

**Regular Meeting – Plan Commission/Zoning Board of Appeals  
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

***All Matters on the Agenda may be Discussed, Amended and Acted Upon***

**August 25, 2014**

Commissioner Creighton called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Pro-Tem James Joseph and Commissioners Dee Spink, John Meneghini, David Creighton, Frank Petella and David Hennessey.

Absent: Chairman Angelo Christopher

Also Present: Don Bastian, Assistant Community Development Director, Linda Damron, Secretary.

Chairman Pro-Tem James Joseph arrived at 7:02 p.m.

**MINUTES:**

Commissioner Spink moved and Commissioner Meneghini made the second to approve the minutes of the meeting of July 14, 2014. ~~The motion passed by unanimous voice vote.~~ **The motion passed by voice vote with Commissioner Creighton abstaining.**

**PUBLIC HEARING:**

Commissioner Spink moved and Commissioner Creighton made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**Case # 14202 – Village of Carol Stream – 500 N. Gary Avenue  
Text Amendment – Medical Cannabis**

Chairman Pro-Tem Joseph swore in Assistant Community Development Director Don Bastian, 500 N. Gary Avenue, Carol Stream, IL 60188. Mr. Bastian stated that he will be giving a presentation of the proposed Text Amendments related to the Compassionate Use of Medical Cannabis Pilot Program, which went into effect in Illinois on January 1, 2014. The purpose of the program is to allow qualifying patients with a debilitating medical condition to obtain and use cannabis for medicinal purposes. He stated that in accordance with the program, the cannabis that would be available to qualifying patients would only be grown in medical cannabis cultivation centers licensed by the Illinois Department of Agriculture. Medical cannabis would then be available to qualifying patients through medical cannabis dispensing organizations that would be registered with the Illinois Department of Financial and Professional Regulation.

He stated that neither medical cannabis cultivation center nor medical cannabis dispensing organization are listed as an allowable use in any Village zoning district and neither use is currently allowed in the Village. He stated that in the staff report there is a memorandum from Village Attorney Jim Rhodes. Mr. Rhodes has indicated that in accordance with the Pilot Program, municipalities may not entirely prohibit such uses through local zoning powers, so long as the uses would otherwise comply with the rules of the Pilot Program. Municipalities may however,



enact reasonable zoning regulations, such as those that establish the zoning district(s) in which such facilities may locate.

Mr. Bastian stated that the Plan Commission may recall, in January of this year, there was a joint workshop session with Village Board members at which Village staff provided an overview of the Compassionate Use of Medical Cannabis Pilot Program, and at that time State agencies having regulatory control over the administration of the Pilot Program had not yet developed their rules and procedures. As of January, enough information about the Pilot Program was available so that we could begin discussion of the zoning district or districts in Carol Stream in which the uses might be most appropriate. Staff presented some preliminary recommendations at the January workshop, which were supported by the Plan Commission and Village Board members in attendance.

He stated that now that the State agencies have developed their rules, staff believes it is appropriate for Carol Stream to proceed with the review and adoption of Zoning Code text amendments related to medical cannabis cultivation centers and medical cannabis dispensing organizations.

He stated that the three State departments that are most directly involved include the following:

Illinois Department of Public Health (IDPH) – The IDPH is responsible for registering qualifying patients and caregivers. Patients and caregivers that are approved by the IDPH will be provided with a registry identification card. Medical cannabis cannot be obtained from a medical cannabis dispensing organization without a valid registry identification card issued by the IDPH. The IDPH is also responsible for processing petitions from persons wishing to add a medical condition to the list of recognized debilitating medical conditions that qualify an individual for access to medical cannabis. IDPH's list currently contains 40 such qualifying conditions.

Illinois Department of Agriculture (IDOA) – The IDOA is responsible for licensing all medical cannabis cultivation centers. Any entity interested operating a medical cannabis cultivation center must submit an application to the IDOA, the fee for which is \$25,000. If approved, the cultivation center permit fee due to the IDOA is \$200,000, with an annual renewal fee of \$100,000. Under the Program and in accordance with the rules, up to 22 medical cannabis cultivation centers may be built in Illinois, with not more than one cultivation center per State Police District. The medical cannabis to be dispensed at medical cannabis dispensing organizations may only be produced within an Illinois medical cannabis cultivation center. No cannabis will be brought in from out of state or from any other source.

