



**VILLAGE OF BARTLETT  
COMMITTEE MINUTES  
September 17, 2019**

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President Wallace called the Committee of the Whole meeting to order at 7:30 p.m.

PRESENT: Chairmen Camerer, Carbonaro, Deyne, Hopkins, Reinke and President Wallace

ABSENT: Chairman Gabrenya

ALSO PRESENT: Village Administrator Paula Schumacher, Assistant Village Administrator Scott Skrycki, Economic Development Coordinator Tony Fradin, Senior Management Analyst Samuel Hughes, Management Analyst Joey Dienberg, Finance Director Todd Dowden, Planning and Development Services Director Roberta Grill, Senior Planner Renee Hanlon, Public Works Director Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Golf Course Superintendent Kevin DeRoo, Police Chief Patrick Ullrich, Deputy Chief Geoff Pretkelis, Deputy Chief Jim Durbin, Village Attorney Bryan Mraz and Village Clerk Lorna Giles.

**COMMUNITY AND ECONOMIC DEVELOPMENT, CHAIRMAN GABREYNA**

**Illinois Cannabis Regulations and Tax Act**

Chairman Camerer introduced the item.

Planning and Development Services Director Roberta Grill stated that back in July, the recreational cannabis topic was discussed and staff was asked to review the actions of surrounding municipalities and to pick a similar sized community in Colorado to review their experience and whether it would impact emergency services and emergency room visits. Senior Planner Renee Hanlon is going to review surrounding municipalities and what has happened recently. Then the police will discuss the impacts of the recreational marijuana.

Ms. Hanlon stated that St. Charles has directed their staff to prepare an amendment to allow recreational cannabis by special use in their commercial districts. They are planning to limit the number of licenses to two. South Elgin is planning to allow it by special use in all commercial districts. Aurora staff thinks they are going to allow it by special use. Naperville voted to prohibit it, but they are planning to do a non-binding referendum and revisit the issue. Sugar Grove did an email survey with their list of email addresses so it was only about 1,500 people, but the no's outpaced the yes's just barely. Elburn seems to be leaning towards allowing it in commercial districts. Kane County is looking to allow it by special use in unincorporated commercial areas of the county.

Staff found a Colorado city similarly sized to Bartlett, the Village of North Glenn and they have six dispensaries operating. They do not limit the number of locations, but they do have strict distancing requirements, so they are evenly distributed. The tax revenue is



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about 8% of cannabis sales and it yields about \$600,000 annually to their general budget. Staff also contacted Thornton Colorado which is a larger municipality, but they initially put a moratorium on cannabis for a few years. In 2016 they decided to allow it and limited their licensing to four in the community. They think this year they are going to hit the \$1,000,000 mark in revenue. Their sales tax rate is 8.75. Staff also reviewed two similarly sized communities of Bartlett that prohibit the sale. Littleton Colorado said that there has never been any regret and they haven't taken up the issue again. Brighton Colorado had a lot of oil and gas revenue coming in at the time, but as the laws have changed, that revenue has diminished and they are considering cannabis sales as a way to make up for that lost revenue.

Deputy Chief Geoffrey Pretkelis stated that staff reached out to North Glenn, Denver and Lafayette Colorado. North Glenn stated that they have very minimal problems with their recreational cannabis dispensaries. Between July 1, 2018 and July 1, 2019, North Glenn PD responded to 81 different calls for service, five different theft or shoplifting incidents, three robbery incidents, and 38 business alarm calls at the six recreational cannabis dispensaries within the city. Staff also reached out to Denver Colorado because they are a model in regards to how they track and enforce all their cannabis laws and dispensaries. In 2018, marijuana industry related crime represented less than ½ of 1 percent of overall crime in Denver. Out of 139 of these crimes, 93 were burglaries and 16 were thefts. Staff also contacted Lafayette, CO Police Department regarding police calls for service associated with recreational cannabis dispensaries in its jurisdiction. Lafayette has two recreational cannabis dispensaries and one medical cannabis dispensary. A Lafayette PD staff member said since 2004, there have not been many problems at any of the cannabis dispensaries in the city. They have experienced one burglary, one robbery, and several false burglar alarm calls at the cannabis dispensaries.

