

**VILLAGE OF GLENDALE HEIGHTS
PLAN COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 12TH, 2019**

PRESENT:

Chairperson Ristich, Commissioners Bari, Bruhl, Caswick, Foss, Macias & Reimer

EXCUSED:

None

ABSENT:

None

ALSO PRESENT:

President Linda Jackson, Assistant Village Administrator Michael Marron, Director Community Development Joanne Kalchbrenner, Assistant Planning and Zoning Administrator Michael Krol, Village Attorney Peter Pacione, Chief of Police Doug Flint, Trustee's Bill Schmidt, Michael Light, Pat Maritato, Chester Pojack, Mary Schroeder, and Executive Secretary Rebecca Tybor.

Chairperson Ristich called the meeting to order at 7:00 p.m. in the Council Chambers of the Civic Center.

Chairman Ristich announced that this is a public hearing and there was no public present.

MINUTES:

Commissioner Bari motioned to approve the minutes of the Regular meeting of the Plan Commission of October 8th, 2019. Commissioner Foss seconded the motion. Upon voice vote, **MOTION DECLARED CARRIED.**

COMMITTEE REPORTS:

None

COMMUNICATIONS:

Plan Commission Committee of the Whole:

Cancelled

Liaison to the Village Board:

No Report

Liaison to the DuPage County Zoning Board of Approval:

No Report

NEW BUSINESS:

1. **PUBLIC HEARING** to consider the following amendments to the Village of Glendale Heights Zoning Ordinance: Section 11-4-8 E as it pertains to fence locations for restaurants with outdoor dining. Section 11-4-20 as it pertains to adult use cannabis

business establishments in all zoning districts. Section 11-4-21 as it pertains to unidentified uses in all zoning districts.

Text amendment 1: Add Section 11-4-8, E, 4: Fence Location

Proposed Regulation: “Any establishment with outdoor dining that serves alcohol requires an open fence around the perimeter of the outdoor dining area.”

Joanne announced that the public notice was provided.

Commissioner Bruhl asked if the intention of the fence is to prevent alcohol from leaving the premises. Joanne answered yes that is the goal and added that we currently do not have a requirement for fence in the code so we are trying to keep the alcohol contained on the premises. Bruhl is concerned that the wording doesn't specify detail of the fence being closed. Joanne responded that was the intent because in some cases you cannot enclose and entrance it will depend on the design of the establishments.

Chairman Ristich asked if this is like South of Portillo's where there is wayward traffic? Joanne responded that this was a concern for Jaxx's but the village will deal with it on a case by case basis. Ristich “what about Ballard's vs fence? Joanne – it depends on what the staff decided based on traffic. Ristich what about size requirements. Joanne – No. Ristich is the village concerned with handing alcohol over the fence? Joanne – No that can be done now if someone really wanted to.

Commissioner Bruhl stated this doesn't stop alcohol from leaving the area? Joanne responded true this is just a diversion not a cage.

Joanne went on to state this is just a way to clean up the village code.

Commissioner Foss questioned if there would be size requirements for the posts for the fence? Joanne responded it depends on traffic. Foss added if the area faces a parking lot would we require Ballard's too. Joanne responded it seems excessive but the village would look at it on a case by case bases.

Peter added the only text today is for fence requirements. We can have Ballard's added at a later date in another text amendment.

Trustee Pat Maritato asked if this would be a permanent fence. Joanne responded yes and then added a request to add the word permanent into the text amendment.

Chairman asked her to read how she would like it worded which is as follows:

11-4-8. E, 4: Fence Location

“Any establishment with outdoor dining that serves alcohol requires **a permanent** open fence around the perimeter of the outdoor dining area.”

Commissioner Bruhl stated the word open is confusing she took the word open had meaning not gated.

Michael Krol stated the definition of open is 70% open and 30% material.

No public comment.

MOTION: Commissioner Caswick motioned to consider the following amendment to the Village of Glendale Heights Zoning Ordinance: Section 11-4-8 E as it pertains to fence locations for restaurants with outdoor dining. “Any establishment with outdoor dining that serves alcohol requires **a permanent** open fence around the perimeter of the outdoor dining area.” The **MOTION** was seconded by Commissioner Bruhl.

ROLL CALL VOTE:

AYES: Commissioner Bari, Bruhl, Caswick, Foss, Macias, Reimer

NAYS: None

EXCUSED: None

ABSENT: None

MOTION DECLARED CARRIED

Text amendment 2: Add Section 11-4-20: Cannabis Business Establishments

Proposed Regulation: “Cannabis business establishments as defined under the Cannabis Regulation and Tax Act are prohibited within all zoning districts within the Village of Glendale Heights. No person shall locate, operate, own, suffer, allow to be operated or aid, abet or assist in the operation within the Village of Glendale Heights of any of the following:

1. Adult use cannabis craft grower,
2. Adult use cannabis cultivation center,
3. Adult use cannabis dispensing organization,
4. Adult use cannabis processing organization or processor,
5. Adult use cannabis transporting organization or transporter”

Chairman Ristich asked for clarification when marketing products with CBD is that cannabis? Peter responded no because that does not have THC in it. Chief Flint added it is legal to sell CBD oil products now.

Commissioner Bruhl asked if we take no action than it would be legal to sell in all commercial zones. Peter responded yes all but residential zones.

Chairman Ristich asked who is allowing the sale in the surrounding areas. Mike referred him to the staff report which lists the ones we know of as of today. Ristich where are these towns going to be selling at? Mike – mostly commercial areas.

Commissioner Bruhl asked in the communities that do allow why are they allowing it? Peter and Doug responded that it would be for the extra revenue.

Commissioner Bari stated that it is all about the money. Doug responded yes. Bari added then why should be restrict the sale? Bari added that he feels we should sell cannabis in the village commercial zones.

Chairman Ristich went through the 5 proposed regulations.

Commissioner Reimer asked the definition of a transporter? Peter said that was for businesses transporting the product not an individual. Reimer: does this exclude medical reasons? Joanne - no that already been approved and on the books.

No public present.

Chief Flint added comments regarding revenue for the village. In the state of Colorado since they added recreational use their traffic fatalities, emergency room visits, violent crimes, adolescent use are all up and the revenue brought in is only 9/10th of 1%. Which comes down to every \$1.00 made it costs the state \$4.55.

Chairman Ristich asked if possession is against the law. Doug responded no as long as it is less than 30 grams and if transported needs to be in a sealed container. Ristich so they can buy it elsewhere and bring it into the village – Flint Yes.

MOTION: Commissioner Reimer motioned to consider the following amendment to the Village of Glendale Heights Zoning Ordinance: Section 11-4-20 as it pertains to adult use cannabis business establishments in all zoning districts. The **MOTION** was seconded by Commissioner Caswick.

ROLL CALL VOTE:

AYES: Commissioner Bruhl, Caswick, Foss, Macias, Reimer

NAYS: None

EXCUSED: None

ABSENT: None

OBSTAINED: Commissioner Bari

MOTION DECLARED CARRIED

Text amendment 3: Add section 11-4-21: Unidentified Uses

Proposed Regulation: “Any use not specifically identified as a permitted use of a conditional use within a zoning district is prohibited.”

Joanne made a brief comment that if the use is not in the code it is deemed prohibited.

Chairman Ristich asked what a company would do if it is not listed. Peter responded they would have to apply for a text amendment.

Commissioner Reimer but then can add it? Joanne – Yes. Reimer - it would have to go through plan commission first? Joanne – yes.

Commissioner Bruhl stated this verbiage may turn away new businesses since it states if it’s not in the code it’s prohibited. Joanne – correct but it wouldn’t take any additional time to add the text amendment with the plan commission.

Chairman Ristich asked if the new flex space is in the verbiage. Joanne – no it doesn’t have to be because it’s in there independently.

No public comment.

MOTION: Commissioner Caswick motioned to consider the following amendment to the Village of Glendale Heights Zoning Ordinance: Section 11-4-21 as it pertains to unidentified uses in all zoning districts. The **MOTION** was seconded by Commissioner Bruhl. The **MOTION** was seconded by Commissioner Bruhl.

ROLL CALL VOTE:

AYES: Commissioner Bari, Bruhl, Caswick, Foss, Macias, Reimer

NAYS: None

EXCUSED: None

ABSENT: None

MOTION DECLARED CARRIED

PLAN COMMISSION MEETING AS A WHOLE:

No additional comments or concerns.

OTHER:

None

ADJOURNMENT OF THE REGULAR PLAN COMMISSION MEETING:

Commissioner Foss motioned to adjourn the regular meeting of the Plan
Commissioner Macias seconded the motion. **Upon voice vote, the motion
declared unanimously and the meeting was adjourned at 7:42 p.m.**

Joanne Kalchbrenner