



**City of Blue Island  
Building & Zoning Department**

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**MINUTES**

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**PLANNING COMMISSION / ZONING BOARD OF APPEALS**

**CITY COUNCIL EAST ANNEX BUILDING  
2434 VERMONT STREET  
BLUE ISLAND, IL 60406**

Commissioner Chairman Mark Patoska called the meeting to order at 6:42 PM on Monday, January 6, 2020.

**I. Roll Call**

Present (Plan)

Arthur J. Wier  
Eric Polcaster  
Ron Bloom  
Jason Berry  
Mark Patoska  
David Brown

Present (ZBA)

Michael Sinde  
Brandon Richardella  
Eric Frausto  
Jeffrey Atwell  
Clifford Griffin

Staff

Howard M. Coppari, Community Development Manager  
Matthew Ingersoll, City Council Attorney

General Public

Jan Ostling, Christine Deceporlos, Sandra Erfft,  
Ryan McQueeney, Alejandro Chavez, Julio Ponce,  
Bridget Gallegos, Tom Pikarski, Kathy Kvehner,  
Sara Brown, Allan Stevo, Tonia Rodriguez, Claudio  
Ramirez, Kimberly Byrne, Christine Iliopoulos,  
Ann Spadoni, Susan Zierk, Jean Gorz, Libby Scales,  
Dennis Ziolkowski, Carol DiPace-Greene, Efren Ortiz,  
Liz Flores, Bill Fahrenwald, Denise Gail, Kathy Kuehner

Absent (Plan)

Toni Ebeling

Absent (ZBA)

Vonda Hardy  
Joseph Martin

**II. Approval of Minutes**

None

**III. Public Comment**

None

**IV. Old Business**

None

**V. New Business**

Continuation of a Special Meeting was called for Monday, January 6, 2020 at 6:30 PM to hear a text amendment for adult use cannabis. This meeting was held with members of both the Planning Commission and the Zoning Board of Appeals (ZBA). *The first meeting was held on Thursday, December 12, 2019 at 7:30 PM, which concluded with holding a second meeting for Monday, January 6, 2020 at 6:30. This second meeting (or a continuation of the first meeting) was mentioned in the last meeting, which was broadcast on live TV.*

Mark Patoska, the Chair of the Planning Commission, called the meeting at 6:42 PM. There was a slight delay because the Zoning Board of Appeals did not have quorum. Planning Commission Chair Patoska asked for everyone to stand up and pledge alliance to the flag.

## Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

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The Planning Commission and the Zoning Board of Appeals made their roll calls. The Planning Commission had a total of six (6) out of seven (7) people, while the Zoning Board of Appeals had a total of five (5) out of seven (7).

Howard M. Coppari, the Community Development Manager, motioned to Matthew Ingersoll, the attorney appointed for the text amendment on behalf of the city, to present his changes to the proposed text amendment for adult use cannabis.

Attorney Ingersoll explained that he revised the ordinance in relationship to the comments and suggestions made from members of the Planning Commission and the Zoning Board of Appeals from the last meeting. He also said that he worked with Mr. Coppari on the text amendment changes. Attorney Ingersoll went into details explaining where the dispensaries would be located within the city. He explained that he added verbiage pertaining to the security measures for a cannabis business, which included security cameras, fencing for the parking lot, and lighting for the parking lot. Attorney Ingersoll tweaked the classification locations, distance requirements, and added additional requirements to be reviewed by the city during the special use process and the Building Department in its permit review process.

Planning Chair Patoska asked about the hours of operation for a dispensary. Attorney Ingersoll responded from 9:00 AM through 10:00 PM. Chair Patoska exclaimed that the proposed hours were more stringent than the state.

Commissioner Ron Bloom questioned about the setbacks, especially, near residences. Attorney Ingersoll responded none were made. There would be zero (0) setback from a residential house or residential zone.

Board Member Jeffrey Atwell mentioned zero (0) setbacks for residences; implying that no changes were made about being so close to residential houses. Attorney Ingersoll replied that no changes were made with residences.

