

A G E N D A

SPECIAL MEETING OF THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK
TO BE HELD ON WEDNESDAY, SEPTEMBER 4, 2019 AT 7:00 P.M. AT THE
WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET,
WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER
2. ROLL CALL
3. OMNIBUS VOTE AGENDA
 - A. Waive Reading of Minutes (APPROVE)
 - B. Minutes - August 7, 2019
4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-08:
Petition for text amendments to amend Title 9 of the
Village Code (Zoning Ordinance) defining and regulating
Recreational Cannabis Facilities in the Village of
Willowbrook.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION
5. VISITOR'S BUSINESS
6. COMMUNICATIONS
7. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, AUGUST 7, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:00p.m.

2. ROLL CALL

Those present at roll call were Commissioners Soukup, Ruffalo, Kaucky, and Walec, Vice Chairman Wagner, and Chairman Kopp. Absent: Commissioner Remkus

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Special Meeting July 17, 2019

MOTION: Made by Commissioner Kaucky, seconded by Commissioner Walec, to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-07: Holmes Elementary School Trash Enclosure (5800 South Holmes Avenue, Clarendon Hills, Illinois 60514-Maercker School District 60). Petition for approval of an amendment to an existing special use for variations from Title 9 of the Village Code to allow a trash enclosure and associated improvements at the property legally described below, generally located at the NWC of Holmes Avenue and 58th Place.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion made by Commissioner Soukup was seconded by Commissioner Kaucky and approved unanimous 6-0 roll call vote of the members present.

Based on the submitted petition and testimony presented, I move that the Plan Commission forward its findings of fact to the Mayor and Village Board for special uses and variations as shown in Attachments 1 and 2 of the staff report prepared for the August 7, 2019 Plan Commission meeting for PC 19-07, and recommend approval of an amendment to the existing special use to allow variations from Section 9-12-11(A)5 and Section 9-12-11(B)2(e) to permit the open side of said enclosure to be oriented so that it faces towards an abutting property or street, subject to the conditions listed in the staff report for the August 7, 2019 Plan Commission meeting for PC 19-07.

1. The proposed trash enclosure shall comply with the existing 27' exterior side yard setback.
2. The partial architectural elevation shall be revised to include the full, colored elevation of the enclosure. The revised elevation shall specify the materials and colors of the trash enclosure. The trash enclosure shall match the materials and colors of the existing school and addition.
3. The composite landscape plan shall be revised to replace the two deciduous trees on both sides of the trash enclosure with a row of slender evergreen trees on both sides of the trash enclosure for improved year-round screening and decreased visibility of the enclosure from the residential properties on 58th Place. The landscape plan shall include the species name and quantity of the proposed trees.
4. Final engineering plans shall be reviewed and approved by the Village Engineer prior to issuance of a Site Development Permit by the Village of Willowbrook.
5. The enclosure shall be used strictly for the confinement of a refuse and recycling and shall not be used for the outside storage of any other material for equipment.
6. The doors of the trash enclosure shall remain closed and locked at all times except when the refuse bins are unloaded and loaded.
7. The amendment to the special use shall apply only to the trash enclosure, proposed landscaping surrounding the trash enclosure, and the associated paving only. No other improvements shown on the plans shall be approved as part of this review.

Roll Call Votes: Commissioners Soukup, Ruffolo, Kaucky, Walec, Vice Chairman Wagner and Chairman Kopp. NAYS: None. ABSENT: Commissioner Remkus.
Public Hearing ended at 7:12p.m.

MOTION DECLARED CARRIED

5. VISITOR’S BUSINESS: None

6. COMMUNICATIONS

Planner Choi informed the Committee that September 4, 2019 there will be a Public Hearing to discuss permitting recreational cannabis dispensaries in Willowbrook, as a special use or permitted use.

Chairman Kopp inquired if there was any feedback from Citizens from our contentious Hearings last month? Planner Choi informs board that Building Height amendment went thru at last Village Board Meeting and other three will be in front of the board at next Village meeting but no feedback from citizens on any of them.

7. ADJOURNMENT

MOTION: Made by Commissioner Soukup, seconded by Commissioner Walec, to adjourn the meeting of the Plan Commission at the hour of 7:15 p.m.

