

**Regular Meeting – Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

***All Matters on the Agenda may be Discussed, Amended and Acted Upon
November 25, 2019.***

Chairman Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00pm and directed Jane Lentino, Community Development Secretary, to call the roll.

The results of the roll call were:

Present: Commissioners Angelo Christopher, John Meneghini, Frank Petella, Charlie Tucek, Michael Battisto, Daniel Morris, and Chairman Parisi.

Absent:

Also Present: Don Bastian, Director of Community Development; Tom Farace, Planning and Economic Development Manager; Jane Lentino, Secretary.

MINUTES:

Commissioner Meneghini moved and Commissioner Christopher seconded the motion to approve the minutes of the Special Meeting held on November 11, 2019.

The results of the roll call vote were:

Ayes: 6 Commissioners Christopher, Meneghini, Battisto, Tucek, Petella, Morris, Chairman Parisi.

Nays: 0

Abstain: 1 Commissioner Petella

Absent: 0

Commissioner Meneghini moved and Commissioner Tucek seconded the motion to approve the minutes of the Regular Meeting held on November 11, 2019, with one correction.

The results of the roll call vote were:

Ayes: 6 Commissioners Christopher, Meneghini, Battisto, Tucek, Petella, Morris, Chairman Parisi.

Nays: 0

Abstain: 1 Commissioner Petella

Absent: 0

PRESENTATION:

**Case #19-0029 – Village of Carol Stream-725 Thornhill Drive (Community Park)
*Plat of Subdivision***

Chairman Parisi asked Mr. Farace for the Staff Report.

Mr. Farace stated that The Village is seeking the approval of a plat of subdivision for Community Park located at 725 Thornhill Drive. He stated that the park is one of the largest in Carol Stream, it is owned by the Village, and was jointly leased by the Carol Stream, Wheaton and Glen Ellen Park Districts, but that the lease has expired. He stated that there was a recently approved intergovernmental agreement between the Village and the Carol Stream Park District to transfer approximately 17 acres of the 68 acres to the Park District for recreational purposes. He stated that the remaining 51 acres will be retained by the Village.

Mr. Farace stated that Staff is recommending approval of the plat and will move forward with recording the plat with DuPage County.

Chairman Parisi asked for questions from the Commission. There were none.

Chairman Parisi asked for a motion to approve Case #19-0029

Commissioner Petella moved and Commissioner Tucek seconded the motion.

The results of the roll call vote were:

Ayes: 7 Commissioners Christopher, Meneghini, Battisto, Tucek, Petella, Morris,
Chairman Parisi.

Nays: 0

Abstain: 0

Absent: 0

The motion was approved.

**Case #19-0039 – Mark Your Space/Royal Power Solutions-125 Mercedes Drive
*Gary Avenue Corridor Review – Monument Sign***

Chairman Parisi swore in Michael Sobel, 1235 Humbracht, Bartlett, IL.

Mr. Sobel turned his presentation over to Mr. Farace.

Chairman Parisi asked Mr. Farace for the Staff Report.

Mr. Farace stated that applicant is seeking Gary Avenue Corridor Review approval for a new monument sign for Royal Power Solutions, formerly known as Royal Power and Die, located at the northeast corner of Gary Avenue and Mercedes Drive, and the sign will be at the southwest corner of the subject property. He stated that the property has no ground sign at this time.

Mr. Farace stated that a blue and orange aluminum monument sign is being proposed. He stated that the sign is over 10 feet in height, and that the Village's sign code states that signs along Gary Avenue

should not be more than 10 feet high based on the grading of the property. He stated that the actual of the height will be determined before a permit is issued. He stated that the square footage and location of the sign meet Village code requirements.

Mr. Farace stated that there will be landscaping around the base of the sign for screening.

He stated that Staff is supportive of the request.

Chairman Parisi asked for questions from the Commission. There were none.

Chairman Parisi asked for a motion to approve Case #19-0039.

Commissioner Meneghini moved and Commissioner Tucek seconded the motion to approve with Staff recommendations.

The results of the roll call vote were:

Ayes: 7 Commissioners Christopher, Meneghini, Battisto, Tucek, Petella, Morris, Chairman Parisi.

Nays: 0

Abstain: 0

Absent: 0

The motion was approved.

PUBLIC HEARING:

Chairman Parisi asked for a motion to open the Public Hearing. Commissioner Petella moved and Commissioner Meneghini seconded the motion.

The motion was passed by unanimous vote.

Case #19-0041 – Village of Carol Stream-500 North Gary Avenue
Text Amendment – Adult Use Cannabis

Chairman Parisi swore in Justin Lynch, 568 Canterbury Drive; Jim Campbell, 303 Iowa; Greg Puchalski, 1432 Plum Grove Ct; Mary Hockett, 554 Chippewa Trail; Shaye McLernan, 1215 Evergreen Drive; Mary Frusolone, 688 Willow Drive; Joe Liptak, 611 Glen Glora Drive.

Chairman Parisi asked Mr. Farace for the Staff Report.

Mr. Farace introduced himself and stated that in June, 2019, the Governor signed the Cannabis Regulation and Tax Act into law, which legalized and regulated the production, consumption, and sale of cannabis in Illinois, and goes into effect January 1, 2020. He stated that the act gives the opportunity for municipalities to opt in or out of allowing the sale of cannabis within their corporate boundaries.

Mr. Farace stated that on August 5th, 2019, and October 21st, 2019, the Village board discussed the act, and that at the October 21st meeting, the majority of the Village Board directed Village Staff to prepare text amendments to allow the sale of adult use cannabis in Carol Stream by a count of 4-2. He stated that the draft text amendments to the zoning code are what is being reviewed at this meeting.

Mr. Farace stated that amendments would allow dispensaries and growing centers in certain districts as Special Uses, and that they will be subject to conditions and regulations.

Mr. Farace stated that Village Staff researched and reviewed regulations from other municipalities in order to draft the text amendments. He stated that they were also reviewed by the Village Attorney. He stated that in 2014, the Plan Commission recommended, and the Village Board approved text amendments to allow medical cannabis dispensaries as a Special Use in the B-4 district, and medical cannabis cultivation centers as a Special Use in the I-Industrial district in response to the State of Illinois Compassionate Use of Medical Cannabis Pilot Program Act. He stated that there are not any medical dispensaries or cultivation centers in the Village at this time, and that if any had applied they would have to go through the Special Use review process.

Mr. Farace stated that the proposed text amendments will provide definitions for cannabis dispensaries and cultivation centers. He stated that a dispensary is proposed as a Special Use in the B-3 service district and the B-4, office, research, and institutional building district only, and medical dispensaries are being proposed in the B-3 district for consistency purposes; . He stated that cultivation centers, craft centers, infusion businesses are proposed in the Industrial district only.

Mr. Farace stated that a Special Use is a use that goes through an approval process to allow a use that is not normally permitted in a specifically zoned area. He stated that a Special Use is reviewed at the Village Staff level, by the Plan Commission at a public hearing, and then by the Village Board.

Mr. Farace stated that a dispensary or cultivation center would have minimum distance requirements of at least 1000 feet from a school, daycare center, public park, or library, and that State law already requires that a new cannabis dispensing organization has to be located at least 1500 feet from the property line of an existing cannabis establishment. He stated that there are no cannabis establishments in town at this time.

Mr. Farace stated that the Village will be prohibiting on site consumption or cannabis consumption establishment, such as a cannabis lounge. He stated that use by anyone under the age of 21 is prohibited by state law, as is sampling, consumption in a public place, and in vehicles.

Mr. Farace stated that if a business were to come into the Village, certain plans would have to be submitted for review, such as a floor plan, an operations plan, a security plan, a disposal plan, a traffic or parking plan, a lighting plan, ventilation plan, and a signage plan which would have to follow certain criteria, such as no depiction of a cannabis leaf or of underage children would be allowed as advertising. He stated that no cannabis or paraphernalia could be displayed and be visible from the outside of the establishment. He stated that a cannabis business would have to be the primary use of the business, current businesses could not dispense as a secondary use, and per State code, a drive through or drive up window is not allowed.

Mr. Farace showed maps of where dispensaries would be allowed and where growing centers would be allowed. The maps showed the locations of schools, daycare centers, public parks, and the Library. The maps also showed the locations of the B-3, B-4, and Industrial districts as they stand today.

Mr. Farace stated that Staff is looking for a recommendation from the Plan Commission.

Chairman Parisi reminded the audience that the Plan Commission is an advisory body to the Village Board. He stated that a Special Use application has a series of questions and that the Commission is limited to those questions when considering a recommendation to the Village Board.

Chairman Parisi asked for questions and comments from the public.

Mr. Lynch and Mr. McLernan spoke in favor of the sale of cannabis for adult use, saying the proposed regulations are fair, the approval process is thorough, and Carol Stream should be ahead of the curve as long as it's going to be legal on a month.

Mr. Lynch asked about the zoning changes that are being proposed by the Unified Development Ordinance project.

Mr. Farace stated that the Village is updating the development ordinances, including the Zoning Code. He stated that some of the properties along the major corridors may be rezoned to B-3 and some to B-2, based on the roadways upon which they are located. He stated that the B-3 district will remain the commercial zoning designation along the major roadways.

Commissioner Battisto asked to clarify if the map would change.

Mr. Farace stated that it may change a little, but not much.

Mr. Campbell, Mr. Puchalski, Ms. Hockett, Ms. Frusolone (Village Trustee), and Mr. Liptak spoke against adult use cannabis sales coming into Carol Stream, citing the personal experience, negative impact on businesses and employee drug testing, and asked that the Commission use sound judgement when considering the locations adult use sales and cultivation centers. It was also suggested that both adult use and medical use be restricted to the B-4 district, and that if a new B-3 district is to be added for cannabis sales, it should be added farther in the future.

Chairman Parisi asked Mr. Farace to clarify the distinction between the B-3 and B-4 districts, and the potential areas that a sales or cultivation center may be located.

Mr. Farace referred to the map and stated that the B-3 district consists mostly of large commercial properties along major corridors, and the B-4 district includes office properties along Schmale and St. Charles Road.

Commissioner Battisto asked Mr. Farace to clarify locations where the Village has already approved medical cannabis dispensaries.

Mr. Farace stated that the B-4 district is where a medical dispensary could locate as Special Use.

Chairman Parisi asked about the small B-3 district just west of Gary Avenue on Army Trail Road.

Mr. Farace stated that that area would be excluded.

Chairman Parisi asked about the area just to the east of Lowe's that is partially in an area that is zoned B-3.

Mr. Bastian stated that the whole property would be excluded.

Chairman Parisi asked if the area at Gary Avenue and the railroad tracks was multiple properties and would be a potential opportunity for a Special Use.

Mr. Bastian stated that was correct.

Chairman Parisi asked for questions from the Commission.

Commissioner Meneghini had none, but complemented Staff on the clear, concise and thorough text amendment proposal.

Commissioner Petella stated that the Commission has no power over the amendments. He stated that it falls on the Village Board.

Commissioner Christopher asked Mr. Farace what will happen to the existing businesses if B-2 and B-3 are flipped.

Mr. Farace stated that they should not be affected. He stated that they are trying to have more general criteria so they should remain intact with the UDO project.

Chairman Christopher stated that the screening process will be a big issue. He stated that the businesses should be restricted to the B-4 district.

Commissioner Tucek asked if there were restricted hours of operation, and if it could be restricted further within the proposed text amendment.

Mr. Farace stated that State law has parameters in place for hours of operation and it would be reviewed as part of the business plan, and they couldn't be open for 24 hours straight. He stated that they could be restricted within reason.

Commissioner Tucek directed a question to Police Commander Don Cummings, who was seated in the back of the boardroom, and asked if the text amendment can address security measures and if they would be allowed to have a gun on the premises.

Commander Cummings said yes, if it was sanctioned that they can legally conceal and carry.

Mr. Farace stated that as part of the licensing requirements with the State, the applicant would have to provide a security plan as part of their application.

Commissioner Tucek asked if the restrictions for adult use and medical use cannabis dispensaries operate both have to follow the 1500 foot buffer.

Mr. Farace stated that the 1000 foot buffer is specific to the Village. He stated there is a restriction in the State code that a dispensary has to be 1500 feet from another dispensary.

Commissioner Battisto clarified the role of the Commission, and stated that this is an opportunity to put positive code in place. He stated that there is a precedence in place with the text for a medical dispensary and that the code for adult use should start there and become more restrictive.

Commissioner Battisto asked what would happen if a daycare wanted to open a location within 1000 feet of an already existing dispensary. He also asked about personal home cultivation.

Mr. Farace stated that there is not much that can be done about restricting home growing. He stated that the State legally allows someone with a Medical Marijuana card to grow up to five plants in their home, and it the Village cannot restrict it.

Commissioner Morris sympathized with the business owners concerns, agreed with the B-4 restriction, and asked Mr. Farace if any of the businesses in the industrial centers had daycare centers, and if he has ever been approached about a daycare center going in an existing business.

Mr. Farace stated no.

Commissioner Morris asked about the blue area on the map on Fullerton Avenue for a growing center in the Industrial area.

Mr. Farace stated that when a property was annexed into the Village, it is annexed as a residential zone and as it goes through the approval process for rezoning. He stated it will be rezoned as industrial in the future.

Commissioner Morris asked about disposal.

Mr. Farace stated that is why a disposal plan is required. He stated that medical marijuana locations have a separate disposal container and pick up.

Chairman Parisi stated that the Commission is an advisory body, and that the ultimate decision is by the Village Board.

Chairman Parisi asked if the Village could be more strict about the about buffers

Mr. Bastian stated yes, the State law doesn't restrict the distances.

Commissioner Petella asked how the change of zoning code within the Unified Development Ordinance would affect the location of dispensaries.

Mr. Farace stated that the zoning code, as it is, allows for a medical dispensary in the B-4 District and the change in the text amendment would allow for an adult use dispensary in both the B-3 and B-4 districts. He stated that, for uniformity, the change in the text amendment would allow for a medical dispensary in both the B-3 and B-4 districts as well.

Chairman Parisi asked for a motion to approve Case #19-0041.

Commissioner Battisto moved to approve the motion with Staff recommendation and the restriction to limit the location to B-4 zoning. There was no second.

The motion did not pass.

Chairman Parisi asked for another motion.

Commissioner Meneghini moved to allow the text amendment with Staff recommendations to allow dispensaries in the B-3 and B-4 districts. Commissioner Petella seconded the motion.

The results of the roll call vote were:

Ayes: 3 Commissioners Meneghini, Tucek, Petella.

Nays: 4 Commissioners Christopher, Battisto, Morris, Chairman Parisi.

Abstain: 0

Absent: 0

The motion was not approved.

Chairman Parisi asked for a motion to close Public Hearing.

Commissioner Petella moved and Commissioner Meneghini seconded the motion.

The motion was unanimously approved.

NEW BUSINESS:

Mr. Farace stated that there will be a meeting on December 9, 2019. He stated that the UDO Workshop will be at 6:00PM, and the Regular Meeting would be at 7:00PM.

OLD BUSINESS:

OTHER BUSINESS:

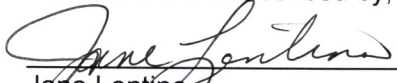
ADJOURNMENT:

At 8:23pm Commissioner Meneghini moved and Commissioner Christopher seconded the motion to adjourn the meeting.

The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,



Jane Lentino
Community Development Secretary

Minutes approved by Plan Commission on this 9 day of DECEMBER, 2019.



Chairman