

A G E N D A

SPECIAL MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, NOVEMBER 6, 2019 AT 7:00 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes - September 4, 2019
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-09: Petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Cafe" as a new permitted use or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new definition and amend the current definition of "Restaurant"; and to add new use categories "similar and compatible uses" in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE SPECIAL MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, SEPTEMBER 4, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00p.m.

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Ruffalo, Kaucky, and Walec, Vice Chairman Wagner, and Chairman Kopp.

Also present were Village Administrator Brian Pabst, Village Attorney Brian Baugh, Planning Consultant Anne Choi, Building Official Roy Giuntoli, Police Chief Bob Schaller, Depute Chief Lauren Kasper and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting August 7,2019

MOTION: Made by Commissioner Remkus, seconded by Commissioner Walec, to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-08: Petition for text amendments to amend Title 9 of the Village Code (Zoning Ordinance) defining and regulating Recreational Cannabis Facilities in the Village of Willowbrook.

- A. PUBLIC HEARING
Closed at 7:50pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Walec was seconded by Commissioner Remkus and approved 4-3 roll call vote of the members present

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Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Page 5 of the Staff Report, and provides amendments that regulated said uses in the OR,LOR, and M1 Zoning Districts as special us, including the proposed change to add “religious institutions” to the list of uses that require a 1000-foot buffer from adult use cannabis dispensing organizations.

Roll Call Vote: AYES: Commissioners Remkus,, Walec, Vice Chairman Wanger, and Chairman Kopp NAYS: Commissioners Soukup Ruffalo, Kaucky, Walec, Vice Chairman

MOTION DECLARED CARRIED

5. VISITOR'S BUSINESS: None

6. COMMUNICATIONS

Planner Choi informed the Committee that October 2,2019 there will be a Public Hearing to discuss Text amendment to allowing ‘video gaming cafes as a permitted or special use in the B-2, B-3 and B-4 zoning districts.

Building Official Giuntoli gave updates on Compass Soccer Area that they have changed their plans and need to submit new ones. The updates on the Willowbrook Inn were that were getting closer to finishing. Inquiries into Tomato Bar and Baker square locations were noted. Beyond Storage close to having all their paperwork in. We have not heard anything more from Lucky Bernie's video gambling parlor.

There is still major work to be done with Plainfield and Kingery Hwy.

7. ADJOURNMENT

MOTION: Made by Commissioner Soukup, seconded by Commissioner Walec, to adjourn the meeting of the Plan Commission at the hour of 8:03 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

November 6, 2019

Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

9/4/2019

**IN RE THE MATTER OF: Text Amendments to Title 9 of the
Village Code Detailing and Regulating Recreational Cannabis
Facilities**

19-08

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:)
Text Amendments to Title 9) No. 19-08
of the Village Code Detailing and)
Regulating Recreational Cannabis)
Facilities)

REPORT OF PROCEEDINGS had at the
hearing of the above-entitled cause before the
Plan Commission of the Village of Willowbrook, at the
Village of Willowbrook Police Department, 7760 Quincy
Street, Willowbrook, Illinois, on the 4th day of
September, 2019, at the hour of 7:00 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairman;
3 MR. JOHN WAGNER, Vice-Chairman;
4 MR. LEONARD KAUCKY, Commissioner;
5 MR. WILLIAM REMKUS, Commissioner;
6 MR. GREGORY RUFFOLO, Commissioner;
7 MR. JAMES SOUKOP, Commissioner;
8 MR. MIKE WALEC, Commissioner;
9 MS. LISA SHEMROSKE, Building and Zoning Secretary.

10

11 PRESENT:

12 Mr. Brian W. Baugh, Village Attorney;
13 Mr. Brian Pabst, Village Administrator;
14 Ms. Ann Choi, Village Planning Consultant;
15 Mr. Roy Giuntoli, Village Building Official;
16 Chief Robert Schaller, Police Department;
17 Deputy Chief Lauren Kaspar, Police Department.

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1 CHAIRMAN KOPP: I will call to order the
2 special meeting of the Plan Commission of the Village
3 of Willowbrook and ask the Plan Commission Secretary to
4 call the roll.

5 SECRETARY SHEMROSKE: Commissioner Remkus.

6 COMMISSIONER REMKUS: Here.

7 SECRETARY SHEMROSKE: Commissioner Soukop.

8 COMMISSIONER SOUKOP: Here.

9 SECRETARY SHEMROSKE: Commissioner Ruffolo.

10 COMMISSIONER RUFFOLO: Here.

11 SECRETARY SHEMROSKE: Commissioner Kaucky.

12 COMMISSIONER KAUCKY: Here.

13 SECRETARY SHEMROSKE: Commissioner Walec.

14 COMMISSIONER WALEC: Here.

15 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

16 VICE-CHAIRMAN WAGNER: Here.

17 SECRETARY SHEMROSKE: Chairman Kopp.

18 CHAIRMAN KOPP: Here.

19 SECRETARY SHEMROSKE: Village Administrator
20 Brian Pabst.

21 MR. PABST: Here.

22 SECRETARY SHEMROSKE: Village Attorney Brian

1 Baugh.

2 MR. BAUGH: Here.

3 SECRETARY SHEMROSKE: Planner Ann Choi.

4 MS. CHOI: Here.

5 SECRETARY SHEMROSKE: Building Official Roy
6 Giuntoli.

7 MR. GIUNTOLI: Here.

8 SECRETARY SHEMROSKE: Police Chief Bob
9 Schaller.

10 CHIEF SCHALLER: Here.

11 SECRETARY SHEMROSKE: Deputy Chief Lauren
12 Kaspar.

13 DEPUTY CHIEF KASPAR: Here.

14 SECRETARY SHEMROSKE: And I'm Lisa
15 Shemroske.

16 CHAIRMAN KOPP: The next item on the Agenda
17 is the Omnibus Vote Agenda. Would any of the
18 Commissioners like an item removed from the Omnibus
19 Vote Agenda? If not, will someone make a motion to
20 approve the Omnibus Vote Agenda.

21 COMMISSIONER REMKUS: So moved.

22 CHAIRMAN KOPP: Second?

1 MR. WALEC: Second.

2 CHAIRMAN KOPP: All in favor say aye.

3 (A chorus of ayes.)

4 CHAIRMAN KOPP: The next item is Zoning
5 Hearing Case No. 19-08. The purpose of this public
6 hearing shall be to consider a petition for text
7 amendments to Title 9 of the Village Code, the zoning
8 ordinance defining and regulating recreational cannabis
9 facilities in the Village of Willowbrook. The
10 applicant for this petition is the Village of
11 Willowbrook.

12 Notice of this public hearing was --
13 special -- no, public hearing was published in the
14 August, 19, 2019, edition of the Chicago Sun-Times
15 newspaper.

16 Ann, would you like to give a
17 presentation for the Applicant?

18 MS. CHOI: Yes. Thank you, Chairman. So
19 the Village of Willowbrook is requesting text
20 amendments to address the recently enacted Cannabis
21 Regulation and Tax Act and to amend or add to the
22 following sections of the Zoning Code and other

1 relevant sections for clarity in order to establish
2 provisions for the sale of cannabis as a land use in
3 the village.

4 Amend Section 9-2-2 of the Zoning Code
5 to establish the definition for adult-use cannabis
6 dispensing organizations consistent with the definition
7 found in the Cannabis Regulation and Tax Act.

8 Amend Sections 9-7B-2, 9-7C-2, and
9 9-8-2 of the Zoning Code to add adult-use cannabis
10 dispensing organizations to the list of special uses in
11 the OR, Office and Research; LOR, Limited Office Usage;
12 and M1, Light Manufacturing Zoning Districts. This
13 includes a 1,000 foot separation distance from schools,
14 daycares, and religious institutions.

15 Lastly, amend Sections 9-7B-4(B),
16 9-7C-4(B), and 9-8-4(B) of the Zoning Code to allow for
17 the retail sales associated with the dispensaries in
18 the OR, Office and Research; LOR, Limited Office Usage;
19 and M1, Light Manufacturing Zoning Districts.

20 Brian Baugh, our village attorney, can
21 speak more to the legal aspects of the Act, and I will
22 cover the zoning and land use side of it.