UNANIMOUS VOICE VOTE

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED,

September 4, 2019

Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske

8/7/2019

**AMENDMENT TO EXISTING SPECIAL USE 5800 HOLMES
AVENUE**

PC NO. 19-07

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:)
)
Amendment to Existing Special Use) PC No. 19-07
5800 Holmes Avenue)

REPORT OF PROCEEDINGS had at the

hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 7th day of

August, 2019, at the hour of 7:00 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairman;

3 MR. JOHN WAGNER, Vice-Chairman;

4 MR. LEONARD KAUCKY, Commissioner;

5 MR. GREGORY RUFFOLO, Commissioner;

6 MR. JAMES SOUKOP, Commissioner;

7 MR. MIKE WALEC, Commissioner;

8 MS. LISA SHEMROSKE, Building and Zoning Secretary.

9
10 PRESENT:

11 Mr. Roy Giuntoli, Village Building Inspector;

12 Ms. Ann Choi, Village Planning Consultant.

1 CHAIRMAN KOPP: I call to order the regular
2 meeting of the Plan Commission for the Village of
3 Willowbrook and ask the Plan Commission secretary to
4 call the roll.

5 SECRETARY SHEMROSKE: Commissioner Remkus.

6 (No response.)

7 SECRETARY SHEMROSKE: Commissioner Soukop.

8 COMMISSIONER SOUKOP: Here.

9 SECRETARY SHEMROSKE: Commissioner Ruffolo.

10 COMMISSIONER RUFFOLO: Here.

11 SECRETARY SHEMROSKE: Commissioner Kaucky.

12 COMMISSIONER KAUCKY: Here.

13 SECRETARY SHEMROSKE: Commissioner Walec.

14 COMMISSIONER WALEC: Here.

15 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

16 VICE-CHAIRMAN WAGNER: Here.

17 SECRETARY SHEMROSKE: Chairman Kopp.

18 CHAIRMAN KOPP: Here.

19 SECRETARY SHEMROSKE: Planner Ann Choi.

20 MS. CHOI: Here.

21 SECRETARY SHEMROSKE: Building Official Roy
22 Giuntoli.

1 MR. GIUNTOLI: Here.

2 SECRETARY SHEMROSKE: And I'm Lisa
3 Shemroske.

4 CHAIRMAN KOPP: The next item on the Agenda
5 is the Omnibus Vote Agenda. Would anybody like an item
6 removed from the Omnibus Vote Agenda?

7 (No response.)

8 CHAIRMAN KOPP: If not, will someone make a
9 motion to approve the Omnibus Vote Agenda.

10 COMMISSIONER RUFFOLO: So moved.

11 COMMISSIONER WALEC: Second.

12 CHAIRMAN KOPP: All in favor say aye.

13 (A chorus of ayes.)

14 CHAIRMAN KOPP: Motion carries.

15 The next item is Zoning Hearing Case
16 No. 19-07. The purpose of this public hearing shall be
17 to consider a petition requesting approval of an
18 amendment to a Special Use permit including certain
19 variations from Title 9 of the Village Code to allow a
20 trash enclosure and associated improvements at the
21 property legally -- or the property generally located
22 at the northwest corner of Holmes Avenue and

1 58th Place.

2 The Applicant for this petition is
3 Maercker School District of Westmont, Illinois.

4 Notice of this public hearing was
5 published in the July 22, 2019, edition of the
6 Chicago Sun-Times newspaper.

7 Ann, would you like to speak to this
8 matter?

9 MS. CHOI: Yes. Thank you, Mr. Chairman.
10 As previously stated, Maercker School District 60 is
11 requesting approval of an amendment to an existing
12 Special Use for an elementary school in the R-1 Zoning
13 District including certain variations from Title 9 of
14 the Zoning Code to allow for the installation of a
15 280-square-foot refuse disposal enclosure and
16 associated improvements adjacent to the two-story
17 addition of the Holmes Elementary School building,
18 which is currently under construction.

19 The subject property is located at the
20 northwest corner of 58th Place and Holmes Avenue south
21 of the Christian Church of Clarendon Hills.

22 Prior to the construction of the

1 two-story addition, the trash bins were located near
2 the southwest entrance of the existing school within a
3 caged fence area. On days of trash pickup, which occur
4 twice a week, these bins were wheeled off to the south
5 end of the property on 58th Place as close to the
6 sidewalk as possible for access to the trash trucks.
7 The existing refuse bins were completely open to the
8 street and visible to the neighborhood on the days when
9 trash was picked up, as illustrated on Page 4 of the
10 staff report.

