

APPROVED 1/8/20

PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, November 13, 2019 7:00pm

Meeting Called to Order

Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Don Marcum-yes, Greg Millen-yes, Jeff Olson-yes, Richard Vinyard-yes, Danny Williams-yes, Rusty Hyett (arr. 7:03pm)

Absent: Deborah Horaz

City Staff

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

Other Guests

Christine Vitosh, Vitosh Reporting Service

Lynn Dubajic, City Consultant

Chantelle Tripp, Roadhouse 47

Mike Dubasic, Briarwood

Katie Finlon, *Kendall County Record*

John P. Cooney, Yorkville Holdings & Roadhouse 47

Kevin Delaney, Delaney's Greenhouse

Dave Schultz, HR Green

Hailey Clark, Roadhouse 47

Lauren Carter, Roadhouse 47

Douglas Reed, Windett Ridge

Previous Meeting Minutes October 9, 2019

The minutes were approved as presented on a motion and second by Commissioners Vinyard and Williams, respectively.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Citizen's Comments None

Public Hearings

Chairman Olson explained the procedure for the Hearing and swore in those who would give testimony. At approximately 7:03pm a motion was made and seconded by Mr. Vinyard and Mr. Williams, respectively, to open the Hearing.

Roll call: Marcum-yes, Millen-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

Chairman Olson read the Public Hearing as follows:

1. **PZC 2019-23** The United City of Yorkville, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting a Text

Amendment to Title 10, Chapter 6, Permitted and Special Uses (Zoning Ordinance) of the Yorkville Municipal Code, regulating the zoning of adult-use cannabis business establishments, specifically the time, place, manner, number and minimum distance limitations between such uses and locations the City deems sensitive such as existing schools, parks, religious institutions and residential land uses.

(See Court Reporter Transcript)

The Hearings were closed at approximately 7:37pm on a motion by Mr. Vinyard and second by Mr. Williams.

Roll call: Millen-yes, Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes, Marcum-yes. Carried 6-0.

Unfinished Business None

New Business

Chairman Olson requested to move PZC 2019-26 ahead of PZC 2019-23. Approved on a unanimous voice vote.

(out of order)

2. **PZC 2019-26** David Schultz on behalf of Kendall Holdings I, LLC, petitioner, is seeking final plat approval for Unit 1 of the Kendall Marketplace Commercial Development. The property to be platted includes an approximate 37.77-acre site consisting of ten (10) new commercial lots located at the northwest corner of US Route 34 and Cannonball Trail.

Mr. Engberg said the petitioner is seeking a replat of 10 lots on a 37-acre site. The site is currently divided into 2 lots and is being replatted since smaller lots are more marketable in this economy. Staff is OK with this request.

Action Item

Final Plat

It was moved and seconded by Commissioners Williams and Vinyard, respectively, to approve the request. Motion read by Mr. Vinyard: In consideration of the proposed Final Plat of Subdivision of Kendall Marketplace Unit 1, the Planning and Zoning Commission recommends approval of the plats to the City Council as presented by the Petitioner in plans prepared by HR Green dated last revised 10-30-19, subject to review comments provided by the City Engineer, EEI, Inc. dated October 8, 2019 and November 1, 2019.

Roll call: Olson-yes, Vinyard-yes, Williams-yes, Hyett-yes, Marcum-yes, Millen-yes. Carried 6-0.

1. **PZC 2019-23** Text Amendment/Cannabis (see full description under Public Hearing)

The Commissioners voiced their opinions on this matter. Mr. Marcum said he supports business, but dislikes the revenue generated from questionable businesses. He would not like to see this type of business come to Yorkville and he said he believes the product is much more potent than previously. He approves of the sign portion, however, he said he

disapproves of all other aspects. He personally knows people who were adversely affected by usage and believes people have difficulty accepting responsibility in this era. Mr. Olson said he spoke with about 40 people and most agreed with Mr. Marcum's opinions, however, some were enthusiastic about the health benefits. He said that since the State has made it legal, users will go to the next town if they can't purchase it in Yorkville. He said Colorado makes more arrests for DUI.

Commissioner Vinyard said he agreed with Mr. Marcum. He said the staff provided a very detailed report, but said the State or local government should not oppose the federal government. Since it will be legal, he feels it is more prudent to have it regulated. In his career, he sees far more issues with alcohol. He added that the Commission is tasked with consideration of the zoning regardless of personal feelings.

Mr. Millen also spoke with several people and he believes it is an issue of responsibility. He added that research shows a difference between the effects of liquor and cannabis. He said thousands die due to alcohol abuse, but it is harder to overdose on cannabis. One person he spoke with said they would rather see it regulated and another indicated that if it's legal, it becomes less cool.

Action Item

Text Amendment

Chairman Olson entertained a motion for approval for PZC 2019-23 regarding adult use of cannabis. So moved by Mr. Vinyard and seconded by Mr. Williams. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on November 13, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated October 15, 2019.

