



# Village of Brookfield

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## REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

### AGENDA

November 21<sup>st</sup>, 2019 - 7:00 P.M.

Edward Barcal Hall - 8820 Brookfield Avenue  
Brookfield, IL 60513

- I. **Call to Order**
- II. **Roll Call**
- III. **Staff Update**  
Local Planning Initiatives and Updates
- IV. **Public Hearings**  
PZC Case 19-08 – Cannabis Text Amendment (continued)
- V. **New Business**  
Approval of Minutes  
Police Training
- VI. **Old Business**
- VII. **Next Meeting**  
December 19<sup>th</sup>, 2019 (rescheduled from December 26<sup>th</sup>, 2019)
- VIII. **Public Comment**
- IX. **Adjournment**

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708) 485-7344 prior to the meeting. Wheelchair access may be gained through the front (south) entrance of the Village Hall.

VILLAGE OF BROOKFIELD  
BROOKFIELD, ILLINOIS 60513

JOURNAL OF THE PROCEEDINGS OF THE  
PLANNING AND ZONING COMMISSION

HELD ON THURSDAY, OCTOBER 24<sup>th</sup>, 2019  
IN THE BROOKFIELD VILLAGE HALL

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**MEMBERS PRESENT:** Chairman: Charles Grund; Commissioners: Patrick Benjamin; Todd Svoboda; Christopher Straka; Mark Weber; Karen Ann Miller; Jennifer Hendricks

**ALSO PRESENT:** Elyse Vukelich, Village Planner; Ross Klicker, Director of Community and Economic Development; Kathryn Kaluzny, Village Trustee; Richard Ramello, Village Attorney.

On Thursday, October 24<sup>th</sup>, 2019, Chairman Grund called the meeting of the Planning and Zoning Commission to order at approximately 7:00 P.M. Secretary Weber conducted the roll call.

**Staff Update**

Village Planner Elyse Vukelich introduced Ross Klicker, Director of Community and Economic Development.

**Public Hearings**

**PZC Case 19-08 – Cannabis Text Amendment**

Motion to open the public hearing by Commissioner Straka, seconded by Commissioner Svoboda. The motion carried 7-0.

STAFF PRESENTATION: Village Planner Elyse Vukelich gave a presentation on the proposed text amendment. She explained that this amendment is the result of the State's Cannabis Tax and Regulation and Tax Act and the Village Board's decision to file an application to amend the Village Code to regulate cannabis uses. She described the different kinds of uses that will become legal in the State of Illinois on January 1<sup>st</sup>, 2020 which include craft growers, cultivation centers, dispensaries, and infusers.

She went over the new definitions for cannabis uses, and stated that the proposed definition of cannabis dispensaries does not permit on-site consumption of cannabis. She went over the proposed changes to the code and which zoning districts cannabis dispensaries would be permitted in. The other uses were also incorporated into different zoning districts.

Vukelich explained that the cannabis related uses would be evaluated under current requirements in the Off-Street Parking Section of the Code. She also stated that the Comprehensive Plan has a goal of creating walkable mixed-use districts, which staff took into consideration when creating the proposed regulations.

Village Attorney Ramello explained that he had passed out physical copies of the ordinance that was initially included in the Board of Trustees Packet when they decided to authorize an application for the Planning and Zoning Commission. He mentioned that the ordinance provides recommendations on how to amend the Village Code to incorporate these uses.

Commissioner Hendricks stated that she is concerned that the Commission didn't have the opportunity to review the ordinance because it is different from the recommendations in the staff report. She asked what the Commission is expected to decide on today.

Village Attorney Ramello explained that the ordinance represents the proposed changes, and the staff report is also evidence to be used to make a decision.

Commissioner Hendricks said that she does not see how the Commission will be able to decide anything since they did not have the opportunity to review the ordinance provided by the Village Attorney. Chairman Grund agreed.

Village Attorney Ramello stated that the purpose of tonight is to conduct a public hearing, and that it may take more than one meeting. He stated that the timeline is influenced by the fact that the law comes into effect January 1<sup>st</sup>, 2020.