11 During construction, however, the trash
12 bins are currently located along the southern portion
13 of the school building unenclosed and completely
14 visible to the residential properties on 58th Place.

15 The new trash enclosure will be located
16 just south of the existing playground, adjacent to the
17 bus drop-off, and easily accessible to trash trucks.
18 The trash enclosure can accommodate up to three refuse
19 bins and will be constructed of solid masonry walls on
20 three sides. Although the architectural elevation does
21 not specify any colors, the enclosure in the proposed
22 rendering, as you see here, appears to match the colors

1 and materials of the existing school and new addition.

2 The proposed trash enclosure is in
3 compliance with the R-1 District bulk regulations, the
4 Permitted Accessory Buildings, Structures, and Uses
5 under Section 9-12-2, and in general compliance with
6 the Location and Screening of Refuse Disposal Areas
7 under Section 9-12-11, with the exception of
8 orientation of the open side of the enclosure.

9 That section of the Zoning Code
10 requires that the open side of said enclosure shall be
11 oriented so that, to the greatest extent possible, it
12 does not face towards an abutting property or street.
13 The doors to the proposed enclosure face towards
14 58th Place and the residential properties along the
15 street. The school district is therefor requesting the
16 following relief:

17 One, a variation from Section
18 9-12-11(A)5 to permit the open side of said enclosure
19 to be oriented so that it faces towards an abutting
20 property or street and, two, a variation from
21 9-12-11(B)2(e) to permit the open side of said
22 enclosure to be oriented so that it faces towards an

1 abutting property or street.

2 The construction and installation of
3 the enclosure will result in the addition of two shade
4 trees and foundation landscaping placed on both sides
5 of the enclosure. Staff recommends as a condition of
6 approval that these two trees be replaced by a row of
7 slender evergreen trees on both sides of the trash
8 enclosure. This will ensure improved year-round
9 screening and decreased visibility of the enclosure
10 from the residential properties on 58th Street.

11 Staff recommends that the architectural
12 drawing be revised to include a full, colored elevation
13 of the enclosure that specifies the colors and
14 materials of the enclosure, and has included this as a
15 recommended condition of approval.

16 In summary, the existing use on the
17 subject property is Holmes Elementary School, which
18 will not be changing. The Special Use amendment and
19 requested variations will allow for the installation of
20 a fixed trash enclosure that will conceal the refuse
21 bins and associated paving and landscaping improvements
22 to better accommodate the needs of the school.

1 The district worked through numerous
2 options with the Village with the primary focus on
3 safety of the students and minimizing impacts to the
4 neighborhood. Staff is, therefore, supportive of this
5 project and suggests that the Plan Commission recommend
6 approval to the Village Board subject to the list of
7 conditions on Pages 12 and 13 of the staff report.

8 I'll just read off the recommended
9 conditions for approval:

10 No. 1, the proposed trash enclosure
11 shall comply with the existing 27-foot exterior side
12 yard setback.

13 No. 2, the partial architectural
14 elevation shall be revised to include the full, colored
15 elevation of the enclosure. The revised elevation
16 shall specify the materials and colors of the trash
17 enclosure. The enclosure shall match the materials and
18 colors of the existing school and addition.

19 No. 3, the composite landscape plan
20 shall be revised to replace the two deciduous trees on
21 both sides of the trash enclosure with a row of slender
22 evergreen trees on both sides of the trash enclosure

1 for improved year-round screening and decreased
2 visibility of the enclosure from the residential
3 properties on 58th Place. The landscape plan shall
4 include the species name and quantity of the proposed
5 trees.

6 No. 4, final engineering plans shall be
7 reviewed and approved by the village engineer prior to
8 issuance of a site development permit by the Village of
9 Willowbrook.

10 No. 5, the enclosure shall be used
11 strictly for the confinement of refuse and recycling
12 and shall not be used for the outside storage of any
13 other materials or equipment.

14 No. 6, the doors of the trash enclosure
15 shall remain closed and locked at all times except when
16 the refuse bins are unloaded and loaded.

17 No. 7, the amendment to the Special Use
18 shall apply only to the trash enclosure and proposed
19 landscaping surrounding the trash enclosure and the
20 associated paving only. No other improvements shown on
21 the plans shall be approved as part of this review.

