



Village of Lombard

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

Minutes

Plan Commission

Donald F. Ryan, Chairperson
Commissioners: Ronald Olbrysh, Martin Burke,
Ruth Sweetser, Andrea Cooper, Stephen Flint and
John Mrofcza
Staff Liaison: William Heniff

Monday, September 16, 2013

7:30 PM

Village Hall - Board Room

Call to Order

Chairperson Ryan called the meeting to order at 7:30 p.m.

Pledge of Allegiance

Chairperson Ryan led the Pledge of Allegiance. He called for a moment of silence for the victims in the shooting today in Washington D.C.

Roll Call of Members

Present 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Also present: William Heniff, AICP, Director of Community Development; Jennifer Ganser, Assistant Director of Community Development; Matt Panfil, Sr. Planner, and Jason Guisinger, legal counsel to the Plan Commission.

Chairperson Ryan called the order of the agenda.

Mr. Heniff read the Rules of Procedures as written in the Plan Commission By-Laws.

Public Hearings

[130462](#)

PC 13-15, Text Amendments to the Zoning Ordinance - Permitted Uses in the B2 District

The Village of Lombard is proposing the following texts amendment to the Lombard Zoning Ordinance: An amendment to Section 155.414,

B2 General Neighborhood Shopping District Requirements (B) to include the additional permitted uses of Bicycle sales; Business machine sales; Carpet and rug stores, retail sales only; Closet and storage organizer stores; Compact disc, record and sheet music stores; Electrical and household appliance stores, including radio and television sales; Furrier shops; Garden supply, tool and seed stores; Health services and weight reduction services; Home improvement stores and showrooms; Leather goods and luggage stores; Locksmith shops; Mail order, catalog store; Musical instrument sales; Office supply stores; Paint, glass, and wallpaper stores; Pet shops; Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises; Picture framing, when conducted for retail trade on the premises only; Printing and duplicating services; Repair, rental and servicing of any article the sale of which is a permitted use in the district; Sewing machine sales and service-household appliances only; Shoe stores; Sporting goods stores; Ticket agencies, amusement; Toy shop; Travel bureaus and transportation ticket offices. (DISTRICTS - ALL)

Ms. Ganser, Assistant Director of Community Development, presented the staff report, which was submitted to the public record in its entirety. The petition brought forward by staff is to allow the B2 General Neighborhood Shopping District to have additional permitted uses in the District. Staff looked at the list of permitted uses that were allowed in the B3 and B5 District and decided some of the uses should be allowed in the B2 District. Staff feels this will promote economic development in the B2 District. There is no change to the conditional uses. Ms. Ganser referred to the map on the last page of the report noting the five (5) areas of the Village in the B2 District that would be affected by the Text Amendment.

Chairperson Ryan asked for public comment, and, hearing none, opened the meeting for comments among the Commissioners.

Commissioner Sweetser liked the idea but questioned an item that did not appear in the staff report but was listed in the public notice as Repair, rental or servicing of any article, the sale of which is a permitted use in the district. Ms. Ganser explained Repair, rental and servicing the sale of which is a permitted use in the district, is listed in the Zoning Ordinance. Commissioner Sweetser sought clarity on the two lists if a motion is going to be made. Mr. Heniff clarified they did advertise for Repair Service however this item did not get picked up in the Staff report. He explained the motion should include Repair, rental or servicing of any article, the sale of which is a permitted use in the district as it was advertised in the public notice.

A motion was made by Ruth Sweetser, seconded by Ron Olbrysh, that this petition be recommended to the Corporate Authorities for approval. The

motion carried by the following vote:

Aye: 6 - Ronald Olbrysh, Martin Burke, Ruth Sweetser, Andrea Cooper, John Mrofcza, and Stephen Flint

Business Meeting

The business meeting convened at 7:44 p.m.

Approval of Minutes

Commissioner Sweetser requested a correction on page 3 in the last paragraph for PC13-14.

On a motion by Commissioner Flint and seconded by Commissioner Cooper the minutes of the August 19, 2013 meeting were approved by a 5-0 vote with Commissioner Olbrysh abstaining citing his absence at the meeting.

Public Participation

There was no public participation.

DuPage County Hearings

There were no DuPage County hearings.

