



Village of Westmont COMMUNITY DEVELOPMENT

31 West Quincy Street, Westmont, Illinois 60559

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Village of Westmont Planning & Zoning Commission May 08, 2024 - Approved Minutes

The Village of Westmont Planning and Zoning Commission held its regular meeting on Wednesday, **May 08, 2024 at 7:00 p.m.**, at the Westmont Village Hall located at 31 W. Quincy Street, Westmont, Illinois 60559.

Chair Doug Carmichael led in the following:

1. **Call to Order**
2. **Roll Call**

In Attendance: Chair Doug Carmichael, Commissioners Jill Peterson, Chris Lavoie, Matt Scales, Craig Thomas, Boyar Zekiri, Village Attorney John Zemenak, Community Development Director Joseph Hennerfeind, and Senior Planner Scott Williams

Absent: Commissioner Harold Barry III

3. **Pledge of Allegiance**
4. **Swearing-in of testifying attendees**
5. **Reminder to silence all electronic devices**
6. **Reminder to sign-in for any public testimony**
7. **Approval of the Minutes of the April 10, 2024 regular meeting**

MOTION to approve the regular meeting minutes on April 10, 2024.

Motion by: Thomas

Second by: Zekiri

VOTING

Scales: Yes

Lavoie: Yes

Zekiri: Yes

Thomas: Yes

Peterson: Yes

Barry: Absent

Carmichael: Yes

Motion Passed

8. **Review of Public Hearing Procedures**

9. **Old Business** - none.

10. **New Business**

PZC 007-2024 Requests by SB IL 3 WESTMONT, LLC (Petitioner), and WL Property Acquisitions LLC - 101 Ogden (Owner) for 101 West Ogden Avenue, Westmont, Illinois, 60559, and 3-D Property Management, LLC (Beneficial Owner) for 107 West Ogden Avenue, Westmont, Illinois, 60559, to operate an adult use cannabis dispensing organization and a separate restaurant operation with a drive-through, for the following:

1. Special Use Permit request for an Adult use cannabis dispensing organization.
2. Special Use Permit request for a Restaurant, drive-in.
3. Site and Landscape Plan Approval.
4. Preliminary Plat of Subdivision to consolidate two (2) lots into one (1) lot.

Presentation: Starbuds representative Marty Atich provided the commission with the background of their business, noting that they have been operating since 2010, initially as medical, but in 2013 they were awarded the first legal recreational license in the state of Colorado. Atich stated that today, they are located across 10 states and have 33 locations, all family and friend owned. Primary goals of the company include product sales, educating the public, and giving back to the community. Atich provided details on the ways in which the business prioritizes security, through surveillance, ID verification, and State compliance and regulation. Atich also mentioned the benefit for the Village as their business has generated significant tax revenue from their other locations in Illinois.

Owner of Wake N Bakery, Brianna Banks introduced her business details and background as one of the requests pertains to a proposed bakery that would be located next door to Starbuds. Banks noted that they have been operating since 2020 and have 10 other locations across the country. Banks described the various menu items that would either come infused with hemp or not infused, and further explained the differences between hemp and cannabis. Commissioner Carmichael asked if there was an age limit for CBD, Banks replied that it's currently 18 in Illinois but they restrict infused product purchases to 21 and older.

Brian Gould from BR Design and Architecture spoke on behalf of Starbuds and started by providing background on the vacant site, formerly a Boston Market. Gould provided details on the proposed facade and site plan, indicating that they would be removing some brick from the front facade and replacing it with stone to match some of the other locations. Other building facade modifications included raising the height of the building by 4ft as well. He went over the proposed floor plan showing a complete demolition of the current interior, and the creation of two spaces for both Starbuds and Wake N Bakery. Details were provided for the parking lot and site plan, including eliminating the existing northeast corner access onto Ogden Avenue, and in its place would be landscaping and the proposed location for their monument sign. Other site modifications included the relocation of the refuse area, removing it from the easement. Gould stated that as far as site lighting, they would be in compliance with the code, removing two poles and focusing the majority of the lighting on the building. Lastly, Gould provided a brief overview of their traffic study.

