

**VILLAGE OF BANNOCKBURN
PLAN COMMISSION & ZONING BOARD OF APPEALS
SEPTEMBER 8, 2014
MEETING MINUTES**

1. 01-09/08: Call to Order. Chairman McShane called the meeting to order at 6:00PM.

Chairman: James McShane

Commissioners Present: Robert Borden, David Elston, Louise Feeney, Susan Knaack (arrived at 6:05PM), William Montgomery

Commissioners Absent: Richard Peters

Also Present: Village Manager Maria Lasday, Village Counsel Vic Filippini, Assistant to Village Manager Ryan Mentkowski

Visitors: James Boyle (1665 Wilmot Road), Bruce & Susan Nelson (1665 Meadow Lane)

2. 02-09/08: Pledge of Allegiance. Chairman McShane led everyone in reciting the Pledge of Allegiance.
3. 03-09/08: Visitors' Business.
No residents spoke.

4. 04-09/08 Approval of the May 5, 2014 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.

Commissioner Borden moved, seconded by Commissioner Elston, to approve the May 5, 2014 minutes, contingent on making the technical changes to lines 53-63 and lines 153-154. On a roll call vote, the motion was unanimously approved. Ayes: Four (Borden, Elston, Feeney, Montgomery); Nays: None; Absent: Two (Knaack, Peters).

Commissioner Knaack arrived at 6:05 PM

5. 05-09/08: Public Hearing for the Consideration of Testimony Concerning Potential Amendments to the Bannockburn Zoning Code Relating to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, Submitted by the Village of Bannockburn.

Manager Lasday noted that the State of Illinois passed regulations related to allowing medical cannabis. She asked Village Counsel to summarize the proposed program.

Village Counsel Vic Filippini noted the Illinois Compassionate Use of Medical Cannabis Pilot Program Act authorizes the cultivation and dispensing of medical marijuana. He noted the Village can choose to do nothing with the proposal as it was written by the State; however, it is likely the Village would have to identify areas within the Village

where the cultivation centers and dispensaries could be located within the village. He noted dispensaries are allowed only in areas within 1,000 feet from residential zoning districts, schools and day care centers. The available property doesn't necessarily line up with the use list in the zoning code. Based on existing locations outside of 1,000 foot perimeter the only property was on the south side of Lakeside Drive and also from Terlato Wine (on Waukegan Road) south to the NorthShore Medical Office building on Waukegan road. The retail district is not precluded from the 1,000 foot district and allowance of the dispensary in the office district was recommended by Staff. He noted that all of the licenses have to be provided by the State of Illinois and most of the cultivation centers are likely down state.

Chairman McShane inquired about allowing in the retail district versus the office district.

Counsel Filippini noted that where to allow the use is a policy choice that depends on the community that is dealing with it. He noted the Village appears to have the opportunity to place it in the R "retail" district and it could be made available there. It was noted that just because there are regulations in place it doesn't mean they will get a permit and they still have to get a zoning letter from the State. He noted that a lot of communities have utilized the special use process for this use.

Manager Lasday noted that because there were multiple buildings in the R "retail" district it was not an appropriate zoning district.

Chairman McShane noted his experience in Colorado where there are 4 retail sale operations which would be similar to a dispensary. He noted that the #2 sheriff quit his job and became a seller of cannabis. He noted it appears the problem is the amount of "THC" in the cannabis. He recommended that this be a special use because it appears that it may be coming to a head (legalizing from a federal perspective). He noted the Commission should think long and hard about the ancillary effects of this. He noted this is still primarily a cash business and there is additional police protection that he noted were showing up.

Manager Lasday added that we are going to have extra policing because of this bill without any additional money provided from the State.

Commissioner Borden inquired as to how many distributors have approached the Village. Manager Lasday noted that 6 different people have approached her on the subject at the Village. She noted that the access off Route 22 / Half Day Road makes us a target for having this type of use located in Bannockburn.

Chairman McShane asked counsel what the Commission should recommend to the Village Board.

Village Counsel Filippini noted this ordinance is drafted as a heavily regulated use and can be recommended as such to the Village Board. He noted the use would only be allowed as a special use in the office district. He noted that many of the regulations have been allowed / regulated already by the state.

Chairman McShane recommended tabling the public hearing to the Commission.

Commissioner Elston asked if the retail recommendation is a state requirement. He also noted the draft language talked about no other use on a zoning lot and if the way it is drafted would you have to take over an entire building. He also inquired as to how the screening regulations will work.

Village Counsel Filippini stated the screening refers to screening around the building so you cannot have people lurking around the building and the Village's screening requirement is around the buffer or perimeter of the property.

Commissioner Elston asked if there any ability to restrict usage. He also noted that the draft noted no consumption on the property of the dispensary; are you allowed to expand that to say you cannot smoke it in the entire office district.

Village Counsel Filippini noted that we shouldn't forget that it is still a federal offense to smoke marijuana.

Trustee Jim Boyle noted that from his perspective and knowledge, the only place you can smoke the medical marijuana is within the house.

Mr. Bruce Nelson of 1655 Meadow Lane noted that another issue is that some doctors are writing 200 prescriptions a week and now places like Morton Grove is starting to regulate doctors.

Ms. Susan Nelson of 1665 Meadow Lane asked how doctors write a script for medical cannabis. She thought this was a class 3 prescription.

Village Counsel Filippini noted the village does not have any regulatory power to regulate prescriptions.

Commissioner Montgomery would like to table the items so that he can read the state law.

Chairman McShane noted that for the next meeting he would like Staff to find out what the other communities around the area doing. He discussed what is happening in Colorado in his experience.

Commissioner Borden noted that people in Highland Park are very proactive about going and getting the dispensaries, specifically the area on Hwy 41 is the targeted area.

Commissioner Elston noted that he finds it unfortunate that the office district is across the street from Trinity College and near Deerfield High School.

Manager Lasday noted that we could continue this and put it into the newsletter.

Village Counsel Filippini noted that the Commission has the right to continue the meeting if you like. He also summarized the timing of the state license.

Commissioner Borden moved, seconded by Commissioner Knaack, to continue the Public Hearing for the Consideration of Testimony Concerning Potential Amendments to the Bannockburn Zoning Code Relating to the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, to the November 3rd, 2014 meeting. On a roll call vote, the motion was unanimously approved. Ayes: Five (Borden, Elston, Feeney, Knaack, Montgomery); Nays: None; Absent: One (Peters).

6. **06-09/08: Other Business:**

Village Counsel Filippini noted that the PCZBA can start a zoning amendment with a caveat that there is a process involved, including that the Board does not have to entertain the amendment to the code.

Commissioner Elston asked what the process is if a resident wants to bring forward a zoning change. Per Village Counsel, when a text amendment/map amendment is proposed they will have to go through the Text Amendment process defined in the zoning ordinance.

Commissioner Elston asked for a status on the Comprehensive Master Plan Update.

Manager Lasday noted that she will bring it back to the PCZBA for a public hearing 6 months from the May 2014 Village Board meeting per the direction of the Board.

Adjournment.

Commissioner Borden moved, seconded by Commissioner Montgomery, to adjourn the meeting. On a roll call vote, the motion was unanimously approved. Ayes: Five (Borden, Elston, Feeney, Knaack, Montgomery); Nays: None; Absent: One (Peters). The meeting adjourned at 6:35 PM.