

APPROVED

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING

November 2, 2020, 7:00 P.M.

Chairman Rickard called the November 2, 2020 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard; Commissioners Boyle, Dmytryszyn, Johnson, Majauskas, Maurer, Patel, Rollins, Toth

ABSENT: None

STAFF: Community Development Director, Stan Popovich
Planning Manager, Jason Zawila

VISITORS: None

Chairman Rickard explained the protocol for the meeting and invited staff to present its petition. Because of room occupancy limits per the IDPH's COVID-19 restrictions it was explained that the meeting was also being televised on the Village's YouTube channel and DGTV6. Public comment would be taken at the appropriate times as part of the agenda.

PUBLIC HEARINGS

FILE 20-PLC-0021: Petition seeking approval of text amendments to Sections 5, 6, 7 and 15 within Chapter 28 (Zoning Ordinance) of the Municipal Code of the Village of Downers Grove, Village of Downers Grove, Petitioner.

Planning Manager Zawila, on behalf of the Village of Downers Grove, explained that before the commissioners were text amendments related to the adult use of cannabis. With the State's passing of the 2019 Cannabis Regulation and Tax Act, it legalized the use of recreational cannabis. However, at the December 17, 2019 Village meeting, Mr. Zawila explained that the Village Board approved amendments prohibiting adult use cannabis business establishments. However, at the October 6, 2020 Village Council meeting, he reported the Village Board provided updated direction to allow adult use cannabis establishments as follows: 1) all adult use cannabis businesses require a special use in the M-1 and M-2 zoning districts; 2) the proposed amendments will allow medical cannabis dispensing organizations and cultivation centers as a special use in the M-2 restricted manufacturing district; 3) adult use cannabis business establishments will be prohibited to adjacent residential districts and will require a 1300-foot separation from day care centers; schools and parks; 4) for parity in the zoning ordinance, medical cannabis dispensing organizations and cultivation centers will be a special use in the M-2 zoning district with the separation distance of medical cannabis dispensary organizations and cultivation centers as modified so that there is parity with the adult use regulations, as presented.

As explained by Mr. Zawila, with the proposed amendments, there will be a maximum limit of three

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dispensing organizations that can receive a special use permit. Staff did research the parking requirements used by existing cannabis facilities located throughout the State as well as communities that allowed same in DuPage County. Based on the research, Zawila said the communities did have parking requirements at a retail rate ranging from three parking spaces per 1,000 sq. feet to five parking spaces. However, additional research showed that such number of parking spaces was not enough and was insufficient for the dispensing facilities.

Staff recommended the following for parking: When the dispensary is within a shopping center or industrial campus, provide six spaces per 1,000 square feet of gross floor area along with a required parking plan. A stand-alone dispensary is recommended to have 7.5 spaces per 1,000 square feet of gross floor area along with a required parking plan. For other uses, such as cultivation centers, processors, transporters, Zawila indicated the industrial parking ratio would be used which was 1.17 spaces per 1,000 square feet of gross floor area.

For the craft grower, Zawila recommended the dispensary portion to be the rate as stated above. The cultivation area would be the industrial parking ratio of 1.17 spaces per 1,000 square feet of gross floor area. A review of a map with the M-1 and M-2 industrial areas highlighted was depicted with Mr. Zawila noting the three areas where such facilities could be located within the village with a special use.

Mr. Zawila invited questions from the commissioners.

Commissioner questions followed regarding the underlying parking standard for retail, which staff explained that if it were a multi-tenant retail center it would be 4 spaces per 1,000 sq. feet and if a stand-alone building, it would be a little bit higher than 4 spaces per 1,000 sq. feet. Per staff, a typical dispensary was about 3,000 to 4,000 square feet. Asked if a current owner could carve out a part of their business and apply for a special use, staff confirmed that it was a potential scenario. Asked if it was still feasible, based on the number of licenses available, staff mentioned that as of last month there were 74 licenses still available.

Asked if the manufacturing area near the Belmont were feasible, given the number of parking spaces, staff relayed it would have to be reviewed carefully. Staff noted that the M1/M2 districts came from Council's direction.

Chairman Rickard invited the public to comment. (No public present in the room.) Director Popovich confirmed there were no email comments either.

Mr. Zawila referenced the recommendations in staff's report, the petition to the Village Council for consideration. He stated that applicants would have to be reviewed on a case by case basis since there were special use standards that had to be considered. No comments followed.

Chairman Rickard closed the public hearing.

Further commissioner discussion followed. While there was the money aspect to allow such businesses, for the community of Downers Grove, Commissioner Majauskas noted that there were negatives: 1) the Village was a family-based suburban neighborhood -- people moved here due to the safe neighborhoods and good schools so why would the village allow such businesses to be placed in close proximity to the kids; 2) what businesses (car detailing, ultra brewing, etc.) was the Village giving up to allow such businesses -- reminding other commissioners that the existing businesses may move if a dispensary comes in; and 3) consider the Village's image. Commissioners in support stated that other income opportunities existed and the way the text amendment was written, with the 1,300 feet requirement, was favorable as compared to other cities.

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Chairman Rickard reminded everyone that it was the Commission's responsibility to review this petition from the perspective of a text amendment and not whether the use was to be allowed or not, since that was already decided upon by the Village Council. Discussion followed regarding the required separation for a liquor store from a daycare facility, wherein Director Popovich recalled there was nothing in the zoning ordinance on the matter. However, the Chairman relayed that he was aware that there were State distance regulations that govern, possibly as close as 500 feet. Chairman Rickard was in agreement with staff's recommendation.

Based on the petitioner's submittal, the staff report, and the testimony presented, Commissioner Maurer found that the petitioner met the standards of approval for a Zoning Text Amendment, as required by the Village of Downers Grove Zoning Ordinance and stated it was in the public's best interest.

WITH RESPECT TO FILE 20-PLC-0021, COMMISSIONER MAURER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE PROPOSED AMENMENT TO SECTIONS 5, 6, 7 AND 15 OF THE ZONING ORDINANCE.

SECONDED BY COMMISSIONER ROLLINS. ROLL CALL:

**AYE: MAURER, ROLLINS, PATEL, BOYLE, DMYTRYSZYN, JOHNSON, TOTH
CHAIRMAN RICKARD**

NAY: MAJAUSKAS

MOTION PASSED. VOTE: 8-1

Mr. Zawila announced that there will be a meeting on November 16, 2020.

**THE MEETING WAS ADJOURNED AT 7:28 P.M. ON MOTION BY MS. ROLLINS,
SECONDED BY MR. MAURER. MOTION CARRIED UNANIMOUSLY BY VOICE
VOTE OF 9-0.**

/s/ Celeste K. Weilandt
Recording Secretary
(As transcribed by MP-3 audio)