Commissioner Bloom expressed his concern for a zero (0) setback for residences. He motioned that there was a larger crowd from the first meeting, and he wanted to hear comments from the general public. Commissioner Bloom turned around, and asked Mr. Coppari if the people from the public would be allowed to speak up. Mr. Coppari replied, "Yes, the public will speak."

Planning Chair Patoska asked if anyone from the Planning Commission or the Zoning Board of Appeals had any additional questions to ask; he noticed no one had any further question. Then, Chair Patoska opened up the meeting to the general public for comments or questions on the proposed text amendment.

Ryan McQueeney, an attorney and an owner of a cannabis business, said that he represented a medical dispensary, and he is quite familiar with the cannabis business. He said that his business is a "good neighbor" to the community, and he is a very responsible person in not letting things get out of hand. He has owned his business for four (4) years, and he had no security issue. Mr. McQueeney mentioned that the state requires more security than a common municipality. In other words, without a security plan reviewed by the state; nobody can open up a dispensary just like that. His security is just as tough like "Fort Knox."

Board Member Atwell asked if Mr. McQueeney is a Blue Island resident. Mr. McQueeney answered no.

## Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

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Christine Iliopoulos, a Blue Island business owner, mentioned to the Board that she would like to open up a cannabis dispensary in Blue Island, especially near *DeMar's Family Restaurant*. She mentioned that she purchased the building next to her restaurant, and this would be the place to open up her new business.

Board Member Atwell asked if Ms. Iliopoulos knew if the proposed location had a residence upstairs or next to the building. Ms. Iliopoulos said not in her building, but possibly with a shared wall between one building to another.

Mr. McQueeney mentioned that the state has no prohibition against shared walls. Commissioner Bloom commented, if the property next to *DeMar's Family Restaurant* is used as a cannabis dispensary, can Ms. Iliopoulos handle the long line of people waiting to purchase cannabis. Ms. Iliopoulos said that the long line can wrap around her corner restaurant, and she would have no problem with that issue.

Bridget Gallegos, a Blue Island resident, expressed her cannabis concerns in regards to kids, location, and parking; she also mentioned perspective sites that can house a dispensary store. Ms. Gallegos asked about the process in applying for a cannabis dispensary. Commissioner Jason Berry answered some of the questions that Ms. Gallegos voiced. Chair Patoska and Attorney Ingersoll also intervened, and both said that no business can apply for a cannabis dispensary until May of 2020.

Board Member Atwell said that a person who is interested in opening up a cannabis dispensary needs to first go through the state for review and approval before this person can apply for a business license at the municipal level. This person only has a hundred and eighty (180) days to seek a location and a zoning approval; if not, this person forfeits his or her right to open up a business. Attorney Ingersoll interjected, and said that many businesses outside of Blue Island have started the process in looking for a location, and they are waiting for zoning approval.

Mr. McQueeney mentioned that not all of the businesses have a fixed location when they are seeking state approval, but they are always looking for the "opportunity sites" in the interim period. Nobody stays still in this process.

Sara Brown, a Blue Island Chamber of Commerce Executive and resident, spoke about supporting the local businesses in Blue island, and the chamber is in support of the cannabis industry. Ms. Brown mentioned, if a perspective cannabis dispensary owner wants to open up a shop on Western Avenue, then this person can also apply for business grants in opening up a shop in Blue Island.

Tonia Rodriguez, a Blue Island resident, asked if anyone interested in opening up a cannabis dispensary has any ties to Blue Island's government. If so, would they, the government officials, have a hand in reviewing the application.

Attorney Ingersoll intervened and said only the land use commission and board would have a position in reviewing a cannabis dispensary application and not public officials. Commissioner Bloom mentioned this is a sensitive issue; especially, in any conflict of interest. Board Member Eric Frausto said that he as a "Zoning Board Member" needs to fill out a Cook County disclosure form every year on the matter that deals with conflict of interest.

Commissioner Barry intervened on the setback issue, which has many people concerned, and he mentioned that Berwyn, Illinois, has a proposed setback for two hundred and fifty (250) feet. Board Member Atwell confirmed that Blue Island is also suggesting the same number as well.

## Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

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Commissioner David Brown commented to the frustrated commission and board members that “we are all trying to work through this process,” and there is no need to overregulate this issue. He implied that we should be trying to attract businesses to Blue Island instead of shunning them away.

Carol DiPace-Greene, a Blue Island resident, mentioned that the combined Planning Commission and Zoning Board of Appeals members are braking the *Illinois Open Meetings Act*, which is a state law that requires meetings of public bodies to be open to the public at a specified time and place. She asked how many women are on the board?

Planning Chair Patoska commented that Toni Ebeling, a female commissioner, was not present for this meeting. Zoning Chair Clifford Griffin also commented that Vonda Hardy, a female board member, was not present either. It was a mere coincidence that both female members were absent at this meeting.

Attorney Ingersoll mentioned that the city is complying with *Illinois Open Meetings Act*. Mr. Coppari also interjected and said that this meeting was a continuation of a prior meeting, which was noticed of the date, time, and place on live TV. Someone from the audience asked when was the last meeting held, which Mr. Coppari replied back on Thursday, December 12, 2019.

Ms. DiPace-Greene commented that neither the Planning Commission and Zoning Board of Appeals members appear to be properly informed about the text amendment and cannabis issue. In other words, she implied that people were taking this issue too lightly. Naturally, several commissioners and board members interjected, and said that they were studying the case, and they have read a multitude of materials in regards to cannabis and the cannabis industry.

Ms. DiPace-Greene said that a zero (0) setback for residences was unacceptable. She aggressively commented about the proposed *DeMar’s Family Restaurant* location as a cannabis dispensary is not allowed near *Moraine Valley Community College* across the street from the restaurant area. Ms. DiPace-Greene mentioned that *DeMar’s Family Restaurant* was robbed recently, and what type of security would Christine Iliopoulos offer for a dispensary. She cautioned the Planning Commission and Zoning Board of Appeals to look at other locations for a cannabis dispensary. She said that the governor does not want dispensaries in a densely area like Blue Island.

Denise Gail, a Blue Island resident and a mother of two (2) kids, voiced her support for the cannabis industry. She believes that if a cannabis dispensary is properly regulated, it would not pose a hardship to anyone.

Kathy Kuehner, a Blue Island resident, asked if anybody voting tonight contacted the school boards, churches, non-profit organizations, or any stake holders that should be involved.

Commissioner Brown interjected, and said that he has asked for people’s opinion on having a cannabis dispensary on Olde Western Avenue, and everybody reacted positively for this type of a business. Mr. Brown even mentioned that he believes that there is a good site for a cannabis dispensary to open up shop near *Aztek Ink* on Olde Western Avenue. He commented that there would be plenty of parking available for a dispensary near the tattoo parlor.

Commissioner Arthur J. Wier spoke about the sensitivity of the cannabis dispensary issue; especially, with crimes relating to cannabis. He was very concerned with this issue. Eventually, a conversation went back and forth on the “crimes” issue, and someone from the public mentioned that the city should have a referendum on the issue.

## Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

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Mr. Coppari asked a very pointed question to Attorney Ingersoll, which dealt with the city opting in for cannabis when it applied for its taxation application. Mr. Coppari asked if we, as the city, opted in for tax purposes then that means the city opted in for allowing cannabis dispensaries. Mr. Ingersoll replied yes; if the city opted in for tax purposes then the city opted in for everything relating to cannabis.

Mr. Coppari mentioned that he was receiving many questions on the sidelines on this issue, and he looked at everyone in the crowd in response to the attorney's candid answer. Mr. Coppari mentioned to the audience that the city "opted in," and we, as a city, are in. In this reference, the audience's social stance if the city wants this type of business in Blue Island is now a moot point.

Allan Stevo, a Blue Island resident, asked about the issues that the next generation will need to face with cannabis consumption. He said that Orland Park opted out, and the city should still have a referendum.

Attorney Ingersoll mentioned that Cook County opted in, which means all of the municipalities within Cook County boundary lines are in as well.

Kimberly Byrne, a Blue Island resident, asked if an "impact study" was developed in tandem with the text amendment. Mr. Coppari replied "No." Ms. Byrne asked "Why?" Mr. Coppari mentioned that a study was not done, and the city's financial monetary problem would not allow for it. Mr. Coppari suggested to Ms. Byrne that she should bring the impact study to the City Council, and let the City Council decide in paying for such a study.

Simply creating a study is not complicated, but Mr. Coppari mentioned that the city would need to issue a request for a proposal, select a bidder, and city would then need to allocate money for such a study. Unfortunately, the Building and Zoning Department does not have any money to fund a study.

A person from the public mentioned that a cannabis dispensary is no worse than a typical bar. What is the big issue? He said that a person under the influence of cannabis will be more docile compared to a person on harder drugs.

Claudio Ramirez, a Blue Island resident, voiced her opinion on the cannabis issue in regards to not having it being treated like a liquor license.

Board Member Atwell expressed his grave concerns that he has with a cannabis dispensary; they included many, but he spoke more about "property crimes." He is afraid as a resident who lives near a commercial store that his house might be broken into because of cannabis being peddled near his home.

Planning Chair Patoska suggested to modify the proposed text amendment. He wanted to expand the location where a cannabis dispensary can be situated within the city. Per the proposed text amendment, only Western Avenue was the only location chosen to house a dispensary business. He offered to expand it to 127<sup>th</sup> Street, 119<sup>th</sup> Street, Olde Western Avenue, and Ashland Avenue.

On a motion by Planning Chair Patoska, seconded by Commissioner David Brown, the Planning Commission chose to modify the text amendment to allow for "Facilities located in C-1, C-2, and UTOD Districts shall only be located on lots adjacent to Western Avenue, **Old Western Avenue, Ashland Avenue, 119<sup>th</sup> Street, and 127<sup>th</sup> Street.**" As the commissioners were voting on the amendment change, *Ms. DiPace-Greene and Ms. Kuehner hollered at the commission that they were violating the Illinois Open Meetings Act. (This would happen repeatedly.)*

## Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

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The commissioners voted in the following manner.

AYES	<u>5</u>	Wier, Polcaster, Berry, Patoska, Brown
NAYS	<u>1</u>	Bloom
ABSTAIN	<u>0</u>	
ABSENT	<u>1</u>	Ebeling

The vote was 5 to 1 in approving the text amendment modification.

Commissioner Berry offered to modify the proposed distance that a cannabis dispensary can be located from sensitive uses from two hundred and fifty (250) feet to three hundred (300) feet. It would mimic the liquor license distance requirements.

On a motion by Commissioner Jason Berry, seconded by Planning Chair Mark Patoska, the Planning Commission chose to modify the text amendment to allow for "An adult-use cannabis dispensing organization shall not be located within **three hundred (300)** feet of the property line of a pre-existing place of worship, public or private nurse school, preschool, primary or secondary school day care center, day care home, residential care home, or substance abuse treatment center."

The commissioners voted in the following manner.

AYES	<u>4</u>	Polcaster, Berry, Patoska, Brown
NAYS	<u>2</u>	Wier, Bloom
ABSTAIN	<u>0</u>	
ABSENT	<u>1</u>	Ebeling

The vote was 4 to 2 in approving the text amendment modification.

Planning Chair Patoska asked anyone from the commission if anybody had any additional changes to propose. No one answered. However, Mr. Coppari offered to amend the text amendment; especially, on how the abutters would be notified for a special use to open up a cannabis dispensary or other cannabis-related business.