16 So what does that mean? It means that
17 if you are a legal resident of Illinois, you will be
18 able to lawfully possess up to 30 grams of raw
19 cannabis; cannabis-infused products that have no more
20 than 500 milligrams of T.H.C.; 5 grams of cannabis
21 product in concentrated form, and for medical patients
22 who are 21 and over, they can grow up to five cannabis

1 plants in a secured, concealed-from-public-view
2 location within their residence. Also it means that
3 non-Illinois adult residents can possess half of the
4 limits that an Illinois adult resident can possess.

5 So to provide a little bit of context,
6 there are currently 20 cultivation centers and 56
7 dispensaries, 55 of which are truly active within the
8 State of Illinois. Those 56 dispensaries will, as of
9 January 1st, be allowed to sell recreational cannabis
10 at their medical dispensaries, but also will be given a
11 secondary license to sell at a different location.
12 This takes the number of dispensaries already to 112.
13 I believe the State will be issuing 187 licenses in the
14 first round, and 112 will already be taken, leaving
15 approximately 75 for the remaining licenses.
16 Willowbrook is part of the Chicago-Naperville-Elgin
17 Bureau of Labor Statistics region, and this region is
18 only eligible for 47 of those licenses.

19 Just for perspective, we can briefly
20 review how Willowbrook has regulated medical cannabis.

21 So in 2014 the Plan Commission and
22 Village Board reviewed medical cannabis, and there were

1 standards established in the state enabling legislation
2 that said a cultivation center could not be closer than
3 2,500 feet from a school or day care center. The
4 standards also said that cultivation could not be
5 within 2,500 feet of any residential area, so that
6 pretty much covered all of Willowbrook. So there was
7 nowhere in the village where a cultivation center could
8 be located; but given that the Village was not allowed
9 to outright ban a cultivation center, it was
10 recommended at the time by legal counsel that we
11 include regulations regulating these potential future
12 users and, for this reason, a cultivation center use is
13 currently included as a special use in the M1 District
14 only.

15 State rules for dispensary locations
16 were not quite as restrictive; and while they were
17 still restricted by their proximity to schools and
18 daycares, they were not restricted in their distance
19 from residential properties, and the distance from
20 schools and daycares was only 1,000 feet, not 2,500
21 feet. Because of the location of schools and daycares,
22 staff at the time found that most non-residential sites

1 available happened to be in the area bound by Route 83,
2 Plainfield Road, Madison Street, and I-55. It was also
3 determined that the use might not be appropriate in
4 most of the strip commercial centers due to proximity
5 to other businesses where families and children go, but
6 also because some of the state requirements for
7 security and deliveries might not be easily
8 accommodated in mixed-use shopping centers. Therefore,
9 staff focused on the OR, LOR, and M1 Districts, the
10 purple colors on the zoning map.

11 Just to briefly touch upon what the OR,
12 LOR, and M1 Districts accommodate, the OR, Office and
13 Research District, is designed to accommodate business
14 and professional offices and certain service uses such
15 as medical and/or dental clinics that oftentimes serve
16 as a buffer between residential uses and other
17 commercial or industrial uses.

18 The LOR, Limited Office and Research
19 District, includes a range of office and
20 research-related activities such as scientific and
21 other research laboratories, product testing and
22 development, showroom and light assembly-related

1 activities. It would also serve as a transitional use
2 area between residential and more intensive uses.

3 The M1 District accommodates a wide
4 range of manufacturing, assembly, processing,
5 warehousing, and office/research activities.

6 So staff at the time felt it was
7 appropriate to provide some additional separation for
8 the residential properties along 73rd Court and
9 multiple-family properties near Adams. Therefore,
10 properties that were less than 70 feet from the
11 residential property were eliminated.

12 After deciding where they could locate
13 the dispensaries, the Village looked at how to regulate
14 them, whether they should be permitted or special uses.
15 The Plan Commission was split on the issue and did not
16 come to a consensus when it came down to making a
17 recommendation. Some Commissioners felt the use should
18 be permitted in our industrial districts because the
19 State took so much care in developing their
20 regulations, while the other half thought they should
21 be special uses in order to address the uses in order
22 to address the possibility of some unforeseen

1 circumstance given the novelty of the use.

2 The Village Board ultimately decided to
3 permit medical cannabis dispensaries in the OR, LOR,
4 and M1 Districts with a special use with the 70-foot
5 proximity from residential boundary or use.

18 So staff has included this mapping
19 exhibit in Attachment 2 of your staffing report if you
20 want a closer look to determine possible locations for
21 adult-use cannabis dispensing organizations. The map
22 that you see indicates with the shaded gray solid and

1 dash lines a 1000 foot boundary from all schools,
2 licensed day care properties, and religious
3 institutions. As previously mentioned, the Village of
4 Willowbrook has already approved medical cannabis
5 dispensaries in the OR, LOR, and M1 Zoning Districts
6 and recommends these zoning districts be expanded to
7 allow adult-use cannabis dispensaries to be permitted
8 as a special use. I should mention that the State act
9 does not require separation distance from sensitive
10 uses. There is only State-mandated separation distance
11 between dispensaries, and that is 1,500 feet.

12 So I would like to point out that there
13 was an omission in the text amendment. On Page 2 of
14 the staff report, No. 2 should be revised to include
15 religious institutions in the 1,000-foot distance
16 restriction. I gave you a separate handout that just
17 highlights that.

18 So I have just included this slide for
19 a visual break to indicate what higher-end dispensaries
20 can look like. Some of these are included in a top-ten
21 list of the most beautiful dispensaries in the country.
22 Most are located on the West Coast.

1 As part of our due diligence, staff did
2 look into what other communities are doing, and it's
3 somewhat in a state of flux at the moment. Some of the
4 communities have discussed it. This is a snapshot of
5 the communities from which I was able to get some
6 direct responses from the planners. Many communities
7 are still in the initial stages of considering bringing
8 retail sales into their communities. Burr Ridge will
9 hold a public hearing on October 7th to discuss the
10 issue, but they have communicated to me that there was
11 no substantial opposition to the sale of adult-use
12 cannabis. Clarendon Hills will be holding an open
13 house this week to discuss some options. Darien didn't
14 respond to my inquiry. Hinsdale, actually they
15 e-mailed me this morning. They decided that they are
16 opting out. LaGrange is still in the
17 information-gathering phase with an upcoming village
18 board discussion scheduled for late September.
19 Naperville was reconsidering a ban on retail sales
20 since the State recently awarded the first five
21 licenses for medical dispensaries to also sell cannabis
22 for recreational use. All five licenses went to Green

1 Thumb Industries, including one in Naperville; but as
2 of yesterday evening, I heard that Naperville has
3 decided to opt out. Westmont has not yet decided
4 whether to ban retail sales of cannabis or to opt in.
5 Lastly, the plan commission for Lombard recently
6 recommended on August 29th that recreational cannabis
7 dispensaries be allowed as a permitted use in the
8 Office, Industrial, and B-4 Districts, as a conditional
9 use in the B-2/B-3 and B-3/B-4 Commercial Districts,
10 and prohibiting them in the Downtown and Downtown
11 Perimeter Districts.

12 So back to this map. Staff believes
13 the requirement of a special use for an adult-use
14 cannabis dispensing organization within the OR, LOR,
15 and M1 Zoning Districts to be the most appropriate
16 process for consideration. This process will require
17 notification of surrounding property owners and a
18 public hearing before the Plan Commission. The Plan
19 Commission would be able to recommend conditions to the
20 proposed project before forwarding the recommendation
21 to the Village Board for final approval. The intent of
22 the special use process is to provide a transparent

1 public review process for land uses that, because of
2 their widely varying design and operational
3 characteristics, require case-by-case review in order
4 to determine whether they will be compatible with
5 surrounding uses and development patterns. Staff is
6 confident that this process will provide for the most
7 effective review and approval process for the
8 regulation of adult-use cannabis dispensing
9 organizations in Willowbrook.

10 Lastly, as we move forward with the
11 adult-use cannabis dispensaries, some items that the
12 Village may need to consider in the future:

13 The Village Board has expressed
14 prohibiting on-premises consumption of cannabis.
15 Should a new section of the Zoning Code be introduced
16 to regulate this or should this be a condition as part
17 of approving the special use? I would defer that to
18 Brian, our attorney.

19 The State act allows the hours of
20 operation to be from 6:00 a.m. to 10:00 p.m. The
21 Village should consider if and how they limit these
22 hours, as are the separation requirements sufficient?

