

Village of Wadsworth
Minutes of the Zoning Board of Appeals/Plan Commission Meeting
Thursday, December 10, 2020

Special Meeting of the Zoning Board of Appeals/Plan Commission

REMOTE PUBLIC HEARING: The public hearing was held remotely pursuant to the Open Meetings Act and in accordance with Governor Pritzker’s Executive Orders authorizing remote public participation meetings, all as amended, extended, or restated. The public hearing for this petition was conducted virtually through telephone and video conference call with very limited availability for in-person participation at the Wadsworth Village Hall, 14155 West Wadsworth Road, Wadsworth, IL, 60083. The Village encouraged interested parties to participate through telephone or video conference. Information concerning the remote public hearing, including how to participate in the meeting and how to view application materials, was posted on the Village’s website at www.villageofwadsworth.org.

The meeting was called to order at 7:07 p.m. by ZBA/PC Chair Judy Adams.

Roll Call: Present by Remote Attendance were members Adams, Matthew Nordigian, Thomas Pawlak, Richard Standriff, and Robert Schreiner. Member David Hatton was absent.

Also in Remote Attendance were Attorney Kurt Asprooth, Thomas Duffy (representing the Petitioner, Planner Chris Heinen, Engineer John Briggs, Village Trustee Robert Hayden, and Administrator David Kwiecinski.

Village President Glenn Ryback and Newport Township Fire Chief Mark Kirschhoffer were present at Village Hall.

Chair Adams read aloud an opening statement that addressed the need for this public hearing and the determination that an in-person meeting was not practical, reasonable, or recommended due to the Governor’s Executive Orders.

Nordigian made a motion to approve the September 30, 2020 ZBA/PC Meeting Minutes. The motion was seconded by Standriff. All present voting aye by roll call vote, the motion carried.

Public Hearing – Chair Adams made an opening statement and addressed the fact that the ZBA/PC is a recommending body; the Village Board will consider their recommendation following the Public Hearing at a future Village Board Meeting. Chair Adams also swore in everyone present at Village Hall and present remotely concerning the testimony that they will be giving this evening.

Petition for Conditional Use Permit Amendment and Zoning Variations

Action: Consideration of an Application for a Conditional Use Permit for a Cannabis Dispensary

Petitioner: Bloom Holdings I, LLC, with the consent of the owners of the Property, 41509 Land Company, LLC and The Katris, LLC, (hereinafter “Petitioner”)

Property: Parcel 1: 41509 US HWY 41, Wadsworth, Illinois, 60083, parcel identification number 03-16-200-039 (northeast corner of US HWY 41 and IL-173). Parcel 2: 41534 US HWY 41, Wadsworth, Illinois, 60083, parcel identification number 03-16-200-047 (northwest corner of US HWY 41 and IL-173).

Request: Petitioner seeks a Conditional Use Permit pursuant to Section 10-5-5 of the Wadsworth Zoning Ordinance to allow development of the Property to contain a Cannabis Dispensary Use, pursuant to Section 10-5-5-13 of the Wadsworth Zoning Ordinance. Further, Petitioner seeks departures from standards and other relief as may be required.

Attorney Asprooth summarized the results of the June 22, 2020 Public Hearing, citing certain approvals necessary to move forward with the permit (fire department, engineering) and particularly additional review and approval of IDOT for any access points and/or new traffic configurations that might be necessary.

The Petitioner decided to amend their Conditional Use Application with respect to the location of additional parking. The original proposal was for off-site parking and shuttle service to originate at the Rosecrans Motel location. Petitioner seeks to amend the permit to utilize the parcel at the northwest corner of U.S. Hwy 41 (Route 41) and Illinois Route 173 in what is now a used car lot.

Asprooth stated that the original application has not yet been approved by the Village Board due to this amendment. The actual use on the proposed dispensary site has not been amended. This hearing will deal with the use of this new proposed off-site parking location and pedestrian traffic crossing Route 41 to access the site.