Mr. Coppari could have sworn that the proposed text amendment had additional language to notify the abutters, but it was not included. So, Mr. Coppari offered to add this criterion into the text amendment. Commissioner Berry also voiced his support on this matter; especially, in giving additional noticing to surrounding neighbors.

Commissioner Bloom was surprised that the commission was voting on changes to the proposed text amendment on such short notice. He was dumbfounded that both the Planning Commission and Zoning Board of Appeals did not want to review the proposed text amendment in greater details, and to schedule another meeting for another night to decide on such pressing issues. Planning Chair Patoska asked if anyone wanted to second the motion to have another meeting night to discuss the cannabis ordinance, but no one from commission supported the motion and the motion simply withered away.

On a motion by Commissioner Arthur J. Wier, seconded by Commissioner Eric Polcaster, the Planning Commission chose to modify the text amendment to allow for "***Petitioner shall provide written notice by registered mail to all***

*owners of property within two hundred and fifty (250) feet of the parcel for which the special use is sought. Such notice must be sent not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for special use is to be considered. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the two hundred and fifty (250) feet requirement. The notice herein required shall contain the address of the location for which special use is requested, a brief statement of the nature of the requested special use, the name and address of the legal and beneficial owner of the property for which the variation or special use is requested, and the time and date of the hearing that the special use will be considered."*

The commissioners voted in the following manner.

AYES	<u>6</u>	Wier, Polcaster, Bloom, Berry, Patoska, Brown
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>1</u>	Ebeling

The vote was 6 to 0 in approving the text amendment modification.

Planning Chair Patoska asked if there any more changes needed for the proposed text amendment; since, no one answered anything. Chair Patoska offered to approve the text amendment with the three (3) changes

On a motion by Commissioner Jason Berry, seconded by Planning Chair Mark Patoska, the Planning Commission chose to **approve the adult use cannabis text amendment with the three (3) changes already voted upon.**

The commissioners voted in the following manner.

AYES	<u>5</u>	Wier, Polcaster, Berry, Patoska, Brown
NAYS	<u>1</u>	Bloom
ABSTAIN	<u>0</u>	
ABSENT	<u>1</u>	Ebeling

The vote was 5 to 1 in approving the text amendment modification.

At this junction in the meeting, the Planning Commission finished their portion of the night, which the Zoning Board of Appeals took over the meeting for their part to discuss and approve. Zoning Chair Clifford Griffin asked for a board member to make a motion to accept the Planning Commission recommendation.

On a motion by Board Member Brandon Richardella, seconded by Zoning Chair Clifford Griffin, the Zoning Board of Appeals chose to accept and approve the Planning Commission adult use text amendment recommendation.

The board members voted in the following manner.

AYES	<u>4</u>	Richardella, Frausto, Griffin, Sinda
NAYS	<u>1</u>	Atwell
ABSTAIN	<u>0</u>	
ABSENT	<u>2</u>	Hardy, Martin

The vote was 4 to 1 in approving the text amendment recommendation.

Board Member Jeffrey Atwell recommended that the abutter notification distance should be doubled to five hundred (500) feet from two hundred and fifty feet (250) feet.

On a motion by Board Member Jeffrey Atwell, seconded by Board Member Michael Sinde, the Zoning Board of Appeals chose to modify the text amendment to allow for ***“Petitioner shall provide written notice by registered mail to all owners of property within five hundred (500) feet of the parcel for which the special use is sought. Such notice must be sent not more than thirty (30) days nor less than fifteen (15) days before the hearing at which the application for special use is to be considered. The number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the five hundred (500) feet requirement. The notice herein required shall contain the address of the location for which special use is requested, a brief statement of the nature of the requested special use, the name and address of the legal and beneficial owner of the property for which the variation or special use is requested, and the time and date of the hearing that the special use will be considered.”***

The board members voted in the following manner.

AYES	<u>4</u>	Richardella, Frausto, Griffin, Sinde
NAYS	<u>1</u>	Atwell
ABSTAIN	<u>0</u>	
ABSENT	<u>2</u>	Hardy, Martin

The vote was 4 to 1 in approving the text amendment modification.

