



Monday, March 2, 2020
COMMITTEE OF THE WHOLE MEETING

Village Hall, 10 N. Water Street, South Elgin, IL 60177
2nd Floor Board Room
7pm

1. OPENING CEREMONY

Subject	A. Call to Order
Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	1. OPENING CEREMONY
Type	Procedural

Subject	B. Roll Call
Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	1. OPENING CEREMONY
Type	Procedural

2. CLOSED SESSION

Subject	A. Recess to Closed Session
Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	2. CLOSED SESSION
Type	Information, Procedural

Subject	B. Reconvene the Committee of the Whole Meeting
Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	2. CLOSED SESSION
Type	Procedural

3. DISCUSSION

Subject	A. Discussion: Proposed Increase in the Number of Class A-3 Alcoholic Liquor Dealer Licenses - Speedway LLC, 1775 N. LaFox Street
Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	3. DISCUSSION
Type	Discussion

Submitted by: Steve Super, Village Administrator

Discussion:

Speedway LLC, 1775 N. LaFox Street has submitted an application for a Class A-3 liquor license. A Class A-3 license authorizes the retail sale of beer and wine in original packages only and not for consumption on the premises of an establishment whose primary purpose is the retail sale of gasoline.

Although only the local liquor commissioner may approve a liquor license, the first step in the approval process is to determine whether or not the Board will grant an additional license in the Class A-3 category, pursuant to the Village's policy to establish the maximum number of allowable licenses in any liquor license category to be equal to the number of licenses currently in effect. The applicant has requested the Board's consensus on whether or not they will increase the number of Class A-3 licenses from 2 to 3 pursuant to Title XI, Chapter 111.32 of the Village Code of Ordinances.

Subject	B. Discussion: Authorizing the Execution of a Contract for Audit Services with Lauterbach & Amen, LLP for Fiscal Years ending April 30, 2020, April 30, 2021
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and April 30, 2022.

Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	3. DISCUSSION
Type	Discussion

Submitted by: Megan Golden, Director of Administrative Services

Discussion:

The Village has contracted for audit services with Lauterbach & Amen for the past several years. Staff has a solid working relationship with Lauterbach & Amen, resulting in an audit process that is organized, thorough and timely. Lauterbach & Amen's understanding of the Village's organization and fund structure helps ensure that the Village is appropriately addressing the latest Government Accounting Standards Board statements. Though we maintain a strong working relationship with the firm, Lauterbach & Amen consistently rotates fieldwork staff to ensure there are a new set of eyes looking at the Village's financial records. Lauterbach & Amen has kept their fees relatively consistent proposing \$16,420, \$16,900 and \$17,380 for Fiscal Years Ending 2020, 2021, and 2022 respectively. Over the life of the contract, this represents a 0% increase in cost compared to the Fiscal Year Ending 2019 fee of \$16,900.

Cost:

The annual audit fees are budgeted in Account 10-50-5564 Administrative Services - Audit Services.

File Attachments
[Lauterbach & Amen.pdf \(86 KB\)](#)

Subject	C. Discussion: Proposed Special Use - Cannabis Craft Grower - 740 Schneider Drive
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Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	3. DISCUSSION
Type	Discussion

Submitted by: Nancy Hill, Director of Community Development

Discussion:

South Elgin CGF, Inc. is seeking a recommendation of approval for a proposed craft grower at 740 Schneider Drive. There is an existing vacant 40,000 square foot building on the subject property that would use for this business. The building was formerly home to Fuji Foods and is already set up to meet many FDA and Department of Agriculture standards, and could easily be converted to a cannabis craft grower business. As a result, there has been much interest in this building for this proposed use.

No variations or relief from the Zoning Ordinance is being requested and parking meeting requirements. Initially 10 employees are expected, with about 35-40 employees at full capacity. There would be no outdoor storage or materials. Signage is at a minimum and South Elgin CGF, Inc. has indicated that they will meet the signage requirements outlined in the UDO, as this is not a location for the general public and no retail sales will occur on this site.

