough parking for large banquet events. She stated guests might arrive before 5:00 PM, and this may result in parking conflicts. Alderman Stout also expressed concern about the possibility of tenants and their hours changing in the future, which would set the applicant up for failure. It is a very small area and there is just not enough parking. Alderman Sheahan stated that she looked at the site, and given that only 7 shared parking spots would be required, she thinks it would be a good business to have.

Alderman Sheahan moved and Alderman Garling seconded a motion to approve this Item. Voting Aye: Aldermen Beifuss, Garling, and Sheahan. Voting Nay: Aldermen Birch-Ferguson and Stout.

G. McAuley School Conveyance – Discussion on whether the City should acquire the school for eventual resale to the West Chicago Historical Society.

Tom Dabareiner updated staff that a resident approached the Development Committee on two previous occasions in order to have the ownership of McAuley School conveyed to the West Chicago Historical Society. The members are asked tonight if they are interested in having a draft resolution be presented to City Council.

Alderman Beifuss recused himself from the discussion of this Item as he explained he is a board member of the Historical Society.

Alderman Garling remarked that he is in favor of doing this. He spoke with School District 33 and they voiced their support in doing so as well. He asked about the next logistical step, and cautioned about executing without knowing some of the details, despite not wanting to cause a delay. Alderman Birch-Ferguson stated she would like to move forward with this as well, but is concerned about any liability the City might have as the owner of the property. She asked if the status and structure of the building might be something the City would be responsible for before transferring property. Mr. Dabareiner stated that typically, property transfers require structures to be brought up to code.

Alderman Stout asked if tabling the approval might be prudent once more information is obtained. Mr. Dabareiner stated staff would appreciate additional time. Alderman Garling expressed concern about waiting until October and losing the opportunity to shore up the property before winter. Alderman Stout responded that she does not foresee much happening during this season due to bids having to go out, and she would therefore prefer to wait to have more answers.

Alderman Birch-Ferguson replied she prefers to wait as well, especially as there are still questions as to who pays for what. She does not want to rush forward and end up with the City having to foot expenses. Alderman Stout surmised that while they are supportive of the idea, they want to have all questions answered.

F. Recreational Marijuana Dispensary and Cultivation Center Land Uses – Discussion on the parameters for allowing land uses known as Recreational Marijuana Dispensary and Recreational Marijuana Cultivation Center.

Alderman Beifuss rejoined the meeting.

Tom Dabareiner provided the members with this staff update. The Public Affairs Committee met in August and referred the new recreational marijuana law as it applies to

dispensaries and cultivation centers to the Development Committee. Staff recommends the following characteristics: 1) Dispensaries as a Permitted Use within the B-2, General Business District; 2) The City should limit the number of dispensaries to a maximum of two; 3) Separation requirements from certain sensitive uses should be included, such as schools, daycare, parks and churches, akin to those for liquor establishments; 4) On-site consumption shall be prohibited; 5) Recreational Marijuana Cultivation Centers should be listed as a Special use in the M, Manufacturing District. He furthered that based on the discussion tonight, staff will draft any required text amendments for consideration by the Plan Commission at its November meeting.

Alderman Stout read aloud Public Act 101-0027 regarding the State's cannabis regulation, and then she explained that the City can prohibit as long as the laws do not conflict with the State's. West Chicago is trying to be preemptive in addressing these issues before the state law goes into effect on January 1st, 2020. She outlined the rules for public comments and then opened the floor for comment.

The following individuals spoke against the issue:

Rob Rienow, 640 Wildwood Lane
Dan Hammer, 641 Nor Oaks Court
Alderman Sandy Dimas, 301 Thomas Drive
Jeff Wisdom, 27W570 Ridgeview Street
Patti Long, 553 Ingaltan Avenue
Matthew McNiel, 1200 Kings Circle
Greg Fantozzi, 160 Amber Court
Charlene Oh, 1070 Cherrywood Lane
Rebecca Resendiz, 217 Milo
Anthony Smith, 1N441 Indian Knoll Road
Heidi Appleton, 1021 Acorn Hill Lane
John Appleton, 1021 Acorn Hill Lane
Alec Smith, 1N401 Indian Knoll Road
Kevin Weber, 400 Spring Cress Lane
Rhonda Tyrus-Johnson, 709 Joliet Street
Tori Libby, 950 Rosewood Drive
Dr. James Libby, 950 Rosewood Drive
Janette Liebling, 681 Nor Oaks Court
Mark Poulterer, 245 Joliet Street
Gene Frost, 900 Prince Crossing Road
Margaret Beaird, 329 Barber Street
Jeff Beaird, 329 Barber Street
Hank Betts, 1109 Ridgewood Drive
Dean Klapatch, 723 Hickory Lane, *who also spoke on behalf of School District #33*
Phillip Dylhoff, 441 Spring Cress Court
Sue Dylhoff, 441 Spring Cress Court

