

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS
Minutes of Regular Meeting
Held on Thursday, April 6, 2023
At the Warrenville City Hall
28W701 Stafford Place

A. CALL TO ORDER

Chairman Cosgrove called the meeting to order at 7:02 p.m.

B. ROLL CALL

PC Present: Tim Cosgrove, Byron Miller, Mark Taylor, Bob Vavra, Rachael Fawell, Kennedy Hartsfield

Excused/Absent: Jessica Tullier, Erin Schultz, Carla Sanfilipp

ZBA Present: Tim Cosgrove, Byron Miller, Mark Taylor, Bob Vavra,

Excused/Absent: Jessica Tullier, Erin Schultz, Carla Sanfilipp

Also Present: Assistant Community Development Director Consuelo Arguilles, Planner/GIS Technician Jack Maszka, Permit and Zoning Technician Chris Santos

Not in Attendance: Mayor Brummel, Community and Economic Development Director Ron Mentzer

(Informational note: A detailed report of the proceedings and transcript of the testimony provided during this public hearing was prepared by Trudy Gordon of Veritext Legal Solutions. A copy of the transcript is available from the City's Community Development Department. The following meeting minutes reflect the key points presented and discussed during the public hearing.)

C. NEW BUSINESS

1. 4575 Weaver Parkway/Synata Bio/Steve Luna

Located on the west side of West Street, North of Diehl Road

Project No. PUD-2023-0001 (Public Hearing)

COMMISSIONER MILLER MADE A MOTION TO OPEN THE PUBLIC HEARING FOR 4575 WEAVER PARKWAY. SECONDED BY COMMISSIONER FAWELL. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

Chairman Cosgrove stated that the applicant is seeking a site specific amendment in the Cantera Special Development District to permit a nine foot tall liquid nitrogen storage tank and related improvements south of the site's interior parking lot and loading dock. Chairman Cosgrove asked Steve Luna to come present to the Plan Commission.

After being sworn in, Steve Luna who is the Facilities Operation Manager at Synata Bio presented his case to have a nitrogen storage tank installed adjacent to the building. The nitrogen storage tank would be installed on a new concrete pad and will be surrounded by an eight foot tall polyvinyl fencing. Mr. Luna stated the main purpose of bringing the nitrogen storage tank from inside to outside the building is for the safety of the employees. Mr. Luna mentioned that the new location

of the proposed nitrogen tank would be more efficient as it would connect thru the wall with special insulated piping and feed it to their freezers from there.

Chairman Cosgrove asked Mr. Luna how the landscapers would avoid disturbing that insulated piping thru the wall when they come to do their work.

Mr. Luna stated the concrete pad and polyvinyl fencing would be enclosed on all three sides so the landscapers cannot get to it therefore, no landscape work would have to be done. The pad is adjacent to the building.

Commissioner Hartsfield asked if the valve and meter will be located outside or inside the fence enclosure and also asked if a vaporizer would be installed as well.

Mr. Luna stated he did not have the information regarding the location for the valve and meter. Mr. Luna mentioned that there will not be a vaporizer installed due to the fact that do not need to phase change from liquid to gas.

Commissioner Fawell asked Mr. Luna what safety measures are in place in the event of a leak.

Mr. Luna stated that the leak would be stopped by turning on shut off valve and having their vendor Airgas come out and assess any damage and hazard items that may occur. Mr. Luna did state that if a leak were to happen the liquid nitrogen would vaporize to a gas due to the low boiling point from which the liquid turns into a gas.

Commissioner Miller asked if the use of liquid nitrogen is for lab operation or small production and also asked if this is their only production facility.

Mr. Luna stated that the chemical is mainly used for small scale research and development. Mr. Luna mentioned they specialize in microbiology and do research with microscopic insects. Mr. Luna confirmed that this is their company's only production facility.

Chairman Cosgrove asked Mr. Luna if the location of the concrete pad is on their side of the building that they lease.

Mr. Luna confirmed that everything that is being proposed is within their space and will not affect or disturb any of the other tenants that occupy the commercial building.

Commissioner Miller asked Assistant Community Development Director Arguilles if this proposal can be voted for approval at this meeting.

ACDD Arguilles stated that this application is for a major amendment proposal within the Special District in Cantera which has to go thru the formal process of a public hearing. Typically proposals that go thru the formal process take at least two meetings to recommend approval to City Council. Since this is the first meeting, the public would have an opportunity to voice any concerns to the Plan Commission. ACDD Arguilles mentioned that in the second meeting staff would finalize a staff report and include a staff recommendation at that time to be voted on.

