

AGENDA

SPECIAL MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, December 8, 2021 at 7:00 P.M. AT THE VILLAGE OF WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

THE VILLAGE WILL BE PROVIDING AN OPTION TO ATTEND THE DECEMBER 8, 2021 PLAN COMMISSION MEETING VIRTUALLY. TO JOIN THE ZOOM MEETING, USE THE LINK BELOW:

<https://us06web.zoom.us/j/87215933168?pwd=RnBMSnRHUmJwYjBvZ0pmMmlUIFEQT09>

Meeting ID: 872 1593 3168

Passcode: 549917

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes -June 2,2021
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 21-09: Consideration of a petition to approve text amendments to Title 9 of the Village Code (Zoning Ordinance) defining and regulating Adult-Use Cannabis Dispensaries in the Village of Willowbrook. The applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois 60527.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JUNE 2, 2021, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:01p.m.

2. ROLL CALL

Those physically present at VOW Police station were Vice Chairman Wager
Present Via Zoom COVID -19 Pandemic were Commissioners Baksay, Kaczmarek, Kaucky,
Chairman Kopp and Village Attorney Matt Holmes

Also, present Via Zoom were Planning Consultant Anne Choi and Lisa Shemroske from the Village Hall

Absent, Commissioner Soukup, Walec and Building Official Giuntoli

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting, May 5, 2021

MOTION: Made by Vice Chairman Wager seconded by Commissioner Kaczmarek approve the Omnibus Vote Agenda as presented, all in favor

Roll Call votes: AYES, Commissioners Baksay, Kaczmarek, Kauchy, Vice Chairman Wagner and Chairman Kopp NAYES: None

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 21-06; Consideration of a petition for a text amendment to amend Title 9, Chapter 12 of the Zoning Title of the Village of Willowbrook regarding the regulation of children's recreational equipment. The Applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook, IL 60527

A. PUBLIC HEARING

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on pages 2 to 4 of the Staff Report for the PC Case Number 21-06 to amend Title 9, Chapter 12 of the Zoning Title of the Village of Willowbrook regarding the regulation of children's recreational equipment.

Made by Vice Chairman Wagner and second by Commissioner Baksay, all in favor.

Roll Call Vote: AYES: Commissioner Baksay, Kaczmarek, Kaucky, Vice Chairman Wagner, and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

6. VISTOR'S BUSINESS.

Rick Smeaton introduces himself; he is with Interwest Consulting Group; he will be assisting the Village and Plan Commission in the future.

7. COMMUNICATIONS

None but Chairman Kopp did welcome new Commissioner Baksay to the committee. Commissioner Baksay thanks Chairman Kopp and a pleasure to be with Committee and looks forward to work with everyone. Vice Chairman inquired about in person meetings like the Village Board Meetings? Planner Choi will check and took a poll, everyone seemed to be on board, Commissioner mentioned he like to meet in person, but he travels and not sure if he can meet 100% in person and would like the option of a Zoom meeting. Chairman Kopp asked Village Attorney Holmes if there is issue. Attorney Holmes will investigate the processes.

8. ADJOURNMENT

MOTION: Made by Vice Chairman Wagner and second by Commissioner Baksay to adjourn the meeting of the Plan Commission at the hour of 7:25 p.m. all in favor

Roll call: AYES: Commissioners Baksay, Kaczmarek, Kauchy, Vice Chairman Wagner and Chairman Kopp

MOTION DECLARED CARRIED

UNANIMOUS VOICE VOTE
PRESENTED, READ, AND APPROVED,

December 8,2021

Chairman

6/2/2021

**VILLAGE OF WILLOWBROOK PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION OF THE VILLAGE OF
WILLOWBROOK**

LYNNE Del GIUDICE

VILLAGE OF WILLOWBROOK
PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF WILLOWBROOK

WEDNESDAY, JUNE 2, 2021

7:00 p.m.

RECORD OF THE PROCEEDINGS VIA ZOOM
had at the meeting held before the Planning &
Zoning Commission of Willowbrook, on Wednesday, the
2nd day of June, 2021, commencing at 7:00 p.m., as
reported by Lynne Del Giudice, Certified Shorthand
Reporter in and for the County of DuPage and State
of Illinois.

1 APPEARANCES:

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3 Daniel Kopp - Chairman

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John Wagner - Vice-Chairman

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Lisa Shemroske - Recording Secretary

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Catherine Kaczmarek - Member

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Leonard Kaucky - Member

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Matthew Holmes - Village Attorney

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Zoltan Baksay - Member

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Staff Also Present:

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Ann Choi - Planning Consultant

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CHAIRMAN KOPP: We have a quorum.

1 Let's just wait a couple of minutes, unless, Lisa,
2 did you know if any of the other three
3 commissioners were not going to attend?

4 MS. SHEMBROSKE: Not to my knowledge.

5 MS. CHOI: I believe we are waiting
6 on Walec and the new commissioner Maxine.

7 CHAIRMAN KOPP: Is Commissioner
8 Soukup with you, John?

9 MR. WAGNER: No. I'm the only one
10 here.

11 CHAIRMAN KOPP: It's 701. Why don't
12 we get started.

13 I call to order the regular
14 meeting of the Plan Commission of the Village of
15 Willowbrook, asking the Plan Commission Secretary
16 to call the role.

