
**SYCAMORE PLANNING AND ZONING COMMISSION MEETING
MINUTES OF APRIL 10, 2023, 6:00 PM**

CALL TO ORDER AND ROLL CALL

Chairperson Bill Davey called the meeting to order at 6:00 p.m. and City Clerk Mary Kalk called the roll. Those Commissioners present were Eli Hamingson, Ted Strack, Chuck Stowe, Matt Woodstrup, Nancy Cople, and Nate Kitterman. Alan Zantout arrived at 6:02 and Stephen Nelson arrived at 6:04 after roll call. Commissioners Rachel Sauber, Doug Breunlin, and Dave Finney were absent. Others present were City Manager Michael Hall, City Attorney Keith Foster, Director of Community Development John Sauter, and City Engineer Mark Bushnell.

APPROVAL OF AGENDA

Motion- Commissioner Cople moved to approve the agenda and Commissioner Woodstrup seconded the motion.

Voice Vote Chairperson Davey called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 7- 0.

CONSENT AGENDA

- A. Approval of the Minutes for the Special Meeting of February 13, 2023.

Motion- Commissioner Kitterman moved to approve the Minutes of the February 13, 2023, meeting and Commissioner Strack seconded the motion.

Voice Vote Chairperson Davey called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 7- 0.

AUDIENCE TO VISIT ORS

WORKSHOPS

NEW BUSINESS / ACTION ITEMS

- A. Consideration of a Resubdivision of Lots 221, 222, and 223 of Krpan’s Parkside Estates, Unit Four.

Chairperson Davey opened the Public Hearing at 6:04 pm. Hearing no comments, closed the Public Hearing at 6:05 pm.

City Manager Michael Hall said that this is straight forward that the petitioners want to increase the size, join lots together, vacate and dedicated new utility easements.

Motion

Commissioner Strack made a motion to recommend to the Consideration and Commissioner Kitterman seconded the motion.

Roll Call Vote Chairperson Davey called for a roll call vote to approve the motion. Commissioners Hamingson, Nelson, Strack, Stowe, Woodstrup, Zantout, Cople, Kitterman and Chairperson Davey voted aye. Motion carried 9-0.

- B. Consideration of Amendments to the Sycamore Unified Development Ordinance Article 1.3.3 - Definitions, Article 4.3 - Special Uses, Article 5.2.1.F - Conditions of Use and Article 5.3.1 - Table Permitted Uses.

Chairperson Bill Davey opened the Public Hearing at 6:10 pm.

Bishop Ronald C. Henton, 238 North Avenue, Pastor, Israel of God Church, asked about the 250 feet dimension from schools. He asked to consider including churches on the list with schools.

Community Development Director John Sauter clarified that staff is recommending the distance of 2,500 feet (currently 250 feet) from the listed places as medical cannabis cultivation center is required to be 2,500 feet from schools, etc. but the State is silent on adult use recreation. The thought was to go with the more conservative approach, and it can be reviewed later if needed.

Hearing no other comments, Chairperson Davey closed the Public Hearing at 6:15 pm.

City Manager Michael Hall said that this is mostly to update the code with definitions, Special Uses, Conditions of Use, and Table of Permitted Uses as indicated in red in the agenda.

Community Development Director John Sauter gave an overview of the history as cannabis and the State laws have evolved so this is really adding additional uses and specifications on the parameters. These are not relaxed as they could be more stringent. Per their research with other communities, this is average.

Wesley Coats, 809 Sunset Lane, said that his concern is who protects them when this grows and evolves and asked what assurances there will be to protect them through the community.

Community Development Director John Sauter said they are establishing zoning districts for uses that will either be permitted or require a Special Use permit. As other cities are doing, this is the system in place to vet and look at these uses going through the Planning & Zoning Commission and City Council. The State requirements for any of these uses are very strict and lengthy.

Deputy Police Chief Jeff Wig said that as it pertains to cultivation centers like this, they couldn't find an incident where crime was targeted at one of these facilities.

Valerie Stallworth, 218 North Avenue, asked if the commission would want this in their back yard as there would be other locations that would be suitable rather than where there are churches, schools, homes, and walking paths. She asked that the request be denied, and that the petitioner look for a different location.

Rosalyn (Curry) Snow, 325 Nichols Drive, grew up at 251 Lucas Street, said that she felt compelled to stand as her concerns are with the expansion of this and its potential harm. They have summer camps with students and church conferences. Were there other considerations of other locations. She asked where the equity is. With all the land in Sycamore, she asked "why the North End."

City Manager Michael Hall reminded everyone that this first consideration is about the amendment creating use for permitted uses and adding definitions. The next one will be the specific request for Permitted Use.

Community Development Director John Sauter said the amendment is creating the use in the UDO and if it passes, its adding definitions, and adding into the list of Permitted Uses in the UDO. The Special Use request is separate from this.

Commissioner Strack said that this creates the framework to allow these types of businesses to come to town, so without this type of framework it's difficult to make an informed decision.

Commissioner Stowe said the cultivation center must be 2,500 feet from a pre-school, etc. yet, there's nothing for a cannabis craft grower even though it is basically the same thing.

Community Development Director John Sauter said in their research that the only State regulation for craft growers is that they be 1,500 feet apart from each other. They have seen no other regulation on these. They could be more stringent on these but keeping in mind what that does in terms of being

competitive. He thinks that the State is just going to keep relaxing things, so they are trying to take a broad approach being mindful of neighborhoods and safety.

Commissioner Stowe said that being a Home-Rule community, he wants paragraph #1 for distance of cultivation centers to be applied to craft growers, etc. He is also concerned about the odor and said he would like something in the ordinance to regulate it.

Aaron Sarzyenski, 309 California Street, asked if we need to be like other communities. He said we don't need to put a cookie-cutter idea on it. We don't need a grower or the money. He is not ok with it being on his street.

Attorney Keith Foster said that this is the language out of the State Statute.

Motion

Commissioner Stowe made a motion to duplicate paragraph #1 from section C,4, b,1-Cannabis Cultivation Centers changing it to 2,500 feet and add that to under section c-2 Cannabis Craft Growers and Commissioner Woodstrup seconded the motion.

Community Development Director John Sauter clarified that in both sections it should state, "Shall be located a minimum of twenty-five hundred (2,500) feet from the property line in all directions of any pre-existing public or private preschool, elementary or secondary school, day care center, day care home, group day care home or part-day childcare facility. He also clarified that churches are not stated in this.

Commissioner Strack said that he would be hesitant to add churches as people can claim to have a church or their own religion in their house at any time.

Commissioner Hamingson reiterated that Commissioner Stowe's motion establishes two different classifications: the cultivation centers and the craft growers. This motion keeps the same regulations for the 2,500 feet.

Community Development Director John Sauter asked for clarification if churches are going to be added to the list of schools in the motion.

Commissioner Stowe said that was not part of the motion.

Roll Call Vote

Chairperson Davey called for a roll call vote to approve the motion. Commissioners Nelson, Stowe, Woodstrup, and Copple voted aye while Commissioners Hamingson, Strack, Zantout, Kitterman, and Chairperson Davey voted nay. Motion failed 4-5.

Motion

Commissioner Strack made a motion to approve the consideration as written including the 2,500 feet for both sections and Commissioner Zantout seconded the motion.

Amendment to the Motion

Commissioner Stowe made an amendment to the motion to add a section for air quality stating that odors shall not be detectable 100 feet from the site and Commissioner Zantout seconded the motion.

When asked how that will be enforceable, City Manager Michael Hall said that it would be difficult as sound and smell are subjective. How does one tell if it's offensive.

Roll Call Vote for Amendment

Chairperson Davey called for a roll call vote to approve the amended motion for odor detection within 100 feet. Commissioner Stowe voted aye while Commissioners Hamingson, Nelson, Strack, Woodstrup, Zantout, Copple, Kitterman, and Chairperson Davey voted nay. Motion failed 1-8.