Dawn Hartsell, 854 E Washington Street
Gregg Anderson, 28W700 Washington
William Gilbert, 1205 Elizabeth Street
Alderman Noreen Ligino-Kubinski, 2430 Bainbridge Boulevard
Dr. Lainna Callentine, 1005 Knollwood Lane
Grace Wong, 1050 Aster Lane

The following individuals spoke for the issue:
Wendi Howard, 0N660 Prince Crossing Road
Phillip Balgeman, 1225 Thomas Drive
Lynn Casey-Maher, 857 Honeysuckle Avenue
Tony Massih, 2009 Franciscan Way

Alderman Chris Swiatek, 600 Fieldcrest Drive, stated he was neither for nor against, but he expressed interest in a more specific zoning within the B-2

Alderman Beifuss requested a five-minute recess. The meeting was paused at 9:01 PM.

The meeting was resumed at 9:09 PM and roll call confirmed the same attendance as at the start of the meeting. Discussion of Agenda Item 5.F. resumed.

Alderman Birch-Ferguson thanked everyone for coming out to provide feedback. What resonated with her from the comments is that she wished there was more time and advance notice. She would like to see this issue go to Plan Commission/Zoning Board of Appeals (PC/ZBA) so they can have a public hearing to allow residents to weigh in.

Alderman Birch-Ferguson moved to send this Item to Plan Commission for a public hearing and Alderman Sheahan seconded the motion.

Alderman Birch-Ferguson then amended the motion and motioned to send this Item to PC/ZBA with the recommendations from Staff and Alderman Sheahan seconded the motion.

Alderman Beifuss strongly disagreed with idea that this Item is ready to go to PC/ZBA as information needs to be gathered. They just received recommendations from staff, who also did not have much time to prepare. He went on to say that he is proud of his community. It has been an impressive showing of the hearts and minds of West Chicago. Many who spoke are life-long residents who love West Chicago deeply. He is also surprised by the turnout as there was almost no advance notice. This issue should have been a marquee issue the way that it has been in other communities. He stated that it is premature for this Item to be forwarded to PC/ZBA, and asked that the motion be rescinded so that residents can be heard from. He outlined the following points:

- 1) He believes the best option for West Chicago would be to opt out, and he personally disagrees with legalizing dispensaries in West Chicago. They still need to gather information and are waiting on rules from the State, which may not be ready until the end of the year. This makes it hard to define the City's rules without being able to do their due diligence. Also, many towns around are opting out, and he listed some of the communities that have already elected to do so.
- 2) Staff has not had a lot of time to prepare. He wished they could have had maps prior to the meeting. He does not see the need to rush this, and there is ample time to move this forward and still meet the 60-day requirements.
- 3) Dispensaries are not a good fit for the City nor its image. Even the governor understands that each town has its own personality and as such has the ability to enact its own laws. West Chicago has something special they want to preserve. The Strategic Plan provides for community identity, or the branding of the town, and this is not the type of thing they had in mind. The State will collect the lion's share of the revenue and intends to offshore the liability to the municipalities. West Chicago would have not only administrative and enforcement costs, but personal costs that will come with usage being more prevalent, such as increased crime, increased traffic accidents, problems in the schools, etc.

Alderman Beifuss underscored that the best option is to opt out for now as they could always opt in in the future. He gave a similar example of video gaming. He stressed that this is not an emergency, and they can take their time, learning from what happens in other communities. He is concerned with staff's recommendations as he needs to have more information before he feels comfortable sending this to PC/ZBA—especially in light of the fact that the discussion was not adequately publicized.

He also commented on staff's recommendations, and stated that B-2 represents most of the commercial districts in town. He also stated he wants to discuss grow centers, and he disseminated copies of two published articles among the members. He recently learned in an article in the *New York Times* that grow centers emit a strong odor likened to skunk smell. This is a big problem in California and grow centers in West Chicago are a nonstarter for him.

Alderman Beifuss continued that he has been reading about traffic accidents related to marijuana use. AAA estimates that 14 to 15 million people drive within one hour after having smoked marijuana. *Insurance Journal* noted a statistically significant increase in the number of traffic accidents in the four states that were first to legalize marijuana. There is so much information that the members need to make decisions about zoning, and he asked that the motion be rescinded so they can continue the discussion at the Development Committee's October meeting. This would not delay the City having a decision by the first of the year.

