



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

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MINUTES

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 7:45 PM on Thursday, December 12, 2019.

I. Roll Call

Present (Plan)	Present (ZBA)	Staff
Arthur J. Wier	Michael Sinde	Howard M. Coppari, Community Development Manager
Eric Polcaster	Brandon Richardella	Matthew Ingersoll, City Council Attorney
Ron Bloom	Eric Frausto	
Jason Berry	Jeffrey Atwell	<u>General Public</u>
Mark Patoska	Joseph Martin	Efren Ortiz, <i>Starbuds</i>
David Brown	Clifford Griffin	Carlos Ortiz, <i>Aztek Ink</i>
		Phyllis & Mark Cardena, Residents
Absent (Plan)	Absent (ZBA)	Thomas Madrigal, Resident
Toni Ebeling	Vonda Hardy	

II. Approval of Minutes

None

III. Public Comment

None

IV. Old Business

None

V. New Business

A Special Meeting was called for Thursday, December 12, 2019 at 7:30 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.

Howard Coppari, the Community Development Manager, called the meeting to order at 7:45 PM. Mr. Coppari asked for Zoning Board of Appeals Chair Clifford Griffin to lead everyone in the pledge of allegiance to the flag. Roll call was taken for the Planning Commission and the Zoning Board of Appeals. Mr. Coppari explained how the meeting would be conducted and who would be able to speak.

Attorney Matthew Ingersoll, the City Council attorney, introduced himself to the special meeting. He explained that he created a draft ordinance for adult use cannabis on behalf of the city. Attorney Ingersoll spoke about the cannabis

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process and what has transpired with the state. He explained the draft ordinance in great details. Then, Mr. Ingersoll opened up the discussion to the combined Board.

Mr. Coppari asked several questions pertaining to the draft ordinance. During the exchange, Mr. Ingersoll and Mr. Coppari conversed back and forth with each other. Some of the questions were very technical, while other questions were more ambiguous in nature. Some of the pointed questions related with zoning districts, signage, number of dispensaries, and the number of "other" cannabis business uses.

In theory, Blue Island will allow for four (4) retail dispensaries and four (4) other cannabis-related uses, which include craft growers, cultivation centers, infusers, processing organizations, and transportation organizations. In total, there can be eight (8) cannabis-related businesses in the city.

Planning Commission Chair Mark Patoska asked Mr. Ingersoll about distance requirements; especially, the rationale behind it. Mr. Ingersoll stated that he created some distance requirements to get the conversation started. He said the numbers can be changed.

Zoning Board Member Jeffrey Atwell asked about the Illinois Municipal League's distance recommendation. Mr. Ingersoll replied that the Illinois Municipal League offered a suggested number, but municipality can determine its own distance requirements.

Mr. Coppari interjected, and said that he provided the Illinois Municipal League as a reference. He said the Illinois Municipal League's cannabis distance requirements mimicked the sexual oriented business distance requirements.

Mr. Coppari stated the dispensaries should imitate the Blue Island Liquor License distance requirement of three (300) hundred feet. He talked about distance examples for other cannabis-related businesses. If the distance requirements were too restrictive; no dispensaries would be allowed on Western Avenue between 119th Street and 127th Street.

Zoning Board Members Joseph Martin and Eric Frausto asked more questions pertaining to Illinois Municipal League, which were answered by Mr. Ingersoll. Mr. Coppari commented that many people have suggested that the distance requirements for dispensaries from homes should be set at zero (0) feet. Nobody can apply for a variance on a distance requirement.

Planning Commissioner Arthur J. Weir asked about a conditional use aspect of a dispensary application. Mr. Coppari replied that a conditional use is a special use, which would require a Planning Commission, Zoning Board of Appeals, and City Council review to approve a dispensary.

Mr. Ingersoll goes on to say that a special use process is very typical for this type of a development review. Mr. Coppari suggested an abutter notification system, mailed letters, to be established to notify residents within two hundred and fifty feet (250) feet of the subject property for anyone applying for a special use permit to open up a dispensary store.

Technically, Blue Island is a non-home rule community, which does not require mailed notices. In order to show good faith, Blue Island should implement a mailed notice requirement for a special use application.

Zoning Board Member Brandon Richardella asked about the hours of operation for a dispensary. Mr. Ingersoll said that the draft ordinance included hours of operation, but anything can be changed.

Mr. Coppari offered his opinion that there should be zero (0) feet for residential distance, and three hundred (300), five hundred (500), or one thousand (1,000) feet for places of worship, public and private schools, and substance abuse treatment centers. However, he said it depends how people feel about this topic.