Roll Call Vote

Chairperson Davey called for a roll call vote to approve the motion. Commissioners Hamingson, Nelson, Strack, Woodstrup, Copple, Kitterman, and Chairperson Davey voted aye while Commissioners Stowe and Zantout voted nay. Motion passed 7-2.

- C. Consideration of a Request from Chris Mayer and Arney Silvestri for a Special Use Permit to operate a Cannabis - Craft Grower at 421 North California Street in Sycamore, Illinois, PIN number 06-32-126-002.

Chairperson Davey opened the Public Hearing at 7:06 pm.

Bishop Roald C. Henton, 238 North Avenue, Pastor, Israel of God Church, said that he is concerned about the increased vehicle traffic with children, bus stops, and conferences in the area, increased crime, and the inclination to expand the facility with the State changes. He asked the commission to deny the Special Use permit allowing the facility in their back yards.

Russell Josh, Lukens Road, pointed out that as a supervisor for juvenile probation for 17 years, said that this is providing jobs and helping the community. Also, this company will be under such scrutiny. While working on the site on a Sunday morning, he said that 4-5 citizens thanked him for cleaning the area up so it's not a blighted area in their neighborhood.

Kathy Sarzyenski, 309 California Street, regarding the application, asked the commission to add to the requirements to get extra points to address community building, substance abuse, and prevention. With facilities just opening, she is concerned about no crime statistics to review, poor lighting on the street, notification for a fire, increased traffic, electricity demands and the transportation company.

James Stallworth, 218 North Avenue, is concerned that only businesses, not residents, received notification of the request, the property value impact, potentially having to disclosure on a real estate disclosure form, and the cost of water and usage.

Vernon Alexander, 251 Lucas Street, is concerned about the water and electricity, but also about the misuse of pesticides and the threat to wildlife and human beings. He is also concerned if the city is prepared if there was fire, air pollution and odors. He said a few commissioners voted no on a previous cannabis request, so he hopes for a "NO" vote again.

Amy Haugen, 1632 Woodland, said she is blown away and happy with the progress and the clean-up of the area. She said there is a lot of fear over a greenhouse, but the reality is that there is not a lot of evidence for crime around these growing facilities as the regulations on them are insane. She said that cannabis has helped many people and said that she is in support in keeping up with the rest of the State. If the city makes this so narrow, it will be challenged, and they need to lead or get out of the way.

Aaron Sarzyenski, 309 California Street, is concerned about the electricity, water, pesticides, and safety as cameras are only good for catching the crime as it happens. He would be ok with this if it was in an open area away from the neighborhoods and the Opportunity House.

Chairperson Davey closed the Public Hearing at 7:33 pm.

Community Development Director John Sauter addressed the notice to businesses and residents in that by State Statute, the city is required to place Public Notice signs on the property facing the street, required to publish in the local paper, and required to send written notices as "mailed notices by First Class Mail to the owners of all properties within 250 feet in each direction of the property lines of the subject property". In accordance with State Statute, the mailers were put out to every property owner within 250 feet. Regarding odor, he read the following from the Unified Development Ordinance, "No continuous, frequent, or repetitive emission of odors or odor-causing substances that would be offensive beyond any property line of any industrial use shall be permitted. An odor emitted no more than fifteen (15) minutes in any one day shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations. The existence of an odor shall be presumed when analysis by a competent technician demonstrates that a discernible odor is being emitted. Any process involving the creation or emission of any odors shall be provided with a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails. All land uses shall comply with the rules and regulations of the Illinois Pollution Control Board". He said that the code is more restrictive than what was proposed and that while odor is a very subjective thing, they do enforce the code and would enforce it.