22 So staff supports the proposed text

1 amendment. If the Plan Commission concurs, the
2 following sample recommendation is offered for
3 consideration: Based on the submitted petition and
4 testimony presented, I move that the Plan Commission
5 forward its findings of fact to the Mayor and Village
6 Board for special uses and variations as shown in
7 Attachments 1 and 2 of the staff report prepared for
8 the August 7, 2019, Plan Commission meeting for
9 PC 19-07 and recommend approval of an amendment to the
10 existing Special Use to allow variations from Section
11 9-12-11(A)5 and Section 9-12-11(B)2(e) to permit the
12 open side of said enclosure to be oriented so that it
13 faces towards an abutting property or street, subject
14 to the conditions listed in the staff report for the
15 August 7, 2019, Plan Commission meeting for PC 19-07.

16 And that concludes my report.

17 CHAIRMAN KOPP: Do any of the Commissioners
18 have any questions for Ann?

19 (No response.)

20 CHAIRMAN KOPP: All right. The Applicant,
21 if you would like to speak.

22 MR. DEMARAKIS: I had a full speech here,

1 but she did a great job.

2 George M. Demarakis, the architect.

3 CHAIRMAN KOPP: You'll need to be sworn in.

4 MR. NUGENT: Sean Nugent, superintendent.

5 (Witnesses sworn.)

6 MR. DEMARAKIS: Thanks. You know, she did a
7 real great job of kind of explaining that the reason we
8 built this addition was really that the primary focus
9 was the safety and security of the children on the
10 site, right. If you were to look at the existing
11 facility, a lot of the times the refuse -- the trash is
12 pushed to the curb and exposed. We wanted to make sure
13 we secured it, closed it up, shielded it properly; and
14 looking at it from many different iterations, we kind
15 of came to a happy medium.

16 It's such a tight setting that it gave
17 us limited options of where we could put it and make it
18 functional. As we kind of dug deeper into the design,
19 we realized what if we encroached a little bit on the
20 playground space and helped provide that proper setback
21 away from the street, which is what allowed us to get
22 that 27-foot setback requirement, and then how do we

1 match it architecturally to make it nice and fit in
2 with the character of the facility and the
3 neighborhood? We have been working pretty hard and
4 diligently to get the design of the two-story addition
5 getting built right now; we wanted to make sure it had
6 the same character and vocabulary.

7 Yes, everything that the staff kind of
8 recommended for us to follow, we will follow as far as
9 getting the materials, getting the landscaping, getting
10 all the engineering drawings completed for those
11 recommendations.

12 The trash enclosure would follow suit
13 in material. The front door panels that would be open,
14 as you see there, would match the wood paneling that
15 would be up on the building to the left. We have the
16 same vocabulary here as you would up here. The copings
17 would be in the same metal to finish off the look of
18 what the aesthetics of the building will look like; and
19 then the brick that's on the inside and outside of the
20 walls would match the same brick that we are using for
21 the addition, which also matches the rest of the
22 existing facility itself.

At the end of the day, again, we wanted to make sure we pulled it away from the students that are going to be playing out in the playground area, the grass area, and on the playground space, and make it functional for the staff to utilize and put the three refuse bins that they have on the property and screen it accordingly.

I think you nailed it. Thank you.

CHAIRMAN KOPP: In the pictures, there were four -- you had four currently it looks like, at least in all those pictures.

MR. DEMARAKIS: I believe there is two in the cage and one on the outside. I believe it's three. There were times that they had four for the recycling. Right now what we are doing is we are making them five-yarders that allows to condense it to three instead of four.

CHAIRMAN KOPP: Any Commissioners have any questions?

(No response.)

CHAIRMAN KOPP: Would anyone in the audience have any questions of the Applicant?

1 (No response.)

2 CHAIRMAN KOPP: All right. This being the
3 case, I will close zoning hearing case -- public
4 hearing for zoning hearing Case 19-07.

5 This seems like a win/win because even
6 if the residents didn't like -- don't like it being
7 right there, even before your addition, twice a week
8 they would just have the bare cans -- the bare
9 dumpsters out there, so this seems like definitely a
10 plus. I would vote in favor this.

11 I don't know if any of other
12 Commissioners want to speak.

13 (No response.)

14 CHAIRMAN KOPP: All right. So someone make
15 a motion that based on the submitted petition and
16 testimony presented I move that the Plan Commission
17 forward its findings of fact to the Mayor and Village
18 Board for special uses and variations as shown in
19 Attachments 1 and 2 of the staff report prepared for
20 the August 7, 2019, Plan Commission meeting for
21 PC 19-07 and recommend approval of an amendment to the
22 existing Special Use to allow variations from

1 Section 9-12-11(A)5 and Section 9-12-11(B)2(e) to
2 permit the open side of said enclosure to be oriented
3 so that it faces towards an abutting property or
4 street, subject to the conditions listed in the staff
5 report for the August 7, 2019, Plan Commission meeting
6 for PC 19-07.

7 Someone make a motion.

8 COMMISSIONER SOUKOP: So moved.

9 CHAIRMAN KOPP: Someone second.

10 COMMISSIONER KAUCKY: Second.

11 COMMISSIONER RUFFOLO: Second.

12 CHAIRMAN KOPP: I ask the Plan Commission
13 Secretary to call the roll.

14 SECRETARY SHEMROSKE: Commissioner Soukop.

15 COMMISSIONER SOUKOP: Yes.

16 SECRETARY SHEMROSKE: Commissioner Ruffolo.

17 COMMISSIONER RUFFOLO: Yes.

18 SECRETARY SHEMROSKE: Commissioner Kaucky.

19 COMMISSIONER KAUCKY: Yes.

20 SECRETARY SHEMROSKE: Commissioner Walec.

21 COMMISSIONER WALEC: Yes.

22 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

1 VICE-CHAIRMAN WAGNER: Yes.

2 SECRETARY SHEMROSKE: Chairman Kopp.

3 CHAIRMAN KOPP: Yes.

4 All right. Good job.

5 (Which were all the
6 proceedings had in the
7 above-entitled cause.)
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[illegible]

Maureen K. Nagle, a Certified Shorthand Reporter, doing business in the City of Chicago, County of Cook, and the State of Illinois states that she reported in shorthand the proceedings had at the foregoing hearing;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the said hearing.

MAUREEN K. NAGLE, CSR
CSR No. 084-002863

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3
4 Maureen K. Nagle, a Certified Shorthand
5 Reporter, doing business in the City of Chicago, County
6 of Cook, and the State of Illinois states that she
7 reported in shorthand the proceedings had at the
8 foregoing hearing;

9 And that the foregoing is a true and correct
10 transcript of her shorthand notes so taken as aforesaid
11 and contains all the proceedings had at the said
12 hearing.

13
14
15 Maureen K. Nagle
16 MAUREEN K. NAGLE, CSR
17 CSR No. 084-002863
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Village of Willowbrook
Staff Report to the Plan Commission

Public Hearing Date: September 4, 2019

Prepared By: Ann Choi, Planning Consultant

Case Title: PC 19-08: Text Amendments that define and regulate recreational cannabis facilities in the Village of Willowbrook.

Petitioner: Village of Willowbrook

Action Requested by Applicant: Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.

Code Sections to be by Amended or Added: Title 9 – Zoning Section:

9-2-2	Definitions
9-7B-2	Special Uses
9-7B-4	Standards
9-7C-2	Special Uses
9-7C-4	Standards
9-8-2	Special Uses
9-8-4	District Standards

Documents Attached:

1. Public Hearing Notice
2. Mapping Exhibit Indicating Eligible Sites in the OR, LOR and M1 Zoning Districts

Necessary Action by Plan Commission: Make a recommendation to the Mayor and Village Board regarding approval of the proposed text amendment.

A sample motion can be found on page 6.



History & Discussion of Request

Public Act 101-0027 creates the Cannabis Regulation and Tax Act ("CRTA") and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the CRTA legalizes the possession and private use of cannabis for Illinois residents over twenty-one (21) years of age. The CRTA also gives municipalities the ability to adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the CRTA.

The CRTA preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) 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 CRTA. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through special use permits. In addition to zoning authority, municipalities will have the authority to allow for or prohibit on-premise use of cannabis at locations to be determined locally. The CRTA anticipates that local authorities will engage in inspections of cannabis-related businesses.

