



**Meeting Date:** July 27, 2021

**To:** Michael Braiman, Village Manager

**From:** Alex Arteaga, Management Analyst

**Subject:** Recreational Cannabis – Past Meeting Memos and Materials

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As the Village Board of Trustees further considers recreational cannabis policy within Wilmette, staff wanted to provide all relevant materials and memos from past meetings. See below for a list of attached materials.

**Memos Attached**

1. Discussion of Next Steps Concerning State Law Legalizing Possession and Use of Recreational Cannabis Memo – August 22, 2019
2. Cannabis Regulation and Tax Act Memo – August 22, 2019
3. Appointment of Special Zoning Committee – Village Code Updates: Technical Amendments to the Village's Zoning Code Memo – September 24 and October 22, 2019
4. Retail Cannabis Moratorium and Referendum Memo – June 23, 2020
5. Retail Cannabis Moratorium and Referendum 2<sup>nd</sup> Memo – July 14, 2020
6. Retail Cannabis Moratorium and Referendum 3<sup>rd</sup> Memo – July 28, 2020
7. Cannabis Referendum Communication Plan Memo – July 28, 2020
8. Review of Retail Adult-Use Cannabis in Wilmette – February 4, 2021
9. Appointment of Special Zoning Committee – Review Regulations to Address Retail and Medical Cannabis Dispensaries in the Zoning Ordinance Memo – February 4, 2021
10. Adult-Use Recreational Cannabis Dispensaries – Review of Locations & Regulations Memo – February 24, 2021
11. Proposed Regulations for Retail Adult-Use Cannabis at Eden's Plaza Memo – June 29, 2021
12. Adult-Use Recreational Cannabis Dispensaries – Review of Eden's Plaza Memo – June 29, 2021

**Meeting Minutes Attached**

13. Special Village Board Meeting Minutes – February 4, 2021
14. Land Use Committee Meeting Minutes – February 24, 2021
15. Land Use Committee Meeting DRAFT Minutes – June 29, 2021

**Relevant Materials Attached**

16. Public Comments Received – February 4, 2021 & June 29, 2021
17. Ordinance No. 2019-O-63: An Ordinance Amending Cannabis Regulations and Creating a Tax for the Retail Sale of Cannabis; Amending the Zoning Code to Include Cannabis Business Establishments; and Establishing a Moratorium on Cannabis Business Establishments – September 24 and October 22, 2019

18. Resolution #2020-R-20 A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Allowance of Recreational Cannabis Sales to Appear on the Ballot of the Electors of the Village of Wilmette, Cook County, Illinois at the November 3, 2020, General Election – July 28, 2020
19. Recreational Cannabis Business Policy Map: Surrounding Communities – January 2021 Update
20. Wilmette Medicinal Cannabis Zoning Map – July 28, 2020
21. Public Information for Cannabis Referendum: Frequently Asked Questions – July 28, 2020
22. Draft Webpage Template for Cannabis Referendum – July 28, 2020
23. Presentation on Cannabis Referendum Communication Plan – July 28, 2020
24. Cannabis Referendum Results by Precinct – February 4, 2021
25. Regional Recreational Cannabis Referendum Status Map – February 4, 2021
26. Historical Referenda Information – February 4, 2021
27. Cannabis Questions and Answers - Questions Submitted by Members of the Village Board – February 4, 2021
28. Overview of the Discussion on Retail Sale of Recreational Cannabis Presentation – February 4, 2021
29. Presentation for February 24, 2021, Land Use Committee Meeting – February 24, 2021
30. Zoning District Analysis – February 24, 2021
31. Wilmette Road Classifications Map – February 24, 2021
32. District 39 School Walking Route Map – February 24, 2021
33. Land Use Committee Meeting: Eden's Plaza Map of 500' Meeting Notice Radius – June 29, 2021
34. Edens Plaza Site Plan – June 29, 2021
35. Edens Plaza Leasing Flyer – June 29, 2021
36. Aerial Map of Hatch Dispensary in Wheeling – June 29, 2021
37. June 18, 2021, Crain's Chicago Business article "After taking a pass, these burbs are taking another look at pot revenue" – June 29, 2021
38. PowerPoint Presentation for June 29, 2021, LUC Meeting – June 29, 2021



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**Date:** August 22, 2019

**To:** Village President and Board of Trustees

**From:** [Timothy J. Frenzer](#), Village Manager

**Subject:** **Discussion of Next Steps Concerning State Law Legalizing Possession and Use of Recreational Cannabis**

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**Appointment of Judiciary Committee as Special Zoning Committee**

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**Recommended Actions**

1. Appoint the Judiciary Committee as a Special Zoning Committee to review amendments to the Zoning Ordinance necessitated by the Illinois Cannabis Regulation and Tax Act, as described in the accompanying memorandum prepared by the Corporation Counsel.
2. Review the options discussed in this memorandum on how to proceed, and provide Staff with additional direction in September.

**Overview**

In connection with this Agenda item, the Village Board will have received a detailed memorandum from Corporation Counsel Jeffrey Stein, discussing the provisions of the new Illinois Cannabis Regulation and Tax Act ("Act"), which will take effect on January 1, 2020.<sup>1</sup> Mr. Stein's memo explains the provisions of the Act and also explains the permitted scope of municipal regulation. While municipalities may not prohibit the lawful possession of recreational cannabis after January 1, 2020, they do still retain the

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<sup>1</sup> 410 ILCS 705, *et seq.*

authority to determine whether or not to permit sale of recreational cannabis at retail, and if so, where and under what limitations as may be allowed under the Act. While not identical, the choices left to the Village under the Act parallel local choices concerning the sale of alcoholic beverages.

Mr. Stein is recommending to the Village Board that, regardless of what next steps the Village Board decides to take, there are amendments to the “Definitions” part of the Zoning Ordinance and other Village Code amendments necessitated by the Act relating to the differentiation between medical cannabis and non-medical cannabis. As any amendment to the Zoning Ordinance requires the Village Board to appoint a Special Zoning Committee to conduct the required public hearing, we recommend that the Village Board appoint the Judiciary Committee as a Special Zoning Committee. The Judiciary Committee will then be authorized to review the Corporation Counsel’s recommendations and submit a report and recommendation to the Village Board in sufficient time to adopt an Ordinance prior to the end of 2019. As the Judiciary Committee reviews matters related to the Liquor Control Ordinance and liquor licensing, it seems the most appropriate standing committee to review this matter.

Aside from the technical amendments to the Zoning Ordinance that need to be done regardless of what approach the Village decides to take regarding the sale of cannabis for recreational purposes, the Village does need to take additional legislative actions to prepare for the Act taking effect. This is the case regardless of whether the Village intends to permit or prohibit the sale of non-medical cannabis. The purpose of this memorandum is to provide some background on the Village’s prior treatment of cannabis and to outline in broad terms the Village’s options going forward.

### **Prior Treatment of Cannabis in Wilmette**

Consistent with the State’s Compassionate Use of Medical Cannabis Pilot Program Act (as discussed in the Corporation Counsel’s memorandum), Wilmette amended its Zoning Ordinance and Village Code in 2014 to provide for the potential sale of medical cannabis.<sup>2</sup> Although there are no medical cannabis dispensaries in Wilmette, in compliance with State law the Village did amend its Zoning Ordinance to identify the limited area where a dispensary could be located if the State should provide such a license.

Insofar as non-medical, recreational use of cannabis is concerned, possession has been unlawful in Wilmette and statewide. However, Wilmette was one of the first communities in Illinois to “decriminalize” possession of small amounts of cannabis. “Decriminalization” means that, by local ordinance, police may, in their discretion, issue local ordinance tickets for possession of small amounts of cannabis, instead of arresting and charging the offender with a criminal offense under State law. Wilmette authorized local ordinance tickets in 1991, and this provision of the Village Code is still in effect.<sup>3</sup>

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<sup>2</sup> Ord. 2014-O-1, adopted Jan. 28, 2014.

<sup>3</sup> Ord. 91-O-74, adopted Nov. 5, 1991. See Wilmette Village Code (2019), Ch. 12, §12-350, *et seq.*



## **Options Going Forward**

As the Corporation Counsel's memorandum discusses in more detail, the Village essentially has three regulatory paths it may choose from going forward. While the Act preempts considerable municipal authority, it still allows for a municipality to prohibit recreational cannabis dispensaries.

### **1. Permit the Sale of Cannabis by a Licensed Dispensary**

The Village could elect to let the Act take effect here, which would allow a dispensary properly licensed by the State to conduct business in Wilmette. This is the option that Northbrook, for example, is pursuing.

Although the Act will take effect without any action by a municipality, if a municipality wants to permit a dispensary to operate it will still need to adopt a local zoning ordinance amendment identifying the zoning district or districts in which such a business would be permitted to operate, whether it would be a permitted or special use, and any other limitations, such as density standards (*i.e.* limiting how many are allowed and how close to each other they can be located). A local tax ordinance would also need to be adopted. Such ordinances should be in place before the end of 2019.

### **2. Prohibit the Sale of Recreational Cannabis**

The Act does allow a municipality to prohibit dispensaries within its jurisdiction (although possession of lawfully acquired cannabis cannot be prohibited). This is the option that Lake Bluff, for example, is considering.

Prohibiting recreational cannabis dispensaries would require a local ordinance to that effect, adopted prior to the end of 2019. Medical dispensaries cannot be prohibited. Regardless, a local ordinance adopting the new statutory definitions (as recommended by the Corporation Counsel) will still be necessary. It also may be advisable to adopt a local taxation ordinance, even if recreational sale is prohibited, to guard against future State preemption of local regulation or taxation (as occurred with the State preemption of local tobacco taxes).

### **3. Adopt a Moratorium (Red Flag) Ordinance, Pending Review or Referendum**

Another option would be to adopt an ordinance initially prohibiting recreational cannabis dispensaries, either indefinitely or with a sunset clause, with the objective of conducting additional review and gathering more resident input. This amounts to a moratorium on sale of cannabis for recreational use, and are sometimes referred to as "red flag" ordinances. Park Ridge, for example, indicated its intention to adopt a "red flag" ordinance pending the result of an advisory referendum in 2020.

During the moratorium period, the experience of municipalities that decided to allow dispensaries could be evaluated. One concern in that regard is that, depending on the speed of the State's licensing process, there may be some significant time before a

meaningful period of experience occurs. As discussed above in the case of outright prohibition, it will also still be necessary to adopt a local ordinance making the appropriate changes to definitions, and a local taxation ordinance may still be advisable.

In terms of gathering additional public opinion, Park Ridge has indicated its desire to proceed with an advisory referendum. That is consistent with how many municipalities, including Wilmette, dealt with the somewhat comparable issue of going from “dry” to allowing the sale of alcoholic beverages.

Wilmette does have precedent in this regard, in terms of liquor control. In 1974, after about one hundred years of prohibiting the sale of alcoholic beverages, and at the urging of the business community, the Village Board voted to add referendum questions on whether the sale of alcohol should be permitted in Wilmette to the March 1974 Special Election ballot.<sup>4</sup> The Village Board chose this election because a referendum on the creation of the Regional Transportation Authority (RTA) was also on the ballot (apparently in the belief that there would be strong voter turnout).<sup>5</sup> The voters’ approval led to the adoption of ordinances legalizing the sale of alcoholic beverages at retail and in restaurants.<sup>6</sup>

The March 20, 2018 Gubernatorial Primary Election included a Cook County-wide referendum question asking voters whether they approved of the legalization of cannabis for recreational use by persons 21 years of age or older.<sup>7</sup> The results showed that the proposition was approved by a margin of 68% to 32% county-wide (both Chicago and suburban Cook County).<sup>8</sup> The referendum was also approved by Wilmette voters by an almost identically substantial margin of 67% to 33%.<sup>9</sup> It should be noted, however, that the referendum question asked if the State of Illinois should legalize “marijuana,” which is not the same as asking whether the retail sale of cannabis should

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<sup>4</sup> The Village Board actually voted to add three referendum questions concerning sale of alcohol: (1) “Shall the sale of alcoholic beverages be permitted in restaurants?” (2) “Shall the sale of packaged alcohol beverages be permitted?” and (3) “Shall the sale of alcoholic beverages be permitted in taverns?” *Minutes of the Special Meeting of the President and Board of Trustees of the Village of Wilmette, Jan. 10, 1974.*

<sup>5</sup> Bushnell, George D., *Wilmette: A History*, Wilmette Bicentennial Comm’n (2d Ed., 1997), pp. 193-196.

<sup>6</sup> The canvass of results showed that the question of permitting sale of alcohol in restaurants was approved 5,778 to 3,223, the question of permitting sale at retail was approved 4,596 to 4,242, and the question of sale in taverns was disapproved, 6,694 to 2,007. *Minutes of the Regular Meeting of the President and Board of Trustees of the Village of Wilmette, April 2, 1974.*

<sup>7</sup> The referendum question was, “Shall the State of Illinois legalize the cultivation, manufacture, distribution, testing, and sale of marijuana and marijuana products for recreational use by adults 21 and older subject to state regulation, taxation and local ordinance?” *Source: Cook County Clerk*

<sup>8</sup> *Source: Cook County Clerk, Post-Election Report, March 20, 2018.*

<sup>9</sup> *Source: Cook County Clerk.* It should be noted the Wilmette results are approximate, as the county-wide referendum results are organized by township precinct, and a small portion of Wilmette is included in Northfield Township Precinct 35, in addition to New Trier Township. Precinct 35 totals are included, but it is unknown how many of the 326 votes cast on the referendum are from Wilmette residents. Nevertheless, they cannot materially alter the substantial margin of approval.

be permitted in Wilmette, specifically. The same result may not have been obtained if the referendum question was specific to Wilmette or asked about licensing dispensaries.

Although a public hearing process may and often is also utilized, public hearings also generate comment from participants who self-select, and therefore may not represent an accurate cross-section of public opinion. A referendum would engage a considerably larger sample size of residents, particularly if tied to an election which was expected to have above-average voter turnout. As discussed above, referenda are often used with liquor control issues because such decisions are quality of life/nature of the community issues, as opposed to purely administrative matters. A referendum would also demonstrate whether the apparently overwhelming resident support for legalization of cannabis in 2018 translates into actual support for local dispensaries.

Should the Village choose this option, the next logical election to add such a referendum to would be the November 2020 General Election, as interest in the Presidential election is likely to be very high. Spring primary elections are more problematic, as not all persons want to declare a political affiliation to obtain a ballot, so special non-partisan referendum ballots are required. Additionally, one political party may or may not have as substantial a level of interest in the primary election. Therefore, a general or consolidated election is preferable.

TJF



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**Date:** August 22, 2019  
**To:** Village President and Board of Trustees  
**From:** [Jeffrey M. Stein](#), Corporation Counsel  
**Subject:** CANNABIS REGULATION AND TAX ACT

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## INTRODUCTION

The State of Illinois' newly adopted Cannabis Regulation and Tax Act (410 ILCS 705 *et seq.*) ("Act") will take effect on January 1, 2020. The new law allows for the lawful possession, sale and recreational consumption of cannabis throughout Illinois. While municipalities, even Home Rule Municipalities, have been limited in what they can regulate in regards to cannabis sales, possession, and use, the legislature did leave some matters of local concern to be addressed by the respective municipalities. This memorandum is intended to provide a brief summary of the new law and provide a series of decision points and the timeframes for such decisions that the Village Board will need to make in regards to local regulation of cannabis sale, possession, and use.

## SUMMARY

The Act legalizes the sale, possession and use of cannabis by people over the age of 21 for recreation (not just medical) purposes. Similar to Medical Marijuana (which was enacted by the Compassionate Use of Medical Cannabis Pilot Program Act ("Medical Marijuana Act")), the Act provides for both the growth and distribution of cannabis which will be licensed and regulated by the State. The Act also provided for statewide taxation of the wholesale and retail sale of cannabis and further allows for the local taxation of the retail sale of cannabis. A big difference between the Act and the Medical Marijuana Act is the express authorization of municipalities to restrict or otherwise regulate

“Cannabis business establishments” through zoning controls and other regulatory ordinances.

## POSSESSION AND USE OF CANNABIS

### *What is now lawful.*

The Act authorizes Illinois residents over the age of 21 to purchase and possess up to:

1. 30 grams of cannabis (in its raw form),
2. 5 grams of cannabis concentrate, or
3. cannabis infused products containing up to 500 milligrams of THC.

All cannabis products must be purchased from a State licensed facility, except Medical Cannabis patients may grow up to five cannabis plants that are more than five inches tall, per household, for their own personal cannabis consumption (and presumably the consumption of another Medical Cannabis patient).

The Act does not allow the unregulated use of cannabis consumption. There are still many restrictions on where you can purchase cannabis, the potency of the cannabis and where one can consume cannabis.

### *What is still prohibited.*

While the possession and use of cannabis is now lawful, it is still a heavily regulated activity in many ways similar to the smoking of tobacco or consumption of alcohol. There is still a series of prohibited activities that would be deemed either local violations (Administrative Adjudication) or criminal activity (Circuit Court). The list of prohibitions provided below is intended to inform the Village Board of the most relevant prohibitions and is not an all-inclusive list as provided for in the Act.

The possession and use of cannabis is prohibited:

- on school grounds or a school bus;
- in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;

The use of cannabis is prohibited:

- in any public place;

Such places are defined as “any place where a person could reasonably be expected to be observed by others.” “Public place” includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. “Public place” does not include a private residence unless the private residence

is used to provide licensed childcare, foster care, or other similar social service care on the premises;

- in any motor vehicle;
- when knowingly used in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- in any place where smoking is prohibited under the Smoke Free Illinois Act (includes most commercial businesses, offices, stores, restaurants, bars, government buildings, parks);
- while operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis;
- by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty;
- by a person who has a school bus permit or a Commercial Driver's License while on duty;
- when undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

Furthermore, no person may transfer cannabis or facilitate the use of cannabis to any other person not authorized by the Act or Medical Marijuana Act.

## SALE OF CANNABIS

While the State has preempted a majority of the regulatory field of cannabis cultivation and dispensing, the State did reserve some regulatory powers to local government. As part of the State's regulations, the Act creates new categories of different types of cultivators, dispensers and others, which are collectively defined as "Cannabis business establishments."

The following definitions are included in the Act:

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The

Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

"Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

### *State Licensing*

The State will be responsible for the general licensing of all Cannabis business establishments, much in the same way it is under the Medical Marijuana Act. Specific departments of the State will create rules and regulations for the different types of Cannabis business establishments. Local governments may not enter the field of licensing or regulating Cannabis business establishments, except as otherwise provided for in the Act (discussed below).

Per the Medical Marijuana Act, there are 55 cannabis dispensaries and 20 cultivation centers currently authorized under the Medical Marijuana Act. No such facilities are located within the Village (such facilities are Special Uses in the GC-1 District). Each of those facilities can apply for authorization, prior to other new establishments applying, to convert or expand their medical operations to the recreational marijuana markets.

In addition to the existing Medical Marijuana dispensaries currently licensed by the State, the Illinois Department of Financial and Professional Regulation may award:

1. no more than 75 conditional Dispensary licenses by 2020;
2. no more than 110 additional Dispensary licenses by 2021; and
3. no more than 500 total dispensary licenses by 2022.

In addition to the dispensaries, the State will authorize:

1. 50 Cultivators;
2. 100 Craft Growers;
3. 100 Infusers.

### *Local Regulations*

Local governments are expressly authorized to regulate Cannabis business establishments in two separate areas: zoning and general business regulation.

Per the Act, the Village can prohibit entirely or otherwise significantly restrict the locations of where a Cannabis business establishment may be located within its jurisdiction through its zoning powers. Furthermore, the Village may allow one type of Cannabis business establishment over another (e.g. dispensaries are prohibited but cultivators are allowed). An amendment to the Zoning Ordinance will be needed prior to January 1, 2020, no matter if the Village completely prohibits such uses or if it wants to allow such uses and regulate them.

If the Village were to allow one or more types of Cannabis business establishments within its jurisdiction, the Village may:

1. determine if such uses were to be permitted or special uses;
2. determine in what districts such uses could be located;
3. reasonably regulate the time, place, manner, of their business operations that do not conflict with the Act may be enacted. The Act already covers many regulations such as:



- a. the hours of operations for a dispensary are from 6:00 a.m. to 10:00 p.m. – it is unknown if the hours of operation can be reduced by the Village;
  - b. drive-through windows are not allowed;
  - c. security and lighting plans must be approved by the State and must be operational while open for business;
  - d. there must be at least two employees working when the facility is open for business;
4. limit the total number of such establishments allowed to be operating within the Village through the special use process; and
5. create the minimum distances such establishments may be from other types of uses (e.g. schools, parks, playgrounds).

In addition to zoning regulations, the Village may reasonably regulate those facilities that allow for retail sale and/or on premise use of cannabis at those locations. One area that the Village can regulate entirely is the on-site consumption of cannabis at Cannabis business establishments. The Village may completely restrict such consumption or otherwise place reasonable limitations upon such consumption (time, place, manner restrictions).

The Village may also enforce general business registration requirements and compliance of building codes for any retail operation open to the public, but may not enact cannabis specific regulations that are already provided for by the State.

## TAXATION

Sales by cultivators, craft growers, infusers, and dispensaries can be taxed by the State. The State's cultivation tax is 7% and the retail excise tax will be between 10% and 25% depending upon the specific products THC level. The State will contribute 8% of its collected taxes to the Local Government Distributive Fund ("LGDF") for the purpose of crime prevention, law enforcement training, and drug interdiction.

The Village, should it allow retail cannabis stores, may impose a tax up to 3% on the sales to the consumer. This tax, which can only apply to retail sale of cannabis and not the cultivation of the same, will need to be implemented by ordinance.

## NEXT STEPS

### *Code Changes Required*

Regardless of the Village's decision on the policy of whether to allow all or some of the Cannabis business establishments created by the Act, there are a number of changes to the Village Code that are needed.

The following amendments are recommended to take place prior to January 1, 2020:

1. Amend the Zoning Ordinance to include the definitions of each type of Cannabis business establishment.

2. Amend the Village's own Smoke Free Ordinance as well as the Miscellaneous Offenses sections of the Village Code to make the Village Code consistent with the restrictions provided for in the Act and the Village's current regulation of the use of tobacco.
3. Adopt and enact the taxation ordinance, even if such cannabis uses are to be prohibited in the Village, to ensure the validity of such a tax in the future should the policy change. The Village would presumably be "grandfathered" in if there were any changes by the General Assembly to the local taxation element of the Act.

#### *Decision Points Needed*

The Village Board will need to determine the ultimate question of whether or not to allow some or any of the Cannabis business establishments to be allowed to operate within the Village.

If that answer to that ultimate question is "no", some simple amendments to the Zoning Ordinance would be needed to formalize this prohibition.

If that answer to that ultimate question is "yes", the following policy determinations will need to be made:

1. What types of Cannabis business establishments would be permitted;
2. What zoning district would they be allowed in;
3. Would they be permitted or special uses;
4. At what rate would they be taxed (0% to 3%);
5. What special regulations would be appropriate (hours of operations, proximity to other types of uses (e.g. schools, parks, playgrounds)) for the allowed Cannabis business establishments.

Depending upon the Village Board's desire to make such policy determinations, some actions (specifically those discussed above in the Code Changes Required) and either a moratorium on this matter (as referenced in the Village Manager's Cover Memo) or a final policy determination will need to be enacted prior to January 1,

# REQUEST FOR BOARD ACTION

## Attachment #3



## Law Department

**SUBJECTS:** Appointment of Special Zoning Committee – Village Code Updates:  
Technical Amendments to the Village’s Zoning Code

An Ordinance Amending Cannabis Regulations and Creating a Tax for the Retail Sale of Cannabis; Amending the Zoning Code to Include Cannabis Business Establishments; and Establishing a Moratorium on Cannabis Business Establishments

**MEETING DATE:** Appointment of Special Zoning Committee– September 24, 2019  
Ordinance Introduction – September 24, 2019  
Ordinance Approval – October 22, 2019

**FROM:** [Jeffrey M. Stein](#), Corporation Counsel

**BUDGET IMPACT:** None

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### **Recommended Motions**

Appointment of the Judiciary Committee sitting as a Special Zoning Committee to review certain technical amendments to the Village’s Zoning Code in relation to Cannabis Business Establishments and a moratorium upon such uses.

Move to introduce and subsequently adopt Ordinance No. 2019-O-XX: An Ordinance Amending Cannabis Regulations and Creating a Tax for the Retail Sale of Cannabis; Amending the Zoning Code to Include Cannabis Business Establishments; and Establishing a Moratorium on Cannabis Business Establishments

### **Background**

At the September 10, 2019 Village Board meeting, the Village President directed the Village Staff to place on the next Village Board agenda the necessary amendments to the Village Code in relation to Cannabis Business Establishments, as well as, provide a moratorium ordinance for such uses until an advisory referendum can be voted upon at the November 2020 election.

### **Discussion**

APPOINTMENT OF JUDICIARY COMMITTEE

As provided for in the Village Manager's and the Corporation Counsel's Memoranda on this subject both dated August 22, 2019, staff recommended that the Judiciary Committee be appointed as a Special Zoning Committee to hold the public hearing for the cannabis related technical amendments needed to the Village's Zoning Ordinance. The text amendments proposed are only to add the definitions of Cannabis Business Establishments – as defined in the State's Cannabis Regulation and Tax Act ("Act") – to the Zoning Code. Since the inclusion of these definitions is a text amendment to the Zoning Ordinance, a public hearing is necessary.

At the August 27, 2019 Village Board meeting, the Village Board indicated that the multiple actions required or recommended in regards to cannabis regulation should be consolidated as much as possible. Pursuant to that direction, as well as the direction provided by President Bielinski, the Corporation Counsel has consolidated all aspects of the cannabis regulations into one draft ordinance. The Judiciary Committee will meet prior to October 22, 2019, to discuss all aspects of cannabis regulations.

## ORDINANCE TO BE INTRODUCED

The attached draft ordinance submitted for introduction covers the following cannabis related topics:

### 1. Definitions included into the Zoning Ordinance

As mentioned above, the definitions of Cannabis Business Establishments as provided by the Act into the Zoning Ordinance are a necessary component whether the Village allows or restricts cannabis uses within the Village. These additions are necessary as the Act specifically defines these uses. Including these definitions into the Zoning Ordinance would clearly distinguish such uses from the current medical cannabis uses. Any vagueness argument or misunderstanding by an applicant would be clearly curtailed by the inclusion of these definitions and thus is a prudent approach to ensure the Village retains control over retail cannabis to the fullest extent possible under the Act.

### 2. Cannabis Tax

The adoption of the tax now, even if such cannabis uses are to be prohibited in the Village, would be the best method to ensure the validity of such a tax in the future should the policy change. The Village would presumably be "grandfathered" in if there were any changes by the State to the local taxation element of the Act, similar to how tobacco taxation is currently provided for in State statute. While this is not bulletproof should the State decide to remove the taxation component, it is the best option the Village has before it at this time to ensure such a tax can be implemented.

### 3. Cannabis Regulations

The ordinance amends and revamps the Village's current cannabis regulations and restrictions. The changes to the ordinance clarify that it is still currently illegal to sell, deliver, distribute, or consume cannabis in public within the Village. These changes, however, include the required exemptions to the possession of cannabis and home growth of medical cannabis as required and preempted by the Act.

#### 4. Moratorium

The ordinance also provides for a moratorium on any new Cannabis Business Establishment operating within the Village. The purpose for a moratorium in this matter is to keep the status quo while the Village receives the desired public input in making its final decision about the allowance or restriction of Cannabis Business Establishments within Wilmette. The moratorium clearly indicates to potential cannabis distributors that the Village is not currently allowing such uses, but it may (or may not) in the future.

Per President Bielinski, the moratorium's express justification is to allow for the public to vote in a referendum on the placement of a cannabis dispensary within the Village at the November 2020 election. The moratorium is also justified by a current lack of administrative rules to be imposed by the State that could have an impact upon local regulations.

The moratorium is set to expire automatically on June 30, 2021, which would allow the Village the necessary time to properly discuss and determine the policy based upon the results of the referendum and the final administrative rules. Should the policy be that a cannabis dispensary be allowed, the Village would have enough time to hold public hearings to determine the necessary changes to the Zoning Ordinance. Should the policy be to continue to prohibit the retail sale of cannabis, such an ordinance will be presented to the Village Board at that time.

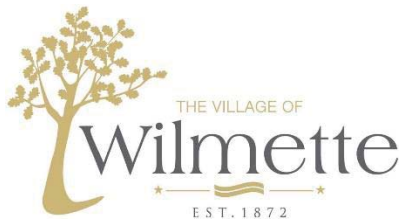
#### ORDINANCE ADOPTION

As a public hearing for the text amendments is required and cannot be set until 15 days after published notice, the adoption of the introduced cannabis ordinance will be set for the last meeting in October.

For a more detailed explanation of the code changes recommended and incorporated into the attached ordinance, please see the attached memorandum from the Corporation Counsel dated August 22, 2019.

#### **Budget Impact**

There is no impact to the budget.



## Law Department

**SUBJECT:** Retail Cannabis Moratorium and Referendum

**MEETING DATE:** June 23, 2020

**TO:** President and Village Board of Trustees

**FROM:** [Jeffrey M. Stein](#), Assistant Village Manager/Corporation Counsel  
[Alex Arteaga](#), Management Analyst

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### **Background**

In October of 2019, the Village Board adopted Ordinance 2019-O-63 ("Ordinance"), which included a moratorium on the retail sale of cannabis within the Village that may otherwise now be lawful pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.)("Act").

Pursuant to the direction given by the Village Board at that time, the Village staff was to present a resolution to adopt an advisory referendum regarding the sale of cannabis for the General Election to be held in November 2020. The deadline to place a referendum on the November ballot is August 2020.

Given this topic was last discussed several months ago, staff will make a brief presentation at the June 23, 2020 Village Board meeting including:

- The background of the current direction and policy,
- An update on any impacts that the sale of cannabis has had upon nearby communities, and
- The potential financial benefits those municipalities may receive.

In accordance with the previously adopted Ordinance, Staff intends to present suggested referendum language at the July 14 Village Board meeting for discussion and a resolution on the July 28 Village Board agenda which if adopted, would place a referendum on the November ballot.

### **Current Cannabis Regulations, Policies and Direction**

The Ordinance adopted in October 2019 provided for multiple provisions related to the Act. While the Ordinance adopted substantive amendments to the Village Code, which included the Miscellaneous Offense Chapter, Finance Chapter, and the Zoning Ordinance, those

specific amendments were intended to remain a part of the Village Code no matter what the Village's determination was about the sale of cannabis being allowed within the Village limits.

Accordingly, the outstanding item that the Village staff is seeking direction on relates to the allowance or restriction of the sale of cannabis within the Village limits. Currently, the Village has imposed a moratorium prohibiting the sale of cannabis at retail within its boundaries. The reason for this moratorium was for the Village to place upon the ballot at the next General Election an advisory referendum seeking the public's input about the sale of cannabis. The moratorium is set to expire (unless some intervening action altering this expiration date is taken by the Village Board) on June 30, 2021.

## **Discussion**

Attached is a memorandum authored by then Village Manager Timothy Frenzer that provides information regarding the moratorium. The information includes the purpose of a referendum and past referenda presented for the sale of alcoholic beverages within the Village. The memorandum also discusses that Cook County already put out a referendum seeking an opinion about the sale of cannabis within the County, though the question was not specific to such sale in Wilmette.

Since 2019, numerous municipalities and counties have allowed for the retail sale of recreational cannabis. The Village staff has conducted a survey to obtain information about the impacts of retail sales and the financial impacts received by those municipalities. To date, data has been limited but below is what the staff has uncovered thus far.

The following Cook County and Lake County municipalities have allowed dispensary operations and currently have at least one dispensary open for business.

<b>Municipality</b>	<b>Current Status</b>	<b>Adverse Impacts</b>	<b>Projected Revenue</b>
Evanston	Dispensary operating	No adverse impacts reported	\$200,000 to \$250,000 projected
Niles	Dispensary operating	No adverse impacts reported	\$5,000 revenue <sup>1</sup>
Chicago	Dispensaries operating	No adverse impacts reported	No projected or actual revenue figures
Elmwood Park	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Oak Park	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Mundelein	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Justice	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Posen	Dispensary	No adverse impacts	No projected or actual revenue

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<sup>1</sup> This revenue figure is as of 6/16/20. Please note that the dispensary opened in late May 2020.

	operating	reported	figures
Worth	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures
Homewood	Dispensary operating	No adverse impacts reported	No projected or actual revenue figures

As the above data indicates, municipalities with retail cannabis dispensaries have not reported any adverse impacts. The only impacts that were noted were traffic and parking occurring during the early months that the facilities were open to the public.

There are two revenues associated with retail cannabis sales. The first revenue is distributed on a per capita basis to all municipalities regardless of local sale restrictions. It is estimated that Wilmette will receive \$22,750 annually (approximately \$0.84 per capita). The second revenue would be related to local use tax if local sales are allowed (up to 3% of retail sales). Currently, the State has not released any statistics of the sale amount or of the finances that will be distributed to each municipality with a dispensary. However, data for the sale of cannabis statewide is available. One current article stated that more than \$44 million of cannabis products were sold in April which exceeded the record set in January earlier this year.

The following Cook County and Lake County municipalities have not prohibited the operation of cannabis dispensaries but have yet to have any operating dispensary within their boundaries.

<b>Municipality</b>	<b>Current Status</b>	<b>Referendum</b>
Skokie	Allowed – Facility will be opening in near future	No Referendum
Northbrook	Allowed – Facility will be opening in near future	No Referendum
Deerfield	Allowed– Facility will be opening in near future	No Referendum
Buffalo Grove	Allowed – Facility will be opening in near future	No Referendum
Rosemont	Allowed	Referendum held at March election
Northlake	Allowed	Referendum held at March election
Westchester	Allowed	Referendum held at March election
Cicero	Allowed	Referendum held at March election

The following Cook County and Lake County municipalities have prohibited the operation of cannabis dispensaries.



<b>Municipality</b>	<b>Current Status</b>	<b>Referendum</b>
Northfield	Moratorium	Referendum to be held in November.
Morton Grove	Moratorium	Referendum to be held in November.
Park Ridge	Moratorium	Referendum to be held in November.
Lemont	Prohibited	Referendum held at March election.
Glenview	Prohibited	No referendum
Winnetka	Prohibited	No referendum
Kenilworth	Prohibited	No referendum
Lincolnwood	Prohibited	No referendum
Glencoe	Prohibited	No referendum
Highland Park	Prohibited	No referendum
Bannockburn	Prohibited	No referendum
Lincolnshire	Prohibited	No referendum
Lake Forest	Prohibited	No referendum
Lake Bluff	Prohibited	No referendum
Libertyville	Prohibited	No referendum

### **Timeline**

Unless the Village Board determines that a referendum is not the appropriate vehicle for determining whether cannabis dispensaries should be permitted in Wilmette, the following timeline will be followed:

- June 23 - Staff presentation and questions and answers
- July 14 - Presentation of suggested referendum language
- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot

Regardless of the outcome of the referendum, additional actions will be required to either make the restrictions imposed by the moratorium permanent or determine the appropriate zoning districts for retail cannabis dispensaries.

### **Budget Impact**

There may be an increase in revenue should dispensaries be allowed and one or more dispensaries are operating within the Village limits.



## Law Department

**SUBJECT:** Retail Cannabis Moratorium and Referendum (2<sup>nd</sup> Memo)

**MEETING DATE:** July 14, 2020

**TO:** President and Village Board of Trustees

**FROM:** [Jeffrey M. Stein](#), Assistant Village Manager/Corporation Counsel  
[Erik Hallgren](#), Assistant Village Manager  
[Alex Arteaga](#), Management Analyst

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### **Background**

At the last Village Board meeting held on June 23, 2020, a memorandum and brief presentation providing an update on cannabis regulations imposed by Cook and Lake County municipalities was given. In addition, information in regards to the current financial status and potential future financial impacts was also provided.

As provided for in the timeline, July 14 will be the second of three planned discussions on this topic. This memorandum is intended on providing the Village Board with updated information that was requested at the previous meeting as well as recommended (and alternative) referendum language.

### **Discussion**

Since the last meeting on this topic took place, the Corporation Counsel was asked to provide additional information in regards to adverse impacts and financial projections. In addition, the Corporation Counsel was requested to provide more detail about the State imposed regulations enacted to guard against the sale of cannabis to underage individuals. Finally, the main discussion and the only decision points that need to be made are if there will be a referendum and the language it will contain so a resolution can be voted on at the July 28 Village Board meeting.

### **Financial Components and Projections**

At the last Village Board meeting, the Corporation Counsel presented that the Village would receive approximately \$22,000 from the state from the 8% statewide tax imposed upon the sale of recreational cannabis. The Corporation Counsel incorrectly stated that this was “year to date” when instead it is the annual projection based on revenues received to date and estimates from the Illinois Municipal League (IML).

### *Neighboring Communities*

During the presentation it was discussed that Evanston projects its annual income to be approximately \$250,000, per their budget documents. There was an inquiry about the taxation components of that projected amount. Per Evanston's response to our inquiry, Evanston's local taxation amount of 5.25% (1% state tax, 1.25% Home Rule Tax, 3% cannabis tax) is what is used to make up the \$250,000 projected amount. This estimates \$4.76 million in sales for one dispensary.

In addition to Evanston, Oak Park projected \$200,000 based upon the 3% cannabis tax only (this does not take into account their home rule tax or 1% sales tax). However, Oak Park has reduced that projection to \$100,000 due to the impact the pandemic may have upon cannabis sales. The updated projection of \$100,000 estimates \$3.33 million in sales for one dispensary.

### Adverse Impacts

In addition to the financial inquiries, there was a question about the specifics of what was considered an "adverse impact." In order to ensure there was no confusion, Management Analyst Alex Arteaga reached out to multiple municipalities (including additional municipalities outside of Cook and Lake Counties) that have a dispensary operating within their boundaries and asked the following in regards to adverse impacts:

1. Were there any citations issued for illegal sales of cannabis?
2. Was there any increase in citations or other enforcement actions for underage possession of cannabis?
3. Was there an increase in police reports in the surrounding areas of the dispensary?
4. Were there any other impacts in the surrounding areas of the dispensary?

The municipalities indicated that:

1. There has been no enforcement action taken for illegal sales of cannabis. Romeoville indicated citations have decreased since cannabis has been legalized.
2. There was no reportable increase in enforcement of underage cannabis sales.
3. There was no reportable increase in any additional criminal activity or calls for service in the surrounding areas of the dispensary. However, Romeoville did indicate that their dispensary was looted during the periods of civil unrest.
4. Multiple municipalities reported increased vehicular traffic and parking issues when their respective dispensaries first opened.

### State Regulations

The Corporation Counsel received a request to provide the Village Board with some of the regulations that the State imposes upon dispensaries when it comes to guarding against illegal sales. A few of the relevant regulations are listed below.

1. Dispensaries are prohibited from selling cannabis to anyone through a drive-through, vending machine or via delivery.
2. Operating hours are allowed between 6:00 a.m. and 10:00 p.m. local time.
3. The dispensary must have surveillance equipment and point of sale equipment in operation during the time any sales are to be made.
4. The dispensary must have two people working in the dispensary at a time.
5. The age of the customer (who must be over 21) must be verified by an employee checking a government issued identification card by use of an electronic reader or scanner. The reader will verify the validity of the ID.
6. All sales are recorded and entered into a statewide database. This information includes the scanned ID, the employee making the sale, what was sold, and the date and time of sale.

The above are just some of the more relevant regulations that are listed to demonstrate the regulations in place to guard against the sale of cannabis to a minor.

### Referendum

At the last Village Board meeting, the Village staff indicated that proposed referendum language would be provided for the Village Board to consider. Below is not only recommended language, but also some other language options for discussion purposes.

#### *General Referenda Process*

An advisory referendum, which is what is being proposed in regards to the sale of cannabis, can be initiated by either citizen action (through the petition process) or the Village Board can adopt a resolution to place such a referendum on a ballot. The latter is the method in which the Village Board is considering putting a referendum on the ballot for the November 2020 election. Section 5/3.1-40-60 of the Illinois Municipal Code states:

Advisory referenda. By a vote of the majority of the members of the city council, the council may authorize an advisory question of public policy to be placed on the ballot at the next regularly scheduled election in the municipality. The city council shall certify the question to the proper election authority, which must

submit the question at an election in accordance with the Election Code.<sup>1</sup> 65  
ILCS 3.1-40-60

To place a referendum on the ballot, a majority of the Village Board must pass a resolution, which must be approved not less than 79 days prior to the election in which the question is to appear on the ballot. An advisory question is not binding and has no legal effect on the Village's ability to allow or restrict cannabis uses within the Village limits.

It is important to note that only a total three advisory referenda questions can be placed upon the ballot for each jurisdiction. The first three certified questions, that are relevant to the jurisdiction, shall be placed on the ballot and all others thereafter will not appear on the ballot. Essentially, this is first come, first serve.

*Advisory Referendum Question Language:*

There has been a request for the Corporation Counsel to provide sample language and a recommendation as to what language may appear on the ballot in November. While there are no legal restrictions as the actual language to be used in the referendum, it is important to keep in mind the purpose of the question. That purpose is to obtain information and data about how the voting population of the Village feels about the sale of cannabis within the Village limits. Therefore, the simpler the question asked, the better the voting population will understand the question and be able to vote in a way that truly demonstrates the voter's position on the subject.

For reference, the Village submitted three questions of public policy, on a arguably similar issue, in 1974 in regards to the sale of alcohol. Those three questions were as follows:

- (1) "Shall the sale of alcoholic beverages be permitted in restaurants?"
- (2) "Shall the sale of packaged alcohol beverages be permitted?"
- (3) "Shall the sale of alcoholic beverages be permitted in taverns?"

These questions are simple in that they ask about what should be permitted and where. However, one difference between the sale of alcohol and the sale of cannabis is that the Village does not have the authority to determine what types of cannabis products can be sold as it can with alcoholic beverages.

Accordingly, with the goal of keeping the question simple, using past Village language as a model and the constraints of what can be regulated, the recommended question is as follows:

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<sup>1</sup> While this section of the Illinois Municipal Code states "city council," Section 5/3.1-45-5 of the Illinois Municipal Code states that boards of trustees shall exercise the same powers and perform the same duties as the city council in cities.

**“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”** This language is similar to and modeled after the City of Park Ridge’s proposed referendum.

*Alternative Language used in other Municipalities*

Alternative language used in other municipalities addressed the type of businesses differently than the proposed language above. Some municipalities specifically address the business as a “dispensary.” This may be problematic for the voter who may not be familiar with the term “dispensary” and as such that language may cause some voter confusion.

Other alternative language also did not limit the referendum question to the retail sale of cannabis, but rather the operation of cannabis business establishments. This question is much broader than a question about the retail sale of cannabis, as cannabis business establishments also include the manufacturing and growing components of the cannabis industry. These are not uses that the Village has been inclined to allow within its limits based on previous discussions.

Finally, other alternative language asked the question in the negative. It asked if the municipality should “prohibit” the sale of cannabis. This language is not recommended because a “yes” vote would necessarily mean one is against the sale of cannabis, while a “no” vote would be in favor of the sale of cannabis. As recommended, asking the question in the affirmative will equate a “yes” vote with supporting the sale of cannabis and a “no” vote with opposing the sale of cannabis.

*Language from other Municipalities*

For reference purposes, please see the chart below which provides either used or proposed referendum language from other municipalities throughout the State

<b>Municipality</b>	<b>Current Status</b>	<b>Referendum Language</b>
Naperville	Referendum approved.	Shall the city of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult use cannabis, allow the sale of recreational adult use cannabis within its jurisdiction?
O’Fallon	Referendum approved.	Shall the City of O’Fallon allow adult-use cannabis business establishments within the city limits of O’Fallon including the corresponding taxation and legislation?

Park Ridge	Referendum to be held in November.	Shall the City of Park Ridge allow the retail sale of adult use recreational cannabis products at dispensary businesses licensed by the state of Illinois?
Northlake	Referendum approved.	Shall the City of Northlake allow cannabis businesses to operate within the City of Northlake?
Lemont	Referendum rejected.	Shall the Village of Lemont, in Counties of Cook, Will and DuPage, Illinois, allow the operation of a recreational cannabis (marijuana) dispensary within its jurisdiction?
Rosemont	Referendum approved.	Shall the Village of Rosemont, Cook County, Illinois, allow cannabis dispensaries to operate within the boundaries of the Village of Rosemont?
Westchester	Referendum approved.	Shall the Village of Westchester prohibit the location of adult-use cannabis dispensing organizations within the Village of Westchester?
Cicero	Referendum approved.	Should the sale of cannabis and cannabis products for recreational use by adults 21 and older be allowed at licensed dispensaries within the Town of Cicero?

### **Timeline**

Unless the Village Board determines that a referendum is not the appropriate vehicle for determining whether cannabis dispensaries should be permitted in Wilmette, the following timeline will be followed:

- July 14 - Presentation of suggested referendum language
- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot

Regardless of the outcome of the referendum, additional actions will be required to either make the restrictions imposed by the moratorium permanent or determine the appropriate zoning districts for retail cannabis dispensaries.

### **Budget Impact**

There may be an increase in revenue should dispensaries be allowed and one or more dispensaries are operating within the Village limits.





## Law Department

**SUBJECT:** Retail Cannabis Moratorium and Referendum (3<sup>rd</sup> Memo)

**MEETING DATE:** July 28, 2020

**TO:** President and Village Board of Trustees

**FROM:** [Jeffrey M. Stein](#), Assistant Village Manager/Corporation Counsel  
[Erik Hallgren](#), Assistant Village Manager  
[Alex Arteaga](#), Management Analyst

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### **Recommended Motion**

Adoption of Resolution #2020-R-20 A Resolution Providing for and Requiring the Submission of an Advisory Question of Public Policy Concerning the Allowance of Recreational Cannabis Sales to Appear on the Ballot of the Electors of the Village of Wilmette, Cook County, Illinois at the November 3, 2020 General Election.

### **Background & Discussion**

At the last Village Board meeting held on July 14, 2020, the Village Board directed the Village staff to place a resolution providing for and requiring the submission of a referendum in regard to the sale of cannabis within the Village limits on the next agenda. The referendum's language was discussed and agreed upon to be as follows:

**“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”**

The referendum language above, if adopted as part of Resolution #2020-R-20, will appear on the ballot for all Wilmette voters at the November 3, 2020 election. This referendum is an “advisory” referendum that is not binding and carries no legal effect upon the authority given to the Village in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.)(“Act”).

