

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF NEW LENOX PLAN COMMISSION

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, January 21, 2014 7:00 p.m.

#14-01-B

CALL TO ORDER

A regular meeting of the Village of New Lenox Plan Commission was called to order at 7:02 p.m. by Chairman Mark Muehlnickel.

Chairman Muehlnickel led the assembly in the Pledge of Allegiance.

ROLL CALL

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Rob Moss, John Kuchler, Joan Byerley, and Terry Schultz.

The following were absent: Commissioners Gary Berner and Annette Boyd.

Mr. Muehlnickel announced there was a quorum present for this meeting.

Also present were Senior Planner Jeff Smith and Secretary Pat Hansen.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR PLAN COMMISSION MEETING OF DECEMBER 17, 2013

A motion was made by Mr. Kuchler and seconded by Mr. Moss to approve the December 17, 2013 minutes as presented. Voice vote was taken. Motion carried.

TEXT AMENDMENT – PLANNED UNIT DEVELOPMENT (P.U.D.) DEFINITION (Public Hearing)

Chairman Muehlnickel began by stating there are two public hearings tonight, and that since there is no one here on behalf of either of the public hearings, that he would forego the rules. He said the first public hearing is a text amendment, and asked Senior Planner Jeff Smith if he had proof of notice for this hearing. Mr. Smith replied affirmatively. Mr. Muehlnickel asked for a motion to open the public hearing.

A motion was made by Mr. Kuchler and seconded by Ms. Byerley to open the public hearing. Voice vote was taken. Motion carried.

The public hearing was opened at 7:03 p.m.

Mr. Smith stated that in 2004, the Village Board approved substantial modifications to the Village's Planned Unit Development regulations. He said the "Intent and Purpose" section of the P.U.D. Regulations now states that the planned unit development is intended to provide for developments incorporating a single type or a variety of related uses, which are planned and developed as a unit.

Mr. Smith continued by stating that this description conflicts with the current definition of a planned unit development that is included in the Village's Zoning Ordinance, which defines a planned unit development as a tract of land which is developed as a unit under single ownership or unified control, and which includes two or more principal buildings or uses and is processed under the planned unit development procedure of the Zoning Ordinance. He noted that the definition of a P.U.D. was not modified in 2004.

Mr. Smith went on to say the conflict was recently brought to Staff's attention. He explained that the proposed ordinance included in packet would modify the definition of a P.U.D. to state that a planned unit development means a tract of land which is developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the planned unit development procedure of this chapter.

Mr. Smith advised that in packet is the proposed draft ordinance updating the definition of a P.U.D. He said he is looking for the Plan Commission's comments and recommendations at this time.

As there were no questions or comments from the Plan Commission, Mr. Muehlnickel asked for a motion to close the public hearing.

A motion was made by Mr. Kuchler and seconded by Mr. Schultz to close the public hearing.

Voice vote was taken. Motion carried.

The public hearing was closed at 7:04 p.m.

Mr. Muehlnickel asked for a recommendation.

A motion was made by Ms. Byerley and seconded by Mr. Kuchler to recommend to the Village Board approval of a text amendment to modify the definition of a planned unit development (P.U.D.) to allow for one or multiple building uses consistent with the provisions of the planned unit development regulations. Roll call vote was taken. Motion carried unanimously.

TEXT AMENDMENT – MEDICAL MARIJUANA – (PUBLIC HEARING)

Chairman Muehlnickel advised that this is also a public hearing and that it is a staff item involving a text amendment. He said he assumes that proof of notice was given. Mr. Smith replied affirmatively.

A motion was made by Ms. Byerley and seconded by Mr. Schultz to open the public hearing. Voice vote was taken. The public hearing was opened at 7:05 p.m.

Mr. Smith began by stating that as of January 1, 2014, cannabis can now be used for medical purposes in the State of Illinois subject to a number of conditions. He said there are requirements for cultivation centers and one of the requirements states that only one cultivation center may be located in each Illinois State Police District boundary. He said New Lenox is in District 5, which includes Will, Grundy, and Kendall counties. Mr. Smith explained that cultivation centers are not allowed within 2,500 feet of the property line of a schools, day care centers, group care homes, and areas zoned for residential use. _

Mr. Smith went on to say the recently adopted State legislation allows for a local community to enact reasonable regulations for a cultivation center. He said Staff is recommending that a cultivation center shall be allowed only as a Special Use in an I-1 Limited Industrial District, and that in addition to the State requirements, that the 2,500 feet also include public parks as well as areas recommended for residential use by the Comprehensive Plan. He noted that in looking at the map that the 2,500 feet covers almost the entirety of the Village. Based on state regulations and the proposed additional local regulations, Mr. Smith stated it is unlikely that a cultivation center will be proposed in the Village of New Lenox.