Staff Comment: Senior Planner Scott Williams presented the staff report and further detailed the petitioner's requests. Williams explained the need to consolidate the two existing lots into one, and that stormwater detention would not be required as they're removing more impervious surface than required. Williams reiterated that the site and landscape approval is required due to the proposed site improvements. Public Works required the removal of the second access point located closer to the intersection of Ogden and Grant, and the petitioner will need to work with IDOT to accomplish this removal. Williams went over the parking space details noting that between the two businesses and uses, 16 spaces are required, and 54 parking spaces were proposed. The petitioner will be installing vinyl fencing along the rear of the site as well as a dumpster enclosure constructed of masonry that matches the building. Williams summarized the petitioner's signage plans as well as the amount of signage permitted by code, it was stated that they are permitted one wall sign for the units along Ogden, and another wall sign for the unit along Ogden and Grant.

Williams discussed the first special use request, being the cannabis use organization, and provided a recap of the cannabis regulations and requirements that were passed in 2020. Williams stated that the proposed project met all local conditions. Proposed hours of operation were 8am-10pm, and 8 employees were expected to be on site at any given time.

The second special use request was for the drive-in, and Williams explained that because the lot has sat vacant, the existing drive thru required a special use re-approval, noting that the drive-in was specifically for the bakery only.

Public Comment: Westmont resident John Burke who resides on North Grant expressed his concerns and opposition for the proposed dispensary, specifically that it would create more traffic congestion on Grant Street.

Burke noted that there are currently 4 existing businesses that have access to North Grant.

Westmont resident Laurel Rugen who also resides on North Grant agreed with Mr. Burk's concerns and commented she was opposed to the petitioners project.

Starbuds Employee Rosando Galvez noted that if the project did get approved, he would be one of the employees on site in a position of leadership. Galvez spoke highly of the company and felt it would be beneficial for the community, also noting that they would work on any traffic issues.

Before moving onto the commissioner comments, Village Attorney John Zemenak asked Ms. Banks if the bakery would be selling CBD products, or if it has Delta 8 or Delta 9 products for sale as well. Banks replied that there is no Delta 8 or 10, but there is Delta 9 and CBD. Zemenak commented that Delta, 8,9, and 10 are derived from hemp versus Marajuana.

Commissioner Comments:

Scales : Commissioner Scales had questions on the site and landscape plan review process, noting that the staff report stated "due to the petitioner's timeline, some of the recommendations were not incorporated as additional rounds of review by staff would have been warranted". Williams replied that one recommendation from staff for parking lot curbing was removed due to the potential consequences of pooling of water. Community Development Director Hennerfeind added that staff tries to be more reasonable when there is a site improvement versus new construction project. Staff also confirmed that the petitioner would perform sidewalk improvements as well.

Scales asked the petitioner questions related to the traffic study and whether or not they incorporated the bakery car count, Architect Gould was unsure and replied he would need to look at the study closer.

Lavoie : Commissioner Lavoie was happy to see improvements to the building, but expressed concern with the parking configuration and spacing adjacent to the drive thru window. Lavoie strongly suggested diagonal parking on the east side of the lot which could also discourage exiting off onto Grant street, and did not support the proposed/existing striping plan presented.

Lavoie also commented that the neighboring property to the South has a dumpster area on the petitioner's property, as well as to the west. Gould replied that it appears they have been using their dumpster, but the fencing and relocation of the dumpster enclosure further West would prevent that from happening. Lavoie did not want a hardship on the neighboring property, and felt that the fencing would block off their other dumpster for use and pick up. Attorney Zemenak responded that unless there is an agreement of public record, they are allowed to do so on their property. Lavoie suggested the petitioner work with the business to the South so that the fencing doesn't prohibit access to the other dumpster on the neighbors property. Director Hennerfeind added that this has always been a topic of conversation with other interested parties, and there's never been a document found that authorizes the body shop to utilize the subject property to get access.

Lavoie did not have many concerns regarding the amount of car traffic volume on Ogden, but did ask the engineers to look more into the effects it could have on Grant street, and turning West bound on Ogden at peak hour.

Gould recommended designating the parking spaces on the south side of the property to employees, which could be a potential solution to prevent customers from getting stuck and unable to back out in the event that the drive through has stacked cars. In that case, the petitioner would just need to focus on the north side parking spaces and their possible elimination or modification.

Lavoie suggested adding a motion that would allow the Village Attorney to incorporate language relating to the delta level restrictions.

Lastly, Lavoie asked the petitioner if any odor would be emanating from the site, Gould replied that there would not be any odor and that there are strict requirements for that. Mr. Atich added that the bakery products made on site would smell no different than regular baked goods.

