



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • NOVEMBER 19, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Present	
Stephen Fedota	Plan Commissioner	Absent	

Staff present: Mr. Patrick Brankin, Mr. Ben Vyverberg; and Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Nov 5, 2019 7:00 PM

Ms. Williams made a motion to approve the minutes of the November 5, 2019 Plan Commission; seconded by Mr. Friedman.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Eric Friedman, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Kolososki
ABSENT:	Fedota

III. PUBLIC HEARING

1. Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1

Chairman Dwyer reopened case number 19-68 that had been adjourned from the November 5th Plan Commission Meeting per staff's recommendation.

Mr. Vyverberg explained the first focus of staff was to identify an appropriate area for consideration of a sub area plan phase 1 by talking through with the Plan Commission and hearing from several residents and business owners from both the hearing as well as via email. He explained staff wanted to identify some of the development challenges for some of the existing uses and vacant commercial developments along the Northwest Highway area. Mr. Vyverberg went through staff recommendations including the creation of an overlay district to expand the permitted uses, including certain multifamily uses, making medical offices permitted in certain single unit lots, creating uniform buffer requirements, and multi lot consolidation to eliminate piecemeal development. He spoke to the area off the southeastern corner of Kenilworth and how staff contemplates as multifamily residential as possible permitted uses. Mr. Vyverberg explained all of staff's recommendations will come back before Plan Commission in the form of the drafting of an overlay district and specific sub area recommendations.

Chairman Dwyer clarified the overlay district would make consistency without reducing any permitted uses.

Mr. Vyverberg explained the planning goal is to take the underlining zoning district and provide additional uses within a specific area. He further explained because there is no current language in the zoning ordinance to allow the creation of an overlay district staff would have to prepare the amendment to create an overlay district specifically to the Northwest Highway corridor.

Chairman Dwyer stated it is especially appropriate because it has been developed piecemeal over many years.

STAFF RECOMMENDATIONS:

- With the creation of an overlay district, the permitted uses within the Sub-Area could be expanded and also include a uniform landscaped buffer/screening requirement. This would recognize the development constraints along the corridor (particularly southeast of Kenilworth Avenue):
 - As there are different screening requirements between the B-1 and B-2 districts and the lot sizes and dimensions are not uniform in the Study Area, Staff is recommending that all of the shared lot lines with single-family residential properties provide screening with up to an 8-foot solid fence. Vacation of ROW, where appropriate, with the maintenance of necessary access and with reservation of easements.
 - Use of ROW (16 or 20-foot alleys) as added landscaped buffer areas through license agreements, in support of new development and a further protection for single-family residential properties.

- In addition to the different screening requirements between the B-1 and B-2 Districts, there are separate uses lists, setbacks, and bulk standards. In order to align like properties with different zoning designations, Staff is recommending that B-1 properties within the Sub Area be allowed to utilize the B-2 screening requirements, bulk standards, and use lists. None of the existing B-1 properties comply with the minimum required 200-foot lot width.
- The expansion of uses for consideration could include, where appropriate, new unified multi-family land uses and developments (of an appropriate architectural scale and density and in compliance with the parking requirements) to be explored in this area.

NOTE: The zoning ordinance presently reviews dwelling units, accessory, a Special Uses within the B-2 district. Staff is not recommending changing that requirement and process as part of this analysis and this would continue to be the process for accessory dwelling units within existing commercial

- Through development review, multi-lot consolidation would be required to eliminate the potential patterns for piecemeal development.
- (NOTE - Medical and dental offices currently require Special Use review in all of the Commercial Districts and the Zoning Ordinance does not have a separate office district). Staff is recommending that medical and dental offices, on single-user lots are included as permitted uses within the Phase 1 study area. This would be subject to compliance with the parking requirements (anticipated patient and employee parking needs) and the other Code requirements, including landscaping and screening requirements.
- Cross access would be required through the Village review process for new developments through Village review, where appropriate and necessary.
- Municipal parking lots and commercial parking lots for private self-propelled passenger vehicles are permitted uses within the B-1 and B-2 districts, subject to the required landscaping, screening, and lighting limitation requirements.

