



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 3, 2020
Case #20-11

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:00 P.M.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas.

Absent: Commissioner Walberg

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Addy Lozano, Building and Zoning / Planning and Zoning Secretary

Chairman Caslin said the first order of business was to approve the minutes of December 17, 2019 Case #20-10 for 17W621-17W631 Roosevelt Road, Petitioner, 17W621 Roosevelt LLC.

Chairman Caslin asked if there was any final discussion.

MOTION

Commissioner Freda moved and Commissioner Cardenas seconded the motion to approve the minutes of December 17, 2019, Case #20-10 for 17W621-17W631 Roosevelt Road, Petitioner 17W621 Roosevelt LLC.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Donoval, Jackson, Freda, Cardenas

Nays: None

Absent: Commissioner Walberg

MOTION PASSED WITH A 6-1 VOTE.

Chairman Caslin asked all those who will be speaking this evening to please stand up and be sworn in. Attorney Andrew D. Arons from Williams, Bax & Saltzman, P.C., Jacob Coward, Retail Operator of Union Group LLS, Jeff Robinson, Chief Operating Officer for Union Group LLC, and Dr. Christine Heck, President of Union Group LLC were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Jacob Coward took the floor and stated, thank you for having us tonight. My name is Jacob Coward I help run the retail operations in Illinois of Union Group LLC. Tonight we are here to discuss some of the request for our permitting. We run a dispensary under Union Group LLC out of Chicago and based under the State of Illinois guidance on permitting second sites for the cannabis act that was approved in January, we are permitted to open a second site in this region.

Andrew Arons took the floor and stated, my name is Andrew Arons I am the legal consul for Union Group LLC our request is to seek approval for the special use.

Jacob Coward stated, per the request we provided some display of what the outside parking, and exterior of the building are going to look like. We also have a proposed layout on the internal mechanisms of the dispensary.

Building and Zoning Administrator Mihaela Dragan stated, I suggested that the property be brought into compliance with the current code. The building has been vacant for a while and due to a change in use it must conform with the new regulations from the Zoning Ordinance.

Andrew Arons stated, just to be clear, the variances that we are seeking besides the special use permit are exactly as the Administrator mentioned. For example, the front setback is existing and is not in compliance with the current code, so what we are trying to do is take what is existing and bring it into compliance as oppose to modifying it for the Adult-Use Cannabis Dispensary.

Chairman Caslin asked if there were any questions or comments from the Commissioners.

Commissioner Freda commented, on Plan C-1 you show a square footage of 7744, but you indicate that there are two floors. One of the floor is 7435

square feet and 1423 square feet for the second floor, that's a total of 8800.

Jacob Coward answered, the difference being, that the section up above has a stairway that leads up to what I believe was a banquet room, so up above is only going to be used for storage.

Commissioner Freda also asked, are all existing utilities up to code?

Building and Zoning Administrator Mihaela Dragan answered, that will be addressed during the building permit process, but there were no issues with the former restaurant use.

Commissioner Freda then asked, on Plan A-1, the glass between the waiting area and the dispensary area, what type of glass is that?

Jacob Coward answered, temper glass that will also have filming on it.

Commissioner Freda asked, is it a security glass?

Jacob Coward answered, yes.

Commissioner Freda then asked, what type of security are you putting in place?

Jacob Coward answered, the building will be integrated to the requirements of the Illinois statute which requires temper glass, cameras all around the exterior perimeter, access control in between rooms, and onsite security during all hours of operations.

Commissioner Freda also asked, are you incorporating a bank type vault since the vault is very close to your delivery area?

Jacob Coward answered, the way the operations will flow, the existing vault has cinderblock all around the vault. Over the top there will be a steel cage mesh that will be integrated between the delivery area and the vault. The delivery area will be sectioned off for security so that when one comes in it won't be visible to the public of what is going in and out of the building. They will come in through a side door and be received into a shipping/receiving bay so they will never actually have direct access to the vault. But they will have access to a secured area to process the delivery.

Commissioner Freda then asked, what will you be showing in the display cases?

Jacob Coward answered, sampling products that will not be infused since they are not in a secured area. Kind of like "dummy packages".

Commissioner Freda asked, what kind of security will you be doing between the waiting area and the retain area?

