

CITY OF DARIEN
PLANNING AND ZONING COMMISSION
AGENDA

Wednesday, April 2, 2014
7:00 PM

City Hall
Council Chambers

1. Call to Order
2. Establish Quorum
3. Regular Meeting:
 - A. **Concept Plan Review: 2100 Manning Road:** Concept plan review concerning proposed 29-lot subdivision for single-family detached homes. Discussion only.
 - B. **Public Hearing**
PZC 2014-01: Text Amendment to the Zoning Ordinance, Medical Cannabis: Consideration of a text amendment to Section 5A-9-4-4, I-1 General Industrial District of the Zoning Ordinance, listing medical cannabis cultivation and dispensing centers as special uses.
4. Correspondence
5. Old Business/Planner's Report
6. Minutes: January 15, 2014
6. Next Meeting: **April 16, 2014, 7:00 PM**
7. Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MEETING DATE: April 2, 2014

Issue Statement

Concept Plan Review: **2100 Manning Road:** Concept plan review for proposed 29-lot subdivision for single-family, detached homes. Discussion only.

General Information

Petitioner: Paul Swanson, President
Paul Swanson Associates, Inc.
401 E. Prospect Avenue
Mt. Prospect, Illinois 60056

Property Owner: Philip and Denise Gardner
2100 Manning Road
Darien, IL 60561

Property Location: 2100 Manning Road

PIN: 09-29-400-010

Existing Zoning: R-1 Single-Family Residence

Existing Land Use: Single-family residence

Proposed Zoning: R-2 Single-Family Residence

Proposed Land Use: Residential

Comprehensive Plan Update: Low Density Residential

Surrounding Zoning and Land Use:

North: B-3 General Business District: Darien Towne Centre
East: R-2 Single-Family Residence: single-family homes, detached.
South: R-2 Single-Family Residence: single-family homes, detached.
West: R-2 Single-Family Residence: single-family homes, detached.

Size of Property: 7.46 acres

Floodplain: None.

Natural Features: Wooded, slight topography

Transportation: Property has frontage along Manning Road.

History: In 2010, the Planning and Zoning Commission reviewed a concept plan for this property featuring 52 dwelling units, townhomes.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Concept Plan, 1 sheet, prepared by Pearson, Brown & Associates, Inc., latest revision dated January 30, 2014.
2. Partial Site Plan, 1 sheet.
3. K. Hovnanian Homes information and model home information, 20 sheets.

Planning Overview/Discussion

The subject property is located on the north side of Manning Road, at Brunswick Road. The property was annexed into Darien in 2010.

The Comprehensive Plan Update (2002) designates the subject property as Low-Density Residential. The Comprehensive Plan Update does not recommend or specify a specific zoning classification. However, "Low-Density" implies single-family, detached residences.

Furthermore, Figure 12 of the Comprehensive Plan Update designates the property as a Non-Key Development Area. Table 10 of the Comprehensive Plan Update provides the following recommendations for this property:

Future land uses should be low-density residential, following a similar character and density of surrounding neighborhoods. It is recognized that this property is heavily wooded and contains many mature trees. Therefore, new development should preserve existing mature trees and other natural features. (Figure 12 and Table 10 attached)

The petitioner proposes to rezone the property from R-1 to R-2 Single-Family Residence. The R-2 standards as well as the proposed plan are summarized in the following table:

Zoning Regulations		
	R-2 Standards	Proposed
Lot area	10,000 square feet	6,120 square feet
Lot width, interior lot	75 feet	51 feet
Lot width, corner lot	85 feet	71 feet
Lot depth	120 feet	120 feet
Front yard	35 feet	25 feet
Interior side yard	10 feet	5 feet

Corner side yard	15 feet	15 feet
Rear yard	30 feet	25 feet
Subdivision Regulations		
Minor street right-of-way	66 feet	60 feet
Minor street pavement width	30 feet	27 feet
Minor street curve centerline radius	150 feet	40 feet

The plan as presented requires variations from the Zoning Ordinance (lot area, lot width, required yards) and waivers from the Subdivision Regulations (right-of-way width, street pavement width, street curve radius).

Staff supports the reduced street right-of-way and street pavement width.

The petitioner held a meeting with area residents seeking their input. The petitioner provided a list of addresses sent an invitation to this meeting as well as the sign-in sheet.

Staff Findings/Recommendations

For discussion only.

Decision Mode

U:\DCD\PLANNING & ZONING COMM\PZC CASES I-P\Manning Rd 2100.Concept plan review.29 lot subdiv\MEMO.2100 Manning Rd.concept plan review.29 lot subdiv.pzc.docx

DEVELOPER PROFILE

PAUL SWANSON
PRESIDENT
PAUL SWANSON ASSOCIATES INC.
401 E. PROSPECT AVENUE, SUITE 201
MT. PROSPECT IL 60056

Graduated from University of Michigan 1963 Bachelor of Architecture

Professional Organizations: ALA Association of Licensed Architects
NCARB National Council of Architectural Boards

Licensed Architect: State of Illinois State of North Carolina

Licensed Real Estate Broker: Illinois

DEVELOPMENT EXPERIENCE

OFFICE BUILDING DEVELOPMENT (Professional & Medical)	2,800,000 SF VALUE	\$310,000,000
HOTEL RESTAURANT DEVELOPMENT		\$25,000,000
INDUSTRIAL DEVELOPMENT	4,200,000 SF VALUE	\$250,000,000
RETAIL DEVELOPMENT	1,200,000 SF VALUE	\$150,000,000
RESIDENTIAL DEVELOPMENT (Single family, condominium, townhomes, apartments)	VALUE	\$55,000,000

ARCHITECT/DEVELOPER PROFESSIONAL BACKGROUND

PAUL W. SWANSON

- 1963 - Graduate of University of Michigan with a Bachelors degree in Architecture.
- 1965 - Joined ARTHUR SWANSON & ASSOCIATES, an architectural firm founded in 1940 by his father Arthur P. Swanson.
- 1970 - Founded PAUL SWANSON ASSOCIATES, a real estate brokerage and development firm.
- 1978 - Bought out ARTHUR SWANSON & ASSOCIATES
- 1985 - Co-founded CD GROUP, a design/build construction company which does an annual construction volume of \$10-20 million per year.
- 1986 - Founded the DEVON GROUP, a real estate development company to develop and manage condominium, apartment, townhouse, office and retail properties in the Chicago area.
- 1990 - Founded PAUL SWANSON ASSOCIATES INC., an architectural design firm, successor to Arthur Swanson & Associates.

PAUL W. SWANSON is a registered architect and president of PAUL SWANSON ASSOCIATES INC., successor to Arthur Swanson & Associates, Ltd., an architectural firm with over 40 years experience in the design of commercial and residential properties. Mr. Swanson has been involved in real estate development for the past twenty years. Some of his completed commercial developments include:

- One Northbrook Place, a 200,000 SF office building in Northbrook, IL.
- Northbrook Tech Center, a 70,000 SF high tech industrial project in Northbrook, IL.
- Renovated the Americana Inn in Des Plaines, IL to a 150 room Comfort Inn (Quality Inn franchise).
- Development of a 204 unit luxury apartment complex in Arlington Heights, IL.
- 132 unit condominium conversion in Burr Ridge, IL.

