

**PLAN COMMISSION  
Village of Deerfield  
Agenda**

**September 12, 2019  
Deerfield Village Hall, Franz Council Chambers**

**Public Hearing and Workshop Meeting 7:30 p.m.**

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**Public Comment on a Non-Agenda Item**

**PUBLIC HEARING**

- (1) Continued Public Hearing: Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries

**WORKSHOP MEETING**

- (1a) Discussion on Recommendation on Text Amendments for Recreational Cannabis Businesses

**Document Approval**

- (1) Restore Special Use Recommendation
- (2) August 22, 2019 Plan Commission Minutes

**Items from the Commission**

**Items from the Staff**

**Designation of Representative for the next Board of Trustees Meeting**

**Adjournment**

## MEMORANDUM

TO: Plan Commission

FROM: Planning Staff & Ben Schuster, Attorney, Holland and Knight

DATE: September 6, 2019

RE: Continued Public Hearing on Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries

### **Zoning Conformance**

The standard for a text amendment to the zoning ordinance is that it must be in the public interest and is not solely for the interest of an applicant.

### **August 22, 2019 Plan Commission Meeting Comments and Additional Information**

At the August 22, 2019 Plan Commission meeting the Plan Commission discussed Text Amendments for Recreational Cannabis businesses, including Dispensaries. At that meeting, the Plan Commission voted 6-0 to continue the Public Hearing to September 12, 2019. Members of the Plan Commission expressed that they were not opposed to allowing a recreational cannabis dispensary in Deerfield as a Special Use, but they wanted additional information before making a recommendation to the Village Board on proposed regulations. Comments from the meeting and additional information the Plan Commission wanted are noted below with responses from the Planning Staff and the Village Attorney:

- **Issue:** The Plan Commission discussed having a dispensary in a conspicuous location versus a non-conspicuous area. (Discussed the possibility of having a dispensary only in the I-2 Zoning District.) Discussed not having a recreational dispensary along Waukegan Road.

**Response:** If a recreational dispensary becomes a Special Use, traffic and circulation will be carefully reviewed as part of the evaluation of an application for a special use. It is anticipated that a dispensary that sells cannabis for recreational use will likely have far more customers than a dispensary that only sells cannabis for medical uses. Having a recreational dispensary in an inconspicuous area may raise traffic safety and customer safety concerns.

- **Issue:** The Plan Commissioners discussed eliminating Tony's Subs lot and the adjacent commercial properties as an area in which a recreational dispensary could locate.

**Response:** GIS measured the distance between the Deerfield High School property line and the property line of the 1452 Waukegan Road property. The 1452 Waukegan Road property is the southernmost parcel that the Zenglers Cleaners is located on (“Triangle”). The distance from the DHS property line to the 1452 Waukegan Road property line is 2,307 feet. If the Plan Commission desires to prohibit a recreational dispensary within the Triangle, there are two ways to do so:

- The Village could require a buffer zone between a high school and a recreational cannabis dispensary of at least 2,307 feet. GIS has created a map indicating a 2,307-foot buffer around the Deerfield High School property line as well as 2,307-foot buffer around all high schools in Deerfield. The enlarged areas affected by the 2,307-foot buffer are illustrated in the attached maps; or

The Village could prohibit recreational cannabis dispensaries on parcels in the C-2 district north of a certain point or street. As an example, the proposed text amendments may be written as:

**Amendment to Article 2.13, C, (1)**

*(1) No recreational cannabis dispensary may be located north of Lake Cook Road in the C-2 Outlying Commercial District.*

- **Issue:** At least one Plan Commissioner requested a rationale for a 2,000-foot distance requirement from a high school. The Plan Commission discussed implementing a 1,000-foot buffer for high schools that would be consistent with the 1,000-foot buffer for schools, day care and childcare facilities.

**Response:** Mayor Rosenthal felt that a distance requirement of 2,000 feet between a recreational cannabis dispensary and a high school is warranted because high school aged students are more susceptible to underage use of cannabis products.

- **Issue:** The Plan Commission requested information on other related services costs (such as police and fire) to the community related to allowing a recreational dispensary in Deerfield.

**Response:** Staff has not received related service cost data associated with a recreational cannabis dispensary. However, as part of the Cannabis Regulation and Tax Act, the State authorizes municipalities to enact a municipal tax on retail cannabis sales in addition to the standard sale tax, which additional tax may not exceed 3%. The State enacted this cannabis tax, in part, to recognize that

municipalities may experience new expenditures concerning health, safety, and roads resulting from recreational cannabis dispensary operations.

- **Issue:** The Plan Commission asked the Village attorney to look into whether the Cannabis Regulation and Tax Act allows the restriction of hours of operation of a dispensary.

**Response:** The Cannabis Regulation and Tax Act permits dispensaries to operate between 6:00 a.m. and 10:00 p.m. While the Act does not expressly state that municipalities may limit a dispensary's hours, the Village Attorney talked to the Act's sponsors, and they indicated municipalities can further restrict a dispensary's hours.

- **Issue:** The Plan Commission discussed the need to determine parking regulations for a recreational cannabis dispensary.

**Response:** As a retail use, the parking requirement is one (1) parking space for every 200 square feet of gross leasable space. As an example, a 5,000 square foot recreational dispensary would require 25 parking spaces ( $5,000/200=25$ ). In addition to a retail parking requirement, if a recreational cannabis dispensary becomes a Special Use, parking will be further reviewed as part of the Special Use Criteria. The Plan Commission also has the authority to recommend that the Village Board adopt parking regulations for recreational dispensaries that differ from the requirements for other types of retail uses.

- **Issue:** The Plan Commission discussed if a recreational dispensary is allowed, should there be a cap on the number of dispensaries in Deerfield, and why prohibit other cannabis businesses?

**Response:** To be discussed further by the Plan Commission. When the 2015 text amendments were approved for a medical cannabis dispensary, only one (1) Special Use permit was to be issued or outstanding at any time in the Village.

- **Issue:** The Plan Commission requested that changes be made to proposed Section (5) Signage and Advertising Subsection d. that requires the text "Persons under the age of 21 are prohibited from entering" be no larger than one inch in height."

**Response:** The size requirement will be removed and replaced with a larger text size as recommended by the Plan Commission.

- **Issue:** The Plan Commission requested considering any regulations proposed by the Lake County Recreational Cannabis Model Ordinance Task Force, along with the State Administrative Rules.

**Response:** As of the date of this memo, neither Lake County Recreational Cannabis Model Ordinance Task Force nor the State have published proposed rules or regulations.

- **Issue:** After the August 22 public hearing, Commissioner Shulman asked if a condition could be put into the proposed Text Amendments to approve the facility on a trial basis for a year. Then after a year, the petitioner would have to come back to the Village and see how the operations of the facility are working out. If there are detrimental impacts, then the Village could discontinue the use.

**Response:** The Village Attorney indicated that the Village did have the authority to require an applicant to come back before the Village after a special use permit is issued for a one-year review.

- **Issue:** After the August 22 public hearing, Commissioner Bromberg suggested a residential buffer from a recreational cannabis dispensary. He noted that the current ordinance for a medical marijuana dispensary indicates that a medical cannabis dispensary cannot be located in a residential district but does not restrict the distance from residential zoned properties. He suggests a 500 feet or 1,000 foot from property zoned residential.

**Response:** To be discussed further by the Plan Commission at the September 12 Plan Commission meeting.

**The proposed Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries presented at the August 22, 2019 Plan Commission meeting and referred to in this memorandum are available at the link below.**

<http://www.deerfield.il.us/DocumentCenter/View/2200/Text-Amendments-to-the-Deerfield-Zoning-Ordinances-Regarding-Zoning-Regulations-for-Recreational-Cannabis-Businesses-Including-Dispensaries>

# Holland & Knight

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## Memorandum

Date: September 6, 2019

To: Deerfield Plan Commissioners

From: Benjamin L. Schuster, Assistant Village Attorney

Re: Continued Public Hearing on Zoning Regulations for Cannabis Business Establishments

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### *Attorney-Client Privileged / Confidential*

On August 22, 2019, the Deerfield Plan Commission opened a public hearing on the adoption of zoning regulations for new recreational cannabis business establishments permitted under the recently adopted Cannabis Regulation and Tax Act (P.A. 101-0027, the “*Act*”). At the conclusion of discussions on the 22nd, the Plan Commission continued the hearing to September 12, 2019, and members expressed a desire to review and study (i) any recommendations made by the Lake County Recreational Cannabis Model Ordinance Task Force (“*Task Force*”) as well as (ii) any administrative regulations adopted by the State pursuant to the Act. As of the date of this memorandum, neither the Task Force nor the State have published a model ordinance or administrative regulations. It is not clear when either of these resources will be available for review and consideration by the Plan Commission.

While it is within the Plan Commission’s authority and discretion to continue the public hearing until the Task Force adopts a model ordinance and the State publishes administrative regulations, we want to inform the Plan Commission of any potential risks that may arise if the Plan Commission chooses to further defer action on the recreational cannabis regulations. Thus, the Plan Commission should weigh the risks set forth below against the benefits that may be achieved by continuing the public hearing until a later date.

First, while the risk is slight, it is possible that in the absence of specific regulations on recreational cannabis business establishments (“*RCBE*”), an RCBE could assert that it has the right to open and operate by right under the existing provisions of the “The Deerfield Zoning Ordinance 1978,” as amended (“*Zoning Ordinance*”). The Village’s stated position is that RCBEs are currently prohibited in the Village and will remain so until the Village amends its Zoning Ordinance to expressly classify them as a permitted or special use. This is because Section 2.00-A of “The Deerfield Zoning Ordinance 1978,” as amended (“*Zoning Ordinance*”), provides:

2.00-A Establishment of New Uses. The use of a structure or lot established after the effective date of this Ordinance shall be for a use which is herein specified as a

Permitted, Special Accessory or Temporary use in the district regulations applicable to the district in which such structure or lot is located.

We believe that the Village's interpretation of the Zoning Ordinance is clear and well founded. None of the RCBEs provided for in the Cannabis Regulation and Tax Act (recreational craft growers, recreational dispensaries, infusers, or processors) are listed as either a permitted or special use in any zoning district in the Village. Therefore, RCBEs are and will remain prohibited until the Village Board adopts an ordinance allowing one or more as a permitted or special use.

However, a recreational cannabis business could attempt to argue otherwise if the Village does not act in an expeditious manner to either explicitly prohibit or adopt reasonable regulations governing RCBEs. One possible example would be if a recreational cannabis dispensary obtains either an "early approval" or "secondary site" license to operate and attempts to establish itself as a "by right" retail establishment. Although the Village's permitted and special use lists are extensive and specific, it is conceivable that a recreational dispensary could argue that it would be allowed to operate in the absence of specific regulation on the grounds that its operations are substantially similar to, or fall within, other permitted uses including "Bakeries" or "Florist Shops and Plant Stores, retail sales only" (see Sections 5.01-B and 5.02-B of the Zoning Ordinance).

Further, a recreational cannabis business could argue that any zoning regulations later adopted to prohibit or regulate recreational cannabis businesses would not apply if it had leased or began to build out space in the Village prior to the Village's adoption of regulations. Under Illinois law, an owner may acquire a right in the continuation of a prior zoning classification when that owner substantially changes its position in good-faith reliance on the prior classification and the probability of the issuance of building permits or zoning approval, and that owner does so without notice of the proposed zoning change. *Tim Thompson, Inc. v. Village of Hinsdale*, 247 Ill. App. 3d 863, 876 (2nd Dist. 1993). The best way to mitigate this risk is for the Plan Commission and the Village Board to act quickly to adopt recreational cannabis regulations.

The second potential risk of continuing the public hearing until the Task Force adopts a model ordinance and the State publishes administrative regulations is that such delay may dissuade a recreational cannabis business from locating in the Village. At its last meeting, several Plan Commissioners expressed their desire for the Village to permit a recreational cannabis dispensary to operate in the Village as a special use. Medical cannabis dispensaries are currently seeking approvals to allow their existing locations to dispense to recreational customers and looking for "secondary location" sites to begin recreational cannabis sales as early as January 1, 2020. Any dispensary desiring to expand into the recreational market may choose to locate elsewhere if the Village delays the adoption of zoning regulations to permit recreational cannabis businesses.

We recognize that the Plan Commission believes that it may be helpful for the Village to incorporate concepts from the Lake County Task Force and the State's administrative rules into its local regulations. To encourage this, the Plan Commission has two options which will allow the Village to continue with this process:

- The Plan Commission could include in its recommendations that the Village Board study the model ordinance and the administrative regulations prior to adopting any zoning amendments for RCBEs; or

- The Plan Commission could close the public hearing, make a recommendation to the Village Board, and study the model ordinance and administrative rules once published at a future meeting. The Plan Commission could then recommend appropriate “trailer” amendments to any zoning regulations for RCBEs adopted by the Village Board in the interim.

Commissioner Bromberg asked what the height is of the new main entrance sign. Mr. Siavelis replied that it is 50 inches in overall height which is top to bottom of the box around the logo and the lettering.

Commissioner Schuman asked what the height is of the current sign. Mr. Siavelis replied that the letters are 24 inches in height and pointed out that this sign has no logo or box around it but is much wider in width.

Mr. Nakahara reported that the logos on the door handles are considered a second business sign and also require an exception. Commissioner Jacoby asked about the meaning of the logo. Carolyn Keats, Vice President of Design and Construction for Mynd Spas replied that it is intended to represent everyone's own self care and wellness through their journey through Mynd Spa. Mr. Siavelis asked for the Commission's support on these requests.

There were no comments from the public on this matter.

Chairman Berg stated that the Plan Commission has concluded public testimony and will meet in an open workshop setting to deliberate their recommendation on this matter. He stated that a written recommendation will be made to the Village Board who will take final action on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission.

**(3) Public Hearing: Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries**

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on August 1, 2019.

Benjamin Schuster, Assistant Village Attorney for the Village of Deerfield provided a powerpoint presentation with the background on the matter of recreational cannabis dispensaries relative to zoning. He stated that with the new State of Illinois legislation it is a new world, and to accommodate zoning for this use he will provide information to help the Commission understand the complexity of the new legislation.

Mr. Schuster explained that in May of this year Governor Pritzker signed into law a new statute, The Cannabis Regulation and Tax Act. The key components are that cannabis possession and use of cannabis for recreational purposes is legalized for people age 21 and up; cannabis for medical purposes was legalized a few years ago and this new law legalizes cannabis for recreation. The Act also provides for rapid expansion for existing medical cannabis license holders and created new categories for craft growers, processors and transporters. The Act calls for mass expungement of cannabis violations deemed minor by law enforcement across the state. The Medical Cannabis Law was also amended by adding new qualified conditions and allowing not just doctors but also registered nurses and physician's assistants to prescribe cannabis for medical purposes.

When signed into law, the Act was effective immediately and called for State agencies to begin the process to adopt State administrative regulations. The first FAQs have been issued by the Illinois Department of Professional Regulations. A licensing process has not yet been adopted,

but is expected to roll out over the next two months. Under the Act the first legal sales in Illinois can begin on January 1, 2020 and no recreational possession or consumption is allowed in the State until it can be legally sold, as well.

Illinois currently has 20 cultivation centers and 56 dispensaries for medical use. The State recognized that it would take a while to get new licenses and expand this, so they created an early approval license for those that already have medical licenses. So, if you are a dispenser, you can get early approval from your existing location. In Deerfield there is already one medical dispensary. They can apply for a state license to dispense recreational cannabis as well and they will have the first chance on the opportunity as of January 1, 2020. This opportunity is not yet available to those who do not have a current medical license. Current medical license holders can also obtain a secondary location license to begin to selling January 1, 2020. Therefore, Deerfield's medical license holder could open a second store in Deerfield or other nearby areas if allowed in Deerfield.

Mr. Schuster explained that if all current medical license holders applied for recreation licenses and opened second locations then Illinois could have 112 dispensaries at most on January 1, 2020. However, as it is still largely undetermined which communities they will be allowed to operate in, it will likely be far less.

Mr. Schuster reviewed what will be allowed for use and sale under the new State law. Adult recreational possession and use is allowed, and an individual can possess up to 30g of raw cannabis, 5g of concentrated, or 500mg of infused products such as edibles. Non-Illinois residents are allowed to purchase and can possess half these amounts. Through the early approval process adopted, existing medical dispensaries will address day one demand. And after this there will be staggered expansion of licenses throughout 2020 and 2021 for a maximum number of licenses of 500 in the State. They will be released in batches for potential operators to apply and go through the approval process. The new category of craft growers will be able to dispense from the same location as growing but must have a minimum of 5,000 square feet. Anything beyond 5,000 square feet is considered a cultivation center and would require a different license where they cannot also dispense from. Mr. Schuster explained that on-premises consumption of recreational cannabis, for example a lounge or café, is entirely subject to local regulation and the Village can allow or prohibit this.

Mr. Schuster reviewed what is prohibited in the new State law. Locations of recreational cannabis dispensaries cannot be within 1500 feet from each other. Consumption of cannabis in public places is prohibited. This includes in a park, walking down the sidewalk, in your car, or in a parking lot; similar to alcohol. Consumption on school grounds or in close proximity to minors under 21 is also prohibited, as is sales to minors, imagery appealing to minors in ads or signage, delivery and open containers. Youth possession and consumption could result in losing their driver's license. It is also illegal to drive under the influence of cannabis, DUIs will be determined by blood stream intoxication testing. Recreational cannabis use by police and fire personnel while on duty or on call is also prohibited.