Natalie Clemens who resides in the Lexington Trace Subdivision commented that the proposed enclosure along with the nitrogen tank is too big and fears the enclosure being a dump zone for other materials or waste.

Chairman Cosgrove responded to Natalie Clemens that provisions can be put in the special use ordinance regulating the use of the enclosure to limit what can be stored in the enclosure.

Commissioner Hartsfield asked Mr. Luna if they considered using a horizontal tank rather than a large vertical tank.

Mr. Luna was open to the suggestion of using a horizontal tank. Mr. Luna stated he would have to do more research and see if that would change the layout to his proposal.

Commissioner Hartsfield asked staff if the Warrenville Fire District reviewed this request.

ACDD Arguilles stated that the Fire District did review and had no objection or comments regarding this request. ACDD Arguilles also mentioned that staff visited the proposed site and recommended adding some shrubs to screen the fence.

COMMISSIONER MILLER MADE A MOTION FOR THE PLAN COMMISISON TO CONTINUE THE PUBLIC HEARING TO APRIL 20, 2023. COMMISSIONER FAWELL SECONDED. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

2. City of Warrenville Zoning ordinance #1018 Adult Use Cannabis Dispensary Text Amendment (Public Hearing)

CHAIRMAN COSGROVE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE ZONING ORDINANCE #1018 TEXT AMENDMENTS. SECONDED BY COMMISSIONER MILLER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

Chairman Cosgrove mentioned in 2019, City Council passed an ordinance that allowed only one adult use cannabis dispensary. It could be allowed in one of the following districts in the City of Warrenville:

- B-2 District
- B-4 District
- M-1 District
- M-2 District

Chairman Cosgrove explained one district adult use cannabis was not permitted in was the Cantera District (S-D District). Chairman Cosgrove stated that City staff is recommending that this provision be changed and allow adult use cannabis dispensaries in the S-D District.

Planner Maszka explained to the Plan Commission that there have been numerous inquiries for more adult use cannabis dispensaries to be developed and most of the interest has been directed to the southern part of Cantera. Current regulations allow only one license which is already allocated to one applicant that is currently planning on developing their facility in the City of Warrenville. Planner Maszka stated that City staff recommends increasing that license from one to two in part due to the economic gains the City would benefit from allowing one additional license specifically in the Cantera area.

ACDD Arguilles stated that this recommendation has been brought up and discussed at previous meetings with other committees so that this can be used as a guide to have the Plan Commission make a formal recommendation to City Council.

Commissioner Vavra asked for clarification regarding the text amendment. Commissioner Vavra asked staff if allowing a second license to open an adult use cannabis dispensary as well as allow in S-D District were two separate amendments.

Chairman Cosgrove confirmed that the Plan Commission would vote on both of the recommendations separately and they do not necessarily conjunct together.

ACDD Arguilles explained that if the amendment to allow a dispensary in the S-D District passes then any applicant that wishes to open one would have to apply for it as a special use and go thru the formal process of having a public hearing.

Commissioner Miller asked staff what other locations in the City of Warrenville do applicants want to open a dispensary.

ACDD Arguilles stated that all inquiries for a potential dispensary have been directed towards the area in Cantera.

Planner Maszka stated that the best possible location currently for a dispensary to open is located at the corner of Batavia Road and Route 59. This area is zoned for a dispensary to open due to the buffer zone that has it being distant from any schools, churches, and parks. Planner Maszka mentioned that Cantera has the same buffer zones and is close to the highway and close to Naperville which would bring in more business.

Dale Williams, a Pastor at from Emmanuel Baptist Church, stated that he does not support allowing a second license to open up a dispensary and also opposes allowing a dispensary to be approved in the S-D District. Pastor Williams mentioned he had read various reports that had concluded there was not enough data in the State of Illinois to support whether the impact of adult use cannabis dispensaries is good or bad for those communities that have them. Pastor Williams shared that opening up a cannabis dispensary is not within the character of Cantera and says City staff should not use the neighboring City of Naperville as a way to lure in traffic or interest to these

dispensaries. Pastor Williams asked staff if the Police Department reviewed these cannabis text amendments.

ACDD Arguilles stated that part of the City staff review includes the Police Department and they provided no comments or opposition to the cannabis text amendments.