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Mr. Coppari asked Attorney Ingersoll about the signage requirement for dispensaries. Mr. Ingersoll said that the signage requirements are intended to protect younger people from cannabis advertisement.

Mr. Coppari read the requirements associated with a dispensary, and he questioned if a person wants to open up a dispensary in a mixed-use building would this person be allowed in locating a dispensary with an apartment above it. Mr. Ingersoll replied that a dispensary cannot be opened up in a dwelling unit, but within a residential building it is up to the city. Mr. Coppari asked everyone how they felt about this idea.

Planning Commissioner David Brown disagreed with that statement of not having people live above a dispensary store. He said we are “cutting off our knees” with prohibiting a dispensary store located on the first floor. He mentioned an apartment over a bar would be allowed. Mr. Coppari talked about the security factor with a cannabis business. He said not many people will break into a bar, but a dispensary is another story.

Mr. Coppari asked Attorney Ingersoll if there is anything “legal,” which prohibits a dispensary from opening up in a ground floor unit of an apartment building. Mr. Ingersoll said, “no,” it can be located in a shared building.

Planning Chair Patoska asked about the state’s new amendment on cannabis, which does not allow for “social clubs” for onsite consumption to exist at all. Mr. Ingersoll nodded his head, and said, “right, right.” Public use is still disallowed.

Mr. Coppari asked about the security plan that needs to be submitted during the building permit process. Who reviews the security plan? Mr. Ingersoll said that the state would be reviewing the security plan.

Efren Ortiz, a part-owner of *Starbuds*, spoke about the security plan and application process in greater details.

Zoning Board Member Atwell commented that the state gives you one hundred and eighty (180) days to locate for a cannabis location; if you fail to find anything within that timeframe, a person would need to start all over again.

Planning Commissioner Ron Bloom spoke about the health, safety, and welfare of the residents. He understood that many things were happening very quickly. But he asked several questions from Attorney Ingersoll. Ron Bloom asked about how the numbers were determined for the dispensaries. Mr. Ingersoll replied that four (4) came from one of the public meetings.

Mr. Bloom was concerned with the amount of proposed dispensaries and the distance requirements. He said, “We need walk first, before we run.” Mr. Bloom questioned the zero (0) feet distance requirement with Mr. Coppari. Mr. Bloom explained that he lives right behind a business on Western Avenue, and he is quite concerned. Then, Mr. Bloom talked about the education process of drug abuse, especially the time and money, and the city is simply allowing for this type of business to exist without special considerations.

Mr. Bloom asked about the square footage area for dispensaries. Mr. Coppari replied that a dispensary can be allowed seventy-five (75) percent of floor area for tenant space, but nothing else. Mr. Coppari asked the attorney if the state had a size requirement for a dispensary.

Mr. Coppari gave the example, a dispensary can be a tiny shop or as big as a former *Walgreens* with a drive-through lane. Mr. Ingersoll said, “I don’t think so.” Mr. Coppari asked if the city can restrict this to a manageable size. Mr. Ingersoll said yes, but we are in the “wild west” when it comes to regulating the size of a dispensary store. No one has done this before.

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Mr. Ortiz exclaimed, "What is the benefit in regulating the size of a store?" He said it is beneficial to have the most parking available for a dispensary store. He talked about an example in Colorado where he had opened up a store, and the line stretched a block long with people waiting to purchase weed.

Mr. Coppari asked how big in size was Mr. Ortiz's store? Mr. Ortiz said it was a twenty-five hundred (2,500) square foot store. He said it was a smaller store in his inventory of cannabis stores.

Zoning Board Member Atwell said a store size and lack of parking would "negatively" affect a residential area in Blue Island. Mr. Ortiz said, "Yes."

Mr. Atwell asked what size of a store would Mr. Ortiz be looking for in Blue Island? Mr. Ortiz said between three thousand (3,000) to five thousand (5,000) square foot store.

Mr. Coppari asked Mr. Ortiz about the state's requirement that one (1) bud tender can only help one (1) customer at a time. Mr. Coppari asked, can a store have between fifteen (15) to twenty (20) bud tenders? Mr. Ortiz said yes, but he can only see five (5) bud tenders in Blue Island per store.

Mr. Coppari commented that Mr. Bloom concerns deal with the size and location of dispensaries; also, under zoning, a dispensary would be considered as "retail" for parking. Mr. Coppari elaborated that retail usually generates very little parking, but most Blue Island properties lack parking. Parking will be on the street.

Mr. Ingersoll calculated that a five thousand (5,000) square foot store would generate between sixteen (16) to seventeen (17) parking spaces.

Planning Commissioner Brown said this would be cash and carry business. How long would the average customer stay at a dispensary?

Mr. Ortiz explained for first time customers, the shopping experience is very new, can last about a half hour in time. Customers are learning about the products, but this will change as customers become more acquainted with the products being offered at a store.

Zoning Board Member Atwell asked Mr. Coppari what other municipalities have allowed for cannabis businesses and how much business will the city receive from cannabis. Will Blue Island draw lots of people to the community?

Planning Commissioner Jason Berry replied that *Windy City Cannabis* in Posen, Illinois, is the closest cannabis store to Blue Island. Then, Zoning Board Member Michael Sinde and Planning Commissioner Berry conversed back and forth about which municipality opted in and opted out near Blue Island.

Mr. Coppari asked Commissioner Berry when would Lemont, Illinois, settle on the cannabis issue. Mr. Berry replied that Lemont would have a referendum on March 17, 2020. The voters would decide on this issue.

Mr. Atwell asked several questions in relationship to the process in voting and what will be voted on tonight; especially, on the variety of users. Mr. Coppari and Mr. Ingersoll spoke about the proposed users and the definitions associated with key users. Planning Commissioner Berry said it would be great to adopt all of the users. It would show good faith to the cannabis industry.

Zoning Board Member Atwell was still very concerned about a zero (0) distance requirement from residences. He has a child, and he worries for the child. Planning Commissioner Berry explained some of the areas, which would allow for cannabis stores, craft growers, and infusers.

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Mr. Berry commented every cannabis user, except for dispensaries, would have a residential distance requirement. Mr. Atwell is not interested in facilitating the process to sell legalized drugs in Blue Island; especially, with a zero (0) distance requirement.

Mr. Coppari explained that the city already opted in to sell cannabis. He explained this is the process to discuss the permutations associated with the text amendment. He explained the noticing process in alerting residents of a special use dispensary application.

Mr. Ron Bloom expressed that he shares the people's concerns. He spoke about his example where his house abuts a commercial business with a parking lot. He imagines people who might consume cannabis in their vehicles after purchasing it from a store. He gave a "coffee roaster" example; the smell of coffee roasting can be smelled everywhere. He was concerned that the same can happen with cannabis infusers.

Planning Commission Chair Patoska expressed that most of the focus is on dispensaries. He suggested that everyone views a cannabis business similar to a liquor business; especially, a liquor store abutting a residential property. He agrees the four (4) dispensaries need to go through a special use process.

Mr. Coppari asked Mr. Ortiz about his security detail for his store's parking lot. Mr. Ortiz explained his security guards would usher people away who are loitering around. Mr. Atwell expressed his concern for an armed guard near residences.

Planning Commissioner Berry has a planner's faith in the special use process. He said, "We are also a recommending body." The City Council will have a final vote on this issue. He stated, "we can agree to disagree," but he has faith in the planning process.

Mr. Atwell replied for two hundred (200) years marijuana has been illegal, and now we will just allow for it with a zero (0) setback from residences. It will be in "our backyard." Mr. Berry explained the "moral issue" has collapsed when the state allowed for cannabis consumption.

Conversation went back and forth on the zero (0) setback from residences between the Planning Commissioners and the Zoning Board of Appeals Members.

Mr. Ortiz suggested that Blue Island should not restrict itself too much. Zoning Board Brandon Richardella expressed his concerns. Planning Commissioner Brown said the first dispensary will be watched upon very carefully. He said, "we need to be on same side of the street" in approving the text amendment, and he mentioned, "we will need to feel this out."

Zoning Board Chair Griffin asked Mr. Ortiz, "What will be the impact on existing businesses?" Mr. Ortiz replied it will help out with other businesses. His business helps out a lot in the community.

Mr. Atwell asked Mr. Ortiz if he has any business in Blue Island or if he intends to do anything in Blue Island. Mr. Ortiz replied that he has no businesses under contract in Blue Island, but yes in the state. He remarked that Blue Island was late in approving an ordinance; so, there was no need to look for a Blue Island property.

A conversation went back and forth on the places where a dispensary should be located in Blue Island between the Planning Commissioners and the Zoning Board of Appeals Members. Mr. Berry commented the greatest restriction will be to require onsite parking. Again, Mr. Atwell expressed his grave concerns to allow for marijuana is in "our backyard."

Zoning Board Member Joseph Martin also voiced his concern on security for the store and the neighborhood; he compared the similarities and differences between a liquor store and a dispensary store – both deal with items that are usually frowned upon and consumption is illegal outside of a store in the public way.

