

VILLAGE OF NORTH UTICA
801 South Clark Street, North Utica, IL 61373
Planning Commission
Public Hearing
September 30, 2021
www.utica-il.gov

AGENDA

- I. **6:30 p.m.** Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. **6:30 Public Hearing:**
 1. Public Hearing for the purpose of hearing Public Comment and Testimony as to possible amendments to the Village of North Utica Zoning Ordinance Title 10 et. al., Section 10-2-1 et. al. The proposed amendments to be discussed at the Public Hearing include but are not limited to the following:
 - a. Consideration of potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et. al.) including but not limited to, provisions within the Definitions Section (Section 10-2-1 et. al.) and in regard to consideration of whether, in what circumstances, and / or in which Zoning Districts, Cannabis Dispensary Business Establishments, Cannabis Growth and / or Manufacturing Businesses, and Cannabis Social Areas may be allowed, including but not being limited to, consideration of allowances as defined within provisions of the recently enacted State of Illinois Cannabis Regulation and Tax Act, and any and all other matters related in any matter to the growth, manufacturing, sale and / or use of Cannabis within the Corporate Limits of the Village of North Utica and matters related thereto;
 - b. Consideration of potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et. al.) including but not limited to, provisions within the Definitions Section (Section 10-2-1 et. al.) and in regard to consideration of under what circumstances, and / or in which Zoning Districts, the sale and / or manufacturing of products containing Cannabidiol (“CBD”) and / or Tetrahydrocannabinol (“THC”) may be allowed, and any and all other matters related thereto, within the Corporate Limits of the Village of North Utica and matters related thereto

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2. Discussion and Possible Recommendations of the Planning Commission regarding such Hearing; That in connection with the above requests and matters related thereto, the Planning Commission of the Village of North Utica may take such action, make appropriate findings, and make such recommendations as they may deem appropriate for recommendation and / or consideration thereof to the Village Board of Trustees; in the appropriate exercise of discretion of the Planning Commission of the Village of North Utica, including making recommendations in connection with any modification of said requests as they may deem appropriate, all of which may also be subject to and contingent upon such further covenants, terms, provisions and restrictions as the Planning Commission of the Village of North Utica may deem appropriate in the circumstances at the time of said Public Hearings and / or any continuance and / or any reconvening of the same, all of which will be held pursuant to and consistent with the law in such cases.

V. Consideration and Possible Action on Planning Commission Meeting Minutes: 07-08-2021

VI. Old / New Business

VII. Public Comment

VIII. Adjournment

POSTED 09-28-2021

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MINUTES

At 6:45 pm the meeting of the Planning Commission was called to Order by Chairman Tom Guttilla who then led the Pledge of Allegiance. Village Clerk Laurie Gbur recorded the meeting attendance. Present at the meeting were Members Doug Gift, Roy Chapman and Mike Brown. Also Present were Village Attorney Herb Klein, Village Engineer Kevin Heitz, Zoning Enforcement Officer Curt Spayer and Police Chief Rodney Damron.

Attorney Klein provided a brief summary of the Petition for the purpose of hearing Public Comment and Testimony as to possible amendments to the Village of North Utica Zoning Ordinance Title 10 et. al., Section 10-2-1 et. al. The proposed amendments to be discussed at the Public Hearing include but are not limited to the following:

- a. Consideration of potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et. al.) including but not limited to, provisions within the Definitions Section (Section 10-2-1 et. al.) and in regard to consideration of whether, in what circumstances, and / or in which Zoning Districts, Cannabis Dispensary Business Establishments, Cannabis Growth and / or Manufacturing Businesses, and Cannabis Social Areas may be allowed, including but not being limited to, consideration of allowances as defined within provisions of the recently enacted State of Illinois Cannabis Regulation and Tax Act, and any and all other matters related in any matter to the growth, manufacturing, sale and / or use of Cannabis within the Corporate Limits of the Village of North Utica and matters related thereto;
- b. Consideration of potential amendments to the Village of North Utica Zoning Ordinance (Title 10 et. al.) including but not limited to, provisions within the Definitions Section (Section 10-2-1 et. al.) and in regard to consideration of under what circumstances, and / or in which Zoning Districts, the sale and / or manufacturing of products containing Cannabidiol (“CBD”) and / or Tetrahydrocannabinol (“THC”) may be allowed, and any and all other matters related thereto, within the Corporate Limits of the Village of North Utica and matters related thereto

Village Exhibit #1 – Legal Notice published on September 15, 2021

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Attorney Klein stated that there have not been any applications for a Cannabis Manufacturing Facility or Cannabis Dispensary retail sales business. Our current Zoning Ordinance does not address Cannabis or CBD businesses. What Zoning District would the Village want to see them in if they are allowed? Would the Village rather prohibit all or some Cannabis and / or CBD businesses? If a business is allowed in a certain Zoning District, would they need a Special Use? These are all questions that arise when thinking about inquiries or possible applications that the Village could receive. The State of Illinois has expanded the number of licenses that they are issuing to businesses of this nature. If the Village chooses to prohibit the businesses, the State of Illinois does not allow a medical dispensary to be prohibited, only a recreational retail sales business by prohibiting it in a certain Zoning District.

A brief discussion regarding THC was held. The legality of a THC product depends on the level of THC. Chief Damron stated that THC 9 is illegal if more than .003% THC is in the product and THC 8 is legal and not regulated. CBD and THC 8 can be prohibited or allowed or only allowed with a Special Use in certain Zoning Districts.