Tom Dabareiner indicated that this would place a burden on staff as they would have to prepare and submit an ordinance for publishing in a three-day time period in order to

meet the November meeting of the PC/ZBA. Alderman Beifuss said he appreciates the potential burden but stated it is more important that the Committee members be able to make their decisions. Mr. Dabareiner stated that additional time is needed for newspaper publishing of notices and advance notice to the public of the November Plan Commission meeting. Alderman Beifuss then summarized some of the key pieces of information that are needed before moving to the PC/ZBA, and he emphasized his preference for continuing their discussion to October.

Alderman Garling echoed the comments made by Aldermen Birch-Ferguson and Beifuss about his appreciation for the people who took the time to voice their thoughts. He stated he already made his personal thoughts known at the Public Affairs meeting, but he does not see this as a fit with the Strategic Plan. He would prefer to see the City opt out. He has a number of concerns about staff's recommendations, but in particular with regards to proximity. The State law itself puts a 1000-foot buffer for advertising between schools, parks, and other areas. He would like to hear from his fellow Aldermen about why it would be okay to allow for a facility within that same buffer. Proximity is a significant concern for him, and for this reason, he does not want to proceed with staff's recommendation.

Alderman Garling also shared that he has received 45 emails—with 3 in favor, 1 urging to go slow, and over 40 that say no. Tonight they have heard from schools—both public and private, social service organizations, three Aldermen, and many other community members. He does not want it zoned as suggested by staff. He would like to be much stricter with regards to proximity and zoning. The State allows us to regulate the number of dispensaries and cultivation centers, the hours of operation (he does not see where staff addressed this aspect), and the nature of the businesses. He then asked his fellow aldermen why a dispensary would be located within 1000 feet of school, park, etc.

Tom Dabareiner confirmed that the State's buffer for advertising is 1000 feet. Alderman Stout asked for clarification on allowable distances and proximity. Mr. Dabareiner replied that the State was silent on separation distance from sensitive uses, but they did allow local government to decide. Staff looked at liquor stores as an example, where it can be as little as 100 feet door to door. To be somewhat similar and make it easier to measure property to property, Staff considered 250 feet. However, 500 or 1000 feet can also be considered as it depends on the personality of the community. A 1000-foot buffer would limit the possibilities and would almost have the same effect as limiting the use. This is something they are not allowed to do. Alderman Garling pointed out that they can opt out entirely. Mr. Dabareiner clarified that if you are setting regulations then you cannot set a distance that is too extreme. He agreed that you can opt out, but if you are asked to define regulations, it is possible to create regulations that are too strict and have the effect of eliminating a use, which may be challenged legally.

Alderman Stout asked Alderman Garling to pose his previous question to the members again. Alderman Garling asked why his fellow Committee members feel it would be okay

to locate a dispensary within 1000 feet of sensitive use areas if the State does not allow for advertising within that same distance. Alderman Birch-Ferguson stated that the B-2 is far enough away with the distance recommended by staff. Alderman Garling countered that a daycare is going in at Hawthorne and Route 59. Why would only 250 feet from there to the shopping center be okay rather than 1000 feet? Alderman Birch-Ferguson replied she would need to look at the map. In her initial review, the Roosevelt Road corridor of B-2 seemed like a good place. Alderman Sheahan stated she did not know about the 1000-foot buffer for advertising and was going off of what staff had recommended. She would have to look into this.

Alderman Beifuss stated he does not feel dispensaries belong in the B-2 at all. He recalled the zoning issues for medical marijuana dispensaries from a few years ago. They ended up putting it in Manufacturing (M), *as opting out was not considered at that time*. He would recommend recreational marijuana dispensaries be zoned M as well. He stated they will need to flesh out staff's recommendation that sampling not be allowed at any of the dispensaries. There is clearly a driving-under-the-influence problem, and so as to not exacerbate the problem, there should not be any sampling at any dispensary. Finally, *if allowed*, he stated there needs to be at least 1000-foot buffer from sensitive areas. The community has expressed problems with proximity, and studies agree with this. Alderman Stout stated she was not sure if she agrees with as little as 250 feet, but she is not sure 1000 feet is right either. Advertising is not what they need to address tonight. Instead, they need to look at zoning for the locations. Staff has provided us with information about the different radiuses of 250 and 500 feet. 1000 feet seems excessive, and she is concerned about the legal risk of mandating rules so strict. Alderman Garling stated it seems many members have concerns about the 250 feet.

Alderman Birch-Ferguson indicated that the word is out, and this is why she wanted to send this to the PC/ZBA sooner rather than later. They can advertise that meeting date and people can plan to attend while it is still a hot topic in the community. She stated she respects what the Plan Commission does, and after they meet they will submit their recommendation which the Development Committee members will discuss at their next meeting. They may end up choosing to recommend 1000 feet.