Arney Silvestri, 234 Planter's Road, Geneva, gave a background on himself and the company. In addressing the concerns, he said that they are concerned about the community and are committed to being good neighbors as Chris Mayer's company has already spent a lot of money fixing up the area and buildings. Some highlights of the presentation are that they will be in building #5. It will be a building inside a building with no windows and will have very sophisticated HVAC systems. He spoke about the turbines used in mitigating some of the odors. Regarding security, all the doors are electronically locked and there is an interior vault for the finished product. Transportation vans have GPS connected to and watched by the Illinois State Police who know the exact route and timeframe of the trip. Regarding traffic, the current plastic recycling plant has 4-5 semi-trucks per week, and this will only have one to two vans a month. They use a reverse osmosis system and a dehumidification system so none of the water except kitchen and bathroom water is put in the sewer. He said that nothing vents to the outside of the building. He said these facilities are the safest place to be as they are so regulated. They will employ 40-50 employees, there will be no retail, and will have a security person on site. In response to some questions: there will be no signs, the facility will have a sprinkler system on the upper level and sprinklers in individual rooms and will have a water supply on the facility. They already do some education and already work with five local high schools and Kishwaukee College on welding. He also said that people will not know that the facility is in the neighborhood. They have more than enough electricity. Transferring a license requires vetting by the State and he assumes the new person will have to do the same process in petitioning for a Special Use permit at the PZC and Council meetings.

Commissioner Strack asked if they will own the vans, if they will be loaded in an enclosed sally-port area, how many vans will be loaded in a growing cycle, and asked about the payment process as cannabis is not federally mandated which creates challenges from a banking perspective. He said it would be worth it for them to announce that they do have a bank to work with or they will be handling a lot of cash.

Arney Silvestri said that they own the vans but at some point, the State is trying to do transportation licenses. Yes, the vans will be enclosed for loading and there will be one van a month. He said that most of the banks are overlooking it going on and doing business in the State of Illinois because they don't want to lose out on the revenue. He said that they have several banks that they work with and will open multiple accounts.

Community Development Director John Sauter confirmed Commissioner Zantout's question that dispensaries are only allowed in C-3, Highway Business Districts. But he doesn't know what the State will do in the future.

Commissioner Stowe said that the law can be changed and it's evolving.

Motion

Commissioner Strack made a motion to forward a favorable recommendation and Commissioner Kitterman seconded the motion.

Roll Call Vote

Chairperson Davey called for a roll call vote to approve the motion. Commissioners Hamingson, Nelson, Strack, Zantout, Copple, Kitterman, and Chairperson Davey voted aye while Commissioners Stowe and Woodstrup voted nay. Motion carried 7-2.

- D. Consideration of Amendments to the Sycamore Unified Development Ordinance Article 1.3.3 - Definitions, Article 4.3 - Special Uses and Article 5.3.1 - Table Permitted Uses.

Community Development Director John Sauter gave a bit of background on tobacco as there has been very little regulation for tobacco in the city. This was concerning so they drafted this language to lay criteria for uses requiring a Special Use for tobacco related products in C-2, Central Business district, being permitted in C-3, Highway Business District, and also added definitions.

Chairperson Davey opened the Public Hearing at 8:35 pm and hearing no comments, closed the Public Hearing at 8:36 pm.

Commissioner Strack said that it appears that smoking on site is allowed for a smoke shop, and he asked if that includes cannabis. If not, it needs to be clarified and consistent.

Community Development Director John Sauter said that most cannabis regulations do not allow smoking cannabis.

Motion

Commissioner Strack made a motion to forward a favorable recommendation with striking clause "d" from the definition and Commissioner Zantout seconded the motion.

Roll Call Vote Chairperson Davey called for a roll call vote to approve the motion. Commissioners Hamingson, Nelson, Strack, Stowe, Woodstrup, Zantout, Copple, Kitterman, and Chairperson Davey voted aye. Motion carried 9-0.

ADJOURNMENT

Motion

Commissioner Zantout moved to adjourn the meeting at 8:41 p.m. and Commissioner Kitterman seconded the motion.

Voice Vote Chairperson Davey called for a voice vote to approve the motion. All Commissioners present voted aye. Motion carried 9-0.

Approve:

Chairperson - William D. Davey

Attest:

Mary Kalk, City Clerk