

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 19-ZPA-09-001

HEARING DATE: October 24, 2019

PETITIONER: Village of Cary

REQUEST:

1. Title 14 Unified Development Ordinance Text Amendment
 - a. Chapter 2 – Zoning Districts
 - b. Chapter 3 – Use Provisions
 - c. Chapter 11 - Definitions

MEMBERS PRESENT: O’Laughlin, Kretschmer, Khoury, Jasper, Williams, Phippen and Graziano

MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:30 PM. After approving minutes from a previous meeting, Chairman Khoury called Village Case No. 19-ZPA-09-001.

Director Simmons stated the State of Illinois recently passed the Cannabis Regulation and Tax Act which allows for the recreational sale and production of cannabis products. Unlike the 2013 Medical Cannabis Pilot Program Act which required local municipalities to permit dispensaries and cultivation centers within their jurisdictions, the Act allows local governments to develop their own regulations regarding the siting and placement of cannabis-based businesses. The Cannabis Tax Act also provides the ability for a municipality to “opt-out” of allowing the retail sales of cannabis within their community. Recently the Village Board directed Community Development Department staff to draft regulations for cannabis business uses within the Village of Cary and schedule a review by the Board of Zoning, Planning and Appeals (ZPA). Staff is proposing certain modifications to the Unified Development Ordinance to provide for the local regulation of cannabis business uses. In addition to the proposed zoning regulations, any cannabis business use would need to comply with State licensing requirements for the operation of the business. The ZPA hearing was properly noticed in the October 7, 2019, edition of the Northwest Herald newspaper.

Director Simmons stated the State Act goes into effect January 1, 2020 and reviewed for the Board rules and restrictions the Act requires regarding dispensaries business practices.

Discussion:

Member O’Laughlin asked what advertising restrictions a dispensary would have. Director Simmons reviewed the rules and restrictions in the various zoning districts.

Member Graziano asked for details on signage that will be allowed. Director Simmons stated there are specific requirements in the Act to be followed. The Board reviewed the Act for advertising language and compared it to Village requirements as the most restrictive standard will apply.

Member Phippen asked about defining advertising buffer zones within the Village zoning districts. Board members reviewed specific buffer areas throughout the Village.

Chairman Khoury asked for clarification on provisions for a business to allow consumption of the product on-site. Director Simmons stated the Village would only allow sale of the product and not allow consumption on the premises.

Director Simmons reviewed specifications and regulations a dispensary would have to follow in order to do business in the Village. Director Simmons stated State requirements for a dispensary require it to be run similar to a pharmacy. He also reviewed the list of zoning classifications that allow a dispensary to operate.

Member O’Laughlin asked for clarification on which mixed-use zoning developments would allow a cannabis-based business.

Member Jasper asked if interstate sales would be allowed. Director Simmons stated they would not.

Member Jasper stated he would like to see cannabis-based businesses come before the Board for a conditional use and not be an approved permitted use.

Member Phippen stated he is comfortable with the work staff has done to create a clear structure to put in place to allow this business type. Member Khoury and Member Williams concurred.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed the Public Comment portion of the meeting.

Chairman Khoury entertained a motion.

Member O’Laughlin moved, seconded by Member Phippen, a motion to recommend to the Village Board of Trustees approval of text amendments to the Village of Cary Unified Development Ordinance for the regulation of cannabis business uses.

Aye: O’Laughlin, Williams, Khoury, Graziano, Kretchmer, Phippen

Nay: Jasper

Abstain: None

Absent: None

Motion Passed: 6-1

Member Jasper stated in general he was supportive of the proposed changes and his no vote was related to the proposal allowing for “permitted” versus “conditional” uses in commercial districts.

Director Simmons reviewed future items for consideration by the ZPA.

Members discussed the ZPA meeting calendar for 2020.

Chairman Khoury entertained a motion to adjourn at 8:52 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,


Susan Greene, Deputy Village Clerk