Roll call: Vinyard-yes, Williams-yes, Hyett-yes, Marcum-no, Millen-yes, Olson-yes. Carried 5-1.

Additional Business

1. Planning Training Series: Urban Design Principles for Plan Commissioners

Ms. Noble and Mr. Engberg provided this training with a Power Point presentation. They said planning and designing both deal with shaping the community. Slides were shown regarding public spaces, streets, transportation systems, landscaping, open space and more and they discussed how some of these are changing due to ride-sharing and pick-up options. Also noted was autism and how it could affect signage, etc.

2. City Council Action Updates:

- a) PZC 2019-09 Streetscape Master Plan and Form-Based Code approved.
- b) PZC 2019-24 SEAL Special Use permit approved.

Adjournment

There was no further business and the meeting was adjourned at 8:37pm on a motion by Mr. Vinyard and second by Mr. Williams.

Respectfully submitted by Marlys Young, Minute Taker

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5 UNITED CITY OF YORKVILLE

6 YORKVILLE, ILLINOIS

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9 PLANNING AND ZONING COMMISSION

10 PUBLIC HEARING

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16 800 Game Farm Road

17 Yorkville, Illinois

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19
20
21 Wednesday, November 13, 2019

22 7:00 p.m.

23
24
Vitosh Reporting Service

815.993.2832 cms.vitosh@gmail.com

PRESENT:

Mr. Jeff Olson, Chairman,

Mr. Donald Marcum,

Mr. Richard Vinyard,

Mr. Danny Williams,

Mr. Rusty Hyett,

Mr. Greg Millen.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;

Mr. Jason Engberg, Senior Planner;

Ms. Marlys Young, Minute Taker.

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1 (WHEREUPON, the following
2 proceedings were in
3 public hearing:)

4 CHAIRMAN OLSON: There is one public
5 hearing scheduled for tonight's Planning and
6 Zoning Commission meeting. The purpose of this
7 hearing is to invite testimony from members of
8 the public regarding the proposed request that
9 is being considered before this commission
10 tonight.

11 Public testimony from persons
12 present who wish to speak may be for or may be
13 against the request, or to ask questions of the
14 petitioner regarding the request being heard.

15 Those persons wishing to testify
16 tonight are asked to speak clearly, one at a
17 time, state your name, who you represent. You
18 are also asked to sign in at the podium up
19 there.

20 If you plan to speak during
21 tonight's public hearing as a petitioner or as a
22 member of the public, please stand now, raise
23 your right hand, and repeat after me.

24 (Witnesses sworn.)

1 CHAIRMAN OLSON: The order for receiving
2 testimony tonight during the public hearing will
3 be as follows: The petitioner, which is the
4 City, will make a presentation, we will then have
5 those who wish to speak in favor of the request
6 speak, and we will then have those who wish to
7 speak in opposition of the request, followed
8 finally by those who wish to have any -- make any
9 questions of Krysti.

10 So to get started, may I have a
11 motion to open the public hearing on Petition
12 number PZC 2019-23, text amendment to Yorkville
13 Municipal Code, Adult Use Cannabis?

14 MR. VINYARD: So moved.

15 MR. WILLIAMS: Second.

16 CHAIRMAN OLSON: Roll call vote on the
17 motion, please.

18 MS. YOUNG: Yes. Marcum.

19 MR. MARCUM: Yes.

20 MS. YOUNG: Millen.

21 MR. MILLEN: Yes.

22 MS. YOUNG: Olson.

23 CHAIRMAN OLSON: Yes.

24 MS. YOUNG: Vinyard.

1 MR. VINYARD: Yes.

2 MS. YOUNG: Williams.

3 MR. WILLIAMS: Yes.

4 CHAIRMAN OLSON: All right. The public
5 hearing up for discussion tonight is PZC 2019-23,
6 United City of Yorkville, petitioner, has filed
7 an application with the United City of Yorkville,
8 Kendall County, Illinois, requesting a text
9 amendment to Title 10, Chapter 6, Permitted and
10 Special Use of the Yorkville Municipal Code,
11 regulating the zoning of adult use cannabis
12 business establishments, specifically, the time,
13 place, manner, number and minimum distance
14 limitations between such uses and locations the
15 City deems sensitive, such as existing schools,
16 parks, religious institutions, and residential
17 land uses.

18 Krysti, would you please present on
19 PZC 2019-23?

20 MS. NOBLE: Good evening, everyone. As
21 you mentioned, we are doing adult cannabis
22 regulations. This is a text amendment to our
23 existing zoning ordinance, so I am going to give
24 you a little background on our medical cannabis

1 regulations.

2 So currently the City's Zoning
3 Ordinance has regulations which allow medical
4 cannabis cultivation and medical cannabis
5 dispensaries.

6 They are special uses in our
7 manufacturing district, the M-1 District, and
8 they have established setbacks, so setbacks from
9 pre-existing preschools, elementary, secondary,
10 daycare centers, public parks, religious
11 institutions have been established, and they are
12 2500 feet for cultivation centers and a thousand
13 feet for dispensaries.

