

A G E N D A

MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON WEDNESDAY, January 12, 2022 at 7:00 P.M. AT THE VILLAGE OF WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS 60527.

THE VILLAGE WILL BE PROVIDING AN OPTION TO ATTEND THE JANUARY 12, 2022 PLAN COMMISSION MEETING VIRTUALLY. TO JOIN THE ZOOM MEETING, USE THE LINK BELOW:

Join Zoom Meeting: <https://us06web.zoom.us/j/89918353052>

Meeting ID: 899 1835 3052

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes of December 8, 2021 Plan Commission Special Meeting
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 22-01: Consideration of a petition to approve a special use permit for an Adult-Use Cannabis Dispensary at 800 75th Street, Unit 900, in the Village of Willowbrook. The applicant for this petition is Mint IL, LLC, 3816 S. Harlem Ave., Lyons, IL 60534
 - 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, DECEMBER 8, 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 7:00 p.m.

The Governor of the State of IL. has declared a gubernatorial disaster proclamation in response to the Covid 19 Act 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 may not be practical or prudent for all persons in light of the disaster thus the Village has provided an option to attend the December 8,2021 Plan Commission meeting remotely.

2. ROLL CALL

Those physically present at VOW Police station were Vice Chairman Wager, Commissioners Kanaverskis, Kaczmarek, Kaucky, Walec, Assistant Village Administrator Sean Halloran, Village Attorney Matt Holmes, Planner Karen Stonehouse, Building Official Roy Giuntoli and Recording Secretary Lisa Shemroske

Present Via Zoom COVID -19 Pandemic were Chairman Kopp and Commissioner Baksay

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting, June 2,2021

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

Roll Call votes: AYES, Commissioners Baksay, Kanaverskis, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

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

Motion to open Public Hearing Vice Chairman Wagner, second by Commissioner Kaucky, all in favor

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Roll Call: AYES: Commissioners Baksay, Kanaverskis, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

Motion to close Public Hearing made by Vice Chairman Wagner and second by Commissioner Baksay all in favor.

Roll Call; AYES: Commissioners Baksay, Kanaverskis, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp, NAYS: None

MOTION DECLARED CARRIED

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.

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

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

MOTION DECLARED CARRIED

6. VISTOR'S BUSINESS.

None

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7. COMMUNICATIONS

Chairman Kopp welcomed new Commissioner Kanaverskis and Planner Karen Stonehouse.

Chairman Kopp mentioned he would like to work with Village Attorney Holmes to educate Vice Chair Wagner and himself on conducting Public Hearings. Vice Chairman Wagner inquired about what is happening in Building Dept. Building Official Giuntoli, mentioned that Target remodeling and a large project with Club Champion Golf. We have New Single homes being built, Pulte (Carrington Club) is completed, onsite work at the Willows where Pete's is located, have reached the last of their 18-month maintenance period so that is close to being closed out, onsite only not outside. Commissioner Kaucky asked if any interested showed in the Bowling Alley property. Village Asst. Administrator Halloran said not that he knows of, he believes it sold to someone who has a business in Downers Grove, but we have not seen any plans.

8. ADJOURNMENT

MOTION: Made by Vice Chairman Wagner and second by Commissioner Walec to adjourn the meeting of the Plan Commission at the hour of 7:23 p.m. all in favor

Roll call: AYES: Commissioners Baksay, Kanaverskis, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp NAYS: None

MOTION DECLARED CARRIED

UNANIMOUS VOICE VOTE
PRESENTED, READ, AND APPROVED,

January 12,2022

Chairperson

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

12/8/2021

VILLAGE OF WILLOWBROOK PLANNING & ZONING HEARING

21-09

KIMBERLEE A. ELLIOTT

VILLAGE OF WILLOWBROOK

PLANNING & ZONING

HEARING CASE NUMBER 21-09

REPORT OF PROCEEDINGS VIA ZOOM had at
the meeting held before the Planning & Zoning
Commission of Willowbrook on the 8th day of December,
2021, at the hour of 7:00 p.m., as reported by Kim
Elliott, Certified Shorthand Reporter in and for the
County of Kane and State of Illinois.

1 APPEARANCES:

2
3 Daniel Kopp - Chairman
4 John Wagner - Vice Chairman
5 Catherine Kaczmarek - Member
6 Leonard Kaucky - Member
7 Maciej Walec - Member
8 Zoltan Baksay - Member
9 Ronald Kanaverskis - Member
10 Matthew Holmes - Village Attorney
11 Sean Halloran - Assistant Village Administrator
12 Karen Stonehouse - Village Planner
13 Roy Giuntoli - Building Official
14 Lisa Shemroske - Recording Secretary
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1 CHAIRMAN KOPP: I call to order the special
2 meeting of the plan commission of the Village of
3 Willowbrook. The governor of the State of Illinois
4 has declared a gubernatorial disaster proclamation in
5 response to the Covid 19 Act outbreak and all of the
6 Village of Willowbrook is covered by the disaster
7 area. In light of the ongoing Covid 19 outbreak the
8 mayor of the Village of Willowbrook has determined
9 that an in-person meeting for the December 8, 2021
10 plan commission may not be practical or prudent for
11 all persons in light of the disaster thus the village
12 has provided an option to attend the December 8, 2021
13 plan commission meeting remotely.