**PARTIAL LIST OF OFFICE BUILDINGS
PAUL W. SWANSON**

COMPLETED PROJECTS

O'HARE EAST OFFICE BUILDING (NOW VILLAGE OF ROSEMONT
VILLAGE HALL)
110,000 SF-EIGHT STORY OFFICE BUILDING
ROSEMONT, IL

NATIONAL DAIRY ASSOCIATION OFFICE BUILDING
120,000 SF-EIGHT STORY OFFICE BUILDING
ROSEMONT, IL

NATIONAL ASSOCIATION OF INDEPENDENT INSURERS
60,000 SF-FOUR STORY OFFICE BUILDING
DES PLAINES, IL

ARLINGTON OFFICE COURT
15,000 SF-ONE STORY OFFICE BUILDING
ARLINGTON HEIGHTS, IL

O'HARE OFFICE COURT
40,000 SF OFFICE BUILDING
ROSEMONT, IL

ONE NORTHBROOK PLACE
200,000 SF OFFICE BUILDING
NORTHBROOK, IL

LINCOLNSHIRE EXECUTIVE CENTRE
41,000 SF OFFICE BUILDING
LINCOLNSHIRE, IL

CORPORATE PLAZA
41,500 SF-ONE STORY OFFICE BUILDING
SCHAUMBURG, IL

PARTIAL LIST OFFICE BUILDING
PAUL W. SWANSON
PAGE 2

WOODFIELD FINANCIAL CENTRE
204,000 SF-7 STORY OFFICE BUILDING
SCHAUMBURG, IL

TWO NORTHBROOK PLACE
120,000 SF-ONE STORY OFFICE BUILDING
NORTHBROOK, IL

DEERFIELD BUSINESS CENTER
210,000 SF-ONE STORY OFFICE BUILDING
DEERFIELD, IL

OAKBROOK BUSINESS CENTER
197,000 SF-ONE STORY TECH CENTER
OAKBROOK, IL

3400 DUNDEE ROAD
80,000 SF-THREE STORY OFFICE BUILDING
NORTHBROOK, IL

NORTHWEST CORPORATE CENTRE
357,000 SF SINGLE STORY OFFICE COMPLEX
HOFFMAN ESTATES, IL

NORTHBROOK TECH CENTER
83,000 SF-ONE STORY TECH CENTER
NORTHBROOK, IL

WORTH EXECUTIVE CENTER
25,000 SF-THREE STORY OFFICE BUILDING
WORTH, IL

633 SKOKIE BLVD.
60,000 SF-FOUR STORY OFFICE BUILDING
NORTHBROOK, IL

IMC CORPORATION
120,000 SF-ONE STORY OFFICE BUILDING
DES PLAINES, IL

PARTIAL LIST OFFICE BUILDINGS
PAUL W. SWANSON
PAGE 3

NORTHWEST SUBURBAN BOARD OF REALTORS
10,000 SF-TWO STORY OFFICE BUILDING
ARLINGTON HEIGHTS, IL

ST. CHARLES MANUFACTURING HEADQUARTERS
25,000 SF-THREE STORY OFFICE BUILDING
ST. CHARLES, IL

DUNHAM CENTER OFFICE BUILDING
20,000 SF-TWO STORY OFFICE BUILDING
4,000 SF-ONE STORY MEDICAL BUILDING
ST. CHARLES, IL

O'HARE INTERNATIONAL TOWERS
200,000 SF-SEVEN STORY OFFICE BUILDING
ROSEMONT, IL

ENTERPRISE CENTER
127,200 SF-ONE STORY OFFICE BUILDING
WESTCHESTER, IL

O'HARE CORPORATE CENTER
142,000 SF-THREE STORY OFFICE BUILDING
PARK RIDGE, IL

BIG TEN ATHLETIC CONFERENCE HEADQUARTERS
25,000 SF-THREE STORY OFFICE BUILDING
PARK RIDGE, IL

CORPORATE AMERICA FEDERAL CREDIT UNION HEADQUARTERS
13,000 SF OFFICE BUILDING
ELGIN, IL

OMRON CORPORATION
50,000 SF-ONE STORY OFFICE/TECH CENTER
SCHAUMBURG, IL

OMRON CORPORATION

120,000 SF-ONE STORY OFFICE/INDUSTRIAL BUILDING
ST. CHARLES, IL

ARCHITECTURAL/DEVELOPER BACKGROUND
PAUL W. SWANSON
Page 2

- In partnership, converted an industrial building in Rosemont, IL into his offices and leased the remaining office space.

In addition the firm has provided architectural and construction services as well as construction management supervision to other developers and financial institutions, including a joint venture of an eight story, 300,000 SF office building in Schaumburg, IL for Mutual of New York.

Mr. Swanson has designed/developed over 5 million square feet of office, industrial and commercial properties, and his unique professional experience as architect, contractor and developer gives a special insight and ability to deal effectively with today's complex real estate industry.

Arthur Swanson & Associates, Ltd. is dedicated to design excellence through a personalized practice of architecture. Every project is under the direct supervision of one of the firm's principal architects. Clients are assured of the highest degree of professional responsibility and personal accountability.

Over the forty year history of the firm, this dedication to professionalism, coupled with unique creative abilities, has earned numerous architectural awards for Arthur Swanson & Associates, Ltd., the highest esteem of its peers and, most importantly, a growing number of satisfied clients.



Paul W. Swanson
President

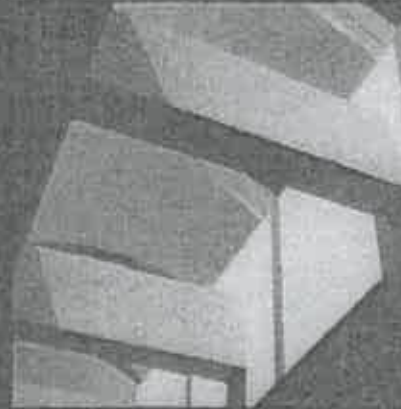


arthur swanson & associates, ltd

ARCHITECTURAL SERVICES

SERVICES

- Architectural Design
- Space Planning
- Structural Engineering
- Mechanical Engineering
- Electrical Engineering
- Interior Design
- Land Planning

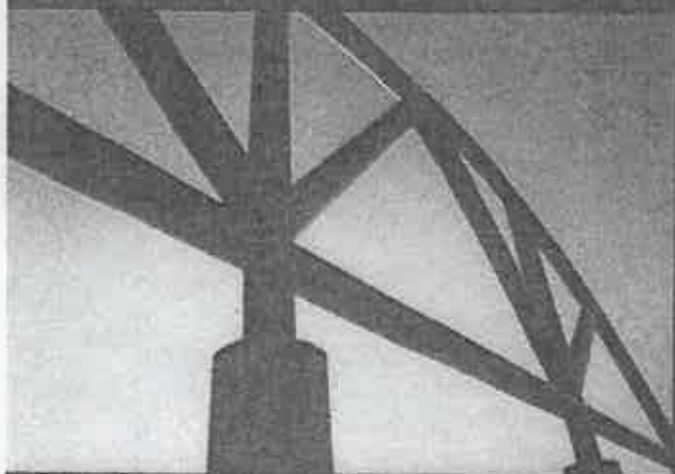


PROFESSIONAL AFFILIATIONS

- Society of American Registered Architects
- National Council of Architectural Registration Boards
- Illinois Society of Architects
- NAACP

PARTIAL CLIENT LIST

ARA Services
The Abacus Group
Airline Pilots Association
Anqua Chemical Company
Best Western Motels
The Big Ten Athletic Conference
Brotherhood of Railway & Airline Clerks
Canteen Corporation
Carter, Prie, Scott and Company



Dart & Kraft, Inc.
Deerfield Savings & Loan
Draber & Kramer, Inc.
General Mills
General Motors Corporation
International Harvester
IMC Corporation
Jumer's Castle Lodge
Kaiser Aluminum

MCA Records, Inc.
National Association of Independent Insurers
Northwest Commerce Bank
Northwest Suburban Board of Realtors
O'Hare/Ramada Inn
Rockwell International
Wang Laboratories
Win Schaller Restaurants
St. Charles Manufacturing Co.

