

MINUTES
REGULAR PLAN COMMISSION MEETING
OCTOBER 10, 2019

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:00 p.m. Plan Commissioners Lloyd Berry, Angela Fanella, Phillip Hartweg, John Mulherin, David Rodemann, Mohammed Saeed and Jamie Vondruska were present. Commissioner Tracy Heming Littwin was excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis, Associate Planner Cole Jackson, Attorney Kurt Asprooth, Deputy Police Chief Kurt Vavra, Trustee Liaison Bill Enright and Recording Secretary Debbie Solomon.

Public Comment

No general comments on non-agenda items were made by the public at this Plan Commission meeting.

Approval of June 20, 2019 Special Plan Commission Minutes

Commissioner Hartweg moved, seconded by Commissioner Saeed, to approve the minutes of the June 20, 2019 Special Plan Commission minutes. The motion carried unanimously by voice vote.

Approval of June 27, 2019 Special Plan Commission Minutes

Commissioner Saeed moved, seconded by Commissioner Berry, to approve the minutes of the June 27, 2019 Plan Commission minutes. The motion carried unanimously by voice vote.

Chairperson Loch explained the procedures and role of the Plan Commission and the order of the process for the public hearing and after.

Public Hearing – Recreational Cannabis Businesses – Zoning Text Amendment

On the agenda was a public hearing to review proposed text amendments prepared by staff related to zoning, buffers, on-site use and parking requirements for cannabis dispensaries if the Village Board decides to allow recreational cannabis businesses in the Village.

PUBLIC HEARING – RECREATIONAL CANNABIS BUSINESSES – ZONING TEXT AMENDMENTS

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING PROPOSED TEXT AMENDMENTS PREPARED BY STAFF RELATED TO ZONING, BUFFERS, ON-SITE USE AND PARKING REQUIREMENTS FOR CANNABIS DISPENSARIES IF THE VILLAGE BOARD DECIDES TO ALLOW RECREATIONAL CANNABIS BUSINESSES IN THE VILLAGE.

Commissioner Fanella moved, seconded by Commissioner Hartweg, to open the public hearing at 7:04 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Sworn in for the Village were Village Planner Purvis and Associate Planner Jackson.

Associate Village Planner Jackson provided an overview of the state-level legislation, Cannabis Regulation and Tax Act (CRTA) that was signed by Governor Pritzker in June 2019. Associate Village Planner Jackson stated this legislation created six kinds of cannabis businesses and the various licenses needed to operate these businesses which will be issued on a staggered basis through 2022. Associate Village Planner Jackson stated the CRTA authorizes counties and municipalities to impose local taxes on retail sales including an optional tax up to 3%. Associate Village Planner Jackson stated the CRTA also includes information regarding security protocols and the State Level Tax Distribution. Associate Village Planner Jackson stated there is more information in the Commissioners' packets and online.

Village Planner Purvis stated this topic came before the Village Board at a Workshop meeting in August, and the Village Board made no definitive determination, but did direct the staff to find more information on costs and benefits, hear more public feedback on this topic and have the Plan Commission look at possible zoning and text amendments needed. Village Planner Purvis stated that after the Workshop, the Village Board did pass a resolution which states that recreational cannabis is not currently addressed in the Village Code and is therefore not allowed within the Village at this time, and that the Plan Commission will hold a public hearing on text amendments to regulate recreational cannabis within 90 days.

Village Planner Purvis stated the Village created a webpage to receive comments from residents related to recreational cannabis, and she shared the data collected so far. Village Planner Purvis stated 113 residents did submit comments for and against the possible sale of cannabis in the Village, and a little over half of the respondents were in favor of the sale of recreational cannabis being permitted in the Village.

Village Planner Purvis stated the Village staff did extensive research and pulled information from many different sources, including an interview with a Cannabis Educator and a meeting on recreational cannabis at the College of DuPage (COD) and conferred with legal counsel Kurt Asprooth with Ancel Glink who is well-versed in CRTA regarding this topic. Village Planner Purvis stated the cannabis educator said that education would be a critical piece if the Village does allow the sale of recreational cannabis in the Village, and that any dispensaries should be located away from schools. Village Planner Purvis stated the staff did a literature review, and many of these pieces were either strongly for the sale of cannabis or against the sale of cannabis. Village Planner Purvis stated the most comprehensive study the staff could find on the effects of recreational legalization was published in 2018 by Colorado's Department of Public Safety, and Village Planner Purvis relayed the key findings in the study, including the number of cannabis related arrests and court filings decreased, an overall increase in the adult usage of marijuana, hospitalization rates with possible marijuana exposure increased substantially, and no significant change in youth use rates, but that the student usage of marijuana tends to increase by grade. Village Planner Purvis stated the study does caution that its data is preliminary, and that that the information should be interpreted with caution.

Village Planner Purvis stated the staff completed a survey showing how 64 other Illinois communities are choosing to regulate recreational cannabis businesses. Village Planner Purvis stated approximately 36% of these surveyed communities are taking action or leaning toward permitting some sort of cannabis business while approximately 31% are taking action or leaning toward prohibiting cannabis related businesses. Village Planner Purvis stated nearly one-third of the communities surveyed have not taken action to permit or ban cannabis related businesses. Village Planner Purvis stated the Village of Lombard did vote to allow recreational dispensaries by-right in their office and industrial districts and in their business district along Roosevelt Road.

Village Planner Purvis stated the staff did prepare several buffer maps, and staff does recommend cannabis businesses be required at a minimum to meet the same distance buffers as liquor license holders. Village Planner Purvis stated Police Chief Norton has expressed opposition to recreational cannabis businesses within Glen Ellyn.

Village Planner Purvis stated the Village Administration and Community Development Department have considered the issues related to recreational cannabis and if the Village Board decides to allow recreational cannabis businesses, staff drafted zoning text amendments that would allow recreational cannabis dispensaries only in the C3 zoning district with the following restrictions:

- That cannabis dispensaries be allowed as a special use only in the C3 zoning district (which is along Roosevelt Road).

- That no consumption of cannabis on-site at dispensaries or smoking lounges be permitted.
- That dispensaries be located no closer than 1,000 feet from a school.
- That drive-through and window sales be prohibited.
- That parking requirements be the same as other retail uses (1 space per 250 gross sf).
- That the number of dispensaries be limited through the use of licenses, similar to liquor licenses.
- That no other type of cannabis related businesses be allowed to locate within the Village at this time.

Village Planner Purvis stated the Plan Commission is being asked to provide a recommendation on the proposed text amendments proposed by staff related to zoning, buffers, on-site use and parking requirements for cannabis dispensaries, and depending upon whether the Village Board decides to allow recreational cannabis businesses within the Village, additional amendments to the Zoning Code may come forward for the Commission's consideration.

Questions from the Plan Commission

Commissioner Hartweg asked if there is the same age limitation as there is on alcohol to which Village Planner Purvis stated the legal age for cannabis consumption is 21. Commissioner Hartweg asked about the increased hospitalization rates in the Colorado report. Village Planner Purvis read from the literature and stated these are hospitalization rates with "possible" marijuana exposure and are not split out by ages.

Chairperson Loch asked about revenue projections. Village Planner Purvis stated the State has estimated \$57 million for licenses, fees and sales taxes, but nothing specifically for the Villages. Village Planner Purvis stated the Village can add a tax up to 3% on recreational sales.

Commissioner Vondruska asked if the medical dispensaries have first choice at licenses to have recreational dispensaries to which Village Planner Purvis stated they do. Attorney Asprooth explained the licenses which have to do with the entire Chicagoland region.

Commissioner Fanella stated Naperville has a medical dispensary but said no to a recreational dispensary. Attorney Asprooth stated Naperville wanted to go to a non-binding referendum before they move forward with possible recreational cannabis businesses.

Village Planner Purvis stated the State of Illinois will have far less dispensaries than Colorado as Illinois will have 1 dispensary for every 25,000 people, and Colorado has a dispensary for every 10,000 people.

Commissioner Vondruska asked if licenses would be issued on a case by case basis. Village Planner Purvis stated the Village would enact a license schedule, and as with alcohol licenses, if a Special Use is approved for a recreational cannabis business, the Village would increase the license number.

Commissioner Rodemann asked if the size of a recreational cannabis dispensary can be limited. Village Planner Purvis stated she is not aware of any limit on size. Attorney Asprooth stated there is not a limit on the size of a recreational cannabis dispensary, but there are many security protocols as a part of CRTA that could limit the size.

Commissioner Mulherin asked about Village regulation. Village Planner Purvis stated the Village cannot regulate the licensing process at all and only the State will do this. Attorney Asprooth stated the Village can do random inspections of any recreational cannabis business.

Commissioner Vondruska asked if this topic could come back in a year or two if the Plan Commission recommends denial to which Village Planner Purvis stated the issue can come back later, the Village always has the ability to amend its codes.

Commissioner Fanella asked if the selling hours would be along the lines of liquor-selling hours. Village Planner Purvis stated the Village cannot regulate the selling hours for cannabis and the state has said that dispensaries can operate from 6am to 10pm.

Village Planner Purvis showed images from different dispensaries.

Chairperson Loch asked if a landlord can ban cannabis. Attorney Asprooth stated a landlord cannot prevent a tenant from using edibles in their unit, but a landlord can prohibit the smoking of cannabis. Village Planner Purvis stated a medical patient who has a medical cannabis card can grow up to 5 marijuana plants in their home with a landlord's permission.

Public Comment

Carlos Guzman, who resides at 506 Taylor Avenue, Unit E, stated he feels like this is like Prohibition, and if you want cannabis, you are going to get cannabis. Mr. Guzman stated in the best interest of moving forward, the Village should allow the regulation of marijuana, and he would also like to see education about the use of marijuana, abuse of marijuana and potential repercussions. Mr. Guzman stated cannabis businesses should be regulated in the same way we regulate bars. Mr. Guzman stated the keys will be education, regulation and then allow people to enjoy cannabis however they enjoy it. Mr. Guzman stated he has seen many dispensaries,

and these dispensaries are in nice locations for the most part. Mr. Guzman stated he is former military, and depression and PTSD are real, and medical marijuana can help this.

David Hartsell, who resides at 714 Meredith Place, stated cannabis should be a hard no. Mr. Hartsell stated it is a sad day when the state turns to drugs and gambling to balance the budget. Mr. Hartsell stated this is not who the Village is and not the image the Village wants to project. Mr. Hartsell stated we tell our kids not to drink or smoke or do drugs so the selling of cannabis would be hard to explain to children. Mr. Hartsell stated many towns have said no to cannabis already, and they can let Lombard be the pot capitol. Mr. Hartsell stated he has seen no revenue projections, and he feels it is naïve to believe the sale of cannabis could help with property taxes. Mr. Hartsell stated he was shocked to see the staff recommendations on this and feels this is way ahead.

Robert Pieper, who resides at 503 Ridgewood Avenue, stated he is shocked by this and thought he knew what this Village stood for. Mr. Pieper asked what benefits would come from this revenue, and he feels there are 50 downsides to this. Mr. Pieper asked what number would come from the 3% tax. Mr. Pieper stated they need to define who the Village is, what the Village stands for and what the Village's values are. Mr. Pieper stated the answer is not to add another possibly addictive drug in the Village.

Jane Pieper, who resides at 503 Ridgewood Avenue, stated she is a student at Glenbard West High School and is at the meeting on behalf of Reality Illinois who she read a statement on behalf of. Ms. Pieper stated she believes communities should opt out of marijuana businesses. Ms. Pieper stated the perception of youth that there is a lack of risk with cannabis will continue. Ms. Pieper stated there is already serious issues with vaping and shared statistics. Ms. Pieper asked why the Village would broaden the scope of THC products. Ms. Pieper stated the Village should readdress this issue in another year and take a step back for now to take the time to make an informed decision.

Tom Turek, who resides at 357 Birchbrook Court, stated he has lived in Glen Ellyn for 60 years, and Glen Ellyn is a safe community. Mr. Turek stated he is worried about adult-use cannabis. Mr. Turek stated he has seen many dispensaries in Denver, and he sees a lot of bums on the streets who are smoking marijuana all day. Mr. Turek stated he does not want to see this in Glen Ellyn. Mr. Turek stated Colorado has seen an increase in street crime, and he is not sure if this is a consequence of having dope, but this was not there before. Mr. Turek stated 13% of fatal crashes in Colorado test positive for cannabis. Mr. Turek stated he is not opposed to progress, but he does see revenue being generated from cannabis sales.

Commissioner Mulherin stated the Plan Commission's role tonight is to help determine what type of zoning and guidelines might be needed for recreational cannabis businesses. Commissioner Mulherin asked the audience to remember this.

Chet Brett, who resides at 505 Taylor Avenue, thanked the Village for all the public outreach and available information on this topic. Mr. Brett stated if more opportunity for public outreach is needed, the Plan Commission will find this out by asking questions tonight. Mr. Brett stated he wants people to embrace a millennial community.

Patrick Ryan, who resides at 539 Dawes Avenue, stated this is a very serious issue, and the Village Board wants to make a decision after only 3 months. Mr. Ryan stated the State says there will be a lot of revenue from this, but he is not sure on this. Mr. Ryan stated there is no field test available for marijuana. Mr. Ryan stated they have taught their kids not to do drugs so he cannot understand why we would encourage this. Mr. Ryan asked what kinds of morals they would be teaching to their children.

Andrew Ho, who resides at 1N350 Blue Ridge Court in Wheaton, stated he has been in the cannabis industry for the past 5 years, owning and running a medical dispensary in Elmwood Park. Mr. Ho stated he is happy to offer himself as a resource. Mr. Ho stated the Elmwood Park dispensary has 700 medical patients, and this dispensary generates \$8 million in sales. Mr. Ho stated if a recreational dispensary was put in Glen Ellyn, he estimates it could approximately do \$12 million to \$15 million in sales the first year, and within 3 years, \$15 million to \$20 million in sales. Mr. Ho stated if the Village did do the 3% in tax, this could be real dollars to the village. Mr. Ho stated the Village would be empowered with how dispensaries will act.

Michelle Andringa, who resides at 708 Highview Avenue, thanked the staff and Plan Commission for their research. Ms. Andringa stated she is adamantly opposed to the sales of recreational cannabis as it runs counter to the culture in the community, increased access to recreational marijuana will increase marijuana use in the Village and the sale of marijuana will normalize its use and send the wrong message to the children. Ms. Andringa stated they need to put the health and safety of the Village first.

Rick Scheck, who resides at 678 Oak Street, thanked the Village for keeping the public up to date on this topic. Mr. Scheck stated he is in favor of a recreational dispensary like this. Mr. Scheck stated we teach our kids right from wrong, but they still may do these things when they reach the age. Mr. Scheck stated there will be safety and security restrictions like bars and restaurants that have liquor licenses too. Mr. Scheck stated this is the same as allowing the sale of alcohol to anyone 21 and over. Mr. Scheck stated education will be key. Mr. Scheck stated many towns in Illinois already have medical cannabis dispensaries, and he is not sure if these towns have safety issues.

Pete Ladesic, who resides at 615 Scott, asked about the chart of communities included in the packet. Village Planner Purvis stated this is a chart of changing information, and the staff is trying to keep it up to date as much as possible. Mr. Ladesic stated at the Village Board Workshop, those who supported cannabis did support medical marijuana. Mr. Ladesic stated he is opposed to recreational cannabis sales. Mr. Ladesic stated the Village needs economic development, but not at this cost, and this will not be an economic development driver. Mr. Ladesic stated there is no place in the community for this, and he urges the Plan Commission to not recommend any zoning districts.

Anne Gould, who resides at 609 Newton Avenue, stated it sounds like they are trying to normalize cannabis and compare this to alcohol, but she has never met a doctor who prescribed alcohol. Ms. Gould stated recreational cannabis is a separate issue from medical marijuana. Ms. Gould stated she suggests the Village add an over/under 21 identifier on the webpage where comments are being left for the Village. Ms. Gould stated there is no clear compelling reason for cannabis to be sold in Glen Ellyn, and it is not a risk the Village should be taking. Ms. Gould stated they need to take a step back, see the real implications and then make a more prudent approach.

Kurt Barry, who resides at 373 Forest Avenue, stated he and his wife are the owners of Mindful Medical Marijuana Dispensary in Addison. Mr. Barry stated these stores are for people ages 21 and over. Mr. Barry stated public consumption of cannabis is illegal. Mr. Barry stated when a cannabis store comes into a neighborhood, there is a lot of noise at first because of the fear of the unknown, but then it ends up being a non-event. Mr. Barry stated the operators in the industry are law-abiding and tax-paying, and the cannabis business industry is scrutinized closer than any other industry. Mr. Barry stated in the three years that the two medical dispensaries have been in Addison, the police have only been called once.

Commissioner Fanella asked about education being done. Mr. Barry stated they do educational at the store regularly, and dosing can be different for every person so they go slow to learn what each person's dose is.

David Scott, who resides at 895 Clifton Avenue, stated he and his family moved here from downstate a few years ago. Mr. Scott stated he remembers when the medical marijuana legislation came out as he was on the Planning Commission in his town then. Mr. Scott stated there has been an inability to stick to the subject at hand. Mr. Scott stated people seem to think this will sully and tarnish the culture and image in Glen Ellyn, but he cannot imagine this would happen. Mr. Scott stated he would like to see a more convenient place for people to buy pot. Mr. Scott stated the culture of the community is determined by the behavior of its residents.

Lorenzo Tassone, who resides at 671 Sheehan Avenue, stated he suffers from chronic pain, but he does not qualify for a medical marijuana card. Mr. Tassone stated he understand the fear, but the passage of this would not stop people from moving to the Village. Mr. Tassone stated if he chooses to use marijuana in his home, that is his choice, and marijuana may not be for you, but it is probably for someone else in the community. Mr. Tassone stated marijuana is already here, and you cannot fight the progress of time.

Anna Gluszak, who resides at 506 Taylor Avenue, stated if a teenager is going to get their hands on marijuana, they will get their hands on it so the Village should ensure marijuana is regulated. Ms. Gluszak stated they need to ensure this is implemented correctly so it is safe. Commissioner Mulherin moved, seconded by Commissioner Hartweg, to close the public hearing at 8:41 p.m. The motion carried unanimously by voice vote.

Chairperson Loch called for a 5-minute break at 8:41 p.m.

Chairperson Loch reconvened the meeting at 8:48 p.m. Chairperson Loch stated there is nothing in the Village's Code on cannabis so this issue does need to be discussed. Attorney Asprooth stated the Plan Commission needs to give the Village Board some kind of recommendation to act on. Commissioner Fanella asked for the slide about the Staff's recommendations for Text Amendments be put back on the screen.

Comments from the Plan Commission

Commissioner Rodemann stated he is against this, and he has concerns with the size of the business and possible traffic as he thinks this would be a high use facility. Commissioner Rodemann stated he is in favor of medical marijuana for the benefits for patients. Commissioner Rodemann stated he would want this limited to Roosevelt Road and maybe have higher parking ratios. Commissioner Rodemann stated he anticipates issues could come along.

Commissioner Berry asked what the suggested parking space is for retail. Village Planner Purvis stated it is the same for retail as for what is suggested for a cannabis business – 1 parking space per 250 square feet. Village Planner Purvis stated they can require a traffic study too as part of the Special Use application.

Chairperson Loch asked why the 1,500 feet from schools was not done as the Illinois Municipal League had suggested. Village Planner Purvis put up a buffer map and stated if they go with the 1,500 feet instead of 1,000 feet, it would take out much of the Village due to the distances to schools and daycares. However 1,500 feet from schools would likely allow sales on Roosevelt

Road. Community Development Director Springer explained the zoning along Roosevelt Road and how the staff came up with their recommendation.

Commissioner Vondruska thanked the staff for their research and stated as of January 1st, cannabis will be around. Commissioner Vondruska stated he feels there is no harm in waiting to see what the other municipalities around do on this issue. Commissioner Vondruska stated he is in support of the staff's recommendations for the Text Amendments, and he would not want to see cannabis businesses in the Central Business District or the north side of the Village by Five Corners. Commissioner Vondruska stated a cannabis business would require a Special Use and would have to be approved by the Village Board anyways.

Commissioner Berry stated the biggest unknown coming into the meeting was understanding what the Plan Commission needed to do. Commissioner Berry stated he supports the recommended Text Amendments.

Commissioner Mulherin stated he does endorse the Text Amendments if the Village Board does decide to allow recreational cannabis dispensaries in the Village. Commissioner Mulherin stated he is concerned about racing into this, and he would not mind seeing how this topic develops in other communities.

Chairperson Loch stated she is fine with recommending these text amendments.

Commissioner Fanella stated if the Village Board allows the sale of recreational cannabis, she would recommend the Text Amendments; however, she is not fine yet with cannabis being sold in the Village.

Commissioner Hartweg stated in the other public meetings on cannabis, it was 50/50 with the residents. Community Development Director Springer stated at tonight's public hearing, 6 spoke in favor of this, 7 spoke against this and 2 were neutral.

Motion

Commissioner Fanella moved, seconded by Commission Mulherin to recommend that if the Village Board would move forward to approve the allowance of recreational cannabis dispensaries in Glen Ellyn, the Plan Commission supports the Zoning Code Text Amendments as presented in the Plan Commission packet on Thursday, October 10, 2019. Commissioner Fanella stated those Text Amendments should include the following:

1. That cannabis dispensaries be allowed as a Special Use only in the C3 zoning district (which is along Roosevelt Road).
2. That no consumption of cannabis on-site at dispensaries or smoking lounges be permitted.
3. That dispensaries be located no closer than 1,000 feet from a school.
4. That drive-through and window sales be prohibited.
5. That parking requirements be the same as other retail uses (1 space per 250 gross sf).
6. That the number of dispensaries be limited through the use of licenses, similar to liquor licenses.
7. That no other type of cannabis related businesses be allowed to locate within the Village at this time.

The motion carried with six (6) yes votes and two (2) no votes as follows: Plan Commissioners Fanella, Mulherin, Berry, Hartweg and Vondruska and Chairperson Loch voted “yes.” Commissioners Rodemann and Saeed voted “no.” Motion carried.

Commissioner Berry stated the consensus of the Plan Commission of Glen Ellyn is that more evidence is required before a decision is made on approving or disproving the legality of recreational marijuana sales in the Village of Glen Ellyn, and this can be accomplished by waiting longer or through a referendum to help bring a level of confidence to making the right decision for the community.

Commissioners Fanella, Mulherin, Rodemann, Saeed and Vondruska and Chairperson Loch all stated they support this statement. Commissioner Hartweg did not support the statement. Chairperson Loch and Commissioners Hartweg and Mulherin are not in support of a referendum as of now.

Trustee's Report

Trustee Enright thanked the staff and the Plan Commission for their work on the cannabis topic. Trustee Enright stated the Village Board is working on the 2020 Budget and still has a few more Workshops on this. Trustee Enright stated the Avere project is moving ahead and possibly could be completed in early 2021. Trustee Enright stated the Apex project is still in litigation.

Chairperson's Report

Chairperson Loch asked about the McCheseny site. Community Development Director Springer stated there has been some changes, and this property is on the market for \$3 million.

Community Development Director Springer stated the staff has been entertaining a number of developers who want information on the site.

Staff Report

Village Planner Purvis stated there will be a discussion regarding Zoning Text Amendments for Tobacco and Vape shops at a future meeting, and there will probably not be a meeting on October 24, 2019. Village Planner Purvis stated the Streetscape Project is in the second phase of engineering, and the Public Works Department will be looking for feedback on samples of streetscape treatments that will be available for the public to see.

Commissioner Berry asked about the Comprehensive Plan. Village Planner Purvis stated this have been moving along slowly due to other pieces and explained the process.

Other Business

None

Adjournment

Plan Commissioner Fanella moved, seconded by Plan Commissioner Hartweg, to adjourn the meeting at 9:27 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary