Agenda
Village of Glen Ellyn
Plan Commission
Regular Meeting
Thursday, October 10, 2019
7:00 PM
Glen Ellyn Civic Center, Galligan Board Room

Individuals with disabilities who plan to attend the meeting and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village at least 24 hours before the meeting.

A. Call to Order

B. Public Comment (Non Agenda Items)

C. Approval of Draft Minutes from June 20, 2019 Special Plan Commission Meeting

1. June 20, 2019 Plan Commission Draft Minutes

D. Approval of Draft Minutes from June 27, 2019 Plan Commission Meeting

1. June 27, 2019 Plan Commission Draft Minutes

E. Public Hearing - Recreational Cannabis Businesses - Zoning Text Amendment

1. Zoning Text Amendments Related to Recreational Cannabis Businesses

F. Trustee's Report

G. Chairman's Report

H. Staff Report - Zoning Text Amendments for Tobacco and Vape Shops

I. Other Business

J. Adjournment

K. Agenda Items

This note provides you with information regarding what happens to a petition after it has appeared before the Plan Commission. After the Commission makes a recommendation on a petition, the meeting minutes are prepared. Then, the petition, along with the meeting minutes and all pertinent material, is scheduled for consideration by the Village Board. The Village Board meets on the second and fourth Monday of each month at 7:00 p.m. in a meeting room on the third floor of the Civic Center, 535 Duane Street. Questions regarding petitions scheduled for review by the Village Board should be directed to the Planning and Development Department at (630) 547-5250.

cc: Glen Ellyn Plan Commission
Bill Enright, Plan Commission Liaison Trustee

Mark Franz, Village Manager
Bill Holmer, Assistant Village Manager
Staci Springer, Community Development Director
Kelly Purvis, Planner
Katie Ashbaugh, Planner
Lori Gloude, Administrative Assistant
Lindsey Kaminsky, Executive Assistant
Brian Baltudis, Facilities Supervisor
David Harris, Glen Ellyn Park District
Eric DePorter, School District 41
Dawn Bussey, Glen Ellyn Public Library
Emily Tammaru, Community Consolidated School District 89
Chris McClain, Glenbard School District 87

Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 10/10/19 07:00 PM
Department: Plan Commission
Department Head: Kelly Purvis
Category: Minutes
Prepared By: Katie Ashbaugh

SCHEDULED

AGENDA ITEM (ID # 4178) DOC ID: 4178

June 20, 2019 Plan Commission Draft Minutes

ATTACHMENTS:

- June 20, 2019 Plan Commission Draft Minutes - Special Meeting (PDF)

Attachment: June 20, 2019 Plan Commission Draft Minutes - Special Meeting (4178 : June 20, 2019 Plan Commission Draft Minutes)

DRAFT MINUTES
SPECIAL PLAN COMMISSION MEETING
JUNE 20, 2019

Call to Order

The special 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, Tracy Heming Littwin, Mohammed Saeed and Jamie Vondruska were present. Commissioners John Mulherin and David Rodemann were excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis, Village Planner Katie Ashbaugh, Associate Planner Cole Jackson, Planning Intern Laura Kenney, Professional Engineer Rich Daubert, Development Civil Engineer Amy McKenna, Traffic Engineer Dan Schoenberg, 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 May 9, 2019 Plan Commission Minutes

Commissioner Heming-Littwin moved, seconded by Commission Hartweg, to approve the minutes of the May 9, 2019 Plan Commission minutes. The motion carried unanimously by voice vote.

Approval of May 30, 2019 Special Plan Commission Minutes

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg, to approve the minutes of the May 30, 2019 Special Plan Commission minutes. The motion carried unanimously by voice vote.

Chairperson Loch explained the procedures and role of the Plan Commission. Chairperson Loch stated this is a one-step project, and the next step would be for the project to go before the Village Board for a vote at a future meeting.

Public Hearing – 427-443 Duane Street & 425-431 Melrose Avenue - Avere on Duane - Planned Unit Development, Special Use Permit, Zoning Map Amendment, Sign Variation

On the agenda was a public hearing to review the proposal for a Planned Unit Development for a multi-family residential building featuring 48 luxury apartment units.

PUBLIC HEARING – 427-443 DUANE STREET & 425-431 MELROSE AVENUE - AVERE ON DUANE - PLANNED UNIT DEVELOPMENT, SPECIAL USE PERMIT, ZONING MAP AMENDMENT, SIGN VARIATION

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING A PROPOSAL FOR A PLANNED UNIT DEVELOPMENT FOR A MULTI-FAMILY RESIDENTIAL BUILDING FEATURING 48 LUXURY APARTMENT UNITS.

Commissioner Heming-Littwin moved, seconded by Commissioner Fanella, to open the public hearing at 7:05 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Sworn in for the Village were Community Development Director Springer, Village Planner Purvis, Professional Engineer Daubert and Traffic Engineer Schoenberg.

Village Planner Purvis showed an overview of the properties and stated this public hearing is regarding a request from petitioners Warren James and Matt Nix of Reva Development Partners, contract purchasers of the properties located at 443, 435, 431-433, 427-429 Duane Street and 425-431 Melrose Avenue, for a Planned Unit Development of the subject properties with a new multi-family residential building featuring 48 luxury apartment units, an underground parking garage and a surface parking lot on the south side of the site.

Village Planner Purvis stated in order to proceed with the project as proposed, the petitioners will need approval of the following:

1. A Special Use Permit for a Planned Unit Development in accordance with Section 10-10-15 of the Glen Ellyn Zoning Code.

2. The following deviations from the Glen Ellyn Zoning Code:

   a. Section 10-4-17-2(E) to allow the construction of a building that will be 68.65 feet in lieu of the permitted height of 60 feet; and

   b. Section 10-4-17-2(E) to allow the portion of the building over 45 feet to be stepped back 0 feet in lieu of the minimum step back of 15 feet; and

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c. Section 10-4-17-2(G) to allow 82 parking spaces to be provided for the development in lieu of 92 spaces required; and

d. Section 10-4-17-2(D)3(a) to allow a front yard setback along Melrose Avenue to be 17.81 feet in lieu of the required 25 feet; and

e. Section 10-4-17-2(D)3(a) to allow a front yard setback along Prospect Avenue to be 8 feet in lieu of the required 25 feet; and

f. Section 10-4-17-2(D)3(b) to allow a corner side yard setback along Duane Street of 10 feet in lieu of the required 25 feet; and

g. Section 10-5-8(I) to allow 3 parking spaces in the garage to be 8 feet 6 inches wide in lieu of the 9 feet width required; and

h. Section 10-5-5(C)1 to allow an impervious surface setback along a portion of the southern property line to be 0 feet in lieu of the required 6.17 feet to allow for the construction of a private sidewalk and retaining wall at the property line; and

i. Any other deviations necessary to construct the development as depicted on the plans presented and available for public review.

3. A Special Use Permit in accordance with Section 10-10-14 of the Zoning Code to allow multi-family dwelling units in the C5B Central Business District.

4. A Zoning Map Amendment in accordance with Section 10-10-13 of the Zoning Code to rezone two of the parcels on the property at 425 Melrose Avenue from R4 to C5B Central Business District, and to rezone one of the parcels on the property at 425 Melrose Avenue from R2 to C5B Central Business District zoning district.

5. A Sign Variation from Section 4-5-11(D) of the Sign Code to allow two (2) residential development signs in lieu of the one (1) sign permitted.

6. The Exterior Appearance of the building (reviewed by staff, with Village Board approval).

7. The consolidation of the lots (reviewed and approved by staff). Discussions related to the redevelopment agreement and the request for TIF funds will be considered by the Village Board.

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Village Planner Purvis stated notice of the public hearing was published in the June 5, 2019 edition of the Daily Herald and mailed to property owners within 350 feet of the subject property, and a placard was placed at 443 Duane Street and 425 Melrose Avenue on June 5, 2019.

Village Planner Purvis stated the subject properties are located on the south side of Duane Street between Melrose Avenue and Prospect Avenue with a portion of the site extending southerly along the east side of Melrose Avenue, and the total site is comprised of six properties totaling 1.18 acres. Village Planner Purvis stated a majority of the property is zoned C5B Central Business District, Central Service Subdistrict. Village Planner Purvis stated the property extending southerly along Melrose Avenue is zoned R4 Residential and R2 Residential, and the surrounding zoning and land uses are as follows:

Surrounding Land Uses	Zoning
North: Commercial, Glen Ellyn Public Library	C5B
South: Residential, Single Family	R2
East: Commercial	C5B
West: Residential, Multi-Family	R4

Village Planner Purvis showed a rendering of the proposed building and stated the exterior appearance is not under the Plan Commission's purview; however, they will see samples of the building's materials in the petitioners' presentation. Village Planner Purvis stated the exterior appearance will be reviewed by the staff and then the Village Board.

Village Planner Purvis stated the Comprehensive Plan highlights this part of the downtown as an area where replacement of older structures with high-quality townhomes and similar multi-family developments would be appropriate. Village Planner Purvis stated the Downtown Strategic Plan also suggests the site would be appropriate for multi-family development and further encourages that 450 dwelling units be added to the downtown.

Village Planner Purvis stated Reva Development Partners came before the Plan Commission on November 9, 2017 for a pre-application meeting. Village Planner Purvis stated the pre-application meeting was highly publicized, and eight members of the public present at the meeting spoke against the project. Village Planner Purvis stated the Plan Commission was supportive of the project in concept including the proposed height deviation of approximately 8 feet.

Village Planner Purvis stated there are some deviations being requested with this project, including the Building Height, the Building Setbacks, the Impervious Surface Setback, Parking and Parking Stall Width. Village Planner Purvis stated the project will require approval of a height deviation as part of the proposed Planned Unit Development. Village Planner Purvis

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stated a total building height of 55 feet and 4-stories is permitted in the C5B zoning district. Village Planner Purvis stated an additional 5 feet of height, is permitted when at least 75% of the floor area at or below grade is used for parking. Village Planner Purvis stated since the proposed project meets this requirement, the maximum permitted height for the project is 60 feet. Village Planner Purvis stated the Code also requires that any portion of the structure higher than 45 feet be stepped back 15 feet from the front façade(s). Village Planner Purvis stated in this case, the property has two font yards, one along Melrose Avenue and one along Prospect Avenue. Village Planner Purvis stated the building is proposed to be 68 feet 8 ½ inches from the average grade on the site and will be comparable in height to the Glen Ellyn Public Library.

Village Planner Purvis stated there is no step-back proposed for the top floor on the Melrose or Prospect frontages. Village Planner Purvis stated the petitioners have included a building height study and 3-D models which provide some context as to how the development will fit into the existing neighborhood. Village Planner Purvis stated staff would also note that the site is in a low-lying part of the downtown, and the proposed Avere project is 744.1 feet above sea level.

Village Planner Purvis stated the Code requires that lots fronting on two non-intersecting streets meet the front yard setback requirement on both frontages. Village Planner Purvis stated the two front yard setbacks of 25 feet are required from the lot lines adjacent to Melrose Avenue and Prospect Avenue. Village Planner Purvis stated a corner side yard setback of 25 feet is also required from the lot line adjacent to Duane Street. Village Planner Purvis stated the proposed setbacks for the development are 17.81 feet from the lot line along Melrose Avenue, 8 feet from the lot line along Prospect Avenue, and 10 feet from the lot line along Duane Street. Village Planner Purvis stated according to the petitioners, the building has been positioned to maximize parking on the site, provide a long enough driveway to safely access the parking garage, and to minimize the impact of the development on the adjacent single-family homes to the south of the site.

Village Planner Purvis stated the Code requires that an impervious surface setback of 6.17 feet be provided from each lot line. Village Planner Purvis stated the project proposes a walkway from the surface parking lot to the main entrance of the building (on the southeast side of the site) which then leads out to Prospect Avenue. Village Planner Purvis stated due to the positioning of the building and in order to provide an ADA compliant walkway, the walkway is proposed to be constructed adjacent to south the lot line so a deviation is necessary to reduce the impervious surface setback from 6.17 feet to 0 feet along the south property line. Village Planner Purvis stated a screening fence will be provided on the site between where the walkway is proposed and the adjacent property to the south.

Village Planner Purvis stated the proposal includes an underground parking garage with 48 parking spaces that will be numbered and assigned to each unit. Village Planner Purvis stated

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the surface parking lot on the southwest portion of the property provides an additional 34 surface parking spaces for residents and their guests. Village Planner Purvis stated a total parking ratio of 1.7 spaces per unit (82 parking spaces total) is proposed for the development. Village Planner Purvis stated the Village Code requires 1.5 parking spaces for every one-bedroom unit and 2 parking spaces for every unit with two or more bedrooms. Village Planner Purvis stated with 8 one-bedroom units proposed and 40 two-bedroom units proposed, the total required number of parking spaces for this project is 92 or 1.92 spaces per unit. Village Planner Purvis stated Village Staff is comfortable with the proposed parking ratio of 1.7 spaces per unit due to the building's proximity to the train station and based upon planning standards that suggest transit oriented developments require less parking. Village Planner Purvis stated the Village's traffic consultant has reviewed the proposed parking ratio and has suggested that a parking ratio of 1.47-1.54 would be adequate for this development.

Village Planner Purvis stated three parking stalls within the garage are proposed to have a width of 8 feet 6 inches in lieu of the required 9 feet width required by Code. Village Planner Purvis stated due to the location of the stairwells in the garage, the three narrower parking stalls cannot be widened further. Village Planner Purvis stated the Village's traffic consultant has suggested that these three stalls may present some challenges. Staff has suggested that the parking stalls that do not meet the 9 foot Code requirement should be used by compact cars only so parking stalls #4, #21 and #22 require a deviation from the Code.

Village Planner Purvis reviewed additional site details, including vehicular access and circulation, a traffic analysis, stormwater, utility undergrounding, landscaping and screening, lighting, a loading space and refuse and recycling.

Questions from the Plan Commission

Commissioner Saeed asked what the height of the library is. Village Planner Purvis stated the library is about 65 feet in height from the average existing grade.

Petitioners' Presentations

Sworn in for the petitioner were Warren James, Principal with Reva Development Partners, Matt Nix, Principal with Reva Development Partners, Javier Millan with KLOA, Paul Gianni, with BSB Architecture, Kim Lask, Project Manager with Haeger Engineering and Scott Ferris, Principal with Lakota Group.

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Mr. James thanked the Village Staff and the Plan Commissioner for the great guidance that was given while reviewing the plans for this proposed project. Mr. James stated he has been a builder/developer for 32 years, and he has developed many successful communities. Mr. James stated he is attuned to the need for providing this kind of housing, and they want to create an appropriate housing style so the residents of Glen Ellyn can stay in Glen Ellyn. Mr. James stated they are making a long-term commitment to the Village as they are planning to own this development for many years to come. Mr. James showed pictures of the existing developments they have and stated the plan needs to work for the residents and the building and will need to fit into the community.

Mr. James reviewed the existing conditions of the properties in question and stated the grade rises as the properties go to the south which is why the building is measured as high as it is. Mr. James stated they are trying to integrate the building into the land. Mr. James showed a residential site plan and stated there will be an 18-inch landscape wall along the perimeter. Mr. James stated they used the Village's base date from the existing stormwater models to estimate the flood water projections of a 100-year storm event, and they are making changes to the plan to reroute the down spouts. Mr. James showed renderings of the building's elevations and stated the mass of the building is broken down into smaller pieces. Mr. James stated the top of the first floor to the primary eave will be 42 feet. Mr. James reviewed the unit types and building amenities and stated the units will be condo-quality finishes.

Mr. Nix reviewed the market and the benefits of renting for empty-nesters. Mr. Nix stated there has been a shift in a preference to rent. Mr. Nix reviewed the market factors, the benefits of renting and the benefits to the community.

Plan Commission Questions

Commissioner Vondruska stated his flood concern questions were answered and asked if there can be a landscape allowance to provide cushioning to the residence to the south of the property. Mr. James stated they are still having on-going negotiations with this property owner.

Chairperson Loch asked about the grade drop. Mr. James showed a rendering showing building heights and stated from Hillside to Duane, there is a significant grade change of about 20 feet.

Commissioner Fanella asked about the 3 compact parking spaces in the underground parking. Mr. James stated there will be 1 parking space per unit reserved in the underground parking with 2 ADA spaces as well. Mr. James stated they will be renting the spaces so if a resident has a smaller car then they can lease the compact space.

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Commissioner Heming-Littwin asked if some people in the building will not have cars. Mr. James stated this could be conceivable, but they are not planning on it.

Chairperson Loch asked if 20-somethings would find this development interesting. Mr. James stated they are not age-restrictive, and everyone has different reasons for renting. Mr. James stated they designed the building to appeal the most to empty-nesters.

Commissioner Fanella asked if they expected school-aged kids in the building. Mr. James stated there might be infants in the building, but they do not expect school-aged kids.

Public Comment

Tim Brinker, who resides at 421 Hillside Avenue, stated he lives one block from the proposed development. Mr. Brinker stated he is pro-development and would like to see the Village charm kept. Mr. Brinker stated there will be a negative impact on the current residents with a building of this size, and this will set a precedent for more development like this. Mr. Brinker stated there are many deviations requested, including ones for height and green space. Mr. Brinker stated if this project is good for the Village then they need to consider other locations. Mr. Brinker asked the Plan Commission not to go forward with this.

Claudia Schafer, who resides at 410 Melrose Avenue #302, stated the size and scale are not right, and the height of this proposed building is supposedly comparable to the library. Ms. Schafer stated this will be a large rectangular box, and it is too dense for this location. Ms. Schafer stated if the library is a barometer, this sits at the tracks and serves a public interest. Ms. Schafer stated the single-family homes will be in shadow due to this building, and it will not be good for property values. Ms. Schafer stated there will be little to no street parking and wonders why the project would be approved if it does not have the required number of spaces. Ms. Schafer stated the residents are entitled to Zoning Code protections too, and they need responsible growth in the Village. Ms. Schafer stated this project does not deserve to be approved with the current plan as there are too many variances.

Jim Bertholdt, who resides at 674 Essex Road, stated he is an empty-nester which is what this project is fit for. Mr. Bertholdt stated he might be one of this building's first customers. Mr. Bertholdt stated he understands the traffic control because if they moved into this building, they will probably go down to only 1 car and will walk to the downtown area. Mr. Bertholdt stated this building will help to support local business, and he does not think traffic will be a problem.

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Jaimee Klotz-Sadler, who resides at 424 Prospect Avenue, stated she is here representing her aging father and disabled sister who live right by the development. Ms. Klotz-Sadler stated their woodsy backyard will become a parking lot with lights on 24 hours a day, 7 days a week. Ms. Klotz-Sadler stated they have been told by the developers that this will be approved. Ms. Klotz-Sadler stated the petitioners want their home so the workmen can park there. Ms. Klotz-Sadler stated the median price in the neighborhood is over $400,000, but they were only offered $249,000 for their property and then $301,000. Ms. Klotz-Sadler stated if they stay in the home, they would be trapped in a bright, noisy home for the rest of their days.

Adam Carter, who resides at 426 Hillside Avenue, stated he agrees development is important, but they are forcing a square peg into a round hole as this development does not fit the space. Mr. Carter thanked the petitioners for the 3-D models as these showed how out of place this building would be. Mr. Carter stated he has done research on Reva Development, and they have done nice developments where there is space. Mr. Carter stated Reva is attempting a small development, but this still does not fil. Mr. Carter stated this building will be a concrete monolith that will not fit. Mr. Carter stated he has a hard time with the alleged traffic tests. Mr. Carter asked the Plan Commission to not let this project go forward.

Jeff Scribner, who resides at 432 Hillside Avenue, stated he is representing his property and his in-laws' property at 413 Melrose Avenue. Mr. Scribner stated both properties will stare at this building. Mr. Scribner stated he would like to see development at this site, but this is still too big. Mr. Scribner stated he has a hard time believing there will be no traffic problems. Mr. Scribner stated row homes or something 2 stories would be more in scale and more appropriate here. Mr. Scribner stated he does not see how this benefits his family and their property values. Mr. Scribner stated the Plan Commission should reject this request and look for something more appropriate.

Sharon Wussow, who resides at 519 Western Avenue, stated she served for 10 years on the Architectural Review Commission. Ms. Wussow asked if the EIFS was to be used on the first floor because this can damage easily. Mr. James stated it is generally on the second floor and up and showed where the EIFS is proposed on the rendering. Ms. Wussow stated this looks like an attractive building, and there is a demand in the community for this. Ms. Wussow stated her heart does go out to the homeowners near this development.

Daniel Barnett, who resides at 417 Melrose Avenue, stated he is just south of the proposed parking lot, and he is concerned about how long and how noisy construction will be. Mr. Barnett asked the petitioners to be mindful and respectful as all the neighbors will be impacted.

Lawrence Rajeck, who resides at 364 Duane Street, stated he is surprised they are building this development in this space as there are better places down by him. Mr. Rajeck asked what will

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happen to the sewers and the amount of back-ups with this added development as he has water issues often. Mr. Rajeck asked if an impact study on the sewers were done as he is very concerned about this building being built on this site. Mr. Rajeck stated the Village continues to build, and there are still problems with the sewers. Mr. Rajeck stated they need to think about the impact on the sewers and such.

John Micheli, who resides at 546 St. Charles Road, stated he has read that this type of architecture is controversial and is being banned across the country. Mr. Micheli stated many towns are limiting to 3 stories, and these developments are putting problems into every community. Mr. Micheli stated a building like this is not appropriate, and this building will be shoe-horned into a plot of land where it does not fit. Mr. Micheli stated there have been no hardships offered as to why the petitioners need the variances, and this is self-inflicted. Mr. Micheli stated they will not rent all the garage spaces so residents will park outside. Mr. Micheli stated this development is not in the best interest of the community, and more thought should be put into this.

Brian Garofalo, who resides at 355 Center Street, stated he is all for development, but this dense of a property development is not right for this area. Mr. Garofalo stated this building will be too big. Mr. Garofalo stated he finds the traffic study hard to believe as well as that Reva will be long-term partners with the community. Mr. Garofalo stated this development is not in Glen Ellyn's best interest.

Jim Prescott, who resides at 764 Highland Avenue, stated anytime a development comes to town, parking is an issue. Mr. Prescott stated he thinks this development will give 48 families the opportunity to walk to church, walk to the train and walk to a nice dinner. Mr. Prescott stated he is going to be an empty-nester, and he would want one of these units. Mr. Prescott stated he cannot think of a nicer place that will be so close to town.

Arthur Borkowski, who resides at 693 Elm Street, stated he is an empty-nester, and this would be a perfect place. Mr. Borkowski stated he hopes this gets approved as he want to stay in a nice place in Glen Ellyn. Mr. Borkowski stated he knows some residents many not benefit from this development, but 48 families will be affected positively.

Chris Wilson, who resides at 537 Phillips, stated she is a part of the Citizens for Glen Ellyn Preservation, and they should preserve the character and community of Glen Ellyn. Ms. Wilson stated if this building would fit in, it would be great, but it is too tall and too dense. Ms. Wilson stated this building is for the developer and not for the community. Ms. Wilson stated Glen Ellyn's citizens need to fight to keep their community, and they do not need a building of this size.

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Mike Wilson, who resides at 716 Crescent Boulevard, stated the Village's Zoning regulations are a joke as Glen Ellyn gives into everything. Mr. Wilson stated they need to scale back to what the Zoning Code says. Mr. Wilson stated someone will come in, keep to the Zoning Code and can still make a profit from it.

Pete Ladesic, who resides at 615 Scott, stated a development like this is needed in the community, and he thinks the rents are affordable. Mr. Ladesic stated it would be good to have this opportunity for empty-nesters, and this is a well-thought out development. Mr. Ladesic stated they need to seize opportunities like this if they are going to save Glen Ellyn.

Tom Kamm, who resides at 392 Prospect Avenue, asked why they would need 6 variances. Mr. Kamm stated they should get rid of all the Zoning regulations because the Village is just going to give all the variances anyways. Mr. Kamm asked why they have Zoning regulations if they are not going to be listened to. Mr. Kamm asked if the developers would be developing this property without the TIF District.

Christine Fiebig, who resides at 297 Lorraine, stated she is concerned about any development going on as they need to think about spending money on traffic control. Ms. Fiebig stated she lives where Sawyer joins Lorraine, and people are always moving fast down Lorraine. Ms. Fiebig stated any more development down there will affect Main Street and Lorraine.

Commissioner Hartweg moved, seconded by Commissioner Heming-Littwin, to close the public hearing at 9:00 p.m. The motion carried unanimously by voice vote.

Chairperson Loch called for a 5-minute break at 9:00 p.m.

Chairperson Loch reconvened the meeting at 9:08 p.m.

Chairperson Loch stated there were some questions about the traffic study and asked the traffic consultants to share their findings.

Mr. Schoenberg stated they used normal methodology of trip generation which has a large number of statistics. Mr. Schoenberg stated projects are looked at with how many trips are expected based on the size and number of people on the land use. Mr. Schoenberg stated they use nationally accepted statistics to estimate the trip generation. Mr. Schoenberg stated for a 48-unit apartment building, there are 17 morning trips generated and 22 evening trips generated. Mr. Schoenberg stated for retail or office, it would be 15 morning trips and 38 evening trips generated. Mr. Schoenberg stated there will be a reduction in vehicles coming and going based on the national standards.

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Mr. Millan stated for typical morning traffic counts, they survey between 7:00 a.m. and 9:00 a.m. Mr. Millan stated to account for St. Petronille's School, they expanded the afternoon survey from 2:30 p.m. to 6:00 p.m. Mr. Millan stated these traffic standards are used by the government and private entities and have 50 years of data. Mr. Millan stated even though this is an apartment building, they assumed everyone would be driving and not taking the train so they could see the worst-case scenario, and the traffic counts were still reduced.

Commissioner Fanella asked when KLOA did their traffic counts. Mr. Millan stated on Tuesday, August 28, 2018 when St. Petronille's School was back in session for the school year.

Comments from the Plan Commission

Commissioner Hartweg stated this was a thorough presentation. Commissioner Hartweg states he typically hears from residents, "This is a great idea, but not in my backyard." Commissioner Hartweg stated he appreciates the comments as he knows the values could go down, but they also could go up. Commissioner Hartweg stated he feels pretty good overall about the project, and he is not concerned about the traffic or the parking. Commissioner Hartweg stated he is supportive of this project.

Commissioner Vondruska stated the Plan Commission is made up of Glen Ellyn residents appointed to this Commission, and the Plan Commission is an advisory commission. Commissioner Vondruska stated if the Plan Commission votes to not recommend a project, they cannot put conditions on the project. Commissioner Vondruska stated there are always a faction of people who are against projects, and the Plan Commission looks at the project as a whole with the plusses and minuses. Commissioner Vondruska stated Glen Ellyn has a reputation of being a not-developer friendly Village, and there has not been much development. Commissioner Vondruska stated no one on the Plan Commission wants to harm the character of Glen Ellyn, and residential construction is very different than commercial construction. Commissioner Vondruska stated they need to balance the needs of the people who want a place like this and the people who do not want this. Commissioner Vondruska stated the parking spaces are more targeted toward empty-nesters, and a reduction in cars will keep happening. Commissioner Vondruska stated he is not concerned about the parking variances. Commissioner Vondruska stated he hopes the Village and the petitioners can work things out with the resident to the south. Commissioner Vondruska stated this project is pushing boundaries, but it is not a bad project. Commissioner Vondruska stated he is fine with the Staff-recommended conditions.

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Commissioner Berry stated he supports the overall project. Commissioner Berry stated the developer has a proven track record. Commissioner Berry stated he was initially concerned about the roof, but he is fine with this.

Commissioner Saeed thanked the petitioners for coming back with a redesigned project, and he is confident the petitioners will do a good job. Commissioner Saeed stated his previous concerns about the project have been answered, and the deviations are not that great. Commissioner Saeed stated there will not be a big height difference between this project and the library. Commissioner Saeed stated the Comprehensive Plan encouraged development on this site, and this type of building will enhance this area. Commissioner Saeed stated he asks the petitioners to set aside a small percentage of units for seniors and retirees. Commissioner Saeed stated he fully supports the project.

Commissioner Fanella stated she has been debating on this, but she does not think the Village can let perfect get in the way of good. Commissioner Fanella stated she would have liked to have seen the building pulled back a bit, but she is fine with this. Commissioner Fanella stated they need to bring this type of opportunity to the Village. Commissioner Fanella stated she supports all the Staff-recommended conditions. Commissioner Fanella stated she understands some residents do not want this in their backyard, but this will be an improvement from what is there now.

Commissioner Heming-Littwin thanked all the public who came out and the developer as well. Commissioner Heming-Littwin stated the streets of Glen Ellyn are narrow, and the developer is not required to have underground parking, but will have 1 space per unit anyways. Commissioner Heming-Littwin stated more and more people are down to 1 car or no car at all. Commissioner Heming-Littwin stated the community and character of Glen Ellyn are very important, and the community is based on the people who live in the Village and not the buildings that are built. Commissioner Heming-Littwin stated she wants to see Glen Ellyn continue to thrive, and this development is what she believes is the best thing for the Village. Commissioner Heming-Littwin stated she is concerned about what she heard about what is happening with the property to the south and hopes this gets resolved appropriately. Commissioner Heming-Littwin stated she would like to see landscaping on the south side of the parking lot as an additional buffer and not just a fence. Commissioner Heming-Littwin stated the Plan Commission can only address what is being proposed for a property, and they need this kind of housing in Glen Ellyn. Commissioner Heming-Littwin stated she will vote in favor of this.

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Commissioner Heming-Littwin stated she is fine with the sign variation. Chairperson Loch polled the other Plan Commissioners, and all were fine with this sign variation.
Chairperson Loch stated projects like this that come before the Plan Commission are complex. Chairperson Loch stated there are not a lot of deviation requests with this project compared to other projects. Chairperson Loch stated the Plan Commissioners did have some letters from residents in their packet and another on the dais, supporting this project. Chairperson Loch stated underground parking is expensive, but the developers are putting this in. Chairperson Loch stated she understands the setback is close to Duane Street, but this is because if the building was further south, it would affect more single-family homes. Chairperson Loch thanked the neighbors and community members who came to the meeting. Chairperson Loch stated the building fits into the whole general area, and she is in support of this. Chairperson Loch stated no done deal ever comes before the Plan Commission, and the Plan Commission made suggestions on this project over a year ago. Chairperson Loch stated the Plan Commission does not see a packet on a project until right before a Plan Commission meeting.

Commissioner Heming-Littwin moved, seconded by Commission Berry, to recommend approval of a Special Use Permit for the Preliminary and Final Planned Unit Development, a Special Use Permit for a Zoning Map Amendment and a Sign Variation for a proposed multi-family development on the south side of Duane Street between Melrose Avenue and Prospect Avenue.

After conducting a Public Hearing and deliberating on the request of Warren James and Matt Nix of Reva Development Partners, contract purchasers of the properties located at 443, 435, 431-433, 427-429 Duane Street and 425-431 Melrose Avenue, for approval of a Special Use Permit to allow dwelling units in the C5B Central Business District and a Special Use Permit for Preliminary and Final Planned Unit Development of a multi-family development, including 48 luxury apartments, an underground parking garage and a surface lot on the south side of Duane Street between Melrose Avenue and Prospect Avenue, the Plan Commission makes the following findings of fact in regards to the request:

1. The proposed use will be harmonious in accordance with the general objective for within a specific objective of the Comprehensive Plan and the Zoning Code.

2. The Planned Unit Development will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general facility, and that such use will not change the essential character of the area.

3. The proposed Unit will not be hazardous or disturbing to existing or future neighborhood uses of the property.

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4. The proposed Unit will be served adequately by existing public facilities and services, such as highways, street, police, fire protection, drainage, structure, refuse disposal, water, sewers and schools.

5. The proposed use will not create an excessive additional requirement and public cost for public facilities and services and will not be detrimental to the economic welfare of the Village.

6. The use will not involve activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glares and odors.

7. The development will have vehicular approach to the property which shall be designed as not create undo interference to traffic or surrounding public streets or roads.

8. The development will not increase the potential for flood damage to adjacent properties or require additional public expense for flood protection or rescue or relief.

9. The development will not result in destruction, loss or damage of natural, scenic or historic features of major importance to the community.

In addition, the Plan Commission makes the following findings in regards to the requested Zoning Map amendment:

1. The identification of the existing use of the property within the general area of affected property.

2. The identification of general classifications of the property within the general area of affected property.

3. The determination as to the suitability of the property in question to the uses permitted under the existing classification under the proposed classification or district.

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4. The tend or development, if any in the general area of the affected property including changes if any, which take place since the date the affected property was placed in its present zoning classification.

In addition, the Plan Commission makes the following findings regarding the Sign Variation:

1. The requested variation complies with the state and the purpose.

2. The practical difficulties or hardships in compliance with the Sign Code is based on a unique circumstance.

3. The variation if granted would have no adverse impact on the existing or desired character of the surrounding area.

4. The variation if granted would not endanger public health or safety.

Therefore, the Plan Commission recommends that the Village Board approve a Special Use to allow residential dwelling units in the C5B Zoning District, Special Use for a Planned Unit Development with deviations for building height, parking ratio, parking stall width, building setbacks and stepbacks and impervious surface, the Zoning Map Amendment and Sign Variation to allow two (2) signs instead of one (1) residential identification sign, all subject to the following conditions:

1. That prior to the issuance of a building permit, the petitioners pay the abovementioned Developer Donations to Village taxing bodies.

2. That the project be constructed in substantial conformance with the plans and testimony presented at the Plan Commission public hearing and before the Village Board of Trustees.

3. That prior to the issuance of a building permit, a construction management plan must be prepared, reviewed at a pre-construction meeting and approved by the Police, Fire, Public Works and Community Development Departments.

4. That prior to the issuance of a building permit, the Utility Plan shall be revised to show the roof drains on the northwest portion of the building (north of the parking garage entrance) be connected to the storm sewer at the intersection of Duane Street and Prospect Avenue.

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5. That it is the obligation of the owners of the development to install and maintain the retaining walls on the site in perpetuity.

6. That it is the obligation of the property owners to install and maintain the loading area on the east side of the Melrose Avenue right-of-way in perpetuity.

7. That it is the obligation of the owners of the development to install, maintain, and replace all landscape materials in accordance with the approved landscape plan.

Village Planner Purvis asked Commissioner Hemming-Littwin if her motion includes the full findings of fact and standards that were provided to the Plan Commission this evening and were largely based on the petitioners' application packet, and if she would like those findings of fact and standards attached as an exhibit to the Plan Commission minutes. Commissioner Heming-Littwin affirmed that the motion did include the aforementioned pieces as well. Chairperson Loch stated there was verbiage in the motion as prepared that the Plan Commission would like included, but did not feel the need to read, so it should be attached.

The motion carried with seven (7) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Berry, Fanella, Hartweg, Saeed and Vondruska and Chairperson Loch voted "yes."

Chairperson Loch stated the Plan Commission is an advisory board, and this project will go before the Village Board for a vote on July 8, 2019.

Trustee's Report

Trustee Enright stated the Village Board is working on the update to the Comprehensive Plan, and there is an Open House on Wednesday, June 26, 2019 from 4:00 p.m. to 7:00 p.m. for the public to give feedback on the 6 Catalyst Sites, 3 in the downtown and 3 on Roosevelt Road.

Chairperson's Report

None

Staff Report

Village Planner Purvis stated there will be a meeting on June 27, 2019 as they will continue the public hearing regarding off-premise signage in the downtown and will also talk about a minor subdivision.

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Other Business

None

Adjournment

Plan Commissioner Hartweg moved, seconded by Plan Commissioner Heming-Littwin, to adjourn the meeting at 9:47 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

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Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 10/10/19 07:00 PM
Department: Plan Commission
Department Head: Kelly Purvis
Category: Minutes
Prepared By: Katie Ashbaugh

SCHEDULED

AGENDA ITEM (ID # 4179) DOC ID: 4179

June 27, 2019 Plan Commission Draft Minutes

ATTACHMENTS:

- June 27, 2019 Plan Commission Draft Minutes (PDF)

DRAFT MINUTES
PLAN COMMISSION MEETING
JUNE 27, 2019

Call to Order

The regular meeting of the Plan Commission was called to order by Chairperson Mary Loch at 7:01 p.m. Plan Commissioners Lloyd Berry, Angela Fanella, Phillip Hartweg, Tracy Heming-Littwin, John Mulherin, David Rodemann and Mohammed Saeed were present. Commissioner Jamie Vondruska was excused. Also present were Community Development Director Staci Springer, Village Planner Kelly Purvis and Recording Secretary Debbie Solomon.

Approval of November 9, 2017 Plan Commission Minutes

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to approve the minutes of the November 9, 2017 Plan Commission minutes. The motion carried unanimously by voice vote.

Public Comment

Anne Gould, who resides at 609 Newton Avenue, stated she was reviewing the November 9, 2017 minutes and would like to understand the process. Ms. Gould stated she was excited about the proposal for the Giesche that was discussed at this meeting and wondered what happened to this proposal. Chairperson Loch stated the Plan Commission gave this proposal a green light at a Pre-Application meeting, but never came back with a formal application. Ms. Gould asked if this proposal would have turned out differently if the Civic Center parking garage was built. Chairperson Loch stated they cannot be sure on this.

Commissioner Heming-Littwin stated this was a proposal at a Pre-Application Meeting so the proposers may not have fully understood all the costs involved. Ms. Gould asked if the staff ever follows up with Pre-Applications. Community Development Director Springer stated there is always a lot of communication with a possible petitioner before a proposal comes to the Plan Commission, and staff does brainstorm with petitioners regarding things such as parking. Community Development Director Springer stated if a petitioner does not choose to move forward, the staff does not hound these petitioners. Commissioner Fanella stated she heard there was only one small pipe that came into the building so any project could be a huge undertaking.

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Ms. Gould stated she wanted to understand the process and how the November 19, 2017 minutes were found as she submitted a FOIA for these minutes. Village Planner Purvis stated that a partial set of the minutes had been posted to the Village website accidentally. Upon receiving Ms. Gould's FOIA, and finding the minutes to be incomplete, Staff found the recording from this meeting and had the current Recording Secretary create the complete minutes from the recording so the minutes could be approved and reposted to the website.

Chairperson Loch explained the procedures and role of the Plan Commission.

Public Hearing – 723-737 Hill Avenue & 356 Taylor Avenue – Karch's Minor Resubdivision

On the agenda was a public hearing regarding a request of a Minor Subdivision in accordance with Section 11-3-7 of the Subdivision Regulations Code, in order to make slight alterations to the existing lot lines and exchange land between the four (4) properties.

PUBLIC HEARING – 723-737 HILL AVENUE & 356 TAYLOR AVENUE – KARCH'S MINOR RESUBDIVISION

PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING AN APPLICATION FOR APPROVAL OF A REQUEST OF A MINOR SUBDIVISION IN ACCORDANCE WITH SECTION 11-3-7 OF THE SUBDIVISION REGULATIONS CODE, IN ORDER TO MAKE SLIGHT ALTERATIONS TO THE EXISTING LOT LINES AND EXCHANGE LAND BETWEEN THE FOUR (4) PROPERTIES.

Commissioner Heming-Littwin, seconded by Commissioner Fanella, to open the public hearing at 7:02 p.m. The motion carried unanimously by voice vote.

Staff Introduction

Community Development Director Springer and Village Planner Purvis were sworn in. Village Planner Purvis stated the petitioners are Gary C. and Ann B. Karch, owners of the properties commonly known as 723 Hill Avenue, 727 Hill Avenue, 737 Hill Avenue, and 356 Taylor Avenue, and Steve Norgaard, the Karch's attorney, is here representing the petitioners this evening. Village Planner Purvis showed a site overview of the properties in question and stated the petitioners are requesting approval of a Minor Subdivision in accordance with Section 11-3-7 of the Subdivision Regulations Code, in order to make slight alterations to the existing lot lines and exchange land between the four (4) properties. Village Planner Purvis stated a notice of public hearing for the request was published in the June 12, 2019 edition of the Daily Herald. Village Planner Purvis stated property owners within 250 feet of the properties were notified by

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mail of the public hearing and public hearing placards were placed on the 723 Hill Avenue and 356 Taylor Avenue sites.

Village Planner Purvis stated the subject properties are located on the southwest corner of the Hill Avenue and Taylor Avenue intersection. The properties are zoned R2 Residential District. Village Planner Purvis stated the lots are currently developed with four (4) single-family homes that will remain on the properties, and the surrounding properties are also zoned R2 Residential District and developed with single-family homes.

Village Planner Purvis stated the subject properties are under common ownership and have a total combined area of 1.28 acres between the four (4) lots, and the proposed re-subdivision makes slight changes to the existing lot lines of the four (4) properties. Village Planner Purvis stated there are no non-conforming conditions being created by moving the lot lines as proposed, and in many cases, the existing non-conforming conditions on some of the properties have been improved upon or completely eliminated.

Village Planner Purvis stated the Karch's have indicated that they would like to decrease the size of 723 Hill Avenue in order to prevent future subdivision of the lot, and they are proposing to transfer approximately 20 feet of the east part of the property to 727 Hill Avenue (the property directly adjacent to the east). Village Planner Purvis stated an appropriate setback between the principal structure and the east interior lot line will be maintained, and the lot width will be reduced to 113.82 feet, effectively making the lot un-subdividable. Village Planner Purvis stated the petitioners would also like to straighten out the south lot line of the property at 723 Hill Avenue and are transferring some of the square footage in the rear of the property to the 356 Taylor Avenue property (to the southeast).

Village Planner Purvis stated the 727 Hill Avenue property, directly to the east, currently has a non-conforming lot area and lot width. Village Planner Purvis stated this property would become a conforming lot by receiving the additional square footage from 723 Hill Avenue. Village Planner Purvis stated the 737 Hill Avenue property, to the east of 727 Hill Avenue, is also non-conforming with a patio that encroaches .8 feet onto the 727 Hill Avenue property. Village Planner Purvis stated the Karch's are proposing to eliminate the patio encroachment by shifting the westerly lot line on 737 Hill Avenue one foot to the west. Village Planner Purvis stated the side yard setback to the patio would still be non-comforting, but it would be reduced. Village Planner Purvis stated the southernmost property in the subdivision, 356 Taylor Avenue, is proposed to receive approximately 3,600 square feet of property from the 723 Hill Avenue property. Village Planner Purvis stated the 356 Taylor Avenue property is already a conforming lot, so the main purpose for this transfer of land is to straighten out the rear lot line of the 723 Hill Avenue property and reduce its size, as previously mentioned. Village Planner Purvis showed the existing versus proposed Plats of Survey for all 4 properties. Village Planner Purvis stated the proposed subdivision will result in all properties having Code compliant lot widths

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and conforming lot areas. Village Planner Purvis stated each of the side yard setbacks are either in conformance with the Code, existing non-conformities have been reduced, or the conditions have not changed. Village Planner Purvis stated for these reasons, staff is in support of the proposed re-subdivision of the subject properties.

Village Planner Purvis stated Staff would like to note, that some documentation that would typically be required for the review of a minor subdivision was not requested of the petitioners as part of their submittal. Village Planner Purvis stated the Subdivision Code is written to address typical subdivisions which generally include construction of some kind. Village Planner Purvis stated in this case, the property owners are simply shifting lot lines, and Staff did not feel that the required submittals listed on the slide were necessary to review as part of this request. Village Planner Purvis stated a reason for each omission was provided to the Plan Commission in the staff report; however, the Plan Commission may request that any of this information be provided in order to have a full understanding of the impacts of the resubdivision.

Questions from the Plan Commission

None

Petitioner's Presentation

Steve Norgaard, whose professional address is 493 Duane Street in Glen Ellyn, is the attorney for the petitioners. Mr. Norgaard was sworn in and reviewed the history on how the Karch's acquired the 4 properties. Mr. Norgaard stated 737 Hill is where the Karch's live, and the Karch's are renting out 356 Taylor. Mr. Norgaard stated the Karch's purchased the properties at 727 Hill and 723 Hill so no developer could buy these properties and develop them. Mr. Norgaard stated this resubdivision would clear up the back lot line for 723 Hill which is already unusual, and the other lots would become more of a normal size as well.

Questions from the Plan Commission

Commissioner Mulherin stated if the lot line for 723 Hill is not redone, someone could build a home twice the size because of the big Lot Coverage Ratio (LCR). Mr. Norgaard stated this resubdivision would clean all the lot lines up to make things easier.

Public Comment

No one spoke for or against this request.

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Commissioner Heming-Littwin, seconded by Commissioner Mulherin, to close the public hearing at 7:14 p.m. The motion carried unanimously by voice vote.

Plan Commission Deliberations

Commissioner Mulherin stated he is fine with this request, and the other Plan Commissioners agreed. Commissioner Heming-Littwin stated this request makes sense, and if anything happens on these lots, this will fall under the existing code.

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to recommend approval of a Final Plat of Subdivision for the Resubdivision of four lots located on the corner of Hill Avenue and Taylor Avenue to be known as Karch's Hill and Taylor Resubdivision.

After conducting a public hearing and deliberating on the request of Gary and Ann Karch for approval of a Minor Subdivision of their four properties located at 723-737 Hill Avenue and 356 Taylor Avenue on the southwest corner of Hill Avenue and Taylor Avenue, the Plan Commission finds that the criteria set forth in Section 11-4-1 of the Subdivision Code have been met.

Therefore the Plan Commission recommends that the Village Board approve the requested Minor Subdivision subject to the following condition:

1. That the subdivision shall be recorded in substantial conformance with the plans as submitted and the testimony as presented at tonight's public hearing.

The motion carried with eight (8) yes votes and zero (0) no votes as follows: Plan Commissioners Heming-Littwin, Mulherin, Berry, Fanella, Hartweg, Rodemann and Saeed and Chairperson Loch voted "yes."

Village Planner Purvis asked Mr. Norgaard to call her regarding when this will go before the Village Board for a vote.

Public Hearing – 530-536 Crescent Boulevard & 427 N. Main Street – Downtown Off-Premise Real Estate Signs

On the agenda was a continued public hearing regarding Sign Variations for the properties located at 530 Crescent Boulevard, 532-534 Crescent Boulevard, 536 Crescent Boulevard and 427 N. Main Street.

PUBLIC HEARING – 530-536 CRESCENT BOULEVARD & 427 N. MAIN STREET – DOWNTOWN OFF-PREMISE REAL ESTATE SIGNS

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PUBLIC HEARING WITH DISCUSSION, CONSIDERATION, AND RECOMMENDATION REGARDING SIGN VARIATIONS FOR THE PROPERTIES LOCATED AT 530 CRESCENT BOULEVARD, 532-534 CRESCENT BOULEVARD, 536 CRESCENT BOULEVARD AND 427 N. MAIN STREET TO ALLOW OFF-PREMISE REAL ESTATE SIGNS TO REMAIN ON THE PROPERTIES.

Commissioner Heming-Littwin moved, seconded by Commissioner Hartweg, to reopen the public hearing at 7: p.m. The motion carried unanimously by voice vote.

Staff Introduction

Village Planner Purvis was previously sworn in and stated this public hearing is regarding off-premise signage. Village Planner Purvis stated the petitioners are Marv Ritter, owner of two (2) off-premise signs located at 530 Crescent Boulevard; Tom and Margaret Smith, owner of the property where there are four (4) off-premise signs located at 532-534 Crescent Boulevard; Irene Atchison, owner of one (1) off-premise sign located at 536 Crescent Boulevard; and Chris Kouros, owner of one (1) off-premise sign located at 427 North Main Street.

Village Planner Purvis stated the petitioners are requesting variations from the Glen Ellyn Sign Code to allow existing off-premise real estate signs to remain on the aforementioned Downtown buildings. Village Planner Purvis stated in order for the signs to remain, the Plan Commission must hold a public hearing and review the sign variation requests. Village Planner Purvis showed pictures of each building with the signs highlighted and then a picture of all the signs together. Village Planner Purvis stated each of the petitioners will need to receive approval of a variation from Section 4-5- 5(I) to allow the existing off-premise signs to remain on the property, which is prohibited by the Sign Code, and in addition, each petitioner will need to receive approval of a variation from Section 4-5-11(B) to allow additional signs on the properties, in lieu of the one (1) sign permitted per establishment as follows:

- 530 Crescent Boulevard - requesting two (2) real estate signs in addition to the one (1) wall sign permitted on the building for the business;

- 532-534 Crescent Boulevard - requesting four (4) real estate signs in addition to the two (2) awning signs on the building for the business;

- 536 Crescent Boulevard - requesting one (1) real estate sign in addition to the one (1) wall sign permitted on the building for the business; and

- 427 North Main Street - requesting one (1) real estate sign in addition to the one (1) awning sign permitted on the building for the business.

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Village Planner Purvis stated notice of the public hearing was published in the April 2, 2019 edition of the Daily Herald advertising the public hearing that was held on April 18, 2019, and that meeting was continued to this evening.

Village Planner Purvis stated at the April 18, 2019 meeting, the Plan Commissioners reviewed several applications for sign variations to allow off-premise real estate signage in the downtown. Village Planner Purvis stated the Plan Commission raised a number of legal questions related to the Commission's authority to impose conditions on the off-premise signs so the meeting was continued to allow staff to seek legal counsel on the posed questions. Village Planner Purvis stated the Village's legal counsel has suggested that the Village is within its right to require that the illegal signs be removed in order to bring these properties into compliance with the Sign Code (regardless of the time that has elapsed). Village Planner Purvis stated it is also within the Village's right to amend the Sign Code to permit off-premise signs, or to grant variations to the Sign Code to allow these off-premise signs.

Village Planner Purvis stated if the Village chooses to approve variations to allow the signs to remain, conditions could be added to the approval to include any or all of the following:

- Requiring the removal of the signs upon change of property ownership
- Restricting the use of the sign to the current lease holder
- Limiting the signs to their "historic use", or continued use of the signs as they have been used in the past
- Requiring removal of the signs if they become damaged by more than 50%
- Prohibiting the expansion, enlargement, replacement, structural alteration, or relocation of the sign
- Placing a time limitation on how long the signs can remain
- Requiring that the signs be removed if abandoned for 30 days or more

Village Planner Purvis stated if the Village decides to grant relief to the owners of these illegal signs in the form of variations, the Village can condition that relief on reasonable conditions that are intended to mitigate the impact of these signs and ultimately bring them into conformance with the Sign Code.

Questions from the Plan Commission

Commissioner Heming-Littwin stated at the previous Plan Commission meeting, most of the people there were the actual lessees of the signs and not the building owners, except where Enchantments is at, and asked if the staff has heard from the building owners. Village Planner Purvis stated the staff has not heard from the building owners, but the petitioners in this case

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have affidavits of authorization filled out for the property owners. Commissioner Heming-Littwin stated in most cases, the people requesting that these signs stay are the lease holders and not the actual building owners. Village Planner Purvis stated this is correct. Commissioner Heming-Littwin asked if anything the Plan Commission recommends regarding these signs for the Sign Code will stay as variations with the property to which Village Planner Purvis stated this is correct.

Commissioner Berry asked if the staff knew if the all 4 signs at the 532-534 site were up for more than 50 years or more. Village Planner Purvis stated the staff thinks 2 of these signs were added more recently, but the 532-534 site is a site that the staff is a bit more uncertain than the others. Village Planner Purvis stated the staff has a pretty good idea on the timeframe when the other signs were put up, such as the signs at 530 Crescent were not up prior to 2004, the signs at 536 Crescent were not up prior to 2013 and the signs at 427 N. Main Street were not up prior to 2016.

Public Comment

Gregory Mongolis, whose professional address is 800 Roosevelt Road, Building C14, stated he is the attorney for Thomas and Margaret Smith, and he was sworn in. Mr. Mongolis stated he has a letter from Bill Jagen, former Village Attorney, that Mr. Jagen had written to the Village President and Village Board Trustees, dated June 24, 2018, that states these signs have existed for those 48 years. Mr. Mongolis stated he thinks these signs have been up for more than 50 years. Mr. Mongolis stated the Smiths went to the Glen Ellyn Historical Society to research these signs, but could not find any definitive answer as to how long these signs have been up. Mr. Mongolis stated it is their position that these are non-conforming uses. Mr. Mongolis stated he was reluctant to have his clients go through the variance process, and their position is that these signs were there and were not violating the Sign Code when these signs were put up. Mr. Mongolis stated these signs should stay up as long as the signs have some use which is not a violation.

Commissioner Heming-Littwin asked when they believe the original Sign Code was put in place. Mr. Mongolis stated he is not sure as he did do research at the Glen Ellyn Public Library on this, but he believes the signs have been up for 48 years. Commissioner Heming-Littwin stated the original Sign Code was written by Mr. Jagen in 1969 so that is 50 years ago.

Commissioner Heming-Littwin moved, seconded by Commissioner Fanella, to close the public hearing at 7:33 p.m. The motion carried unanimously by voice vote.

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Comments from the Plan Commission

Commissioner Heming-Littwin stated she knows the signs have been there for a while, and the Sign Code has changed over the years, but she has a problem granting a variance because there is no adverse effect on these properties. Commissioner Heming-Littwin stated these signs were specifically put up to make more money on these properties, and she is not seeing a specific hardship to grant this variance. Commissioner Heming-Littwin stated more of these signs have popped up, and the building owners are making money off of these signs. Commissioner Heming-Littwin stated someone mentioned Lake Geneva had these signs, and these signs are only on buildings with real estate housed inside. Commissioner Heming-Littwin stated these signs are inconsistent, and unless the Village makes a change to the Sign Code, more variances will come before the Plan Commission and continue to set precedents. Commissioner Heming-Littwin stated the Sign Code can be enforced by law, and she does not believe she can vote for a variance.

Commissioner Mulherin stated he does have sympathy for the property owners and the lessees, but it is the Plan Commission's job to make a recommendation based on the wording in the code. Commissioner Mulherin stated the Village Board is a policy-making body, and it should be their job to do this as the Plan Commission is not in a position to do this. Commissioner Mulherin stated he cannot support this petition, but he hopes the Village Board will look at this. Commissioner Mulherin stated he does not want any more proliferation of these.

Commissioner Rodemann stated he does feel for the petitioners. Commissioner Rodemann stated he would possibly want to see a way to set up a sunset to occur for a set period of time if the Sign Code is not amended. Commissioner Rodemann stated these signs do a service, and the signs do not bother him much. Commissioner Rodemann stated he might support some sort of variance to exist for a period of time with a sunset provision.

Commissioner Fanella stated she cannot support this variation as it does not meet the requirements in the Sign Code for a hardship. Commissioner Fanella stated she also does not support a change to the Sign Code for these signs. Commissioner Fanella stated does would support a condition that gives the petitioners until August 31, 2019 to take these signs down.

Commissioner Saeed stated he agrees the signs should come down and thinks the suggestion for an August 31, 2019 timeframe is good.

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Commissioner Hartweg stated the signs are somewhat entertaining and informative, but the signs should come down. Commissioner Hartweg stated it is an unfortunate situation that the signs do not meet any stipulations for changes. Commissioner Hartweg stated this should go to the Village Board.

Commissioner Berry stated this should go to the Village Board, and it would be good to grant a variance or a sunset for 532-534 Crescent, which are the signs that have existed for the longest period of time.

Chairperson Loch stated the signs can provide interest and can be quaint, but she is not sure how long these real estate signs will be effective. Chairperson stated these signs were always illegal and non-conforming, and she agrees with the suggestion of the signs coming down by August 31, 2019.

Commissioner Heming-Littwin moved, seconded by Commissioner Mulherin, to recommend denial of Sign Variations for Off-Premise Real Estate Signage located at 530-536 Crescent Boulevard and 427 N. Main Street.

Having considered the applications of Marv Ritter, Tom and Margaret Smith, Irene Atchison and Chris Kouros for the off-premise real estate signage located at 530-536 Crescent Boulevard and 427 N. Main Street for approval of sign variations for the real-estate signage on each of the buildings, the Plan Commission hereby finds that the requested variations:

1. Do not comply with the Statement of Purpose in the Glen Ellyn Sign Code because the Sign Code states “there should not be a proliferation of off-premise signs as it can obscure the legitimate efforts of local business establishments to reasonably identify the location and nature of their businesses”.

2. The plight of the owner is not due to unique circumstances because any property in the same district could request similar signage for the purposes of generating additional revenue.

3. That the variations if granted would have an adverse impact on property values in the surrounding area because the signs create clutter and detract from the architecture and character of the downtown.

4. Will alter the essential character of the locality because the signs have increased in number over the years and have a blighting effect due to the visual clutter they create.

5. That the purpose of the variations is based exclusively upon a desire to make more money out of the property and/or to advertise a business for the tenants to earn money.

Attachment: June 27, 2019 Plan Commission Draft Minutes (4179 : June 27, 2019 Plan Commission Draft Minutes)

Therefore, the Plan Commission recommends that the Village Board deny the following variations:

A. A variation from Section 4-5-5(I) to allow 8 off-premise real estate signs on the properties located at 530-536 Crescent Blvd. and 427 N. Main St.

B. A variation from Section 4-5-11(B) to allow:

a. Two (2) off-premise real estate signs in addition to the one (1) permitted wall sign on the building for the business on the property located at 530 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and

b. Four (4) off-premise real estate signs in addition to the two (2) awning signs on the building for the business on the property located at 532-534 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and

c. One (1) off-premise real estate sign in addition to the one (1) wall sign on the building for the business on the property located at 536 Crescent Blvd., in lieu of one (1) sign permitted per establishment; and

d. One (1) off-premise real estate sign in addition to the one (1) awning sign on the building for the business on the property located at 427 N. Main St., in lieu of one (1) sign permitted per establishment.

The motion carried with seven (7) yes votes and one (1) no vote as follows: Plan Commissioners Heming-Littwin, Mulherin, Fanella, Hartweg, Rodemann and Saeed and Chairperson Loch voted “yes.” Commissioner Berry voted “no.”

Chairperson Loch stated this will go to the Village Board for a final vote. Village Planner Purvis stated she is not sure when this will go to the Village Board as of yet.

Commissioner Heming-Littwin stated the Village has a Sign Code, and she believes others are now taking advantage and are not in compliance with the Sign Code. Commissioner Heming-Littwin stated she will go around the Village and give any sign information she believes is non-conforming to the Village staff. Commissioner Heming-Littwin stated she wants to ensure all the Village is compliant to the Signe Code as the Village should be stricter on the Sign Code.

Community Development Director Springer stated anyone can speak at the Village Board Meeting.

Attachment: June 27, 2019 Plan Commission Draft Minutes (4179 : June 27, 2019 Plan Commission Draft Minutes)

Trustee's Report

None

Chairperson's Report

None

Staff Report

Village Planner Purvis stated the staff has no applications so there will probably not be a meeting on July 11, 2019.

Commissioner Berry asked for an update on the parking garage. Community Development Director Springer stated this project is in the second review, and the staff will be sending a letter out next week to the consultants. Community Development Director Springer stated there are a lot of complicated matters to be figured out with the proposed parking garage, and it will be at least a few months until this comes before the Plan Commissioner.

Other Business

None

Adjournment

Plan Commissioner Heming-Littwin moved, seconded by Plan Commissioner Fanella, to adjourn the meeting at 7:54 p.m. The motion carried unanimously by voice vote.

Respectfully Submitted,

Debbie Solomon
Recording Secretary

Attachment: June 27, 2019 Plan Commission Draft Minutes (4179 : June 27, 2019 Plan Commission Draft Minutes)

Plan Commission
535 Duane Street
Glen Ellyn, IL 60137

Meeting: 10/10/19 07:00 PM
Department: Plan Commission
Department Head: Kelly Purvis
Category: Public Hearing
Prepared By: Kelly Purvis

SCHEDULED

AGENDA ITEM (ID # 4172) DOC ID: 4172

Zoning Text Amendments Related to Recreational Cannabis Businesses

Background on the Cannabis Regulation and Tax Act (CRTA):
On June 25, 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act (CRTA) which legalizes the sale, possession, and use of cannabis for recreational purposes in limited quantities by persons 21 years and older, beginning January 1, 2020. The State of Illinois put together a summary of the Act, which staff has attached to this memo along with definitions for cannabis related businesses for the Commission to reference.

As with medical cannabis, the CRTA provides a limited number of licenses that the State will issue for cultivation centers and dispensaries. It is anticipated that the majority of the existing 55 medical cannabis facilities in the state will apply for "early approval" licenses to allow those dispensaries to serve both medical and recreational cannabis markets starting January 1, 2020. In State Police District 34 (DuPage County), there are currently three licensed medical dispensaries, one in Naperville and two in Addison. In addition to the one recreational license that will be available for existing medical cannabis distributers to have at their existing location, those business owners may also apply for a "secondary site" license which could be offsite elsewhere in the region. If allowed, one of these secondary sites may choose to locate in Glen Ellyn and could potentially start operation as early as January 1, 2020. After that, the State will issue licenses on a staggered basis through 2022. Note, the CRTA also establishes new types of licenses for processing, transporting, infusing and craft growing in addition to dispensing and cultivation licenses. Municipalities may regulate or ban cannabis businesses in their jurisdiction but have no control over the State licensing process and cannot ban possession or consumption of cannabis products.

The Village of Glen Ellyn may prohibit or significantly limit the location of recreational cannabis businesses by ordinance. The Recreational Cannabis Act itself prohibits a new cannabis dispensary from locating within 1,500 feet of another dispensary. If the Village chooses to permit recreational cannabis dispensaries within its borders, then it may designate the zoning districts within which cannabis businesses may be allowed as a permitted or special use and enact reasonable zoning regulations such as standards for off-street parking, signs, and separation from residential or other sensitive uses, among other things. In addition, the Act gives the Village the ability to decide if it wishes to allow other kinds of cannabis businesses (cultivation, distribution centers, etc.) and if the use of cannabis will be allowed on site at dispensaries (such as a smoking lounge).

The CRTA sets tax rates on both wholesale transactions by cultivators and retail sales by dispensaries. It also authorizes counties and municipalities to impose local taxes on retail sales including an optional tax up to 3%.

State Level Taxation:
State taxation of cannabis products will be dependent upon the levels of THC in the products (see

attached FAQ). The Department of Revenue projects that the recreational cannabis industry will generate 57 million in tax revenue and licensing fees in FY20. Government proceeds collected by the State associated with the sale of recreational cannabis are to be distributed as follows:

- 20% to State mental health service and substance abuse programs
- 10% to pay unpaid State bills
- 35% to the State General Fund
- 2% to public education and safety campaigns
- 8% to the Local Government Distributive Fund, for prevention and training for law enforcement
- 25% for identified social equity programs

On Site-Consumption:
One of the more open-ended provisions in the CRTA grants local governments authority to permit the consumption of cannabis "at or in a cannabis business establishment" or "other entity" and deems that such on-site consumption locations are not public places under the Smoke Free Illinois Act. The provisions in the CRTA are intended to empower but not require local governments to allow cannabis consumption locations similar to hookah lounges and cigar bars. California, Colorado and Alaska allow on-site consumption of cannabis, although very few licensed establishments exist in those states.

State Licensing:
Licensing requirements depend on the kind of cannabis business, what kind of license they are applying for (early approval - same location, early approval - secondary location) and the date by which they are applying (prior to January 1, 2021 or after January 1, 2021). Licenses for a secondary site of an existing dispensary facility (potentially impacting Glen Ellyn) require an application, fee, evidence of local zoning approval, a plot plan of the dispensary, written statement from the property owner giving approval, copy of the business plan, copy of the bylaws, a description of the services offered, description of the dispensing process, a copy of the security plan (outlining delivery methods, the process for monitoring and securing the facility and prevention of theft, and the process to ensure access to restricted areas will be secured), the proposed inventory control plan, and a commitment to completion of a social equity inclusion plan.

All cannabis businesses require a number of security measures including a security plan be submitted to the State. Dispensaries require, among other things, the maintenance of adequate lighting, a perimeter alarm on all entry points, shatter-proof windows, a duress alarm, and the placement of security cameras with unobstructed surveillance of enclosed dispensary areas, outside areas, the storefront and the parking lot.

Additionally, only cannabis products derived from licensed Illinois cultivators can be sold in Illinois dispensaries.

Community College Pilot Program:
Eight Community Colleges in the State will be granted the opportunity to participate in a four-year pilot program to incorporate plant handling in their curriculum. The program will be jointly

administered by the Illinois Community College Board and the Department of Agriculture. While the program will allow hands-on learning of cultivation and processing, all harvested product resulting from the program must be destroyed. Up to 8 licenses will be issued by September 1, 2020 so that instruction may begin in the 2021-2022 academic year. More information about this program will become available from the Department of Agriculture and the Illinois Community College Board when the application has been developed. The College of DuPage has indicated that the College does not plan to apply for a license to participate in the pilot program at this time.

FAQ Page:
Staff has done extensive research and pulled together several sources of information for the Commission to review. Attached to this memo is an FAQ sheet that answers many questions related to the new law and how it will affect Municipalities. The FAQ has information about packaging requirements, who can purchase and grow cannabis, workplace drug policies, consumption on private property, consumption in public spaces, how recreational cannabis will be taxed, and much more.

Background Village Board Action:
On August 19, 2019, the Village Board met for a workshop on recreational cannabis. The Board heard a presentation by Assistant Village Manager, Bill Holmer, and then public comment from several members of the public before beginning discussion of the topic. The Board did not make any final determinations at the workshop and largely felt that more information was needed prior to determining how to regulate recreational cannabis.

The Village Board did provide some direction to staff that may be useful to the Plan Commission. The Board discussed the need to examine the costs and impacts of allowing the sale of recreational cannabis compared to the potential tax revenue that could be gained. Some members of the Board discussed holding a public referendum to understand resident views on the subject and encouraged additional public outreach on the topic. Several members of the Board felt that recreational cannabis should not be consumed on site at dispensaries (cannabis lounges). If cannabis dispensaries are permitted, some members of the Board supported only allowing them in the zoning districts along Roosevelt Road, while others stated they would need more information before determining acceptable zoning districts. The minutes from the Village Board workshop are attached for the Plan Commission's review. In addition, staff has provided additional resources and information (both in and attached to this memo) as requested by the Village Board.

After the workshop, the Village Board passed 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. The resolution also states that the Plan Commission will hold a public hearing on text amendments to regulate recreational cannabis within 90 days.

Public Comments:
In an effort to engage the public regarding the regulation of recreational cannabis, prior to the Village Board workshop, Village staff launched an online public outreach process. A separate webpage was created on the Village's website dedicated to the topic of recreational cannabis including an FAQ, relevant policy information, and a contact form for residents to voice their

opinions. Information about this webpage has been widely promoted by the Village's communications manager on social media and in the Village eNews. Commissioners can find this webpage on recreational cannabis on the bottom right corner of the Village's website homepage under "News & Updates" or at <http://www.glenellyn.org/CivicAlerts.aspx?AID=83>. A compilation of public comments submitted to the website has been provided for the Commission's review. As of October 3, 2019, 108 people have submitted comments, with 59 of those respondents (54%) in favor of the Village allowing recreational cannabis sales. Those that were in favor cited the tax revenue as the number one reason to allow it. Those that were opposed (43%), most commonly commented that it would have a negative impact on the character of the Village, it would increase access to children and would increase crime. Approximately 2% of the respondents were neither for nor against allowing recreational cannabis sales in the Village.

Staff Research:

No member of the Village staff has an extensive background in studying the effects of cannabis on public health, safety, or budgets. Staff has pulled information from many resources, interviewed a Cannabis Educator and attended a meeting at the College of DuPage on recreational cannabis. The meeting was led by the DuPage County Health Department and DuPage County Prevention Leadership Team (PLT). Staff has not independently verified the information, sources, or methodologies used by either of these groups. As with any controversial topic, staff recommends an abundance of sources be consulted when reading facts, figures, and statements from potentially biased sources. Staff did confer with legal counsel, Kurt Asprooth, an attorney with Ancel Glink that is well versed in the CRTA regarding this topic. Attorney Asprooth will be in attendance at the Plan Commission meeting to answer questions of the Plan Commission and public.

Cannabis Educator Interview:

After the Village Board Workshop, three people gave staff their contact information wishing to share additional information and resources. Staff contacted all three people but only heard back from one. Staff met with this person who is a Glen Ellyn based Cannabis Educator, Medical Cannabis Advisor, and patient advocate. The educator outlined the benefits of medical cannabis for patients with certain kinds of ailments (a list has been attached). She stated that recreational dispensaries could remove barriers that exist for people that wish to try cannabis for medicinal purposes. She noted that hundreds of ailments can be treated with cannabis but that only 37 illnesses have received approval through the State for medical use. She also indicated that being approved for a medical card takes multiple doctors' visits and patients incur hundreds of dollars in expenses prior to even purchasing the medicinal cannabis. Recreational dispensaries would remove those up-front costs allowing patients to try products to see if there is any benefit. She noted that due to the limited location of medical dispensaries, traveling to get medical marijuana can be difficult and/or costly for patients or their caregivers. Recreational cannabis dispensaries could potentially make it easier for these medical users to access the products.

The Cannabis educator also stated that on-site consumption may be useful for medical patients who are looking for a safe place to test products and for patients/people that are not permitted to use marijuana products in their homes. She pointed out that medical facilities and spas might want to allow patients to sample products containing cannabis such as a tincture, balm or lotion for example. In order for this to be allowed, the establishment would need to have a State license to sell

recreational cannabis and the municipality would need to permit on-site consumption.

She listed the many cannabis products that are available, most of which are not smoked and many of which may contain no THC or low amounts of THC. The products are used for many different reasons, with different effects. She also noted that timing of the effects can vary greatly depending upon the type of cannabis product ingested. Cannabis can be used through consumption of an edible, a tincture or a concentrate, it can be smoked, or applied topically as a balm or patch, and can also come in the form of a suppository.

The educator cautioned that education about cannabis and its affects would be very important for youth, the general public, law enforcement and paramedics, caregivers and first time users. She noted for example, that medical patients are sometimes on high doses of THC which they may have ingested in a way that does not create impairment. However, a blood test would indicate that the person is impaired. Depending upon the type of product used, the effect of the cannabis product may be delayed, prompting the user to take more or to feel comfortable leaving their location and become impaired while driving.

Finally, she recommended that dispensaries be located away from schools. She noted that vaping has become a concern for youth as have edibles in the form of candies and suggested additional regulation around these types of products. (Note, legal counsel has advised against restricting types of cannabis products that can be sold, as this would further restrict what the Act allows).

College of DuPage Meeting on Recreational Cannabis:
Staff also attended the September 10, 2019 meeting at the College of DuPage hosted by the DuPage County Health Department and the Prevention Leadership Team (PLT) which works to prevent youth substance abuse. At this meeting presenters outlined the risks of cannabis use and potential negative impacts on communities. PLT shared reports from the federal anti-drug organization the Rocky Mounty High Intensity Drug Trafficking Area that stated after recreational cannabis was legalized in Colorado, the state saw increased cannabis-related traffic deaths and increased cannabis related emergency room visits. The study also showed that 39% of cannabis users reported being high at work at least one day per week. PLT stated that cannabis legalization in Colorado had a negative impact on public sector revenues using data from the anti-cannabis legalization advocacy group Smart Approaches to Marijuana (SAM). They also quoted a Colorado Department of Transportation study which stated that 27% of cannabis users reported driving high almost daily.

PLT also spoke about the 2018 Illinois Youth Survey which said 19% of 8th graders, 34% of 10th graders and 41% of 12th graders saw little or no risk to smoking cannabis once or twice per week. In the same study 14% of 8th graders, 42% of 10th graders, and 61% of 12th graders said it would be sort of, or very easy to obtain cannabis.

PLT provided information from a 2017 article published in the National Academy of Pediatrics meant to educate parents stating that cannabis can harm the still developing teen brain; regular cannabis use in teens can lead to higher risk for addiction, depression, psychosis and other mental health problems including problems with memory and learning, difficulty thinking, impaired coordination and difficulty maintaining attention. The article also noted, being under the influence

of cannabis can impair driving abilities, high-potency cannabis is linked to addiction, and inhaling cannabis can lead to lung damage. PLT reported that roughly 75% of municipalities in states with recreational cannabis opt-out. According to the CDC 1 in 6 teens who repeatedly use cannabis can become addicted. It was noted that frequent or long-term cannabis use is linked to school dropout and lower educational achievement. According to a paper titled *Unintentional Pediatric Exposures to Marijuana in Colorado*, Colorado saw a 34% increase in regional poison control cases per year with most pediatric exposures involving an edible product.

Overall, the presenters at this meeting where strongly opposed to legalizing recreational cannabis. During the Q&A part of the meeting, staff asked if there were any studies or reports on how opting-in or opting-out of retail sales (in a state that has already legalized cannabis) affects municipalities. The presenters were not aware of any such studies.

Literature Review:

There are a wide range of studies, reports, and opinion pieces about cannabis. Staff collected studies and reports that State governments have published from areas that have legalized recreational cannabis. Staff notes that many of these studies are from the State, not local, level and that it may be difficult to draw conclusions on the data considering how recently recreational cannabis has been legalized. Washington and Colorado, the first states to legalize recreational sales, did not see those sales until 2014. Adding complications is the diversity of laws and the dates at which those laws were implemented. Maine voted to legalize recreational cannabis in 2016 and quickly allowed home growing and consumption but has yet to see any recreational dispensaries open (though this will likely occur in 2020). Other states such as Vermont have simply had very little time in-between legalization and today. While Vermont has published research on cannabis in 2016, 2017, and 2018 this information cannot judge the impact of their local recreational legalization which began in July of 2018. Overall, the states that have legalized cannabis have done so only recently with a diverse legal landscape on what is allowed, making it difficult to fully judge or compare impacts.

There are a number of non-governmental organizations that have published research on cannabis impacts with many opposing opinions and analysis. Staff recommends decision makers consult a wide range of sources including those attached, the resources listed in Chief Norton's memo, and additional resources from relevant trustworthy organizations. Please note that staff has not fact checked these resources and as with any controversial topic there may be bias in their findings or means of analysis.

The most comprehensive study that staff could find on the effects of recreational cannabis legalization was published in 2018 by Colorado's Department of Public Safety. This is a state level study on the impacts of legalization and may be reflective of the effects of legalization in the State of Illinois (although the laws vary). A direct comparison cannot be drawn for Glen Ellyn, however, as the study does not show what the impact was on a municipal level for communities that allowed recreational cannabis businesses. An executive summary of the study is attached to this memo. The full study is available on-line and is listed in the additional resources attached to this memo. Some of the key findings in the study include:

- The number of cannabis related arrests and court filings decreased.

- The total number of DUI's decreased, although the number of DUI's involving suspected marijuana use increased from 12% to 15% from 2015-2017.
- There was a substantial increase in the number of marijuana plants seized on public lands (up 73%) from 2012-2017.
- There was an overall increase in adult usage of marijuana, with male usage being higher than female usage. Men aged 18-25 showed the highest usage rates.
- Hospitalization rates with possible marijuana exposure increased substantially (235%). ER visits also increased by 23%, but it is not indicated if those visits were also due to possible marijuana exposure.
- The study showed no significant change in youth use rates, but noted that student usage of marijuana tends to increase by grade.
- Youth usage of cannabis in Colorado is higher than the national average.
- The number of youth arrests related to cannabis decreased.
- The number of drug related suspensions increased.

The study cautions that its data is preliminary and that the information should be interpreted with caution. Legalization may result in reports of increased use, which may be a function of the decreased stigma and legal consequences associated with use rather than actual changes in use behavior. Likewise, those reporting to poison control, emergency departments, or hospitals may feel more comfortable discussing their recent use or abuse of marijuana for purposes of treatment. It is also important to note that the State of Illinois has limited the number of recreational dispensary licenses to 500 total by 2022. If all 500 licenses are issued there would be approximately one dispensary for every 25,000 residents - far less than Colorado's rate of one dispensary per 10,000 residents.

Community Survey:

Staff has completed a survey showing how 64 other Illinois communities are choosing to regulate recreational cannabis businesses. Please see the attached survey for more information. About 36% of the surveyed communities are taking action or leaning toward permitting some sort of cannabis business. Approximately 31% are taking action or leaning toward prohibiting cannabis related businesses. Nearly one third of the communities surveyed have not taken action to permit or ban cannabis related businesses.

Being that Lombard shares our boarder to the east, staff thought it would be relevant to share that their Village Council voted to allow recreational dispensaries by-right in their office and industrial districts and in their business district along Roosevelt Road. They will require a special use for recreational cannabis dispensaries in the neighborhood commercial, corridor commercial and downtown districts.

Map Studies:

Staff prepared several buffer maps to assist the Plan Commission in deciding which, if any zoning districts would be appropriate for recreational cannabis businesses. Map 1 shows the current State/Village liquor license setback requirements, which are 100 feet from church, school, religious and nursing home buildings. Staff would suggest that cannabis businesses be required, at a minimum, to meet the same distance buffers as liquor license holders.

Map 2 shows a buffer of 1,000 feet from all schools. This buffer requirement for cannabis businesses would effectively eliminate their placement in most of Central Business District and the Stacy's Corners area, but would allow businesses to locate along Roosevelt Road. Staff would support such a buffer requirement.

Map 3 shows a buffer of 1,000 feet from both school and daycare uses, while Map 4 shows the buffer proposed in the Illinois Municipal League draft ordinance which is 1,500 feet from school and daycare uses. Since daycares can change locations regularly, these buffers might prove difficult to enforce. Note, these buffer requirements would eliminate the Central Business District and Stacy's Corners commercial areas completely, and would significantly limit placement of cannabis businesses in the commercial areas along Roosevelt Road.

Map 5 shows where the Village currently allows medical cannabis facilities. Note, if recreational cannabis dispensary businesses are permitted in the Village staff would recommend changing the zoning for medical cannabis dispensaries to mirror the zoning of recreational facilities.

Staff Feedback:

Public Safety

Public safety is commonly part of the discussion regarding this new legislation and whether municipalities will allow recreational sales in their jurisdictions. Chief Norton was asked to provide feedback on this topic from a law enforcement perspective, and he expresses opposition to recreational cannabis businesses within Glen Ellyn in his attached memorandum.

Community Development/Administration

Staff has considered the issues related to recreational cannabis and followed many of the responses from other communities, which have been divided between approval and denial. If the Village Board decision is to allow recreational sales in Glen Ellyn, staff is supportive of 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.

Staff has drafted Zoning Code Text Amendments in accordance with this recommendation for the Plan Commission's review and consideration (attached).

Questions for Plan Commission Consideration:
While staff has suggested draft Zoning Code text amendments for this issue for Plan Commission consideration, the Plan Commission may wish to confirm they are in agreement with the principal elements of the text amendments listed below.

1. Should the Village allow on-site cannabis consumption at cannabis businesses (sampling of edibles or balms, smoking, etc.)?
2. In what zoning districts should cannabis businesses be allowed, if any?
3. Should they be allowed as a permitted or special use?
4. Should buffers exist between cannabis businesses and other uses?

Commission Action:
The Commission is being asked to provide a recommendation on the proposed text amendments prepared by staff related to zoning, buffers, on-site use and parking requirements for cannabis dispensaries. 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.

Attachments:

Definitions from the Cannabis Regulation and Tax Act
FAQ on Recreational Cannabis
State of Illinois Summary of HB 1438 - The Cannabis Regulation and Tax Act.
Impacts of Marijuana Legalization in Colorado - Executive Summary, State of Colorado 2018
List of Additional Resources
List of Qualifying Conditions - Medical Cannabis
Community Survey
Minutes from August 19, 2019 Village Board Workshop
Chief Norton Memo on Recreational Cannabis
Mapping Studies (5 maps)
Public Hearing Notice
Proposed Text Amendments

CC: Mark Franz, Village Manager
Greg Mathews, Village Attorney
Bill Holmer, Assistant Village Manager
Chief Norton, Police Chief
Kurt Asprooth, Village Counsel

ATTACHMENTS:

- Definitions Established by the CRTA (PDF)
- FAQ Page (PDF)

- State of Illinois Summary of HB 1438 - CRTA (PDF)
- Impacts of Marijuana Legalization, Colorado Summary, 2018 (PDF)
- List of Additional Resources (PDF)
- List of Qualifying Conditions - Medical Cannabis (PDF)
- Community Survey (PDF)
- Minutes - August 19, 2019 Village Board Workshop (PDF)
- Norton Memo to Village Board (PDF)
- Map 1 - Liquor License Requirements (PDF)
- Map 2 - 1,000 ft School Buffer (PDF)
- Map 3 - 1,000 ft School & Daycare Buffer (PDF)
- Map 4 - 1,500 ft School & Daycare Buffer (PDF)
- Map 5 - Possible Medical Dispensary (Current Regulations) (PDF)
- Public Notice Recreational Cannabis ZTA (PDF)
- Proposed Text Admendments (PDF)

Definitions as Established by the Cannabis Regulation and Tax Act

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

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Craft grower" means a facility operated by an organization or business that is licensed by the 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 state. 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.

"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 this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the 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 this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

"Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

"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.

Attachment: Definitions Established by the CRTA (4172 : Zoning Text Amendment - Recreational Cannabis)

FAQ on Recreational Cannabis and the Village of Glen Ellyn

1. **When was cannabis made legal in Illinois?**
   On Tuesday 6/25/2019, Governor JB Pritzker signed Illinois House Bill 1438, better known as the Cannabis Regulation and Tax Act (CRTA), thus legalizing the consumption and possession of cannabis for adults 21 and older in Illinois starting January 1, 2020. Illinois is the 11th state in the country to legalize the recreational use and purchase of marijuana (after Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, and Washington).

2. **How much cannabis may an individual possess?**
   Illinois residents may possess up to:
   - 30 grams, or just over one ounce of "flower"
   - 5 grams of cannabis concentrate
   - 500 milligrams of THC - the chemical that makes users high – in a cannabis infused product such as gummies, candy, other consumable products (referred to as "edibles"), or tinctures, and lotions

   Non-Illinois residents may legally possess up to ½ of these amounts.

3. **What are the packaging requirements?**
   All cannabis sold by a dispensing organization to purchasers must have a warning label, 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 THC in milligrams. Packaging for any product containing cannabis shall be child-resistant and light-resistant.

   Packaging must not contain information that is false, promotes excessive consumption, depicts a person under 21 years of age consuming cannabis, the image of a cannabis leaf, any image designed or likely to appeal to minors (cartoons, toys, animals, etc.).

4. **What is the process for a dispensing organization to sell recreational cannabis to a purchaser?**
   Before cannabis is dispensed:
   - The age of the purchaser must 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 organizations' agent identification number, the amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed, and the date and time the cannabis was dispensed.

Attachment: FAQ Page (4172 : Zoning Text Amendment - Recreational Cannabis)

Dispensing organizations shall refuse to sell cannabis to anyone unless the person produces a valid identification showing that the person is 21 years of age or older.

5. **Who can legally purchase and consume cannabis?**
As a result of the new State legislation, the consumption of cannabis as of 1/1/2020, will be treated similarly to that of the consumption of alcohol with any Illinois resident, or non-resident, ages 21 or over, now being able to purchase and consume cannabis.

6. **Who can legally grow and sell recreational cannabis?**
Only licensed businesses will be able to legally grow and sell cannabis. Medical cannabis patients will be allowed to grow up to five plants each within their home. Recreational users will not be allowed to grow any plants.

7. **Can the consumption/possession of cannabis be banned by a local municipality like Glen Ellyn?**
No, municipalities cannot ban or override the CRTA. Furthermore, municipalities cannot ban residents from private cannabis consumption.

8. **Will the Village have any regulatory abilities?**
Yes, Section 55-25 of the Act outlines what municipalities are allowed to regulate. The Village may enact reasonable zoning regulations that do not conflict with the Act including buffers between sensitive uses. Furthermore, the Village can require Conditional/Special Use permits for cannabis businesses to impose limits on "time, place, manner, and number" of cannabis business operations. The Village is allowed to ban recreational cannabis businesses completely and may regulate or ban on premise consumption of cannabis at cannabis business establishments. The Village cannot limit hours of operation more strictly than the Act. The Village can limit the number of cannabis businesses by issuing a limited number of licenses (similar to liquor licenses). Please note, local governments are required to allow medical cannabis dispensaries subject only to local zoning provisions and cannot ban residents from using cannabis products on private property.

9. **What regulatory abilities, if any, do business owners and landlords have?**
Any person, business, public entity, or landlord may prohibit the use of cannabis on private property. Smoking cannabis is prohibited in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.

10. **Will cannabis consumption be allowed in public spaces?**
No, the consumption of cannabis in any public place is considered unlawful. A "public place" means any place where a person could reasonably be expected to be observed by others. This includes school grounds, correctional facilities, and unsecured possession in motor vehicles. Furthermore, it will be unlawful to knowingly consume cannabis in close physical proximity to someone under 21 who is not a registered medical cannabis patient.

11. **Where will consumption be allowed?**
The consumption of cannabis will be allowed on private property. Consumption may potentially be permitted at specifically designated establishments such as dispensaries or

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smoking lounges if allowed by local ordinance. Smoking at dispensaries or smoking lounges would be dependent on the Village Board approving zoning for such a use.

12. Does the Act itself restrict the location of cannabis businesses or advertising?

The Recreational Cannabis Act itself prohibits a new cannabis dispensary from locating within 1,500 feet of another dispensary. Glen Ellyn may further restrict the location through reasonable zoning regulations. The Act authorizes up to 500 dispensary licenses in the state, allows dispensaries to operate from 6 a.m. to 10 p.m. and enables dispensaries, infusers and/or craft growers to share a facility if allowed by the local municipalities. The Act requires that cannabis advertising be at least 1,000 feet from school grounds, playgrounds, public recreational facilities, child care centers, public parks, public libraries, and gaming arcades (if that arcade is not limited to patrons 21+). The Act bans any sign that makes any health, medicinal, or therapeutic claims about cannabis or cannabis products, including the image of a cannabis leaf or bud, or advertises to minors (such as including cartoons, toys, or animals). Packaging will require a warning about cannabis consumption.

13. What is the Licensing Timeline?

The 55 current medical-cannabis dispensaries in the state get early approval for licenses to sell under the new Act. They may apply to dispense recreational cannabis at their current stores and for a license for a second location, meaning the state could have up to 110 recreational cannabis outlets by the time sales start January 1, 2020.

- October 15, 2019, applications for up to 75 dispensaries will be made available. These new businesses will serve in addition to (the up to 55) medical dispensaries that could get approval to serve adult recreational consumers during the transition.
- January 1, 2020, sales begin. January 7, 2020, applications for infusers, transporters, and a new category of cultivator called a craft grower will be published for business applicants.
- May 1, 2020, new state approved dispensary licenses will be issued, and the state will begin a disparity and market study of the cannabis industry.
- July 1, 2020, up to 40 craft grower and infuser licenses will be issued, along with an unlimited number of transporter licenses.

The Act allows for up to 47 dispensary licenses to be awarded within the "Chicago-Naperville-Elgin" region (including Cook County, DeKalb County, DuPage County, Grundy County, Kane County, Kendall County, Lake County, McHenry County and Will County) by May 1, 2020. The applications for such licenses shall be available by October 1, 2019. Once the disparity and market studies are complete, the state can issue additional licenses if needed. These licenses must take into account the findings of the disparity study.

14. What will the Village's role be in the licensing process?

The Village would play no role in the licensing process as it is left up to the State Department of Financial and Professional Regulation (DFRF) to select and process applications for those individuals attempting to obtain a license. The 55 current medical-cannabis dispensaries are eligible for early approval of licenses to sell under the new Act.

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15. Are there any changes to existing medical cannabis laws?

Yes, in August, 2019, Governor Pritzker signed SB 2023 making Illinois' medical cannabis program permanent (it was set to expire in 2020) and adding all of the medical conditions previously recommended by the Medical Cannabis Advisory Board. The governor also signed SB 455 ("Ashley's Law") increasing access for minors seeking cannabis treatment at school. After efforts led by Rep. Bob Morgan (Deerfield) to get the bills passed, the new debilitating medical conditions for Medical Cannabis Patient Program ("MCPP") effective August 12, 2019 include: autism, chronic pain, irritable bowel syndrome, migraines, osteoarthritis, anorexia nervosa, Ehlers-Danlos Syndrome, Neuro-Bechet's autoimmune disease, neuropathy, polycystic kidney disease (PKD), superior canal dehiscence syndrome, and ulcerative colitis.

In addition to the added conditions, the new law also modified other parts of the MCPP. For example, registered nurses and physician assistants will be able to certify a patient for the MCPP and the Opioid Alternative Pilot Program ("OAPP"). The law also increased the medical cannabis minimum smoking age from 18 to 21. Persons under 21 are now prohibited from purchasing smokable medical cannabis including vaping products and associated paraphernalia.

Under the CRTA, MCPP patients may grow up to five cannabis plants for personal medical consumption starting January 1, 2020, as long as the plants are out of public view and secured.

16. Is the sale of medical cannabis currently allowed in Glen Ellyn? If so, where?

Yes, by state and local ordinance, medical cannabis facilities have been allowed in Glen Ellyn since 2014. Medical cannabis dispensaries are allowed as a special use in C4 office zoning district and allowed by-right in the I1 light industrial zoning district. They are only permitted to operate between 8:00am and 6:00pm, must be at least 1,000 feet from other medical dispensaries, and cannot operate drive-throughs or perform window sales. Recreational cannabis businesses and medical cannabis businesses require separate licenses.

17. How will cannabis be taxed?

Sales will be taxed at 10% for cannabis with THC levels at or less than 35%; taxed at 25% for cannabis with THC levels above 35%; and taxed at 20% for cannabis infused products such as edibles. This is in addition to standard state and local sales taxes. Additionally, municipalities may add a special tax of up to 3% and counties may add a special tax up to 3.75% in unincorporated areas.

The municipal cannabis sales tax will be collected and enforced by the Illinois Department of Revenue (IDR), which is entitled to retain 1.5% of the amount distributed to each municipality as an administrative fee.

While the Act presently would allow for the tax to be effective not sooner than September 1, 2020, the Illinois Municipal League (IML) recommends that municipalities consider adopting the tax ordinance imposing the tax effective on January 1, 2020, and certify the ordinance to

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the IDR by October 1, 2019, in anticipation of a legislative amendment to the Act that may authorize the local tax as of January 1, 2020.

Additional taxes will be collected by other government bodies including a cultivation privilege tax, cannabis purchaser excise tax, cannabis county retailers' occupation tax. State tax revenue will be placed in the Cannabis Regulation Fund. The Department of Revenue projects that this industry will generate over $57 million in tax revenue and licensing fees in FY20.

18. How will the potential tax revenue generated be used?

Within the Act, distribution of government proceeds collected by the State associated with the sale of recreational cannabis was established as follows:

- 20% to State mental health services and substance abuse programs
- 10% to pay unpaid State bills
- 35% to the State General Revenue Fund
- 2% to public education and safety campaigns
- 8% to the Local Government Distributive Fund, for prevention and training for law enforcement
- 25% for identified social equity programs

19. How do federal laws affect Illinois' law?

Although cannabis remains illegal at the federal level, federal law enforcement has rarely interfered with individuals possessing the state regulated legal amount or businesses complying with state enforced programs.

20. How does the law effect workplace drug polices?

Nothing in the Act prohibits employers from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner. Nothing in the Act limits or prevents an employer from disciplining an employee or terminating employment of an employee for violating an employer's employment policies or workplace drug policy. The Act prohibits discrimination against employees for use of "lawful products" like cannabis during nonworking and non-call hours.

21. How does recreational cannabis affect criminal records?

Illinois Governor JB Pritzker has stated that he will pardon past convictions for possession of up to 30 grams, with the attorney general going to court to delete public records of a conviction or arrest for the now legal amount. Regarding possession of 30-500 grams, an individual or a state's attorney may petition the court to vacate or expunge the conviction. If the cannabis offense was connected to a violent crime it is ineligible for the *automatic* expungement processes but the individual (or State's Attorney) can still file a motion with the court to vacate conviction.

- Arrest records between January 1, 2013 and effective date must be expunged by January 1, 2021

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- Arrest records between January 1, 2000, and January 1, 2013, must be expunged by January 1, 2023
- Arrest records prior to January 1, 2000, must be expunged prior to January 1, 2025.

Records will be expunged if one year or more has elapsed since the date of the arrest with no criminal charges filed or charges were subsequently dismissed, vacated, or the individual was acquitted. Many of the records will relate to municipal code violations, which will be required to be expunged according to the schedule described in the bill as outlined above.

22. 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 investigation of a violation of Section 625 ILCS 5/11-501 of the Motor Vehicle Code or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical test and standardized filed sobriety tests, under the Act, are 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 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 and emerging technology in roadside testing.
- The Act created various statutory presumptions applicable to cannabis DUIs:
    - THC concentration of 5 nanograms or more in whole blood or 10 nanograms or more in another bodily substance creates a presumption that a person was under the influence of cannabis; and
    - THC concentration of less than 5 nanograms in whole blood or less than 10 nanograms in another 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 a validated roadside chemical test or a standardized field sobriety test 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 test or (ii) standardized field sobriety tests.
- 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 a validated roadside chemical test or standardized filed sobriety tests.

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ADULT USE CANNABIS SUMMARY

The following summarizes the major elements HB 1438 – The Cannabis Regulation and Tax Act.

PERSONAL USE OF CANNABIS

Starting January 1, 2020, adults over 21 will be able to legally purchase cannabis for recreational use from licensed dispensaries across the state.

- Possession limit for Illinois residents:
  - 30 grams of cannabis flower;
  - 5 grams of cannabis concentrate; and
  - No more than 500 milligrams of THC contained in a cannabis-infused product; and
  - Registered patients in the medical cannabis pilot program may possess more than 30 grams of cannabis if it is grown and secured in their residence under certain conditions.

- Possession limit for non-Illinois residents:
  - 15 grams of cannabis flower;
  - 2.5 grams of cannabis; and
  - No more than 250 milligrams of THC contained in a cannabis-infused product.

- The possession limits are to be considered cumulative.

COMPASSIONATE USE OF MEDICAL CANNABIS PILOT PROGRAM

- The legalization of adult use cannabis does not alter the state's medical cannabis pilot program.
- Cultivators and dispensaries will be required to reserve sufficient supply to ensure patient access to product is not interrupted.

PROMOTING EQUITY

- Creation of a $30 million low-interest loan program
  - DCEO will administer a low-interest loan program to qualified "social equity applicants" to help defray the start-up costs associated with entering the licensed cannabis industry.

- Establishment of a "social equity applicant" status for licensing
  - A social equity applicant is an Illinois resident that meets one of the following criteria:
    - Applicant with at least 51 percent ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a disproportionately impacted area.

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        - Applicant with at least 51 percent ownership and control by one or more individuals who have been arrested for, convicted of, or adjudged to be a ward of the juvenile court for any offense that is eligible for expungement under this Act or member of an impacted family;
        - For applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:
            - Currently reside in a disproportionately impacted area; or
            - Have been arrested for, convicted of, or adjudged to be a ward of the juvenile court for any offense that is eligible for expungement under this Act or member of an impacted family.

- Application for new entrants to the market
    - The Act contains the scoring criteria that the Illinois Department of Financial and Professional Regulation will utilize to score applications for new dispensing organizations.
        - 50 out of 250 points, or 20 percent of the total points available, are designated for applicants that qualify as "social equity applicants."
        - The remainder of the points are designated for the following:
            - 65 points – security and record keeping
            - 65 points – business plan, financials, operating and floor plan
            - 30 points – knowledge and experience
            - 15 points – suitability of employee training plan
            - 5 points – labor and employment practices
            - 5 points – environmental plan
            - 5 points – Illinois owner (51 percent or more of ownership)
            - 5 points – status as a veteran (51 percent or more of ownership)
            - 5 points – diversity plan
        - IDFPR may award up to 2 bonus points for a plan to engage with the community the applicant will be located in.
    - The Department of Agriculture will develop a similar application scoring system through the rulemaking process for cultivation centers, infusers, craft growers and transporting organizations.
        - The application for each license type will designate 20 percent of the total points for applicants that qualify as "social equity applicants."

- Fee waivers
    - The Department of Financial and Professional Regulation and the Department of Agriculture will waive 50 percent of any non-refundable license application fees and any non-refundable fees associated with purchasing a license to operate a cannabis business establishment if social equity applicants meet certain conditions.

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- Reducing up-front costs
    - Applicants who receive a conditional dispensing organization license will have 180 days from the date of the award to identify a physical location for the dispensing organization retail storefront when new entrants are allowed in the market. This will reduce the costs associated with entering the industry.

- Limitations on ownership
    - No person or entity shall hold any legal, equitable, or beneficial interest, directly or indirectly, of more than 3 cultivation centers.
    - No person or entity shall hold any legal, equitable, or beneficial interest, directly or indirectly, of more than 10 dispensing organizations.
    - No craft grower license shall be issued to a person who is licensed by any licensing authority as a cultivation center.
    - No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than three craft grower licenses under this article.

- Identification of "disproportionately impacted areas"
    - DCEO will designate "disproportionately impacted areas" for social equity applicants
        - "Disproportionately impacted area" is defined as a geographic area that is economically disadvantaged and has been impacted by high rates of arrest, conviction, and incarceration for violations of the Cannabis Control Act.

ACHIEVING EQUITY THROUGH OWNERSHIP AND LICENSURE

The following process is designed to ensure the most equitable marketplace in the country.

- Early approval adult use license for current medical cannabis license holders
    - Timeline for licensing
        - Cultivation organizations:
            - Medical cannabis cultivators may apply for a license within 60 days of the effective date of the Act.
            - Licenses will be distributed to eligible applicants within 14 days if certain conditions are met.
        - Dispensing organizations:
            - Medical cannabis dispensaries may apply for a license within 60 days of the effective date of the Act.
            - Licenses will be distributed to eligible applicants within 14 days if certain conditions are met.
            - These entities may apply for a second license at a new location under the same parameters.

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- Licensing costs for early approval adult use licenses
  - Cultivation organizations:
    - Non-refundable application fee: $100,000
    - Cannabis business development fund fee: 5% of total sales between June 1, 2018 to June 1, 2019 or $750,000, whichever is less, but not less than $250,000.
  - Dispensing organizations:
    - License 1
      - Non-refundable application fee: $30,000
      - Cannabis business development fund fee: 3% of total sales between June 1, 2018 to June 1, 2019 or $100,000, whichever is less.
    - License 2
      - Non-refundable application fee: $30,000
      - Cannabis business development fund fee: $200,000

- New entrants to the adult use cannabis market
  - License types
    - Cultivation centers
    - Craft growers
    - Infusers
    - Transporting organizations
    - Dispensing organizations

  - Timeline
    - <u>WAVE 1</u>
      - Department of Financial and Professional Regulation
        - May 1, 2020: The agency awards licenses for up to 75 new dispensing organizations
      - Department of Agriculture
        - July 1, 2020: The agency awards up to 40 licenses for infusers, up to 40 licenses for craft growers, and licenses for transporting organizations.

    - <u>WAVE 2</u>
      - Department of Financial and Professional Regulation
        - December 21, 2021: The agency awards up to 110 licenses for new dispensing organizations
      - Department of Agriculture

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- December 21, 2021: The agency awards up to 60 additional licenses for craft growers, up to 60 licenses for infusers, and licenses for transporting organizations.

- Licensing costs for new entrants to the market
  - Craft growers
    - Non-refundable application fee $5,000
    - License fee $40,000
  - Infusers
    - Non-refundable application fee $5,000
    - License fee $5,000
  - Transporting organizations
    - Non-refundable application fee $5,000
    - License fee $10,000
  - Dispensing organizations
    - Non-refundable application fee $5,000
    - License fee $60,000

INVESTING IN COMMUNITIES THAT SUFFERED THROUGH THE WAR ON DRUGS

- The proposal would establish a new grant program, the Restore, Reinvest, and Renew (R3) program, to address the impact of economic disinvestment, violence, and the historical overuse of the criminal justice system.
- R3 program overview
  - The Illinois Criminal Justice Information Authority (ICJIA), in coordination with the Justice, Equity, and Opportunity Initiative of the Lieutenant Governor's Office, will identify designate "R3 Areas."
  - The R3 Program Board will consist of over 22 members and be chaired by the Lieutenant Governor, or her designee.
  - The R3 Program Board will solicit applications from eligible R3 Areas, review applications and approve the distribution of resources, and monitor and evaluate R3 programs.
  - Grant funds will be awarded by ICJIA, in coordination with the R3 Program Board.
  - Grants shall be used to address economic development, violence prevention services, re-entry services, youth development, and civil legal aid.
  - The ROC Board will deliver an annual report to the Governor's Office about its progress.

PROVIDING RELIEF FOR MINOR VIOLATIONS OF THE CANNABIS CONTROL ACT

- Category 1: Local law enforcement and ISP will automatically expunge arrests not leading to a conviction for possession and manufacture or possession with intent to deliver for up to 30 grams.

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- Eligible records = arrests for section 4 and section 5 of the Cannabis Control Act for amounts less than 30 grams. Must not be associated with a violent crime or a penalty enhancement for selling to a person under the age of 18 if the individual was over 18.
- Local law enforcement will identify all eligible records and automatically expunge records that did not result in a conviction by the following deadlines:
  - Arrest records between January 1, 2013 and effective date must be expunged by January 1, 2021
  - Arrest records between January 1, 2000, and January 1, 2013, must be expunged by January 1, 2023
  - Arrest records prior to January 1, 2000, must be expunged prior to January 1, 2025.
- Records will be expunged if one year or more has elapsed since the date of the arrest with no criminal charges filed or charges were subsequently dismissed, vacated, or the individual was acquitted.

- Category 2: Governor will grant pardons authorizing expungement for convictions for possession and manufacture or possession with intent to deliver for up to 30 grams.
  - Eligible records = convictions for Section 4 and Section 5 of the Cannabis Control Act for amounts less than 30 grams. Must not be associated with a violent crime or a penalty enhancement for selling to a person under the age of 18 if the individual was over 18.
  - ISP will identify all eligible convictions based on criminal history records and provide data to Prisoner Review Board (PRB) within 180 days of effective date.
  - PRB will review records for eligibility to ensure that they are the proper convictions and that conviction is not associated with excluded violent crime. PRB will provide notice to State's Attorney of any felony conviction eligible for clemency and provide State's Attorney 60 days to file a written objection on the basis that record is ineligible.
  - Governor will issue pardons authorizing expungement.
  - Attorney General, on behalf of Prisoner Review Board, will file a petition with circuit court to expunge records of convictions that were granted clemency. Courts have 90 days to enter an order that directs ISP, local arresting authority, and court to expunge relevant records.

- Category 3: Individuals and State's Attorneys may file motions with courts to vacate convictions for possession up to 500 grams.
  - Eligible records = convictions for possession and manufacture/delivery/possession with intent to deliver under Section 4 and Section 5 of the Cannabis Control Act, including possession up to 500 grams. No limitations on associated with violent crime.
  - Individual or State's Attorneys may file motions with the circuit court where the conviction was entered asking the court to vacate the conviction and expunge court, law enforcement and ISP records.

- State's Attorneys may file an objection.
- Court will consider reasons to retain the records (if provided by law enforcement), the petitioner's current age and age at the time of conviction, time elapsed since conviction, and any adverse consequences to individual if denied.
- Motions must be filed after completion of any sentence or condition imposed by the conviction.
- State's Attorneys and civil legal aid organizations (on behalf of clients) may file motions to vacate that includes more than one individual at a time.

- Exclusions: Violent Crimes
  - If the cannabis offense was connected to a violent crime it is ineligible for the automatic expungement processes, but the individual (or State's Attorney) can still file motion with the court to vacate conviction. This list of violent crimes comes from the Rights of Crime Victims and Witnesses Act.
    - any felony in which force or threat of force was used against the victim;
    - any offense involving sexual exploitation, sexual conduct, or sexual penetration;
    - crimes related to child pornography, posting of pornographic material of a person under 17 years of age or non-consensual dissemination of private sexual images;
    - domestic battery or stalking;
    - violation of an order of protection, a civil no contact order, or a stalking no contact order;
    - any misdemeanor which results in death or great bodily harm to the victim; or
    - involuntary manslaughter and reckless homicide.

Below is a table of the current law and the category of expungement that each falls under; please note that the possession amounts were different pre-2016.

Section 4 (Possession) Unlawful for any person knowingly to possess cannabis in the following amounts			
(a) <10g	Civil law violation	Fees; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority/Automatic Law Enforcement Expungement
(b) 10-30g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority/Automatic Law Enforcement Expungement

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(c) 30-100g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Individual/State's Attorney Motions to Vacate
(d) 100-500g	Class 4 Felony	1-3 years	Individual/State's Attorney Motions to Vacate
Section 5 (Manufacture, deliver or intent to deliver) Unlawful for any person knowingly to manufacture, deliver, or possess with intent to deliver or manufacture cannabis in the following amounts			
(a) <2.5g	Class B Misdemeanor	<6 months; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority/Automatic Law Enforcement Expungement
(b) 2.5-10g	Class A Misdemeanor	<1 year; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority/Automatic Law Enforcement Expungement
(c) 10-30g	Class 4 Felony	1-3 years; May be given probation and charges dismissed §10(a)	Governor's Clemency Authority/Automatic Law Enforcement Expungement

EMPLOYMENT

- Nothing in the Act prohibits employers from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner.
- Nothing in the Act limits or prevents an employer from disciplining an employee or terminating employment of an employee for violating an employer's employment policies or workplace drug policy.

ILLINOIS COMMUNITY COLLEGE CANNABIS VOCATIONAL PILOT PROGRAM

- The Department of Agriculture, in coordination with the Illinois Community College Board, will oversee the program.
- Up to 8 community colleges will be awarded a program license by September 1, 2020.
- Community colleges awarded the program license may initiate programs starting in the 2021-2022 academic year.
- Students must be at least 18 years old to enroll in this course of study.
- Students who complete the coursework will receive a 'career in cannabis certificate.'

TAXATION

- All tax revenue is deposited in the new Cannabis Regulation Fund

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- Cultivation privilege tax
  - 7% of the gross receipts from the sale of cannabis by a cultivator or a craft grower to a dispensing organization
- Cannabis purchaser excise tax:
  - 10% of the purchase price – Cannabis with a THC level at or below 35%
  - 20% of the purchase price – All cannabis infused products
  - 25% of the purchase price – Cannabis with a THC level above 35%
  - This tax is not imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Pilot Program Act
  - This tax shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.
- Municipal Cannabis Retailers' Occupation Tax
  - On and after January 1, 2020, the corporate authorities of a municipality may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail locations in the municipality on the gross receipts from these sales.
    - If imposed, the tax shall be imposed in 0.25% increments
    - The tax may not exceed 3% of the gross receipts from these sales
- Cannabis County Retailers' Occupation Tax
  - On and after January 1, 2020, the corporate authorities of a county may, by ordinance, impose a tax on all persons engaged in the business of selling cannabis at retail locations in the county on the gross receipts from these sales.
    - If imposed, the tax shall be imposed in 0.25% increments
    - The tax rate may not exceed:
      - 3.75% of the gross receipts of sales made in unincorporated areas of the county
      - 0.75% of the gross receipts of sales made in a municipality located in a non-home rule county
      - 3% of the gross sales receipts made in a municipality located in a home rule county.

ALLOCATION OF STATE REVENUE

- Tax revenue will be deposited in the new Cannabis Regulation Fund
- State agencies responsible for administering the adult use cannabis program will receive resources to cover administrative costs from the taxes collected by the program.
- All remaining revenue will be allocated as follows:
  - 35% will be transferred to the General Revenue Fund,
  - 25% will be transferred to the Criminal Justice Information Projects Fund to support the R3 program,
  - 20% will be transferred to the Department of Human Services Community Services Fund to address substance abuse and prevention and mental health concerns,

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- 10% will be transferred to the Budget Stabilization Fund to pay the backlog of unpaid bills,
- 8% will be transferred to the Local Government Distributive Fund to support crime prevention programs, training, and interdiction efforts, including detection, enforcement, and prevention efforts, relating to the illegal cannabis market and driving under the influence of cannabis, and
- 2% will be transferred to the Drug Treatment Fund to fund public education campaign and to support data collection and analysis of the public health impacts of legalizing the recreational use of cannabis.

GOVERNANCE

- Governor's Office
  - The Governor will appoint a Cannabis Regulation Oversight Officer who will be stationed in IDFPR. This person, and his or her team, will have the authority to make statutory and regulatory recommendations concerning the adult use program. This person will also coordinate efforts between state agencies involved in regulating and taxing the sale of cannabis in Illinois.
- Department of Revenue
  - Responsible for enforcing and collecting taxes associated with the sale of cannabis.
- Department of Agriculture
  - Responsible for licensure and oversight of cultivation centers, craft growers, infusers, and transporting organizations.
  - Responsible for authorizing laboratories that test cannabis
  - Responsible for establishing, in coordination with the Illinois Community College Board, the Community College Cannabis Vocational Training Pilot Program
- Department of Financial and Professional Regulation
  - Responsible for licensure and oversight of dispensing organizations.
- Illinois State Police
  - Responsible for conducting background checks on everyone involved in the licensed cannabis sector.
  - Responsible for reviewing security plans for all licensed entities.
  - Responsible for reviewing all criminal history record information and identifying all individuals with minor violations of the Cannabis Control Act that are eligible for expungement.
- Department of Public Health
  - Responsible for developing recommendations surrounding health warnings and facilitating the Adult Use Cannabis Public Health Advisory Committee.
- Department of Commerce and Economic Opportunity
  - Responsible for administering a low-interest loan program, a grant program, and technical assistance for social equity applicants.
  - Responsible for identifying 'disproportionately impacted areas'
- Department of Human Services

Attachment: State of Illinois Summary of HB 1438 - CRTA (4172 : Zoning Text Amendment - Recreational Cannabis)

  - Responsible for administering programs that address substance abuse and prevention and mental health
  - Responsible for making recommendations to the Adult Use Cannabis Public Health Advisory Committee regarding drug treatment and prevention.
  - Responsible administering a public education campaign and collecting data and conducting analysis of the public health impacts of legalizing the recreational use of cannabis.
- Illinois Criminal Justice Information Authority
  - Responsible for designating R3 areas across the state that may apply for funding from the R3 Program Board for community reinvestment.
- Illinois Community College Board
  - Responsible for establishing, in coordination with the Department of Agriculture, the Community College Cannabis Vocational Training Pilot Program

PUBLIC HEALTH AND SAFETY

- Twenty percent of the revenue generated by the sale of adult use cannabis will support efforts to address substance abuse and prevention and mental health.

- DUI Cannabis Task Force
  - The Task Force will be chaired by the director of the State Police, or his or her designee.
  - The Task Force will examine best practices in the area of driving under the influence of cannabis enforcement, including examining emerging technology in roadside testing.
  - The Task Force will present its report and recommendations on improvements to enforcement of driving under the influence of cannabis to the Governor and the General Assembly by July 1, 2020.

- Advertising
  - No cannabis business establishment nor any other person or entity shall engage in advertising that contains any statement or illustration that:
    - Is false or misleading;
    - Promotes overconsumption or cannabis or cannabis products;
    - Depicts the actual consumption of cannabis or cannabis products;
    - Depicts a person under 21 years of age consuming cannabis;
    - Makes any health, medicinal, or therapeutic claims about cannabis or cannabis products;
    - Includes the image of a cannabis leaf or bud; or
    - Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption of persons under 21 years of age.

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- No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis infused product in any form through any medium:
  - Within 1,000 feet of the perimeter of a school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older;
  - On or in a public transit vehicle or public transit shelter;
  - On or in a publicly owned or public operated property; or
  - That contains information that:
    - Is false or misleading;
    - Promotes excessive consumption;
    - Depicts a person under 21 years of age consuming cannabis;
    - Includes the image of a cannabis leaf; or
    - Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes the consumption of cannabis.
  - These restrictions do not apply to an educational message
  - No cannabis business establishment nor any other person or entity may encourage the sale of cannabis or cannabis products by giving away cannabis or cannabis products, by conducting games or competitions related to the consumption of cannabis or cannabis products, or by providing promotional materials or activities of a manner or type that would be appealing to children.

- Packaging requirements
  - The following warnings shall apply to all cannabis products: “This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual, and it may not be transported outside the state of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law.”
  - All harvested cannabis intended for distribution to a cannabis enterprise must be packaged in a sealed, labeled container.
  - Packaging of any product containing cannabis shall be child-resistant and light-resistant consistent with current standards, including the Consumer Product Safety Commission standards referenced by the Poison Prevention Act.

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- The label of each cannabis product shall contain, among other things, a "use by" date on the label, the quantity of cannabis contained in the product, and a content list.
- All cannabis products must contain warning statements established for consumers, of a size to be legible and readily visible to a consumer inspecting a package, which may not be covered or obscured in any way.
- Packaging must not contain information that:
  - Is false or misleading;
  - Promotes excessive consumption;
  - Depicts a person under 21 years of age consuming cannabis;
  - Includes the image of a cannabis leaf;
  - Includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any packaging or labeling that bears resemblance to any product available for consumption as a commercially available candy, or that promotes consumption of cannabis;
  - Contains any seal, flag, crest, coat of arms, or other insignia likely to mislead the consumer to believe that the product has been endorsed, made or used by the State of Illinois.

LOCAL ORDINANCES

- A unit of government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.
- Voters in any precinct within a municipality that has a population greater than 500,000 residents may petition their alderman seeking an ordinance to establish the precinct as a 'restricted cannabis zone.' The ordinance may prohibit home cultivation, cannabis business establishments, or both.
- Municipalities may enact reasonable zoning restrictions pertaining to licensed cultivation centers, craft growers, processing organizations, and dispensaries.
- A unit of local government, including a home rule unit, or any non-home rule county the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

HOME GROW

- Illinois residents who are 21 years or older and registered participants in the Compassionate Use of Medical Cannabis Pilot Program may cultivate cannabis plants.
  - The grower must live in a household that owns the residence or has permission from the owner.

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- The grower is limited to growing no more than 5 plants that are five inches or taller.
- The grower shall take reasonable precautions to ensure that plants are secure from unauthorized access.
- If the grower violates the terms of the Act, that person is liable for penalties as provided by law as well as the loss of home cultivation privileges as established by rule.

PROJECTED REVENUE

- The Department of Revenue projects that this industry will generate over $57 million in tax revenue and licensing fees in FY20.
  - This figure represents the combined revenue projections that Governor's Office received from the Department of Revenue concerning the taxation of cannabis as well as the application and licensing fees estimated by the Department of Agriculture and the Department of Financial and Professional Regulation.
    - Breakdown
      - DOR tax revenue: $34 million (midpoint of the range projected by DOR: 10-58 million)
      - DOA estimate: $12.7 million
      - IDFPR estimate: $10.78 million
- The Department of Revenue estimates that the state will generate $140.5 million in tax revenue in FY21.
  - This excludes agencies' application and licensing fees as the program continues to expand.
- The Department of Revenue projects significant revenue growth as the cannabis market matures in Illinois. The state could generate $253.5 million in FY22, $323.5 million in FY23, and $375.5 million in FY24.

Attachment: State of Illinois Summary of HB 1438 - CRTA (4172 : Zoning Text Amendment - Recreational Cannabis)

Marijuana Legalization in Colorado: Early Findings

A Report Pursuant to Senate Bill 13-283

March 2016

Colorado Department of Public Safety
Division of Criminal Justice
Office of Research and Statistics

700 Kipling St., Denver, Colorado 80215
https://www.colorado.gov/pacific/dcj-ors

Attachment: Impacts of Marijuana Legalization, Colorado Summary, 2018 (4172 : Zoning Text Amendment - Recreational Cannabis)

EXECUTIVE SUMMARY

In 2013, following the passage of Amendment 64 which allows for the retail sale and possession of marijuana, the Colorado General Assembly enacted Senate Bill 13-283. This bill mandated the Division of Criminal Justice in the Department of Public Safety to conduct a study of the impacts of Amendment 64, particularly as these relate to law enforcement activities. This report seeks to establish and present the baseline measures for the metrics specified in S.B. 13-283, codified as C.R.S. 24-33.4-516.

The majority of the information presented here should be considered pre-commercialization, baseline data because much of the information is available only through 2014, and data sources vary considerably in terms of what exists historically. Consequently, it is too early to draw any conclusions about the potential effects of marijuana legalization or commercialization on public safety, public health, or youth outcomes, and this may always be difficult due to the lack of historical data. Furthermore, the information presented here should be interpreted with caution. The decreasing social stigma regarding marijuana use could lead individuals to be more likely to report use on surveys and to health workers in emergency departments and poison control centers, making marijuana use appear to increase when perhaps it has not. Finally, law enforcement officials and prosecuting attorneys continue to struggle with enforcement of the complex and sometimes conflicting marijuana laws that remain. Thus, the lack of pre-commercialization data, the decreasing social stigma, and challenges to law enforcement combine to make it difficult to translate these early findings into definitive statements of outcomes.

Recognizing the challenges involved in interpreting the data presented here, the following findings are summarized in this report:

Public Safety

- The total number of marijuana arrests decreased by 46% between 2012 and 2014, from 12,894 to 7,004 (Table 1). Marijuana possession arrests, which make up the majority of all marijuana arrests, were nearly cut in half (-47%). Marijuana sales arrests decreased by 24%, while arrests for marijuana production did not change appreciably (-2%). Marijuana arrests that were unspecified, meaning the specific reason for the arrest was not noted by law enforcement, went down by 42%.

- As a share of all arrests in Colorado, marijuana was responsible for 6% of all arrests in 2012 and 3% in 2014.

- The number of marijuana arrests decreased by 51% for Whites, 33% for Hispanics, and 25% for African-Americans. The marijuana arrest rate for African-Americans (348 per 100,000) was almost triple that of Whites (123 per 100,000) in 2014.

- Ten major Colorado counties (Adams, Arapahoe, Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer, Mesa, and Weld) showed a decrease in arrests, ranging between -30% (El Paso) and -63% (Adams). The average decrease across these 10 counties was -46%. Denver's

Attachment: Impacts of Marijuana Legalization, Colorado Summary, 2018 (4172 : Zoning Text Amendment - Recreational Cannabis)

reported marijuana arrest data for 2012 and 2013 was incomplete due to separate jail arrest and citation systems. Cite and release data were not reported to the Colorado Bureau of Investigation until July 2013. Additionally, the 2014 arrest data reported by Denver include a non-criminal civil citation, which lead to an over-reporting of marijuana arrests for that year. See Appendix L, Table 16 for internal marijuana arrest data from the Denver Police Department.

- In terms of court filings, the total number of marijuana-related filings declined 81% between 2012 and 2015, from 10,340 to 1,954. The number of felony filings declined 45% (1,023 to 566), misdemeanors declined 1% (586 to 409), and petty offenses dropped 89% (8,728 to 979) between 2012 and 2015. The charge of marijuana possession dropped 88% (9,130 to 1,068).
    - Filings fell 69% for juveniles 10 to 17 years old, 78% for young adults 18 to 20 years old, and 86% for adults 21 or older.
- In terms of organized crime, between 2012 and 2015 there were 88 filings under the Colorado Organized Crime Control Act (C.R.S.18-17.104) that were in conjunction with some marijuana charge, including distribution (56), conspiracy (16), manufacture (10), and possession with intent to sell (6).
- The most common marijuana industry-related crime in Denver is burglary, accounting for 63% of marijuana crime related to the industry in 2015.
- Traffic safety data is limited, but the Colorado State Patrol (CSP) found that the number of summons issued for Driving Under the Influence in which marijuana or marijuana-in-combination with other drugs decreased 1% between 2014 and 2015 (674 to 665).
    - The prevalence of marijuana or marijuana-in-combination identified by CSP as the impairing substance increased from 12% of all DUIs in 2014 to 15% in 2015.
    - The Denver Police Department found summons where marijuana or marijuana-in-combination was recorded increased from 33 to 73 between 2013 and 2015. Citations for marijuana or marijuana-in-combination account for about 3% of all DUIs in Denver. Toxicology results from Chematox Laboratory showed an increase in positive cannabinoid screens for drivers, from 57% in 2012 to 65% in 2014. Of those that tested positive on the initial screen, the percent testing positive for delta-9 Tetrahydrocannabinol (THC) at 2 nanograms/millileter rose from 52% in 2012 to 67% in 2014.
    - Fatalities with THC-only or THC-in-combination positive drivers increased 44%, from 55 in 2013 to 79 in 2014. Note that the detection of any THC in blood is not an indicator of impairment but only indicates presence in the system. Detection of delta-9 THC, one of the psychoactive properties of marijuana, may be an indicator of impairment.

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- The percent of 18 to 25 year-old probationers testing positive for THC is stable, with 33% in 2012 and 32% in 2014. The percent of 26 or older probationers testing positive for THC is stable, with 21% in 2012 and 20% in 2014.

- Regarding illegal cultivation on public land, the number of seizures or plants seized on public lands shows no discernible trend.

- In terms of assessing the extent of diversion of marijuana to other states, the Colorado Information Analysis Center (CIAC) compiled data from a service called Black Asphalt, an online forum for law enforcement drug interdiction with more than 20,000 active members. From January 1, 2014 to August 30, 2015 there were 261 drug-related interdiction submissions in which Colorado was the initiating state. Of those 261 submissions, 169 (65%) were for marijuana/hashish.

Public Health

- According to the National Survey on Drug Use and Health, administered by the Substance Abuse and Mental Health Services Administration, the current prevalence rates for marijuana usage in the past 30 days have increased significantly for young adults (18 to 25 years old), from 21% in 2006 (pre-commercialization) to 31% in 2014 (post-commercialization). Reported current marijuana use by adults (26 years or older) increased significantly, from 5% in 2006 to 12% in 2014.

- The Colorado Behavioral Risk Factor Surveillance System (BRFSS) is a statewide telephone survey conducted by the Colorado Department of Public Health and Environment (CDPHE). In 2014 the BRFFS was expanded to include questions about marijuana use. Overall, in 2014, 14% of adults reported marijuana use in the past 30 days and 33% of current users reported using daily.

- The Colorado Department of Public Health and Environment analyzed data from the Colorado Hospital Administration and categorized visits according to determine if the visit indicated possible marijuana exposure or used a diagnosis/billing code indicating marijuana.

    - Hospitalizations with possible marijuana exposures, diagnoses, or billing codes per 100,000 hospitalizations increased from 803 per 100,000 before commercialization (2001-2009) to 2,413 per 100,000 after commercialization (2014-June 2015).

    - The period of retail commercialization showed a significant increase in emergency department visits, from 739 per 100,000 (2010–2013) to 956 per 100,000 ED visits (2014–June 2015).

- The number of calls to poison control mentioning human marijuana exposure has increased over the past 10 years. There were 44 calls in 2006 and 227 in 2015.

Youth Impacts

- Data on youth marijuana use is available from two sources, the Healthy Kids Colorado Survey, with 40,000 students responding in 2013 and the National Survey on Drug Use and Health, with fewer than 1,000 respondents.

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  - The HKCS results indicate a slight decline in "past 30 day use" of marijuana while the NSDUH shows a gradual increase over time. In 2013, the HKCS found that 80% of high school students *did not* use marijuana in the past 30 days. The HKCS shows that marijuana use increases by grade level, and the NSDUH shows that youth use of marijuana in Colorado is above the national average. The perception of health risk of using marijuana is declining among youth in Colorado, according to both surveys.

- The number of juvenile marijuana arrests increased 5%, from 3,234 in 2012 to 3,400 in 2014. The rate of juvenile marijuana arrests per 100,000 increased from 598 in 2012 to 611 in 2014 (+2%).

  - The number of White juvenile arrests decreased from 2,198 in 2012 to 2,016 in 2014 (-8%).
  - The number of Hispanic juvenile arrests increased from 778 in 2012 to 1,006 in 2014 (+29%).
  - The number of African-American juvenile arrests increased from 205 in 2012 to 324 in 2014 (+58%).

- Data on drug tests from the Division of Probation Services shows that the percent of 10- to 14-year-old group testing positive for THC one or two times increased from 19% in 2012 to 23% in 2014, while the percentage testing positive three or more times went from 18% to 25%. The percent of 15- to 17-year-olds testing positive one or two times went down slightly, from 26% in 2012 to 25% in 2014, while those testing positive three or more times increased from 23% to 25%.

- The Colorado Department of Education data shows that that drug suspension rates increased from 391 (per 100,000 registered students) in the 2008-09 school year to 506 in 2009-10. The drug suspension rate has fluctuated somewhat since then and was 509 in the 2014-15 school year. The drug expulsion rate was 65 (per 100,000 registered students) in the 2008-09 school year, increasing to 90 in 2009-10, and then decreasing to 50 by 2014-15.

  - In the 2014-15 school year, discipline for drugs accounted for 41% of all expulsions, 31% of all law enforcement referrals, and 6% of all suspensions in Colorado.

  - Note that Senate Bill 12-046 and House Bill 12-1345 targeted reform of "zero tolerance" policies in schools, and appear to have decreased expulsions, suspensions, and referrals to law enforcement.[1] To assess drug-endangered children, data from CDPHE's Child Health Survey (targeting parents with children ages 1-14) was obtained. Of parents with children ages 1–14, 6.9% have some type of marijuana product around the house. When asked about where it is kept, 92% report storing it in a location the child cannot access

Additional Information

[1] See Rosa, J., Krueger, J., and Severson, A. (May 2015). *Moving from Zero Tolerance to Supportive School Discipline Practices*. Office of Dropout Prevention and Student Re-engagement, Colorado Department of Education.

- In December 2015, there were 2,538 licensed businesses in Colorado. Seventy percent of the licenses for marijuana businesses are concentrated in the counties of Denver (1,112), El Paso (308), Pueblo (202), and Boulder (169).

- Total revenue from taxes, licenses, and fees increased from $76,152,468 in 2014 to $135,100,465 in 2015 (+77%). Excise tax revenue dedicated to school capital construction assistance was $35,060,590 in 2015.

- In November 2015 there were 109,922 individuals registered as medical marijuana cardholders. The most common conditions reported were severe pain (93%), muscle spasms (20%), and severe nausea (12%).

- Colorado's property crime rate decreased 3%, from 2,580 (per 100,000 population) in 2009 to 2,503 in 2014.

- Colorado's violent crime rate decreased 6%, from 327 (per 100,000 population) in 2009 to 306 in 2014.

It should be noted that the most fundamental challenge to interpreting data related to marijuana over time stems from unmeasured changes in human behavior concerning marijuana. Legalization may result in reports of increased use, when it may actually be a function of the decreased stigma and legal consequences regarding use rather than actual changes in use patterns. Likewise, those reporting to poison control, emergency departments, or hospitals may feel more comfortable discussing their recent use or abuse of marijuana for purposes of treatment. The impact from reduced stigma and legal consequences makes certain trends difficult to assess and will require additional time to measure post-legalization. Additionally, for example, the increase in law enforcement officers who are trained in recognizing drug use, from 32 in 2006 to 288 in 2015, can increase drug detection rates apart from any changes in driver behavior. For these reasons, these early, baseline findings should be carefully considered in light of the need to continue to collect and analyze relevant data.

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Additional Resources

State Level Resources

Colorado

Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283 – Colorado Division of Criminal Justice, October 2018

Driving Under the Influence of Drugs and Alcohol: A Report Pursuant to House Bill 17-1315 - Colorado Division of Criminal Justice, June 2019

Monitoring Health Concerns Related to Marijuana in Colorado: 2018 Summary – Colorado Department of Health and Environment, 2018

State of Colorado Marijuana Data & Report Page (listing reports, resources, and data from the Colorado Department of Public Health and Environment, Colorado Department of Revenue, and Colorado Department of Public Safety. Also includes Marijuana Related Reports & Studies and additional resources).

Washington

General Information about Marijuana, Washington State Liquor and Cannabis Board

Learn about Marijuana: Science-Based Information for the Public, University of Washington & the Alcohol and Drug Abuse Institute

Massachusetts

Marijuana Baseline Health Study: Final Report, Massachusetts Department of Public Health, July 2019

A Baseline Review and Assessment of Cannabis Use and Public Safety, Commonwealth of Massachusetts Cannabis Control Commission, April 2019

Oregon

Recreational Marijuana Supply and Demand: Legislative Report, Oregon Liquor Control Commission, 2019

California

Environmental Reviews & Studies, State of California

Bureau of Cannabis Control Resources, State of California

Alaska

Data and Statistics: Marijuana Use in Alaska and the United States – The Alaska Department of Health and Social Services – September 2018

Vermont

Attachment: List of Additional Resources (4172 : Zoning Text Amendment - Recreational Cannabis)

Report on Existing Primary Research on Key Health and Safety Endpoints – State of Vermont – Governor's Marijuana Advisory Commission Education and Prevention Subcommittee – November 2017

Marijuana Regulation in Vermont 2017 Literature Review Update – Vermont Department of Health

Health Impact Assessment: Marijuana Regulation in Vermont – Vermont Department of Health – January 2016

Marijuana Use in Vermont – Data Brief – Vermont Department of Health – Updated October 2018

State Websites

- Colorado
  - https://www.colorado.gov/pacific/marijuana
  - https://www.colorado.gov/pacific/marijuanahealthinfo
  - https://www.colorado.gov/pacific/dcj-ors/marijuana-public-safety
- California
  - https://cannabis.ca.gov
- Massachusetts
  - https://www.mass.gov/learn-about-marijuana
- Alaska
  - https://www.commerce.alaska.gov/web/amco/Home.aspx
  - http://dhss.alaska.gov/dph/Director/Pages/marijuana/law.aspx
- Maine
  - https://legislature.maine.gov/lawlibrary/recreational_marijuana_in_maine/9419
  - https://legislature.maine.gov/lawlibrary/recreational_marijuana_in_maine/9419
- Nevada
  - http://marijuana.nv.gov
- Oregon
  - https://www.oregon.gov/olcc/marijuana/pages/default.aspx
- Michigan
  - https://www.michigan.gov/marijuana/
- Vermont
  - https://www.healthvermont.gov/alcohol-drug-abuse/alcohol-drugs/marijuana
- Washington
  - https://lcb.wa.gov/mj-education/know-the-law

Local Resources

Cannabis Regulation and Tax Act, State of Illinois, 2019

Illinois – Adult Use Cannabis Summary, from the State of Illinois, 2019

Frequently Asked Questions – Cannabis Regulation and Tax Act, KLEIN, THORPE & JENKINS, LTD. Attorneys at Law – 2019

The Financial Impact of Legalizing Marijuana in Illinois, Illinois Economic Policy Institute, 2018

Local Government Leaders and Experts Discuss Marijuana Management, ICMA, 2014

DuPage County Board September 10 Meeting on Recreational Cannabis, DuPage County (includes comments from State's Attorney Robert Berlin, DuPage County Sheriff James Mendrick, DuPage County Coroner Dr. Richard Jorgensen, DuPage County Health Department Executive Director Karen Ayala, and DuPage County Chief of Financial and Administrative Officer Paul Rafac), 2019

Impact of Legalization – General

Local Impacts of Commercial Cannabis, International City/County Management Association, 2018

The Legalization of Marijuana in Colorado: The Impact Volume 5, Rocky Mountain High Intensity Drug Trafficking Area, 2018

Pueblo County Cannabis Impact Study, Pueblo County Colorado, 2017

Impacts of Marijuana Legalization in Colorado: A Report Pursuant to Senate Bill 13-283 – Colorado Division of Criminal Justice, October 2018

Measuring Marijuana Impacts, City of Denver

From Prohibition to Progress: A Status Report on Marijuana Legalization What We Know About Marijuana, Drug Policy Alliance, 2018

Legalization in Eight States and Washington, D.C. Drug Policy Alliance, 2018

Health

Adverse Health Effects of Marijuana Use, United States Department of Health and Human Services, 2014

AAN Position: The Use of Medical Marijuana for Neurological Disorders, American Academy of Neurology, 2018

The Health Effects of Cannabis and Cannabinoids – Report Highlights, The National Academy of Science, Engineering, and Medicine, 2017

Cannabis and Pain: A Clinical Review, Cannabis and Cannabinoid Research, 2017

Association of Marijuana Laws with Teen Marijuana Use, American Medical Association (JAMA Pediatrics), 2019

Is Cannabis Addictive? Cannabis Evidence Brief, Government of Canada, 2018

Monitoring Health Concerns Related to Marijuana in Colorado: 2018 Summary – Colorado Department of Health and Environment, 2018

Report on Existing Primary Research on Key Health and Safety Endpoints – State of Vermont – Governor's Marijuana Advisory Commission Education and Prevention Subcommittee – November 2017

DUI & Public Safety

Drivers' Use of Marijuana in Washington State, United States Department of Transportation, 2016

The Effect of Cannabis Compared with Alcohol on Driving, National Center for Biotechnology Information, 2010

Cannabis in Homes with Children: Use and Storage Practices in a Legalized State, The BMJ, 2019

Driving Under the Influence of Drugs and Alcohol: A Report Pursuant to House Bill 17-1315 - Colorado Division of Criminal Justice, June 2019

Illinois Qualifying Conditions (IQC) updated as of August 2019 (bold)
Additional Conditions, for which individuals may use cannabis (light), include but is not limited to:

	ADHD
	Addison's Disease
IQC	Agitation of Alzheimer’s disease
IQC	AIDS/HIV
IQC	Amyotrophic lateral sclerosis (ALS)
IQC	Anorexia nervosa
	Anxiety / Panic Attacks
IQC	Arnold-Chiari malformation
	Asthma
	Atherosclerosis
IQC	Autism
	Autoimmune Disease
	Bacterial/Fungal Infection
	Blood Clot
IQC	Cancer
IQC	Cachexia/wasting syndrome
IQC	Causalgia
	Chronic Inflammation
IQC	Chronic inflammatory demyelinating polyneuropathy
IQC	Chronic pain
	Coronary Artery Disease
	Cramps
IQC	Crohn’s disease
IQC	CRPS (complex regional pain syndrome Type II)
	Depression
	Dermatitis / Eczema / Psoriasis
	Diabetes / Hyperglycemia / Hypoglycemia
	Digestive Disorders
	Diverticulosis/Diverticulitis
IQC	Dystonia
IQC	Ehlers-Danlos syndrome
	Endometriosis
	Erysipelas
IQC	Fibromyalgia (only severe is qualifying)
IQC	Fibrous Dysplasia
	Gastrointestinal Disorder
IQC	Glaucoma
	Gerd / Acid Reflux

IQC	Hepatitis C
	Huntington's Disease
IQC	Hydrocephalus
IQC	Hydromyelia
	Insomnia
IQC	Interstitial cystitis
IQC	Irritable bowel syndrome (IBS)
	Ischemia
IQC	Lupus
IQC	Migraines
IQC	Multiple Sclerosis (MS)
	Muscle Spasms
IQC	Muscular Dystrophy
IQC	Myasthenia Gravis
IQC	Myoclonus
IQC	Nail-patella syndrome
	Nausea / Vomiting
IQC	Neuro-Bechet's autoimmune disease
IQC	Neurofibromatosis
IQC	Neuropathy
	Obsessive Compulsive Disorder (OCD)
IQC	Osteoarthritis
	Osteoporosis / Bone Damage
IQC	Parkinson's disease
	Periodontitis
IQC	Polycystic kidney disease (PKD)
	Polycystic Ovarian Syndrome (PCOS)
IQC	Post-Concussion Syndrome
IQC	Post-Traumatic Stress Disorder (PTSD)
IQC	Reflex sympathetic dystrophy
IQC	Residual limb pain
IQC	Rheumatoid arthritis
IQC	Seizures (including those characteristic of Epilepsy)
IQC	Sjogren's syndrome
IQC	Spinal cord disease (including, not limited to, arachnoiditis)
IQC	Spinal cord injury is damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity
IQC	Spinocerebellar ataxia
	Stroke
IQC	Superior canal dehiscence syndrome
IQC	Syringomyelia
IQC	Tarlov cysts

IQC	Tourette syndrome
IQC	Traumatic brain injury
	Tuberculosis
IQC	Ulcerative colitis

MUNICIPALITY	BODY	MOST RECENT ACTION	DATE OF ACTION	POSITION	NOTES
Addison	Plan Commission	Prepare Ordinance	8/14/2019	Permit	
Arlington Heights	Board of Trustees	First Steps Consideration	8/13/2019	Permit	
Aurora			10/22/19		
Bannockburn	Board of Trustees	Direct to Plan Commission	7/15/2019		Passed a resolution but no further action at this time
Bartlett					
Bloomingdale	Board of Trustees	Prohibited	9/6/2019	Prohibit	
Bolingbrook	Board of Trustees	Prohibited	8/13/2019	Prohibit	
Brookfield		Permitted	9/24/2019	Permit	
Buffalo Grove	Plan Commission	Discussion	10/2/2019		Sent to Plan Commission for Oct 2 meeting
Carbondale		Opt in Likely	9/24/2019		
Carol Stream	Board Workshop		8/5/2019		
Clarendon Hills	Board of Trustees	First Steps Consideration	9/4/2019	Prohibit	
Darien	Board of Trustees	Permitted	9/16/2019	Permit	Voted to allow cannabis businesses but still unclear on zoning
Deerfield	Plan Commission	First Steps Consideration	8/22/2019	Prohibit	
DeKalb	City Council	First Steps Consideration	9/9/2019	Permit	Cannabis Business Establishment as a special use in the "LC" Light Commercial District and the "GC" General Commercial District
Des Plaines	City Council	Direct to Plan Commission	9/3/2019		
Downers Grove	Board of Trustees	Prohibited	9/17/2019	Prohibit	
Elburn				Permit	Special use in B-1, B-2, and CM zones
Evanston	City Council	First Steps Consideration	9/16/2019	Permit	Will likely allow through a special use permit
Frankfort	Board of Trustees	Prohibited	8/19/2019	Prohibit	
Glen Ellyn	Board of Trustees	Direct to Plan Commission	8/19/2019		
Glencoe	Board of Trustees	Direct to Plan Commission	9/17/2019	Permit	
Glendale Heights					

Grayslake	Board of Trustees	Prohibit Until 1/1/2021	8/6/2019	Prohibit	Banned for one year and may then reconsider
Henry		Tax Ordinance passed			
Highland Park	City Council		8/12/2019		Waiting to see impacts on other communities and will then determine a course of action
Hinsdale	Board of Trustees	Prohibited	9/17/2019	Prohibit	
La Grange	Board of Trustees	Red Flag Resolution	7/8/2019		
La Grange Park	Board of Trustees	First Steps Consideration	8/27/2019	Prohibit	
Lake Barrington			11/12/2019		
Lake Bluff	Plan Commission	First Steps Consideration	9/18/2019	Prohibit	
Lake Forest	Board of Trustees	Prohibited	7/1/2019	Prohibit	
Lake in the Hills	Board of Trustees	First Steps Consideration	8/22/2019		Board discussed allowing dispensaries and craft growing facilities while other cannabis businesses will be considered at a later time. They will determine if a conditional use permit should be required after reviewing the draft zoning. Will likely add a 2% occupational tax.
Lake Zurich	Board of Trustees	Prepare Ordinance	9/16/2019	Prohibit	
Libertyville	Plan Commission	First Steps Consideration	8/26/2019		
Lincolnwood	Board of Trustees	Permitted as Special Use	9/3/2019	Permit	
Lisle	Board of Trustees	Prepare Ordinance to Prohibit	9/19/2019	Prohibit	
Lombard	Board of Trustees	Prepare Ordinance	9/19/2019	Permit	Voted to allow by-right in office, industrial, and Roosevelt Road district and conditional-use in neighborhood commercial, corridor commercial, and downtown districts
Marion				Prohibit	
Morris					Tax Ordinance passed
Morton				Prohibit	
Mt. Vernon				Permit	
Murphysboro				Prohibit	Public Hearing in October

Naperville	City Council	Prohibited	9/3/2019	Prohibit	
Niles	Board of Trustees	Prepare Ordinance	9/16/2019	Permit	Potentially allowing cannabis dispensaries, growers, craft growers, processing organizations, and transportation organizations through different overlay districts. Not allowed within 1,000 feet of a school or 500 feet from a place of worship, park, or playground.
Northbrook	Plan Commission	First Steps Consideration	9/17/2019	Permit	
Oak Brook	Plan Commission	Prohibited	9/16/2019	Prohibit	
Oak Brook Terrace	City Council	Permitted	9/10/2019	Permit	
Oak Park	Board of Trustees	Permitted	9/16/2019	Permit	Permitted by-right in all business and commercial districts
Oswego	Board of Trustees	First Steps Consideration	9/3/2019		
Park Ridge	City Council	Prepare Ordinance	8/12/2019	Prohibit	
Peoria		Tax Ordinance passed			
Plainfield		Opt Out Ordinance likely Oct 7			
Riverside	Board of Trustees	Permitted	9/5/2019	Permit	
Rolling Meadows	City Council	Petition by Private Party	8/20/2019	Permit	
South Elgin	Board of Trustees	First Steps Consideration	7/16/2019	Permit	
St. Charles	City Council	First Steps Consideration	9/17/2019	Permit	Likely to allow two cannabis dispensaries (one on each side of the river) by special use in commercial districts outside of the downtown zoning districts
Sugar Grove		Resident Survey	9/14/2019		
Urbana				Permit	
Villa Park	Board of Trustees	Permitted as Special Use	2/11/2019	Permit	Allows cannabis dispensaries as a special-use in its C-3 Service Business District
Warrenville	City Council	First Steps Consideration	9/19/2019		
Wauconda	Board of Trustees	First Steps Consideration	8/13/2019	Permit	
Wheaton	City Council	Prohibited	9/16/2019	Prohibit	

Winnetka	Board of Trustees	Public Hearing	9/17/2019		
Winthrop Harbor	Board of Trustees	Permitted	9/17/2019	Permit	
Woodridge	Board of Trustees	Workshop	10/3/2019		

Attachment: Community Survey (4172 : Zoning Text Amendment - Recreational Cannabis)

Minutes
Village of Glen Ellyn
Special Workshop Meeting
Monday, August 19, 2019
7:00 PM
Glen Ellyn Civic Center, Room 301

Attachment: Minutes - August 19, 2019 Village Board Workshop (4172 : Zoning Text Amendment - Recreational Cannabis)

A. Call to Order

Attendee Name	Title	Status	Arrived
Diane McGinley	Village President	Present	
Bill Enright	Village Trustee	Present	
Gary Fasules	Village Trustee	Present	
Craig R. Pryde	Village Trustee	Present	
Kelli E. Christiansen	Village Trustee	Present	
Steve Thompson	Village Trustee	Present	
Mark Senak	Village Trustee	Present	
John Chereskin	Village Clerk	Present	
Mark Franz	Village Manager	Present	
Greg Mathews	Village Attorney	Present	
William Holmer	Assistant Village Manager	Present	
Christina Coyle	Finance Director	Present	
Julius Hansen	Public Works Director	Excused	
Staci Springer	Community Development Director	Present	
Phil Norton	Chief of Police	Present	
Cole Jackson	Associate Planner	Present	

B. Pledge of Allegiance

C. Roll Call

D. Audience Participation

1. Open:

None.

E. Recreational Cannabis (Presented by Assistant Village Manager Holmer) (Discussion Only)

1. Assistant Village Manager Holmer will facilitate a discussion about legislative changes related to Adult-Use Recreational Cannabis.

Assistant Village Manager Holmer provided background on this topic and stated on June 25, 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act (CRTA) which legalizes the sale, possession and use of cannabis for recreational purposes in limited quantities by persons 21 years of age or older, beginning January 1, 2020. Assistant Village Manager Holmer stated the Village does have a dedicated page on the Village's website about this and has received comments, which are pretty evenly split. Assistant Village Manager Holmer stated the Village Board needs to decide how they would want

to regulate cannabis businesses if these businesses are allowed in the Village as well as possible zoning, Special Use and possible retail sales.

President McGinley welcomed State Representative Terra Costa Howard and DuPage County Board Member Mary Ozog to the meeting.

Trustee Senak asked if the Village has looked at the other states that have done this and seen the revenue projections. Assistant Village Manager Holmer stated there is a lot of speculation, but not enough information to lay a path on this at the point. Trustee Christiansen stated they should look at the expense-revenue paradigm on this.

Thomas Turek, who resides at 357 Birchbrook Court, stated cannabis is not an easy thing to regulate, and he feels on-site consumption is a terrible idea. Mr. Turek stated there are going to be terrible long-term effects and costs associated with this. Mr. Turek stated if the Village does allow cannabis in some way, they should definitely tax this.

Pete Ladesic, who resides at 615 Scott Avenue, stated he is not against medical marijuana dispensaries, but he feels there will be a criminal element present if there are retail recreational dispensaries. Mr. Ladesic stated the testing in the field for marijuana is not as accurate. Mr. Ladesic stated the Village needs to learn from other's mistakes as Colorado and California have both seen increases in vehicle crashes and youth crime. Mr. Ladesic stated this could be a possible topic to go on the ballot. Mr. Ladesic stated he urges the Village Board to oppose the retail sale of cannabis.

Patrick Ryan, who resides at 539 Dawes Avenue, stated there are trying to teach their children values, but now drugs seem to be fine. Mr. Ryan stated this should be a concern for the children and the community and not revenues.

Angel Oakley, who resides at 641 Prairie Avenue, stated she has done extensive research on hemp oil and CBD and feels medical cannabis is the most compassionate thing you can give to someone with cancer. Ms. Oakley stated there is a difference between tinctures, topicals and edibles, and she is in favor of the cannabis issue. Ms. Oakley stated if the Village moves forward with this, she would be happy to help with information on this.

Larry Wadler, who resides at 963 Chapel Court South, stated there are dozens of establishments that serve alcohol on Roosevelt Road. Mr. Wadler stated the question is economics, and there is a revenue opportunity to gain. Mr. Wadler stated Glen Ellyn should get in front of the cannabis issue and help to shape this. Mr. Wadler stated no one is going to be able to stop people from using cannabis so Glen Ellyn can then dictate control instead of other communities' dictating to the Village.

David Hartsell, who resides at 714 Meredith Place, stated this is a matter of what is right and wrong and not economics. Mr. Hartsell stated they are talking about their children and what kind of image Glen Ellyn projects as a community. Mr. Hartsell stated there could be issues from this such as Glen Ellyn possibly not getting federal grants since cannabis is still illegal federally. Mr. Hartsell stated there is virtually no data on this, but lots of questions. Mr. Hartsell stated the Village Board should say no on this and then revisit in the future if circumstances change.

Jim Meyers stated there is not a lot of confirmed information yet as reports are just starting to come in from Colorado. Mr. Meyers stated Naperville has a medical dispensary, but has said no to retail recreational sales of cannabis. Mr. Meyers stated

Attachment: Minutes - August 19, 2019 Village Board Workshop (4172 : Zoning Text Amendment - Recreational Cannabis)

Glen Ellyn does not need this as a source of revenue.

Neal Henninger, who resides at 1815 Courtenay Drive, stated Glen Ellyn can be in the forefront on cannabis, and this is a good opportunity for Glen Ellyn.

President McGinley stated the Village Board needs to discuss being open to a recreational dispensary, allowing a lounge, additional taxing on cannabis, possible zoning and Special Use versus permitted use.

Trustee Enright asked about doing a referendum on this to which President McGinley stated it is possible.

Trustee Fasules stated they need to start an information-finding process on this. Trustee Senak stated with the lack of information, he thinks starting the process is a good idea to explore this and get more information. Trustee Enright stated he is not fine moving forward with the cannabis issue. Trustee Thompson stated he would like to support the resolution and collect more data on this. President McGinley stated Trustee Pryde also supports gathering more information before moving forward on the cannabis issue. President McGinley stated she is open to hearing more on this.

President McGinley stated the public has cautioned against a lounge. Trustees Enright, Senak and Thompson are opposed to a lounge, and Trustee Christiansen stated she is leaning toward this too. Trustee Fasules stated he is undecided on this at this time.

President McGinley asked if cannabis dispensaries should only be allowed on Roosevelt Road or in other areas. Trustees Enright and Senak agreed to Roosevelt Road. Trustee Thompson stated he is open to other areas. Trustees Christiansen and Fasules stated they would like to see more information on this first before figuring out locations.

President McGinley asked about possible retail and/or growers to which Trustee Enright stated no, and the other Trustees would like to see more data first.

President McGinley stated the resolution will be voted on at the next Village Board Meeting. President McGinley stated Glen Ellyn will not accept retail, and the Village Board would like the staff to continue to gather information on the cannabis topic.

Trustee Enright asked for a straw vote from the audience about doing retail cannabis sales in the Village, and many audience members raised their hands.

RESULT:	**DISCUSSION ONLY**

F. Other Items

None

Attachment: Minutes - August 19, 2019 Village Board Workshop (4172 : Zoning Text Amendment - Recreational Cannabis)

G. Adjournment

RESULT:	**APPROVED [6 TO 0]**
MOVER:	Gary Fasules, Village Trustee
SECONDER:	Mark Senak, Village Trustee
AYES:	Enright, Fasules, Pryde, Christiansen, Thompson, Senak
PRESENT:	McGinley

Respectfully Submitted, Debbie Solomon Recording Secretary

Reviewed and Approved, John A. Chereskin Village Clerk

Attachment: Minutes - August 19, 2019 Village Board Workshop (4172 : Zoning Text Amendment - Recreational Cannabis)

MEMORANDUM

To: Mark Franz, Village Manager

From: Philip J. Norton, Chief of Police

Date: August 14, 2019

Re: Recreational Cannabis Dispensaries

The Department has been asked to prepare a memo in regards to the impact of allowing recreational cannabis retail distribution within the corporate limits of Glen Ellyn. Attached is a memo from the Lombard Police Department that was provided as a template. Unfortunately, the majority of the Lombard memo speaks to issues related to medical dispensaries in area communities. The experience concerning medical cannabis dispensaries will arguably be different from recreational dispensaries. Moreover, the Lombard does not address the more important discussion of whether such an enterprise is appropriate for Glen Ellyn.

The opinion of the Glen Ellyn Police Department is that such a use is inappropriate and negatively impacts residents primarily the youth of our community and the area around which the dispensary is located. Families in Glen Ellyn already face enormous challenges in keeping illegal use of alcohol and drugs such as marijuana and heroin away from their children. Research shows adolescents are more likely to become addicted to marijuana use, and in addition to the problems cited in this memo, they are also more likely to become addicted to opioids. Our police officers are equipped with Narcan which is an anti-opioid treatment, that we have deployed dozens of times in the battle against drug use and addiction. We have worked closely with District 87 to create ordinances to keep school age children away from such negative influences. To reverse course, and permit such activity merely to increase revenue would be hypocritical.

Following is open source information concerning cannabis use:

- The Washington Post reported on June 16, 2019, “Though the legal purchase age is 21 in Colorado and Washington, parents, educators and physicians say youth are easily getting hold of edibles infused with tetrahydrocannabinol or THC, the psychoactive substance that is heated and then inhaled through a special device. Each poses serious risks to adolescents’ physical and mental health.

  With some marijuana products averaging 68 percent THC –exponentially greater than the pot baby boomers once smoked – calls to poison control centers and visits to emergency rooms have risen. In the Denver area, visits to Children’s Hospital Colorado facilities for treatment of cyclic vomiting, paranoia, psychosis

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

and other acute cannabis-related symptoms jumped to 777 in 2015 from 161 in 2005.

'Horrible things are happening to kids,' said psychiatrist Libby Stuyt, who treats teens in southwestern Colorado and has studied the health impact of high impotency marijuana. 'I see increased problems with psychosis, with addiction, with suicide, with depression and anxiety.'

The limited Scientific research to date shows that earlier and more frequent use of high-THC cannabis puts adolescents at greater jeopardy of substance use disorders, mental health issues and poor school performance."

- The Centers for Disease Control and Prevention state on their website on the "Marijuana and Public Health" page, under the "Marijuana: How Can it Affect Your Health" section, states:

  "About 1 in 10 marijuana users will become addicted. For people who begin using before the age of 18, that number rises to 1 in 6." Additionally they state, "People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning." They also report, "Marijuana users are significantly more likely than nonusers to develop temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental disorders, including schizophrenia (a type of mental illness where people might see or hear things that aren't really there)."

- The International Association of Chiefs of Police stated in their publication, "Critical Issues Messaging : Marijuana legalization and Traffic Safety", the following: "The threat to public safety posed by marijuana-impaired driving on US roadways is quickly becoming a major concern, partially due to the legalization of marijuana or 'medical' marijuana in many states."

  The paper further states: "Marijuana impairs a person's ability to operate a vehicle safely." And cites, "The frequency of drivers in fatal crashes in Washington State who tested positive for THC alone or in combination with alcohol or other drugs, skyrocketed 11 percent from the previous four-year average (2016 Society for study of Addiction)."

  In answer to the question, "What do the above facts mean to your audience or stakeholders impacted by the news?" It lists the following bullet points:
  - "Marijuana has significant psychological and physiological effects that can impair driving.
  - Marijuana use by drivers puts everyone at risk on our nation's roadway.

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

  - Research shows that marijuana is a major cause of impaired driving and serious and fatal injury crashes."

- The IACP concludes their paper with the following points:
  - "A recent Washington State poll shows that half of the 18-25 year olds who were self-reported marijuana users admitted driving a vehicle within three hours of using marijuana (2015 CSHRB University of Washington Young Adult Health Survey).
  - One out of four drivers in Colorado and Washington State admit to driving within one hour of using marijuana (2016 AAA Foundation Report on Cannabis Use among Drivers Suspected of DUI or Involved in Collisions).
  - Many Marijuana users mistakenly believe that marijuana does not impair their ability to operate a vehicle (2016 AAA Foundation Report on Cannabis Use among Drivers Suspected of DUI or Involved in Collisions).

In a another publication by the Centers for Disease Control titled, "What you need to Know about Marijuana Use and Driving", the CDC makes the following points

- "After alcohol, marijuana is the drug most often linked to drugged driving.
- Drugs and alcohol interfere with the brain's ability to function properly. Tetrahydrocannabinol (THC), which is the main active ingredient in marijuana, affects areas of the brain that control your body's movement, balance, coordination, memory and judgment.
- Marijuana can slow your reaction time and ability to make decisions.
- Marijuana use can impair coordination, distort perception, and lead to memory loss and difficulty in problem-solving."

The American Medical Association Young Physicians Section issued a resolution which included the following information:

"Whereas, In Washington State, where recreational marijuana use was decriminalized, 'between 2011 and 2013, there was an average of 155 marijuana related calls per year to the Poison Control Center; from 2014 to 2016 the average number of calls was 268, a 73% increase; and

Whereas the Rocky Mountain High Intensity Drug Trafficking Area has been tracking the impact of marijuana legalization in the state of Colorado, finding that:

- Marijuana-related traffic deaths increased 48% in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to the three-year average (2010-2012) prior to legalization:
  - During the same time traffic deaths increased by 11%
- Marijuana-related traffic deaths increased 62% from 71 to 115 persons after recreational marijuana was legalized in 2013.

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

- In 2009, Colorado marijuana-related traffic deaths involving operators testing positive for marijuana represented 10% of all traffic fatalities. By 2015, that number doubled to 21%."
- Emergency department rates likely related to marijuana increased 49% in the two-year average (2013-2014) since Colorado legalized recreational marijuana compared to the two-year average prior to legalization (2011-20112).
- Hospital[ization] rates likely related to marijuana increased 32% in the three-year average (2013-2015) since Colorado legalized recreational marijuana compared to three –year average prior to legalization (2010-2012).

Lastly, in the Missouri State Medical Association publication, Missouri Medicine, 2013 Nov-Dec, titled "More Reasons States Should Not Legalize Marijuana: Medical and Recreational Marijuana: Commentary and Review of the Literature", is the following information:

"Recreational Marijuana

The Question of recreational marijuana is a broader social policy consideration involving implications of the effects of legalization on international drug cartels, domestic criminal justice policy, and federal and state tax revenue in addition to public health. Yet physicians, with a responsibility for public health are experts with a vested interest in this issue. Recent legislation, reflecting changes in the public's attitudes toward marijuana, has permitted the recreational use of marijuana in Colorado and Washington. Unfortunately, the negative health consequences of the drug are not prominent in the debate over legalizing marijuana for recreational use. In many cases, these negative effects are more pronounced in adolescents. A compelling argument, based on these negative health effects in both adolescents and adults, can be made to abort the direction society is moving with regards to the legalization of recreational marijuana.

Myth: Marijuana is Not Addictive

A growing myth among the public is that marijuana is not an addictive substance. Data clearly show that about 10% of those who use cannabis become addicted; this number is higher among adolescents. Users who seek treatment for marijuana addiction average 10 years of daily use. A withdrawal syndrome has been described, consisting of anxiety, restlessness, insomnia, depression, and changes in appetite and affects as many as 44% of frequent users, contributing to the addictive potential of the drug. This addictive potential may be less than that of opiates; but the belief, especially among adolescents, that the drug is not addictive is misguided."

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

Risk Perception and Use in Adolescents

> Marijuana use among adolescents has been increasing. Data that has tracked risk perception and use of marijuana among adolescents over decades clearly shows an inverse relationship; as adolescents risk perception wanes, marijuana use increases. As more states legalize medical and recreational marijuana, risk perception is expected to decrease, causing the prevalence of use among adolescents to continue to rise. This is among the most concerning of issues about the drug's legalization because so many of the negative effects of marijuana – including cognitive impairment and risk for short- and long-term psychosis – are heightened when used during adolescence."

The paper also discusses other negative effects associated with marijuana use, including its consistent risk factor for schizophrenia and other psychotic disorders, its impact on cognitive decline, its negative impact on the respiratory system, and its increased presence as a factor in fatal vehicle crashes.

Conclusion

While the "Missouri Medicine" position is to not legalize marijuana which is now a moot point in Illinois, their findings, along with all the other facts presented here cannot be ignored in the argument to keep this out of our community. We must, to the best of our ability, acknowledge the ill effects this issue will have on us as a community. To suddenly decide to follow the State's footsteps when virtually everything being done at the State level is leading us into further decline, is a grand capitulation that ignores the data proving the negative impacts of recreational marijuana legalization.

While it may be true that nearby communities may reap some revenue benefit (although there is much debate on how much would actually be generated) from allowing this newly legalized vice, we believe we should stand with the growing number of those who have chosen not to do so. Just because someone else is doing something and it may be legal, does not make it a good idea. The old parental adage, "If Johnny wanted to jump off a building, would you do it too?" comes to mind. While people will be able to buy products in other areas and bring them legally back into our community, by not allowing such sales in Glen Ellyn, we would not be responsible for being a partner in the larger societal problem. There is something to be said for that.

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

LOMBARD POLICE DEPARTMENT

TO: Scott Niehaus
Village Manager

FROM: Roy Newton
Chief of Police

SUBJECT: Potential Impact of Cannabis Dispensaries
On Police Operations

DATE: June 26, 2019

At your request, we have compiled a brief report outlining the potential impact of legalized cannabis and cannabis dispensaries on our police operations. The intent of this information is to provide objective information that will assist Village of Lombard staff and elected officials in making decisions leading up to and after the legalization of recreational cannabis.

There are a number of communities, at or around the same size as Lombard, that currently house *medical* cannabis dispensaries (MCD). They are:

Naperville
Arlington Heights
Mount Prospect
Elmwood Park
Rolling Meadows
Deerfield
Evanston
Oak Park
North Aurora
Romeoville
Addison

We contacted the aforementioned communities in an effort to seek information on the impact to police service that an MCD would cause. Through our daily bulletin reports, statewide critical reach reports, and general media, I have found there are limited calls for police service at MCD locations. The following communities responded to our request for information concerning police activity at their medical dispensaries:

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

Addison: The Addison Police Department indicated that they have had no calls for service at the MCD. They also stated that they have no received crime or community complaints related to the facility.

North Aurora: They indicated that they have had five calls for service at their MCD since December of 2015. These calls were for three false burglar alarms, one counterfeit currency complaint, and one inquiry about a state ID card.

Elmwood Park: They indicated they have had no calls for service or any community complaints at the MCD located in their jurisdiction in the years they have been open.

Arlington Heights: Although a few calls for service are indicated since opening in June of 2018, the calls are the norm for generally any business within their community. The MCD has had little impact on their operations. Specifically, 10 false burglar alarms, a burglary to a storage container, one suspicious circumstances report, one customer dispute, one suspicious vehicle report, and one disorderly conduct incident.

Mount Prospect: They indicated that they have had no issues involving the MCD located in their jurisdiction.

Deerfield: They indicated that there has been five alarm calls since opening in mid-2014.

Naperville: They have experienced minimal calls for service and most calls are for false burglar alarms.

Romeoville: There have been no incidents with this business in the two years they have been open.

At this moment with legalization dispensaries being new, I cannot assume that the impact of MCD's will be similar to the impact of recreational cannabis dispensaries (RCD). Although there are many illicit users of cannabis currently, RCD's will be a vehicle for current users who will now be able to purchase legally. I do not see a sudden increase in the amount of users just because it is now legal. I would also note that with the extreme tax rate that has been imposed on any purchase, the "black market" will continue to flourish.

Certainly a concern of the police department will be on the impact of impaired driving and traffic crashes. Since 2013, the Lombard Police Department has made 56 impaired driving arrests in which drivers tested positive for THC (the component of cannabis that causes a "high"). Approximately 27% of those arrests involved a traffic crash. After medical cannabis became legal, there was a mild increase in the number of DUI cannabis arrests but that number has seemed too stabilized.

It is reasonable to assume that the legalization of cannabis can increase the demand for police services as well as the number of drug impaired drivers on our roadways. However, this will likely occur whether or not the Village of Lombard allows an RCD or not.

Respectfully,

Chief Newton

Attachment: Norton Memo to Village Board (4172 : Zoning Text Amendment - Recreational Cannabis)

Current Liquor Store Regulations:
100 feet from any church building, school building, hospital building, or building that is home for the aged or indigent persons or for veterans (or their families).
*Measured from building footprint.

Religious, School, Nusing Home, or Senior Living Building

100 Foot Buffer

2019 Liquor Store Regulations Map

VILLAGE OF GLEN ELLYN 1834

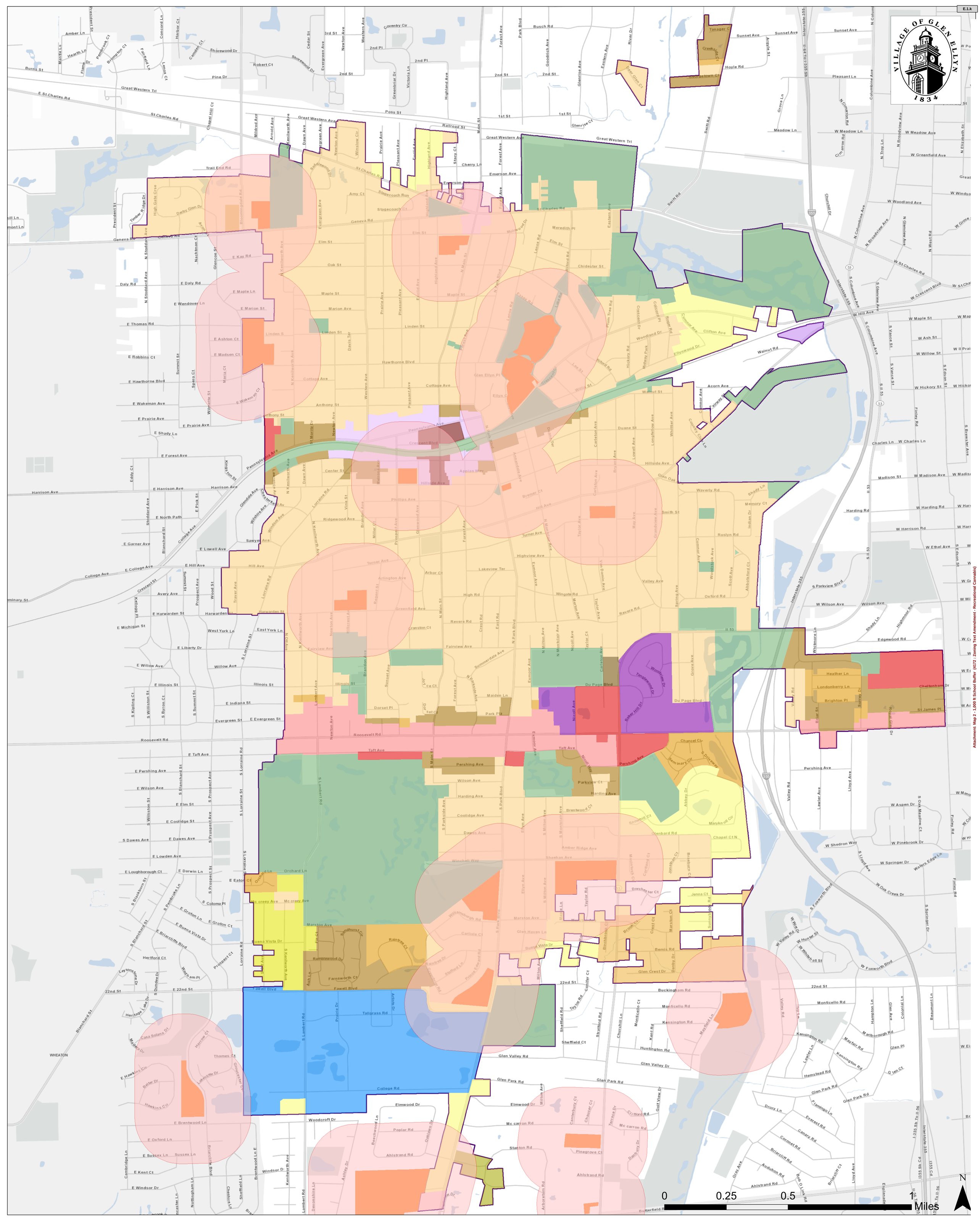
N

GIS consortium

0 0.25 0.5 1 Miles

Date: 8/12/2019

Attachment: Map 1 - Liquor License Requirements (4172 : Zoning Text Amendment - Recreational Cannabis)



2019 School Parcels 1,000 Foot Buffer Map

Date: 8/23/2019

Attachment: Map 2 - 1,000 ft School Buffer (4172 : Zoning Text Amendment - Recreational Cannabis)

Attachment: Map 3 - 1,000 ft School & Daycare Buffer (4172 : Zoning Text Amendment - Recreational Cannabis)

0 0.25 0.5 1 Miles

N

Zoning

- CC - Community College
- C2 - Community Commercial
- C3 - Service Commercial
- C4 - Office District
- C5A - CBD Retail Core
- C5B - CBD Service
- C6 - Commercial/Multi-use
- CR - Conservation Recreation
- I-1 - Light Industrial
- RE - Residential Estate
- R0 - Single Family Residential
- R1 - Single Family Residential
- R2 - Single Family Residential
- R2B - Single Family Residential
- R3 - Multi-family Residential
- R4 - Multi-family Residential
- R5 - Planned Residential
- U - Unincorporated

School Property Parcels

Daycare Property Lines

1000 Foot Buffer

2019 School and Daycare Parcel 1,000 Foot Buffer Map

GIS consortium

Date: 8/23/2019

IML Buffer Recommendation:
1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home.

School Property Parcels

Daycare Property Parcels

1500 Foot Buffer

0 0.25 0.5 1 Miles

N W E S

GIS consortium

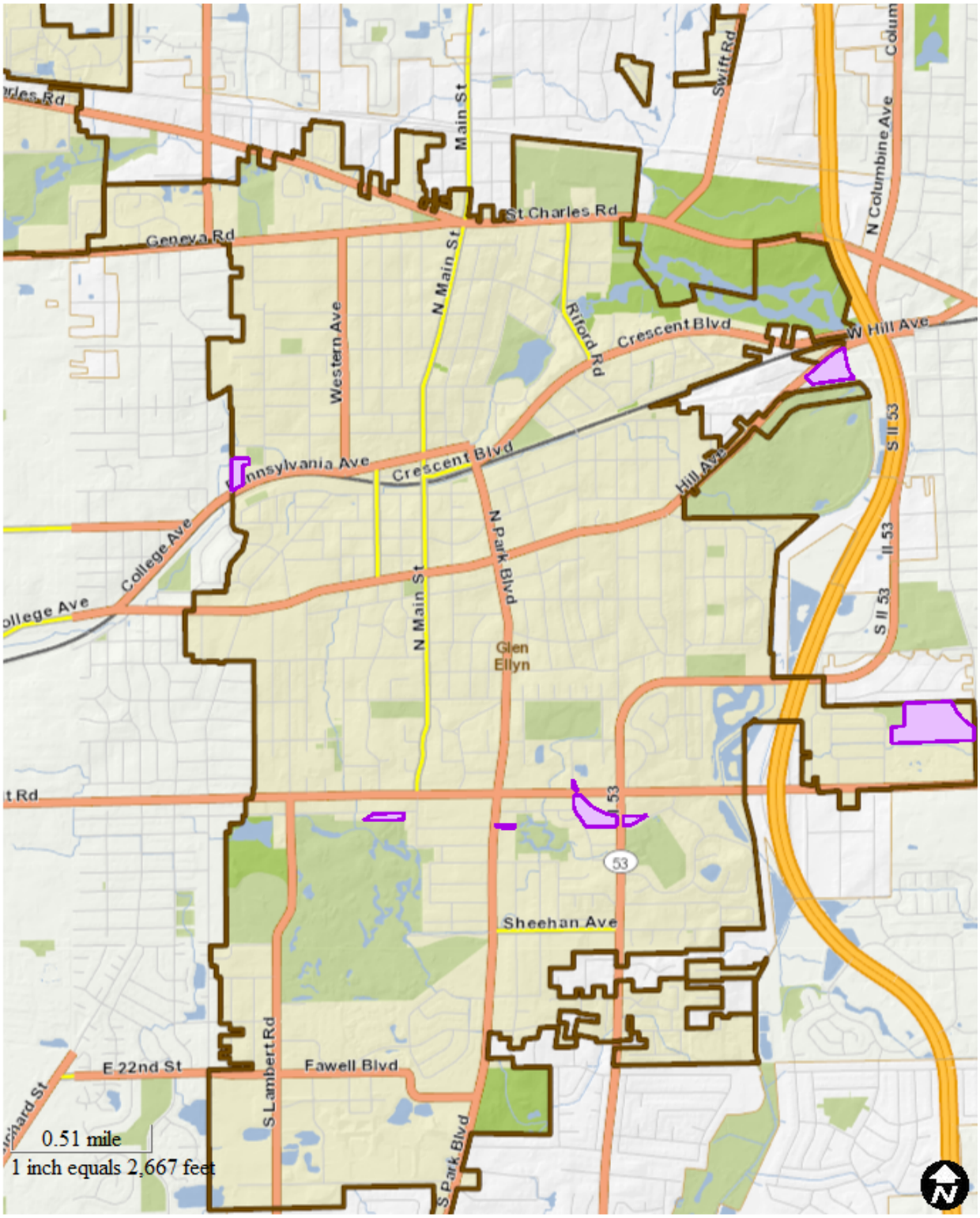
2019 Illinois Municipal League Recommendation Map

Date: 8/2[illegible]

Attachment: Map 4 - 1,500 ft School & Daycare Buffer (4172 : Zoning Text Amendment - Recreational Cannabis)

GIS consortium MapOffice™

Medical Cannabis Allowed



Map created on August 13, 2019.
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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently cont for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

NOTICE OF PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE GLEN ELLYN ZONING CODE

The Glen Ellyn Plan Commission will be considering amendments to the Zoning Code regarding the regulation of recreational cannabis businesses. A copy of the proposed text amendments will be available for public review one week prior to the meeting in the Community Development Department, Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois. The Plan Commission reserves the right to add, delete or change the proposed text based on the deliberations and testimony at the public hearing. Questions pertaining to the proposed zoning code text amendments should be directed to Cole Jackson, Associate Planner, at 630-547-5246. For additional information or to submit comments, please visit the Village website at www.glenellyn.org/676/Recreational-Cannabis-Information.

Before the Glen Ellyn Village Board can consider the amendments, in accordance with Section 10-10-13 of the Zoning Code, the Plan Commission must conduct a public hearing. The Plan Commission will consider the proposed amendments at a public hearing on Thursday, **October 10, 2019 at 7:00 p.m.** in the Galligan Board Room on the third floor of the Glen Ellyn Civic Center, 535 Duane Street, Glen Ellyn, Illinois.

All persons in the Village of Glen Ellyn who are interested are invited to attend the public hearing to listen and be heard. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact the Village 24 hours in advance of the meeting.

Cole Jackson
Associate Planner

(Published in The Daily Herald on Wednesday October 25, 2019)

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Attachment: Public Notice Recreational Cannabis ZTA (4172 : Zoning Text Amendment - Recreational Cannabis)

ZONING CODE TEXT AMENDMENTS
October 10, 2019

Bold = New Text; ~~Strikethrough~~ = Deleted Text

Chapter 2
DEFINITIONS

1. Amend Section 10-2-2 (Terms defined) to add definitions for "cannabis", "cannabis business establishment", "cannabis cultivation center", "cannabis graft grower", "Cannabis Dispensary, Medical", "Cannabis Dispensary, Recreational", "cannabis infuser", and "cannabis transporter", "cannabis processor" between the definitions of "Bulk" and "Cellar" and "on-premises cannabis consumption establishment between the definitions of "100-year flood" and "open space":

…

CANNABIS shall have the same definition as "cannabis" set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS BUSINESS ESTABLISHMENT means a "cannabis business establishment," "infuser organization," or "infuser", as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, and such other cannabis business establishments authorized under the Act, as amended.

CANNABIS CULTIVATION CENTER means "cultivation center" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS CRAFT GROWER means "craft grower" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS DISPENSARY, MEDICAL: A business regulated and authorized by the State of Illinois to sell legal quantities of cannabis derived products, including marijuana, to patients who are also authorized by the State of Illinois to purchase cannabis.

CANNABIS DISPENSARY, RECREATIONAL: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER means "infuser organization" or "infuser" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

CANNABIS TRANSPORTER means "transporting organization" or "transporter" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

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CANNABIS PROCESSER means "processing organization" or "processer" as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

ON-PREMISES CANNABIS CONSUMPTION ESTABLISHMENT means a cannabis business establishment or other entity that is authorized or permitted to allow the on-premises consumption of cannabis.

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2. Amend Section 10-2-2 (Terms defined) to delete the definition for "Medical Cannabis Dispensary" between the definitions of "Maintenance and Storage Facilities" and "Micro Food and Beverage Manufacturing":

~~MEDICAL CANNABIS DISPENSARY: A business regulated and authorized by the State of Illinois to sell legal quantities of cannabis derived products, including marijuana, to patients who are also authorized by the State of Illinois to purchase cannabis.~~

Chapter 4
DISTRICT REGULATIONS

1. Amend Section 10-4-15(B) (C3 Service Commercial District – Special uses) to add the following and renumber the remainder of the section accordingly:

4. Cannabis Dispensary, Medical
5. Cannabis Dispensary, Recreational

2. Amend Section 10-4-16(B) (C4 Office District – Special uses) to delete the following:

~~16. Medical cannabis dispensary (in accordance with 10-5-19 of this title).~~

3. Amend Section 10-4-19(A) (I1 Light Industrial District – Permitted uses) to delete the following and renumber the section accordingly:

~~17. Medical cannabis dispensary (in accordance with 10-5-19 of this title).~~

Chapter 5
SUPPLEMENTARY REGULATIONS

1. Amend Section 10-5-19 (Medical cannabis dispensaries) as follows:

10-5-19. ~~- Medical cannabis dispensaries.~~ **Cannabis Dispensaries.**

~~Medical cannabis dispensaries shall be subject to the following regulations:~~

~~(A) Sales shall occur only between the hours of 8:00 a.m. and 6:00 p.m.~~

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~~(B) All medical cannabis dispensaries shall be at least 1,000 feet away from all other medical cannabis dispensaries, measured from the parcel boundaries.~~

~~(C) Drive-through and carryout lanes, as well as window sales, are prohibited.~~

(A) Medical cannabis dispensaries shall be subject to the following regulations:

1. **All medical cannabis dispensaries shall be at least 1,000 feet away from all other medical cannabis dispensaries, measured from the property line.**
2. **Drive-through and carryout lanes, as well as window sales, are prohibited.**
3. **Medical cannabis dispensaries shall follow all state requirements related to the sale of medical cannabis products.**
4. **All medical cannabis dispensaries shall also meet the regulations for recreational cannabis dispensaries listed below in Section 10-5-19(B) 1 through 9.**

(B) Recreational cannabis dispensaries shall be subject to the following regulations:

Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the Village of Glen Ellyn. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

1. **Dispensaries may not conduct any sales or distribution of cannabis other than as authorized by the Act.**
2. **Dispensaries shall be located no closer than 1,000 feet from any school.**
3. **All product storage, display, and sales must be conducted inside an enclosed building.**
4. **Drive-through and window sales are prohibited.**
5. **Display of cannabis products or paraphernalia must not be visible from sidewalks, public or private rights-of-way, or from a lot other than the lot on which the dispensary is located.**
6. **Applicants for special use permit must submit a complete copy of their license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, dispensaries must provide a copy of their license to operate as a recreational cannabis dispensary from the appropriate state agency.**
7. **Consumption of cannabis products is prohibited on dispensary premises.**
8. **For purposes of determining required parking, dispensaries shall provide one parking spaces for each 250 square feet of gross floor area.**
9. **Dispensaries must submit a traffic study showing the impact of the proposed business on traffic in the surrounding area as part of the special use application.**

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(C) Cannabis cultivation centers, cannabis craft growers, cannabis infusers, cannabis transporters, cannabis processers, and on-premises cannabis consumption establishments are prohibited.