ASCI

arthur swanson & associates, ltd



Google earth



LOCATION MAP

2100 MANNING ROAD
DARIEN, ILLINOIS

Development Concept
2100 Manning Road
Darien, Illinois

1. Major Influences on the Property

- a) Adjacent and backing up to retail (Darien Town Center)
- b) Single Family Residential adjacent to property on east (R2 PUD), & west and on south side of Manning Rd.
- c) Wooded with a lot of undulating topography

2. The Concept

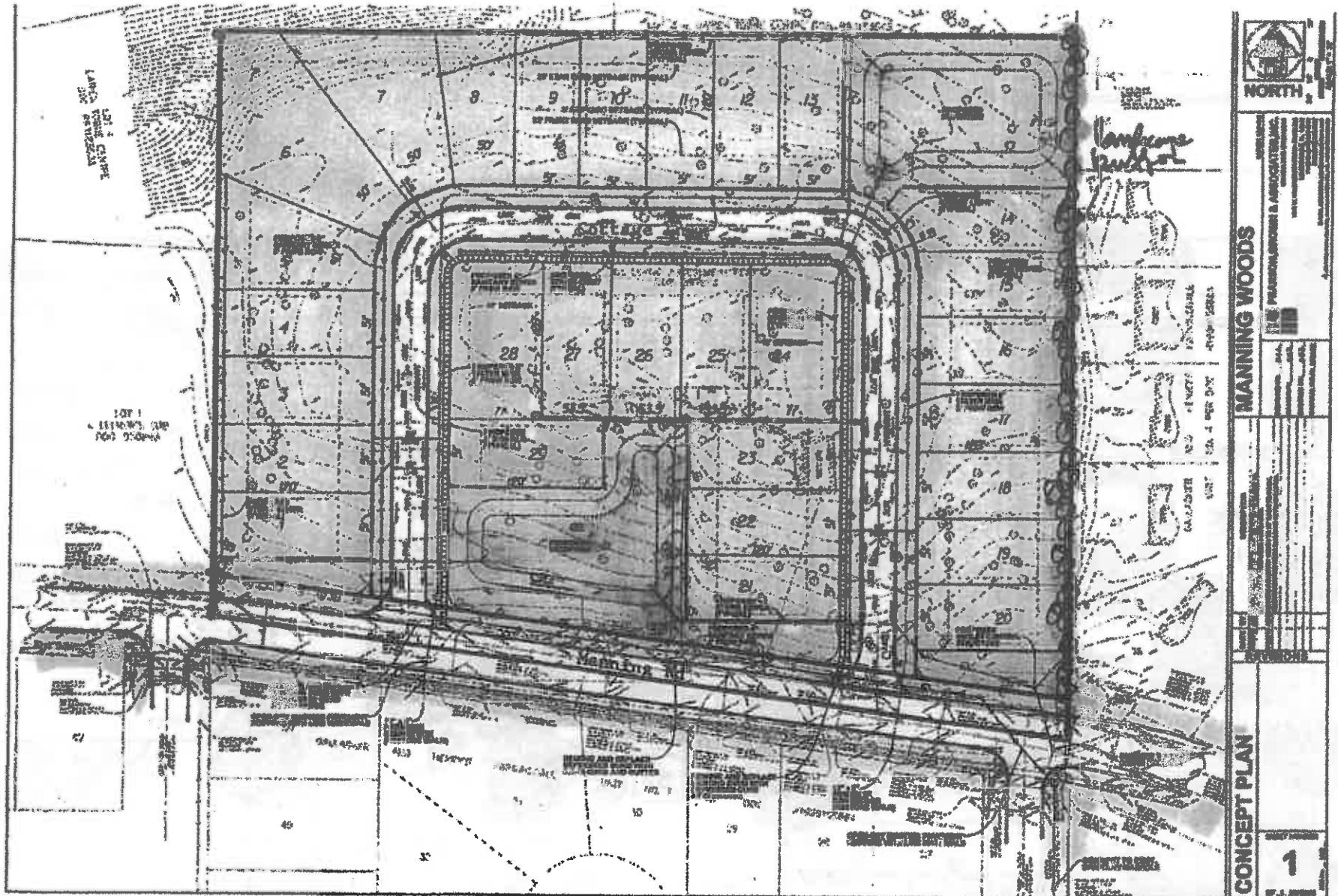
Because this property is a "buffer" between Residential & Commercial uses good planning might indicate high density residential, such as condominiums or townhomes would be an appropriate use.

Although townhomes or condominiums may be an appropriate use of the property I feel the most appropriate use of the property is Medium Density Detached Single Family Residential (3.8 DU/AC) for a number of reasons:

1. The Smaller lots (51'x120') meet a market demand for less ground maintenance (grass cutting) and more time for individual or family activities.
2. The detached single family homes are more sympathetic to the surrounding detached residential neighbors.
3. The smaller lots are more adaptable to the undulating topography of the site.
4. All detention is on-site.
5. The detached residences meet the demand for both young professionals and older "downsizers" who do not want attached living (condo or townhomes)
6. Because of the above less children of "school age" are produced by this type of product.
7. Average square footage of the proposed residences is 3,000 SF with an average sales price of \$400,000.
8. 29 single family lots produces a living environment that is large enough for a homeowners association to maintain the on-site detention areas but small enough to produce a "Cozy Cottage Style" neighborhood feeling.