While any expansion of a commercial use into the surrounding residential neighborhoods is not allowed within the current residential zoning designations, the creation of a parking district, with significant screening and buffering could provide additional protections for the residential properties, and provide additional parking for the commercial uses. This could also seek to eliminate the various ROW parking along Northwest Highway. While the zoning ordinance does not currently have a parking zoning district category. This would be further reviewed as part of the creation of an overlay district for the Sub-Area Phase 1.

Chairman Dwyer clarified the motion is to recommend forwarding the presentation to the Community Economic Development Committee of the Village Council

Mr. Vyverberg explained step 1 and 2 was with the Plan Commission; step 3 would be to make the same presentation to the Village Council to seek their approval and step 4 would be to draft an overlay district and come back to the Plan Commission with notice and back to the Community Economic

Development Committee.

Ms. Williams made a motion to accept the initial sub area findings; seconded by Mr. Kolososki. Unanimously recommended.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Robert Kolososki, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Friedman, Bettenhausen, Kolososki
ABSENT:	Fedota

2. Text Amendments to the Village of Palatine Zoning Ordinance - Adult-use cannabis - Article 3 - Rules and Definitions (Section 3.02), Article 11 (Section 11.06), Article 12 (Section 12.01), and a new Article 15 (Adult-Use Cannabis)

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on November 4, 2019 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Proposed Text Amendments -Adult Use Cannabis Regulations- Appendix A dated 11/12/19
3. Copy of Retail Cannabis Dispensaries Survey- Lake Zurich

Sworn in Staff: Mr. Patrick Brankin Village attorney, Mr. Ben Vyverberg Director of Planning and Zoning, and Ms. Katie Rivard Planner II for the Department of Planning and Zoning

Mr. Brankin gave a brief overview of the new Cannabis regulations and tax act that will go into effect January 1, 2020, which legalizes the private use of Cannabis for persons over 21. He further explained municipalities cannot restrict the private possession and use of cannabis that is authorized by the act. He stated the act restricts the use of Cannabis in public places. Mr. Brankin explained licenses for businesses will be handled by the State of Illinois with no local license authority granted to municipalities. He spoke to license that are already being granted within the state of Illinois, with priority being given to businesses that already possess the medical marijuana license. Mr. Brankin explained land use regulations related to the sale, time, place, manner, and number was left to the municipalities to enact as part of the municipality zoning authority. He stated there is no license or prohibition authority that a municipality can enact, but rather can regulate through land use regulations. Mr. Brankin explained as the Village Council addresses the question whether to opt in or opt out, they directed staff to process a text amendment that would involve land use regulations to be considered in the event the Village Council makes the decision to opt in. He further explained this decision has not been made yet and will be discussed and debated at a future Village Council meeting. Mr. Brankin stated the policy decision to opt in or opt out is not before the board tonight, but rather from a land use aspect if the Village decides to opt in, if the text amendments are reasonable and sufficient regulations.

Mr. Vyverberg stated the state passed public act 101-0027 in June 2019 which was clarified with an amendment bill senate bill 15-57. He explained prior to the passing of this law the zoning ordinance was silent to this use and state law and the Village code prohibited the consumption or sale of marijuana, as it was illegal. He explained with the passage of this law since the use is not contemplated in the zoning ordinance, it would fall under a special use for a unique use process, in the zoning ordinance. He gave a brief overview of the text

amendment, referring to the slides and explaining the unique use process. Mr. Vyverberg explained the text amendment components for the proposed definition of an adult-use cannabis dispensaries and would be considered special uses in the B5 and Manufacturing Districts. There are also specific requirements, as part of the special use review. He explained there is guidance provided by the Illinois Municipal League model ordinance, as reviewed by the Village Attorney and within the state act. Mr. Vyverberg referred to the slide explaining the restrictions and requirements for application to open an adult use cannabis dispensing establishment. Mr. Vyverberg summarized the text amendment includes the definition, special use review within the B5 and the manufacturing districts, and the additional requirements will fall under a new Article 15, which specifically addresses adult use cannabis establishments. Staff prepared an initial map based upon these requirements, indicating what properties would be eligible given the specific separation and spacing requirements proposed.

Chairman Dwyer asked if the wording in the proposed text amendments is similar to other municipalities

Mr. Vyverberg explained the Illinois Municipal League drafted a model ordinances many communities are likely using a basis in drafting their specific ordinances.

Mr. Vyverberg referred to zoning map slides indicating potentially eligible and ineligible properties, within the proposed regulations.

Mr. Hansen asked about the zoning map on Rand and why there is a red x in the middle of the green x

Mr. Vyverberg explained if there is an active rental license it is deemed residential use any abutting properties would become ineligible.

Mr. Friedman referred to the slide showing Northwest Hwy and Hicks area asking why properties in the middle are disqualified.

Mr. Vyverberg explained there is a separation requirement to prevent properties that are within the regulations for residential and park district properties as well as school operated properties.

Mr. Vyverberg continued to review the zoning map slides.

Chairman Dwyer clarified the focus of the hearing is to establish places that adult use cannabis establishments could be located if the Village Council opts in.

Mr. Vyverberg answered yes.

Mr. Brankin stated the only distance requirements under the state act is 1,500 feet between dispensaries pointing out there is no distance regulations for schools. He explained the slides of locations are unique as in they take in account the draft regulations that are before the board tonight.

Mr. Kolososki asked about the impact if the distance from schools was increased to 2000 feet.

Mr. Vyverberg explained staff did not review varying distances. Staff used the

model distances for the draft ordinance and comparable communities and could not accurately comments on how many additional properties would be disqualified with an increase of 500 feet. The base number of 1500 feet was drafted with the Village attorney to be a reasonable requirement.

Mr. Friedman asked is there are other variables, other than placement and site safety measures listed in the ordinance that may be included during the special use process.

Mr. Vyverberg answered yes explaining that staff intended to develop a base for minimum standards and then allow the ZBA and the Village Council to judge based on the proposed special use location and specific business plan.

Ms. Robins asked if the state law says anything about how many dispensaries can be in Village

Mr. Brankin answered no, explaining the Village Council can further regulate the number allowed.

Mr. Bettenhausen asked if the board can discuss how many dispensaries allowed or if that is a Council decision.

Mr. Brankin explained that the Plan Commission can review and recommend as part of the text amendment.

Sworn in Mr. Steve Gran

Mr. Gran stated he is in favor of medical marijuana and thinks the Village has an organized ordinance for planning. He stated he wants the Village to opt out.

Chairman Dwyer interjected explaining that is not for discussion at this meeting.

Discussion on the focus of the meeting and when the meeting will be held to discuss the sale of cannabis in the Village.

Mr. Brankin explained the general location of sales is for discussion but the general policy question of whether to opt in or out will be discussed before the Village Council at a future date.

Mr. Gran expressed concern with locations relative to schools.

Chairman Dwyer asked if 1500ft. from schools not sufficient.

Discussion on the distance indicated in the ordinance for schools.

Mr. Vyverberg pointed out there is also a park district facility distance requirement, as well.

Mr. Gran expressed concern on effect on children comparing it to vaping. He stated he would like to see a limit of amount of businesses in the Village.

Discussion on other municipalities on the amount of facilities and how it is a policy decision.

Mr. Gran asked if that meeting will be announced

Mr. Brankin stated the meeting agendas are always posted online in advance.

Sworn in Mr. Joseph Chen - Palatine

Mr. Chen stated the majority of citizens don't want to see a marijuana sale store in community. He expressed concern with the distance from schools and recreation centers. He stated the sale of marijuana is targeting the children. Chairman Dwyer interjected stating his testimony is not relevant to this hearing.

Mr. Chen requested the location distance to be at least 1 mile from anywhere there are a lot of students because free bus service is only given to properties 1 mile away from schools.

Chairman Dwyer asked for a show of hands on people who agree.
Majority of room agreed.

Sworn in Paul Lopiccolo

Mr. Lopiccolo stated he is a Palatine resident and has been following the planning and appreciates the positioning and locations that are put up for the use. He expressed concern with the Colfax corridor. He stated it is not the best area for sales because it is too much into the heart of the city and will draw people into the area. Mr. Lopiccolo stated it is a high traffic slow speed area that is great for industry. He stated he would like to see more by the Rand corridor where it is heavier traffic and easier access to 53. Mr. Lopiccolo stated he would like to see restrictions of number of dispensaries rather than production.

Sworn in Ms. Weimin Sun 120 W Sycamore Ct.

Ms. Sun spoke to Schaumburg limiting the number of licenses to 5 and how it makes sense because it gives comfort to people that it won't be all over the place. She expressed concern with store locations being in high crime area.

