



Village of Hanover Park Administration

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VILLAGE OF HANOVER PARK DEVELOPMENT COMMISSION REGULAR MEETING

**Municipal Building, Room 214
Hanover Park, IL**

**Thursday, February 13, 2020
7:00 p.m.**

MINUTES

1. CALL TO ORDER: ROLL CALL

Chair Aird called the meeting to order at 7:00 pm.

PRESENT: Commissioners: Chair James Aird, Ray Alvarez, Tom Clark,
Scott Neil, Joe Serauskas, Pat Watkins

ABSENT: Commissioners: Syed Hussaini, Israel Vargas, Tonya
Frosheiser

ALSO PRESENT: Board Liaison Herb Porter, Village Planner Ellen Weber,
Administrative Assistant Kathleen Sjodin, Village Attorney
Bernie Paul

2. PLEDGE OF ALLEGIANCE

3. ACCEPTANCE OF AGENDA

Motion by Commissioner Serauskas, second by Vice Chair Watkins to accept the agenda.

Voice Vote: ALL AYES

Motion Carried: Agenda Accepted

4. PRESENTATIONS/REPORTS: None

5. APPROVAL OF MINUTES: All

5-a. Minutes of December 12, 2019 (Note: January 9, 2020 Meeting cancelled).

Motion by Commissioner Watkins, second by Commissioner Serauskas to accept the minutes.

Voice Vote: ALL AYES

Motion carried: Approved the Meeting Minutes of December 12, 2019.

6. PUBLIC HEARING:

- **6-a.** Public hearing pursuant to the Public Act 101-0027 cited as the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1 et seq., to consider amendments to Hanover Park's Zoning Code regarding regulations pertaining to recreational cannabis facilities.

Planner Weber presented a PowerPoint summary on the text amendment notice.

- The Public Hearing was closed at the last Development Commission meeting; it was published twice in the Daily Herald (10/29/19 and 11/26/19).
- The Village Board has held two workshops on 9/5/19 and 10/17/19 to discuss adult use of recreational marijuana. The State Law allows local government to limit the number of licenses and the Board has discussed a limit of 2 (1 per county (DuPage and Cook) if the Village chooses to "opt-in." Other items they discussed included
- Collection of a 3% tax, along with the usual food and beverage tax and any other applicable taxes.
- They felt cannabis businesses would have to be in a stand-alone building only, on-site consumption would not be allowed, hours of operation would be standard with the state statute, and no additional signage above the state statute.
- The Village Board requested a recommendation from the Development Commission regarding zoning related items of time, place and manner.

The Development Commission held two meetings on the issue, and the three issues that remain to be discussed are parking, air filtration, and zoning districts.

- Parking – other communities are enacting normal manufacturing parking regulations, so the same was recommended for Hanover Park, based on the 6 types of cannabis businesses. Since it is a special use, it can be modified later if needed.
- Filtration – Planner Weber had spoken to Tom Hatzold, Inspectional Services Chief who recommended that no additional regulation on filtration is needed. IS Chief Hatzold cited the ICC Mechanical Code, The International Building Code (IBC), Illinois Plumbing Code, and Title 8, Chapter 1 of the State Statue overseeing the Illinois Department of Agriculture as covering what we need. The State has given oversight of recreational cannabis to numerous State Departments including the Department of Agriculture. Title 8 Section 1000.460 Waste Disposal State Agricultural Licensing requires securely locked disposal containers and that waste be blended with other materials. Condition #11 in the meeting packet states that special filtration is needed and required for air quality. She will ask Tom Hatzold about research on specifically what type of system would be needed.

Trustee Porter stated special attention is needed for cannabis since the fumes released can be unpleasant and disturbing, and said that Schaumburg has required special equipment and different regulations for filtration. Suggests the source of Tom Hatzold's opinion is needed. There would be major costs to create a special filtration system, so the requirements should be up front and known in case changes are made later regarding requirements.

Attorney Paul cited that the Development Commission holds public hearings and makes recommendations on zoning matters only. Filtration is a building code issue and should

not affect zoning. The issue will be going to the Village Board at the second meeting in March. Special filtration may be needed however to mitigate against unhealthy or noxious gaseous emissions.