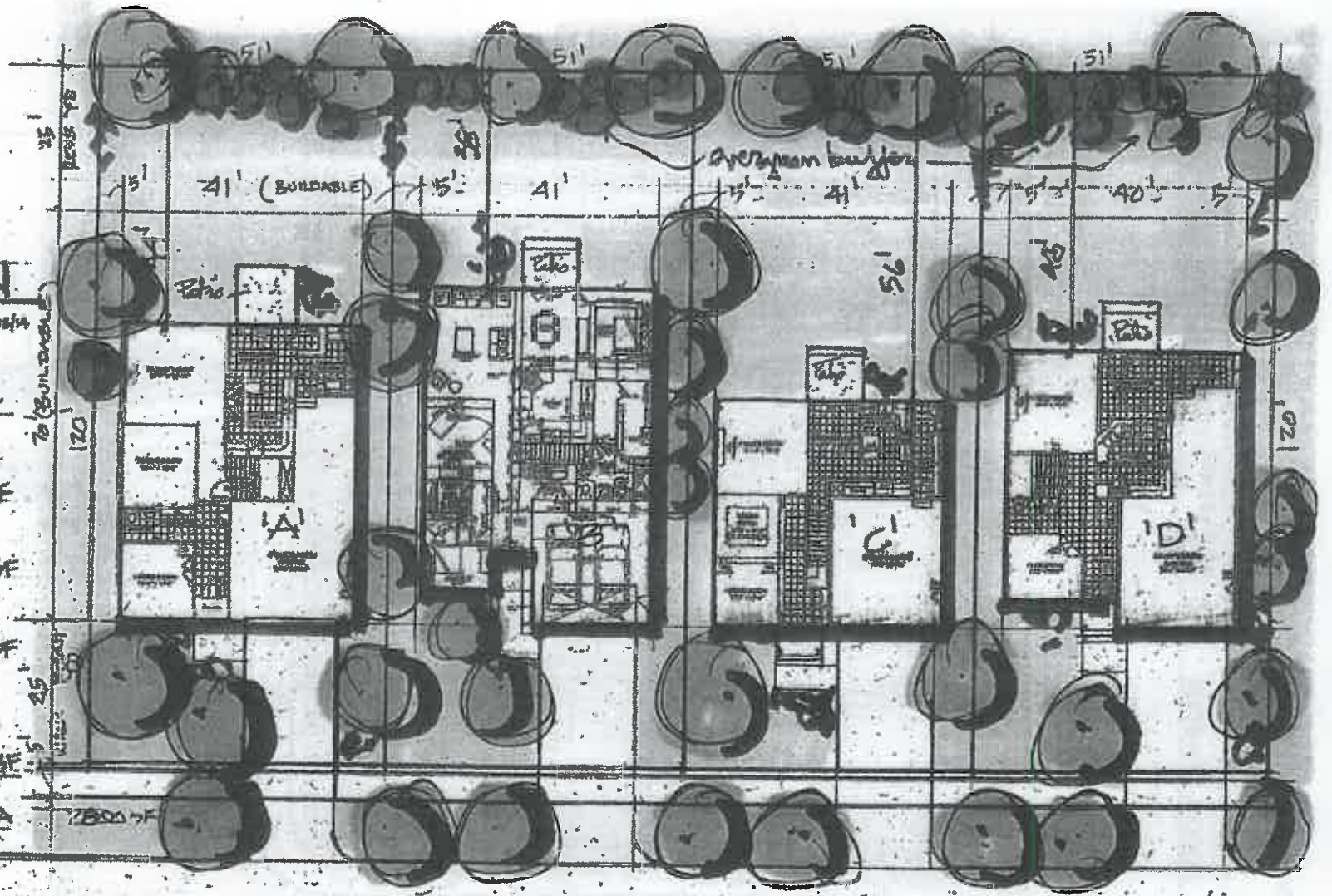
The biggest reason for medium density detached single family is to meet the pent up demand for smaller easier to maintain properties. This coupled with the "Cottage Style" Architecture with modern "open" floor plans, highly energy efficient building envelopes and appliances will ensure a product that will be in high demand for many years to come! The demand to live on "Cottage Lane" in an upscale environment such as Darien will be great!

DARIEN TOWN CENTER



PARTIAL SITE PLAN

- NTS
- RESIDENCE TYPE
- A. COLFAX
2-STORY 3000 SF
 - B. VOREN
1-STORY 1718 SF
 - C. TOMASEN
2-STORY 2600 SF
 - D. LANCASTER
2-STORY 2700 SF
- VOT AREA 6120 SF
51' X 120'
- BUILDABLE VOT AREA 40' X



COTTAGE LANE

The Tomasen

The Tomasen



CS ELEVATION



ES ELEVATION



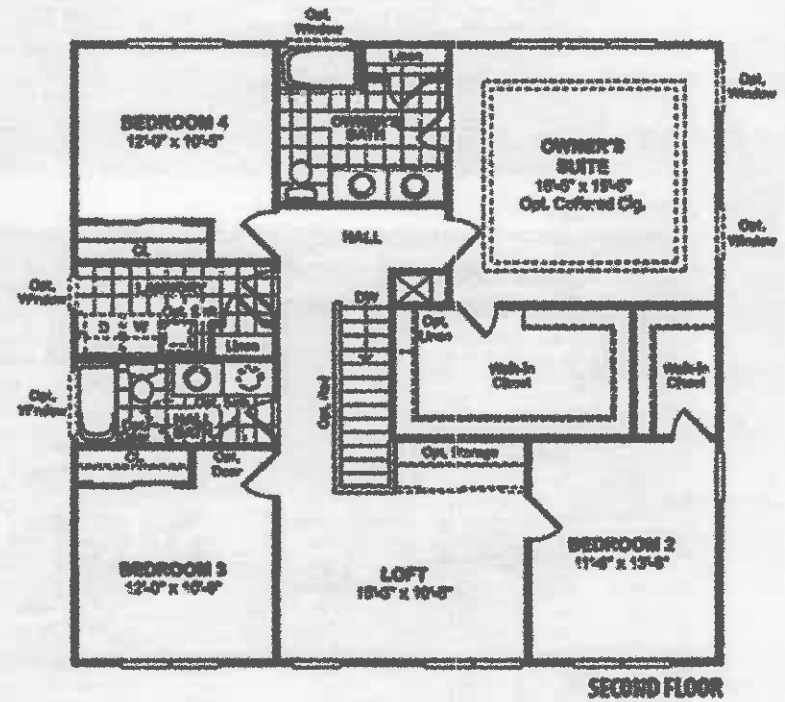
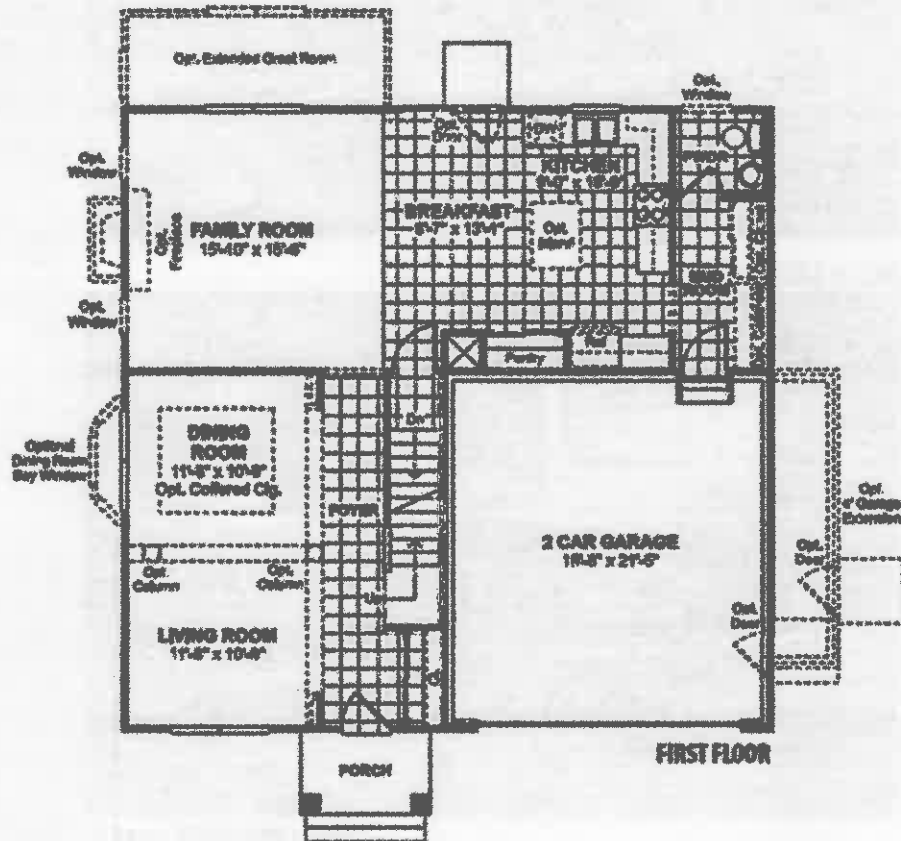
FS ELEVATION



