

NOTICE OF THE REGULAR MEETING OF THE COMMITTEE OF THE WHOLE

The regular meeting of the Committee of the Whole is scheduled for
Tuesday, July 7, 2020, beginning at 6:00 p.m.

A copy of the agenda for this meeting is attached hereto and
can be found at www.tinleypark.org.

NOTICE - MEETING MODIFICATION DUE TO COVID-19

Pursuant to 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 livestream 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 maximum limit will be asked to wait in another room with 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.

Public comments or requests to speak may also be emailed in advance of the meeting to clerksoffice@tinleypark.org or placed in the Drop Box at the Village Hall by noon on Tuesday, July 7, 2020.

Kristin A. Thirion
Clerk
Village of Tinley Park

MEETING NOTICE
VILLAGE OF TINLEY PARK
REGULAR MEETING OF THE COMMITTEE OF THE WHOLE

NOTICE IS HEREBY GIVEN that a Regular Committee of the Whole Meeting of the Village of Tinley Park, Cook and Will Counties, Illinois will be held on Tuesday, July 7, 2020, beginning at 6:00 p.m. in Council Chambers, located in the Tinley Park Village Hall, 16250 South Oak Park Avenue, Tinley Park, Illinois 60477.

The agenda is as follows:

1. CALL MEETING TO ORDER.
2. CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING HELD ON JUNE 16, 2020.
3. DISCUSS 80TH AVENUE TRAIN STATION COMMERCIAL SPACE RFQ.
4. DISCUSS ADULT USE CANNABIS DISPENSARY BUSINESS LICENSING.
5. RECEIVE COMMENTS FROM THE PUBLIC.

ADJOURNMENT

KRISTIN A. THIRION
VILLAGE CLERK

MINUTES
Special Meeting of the Committee of the Whole
June 16, 2020 – 7:00 p.m.
Village Hall of Tinley Park – Council Chambers
16250 S. Oak Park Avenue
Tinley Park, IL 60477

President Pro Tem Glotz called the special meeting of the Committee of the Whole on June 16, 2020, to order at 7:05 p.m.

At this time, President Pro Tem Glotz stated this meeting was conducted remotely via electronic participation consistent with Governor Pritzker's Executive Orders suspending certain requirements of the Open Meetings Act provisions relating to in-person attendance by members of a public body due to the COVID-19 pandemic. President Pro-Tem Glotz introduced ground rules for effective and clear conduct of Village business. Elected officials confirmed they were able to hear one another.

Clerk Thirion called the roll. Present and responding to roll call were the following:

Members Present:

- M. Glotz, Village President Pro Tem
- K. Thirion, Village Clerk
- C. Berg, Village Trustee (Participated Electronically)
- W. Brady, Village Trustee
- W. Brennan, Village Trustee
- D. Galante, Village Trustee (Participated Electronically)
- M. Mueller, Village Trustee (Participated Electronically)
- J. Vandenberg, Village President (Participated Electronically, arrived at 7:21)

Members Absent:

Staff Present:

- D. Niemeyer, Village Manager
- P. Carr, Assistant Village Manager (Participated Electronically)
- L. Godette, Deputy Clerk
- H. Lipman, Management Analyst
- P. Connelly, Village Attorney
- M. Walsh, Police Chief (Participated Electronically)
- F. Reeder, Fire Services Administrator (Participated Electronically)
- B. Bettenhausen, Village Treasurer (Participated Electronically)
- A. Brown, Assistant Village Treasurer
- J. Urbanski, Interim Public Works Director (Participated Electronically)
- P. Cordero, Economic Development Manager (Participated Electronically)
- D. Riordan, Deputy Fire Chief

Others Present:

Item #2 - CONSIDER APPROVAL OF THE MINUTES OF THE SPECIAL COMMITTEE OF THE WHOLE MEETING HELD ON JUNE 9, 2020. – Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to approve the minutes of the Special Committee of the Whole meeting held on June 9, 2020. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #3 – DISCUSS TEST DOCUMENTATION SERVICE FOR FIRE AND LIFE SAFETY SYSTEMS. - Dan Riordan, Deputy Fire Chief, presented the Test Documentation Service. The Fire Prevention Bureau will be implementing a program to assist in managing the required test documentation process for fire alarm/fire suppression equipment installed in buildings throughout the Village. A third-party provider will perform this program. Coordinating with

contractors/property owners, the service provider, utilizing a web-based platform, would store and evaluate test documents and make these documents available for Fire Prevention to approve.

The program meets the intent of the Village's adopted codes (2012 International Fire Code, Section 901.6.2), "Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be copied to the fire code official."

Annually, over 1,200 test documents are submitted to the Fire Prevention Bureau.

The expectations of a fully implemented program are:

- Stabilize/reduce cost to the Village for this required process.
- Improve an existing process with no added expense/ resource to Village operations.
- Improve the performance of fire alarm/fire protection systems.
- Reduce identified violations due to fire alarm/fire suppression systems testing requirements.

