

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
November 6, 2019**

**PRESENT:** Lou Mallers-Chairperson, Michael Desmond, Robert Erickson, Hilda Gonzalez, Steve Hiatt, Brian Liedtke, Julie Kasprovicz, Ralph Stompanato

**ABSENT:** Brian Gay

**OTHERS:** Mayor Joseph Marchese, City Administrator Bryon Vana, Judy Kolman, City Attorney

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

Chairperson Mallers welcomed new Committee Member Steve Hiatt.

**REGULAR MEETING:**

**A. Public Hearing - PZC 2019-02**

**A petition by the City of Darien through an ordinance, zoning title amendment to the City Code, NEW TITLE-Title 10-A, Chapters 1-4: Chapter 1-Definitions, Chapter 2-A Retail Operations -Permitted Use Chapter 2-B Office and Industrial Districts and Business Districts- Permitted Use Chapter 3-Licensing Chapter 4- General Provisions; regarding standards for cannabis-related uses and activities.**

Mr. Bryon Vana, City Administrator reported that the City Council approved a motion to recommend zoning ordinance revisions to the PZC and review regarding the Cannabis Regulation and Tax Act. Mr. Vana reported that the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019. He reported that the City Council did not prohibit these cannabis activities, therefore, the City is required to amend the zoning codes for compliance with the Act. He further reported that the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive. Mr. Vana reported that the City has been approached by interested legal counsel and businesses.

Mayor Joseph Marchese reported on the state issued licenses. He stated that the likelihood of a site in Darien is unknown but that an ordinance needs to be in place and that the City Attorney Judy Kolman worked with staff to prepare the ordinance.

Chairperson Mallers opened the meeting to anyone wishing to present public comment.

Ms. Frank Bixler, Lisle stated that she was an advocating the option of opting out. She questioned the setback requirements for playgrounds, parks and churches.

Attorney Judy Kolman reported that the state does not have limitations and that it is up to the City. She stated that the City has the right to limit setbacks and special use.

Ms. Gina Wiggins, Darien stated that she was completely against this and that the City did not get the word out to the people. She stated that 83<sup>rd</sup> Street and Lemont Road is a potential site near a daycare center and near her home and that she is not in favor.

Chairperson Mallers reported that a survey was mailed out to residents and that 500 were returned.

Mayor Marchese reported that 5,000 homes were sent information as well publicized in *Direct Connect*. He stated that the information was out there and there were also informal meetings as well the Police Chief provided a report on how it will impact the Police Department. Mayor Marchese reported that the City received 533 surveys 56% for and 44% against. He stated that he was shocked there were only 4 people in the audience.

Ms. Wiggins stated that there are many residents who are not technical savvy and that the word was just not out there.

Mayor Marchese stated that there was also a table at Darien Fest for those not technical savvy.

Commissioner Brian Liedtke asked Ms. Wiggins is she had a preferred location.

Ms. Wiggins stated that the industrial areas would be best and away from the neighborhoods.

Chairperson Mallers stated that the PZC is very conscious of the areas and wants to make sure that the areas selected will not bring any negative effect.

Mayor Marchese reported that the City Council is only recommending one license but that the PZC has the choice of one or more.

Commissioner Mike Desmond questioned if there would be text changes to the amendment.

Attorney Kolman reported that the language is preliminary and will be expanded and the definitions will be the same as well as the permitted uses.

Commissioner Steve Hiatt suggested discussion regarding the criteria of the sites.

Chairperson Mallers reported that each site would be discussed one at a time.

a. **75th Street and Lemont Road-Chestnut Court Shopping Center**

City Administrator Vana reported that this location is on the outskirts of Darien.

Mayor Marchese reported that there is 50,000 square feet of vacant space. He reported that the City has not heard back if the landlords would allow.

Commissioner Desmond stated that it is important to know if the landlord wouldn't permit.

City Administrator Vana stated that if a center does not permit a dispensary now that things could change. He stated that that is why there needs to be more than one suggested location. Mr. Vana reported that there are also parties interested in building their own site and more reason to have more than one location.

Commissioner Liedtke questioned the tax benefits.

Mayor Marchese reported that dispensaries provide tax benefit.

City Administrator Vana reported that the consensus among staff was that some of the spots may be utilized for cultivation.