Chairperson's Report

The Chairperson deferred to the Director of Community Development.

Planner's Report

The Director of Community Development had no report.

Unfinished Business

There was no unfinished business.

New Business

There was no new business.

Subdivision Reports

There were no subdivision reports.

Site Plan Approvals

There were no site plan approvals.

Workshops

351 E. Roosevelt Rd. - Concept Plan

Matt Panfil, Sr. Planner, introduced the workshop. He stated to facilitate the discussion staff will offer a brief history of the site. In February 2007, a petitioner submitted plans for the redevelopment of the then vacant lots formerly operated as Lombard Lanes and O'Hare Towing. Ultimately, the petition was withdrawn and a revised proposal was resubmitted in 2008. The 2008 proposal did receive approval of an Annexation Agreement, a map amendment rezoning the subject properties to B4A Roosevelt Road Corridor zoning district, and received a conditional use for a planned development with companion conditional uses, deviations, and variations.

The development consisted of a bank with a drive-through facility, a shopping center, restaurant with outside service / dining area, and a four-story storage center. Time extensions were granted in June 2009, June 2010, and June 2011, but the developer never proceeded with the project and the bank foreclosed upon the land.

In 2011, a request was made for amendments to the Annexation Agreement. The amendments requested to accommodate a conditional use for a 25,500 square foot secondhand store and rummage shop with drive-through facility and one (1) outlot with an unidentified tenant.

The current concept plan proposal is for an 11,945 square foot multi-tenant strip commercial center. The purpose of the workshop is to discuss three (3) policy questions raised by this proposal.

The first issue addresses dry cleaning plants within B4A zoning district. In 2007, the Plan Commission recommended, and the Village Board approved, a text amendment to the zoning ordinance regarding dry cleaning establishments. This amendment reaffirmed that within commercial zoning districts, "dry cleaning use shall be a service retail use and shall not consist of the processing of garments from other dry cleaning establishments." The processing of garments for other dry

cleaning establishments are restricted to the I Limited Industrial Zoning District. Section 155.508 (B)(3) of the Zoning Ordinance prohibits industrial uses from being granted a use exception, therefore the allowance of a dry cleaning establishment that processes garments from off-site locations would require a text amendment to allow such uses throughout the B4A Zoning District.

Staff is looking to the Plan Commission for discussion and a level of support for a text amendment to the Zoning Ordinance to allow for on-site processing of dry cleaning from off-site establishments within the B4A Roosevelt Road Corridor Zoning District be consistent with the purpose and intent of the overall zoning district and the specific planned development.

Next, Mr. Panfil discussed that in policy issue 2 the first amendment to the annexation agreement specifically states Lot 2 shall be developed with a fast food restaurant, sit down restaurant, or retail use permitted under Section 155.417 (G)(1)(a) within the B-4A Roosevelt Road Corridor District. The dry cleaner, if it were on site only as proposed, would fall under Section 155.417 (G)(1)(b) which is service uses, but not under 155.417 (G)(1)(a) as stipulated by the Amendment.

During the approval process for PC 11-25, there was the desire for a strong retail component to exist along a highly visible portion of a heavily trafficked major arterial street. In order to offset the anticipated weak fiscal impact of a secondhand store, the amendment was carefully worded in such a way as to obtain the desired strong retail presence.

Staff is asking the Plan Commission if there is consideration to amending the annexation agreement to allow a more permissive list of uses that would include service use within the outlot.

Mr. Heniff added in order to give proper guidance back to a perspective petitioner; staff wanted to get initial input from the Plan Commission of the concept of having a strip commercial center, where a service use is predominant.

Mr. Panfil conferred policy issue 3 is similar to policy issue 2. There was a separate condition within the first amendment to the annexation agreement requiring the building design be consistent with the architectural style of the building shown on the Preliminary Building Elevations, and building materials of a like amount, kind and quality should be used.

Staff is asking the Plan Commission if they would allow the construction of a building where the elevations may not be consistent

but complimentary to an existing structure.

Chairperson Ryan opened the workshop for comments and questions from the Commissioners.

The Commissioners discussed the property with regard to three policy issues: dry cleaning plants in the B4A zoning district, service uses where retail uses are required (per the properties annexation agreement), and a varied architectural style within the Planned Development. The Commissioners stated that they did not feel it would be appropriate to allow for a dry cleaning processing plant in the B4A district, but did feel comfortable with the service uses and varied architectural style.