Attorney Klein stated that the questions before the Planning Commission are as follows:

1. Cannabis -Does the Village want to consider prohibiting or allowing a Cannabis Manufacturing Facility or Retail Sales Business?
2. Cannabis -What Zoning Districts would it be permitted in and would that require a Special Use?
3. CBD -Does the Village want to consider prohibiting or allowing a CBD business?
4. CBD -Is a CBD Shop a considered a Specialty Shop in the current Zoning Ordinance? We need to define this in the Zoning Ordinance to make it more clear.

Chairman Guttilla asked if CBD is regulated.

Chief Damron stated that a CBD business does not require a State License to operate. A CBD business can offer retail products that have CBD and / or THC 8 which is not regulated.

Member Gift stated that the Village could consider making it a requirement to submit a Petition for a Special Use for these types of businesses.

Attorney Klein stated that it would need to be defined in the Zoning Ordinance. What Zoning District would it be allowed? Is it defined as a Specialty Shop and if they would be selling products with CBD or THC 8 they would need a Special Use?

Member Gift asked Chief Damron for his thoughts.

Chief Damron stated that he would like it prohibited or at least make it a requirement that a Special Use would be necessary.

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Member Brown asked about the potency contained in the products and how customers can be assured of what they are purchasing and consuming.

Chief Damron stated that products can contain various amounts of THC 8 as it is not regulated. Products can be misrepresented as well. Synthetic products that are not regulated can be very dangerous to consume or ingest. If a product is not regulated it can present a danger to the public as there is no way to be assured of the content and potency of the products.

Chairman Guttilla stated that he has seen legal dispensaries in other communities. Currently the Village Zoning Code does not prohibit this type of business in the community.

Member Brown stated that he does not believe that this is a good type of business to permit in our community. There is a school in the community and these products can be misleading and dangerous to our youth.

Chairman Guttilla stated since the school is no longer located downtown, the Village could consider allowing a legal dispensary of CBD products in the general downtown area.

Attorney Klein stated that the Public Hearing can result in a recommendation of the Planning Commission that all CBD businesses are prohibited entirely; or they can be prohibited within certain Zoning Districts; or they could be permitted in the Village within certain Zoning Districts; or only after being granted a Special Use so therefore they would need to come before the Planning Commission before they could establish their business in the Village.

Member Gift asked if the Planning Commission makes a recommendation to prohibit or to allow with a Special Use in certain Zoning Districts, can it be amended at a later time.

Attorney Klein stated that it can be revisited at a later date.

Mr. Don Robey, Woodland Circle, Utica, asked if a Cannabis manufacturing facility or dispensary were to be constructed immediately outside of Village Limits, would be it then be in the jurisdiction of the County, meaning the Village would have no control? Attorney Klein answered, "yes, if the business is outside of the Village, it would be in LaSalle County".

Mayor Stewart then stated that if a Cannabis related business were going to be constructed immediately outside of the Village of North Utica limits, we would have a someone present at the meeting(s) to represent the Board.

Member Brown stated that in his work history as a DCFS Officer and a Juvenile Probation Officer, he witnessed a lot of problems that kids were having with drugs and marijuana. He recommends prohibiting all Cannabis Recreational Dispensaries and Cannabis Manufacturing Facilities in the Village of North Utica. Member Brown stated, "This is not something we want in our community." Member Brown made a motion to recommend that the Village should prohibit all Recreational Dispensaries and Manufacturing Facilities in the Village of North Utica; Member Chapman seconded the motion.

3 Yes

Motion Carried

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Further Discussion regarding CBD products was held among the group.

Attorney Klein stated that the Villages' current Zoning Ordinance does not identify CBD businesses therefore, it could be considered a specialty shop. The Village needs to further define a CBD business to make it more clear to someone considering opening a business such as this in Utica.

Member Gift what type of products are offered in a CBD business.

Chief Damron stated that the CBD products offered can be edibles, creams and lotions and loose plant material that can be smoked and ingested.

Member Brown asked if there is an age limit to be able to purchase products.

Chief Damron stated that a person needs to be 21 and over to purchase CBD products.

Attorney Klein stated that the Planning Commission could make a recommendation to prohibit CBD businesses, or to permit them with a Special Use so that they would need to come before the Planning Commission for a Public Hearing. If the Village is going to consider granting a Special Use to a CBD Business, what Zoning Districts would they be allowed in?

Member Brown stated that if they were to be allowed, it should only be in the C-3 Commercial District so that it is not in the downtown area.

Chairman Guttilla stated that in the C-3 Zoning District most of the buildings are larger whereas a CBD shop would tend to be in a smaller retail space. Chairman Guttilla then stated that there are some health benefits to people that use CBD oils and creams, however if the Village is uncomfortable having a CBD business in the community, maybe we should prohibit them.

It was then motioned by Member Brown, seconded by Member Chapman to recommend that CBD businesses be considered with a Special Use in only the C-3 Zoning District.

3 Yes

Motion Carried

Minutes: It was motioned by Member Brown, seconded by Member Chapman to approve the Minutes from the 7-8-2021 Planning Commission Meeting as presented.

All in Favor

Motion Carried

Public Comment: NONE

Old / New Business: NONE

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Adjournment: With no additional business, the meeting was adjourned at 7:37 pm. Motioned by Member Brown, seconded by Member Chapman.

All in Favor
Motion Carried

Respectfully submitted,

Laurie A. Gbur
Village Clerk