Additionally, Lombard, IL Police Department recently conducted a survey of municipalities in the northwest suburbs that have a medical dispensary within their jurisdiction and found they either had no calls for service or minimal calls for service. The majority of police calls were related to false burglar alarms and very similar to what staff heard from the Colorado cities. Communities with medical dispensaries included: Naperville, Arlington Heights, Mount Prospect, Elmwood Park, Rolling Meadows, Deerfield, Evanston, Oak Park, North Aurora, Romeoville and Addison.

Staff also reviewed cannabis related overdoses and emergency room information and staff looked at the states of Oregon, Colorado and Washington for this information. In the State of Oregon, the over-ingestion of marijuana has never exceeded one percent of all ER visits. After an initial burst upon legalization, the numbers of over-ingestion have dropped off but are still above pre-legalization levels. While this increase has been concerning, the numbers are expected to continue to stabilize as people learn how to properly consume marijuana and the novelty wears off. That information was echoed by the cities in Colorado as well. At first it is a new novelty and people are trying things out,



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especially edibles. People don't realize the potency of them and tend to overconsume them and then it catches up with them. In Colorado, there were 9,973 ER visits with a code for cannabis use. Edible products accounted for 10.7% of cannabis-attributable visits between 2014 and 2016 but represented only 0.32% of total cannabis sales in Colorado during that period. In Washington, the number of cannabis exposures reported to one poison control center increased by 158%; from 146 in 2011 to 378 in 2017. Recreational use became legal in the state in 2012. 43% of these exposures involved edibles, and another 17% involved concentrates.

Police Chief Ullrich stated that whether or not you choose to allow recreational cannabis dispensaries in our town, we are still going to have to deal with some of the impacts that come with legalization. Some of the ways we might be affected is how the law will affect our police canine since it is currently trained to detect all type of drugs, including marijuana. We are not sure yet if drug sniffing dogs can be untrained for a certain drug. We are also concerned about the potential for an increase in the number of drug impaired drivers on our roadways and the potential for increased traffic crashes due to drug impaired drivers. What is problematic for us is there is no standardized testing procedure for cannabis. They are still working on additional ways of testing similar to an alcohol breath test or field sobriety test. There is nothing out at the moment, so it comes down to the amount of nano grams of THC in your blood/urine. There will need to be increased training opportunities for the detection and testing of drug impaired drivers. There was a Daily Herald article a couple weeks ago that discussed the need for drug recognition experts in law enforcement and the issue of the state only offering one class a year. The Police Department currently has two police officers trained as drug recognition experts, but there are many police departments that don't have them. Our police department is going to stay on top of the state to try to get more training on that. We anticipate there may be an initial increase of calls for service in regard to residents complaining about the smell of burnt cannabis in their neighborhood, yard or apartment building, due to their neighbors consuming cannabis inside or outside of their residences. You're not supposed to be able to smoke cannabis in a public place, but no one knows what that will be considered. Finally, we are concerned our records section will have to undergo a labor intensive process of expunging certain criminal and municipal ordinance violation records pertaining to cannabis arrest records. The Cannabis Regulation and Tax Act requires law enforcement agencies to expunge certain cannabis related offenses and sets time frames in which these expungements need to be completed.

No matter whether you decide to approve a dispensary or not, staff is still going to have to deal with some of these issues due to the legalization of recreational cannabis.

Village Administrator Paula Schumacher stated that the Village will have some ramifications in dealing with the stated law in the day to day operations, but what is before you is the zoning question. Staff has laid out a spectrum of option's that range from allowing it completely, requiring a special use, and prohibiting. All options are available



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for you tonight to discuss and staff will be discussing the ramifications for the law later on during budget discussions.

Chairman Hopkins asked how much one of the drug recognition trainings are.

Chief Ullrich stated that it is part of their regular training fees. There are also supposed to be fees that come back for law enforcement training, but the legislature is still trying to figure out how that is all going to work. The Illinois Chiefs of Police Association is very active in this discussion as well.

Chairman Hopkins asked how many officers would need to be trained.