Chairman Dwyer asked staff if the police consider the permitted use areas as high crime.

Mr. Vyverberg explained that the police department would review any proposed special use application for this use, during the special use process

Chairman Dwyer clarified the use will still need to apply for a special use and go in front of zoning and council for approval.

Ms. Sun stated she trusts that the village will ensure the licenses won't be abused.

Discussion on how licenses will be applied for.

Ms. Sun asked if they can smoke at the dispensaries

Mr. Brankin stated the text amendment prohibits consumption on premises.

Sworn in Ms. Amy Fell 162 S Fremont Palatine, IL

Ms. Fell agreed with Mr. Lopiccolo about Colfax not being a great location based on the downtown plan and the possible goal to extend the downtown development up northwest Colfax. Ms. Fell asked if signage would be relevant to this meeting.

Chairman Dwyer stated there is a separate signage ordinance with limitations on the amount and size of signs.

Mr. Brankin explained the state act specifically addresses advertising.

Mr. Vyverberg noted there is a specific requirement in the special use process that states a business has to submit a sign plan review.

Chairman Dwyer clarified a special use is not automatic.

Mr. Vyverberg explained it is an evaluation of the subject property, proposal, and specific to all the circumstances that relates so is site specific.

Sworn in Ms. Susan Sun

Ms. Sun agreed that the distance should be increased to at least 1 mile from school, recreation centers, residential, daycare and government places. She also agreed to stay away from Colfax because of the high traffic and closeness to the Metra station, post office and YMCA.

Mr. Vyverberg explained there is a component of the proposed Article 15, which includes 3 things that speak to traffic including parking demand, traffic generation, and site design and internal site circulation.

Chairman Dwyer asked if the ordinance can include wording to limit locations to properties on a road that has 4 lanes or more to address traffic issues.

Mr. Brankin stated that is a place type restriction. He stated there can be limits to certain corridors or frontages but explained the board needs to be careful to not be overly restrictive. Mr. Brankin explained if the restrictions essentially prohibit it can lead to the zoning restrictions being subject to a challenge.

Chairman Dwyer pointed out the increase of distance from schools being a mile would probably not pass the reasonability test

Mr. Brankin explained if the result would be none allowed then the zoning restrictions would be subject to challenge. He further explained the 1 mile would be essentially a back door prohibition.

Sworn in Mr. Paul Shafer 304 N Carter

Mr. Shafer asked if the restrictions are comparable to those set forth for liquor stores.

Mr. Brankin stated it is greater for the dispensaries.

Sworn in Kevin Yang 4216 Forest Glen Dr. Hoffman Estates, IL

Mr. Yang asked if there is a list of locations that are included on the distance restrictions.

Mr. Vyverberg referred to the ordinance indicating what areas are included in the distance restrictions.

Mr. Yang requested that residential areas and churches be included in this list.

Chairman Dwyer asked staff if churches are included.

Mr. Vyverberg answered no and repeated the list pointing out the restrictions on residential, school, and park district properties.

Mr. Hansen asked Mr. Vyverberg what the definition of a learning center is.

Mr. Vyverberg explained a learning center such as a tutoring facility.

Mr. Yang asked about the limitation on hours

Mr. Vyverberg repeated this would be a component of the special use process which includes providing a business plan which will be under review by staff including the police and fire department.

Chairman Dwyer clarified appropriate hours are based on location so would be better to leave it to staff review at the time of application.

Ms. Robins asked if the church has a school would it fall in the restricted area list. Mr. Vyverberg answered yes.

Sworn in Ms. Wendy Wang 5407 Deerfield Lane Rolling Meadows, IL

Ms. Wang stated she lives within the Palatine park district and suggested to include park recreation centers in the ordinance.

Chairman Dwyer clarified that it is already included

Ms. Wang expressed concern with the distance from the school.

Mr. Noonan asked Mr. Brankin at what age can marijuana be purchased

Mr. Brankin stated 21.

Mr. Friedman asked how this affects land use outside of Palatine such as properties that abuts Palatine

Mr. Brankin answered yes. He explained the maps were drawn to include those properties.

Chairman Dwyer stated the board would take surrounding areas into account during the special use process as well.

Sworn in Mr. Ran Duan 502 S Stuart lane

Mr. Duan stated the transaction of marijuana is against his religious belief

Chairman Dwyer interjected that is outside of the scope of the hearing.

Mr. Duan requested the distance be 1 mile from school and 2 miles from church

Sworn in Mr. Alan Chen Northbrook, IL

Mr. Chen stated he went to the plan commission meeting in Northbrook and was told he was at the wrong meeting. He stated when he went in front of the trustees they were told they were only discussing zoning, so he believes that his voice was never heard.

Chairman Dwyer asked Mr. Brankin if Northbrook had their opt in meeting yet Mr. Brankin stated he cannot speak to Northbrook

Sworn in Ms. Mengwei Liu Glenview, IL

Ms. Liu expressed concern with dispensaries selling to minors pointing out sometimes liquor stores sell to under 21.

Chairman Dwyer stated dispensaries check IDs because if they don't they go out of business.

Ms. Liu suggested their license be revoked if caught selling to under 21.
Chairman Dwyer stated that is outside the scope of the hearing.

Ms. Liu requested putting a limit on hours. She stated she would like to limit locations to at least 1 mile from kids' activities including parks and limit hours to 9-3 while kids are in school.

Sworn in Mr. Wei Wang 1149 S Parkside Dr.

Mr. Wang expressed his concern with distance putting too much restriction where he won't be able to find a location to open a store if the Council opts in.

Sworn in Ms. Di Yang 398 E Royal St George Vernon Hills, IL

Ms. Yang stated she understands the discussion is about location, but wants to say not to allow opening a store.

Chairman Dwyer stated that is not the scope of this hearing

Ms. Fell expressed concern with the area by Helen and Hicks having a few parcels that are being considered as possible permitted locations. She stated Helen is the entrance to a residential community and expressed concern with the increase of traffic this would cause.

Chairman Dwyer asked if Helen is 2 lanes

Ms. Fell answered it is 2 lanes

Mr. Qian requested adding residential areas to the 1 mile distance restriction.

Mr. Gran spoke to the rental programs crime free seminar and suggested they get info on high crime areas from them to assist on location planning.

Chairman Dwyer stated that would be part of the special use process.

Sworn in Ms. Vicky Wilson 104 Wilson Ct

Ms. Wilson expressed concern that the 1500 feet is too close being only .284 miles. She stated the property value is already struggling and is concerned this will make it worse. She asked about other village's distance requirements and spoke about the shopping center at Palatine and Quentin Roads.

Chairman Dwyer asked staff if 1500 feet is fairly common

Mr. Brankin explained it is typical, but zoning is purely local decision.

Ms. Wilson asked if staff has data.

Mr. Brankin explained the data is generally consistent.

Chairman Dwyer stated Schaumburg's proposed is 1500 feet, as well as Buffalo Grove.

Ms. Wilson expressed concern with the amount of data

Sworn in Ms. Weimin Sun 120 W Sycamore Ct Palatine, IL

Ms. Sun requested considering adding a limit of licenses like Schaumburg. She

asked if restrictions can be added for signs to not make obvious.
Chairman Dwyer stated the state law puts limitations and this will be addressed during the special use process.

Ms. Sun asked when the opt in and opt out hearing will be heard and if there will be a limit on number of people who can present.

Mr. Brankin explained it will be a public meeting that will be posted on the Village website.

Ms. Sun requested that everyone have enough time to speak at the meeting.

Discussion on when the council meeting will be and where the information will be posted

Sworn in Ms. Wendy Wang 5047 Deerfield Lane Rolling Meadows, IL

Ms. Wang stated she wants to include Cotton Wood Park. She spoke to issues she has had at the park with teenagers that required police attention.

Chairman Dwyer stated if the teenagers are smoking cannabis they are not getting it from the dispensaries because they are not 21.

Discussion on location restrictions to park district properties.

Sworn in Mr. Michael (no last name provided) Palatine, IL

Mr. Michael expressed confusion stating it seems like the Village has already decided to opt in.

Chairman Dwyer clarified the text amendments discussed are in case Village Council decides to opt in.

Mr. Michael stated if the Village opts out then this meeting is a waste of planning. Chairman Dwyer explained this is to provide Council with more information. He stated he thinks other municipalities have done the same.

Mr. Michael stated if the Village opts out there is no reason to have this discussion

Sworn in Ms. Lisa Moran 658 Mallard Drive Palatine, IL

Ms. Moran expressed confusion on the process. She asked who asked the plan commission to draw this up

Chairman Dwyer answered the Village Council.

Ms. Moran asked if there was a vote that has been documented somewhere.

Mr. Vyverberg explained staff was given the direction from Village Council to examine the zoning ordinance to prepare a series of text amendments for Village Council consideration, when they determine in December to either Opt in or Opt out. He further explained if no action were taken to amend the zoning ordinance any commercial property would be able to apply under a unique use, so staff sees merit in at least proposing conditions, requirements, and possible locations.

Ms. Moran expressed concern with locations being in low income areas which

will cause an increased demand for general assistance.

Chairman Dwyer suggested she speak to staff after meeting pointing out the text amendments are proposing locations to be away from residential areas.

Ms. Moran asked about the distance

Discussion on distance limitations.

STAFF RECOMMENDATION:

In anticipation of an upcoming Village Council review and policy decision as to whether the Village should prohibit or allow such uses, the proposed text amendments were drafted for Plan Commission and Village Council consideration.

Chairman Dwyer summarized the areas of concern and up for discussion are separation distances, Colfax area being appropriate, number of dispensaries, and operational hours.

Mr. Noonan stated restricting the distance will affect the number of stores. He pointed out if it passes the hours of operations will be included under the special use process.

Mr. Friedman stated the Plan Commission has an opportunity to set limits and each use can be addressed individually within those limits.

Mr. Noonan asked Mr. Brankin if the Plan Commission can limit hours.

Mr. Brankin answered yes. He stated it would be good direction as this is a recommending body to council. Mr. Brankin stated hour limitation, number of dispensaries and distance restrictions are all appropriate items for review. The state regulations limit the hours from 6 AM to 10 PM.

Discussion on how to break down discussion.

Discussion on hour restriction

Mr. Brankin stated 10am-10pm seems to be consistent with other towns

Mr. Kolososki suggested 10-9 because most centers close at 9.

Discussion on store hours within the village.

**Chairman Dwyer asked the board by voice vote for a 10am start time
Vote was 7-1 in favor**

**Chairman Dwyer asked the board by voice vote for a 10pm end time
Vote was 6-2 in favor.**

Mr. Friedman asked correlation with medical dispensaries. He asked if the recreational facility also had a medical license do the hours differ. Mr. Friedman pointed out people with medical need may require earlier hours.

Mr. Brankin stated there is direct correlation as any recreational facility will have

to have a medical license to be eligible to apply for the special use. He explained this will ensure any business went through multiple levels of scrutiny with the state.

Mr. Friedman expressed concern with the 10am start for someone who has a medical need and is looking to pick up before their morning commute. Chairman Dwyer spoke to other medical facility time starting at 10 or 11am.

Chairman Dwyer spoke to the number of dispensaries recommendations

Mr. Noonan recommended limiting the number of dispensaries in the Village to 2-4.

Mr. Friedman expressed concern with all the dispensaries being in one area and asked about the possibility on spreading them out through districts. Chairman Dwyer stated it would be part of the special use process, but could recommend number to be scattered throughout the village.

Mr. Brankin stated there is a minimum distance in the act of 1500 feet between dispensaries, per the state law.

Discussion on the suitability of the Colfax Street area and Helen Road

Chairman Dwyer recommended adding wording to limit to roads of 4 lanes to address traffic concerns.

Discussion on limitations and effect with traffic volume.

Chairman Dwyer stated any discussion on distances needs to be reasonable. Mr. Kolososki stated the board can propose a half a mile instead of the 1500 feet.

Chairman Dwyer asked the board by voice vote for the distance between schools to be increased to 2500 feet.

Vote was 7-1 in favor

Mr. Friedman asked the board if churches should be included.

Discussion on what defines church.

Chairman Dwyer pointed out churches are located in residential areas.

Ms. Robins pointed out if a church has a school it would be included and most include a school.

Mr. Friedman pointed out the amendment language does not include Sunday school

Discussion on definition of school in church.

Mr. Vyverberg explained a Sunday school would not be contemplated in the proposed definitions, but if the church included a grade school or a nursery it would be contemplated in the separation requirement.

Discussion on the reviewing and voting process.

Mr. Noonan made a motion to approve the text amendment as proposed subject to the additional spacing separation recommendations for Village Council to consider; seconded by Mr. Kolososki.

Mr. Brankin clarified the vote will be for approval subject to the additional items for Village Council to consider.

Mr. Brankin reiterate that the act does speak to the hours for dispensaries between the hours of 6am-10pm.

**Chairman Dwyer asked the board by voice vote on the approval of the text amendment as proposed subject to the additional recommendations
Vote was 8-0 in favor**

Mr. Noonan recommended limiting the total allowed dispensaries within the Village to 2-4 with no more than 1 per district.
Chairman Dwyer recommended changing wording to disperse throughout the Village.

Mr. Brankin pointed out the number restriction will limit the distance and expressed concern that district restrictions will pigeon hole these in a particular area. He suggested recommending a limitation of number of dispensaries and the other restrictions and marketplace will dictate to their locations.

Discussion on the vote being for number limitation with location being determined through other restrictions and during the special use process.

**Mr. Noonan made the motion recommending limiting the total allowed dispensaries within the Village to 2-4; seconded by Ms. Robins.
AYES: Robins, Noonan, Hansen, Friedman, Bettenhausen, Kolososki, Williams, Dwyer
Motion was 8-0 in favor**

Chairman Dwyer spoke to hour limitations pointing out the act limits from 6am-10pm

Mr. Brankin pointed out the board cannot extend the hours past the act but could be more restrictive.

**Chairman Dwyer asked the board by voice vote on the approval of the hours of 6am-10pm set by the act.
AYES: Robins, Noonan, Friedman, Bettenhausen, Kolososki, Williams, Dwyer
NAYS: Hansen
Vote was 7-1 in favor**

Mr. Hansen stated he doesn't think people need to buy recreational cannabis at

6:01am.

Mr. Noonan pointed out there are people who work third shifts and that is actually their night. Discussion on distance limitations.

Mr. Noonan made a motion recommending the distance limitation to be increased to 2500 feet; seconded by Ms. Robins.

AYES: Robins, Noonan, Hansen, Bettenhausen, Kolososki, Williams, Dwyer

NAYS: Friedman

Vote was 7-1 in favor

Mr. Friedman referred to the map on screen pointing out increasing the distance will restrict the remaining parcels along Vermont. He stated he doesn't see the added benefit to that restriction.

Chairman Dwyer agreed with Mr. Friedman requesting staff to determine the impact before it goes to Council.

Discussion on increase of distance possibly being unreasonable

Discussion on limiting to 4 lane roads for vehicular traffic and how many areas are eliminated

Mr. Friedman pointed out the special use process will include a traffic impact analysis which may show Colfax is already failing from the highway engineers standards.

Mr. Brankin stated the board could recommend eliminating the Colfax area using the downtown land use guide as location approx.

Discussion on traffic impact and restrictions.

Mr. Brankin pointed out traffic and parking would be evaluated during the special use process.

Chairman Dwyer asked if anyone on the board wants to add a condition for the Colfax area.

Mr. Noonan stated it should be left alone because a traffic and parking study will be required during the special use process

Discussion on including churches and how a church is defined.

Mr. Bettenhausen clarified if the church had a school it is included

Mr. Brankin stated a church with a school such as St Theresa would be subject to the limitations.

Mr. Bettenhausen clarified high schools are also include

Mr. Brankin answered yes

Discussion on the 500ft from the park facilities.

Mr. Noonan asked Mr. Brankin if the distance is from the model ordinance

Mr. Brankin answered yes explaining the information was taken from multiple places.

Mr. Kolososki made motion recommending increasing the distance limitation to 1000 feet from any park facilities; seconded Mr. Friedman.

AYES: Robins, Noonan, Hansen, Friedman, Bettenhausen, Kolososki, Williams, Dwyer

Vote was 8-0 in favor

Mr. Friedman asked about increasing the residential separation distance.

Chairman Dwyer expressed concern that it will remove a tremendous amount of properties He pointed out it is similar to a liquor store backing to residential

Mr. Friedman referred to the slides and pointed out the minimal buffers and kiddy corner properties that are included.

Chairman Dwyer pointed out the location will be reviewed during the special use process.

Mr. Vyverberg stated the proposed text amendments are tentatively scheduled for the Village Council review on December 9, 2019 at the Village Council meeting.

IV. COMMUNICATIONS

V. ADJOURNMENT