There are two providers with the experience to deliver this database service in a web-based format. The providers are:

- Inspection Reports On-Line (IROL)
- The Compliance Engine (TCE)

These service providers are based in the Chicagoland area and currently have clients nationwide, including several in the area.

Working as an agent for the Village/Authority Having Jurisdiction (AHJ), the service provider will contact property owners when test documents are due or in some cases overdue. The contractor performing the test is responsible to submit the completed documents.

Staff has solicited feedback from 31 contractors and 12 Fire Prevention Bureaus regarding these service providers. Overall, 90% preferred the database service provided by Brycer.

Using this model to coordinate and evaluate test documents, there is no billing/invoice component where the Village will pay a fee, nor share any revenues from the service provider. The incurred cost of the service will be between the service provider and the testing contractor. Currently, the proposed cost is between \$15 - \$16 per test.

The full implementation process should take approximately 180 days and will include the following:

1. Staff review of any vendor/Village agreements.
2. Sharing of data relating to properties that have fire protection/life safety systems.
3. Establishing protocols to communicate with property owners.
4. Develop criteria to ensure that this process is integrated with our established inspection procedures.

Trustee Galante asked if the Fire Department is currently performing this service. Mr. Riordan responded they are. This service will perform the initial clerical and administrative work for the Village. Trustee Galante asked if the service will be a cost savings to the Village. Mr. Riordan replied it will result in fewer violations.

Trustee Mueller asked if consolidating vendors has been considered, how many tests are performed annually and if the third-party vendor would begin as soon as new tests are required. Mr. Riordan replied approximately 1,200 tests are performed with the third-party vendor starting as new tests become necessary. Combining vendors would be a long-term goal.

Item #4 – DISCUSS ANNUAL MAINTENANCE AND INSPECTION OF VILLAGE FACILITIES HVAC UNITS CONTRACTS. – John Urbanski, Interim Director of Public Works, presented the service contract with Murphy & Miller, Inc. of Chicago, Illinois for the annual maintenance and inspection of Village facilities heating, ventilation, and air conditioning (HVAC) units. The scope of services which includes, inspection of HVAC Systems for wear/damage; routine preventive maintenance and inspections; and equipment startups, shutdowns, and control repairs.

The Village has contracted with Murphy & Miller for approximately the past 10 years and found them to perform all contracted services satisfactorily.

The contract amount is \$25,809.65 and funding is budgeted for this year.

Trustee Brennan asked when this was last sent out for bid. Mr. Urbanski stated he did not have the date readily available, however the contractor has proven to be reliable.

Trustee Brady asked how much the rate increased from the prior contract. Mr. Urbanski did not have an exact number noting it was not a large increase. New units and new facilities, such as the new fire station, will add to the overall dollar amount.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to move Annual Maintenance and Inspection of Village Facilities HVAC Units Contracts, to the Village Board for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #5 – DISCUSS UPDATE TO SEXUAL HARASSMENT POLICY – WORKPLACE TRANSPARENCY ACT.

– David Niemeyer, Village Manager, presented the update. State of Illinois Public Act 100-0554 became effective November 16, 2017, and required that all government units adopt an Ordinance establishing a policy prohibiting sexual harassment by January 15, 2018. The Village adopted Ordinance 2018-O-001 (becoming Title III, Chapter 35, Section 35.06 of the Tinley Park Municipal Code) to comply with this requirement. Further amendments regarding employment have been made through the enactment of Public Act 101-0221, which became effective in August of 2019. The update provides a mechanism of reporting and investigation of an allegation of sexual harassment made by one elected official against another elected official. This Ordinance ensures compliance with the provisions of the new Act.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brady, to move the Update to Sexual Harassment Policy – Workplace Transparency Act, to the Village Board for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #6 – DISCUSS HEALTH INSURANCE BROKER RENEWAL. – Mr. Niemeyer, presented the renewal. In 2017, the Village went through a Request for Qualifications (RFQ) process for health insurance broker services. The professional services agreement was awarded to Alliant/Mesirow for a three (3) year term that expires July 14, 2020. Village staff has been very pleased with the services Alliant/Mesirow provides and recommend renewing the professional services agreement for an additional year instead of going through an RFQ process at this time. Carrier commission on both medical and dental will be 1%, which is a minimal increase, but still lower than the typical standards.

Motion was made by President Pro Tem Glotz, seconded by Trustee Brady, to move the Health Insurance Broker Renewal, to the Village Board for approval. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #7– DISCUSS SETTING THE DATE, TIME AND PLACE FOR THE JRB MEETING & PUBLIC HEARING FOR PROPOSED 159TH & HARLEM TIF DISTRICT. – Andrew Brown, Assistant Village Treasurer, presented. In March 2020, the Village of Tinley Park initiated the process to review the feasibility of creating a new Tax Increment Financing (TIF) District. On June 3, 2020, the Village made available the Redevelopment Plan and Project document, which contains the eligibility analysis, for the proposed TIF, for review on its website and at the Village Clerk's Office. This Ordinance is required by statute and sets the time, date and place for the Joint Review Board meeting and the Public Hearing for the 159th & Harlem TIF District.

Trustee Berg asked if a Class 7b reclassification for these properties had been considered and why a 7b reclassification for the Brixmor property has never been considered. Mr. Brown replied that a 7b reclassification is a benefit directed towards the specific property, whereas the TIF provides benefits for the entire TIF district. Brad Bettenhausen, Village Treasurer, added the Brixmor property does not qualify for a 7b reclassification as the property only has one (1) tax id number, also change of ownership is a required component of the 7b reclassification.

Mr. Niemeyer stated the TIF is necessary to assist with the redevelopment of this property.

Trustee Mueller noted the increase in Equalized Assed Value (EAV), the ability to improve blighted properties, and address environmental issues and feels this is a great area for a TIF. Trustee Galante concurs.

Motion was made by President Pro Tem Glotz, seconded by Trustee Galante, to move Setting the Date, Time and Place for the JRB Meeting & Public Hearing for proposed 159th & Harlem TIF District, to the Village Board for approval. Vote by roll call. Ayes: Brady, Brennan, Galante, Glotz, Mueller. Nays: Berg. Absent: None. President Pro Tem Glotz declared the motion carried.

Item #8 – RECEIVE COMMENTS FROM THE PUBLIC –

President Pro Tem Glotz asked if anyone from the public wished to comment. No one came forward.

President Pro Tem Glotz asked if there were any written comments or requests to speak telephonically from members of the public. Laura Godette, Deputy Village Clerk, stated there were none.

ADJOURNMENT

Motion was made by President Pro Tem Glotz, seconded by Trustee Brennan, to adjourn the Committee of the Whole. Vote by roll call. Ayes: Berg, Brady, Brennan, Galante, Glotz, Mueller. Nays: None. Absent: None. President Pro Tem Glotz declared the meeting adjourned at 7:36 p.m.

dm



Interoffice Memo

Date: July 7, 2020

To: The Committee of the Whole

CC: Dave Niemeyer, Village Manager
Paula Wallrich, Acting Community Development Director

From: Priscilla Cordero
Business Development Manager

Subject: 80th Avenue Metra Station Request for Qualifications (RFQ)

BACKGROUND

The Village is requesting qualifications from commercial business owners interested in operating an 800 +/- square foot café within the Tinley Park 80th Avenue Commuter Station. The selected vendor will have direct access to the entire station including the great hall. The Village is seeking a high-quality, retail or service firm with an excellent operating record whose use of the train station will, in addition to serving over 2400 daily Metra commuters, create a destination for residents and visitors during off-peak train station hours. Respondents are required to submit a business plan which shall include information on the vendor's retail experience, proposed services offered, management background, operating budget, marketing plan and proposed license agreement.

The Village shall enter into a non-exclusive license agreement with the selected firm which shall include a monthly base license fee plus a percentage of the Licensee's gross sales ranging from 2 to 2.5 percent.

DISCUSSION

Issuance of the RFQ is tentatively scheduled for July 10, 2020 with a due date of September 1, 2020. If firm interviews are necessary, those shall take place the week of September 7, 2020 with approval at the Village Board meeting on September 15, 2020. Respondents will have the opportunity to conduct a site walk-through of the station.

In determining who the best qualified vendor is, the following qualifications will be considered by the Village.

- Demonstrated overall experience of the proposed retailer and expertise of the individuals involved in coordinating development and operation of the retail space;
- Quality and soundness of proposed business plan;
- Anticipated parking need;
- Provision of services/commodities which favor Metra ridership and meet the specific needs of Metra commuters and the community;

- Terms and conditions of the proposed retailer's license agreement including revenue to the Village of Tinley Park.

REQUEST

Staff requests feedback on the proposed Request for Qualifications for the 80th Avenue Metra Station.





Village of Tinley Park, Illinois
REQUEST FOR QUALIFICATIONS
RFQ Number 2020-RFQ-TBD

Vendor Services for Tinley Park 80th Avenue Metra Station

This Request for Qualifications (RFQ) is for the purpose of selecting an individual or firm to provide food and beverage services for commuters at the Tinley Park 80th Avenue Metra Station (hereafter referred to as the "Station") with the opportunity to provide additional services to the public.

BACKGROUND INFORMATION

The Village of Tinley Park, located 25 miles southwest of Chicago, is a dynamic metropolitan community offering a wide range of entertainment options, cultural opportunities, superb dining, great shopping and an enviable location – all within easy reach of Chicago's world-renowned attractions. Conveniently situated with two interchanges off of Interstate 80 and boasting two stops along the Metra commuter rail line, Tinley Park is at the transportation hub of the Chicago Southwest region. The Tinley Park 80th Avenue Metra Station is located in convenient proximity to the Tinley Park Convention Center and (1,000 room) hotel district drawing tens of thousands of visitors annually; nearby a robust commercial and industrial area drawing hundreds of employees daily; and amidst a library and retail strip mall setting. The Station is the fourth largest stop in the entire Chicago Metra Rail system.

