



ADULT USE CANNABIS

Village of Tinley Park
Committee of the Whole
November 12, 2019

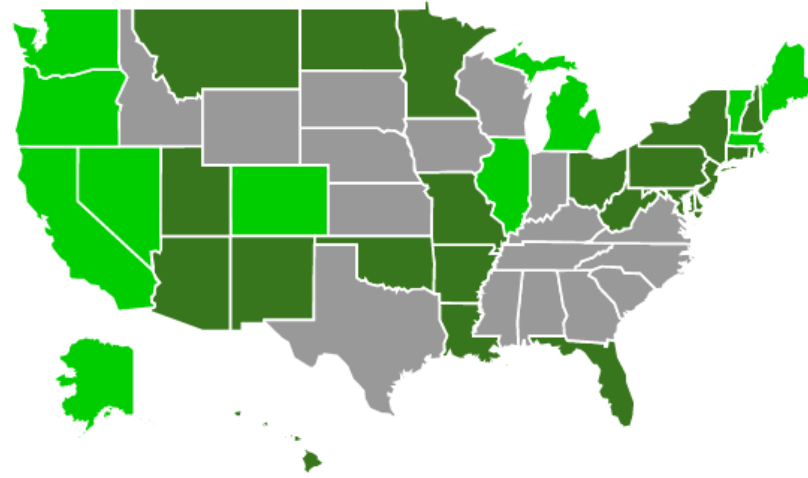


OVERVIEW

- Purpose of this COW is informational only and to receive input from the community; no action will be taken tonight
- Topic: Public Act 101-0027 created the Cannabis Regulation and Tax Act (CRTA)
- Effective January 1, 2020
- Tonight's agenda:
 - Overview
 - Zoning Options
 - Impact on public safety

OVERVIEW

- Thirty three (33) states have legalized marijuana broadly in some form, while eleven (11) states and D.C. have legalized recreational use.
- Denver, Colorado leads the way in the U.S when it comes to on-site consumption. Current law allows for business-like restaurants and coffee shops that already exist to apply for separate indoor areas in their facility where individuals are allowed to consume edibles and pot vapor.



Marijuana Legalization Status

- Medical marijuana broadly legalized
- Marijuana legalized for recreational use
- No broad laws legalizing marijuana



GENERAL LEGAL PROVISIONS

- Applies to Illinois residents 21 and older
- Can legally possess up to 30 grams of cannabis, 500 milligrams of THC infused products and 5 grams of cannabis concentrate
- While purchasing marijuana will become legal, it will remain illegal to smoke marijuana in public places or to drive while under the influence.
- Personal cannabis use will be allowed in most private residences, but not in prohibited areas including any public place or in close physical proximity to underage persons.
- Home Grow Cannabis will be limited to authorized medical cannabis participants and is limited to five plants.



GENERAL LEGAL PROVISIONS

Can the consumption/possession of cannabis be banned by a local municipality?

No, municipalities cannot ban or override the CRTA. However, they can enforce related local ordinances consistent with the Act, such as violations for consumption in public places, schools, etc.

What does the law allow municipalities to do?

The CRTA allows Illinois municipalities to choose whether they will allow or prohibit (“opt out”) the local retail sale/on-premises consumption of adult-use cannabis by businesses within their jurisdiction.



GENERAL LEGAL PROVISIONS

The choice to 'opt out'

If a municipality chooses to opt out, it may adopt and enforce local ordinances to regulate the possession, public consumption, cultivation, growing, processing, dispensing, and transporting of adult-use cannabis as long as the regulations and penalties are consistent with the CRTA.

The choice to permit

If a municipality permits adult-use cannabis, it may enact zoning ordinances and regulations that designate the time, place, manner, and number of cannabis business operations. This would also include requiring minimum distances not only between cannabis business locations, but also between cannabis business locations and certain types of other businesses throughout the municipality. Additionally, municipalities have authority over whether on premise use is allowed. In addition, municipalities that opt in may impose a Municipal Purchase Excise Tax on adult-use cannabis products of up to 3% of the purchase price.



REVENUE

- At retail level the state will tax sales at:
 - 10% for cannabis with THC levels at or less 35%
 - 25% for cannabis with THC levels above 35%
 - 20% for cannabis infused products such as edibles
- The rate of tax cannot exceed 3% of the dispensary's gross receipts from the sale of non-medical cannabis. If imposed, the tax may only be imposed in 0.25% increments.
 - In addition these scalable tax rates, the state's regular 6.25% sales tax rate also applies, along with local taxes of up to 3%
- The tax will be collected and enforced by the Department of Revenue, which is entitled to retain 1.5% of the amount distributed to each municipality as an administrative fee.



OTHER COMMUNITIES

Municipality	Action	County
Arlington Heights	Permit	Cook
Brookfield	Permit	Cook
Chicago	Permit	Cook
Evanston	Permit	Cook
Glencoe	Permit	Cook
Lincolnwood	Permit	Cook
Niles	Permit	Cook
Northbrook	Permit	Cook
Oak Park	Permit	Cook
Riverside	Permit	Cook
Rolling Meadows	Permit	Cook
Schaumburg	Permit	Cook
Skokie	Permit	Cook
Wheeling	Permit	Cook, Lake
Forest View	Prohibit	Cook
Glenview	Prohibit	Cook
La Grange	Prohibit	Cook
La Grange Park	Prohibit	Cook

Orland Park	Prohibit	Cook
Park Ridge	Prohibit	Cook
Winnetka	Prohibit	Cook
Hinsdale	Prohibit	Cook, Dupage
Rosemont	Referendum	Cook
Wilmette	Referendum	Cook
Des Plaines	Undecided	Cook
Oak Forest	Undecided	Cook
Streamwood	Undecided	Cook
Hanover Park	Undecided	Cook, Dupage
Bartlett	Undecided	Cook, Dupage, Kane
Tinley Park	Undecided	Cook, Will

Municipality	Action	County
Frankfort	Prohibit	Will
Lockport	Prohibit	Will
Mokena	Prohibit	Will
Bolingbrook	Prohibit	Will, Dupage
Plainfield	Prohibit	Will, Kendall

**subject to change*

OTHER COMMUNITIES

Municipality	Action	County
Addison	Permit	Dupage
Darien	Permit	Dupage
Lombard	Permit	Dupage
Oak Brook Terrace	Permit	Dupage
Villa Park	Permit	Dupage
Warrenville	Permit	Dupage
St. Charles	Permit	Dupage, Kane
Bloomingtondale	Prohibit	Dupage
Clarendon Hills	Prohibit	Dupage
Downers Grove	Prohibit	Dupage
Lisle	Prohibit	Dupage
Oak Brook	Prohibit	Dupage
West Chicago	Prohibit	Dupage
Wheaton	Prohibit	Dupage
Naperville	Referendum	Dupage
Carol Stream	Undecided	Dupage
Glendale Heights	Undecided	Dupage
Glen Ellyn	Undecided	Dupage
Woodridge	Undecided	Dupage

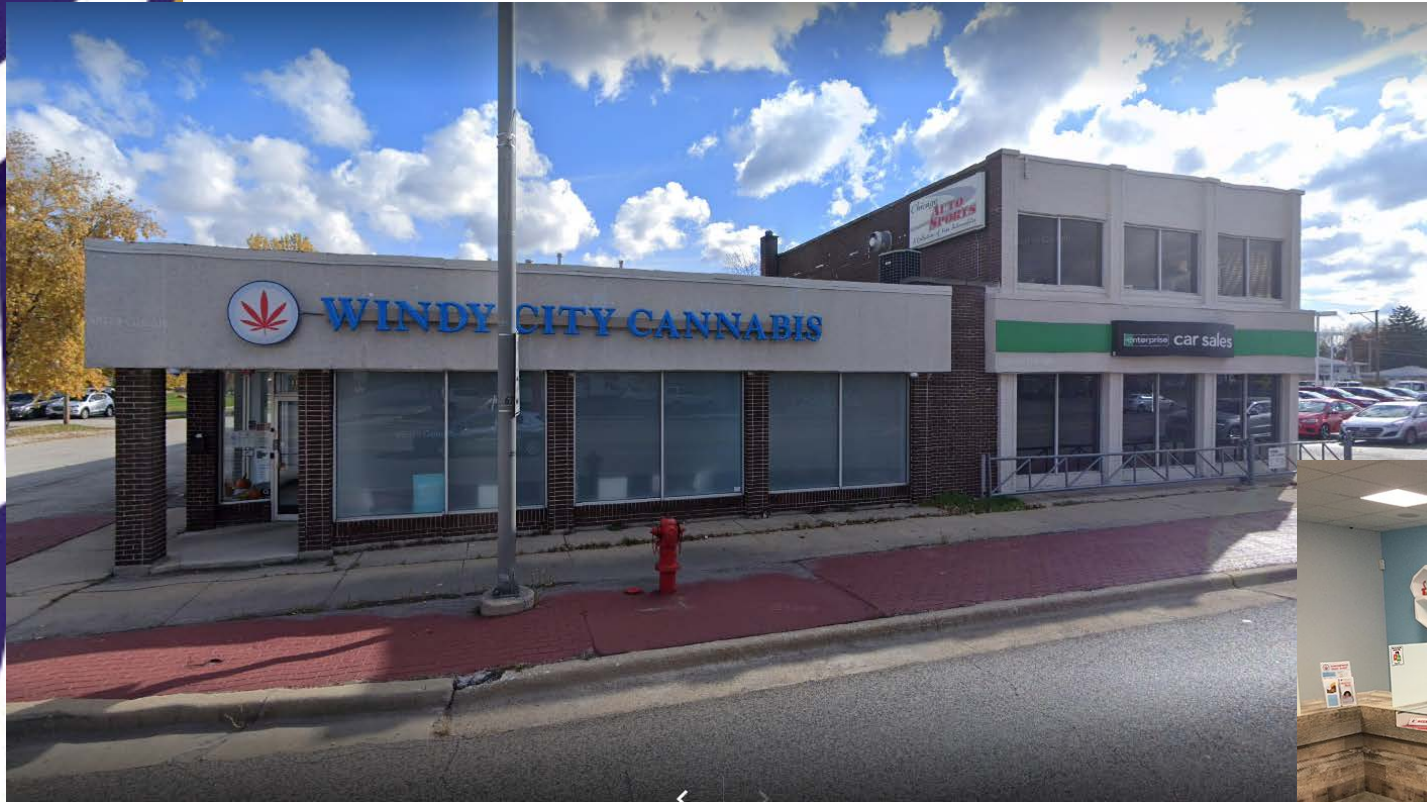
Municipality	Action	County
Deerfield	Permit	Lake
Highwood	Permit	Lake
Park City	Permit	Lake
Wauconda	Permit	Lake
Waukegan	Permit	Lake
Winthrop Harbor	Permit	Lake
Zion	Permit	Lake
Buffalo Grove	Permit	Lake, Cook
Bannockburn	Prohibit	Lake
Grayslake	Prohibit	Lake
Highland Park	Prohibit	Lake
Lake Bluff	Prohibit	Lake
Lake Barrington	Prohibit	Lake
Lake Forest	Prohibit	Lake
Lake Zurich	Prohibit	Lake
Lincolnshire	Prohibit	Lake
Vernon Hills	Prohibit	Lake
Libertyville	Undecided	Lake

**subject to change*



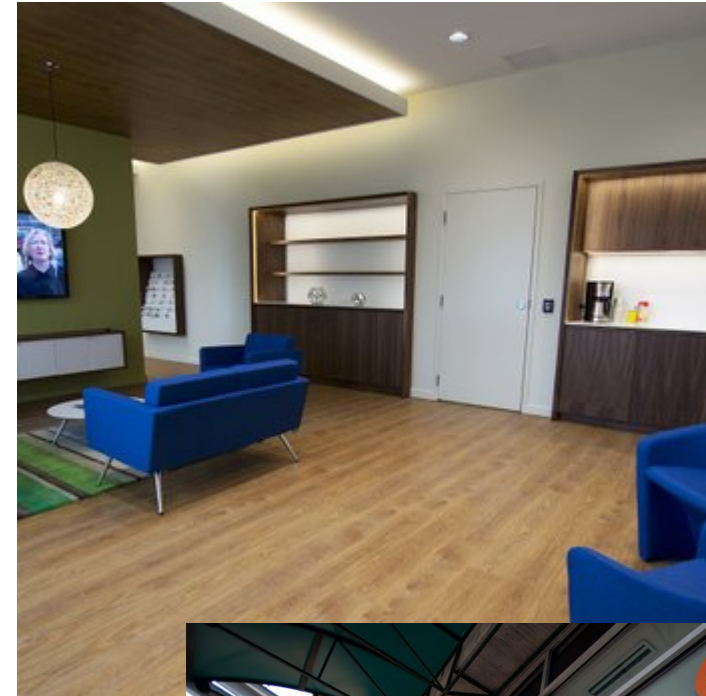
ZONING AND LAND USE

WHAT DOES A CANNABIS FACILITY LOOK LIKE?



Windy City Cannabis – Medical Dispensary
114th Harlem, Worth, IL
Zoned B-2

WHAT DOES A CANNABIS FACILITY LOOK LIKE?



**Verilife – Medical Dispensary
Evanston, IL
Special Use**

WHAT DOES A CANNABIS FACILITY LOOK LIKE?



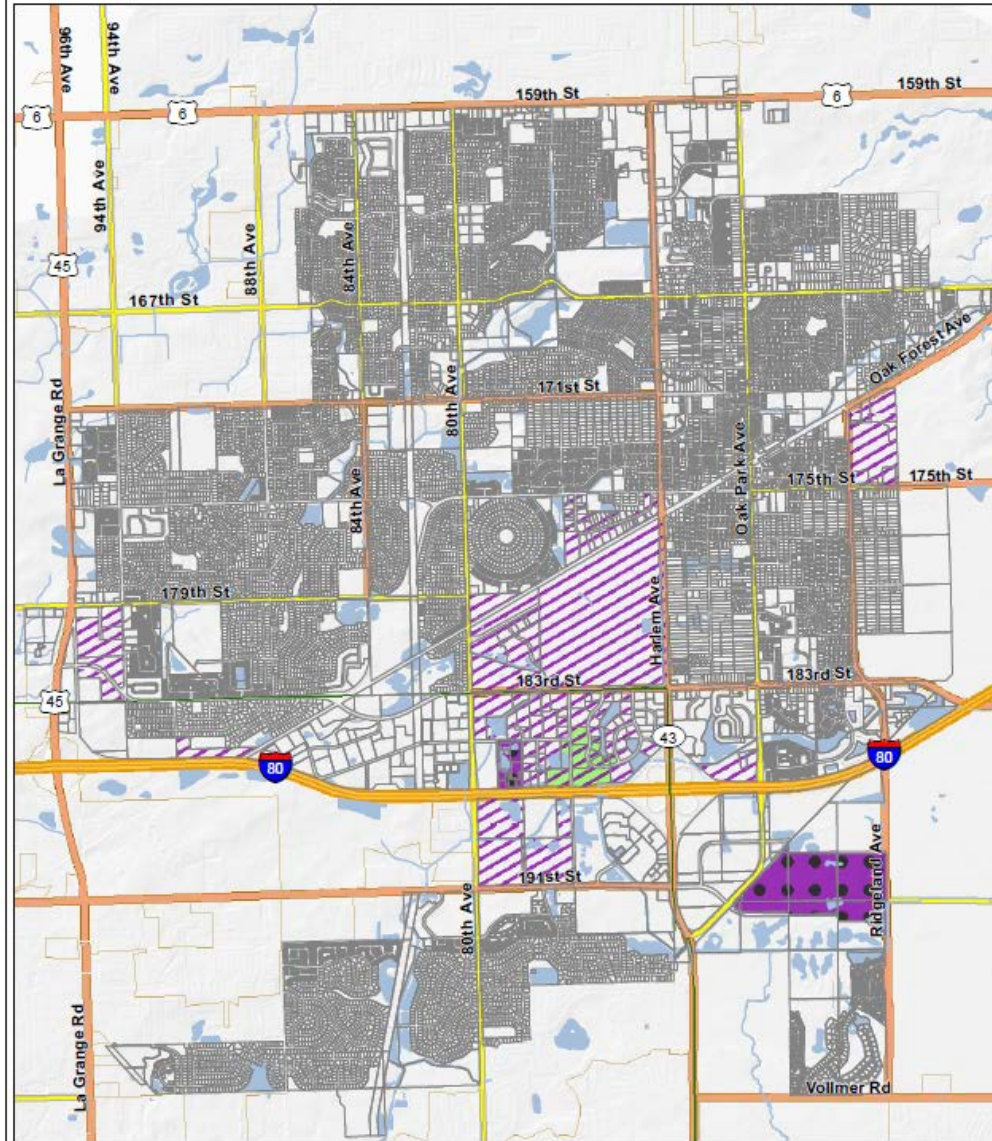
**Cresco Labs- Cultivation Center
Joliet, IL
Zoned Industrial - 1**



Current Zoning Regulations on Cannabis

- *The Village defines the following uses related to cannabis:*
 - **Medical Cannabis Cultivation Facility:** *A facility authorized by Illinois law and operated by an organization or business registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. **This use is listed as a Special Use Permit in the ORI District***
 - **Medical Cannabis Dispensing Facility:** *A facility authorized by Illinois law and operated by an organization or business registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation facility for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. **This use is listed as a Special Use Permit in the M-1 District***
- Currently Tinley Park has ZERO medical cannabis dispensaries
- Prohibited in areas zoned residential (State Law)

Village of Tinley Park Medical Marijuana Zones



Legend

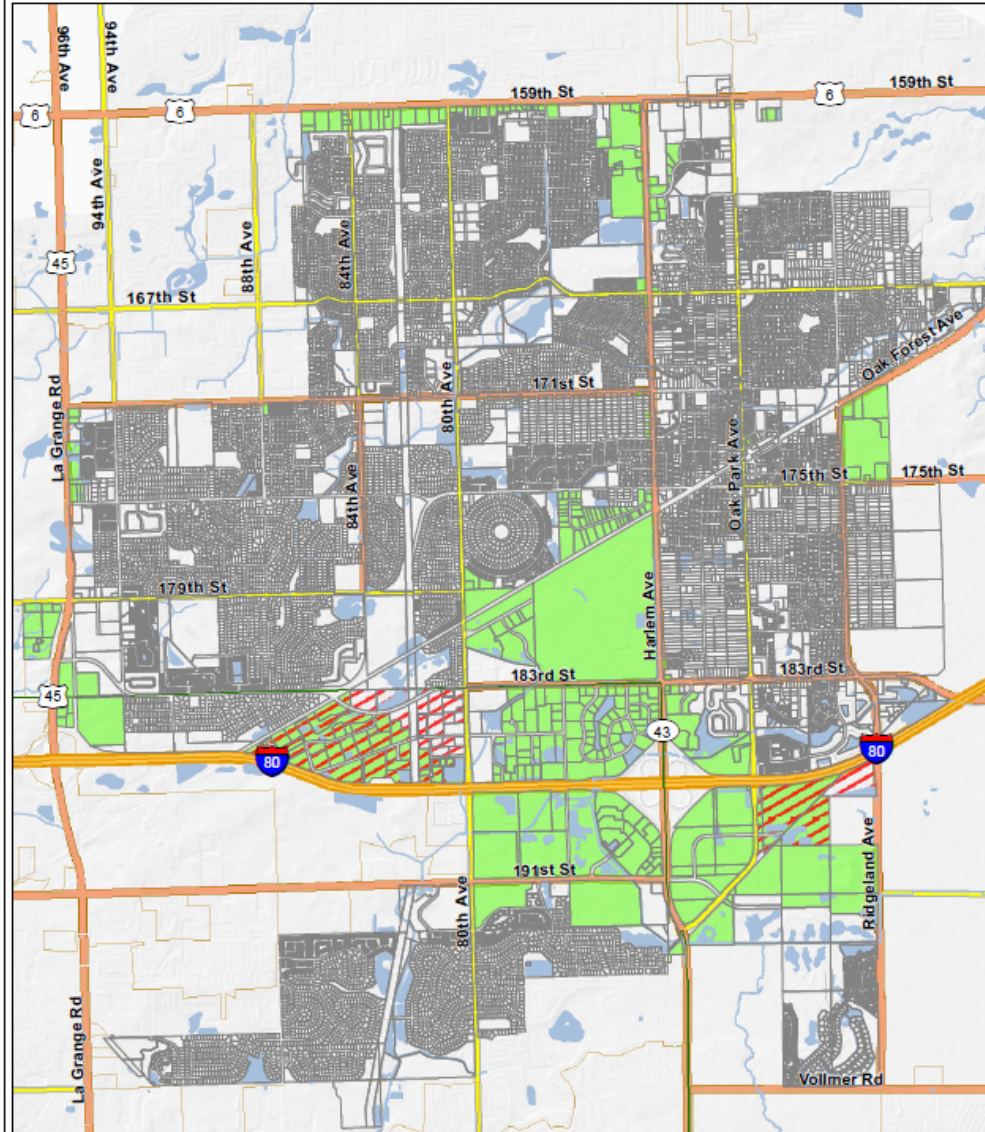
Medical Marijuana Cultivation Zones
Cultivation Allowed By State Law
Yes

Zoning

ORI
ORI PD



Village of Tinley Park Medical Marijuana Zones



GIS consortium

Legend

Medical Marijuana Dispensing Zones

Dispensing Allowed By State Law

Yes

No

Source Illinois Compassionate Use of Medical Cannabis Pilot Program Act

Zoning

M1 PD





ZONING OF RECREATIONAL CANNABIS DISPENSARIES

- Recreational cannabis dispensaries may open on January 1, 2020 with a State license
- Should the Village choose to opt-out of permitting this use?
- If not, what Zoning Districts are appropriate?
- Should dispensaries be permitted or conditional uses?



ZONING PROCESS

- *Policy Questions: if allowed, should recreational cannabis be a permitted or special use? What zoning districts?*
- Permitted use- can open by right without Plan Commission or Village Board review/approval
- Special use process
 - Allows the review of each petition
 - Approximate 60-90 day process
 - Public Hearing with the Plan Commission
 - Requires Village Board consideration/vote
- May need to approve a text amendment for recreational cannabis dispensaries
- May need to add a definition in the zoning ordinance



POTENTIAL LOCATIONS

- The following business districts are designated for retail and service establishments:
 - Legacy Districts (DC, DF, DG, NG, NF, Civic)
 - B-1 Neighborhood Shopping
 - B-2 Community Shopping
 - B-3 General Business and Commercial
 - B-4 Office and Service Business
 - B-5 Automotive Service
 - ORI Office and Restricted Industrial
 - M-1 General Manufacturing



WHAT DOES THIS LOOK LIKE?

Legacy District

- *This district regulates the character of the Village's downtown. There are six separate zoning districts within it. They are:*
 - *Downtown Core (DC)*
 - *Downtown Flex (DF)*
 - *Downtown General (DG)*
 - *Neighborhood General (NG)*
 - *Neighborhood Flex (NF)*
 - *Civic District*

MEDICAL CANNABIS DISPENSARIES ARE PROHIBITED IN ALL THE LEGACY DISTRICTS



WHAT DOES THIS LOOK LIKE?

B-1-Neighborhood Shopping District

- *This district is intended to provide for areas for retail and service establishments to supply convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods.*
- Typical Permitted Uses: Pharmacies, florist shops, barber shops, banks.
- Special Uses: Taverns and packaged liquor stores. NOTE: Tobacco stores are NOT permitted in this district.
- Locations: There are limited areas currently (8) zoned B-1; the majority are located on 80th Ave and the intersections of 167th, 171st and 179th Streets and at the intersection of 171st and 88th Avenue—all of which are in close proximity to residential areas. The other parcel zoned B-1 is at the intersection of 159th Street and 76th Avenue (Bremontowne mini-mall).





WHAT DOES THIS LOOK LIKE? B-2-Community Shopping District

- This district is intended to provide *for a wide variety of related retail-type businesses along with personal uses and other complementary uses. The permitted uses would serve not only nearby residential areas, but also people in neighboring communities and transients for goods and services usually found in larger shopping centers. Comparison shopping is to be emphasized and highway-oriented uses are to be discouraged.*
- The only area zoned B-2 in Tinley Park is the area fronting 159th Street between Harlem and Oak Park Avenues. This area includes the Bremontowne Mall (Menard's) and Tinley Plaza (Walt's). Both properties front major commercial corridors (159th Street and Harlem Avenue). These properties were developed as Planned Unit Developments (PUD) which provide additional flexibility with zoning regulations.





WHAT DOES THIS LOOK LIKE?

B-3- General Business & Commercial District

- This district is designed to accommodate *a wide range of specialized commercial uses, including highway-oriented services and commercial types of establishments to serve the needs of motorists. This district is intended to include those uses which would not be compatible in a neighborhood or community-type shopping center.*
- The Village has several areas zoned B-3 which are primarily located along major transportation systems, such as LaGrange Road and Harlem Avenue. These properties are typically larger and have been developed as part of a larger center or PUD such as Brookside Marketplace or the Convention Center. There are several large vacant properties zoned B-3 including property along LaGrange Road at 183rd Street, south of I-80 and east of Harlem Avenue and the area on the south side of 191st Street at 80th Avenue. There are also some large vacant buildings that are zoned B-3 such as the K-Mart building on Harlem Avenue.





WHAT DOES THIS LOOK LIKE?

B-4-Office & Service Business District

- This district is intended for *areas used primarily to provide office space for service-type businesses. Certain commercial uses, which conform to the pattern of the district and are compatible with the types of services provided, are also permitted. This district is normally small in size and is intended to serve as a buffer or transition between residential and commercial areas.*
- The majority of the areas zoned B-4 have been developed with office uses (with the exception of Rubino's Plaza at Oak Park Ave and 167th) and are located along Harlem Ave at 163rd, 167th and 171st Streets and along LaGrange Rd at 175th Street. There are no significant vacant parcels zoned B-4.
- There are approximately 30 parcels in this zoning district. Uses include, Walgreens, Ingalls Family Care Center, various medical practitioners, a post office, Maher funeral home, St. George Church and banks.



WHAT DOES THIS LOOK LIKE?

B-5-Automotive Service District

- *This district is intended to provide certain areas for automotive service and related types of uses. The district is intended to be located along major thoroughfares where adequately sized and properly located parcels of land will allow for adequate setbacks, clear vision, and safe ingress and egress.,*
- The majority of the areas zoned B-5 are developed along 159th Street with the exception of the CarMax located on Oak Park Avenue abutting the south side of I-80. There are a total of 15 properties under this zoning district. The majority of the uses are car dealerships with the remaining a storage facility, two gas stations, a car wash, and small strip center (salon studio)





WHAT DOES THIS LOOK LIKE? ORI- Office & Restricted Industrial District

- *This district is intended to provide land for medium to large office buildings, research activities, and non-objectionable industrial activities which are attractively landscaped and designed to create a “park-like” setting. The low intensity and limiting restrictions are intended to provide for permitted uses which will be compatible with adjacent residential and commercial developments.*
- There are numerous areas in town zoned ORI. They are mostly clustered along the south side of 183rd Street in between 80th Avenue and Harlem Avenue Many of them were developed as Planned Unit Developments which allow for mixes of uses including M-1 and B-3 uses. The largest track of vacant land zoned ORI is the former State Mental Health Center. Second to that, are properties west of Brookside Market Place adjacent to Panduit’s Head Quarters. The third area is at LaGrange Road and 183rd Street. **Medical Cannabis Cultivation Facility is listed as a special use permit in the ORI District**





WHAT DOES THIS LOOK LIKE?

M-1- General Manufacturing District

- *This district is intended to provide for those industrial activities that have moderate environmental effects and are located in areas relatively removed from residential and prime retail development*
- There are two areas in town that are designated as M-1. The first is located west of 80th Avenue in between 183rd Street and I-80. The second is off of Prosperi Drive and Oak Park Avenue just south of I-80.
- **Medical Cannabis Dispensing Facility is lists as a special use permit in the M-1 district**





TEXT AMENDMENT PROCESS

- If the Village of Tinley Park were to amend zoning to permit recreational cannabis dispensaries within the Village, a text amendment to the Zoning Ordinance would need to be approved
 - Public hearing before the Plan Commission
 - Addition of definitions
 - Modifications to the zoning provisions
 - Use identified as permitted or special use in specifically identified zoning districts
 - Possible local conditions/restrictions
 - Requires Village Board approval by Ordinance



IMPACT ON PUBLIC SAFETY



LAW ENFORCEMENT

- General rule: public use is prohibited
- Public place is defined as any place where a person could reasonably be expected to be observed by others
- Civil or criminal penalties:
 - Smoking cannabis in a public place
 - Possessing cannabis and using cannabis on school grounds
 - Possessing over the legal amount
 - Driving under the influence
 - Medical patients transferring medical cannabis to non-patients
 - Using cannabis by a law enforcement officer while on duty
 - Using cannabis by a Commercial Driver's License (CDL) while on duty



LAW ENFORCEMENT

- Around 800,000 cases will be expunged for an arrest, charge, order of supervision, or order of qualified probation for minor cannabis offenses
- Will continue conducting investigations, establishing probable cause, determining search and seizure procedures and addressing public safety concerns
- Same standards of public behavior as alcohol
- Consumption of marijuana while driving is prohibited and driving under the influence of marijuana is treated similarly to driving under the influence of alcohol.



NEXT STEPS - SURVEY

A community-wide survey will be open from November 13th
through November 24th

www.tinleypark.org/CannabisSurvey

All input is encouraged and appreciated!

Results will be shared with the Village Board at the
December 3rd Committee of the Whole meeting.



NEXT STEPS - TIMELINE

- November 12th → Committee of the Whole meets to discuss adult use cannabis, receive public input
- November 13th → receive public input via community-wide survey
- November 24th → survey closes
- December 3rd → Committee of the Whole meets to review all input and survey results
- December 17th → Village Board makes decision to opt out or permit