Commissioner Serauskas noted that these facilities may be near residential areas, so special attention needs to be paid to the odors emitted.

Chair Aird stated that if cannabis sales are only allowed as a special use, we can allow it only as a special use with provisions the Village sets forth. Air quality mentioned relates to the air inside the building, not the outside air. The EPA would eventually have to get involved and have jurisdiction over the issue, at the federal level. More research is needed to see what requirements need to be in place.

Commissioner Watkins stated that odor will not be a building code issue (just as the odors from restaurants do not violate any building codes), but the odor itself might be unpleasant to some in the surrounding area.

Planner Weber stated that there is an air quality component in the current code, but it is difficult to measure. There is a recommendation in the meeting packet that includes filtration systems. Condition #11 states that special filtration is needed and required for air quality. The Commission can use that condition with any approval. She will ask Tom Hatzold about any research on which type of filtration system would be required.

- Zoning Districts – Recommendations included Industrial only, in B2, H, H-C, L-I, or BP, with a 1250-foot buffer around key sensitive locations. Not permitted in the Village Center. The Village Center Definition was presented with no questions or concerns regarding the definition. Village Center is considered TIF3.

Commissioner Watkins noted that Roselle has opted out for now, until November 2, 2020.

Chair Aird commented that the Hanover Park Village Hall, Public Works and Police Departments should be incorporated into the Village Center definition. He also noted that regarding zoning, it was decided to limit it to industrial areas B1, B2, BP, H, H-C and L-I, with a 1250-foot buffer.

Commissioner Watkins stated that we are trying to improve Hanover Park's image, and with the stigma that comes with marijuana, that may be difficult. If we allow it only in industrial areas, there would not be much competition for them, so the businesses would survive.

Commissioner Watkins confirmed that the Village Center will include Village Hall, Public Works, and the Police Department – there was a consensus among the members of the commission.

Chair Aird redirected discussion to zoning. The commission had originally approved zoning in B1, B2, BP, HP, HC, LO and LI, however, staff recommended limiting it to industrial only, which includes BP, HC, LI and LO.

Planner Weber reminded the commission this staff recommendation was in the memo, at the bottom of page 3, and the bottom of page 5.

Chair Aird noted that he noticed in downtown Evanston there people lined up in a parking garage to go to a cannabis dispensary.

Planner Schwartz commented that Evanston and Oak Park allow cannabis stores in their village centers, and said different municipalities have been contacted regarding the legalization issue; most do not allow dispensaries in their downtown areas due to the image issue. They are trying to protect their existing businesses.

Trustee Porter commented that Evanston and Oak Park have well-established businesses in their downtown area already, so adding a cannabis store would not affect them much. Hanover Park is not as fortunate, so we should limit them to industrial areas only for now in order to maintain and improve Hanover Park's image. We need to be protective of Hanover Park's image to continue to improve it, and limiting it to industrial areas is the best option right now.

Chair Aird commented that a downtown area is very commercial, such as it is in Evanston, and we do not want to deter people from other businesses by having a dispensary there. Cannabis businesses may make other businesses not want to operate in the same B-2 area, so we should take a conservative approach in the beginning, then see what happens. Also, forcing dispensaries to be in industrial areas only may negatively affect their success, so they may not want to bring their business to Hanover Park at all.

Consensus was reached: Industrial only, BP, HC and LI

Planner Weber indicated a modification of the finds of fact in the packet: the statement now reads "while the Village does not have the authority to wholly prohibit adult use recreational cannabis consumption..." was changed from "...adult use recreational cannabis facilities..." We do have the right to limit facilities.

Draft Findings of Fact as amended:

It does comply with the Comprehensive Plan, it is in the public interest and not solely in the interest of any one applicant, the necessity of the amendment, and to permit adult use of recreational cannabis facilities as special use in industrial districts in conjunction with other criteria.