FT ELEVATION

The Tomasen

4 Bedrooms, 2-1/2 Baths, 2-Car Garage
2,568 Square Feet



The Lancaster



CB ELEVATION



CS ELEVATION



FS ELEVATION



FT ELEVATION

The Colfax

The Colfax



BS ELEVATION



ES ELEVATION



FS ELEVATION



FT ELEVATION

The Stratford



AS ELEVATION



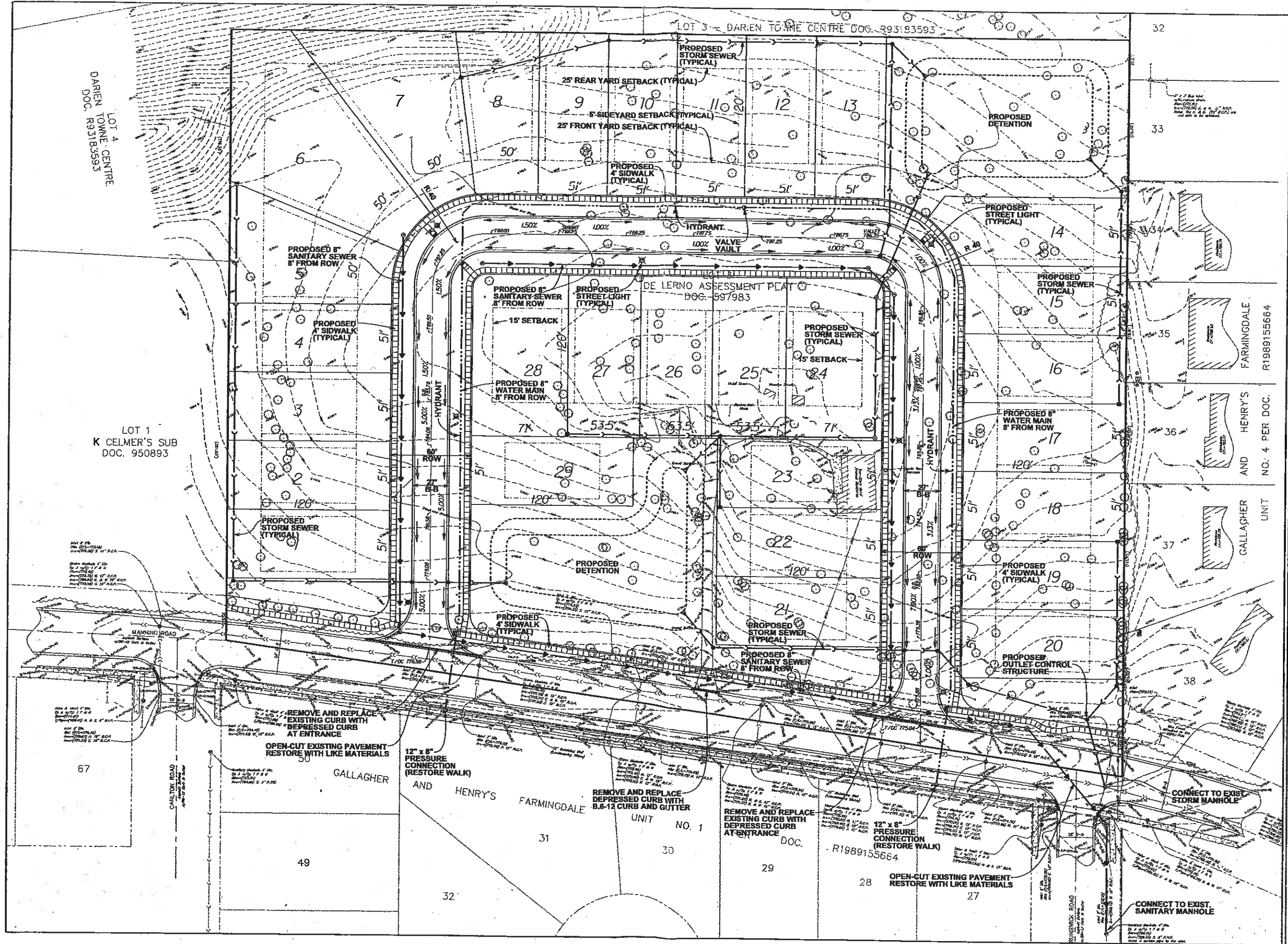
DS ELEVATION



FS ELEVATION



FT ELEVATION



LOT 4
DARIEN TOWNE CENTRE
DOC. R33183593

LOT 1
K CELMER'S SUB
DOC. 950893

LOT 3 DARIEN TOWNE CENTRE DOC. R33183593

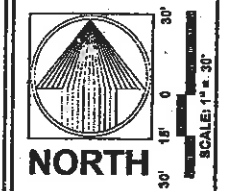
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FARMINGDALE

HENRY'S
AND
GALLAGHER

UNIT NO. 4 PER DOC. R1989155664



MANNING WOODS
PEARSON, BROWN & ASSOCIATES, INC.
CONSTRUCTING ENGINEERS
1800 W. WINDLETT ROAD - SUITE 205
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DESIGNED BY: R.A.A.
DRAWN BY: A.K.Z.
CHECKED BY: A.K.Z.
ORIGINAL ISSUE: 01/20/04

DATE BY	DESCRIPTION
02/07/04	ADDED REAR LOT DIMENSIONS TO LOTS 14 AND 15.
02/07/04	LOT 14 FRONTAGE WIDTH INCREASED.
02/07/04	REVISED ROADWAY WIDTH TO 27' BACK TO BACK.
02/07/04	ADDED SIDE AND REAR BUILDING SETBACK LINES.

CONCEPT PLAN
SHEET NUMBER
1
OF 1 SHEETS
JOB No. 1481

AGENDA MEMO
PLANNING AND ZONING COMMISSION
MEETING DATE: April 2, 2014

Issue Statement

PZC 2014-01: **Text Amendment to the Zoning Ordinance: Medical Cannabis:** Consideration of a text amendment to Section 5A-9-4-4, I-1 General Industrial District, of the Zoning Ordinance, listing medical cannabis cultivation and dispensing centers as special uses.

Applicable Regulations: Zoning Ordinance, Section 5A-9-4-4: I-1 General Industrial District, Special Uses
 Zoning Ordinance, Section 5A-2-2-5: Amendments
 Zoning Ordinance, Section 5A-2-2-6: Special uses

General Information

In August 2013, the State of Illinois approved the use of medical cannabis in Illinois beginning January 1, 2014. The law allows local jurisdictions to enact reasonable zoning ordinances regulating locations where cannabis cultivation and dispensing centers may locate, as long as it is not in conflict with state law. Municipalities may not prohibit medical cannabis cultivation and dispensing centers.

Per Illinois law:

- **Cultivation centers** must be located at least 2,500 feet from pre-existing pre-schools, elementary or secondary schools, daycare centers, group daycare centers or an area zoned for residential use.
- **Dispensing centers** must be located at least 1,000 feet from pre-existing pre-schools, daycare centers and may not be located in an area zoned for residential use.

Additional Illinois law requirements for dispensing:

- The dispensing organization must be registered by the Department of Finance and Professional Registration.
- The dispensing organization may only obtain medical cannabis from a registered cultivation center and may only dispense to registered qualified patients.
- The State of Illinois may license up to 60 dispensing organizations in the state which shall be geographically dispersed throughout the state.

Staff recommends a text amendment to the Zoning Ordinance adding medical cannabis cultivation and dispensing centers as special uses within the I-1 General Industrial District. A map has been provided showing the I-1 zoning district locations within Darien. Special uses require City Council approval via a public hearing before the Planning and Zoning Commission.