Medical Marijuana

Ms. Ganser, Assistant Director of Community Development, introduced the workshop. Staff is seeking input from the Plan Commission regarding appropriate zoning districts and definitions for medical cannabis dispensary facilities. Staff is being proactive by bringing this discussion to the Plan Commission as this is an emerging land use.

On August 1, 2013, Governor Quinn signed the Compassionate Use of Medical Cannabis Pilot Program Act that will go into effect on January 1, 2014. This allows for individuals with thirty-three (33) serious diseases including cancer, multiple sclerosis, and Parkinson's to obtain a special ID card allowing them to buy limited amounts, up to two-and-a-half ounces during a 14 day period, of medical marijuana from one of 60 state-licensed dispensaries.

The Act also allows municipalities to have reasonable zoning regulations that provide for the cultivation and dispensing of medical marijuana. It states that municipalities may not prohibit the cultivation, dispensing, and use of medical cannabis.

There are two potential new uses from the Act: a registered cultivation center and a registered dispensary.

Staff used mapping software to determine where potential cultivation centers could be located in the Village. Creating the 2,500 foot buffers a cultivation center would not be permitted in Lombard per the Act's regulations.

According to the Act, registered cultivation centers may not be located

within 2,500 feet of the property line of a pre-existing public or private preschool, elementary school, secondary school, day school, day care center, day care home, group care home, part day child care facility, or area zoned for residential use. The Act will allow for 22 cultivation centers in the State.

In addition, registered dispensaries may not be located within 1,000 feet of the property line of a pre-existing public or private preschool, elementary school, secondary school, day care center, day care home, group day care home, or part day child care facility. Dispensaries may not be located in a house, apartment, condominium, or area zoned for residential use.

When the buffer is reduced to 1,000 feet, per the State act, it could allow for dispensaries in the Village of Lombard. Currently, there are no existing regulations on medical cannabis dispensing organizations in the Village.

Staff would like to propose that one definition be added and one definition already in the zoning code be amended. The first definition would be for a medical cannabis dispensing organization. The proposed definition is as follows:

A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and education materials to registered qualifying patients.

Next, staff would like to amend the definition in the zoning code for a smoking establishment. Staff would like to add to the definition, excluding medical cannabis, so it is clear that medical cannabis would not be allowed in a smoking establishment.

Staff looked at multiple zoning districts to make a determination to see where dispensing facilities would be allowed. Staff does not feel that dispensaries would be appropriate in the B Business District. The means of dispensing medical cannabis is being highly regulated in a much different way than a traditional pharmacy, which warrants the desire for additional review. Furthermore, a traditional pharmacy sells other goods and has a retail presence, which a dispensary would not.

Though out-patient medical and dental offices and clinics are allowed with a Conditional Use in the I Industrial District staff feels the highly regulated nature of medical cannabis would not be consistent with this use. Staff does not feel that dispensaries would be appropriate in the I Industrial District.

Lastly, Staff looked at the O Office District. This is an emerging land use and proceeding with caution may be appropriate. Hospitals, another highly regulated land use by the State, needs a Conditional Use to be located in the O Office District. Staff is proposing an amendment with conditional uses within the O Office Zoning District to allow for Medical Cannabis Dispensing Organizations.

Commissioner Ryan asked Ms. Ganser if the State would recommend the agencies that will be a dispensary or if they are giving any direction. Ms. Ganser explained it is up to the municipalities to regulate.

Chairperson Ryan opened the workshop for comments and questions from the Commissioners.

Due to a new State Act regarding medical cannabis, the Commissioners discussed a definition for medical cannabis dispensing organization, an amended definition of smoking establishments, and zoning districts for a medical cannabis dispensary. Commissioners were comfortable with the aforementioned definitions and limiting dispensaries to the O Office District with a conditional use permit. The full Plan Commission case and public hearing petition will be brought forth at the October 21, 2013 Plan Commission meeting.

Adjournment

The meeting adjourned at 8:28 p.m.

*Donald F. Ryan, Chairperson
Lombard Plan Commission*

*William J. Heniff, Secretary
Lombard Plan Commission*