Mr. Schuster next reviewed what will be taxed. Cannabis cultivation is taxed at 7% on wholesale to dispensaries at the State level. The State tax on sales at dispensaries varies on the type of cannabis product and ranges from 10% to 25%. Municipalities can tax up to 3% on the retail purchase price. Counties can also adopt a tax of about 3% in addition to a municipalities tax and 3.75% in unincorporated areas. Existing state, county and local sales taxes would also apply. The Illinois Department of Revenue will collect and disperse all taxes accordingly.

Mr. Schuster reviewed what Deerfield is able to regulate in regards of State statutes. While Deerfield is home rule, they have no additional powers or authority that are not specified in the State statutes; they can only regulate what is allowed in the Act. This means they can enact reasonable zoning regulations, limits to zoning districts, parking requirements, they can require additional Special Use Permits, and can place limits on the number of operations. However, Deerfield cannot impose anything more restrictive than the Act. Mr. Schuster stated that the Act states that dispensaries can operate between 6AM and 10PM and it is unclear if these hours can be further restricted at the local level, for example as a restriction in a Special Use Permit. Municipalities can do an outright ban of recreational cannabis businesses or can locally regulate them to be consistent with the Act. Should Deerfield choose to allow them they can prohibit on-premises consumption. Local penalties cannot exceed those in the Act, but can be prosecuted locally through the adjudication process. Additionally, although there is no exact detail in the Act, Village legal counsel interprets having broad authority for inspections. The Village cannot prohibit home grow, but the State does leave the door open for reasonable regulation of home grow. Home growers cannot sell to other people and it is unclear if home grow can be regulated to certain zoning districts.

Mr. Schuster reviewed the Village's existing Zoning Ordinance for medical cannabis organizations. Medical cannabis dispensaries are allowed in certain zoning districts with a Special Use Permit. It also must be a minimum distance from any park, school or day care, and cannot have a drive-through. Signage is also limited by Village regulations. Mr. Schuster stated that there one medical dispensary in Deerfield and no cultivation centers.

Mr. Schuster showed a map of the Village highlighting where medical dispensaries are permitted per zoning and distance restrictions to parks and schools. He commented that there are very few places in the Village where a medical dispensary can locate, primarily around Lake Cook Road where the existing dispensary is currently located.

Mr. Schuster explained that on July 1 of this year, the Village Board adopted a Red Flag Resolution to put people on notice that the Village is considering amending the zoning ordinance to address recreational cannabis businesses. The Village Board wanted to make sure a Public Hearing was held on this before they deliberate and before any businesses tried to get around any regulations were put in place. The Red Flag Resolution directed the Plan Commission to hold this hearing to consider if Deerfield should allow or prohibit recreational cannabis sales and if allowed, in which zoning districts, whether it should be a permitted use or a special use, and what other operating conditions should be put in place including whether or not on-premises consumption would be allowed.

Mr. Schuster reviewed comments and input of some of the Village Board members at the July 1 Village Board Meeting. The Village Board suggested limiting the number of recreational dispensaries allowed in the Village to one recreational cannabis dispensary pending review of administrative rules. There was also discussion of prohibiting on-premises consumption, limiting it to the I-2 and C-2 Zoning Districts, and keeping the same distance requirements for medical cannabis dispensaries which is 500 feet from a public park, 1,000 feet from a school or day care, and added 2,000 feet from a public or private high school. They also suggested limiting the size to more than 5,000 square feet, establishing a 3% sales tax, prohibiting the operation of craft growing as well as processors and infusers.

Mr. Ryckaert reported that proposed text amendments to the current Zoning Code were drafted based on the regulations passed in 2015 for medical cannabis dispensaries to also address recreational cannabis. The proposed text amendments incorporate the Village Board's comments from the July 1, 2019 Village Board meeting as well as definitions from the State of Illinois Cannabis Regulation and Tax Act. The proposed amendments are to Articles 5 and 6 in the Zoning Code that would make recreational cannabis dispensaries a Special Use in the C-2 Outlying Commercial Districts and the I-2 Limited Industrial Districts. Mr. Ryckaert pointed out these zoning districts on a zoning map. He stated that another proposed text amendment is to Article 2 of the Zoning Ordinances requiring the application requirements for a recreational cannabis dispensary Special Use permit. These requirements would consist of a great deal of information and documents to be submitted including but not limited to the legal name, hours, detailed information on the business entity running the operation, a copy of the business plan including descriptions of products and services offered, a security plan to be reviewed by the Chief of Police, a floor plan and layout, location of enclosed and secured loading and trash areas, a plan for customer overflow, signage plans, a comprehensive site plan drawn to scale, and more. The proposed text amendments to the Zoning Ordinance allow one Special Use Permit for recreational cannabis in the Village.

Mr. Ryckaert continued the powerpoint presentation stating that proposed text amendments for recreational cannabis operations would have the same distance requirements as a medical cannabis dispensary currently has which are 500 feet from a public park, 1,000 feet from a school or day care, and 2,000 feet from a high school, as well as the State restriction that a recreational cannabis dispensary cannot be within 1,500 feet of another recreational cannabis dispensary. Mr. Ryckaert showed a map highlighting possible locations with the distance restrictions and permitted zoning districts. He commented that there are very limited areas that a recreational cannabis dispensary could locate if approved as a Special Use. Additionally in the text amendments; no dispensary shall be more than 5,000 square feet in size; signage cannot be electronic or contain imagery; drive-thru operations are not allowed; waste must be stored in secured containers in a restricted access area; deliveries must have a secure loading space; and on-premises consumption as well as cultivation centers and transporting shall be prohibited. Also Article 14 of the Zoning Ordinance would also be amended to include nine cannabis related definitions.

Chairman Berg asked for questions from the Commission. Commissioner Bromberg commented that in the proposed amendments only one recreational dispensary would be allowed in Deerfield and only in the C-2 or I-2 Zoning Districts with distance restrictions from schools and parks which would make for very limited opportunity for one to even open. He also asked why the 2,000 foot distance from a high school is further than the 1,000 foot distance from other types of schools; preschool, elementary, etc. He stated that there are two high schools in Deerfield that he believes are not less than 2,000 feet from these Zoning Districts and feels this is not necessary to add. Mr. Nakahara replied that there is a small area zoned C-2 within 2,000 feet from Deerfield High School where a dispensary could potentially locate if approved as a special use. Commissioner Bromberg shared that he sits on the Lake County Recreational Cannabis Model Ordinance Task Force along with the Mundelein Chief of Police, who shared with the Task Force that proximity has little effect on youth access.

Commissioner Schulman asked if the C-2 area where Tony's Subs is located is under 2,000 feet from the high school. Mr. Ryckaert replied that a small portion of this C-2 area is under 2,000 feet from the high school and the rest of the area could be approved as a Special Use for a recreational dispensary. Mr. Schuster added that the Plan Commission can recommend

changing the requirements or adding additional requirements as it is within their purview to recommend regulations they think are appropriate.

Commissioner Schulman stated that if they recommend permitting recreational cannabis, he would have an issue with that zone being so close to residential and the high school as it is very accessible and visible. Commissioner Bromberg commented that when medical cannabis came into the Village it was tucked away and hid in an industrial district. He stated that this may not be the appropriate site for recreational cannabis as they will have retail customers driving to and from the location and traffic and security must be considered. Commissioner Silva commented that this is a valid point as a retail use is very different than a medical use.

Commissioner Jacoby asked that if the remaining State regulations won't be out for another month or two then why are they considering the text amendments before then. Mr. Schuster replied that they know from the Act what they can allow or prohibit and generally what they can do. The Administrative regulations that the State has yet to finalize are more operational and do not apply to zoning. They know to a large extent what the zoning universe looks like relative to this. He added that there is a limited number of licenses and business are looking at where to locate, adopting regulations sooner rather than later is beneficial.

Commissioner Bromberg commented that if the recommended amendments are adopted and Deerfield limits the number of recreational dispensaries to one and the existing medical dispensary has dibs on obtaining a license with the State's early licensing provision, then that one business can get the only Village license available for recreational cannabis and that will be it. Mr. Schuster replied that they can recommend allowing more than one or they can allow one and any applicants beyond one would have to ask for a text amendment to the zoning ordinance.

Commissioner Bromberg commented that he supports a 3% tax on recreational sales and doesn't understand why the Village would agree to less than this. He also commented that for medical cannabis, workers and people entering the facility must be at least 18 years of age, but recreational cannabis states 21 years of age. He asked if the existing medical dispensary obtains a recreational license, if they need to impose restrictions for separate entrances and staff and things of this nature. Mr. Schuster replied that it is unclear what the State will impose and if the age requirements for workers will be the same for recreational cannabis as for medical cannabis. Mr. Nakahara added that regardless of age, medical cannabis requires a State issued ID card which regulates who can enter the dispensary. Commissioner Bromberg suggested that they could have one location with separate entrances for medical and recreational. Mr. Nakahara replied that these are regulations that they can decide on and potentially recommend. Commissioner Bromberg added that if they were to be combined, they would at least have to meet the requirements already imposed for a medical cannabis dispensary. Commissioner Bromberg asked if there have been any issues with the medical cannabis dispensary in Deerfield since it opened. Mr. Nakahara replied that other than a minor video security system setback, there have been no issues with crime or safety at the existing medical cannabis dispensary. Mr. Ryckaert added that a report was completed by Police showing that there have been no issues.

Commissioner Bromberg commented that proposed text amendments state that text for under 21 signage cannot be larger than one inch. Mr. Nakahara replied that this is was used in the medical cannabis operation guidelines and the Village can change the sign size requirements.

Mr. Schuster redirected the group stating that questions from the Red Flag Resolution should be addressed first before proceeding to other details.

Commissioner Silva asked if there has there been an influx of cannabis business operators applying for medical licenses as the taxes are less than recreational cannabis will be. Mr. Schuster replied that he is unaware and that his understanding of the intent of the State taxes set is that they are not so high that growers will go to the black market or solely sell for medical use. The State discussed not increasing taxes too high as that may chase business operators away.

Commissioner Silva commented that if the medical dispensary in Deerfield also sold recreational, there is not a lot of parking to accommodate this at their location. Commissioner Bromberg asked what parking regulations the Village has in place for dispensaries. Mr. Ryckaert replied that retail uses require five spaces per 1,000 square feet and they can impose higher standards as part of the Special Use Permit.

Chairman Berg opened public comment on this matter.

Cynthia Aronson of 311 Earls Court commented that she is a mother and is very concerned about the youth although she does not want to take the adult liberty away. She stated that the location near Tony's Subs and the proximity to the high school is concerning. Ms. Aronson stated that just because something is legal it doesn't mean it should be allowed in Deerfield which is the case for casinos and strip clubs. She stated that it seems uncharacteristic and she doesn't think it belongs here. Ms. Aronson reported that she just consumed a gummy bear and there is no way for someone to tell if it's an actual gummy bear or a cannabis gummy. She doesn't understand how law enforcement is going to enforce this. She would like to see the Village be more conservative and wait to allow any dispensaries. She added that the high school already finds 30 vape pens a week and this would only increase if marijuana were more accessible.

Margie Stone of 531 Hermitage Avenue commented that 14 years ago Deerfield became one of the first smoke free communities in Illinois and later added e-cigarettes and the age requirement of 21. She stated that Deerfield understands the importance of preventing youth and second-hand smoke. She is mad the State for putting them in this position and wants to never allow cannabis stores or on-premises consumption in Deerfield. She stated that it would be hypocritical to their commitment to protecting the youth. Ms. Stone commented that Village Trustee Mary Oppenheim is concerned about recreational cannabis being more restrictive than alcohol, so she suggests making alcohol sales more restrictive, as well. She added that the setbacks from schools and parks seems random and she doesn't understand why a dispensary can be located closer to a park than a school. She stated that there is no safe place to shield kids from seeing cannabis operations. She commented that on the map in the packets it appears that dispensaries can be placed near the Post Office and also by Tony's Subs, she feels that these sites need to be prohibited. She stated that medical and recreational cannabis do not have to go hand in hand, and she wants to listen to teachers and police and learn the types of marijuana abuses and to not allow any further dispensaries in the Village. She stated that just because you can, it doesn't mean you should. She stated that Deerfield does not need the tax dollars and they should lead by example.

Earl Stone of 531 Hermitage Avenue asked if the Village can prohibit a recreational dispensary since it already has a medical one. He would also like to know if Deerfield can impose greater

prohibitions in smoking marijuana. He commented that it seems inconsistent with the Village Board for them to allow recreational marijuana. He stated that their mission is to create a safe, healthy and drug-free community and this issue conflicts with the community's values. It is also inconsistent with the Village's decision not to allow video gambling. He would like to see how the sale of cannabis affects other communities before Deerfield were to allow it. He also agrees that on-premises consumption should not be allowed and questions why the distance from a high school would be further than an elementary or middle school.

Michael Drumke of 1261 Meadow Lane commented that he may be the only person to support this. He stated that there a lot of misconceptions about this law and what is about to happen and that the gummy bear analogy (from a previous speaker) is not a good one. It is a business and if it's not in Deerfield it will be somewhere else. To zone it out excludes veterans and people looking for help with sleeping, stress, anxiety reduction and forces them to drive somewhere else to get something they think will help them. He stated that he has kids in junior high and high school and that vape products and alcohol are already for sale next to Tony's Subs at the gas station and they did not go through the vetting process that dispensaries will have to. He added that licensing will be exhausting and requires lots of documents and background checks. The owners of the medical dispensary were vetted very carefully before being allowed to open. He stated that he has visited dispensaries in Seattle and Portland and the shops are clean and nice. He commented that the regulations put forth by the Trustees make sense and the Village may not want a dispensary next door to Tony's Subs but he does not see pushing them out completely as a solution because this will send residents who are now allowed under law to partake in recreational cannabis to go somewhere else.

Chris Goodsnyder of 155 Exmoor Court commented that on a personal level he is opposed to cannabis use and wants to be consistent with the anti-drug approach that the Village takes. However, it reminds him of the hypocrisy when Highland Park passed prohibition and then Highwood developed next door with many bars. He would like to keep that in context.

Mo Ban of 234 Forestway Drive commented that subjectively he thinks concerns are coming from a place of fear and he suggests looking to other cities, states and countries where it is legal and has had a positive effect and not let fear overcome reasoning. And objectively, he does not think it is a good use of resources to lock down one particular substance when it may be a substance that is more beneficial than alcohol.

Laura Parise of 626 Warwick Road stated that she is an addiction psychiatrist and grew up in Deerfield and worked at Highland Park Hospital and now practices in Deerfield. She is the only addiction psychiatrist in Deerfield. She stated that there is a crisis because there are not enough people to treat addicts and now, we are going reinforce addiction and flood our town with the potential for more. She commented that there is no way bringing marijuana here will diminish the chance of addiction, it can only increase the chance to addiction or our youth trying to wrap their brains around and understand recreational marijuana. She stated that her fear is that she sees kids in the ER every day with unregulated cannabis in their systems who have psychotic episodes from cannabis and getting admitted to the psychiatric ward. She stated that addiction is a disease that affects us and from a biochemical physical perspective, the way this is transferring to the brains of our kids and allowing it to come into the community is devastating.

Michelle Culver of 1267 Linden Avenue commented that her biggest concern about retail cannabis is how it will affect the youth. The perception of harm that cannabis can do is already low and now it is legal. You must be 21 but the same is true for alcohol, tobacco and vaping and

they already work hard to keep these substances out of the hands of the youth and now we are adding marijuana. She asked how much revenue will be made and commented that the Village needs to look at this further and consider the resources going into this like law enforcement.

Carson Zell of Buffalo Grove stated that he is a junior at Stevenson High School. He has a compelling interest to not want Deerfield to have a dispensary in plain site because many Stevenson students live in Deerfield or come to Deerfield to shop because it is so close. Even though cannabis sales will be allowed for adults only, it will affect youth usage rates as well. He stated that in Colorado, the number of marijuana offenses near schools has quadrupled and is still rising. He can't see how it will not affect schools and how it can keep a perception of risk to prevent youth usage. He wants to prevent marijuana in the lives of youth even though legalization is in the news a lot and they will be exposed to it more. He stated that because of this the perception of risk is lowered further and the cannabis industry is on a mission to normalize their products. The products are appealing to youth and will be further normalized with a dispensary in plain sight. He strongly recommends that Deerfield opt out of having a recreational cannabis dispensary. However, if this is not possible because of the medical dispensary, he sees no reason why it would be necessary to allow it to be in commercial areas. If it is limited to one, he recommends only allowing it to be in industrial districts, if they are not willing to opt out.

Barbara de Nekker of Grayslake reported that she is the Director of the Community Anti-Drug Coalition and she wants to describe their concern for the youth. She is not referring to adult or medical use. She commented that she has worked in tobacco control for 17 years and has learned a great deal about this topic. It took 46 states suing the tobacco industry for use to go down which it now has. This made selling one single cigarette illegal. She wants to know what else can be addressed in local ordinance, like can they prohibit the sale of a single gummy bear. She stated that she has been a dual citizen with the Netherlands and has experienced legal cannabis there. The shops would sell to youth and send them on their way, only to see those youth vandalize property. The Netherlands also has a ban on advertising and limits to the THC content. She commented that the State did not take that into account. She added that the Coalition has lots of data and studies if anything additional can be provided to the Village.

