



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, October 15, 2019
Case #20-06

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:03 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, Walberg.

Absent: None

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 September 3, 2019, Case #20-05 for 17W710 22nd Street, Petitioner Oakbrook Hotel LLC.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to approve the minutes of September 3, 2019, Case #20-05 for 17W710 22nd Street, Petitioner Oakbrook Hotel 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

Abstain: Walberg

MOTION PASSED WITH A 6-0 VOTE.

Attorney Peter Pacione took the floor and stated, the City of Oakbrook Terrace is petitioning for Text Amendments to allow the sale of cannabis under the statute that was passed under the state of Illinois and were here to create an Overlay District to allow it only in a certain area within the City's limits. You have before you the map which indicates the boundaries of that overlay district. The Overlay District encompasses two different areas, B-1 and B-3 they will be Special Uses in the B-1 and B-3. It is an Adult-Use Dispensary, that is the only thing we are allowing at this point. There is no permission for a cultivation center, or grower. It's only going to be in a limited area of town and there is only going to be one allowed. That doesn't mean that there will always only going to be one. The City can petition later on to increase that number at that point they would have to come before you. There are application fees that need to be filed by any petitioner. There will be an initial \$5,000 fee to apply for this Special Use and that will cover the first year and after that it will be a \$2,000 annual Special Use permit. As of right now on the ordinance there is a provision for onsite consumption. Onsite consumption under the statute is under local control, we can either allow it or not.

Commissioner Jackson asked, where is the line on what the City Council approved and what we are approving?

Building and Zoning Administrator Mihaela Dragan answered, the City Council directed a public hearing before the Planning and Zoning Commission to discuss further and they will make a final decision at the next meeting.

Peter Pacione added, but if your recommendation is to approve this Text Amendment, but you don't want the consumption part, the ordinance can be re-drafted to eliminate that.

Commissioner Jackson added, if I follow that logic, I can disapprove the onsite purchase as well, so we have a dispensary with nothing in it.

Peter Pacione answered, if you deny the recommendation for a Text Amendment, at that point the City will decide if they agree with you or not. At this point it is just a recommendation.

Commissioner Jackson then asked, so that's all the City Council has done? Recommend?

Building and Zoning Administrator Mihaela Dragan answered, the City Council directed a public hearing before the Planning and Zoning Commission.

Commissioner Jackson also asked, so what did the City Council do on the 10th of September?

Peter Pacione answered, they approved a draft, and it is my understanding that the City Council may not want to have onsite consumption as well.

Commissioner Jackson added, I don't understand what the City Council did, it sounds to me like they said here is a neat idea, let's give it to the Planning and Zoning Commission to see how much of that neat idea they want to do.

Building and Zoning Administrator Dragan answered, I don't think that was the intent, I was not in attendance at that meeting but it is my understanding they only want to approve onsite retail but not onsite consumption.

Commissioner Jackson added, so the 3% municipal cannabis tax, plus the sale tax, plus the municipal occupational tax is a total of 5%.

Commissioner Donoval asked, what is the purpose? Why are we doing this?

Chairman Caslin answered, we are approving the area it can be at.

Commissioner Donoval added, I understand that, but why do we want a marijuana place in our City?

Building and Zoning Administrator Dragan answered, I think the City Council's intent was to allow it as a retail business. I've heard a comment from the Mayor that it's just like a Walgreen's, you pick up your prescription and leave. I am not familiar with this type of establishment but I looked online, and it looks like a boutique and the idea is no lounge, no grass grow.

Commissioner Donoval added, last time we had a medical marijuana hearing I was all for it, but this is totally different.

Building and Zoning Administrator Dragan answered, I understand your concern, but Village of Lombard already approved it, and possibly other municipalities as well.

Peter Pacione added, in the State of Illinois it's going to operate a little bit more strict. You are not allowed to smoke in public, you can only smoke in your house. But if you are not allowing onsite consumption, you can't smoke in the parking lot or inside the car either, it is actually illegal to smoke in a car. The state is already allowing the sale of it, we can't do nothing about

that. It's just whether we offer to sell or not. They can't smoke it, eat it if its edible anywhere that is not their home.

Commissioner Donoval added, I just wonder if it is worth it to have that in our City. What are the benefits?

Commissioner Ventura answered, tax revenue.

Commissioner Freda asked, you still have the medical marijuana, and I am wondering whether it is now legal for anyone, medical or not medical to go in and purchase this product?