There was some discussion regarding the proximity to residential.

Attorney Kolman reported that a special use permit will allow the City to pick the distances from residential.

Commissioner Desmond stated that he had an issue with the location and the testimony from Ms. Wiggins. He stated that it is a good location from a retail perspective, but he had concerns.

Mayor Marchese reported that there is no out lot space in Chestnut Court and that there is a broker interested in purchasing property and building.

Commissioner Liedtke questioned if a smoking lounge is permitted.

Attorney Kolman reported that a smoking lounge is permitted only if the City allows. She reported that not allowing could be written in the ordinance.

There were two individuals in the audience from Chicago. They stated that they were only interested in selling the product and the buyer bringing it home.

There was no one else in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Gonzalez to not approve 75th Street and Lemont Road-Chestnut Court Shopping Center.**

**Upon voice vote, THE MOTION WAS DENIED. 5-2. Commissioner Desmond was not called in roll and did not vote. Commissioner Gay was not present.**

**Hiatt, Gonzalez – Aye  
Erickson, Kasproicz, Leidtke, Stompanato, Mallers- Nay**

**b. 75<sup>th</sup> Street - east of Lyman Avenue 2100 block - Darien Towne Centre**

Commissioner Desmond stated that the landlord said no to allow.

Attorney Kolman reported that even though the landlord said no it is not up to the City to negotiate a lease but rather up to the petitioner to see if it is allowed.

Commissioner Hiatt stated that the residential area is very protected.

Commissioner Bob Erickson questioned the buffer between the residential area and Walmart.

City Administrator Vana reported that the buffer area is not buildable.

Commissioner Liedtke stated that there is too much going on in that location.

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Desmond to reject 75th Street - east of Lyman Avenue 2100 block - Darien Towne Centre.**

**Liedtke, Desmond, Erickson, Gonzalez, Hiatt, Stompanato, Mallers - Aye  
Kasproicz - Nay**

**Upon voice vote, THE MOTION CARRIED 7-1. Commissioner Gay was not present.**

**c. 75th Street-west of Lyman Avenue 2400 block-Market Place of Darien**

Commissioner Liedtke stated that it is residential on three sides and a lot going on in that location.

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Desmond to not permit 75th Street - west of Lyman Avenue 2400 block – Market Place of Darien.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

d. **7800 Lemont Road-Warehouse**

Commissioner Desmond stated that the Volleyball Club is located at this facility and that they host a lot of tournaments. He stated that it is a terrible idea because of the current use.

Mayor Marchese reported that he was not aware of any tournaments and that the Volleyball Club is just a training facility.

There was much discussion if the location would be acceptable because of the proximity of children.

Commissioner Liedtke suggested special use conditions.

There was no one in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Kasproicz to permit 7800 Lemont Road-Warehouse with the following special use condition:**

- **Upon approval that there is no business that operates any business establishment that caters to children under the age of 21.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

e. **6800-6818 Route 83-Darien Center**

Mayor Marchese reported that 69<sup>th</sup> Street runs to a berm and barrier.

Chairperson Mallers stated that we may have to look at distance recommendations from lot to residences.

Attorney Kolman reported that it is up to each individual community to put in distances and buffers. She reported that there is nothing consistent amongst communities.

Commissioner Liedtke stated that this makes sense along Route 83.

There was some discussion regarding having a fenced in area.

City Administrator Vana reported that there is currently a fence in that location, but they would need to make sure that it is in good shape.

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Hiatt to permit 6800-6818 Route 83-Darien Center with a permitted use.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

Chairperson Mallers reported that the following sites would be reviewed as recommended as permitted uses as it pertains to cultivation.

**a. 7800 Lemont Road-Warehouse**

**b. 1035 South Frontage Road-Warehouse**

Commissioner Hiatt stated that he was not a fan of filling a warehouse with a cultivation center.

Commissioner Desmond stated that he was against this location for the same reason as the Volleyball Club and that there should not be retail and cultivation within the same location.

Commissioner Erickson questioned how many jobs will be created for a cultivation center.

Mayor Marchese reported that he is not familiar but that this new law will bring millions of jobs throughout the country. He stated that there will be security in place.

Commissioner Ralph Stompanato stated that no one will even know if there is a cultivation center in the warehouse and that he had no issue and did not see it as a negative.

