

MINUTES  
OAK PARK PLAN COMMISSION  
VILLAGE HALL- Council Chambers  
February 6, 2014  
7 p.m.

PRESENT: Chair Linda Bolte; Commissioners Mark Benson, Jeremy Burton, Douglas Gilbert, David Mann

EXCUSED: Commissioners Greg Marsey, Gail Moran, Steven Rouse

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Plan Commission Attorney; Tammie Grossman, Development Customer Services Director; Jim Kelly, Chair of the Citizen Involvement Commission

**Roll Call**

Chair Bolte called the meeting to order at 7:04 p.m. and roll was called.

Chair Bolte explained that Commissioner Sonny Ginsberg had resigned from the Plan Commission and the Citizen Involvement Commission (CIC) would be looking for a new candidate. The CIC had instituted a new prerequisite to serving on the Plan Commission- either having a background with expertise suitable to serving on the commission or having previously served on another Village commission. Chair Bolte asked commissioners to consider if they knew anyone personally who might be interested, and to please let the CIC know.

**Non-Agenda Public Comment**

None.

**Other Business**

Tammie Grossman, the Director of the Development Customer Services Department, gave an overview of her background and of the new department. She said there will be a cohesive, unified response to development in the Village going forward. Chair Bolte said discussion at the last meeting with the Historic Preservation Commission (HPC) centered on having better dialogue between commissions so that all would be on the same page on reviews and public hearings. Chair Bolte suggested it was an important issue to help streamline the approval process and ensure that commissions like Plan, HPC, Community Design and perhaps Transportation were in agreement. Ms. Grossman agreed to look into that and said that one of the goals of the new department was to evaluate all the processes in the Village, such as getting a business license, getting a building permit, etc. She said she'll make sure the commission hearing process was a part of that evaluation and she hoped to take the time to really consider the system and find ways to improve it.

**Approval of Minutes**

Commissioner Burton motioned to approve the minutes from November 14, 2013. Commissioner Benson seconded. Minutes were approved upon submission.

**Public Hearing(s)**

**PC 14-01: Zoning Ordinance Text Amendment;** Add *medical cannabis dispensing organization* to the list of permitted uses within the H Hospital and C commercial districts with a prohibition in the Perimeter Overlay District.

Mr. Failor referenced the maps, noting the restrictions set forth by the State. He said the act allowed municipalities to put further restrictions on the dispensing organization location. He said staff was recommending that dispensing organizations be allowed in the C-Commercial district and the H-Hospital districts, with further restrictions within the Perimeter Overlay District. He referenced the area on the map near Madison and Harlem, which has both zoning districts and the overlay district.

Mr. Failor said the maps could be ever changing as home child care centers and day care centers could change and the dispensing organization would be limited by that. He said per the State law, the burden was on the dispensing organization to determine whether they'd be located near prohibited uses like schools and day cares. He said it would not be boundary specific to a municipality, so if there was a day care center at Madison and Harlem in Forest Park that could restrict locations even further.

Chair Bolte clarified why it was a permitted use versus a special use. Mr. Failor said it was no different than a doctor providing a prescription as it was a medical use and staff believed the Hospital district would be the perfect place for it. He said they also wouldn't be creating any impacts to the neighborhood such as traffic as it would be similar to an office space issuing prescriptions. Chair Bolte clarified the state would be issuing the license and check the location with the local municipalities. Mr. Failor said dispensing organizations would have to prove to the Village that there were no uses like a school or daycare facility nearby.

Commissioner Mann asked if the Perimeter Overlay District would be at Harlem and Madison. Mr. Failor agreed, saying properties from Maple to Harlem would be excluded. Commissioner Gilbert asked for clarification on the type of business and operation it would be, would it be an office or a pharmacy setting. Mr. Failor said it could be either. Commissioner Mann asked if an established pharmacy would be allowed to be a dispensing organization. Mr. Failor said if they fulfilled the state requirements they could operate as a dispensing organization. Attorney Karaca said there were certain safety requirements and limits on dispensing amounts, but he did not recall any limits on pharmacies. Commissioner Benson clarified pharmacies would face the same restrictions on location as an independent office. Atty. Karaca agreed.

Mr. Failor said there were only two H-Hospital districts in the Village- where West Suburban Hospital was located and where Rush Oak Park Hospital was located. He said most of Madison Street was zoned C-Commercial and about two-thirds of Roosevelt Road was zoned C, although Roosevelt Road was in the Perimeter Overlay District. So there was a possibility of areas on Madison opening up as possible dispensing organization sites should child care facilities come and go.

Chair Bolte asked for feedback from the Public Health Department. Commissioner Benson agreed. Commissioner Benson asked what would be the allowed areas should the text amendment not be approved. Mr. Failor referenced the map, saying the dotted areas would be the potential locations, which was mostly on the perimeters of the Village. Mr. Failor suggested having Public Health weigh in and incorporate its comments into the Findings of Fact at the March meeting. Chair Bolte agreed.

Chair Bolte asked if the Village could prohibit dispensing organizations entirely. Mr. Failor said no. Commissioner Burton asked if a restriction could be in place saying it could only be established at a long-standing medical location or pharmacy or someplace with a medical background. Atty. Karaca said as it was a new statute he wasn't sure that type of restriction would endure a court challenge. Chair Bolte asked if it would be too restrictive to only allow in Hospital district and not allow in Commercial

district. Atty. Karaca said it would be more restrictive and perhaps unduly restrictive. Mr. Failor agreed as the other side of Harlem could include more restrictions and then there would be no location allowed in the Village.

Commissioner Gilbert asked why staff suggested restricting it in the Perimeter Overlay District. Mr. Failor said perimeters create a first impression and entry point for the Village and it is unknown how medical cannabis would be perceived by public. Commissioner Burton asked if the Village could restrict the number of facilities that come into the Village. Atty. Karaca said the state would be in charge of licensing and there was only 60 total throughout the State. Commissioner Burton asked if they could restrict the kinds of items sold. Atty. Karaca said no.

Commissioner Benson motioned to recommend a Findings of Fact to approve the zoning ordinance text amendment to add medical cannabis dispensing organization to the list of permitted uses within the H Hospital and C commercial districts with a prohibition in the Perimeter Overlay District with comments from the Department of Public Health. Commissioner Gilbert seconded. A roll call vote was taken:

Benson- yes

Gilbert- yes

Mann- yes

Burton- yes

Bolte- yes

The motion was approved unanimously.

Chair Bolte asked for an update on actions coming before the commission. Mr. Failor said in March, there would be the Findings of Fact for this text amendment. Possibly in April, there would be a zoning text amendment for a Craft Brewery that was hoping to open on Chicago Avenue. He said at Chicago and Maple Avenues there was a proposal for a residential development that was going through internal staff review currently, but could be up for a Planned Development hearing possibly for April. Also in April the Comprehensive Plan public hearing would likely go forth and could be a special meeting late in the month.

Chair Bolte said she'd like to have a conversation with staff and whoever else was appropriate at the March meeting on how to structure the Comprehensive Plan public hearing as it will be a large document and there would likely be a lot of public testimony. Mr. Failor agreed. He said there were two downtown developments, the Colt site and the South and Harlem site, that would transition to the new economic development organization and that process may delay the commission hearing process a bit. He said the HPC might come back to the Plan Commission for further discussion in March.

### **Adjournment**

Commissioner Mann motioned to adjourn the meeting. The meeting was adjourned at 7:55 p.m.

Angela Schell,  
Recording Secretary