Mr. Bloom asked Mr. Ortiz if he has a store in Denver, Colorado? Mr. Ortiz replied, “Yes, he has several stores in that state.” He said drug problems are a reality and this might become a “new norm.” He concluded this is a serious problem, and the city might not be properly capacitated in dealing with cannabis.

Someone from the Board asked Mr. Coppari about the process in the approving the text amendment. Mr. Coppari answered by saying that is no rush to approve anything until everything is answered appropriately. He said, “There is no time limit.”

Zoning Board Member Sinde and Planning Commissioner Berry asked Attorney Ingersoll about the state’s process in approving additional licenses to sell cannabis in May 1, 2020. Mr. Ingersoll responded by saying that seventy-five (75) cannabis licenses would be awarded. Mr. Berry said many businesses are already looking for new properties to either purchase or lease within the state to sell cannabis. Most companies are being proactive.

Planning Commission Chair Patoska asked Mr. Ingersoll how many licenses would be awarded by each region. Mr. Ingersoll said seventy-five (75) licenses will be awarded, and then, they will be partitioned out to different districts.

Mr. Ortiz explained that in eight (8) counties, which Cook County is one (1) of those counties, will be awarded forty-seven (47) licenses. However, not every municipality will be able to open up a cannabis store because of the competition and jurisdictional requirements. He only sees one (1) to (2) dispensaries in Blue Island in reality.

Mr. Bloom asked if one (1) license equated to one (1) store. Mr. Ortiz said, “Correct.” Area forty-seven (47) is the area that is very popular within the state; it is where Cook County and Blue Island is located.

Mr. Atwell countered the discussion by saying that eight (8) counties, forty-seven (47) slots, and six (6) slots per county would be the realistic picture in allowing for dispensaries. Basically, by dividing a county by six (6) dispensaries will most likely increase customer demand with such limited stores. Mr. Atwell said the amount of parking and traffic will be far greater than expected.

Planning Commissioner Wier commented in Denver, Colorado, there are so many dispensaries and traffic is quite awful.

Mr. Berry said that Chicago is included in the forty-seven (47) licenses, and most likely, every license will be awarded to Chicago.

Mr. Sinde asked about the tax amount, which Mr. Coppari and Mr. Berry explained the taxing amount in greater details. A conversation went back and forth on the taxing amount and on the businesses that would be allowed.

Zoning Board Member Eric Frausto asked about Blue Island’s proposed number of four (4) dispensaries. Mr. Coppari said it could be changed down to two (2) dispensaries; he stated he originally proposed for two (2) dispensaries, but the Aldermen, as a group, were more comfortable with four (4) dispensaries as being more advantageous.

Mr. Patoska noted that Cook County has one hundred and thirty (130) municipalities within its jurisdiction. Mr. Frausto asked Mr. Ortiz would the first wave would include seventy-five (75) licenses, is that true? Mr. Ortiz, said yes, and he mentioned the second wave would be over one hundred (100) licenses.

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Zoning Board Chair Griffin asked Mr. Ortiz what kind of place would his business be interested in Blue Island? Mr. Ortiz asked size wise or location? Mr. Griffin said, "Both." Mr. Ortiz said he is looking for a possible site in "round 2" in the former *Walgreens* site or near *Aztec Ink* on Olde Western, near his brother's place.

Mr. Coppari interrupted the brief conversation, and he mentioned to everyone if they would like to continue this conversation in January 2020 - a specific day and time. Mr. Coppari noted that the meeting was going on quite long.

Mr. Berry mentioned he had some points that he marked up in his ordinance that should be addressed in the second special meeting. They included ordinance definitions, facility and location of dispensing stores, and distance requirements. Mr. Coppari also suggested that a new dispensary store shall be required to provide for its own onsite parking, without any variances, with proper fencing, lighting, and security.

Planning Chair Patoska asked for Mr. Coppari to look at other municipalities for cannabis examples. Mr. Coppari would try his best to complete this task for the next meeting

Mr. Berry mentioned that he found additional information on cannabis. Basically, he reiterated the items that were discussed in the meeting – seventy-five (75) licenses in wave one and one hundred and ten (110) licenses in wave two.

Mr. Coppari started to ask everyone when they would like to meet again. He said that they could not meet in January because of the noticing requirements, but he was quickly interrupted by Attorney Ingersoll. Mr. Ingersoll mentioned that he published a special notice for this meeting; if everyone picked a certain day and time, it would not need to be published again. Mr. Coppari suggested that the city should advertise again for consideration for the community. He would like to "play it safe." Mr. Ingersoll said there is no need to publish again; it is not required because it would be a continuance of this meeting.