Adams reiterated that the ZBA/PC is okay with the original intended use as a dispensary. This hearing is focusing on the use of the new location for off-site parking. Asprooth indicated that the use of the intended off-site parking lot is, in essence, not changing. Right now, the parcel is used as a used car lot and there are cars parked there now. TO 11:45

Petitioner Duffy thanked the committee for the opportunity and Attorney Asprooth for his assistance.

Duffy stated that the Petitioner could not strike a suitable deal with the owners of the Rosecrans Motel property and had to find an alternative site.

The Rosecrans site had a capacity of 150 vehicles. This new proposed site has a capacity of 90 vehicles. The advantages of this site: eliminates the concept of a shuttle service. The 41/173 intersection already regulates pedestrian and equestrian traffic. He suggested that it is probably the most regulated intersection for pedestrian and equestrian traffic in Wadsworth.

The new proposed site is owned by The Katris, LLC. It is the “tip” of a 26 acre parcel owned by The Katris, LLC. He suggested that there is no better off-site parking location for the dispensary. Even though the proposed site offers less capacity for parking, The Katris, LLC is part of the Bloom Holdings I, LLC. So it is in their best interest to consider increasing the size of the parking lot if the 90-vehicle capacity is inadequate.

Duffy suggests that the 90-vehicle capacity is probably adequate. COVID-19 restrictions has significantly curtailed traffic congestion at existing dispensaries, dispensaries are now going to an

online ordering system prior to entry to the dispensary, and a greater number of dispensaries are now open to the public.

Duffy addressed security concerns. He stated that they could attach security cameras to the existing light fixtures that exist on the proposed property. It is also an open intersection with unobstructed views. He stated, if necessary, they will have an attendant to help people cross the street and park in designated spaces and they will address, as required, any and all parking and security issues that may be of concern.

Duffy also stated that there are no stormwater issues on the proposed property. He requested the village's encouragement when the Petitioner deals with IDOT. Petitioner will now control 2 of the 4 corners of the 41/173 intersection and Duffy believes that should give them better negotiating position with IDOT in terms of access points in and out of the parking areas.

Petitioner stated there is no place for sidewalks on the property because of equestrian access and IDOT's seizure of property from the previous owner for their right of way.

Engineer John Briggs stated that main concern was the reduction of parking spaces and IDOT access points. IDOT will have to approve all access points. In/Out access directly on Route 41 would be preferable at some point in the future. However, that also requires IDOT review. Proposed sidewalks on the off-site parking location were more for giving pedestrian traffic a more defined walkway.

Planner Chris Heinen stated that Manhard Consulting issued a memo in early November regarding the new proposed parking lot. Biggest concern was parking for the site. The original site meets Village requirements. The Petitioner has met a lot of the conditions and issues that the planning staff had.

Standriff asked whether the used auto business would go away. Duffy said the Katrises would terminate the lease, time frame undetermined.

Nordigian asked how customers would know that this new parcel will be overflow parking. Duffy spoke about a pylon sign that advertises the dispensary. The Petitioner would request another sign at a later date, similar to the sign at the dispensary site, to direct patrons to the overflow parking. Asprooth said that the Village could require a signage plan prior to occupancy and any Variance Requests would need to be presented to the Plan Commission.

Briggs and Duffy briefly discussed utilizing an attendant at the remote parking facility and the location of handicapped parking at the dispensary site.

Nordigian said his question about signage was primarily about public safety. Briggs and Duffy discussed the potential for a new right turn access into parking lot on north end of dispensary parcel.

Nordigian and Duffy stated that the off-site parking facility will be leased and reiterated that the lessor is a part owner of Bloom Holdings I, LLC. Further discussion ensued about liability with the used car sales business occupying the proposed off-site parking lot. Asprooth stated that if the used car business were to continue, another hearing would be required for Petitioner to explain how they intended to provide adequate parking for the dispensary.

Nordigian asked if Petitioner intended to improve entire parking lot. Duffy stated that any improvements would be minimal.

Adams asked about a shelter for patrons in the winter at the off-site parking lot. Duffy said he did not want patrons standing outside the dispensary in winter. If a warming station or some other shelter was required, they would address this and would provide adequate comfort for his patrons.

