MEETING MINUTES
PLAN COMMISSION
Wednesday, September 25, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Colby Lewis (Chair), Jennifer Draper, Carol Goddard, George Halik, Andrew Pigozzi, Jane Sloss

Members Absent: Teri Dubin, John Hewko, Peter Isaac

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Michelle Masoncup, Corporation Counsel

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: September 11, 2019

Minutes from the September 11, 2019 meeting will be reviewed at the next scheduled Plan Commission meeting.

3. NEW BUSINESS

A. Map Amendment
Howard Street Rezoning 19PLND-0080
A Zoning Ordinance Map Amendment pursuant to City Code Title 6, Zoning, to rezone properties located at 951-1125 Howard Street from the C1 Commercial District to the B2 Business District.

Mr. Mangum provided an overview of the proposed map amendment, describing the affected area and explaining the difference between the existing C1 zoning district and the B2 zoning district proposed.

Chair Lewis opened the hearing to questions from the Commission
Commissioner Sloss asked what the parking requirement change would be between the C1 and B2 districts. Mr. Mangum responded that there would be no change in that requirement as it is determined by the land use. He added that a mixed-use development has been proposed which necessitates the need for the rezoning. That development would come before the Plan Commission at a later date. Chair Lewis asked if that development would be allowed under the current zoning to which Mr. Mangum responded no, since it involved dwelling units which are not allowed in the C1 District.

Commissioner Pigozzi asked if any existing businesses would be affected unless they wanted to make a change to their space. Mr. Mangum responded no, any existing business not permitted under the new zoning would be legally nonconforming.

Chair Lewis asked if the existing businesses would be allowed to expand or improve their property. Mr. Mangum responded that it would depend on the use. If a special use a change to that special use would be needed. If legally non-conforming as the existing pawn shop would be, a major variation would be needed.

Commissioner Goddard inquired if there are any other C1 districts located on Howard Street. Mr. Mangum responded that there are two other areas along Howard Street with that zoning. Chair Lewis added that there are about a half-dozen C1 districts in the City as a whole.

Chair Lewis then opened the hearing to questions from the public. Hearing none, he then opened the hearing up to public testimony.

One person, Jenny Claro of Evergreen Real Estate Group, spoke on behalf of David Block who is working with CJE on a proposed 4-story mixed-use building which is currently under staff review. She stated she was in favor of the rezoning.

Chair Lewis then closed the public hearing and the Plan Commission began deliberations.

Commissioner Goddard expressed that she thinks the map amendment is an excellent idea and that Howard Street has made strides and this is an outflow of that.

Commissioner Draper stated that the existing zoning district was created more to permit shopping centers and that the proposed change is better suited for the street

The Commission then reviewed the standards for approval of amendments and agreed that each standard is met.

**Commissioner Goddard made a motion to recommend approval of the zoning ordinance map amendment for the rezoning from C1. Commissioner Pigozzi**
seconded the motion. A roll call vote was taken and the motion passed, 6-0.

Ayes: Draper, Goddard, Halik, Lewis, Pigozzi, Sloss
Nays:

B. Text Amendment

Accessory Recreational Cannabis Use 19PLND-0078

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create definitions for cannabis related uses, establish any applicable general provisions for such uses, establish any applicable parking requirements for such uses, and amend the permitted and special uses in the Business, Commercial, Downtown, Research Park, Transitional Manufacturing, Industrial, and Special Purpose and Overlay zoning districts.

Ms. Jones provided an overview of the proposed text amendment, explaining state regulations, The Compassionate Use of Medical Cannabis Program Act and the Recreational Cannabis Regulation and Tax Program Act that have led to the proposed amendment. She then described the City’s existing medical cannabis dispensary and how its location was determined, other municipality actions, and City Council’s suggestions for this use.

Chair Lewis opened the public hearing to questions from the Commission.

Commissioner Goddard asked what staff’s line of thinking was prohibiting dispensaries from industrial districts. Ms. Jones responded that the dispensaries are more retail oriented so placing those in the business and commercial districts was a better fit. In the future, the other cannabis uses that are more processing oriented would be better suited in the industrial areas.

Chair Lewis inquired why the cap on the number of locations mentioned by City Council was not included and if there was any discussion on the possibility of getting a large number of special use applications with a small number of permitted locations. Ms. Jones responded that the cap in locations could be added but could be more related to prohibiting the number of licenses. Ms. Masoncup added that in discussions there was concern of processing a flood of applications if there is a cap of 3 locations. Chicago will have a lottery system set up and the thought was that by including distancing buffers the same effect may occur.

Chair Lewis clarified that the Commission is just considering dispensaries and that the urgency is because of the January 1st enactment of the law. The other uses will be allowed to operate later in the year. Ms. Jones confirmed that this was the case.

Commissioner Draper asked for clarification regarding the buffer for the existing
dispensary. Ms. Jones clarified that the ring around the existing dispensary is for the distance required between dispensaries and that there is some overlap from some of the school buffers near the site.

Chair Lewis asked if there was any consideration given to other institutions such as recreation centers such as Fleetwood-Jourdain or Chandler-Newberger with younger populations. Ms. Jones responded that the main consideration for the younger populations that are in schools. Some recreation centers have a wider variety in the age of users that would likely have more oversight for the younger population.

Chair Lewis then inquired about the need for the Certificate of Zoning Compliance, what it ensures and if it is required. The Certificate of Zoning Compliance is a general confirmation that the use is allowed within the City or a particular location; this would be a preliminary step. Mr. Mangum added that the section referencing that certificate could be expanded for other cannabis uses that may be permitted by right in which case a Certificate of Zoning Compliance would be required even if a special use was not.

Commissioner Halik expressed concern over the security and monitoring aspects of the dispensaries to prevent illegal activity. Ms. Jones stated that while that may not be under Plan Commission’s purview, at a State level the dispensaries are required to have security and monitoring plans as part of their applications. If the use will be a Special Use, conditions could be added as part of the approval of the Special Use Permit.

Chair Lewis then opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony and stated that residents are permitted to submit a request for a continuance in order to rebut testimony presented at the meeting.

A total of 3 people spoke, with comments including the following:

- Jeremy Unruh, the director of regulatory affairs for PharmaCann which operates the dispensary on Maple Avenue in the City. He provided a background on himself and PharmaCann, which was started in Illinois 5 years ago. PharmaCann also operates locations in 7 other states. He pointed out the unique situation of Evanston acting as a landlord for the medical cannabis dispensary, then clarified that the use is a land use and not cannabis use which is permitted by the new state legislation. PharmaCann is asking to be authorized to adult-use cannabis from their existing medical cannabis dispensary. He added that there is a 3% tax that can be levied and provide additional revenue. In a similar sized community PharmaCann was able to remit $300,000 in tax revenue in its first 6 months of operation. PharmaCann is now attempting to be able to serve adult-use customers by January 1st which would optimize relationship with community. Existing site has 35 cameras that monitor the perimeter and interior and 90 days of footage is kept. The medical dispensary regulations related to safety and security are the same in the previous and current acts.
Don Williams, Regional Director of Government Relations of MedMen, stated that his company is currently in the process of acquiring PharmaCann. MedMen has been operating since 2010 within 12 states and does cultivation, manufacturing and dispensing but sees itself primarily as a retailer that is mainstreaming and normalizing cannabis. He then went over other aspects of MedMen, including investing in and communicating with the communities they locate in, investing in employees with a livable wage, trainings and providing stock options, having a workforce that is 58% people of color, providing education programs related to cannabis, equity and record expungement. He added that security is taken into consideration and sites have a discreet aesthetic.

Tyree Crosby stated he is from Evanston and is the Sole Proprietor of Litehouse Dispensing Company LLC and is looking to submit applications for recreational cannabis dispensaries. He is researching, building relationships and keeping up with the status of zoning regulations.

Chair Lewis closed the public testimony and asked if the Commissioners had any additional comments or additional questions.

Commissioner Pigozzi inquired if Evanston plans to create a lottery system. Mr. Mangum responded that the dispensaries are proposed to be a Special Use and would be subject to a distance requirement. If an applicant meets the requirements they would be considered by the Zoning Board and City Council. No cap has been proposed but if it is needed, an additional process would be proposed if applications exceed the number permitted by the cap.

Chair Lewis asked for the reasoning behind proposing a 750 feet buffer. Ms. Masoncup responded that the only regulation the state has is between dispensaries. Council weighed in seeking a buffer for schools. The 750 ft. distance is analogous to the 1,000 ft. Mr. Mangum added that there was some concern that the previous distance requirements were too restrictive and decreasing that distance and eliminating daycares from the required buffer will open up additional possible locations.

Chair Lewis asked how signage would be handled. Mr. Mangum responded that there are some regulations in place through the Act for signage, though it is not clear if it is for billboards or dispensary locations, including a 1,000 foot radius from uses such as schools, playgrounds, parks, public transit vehicles, or other public land and cannot make health claims, promote consumption or use images appealing to children.

Commissioner Draper clarified that the 1,000 foot distance was solely for signs and not the cannabis dispensaries themselves since the proposed buffer is 750 feet for those sites.

Chair Lewis asked Mr. Unruh if he has plans to open other facilities and is he only in the dispensing end or is there intention to vertically integrate and pursue opening other
types of cannabis businesses. Mr. Unruh responded by explaining that there are 55 existing dispensaries which are dispersed by geography. Downstate Illinois has a larger geography whereas locally, the size is about 2 townships. At the start of the year, the existing 55 dispensaries will have the ability to collocate medical and recreational cannabis product sales as well as locate a secondary site, which does not have to be restricted to the local area but can be anywhere within Bureau of Labor Statistic areas in the State. In the local area, which consists of the entire 9 county area, there are about 35 dispensaries that could be vying for space. Mid-year 2020, there will be 75 Social Equity dispensary licenses that will be awarded. The Social Equity applicants would consist of sites that were negatively impacted by the War on Drugs and meet other socio-economic considerations. After that round, up to 110 dispensaries could be licensed. In addition, there are other cannabis businesses such as infusers, craft growers or processors that will also be licensed. He added that the Zoning Compliance Certificate was relevant in a competitive environment.

The Commission then reviewed the standards and felt the amendment would promote business, promote economic vitality and sales revenue with increased traffic. Due to restrictions and requirements within the amendment sites would be compatible with surrounding areas and the Special Use process would help, on a case by case basis, to mitigate possible negative effects.

Commissioner Pigozzi made a motion to recommend approval of the proposed text amendment as presented by staff. Commissioner Goddard seconded the motion. A roll call vote was taken and the motion passed, 6-0.

Ayes: Draper, Goddard, Halik, Lewis, Pigozzi, Sloss
Nays:

Commissioner Goddard made a motion to refer future discussion of regulations related to cannabis cultivation centers, processors, transporters, infusers, and craft growers to the Zoning Committee for further review and discussion. Commissioner Pigozzi seconded the motion. A roll call vote was taken and the motion passed, 6-0.

Ayes: Draper, Goddard, Halik, Lewis, Pigozzi, Sloss
Nays:

4. PUBLIC COMMENT
There was no public comment.

5. ADJOURNMENT
Commissioner Pigozzi made a motion to adjourn the meeting. Commissioner Goddard seconded the motion.
A voice vote was taken and the motion was approved by voice vote 6-0. The meeting was adjourned at 8:09 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department