17 MS. SHEMROSKE: Commissioner Baksay?

18 MR. BAKSAY: Present.

19 MS. SHEMROSKE: Commission Soukop?

20 Commissioner Kaczmarek?

21 MS. KACZMAREK: Here.

22 MS. SHEMROSKE: Commissioner Kaucky?

1 MR. KAUCKY: Here.

2 MS. SHEMROSKE: Commissioner Walec?

3 Vice Chairman Wagner?

4 MR. WAGNER: Here.

5 MS. SHEMROSKE: Chairman Kopp?

6 CHAIRMAN KOPP: Here.

7 MS. SHEMROSKE: Planner Ann Choi?

8 MS. CHOI: Present via Zoom

9 MS. SHEMROSKE: Building official

10 Roy Giuntoli will not be present tonight, and I am
11 Recording Secretary Lisa Shemroske.

12 CHAIRMAN KOPP: As an announcement, due to
13 the Covid 19 pandemic, this meeting is being
14 conducted via Zoom.

15 The next item on the agenda is the
16 omnibus vote agenda.

17 Would any of the commissioners like
18 an item removed from the omnibus vote agenda?

19 If not, will a commissioner make a
20 motion to approve the omnibus vote agenda?

21 MR. WAGNER: I would make that motion to
22 approve.

1 MS. KACZMAREK: I'll second.

2 MR. WAGNER: Kaczmarek seconded that.

3 CHAIRMAN KOPP: I ask the Plan

4 Commission Secretary to call the vote.

5 MS. SHEMBROSKE: Mr. Baksay?

6 MR. BAKSAY: Yes.

7 MS. SHEMBROSKE: Commissioner Soukop?

8 Commissioner Kaczmarek?

9 MS. KACZMAREK: Yes.

10 MS. SHEMBROSKE: Commissioner Kaucky?

11 MS. KAUCKY: Yes.

12 MS. SHEMBROSKE: Vice Chairman

13 Wagner?

14 MR. WAGNER: Yes.

15 MS. SHEMBROSKE: And Chairman Kopp?

16 CHAIRMAN KOPP: Yes.

17 The next item on the agenda is

18 the public hearing for zoning hearing, Case

19 No. 2106.

20 The purpose of this public

21 hearing is to consider a request by the Village of

22 Willowbrook as Petitioner to amend Title 9,

1 Chapter 12, Zoning title of the Village of
2 Willowbrook regarding the regulation of children's
3 recreational equipment.

4 The applicant for this petition is
5 the Village of Willowbrook.

6 A copy of this notice was published
7 in the May 17, 2021 edition of the Chicago
8 Sun Times newspaper.

9 Ann, would you like to make your
10 presentation?

11 MS. CHOI: Thank you, Chairman Kopp.

12 Currently the village only permits
13 children's recreational equipment and playhouses
14 which are considered obstruction easements under
15 Section 912-2 and 912-4, with interior side yards,
16 rear yards, and court yards.

17 Currently there is no relief mechanism
18 allowed to allow these accessory uses in yards
19 other than like where they currently permitted,
20 except through a PUD process.

21 State statutes relative to municipal
22 zoning review requirements would require the

1 Village of Willowbrook to make reasonable efforts
2 to streamline the zoning application process for
3 public school properties and minimize the burdens
4 involved in this zoning review process.

5 So instead of requiring school
6 districts to apply for a PUD, which is the most
7 expensive and time consuming zoning entitlement
8 process.

9 Within the Village, the Village has
10 initiated this text amendment to allow more
11 flexibility in locating children's recreational
12 equipment, playhouses, playgrounds for
13 institutional uses located on corner lots.

14 So properties that are located on
15 corner lots and approved with a principal
16 governmental or educational use, such as a school,
17 they be permitted to apply for a variation to
18 locate these equipment in its front or exterior
19 side yard in conformance with the procedures set
20 forth under the variation section of the zoning
21 code.

22 Staff has no objection in giving

1 institutional uses the ability to apply for this
2 variation.

3 The variation process will require a
4 notification of surrounding property owners and a
5 public hearing before the Plan Commission.

6 The Plan Commission would be able to
7 recommend conditions to the proposed parks, the
8 proposed variations before forwarding the
9 recommendations to the Village Board for the final
10 approval, and the Village Board would have some
11 input on the types of conditions that would be
12 imposed.

13 The public hearing process would
14 provide a transparent public review process, and
15 staff is confident that this would be the most
16 effective review and approval process for the
17 regulation of children's recreational equipment
18 within five and exterior side yards on certain
19 properties located on corner lots.

20 So staff supports the proposed
21 amendment.

22 A sample motion can be found on

1 Page 4 of the staff report, as the Plan Commission
2 is supportive of this petition.

3 I just wanted to make a note that
4 there is a typo on the motion. It should say
5 pages 2 to 4, not pages 2 to 5 of the staff report.

6 That concludes my presentation.

7 CHAIRMAN KOPP: Do any of the
8 commissioners have any questions of Ann?

9 MR. HOLMES: I do not.

10 MS. KACZMAREK: I don't.

11 CHAIRMAN KOPP: Does anyone in the
12 audience have any questions of Ann representing the
13 applicant?

14 With that being the case, I'll close
15 the public comment portion of this public hearing.

16 This seems like a no brainer.

17 Do any of the commissioners have any
18 comments on this?

19 MR. WAGNER: Wagner. I'd like to ask two
20 questions.

21 Is this specific to any particular
22 parcel at this point?

1 MS. CHOI: This is Ann Choi.

2 We are going to have an upcoming
3 application from a local school in the next couple
4 of months, I anticipate.

5 MR. WAGNER: My second question is what
6 would be the circumstance where we would allow it
7 in the front yard?

8 MS. CHOI: Well, I guess any governmental
9 institutional use, like park district or a school
10 would be allowed to have this encroached within the
11 front yard or exterior side yard if it was on a
12 corner lot. That's the restriction.

13 MR. WAGNER: Thank you.

14 MR. BAKSAY: This is Commissioner Baksay.

15 What are the setback requirements?

16 I tried to find Chapter 14 and
17 Section 4 for the variations.

18 And I am not completely familiar with
19 where everything is located. So I was wondering if
20 Miss Choi can help with that.

21 MS. CHOI: No problem. I'm going to
22 actually share my screen, and I'll pull up the Code

1 right now so that everybody can see.

2 Can everyone see my screen?

3 MR. WAGNER: Yes.

4 MS. CHOI: Under Section 912-2 in
5 permitted accessory buildings, there is a chart
6 that shows the different types of equipment
7 allowed.

8 And then I really apologize for the
9 misalignment of this. I have been trying to work
10 with the codify to align this.

11 But basically, means front yard and
12 exterior side yard. S means interior side yard.
13 R means rear yard, and C means courtyard.

14 So we are starting from air
15 conditioning units, and so we are just going to go
16 down into children's recreational equipment and
17 playhouses here, where I am highlighting.

18 It says per bulk standards. So it
19 refers me to Section 912-4. I will go there in a
20 minute.

21 But basically in the X's, they are
22 allowed in the side, rear, and courtyards.

1 So if we go down to 912-4 D1E, this
2 is where we are making that change.

3 So I think that would have to be
4 evaluated, I think, to answer your question on a
5 case by case basis.

6 There is no strict dimensional
7 restrictions saying that it's allowed to be 10 feet
8 from the front yard line or anything like that.

9 MR. WAGNER: If there is no setback
10 requirements, why wouldn't it just simply be a
11 permitted use?

12 MS. CHOI: Well, currently these are
13 accessory structures, and all of the accessory
14 structures, you know, they are specifically called
15 out into which yards that they are permitted.

16 MR. WAGNER: I understand that they are
17 allowed in the yards.

18 The question is there is no codified
19 number as it would relate to setback from a side,
20 rear, or front yard line.

21 So if someone comes in and says I
22 wish to put this next to the curb on the street and

1 I own the property, what's to stop them from doing
2 that?

3 MS. CHOI: Well, I think when they would
4 apply for variation, the Plan Commission would
5 review that at that time and look at the dimensions
6 of where they are proposing it.

7 If children's recreational equipment
8 are permitted in the front or exterior side yard,
9 for instance, in Willowbrook schools are zoned R1,
10 and that setback is approximately 60 feet.

11 So the children's recreational
12 equipment would be allowed within the 60 feet of
13 the front property line.

14 MR. WAGNER: Up to the 60-foot line.

15 MS. CHOI: Well, I think that's where it
16 would be up to the discretion of the Plan
17 Commission.

18 When they are applying for that
19 variation, they would ask could we have this up to
20 five feet from the front property line, or could we
21 have it to within 20 feet of the property line?

22 Currently it's not supposed to be

1 located within 60 feet of the property line in the
2 front yard.

3 MR. HOLMES: To clarify, if I may, right
4 now there is no equipment allowed in the front
5 yard.

6 They would still be required to
7 comply with the setback standard in all the yards
8 it was allowed.

9 If they wanted to put it in the front
10 yard 60 feet back, they could, with only one
11 variance. But if they wanted to put it closer to
12 60 feet in the front yard, they are required to.

13 MR. WAGNER: Thank you.

14 MS. CHOI: I'm sorry, Matt.

15 Could you say that again, the first
16 portion of the sentence?

17 MR. HOLMES: Sure. They are still going
18 to be required to comply with the setback
19 requirements for accessory structures.

20 And whatever the setback is in, you
21 know, an R1 district for a front lot, they'd have
22 to comply with that, unless they got a variation

1 for the setback.

2 Right now our Code allows for
3 variations for setbacks. It doesn't allow for
4 variation to locate children's equipment in the
5 front yard. We're modifying that very slightly.

6 One of the reasons this is coming up
7 is with institutional-type uses, like governmental
8 buildings, schools.

9 A lot of the time based on the
10 definitions contained in our Code, it quite frankly
11 makes more sense to put accessory uses on what's
12 defined as the front yard of the property, because
13 when on a corner lot, the shorter side is always
14 the front yard, and that doesn't make sense in the
15 context of schools.

16 The front yard should be where the
17 front of the building is, quite frankly, as opposed
18 to the side yard, just kind of a smaller area, if
19 that helps.

20 MR. BAKSAY: Thank you.

21 CHAIRMAN KOPP: Any other questions or
22 comments by any of the Commissioners?

1 All right. With that being the case,
2 will someone make a motion that based on the
3 submitted petition and testimony for that, I'd move
4 that the Plan Commission recommend to the Village
5 Board approval of the text amendment presented on
6 Pages 2 to 4 of the staff report for PC Case
7 No. 2106 to amend Title 9, Chapter 12 of the
8 Zoning Title by the Village of Willowbrook
9 regarding the regulation of children's recreational
10 equipment.

11 MR. WAGNER: So moved.

12 MS. SHEMBROSKE: Anybody second it?

13 MR. BAKSAY: I'll second it.

14 CHAIRMAN KOPP: Now I ask the Plan
15 Commission Secretary to call the vote on this
16 matter.

17 MS. SHEMROSKE: Commissioner Baksay?

18 MS. BAKSAY: Yes.

19 MS. SHEMROSKE: Commissioner Kaczmarek?

20 MS. KACZMAREK: Yes.

21 MS. SHEMROSKE: Commissioner Kaucky?

22 MR. KAUCKY: Yes.

1 MS. SHEMROSKE: Vice Chairman Wagner?

2 MR. WAGNER: Yes.

3 MS. SHEMROSKE: Chairman Kopp?

4 CHAIRMAN KOPP: Yes.

5 All right. The next item on the
6 agenda is visitor's business.

7 I'd like to welcome Commissioner
8 Baksay to the Plan Commission.

9 I think, do I recognize you from the
10 Gun Club Hearings?

11 MR. BAKSAY: Yes. I went to one or two of
12 those, I think.

13 CHAIRMAN KOPP: We didn't turn you off.

14 And you prevailed, if I recall.

15 MR. BAKSAY: Yes, on May 22.

16 CHAIRMAN KOPP: If I also recall, you are
17 kind of in that area on the other side of 83, which
18 is nice to have some diversity where people live on
19 the Plan Commission.

20 MR. BAKSAY: My pleasure to be here, and I
21 very much look forward to working with all of you,
22 with Commissioner and Village Staff. So excited.

1 CHAIRMAN KOPP: That's it for me with
2 visitor's business.

3 Ann, do you have any you wanted to
4 bring out or communications, rather?

5 MS. CHOI: No.

6 CHAIRMAN KOPP: I even mixed up visitor's
7 business anyway. We have no visitors.

8 I'm sorry. There was a visitor.

9 Is he still here?

10 MS. CHOI: He is still here.

11 CHAIRMAN KOPP: I can't say the names.

12 MR. SMEATON: My name is Rick Smeaton.

13 CHAIRMAN KOPP: I didn't mean to skip over
14 that.

15 Did you want to address us?

16 MR. SMEATON: Just real quickly.

17 I just wanted to let you know I am
18 with the Inter Web Consulting Group.

19 And it's my understanding that I'll
20 be assisting the Village and Plan Commission here
21 in the near future, and I just wanted to take to
22 the time to introduce myself.