Mr. Smith continued by stating that the another state requirement deals with dispensing facilities, and that this requirement states there cannot be a dispensing facility within 1,000 feet of public and private schools, day care centers, group care homes, as well as any property zoned for residential use. He said Staff is recommending that this be allowed only as a Special Use in the I-1 Limited Industrial District, and that public parks be added to the 1,000 ft. requirement. Mr. Smith pointed out that there are a few industrial areas in New Lenox that could qualify for a Special Use for a dispensing facility, and they include the Cherry Hill Industrial Park, some areas of the Ferro Industrial Park as well as some areas of the Plan Trail Industrial Center.

Mr. Smith stated that Staff asked the Village's Attorney for additional comments and recommendations. Mr. Smith advised that since there are only 60 dispensing facilities allowed in Illinois, the attorney felt that the issue of parking should also addressed. Mr. Smith said that he and Ms. Ellis discussed the most appropriate parking requirements. Mr. Smith advised that a retail development requires one space per 180 sq. ft. of floor area. Mr. Smith stated that Staff does not feel this is adequate and that one space per 100 sq. ft. of floor area would be more appropriate. With regard to drive-thru stacking, Mr. Smith said the Village's code does have provisions for pharmacies, which is 5 stacking spaces per drive-thru window. He stated that Staff feels this is appropriate for this type of use. Mr. Smith asked for Plan Commission

comments and a recommendation to the Village Board.

Chairman Muehlnickel inquired on the size of cultivation center and dispensing facilities. Mr. Smith said a cultivation facility would likely be similar to a large greenhouse. Based on the fact that only one cultivation center is allowed in each Illinois State Police District, Mr. Smith noted that a proposed cultivation facility would likely be larger in size and utilize a larger land area than a dispensing facility. Mr. Muehlnickel said that he does not foresee a cultivation facility using advertising, or signage, whereas a dispensing facility would probably want signage. Mr. Muehlnickel stated that it surprised him that dispensing facilities were 1,000 ft. away from certain things and the cultivation center must be 2,500 ft. away from these things. Mr. Muehlnickel said he is not as concerned about the restrictions with the cultivation center, but said that perhaps a dispensing facility should be 2,500 ft. away as well. Mr. Smith noted that the distance requirements are State of Illinois regulations, and advised that the Village can add additional reasonable regulations. Mr. Muehlnickel asked if churches can be added to the 1,000 ft. requirement. Mr. Smith responded that including churches would likely represent a reasonable regulation, but would have to check with the Village attorney.

Mr. Schultz asked if there is a way to limit signage for cultivation facilities. Mr. Smith said the Village's sign code would have to be followed. He asked if there is a concern about the size of the sign. Mr. Schultz commented that he does not want to see any neon signs. Mr. Smith advised that the Village prohibits the use of neon signs. Mr. Schultz said he would prefer to see smaller signs than what the sign code currently allows.

Mr. Kuchler asked if stores such as Osco or Walgreens will be able to dispense medical marijuana. Mr. Smith replied that medical marijuana can only be dispensed in an I-1 limited zoning district, subject to Special Use approval and compliance with existing state regulations and proposed local regulations. Mr. Schultz asked if that could change down the road. Mr. Smith said that the State of Illinois would have to adopt new legislation to expand where dispensing facilities could be located. He explained that this is why it is smart to put these local regulations in place now to limit these uses to the I-1 District. Mr. Schultz asked if the State could override this. Mr. Smith stated that according to the Village's attorney, the Village can implement reasonable conditions and requirements. He said that it is the attorney's opinion that limiting these uses to the I-1 District with a Special Use is a reasonable regulation.

Mr. Muehlnickel asked for a motion to close the public hearing.

A motion was made by Mr. Schultz and seconded by Mr. Moss to close the public hearing. Voice vote was taken. Motion carried. The public hearing was closed at 7:22 p.m.
Mr. Muehlnickel asked for a recommendation.

A motion was made by Mr. Kuchler and seconded by Mr. Schultz to recommend to the Village Board approval of a text amendment to include medical cannabis cultivation centers and dispensing organizations as allowable Special Uses in the I-1 Limited Industrial District, subject to certain distance requirements from schools, day care facilities, parks, and residential areas,

and churches (for dispensaries only). Roll call vote was taken. Motion carried unanimously.

ANNUAL ZONING MAP ADOPTION

Jeff Smith explained that each January, the Plan Commission is required to review and give a recommendation for the Annual Zoning Map. He explained that there was one annexation that added 2.10 acres to the Village, a total of thirteen zoning changes, and three final plats that added two commercial lots and 118 single-family lots to the Village.

Mr. Muehlnickel asked for a motion.

A motion was made by Mr. Kuchler and seconded by Ms. Byerley to recommend to the Village Board approval of the Annual Zoning Map. Voice vote was taken. Motion carried.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Schultz asked for the status of the pending development that will incorporate a new fitness center. Mr. Smith advised that the next regular meeting will be held on February 4, 2014, at which time, a public hearing will be held on a commercial subdivision that will include a proposed fitness center.

ADJOURNMENT

Chairman Muehlnickel asked for a motion to adjourn the meeting at 7:25 p.m. A motion was made by Mr. Kuchler and seconded by Mr. Schultz to adjourn. Voice vote was taken. Motion carried.

Patricia Hansen – Secretary