PROJECT OVERVIEW

1. Intent:

The Village of Tinley Park intends to enter into a licensing agreement with a qualified firm to provide food and beverage services for the 80th Avenue Metra Station.

2. Project Description:

The Village of Tinley Park is requesting qualifications from commercial business owners interested in operating an 800 +/- square foot café within the Station. Located at 181st Street, just east of 80th Avenue along the Metra Rock Island commuter rail line, the 5,400-square foot brick station features a clock tower, full kitchen, a great hall with a 25' high ceiling, a covered drop off area and veranda, interior booth seating, two restrooms and a fireplace. The selected vendor will have direct access to the entire station including the great hall. The Village is seeking a high-quality, retail or service firm with an excellent operating record whose use of the train station will, in addition to serving the 2400+ daily Metra commuters, create a destination for residents and visitors during off-peak train station hours. Responders are encouraged to submit plans which they believe will be in the best interest of Metra riders and the Village of Tinley Park. Creative plans envisioning a variety of café services that can be offered are also encouraged. The Village reserves the right to reject any or all requests if it is deemed not to be responsive or in the best interest of the Village.

3. Tentative Preliminary Schedule

<u>Task</u>	<u>Completion Date</u>
a) RFQ Issuance	July 10, 2020
b) RFQ due	September 1, 2020
c) Firm Interviews (as necessary)	Week of September 7, 2020
d) Approval of Firm at Village Board Meeting	September 15, 2020
e) Space Occupancy	As soon as possible

SUBMISSION REQUIREMENTS

In order to evaluate the overall quality of retailers submitting qualifications, it is necessary to provide the Village of Tinley Park with a business plan which includes:

Section 1.0 – Executive Summary

Provide a brief summary, which describes and highlights your experience, qualifications, and why your business will be the best choice for the Station. Please include your proposed menu, hours of operation, operating procedures and your firm’s business organization type (Sole Proprietor, Partnership, Corporation, etc.)

Section 2.0 –Management Team

Provide qualifications and relevant experience of management staff or persons responsible for overseeing the development and day-to-day operations of the Station.

Section 3.0 – Operating Budget

Provide financial statements demonstrating the firm’s sales records for the past two years. If financial statements for the business are not available, please provide three years’ tax returns for the principal(s). Please also provide two years of financial projections for the Station, which include the proposed licensing fee.

Section 4.0 – Marketing Plan

Provide a marketing plan considering commuter-specific needs and outlining how customers will find you.

Section 5.0 – References

Provide three (3) company references indicating competence in retail management.

Section 6.0 – Non-exclusive License Agreement

A form of non-exclusive license agreement is set forth in Appendix B (“Sample Agreement”). The proposed retailer’s agreement should contain substantially the same terms and conditions as set forth in the sample agreement, modified only as necessary to accommodate the proposed retailer’s specific use of the premises. Moreover, the terms and conditions of the license agreement are subject to change by the Village based on the nature of the proposed business plan including the utilization of the station facilities included in the plan.

Responders must abide by all federal, state, county and local laws, statutes, codes, ordinances, rules and regulations. Proof of licensing and certification must be included (if applicable).

GENERAL REQUIREMENTS:

Responders are to submit **electronic versions of all documents requested to pcordero@tinleypark.org**.

SUBMISSION LOCATION:

Priscilla Y. Cordero, Business Development Manager
 pcordero@tinleypark.org
 The Village of Tinley Park
 16250 South Oak Park Avenue
 Tinley Park, IL 60477

SUBMISSION DATE:

Tuesday, September 1, 2020 by 5:00 p.m.

Qualifications received after the time specified will not be opened.

CONTACT / QUESTIONS:

Submit questions via email to Village of Tinley Park, attention Priscilla Cordero, at pcordero@tinleypark.org. Questions are required by August 24, 2020. Phone: (708) 444-5000. **Absolutely no informal communication shall occur regarding this RFQ, including requests for information, or speculation between Offeror's or any of their individual members and any Village elected official or employee. All questions will be answered with a copy of the question and answer to each proposer.**

CONTENTS:

The following sections, including this cover sheet, shall be considered integral parts of this solicitation:

*Project Overview (1 Page)

* Submission Requirements (1 Page)

*General Terms and Conditions (4 Pages)

GENERAL TERMS AND CONDITIONS

1. **Negotiations:**

The Village of Tinley Park reserves the right to negotiate specifications, terms and conditions, which may be necessary or appropriate to the accomplishment of the purpose of this RFQ.

2. **Confidentiality:**

RFQ's and the responses thereto, are subject to the Illinois Freedom of Information Act.