14 This was done in 2014 in response to
15 the state's what's called Compassionate Care Act,
16 which allows for the medical use of cannabis.

17 We felt that these regulations were
18 appropriate at the time and we have not addressed
19 them since, but the current Zoning Ordinance does
20 not address recreational cannabis businesses that
21 have been by state statute allowed in
22 municipalities throughout Illinois, and they go
23 into effect in January, so we will go on to the
24 next slide and we will talk a little bit more

1 about that.

2 So the Act as we refer to is called
3 the Cannabis Regulation Act, and this Act was
4 passed in June of this year and it made legal
5 recreational use of cannabis by adults, and those
6 are age 21 and older.

7 The effective date of the passage of
8 this legislation is January 1st, so we only had
9 six months in that interim to familiarize
10 ourselves with the final version of the law and
11 then in effect put forward recommendations on how
12 we would regulate these issues to not only deal
13 with the zoning aspect of it, there are other
14 aspects of this -- passage of this Act that are
15 affected in other ways, but we are only
16 discussing the zoning of it.

17 The reason why we have to address
18 this, and we have to address it prior to the
19 January 1 date, the effectiveness of -- the
20 effective date of this Act, is because right now,
21 as I mentioned, we don't have a retail dispensary
22 component of it identified in our Zoning
23 Ordinance.

24 With that being said, there are some

1 of the opinion that if January 1 comes and we
2 don't have it identified, these uses can then
3 locate in existing business zonings as a
4 permitted outright use and without regulation
5 from the municipality.

6 So the Act established that
7 municipalities can regulate these types of uses,
8 and there are six categories that are identified
9 as cannabis businesses, and you can read it on
10 the slide.

11 There are craft growers, there are
12 processors, cultivation centers, dispensaries,
13 infusers and transporters, and I will talk a
14 little bit more about those as we go along.

15 So as we mentioned in the opening,
16 the municipalities have the ability to do two
17 things: One, we can outright prohibit these
18 types of uses in our city limits or we can allow
19 them and then regulate them, and the way that we
20 would regulate them as established by the Act is
21 through the place, so where would they be able to
22 locate, what zoning district, the times, so that
23 has to do with their hours of operation, the
24 manner, which would take into consideration how

1 they operate, their standards for operation, the
2 number, we can limit the types and the number of
3 uses within the community, and then we can
4 establish minimum distance between cannabis uses
5 and those uses I mentioned earlier that the City
6 may seem to feel are sensitive in regards to the
7 land use compatibility, so those again would be
8 schools, parks, religious institutions, and
9 residential land uses. Next slide, please.

10 So this is what we are proposing.
11 I'm sorry that came out a little light, but it's
12 also in your packet. In regards to place, the
13 City has established kind of a proposal that
14 would allow all six types of identified cannabis
15 businesses to exist in Yorkville, but as a
16 special use, and the special use is a use that
17 requires extra care and extra review by the
18 committee that's before you tonight, as well as
19 the City Council, so they would have a public
20 hearing, there would be a notification process,
21 and then you would have the opportunity to voice
22 your opinion before a decision is made.

23 We are proposing, though, that there
24 is only one -- a maximum of one use per category,

1 so maximum uses of adult cannabis businesses
2 would be six within Yorkville, if we got all six
3 categories permitted through licensing.

4 The special uses would be for the
5 craft grower in the Ag District, as well as the
6 cultivation center in the Ag District; the
7 dispensary, which is your retail component, and
8 the infuser would be a special use in the
9 B-3 District -- and we will explain a little bit
10 more about which each of these uses pertain to --
11 and then all the uses would be special uses in
12 the M-1, M-2 zoning district.

13 So just to give you a little bit of
14 information, a craft grower is one that grows the
15 cannabis on the site, and then they can cultivate
16 it, cure it, package it, and then they would send
17 it off to the locations that would either do the
18 infusion or the dispensary.

19 The cultivation center is a larger
20 form of a grower, so they would do more
21 agriculture-type uses, they would cultivate,
22 process, transport it as well.

23 The adult use dispensary is more of
24 your retail component, so they would be the ones

1 that would be selling and dispensing the
2 cannabis.

3 The infuser is an operation where
4 they take the cannabis from either the craft
5 grower or the cultivation center and they will
6 infuse it in products.

7 Then you have the processor. They
8 would also extract and then concentrate the
9 cannabis into different forms, and then you have
10 the transporter and they are the ones that are
11 authorized to mobilize the different
12 transportation modes to get the product to
13 different locations. So next slide.

14 So when we speak of time, we can
15 regulate the hours of operation. We have
16 modified the hours of operation from what the
17 state has required. The state gives them from 10
18 to 10; the City is proposing during the weekdays
19 and Saturday, 10:00 a.m. to 8:00 p.m. operation
20 time, and then on Sundays, noon to five.