Commissioner Hiatt stated since there is no revenue and would like to have a discussion to look south of I-55 as a location option.

**Commissioner Liedtke made a motion and it was seconded by Commissioner Hiatt to prohibit any permitted use or special use condition that there is no business that operates any business establishment that caters to children under the age of 21 for Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Infuser Organization or Infuser, Processing Organization or Processor, Transporting Organization or Transporter and only allow retail use.**

**Upon voice vote, THE MOTION TIED 4-4. No Action.**

**Liedtke, Hiatt, Desmond, Gonzalez - Ayes**

**Erickson, Kasprovicz, Stompanato, Mallers – Nays**

**a. 7800 Lemont Road-Warehouse**

**Commissioner Stompanato made a motion and is was seconded by Commissioner Erickson to permit 7800 Lemont Road-Warehouse for a Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Infuser Organization or Infuser, Processing Organization or Processor, Transporting Organization or Transporter with a special use condition that there is no**

**business that operates any business establishment that caters to children under the age of 21 and that there is not a dispensary at the same location.**

**Upon voice vote, THE MOTION CARRIED 5-3. Commissioner Gay was not present.**

**Stompanato, Erickson, Kasprowicz, Gonzalez, Mallers – Ayes  
Desmond, Hiatt, Liedtke – Nays**

There was no one in the audience wishing to present public comment.

**b. 1035 South Frontage Road-Warehouse**

There was no one in the audience wishing to present public comment.

**Commissioner Kasprowicz made a motion and is was seconded by Commissioner Stompanato to permit 1035 South Frontage Road-Warehouse with a permitted use for a Cannabis Craft Grower, Cannabis Cultivation Center, Cannabis Infuser Organization or Infuser, Processing Organization or Processor, Transporting Organization or Transporter.**

**Upon voice vote, THE MOTION CARRIED 5-3. Commissioner Gay was not present.**

**Kasprowicz, Stompanato, Erickson, Gonzalez, Mallers – Ayes  
Desmond, Hiatt, Liedtke – Nays**

**Business Licenses(s)**

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Stompanato to recommend to the City Council one (1) license for one location for a Cannabis Dispensing Organization/Retail.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

Chairperson Mallers reported on the summary of optional locations for review.

**Option 1-Brookhaven Plaza-Existing Walgreens**

**Option 2-Brookhaven Plaza**

**Option 3 Brookhaven Plaza**

There was some discussion for the Brookhaven Plaza location and its proximity to a school.

There was no one in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Gonzalez to reject Option 1-Brookhaven Plaza-Existing Walgreens, Option 2-Brookhaven Plaza, and Option 3 Brookhaven Plaza.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

**Option 4-7900 S Cass Ave-EXISTING OFFICE BUILDING**

Mayor Marchese reported that this location is the Knutte building south of the Euclid center. He reported that there is it more than 1500 feet away from a residential setback.

Commissioner Desmond stated that there is residential all around.

Commissioner Stompanato stated that this location is in its own little island a beautiful place to put it.

There was no one in the audience wishing to present public comment.

**Commissioner Stompanato made a motion and is was seconded by Commissioner Erickson to accept Option 4-7900 S Cass Ave-EXISTING OFFICE BUILDING with a permitted use.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

**Option 5-8100 S Cass Ave-OUTLOT**

**Option 6-8100 S Cass Ave**

Commissioner Liedtke questioned the proximity to the Montessori School behind the Academy.

There was no one in the audience wishing to present public comment.

**Commissioner Desmond made a motion and is was seconded by Commissioner Gonzalez to accept Option 5-8100 S Cass Ave-OUTLOT and Option 6-8100 S Cass Ave with the following special use condition:**

- a. **There is 1500 feet from lot line to lot line of an elementary school, childcare center or day care center.**

**Upon voice vote, THE MOTION CARRIED 7-1. Commissioner Gay was not present.**

**Commissioner Liedtke voted Nay.**

**Option 7-1220 S PLAINFIELD ROAD**

Commissioner Hiatt stated that this location is near residential.

There was no one in the audience wishing to present public comment.

**Commissioner Desmond made a motion and is was seconded by Commissioner Kasprowicz to reject Option 7-1220 S PLAINFIELD ROAD.**

**Upon voice vote, THE MOTION CARRIED 7-1. Commissioner Gay was not present.**

**Commissioner Erickson voted Nay.**

**Option 8-MID 8100 BLOCK OF CASS AVE – PIN NO 3 AND 4**

Commissioner Desmond stated that this is near a school.

There was no one in the audience wishing to present public comment.

**Commissioner Desmond made a motion and is was seconded by Commissioner Gonzalez to accept Option 8-MID 8100 BLOCK OF CASS AVE – PIN NO 3 AND 4 with the following special use condition:**

- a. **There is 1500 feet from lot line to lot line of an elementary school, childcare center or day care center.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

**Option 9-7300 BLOCK OF ROUTE 83 BETWEEN 73RD AND 74TH STREET**

Commissioner Desmond stated that there is an unknown if there is landlord approval.

Commissioner Hiatt stated that there is a lot of foot traffic and close to residential and school.

There was no one in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Desmond to reject Option 9-7300 BLOCK OF ROUTE 83 BETWEEN 73RD AND 74TH STREET.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

### **Option 10-2600 BLOCK OF 83RD STREET**

Commissioner Liedtke stated that this location is close to schools, churches and residential area.

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Hiatt to reject Option 10-2600 BLOCK OF 83RD STREET.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

### **Option 11-8100 BLOCK OF LEMONT RD**

Commissioner Hiatt stated that this location is not as visible.

There was no one in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Liedtke to permit Option 11-8100 BLOCK OF LEMONT RD with permitted use.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

### **Option 12-8200 BLOCK OF LEMONT RD**

Commissioner Liedtke stated that this location is across from a church.

There was discussion regarding the proximity to *Perfect Swing*.

There was no one in the audience wishing to present public comment.

**Commissioner Liedtke made a motion and is was seconded by Commissioner Gonzalez to reject Option 12-8200 BLOCK OF LEMONT RD.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

### **Option 13-SOUTHWEST QUADRANT OF LEMONT RD AND 83RD STREET**

There was no one in the audience wishing to present public comment.

**Commissioner Hiatt made a motion and is was seconded by Commissioner Erickson to reject Option 13-SOUTHWEST QUADRANT OF LEMONT RD AND 83RD STREET.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

Commissioner Liedtke suggested that a special use requirement be put in place for any applicant for a retail dispensary that will allow for additional controls. He stated that there are a lot of unknown variables.

Attorney Kolman reported that an applicant will have to propose a security plan, security devices, inventory, floor plan, etc. She reported that there are a lot of requirements from the state before evening coming to the City of Darien.

**The Planning Zoning Commission as an alternative shall consider and provide a recommendation whether all nonresidential districts shall be considered for dispensary sights.**

There was some discussion on setting a distance criterion.

Commissioner Desmond stated that if defined we need to go back and make sure that they comply with the restrictions we are creating.

Mayor Marchese stated that the Municipal Services Committee can review, and they can set the distance. He stated if you go back to every one of these and place a distance on them the Municipal Services can disagree and then you have spent a lot of time for no reason.

There was no one in the audience wishing to present public comment.

**Commissioner Desmond made a motion and it was seconded by Commissioner Liedtke with the exception of those sites approved or rejected recommend to the City Council approval that all other nonresidential districts can be considered for dispensary sites subject to a special use permit containing restrictions to their proximity to elementary and secondary schools, churches, park recreational facilities, childcare facilities, daycare facilities and athletic facilities.**

**Upon voice vote, THE MOTION CARRIED 8-0. Commissioner Gay was not present.**

**CORRESPONDENCE**

None

**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**APPROVAL OF MINUTES**

Commissioner Liedtke made a motion and is was seconded by Commissioner Desmond to approve the October 2, 2019 Regular Meeting Minutes and the October 16, 2019 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 8-0.

**NEXT MEETING**

Chairperson Mallers announced that there will not be a meeting on November 20, 2019.

**PUBLIC COMMENTS (On any topic related to planning and zoning)**

There was no one in the audience wishing to present public comment.

**ADJOURNMENT**

With no further business before the Commission, Commissioner Stompanato made a motion and it was seconded by Commissioner Hiatt. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 10:12 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

\_\_\_\_\_  
Elizabeth Lahey  
Secretary

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Lou Mallers  
Chairperson