The planned hours of operation will be 6 am to 6 pm.

In 2019, Cannabis Regulation and Tax Act (the "Act") was signed into law by the state of Illinois to legalize the cultivation, sale, possession, and consumption of cannabis in Illinois, beginning January 1, 2020. The Act allows the Village to regulate cannabis businesses, such as dispensaries, cultivation centers, transporters, processors, and craft growers, collectively known as "cannabis business establishments". In addition, the Act authorizes the Village to enact reasonable zoning ordinances or resolutions regulating cannabis business establishments as long as such regulations are not in conflict with the Act.

Subsequently, the South Elgin Planning and Zoning Commission reviewed and the Village Board approved a text amendment to the Unified Development Ordinance (UDO) to allow cannabis businesses in certain zoning districts, depending on the proposed use. The Village Board also approved a resolution limiting the number of the various types of cannabis business establishments.

A 'craft grower' under Illinois law means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may utilize up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet based on market need, craft grower capacity, and/or the licensee's history of compliance or non-compliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area.

The UDO currently states that Cannabis Craft Growers are a special use in the I Industrial District only. In addition, a Craft Grower must comply with the following conditions summarized below:

- Comply with all state regulations and rules.
- Substantial compliance with the plans submitted.
- Must be at least 250 feet from existing preschools, elementary schools, secondary schools, day care centers, state-licensed day care homes, parks, and libraries; and at least 100 feet from a principal residential structure.
- Comply with all state-imposed security requirements.
- Comply with all state-imposed air treatment requirements.
- Minimize traffic congestion.
- Comply with all state, county, and Village regulations governing cannabis waste.
- Drive-thru service is not permitted.
- On premise consumption is prohibited.
- Prior to certificate of occupancy all required state licenses to operate as a cannabis business establishment must be provided to the Zoning Administrator and be maintained in effect at all times.
- The special use applies to the applicant only and is non-transferrable.
- Cannabis craft growers are subject to random and unannounced inspections by law enforcement, and safety or health inspectors.
- If reasonable cause of violation exists, all cannabis business establishments are subject to inspections by the Zoning Administrator, Police or other village agents and employees, with the assistance of the Village Attorney.

In addition, the Village Board may also require additional safeguards, including imposing hours of operation for a cannabis business establishment, requiring additional air treatment, etc.

The purpose of a special use is to provide for uses, which may have a special, unique, or unusual impact upon the use of neighboring property. The Village Board, Planning and Zoning Commission, and Zoning Administrator shall evaluate applications for special use permits with specific written findings based on certain standards. When reviewing the standards and the application, staff found the following:

1.The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public. The Petitioner has stated there would be no outdoor storage or materials. Signage is at a minimum and the Petitioner has indicated that they will meet the signage requirements outlined in the UDO, as this is not a location for the general public and no retail sales will occur on this site.

The South Elgin Police Department has reviewed the security plan provided by the Petitioner and also met with the Petitioner to discuss. The Police Department offered suggestions and is otherwise comfortable with the security plan. Staff has also reviewed the Petitioner's odor control plan, inventory control plan, cannabis waste plan, and recycling plan, and we find them all to be acceptable. Staff requests that updated plans be provided to the Village upon approval from the state of Illinois.

2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use. The proposed use is compatible with the character of adjacent property and other properties within the immediate vicinity of the proposed special use. Further, the proposed use far exceeds the Village's minimum requirements that a cannabis business establishment must be at least 250 feet from existing preschools, elementary schools, secondary schools, day care centers, state-licenses day care homes, parks, and libraries; and at least 100 feet from a principal residential structure. The closest facility is a park – Sperry Park – which is about 900 feet away as the crow flies from property line to property line or about 2,500 feet when using public sidewalks. The closest residential units are the apartments located on Martin and Sperry Drives, which is about one (1) block away.

3.The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use. The building is existing and is well-suited for a craft grow facility. There will be no significant exterior building alterations and limited signage. It is expected that adjacent businesses will not even be able to tell that a cannabis business operates out of the facility.

4. The proposed special use will be provided with adequate utilities, access roads, drainage, and/or other necessary facilities. The proposed use is not a high volume traffic generator, and the previous use likely generated more truck traffic. One to two deliveries a day are expected, with cargo vans being used. No box trucks or semi-trucks will be used at this site. There is adequate on-site parking and loading. The proposed use is also not a high volume water user, mostly due to the size limitations of the craft grow license. The expected water use is 3,250 gallons per day, which is about the same as the average single-family home.

5.The proposed special use is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village. The proposed use complies with the Comprehensive Plan, UDO, and other land use policies of the Village.

Planning and Zoning Commission Review and Recommendation:

The Planning and Zoning Commission reviewed this item during a public hearing at its February 19, 2020 meeting. In compliance with state statutes and the Unified Development Ordinance (UDO), a Public Hearing notice was published in the Friday, January 31, 2020 edition of the Daily Herald.

Property owners within 250 feet of the subject property were notified of the time, date, and place for the public hearing by mail.

During the public hearing, the Planning and Zoning Commission heard testimony from the petitioner and staff and asked questions of both. There was no one in the general audience to speak for or against the petition.

The Planning and Zoning Commission made the following motion to recommend approval of the petition to the Village Board:

That the Planning and Zoning Commission recommend approval to the Village Board of petition CD 20-01 for a Special Use Permit for the proposed Cannabis Craft Grower use located at 740 Schneider Drive in the I Industrial District with the following conditions of approval:

- The special use shall apply to the Petitioner only and is non-transferrable;*
- The Petitioner use shall comply with all state regulations and rules;*
- The use shall be in substantial compliance with all plans submitted;*
- On premise consumption of cannabis shall be prohibited;*
- Prior to certificate of occupancy all final applications, plans, and required state licenses to operate as a cannabis business establishment shall be provided to the Zoning Administrator and shall be maintained in effect at all times that the business is operational at the subject property;*
- The use shall be subject to random and unannounced inspections by law enforcement and safety or health inspectors;*
- If reasonable cause of violation exists, all cannabis business establishments shall be subject to inspections by the Zoning Administrator, police or other village agents and employees, with the assistance of the Village Attorney;*
- All exterior doors, including overhead doors, shall be numbered sequentially and signed with numbers measuring at least 3" in height;*
- In addition to the other security cameras being installed per the Petitioner's Security Plan, additional security cameras shall be installed on the roof such that the entire roof is visible through the camera system;*
- The Petitioner shall pay the Village for the expense to install a security camera in the Village's right-of-way in the immediate vicinity of the Subject Property. Such security camera shall connect to the Village's system;*
- A representative of the Craft Grower Business shall meet with Village of South Elgin Police Department upon receipt of its state license to operate as a Craft Grower and annually thereafter as long as the business continues to operate on the subject property, to review the security plan; and*
- The Craft Grower Business shall notify the Village of South Elgin Police Department in writing of any changes to the Security Plan within five (5) business days of said change.*

The motion CARRIED with a vote of 5-1-1.

File Attachments

[PZ Staff Report and Attachments - Cannabis Craft Grower.pdf \(5,469 KB\)](#)

4. CLOSING CEREMONY

Subject

A. Adjournment

Meeting	Mar 2, 2020 - COMMITTEE OF THE WHOLE MEETING
Category	4. CLOSING CEREMONY
Type	Information, Procedural

Public comment and addresses from the audience during the regular meeting are limited to three minutes (Section 30.16 Order of Business). Public comments at the beginning of each meeting must be related to items on the agenda. Public addresses at the end of the meeting may be related to any Village business.