1 And would the Village consider allowing
2 adult-use dispensaries in the other zoning districts?

3 These are future topics that the
4 Village would be considering.

5 So staff supports the proposed text
6 amendment. If the Plan Commission concurs, the revised
7 sample recommendation is offered for consideration. I
8 gave you a handout with that revised motion.

9 That concludes my presentation. I'm
10 available for any questions. Police Chief Robert
11 Schaller and Lauren Kaspar are also here to answer any
12 questions regarding the potential impacts this new use
13 may have on law enforcement, and Village Attorney
14 Brian Baugh is also here if you have any questions.

15 Thank you.

16 CHAIRMAN KOPP: I take it the Trustees did
17 not indicate they were going to opt out?

18 MS. CHOI: Well, staff was advised to look
19 at bringing recreational cannabis dispensaries --
20 expanding it where medicals are already allowed.

21 CHAIRMAN KOPP: Okay. Did the person that
22 gave the presentation, was she expecting that this

1 would be in a more typical retail area or was she
2 realizing that we are talking about in the more
3 industrial area?

4 MS. CHOI: Her presentation, she was
5 actually wanting to bring it into B-4 Zoning District,
6 so we weren't addressing that at this time.

7 CHAIRMAN KOPP: Right. When I see these
8 places in Seattle, I know no one is going to want that
9 here. They have enormous signs so they would be --
10 Never mind. They would be subject to our signage
11 ordinance, of course.

12 Parking, would it be treated like any
13 other retail establishment?

14 MS. CHOI: Parking would be treated as
15 retail. The parking ratio would be one for 250 feet of
16 retail use.

17 CHAIRMAN KOPP: Okay. I'm sure the rest of
18 you have questions.

19 VICE-CHAIRMAN WAGNER: I guess I would like
20 to hear from the police department what their position
21 might be on this and what possible consequences there
22 are looking forward to the recreational use within the

1 village or the state.

2 CHIEF SCHALLER: I think it's really early
3 to tell exactly what the consequences are. When we
4 were doing some research looking into Colorado, I spoke
5 to Desert Hot Springs, California, and I spoke at
6 length with them. They have ten dispensaries and I
7 believe ten grow facilities and they are a population
8 of 25,000. They say they have no increase in crime, in
9 fact, crime goes down.

10 Depending on what you read, I have a
11 Colorado Division of Criminal Justice Office of
12 Research and then I use the Rocky Mountain High
13 Intensity Drug Trafficking Update from September of
14 '18, they aren't necessarily on the same page. One
15 says one thing; one says the other. So I don't know if
16 the data is there to support it, if they are not -- if
17 they are not -- requesting the proper data. We all
18 know with statistics on how those numbers can be
19 skewed.

20 On the police department side, I
21 contacted numerous Illinois towns that have medical
22 cannabis dispensaries from Arlington Heights, Mount

1 Prospect, Buffalo Grove, Mokena, St. Charles, Justice,
2 Worth, Naperville, and Romeoville, and they have no
3 serious crimes reported to those medical cannabis
4 dispensaries. What they do have is alarm calls and
5 complaints over parking within those facilities.

6 So I think it's early to tell crime
7 wise. I think regardless, if it's in Willowbrook or
8 not, due to the fact of the traffic on Route 83, we are
9 going to be affected with an increase in D.U.I. drugs,
10 let's say, accidents involving intoxicated motorists,
11 be that being alcohol with drugs in the system or just
12 straight drugs, but we're going to see that regardless
13 of the amount of traffic that we see on 83. That's
14 going to be everywhere. I don't know if that's been
15 truly addressed at the state level and what impact that
16 is.

17 We do know that towns that have
18 hospitals in it -- In Colorado there is a substantial
19 increase in the amount of patients going to hospitals,
20 mostly due to the edible factor of this. It does not
21 affect the system the same way as inhaling cannabis
22 smoke does. So you are not getting the high as

1 quickly, so what they do is they continue to eat
2 edibles until the fact that they have to go to the
3 hospital. So that's where the spike is there. We
4 don't have a hospital in town.

5 Again, it will be dependent on the
6 actual use of who is using it in town. Is it going to
7 be residents using it, I guess that has to look at
8 demographics and just the optics of going to a facility
9 like this to purchase, or are we going to have people
10 from outside of town? You know, I think it's too early
11 to tell exactly what the impact is going to be.

12 COMMISSIONER RUFFOLO: Chief, just a
13 follow-up question for you there. You mentioned
14 impairment. Is there a way to measurably judge
15 impairment from cannabis at this time, as there is with
16 alcohol?

17 CHIEF SCHALLER: If you are a drug
18 recognition expert, and that is a -- that is months of
19 training where basically you are an expert witness in
20 the field, you can do that through a vertical nystagmus
21 to see if they are impaired for, not just for
22 marijuana, it could be any substance that is

1 intoxicating. As it's known, alcohol impairment is a
2 horizontal nystagmus, it changes in your eyes. It's
3 unbeknownst to the person that's intoxicated of the
4 movement. So there is that ability. Other than blood
5 tests, there is nothing -- there is no P.B.T. for
6 cannabis or anything along those lines.

7 DEPUTY CHIEF KASPAR: Can I answer?

8 CHIEF SCHALLER: Go ahead.

9 DEPUTY CHIEF KASPAR: I'll be attending an
10 impaired drivers summit in the beginning of November
11 that's going to address the cannabis issue. Currently
12 a cannabis D.U.I. can be detected by way of blood draw,
13 as the chief indicated, but it's also detected very
14 similarly to an alcohol D.U.I., through impairment. So
15 if one of our officers is to pull over an individual
16 who is exhibiting some sort of driver impairment, but
17 they don't detect those normal symptoms of alcohol
18 present or something along those lines, they can call
19 for a neighborhood -- We don't have a D.R.E. on staff
20 right now because that's a very intensive program.
21 That could take months for our officers to be trained
22 from. So right now, yes, blood draw is our best way.

1 However, if we do have a D.R.E., or drug recognition
2 expert that's in the area, they can come administer
3 some field sobriety tests that can indicate impairment
4 outside of a blood draw.

5 There is also a pilot program that
6 Streamwood was testing dealing with saliva and cannabis
7 in saliva. That's still very early. Those are things
8 that other agencies are looking to try out to detect
9 impairment a little bit easier than taking someone to
10 the hospital.

11 But that's all very new and, like I
12 said, with the new law changing in 2020, November 13th
13 and 14th I will be attending, with one of our other
14 officers who does D.U.I.s, the impaired drivers summit
15 that will discuss cannabis law changes.

16 COMMISSIONER RUFFOLO: I appreciate that.

17 Just a follow up. Knowing that this is
18 potentially coming to the community and the uncertainty
19 of being able to detect whether a person is impaired or
20 not impaired at this point because there is not the
21 straightforward testing that we have in blood alcohol,
22 if we have -- I don't know from the Village's

1 standpoint whether we are planning on having smoke
2 out -- whatever you define them as -- places where
3 people can go to socialize and smoke there, which is
4 going to bring more people into the community, I still
5 have this issue of understanding what impact it will
6 have on the community from a safety standpoint.

7 DEPUTY CHIEF KASPAR: I do believe the
8 individual who put on the presentation -- The product
9 is not to be consumed at the dispensary. There is no
10 consumption of the product at the dispensary. So
11 people, you know, locally usually shop within six miles
12 of their home give or take; so these would be people
13 coming to the dispensary, entering, purchasing, and
14 leaving --

15 MR. PABST: It would be a policy decision.
16 Some of these towns that are allowing it are putting
17 restrictions through the special permit process where
18 by the applicant can only sell, you can't smoke on
19 site, you can't have a drive-thru, you can't have
20 edibles; and you could restrict it down to zero
21 licenses to be permitted on a special use case-by-case
22 basis or none or opt out entirely and the Act can

1 immediately address it.

2 COMMISSIONER RUFFOLO: I was just responding
3 to, or commenting on, I believe in the reading, and I
4 don't want to waste your time and look it up, but
5 somewhere in there there was the discussion of the
6 potential to have socialization locations.

7 MR. PABST: Not in our town that I've read.
8 The presentation said absolutely not, no smoking on
9 premises and no edibles on premises.

10 MS. CHOI: I think the portion that you are
11 focused on is probably my third bullet point where it
12 says: Regulations to specifically preclude on-site
13 consumption of cannabis as part of any permitted or
14 conditional land use activity. I put that in there
15 because it's more of a question of does the Village
16 need to consider adding a section to the Zoning Code
17 that specifically prohibits that or would that just be
18 included as a condition of the special use approval.

19 COMMISSIONER SOUKOP: I have a granddaughter
20 that's living in Colorado -- Denver, Colorado. She's
21 been giving us -- I mean this -- they've been having a
22 lot of problems there. Whether it comes up or it

1 don't, you don't know, but this is just a civilian, you
2 might say, out there. That's what she tells us.

3 MR. PABST: I've spoken to a lot of
4 people --

5 COMMISSIONER SOUKOP: Pardon?

6 MR. PABST: I've spoken to a lot of people
7 with relatives out there and friends, and it depends on
8 who you talk to and what you read. You read one
9 article about, oh, the tax money, and you read another
10 one about how much money they are spending to take care
11 of indigents, hospitals, that kind of thing. So, yeah,
12 you can read any position -- whatever report to support
13 whatever position you want to.

14 If it were to be here, first off if it
15 were, I can't see anybody passing where you could use
16 it on site whatsoever. That said, if we opt out, which
17 we might do, you are still going to have the Route 83
18 drunk and under-the-influence people and so forth.
19 That's another police matter that they'll have to deal
20 with one way or another.

21 COMMISSIONER REMKUS: What value does it
22 bring? What is our tax value that it would bring to

1 the village? Is there a benefit to doing it?

2 MR. PABST: The seminars we've been to use
3 the Colorado model and did a per capita thing: They
4 have X people, they have X taxes. Lombard, if you read
5 their online reports, they backed into a number, an
6 estimate, where they are estimating that it will be
7 around \$750,000 a year. At the DuPage Mayor/Manager's
8 Conference, some of the towns who are working the math
9 on it are saying anywhere between 500,000 and 1.5
10 million per store per year. That's the reason, I
11 think, that some towns are entertaining it. Most of
12 them that I have seen so far are not, but we'll see
13 where that falls out.

14 COMMISSIONER REMKUS: Because I like it if
15 there is a benefit to us. I mean if there is no
16 benefit that benefits our residents and that, you know,
17 then you can opt out. If there is a benefit for it, I
18 think we really need to explore that and we would be
19 doing a disservice to the residents if we don't.

20 COMMISSIONER SOUKOP: The area that we live,
21 Chicagoland area, would that be a sort of a magnet to
22 bring in the undesirables to the area to buy; and what

1 they buy here, they are going to be doing it?

2 MR. PABST: They try to sell the village
3 boards with these apple store concepts where they are
4 clean and they are white and so forth. I think,
5 suffice it to say, that a good percentage of people
6 would not be people that you want to bring over for
7 dinner, that you are going to have undesirables there.
8 What that percentage is, it just depends on the area.
9 Inner city Chicago, of course, will have a lot higher
10 percentage than we would here. You definitely run the
11 risk of bringing in more people that are undesirable.
12 Even if they are not using it on site, they are still
13 getting in their cars and you never know what. They
14 could be smoking in the car and so forth, which is
15 illegal by the way.

16 We'll have people in the town one way
17 or the other. Medical cannabis, they can smoke it in
18 their homes. Recreational, as of January 1st, smoking
19 in their home, eating edibles in their home. You can't
20 go to your backyard and do that where you would be able
21 to be viewed by anybody. If you happen to be lucky
22 enough to have a forest around your backyard, then you

1 can probably smoke and eat your edibles in your
2 backyard.

3 So there are a lot of nuances. We have
4 about 600 pages of the law here that was poorly written
5 and quickly written, and that's why we don't have all
6 the answers, but we are working as quick as we can to
7 study up on it to learn what we can.

8 CHIEF SCHALLER: If I could add to that in
9 reference to who is going to come in and purchase, in
10 looking at all the stuff that I've looked at online and
11 through Colorado, it does not stop illegal sales. Just
12 because it's being legalized is not going to stop
13 illegal sales. If you are smoking marijuana now
14 illegally, you are not going to come to the Village of
15 Willowbrook and purchase it at an exuberant amount of
16 money with all the tax when you can buy it from your
17 guy illegally down the block. That's not going to
18 happen. You are not going to stop that. It's going to
19 flourish continually. So regardless of legalizing or
20 not, illegal sales will continue.

21 MR. PABST: And illegal use and so forth.
22 We will still have D.U.I.s, under the influence. We

1 will have all that. What we won't have is the
2 across-the-counter sale of either the drug itself or
3 the paraphernalia.

4 CHAIRMAN KOPP: I'm not sure why -- If the
5 Village hasn't decided whether they are going to opt
6 out, are we just doing this because by January 1 we
7 have to decide --

8 MR. PABST: Right. There is a little bit of
9 a time crunch in that you are supposed to opt in or opt
10 out by January 1st. If you are going to do a real
11 limited, like Ann presented, of a -- sort of a
12 mirroring your medical thing, you can be in this area,
13 in industrial, it can't be eaten there, it can't be
14 smoked there, very controlled, you have to do all this
15 before the January 1st deadline. You can do it next
16 year as well, but the early bird gets the worm. Some
17 towns are really needing the revenue, like Lombard, and
18 they are jumping on it immediately.

19 CHAIRMAN KOPP: So you are asking us to just
20 make a recommendation on the zoning now in case the
21 Village does not opt out and in case the Village wants
22 to encourage this in the --

1 MR. PABST: My understanding -- Mike is on
2 vacation so I got thrown this wonderful topic last
3 second -- I think, Ann, that was the understanding,
4 right, to see if the Plan Commission wanted to do a
5 dispensary with only in the limited circumstances that
6 you mentioned?

7 MS. CHOI: Right.

8 MR. PABST: Not only that, we could issue
9 zero licenses. You could permit the use under all
10 these criterias, limited zoning, limited use, limited
11 area, and issue zero licenses, only take them on a
12 case-by-case basis. I think the staff thinking was
13 that it gave the Council Board now and in the future
14 the opportunity to at least entertain the idea.

15 CHAIRMAN KOPP: I'm not sure that this has
16 been presented to us as much of a choice though.
17 Usually when things appear before us it's do we like
18 the subdivision or do we not, but now it's -- it
19 doesn't seem like we can say we don't want this
20 anywhere because that's not our role to make. If we
21 wanted to minimize it, I assume we could say we want it
22 to be a special use only in some -- whatever the most

1 restrictive industrial part is.

2 MR. PABST: That's a good question. I was
3 just conferring with the attorney that -- Roy, correct
4 me if I'm wrong here, or Ann, every town is a little
5 bit different, their zoning codes are different, but
6 you could say no tonight, for example, and the Board
7 could then say yes later on; is that correct?

8 CHAIRMAN KOPP: Yeah, we are just an
9 advisory body.

10 MR. PABST: Right. So, therefore, your
11 advice could be no or yes or only stick with what we
12 have, medical. You are not really dictating the
13 course; you are simply giving a recommendation to the
14 Board.

15 VICE-CHAIRMAN WAGNER: I would just add in
16 clarification, I think we did the same thing with the
17 medical distribution by the 2,500 foot line.

18 CHAIRMAN KOPP: That was cultivation.

19 VICE-CHAIRMAN WAGNER: Okay. But the
20 cultivation, all we would have to do, if we didn't want
21 it, is change the 1,000 to 2,500 and there is not a
22 place in the village that could comply with that space.

1 CHAIRMAN KOPP: Right.

2 VICE-CHAIRMAN WAGNER: I mean you could just
3 say no or you can go around about and say no by a
4 distance.

5 CHAIRMAN KOPP: I'm not sure we were allowed
6 to opt out of the medical.

7 MR. PABST: On the medical I'm not sure
8 either if you could have opted out on that, but
9 dispensaries you can.

10 MR. BAUGH: Right.

11 COMMISSIONER REMKUS: I think, you know, if
12 we at least look at this and give ourselves the options
13 to -- you know, where we can adjust this later but take
14 the basics that we have here so it's there. If you
15 want to add it's a special use and anything -- any sale
16 anywhere, any dispensary, has to be a special use and
17 come before the Plan Commission, that gives us the
18 options that we need to get the information; and then
19 we are not opting out of it and if there is a benefit
20 for our residents later, we want to take advantage of
21 that.