21 Further regulations have to do with
22 the operation standards, so we have a couple
23 regulations that were added that are not in the
24 state's regulations, and one would be we would

1 prohibit on-premise consumption, so in none of
2 those six categories can you consume the product
3 on-site.

4 Signage, we decided to limit the
5 manner that these types of uses advertise,
6 particularly the dispensary, so dispensaries are
7 limited to one wall-mounted business sign. There
8 is no electronic message board signs and there
9 can be no imagery of leaves or smoking or
10 paraphernalia, and that's consistent with the
11 state's regulations as well.

12 There is an application that's
13 required to be submitted as part of the special
14 use, and I will identify ownership, floor plans,
15 security protocols and business plan, and then we
16 have established special standards for special
17 uses that respond to the impact of the use, the
18 suitability of the use, and if there is adequate
19 security and storage.

20 And finally we have decided -- I
21 have not seen this in other communities, but it
22 has been discussed, so we have decided to
23 restrict e-commerce delivery services and
24 drive-throughs for dispensaries.

1 And now we get to the distance of
2 the measurements. For the adult cannabis
3 cultivation center, we are proposing that these
4 can be located no closer than 500 feet of any
5 property line for the mentioned sensitive land
6 uses, but this does not include commercial trade
7 schools, which typically locate in our
8 manufacturing district.

9 They also may not be within 250
10 feet of a residential land use, and they cannot
11 conduct any sales or distribution at their site.

12 The dispensary, this is more the
13 commercial land use, this may not be located
14 within 500 feet of a pre-existing public school,
15 nursery school, et cetera. It may not also be
16 located within 250 feet of a pre-existing
17 residential land use.

18 There is a maximum gross floor area
19 that we are recommending of 5,000 square feet,
20 and then, per the state act, it has to have at
21 least 75 percent of that floor area dedicated to
22 the dispensary.

23 The infuser has similar criteria,
24 again, 500 feet from those schools and parks and

1 religious institutions, 250 feet from
2 pre-existing residential land uses, and then it
3 also has a maximum capacity of 75 percent of
4 floor -- well, at least 75 percent of floor area
5 dedicated to the infusing organization.

6 It can also allow for co-location of
7 a dispensary and a craft grower in the same
8 location.

9 Then we have the processing
10 organization, buffer of 500 feet from the schools
11 and parks, then there is 250 feet from the
12 property line for residential purposes, again, at
13 least 75 percent of the floor area is dedicated
14 to the activities. They cannot sell, though, or
15 distribute at this location.

16 And the final one is the
17 transporting. This, again, has a 500 foot buffer
18 as well as 250 foot buffer for residential, and
19 the transporting has to be the sole operation in
20 that tenant space, so it cannot conduct any other
21 uses within that tenant space but those allowed
22 by the Act.

23 And then finally, for our research,
24 in addition to looking at what the Illinois

1 Municipal League recommended as criteria for
2 zoning, we also look to our neighbors to see
3 what they are doing, and this, our table, kind of
4 shows you what our neighbors are contemplating.

5 Kendall County has permitted these
6 types of uses, and they will be special uses as
7 well in their Manufacturing Business District.
8 They do not allow on-site consumption.

9 Oswego has permitted them, but they
10 do have a minimum of 200 -- I'm sorry, a minimum
11 of 200 feet for schools. We are proposing 500
12 for schools and 250 for residential.

13 Montgomery -- some of these
14 communities, again, they are still in the
15 proposal phase, so if I give you information,
16 it's where they were when we contacted them, if
17 they have not approved it.

18 Montgomery is -- has permitted it.
19 They are looking at a minimum distance -- they
20 haven't permitted it, rather, it is in
21 consideration, and they are looking at a minimum
22 distance from additional land uses to be
23 discussed.

24 Sugar Grove has prohibited, Plano is

1 undecided, Naperville has prohibited, Plainfield
2 has prohibited, and Lombard has also permitted
3 them.

4 The reason why I added Lombard even
5 though they are not a neighboring community is
6 because they have offered no buffers for any of
7 the adjoining land uses, so a dispensary could
8 locate adjacent to residential.

9 So if you have any questions, our
10 staff has provided in your packet some
11 information on maps, although we are proposing a
12 500 foot buffer from schools, parks, religious
13 institutions, and 250 residential, we provided
14 you maps to show 500 foot buffers, 1,000 foot
15 buffer, 2500 foot buffer as well.

16 We also have a map on the table
17 that's showing all of the land uses where these
18 types of different cannabis businesses can
19 locate, as well as there is an article in here
20 that I provided that talks about what plan
21 commissioners should look for in an ordinance
22 that regulates municipal ability for cannabis
23 sales in their jurisdiction.

24 So if you have any questions, staff

1 is available to answer them, hopefully in more
2 detail if needed.

3 CHAIRMAN OLSON: Who wants to start?
4 All right. Firstly, is there anyone who wishes
5 to speak in favor of the proposed request? Go
6 ahead, sir. When you get up there, please state
7 your name and if you represent anyone.

8 KEVIN DELANEY,
9 having been first duly sworn, testified from the
10 podium as follows:

11 MR. DELANEY: Sure. Hi. My name is
12 Kevin Delaney. I am representing Green Valley
13 Dispensary. I am a lifetime resident of Kendall
14 County.

15 I own a greenhouse just on the south
16 side of Kendall County out in the country and we
17 own a greenhouse construction business.

18 I want to thank you guys for
19 discussing this. It's a very controversial
20 topic. We appreciate Yorkville as a city for
21 allowing this.

22 We will be applying for a dispensary
23 in the city of Yorkville and I believe that a lot
24 of your setbacks and everything are very on

1 point.

2 I want to say that your 250 and
3 500 feet really sticks with what we believe in.
4 We don't want this so restricted that it
5 prohibits anybody from putting it in a proper
6 place, and we agree with your B-3 special use.

7 I do agree with the 250 foot from
8 residential because you don't want this in
9 somebody's backyard, but you do want it close
10 enough to where it doesn't prohibit completely.

11 Obviously we all know cannabis is
12 already in our community, Illinois allowed it.
13 It's a good thing that the dispensary will bring
14 revenue. It should add an additional 70,000 to
15 the city in tax revenue, and it is a good thing
16 because this is going to be a safe product now
17 that it's regulated instead of on the black
18 market.

19 In order to keep a safe distance, we
20 agree with your 250, 500. Keep this away from
21 children. Obviously it's a 21-and-over product,
22 just like alcohol. Only people 21 and over may
23 enter the dispensary.

24 I like your idea on signage,

1 allowing visual signage on the -- on the
2 building, but not out in the open promoting to
3 children. I believe that's all I've got.

4 CHAIRMAN OLSON: Thank you.

5 MR. DELANEY: Thanks a lot.

6 CHAIRMAN OLSON: Yes, sir. Go ahead,
7 sir. Yep.

8 JOHN COONEY,
9 having been first duly sworn, testified from the
10 podium as follows:

11 MR. COONEY: Good afternoon, or evening
12 I guess. My name is John Cooney. I am with
13 Yorkville Holdings. We own the strip center on
14 the south side right at the intersection of 71
15 and 47, Fountain Valley, Fountainview?

16 MS. DUBAJIC: Fountainview.

17 MR. COONEY: We acquired that in
18 October. I am also one of the part owners of the
19 Roadhouse Route 47, which is the tavern or bar
20 that is there.

21 We are in agreement with the
22 majority of what the previous speaker had to
23 say. The reason, one of the reasons, why we
24 need a vote from this body today is to move it

1 on over to the City Council because all the
2 applications for the dispensaries are due by
3 January 1, 2020, and they would like to -- we
4 would like to identify Yorkville as one of the
5 cities that they want to move into.

6 We have been in discussions with two
7 separate dispensaries who are interested in
8 this -- our property, which falls within the 250
9 for residential.

10 Each of these facilities are
11 governed by separate rules and regulations set up
12 by the Illinois Department of Professional and
13 Financial Responsibility Department that have
14 security systems that are tied to the state
15 police.

16 Each of the facilities that are --
17 the primary one that is going to do a dispensary
18 at our location will have a triple camera
19 security system, you have a built-in safe inside,
20 which is going to be a cinder block or a metal,
21 steel mesh safes.

22 You're going to have a separate
23 entrance that would have gates around, there so
24 the van pulling in or the truck pulling in with

1 the cannabis and/or money leaving would be gated,
2 so there would be no means to have any issues
3 with that.

4 Each of the people coming in will be
5 cameraed (sic), their ID's checked, recorded,
6 submitted to a state database, so that they can
7 check on it. You will have a guard checking them
8 in, guard checking them out.

9 We will have residents working there
10 as well as our staff -- or the staff of our
11 tenant would be working there.

12 The zero lot line I think would be
13 more accommodating, it would increase the number
14 of potential sites, including the one that I
15 happen to be a partial owner of.

16 We have been in Yorkville, each of
17 these members, Steve Freeman, Jay Marcum, myself,
18 I've been here investing in the land here since
19 2013.

20 They have -- We've opened up
21 Roadhouse, we are participants in owning the land
22 where Yorkville Bowl was, hopefully that will
23 happen again soon.

24 The issue of whether this would have

1 any effect on zero lot line being with children
2 or neighborhoods is relatively non-problematic in
3 our opinion since it is very similar to a liquor
4 store, a bar, you have zero lot lines, tobacco
5 stores, with one advantage: Ours is secure.
6 It's going to be more secure than a bank.

7 The cameras will be shared with the
8 local police, so if they want to look at that,
9 they can go in there and look at any of our
10 cameras any time of the day.

11 There is no loitering allowed.
12 We've already established a provision at
13 Roadhouse that there will be no cannabis
14 consumption on our premises, they will be
15 escorted off our premises if there is, so that
16 there is no worry about consumption.

17 So we would be in favor of passing
18 it as drafted with the 250 setback with -- if at
19 all possible with directions that the board could
20 look at it as to going to down to zero lot line.

21 Do you have any questions?

22 (No response.)

23 MR. COONEY: Thank you.

24 CHAIRMAN OLSON: Is there anyone else

1 who wishes to speak in favor of the request?

2 (No response.)

3 CHAIRMAN OLSON: Is there anyone present
4 who wishes to speak in opposition to the
5 request?

6 (No response.)

7 CHAIRMAN OLSON: Are there any
8 questioners -- or questions from Commissioners
9 for Krysti right now? Where do we begin?

10 I had sent Krysti a long email with
11 a bunch of questions that I felt were pertinent,
12 so I jumped the gun and got answers in front of
13 tonight, so I figured I would share a couple of
14 them and maybe that will answer some questions we
15 have, right?

16 Our ordinance doesn't mention if
17 cannabis can be used in public. Illinois law
18 says that it can't be, but what if Illinois law
19 changes down the road, and then Krysti said that
20 actually the City is working on that.

21 MS. NOBLE: Correct. So there is a
22 different section as I mentioned that other
23 departments are working on, there is the
24 employment section side and then there is the

1 police enforcement section side.

2 So these types of uses will be
3 enforced through our adjudication process, so if
4 there is any infraction, you will get a citation
5 via a ticket and you have to show up here. The
6 fine is up to \$750, but we are being compliant
7 with the state's Smoke-Free Act, which says that
8 you cannot smoke in public places.

9 CHAIRMAN OLSON: So none of the six
10 cannabis business establishment divisions will
11 have on-site consumption at all, correct?

12 MS. NOBLE: Correct.

13 CHAIRMAN OLSON: And then I -- you know,
14 I am completely ignorant as to the process, but
15 what I had read is that in the cannabis infusion
16 process, heavy scents, heavy smells, because
17 you're -- you're -- I don't know what you call
18 it, you're distilling the material and that
19 creates a scent, and Krysti had responded that,
20 just like everything else, all zoning districts
21 in Yorkville are to the same performance
22 standards when it comes to noise, smoke, odors,
23 material, vibration, toxic, et cetera, so if it
24 got out of hand --

1 MS. NOBLE: Then we can issue a ticket,
2 which would be a property maintenance violation,
3 again, the same penalty of up to \$750.

4 CHAIRMAN OLSON: The 500 feet and
5 250 feet limit I think is important. Those maps
6 that you put together are fantastic. Just
7 fantastic. I don't know if you -- Let's see
8 here.

9 Does everyone understand these maps?
10 What they did was they took the different zoning
11 districts, colored them with -- Is that green or
12 yellow?

13 MR. ENGBERG: Both.

14 CHAIRMAN OLSON: Bit of both?

15 MS. NOBLE: Chartreuse.

16 CHAIRMAN OLSON: All right. And then
17 went to the religious institutions, schools, et
18 cetera, and put buffer zones around, right, and
19 crossed out what would not -- what overlapped.

20 MS. NOBLE: Correct.

21 CHAIRMAN OLSON: So if we're looking on
22 the first map, the dispensary slash cultivation
23 permitted location, the 500 foot buffer, you can
24 see that in real practice, all right?

1 The dispensary locations would be in
2 the -- you know, from the undeveloped land
3 currently on the north side of 34, east of 47.
4 It would be in Kendall Marketplace in the outlots
5 where it's not currently developed. It would not
6 likely be in the Wrigley property, but it would
7 be permitted there.

8 To the north, most of the
9 subdivisions around -- or most of the area around
10 Bristol Bay, on both sides of the road, would be
11 permitted, and then once you come out towards the
12 southwest portion of town, you're down 71, you
13 are five, ten miles outside of town before you
14 start hitting some of those areas, which makes
15 sense for cultivation facilities out there.

16 Conversely, if you flip the page and
17 look on the next map, if you take that from a 500
18 foot buffer down to a 2500 foot buffer, you
19 really limit where these places can be at all.
20 You might as well just prohibit it outright
21 because you have eliminated, you know, 99 percent
22 of the usable land in the city limits, so I would
23 think if we were to go to permitting it, we can
24 maybe go to prohibiting it, but if we were to go

1 to permitting it, 2500 feet is not the answer
2 because we might as well just prohibit it
3 anyways.

4 So where is the sweet spot, right?
5 There is personally to me, in my opinion, areas
6 on the 500 foot buffer that I wouldn't like to
7 see this.

8 If you look at the 1,000 foot
9 buffer, which is I think the third one, that
10 further limits it from the 500 foot buffer, but
11 kind of keeps the same area, you have a smaller
12 area of Kendall Marketplace, so why bother, you
13 have a smaller area in Yorkville Crossings, so
14 why bother. Maybe it doesn't do any good to go
15 from that 500 foot to that thousand.