Planning Commissioner Berry added to everyone he felt comfortable in voting for the text amendment tonight because the revenue potential is very significant for a community that lost so much business. He can't ignore it.

Being surprised, Planning Chair Patoska asked Mr. Berry would he like to vote on it tonight? Mr. Berry said yes; he implied that the group can modify the text amendment, but he stated that are only a recommending body. Mr. Sunde also chimed in with the same notion to approve the text amendment tonight as well.

Mr. Coppari asked anyone in the public if they want to say anything before a perspective vote.

Thomas Madrigal, a resident, from 3427 Mozart Street spoke to the Board. He said that he was born and raised in Blue Island. He mentioned that he was Vietnam as a combat soldier, and he personally witnessed the usage of marijuana by many soldiers. He stated that he does not smoke marijuana, but explained that many soldiers died on the field because of Marijuana.

Mr. Madrigal stated that marijuana affects your senses, and it makes your reaction much slower. He alluded that marijuana leads to more serious drug usage. He does not want marijuana in Blue Island. He is worried for the kids.

Mr. Madrigal understands the revenue opportunity, but he does not want that "crap" here. (Clearly, he was very upset about this topic.) He stated this is a "great town," and he only wants the best for Blue Island.

Mr. Bloom thanked Mr. Madrigal for his service to his country. He understands the frustration being experienced by Mr. Madrigal. Were the Police Department and Emergency Responders contacted about the text amendment?

Mr. Bloom said, "Addiction is real, people die, families are ruined, and communities are impacted." He suggested that the text amendment should be thoroughly vetted.

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

Someone asked Mr. Coppari about the city’s stance for opting in. Mr. Coppari explained the city opted in to pass the tax ordinance to collect future revenues. Mr. Berry also spoke on this tax subject as well.

Mr. Sinde spoke about voting for this text amendment, and he explained that they are just an advisory group.

Mr. Coppari said it is best to continue this meeting for another day, and for everyone to collect additional information within the next two (2) or three (3) weeks. Mr. Coppari would be the person in collecting and dispersing information.

Mr. Coppari asked Mr. Ingersoll what is the best way to encourage more people to come for the next meeting. Mr. Coppari verbally goes over the “legal” noticing requirements with the attorney. It appeared everything was met.

Mr. Berry countered the notion for low attendance, and he stated the Community Development Committee meeting, which was held on November 20, 2019, was well attended and many people spoke in favor of cannabis. Mr. Berry said most people were overwhelming in support for cannabis, and they expect the city to do their job. He said they shouldn’t be required to attend every meeting to say, “do your job.” Mr. Coppari spoke a little about that special meeting to the entire Board.

Mr. Ortiz conducted a poll on *Facebook*, and he said about a hundred and seventy (170) people voted “yes” and only nine (9) people voted “no.” Several people from the board challenged his assertions.

A conversation went back and forth between the Planning Commissioners and the Zoning Board of Appeals Members on picking a day and time for the continuation of a special meeting. Eventually, it was agreed by everyone that Monday, January 6, 2020 at 6:30 PM would be the ideal day.

Planning voted for the continuation of the text amendment for adult use cannabis until Monday, January 6, 2020 at 6:30 PM at the East Annex Building as follows:

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

Zoning voted for the continuation of the text amendment for adult use cannabis until Monday, January 6, 2020 at 6:30 PM at the East Annex Building as follows:

AYES	<u>6</u>	Richardella, Frausto, Atwell, Martin, Griffin, Sinde
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>1</u>	Hardy

VI. Commissioners Comments

None

VII. Adjournment

Planning voted for the adjournment of the text amendment for adult use cannabis until Monday, January 6, 2020 at 6:30 PM at the East Annex Building as follows:

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

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

Zoning voted for the adjournment of the text amendment for adult use cannabis until Monday, January 6, 2020 at 6:30 PM at the East Annex Building as follows:

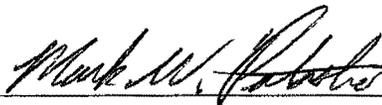
AYES 6 Richardella, Frausto, Atwell, Martin, Griffin, Sinde
NAYS 0
ABSTAIN 0
ABSENT 1 Hardy

The meeting adjourned at 10:00 PM.

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

2-6-20

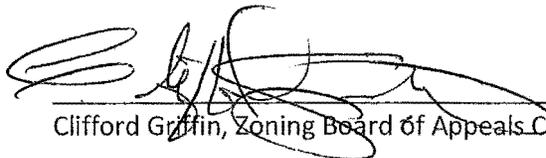
Date



Mark Patoska, Planning Commission Chair

02-13-2020

Date



Clifford Griffin, Zoning Board of Appeals Chair