22 COMMISSIONER RUFFOLO: I would like to

1 follow up on a point with Ann. Somewhere in the
2 preparation here there was a reference to 70 feet --
3 location I'm referring to now -- 70 feet adjacent to a
4 residential district; is that correct?

5 MS. CHOI: That's correct.

6 COMMISSIONER RUFFOLO: So there could be a
7 dispensary 70 feet within proximity to a home?

8 MS. CHOI: For medical and also --

9 COMMISSIONER RUFFOLO: I'm not asking about
10 medical. I'm asking about what we are talking about
11 tonight.

12 MS. CHOI: Yes.

13 COMMISSIONER RUFFOLO: The answer is yes?

14 MR. PABST: If you recommend yes and the
15 Board passes it.

16 COMMISSIONER RUFFOLO: That's my question,
17 and that's what you are asking in your presentation,
18 which would be part and parcel of that, which would be
19 70 feet from someone's home; is that correct?

20 MS. CHOI: That's correct.

21 COMMISSIONER RUFFOLO: That doesn't fly.

22 COMMISSIONER REMKUS: But if we make it a

1 special use, they have to come for a public hearing and
2 then you make that decision there when you have more
3 facts in front of you. You know, we are trying to do
4 something now, we are trying to define and say, oh, no,
5 you can't have it here, you can't have it there, we do
6 the basics but we require a special use on all this,
7 then they have to come before us and they have to
8 justify what they are doing.

9 MR. PABST: Maybe the guy that is 1,000 feet
10 away you would entertain, not the guy that is 70 feet
11 away.

12 COMMISSIONER RUFFOLO: I understand. On its
13 face, the way it's written, for my purposes, it's too
14 close to someone's home.

15 CHAIRMAN KOPP: How many homes are there?

16 COMMISSIONER RUFFOLO: I don't know. That
17 could be addressed as well, Mr. Chairman, if she would
18 respond that there are no homes within 500 feet.

19 CHAIRMAN KOPP: I don't think there are any
20 in Willowbrook, or very few.

21 VICE-CHAIRMAN WAGNER: There would be -- I
22 think there is residential within a minimal distance to

1 the LOP. Am I correct, LOP is -- or LOR, Limited
2 Office Professional or is it Limited Office/Research,
3 OR?

4 MR. PABST: Is it LOP or LOR?

5 MS. CHOI: LOR. It would be OR, LOR, and
6 M1.

7 There is only -- the reason why that 70
8 feet was initially added to medical, which is our
9 mirror for recreational, would be -- if you look on
10 Attachment 2 of your staff report, there is a cluster
11 of homes on 73rd Court.

12 COMMISSIONER RUFFOLO: You are referring to
13 this?

14 MS. CHOI: Sorry about that.

15 VICE-CHAIRMAN WAGNER: While they are
16 addressing the technical issues, along with the
17 question at hand, I have an additional question, and
18 that is, there is no -- I see that the circles
19 represent daycare and schools and the dotted is
20 religious institutions.

21 MS. CHOI: That's correct.

22 VICE-CHAIRMAN WAGNER: Could you define for

1 me, because I don't have my zoning ordinance in front
2 of me, what is a school? Because the question I have
3 is on the corner -- on the northwest corner of Frontage
4 Road or what used to be Joliet Road and Madison, there
5 is an adult technical school.

6 MS. CHOI: Okay.

7 VICE-CHAIRMAN WAGNER: So is that a school
8 in this representation and, if so, how much more of the
9 M1 District is eliminated because that is a school of
10 some definition?

11 MS. CHOI: That is something I'll have to
12 look into.

13 CHAIRMAN KOPP: That would wipe out pretty
14 much half of it.

15 VICE-CHAIRMAN WAGNER: Yeah. So then my
16 follow-up question is: Let's assume for a moment this
17 goes through and let's assume for a moment that we
18 grant someone a license or a location somewhere within
19 the district that's outlined. Is there the
20 possibility, because we've recently seen where we had a
21 construction company essentially have offices in an
22 industrial building that we allowed a parking change

1 for, is there the possibility that we could have
2 another school or religious institution or something
3 that's restricted that you are proposing put in the
4 middle of this purple and blue district after the fact
5 and what would be the consequence of that?

6 Because we've seen -- the reason I ask
7 is we've seen a big change in the last few years of
8 what we are seeing in the M1 District. We had a
9 swimming club go in in an industrial building. We have
10 a large building being built down just south of us here
11 that is a sports center that's not completed yet. How
12 is this going to affect the possibility of granting
13 this and then, through our own regulation, having to
14 take it away? What legal situation do we get in there?

15 MR. PABST: That's a good question. I was
16 just conferring with him about that. The technical
17 school is not in the definition, but what if a church
18 were to move next door to a dispensary? Legally they
19 can. They can move next door.

20 MR. BAUGH: Right.

21 MR. PABST: You know, like any other
22 restrictions, you put any other zoning, they can move

1 in next door but this place can't go next door to them
2 or within whatever distance is required. The marijuana
3 place would have to keep that distance, but the other
4 uses would not have to keep it.

5 VICE-CHAIRMAN WAGNER: But my point is, and
6 I understand that completely, but my point is: Let's
7 assume we grant this in a location, they meet the
8 parking, security, and everything else, and it's being
9 sold and actively working, and we get a church buy the
10 M1 building next door, because they are seeing all
11 these changes in what's used in these buildings, I'm
12 not sure that it's even a permitted use at this point
13 but --

14 MS. CHOI: A church wouldn't be a permitted
15 use or a special use in the M1 District. I guess the
16 question would be would the church even want to locate
17 next to --

18 VICE-CHAIRMAN WAGNER: Well, I don't know,
19 but we've seen odder things come up in the last few
20 years of changes in uses within the district. The
21 question is: If it comes in after the fact, does it --
22 does it stop or --

1 CHAIRMAN KOPP: No, they can't make the
2 dispensary close.

3 MS. CHOI: They would be grandfathered in.

4 MR. PABST: Yeah, the dispensary is
5 grandfathered in; and if they are dumb enough to move
6 next door to it, yeah, they can.

7 VICE-CHAIRMAN WAGNER: Okay.

8 CHAIRMAN KOPP: One thing to keep in mind
9 about a special use, and you both can confirm this, we
10 can't be arbitrary or capricious. You have to have a
11 reasonable basis for denying a special use or we could
12 get sued for that.

13 MR. PABST: That's a good point. You know,
14 for example, I wasn't involved with the mapping and so
15 forth, but you could also eliminate the recommendation
16 under the M1 only if you wanted to. You don't have to
17 mirror the medical. That's an option too that you
18 could use. Therefore, your separation would be more
19 from residential; is that correct, Ann?

20 MS. CHOI: Yes.

21 But going back to Commissioner
22 Ruffolo's original question, I think there was a pocket

1 of residential right here and then two properties right
2 here. So they implemented the 70-foot distance around
3 this to exclude some of these properties, and then this
4 was already, I think, a hundred foot right-of-way from
5 Madison Street. So really the residential properties
6 would be in this pocket right here.

7 COMMISSIONER RUFFOLO: That north-south
8 street references Madison?

9 MS. CHOI: Right here, yes.

10 MR. PABST: Yes.

11 VICE-CHAIRMAN WAGNER: The other side of
12 Madison then is Burr Ridge?

13 MS. CHOI: Yes.

14 MR. GIUNTOLI: And some unincorporated.

15 COMMISSIONER SOUKOP: On the east side of
16 Madison Street, all along there, there is homes, in
17 Burr Ridge, but nevertheless.

18 MS. CHOI: The medical dispensaries were
19 allowed there because the Madison Street right-of-way
20 was already a hundred feet. They were already excluded
21 from that. They wouldn't have been affected.

22 COMMISSIONER WALEC: I have one other

1 question for Chief Robert. As far as these
2 dispensaries, from what I've read somewhere, I guess
3 they operate cash only. Wouldn't that also be some
4 sort of an issue with these guys having so much money
5 on hand and given time and how it's going to be
6 transported and what kind of issues that might impose
7 on you?

