



CITY OF WOOD DALE

PUBLIC NOTICE

IN ACCORDANCE WITH THE STATUTES OF THE STATE OF ILLINOIS AND THE ORDINANCES OF THE CITY OF WOOD DALE, NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL CONTINUE ITS REGULAR STANDING COMMITTEE MEETINGS AT 7:30 P.M. ON THURSDAY, DECEMBER 12, 2019 IN THE COUNCIL CHAMBERS OF THE CITY HALL, 404 NORTH WOOD DALE ROAD, WOOD DALE, ILLINOIS, FOR THE PURPOSES SET FORTH IN THE FOLLOWING AGENDAS:

STANDING COMMITTEES OF THE CITY OF WOOD DALE, ILLINOIS DECEMBER 12, 2019

I. PLANNING, ZONING & BUILDING COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. November 14, 2019 Planning, Zoning & Building Committee Minutes
- D. Report and Recommendation
 - i. Approval of a Text Amendment for Case No. 2019-CDC-14, to Prohibit the Establishment of Cannabis Related Businesses
 - ii. UDO Assessment/Revisions
 - iii. Approval of a Sign Variance for Case No. 2019-CDC-13, to Allow for a Second Menu Board Sign to be Located at 330 W. Irving Park Road - Starbucks
- E. Items to be Considered at Future Meetings
 - i. Engineering Standards – January/February
 - ii. SBT Bank Development – February
- F. Adjournment

II. PUBLIC WORKS COMMITTEE

- A. Call to Order
- B. Roll Call

- C. Approval of Minutes of Meeting
 - i. November 14, 2019 Public Works Committee Minutes
- D. Report and Recommendation
 - i. Approval of Amendment to Professional Services Agreement with HR Green, Inc. for the Clock Tower Northwest Corner and Northeast Corner of IL Route 19 at Wood Dale Road in the Amount Not to Exceed \$74,000
- E. Items to be Considered at Future Meetings
 - i. Elizabeth Drive Bridge – January/February
- F. Adjournment

III. FINANCE & ADMINISTRATION COMMITTEE

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes of Meeting
 - i. November 14, 2019 Finance & Administration Committee Minutes
- D. Report and Recommendation
 - i. Property, Casualty, and Workers Compensation Insurance Renewal
- E. Items to be Considered at Future Meetings
 - i. CIP – January 9, 2020
 - ii. RFP For Auditing Services – February/March
- F. Adjournment

POSTED IN CITY HALL ON DECEMBER 6, 2019 AT 4:00 PM

PLANNING ZONING & BUILDING COMMITTEE MINUTES

Committee Date: November 14, 2019
Present: Ald. Catalano, Jakab (7:48p.m.), Sorrentino, Susmarski,
E. Wesley & Woods
Absent: Ald. Messina and R. Wesley
Also Present: Mayor Pulice, City Manager Mermuys, Treasurer Porch, City
Manager Mermuys, Police Chief Vesta, A. Lange, B. Wilson,
E. Cage, B. Garelli
Meeting Convened at: 7:30 p.m.

APPROVAL OF THE MINUTES:

The minutes of the October 24, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION

APPROVAL OF A TIF FUNDING AGREEMENT FOR THE PROPOSED BRYN MAWR ST
RECONSTRUCTION, ANNEXATION AND REDEVELOPMENT OF 800 N. Route 83, SUBJECT TO
CITY ATTORNEY & TIF CONSULTANT FINAL REVIEW AND APPROVAL

DISCUSSION:

Ed Cage reported this project is for 20 acres to be annexed into the city and there will be a Public Hearing at next week's City Council Meeting. The developer has addressed a number of the resident's concerns including removing the third access point. The proposed end user and developer are requesting a street being built from Bryn Mawr through to Edgewood, which would require meeting City standards. These two properties are requesting financial assistance to put in the street, which the City would normally do. Cost estimate for a street is \$1.2 million dollars and they are asking for \$1.1 or less. If work comes in for less, it would be for that lesser amount. The proposal is for the developer to pay the City for the permit fees and it would be rebated to them at a later date. The subject property is not in the TIF area, but the areas next to it are. Ald. Susmarski asked about the traffic flow coming into a blind corner and suggested widening the entrance at north end rather than creating a blind curve. Mr. Cage stated the engineers will review it and they will not create something that is a problem.

Ald. Catalano asked if all safety concerns of residents were addressed; Mr. Cage assured him the developer did listen and address those items.

Mr. Cage stated this is a request for an incentive, and that the street reconstruction is a benefit to the area connecting Busse to Edgewood. It allows other options for traffic entering and exiting the industrial park, and allows redevelopment of other nearby properties owned by Nippon Express.

Ald. E. Wesley asked for clarification of permit issues and if the City has done this for any other developers. Mr. Cage stated there was a similar arrangement for Memory Care.

VOTE:

Ald. E. Wesley made a motion, seconded by Ald. Susmarski, to approve a TIF Funding Agreement for the Proposed Bryn Mawr Street Reconstruction, Annexation and Redevelopment of 800 N. Route 83, Subject to City Attorney & TIF Consultant Final Review and Approval the. A roll call vote was taken with the following results:

Ayes:	Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays:	None
Abstained:	None
Motion:	Carried

REPORT:

APPROVAL OF A TEXT AMENDMENT, SPECIAL USE AND MAJOR SITE PLAN REVIEW FOR THE UDO FOR CASE NO. 2019-CDC-12 FOR AN EMPLOYMENT AGENCY TO BE LOCATED AT 273 E IRVING PARK RD, SUITE B WITHIN THE TCB ZONING DISTRICT

DISCUSSION:

Ald. Susmarski asked Chief Vesta about parking along Catalpa still being an issue. He had concerns about cars from the apartment complex using the business parking spots for their overflow. Chief Vesta agreed to follow-up on the parking situation.

VOTE:

Alderman Jakab made a motion, seconded by Ald. Woods, to approve a Text Amendment, Special Use and Major Site Plan Review for the UDO for Case No. 2019-CDC-12, for an Employment Agency to be Located at 273 E. Irving Park Road, Suite B within the TCB Zoning District. A roll call vote was taken, with the following results:

Ayes:	Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays:	None
Abstained:	None
Motion:	Carried



REPORT & RECOMMENDATION:

AUTHORIZE THE EXECUTION OF AN IGA BETWEEN CITY OF WOOD DALE AND DUPAGE COUNTY FOR BIKE TRAIL MAINTENANCE OF SALT CREEK GREENWAY RECREATION TRAIL (MITTEL DR TO SCHOOL ST SECTION) LOCATED AT 650 AND 750 N WOOD DALE RD

DISCUSSION:

None

VOTE:

Ald. Jakab made a motion, seconded by Ald. Susmarski, to authorize the Execution of an IGA between the City and DuPage County for the Bike Trail Maintenance of the Salt Creek Greenway Recreation Trail (Mittel Drive to School Street Section) Located at 650 and 750 North Wood Dale Road. A roll call vote was taken, with the following results:

Ayes:	Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays:	None
Abstained:	None
Motion:	Carried

ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- UDO Teska – December 12, 2019
- Recreational Marijuana – December 12, 2019
- Video of Welcome to Wood Dale needs updating

ADJOURNMENT:

The meeting adjourned at 7:52 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: December 12, 2019
Subject: Text Amendment – Cannabis Type Uses
Staff Contact: Ed Cage, Community Development Director
Department: Community Development Department

TITLE: Approval of a Text Amendment for Case No. 2019-CDC-14, to Prohibit the Establishment of Cannabis Related Businesses

RECOMMENDATION:

At this time, Staff concurs with the Community Development Commission's recommendation to approve the requested Text Amendment to prohibit the establishment of Cannabis related establishments (4 to 1).

BACKGROUND:

At the November 18, 2016 Community Development Commission (CDC) meeting, a public hearing was conducted for the requested Text Amendment. The request for a Text Amendment for the prohibition of establishing of Cannabis related establishments, was approved with some public comments. The public comments related to allowing such uses for the potential tax benefits.

ANALYSIS:

The Cannabis Regulation and Tax Act ("Act") goes into effect on January 1, 2020. The Act legalizes the possession and recreational use of cannabis by individuals 21 and older.

A number of communities have recently approved an opt-out approach. Many communities have approved the opt-out approach, due to the relatively unknown impact cannabis business establishments may have of the health and safety of residents in the community. If the City approves the opt-out approach, it is free to revisit this prohibition, at any time in the future, once there is more data and experience with cannabis business establishments, as they locate and operate in other Illinois communities. If the City

approves the “opt-out” approach, it is required to amend its Unified Development Ordinance with an express prohibition.

At this time, Staff believes it is prudent to approve the Text Amendment opting out/prohibiting the establishment of Cannabis related establishments. City Council can always revisit this decision, after the change in State Law on January 1, 2020.

DOCUMENTS ATTACHED

- ✓ CDC Staff Memorandum Dated November 18, 2019 with attachments.
- ✓ CDC Minutes from the November 18, 2019 meeting.

CITY OF WOOD DALE

Community Development



MEMO

DATE: November 18, 2019

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. 2019-CDC-14, Text Amendment to the Unified Development Ordinance – Recreational Cannabis Regulations

OVERVIEW

Text amendment to the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code is being proposed. The purpose of the text amendment is to consider the recreational cannabis regulations. The application is being heard under Case No. 2019-CDC-14.

BACKGROUND

Medical Cannabis

The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) went into effect on January 1, 2014, legalizing the use of medical marijuana. At that time two types of businesses were established: medical marijuana cultivation centers and medical marijuana dispensaries. Contained in the State legislation were restrictions concerning minimum separation distances for cultivation centers and dispensaries from schools, daycares, and areas zoned for residential. Local governments could not completely prohibit these facilities but could enact reasonable zoning regulations in addition to the standards prescribed by the state.

On February 20, 2014, the City Council approved the land use and zoning regulations for medical marijuana via Ordinance O-14-002. The City Code limited the medical marijuana dispensary and medical marijuana cultivation center as special uses in the I-2 Industrial District. There were no properties within Wood Dale that would meet the required separation distances for cultivation centers, however, said use was added to City Code in case the State would modify the separation restrictions in the future.

To date, the City has not received any applications for a special use for medical marijuana dispensary or cultivation center.

Recreational Cannabis

The Cannabis Regulation and Tax Act (Public Act 101-0027, “The Act”) signed into law on June 25, 2019, will legalize the possession and private use of cannabis for Illinois residents over 21 years of age. The Act will become effective on January 1, 2020. The City Attorney has provided a brief memo, attached as Exhibit A, outlining some of the most pertinent information related to the Act. Additional information is provided via excerpts from the Illinois Municipal League’s publication on adult-use cannabis including a Fact Sheet and Frequently Asked Questions (Exhibit B).

While a municipality may not restrict the private consumption of cannabis that is authorized by the Act, it may enact local ordinances regulating establishment of recreational cannabis businesses. The Act allows municipalities to prohibit (opt-out) or significantly limit the establishment and operation of recreational cannabis businesses within its corporate limits.

Cannabis Business Establishments

The Act creates five (5) adult-use recreational cannabis licenses, subject to various fees and subject to administration by the Illinois Department of Agriculture and the Illinois Department of Financial and Professional Regulation. The licenses are summarized as follows:

- Adult-use Dispensing Organization: selling and dispensing; includes registered medical cannabis organizations; may not be located within 1500ft of a pre-existing dispensing organization
- Adult-use Cultivation Center: cultivate, process and transport
- Craft Grower: 40 licenses; cultivate, dry, cure and package; may share premises with a processing organization or a dispensing organization or both; may not be located in area zoned for residential; not within 1,500ft of another craft grower or cultivation center.
- Infuser: 40 licenses; directly incorporate cannabis or cannabis concentrate into a product; may only sell their product to dispensing organizations; may not be located in area zoned for residential; may share area with a craft grower or a dispensing organization, or both.
- Transporter: transport cannabis on behalf of a cannabis business establishments or a community college

Surrounding Communities

Many communities are still considering the topic of recreational cannabis and have not indicated their stand. There is also a number of municipalities that have decided to opt-out by prohibiting establishment of recreational cannabis businesses. Table below provides a summary of few of the surrounding communities.

Community	Status
Addison	No indication yet
Bensenville	Opt-in; Allowed as special use in C-1, C-2, I-1 and I-2 (10/22/2019)
Bloomington	May opt-out; PC meeting to prohibit in the Zoning Code (10/15/19); Village Board vote at a later date
Carol Stream	No indication yet

Glendale Heights	No indication yet
Elk Grove Village	Opt-out
Elmhurst	Opt-out
Hanover Park	No indication yet; to be considered in November
Itasca	No indication yet

ANALYSIS

Text Amendment – Opt-out

As mentioned earlier in the report, the City has the ability to completely opt-out by prohibiting establishment of any of the recreational cannabis businesses. Prohibiting the recreational cannabis establishments would not impact the medical dispensaries, which would remain to be permitted as special use in the I-2, Industrial zoning district.

The initial feedback received by the staff indicates the City would prefer to opt-out at this time. The topic could be revisited in the future as more information becomes available related to the impacts upon the health, safety and welfare of residents. Additional information would also need to be factored related to the costs and impacts upon law enforcement and regulatory operations.

The proposed text amendment to prohibit establishment of cannabis businesses would amend Sec. 17.503, as follows:

[17.503 B. Cannabis Business Establishments:](#)

[Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act \(410 ILCS 705/1-10\), which include cultivation centers, craft growers, processing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.](#)

Compliance with the Comprehensive Plan

The proposed text amendments will help the City work towards the Comprehensive Plan's vision by working towards "sustaining a good quality of life for its residents". It will also help the City to work towards Comprehensive Plan's goals such as to "keep Wood Dale diverse" by managing development to create a balanced mix of land uses, promoting economic vitality, and sustainable quality of life. One of the strategies is working towards limiting potential negative impacts of businesses on residential areas.

Compliance with the Unified Development Ordinance

The proposed text amendment is in keeping with the purpose and intent of the UDO to implement the goals, objectives and policies of the Comprehensive Plan and to promote the public health, safety, morals, comfort and general welfare of the people. The purpose

of the text amendment is to prohibit the establishment of cannabis businesses within the City, due to the potential negative impact on the community.

Findings of Fact

Although there is no requirement to adopt findings of fact, the proposed amendments are consistent with the Comprehensive Plan and the UDO.

RECOMMENDATION

Staff recommends that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses. The proposed text amendment is consistent with the Comprehensive Plan and the Unified Development Ordinance. Based on the findings listed above, staff recommends that the Community Development Commission make the following motion recommending approval of the amendments:

Based on the proposed text amendment to the UDO, as summarized in the staff memo dated November 18, 2019, I move that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses in Case No. 2019-CDC-14.

Memo

To: Community Development Commission
From: Sean Conway, City Attorney
Date: November 13, 2019
Re: Cannabis Regulation and Tax Act

The Cannabis Regulation and Tax Act (“Act”) goes into effect on January 1, 2020. The Act legalizes the possession and recreational use of cannabis by individuals 21 and older.

However, the Act prohibits the recreational use of cannabis in public places. Under the Act, the definition of “public places” not only includes public parks and buildings but also includes private businesses and commercial establishments. Under the Act a “public place” is defined as “any place where a person could reasonably be expected to be observed by others.” 410 ILCS 705/10-35. A “public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

City Zoning Authority

A. Opt-Out Approach

Under the Act, the City may adopt and enforce local ordinances prohibiting the location of any and all cannabis business establishments from locating in the City. 410 ILCS 705/55-25 (5). This is commonly known as the “opt-out” approach where the municipality adopts a city-wide prohibition on the establishment and operation of all cannabis business establishments.

There are several categories of cannabis business establishments detailed in the Act including:

- State licensed **cultivation centers** (completely enclosed and secured facility primarily used to grow cannabis on a large scale of a maximum space of 210,000 square feet)
- State licensed **craft growers** (completely enclosed and secured facility primarily used to grow cannabis on a smaller scale of a maximum space of 14,000 square feet)
- State licensed **processing/infusing** organizations (completely enclosed and secured facility primarily used for extraction and infusion of cannabis compounds into edible and oil products)

- State licensed **dispensing organizations** (completely enclosed and secured facility primarily used for dispensing recreational cannabis products)
- State licensed **transporting organizations** (organization dedicated to the transport of cannabis on behalf of a cannabis business establishment)

A number of communities have recently approved this opt-out approach. Many communities have approved the opt-out approach due to the relatively unknown impact cannabis business establishments may have of the health and safety of residents in the community.

If the City determines to approve the opt-out approach, it is free to revisit this prohibition, at any time in the future, once there is more data and experience with cannabis business establishments as they locate and operate in other Illinois communities. If the City determines to approve the “opt-out” approach, it will be required to amend its Unified Development Ordinance with an express prohibition. In approving the “opt-out” we suggest the following language:

17.503 B. Cannabis Business Establishments:

Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), which include cultivation centers, craft growers, processing and infusing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.

B. Special Use Regulation Approach

Under the Act, the City may allow the location of cannabis business establishments in the City and regulate: (1) their location by special use permits in certain zoning development districts; (2) their minimum distance from sensitive locations like schools, daycare facilities, libraries, or parks; and (3) the on-site consumption of recreational cannabis within cannabis business establishments.

While there is a potential tax revenue benefit to the City if it allows the location of cannabis business establishments in the City, it is unclear as to whether the potential tax revenue will be greater than the fiscal and societal costs related to the impact of cannabis business establishments on the community and the City. Again, once there is more data and experience with cannabis business establishments, as they locate and operate in other Illinois communities, the City will have more concrete information so as to conduct an informed cost/benefit analysis.

Do not hesitate to contact me with any follow-up questions on this matter.



Adult-Use Cannabis Resources

9/9/19



Fact Sheet

Adult-Use Cannabis

Adult-Use Cannabis

Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.



7/15/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. [More information about the medical cannabis program is available via this link.](#)



ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.



LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.



SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.



Frequently Asked Questions Cannabis Regulation and Tax Act Public Act 101-0027

Updated September 9, 2019

Provided by

KTJ

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FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

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FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

ADVERTISING

What are the restrictions on advertising for a cannabis business establishment?

- “Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.
- No cannabis business establishment nor any entity or person shall engage in advertising that contains any statement or illustration that is:
 - False or misleading;
 - Promotes the overconsumption of cannabis;
 - Displays cannabis;
 - Shows someone under 21 consuming cannabis;
 - Makes health or medicinal claims about cannabis;
 - Includes the image of the cannabis leaf or bud; or
 - Includes any image that is likely to appeal to minors.
- No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:
 - Within 1,000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21;
 - On or in a public transportation vehicle or on a public transportation shelter; or
 - On or in publicly-owned or publicly-operated property.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

CRAFT GROWERS

What is the definition of “craft grower?”

- "Craft grower" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering stage. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

Are craft growers inspected? How, and by whom?

- Craft growers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may craft growers sell cannabis?

- Craft growers may sell or distribute cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization or as otherwise authorized by rule.

What are the limitations on the location of craft growers?

- A craft grower may not be located in an area zoned for residential use.
- A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

CULTIVATION CENTERS

What is the definition of “cultivation center?”

- "Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act) and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

Are cultivation centers inspected? How, and by whom?

- Cultivation centers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may cultivation centers sell cannabis?

- Cultivation centers may sell or distribute cannabis or cannabis-infused products to dispensing organizations, craft growers, infusing organizations, transporters or as otherwise authorized by rule.

What is the maximum space a cultivation center may provide for plants in the flowering stage?

- A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult-use cannabis as provided in this Act.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

DISPENSING ORGANIZATIONS

What is the definition of “dispensing organization?”

- "Dispensing organization" means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, a “dispensing organization” shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

What methods of sale by dispensing organizations are prohibited?

- Drive-through windows
- Vending machines
- Transport of cannabis to residences or other locations where purchasers may be for delivery

When are dispensing organizations allowed to operate?

- Operation is allowed between 6:00 a.m. and 10:00 p.m. local time.
- Operation is prohibited when video surveillance equipment is inoperative.
- Operation is prohibited when point-of-sale equipment is inoperative.
- Operation is prohibited when the state’s cannabis electronic verification system is inoperative.
- Operation is prohibited when there are fewer than two people working at any time within a dispensing organization.

What products are dispensing organizations prohibited from selling?

- Dispensing organizations may not sell any product containing alcohol except tinctures, which are limited to containers no larger than 100 milliliters.
- Selling clones or other live plant material is prohibited.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

- Selling cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other for one price is prohibited.

Can dispensing organizations sell cannabis outside of Illinois or obtain cannabis from outside of Illinois?

- No. Dispensing organizations may not transport cannabis or cannabis products across state lines.
- No. Dispensing organizations may not obtain cannabis or cannabis-infused products from outside the State of Illinois.

What type of packaging is required for cannabis sold at dispensing organizations?

- All cannabis sold by a dispensing organization to purchasers must be in a container or package with a label identifying, at a minimum, the name of the dispensing organization, the contents and the weight of the raw cannabis in grams or, for cannabis products, the amount of Tetrahydrocannabinol (THC) in milligrams.

Are there restrictions in the Act on the location of dispensing organizations?

- Yes. A dispensing organization may not be located within 1,500 feet of the property line of a pre-existing dispensing organization.

What is the process for a dispensing organization to dispense cannabis to a purchaser?

- Before cannabis is dispensed:
 - The age of the purchaser shall be verified by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan the identification;
 - The validity of the government-issued identification card must be verified;
 - Any appropriate purchaser education or support materials shall be offered; and
 - Information must be entered into the state's cannabis electronic verification system, including the dispensing organization's agent's identification number, the dispensing organization's identification number, the amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed, and the date and time the cannabis is dispensed.
- A dispensing organization shall refuse to sell cannabis to anyone unless the person produces valid identification showing that the person is 21 years of age or older. However, a medical cannabis dispensing organization may sell cannabis-infused products to a person who is under

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21 years of age if the sale complies with the provisions of the Medical Cannabis Program Act and rules.

- Public Act 101-0363, effective August 8, 2019, revised the Medical Cannabis Program Act to provide that registered qualifying patients under 21 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis-infused products, and purchasing any usable cannabis or paraphernalia used for smoking or vaping medical cannabis.

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DRIVING UNDER THE INFLUENCE (DUI)

How will DUI's be addressed under the new law?

- Driving under the influence of cannabis will continue to be illegal.
- The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 of the Illinois Motor Vehicle Code (625 ILCS 5/11-501) or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical tests and standardized field sobriety tests are, under the Act, admissible at a civil or criminal trial or proceeding for an arrest for a cannabis-related offense as defined in Section 11-501 of the Illinois Motor Vehicle Code or a similar local ordinance.
- The Act creates a DUI Cannabis Task Force to examine best practices for enforcement of driving under the influence of cannabis laws and emerging technology in roadside testing for impairment.
- The Act creates various statutory presumptions applicable to cannabis DUIs:
 - Tetrahydrocannabinol (THC) concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance creates a presumption that a person was under the influence of cannabis; and
 - Tetrahydrocannabinol (THC) concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance does not give rise to a presumption that the person was or was not under the influence of cannabis, but may be considered with other competent evidence in determining whether the person was under the influence of cannabis.
- The refusal to submit to a chemical test will result in the imposition of driver's license sanctions under Section 11-501.1 of the Illinois Motor Vehicle Code.
- The refusal to take validated roadside chemical tests or standardized field sobriety tests is admissible in any civil or criminal action or proceeding regarding impairment by use of cannabis.
- An authorized medical cannabis patient who drives is deemed to have given consent to (i) validated roadside chemical tests or (ii) standardized field sobriety tests.

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- Law enforcement officers must have an independent, cannabis-related factual basis giving reasonable suspicion that a person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis to conduct validated roadside chemical tests or standardized field sobriety tests.

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EMPLOYMENT CONCERNS

May an employer maintain a drug-free workplace?

- Yes. The Act specifies that nothing shall prohibit an employer from adopting:
 - reasonable zero-tolerance or drug-free workplace policies;
 - employment policies concerning drug testing; or
 - regulations concerning smoking, consumption, storage or use of cannabis at the workplace or while on call.

- These policies must be applied in a nondiscriminatory manner.

- Employers' policies may cover use of cannabis in the employer's workplace, while performing the employee's job duties or while "on call." An employee is deemed "on call" when he or she is scheduled with at least 24 hours' notice by employer to be on standby or otherwise responsible for performing tasks related to his or her employment.

- An employer may discipline an employee for violating a workplace drug policy. If the employer elects to discipline the employee, the employer must give the employee reasonable opportunity to contest the determination.

- Nothing in the Act shall be construed to interfere with any federal, state or local restrictions on employment including, but not limited to, the United States Department of Transportation regulation 49 CFR 40.151(e), or impact an employer's ability to comply with federal or state law or cause it to lose a federal or state contract or funding.

- The Illinois Right to Privacy in the Workplace Act prohibits discrimination for the use of a lawful product while off duty or not on call. (820 ILCS 55/5.)

How can an employer determine whether an employee is impaired by the use of cannabis?

- An employer may consider an employee to be impaired by the use of cannabis if the employer has a good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks.

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EXPUNGEMENTS

What records will be automatically expunged?

- The Act mandates that arrest records relating to offenses under the Illinois Cannabis Control Act for possession of under 30 grams of any substance containing cannabis that are not associated with an arrest, conviction or other disposition of a violent crime as defined in subsection (c) of Section 3 of the Illinois Rights of Crime Victims and Witnesses Act. “Minor Cannabis Offenses” will be automatically expunged by all law enforcement agencies, including records of an arrest, charges not initiated by arrest, orders of supervision or orders of qualified probation for all offenses committed prior to the Act if:
 - One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and
 - No criminal charges were filed or if filed they were dismissed and/or arrestee was acquitted.

What is the schedule for automatic expungement?

- The Act provides that all law enforcement agencies must expunge qualifying records according to the following schedule:
 - Records created prior to the effective date of the Act, but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2021;
 - Records created prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023; and
 - Records created prior to January 1, 2000, shall be automatically expunged prior to January 1, 2025.

What is the process for expungement for offenders actually convicted of Minor Cannabis Offenses or of more serious violations under the Cannabis Control Act?

- Within 180 days of the effective date of the Act, the Illinois State Police must notify the Prisoner Review Board of those convictions for Minor Cannabis Offenses that are eligible for expungement under the Act.
- The Act provides a process for the Prisoner Review Board to make recommendations to the Governor for pardons for certain convictions for Minor Cannabis Offenses.
- Those convicted for more serious violations of the Cannabis Control Act and not qualifying for a pardon have the option of petitioning for expungement through the circuit court.

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FREEDOM OF INFORMATION ACT

Are all records and documents created or obtained by a public body pursuant to the provisions of the Act subject to the Illinois Freedom of Information Act (FOIA)?

- The Act adds an exemption to FOIA for confidential information described in Section 55-30 of the Illinois Cannabis Regulations and Tax Act (information received by state agencies from cannabis establishment licensees or applicants).
- The name and address of a dispensing organization licensed under the Act shall be subject to disclosure under FOIA. The name and cannabis business establishment address of the person or entity holding each cannabis business establishment license shall be subject to disclosure.
- Complaints from consumers or members of the general public received regarding a specific, named licensee or complaints regarding conduct by unlicensed entities shall be subject to disclosure.

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HOME CULTIVATION

What are the limitations and requirements to grow cannabis at home?

- Only registered medical cannabis patients over 21 years of age may participate in home cultivation.

- Additionally, cultivation in private residences by medical cannabis patients is subject to the following limitations:
 - There is a limit of five plants that are five inches or more per household without a cultivation center or craft grower license;
 - Cannabis plants may not be cultivated in an area subject to public view;
 - Reasonable precautions must ensure that the plants are secure from unauthorized access or access by a person under 21 years of age;
 - Cannabis cultivation must occur in an enclosed locked space;
 - Cannabis cultivation may only occur on residential property lawfully in possession of the medical cannabis patient or with the consent of the person in lawful possession of the property;
 - A medical cannabis patient may allow their authorized agent to tend to the plants for brief periods of time if the patient is temporarily away;
 - A medical cannabis patient may only purchase cannabis seed from a dispensary;
 - Purchase of live plant material is prohibited; and
 - If the home grown plants yield more than the allowable possession limit of 30 grams of raw cannabis, then the excess cannabis must remain secured within the residence of residential property in which it was grown.

May a landlord prohibit growth of cannabis on their property?

- Yes. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

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INFUSER ORGANIZATIONS OR INFUSERS

What is the definition of “infuser organization” or “infuser?”

- "Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

Are infusers inspected? How, and by whom?

- Infusers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may infusers sell cannabis?

- Infusers may only sell or distribute cannabis to a dispensing organization, or as otherwise authorized by rule.

What are the limitations on the location of infusers?

- An infuser may not be located in an area zoned for residential use.
- An infuser may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

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LICENSING

Is a license required to operate a cannabis establishment in Illinois?

- Yes. The Illinois Office of Cannabis Control shall issue licenses for all dispensing organizations. Dispensing organizations are defined by the Act as a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers.

May municipalities require licenses to operate a cannabis establishment within their boundaries?

- Since licensing is a function of the state under the Act, local governments may only enforce generally applicable business registration requirements for cannabis establishments and conduct inspections of the premises to ensure compliance with local ordinances.

What are the different types of licenses?

- The Act creates the following adult-use cannabis licenses, subject to various fees and subject to administration by the Illinois Department of Agriculture and the Illinois Department of Financial and Professional Regulation:
- Early Approval Adult-Use Dispensing Organization - A license that permits a medical cannabis dispensing organization licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin selling cannabis to purchasers as permitted by the Act as of January 1, 2020.
- Early Approval Adult-Use Cultivation Center - A license that permits a medical cannabis cultivation center licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act) and selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020. A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products to approved dispensing organizations on December 1, 2019.

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- Conditional Adult-Use Dispensing Organization License - A license awarded to top-scoring applicants for an Adult-Use Dispensing Organization License that reserves to the applicant the right to an adult-use dispensing organization license if the applicant meets certain conditions described in the Act. A dispensing organization that is awarded a Conditional Adult-Use Dispensing Organization License is not entitled to purchase, possess, sell or dispense cannabis or cannabis-infused products until the applicant has received an Adult-Use Dispensing Organization License.
- Conditional Adult-Use Cultivation Center License - A license awarded to top-scoring applicants for an Adult-Use Cultivation Center License that reserves to the applicant the right to an Adult-Use Cultivation Center License if the applicant meets certain conditions as determined by the Illinois Department of Agriculture by rule. A cultivation center applicant that is awarded a Conditional Adult-Use Cultivation Center License is not entitled to grow, purchase, possess or sell cannabis or cannabis-infused products until the applicant has received an Adult-Use Cultivation Center License.
- Adult-Use Dispensing Organization - A license issued by the Illinois Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under the Act and any administrative rule made in furtherance of the Act.
- Adult-Use Cultivation Center - A license issued by the Illinois Department of Agriculture that permits a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act.
- Craft Grower - The Illinois Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. A “craft grower” is a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.
- Infuser - The Illinois Department of Agriculture shall issue up to 40 infuser licenses through a process provided for in the Act no later than July 1, 2020. “Infuser organization” or “infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product. An infuser is prohibited from extracting cannabis concentrate from raw cannabis material. Only cultivation centers and craft growers will be allowed to extract cannabis concentrate.
- Transporter - Transporting organization” or “transporter” means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on

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behalf of a cannabis business establishment or a community college licensed under the Illinois Community College Cannabis Vocational Training Pilot Program.

Do state licenses need to be renewed?

- Yes. All licenses expire and are subject to the renewal provisions set forth in the Act.
- Adult-Use Dispensing Organization Licenses shall expire on March 31 of even-numbered years. Licensees must submit a renewal application as provided by the Illinois Department of Financial and Professional Regulation and pay the required renewal fee.

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LOCAL GOVERNMENT

May municipalities prohibit cannabis establishments within their boundaries?

- Yes. A municipality may enact ordinances to prohibit or significantly limit an adult-use cannabis business establishment's location.
- While adult-use cannabis business establishments may be prohibited, the Illinois Medical Cannabis Program Act specifically provides that medical cannabis dispensing organizations may not be prohibited within municipal boundaries. For medical cannabis establishments, then, municipalities may only regulate location via reasonable zoning regulations (special use permits, etc.).

May municipalities and other units of local government regulate cannabis establishments within their boundaries?

- A unit of local government may enact reasonable zoning ordinances or resolutions not in conflict with the Act or with Illinois Office of Cannabis Control, Illinois Department of Public Health, Illinois Department of Financial and Professional Regulation and Illinois Department of Agriculture rules regulating cannabis establishments.
- A unit of local government may enact ordinances or rules governing the time, place, manner and number of cannabis establishment operations, including a minimum distance limitation between cannabis establishments and locations it deems sensitive through the use of special use permits.

May municipalities prohibit or regulate cannabis establishments outside of their boundaries?

- A municipality may exert extra territorial zoning authority in the unincorporated area within one and one half miles of its corporate limits through the adoption of a comprehensive plan and zoning for that area pursuant to 65 ILCS 5/11-13-1. The municipal ordinances would control that area absent a county zoning ordinance, or another municipality with zoning already in place.

May municipalities regulate the on-premises consumption of cannabis and/or allow cannabis cafes and lounges?

- Yes. A municipality may regulate and/or allow the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the Act. The Act allows the creation of “cannabis cafes/lounges” in the discretion of the municipality. Cannabis business establishments or other entities authorized or permitted by a municipality to

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allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

May municipalities and other units of local government prohibit the use of cannabis within their boundaries?

- No unit of local government, including a home rule unit, may unreasonably prohibit the use of cannabis authorized by the Act.

Does the Act contain any location restrictions on dispensaries?

- A dispensing organization may not be located within 1,500 feet of the property line of a preexisting dispensing organization.
- These distance restrictions are different than those originally imposed by the Illinois Medical Cannabis Program Act. Under the Medical Cannabis Program Act, registered cultivation centers could not locate within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility or an area zoned for residential use (410 ILCS 130/105(c)) and registered dispensing organizations could not locate within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or be located in a house, apartment, condominium, or an area zoned for residential use (410 ILCS 130/130(d)). P.A. 101-0363, which made various amendments to the Medical Cannabis Program Act and became effect on August 8, 2019, eliminated the distance restrictions for medical cannabis dispensaries registered after July 1, 2019.

Does failure to be in compliance with local zoning regulations have any impact on a cannabis establishment's ability to operate in Illinois?

- Yes. A state-issued cannabis establishment license will be denied if the applicant is not in compliance with local zoning rules.

May municipalities and other units of local government fine or penalize cannabis establishments for violation of local zoning regulations?

- A unit of local government may establish civil penalties for violation of an ordinance or rules governing the time, place and manner of operation of a cannabis establishment within the jurisdiction of the unit of local government.

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May municipalities regulate personal possession and consumption of cannabis?

- The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act. Therefore, municipalities may adopt the prohibitions and penalties of the Act into their codes which will give the local governments the ability to enforce and prosecute personal possession and consumption violations through local adjudication or the circuit court.

Does the Act apply to home rule units of government?

- Yes. A unit of local government may not regulate cannabis-related activities in a manner more restrictive than their regulation by the state under the Act. Home rule preemption applies here.
 - “This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.” Section 55-25(4).
- Home rule preemption is specifically set forth in Section 55-90 of the Act. *“Except as otherwise provided in this Act, a unit of local government, including a home rule unit, may not regulate or license the activities described in this Act.” [emphasis added]*

May voters choose to limit or prohibit cannabis establishments within a municipality?

- Only within the City of Chicago. The Act allows the legal voters of any precinct within a municipality with a population of over 500,000 to petition their local alderman, using a petition form made available online by the city clerk, to introduce an ordinance establishing the precinct as a restricted cannabis zone. "Restricted cannabis zone" means a precinct within which home cultivation, one or more types of cannabis business establishments, or both has been prohibited pursuant to an ordinance initiated by a petition under the Act.

Does the Act contain any operational rules for adult-use cannabis dispensing organizations?

- The Act, in Section 15-70, contains a list of specific business operational rules for adult-use cannabis dispensing organizations that provide a clear baseline of regulatory guidelines for these establishments. Municipalities may include these in any statement on approvals or conditions that are part of any conditional use permit. These rules include:
 - A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
 - Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which are limited to containers that must be no larger than 100 milliliters.

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- A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act.
- A dispensing organization shall maintain compliance with state and local building, fire and zoning requirements or regulations.
- A dispensing organization shall submit a list to the state of the names of all service professionals that will work at the dispensary.
- A dispensing organization's license allows for a dispensary to be operated only at a single location.
- A dispensing organization may operate between 6:00 a.m. and 10:00 p.m. local time.
- A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
- A dispensing organization shall not:
 - Produce or manufacture cannabis;
 - Accept a cannabis product from an adult-use cultivation center, craft grower, infuser, dispensing organization or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act;
 - Obtain cannabis or cannabis-infused products from outside the State of Illinois;
 - Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Illinois Medical Cannabis Program Act, and the individual is registered under the Medical Cannabis Program Act or the purchaser has been verified to be over the age of 21;
 - Enter into an exclusive agreement with any adult-use cannabis cultivation center, craft grower or infuser;
 - Refuse to conduct business with an adult-use cannabis cultivation center, craft grower, transporting organization or infuser that has the ability to properly deliver the product and is permitted by the Illinois Department of Agriculture, on the same terms as other adult-use cannabis cultivation centers, craft growers, infusers or transporters with whom it is dealing;
 - Operate drive-through windows;
 - Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
 - Transport cannabis to residences or other locations where purchasers may be for delivery;
 - Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;
 - Operate a dispensing organization if its video surveillance equipment is inoperative;
 - Operate a dispensing organization if the point-of-sale equipment is inoperative;

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- Operate a dispensing organization if the state's cannabis electronic verification system is inoperative;
- Operate a dispensing organization when there are fewer than two people working at any time;
- Be located within 1,500 feet of the property line of a pre-existing dispensing organization;
- Sell clones or any other live plant material;
- Sell cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate or cannabis-infused product must be separately identified by quantity and price on the receipt;
- Violate any other requirements or prohibitions set by the Act or administrative rules.

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SOCIAL JUSTICE

What other agency oversight does the state have for social issues related to cannabis production, sale and use?

- The Restoring Our Communities (ROC) program will be created. The ROC program will be a performance incentive funding program for high-need, underserved communities throughout the state.
- The purpose of the ROC program will be to directly address the impact of economic disinvestment and the historical use of criminal justice responses to community and individual needs by supporting local design and control of community-based responses to these impacts that can be accessed outside of the criminal justice system.
- The ROC program will provide planning and implementation grants as well as technical assistance to collaborative groups that include human service providers and community-based organizations, individuals who have experienced the criminal justice system or other systems of state intervention, individuals who have been consumers of social programs administered by the state or local jurisdictions, and local leaders from all sectors.

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TAXATION, REVENUES AND APPROPRIATIONS

How is cannabis cultivation going to be taxed at the state level?

- Beginning on January 1, 2020, a Cannabis Cultivation Privilege Tax is imposed by the State of Illinois upon the privilege of cultivating cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a cultivator.
 - This tax rate already exists under current medical cannabis law.
 - As all funds collected under the Cannabis Regulation and Tax Act and under the Compassionate Use of Medical Cannabis Program Act will be deposited into the state's Cannabis Regulation Fund, the 7% cultivation tax that previously only applied to the cultivation of medical cannabis is repealed, effective July 1, 2020 (See 410 ILCS 130/200), and replaced by the same tax that applies to both adult-use and medical cannabis cultivation.
 - All funds received by the Illinois Department of Revenue under the privilege tax shall be paid into the Cannabis Regulation Fund in the state treasury.

- The Cannabis Cultivation Privilege Tax will be collected in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision (whether the cultivation is for medical or adult-use purposes).

How is the sale of cannabis going to be taxed at the state level?

- Beginning on January 1, 2020, a Cannabis Purchaser Excise Tax is imposed by the State of Illinois upon purchasers for the privilege of using cannabis at the following rates:
 - Cannabis flower or products with less than 35% Tetrahydrocannabinol (THC): 10% tax.
 - Cannabis-infused products (i.e., edibles): 20% tax.
 - Cannabis flower or products with a THC concentration higher than 35%: 25% tax.

- The purchase price of any product that contains any amount of cannabis or any derivative is subject to the excise tax on the full purchase price of the product.

- The purchase of cannabis is also subject to state and local sales taxes. Sales tax is collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.

- All funds received by the Illinois Department of Revenue under the excise tax will be paid into the Cannabis Regulation Fund in the state treasury.

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What is the state going to do with the funds collected in the form of state taxes, license fees and any other monies collected with regard to cannabis production and sale?

- The Cannabis Regulation Fund is created in the state treasury. Unless otherwise provided, all funds collected under the Cannabis Regulation and Tax Act and under the Medical Cannabis Program Act shall be deposited into the Cannabis Regulation Fund, consisting of taxes, license fees, other fees and any other amounts required to be deposited or transferred into the Fund.
- Monthly, the transfers of revenues received into the Cannabis Regulation Fund shall be certified as follows:
 - First, to pay for the direct and indirect costs associated with the implementation, administration and enforcement of the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, the Illinois Department of Revenue shall certify the transfer of 1/12 of the fiscal year amount appropriated to the numerous agencies involved with the program;
 - Second, after the above-noted transfers have been made, the remainder shall be transferred by formula to the following funds:
 - 35% transferred to the state General Revenue Fund
 - 25% transferred to the Criminal Justice Information Projects Fund to support the Restore, Reinvest and Renew Program for community reinvestment
 - 20% transferred to the Illinois Department of Human Services Community Services Fund to fund mental health and substance abuse services at local health departments
 - 10% transferred to the Budget Stabilization Fund to pay the backlog of unpaid state bills
 - 8% transferred to the Local Government Distributive Fund (LGDF) to fund crime prevention programs, training, and interdiction efforts relating to the illegal cannabis market and cannabis-based DUIs
 - 2% transferred to the Drug Treatment Fund for public education and awareness

How may cannabis be taxed at the local level?

- On and after January 1, 2020, the corporate authorities of any county or municipality may, by ordinance, impose a County and Municipal Cannabis Retailers' Occupation Tax (MCROT).
- For municipalities, the MCROT is imposed upon purchasers for the privilege of using adult-use cannabis purchased in the municipality. The rate of tax shall not exceed 3% of the purchase price. If imposed, the tax shall only be imposed in 0.25% increments.
- Counties are authorized to impose a tax of up to 3% in incorporated areas and 3.75% on sales emanating from unincorporated areas.

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- The Illinois Department of Revenue will collect and administer the MCROT.
- The MCROT shall not be imposed on cannabis that is subject to tax under the Medical Cannabis Program Act. Sales of medical cannabis from registered medical cannabis dispensaries are taxed at the 1% rate imposed on prescription and nonprescription drugs in Illinois.
- Any ordinance imposing the tax must be certified by the municipal clerk of that unit of local government and filed with the Illinois Department of Revenue before June 1 of any year, to be effective and enforced by the Department of Revenue on September 1 of that year.
- The MCROT will be collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.

How are existing sales taxes affected?

- Retailers' Occupation Taxes (sales taxes), assessed at both a local and state level, will not be deposited into the Cannabis Regulation Fund. Nothing in the Medical Cannabis Program Act and the Cannabis Regulation and Tax Act affects the collection of these taxes or their deposit in the state's general fund and/or distribution to municipalities under local ordinance.
- Under the state Retailers' Occupation Tax, the sale of cannabis is classified as a "sale of tangible personal property at retail."

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USE AND POSSESSION

How much cannabis may a resident of the State of Illinois legally possess under the Act?

- For an Illinois resident who is 21 years of age or older, the possession limit is any combination of the following:
 - 30 grams of raw cannabis;
 - Cannabis-infused product or products containing a total of no more than 500 mg of Tetrahydrocannabinol (THC);
 - 5 grams of cannabis product in concentrated form.
- For individuals who register as qualifying patients under the state’s existing medical cannabis program only:
 - Up to 5 cannabis plants and the cannabis produced from those 5 plants, secured within the residence or dwelling unit (no matter how many people reside in a residence, only 5 plants are allowed per residence).
 - Any combination of the amounts indicated above. Additionally, if they have plants that yield more than the 30 grams of raw cannabis, the excess must remain secured in the residence or residential property it is grown.

How much cannabis may a non-resident of the State of Illinois legally possess under the Act?

- For a person who is 21 years of age or older and who is not a resident of Illinois, the possession limit is any combination of the following:
 - 15 grams of raw cannabis;
 - Cannabis-infused products or products containing a total of no more than 250 mg of THC;
 - 2.5 grams of cannabis product in concentrated form.
- A non-resident may not possess cannabis plants.

Where is a person prohibited from possessing cannabis?

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, any of the following conduct:
 - Possessing cannabis on a school bus.
 - Possessing cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.
 - Possessing cannabis in any correctional facility.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

- Possessing cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.
- Possessing cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

Where is the use of cannabis prohibited?

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following:
 - Consuming cannabis on a school bus.
 - Consuming cannabis on the grounds of any preschool or primary or secondary school unless authorized in the medical cannabis program.
 - Consuming cannabis in any correctional facility.
 - Consuming cannabis in any motor vehicle.
 - Consuming cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
 - Consuming cannabis in any public place or knowingly in close physical proximity to anyone under 21 years of age.
 - Consuming cannabis in any public place where a person could reasonably be expected to be observed by others.
 - Consuming cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
 - Universities, colleges and other post-secondary educational institutions may restrict or prohibit cannabis use on their property.

How is a “public place” defined under the Act?

- A “public place” is defined as any place where a person could reasonably be expected to be observed by others.
- A “public place” includes all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government.
- A “public place” does not include a private residence, unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

Are there certain specific activities that an individual may not perform while using cannabis?

- Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis.
- Use of cannabis by a law enforcement officer, corrections officer, probation officer or firefighter while on duty.
- Use of cannabis by a person who has a school bus driver's permit or a Commercial Driver's License (CDL) while on duty.
- Driving under the influence and reckless driving based on THC impairment may continue to be charged.

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COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: November 18, 2019

Present: Ron Damasco, Brad Karich, Richard Petersen,
George Vant, Dave Woods

Absent: Rick St. Marie, Dave Shimanek

Also Present: Gosia Pociecha, Ald. E. Wesley, Attorney Sean Conway,
J. Weihofen

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Chairman Brad Karich called the meeting to order. Roll call was taken and a quorum was present.

APPROVAL OF THE MINUTES:

Mr. Karich made a motion to approve the minutes of the September 16, 2019 meeting; the motion was seconded by Mr. Woods and unanimously approved as presented via voice vote. Mr. Woods made a motion to approve the minutes of the October 21, 2019 meeting; the motion was seconded by Mr. Vant and unanimously approved as presented via voice vote.

PUBLIC HEARINGS:

CASE NO. 2019-CDC-13

OVERVIEW:

Hilton Displays is requesting a Sign Variation to allow a second menu board sign for the Starbucks drive-through currently under construction. The subject property is located at 330 W. Irving Park Rd. MSS Wood Dale Land, LLC is the owner of the parcel.

DISCUSSION:

Ms. Pociecha described the location of the proposed pre-menu board at the drive-through area, noting that this is a typical installation at Starbucks locations and will not be visible from either Irving Park Road or Addison Road. This type of pre-menu board is used for informing customers of new or specialty items being offered. Because the City's current Sign Code allows only one menu board sign per zoning lot, petitioner is seeking approval of a Sign Variation to allow for this second menu board.

VOTE:

Based upon staff recommendation, submitted petition and the testimony presented, Mr. Woods made a motion that the proposed Sign Variation meets the standards for approval; and, therefore, I move that the Community Development Commission recommend to the City Council approval of the Sign Variation to allow a second menu (pre-menu) board sign for the drive-through at 330 W. Irving Park Road in Case No. 2019-CDC-13. The motion was seconded by Mr. Karich. A roll call vote was taken with the following results:

Ayes: Mr. Woods, Mr. Damasco, Mr. Karich, Mr. Vant, Mr. Petersen
Nays: None
Abstain: None
Motion carries

CASE NO. 2019-CDC-14

OVERVIEW

The City of Wood Dale is proposing a Text Amendment to Chapter 17 of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the text amendment is to consider the recreational cannabis regulations.

DISCUSSION

Ms. Pociеча briefly reported on the Federal, State and Wood Dale regulations governing the cultivation, use and distribution of medical and recreational cannabis. The Text Amendment being brought before the Community Development Commission addresses the issue of recreational cannabis as medical dispensaries are currently allowed as special uses in the I-2 Industrial zoning district. To be considered is the question of either allowing or prohibiting recreational cannabis establishments in Wood Dale. If approved, the text amendment to Sec. 17.503 would read:

17.503 B Cannabis Business Establishments

Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), which includes cultivation centers, craft growers, processing organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.

Ms. Pociеча reminded Commissioners that, whatever policy the City adopts at this point, the issue of allowing or prohibiting recreational cannabis establishments within the boundaries of the city can always be revisited in the future should the City so decide. Since this subject is new and under review by other communities and since the impact of this use within communities is unknown, the idea of adopting a “wait and see ” or “opt out” policy is viewed as desirable. Mr. J. Weihofen of 472 George Street was in attendance to voice his support of allowing recreational cannabis establishments pointing to the fact that the City could benefit from the taxes which would be generated by this use.

VOTE

Mr. Woods made a motion that based on the proposed text amendment to the UDO as summarized in the staff memo dated November 18, 2019, I move that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses in Case No. 2019-CDC-14. The motion was seconded by Mr. Petersen and a roll call vote was taken with the following results.

Ayes: Mr. Damasco, Mr. Vant, Mr. Petersen, Mr. Woods

Nays: Mr. Karich

Abstain: None

Motion: Passed

STAFF LIAISON REPORT:

There were no items to report.

ADJOURNMENT:

Mr. Karich motioned to adjourn the meeting, which was seconded by Mr. Woods. The motion was unanimously approved via voice vote. The meeting adjourned at 7:40 P.M.

Minutes taken by Marilyn Chiappetta



REQUEST FOR COMMITTEE ACTION

Referred to Committee: December 12, 2019
Subject: UDO Assessment/Revisions
Staff Contact: Ed Cage, Community Development Director
Department: Community Development Department

TITLE: UDO Assessment/Revisions

RECOMMENDATION:

Staff recommends that the City Council consider authorizing Teska and Ancel Glink to rewrite the entire UDO document.

BACKGROUND:

At the August 15, 2019 City Council meeting, the City Council authorized a Zoning Assessment Study of the UDO, via Consultants Teska and Ancel Glink.

ANALYSIS:

The attached document, produced by Teska and Ancel Glink, assesses the current UDO and its strengths and weaknesses. The good news is that there are some areas and regulations currently in the UDO that work well, such as; Planned Unit Developments, Landscaping and Major Site Plan Reviews. On the other side, there are some glaring issues that do not work well, such as; Thorndale Corridor Overlay, Land Use Categories and Parking Requirements.

Teska and Ancel Glink have outlined two further options in their UDO Assessment:

1. Modify some sections of the UDO would cost in the range of \$40,000 - \$80,000.
2. Rewrite the entire UDO would cost in the range of \$90,000 - \$110,000.

Clearly these numbers would be firmed up, depending on the choice by the Council. It is important to note, that the expense for the UDO Assessment is not wasted, as this is the starting point for any UDO rewrite or section rewrite.

In an effort to promote high-quality development that is governed by a clear and concise Unified Development Ordinance, Staff recommends the re-write of the UDO. Architects, Engineers, Business Owners, Residents and Developers have all complained about some of the outdated regulations found in the current UDO. A rewrite of the entire document would help all these groups mentioned above along with both the City Council and Staff.

DOCUMENT ATTACHED

- ✓ Teska & Ancel Glink UDC Assessment Memorandum dated 11/27/19.



Memorandum

To: Ed Cage, AICP – Community Development Director, City of Wood Dale
From: Michael Blue, FAICP – Principal, Teska Associates
David Silverman, AICP – Partner, Ancel Glink
Date: December 5, 2019
RE: **City of Wood Dale UDO Assessment**

This analysis of the Wood Dale Unified Development Code (commonly known as the UDO) was commissioned by the City to assess the effectiveness of its regulations in facilitating development that promotes the City's land use goals and objectives. The role of Teska Associates, Inc. and Ancel Glink is to provide an outside perspective and evaluate the extent to which the UDO and its procedures set out a predictable process that adds value to developments and supports sound communication by all parties. The scope of work for this assessment included, input from community stakeholders (developers, designers, and City staff).

The assessment involves consideration at two levels – the big picture (broader code review findings) and the details (technical elements). Understanding the big picture of the code considered the general approach of major code sections – are they in keeping with best practices and latest legal requirements? Do they encourage the sort of development that is in keeping with current market needs and City goals? Are they user friendly for applicants and City officials?

The assessment of technical elements evaluated specific points of how the UDO defines and regulates wide ranging zoning elements such as types of permitted businesses, yard setbacks, submittal requirements for zoning requests, etc. The intent is to evaluate effectiveness of the code in addressing day to day code application and determine the extent to which it is an effective enforcement tool for the City.

This evaluation was prepared with the understanding that current codes and procedures represent years of work by the City and development community. The purpose here is to “check in” with the underlying UDO standards and process to be sure future outcomes provide continued success. This evaluation does not serve as a redrafting of the ordinances and specific new zoning text language is not proposed. Rather, strengths and weakness of the UDO are noted and considerations for enhancement are suggested where appropriate.

Section 1: General Considerations

Based on our technical review of the UDO, meetings with City staff and input from stakeholder discussions, several big picture items merit consideration for update. They are described in the following sections:

Main Findings

Thorndale Corridor Corporate District

This district is intended to implement a visionary and ambitious plan for the area south of I-390 and east of Wood Dale Road. While the vision has merits, its implementation has presented challenges due to changes in real estate markets and plans for O'Hare. Consideration of the District's vision are not the purview of this assessment. However, several factors from a development and regulation perspective appear to make application of the code section challenging. With that in mind, some reconsideration of the District is recommended.

- This District standards are long and complex. At approximately 80 pages, it is as long as some full zoning codes. This length and complexity reflect the form-based approach of the District and presents a highly different approach to development than most developers are familiar (and comfortable) with. These types of codes have been seen more effectively in relatively small business districts seeking to maintain a consistent character. For large areas the development community finds this approach difficult to mesh with their building and design approaches, as well as overall development economics and financing. This is reflected by the fact that development in the TCC District has occurred as PUDs, which provide flexibility from strict application of code standards. Secondly, developers note that a form-based approach can create difficulty for them in matching development standards to real estate markets. Such complexity will discourage developers from tackling projects.
- The limited number of permitted land uses allowed in the District is a challenge to developers and property owners. It has created nonconforming land uses that are difficult to manage or find replacement tenants. The resulting policy question for the City is whether it should maintain pursuit of aggressive redevelopment of the area, or refine the vision to create a desirable business park and industrial area; should the latter be chosen, a revised zoning district could balance current and anticipated development trends and a desirable aesthetic for the area.
- The Design Standard are an example of form-based elements that are out of step with the form of development common in business and industrial parks. For example, the notion of "build to" lines and having parking not in the front of buildings is uncommon in these types of developments. Also, many of the standards are out of step with the current business park and area character as they are generally too intricate for business park development and are more in tune with small commercial centers.
- Transit standards are included in the code, applying the approach by underlying zoning. The Transit Management concept is a good one, but not best applied through the UDO since there will be great variability of interest and applicability for businesses in the TCC District.

- Parking ratios in the TCC District are not consistent with uses in the rest of the UDO and create conflicts.
- Based on current market trends, input from property owners and developers, and the fact that market and development conditions have dramatically changed since the plan and TCC District were developed, it is recommended that the City consider options for development regulations in the area other than those found in the current TCC District regulations. New regulations would still create a high quality business park under current street and lot configurations and market conditions. Such an approach could be based on a wider list of permitted land uses, required design standards considered to be essential for buildings, and design guidelines to encourage high quality development (much as the City does now through its staff review and Planned Unit Development efforts).

Town Center Business District

The TCB District is designed for a transit oriented business district, as noted in the establishment of the district from the code: *“The application of traditional neighborhood and transit oriented development design principles in this district is required.”* This is not consistent with the District’s location at the crossroads of two major roadways. It is intended to be a highly walkable area that is not heavily dependent on car travel. Even though the Wood Dale train station is located nearby, the area zoned as TCB is highly auto oriented and development there is greatly influenced by Irving Park and Wood Dale Roads.

Incongruity between a development form directed by the District’s regulations and its location is furthered by use of form-based zoning standards that rely on building type rather than use and bonuses for plazas and pedestrian areas that are difficult to incorporate into the small lots that typify this part of Irving Park Road. The incentives and desired outcomes are more feasible on larger lots (like the recent senior building) but do not support redevelopment or continued use of most buildings on Irving Park. More conventional development regulations focused on smaller lot redevelopment, encouraging some lot consolidation, and flexibility to development challenges (like parking counts) would be more effective to incentivize redevelopment on the corridor.

Land Use Table

The land use table in the UDO is a very long and very specific list of business types and other land uses. Some of the uses listed are out of date and include very specific distinctions on which businesses are regulated. In addition, there is very little distinction between many of the business listed. In general, this is an approach that modern codes have moved away from. Use Categories, for example, allow the code to be more flexible in the type of businesses that are allowed, permit codes to remain up to date as businesses evolve, and encourage economic development (as they are seen as “business friendly”). The current list also means that new, desirable businesses not listed must wait for a use interpretation or formal approval to be located in a district, and may choose to locate in another community rather than wait. That said, such use lists are not intended to be lax in the types of businesses permitted and allow any type of activity. Rather, a best practice is to be more specific regarding the type of business based on potential impacts, not just considering the specific type of businesses by name. Moving to Use Categories or another classification system (such as the North American Industry Classification System (NAICS)) would provide a more modern, and wider understood approach to land use regulations.

Another notable aspect of the Use Table is that many retail and convenience uses are listed as permitted in the Industrial Districts. It may be that this is a function of the TCC District, but that District includes a separate use table. In any case, the current use list provides an uncommon mixing of industrial and commercial uses. This mix of uses is not optimal as it would encourage residential traffic, bicyclists and pedestrians (going to convenience uses) to mingle with the extensive truck traffic associated with the industrial uses. It also creates situations where less area may be available for the City's strong industrial and logistics business base, as sites may be used by retail or other commercial operations. While it is certainly feasible for a portion of an industrial use to have an accessory retail component (and generate sales tax), there is value to the City in preserving the industrial and business park nature of the TCC District.

Land Use and Development Standards

Article VI provides regulations related to land use and general development standards. Land use standards are presented in an unconventional way and in a format that will be unfamiliar to most users. The section is structured around "building types" rather than uses of land and includes form-based standards for those developments. For example, rather than designating "single family" dwelling as the regulated use, the current code defines categories for two types of "Large Detached House", plus two additional categories for "Medium Detached House" and "Small Detached House". Distinctions between each category are difficult to discern, and the structure types are ultimately related back to the City's single-family zoning districts. For townhomes, apartments, commercial and industrial uses the convention of designating by building type also is used, but further breaks down into subcategories. For example, industrial uses are defined as "Small Industrial Shops/Workspaces" (on 6,000 sf lots) and "Large Industrial Shops/Workspaces" (on two acre lots). It is unclear how these designations are applied, or how they support either current or anticipated development patterns.

Bulk standards (height, setback, etc.) also are conveyed in this section in a nonconventional manner that makes use of the code difficult. For example, this section sets out building setback based on standards such as "build to" lines and "front types allowed", but these are not a best practice approach to use for single family neighborhoods, particularly in a primarily built out community like Wood Dale. This approach limits flexibility for owners to site plan and design homes. By contrast, a format that applies traditional bulk standards and clearly noted "additional regulations" (that can be drawn from any form-based or design elements considered important) can be set out in the code to more effectively and simply convey the City's intent for development.

The ultimate consideration of these factors is that they discourage development in communities. While Wood Dale has effectively mitigated this issue through use of Planned Unit Developments, the Code can be revised to make smaller and straightforward developments feasible with less approval process.

User friendliness

Development code documents are now readily available to users via municipal websites (in the past, it would be necessary to purchase a hard copy of a code and then figure out if it was current as time passed). So, while it is easier to obtain a community's development regulations, the code's user friendliness continues to be a significant concern for communities. This means being able to read a code that clearly informs potential developers and property owners not just of local regulations, but provide confidence that the overall development process will be understandable, and that the community is a place to invest development resources. Lastly, while staff assistance on zoning matters is always

available (and part of customer friendliness), having more information available and understandable through the code itself can limit unnecessary staff time spent giving simple answers to simple questions.

A few aspects of the Wood Dale UDO that merit review regarding it being customer friendly are described here. They mostly relate to the UDO's organization and wording.

- Information in the UDO is not presented with a clear hierarchy of importance, leaving key section hard to find. Provisions for commonly used sections (accessory uses, fences, antennae, temporary structures, home occupations, landscaping, tree preservation, parking lot design, parking, and lighting) are typically found in a single section of the UDO or as stand-alone Articles. In the UDO, these sections are located throughout the UDO and can be frustrating to find for unfamiliar users.
- Wording in UDO sections is often long and redundant, making it difficult to understand and apply the fundamental requirement to specific situations. Sections that otherwise present sound regulations are made too long and potentially confusing (like landscaping requirements) or have overly complex wording (like shared parking and lighting). This is also true of the introductory sections of the UDO, which are overly thorough. Being concise is an element of user friendliness.
- Similarly, some sections are very long and detailed (for example lighting, parking and performance standards). Sections like these should be evaluated and prioritized regarding the value added of the regulations. To the extent that all are used regularly and reflect City policy they should not be changed. If such is not the case, those sections can be removed or streamlined.
- Development standards throughout the UDO are often written with a secondary requirement in the same sentence or subsection. This makes the UDO more difficult to apply and can create conflicts.

Secondary Findings

Further observations about the UDO merit consideration and are points for update of the UDO.

Variations

- Variations are allowed to specific Code standards, but not any standard. This approach of limited relief to specific regulations is common, however, the City may wish to review the standards for which relief is available. For example, not having relief to parking requirements has been an issue in facilitating otherwise desirable development.
- The approach of having "exceptions to non-conformities" in the code is not a common practice, particularly in that it falls to the Development Administrator. This is a more substantial form of relief than generally found at the staff level. It is more appropriately conducted by CDC or the City Council as an authorized variation.

- The Code does not include a provision for Administrative Variations of limited degree on specific items. Some communities have such provisions that facilitate minor variations without requiring an involved public hearing, and the related time and expense for applicants. Relief considered in these cases is generally limited and provides additional public input – such as neighbor consent.

Definitions

- As is common in codes, a number of definitions in the UDO need to be modernized. For example, terms like “Convalescent Home” or “Retirement Home” no longer apply to the way the forms and potential impacts of senior housing.
- Improved coordination is needed between defined terms and terms in the UDO. Not all terms in the Definitions Article are found in the UDO, and some terms used in the UDO and merit definition are not found in the Definitions.
- Some definitions for specific aspects of the UDO are in those specific sections (for example cell towers, lighting and recreational vehicles) but should be relocated to the Definitions Article to ensure they are easy to find.
- Some of the graphics in the Definitions Article can be enhanced to better convey intent.

Performance Standards in the Code (Section 17.504) are very detailed in regulating adverse impacts created by industrial users. While such exhaustive standards can provide a high level of regulation, they can also be complex and difficult to understand or implement. Best practice of Performance Standards is moving to regulations based on commonly used criteria, coordinating them with other statewide enforcement standards from the IEPA and Illinois Pollution Control Board. It is suggested that the City amend Performance Standards in the UDO to be in keeping with such an approach.

Standard Park and School Land Contributions are recommended in the Code (Section 17.701) for dedication of land for park and school purposes. However, it does not define standards for cash in lieu of land or clearly apply an impact fees current for schools and parks. A formula for such dedications should be incorporated into the UDO.

Home Occupations should be reviewed so that they reflect current best practices and City policies. The section includes several standards, some of which are now less commonly found in codes (like allowing name plates). The Section also includes a list of prohibited uses, which can create confusion as to what is permitted and is not generally necessary. Home occupation standards work best when based on impacts, rather than specific types of businesses.

Applications Functioning Well

In considering the effectiveness of a code, it is important to identify code elements that are operating well. Some may be unconventional or reflective of common practice, but sections that advance City policies should be maintained if the UDO is updated. These findings are best understood by the staff and applicants that use the UDO. Based on our review and discussion with staff and users, several effective UDO tools are noted below:

Major Site Plan Review (Section 17.402.A.1) is common in development codes and functions well for Wood Dale, particularly when used in concert with the Special Use process. It provides a clear indication of materials required for submittal and additional standards for consideration of development.

Regarding the list of submittal requirements the UDO allows waiving items not found essential to the application, which is a best practice that makes the UDO flexible and user friendly.

Planned Unit Developments (Section 17.405) have been used effectively in the City to provide flexibility in application of zoning standards and securing development of a higher quality than would otherwise be produced. This is the classic definition of Planned Unit Developments and while there may be desire to refine this tool, it should certainly be a part of any UDO updated.

On Street Parking Credits (Section 17.607.E.4) are not a commonly found tool for parking regulations, but provide flexibility for development regulations and have been applied as an effective tool in the City.

Provision related to alleys and properties along alleys are found throughout the UDO and are considered an effective regulatory tool, particularly for development off Irving Park Road.

Regulations for Fences and Walls (Section 17.602.B.3.b) are often found lacking in communities as they do not reflect current policies toward how yards are used by residents. These standards in the UDO are effective, including the use of Type A and Type B fences.

Infrastructure Requirements (Article VII) and how these items are incorporated into developments are clearly spelled out in the Code and functioning well for the City.

Landscaping requirements in the Code (as noted with other sections) are detailed and consider a number of situations. While on their face these appear complex, they are effective and flexible (with applicants able to seek relief where appropriate).

Section 2: Assessment of UDO Articles

Assessment of the UDO was conducted by a comprehensive review of each Article. Teska and Ancel Glink reviewed the UDO, and drafting of this assessment was divided between the firms with Ancel Glink taking primary authorship for review of Articles with more legal considerations (Articles I, II, III, IV and VII) and Teska focusing on sections related to development and design (Articles I, V, VI and IX). The review focused on factors such as ease of use and understanding, code standards, and legal standing. The intent is to analyze how well these factors are built into the UDO, and not necessarily make specific recommendations or whether those should or shouldn't be revised. Rather, the purpose is to provide a sense of the UDO's functionality for both the City and its zoning customers; where comments or suggestions are noted, they are intended to provide that perspective.

Article I: General Provisions -

- **Purpose and Intent.** The first portion of this Article presents the purpose and intent of the Code. This is typically a brief section at the start of development codes, providing an explanation of intent and legal standing of the document. In Wood Dale's UDO this section is a thorough and clear description of the UDO's purpose and supports its application as a legal document. However, its length diminishes readability to those that may seek to understand its general purpose.

- Incorporation of Comprehensive and Special Area Plans and Plan Amendment Procedures. The City should incorporate by reference its comprehensive plan and other special area plans that serve as the policy rationale for the regulations in the UDO. Specifically identifying these plans and tying them to the regulations in the UDO strengthens the legal foundation of the overall UDO. It is also advisable to create a plan amendment process to keep the City's plans current with actual development trends in the City. Having such a process in place—often tied to zoning map amendments—creates a built-in mechanism that will enable staff to have an accurate and current understanding of development trends and opportunities, leading to better land use policy decision making and serving the City's economic development goals and objectives.
- Definitions. Generally, definitions in the UDO are clear and good descriptions – some are very well drafted and likely useful for applying the Code. However,
 - Not all defined terms are found in the code (this happens as codes are revised over the years). In the case of land uses, such definitions can be useful for undesired uses (essentially prohibiting them), but those that remain from previous drafting can be removed.
 - Definitions in the Code sometimes require clarification. For example, it may not correspond to the graphic (e.g. “basement”) or is overly complex (e.g. “daycare center” or “grade”), which can make UDO enforcement difficult.
 - Conversely, some of the complex definitions are good and help with enforcement (e.g. “junk yard”, “floor area”, “special use”).
 - Form based definitions (e.g. “Forecourt”, “Door Yard”, “Front Lawn”) are not used elsewhere in the UDO.
 - Some sections of the UDO have unique definitions sections and these should be consolidated in a single UDO definitions section, either at the beginning of the UDO or as a glossary at the end of the UDO.
- Definitions—Land Uses. Standardized systems to define specific land uses, as opposed to self-defining as the City does with words and terms like “Banks and Financial Institutions”, are used in other codes and may be considered for Wood Dale. Self-defining uses can lead to imprecise language and disputes with applicants over whether their proposed use fits within a given definition. Uniform classification systems like the North American Industry Classification System (NAICS) is a comprehensive listing of all industry groups and subgroups operating in our national economy. It is used by many federal agencies to collect and analyze business trends and economic data. It also has a very uniform a precise way to define uses. Relying on NAICS codes to specify uses allowed by right or through special permit in the City's various zoning districts in a table is a clean way to present these regulations, that also minimizes disagreements over what is and what is not a specific use.
- Definitions—Redundancies, Imprecision, Inconsistencies, Unused Words and Terms. The Definitions section should be reviewed and refined to eliminate redundancies, imprecision, inconsistencies, and unused words and phrases to reduce potential confusion and provide greater clarity in the definition of each zoning term. For example, the term “Structure” presently has its own definition, but is also paired with the definition for the term “Building”. Such redundancies should be eliminated by separating the two definitions. Also, as a rule of

thumb, the word being defined should not appear in the definition (for example, the word “Building” appears in the definition for the term “Principal Building”). Imprecisions occur when definitions include overly inclusive or under inclusive language. An example is the City’s definition for “Structure” that includes the phrase “more or less permanent location”. Definitions should be written in clear definite terms, and leave little to no room for open interpretation. In regard to inconsistencies, a definition runs the risk of being inconsistent with related standards in other parts of the Zoning Ordinance.

- Definitions—Measurements & Quantifiable Standards. As another rule of thumb, measurements and quantifiable standards should not be included in the definition for a term; rather, they should be specified in the zoning or development standards within the main sections of the UDO. For example, the definition for “Grade or Grade Level” provides a somewhat confusing height standards for establishing the sidewalk elevation adjacent a street curb.
- Definitions—Constitutional, Federal, and State Law Issues. Definitions related to adult uses, religious institutions, family, signs, and group homes should be reviewed against current constitutional, federal, and state legal standards. For example, the City’s definition for “Family” may be overly restrictive and violate federal law.

Article II: Decision Making, Administration, and Enforcement Responsibilities

- General Comment #1. Articles II and Article IV should be consolidated into a single article addressing administration and enforcement. Consolidating and comprehensively revising these articles will provide a cohesive, consistent, and up-to-date set of regulations addressing how to apply the City’s zoning and development regulations.
- Office of the Development Administrator. The term “Development Administrator” is defined and the regulation delegate responsibility to this person to administer the UDO. This, in of itself, is fine, but in so far as the City’s organizational chart does not use the term Development Administrator, the position should be redefined to align with current City organizational titles. The current, proper term is “Community Development Director”. This is also a more common title that is recognizable to the broader private and public sectors planning and development community.
- Community Development Commission. Jurisdictional authority of the CDC should be relocated from Chapter 3 of the City’s code to Section 17.204 of the UDO. The provisions in Chapter 3 should just address the composition of the CDC members and how they are appointed and removed and other pure governance matters. Finally, a stronger delegation of authority cross referencing to the appropriate sections concerning specific relief, as well as other powers that may be delegated by the City Council—from time to time—should be provided.
- Mayor and City Council. That the Mayor and City Council’s review and approval of “major” site plan changes adds a potentially unnecessary step to a process that is more typically handled at the administrative levels. Thought should be given to delegating this authority to the Development Administrator with specific standards. Appeals from adverse decisions of the Development Administrator with site plan review could either be heard by the Mayor and City Council—a more appropriate jurisdictional function—or the CDC.

- Enforcement. This section is fairly sparse with regard to what powers the City may exercise to address violations of the Code. Bolstering this section to add the full range of powers available to the City to enforce the UDO would enhance those efforts. These powers include stop and cease and desist orders, legal actions at law and in equity, abatements and liens, revocation of permits, and fines. Specifically, on fines, the City should specifically add a section that violations of the UDO will be assessed fines of up to \$750 per day, with each day being a new and separate offense that a violation continues.

Article III: Non-Conforming Lots, Structures and Uses

- General Comment #1. Regulating nonconformities, whether uses, land, or structures, is among the most difficult regulations to get right. Part of the problem is the confusing use of words and terms and how different regulations apply to different types of nonconformities. In addition, the push to regulate nonconformities often ignores whether some types or categories of nonconformities are really problems. For instance, a nonconforming gas station in a residential area is an obvious detrimental nonconformity. However, a less intensive, more passive use like an insurance office may not be. These are policy questions that the City may want to consider. It may also be the case that the City's development patterns don't create many nonconforming situations. If so, regulations can be relaxed and streamlined to account for this development reality.
- General Comment #2. Removing references to case law and statutes in the City's regulations is strongly advised. Citing to specific cases could lock the City into a legal regime that very well could change over time, including being overruled. In addition, references to statutes are unnecessary when regulating in accordance with statutory authority. Providing statutory references will not save the City's regulations if a court deems them to exceed its authority.
- General Comment #3. This entire Article would be improved by reorganization into to clearly distinguishable regulations for nonconforming, lots, uses, and structures, even where the regulations may be repetitive. The average person does not make the distinctions between nonconformities that practitioners do and separating out the regulations applicable to the various nonconformities will make navigating them easier on both sides of the counter.
- Gradual Elimination of Nonconformities. Whether amortization is intended here is unclear here. If amortization is the intent, then this section needs significantly more detail. Amortization is tricky, because imposing amortization on property owners creates legal issues, including takings claims and vested rights challenges. In the case of nonconforming structures, adding amortization tables based on the nature of the structure, or a system of negotiated amortization periods with property owners to bring nonconforming structures into compliance is advised.
- Determination of Nonconforming Status. Placing the onus on the property owner to establish nonconforming status is common, but this section should also require that the City do an inventory of all nonconformities existing in the City, as well as those that may occur after UDO text or zoning map amendments.
- Exceptions from Nonconforming Provisions. The extent and scope of exceptions in Section 17.305 seems quite broad, even though the regulations say otherwise, and is concerning. In addition, the powers to grant these exceptions are given to the Development Administrator

which opens the door for inconsistencies over time. In so far as the City decides that it wants to use a fairly rigid system of regulating nonconformities, we would strongly advise severely limiting these to lot and area nonconformities, primarily in residential districts, and for anything more using the City's variations or map rezoning process to make the nonconformity legal in an existing or new district. This system ensures for well tested procedural and substantive due process rights.

Article IV: Development Review Procedures

- General Comment. Few provisions of the UDO are better served by flow charts than the ones in this Article. Flow charts graphically show the various step in the various processes leading to decisions of zoning relief or appeals. Each section should include an easy to follow flow chart with timing benchmarks. The development community appreciates a certainty of process (this is not the same as a certainty of result) and graphic depictions of processes clearly and cleanly set outs the steps in a logical synchronous manner that the development community can understand, and the timelines that typically follow the various processes.
- Public Hearing Notifications—Personal Mailings. The City—like many other communities—requires mailed notice to surrounding property owners within 300-feet of a subject property. We appreciate that municipalities believe these to be “good government” provisions and build community awareness on what is happening to promote public participation in the development review process. In addition, many communities are under the impression that this is a statutory requirement. This is a misconception. The only municipality statutorily required to provide personal notice is Chicago. This approach is not a best practice. These requirements create opportunities for procedural attacks because of imperfect notice being given (e.g. missed addresses). In so far as it is politically unpopular to remove these requirements, one change strongly recommended is to place the onus for the mailing strictly on the applicant and remove any reference to the City doing it. The regulations should also require the applicant to provide proof of the mailing, typically through return receipts from certified mailings, as well as a zoning search done by a reputable title company, like Chicago Title.
- Public Hearing Notifications—Posted Notice. These requirements are sound and are a more useful way to build public engagement and interest than personal mailings in land development public processes. These provisions should be preserved, made mandatory to any application filed for property that triggers a public hearing, and the personal notice mailing requirements removed.
- Public Hearing Notifications—Contents of Notice. The regulations require a common street address or legal. Illinois law has been amended to remove the requirement for metes and bounds legal descriptions and now only requires that a common street address and a PIN number be provided in the notice. It also is good practice to include a basic area description of where the property is located, typically by reference to a nearby street intersection.
- Site Plan Review. Throughout this Article, there are many references to both Minor and Major Site Plan review. It is not clear the City is fully using a two stage system for site plan review, these regulations should be revised accordingly. Therefore, The City should consider streamlining its two class site plan review system into just site plan review and making this

review process strictly administrative, with strong delegation of powers to the Development Administrator and an appeal process, where necessary, to the CDC.

- Special Uses—Generally. The UDO sets out the rationale for establishing special uses, and then places them into two general categories, one of which includes “municipal” operated uses, as well as some imprecise language for uses “traditionally affected by the public interest”. First, the City has the option to exempt its own uses from its regulations, as well as those of other governments, and it may want to consider this from a policy perspective. Finally, better definition needs to be given to what is meant by uses traditionally affected by the public interest, which can mean anything from adult uses to religious institutions, and everything in between. It may be best to just remove this language and allow the regulations for such uses to speak to the requirement that they obtain special uses. With regard to religious institutions, singling them out from other assembly uses creates problems under the federal RLUIPA statute.
- Special Uses—Generally. Reorganizing these requirements is recommended to more logically follow the process for obtaining a special use. The reorganization may follow this general format:
 - Basis for establishing special uses;
 - Parties entitled to seek special uses;
 - Application requirements;
 - Public hearing notices;
 - CDC public hearing findings of fact
 - CDC recommendations to City Council
 - City Council disposition of special use applications
 - Failure of applicant to establish special use and discontinuation of special uses (to make clear they are a personal right and not one that runs with that land).
- Special Uses—Standards. The standards should be made applicable to the required findings of the CDC after the close of the public hearing, and based upon the testimony and evidence presented at the public hearing.
- Special Uses—Personal Wireless Facilities. Moving these regulations to a new section of the UDO concerning unique regulations for specific uses is advised. Such a section could also include regulations for accessory, temporary, and other unique use categories. In addition, the regulations for personal wireless facilities should be reviewed for compliance with new federal standards concerning 5G and small cell technology. These regulations may be more appropriate for right of way management provisions. In addition, while having the definitions specific to the regulations for these uses located here is convenient, we think the UDO should have one definitions section. Having a single location for all definitions (ideally at the end of the UDO) helps with navigation of the regulations and ease of amendment as may be necessary to account for changes of applicable law.
- Variations—Generally. Similar to special uses, reorganizing this section and adding a flow chart to show the entire process for obtaining a variation is recommended. As noted early, the City may also want to consider whether certain—limited—variations can be addressed through an administrative process with strong delegation of authority standards to the Development Administrator. A limited or “de minimus” variation process streamlines City procedures, frees up public hearings for more significant matters, and is viewed as a customer friendly accommodation.

- Variations—Authorized Variations. Limiting variations in terms of measurable scope is fairly common. The City’s authorized variations regulations should be reviewed to make sure that they are responsive to market dynamics and perhaps add common variation requests or remove those that are rarely used.
- Appeals. The provisions for appeals from adverse decisions of the Development Administrator should be bolstered to give more details to potential appellants on what is required for the appeal hearing and how appeals are handled after the hearing before the CDC.
- Planned Unit Developments—Generally. Planned Unit Developments often involve significant public infrastructure investments by the developer. Adding a development agreement component for at least this part of these projects is advised.
- Planned Unit Developments—Standards. The regulations should be revised to clarify whether the standards for granting a special use for a Planned Unit Development are just those in the Section concerning Planned Unit Developments, or also include the standards for special uses as well.
- Planned Unit Developments—Exceptions. The regulations allow for “exceptions” from underlying district regulations. Generally, in the zoning context, best practice is to adhere to uniform terms to describe available relief. An exception in this context is a variation by another name. Replacing the word exception with variations, and grant them as part of the Planned Unit Development process is advised. The word exceptions is fine to use in the context of subdivisions, which is a separate a distinct process from zoning.
- Planned Unit Developments—Comprehensive Plan. If the City decides to include a process to amend the comprehensive plan for developments that deviate the future land use map, the Planned Unit Development regulations should include this as a required step where applicable.
- Planned Unit Developments—Concept Plan and Preliminary Plan. The City provides a process for applicants to submit for concept plan review prior to moving on to more formal preliminary plan approval. This is provided to enable applicants to avoid incurring significant expenses before getting at least an initial OK on the development concept. Generally, these types of provisions work, but not at the level of formality that engages the CDC and City Council. Making the “concept plan” review process more preliminary and handled at an administrative level is advised, perhaps more along the lines of site plan review; and renaming this process “pre-application” review. A two-step “concept plan” and “final plan” process is suggested, with an option to combine the two. Along the lines of how using these words, “preliminary plan” can often get confused with “preliminary plat”, a common subdivision review process that is typically tied with Planned Unit Developments. To better distinguish these various processes, use of “concept plan” is suggested.
- Subdivision—Generally. Similar to comments above, the language in this section should be standardized to make clear distinctions between zoning and subdivision processes, particularly since zoning is a more formal public process than subdivision approval procedures. Also, with regard to any subdivision that includes public improvements to be dedicated to the City, adding

a development agreement component to at least cover the requirements for these developer made improvements is advised, including construction standards, performance and maintenance guarantees, and dedication requirements. The development agreement will—in many respects—parrot the language provided in the UDO on these items, but it adds a contract level enforceability mechanism that can bolster enforcement proceedings under the UDO.

Article V: Development Districts

- District Descriptions. District descriptions (Section 17.501) are mostly a summary of regulations. Such statements in codes function best when they provide narrative information about the broader district purpose which also bolsters a district’s policy and legal foundations. This is useful for considering zoning entitlements (such as special uses and text amendments).
- Conditions of Use. Conditions of Use (Section 17.502.) contains a mix of provisions related to development or specific uses, but not all are keyed to a district. Many codes have these as “General Provision” in a separate Article of the code so they can be more easily found by users. Examples of regulations that are commonly in a separate section are “outdoor storage” or “refuse collection”.
- Cross References. The Section includes several cross references to other sections and development concepts that make finding necessary regulations somewhat cumbersome, these should only be used where necessary.
- Redundancy. Some statements in the code are repetitive and can be removed to streamline the text. This structure can have the effect of making important standards harder to find and create surprises for users and over reliance on staff for clarity and application and regulations.
 - For example: Section 17.502.3.c. *“There shall be no manufacture, processing or treatment of products other than what is clearly accessory or essential to the retail business conducted on the premises.”* only repeats accessory use requirements and could be eliminated.
 - Similarly, several of the “additional conditions” for commercial districts also are redundant, could be described more simply, or contain multiple requirements in a single standards, which also makes the standards difficult for users to find and increases clarifying calls to City staff.
- Table of Permitted Uses. Clear land use designations are important for City zoning and code enforcement. The table should be reorganized since a number of uses in the table are not defined, some include a high amounts of detail (like those related to restaurants and some manufacturing uses), and accessory uses are intermixed with the principal uses (they are generally separated in use tables for clarity).
- Performance Standards. Performance Standards (Section 17.504) in the Code are highly quantitative, particularly those for vibration and noise. The City should confirm that these standards are in keeping with City policies and support effective code enforcement. Many communities find such highly quantitative standards difficult to enforce and refer to more

generally applicable standards, sometimes from other agencies and standard industry performance measurement systems, such as those in the UDO for “Glare and Heat” and “Electromagnetic Interference”.

Article VI: Land Use and Development Standards

- General Comment #1. General Provisions (Section 16.601) requirements are sound and clearly presented. Some, however, mostly restate other section’s requirements and should be streamlined to increase customer friendly presentation and reduce reliance on staff clarifications.
- Accessory Provisions. Accessory provisions outlined in this Article (Section 17.602) are clearly stated and seem to support solid code interpretation and enforcement. The table used to indicate locations permitted for accessory uses is very helpful. As noted above, fence and wall requirements are considered to work well. However, the section could be enhanced by more clearly separating standards for accessory uses versus structures.
- Lot Development Standards. Lot Development Standards (Section 17.605), as noted above, are complex and confusing given that they are presented by type of building rather than type of use. Description by land use is more common and recognizable to users, and the UDO should reflect that practice. To the extent the building type approach is preferred, these can be assigned as “additional regulations” to each district.
 - Reliance on “building type” for structuring regulations also makes unclear the UDO’s development. For example: The type 7 building (apartment house – which is not defined) requires a small lot (8,225 sf), allows 6 stories, and a maximum of 18 dwellings per apartment. These standards are somewhat incongruous as it is unclear how all those (and the other standards) result in the defined building form. Similarly, Type 8 buildings (also apartment houses) allow essentially the same, but on a smaller lot (6,000). A more conventional approach to which developers are accustomed is to set standards by district. This creates consistency and reflects the current uses and lots.
 - There is no tool in the UDO for controlling development by density, a commonly used and understood residential standard.
 - The Section has specific standards for “fuel stations” and “lodging buildings” and merit confirmation that they reflect the latest City policy for regulating such uses. If the regulations are too restrictive or complex, they can discourage development. Another approach would be to review and define the primary standards desired for such uses and include those as additional standards.
 - There is limited connection or continuity between building types and districts. In fact, the building type is superseded by uses permitted in the use table. This hybrid approach can create unintended consequences. As noted above for fuel stations and lodging buildings, another approach would be to define specific design standards for certain uses or in certain districts and incorporate those as specified additional standards.
- Landscaping. Based on feedback we received from stakeholders and staff, the landscaping requirements (Section 17.606) are working well. That said, this section is lengthy and the

standards highly specific. This makes the regulations difficult and require reliance on City staff for clarification and implementation. This section may merit review to prioritize and clarify standards to allow for the most simplified way to bring about desired environmental and aesthetic outcomes.

- Parking. Parking Standards (Section 17.607), as with landscaping, are long and detailed. While these are generally effective standards, they can be intimidating for applicants and perhaps can be simplified so customers do not rely too heavily on staff.
 - As an example, shared parking is allowed (Section 17.607.E.5) and is a useful parking regulation. However, the table for determining the amount of shared parking is very complex. The same result be accomplished with a more straightforward site by site assessment.
 - Another example of parking standard complexity is the level of detail regarding layout and design of parking areas.
 - Several of the parking standards refer to the Development Administrator, rather than providing a formula. This can be an effective approach for uncommon land uses, but should include a requirement for applicant data and approval criteria, as well as delegation of authority that clearly delineates the Development Administrator’s discretion.
 - Parking requirements for land banking, guest parking, and bicycle parking are not included in the Code, but are best practices that should be incorporated into the UDO.
 - The table of required parking spaces, as with those in most codes, would benefit from review by the City to confirm that the standards work well (with few exceptions or variations).
- Lighting. Exterior Illumination standards (Section 17.609) as with others noted here, are longer and more complex than typically found in local development regulations. The base standards are sound, but the level of detail can be discouraging and costly for applicants and the City to review. Standards in this section can be reviewed and prioritized by the City to streamline their application.

Article VII: Standards and Specifications for Required Public Improvements

- General Comment #1. There are many provisions in Article VII that place an affirmative obligation on developers to make contributions for various improvements. Most appear to accord with current law, but a thorough analysis should be done, and requirements should be tweaked, revised, or bolstered to account for situations that could create legal challenges to the regulations. Several legal developments over the past few years—particularly at the federal level—have increased the risks to local governments when imposing such requirements on developers. A proper legal audit will ensure that these regulations align well with where the law current sits in this regard.
- Parks and School Lands Contributions. Section 17.701 presents serious concerns due to the lack of standards to determine how much land should be dedicated for school and park sites. In addition, the lack of “fees in lieu of” provisions create possible hardships for developers improving smaller sized sites. This section should be significantly revised to build in legally tested methodologies to quantitatively establish land contribution standards and fees in lieu of.

In addition, where the City is imposing other impact fees, these should be reviewed in light of current Illinois and federal law. In addition, there should be limits placed on how long land contributions can be held without being improved. Finally, with regard to fees in lieu of or other impact fees, the City should be operating with an intergovernmental agreement with the benefited taxing jurisdictions, where the City serves as simply a pass through and is indemnified by the benefited jurisdiction on how those funds are used, as well as how donated land may be used and conveyed. These provisions should be added to Section 17.701.

- Performance Guarantees. The performance guarantee requirements should be reviewed and updated—as appropriate—to ensure that they are current with legal developments for letters of credit and surety bonds. In addition, these provisions can be better organized to more clearly delineate performance guarantee standards, how funds can be used, and how funds can be held back for maintenance guarantees on developer installed public improvements.

Article IX: Thorndale Corridor Corporate (TCC) District

- General Comment #1: Questions regarding the length and complexity of this Article were noted in the previous section. In considering future application of development standards in this area of the City, it should be noted that much of the design and development detail the UDO seeks to achieve can be accomplished by applying a Planned Unit Development process. In fact, this has been an approach successfully used by the City in this area (such as recent redevelopment of the 27-acre HBSC site or residential redevelopment area).
- General Comment #2: The regulating framework for this Article (Section 17.902) presents a development vision for the area, but requires significant property acquisition, redevelopment, roadway realignment, and infrastructure replacement. While recent redevelopment for industrial uses has occurred in the City, redevelopment of the scale contemplated by the area plan and zoning district does not appear to be on the horizon given changes to the economy, current real estate market conditions, and uncertainty about future O'Hare development. In light of these factors, the City should consider a more conventional (and better understood) regulatory tool than the current form-based district. A new approach could be highly effective in facilitating desired development by building on the City's recent success with Planned Unit Developments and augmenting that approach with design standards.
- Concerns with Standards. Certain regulations are particularly challenging to successfully implementing the TCC.
 - The limited number of permitted land uses in the TCC District, which reduces flexibility for the type of businesses in the area, is contrary to markets related to industrial and logistics uses.
 - The separate parking standards for the TCC District have created conflicts with those regulations for uses if they were outside the District.
 - Unique standards – such as those for Dark Sky Photometrics – are mentioned but not fully explained in the UDO.
 - Design standards in the TCC District present a development approach more akin to an office district – as set out in the vision plan or as found elsewhere in DuPage County. Many of those standards are not in keeping with the business park character of the area

and should be removed. However, those standards that are more appropriate for a high quality business park character should be maintained.

- Sustainability. Standards for sustainable development (Section 17.908) are forward thinking and the City may consider how these can be applied throughout the community.

Section 3: Forms of Code Update

The following options exist for the form of an update.

Full Rewrite: One approach to revising the UDO is to rewrite the document in its entirety. This approach has the benefit of modernizing the entire UDO, while making it user friendly, and ensuring consistency between various code sections. The decision point here is how well the UDO works for the City and its development process. If many “tweaks” are needed to address incongruities found in the UDO, rewriting the full document is a common approach. One might think of this as home repair: everybody’s kitchen could use a new appliance or some work, but whether to completely redo the entire kitchen is a function of how well it works for the homeowner on a day to day basis. If there are consistent hassles involved in using it, a complete “renovation” is likely appropriate. To the extent there are existing code elements that function well, those do not need to be part of a full rewrite. Based on our team’s experience and review of the UDO, we anticipate that a full rewrite of the UDO would have a project cost of between \$90,000 and \$110,000 – depending on the amount of public engagement incorporated into the work program.

Selective Update: If the code generally serves the City well, but specific elements (or Articles) are outdated or out of step with current policy, those sections can be selectively revised. Likewise, if topics or sets of regulations are missing from the UDO, those can be added and incorporated into current functions. In the context of the Wood Dale UDO, the policy matters and more pressing technical items identified serve as possible focal points for this type of update. A consideration with this approach is that if numerous code elements are to be updated, there may be efficiency in pursuing a full rewrite. Determining the project cost for a selective rewrite is highly dependent on how many sections of the code are to be changed, and which sections. Based on conducting such work in other communities, we would anticipate a cost of between \$40,000 and \$80,000 for a limited update to sections of the Wood Dale UDO.

We look forward to discussing the findings of this assessment further with you.



REQUEST FOR COMMITTEE ACTION

Referred to Committee: December 12, 2019
Subject: Starbucks Sign Variance – Second Menu Board Sign Request
Staff Contact: Ed Cage, Community Development Director
Department: Community Development Department

TITLE: Approval of a Sign Variance for Case No. 2019-CDC-13, to Allow for a Second Menu Board Sign to be Located at 330 W. Irving Park Road - Starbucks

RECOMMENDATION:

Staff concurs with the Community Development Commission's unanimous recommendation to approve the requested Sign Variance (5 to 0).

BACKGROUND:

At the November 18, 2016 Community Development Commission (CDC) meeting, a public hearing was conducted for the requested Sign Variance. The request for a Sign Variance for the installation of a second menu board, was approved without any major public comments.

ANALYSIS:

The subject property, which is currently under-construction, was approved as a PUD in 2018. The PUD includes both the Starbucks property at 330 W. Irving Park Road and the 7-11 convenience store and gas station at 342 W. Irving Park Road.

Starbucks, which is one future tenants of the 330 W. Irving Par Road, typically requires two menu boards for their drive-thru facilities. The Wood Dale Sign Code only currently allows one menu board sign. As Starbucks typically creates a large demand for drive-thru services, an additional menu board sign is recommended. This extra menu board sign will help facilitate and expedite the movement of drive-thru customers thru the new site and facility. Hence the need and request for the Sign Variance.

DOCUMENTS ATTACHED

- ✓ CDC Staff Memorandum Dated November 18, 2019 with attachments
- ✓ CDC Minutes from the November 18, 2019 meeting

CITY OF WOOD DALE

Community Development



MEMO

DATE: November 18, 2019

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. 2019-CDC-13, Sign Variation to Allow Second Menu Board Sign, 330 W Irving Park Rd

REQUEST

An application has been filed by Hilton Displays for a Sign Variation to Chapter 13, Article VI, Sec. 13.602.A of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the Sign Variation is to allow a second menu (pre-menu) board sign for the Starbucks drive-through located at 330 W Irving Park Road, (PIN 03-09-307-004), Wood Dale, Illinois.

PROPERTY INFORMATION

Site Address: 330 W Irving Park Road
PIN: 03-09-307-004
Property Size: 0.69 acres (approx. 30,056 square feet)
Existing Land Use: Retail/Commercial
Future Land Use: Retail/Commercial
Existing Zoning: C-1, Neighborhood Commercial

Surrounding Zoning / Land Use

North: C-2, General Commercial
South: C-1, Neighborhood Commercial / R-1, Estate Residential
East: C-1, Neighborhood Commercial
West: C-1, Neighborhood Commercial

ANALYSIS

Submittals

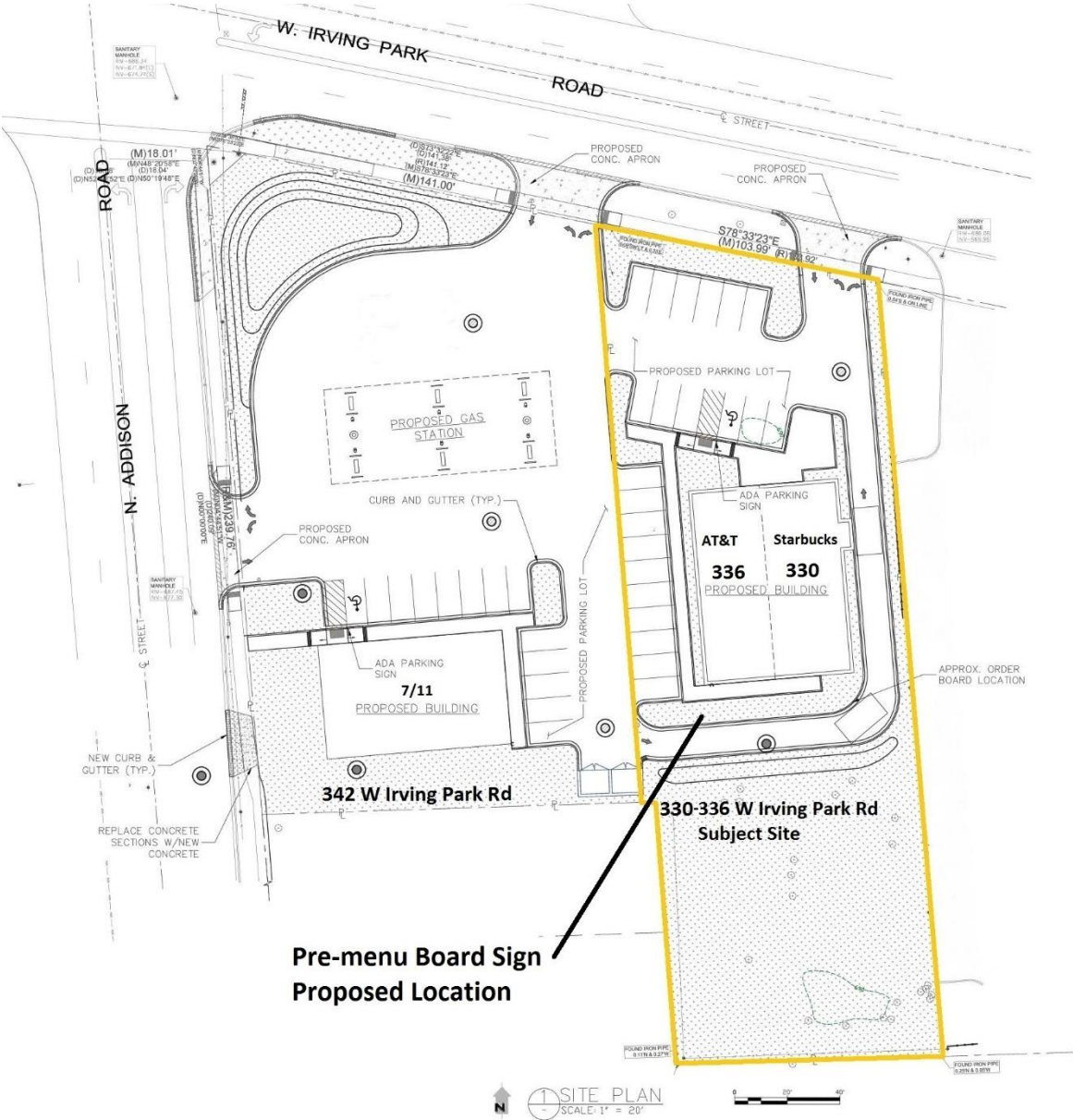
The analysis and recommendation provided within this memo are based on the following documents, which are on file in the Community Development Department and attached as noted:

- Public Hearing Application

- Proof of Ownership
- Architectural Site Plan (Exhibit A)
- Sign Specifications - Pre-Menu Freestanding (Exhibit B)
- Petitioner Narrative (Exhibit C)

Project Description

The subject property is located on the southeast corner of Addison and Irving Park Roads, commonly known as 330 W Irving Park Road (see map below). The property, approximately 0.69 acres in size, is zoned C-1, Neighborhood Commercial. The site is currently being developed and will contain a one-story commercial building housing two commercial tenants; a retailer and restaurant with a drive-thru. Refer to Exhibit A for the site plan drawing of the site.



The applicant has petitioned for a Sign Variation approval to allow a second menu (pre-menu) board sign (see Exhibit B) for the Starbucks drive-through at 330 W Irving Park Road.

Per the applicant's statement, the proposed pre-menu board is typically present at all Starbucks drive-throughs. While the menu board lists standard menu items that do not change, the pre-menu board is used to inform customers of new or unique items that are being offered. The pre-menu board is approximately 5.4' tall by 3' wide with a total sign area of 6.72 square feet. The subject sign will be located behind the building and will not be visible from the main streets. The Sign Code allows only one menu board sign per zoning lot, therefore the applicant has submitted a petition seeking approval for a second menu board.

Neighborhood Comment

Notice was provided to adjacent property owners in accordance with Section 17.401.D of the UDO. No public comments have been received as of November 13, 2019.

Findings of Fact

The Community Development Commission may recommend approval of a Sign Variation if evidence is presented to establish that the application meets the standards. The applicant has provided responses to the standards in Exhibit C. The standards are as follows (*staff comments italicized*):

1. The property in question cannot yield a reasonable return if a sign may be permitted only under the conditions allowed by the regulations of the zoning district in which it is located;

The pre-menu board is intended to notify the customers waiting in drive-through of new and unique items that are being offered. Without the pre-menu board, customers would only view the standard menu, which does not list the shifting seasonal promotions. Without the presence of the pre-menu board, many of these seasonal products would not be captured by the drive-through traffic. This standard is met.

2. The plight of the owner is due to unique circumstances, and the proposed request will not merely serve as a convenience to the petitioner but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other property within the same zoning district;

Per the applicant, 60% of business is conducted via drive-through. The function of pre-menu board is to offer additional information to customers affecting their purchases. The pre-menu board is a significant component of Starbucks' business operation. This standard is met.

3. The alleged hardship has not been created by any person presently having a proprietary interest in the subject property;

As mentioned above, a significant portion of the business operations occurs at the drive-through. The proposed pre-menu board sign is an important component of Starbucks' business model. This standard is met.

4. The proposed request will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

The proposed pre-menu board will not be materially detrimental to the public welfare or injurious to other properties. The pre-menu board will be located along the drive-through and will be screened from the public streets. This standard is met.

5. The proposed request will not alter the essential character of the neighborhood; and

The proposed pre-menu board is consistent with the existing commercial character of the neighborhood. The board is designed and installed to conform to the appearance of the site and matches the other drive-through components. It will not be visible from the major streets. This standard is met.

6. The proposed request is in harmony with the spirit and intent of this chapter.

The proposed pre-menu board sign meets the locational and size requirements of the Sign Code. This standard is met.

RECOMMENDATION

The Community Development Department finds that the request for the Sign Variation to allow a second menu (pre-menu) board sign for the Starbucks drive-through located at 330 W Irving Park Road meets the standards for approval per Sec. 13.802 of the Municipal Code. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed Sign Variation meets the standards for approval; and, therefore, I move that the Community Development Commission recommend to the City Council approval of the Sign Variation to allow a second menu (pre-menu) board sign for the drive-through at 330 W Irving Park Road in Case No. 2019-CDC-13.

(Yes vote would be to approve; No vote would be to deny.)

SITE PLAN

- A** 20" CHANNEL LETTERS
- B** 60" WALL SIGN
- C** 62" DT WALL SIGN
- D** 46" DT DIRECTIONAL
- E** 46" TY/EO DIRECTIONAL
- F** CLEARANCE BAR
- G** PRE MENU BOARD
- H** 5 PANEL MENU
- I** CANOPY
- J** DIGITAL ORDER SCREEN
- K** DIGITAL CONTROL BOX
- L** TENANT PANELS

Exhibit A

HILTONDISPLAYS
 125 HILLSIDE DRIVE • GREENVILLE SC 29607
 P 800 353 9132 • F 864 242 2204
 www.hiltondisplays.com

QID 19-45213

JOB NAME

Starbucks 2746

LOCATION

330 West Irving Park Road
 Wood Dale, IL 60143

CUSTOMER CONTACT

SALESMAN / PM

David Rodatz

DESIGNER

Jesse Black

DWG. DATE

06-27-19

REV. DATE / REVISION

SCALE

As Noted

FILE

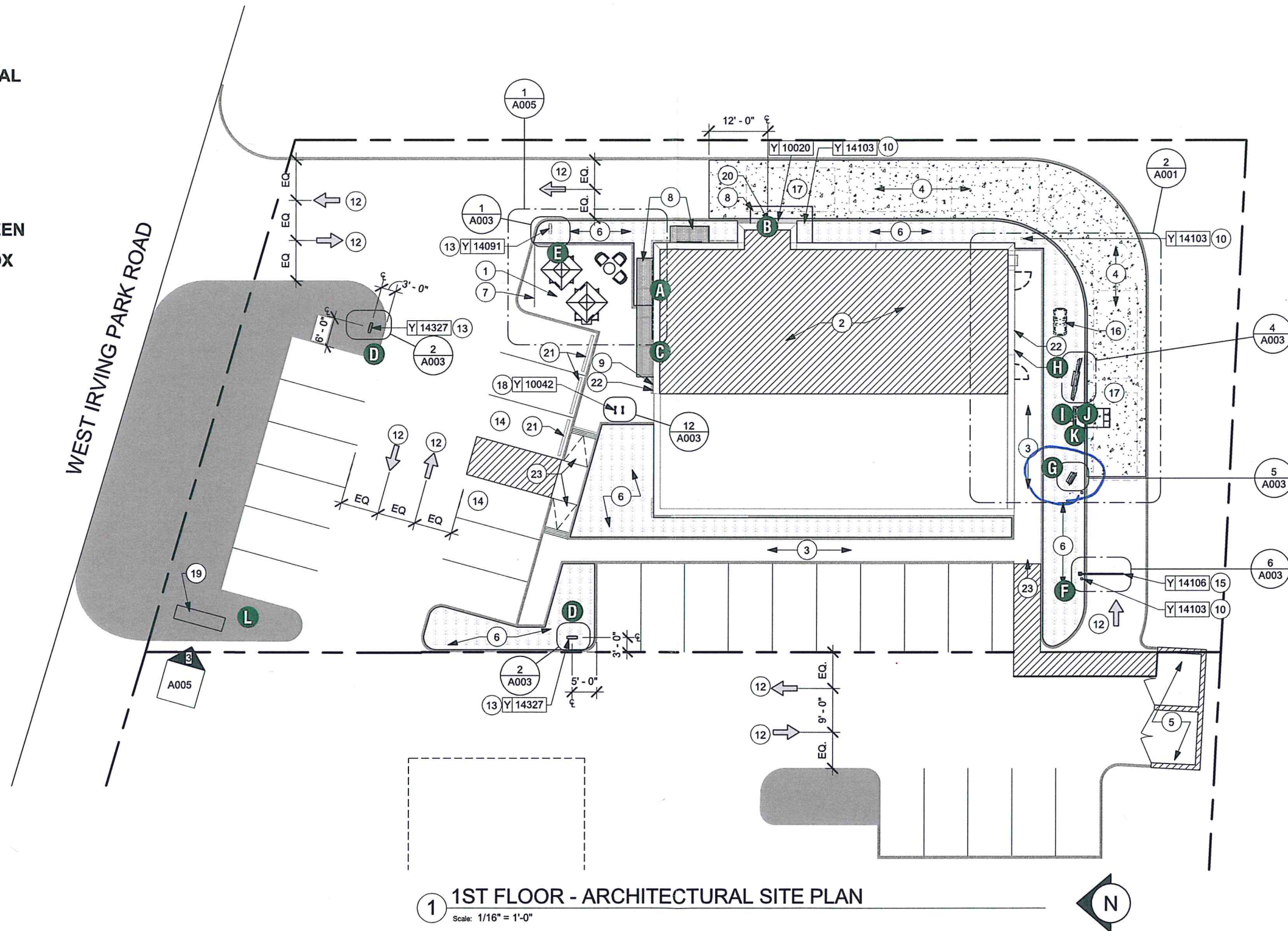
2019/Starbucks/Wood Dale IL/
 19-45213/SB Wood Dale IL
 19-45213.cdr

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



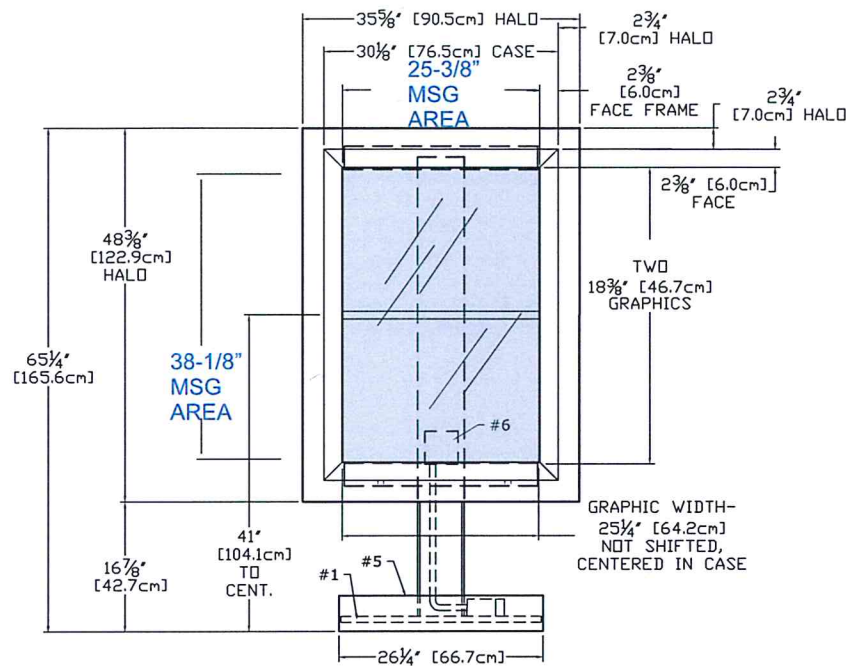
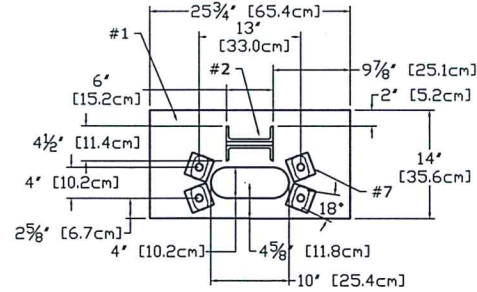
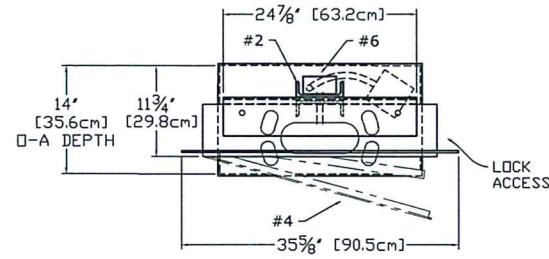
1 1ST FLOOR - ARCHITECTURAL SITE PLAN
 Scale: 1/16" = 1'-0"

COLOR LEGEND		
	PMS/PAIN	VINYL
	PMS 3425 C	3M 3630-76
	RAL 7021M	3M 3630-22
	PMS WHITE	3M 3630-20/ 7725-10 TRANSLUCENT OPAQUE
	PMS 369 C	NA
	REFL. WHITE	3M 680-10

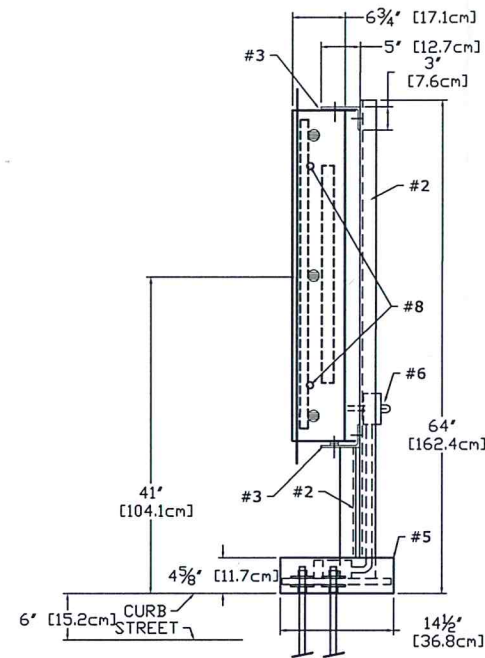
PRE-MENU BOARD - FREESTANDING

Qty. 1

G



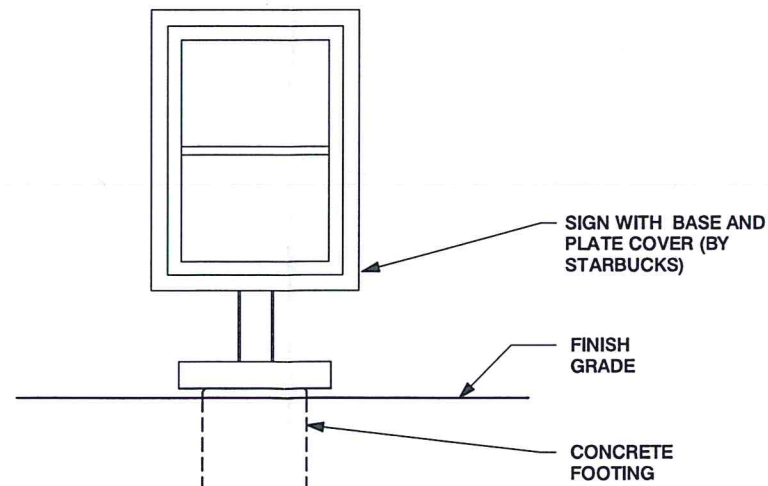
MESSAGE AREA = (25.375 * 38.125) / 144 = 6.72 SQ FT



- #1 - 3/4" [19mm] STEEL BASE PLATE w/ 18deg HOLES PATTERN LEFT SQUARE / SYMETRICAL
- #2 - C6X10.5 (6"x2"x5/16") STEEL POST (1x)
- #3 - 5"x3"x1/4" STEEL SUPPORT ANGLES (2x) (WELDED TO STEEL POST)
- #4 - EXTRUDED ALUMINUM MENU BOARD (1x) ONE SPLIT PANEL LIGHTBOX TWO 25 1/4"x18 3/8" GRAPHICS GRAPHIC ASSEMBLY CENTERED, NOT SHIFTED STANDARD LED TUBE LIGHTING, SIDE LOCKS
- #5 - WELDED ALUMINUM BASE COVER
- #6 - WATER-TIGHT BOX w/SWITCHES & SENSOR, RIDGID CONDUIT RUN TO SECOND EXT BOX BELOW BASE COVER, 120 WATT, 0.30Aac
- #7 - 8 BASE WASHERS, 1/4" THICK
- #8 - TWO SIDE MOUNT LOCKS, RETAIN EXISTING KEY #E3-26-819-15

DTE - PRE-MENU FREESTANDING

Scale: 1/2" = 1' (11x17 paper)



DTE - PRE-MENU FREESTANDING

Scale: 3/8" = 1' (11x17 paper)

Exhibit B

HILTONDISPLAYS

125 HILLSIDE DRIVE • GREENVILLE SC 29607
P 800 353 9132 • F 864 242 2204
www.hiltondisplays.com

QID 19-45213

JOB NAME

Starbucks 2746

LOCATION

330 West Irving Park Road
Wood Dale, IL 60143

CUSTOMER CONTACT

SALESMAN / PM

David Rodatz

DESIGNER

Jesse Black

DWG. DATE

06-27-19

REV. DATE / REVISION

SCALE

As Noted

FILE

2019/Starbucks/Wood Dale IL/
19-45213/SB Wood Dale IL
19-45213.cdr

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

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David Rodatz

Hilton Displays
125 Hillside Drive Greenville, SC 29681
(864) 270-1655
davidrodatz@hiltondisplays.com

City of Wood Dale

404 North Wood Dale Road Wood Dale, IL 60191

Dear City of Wood Dale,

I am writing you in regard to the signage variance for Starbucks #2746, 330 West Irving Park Road. A variance for the pre-menu board is required.

The pre-menu board is a key component that is a part of Starbucks' drive thru at every location. As is the case with many restaurants, Starbucks menu is constantly evolving and offering new products to customers. The pre-menu board serves as the focus point to present these new and unique items to customers as they wait to order. At 65.25 inches tall and a message area of only 6.72 square feet, the pre-menu board isn't meant to garner attention or add any aesthetics to the drive thru lane.

Starbucks has no desire to change the aesthetics of not only the drive thru, but any particular area around the drive thru. The menu board, while being a nice-looking feature as customers move forward in the drive thru lane, is located at its designed location to capture the attention of customers who need to be made aware of new or unique items that are being offered.

Without the pre-menu board's presence in the drive thru lane, critical information is lost between Starbucks and the customer. Starbucks' standard menu board is a set menu of items that do not change. The pre-menu board presents the ability to give more updated information to customers. With this out of the picture, information and potential business is lost.

I humbly ask that the pre-menu board be accepted and permitted into Starbucks' signage scope. It is not only Starbucks' intent, but my intent, to always make sure that any and all signage proposed, permitted, and installed is always in harmony with the spirit of the city and will be something the city not only finds attractive, but is beneficial for all parties.

Warm Regards,

David Rodatz

Project Manager, Hilton Displays



Hilton Displays
125 Hillside Drive Greenville, SC 29607
864-270-1655
davidrodatz@hiltondisplays.com

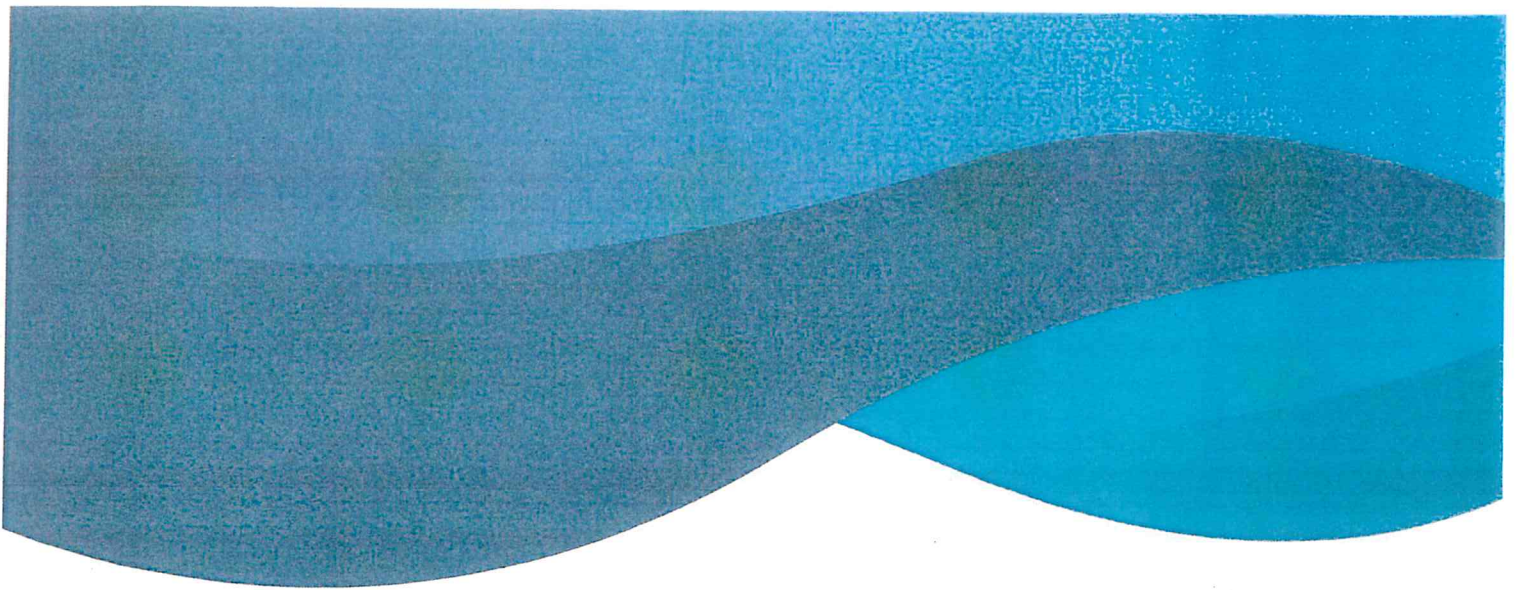
City of Wood Dale

404 North Wood Dale Road Wood Dale, IL 60191

City of Wood Dale,

Below are the responses to the applicable standards required for the variance regarding a narrative for the proposed pre-menu board.

- 1) A pre-menu board remains a critical piece of Starbucks' drive thru business. Due to the shifting menu and seasonal promotions, the pre-menu board provides visibility to these changes. Without the presence of the pre-menu board, many of these products are not captured by drive thru traffic.
- 2) The pre-menu board is not wanted out of convenience of Starbucks wanting a full drive thru equipment scope. The pre-menu board is the first piece of advertising and product customers see as they pull into the drive thru lane. These products, typically seasonal and new to the menu, offer additional choices and information that many customers are not aware of. Since 60% of Starbucks business is done via drive thru, the pre-menu board remains a critical piece for the biggest aspect of Starbucks' business.
- 3) The pre-menu board is always a major drive thru component of the Starbucks brand.
- 4) Starbucks architecture, construction and vendors always make sure that the drive thru components are designed and install in a way that is not a detriment or an annoyance to customers or the public. The pre-menu board, like all pieces of drive thru equipment, are designed and installed in a way that conforms nicely with the overall site.



- 5) The dimensions of the pre-menu board do not stand out and fits in nicely with the drive thru lane as customers pull in for their order.

- 6) The pre-menu board works together with other drive thru components to form a customer experience that is effective and promotes the overall Starbucks brand.

Warm Regards,

David Rodatz, Project Manager



COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: November 18, 2019

Present: Ron Damasco, Brad Karich, Richard Petersen,
George Vant, Dave Woods

Absent: Rick St. Marie, Dave Shimanek

Also Present: Gosia Pociecha, Ald. E. Wesley, Attorney Sean Conway,
J. Weihofen

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Chairman Brad Karich called the meeting to order. Roll call was taken and a quorum was present.

APPROVAL OF THE MINUTES:

Mr. Karich made a motion to approve the minutes of the September 16, 2019 meeting; the motion was seconded by Mr. Woods and unanimously approved as presented via voice vote. Mr. Woods made a motion to approve the minutes of the October 21, 2019 meeting; the motion was seconded by Mr. Vant and unanimously approved as presented via voice vote.

PUBLIC HEARINGS:

CASE NO. 2019-CDC-13

OVERVIEW:

Hilton Displays is requesting a Sign Variation to allow a second menu board sign for the Starbucks drive-through currently under construction. The subject property is located at 330 W. Irving Park Rd. MSS Wood Dale Land, LLC is the owner of the parcel.

DISCUSSION:

Ms. Pociecha described the location of the proposed pre-menu board at the drive-through area, noting that this is a typical installation at Starbucks locations and will not be visible from either Irving Park Road or Addison Road. This type of pre-menu board is used for informing customers of new or specialty items being offered. Because the City's current Sign Code allows only one menu board sign per zoning lot, petitioner is seeking approval of a Sign Variation to allow for this second menu board.

VOTE:

Based upon staff recommendation, submitted petition and the testimony presented, Mr. Woods made a motion that the proposed Sign Variation meets the standards for approval; and, therefore, I move that the Community Development Commission recommend to the City Council approval of the Sign Variation to allow a second menu (pre-menu) board sign for the drive-through at 330 W. Irving Park Road in Case No. 2019-CDC-13. The motion was seconded by Mr. Karich. A roll call vote was taken with the following results:

Ayes: Mr. Woods, Mr. Damasco, Mr. Karich, Mr. Vant, Mr. Petersen
Nays: None
Abstain: None
Motion carries

CASE NO. 2019-CDC-14

OVERVIEW

The City of Wood Dale is proposing a Text Amendment to Chapter 17 of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the text amendment is to consider the recreational cannabis regulations.

DISCUSSION

Ms. Pociеча briefly reported on the Federal, State and Wood Dale regulations governing the cultivation, use and distribution of medical and recreational cannabis. The Text Amendment being brought before the Community Development Commission addresses the issue of recreational cannabis as medical dispensaries are currently allowed as special uses in the I-2 Industrial zoning district. To be considered is the question of either allowing or prohibiting recreational cannabis establishments in Wood Dale. If approved, the text amendment to Sec. 17.503 would read:

17.503 B Cannabis Business Establishments

Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), which includes cultivation centers, craft growers, processing organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.

Ms. Pociеча reminded Commissioners that, whatever policy the City adopts at this point, the issue of allowing or prohibiting recreational cannabis establishments within the boundaries of the city can always be revisited in the future should the City so decide. Since this subject is new and under review by other communities and since the impact of this use within communities is unknown, the idea of adopting a “wait and see ” or “opt out” policy is viewed as desirable. Mr. J. Weihofen of 472 George Street was in attendance to voice his support of allowing recreational cannabis establishments pointing to the fact that the City could benefit from the taxes which would be generated by this use.

VOTE

Mr. Woods made a motion that based on the proposed text amendment to the UDO as summarized in the staff memo dated November 18, 2019, I move that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses in Case No. 2019-CDC-14. The motion was seconded by Mr. Petersen and a roll call vote was taken with the following results.

Ayes: Mr. Damasco, Mr. Vant, Mr. Petersen, Mr. Woods

Nays: Mr. Karich

Abstain: None

Motion: Passed

STAFF LIAISON REPORT:

There were no items to report.

ADJOURNMENT:

Mr. Karich motioned to adjourn the meeting, which was seconded by Mr. Woods. The motion was unanimously approved via voice vote. The meeting adjourned at 7:40 P.M.

Minutes taken by Marilyn Chiappetta



PUBLIC WORKS COMMITTEE MINUTES

Committee Date: November 14, 2019
Present: Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Absent: Ald. Messina and R. Wesley
Also Present: Mayor Pulice, City Manager Mermuys, Treasurer Porch, City Manager Mermuys, Police Chief Vesta, B. Wilson, A. Lange, E. Cage, B. Garelli
Meeting Convened at: 7:52 p.m.

APPROVAL OF THE MINUTES:

The minutes of the October 24, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION

RESOLUTION APPROVING AGREEMENT WITH ERA VALDIVIA CONTRACTORS FOR PAINTING & REHABILITATION OF RICHERT STATION GROUND STORAGE RESERVOIR AND PUMP HOUSE

DISCUSSION:

None

VOTE:

Ald. Catalano made a motion, seconded by Ald. E. Wesley, to approve a Resolution Approving an Agreement with Era Valdivia Contractors for the Painting and Rehabilitation of Richert Station Ground Storage Reservoir and Pump House in the not to exceed amount of \$498,750. A roll call vote was taken with the following results:

Ayes: Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried

REPORT:

REPORT FROM ROBINSON ENGINEERING REGARDING WARD 2/3 STORMWATER PROJECT

DISCUSSION:

Aaron Fundich of Robinson Engineering provided a construction status on the three projects, the Northern UDS Project status, Phase I project schedule and IEPA Loan Application status.

He reported that all three projects have been with same contractor, A Lamp, over the course of the year. Fencing and railings are done for Squaw Creek, but there are still a few punchlist items outstanding. For Dalewood Avenue, all the major construction is complete and the complete resurfacing, but they are still delinquent with parkway restoration. On Gilbert Drive they have completed storm sewer and concrete work, but pavement patching remains and parkway restoration pending weather. He shared the A-Lamp schedule through end of November. If seeding and blanketing this late in year doesn't work, they'll return in spring. They intend to get the punchlist for all three projects done during December to close up by the end of year.

Mr. Fundich explained about updated rainfall data done in March of 2019 which took into account all additional rain data. This indicates that the 100-year storm event is about 15% higher than prior study data had shown. The IDNR and DuPage county Stormwater Commission intend to adopt this new rainfall data which will affect all projects as of January 1st. The data used for the past 30 years indicates a 25-year storm is 5.5" inches, and a 100-year storm is 7.58" in one day. The new data shows that all three have increased by about an inch. A 100-year storm is now 8.57"; the 50 year is now 6.50" and 25-year is 6.45" based on updated Bulletin 70 published in 2019. Robinson has updated the City's model to reflect the updated data.

Mr. Fundich provided detailed explanation of the project to ensure all Committee members understood it prior to going out for bid. He also spoke about some of the anticipated construction challenges and impacts for 18-24 months. There will be a significantly large backhoe needed to excavate 30+ feet and there will be a great deal of noise and dust. There would be a 200' feet stretch of road completely closed to traffic with Potter Street open to adjacent residents and construction traffic only for 6-9 months. Based on all the major inconveniences, resident communication will be paramount, so there needs to be a very proactive plan in place.

He provided a School District 7 status update. After meeting with the school, they are requesting having the entire parking lot repaved that is being impacted, and also connecting the eastern and western lots. The City attorney will begin working on an IGA for ratification of this later this winter, pending their approval on November 21st.

For the Northern UDS schedule, the current cost estimate is \$12 million dollars to come all along Potter to Dalewood. They anticipate advertising for bids late January, and doing

contract award in February/March, with construction starting in spring of 2020 completed by spring of 2021.

Mr. Fundich proposed possibly constructing the force main only in 2020, and deferring Potter Street storage and conveyance until IEPA loan in 2021, as that would reduce 2020 cost by approximately \$1.4 million dollars. The same could be done with the ComEd sewer. For the IEPA loan application, the Facilities Plan is 80% complete and they anticipate submittal in December 2019. The loan is to cover Phases II and III of the overall project and target loan approval is January of 2021.

The next steps are to finalize easement agreements with the School District, Georgetown West Improvement Association and Orchard Lakes. They plan to finalize plans and bidding documents in January. They then want to schedule pre-construction meetings with affected residents and associations for February or March.

Informational only; no action required.

REPORT & RECOMMENDATION:

APPROVAL OF FINAL PAYMENTS TO CLARK-DIETZ ENGINEERING AND NEWCASTLE ELECTRIC, INC. FOR POTTER STREET BOOSTER STATION GENERATOR REPLACEMENT

DISCUSSION:

None

VOTE:

Ald. Catalano made a motion, seconded by Ald. Susmarski, to approve Final Payments to Clark-Dietz Engineering and Newcastle Electric, Inc. for Potter Street Booster Station Generator Replacement in the amounts of \$805.00 and \$16,919.00. A roll call vote was taken, with the following results:

Ayes:	Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays:	None
Abstained:	None
Motion:	Carried

REPORT & RECOMMENDATION:

APPROVAL OF AGREEMENT BETWEEN CITY OF WOOD DALE AND IHC CONSTRUCTION COMPANIES, LLC

DISCUSSION:



None

VOTE:

Ald. Catalano made a motion, seconded by Ald. Susmarski, to approve an Agreement between the City of Wood Dale and IHC Construction Companies, LLC for the FY 2020 Wood Dale Road Excavation Sewer Repair in a not to exceed Amount of \$25,000. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Susmarski, Sorrentino, E. Wesley & Woods
Nays: Ald.
Abstained: None
Motion: Carried

ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- Engineering Standards – Winter
- Elizabeth Drive Bridge, Phase I - Winter

ADJOURNMENT:

The meeting adjourned at 9:20 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: December 12, 2019
Subject: Clock Tower Amendment
Staff Contact: Alan Lange, Public Works Director
Department: Public Works

TITLE: Approval of Amendment to Professional Services Agreement with HR Green, Inc. for the Clock Tower Northwest Corner and Northeast Corner of IL Route 19 at Wood Dale Road in the Amount Not to Exceed \$74,000

RECOMMENDATION:

Staff Recommends Approval of Amendment to Professional Services Agreements with HR Green, Inc. for the Clock Tower Northwest Corner and Northeast Corner of IL Route 19 at Wood Dale Road in the Amount Not to Exceed \$74,000.

BACKGROUND:

The City previously entered into an agreement with HR Green, Inc. for Construction Management services for the improvements at the northeast/northwest corners of Wood Dale Road and IL Route 19 including the construction of the Wood Dale Clock Tower. Copenhagen Construction was awarded the construction contract in a separate agreement. Unexpected delays and unforeseeable circumstances led to a necessary increase in effort from HR Green which was outside the scope of the original agreement. This work included increased coordination with IDOT due to atypical nature of the work, coordination and management of City's contracted architectural firm, specified vendor coordination, second bid letting due to unresponsive vendor, and working days beyond the targeted completion date resulting from delays outside HR Green's control.

ANALYSIS:

The original agreement was for \$170,967.15. The above mentioned circumstances led to increases of \$30,000 for Phase II design stage and \$44,000 for Phase III Construction Engineering stage (\$74,000 total) bringing the total agreement cost to

\$244,967.15. As already mentioned to the Council at previous meetings, the additional costs were expected and are covered by liquidated damages assessed by the City to the contractor.

DOCUMENTS ATTACHED

✓ Amendment No. 1



**HR GREEN, INC.
PROFESSIONAL SERVICES AGREEMENT AMENDMENT NO. 1**

THIS AMENDMENT, made this 15th day of November, 2019 by and between, The City of Wood Dale the CLIENT, and HR GREEN, INC. (hereafter "COMPANY"), for professional services concerning:

Clock Tower Northwest Corner and Northeast Corner of IL Route 19 at Wood Dale Rd

hereby amends the original Professional Services Agreement dated November 2, 2017 as follows:

The CLIENT and COMPANY agree to amend the Scope of Services of the original Professional Services Agreement and previous amendments as follows:

1. Additional level of effort for design completion
2. Additional level of effort for construction observation completion

CLIENT Project Number: N/A

COMPANY Project Number: 170859

The CLIENT and COMPANY agree to amend other provisions of the original Professional Services Agreement and previous amendments as follows:

Due to additional levels of effort required to complete Design Engineering/Phase II (Contract Plans, Bid Documents, Bid Assistance, and other like tasks) and Construction Engineering/Phase III (Construction Management). This addendum will cover the extra level of effort required for both engineering phases, and will be explained separately below:

Design Engineering/Phase II:

A. IDOT Coordination

COMPANY was required to do much more coordination with IDOT than originally anticipated. This additional level of effort for coordination resulted from the unusual nature of typical IDOT work (roads projects) and getting the appropriate IDOT personnel to review this work, as well as coordinating/getting approval of Uhlir's structure plans since they were not familiar with the IDOT plan standards.

B. Uhlir Coordination and Management

CLIENT requested that COMPANY take over the management, coordination and day to day interactions with their hired architect (under contract with the CLIENT via agreement, not a subconsultant of COMPANY) for the Clock Tower (Uhlir). This work was outside of the original scope of work to incorporate Uhlir's structural plans for the Clock Tower into an IDOT reviewed/approved bid package. This arrangement required COMPANY a significant extra level of effort in time for coordination, prompting Uhlir to reply to requests, comments, modifications to plan sheets/specification sheets, etc., as well as coordination and effort to demonstrate how to make their plans comply with IDOT standards. Effort was required to revise plans sheets, quantities, and specifications to conform to IDOT standards when Uhlir was at times unresponsive. Numerous coordination phone calls and emails were made/sent trying to motivate Uhlir to meet the terms of their contract with the CLIENT.



C. Uhlir Specified Vender Coordination

Due to the COMPANY assuming the project management of the Uhlir, unanticipated effort was required in attempting to work with specified vendors for specialty items associated with the construction of the Clock Tower element of the project. In particular Uhlir's video board and lighting vendor. Extreme effort and time were expended to gain the very minimalist required information to be able to assemble the contract plans and bid package for advertising during the Phase II process. Continued time and effort were exerted during Phase III as well with the deliver, setup, installation, refinement, and programming of the video boards.

D. Second IDOT Letting and Coordination

COMPANY had to prepare, advertise, respond to questions, provide plans, attend, evaluate, and recommend a contractor based on submitted bids for second bid opening. This additional level of effort was not and could not have been foreseen. The cause of second bid advertising and bid opening is directly tied to Uhlir's specified video board vendor. This vendor was non-responsive to contractors seeking input on unit pricing resulting in invalid/incomplete bid submissions at the initial bid opening/announcement.

Construction Engineering/ Phase III

A. Construction Working Days Exceeded

This project had a completion date of July 31, 2018 with 10 working days taking the substantial completion date to August 9, 2018. However, due to issues beyond the control of HR Green, substantial completion was not achieved until October 17, 2018. The full completion of the project was not completed until September 4, 2019. Between July 31, 2018 and September 4, 2019, HR Green expended 409 hours of staff time and expenses to supervise the construction of the clock tower, coordinate with the contractor and coordinate with City staff.

In consideration for these services, the CLIENT AGREES to adjust the payment for services performed by COMPANY on the following basis:

- Lump Sum to be [increased – or – decreased] by [written amount] Dollars (\$ [xxxxxx])
- Per current rate schedule with a maximum fee to be [increased – or – decreased] by [written amount] Dollars (\$ [xxxxxx])
- Per current rate schedule with an estimated fee to be [increased – or – decreased] by [written amount] Dollars (\$ [xxxxxx])
- Other as stated here to be, Time and Materials, increased by Seventy-Four Thousand Dollars of which Forty-Four Thousand Dollars is for the additional effort required for the Construction Engineering and Thirty Thousand Dollars is for the additional level of effort required to complete the Design Engineering (\$74,000 total, \$44,000 for Construction Engineering and \$30,000 for



Design Engineering).

The total authorized compensation after this Amendment, including the original Professional Services Agreement (\$170,967.15) is Two Hundred Forty Four Thousand Nine Hundred Sixty Seven Dollars and Fifteen Cents (\$244,967.15)

THIS AMENDMENT is subject to all provisions of the original Professional Services Agreement.

THIS AMENDMENT, together with the original Professional Services Agreement and all previous amendments represents the entire and integrated AGREEMENT between the CLIENT and COMPANY.

THIS AMENDMENT executed the day and year written above.

City of Wood Dale

HR GREEN

By: Nunzio Pulice, Mayor, City of Wood Dale

By: Ron Krall, Senior Proj Manager/Principal

Date: _____

Date: 11/19/2019



FINANCE & ADMINISTRATION
COMMITTEE MINUTES

Committee Date: November 14, 2019
Present: Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Absent: Ald. R. Wesley & Messina
Also Present: Mayor Pulice, City Manager Mermuys, Treasurer Porch, City Manager Mermuys, Police Chief Vesta, A. Lange, E. Cage
Meeting Convened at: 920 p.m.

APPROVAL OF THE MINUTES:

The minutes of the September 12, 2019 meeting were approved as presented.

REPORT & RECOMMENDATION

FY2019 AUDIT REPORT

DISCUSSION:

Anthony Cervini of Sikich was present to review the highlights of the fy2019 audit. Brad Wilson noted there were no issues with the audit this year. Mr. Cervini reported that Sikich issued the Comprehensive Annual Financial Report, auditor's communication to members of City Council and management, and the TIF Compliance report. They have also filed and submitted the CAFR. He commended the City for receiving the Certificate of Achievement for Excellence in Financial Reporting presented for its Comprehensive Annual Financial Report for year ended April 30, 2018.

Mr. Cervini briefly reviewed the Letter of Transmittal and independent Auditor's report, stating that Sikich has issued a clean unmodified opinion of the City's financial state, the highest they can present. He recommended all Council members take the time to review the Management's Discussion and Analysis as it explains what happened throughout the course of the year and what drove those changes.

VOTE:

Ald. E. Wesley made a motion, seconded by Ald. Sorrentino, to approve the FY2019 Audit Report. A roll call vote was taken with the following results:

Ayes: Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried



REPORT:

MASTER FEE SCHEDULE UPDATE

DISCUSSION:

Mr. Wilson stated that on at least a yearly basis staff is to review the MFS and identify any changes that need to be made and/or verify that the fees in the schedule are still current and reasonable in the current environment. Rather than requiring a \$5,000 bond for a minor project, staff is recommending the \$5,000 bond be replaced by a \$1,000 bond for minor projects of 400 square feet or less. This maintains the bond guarantee, while not being onerous on the residents, who are simply improving their property. Small commercial projects would also move to \$1,000, while larger commercial projects would stay the original amount of \$5,000. That was only one change this year.

VOTE:

Ald. E. Wesley made a motion, seconded by Ald. Sorrentino, to approve the Master Fee Schedule Update. A voice vote was taken, with all members voting aye. Motion carried.

REPORT & RECOMMENDATION:

WATER RATES

DISCUSSION:

Brad Wilson provided a history of rate increases with the amount, type, reason, and need for the change. He next reviewed the Consumption History with the rate, revenue, sewer rate, revenue, total revenue and consumption noted. He reviewed the proposed rate increases. Discussion ensued on various options and possible formulas to address the shortfall.

VOTE:

Ald. Susmarski made a motion, seconded by Ald. Woods, to add \$7.00 to the fixed side of sewer rates, \$2.00 to the variable side of sewer and \$2.00 to the fixed side of water. A roll call vote was taken, with the following results:

Ayes: Ald. Catalano, Jakab, Sorrentino, Susmarski, E. Wesley & Woods
Nays: None
Abstained: None
Motion: Carried



ITEMS TO BE CONSIDERED AT FUTURE MEETINGS:

- Property Causality Insurance – December 12, 2019
- CIP – January 9, 2020

ADJOURNMENT:

The meeting adjourned at 9:58 p.m.

Minutes taken by Eileen Schultz



REQUEST FOR COMMITTEE ACTION

Referred to Committee: December 12, 2019
Subject: Alliant/Mesirow Insurance Renewal
Staff Contact: Kate Buggy, Management Analyst
Department: Administration

TITLE: Property, Casualty, and Workers Compensation Insurance Renewal

RECOMMENDATION:

Approve the Hanover, Brit, and IPRF Insurance package.

BACKGROUND:

Since calendar year 2013, the City has been using Alliant/Mesirow Insurance Services as its broker for property, casualty, and workers compensation insurance. Every year the City must renew these lines of coverage.

ANALYSIS:

In 2017, the City had Alliant/Mesirow do full marketing for the coverages, which means that this year was a softer outreach. The City will solicit proposals for professional services in 2020 and do a harder outreach. With that in mind, Alliant/Mesirow and the City are proposing to keep the same companies in place that we have had since 2013.

Brit – Casualty coverage
Hanover – Property and Crime coverages
IPRF – Workers Compensation coverage

Attached is the premium summary for the current pricing proposal from Hanover/Brit/IPRF as compared to last year's pricing. The total cost went up \$29,447 over the previous year.

Part of the increase can be seen in the workers compensation line due to recent loss history and development. The current two years are running better, however, as this year isn't yet completed, it isn't given as much weight.

The other notable increase from Brit is due to some of the auto physical damage activity. Alliant/Mesirow obtained a quote from Liberty Mutual that was competitive but did not include all of the coverages and limits that were needed. The remaining premiums had some small changes.

DOCUMENTS ATTACHED

- ✓ Premium Summary and Comparison

Premium Summary and Comparison

	1/01/2019 -1/01/2020	1/01/2020 -1/01/2021
	Expiring Hanover, Brit & IPRF	Renewal Hanover, Brit & IPRF
Property	\$ 25,505	\$ 27,723
Equipment Breakdown	\$ 2,196	\$ 2,394
Inland Marine	\$ 2,988	\$ 3,299
General Liability	\$ 84,649	\$ 89,256
Employee Benefits Liability	Included in GL Premium	Included in GL Premium
Law Enforcement Liability	Included in GL Premium	Included in GL Premium
Public Officials Liability	Included in GL Premium	Included in GL Premium
Employment Practices Liability	Included in GL Premium	Included in GL Premium
Auto Liability	\$ 67,690	\$ 71,802
Auto Physical Damage	Included in Auto Liability Premium	Included in Auto Liability Premium
Umbrella/Excess Liability	\$ 29,585	\$ 34,155
Package Total	\$ 212,613	\$ 228,629
Workers Compensation	\$ 255,300	\$ 268,838
Crime	\$ 2,511	\$ 2,646
Cyber	\$ 4,720	\$ 4,478
Total Premiums	\$ 475,144	\$ 504,591
Mesirow Annual Agency Service Fee	\$ 5,000	\$ 5,000
Total Program Cost	\$ 480,144	\$ 509,591