Jacob Coward answered, the security guard will be positioned in the man trap area between the waiting area and retail area and will also do perimeter checks.

Commissioner Freda then asked, is that going to be a police trained guard?

Jacob Coward answered, state licensed.

Commissioner Freda also asked, the variations with new tenants, we like to bring everything to current code, I noticed that the property does not have any type of fencing in the back between the residential area. I am wondering if you are going to be doing something back there?

Jacob Coward answered, the plan is to be fully compliant with what the ordinance requires, we will put up a fence if that is required.

Andrew Arons also added, to be clear our variance is asking to waive the fencing requirements because the asphalt goes all the way up to the property line, to put up a fence, it will take up about 17 parking spaces. Our variance is requesting to waive the fencing requirement. However, if that is not acceptable to the Zoning Commission, we are willing to do the best of our ability to comply.

Building and Zoning Mihaela Dragan stated, in order not to eliminate parking spaces you may also consider a landscape agreement with Brandywine Home Owners Association to install the fence in their property.

Commissioner Freda also asked, you are asking for a change in the number of parking spaces?

Jacob Coward answered, we want to keep what is there now, but given the square footage of the building per ordinance it may require more.

Building and Zoning Mihaela Dragan stated, the City Code requires 10 parking spaces per 1000 square feet. During a recent discussion with a planner, I have learned that Warrentville also requires a special use for this type of use. Warrentville's code requires for retail, 4 parking spaces per 1000 square feet gross floor area, same as the City of Oakbrook Terrace, and for this use they require 6 parking spaces per 1000 square feet. Under the City

Code, 88 parking spaces are required for the proposed use.

Commissioner Freda also asked, the driveway in the front, what purpose does it serve?

Jacob Coward answered, currently, that is the layout and what we propose it to paint it and make it a do not enter space. Technically, all the traffic will enter through the south end of the building.

Commissioner Freda the asked, could that be turned into a green area?

Jacob Coward answered, that is something we would consider.

Commissioner Ventura asked, if we are not in agreement with waving the fence, could the fence be with a zero setback so that were not giving any approval and wait to see if Brandywine would agree to install the fence?

Jacob Coward answered, yes, that is something we can work with.

Commissioner Ventura then commented, for the drive through you mentioned putting in do not enter, but I think people will still come in, so it would be nice to fix that up a little.

Commissioner Jackson asked, how serious of a proposal is this? What are the chances of you getting a license?

Jacob Coward answered, we already have it, the State of Illinois granted Union Group LLC a second site license so this is the placement where we have decided to bring that second license.

Andrew Arons added, the only matters remaining are zoning approval of the site, and once the buildout is completed, a final walk through of the site to confirm that the plans submitted to the state match what we did.

Commissioner Jackson then asked, where is your other location?

Jacob Coward answered, in Chicago on Devon and Milwaukee.

Commissioner Jackson also asked? Will the City Council of Oakbrook Terrace know who the owners and financiers of Union Group LLC are?

Andrew Arons answered, if they would like to, we like to protect our investors privacy but if that is a requirement we are willing to discuss that further. In Illinois it is not public information.

Commissioner Jackson commented, to me, that is a big issue that there is some secrecy for a potential profitable business and I would hope that the officers of this company will make sure that the City Council is aware of who the owners and financiers are.

Andrew Arons added, the point is well taken, and were certainly not trying to hide anything. We are happy to have any discussions with the Council.

Chairman Caslin added, there is a lot of questions coming up from other sources that I was in a meeting with. I am going to ask you, if you would like to postpone this until 2 weeks from tonight and have you meet with Mihaela. The Chief of Police is kind of upset that no one answered his email in regards to meeting with him. He had security questions, and the Mayor also had questions. We are willing to sit with you and work things out, does that seem reasonable to you?

Andrew Arons answered, like I said, in terms of the fence, we are willing to agree today to put that in. My apologies for not responding to the Chief of Police email. I didn't realize that went unanswered, I think I've been very responsive and so has my team.

Building and Zoning Administrator Mihaela Dragan added, this will not affect the upcoming approvals. If you agree with the Chairman's request, the next Planning and Zoning Commission Meeting will be held on 3/17 and you will still be placed on the agenda for the 3/24 City Council meeting.

Attorney Peter Pacione added, I think you should allow the Commission to finish, and at the end make a decision.

Commissioner Cardenas asked, did you look at other areas besides Oakbrook Terrace?

Jacob Coward answered, I know the search has been going on for some time, and the way the Zoning process works for the secondary site is that it fell into a BLS region. We looked at other towns but considered this one due to the minimal construction that will be needed, and less variances. This seemed like the best fit.

Commissioner Donoval asked, I was always in favor of medical marijuana, but I am not crazy about this type of use. I want to know what kind of benefits will Oakbrook Terrace have from this kind of operation?

Jacob Coward answered, a lot of people come for many more reasons than recreational use, we find that a lot of our clients still have a medicinal need. So giving them an outlet that doesn't send them to other cities or towns, generates a large tax benefit, and I think that something will go in the ordinance, that the City received up to a 3% benefit from the sales of these products. We also found that giving these type of establishments access helps deter the black market. Everything in the State of Illinois requires that all products go through lab tests. These are labs that are part of the state program and any product that comes to our store has to have a passing lab so we know that the products are safe and clean.

Commissioner Donoval also asked, so the only benefit to the City of Oakbrook Terrace is that it's a financial product?

Jacob Coward answered, I think it's a financial product and a mean to deter potential crime that you see from the black market.

Commissioner Donoval added, it's going to bring a lot of crime.

Jacob Coward added, I think there's a lot of speculations on what a dispensary has brought to the community, and in a neighboring town, in conversation with the Chief of Police we didn't see that being an issue. We have a good relationship there.

Commissioner Ventura asked, did you see an increase in crime in your other store?

Jacob Coward answered, no, due to our partnership I think it helped alleviate a lot of concerns in the increase of crime.

Commissioner Ventura also added, do you know if any dispensary has seen an increase in crime? Why would we assume there will be an increase in crime. It's really not surrounded by residential, its surrounded by buildings on both sides. The building needs to be freestanding not attached to another building, and the benefits to Oakbrook Terrace, I think you are looking at a lot of revenue. I know it back up to residential but with an agreement of the fence, I don't see any problems.

Building and Zoning Administrator Dragan directed her comment to Chairman Caslin, I understand that you are asking for the Chief of Police, Mayor, and I to meet to discuss security issues and installation of the fence. As far as the current requirement for installation for a solid fence or wall between the two non-compatible zones, the current code requires a fence that is 6 feet high, however during recent discussions at the Zoning Committee meetings, the City discussed it will be mandatory for an 8 feet high fence between the two zones. I would like clarification for when we meet, are you willing to consider the 8 feet fence requirement? It is not under our current code but will be soon. I think the Commission has the right to address that as a condition of the approval for the Special Use.

Chairman Caslin answered, I don't have any worry about the 6 feet fence and I don't think the City Council will. The reading that I'm getting, is that the fence is going to be required on both sides.

Andrew Arons asked, on the side separating the commercial properties from this unit?

Chairman Caslin answered, yes, and were looking at it more from a security standpoint rather than an esthetic standpoint. I know you are on a zero lot line but that is why I am trying to make you understand that you sit down with Mihaela. I would rather have her discuss this with you.

Attorney Peter Pacione added, the Chairman is asking for a motion to continue but before we do that, we should allow the audience to address this commission.

Chairman Caslin asked for questions from the audience.

Bob Shanahan took the floor and asked the petitioners, there is no request for a sign variance, are you going to be putting a sign in the front? And if so, what will it say?

Jacob Coward answered, we will be putting one in the front and it will only say the name of the brand.

Bob Shanahan also asked, what is the name of the company?

Jacob Coward answered, Consume Retail.

Building and Zoning Mihaela Dragan added, the sign is in compliance, with

the City ordinance and it will only advertise Consume on the existing freestanding sign, and there is a proposed building sign with the logo on the top.

Bob Shanahan added, just to comment, because I live between business and residential, the solid fence is very important because of the noises, cars, and people talking.

Bruce Almeroth took the floor and directed his question to Dr. Christine Heck, is there any healing in medical marijuana?

Dr. Christine Heck answered, I believe there is pain reliever, but not specifically healing.

Bruce Almeroth then asked, is medical and recreational marijuana the same product?

Dr. Christine Heck answered, pretty much, yes, it comes from the same plant.

Bruce Almeroth added, I would like to say that any business that requires eight variances in my opinion is not right for the piece of property. You said other businesses that would move into this property would have the same issue, there is one big issue that you have that other businesses wouldn't have, I think we all know what that issue is. You say you have another dispensary near, what community is that?

Jacob Coward answered, that is a separate dispensary that I help operate in Romeoville.

Bruce Almeroth also added, just a response to Ann, what security issues do we have? This is an all cash business. I think this is a business full with cash and marijuana.

Commissioner Ventura answered, I was asking if they had an increase in crime at their other location.

Bruce Almeroth commented, I heard on the news that other locations have been robbed for cash.

Jacob Coward answered, in the state of Illinois there has never been a dispensary that has been broken into, that was later found out to be associated with an employee. An employee broke in after hours to steal the cash not the product and that has been the only reported robbery of a dispensary.

Bruce Almeroth also added, they are asking for parking spaces of 8'4", I think that's insane. Changing the size of parking spaces does not change the size of the car, and you can't get in and out without damaging the car next to you.

Andrew Arons added, we are not restriping the lot, we are going with what is existing.

Bruce Almeroth asked, are there any plans for cultivation on the property?

Jacob Coward answered, no that is not permitted.

Bruce Almeroth added, I think that the benefit to the City is financial, for financial we have more gaming machines than any place per capita in DuPage County. Now we are looking at marijuana for financial, and we have the red-light cameras. I don't think that the City is benefiting the residents from all of that. Is there going to be security on the property 24 hours?

Jacob Coward answered, the security system is integrated to be on at all times. Anything that is camera ready inside these facilities has a direct link into Illinois State Police. They have access to the facility at any time. They also come in at any point whenever they chose, and they usually do on a monthly basis to make sure the operation is successful.

Bruce Almeroth also asked, the outdoor security, in discussion it was said they will be in a car and follow people away from the business?

Jacob Coward asked, who said that?

Bruce Almeroth answered, at a City Council meeting.

Jacob Coward answered, that is not the operation that is being executed at our current facility, so no they will not.

Bruce Almeroth then asked, what will they do outside?

Jacob Coward answered, perimeter checks.

Welsey L. Edfors took the floor and stated, I'm only here to request, and I know its preliminary, but I would ask that Oakbrook Terrace and the Union Group LLC work with Brandywine to keep on the good side of them as well as helping you do this. That is all we are asking, that you keep us informed. We've always had a good relationship with Oakbrook Terrace and we just want to work with everyone.

Carla Nickle took the floor and stated, I am a parking lot neighbor, I think the fence is necessary, and will there be any walk ways?

Jacob Coward answered, no.

Moina Hussain took the floor and stated, I think the location of the property is very close to the high school and I love three houses down from the proposed business. I don't like the idea of this business. I am interested in knowing, what will be done so that the marijuana doesn't fall in the students hands?

Jacob Coward answered, the site requires a valid state ID and you must be 21 and over to enter. Understanding that we can't deter all crime, but we can control what is in our environment. We have not seen any concerns in any other areas that we have investigated.

Commissioner Jackson asked, what high school are you talking about?

Moina Hussain answered, Willowbrook.

Chairman Caslin closed the public portion of the meeting.

Chairman Caslin asked if the Commissioner's had any other questions or comments.

No questions or comments from the Commissioners.

MOTION Commissioner Jackson moved to approve the variances as requested.

No second motion.

MOTION Commissioner Jackson moved to approve with the expectation that there will be a fence between the residential area and the back of the parking lot.

No second motion.

MOTION Commissioner Donoval moved and Commissioner Freda seconded to continue the meeting to 3/17/20.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Freda, Jackson, Cardenas, Donoval

Nays: None

Absent: Commissioner Walberg

MOTION PASSED WITH A 6-1 VOTE.

MOTION Commissioner Jackson moved and Commissioner Cardenas seconded the motion to adjourn the meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-1.

Chairman Caslin adjourned the meeting at 6:58 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary