



Village of Villa Park

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COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

TO: Village Manager Rich Keehner, Jr.

FROM: Community Development Director Patrick Grill

DATE: September 17, 2019

RE: **Zoning Issues Related to Recreational Cannabis**

BACKGROUND

One of the major cornerstones of Governor J.B. Pritzker's campaign was legalization of recreational marijuana, mainly due to the potential revenue that could be generated by such a move. Thirty-three states have approved the use of Medical Marijuana, including Illinois; ten states have approved the use of recreational marijuana. Governor Pritzker signed a bill legalizing recreational marijuana on June 25, 2019. This bill will go into effect on January 1, 2020.

Sensing that the State was going to approve the measure, in late 2018 the Village of Villa Park took certain actions to consider a zoning text amendment that allows for the sale of cannabis dispensing organizations as a Special Use in the C-3 zoning district. On November 29, 2018, the Zoning & Planning Commission held a public hearing on this proposed text amendment. There were no objectors at this hearing, and the commission unanimously recommended approval of the text amendment that would add cannabis sales as a special use in the C-3 zoning district.

Following the commission's public hearing, the Village Board considered the text amendment and on February 25, 2019, approved cannabis sales as a special use in the C-3 zoning district.

SPECIAL USE PROCESS

Per current Village Code, if a cannabis dispensing organization wanted to be located within Villa Park they must apply for a Special Use. The intent of the Special Use process is to provide a transparent, public review process for land use. Special Uses widely vary in their design and operational characteristics, and require case-by-case review to determine whether they will be compatible with surrounding uses and

development patterns. This lengthy process requires review by the Zoning and Planning Commission, as well as two separate readings by the Village Board with opportunities to receive public comment at each meeting.

The Special Use procedure requires notification of surrounding property owners and a public hearing before the Zoning & Planning Commission. A petitioner is required to submit a site plan and explanation for how they would operate their business (i.e., a dispensing facility). The Zoning and Planning Commission would review the plans and host a public hearing to receive input on the proposal. During the meeting, the commission may recommend conditions to the project.

Once the Zoning & Planning Commission determines their recommendation of the Special Use request, their recommendation is forwarded to the Village Board for consideration. The Village Board hears a Special Use request in two separate meetings, therefore providing two additional opportunities to receive public input on the proposal. The Village Board may choose to require conditions on the operation of the facility beyond those of the Zoning & Planning Commission. It is only once the Village Board provides their approval that the Special Use may be granted.

C-3 SERVICE BUSINESS DISTRICT

Current Village Code states that Special Uses for the sale of cannabis must be located in a C-3 zoning district to qualify. The only C-3 districts in Villa Park are located on North Avenue, Roosevelt Road, and at several locations on Route 83. Attached please find a map indicating the location of C-3 zoned parcels along these thoroughfares.

ADDITIONAL CONSIDERATIONS

Consumption of cannabis at a dispensary is a matter of concern. Village Code currently states that one would not be able to smoke marijuana at a dispensary. The Illinois Smoke Free Act requires facilities that allow smoking indoors to be in freestanding buildings. Several years ago, the Village limited these types of facilities to M-1 zoned properties only. As cannabis sales are limited to the C-3 zone, if the Village were to consider allowing consumption within the same facilities where it is sold, it would need to consider whether the cannabis was in a freestanding building, and whether consumption outside of the M-1 zoning district would be permitted.