Kelly Goldberg of 1112 Osterman Avenue stated that she is grateful to the Commission and the Village for their time and effort to make decisions for Deerfield. She shared that she has a son who has Crohn's disease and she was thrilled when Deerfield got a medical dispensary as she is his medical cannabis cardholder. Additionally, her farther recently died of pancreatic cancer and instead of having to take narcotics for the 10 weeks between his diagnosis and his death, he could legally ingest cannabis for comfort. It wasn't about smoking and vaping and propaganda about the danger. Cannabis for her father and son is legal medicine. Ms. Goldberg stated that she is a teacher by trade and has taught in Bannockburn and Northbrook and spends a lot of time with teens. When she teaches the history of the prohibition of alcohol she also talks about cannabis and how it has been kept out because of capitalism, racism and greed, and it is now being put back into the hands of the people for them to decide. So like alcohol, people have choices to make. She commented that as a 25 year youth educator, she is certain there will not be a host of exaggerated problems as an outcome of cannabis.

Lydia St John stated that she moved to Deerfield in 1994 and has raised four children here. Her 6<sup>th</sup> grader recently came home after graduating from the DARE program and she had to sign the red sheet of paper to endorse and advocate not using drugs and being kind to other kids. She stated that it is their duty as parents to protect their kids and the majority of Deerfield is raising

families. She stated that she learned at a high school sports banquet last spring that Deerfield is facing low numbers of students at their elementary schools and they have a duty to have a good reputation in Illinois and on the north shore despite what our State leaders have passed that we deal with now. She stated that she wants to stay in Deerfield, but this is contradictory to their mission is to reduce drug and alcohol use among youth. She commented that the Community Anti-Drug Coalition Board includes members of the Village Board and this is a direct contradiction and they cannot put marijuana in front of our kids. She stated that this is no way to raise the next generation and it pollutes the next generation and Deerfield cannot be in favor of that. She stated that it gives them access and it will trickle down. She asks the Village to please consider this and stated that she speaks for many parents who are not in attendance because they didn't know about this meeting.

Cindy Blakeslee of 1059 Fair Oaks Avenue commented that she is concerned about what this may do to property values in Deerfield and would like more data and information on this and whether or not in other communities housing prices have gone down because of this. She would also like to know if usage increases in areas that have recreational cannabis dispensaries. She stated that she is a high school biology teacher and she has her students research what marijuana does to their developing brains, and most are shocked to learn what it does to their neuro pathways. Many teens think marijuana is risk-free and better than tobacco, and she doesn't think this will do anything to help change that perception.

Chairman Berg asked for Commission responses to Public Comment.

Mr. Schuster stated that in response to a comment, the Village can prohibit recreational cannabis dispensaries even though they have a medical one. It was also asked if they can enact smoking restrictions for cannabis. Under the State Act, you cannot consume in public places just like smoke-free Illinois. It is not in the Plan Commission's purview to do anything beyond this. Commissioner Bromberg clarified that the only legal place to smoke is in your home. Mr. Schuster added that a private building would also be allowed. Commissioner Bromberg stated that the Lake County (Recreational Cannabis Model Ordinance) Task Force questioned if smoking in your own backyard could even be legal as others might be able to see it. Mr. Schuster added that the Village cannot prohibit the use but can prohibit having a dispensary. But nothing would prohibit someone from going to another town to acquire it, drive it to their house and use it in Deerfield; this cannot be prohibited.

Mr. Nakahara clarified that the Post Office is the Public Lands Zoning District although the lot where Tony's Subs is located in C-2. He stated that also in response to the distance restrictions from schools and parks, these were the same restrictions placed on the existing medical cannabis dispensary in Deerfield. The distances from the schools was part of the State statute and the Village added 500 feet location restriction from a public park.

Chairman Berg stated that the Plan Commission has concluded public testimony and will meet in an open workshop setting to deliberate their recommendation on this matter. He stated that a written recommendation will be made to the Village Board who will take final action on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission.

There being no further discussion, the Public Hearing adjourned at 9:20 P.M.

Respectfully Submitted, Laura Boll

Commissioner Goldstone agreed adding that on the signage the Mynd letters are not that large themselves, it is the box around it and everything together that makes it an exception. She commented that the appearance lessens the width of the existing sign and looks good.

Commissioner Schulman added that if 50 inches were added to each end of the sign, the sign would be much bigger but was fine with the proposed wall sign. He pointed out that the proposed wall sign is less wide than the existing sign. Commissioner Schulman was fine with the way the sign as presented and was in favor of the sign exceptions.

Commissioner Bromberg agreed with the comments of the Commissioners and did not have an issue with the changes.

Commissioner Bromberg moved, seconded by Commissioner Silva to approve the request for approval of a new wall sign for Mynd Spa including an exception to the Deerfield Square Sign Criteria and an amendment to the Deerfield Square Commercial Planned Unit Development to permit changes to the Elizabeth Arden Red Door Salon name to be changed to Mynd Spa and Salon, in Unit A in the 720 Waukegan Road Building at the Shops at Deerfield Square (Kirby Limited Partnership and Elizabeth Arden Red Door Salon and Spa, Inc.). The motion passed with the following roll call:

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)

Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board September 3, 2019.

**(3a) Discussion on Recommendation on Text Amendments for Recreational Cannabis Businesses**

Commissioner Jacoby commented that after reviewing what the Village Board came up with, she thinks they had some good criteria and she agrees that it should be a Special Use. She is not sure about the distinction between 1,000 feet from preschools, elementary and middle schools and 2,000 feet from a high school. She added that since Deerfield has not had any problems with the medical cannabis facility and it has been highly utilized by people inside and outside of Deerfield, this is a good indicator that if approved a recreational dispensary could be kept under control.

Commissioner Goldstone commented that she has mixed feelings about it. Commissioner Goldstone was at the July 1 Village Board Meeting and she agreed with the Mayor's sentiments that she was not favor of the legislation before but that the State has approved it, she does not want to see Deerfield miss this opportunity. She added that since there will be a limited number of State licenses issued, if Deerfield passes regulations sooner, they can take advantage of the tax revenue. She noted that Deerfield has struggled lately in the retail environment and this may help retail. They have lots of services and restaurants but no real shopping anymore and from that perspective she likes the idea. She understands the concerns about affecting our youth and thinks that it will be accessible to youth whether we allow it in Deerfield or not. Additionally, the Police Chief was not concerned about enforcement as they already deal with impairments and are equipped to handle it. She added that some of the same arguments were made before prohibition and this is the way of the future whether you are for or against the actual act of partaking in marijuana.

Commissioner Schulman commented that he is torn as well. He stated that thinking about it as a retail issue, it could help the Village which should not be minimized. However, children and the community are definitely important. He commented that it can be analyzed as alcohol is in the way it is sold, used, and consumed. He stated that he doesn't know enough about the research on the effects to people and on the brain. He added that if approved, he is in favor of it being tucked away in an industrial area and not on Waukegan Road. He would like to prohibit the location near Tony's Subs as well as any on-premises consumption. He is still thinking about whether a recreational dispensary should be prohibited or allowed as a Special Use. Regarding comments about public consumption and it being easily hidden with edibles and gummies, he stated that this is also true of alcohol which can be put in a travel mug or other container and easily masked. He generally agrees that he does not want it around kids or to be publicized. But overall, he would like more information on impacts to society, revenue and enforcement.

Commissioner Bromberg stated that the Commission appreciates comments made. He stated that he is not opposed to having a recreational cannabis dispensary in Deerfield. He agrees that it should be a Special Use and that on-premises consumption should not be allowed. He also agrees that limiting it to one in Deerfield initially makes sense and this can always be amended later. He also thinks the Village should impose the 3% tax. In other considerations, they would need to make sure a dispensary has adequate parking and appropriate hours of operation. The medical dispensary is only open until 6PM and he would not want a recreational dispensary to be open late at night. He commented that overall there are still many things we do not know. This week he attended the first meeting of Lake County Recreational Cannabis Model Ordinance Task Force, which plans to draft a set of tools to help municipalities deal with this new law. There will be two more meetings with final guidelines expected to be put out in October. He added that as a Plan Commission, they still have more education to do and he would like to hear what the County comes up with. He stated that he does not believe the Plan Commission is ready to make a decision or vote as the education should come before making a recommendation to the Village Board.

Commissioner Silva stated that he agrees with many of Commissioner Bromberg's comments and there are many unknowns. He commented that he is unsure about the stance of allowing one in Deerfield and to him it seems it should either be prohibited or not. He stated that they also do not know if the current medical dispensary would even want to sell recreational out of that location. He stated that he is not against it, but he also wants more information and more deliberation given to where it could be allowed, and the number allowed.

Commissioner Bromberg commented that because of zoning and distance restrictions and the requirement that one dispensary cannot be within 1500 feet of another, they may only have space for one in Deerfield.

Commissioner Silva commented that the industrial area is not a great location for this type of retail. Commissioner Jacoby stated that she thinks it is a good location for this use and if people want to find it, they will. Commissioner Schulman agreed.

Chairman Berg stated that he agrees with the restrictions that Commissioner Bromberg supports including no on-premises consumption, limiting it to one, requiring a Special Use Permit and imposing a 3% tax.

Chairman Berg agreed that he would also like to hear the outcomes of the Lake County Task Force and if they recommend in favor of this matter, they can request that the Village Board

adopt the recommendations of the Lake County Task Force. Mr. Schuster stated that it will take some time for the Village Board to deliberate this matter and that the Plan Commission can ask that they consider any possible recommendations and guidance put out by the Lake County Task Force. They also recommend that the Village Board consider any administrative rules that come out by the County and State.

Commissioner Bromberg suggested continuing this matter to a future meeting. Chairman Berg stated that they were mandated by Trustees to have a Public Hearing on this matter and with the Act going into effect January 1, 2020 they must determine what they would like to do so that businesses could have time to go through the licensing process. He stated that these timetables and moving parts should be considered if they continue this matter. He agrees that they could make the County's guidelines part of their recommendation to the Village Board.

Commissioner Bromberg asked Village staff if they know if Deerfield's medical dispensary will apply for a recreational license. Mr. Ryckaert replied that they have expressed some interest, but they may be waiting to see whether the Village decides to allow a recreational cannabis dispensary or not.

Commissioner Goldstone commented that their discussions have assumed that they do want to apply for a recreational license and this information would be good to know. Mr. Schuster stated that another possibility is that a medical dispensary outside of Deerfield could attempt to make their secondary location in Deerfield if there were a suitable location.

Chairman Berg asked for the Commission's feedback on continuing this matter. Commissioner Bromberg commented that if the Plan Commission feels that recreational dispensaries should be prohibited than gaining more information is irrelevant, but if they are considering allowing it with stipulations then he feels they should wait and learn more and continue the matter. Commissioner Schulman commented that they may need more information to decide whether to allow or prohibit it.

Commissioner Bromberg moved, seconded by Commissioner Schulman to continue the Public Hearing on Text Amendments to the Deerfield Zoning Ordinance regarding Zoning Regulations for recreational cannabis businesses, including Dispensaries to September 12, 2019. The motion passed with the following vote:

Ayes: Jacoby, Silva, Bromberg, Goldstone, Schulman, Berg (6)

Nays: None (0)

Mr. Nakahara asked the Commission for input on specific information staff can gather for the continued meeting. Commissioner Silva suggested finding out if they can restrict the hours of sale. Commissioner Bromberg suggested creating a map showing where a recreational dispensary could be allowed given the 1500 foot restriction from an existing dispensary. Commissioner Schulman commented that he would like information on revenue, crime and usage from states that have legalized cannabis.

### **Document Approval**

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the staff drafted recommendation for Mynd Spa with a typo correction. The motion passed with the following vote:

Ayes: Jacoby, Silva, Bromberg, Goldstone, Schulman, Berg (6)  
Nays: None (0)

**Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items.

**Adjournment**

There being no further discussion, Commissioner Schulman moved, seconded by Commissioner Jacoby to adjourn the Workshop Meeting at 9:57 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,  
Laura Boll

DRAFT



# Village of Deerfield

## 2019 Zoning Ordinance Map

### Lake and Cook Counties, Illinois

## Zoning Classifications

SYMBOL	DIST.	PERMITTED USES	MIN. LOT AREA	MIN. LOT WIDTH	MAX. LOT COVERAGE	PARKING REQUIREMENTS
	R-1	SINGLE FAMILY DISTRICT ONE FAMILY DWELLINGS AND ACCESSORY USES	20,000	100	35%	SEE ARTICLE 8, Z.O.
	R-2	SINGLE FAMILY DISTRICT SAME AS R1	12,000	80	35%	"
	R-3	SINGLE FAMILY DISTRICT SAME AS R1	9,000	75	35%	"
	R-4	SINGLE & TWO FAMILY ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES	1-F - 9,000 2-F - 12,000	75	35%	"
	R-5	GENERAL RESIDENCE ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES	1-F - 9,000 2-F - 12,000 M.F. - SEE Z.O.	S-F & 2-F - 75 M.F. - 100	35%	"
	C-1	VILLAGE CENTER	NOT APPL. (2,500 D.U.)	NOT APPL.	75%	"
	C-2	OUTLYING COMMERCIAL	NOT APPL.	NOT APPL.	30%	"
	C-3	LIMITED COMMERCIAL OFFICE	NOT APPL.	NOT APPL.	25%	"
	I-1	OFFICE, RESEARCH, RESTRICTED INDUSTRIAL	5 ACRES	200 FT	35%	"
	I-2	LIMITED INDUSTRIAL	5 ACRES	150 FT	40%	"
	P-1	PUBLIC LANDS SCHOOLS, PARKS, PUBLIC BUILDINGS & CEMETERIES	NOT APPL.	NOT APPL.	40%	NOT APPL.

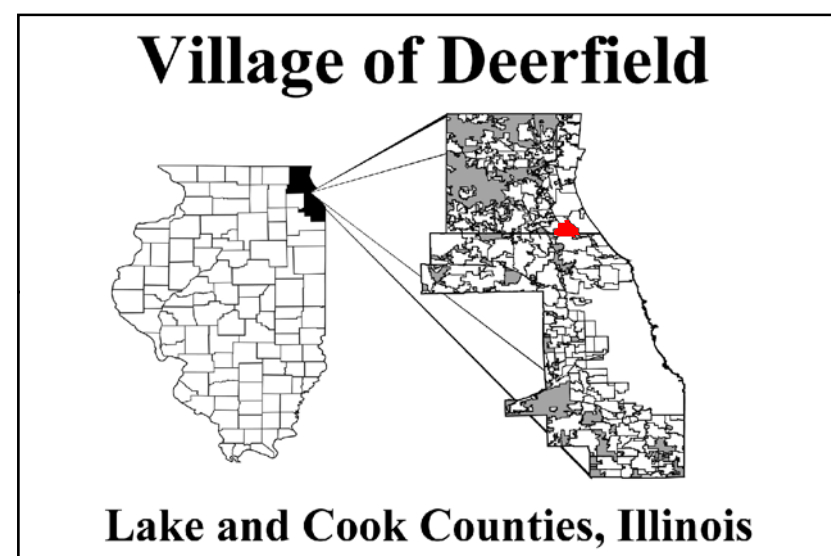
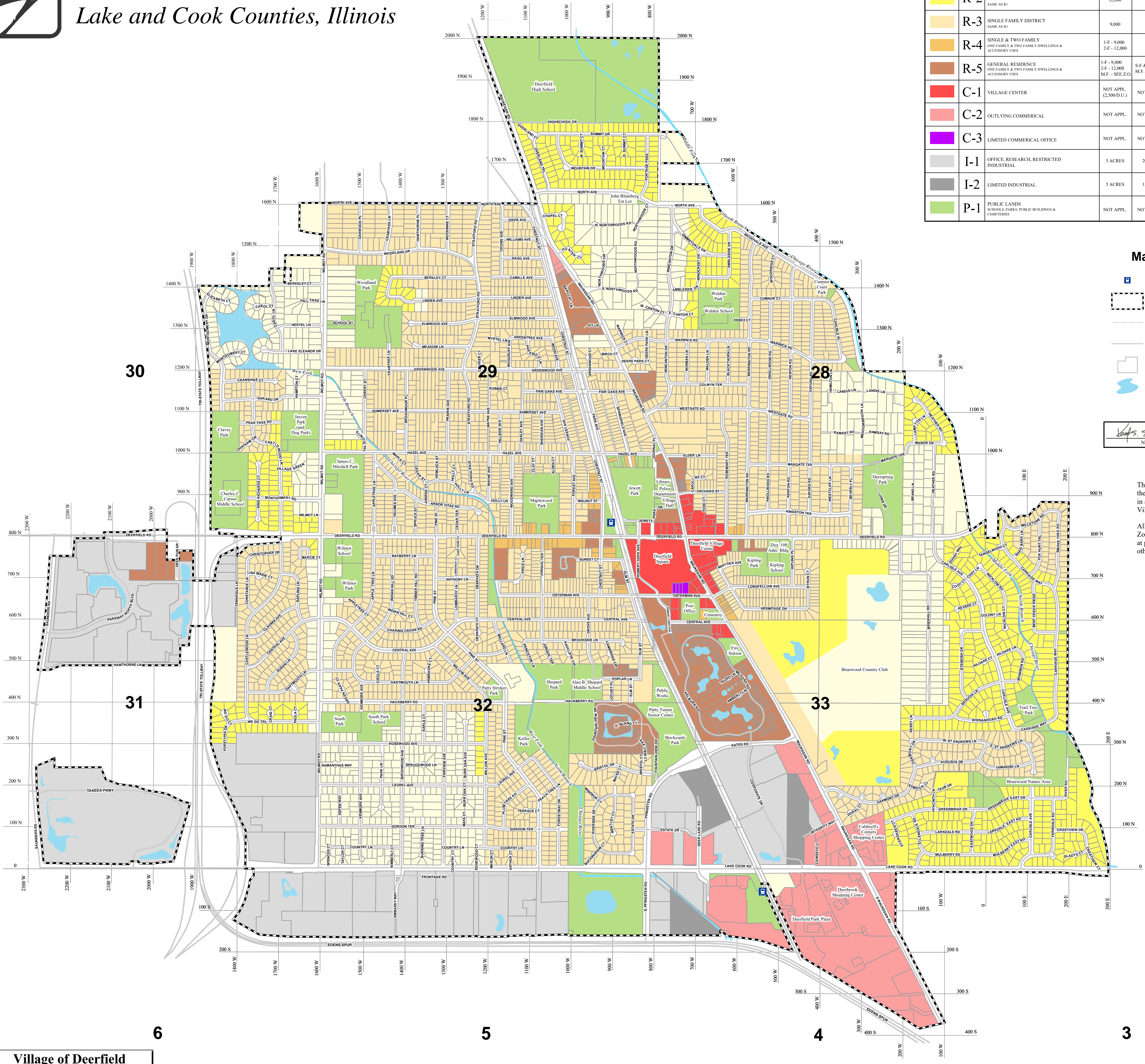
### Map Features

- Metra Station
- Corporate Limits
- Railroad
- Roads
- Parcels
- Water Features

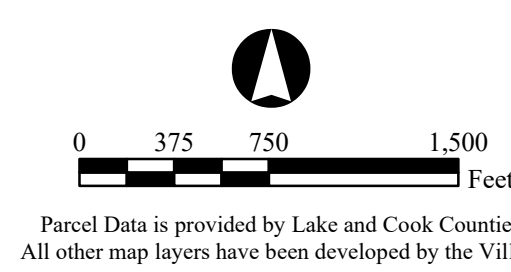
3/18/2019  
Name Date

This map does not reflect the division of land in accordance with the Village Ordinances.

All Rights-of-Way are unzoned. Zoning District boundaries end at property lines unless otherwise indicated.



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# Recreational Marijuana Dispensaries

Possible Locations: HB1 and  
500 ft Buffer Around Village Parks  
and 2000 ft Buffer around  
High Schools

School and Childcare Facility Property

2000 ft buffer from High Schools

Prohibited Site Location Based on HB1\*

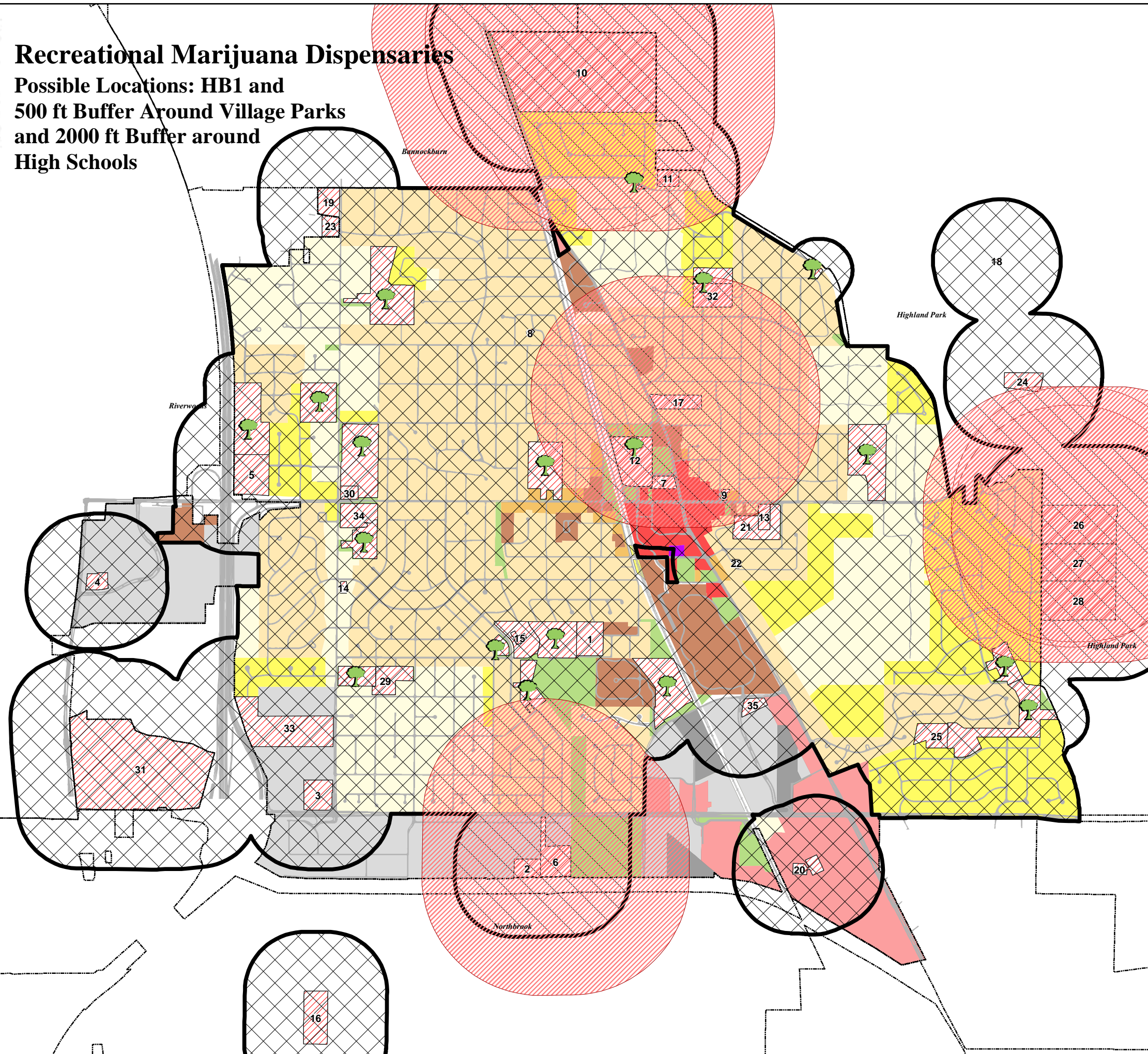
C-1	I-1	R-1	R-4
C-2	I-2	R-2	R-5
C-3	P-1	R-3	

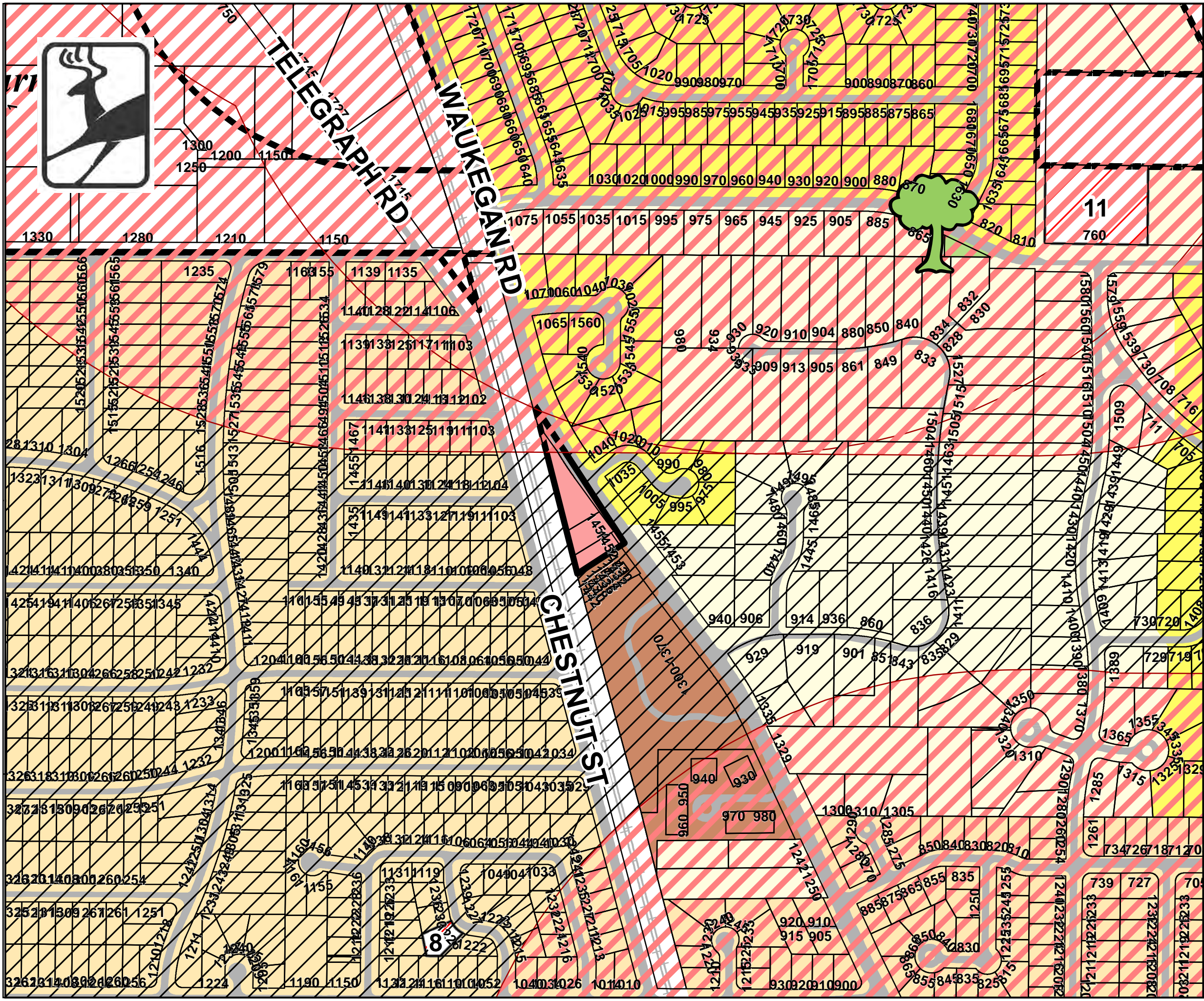
**Park**

\* Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.

## School and Childcare Facilities

1. ALAN B. SHEPARD JR. HIGH
2. BJE EARLY CHILDHOOD CENTER
3. BRIGHT HORIZONS AT LAKE COOK
4. BRIGHT HORIZONS PARKWAY NORTH
5. CHARLES CARUSO JR. HIGH
6. CHICAGOLAND JEWISH HIGH SCHOOL
7. CHRISTIAN BEGINNINGS AT FIRST PRESBYTERIAN CHURCH
8. CONNIES CLUBS INC
9. DEERFIELD COMMUNITY NURSERY SCHOOL
10. DEERFIELD HIGH SCHOOL
11. DEERFIELD MONTESSORI SCHOOL
12. DEERFIELD PARK DISTRICT NURSERY SCHOOL
13. DEERFIELD SCHOOL DISTRICT #109
14. DOROTHY WOLK
15. HELLENIC AMERICAN ACADEMY
16. HICKORY POINT ELEMENTARY SCHOOL
17. HOLY CROSS CATHOLIC SCHOOL
18. IRINA GRIGOROVICH
19. JEWISH EARLY CHILDHOOD
20. KINDER CLUB
21. KIPLING SCHOOL
22. MICHELLE FISHER-ROHDE
23. MONTESSORI CHILDREN'S HOUSE
24. MONTESSORI CONNECTION, INC
25. MORIAH PRESCHOOL DAY CARE CENTER
26. NORTH SHORE ACADEMY
27. RAVINIA NURSERY SCHOOL
28. RED OAK SCHOOL
29. SOUTH PARK SCHOOL
30. ST. GREGORY'S EPISCOPAL PRESCHOOL
31. TAKEDA CENTER FOR CHILD DEVELOPMENT
32. WALDEN SCHOOL
33. WALGREENS DAYCARE
34. WILMOT SCHOOL
35. FELICITY SCHOOL





# Enlarged Area of Possible Recreational Cannabis Dispensary Locations Based on Proposed Text Amendments

- School and Childcare Facility Property
- 2000 ft buffer from High Schools
- Prohibited Site Location Based on HB1\*
- Park

\* Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.





## School and Childcare Facilities

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Parcel Data is provided by Lake and Cook Counties. All other map layers have been developed by the Village of Deerfield.



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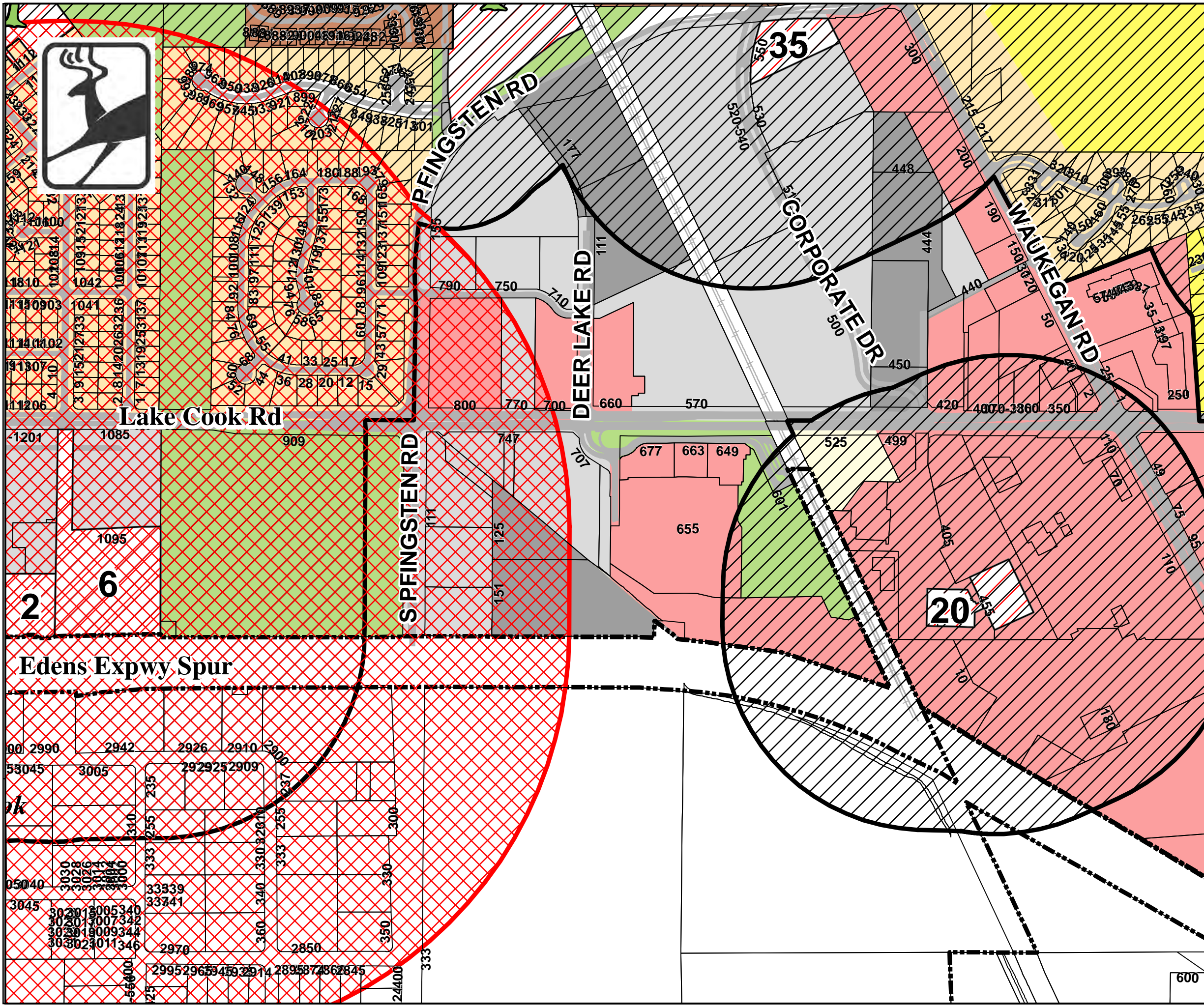
-  School and Childcare Facility Property
-  2000 ft buffer from High Schools
-  Prohibited Site Location Based on HB1\*
-  Park

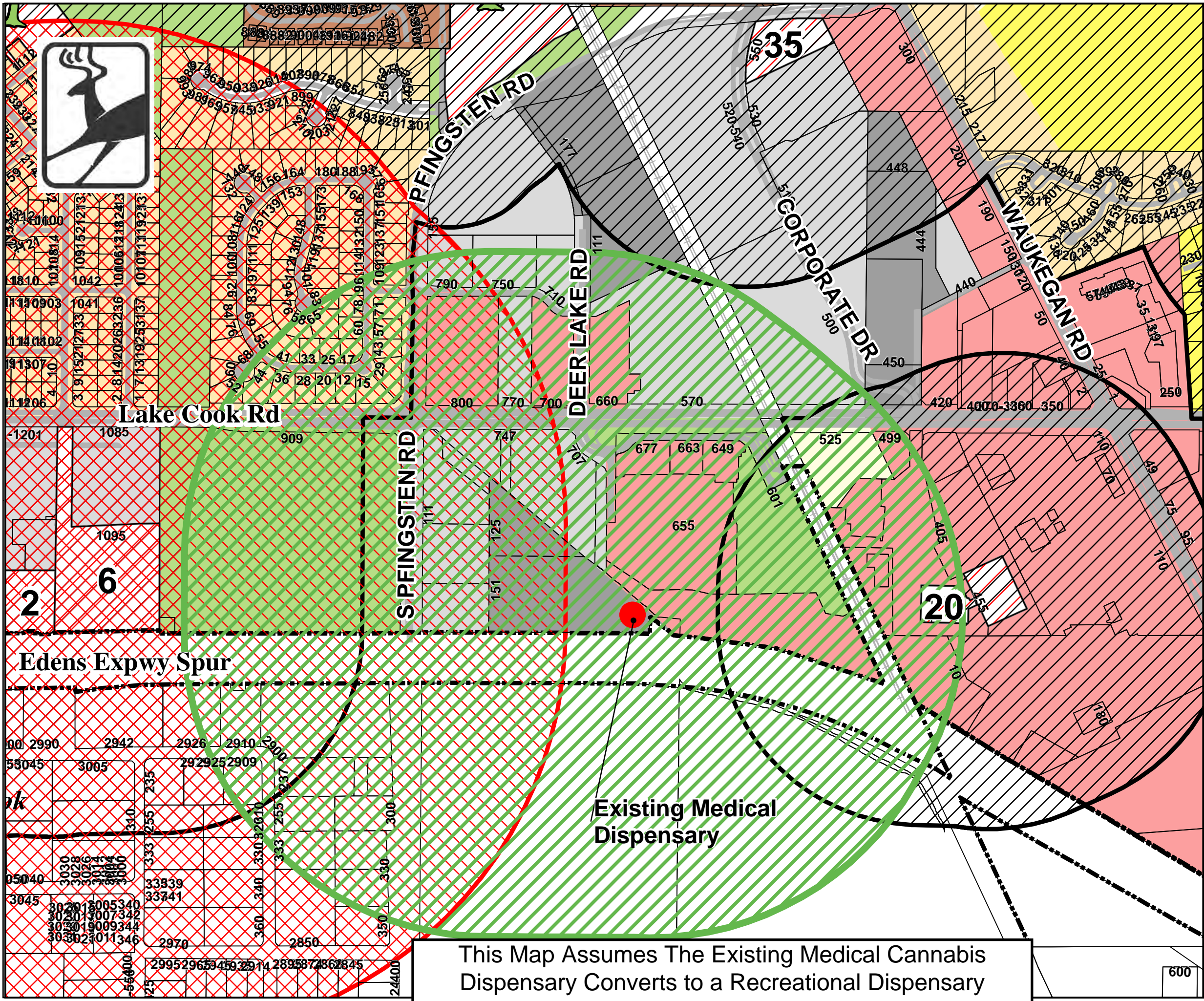
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### 1500 ft Buffer\* from 151 S. Pfingsten Property Line

\*State Act does not allow a recreational cannabis dispensary within 1500 feet of another recreational dispensary

- 1500 ft buffer from 151 S Pfingsten
- School and Childcare Facility Property
- 2000 ft buffer from High Schools
- Prohibited Site Location Based on HB1\*

**Park**  
 Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.

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3. BRIGHT HORIZONS AT LAKE COOK
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7. CHRISTIAN BEGINNINGS AT FIRST PRESBYTERIAN CHURCH
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32. WALDEN SCHOOL
33. WALGREENS DAYCARE
34. WILMOT SCHOOL
35. FELICITY SCHOOL

This Map Assumes The Existing Medical Cannabis Dispensary Converts to a Recreational Dispensary

Parcel Data is provided by Lake and Cook Counties. All other map layers have been developed by the Village of Deerfield.



# Recreational Marijuana Dispensaries

Possible Locations: HB1 and 500 ft Buffer Around Village Parks and 2307 ft Buffer around High Schools

School and Childcare Facility Property

2307 ft buffer from High Schools

Prohibited Site Location Based on HB1\*

C-1	I-1	R-1	R-4
C-2	I-2	R-2	R-5
C-3	P-1	R-3	

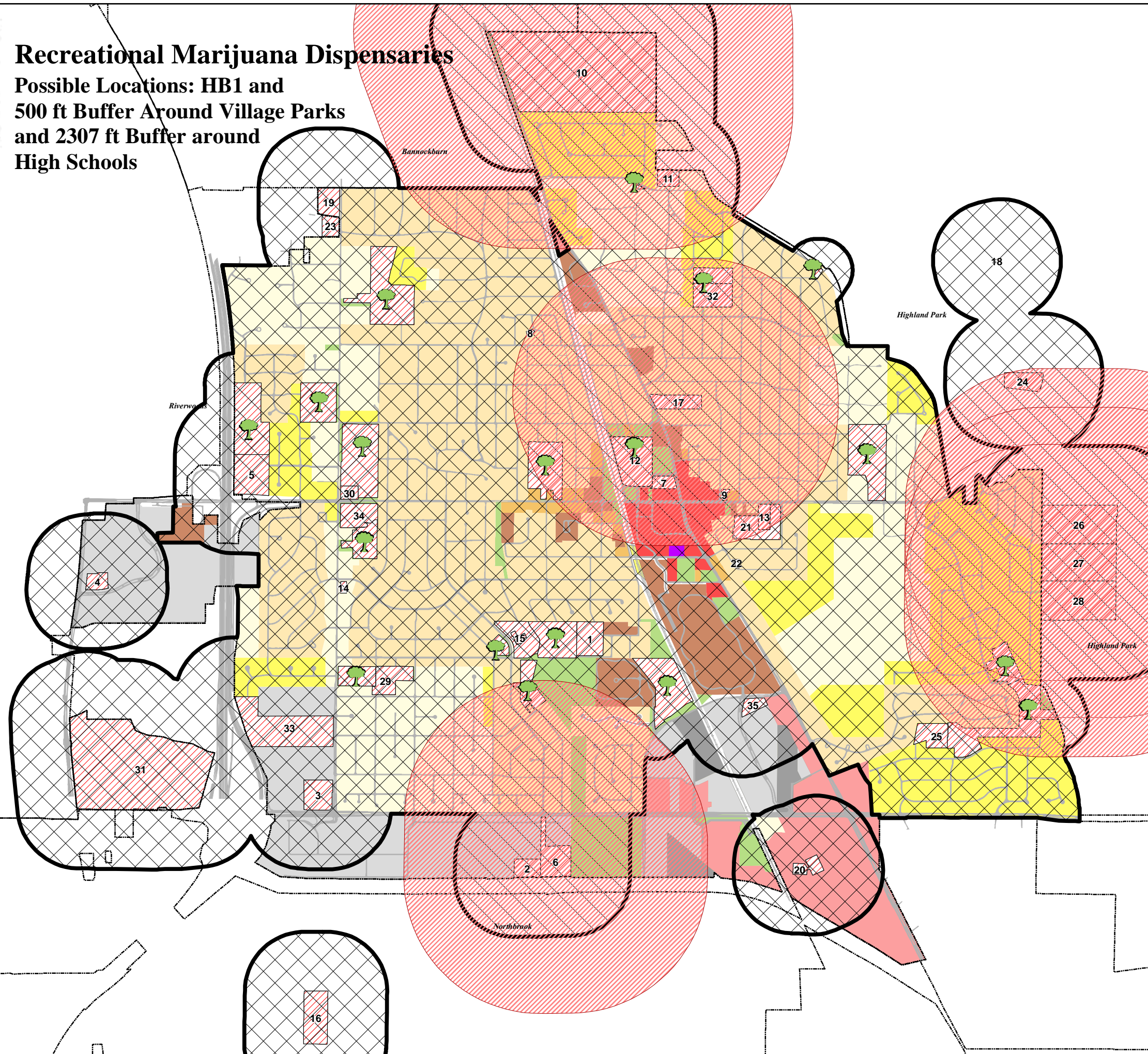
## Park

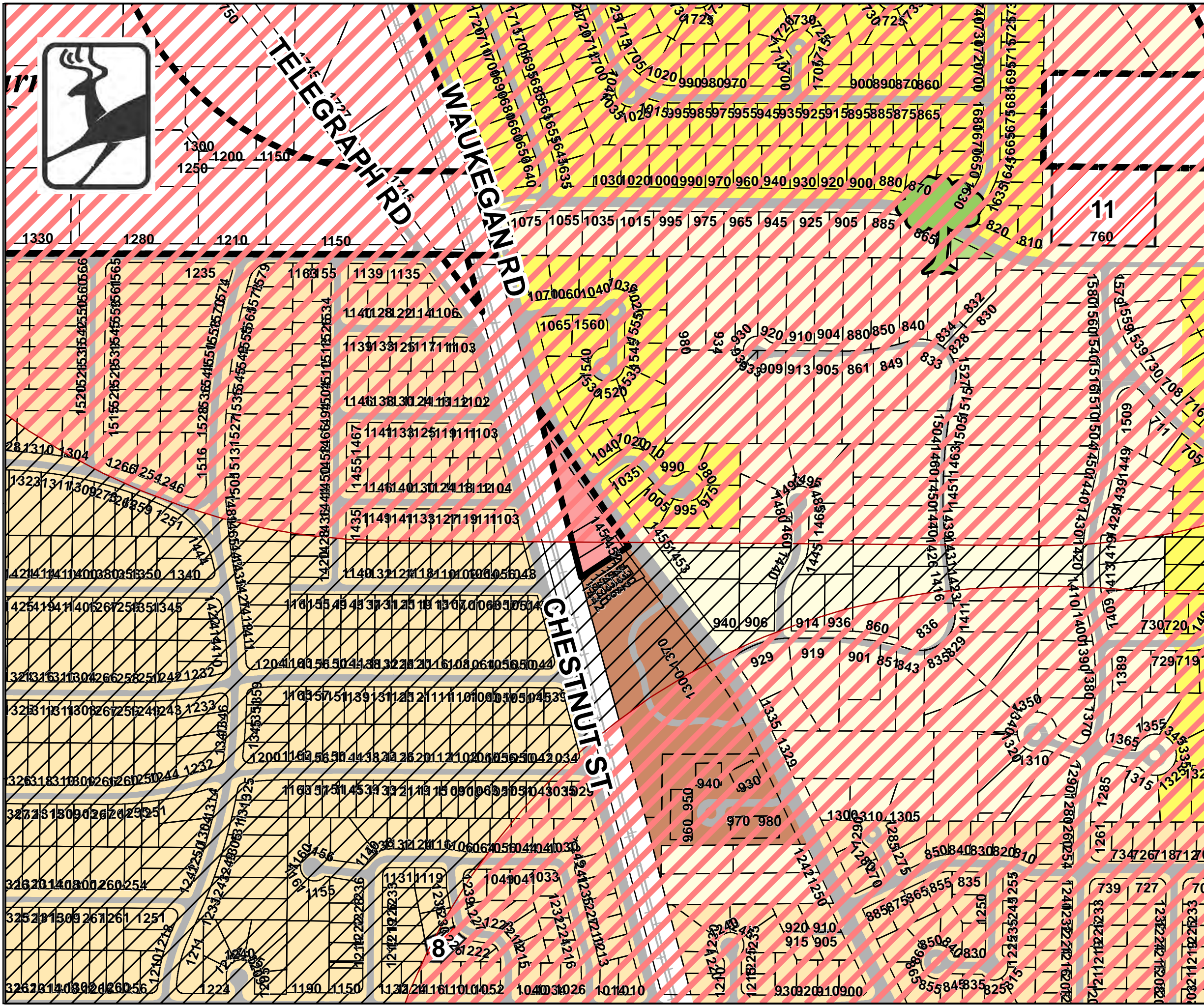
\* Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.

## School and Childcare Facilities





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### Enlarged Area of Possible Recreational Cannabis Dispensary Locations Based on Proposed Text Amendments

-  School and Childcare Facility Property
-  2307 ft buffer from High Schools
-  Prohibited Site Location Based on HB1\*
-  Park

\* Prohibited sites by HB1 include all residentially zoned districts as well as a 1,000 ft buffer around the property line of all childcare facilities and schools. The map also includes a 500 ft buffer around all Village of Deerfield parks.





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# Enlarged Area of Possible Recreational Cannabis Dispensary Locations Based on Proposed Text Amendments

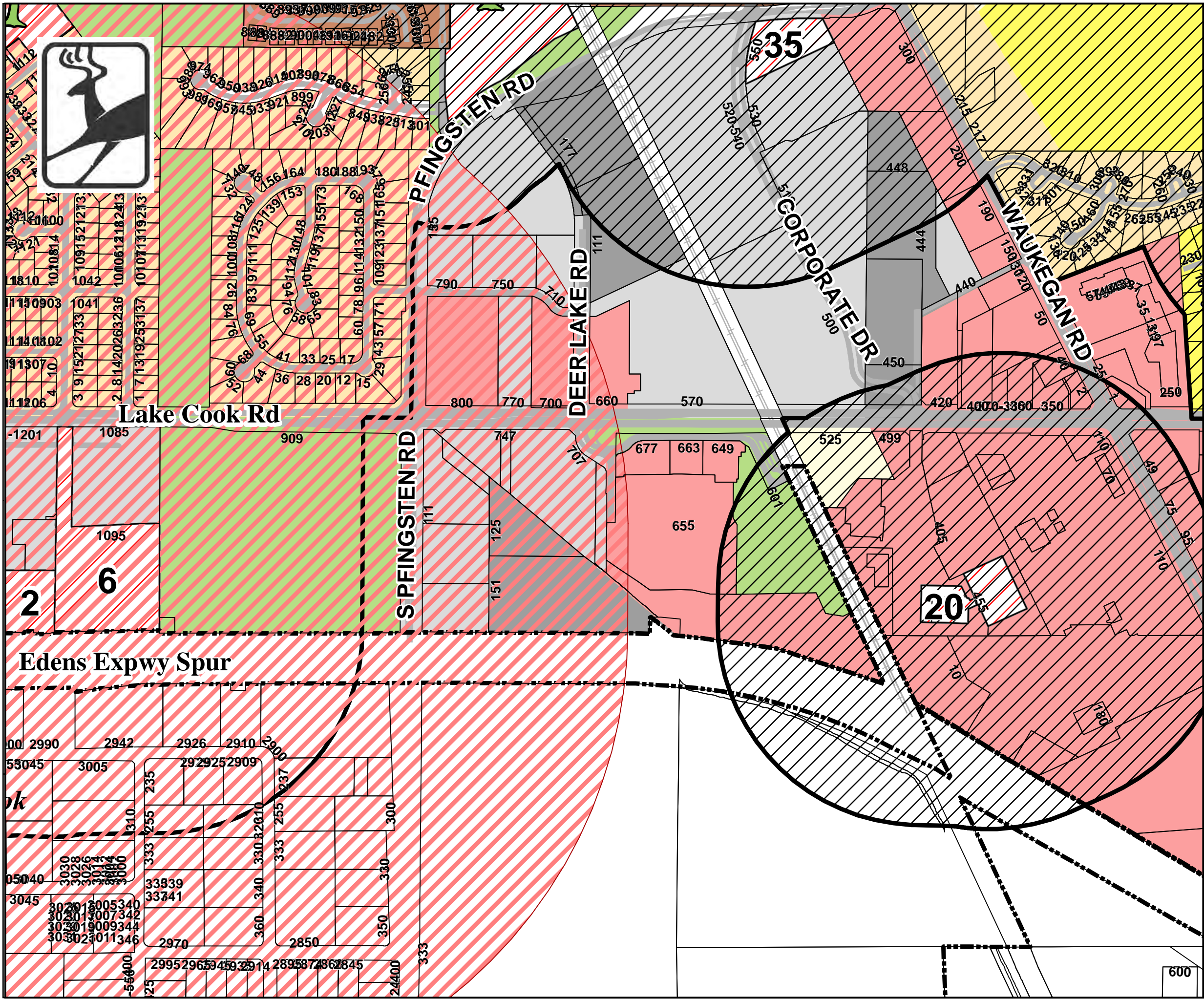
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From: Kami & Phil Spoehr <pkhikeon@sbcglobal.net>

Sent: Tuesday, September 3, 2019 9:17 PM

To: Mayor Harriet Rosenthal; Trustee Bob Benton; Trustee Thomas Jester; Trustee Mary Oppenheim; Trustee William Seiden; Trustee Dan Shapiro; Trustee Barbara Struthers

Subject: Opposition to Retail Sales of Marijuana in Deerfield

Dear Village of Deerfield Mayor Rosenthal and Board of Trustees,

We are writing to express our opposition to allowing retail sales of marijuana in our community. As 20 year residents, we know Deerfield has a proud tradition of being a family friendly community. The Village of Deerfield has been proactive in promoting the health and welfare of its residents through various community activities as well as involvement with organizations, such as Community-The Anti-Drug. In fact, as part of the school curriculum, we teach our children drug and alcohol prevention through the D.A.R.E. program. Permitting the retail sale of recreational marijuana in Deerfield is like telling our children that marijuana is not a drug and that it's OK to use. Permitting retail sales of marijuana for potential tax revenue is short-sighted. It is unlikely any potential revenue would outweigh the cost to the community in terms of negative health effects, addiction, increased usage by youth whose developing brains are negatively impacted by marijuana use, and increased traffic accidents caused by individuals under the influence of marijuana.

While we are unable to attend the upcoming September 12 public hearing, we hope that the Board of Trustees will take these factors into consideration and say no to a retail marijuana dispensary in Deerfield.

Thank you for your consideration,

Kami and Philip Spoehr

**RECOMMENDATION**

TO: Mayor and Board of Trustees

FROM: Plan Commission

DATE: August 22, 2019

RE: Request for Approval of a Class A Special Use for a Wellness Center in Unit M (former Clinto Photography space) in Deerfield Square at 720 Waukegan Road (Kirby Limited Partnership and Restore LLC)

We transmit for your consideration a recommendation adopted by the Plan Commission of the Village of Deerfield on the request of the petitioners for a Class A Special Use for a wellness center at 720 Waukegan Road, Unit M. The Plan Commission held a public hearing on August 22, 2019. At that public hearing, the petitioners presented testimony and documentary evidence in support of the request. A copy of the public hearing and workshop minutes are attached.

In support of its request, the Plan Commission makes the following findings of fact and conclusions:

**FINDINGS OF FACT****Subject Property**

The subject property consists of the Deerfield Square Shopping Center, which is bounded by Deerfield Road to the north, Waukegan Road to the east, Osterman Avenue to the south and the railroad tracks to the west. The property is zoned C-1 Village Center District and was approved as a commercial planned unit development (PUD). Ten (10) buildings make up the Deerfield Square development. Vehicular access to the subject property is at three signalized intersections (two on Deerfield Road and one on Waukegan Road) and at the Robert York Avenue and Osterman Avenue intersection, and at secondary access points along Osterman Avenue. The setbacks, access points, lot coverage, open space, site landscaping, parking lot lighting, sign criteria, and storm water management for this Planned Unit Development were previously approved.

**Proposed Plan**

The petitioners are seeking approval of a Class A Special Use for a wellness center medical office. Specifically, the petitioners are seeking approval of a Restore wellness center located in Unit M of the 720 Waukegan Road building in the Deerfield Square planned unit development. Launched in 2015, Restore is expanding across the United States. The proposed facility is Restore's first location in Illinois. The petitioner's

material indicates that the proposed facility will offer innovative services, which will include cryotherapy, IV drip therapy, hyperbaric oxygen therapy compression therapy, allergy therapy and photobiomodulation therapy that hyper stimulate the body's natural defense mechanisms that help their clients manage their wellness. The proposed facility will be approximately 2,500 s.f. in size and services are by appointment.

The petitioner's material indicates that typical hours of operation are Monday through Friday 10:00 AM-7:00 PM, Saturday: 9:00 AM- 5:00 PM, and Sunday 12:00 PM – 4:00 PM. The petitioner's material indicates that the facility will not have peak hours. Restore anticipates having a total of 8 persons on the premises at any time, which would consist of 3-5 employees and 3 customers. The facility does not employ any medical doctors or physical therapists on site. The office would also typically have 1-3 specialists and 1-2 front desk staff at one time.

### **Zoning Conformance**

The petitioners are seeking approval of a Class A Special Use. Class A Special Uses are a Special Use on the first floor, but are allowed above the first floor as a Permitted Use. When the Village created the first floor retail ordinance many years ago, the uses in the C-1 Village Center zoning district were divided up into: 1) Permitted Uses on the first floor which are retail uses; 2) Class A Special Uses which are a Special Use on the first floor, but are allowed above the first floor as a Permitted Use, and; 3) Class B Special Uses which are Special Uses in all locations in the C-1 Village Center District, even if located above the first floor. The proposed medical office is a Special Use on the first floor pursuant to Article 5.01-C,1.I. Attached are the Special Use criteria.

### **Parking**

Parking for the Deerfield Square Planned Unit Development was approved at 5 spaces per 1,000 square feet of gross floor area for retail uses (i.e., 1 parking space per 200 s.f.), and 4 spaces per 1,000 square feet of gross floor area for office uses (i.e., 1 parking space per 250 s.f.) with a 15 percent reduction for storage areas in the building (Ordinance 0-98-34 granted a variation for parking in this development). A total of 1,000 spaces (including 100 underground spaces) are provided for Deerfield Square.

When Deerfield Square was approved, the various uses in the development were to share the parking within the development. The amount of parking for the different mix of uses in the development will vary throughout the day. In other words, the different uses in the development will have varying peak hour parking times. As part of the approval process for a Special Use, the petitioners must demonstrate that adequate parking will be provided.

The parking requirement for a medical or dental offices is four (4) patient parking spaces for each staff doctor, plus two (2) parking spaces for each three (3) employees, plus one (1) parking space for each staff doctor. The petitioner's material indicates that

there are no doctors or physical therapists on site. For the purpose of the medical office parking requirement, the proposed medical facility has three (3) specialists” (each specialist is considered a staff doctor for the purposes of calculating parking requirements), two (2) employees (administrative staff). Therefore, twelve (12) patient parking spaces and one (3) space for the “staff doctor” are needed in addition to 1.34 parking spaces for the two (2) staff employees. Seventeen (17) parking spaces are needed for medical office ( $12+1.34+3 = 16.34$ ). If the space were all retail, then a total of 13 parking spaces would be required ( $2,500/200 = 12.5 = 13$  spaces) as retail requires one (1) parking space per 200 square feet of gross floor area. If the space was strictly office, then a total of 10 parking spaces would be required ( $2,500/250=10$  spaces) as office requires one (1) parking space per 250 square feet of gross floor area.

The petitioner’s recent parking study dated August 30, 2018 that they submitted for this petition expands on an October 26, 2016 KLOA parking survey and adds approved development that took place in 2017 and 2018 for the shopping center. The petitioner’s study used the same parking counts that were conducted from the October 26, 2016 survey, and added the anticipated parking demand for a physical therapy use that was approved in 2018. KLOA conducted parking counts for the shopping center between 11:00 AM and 9:00 PM on Thursday, October 6, 2016 and Saturday, October 8, 2016.

The parking areas that are in the immediate vicinity to the proposed Restore wellness center is parking area 3, as shown on Figure 1 on page 2 of the parking study. According to the petitioner’s parking study, parking area 3 has 35 parking spaces available at the noon peak time for the shopping center on Thursday and 82 available spaces at the 1:00 PM peak time on Saturday as shown in Table 1 on page 3 and Table 2 on page 4. The peak parking demand for the shopping center on both days drops after 12:00 Noon on weekdays and 1:00 PM on weekends with the demand considerably lower during the evening hours. According to the study this is primarily due to the large amount of office space at Deerfield Square which has a parking demand that peaks middays on Monday through Friday and decreases substantially in the evenings and on Saturdays, allowing other retail and restaurant uses to share this excess space.

The petitioner’s material note that there are no peak times for the Restore wellness center. It should be noted that as part of the development of the Deerfield Square shopping center, parking field six (as shown in Figure 1) will be reconfigured and will provide one additional parking space. Additionally, at the time the parking occupancy surveys were conducted, there was approximately 8,620 square feet of vacant retail space. Therefore, Table 4 on page 7 and Table 5 on page 8 take into account approved development (Café Zuppas, Bartaco, Retail with 1,450 square feet and the 2018 Walgreens store remodel) hourly parking demands that were not included when the October 26, 2016 parking occupancy surveys. Restore peak parking demand is estimated at 17 vehicles. Using the KLOA data provided from the study, there is sufficient parking available in the adjacent parking lots at the shopping center’s peak times for the proposed Restore wellness center.

The owners of Deerfield Square have implemented a parking plan (246 employee parking spaces) that requires all Deerfield Square employees, including employees of the physical therapy office, to park in designated areas (Exhibit E in the petitioner's material). The office-building employees currently park in the underground garage to allow as much surface parking for customers as possible.

### **Wall Signage**

The petitioners will be proposing an exterior wall sign for the proposed business. Deerfield Square has an approved set of sign criteria that the petitioners are required to follow (attached). The Appearance Review Commission (ARC) must approve the exterior wall signs for the use if the Board of Trustees ultimately approves the use. Any window signage must also follow the approved window sign regulations. In addition, typically the property owner's lease contains restrictions on window signs. The petitioner's material indicate that tenant's signage will comply with the Building's established sign criteria and the petitioner will seek ARC approval at a later date.

## **CONCLUSIONS**

### **Compatible with Existing Development**

The Plan Commission finds that the proposed wellness center office will be compatible with existing development and should not impede the orderly development and improvement of surrounding properties. The Plan Commission finds that the use will be an amenity to the shopping center and will bring people into the Village Center. They find the wellness center is a good and appropriate use of the property and will be compatible with the existing development in the area. The Plan Commission finds that the wellness center will not have an adverse impact on surrounding properties and is a welcome addition to the Village Center. The Plan Commission does not believe traffic and parking will be adversely impacted by the proposed use.

### **Lot of Sufficient Size**

The Plan Commission finds the subject property is of sufficient size for the proposed use. The Plan Commission finds the property is suitable for the proposed use and will not create a negative impact on surrounding properties.

### **Traffic**

The Plan Commission finds that the proposed use should not create traffic problems on the subject property and should not have an adverse impact on surrounding properties. They believe the traffic generated by the proposed wellness center will not have an adverse impact on traffic in the area. The proposed use should not significantly increase traffic volumes in the area. No changes to the parking lot layout will be made

for the proposed use.

### **Parking and Access**

The Plan Commission finds that parking will be adequate for the proposed wellness center use and they believe the business should not create a parking problem in the area. The petitioners have submitted a recent parking study that demonstrates there is adequate parking available at Deerfield Square during peak time.

The access points to the existing parking lots at Deerfield Square shopping center will not be changed for the proposed use.

### **Effect on Neighborhood**

The Plan Commission finds the proposed wellness center use should not be significantly or materially detrimental to the health, safety, or welfare of the public or injurious to the other property or improvements in the neighborhood nor should it diminish or impair property values in the surrounding area. The Plan Commission finds the proposed use will not have an adverse impact on surrounding properties. They find that the proposed use will be a good use for this vacant space (former photography studio) and will be an asset to the shopping center and the Village.

### **Adequate Facilities**

Adequate facilities (utilities, access roads) will be provided on the subject property.

### **Adequate Buffering**

The Plan Commission finds that the existing buffering on the subject property is adequate.

### **Not Injurious to the Character of the C-1 Village Center District as a Retail Center**

The Plan Commission finds the proposed wellness center use will not be injurious to the character of the C-1 Village Center District as retail center. The Plan Commission finds the use fits well in this location. The Plan Commission believes the use will bring foot traffic into Deerfield Square. The Plan Commission also understands that vacancies hurt the rest of the Deerfield Square development. The Plan Commission believes that the wellness use will add to the similar uses already in the Deerfield Square lifestyle center (yoga, physical therapy, dance, dentist, and orthodontist).

## **RECOMMENDATION**

Accordingly, it is the recommendation of the Plan Commission that the request for a Class A Special Use to permit the establishment a wellness center located in Unit M of the 720 Waukegan Road Building at the Deerfield Square Shopping Center, be approved.

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)

Nays: None (0)

Respectfully submitted,  
Larry Berg, Chairman  
Deerfield Plan Commission

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing at 7:30 P.M. on August 22, 2019 at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.

Present were:           Larry Berg, Chairman  
                              Al Bromberg  
                              Jennifer Goldstone  
                              Elaine Jacoby  
                              Blake Schulman  
                              Justin Silva

Also present:           Jeff Ryckaert, Principal Planner  
                              Daniel Nakahara, Planner  
                              Benjamin Schuster, Assistant Village Attorney

Chairman Berg swore in all who plan to testify before the Commission.

**Public Comment on a Non-Agenda Item**

There were no comments from the public on a non-agenda item.

**PUBLIC HEARING**

- (1)     **Public Hearing: Request for Approval of a Class A Special Use for a Wellness Center in Unit M (former Ciento Photography space) in the 720 Waukegan Road Building at the Shops at Deerfield Square (Kirby Limited Partnership and Restore LLC.)**

Chairman Berg asked for proof of publication from the Petitioner. Certified mailing receipts were provided to the Commission. Mr. Ryckaert reported that the legal notice was published in the Deerfield Review on August 1, 2019.

Chris Siavelis of Kirby Limited Partnership and Deerfield Square Shopping Center reported that he was joined by Dan Liberman, Principal for Restore as well as a representative from the Restore corporate office. The petitioner is seeking approval for a Class A Special Use for Restore Cryo and Wellness Center in Unit M at Deerfield Square Shopping Center, a 2,500 square foot space just east of the Barnes and Noble bookstore.

Mr. Siavelis displayed the site plan highlighting the Restore location in the shopping center. He explained that Restore offers IV drip therapy, cryotherapy, hyperbaric oxygen therapy, infrared saunas, compression therapy, allergy treatment and other therapies. Details on the services offered are in the packet and Restore experts were present to answer any questions.

Mr. Siavelis reported that signage will be within the Deerfield Square PUD sign criteria and in full compliance with taupe backer panels and white channel letters. Restore plans to have three to five employees and will service three clients at a time at most, for a total of eight people at any given time. There will be no peak times. Their established operating hours will be Monday

to Friday 10AM to 7 PM, Saturday 9AM to 5PM and Sunday 12PM to 4PM. Appointments are encouraged but walk-ins are also welcome.

Mr. Siavelis stated that Deerfield staff looked at this use as a medical use to show the highest scenario for parking requirements. A medical use would require 17 parking spaces. However, they feel that only eight spaces will be required for Restore. The latest parking study for the center was completed in late 2018 and included the new Bartaco, Café Zupa's and the current vacancies. This study showed that at peak times there was an excess of 50 parking spaces which would accommodate the 17 required for a medical use. Mr. Siavelis summarized that the Petitioners feel that their request meets all of the Special Use criteria and is not injurious to the community or the downtown.

There were no questions from the Commission and no comments from the public on this matter.

Chairman Berg stated that the Plan Commission will conclude public testimony and meet in an open workshop setting to deliberate their recommendation on this matter. He stated that a written recommendation will be made to the Village Board who will take final action on this matter. This portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission.

**(2) Public Hearing: Request for Approval of a New Wall Sign for Mynd Spa Including an Exception to the Deerfield Square Sign Criteria and an Amendments to the Deerfield Square Commercial Planned Unit Development to Permit Changes to the Elizabeth Arden Red Door Salon Name to be Changed to Mynd Spa and Salon, in Unit A in the 720 Waukegan Road Building at the Shops at Deerfield Square (Kirby Limited Partnership and Elizabeth Arden Red Door Salon and Spa, Inc.)**

Chairman Berg asked for proof of publication from the Petitioner. The Petitioner stated that the certified mailing receipts were included with the previous agenda item's submission as it was included in the same public the notice. Mr. Ryckaert reported that the legal notice was published in the Deerfield Review on August 1, 2019.

Chris Siavelis of Kirby Limited Partnership and Deerfield Square Shopping Center reported that Elizabeth Arden Red Door Spa was an original tenant of Deerfield Square in 2000 and draws a great deal of foot traffic and customers to the center. They are a valuable tenant. He reported that they are currently rebranding across the country for all locations. This includes the new name of Mynd Spa and Salon.

Mr. Siavelis reviewed the changes being requested. They are seeking approval for new signage to reflect the new name. Mr. Siavelis showed a rendering of the new wall sign which will be above the main entrance and replace the existing Elizabeth Arden sign. They are asking for the two plaques flanking the main entrance doors to be replaced with the plaques reflecting the new name and logo. They are also seeking to replace the two red entry doors with clear glazed storefront doors with handles that will have the Mynd logo engraved on them. And lastly, the red awnings would be replaced with slate or charcoal gray awnings to go with new branding and theme of the spa and salon. Mr. Siavelis summarized that they feel nothing in these requests violates any of the Special Use criteria and that they are a very valuable tenant to Deerfield Square. He added that the Appearance Review Commission pointed out that the sign over the main entrance exceeds the criteria of 24 inches in height. However, they see the tenant as a junior anchor and existing anchors have signs that are way over 24 inches.

Commissioner Bromberg asked what the height is of the new main entrance sign. Mr. Siavelis replied that it is 50 inches in overall height which is top to bottom of the box around the logo and the lettering.

Commissioner Schulman asked what the height is of the current sign. Mr. Siavelis replied that the letters are 24 inches in height and pointed out that this sign has no logo or box around it but is much wider in width.

Mr. Nakahara reported that the logos on the door handles are considered a second business sign and also require an exception. Commissioner Jacoby asked about the meaning of the logo. Carolyn Keats, Vice President of Design and Construction for Mynd Spas replied that it is intended to represent everyone's own self care and wellness through their journey through Mynd Spa. Mr. Siavelis asked for the Commission's support on these requests.

There were no comments from the public on this matter.

Chairman Berg stated that the Plan Commission has concluded public testimony and will meet in an open workshop setting to deliberate their recommendation on this matter. He stated that a written recommendation will be made to the Village Board who will take final action on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission.

**(3) Public Hearing: Text Amendments to the Deerfield Zoning Ordinance Regarding Zoning Regulations for Recreational Cannabis Businesses, Including Dispensaries**

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on August 1, 2019.

Benjamin Schuster, Assistant Village Attorney for the Village of Deerfield provided a powerpoint presentation with the background on the matter of recreational cannabis dispensaries relative to zoning. He stated that with the new State of Illinois legislation it is a new world, and to accommodate zoning for this use he will provide information to help the Commission understand the complexity of the new legislation.

Mr. Schuster explained that in May of this year Governor Pritzker signed into law a new statute, The Cannabis Regulation and Tax Act. The key components are that cannabis possession and use of cannabis for recreational purposes is legalized for people age 21 and up; cannabis for medical purposes was legalized a few years ago and this new law legalizes cannabis for recreation. The Act also provides for rapid expansion for existing medical cannabis license holders and created new categories for craft growers, processors and transporters. The Act calls for mass expungement of cannabis violations deemed minor by law enforcement across the state. The Medical Cannabis Law was also amended by adding new qualified conditions and allowing not just doctors but also registered nurses and physician's assistants to prescribe cannabis for medical purposes.

When signed into law, the Act was effective immediately and called for State agencies to begin the process to adopt State administrative regulations. The first FAQs have been issued by the Illinois Department of Professional Regulations. A licensing process has not yet been adopted,

but is expected to roll out over the next two months. Under the Act the first legal sales in Illinois can begin on January 1, 2020 and no recreational possession or consumption is allowed in the State until it can be legally sold, as well.

Illinois currently has 20 cultivation centers and 56 dispensaries for medical use. The State recognized that it would take a while to get new licenses and expand this, so they created an early approval license for those that already have medical licenses. So, if you are a dispenser, you can get early approval from your existing location. In Deerfield there is already one medical dispensary. They can apply for a state license to dispense recreational cannabis as well and they will have the first chance on the opportunity as of January 1, 2020. This opportunity is not yet available to those who do not have a current medical license. Current medical license holders can also obtain a secondary location license to begin to selling January 1, 2020. Therefore, Deerfield's medical license holder could open a second store in Deerfield or other nearby areas if allowed in Deerfield.

Mr. Schuster explained that if all current medical license holders applied for recreation licenses and opened second locations then Illinois could have 112 dispensaries at most on January 1, 2020. However, as it is still largely undetermined which communities they will be allowed to operate in, it will likely be far less.

Mr. Schuster reviewed what will be allowed for use and sale under the new State law. Adult recreational possession and use is allowed, and an individual can possess up to 30g of raw cannabis, 5g of concentrated, or 500mg of infused products such as edibles. Non-Illinois residents are allowed to purchase and can possess half these amounts. Through the early approval process adopted, existing medical dispensaries will address day one demand. And after this there will be staggered expansion of licenses throughout 2020 and 2021 for a maximum number of licenses of 500 in the State. They will be released in batches for potential operators to apply and go through the approval process. The new category of craft growers will be able to dispense from the same location as growing but must have a minimum of 5,000 square feet. Anything beyond 5,000 square feet is considered a cultivation center and would require a different license where they cannot also dispense from. Mr. Schuster explained that on-premises consumption of recreational cannabis, for example a lounge or café, is entirely subject to local regulation and the Village can allow or prohibit this.

Mr. Schuster reviewed what is prohibited in the new State law. Locations of recreational cannabis dispensaries cannot be within 1500 feet from each other. Consumption of cannabis in public places is prohibited. This includes in a park, walking down the sidewalk, in your car, or in a parking lot; similar to alcohol. Consumption on school grounds or in close proximity to minors under 21 is also prohibited, as is sales to minors, imagery appealing to minors in ads or signage, delivery and open containers. Youth possession and consumption could result in losing their driver's license. It is also illegal to drive under the influence of cannabis, DUIs will be determined by blood stream intoxication testing. Recreational cannabis use by police and fire personnel while on duty or on call is also prohibited.

Mr. Schuster next reviewed what will be taxed. Cannabis cultivation is taxed at 7% on wholesale to dispensaries at the State level. The State tax on sales at dispensaries varies on the type of cannabis product and ranges from 10% to 25%. Municipalities can tax up to 3% on the retail purchase price. Counties can also adopt a tax of about 3% in addition to a municipalities tax and 3.75% in unincorporated areas. Existing state, county and local sales taxes would also apply. The Illinois Department of Revenue will collect and disperse all taxes accordingly.

Mr. Schuster reviewed what Deerfield is able to regulate in regards of State statutes. While Deerfield is home rule, they have no additional powers or authority that are not specified in the State statutes; they can only regulate what is allowed in the Act. This means they can enact reasonable zoning regulations, limits to zoning districts, parking requirements, they can require additional Special Use Permits, and can place limits on the number of operations. However, Deerfield cannot impose anything more restrictive than the Act. Mr. Schuster stated that the Act states that dispensaries can operate between 6AM and 10PM and it is unclear if these hours can be further restricted at the local level, for example as a restriction in a Special Use Permit. Municipalities can do an outright ban of recreational cannabis businesses or can locally regulate them to be consistent with the Act. Should Deerfield choose to allow them they can prohibit on-premises consumption. Local penalties cannot exceed those in the Act, but can be prosecuted locally through the adjudication process. Additionally, although there is no exact detail in the Act, Village legal counsel interprets having broad authority for inspections. The Village cannot prohibit home grow, but the State does leave the door open for reasonable regulation of home grow. Home growers cannot sell to other people and it is unclear if home grow can be regulated to certain zoning districts.

Mr. Schuster reviewed the Village's existing Zoning Ordinance for medical cannabis organizations. Medical cannabis dispensaries are allowed in certain zoning districts with a Special Use Permit. It also must be a minimum distance from any park, school or day care, and cannot have a drive-through. Signage is also limited by Village regulations. Mr. Schuster stated that there one medical dispensary in Deerfield and no cultivation centers.

Mr. Schuster showed a map of the Village highlighting where medical dispensaries are permitted per zoning and distance restrictions to parks and schools. He commented that there are very few places in the Village where a medical dispensary can locate, primarily around Lake Cook Road where the existing dispensary is currently located.

Mr. Schuster explained that on July 1 of this year, the Village Board adopted a Red Flag Resolution to put people on notice that the Village is considering amending the zoning ordinance to address recreational cannabis businesses. The Village Board wanted to make sure a Public Hearing was held on this before they deliberate and before any businesses tried to get around any regulations were put in place. The Red Flag Resolution directed the Plan Commission to hold this hearing to consider if Deerfield should allow or prohibit recreational cannabis sales and if allowed, in which zoning districts, whether it should be a permitted use or a special use, and what other operating conditions should be put in place including whether or not on-premises consumption would be allowed.

Mr. Schuster reviewed comments and input of some of the Village Board members at the July 1 Village Board Meeting. The Village Board suggested limiting the number of recreational dispensaries allowed in the Village to one recreational cannabis dispensary pending review of administrative rules. There was also discussion of prohibiting on-premises consumption, limiting it to the I-2 and C-2 Zoning Districts, and keeping the same distance requirements for medical cannabis dispensaries which is 500 feet from a public park, 1,000 feet from a school or day care, and added 2,000 feet from a public or private high school. They also suggested limiting the size to more than 5,000 square feet, establishing a 3% sales tax, prohibiting the operation of craft growing as well as processors and infusers.

Mr. Ryckaert reported that proposed text amendments to the current Zoning Code were drafted based on the regulations passed in 2015 for medical cannabis dispensaries to also address recreational cannabis. The proposed text amendments incorporate the Village Board's comments from the July 1, 2019 Village Board meeting as well as definitions from the State of Illinois Cannabis Regulation and Tax Act. The proposed amendments are to Articles 5 and 6 in the Zoning Code that would make recreational cannabis dispensaries a Special Use in the C-2 Outlying Commercial Districts and the I-2 Limited Industrial Districts. Mr. Ryckaert pointed out these zoning districts on a zoning map. He stated that another proposed text amendment is to Article 2 of the Zoning Ordinances requiring the application requirements for a recreational cannabis dispensary Special Use permit. These requirements would consist of a great deal of information and documents to be submitted including but not limited to the legal name, hours, detailed information on the business entity running the operation, a copy of the business plan including descriptions of products and services offered, a security plan to be reviewed by the Chief of Police, a floor plan and layout, location of enclosed and secured loading and trash areas, a plan for customer overflow, signage plans, a comprehensive site plan drawn to scale, and more. The proposed text amendments to the Zoning Ordinance allow one Special Use Permit for recreational cannabis in the Village.

Mr. Ryckaert continued the powerpoint presentation stating that proposed text amendments for recreational cannabis operations would have the same distance requirements as a medical cannabis dispensary currently has which are 500 feet from a public park, 1,000 feet from a school or day care, and 2,000 feet from a high school, as well as the State restriction that a recreational cannabis dispensary cannot be within 1,500 feet of another recreational cannabis dispensary. Mr. Ryckaert showed a map highlighting possible locations with the distance restrictions and permitted zoning districts. He commented that there are very limited areas that a recreational cannabis dispensary could locate if approved as a Special Use. Additionally in the text amendments; no dispensary shall be more than 5,000 square feet in size; signage cannot be electronic or contain imagery; drive-thru operations are not allowed; waste must be stored in secured containers in a restricted access area; deliveries must have a secure loading space; and on-premises consumption as well as cultivation centers and transporting shall be prohibited. Also Article 14 of the Zoning Ordinance would also be amended to include nine cannabis related definitions.

Chairman Berg asked for questions from the Commission. Commissioner Bromberg commented that in the proposed amendments only one recreational dispensary would be allowed in Deerfield and only in the C-2 or I-2 Zoning Districts with distance restrictions from schools and parks which would make for very limited opportunity for one to even open. He also asked why the 2,000 foot distance from a high school is further than the 1,000 foot distance from other types of schools; preschool, elementary, etc. He stated that there are two high schools in Deerfield that he believes are not less than 2,000 feet from these Zoning Districts and feels this is not necessary to add. Mr. Nakahara replied that there is a small area zoned C-2 within 2,000 feet from Deerfield High School where a dispensary could potentially locate if approved as a special use. Commissioner Bromberg shared that he sits on the Lake County Recreational Cannabis Model Ordinance Task Force along with the Mundelein Chief of Police, who shared with the Task Force that proximity has little effect on youth access.

Commissioner Schulman asked if the C-2 area where Tony's Subs is located is under 2,000 feet from the high school. Mr. Ryckaert replied that a small portion of this C-2 area is under 2,000 feet from the high school and the rest of the area could be approved as a Special Use for a recreational dispensary. Mr. Schuster added that the Plan Commission can recommend

changing the requirements or adding additional requirements as it is within their purview to recommend regulations they think are appropriate.

Commissioner Schulman stated that if they recommend permitting recreational cannabis, he would have an issue with that zone being so close to residential and the high school as it is very accessible and visible. Commissioner Bromberg commented that when medical cannabis came into the Village it was tucked away and hid in an industrial district. He stated that this may not be the appropriate site for recreational cannabis as they will have retail customers driving to and from the location and traffic and security must be considered. Commissioner Silva commented that this is a valid point as a retail use is very different than a medical use.

Commissioner Jacoby asked that if the remaining State regulations won't be out for another month or two then why are they considering the text amendments before then. Mr. Schuster replied that they know from the Act what they can allow or prohibit and generally what they can do. The Administrative regulations that the State has yet to finalize are more operational and do not apply to zoning. They know to a large extent what the zoning universe looks like relative to this. He added that there is a limited number of licenses and business are looking at where to locate, adopting regulations sooner rather than later is beneficial.

Commissioner Bromberg commented that if the recommended amendments are adopted and Deerfield limits the number of recreational dispensaries to one and the existing medical dispensary has dibs on obtaining a license with the State's early licensing provision, then that one business can get the only Village license available for recreational cannabis and that will be it. Mr. Schuster replied that they can recommend allowing more than one or they can allow one and any applicants beyond one would have to ask for a text amendment to the zoning ordinance.

Commissioner Bromberg commented that he supports a 3% tax on recreational sales and doesn't understand why the Village would agree to less than this. He also commented that for medical cannabis, workers and people entering the facility must be at least 18 years of age, but recreational cannabis states 21 years of age. He asked if the existing medical dispensary obtains a recreational license, if they need to impose restrictions for separate entrances and staff and things of this nature. Mr. Schuster replied that it is unclear what the State will impose and if the age requirements for workers will be the same for recreational cannabis as for medical cannabis. Mr. Nakahara added that regardless of age, medical cannabis requires a State issued ID card which regulates who can enter the dispensary. Commissioner Bromberg suggested that they could have one location with separate entrances for medical and recreational. Mr. Nakahara replied that these are regulations that they can decide on and potentially recommend. Commissioner Bromberg added that if they were to be combined, they would at least have to meet the requirements already imposed for a medical cannabis dispensary. Commissioner Bromberg asked if there have been any issues with the medical cannabis dispensary in Deerfield since it opened. Mr. Nakahara replied that other than a minor video security system setback, there have been no issues with crime or safety at the existing medical cannabis dispensary. Mr. Ryckaert added that a report was completed by Police showing that there have been no issues.

Commissioner Bromberg commented that proposed text amendments state that text for under 21 signage cannot be larger than one inch. Mr. Nakahara replied that this is was used in the medical cannabis operation guidelines and the Village can change the sign size requirements.

Mr. Schuster redirected the group stating that questions from the Red Flag Resolution should be addressed first before proceeding to other details.

Commissioner Silva asked if there has there been an influx of cannabis business operators applying for medical licenses as the taxes are less than recreational cannabis will be. Mr. Schuster replied that he is unaware and that his understanding of the intent of the State taxes set is that they are not so high that growers will go to the black market or solely sell for medical use. The State discussed not increasing taxes too high as that may chase business operators away.

Commissioner Silva commented that if the medical dispensary in Deerfield also sold recreational, there is not a lot of parking to accommodate this at their location. Commissioner Bromberg asked what parking regulations the Village has in place for dispensaries. Mr. Ryckaert replied that retail uses require five spaces per 1,000 square feet and they can impose higher standards as part of the Special Use Permit.

Chairman Berg opened public comment on this matter.

Cynthia Aronson of 311 Earls Court commented that she is a mother and is very concerned about the youth although she does not want to take the adult liberty away. She stated that the location near Tony's Subs and the proximity to the high school is concerning. Ms. Aronson stated that just because something is legal it doesn't mean it should be allowed in Deerfield which is the case for casinos and strip clubs. She stated that it seems uncharacteristic and she doesn't think it belongs here. Ms. Aronson reported that she just consumed a gummy bear and there is no way for someone to tell if it's an actual gummy bear or a cannabis gummy. She doesn't understand how law enforcement is going to enforce this. She would like to see the Village be more conservative and wait to allow any dispensaries. She added that the high school already finds 30 vape pens a week and this would only increase if marijuana were more accessible.

Margie Stone of 531 Hermitage Avenue commented that 14 years ago Deerfield became one of the first smoke free communities in Illinois and later added e-cigarettes and the age requirement of 21. She stated that Deerfield understands the importance of preventing youth and second-hand smoke. She is mad the State for putting them in this position and wants to never allow cannabis stores or on-premises consumption in Deerfield. She stated that it would be hypocritical to their commitment to protecting the youth. Ms. Stone commented that Village Trustee Mary Oppenheim is concerned about recreational cannabis being more restrictive than alcohol, so she suggests making alcohol sales more restrictive, as well. She added that the setbacks from schools and parks seems random and she doesn't understand why a dispensary can be located closer to a park than a school. She stated that there is no safe place to shield kids from seeing cannabis operations. She commented that on the map in the packets it appears that dispensaries can be placed near the Post Office and also by Tony's Subs, she feels that these sites need to be prohibited. She stated that medical and recreational cannabis do not have to go hand in hand, and she wants to listen to teachers and police and learn the types of marijuana abuses and to not allow any further dispensaries in the Village. She stated that just because you can, it doesn't mean you should. She stated that Deerfield does not need the tax dollars and they should lead by example.

Earl Stone of 531 Hermitage Avenue asked if the Village can prohibit a recreational dispensary since it already has a medical one. He would also like to know if Deerfield can impose greater

prohibitions in smoking marijuana. He commented that it seems inconsistent with the Village Board for them to allow recreational marijuana. He stated that their mission is to create a safe, healthy and drug-free community and this issue conflicts with the community's values. It is also inconsistent with the Village's decision not to allow video gambling. He would like to see how the sale of cannabis affects other communities before Deerfield were to allow it. He also agrees that on-premises consumption should not be allowed and questions why the distance from a high school would be further than an elementary or middle school.

Michael Drumke of 1261 Meadow Lane commented that he may be the only person to support this. He stated that there a lot of misconceptions about this law and what is about to happen and that the gummy bear analogy (from a previous speaker) is not a good one. It is a business and if it's not in Deerfield it will be somewhere else. To zone it out excludes veterans and people looking for help with sleeping, stress, anxiety reduction and forces them to drive somewhere else to get something they think will help them. He stated that he has kids in junior high and high school and that vape products and alcohol are already for sale next to Tony's Subs at the gas station and they did not go through the vetting process that dispensaries will have to. He added that licensing will be exhausting and requires lots of documents and background checks. The owners of the medical dispensary were vetted very carefully before being allowed to open. He stated that he has visited dispensaries in Seattle and Portland and the shops are clean and nice. He commented that the regulations put forth by the Trustees make sense and the Village may not want a dispensary next door to Tony's Subs but he does not see pushing them out completely as a solution because this will send residents who are now allowed under law to partake in recreational cannabis to go somewhere else.

Chris Goodsnyder of 155 Exmoor Court commented that on a personal level he is opposed to cannabis use and wants to be consistent with the anti-drug approach that the Village takes. However, it reminds him of the hypocrisy when Highland Park passed prohibition and then Highwood developed next door with many bars. He would like to keep that in context.

Mo Ban of 234 Forestway Drive commented that subjectively he thinks concerns are coming from a place of fear and he suggests looking to other cities, states and countries where it is legal and has had a positive effect and not let fear overcome reasoning. And objectively, he does not think it is a good use of resources to lock down one particular substance when it may be a substance that is more beneficial than alcohol.

Laura Parise of 626 Warwick Road stated that she is an addiction psychiatrist and grew up in Deerfield and worked at Highland Park Hospital and now practices in Deerfield. She is the only addiction psychiatrist in Deerfield. She stated that there is a crisis because there are not enough people to treat addicts and now, we are going reinforce addiction and flood our town with the potential for more. She commented that there is no way bringing marijuana here will diminish the chance of addiction, it can only increase the chance to addiction or our youth trying to wrap their brains around and understand recreational marijuana. She stated that her fear is that she sees kids in the ER every day with unregulated cannabis in their systems who have psychotic episodes from cannabis and getting admitted to the psychiatric ward. She stated that addiction is a disease that affects us and from a biochemical physical perspective, the way this is transferring to the brains of our kids and allowing it to come into the community is devastating.

Michelle Culver of 1267 Linden Avenue commented that her biggest concern about retail cannabis is how it will affect the youth. The perception of harm that cannabis can do is already low and now it is legal. You must be 21 but the same is true for alcohol, tobacco and vaping and

they already work hard to keep these substances out of the hands of the youth and now we are adding marijuana. She asked how much revenue will be made and commented that the Village needs to look at this further and consider the resources going into this like law enforcement.

Carson Zell of Buffalo Grove stated that he is a junior at Stevenson High School. He has a compelling interest to not want Deerfield to have a dispensary in plain site because many Stevenson students live in Deerfield or come to Deerfield to shop because it is so close. Even though cannabis sales will be allowed for adults only, it will affect youth usage rates as well. He stated that in Colorado, the number of marijuana offenses near schools has quadrupled and is still rising. He can't see how it will not affect schools and how it can keep a perception of risk to prevent youth usage. He wants to prevent marijuana in the lives of youth even though legalization is in the news a lot and they will be exposed to it more. He stated that because of this the perception of risk is lowered further and the cannabis industry is on a mission to normalize their products. The products are appealing to youth and will be further normalized with a dispensary in plain sight. He strongly recommends that Deerfield opt out of having a recreational cannabis dispensary. However, if this is not possible because of the medical dispensary, he sees no reason why it would be necessary to allow it to be in commercial areas. If it is limited to one, he recommends only allowing it to be in industrial districts, if they are not willing to opt out.

Barbara de Nekker of Grayslake reported that she is the Director of the Community Anti-Drug Coalition and she wants to describe their concern for the youth. She is not referring to adult or medical use. She commented that she has worked in tobacco control for 17 years and has learned a great deal about this topic. It took 46 states suing the tobacco industry for use to go down which it now has. This made selling one single cigarette illegal. She wants to know what else can be addressed in local ordinance, like can they prohibit the sale of a single gummy bear. She stated that she has been a dual citizen with the Netherlands and has experienced legal cannabis there. The shops would sell to youth and send them on their way, only to see those youth vandalize property. The Netherlands also has a ban on advertising and limits to the THC content. She commented that the State did not take that into account. She added that the Coalition has lots of data and studies if anything additional can be provided to the Village.

Kelly Goldberg of 1112 Osterman Avenue stated that she is grateful to the Commission and the Village for their time and effort to make decisions for Deerfield. She shared that she has a son who has Crohn's disease and she was thrilled when Deerfield got a medical dispensary as she is his medical cannabis cardholder. Additionally, her farther recently died of pancreatic cancer and instead of having to take narcotics for the 10 weeks between his diagnosis and his death, he could legally ingest cannabis for comfort. It wasn't about smoking and vaping and propaganda about the danger. Cannabis for her father and son is legal medicine. Ms. Goldberg stated that she is a teacher by trade and has taught in Bannockburn and Northbrook and spends a lot of time with teens. When she teaches the history of the prohibition of alcohol she also talks about cannabis and how it has been kept out because of capitalism, racism and greed, and it is now being put back into the hands of the people for them to decide. So like alcohol, people have choices to make. She commented that as a 25 year youth educator, she is certain there will not be a host of exaggerated problems as an outcome of cannabis.

Lydia St John stated that she moved to Deerfield in 1994 and has raised four children here. Her 6<sup>th</sup> grader recently came home after graduating from the DARE program and she had to sign the red sheet of paper to endorse and advocate not using drugs and being kind to other kids. She stated that it is their duty as parents to protect their kids and the majority of Deerfield is raising

families. She stated that she learned at a high school sports banquet last spring that Deerfield is facing low numbers of students at their elementary schools and they have a duty to have a good reputation in Illinois and on the north shore despite what our State leaders have passed that we deal with now. She stated that she wants to stay in Deerfield, but this is contradictory to their mission is to reduce drug and alcohol use among youth. She commented that the Community Anti-Drug Coalition Board includes members of the Village Board and this is a direct contradiction and they cannot put marijuana in front of our kids. She stated that this is no way to raise the next generation and it pollutes the next generation and Deerfield cannot be in favor of that. She stated that it gives them access and it will trickle down. She asks the Village to please consider this and stated that she speaks for many parents who are not in attendance because they didn't know about this meeting.

Cindy Blakeslee of 1059 Fair Oaks Avenue commented that she is concerned about what this may do to property values in Deerfield and would like more data and information on this and whether or not in other communities housing prices have gone down because of this. She would also like to know if usage increases in areas that have recreational cannabis dispensaries. She stated that she is a high school biology teacher and she has her students research what marijuana does to their developing brains, and most are shocked to learn what it does to their neuro pathways. Many teens think marijuana is risk-free and better than tobacco, and she doesn't think this will do anything to help change that perception.

Chairman Berg asked for Commission responses to Public Comment.

Mr. Schuster stated that in response to a comment, the Village can prohibit recreational cannabis dispensaries even though they have a medical one. It was also asked if they can enact smoking restrictions for cannabis. Under the State Act, you cannot consume in public places just like smoke-free Illinois. It is not in the Plan Commission's purview to do anything beyond this. Commissioner Bromberg clarified that the only legal place to smoke is in your home. Mr. Schuster added that a private building would also be allowed. Commissioner Bromberg stated that the Lake County (Recreational Cannabis Model Ordinance) Task Force questioned if smoking in your own backyard could even be legal as others might be able to see it. Mr. Schuster added that the Village cannot prohibit the use but can prohibit having a dispensary. But nothing would prohibit someone from going to another town to acquire it, drive it to their house and use it in Deerfield; this cannot be prohibited.

Mr. Nakahara clarified that the Post Office is the Public Lands Zoning District although the lot where Tony's Subs is located in C-2. He stated that also in response to the distance restrictions from schools and parks, these were the same restrictions placed on the existing medical cannabis dispensary in Deerfield. The distances from the schools was part of the State statute and the Village added 500 feet location restriction from a public park.

Chairman Berg stated that the Plan Commission has concluded public testimony and will meet in an open workshop setting to deliberate their recommendation on this matter. He stated that a written recommendation will be made to the Village Board who will take final action on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission.

There being no further discussion, the Public Hearing adjourned at 9:20 P.M.

Respectfully Submitted, Laura Boll

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Workshop Meeting on August 22, 2019 at the Village Hall, 850 Waukegan Road, Deerfield, Illinois.

Present were:           Larry Berg, Chairman  
                              Al Bromberg  
                              Jennifer Goldstone  
                              Elaine Jacoby  
                              Blake Schulman  
                              Justin Silva

Also present:           Jeff Ryckaert, Principal Planner  
                              Daniel Nakahara, Planner  
                              Ben Schuster, Village Attorney

**WORKSHOP MEETING**

**(1a) Discussion on Restore Special Use**

Commissioner Silva commented that he has no objections to this petition even though this is generally a retail space, they are seeing more and more of these types of service uses in retail spaces and this would be a nice addition. He feels that this use meets all of the Special Use criteria. Commissioner Jacoby agreed and commented that it is a low impact use relative to parking. All other Commissioners agreed.

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the request for approval of a Class A Special Use for a wellness center in Unit M (former Cliento Photography space) in the 720 Waukegan Road Building at the Shops at Deerfield Square (Kirby Limited Partnership and Restore LLC.). The motion passed with the following roll call:

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)  
Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board October 7, 2019.

**(2a) Discussion on Mynd Signage**

Commissioner Silva commented that these sign changes all seem like benign changes and he prefers the gray awnings. He understands their rationale updating their branding, getting a fresh new look and did not have any concerns with the changes.

Commissioner Jacoby commented that with the size and scale of the building, a few more inches on the signage did not make a difference in her opinion. She also did not have an issue with the door handles having a logo on each handle especially since it did not have the business name on the handles. Commissioner Jacoby was fine with the requested sign exceptions.

Commissioner Goldstone agreed adding that on the signage the Mynd letters are not that large themselves, it is the box around it and everything together that makes it an exception. She commented that the appearance lessens the width of the existing sign and looks good.

Commissioner Schulman added that if 50 inches were added to each end of the sign, the sign would be much bigger but was fine with the proposed wall sign. He pointed out that the proposed wall sign is less wide than the existing sign. Commissioner Schulman was fine with the way the sign as presented and was in favor of the sign exceptions.

Commissioner Bromberg agreed with the comments of the Commissioners and did not have an issue with the changes.

Commissioner Bromberg moved, seconded by Commissioner Silva to approve the request for approval of a new wall sign for Mynd Spa including an exception to the Deerfield Square Sign Criteria and an amendment to the Deerfield Square Commercial Planned Unit Development to permit changes to the Elizabeth Arden Red Door Salon name to be changed to Mynd Spa and Salon, in Unit A in the 720 Waukegan Road Building at the Shops at Deerfield Square (Kirby Limited Partnership and Elizabeth Arden Red Door Salon and Spa, Inc.). The motion passed with the following roll call:

Ayes: Bromberg, Goldstone, Jacoby, Schulman, Silva, Berg (6)

Nays: None (0)

Mr. Nakahara reported that this matter will go before the Village Board September 3, 2019.

**(3a) Discussion on Recommendation on Text Amendments for Recreational Cannabis Businesses**

Commissioner Jacoby commented that after reviewing what the Village Board came up with, she thinks they had some good criteria and she agrees that it should be a Special Use. She is not sure about the distinction between 1,000 feet from preschools, elementary and middle schools and 2,000 feet from a high school. She added that since Deerfield has not had any problems with the medical cannabis facility and it has been highly utilized by people inside and outside of Deerfield, this is a good indicator that if approved a recreational dispensary could be kept under control.

Commissioner Goldstone commented that she has mixed feelings about it. Commissioner Goldstone was at the July 1 Village Board Meeting and she agreed with the Mayor's sentiments that she was not favor of the legislation before but that the State has approved it, she does not want to see Deerfield miss this opportunity. She added that since there will be a limited number of State licenses issued, if Deerfield passes regulations sooner, they can take advantage of the tax revenue. She noted that Deerfield has struggled lately in the retail environment and this may help retail. They have lots of services and restaurants but no real shopping anymore and from that perspective she likes the idea. She understands the concerns about affecting our youth and thinks that it will be accessible to youth whether we allow it in Deerfield or not. Additionally, the Police Chief was not concerned about enforcement as they already deal with impairments and are equipped to handle it. She added that some of the same arguments were made before prohibition and this is the way of the future whether you are for or against the actual act of partaking in marijuana.

Commissioner Schulman commented that he is torn as well. He stated that thinking about it as a retail issue, it could help the Village which should not be minimized. However, children and the community are definitely important. He commented that it can be analyzed as alcohol is in the way it is sold, used, and consumed. He stated that he doesn't know enough about the research on the effects to people and on the brain. He added that if approved, he is in favor of it being tucked away in an industrial area and not on Waukegan Road. He would like to prohibit the location near Tony's Subs as well as any on-premises consumption. He is still thinking about whether a recreational dispensary should be prohibited or allowed as a Special Use. Regarding comments about public consumption and it being easily hidden with edibles and gummies, he stated that this is also true of alcohol which can be put in a travel mug or other container and easily masked. He generally agrees that he does not want it around kids or to be publicized. But overall, he would like more information on impacts to society, revenue and enforcement.

Commissioner Bromberg stated that the Commission appreciates comments made. He stated that he is not opposed to having a recreational cannabis dispensary in Deerfield. He agrees that it should be a Special Use and that on-premises consumption should not be allowed. He also agrees that limiting it to one in Deerfield initially makes sense and this can always be amended later. He also thinks the Village should impose the 3% tax. In other considerations, they would need to make sure a dispensary has adequate parking and appropriate hours of operation. The medical dispensary is only open until 6PM and he would not want a recreational dispensary to be open late at night. He commented that overall there are still many things we do not know. This week he attended the first meeting of Lake County Recreational Cannabis Model Ordinance Task Force, which plans to draft a set of tools to help municipalities deal with this new law. There will be two more meetings with final guidelines expected to be put out in October. He added that as a Plan Commission, they still have more education to do and he would like to hear what the County comes up with. He stated that he does not believe the Plan Commission is ready to make a decision or vote as the education should come before making a recommendation to the Village Board.

Commissioner Silva stated that he agrees with many of Commissioner Bromberg's comments and there are many unknowns. He commented that he is unsure about the stance of allowing one in Deerfield and to him it seems it should either be prohibited or not. He stated that they also do not know if the current medical dispensary would even want to sell recreational out of that location. He stated that he is not against it, but he also wants more information and more deliberation given to where it could be allowed, and the number allowed.

Commissioner Bromberg commented that because of zoning and distance restrictions and the requirement that one dispensary cannot be within 1500 feet of another, they may only have space for one in Deerfield.

Commissioner Silva commented that the industrial area is not a great location for this type of retail. Commissioner Jacoby stated that she thinks it is a good location for this use and if people want to find it, they will. Commissioner Schulman agreed.

Chairman Berg stated that he agrees with the restrictions that Commissioner Bromberg supports including no on-premises consumption, limiting it to one, requiring a Special Use Permit and imposing a 3% tax.

Chairman Berg agreed that he would also like to hear the outcomes of the Lake County Task Force and if they recommend in favor of this matter, they can request that the Village Board

adopt the recommendations of the Lake County Task Force. Mr. Schuster stated that it will take some time for the Village Board to deliberate this matter and that the Plan Commission can ask that they consider any possible recommendations and guidance put out by the Lake County Task Force. They also recommend that the Village Board consider any administrative rules that come out by the County and State.

Commissioner Bromberg suggested continuing this matter to a future meeting. Chairman Berg stated that they were mandated by Trustees to have a Public Hearing on this matter and with the Act going into effect January 1, 2020 they must determine what they would like to do so that businesses could have time to go through the licensing process. He stated that these timetables and moving parts should be considered if they continue this matter. He agrees that they could make the County's guidelines part of their recommendation to the Village Board.

Commissioner Bromberg asked Village staff if they know if Deerfield's medical dispensary will apply for a recreational license. Mr. Ryckaert replied that they have expressed some interest, but they may be waiting to see whether the Village decides to allow a recreational cannabis dispensary or not.

Commissioner Goldstone commented that their discussions have assumed that they do want to apply for a recreational license and this information would be good to know. Mr. Schuster stated that another possibility is that a medical dispensary outside of Deerfield could attempt to make their secondary location in Deerfield if there were a suitable location.

Chairman Berg asked for the Commission's feedback on continuing this matter. Commissioner Bromberg commented that if the Plan Commission feels that recreational dispensaries should be prohibited than gaining more information is irrelevant, but if they are considering allowing it with stipulations then he feels they should wait and learn more and continue the matter. Commissioner Schulman commented that they may need more information to decide whether to allow or prohibit it.

Commissioner Bromberg moved, seconded by Commissioner Schulman to continue the Public Hearing on Text Amendments to the Deerfield Zoning Ordinance regarding Zoning Regulations for recreational cannabis businesses, including Dispensaries to September 12, 2019. The motion passed with the following vote:

Ayes: Jacoby, Silva, Bromberg, Goldstone, Schulman, Berg (6)

Nays: None (0)

Mr. Nakahara asked the Commission for input on specific information staff can gather for the continued meeting. Commissioner Silva suggested finding out if they can restrict the hours of sale. Commissioner Bromberg suggested creating a map showing where a recreational dispensary could be allowed given the 1500 foot restriction from an existing dispensary. Commissioner Schulman commented that he would like information on revenue, crime and usage from states that have legalized cannabis.

### **Document Approval**

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the staff drafted recommendation for Mynd Spa with a typo correction. The motion passed with the following vote:

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Ayes: Jacoby, Silva, Bromberg, Goldstone, Schulman, Berg (6)  
Nays: None (0)

**Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items.

**Adjournment**

There being no further discussion, Commissioner Schulman moved, seconded by Commissioner Jacoby to adjourn the Workshop Meeting at 9:57 P.M. The motion passed with a unanimous voice vote.

Respectfully Submitted,  
Laura Boll