1 CHAIRMAN KOPP: Thank you.

2 MR. WAGNER: Chairman, I guess I have a
3 question.

4 I attended the board meeting on
5 May 24, last Monday, about 10 days ago, and I was
6 reappointed to the commission.

7 The question I had was the Board
8 appeared to be meeting almost complete with staff
9 here at the Village hall, and there were no masks
10 present.

11 And I am wondering is the Village
12 opening back up and are our meetings going to
13 restart, or what is the position on that with the
14 Village?

15 CHAIRMAN KOPP: I have to defer to Ann
16 because I have not had any communications with the
17 Mayor or his staff about that.

18 MS. CHOI: I actually have not any good
19 guidance about that, but I can certainly check.

20 Can I get a poll of who would be
21 interested in meeting all in person again?

22 CHAIRMAN KOPP: I would meet in person.

1 MR. WAGNER: I have no objection.

2 MS. KACZMAREK: I would too.

3 MR. HOLMES: It's fine with me.

4 MS. CHOI: Great.

5 MR. BAKSAY: Miss Choi, one of the things
6 that I would say is I would love meet in person.
7 My job requires quite a bit of travel, so I'm not
8 100 percent sure that I can meet in person
9 100 percent of the time.

10 So for me, certainly having the
11 option of a Zoom meeting, even if the majority or
12 the quorum was meeting in the Village building,
13 then that would be wonderful. It would prevent me
14 from being absent.

15 For example, right now I'm in eastern
16 time, so it's pretty reasonable for me to be back
17 at my hotel room by 8:00 p.m.

18 If possible, I would love to maintain
19 the option of remote meetings. But certainly as my
20 travel schedule would allow, I would absolutely
21 meet in person.

22 MS. CHOI: Sure, okay. Noted.

1 I have no objection to holding
2 anything in public. I think it would be great if
3 we can all get together again.

4 CHAIRMAN KOPP: At some point the State is
5 reopening, according to the Governor on the 11th, I
6 understand.

7 And I didn't know if that had any
8 effect on our decision to do that.

9 Do you happen to know, Mr. Holmes,
10 what the Village's position is on this?

11 MR. HOLMES: I know things are gradually
12 opening back up, and many of my clients are
13 actually hosting meetings in person.

14 They are still taking standard
15 precautions of social distancing. But I don't
16 think there is a State mandate necessarily that
17 these meetings be conducted remotely.

18 That I was actually looking to see if
19 the recent amendments for opening meetings would
20 allow per commissioner Baksay to attend remotely to
21 this type of health crisis-related Zoom call. It's
22 something I have to look at.

1 I am not aware of what the process is
2 in general of the meetings, to attend those
3 meetings.

4 No. I really don't have much else to
5 offer you guys tonight.

6 CHAIRMAN KOPP? Okay.

7 Any other communications?

8 Will someone make a motion to
9 adjourn?

10 MS. WAGNER: Yes, first.

11 MR. BAKSAY: So moved.

12 MS. SHEMBROSKE: Who said first and who's
13 second, please?

14 MR. BAKSAY: I'll defer to Commissioner
15 Wagner.

16 MS. SHEMROSKE: And you second?

17 MR. BAKSAY: Yes.

18 CHAIRMAN KOPP: We have to vote.

19 Secretary, call the roll.

20 MS. SHEMBROSKE: Commissioner Baksay?

21 MR. BAKSAY: Yes.

22 MS. SHEMBROSKE: Commissioner Kaczmarek?

1 MS. KACZMAREK: Yes.

2 MS. SHEMBROSKE: Commissioner Kaucky?

3 MR. KAUCKY: Yes.

4 MS. SHEMBROSKE: Vice chairman Wagner?

5 MR. WAGNER: Yes.

6 MS. SHEMBROSKE: Chairman Kopp?

7 CHAIRMAN KOPP: Yes.

8 Thank you all. Have a good night.

9 (Which were all of the

10 proceedings had.)

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22 STATE OF ILLINOIS)

1 COUNTY OF DUPAGE)

2 I, LYNNE DEL GIUDICE, a certified
3 shorthand reporter do hereby certify.

4 That prior to being examined, the witness in the
5 foregoing proceeding was by me duly sworn to
6 testify to the truth, the whole truth, and nothing
7 but the truth.

8 That said proceedings were taken remotely
9 before me at the time and places therein set forth
10 and were taken down by me in shorthand and
11 thereafter transcribed into typewriting under my
12 direction and supervision. I further certify that I
13 am neither counsel for, nor related to, any party
14 to said proceedings, not in any way interested in
15 the outcome thereof.

16 IN WITNESS WHEREOF, I have hereunto
17 subscribed my name.

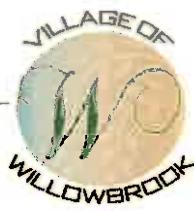
18 Dated: June 8, 2021
19 *6/8/2021*



20 LYNNE DEL GIUDICE

21 CSR No. 084-001598

22



Village of Willowbrook

Staff Report to the Plan Commission

Public Hearing Date:	December 8, 2021
Prepared By:	Karen L. Stonehouse, AICP, Planning Consultant
Case Title:	PC 21-09: Text Amendments to further define and regulate Adult-Use Cannabis Dispensing Organizations in the Village of Willowbrook
Petitioner:	Village of Willowbrook
Action Requested by Applicant:	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
Code Sections to be Amended:	Title 9 – Zoning Section: 9-6B-2 Special Uses 9-6C-2 Special Uses 9-6D-2 Special Uses 9-7B-2 Special Uses 9-8-2 Special Uses

Documents Attached:

1. Willowbrook Zoning Map
2. Adult-use Cannabis Dispensing Organization Business Operational Rules
3. Public Hearing Notice
4. Draft Ordinance Amending Title 9, Zoning Regulations

Necessary Action by Plan Commission:	Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment. A sample motion can be found on page 6.
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History & Discussion of Request

The Cannabis Regulation and Tax Act ("CRTA")

On June 25, 2019, Public Act 101-0027 created the Cannabis Regulation and Tax Act ("CRTA"). Effective January 1, 2020, the Illinois became the 11th State to legalize the possession and private use of cannabis for Illinois residents over 21 years of age.

The CRTA preserves have the authority of municipalities to enact reasonable zoning regulations that are not in conflict with the CRTA. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations through special use permits. The Village of Willowbrook has the ability to determine where these establishments can be located and how they should be regulated in order to comply with the State law. In addition to zoning authority, municipalities will have the authority to allow for or prohibit on-premise use of cannabis at locations to be determined locally.

The focus of this staff report is limited to the regulation of adult use cannabis dispensing organizations. No changes are recommended to the regulation of medical cannabis dispensaries or cultivation centers.

Municipal Cannabis Retailers' Occupation Tax Law

Adult use cannabis is subject to the 6.25% State Retailers' Occupation Tax as well as local retailers' occupation taxes in the same manner as other general merchandise. In addition, the Municipal Cannabis Retailers' Occupation Tax Law authorizes municipalities to impose a tax on the gross receipts from sales of adult use cannabis (medical cannabis is excluded from this local cannabis-specific tax).

On December 16, 2019, the Village of Willowbrook amended its municipal code to add the Municipal Cannabis Retailers' Occupation Tax, a special tax of three percent (3%) of gross receipts of retail cannabis sales, excepting medical cannabis sales.

In April 2021, the State's 110 licensed adult-use dispensaries rang up \$115 million in sales. Sales so far in 2021 have exceeded \$1.12 billion statewide.

[<https://chicago.suntimes.com/cannabis/2021/11/2/22760072/illinois-dispensaries-marijuana-recreational-sales-medical-cannabis>]

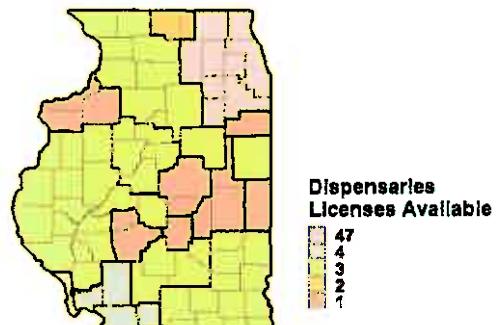


Growth of Dispensaries in the Region

Since Illinois law was changed to permit adult-use cannabis, there has been significant growth in the number of cannabis dispensaries. The State of Illinois limits the number of dispensaries in regions within the state. Willowbrook is a part of the Chicago-Naperville-Elgin region, which is allowed up to forty-seven (47) adult-use cannabis dispensary licenses. The Village plays no role in the licensing process as it is left up to the Illinois Department of Financial and Professional Regulation to select and process those individuals attempting to obtain a license.

In 2019, the Village approved a Text Amendment to the Zoning Ordinance to allow Adult-Use Cannabis Dispensing Organizations as a Special Use in the OR Office Research and M1 Light Manufacturing Districts.

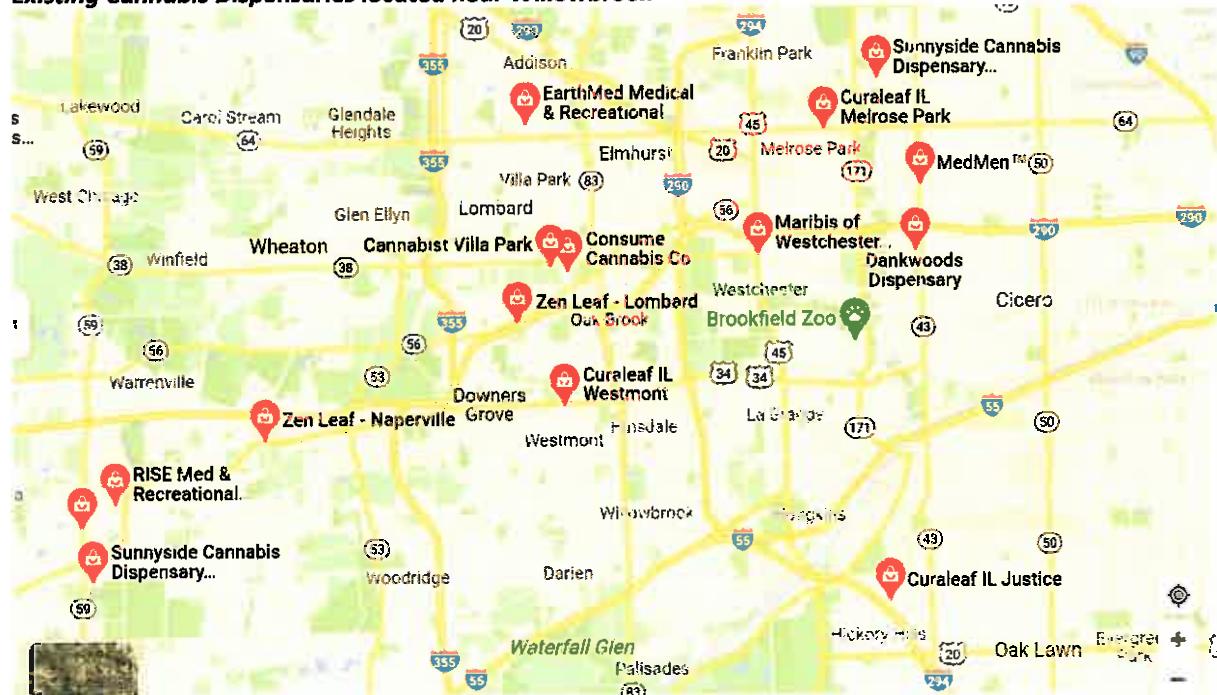
Licenses by Region in 2021



Nearby Cannabis Dispensaries

Cannabis dispensaries have been established in many locations around Willowbrook to meet demand and contribute to local coffers. While a few are medical-only, the trend has been away from medical-only dispensaries, as adult-use dispensaries can also be licensed to sell medical cannabis. Adult-use dispensaries are located in Lombard, Westchester, Westmont, Villa Park, and Oakbrook Terrace, among others.

Existing Cannabis Dispensaries located near Willowbrook





Current and Proposed Zoning for Adult-Use Cannabis Dispensaries

Currently, adult-use dispensaries are special uses in Willowbrook's OR and M1 Districts only. If approved, the Zoning Ordinance would be amended to allow consideration of dispensaries as special uses in the B-2, B-3, and B-4 zoning districts. The Willowbrook Zoning Map is Attachment 1 to this report.

Adult-Use Cannabis Dispensary Special Uses in Willowbrook

Zoning District	Current (S=Special Use)	Proposed (S=Special Use)
B-1 Neighborhood Commercial	---	---
B-2 Community Commercial	---	S
B-3 General Business	---	S
B-4 Highway and Service	---	S
LOP Limited Office and Professional	---	---
OR Office and Research	S	S
LOR Limited Office & Research	---	---
M-1 Light Manufacturing	S	S

Willowbrook's business-zoned areas, other than Neighborhood Business (B-1) district, are appropriate and intended locations for retail uses that will draw customers to shop in the Village. The B-2 through B-4 zoning districts are generally located along arterial streets, benefiting both the shopper and the merchant.

Dispensaries are required to limit signage to the business name, and they generally fit in seamlessly with existing storefronts, often filling vacant tenant spaces. Cannabis product retail stores, carefully regulated, have become good partners to municipalities throughout the Chicago region.

The Village of Willowbrook can consider dispensaries *on a case-by-case basis* in any district in which they are listed as a special use. The Cannabis Regulation and Tax Act provides an extensive list of provisions to ensure that cannabis dispensaries are safe and professional businesses. (Please see Attachment 2.)

Regulation through the Special Use Permit Process

The inclusion of dispensaries as a special use in a given district does not mean the use is allowed as of right. It means that it will be carefully considered as a special use, given its effects on surrounding areas, the Village as a whole, and general welfare of its residents.

This careful consideration is described in the Village's Zoning Ordinance (9-14-5) Special Use Permit Process. The intent of the special use process is to provide a transparent, public review process for land uses that require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. This process will require notification of surrounding property owners and a public hearing before the Plan Commission. The Plan Commission would review the Standards for Special Uses, and would be able to recommend conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. Staff is confident that this process will provide for the most effective review and approval process for the regulation of Adult-Use Cannabis Dispensing Organizations in Willowbrook.

The Village of Willowbrook's adopted Standards for special uses are listed below. The Zoning Ordinance section on Special Use Permits can be viewed at:

https://codelibrary.amlegal.com/codes/willowbrookil/latest/willowbrook_il/0-0-0-9813



From the Willowbrook Zoning Ordinance:

9-14-5: SPECIAL USE PERMITS:

(B) Standards:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board pursuant to the recommendation of the Plan Commission.
7. Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the Village Board of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.

(C) Maintenance And Use Of Development: Every property that is governed by a special use permit shall at all times be maintained, used and kept in full performance with the provisions of this Code and those plans, specifications and special conditions expressly incorporated in any ordinance or resolution governing the construction and development permitted under such special use permit.

Proposed Text Amendments

The proposed text amendments to the Zoning Ordinance are listed below. The draft ordinance to approve these text amendments is Attachment 4 to this report.

1. Special Uses for the B-2 Community Shopping District, B-3 General Business District, and B-4 Highway and Service Business District stated in Title 9, Chapter 6B, Section 9-6B-2; Title 9, Chapter 6C, Section 9-6C-2; and Title 9, Chapter 6D, Section 9-6D-2 are all hereby amended to add the following:

"Adult-Use Cannabis Dispensing Organization. For purposes of determining required parking, said facilities shall be classified as 'Other business and commercial establishments' per Section 9-10-5(K) of the Zoning Ordinance, provided, however, that the Village may require that additional parking be provided if it is determined that more parking is necessary. Consumption of cannabis and cannabis-infused products on the premises of any adult-use cannabis dispensing organization shall be prohibited."



2. **Special Uses for "Adult-Use Cannabis Dispensing Organization" stated in Title 9, Chapter 7B, Section 9-7B-2 and in Title 9, Chapter 8, Section 9-8-2; are each hereby amended to read as follows:**

"Adult-Use Cannabis Dispensing Organization. For purposes of determining required parking, said facilities shall be classified as 'Other business and commercial establishments' per Section 9-10-5(K) of the Zoning Ordinance, provided, however, that the Village may require that additional parking be provided if it is determined that more parking is necessary. Consumption of cannabis and cannabis-infused products on the premises of any adult-use cannabis dispensing organization shall be prohibited."

Recommendation

Village Staff recommend that the Plan Commission forward the proposed Text Amendments for Adult-Use Cannabis Dispensaries to the Mayor and Village Board for consideration.

If additional time or testimony is needed, the Plan Commission may wish to continue this hearing and/or consideration of the amendment. If the Plan Commission's work is completed, the following sample motion is provided for the Plan Commission's use:

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented in the Staff Report for PC Case Number 21-09 that add Adult-Use Cannabis Dispensing Organizations as special uses in the B-2, B-3, and B-4 Districts, and provide consistent wording for the listing of the special use in the OR and M-1 Districts.

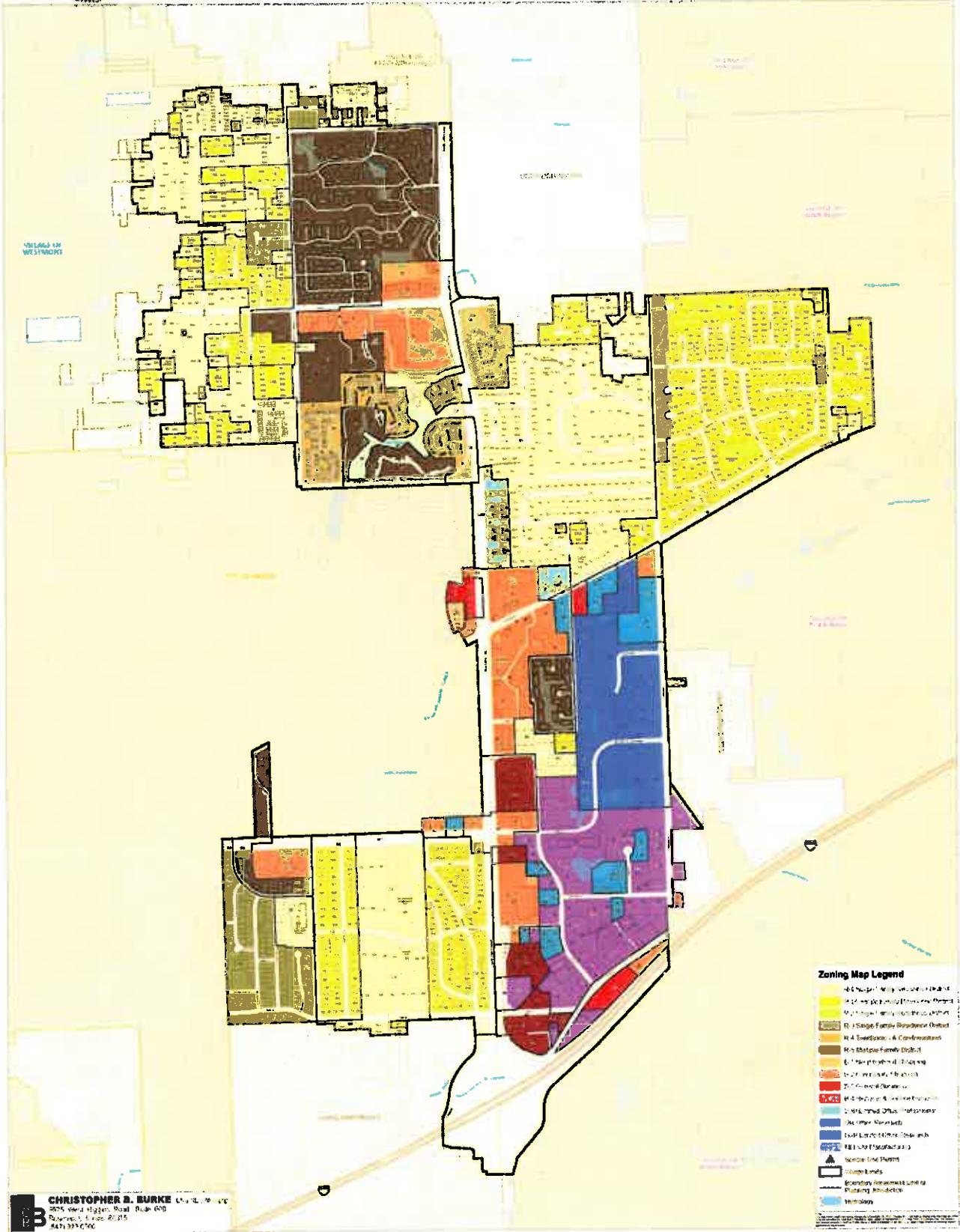
Attachment 1

Willowbrook Zoning Map



VILLAGE OF WILLOWBROOK ZONING MAP

ADOPTED AND APPROVED BY THE VILLAGE OF WILLMARON MAIN B 22, 2021 (VALID THROUGH DECEMBER 31, 2021)



CHRISTOPHER B. BURKE Esq., L.L.C.
3575 Steel Bridge, Portland, Oregon 97201
Telephone: 503-223-8215
Fax: 503-223-6300

Attachment 2

Adult-use Cannabis Dispensing Organization Business Operational Rules (2 pages)

Adult-use Cannabis Dispensing Organization Business Operational Rules

<https://www.iml.org/file.cfm?key=16586>

The Cannabis Regulation and Tax Act, in Section 15-70, contains a list of specific business operational rules for adult-use cannabis dispensing organizations that provide a clear baseline of regulatory guidelines for these establishments. Municipalities may include these in any statement on approvals or conditions that are part of any special use permit. These rules include:

- A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
- Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which are limited to containers that must be no larger than 100 milliliters.
- A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act.
- A dispensing organization shall maintain compliance with state and local building, fire and zoning requirements or regulations.
- A dispensing organization shall submit a list to the state of the names of all service professionals that will work at the dispensary.
- A dispensing organization's license allows for a dispensary to be operated only at a single location.
- A dispensing organization may operate between 6:00 a.m. and 10:00 p.m. local time.
- A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

A dispensing organization shall not:

- Produce or manufacture cannabis;
- Accept a cannabis product from an adult-use cultivation center, craft grower, infuser, dispensing organization or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act;
- Obtain cannabis or cannabis-infused products from outside the State of Illinois; or sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Illinois Medical Cannabis Program Act, and the individual is registered under the Medical Cannabis Program Act or the purchaser has been verified to be over the age of 21;
- Enter into an exclusive agreement with any adult-use cannabis cultivation center, craft grower or infuser;
- Refuse to conduct business with an adult-use cannabis cultivation center, craft grower, transporting organization or infuser that has the ability to properly deliver the product and is permitted by the Illinois Department of Agriculture, on the same terms as other adult-use cannabis cultivation centers, craft growers, infusers or transporters with whom it is dealing;
- Operate drive-through windows;

- Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
- Transport cannabis to residences or other locations where purchasers may be for delivery;
- Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;
- Operate a dispensing organization if its video surveillance equipment is inoperative;
- Operate a dispensing organization if the point-of-sale equipment is inoperative;
- Operate a dispensing organization if the state's cannabis electronic verification system is inoperative;
- Operate a dispensing organization when there are fewer than two people working at any time;
- Be located within 1,500 feet of the property line of a pre-existing dispensing organization. P.A. 102-0098 provides that a social equity applicant or social equity justice involved applicant may seek a dispensing organization license from the Illinois Department of Financial and Professional Regulation at a location within 1,500 feet of a dispensing organization licensed under Section 15-15 or 15- 20 of the Act;
- Sell clones or any other live plant material;
- Sell cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate or cannabis-infused product must be separately identified by quantity and price on the receipt; and,
- Violate any other requirements or prohibitions set by the Act or administrative rules.

Attachment 3
Public hearing notice (2 pages)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 21-09

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall pursuant to 65 ILCS 5/11/13/14, conduct a public hearing on the 8th day of December, 2021 at the hour of 7:00 p.m. at the Willowbrook Police Department Training Room, 7760 Quincy Street, Willowbrook, Illinois.

The purpose of this public hearing shall be to consider a petition for text amendments to the Title 9 of the Village Code (Zoning Ordinance) defining and regulating Adult-Use Cannabis Dispensaries in the Village of Willowbrook. The applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook Illinois 60527.

The Governor of the State of Illinois has declared a Gubernatorial Disaster Proclamation in response to the COVID-19 outbreak and all of the Village of Willowbrook is covered by the disaster area. In light of the ongoing COVID-19 outbreak, the Mayor of the Village of Willowbrook has determined that an in person meeting for the December 8, 2021, Plan Commission meeting may not be practical or prudent in light of the disaster.

All of the Members of the Plan Commission participating in the December 8, 2021 Plan Commission meeting, wherever their physical location, shall be verified and determined that they can hear one another and can hear all discussion and testimony during the meeting.

Signed: Frank A. Trilla, Mayor of the Village of Willowbrook
Dated: November 18, 2021

The Village will be providing an option to attend the December 8, 2021 Plan Commission meeting virtually. To join the Zoom Meeting, use the link below:
<https://us06web.zoom.us/j/87215933168?pwd=RnBMSnRHUmJwYjBvZ0pmMmlUIFEQT09>

Meeting ID: 872 1593 3168

Passcode: 549917

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 Karen Stonehouse, Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2233, allowing for a reasonable time before the meeting for accommodation to be made. 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

Attachment 4

Proposed Ordinance amending adult-use dispensary provisions (4 pages)

ORDINANCE NO. 21-0-_____

AN ORDINANCE AMENDING TITLE 9, ENTITLED "ZONING REGULATIONS",

OF THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK,

DUPAGE COUNTY, ILLINOIS

(Defining and Regulating Adult-Use Cannabis)

WHEREAS, the Village of Willowbrook, an Illinois home rule municipal corporation (the "Village"), has adopted certain municipal regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people, which regulations are codified in the Village Code of the Village of Willowbrook, as amended; and

WHEREAS, the State of Illinois (the "State") enacted the Cannabis Regulation and Tax Act (the "Act") (410 ILCS 701/1 *et seq.*), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating adult-use cannabis dispensing organizations, including rules adopted governing the time, place, manner and number of cannabis dispensing organizations, and minimum distance limitations between cannabis dispensing organizations and locations the Village deems sensitive; and

WHEREAS, the Village of Willowbrook maintains a zoning ordinance which is found in Title 9, entitled "Zoning Regulations", of the Village Code of the Village of Willowbrook (the "Zoning Ordinance"); and,

WHEREAS, the corporate authorities of the Village deem it reasonable to periodically review the Zoning Ordinance and make necessary changes; and

WHEREAS, on November 17, 2021, the Village initiated an amendment to the Zoning Ordinance to review and consider additional amendments to further regulate adult-use cannabis dispensing organizations within the Village; and

WHEREAS, a public notice was published in compliance with Section 9-15-3(A) of the Zoning Ordinance, in the Chicago Sun Times on November 23, 2021, which is more than fifteen (15) days but less than thirty (30) days prior to the public hearing date; and,

WHEREAS, pursuant to the public notice, the Plan Commission of the Village of Willowbrook conducted a public hearing on or about December 8, 2021, all as required by the statutes of the State and the ordinances of the Village; and

WHEREAS, at the public hearing, the applicant provided testimony in support of the proposed amendments to the Zoning Ordinance, and all interested parties had an opportunity to be heard; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Willowbrook (the "Corporate Authorities") have received the recommendation of the Plan Commission pursuant to a memorandum dated December 20, 2021; and;

WHEREAS, the Corporate Authorities of the Village have recognized the need to regulate licensed adult-use cannabis dispensing organizations as to their location, spacing, and other considerations, and after careful study and consideration have developed this Ordinance to accomplish these objectives; and

WHEREAS, the Corporate Authorities of the Village have determined that regulating the location of licensed adult-use cannabis dispensing organizations and on-site use of cannabis at dispensing organizations in accordance with the regulations contained in this Ordinance will serve these substantial governmental and community interests and that the applicable standards related to the approval of a text amendment have been met; and

WHEREAS, the purpose of this Ordinance is to provide reasonable regulations regarding the location of licensed adult-use cannabis dispensing organizations occurring within the corporate limits of the Village, to ensure that licensed adult-use cannabis dispensing organizations located within the corporate limits of the Village comply with the Act and the regulations promulgated thereunder, as may be amended from time to time, to provide in a reasonable manner for the impact and compatibility of licensed adult-use cannabis dispensing organizations with the existing and anticipated future uses of land within the Village in order to promote, preserve and facilitate compatible uses in the various zoning district and to further promote the public health, safety and welfare of the Village; and

WHEREAS, the Corporate Authorities of the Village declare that control of licensed adult-use cannabis dispensing organizations is necessary to protect property values, to protect the public investment, the health, welfare and safety of residents of the Village, and to promote the overall economic welfare of the Village; and

WHEREAS, the Corporate Authorities of the Village have reviewed the recommendations of the Plan Commission and finds that it is in the best interest of the Village to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE: That Title 9, Chapter 6B, Section 9-6B-2; Title 9, Chapter 6C, Section 9-6C-2; and Title 9, Chapter 6D, Section 9-6D-2 are all hereby amended to add the following:

“Adult-Use Cannabis Dispensing Organization. For purposes of determining required parking, said facilities shall be classified as ‘Other business and commercial establishments’ per Section 9-10-5(K) of the Zoning Ordinance, provided, however, that the Village may require that additional parking be provided if it is determined that more parking is necessary. Consumption of cannabis and cannabis-infused products on the premises of any adult-use cannabis dispensing organization shall be prohibited.”

SECTION TWO: That the Special Uses for “Adult-Use Cannabis Dispensing Organization” stated in Title 9, Chapter 7B, Section 9-7B-2 and in Title 9, Chapter 8, Section 9-8-2; are each hereby amended to read as follows:

"Adult-Use Cannabis Dispensing Organization. For purposes of determining required parking, said facilities shall be classified as 'Other business and commercial establishments' per Section 9-10-5(K) of the Zoning Ordinance, provided, however, that the Village may require that additional parking be provided if it is determined that more parking is necessary. Consumption of cannabis and cannabis-infused products on the premises of any adult-use cannabis dispensing organization shall be prohibited."

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED and APPROVED this _____ day of _____, 2021.

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED: _____

Frank A. Trilla, Mayor

ATTEST:

Deborah A. Hahn,
Village Clerk