



# Village of Lombard

Village Hall  
255 East Wilson Ave.  
Lombard, IL 60148  
villageoflombard.org

## Minutes

### Plan Commission

*Donald F. Ryan, Chairperson*

*Commissioners:*

*Ronald Olbrysh, Martin Burke,  
Ruth Sweetser, Stephen Flint,  
John Mrofcza and Leigh Giuliano  
Staff Liaison: Jennifer Ganser*

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Thursday, August 29, 2019

7:00 PM

Village Hall - Board Room

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### SPECIAL MEETING

#### Call to Order

*Chairperson Ryan called the meeting to order at 7:00 p.m.*

#### Pledge of Allegiance

*Chairperson Ryan led the Pledge of Allegiance*

#### Roll Call of Members

**Present** 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, and Leigh Giuliano

*Also present: William Heniff, AICP, Director of Community Development, Jennifer Ganser, AICP, Assistant Director of Community Development; Jason Guisinger, legal counsel to the Plan Commission.*

*Chairperson Ryan called the order of the agenda.*

*Ms. Ganser read the Rules of Procedures as written in the Plan Commission By-Laws*

#### Public Hearings

[190315](#)

##### **PC 19-19: Recreational Cannabis**

The petitioner, the Village of Lombard, is requesting text amendments to the following Section of Village Code, and other relevant sections for clarity:

1. Amend Section 155.412(B) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the O Office District; also delete Section 155.412 (C)(9) which established medical cannabis dispensing organization as a conditional use in the O Office District;
2. Amend Section 155.413(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B1 Limited Neighborhood Shopping District;
3. Amend Section 155.414(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B2 General Neighborhood Shopping District;
4. Amend Section 155.415(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B3 Community Shopping District;
5. Amend Section 155.416(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B4 Corridor Commercial Shopping District;
6. Amend Section 155.417(G)(1)(a) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the B4A Roosevelt Road Corridor District;
7. Amend Section 155.418(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5 Central Business District; also amend Section 155.418 (B) to read “Permitted Uses: Excluding cannabis dispensing facilities, any use permitted in the B3 District shall be permitted in the B5 District;
8. Amend Section 155.419(C) of the Village Code to add “Cannabis Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of conditional uses in the B5A Downtown Perimeter District;
9. Amend Section 155.420(B) of the Village Code to add “Cannabis

Dispensing Facility operated in strict compliance with State law applicable thereto” to the list of permitted uses in the I Limited Industrial District;

10. Amend Section 155.802 of the Village Code (Rules and Definitions) establishing definitions for cannabis dispensing facility, cultivation centers, craft growers, processing organizations, and transporting organizations consistent with the definitions found in the Cannabis Regulation and Tax Act;
11. Delete the definition for Medical Cannabis Dispensing Organization in Section 155.802;
12. Amend the definition for Smoking establishment in Section 155.802 to delete the word “medical” therefore prohibiting all types of cannabis in a Smoking establishment; and
13. Create a new Section 155.225: Cannabis Establishments:
  - a. Establish buffer requirements for Cannabis Dispensing Facility establishments from a public or private elementary or secondary school, day care center, day care home, group day care home or part day care facility or another lawfully established cannabis dispensing facility.
  - b. Regulations to specifically exclude cultivation centers, craft growers, processing organizations and transporting organizations as a permitted or a conditional use activity.
  - c. Regulations to specifically preclude on-site consumption of cannabis as part of any permitted or conditional land use activity.(DISTRICT ALL)

*Sworn in to present the petition was William Heniff, Community Development Director and Jennifer Ganser, Assistant Director.*

*Mr. Heniff read the Plan Commission rules and procedures. Commissioner Sweetser asked a clarification question on the potential changes in the Office District. Mr. Heniff noted that staff is proposed to delete the conditional use of a medical cannabis dispensary and add a permitted use of a cannabis dispensary.*

*Chairman Ryan read the Plan Commission procedures and asked if anyone other than the petitioner intended to cross examine and, hearing none, proceeded with the petition.*

*Ms. Ganser presented the staff report, which was submitted to the public record in its entirety along with the attached six exhibits and a copy of the DuPage Mayor and Managers Conference (DMMC) municipal survey that was emailed to the Commissioners. Ms. Ganser reviewed a PowerPoint presentation. She noted that on January 1, 2020 cannabis will be legal in Illinois. She discussed the Village Board Workshop on July 31, 2019 and communication efforts for this petition. She then discussed the role of the Plan Commission and will and will not be reviewed. She reviewed specified zoning districts and if cannabis should be a permitted or conditional use based on the Workshop discussion and staff research. Districts where staff is recommending a permitted use include: B3, B4, B4A, O, and I. Districts where staff is recommending a conditional use include: B1, B2, B5, and B5A. Next, she reviewed two potential buffers: 100' and 1,000'. She noted that a 1,000' buffer was very restrictive and included most of the downtown. She said there is a State buffer of 1,500' between recreational cannabis dispensaries and municipalities cannot decrease this buffer. Staff recommends no buffers and to consider the land use relationships as part of a conditional use process where warranted. She then reviewed additional zoning considerations such as definitions and a new Code section on general provisions. She said staff supports the text amendments. The next step after the Plan Commission would be consideration by the Village Board on September 19, 2019.*

*Chairman Ryan asked if any person would like to speak in favor or against this petition, or for public comment.*

*Mr. Douglas LaSota spoke and said he believes the use should be a conditional use and not a permitted use. Therefore, the Plan Commission and Board could review each one. He also noted the State of Illinois has a buffer for advertising and signage of 1,000 feet from schools. Attorney Guisinger said that buffer applies to an advertisement like a billboard, and not a business identification sign.*

*Mr. Chris Tinnon said he also spoke at the Board Workshop meeting and thanked the Plan Commission for reviewing the issue; he asked why staff isn't open to cultivation centers or craft growers. Ms. Ganser said she hasn't received any inquires on those two uses. She noted that Lombard may not have many buildings large enough to support a cultivation center. She said that if the industry changes or a business is interested, a future text amendment can be brought forward to allow for new uses.*

*Mr. Shawn Smith said he is from a State with recreational cannabis and has watched the industry grow. He asked where the tax revenue would be allocated. Ms. Ganser said that is a future question for the Village Board and Finance Committee.*

*Commissioner Burke asked how parking would be regulated. Mr. Heniff said we would follow our standard of 4 parking spaces per 1,000 square feet. Commissioner Burke said he doesn't object to buffers. He said the use should be prohibited in the B5/downtown as the buildings are very close to one another and parking could be an issue.*

*Commissioner Sweetser said she agreed with Commissioner Burke. Commissioner Olbrysh said the use should be a conditional use so that it's reviewed; he said North Ave and Roosevelt Rd seem to be the best locations.*

*Chairman Ryan asked if someone from out of state can purchase cannabis and Ms. Ganser said yes, but half the amount.*

*Commissioner Olbrysh asked if there are issues with it being a cash business. Ms. Ganser said she believes it is mostly cash based and the State requires a level of security.*

*Commissioner Sweetser asked if a purchaser would be able to purchase the max amount in different locations. Mr. Heniff said the State law gives amount that can be on a person at one time and said that is a law enforcement issue. Chairman Ryan said it is similar to fireworks and Mr. Heniff agreed.*

*Commissioner Sweetser said perhaps the use should be a conditional use.*

*Chairman Ryan asked if the State will regulate the number of dispensaries. Attorney Guisinger said yes, the State has established a number per region and has a buffer between such license holders. Mr. Heniff said there will be 47, therefore only a few municipalities will have such a business. Chairman Ryan said this won't be like a corner liquor store and perhaps we would want the use permitted in some areas.*

*Commissioner Burke proposed cannabis dispensaries as a permitted use in the Industrial District and B4A/Roosevelt Road District. Commissioner Flint said he would be ok with the use as permitted in*

*the Office District and Commissioner Burke agreed.*

*Commissioner Mrofcza asked about buffers and if a liquor store could sell cannabis. Ms. Ganser said only those with licenses can sell and Attorney Guisinger said liquor license holders are prohibited from selling cannabis per the State law.*

*Commissioner Burke proposed the use as permitted in O, I, and B4A, and prohibited in B5 and B5A. Commissioner Olbrysh said there are strong feelings on all sides and asked if the use should be conditional only. Commissioner Burke said these are the districts he believes we would prefer to see them. He noted as a developer, a developer may pick a permitted use district over a conditional use district, if available, to save time. He said this method eliminates the need for a buffer. Commissioner Mrofcza asked why prohibit the B5 and B5A districts. Commissioner Burke said the density of people and traffic in the downtown. He noted that the surrounding communities may be coming into Lombard, should we have this type of business. The O, I, and B4A districts have more parking and are easier to get to. Commissioner Flint said he agrees. Commissioner Olbrysh said it should be a conditional use and we could change it later. Commissioner Flint said we may only get one such business. Commissioner Olbrysh said some communities choose to opt-out. Ms. Ganser referred to the table in the staff report and the DMMC survey. Commissioner Giuliano said she agrees with Commissioner Burke and that we need to remain competitive and attract new businesses.*

*Commissioner Burke reviewed the changes. The use would be a permitted use in the O, I, and B4A districts; conditional use in B1, B2, B3, and B4; prohibited use in B5 and B5A; the definitions and general provisions sections are ok as noted; no buffers are required.*

**On a motion by Commissioner Burke, and a second by Commissioner Flint, the Plan Commission voted 7-0 to recommend that the Village Board approve the amended petition associated with PC 19-19.**

**The motion carried by the following vote:**

**Aye:** 7 - Donald F. Ryan, Ronald Olbrysh, Martin Burke, Ruth Sweetser, John Mrofcza, Stephen Flint, and Leigh Giuliano

## **Business Meeting**

### **Approval of Minutes**

*No minutes to approve*

## Public Participation

*There was no public participation*

## DuPage County Hearings

*There were no DuPage County hearings*

## Chairperson's Report

*The Chairperson deferred to the Assistant Director of Community Development*

## Planner's Report

*Mr. Heniff said the September 16, 2019 Plan Commission meeting will be cancelled*

## Unfinished Business

*There was no unfinished business*

## New Business

*There was no new business*

## Subdivision Reports

*There were no subdivision reports*

## Site Plan Approvals

*There were no site plan approvals*

## Workshops

*There were no workshops*

## Adjournment

**A motion was made by Commissioner Flint, seconded by Commissioner Olbrysh, to adjourn the meeting at 8:16 p.m. The motion passed by a unanimous vote.**

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*Donald F. Ryan, Chairperson  
Lombard Plan Commission*

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*Jennifer Ganser, Secretary  
Lombard Plan Commission*