Peter Pacione answered, because in the book of the state of Illinois there are still medical dispensaries and they will exist until they go out of business. It is anticipated that the state will not issue any medical marijuana licenses.

Commissioner Freda added, those are the ones that I understand are going to get the first licenses. The other thing is how do we protect against anyone under the age of 21 from purchasing at a retail location?

Peter Pacione answered, it will be regulated by the state, anyone that enters the premise must have a valid identification that is runned through a state wide system.

Commissioner Freda also added, I know that in Oregon you have two separate rooms, a waiting room where you sign in, go up to the window and show who you are, they then buzz you in one at a time.

Peter Pacione added, and if any the state systems go down, all sales must cease it is highly regulated by the state.

Commissioner Freda then added, I don't have an issue with the sale of it because I use a CBD product myself, but I do have a problem with the onsite smoking. I think it should be a retail store only rather than a hangout to smoke.

Peter Pacione answered, and that is fine, if the consensus agrees to remove it then we can do that.

Commissioner Donoval added, the reality is that if we don't approve it, Villa Park might approve it anyways and it's going to be all over.

Peter Pacione added, there was a question about advertisement, you can't advertise within 1000 square feet of a day care or school and you can't show any hemp leaves, or statements that are misinformation.

Commissioner Ventura added, I am not in favor of the onsite consumption, so I'd like to see that eliminated and when we had a hearing for the medical marijuana on Roosevelt Road, there was a concern that it backed into the residential area. I'd like to see backing up into the residential eliminated and there are two day care centers, I would think that the marijuana facility would want to advertise. And why don't we expand it and have a dispensary down Butterfield Road by where the Lou Malnati's is going.

Building and Zoning Administrator Dragan answered, the medical marijuana case was a little bit different. The major concern was with the neighbors next door, they share a common wall between the bridal shop and the next building, which is now the bridesmaid shop. The bridal shop's concern was that they were afraid of the odor and their expensive dresses. For residential I do not recall having so many concerns. As far as eliminating the location when it abuts residential it's not really an option.

Commissioner Ventura commented, eliminate backing up into residential and open up all of Butterfield Road.

Commissioner Jackson added, the question is whether were voting yes or no on this blue line or whether we can describe a different blue line.

Chairman Caslin added, if we do this, you take the ordinance as it is written. If you vote it down it dies. If you want to revise it that's fine too. These are recommendations that are sent back to the City Council. We can change it or alter it, it's just our recommendation.

Commissioner Ventura added, some of the concern with allowing onsite consumption is that I don't think our Police Department and Fire Department know right now what the ramifications are going to be. Just like drinking and driving, I don't think they know what kind of impact that's going to have.

Peter Pacione answered, I agree with you, it's not a big problem to eliminate the onsite consumption. It's actually favorable.

Building and Zoning Administrator Dragan commented, I know the City Attorney made a statement and Ann had a comment, and I'd like to clarify. Advertisement is not allowed within 1,000 square feet of day cares or

schools, however they can have the name of the business on the building. In discussion with the City Attorney I've learned that they cannot have symbols, or sales on the interior or exterior of the building.

Commissioner Freda added, in reading the ordinance there was a lot of filtration and special handling of the air quality within the facility.

Commissioner Jackson added, I think there is two things that we vote on, one is the onsite consumption and the other one is not changing the district.

Building and Zoning Administrator Dragan answered that is correct, text amendments, and map. However, if someone is really interested in buying or leasing a building, under the proposed ordinance they will need to come back for a Special Use permit, so they need a public hearing.

Peter Pacione added, this is only to make it available, it doesn't mean that we are granting anyone permission to do it.

Commissioner Jackson added, but if we want less, that might influence who comes in and with what proposal.

Commissioner Ventura added, actually the houses that back up into the residential are not very ideal locations with parking anyways.

Building and Zoning Administrator Dragan added, they may not even meet their standards because they are looking for larger buildings.

Peter Pacione directed his next question to City Administrator Amy Marrero who was in attendance in the audience, Commissioner Jackson has a question as to how we came to the \$600,000 estimated revenue. I am not sure, so I don't know if you had any input or knew how the Mayor came up with that number.

Amy Marrero answered, I don't know how he came up with that number.

