



**MINUTES OF THE REGULAR MEETING OF THE
PLAN COMMISSION, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

July 2, 2020

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on July 2, 2020.

At this time, CHAIRMAN GRAY, stated the meeting was being held remotely consistent with Governor Pritzker's Executive Order 2020-07, Executive Order 2020-10, Executive Order 2020-18, Executive Order 2020-32, Executive Order 2020-33, Executive Order 2020-39, and Executive Order 2020-44, which collectively suspends the Illinois Open Meetings Act requirements regarding in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, issued on June 26, 2020, the members of the Village Board will be participating in the meeting through teleconference.

A live stream of the electronic meeting will be broadcasted at Village Hall. Pursuant to Governor's Executive Order No. 2020-43 and CDC guidelines, no more than 50 people or 50% of the maximum capacity will be allowed in the Council Chambers at any one time, so long as attendees comply with social distancing guidelines. Anyone in excess of the maximum limit will be asked to wait in another room with a live feed to the meeting until the agenda item for which the person or persons would like to speak on is being discussed or until the open floor for public comments. CHAIRMAN GRAY confirmed Commissioners and Staff were able to communicate. All replied affirmatively. CHAIRMAN GRAY then addressed ground rules for the effective and clear conduct of Plan Commission business.

Secretary Bennett called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Kehla West (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Angela Gatto
Mary Aitchison

Village Officials and Staff: Paula Wallrich, Interim Community Development Director (Participated electronically)
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

CALL TO ORDER

PLAN COMMISSION CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for July 2, 2020 at 7:00 p.m.

COMMUNICATIONS

None

APPROVAL OF MINUTES

Minutes of the June 18, 2020 Regular Meeting of the Plan Commission were presented for approval. A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER WEST to approve the minutes as presented.

AYE: COMMISSIONERS MANI, VICK, ENGEL GASKILL, WEST and CHAIRMAN GRAY.

NAY: None.

CHAIRMAN GRAY declared the Motion approved by voice vote.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES
FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION
SUBJECT: MINUTES OF THE JULY 2, 2020 REGULAR MEETING

ITEM #1 PUBLIC HEARING – Text Amendment – Adult Use Business Establishments

Consider a proposed text amendment to certain sections of the Tinley Park Zoning Ordinance allowing Adult-Use Cannabis Dispensing Organizations in the B-2 and B-3 zoning districts as a Special Use with certain restrictions and eliminate Medical Cannabis Cultivation facilities as a Special Use in the ORI district. Medical Cannabis Dispensing Organizations will still be allowed in the M-1 district but will not be allowed to sell Adult Use Cannabis at those locations.

Present were the following: Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
James Gaskill (Participated electronically)
Kehla West (Participated electronically)
Steven Vick (Participated electronically)
Lucas Engel (Participated electronically)

Absent Plan Commissioners: Angela Gatto
Mary Aitchison

Village Officials and Staff: Paula Wallrich, Interim Community Development Director (Participated electronically)
Dan Ritter, Senior Planner
Barbara Bennett, Commission Secretary

Guests: None

A Motion was made by COMMISSIONER WEST, seconded by COMMISSIONER GASKILL to open the public hearing of **Text** Amendment – Adult Use Cannabis Business Establishments

AYE: All Commissioners participated electronically

COMMISSIONERS MANI, GASKILL, WEST, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by voice vote.

CHAIRMAN GRAY noted anyone wishing to speak on this matter will be sworn in before they speak after staff's presentation. The Village Staff provided confirmation that appropriate notice regarding the Public Hearing was published in the local newspaper in accordance with State law and Village requirements.

Paula Wallrich, Acting Community Development Director presented the Staff Report. The *Cannabis Regulation and Tax Act* (Public Act 101-0027), hereafter termed as the “Act”, was signed into law by Governor JB Pritzker on June 25, 2019 (amended and adopted as Public Act 101-0593 December 4, 2019). Effective as of January 1, 2020, the Act legalized the possession and private use of cannabis for Illinois residents over 21 years of age. With the adoption of the Act, municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, municipalities can adopt and enforce local ordinances to regulate the possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

The Act also preserves local zoning authority and authorizes municipalities to prohibit or significantly limit the location of cannabis businesses by ordinance. Municipalities have the authority to enact reasonable zoning regulations that are not in conflict with the act, including the adoption of regulations designating the time, place, manner, and number of cannabis business operations, including minimum distances between cannabis locations through Special Use Permits.

Subsequent to the legalization of cannabis in Illinois, the Village of Tinley Park actively researched, discussed, and enacted local regulations regarding the use and sale of cannabis within corporate limits, including two citizen surveys on whether the Village should allow for the sale of cannabis. On December 17, 2019, the Village Board adopted an ordinance establishing a moratorium on cannabis business establishments. However, at the March 3, 2020 Village Board meeting staff was directed to prepare the necessary amendments to provide appropriate Zoning Ordinance text amendments, licensing, and taxing opportunities to allow for Adult-Use Cannabis Dispensing Facilities within the Village. This memo will address the zoning text amendments, while the recommendations for licensing and taxing will be addressed at the Finance Committee.

Staff has worked closely with the Village attorneys to research current legislation and zoning of other Illinois communities such as Deerfield, Shorewood, Bourbonnais, Oak Forest, and the City of Chicago that have adopted local legislation related to the adult-use of cannabis. Staff also referenced the Illinois Municipal Leagues Model Ordinance (**Exhibit A**) as a guide for the recommended text amendments.

With the adoption of the Act, Adult-Use Cannabis Dispensing Organizations and Adult-Use Cannabis Cultivation Centers may include the sale and growing of medical cannabis. However, Medical Cannabis Dispensing Facilities and Medical Cannabis Cultivation Facilities may not include the sale or growing of adult-use cannabis without reclassifying the definitions as they currently exist in our zoning code. In addition, the Act states the Village cannot prohibit Medical Cannabis Dispensing Facilities in our zoning ordinance but the Village can prohibit Medical Cannabis Cultivation Facilities. Therefore, staff is recommending the more prudent strategy in considering Adult-Use Cannabis uses by allowing the continuation of Medical Cannabis Dispensing Facilities (in the M-1 district) and eliminate or delete regulations allowing Medical Cannabis Cultivation Facilities in the ORI district since they have the ability to grow adult-use cannabis as well. Further, staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed in B-2 (Community Shopping District) and B-3 (General Business and Commercial District) districts as a Special Use. Further discussion of the appropriate zoning districts and regulations are discussed below.

Staff recognizes the commercial nature of a dispensary and therefore recommends providing for the sale of Adult-Use Cannabis in the business districts instead of the M-1 district as previously designated for Medical Cannabis Dispensing Facility. In review of the business zoning districts, it is apparent that the B-1 (Neighborhood Shopping District) is not an appropriate district for this use primarily due to its proximity to residential uses. The B-1 district is characterized as providing “*convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods*”. The B-3 (General Business and Commercial District) and the B-2 (Community Shopping District) more closely align with the scope and nature of a Cannabis Dispensing Organization.

Of these two commercial districts, the B-3 District is the more compatible district for Adult-Use Cannabis Dispensing Organizations in that it 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.* There are several properties zoned B-3 which are primarily located along major commercial corridors, such as 159th Street, Harlem Avenue, LaGrange Road, 191st Street, and Oak Park Avenue north of 167th Street and south of I-80. Some of these B-3 sites are more appropriate for an Adult-Use Cannabis Dispensing Organization than others due to their proximity to residential uses. Staff is recommending that Adult-Use Cannabis Dispensing Organizations be allowed only on properties with frontage on 159th Street, Harlem Avenue, and LaGrange Road because of the commercial nature of these corridors.

The B-2 District may also provide some compatibility with Adult-Use Cannabis Dispensing Organizations, albeit to a lesser extent than the B-3 district due to its definition and the limited amount of property currently zoned B-2 in the Village. The B-2 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.” The only properties currently zoned B-2 is located along 159th Street and Harlem Avenue frontages (Bremontowne Shopping Center and the Tinley Park Plaza).

Due to the range and variety of locations in the B-2 and B-3 zoning districts and the unique characteristics associated with Adult-Use Cannabis Dispensing Organizations, Staff is recommending they only be approved as a Special Use. By definition, Special Uses (SUP) “cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.” The Village’s Zoning Ordinance further recognizes that private uses are of such nature they are best regulated as Special Uses due to the fact “that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities”.

The Zoning Ordinance provides standards for consideration when adopting a Special Use, however due to the unique characteristics of an Adult-Use Cannabis Dispensing, Staff is recommending additional standards to consider when reviewing this SUP as follows:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, total square footage, security installations/security plan, and building code compliance.
3. Hours of operation and the anticipated number of customers/employees.
4. Anticipated parking demand based on Section VIII.A.10 for retail uses and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Overall site design, including access points and internal site circulation.
7. Proposed signage plan and conformance with Section IX (Sign Regulations) and regulations as outlined in Section V.C.13.
8. Compliance with all requirements provided in Section V.C.13 Adult-use Cannabis Business Establishment, as applicable.
9. Other criteria determined to be necessary to assess compliance with Section V.J. (Special Uses) of this Title.
10. In addition to the Special Use Standards outlined in Section X.J.5., no Special Use for an Adult Cannabis Business Establishment shall be recommended by the Plan Commission unless said Commission shall find:
 - a. That there is sufficient distance (or setback) between the operations of the Special Use and the public right-of-way so that the operations of the SUP do not dominate nor alter the essential character of the street frontage or be detrimental to the overall character of the commercial corridor; and
 - b. That opportunities exist for shared parking to accommodate unexpected parking needs associated with the Special Use.

Adult Use Cannabis Dispensing Organization Requirements

In addition to these Special Use standards, staff is recommending certain criteria be met by any business in order to apply for a SUP for an Adult-Use Cannabis Dispensing Organization. The proposed use must satisfy the following criteria to be approved:

1. Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or daycare center. This shall not include a daycare home (daycare conducted within a residence) or residential care home. Learning centers or technical and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 100 feet of the property line of a pre-existing property zoned or used for residential purposes.
3. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue, and LaGrange Road.
4. Facility must be located in a standalone building as the sole use of that structure; no co-tenancy with other uses allowed.
5. Facility shall not sell food for consumption on the premises.
6. Facility shall not allow on-site consumption or smoking of cannabis.
7. Facility shall be restricted to the following hours of operation: Monday through Saturday (8:00 a.m. to 9:00 p.m.); Sundays (12:00 p.m. to 6:00 p.m.)
8. Facility shall not be allowed to have a drive-through window or service.
9. Signage shall be limited to: one flat wall sign that does not exceed ten (10) sq. ft. in area; and one identifying sign that does not exceed two sq. ft in area, which identifying sign may include only the dispensary’s address. Such signs shall not be directly illuminated; obstruct the entrance or windows of the recreational cannabis dispensary; include an electronic

message sign or any temporary signs on the exterior of the property. No signage on the exterior of a recreational cannabis dispensary may contain cannabis imagery such as cannabis leaves, plants, smoke, cannabis paraphernalia, or cartoonish imagery oriented towards youth, or any language terms referencing cannabis, or any slang or street terms commonly associated with cannabis. Notwithstanding anything to the contrary, a recreational cannabis dispensary must post a sign with text that is clearly legible and conspicuous immediately adjacent to all entrances that includes the following language: “Persons under the age of 21 are prohibited from entering unless a qualifying patient with a prescription issued under the Compassionate Use Medical Cannabis Program Act.”

10. The exterior of all bags, sacks, totes or boxes provided to customers to carry cannabis out of the recreational cannabis dispensary must be opaque and without text or graphics advertising or identifying the contents of the products contained within.
11. Facility shall install building enhancements, such as security cameras, lighting, or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
12. For purposes of determining required parking, said facilities shall be classified as a “Retail Store” per VIII A.10. (Number of Parking Spaces Required) provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section X.J. (Special Uses).
13. Petitioner shall file an affidavit with the Village affirming compliance with Section V.C.13.d. (Adult-Use Cannabis Dispensing Organization) as provided herein and all other requirements of the Act.

Staff is also recommending that no more than one Adult-Use Cannabis Dispensing Organizations be permitted within the Village of Tinley Park corporate limits and that they shall register annually with the Village of Tinley Park pursuant to the Village Municipal Code.

RECOMMENDATION:

Staff is recommending sections of the Zoning Ordinance be amended as follows:

- Section II.B (Definitions) be amended by deleting the definition for “Medical Cannabis Cultivation Facility” and by adding definitions for Adult-Use Cannabis Business establishment, Adult-Use cannabis craft grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, and Person in alphabetical order.
- Section V.B (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) be amended by deleting “Medical Cannabis Cultivation Facility” under the heading of “OTHER USES “, and adding Adult-Use Cannabis Dispensing Organization” in the B-2 (Community Shopping District) and B-3 (General Business and Commercial) as a Special Use. All other “Adult-Use Business Establishments” are prohibited.
- Section V.B. Schedule I (Schedule of Permitted Uses-By District) be amended by deleting “Medical Cannabis Cultivation Facility” and the reference “S” (denoting a Special Use), under the heading “ORI Office and Restrict Industrial”.
- Section V.B. Schedule I (Schedule of Permitted Uses-By District) be amended by adding “Adult-use cannabis dispensing organization” under the heading “B-2 Community Shopping” and “B-3 General Business & Commercial” with a “S” to denote a Special Use.
- Section XII, Section A. Table 3.A.2. (Prohibited Uses) be amended by adding, “Adult Cannabis Business Establishments” under the heading “Prohibited Uses”.
- Section V.C. (Supplementary District Regulations) be amended to add Section 13 “Adult Cannabis Business Establishment” outlining Adult-use Cannabis Business Establishment components to consider when reviewing a Special Use application along with specific criteria for Adult-Use Cannabis Dispensing Organizations that must be met in order to be approved.

CHAIRMAN GRAY asked for comments from the Commissioners.

COMMISSIONER WEST noted staff did an excellent job for the community

COMMISSIONER ENGEL noted staff did an excellent job researching and presenting the amendments within the law and in appropriate locations for the Village of Tinley Park.

CHAIRMAN GRAY noted the he commends staff's research and thought in the amount of investigation that was put into this item.

CHAIRMAN GRAY asked for comments from the Public.

There were none.

A Motion was made by COMMISSIONER GASKILL, seconded by COMMISSIONER VICK to open the public hearing of Text Amendment – Adult Use Cannabis Business Establishments

AYE: All Commissioners participated electronically

COMMISSIONERS MANI, GASKILL, WEST, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by voice call.

A Motion was made by COMMISSIONER WEST, seconded by COMMISSIONER GASKILL to recommend the Village Board amend various sections of the Zoning Ordinance to delete references to Medical Cannabis Cultivation Facility and add appropriate amendments to the Zoning Ordinance as described in this staff report to provide for Adult-Use Cannabis Dispensing Organization in the B-2 (Community Shopping District) and the B-3 (General Business & Commercial District) as a Special Use.

AYE: All Commissioners participated electronically

COMMISSIONERS MANI, GASKILL, WEST, ENGEL, VICK and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by roll call.

This item will be heard at the Committee of the Whole on 7/7/2020 and then will be heard at the Village Board on 7/21/2020.

GOOD OF THE ORDER.

There were none.

A Motion was made by COMMISSIONER ENGEL, seconded by COMMISSIONER WEST to adjourn the July 2, 2020 Plan Commission Meeting AT 7:21 pm

AYE: All Commissioners participated electronically

COMMISSIONERS MANI, GASKILL, ENGEL, VICK, WEST and CHAIRMAN GRAY.

NAY:

None

CHAIRMAN GRAY declared The Motion Approved by voice vote.

PLAN COMMISSION CHAIRMAN GRAY declared the meeting adjourned.