Recommendation is to adopt the findings of fact and recommend a text amendment as follows:

Allow each of the 6 adult use cannabis business types as special uses in industrial districts only with these criteria:

1250-foot buffer from sensitive areas, special use only, stand-alone buildings only, parking per the current Village code, sole use only, hours of operation would be the same as state restrictions, and no drive throughs.

Also amended to read that special filtration systems may be required to mitigate against noxious or unhealthy gaseous emissions.

Motion to Approve the Draft Findings of Fact as amended by Commissioner Serauskas, second by Commissioner Neil.

Voice Vote: ALL AYES

Motion Carried: Draft Findings of Fact approved.

Motion to recommend these amendments to Hanover Park zoning code regarding regulations pertaining to recreational cannabis facilities by Commissioner Serauskas, second by Vice Chair Watkins.

Voice Vote: ALL AYES

Motion Carried: Amendments recommended

- **6-b. Public Hearing** to consider a request consider a request by Marvin Moraga of Diamond Jewelry and Loan (applicant) to approve a Special Use to allow a Pawn Shop at 7201 Olde Salem Circle per Sec. 110-5.9.3 Special uses in the B-2 Local Business District.

Planner Schwartz presented a summary of the case. The applicant and the property owner were both present. Points to consider:

- The existing business has been in Hanover Park for about 15 years and would like to stay in Hanover Park and simply move to the Olde Salem location.
- The landscaping was completed by the landlord in January, has been approved and conforms with the Village code.
- The applicant wishes to downsize in order to save money.
- Other retail establishments have been contacted, and there have not been any comments or objections; there was a pawn shop there previously so this will not be a noticeable change.
- The goals stated in the Comprehensive Plan include reducing the number of vacancies along the Irving Park corridor and diversifying the tax base; both of these goals will be met.
- Staff recommends that the Commission adopts the finding of fact and approve the request for special use with the following conditions:
 - a. The landscaping will be maintained as it is
 - b. No signs are approved as part of this request

Mr. Moraga was sworn in and testified that he has been in Hanover Park for 15 years, and would like to move his business to a smaller location and be able to keep his current customers. He is downsizing to reduce his overhead.

Commissioner Serauskas asked if a sign of Public Notice was displayed by the location for a Public Hearing.

Planner Schwartz indicated that a sign was not displayed because it was not thought to be required by code, since the business is same type of business as was previously operating in the space (a pawn shop). There would not be a material change to what has already been there.

Planner Weber commented that it was an error and a sign should have been posted; it was overlooked. The state statute does not require it, nor the Village Code, but we normally do it out as a normal practice.

Motion to close Public Hearing by Commissioner Serauskas, second by Commissioner Clark.

Voice Vote: ALL AYES

Motion Passed: Public Hearing closed.

Motion to approve the Draft Findings of Fact by Commissioner Serauskas, second by Commissioner Neil.

Voice Vote: ALL AYES

Motion Passed: Draft Findings of Fact approved.

Motion to recommend approval of the request by the applicant Marvin Moraga of Diamond Jewelry & Loan to approve a special use to allow a pawn shop at 7201 Olde Salem Circle with the condition that the landscaping be maintained and that no signs are included as part of this request by Commissioner Serauskas, second by Commissioner Neil.

Voice Vote: 5 AYES (Aird, Watkins, Alvarez, Neil, Clark), 1 NAY (Serauskas)

Motion Passed: Request approved

7. **TOWNHALL SESSION:** None in addition to the Hearing

8. **OLD BUSINESS (NON-ACTION ITEMS):** None

9. **NEW BUSINESS (NON-ACTION ITEMS):**

Planner Weber stated that the Village Board approved the Northwest Corner of Lake and Gary at the last meeting, with a public road and a second sign for Lot 2. Veranda will be recognized at the end of the month at a Biz Now event (realtor luncheon). Checkers on Barrington Road is now closed.

10. **ADJOURNMENT:**

Motion by Commissioner Serauskas, seconded by Commissioner Clark.

Voice Vote: ALL AYES.

Motion Carried: Meeting adjourned at 8:04 p.m.

Recorded and Transcribed by:

Kathy Sjodin
Administrative Assistant

James Aird, Chair

February 13th, 2019