14 I'd ask the plan commission
15 secretary to call the roll.

16 MS. SHEMROSKE: Commissioner Baksay?

17 COMMISSIONER BAKSAY: Here via Zoom.

18 MS. SHEMROSKE: Commissioner Kanaverskis?

19 COMMISSIONER KANAVERSKIS: Here.

20 MS. SHEMROSKE: Commissioner Kaczmarek?

21 COMMISSIONER KACZMAREK: Here.

22 MS. SHEMROSKE: Commissioner Kaucky?

1 COMMISSIONER KAUCKY: Here.

2 MS. SHEMROSKE: Commissioner Walec?

3 COMMISSIONER WALEC: Here.

4 MS. SHEMROSKE: Vice Chairman Wagner?

5 VICE CHAIRMAN WAGNER: Here.

6 MS. SHEMROSKE: Chairman Kopp?

7 CHAIRMAN KOPP: Here via Zoom.

8 MS. SHEMROSKE: Assistant Village

9 Administrator Sean Halloran?

10 MR. HALLORAN: Here?

11 MS. SHEMROSKE: Village Attorney Matt Holmes.

12 MR. HOLMES: Here.

13 MS. SHEMROSKE: Planner Karen Stonehouse?

14 MS. STONEHOUSE: Here.

15 MS. SHEMROSKE: Building Official Roy

16 Giuntoli?

17 MR. GIUNTOLI: Present.

18 MS. SHEMROSKE: And for the record I'm Lisa

19 Shemroske.

20 CHAIRMAN KOPP: Next item on the agenda is

21 the omnibus vote agenda. Would anyone like, any of

22 the commissioners, like an item removed from the

1 omnibus vote agenda?

2 If not, will someone make a motion
3 to approve the omnibus vote agenda?

4 VICE CHAIRMAN WAGNER: I would make the
5 motion to approve.

6 COMMISSIONER WALEC: Second.

7 CHAIRMAN KOPP: I ask the plan commission
8 secretary to call the vote for the approval of the
9 omnibus vote agenda.

10 MS. SHEMROSKE: Commissioner Baksay?

11 COMMISSIONER BAKSAY: Aye.

12 MS. SHEMROSKE: Commissioner Kanaverskis?

13 COMMISSIONER KANAVERSKIS: Aye.

14 MS. SHEMROSKE: Commissioner Kaczmarek?

15 COMMISSIONER KACZMAREK: Yes.

16 MS. SHEMROSKE: Commissioner Kaucky?

17 COMMISSIONER KAUCKY: Yes.

18 MS. SHEMROSKE: Commissioner Walec?

19 COMMISSIONER WALEC: Yes.

20 MS. SHEMROSKE: Vice Chairman Wagner?

21 VICE CHAIRMAN WAGNER: Yes.

22 MS. SHEMROSKE: Chairman Kopp?

1 CHAIRMAN KOPP: Yes.

2 Next item on the agenda is Zoning
3 Hearing Case 21-09. The purpose of this public
4 hearing shall be to consider a petition for text
5 amendments to Title 9 of the Village Code defining
6 and regulating adult-use cannabis dispensaries in the
7 Village of Willowbrook.

8 The applicant for this petition is
9 the Village of Willowbrook, 835 Midway Drive.
10 Willowbrook, Illinois.

11 A copy of the notice of this public
12 hearing was published in the November 23, 2021
13 edition of the Chicago Sun-Times Newspaper.

14 Karen, would you like to make the
15 presentation for the village?

16 MS. STONEHOUSE: Thank you, Chairman Kopp and
17 thank you commissioners. It's a pleasure to be here
18 with you tonight.

19 You've all received my reports
20 regarding our proposed text amendments to the zoning
21 ordinance here tonight and I'm just going to hit a
22 couple of highlights and then any questions you may

1 have I'd be happy to answer.

2 As everyone is aware there's been
3 quite a growth in the number of dispensaries in the
4 state and there's been quite an interest in
5 establishing new dispensaries.

6 As of April there were 110
7 adult-use cannabis dispensaries in the state and the
8 state continues to periodically approve more
9 licenses.

10 The Municipal Cannabis Retailers'

11 Occupation Tax Law allows home rule municipalities to

12 put a special tax on cannabis retail sales in the

13 amount of three percent. We don't know exactly what

14 that would mean in terms of the revenue to the

15 village but it is significant. A very rough

16 estimate, and the tax is only on adult-use cannabis

17 not medical cannabis it's important to note, but as

18 of April there was I think 1.2 billion in cannabis

19 sales already this year. It's estimated to top 3

20 billion this year. If you take just 2 billion of

21 that, you know, allowing for medical cannabis sales

22 to be excluded multiply by three percent and divide

1 by 110 the number of dispensaries that comes out to
2 over a half a million dollars. Like I say there's
3 some questions that remain as to how many
4 dispensaries are actually collecting tax and how much
5 of that amount is medical cannabis so that's a very
6 rough estimate. But it remains that it is a
7 significant potential revenue source for the village
8 and cannabis dispensaries are popping up all over the
9 Chicago area and western suburbs. I think in our
10 district there are 47 licensed dispensaries right
11 now.

12 In 2019 the village elected to add
13 adult-use cannabis dispensaries as a special use in
14 the OR and M-1 districts and would like to consider
15 expanding them further given that it's really a
16 shopping and retail use it's appropriate for business
17 districts. We don't feel that it's appropriate for
18 the neighborhood business B-1 district but B-2, B-3
19 and B-4 would allow for some additional potential
20 locations for dispensaries as a special use.

21 There is a significant list of
22 operational rules that are in place that the state

1 requires of adult-use dispensaries. Those are
2 attached as attachment two to your report.

3 And overall staff feels that the
4 special use process will allow for consideration of
5 any dispensary on a case-by-case basis going through
6 the special use standards and showing that there
7 won't be any negative effects surrounding that use as
8 any other special use standards that you're familiar
9 with.

10 We are proposing adult-use cannabis
11 dispensaries be included as special use in the B-2,
12 B-3 and B-4 districts that would be text amendments
13 to those three districts and we also propose that the
14 description of the adult-use cannabis dispensary
15 currently in OR and M-1 be made consistent with the
16 description that we're proposing here in B districts
17 for lack of confusion.