Nordigian and Duffy continued discussion about safety issues and what could be done (sidewalks, striped pavement lanes, some clear defined walkway, IDOT right-of-way).

Adams and Briggs discussed the potential of building a refuge island in middle of Route 41. A timing study would have to be performed to determine whether the 45-second light cycle was sufficient for pedestrians to cross. Duffy said he would prefer to have an attendant instead of having a refuge island. Briggs said that IDOT could require it and just wanted to ensure Petitioner was aware of this.

Pawlak said this proposed parking lot is a much safer location. He asked about snow plowing. Duffy said they will have same snowplow service for both sides of the street.

Pawlak mentioned all the conditions attached to the CUP. Asprooth said all conditions would be discussed before any vote is taken.

Adams said the original dispensary site traffic study did not address westbound Route 173 and asked Briggs whether further traffic study is needed. Briggs said the traffic study probably needs to be updated, but the update should be straightforward.

Adams and Heinen discussed landscaping, considering the scenic overlay district, and asked about screening versus low native plants. The proposed off-site parking property is in the Gateway Economic Overlook Area but is not a new development. Petitioner is using existing property. Heinen discussed with Asprooth prior to the meeting. This falls under the purview of the Plan Commission whether they wish the Petitioner to add additional landscaping.

Adams asked about plans for landscaping. Duffy stated that he wants to do what is reasonable, but the higher the cost, the higher his level of resistance.

Adams asked about signage and the billboard on the used car lot. Duffy stated he does not want the billboard that is currently on the property. Asprooth stated that to the best of his knowledge, the billboard is legal, nonconforming and that any use by the Petitioner or a replacement billboard would require an application for a variance.

There were no public comments.

Asprooth restated the conditions approved at the June 22, 2020 meeting as updated during this public hearing:

- Applicant must obtain their state license for the dispensary before they open and operate;
- Must obtain a cannabis license from the Village;
- Applicant must obtain approval from the Lake County Health Department for the septic system;
- Need state approval of security plan for the dispensary;

- Village needs to be provided final landscape plans that meets Village Code;
- Applicant must submit a signage plan prior to issuance of Certificate of Occupancy;
- Reach out to Lake County Sheriff's Office to discuss potential security enhancements;
- Newport Fire needs to sign off on final development plans;
- Petitioner will not be able to open or operate until IDOT approves the use and access at both the dispensary site and the off-site parking site (east and west side of Route 41).

Additional conditions specific to the parking lot:

- Installation of security cameras;
- Requiring an attendant at the parking lot during peak times;
- Final engineering approval;
- The use of the site must be as a parking lot only; the used car sales business must end.

Asprooth said if the Plan Commission wants a condition on sidewalks, they could request Applicant use their best efforts to obtain approval from IDOT for sidewalks. Duffy said the Petitioner would do that.

Adams asked if Plan Commission members had any other conditions they wanted to discuss.

Adams and Duffy talked about the time spent in the dispensary. Duffy stated that the dispensary in Schaumburg requires customers to place an order before they enter the dispensary.

Motion was made by Nordigian and seconded by Standriff to approve the Conditional Use Permit for the cannabis dispensary, including the property on the east side of Route 41 and Route 173 with a parking lot on the west side of Route 41 and 173, subject to the conditions as summarized above. All present voting aye, the motion passed.

Adams asked if there was discussion on other business. With respect to other Plan Commission items, Asprooth stated that Collier RV is still working on a

Petitioner Duffy said he appreciated the efforts of everyone to help move this along. He hopes this turns out to be a big success for everyone involved. He thanked the Plan Commission for all their assistance and help.

Adams asked Duffy about other dispensary locations. He stated that they are not pursuing the Antioch location and talks with Aurora have been extended to April 2021.

Asprooth made another call for public comments. There were none.

Schreiner moved to adjourn the meeting, seconded by Nordigian. Roll call vote: all present voting aye, the meeting adjourned at 8:07 p.m.

By: _____
David N. Kwiecinski, Village Administrator