8 CHIEF SCHALLER: Internal controls they have
9 in reference to the large amount of cash that they have
10 on hand, yes. I was here on the Monday when Maribis
11 made their presentation in reference to how they
12 transport cannabis from their grow facility in and
13 there is a dock door and then they go into the dock
14 door and there is all these cameras; but at the end of
15 the day, I don't know exactly what the answer would be
16 for that. I mean we are talking about large amounts of
17 cash. It could be, you know, like you have a Brinks
18 truck.

19 MR. PABST: She did say she had armed
20 security on site, more than one. She later on told me
21 it's like a bank, she would have Brinks come out if
22 there was a lot of cash and take it to wherever she

1 takes it to. That is a concern. She had cameras
2 inside and outside.

3 COMMISSIONER WALEC: I'm thinking like as
4 far as for the police, that being some sort of an issue
5 in the response time and how far do we want them to
6 have to travel to something like that if we were to,
7 for instance, allow it? You know, I mean we are
8 talking cash, lots of amount -- lots of amount of cash
9 being removed from the facility and then, you know -- I
10 mean granted, yes, they might have showed up to the
11 facility not impaired, but who knows?

12 MR. PABST: Well, banks get robbed too,
13 right?

14 COMMISSIONER WALEC: Correct.

15 MR. PABST: I'm just saying they could very
16 well be a target for being robbed.

17 CHIEF SCHALLER: There are a lot of places
18 in town that do a big business, especially around
19 Christmastime, Binny's and Portillo's and that. At the
20 end of the day, those things can happen anywhere. How
21 you train to defeat that, there is no good answer for
22 that. We are not that big. We are 2.3, I believe,

1 square miles with a minimum of three officers on the
2 street at any time depending on where we are at. That
3 goes without saying with any call. It doesn't matter
4 where we are at in reference to how fast we get there
5 and dictate that scene. It's an unknown.

6 COMMISSIONER WALEC: Right. I always just
7 think, you know, you are showing up to a facility that
8 has armed guards, and if they were to be held up, you
9 know, they are --

10 CHIEF SCHALLER: I think the presumption of
11 it is the fact that there is going to be armed guards
12 in there, --

13 COMMISSIONER WALEC: Right.

14 CHIEF SCHALLER: -- seeing is the deterrent
15 along with the 56 or 60 cameras all over the place like
16 you are in Vegas.

17 MR. PABST: My point was that very well
18 could happen.

19 COMMISSIONER WALEC: Right.

20 MR. PABST: They rob banks still and they
21 have cameras and armed guards.

22 COMMISSIONER WALEC: Right.

1 CHAIRMAN KOPP: All right. Any
2 Commissioners have any other questions?

3 (No response.)

4 CHAIRMAN KOPP: Any of the Applicant or
5 Applicant's representatives have any questions?

6 (No response.)

7 CHAIRMAN KOPP: So I will close the public
8 hearing --

9 MR. BAUGH: Mr. Chair, if you could, just
10 for the record, ask if any members of the public would
11 like to make comments.

12 CHAIRMAN KOPP: I'm sorry.

13 A VOICE: I'm just here to listen.

14 CHAIRMAN KOPP: I will close the public
15 hearing on this matter, and then we will have the
16 Commissioners' discussion and recommendation. Maybe
17 I'm wrong, but this may be one of the few times we are
18 not unanimous.

1 VICE-CHAIRMAN WAGNER: I would put my two
2 cents worth in that I would feel -- I have no objection
3 to the zoning districts. I, however, would suggest
4 that we make this a special use within any of those
5 districts so that a specific proposal could be
6 presented and then we could examine parking,
7 security --

8 CHAIRMAN KOPP: It is a special use.

9 VICE-CHAIRMAN WAGNER: It is only?

10 CHAIRMAN KOPP: Yes, it's a special use.

11 VICE-CHAIRMAN WAGNER: Okay. Then I'm good
12 with it.

13 COMMISSIONER KAUCKY: Is the Village safe
14 from any sort of a federal investigation or anything
15 because this is against the federal law? I'm still
16 uncomfortable about that where the federal government
17 says it's not legal and the state says it is legal.

18 MR. PABST: In the presentation, and she is
19 an attorney, she said that historically, you are
20 absolutely right, the federal government, and it still
21 is illegal, they have decided to back off. Now the
22 banks will take the money from the dispensary and other

1 medical cannabis and they will not confiscate the money
2 at the federal level. That was her presentation.
3 Whether that's true or not, I don't know.

4 COMMISSIONER KAUCKY: But there is no risk
5 to the Village of Willowbrook, though, to move forward
6 with that?

7 MR. PABST: For that point, no, because it's
8 her money.

9 COMMISSIONER KAUCKY: I'm talking about the
10 federal government, there is nothing we are at risk
11 about with them?

12 MR. BAUGH: No, you are following state law.

13 COMMISSIONER KAUCKY: As long as that stays
14 intact.

15 CHAIRMAN KOPP: Will someone make a motion
16 that based on the submitted petition and testimony
17 presented I move that the Plan Commission recommend
18 approval of the text amendments presented on Page 5 of
19 the staff report and provide amendments that regulate
20 said uses in the OR, LOR, and M1 Zoning Districts as
21 special uses, including the proposed change to add,
22 quote, religious institutions, unquote, to the list of

1 uses to require a 1,000 foot buffer from adult-use
2 cannabis dispensing organizations?

3 COMMISSIONER REMKUS: So moved.

4 COMMISSIONER WALEC: Second.

5 CHAIRMAN KOPP: I ask the Plan Commission
6 secretary to call the vote.

7 SECRETARY SHEMROSKE: Commissioner Soukop.

8 COMMISSIONER SOUKOP: Soukop?

9 SECRETARY SHEMROSKE: Yes.

10 COMMISSIONER SOUKOP: No.

11 SECRETARY SHEMROSKE: Commissioner Remkus.

12 COMMISSIONER REMKUS: Yes.

13 SECRETARY SHEMROSKE: Commissioner Ruffolo.

14 COMMISSIONER RUFFOLO: No.

15 SECRETARY SHEMROSKE: Commissioner Kaucky.

16 COMMISSIONER KAUCKY: No.

17 SECRETARY SHEMROSKE: Commissioner Walec.

18 COMMISSIONER WALEC: Yes.

19 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

20 VICE-CHAIRMAN WAGNER: Yes.

21 SECRETARY SHEMROSKE: Chairman Kopp.

22 CHAIRMAN KOPP: Yes.

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2 (Which were all the
3 proceedings had regarding
4 Zoning Hearing Case
5 No. 19-08.)
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1 STATE OF ILLINOIS)
2) SS.
2 COUNTY OF C O O K)

3

4 Maureen K. Nagle, a Certified Shorthand
5 Reporter, doing business in the City of Chicago, County
6 of Cook, and the State of Illinois states that she
7 reported in shorthand the proceedings had at the
8 foregoing hearing;

9 And that the foregoing is a true and correct
10 transcript of her shorthand notes so taken as aforesaid
11 and contains all the proceedings had at the said
12 hearing.

13

14

15

16 MAUREEN K. NAGLE, CSR
CSR No. 084-002863

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Village of Willowbrook Staff Report to the Plan Commission

Public Hearing Date:	November 6, 2019
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 19-09: Consideration of a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new permitted or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new definition and to amend the current definition of "Restaurant"; and to add new use categories in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.
Petitioner:	Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois 60527
Action Requested by Applicant:	Title 9 – Zoning Sections: 9-2-2 Definitions (Add "Video Gaming Café"). 9-2-2 Definitions (Amend the current definition of "Restaurant"). 9-6B-1 (or 9-6B-2) Add "Video Gaming Café" to Section 9-6B-1 (as a permitted use) OR to Section 9-6B-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location. 9-6C-1 (or 9-6C-2) Add "Video Gaming Café" to Section 9-6C-1 (as a permitted use) OR to Section 9-6C-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location. 9-6D-1 (or 9-6D-2) Add "Video Gaming Café" to Section 9-6D-1 (as a permitted use) OR to Section 9-6D-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location. 9-6A-1 Add a new use category "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee." to the list of permitted uses in the B-1, B-2, B-3 and B-4 zoning districts. 9-6B-1 9-6C-1 9-6D-1 Add a new use category "Similar and compatible uses which are of the same general character as those allowed as special uses in the [corresponding zone] zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee." to the list of special uses in the B-1, B-2, B-3 and B-4 zoning districts. 9-6A-2 9-6B-2 9-6C-2 9-6D-2
Necessary Action by Plan Commission:	Make either a positive recommendation or negative recommendation to the Mayor and Village Board for the proposed text amendments. A sample motion can be found on page 8.



