

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
DECEMBER 3, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Text Amendment – Medical Cannabis	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to adopt an amendment to list medical cannabis cultivation centers and dispensing organizations as allowable Special Uses in the M-1, Light Manufacturing District and to amend Section 15.25 to exempt any person from arrest or prosecution who is engaging in any conduct in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act. **This ordinance further restricts the places where dispensing and cultivation centers may be located.**

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the November 5, 2013 Village Council meeting. The Village Council asked for an analysis of the impact of extending separation requirements to private recreational businesses. Maps showing the impacts in the Ellsworth Industrial Park and the Ogden-Warrenville Corridor are attached. Extension of these separation requirements eliminates all eligible sites in the area north of Ogden and Warrenville. It significantly reduces the area in Ellsworth, allowing it only in the far western portion of the business park. Staff recommends approval of the ordinance (as recommended by the Plan Commission) on the December 3, 2013 active agenda.

BACKGROUND

In August 2013, the State of Illinois approved the use of medical cannabis in Illinois beginning on January 1, 2014. The law allows local jurisdictions to enact reasonable zoning ordinances not in conflict with the law. Municipalities may not prohibit medical cannabis cultivation and dispensing centers. Staff recommends a text amendment to the zoning ordinance to add medical cannabis cultivation and dispensing organizations to the list of special uses in the M-1 Light Manufacturing Zoning District.

Consistent with the law, any centers of cultivation must be located 2,500 feet from pre-existing pre-schools, elementary or secondary schools, day care centers, group day cares or an area zoned for residential use. Dispensing centers must be located at least 1,000 feet from pre-existing pre-schools, day

care centers or group day care and may not be located in an area zoned for residential use. The Plan Commission also recommended a requirement that the separation requirement include public parks.

As a result of these separation requirements, there are no eligible sites within the Village for cultivation. There are two areas within the Village that are zoned M-1 and could be potential sites for dispensing centers, based on the separation requirements. These locations are:

- Ellsworth Industrial Park
- Ogden Avenue/Warrenville Road. The North side of Ogden Avenue between Lacey and Finley Roads and the North side of Warrenville Road between Finley Road and Cross Street

The requirements for any potential dispensing organizations are listed below:

- The dispensing organization must be registered by the Department of Finance and Professional Registration
- The dispensing organization may only obtain medical cannabis from a registered cultivation center and may only dispense to registered qualified patients
- The State of Illinois may license up to 60 dispensing organizations in the state which shall be geographically dispersed throughout the state
- The dispensing organization must be located at least 1,000 feet from pre-existing pre-schools, day care centers or group day cares
- The dispensing organization may not be located in an area zoned for residential use

The Plan Commission reviewed the proposed amendment at their October 7, 2013 meeting. The Downers Grove Park District ex-officio member requested the Plan Commission consider adding a separation distance between medical cannabis uses and public parks. The Plan Commission agreed that public parks are similar to schools and day cares where families gather and agreed that medical cannabis uses should be separated from public parks the same distance as noted in 410 ILCS 130/1. The Plan Commission found the proposed text amendment and the separation distance from public parks was appropriate and unanimously recommended approval of the amendment. Staff concurs with the Plan Commission's recommendation.

Currently, Section 15.25 of the Downers Grove Municipal Code makes it unlawful for any person to grow, possess, sell, give away, barter, deliver, exchange, distribute, administer, or in any way possess any cannabis or drug paraphernalia. In light of the state law that becomes effective January 1, 2014, the Village needs to exempt any person from arrest or prosecution who is engaging in any conduct that would be legal under said law.

ATTACHMENTS

Ordinance

Staff Report with attachments dated October 7, 2013

Draft Minutes of the Plan Commission Hearing dated October 7, 2013

Revised maps

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** December 3, 2013
(Name)

RECOMMENDATION FROM: Liquor Commission **FILE REF:**
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING PROVISIONS CONCERNING MEDICAL CANNABIS" as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend provision concerning medical cannabis.

RECORD OF ACTION TAKEN:

Med Cannabis

ORDINANCE NO. _____

**AN ORDINANCE AMENDING PROVISIONS
CONCERNING MEDICAL CANNABIS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

Section 1. That Section 15.25. is hereby amended to read as follows:

15.25. Possession of cannabis prohibited.

(a) For purposes of this ordinance, the following definitions apply:

Cannabis. Includes marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, cake or the sterilized seed of such plant which is incapable of germination.

Drug Paraphernalia. Includes all equipment, products and materials of any kind which are peculiar to, or marketed for use, or are used, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, cannabis in violation of the Cannabis Control Act or any controlled substance. It includes but is not limited to:

- i. Kits peculiar to an marketed for use, or used in manufacturing, compounding, converting, producing, processing or preparing cannabis;
- ii. Isomerization devices peculiar to, or marketed for use, or used in increasing the potency of any species of plant which is cannabis;
- iii. Testing equipment peculiar to, or marketed for private home use in, or used for, identifying or analyzing the strength, effectiveness or purity of cannabis;
- iv. Diluents and adulterants peculiar to, or marketed for use in, or used for, cutting cannabis or any controlled substance by private persons;
- v. Objects peculiar to, marketed for use in, or used for ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or any controlled substance into the human body including, where applicable, the following terms: water pipes, carburetion tubes and devices; smoking and carburetion masks; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.
- vi. Any item whose purpose, as announced or described by the seller, is for use in violation of this Section.

(b) It shall be unlawful for any person to grow, possess, sell, give away, barter, deliver, exchange, distribute, administer, or in any way possess any cannabis or any drug paraphernalia.

(c) Exemptions:

(1) Any conduct in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.

Med Cannabis

(2) Items marketed for the use in the preparation, compounding, packaging, labeling or other use of cannabis as an incident to lawful research, teaching, or chemical analysis and not for sale.

(23) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

(34) Items exempt under this section include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(45) Items that are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Section.

i. Considerations: In determining whether or not a particular item is exempt under this Section, all other logically relevant factors should be considered, including the following:

a. The general, usual, customary, and historical use to which the item involved has been put;

b. Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the item upon its functioning;

c. Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

d. Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

e. Any national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

f. The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;

g. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

h. The existence and scope of legitimate uses for the object in the community.

(d) A person who possesses drug paraphernalia shall be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00).

(e) A person who possesses less than thirty (30) grams of cannabis shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00)

(f) The provisions of this Section relating to the possession of cannabis shall be applicable to the possession of any quantity of cannabis less than thirty (30) grams. (Ord. No. 2389, § 1; Ord. No. 2877, § 1.)

Section 2. That Section 28.903. is hereby amended to read as follows:

28.903. M-1 Districts - Special Uses.

The following uses are allowed in the M-1 Light Manufacturing District as special uses:

- (a) Aircraft landing areas.
- (b) Automobile Dealerships.
- (c) Automobile Laundries.
- (d) Automobile Repair.
- (e) Automobile Service Stations. (See Section 28-1018.)
- (f) Banks and financial institution drive-in type facilities.
- (g) Planned developments. (See Article XVI.)

Med Cannabis

(h) Railroad and motor freight terminal, railroad switching facilities.

(i) Recycling collection facilities. (See Section 28-1007.)