Illinois Department of Financial and Professional Regulation (IDFPR) – The IDFPR is responsible for licensing all medical cannabis dispensing organizations. Any entity interested in operating a medical cannabis dispensing organization must submit an application to the IDFPR, the fee for which is \$5,000. If approved, the dispensing organization must pay a \$30,000 registration fee, with an annual renewal fee of \$25,000. Under the Program and in accordance with the rules, up to 60 medical cannabis dispensing organizations may be established in Illinois. The IDFPR regulations will allow up to three medical cannabis dispensing organizations to be established in DuPage County.

Mr. Bastian stated that among other requirements, the rules prohibit medical cannabis cultivation centers from being located within 2,500 feet of the property line of an existing public or private preschool, elementary school, secondary school, day school, daycare center, day care home, group care home, part day child care facility, or property zoned for residential use, and the rules prohibit medical cannabis dispensing organizations from being located within 1,000 feet of the property line of an existing public or private preschool, elementary school, secondary school,



daycare center, day care home, group day care home, or part day child care facility. He also stated that dispensaries may not be located or operated out of a house, apartment, condominium or area zoned for residential use. He stated that staff's assessment is that with all the rules that the state has in place, there is not much need for the village to develop additional rules locally and doing so could be somewhat risky, because the state's position is that they have developed the necessary rules.

Mr. Bastian stated that if someone wanted to apply to build and operate a cultivation center, their application to the IDOA must include the following:

- Staffing Plan;
- Security Plan;
- Cultivation Plan;
- Product Safety and Labeling Plan;
- Business Plan and Services to be Offered;
- Labor and Employment Practices;
- Research Plan;
- Community Benefits Plan;
- Substance Abuse Prevention Plan;
- Local Community/Neighborhood Report; and
- A complete criminal background check including fingerprints of all Cultivation Center agents, to be conducted by the Illinois State Police.

Mr. Bastian stated that the IDOA's rules contain detailed operational requirements for medical cannabis cultivation centers, including but not limited to the development and maintenance of an Operations and Management Practices Plan for each cannabis production area, rules for the maintenance and cleaning of production areas, record keeping requirements for each plant, record keeping requirements for any plant removed from a batch, cannabis storage requirements related to lighting, ventilation, temperature, sanitation, humidity and security, separate requirements for the storage of cannabis that is outdated, damaged, deteriorated or misbranded, and packaging and labeling requirements for medical cannabis and cannabis-infused products. The medical cannabis cultivation center must provide documentation verifying that it meets all federal, State and local building, zoning and fire codes, and that all local ordinances are met.

He stated that if someone wanted to apply operate medical cannabis dispensing organization, their application to the IDFPR must include the following:

- Security and Recordkeeping Plans;
- Business Plan, Financial Information and Operating Plan;
- Labor and Employment Practices;
- Research Plan;
- Community Benefits Plan;
- Substance Abuse Prevention Plan;
- Local Community/Neighborhood Report;
- A Floor Plan of the dispensing organization, showing the layout, square footage, name and function of each room, doorways or pathways between each room, location of restricted and limited access, location of cannabis storage areas while the dispensary is open and closed, location of all safes and vaults that will be used to store cannabis, cannabis products and currency, location of computers to be used to check qualifying patient cards or designated caregiver registry cards, location of computers to be used to access the IDFPR Division of Professional Regulation verification system, location of bullet proof glass and walls, and locations of video cameras.



Mr. Bastian stated the IDFPR's rules stipulate that:

- All medical cannabis dispensed at a medical cannabis dispensing organization must be obtained from an Illinois registered cultivation center;
- Medical cannabis dispensing organizations may only operate between the hours of 6:00 am and 8:00 pm;
- Cannabis may not be consumed at a medical cannabis dispensing organization;
- Medical cannabis dispensing organizations may not operate drive-through windows;
- Medical cannabis dispensing organizations may not be open for business if video surveillance equipment is inoperative, if the point of sale equipment is inoperative, or if the State's medical cannabis electronic verification system is inoperative.
- A medical cannabis dispensing organization must establish and implement an inventory control system for medical cannabis documenting each transaction and each day's beginning inventory, acquisitions, sales, disposals and ending inventory.

Mr. Bastian stated that this presentation represents a very brief summary of the rules that are mostly related to what the village might wish to accomplish in regards to zoning.

Mr. Bastian stated that neither medical cannabis dispensing organization nor medical cannabis cultivation center are listed as allowable uses in any Carol Stream zoning district, and both uses are currently prohibited in Carol Stream and as discussed earlier in the presentation regarding the memorandum dated August 7, 2014 included in the staff report, from Village Attorney Jim Rhodes, the Pilot Program Act "specifically preempts municipal authority to wholly prohibit medical cannabis cultivation centers and medical cannabis dispensing organizations within municipal borders and it does, however, allow municipalities to enact zoning ordinances to regulate the location of such facilities, so long as those ordinances are reasonable and do not conflict with the Act or Department of Agriculture rules." The Village Attorney further advises that, "unless the Village enacts zoning regulations, a cultivation center or dispensary would only be required to meet state regulations in order to be approved within the Village of Carol Stream."

Mr. Bastian stated that in developing the staff recommendations for the proposed Zoning Code text amendments, staff considered the expected character of the uses and also factored in the uniqueness and lack of familiarity with each use. He stated that in respect to medical cannabis dispensing organizations, staff noted that the primary focus of the use is the controlled distribution of a product intended to treat medical conditions. He stated in review of the intent and characteristics of the Village's various zoning districts, staff noted that the B-4 Office, Research and Institutional Building District lists medical offices, including clinics as well as personal service establishments as allowable uses, and with the emphasis of the Pilot Program being to allow access to a product for medical purposes, staff believes the B-4 District is the most appropriate zoning district for a medical cannabis dispensing organization. He stated that although staff finds the State's rules and regulations for medical cannabis dispensing organizations to be comprehensive and detailed, due to the uniqueness and unfamiliarity of the use, staff is recommending that medical cannabis dispensing organization be listed as a Special Use. The map included in the staff report entitled "Possible Locations for Medical Cannabis Dispensing Organizations" was prepared by applying the State's 1,000 foot distance and use parameters identified on Page 3 of the staff report. He stated that properties within the B-4 District, within which staff is recommending that medical cannabis dispensing organization be listed as a Special Use, are shown in a blue color. If the recommended text amendment is approved, a medical cannabis dispensing organization could operate on a B-4 District ("blue") property located outside of the red outlined buffer zone, if the Village Board ultimately approved a Special Use Permit.

He stated that with respect to medical cannabis cultivation center, staff views this use in its simplest form as a production, packaging and distribution operation and based on this



assessment, it would be most appropriate for the cultivation center use to be allowable in the Village's I Industrial District. He stated that while staff finds the State's rules and regulations for medical cannabis cultivation centers to be very comprehensive and detailed, due to the uniqueness and unfamiliarity of the use, staff is recommending that medical cannabis cultivation center to be listed as a Special Use. He stated that the map included in the staff report entitled "Possible Locations for Medical Cannabis Cultivation Center" was prepared by applying the State's 2,500 foot distance and use parameters identified on Page 3 of this report. He stated that properties within the I Industrial District, within which staff is recommending that medical cannabis cultivation center be listed as a Special Use, are shown in a purple color. He stated that if the recommended text amendment is approved, medical cannabis cultivation could operate on an Industrial District ("purple") property located outside of the red outlined buffer zone, if the Village Board ultimately approved a Special Use Permit.

Mr. Bastian stated the staff is recommending two Zoning Code Text Amendments, one to add medical cannabis dispensing organization as a Special Use in the B-4 District and the other one to add medical cannabis cultivation center as a Special Use in the I Industrial District. He also stated that staff is recommending that the definitions for medical cannabis dispensing organization and medical cannabis cultivation center be added to Article 18: the Definitions are shown below:

#### **§ 16-18-1 DEFINITIONS.**

**MEDICAL CANNABIS CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities, including but not limited to cultivation, packaging and distribution of medical cannabis, to provide only medical cannabis dispensing organizations registered by the Illinois Department of Financial and Professional Regulation with usable medical cannabis.

**MEDICAL CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a medical cannabis cultivation center registered by the Illinois Department of Agriculture for the purpose of dispensing cannabis to qualifying patients or caregivers registered by the Illinois Department of Public Health.

Mr. Bastian stated that staff recommends approval of the text amendments to add medical cannabis dispensing organization as an allowable Special Use in the B-4 District, medical cannabis cultivation center as an allowable Special Use in the I Industrial District, and to add definitions of both uses to the Zoning Code.

Chairman Pro-Tem Joseph asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Pro-Tem Joseph asked if any of his fellow Commissioners had any questions.

Commissioner Petella wanted to know if there are properties within the village where either of these facilities could operate. Commissioner Petella wanted to know if the state would change its criteria, would the village be able to make the zoning regulations stronger than the state's regulations.

Mr. Bastian stated yes there are properties where either of these facilities could operate, and there are more opportunities for a medical cannabis dispensing organization than a medical cannabis cultivation center. Mr. Bastian stated that if the state would change its criteria, staff would work with the Village Attorney and see if we could perhaps modify the village's zoning regulations.



Commissioner Spink had concerns with a Medical Cannabis Cultivation Center being located in the Industrial District where we have allowed sports training facilities, etc. as Special Uses.

Mr. Bastian stated that as shown on the map it is very unlikely that the Village of Carol Stream would have a Medical Cannabis Cultivation Center.

Commissioner Creighton asked Mr. Bastian, since this is a four year pilot program which the state may or may not continue should we add language to the text amendment to reflecting that. Commissioner Creighton wanted to know if a facility could be both a cultivation center and a dispensing organization facility. Commissioner Creighton stated that he would not have a problem with a dispensing organization facility being in the I Industrial District.

Mr. Bastian stated that our definitions talk about these facilities being registered by the Illinois Department of Agriculture, Illinois Department of Public Health and Illinois Department of Financial and Professional Regulation and if as of January 1, 2018 these departments pull all their registrations then the facilities would no longer meet the definitions of the Special Use. He also stated that the village would know in advance what the state would intend to do regarding the program. Mr. Bastian stated that a facility could not operate has both a cultivation center and a dispensing organization facility.

Commissioner Hennessey wanted to know if the use of medical cannabis was treated the same as tobacco use, as to where it could be smoked. Commissioner Hennessey wanted to know how the police are being trained in regards to medical cannabis.

Chairman Pro-Tem Joseph stated that he believes it can only be smoked in your home or in the care of a doctor. Chairman Pro-Tem Joseph stated the use of medical cannabis is very restrictive. Chairman Pro-Tem Joseph stated that the States Attorney office is handling the training with the police departments.

Commissioner Meneghini did not have any questions.

Chairman Pro-Tem Joseph wanted to know if an organization would need to have approval from the village before applying to the state or do they need to apply to the state first.

Mr. Bastian stated that he believes it could be done either way and according to the state's website, they anticipate the application window for dispensary and cultivation centers applicants to be Monday, September 8th thru Monday, September 22<sup>nd</sup>. The applicant does need to submit a zoning form and a copy of the current zoning ordinance along with their application.

Commissioner Creighton moved and Commissioner Petella made the second to approve the request for Text Amendments to the Zoning Code.

The results of the roll call vote were:

Ayes: 6	Chairman Pro-Tem Joseph and Commissioner Spink, Meneghini, Creighton, Petella and Hennessey
Nays: 0	
Abstain: 0	
Absent: 1	Chairman Christopher

Chairman Pro-Tem Joseph stated that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting on September 2, 2014 at which time the Board would take final action on the matter.

**Case # 14213 – Village of Carol Stream – 500 N Gary Avenue  
Text Amendment – Outdoor Seating**

Staff is requesting to table this case, so additional research can be done.

Commissioner Hennessey moved and Commissioner Spink made the second to approve the request to table Case # 14213.

The results of the roll call vote were:

Ayes: 6 Chairman Pro-Tem Joseph and Commissioner Spink, Meneghini, Creighton and Petella and Hennessey  
Nays: 0  
Abstain: 0  
Absent: 1 Chairman Christopher

Commissioner Creighton moved and Commissioner Meneghini made the second to close the Public Hearing. The motion passed by unanimous vote.

**PRESENTATION:**

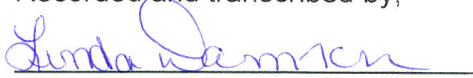
**NEW BUSINESS:**

**ADJOURNMENT:**

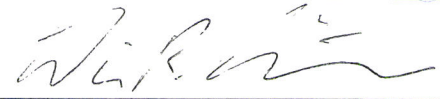
At 8:00 p.m. Commissioner Creighton moved and Commissioner Meneghini made the second to adjourn the meeting. The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

  
Linda Damron  
Community Development Secretary

Minutes approved by Plan Commission on this 23 day of Feb, 2015

  
Chairman Pro-Tem Joseph  
Creighton