In essence, the Village of Willowbrook ("Village") has the ability to ban the sale of recreational cannabis within the Village's limits, dictate the number of legal dispensaries within the Village, determine how cannabis businesses are operated (such as hours of operation), and dictate the location of cannabis businesses as they relate to points of interest such as schools, churches, government buildings, and liquor stores. Certain local communities have responded by identifying one or more zoning districts where these facilities can be located given the State's parameters, then deciding whether to list them as permitted uses or special/conditional uses. The Village must determine where these establishments can be located and how they should be regulated in order to comply with the State law.

In 2014, the Village approved Ordinance No. 14-O-43 which defined and regulated licensed medical cannabis dispensaries and licensed medical cannabis cultivation centers in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois which became law on January 1, 2014. Under State Law, medical cannabis dispensaries were not permitted within 1,000 feet from schools and licensed daycare properties. The ordinance permitted medical cannabis dispensaries in the OR, LOR and M1 zoning districts and added an additional distance requirement of seventy feet (70') from a residential zoning boundary or use. Cultivation centers, on the other hand, were not possible in Willowbrook because the State Law required cultivation centers to be located more than 2,500 feet from a residential property. It was recommended by the Village's legal counsel that the cultivation center use be enumerated in the zoning code despite the 2500-foot distance requirement to be in compliance with the State law. Therefore, cultivation centers were permitted as a special use in the M-1 District only, even if one could not be located in the Village.

The focus of this staff report is limited to the regulation of adult use cannabis dispensing organizations. At this time, staff recommends that the regulation of adult use cannabis dispensing organizations mirror the regulation of medical cannabis dispensaries within Willowbrook. Staff has included a mapping exhibit in **Attachment 2** to determine possible locations for adult-use cannabis dispensing organizations ("dispensaries"). The attached map indicates in shaded grey solid and dashed lines, a 1,000-foot boundary from all schools, licensed daycare properties and religious institutions. As previously mentioned, the Village of Willowbrook has already approved medical cannabis dispensaries in the OR, LOR and M1 zoning districts and recommends that these zoning districts be expanded to include adult use cannabis dispensing organizations to be permitted as a special use.



The second part of this report is an evaluation of the State's requirements to determine whether the use might be regulated as a permitted use or a special use. Many highlights of the State law are provided below in a question and answer format in order to consolidate many pages of documents.

1. Who is Recreational Cannabis is available to?

As a result of new State legislation, the consumption of cannabis as of January 1, 2020, will be treated similarly to that of the purchase or consumption of alcohol with any Illinois resident, or non-resident, ages twenty-one (21) years or older.

2. What regulatory abilities, if any, do business owners and landlords have?

Any person, business, public entity, or landlord may prohibit the use of cannabis on private property.

3. If the sale of recreational cannabis was to be allowed in Willowbrook, how many licenses would be issued?

While many individual cities have a limitation on the amount of recreational cannabis facilities (dispensaries) that are allowed within their limits, the Village of Willowbrook is part of a larger Bureau of Labor Statistics Region within the state. Willowbrook is a part of the Chicago-Naperville-Elgin region. Illinois is allowing up to forty-seven (47) licenses within this region. The Village plays no role in the licensing process as it is left up to the Department of Financial and Professional Regulation to select and process those individuals attempting to obtain a license.

4. Should the Village permit dispensaries to open, how will the Village manage public safety at these locations?

The Willowbrook Police Department surveyed communities that currently contain a medical cannabis facility within its limits and found that there were limited calls to such facilities statewide. Public safety is the Village's top priority and any specific security concerns will be addressed.

5. Who can legally purchase and consume cannabis?

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

6. Who can legally grow and sell recreational cannabis?

Only licensed businesses will be able to legally grow and sell cannabis. Medical cannabis patients will be allowed to grow up to five plants each within their home.

7. How much cannabis may an individual possess?

Illinois residents may possess up to:

- Thirty grams (30g), or just over one ounce of "flower"
- Five grams (5g) of cannabis concentrate
- Five hundred milligrams (500mg) of THC – the chemical that causes the "high" – in a cannabis infused product such as gummies, candy, other consumable products (referenced to as "edibles"), or tinctures, and lotions
- Non-Illinois residents may legally possess up to fifty percent (50%) of these amounts.

8. Will cannabis consumption be allowed in public spaces?

No, the consumption of cannabis in public will be considered unlawful.



9. Where will consumption be allowed?

The consumption of cannabis will be allowed on private property or potentially, specifically designated establishments such as dispensaries or smoking lounges. However, the Village Board has expressed a desire to prohibit any on-site consumption of cannabis at any dispensary.

10. How is cannabis taxed?

Sales taxes are summarized in the Table 1 below.

Taxes		
THC levels	State Sales Tax	Local "special" tax
35% or less	10%	Additional 3%
Over 35%	25%	
Cannabis infused products (ex: edibles)	20%	

The Village of Willowbrook may add a special tax of up to three percent (3%). Within the CRTA, any government proceeds associated with the sale of recreational cannabis was established as follows:

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

Currently the Village plans to utilize these funds for public improvement projects, funding of police pension liabilities and costs related to the Sterigenics issue.

The following section will discuss the proposed text amendments.



Proposed Text Amendments

1. DEFINITIONS

The following new definitions are proposed.

Add the following definition to Section 9-2-2:

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.

2. Add the following language to Section 9-7B-2 (as a special use in O-R zoning district), Section 9-7C-2 (as a special use in L-O-R zoning district), and Section 9-8-2 (as a special use in M-1 zoning district):

Adult-Use Cannabis Dispensing Organization, except when located seventy feet (70') or less from a residential district boundary or use or one thousand feet (1000') or less from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home, or a combination thereof, and in compliance with the State of Illinois Cannabis Regulation and Tax Act and meeting the parking requirements of Chapter 10 of this Title for 'Other Business and Commercial Establishments'.

3. The following amendments are necessary because "retail sales" as a principal use is not permitted in the O-R, L-O-R or M-1 Districts. The additional language allows for the retail sales associated with a dispensary as defined.

Amend 9-7B-4(B) as follows:

Retail Sales: Except for medical cannabis dispensaries **and/or adult-use cannabis dispensing organizations**, as provided in section 9-7B-2 of this article, no retail sales or services shall be permitted except as incidental or accessory to a permitted use.

Amend 9-7C-4(B) as follows:

Retail Sales: Except for medical cannabis dispensaries **and/or adult-use cannabis dispensing organizations**, as provided in section 9-7C-2 of this article, no retail sales or services shall be permitted except as incidental or accessory to a permitted use.

Amend 9-8-4(B) as follows:

Retail Sales: Except for medical cannabis dispensaries **and/or adult-use cannabis dispensing organizations**, as provided in section 9-8-2 of this article, no retail sales or services shall be permitted except as incidental or accessory to a permitted use.



Recommendation

Staff believes the requirement of a special use for Adult-Use Cannabis Dispensing Organizations within the OR, LOR and M1 zoning districts to be the most appropriate process for consideration. This process will require notification of surrounding property owners and a public hearing before the Plan Commission. The Plan Commission would be able to recommend conditions to the proposed project before forwarding their recommendation to the Village Board for final approval. The intent of the special use process is to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns. Staff is confident that this process will provide for the most effective review and approval process for the regulation of Adult-Use Cannabis Dispensing Organizations in Willowbrook.

If additional time or testimony is needed, the Plan Commission may wish to continue this hearing and/or consideration of the amendment. If the Plan Commission's work is completed, the following sample motion is provided for the Plan Commission's use:

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend approval of the text amendments presented on Page 5 of the Staff Report for PC Case Number 19-08 that add the definition for Adult-Use Cannabis Dispensing Organizations, and provides amendments that regulate said uses in the OR, LOR, and M-1 Zoning Districts as special uses.



Attachment 1
Public Hearing Notice (2 Sheets)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 19-08

NOTICE IS HEREBY GIVEN that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall pursuant to 65 ILCS 5/11/13/14, conduct a public hearing on the 4th day of September, 2019 at the hour of 7:00 p.m. at the Village Hall, 7760 Quincy Street, Willowbrook, Illinois.

The purpose of this public hearing shall be to consider a petition for text amendments to the Title 9 of the Village Code (Zoning Ordinance) defining and regulating Recreational Cannabis Facilities in the Village of Willowbrook.

The applicant for this petition is the Village of Willowbrook, 835 Midway Drive, Willowbrook Illinois 60527.

A copy of the Village's petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Roy Giuntoli, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst

Brian Pabst, Village Administrator

Published in the August 19, 2019 edition of *The Chicago Sun Times* Newspaper.

The contractor will be required to furnish certified copies of any and all insurance Policies required in relation to this contract prior to CTA's execution. Chicago Transit Authority hereby gives notice that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, disadvantaged Business Enterprises will be afforded full opportunity to submit responses to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

PLEASE NOTE: Where proposals are sent by mail, delivery service or delivered in person to the CTA Bid Office, the bidders shall be responsible for their delivery only to this Bid Office before the advertised due date and hour for the proposals. The Bid Office hours are Monday through Friday from 8:00 a.m. to 4:30 p.m. Chicago time, except holidays.

The right is reserved to accept any proposal or to reject any and all proposals.

All inquiries should be directed to and copies of the documents obtained from the Bid Office - 2nd Floor, 567 West Lake Street, Chicago, Illinois 60661-1488.

CHICAGO TRANSIT AUTHORITY
By: Ellen McCormack
Vice President
Purchasing & Supply Chain
August 19, 2019
8/19/19 #1091391

total, then holding down

Each respondent shall submit five (5) bound copies of their response in a clear, legible, and 8 1/2" x 11" format (unless otherwise indicated). Costly submissions are neither required nor encouraged. Submissions must be complete in all respects. Incomplete submissions will be returned without consideration at the sole discretion of the City. The submittal deadline is 4:00 p.m. CDT on August 30, 2019. Send to:

Attn: N. Paul Elue
CITY OF CHICAGO DEPARTMENT OF HOUSING
Preservation Division
121 North LaSalle Street, Room 1006
Chicago, Illinois 60602

Copies of the RFP will be available after August 12, 2019 and may be downloaded from the City of Chicago Department of Housing website beginning this date (<http://cityofchicago.gov/doh>). The City of Chicago, Department of Housing is an Equal Employment Opportunity/Affirmative Action Employer. If you need assistance regarding this invitation, please submit your questions in writing to N. Paul Elue at the above address or at the following email address: Paul.Elue@cityofchicago.gov.

Key Dates
Request for Proposals Issued
Response Due Date

August 12, 2019
August 30, 2019



MARISA NOVARA
COMMISSIONER
8/12, 8/14, 8/16, 8/19, 8/21, 8/23/19

LORI E. LIGHTFOOT
MAYOR
#1091003

publication of this notice and any claim not filed within that period is barred. Copies of any claim filed with the Clerk must be mailed or delivered to the representative and to the attorney within 18 days after it has been filed.
/s/ John A. Zaleski
(Representative)
/s/ Gary A. Lind
(Attorney)
8/12, 8/16, 8/22/19 #1091692

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Public Notices

Public Notices

Public Notice
City of Chicago
Department of Housing
Tax Credit Allocation Plan

The City of Chicago Department of Housing ("DOH") is making available for public comment a draft of its 2019 Low-Income Housing Tax Credit Allocation Plan. Copies of the draft plan are available on DOH's website at <http://ChicagoGov/GAP>.

A public hearing as required by Section 42(m)(1)(A) of the Internal Revenue Code of 1986, as amended, will be held on Wednesday, August 27, 2019 at 2:30 p.m. in conference room 1103, 121 North LaSalle Street, Chicago, Illinois 60602. To allow all interested individuals a reasonable opportunity to express their views, each person is to limit his/her oral remarks to a period of no longer than three minutes. If you are unable to attend this hearing, you may direct written comments to Bryan Eschenberg, 121 North LaSalle, Room 1006, Chicago, Illinois 60602. Written comments should be received by Friday, August 30, 2019.

Equal Housing Opportunities
Marisa Novara
Commissioner
Department of Housing

8/19 - 8/23/19 #1091215

Public Hearings

Public Hearings

**NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 19-08**

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The purpose of this public hearing shall be to consider a petition for text amendments to the Title 9 of the Village Code (Zoning Ordinance) defining and regulating Recreational Cable Facilities in the Village of Willowbrook.

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All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabel
Brian Pabel, Village Administrator

Published in the August 19, 2019 edition of The Chicago Sun Times Newspaper.
8/19/19 #1091359



Attachment 2
Map Exhibit Indicating Eligible Sites Within the OR, LOR and M1 Zoning Districts
(1 Sheet)

ADULT-USE CANNABIS DISPENSING ORGANIZATIONS IN INDUSTRIAL ZONING DISTRICTS LOCATED MORE THAN 70' FROM RESIDENTIAL USES AND MORE THAN 1000' FROM DAYCARES/SCHOOLS AND RELIGIOUS INSTITUTIONS