Documents Attached: **Attachment 1:** Public Hearing Notice (2 sheets)



History & Background

The Illinois Video Gaming Act was enacted on July 13, 2009, authorizing individual municipalities to pass an ordinance prohibiting video gaming within their jurisdiction. At the time, Willowbrook had an ordinance prohibiting all forms of gambling, which also prohibited video gambling. In June 2013, the Village Board was asked to reconsider this ban on video gaming by the owner of Dell Rhea's Chicken Basket on behalf of various Willowbrook restaurant owners. On July 29, 2013, the Village Board further discussed the Illinois Video Gaming Act. An ordinance was subsequently drafted that amended the Village Code to remove the current prohibition and authorize and license video gaming. When permitted by the local jurisdiction, the state law allows a current licensed establishment (i.e., a retail establishment that holds a Village liquor license allowing consumption on premises) to install up to six (6) Video Gaming Terminals (VGTs) located within an area of the establishment restricted to persons 21 years of age and older. The state would issue the video gaming licenses to establishments, and the Village would issue a local license. If a complaint was received regarding underage gambling, etc., the Village would have the authority through the Liquor Code to bring the license before the liquor commissioner for a hearing on the violation. If the violation was confirmed, the Village would then report the violation to the state. The state then has the authority to revoke their gaming license. Ordinance No. 13-0-31, permitting video gaming within a retail establishment that holds a Village liquor license, was approved by the Village Board in August 2013.

Video gaming in Willowbrook has thus currently been allowed only at establishments that have a liquor license, and these establishments' primary use is a restaurant or bar, not video gaming. The original intent of the video gaming ordinance was for existing establishments such as bars, taverns and restaurants who wanted to have video gambling to remain competitive with businesses in surrounding communities that already allowed video gaming.

On August 3, 2016, the Plan Commission reviewed a petition to allow video gaming as a special use in the B-2 zoning district concurrently with a text amendment request to allow video gaming as a principal use. The Plan Commission recommended approval on both petitions with a 6-0 unanimous roll call vote of the members present. At the time, due to the number of residents who were not in favor of this use in the community, the Village Board ultimately denied the ordinance that would allow video gaming as a principal use.

Discussion of Request

This Village-initiated text amendment was brought about because of an increase in public inquiries by several local business owners who have expressed an interest in opening an establishment whose principal use is video gaming. The Village currently does not distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. The proposed text amendment would introduce a new "video gaming café" use that would be a standalone establishment in the Village with the service of alcohol and food as incidental to the operation of video gaming. The Village found that video gaming establishments which served liquor and packaged foods such as chips could *technically* still fall under the restaurant use category because it served food. (Staff felt that the video gaming café use should be differentiated from the restaurant use, and that the definition of restaurant should be revised to be more specific.) Local and State gaming licenses would still need to be obtained, but video gaming would be the primary use of the business as opposed to a restaurant or bar.

The Village will be presenting amendments to the Willowbrook Video Gaming Code and Liquor Code tentatively at the November 11, 2019 meeting in conjunction with the above text amendments. The additional liquor license classifications will be tied to restaurants with gaming and one for video gaming cafés. The new liquor licenses will provide the Village of Willowbrook additional controls to regulate the proliferation of these types



of uses in the Village. As part of this text amendment, minimum distances (minimum of $\frac{1}{2}$ mile) between video gaming cafés will also be proposed.

Under the Video Gaming Act:

1. Video gaming is restricted from the following locations:
 - a. 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, or inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances);
 - b. 1,000 feet of the home dock of a riverboat licensed under the Riverboat Gambling Act (230 ILCS 10/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances); or
 - c. 100 feet of either a school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq. (West 2008)).
2. Up to six (6) VGTs may be placed at each Licensed Video Gaming Location.
3. VGTs must be located in an area restricted to persons 21 years of age and over, the entrance to which is within the view of at least one employee who is at least 21 years of age. The placement of VGTs in Licensed Video Gaming Locations shall be subject to section 810 of the Video Gaming Rules. For all Locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. For all Locations that admit individuals under the age of 21, a physical barrier to the gaming area, including but not limited to a short partition, gate or rope shall be required. No barrier shall visually obscure the entrance to the gaming area from an employee of the Location who is over the age of 21.
4. The hours of operation of a VGT must coincide with the legal hours of operation for the consumption of alcoholic beverages on the premises.

Parking Analysis

Potential uses requesting occupancy of a new location are always evaluated as to whether adequate parking is provided on site. Although the Zoning Code does not specifically identify parking requirements for video gaming cafe's, Staff finds that the most appropriate parking requirement would be listed under "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance, which requires a lower parking ratio of 1 space per 250 square feet of floor area, as opposed to higher parking requirements for restaurants or fast-food establishment (1 space per 100 square feet of floor area). It is expected that a video gaming café will be more "restaurant" in nature but with a low patron turnover rate, where customers will come to the site, enter a "storefront, and sit down for an extended period of time. Other employees will also be available on the site. A future video gaming use(s) is anticipated to be located within a shopping center, which commands a parking requirement of 1 space per 250 square feet of floor area which is also consistent with the parking ratio required under "Other Business and Commercial Enterprises". Therefore, Staff is recommending a parking ratio of 1 parking space per 250 square feet of floor area under the "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance.

Obtaining a Valid License to Operate a Video Gaming Café

The process to open a licensed video gaming café in the Village of Willowbrook is as follows:

1. Applicant meets with Village Staff for an internal zoning review (1 day)
2. Applicant applies for Liquor License & Gaming License (varies)
3. Village Reviews application and performs background check (2 weeks)
4. Applicant meets with Liquor Commissioner or Designee (1 day)
5. Village Board consideration of Liquor License (2-4 weeks)



6. Applicant Applies for Building Permit (3-5 weeks)
7. Applicant Applies for Business License (varies)
8. Liquor License, Business License, Business License is issued with Occupancy Permit (varies)

Staff estimates it may take up to three months to obtain a valid liquor license.

Definitions of Restaurant and Video Gaming Café

The Village does not currently distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. Staff recommends that the Plan Commission consider refining the current definition of restaurant and introduce a new definition for video gaming cafés for added clarity between these two uses. The current definition of restaurant in the zoning code is as follows: "a retail establishment serving individual or group servings of food and/or drink to patrons for consumption on the premises and having a service and seating area (including bars and cocktail lounges) of at least twice the area of the food preparation area. The definition of restaurant shall not include fast food establishments as otherwise defined in this Code." A video gaming café that serves packaged foods could technically fall under this current definition of restaurant; therefore, Staff recommends that the revised definition of restaurant ensures that the cooking and preparation of foods through the use stoves, ovens, fryers and related equipment are principal functions of the restaurant use. In contrast, the service of alcohol and food would incidental to the operation of video gaming.

New Use Category - Similar and Compatible Uses

The proposed text amendments will also introduce new use categories to Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title that would create a catch all use category "Similar and compatible uses" for those uses that are not listed as a permitted use or special use in the business zoning districts. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. The new use category would alleviate the Village from amending the Zoning Code each time the Village encounters a similar or compatible use that is not listed in the Zoning Code.

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Proposed Amendments

1. Add the following definition to Section 9-2-2:

"VIDEO GAMING CAFÉ:

An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming."

2. Delete the following definition of "Restaurant" in its entirety in Section 9-2-2 and in lieu thereof, the following language shall be substituted:

"RESTAURANT:

A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein."

3. Add "*Video Gaming Café*" to the following sections of the Zoning Ordinance in the appropriate alphabetical location:

Section 9-6B-1 as a permitted use (or Section 9-6B-2 as a special use) in the B-2 zoning district.

Section 9-6C-1 as a permitted use (or Section 9-6C-2 as a special use) in the B-3 zoning district.

Section 9-6D-1 as a permitted use (or Section 9-6D-2 as a special use) in the B-4 zoning district.

4. Add the following new use category to Sections 9-6A-1, 9-6B-1, 9-6C-1, and 9-6D-1 of the Zoning Ordinance as the final use category under the list of permitted uses:

"Similar and compatible uses which are of the same general character as the above permitted uses, as determined by the Village Administrator or his/her authorized designee."