Zekiri : Commissioner Zekiri asked the petitioner to clarify the floor plan, and asked if the bakery had access to the

dispensary. Gould replied that they are separated. Zekiri asked what the exact distance was to any school from the site, staff nor the petitioner had the exact number, but staff confirmed it was over the 1,000 foot state and local requirement. Zekiri asked the Village Attorney what would happen if a school expanded and fell within the 1000 foot distance set-back. Village Attorney Zemenak replied that he did not believe it would have any effect on the existing cannabis dispensary. Zekiri had questions regarding the hours of operation, Zemenak replied that the state already had restrictions from 6am-10pm, but there could be local restrictions as well. Williams added that the Village had placed conditions on the hours of operation for the other dispensary in town. Zekiri had concerns that there could be traffic congestion with the 8am school pick-up down the street on Grant. Zekiri was in favor of either adjusting the hours or enforcing the left turn only onto Grant.

There was discussion of placing a condition on the special use that would require the applicant to install curbing for the exit onto Grant that would prevent customers from turning right. Commissioner Lavoie wanted to defer the technical review for that modification to the Village Engineer to see if they would recommend that change.

Peterson : Commissioner Peterson was in favor of the business requests and improvements to the property, but did have major concerns with the access onto Grant, stating that she lived on the 400 block of Grant for many years and the traffic has always been horrendous. Peterson did not believe a sign would be enough to prevent patrons from turning right onto Grant exiting the establishment and wanted the petitioner to work on an alternate solution.

Ms. Banks responded that for those concerned with more traffic during school drop-offs and pick-ups, typically their business is the least busy between 2-4pm and 8-10am

Thomas : Commissioner Thomas asked the petitioner if they would acquire a medical license, Mr. Atich replied that they are unable to obtain the license at this time as there is a state cap of 60 licenses that has already been met. Atich did comment that they offer a 30% discount for those that provide proof of a medical card.

Carmichael : Commissioner Carmichael had questions about staffing levels and delivery operations and frequency. Carmichael asked if the bakery would provide fresh goods, Ms. Banks replied that they do have an oven on site and there would be fresh baked goods available daily. Mr. Atich corrected that statement however and noted that for this particular location, the baking would be off site due to the size.

Zemenak asked the petitioner to provide more details about the system for product delivery and cash removal from the site.

Carmichael asked the petitioner to discuss the distance to the other dispensary in town, as there is a 1,000 foot distance requirement from any other cannabis dispensaries. Zemenak replied that they do meet the requirement, however Mr. Atich responded that they are exempt from that distance requirement due to their social equity license status. Carmichael also asked the petitioner if their security guards would be armed, whereas Atich replied they use a third party and confirmed they would be armed.

There were further discussions between the commission and petitioner regarding safety protocols.

There was a general agreement from the commission that the parking and traffic flow needed attention and was a major concern. Carmichael suggested the petitioner design something similar to the Duly Medical facility on Ogden where traffic is physically directed a certain way out. Lavoie also had concerns regarding the full access onto Ogden Avenue. Hennerfeind added that any of the access configuration changes that take place would need to be reviewed again by the Fire Department to ensure they still have access to the site with the suggested restrictions.

There was some confusion on how to move forward with the concerns surrounding the site plan and access points. Director Hennerfeind commented that the commission had a few options, one being they can vote on the project as is, with a negative recommendation, the other is that they could continue the case and ask the petitioner to revised the site plan, and the third more typical option is to ask for changes but entrust in staff to work with the applicant prior to being presented to the Board of Trustees.

Commissioner Peterson asked the petitioner if they would be willing to either close off the Grant street access or install curbing to encourage no right turn onto Grant. Gould replied that they would be happy to make the accommodation as long as the Fire Department is okay with the change. Gould expressed some concern for

vehicle safety if the access for the site was reduced to one exit and one entrance.

There were more discussions on how to handle the dumpster access for the neighbor to the South, staff recommended installing a concrete dumpster pad and gate if the dumpster is kept where it is to prevent asphalt deterioration. It was encouraged that the property owners work out an agreement.

MOTION 1

Motion to recommend to the Village Board of Trustees to approve a request by SB IL 3 WESTMONT, LLC (Petitioner), and WL Property Acquisitions LLC - 101 Ogden (Owner) for 101 West Ogden Avenue, Westmont, Illinois, 60559, and 3-D Property Management, LLC (Beneficial Owner) for 107 West Ogden Avenue, Westmont, Illinois, 60559, for a ***Special Use Permit request for an Adult use cannabis dispensing organization.***

With the condition recommended by Commissioner Lavoie to work with staff on the following 1) Re-evaluate the site circulation 2) Re-evaluate the access on Grant and Ogden 3) Dumpster Enclosure Configuration

Motion by: Zekiri
Second by: Scales

VOTING 1

Lavoie: Yes
Zekiri: Yes
Thomas: Yes
Peterson: Yes
Barry: Absent
Scales: Yes
Carmichael: Yes

Motion Passed

MOTION 2

Motion to recommend to the Village Board of Trustees to approve a request by SB IL 3 WESTMONT, LLC (Petitioner), and WL Property Acquisitions LLC - 101 Ogden (Owner) for 101 West Ogden Avenue, Westmont, Illinois, 60559, and 3-D Property Management, LLC (Beneficial Owner) for 107 West Ogden Avenue, Westmont, Illinois, 60559, for a ***Special Use Permit request for a Restaurant, drive-in.***

With the condition to allow special conditions to be imposed on the Bakery Drive In.

Motion by: Scales
Second by: Thomas

VOTING 2

Zekiri : Yes
Thomas : Yes
Peterson : Yes
Barry : Absent
Scales: Yes
Lavoie: Yes
Carmichael: Yes

Motion Passed

MOTION 3

Motion to recommend to the Village Board of Trustees to approve a request by SB IL 3 WESTMONT, LLC (Petitioner), and WL Property Acquisitions LLC - 101 Ogden (Owner) for 101 West Ogden Avenue, Westmont, Illinois, 60559, and 3-D Property Management, LLC (Beneficial Owner) for 107 West Ogden Avenue, Westmont, Illinois, 60559, for a ***Site and Landscape Plan Approval***.

Motion by: Scales
Second by: Zekiri

VOTING 3

Thomas: Yes
Peterson: Yes
Barry: Absent
Scales: Yes
Lavoie: Yes
Zekiri: Yes
Carmichael: Yes

Motion Passed

MOTION 4

Motion to recommend to the Village Board of Trustees to approve a request by SB IL 3 WESTMONT, LLC (Petitioner), and WL Property Acquisitions LLC - 101 Ogden (Owner) for 101 West Ogden Avenue, Westmont, Illinois, 60559, and 3-D Property Management, LLC (Beneficial Owner) for 107 West Ogden Avenue, Westmont, Illinois, 60559, for a ***Preliminary Plat of Subdivision to consolidate two (2) lots into one (1) lot***.

Motion by: Scales
Second by: Lavoie

VOTING 4

Peterson: Yes
Barry: Absent
Scales: Yes
Lavoie: Yes
Zekiri: Yes
Thomas: Yes
Carmichael: Yes

Motion Passed

10. Open Forum - Phillip of Phillips Flowers across the street from the proposed site asked for clarification on the floor plan and bakery drive thru.

There was a speaker in the gallery who did not appear at the podium who inquired about the zoning of his properties along East Quincy and the possible rezoning of those properties with the new zoning ordinance update. The properties in question were zoned R-4 in the 1980's and were rezoned to M-1 in the last 3-4 years. Director Hennerfeind responded that the proposed new districts are not targeting that newly re-zoned M-1 district and that area. There was some discussion on possible expansion of the speakers property, but staff explained that with the M-1 district, a special use would be required for any outdoor storage in the event that an expansion was pursued.

11. Miscellaneous Items -

a. General Updates

1. Williams provided the commission with a timeline of the zoning ordinance update, informing them that draft topics were presented to the Community Development Committee (CDC) the previous week. A follow-up discussion is anticipated with the CDC, following a discussion with the PZC. Online drafts will be available after PCZ discussion and prior to the public hearing. The public will have a chance to voice their concerns and opinions once the draft is in its final form at a future public hearing. Director Hennerfeind added that it will take time to get through those discussions as it has been 45 years since the last update.
2. Next PZC on June 12, 2024 at 6pm. Williams notified the Commission that there will be a public notice of the time change for June and all future meetings along with several reminders.
3. Staff reminded the Commission to complete their training and also to log into their Westmont email accounts every other week to keep the accounts active.

12. Adjourn

Motion by: Lavoie

Second by: Zekiri

Meeting adjourned at 10:29pm