(j) Self-storage facilities, including mini-warehouses. (See Section 28-1010.)

(k) Medical cannabis cultivation centers and dispensing organizations in accordance with 410 ILCS 130/1 et seq. provided that distance requirements set forth in 410 ILCS 130/1 et seq. are also maintained for public parks.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

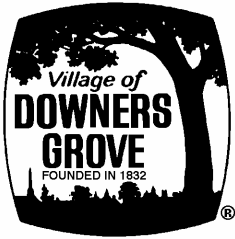
Mayor

Passed:

Published:

Attest: _____

Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
OCTOBER 7, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC 39-13 Zoning Ordinance Text Amendment – Medical Cannabis	Zoning Ordinance Text Amendment	Stan Popovich, AICP Senior Planner

REQUEST

The proposed amendment will add ‘Medical cannabis cultivation centers and dispensing organizations in accordance with Illinois Public Act 098-0122’ to the list of allowable Special Uses in the M-1, Light Manufacturing Zoning District.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendment

PROJECT DESCRIPTION

The Village is requesting review of a text amendment to the Zoning Ordinance. Specifically, staff is proposing to add medical cannabis cultivation centers and dispensing organizations to the list of allowable Special Uses in the M-1, Light Manufacturing Zoning District. In August 2013, the State of Illinois approved the use of medical cannabis in Illinois beginning on January 1, 2014. At the direction of the Village Council, staff has identified a zoning district for these businesses to be placed should an application be presented to the Village. At this time, no application has been filed for this type of use.

Specifically, the Village is proposing to add the following language to Section 28.903, M-1 Districts – Special Uses of the Zoning Ordinance:

- (k) Medical cannabis cultivation centers and dispensing organizations in accordance with Illinois Public Act 098-0122.

The public act regulates the cultivation, dispensing and use of medical cannabis and permits local jurisdictions to enact reasonable zoning ordinances not in conflict with the act. To summarize the public act in a planning and zoning context, the following excerpts from the act are provided:

Section 10. Definitions.

“(e) “Cultivation center” means a facility operated by an organization or business that is registered by the Department of Agriculture to perform the necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.”

“(o) “Medical cannabis dispensing organization”, or “dispensing organization”, or “dispensary organization” means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients.”

Section 85. Issuance and denial of medical cannabis cultivation permit.

“(a) The Department of Agriculture may register up to 22 cultivation center registrations for operation. The Department of Agriculture may not issue more than one registration per each Illinois State Police District boundary as specified on the date of January 1, 2013.”

Section 105. Requirements; prohibitions; penalties for cultivation centers.

“(c) A registered cultivation center may not be located within 2,500 feet of a property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.”

Section 115. Registration of dispensing organizations.

“(a) The Department of Financial and Professional Regulation may issue up to 60 dispensing organization registrations for operation.” and “The organizations shall be geographically dispersed throughout the State to allow all registered qualifying patients reasonable proximity and access to a dispensing organization.”

Section 130. Requirements; prohibitions; penalties; dispensing organizations.

“(c) A dispensing organization may not be located within 1,000 feet of a property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.”

Section 140. Local Ordinances.

“A unit of local government may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or with Department of Agriculture or Department of Public Health rules, regulating registered medical cannabis cultivation center or medical cannabis dispensing organizations. No unit of local government, including a home rule unit, or school district may regulate medical cannabis organizations other than as provided in this Act and may not unreasonably prohibit the cultivation, dispensing, and use of medical cannabis authorized by this Act.”

PUBLIC COMMENT

The legal notice was published in the *Downers Grove Reporter*. At this time, no public comments have been received.

FINDINGS OF FACT

The appropriate location for medical cannabis uses are within the M-1, Light Manufacturing District. The M-1 district currently allows a wide range of uses by-right, including offices, banks, day care centers and medical and dental clinics. Preschool, elementary and secondary schools are not allowed in the M-1 district. The addition of medical cannabis cultivation centers and dispensing organizations into this district as a Special Use is consistent with existing and contemplated uses permitted in the M-1 district. The large M-1 districts in the Village also tend to be isolated from residential uses. This would provide additional separation from residential uses.

Staff researched the location of all public and private schools, home day cares and day care centers within the Village and within the neighboring jurisdictions. School locations were determined based on the Village's GIS mapping and school district websites. Day care locations were found based on a list of licensed day care providers in Downers Grove and surrounding jurisdictions from the Illinois Department of Children and Family Services and also via a web search for daycares in the area. The location of the nearest known schools and day cares are shown on each of the area maps. Based on these locations, there are a variety of locations that a medical cannabis use could be located within the M-1 zoning district.

Medical Cannabis Cultivation Centers

The Act limits the location of these centers to an area at least 2,500 feet away from a residentially zoned area. All commercial and industrial areas within the Village are currently located within 2,500 feet of a day care, school or residentially zoned area, whether the residentially zoned area is located within the Village or in a neighboring jurisdiction. As such, the Act effectively limits the ability of a cultivation center from locating within the Village at this time.

Medical Cannabis Dispensing Organizations

The Act limits the location of dispensing organizations to a site at least 1,000 feet away from a day care or school and prohibits a dispensing organization from being within a residence or residential zoning district. The proposed allowance of dispensing organizations as a Special Use in the M-1 district would allow their location within the six M-1 zoned areas within the Village.

M-1 Zoned Areas within the Village

There are six M-1 zoned areas currently in the Village. A description of each area is provided below:

1. Ellsworth Industrial Park. The industrial park is bounded by the Burlington Northern Santa Fe (BNSF) railroad tracks to the north, Belmont Avenue to the east, Inverness and Maple Avenues to the south and I-355 to the west. The industrial park is primarily zoned M-1, but also has pockets of ORM (office, research and manufacturing) zoned properties. A special needs high school is located within the district and a day care is located at the intersection of Belmont Road and Curtiss Street. Additionally, Puffer Elementary School is located at Belmont Road and Haddow Avenue and within 1,000 feet of some M-1 zoned parcels. The Comprehensive Plan classifies this area in the Commercial Area Plan as Light Industrial / Business Park. The Plan contemplates this area continuing as an industrial area. The Ellsworth Industrial Park would be appropriate to consider for medical cannabis uses.
2. Ogden Avenue. The area zoned M-1 along the north side of Ogden Avenue begins slightly west of Lacey Road and extends to Finley Road. The large parcels along Ogden Avenue are currently home to automobile dealerships and a home improvement store. The Comprehensive Plan classifies this area as commercial corridor. The plan recognizes that this area is ripe for reclassification from an industrial zoning district to a business zoning district. In fact, the property at 2100 Ogden Avenue rezoned from M-1 to B-3, General Services and Highway Business in 2010.
3. Warrenville Road. The north side of Warrenville Road from Finley Road to Cross Street, with two smaller properties on the south side of Warrenville Road are zoned M-1. The current uses in this area include large

office buildings, an automobile dealership and a residential dwelling unit. There are no known day cares or schools in the vicinity. The Comprehensive Plan classifies these areas in the Commercial Area Plan as Corridor Commercial and Office / Corporate Campus. As such, the plan recognizes that the M-1 zoning in this area may not be appropriate in the future and a commercial zoning classification may be better suited to accommodate future commercial growth in the area.