5. Add the following new use category to Section 9-6A-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-1 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

6. Add the following new use category to Section 9-6B-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-2 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

7. Add the following new use category to Section 9-6C-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-3 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."



8. Add the following new use category to Section 9-6D-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-4 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

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Recommendation

Staff believes the requirement of a special use within the business zoning districts would be too onerous of a process for potential applicants wishing to open up a video gaming café within the Village. The special use approval process will require notification of surrounding property owners and a public hearing before the Plan Commission which can be a minimum 60-day process at a minimum. Permitted uses, on the other hand, would allow applicants to fill out an application and be approved with a building license or permit. Video gaming cafés would further be subject to the consideration of a liquor license and approval by the Village Board.

The Plan Commission would be limited in the types of conditions it could impose on a video gaming café, as the Plan Commission does not have the authority to limit the hours of operation, the number of video gaming terminals, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, Staff will propose amendments to the Willowbrook Video Gaming Code and Liquor Code to regulate these establishments by introducing a liquor license tied exclusively to video gaming cafés, limiting the number of these licenses and proposing a minimum distance between video gaming cafés. Given these reasons and the fact that the State already heavily regulates these types of businesses, Staff does not recommend that the video gaming café to be assigned as a special use.

Staff also recommends approval of the new use categories "Similar and compatible uses" to capture uses that are not explicitly enumerated in the list of permitted and special uses in the Zoning Code. This will reduce the number of text amendments (and Staff time) devoted to the text amendment process. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. Any ambiguous use that is not contemplated by the zoning code will be further discussed between Village departments before determining if said use would require the initiation of a text amendment.

The following sample motion is provided for the Plan Commission:

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a (CHOOSE "PERMITTED" OR "SPECIAL") use in the B-2, B-3 and B-4 Zoning Districts, to amend the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.

If the Plan Commission wishes to *deny* the proposed text amendments, staff recommends the following sample motion:

Based on the submitted petition and testimony presented, I move that the Plan Commission forward a negative recommendation to the Village Board for the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a permitted or special use in the B-2, B-3 and B-4 Zoning Districts, to revise the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.



Attachment 1
Public Hearing Notice (2 Sheets)

**NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 19-09**

NOTICE is hereby given that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall conduct a public hearing at a special meeting of the Plan Commission on the 6th of November, 2019 at the hour of 7:00 P.M. in the Willowbrook Police Department Training Room, 7760 South Quincy Street, Willowbrook, IL 60527.

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Cafe” as a new permitted use or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Café” as a new definition and to amend the current definition of “Restaurant”; and to add new use categories “similar and compatible uses” in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

A copy of the Village’s petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Roy Giuntoli, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator

(630) 920-2261

Published in the October 21, 2019 edition of *The Chicago Sun Times* Newspaper.

Public Notices

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Public Hearings

Public Hearings

ADVERTISEMENT FOR BIDS

PROJECT NAME:	Berglund Construction is requesting Bids for the following project:
DECATOR CLASSICAL ELEMENTARY SCHOOL ANNEX & REMOVAL	
Bid Package #4	
4.0 - Mac. Metals	
4.1 - Carpentry	
4.2 - Roofing	
4.3 - Doors, Frames, Hardware	
4.4 - Lockers	
4.5 - Food Service Equipment	
4.6 - Gymnasium Equipment	
4.7 - Playground Equipment	
4.8 - Facility Waste Compactor	
4.9 - Millwork	
4.10 - Fire Protection	
4.11 - Plumbing	
4.12 - Mechanical	
4.13 - Electrical, Communications, Security	
4.14 - Earthwork - Part II	
4.15 - Asphalt	
4.16 - Site Concrete	
4.17 - Turf	
4.18 - Landscaping	
4.19 - Site Utilities	

ISSUED ON: October 17, 2019

PRE-BID CONFERENCE:	A Pre-Bid Conference will be held at 9:00 a.m. on Wednesday, October 23, 2019 at the Decatur Classical Elementary School located at 7109 North Sacramento Avenue, Chicago, IL 60645. Meet in the lot south of the school.
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SUBMISSION DUE DATE:	Bids must be delivered by 11:59pm (ET) on Wednesday, November 6, 2019 to the attention of Patrick Rappleye, Berglund Construction Company - Bid Package #4. Bids must be addressed and delivered to: Public Building Commission of Chicago (PBC), Richard J. Daley Center, 50 W. Washington Street, Room 200, Chicago, IL 60602. A Public Bid Opening will be held in the PBC Board Room on the 2nd floor immediately following receipt of bids.
	Bids will also be accepted through Smartbid by the above date/time.

CONTACT:	Mr. Patrick Rappleye, Project Manager at prappleye@berglundco.com .
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DOCUMENT AVAILABILITY:	Please contact Patrick Rappleye with Berglund Construction to receive a bidavis through Smartbid, which will have the link to all project documents.
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NOTICE OF PUBLIC HEARING ZONING HEARING CASE NO. 19-02

NOTICE is hereby given that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall conduct a public hearing at a special meeting of the Plan Commission on the 6th of November, 2019 at the hour of 7:00 P.M. in the Willowbrook Police Department Training Room, 7760 South Quincy Street, Willowbrook, IL 60527.

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6B-2) and 9-6D-1 (or 9-6D-2) of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Cafe" as a new permitted use or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Cafe" as a new definition and to amend the current definition of "Restaurant", and to add new use categories "similar and compatible uses" in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 - Zoning Title of the Village of the Willowbrook Municipal Code.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 825 Midway, Willowbrook, IL 60527, or call (800) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be rescheduled to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator
(630) 920-2261

Published in the October 21, 2019 edition of The Chicago Sun-Times Newspaper.
10/21/19 #1095814

Public Notices || Public Notices

IN THE CIRCUIT COURT OF PAYETTE COUNTY, WEST VIRGINIA

IN THE INTEREST OF: Juvenile Abuse Neglect Nos.
D.A. 09/10/2012 19-JA-52
J.A. 07/03/2011 19-JA-53
Paul M. Blake, Jr., Judge

Attit Respondents
Joey Adkins, Sr.
Tiffany Ransom

ORDER OF PUBLICATION

To Whom It May Concern:

The purpose of this action is to protect the child respondents, D.A. and J.A., from abuse and neglect. The Petitioner, the West Virginia Department of Health and Human Resources, is seeking legal and physical custody of said child respondents, D.A. and J.A. Further, the Petitioner is seeking to locate Joey Adkins, Sr. and Tiffany Ransom the biological parents of the child respondents, D.A., who was born on August 10, 2019, and J.A. who was born on July 3, 2011.

Counsel for the Petitioner, the West Virginia Department of Health and Human Resources, is William C. Burdick, Assistant Prosecuting Attorney, 108 East Main Avenue, Fayetteville, West Virginia, 26840.

It appearing that the whereabouts of Tiffany Ransom and Joey Adkins, Sr. are presently unknown at this time, it is Ordered that Tiffany Ransom and Joey Adkins, Sr. obtain from the Fayette County Circuit Clerk at the Fayette County Courthouse, Fayetteville, West Virginia, the Petition filed in this matter. Tiffany Ransom and Joey Adkins, Sr. must appear and defend on or before Monday, October 28, 2019, at 11:00 a.m., in the Courtroom of the Honorable Paul M. Blake, Jr., Fayette County Courthouse, Fayetteville, West Virginia, at which time a deposition hearing will be held. Failure to answer and defend could result in a default judgment, and loss of parental rights. Further, it is hereby Ordered that Tiffany Ransom and Joey Adkins, Sr. be advised of their right to have counsel at every stage of these proceedings are further advised that such proceedings may result in the severance of parental rights and the transfer of custody of said child unto the Petitioner.

The child respondents, D.A. and J.A. shall be represented by counsel at every stage of these proceedings. The Guardian ad Litem appointed for said children is Anthony Ciliberti, Jr., P.O. Box 621, Fayetteville, WV, 26840, 564-574-9111. ENTERED by the Clerk of the Circuit Court of Fayette County this _____ day of August 2019.

WILLIAM C. BURDICK
Assistant Prosecuting Attorney
CATHERINE L. JARRETT, CLERK
Fayette County Circuit Court
Fayette County, West Virginia
10/14, 10/21/19 #10952037

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