Mr. Coppari urged the Board Members to discuss the *Findings of Fact*, and he encouraged the Zoning Board to make their recommendation to the City Council. However, Mr. Coppari realized that the Board Members were very fatigued, and he decided to talk about it himself. Mr. Coppari read the *Findings of Fact* from the zoning ordinance for a text amendment, and he offered his findings during the preparation of the minutes (shown below in bold and italicized):

- a. Existing uses of property within the general area of the property in question.  
***The cannabis businesses are distributed in a fair manner; distance setbacks have been imposed.***
- b. The zoning classification of property within the general area of the property in question.  
***The zoning classification has been kept the same; the municipality allows cannabis businesses as a special use.***
- c. The suitability of the property in question in question to the uses permitted under the existing zoning classification.  
***Again, the zoning classification has been kept the same; the municipality allows cannabis businesses as a special use in particular zones with additional requirements imposed for safety and security.***
- d. The trend of development, if any, in the general area of the property in question.  
***The state, under Public Act 101-0027, created the Cannabis Regulation and Tax Act, and it was signed into law by Governor JB Pritzker on June 25, 2019. Effective on January 1, 2020, the Act legalizes the possession and***

*private use of cannabis for Illinois residents over 21 years of age. The City of Blue Island has decided to “opt in” and allows for the private sale and consumption of cannabis within its jurisdictional boundaries. Similar communities who decided to “opt in” is also revising their zoning ordinances to allow for the sale of cannabis.*

- e. Projected use of the property, as indicated in the Comprehensive Plan.  
*The Comprehensive Plan speaks about creating pockets of employment throughout the city; the growing of cannabis in the city’s industrial zones is a use that can alleviate the lack of manufacturing the exists today. The proposed locations of cannabis dispensaries will be distributed throughout the city, which will avoid clustering.*

Mr. Coppari also read the standards from the zoning ordinance that pertains to a special use, and he offered his conclusion as a summary (shown below in bold and italicized):

- a. That the establishment, maintenance, or preparation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d. The adequate utilities, access roads, drainage and/or necessary facilities have been or being provided;
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets;
- f. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendation of the Zoning Board of Appeals.

Basically, Mr. Coppari acknowledged that these special use standards are not required, but this what the Zoning Board of Appeals will need to take into account when they approve a special use for adult use cannabis.

*The city has made an effort to define the uses in greater details; create meaningful setbacks (even expanded upon them); provide for additional safety and security; avoid clustering; and impose an abutter notification system to notice surrounding neighbors for cannabis special uses.*

On a motion by Board Member Eric Frausto, seconded by Board Member Michael Sinde, the Zoning Board of Appeals chose to **approve the revised adult use text amendment.**

The board members voted in the following manner.

Minutes for the Planning Commission/Zoning Board of Appeals (Continue)

AYES 4 Richardella, Frausto, Griffin, Sinda  
NAYS 1 Atwell  
ABSTAIN 0  
ABSENT 2 Hardy, Martin

The vote was 4 to 1 in approving the text amendment recommendation.

**VI. Commissioners Comments**

None

**VII. Adjournment**

The Planning Commission voted for adjournment.

AYES 6 Wier, Polcaster, Bloom, Berry, Patoska, Brown  
NAYS 0  
ABSTAIN 0  
ABSENT 1 Ebeling

The Zoning Board of Appeals voted for adjournment.

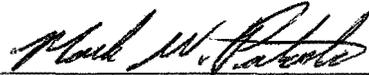
AYES 5 Richardella, Frausto, Atwell, Griffin, Sinda  
NAYS 0  
ABSTAIN 0  
ABSENT 2 Martin, Hardy

The meeting adjourned at 9:02 PM.

These minutes are not a verbatim record of the meeting, but a summary of the proceeding.

2-6-20

Date



Mark Patoska, Planning Commission Chair

02-13-2020

Date



Clifford Griffin, Zoning Board of Appeals Chair