Chairman Grund asked if staff could clarify whether or not craft growers are permitted in areas zoned for residential, because the staff recommendation includes craft growers in mixed-use districts. He also asked about on-site consumption.

Vukelich said that on-site consumption is not addressed in the State's Act.

Village Attorney Ramello said that he disagrees. He thinks that the State law authorizes on-site consumption, and that it can be regulated but not prohibited.

Chairman Grund asked why cannabis transporting organizations were allowed in I-1 and not I-2.

Vukelich stated that she mirrored trucking and transportation terminal regulations, and that those are not permitted in I-2.

Commissioner Miller asked for an explanation on why mixed-use districts allow for craft growers and infusers in the staff report.

Vukelich stated that the C-1 District in particular permits mixed-use buildings but does not permit any purely residential uses. However, she stated that if the Village Attorney feels it is not advisable that the Commission is able to amend that.

Village Attorney Ramello said that this has not yet been determined by the courts but that mixed-use could be considered a residential use.

Commissioner Miller asked if there are restrictions on businesses that sell alcohol.

Vukelich stated that liquor licenses cannot be granted within 100 feet of schools, daycares, hospitals, and mortuaries. She said that the discussion on whether that should be imposed on cannabis dispensaries should take place at this meeting.

Commissioner Miller asked what kinds of waste is produced by these kinds of businesses. Director of Community and Economic Development Klicker said that there are some processes involved in cultivation that may involve carbon dioxide, but that it would be regulated the same way other industrial uses area.

Commissioner Weber asked about the waste from the plants and whether they need to be disposed of under secure methods. Village Attorney Ramello said that this is likely regulated by the Department of Agriculture.

Commissioner Svoboda asked if there was consideration of the number of cannabis related businesses. Vukelich said that staff chose not to propose this because the State Act requires that dispensaries not be located within 1,500 feet of one another.

Commissioner Hendricks said that the Illinois Municipal League guide which was included in the packet says that municipalities are allowed to regulate and/or allow on-site consumption of cannabis. She suggested that cannabis cafes or lounges be added as an additional use category in order to determine where those should be allowed and to regulate those separately.

Village Attorney Ramello said that municipalities cannot prohibit on-site consumption, but they cannot prohibit it.

Commissioner Hendricks asked if we could create categories with on-site consumption and without on-site consumption.

Village Attorney Ramello said that it was his opinion that you could not separate the two due to the use of the word "regulate" when discussing on-site consumption in the State's Act.

Commissioner Hendricks asked if the medical cannabis overlay district is now obsolete now that recreational cannabis has been legalized.

Village Attorney Ramello said that you could remove the medical cannabis overlay district though it was not in the proposed ordinance that he drafted. He mentioned that the current medical dispensaries in the State will, if approved, be able to sell both medical and recreational cannabis.

Commissioner Straka brought up the fact that cannabis cafes and lounges couldn't really exist without being connected to a dispensary.

Village Attorney Ramello said that even in states where cannabis has been legalized for years, it's really difficult to allow on-site consumption because no insurance company in the United States will insure a business that permits on-site consumption of cannabis.

Commissioner Svoboda asked if the Village did consider special uses for the cannabis dispensaries.

Village Planner Elyse Vukelich stated that the approach staff took was to consider it a legal product and treat it the same way nondurable goods are treated. However, she mentioned that the Commission should discuss this and determine whether they prefer this as a special use.

**PUBLIC COMMENT:**

Emmanuel Kraftnansis at 4017 Dubois said that he is concerned about having dispensaries near his home. He is concerned about it being close to his house due to safety. He feels 47<sup>th</sup> Street is a better location for dispensaries, and he prefers it to be a special use.

Larry Rychlowski of 330 Eggleston Street in Elmhurst said he feels that the Ogden Avenue corridor is an ideal area. He understands the conflict about allowing craft growers in a mixed-use district, but he observed that most of Ogden is not residential. He asked if there were a craft grower to open on Ogden Avenue if the Village would be willing to re-zone the area so as not to permit residential uses.

Village Attorney Ramello said that the Village could make an amendment to do that.

Trustee Ed Cote of 9512 Lexington asked about allowing craft growers or infusers in mixed use areas, and whether or not the location of one of these businesses to a mixed use area would require that the Village change the zoning.

Village Attorney Ramello said that yes, the zoning would need to be changed.

Cote asked if a location restriction from daycares would apply to home daycares as well.

Vukelich said yes, if the daycare was licensed by the State.

Cote asked if a dispensary opens at a location, would it prevent a future daycare from coming in?

Village Attorney Ramello said that the dispensary would become a non-conforming use in that situation.

Cote said that he agrees with Commissioner Hendricks that medical and recreational cannabis should be treated the same way.

Motion to close the public hearing by Commissioner Hendricks, seconded by Commissioner Straka. The motion carried 7-0.

#### COMMISSIONER DELIBERATION:

Chairman Grund said that there is no way to evaluate the proposed ordinance which they did not receive in advance of the meeting, so he suggests that the amendment be continued to the November meeting. However, he still wants to talk about the staff report and recommendations.

Commissioner Miller requested a list of what the difference are between the proposed ordinance and the staff report.

Village Attorney Ramello said that the proposed ordinance used the same boundaries as the medical cannabis overlay district to create a recreational cannabis overlay district. He said that staff's report instead proposes where these businesses should be allowed and incorporated into the code. Ramello said that the proposed ordinance creates cannabis businesses as a special use and that the staff report lists them as permitted.

Commissioner Svoboda asked if the proposed ordinance had distance restrictions.

Village Attorney Ramello said that it does, 1,000 feet from schools and daycares, and 250 feet from residential dwellings, but mentioned that the residential may need to be changed.

Commissioner Benjamin asked why the Commission cannot get a document that is in harmony between council's opinion and staff's opinion.

Village Attorney Ramello said that it was a time constraint. He said that staff could consult with the Board of Trustees to determine their opinion.

Commissioner Benjamin said that it would be helpful to get a document that was agreed upon.

Chairman Grund stated that he does not approve of the possibility of changing districts to not permit residential uses simply because a cannabis business could locate there.

Commissioner Hendricks stated that she appreciates how much work went into the amendment. She said that she thinks the parking regulations make sense. She would prefer to see something in between the proposed ordinance and the staff report. She said that other communities place distance requirements on dispensaries, and she would like to see something similar.

Chairman Grund said that if they had had the ordinance sooner they could have considered that.

Commissioner Hendricks said that that might be true, but the ordinance limits dispensaries to a small area on 47<sup>th</sup> Street.

Commissioner Weber said that as the cannabis industry becomes more widespread, there is a possibility for cannabis cafes or lounges.

Commissioner Hendricks said that because we can regulate the on-site consumption, the Commission could place limits on the hours.

Director Klicker stated that he does not believe that on-site consumption will become a possibility until cannabis becomes federally legal.

Chairman Grund stated that he made a list of things to clarify by the next meeting, which was: On-site consumption, the definition of residential use, the potential for distance requirements, the difference between medical and recreational dispensaries, and the potential for special uses instead of permitted uses.

Commissioner Straka asked if there are difference state licenses between medical and recreational.

Village Attorney said that they are difference licenses, but that medical dispensaries can obtain recreational licenses.

Commissioner Miller said that she would like a summary of the differences between the ordinance and the staff report.

Commissioner Hendricks asked if they will still be expected to decide between the options.

Vukelich stated that a new packet will be distributed.

Commissioner Benjamin made a motion, seconded by Commissioner Miller, to continue PZC case 19-08 to the November 21<sup>st</sup> meeting. The motion carried 7-0.

### **New Business**

Approval of Minutes for September 26<sup>th</sup>, 2019. Motion by Commissioner Svoboda, seconded by Commissioner Miller. Motion carries, 7-0.

### **Next Meeting:**

Scheduled for Thursday, November 21<sup>st</sup>, 2019 (rescheduled from November 28<sup>th</sup>).

### **Adjournment**

At approximately 8:06 p.m. there was a motion made by Commissioner Miller to adjourn, seconded by Commissioner Svoboda. Motion carries, 7-0.

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Charles Grund  
Chairman  
Planning & Zoning Commission  
Village of Brookfield  
Brookfield, Illinois

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