Chief Ullrich stated that we are fortunate to have two officers trained, but we are going to have a succession plan to make sure we always have officers trained.

Chairman Camerer asked if the records department is going to have to go through the cannabis arrest records regardless of whether they approve recreational sale in the Village.

Chief Ullrich stated that was correct.

Chairman Hopkins thought a referendum would be the best option.

Village Attorney Bryan Mraz stated that would be a possibility. If the board decides to do a referendum, he thought the Village should pass an ordinance banning recreational sales in the meantime. There are some tight timelines to try to get a referendum question on in April. If the Village can't make that, it would be in the fall election. The referendum would be advisory, not binding. If the referendum shows that most people are in favor of it, than the board would still have to approve it and determine where they would allow sales.

Chairman Hopkins asked if a resident purchases cannabis in another community, can they have it delivered at their homes.

Attorney Mraz stated no.

Chairman Deyne asked if the question could be as simple as "are you in favor of recreational sale of cannabis in the Village of Bartlett." Then it would be the board's responsibility to determine zoning.

Mr. Mraz stated that he thought it could. It can't be a confusing question. If that referendum showed the majority of people are in favor, you would still need to determine guidelines.



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Ms. Schumacher stated that it's not just a question of the sale, but also growing, the manufacturing, extruding, etc. that is also another question.

Mr. Mraz stated that there are all kinds of permutations to this that would be beyond a question on the ballot. You would have to get past the first question, do most people favor it. Then consider if that is a clear enough mandate to go to that next step of allowing the processes in town.

President Wallace asked if we have had any inquiries from shops in Bartlett.

Ms. Grill stated that Bartlett has had one.

Mr. Mraz stated that it is a big investment.

President Wallace stated that in North Glenn, based on the numbers provided earlier, they do about \$7,500,000 in sales for a town the size of ours. That seems like a lot of product and odor. He imagines neighbors complain about the smell, so he didn't know where anything like this would go in Bartlett.

Chairman Camerer asked if they allowed it in commercial and industrial areas. Some cities put them in districts so if we limited it to districts, then we could have two areas in Bartlett, Blue Heron and Brewster Creek.

President Wallace stated the medical is allowed in Brewster Creek now.

Ms. Grill stated that is correct and distance requirements are associated with it for schools, daycares and residential zoning districts for 2,500 feet and the dispensary has one for 1,500 feet.

Chairman Camerer stated that we are still going to have people going to other cities to get it, and we are still going to have issues with traffic violations and people using it, yet we would have no revenue coming in for it. We have all the downside of it without any of the upside.

Chairman Hopkins stated that if he was leaning any way, it would be most restrictive, allowing it in industrial areas and not in the downtown or commercial and limiting it to two facilities. He still wanted to know what the residents thought in a referendum.

Chairman Camerer stated that he agreed.

Chairman Carbonaro asked what the cost for a referendum would be.

Ms. Schumacher stated that there would be a cost, but she didn't know what it would be.



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Chairman Hopkins asked what the last referendum that was completed cost.

Chairman Carbonaro stated that he didn't think a referendum would be helpful, the Village only had about 8% to 9% turn out for their last election.

President Wallace stated that he thought people would want to voice their opinion. He spoke with probably 100 people that he does not personally know very well and they are split about 50/50.

Chairman Camerer stated that in AARP, they had an article about the elderly population and the use of marijuana substantially increasing. He thinks that as it becomes legal for longer, there will be anecdotal evidence that it seems to be working and more and more people will use it.

Chairman Deyne stated that he thinks seniors are doing it more so for pain. He wondered if most of the purchases in the article were for medical or recreational.

Chairman Camerer stated that the article implied it was for medical for sleep remedies, pain control and glaucoma.

President Wallace stated that he agreed with Chairman Hopkins and restricting it to industrial areas. He could not fathom a business on Rt. 59 or downtown that would want that odor around them. He said he has not been to one, so he could be wrong, but he didn't think he could see one in those locations. There are no free standing buildings in those areas and the locations that he has seen are medical facilities and are large buildings set off by themselves.

Chairman Camerer stated that when he was in Colorado, he was near a shop and was not able to smell anything.

President Wallace asked if we were going to see any tax benefit from the cultivation of marijuana if it had come to Bartlett.

Mr. Mraz thought the Village wasn't going to get any revenue from it.

Ms. Grill asked if the recreational dispensaries would be limited to the areas that cultivation was limited to.

President Wallace stated that he thought it should be limited to where the medical dispensary was going to be limited to.

Mr. Hopkins thought two licenses, one in each business park would be appropriate.



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President Wallace stated that he read that DuPage County was going to prepare three separate ordinances for their unincorporated areas. One was a no altogether, one was allowing it and then there was a third option. From a timing standpoint this could probably be decided at the first meeting in November.

Ms. Schumacher asked if the board wanted them to draft up what they are hearing from the board so they can review the actual zoning language.

President Wallace stated that he thought they needed more discussion and that it should come back to Committee but he wanted to find out the pace at which the police environment will get a way of determining if someone is high on marijuana. He knows it doesn't matter regarding the sale of recreational in Bartlett since people will be driving through Bartlett regardless, but he wanted to know that information.

Chief Ullrich stated that he thought it was still problematic for people in Colorado because the level of proof someone is under the influence of cannabis is so hard to prove, that when there is a combination of alcohol and cannabis, they just charge it under a DUI for alcohol. It is not just an Illinois problem and it is still in the works of what the best way to detect it is.

President Wallace stated that he read somewhere that they are doing testing with a swab.

Chief Ullrich stated that Carol Stream is doing some testing with a swab. He is not sure that it is scientifically accepted yet, it's just a test, but it is also not at the level of nano grams the state law would limit. They are testing at a higher level than the state.

Mr. Mraz asked if staff should begin drafting the advisory question and the ordinances for the interim which would prohibit it.

President Wallace stated that it would be a good idea to get a rough draft going. From the people that he has spoken to, there is a good percentage of them that are indifferent and they would really like to know if it will make a dent in their taxes. That may be a deciding factor for them.

Ms. Schumacher stated that everything she has read from the professional organizations we are a part of say that you can make an educated guess, but this is bringing an industry that has been in the shadow, out into the daylight so it is hard to get a firm number on what that might be. Staff has been on the conservative side of the range provided by those organizations. She is skeptical of those ranges because those ranges usually come from the people that want the license to build those facilities in your community. She is also skeptical of those numbers making a dent in peoples taxes because of all of the items the police will have to address, but also because Bartlett is not one of the first tier



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communities that have the medical dispensary already. There is going to be a first wave of licenses that are distributed, then there will be a second wave. In some sense that will be nice because Bartlett will get to see the impact on those communities, but on the other hand, it would put a dent in the revenue we would be able to capture because we are a second tier. Whatever number we give you would probably be a guess.

Chairman Reinke stated that he can't imagine a location in Bartlett would generate near the sales as a location in South Elgin on Randall Rd. would, for instance. He understands there is a draw for this stuff, but none puts a McDonalds in an industrial park. He didn't think we should be seduced by the potential tax money because he didn't think it's necessarily there.

Mr. Mraz stated that it will likely be reduced revenue in the industrial park, but it might be a service residents want.

Ms. Schumacher stated that for continuing this discussion, the board wants a timeline for what a referendum question would be, some language to prohibit it.

Mr. Mraz stated that he just did a referendum for a park district tax question and the timing is brutal. You have to get the counties to approve of your question and translate it into Spanish for all counties. It takes time, money and there are limitations to the questions.

Chairman Reinke asked if the information we receive from this referendum going to be useful for the board at all. Since the questions have to be some simple he didn't know if it would be useful to us since we are already leaning to an option right now. He didn't think investing the staff time and energy would be useful since they have already made a decision. He understands that voters should have a say in how government runs, but we are making a decision in the short term before any referendum would hit the books.

President Wallace said you get an involuntary referendum after you pass something.

Chairman Reinke stated that he was correct, the board will hear from the residents. He stated it is a complicated issue that you are either going to follow and understand or not.

Chairman Deyne stated that if we are going to restrict it to two business parks, what is the purpose, why spend money on a referendum.

Mr. Mraz stated that if the Mayors informal poll is anyway indicative to the whole village, it is going to be back in your laps anyway.

Chairman Deyne asked what happened if they said no.





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Chairman Reinke stated that lets assume its 70% no. If there is already a business or two up and running, they already have a vested interest and there isn't much we can do.

Mr. Mraz stated that he agreed and they wouldn't be able to go back on it.

Chairman Reinke stated that it sounds like there is no interest in permitting it on Rt. 59 or Lake St. or any of the major road ways.

President Wallace took a straw poll for a referendum.

The straw poll results: The board decided against a referendum.

Mr. Mraz clarified that instead of drafting a question, staff is going to draft restrictions in the zoning ordinance to limit sale in the industrial parks.

Chairman Deyne stated that he thought the discussion was positive because he walked into the meeting totally against it, but after listening to everyone and going through the restrictions, he thought the concept of limiting to the industrial parks makes sense.

The item will come back to the Committee of the Whole for further discussion.

### **BUILDING & ZONING, CHAIRMAN HOPKINS**

#### **Downtown Zoning Overlay District – Form Based Code**

Chairman Hopkins stated that this study was paid for by a grant by the Regional Transportation Authority (RTA).

Ms. Grill stated that the village is trying to continue the vision of Bartlett's downtown Transit Oriented Development (TOD) plan and we were granted a RTA grant consisting of \$20,000 as Chairman Hopkins stated. The creation of this Form Based Code was 100% covered. This grant was to develop a downtown zoning overlay district. This was drafted by the RTA consultant, Leslie Oberholtzer of Codametrics in conjunction with residents, business owners, commission members, an elected official and staff. It also included input from an open house we held on June 10<sup>th</sup>.

Ms. Oberholtzer presented the attached PowerPoint. She stated that the steering committee they worked with was very helpful and they met multiple times to come up with the draft Form-Based Code. In addition to having a plan that complimented the TOD plan, we also wanted to draft regulations that were very clear, concise, easy to follow and that would encourage high quality development downtown. There are seven sections in the overlay that will be reviewed.



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The overlay utilizes Bartlett's existing zoning designations, so nothing is changing zoning wise, but the overlay will replace the building form and design requirements. It essentially takes all of the "B" and "PD" Districts in downtown and cuts out all single family in the downtown. The group divided the downtown into four sub areas, downtown core, downtown edge, downtown residential and commercial corridor. The group spent a lot of time selecting the images in the draft overlay to convey what is expected in the various locations. In terms of the administration of the overlay, it would use Bartlett's existing administrative site plan review procedure that is already in place. We have amended that to include a resubmittal conference. Planned Unit Development as it is currently written in Bartlett's code would not be permitted in the overlay, however the steering committee has created two relief procedures; a minor design exception and a major design exception. The idea behind the minor design exception is that it would be a part of the administrative site plan approval process. This is for easy dimensional changes in which the project is still generally going to meet the conceptual requirements of the regulations. A major design exception would be what you might use a plan development for. It is something major that would be approved by the ZBA and there are a series of conditions and ways the ZBA would review those changes. Administratively, the idea is to make it as quick and easy as possible to do the right thing.

There are a series of building regulations that identify requirements for each sub area. The first set up tables address, siding, parking and heights of buildings. The second part of this is the facade regulations which take a step forward from a traditional zoning code. The facade requirements often demand more glass on the front of the buildings which adds to the walkability of the area by making the buildings more permeable from the sidewalk. The third section is about the roofs of buildings. What the plan does is designates the buildings form, where the buildings go, the facade and how the building is capped. A lot of modern buildings just end and look unfished, so the idea of creating a series of roof types allows variety, but they all have some sort of cap on the building. That also makes them feel more traditional.

A key aspect of the building design regulations is the materials. Staff already negotiates this which is how you get high quality development. The steering committee has outlined a clear set of building materials which is something the steering committee talked about a lot. There are a series of major facade materials and a series of minor facade materials that can be used for details and interest. There is also a series of prohibited materials which were materials the group as a whole felt we did not want to see.

The building design section has a long list of typical design guideline items. Two of the key ones that really influence the design of a building is balconies and having a principle entrance and having some type of detail over the entrance. There are exceptions written for almost all for the design elements, the petitioner would just need to go and be approved by the ZBA. If they want to follow all of the guidelines, it would be an



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administrative site plan review, but if they want to change it up, they can go to the ZBA and ask for a major design exception.

In terms of parking, the village has been negotiating parking with the planned developments already. The plan includes a table of minimum parking space requirements that meets what the village has already been negotiating. It also includes a series of parking credits for different types of existing parking like on street parking you can use to count toward your parking requirements. There is also an alternative solution that can be used for the major design exception that would allow for someone to come forward with something. This is a TOD area so the idea is there are fewer parking requirements for almost everything and its meant to be more walkable. There is already quite a bit of parking in the downtown.

The last section is called major sight plans and the idea behind it is that we have given streets and blocks that would be walkable and open space typology so that if you have a larger parcel that you redevelop, there would be a requirement that you include some small park space similar to what's out front of the police station because there isn't any open space down there now. This section would create a series of these regulations that would be pretty easy to follow and similar to what you would negotiate with a planned unit development.

President asked how the borders were drawn for the sub areas downtown.

Ms. Oberholtzer stated that this is a place based coding for writing any kind of zoning code. It looks at how those spaces are being used and the building form now. It is based on the uses that are already in place.

President Wallace stated that there is a difference between downtown core and downtown edge and some of the locations that are in area two, downtown edge, especially the areas going up Railroad Ave. should blend in and look like the downtown core if they are ever redeveloped.

Ms. Oberholtzer stated those parcels are small and shallow so that was one of the considerations for that, but it can be modified.

President Wallace stated that he thinks it's a good start to put some framework around how the downtown will look in 15-20 years.

Chairman Camerer stated that in subarea #4, the plan has a road going right through the area of a shopping center which a man who has just invested millions of dollars in to upgrade. He did not understand why that was a plan when that isn't going to happen. He did not think it was right to include that over the shopping center property.



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Ms. Oberholtzer stated that area can be developed as a commercial area as it is, but if there were to be any redevelopment on that site, it would give them another route to do apartments or more development.

Chairman Camerer asked if Mr. Rafidia knows about the plan.

Ms. Grill stated that she did not think he does, but the map was taken directly from the TOD Plan.

Chairman Camerer stated that he has objected to the TOD Plan since its inception.

Ms. Grill stated that as Ms. Oberholtzer stated, it is only a recommendation for complete redevelopment.

President Wallace stated that when you are looking at redevelopment, you are looking at a 30,000 foot view. If redevelopment ever occurs, this is what should happen.

Chairman Reinke stated that it is one way that it should happen, not the only way.

Chairman Camerer stated that there could be many other ways besides putting a street where a street doesn't need to be. Even in a redevelopment, he didn't agree that there should be a street there.

President Wallace stated that if a tornado came through and blew everything down, this is what we should do.

Chairman Reinke asked about the permitted minor design exceptions.

Ms. Oberholtzer stated that the idea is that there would be an allowance for additional coverage beyond what is in the actual building regulations.

Chairman Reinke stated that a three foot variance in a minimum yard requirement is minor and seems to be appropriate for an administrative exception, but 10% could be significant. He would be more comfortable with a more modest number. It doesn't mean that the Board can't grant a variance. His concern is not that he doesn't trust the staff, he just thought 10% was a lot. He asked staff to run the numbers to see what would be appropriate.

Ms. Grill stated that when MORE Brewing first came in with their application, they used materials that were prohibited for the major design and when we told them about this Form Based Code, they changed their materials and upgraded it to brick that is in the code.



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The item was forwarded on to the Zoning Board of Appeals for the required public hearing.

President Wallace moved to adjourn the Committee of the Whole Meeting. That motion was moved by Chairman Camerer and seconded by Chairman Deyne.

**ROLL CALL VOTE TO ADJOURN THE MEETING**

AYES: Chairman Camerer, Carbonaro, Deyne, Hopkins, Reinke

NAYS: None

ABSENT: Chairman Gabrenya

**MOTION CARRIED**

The meeting adjourned at 8:45 p.m.

Sam Hughes  
Deputy Village Clerk