Pursuant to the Illinois Constitution and the Illinois Election Code, public funds cannot be used to urge any elector to vote for or against any proposition; however, there is a clear exemption that allows public funds to be used to disseminate factual information relative to a proposition appearing on the ballot.

In addition to the ban on public funds being used to urge voters to vote for or against a referendum, the State Officials and Employees Ethics Act (“Ethics Act”) prohibits the use of any public resource from being used to engage in political activity. As such, Village assets

cannot be used to attempt to persuade electors in regard to the referendum question. Furthermore, the Ethics Act prohibits Village officials and employees from also engaging in political activity that is designed to urge a voter to cast their vote for or against the referendum when they are working or performing Village functions or when physically present on Village owned facilities. Village officials and employees may engage in any political activity, including such activity that is designed to persuade voters, on their own time and without the benefit of using Village resources.

These restrictions do not apply when the Village officials or staff disseminate factual information about the referendum, even while using Village resources or while on Village owned facilities. Accordingly, it is important for Village officials to be cautious and judicious about any statements or use of Village facilities or resources should such Village officials desire to advocate for or against the referendum. There should also be a clear divide between actions taken while performing Village functions and political activity taken when Village officials are not acting in their official capacity.

As permitted by law, the Village staff has developed some materials in regard to factual information that will be disseminated through various forms to Village residents. Attached to this memorandum is a memorandum from Village Manager Michael Braiman and Assistant Village Manager Erik Hallgren in regard to the Village staff's suggested factual information to disseminate.

### **Timeline**

Unless the Village Board determines that a referendum is not the appropriate vehicle for determining whether cannabis dispensaries should be permitted in Wilmette, the following timeline will be followed:

- July 28 - Adoption of resolution placing a referendum on the November 2020 ballot.
- July 29 – Submission of the adopted resolution to the election authority.

Regardless of the outcome of the referendum, additional actions will be required to either make the restrictions imposed by the moratorium permanent or determine the appropriate zoning districts for retail cannabis dispensaries.

### **Budget Impact**

There may be an increase in revenue should dispensaries be allowed and one or more dispensaries are operating within the Village limits.



**Date:** July 28, 2020

**To:** President Bielinski and Village Board of Trustees

**From:** Michael Braiman, Village Manager  
Erik Hallgren, Assistant Village Manager

**Subject:** Cannabis Referendum Communication Plan

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### **Background**

At the July 14, 2020 Village Board meeting, there was a request to provide a communication plan regarding the Village's proposed cannabis referendum. This memo provides a broad scope of the content to be included in the Village referendum education, methods to share the educational materials, and a proposed timeline for communication.

### **Discussion**

The Village's public education regarding the cannabis referendum will be comprehensive and include the following:

- State regulations and guidelines
- Status of retail cannabis sales in surrounding communities
- Wilmette specific site locations
- Past Village Board meeting materials on the subject
- Timeline regarding cannabis legalization in Illinois
- Frequently asked questions and additional resources

The following will discuss each of the above in greater detail.

#### *State Regulation and Guidelines*

This section will include links to the State of Illinois' Cannabis Regulation and Tax Act. The section will also include information regarding the financial impacts of adult-use recreational cannabis.

#### *Surrounding Communities*

This section will include a map of surrounding communities and their local regulations regarding adult-use recreational cannabis. The map will also include current or planned sites for recreational cannabis sales in surrounding communities. Attachment #1 is the draft map for the website. Additionally, this section will include a section on financial and community impacts reported by other municipalities that have allowed for the retail sale of adult use recreational cannabis.

### *Wilmette Site Location*

This section will include a map of the locations where medical cannabis cultivation and dispensaries are currently permitted within the Village's jurisdiction. Attachment #2 is the map planned for the website. The intent is to provide a frame of reference for where the Village has previously approved cannabis-related locations.

### *Past Meetings and Discussions*

This section will include links to prior Village meetings that discussed cannabis regulation within the Village of Wilmette. Key meetings include:

- August 27, 2019 – Discussion of Next Steps Concerning State Law Legalizing Possession and Use of Recreational Cannabis
- September 24, 2019 – Staff directed to prepare moratorium ordinance prohibiting recreation cannabis dispensaries in Wilmette. Prepare technical amendments to Village Code, Zoning Ordinance, and Tax Provisions to be consistent with State law. Appointment of Special Zoning Committee.
- October 18, 2019 – Judiciary Committee Meeting sat as a Special Zoning Committee to hold public hearing for cannabis related technical amendments and other regulatory items.
- October 22, 2019 – Village Board approved moratorium ordinance prohibiting recreation cannabis dispensaries in Wilmette. Village Board approved technical amendments to Village Code, Zoning Ordinance, and Tax Provisions to be consistent with State law.
- June 23, 2020 – Presentation on retail cannabis moratorium and referendum
- July 14, 2020 – Introduction of language for cannabis referendum
- July 28, 2020 – Adoption of resolution placing referendum on November 2020 ballot

### *Timeline*

This section will include a timeline with information regarding the history of cannabis regulation in the State of Illinois and Village of Wilmette. Dates will include the following:

- January 1, 2014 – Compassionate Use of Medical Cannabis Pilot Program went into effect in the State of Illinois
- January 28, 2014 – Passed Ordinance 2014-O-1 regarding Zoning Ordinance and Village Code for medical cannabis
- January 1, 2020 – Cannabis Regulation and Tax Act went into effect in the State of Illinois
- Include dates included above regarding Village actions for cannabis regulation in Wilmette

### *Frequently Asked Questions (FAQ) & Additional Resources*

This section will include a FAQ listing developed by the Village and additional resource sites provided by other governmental agencies. The draft FAQ is included as Attachment #3 and will be updated based upon community engagement. The links will include State of Illinois Resources and may be updated based upon new information.

- [LetsTalkCannabisIL.com](https://www.lets-talk-cannabis-il.com/) - Provides resources and information to Illinois residents about health and safety issues related to legal cannabis use.
- [Illinois Cannabis Resource Site](https://www.illinois-cannabis-resource-site.com/) – Includes information for residents on adult-use cannabis.

### **Communication Methods**

*The Village will utilize the following communication methods which are discussed in greater detail below:*

- Village website
- E-news
- Social media
- Communicator

### *Village Website*

A webpage template has been developed by Village Staff and is included as Attachment #4. This webpage will be included as a scrolling banner item on the Village's main page and will be updated as new information is compiled by staff.

### *E-News*

The Village sends out weekly E-News to community members and will include content regarding the cannabis referendum in future E-News.

### *Social Media*

The Village utilizes Facebook, Twitter, and Nextdoor to communicate information on a daily basis to community members. This content typically reiterates the messaging provided in the prior weeks E-News. Cannabis information will be shared through social media using the same methodology.

### *Communicator*

The Village's Fall/Winter newsletter is currently under development and is expected to be sent to residents in the last week of September. The Communicator will dedicate all of Page 3 to cannabis referendum content.

## **Communication Timeline**

Information regarding the cannabis referendum will be communicated in accordance with the following timeline:

Week Of	E-News	Social Media	Communicator	Content
July 26	X	X		Update on Final Board action from July 28 meeting
August 2	X	X		Notification that Website is updated with referendum resources
August 16	X	X		Referendum Messaging
September 6	X	X		Referendum Messaging
September 20	X	X		Referendum Messaging
September 27			X	Full Page with information on referendum and link to resources
October 4	X	X		Reminder of in-person/mail-in voter registration deadline (10/6) and referendum
October 11	X	X		Reminder of online voter registration deadline (10/18) and referendum
October 18	X	X		Referendum Messaging
October 25	X	X		Referendum Messaging
November 1	X	X		Voting Reminder message with information on referendum
November 8	X	X		Election Results and Next Steps regarding Cannabis regulations

## **Budget Impacts**

In reviewing this plan, staff has determined that the work described above can be completed within the existing retainer with Metro Strategies and no additional costs for communication are anticipated at this time.



**SUBJECT:** Review of Retail Adult-Use Cannabis in Wilmette

**MEETING DATE:** February 4, 2021

**TO:** President and Village Board of Trustees

**FROM:** Michael Braiman, Village Manager  
Jeffrey M. Stein, Assistant Village Manager/Corporation Counsel  
Erik Hallgren, Assistant Village Manager  
Kyle Murphy, Police Chief  
John Adler, Director of Community Development  
Alex Arteaga, Management Analyst

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On February 4, 2021 the Village Board will hold a Special Meeting to discuss the sale of adult-use recreational cannabis in Wilmette. There are three potential outcomes of the meeting:

1. If a majority of the Village Board is generally supportive of allowing retail sale of adult-use cannabis subject to reaching consensus on acceptable zoning locations, refer the matter to the Land Use Committee to consider zoning and other relevant regulations (i.e. hours of operation, distance from sensitive uses, etc.) - See Agenda Item #3 for referral language
2. If a majority of the Village Board is not supportive of allowing retail sale of adult-use cannabis, direct the Corporation Counsel to prepare an ordinance to prohibit recreational dispensaries
3. If a consensus is not reached, schedule a follow-up meeting of the Village Board to continue discussions

This memo will address the following:

- Recent history in Wilmette relative to adult-use cannabis
- Analysis of cannabis referendum results in Wilmette
- Analysis of nearby jurisdictions
- Public safety
- Financial analysis
- State regulations / local regulations
- Zoning process and timeline

## **Background**

In October of 2019, the Village Board adopted Ordinance 2019-O-63 (“Ordinance”), which included a moratorium on the retail sale of cannabis within the Village that may otherwise now be lawful pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.) (“Act”). The moratorium is set to expire on June 30, 2021. The purpose of that moratorium was to allow the Village Board the time to obtain more information about cannabis business establishments, the experience other municipalities have in regards to retail sale of cannabis and to determine if and where the retail sale of cannabis were to be allowed. At the July 28, 2020 Village Board meeting, the Village Board adopted a resolution to place the referendum on the November 3, 2020 election ballot.

Attachments #1 through #5 provide the past Village Board agenda items related to the retail sale of adult-use recreational cannabis in the Village of Wilmette.

## **Discussion**

### **Referendum Results**

On the November 3, 2020 ballot, the Village of Wilmette included an advisory (non-binding) referendum intended to gauge public opinion on retail cannabis sales in the community. The referendum question read:

**Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?**

The certified election results for the advisory referendum with 17,723 ballots cast (77.08% voter turnout) were:

- YES – 9,681 (56.39%)
- NO – 7,486 (43.61%)

Included in Attachment #6 are the results of the referendum by precinct along with a map of those results. The referendum was advisory only and did not bind the Village into taking any action. As such, there is additional action the Village Board must take prior to June 30, 2021 in order to allow or deny the sale of recreational cannabis within the Village.

### **Neighboring Communities**

#### *Referenda*

In the Chicagoland region there have been eleven (11) other municipalities that have conducted advisory referendum on the question of adult-use cannabis. Voters in nine (9) of those communities supported allowing adult use cannabis sales and voters in two (2) of those communities were opposed to allowing the sale of adult use cannabis. Attachment #7 includes a map of the referendum results by community.

<b>March 2020 Referendum</b>		
<i>Municipality</i>	<i>Status</i>	<i>Vote (%)</i>
Cicero	Supported	63.0 to 37.0
Naperville	Supported	53.4 to 46.6
Northlake	Supported	54.9 to 45.1
Rosemont	Supported	59.4 to 40.6

<b>November 2020 Referendum</b>		
<i>Municipality</i>	<i>Status</i>	<i>Vote (%)</i>
Elk Grove Village	Supported	63.4 to 36.6
Glen Ellyn	Supported	51.3 to 48.7
Mount Prospect	Supported	64.6 to 35.4
Park Ridge	Supported	60.4 to 39.6

Westchester	Supported	53.3 to 46.7	Western Springs	Opposed	40.4 to 59.6
Lemont	Opposed	44.8 to 55.2	Wilmette	Supported	56.4 to 43.6

Following the outcomes of the March and November referenda, the following actions were taken by the eleven (11) other communities regarding adult-use cannabis.

#### March Referendum

- *Cicero* – Village staff reached out to Cicero officials and has not received feedback.
- *Naperville* – On August 18, 2020, the City Council voted (6 to 3) to repeal the prohibition of cannabis establishments and amend the zoning ordinance to allow for dispensaries.
- *Northlake* – On April 20, 2020, the City Council voted (8 to 0) to approve an ordinance to permit and regulate the sale of cannabis.
- *Rosemont* – On August 12, 2020, the Village Board approved a special use permit for the Village's first dispensary.
- *Westchester* – On September 8, 2020, the Board of Trustees voted (4 to 1) to adopt an ordinance permitting recreational dispensaries through a special use process.
- *Lemont* – On December 19, 2019, the Village Board approved an ordinance prohibiting cannabis businesses in the Village. No further action was taken after the referendum.

#### November Referendum

- *Elk Grove Village* – No Action taken by Village Board to date.
- *Glen Ellyn* – The Village Board extended their moratorium until July 1, 2021 as they continue to weigh a final decision on adult-use cannabis.
- *Mount Prospect* – On December 1, 2020 the Village Board voted (5 to 1) to permit recreational dispensaries and a cannabis tax.
- *Park Ridge* – On January 19, 2021 the City Council voted (5 to 2) to amend zoning regulations to allow cannabis dispensaries as special uses in the city's business and offices districts. A second and final vote on the measure is expected at the February 1, 2021 City Council meeting.
- *Western Springs* – The Board of Trustees adopted an ordinance prohibiting operation of recreational cannabis dispensaries.

In addition to these communities, three (3) other regional communities have recently made changes to their regulations regarding adult-use cannabis.

- *Highland Park* – On October 13, 2020, the City Council voted (4 to 3) to allow for recreational cannabis dispensaries.
- *Morton Grove* – The Village Board on December 14, 2020 voted (5 to 1) to adopt development code changes that will allow recreational marijuana dispensaries and cultivation centers to operate within the village.
- *Northfield* – On January 19, 2021, the Village Board unanimously approved two zoning amendments allowing for adult-use cannabis facilities and a 3% tax on cannabis sales in the community.

#### Cannabis Regulations



Neighboring communities have taken varied stances on adult-use cannabis within their community. The below chart shows the current cannabis regulations, if a dispensary is in operation, and if there was a referendum regarding cannabis sales. Attachment #8 includes a map of the neighboring community cannabis policies and locations of recreational dispensaries that are currently in operation.

Municipality	Status	Recreational Dispensary	Referendum
Wilmette	Under Review	No	Yes- Supported
Winnetka	Prohibited	No	None
Kenilworth	Prohibited	No	None
Glencoe	Prohibited	No	None
Lincolnwood	Prohibited	No	None
Glenview	Prohibited	No	None
Bannockburn	Prohibited	No	None
Lincolnshire	Prohibited	No	April 2021
Lake Forest	Prohibited	No	None
Lake Bluff	Prohibited	No	None
Libertyville	Prohibited	No	None
Evanston	Allowed	Operating	None
Skokie	Allowed	Operating	None
Morton Grove	Allowed	Pending	None
Niles	Allowed	Operating	None
Park Ridge	Under Review	No	Yes- Supported
Northfield	Allowed	No	None
Northbrook	Allowed	Operating	None
Highland Park	Allowed	No	None
Deerfield	Allowed	No	None
Buffalo Grove	Allowed	No	None

### Public Safety

Village staff has spoken directly with a number of communities that have operating dispensaries and has reviewed a recent Northwest Municipal Conference survey on this topic. Through these efforts no public safety concerns were identified.

The following questions were asked of municipalities to determine the potential “adverse impacts” associated with the opening of local cannabis dispensaries.

1. Were there any citations issued to a dispensary for illegal sales of cannabis?
2. Was there an increase in citations or other enforcement actions for underage possession?
3. Was there an increase in police reports in the surrounding areas of the dispensary?
4. Were there any other public safety impacts in the surrounding areas of the dispensary?

The surveyed municipalities reported the following: that there has been no enforcement action taken for illegal sales of cannabis; there was no reportable increase in enforcement of underage cannabis sales; and there was no reportable increase in any additional criminal

activity or calls for service in the surrounding areas of the dispensary (aside from a burglary at the Romeoville dispensary during the height of civil unrest in June 2020). Multiple municipalities did report increased vehicular traffic and parking issues when their respective dispensaries first opened, however those issues dissipated over time.

### Financial Impact

There are three primary revenue streams associated with the Cannabis Regulation and Tax Act. The first revenue stream is derived from the 8% statewide tax imposed upon the sale of recreational cannabis. This revenue is distributed from the State's Cannabis Regulation Fund on a per capita basis through the Local Government Distributive Fund (LGDF). The disbursements are to be used to fund crime prevention programs and training and are disbursed to all municipalities regardless of local sale amounts or restrictions. In 2020, the Village was in receipt of \$13,817.22 over 9 months. In 2021, the Illinois Municipal League (IML) projects receipts of \$0.80 per capita, an estimated total of \$22,000 for the Village.

The second revenue stream is the 1% state sales tax and the 1% home rule sales tax that would be applied to all cannabis sales. This revenue stream, unlike the one mentioned above, can only be obtained through the local sale of cannabis.

The third revenue stream from the Cannabis Regulation and Tax Act authorizes municipalities to impose a municipal cannabis retailers' occupation tax at a rate not to exceed 3% of the gross receipts of cannabis sold in a municipality on or after January 1, 2020, so long as the municipality permits the retail sale of cannabis (the Village Board previously adopted a 3% tax on cannabis sales). This tax excludes retail sales under the Compassionate Use of Medical Cannabis Program Act, of which such sales are not taxed. One of the limitations in the estimating and reporting of total cannabis tax receipts per community is Illinois Department of Revenue (IDOR) restrictions on reporting tax generated by individual retailers and disclosing proprietary information.

Below is a table of surrounding communities projected revenues associated with the municipal cannabis tax. This information was derived from their adopted annual budgets.

<b>Municipality</b>	<b>2021 Estimates</b>	<b>Dedicated Funds</b>
Skokie	N/A	N/A
Evanston	\$400,000	Reparations Fund
Highland Park	N/A	N/A
Niles	N/A	Public Safety Pensions
Mundelein	N/A	Road and Bridge Fund
Buffalo Grove	\$145,000	N/A
Northbrook	\$250,000	N/A
Arlington Heights	\$500,000 (two locations)	N/A
North Aurora	\$600,000	Portion to Capital Projects
Naperville	\$1,000,000 (three locations)	N/A
Mount Prospect	\$922,000	N/A
Rolling Meadows	N/A	N/A
Rosemont	N/A	N/A
Romeoville	\$150,000	N/A
Oak Park	\$400,000	N/A

The projected estimates vary significantly by community and there are a variety of factors such as location and parking availability that can influence the total potential revenues from adult use cannabis sales. From a high-level perspective, in the State of Illinois the total sales of adult-use cannabis in 2020 was \$669,084,410; this number is projected to grow to approximately \$3 billion by the year 2024.

## State Regulations

The sale of recreational cannabis, pursuant to the Act, is licensed and regulated by the state through its various departments. There are very detailed regulations regarding who can buy cannabis, who can sell cannabis, how the sale must take place, and security and safety rules and regulations a dispensary must follow. The rules and regulations below are the most relevant and address the matters of concern raised in the past.

### *Sale of Cannabis Regulations*

A dispensary may not operate between 10:00 p.m. and 6:00 a.m. the following day. Only individuals that are 21 years of age, that show proof of age, may purchase cannabis. The dispensary agent selling the product must verify the government issued identification, which contains a picture and date-of-birth, as not being a fake ID by using an electronic reading or scanning device. Once a sale is made, the dispensary must use point-of-sale equipment that will transmit the following information to the state:

1. The selling agent's state issued ID number;
2. The selling dispensary's state issued ID number;
3. The amount and type of cannabis sold; and
4. The date and time of the sale.

### *Security Measures of the Physical Operation*

There are numerous security protocols that must be in place at a dispensary. A dispensary must engage a third-party security firm to provide at least one on-site security guard during hours of operation. There must be at least two employees working at the dispensary during operating hours, in addition to the security guard. Security cameras, for both the exterior and interior portions of the dispensary and security alarms must be installed and operating 24 hours a day. The dispensary must ensure proper interior and exterior lighting is operational at all times. The exterior windows of the dispensary must be shatterproof and tinted (this may allow light inside the facility, but outside viewing must be blocked).

All cannabis products must be safely stored at all time. During operational hours, cannabis must be stored in a locked secured space that can only be accessed by the employees. When the dispensary is closed, all cannabis must be stored in a reinforced vault room that is not located in the public retail space. The employees of the dispensary that have access to these spaces must be kept in an electronic daily log.

### *Operational Regulations*

The cannabis to be sold at a dispensary may only obtained from a state licensed cannabis facility. The cannabis must be delivered by a state licensed business directly to a secure restricted area of the dispensary that is wholly separate from the public area of the business.

The dispensary is prohibited from selling cannabis to anyone through a drive-through, vending machine or via delivery.

All dispensaries must abide by all local zoning regulations, building codes, fire codes and all other general business regulations.

These are just some of the regulations that demonstrate the regulations in place to guard against the sale of cannabis to a minor. The state will review and ultimately have to approve all applications, including the security plan, a list of employees working at a facility as well as approval from the local government with jurisdiction over the proposed dispensary before sales can commence.

### Local Regulations and Land Use

#### *Medical Cannabis Zoning in Wilmette*

In 2014, the Village amended the Zoning Ordinance to address medical cannabis dispensaries and cultivation centers. Unlike retail cannabis establishments, municipalities do not have the authority to outright ban medical cannabis organizations.

The Village Board amended the zoning ordinance making “medical cannabis dispensary organizations” a special use in the GC-1 zoning district and “medical cannabis cultivation centers” a special use in the GC-2 zoning district. The amendment included adding definitions for the uses contained in the Act as well as the distance regulations in the Act for each and adding parking requirements for the new uses. The amendment requires that dispensaries be required to provide the same amount of parking as retail parking in the GC-1, which is one (1) parking space per 200 square feet of floor area and that a cultivation center be required to provide one (1) parking space per 500 square feet of floor area.

The distance requirements contained in the Compassionate Use of Medical Cannabis Program Act (“Medical Cannabis Act”) specified that a registered cultivation center may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use. This restriction made it very unlikely that a cultivation center would be able to be located in Wilmette given the mostly residential nature of the community.

The Medical Cannabis Act further specified that a dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day childcare facility. A dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use. With the adoption of the Illinois Cannabis Regulation and Tax Act, the distancing requirements were no longer required by the State of Illinois. No applications to open a medical cannabis dispensary or a medical cannabis cultivation center in Wilmette have been submitted to the Village.

Attachment #9 is a zoning map of the locations where medicinal sales and cultivation are allowed within the Village of Wilmette.

#### *Recreational Cannabis Dispensary Rules and Regulations*

In response to the Act, the Village Board amended the Zoning Code to include cannabis business establishments and placed a moratorium on such uses until June 30, 2021. The Village Board is now at the point to determine whether or not recreational cannabis dispensaries should be allowed to operate within the Village limits. At the outset of these discussions, there was a consensus of the Village Board that the only type of cannabis business establishment to be considered to be allowed to operate was a cannabis dispensary. As such, the referendum question was limited to that type of establishment. If a majority of the Board is supportive of reviewing locations and regulations for recreational cannabis dispensaries, certain regulations should be addressed.

Although there is a home rule preemption in the licensing and regulation of cannabis related activities, the Act specifically allows the zoning authority to determine what zoning regulations and restrictions are to be imposed on cannabis establishments, including a dispensary.

The Village must determine what, if any, zoning districts will allow a dispensary to operate. In addition, would such a use be a permitted use or a special use under the Village's Zoning Ordinance. Other specific zoning regulations may include a limitation on the total number of dispensaries within the Village and minimum distances to sensitive uses (schools, churches, parks, daycares, affordable housing, etc.). A unique regulation that should be addressed is whether or not the Village will allow the on-sight consumption of cannabis at a licensed dispensary.

These specific zoning regulations should be addressed and made part of the Zoning Ordinance and other sections of the Village Code if the Village Board has determined that such uses should be allowed. If a majority of the Village Board is generally supportive of allowing retail sale of adult-use cannabis subject to reaching consensus on acceptable zoning locations, the Village Board should refer the matter to the Land Use Committee sitting as a Special Zoning Committee to not only hold the public hearing for any changes to the Zoning Ordinance, but also to recommend the specific regulations applicable to dispensaries to the Village Board.

### Timeline

The three potential outcomes of this Committee of the Whole meeting will dictate the timeline for future actions.

1. If the Village Board C.O.W. refers the matter to the Land Use Committee sitting as a Special Zoning Committee to consider potential zoning locations and other relevant regulations (i.e. hours of operation, distance from sensitive uses, etc.) then this item would be added to the next scheduled Land Use Committee meeting on February 24 with the potential for a second meeting during the week of March 8.
2. If the Village Board C.O.W. reaches consensus to deny the operation of cannabis business establishments, the current moratorium will need to be amended to a permanent restriction on recreational cannabis business, then this item could be added to an upcoming Village Board agenda.
3. If the Village Board C.O.W. would like additional research and materials, a second meeting can be scheduled for later in February to continue discussions.

# REQUEST FOR BOARD ACTION

**Attachment #9**



## Community Development Department

**SUBJECT:** Appointment of Special Zoning Committee – Review regulations to address retail and medical cannabis Dispensaries in the zoning ordinance

**MEETING DATES:** February 4, 2021

**FROM:** [John Adler, Director of Community Development](#)

**BUDGET IMPACT:** None

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### **Recommended Motions**

Appoint the Land Use Committee as a Special Zoning Committee to determine the appropriate zoning districts and other regulations for cannabis business establishments and medical cannabis dispensaries and recommend amendments to the zoning ordinance.

### **Background**

On October 22, 2019, the Village Board adopted an ordinance addressing various cannabis regulations and taxation. At that time, the Village Board also imposed a moratorium on the retail sale of cannabis within the Village and on any other cannabis type establishments being operated within the Village. The purpose of that moratorium was to allow the Village Board the time to obtain more information about cannabis business establishments, the experience other municipalities have in regards to retail sale of cannabis and to determine if and where the retail sale of cannabis were to be allowed. The moratorium is set to expire on June 30, 2021.

### **Discussion**

On February 4, 2021, the Village Board will hold a Special Meeting to discuss the retail sale of adult-use cannabis in Wilmette. If a majority of the Board is supportive of reviewing locations and regulations for recreational cannabis dispensaries, staff recommends the Land Use Committee be appointed as a Special Zoning Committee to hold a public hearing and make recommendations to the Village Board.

If a majority of the Village Board does not support adult-use retail cannabis sales in Wilmette, no motion is necessary at the February 4 meeting. At a future Village Board meeting prior to June 30, 2021, the Board will need to amend the current moratorium to a permanent restriction on recreational cannabis businesses.



## Attachment #10

### Land Use Committee

**SUBJECT:** Adult-Use Recreational Cannabis Dispensaries- Review of Locations & Regulations

**MEETING DATE:** February 24, 2021

**FROM:** Michael Braiman, Village Manager  
John Adler, Director of Community Development  
Erik Hallgren, Assistant Village Manager  
Lucas Sivertsen, Business Development Coordinator  
Jeff Stein, Assistant Village Manager / Corporation Counsel

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#### **Background**

On February 4, 2021 the Village Board held a special meeting to discuss next steps related to adult-use recreational dispensaries in Wilmette. The Board voted unanimously to refer the matter to the Land Use Committee to further discuss potential dispensary locations and related regulations.

As discussed further below, it is anticipated that the Land Use Committee, sitting as a Special Zoning Committee, will hold at least two public meetings, including a public hearing, on this matter with a report submitted to the Village Board sometime in April.

**Note:** The purpose of the Land Use Committee's review of locations and regulations is to provide additional context to the Village Board as it continues deliberations regarding whether to permit the recreational sale of adult-use cannabis in Wilmette. The Committee is not making any final decisions nor is it making a recommendation as to whether or not recreational cannabis sales shall be permitted in Wilmette. While staff is not making a recommendation on the ultimate issue of whether a cannabis dispensary should be able to operate in the Village, staff is making location and regulation recommendations if such a business were allowed in the Village.

Staff is proposing that the Committee undertake this review as follows:

- Meeting #1 (February 24, 2021)- Review of all zoning districts in the Village to identify districts where recreational cannabis dispensaries should not be permitted
- Meeting #2 (Date TBD)- Public hearing and in-depth review of the zoning districts that were not eliminated in meeting #1
  - Provide public notice of the zoning districts that will be discussed at this meeting

- Solicit feedback from stakeholders including nearby residents, schools, businesses, etc.
- Discuss regulations related to the locations under review
- Meeting #3- If necessary to continue discussions

### **Discussion**

To assist the Committee in its discussions, staff has reviewed recreational dispensaries in nearby communities to better understand the factors impacting the location of dispensaries. Locations reviewed include:

- Skokie- 10000 Skokie Blvd
- Northbrook- 755 Skokie Blvd
- Arlington Heights- 1816 S. Arlington Heights Rd
- Buffalo Grove- 830 N. Milwaukee (medicinal only, approved by Village for recreational)

There is also a recreational dispensary operating in downtown Evanston, however, that location is not considered a comparable for our purposes due to its urban setting and proximity to Northwestern University as well as one approved for recreational sale (only medicinal at this time) in Highland Park located in an industrial setting which is not applicable to Wilmette.

In reviewing the above locations, there are certain over-arching themes in regards to where communities have permitted dispensaries to operate:

- Residential- Not adjacent to any residential properties
- Traffic- On major thoroughfares thereby limiting the traffic impact on residential streets; for purposes of our analysis we are utilizing streets identified as major streets
- Parking- Sufficient off-street parking
- Schools- Not located in close proximity to schools; for purposes of our analysis we are utilizing the Village's school walking route map to determine suitable locations

At the February 24 LUC meeting, the Committee will review each of the Village's zoning districts in relation to the location factors identified above. The Village has nine distinct commercial zoning districts:

- NR: Neighborhood Retail
- NR-1: Linden Square Neighborhood Business District
- GC-1: General Commercial District
- GC-2: General Commission Business
- VC: Village Center Business
- OR: Office Research
- PCD-1: Planned Commercial (Edens Plaza)
- PCD-2: Planned Commercial (Plaza del Lago)
- PCD-3: Planned Commercial (West Lake Plaza)

The following provides greater detail on each zoning district, including staff's analysis as to how the above location factors works relates to each district. For additional information, Attachment #1 includes maps of each zoning district.



## NR: Neighborhood Retail

The purpose of the NR District as defined by the Village's Zoning Code is: The NR District is established to promote the continuation of existing commercial centers that provide goods and services primarily for the convenience of the residents of the surrounding neighborhood. In addition, the district is designed to accommodate limited multi-family housing opportunities in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses for the NR District are designed to maintain a relatively small-scale, pedestrian-oriented environment with the character of neighborhood commercial districts.

Areas that comprise the NR District include:

- Green Bay Road (north from Elmwood Avenue to border with the Village of Kenilworth)
- Ridge Road and Lake Avenue
- Ridge Road and Wilmette Avenue
- Skokie Boulevard and Old Glenview Road
- Skokie Boulevard and Wilmette Avenue
- Lake Avenue west of Edens

The following tables analyze the location criteria established above for each setting within the NR District:

<b>Green Bay Road (North from Elmwood Avenue)</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Site specific
Schools	Yes

<b>Ridge Road and Lake Avenue</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Yes
Schools	No*

\*While not a designated school walking route, it is directly across from St. Joseph school.

<b>Ridge Road and Wilmette Avenue</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Yes
Schools	No

**Skokie Boulevard and Old Glenview Road\***  
**(Former Baker's Square and Wilmette Commons)**

<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes

\*Note: Wilmette Commons does not meet the current state requirement that recreational dispensaries be separated by at least 1,500 feet (Greenhouse- 10000 Skokie Blvd).

**Skokie Boulevard and Wilmette Avenue**

<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Site specific
Schools	No

**Lake Avenue**

**West of Edens Expressway to 3612 Lake Ave**

<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Site specific
Schools	No*

\*Not on a school walking route but within walking distance of Loyola Academy and Avoca West Elementary School in Glenview

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the NR District.**

**NR-1: Linden Square Neighborhood Business District**

The purpose of the NR-1 District as defined by the Village's Zoning Code is: The NR-1 Linden Square District is centered at the intersection of Linden Avenue and 4th Street to promote commercial and multi-family housing primarily for the benefit of district residents and the surrounding neighborhood, in a small-scale, mixed-use neighborhood environment. The development standards and range of allowable uses are designed to maintain a relatively small-scale, pedestrian-oriented environment that capitalizes on the synergies with the public transportation and tourist activities afforded by the Linden CTA Station, Baha'i House of Worship, and Wilmette Harbor.

The following table analyzes the criteria established above for the NR-1 District:

<b>Linden Square</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	No
Parking	Site specific*
Schools	Yes

\*The CTA lot may not be utilized for commercial purposes to meet the requirements of the zoning code.

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the NR-1 Linden Square District.**

#### GC-1: General Commercial District

The purpose of the GC-1 District as defined by the Village's Zoning Code is: The GC-1 District is established to provide a location for higher-volume and higher intensity commercial uses which provide employment and revenues for the Village. Due to the higher volume of such establishments, and the traffic they typically generate, the GC-1 District is intended to be located along arterial streets and rail lines, and generally confined to existing commercial areas to ensure that the traffic generated by such uses does not impact nearby residential neighborhoods and that the uses themselves create less of an impact on residential areas than they would in other locations in the Village. The development standards for the GC-1 District are designed to buffer the GC-1 District from nearby residential properties and to maintain the general appearance of major thoroughfares through the Village.

The GC-1 District is located on the southern portion of Green Bay Road starting at Linden Avenue and moving south to the border with the City of Evanston.

The following table analyzes the criteria established above for the GC -1 District:

<b>GC-1- Green Bay Road (South from Linden Avenue)</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Site specific
Schools	Yes

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the GC-1 General Commercial District.**

#### GC-2: Heavy Commercial District

The purpose of the GC-2 District as defined by the Village's Zoning Code is: The GC-2 District is established to provide a location for commercial uses which do not involve a high level of retail customer traffic or a large number of employees, but represent relatively intensive use of land, such as establishments involving manufacturing, heavy equipment, and the processing,

distribution, and storage of goods and equipment. The GC-2 District is intended to be located only on properties which abut the railroad right-of-way and which are not well suited for other commercial or residential uses, in order to provide a buffer between the railroad right-of-way and nearby residential areas. The development standards for the GC-2 District are designed to buffer the GC-2 District from nearby residential properties and to maintain and improve the general appearance of such areas.

Areas that comprise the GC-2 District include:

- Lake Avenue (3622-3640) north to the Skokie River, east of Wilmette Golf Course on either side of ComEd powerlines
- 711 Laramie Avenue (Public Works Facility) and 3510 Wilmette (Self Storage facility just east of ComEd powerlines)

The following tables analyze the criteria established above for each location within the GC-2 District:

<b>3622-3640 Lake Avenue (North of Lake Ave; East of golf course)</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	Site specific
Traffic	Yes
Parking	Yes
Schools	Yes

<b>711 Laramie Avenue &amp; 3510 Wilmette Avenue (South of Lake Ave; Public Works &amp; Storage Facility)</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	No
Parking	No
Schools	Yes

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the GC-2 Heavy Commercial District south of Lake Avenue but a dispensary at certain sites within this district north of Lake Avenue may be a less intrusive use than the existing construction related operations. Further discussion with the residents adjacent to this district would be appropriate if the Committee is interested in further study of the GC-2 District.**

#### VC: Village Center District

The purpose of the VC District as defined by the Village's Zoning Code is: The purpose of the VC, Village Center, District is to promote a transit oriented, mixed use, walkable village center. The VC District is designed to accommodate pedestrian-oriented development in the Village core as well as development oriented to both pedestrian and motorists along Green Bay Road at the gateways leading into this area. The design regulations of the VC District are of critical

importance to the image of the Village and are more specific than those provided elsewhere in this Ordinance.

The following tables analyze the criteria established above for the VC District:

<b>East of Green Bay Road</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	No
Schools	Yes

<b>West of Green Bay Road</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	Site specific
Traffic	Yes
Parking	Site specific
Schools	Yes

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the VC Village Center District.**

OR: Office-Research District

The purpose of the OR District as defined by the Village's Zoning Code is: The OR District is established to promote and accommodate unified development projects for offices, research facilities, and related uses. The development standards for the OR District are designed to maintain a low-intensity environment that is compatible with nearby residential areas.

Areas that comprise the OR District include:

- Lake Avenue and Skokie Boulevard (northeast corner)
- Old Glenview Road (3201 – 3205 & 3300), west of Edens Expressway
- 3000 Glenview Road (Park District property)

The following tables analyze the criteria established above for each location within the OR District:

<b>Lake Avenue and Skokie Boulevard (Northeast Corner)</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes

Old Glenview Road (3201 – 3205) (West of Edens Expressway)	
Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	No
Parking	Yes
Schools	Yes

3000 Glenview Road (Park District property)	
Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	No

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the OR Office-Research District.**

PCD-1: Planned Commercial Development District (Edens Plaza)

The purpose of the PCD-1 District as defined by the Village's Zoning Code is: The PCD-1 District is established to provide a location for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding region. It is intended that the PCD-1 District be characterized by a somewhat intense, mixed-use development that is unified in design and unified in ownership or control. Given the intensity of such development, and the traffic it will generate, the PCD-1 District will be located specifically at the northwest corner of the intersection of Skokie Boulevard and Lake Avenue bounded on the west and northwest by the Edens Expressway. The development standards and range of allowable uses for the PCD-1 District are designed to make such development compatible with or buffered from nearby residential neighborhoods, and to provide a degree of flexibility in the mix and scale of uses located in a single development project in the PCD-1 District.

The following table analyzes the criteria established above for the PCD-1 District:

PCD-1 Edens Plaza	
Criteria	Is the criteria met for a dispensary?
Residential	Yes
Traffic	Yes
Parking	Yes
Schools	Yes*

\*Note: Loyola Academy is located within 300' from the Edens Expressway measured across the highway and 900' as measured via walking path (this is not on a school walking route).

**Based on the foregoing, staff would recommend permitting recreational cannabis dispensaries in the PCD-1 Planned Commercial District if the Village Board ultimately decides to allow the retail sale of adult-use cannabis in Wilmette.**

### PCD-2: Planned Commercial Development District (Plaza del Lago)

The purpose of the PCD-2 District as defined by the Village's Zoning Code is: The PCD-2 District is established to provide locations for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding area. It is intended that the PCD-2 District be characterized by relatively small-scale mixed-use development that is unified in design and unified in ownership or control. Uses in the District shall include commercial uses and limited residential uses and to provide a degree of flexibility in the mix and scale of uses located in a single development. The development standards and range of allowable uses for the PCD-2 District are designed to make such development compatible with or buffered from nearby residential neighborhoods.

The following table analyzes the criteria established above for the PCD-2 District:

<b>PCD-2 Plaza Del Lago</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes

For reference, the voting precinct in closest proximity to Plaza del Lago voted 195 – 263 (57% against) against the retail sale of cannabis in Wilmette. This precinct is generally limited to the high-rise condominiums along Sheridan Road.

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the PCD-2 Planned Commercial District.**

### PCD-3: Planned Commercial Development District (West Lake Plaza)

The purpose of the PCD-3 District as defined by the Village's Zoning Code is: The PCD-3 District is established to provide locations for retail-oriented commercial development that serves residents of the Village of Wilmette and the surrounding area. It is intended that the PCD-3 District be characterized by relatively small-scale shopping center development that is unified in design and unified in ownership or control. The development standards and range of allowable uses for the PCD-3 District are designed to make such development compatible with or buffered from nearby residential neighborhoods.

The following table analyzes the criteria established above for the PCD-3 District:

<b>PCD-3 West Lake Plaza</b>	
<b>Criteria</b>	<b>Is the criteria met for a dispensary?</b>
Residential	No
Traffic	Yes
Parking	Site specific
Schools	Yes

**Based on the foregoing, staff does not recommend permitting recreational cannabis dispensaries in the PCD-3 Planned Commercial District.**

## LAND USE COMMITTEE/ SPECIAL ZONING COMMITTEE



**SUBJECT:** Proposed Regulations for Retail Adult-Use Cannabis at Eden's Plaza

**MEETING DATE:** June 29, 2021

**TO:** Land Use Committee

**FROM:** Jeffrey M. Stein, Assistant Village Manager/Corporation Counsel  
Kyle Murphy, Police Chief  
John Adler, Director of Community Development

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As the Village continues to evaluate the potential location of a cannabis dispensary ("dispensary") within its corporate boundaries, the Land Use Committee has narrowed its focus to potentially allowing such a use at Eden's Plaza. Eden's Plaza is its own unique zoning district (the PCD-1 is a separate zoning district in the Village of Wilmette's Zoning Ordinance ("Zoning Ordinance") and only contains Eden's Plaza). As part of that discussion, the Land Use Committee has requested from the Village staff potential regulations for the retail sale of cannabis should the Village allow such use at Eden's Plaza. This memorandum will propose certain local regulations to be imposed in addition to those regulations already implemented under state law.

### **Background**

Pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et. seq.) ("Act"); the Village has limited regulatory authority over retail cannabis dispensaries. Although there is a home rule preemption in the licensing and regulation of cannabis related activities, the Act specifically allows the zoning authority to determine what zoning regulations and restrictions can be imposed on a local retail cannabis dispensary.

### **State Regulations**

To begin the analysis of what regulations the Village should enact for the retail sale of cannabis, the Village must first review and determine what regulations are already imposed by the state. The sale of recreational cannabis, pursuant to the Act, is licensed and regulated by the state through its various departments. There are very detailed regulations regarding who can buy cannabis, who can sell cannabis, how the sale must take place, and security and safety rules



and regulations a dispensary must follow. The rules and regulations below are the most relevant and address the matters of concern raised in the past.

### *Sale of Cannabis Regulations*

A dispensary may not operate between 10:00 p.m. and 6:00 a.m. the following day. Only individuals that are 21 years of age, that show proof of age, may purchase cannabis. The dispensary agent selling the product must verify the government issued identification, which contains a picture and date-of-birth, as not being a fake ID by using an electronic reading or scanning device. Once a sale is made, the dispensary must use point-of-sale equipment that will transmit the following information to the state:

1. The selling agent's state issued ID number;
2. The selling dispensary's state issued ID number;
3. The amount and type of cannabis sold; and
4. The date and time of the sale.

Related to the sale of cannabis is the container and labeling that the cannabis is contained within. The Act, and the administrative rules of the various state departments overseeing the cannabis industry, regulate the packaging and labelling of cannabis. As such, the Village does not have the authority to regulate the packaging that cannabis will be stored and sold in or the labels that are affixed to the packages in a manner that is contrary to the state regulations. As such, any regulation would already be covered when the condition that all laws must be complied with is imposed with the grant of a Special Use permit.

### *Security Measures of the Physical Operation*

There are numerous security protocols that must be in place at a dispensary. A dispensary must engage a third-party security firm to provide at least one on-site security guard during hours of operation. There must be at least two employees working at the dispensary during operating hours, in addition to the security guard. Security cameras, for both the exterior and interior portions of the dispensary and security alarms must be installed and operating 24 hours a day. The dispensary must ensure proper interior and exterior lighting is operational at all times. The exterior windows of the dispensary must be shatterproof and tinted (this may allow light inside the facility, but outside viewing must be blocked).

All cannabis products must be safely stored at all times. During operational hours, cannabis must be stored in a locked secured space that can only be accessed by the employees. When the dispensary is closed, all cannabis must be stored in a reinforced vault room that is not located in the public retail space. The employees of the dispensary that have access to these spaces must be kept in an electronic daily log.

### *Operational Regulations*

The cannabis to be sold at a dispensary may only be obtained from a state licensed cannabis facility. The cannabis must be delivered by a state licensed business directly to a secure restricted area of the dispensary that is wholly separate from the public area of the business.

The dispensary is prohibited from selling cannabis to anyone through a drive-through, vending machine or via delivery.

All dispensaries must abide by all local zoning regulations, building codes, fire codes and all other general business regulations.

These are just some of the regulations that demonstrate the regulations in place to guard against the sale of cannabis to a minor. The state will review and ultimately have to approve all applications, including the security plan, a list of employees working at a facility as well as approval from the local government with jurisdiction over the proposed dispensary before sales can commence.

## **Discussion**

Despite the state preemption regarding certain dispensary regulations, the Village still is authorized to determine not only the proper zoning district(s) of such uses, but other use type regulations.

### *Zoning District*

As stated above in the introduction, the Land Use Committee has determined that the PCD-1 Zoning District was to be studied further as the most logical potential location for a retail sale cannabis dispensary. While the PCD-1 Zoning District is limited to only Eden's Plaza which is helpful because certain regulations will not be needed, Eden's Plaza itself has a variety of locations within its center, each with their own benefits and concerns. As such, some of the following proposed regulations will be applicable to the entire PCD-1 Zoning District, but many should be left to the Special Use process.

### *Regulations for Cannabis Dispensaries for the entire PCD-1 Zoning District.*

The following recommended regulations and restrictions will be applicable for any dispensary operating anywhere in Eden's Plaza.

1. Limit the number of cannabis dispensaries to one.

The Act allows the Village to limit the number of cannabis dispensaries within the Village limits. Per the discussions thus far, it is clear that the Village Board desires to limit the number of dispensaries that could be located within the Village. Starting with a limitation of one allows the Village Board to determine, if a dispensary is to be opened in the Village, if that number should be increased in the future or remain at one.

2. Categorize a dispensary as a Special Use.

It is recommended that any dispensary seeking to be located within the Village be required to go through the Special Use process. As discussed more thoroughly below, the Special Use process can be used to determine the appropriateness of the specific location and size of the facility or if appropriate, the necessary conditions to be imposed for the specific location of the dispensary.

3. Restrict on-site consumption of cannabis.

It is recommended, for a variety of safety and logistical reasons, to restrict the on-site consumption of cannabis at a dispensary. This is consistent with the vast majority of dispensaries currently operating in Illinois.

4. Compliance with all laws.

Any Special Use granted for a Dispensary should be conditioned upon compliance with all laws, including the specific provisions of the Act.

5. Misconduct of employees shall be considered misconduct of the Dispensary.

As with Wilmette Liquor Licenses, the misconduct of an employee (e.g. selling to someone underage) can be used to fine, suspend or revoke a liquor license. The same application of the law may apply to dispensaries, which would incentivize dispensaries to ensure their employees follow all aspects the law.

6. Operational Requirements.

a. Security Plan and Site Plans be provided to the Wilmette Police Chief

All dispensaries must provide the state with their operational and security plans. While the Village does not have the authority to approve or reject such plans, those plans should be made available to the Wilmette Police Chief to help facilitate the security of the dispensary and surrounding areas.

b. All business activity be located inside the Dispensary.

The Village, under its authority, can require that all business activities be conducted inside the physical structure. This would include a restriction on a security guard being stationed outside the facility. However, it would likely be necessary to allow security guards or other agents of the dispensary to routinely conduct inspections and patrol the exterior portion of the property. As the location of the dispensary within Eden's Plaza may allow for operational activity outdoors that will not have an impact upon other businesses, this provision can be discussed and determined as part of the Special Use process.

c. Hours of operation

Pursuant to the Act, dispensaries may not operate between 10:00 p.m. and 6:00 a.m. the following day. While the Village could not extend these business hours, it could limit them even further. For reference, local dispensaries have the following operating hours:

- Curaleaf in Northbrook: 8am – 8pm
- Curaleaf in Skokie: 10am – 8pm (7pm on Sundays)
- Zen Leaf in Highland Park: 10am – 8pm (4pm on Sundays)
- Hatch in Wheeling: 9am – 9pm (10am – 6pm on Sundays)

*Regulations for Cannabis Dispensaries to be determined during Special Use process.*

As Eden's Plaza has differing structures at differing locations, one-size fits all regulations may not be the best method to ensure the appropriate regulations are applied for this use. A look at Eden's Plaza reveals that businesses at that location come in all shapes and sizes. Some businesses are located in out-lots, away from the main centers. Other businesses located in the main centers are larger spaces, while others are much smaller. Furthermore, some business are in-fill businesses sandwiched between two other businesses, while some occupy corners. All of these factors will come into play when determining what the appropriate allowances and restrictions that should be imposed upon the specific location of a proposed dispensary.

The non-exhaustive list below are topics that should be considered as potential conditions during the Special Use process.

### 1. Signage

Depending upon the location of the dispensary within Eden's Plaza, additional signage restrictions beyond those already imposed in this zoning district should be analyzed as conditions upon an application.

### 2. Size of the Operation

The total square footage of a potential dispensary has been something that has been discussed by the Village Board. The Village can limit a dispensary's size, either as an overall ceiling to the size of a dispensary, or a limit to the areas the customers have access to, or something in between. While this restriction may not come into play for an in-fill location in Eden's Plaza, it may certainly be an issue of concern for a corner or an out-lot location.

### 3. Parking

Parking issues may or may not arise depending upon the location of a dispensary within Eden's Plaza. As such, this should be reviewed during the Special Use process.

### 4. Lighting

While the Act specifically requires the issue of lighting to be addressed in the security plan of a dispensary, there may be some concerns that the Village would want to address during the Special Use process. These concerns vary as to where the location of a dispensary, as well as, the proposed lighting plan of the applicant.

### 5. Operational Concerns

The location of a dispensary will also bring up potential concerns regarding the neighboring businesses. Things that may need to be considered are:

- a. delivery of cannabis and loading and unloading  
(including times and locations)
- b. locations and access of the required vault;
- c. the need for air purifiers;
- d. customer queuing locations;

*Regulations not addressed as they are not needed.*

The Village staff believes that certain regulations, if a dispensary was to be allowed at Eden's Plaza, are not needed either because of the location and nature of Eden's Plaza, and because state law currently provides regulations.

1. Distance limitations from sensitive uses

The Village could limit the distance a dispensary could be located from another type of use (e.g. schools, parks, daycares, etc.). However, since the Village is looking to limit a dispensary's location to Eden's Plaza, the layout of the Plaza naturally addresses distancing and isolation from these other types of sensitive uses without formal regulations. A distance regulation may also have an unknown consequence and limit the location of a dispensary in an area that would otherwise be logical and desired but could be factored into the Village Board's consideration on a special use application.



## Attachment #12

# Land Use Committee/Special Zoning Committee

**SUBJECT:** Adult-Use Recreational Cannabis Dispensaries- Review of Edens Plaza

**MEETING DATE:** June 29, 2021

**FROM:** Michael Braiman, Village Manager  
John Adler, Director of Community Development  
Erik Hallgren, Assistant Village Manager  
Lucas Sivertsen, Business Development Coordinator  
Jeff Stein, Assistant Village Manager / Corporation Counsel

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### **Background**

Following the November 3, 2020 referendum at which 56% of Wilmette voters supported the retail sale of recreational cannabis in Wilmette and 44% opposed such sales, the Village Board met on February 4, 2021 to discuss next steps related to adult-use recreational dispensaries in Wilmette. The Board voted unanimously to refer the matter to the Land Use Committee (LUC) sitting as a Special Zoning Committee to further discuss potential dispensary locations and related regulations. This referral was not a commitment by the Village Board to permit recreational cannabis dispensaries but rather the next step in the Village's consideration of this matter.

On February 24, 2021 the Land Use Committee/Special Zoning Committee reviewed the Village's nine commercial zoning districts in relation to cannabis dispensaries. For reference, the February 24 Land Use Committee meeting materials, which contain a detailed discussion on the Village's nine zoning districts and the criteria to determine appropriate locations for cannabis dispensaries, can be found here: [February 24, 2021 Land Use Committee Packet](#)

In its review of commercial zoning districts, the Committee utilized the following criteria to determine which districts would be appropriate for a cannabis dispensary:

- Residential – Not adjacent to any residential properties
- Traffic – On major thoroughfares thereby limiting the traffic impact on residential streets; for purposes of our analysis we are utilizing streets identified as major streets
- Parking – Sufficient off-street parking
- Schools – Not located in close proximity to schools; for purposes of the analysis the Village's school walking route map helped to determine suitable locations

Based on the above factors, a majority of the Committee determined that it was not appropriate to further consider permitting cannabis dispensaries in the following eight zoning districts:

- NR: Neighborhood Retail
- NR-1: Linden Square Neighborhood Business District
- GC-1: General Commercial District
- GC-2: Heavy Commercial District
- VC: Village Center Business
- OR: Office Research
- PCD-2: Planned Commercial (Plaza del Lago)
- PCD-3: Planned Commercial (West Lake Plaza)

The Committee determined that PCD-1, Edens Plaza, best met all four criteria and did not have the same drawbacks as the other commercial zoning districts. Thus, the Committee is scheduled to meet on June 29, 2021 to focus its discussion on Edens Plaza. This meeting will be a public hearing for a potential text amendment to the PCD-1 (Edens Plaza) zoning district. The Land Use Committee will not consider any other locations for recreational cannabis sales other than Edens Plaza at this meeting.

The purpose of the Land Use Committee's review of locations and regulations is to provide additional context to the Village Board as it continues deliberations regarding whether to permit the recreational sale of adult-use cannabis in Wilmette. The Committee is not making any final decisions nor is it making a recommendation as to whether or not recreational cannabis sales shall be permitted in Wilmette.

The questions before the Special Zoning Committee on June 21<sup>st</sup> are:

*If the Village Board were to permit the sale of recreational cannabis in Wilmette, is Edens Plaza an appropriate location?*

and,

*What type of regulations would be appropriate for a recreational cannabis dispensary at Edens Plaza (see accompanying memorandum from Assistant Village Manager/Corporation Counsel Stein on regulations)?*

### **Discussion**

Based upon the Committee's direction from the February 24 meeting, the following actions have taken place for this meeting:

- Solicited questions and input from residents regarding a dispensary in Edens Plaza (Attachment #1)
- Provides extensive notice of this meeting in an effort to engage more residents in the discussion:
  - Mailed notification to all properties within 500'
    - Note: A text amendment such as the one being considered here does not require any mailed notice; for reference a special use or variation requires a 250' notice radius; see Attachment #2 for a map of the notice area
  - Use of E-news, Village website, and social media on multiple occasions to notice the meeting
  - Direct outreach to Loyola Academy

- Newport Capital Partners, owners of Edens Plaza, will be present to answer questions from the Committee (Attachments #3 and #4 include maps of Edens Plaza)
- Brendan Reedy, Senior Vice President of CBRE and leasing agent for Edens Plaza, will be present to answer questions from the Committee

In addition to the above, the Committee requested additional information on the size of the dispensary in Buffalo Grove (this dispensary is still awaiting State approval to transition from medicinal to recreational). Additionally, since the Committee's last meeting in February, a dispensary has opened in Wheeling which is located in an outlot of a shopping center, directly adjacent to national retailers:

- Sunnyside, 830 Milwaukee Avenue, Buffalo Grove: 4,900 square feet
- Hatch, 1500 Lake Cook Road, Wheeling: 5,800 square feet
  - See Attachment #5 for an aerial view of this location

Related to the question regarding dispensary size, there was an inquiry from the Committee as to whether the Village can and should regulate the size of the dispensary. The Corporation Counsel's memorandum in this meeting packet discusses regulations in greater detail, including the Village's ability to regulate square footage. In summary, while the Village can regulate the size of a dispensary staff would not recommend placing a cap on the size of a facility as this could have unintended consequences (example: this could lead to longer customer lines outside the store). The special use process would be the proper tool to determine the appropriate size of a dispensary depending on the location.

### **Next Steps**

As part of the Committee's discussion on June 29<sup>th</sup>, the Corporation Counsel will present potential zoning regulations for a cannabis dispensary. Following that discussion, the Committee can take the following actions at the meeting:

- Make a recommendation to the Village Board as to whether Edens Plaza is an appropriate location for a cannabis dispensary and what the appropriate zoning regulations would be for a dispensary at Edens Plaza (reminder- the Committee is not answering the ultimate question of whether or not Wilmette should permit recreational cannabis dispensaries)

Or

- Schedule another Land Use Committee/Special Zoning Committee meeting to continue deliberations





1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

**MINUTES OF THE SPECIAL MEETING OF THE PRESIDENT AND BOARD  
OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS, BROADCAST ONLY  
(VILLAGE HALL CLOSED DUE TO THE VILLAGE PRESIDENT'S DELCARATION  
OF LOCAL DISASTER AND PUBLIC HEALTH EMERGENCY ORDER)  
ON TUESDAY, FEBRUARY 4, 2021 AT 7:30 P.M.**

President Bielinski called the meeting to order at 7:30 p.m.

**1.0 ROLL CALL**

President: Bob Bielinski

Trustees: Daniel Sullivan  
Peter Barrow  
Kathy Dodd  
Joel Kurzman  
Gina Kennedy  
Senta Plunkett

Staff Present: Michael Braiman, Village Manager  
Erik Hallgren, Assistant Village Manager  
Jeffrey Stein, Assistant Village Manager/Corporation Counsel  
John Adler, Community Development Director  
Peter Skiles, Administrative Services Director  
Kyle Murphy, Police Chief  
Pat Collins, Deputy Police Chief  
Alexander Arteaga, Management Analyst

President Bielinski explained the Special Village Board meeting was being broadcast live via the use of Microsoft Teams in order to comply with the shelter in place order issued by Governor JB Pritzker.

**2.0 PUBLIC COMMENT**

President Bielinski deferred Public Comment until Item 3.0 had been discussed.

**3.0 DISCUSSION OF THE RETAIL SALE OF ADULT-USE CANNABIS**

President Bielinski said no vote would be taken tonight on the retail sale of recreational cannabis. He said this meeting was the first step in a public process

and would begin with education and information. He said there would be a presentation by staff and an opportunity for questions and answers. He said a decision would only be made tonight on whether or not to move to the next step.

He clarified that the first slide of the staff presentation should have read, "If it's clear the majority of the Board are not supportive under any circumstances, then we should not refer it to Land Use Committee." He said that is not the question to be asked at the end of the meeting. He said the question tonight will be should we refer this to the Land Use Committee to appoint them as a Special Zoning Committee to basically work through the details and bring them back to the Board.

He then turned the meeting over to Village Manager Mike Braiman for the presentation (PowerPoint attached).

Before Mr. Braiman began the presentation, he said that a full complement of staff was available at the meeting to answer any questions. Mr. Braiman said if the majority of the Board decides to seek additional information regarding potential locations and regulations, it will be referred to the Land Use Committee. He said this will be a methodical, deliberate process that is a multi-meeting endeavor. He said public input would be gathered throughout via email, solicitations in e-news and through Village Board and Committee meetings. He went on to say that if there is no consensus at tonight's meeting, another special Board meeting could be scheduled as a follow-up.

Mr. Braiman gave some background, stating that this all started in June 2019 when the Governor signed the Cannabis Regulation and Tax Act. He said shortly thereafter, the Village Board took several actions, the most significant being placing a moratorium on the retail sale of cannabis until June 20, 2021. He said the reason for this was to buy time and get additional feedback from the community to learn how residents felt about this matter and to learn about the experience of other communities who proceeded before others like Northbrook and Skokie. He said he would be talking about some of the other communities as well.

Mr. Braiman said in July the Board voted to put a referendum on the election ballot. He said the results indicated 56% were in favor of the retail sale of recreational cannabis and 44% were opposed. He said 556 people who cast ballots didn't answer the question.

He then discussed nearby communities indicating Highland Park, Park Ridge, Morton Grove and Northfield have all approved recreational sales since this was last discussed at the Board level. He said Highland Park approved it in their industrial zoning districts, Park Ridge approved it in various districts. He said these communities did not conduct referendums. He said other communities remain unchanged in their decision. He said Northbrook, Deerfield, Evanston, Skokie, Niles and Buffalo Grove have all approved. He said Winnetka, Kenilworth, Glencoe, Glenview, Lake Forest, Lincolnshire, Bannockburn, Lincolnwood, Lake Bluff and Libertyville prohibit the recreational sale.

Mr. Braiman said an important factor in forming a decision in Wilmette is public safety. He said staff reached out to communities that allow recreational sales and reviewed surveys from the Northwest Municipal Conference and found there have not been any public safety concerns at this time. He said it doesn't mean there won't be issues in the future; however, at this time, there have not been any. He said one adverse effect seems to be in increased traffic and parking when a dispensary first opens but that it seems to dissipate after several weeks.

Mr. Braiman then discussed the financial impact saying this is one of many factors staff looked at. He said if allowed, Wilmette would see a 5% sales tax on each purchase: 1% state sales tax, 1% home rule sales tax and 3% local cannabis tax. He said it is difficult and frustrating because there is no way to form a solid prediction on how much a single dispensary would bring to a community. He said the primary reason is because the Illinois Department of Revenue has strict protocols on what types of information municipalities can release about private business. He said if you have less than 4 dispensaries, you cannot release the cannabis tax data. He said the communities that have less than 4 dispensaries have to roll their reporting up into their sales tax numbers in their public documents to follow state law. He said staff was able to look at the budgets for these communities and their transmittal letter to see what they are projecting, but they are not providing actual numbers. He said the numbers varied widely depending on the community with an average projection of \$350,000. He said for context, to collect that amount, a business must be doing \$7 million dollars in business yearly. He said staff spoke with industry representatives who project that statewide sales will exceed \$3 billion by 2024.

President Bielinski asked if the \$350,000 was based on one location. He said Naperville's projection was \$1 million based on 3 locations. He asked if that was an average for a community or per location.

Assistant Village Manager Erik Hallgren said that is an average per location.

President Bielinski said if Wilmette had a business doing \$7 million in taxable sales per year, that would be one of the highest in the community.

Mr. Braiman said it would be significant. He said for a community like Wilmette, it's unusual for someone to do that level of volume.

Trustee Dodd asked if the \$350,000 was based on \$7 million in tax revenue.

Mr. Braiman said it's the average of projections in other communities. He said it was an average projection based on their own home rule and sales tax percentages. He said if we were to base our projection for Wilmette at \$350,000, using our sales tax percentages, there would need to be \$7 million in annual sales taxable sales.

Mr. Braiman then discussed state regulations, stating cannabis is tightly controlled in Illinois, more so than any other retail business in the state. He pointed out a few

important regulations, saying a valid ID must be presented and scanned before you can enter a dispensary. He said all sales are reported to the state and certain guidelines must be followed such as maintaining a security guard and 2 employees on-site during all operating hours, shatterproof and tinted exterior windows are mandatory, all product must be locked in a secure reinforced vault room when the dispensary is closed with access logged by employees, no drive-through sales are permitted and deliveries must be made to an area separate from the public area of the business. He also said that dispensaries must abide by all local zoning, building, fire and business regulations. He said regarding the vault, many dispensaries look for old bank sites where there may already be a vault in place. He said there are not many sites like that in the community. He said the location in Skokie was an old bank site but the one in Northbrook was not, so they had to build a vault room during construction. He said there are many other regulations and if this goes to the Land Use Committee, those regulations could be reviewed in greater detail.

Mr. Braiman said at the local level, there is some latitude within the state law for municipalities to administer their own regulations for zoning locations and zoning process. He said it would be recommended for a dispensary to go through the special use process which would give an extra layer of review if an application comes forward. He said other regulations can be imposed locally to establish distance to other sensitive uses like schools, parks and houses of worship. He said currently there are no distancing regulations in the state law. He said there were for medicinal cannabis previously. He also said at the local level, regulations on the number of dispensaries permitted and whether or not to allow on-site consumption are also under municipality's purview. He said on-site consumption is highly unusual according to the research staff has done. He also said from a public safety perspective, the Police Chief would not recommend on-site consumption. He said if this goes to Land Use, these areas can be discussed in greater detail.

Mr. Braiman then discussed the next steps and a timeline. He said if the Board refers the matter to the Land Use Committee, the Committee could meet February 24 and if necessary, the week of March 8. He said a more comprehensive discussion at the Board level would not come until April, as the second meeting in March is over spring break, and even if there is a quorum, staff does not feel this is an appropriate time for these discussions when many members of the community may not be in town or be in tune to our meeting schedule at that time.

He said if the Board decides they are not interested in allowing recreational cannabis, an ordinance would be placed on a future Board agenda to make the current moratorium permanent.

President Bielinski opened up the floor to questions from the Village Board. He said a number of questions were answered in advance but if any Trustees wanted to review those answers, they could do so at this point in the meeting.

Mr. Braiman said that if this item goes to the Land Use Committee, staff is prepared



to come to the table with recommendations on regulations and locations. He said he feels it is important to focus on specific sites. He said in staff's research and discussions, Edens Plaza was identified as the best location due to its proximity to the highway and the ample parking. He said this is how staff intends to proceed at Land Use and other locations can certainly be reviewed at the Committee level. He said the community would be notified of all locations being considered so residents could provide feedback to the Board.

President Bielinski agreed and said that is important. He said ultimately what we need to do is approve a zoning change, which means it's location based. He said clearly, our zoning code provides for different districts to provide for different uses and this would be no different. He said he discussed the question of location with Mr. Braiman and said it makes sense to bring that commentary into the public domain; however, if you don't allow for the premier retail sites, you are less likely to attract the best operators. He said obviously, we would want one of the top operators to be operating in Wilmette. He said there are other locations such as Plaza Del Lago, Green Bay Road, Ridge the Road Corridor, 4<sup>th</sup> and Linden and Skokie Boulevard that would not be as attractive. He said one of the motivators is sales tax and if you hide the location in a hard to get to place where the population will not be or visit, you will not see the sales tax revenue.

Mr. Braiman concurred and said Wilmette would want a successful dispensary and Edens Plaza is the best location to foster success and produce the tax revenue other communities are seeing. He said Edens Plaza is the most logical site. He said staff doesn't want to create parking problems, which has been an issue in some of Wilmette's other areas. He said on Green Bay Road where medicinal cannabis dispensaries are permitted, the parking is not very good. He said West Lake Plaza does not have very good parking either. He said Edens Plaza is the first solid site staff has reviewed but other locations can be reviewed as the Board sees fit.

Trustee Dodd asked if there a class system for dispensaries. She asked if that was what staff was worried about.

Mr. Braiman said there isn't a lot of information out there about that topic and assumptions are being made that may not be necessarily accurate. He said in talking to industry representatives, they felt Green Bay Road was already in the Evanston area where Evanston has 1 or 2 dispensaries. He said this would not justify enough sales to locate a dispensary there. He said the Edens Plaza location is close to the Skokie location, but industry representatives see that as a different market due to its accessibility to the expressway interchange. He said Edens Plaza has more amenities to draw people in such as Bed Bath Beyond, Walgreens and restaurants unlike the Skokie location. He then went on to say that the Plaza Del Lago location may draw a boutique-type dispensary because of the low traffic volume and that probably wouldn't justify approval of that location. He said there are many unknown factors, as the industry is in its early stages. He said staff would be reaching out to more industry representatives as we move toward Land Use Committee meetings. He said staff is looking for the right type of operation

for the community.

Trustee Dodd said she has spoken to a few residents who said if the dispensary was a boutique type, that's much different than a huge greenhouse like the one in Skokie. She said this may get different reception.

Corporation Counsel Jeff Stein said he believed Trustee Dodd was referring to a "craft grower" which is similar to a brewpub. He said it would be like Lagunitas versus Budweiser. He said that could be attractive; however, part of that is there is onsite "grow" where they would need a certain amount of on-site growing space. He said these types of dispensaries often want on-site consumption. He said there may be areas of concern with these types of dispensaries.

President Bielinski asked if Trustee Dodd was referring to boutique as a cute little establishment with high-end amenities.

Trustee Dodd said she was picking up on Mr. Braiman's earlier comments.

Mr. Braiman said boutique was probably not the right word to use. He said he was referring to a small store that was not attracting tax revenue from outside the community. He said the average size of these dispensaries varies widely. He said Edens Plaza has a lot of vacant space, but he doesn't see it being filled with a 10,000 sq. ft. dispensary if the Board says yes. He said Newport is the landlord and owner of Edens Plaza, and they will be invited to the Land Use Committee meeting. He said if this is approved and they find a dispensary, they see this as an infill between a Bed Bath and Beyond and Fresh Market in taking those smaller spaces that are harder to rent to a bigger retailer. He said this wouldn't be something that would be going into the Carsons space.

President Bielinski said the plan is to invite to the Land Use Committee meeting not only Newport and the public, but the industry representatives so first-hand knowledge can be gained from these industry professionals on how things work and what would be interesting and desirable.

Mr. Braiman agreed and said they are looking to choose a professional with state and national associations, as they are the most appropriate people to ensure we are not predisposing an application if someone were to submit it after the fact and they were associated with an actual business. He said they would also be talking with real estate developers and brokers to understand the impact to a site like Edens Plaza. He said they will need to know if this would adversely impact the recruitment of national retailers needed to anchor the shopping center. He said if it does, this would not be the ideal location in our community. He said there are a lot of factors and information that needs to be learned. He said there is no rush to gather the data and they will work to be sure they have all the information necessary to make an informed decision. He went on to say that even if Edens Plaza is the best location from an industry perspective, that does not mean it's the best location for Wilmette or the only location in Wilmette. He said he believes it's the right starting point for this discussion.

Trustee Plunkett said she would like to know if any national retailers have clauses in their leases that they will not be in a location near a retail cannabis store. She said she would like to know what the current retailers in the plaza would think about that. She said obviously, we want to attract the right kind of retail not necessarily your average strip mall retail. She said we want higher-end retail so it's important to be armed with those answers before going into that Land Use meeting.

Mr. Braiman said staff would do their best to gather information from current tenants and potential tenants.

Trustee Sullivan said we are talking a lot about Edens Plaza specifically and asked about West Lake Plaza. He said there is a bank there and if it vacates, would that be an option.

Mr. Braiman said one of the reasons that they looked at Edens Plaza was because it is its own zoning district which simplifies the zoning process. He said West Lake has the proximity to the highway; however, the industry representatives were concerned about the parking, which is already very difficult. They felt it could make it much worse. He said the bank may have its own parking lot and questioned whether the bank was part of the West Lake zoning district or zoned separately. He said that is another potential site.

Trustee Sullivan asked if the Land Use Committee would look at all potential sites and not just focus on Edens Plaza.

Mr. Braiman concurred.

President Bielinski said it's important to include Edens Plaza upfront in the discussions.

Trustee Sullivan said he agreed.

President Bielinski said if you aren't willing to put it in Edens Plaza, you should think about what you are willing to do.

Mr. Braiman said this is just a start to the process. He said if they can't find a location that is agreeable, the option is there to turn the temporary moratorium into a permanent one. He said this will be a good process as we gather the additional data and work toward the solution that is right for Wilmette.

President Bielinski said as the process goes on, it will be important to give the community plenty of notice if we are thinking about a new location not previously discussed or placed on an agenda or otherwise because it would not be fair to add a location without sufficient time for public comment. He said this is complicated and there are unknown factors since the industry is brand new with no history and expertise or experience to refer to. He said there may be much to learn from places like Colorado who have had approved recreational use for some time now. He



said those resources could be important to the Board in the process.

Mr. Braiman said for our community, we don't have a plethora of sites or standalone locations like they do in Skokie or Northbrook that don't have the factors of national retailers or leasing requirements. He said we are limited in that regard which makes it more complicated. He said most of our locations are near or very close to residential areas or schools. He said residents may have concerns so it's not a simple discussion.

President Bielinski said we are a smaller community with less business districts.

Trustee Plunkett said there needs to be discussion about public safety and if we need to do more. She said the discussion may need to be with Chief Murphy and staff. She said her comfort level is better knowing there have not been safety concerns, but she said everyone has been home for the last year so there are not a lot of people on the roads driving so you don't hear much about cannabis use and driving. She said there is not a lot of public education about that. She said going forward if we are looking at a projected \$3 billion in sales by 2024, we need to discuss public safety education, driving, and accidental consumption of edibles by children. She said the packaging of the edibles can look just like chocolate or gummy bears. She said this is something that we have a duty to address.

President Bielinski said he believed the dispensaries are a cash only business and asked Trustee Sullivan if the Federal banking system can be a participant in these businesses.

Trustee Sullivan said it's not legal for a bank to service these companies at this point because the sale of recreational cannabis is not legal at the federal level, only state level. He then said he believes all the dispensaries are a cash business.

Trustee Dodd said she had spoken with senior administrators at New Trier High School and said she thinks public education and safety is an issue regardless of what we decide about recreational cannabis sales. She said those issues are going on in neighboring communities and this is an issue for all schools and younger adults. She said kids have been taught not to drink and drive, but she isn't sure there is the same level of educating them not to smoke pot and drive. She said knowing that this is going to be prevalent in our community regardless of whether or not we allow sales in our own community, it's something our Board should be addressing in terms of communication.

Mr. Braiman said this is something we can work on at a regional or township level with our neighbors along with the high school. He said we can pool information and will add this task to staff's list.

Trustee Kennedy said she doesn't disagree with Trustees Plunkett and Dodd but said she feels the education shouldn't be limited just to kids. She said since the legal dispensation of marijuana only occurs to adults, she feels we shouldn't assume all adults know the dangers of smoking and driving.



Trustee Dodd agreed.

Trustee Barrow told Police Chief Kyle Murphy that he was surprised by the public safety materials in the agenda packet saying that even after all this time, there doesn't appear to have been any adverse public safety consequences. He asked Chief Murphy to comment on whether he sees that continuing or if Wilmette's experience would be any different.

Chief Murphy said there is no indication that our experience would be any different than the communities with a dispensary already, especially if we do not permit on-site consumption. He said he agrees with Trustees Dodd and Plunkett in regard to public education for children and adults. He said when 2020 began, we did public education talks at Loyola Academy and various rotary clubs within the Village. He said for juveniles, we routinely, at the 8<sup>th</sup> grade level, educate on alcohol and cannabis and other drugs. He said the discussions didn't take place in 2020 due to the pandemic but they will be re-instated at some point. He said he agrees that the public education can be enhanced.

Trustee Barrow asked how patrol officers deal with this issue. He asked what they see and how they confront it.

Chief Murphy said they have been enforcing driving under the influence of alcohol and drugs for decades. He said there is now a limitation with permitted cannabis in your system of 5 ng. He said it makes it more difficult because it was fairly black and white previously. He said the only way to test the nanograms is through blood so an officer would have to have probable cause to initiate the traffic stop and based upon specific results of the field sobriety tests, indicate further testing which would take place at a hospital.

Trustee Plunkett asked if it is easy to tell the difference between an alcohol impaired driver versus a drug impaired driver. She asked if there would be different characteristics to look for.

Chief Murphy said they see more cognitive issues with impairment associated with cannabis and it makes it a little more difficult to detect in field sobriety, but in the driving ability itself, there are a number of differences. He said difficulty multi-tasking or tracking with the eyes are a few areas. He said the association with speed is another. He said alcohol impaired drivers may tend to drive slower while research shows that drug impaired drivers tend to drive above the speed limit because things are moving slower in their mind, which may cause their brain to compensate and cause them to travel at higher rates of speed.

Trustee Plunkett asked how close communities are to having a test for cannabis that is similar to the breathalyzer to make things simpler than going to the hospital for a blood test.

Chief Murphy said there is a saliva test being evaluated currently which is similar

to a breath test for alcohol. He said he doesn't know how soon something like that would be approved or accepted. He said court cases and decisions will have an impact on that. He said that test may not necessarily negate the requirement of a blood test at the hospital. He said it seems like a cumbersome process, but it's something law enforcement is used to after decades of impaired driving enforcement.

President Bielinski asked how the required security guard at each dispensary is armed and licensed.

Corporation Counsel Jeffrey Stein said the statute states that the dispensary security guard must be licensed through the state. He said the security guard is not required to have a firearm on site but may. He said most of these guards are off-duty police officers who have the right to carry and do carry on site. He said that is part of the security plan dispensaries create and must submit to the state. He said they must list what security guard company they are employing and the actual guards who are subject to another background check. He said the plan must discuss where the guards will be located and whether or not they will be armed.

President Bielinski said it would just depend on the dispensary.

Mr. Stein agreed but said he felt most would be armed.

Trustee Plunkett said she visited a dispensary in a strip mall in Arlington Heights that had a security guard that was outside the building, which was slightly imposing. She said she realizes that is not mandatory, but the security guard told her that the company he worked for required a security guard to be posted outside. She asked if we knew how many dispensaries have a guard posted outside the door versus one inside.

Mr. Stein said he can't answer how many because it depends on the security plan. He said dispensaries are not cookie cutters shaped like a McDonalds. He said they come in different shapes and sizes. He said most likely the security plan states an officer must be outside to check identification if there is no vestibule or secondary lock system. He said someone not of age or not carrying a medical card cannot get into the dispensary without getting checked first. He said some places have the vestibule or double-lock system where you can walk where the security guard is there because there is another door that is locked. He said the answer is that it comes down to each security plan which is based on the size and layout of the dispensary.

Trustee Kennedy asked if we could request the dispensary not have a security guard in the parking lot or outside the premises.

Mr. Stein said that's possible and could be done through zoning ordinances, but he said they would need to allow for a security guard to be outdoors for security checks. He said this is something that would need to be explored at Land Use as

design plans for a particular dispensary may not contain that second vestibule.

Trustee Dodd asked if we have any time restrictions. She asked if the moratorium was in place until a decision is reached or is there a deadline.

Mr. Stein said the moratorium is set to expire on June 30, 2021. He said this could be extended if need be. He said a moratorium needs an ending date or it is considered a prohibition. He said the current moratorium could be extended another 6 months if the Board decides that is needed.

Trustee Dodd asked what would happen if we aren't ready right now but in 5 years change our mind.

Mr. Stein said if we decide today that the answer is no, a prohibition would be put in place but that could be rescinded at a later date. He said the only issue would be if we say yes and then a dispensary relies upon that, opens and spends money to operate, we could not stop them from operating if we changed the law to prohibit the sale. He said they would be grandfathered in.

Trustee Kurzman said at the last discussion, the Village had been approached by one potential interested party. He asked if there have been others since.

Mr. Stein said there have been 2 soft inquiries, which includes the one Trustee Kurzman referred to. He said the question was only if Wilmette would allow the sale or not, nothing beyond that. He said the answer at that time was that we were looking into it.

Trustee Sullivan asked if the owners of Edens Plaza have received any inquiries or if they have conveyed any interest.

Mr. Braiman said he has had 2 discussions about cannabis with the owners. One was a year ago and one was the day before this meeting. He said they did not indicate anyone seeking to locate a dispensary there. He said the discussions about interested tenants has not included any dispensaries.

President Bielinski said the owners have not expressed interest in the Village allowing them to rent to a dispensary.

Mr. Braiman agreed and said the owners have never approached the Village to allow this type of use. He said they have indicated they don't have any concerns regarding a dispensary in relation to current or future tenants. He said that was a high level discussion and he thinks they look at it as a potentially stable tenant that would be paying a high rent so from a business standpoint, he doesn't believe they are opposed. However, he said they are certainly not pushing, and they don't have anyone lined up.

Trustee Kurzman said he understands the challenges of getting the financial data to make a projection on how the tax revenue could affect Wilmette. He asked if

there were any creative ways of working with companies or municipalities to get these estimated numbers to evaluate what Wilmette's opportunity would be.

Mr. Braiman said that for municipalities it would be a misdemeanor to share that information so he wouldn't put them in that position. He said industry reps may be willing to provide more information. He said it's certainly a question that can be asked moving forward.

Trustee Kurzman said that is an essential piece of information that is missing. He said there is a number and if it's nominal, why potentially upset 43% of our residents. He said he would like to know what the opportunity is. He said the fact that we don't have that knowledge is difficult. He said he knows other municipalities face the same challenges, but he would like to troubleshoot as best we can.

Mr. Braiman said he feels the communities that went ahead with a dispensary relied on the industry projections which obviously were painted favorably to get approval. He said in Northbrook, Greenhouse had projected \$10 million in annual sales. He said from what he can gather, they are on pace to exceed that significantly this year. He said staff will keep in mind that any data gleaned from the industry is just one data point in the process.

President Bielinski said the state is reporting sales and there may be some calculation that can be done on average sales over days in 2020 or in a particular month to get an average projection. He said it would be interesting to see what north suburban dispensaries do in one month relative to sales.

Trustee Kurzman said he likes that idea.

Mr. Braiman said staff would work on that and collect data on the number of sales and licenses to try and get a better projection. He said in their research they have not seen that the square footage of a dispensary has a direct effect on the sales volume, which could be an informative data point. He said staff will begin work on that.

Trustee Kurzman said \$350,000 feels high so he would like to have a refined expectation as much as possible. He said when he sees Naperville where they aren't pinched on all sides with other dispensaries around them, he's not sure if that's one we should be working from. He said dollars do matter.

President Bielinski said Naperville is a community with a population over 100,000.

Mr. Braiman said to be clear, that \$350,000 was not an estimate, it was an average taken from neighboring community budgets because we cannot come up with an estimate at this time and staff doesn't want to guess. He said they would try what President Bielinski suggested and refine it further.

Trustee Kurzman concurred and said that he knows staff put together the



information in the packet using what they had, and he appreciated all of it.

President Bielinski said we might be able to triangulate utilizing different data points because they know they will not get an exact number.

Trustee Plunkett said by 2022 we are expecting 500 retail cannabis dispensaries. She asked if the pot of money would be spread thinner, or are they expecting to have more customers.

Mr. Stein said in 2021, there is going to be an additional mandatory 115 licenses issued. He said after that the Illinois Department of Professional Regulation has the choice to issue up to 500. He said they may not. He said the Department would need to look at certain equity and places where it would make sense to give a license. It's not a given that all 500 licenses will be issued.

President Bielinski said this market could see additional outlets diluting prior outlets similar to the casino markets. He said you are saturated in the limit of how many people are going to go, and if you build another one, it doesn't mean you're creating more customers.

Trustee Plunkett said she thinks the community would like to know if we are considering any other locations. She said maybe we don't want a highly successful, high volume cannabis store. She said a smaller shop might be the answer but then she said she wasn't sure that would be cost effective. She said she doesn't want to exclusively talk about Edens Plaza.

President Bielinski agreed that there may be other locations and the community needs to know what is being considered from the beginning. He said this will be discussed at length allowing for good input from the community.

There was no further discussion on the topic.

## **2.0 PUBLIC COMMENT**

President Bielinski called for Public Comment, which was deferred from the beginning of the meeting.

There was no public comment.

## **4.0 APPOINT THE LAND USE COMMITTEE AS A SPECIAL ZONING COMMITTEE TO DETERMINE THE APPROPRIATE ZONING DISTRICTS AND OTHER REGULATIONS FOR CANNABIS BUSINESS ESTABLISHMENTS AND MEDICAL CANNABIS DISPENSARIES AND RECOMMEND AMENDMENTS TO THE ZONING ORDINANCE.**

Trustee Barrow moved to appoint the Land Use Committee as a Special Zoning Committee to determine the appropriate zoning districts and other regulations for cannabis business establishments and medical cannabis dispensaries and recommend amendments to the Zoning Ordinance, seconded by Trustee Dodd.

President Bielinski said the question before us is whether to appoint Land Use Committee as a Special Zoning Committee to figure this out. He said it's not a question of whether an individual Trustee will vote in favor of recreational cannabis sales at a particular location. He said Trustees may make comments as they wish; however, he said he thinks right now it's appropriate to comment only on the item in front of the Board as opposed to an extended discussion on the pros and cons because there is a lot of work yet to do. He said we aren't voting to approve any particular site or changes to regulations. He said he has personal reservations about the overall approval, but he is fine with sending this to the Land Use Committee to investigate.

Trustee Kennedy said she didn't have any reservations appointing the Land Use Committee as a Special Zoning Committee.

There was no further comment on this topic.

Voting yes: Trustees Sullivan, Barrow, Dodd, Kurzman, Kennedy, Plunkett and President Bielinski.

## **5.0 ADJOURNMENT**

Trustee Kennedy made a motion to adjourn the Village Board meeting at 8:42 p.m., seconded by Trustee Sullivan.

Voting yes: Trustees Sullivan, Barrow, Dodd, Kennedy, Plunkett and President Bielinski. Absent: Trustee Kurzman. Voting no: none. The motion carried.

Respectfully submitted,



Karen Norwood  
Deputy Village Clerk



1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

**MINUTES OF THE LAND USE COMMITTEE-SPECIAL ZONING COMMITTEE  
WEDNESDAY, FEBRUARY 24, 2021  
7:00 P.M.  
REMOTE MEETING**

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Members Present: Trustee Peter Barrow, Chairman  
Trustee Kathy Dodd  
Trustee Senta Plunkett

Members Absent: None

Staff Present: Michael Braiman, Village Manager, Jeff Stein, Corporation Counsel, Erik Hallgren, Assistant Village Manager, John Adler, Director of Community Development, Kyle Murphy, Police Chief, Peter Skiles, Director of Administrative Services, Lucas Sivertsen, Business Development Coordinator, Alex Arteaga, Management Analyst

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**I. Call to Order**

Chairman Barrow called the meeting to order at 7:00 p.m.

**II. Approval of the December 1, 2020 Minutes**

Trustee Dodd moved to approve the minutes of the December 1, 2020 Land Use Committee/Special Zoning Committee meeting. The motion was seconded by Trustee Plunkett. Voting yes: Chairman Barrow, Trustee Dodd, and Trustee Plunkett. Voting no: none. The motion carried.

**III. Review of Amendments to the Zoning Ordinance to determine the appropriate zoning districts and other regulations for cannabis business establishments and medical cannabis dispensaries – 2021-SZC-01**

Review the zoning ordinance to determine the appropriate zoning districts and other regulations for cannabis business establishments and medical cannabis dispensaries and recommend amendments to the zoning ordinance.

Chairman Barrow explained that the Committee was not going to make a decision on whether recreational cannabis dispensaries should be allowed in Wilmette; instead the purpose of the Committee's work is to provide context for the Village Board's consideration of recreational cannabis dispensaries in Wilmette. The meeting is for the Committee to discuss Wilmette's commercial areas and determine if there was a location(s) that deserved further consideration at a future meeting. He explained that public comment would be taken at the meeting and at a future meeting when this topic will be discussed again.

Chairman Barrow said Mr. Braiman would lead the Committee through a review of all the Village's commercial areas and discuss the factors that staff considered when recommending that an area be eliminated from recreational cannabis sales consideration.

Mr. Braiman explained what has been done to date regarding the review of cannabis businesses. He said that if the SZC determines another meeting is in order, that meeting will go more in-depth on the location(s) selected by the Committee for further discussion. Staff will make sure as many stakeholders as possible are notified of any future discussions regarding specific locations identified by the Committee for further review. He said the purpose of the meeting is to identify locations where the Committee does not want to allow cannabis businesses and not to select locations where a cannabis business can be located. This will allow the Committee and staff to focus their attention on the remaining sites that may be suitable for a cannabis business to locate in.

Mr. Braiman explained that while originally staff was going to have the Committee review what is needed for a cannabis business to be successful, it was decided to concentrate on what is best for Wilmette. In doing so, staff looked at the factors other communities considered when determining the impact of a cannabis business. Staff was able to identify four factors that the reviewed communities considered when locating cannabis businesses. The four factors were:

1. Residential- Not adjacent to any residential properties.
2. Traffic- On major thoroughfares thereby limiting the traffic impact on residential streets; analysis used streets identified as arterial or larger
3. Parking- Sufficient off-street parking
4. Schools- Not located in close proximity to schools; analysis used the Village's school walking route map helped to determine suitable locations

Chairman Barrow felt even if we thought in the abstract without considering these other communities, the factors we would come to would be the presented four factors. Regardless of similarity to other locations in other communities, these are four factors that are important to everybody who lives in Wilmette.

Trustee Dodd said that while she understands how the factors were developed, she has heard from residents who would like to see a dispensary in locations that don't meet that all four of the criteria. She felt that Wilmette is unique and where other communities may have many locations that meet the criteria, maybe the chosen factors eliminate too many sites.



Trustee Plunkett asked if the Village's medical dispensary zoning would play a role in how a retail cannabis dispensary was viewed. Mr. Stein said the Village was required to zone for medical dispensaries but that is not required for retail sales. He explained that south of Linden on Green Bay Road is where a medical dispensary is considered a special use in Wilmette. West on Lake Avenue in the Village's heavy commercial district is where a cultivation center is considered a special use.

Trustee Dodd asked what the reasoning was to locate the medical dispensaries/cultivation centers in those locations. Mr. Adler said he believes it was due in part to the desire to have a fairly limit area that was on more heavily travelled streets. In addition, there were very limited locations that met the distancing requirements from schools and daycare facilities. Mr. Stein explained that those distancing requirements no longer apply to dispensaries.

Chairman Barrow asked if staff was ever contacted about locating a medical dispensary in Wilmette. Mr. Stein said the medical dispensary licenses were much more regulated than retail licenses, so after dispensaries located in nearby communities there was limited opportunity to open in Wilmette.

Mr. Braiman presented each commercial area separately. He explained how some of the factors that were applied to each location were subjective and the Committee members may not necessarily agree with how staff applied all of the factors.

Not recommended by staff to permit recreational cannabis dispensaries:

- NR: Neighborhood Retail Business District – Residential criteria not met in all NR district locations. Other criteria were site specific.
- NR-1: Linden Square Neighborhood Business District – Residential and traffic criteria not met.
- GC-1: General Commercial District – Residential criteria not met.
- GC-2: General Commission Business (certain sites may be less intrusive than current use) Site specific north of Lake Avenue. Residential, traffic and parking not met south of Lake Avenue.
- VC: Village Center Business – Residential and Parking criteria not met in east Village Center. Site specific in west Village Center.
- OR: Office Research – Residential criteria not met in all OR districts. Other criteria site specific.
- PCD-2: Planned Commercial (Plaza del Lago) – Residential criteria not met.
- PCD-3: Planned Commercial (West Lake Plaza) – Residential criteria not met.

Recommended by staff to permit recreational cannabis dispensaries - Contingent on Village Board Allowing Retail Sales:

- PCD-1: Planned Commercial (Edens Plaza).

Trustee Dodd talked about the Linden Square area and the fact that there were commercial certain properties that were no adjacent to residential properties. Mr. Braiman said that staff had that discussion and even though there are properties that are not adjoining residential property, Linden Square is in the middle of a very residential neighborhood that isn't intended to be a regional destination.

Chairman Barrow viewed the Linden Square area as an intensely residential area. Trustee Dodd said she agreed but that it is an area that has struggled commercial use wise. She doesn't know if the nearby residents would be interested in a boutique dispensary. She believes the market should play apart in the Committee's review.

Mr. Braiman said that when staff was discussing the residential criteria, we kept in mind that 44% of referendum voters did not want retail cannabis sales in Wilmette. The number of people who may object probably rises when a specific location is being discussed.

Trustee Plunkett asked at what point do we see if a cannabis business would even be interested in some of these areas. Mr. Braiman said if the Committee identifies areas other than Edens Plaza to be further considered, we will want to talk to industry experts about the likelihood of a dispensary wanting to locate in that area before proceeding too far with our review.

Trustee Plunkett said that an industry expert she talked to mentioned Green Bay Road as the only other location besides Edens Plaza where they would consider locating a dispensary. She didn't know if Green Bay Road would make sense given the proximity to residential but thought it should be discussed further.

Chairman Barrow said that while from a visibility standpoint, it probably makes sense for a cannabis business to locate on Green Bay, its proximity to residential makes that area more problematic. Trustee Plunkett agreed but wanted to bring it up because this was the only other area that was identified as viable by the industry expert.

Trustee Dodd said the only other location she wanted to talk further about was Plaza del Lago. She talked to an industry expert who felt that Plaza del Lago may be a good location for a dispensary given that persons 65 or older are the demographic most likely to use cannabis for health-related issues. A dispensary at Plaza del Lago would be a much smaller size dispensary. Trustee Plunkett said the industry expert she spoke to said the smallest size a dispensary could be was approximately 5,000 square feet.

Chairman Barrow asked about current vacancies at Plaza del Lago. Mr. Sivertsen said current vacancies are approximately 2,000 square feet or less. Chairman Barrow talked about Plaza del Lago and how in the past tenants were chosen very selectively. Given the uniqueness of the Plaza and the residential density nearby, he isn't in favor of it as a potential cannabis business location. Trustee Plunkett agreed saying that in the future cannabis sales might become as innocuous as liquor sales and a boutique store might be viewed as appropriate in the Plaza at that time.

Trustee Dodd didn't feel Plaza del Lago should be eliminated from discussion at this time since the Committee is just exploring and not making any decisions. She felt the Committee shouldn't be so singularly focused on one site.

Mr. Braiman suggested concentrating on what is best for Wilmette and the residents of Wilmette and not necessarily the needs of the cannabis industry. Mr. Stein said to Mr. Braiman's point, if he was representing a cannabis business, he would say that all locations are appropriate because you wouldn't want to limit your options.

While Trustee Dodd agreed that proceeding with the more detailed review of Edens Plaza made sense, she didn't want to eliminate Plaza del Lago if after that review it made sense to proceed with a further review of Plaza del Lago. Mr. Stein explained that nothing would preclude future discussions regarding any of the other areas.

The Committee discussed actions that wanted to have taken place before the next meeting. These actions included the following:

- Solicit questions and input from residents regarding a dispensary in Edens Plaza
- Provide sufficient notice of this meeting in an effort to engage more residents in the discussion.
- Asking Newport Capital Partners, owners of Edens Plaza, to be present to answer questions from the Committee
- Compile additional information on the size of the dispensary in Buffalo Grove

Mr. Braiman summarized that at their next meeting the Committee would focus their attention on Edens Plaza but not shut door on Plaza del Lago. The Committee agreed.

Being that there were no further comments by Committee members Chairman Barrow asked for public comment. There was no public comment.

#### **VI. New Business**

There was no new business.

#### **VII. Public Comment**

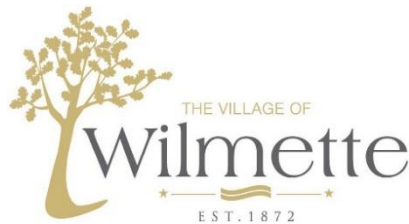
There was no public comment.

#### **VIII. Adjournment**

Trustee Plunkett moved to adjourn the meeting, Trustee Dodd seconded the motion and **the motion carried unanimously.** The meeting was adjourned at 8:36 p.m.

Respectfully Submitted,

John Adler, Director  
Community Development



1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

**MINUTES OF THE LAND USE COMMITTEE-SPECIAL ZONING COMMITTEE  
TUESDAY, JUNE 29, 2021  
7:00 P.M.  
VILLAGE BOARD TRAINING ROOM**

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Members Present: Trustee Peter Barrow, Chair  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager; Jeff Stein, Assistant Village Manager/Corporation Counsel; John Adler, Community Development Director; Lucas Sivertsen, Business Development Coordinator

Guests Present: Matt O'Keefe, Newport Capital Partners  
Brendan Reedy, CBRE  
Charlie Heintz, Principal of Loyola Academy  
Richard Kahan, 3451 Riverside  
Janice Weiner, 759 LaCrosse  
Ted McKenna

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**I. Call to order**

Chairman Barrow called the meeting to order at 7:30 p.m.

**II. Approval of the February 24, 2021 Land Use Committee-Special Zoning Committee meeting minutes.**

Trustee Kennedy moved to approve the minutes of the February 24, 2021 Land Use Committee/Special Zoning Committee meeting. The motion was seconded by Trustee Dodd. Voting yes: Chairman Barrow, Trustee Dodd and Trustee Kennedy. Voting no: none. The motion carried.

**III. Discuss and recommend a text amendment to the Zoning Ordinance to determine if a cannabis business establishment and medical cannabis dispensaries can be a special use**

**and the underlying regulations of such a use to be located in the PCD-1 (Edens Plaza) Zoning District, Case #2021-SZC-01.**

Chair Barrow said this meeting is a fact-finding session. He said the purpose is not to determine if cannabis dispensaries should be allowed in Wilmette as that will be a decision for the full Village Board to make. He said tonight is to learn if Edens Plaza would be an appropriate site if the Village Board decides to allow cannabis sales. He said if this is considered an appropriate site, appropriate regulations would need to be determined. He said staff would provide a brief presentation and discussion would ensue with representatives from Edens Plaza to consider potential impacts of a cannabis dispensary at the shopping center. He said following that discussion, members of the public will have an opportunity to express their opinions.

He said this is a Special Zoning Committee of the Land Use Committee and will act as a fact-finding body. He said all that plan on addressing the Committee must be sworn in. Chair Barrow then performed the swearing in.

He then turned the meeting over to Village Manager Michael Braiman for the staff presentation.

Mr. Braiman presented a PowerPoint (attached). He started by giving some background information on the legalization of recreational cannabis sales in 2019, stating in October of that same year, the Village placed a moratorium on such dispensaries in order to study the issue further. He said an advisory referendum was placed on the November 2020 ballot, and the results were 56.39% in favor and 43.61% opposed to allowing the sale of recreational cannabis in Wilmette. He said following that, the Village Board met at a Committee of the Whole meeting where they decided to refer the matter to the Land Use Committee to act as a Special Zoning Committee. He said the Land Use Committee met on February 24, 2021 and did a detailed analysis of the 9 commercial zoning districts. He said 4 factors were identified in determining the appropriateness of the location of dispensaries within the districts, which is what has led to the meeting tonight. He said the factors considered were whether or not the districts were located adjacent to residential properties; what traffic impacts may result; whether there was sufficient parking and the proximity to schools. He said in working through those factors, the Committee determined 8 of the 9 zoning districts did not meet the criteria. He said Edens Plaza was the only district to meet all 4 criteria and did not have the drawbacks some of the others may have had. He said the Committee recognizes Loyola Academy is not far from Edens Plaza, being only 300' across the highway and 900' when measured in a walking path. He said they provided direct notice to Loyola Academy for the meeting tonight to address any concerns they may have.

Mr. Braiman said there are 2 questions before the Committee and reiterated the Committee is not making any recommendations on whether the Village should allow recreational cannabis dispensaries in the community as that is a decision for all 7 members of the Village Board. He said the Committee will be determining if Edens Plaza would be a suitable site should the full Village Board approve recreational cannabis sales in Wilmette. He said no other locations would be considered at tonight's meeting since the Committee worked through those in February. He said as a part of this discussion, appropriate regulations for a dispensary in Edens Plaza would also be discussed. He said if the Committee is satisfactorily able to resolve

those two issues, they would file a report and recommendation to the Village Board, and this would come to a meeting for the full 7 members at a future date.

Corporation Counsel Jeffrey Stein discussed recommended regulations, stating there was a memo in the packet that addressed the proposed regulations as well as the current regulations in place at the state level. He said state law highly regulates the manufacture, distribution and retail sale of cannabis. He said some additional things the Village can do are similar to what our neighbors have done. He said we can limit the number of dispensaries to 1, as we have determined Edens Plaza to be the only suitable location. He said this is a unique zoning aspect in the state law that we should take advantage of. He said the state law does allow for on-site consumption of cannabis; however, the recommendation is to prohibit all on-site use and consumption. He said the other recommendation is to require compliance with all state laws, which may seem redundant; however, we absolutely do need this as a regulation because we would make this part of the permit process which would then allow us the ability to enforce any violations at the local level. He gave the example of a dispensary selling something opened or labeled incorrectly, stating if we have the compliance with state law built into the regulations, enforcement action could be taken to cite the dispensary or revoke their license. He said this would also apply to the misconduct of employees, similar to liquor licensees, wherein if an employee sells something illegally, they are cited, and the licensee receives notification of fines or revocation. He said state law requires that a very detailed security plan must be provided by the applicant to the state police, and the state controls what is in the plan. However, Mr. Stein said the Wilmette Police Department will need to see a copy of that plan so they would know the layout of the facility and other security details. He said this would be kept confidential and not subject to FOIA. He said state law limits hours of operation already, but the Village can further limit it. He said the law currently allows sales until 10 p.m.; however, many other communities have set the hours until 7 p.m. or 8 p.m. He said deeper discussion can be had about the hours. He said most importantly, these regulations would not be “one size fits all,” as Edens Plaza has many different types of storefronts. He said his recommendation is to make this a special use so that things can be hashed out like traffic and signage concerns, lighting, facility size, etc. He said because Edens Plaza is a little bit of everything, what may work for one location at the center, may not work for another so the special use process will address such issues.

Chair Barrow asked if there is violation of law or misconduct by an employee, do we have the ability to then close that dispensary.

Mr. Stein said it would depend on the nature of the violation or the frequency of the violation. He said the permit holder has a vested right, but there comes a point where it becomes too much. He said the one thing we absolutely can do immediately is to fine the business and then place further restrictions as necessary based upon their behavior. He said we can go to Circuit Court to receive an injunction should they be in constant violation. He said if we want to shut them down, we would need to go to the State of Illinois as they are the licensing agent.

Chair Barrow asked if similar to a liquor licensee who sells illegally, would the license be suspended for a day or some period of time for employee misconduct.

Mr. Stein said suspension is allowed, just as it is for liquor licensees. He said if we revoke a liquor license, that applicant has the right to appeal to the State and this would be a similar process here.

Trustee Barrow asked specifically about suspension.

Mr. Stein said suspension would be on the books as a progressive discipline tool.

Trustee Kennedy said she looked at Skokie's ordinance and they require a local license and have a cannabis enforcement officer which is similar to our liquor control commissioner. She said this allows them to rip that license away even if the state does not. She said they also charge a license fee of \$20,000 for the first year and \$30,000 annually thereafter. She asked if Mr. Stein had considered any of this.

Mr. Stein said he has been in conversation with Skokie's Corporation Counsel Michael Lorge and that Skokie is the only municipality with a "Cannabis Czar." He said he would not recommend this course of action.

Trustee Kennedy asked why.

Mr. Stein said because there is a home rule pre-emption in the State Statute about licensing. It says we cannot license, as our authority is under zoning authority, which is what we are considering here under special use. He said it is about the use of the property, not about how the cannabis is packaged and what can be sold, etc. He said that is all state regulated and pre-empted to home rule authority. He said this is similar to medical cannabis operations.

Trustee Kennedy said they do not do that for medical in Skokie.

Mr. Stein said the statute has 4 sections that all pretty much say the same thing; our authority comes under zoning. He said we do not have licensing power, only zoning power. He said he believes Skokie is licensing the actual operation, which no one else is doing.

Trustee Dodd asked if Mr. Stein was saying we should not do that or that Skokie is doing that illegally.

Mr. Stein said yes to both.

Trustee Dodd asked if Mr. Stein felt we legally did not have authority to do what Skokie is doing.

Mr. Stein confirmed.

Trustee Barrow said we do have the authority to charge a hefty fee.

Trustee Kennedy said if we do not have a license, there is nothing to charge for. She said it is not like the liquor licensing.

Mr. Stein said the fee equals regulation. He said we could charge a special use permit fee, which could ultimately be different than what would be charged for a dance studio. He said the fee could be related to the use. He said the liquor code is completely different than cannabis.

Trustee Kennedy asked how Skokie is doing this then and if it has been challenged.

Mr. Stein said he has no authority to question what other municipalities are doing but that he does not believe it has been challenged. He said there is a development agreement with the 2 dispensaries in their town, which are both licensed.

Trustee Kennedy asked what would happen to the Village if we tried doing something like that.

Mr. Stein said we could be challenged, sued or found in violation of the State Statute. He said there may not be any financial repercussions; however, he is not inclined to give advice on doing something that is wrong or where he feels the law is being violated. He said he feels the law is very clear on what we can do, and it is limited.

Trustee Kennedy asked why this has never been discussed previously.

Mr. Stein said because he does not believe it to be a viable option.

Trustee Kennedy said she feels it is good to talk about what other towns are doing and look at all the options, even if you ultimately reject them. She said she was surprised the topic had not been discussed before.

Mr. Stein said he respectfully disagreed, stating he did not feel putting something about his opinion that what Skokie is doing is illegal in the staff memo was productive. He said the regulations he collected from multiple other towns did not contain anything similar to Skokie regarding the licensing component.

Trustee Dodd asked Mr. Stein if the fines or repercussions for a cannabis sale violation would be more restrictive or different than a liquor license violation.

Mr. Stein said it would be similar in every aspect except the revocation aspect. He said if someone is in violation of our laws or ordinances, we can fine up to \$750, which can also be increased upwards to \$5,000. He said we have similar structures for other special uses on the books already. He said we also have the ability to suspend operations. He said for the revocation of a cannabis license, we would need to involve the State and have them revoke it.

Trustee Dodd said so we can revoke a liquor license because we hold the actual license, but we cannot revoke a cannabis license, because that is held by the State.

Mr. Stein confirmed.

Trustee Dodd said we could potentially revoke a liquor license quicker than a cannabis license. She said she was asking because she thinks the same fines and rules to some degree should apply. She said there is concern in the community around youths with regard to cannabis and liquor. She said she felt there needed to be some consistency in how both violations are handled.

Mr. Stein said we can be consistent with the exception of the revocation. He said the special use can mirror the liquor licenses with a maximum fine of up to \$5,000 or a suspension of



operations. He reiterated that we could not revoke a cannabis license. He said with regard to Trustee Dodd's comment about being able to suspend a liquor license quicker than a cannabis license, he feels that if he had a dispensary that was consistently selling to minors and this was presented to the State, he feels the State would act rather quickly. He said their ID requirements are significantly more regulated than those to obtain liquor, and there is a card reader to validate the ID. He said the bulk of his cases at Administrative Adjudication are for underaged drinking and use of illegal cannabis, which has not been obtained at a dispensary.

Mr. Braiman asked what the process is for revoking a special use permit.

Mr. Stein said the special use can be revoked for violations on the property use. He said we could not revoke based on selling cannabis illegally because that is regulated by the State. He said if a dispensary is not complying with the lighting or signage requirements, that could be grounds for revocation as well as things like operating outside the established hours.

Trustee Kennedy asked what the process for that would be.

Mr. Stein said they would either issue a citation or a notice of violation, which would proceed through Administrative Adjudication and could end up in Circuit Court.

Trustee Kennedy asked if this was similar to a liquor license revocation.

Mr. Stein said no, a liquor license revocation would be easier; however, the appeal process, which would happen at the State level, would be somewhat cumbersome and longer.

Trustee Kennedy asked if cannabis violations within the state are made public.

Mr. Stein said they are, and he thought it was through the Department of Financial and Professional Regulation.

Trustee Kennedy asked if Mr. Stein received notice of these violations.

Mr. Stein said no.

Chair Barrow then introduced Matt O'Keefe of Newport Capital Partners and Brendan Reedy, leasing agent for CBRE, to discuss Edens Plaza as a site for a cannabis dispensary.

Mr. O'Keefe said they would address the potential effects on tenants and marketability of Edens Plaza with a cannabis dispensary first.

Mr. Reedy said they have had much interaction with this type of use, as it is a hot topic in the retail world over the last several years. He said broadly to date, the sale of cannabis in shopping centers and retail spaces has gone smoothly in his experience. He said the quality has been high in the structure, buildout and final product of the facilities. He said they appear to be run well and CBRE has done a number of deals with cannabis dispensaries. He said they are taking space in retail centers like Edens Plaza, and he has not heard of any issues or problems. He said there are not many national or local retailers in their shopping centers that have a huge opposition to having a dispensary in their center. He said this area is evolving but he feels dispensaries have been good tenants in retail centers. He said it brings in traffic,

consumers and people from further distances away. He said this has been a positive experience for the most part, but careful consideration must be given when deciding where to place the dispensaries, and parking, traffic and security are high on the list of concerns. He said in his experience, he has seen dispensaries go in next to large retail clients like Starbucks or share walls with other retailers with no issues or concerns. He said there has been very little retail tenant pushback on cannabis dispensaries.

Trustee Barrow asked for examples and locations of shopping centers where CBRE has cannabis dispensaries.

Mr. Reedy said there is one across the street from Old Orchard Mall and in Deerfield across the street from the Marianos. He said there is one in a mall in Buffalo Grove in between a Starbucks and T-Mobile. He said that same client put a dispensary in a shopping center in Schaumburg near Woodfield Mall. He said Schaumburg streamlined the process there to make it comfortable for all. He said some others he is aware of but has not been personally involved in are located in Oak Park and Naperville. Mr. Reedy said these dispensaries operate like a normal retailer.

Chair Barrow asked if they have been a part of the strip or are they in outbuildings.

Mr. Reedy said the one in Buffalo Grove is part of an outlot building but that it is front and center on the corner of the intersection. He said it is not connected to the large grocery store but is connected to five other large name retailers like Chase Bank, T-Mobil, Starbucks and Panera.

Mr. O'Keefe said from a landlord's perspective, it is more appealing to have a cannabis dispensary in an outlot parcel. He said part of the issue will be financing since cannabis is a federally regulated substance. He said if you subdivide the cannabis use to an outparcel, you can finance the outlot separately and the rest of the shopping center in a different manner. He said that is why you see more cannabis retailers in outlots rather than in the retail shopping center space.

Chair Barrow came back to the statement that there has been no negative concern expressed by the current tenants of Edens Plaza about a possible cannabis dispensary. He asked if that is something normally addressed in the lease agreements.

Mr. O'Keefe said this is another challenge from the landlord's perspective. He said there are certain clauses in certain leases that exclude uses coexisting in Edens Plaza with a potential cannabis user. He said there is no explicit language about cannabis, but if a specific retailer were to raise an issue in coexisting with a cannabis user, they may be able to point to a specific clause and say something can be interpreted as a prohibition on cannabis use. He said there is some language in certain leases regarding certain tenants selling health aid products or potentially medicine. He said that does not explicitly address cannabis, but a retailer could possibly utilize it. He said while not a clear cut case, it would need to be discussed and addressed.

Chair Barrow asked if clauses like that are in every lease or just certain ones.

Mr. O'Keefe said only for certain ones. He said there are 2 or 3 in particular that may have a potential claim at Edens Plaza.

Mr. Reedy said the impact of these clauses are fairly new as leasing evolves. He said much of the leasing language is old, particularly in grocery leases. He said the catch-all language in the anchor tenant leases typically is about illegal drugs. He said for cannabis, it is legal in Illinois but still illegal federally, so it is difficult to define. He said in an abundance of caution, most landlords want to get approval from those anchor tenants to eliminate the gray area.

Mr. O'Keefe said he spoke to some industry professionals about pushback from larger retail clients and found there has not been much regarding coexistence with a cannabis user. He said it is more of a case-by-case basis. He said most national retailers have been positive, as the cannabis users generate a lot of foot traffic that is good for the shopping centers as a whole. He said there was not anything that made him take pause in the pursuit of specific national retailers that would make him pushback on coexisting with a cannabis user.

Trustee Dodd asked if a tenant like Walgreens might waive those lease clauses because of their experience in other malls where there are cannabis dispensaries.

Mr. Reedy said he does not have specific examples that come to mind; however, typically there is some type of negotiation or trade to be made.

Trustee Dodd then asked what other national retailers are in the Schaumburg mall that was mentioned earlier.

Mr. Reedy said it is Woodfield Mall that was referred to and that the dispensary is located in an outlot setting which is not connected to the mall itself. He said there are several national restaurants it is connected to like Naf Naf Grill and a pizza place.

Trustee Dodd asked if there are any national retailers who have expressed concern over being located near a dispensary.

Mr. O'Keefe said none have been presented in the conversations he has had. He said from a national retailer perspective, each will have their own view, but no one has drawn a line stating they are strictly opposed. He said each lease is unique.

Mr. Reedy said there could be pages and pages in each lease of things that are unacceptable or things the lessee cannot do. He said many conversations are had with retailers about waivers in the leases. He said it is no different for Edens Plaza.

Chair Barrow asked if the need for tenant approval is required if the dispensary is located in an outlot setting versus within the mall.

Mr. Reedy said there is potentially the need for 2 approvals. He said the first would be for having the cannabis retailer at Edens Plaza and then the second would be for the location within the property. He said some leases do have restrictions on where we can build an outlot, which would require 2 approvals.

Mr. O'Keefe said it is possible an existing tenant may have objection to the dispensary being located in one particular spot within the plaza but not in a different spot within the plaza.

Chair Barrow said this may give rise to some kind of trade on Newport's part like a concession on rent or some other incentive.

Mr. O'Keefe concurred.

Trustee Dodd said they are anxious to get Edens Plaza developed so they want to do whatever can be done to assist in this endeavor. She asked if Newport was even interested in a cannabis dispensary.

Mr. O'Keefe stated they are open to the idea. He said from a business perspective, the cannabis retailers tend to pay above market rent due to the hesitancy that still exists in extending leases to these types of businesses. He said Newport is open to the idea but based on the approval process and potential trades and concessions that may need to be made, it would have to make economic sense for Newport and their investors to move forward with a dispensary. He said they are certainly open to it.

Trustee Dodd asked if Newport currently has a property with a dispensary.

Mr. O'Keefe said they did not.

Trustee Dodd said we want to figure out what anchor stores will be located in the plaza first and foremost. She said she knows a dispensary will create a lot of foot traffic, but ultimately, it will be a smaller parcel relative to everything else going in there. She asked what Newport sees the development being in the long term and what they see as having to be done to make it a success.

Mr. Braiman agreed that the main focus for Edens Plaza is on the future and asked what happens if a dispensary goes into an outlot. He asked how that would affect a larger unit like the old Carsons site and what the impact may be on filling those spaces.

Mr. O'Keefe said he looks at this approval as a tool and it may not be the first thing they do for the shopping center. He said there had been much interest in Edens Plaza, but then COVID happened. He said that has left them trying to put something together in a challenging environment with the structural challenges of the Carson's box, the existing leases and negotiating renewals for existing tenants. He said they need to do one thing at a time, which includes cleaning up anchor leases, leasing new tenants and accommodating better and more exciting tenants in the future. He said the beauty is that many tenants want to be in Edens Plaza, and it is a great market. He said he is not quite sure at this point where a dispensary would go in the plaza, but he feels that negotiating with the new tenants may result in it being locating within the shopping center because it will allow them to do more attractive deals with other retailers because the dispensaries pay very good rent which will help offset the costs of some of those other deals that are being done. He said depending on where you locate a dispensary, it can be a benefit to all the tenants. He said he would not just drop it in the parking lot today because that would be putting the cart before the horse. He said we need to be thoughtful in the approach and discuss with the tenants before a decision is made.

Trustee Kennedy said she thinks we are getting a little off course in debating where a dispensary should go, as no decision has been made on whether we even want to permit this. She said to worry about whether Newport has a space for it now or if they even have tenant approval seems like a concern for further down the road.

Trustee Dodd said she thinks it is very important to have an overall plan for this plaza and if they know that we are interested and willing to consider a dispensary, it can be included in this plan. She said this needs to be done within a broader picture. She said she is not sure we need to give anything more than a confirmation that we are interested in having a dispensary.

Mr. O'Keefe said if the Village Board allows this, it will be through a special use which would give the Village the authority to decide if it meets the criteria which can be location specific within the shopping center. He said this is just confirmation that should they have a prospective tenant that meets the criteria, Newport has the opportunity to move forward.

Trustee Kennedy concurred and said we cannot make Newport take a tenant, and a cannabis dispensary is not going to come to the Board and demand that they make Newport accept their lease. She said ultimately it is Newport's job to put together tenants that will work best at Edens Plaza. She said if we were to allow a dispensary, this would give Newport flexibility as to which tenants to look at when putting those puzzle pieces together.

Trustee Dodd said if we give a special use, that gives the ability for a dispensary to open up. She said this will not give Newport much without knowing where everything else is.

Mr. Braiman said it gives the ability to apply for the special use.

Trustee Dodd concurred but said she will not approve a special use application without knowing where it fits into the entire plan.

Trustee Kennedy said tonight we are just looking at whether this will become a special use or if we will continue to prohibit the activity as a whole.

Mr. Stein said if we prohibit this type of use, in a week or later down the road we could always reconsider. He said if Newport comes back with a completed layout and a potential application, the Board could reconsider. He said if we say yes, there is nothing stopping the Board from saying no unless there is an application before them.

Trustee Kennedy said making a decision sooner rather than later on whether we would even allow this under special use makes it easier for Newport down the line. She said the special use process takes time and if no decision is made today, it will only prolong Newport's potential development activity.

Mr. O'Keefe concurred and said they understand there will be heavy regulation but that they would like an understanding that they can present an interested special use tenant in the future if one comes forward.

Chair Barrow asked if the special use process gives the Board the broadest arbitrary discretion.

Mr. Stein said there is never arbitrary or capricious discretion. He said the good thing is we are only talking about one application. He also said it would be the first so we can set the criteria and decide how to apply them. He said we would have a good case should a denial be challenged.

Mr. Braiman said if we get a special use application before the Carson's space is resolved, the Board would have the right to deny because we would not know the impact it would have on the center and what the other uses may be.

Trustee Kennedy said Newport would need to agree first before a tenant could come before us for a special use permit.

Mr. Stein concurred and said you cannot obtain a state cannabis license without a lease. He said we would go through the special use process before the state license is obtained, as that is what is in the State Statute, but the Statute states they must have a lease for the duration of the license, and they need to show how it will be laid out and provide the security plan.

Mr. Braiman said if Newport struggles to fill the Carson's space and decides to first build an outlot with a cannabis dispensary, that would be a concern for the Board. The Board wants to ensure the main driver of the center is secured and in agreement to co-locate with a dispensary before agreeing to a cannabis user in the plaza.

Trustee Dodd said the entire process of everything Newport is doing will take time. She said just figuring out what stores will anchor the plaza and the filling of the remaining spaces will take time. She said as soon as they start figuring that out, she assumes there would be discussion with the Board. She said she wants to see the entire plan before considering a dispensary. She said she does not feel there is an urgency in pushing a special use. She said until the Board has the plan, they will not approve a special use.

Mr. O'Keefe said from Newport's perspective, he does not feel they would petition for a special use before they have a plan because it would be denied anyway without knowledge of who the anchors will be and how it might affect those tenants. He said determining the Village wants to allow a dispensary and having the special use process in place for approving one is important to Newport as they negotiate with tenants and move forward with their overall vision for the plaza. He said it simplifies the process for them once they have the plan figured out. He said if they need to petition for the use of cannabis first and then the special use, the process becomes too long.

Trustee Kennedy concurred and said that makes sense because that could take up to a year.

Mr. O'Keefe agreed and said at that point, they may not even entertain a cannabis user because of the lengthy process they would be looking at. He said a cannabis user is not in their top ideas for the plaza, but it is a nice component to consider should the right tenant come along.

Mr. Reedy agreed and said the first step is figuring out the site plan for Edens Plaza.

Trustee Dodd asked if a condition can be placed on the special use that a plan needs to be presented for this area.

Mr. Stein said it would not be a condition of the special use but rather a trigger to lift the moratorium.

Trustee Dodd said we could potentially propose the special use but extend the moratorium until there is a plan.

Mr. Stein said a moratorium is normally a temporary state; however, it could be used here. He said we could structure it to say we will not accept special use petitions like this for Edens Plaza until the plan is complete. He said that would be the trigger to lift the moratorium.

Chair Barrow said there are no real estate professionals on the Board. He asked how the Board would determine if the plan presented is sufficient and adequately detailed. He asked what the critical plan should have in it.

Trustee Dodd said staff could guide the Board on whether the plan is sufficient. She said Community Development Director John Adler and Business Development Coordinator Lucas Sivertsen would have an opportunity to review.

Chair Barrow asked if that would require the entire plaza plan to be fleshed out before we can go forward with cannabis there.

Trustee Dodd said she is of the understanding that the plan would be imperative to avoid any conflict amongst the anchors and other tenants. She said her concern is to avoid a situation where Newport is struggling to secure tenants so a special use application is submitted for a cannabis use before we know who the anchor retailers will be and what impacts may occur.

Chair Barrow asked Mr. Stein if the Board would have the right to refuse a special use under those circumstances.

Mr. Stein said yes. He said the flipside is that he assumes any plan Newport may have will more than likely require some type of zoning relief from the Village Board. He said an application would be made and could include a request for a text amendment and special use for cannabis.

Mr. Braiman asked what approvals would be required if they demolished the Carson's building or wanted to build an outlot.

Community Development Director John Adler said the current zoning is limited in square footage to the development. He said when the pediatric center went in, there was a limitation on non-retail restaurant use they could have on the first floor. He said he would be surprised if they would be able to redevelop without coming in with a text amendment or application for variations. He said the pediatric center required a special use.

Mr. Braiman asked if they demolished the Carson's box and built a smaller size box, would that require approvals.

Business Development Coordinator Lucas Sivertsen said it would need to go before the Appearance Review Commission at a minimum.

Mr. Adler said if they built something smaller, they would probably be okay within the existing zoning. He said they would still have the same limitations as the pediatric center and also the changes to that district which would impact them by allowing only retail uses to go back into the space. He said part of it was a stipulation that at least 50,000 square feet of the Carson's box was to be used for retail. He said the first floor is currently 80,000 square feet. He said they could tear it down, but it would be a retail box they would be putting back up for the most part.

Mr. Braiman said the Edens Plaza representatives appear to be on board with a possible cannabis user. He suggested moving on to the other members of the audience who wanted to speak.

Mr. O'Keefe agreed and said Newport Capital and Edens Plaza are open to leasing space to a cannabis user, but it has to make sense from an economics perspective. He said this informational meeting has been helpful in moving them in their path forward. He thanked the Committee for the opportunity to attend the meeting.

Mr. Reedy said it feels like it has been implied that we have focused on this type of use, but it is not driving anything we are doing in the plaza. He said it would be nice to have the ability to do it, but by State Statute it is limited in size so this is not going to be a dispensary that would occupy the Carson's site. He said it would be much smaller. He said his expectation is that if Edens Plaza were to have one, it would be something the Wilmette governing body would have approval rights in line with whatever else we do at the plaza. He said it would need to make sense for Newport and the Village.

Chair Barrow called for public comment.

Richard Kahan, 3451 Riverside Drive, said he is a real estate broker, developer, retailer and cannabis consultant who has been a resident for 26 years. He said he is supportive of this concept, as it is a great opportunity for the community that needs to be taken advantage of. He said we are missing sales tax dollars, and this would be a great way to generate approximately \$500,000 in sales tax revenue annually. He said a good dispensary could do \$800,000 a month, to which Wilmette would receive 3% plus the sales tax. He said this is the only location that makes sense in the Village, as it has ample parking, availability and accessibility. He said we would be foolish to forego granting Newport the opportunity to bring this to the community. He said this will not happen overnight, as there are 185 licenses sitting on the Governor's desk waiting to go through the lottery process. He said it would be foolish to let one of those go to a neighboring municipality. He said we have liquor stores and restaurants whose sales tax revenue will not equal what one dispensary could generate so this would be a brilliant move. He encouraged the Committee to move forward in the process. He said this is the right thing for the Village. He said there are more regulations for a dispensary than any liquor stores and to date, there have been no arrests or fines for people underage buying cannabis. He said this is a good track record for any business.

Mr. Stein said he did discover one violation in Romeoville for underage sales of cannabis which resulted in a \$20,000 fine, which just occurred in the last week.



Mr. Kahan said there are so many built in security measures in the cannabis sales laws that the Village need not worry about violations. He said it is a win-win for the Village, and we should do whatever we need to do to get this done.

Janice Weiner, LaCrosse Avenue, said she has been a resident for 30 years and lives within walking distance to Edens Plaza. She asked if Newport and the Village were on the hunt for a cannabis dispensary with a license to secure as a tenant in Edens Plaza. She asked if Newport could talk to cannabis companies to determine if it is even feasible. She said she calls this the cannabis corridor, as there is Dundee and Skokie Boulevard, Old Orchard and Skokie Boulevard and this would be Lake and Skokie Boulevard. She recommended the Village approve this and that Village officials should visit a dispensary to view their operations. She said she wants the best for Edens Plaza, as it is her place to shop. She said in the past it was vibrant and fun. She said she is appreciative of the process the Committee is following but feels it is somewhat restrictive at times. She said she hopes the Village will allow Edens Plaza to have a cannabis dispensary.

Ted McKenna, 540 Hunter Road, said he was previously on the Zoning Board of Appeals and the Village Board. He said he is there as a resident and that he agrees with the conclusions in the staff memo and presentation and recommends going forward with a dispensary in Edens Plaza.

Charlie Heintz, principal of Loyola Academy, said he represents the nearest school to Edens Plaza. He said he is concerned about safety at the plaza and its proximity to the expressway. He said he was in the Walgreens when it was robbed not too long ago so there are things that make him concerned. He said Loyola is never going to be pro drugs and alcohol. He said Loyola would like to know what the Village will do to increase their safety should a dispensary move into the plaza.

Mr. Braiman said the PACE bus stop at Edens Plaza was a point of concern at the last Land Use Committee meeting. He said Loyola students generally utilize that stop and asked Mr. Heintz if he had any concerns.

Mr. Heintz said students generally get on the bus at the stop closest to Loyola on Laramie Avenue right after school between 3 and 4 p.m. He said the stop near Edens Plaza is generally used for students after participating in sports which is somewhere between 5:30 and 7 p.m.

Trustee Dodd asked if the bus stopped service at the school after a certain time.

Mr. Heintz said that was the case.

There was no further public comment.

Chair Barrow called for Trustee comments/questions.

Trustee Kennedy asked about possible restrictions that she has seen in other municipalities. She said Deerfield and Highland Park require the dispensary to have plans on how to handle lines outside the business. She said this sounds like a very good idea.

Mr. Stein said this was addressed as a special use component under outdoor business activity. He said the line could potentially be a larger issue in an infill rather than an outlot depending on the impacts to other businesses and traffic. He said there may be a different regulation for one versus the other. He said the Village could provide the requirement that the dispensary submit an official plan on how to handle lines.

Trustee Kennedy asked why Skokie requires the facility to be free-standing.

Mr. Stein said he does not want to speculate on why, but he does think the reason they chose the location they did is because it was a bank and every dispensary requires a vault, which the bank already had.

Trustee Kennedy said they have 2 dispensaries, and she is curious what concerns Skokie had that prompted them to require the facility to be free-standing.

Mr. Stein said he is not aware of the circumstances of the second store but that he would reach out to Skokie's Corporation Counsel to get more information on that and the requirement for the dispensary to be free-standing.

Trustee Kennedy noted that Deerfield limits the size of the facility to 5,000 square feet and asked Mr. Stein if he knew why.

Mr. Braiman said the 5,000 square feet came up at the February Land Use Committee meeting. He said at the time Trustee Plunkett, now President Plunkett, said she consulted with some cannabis industry experts who said that due to all the state requirements and restrictions, 5,000 square feet looked to be the minimum size for a dispensary. He said that it is possible Deerfield was trying to limit the size as best they could. He said staff could reach out and ask Deerfield why. He also said staff would recommend that size be addressed in the special use components because we do not know what will make sense in light of where it will be located, i.e., infill or outlet. He said a maximum size could be set but that would probably be arbitrary because we do not know the rest of the story.

Trustee Kennedy said she was not necessarily advocating that, but rather she was looking at some of these other town's ordinances and was wondering why they put certain conditions and restrictions in. She also said Deerfield and Highland Park require that all waste be kept inside until it is actually picked up.

Mr. Stein said the State Statute requires all the waste containing cannabis must be kept inside until pickup.

Trustee Kennedy said she thinks all waste should be kept inside to deter people from rifling through the trash looking for cannabis.

Mr. Stein asked Trustee Kennedy to confirm if she wanted this provision in the special use conditions.

Trustee Kennedy confirmed this.

She then said she and Mr. Stein disagree on the home rule power with respect to licensing. She said she likes the idea; however, if Mr. Stein does not feel it is legal, do not pursue it.

Mr. Stein said he would investigate but that he felt the Statute was very clear, and he would not recommend it. He said he is happy to look into it and will open conversations up with Skokie's Corporation Counsel on the topic to learn more.

Chair Barrow said the state statute requires a security guard. He asked if the presence of a security guard would be an impediment to the development of the shopping plaza.

Mr. O'Keefe said the security is very measured and discreet. He said it is purposefully done this way to cause the least amount of disruption to the tenants as possible. He said it was his understanding that potentially there may be problems at the drop-off and delivery area, which must be fenced in. He said this may cause an eyesore, but when he asked this question, no one raised any specific concerns or examples of tenants who have pushed back on being located near a dispensary based on security measures alone. He said there are likely exceptions, but overall, he has not seen this be the case.

Mr. Braiman said this is something staff can potentially put into the special use conditions that the security personnel need to be inside. He said they can do a premises check but would need to stay inside otherwise. He said an example of this is Hatch in Wheeling where they are located in a similar plaza, and all their operations are inside.

Business Development Coordinator Lucas Sivertsen said when he reached out to the planner in Wheeling, they said in going through their application, that was something that Hatch presented as something they wanted to do. He said this may be a newer trend. He said Hatch requires many appointments to be made and they are being scheduled so there are not many people waiting outside to get in. He said their experience so far has not seen any issues to date.

Mr. O'Keefe said if you can keep the security guard inside the space, it would be beneficial to the other tenants.

Mr. Stein said putting this in the regulations up front in general will allow the applicant to design their security plan with this knowledge from the start. He said he would recommend changing that from a special use to a general applicable restriction for all cannabis establishments.

Chair Barrow and Trustees Dodd and Kennedy concurred.

Mr. Stein said this will help the process go a little quicker because they can design their security plan around this.

Trustee Dodd said she had heard you are not able to enter a dispensary unless you intend to buy. She said if this is not a state regulation, she feels this is something Wilmette should incorporate.

Trustee Barrow said he thought that was incorrect. He said he thought you just needed to be 21 to enter.

Trustee Dodd said she went there (Verilife in Arlington Heights) to look around and was told she could not enter unless she was purchasing. She asked if this was something the Village should consider.

Chair Barrow said it could be possible that a person may have the intention to buy something but end up not buying anything because they are out of the product or they change their mind.

Trustee Dodd said she feels it helps with having a group of 21-year olds coming in when only one of them is buying. She asked how everyone felt about that restriction.

Chair Barrow and Trustee Kennedy disagreed.

Chair Barrow said that does not benefit the store or the Village.

Trustee Dodd said it deters a large group coming in and only one person purchasing.

Trustee Kennedy said the store would more than likely deal with that directly.

Chair Barrow asked where the Committee goes from here and what are the next steps to move this forward.

Mr. Braiman said he would go over the suggested regulations and then answer any remaining questions.

The following recommendations were agreed upon by the Committee:

- Limiting the Village to one dispensary.
- Restricting onsite consumption of cannabis.
- Compliance with all laws.
- Employment misconduct equates to dispensary misconduct.
- Providing security and outdoor line plans to Police Department.
- Limit hours of operation.
- Securing waste inside.
- Security staff must stay inside.

Trustee Dodd asked about raising fines for any violations.

Mr. Stein said he recommends increasing the fines. He said he recommends making a maximum of \$7,500 for a first offense. He said this would cover selling underage or violating any of the other regulations like selling after hours or outside, etc.

Chair Barrow asked if Trustee Dodd wanted to have the same fines as liquor license violations.

Trustee Dodd said she is not overly concerned with doing that right now but that she would have a conversation with Mr. Stein at a later date. She said it is different because we do not provide a cannabis license like we do the liquor. She asked if we could require our liquor licensees to have a card reader like the cannabis stores.

Mr. Stein said that is possible; however, he does not necessarily recommend that. He said in addition to the larger fines, we could put the potential of suspension in the repercussions for misconduct of a dispensary or their employees. He said he is hesitant to put revocation out there because we do not control the license; the State does. He said he believes if we have a significant number of location violations, we could have a good case to suspend the permit based upon zoning regulations. He said under State Statute we are allowed to regulate time, manner and place, so long as we are reasonable.

Mr. Braiman said there is discretion in the fining. He said some of our fines go as high as \$7,500, but it is to the Village's discretion what to charge for a first time violation. He said putting the maximum that high gives flexibility.

Mr. Stein concurred and said that the lowest fine of \$50 is too low. He suggested a range of \$500 to \$7,500.

Trustee Kennedy asked why you would have a larger fine for a violation of cannabis than liquor. She said they are both the same public risk.

Mr. Stein said we cannot revoke a license for cannabis like we can for liquor so having heavier fines for the cannabis is necessary to deter misconduct. He said for a liquor license, the fines are significantly lower, but we can also revoke the license. He also said that the cannabis dispensaries make significantly more money than the liquor licensees so it is proportional.

There was concurrence on the fine range of \$500 to \$7,500 for cannabis violations.

Mr. Braiman asked the Committee if they wanted to establish the hours of operation tonight or leave it up to the special use process.

Mr. Stein said current State law says you cannot sell past 10 p.m. or before 6 a.m. He said Northbrook's hours are 10 a.m. to 8 p.m. He said Curaleaf in Skokie is open 10 a.m. to 8 p.m., Highland Park's dispensary Zen Leaf is open 10 a.m. to 8 p.m. and Hatch in Wheeling is open 9 a.m. to 9 p.m. He then said there are some limitations on hours on Sundays.

Mr. Stein said it is reasonable to consider any neighboring uses around there to set the hours.

Trustee Dodd asked what time the stores typically open at the plaza.

Mr. O'Keefe said typically at 10 a.m. He said Walgreens is open earlier.

Trustee Kennedy said she likes the idea of mirroring our liquor licensee hours. She said our Class G, H and I are basically packaged goods sales licenses and their hours are from 8 a.m. to 10 p.m. She said she does not see a reason to veer from those hours.

Mr. Stein concurred and said it would be up to the Judiciary Committee to change those.

Mr. Braiman said staying open until 10 p.m. would make Wilmette's dispensary the only one open in the area that late.

Mr. O'Keefe said Fresh Market and Walgreens are open past 8 p.m.

Trustee Kennedy said if we have more restrictions than alcohol, she would be troubled.

Trustee Dodd said she feels the hours could be 8 a.m. to 8 or 9 p.m. She said she has spoken to industry representatives who have said there is a market for older customers who utilize cannabis for pain management, so extending the hours like that is helpful to that market.

Mr. Stein said the most restrictive is in Highland Park who opens at 10 a.m. and closes at 8 p.m. and at 4 p.m. on Sundays.

Mr. Stein said we could address this as a special use.

Trustee Kennedy said Edens Plaza could make their own restrictions as well.

Mr. O'Keefe said the extended hours may help spread out the traffic.

Trustee Dodd said the largest group of users of cannabis is over 65 years old so setting the opening hours of operation to 8 a.m. is a positive.

Mr. Braiman said the signage, size, parking and lighting would be a part of the special use and it is recommended that the hours of operation also be addressed during the special use process.

Trustee Kennedy said keeping the waste inside should be a regular regulation and not under special use regulations to avoid dumpster diving.

Chair Barrow said he does not believe the dispensaries are handling cannabis, but rather the containers with cannabis inside.

Trustee Kennedy said kids may not know that, and it is a temptation for them to rifle through the trash.

Mr. Braiman asked the Committee if they believed Edens Plaza is an appropriate location and if so, do we implement the special use process now or after we see the direction the Plaza is going.

There was consensus that Edens Plaza is the place for a dispensary.

Trustee Dodd said she is in support of the special use, but she wanted to be sure Newport understands a plan is necessary. She said she has heard enough tonight to feel comfortable proceeding with the special use now.

Trustee Dodd asked when the moratorium ends.

Mr. Stein said it is set to expire on December 31, 2021.

Mr. Braiman summarized the Committee's discussions stating that if the Village Board votes to allow the sale of recreational cannabis in Wilmette, Edens Plaza is the only appropriate location with the regulations discussed and utilization of the special use process.

Trustee Dodd moved to approve that if the Village Board votes to allow recreational cannabis sales in Wilmette, Edens Plaza is the only appropriate location with the regulations discussed and the special use process, seconded by Trustee Kennedy.

Voting yes: Trustees, Dodd, Kennedy and Chair Barrow. Voting no: none. The motion carried.

#### **IV. New business.**

Mr. Braiman announced two items that would be coming before the Land Use Committee later this year: tree preservation and fence height along Sprucewood near Edens Plaza.

Mr. Braiman said staff will prepare a report about the cannabis discussions tonight and will work with the Village Board on when to put it on the regular Village Board agenda for discussion.

#### **V. Public comment.**

There was no public comment.

#### **VI. Adjournment.**

Trustee Kennedy moved to adjourn the meeting. Trustee Dodd seconded the motion and the motion carried unanimously. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Karen Norwood  
Deputy Village Clerk

**Hallgren, Erik**

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**From:** Gale Teschendorf <goorientering@gmail.com>  
**Sent:** Saturday, January 23, 2021 12:02 PM  
**To:** Comment, Public  
**Subject:** The voters have spoken

We have 2 options

- 1) We can drag our feet and delay tax revenue
- 2) We can proceed quickly and get tax revenue quicker.

I favor the second choice.

There must be dozens of ordinances to copy.

Have there been any problems at any of the dispensaries other than break-ins?

Best regards,

Gale Teschendorf  
1920 Schiller Ave  
Wilmette, IL 60091  
847-701-4253

"Santa uses quantum physics to deliver to everyone in just one night. Provided no one observes him, he can be in multiple chimneys at the same time." - Unknown

"You cook bacon, but you bake cookies." - Unknown

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## Hallgren, Erik

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**From:** jdicesare064@gmail.com  
**Sent:** Monday, January 25, 2021 10:26 AM  
**To:** Comment, Public  
**Subject:** In favor of allowing cannabis sales in Wilmette

Thank you

**From:** [Erin Tegge](#)  
**To:** [Comment, Public](#)  
**Subject:** Village Board Committee: Recreational Cannabis Public Comment from North Shore Coalition for Drug Free Communities  
**Date:** Thursday, January 28, 2021 3:21:59 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[2021 Village Manager Cannabis Legalization Statement from NSC -Wilmette.docx.pdf](#)

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Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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To Whom it May Concern,

Please see attached public comment from the North Shore Coalition for Drug-Free Communities in regards to the Village Board Meeting regarding Cannabis Dispensaries.

Thank you,

**Erin Tegge, AM, LSW**

**Prevention Project Manager**

**PEER Services**

*Work Schedule: Mondays, Wednesdays and Thursdays*

906 Davis St.

Evanston, IL 60201

direct line: 847.730.0247

office phone: 847.492.1778

fax: 847.492.0320



January 28, 2021

To Whom It May Concern,

The North Shore Coalition for Drug-Free Communities (NSCDFC) is a federally recognized and funded substance use prevention coalition who utilizes evidenced-based research to reduce the use of e-cigarettes, alcohol, marijuana, and other substances among youth in the communities of New Trier Township, consisting of; Glencoe, Glenview, Kenilworth, Northbrook, Northfield, Wilmette, and Winnetka.

On behalf of our coalition, we are asking that you consider the impact that allowing cannabis dispensaries in our community will have on our youth and our community as a whole. While we cannot change that cannabis has been legalized for adults to use recreationally in Illinois for over a year now, we do have the ability to set forth policies that promote the overall health and well-being of our community, especially for our youth.

Recent results from the National Survey on Drug Use and Health showed that among states in which cannabis has been legalized, youth cannabis use rates continue to increase while non-legal states are not showing those same trends. Since we can no longer talk about legalization in Illinois we must then look at the commercialization of cannabis in Wilmette.

It is understandably hard to ignore the monetary attractiveness in which neighboring communities may be experiencing by allowing cannabis dispensaries; however, the ultimate price of our youth's mental health, physical health and brain development should be worth much more to us than dollars. Currently, our youth are at a great disadvantage when it comes to the risk of engaging in cannabis use and having a local dispensary will only increase that risk.

According to our local data, our students experience mental health challenges which includes depression, anxiety and stress. Approximately 33% of our high school students have seen a mental health professional in the past year and the data also shows that students who experience mental health challenges have subsequent higher substance use, including cannabis. This is especially important now, because national research has shown an overall decline in youth mental health and increase in substance use because of COVID-19, which is likely true for our own local youth. Therefore our youth not only have to cope with mental health challenges but they need to navigate the messages in which legalization and commercialization of cannabis have, which include a decrease in perception of risk and an increase in community acceptability and accessibility. However, with all of the risk factors our youth are currently experiencing, they have had the protection of their community by not having a neighborhood dispensary and increased access to cannabis.

Research also shows that youth who live near dispensaries are more likely to have favorable views of cannabis use and an increased perception of social acceptance and lowered perception of risk associated with use. Also, adolescents who report greater exposure to cannabis advertising are more likely to report having used cannabis in the past 30 days and are more likely to report that they expect to use cannabis during the next six months.

In order to support our communities and youth, we need to utilize evidenced-based and effective strategies for prevention. This includes strategies that "focus on the social, cultural, political and economic environment that youth encounter in their daily lives. The messages youth receive in their everyday community in terms of how a legal drug is made available and marketed are far more powerful than any countervailing messages they hear from parents, teachers and health officials."

As previously noted in our 2019 statement to the Village which still holds true: Environments are shaped by policy, which can be legislative (e.g. laws and regulations), institutional (e.g. company and school) and

informal (neighborhood watch programs). Policies are therefore an integral part of any comprehensive drug prevention strategy.

Some examples include:

- Strict controls on commercial sales and furnishings to youth, focusing primarily on adult providers through well-funded compliance check programs;
- Limitations on the sale of products that are attractive to young people or put them at heightened risk of harm;
- Price controls through fees and taxes to maintain relatively high prices over time, although not too high to foster illegal production and sale, with revenues dedicated to compliance, implementation, enforcement and prevention;
- Restrictions on the number, type, location, and sale practices of cannabis retail outlets; and particular attention to product quality, environmental protection, and the prevention of public nuisance activities associated with cannabis cultivation, distribution and sales

Absent appropriate regulations and standards regarding the cannabis business activities, advertising and marketing, and accessibility of the product poses a potential threat to the public peace, health, and safety and impacts the quality of life and character of neighborhoods. On behalf of our coalition, please weigh these implications for the health of our community, and consider the lessons learned from other states as it is our responsibility to protect our youth, and their future.

Erin Tegge, AM, LSW

Project Director

North Shore Coalition for Drug-Free Communities



**Drug-Free  
Communities**

*Local Problems Require Local Solutions*

**From:** [Mary B.](#)  
**To:** [Comment, Public](#)  
**Subject:** Cannabis Mtg 2/4/21  
**Date:** Wednesday, February 3, 2021 3:29:29 PM

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I think that a cannabis dispensary located in the former Carson's building at Eden's Plaza would work well to help our tax base in Wilmette.

Thank you,

Mary Pat Buckley  
1442 Lake Ave  
Wilmette

[Sent from Yahoo Mail on Android](#)

## Hallgren, Erik

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**From:** John Larson <jal1862@gmail.com>  
**Sent:** Sunday, January 31, 2021 6:16 PM  
**To:** Comment, Public  
**Subject:** Cannabis Referendum

Dear Reader(s):

My husband and I appreciate the interest in and support legalized cannabis.

Medicinal cannabis should be made available as much as is feasible. Recreational cannabis, however, should be restricted at least as much as tobacco: it has been cited in studies as having negative brain and breathing effects, depending on smokers' age. In addition, John is severely allergic to smoke of all types.

While I understand that many smokers are addicted to the substances they use, it is not okay to subject nonsmokers to secondhand smoke. This happens all the time, and it is not appreciated and can have life-threatening consequences.

Thank you,

Nicole Larson  
2639 Marian Lane

## Hallgren, Erik

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**From:** [REDACTED]  
**Sent:** Friday, January 29, 2021 4:08 PM  
**To:** Comment, Public  
**Subject:** Cannabis

I was very disappointed in the results of the referendum. Many years ago I was a heavy weed user, and I know from experience that it can lead to careless and inattentive driving, distorted perceptions, forgetfulness, and reduced mental acuity in general. And that was before today's much stronger versions of the marijuana plant even existed.

I'm sorry to see it becoming so much easier to obtain, as I'm certain we will soon see an increase in traffic accidents, not to mention quarrels and misunderstandings that can turn violent. I'm very glad I had the good sense to stop smoking weed long ago..

Now that the state has legalized this intoxicant, the least we can do to protect our community is to make it a little more difficult to obtain by limiting the number of shops and creating reasonable hurdles for those who want to open them. It isn't much, but every little bit can hopefully add to public safety.

George P.

Sent from my iPad

**From:** [Loryn B. Kogan](#)  
**To:** [Comment, Public](#)  
**Subject:** Cannabis store at Edens Plaza  
**Date:** Friday, June 11, 2021 3:33:20 PM

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I hear that the Village is thinking about allowing a cannabis store in Edens Plaza. My preference is not to allow this type of store in Wilmette. I pass by one in Skokie at Old Orchard and Skokie Blvd. and see how crowded their parking lot always is. Wilmette residents can just drive a few blocks south if they're that interested. This type of establishment is unfavorable to me because someone driving under the influence of pot many years ago slammed into my parents' car and changed their lives forever. I would not be happy living in a town that fostered this type of commerce. I've lived here for 38 years.

Loryn Kogan  
[loryn@kogangroup.com](mailto:loryn@kogangroup.com)



**From:** [Gale Teschendorf](#)  
**To:** [Comment, Public](#)  
**Subject:** Edens Plaza  
**Date:** Saturday, June 12, 2021 8:40:27 AM

---

Edens Plaza seems like an ideal place for retail adult-use recreational cannabis.

Best regards,

Gale Teschendorf  
1920 Schiller Ave  
Wilmette, IL 60091  
847-701-4253

"Santa uses quantum physics to deliver to everyone in just one night. Provided no one observes him, he can be in multiple chimneys at the same time." - Unknown

"You cook bacon, but you bake cookies." - Unknown

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**From:** [Malaika Myers](#)  
**To:** [Comment, Public](#)  
**Subject:** Recreational Cannabis Discussion  
**Date:** Friday, June 11, 2021 3:41:07 PM

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Thank you for considering public feedback on this topic.

We have a recreational cannabis "store" within a block of the Skokie/Wilmette boarder on Skokie Blvd. I do not believe we need another point of distribution in Wilmette.

Malaika Myers  
Wilmette Resident

**From:** [Nancy Bohrer](#)  
**To:** [Comment, Public](#)  
**Subject:** To the Land Use Committee: Just say "no" to marijuna  
**Date:** Friday, June 18, 2021 8:32:47 AM

---

Hello,

I hate everything about zoning Edens Plaza as a special district for marijuana; please don't do it. I live near there, and so do many. A church is across the way and schools are close. The visibility of the area will send a pro-drug message to our youth, one that at all costs I would like to discourage.

Anecdotally, governmentally approved marijuana is far more costly than what can be purchased from traditional sellers. With such a large difference in price, you can be sure that old-fashioned marijuana sales will be encouraged to take place locally in addition to healthy-sounding "dispensaries." With little enforcement these days of traffic laws, both of vehicles and pedestrians who wish to compete for the streets with cars, persons under the influence of marijuana will make local driving more dangerous and unpleasant than it is now.

Despite the near miracle-inducing properties of marijuna attributed to it by its advocates, I see no benefit to be conferred on our village by making it an addition. As the children were taught, many years ago, "Just say NO to drugs."

Thank you.

Nancy Bohrer

Wilmette

**From:** [Davida Fruchter](#)  
**To:** [Comment, Public](#)  
**Subject:** Cannabis  
**Date:** Friday, June 18, 2021 3:26:24 PM

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I think it would be unfortunate if the Village decides to put a facility that sells recreational cannabis in Edens Plaza.

First of all there is one 2 minutes away in Skokie at Skokie Blvd and Old Orchard Road. There is another one at Dundee and Skokie Blvd as well. Please note that neither of those are part of a shopping center. They are each FREE STANDING buildings. Someone thought about that when they chose the site. Wilmette needs to think of this too.

Secondly many kids from Loyola get on and off buses in Edens Plaza to go to Loyola. Kids from Loyola as well as Regina frequent Starbucks and Walgreens after school as well. Elementary school students bike there to get food after school or something at Walgreens. Kids stop in at Fresh Market after school too.

In my opinion, having a Cannabis facility would send the wrong message to these students. A place that sells Cannabis does not belong in a shopping center like Edens Plaza.

Think of the message that would be sent to children. Dollars may be important in the minds of the Village Board, but shaping the lives of the next generation should be more important. Would they put a cannabis store in Plaza DeLago,??? I don't think so!

If this is what the Village wants, find another site.

Davida Fruchter  
3239 Central Avenue  
Wilmette, IL 60091

[Sent from Yahoo Mail on Android](#)

**From:** [Stephen C Duck](#)  
**To:** [Comment, Public](#)  
**Subject:** In favor  
**Date:** Saturday, June 19, 2021 9:28:24 PM

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I am in favor of Wilmette developing Edens Plaza site for recreational cannabis sales

S C Duck, MD

**From:** [trina.platt](#)  
**To:** [Comment, Public](#)  
**Subject:** Recreational Cannabis at Eden's Plaza  
**Date:** Saturday, June 19, 2021 8:58:38 AM

---

Hello!

Thank you for welcoming comments on this topic. I support Wilmette's decision to take advantage of tax income of cannabis sales. I have heard from employees and managers at the Walgreens located at Eden's Plaza, however, that it is often robbed. They have cited it's proximity to the freeway as both a blessing and a curse. Just wanted to put that out there as something to consider.

Thank you!  
Trina Platt

**From:** [Ross Friedman](#)  
**To:** [Comment, Public](#)  
**Subject:** Recreational Cannabis Discussion  
**Date:** Wednesday, June 23, 2021 4:17:39 PM

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Dear Land Use Committee,

I have never tried/used cannabis in my life. I think it is very clear at this point that people can easily and legally obtain it and the idea that Wilmette residents would spend their money and taxes be collected in towns other than our own is a very disturbing thought to me. I worry that Eden's Plaza will not survive as retail is not easy these days and that would be terrible for our town.

I live close to Eden's Plaza and while I will not personally be a customer of any cannabis facility that moves in there, I would love to see more thriving businesses there including a cannabis store. I do have 2 young children, and a cannabis store does not worry me, it's a part of life now and my responsibility to teach them the values I see fit.

Thank you for reading my thoughts on this.

Regards,  
Ross Friedman  
617 Hibbard Rd

Sent from my iPhone

**From:** [Christina Ballester](#)  
**To:** [Comment, Public](#)  
**Subject:** Cannabis Dispensary  
**Date:** Monday, June 28, 2021 8:49:14 AM

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Hello:

I am surprised that this is even being considered at Edens Plaza. With the Greenleaf Cannabis store at the corner of Skokie Boulevard and Old Orchard Road there is absolutely no reason to bring recreational cannabis sales closer to residential homes in Wilmette than they already are except to raise revenue for Wilmette at the expense of its residents. If people want to get cannabis head down to Skokie Boulevard about two more lights to be able to do it. We live close to Edens plaza and we have no interest in drawing recreational cannabis purchases here which more foot and car traffic to an already congested area at the corner of Lake and Skokie. Just because something is legal means does not mean it's something that should be in sold in our community when we don't even allow fast food chains in Wilmette to preserve the simplicity of our beautiful community. The need for revenue should not justify this horrible idea. Disappointed this is even a consideration. Decades of planning have gone in to keeping this community beautiful and safe to be diminished by this incredibly shortsighted proposition.

Thank you,  
Christina S. Ballester



**ORDINANCE NO. 2019-O-63**

**AN ORDINANCE AMENDING CANNABIS REGULATIONS AND CREATING  
A TAX FOR THE RETAIL SALE OF CANNABIS; AMENDING THE ZONING  
CODE TO INCLUDE CANNABIS BUSINESS ESTABLISHMENTS; AND  
ESTABLISHING A MORATORIUM ON CANNABIS BUSINESS  
ESTABLISHMENTS**

**WHEREAS**, the Village President and Board of Trustees (hereinafter collectively referred to as the “Village Board”) of the Village of Wilmette, Cook County, Illinois (hereinafter the “Village”), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs; and,

**WHEREAS**, pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et. seq.*)(“Act”), which is set to take effect on January 1, 2020, individuals over the age of 21 will be allowed to lawfully possess and consume cannabis; and

**WHEREAS**, pursuant to the Act, there are specific limitations upon the consumption of cannabis; and

**WHEREAS**, pursuant to the Act, the Village may regulate the consumption of cannabis in public places; and

**WHEREAS**, the amendments to the Village Code provided for by this Ordinance are necessary technical amendments to clarify what activity shall remain unlawful; and

**WHEREAS**, the creation of a tax for cannabis retail sales is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers’ Occupation Tax Law, 65 ILCS 5/11-8-22 *et seq.* (“Tax Act”); and

**WHEREAS**, this ordinance is intended to impose the tax authorized by the Tax Act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue; and

**WHEREAS**, pursuant to the Act, the Village may allow, prohibit or otherwise limit, the location of Cannabis Business Establishments and Infusers (collectively "Cannabis Business Establishments") within the Village's corporate boundaries; and

**WHEREAS**, this ordinance is intended to make technical changes to the Village of Wilmette Zoning Ordinance ("Zoning Ordinance") by specifically including the definitions of the Cannabis Business Establishments expressly provided for in the Act; and

**WHEREAS**, the Act requires various state agencies to adopt administrative rules for the registration and oversight of Cannabis Business Establishments; and

**WHEREAS**, those administrative rules have yet to be adopted; and

**WHEREAS**, the Village has determined that the zoning of any Cannabis Business Establishments before the adoption of the state's administrative rules may result in conflicts between such rules and local ordinances, which reasonably regulate the cultivation, dispensing, processing, transporting and infusing of recreational cannabis within the Village; and

**WHEREAS**, the Village desires to carefully review and consider the impacts that recreational cannabis-related uses have on the public health, safety, comfort, morals and welfare; and

**WHEREAS**, the Village's evaluation process requires public input; and

**WHEREAS**, the Village has determined that an advisory referendum to be placed on the November 2020 election ballot will be one effective method for obtaining public input; and

**WHEREAS**, the Village staff is directed to place a resolution authorizing such an advisory referendum, in compliance with the Illinois Election Code, at the appropriate Village Board meeting to ensure the placement of the proposed referendum upon the ballot at the November 2020 election; and

**WHEREAS**, to preserve the status quo while the Village obtains the public input necessary for its evaluation process, the Village desires to enforce a moratorium on Cannabis Business Establishments which is not expected to last past the date of June 30, 2021; and

**WHEREAS**, nothing in this ordinance shall be deemed to conflict with or in any way impede or impact the provisions set forth in the Wilmette Village Code pertaining to any provisions enacted pursuant to Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et. seq.*); and

**WHEREAS**, the Judiciary Committee sitting as a Special Zoning Committee, after giving due and proper notice as required by law, held a public hearing on October 18, 2019 to discuss technical amendments of the Zoning Ordinance in relation to Cannabis Business Establishments and the proposed moratorium of the same, thereafter filed with the President and Board of Trustees of the Village a report accompanied by findings of fact specifying the reasons for amending the Zoning Ordinance to make the amendments; and

**WHEREAS**, the Village Board finds that the below amendments to the Zoning Ordinance improve the effectiveness of the Zoning Ordinance, are in keeping with the spirit of the Zoning Ordinance, meet the standards for amendments and promote the public health, safety, morals and welfare, and are otherwise in the public interest.

WHEREAS, the Village Board finds that the remaining below amendments and the moratorium promote the public health, safety, morals and welfare, and are otherwise in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois, in the exercise of its home rule power as follows:

**SECTION 1:** The foregoing findings and recitals, and each of them, are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

**SECTION 2:** The Wilmette Village Code, as amended, is further amended in Chapter 12, Article XIII, Marijuana and Drug Paraphernalia by deleting the text of said Article XIII shown in strikethrough type below and inserting the new text shown in underlined bold type below in the manner and form shown below so that said Article XIII shall hereafter read as follows:

#### ARTICLE XIII. - MARIJUANA AND DRUG PARAPHERNALIA

##### Sec. 12-350. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cannabis shall have the meaning ascribed to it in **the Cannabis Regulation and Tax Act** ~~section 3 of the Cannabis Control Act (ILCS ch. 720, act 550, § 1 et seq.)~~ as if that definition were incorporated herein.

Controlled substance shall have the meaning ascribed to it in section 102 of the Illinois Controlled Substances Act as if that definition were incorporated herein (ILCS ch. 720, act 570, § 101 et seq.).

Deliver or delivery means the actual, constructive or attempted transfer of possession of cannabis or a controlled substance, with or without consideration, whether or not there is an agency relationship.

Drug paraphernalia means all equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,

packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act or the Illinois Controlled Substances Act. It includes, but is not limited to:

- (1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which contains cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (5) Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil or other controlled substances into the human body including, where applicable, the following items:
  - a. Water pipes;
  - b. Carburetion tubes and devices;
  - c. Smoking and carburetion masks;
  - d. Miniature cocaine spoons and cocaine vials;
  - e. Carburetor pipes;
  - f. Electric pipes;
  - g. Air-driven pipes;
  - h. Chillums;
  - i. Bongs;
  - j. Ice pipes or chillers;
- (6) Any item whose purpose, as announced or described by the seller, is for use in violation of this article.

Methamphetamine shall have the meaning ascribed to it in section 10 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/10).

Sec. 12-351. - Offense.

(a) It shall be unlawful for any person to grow, possess, sell, give away, barter, deliver, exchange, distribute, or administer any marijuana in the village. **It shall be unlawful for any retail establishment or similar use, even when licensed by the State of the Illinois under the Cannabis Regulation and Tax Act 705/1-1 et. seq., to sell Cannabis at retail in the village.**

(b) **It shall not be unlawful** ~~This section shall not apply when the growth, possession, sale, delivery or distribution of cannabis is done so in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et. seq~~ **or when the growth and possession of cannabis is done so in compliance with the Cannabis Regulation and Tax Act, 705/1-1 et. seq.**

Sec. 12-352. - Penalty.

Any person who violates section 12-351 shall be fined **in the manner provided for in Section 2-1305** not less than \$200.00 nor more than \$750.00.

**SECTION 3:** The Wilmette Village Code, as amended, is further amended in Chapter 12, Article XIV, Prohibition and Penalty by deleting the text of said Article XIV shown in strikethrough type below and inserting the new text shown in underlined bold type below in the manner and form shown below so that said Article XIV shall hereafter read as follows:

ARTICLE XIV. - PROHIBITION AND PENALTY

Sec. 12-378. - Offense.

**A person, corporation, partnership, association or other entity who violates this article shall be fined in the manner provided for in Section 2-1305.**

~~(a) — Any person who keeps for sale, offers for sale, sells or delivers for any commercial consideration any item which that person knows, or under all of the circumstances reasonably should have known, to be drug paraphernalia, commits a violation of this Code for which a fine of not less than \$250.00 and not more than \$1,000.00 shall be imposed for each such item.~~

~~(b) — Any person who possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis, a controlled substance, or methamphetamine into the human body, or under all of the circumstances reasonably should have known, to be drug paraphernalia, commits a violation of this Code for which a fine of not less than \$50.00 and not more than \$750.00 shall be imposed for each such item.~~

~~(1) — This section does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.~~

~~(c) — This section shall not apply when the, possession, sale, delivery or distribution of paraphernalia is done so in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.~~

Sec. 12-379. - Public nuisance.

Any store, place or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold or delivered for any commercial consideration is declared to be a public nuisance, **except when such sale is done in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq. It shall be unlawful for any retail establishment or similar use, even when licensed by the State of the Illinois under the Cannabis Regulation and Tax Act 705/1-1 et. seq., to sell drug paraphernalia at retail in the village.**

Sec. 12-380. ~~Enforcement.~~

~~(a) The Corporation Counsel of the village may commence an action to abate a public nuisance as described in this section in the name of the People of the Village of Wilmette in the Circuit Court.~~

~~(b) Upon being satisfied by affidavits or other sworn evidence that an alleged public nuisance exists, the court may, without notice or bond, issue a temporary injunction to enjoin any defendant from maintaining such nuisance and may issue an order restraining any defendant from removing or interfering with any property used in connection with the public nuisance.~~

~~(c) If during the proceedings and hearing upon the merits the existence of the nuisance is established, and it is established that such nuisance was maintained with the intentional, knowing, reckless or negligent permission of the owner, or an agent of the owner managing the premises, the court shall enter an order restraining all persons from maintaining or permitting such nuisance and from using the premises for a period of one year thereafter. However, an owner, lessee or other occupant thereof may use such premises if the owner gives bond with sufficient security or surety, in an amount between \$5,000.00 and \$10,000.00 approved by the court, payable to the People of the Village of Wilmette. Such bond shall include a condition that no offense specified in this article shall be committed at, in or upon the property described, and a condition that the principal obligor and surety assume responsibility for any fine, costs or damages incurred by any person resulting from such an offense.~~

Sec. 12-381. - Exemptions.

(a) This article shall not apply to:

(1) Items marketed for use in the preparation, compounding, packaging, labeling or other use of cannabis or a controlled substance as an incident to lawful research, teaching or chemical analysis and not for sale; or

(2) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco, cannabis, or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(3) Items listed in section 12-351 which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this article.

**(4) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.**

**(5) When the, possession, sale, delivery or distribution of paraphernalia is done so in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq or the possession of paraphernalia is done so in compliance with the Cannabis Regulation and Tax Act, 705/1-1 et. seq.**

(b) — In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) — The nature, design, mechanics and any peculiar or unusual characteristic of the device involved;
- (2) — The general, usual, customary and historical use to which the item involved has been put;
- (3) — Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (4) — Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (5) — Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (6) — Any newspaper or magazine article, or national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such article or advertising occurs;
- (7) — The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (8) — Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (9) — The existence and scope of legitimate uses for the object in the community.

Sec. 12-382. — Penalties.

- (a) — All drug paraphernalia is subject to forfeiture.
- (b) — Property subject to forfeiture under this article may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by a peace officer without process may be made:

- (1) — If the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this article;
- (2) — If there is probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
- (3) — In accordance with the Code of Criminal Procedure, as amended.



~~(c) — Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement department or agency employing the seizing officer, subject only to the order and judgments of the Circuit Court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the chief administrative officer of the seizing department or agency may place the property under seal, or remove the property to a place designated by him.~~

~~(d) — No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.~~

~~(e) — When property is forfeited under this chapter, the chief administrative officer of the seizing department or agency may retain it for official use, or forward it to the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency, for disposition.~~

Secs. 12-38~~23~~<sup>22</sup>—12-407. - Reserved.

**SECTION 4:** The Wilmette Village Code, as amended, is further amended in Chapter 12, Article XIX, Smoking Regulations in Public Places and Places of Employment by deleting the text of said Article XIX shown in strikethrough type below and inserting the new text shown in underlined bold type below in the manner and form shown below so that said Article XIX shall hereafter read as follows:

ARTICLE XIX. - SMOKING REGULATIONS IN PUBLIC PLACES AND PLACES OF EMPLOYMENT

Sec. 12-515. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than ten percent of its gross revenue from the sale of food consumed on the premises. The term "bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

**Cannabis shall have the meaning ascribed to it in the Section 1-10 of the Cannabis Regulation and Tax Act (410 ILCS 705/1-10).**

Employee means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his services for a non-profit entity.

Employer means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

Enclosed area means all space between a floor and a ceiling that is enclosed or partially enclosed with:

- (1) Solid walls or windows, exclusive of doorways; or
- (2) Solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or partially enclosed sports arena means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

Gaming equipment or supplies means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming facility means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare facility means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. The term "healthcare facility" means and includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

Place of employment means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to, entrances and exits to places of employment, including a minimum distance, as set forth in windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

Private club means:

(1) A not-for-profit association that:

- a. Has been in active and continuous existence for at least three years prior to the effective date of the amendatory Act of the 95th General Assembly, whether incorporated or not; and
- b. Is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; and
- c. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and
- d. Only sells alcoholic beverages incidental to its operation.

(2) An organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 USC 501.

Private residence means the part of a structure used as a dwelling, including, without limitation means a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

Public place means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in section 12-516, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The term "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. The term "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75 percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

Restaurant means:

- (1) An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees; and
- (2) A kitchen or catering facility in which food is prepared on the premises for serving elsewhere; and
- (3) A bar area within a restaurant.

Retail tobacco store means a retail establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. The term "retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

Smoke or smoking means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, cannabis, or any other lighted smoking equipment. The term "smoke" or "smoking" also means the use of vaporizers which are intended to simulate smoking tobacco, electronic cigarettes (a/k/a e-cigs or e-cigarettes), or any electronic nicotine delivery system typically, but not necessarily battery powered, which produce an aerosol which delivers nicotine to the user by means of inhalation.

Sec. 12-516. - Smoking prohibited in public places and places of employment and government vehicles.

- (a) It shall be unlawful for any person to smoke in any public place or place of employment, or to smoke within 15 feet of any entrance to a public place or place of employment.
- (b) It shall be unlawful for any person to smoke anywhere within a distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this section, so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.
- (c) It shall be unlawful for any person to smoke in any place designated as a "No Smoking Area," as provided in section 12-518.
- (d) It shall be unlawful for any person to smoke in any vehicle owned, leased or operated by the State or any political subdivision of the State, including, but not limited to, the village.
- (e) It shall be unlawful for any person to smoke in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.
- (f) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area in any place of employment in violation of subsections (a), (b) or (c) of this section.

(g) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of a public place to knowingly permit smoking in any enclosed area in said public place in violation of subsections (a), (b) or (c) of this section.

(h) It shall be unlawful for an employer or for the owner, occupant or lessee, as the case may be, in control of a public place to fail to post any required signs or fail to remove ash trays, as provided in section 12-519.

**(i) It shall be unlawful for any person to smoke or otherwise consume or use cannabis in any public place, which shall include a Retail Tobacco Store or Cannabis business establishments. "Public Place," for purposes of cannabis consumption, shall have the same meaning as defined by the Cannabis Regulation and Tax Act, as well as, all locations defined as a "Public Place" in this Article.**

#### Sec. 12-517. - Exemptions.

Notwithstanding any other provision of this article and the sections thereof, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public. **A landlord may restrict the use of cannabis pursuant to the Cannabis Regulation and Tax Act.**

(2) Retail tobacco stores as defined in section 12-515 in operation prior to January 1, 2008. Any retail tobacco store that begins operation after January 1, 2008 may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. In order to maintain an exemption under this section, a retail tobacco store shall annually file with the village's Department of Law no later than February 15 a copy of the affidavit filed by the retail tobacco store by January 31 of that same calendar year with the Illinois Department of Public Health pursuant to section 35 of the Smoke Free Illinois Act (P.A. 95-17, § 35; as amended) stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be

designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

Sec. 12-518. - Designation of other no smoking areas.

Notwithstanding any other provisions of this article, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, as an area where smoking is also prohibited, provided that such employer, owner, occupant, lessee, operator, manager or other person in control shall conspicuously post signs prohibiting smoking in the manner described in section 12-519.

Sec. 12-519. - Posting of signs and removal of ash trays.

- (a) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this article by the owner, operator, manager, or other person in control of that place.
- (b) Each public place and place of employment where smoking is prohibited by this article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- (c) All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.

Sec. 12-520. - Violations and penalties.

- (a) A person, corporation, partnership, association or other entity who violates **this article** shall be fined **in the manner provided for in Section 2-1305.** pursuant to this section. ~~Each day that a violation occurs is a separate violation.~~
- ~~(b) A person who smokes in an area where smoking is prohibited under sections 12-516(a) through (e) shall be fined in an amount that is not less than \$100.00 and not more than \$250.00.~~
- ~~(c) A person who owns, operates, or otherwise controls a public place or place of employment that violates sections 12-516(f) through (h) shall be fined:
  - ~~(1) Not less than \$250.00 for the first violation;~~
  - ~~(2) Not less than \$500.00 for the second violation within one year after the first violation; and~~
  - ~~(3) Not less than \$2,500.00 for each additional violation within one year after the first violation.~~~~
- ~~(d) In addition to any other penalty provided in this section, the village may apply to any court of competent jurisdiction for injunctive relief to require compliance with, or cease violations of, the provisions of this article.~~

Sec. 12-521. - Inconsistency with Fire Prevention Code.

No portion of this article shall be deemed to supersede any portion of chapter 9, section 7, the Fire Prevention Code of the village, as adopted. In the event of any inconsistency between the provisions of this article and any of the provisions of section 9-7, the provisions of section 9-7 shall control.

Sec. 12-522. - Inconsistency with Smoke Free Illinois Act.

No portion of this article shall be interpreted to regulate smoking in public places and places of employment in a manner that is less restrictive than that provided in the Smoke Free Illinois Act, P.A. 95-17, eff. Jan. 1, 2008, now or hereafter amended.

Sec. 12-523. - Responsibility of owner or occupant of any premises for unlawful assembly by minors.

It shall be unlawful for any person who has ownership or control of any motor vehicle, conveyance, vessel, house, apartment, room, hotel room, shed, yard, premises, or other area to suffer, permit or allow two or more persons under the age of 21 years to assemble or be assembled thereon when said person knows, or reasonably should know, that said persons under the age of 21 years located in such motor vehicle, conveyance, vessel, house, apartment, room, hotel room, shed, yard, premises, or other area are:

(1) In possession of ~~any cannabis or~~ controlled substance prohibited by state statute or village ordinance; or

(2) In possession of any alcoholic beverages, except that a person under the age of 21 years may be in possession of or consume alcoholic beverages in the performance of a bona fide religious service or ceremony.

**(3) In possession of cannabis, except if said person under the age of 21 are lawfully allowed to consume cannabis pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et. seq.**

Secs. 12-524—12-554. - Reserved.

**SECTION 5:** The Wilmette Village Code, as amended, is further amended in Chapter 6, Finance, by adding new Article XVIII, Business Taxes; Cannabis Retailers' Occupation Tax in the manner and form shown below so that said Article XVIII shall hereafter read as follows and existing Article XVIII Administration and Enforcement of Municipal Tax shall be renumbered to immediately follow the new Article XVIII:

Sec 6-469. Tax imposed; Rate.

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of 3% of the gross receipts from these sales made in the course of that business.

(b) The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

Sec 6-470      Collection of tax by retailers.

(a)      The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b)      The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this article.

**SECTION 6:**      The Wilmette Village Code, as amended, is further amended in Appendix A Zoning Ordinance, Article 2, Section 30-2.4, DEFINITIONS, by adding the following definition, to be placed in alphabetical order, in the manner and form shown below, by deleting the text shown in strikethrough and inserting the new text shown in underlined, bold type below, so that Section 30-2.4 shall hereafter provide for this additional definition as follows:

30-2.4 DEFINITIONS

\*\*\*

**“Cannabis business establishment” means a cultivation center, craft grower, processing organization, dispensing organization, infusers, or transporting organization.**

\*\*\*

**“Craft grower” means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease**



of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

\*\*\*

“Cultivation center” means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

\*\*\*

“Dispensary” means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

\*\*\*

“Dispensing organization” means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

\*\*\*

“Infuser organization” or “infuser” means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

\*\*\*

“Processing organization” or “processor” means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

\*\*\*

**“Transporting organization” or “transporter” means an organization or business that is licensed by the Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.**

\*\*\*

**SECTION 7:** “Cannabis Business Establishments” are not authorized as permitted or special uses within the Village of Wilmette pursuant to this Ordinance.

**SECTION 8:** Until June 30, 2021, or until new ordinances are adopted, whichever comes first, no new applications for the operation of any Cannabis Business Establishments shall be considered or issued by the Village or heard for any hearing before any Village Commission or Committee.

**SECTION 9:** The prohibitions provided for in Village Code in Chapter 12, Article XIII and Article XIV, as amended in this ordinance in regards to the sale of cannabis and drug paraphernalia, shall remain in place until the expiration of this moratorium or until a new ordinances adopted in regards to the sale of cannabis at retail are adopted.

**SECTION 10:** Codifier’s Authority. The Village’s codifier is authorized and hereby directed, to adjust section and paragraph numbering as may be necessary to render this ordinance consistent with the numbering of the Village Code.

**SECTION 11:** This Ordinance shall be in full force and effect from its passage, approval and publication as provided by law. This Ordinance shall be published in pamphlet form.

**PASSED** by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **22<sup>nd</sup>** day of **October, 2019**, according to the following roll call vote:

**AYES:** None.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:** None.

\_\_\_\_\_  
Clerk of the Village of Wilmette, IL

**APPROVED** by the President of the Village of Wilmette, Illinois, this **22<sup>nd</sup>** day of **October**,  
**2019**.

\_\_\_\_\_  
President of the Village of Wilmette, IL

**ATTEST:**

\_\_\_\_\_  
Clerk of the Village of Wilmette, IL

**Published in pamphlet form October 23, 2019.**

**RESOLUTION NO. 2020-R-20**

**A RESOLUTION PROVIDING FOR AND REQUIRING THE SUBMISSION OF AN  
ADVISORY QUESTION OF PUBLIC POLICY CONCERNING THE ALLOWANCE OF  
RECREATIONAL CANNABIS SALES TO APPEAR ON THE BALLOT OF THE  
ELECTORS OF THE VILLAGE OF WILMETTE, COOK COUNTY, ILLINOIS AT  
THE NOVEMBER 3, 2020 GENERAL ELECTION**

**WHEREAS**, the Village of Wilmette, Cook County, Illinois (the “Village”) is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the Village is authorized pursuant to its Home Rule authority as well as by the Illinois Election Code and the Illinois Municipal Code, to submit an advisory question of public policy (“referendum”) to the voters at an election; and

**WHEREAS**, pursuant to the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et. seq.*)(“Act”), which took effect on January 1, 2020, individuals over the age of 21 will be allowed to lawfully possess and consume cannabis; and

**WHEREAS**, the Village adopted Ordinance 2019-O-63 on October 22, 2019, which amended the Village Code in regards to the possession and consumption of cannabis within the Village, but determined that public input was desired for the evaluation process for the allowance or prohibition of cannabis sales within the Village; and

**WHEREAS**, the Village Board has determined that an advisory referendum to be placed on the November 2020 election ballot will be one effective method of obtaining public input; and

**WHEREAS**, the Village staff is directed to place a resolution authorizing such an advisory referendum, in compliance with the Illinois Election Code, at the appropriate Village

Board meeting to ensure the placement of the proposed referendum upon the ballot at the November 2020 election; and

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Wilmette as follows:

**SECTION ONE:** The above recitals are incorporated into this section one as if fully set forth.

**SECTION TWO:** The following proposition (“Proposition”) shall be submitted to the voters of the Village of Wilmette, Cook County, Illinois at the General Election on November 3, 2020.

Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?	Yes	
	No	

**SECTION THREE:** The Village Clerk is hereby directed to file and certify the Proposition to the proper Election Authorities including the County Clerk of Cook County, along with a signed and sealed original of this Resolution, in a timely manner so that the above Proposition shall be submitted to the voters of the Village of Wilmette at the General Election to be held on November 3, 2020.

**SECTION FOUR:** This Resolution shall be in full force and effect from and after its passage as provided by law.

**ADOPTED** by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **28<sup>th</sup>** day of **July 2020** according to the following roll call vote:

**AYES:** None.

**NAYS:** None.

**ABSTAIN:** None.

**ABSENT:**        None.

\_\_\_\_\_  
Village Clerk

**Approved on July 28, 2020**

\_\_\_\_\_  
Village President

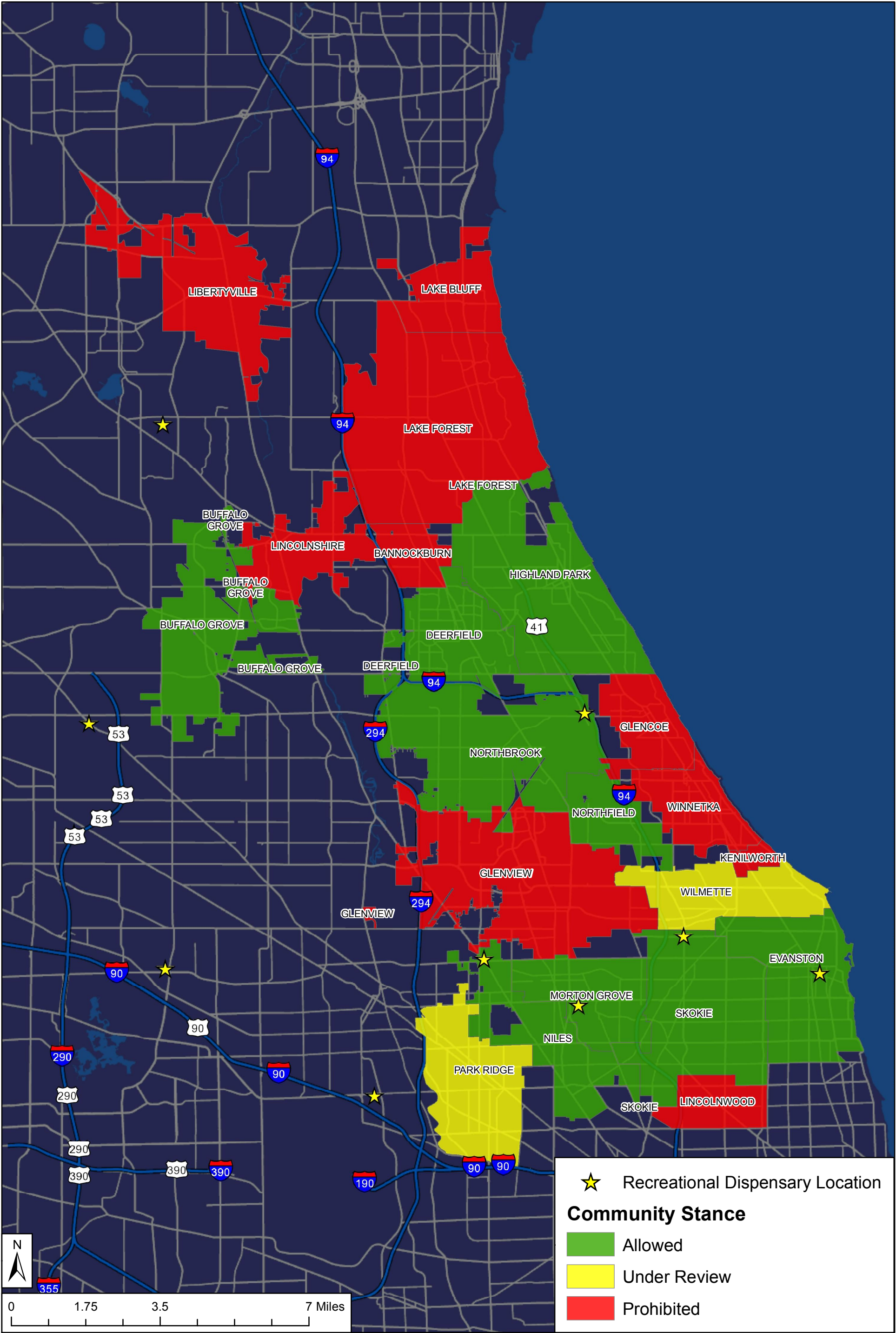
Attest:

\_\_\_\_\_  
Village Clerk



# Regional Recreational Cannabis Business Policy

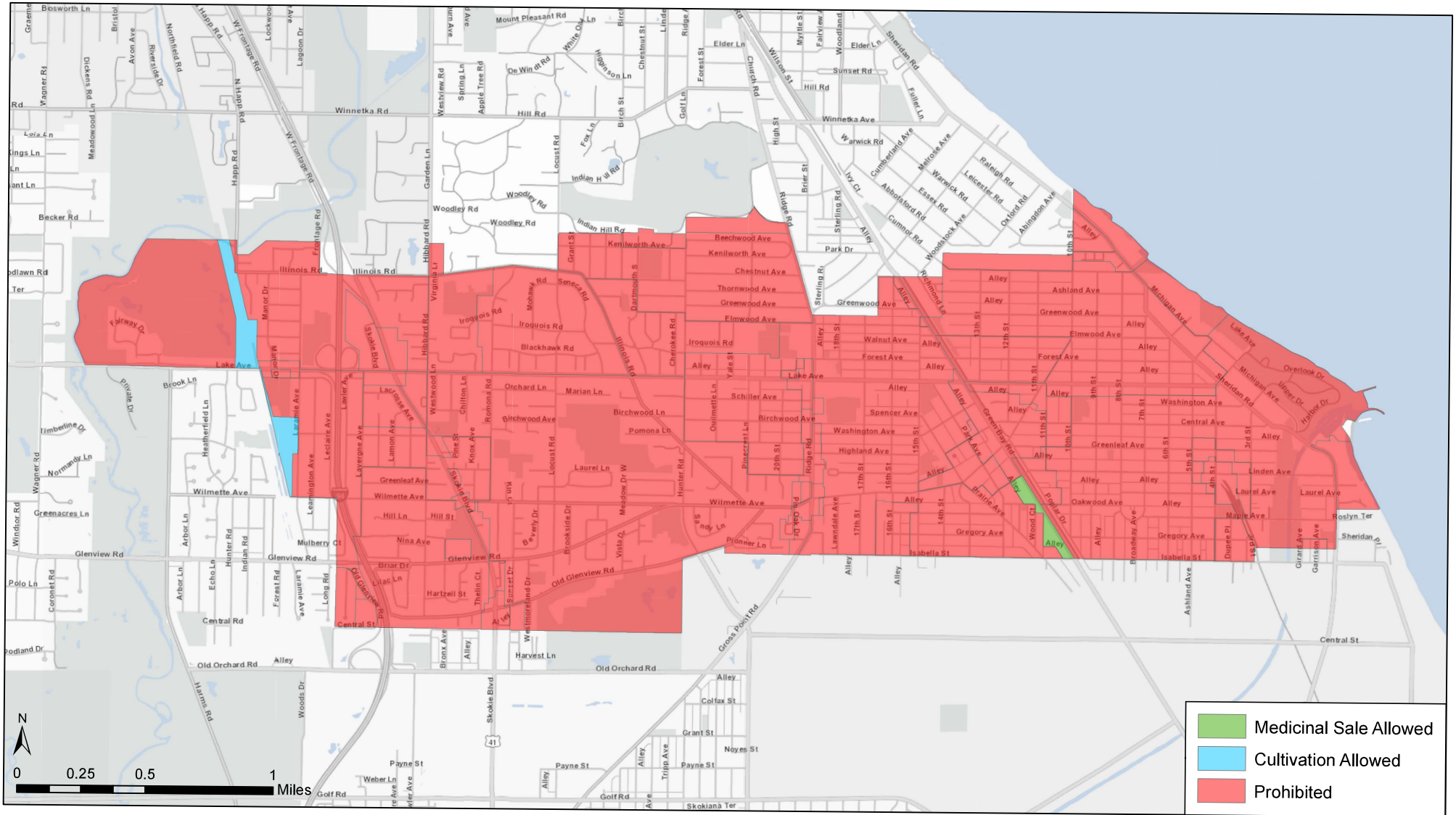
GIS Consortium







# Wilmette Medicinal Cannabis Zoning





- **What will be the referendum question on the November 3, 2020 ballot?**

At its July 28, 2020 meeting, the Village Board voted \_\_\_ - \_\_\_ to adopt a resolution establishing an adult-use cannabis referendum on the November ballot. This is an advisory (non-binding) referendum intended to gauge public opinion and guide future discussions by the Village. The referendum question will read:

***“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”***

- **How do I vote?**

If you are currently registered to vote, you will vote on the November 3, 2020 General Election Ballot, the referendum question will be included.

If you are not currently registered to vote, you can register through the Cook County Clerk’s Office at <https://www.cookcountyclerk.com/agency/register-vote> Registration in person or by mail must be submitted by October 6, 2020 and registration online must be completed by October 18, 2020.

- **What does a “Yes” vote mean?**

A “Yes” vote will indicate that you are in favor of the retail sales of adult use recreational cannabis within Wilmette. Since this is an advisory (non-binding referendum); the outcome of the referendum will be utilized as a gauge for public opinion. The Village Board will make the final determination if adult use recreational cannabis will be permitted within the Village.

- **What does a “No” vote mean?**

A “No” vote will indicate that you are not in favor of the retail sales of adult use recreational cannabis within Wilmette. Since this is an advisory (non-binding referendum); the outcome of the referendum will be utilized as a gauge for public opinion. The Village Board will make the final determination if adult use recreational cannabis will be permitted within the Village.

- **What happens after the referendum?**

There will still be an opportunity after the referendum for the public to provide input on the final determination by the Village Board. There will be a public input process to have discussions on the following items:

- Ordinance prohibiting or allowing cannabis establishments in the Village
- Determine if all uses or only certain uses may be permitted (dispensary vs. cultivation)
- Zoning Regulations and Locations
  - Determined in which zoning districts such uses can be located
  - Make such uses special uses
  - Enact reasonable regulation not inconsistent with State Law
  - Limit the number of establishments within the Village
  - Create minimum distances from other sensitive establishments

- **Are retail sales of adult use recreational cannabis currently permitted within the Village of Wilmette?**

Currently, the retail sale of adult use recreational cannabis is not allowed within the Village of Wilmette. The Village Board adopted Ordinance 2019-O-63 which included a moratorium on the retail sale of cannabis within the Village. The moratorium is set to expire on June 30, 2021.

- **Who can consume recreational cannabis in Illinois under the new law?**

Adults age 21 years and older can possess and consume limited quantities of cannabis or cannabis-infused product. You cannot legally possess or use any amount of cannabis if you are under the age of 21.

- **How much recreational cannabis can I legally possess?**

Illinois residents age 21 and older can legally possess 30 grams of cannabis leaf, 5 grams of cannabis concentrate or 500 milligrams of cannabis-infused product. Out of state residents can legally possess half of those amounts.

- **Where can I consume recreational cannabis?**

You can legally consume cannabis or THC-infused products in your home, on your private property or in businesses specifically licensed for cannabis consumption. Landlords and property owners can ban cannabis consumption on their property.

- **Are there any places where smoking or consuming cannabis is not permitted under the new law?**

You cannot consume cannabis or THC-infused products in any public place. This is defined as any place where a person could reasonably be expected to be seen by others and includes streets, sidewalks, parks, playgrounds and parking garages. Consumption is also prohibited in motor vehicles, on any preschool, primary or secondary school grounds, or anywhere smoking is already prohibited, like restaurants and bars.

- **Where can I purchase recreational cannabis?**

The only place to legally purchase cannabis or THC-infused products is at a licensed business. Private sales are illegal.

- **Who is allowed to grow cannabis in Illinois under the new law?**

Only registered medical marijuana patients over 21 years of age are permitted to grow up to five marijuana plants at a time, and growing is only allowed in a locked, secure area outside of public view.

- **Who is allowed to possess cannabis in Illinois in a vehicle under the new law?**

Like alcohol, consumption of cannabis in a motor vehicle is prohibited and must

be transported in a sealed, odor proof, child resistant container that is reasonably inaccessible in the vehicle.

- **What is the legal limit of THC blood concentration for a DUI in Illinois?**

The legal limit for driving is a THC blood concentration of more than five nanograms per milliliter. If you have more than that in your system, or are impaired, you may be charged with a DUI.

- **Can an employer restrict the use of cannabis?**

The Act permits an employer to utilize a Zero Tolerance Policy, meaning no cannabis consumption. It is recommended that individuals check with their employer and the personnel manual.

- **What are the penalties for violating cannabis laws?**

Wilmette has updated its municipal code to match the state law, and anyone found in violation of the new law will be issued a citation or subject to other enforcement action.

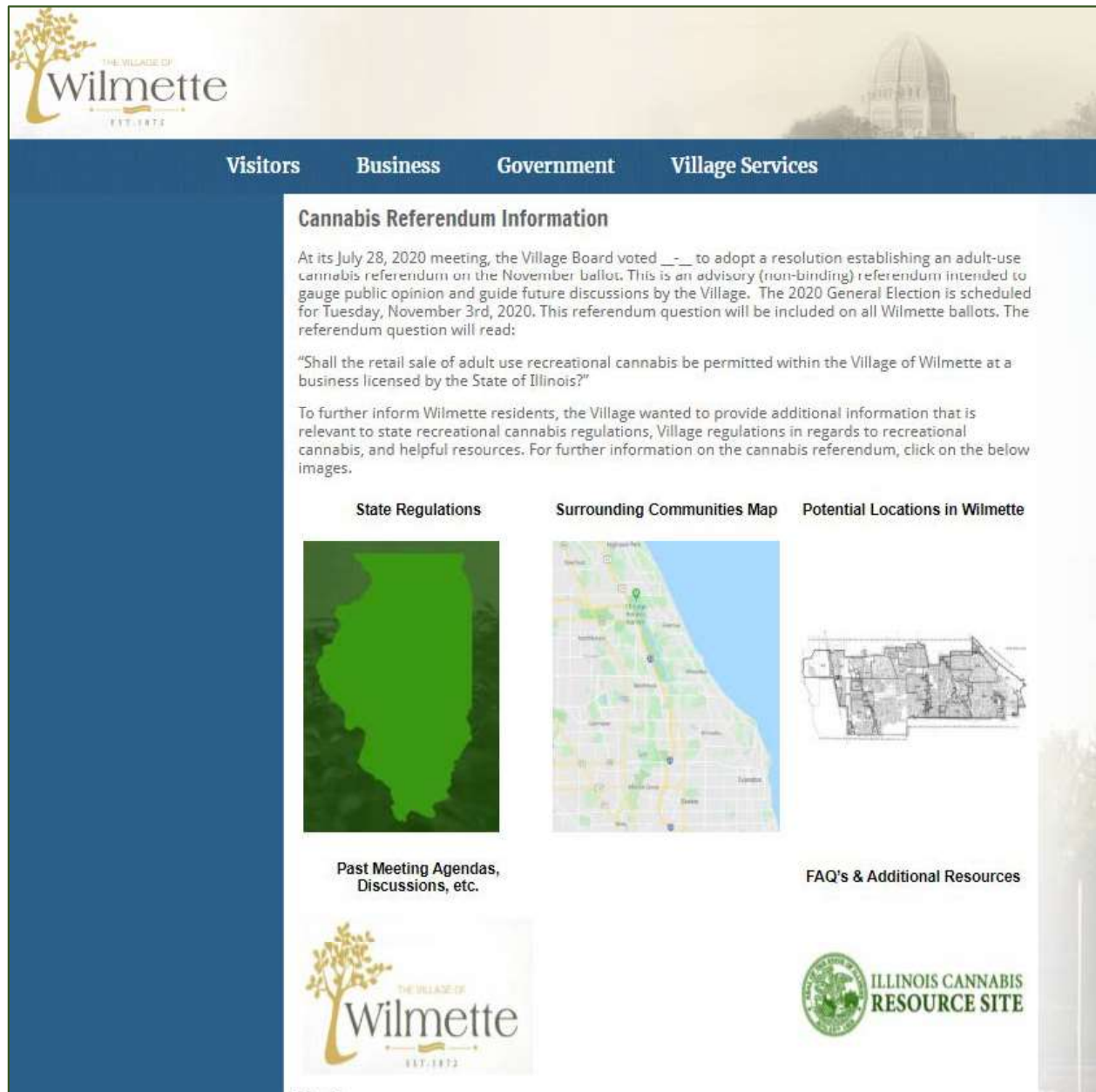
- **Where can I get additional information regarding the Cannabis Regulation and Tax Act?**

The Illinois Department of Finance and Professional Regulation is responsible for implementing and administering multiple aspects of the Cannabis Regulation and Tax Act and is a source for additional information about the new law.

The State has also compiled a resource site for reference:

<https://www2.illinois.gov/cannabis/Pages/default.aspx>

## Attachment #4 – Draft Webpage Template for Cannabis Referendum





# **Cannabis Referendum Communication Plan**

July 28, 2020

# Cannabis Referendum

- At July 14, 2020, Village Board directed staff to place resolution for referendum on July 28, 2020. The proposed language is:

**“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”**

- Once adopted, the Village will begin a public communication campaign regarding the referendum

# Referendum Communication

- Pursuant to Illinois Election Code public funds cannot be used to urge any elector to vote for or against any proposition
  - Therefore, all materials will provide information related to adult-use recreational cannabis
- Communication Information will include:
  - State regulations and guidelines
  - Past Village Board meeting materials
  - Timeline regarding cannabis legalization in Illinois
  - Frequently asked questions and additional resources
  - Status of retail cannabis in surrounding communities
  - Wilmette specific site locations

# Referendum Communication



## **State regulations and Guidelines**

Links to information provided by State of Illinois regarding the Cannabis Regulation and Tax Act

Information regarding financial impact of adult-use recreational cannabis



## **Past Village Board meeting materials**

Links to prior board packet materials discussing cannabis regulation in Village of Wilmette



## **Timeline of cannabis legalization in Illinois**

History of Cannabis regulation in the State of Illinois and Village of Wilmette



## **FAQ's and Additional Resources**

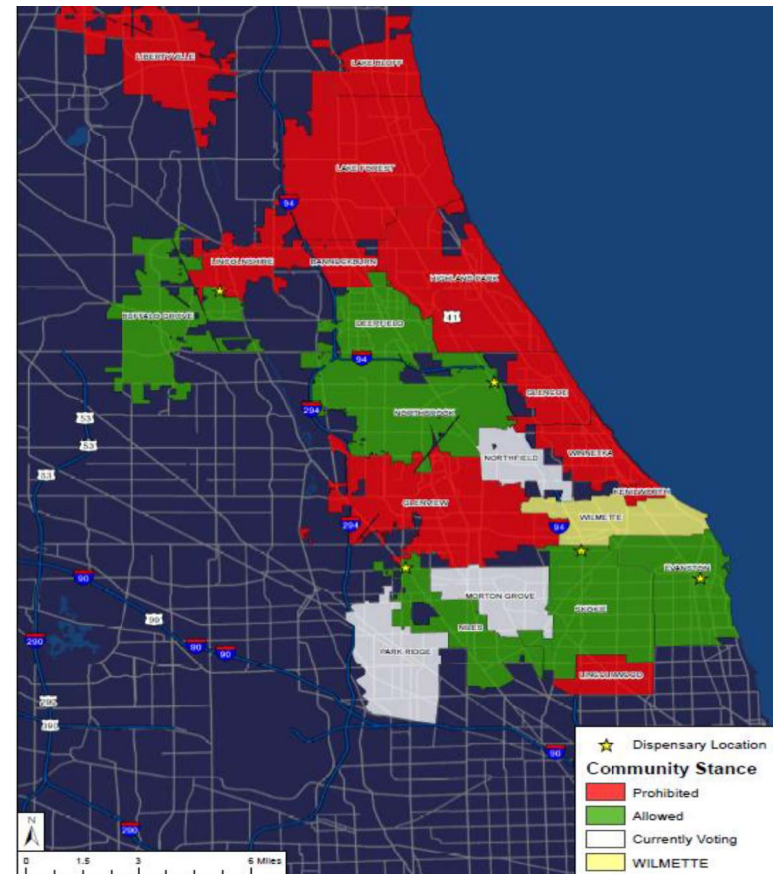
FAQ Listing will include information about referendum process and cannabis regulation in State

Resources will include information from State and County regarding Cannabis

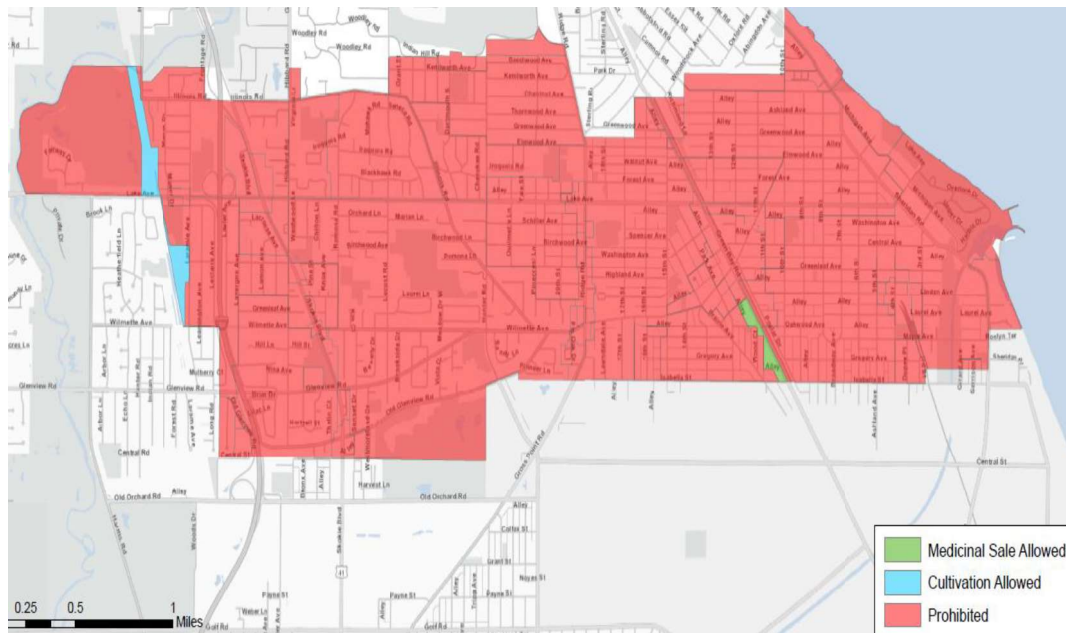


# Referendum Communication

- **Status of retail cannabis in surrounding communities**
  - Map of surrounding communities and their local regulation regarding cannabis
  - Map will include current or planned dispensary locations
  - Section will include information on financial and community impacts reported by other municipalities



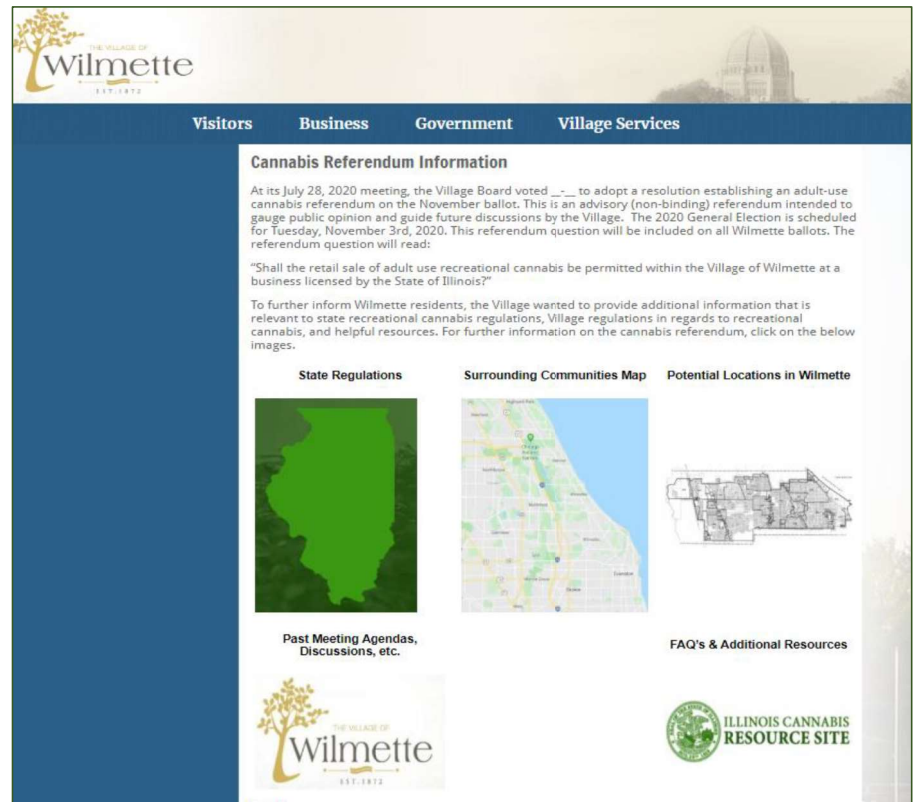
# Referendum Communication



- **Wilmette Site Locations**
  - Maps includes locations where medical cannabis cultivation and dispensaries are currently permitted within the Village

# Communication Methods

- **Village Website**
  - Scrolling Banner on Village's main page and updated regularly
- **E-News**
  - Weekly E-News to community members will include content on referendum
- **Social Media**
  - Facebook, Twitter, and Nextdoor to provide information to community members; recaps messaging from E-News
- **Communicator**
  - Fall/Winter Communicator will be sent end of September and dedicate all of Page 3 content to referendum



# Communication Timeline

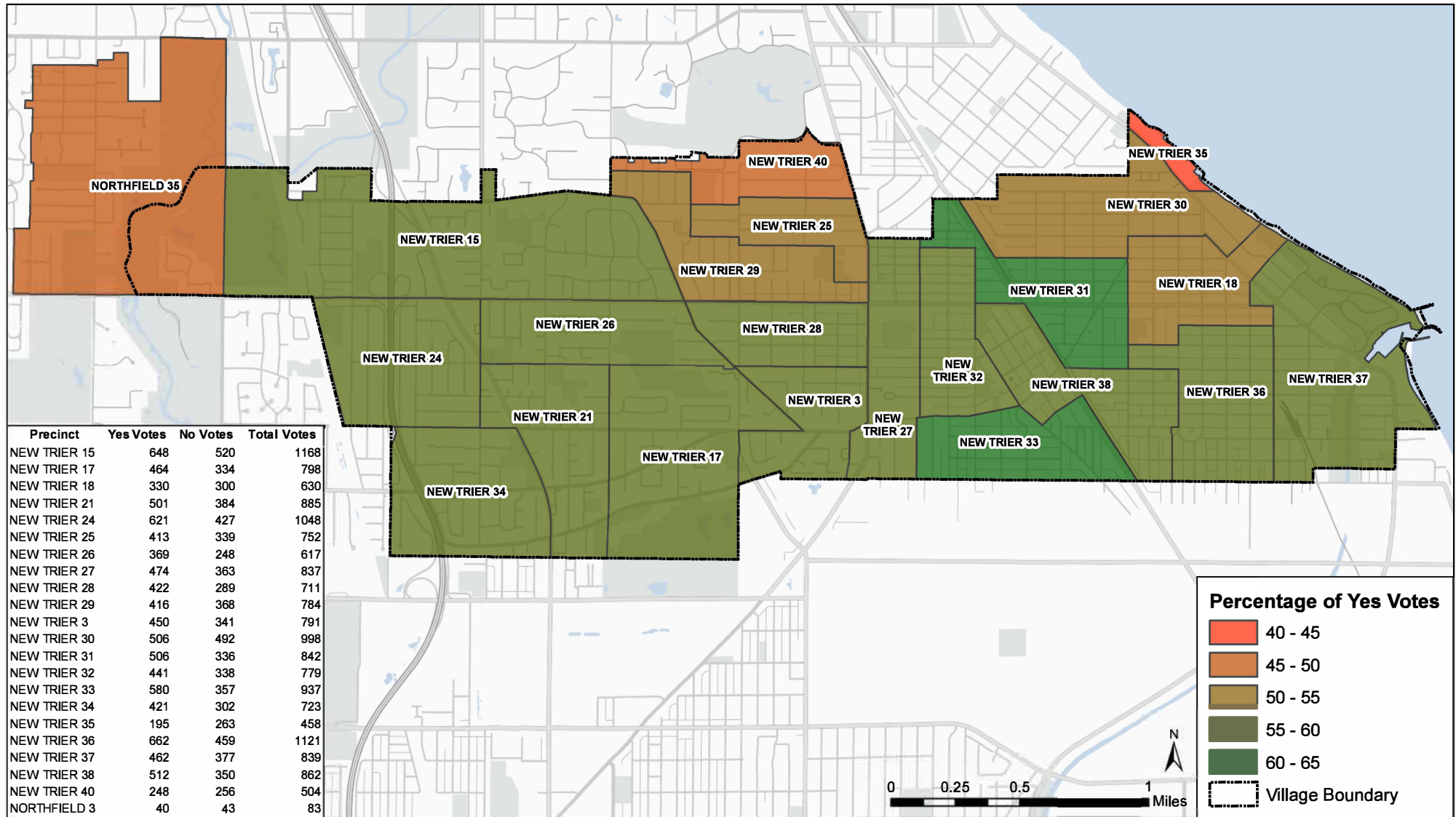
Week Of	E-News	Social Media	Communicator	Content
July 26	X	X		Update on Final Board action from July 28 meeting
August 2	X	X		Notification that Website is updated with referendum resources
August 16	X	X		Referendum Messaging
September 6	X	X		Referendum Messaging
September 20	X	X		Referendum Messaging
September 27			X	Full Page with information on referendum and link to resources
October 4	X	X		Reminder of in-person/mail-in voter registration deadline (10/6) and referendum
October 11	X	X		Reminder of online voter registration deadline (10/18) and referendum
October 18	X	X		Referendum Messaging
October 25	X	X		Referendum Messaging
November 1	X	X		Voting Reminder message with information on referendum
November 8	X	X		Election Results and Next Steps regarding Cannabis regulations



## Cannabis Referendum Results by Precinct

## Attachment #24

GIS  
Consortium



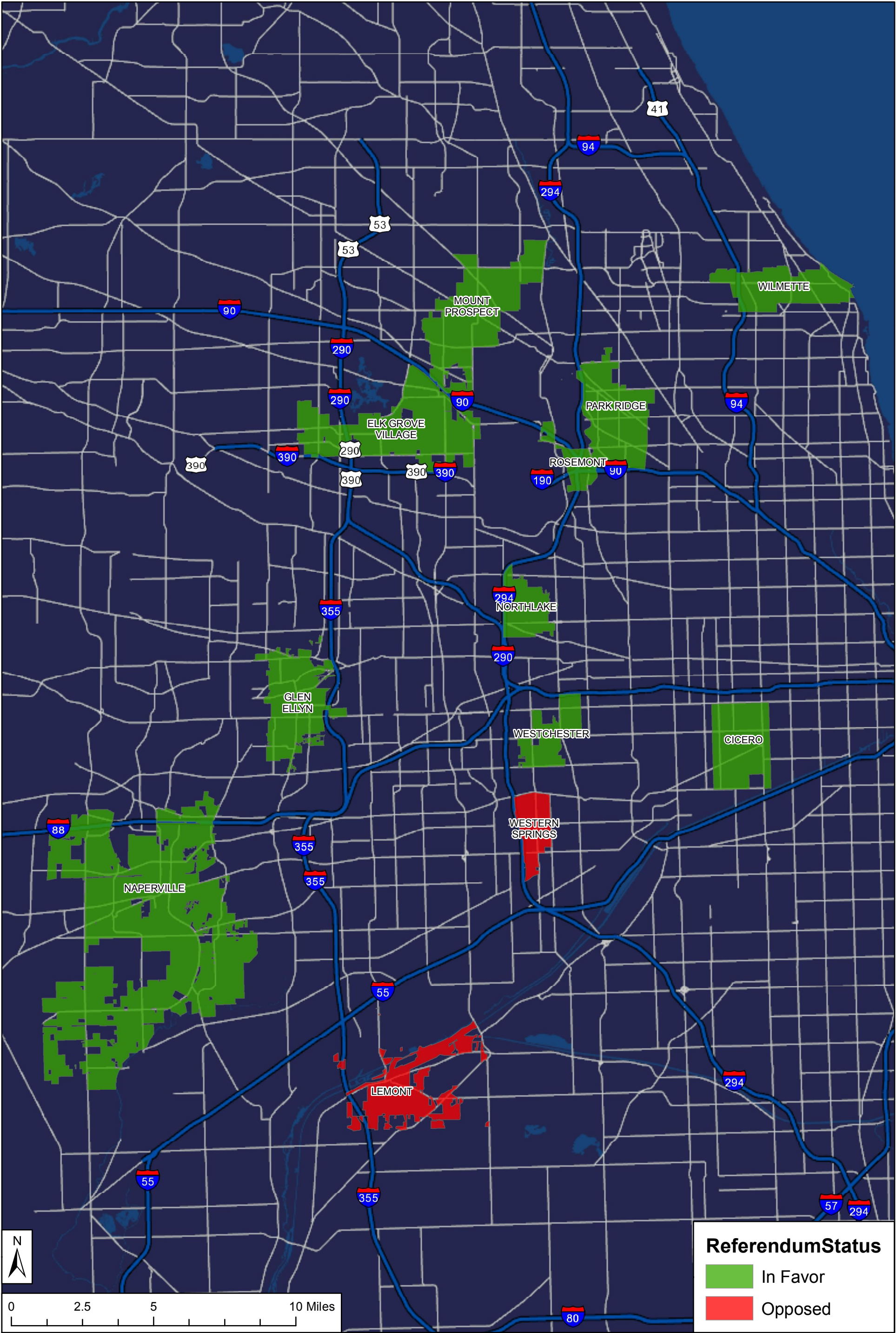
Date: 1/18/2021





# Regional Recreational Cannabis Referendum Status

GIS Consortium



**VILLAGE OF WILMETTE**  
*Historical Referenda*

**Attachment #26**

AUG 1872	Incorporate the Village of Wilmette	YES	37	88.1%
		NO	4	9.5%
		BLANK	1	2.4%
FEB 1894	Annex Wilmette to Evanston	YES	138	45.7%
		NO	162	53.6%
		BLANK	2	0.7%
APR 1894	Annex Wilmette to Evanston	YES	165	49.5%
		NO	168	50.5%
APR 1897	Annex Wilmette to Evanston	YES	144	36.5%
		NO	250	63.5%
APR 1899	Levy new tax for Public Library	YES	140	66.7%
		NO	70	33.3%
APR 1900	Levy 2 mill tax for Public Library	YES	62	54.4%
		NO	52	45.6%
APR 1910	\$15,000 Bond Issuance for New Village Hall	YES	147	53.5%
		NO	128	46.5%
APR 1912	\$12,000 Bond Issuance for Water Pump, Sheridan Road, and Mains	YES	750	81.3%
		NO	172	18.7%
	Annex property RR tracks, N of Elmwood, Glendenning Road	YES	676	76.0%
		NO	214	24.0%
APR 1914	Tax for Public Municipal Coliseum	YES	728	36.4%
		NO	1273	63.6%
	Annex property 15th to East of 17th, south of Wilmette Ave.	YES	1473	83.8%
APR 1915	Annex property south of Wilmette Ave., Central Park (Nanzig) to Ridge	YES	393	90.3%
		NO	42	9.7%
	\$20,000 Bond Issuance for Fire Station and Purchase Fire Engine	YES	349	77.7%
		NO	100	22.3%
APR 1916	Designate Central Blvd., 11th to Sheridan a Public Driveway for pleasure driving only and residents would pay cost of lamp posts	YES	282	47.4%
		NO	313	52.6%
APR 1917	Extend Franchise of North Shore Electric Railway	YES	1113	43.9%
		NO	1425	56.1%
APR 1918	General Tax Levy in excess of 1.2% but not over 2.0%	YES	82	26.0%
		NO	233	74.0%
APR 1922	Purchase Village Green & Equip Playground for \$20,000	YES	219	83.0%
		NO	45	17.0%
APR 1923	Pay John McGarry and Henry Fowler \$4,210.35 for sidewalks laid in 1900-1901	YES	1921	77.6%
		NO	553	22.4%
APR 1924	Annex Ridge to Illinois Road (part of Gross Point)	YES	2617	81.5%
		NO	594	18.5%
APR 1926	Annex from Illinois Road to West limits	YES	2536	79.7%
		NO	647	20.3%
	Levy Playground and Recreation Tax	YES	2650	71.4%
		NO	1061	28.6%



# VILLAGE OF WILMETTE

## Historical Referenda

APR 1927	2 mill tax for Municipal Band	YES	1755	41.7%
		NO	2449	58.3%
SEPT 1928	Permit Moving Pictures Theaters to be open on Sundays	YES	1894	61.9%
		NO	1165	38.1%
NOV 1928	\$50,000 Bond Issuance to purchase land and build incinerator	YES	4056	64.7%
		NO	2216	35.3%
NOV 1930	Issue \$700,000 G.O. Bonds for Water System Improvements	YES	1726	35.1%
		NO	3188	64.9%
APR 1931	\$100,000 G.O. Bond Issuance to build water booster pumping station	YES	2889	55.3%
		NO	2338	44.7%
DEC 1931	Issue \$600,000 Water Revenue Bonds for improvements to Water System	YES	2146	60.1%
		NO	1426	39.9%
APR 1937	Should Village employ a Village Manager	YES	1415	53.0%
		NO	1255	47.0%
APR 1941	Village become part of State Retirement Fund (IMRF)	YES	2474	73.7%
		NO	882	26.3%
APR 1943	Increase recreation tax limit to 2/3 mill to 1 1/3 mill	YES	179	63.3%
		NO	104	36.7%
APR 1945	Issue \$100,000 G.O. Bond to build new Police Station	YES	2147	50.4%
		NO	2117	49.6%
	Issue \$40,000 G.O. Bond to renovate Village Hall	YES	1966	47.4%
		NO	2186	52.6%
	Issue \$70,000 G.O. Bond to construct municipal garage	YES	1966	46.1%
		NO	2302	53.9%
	Issue \$200,000 G.O. Bond to extend sanitary sewer system	YES	2236	52.5%
		NO	2026	47.5%
	Issue \$85,000 G.O. Bond to extend storm sewer system	YES	2337	54.4%
		NO	1958	45.6%
	Issue \$175,000 G.O. Bond to extend water system	YES	2194	51.8%
		NO	2038	48.2%
	Levy .075 tax for Community Building	YES	2055	47.9%
		NO	2235	52.1%
APR 1951	Issue \$115,000 G.O. Bond to construct municipal garage	YES	1578	38.8%
		NO	2484	61.2%
JULY 1954	Issue \$95,000 G.O. Bond to construct municipal garage	YES	897	82.4%
		NO	192	17.6%
MAR 1956	Issue \$90,000 G.O. Bond to build artificial ice rink	YES	836	85.1%
		NO	146	14.9%



# VILLAGE OF WILMETTE

## Historical Referenda

APR 1961	Issue \$110,000 G.O. Bond for 2 Fire trucks, 2 garbage trucks, etc.	YES	1554	66.0%
		NO	799	34.0%
	Issue \$80,000 G.O. Bond to repair and improve stormwater pumping station	YES	1592	67.9%
		NO	754	32.1%
	Issue \$80,000 G.O. Bond to repair and improve street lighting system	YES	1432	60.9%
		NO	920	39.1%
Issue \$30,000 G.O. Bond to purchase land for Fire Station #1	YES	1333	56.8%	
	NO	1013	43.2%	
Municipal General Fund Tax Rate from .2387 to .35 for 5 years	YES	1174	50.5%	
	NO	1151	49.5%	
APR 1963	Issue \$170,000 G.O. Bond to remodel field house and equipment	YES	946	33.1%
		NO	1912	66.9%
	Issue \$150,000 G.O. Bond to build artificial ice rink on Village Green	YES	607	21.4%
NO		2232	78.6%	
APR 1965	Increase Library tax rate to .20 from .10	YES	1829	69.8%
		NO	791	30.2%
	Increase maximum General Fund tax from .2387 to .35 for 5 years	YES	1723	65.7%
NO		900	34.3%	
APR 1969	.10% levy for Fire Protection	YES	5374	70.7%
Initial Election Voided by Court		NO	2230	29.3%
	.10 levy for Police Protection	YES	5608	73.1%
		NO	2064	26.9%
	\$4 million G.O. Bond issue for Street Lights	YES	4052	53.2%
		NO	3559	46.8%
	Council-Manager Form of Government	YES	5343	72.4%
NO		2034	27.6%	
NOV 1969	.10% levy for Fire Protection	YES	7582	62.2%
Replaced outcome of April 1969 Election		NO	4612	37.8%
	.10 levy for Police Protection	YES	7815	64.2%
		NO	4362	35.8%
	\$4 million G.O. Bond issue for Street Lights	YES	5921	45.4%
		NO	7120	54.6%
	Council-Manager Form of Government	YES	8391	70.8%
NO		3461	29.2%	
NOV 1972	Should the Village Clerk be elected	YES	8957	63.5%
		NO	5140	36.5%
JAN 1973	Village purchase 11 acres of Mallinckrodt for Park	YES	2972	47.1%
		NO	3338	52.9%
MAR 1974	Shall the sale of alcoholic beverages be permitted in restaurants	YES	5778	64.2%
		NO	3223	35.8%
	Shall the sale of packaged alcoholic beverages be permitted	YES	4596	52.0%
		NO	4242	48.0%
	Shall the sale of alcoholic beverages be permitted in taverns	YES	2007	23.1%
	NO	6694	76.9%	
APR 1975	Conversion of public library to Library District	YES	4135	78.6%
		NO	1129	21.4%
APR 1980	Shall Village retain Home Rule	YES	8692	83.6%
		NO	1705	16.4%

# VILLAGE OF WILMETTE

## Historical Referenda

MAR 1982	Should Village purchase Howard School Property for Park	YES	2978	58.4%
Advisory Referendum		NO	2121	41.6%
Advisory Referendum	Should Curling Center be converted into senior housing	YES	3080	60.1%
		NO	2048	39.9%
APR 1983	State establish a Citizen's Utility Board	YES	2445	76.2%
Advisory Referendum		NO	762	23.8%
NOV 1988	Seeking to defer a zoning ordinance change	YES	9157	68.1%
		NO	4297	31.9%
NOV 1992	Seeking voter approval to sell park district bonds	YES	11928	83.4%
		NO	2368	16.6%
NOV 2002	Network Connection \$1.50 surcharge for emergency telephone services	YES	6048	58.3%
		NO	4328	41.7%
MAR 2004	Increase Real Estate Transfer Tax Rate	YES	2562	37.6%
		NO	4248	62.4%
MAR 2012	Electric Aggregation	YES	3990	75.3%
Advisory Referendum		NO	1309	24.7%
NOV 2020	Cannabis Sales	YES	9681	56.4%
Advisory Referendum		NO	7486	43.6%

# OTHER GOVERNMENT ENTITIES

## Historical Referenda

MAR 1986	Library seeking to sell \$2.9 million in bonds to remodel library	YES	2361	61.1%
		NO	1506	38.9%
NOV 1989	SD 39 Increase education fund tax rate to \$3.07 from \$2.42	YES	1789	41.9%
		NO	2476	58.1%
MAR 1990	SD 39 Increase education fund tax rate to \$3.07 from \$2.42	YES	1112	21.1%
		NO	4168	78.9%
APR 1997	SD 39 increase education fund tax rate to 2.82 from 2.41	YES	3948	49.1%
		NO	4098	50.9%
MAR 1998	Educational Tax Proposition	YES	3652	50.6%
		NO	3567	49.4%
APR 2001	Library District increase the ceiling on the library's corporate tax rate	YES	3625	66.8%
		NO	1800	33.2%
MAR 2002	Park District \$25,000,000 Bond Issuance	YES	5078	55.1%
		NO	4146	44.9%
APR 2003	SD 39, Abolish T42, R 14	YES	3787	71.9%
		NO	1477	28.1%
APR 2003	SD 37, Abolish T42, R 14	YES	755	69.8%
		NO	327	30.2%
APR 2003	SD 203, Abolish T42, R 14	YES	7052	70.8%
		NO	2911	29.2%
APR 2003	Tax Increase for SD 203	YES	9425	60.5%
		NO	6146	39.5%
MAR 2004	SD 37 Issue Bonds	YES	884	52.2%
		NO	809	47.8%
FEB 2010	Bond Issuance for District 203	YES	8068	37.0%
		NO	13713	63.0%
MAR 2011	Increase Limiting Rate	YES	5755	63.1%
		NO	3372	36.9%
NOV 2014	Bond Issuance for District 203	YES	17351	65.1%
		NO	9288	34.9%
APR 2015	Bond Issuance for Gillson Park	YES	2404	35.9%
		NO	4286	64.1%
	Bond Issuance for Langdon Park	YES	1471	22.0%
		NO	5210	78.0%

## **Cannabis Questions and Answers**

### **Questions Submitted by Members of the Village Board**

#### **Regional Cannabis Updates**

**Q: Can we get an update on surrounding communities and their policies for allowing cannabis?**

A: Attachment #8 in the Board packet includes an updated map on surrounding community's adult-use recreational cannabis policies.

**Q: Provide an update on current recreational cannabis stores in our area.**

A: Attachment #8 in the Board packet includes an updated map with locations of adult-use recreational cannabis dispensaries.

**Q: What size stores have opened in our region?**

A: Village staff sought facility sizes from three nearby communities:

- Verilife Arlington Heights – 4,840 square feet
- Greenhouse Northbrook – 9,900 square feet
- Greenhouse Skokie – 15,000 square feet

**Q: As an example, is there a store in our region that is part of an in-fill (strip mall type) development rather than a standalone facility?**

A: Verilife at 1816 S. Arlington Heights Road in Arlington Heights appears to be a location most similar to what would potentially be opened in Wilmette; the location is in a strip mall anchored by a Jewel.

#### **Public Safety**

**Q: What are the procedures for verifying customers are of age to purchase cannabis? How does this process compare to the purchase of alcohol?**

A: Similar to alcohol sales, age verification is completed by an employee checking identification such as a State driver's license or Identification card. Unlike alcohol sales, the ID must be also be verified by an electronic reader to ensure the card is not fake. The police department would conduct compliance checks similar to existing alcohol and tobacco retail locations.

**Q: What are policies regarding security cameras in and outside of a dispensary?**

A: State statute requires that security cameras of both the interior and exterior portions of the dispensary be installed and continuously in operation.

**Q: Provide updated public safety data from Skokie and/or Northbrook regarding any increases in crime/traffic incidents near their dispensaries.**

A: Both Skokie and Northbrook police advised they have not seen an increase in criminal or traffic incidents associated with their dispensaries. They noted they did have increased traffic associated with customers on the first few days of operation only.

## **Public Health**

### **Q: What are the health risks associated with recreational cannabis?**

A: Click below to review the State of Illinois Cannabis Resource site for Health and Safety:

<https://www2.illinois.gov/cannabis/HealthAndSafety/Pages/default.aspx>

Click below to review the CDC's Marijuana and Public Health website:

<https://www.cdc.gov/marijuana/index.htm>

### **Q: Is cannabis addictive like alcohol?**

A: The CDC website has a section dedicated to addiction:

<https://www.cdc.gov/marijuana/health-effects.html>

## **Public Feedback**

### **Q: What concerns have we heard from residents?**

A: We have received three emails, included as Attachment #12 in the Board packet, since the referendum on this topic. Any additional emails or letters received will be provided to the Village Board.

### **Q: Do we know whether any of our existing businesses or other businesses that we might want to attract have voiced opposition to having cannabis retailers located near them? Have any voiced earlier opposition but then changed their minds?**

A: We have not heard from any existing or potential businesses in this regard. One prominent landlord in the community has expressed an initial willingness to lease to a dispensary and does not believe a dispensary would be viewed negatively by other retail tenants.

### **Q: What type of data/analysis can be provided regarding the results of the Village's cannabis referendum?**

A: The only data available to the Village are the precinct level results which are included in the Board packet as Attachment #6.

### **Q: How many advisory referenda has the Village of Wilmette conducted, and has the Board ever not followed this advisory referendum?**

A: After review, it appears there have been over 70 referenda (both binding and advisory) conducted by the Village since 1872. The outcomes of these referenda can be found in Attachment #10. In general, but not in all instances, the Village Board has followed the direction provided by the voters.

### **Q: Are there other communities that have done an advisory referendum on this topic? Did these communities follow/not follow the referendum?**

A: In the Chicagoland region there have been eleven (11) other municipalities that have conducted advisory referendum on the question of adult-use cannabis. Voters in nine (9) of those communities supported allowing the sale of adult use cannabis and voters in two (2) of those communities were opposed to allowing the sale of adult use cannabis. More

details on the vote outcomes in each community are included in the Board packet and Attachment #7 includes a map of the referendum results by community.

**Q: Besides the Village, have there been other advisory referenda in our community? What was result of these referenda?**

A: In general referenda conducted by non-Village entities such as the school districts, library district, and park district are not advisory referenda. Per Cook County, since 1986 there have been 17 referenda by these agencies that are primarily focused on tax rates and bond issuances. The outcomes of these referenda can be found in Attachment #10.

### **Land Use**

**Q: What kinds of retail are often located near cannabis retailers when they are in a mall or strip mall setting as opposed to stand alone?**

A: Pursuant to state law, any type of business is allowed to be “near” a cannabis dispensary, except another dispensary. Local regulations vary depending upon the local restrictions put in place within the respective municipality. Common uses that are prohibited from being “near” a cannabis dispensary are not retail uses, rather institutional ones such as schools and churches.

**Q: What are the regulations in regards to windows and other types of public displays?**

A: Windows must be tinted and shatter proof. The windows may allow for light to enter the interior space, but they must be tinted to the point where onlookers from the outside cannot see inside the dispensary.

**Q: Can we limit the size of a cannabis dispensary?**

A: Restriction upon the size of a dispensary is seemingly allowed. However, it is important to note that a dispensary is not just a “showroom” but must also have a separate, secured storage area and a vault big enough to house all the products offered for sale. As such, spaces may be required by operation to be of a certain square footage, a limitation on the overall size of the establishment may act as an operational ban on a dispensary. The Village, through its special use process, may be able to address any size issues of a specific application in a much more relevant manner than an overall size restriction.

**Q: Do we have general language that says certain businesses (liquor stores? smoke shops?) can't be within a certain distance of a school? Any other similar regulations? If the Village implemented any such restrictions, would any of our commercial districts be ruled out? Eg - Edens Plaza because of its proximity to Loyola?**

A: The retail sale of liquor is prohibited from occurring within 100 feet of a church, school, hospital home for the aged or indigent persons or for veterans, their spouses or children or any military or naval stations unless an exemption is granted by the Local Liquor Commissioner; there are no prohibitions for smoke shops. For reference, Edens Plaza is 300' from Loyola Academy measured across the Edens Expressway and approximately 900' measured by walking route.

**Q: What happens if we approve cannabis recreational sales in general but can't find consensus on a location?**

A: Not specifically allowing a cannabis dispensary (or other type of cannabis business establishment) in a zoning district either as a special use or a permitted use would operate as ban on such businesses.

**Q: Has there been any interest to date from a recreation cannabis dispensary?**

A: There have been soft inquiries from cannabis dispensary companies. Such inquiries have been limited to the basic question "is it allowed?"

**Q: Do we have any sense of how close in location one dispensary can be relative to another (and be successful)?**

A: State law restricts one dispensary from being within 1500 feet of another dispensary.

### **Financial**

**Q: Provide financial data from current dispensaries, are there estimates if data is not readily available?**

A: One of the limitations in the estimating and reporting of total receipts is Illinois Department of Revenue (IDOR) restrictions on reporting tax generated by individual retailers and disclosing proprietary information. In reviewing other communities 2021 annual budgets, revenue estimates range from \$145,000 to \$900,000 per dispensary. The average across the nine communities with budgeted revenues is \$350,000. Included in the Board packet memorandum is a list of municipalities and their projected revenue for 2021.

**Q: If we approve a smaller store in Wilmette - what can we expect in terms of sales? Tax receipts?**

A: Based upon the limited data available to the Village it is challenging to determine an estimate of annual sales and the associated tax receipts. What we do know is the Village could be in receipt of 5% of total sales which would include the 1% state sales tax, the 1% home rule sales tax, and up to a 3% cannabis retailer's occupation tax. Based upon preliminary discussions with cannabis dispensary companies, size is not the prominent factor impacting total revenues whereas parking and site location would be significant factors affecting total revenue.

### **State Licensing**

**Q: Provide information on what is planned for the number of licenses to be issued by the State over the next few years? How many last year, this year, next year and into the future?**

A: See the below table, note that 2019 and 2020 license numbers came from the State of Illinois' Department of Financial & Professional Regulation (IDFPR) website: <https://www.idfpr.com/profs/adultusecan.asp>.

2021 and 2022 License numbers are based off the State's initial projection of approving 500 adult-use cannabis dispensary licenses by the end of 2022.

Year	Licenses
2019	45
2020	35
2021	110
2022	Up to 310

**Q: What is the process for a dispensary to open in Wilmette in regards to local and state requirements/licensing?**

A: Similar to a liquor license, a dispensary must first obtain approval from the local government before it can obtain a license from the state. Specifically, pursuant to the Act, the state will inquire and investigate that the proposed site for a dispensary complies with all local zoning laws. Furthermore, the state also requires that all local building, fire, and zoning requirements be met at all times.

Therefore, the state will not issue a state license until it is confirmed that the proposed dispensary (which is site specific) will be able to comply with all laws, including local zoning laws. If such zoning laws cannot be complied with, then the state will not issue a license.

If a dispensary is to be considered a special use under the Village's Zoning Ordinance, a condition that all state licensing be met prior to the use operating, and if state licensing cannot be met, then the special use should be automatically repealed can be included.





# Special Meeting of the Village Board Retail Sale of Recreational Cannabis

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**FEBRUARY 4, 2021**

# Tonight's Meeting

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- If a majority of the Village Board is generally supportive of permitting the retail sale of adult-use cannabis, refer to the Land Use Committee to discuss potential zoning locations and regulations
  - **No decision is final this evening and a referral to Land Use does not mean the Village will be permitting recreational cannabis sales**
  - **Multiple additional meetings will be required to continue consideration**
- If a majority of the Village Board is not supportive of permitting the retail sale of adult-use cannabis, direct staff to prepare an ordinance removing the moratorium on the retail sale of cannabis and codifying a prohibition of cannabis business establishments
- If no consensus is reached, schedule a follow-up meeting
  - **No decision is final this evening, multiple additional meetings will be required to continue consideration**

# Background

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- June 2019 – Governor Pritzker signs the Cannabis Regulation and Tax Act
- October 2019 – Village Board enacts Ordinance 2019-O-63
  - Places moratorium on the retail sale of cannabis until June 30, 2021
  - Regulates cannabis sales/possession in the Village Code
  - Implements a 3% sales on the retail sale of cannabis
- July 2020 – Village Board votes to place a referendum on the November 3, 2020 election ballot

# Referendum Results

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**“Shall the retail sale of adult use recreational cannabis be permitted within the Village of Wilmette at a business licensed by the State of Illinois?”**

- There were 17,723 ballots cast (77% voter turnout)
  - Yes – 9,681 (56.39%)
  - No – 7,486 (43.61%)
  - *556 ballots cast that did not answer cannabis question*

# Nearby Communities- Changes Since Last Board Discussion

Highland Park- Approved recreational sales in October 2020

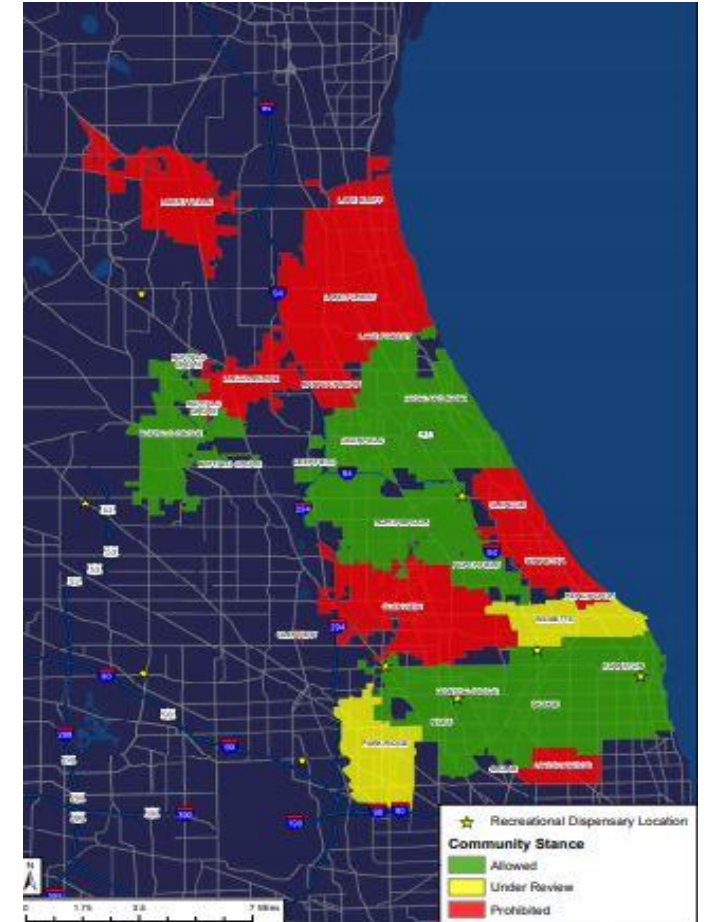
Park Ridge- Approved recreational sales in February 2021

Morton Grove- Approved recreational sales in December 2020

Northfield- Approved recreational sales in January 2021

Status in other communities remains unchanged:

- Permitted: Northbrook, Deerfield, Evanston, Skokie, Niles, Buffalo Grove
- Prohibited: Winnetka, Kenilworth, Glencoe, Glenview, Lake Forest, Lincolnshire, Bannockburn, Lincolnwood, Lake Bluff, Libertyville



# Public Safety

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- Staff has not identified any public safety concerns based on conversations with nearby communities and a survey from the Northwest Municipal Conference
- The one adverse impact identified was increased traffic and parking when a dispensary initially opens (dissipates after several weeks)

# Financial Impact

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- Wilmette would receive 5% tax on the sale of adult-use recreational cannabis
  - 1% state sales tax
  - 1% home rule sales tax
  - 3% local cannabis tax
- Of the nine communities budgeting for cannabis tax revenues, the average budget is \$350,000
  - Exact estimates are not possible due to restrictions from the Illinois Department of Revenue
  - The industry projects that statewide sales will exceed \$3 billion by 2024

# State Regulations

## *The sale of recreational cannabis is licensed and regulated by the State:*

- Dispensaries may not operate between 10pm – 6am
- Must be 21 years of age with valid ID to purchase (ID is scanned)
- All sales are reported to the State
- Interior and exterior security cameras are required
- There must be two employees and one security guard onsite during operating hours
- Exterior windows must be shatterproof and tinted
- Product must be locked in a secure space and stored in a reinforced vault room when the dispensary is closed (access must be logged by employees)
- Sales are not permitted through a drive-through, vending machine or delivery
- Deliveries must be made to an area separate from the public area of the business
- Dispensaries must abide by all local zoning, building, fire, and business regulations



# Local Regulations

*The Village has some latitude to establish its own regulations which would be reviewed by the Land Use Committee:*

- Zoning locations
- Zoning process (Special use would be recommended)
- Distance to other sensitive uses such as schools, parks, and houses of worship
  - There are no distancing requirements in the State law
- Number of dispensaries permitted
- Whether to permit on-site consumption

# Timeline / Next Steps

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- If the Board refers the matter to the Land Use Committee to consider potential zoning locations and other relevant regulations, the Committee can meet on February 24 and if needed, the week of March 8
- **Motion: Appoint the Land Use Committee as a Special Zoning Committee to determine the appropriate zoning districts and other regulations for cannabis business establishments and medical cannabis dispensaries and recommend amendments to the zoning ordinance**
- If the Board reaches consensus not to permit the sale of adult-use recreational cannabis, the current moratorium will need to be amended to a permanent restriction (adopt an ordinance at a future Board meeting)
- If the Board would like to continue discussions, schedule a follow-up meeting for later in February



# Land Use Committee

## *Adult-Use Recreational Cannabis*

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**FEBRUARY 24, 2021**

# Background

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- October 2019 – Village Board enacts Ordinance 2019-O-63
  - Places moratorium on the retail sale of cannabis until June 30, 2021
  - Regulates cannabis sales/possession in the Village Code
  - Implements a 3% sales on the retail sale of cannabis
- July 2020 – Village Board votes to place a referendum on the November 3, 2020 election ballot
- November 2020 – Referendum Held
  - Results: Yes – 9,681 (56.39%); No – 7,486 (43.61%); 556 ballots did not answer question
- February 4, 2021 – Special Meeting of the Village Board
  - Referred to Land Use Committee to discuss potential locations and regulations

# Timeline

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- **Meeting #1**
  - Review of all zoning districts in Village to identify districts where adult-use cannabis dispensaries should not be permitted
- **Meeting #2 (Date TBD; Public Hearing)**
  - In-Depth Review of the district(s) not eliminated in meeting #1
    - Will provide public notice of the zoning district
    - Will solicit feedback from stakeholders in the area
    - Will further discuss regulations related to the location(s) under review
- **Meeting #3 – *If Required***
- **Report to Village Board – *Anticipated in April or May***

# Review Process

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- Reviewed recreational dispensaries in nearby communities to understand factors that impact location
  - Skokie – 10000 Skokie Boulevard
  - Northbrook – 755 Skokie Boulevard
  - Arlington Heights – 1816 S. Arlington Heights Road
  - Buffalo Grove – 830 N. Milwaukee
    - *Currently medicinal, Village approved as recreational*

# Factors for Consideration

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- **Residential**
  - Site is not adjacent to residential properties
- **Traffic**
  - Site is on major thoroughfare to limit traffic impact on residential streets; analysis used major streets
- **Parking**
  - Site has sufficient off-street parking
- **Schools**
  - Site is not in close proximity to schools; analysis used Village school walking routes

# Commercial Zoning Districts

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**NR: Neighborhood Retail Business District**

**NR-1: Linden Square Neighborhood Business District**

**GC-1: General Commercial District**

**GC-2: General Commission Business**

**VC: Village Center Business**

**OR: Office Research**

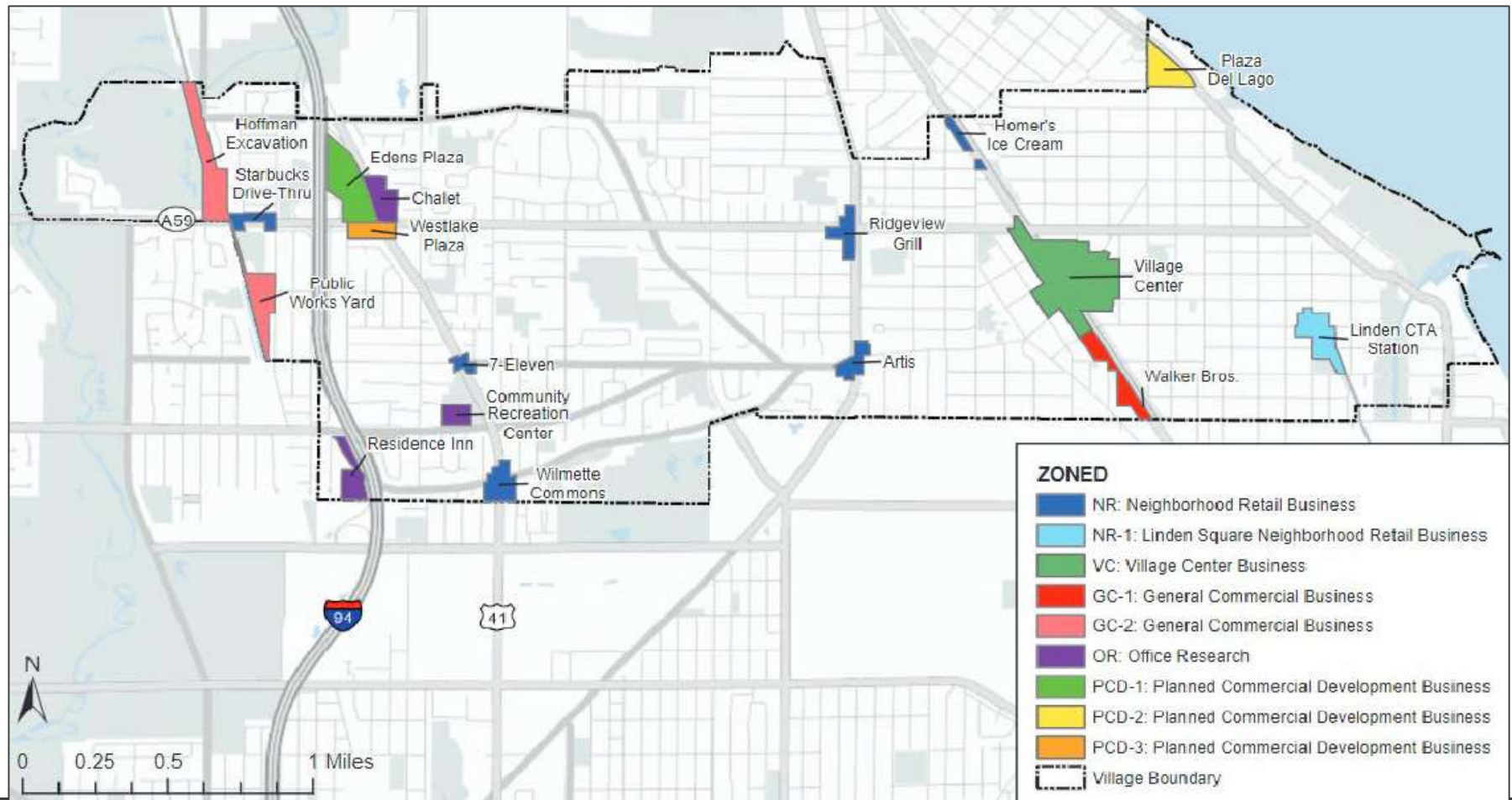
**PCD-1: Planned Commercial (Edens Plaza)**

**PCD-2: Planned Commercial (Plaza del Lago)**

**PCD-3: Planned Commercial (West Lake Plaza)**



# Commercial Zoning Districts



# Recommendations

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## **Not recommended by staff to permit recreational cannabis dispensaries:**

- NR: Neighborhood Retail Business District
- NR-1: Linden Square Neighborhood Business District
- GC-1: General Commercial District
- GC-2: General Commission Business (*certain sites may be less intrusive than current use*)
- VC: Village Center Business
- OR: Office Research
- PCD-2: Planned Commercial (Plaza del Lago)
- PCD-3: Planned Commercial (West Lake Plaza)

## **Recommended by staff to permit recreational cannabis dispensaries\*:**

- PCD-1: Planned Commercial (Edens Plaza)

***\*Contingent on Village Board Allowing Retail Sales***

# *NR: Neighborhood Retail Business Districts*

## Green Bay Road (North from Elmwood Avenue)

Criteria	Criteria Met?
Residential	✗
Traffic	✓
Parking	Site Specific
Schools	✓



## *NR: Neighborhood Retail Business Districts*

### Ridge Road and Lake Avenue

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	✓
Schools*	⊘

*\*Not on a designated school walking route, but directly across from St. Joseph School*





## *NR: Neighborhood Retail Business Districts*

### Ridge Road and Wilmette Avenue

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	✓
Schools	⊘



## NR: Neighborhood Retail Business Districts

### Skokie Boulevard and Old Glenview Road

Criteria	Criteria Met?
Residential	✗
Traffic	✓
Parking	✓
Schools	✓

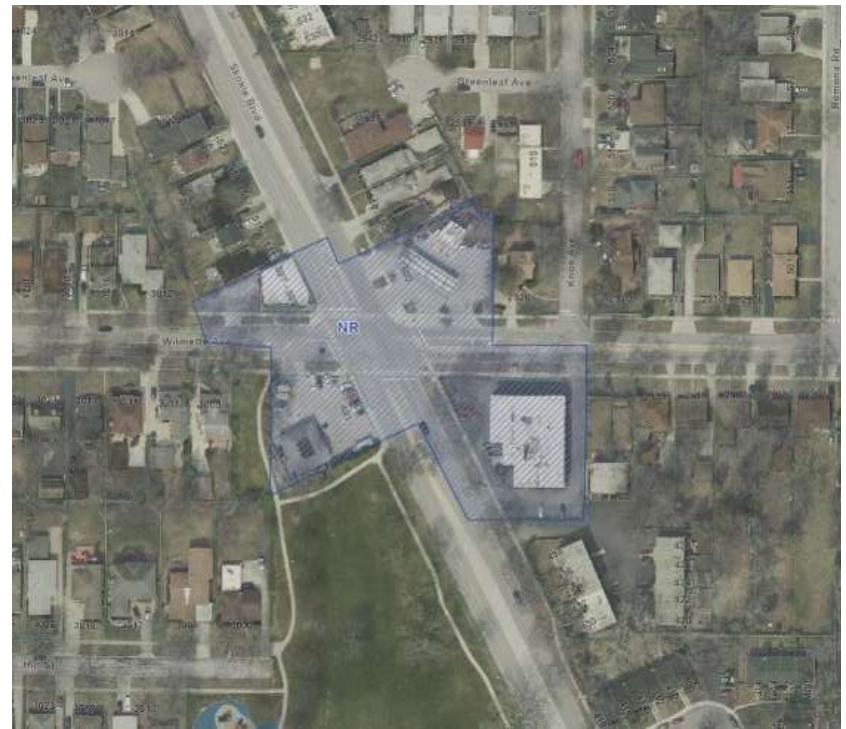
*NOTE: This site does not meet current state requirements that recreational dispensaries be separated by 1,500 feet (Greenhouse at 10000 Skokie Boulevard)*



# *NR: Neighborhood Retail Business Districts*

## Skokie Boulevard and Wilmette Avenue

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	Site Specific
Schools	⊘



# NR: Neighborhood Retail Business Districts

## Lake Avenue (W of Edens to 3612 Lake Avenue)

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	Site Specific
Schools*	⊘

*\*Not on a designated school walking route, but within walking distance of Loyola Academy and Avoca West Elementary*





# NR-1: Linden Square Neighborhood District

## Linden Square

Criteria	Criteria Met?
Residential	⊘
Traffic	⊘
Parking	Site Specific*
Schools	✓

*NOTE: The CTA lot may not be utilized for commercial purposes to meet the requirements of the zoning code*



# GC-1: General Commercial District

## Green Bay Road (S from Linden Avenue)

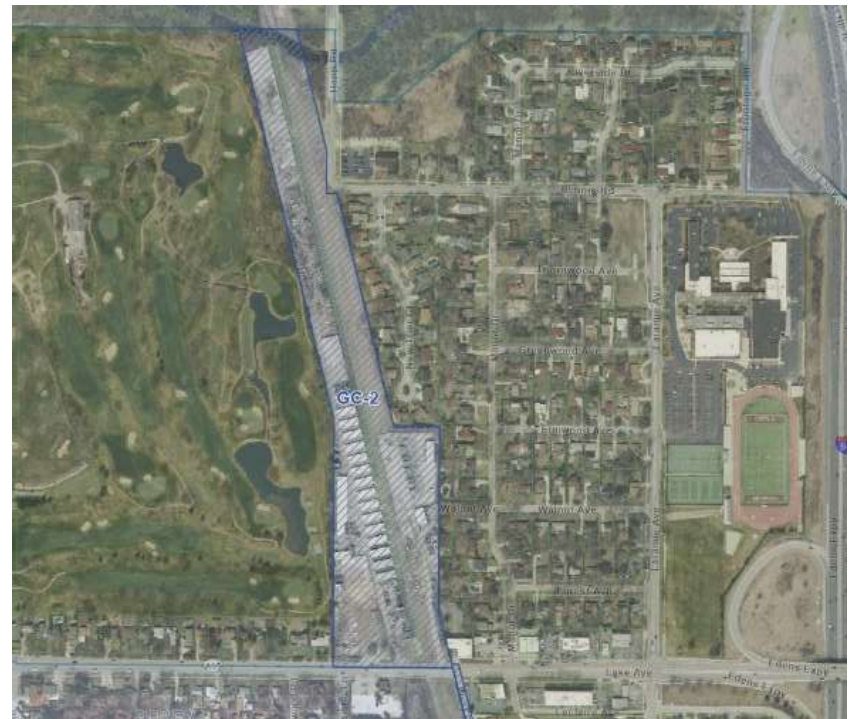
Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	Site Specific
Schools	✓



## *GC-2: Heavy Commercial District*

**3622-3640 Lake Avenue**

Criteria	Criteria Met?
Residential	Site Specific
Traffic	✓
Parking	✓
Schools	✓



## *GC-2: Heavy Commercial District*

**711 Laramie & 3510 Wilmette Avenue**

Criteria	Criteria Met?
Residential	⊘
Traffic	⊘
Parking	⊘
Schools	✓





# *VC: Village Center District*

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## East of Green Bay Road

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	⊘
Schools	✓



# *VC: Village Center District*

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## West of Green Bay Road

Criteria	Criteria Met?
Residential	Site Specific
Traffic	✓
Parking	Site Specific
Schools	✓



## *OR: Office Research District*

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### Lake Avenue and Skokie Boulevard (NE Corner)

Criteria	Criteria Met?
Residential	✗
Traffic	✓
Parking	✓
Schools	✓



## OR: Office Research District

3201-3205 Old Glenview Road (W of Edens)

Criteria	Criteria Met?
Residential	⊘
Traffic	⊘
Parking	✓
Schools	✓

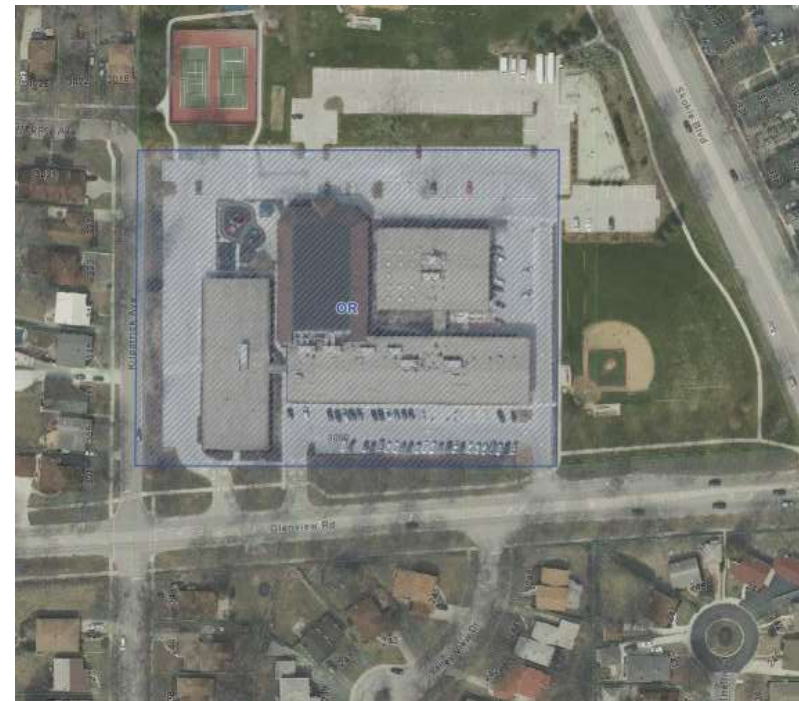




## *OR: Office Research District*

### 3000 Glenview Road (Park District Property)

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	✓
Schools	⊘



# *PCD-1: Planned Commercial Development District*

## Edens Plaza

Criteria	Criteria Met?
Residential	✓
Traffic	✓
Parking	✓
Schools*	✓

*NOTE: Loyola Academy is located within 300' from the Edens Expressway measured across the highway and 900' as measured via walking path (not a school walking route)*



## *PCD-2: Planned Commercial Development District*

### Plaza del Lago

Criteria	Criteria Met?
Residential	❌
Traffic	✅
Parking	✅
Schools	✅



# *PCD-3: Planned Commercial Development District*

## West Lake Plaza

Criteria	Criteria Met?
Residential	⊘
Traffic	✓
Parking	Site Specific
Schools	✓



# Recommendations

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## **Not recommended by staff to permit recreational cannabis dispensaries:**

- NR: Neighborhood Retail Business District
- NR-1: Linden Square Neighborhood Business District
- GC-1: General Commercial District
- GC-2: General Commission Business (*certain sites may be less intrusive than current use*)
- VC: Village Center Business
- OR: Office Research
- PCD-2: Planned Commercial (Plaza del Lago)
- PCD-3: Planned Commercial (West Lake Plaza)

## **Recommended by staff to permit recreational cannabis dispensaries\*:**

- PCD-1: Planned Commercial (Edens Plaza)

***\*Contingent on Village Board Allowing Retail Sales***





Green Bay Road (North from Elmwood Avenue)

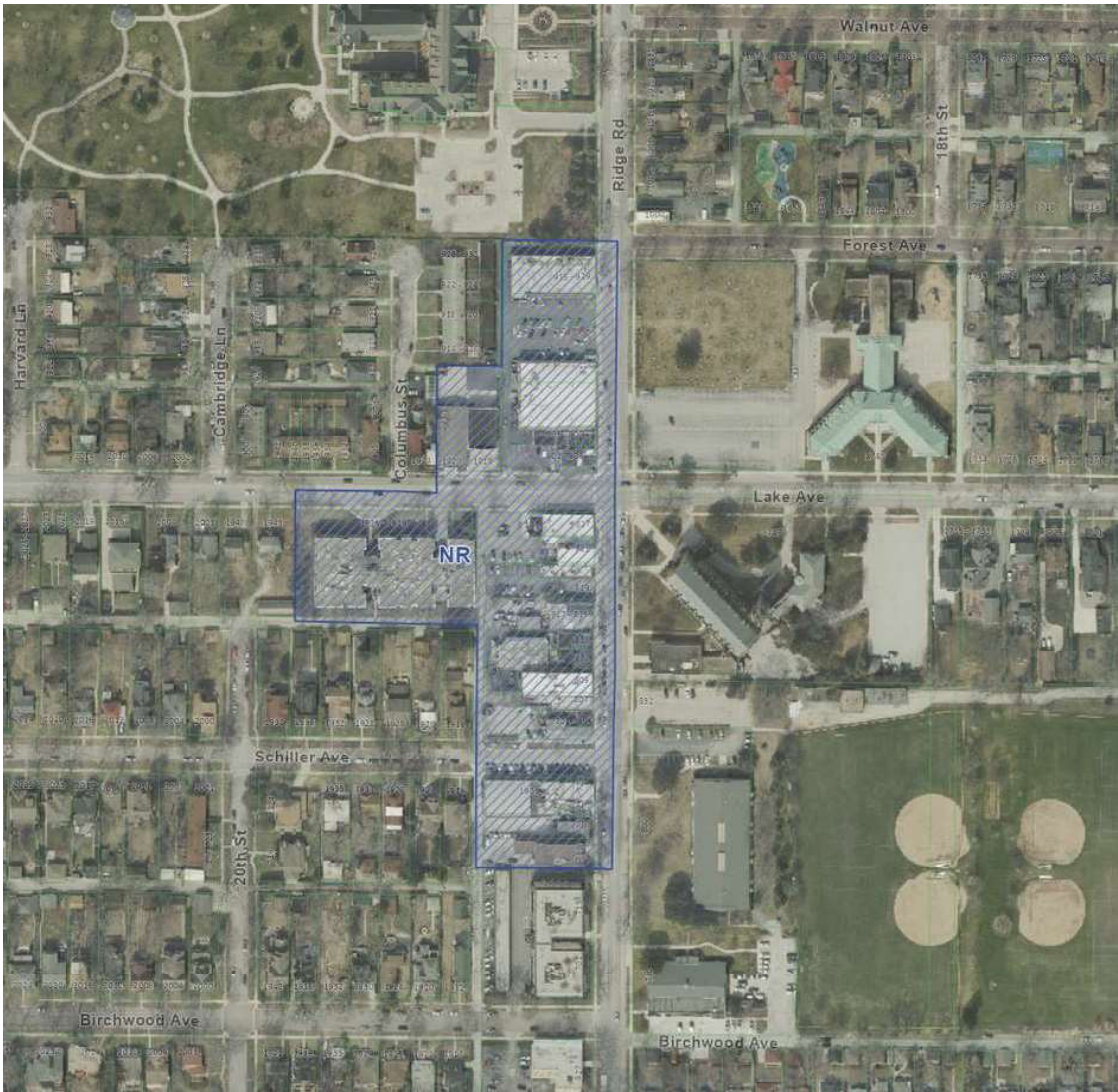


Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Site specific
Schools	Yes



Ridge Road and Lake Avenue



Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	No*

*\*While not a designated school walking route, it is directly across from St. Joseph School*



## Ridge Road and Wilmette Avenue



## Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	No





## Skokie Boulevard and Old Glenview Road



### Site Criteria

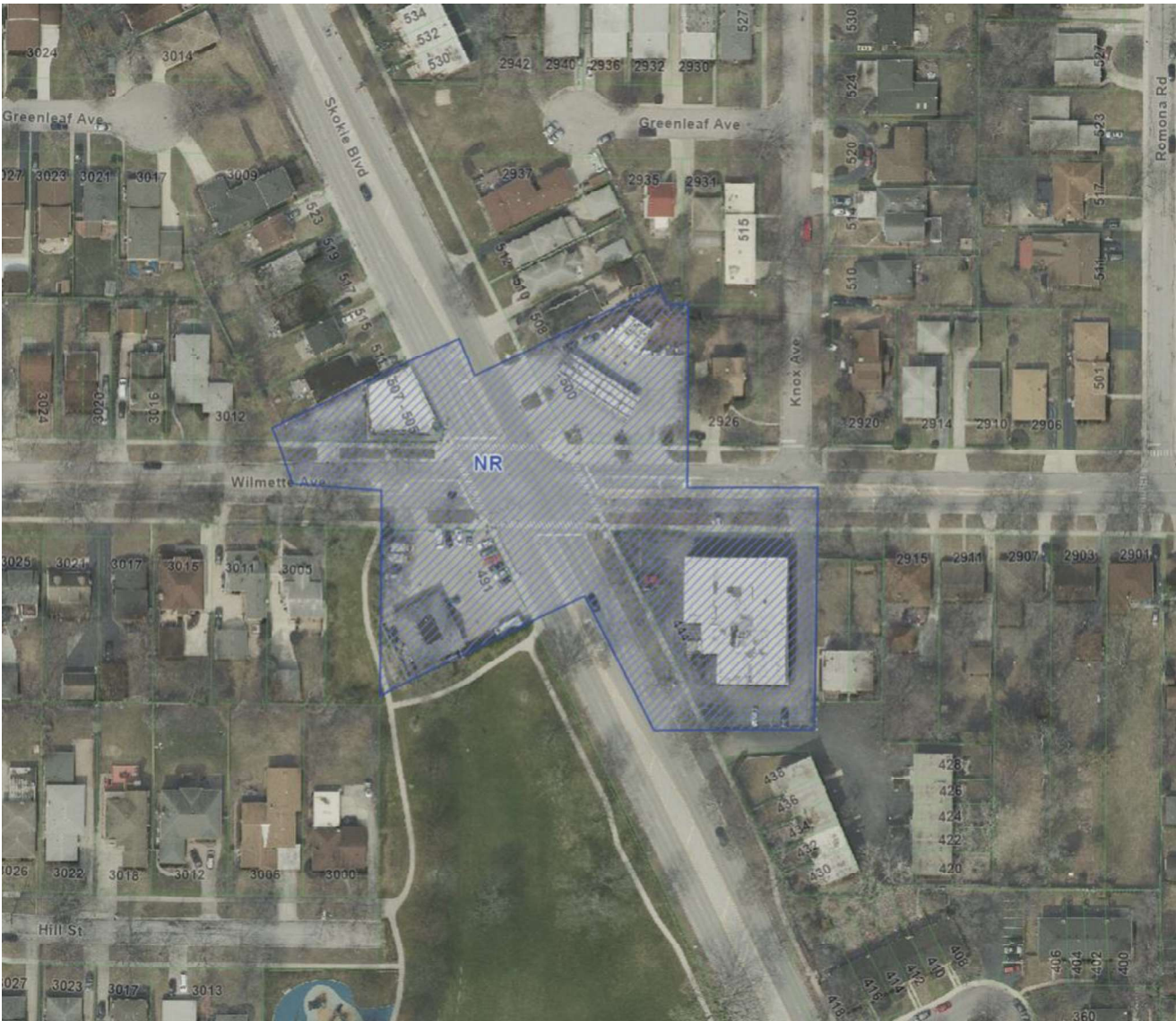
Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes

Note: Wilmette Commons does not meet the current state requirement that recreational dispensaries be separated by at least 1,500 feet (Greenhouse- 10000 Skokie Blvd).





**Skokie Boulevard and Wilmette Avenue**



**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Site Specific
Schools	No





## Lake Avenue – West of Edens Expressway to 3612 Lake Avenue



### Site Criteria

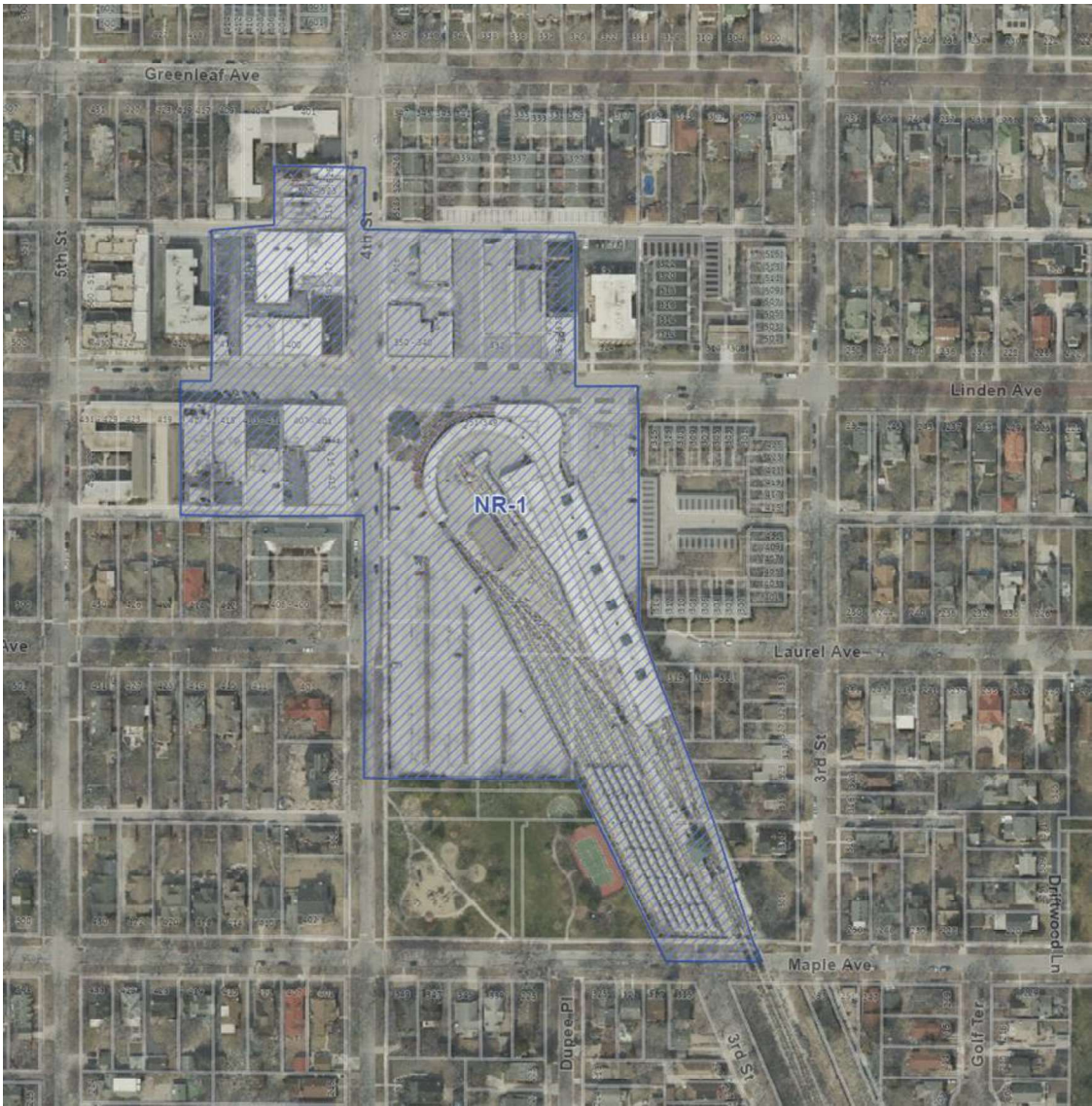
Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Site Specific
Schools	No*

*\*Not on a school walking route but within walking distance of Loyola Academy and Avoca West Elementary School in Glenview*





Linden Square



**Site Criteria**

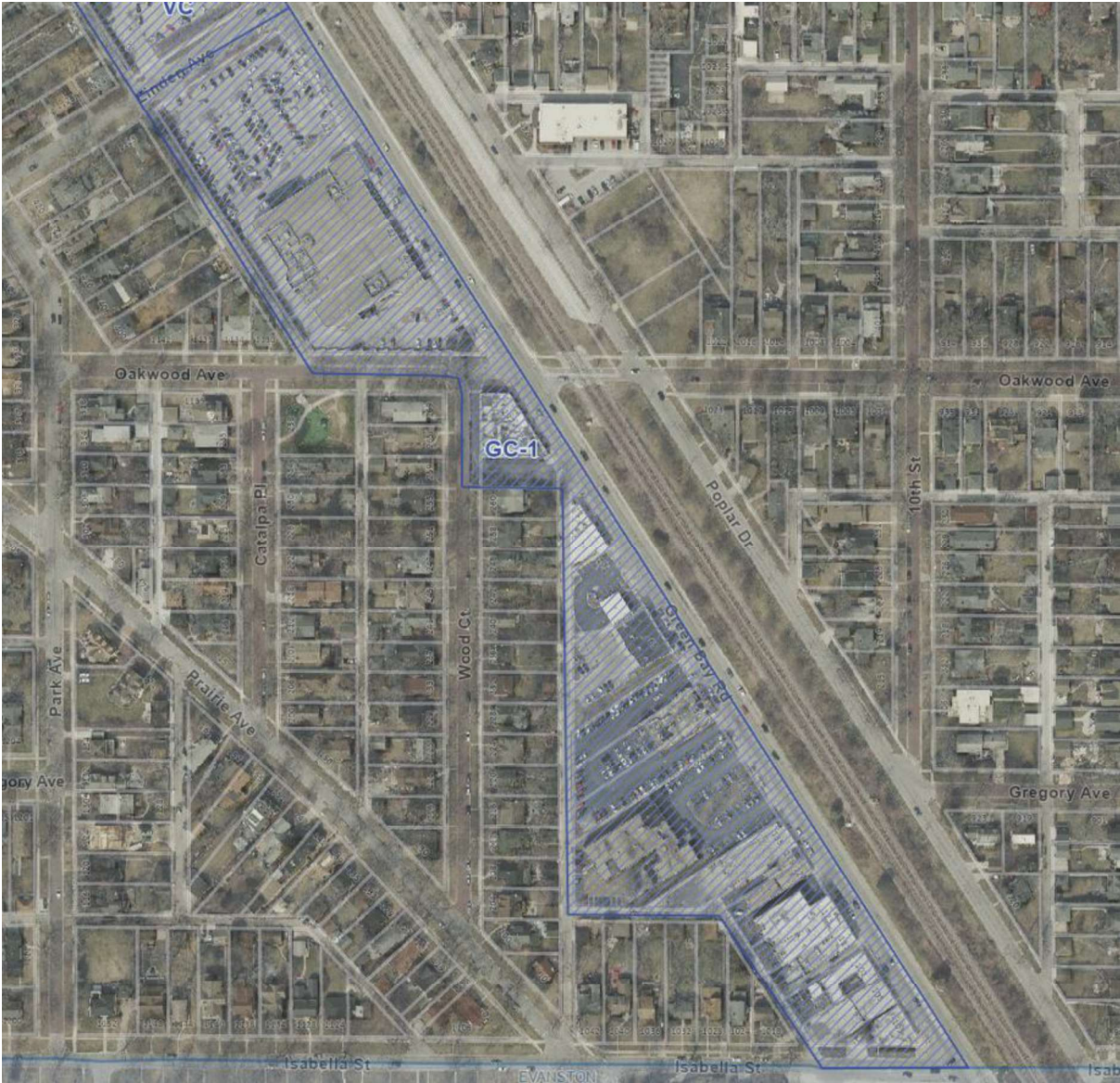
Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	No
Parking	Site Specific*
Schools	Yes

*\*The CTA lot may not be utilized for commercial purposes to meet the requirements of the zoning code.*





Green Bay Road (South from Linden Avenue)



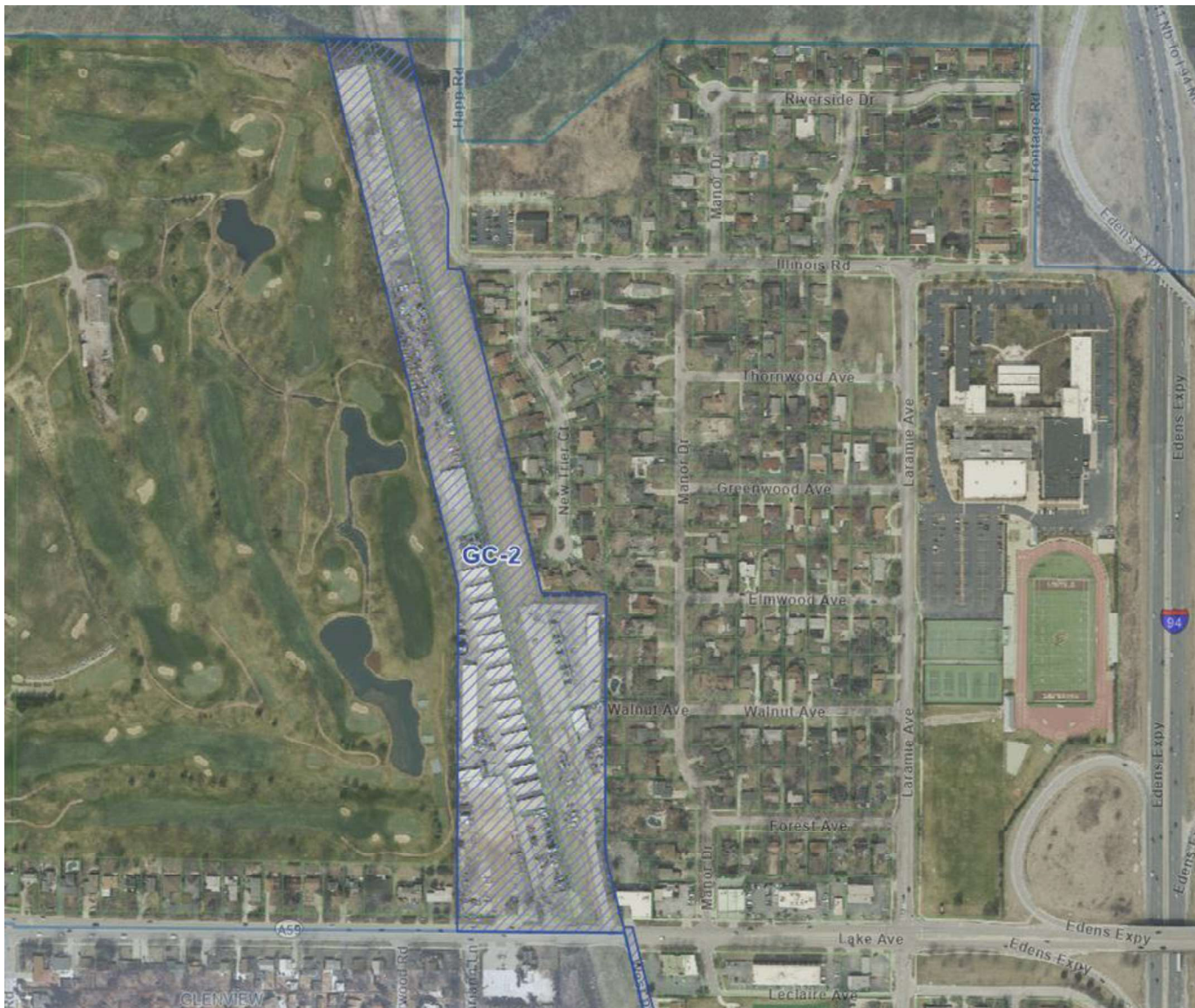
Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Site Specific
Schools	Yes





**3622-3640 Lake Avenue (North of Lake Ave; East of golf course)**

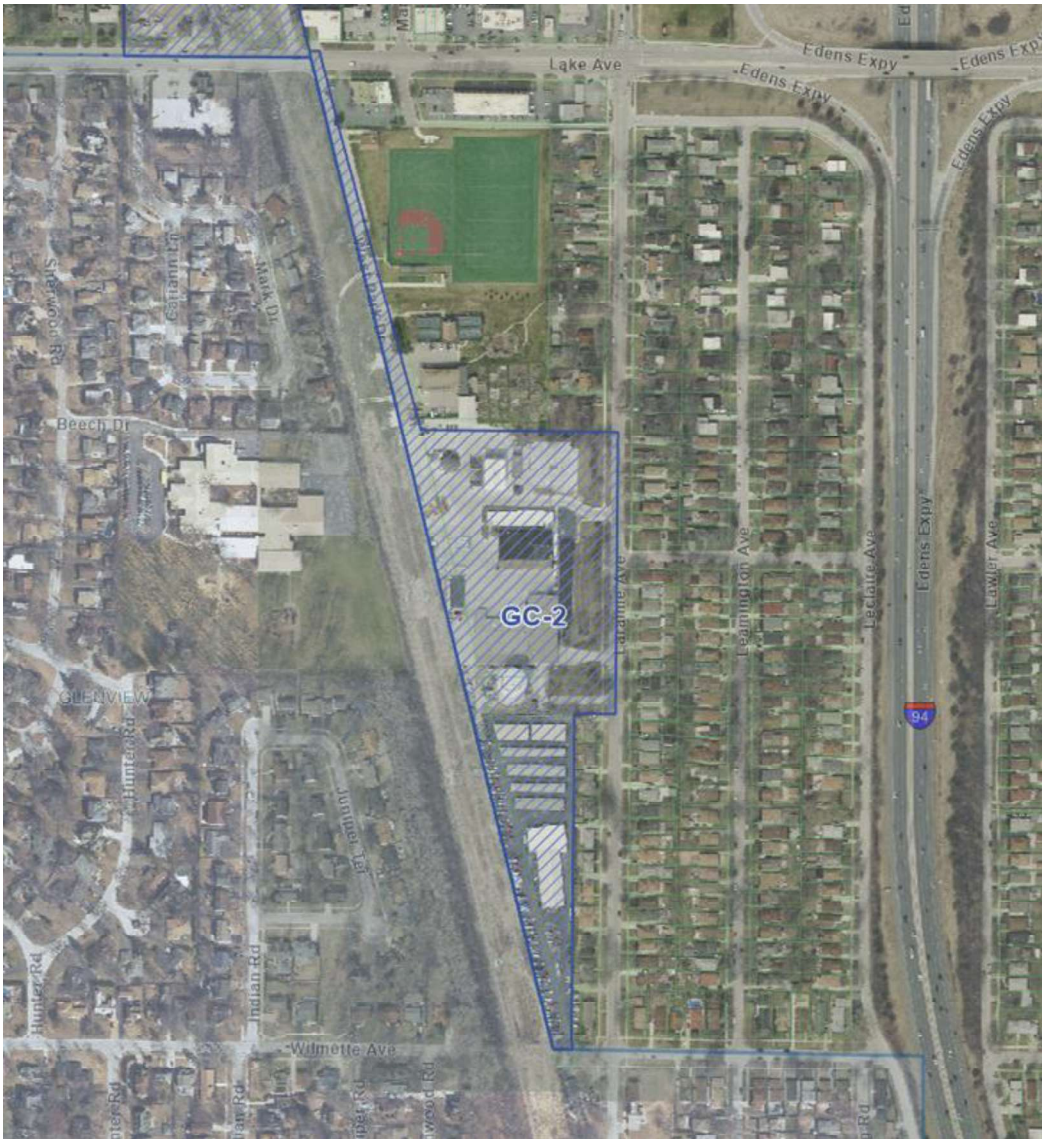


**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	Site Specific
Traffic	Yes
Parking	Yes
Schools	Yes



711 Laramie Avenue & 3510 Wilmette Avenue (South of Lake Avenue)



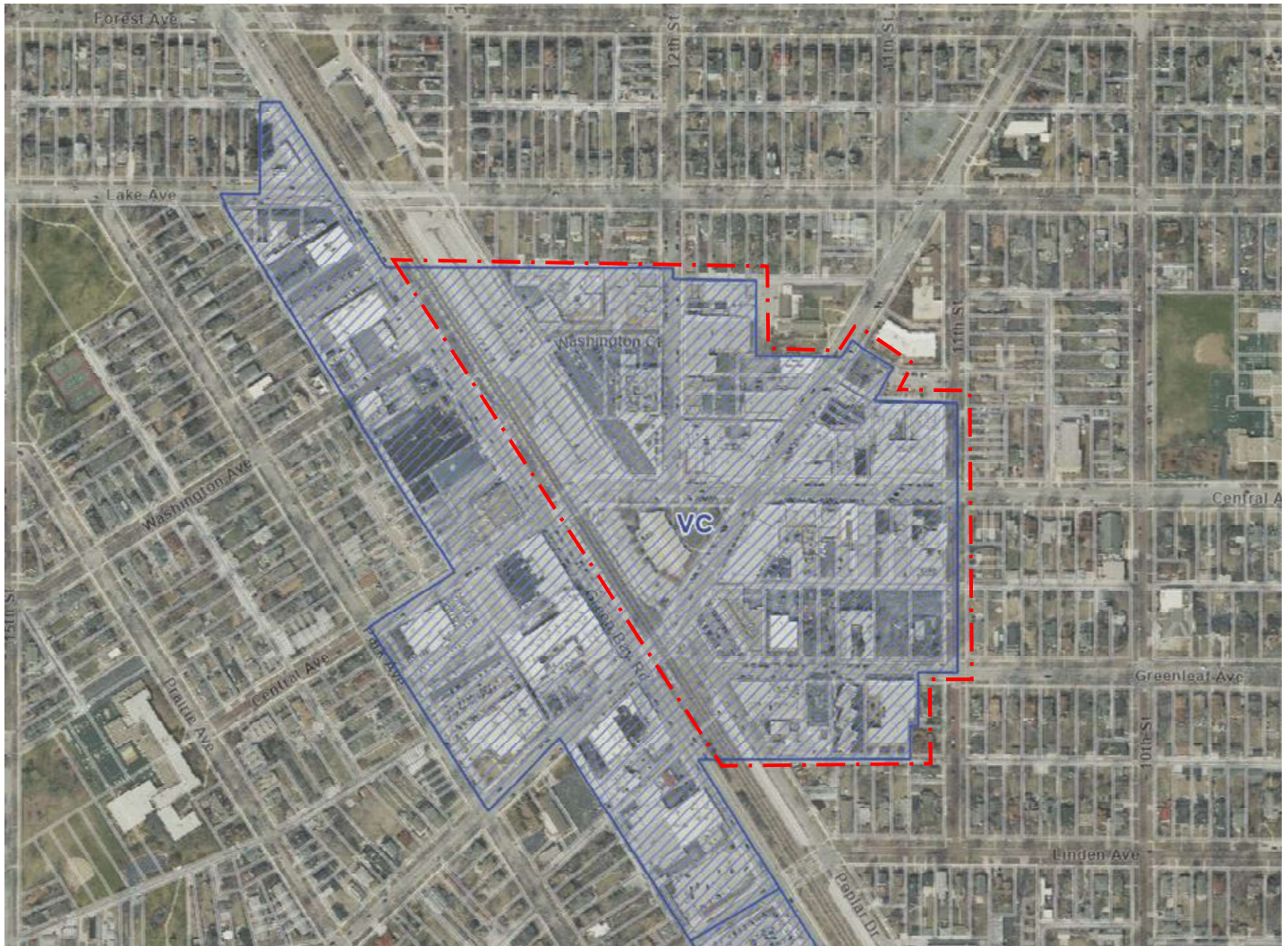
Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	No
Parking	No
Schools	Yes





## East of Green Bay Road



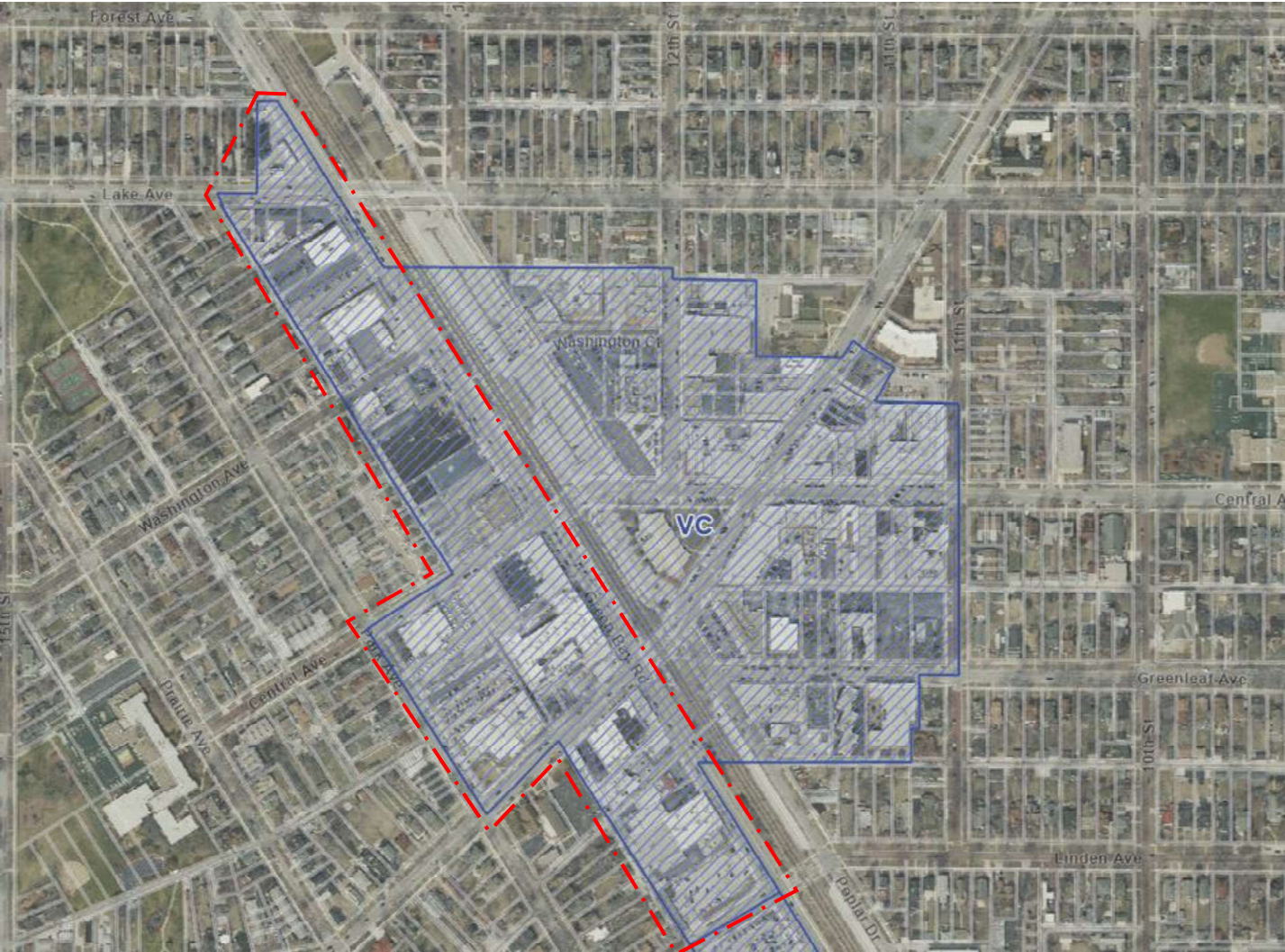
### Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	No
Schools	Yes





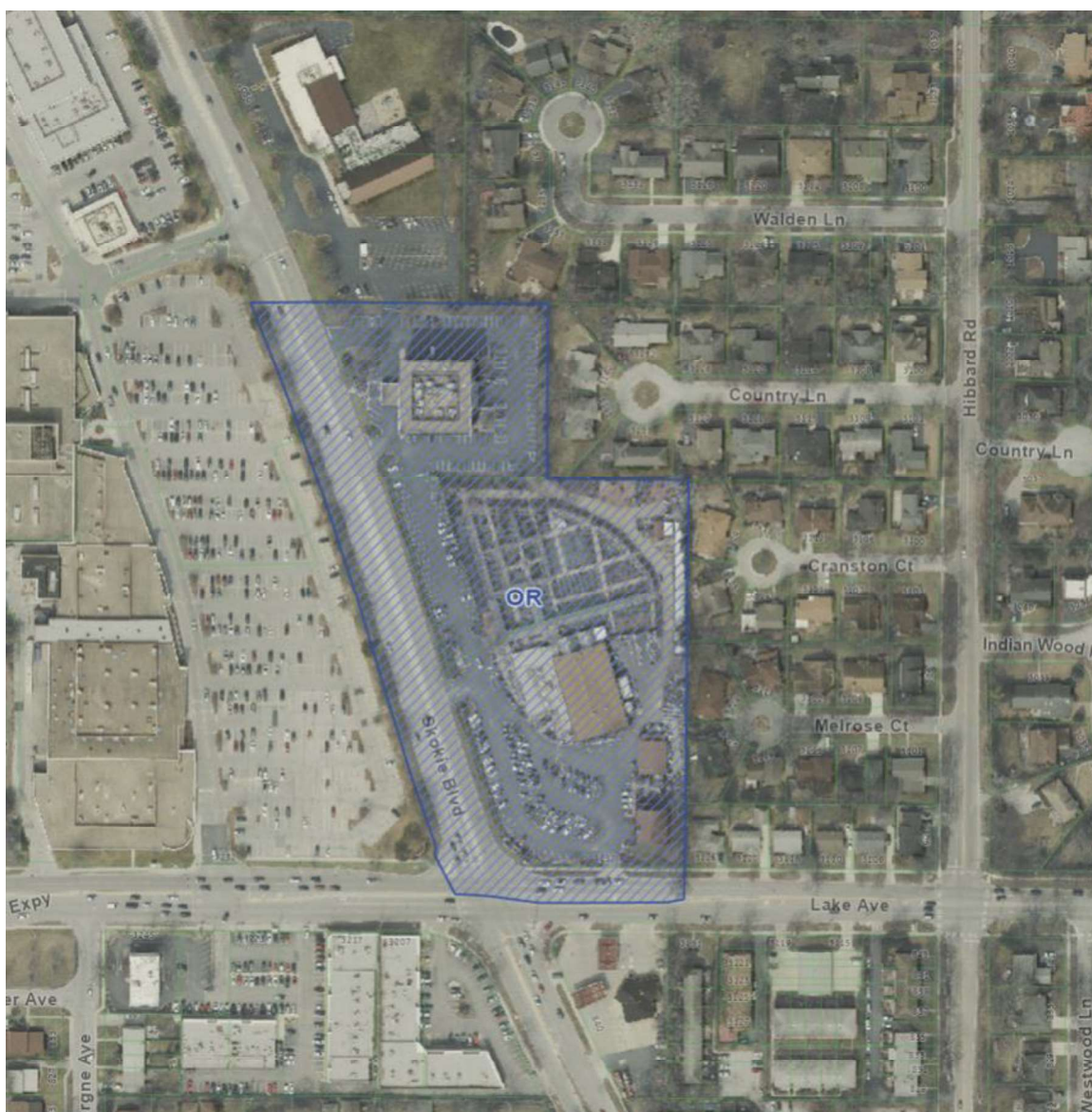
West of Green Bay Road



**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	Site Specific
Traffic	Yes
Parking	Site Specific
Schools	Yes

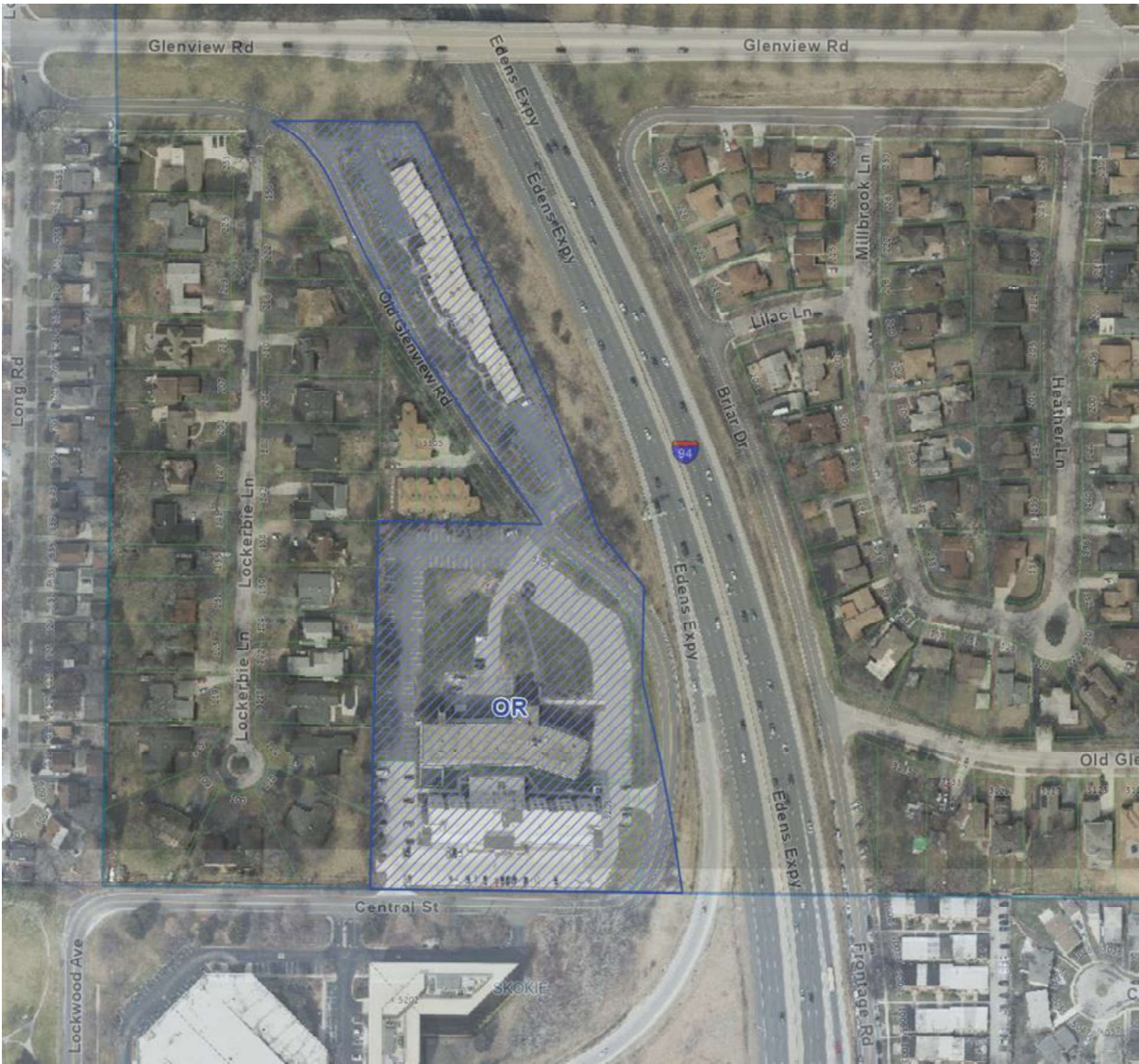


Lake Avenue and Skokie Boulevard (NE corner)**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes



3201-3205 Old Glenview Road (West of Edens Expressways)



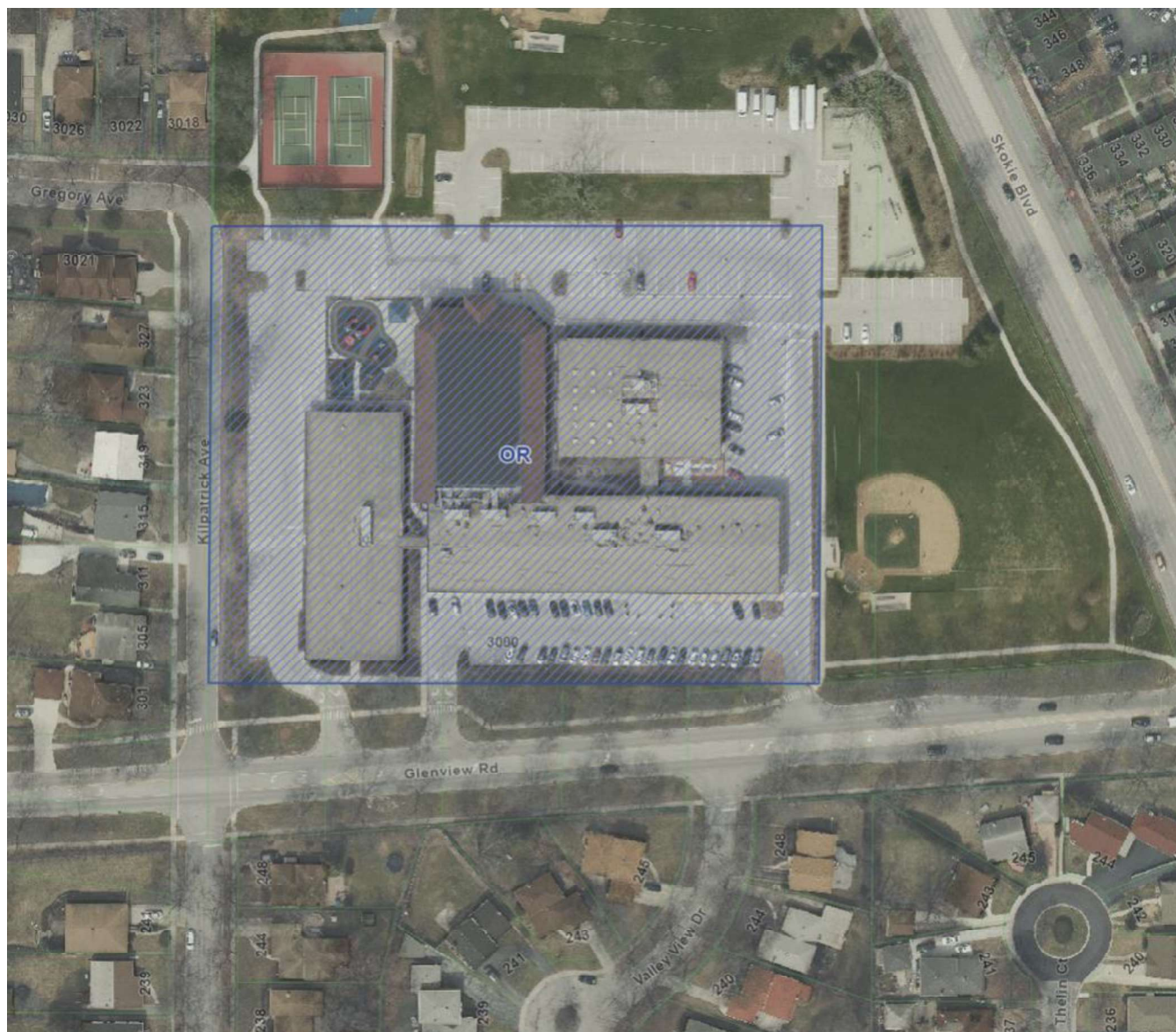
**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	No
Parking	Yes
Schools	Yes





**3000 Glenview Road (Park District property)**

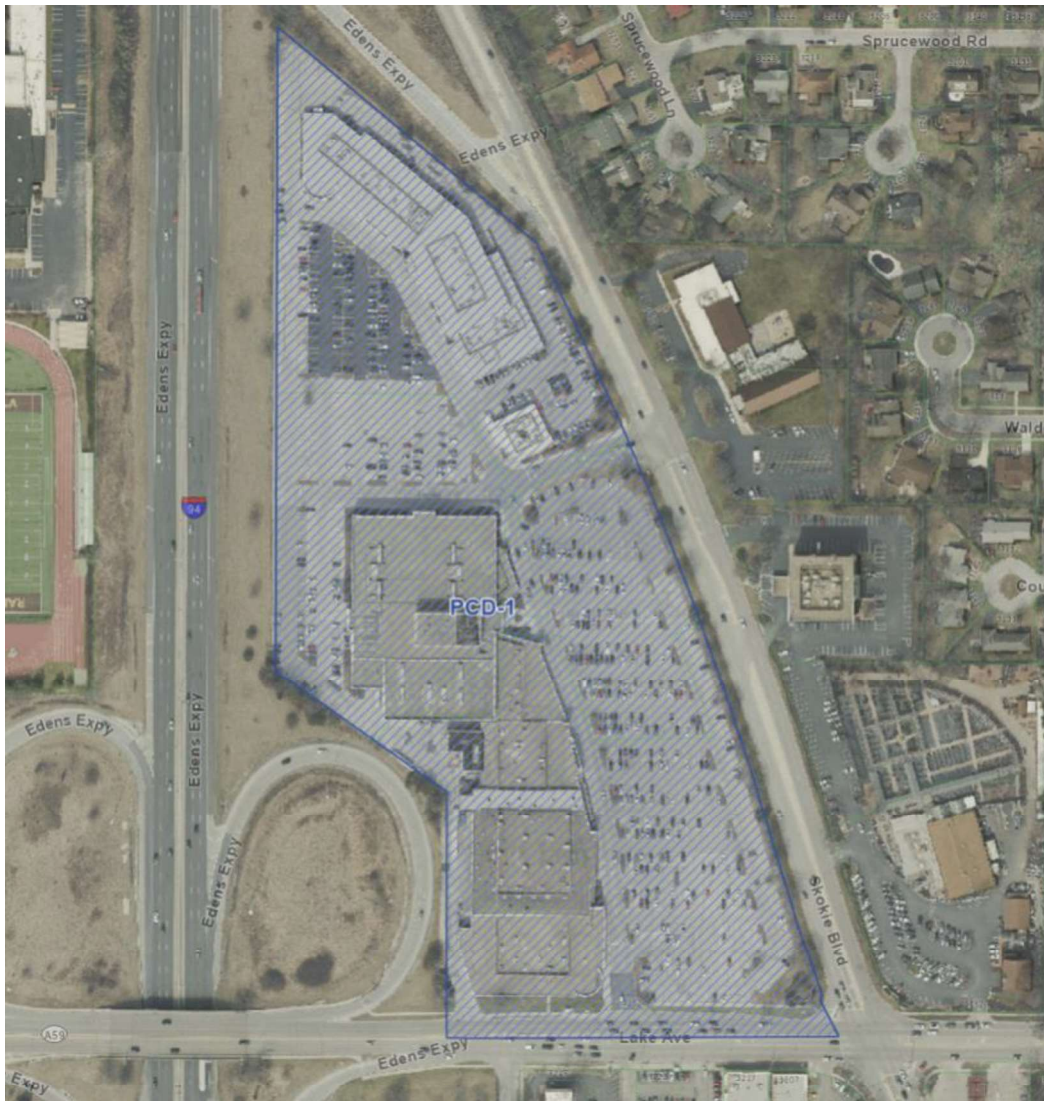


**Site Criteria**

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	No



## Edens Plaza



### Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	Yes
Traffic	Yes
Parking	Yes
Schools	Yes*

*\*Note: Loyola Academy is located within 300' from the Edens Expressway measured across the highway and 900' as measured via walking path (this is not on a school walking route).*





Plaza del Lago



Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Yes
Schools	Yes



West Lake Plaza

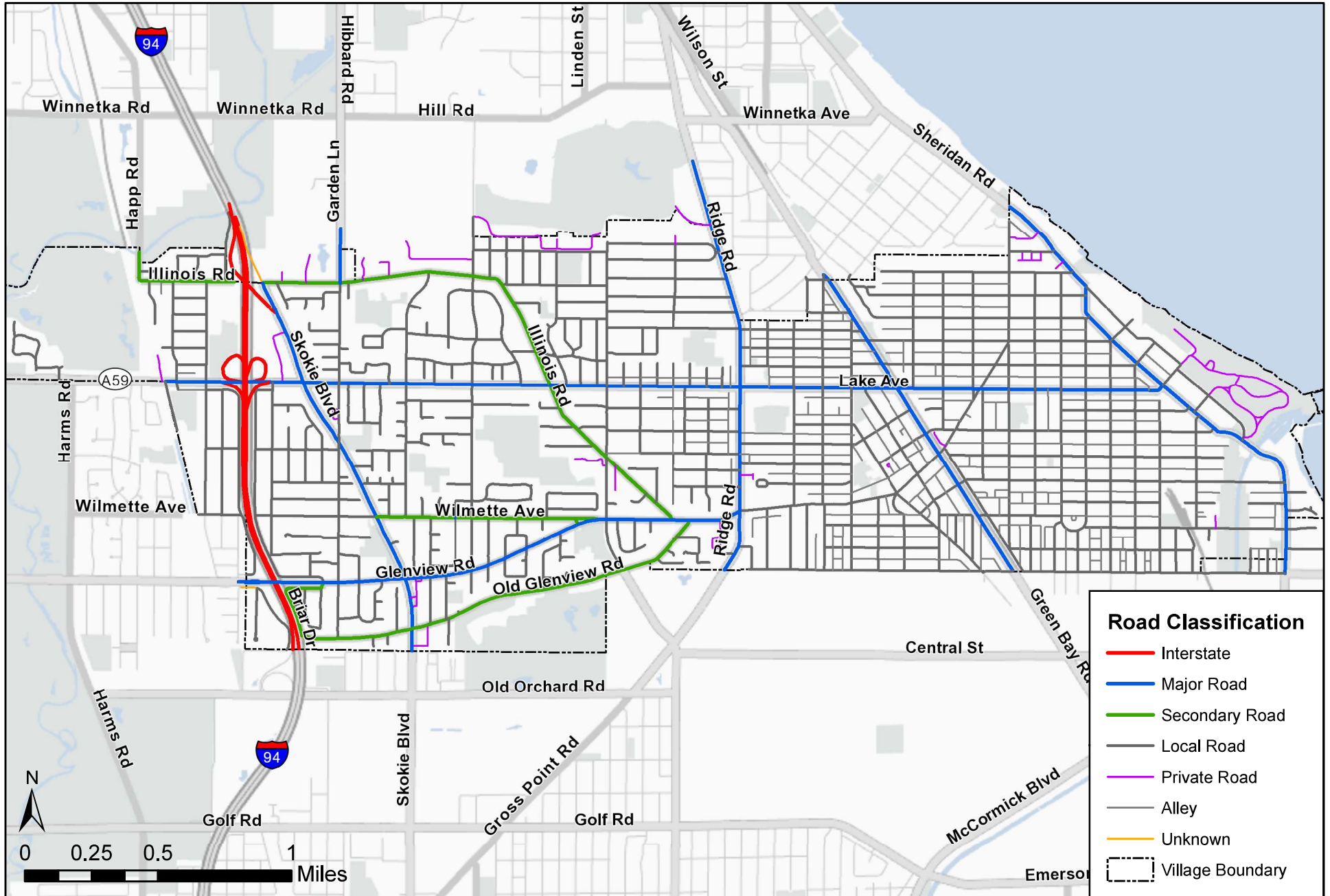


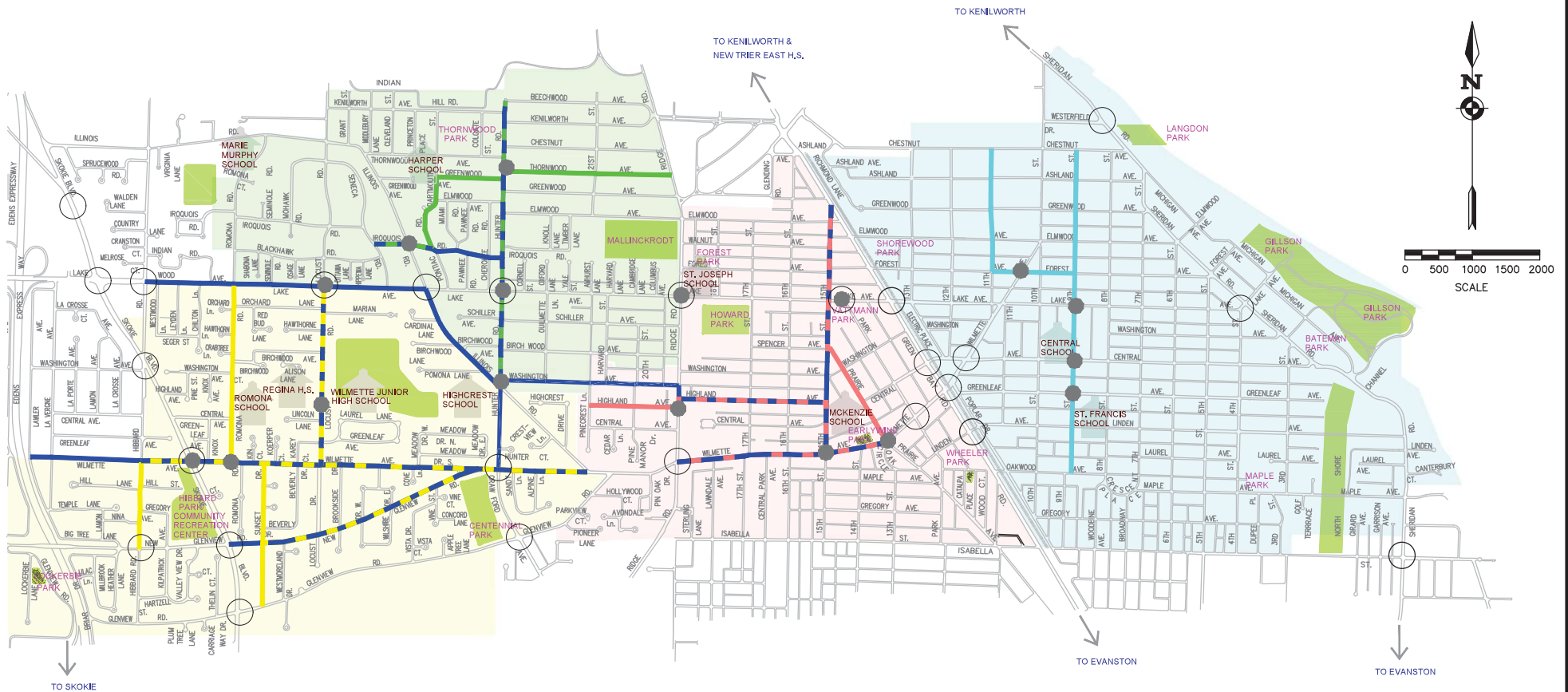
Site Criteria

Criteria	Is the criteria met for a dispensary?
Residential	No
Traffic	Yes
Parking	Site Specific
Schools	Yes



# Wilmette Road Classifications





## Village of Wilmette District 39 School Walking Route Map

### LEGEND:

Central School			School
Harper School			Route for Mult. Schools
Highcrest School			Adult Crossing Guard
McKenzie School			Traffic Signal / Pedestrian Traffic Signal
Romona School			



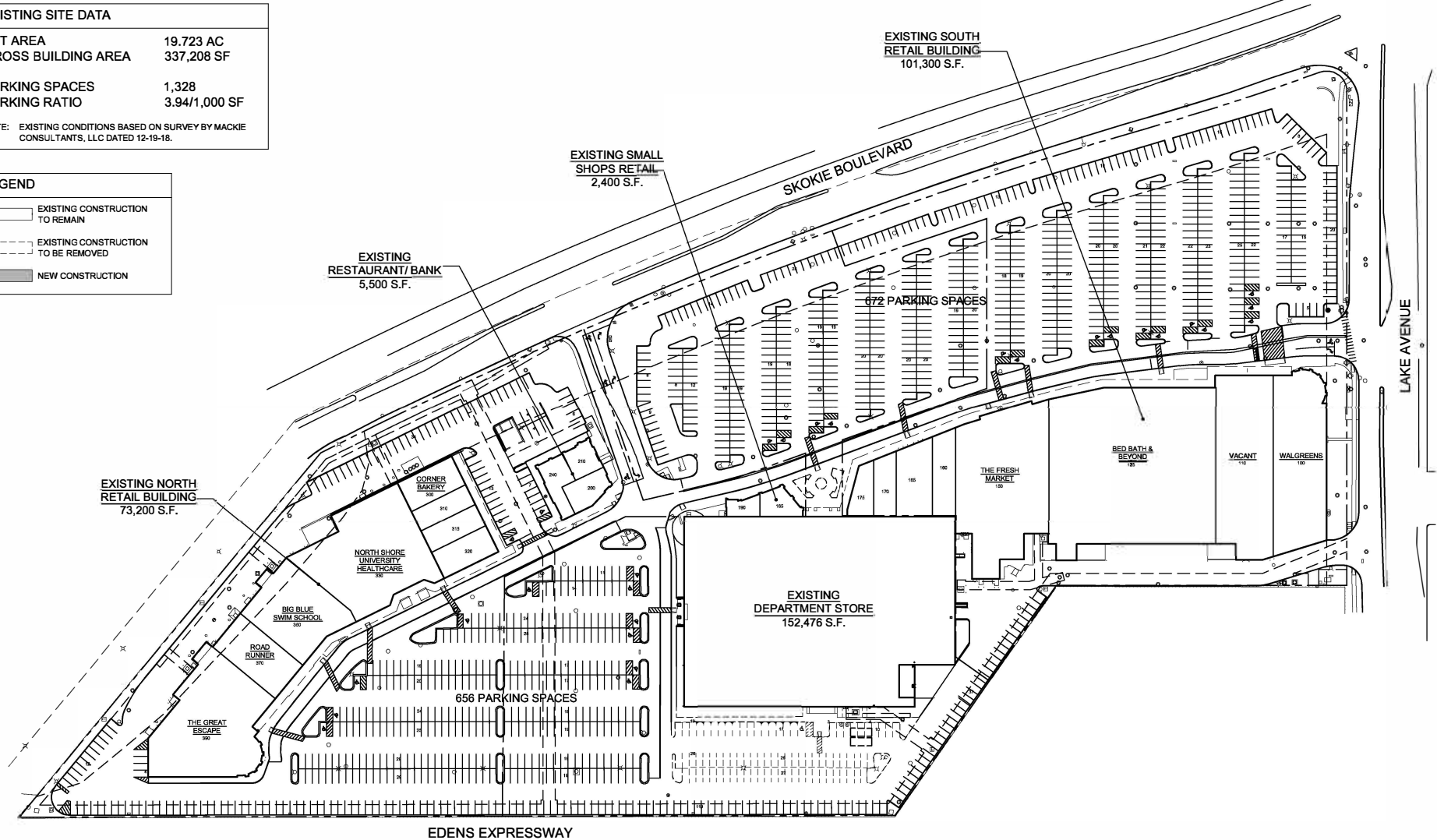




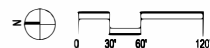
Attachment

EXISTING SITE DATA	
LOT AREA	19.723 AC
GROSS BUILDING AREA	337,208 SF
PARKING SPACES	1,328
PARKING RATIO	3.94/1,000 SF
NOTE: EXISTING CONDITIONS BASED ON SURVEY BY MACKIE CONSULTANTS, LLC DATED 12-19-18.	

LEGEND	
	EXISTING CONSTRUCTION TO REMAIN
	EXISTING CONSTRUCTION TO BE REMOVED
	NEW CONSTRUCTION



**OKW ARCHITECTS**  
600 W. Jackson, Suite 250  
Chicago, IL 60661



**EXISTING SITE PLAN**  
**EDENS PLAZA**  
Wilmette, IL 60091

September 25, 2019 Project #: 19061

A-1

## EDENS PLAZA

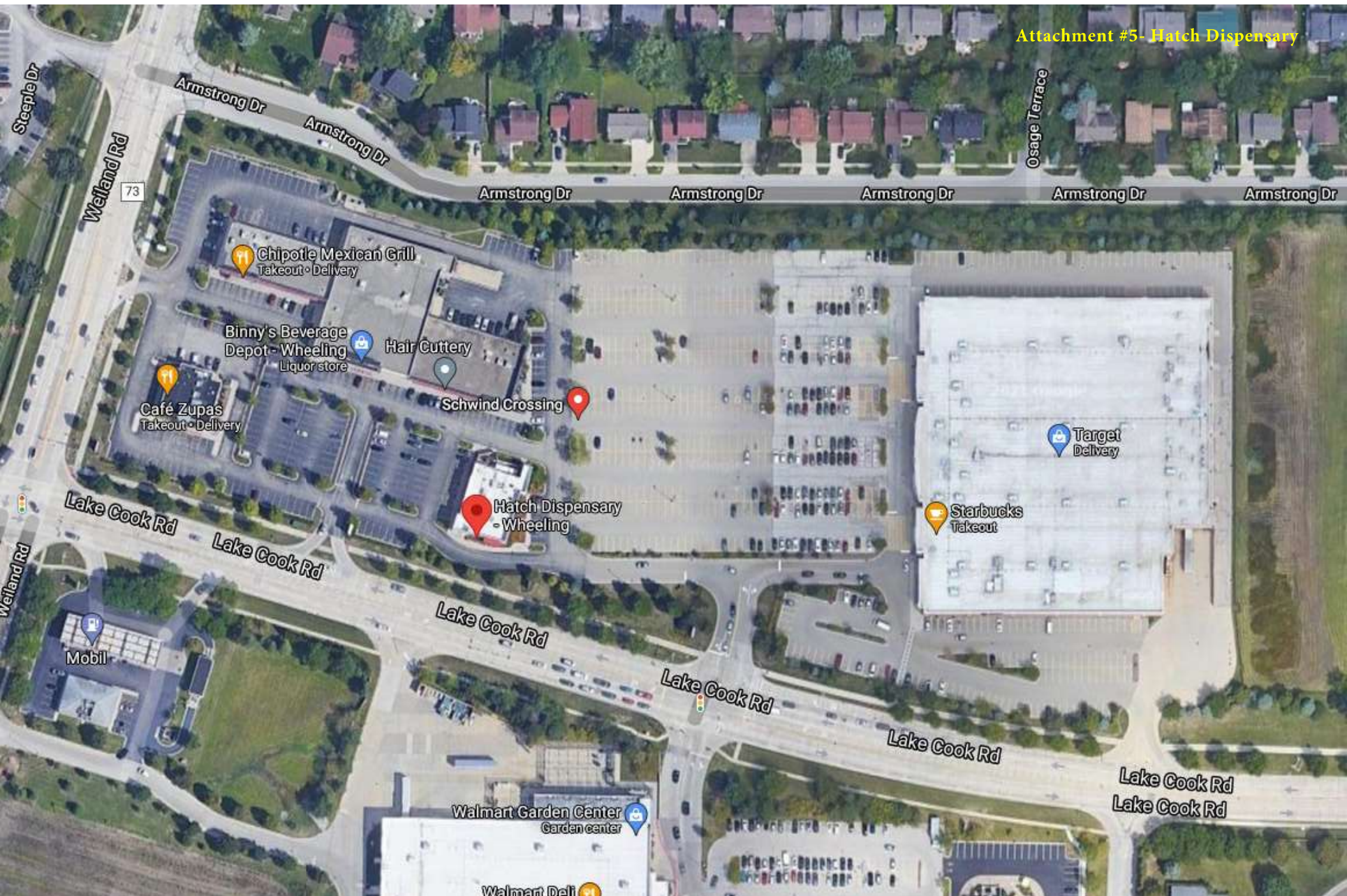


## LEASING OPPORTUNITIES

#	TENANT	SIZE (SF)	#	TENANT	SIZE (SF)	#	TENANT	SIZE (SF)
1	<b>AVAILABLE - ANCHOR REDEVELOPMENT</b>	<b>150,000 SF</b>	175	GNC	1,108 SF	310	KRISER'S	2,018 SF
100	WALGREENS	15,015 SF	180	H. MARION FRAMING	925 SF	315	<b>AVAILABLE</b>	<b>1,623 SF</b>
110	<b>AVAILABLE</b>	<b>14,045 SF</b>	185	STARBUCKS	1,510 SF	320	BIRKENSTOCK	1,831 SF
125	BED BATH AND BEYOND	40,000 SF	190	MEN'S WEARHOUSE	970 SF	330	NORTHSHORE UNIVERSITY HEALTHCARE	34,826 SF
150	THE FRESH MARKET	19,312 SF	200	BEAL BANK	1,362 SF	350	BIG BLUE SWIM SCHOOL	10,281 SF
160	AVEDA	1,940 SF	210	PANDA EXPRESS	1,800 SF	370	ROAD RUNNER	5,804 SF
165	MASSAGE ENVY	4,566 SF	240	FIVE GUYS	2,085 SF	390	THE GREAT ESCAPE	16,750 SF
170	KID SNIPS	1,706 SF	300	CORNER BAKERY	3,702 SF			



Attachment #5- Hatch Dispensary





# CRAIN'S CHICAGO BUSINESS

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June 18, 2021 03:16 PM

## After taking a pass, these burbs are taking another look at pot revenue

"The last time we discussed it, there were a lot of unknowns. I think most questions have been answered."

JOHN PLETZ □ □



Alyce Henson

Lincolnwood Village President Jesal Patel in a vacant building at Ridgeway and Touhy avenues, an area of Lincolnwood that is under development.

"The last time we discussed it, there were a lot of unknowns. I think most questions have been answered."



Lincolnwood is rethinking its stance on weed.

The suburb of about 13,000 decided two years ago not to allow recreational marijuana sales. After seeing neighboring Chicago, Skokie and Evanston indulge and reap the tax benefits, Lincolnwood is revisiting the ban.

With the prospect of 119 new pot shops opening up in the city and suburbs after Gov. J.B. Pritzker signs off on changes to the state's marijuana law, Lincolnwood and other communities that rejected recreational weed sales are now more open to the idea.

"It's been a couple years since cannabis became allowed," says Lincolnwood Village President Jesal Patel. Its plan commission will hold a hearing next month. "The last time we discussed it, there were a lot of unknowns. I think most questions have been answered."

Roselle and Glen Ellyn are reconsidering bans after voters backed the idea in referendums. Elmhurst is likely to revisit its prohibition. Lake County, which had a one-year moratorium on recreational weed, recently decided to allow sales, cultivation and manufacturing in unincorporated areas.

It's another sign of legal weed gaining wider mainstream acceptance as controversy gives way to economic reality. Marijuana sales are an enticing source of tax revenue, especially as municipalities try to dig out from the pandemic.

A number of suburbs banned sales of recreational marijuana in the months leading up to the start of legalized pot in January 2020. But residents in many communities, such as Naperville and Wilmette, have voted to allow weed sales in recent elections.

"It's gone from the scourge of civilization to a no-brainer," says Stewart Weiss, a partner at Elrod Friedman who serves as general counsel for several suburbs. "People have gotten used to these facilities. The sky hasn't fallen; revenue has been collected."

Cook County, which taxes marijuana sales in Chicago and other suburbs, has rung up \$6.8 million in weed revenue since October. Chicago, which levies its own tax, has pulled in \$2.8 million, according to the Illinois Department of Revenue. It doesn't disclose figures for other municipalities.

Municipalities and counties can charge [a sales tax of up to 3 percent on weed](#), which means a suburban pot shop can generate \$500,000 to \$750,000 in tax revenue annually.

Even using a more conservative estimate of \$300,000 a year, Patel says "that's 4 to 5 percent of our gross sales tax revenue, which is a big number. It's the equivalent of a car dealer."

Lincolnwood's tax revenue peaked at \$8 million prior to the recession and rebounded to about \$7 million before the coronavirus pandemic hit. "COVID affected us," he says.

The suburb recently joined neighboring communities in adopting a tax on package liquor sales, which should produce \$250,000 a year, or about what a cannabis shop might produce, Patel says. It's also reconsidering its ban on video gambling.

"The tax revenue could be significant," says Elmhurst Mayor Scott Levin, who was elected in April. "I suspect in the next year or so, we'll at least look into it and say, 'What's been the experience of other communities?' It doesn't mean we will or we won't, but there are enough reasons to look at it."

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## Taxes collected from marijuana sales

Cities and counties can collect taxes on marijuana sales. Here's the take so far for Cook County and the city of Chicago. (Cook County tax also applies to Chicago sales.)

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In Naperville, which reversed course and dropped its weed ban last year after voters approved a referendum, marijuana taxes could rival what the city gets from its slice of the state sales tax from its downtown retail district, Mayor Steve Chirico predicts. The City Council limited the number of dispensaries to three but could increase it if new licensees want to locate there. "If we wanted to expand, we could," he says.

Some communities aren't willing to change their stances on weed, even as neighboring communities enjoy the fiscal benefits. Oak Brook isn't reconsidering, says Village President Gopal Lalmalani.

"While the tax revenue is tempting, especially as evidenced by the positive tax experience of those towns that have welcomed dispensaries, I think the overall sentiment of our community remains against it," adds Larry Herman, a newly elected village board member.

Legalized marijuana is still in its infancy, with just 110 dispensaries statewide. The lack of retail outlets has been cited as a limiting factor on overall sales. [With 185 new retail licenses expected to be issued this year](#), it's not expected to dilute sales, thus tax revenue, generated by at current stores.

"Once the number of cannabis stores reaches the saturation point, revenues and growth will, indeed, be expected to level off on a per-store basis, a phenomenon we've seen take place already in more mature adult-use markets like Oregon," says Jamie Schau, research director at Brightfield Group, a Chicago-based cannabis research firm. "But 100-plus new licenses will get Illinois nowhere near the saturation point."

Even with 185 new licenses, Illinois will have one dispensary per 57,000 residents, compared with one dispensary for about 10,000 residents in Oregon, she estimates.

In Colorado, one of the nation's oldest legal-marijuana markets, sales per dispensary have tripled even as the number of stores have nearly doubled since 2014, according to New Frontier Data, a research firm based in Washington, D.C.

Illinois lurched into recreational cannabis last year before supply or many new retail outlets could open, which limited sales. New Frontier forecasts that recreational marijuana sales in Illinois will roughly double this year to \$1.4 billion.

Inline Play

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**Source URL:** <https://www.chicagobusiness.com/marijuanacannabis/after-taking-pass-these-burbs-are-taking-another-look-pot-revenue>



# Land Use Committee

## *Adult-Use Recreational Cannabis*

### *Edens Plaza*

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JUNE 29, 2021

# Background

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- October 2019 – Village Board enacts Ordinance 2019-O-63
  - Places moratorium on the retail sale of cannabis until June 30, 2021
  - Regulates cannabis sales/possession in the Village Code
  - Implements a 3% tax on the retail sale of cannabis
- July 2020 – Village Board votes to place a referendum on the Nov. 3, 2020 election ballot
  - Results: Yes – 9,681 (56.39%); No – 7,486 (43.61%); 556 ballots did not answer question
- February 4, 2021 – Special Meeting of the Village Board refers matter to Land Use Committee to discuss potential locations and regulations
- February 24, 2021– Land Use Committee holds first meeting to review all nine commercial zoning districts; determines Edens Plaza to be the most appropriate location for further review
- June 22, 2021– Village Board adopts ordinance extending the temporary moratorium on retail cannabis dispensaries through the end of the year as the review continues

# Factors Considered by the Committee

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- **Residential**
  - Site is not adjacent to residential properties
- **Traffic**
  - Site is on major thoroughfare to limit traffic impact on residential streets; analysis used arterial streets or larger
- **Parking**
  - Site has sufficient off-street parking
- **Schools**
  - Site is not in close proximity to schools; analysis used Village school walking routes



# Committee's Findings

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**A majority of the Committee determined that the following zoning districts were not appropriate for further consideration:**

- NR: Neighborhood Retail Business District
- NR-1: Linden Square Neighborhood Business District
- GC-1: General Commercial District
- GC-2: Heavy Commercial District
- VC: Village Center Business
- OR: Office Research
- PCD-2: Planned Commercial (Plaza del Lago)
- PCD-3: Planned Commercial (West Lake Plaza)

**The Committee determined that PCD-1: Planned Commercial (Edens Plaza) did not have the drawbacks identified in the above zoning districts and best met all four criteria**

# PCD-1: Planned Commercial Development District

## Edens Plaza

Criteria	Criteria Met?
Residential	✓
Traffic	✓
Parking	✓
Schools*	✓

*NOTE: Loyola Academy is located within 300' from the Edens Expressway measured across the highway and 900' as measured via walking path (not a school walking route)*



# June 29 Meeting

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The questions before the Committee are:

- *If the Village Board were to permit the sale of recreational cannabis in Wilmette, is Edens Plaza an appropriate location?*

And,

- *What type of regulations would be appropriate for a recreational cannabis dispensary at Edens Plaza?*

# Recommended Regulations

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- Limit the number of dispensaries to one
- Restrict on-site consumption of cannabis
- Compliance with all laws
- Misconduct of employees shall be misconduct of the dispensary
- Provide security plan to the Police Department
- Limit hours of operation
- Categorize a dispensary as a Special Use
  - Signage
  - Size of the facility
  - Parking
  - Lighting
  - Operations such as whether business activity including security and customer queuing can be outside, location of deliveries, vault, etc.