4. Warren Avenue. The south side of Warren Avenue roughly between Linscott and Lee Avenues is zoned M-1. This area is primarily occupied by offices and small service uses. There are no known schools within 1,000 feet of this area. Daycare facilities at First Congregational United Church at 1047 Curtiss Street and Immanuel Lutheran Church at 5211 Carpenter Street are more than 1,000 feet from this area. The Comprehensive Plan classifies this area in the Future Land Use Plan as Low-Intensity Office. As such, the plan contemplates converting this area to professional services such as medical, dental, legal and accounting uses.
5. Rogers Street. The south side of Rogers Street between Fairview Avenue and Prospect Avenue is primarily zoned M-1. The area houses several small offices and service uses. There is an existing daycare located on Curtiss Street which is within 1,000 feet of the western edge of this district. St. Mary of Gostyn School at Douglas Road and Prairie Avenue and Whittier School at Hill Street and Blodgett Avenue are more than 1,000 feet from this area. The Comprehensive Plan classifies this area in the Commercial Area Plan as Low-Intensity Office. As such, the plan contemplates converting this area to professional services such as medical, dental, legal and accounting uses.
6. 2nd Street. The north side of 2nd street bounded by the BNSF railroad tracks to the north, Williams Street to the east, 2nd Street to the south and the Fairview Avenue to the west is primarily zoned M-1 and is primarily occupied by Pepperidge Farm. There are no known day cares in the vicinity and Whittier School is more than 1,000 feet from this M-1 zoned area. The Comprehensive Plan classifies this area in the Residential Area Plan as Multi-Family Residential and Parks and Open Space. The plan contemplates a comprehensive repurposing of this area which would eliminate the industrial use and replace it with a multi-family use that is more consistent with the surrounding residential uses.

Special Use Consideration

Section 28.1900 of the Zoning Ordinance notes “special uses are uses that may be necessary to allow because of their unusual characteristics or the service they provide the public. These special uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.” Medical cannabis uses would fall into this categorization. They are unique in the type of service they provide to the community and require particular consideration as to their proper location. By classifying them as a Special Use, the Village has an opportunity to review the proposed location of the medical cannabis use and determine if the proposed use meets the Special Use standards of approval in Section 28.1902 of the Zoning Ordinance and if the location is consistent with the Comprehensive Plan.

RECOMMENDATIONS

The proposed text amendment provides for medical cannabis cultivation centers and dispensing organizations within the M-1 Light Manufacturing zoning district as a Special Use. The amendment will provide a location for these types of businesses while allowing the Village to review the proposed location based on compliance with the Comprehensive Plan and the four standards for approval of a Special Use shown in Section 28.1902 of the Zoning Ordinance. As such, staff recommends the Plan Commission make a positive recommendation to the Village Council to add the following language to Section 28.903, M-1 Districts – Special Uses of the Zoning Ordinance:

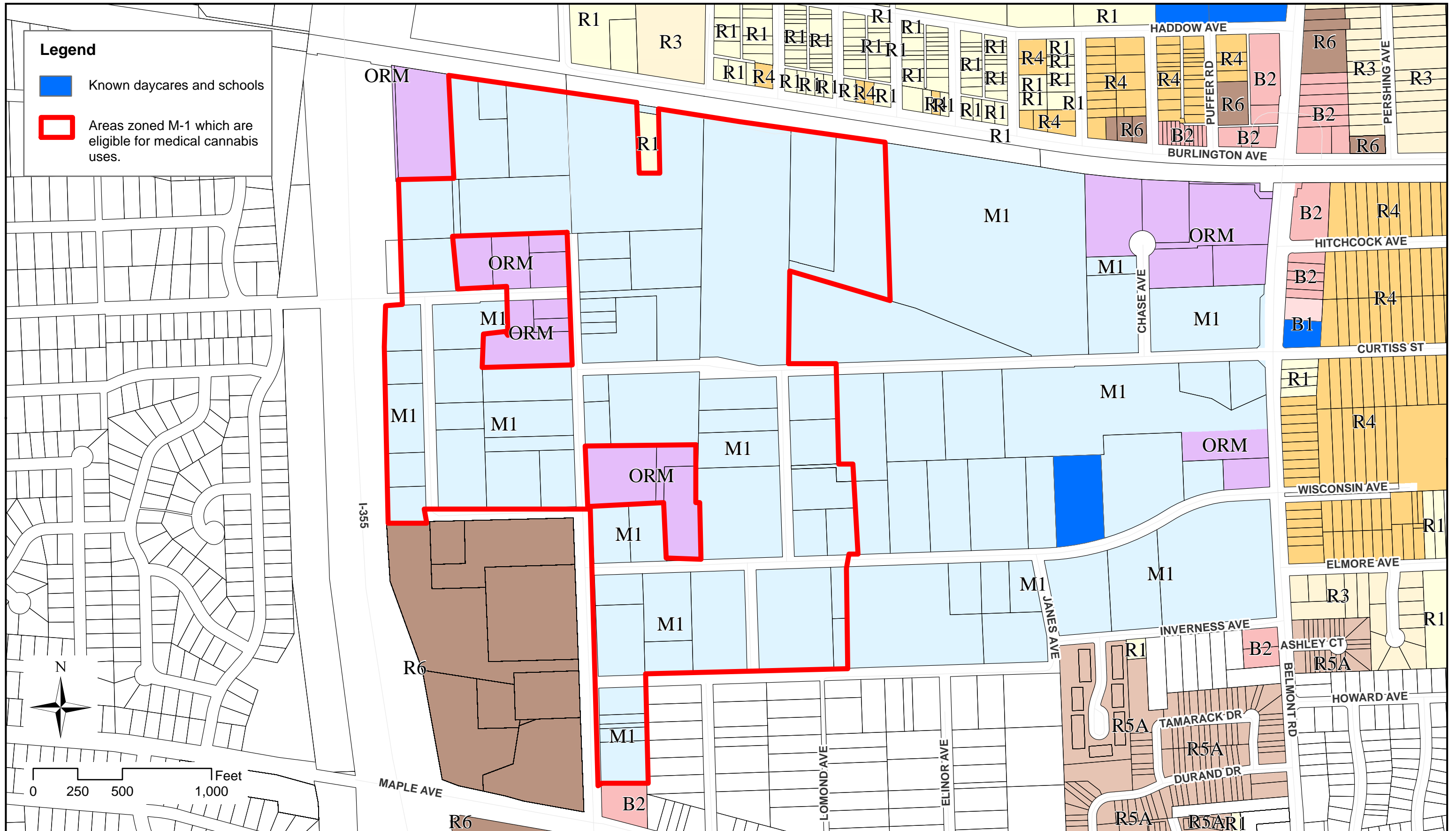
- (1) Medical cannabis cultivation centers and dispensing organizations in accordance with Illinois Public Act 098-0122.

Staff Report Approved By:

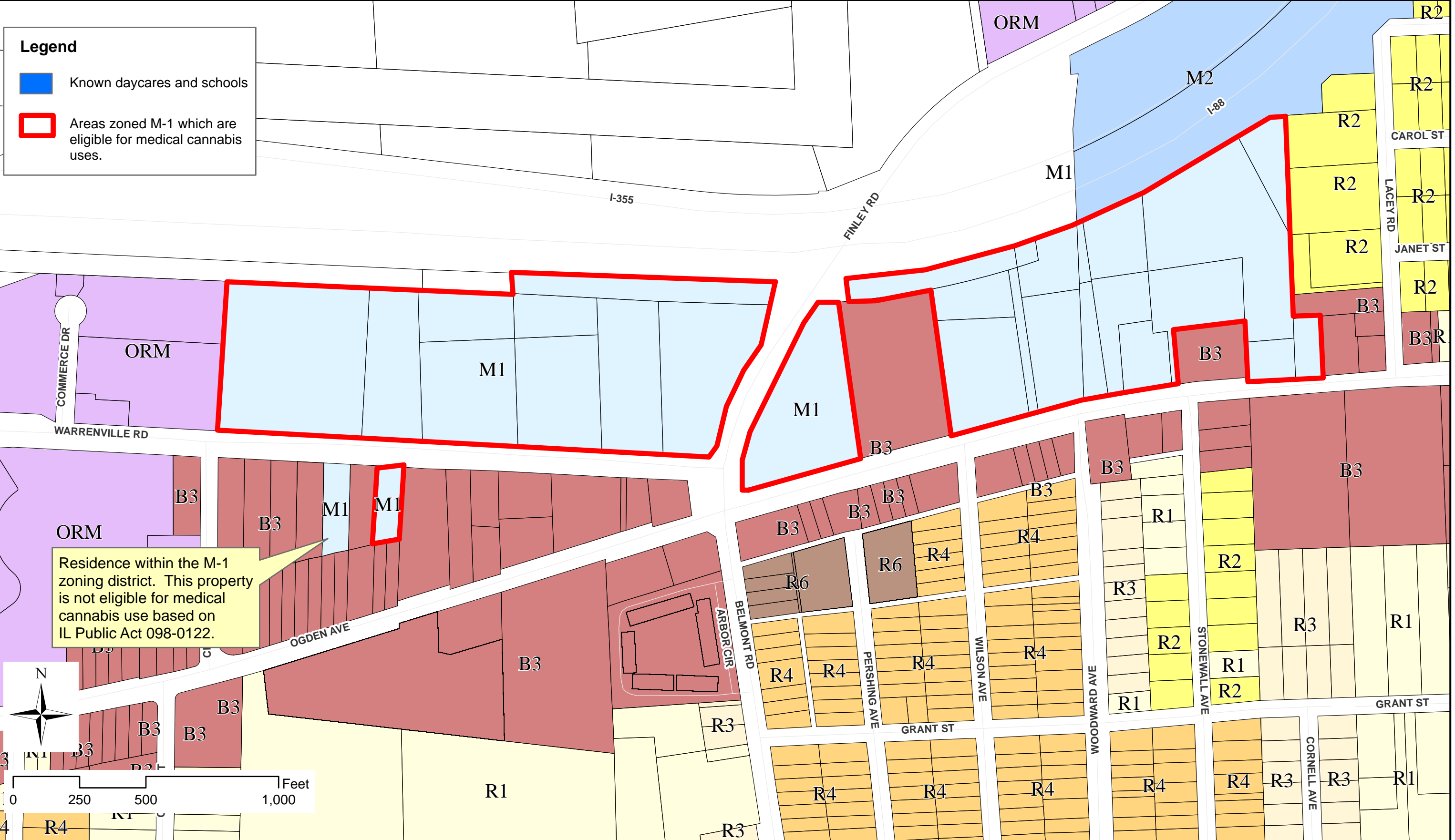
Tom Dabareiner, AICP
Director of Community Development