18 Any questions?

19 | Okay. Thank you.

20 CHAIRMAN KOPP: Do any of the commissioners
21 have any questions for Karen? I can't tell if
22 there's anyone in the audience. Is there anyone in

1 the audience that has a question for Karen? And I
2 see there's an iPhone as well.

3 MR. HOLMES: Hey, Dan. Dan, can you hear me?
4 Hey, Dan, you have to make a motion to open this is a
5 public hearing before we start taking public comment
6 on this. It's a public hearing that's the reason we
7 have a court reporter.

8 CHAIRMAN KOPP: All right. Would someone
9 make a motion to open this hearing to the public,
10 please?

11 VICE CHAIRMAN WAGNER: So moved, Wagner.

12 COMMISSIONER WALEC: Walec, second.

13 CHAIRMAN KOPP: I ask the plan commission
14 secretary to call the vote.

15 MS. SHEMROSKE: Commissioner Baksay?

16 COMMISSIONER BAKSAY: Yes.

17 MS. SHEMROSKE: Commissioner Kanaverskis?

18 COMMISSIONER KANAVERSKIS: Yes.

19 MS. SHEMROSKE: Commissioner Kaczmarek?

20 COMMISSIONER KACZMAREK: Yes.

21 MS. SHEMROSKE: Commissioner Kaucky?

22 COMMISSIONER KAUCKY: Yes.

1 MS. SHEMROSKE: Commissioner Walec?

2 COMMISSIONER WALEC: Yes.

3 MS. SHEMROSKE: Vice Chairman Wagner?

4 VICE CHAIRMAN WAGNER: Yes.

5 MS. SHEMROSKE: And Chairman Kopp?

6 CHAIRMAN KOPP: Yes.

7 All right. So I will repeat is
8 there anyone at the village hall or is there anyone
9 that's participating in this meeting remotely that
10 has any questions of the village through Karen?

11 All right.

12 COMMISSIONER BAKSAY: Commissioner Kopp, this
13 is Commissioner Baksay. I have a question. I was
14 slow to hit the mute button.

15 CHAIRMAN KOPP: Okay.

16 COMMISSIONER BAKSAY: Where is it permitted
17 to smoke cannabis and would this special use
18 allowance have any carve outs for that topic? So for
19 example --

20 MS. STONEHOUSE: No. Consumption of cannabis
21 products is only allowed on private property and it
22 does not in any way permit a smoking lounge as

1 they're called. That would be a separate use and a
2 separate amendment that we're not proposing that at
3 this time.

4 COMMISSIONER BAKSAY: Understood. Thank you.

5 CHAIRMAN KOPP: All right.

6 COMMISSIONER KANAVERSKIS: I have a question.
7 Who regulates the security for dispensaries?

8 MS. STONEHOUSE: The state puts forth a huge
9 set of rules but it does rely to some extent on local
10 law enforcement to enforce them and we haven't heard
11 any problems with that from the other municipalities
12 that already have adult-use dispensaries open.

13 COMMISSIONER BAKSAY: This is Commissioner
14 Baksay again. Is there any regulation in Illinois or
15 should our village or municipality consider any
16 regulation at this time with this text amendment with
17 respect to cannabis delivery services?

18 MS. STONEHOUSE: You mean allowing those
19 services? Allowing --

20 COMMISSIONER BAKSAY: Allowing or disallowing
21 or regulating in some way.

22 MS. STONEHOUSE: Well, deliveries are not a

1 part of this text amendment and I think at this time
2 they are not even allowed by the state although
3 they're under consideration but they're not, I don't
4 think they're a part of the Cannabis Regulation & Tax
5 Act at this time.

6 COMMISSIONER BAKSAY: Yeah, I'm not aware
7 that they are either. I'm just trying to be forward
8 thinking and kind of plan for what if the state would
9 allow that should this commission consider any
10 additional rules since we are a home rule
11 municipality, you know, should we consider any
12 additional language in this text amendment at this
13 time with the potential of something like that on to
14 come?

15 CHAIRMAN KOPP: How would that be a zoning
16 issue? It seems like that should be something that
17 the trustees would address. It doesn't really seem
18 like it's a real estate issue to me other than the
19 fact that deliveries might be made from these
20 locations and since this is a special use we could
21 always make a condition of a special use approval
22 that deliveries aren't allowed but I don't personally

1 think we need to address that now.

2 COMMISSIONER BAKSAY: Thank you, Commissioner
3 Kopp. Fair enough.

4 I guess the same line of question
5 would potentially apply to, you know, a smoking
6 lounge or a consumption site, you know, should we
7 even though it's not yet allowed would this
8 commission want to draft any regulation as part of
9 this text amendment, you know, as a subset of the
10 special use requirements to either explicitly allow
11 or disallow something like that or should we just
12 face that at a future time should it become a
13 reality?

14 CHAIRMAN KOPP: The latter would be my own
15 preference. I don't know how other people feel.

16 Matt, quick question since you're
17 educating us on how to do this, do we need to close
18 the public hearing, to have a motion to close the
19 public hearing when we get to that point?

20 MR. HOLMES: We can close the public hearing
21 and then you would take or if you discuss it further
22 the public hearing part is closed. That would allow

1 no further testimony from the public or the
2 applicant.

3 CHAIRMAN KOPP: Okay.

4 MR. HOLMES: In this case the applicant is
5 the village which means that ...

6 CHAIRMAN KOPP: Yeah. All right. Sorry, I
7 did not mean to cut you off Commissioner Baksay or if
8 someone else wanted to respond to Commissioner
9 Baksay.

10 MS. STONEHOUSE: I was just going to say in
11 response to Commissioner Baksay's question because
12 this is still relatively new use overall I would tend
13 to say, you know, let's do this innovatively see how
14 it goes before expanding it to any further, you know,
15 any further applications and I don't think deliveries
16 necessarily be addressed by the zoning ordinance just
17 like they're not addressed, you know, we don't
18 address say restaurant deliveries or something like
19 that.

20 But in terms of smoking lounges and
21 delivery of cannabis, you know, I think the best
22 course of action would be to start small, see how it

1 goes, you know, see what the experience of other
2 communities is before expanding it further and I
3 think that would be maybe jumping the gun a little
4 bit to start including those items.

5 COMMISSIONER BAKSAY: Thank you.

6 CHAIRMAN KOPP: Any other commissioners have
7 any questions of Karen?

8 In that case will someone make a
9 motion to close the public hearing for this zoning
10 hearing case 21-09?

11 VICE CHAIRMAN WAGNER: Wagner, so moved.

12 COMMISSIONER BAKSAY: Baksay, second.

13 CHAIRMAN KOPP: I ask the plan commission
14 secretary to call the vote.

15 MS. SHEMROSKE: Commissioner Baksay?

16 COMMISSIONER BAKSAY: Yes.

17 MS. SHEMROSKE: Commissioner Kanaverskis?

18 COMMISSIONER KANAVERSISKIS: Yes.

19 MS. SHEMROSKE: Commissioner Kaczmarek?

20 COMMISSIONER KACZMAREK: Yes.

21 MS. SHEMROSKE: Commissioner Kaucky?

22 COMMISSIONER KAUCKY: Yes.

1 MS. SHEMROSKE: Commissioner Walec?

2 COMMISSIONER WALEC: Yes.

3 MS. SHEMROSKE: Vice Chairman Wagner?

4 VICE CHAIRMAN WAGNER: Yes.

5 MS. SHEMROSKE: Chairman Kopp?

6 CHAIRMAN KOPP: Yes.

7 All right. So for discussion
8 and then presumably eventual vote I personally am
9 in favor of this. I actually was in favor of it
10 when we first zoned dispensaries because I don't
11 see how it's frankly much different than liquor
12 stores. It's a legal product now.

13 I do agree with Commissioner Baksay
14 I would be concerned if smoking lounges were opened
15 and people were driving around. So I personally
16 am in favor of this. I don't know if anybody else
17 wants to discuss it or if we should just go to the
18 vote.

19 COMMISSIONER BAKSAY: For the record,
20 Commissioner Kopp, I was just asking questions. I
21 don't know if I'm in favor or against, you know,
22 smoking lounges. It's something that I started

1 thinking about in preparation of this meeting so . . .

2 CHAIRMAN KOPP: Sure.

3 All right. If nobody else has
4 anything to say will someone make a motion based
5 on the submitted petition and testimony presented
6 and move that the plan commission recommend approval
7 of the text amendments presented in the staff
8 report for PC case number 21-09 that add adult-use
9 cannabis dispensing organizations as special uses
10 in the B-2, B-3 and B-4 districts and provide
11 consistent wording for the listing of the special
12 use in the OR and M-1 districts; will someone make
13 that motion?

14 VICE CHAIRMAN WAGNER: Wagner so moved.

15 COMMISSIONER WALEC: Walec second.

16 CHAIRMAN KOPP: Ask the plan commission
17 secretary to call the vote.

18 MS. SHEMROSKE: Commissioner Baksay?

19 COMMISSIONER BAKSAY: Yes.

20 MS. SHEMROSKE: Commissioner Kanaverskis?

21 COMMISSIONER KANAVERSKIS: Yes.

22 MS. SHEMROSKE: Commissioner Kaczmarek?

1 COMMISSIONER KACZMAREK: Yes.

2 MS. SHEMROSKE: Commissioner Kaucky?

3 COMMISSIONER KAUCKY: Yes.

4 MS. SHEMROSKE: Commissioner Walec?

5 COMMISSIONER WALEC: Yes.

6 MS. SHEMROSKE: Vice Chairman Wagner?

7 VICE CHAIRMAN WAGNER: Yes.

8 MS. SHEMROSKE: Chairman Kopp?

9 CHAIRMAN KOPP: Yes.

10 All right. Kim, I think you're
11 done.

12 (Whereupon the public hearing
13 was concluded at 7:20 p.m.)

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF K A N E)

4 I, KIMBERLEE A. ELLIOTT, being first duly
5 sworn on oath says that she is a court reporter doing
6 business in the County of Kane and State of Illinois;
7 that she reported in shorthand the proceedings had at
8 said public hearing aforesaid; that the foregoing is
9 a true and correct transcript of her shorthand notes
10 so taken as aforesaid, and contains all of the
11 proceedings at said public hearing.

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15 Notary Public, Kane County, IL
16 CSR # 084-003093

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Village of Willowbrook Staff Report to the Plan Commission