Alderman Beifuss expressed concern about sending the matter to PC/ZBA before the City has a chance to get the word out. It is a hot topic, and they need to get this information out to the community. They need to give the instruction tonight to staff to put something on the City's website about where the issue is at so far. He wished they had done so. It is also a positive thing to ask for people's opinions even if it is a difficult topic. He wished he could have seen the map included with the Item Summaries to view it prior to tonight's meeting. This shows how staff did not have enough time to prepare.

Tom Dabareiner displayed maps showing the potential buffers of 1000, 500 and 250 feet within the B-1, B-2 and B-3 Zoning Districts. He indicated that, while the maps were prepared for a different project, they are useful in understanding potential buffers. He

noted that taking into consideration the strictest distances would result in just a handful of properties in the B-2 where dispensaries could be located.

Alderman Stout pointed out that moving this moving this Item on to the PC/ZBA does not mean that dispensaries will be allowed. What they are saying is that public input is needed at a second meeting, which will be advertised and for which more information will be gathered. The ultimate decision for approval is still several meetings away. At this point, they are trying to provide some guidelines for the Plan Commission for them to discuss.

Alderman Beifuss expressed concern at sending something to the Plan Commission before there is consensus from the Development Committee that there is some level of acceptability. They are not at that point yet. He would really like to have another meeting of the Development Committee to discuss. He recognized the burden on staff for the short turnaround time it would impose, but he feels another meeting is needed. He asked if St. Charles has medical dispensaries, and Mr. Dabareiner said they do. Alderman Beifuss asked if those are located in the Manufacturing District, but Mr. Dabareiner was unsure. Alderman Beifuss reiterated the idea of locating recreational dispensaries in Manufacturing, providing for a minimum of a 1000-foot buffer from sensitive areas, and not allowing for grow centers. He also questioned the number of dispensaries allowed. He reminded that the City can always opt out for now. They can wait two or three years to see what happens in other communities first, and then bring it back.

Alderman Birch-Ferguson stated that after seeing the maps provided by staff, she would like to amend her earlier motion.

Alderman Birch-Ferguson motioned to send this Item to PC/ZBA with staff's recommendations except for increasing the buffer to 500 feet and Alderman Sheahan seconded the motion.

Alderman Stout stated they have discussed the pros and cons as much as possible tonight. There is a motion on the floor they will need to vote on. She reiterated that moving the discussion along is not saying yes, that it is only a starting point.

Alderman Garling disagreed with sending this recommendation to the Plan Commission. Instead, he asked the members to consider zoning recreational marijuana dispensaries as they already have with medical marijuana dispensaries by allowing them in the M District. He added they should also add time restrictions the way they do for liquor sales. He asked why they cannot send forth both ideas to PC/ZBA. Discussion ensued with Aldermen Stout and Garling and Mr. Dabareiner about excessive regulation which might be conveyed as legally too restrictive and the possibilities for opting out. Alderman Stout cautioned that they cannot dictate to the point where the outcome is the same as banning. Per the State, they need to enact reasonable zoning regulations. She suggested they move to vote.

Alderman Beifuss commented on setbacks, which range from 250 to 1000 feet. 1000 feet seems more reasonable. He likes some of the ideas that Alderman Garling had suggested. He cautioned there are many downsides to this. The State will keep most of the money and what they get back they will need to use to cover expenses. They will end up subsidizing it. He stated that liquor sales are not analogous to those of recreational marijuana because the federal government delegates liquor regulation to the states, but it does not do so for marijuana. Sales of marijuana are still considered a felony. He reiterated his ideas to have another Development Committee meeting before sending it on and to consider Manufacturing as the zoning. The Aldermen do not speak at Plan Commission meetings. He stressed he does not see the rush to move this forward. It is a good idea to let the community absorb this and to give them more time. A discussion ensued with Aldermen Beifuss and Stout and Mr. Dabareiner about the timing of future meetings with City Council and the time staff needs to prepare. Alderman Stout called for the vote.

Voting Aye: Aldermen Birch-Ferguson, Sheahan and Stout. Voting Nay: Aldermen Beifuss and Garling.

Alderman Stout recapped that by moving this Item forward to the Plan Commission, they are not saying yes. What they are saying is that they want more information and they want more input.

6. Unfinished Business. None.

7. New Business.

Alderman Beifuss recommended that City staff put a marquee post on the website and on Facebook and Twitter to get the word out about recreational marijuana dispensaries in West Chicago. Word of mouth is unacceptable. We need to do a better job of communicating big issues to the public. Mr. Dabareiner promised to talk with the Communications Director. Alderman Garling agreed.

8. Reports from Staff. None.

9. Adjournment.

Alderman Sheahan moved and Alderman Birch-Ferguson seconded the motion to adjourn the Development Committee meeting at 10:23 P.M. The Committee members unanimously agreed and the motion carried.

Respectfully submitted,
Jane Burke

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