Currently, the only properties in Darien zoned I-1 are the Darien Municipal Services Facility at 1041 S. Frontage Road and the property immediately to the east at 1033-35 S. Frontage Road. These properties are the most remote parcels within Darien in terms of nearby schools, daycare

centers and residential areas.

The properties noted above are located within 1,000 feet of an area zoned for residential use, area to the north. Therefore, these locations could contain dispensing centers but not cultivation centers.

A text amendment to the Zoning Ordinance requires a public hearing before the Planning and Zoning Commission, with the City Council making the final decision.

At the March 3, 2014, the City Council directed staff to prepare an amendment to the Zoning Ordinance.

An article from the Illinois Municipal League, Common Questions Concerning Medical Cannabis, provides additional information summarizing how the State of Illinois will regulate medical cannabis.

The proposed text amendment follows, permitted uses and special uses listed, new language shown in *italics*:

5A-9-4: I-1 GENERAL INDUSTRIAL DISTRICT

5A-9-4-3: PERMITTED USES:

No building, structure, or land shall be used and no building or structure shall be erected, altered, or enlarged, which is arranged, intended, or designed for other than one of the following uses:

Abrasive manufacture.

Bakeries.

Banks and financial institutions.

Bottling companies.

Brick and structural clay products manufacture.

Building materials and product sales and storage.

Cartage and express facilities.

Civic buildings.

Contractor and construction offices, shops, and yards.

Dairy products processing.

Dry cleaning establishments and laundries.

Electronic and scientific precision instruments manufacture.

Electroplating.

Fuel and ice sales.

Furniture, bedding, and carpet manufacture.
General manufacturing and wholesaling.
Glass products production and sales.
Heavy machinery production.
Light machinery production.
Lithographing.
Machine shops.
Metal stamping.
Newspaper publishing.
Parking lots and garages.
Pottery and ceramics manufacture.
Printing and publishing establishments.
Radio and television stations and studios.
Schools, vocational or trade.
Semitruck, semitrailer and bus sales lot.
Stone products manufacture.
Warehousing, storage (including ministorage) and distribution facilities.
Wearing apparel manufacture.
Woodworking.

5A-9-4-4: SPECIAL USES:

The following special uses may be permitted in specific situations in accordance with the procedures outlined in section 5A-2-2-6 of this title:

Accessory outdoor storage (in compliance with section 5A-9-1-3 of this chapter).
Airports and heliports.
Automobile service stations, repair facilities, and car washes used in conjunction with an automobile service station.
Car washes, drive-through (as a principal use).
Car wash, user operated (as a principal use).
Chemical processing and manufacture.
Eating and drinking establishments.
Food manufacture, packaging and processing.
Freight terminals.
Garages for storage, repair and servicing of motor vehicles, including body repair, painting and engine rebuilding.
Grain storage and processing.
Landfills.

Medical cannabis cultivation centers as defined in 410 ILCS 130/10(e) and subject to the distance requirements set forth in 410 ILCS 130/105.

Medical cannabis dispensing centers in accordance with 410 ILCS 130/10(o) and subject to the distance requirements set forth in 410 ILCS 130/130.

Paper products manufacture.

Planned unit developments (in accordance with the requirements of chapter 3 of this title).

Public and private utility facilities.

Recreation and social facilities.

Stadiums, auditoriums and arenas.

Staff Findings/Recommendations

In order for the City to regulate where medical cannabis cultivation and dispensing centers may be located within the City of Darien, staff recommends the Planning and Zoning Commission make the following recommendation to approve the proposed text amendment to the Zoning Ordinance:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-01 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission recommend approval of the petition.

Decision Mode

The Planning and Zoning Commission will consider this item at its meeting on April 2, 2014.

U:\DCD\PLANNING & ZONING COMM\PZC CASES TEXT AMENDMENTS\Text Amend.Medical cannabis.PZC 2014-01\MEMO.medical cannabis.pzc.docx



Today is March 27, 2014

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Common Questions Concerning Medical Cannabis

By [Brian Day](#), Lead Staff Attorney

Share:

Illinois' medical-cannabis law took effect on January 1, 2014. The new law, titled the Compassionate Use of Medical Cannabis Pilot Program Act, allows the use of cannabis by residents who have a medical need and have obtained a permit. The new law also sets forth procedures to license and regulate where cannabis may be grown and where it may be sold.

As the new law begins to be implemented, the IML has received a number of questions about the medical cannabis law and the extent to which communities have any authority or duty to regulate cannabis use under the medical-cannabis law. Municipalities are given the authority to adopt reasonable zoning controls with respect to cultivation centers and dispensaries. Most of the regulation on this issue, however, is conducted by the State government. The purpose of this article is to cover some of the contents of the medical-cannabis law and discuss some areas of concern to communities.

1. Who may use medical cannabis?

A "Qualifying Patient" may obtain up to 2.5 ounces of cannabis every two weeks. The Department of Public Health may grant a waiver for a patient to obtain additional amounts.

In order to be designated as a "Qualifying Patient" a person must be diagnosed by a physician as having a debilitating medical condition. The statute lists 33 medical conditions that qualify. The Department of Public Health may approve additional conditions. The patient must be diagnosed by a doctor of medicine or osteopathy who has a current controlled substances license. Other medical professionals are not authorized to recommend a patient for medical cannabis.

A Qualifying Patient may not:

- Be under the age of 18;
- Have a felony drug conviction; or
- work in certain professions, including law enforcement personnel, firefighters, and commercial drivers.

Once the physician has diagnosed the patient and recommended him or her for medical cannabis, the patient may apply to the Department of Public Health for status as a medical-cannabis patient. The Department will issue registry cards to Qualifying Patients and maintain a registry of those patients. Law enforcement agencies will have access to the registry.

2. How is the cannabis grown and sold?

A qualifying patient must obtain his or her medical cannabis from a dispensary, which, in turn must get the cannabis from a cultivation center.

A dispensary is operated by a business or organization that is licensed and regulated by the Illinois Department of Financial and Professional Regulation. The statute allows for up to 60 dispensaries "geographically dispersed throughout the State."

A cultivation center is operated by a business or organization that is licensed and regulated by the Illinois Department of Agriculture. Cultivation centers are subject to a strict set of rules to be developed by the Department of Agriculture, including labeling and cannabis testing requirements, 24-hour video surveillance, photo IDs for staff, cannabis tracking systems, and inventory control measures. The statute allows for up to 22 cultivation centers (one for each Illinois State Police district).

3. Are there restrictions on the use medical cannabis anywhere?

**TOP LEGAL
PAGES**

1. Home Rule
Municipalities
2. Common
Questions
Concerning
Medical Cannabis
3. Scopurek v. Board
of Trustees, 2014
IL App (1st) 131066
(March 4, 2014)

There are limitations on how and where medical cannabis may be used. A registered qualifying patient or designated caregiver must keep their registry identification card on his or her possession at all times when engaging in the medical use of cannabis.

It is illegal to **possess** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle, except in a sealed, tamper-evident medical cannabis container
- in a residence used to provide licensed child care or similar social service care.

It is illegal to **use** medical cannabis:

- on a school bus or on school property
- in a correctional facility
- in a vehicle
- in a residence used to provide licensed child care or similar social service care
- In a public place where the user could be observed by others
- In proximity to a minor.

It is illegal to **smoke** medical cannabis:

- in a public place where the user could be observed by others
- in a healthcare facility
- in any location where smoking is prohibited under the Smoke-Free Illinois Act.

A private business and a college or university may prohibit or restrict the use of medical cannabis on its property.