Plan Commission Date:	January 12, 2022																					
Prepared By:	Karen L. Stonehouse, AICP, Planning Consultant																					
Case Title:	PC 22-01: Special Use for an Adult-Use Cannabis Dispensing Organization at 800 75 th Street, Unit 900																					
Petitioner:	Mint IL, LLC, represented by Omar Fakhouri 3816 S. Harlem Ave., Lyons, IL 60534																					
Action Requested:	Consideration of a petition requesting approval of a Special Use Permit in the B-2 Community Shopping District for an Adult-Use Cannabis Dispensing Organization																					
Purpose:	To allow the establishment of an adult-use cannabis dispensing organization, which is allowed in the Village only as a Special Use																					
Location:	800 75 th Street, Unit 900. Northeast corner of 75 th Street and IL Route 83 (Kingery Highway)																					
PIN:	09-26-202-014																					
Existing Zoning:	B-2 Community Shopping District																					
Proposed Zoning:	B-2 Community Shopping District with a special use for an adult-use cannabis dispensing organization																					
Existing Land Use(s):	Vacant commercial space in Willowbrook Plaza. Formerly Chase Bank																					
Property Size:	Lot is 3.59 acres, Unit 900 is approximately 3,900 square feet																					
Surrounding Land Use:	<table><thead><tr><th></th><th>Use</th><th>Zoning</th></tr></thead><tbody><tr><td>North</td><td>Highway and Service Business (restaurant)</td><td>B-4</td></tr><tr><td>South</td><td>Community Shopping (gas station)</td><td>B-2</td></tr><tr><td>East</td><td>Highway and Service Business (hotel)</td><td>B-4</td></tr><tr><td></td><td>Community Shopping (various uses within the Willowbrook Plaza)</td><td>B-2</td></tr><tr><td>West</td><td>Vacant land</td><td>M-1</td></tr><tr><td></td><td>Community shopping (restaurant, retail, and urgent care clinic)</td><td>B-2</td></tr></tbody></table>		Use	Zoning	North	Highway and Service Business (restaurant)	B-4	South	Community Shopping (gas station)	B-2	East	Highway and Service Business (hotel)	B-4		Community Shopping (various uses within the Willowbrook Plaza)	B-2	West	Vacant land	M-1		Community shopping (restaurant, retail, and urgent care clinic)	B-2
	Use	Zoning																				
North	Highway and Service Business (restaurant)	B-4																				
South	Community Shopping (gas station)	B-2																				
East	Highway and Service Business (hotel)	B-4																				
	Community Shopping (various uses within the Willowbrook Plaza)	B-2																				
West	Vacant land	M-1																				
	Community shopping (restaurant, retail, and urgent care clinic)	B-2																				
Necessary Action by Plan Commission	Open Public Hearing, accept testimony, and approve a recommendation to the Village Board.																					



Documents Attached

Attachment 1: Notice of Public Hearing

Attachment 2: Certificate of Publication

Attachment 3: Legal Description

Attachment 4: Special Use Standards and Findings for PC 22-01:

Special Use for an Adult-Use Cannabis Dispensary at 800 75th Street, Unit 900



History and Background

Inclusion of Adult-Use Cannabis Dispensing Organizations as a Special Use

On December 8, 2021, the Plan Commission held a Public Hearing to consider the Village of Willowbrook's application for text amendments to the Zoning Ordinance. These text amendments were proposed to include Adult-Use Cannabis Dispensing Organizations as Special Uses within the B-2 Community Shopping, B-3 General Business, and B-4 Highway and Service Business zoning districts; they had already been included as Special Uses in the M-1 Light Manufacturing and O-R Office Research Districts. The Plan Commission unanimously recommended approval of the text amendments to the Village Board.

On December 20, 2021, the Village Board considered and unanimously passed an Ordinance to amend the Zoning Ordinance to allow Adult-Use Cannabis Dispensing Organizations as Special Uses in the B-2 Community Shopping, B-3 General Business, and B-4 Highway and Service Business Districts.

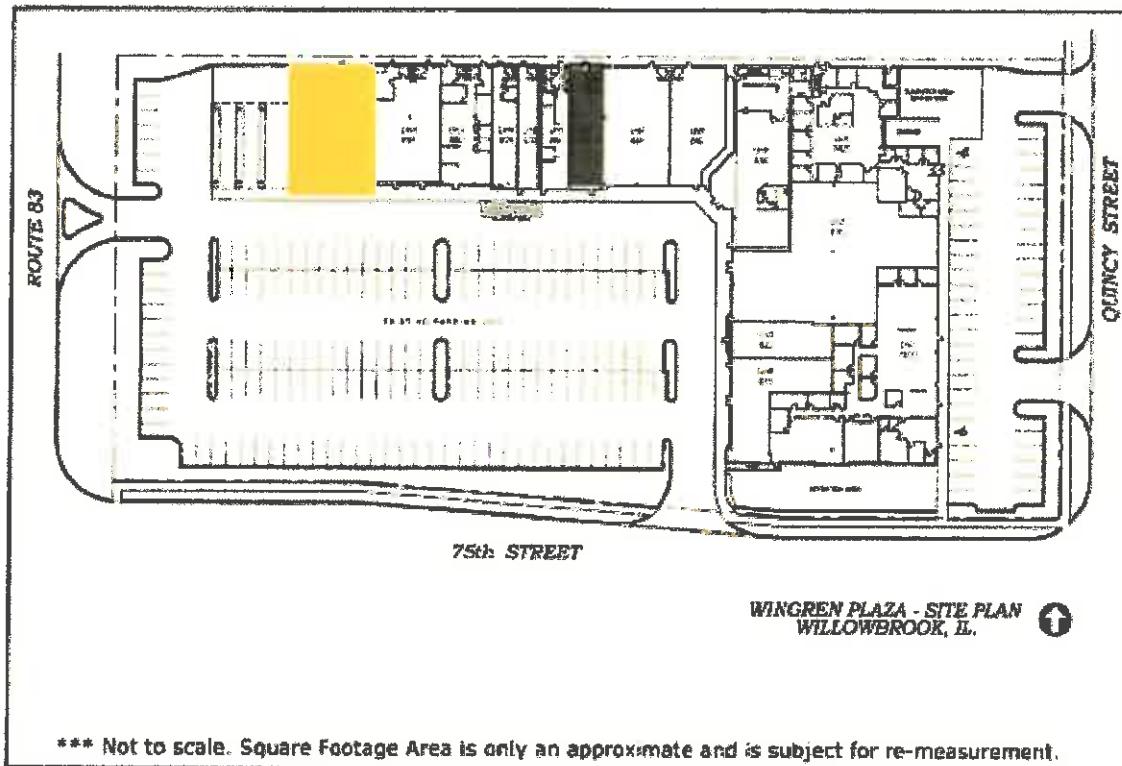
Description of Site

The subject property is located at the northeast corner of Illinois Route 83 and 75th Street. The subject property is zoned B-2 Community Shopping Zoning District and has a total land area of approximately 3.59 acres. The property contains Willowbrook Plaza (formerly Wingren Plaza) shopping center, which houses approximately 50,000 square feet of retail and service businesses. The tenant space (about 3900 square feet) within the subject property is Unit 900, at the west end of the shopping center.

Exhibit 1 Aerial of the Subject Property



Exhibit 2 Subject Property Site Layout



Existing Streets and Circulation

Illinois Route 83/Kingery Highway is designated as a Regional Arterial and forms the western boundary of the site with a required right-of-way width of 200 feet. A right-in/right-out access drive on IL Rt. 83 is located at the western edge of the shopping center property. The access drive provides one inbound lane and one outbound lane restricted to right-turn movements by the median on IL Rt. 83.

75th Street is designated as an Industrial Collector Street West of Route 83, and forms the southern boundary of the subject property with a required right-of-way width of 100 feet. A full movement access drive is located at the eastern end of the main shopping center parking lot to/from 75th Street.

Parking

The dispensary use will require fewer parking spaces (16) than the previously proposed restaurant use (24). The shopping center has adequate parking to meet the needs of its tenants and their customers.

Deliveries

Deliveries of products to the retail space are closely regulated by the Cannabis Regulation and Tax Act. Deliveries will take place in unmarked, secure vehicles by specially-trained transport companies. No deliveries of products from the retail business are allowed by the Cannabis Regulation and Tax Act.



Surrounding Zoning and Uses

Surrounding zoning and land uses are primarily business and commercial, reflecting their location along and near arterial streets. Community shopping and highway service businesses are appropriately located to provide for retail, service, and hospitality needs along major traffic corridors. Within Willowbrook Plaza, restaurant and personal service businesses dominate. Some land zoned for light manufacturing (M-1) also exists to the east and southeast of the shopping center. There are no schools or day care uses near the subject property. A small number of residentially-zoned parcels exist several hundred feet from the subject site, although they are effectively separated from the subject property by street rights-of-way.

Surrounding Land Use:

	Use	Zoning
North	Highway and Service Business (restaurant)	B-4
South	Community Shopping (gas station)	B-2
East	Highway and Service Business (hotel)	B-4
East	Community Shopping (various uses within the Willowbrook Plaza)	B-2
West	Vacant land	M-1
West	Community shopping (restaurant, retail, and urgent care clinic)	B-2

Exhibit 3 Zoning Map





Overview of Development Proposal

Building Exterior

The new business will not require extensive changes to the building exterior. Signage will need to comply with State and local laws; no other exterior changes are being proposed. A conceptual view of the business' south (front) elevation appears below in Exhibit 4.

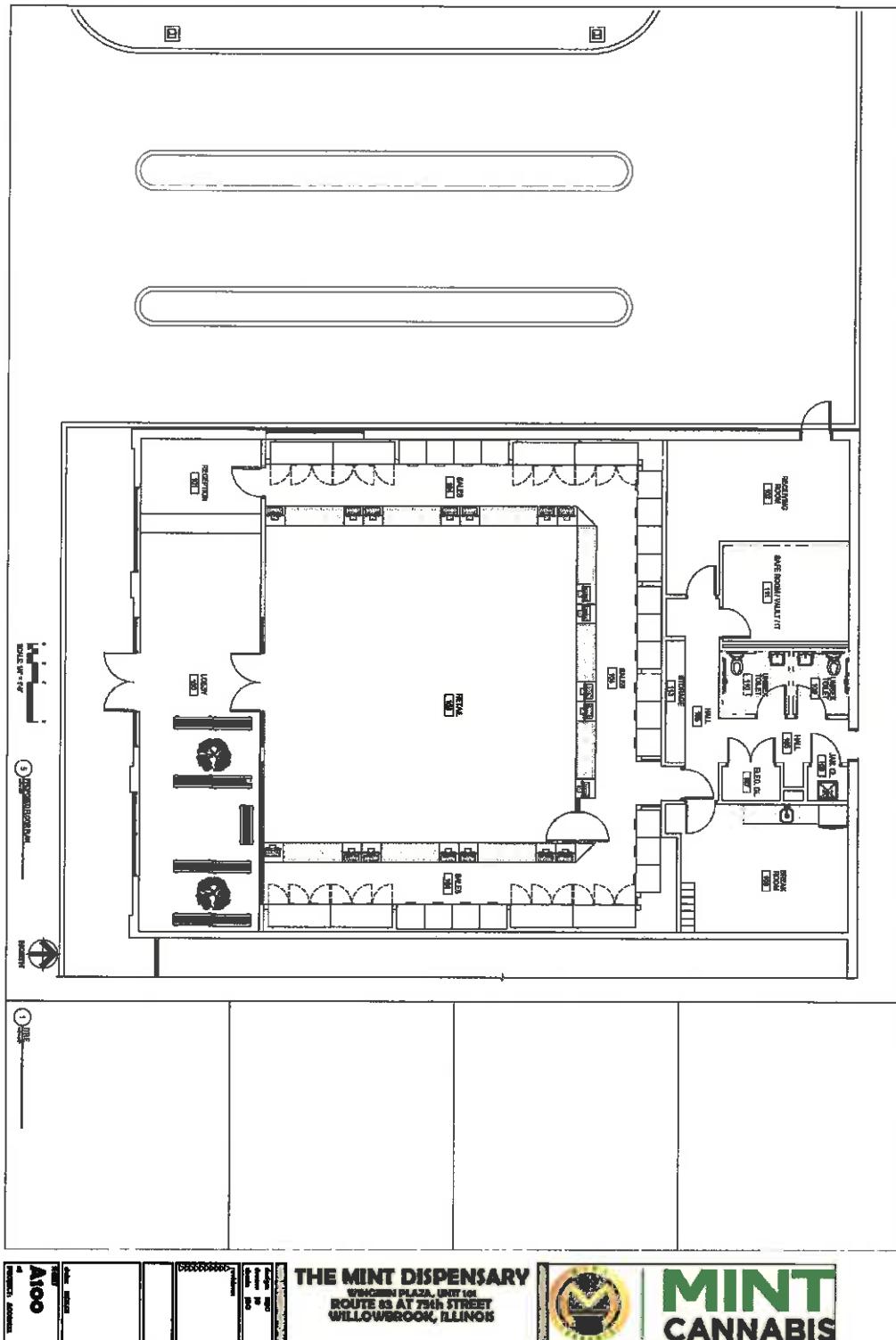
Exhibit 4 Conceptual exterior view from South



Building Interior

Tenant finish improvements will be made to modify the space for the dispensary use, as indicated in Exhibit 5. The building interior will be improved with a vestibule entrance, customer waiting area, sales floor, and sales counter. Employee only areas will include secure receiving and product fulfillment areas, vault, and employee break room. A carbon-filter ventilation system will be provided to control any cannabis odor.

The applicant has provided several photographs of existing dispensary interiors in Exhibit 6.



MINT
CANNABIS



Exhibit 6 Examples of Other Mint Dispensary Interiors



Staff Analysis

Appropriateness of Use

The appropriateness of use is something that is considered with each special use. It evaluates the impacts of the use as it pertains to site improvements, but also whether there should be any operational considerations. In the case of dispensaries, the operational regulations set forth by the State of Illinois in the Cannabis Regulation and Tax Act are already in place. These include:

- Dispensaries may only operate between 6am and 10pm;
- There must be two employees working on the licensed premises during open hours;
- A dispensary cannot locate within 1,500 feet of another dispensary;
- Dispensary cannot deliver cannabis to customers;
- Dispensaries are prohibited from operating a “drive through” window;
- All dispensaries must store cannabis in a locked room on the premises.

The State of Illinois has the most stringent requirements in place for cannabis businesses. This retail use is expected to operate much as other retail uses in Willowbrook business districts. Nearby communities with dispensaries have not reported significant impacts on surrounding areas or Village services.



Findings of Fact

Standards for Special Use Permit

Section 9-14-5(B) of the Willowbrook Zoning Ordinance establishes seven (7) standards for a Special Use Permit that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the special use permit. The applicant's responses and Staff findings are provided in Attachment 2.

Recommended Conditions of Approval

Based on plans submitted by the petitioner, Staff recommends the following conditions to be included in a motion for this case.

1. The special use shall comply with all statutory requirements of the Cannabis Regulation and Tax Act and that the operator of the cannabis business establishment provide a copy of the State-approved license and license application documentation required by the Act to the Planning and Development Department.
2. A separate sign permit shall be obtained for the proposed building signage, pursuant to the Village Code.
3. The special use permit for the proposed development shall be null and void if construction for the proposed use is not commenced within eighteen (18) months of the date of any approval of the special use by the Village Board.

Staff Recommendation

Staff supports the requested special use and recommends the Plan Commission approve the following sample motion:

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission forward its Findings of Fact to the Mayor and Village Board for the special use as described in the Staff Report and Attachments prepared for the January 12, 2022 Plan Commission for PC 22-01, and recommend approval of the special use subject to the Recommended Conditions of Approval..



Attachment 1
Notice of Public Hearing

<p>NOTICE OF PUBLIC HEARING NOTICE HEARING CASE NO. 22-01</p> <p>NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall conduct a public hearing at a meeting of the Plan Commission on the 12th of January, 2022 at the hour of 7:00 P.M. in the Willowbrook Police Department Training Room, 7760 S. Quincy Street, Willowbrook, IL 60187.</p> <p>The Governor of the State of Illinois has declared a Catastrophic Disaster Proclamation in response to the COVID-19 outbreak and as 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 January 12, 2022, Plan Commission meeting may not be practical or prudent in light of the situation.</p> <p>All of the Members of the Plan Commission participating in the January 12, 2022 Plan Commission meeting, wherever their physical location, shall be verified and determined that they can hear one another and can hear all documents and testimony during the meeting.</p> <p>Signed: Frank A. Tolle, Mayor of the Village of Willowbrook Dated: December 22, 2021</p> <p>The Village will be providing an option to attend the January 12, 2022 Plan Commission meeting virtually. To join this Zoom meeting, use the link below: https://willowbrookil.zoom.us/j/92014251322</p> <p>The purpose of this public hearing shall be to consider a petition for a special use permit and other relief as may be required to allow an Adult-Use Cannabis Dispensing Organization to operate in Block 300 in the Willowbrook/Wingert Plaza located on property legally described as follows:</p> <p>LOT 1 IN WINGERT PLAZA SUBDIVISION, BEING A 1.85-ACRE DIVISION OF LOT 11 AND PART OF LOT 12 IN E. J. CHILMARK'S SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF WINGERT PLAZA SUBDIVISION RECORDED ON DECEMBER 1, 1998 AS DOCUMENT REEL 2644, IN DUPAGE COUNTY, ILLINOIS.</p> <p>PLAT: 2020-100-014 ADDRESS: 920 14251322, WILLOWBROOK, IL</p> <p>The applicant for this petition is Omar Fakhouri on behalf of Mr. L. LLC, 2016 South Halsted Avenue, Lyons, IL 60534 with permission from the property owner, Willowbrook Plaza LLC, 200 Wingert Boulevard, 200 S. Frontage Road #100, Woodridge, IL 60517.</p> <p>Copies of the application and related documentation are on file in the office of the Planner, Village of Willowbrook, 200 Mainway, Willowbrook, Illinois, and are available for public inspection.</p> <p>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 Brian Peeler, ADA Coordinator, Village of Willowbrook, 200 Mainway, Willowbrook, IL 60527 or call (330) 520-2281, Monday through Friday, between 8:00 A.M. and 4:30 P.M., with a reasonable time before the meeting. Requests for sign language interpretation should be made at minimum of five working days in advance of the meeting.</p> <p>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. Testimony may be submitted to another date if not concluded on the evening scheduled.</p> <p>Brian Peeler, Village Administrator (330) 520-2281 #1127426</p> <p>Published in the December 26, 2021 issue of the Chicago Sun-Times 12/25/2021 #1127426</p>



Attachment 2
Certificate of Publication

VILLAGE OF WILLOWBROOK
NOTICE OF PUBLIC HEARING ZONING HEARING CASE NO. 2
ADMINISTRATIVE: C0919-7402-01
PO NUMBER: 060 FOTH STREET
AMOUNT: \$70.00
NO OF AFFIDAVITS: 1

Chicago Sun-Times
Certificate of Publication

State of Illinois - County of Cook

Chicago Sun-Times, does hereby certify it has published the attached advertisements in the following media: newspaper, as required, under Illinois Compiled Statutes Requirements for publication of Notice per Chapter 715 ILCS 540/1 of the ILA, 1974, P725 line 1, EFF. July 1, 1974. Amended by Laws 1986, P1484, EFF. July 15, 1986. Formerly IL Rev. Stat. 1961, CH102, P1.

Note: Notice appeared in the following selected position.

PUBLICATION DATE(S): 12/06/2021

Chicago Sun-Times

IN WITNESS WHEREOF, the undersigned, being duly authorized,
hereunto the Certificate is his signed:

By

A handwritten signature of Robin Stonehouse.

Robin Stonehouse

Manager | Regulatory & Legal

This 12th Day of December 2021 A.D.

VILLAGE OF WILLOWBROOK
770 S QUINCY ST
WILLOWBROOK, IL 60187-0002



Attachment 3
Legal Description

PIN:
09-26-202-014

Lot I in Wingren Plaza Subdivision, being a Subdivision of Lot 11 and part of Lot 12 in E. J. Chlumsky's Subdivision of part of the West 1/2 of the Northeast 1/4 of Section 26, Township 38 North, Range 11, East of the Third Principal Meridian, according to the Plat of Wingren Plaza Subdivision recorded on December 5, 1989 as Document R89-I 52944, in DuPage County, Illinois.



Attachment 4

**Special Use Standards and Findings for PC 22-01:
Special Use for an Adult-Use Cannabis Dispensary at 800 75th Street, Unit 900**

9-14-5(B): Standards for Special Use

The Plan Commission shall not recommend and the Board of Trustees shall not grant a Special Use Permit from the regulation of this title unless affirmative findings of fact shall be made as to all of the standards hereinafter set forth, which findings of fact shall be based upon evidence adduced upon the hearing held thereon, that:

(A) 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.

Applicant Finding: The establishment is licensed by the State of Illinois. To obtain a cannabis dispensary license, the site and its owner must have and operate with strict security guidelines and procedures set forth in the Cannabis Regulation and Tax Act. These include, but are not limited to security cameras, motion detectors, alarm system and physical security.

Staff Finding: A list of Business and Operational Rules in the Cannabis Regulation and Tax Act limits business hours, delivery areas, and signage; and requires adequate personnel at all times. Similar businesses are operating throughout the state without endangering the public health, safety, morals, comfort or general welfare.

(B) 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.

Applicant Finding: The special use is consistent with the surrounding vicinity in that it is a commercial business which is like the adjacent uses. Additionally, customers typically spend less than 15 minutes on site and are not allowed to consume any cannabis on the property. A typical transaction will include parking, walking into the establishment, get ID credentials validated, make a purchase, and exit with the purchase in a sealed bag to their car where they would leave the premises.

Staff Finding: The special use is expected to be operated in much the same manner as any other retail use, except that there is strict regulation imposed by State law. The applicant has extensive experience with successful operation of cannabis dispensaries in several states. There can be no deliveries or on-site consumption, and the business must close by 10:00 p.m.

(C) 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.

Applicant Finding: The Cannabis Dispensary, we feel strongly, will be an asset to the community and anticipate that it may encourage other business and development to the area. The location we have selected in fact is in a suite that has been vacant for an extended period of time and will now be the site of a long term business.



Staff Finding: The special use will be conducted within its storefront with no anticipated impacts to surrounding properties.

(D) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Applicant Finding: Yes. The property has the necessary utilities / facilities.

Staff Finding: The site has been and will continue to be serviced by all necessary utilities, infrastructure, and drainage facilities which are and will be adequate for the proposed use.

(E) 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.

Applicant Finding: The property is currently a strip mall / commercial plaza with adequate ingress / egress to meet the needs of the facility and surrounding uses. This includes access from 75th Street and Route 83 (Kingery Highway).

Staff Finding: Adequate ingress and egress for the site has been provided.

(F) 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.

Applicant Finding: The property meets all local rules & regulations for a commercial business / cannabis dispensary.

Staff Finding: The special use shall in all other respects conform to the applicable regulations of the district in which it is located. No variations from Village ordinances are being requested.

(G) 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. (Ord. 97-O-05, 1-27-1997).

Applicant Finding: There has been no 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.

Staff Finding: There has been no 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.