Commissioner Ventura added, well there is millions being made in California, Las Vegas, and Colorado

Commissioner Jackson added, that's the dispensaries. This is talking about having a \$12,000,000 revenue business to get 5% to be \$600,000 and with the number dispensary licenses estimated in the state, times what is seen, you can't get \$600,000.

Commissioner Ventura asked, but does it matter?

Commissioner Jackson answered, sure if we have zero revenue more people would vote against it.

Peter Pacione also added, in other communities that I have been working with, everybody is estimating approximately \$1,000,000 a month revenue coming into this business, so the projection is \$12,000,000 minimum a year.

Commissioner Jackson added, the Illinois Economic Politic Institute comes up with a number based on Colorado's experience of 1.6 billion total revenue to the dispensary ad to get to 12 million per dispensary you have to have roughly 130 dispensaries. I can't believe that the state will leave 400 dispensary licenses unfilled to get to those numbers.

Peter Pacione answered, the limit right now is 500 and they can expand after that.

Commissioner Jackson then added, so if there are more than 130 dispensaries in the state, based on the total revenue number I got, you can't get to \$600,000.

Commissioner Ventura then asked Commissioner Jackson, well what if the City made \$100,000 would you say I don't want it?

Commissioner Jackson answered, there is a number where I would say no.

Commissioner Freda added, but you can't know that until it is operating.

Commissioner Jackson added, there is a number that intellectually I would say it's not worth it.

Building and Zoning Administrator Mihaela Dragan answered, then the City can consider regulations to revoke the Special Use and not allow the license.

Commissioner Cardenas added, it seems like this business is going to go anyways but I think they are not taking into consideration the newer generation, our kids. As far as I know it's like the beginning to introduce

them to drugs. My son started when he was 12 years old he then moved to bigger to bigger drugs and everything started with marijuana. I know there is nothing we can do now because everyone is allowing it but I am not in favor, and I know I can't stop it either.

Commissioner Walberg directed her question to Commissioner Freda, you mentioned containing the odor, since I've never been in a facility, is there still an odor even if onsite consumption is not allowed?

Commissioner Freda answered, yes, they do have a particular smell.

Commissioner Walberg also added, I agree with what Angel said, I have the same family situation. That being said, its legal, it's going to be everywhere, and I would prefer trying to contain what we have here as oppose to letting anybody come in and giving away as many licenses as one wants. The other thing is keeping it in a busy street might be easier for enforcement for the police and fire to be aware of it.

Chairman Caslin added, I don't like the onsite smoking, I don't have too much of a problem with the sale, its being contained to a certain area. There will be security onsite, off duty police officers. They have a substantial security problem because they deal with a lot of cash. I am a little eerie about the houses on Summit. I think in my estimation they are going to look at those first because it's a cheap way in the door. They will still have to come before us for approval.

Commissioner Freda commented, I'm not sure they will take those because of the security, they are probably going to want a bigger building.

Building and Zoning Administrator Mihaela Dragan added, I think they would have to consolidate two lots or more for this type of establishment.

Commissioner Walberg asked, has there been any petitioners calling?

Building and Zoning Administrator Mihaela Dragan answered, I've received about six different phone calls on this, there is indication that they are looking for a larger building.

Commissioner Cardenas asked, have you considered parking?

Peter Pacione answered, there is a parking requirement they have to meet.

Building and Zoning Administrator Mihaela Dragan added, if they don't, they have to ask for a variation for parking at the time they apply for a Special Use.

Commissioner Walberg asked, is there such thing as a drive-through for these facilities?

Peter Pacione answered, no the state does not allow that.

MOTION Commissioner Ventura moved and Commissioner Freda seconded to approve the ordinance presented with the exception of onsite consumption.

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

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

Nays: Commissioner Cardenas

Absent: None

MOTION PASSED WITH A 6-0 VOTE.

MOTION Commissioner Walberg moved and Commissioner Freda seconded to approve the map amendment.

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

Ayes: Chairman Caslin, Commissioners Ventura, Freda, Donoval, Walberg

Nays: Commissioners Jackson, Cardenas

Absent: None

MOTION PASSED WITH A 5-2 VOTE.

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for the October 22, 2019, City Council meeting at 7:00 p.m. There is no public hearing scheduled for November 5, 2019 would you like to cancel the meeting?

MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to cancel the November 5, 2019 meeting.

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MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

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

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Caslin adjourned the meeting at 6:54 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary