Zoning Board of Appeals
Tuesday, November 19, 2019
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Violetta Cullen, Mary McAuley, Kiril Mirintchev, Scott Gingold

Members Absent: Jill Zordan

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum
With a quorum present, Chair Cullen called the meeting to order at 7:00 p.m.

Minutes
Ms. Dziekan motioned to approve the meeting minutes of October 15, 2019, which were seconded by Mr. Gingold and unanimously approved with 3 abstentions.

Ms. Klotz stated 1224 Oak Ave., 2715 Hurd St., and 1031 Sherman Ave. will not be heard tonight.

Ms. Arevalo arrived.

New Business
1804 Maple Ave. 19ZMJV-0093
PharmaCann LLC, lessee, submits for a special use for a Cannabis Dispensary, to establish sales of recreational cannabis and expand the existing medical cannabis space in the RP Research Park District (Zoning Code Section 6-12-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Katrina McGuire, attorney, introduced the proposal, and Don Williams of MedMen explained details:
- Current medical cannabis facility at 1804 Maple Ave.
- Will expand into neighboring Enterprise space and Enterprise is relocating.
- Maximum occupancy is 115 people.

Pierre Delgado, MedMen, explained the audit checklist is based on guidelines from the IL IDR and covers issues such as regulating and checking inventory, purchase limits, and ID checking. The audit is done on a weekly basis by the dispensary, the State does quarterly, and an outside firm does periodically.
Ms. McAuley asked if large crowds are anticipated similar to what happened in Los Angeles. The applicant stated 40 transactions per hour are anticipated, and there will be staff and GSG Security firm on site to manage any crowd control, check IDs, stopping loitering, and ensuring products are not consumed in the store or on the street. GSG Security will be on site at all times the facility is open.

Mr. Williams continued:
- Will have live security video feed to the police department at all times.
- Medical and recreational customers will be in the same space, not separated areas.
- There will be a retail area with dummy products.
- Hours of operation are 10am-8pm, 7 days a week.
- Illinois does not allow consumption outside so there will be no smoking outdoors (violators could be arrested).
- No on-site consumption at the location.
- 20-28 employees will work per day. Most use public transportation.

Ms. Dziekan noted Oakton Community College has a new cannabis program, and the applicant responded yes, this business took part in a job fair there and is involved with the community college.

The applicant continued:
- People cannot enter the store unless they are 21 years or older.
- There is a different purchase amount limit for non-Illinois residents.
- Product deliveries will occur approximately 7 times per week. There are 14 different vendors that are rotated through in shipments. Delivery times vary and are done by unmarked vehicles similar to armored vehicles. Delivery vehicles call the dispensary when they are 20 minutes away to prepare for arrival.
- Deliveries are via the rear within the parking garage.
- All product providers are within Illinois.
- The State tracks product from seed to final product at cultivation facilities through the Department of Agriculture.
- The Illinois quality controls are the same for medical as recreational. Every batch is lab tested.
- Customers are advised how to use the product and what amount to use when they purchase it.
- Ongoing training with the community is offered (ie. at the library) to teach people about the product, safe storage, safe usage, etc.

Ms. Arevalo asked what the difference will be with the current medical facility to when it expands to recreational, and the applicant responded the medical gets priority per the State so 30% of product is set aside for medical only. Over time, the medical cards will be used less since it is easier to be a recreational consumer. There is no difference in the products or amounts.

The applicant explained their business is currently in over 30 markets. Community events/education has been done through municipalities and chambers of commerce.
Mr. Gingold asked for clarification on how PharmaCann LLC owns the state license. The applicant explained the license will be transferred to MedMen by the State, but PharmaCann will remain the lessee for the space and sublease the space to MedMen (likely within the next few months).

Matt Rodgers, 133 Clyde Ave., stated he is a medical card holder. There is a concern that medical card holders will have a harder time obtaining product, so it is good to hear the space is expanding and there is a set-aside for medical customers. Staff at the dispensary is very knowledgeable and considers the medical condition to determine what products are best for the customer. Every product purchased states the ingredients, effects, etc. on the packaging. Within the dispensary, no one is ever left alone. The use and regulation is very similar to alcohol. Mr. Rodgers specified that he is not a zoning consultant to the applicant and does not know the applicant.

The applicant explained medical users will get priority in the line if there is one. Purchases can be made online if consultations are not needed, which will help alleviate lines.

Deliberation:
Mr. Gingold stated the State legalized the use and the City allows it as an eligible use, therefore the ZBA needs to determine if the location and operational details are appropriate.

Ms. Dziekan stated she does not have an issue with the use, but prefers if the special use be revisited in the future so that if there are problems, the special use can be denied. Mr. Gingold stated a condition regarding violations, law enforcement, etc. should be enacted so that the special use could be revoked if necessary, but there is no need to make the applicant re-apply for a new special use. Ms. Dziekan asked what would happen if the City decided cannabis facilities should no longer be allowed, and Ms. Klotz responded the business would become legally nonconforming and could continue to operate, but since the City is the landlord they could end the lease.

Standards:
1. Yes
2. Yes
3. Yes; No - Ms. Dziekan
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, which was seconded by Ms. McAuley and recommended for approval 5-1.
1. Hours of operation shall not exceed 10am-8pm, 7 days a week.
2. Employees shall not park on the street.
3. MedMen complete the state license and become lessee with the City.
4. Substantial compliance with the documents and testimony on record including crowd management and security.

1012-1014 Davis St. 19ZMJV-0085
Grant Manny, broker, submits for a special use, Daycare Center-Child, for Guidepost Montessori to provide daycare services for children 6 years and younger, in the D2 Downtown Retail Core District (Zoning Code Section 6-11-3-4). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Grant Manny, applicant, explained the proposal:
- Daycare will serve 122 students and 22 employees.
- 5,000 sq. ft. playground area will be constructed in the rear.
- There are 7 parking spaces in the rear off of the alley for pickup and drop-off.
- Agree to provide additional staff parking (10 spaces) at the Maple garage, but many employees will take public transportation.
- Drop-off is 7am-9am so staggered drop-off means there is not a large backup of vehicles. Many of the students are siblings that will share a ride, and some students will be walked to the facility.
- Eastern facade of building will be painted to match the other side and windows will be replaced to match.
- Daycare will use the first and second floor of the building but not the basement.
- Daycare is for infants to 6 year olds. Typically there is one infant room, twice as many toddlers, and more preschoolers.
- There will be occasional weekend events for parents (2-3 times per year).
- City staff recommended looking into a drive aisle drop off at the rear instead of parking spaces, but since only 3 vehicles could stack there is more likelihood for a backup of vehicles than if the site keeps the 7 parking spaces.
- At the front entrance, parents will walk the children into the building (staff will not meet children at the vehicles) but at the rear entrance where most drop-off will occur, staff can get children from the vehicle area and walk them inside.
- 10 street parking spaces on Davis can be changed to short-term parking butt the spaces will not be exclusive for the daycare.
- Green Monkey and Gourmet Gorilla catered meal deliveries will provide food via van daily around 10:30am.

Ms. Dziekan stated parking on Davis St. is in high demand during the evening rush hour, so taking 10 parking spaces on the street and making them 20 minute spaces might be harmful to other surrounding businesses.

Mr. Mirintchev noted it is great the windows will be transparent but that means the windows will be dark after 6pm. Something should be done to make the space look active after 6pm.

Deliberation:
Mr. Gingold and Mr. Mirintchev both agreed that the 7 parking spaces in the rear are preferable to the drop off lane off of the alley.
Mr. Gingold stated the business will not cause undue congestion because all of the parents are temporary parkers that will leave within a few minutes. Ms. McAuley stated this type of business has a high parking demand at specific times only, and if those parkers want to stay and visit other businesses then that is great for the downtown area.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, seconded by Ms. McAuley:
1. A minimum of 10 parking spaces shall be leased from the Maple Ave. parking garage for employees.
2. Events that are accessory to the daycare use outside of the regular daycare hours are permitted.
3. Applicant shall repave the alley apron at Maple Ave, patch the alley where needed, and add lighting as necessary.
4. Employees shall not park on the street.
5. Hours of operation shall not exceed 7am-6pm (but shall not limit accessory events by Guidepost outside of those hours).
6. The applicant shall install a street-facing design scheme that is consistent and appropriate to the neighborhood.
7. Substantial compliance with the documents and testimony on record.

1224 Oak Ave. 19ZMJV-0084
Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

The case has not yet received a recommendation from the DAPR Committee. Ms. McAuley motioned to continue the case to the December 3, 2019 ZBA hearing, which was seconded by Mr. Gingold and unanimously continued without discussion.

1031 Sherman Ave. 19ZMJV-0096
Katherine G. Bills, attorney, applies for major zoning relief to expand a legally non-conforming use to construct an accessory parking lot and outdoor storage area in the MUE Transitional Manufacturing Employment District, and R3 Two-Family Residential
District where the expansion of a legally nonconforming use is not permitted (Zoning Code Section 6-6-3-5). The applicant requests to expand the legally non-conforming use for an office and trade contractor where said uses are not an eligible permitted or special use in the R3 Two-Family Residential District (Zoning Code Section 6-8-4). The applicant further requests to locate open off-street parking 166 feet from the rear yard’s east lot line where within 30’ is required (Zoning Code Section 6-4-6-3 (B) Table 4-A 18.), construction of an outdoor storage area abutting a residential use and District where abutting non-residential uses and Districts is required, and an outdoor storage area which exceeds 25% of the total area of the zoning lot where less than 25% is required (Zoning Code Section 6-13-1-8). The Zoning Board of Appeals is the determining body for this case.

The applicant has not yet received a recommendation from the DAPR Committee. Ms. McAuley motioned to continue the case to the December 3, 2019 ZBA hearing, which was seconded by Mr. Gingold and unanimously continued without discussion.

**Other Business**
ZBA Members accepted the proposed 2020 ZBA Schedule with one change.

Adjourned 8:45pm