4. Can communities control where cannabis is grown and sold?

There are statutory restrictions on where a dispensary or a cultivation center may be located. In addition, municipalities have the authority to enact reasonable zoning restrictions on cultivation centers or dispensaries.

A cultivation center may not be located within 2,500 feet of a pre-existing school, day care, or any residential district. Similarly, a dispensary may not be located within 1,000 feet from a school or day care. Dispensaries are also prohibited in a house, apartment, condominium, or an area zoned for residential use. These distance requirements are measured from the property line of the prohibited properties rather than the buildings. These restrictions severely limit where a facility might be located. In many cases, due to the location of schools and daycare properties and, particularly, residential zoned property, there may be few (if any) locations open to medical-cannabis facilities. Legislation is currently being considered in the Illinois General Assembly that would only prohibit these facilities in areas that are zoned exclusively or **predominately** residential. It would allow these facilities to be located in areas that are mixed residential and commercial use. Municipal officials should familiarize themselves with the location of schools, daycares, or residentially-zoned property so that they will be aware of the potential locations where a dispensary or cultivation center could legally locate.

In addition to the distance limitations, the statute authorizes municipalities to enact "reasonable zoning ordinances or resolutions" regulating registered medical cannabis cultivation centers or medical cannabis dispensing organizations. The zoning regulations may not conflict with the statute, Act, or the administrative rules of the Department of Agriculture or Department of Public Health. Home rule powers are preempted, so they have the same zoning authority as non-home rule communities.

The statute is silent on the nature of the zoning restrictions. Municipalities have taken or considered the following measures with respect to zoning and medical cannabis:

- Identifying the zoning district or districts in which cultivation centers and dispensaries are permitted.
- Requiring special-use permits for cultivation centers and dispensaries rather than allowing them as a permitted use.
- Imposing reasonable conditions on any special-use permit to mitigate the impacts of their activities.

The statute prohibits municipalities from unreasonably prohibiting the cultivation, dispensing, and use of medical cannabis. This provision would appear to prevent the municipality from banning medical cannabis entirely from the municipality. Some municipalities, however, have enacted a temporary moratorium on medical cannabis facilities while it reviews its zoning regulations so that a new facility does not become a "preexisting use" before the cannabis zoning regulations are adopted. This approach should be used with caution. An extended duration of a moratorium may lead to legal challenges.

5. Can communities regulate medical cannabis use by public employees?

Just because a Qualifying Patient is allowed to use medical cannabis, they do not have carte blanche authority to use the drug while at work. An employer can prohibit the employee from using drugs or being under the influence of drugs while on the job.

An employer may not discriminate against an employee solely for being a qualified patient. The employer, however, can adopt and enforce a drug-free workplace policy, so long as the policy is applied in a non-discriminatory manner. The employer can also enact reasonable regulations concerning the consumption, storage, or timekeeping requirements for Qualified Patients. Employers can discipline an employee for failing a drug test if that failure would put the employer in violation of federal law or jeopardize federal contracting or funding.

One potential challenge to enforcing a drug-free workplace policy is the determination of when an employee is impaired while at work. Unlike alcohol, where impairment can be presumed by a specific blood-alcohol level, there is no objective standard for measuring cannabis impairment. The statute provides that an employer cannot be sued for actions taken upon a good-faith belief that the employee used or possessed cannabis or was impaired by cannabis during work hours. The Act also states that an employer cannot be sued over an injury or loss to a third party if the employer did not know or have reason to know that the employee was impaired.

Municipalities should evaluate their existing employment policies with respect to drug use and possession. If a written policy is not currently in place, one should be enacted and incorporated into the appropriate personnel rules.

There are still many questions concerning the implementation of medical cannabis. It is advisable to consult your municipal attorney with respect to any rules or regulations concerning medical cannabis.

6. Additional resources.

You can find more information on medical cannabis at the following:

- [The Compassionate Use of Medical Cannabis Pilot Program Act](#)
- [Public Act 98-122](#) (includes the Act and additional statutory changes).
- [Draft Administrative Rules of the Department of Financial and Professional Regulation](#)
- [Draft Administrative Rules of the Department of Agriculture](#)
- [Draft Administrative Rule of the Department of Public Health](#)

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**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
January 15, 2014**

PRESENT: Beverly Meyer – Chairperson, Don Hickok, Ron Kiefer, Ray Mielkus, Pauline Oberland, Ken Ritzert, Susan Vonder Heide, Michael Griffith – Senior Planner, Elizabeth Lahey – Secretary.

ABSENT: John Lind, Lou Mallers

Chairperson Meyer called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois and declared a quorum present and swore in the audience members wishing to present public testimony.

A. Public Hearing - PZC 2013-11: 2551 75th Street: Petitioner requests to rezone the subject property from B-1 Neighborhood Convenience Shopping District to B-2 Community Shopping Center Business District, and special use approval for a drinking establishment within the B-2 Community Shopping Center Business District.

Mr. Michael Griffith – Senior Planner reported that the property is zoned B-1. He reported that within this zoning district, a drinking establishment, bar, is neither a permitted use nor a special use. He further reported that other commercial properties in Darien along 75th Street between Lemont Road and Plainfield Road are currently zoned either B-2 Community Shopping Center Business District or B-3 General Business District. He reported that rezoning the subject property in the B-2 would treat the subject property in the same manner as other commercial properties along the stretch of 75th Street.

Mr. Griffith reported that the property to the west currently includes a restaurant and café, both of which serve alcohol. He reported that the plat of survey shows 25 parking stalls and whether this is adequate for the proposed use. He further reported that the plat also shows an existing 6-foot tall fence east of the parking area and north the building and that staff believes that the fence belongs to the property to the east.

Mr. Griffith reported that staff received an email from Alderman McIvor dated January 15, 2014 noting several concerns from residents as well as a petition from the residents.

The petitioner, Mr. Vladas Kriauciunas stated that he would like to open a bar and grill. He stated that he has a restaurant in Darien at 83rd and Lemont.

Commissioner Oberland questioned if the restaurant will have TVs.

The petitioner stated that he will have seven TVs over the bar area.

Commissioner Oberland stated that having seven TVs makes it more of a sports bar than a restaurant.

Commissioner Ritzert questioned the hours of operation.

The petitioner stated that he will be open Monday through Friday until 10 p.m. and until 11 p.m. on weekends.

Commissioner Kiefer stated that he counted 60 plus for seating and that there were only 27 parking spaces.

The petitioner stated that he did not think he would need any more spaces.

Commissioner Oberland questioned how he could be sure that 27 was enough spaces. She asked if the petitioner would turn people away because there was not enough parking.

The petitioner stated that he may be changing the plan.

Commissioner Kiefer stated that if the petitioner is looking to change anything that the Commission should wait to see the new proposal.

Commissioner Hickok questioned the size of the dining room. He stated that it appeared to be 50 ft. by 100 ft. and that parking will be an issue.

Chairperson Meyer stated that she was concerned with people going in and out.

Commissioner Oberland stated that there is a very gray area as to what is intended and what is documented. She stated that there is no place for parking and it doesn't make sense.

Commissioner Hickok stated that there is no place to pile the snow.

Chairperson Meyer stated that the restaurant is really small to accommodate 60 people. She stated that she is concerned that there will be overflow into the neighborhood.

Commissioner Vonder Heide stated that even if parking is restricted there is no place for people to park.

Commissioner Kiefer suggested tabling the proposal until the petitioner can make revisions.

Mr. Griffith reported that he counted seating for 138. He reported that the Zoning Ordinance establishes minimum parking standards for a bar counting stools as seating. He further stated that he tried to prorate it and that even prorated that 57 spaces would be required.

