

Village of Lombard

*Village Hall
255 East Wilson Ave.
Lombard, IL 60148
villageoflombard.org*



Minutes

Monday, July 20, 2020

7:00 PM

Village Hall - Board Room

Plan Commission

Commissioners:

***Martin Burke, Ruth Sweetser,
Stephen Flint, John Mrofcza,
Leigh Giuliano and Bill Johnston
Staff Liaison: Jennifer Ganser***

NOTICE OF MEETING MODIFICATION DUE TO COVID-19

In light of the Disaster Declaration issued by the Governor of the State of Illinois relative to the COVID-19 pandemic, and pursuant to Public Act 101-0640, the Chairperson of the Plan Commission has determined that an in-person meeting of the Plan Commission, or a meeting conducted under the Open Meetings Act requirements, relative to a quorum of the members of the Plan Commission being physically present at a meeting when some members of the Plan Commission are participating remotely, is not practical or prudent because of the disaster.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33 and 2020-39, and pursuant to Public Act 101-040, Plan Commission members may attend and participate in the public hearing remotely, and physical attendance at this public hearing will be restricted solely to specified Village officials, staff and consultants. Residents may view the meeting live on television, at Comcast Channel 6 or AT&T Channel 99, or on online at www.villageoflombard.org/220/view-meetings-live.

All interested persons will be given the opportunity to participate in the public hearing via telephone or submission of public comments or evidence in advance of the meeting

- email to communitydevelopment@villageoflombard.org
- calling and leaving a voicemail at 630-620-5760
- letter mail to:

Community Development Department
Attn: Plan Commission
Village of Lombard
255 E. Wilson Avenue
Lombard IL 60148

Persons interested in participating in the hearing via telephone shall contact the Village in advance by any of the above methods to obtain information necessary for telephonic participation in the hearing. The Village requests that comments be submitted to the Village by 4:00 p.m. on Monday, July 20, 2020.

Notwithstanding this request, all comments received before the public comment portion of the public hearing will be read into the public meeting record. The physical attendance restrictions in place for this meeting have been adopted to comply with Governor Pritzker's Executive Orders regarding social distancing and the need to maximize residential self-isolation to slow the spread of COVID-19 to the greatest extent possible.

Call to Order

Vice Chairperson Flint called the meeting to order at 7:00 p.m

Pledge of Allegiance

Vice Chairperson Flint led the Pledge of Allegiance

Roll Call of Members

Present 6 - Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, Leigh Giuliano, and Bill Johnston

Also present: William Heniff, AIPC, Director of Community Development, Jennifer Ganser, AICP, Assistant Director of Community Development, Jason Guisinger, legal counsel to the Plan Commission.

Commissioners: Martin Burke, Ruth Sweetser, John Mrofcza, Leigh Giuliano and Bill Johnston attended remotely.

Vice Chairperson Flint called the order of the agenda.

Ms. Ganser read the Rules of Procedures as written in the Plan Commission

Public Hearings

[200207](#)

PC 20-18: 783 E. Butterfield Rd, Zen Leaf Cannabis

The petitioner requests a zoning conditional use pursuant to Section 155.415(C)(31) of the Lombard Village Code to allow for a "Cannabis dispensing facility operated in strict compliance with State law applicable thereto" on the subject property located within the B3 Community Shopping District. (DISTRICT #3)

Sworn in to present the petition were, Adam Rak and Anthony Marsico the petitioners, and Jennifer Ganser, Assistant Director.

Pursuant to Governor Pritzker's Executive Order 2020-07, as extended by Executive Orders 2020-18, 2020-33 and 2020-39, and pursuant to Public Act 101-040, some Plan Commission members participated in the public hearing remotely.

Mr. Rak showed a presentation. He said he is presenting on behalf of

the petitioner and that he is an urban planner at WBK Engineering. He said the location is zoned B3 and they are applying for a conditional use permit. He said Zen Leaf will comply with all State and Municipal regulations. He said this is a high-end luxury experience with customer service. Zen Leaf will help customers find the correct product for their needs. They are a good community steward. Mr. Rak went thru the seven (7) standards for a conditional use and explained for Zen Leaf meets and exceeds each standard. He said the State of Illinois has some of the most stringent regulations on the cannabis industry.

He referenced the letter of objection from the neighboring property owner and stated that they are to the west of the drive-thru, which may be causing some of the issues. He said there is plenty of parking in the back. A traffic engineer reviewed the site and said for a dispensary of 3,150 square feet to expect approximately 796 total daily trips, however, a restaurant comparable to the one that left could generate approximately 993 total daily trips. He said that is a 20% decrease in traffic. They believe the dispensary will alleviate some of the parking concerns rather than another restaurant. He said restaurants require more parking per Code.

Mr. Marsico said he is the VP of Sales. He went thru the proposed floor plan and said all who enter must be 21 and have an ID. He discussed the customer experience and the customer flow. The point of sale is simply transactional and no cannabis products are on the floor. He said this will create jobs and tax revenue. He said their existing dispensaries have a good relationship with Police and Fire. He discussed their third-party security firm and compliance.

Vice Chairperson Flint asked for public comment. There was none.

Vice Chairperson Flint asked for the staff report.

Ms. Ganser presented the staff report, which was submitted to the public record in its entirety. She noted that tonight's public hearing is for a conditional use at 783 E. Butterfield Road. The discussion is not if cannabis should be sold in Lombard. That was discussed in 2019 thru a Village Board workshop, a Plan Commission public hearing, and additional Village Board meetings where the Village Board ultimately voted to opt-in and established zoning regulations. This address is zoned B3. In the B3 district dispensaries are a conditional use, which is why this public hearing is required.

The petitioner, Verano Holdings/Zen Leaf, proposes a cannabis dispensary at a retail space at 783 E. Butterfield Road. The subject property is vacant retail space and was formerly Anthony's Coal Fired Pizza restaurant. Per a 2019 text amendment, cannabis dispensaries are a conditional use in the B3 Zoning District. Cannabis would be sold at the location, in compliance with Illinois law. Cannabis would not be grown on the premises. The cannabis industry is regulated by the State of Illinois Department of Financial and Professional Regulation and the Illinois State Police. The site is surrounded by other commercial land uses. There is no residential in the immediate area.

The building went to the Plan Commission in 2015 (PC 15-26). The site met parking as it uses parking in the rear owned by Nicor and has used this parking since 1982 pursuant to a lease agreement that runs through June 2024. Afterwards there are ten extension options of five years each. The site takes access from Butterfield Road, which is a major arterial roadway.

Staff received five (5) emails on the petition that were included in the staff report and are part of the public record. They are in support of or have no opinion on the petition.

Staff also received one (1) letter after the staff report was sent out. The Plan Commissioners received the letter via email and it is also part of the public record. The letter is from the adjacent property owner at 801 E. Butterfield Road. He is not in support of the petition. Ms. Ganser read the letter. Staff notes that the objections are not pertaining to the use of a cannabis dispensary, but rather potential adverse impacts that could be made for various commercial entities.

Staff received one (1) voicemail after the staff report was sent out. The Plan Commissioners received the voicemail via email and it is also part of the public record. The voicemail caller did not identify himself and expressed general concerns and objections about cannabis sales and use. The call did not directly speak to matters about this specific petition. The text of the voicemail is as follows:

"Hello, I am calling about the recreational marijuana dispensary that you want to allow in Lombard. That is one of the biggest mistakes you can do. I have had an experience with that and I have had a family member, actually it was an in-law, who destroyed his life with pot. And I can tell you right now that I don't care if the Governor made it legal or not, it is still illegal at the federal level. You apparently don't realize that

these dispensaries attract the wrong kind of people and I don't care if the Governor made it legal, it is still an illegal drug because it is illegal at the federal level. And Trustee Militello is in the cannabis business which people are not too thrilled about that. An elected official that makes money off of an illegal drug. And don't tell me this stuff about how safe marijuana is, I can tell you right now that from 2006-2016 there were over 100,000 accidents out on the highway due to alcohol. Now my question to you is, alcohol is half of the potential of marijuana such as accidents, violence, criminality, social degradation, do we really need pot? No, we don't. You wanna go ahead and have it, fine. But you're going to have a lot of robberies at dispensaries cause they don't take credit cards, they just take cash. And when you have something like that you will have a lot of robberies. Look what happened in Chicago when they made it legal. It's obvious that you don't know the dangers of marijuana and alcohol. All you can talk about is bringing in the revenue. What about the drawbacks of marijuana? I don't care if it's safe, it's not. It isn't safe at all. One drug leads to another. One in five will be hooked on pot. Any trustee or commissioner that goes in favor of this dispensary ought to be removed from office."