16 And then the last map is the -- why
17 is this one different?

18 MS. NOBLE: 500 and 250 for
19 residential.

20 CHAIRMAN OLSON: Okay. So 250 for
21 residential. Yeah, it's not a noticeable change
22 except that it adds area right around 47 and 34,
23 and, in my opinion, the central corridors of
24 town, I really don't want to see it there if it

1 is a permitted use, but we can't get away from
2 Yorkville Crossing and we can't get away from
3 portions of Kendall Marketplace.

4 Thoughts on the distance?

5 MR. ENGBERG: I actually have one quick
6 note, too, on these maps, and there is a little
7 disclaimer to note. A lot of that area to the
8 north are existing developments and they are
9 labeled on the map, so any development up there
10 or any change would require a PUD agreement
11 amendment or annexation agreement amendment or
12 require new platting and all that, so it would go
13 over lots of review and things would actually
14 have to change.

15 Those are just up there because
16 right now there are no uses there, it's
17 agriculture, so they were left open, but a lot of
18 that area, depending on development, could
19 change.

20 CHAIRMAN OLSON: So that 500 foot, 250
21 foot buffer came from some guidance given by the
22 Illinois Municipal League, correct?

23 MS. NOBLE: Correct.

24 CHAIRMAN OLSON: As to some

1 recommendations as to what other municipalities
2 are doing as far as this permitted use, so it's
3 good info.

4 MS. NOBLE: In addition to that, it's
5 also important to note that the state
6 establishes a buffer for when you change, you
7 know, zoning or there is a variance requested,
8 and that buffer is 250 feet because they feel
9 that's the buffer area of the most impacted
10 properties seeing a change in land use.

11 Well, the City goes a little bit
12 further and we do a 500 foot buffer, so that
13 notifies you of any change that happens within
14 500 foot of your property, so that's where you
15 get the 250 and the 500 for the request buffers,
16 to be consistent with the state as well as our
17 current ordinances.

18 CHAIRMAN OLSON: The -- I had asked her
19 a question about the hours of operation. I mean,
20 if you're going to permit this to exist, maybe
21 I'm being naive, but I personally don't believe
22 that if -- if they want to be open until 10:00 at
23 night, they should be able to open until 10:00 at
24 night.

1 I don't know why we would restrict
2 their hours, unless they are obtrusive by nature
3 and you would want to restrict their hours, and
4 if that's the case, I don't want them in town, so
5 I'm not sure quite sure why we would restrict
6 their hours, but it's something we are able to do
7 per state law, correct?

8 MS. NOBLE: Correct. And we are only
9 restricting by two hours.

10 CHAIRMAN OLSON: Right. One of the most
11 important things, which Mr. Delaney brought up,
12 is prohibiting of electronic message boards and
13 imagery on the signs I thought was super smart,
14 right?

15 That would be the icing, no matter
16 what, if they're selling breakfast food or
17 they're selling burgers at McDonald's, that --
18 flashy signs I don't want to see, so that was
19 smart. That was really smart to pick that up.

20 And then I had some questions about
21 the restrictions on e-commerce and delivery.
22 Is that to avoid having material delivered to
23 minors, at a house, or is there another reason
24 for that?

1 MS. NOBLE: So there is a couple of
2 thoughts that came up. From a planning side, we
3 wanted to not have that advertisement throughout
4 our community.

5 There are services right now in
6 other communities and other states that allow
7 that would add these e-delivery services, but
8 also there is a public safety --

9 CHAIRMAN OLSON: Kind of like a grubhub
10 for --

11 MS. NOBLE: Kind of like a grubhub or a
12 doordash where you order online and they deliver
13 it to your home.

14 CHAIRMAN OLSON: They should do both, I
15 hear that's a thing.

16 MS. NOBLE: So there is some
17 complications there. Again, there is a maximum
18 amount that any individual can have on-hand at a
19 time, so we don't know if that would create any
20 issues with violation of the state, it's 30 grams
21 per individual.

22 Secondly, we thought it would curb
23 any public safety concerns because these -- this
24 is still cash only, we didn't know if there would

1 be an issue with these being targeted by
2 individuals because they are carrying a large
3 amount as well as cash, so we felt we didn't want
4 that added issue.

5 CHAIRMAN OLSON: So the transporting and
6 system operation would not be affected by --

7 MS. NOBLE: Correct.

8 CHAIRMAN OLSON: -- not having
9 e-commerce, because all they are essentially is a
10 middleman going from a grower to a dispensary.

11 MS. NOBLE: Correct. Exactly.

12 CHAIRMAN OLSON: Okay. You have to have
13 a license to do that.

14 MS. NOBLE: Correct, and they are going
15 to sites that are licensed and not to individual
16 homes.

17 CHAIRMAN OLSON: Okay. And let me -- I
18 think I know the answer to this, but I want to
19 reiterate, we are only currently going to allow
20 one of each of these different cannabis business
21 establishment uses in the city limits at this
22 time.

23 MS. NOBLE: That is the recommendation
24 from staff.

1 CHAIRMAN OLSON: Okay. And when would
2 that change? What if we have seven dispensaries
3 show up and say they want to open a business?

4 MS. NOBLE: So the first --

5 CHAIRMAN OLSON: How do we choose that
6 Mr. Delaney is the guy that gets it?

7 MS. NOBLE: Well, that's why you have
8 the special use process, so you see their
9 applications, you look at their business plan,
10 you look at the floor plan, you look at all of
11 these standards that Staff has established, but
12 also keep in mind that this first round of
13 licenses that are going to be approved in our
14 area, which is the Chicago, Naperville, Elgin
15 area, there is 47 licenses, the majority of those
16 are going to go to Cook County, which is where
17 Chicago is, and then we have other communities,
18 Aurora, that would be competing for those, so out
19 of those 47, it's highly unlikely that we would
20 get more than one here.

21 CHAIRMAN OLSON: Okay. What other
22 questions now that I have monopolized the time?

23 MR. WILLIAMS: I just have one to go
24 into a little further as you talked about, Jeff.

1 For cultivation specifically, would that only be
2 allowed on-site of agricultural and manufacturing
3 districts? Excuse me.

4 MS. NOBLE: Correct. Yes.

5 CHAIRMAN OLSON: Inside a building?

6 MS. NOBLE: So you can. You can. And
7 right now we allow the cultivation centers for
8 medicinal cannabis to be allowed in the
9 manufacturing district.

10 Another thing about that is when we
11 talk about the setbacks for the agricultural land
12 uses, that 250 feet does not apply to homestead
13 on the agricultural land, so if you have a home
14 on your farm and you want to cultivate this, you
15 don't have to worry about that 250 foot setback
16 for residential.

17 MR. VINYARD: Are we limiting hours of
18 operation for cultivation centers or just
19 dispensaries?

20 MS. NOBLE: Just dispensaries, yeah,
21 because we felt that that use was similar to
22 other uses that were in a regulated timeframe.

23 CHAIRMAN OLSON: Like a Beatnik store or
24 something.

1 MS. NOBLE: We don't -- we don't
2 regulate mostly retail uses, but we do regulate
3 adult uses, so like adult book stores that are
4 occurring in the city, and we do regulate service
5 hours for liquor, so we felt this would be a more
6 appropriate way of regulating the time.

7 MR. VINYARD: Does the state have any
8 regulations on the maximum quantity that a
9 dispensary can have on-site?

10 CHAIRMAN OLSON: I don't see any.

11 MR. VINYARD: I don't find any, but --

12 MS. NOBLE: I don't think they have
13 maximum quantity, but the reason why they have
14 that 75 percent for the --

15 CHAIRMAN OLSON: Usage.

16 MS. NOBLE: -- the usage is because they
17 want to limit the quantity that you have for
18 storage, so you only have 25 percent of your
19 gross floor area for storage.

20 CHAIRMAN OLSON: I was ignorant to all
21 the security measures that were required for the
22 dispensary.

23 MS. NOBLE: Yes. Yes.

24 CHAIRMAN OLSON: It's like Fort Knox

1 compared to a liquor store around here.

2 MS. NOBLE: It is.

3 CHAIRMAN OLSON: Could be weird. What
4 else? Questions from anyone else?

5 (No response.)

6 CHAIRMAN OLSON: All right. Since all
7 public testimony regarding this petition has been
8 taken, may I please have a motion to close the
9 taking of testimony in this public hearing?

10 MR. VINYARD: So moved.

11 MR. WILLIAMS: Second.

12 CHAIRMAN OLSON: Roll call vote on the
13 motion, please.

14 MS. YOUNG: Millen.

15 MR. MILLEN: Yes.

16 MS. YOUNG: Olson.

17 CHAIRMAN OLSON: Yes.

18 MS. YOUNG: Vinyard.

19 MR. VINYARD: Yes.

20 MS. YOUNG: Williams.

21 MR. WILLIAMS: Yes.

22 MS. YOUNG: Hyett.

23 MR. HYETT: Yes.

24 MS. YOUNG: And Marcum.

1 MR. MARCUM: Yes.

2 CHAIRMAN OLSON: This is to close the
3 public hearing. So the public hearing portion of
4 tonight's meeting is closed.

5 (Which were all the
6 proceedings had in the
7 public hearing pouring
8 of the meeting.)
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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings had at the public hearing and that
7 the foregoing, Pages 1 through 38, inclusive, is
8 a true, correct and complete computer-generated
9 transcript of the proceedings had at the time and
10 place aforesaid.

11 I further certify that my certificate annexed
12 hereto applies to the original transcript and
13 copies thereof, signed and certified under my
14 hand only. I assume no responsibility for the
15 accuracy of any reproduced copies not made under
16 my control or direction.

17 As certification thereof, I have hereunto set
18 my hand this 9th day of April, A.D., 2019.

19 _____
20 Christine M. Vitosh, CSR
21 Illinois CSR No. 084-002883
22
23
24

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