COMMISSIONER MILLER MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF TEXT AMENDMENTS TO THE ZONING ORDINANCE #1080, IN SUBSTANTIAL ACCORDANCE WITH EXHIBIT B, TO:

- A. INCREASE THE NUMBER OF ADULT USE CANNABIS DISPENSARIES FROM ONE TO TWO AND;
- B. PERMIT ADULT USE CANNABIS DISPENSARIES AS A SPECIAL USE IN SPECIAL DEVELOPMENT DISTRICT (CANTERA)

SECONDED BY COMMISSIONER TAYLOR. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

3. City of Warrenville Zoning Ordinance #1018 Text Amendments (Public Hearing)

Planner Maszka presented to the Plan Commission three proposed text amendments that staff is seeking approval to change. They are:

- Exempting chicken coops from accessory structure measures.
- Revising the filing procedures section to require a uniform number of physical submissions.
- Permitting second story additions to legal non-conforming setbacks.

Commissioner Hartsfield asked Planner Maszka in regards to the second story additions, if the ordinance were to change would an applicant have to go thru the formal process to get approval or would a regular building permit application be accepted.

Planner Maszka stated that an applicant would have to file a normal building permit. Commissioner Hartsfield shared his concern that if a non-conforming building is near the property line and wants to double in height then neighbors might want to object and have a forum to express their own concerns as well.

Planner Maszka stated additional research on the process will be done and shared with the Plan Commission at the next meeting.

Chairman Cosgrove confirmed to the Plan Commission that under the current ordinance an applicant would have to apply for a variance and have to go thru the public hearing process if they were applying to build a second story addition.

ACDD Arguilles reiterated that the intent of this proposed text amendment is to encourage homeowners who are interested in investing in their properties to have the ability to maintain what they have and add on a second story.

Chairman Cosgrove asked if staff can provide data regarding what has been brought to the city requesting to build second story additions and what the non-conformity issues were to shed more light on the issue.

Commissioner Taylor asked what zoning districts these non-conformities affect.

Chairman Cosgrove stated that it affects any home built prior to the early to mid-1960s before Warrenville was incorporated.

Commissioner Miller asked what the limit is on the number of chickens allowed per household.

ACDD Arguilles states the current zoning ordinance allows 10 chickens per 10,000 square feet of property. No roosters are permitted.

CHAIRMAN COSGROVE MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF TEXT AMENDMENTS TO THE ZONING ORDINANCE #1080 TO EXEMPT CHICKEN COOPS FROM ACCESSORY STRUCTURE MAXIMUM YARD COVERAGE CALCULATIONS IN TABLE 10A. SECONDED BY COMMISSIONER MILLER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

CHAIRMAN COSGROVE MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF TEXT AMENDMENTS TO THE ZONING ORDINANCE #1080 TO REVISE TABLE 2C AND TABLE 2D OF THE FILING PROCEDURES SECTION TO BOTH REQUIRE 1 ELECTRONIC SUBMISSION AND 15 PHYSICAL SUBMISSIONS. SECONDED BY COMMISSIONER MILLER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED UNANIMOUSLY VIA VOICE VOTE. MOTION CARRIED.

CHAIRMAN COSGROVE MADE A MOTION TO CONTINUE THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE ZONING ORDINANCE #1018 TEXT AMENDMENTS FOR ITEM C: REVISE THE NONCONFORMITIES SECTION TO PERMIT VERTICAL ADDITION TO LEGAL NON-CONFORMING SETBACKS. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE.

VOICE VOTE:

AYE: Cosgrove, Taylor, Vavra, Hartsfield

NAY: Fawell, Miller

Absent/Excused: Schultz, Sanfilipp, Tullier

MOTION PASSED. MOTION ADOPTED. MOTION CARRIED.

D. PUBLIC COMMENTS*

There were no comments.

E. APPROVAL OF MINUTES

1. Regular Meeting March 23, 2023

CHAIRMAN COSGROVE MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 23, 2023 MEETING, SECONDED BY COMMISSIONER FAWELL. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

F. CHAIRMAN'S REPORT

No Report.

G. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR'S REPORT

There was no report.

H. ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

No Report.

I. PLANNER'S REPORT

Planner Maszka mentioned the items for the upcoming meetings would be Casey's retail development, parking regulation text amendments, and the continuation of the Synata-Bio Public Hearing.

J. ADJOURN

CHAIRMAN COSGROVE MOVED, SECONDED BY COMMISSIONER MILLER TO ADJOURN THE MEETING AT 8:10 P.M. MOTION ADOPTED UNANIMOUSLY VIA VOICE VOTE.

Chris Santos, Permit and Zoning Technician