The caller noted traffic accidents and robberies. These are more general in nature and do not relate to this specific conditional use at this specific address. Items such as traffic were discussed in 2019 when the Board voted to opt-in. These matters were discussed by the Police Chief as they would be under the Police Department's purview.

Staff received one (1) email after the packets went out. The Plan Commissioners received the email and it is also part of the public record. The text of the email is as follows:

"Hi, my name is Jodie Carlson and I am a resident of Lombard. I understand that approval for a cannabis dispensary is on the agenda tonight and wanted to let you know that I am very much in favor of this business. Please let me know if you need any more info. Thanks and have a great meeting!"

In conclusion, staff supports the conditional use for a cannabis dispensary at 783 E. Butterfield Road.

Vice Chairperson Flint asked if the petitioner would like to respond to the letter or voicemail. Mr. Marsico said they prepared a written response that was distributed to the Plan Commission. He said their

use is less intense than the previous sit-down restaurant. They are also further away from the drive thru and driveway, which may help. He said their customers are usually in and out in five minutes, however, restaurant customers stay much longer. He doesn't believe parking will be an issue.

Vice Chairperson Flint asked if there were questions on the staff report.

Vice Chairperson Flint opened the meeting for comments among the Commissioners and asked each Commissioner if they had questions or comments.

Commissioner Burke said he had no comments or questions and would recommend approval.

Commissioner Sweetser said she had no comments or questions.

Commissioner Mrofcza said he had no comments or questions.

Commissioner Giuliano asked if another dispensary could open in the B3 zoning district and Ms. Ganser said yes. There is no limit on the number of dispensaries in the Village. She asked the petitioner who scans the ID's. Mr. Marsico said their staff will after receiving training. They use Veriscan and can lean on security if needed. Commissioner Giuliano asked how they prohibit public consumption and Mr. Marsico said they will have two security guards who will focus on the inside and outside. They have a no loitering policy. Commissioner Giuliano asked if customers can sample product and Mr. Marsico said there is no consumption of products with THC. They may have non-infused edibles called blanks that can be tasted. Commissioner Giuliano asked if they donate money to any drug rehab or prevention organizations. Mr. Marsico said he was not sure. He said they would like to join the Chamber and they do partner with an agency that helps with job placement for those affected by drugs. That agency works on criminal justice reform. Their focus is towards social equity. Commissioner Giuliano said she likes the location, likes that it is away from residential and should add to the economic diversity in the area.

Commissioner Johnston said this is a prime location and will draw from a large area. He asked how they will handle large crowds and parking? Mr. Marsico said for something like a grand opening they may need traffic control, but their goal is to have a minimal impact to traffic and parking.

On a motion by Commissioner Burke, and a second by Commissioner Giuliano, the Plan Commission voted 6-0 to recommend that the Village Board approve the petition associated with PC 20-18, subject to the following six (6) conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request and as modified by the conditions of approval set forth herein.
2. The petitioner shall satisfactorily address all other development comments identified within the Inter-Department Review Report as part of any future permits as part of the project.
3. The petitioner shall be required to apply for and receive building permits for any activity and/or improvements to the subject property.
4. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension is granted by the Village Board.
5. If, for any reason, the Nicor parcel becomes unavailable for off-site parking an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the use.
6. Operation of the cannabis dispensary is subject to securing and maintaining all requisite approvals as set forth by the State of Illinois relative to the cannabis dispensary land use.

Aye: 6 - Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, Leigh Giuliano, and Bill Johnston

Business Meeting

Approval of Minutes

A motion was made by Commissioner Mrofcza, seconded by Commissioner Sweetser, the minutes of the June 15, 2020 be approved. The motion carried by the following vote:

Aye: 6 - Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, Leigh Giuliano, and Bill Johnston

Public Participation

There was no Public Hearings

DuPage County Hearings

There was no DuPage County hearings

Chairperson's Report

The Chairperson deferred to the Director of Community Development

Planner's Report

There was no Planners report

Unfinished Business

There was no unfinished business

New Business

There was no new business

Subdivision Reports

There was no subdivision reports

Site Plan Approvals

[190318](#)

SPA 19-01: Weber Grill outdoor dining area canopy/encloser (2331 Fountain Square Drive) - Time Extension Request

The petitioner, Weber Grill Restaurant Lombard, is requesting site plan approval time extension request in order to install a new canopy over the existing outdoor dining area on the southwest side of the building. No expansion to the outdoor dining area is proposed. (DISTRICT #3)

Ms. Ganser entered the memo into the public record. This project was approved by the Plan Commission in 2019, however, Covid delayed the construction of the project. As the project is not yet complete the petitioner is requesting a time extension and staff supports the request.

A motion was made by John Mrofcza, seconded by Bill Johnston, that the time extension for SPA 19-01 be approved. The motion carried by the following vote:

Aye: 6 - Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, Leigh Giuliano, and Bill Johnston

Workshops

Mr. Heniff reviewed a powerpoint and discussed amending the Zoning Ordinance on maximum lot coverage for properties with combined sewers in the R1 and R2 zoning districts. He mentioned we have many large rain events and the existing infrastructure can't always accommodate it. He discussed flooding on private property. Lombard has storm sewers in the public right of way, usually the street. New development needs to follow many updated and new Codes, but this does not fully address the existing development and infrastructure. He

said Lombard still has areas of town with combined sewers, though much of Lombard has separated sewer systems. Combined sewers can have overflow which can back up into basements or the ground. He showed a map of the combined sewer area which is mostly the east central portion of the Village. Areas with combined sewers account for approximately 17.9% of Lombard, but were over 50% of the drainage calls for the May 2020 storm event. Separating all the Village sewers would be over \$100,000,000. He discussed the 50% lot coverage regulation and what other communities do. He said a proposed regulations could be to decrease the lot coverage to 40% in areas of a combined sewer. He discussed allowing the improvements like a patio, but allowing it with a pervious surface. This could also help with stormwater management.

Commissioner Burke said this was informative. He would like to see more engineering work done to back up the numbers on the combined sewer areas. He said this could be expanded to other residential zoning districts that have a higher density and more coverage. Mr. Heniff noted that sometimes new developments in high density areas use vault detention and may manage stormwater better than single-family areas.

Commissioner Sweetser said this is a good topic to review. She noted a trend for smaller houses and wondered if that would continue post Covid.

Commissioner Mrofcza asked if the greatest concern in Lombard was the area with combined sewer. He asked Mr. Heniff for more detail on the map. Mr. Heniff said the brown area is the combined sewer and the yellow area are sewers that are separate, but lead to a combined area. The areas are white have separated sewers. He said the area of the most concern is the combined sewer area and noted that if those areas became separate the lot coverage could be increased.

Commissioner Giuliano said she had no comments.

Commissioner Johnston said water is a major topic and this could help future development.

Commissioner Flint said as an architect he knows sometimes it had to stay under the 50%, usually when there is a detached garage and driveway. He said it would be nice to see an opportunity for people to use pervious surfaces instead. Mr. Heniff said we could look at a hybrid model for the combined are to get credit to go up to 50%.

Commissioner Burke suggested a graduated percentage based on lot size.

Commissioner Mrofcza asked if this would create a long term improvement and Mr. Heniff said it wouldn't make the situation worse. Zoning is forward thinking and this could help with future development

Adjournment

A motion was made by Commissioner Mrofcza, seconded by Commissioner Johnston, to adjourn the meeting at 9:01 p.m. The motion passed by an unanimous vote.

*Stephen Flint, Vice Chairperson
Lombard Plan Commission*

*Jennifer Ganser, Secretary
Lombard Plan Commission*