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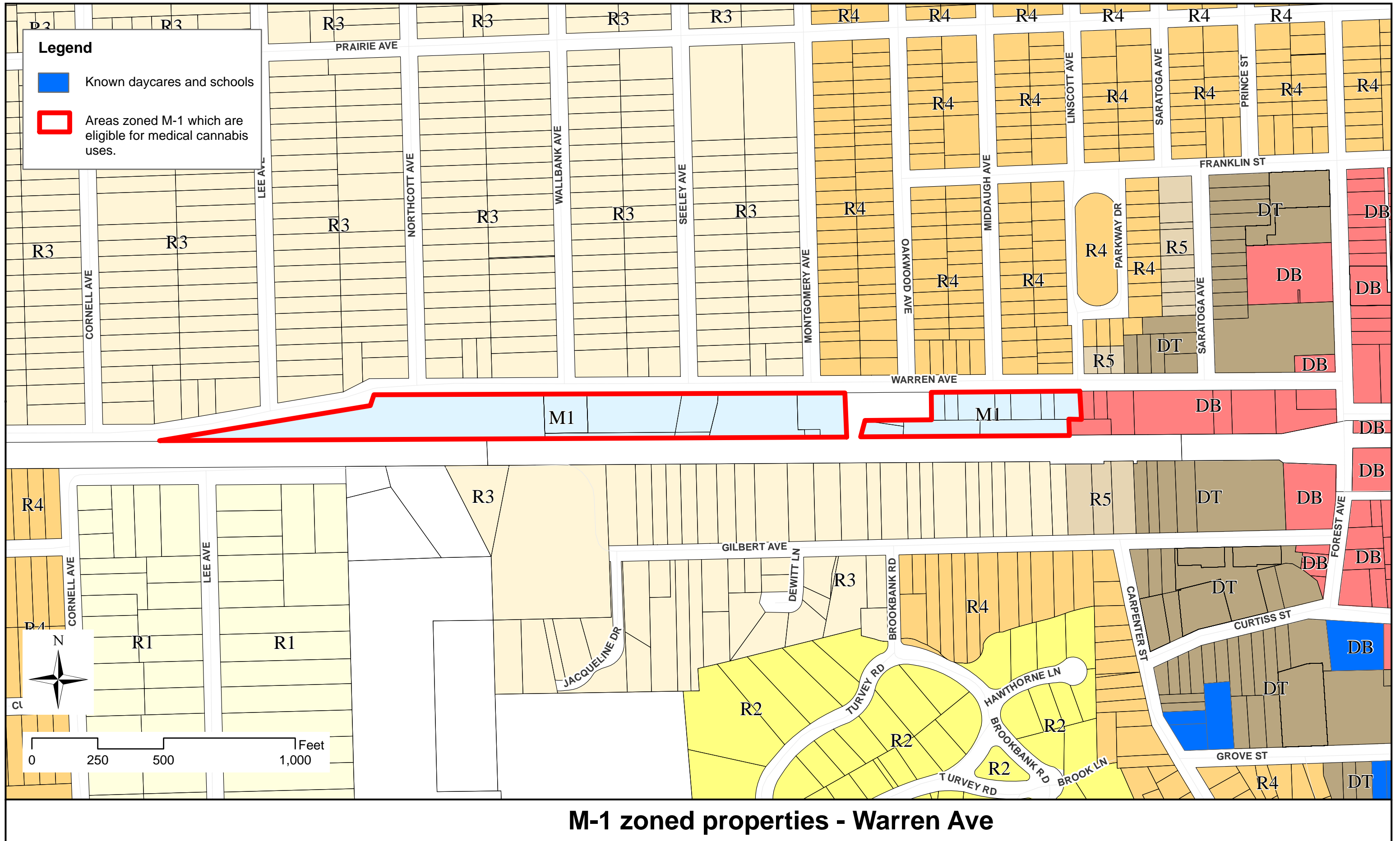
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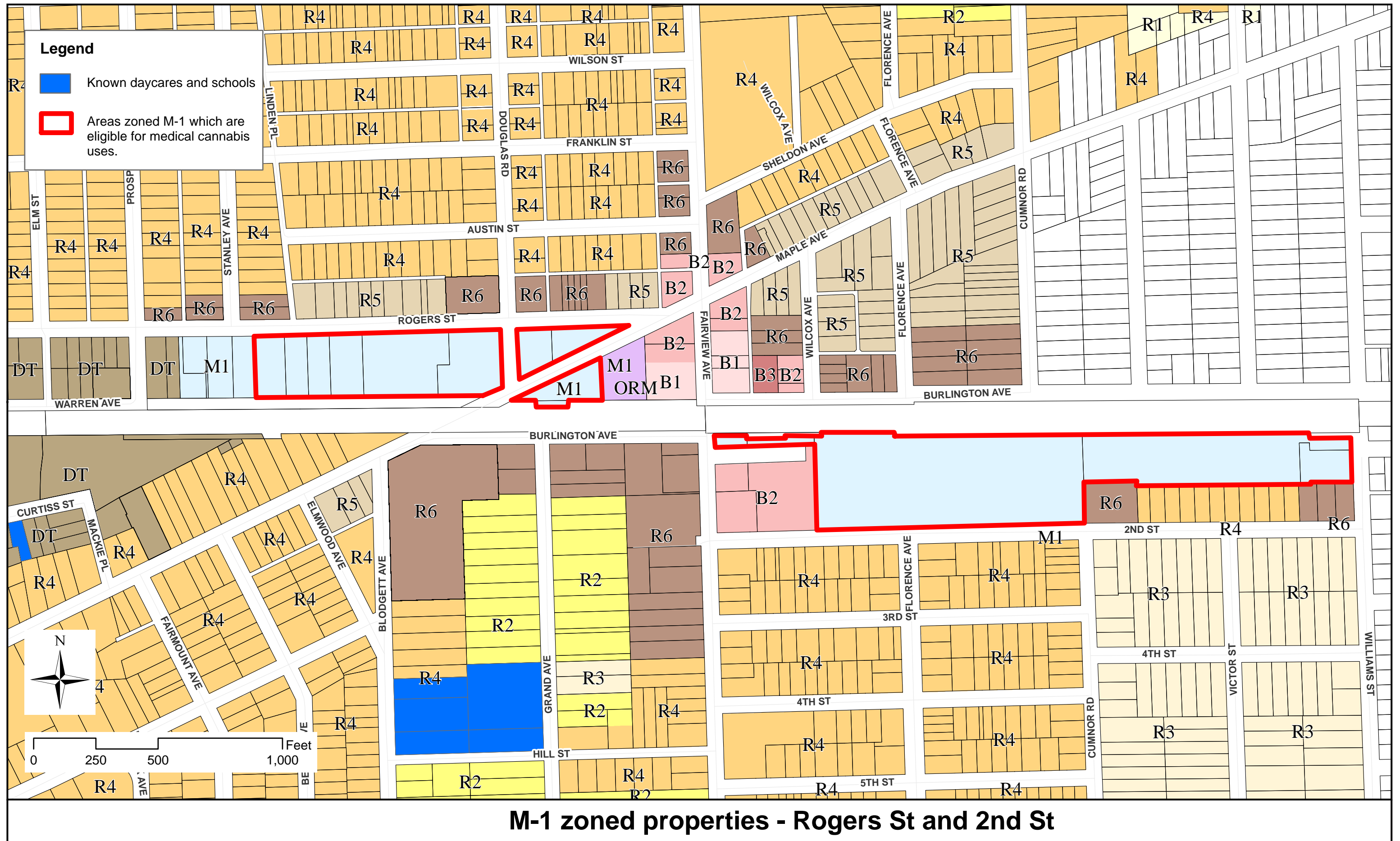


M-1 zoned properties - Ellsworth Industrial Park



M-1 zoned properties - Ogden Ave and Warrenville Rd





M-1 zoned properties - Rogers St and 2nd St

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

OCTOBER 7, 2013, 7:00 P.M.

PC 39-13 A petition seeking an amendment to Article IX, Manufacturing Districts, of Chapter 28 of the Municipal Code. The purpose of the request is to amend Section 28.903, M-1 District - Special Uses, to include medical cannabis cultivation centers and dispensing organizations; Village of Downers Grove, Petitioner

Chairman Webster swore in those individuals who would be speaking on the above petition.

Senior Village Planner, Stan Popovich, explained the purpose of this request was to add “medical cannabis cultivation centers and dispensing organizations” to the list of allowed special uses in the M-1 Light Manufacturing District according to Illinois Public Act 098-0122. A history of the new public act followed. To date, the village had not received any submittals for this use. The Act does allow local governments to enact reasonable Zoning Ordinance regulations and has specific definitions for cultivation centers and dispensing organizations as well as certain state boundaries. Mr. Popovich reviewed location requirements for cultivation centers. Furthermore, dispensing organizations are required to register with the Illinois Department of Financial and Professional Regulations and could only acquire medical cannabis from a registered cultivation center. Up to 60 dispensing centers are allowed to be licensed in the State of Illinois and had to be geographically dispersed. Distance requirements and locations for each were reviewed.

Staff believes the M-1 zoning district is the most appropriate location for such use and medical cannabis uses are consistent with the existing and contemplated uses that staff was discussing in the rewrite of the Zoning Ordinance in the M-1 district. As to the location of cultivation centers, he reported that the state’s 2,500-foot distance requirement from residentially zoned areas restricted cultivation centers from being able to locate within the village.

With respect to medical cannabis dispensing organizations, Mr. Popovich confirmed he did map the locations of schools, daycare centers, and daycare providers in relation to the M-1 districts to determine potential locations. Identified were six possible M-1 zoning areas for the dispensing organizations, with Mr. Popovich explaining the types of uses found in each area and how the village’s Comprehensive Plan identified the individual areas.

Mr. Popovich believed a special use was necessary for all medical cannabis uses since a special use discussed “unusual characteristics or services that are provided.” He believed this use and service was unique and, as a special use, would give the village staff, Plan Commission, and the village council oversight if such a request came forward. He closed his discussion and asked that specific language be added as item (k) in the special use list as follows: “Medical cannabis cultivation centers and dispensing organizations, in accordance with Illinois Public Act 098-0122.”

Commissioner questions followed as to whether other communities had taken such pro-active steps, wherein Mr. Popovich believed a couple of communities had but he was not aware of the specific towns. Community Development Director Dabareiner indicated that all of the communities he had spoke to were looking to address this topic now or within the next couple of months.

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Ex-officio member, Ms. Lupescu, for School District Nos. 58 and 99, queried staff if it could limit the ordinance to include just the red outlined portion of the M-1 district. Mr. Popovich explained that state law would limit the centers based on their location adjacent to a day care center and a school using the 1,000 foot buffer and the village was not seeking any additional requirements since the state was already limiting the locations. If the public Act were to change, Mr. Popovich surmised that village staff would have to revisit the matter if the regulations allowed a closer proximity. But currently staff felt that the Act allowed villages the opportunity to provide reasonable regulations, and, in this case, staff felt the reasonable regulation of this matter was being addressed by creating the special use in order for staff to review applications on a case by case basis.

Asked if designating the M-1 locations for such applications gave automatic approval for such dispensing centers and cultivation centers, Mr. Popovich clarified the village was allowing the M-1 districts to be the districts where such applicants could locate in but they would still require the special use approval of the four standards. Also, he stated the comprehensive plan could be reviewed to see what uses were intended for a specific area. Asked if a dispensing organization/cultivation center were to get in place and a day care school located near such facility, Mr. Popovich believed the law would not preclude the dispensing/cultivation center from continuing to operate. Instead, it was a matter of staff looking to see where schools and daycare centers were located on the application date to see if they were located outside the 1,000 feet requirement. Mr. Popovich pointed out that schools are prohibited in the M-1 District but daycare centers are a permitted use.

Asked what happens when the special use ended, Mr. Popovich explained there was an 18-month period when the business closes; however, staff was looking to review that time frame in the new Zoning Ordinance revisions. Additionally, he reminded the commissioners that the State's Act had certain regulations the dispensing/cultivation centers had to go through when changing ownership, such as background checks, administrative work, etc. Mr. Popovich clarified that in reviewing the village's maps and in reviewing the state Act, a dispensing organization could be allowed but the 2,500 feet limit for a cultivation center, through state law, barred such center from locating near a residential district, based on the fact that the M-1 zoning districts being considered were the two larger districts than the other M-1 districts.

Chairman Webster invited the public to speak.

Ms. Damienne Souter, with the Downers Grove Park District, and liaison to the Plan Commission, acknowledged that, for the most part, the parks were not near the six locations being discussed except for one park located on Second Street across from Pepperidge Farm and the one on Warren Road area near Prince Pond. Ms. Souter asked that "parks" be included in the proposed language for the list of schools, day care centers, etc. since parks attracted families and have similar amenities as schools, i.e., playgrounds, ball fields, etc.

Director Dabareiner supported the request and believed it should be added to the text, but wanted to confirm it first with the state's law. He stated the motion could include adding parks and he would prepare text to state the intention before the recommendation was moved to Village Council. Further dialog supported that the term "parks" be added to the list of schools and daycares, to mimic

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the language of the state law, because the distance requirements for dispensing centers and cultivation centers were different.

Ms. Marge Earl, 4720 Florence, Downers Grove, was glad to see the village moving forward on this topic.

Hearing no further public comments, public comment was closed. Staff had no further comments either and was comfortable in adding the term “parks” to the special use list.

WITH RESPECT TO PC FILE NO. 39-13, MS. URBAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO ADD THE FOLLOWING LANGUAGE TO SECTION 28.903 M-1 DISTRICT - SPECIAL USES OF THE ZONING ORDINANCE, AS OUTLINED IN STAFF’S REPORT, TO INCLUDE “MEDICAL CANNABIS CULTIVATION CENTERS AND DISPENSING ORGANIZATIONS IN ACCORDINANCE WITH THE ILLINOIS PUBLIC ACT 098-0122” WITH THE MODIFICATION TO INCLUDE “PARKS” WITH THE DISTANCE REGULATIONS SPECIFIED FOR SCHOOLS IN THE ILLINOS PUBLIC ACT.

SECONDED BY MRS. RABATAH. ROLL CALL:

AYE: MS. URBAN, MRS. RABATAH, MR. BEGGS, MR. COZZO, MR. RICKARD, MR. WAECHTLER, CHAIRMAN WEBSTER

NAY: NONE

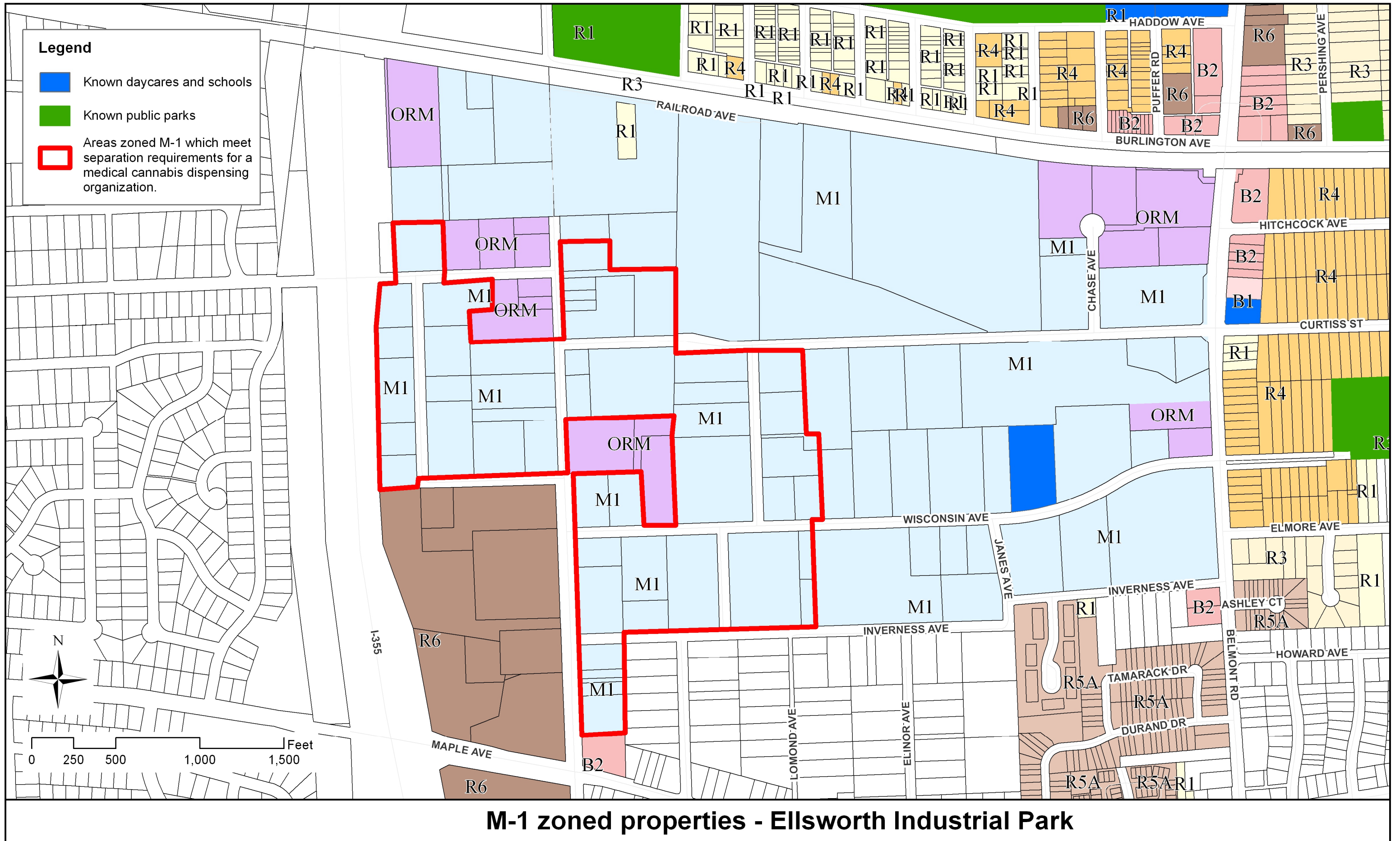
MOTION CARRIED. VOTE: 7-0

(The Plan Commission took a short recess at 8:15 p.m. and returned at 8:20 p.m.)

PC 18-13 The purpose of the request is to consider updates to Chapter 20 (Subdivision Code) and Chapter 28 (Zoning Ordinance) of the Municipal Code; Village of Downers Grove, Petitioner. *(Continued from September 9, 2013 meeting.)*

Mr. Kirk Bishop with Duncan Associates, appeared before the commission again to discuss the fourth and final section of the first draft of the village’s Zoning Ordinance. Details of the chapters’ contents followed with Mr. Bishop explaining that after this meeting, he will take the comments received for all four modules and prepare a consolidated public review draft of the ordinance to be returned in early November for the commission’s review and recommendation to the village council.

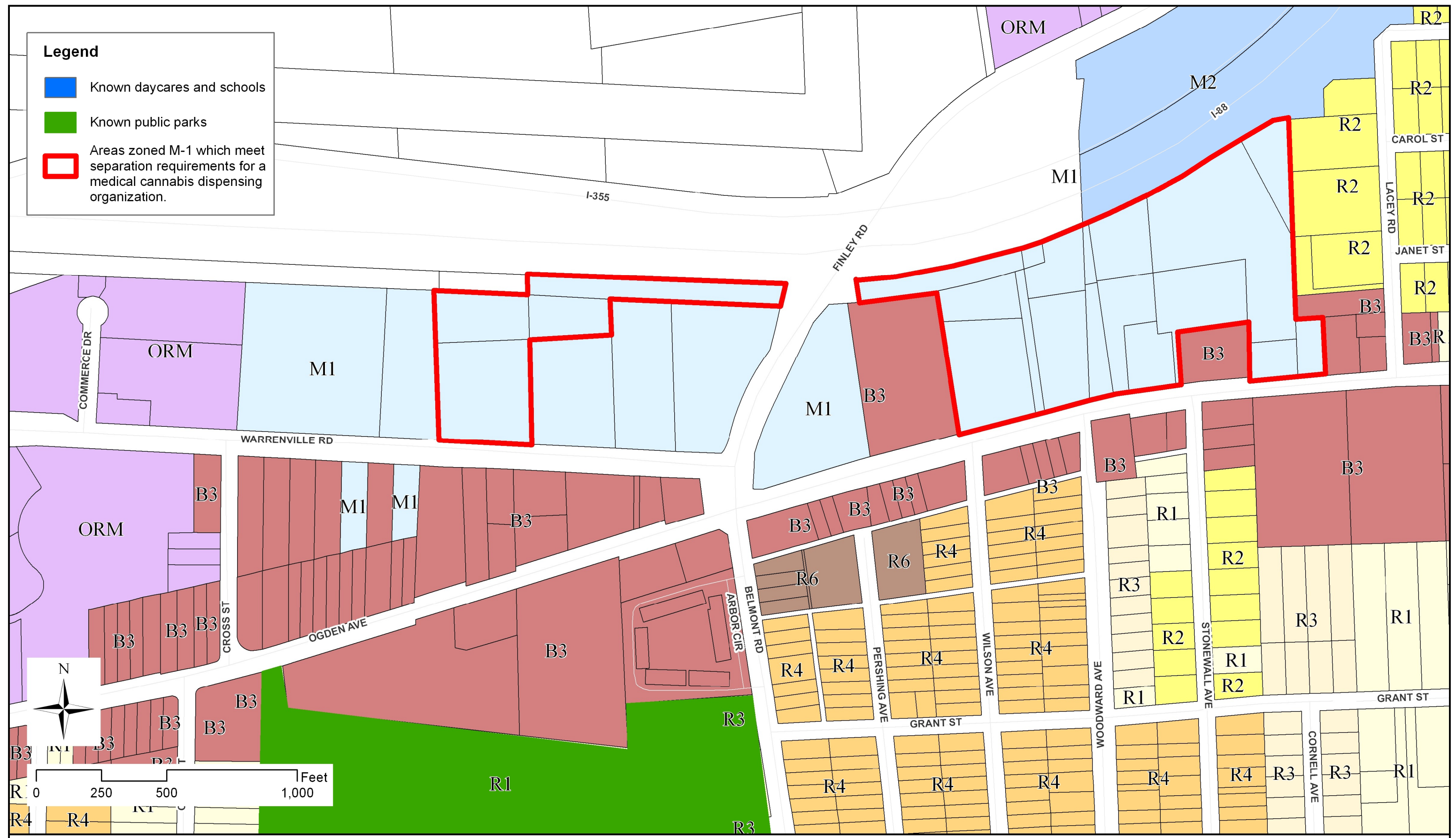
In conjunction with that process, Mr. Bishop said he will be working on the village’s first draft of the revised Subdivision Regulations over the next few months. Details followed on how that might be presented to the Plan Commission, i.e., substantive material and then procedural material. Director Dabareiner stated he and staff would like to speak to Mr. Bishop on how to proceed with that portion.



M-1 zoned properties - Ellsworth Industrial Park




Legend

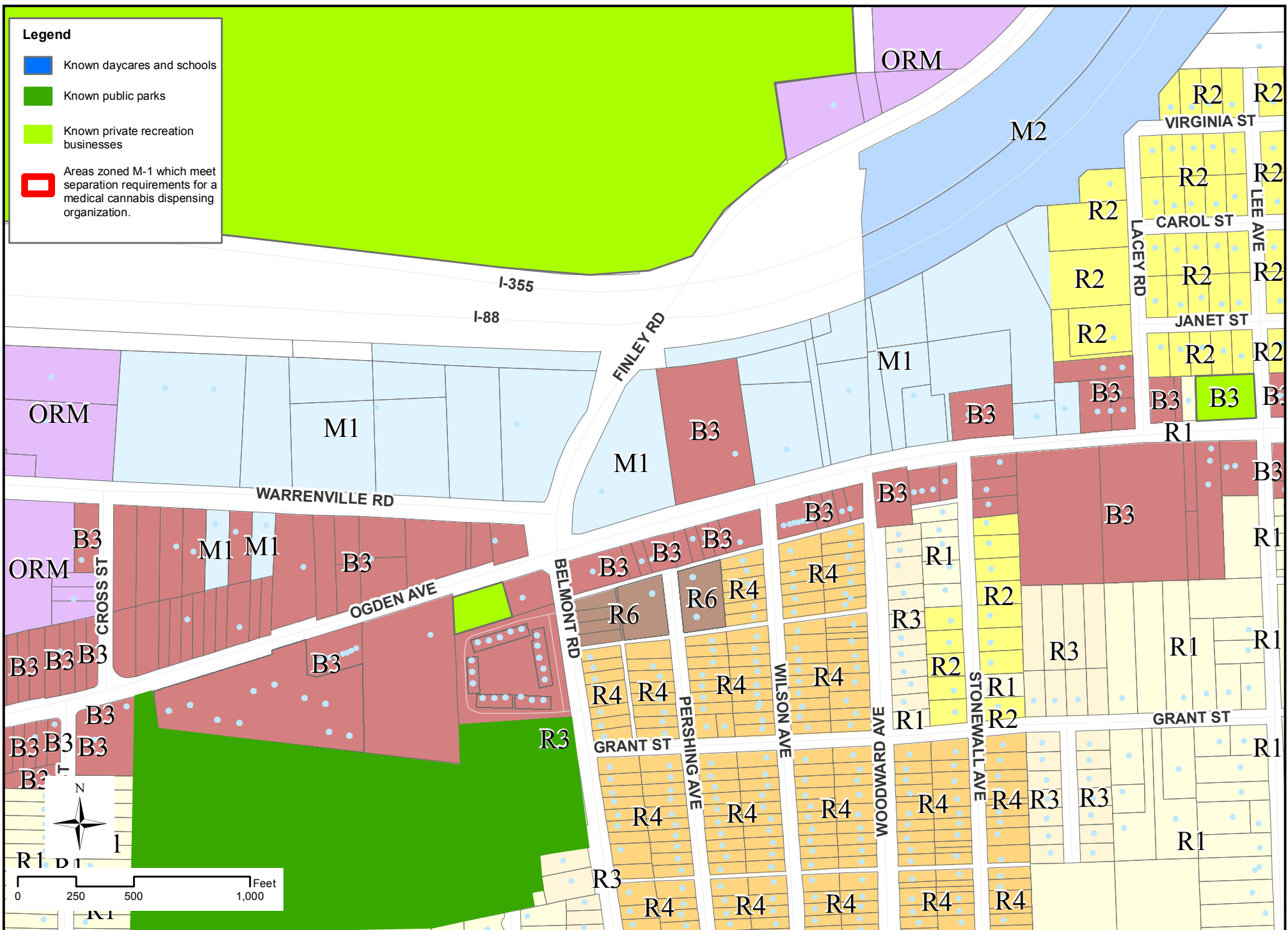
- Known daycares and schools
- Known public parks
- Areas zoned M-1 which meet separation requirements for a medical cannabis dispensing organization.



M-1 zoned properties - Ogden Ave and Warrenville Rd

Legend

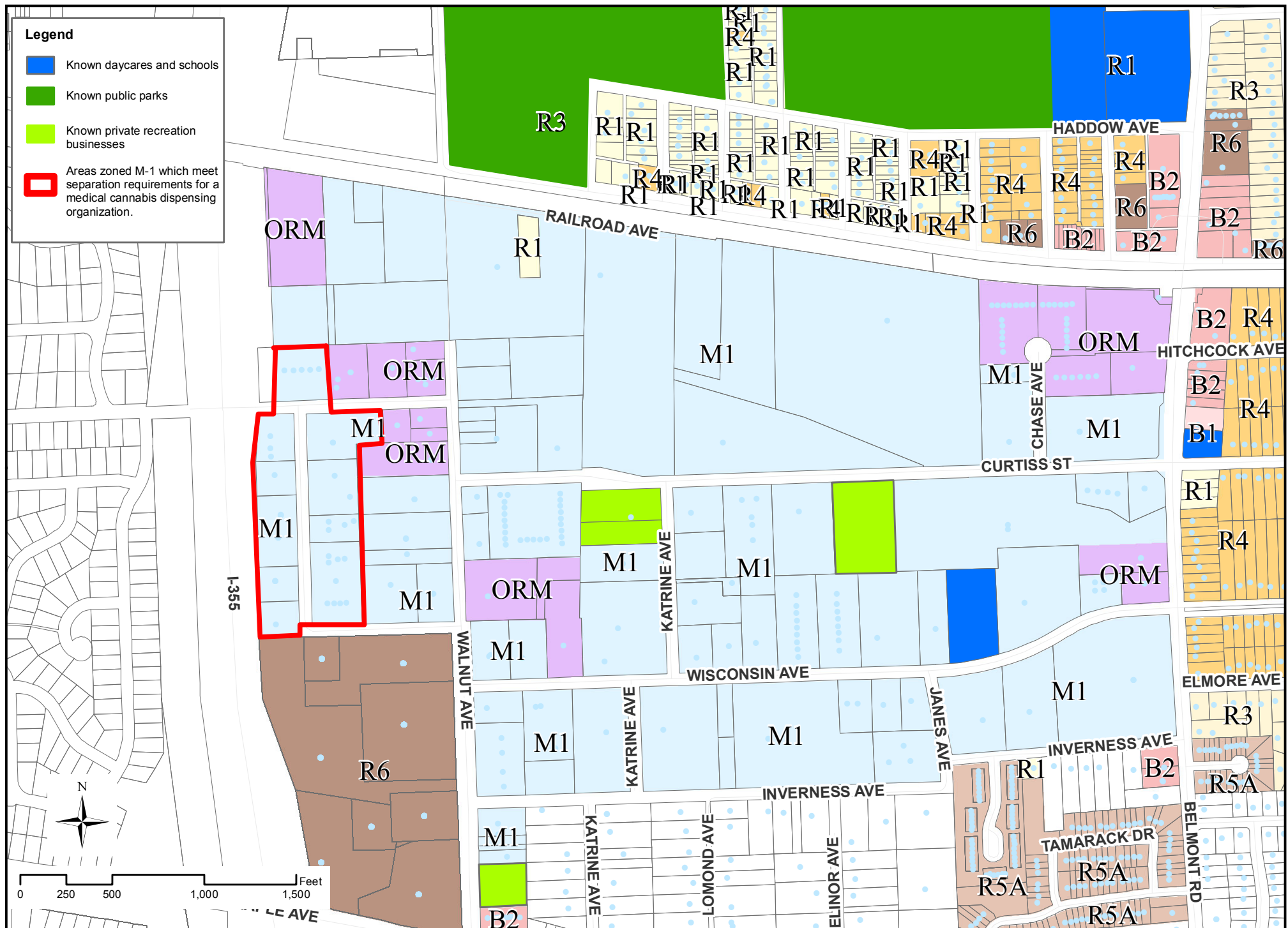
-  Known daycares and schools
-  Known public parks
-  Known private recreation businesses
-  Areas zoned M-1 which meet separation requirements for a medical cannabis dispensing organization.



M-1 zoned properties - Ogden-Warrenville Corridor (w/ private recreation businesses)

Legend

-  Known daycares and schools
-  Known public parks
-  Known private recreation businesses
-  Areas zoned M-1 which meet separation requirements for a medical cannabis dispensing organization.



M-1 zoned properties - Ellsworth Industrial Park (w/ private recreation businesses)