3. **Reserved Rights:**

The Village of Tinley Park reserves the right at any time and for any reason to cancel this RFQ or any portion thereof, to reject any or all RFQs, and to take any other action determined to be in its best interests. The Village reserves the right to waive any immaterial defect in any RFQ. The Village may seek clarification from a responder at any time, after the submission date, and failure to respond promptly is cause for rejection. The Village reserves the right to negotiate with the highest ranked responsive responsible responder. However, should the Village not be able to negotiate a fair and reasonable price with the best qualified, responsive, responsible responder, it reserves the right to proceed to negotiations with the next best qualified, responsive, responsible responder.

4. **Incurred Costs:**

The Village of Tinley Park will not be liable for any costs incurred by respondents in replying to this RFQ.

5. **Award:**

Award will be based on the best qualified, responsive, responsible responder as determined by the Village of Tinley Park. The award, if any, will be based on the Village's determination as to the best-qualified responder.

6. **Discussion of RFQ:**

The Village of Tinley Park may conduct discussions with any responder who submits a response. During the course of such discussions, the Village shall not disclose any information derived from one RFQ to any other responder.

7. **Contract Period:**

The responder shall be able to devote sufficient resources to this project to meet all agreed upon milestones and completion dates between the respondent and the Village.

8. **Responsibility & Default:**

The responder shall be required to assume responsibility for all items listed in this RFQ. The successful responder shall be considered the sole point of contact for purposes of this contract.

9. **Interpretations or Correction of Request for Qualifications:**
 Responders shall promptly notify The Village of any ambiguity, inconsistency or error that they may discover upon examination of the RFQ's. Interpretation, correction and changes to the RFQ's will be made by written addendum. Interpretation, corrections or changes made in any other manner will not be binding.
10. **Addenda:**
 Addenda are written instruments issued by The Village prior to the date of receipt of qualifications, which modify or interpret the RFQ by addition, deletions, clarifications, or corrections.
11. **Taxes:**
 The Village is exempt from paying certain Illinois State Taxes.
12. **Non-Discrimination:**
 Proposer shall comply with the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., as amended and any rules and regulations promulgated in accordance therewith, including, but not limited to the Equal Employment Opportunity Clause and the Illinois Drug Free Workplace Act, Title 44, Chapter 10.
13. **Insurance: *Please submit certificate with your proposal***
 The proposer must obtain insurance issued by a company or companies qualified to do business in the State of Illinois and provide the Village with evidence of credible insurance. Insurance in the following types and amounts is necessary:
- A. **Worker's Compensation and Employer's Liability** with limits not less than:
 - a. Worker's Compensation: Statutory;
 - b. Employer's Liability;
 - c. \$1,000,000 injury-per occurrence
 - d. Such insurance shall evidence that coverage applies in the State of Illinois.
 - B. **Comprehensive Motor Vehicle Liability** with limits for vehicles owned, non-owned or rented not less than:
 - a. Bodily Injury/Property Damage: Combined Single Limit: \$1,000,000 per accident
 - C. **Comprehensive General Liability** with coverage written on an "occurrence" as is and with limits no less than:
 - a. Each Occurrence: \$ 1,000,000
 - b. General Aggregate: \$2,000,000
 - c. Products and completed operations: General Aggregate: \$2,000,000
 - D. **Umbrella Policy.** The required coverage's may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss. This policy should apply to the Commercial General Liability and Motor Vehicle Coverage. Minimum amount \$5,000,000 in combination. *An exception for a lower limit may be granted at the discretion of the Village of Tinley Park. Such an exception could be based upon other criteria such as a review of their safety record, information provided by references, and/or any established prior job performance on behalf of the Village.*

The Village of Tinley Park shall be named as an Additional Insured on the Comprehensive General Liability, Comprehensive Motor Vehicle Liability and Umbrella/Excess Policies. An endorsement naming the Village an additional insured must be submitted With the Certificate of Insurance. All insurance policies are to be placed with insurers authorized to conduct business in the state with a current A.M. Best rating of no less than A: VII, unless otherwise acceptable to the Village.

E. **Other Insurance Provisions -**

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- a. The Entity, its officers, officials, employees, and volunteers are to be covered as additional insureds on the general liability, auto and umbrella/excess policies. An endorsement naming the Village an additional insured must be submitted with the Certificate of Insurance
- b. For any claims related to this project, the insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Vendor's insurance and shall not contribute with it. Vendor shall procure and maintain for the duration of the contract, and for 2 years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Vendor, his agents, representatives, employees.
- c. Each insurance policy required by this clause shall provide that coverage shall not be canceled, except with notice to the Entity.
- d. Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best rating of no less than A: VII, unless otherwise acceptable to the Entity.
- e. Waiver of Subrogation: Vendor hereby agrees to waive rights of subrogation which any insurer of Vendor may acquire from Vendor by virtue of the payment of any loss. Vendor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the Entity for all work performed by the Vendor, its employees, agents.

14. Change In Status:

The responder shall notify The Village of Tinley Park immediately of any change in its status resulting from any of the following: (a) responder is acquired by another party; (b) responder becomes insolvent; (c) responder, voluntarily or by operation law, becomes subject to the provisions of any chapter of the Bankruptcy Act; (d) responder ceases to conduct its operations in normal course of business. The Village of Tinley Park shall have the option to terminate its licensing agreement with the vendor immediately on written notice based on any such change in status.