Commissioner Vonder Heide suggested that the PZC discuss the special use criteria items 1-8 noted in the agenda memo.

After discussion of items 1-8 the PZC agreed that the criteria was not met.

Chairperson Meyer opened the meeting to anyone in the audience wishing to present public comment.

Ms. Luanne Spiros, 7521 Main Street thanked the Commission members for their commitment to Darien. She urged the PZC to vote no. Ms. Spiros stated that she is concerned about safety of the children in the area. She stated that two thirds of the children are under the age of ten. Ms. Spiros expressed concern regarding the bus stop at 75th and Main and that the children will be subjected to an open bar area. She stated that there are ingress and egress issues and there is a difference between a restaurant versus an establishment to go and eat.

Ms. Spiros stated that there is no other stand alone in the area that has what is proposed. She stated that there will be smokers outside and then comes the beer garden. She stated that this business will negatively impact the neighborhood. She further stated that there is no buffer zone.

Ms. Spiros urged the Commission to vote no to B-2 and no to the special use.

Mr. Art Donner, 7548 Cambridge stated that he was the former City of Darien Treasurer. He reported that when Wolf Camera came to Darien that the Mayor visited the neighbors to ask for a variance and promised the neighbors that there would not be a bar in the future. Mr. Donner stated that the City has an obligation to keep that promise.

Mr. Donner explained that if the City approves a bar in a residential area that the City will incur many 911 calls from residents. He stated that this will be very expensive for the City.

Mr. Tim Patyk, 7500 Cambridge stated that he lived adjacent to the property. He questioned where the workers are going to park. Mr. Patyk stated that this proposal will definitely impact the neighborhood and quality of life.

Mr. Ron Viall stated that taverns are against Code and that parking is going to be a mess.

Mr. Joe Weber, 7521 Main stated that he is a business owner and understands the risks of opening a business. He explained how he grew up working in restaurants and bars and that it is clear that this proposal is for a bar and not a restaurant. Mr. Weber stated that this proposal does not make sense for the area. He stated that Stella's, Dotti's and the VFW did not draw the crowd that is here tonight.

Mr. Thomas Raftis, 7515 Main Street stated that there is already overflow parking on Friday and Saturday nights. He stated that he has a child who gets off at the bus stop and it is already unsafe. He questioned who is going to police the area.

Alderman Sylvia McIvor, Ward 6 stated that she received a lot of correspondence and calls from residents against the proposal. She stated that she is not in favor of it. Alderman McIvor thanked the petitioner for his present business and that it has been a great addition to Darien.

Alderman McIvor stated that this business is not conducive for the location. She stated that it abuts to three back yards and a neighborhood of small children. She further stated that she personally is voicing her lack of support and that the petitioner should contact the City staff so that they can help him to find a more suitable location that would work.

Mr. Eric Gustafson, 7556 Wakefield Drive stated that Walmart is expanding and the volume of people and cars is expanding and pulling out onto a main street is extremely dangerous and will be a real challenge.

Chairperson Meyer asked the petitioner to answer any questions of the residents.

The petitioner stated that his proposal is for a small restaurant and that there will be no problems.

At 7:49 p.m. Chairperson Meyer closed the public hearing.

Commissioner Vonder Heide stated that the City permitted 27 spaces for the site when 29 was warranted and the smaller spaces compromises the lot even further.

Mr. Griffith stated that the new Code parking spaces are 9 ft. wide.

Commissioner Kiefer stated that the PZC looks at each proposal and how it will affect the community. He stated that it is obvious that the neighborhood will be impacted and he cannot move forward especially knowing that the 911 calls will be a huge expense to the City.

Commissioner Ritzert stated that he cannot see a worse use for the property.

Commissioner Vonder Heide made a motion and it was seconded by Commissioner Kiefer to deny PZC 2013-11 - to rezone the subject property from B-1 to B-2 within the B-2 Community Shopping Center Business District.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Mr. Griffith announced that this would be forwarded to the Municipal Services Committee on Monday, January 27th at 6:30 p.m.

B. Public Hearing – PZC 2013-12: 105 74th Street: Petitioner requests to rezone the subject property from R-2 Single Family Residence to B-1 Neighborhood Convenience Shopping District related to expanding The Patio Restaurant parking lot.

Mr. Michael Griffith, Senior Planner reported that the petitioner proposes to demolish the existing single family home and expand their parking. He reported that the proposed expansion will increase the petitioners parking from 80 to 113 parking stalls and access will be from the existing parking lot.

Mr. Griffith reported that the petitioner will replace the existing fence along 74th Street with a new 6-foot tall white vinyl fence as well as landscaping. He reported that the amount of landscaping complies with the Zoning Ordinance.

Mr. Griffith reported that storm water detention is to be located at the far west end of the property and that it has been reviewed by the City's engineer. He reported that three light poles will be located within the new parking area and that the photometric plan shows the lights will not exceed the amount of light permitted at the property line, e foot-candles and that they will have to be adjusted to not glare to the adjacent properties.

The petitioner, Mr. John Kolopoulos stated that he is requesting additional parking for his employees. He stated that the area will be fenced on three sides with lights. He further stated that he is always trying to improve the area. Mr. Kolopoulos stated that this will increase the lot to approximately 30 stalls.

Mr. Griffith reported that he did receive a call from a resident asking about the nature of the request.

Chairperson Meyer opened the public hearing to anyone in the audience wishing to present public comment.

Ms. Dorota Kreczko stated that she lived behind the parking lot. She questioned the safety for the children in the area.

Commissioner Kiefer stated that there will be less traffic with the new parking added.

Ms. Kreczko expressed her concern regarding parking on the streets especially during the games held at the high school.

Chairperson Meyer stated that the additional parking is not serving the people going the games.

Mr. Griffith reported that the City has gotten many complaints regarding the overflow parking from the schools. He stated that the police need to be called to enforce the parking issues.

Ms. Kreczko stated that she is concerned about the parking affecting her property value.

Mr. Griffith reported that the high school has talked to the City about a parking lot. Mr. Griffith stated that he would forward Ms. Kreczko's concern regard the overflow high school parking on the streets in her neighborhood.

Mr. Art Donner stated that the Patio Restaurant and owner are spectacular and that they are an asset to Darien.

Commissioner Kiefer stated that the neighborhood will be better with the fence and landscaping.

Commissioner Vonder Heide stated that the plan is well thought out and that the criteria has been met. She stated that the proposed plan will be screened better than it was.

There was no one else in the audience wishing to present public comment.

Commissioner Hickok made a motion and it was seconded by Commissioner Ritzert to approve PZC 2013-12: 105 74th Street: to rezone the subject property from-2 Single Family Residence to B-1 Neighborhood Convenience Shopping District related to expanding The Patio Restaurant parking lot.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Mr. Griffith reported that this would be forwarded to the Municipal Services Committee on Monday, January 27th at 6:30 p.m.

MINUTES

Commissioner Hickok made a motion and it was seconded by Commissioner Mielkus to waive the reading of the December 4, 2013 Meeting Minutes.

Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

Commissioner Ritzert made a motion and it was seconded by Commissioner Hickok to approve the December 4, 2013 Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Lind and Commissioner Mallers were not present.

CORRESPONDENCE

None.

OLD BUSINESS/PLANNER'S REPORT

None.

NEXT MEETING

Mr. Griffith announced that the next meeting is scheduled for Wednesday, February 5, 2014 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Hickok made a motion and it was seconded by Commissioner Kiefer. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:19 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman