



RIVER FOREST ZONING BOARD OF APPEALS MEETING AGENDA

A meeting of the River Forest Zoning Board of Appeals will be held on Thursday, November 14, 2019 at 7:30 P.M. in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

- I. Call to Order
- II. Approval of the Minutes from the meeting of the Zoning Board of Appeals on October 17, 2019
- III. Approval of the Findings of Fact for the Proposed Text Amendments related to Cannabis Business Establishments from the meeting of the Zoning Board of Appeals on October 17, 2019
- IV. Approval of the Findings of Fact for the Variation Requests for Floor Area Ratio and Building Height for 535 Monroe Avenue from the meeting of the Zoning Board of Appeals on October 17, 2019
- V. Public Comment
- VI. Adjournment

**VILLAGE OF RIVER FOREST
ZONING BOARD OF APPEALS MEETING MINUTES
October 17, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, October 17, 2019 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Gerald Dombrowski, Tagger O'Brien, Michael Smetana, David Berni, Joanna Schubkegel and Ronald Lucchesi

Absent: None

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner and Village Attorney Gregory T. Smith

II. APPROVAL OF SEPTEMBER 19, 2019 ZONING BOARD OF APPEALS MEETING MINUTES

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the September 19, 2019 Zoning Board of Appeals meeting.

Ayes: Chairman Martin, Members Dombrowski, Tagger, O'Brien, Berni, Schubkegel and Lucchesi

Nays: None

Abstain: Member Smetana

Motion passed.

III. TEXT AMENDMENT REQUEST - PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING CERTAIN CANNABIS BUSINESS ESTABLISHMENTS OPERATING UNDER THE ILLINOIS CANNABIS REGULATION AND TAX ACT, 410 ILCS 705/1, ET SEQ., AND MEDICAL CANNABIS ESTABLISHMENTS UNDER THE ILLINOIS COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT, 410 ILCS 130/1, ET SEQ.

Chairman Martin stated that the next item on the agenda was a request for consideration of text amendments regarding cannabis business establishments. All those present at the meeting who planned to testify were sworn in.

Lisa Scheiner, Assistant Village Administrator for the Village of River Forest, presented the application on behalf of the Village President and Board of Trustees. Ms. Scheiner explained the State laws regulating the growing, processing and sale of cannabis. Ms. Scheiner explained that State law prohibited the Village from prohibiting the growing and sale of medical cannabis, but that establishments which grow and sell medical cannabis may be required to be located farther away from certain sensitive uses.

Ms. Scheiner explained that State law was recently amended to allow recreational cannabis to be grown and sold in municipalities, if the municipality allows those uses. Ms. Scheiner noted that regardless of how the Village of River Forest zones the uses of growing and selling recreational cannabis, as of January 1, 2020, it will be legal for people to possess and consume recreational cannabis, within the limits set in State law. Ms. Scheiner summarized other aspects of the State law regarding recreational cannabis, including revenue generated by recreational cannabis establishments. She noted that the Village's Police Department will continue to enforce laws regarding driving under the influence and other laws that relate to the use of cannabis that have not been changed by the State law.

Ms. Scheiner noted that there are two medical cannabis dispensaries near the Village, one in Oak Park and one in Elmwood Park. She said that the Police Departments in Oak Park and Elmwood Park have not seen an increase in calls for service from those dispensaries. Ms. Scheiner said that before the public hearing tonight, the Village President and Board of Trustees held two public meetings, publicized the meetings online and the Village has created and updated a website with information about the issues presented.

Ms. Scheiner explained that the request from the Village President and Board of Trustees was for consideration to allow certain recreational and medical cannabis business establishments as special uses in certain commercial districts, with restrictions noted in the application. She reviewed the four groups of proposed amendments before the Zoning Board of Appeals. Ms. Scheiner explained that Amendment One defined the uses allowed under State law, and explained the different types of cannabis business establishments allowed under State law.

Ms. Scheiner explained that Amendment Four would amend the land use chart in the Zoning Ordinance to allow medical cannabis establishments as special uses in certain commercial districts, and to allow recreational cannabis dispensaries and craft growers as special uses in certain commercial districts. She explained the purpose and process for consideration of applications for special uses, including review by the Board at a public hearing.

Ms. Scheiner explained that Amendment Two would prohibit cannabis lounges from operating in the Village, and that the Village would require cannabis business establishments operating in the Village to be in strict compliance with the State laws under which they are licensed. She explained the distance restrictions for certain cannabis business establishments under State law and as proposed in the application, including sensitive uses set forth in the application.

Ms. Scheiner reviewed the potential locations in the Village where certain cannabis business establishments could be located, if the application was granted. She discussed maps drawn by Village staff that show the proposed locations in the Village's commercial corridors. She mentioned that distance requirements in State law at this time would prohibit the placement of a cannabis business establishment in the River Forest Town Center development because of an existing medical cannabis dispensary in Oak Park near the intersection of Lake Street and Harlem Avenue. She noted that there are a few locations on Madison Street, North Avenue and Lake Street in which a cannabis business establishment could be located given distance requirements, however, she stated that it is unlikely that several establishments would be opened given market forces and limitations on licensing in State law.

Ms. Scheiner noted that the Village does not expect to have to hire additional staff if a cannabis business establishment opens in the Village. She explained that the Village will receive some revenue from the sale of recreational cannabis, whether or not a cannabis business establishment opens in the Village, but that a greater revenue stream would occur if retail cannabis sales occur in the Village, which would be subject to a 3% excise tax previously approved by the Village President and Board of Trustees. She then offered to answer questions from the Board.

Chairman Martin asked what uses cannot be banned by the Village. Ms. Scheiner explained that medical cannabis dispensaries and medical cannabis cultivation centers cannot be banned using the Village's zoning authority, and that the Village cannot ban the adult use and possession of recreational cannabis within the limits of State law. Attorney Smith confirmed that the Village cannot ban medical cannabis dispensaries and medical cannabis cultivation centers from locating in the Village. Ms. Scheiner clarified that medical cannabis dispensaries and medical cannabis cultivation centers could be classified as special uses, however.

Member Lucchesi asked whether the 3% excise tax applied to medical cannabis sales as well as recreational sales. Ms. Scheiner confirmed that the tax only applies to recreational cannabis sales.

Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed text amendments.

Peter Zeh stated that he is a high school student who lives in the Village. He expressed concerns about the health effects of cannabis usage on the youth. He asked the Board to recommend cannabis business establishments not be allowed in the Village, and urged the Village to wait and see the effects of cannabis dispensaries in other communities before allowing them in the Village.

Nate Mellman said that he is against cannabis businesses in the Village because of concerns he has over their costs to the Village, the immorality of the uses and the impractical locations the uses could be located in the Village. He explained each of his three issues in detail and

asked the Board to recommend cannabis business establishments not be permitted in the Village. He stated that there is no appropriate place in the Village for these uses to be located.

Marilyn Thomas said that she is against cannabis businesses in the Village.

Leslie Huzick said that she is against cannabis businesses in the Village. She discussed articles and studies related to the negative impacts of cannabis use. She explained that there is no test she is aware of to test for impairment of people who have consumed cannabis.

Maryann Zeh stated that she is opposed to cannabis businesses in the Village. She asked the Board to recommend that such businesses not be allowed in the Village.

David Smith asked whether the Village would prohibit the use of cannabis in any business in the Village. He said that he is opposed to cannabis business establishments and believes there will be increased crime if such establishments operate in the Village.

Deb Wolkstein said that she is in favor of cannabis businesses. She stated that tax revenue from the sales of cannabis would be a benefit for taxpayers.

Victoria Sustard Koch said that he is not in favor of cannabis businesses. She said that these establishments would devalue properties in the Village. She stated that the tax revenue benefits are not enough to offset the negative aspects of cannabis business establishments.

Dorel Nicole Miller said that she is in favor of cannabis businesses. She said that the fear against cannabis is unfounded and that it can be used for valid medicinal purposes.

Hearing no further public comment, Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Request

Member Berni asked about the revenue effects of having a recreational cannabis dispensary. Ms. Scheiner and Attorney Smith explained the revenues related to recreational sales of cannabis, includes sales tax and Local Government Distributive Fund distributions.

Attorney Smith explained that the application proposed that cannabis consumption would not be allowed in any public place, including cannabis business establishments and other businesses in the Village.

The Board discussed how to vote on the different parts of the application, as certain parts of the application are required by State law, such as medical cannabis establishments, while other parts are discretionary, such as recreational cannabis business establishments.

Chairman Martin suggested the Board go through each of the four amendments and take separate votes on them, to come up with a recommendation for the Village Board.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that "Amendment One" in the application, defining cannabis business establishments, be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi
Nays: None

Motion passed.

Chairman Martin asked Attorney Smith to explain Amendment Three in the application. Attorney Smith said that Amendment Three was standard zoning language that the Village's Zoning Ordinance should have, but did not have.

A MOTION was made by Member O'Brien and SECONDED by Member Smetana to recommend to the Village Board of Trustees that "Amendment Three" in the application be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi
Nays: None

Motion passed.

Chairman Martin then suggested the Board split Amendment Four into a series of votes, and asked Attorney Smith to confirm that medical cannabis business establishments must be allowed in the Village. Attorney Smith confirmed that such uses were required under State law.

A MOTION was made by Member Smetana and SECONDED by Member Berni to recommend to the Village Board of Trustees that medical cannabis dispensaries and medical cannabis cultivation centers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi
Nays: None

Motion passed.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that recreational cannabis dispensaries be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski, Smetana, Schubkegel and Lucchesi

Nays: Chairman Martin and Members Berni and O'Brien

Motion passed.

A MOTION was made by Chairman Martin and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that recreational craft growers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski and Smetana

Nays: Chairman Martin and Members Berni, O'Brien, Schubkegel and Lucchesi

Motion failed.

A MOTION was made by Chairman Martin and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that recreational cannabis craft growers, recreational cannabis cultivation centers, recreational cannabis infusers, and recreational cannabis processors be prohibited from operating in the Village, as set forth in "Amendment Four" in the application.

Ayes: Chairman Martin and Members Berni, O'Brien Dombrowski, Smetana, Schubkegel and Lucchesi

Nays: None

Motion passed.

At Chairman Martin's request, Attorney Smith explained the specifics of Amendment Two as referred by the Village President and Board of Trustees, which are time, place and manner restrictions on cannabis business establishments operating in the Village. The Board discussed the specifics of the proposals and reached a consensus to recommend that Amendment Two as proposed by the Village President and Board of Trustees be modified (1) to increase the distance between medical cannabis dispensaries and recreational cannabis dispensaries and preexisting schools from one hundred feet (100') to one thousand feet (1,000'), (2) to increase the distance from recreational cannabis dispensaries to existing medical cannabis dispensaries and existing recreational cannabis dispensaries from fifteen hundred feet (1,500') to three thousand feet (3,000'), (3) to increase the distance between medical cannabis cultivation centers to preexisting schools, child care facilities and areas zoned for residential use from two thousand five hundred feet (2,500') to three thousand feet (3,000'), (4) to limit the number of recreational cannabis dispensaries to one (1), (5) limiting the hours of operation of cannabis business establishments to the hours of 10 AM to 7 PM, and (6) to eliminate the limitations on operations of recreational cannabis craft growers because the Board does not recommend that use be allowed in the Village.

A MOTION was made by Member O'Brien and SECONDED by Member Berni to recommend to the Village Board of Trustees that "Amendment Two" in the application be approved, with

the modifications discussed above, as stated in the approved findings of fact and recommendation.

Ayes: Chairman Martin and Members Dombrowski, Berni, O'Brien and Lucchesi
Nays: Members Schubkegel and Smetana

Motion passed.

IV. VARIATION REQUEST – PUBLIC HEARING REGARDING MAJOR VARIATIONS TO SECTIONS 10-9-5 AND 10-9-6 OF THE ZONING ORDINANCE (FLOOR AREA RATIO AND BUILDING HEIGHT) AT 535 MONROE AVENUE

Chairman Martin stated that the next item on the agenda was a request for variations related to an addition built on a home at 535 Monroe Avenue. All those present at the meeting who planned to testify were sworn in.

Architect Steven Ryniewicz presented the application on behalf of the homeowners. He explained that a third story of an addition was built too tall, requiring variations for floor area ratio and building height. The home is currently under construction, to add about 1,000 square feet and to renovate most of the structure. He said that during construction the carpenter discovered that the existing roof plane had sagging roof rafters and was warped, so the carpenter could not get the new roof rafters to line up with the existing rafters. He stated that during construction, one of the homeowners asked that the roof be raised higher than designed and permitted by the Village. He said that the roof was raised during construction as requested by the homeowner.

Mr. Ryniewicz said that as a result of increasing the roof height, what would have been a half story on top of the house was now a third story, requiring variations for floor area ratio and building height to allow the third story.

In response to questions from Chairman Martin, Mr. Ryniewicz admitted that the application seeks after-the-fact approval of unpermitted work, and that the Village-issued building permit did not allow for the three and half feet (3.5') knee walls. Mr. Ryniewicz said that the homeowner and carpenter were focused on the overall height requirements for the structure, not the knee wall height.

In response to a question from Chairman Martin, Mr. Radatz confirmed that the increased height of the knee wall made the addition a full third story, as opposed to being a half story on top of the two existing stories. Mr. Radatz explained in detail how the Zoning Ordinance addresses these issues.

Owner Michelle Elfvin spoke about the circumstances leading to the increase in height of the third floor. She explained that the construction was stalled waiting for the Village to decide on their application for variations. She asked the Board to recommend that the variations be granted, so the work can be completed.

Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed variation. Hearing no public comment, Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Request

The Board deliberated on the application, and it was noted that the addition on the home was under the thirty-five feet (35') height limit. Member Dombrowski stated that he believes there was an honest mistake by the petitioner and that it would be a hardship if the variations were denied and the addition had to be removed and rebuilt.

Member Berni asked how the addition caused the problem. Mr. Ryniewicz said that during construction it was discovered the roof had to be rebuilt, and when that occurred, the homeowner asked that the roof be raised higher since it was going to be rebuilt anyway.

There was a discussion regarding inspections by the Village during construction. Ms. Scheiner noted that inspections done by the Village's consultant are for the purpose of identifying compliance with the building code, not the Village's zoning regulations. Ms. Scheiner noted that the inspector requested the approved drawings when he was on site and the drawings showing the increased building height were represented as the approved drawings to the inspector, but they had not been submitted to the Village for review and were not approved. Ms. Scheiner noted it is the homeowner's responsibility to keep Village-approved permit drawings onsite for use by the inspectors.

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that the variations requested in the application be approved.

Ayes: Members Dombrowski, Berni, O'Brien, Schubkegel, Smetana and Lucchesi
Nays: Chairman Martin (finding that Standards 1, 4 and 8 were not met)

Motion passed.

V. ADJOURNMENT

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to adjourn the meeting 10:07 p.m.

Ayes: Chairman Martin, Members Dombrowski, O'Brien, Smetana, Berni, Schubkegel and Lucchesi
Nays: None.

Motion passed.

Respectfully Submitted:

Clifford Radatz, Secretary

Frank Martin, Chairman
Zoning Board of Appeals

Date

DRAFT

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
PROPOSED TEXT AMENDMENTS TO THE VILLAGE OF RIVER FOREST
ZONING ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS
OPERATING UNDER THE ILLINOIS CANNABIS REGULATION AND TAX ACT,
410 ILCS 705/1, ET SEQ., AND MEDICAL CANNABIS ESTABLISHMENTS UNDER
THE ILLINOIS COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT,
410 ILCS 130/1, ET SEQ.**

WHEREAS, petitioner the Village of River Forest (“Village”), based upon direction from the Village President and Board of Trustees given at its September 9, 2019 meeting, has requested consideration of, and a public hearing on, the amendments to the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) in Exhibit A attached hereto and made a part hereof (“Proposed Text Amendments”), which were summarized as follows in the published public hearing notice:

Additions and amendments to Chapters 10-3 (Definitions), 10-7 (Regulations of General Applicability), 10-12 (C1 Commercial Zoning District), 10-13 (C2 Commercial Zoning District), 10-14 (C3 Central Commercial Zoning District), 10-15 (ORIC Office / Research / Industrial / Commercial Zoning District) and 10-21 (Land Use Chart), to allow the limited operation in the Village of River Forest of certain cannabis business establishments operating under the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as amended (“CRTA”), and medical cannabis establishments under the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq., as amended (“CUMCPA), subject to the following limitations, in addition to those limitations which the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate:

- A. Cannabis dispensaries and cannabis craft growers operating under the CRTA may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office / Research / Industrial / Commercial Zoning District.
- B. Cannabis cultivation centers, cannabis processing organizations and cannabis transporting organizations are prohibited from operating in the Village of River Forest.
- C. Medical cannabis dispensaries and medical cannabis cultivation centers operating under the CUMCPA may be may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office / Research / Industrial / Commercial Zoning District.

- D. Consumption of cannabis shall not be permitted on the premises of any cannabis business establishment or medical cannabis establishment.

The Proposed Text Amendments consist of four (4) groups of amendments to the Zoning Ordinance, each of which is labeled in Exhibit A as “Amendment One,” “Amendment Two,” “Amendment Three” and “Amendment Four;” and

WHEREAS, the Village’s Zoning Board of Appeals (“ZBA”) held a public hearing on the question of whether the Proposed Text Amendments should be made on October 17, 2019, as required by Section 10-5-5 of the Zoning Ordinance, at which time all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the ZBA; and

WHEREAS, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village; and

WHEREAS, at the public hearing, Assistant Village Administrator Lisa Scheiner presented the Proposed Text Amendments on behalf of the Village; and

WHEREAS, at the public hearing Village residents testified for and against the Proposed Text Amendments; and

WHEREAS, after the close of the public hearing, the ZBA discussed and deliberated the Proposed Text Amendments and made a series of votes on recommendations regarding the Proposed Text Amendments; and

WHEREAS, following discussion and deliberation, the ZBA, pursuant to Section 10-5-5(B)(2) of the Zoning Ordinance, recommended the Village President and Board of Trustees approved the Proposed Text Amendments, with the changes noted in Exhibit B attached hereto and made a part hereof (“Recommended Text Amendments”), the specific reasoning and votes for which are set forth in detail below;

NOW THEREFORE, the ZBA makes the following findings of fact and recommendations pursuant to Section 10-5-5(B)(2) of the Zoning Ordinance:

FINDINGS OF FACT AND RECOMMENDATIONS

1. **Amendment One.** Amendment One, which contains definitions of cannabis business establishments, is recommended for APPROVAL as proposed. Defining cannabis business establishments in the Zoning Ordinance is necessary for the Village to regulate the establishments. The ZBA recommends APPROVAL of Amendment One by a unanimous vote (7-0).

2. **Amendment Two.** Amendment Two, which contains regulations on cannabis business establishments, is recommended for APPROVAL with the modifications in the Recommended Text Amendments in Exhibit B. A majority of the ZBA finds that regulating cannabis business establishments as set forth in Exhibit B is an appropriate and reasonable way to govern such uses in the Village. A minority of the ZBA finds that allowing certain cannabis business establishments to operate in the Village is not appropriate. The ZBA recommends APPROVAL of Amendment Two as modified by a vote of five (5) in favor and two (2) against.

3. **Amendment Three.** Amendment Three, which adds language to Section 10-21-1 of the Zoning Ordinance regarding the interpretation and application of the land use chart in Section 10-21-3, Appendix A, of the Zoning Ordinance, is recommended for APPROVAL as proposed. The language proposed to be added to the Zoning Ordinance in Amendment Three is a reasonable and necessary addition to the Zoning Ordinance that provides guidance for the interpretation and application of the land use chart. The ZBA recommends APPROVAL of Amendment Three by a unanimous vote (7-0).

4. **Amendment Four.** Amendment Four, which amends the land use chart in Section 10-21-3, Appendix A, of the Zoning Ordinance, regarding cannabis business establishments is recommended for APPROVAL with the modifications noted in the Recommended Text Amendments in Exhibit B. The ZBA recommends APPROVAL of Amendment Four, with the modifications noted in the Recommended Text Amendments in Exhibit B, as set forth below, with the explanations for each recommendation included below:

- A. The ZBA recommends allowing medical cannabis dispensaries and medical cannabis cultivation centers to operate in the Village, by amending the land use chart to add the uses as special uses in the C1, C2, C3 and ORIC Zoning Districts, by a unanimous vote (7-0). The CUMCPA prohibits the Village from excluding medical cannabis dispensaries and medical cannabis cultivation centers in the Village. As such, it is reasonable to require that the uses be allowed in certain commercial Zoning Districts in the Village as special uses, so that the ZBA and Village President and Board of Trustees can thoroughly review and vet applications for such uses through a public hearing process, and impose conditions on such uses on a case-by-case basis if necessary.
- B. The ZBA recommends allowing recreational cannabis dispensaries to operate in the Village, by amending the land use chart to add the use as a special use in the C1, C2, C3 and ORIC Zoning Districts, by a vote of four (4) in favor and three (3) against. A majority of the ZBA finds that allowing recreational cannabis dispensaries as a special use in certain commercial Zoning Districts is appropriate, as such use is compatible with the Village's land planning goals and objectives. As a special use, a recreational cannabis dispensary could not operate in the Village without first going through a public hearing before the ZBA and obtaining approval from the Village President and Board of Trustees, which process would allow for

public input and conditions to be placed on a particular proposed dispensary on a case-by-case basis. A minority of the ZBA finds that recreational cannabis dispensaries are not compatible with the Village's land planning goals and objectives and that such use should not be allowed in the Village.

- C. The ZBA recommends prohibiting recreational cannabis craft growers, recreational cannabis cultivation centers, recreational cannabis infusers, recreational cannabis processors and recreational cannabis transporters from operating in the Village, by making the uses prohibited uses in the land use chart in all Zoning Districts, by a unanimous vote (7-0). The ZBA finds that these types of recreational cannabis business establishment are not compatible with the Village's land planning goals and objectives and that such uses should not be allowed in the Village.

Frank Martin
Chairman

Date

EXHIBIT A

PROPOSED TEXT AMENDMENTS

(attached)

DRAFT

Amendment One:

Section 10-3-1 of the Zoning Ordinance, entitled “Definitions of Words and Terms,” is amended to add the following definitions:

“CANNABIS: “Cannabis” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

CANNABIS BUSINESS ESTABLISHMENT: A medical cannabis cultivation center, medical cannabis dispensary, recreational cannabis craft grower, recreational cannabis cultivation center, recreational cannabis dispensary, recreational cannabis infuser, recreational cannabis processor and / or recreational cannabis transporter.

MEDICAL CANNABIS CULTIVATION CENTER: A “cultivation center” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

MEDICAL CANNABIS DISPENSARY: A “dispensary organization” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CRAFT GROWER: A “craft grower,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CULTIVATION CENTER: A “cultivation center,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), as amended.

RECREATIONAL CANNABIS DISPENSARY: A “dispensary,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS INFUSER: An “infuser” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS PROCESSOR: A “processor,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS TRANSPORTER: A “transporter,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.”

Amendment Two:

Section 10-7-5 of the Zoning Ordinance, entitled “Cannabis Business Establishments,” is hereby created and shall read as follows:

- “A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.

- B. Compliance Required:
 - 1. Cannabis business establishments, their “principal officers,” as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.

 - 2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.

- C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:
 - 1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not be located within one hundred (100) feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.

 - 2. A recreational cannabis dispensary shall not be located within one thousand five hundred (1,500) feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.

3. A recreational craft grower shall not be located within one thousand five hundred (1,500) feet of an existing recreational craft grower or medical cannabis cultivation center, measured from lot line to lot line.
 4. A medical cannabis cultivation center shall not be located within two thousand five hundred (2,500) feet 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, measured from lot line to lot line.
- D. Limitations on Number of Establishments:
1. There shall be no more than _____ (__) recreational cannabis dispensaries in the Village at any given time.
 2. There shall be no more than _____ (__) recreational cannabis craft growers in the Village at any given time.
- E. Hours of Business: Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of ____ AM and ____ PM.
- F. Required Reports: A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment's receipt of the materials."

Amendment Three:

Section 10-21-1 of the Zoning Ordinance, entitled "Land Use Chart," is amended to read as follows, with additions underlined:

"The land use chart contained in Appendix A, set out in Section 10-21-3 of this Chapter indicates what the permitted, prohibited and special uses and planned developments required are in each of the zoning districts established by this zoning title. When a use is not specifically listed as a prohibited, permitted, special or planned development use in the land use chart in Appendix A, such use is hereby prohibited."

Amendment Four:

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following items to the Land Use Chart:

Under the “Retail Trade” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the “Industrial” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	S	S	S	S	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

EXHIBIT B

RECOMMENDED TEXT AMENDMENTS

(attached)

DRAFT

The ZBA's recommended changes to the Proposed Text Amendments are set forth herein, with additions underlined and deletions struck through.

Amendment One:

No recommended changes.

Amendment Two:

Section 10-7-5 of the Zoning Ordinance, entitled "Cannabis Business Establishments," is hereby created and shall read as follows:

- "A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.
- B. Compliance Required:
 - 1. Cannabis business establishments, their "principal officers," as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.
 - 2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.
- C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:
 - 1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not

be located within one thousand (1,000) ~~one hundred (100)~~ feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.

2. A recreational cannabis dispensary shall not be located within three thousand (3,000) ~~one thousand five hundred (1,500)~~ feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.
- ~~3. A recreational craft grower shall not be located within one thousand five hundred (1,500) feet of an existing recreational craft grower or medical cannabis cultivation center, measured from lot line to lot line.~~
- 3 4. A medical cannabis cultivation center shall not be located within three thousand (3,000) ~~two thousand five hundred (2,500)~~ feet 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, measured from lot line to lot line.

D. Limitations on Number of Establishments:

1. There shall be no more than one (1) recreational cannabis dispensaries in the Village at any given time.
- ~~2. There shall be no more than _____ (___) recreational cannabis craft growers in the Village at any given time.~~

E. Hours of Business: Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of 10:00 AM and 7:00 PM.

F. Required Reports: A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment's receipt of the materials."

Amendment Three:

No recommended changes.

Amendment Four:

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following items to the Land Use Chart:

Under the “Retail Trade” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the “Industrial” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	N	N	N	N	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS
FINDINGS OF FACT AND RECOMMENDATION REGARDING
FLOOR AREA RATIO AND BUILDING HEIGHT VARIATIONS
RELATED TO THE CONSTRUCTION OF A THIRD STORY
AT 535 MONROE AVENUE**

WHEREAS, petitioners Bayard and Michelle Elfvin (together “Petitioner”), owner of the property located at 535 Monroe Avenue in the Village of River Forest (“Property”), requested variations from the Village of River Forest’s floor area ratio requirements in Sections 10-9-5 and 10-8-5 of the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) and from the Village of River Forest’s building height requirements in Sections 10-9-6 and 10-8-6 of the Zoning Ordinance, to allow a third story addition to remain on the home on the Property, where the floor area ratio allowed is 40%, but as built is 45.43%, requiring a variation of 5.43%, and where the maximum height allowed for the home is two and one-half stories, but as built is three stories, requiring a variation of one-half story (together the “Variations”). The Property is located in the R-2 Single-Family (Detached) Residential Zoning District; and

WHEREAS, the Village of River Forest Zoning Board of Appeals (“ZBA”) held a public hearing on the question of whether the requested Variations should be granted on October 17, 2019, and the hearing was held as in accordance with Section 10-5-4(E) of the Zoning Ordinance. At the public hearing, all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the ZBA; and

WHEREAS, public notice in the form required by law was given of the public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village. In addition, notice was mailed to surrounding property owners; and

WHEREAS, at the public hearing, the Petitioner and their architect provided information regarding the requested Variations, testifying, among other things, that the addition to the home on the Property was designed to be within the requirements of the Zoning Ordinance and that the Village approved the conforming design and issued a building permit for it, but that a change was made to the design which was built without any notice to the Village and without obtaining further Village approval, such as a revised building permit, that resulted in an increase to the height of the addition to the home on the Property as built in a way that caused the addition to exceed the requirements of the Zoning Ordinance, requiring the Variations if the addition is to remain on the home on the Property; and

WHEREAS, at the public hearing no residents or other members of the public testified with regard to the proposed Variations, and the Petitioner noted that the neighbors they made contact with were all in support of the Petitioner’s request, and the Petitioner presented five (5) letters in support of the Variations from neighbors; and

WHEREAS, seven (7) members of the ZBA were present for the public hearing, which constituted a quorum of the ZBA that is required to convene a meeting of the ZBA, and allow for the public hearing to proceed; and

WHEREAS, after the close of public comment, the ZBA discussed and deliberated the application for this Variations; and

WHEREAS, following discussion and deliberation, the ZBA, having considered the criteria set forth in Section 10-5-4 of the Zoning Ordinance, voted 6-1 to recommend approval of the Variations;

NOW, THEREFORE, the ZBA makes the following findings of fact and recommendations pursuant to Section 10-5-4(E)(2) of the Zoning Ordinance:

FINDINGS OF FACT

- 1. The physical surroundings, shape or topographical conditions of the Property constitute a specific hardship upon the owner as distinguished from an inconvenience if the strict letter of the regulations were to be carried out.** A majority of the ZBA found that this standard has been met. Because the addition has already been built on the home on the Property, a majority of the ZBA found that this standard has been met. A minority of the ZBA found that this standard has not been met, as the Petitioner ignored the Village-approved plans for the addition and built it at a height in excess of the permitted height without obtaining the Village's permission to do so.
- 2. The aforesaid unique physical condition did not result from any action of any person having an interest in the property, but was created by natural forces or was the result of governmental action, other than the adoption of the Village's Zoning Regulations, for which no compensation was paid.** The ZBA found that this standard has been met. The addition on the home on the Property was built at a height in excess of the height in the Village-approved permits, and the Petitioner did not obtain Village approval for the additional height requested.
- 3. The conditions of the Property upon which the petition for Variations is based may not be applicable generally to other property within the same zoning classification.** The ZBA found that this standard has been met.
- 4. The purpose of the Variations is not based predominately upon a desire for economic gain.** A majority of the ZBA found that this standard has been met. A minority of the ZBA found that this standard has not been met, as Petitioner could remove and rebuild the addition on the home on the Property to make it conform to the Zoning Ordinance.

5. **The granting of the Variations is not detrimental to the public welfare or unduly injurious to the enjoyment, use, or development value of other property or improvements in the neighborhood in which the Property is located.** The ZBA found this standard has been met. The Petitioner indicated that the neighbors they spoke with were in support of the Variations and letters of support were provided during the hearing.

6. **The granting of the Variations will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.** The ZBA found that this standard has been met. The location of the addition on the home on the Property does not impair any light or air to adjacent properties or create the risk of fire or other danger.

7. **The granting of the Variations will not unduly tax public utilities and facilities in the area of the Property.** The ZBA found that this standard has been met. The addition built on the home on the Property will not unduly tax public utilities or facilities in the area of the Property.

8. **There are no means other than the requested Variations by which the hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Property.** A majority of the ZBA found that this standard has been met. A minority of the ZBA found that this standard has not been met, as the Petitioner could remove the non-conforming addition built on the home on the Property and rebuild it in compliance with the Zoning Ordinance.

RECOMMENDATION

The ZBA, by a vote of 6-1, found that the standards for granting of the Variations were met. Therefore, the ZBA recommends to the Village President and Board of Trustees that the Variations to allow the addition built on the home on the Property to remain, where the floor area ratio allowed is 40% but as built is 45.43%, requiring a variation of 5.43%, and where the maximum height allowed for the home is two and one-half stories but as built is three stories, requiring a variation of one-half story, be GRANTED.

Frank Martin
Chairman

Date