15. Precedence:

Where there appears to be variances or conflicts, the following order of precedence shall prevail: The Owner and Responder Agreement; The Village of Tinley Park Request for Qualifications; and the Responders Response to RFQ.

16. Evaluation Factors:

The contract will be awarded to the best qualified, responsible, responsive responder, or any other responder determined by The Village of Tinley Park to be in the best interest of The Village, who meets or exceeds the criteria, provisions sought by The Village. The Village reserves the right to reject any or all qualifications or to waive any details in the qualifications received whenever such rejection or waiver is in the best interests of The Village. The Village also reserves the right to reject the RFQ of a responder who has previously failed to satisfactorily provide requested services or is not in a position to provide the requested services.

In determining who the best qualified vendor is, the following qualifications will be considered by the Village.

- Demonstrated overall experience of the proposed retailer and expertise of the individuals involved in coordinating development and operation of the retail space;
- Quality and soundness of proposed business plan;
- Anticipated parking need;
- Provision of services/commodities which favor Metra ridership and meet the specific needs of Metra commuters and the community;
- Terms and conditions of the proposed retailer's license agreement including revenue to the Village of

Tinley Park.

Proposed retailers that have adequately addressed the above stated considerations will ultimately be evaluated based on the benefits provided to the Village and Metra commuters under the licensee's proposed agreement.

Failure to adhere to instructions related to the submittal of data may be grounds for disqualification. Selected finalists may be required to deliver formal presentations. The Village reserves the right to reject any and all requests when it determines that it is in the best interest of the Village to do so.

As part of its evaluation process, the Village may seek additional information from retailers.

17. **Submittal Instructions:**

A. Review of Plans and Drawings

All interested proposed retailers are advised to review the attached copies of the plans and drawings of the Tinley Park-80th Avenue Station:

Appendix A-Site Map and Station Footprint
Appendix B-Sample License Agreement
Appendix C-Kitchen Equipment List

B. Submittal Materials

The proposed retailer must submit an electronic version of their documents to:

Priscilla Cordero
Business Development Manager
pcordero@tinleypark.org

C. Site Walk-Through

An optional site walk-through will be offered to interested parties upon request.

D. Submittal Deadline

Proposals are due no later than 5 p.m. on September 1, 2020.

E. Time Frame

Once the proposals have been analyzed according to the parameters outlined above, selected retailers will be contacted to arrange a meeting date and time. Final selection will be made by Village Board approval. Licensing Agreement is intended to be in place as soon as possible.



Interoffice Memo

Date: June 26, 2020
To: Committee of the Whole
From: Hannah Lipman, Management Analyst
Subject: Adult Use Cannabis – Business License Fee

As the Board considers the zoning for a cannabis facility, it should also consider the appropriate business license fee.

Per the Illinois Cannabis Regulation and Tax Act, municipalities cannot issue licenses for adult use cannabis like they can for alcohol or video gaming. Therefore, a survey of other municipalities who already have a cannabis facility or will allow for them, was completed to get a better understanding of how they license such facilities (see results attached). The common trend seems to treat cannabis facilities as any other business, and determine the business license fee based on square footage and use. This is how the Village currently licenses businesses as well. Others have taken their own approach, and charged fees on the Community Development side, while some do not charge a fee at all. Mundelein (\$3,500) and Peoria (\$5,000) have the highest fees in terms of business licensing. Again, without the ability to issue a cannabis license, municipalities have taken varying approaches.

Staff recommends creating a business license fee for cannabis facilities based on square footage and use. Further direction is needed on what the flat fee for use should be. Based on the survey results from other municipalities, staff suggests considering \$2,000 + square footage at minimum.

Additionally, to provide an update from previous discussions—the Plan Commission held a workshop on June 18th to review staff's recommendations for a text amendment that will allow for Adult-Use Dispensing Organizations in the B-2 and B-3 Zoning Districts as a Special Use. A Public Hearing is scheduled for July 2nd. Attached is a copy of the staff report and draft ordinance. Staff will also move forward the Ordinance implementing the Municipal Cannabis Retailers Occupation Tax on the appropriate timeline.

THE VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE

NO. _____

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

**JACOB C. VANDENBERG, PRESIDENT
KRISTIN A. THIRION, VILLAGE CLERK**

**CYNTHIA A. BERG
WILLIAM P. BRADY
WILLIAM A. BRENNAN
DIANE M. GALANTE
MICHAEL W. GLOTZ
MICHAEL G. MUELLER
Board of Trustees**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Tinley Park
Peterson, Johnson, & Murray Chicago, LLC, Village Attorneys
200 W. Adams, Suite 2125 Chicago, IL 60606

VILLAGE OF TINLEY PARK

Cook County, Illinois

Will County, Illinois

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE TINLEY PARK ZONING ORDINANCE
FOR THE PURPOSE OF REGULATING ADULT-USE CANNABIS BUSINESS
ESTABLISHMENTS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, On June 25, 2019, the Governor of the State of Illinois signed into law Public Act 101-0027, establishing the Cannabis Regulation and Tax Act (hereinafter referred to as “Act”); and

WHEREAS, The Act legalizes the possession and use of cannabis for recreational purposes by adults over the age of 21, authorizes the sale of recreational cannabis at dispensaries, permits the expansion of cultivation centers previously only authorized to supply medical cannabis sales, and authorizes new types of cannabis businesses, such as craft growers, infusers and processors; and,

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, On March 3, 2020, the Village Board discussed the results of the Citizen Survey regarding the sale of cannabis within the Village and directed staff to research regulations and zoning text amendments related to the sale of sale of cannabis; and

WHEREAS, The Village currently provides for the sale and growing of Medical Cannabis as a Special Use is defined zoning districts; and

WHEREAS, under the Act, “Adult Use Cannabis Dispensing organizations,” as that term is defined by the Act (“Recreational Dispensaries”), will be authorized to sell cannabis to eligible medical card holders and all adults over the age of 21 starting January 1, 2020; and

WHEREAS, Amendments to the Tinley Park Zoning Ordinance have been proposed and processed in accordance with the provisions of the Tinley Park Zoning Ordinance; and

WHEREAS, after due notice as required by law the Plan Commission of the Village held a Public Hearing on July 2, 2020, on said amendments and submitted its findings and recommendation that the proposed amendments be adopted, and this President and Board of Trustees has duly considered said findings and recommendations; and

WHEREAS, the President and Board of Trustees have reviewed the matter herein and have determined that amending the Zoning Ordinance to regulate Adult-Use Cannabis Business establishments is in the best interest of the Village of Tinley Park.

NOW, THEREFORE, Be It Ordained BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TINLEY PARK, COOK AND WILL COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1: That the report and findings and recommendation of the Plan Commission of this Village are herein incorporated by reference as the findings of this Board of Trustees, as completely as if fully recited herein at length.

Section 2: That this President and Board of Trustees, after considering the report and findings and recommendation of the Plan Commission and other matters properly before it, finds, in addition to the findings set forth in Section 1 hereof as follows:

- (a) That the purpose of the proposed text amendments is to define and regulate Adult-Use Cannabis Dispensing Organizations as a Special Use in certain zoning districts; and
- (b) That the proposed text amendments are designed to improve the health, safety and welfare of the Village of Tinley Park and its residents; and
- (c) That the proposed text amendments will contribute favorably to the economic development of the Village as a whole; and
- (d) That the proposed text amendments foster the intent and purpose of the Zoning Ordinance as set forth in Section I of the Zoning Ordinance and are in the best interests of the Village and its residents.

Section 3: That Section II.B (Definitions) is hereby amended by deleting the definition for “Medical Cannabis Cultivation Facility” and by adding the following in alphabetical order as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: 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.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:
An organization or business that is licensed by the Illinois 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, per the Cannabis regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

Section 4: That Section V.B. (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) is hereby amended by deleting “Medical Cannabis Cultivation Center” under the heading of “OTHER USES”.

Section 5: That Section V.B. (Schedule of Regulations) Schedule I (Schedule of Permitted Uses-By Use Type) is hereby amended by adding various “Adult-Use Cannabis Business Establishments” in alphabetical order under the heading of “OTHER USES” thereby indicating the use “Adult-Use Cannabis Dispensing Organization” is allowed in the B-2 (Community Shopping District) or B-3 (General Business and Commercial) districts as a Special Use and that all other “Adult-Use Business Establishments” are prohibited, to read as follows:

USE	R-1 thru R-7	B-1	B-2	B-3	B-4	B-5	ORI	M-1	MU-1
Adult-use cannabis craft grower	X	X	X	X	X	X	X	X	X
Adult-use cannabis cultivation center	X	X	X	X	X	X	X	X	X
Adult-use cannabis dispensing organization	X	X	S*	S*	X	X	X	X	X
Adult-use cannabis infuser organization or infuser	X	X	X	X	X	X	X	X	X
Adult-use cannabis processing organization or processor	X	X	X	X	X	X	X	X	X
Adult-use cannabis transporting organization or transporter	X	X	X	X	X	X	X	X	X

*only one SUP for Adult-Use Cannabis Dispensing Organization will be approved within the Village of Tinley Park.

Section 6: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by deleting “Medical Cannabis Cultivation Facility” and the reference “S” (denoting a Special Use), under the heading “ORI Office and Restrict Industrial”.

Section 7: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding certain terms under the heading “B-2 Community Shopping” in alphabetical order to read as follows: “Adult-use cannabis dispensing organization” with a “S” to denote a Special Use.

Section 8: That Section V.B. Schedule I (Schedule of Permitted Uses-By District) is hereby amended by adding certain uses under the heading “B-3 General Business & Commercial”

in alphabetical order to read as follows: “Adult-use cannabis dispensing organization” with a “S” to denote a Special Use.

Section 9: That Section XII, Section A. Table 3.A.2. (Prohibited Uses) is hereby amended by adding in alphabetical order, “Adult Cannabis Business Establishments” under the heading “Prohibited Uses”.

Section 10: That Section V.C. (Supplementary District Regulations) is hereby amended to add Section 13 “Adult Cannabis Business Establishment” to read as follows:

Adult-Use Cannabis Business Establishments: 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 Tinley Park. 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. Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a Special Use in the respective districts in which they are requested shall be processed in accordance with Section X.J (Special Uses) of the Tinley Park Zoning Ordinance and as provided herein.

- a. **Adult-use Cannabis Business Establishment Components:** In determining compliance with Section X.J. (Special Uses), the following components of the Adult-Use Cannabis Establishments shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
 - i. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - ii. Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance.
 - iii. Hours of operation and anticipated number of customers/employees.
 - iv. Anticipated parking demand based on Section VIII.A.10 for retail uses and available private parking supply.
 - v. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - vi. Site design, including access points and internal site circulation.
 - vii. Proposed signage plan and conformance with Section IX (Sign Regulations) and regulations as outlined in Section V.C.13.
 - viii. Compliance with all requirements provided in Section V.C.13 (Adult-use Cannabis Business Establishments), as applicable.
 - ix. Other criteria determined to be necessary to assess compliance with Section V.J. (Special Uses) of this Title.
 - x. In addition to the Special Use Standards outlined in this section no Special Use for an Adult Cannabis Business Establishment shall be recommended by the Plan Commission unless said Commission shall find:

- aa. 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
 - bb. That opportunities exist for shared parking to accommodate unexpected parking needs associated with the Special Use.

- b. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
 - i. 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 day care 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.
 - ii. 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.
 - iii. Adult-Use Cannabis Dispensing Organization will be limited to locations with frontage on 159th Street, Harlem Avenue and LaGrange Road.
 - iv. Facility must be located in a standalone building; no co-tenancy with other uses allowed.
 - v. Facility shall not sell food for consumption on the premises.
 - vi. Facility shall not allow on-site consumption or smoking of cannabis.
 - vii. 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.)
 - viii. Facility shall not be allowed to have a drive-through window or service.
 - ix. 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”

- x. 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.
- xi. 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.
- xii. 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 Section X.J. (Special Uses).
- xiii. Petitioner shall file an affidavit with the Village affirming compliance with Section V.C.13. (Adult-Use Cannabis Dispensing Organization) as provided herein and all other requirements of the Act.

c. Additional Requirements

- i. No more than one Adult-Use Cannabis Dispensing Organization shall be permitted within the Village of Tinley Park corporate limits.
- ii. Adult-Use Cannabis Establishments must comply with all applicable rules and regulations enacted by the State of Illinois, including licensing and registration requirements. When such state regulations are amended, such regulations control over this Ordinance.
- iii. All Cannabis Business Establishment shall register annually with the Village of Tinley Park pursuant to the Village Municipal Code.

Section 14: That the Village Clerk be and is hereby directed to publish this Ordinance in pamphlet form.

Section 15: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form.

PASSED THIS , 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS , 2020.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CERTIFICATE

I, KRISTIN A. THIRION, Village Clerk of the Village of Tinley Park, Counties of Cook and Will and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING THE TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS.” which was adopted by the President and Board of Trustees of the Village of Tinley Park on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Tinley Park this _____, 2020.

KRISTIN A. THIRION, VILLAGE CLERK

PAMPHLET

FRONT OF PAMPHLET

ORDINANCE NO. 2020-O-__

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

Published in pamphlet form this _____ day of _____, 2020, by Order of the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois.

By: _____
KRISTIN A. THIRION
Village Clerk

PAMPHLET
BACK OF PAMPHLET

ORDINANCE NO. 2020-O-___

**AN ORDINANCE AMENDING THE
TINLEY PARK ZONING ORDINANCE FOR THE PURPOSE OF REGULATING
ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS**

Published in pamphlet form by Order of the Corporate Authorities of the Village of Tinley Park,
Cook and Will Counties, Illinois.



PLAN COMMISSION STAFF REPORT

July 2, 2020 – Public Hearing

Zoning Code Text Amendment – Adult-Use Cannabis Business Establishments

Petitioner

Village Tinley Park

Municipal Code

Zoning Code

Approvals Sought

Text Amendment

Project Planner

Paula J. Wallrich, AICP
Acting Community
Development Director

BACKGROUND

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.

WORKSHOP DISCUSSION

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 of growing 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.

Zoning

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) as depicted on the image to the right.



Special Use & Review Standards

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.

MOTIONS TO CONSIDER

If the Plan Commission wishes to take action on the proposed Text Amendment, the appropriate wording of the motion is listed below.

Motion 1 : “...make a motion 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.

**PUBLIC
COMMENT**

ADJOURNMENT