

MEETING MINUTES



Village of Homewood
Planning and Zoning Commission
Thursday, April 23, 2020
7:30 p.m.

Village Hall Board Room
2020 Chestnut Road
Homewood, IL 60430

CALL TO ORDER: In the absence of Chairman Sierzega, Member Planera presided as Acting Chairman. Acting Chairman Planera called the meeting of the Planning and Zoning Commission to order at 7:33 p.m.

ROLL CALL: Members Alfonso, Bransky, Cap, O'Brien, Johnson, and Acting Chairman Planera attended. Chairman Sierzega was absent. Present from the Village was Economic and Community Development Director Angela Mesaros. There were four people in the audience.

APPROVAL OF MINUTES: No minutes to approve.

Case No. 20-05 – Resubdivision, Plat of Ridge-Martin Subdivision, SW corner of Ridge Road and Martin Avenue:

Acting Chairman Planera introduced the petition and swore in Tim Flanagan, Development Manager, CORE Acquisitions; James Arenz, Project Specialist, C.M. Lavoie and Associates; and Chris Lavoie, civil engineer, C.M. Lavoie and Associates, who presented the application.

Member Alfonso asked if the reason for separating the lots between the building and the parking lot is for tax purposes. Chris Lavoie stated that they are sensitive to the neighboring property owners and the need for ingress/egress and use of the parking lot during construction of the building.

Member Bransky had no questions at this time. It is all pretty straight forward.

Member Cap asked for clarification if the upper stories of the building would cantilever out over what would be the new right-of-way or would the east façade of the building end at the new property line. Mr. Lavoie stated the plan has no proposed overhang into the right-of-way.

Member O'Brien asked if the applicant indicated that there are 22 apartments in the building. Mr. Lavoie stated yes. Member O'Brien stated that in August 2019, the minutes confirm the revised plans increased units to 24 apartments, 12 per floor. Member O'Brien asked if that has changed since that time. Mr. Flanagan, developer of the project, stated yes there are 24 apartments, 12 per floor, on the third and fourth floors. The other issue is a technical, legal issue on page 2 of the Ridge-Martin Subdivision Plat, in the middle near the bottom says "Plan Commission" approval. That should be corrected to the "Planning and Zoning Commission." The applicant agreed to make that change.

Member Johnson asked if the village had received complaints from business owners in the area about the project. Ms. Mesaros stated that the biggest concern from businesses is the access through the parking lot to Martin Avenue.

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Acting Chairman Planera recalled the original site plan, on the very south end of Lot 2 is open parking and adjacent to the north is the parking garage and four story building. Does that put the parking garage on the south part of Lot 1. Mr. Lavoie answered yes. Acting Chairman Planera asked how the zoning ordinance speaks to a structure on south side of proposed Lot 1. Does it state that no buildings can be on a drainage utility/easement. Mr. Lavoie stated that is not an issue; the public utilities are outside of the building roofline.

Member Bransky shared the site plan image with the Commissioners.

Acting Chairman Planera asked for clarification on whether or not the south 35 feet of Lot 1 would have a building over it. Mr. Lavoie stated that the dashed line at the 35 feet is the building line.

Motion was made by Member O'Brien for approval of Case 20-05 to grant Plat of Ridge-Martin Subdivision, SW corner of Ridge Road and Martin Avenue, into two lots with a portion of Lot 1 dedicated to Homewood as public right-of-way, in the B-1 Central Business zoning district and incorporating the Findings of Fact into the record; seconded by Member Cap.

AYES: Members Alfonso, Cap, O'Brien, Bransky, Johnson, and Acting Chairman Planera.

NAYS: None

ABSTENTIONS: None

Motion passed.

PUBLIC HEARING – CASE 20-06– Text Amendment to Section 6, Table 6.1 to allow a cannabis infuser organization as a permitted use in the M-1 zoning district:

Acting Chairman Planera introduced the applicant and swore in Yemisi Dinkins, manager, Sweet Sensi, LLC. A legal notice was published in the *Daily Southtown* on 04/07/2020, letters were sent to property occupants within 250 ft. The Commissioners have been provided with the application for amendment.

Ms. Dinkins stated that her team is looking to establish an infusion facility in Homewood and they are seeking a text amendment. Minimal footprint in terms of rehabilitation of the property. They have a conditional intent in place to lease the property at 1133 W. 175th Street. The application and awarding of licenses with the state has been pushed back to the end of this month due to Covid-19. They would potentially expand operations to extraction within a year.

Acting Chairman Planera asked what the technology or science behind cannabis infusion is – heating, cooking sanitation. Ms. Dinkins stated that they would be cooking but with no open flames and infuse cannabis/THC into products such as sauces, vegetable options, but not confections that are high in sugar. Primary focus is health. As mandated by the state, any person on-site doing infusion services has to be licensed for food service sanitation and to have health inspections. They have not finalized specific product offerings. The state's review of applications actually will start towards the end of 2020.

Acting Chairman Planera stated, to be clear, they are not talking about the sale of cannabis or related products. Ms. Dinkins stated that they are talking about a parallel market. Per Illinois statute, they are not able to sell directly to consumers. Their products have to go directly to dispensaries. Within the same commercial center is a dispensary (Windy City) and they are looking to partner with them.

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Member Johnson asked who the applicant's organization/entity is. Currently, a team of three founding members. They are structured as an LLC (Limited Liability Corporation). Ms. Dinkins is the administrator responsible for the business plan and financials for the application; another individual is the special projects director with a background in construction. Member Johnson asked if this entity was approved and licensed by the state. Ms. Dinkins stated yes. The LLC is currently looking for equity ownership members. They want to make sure that individuals who have been left out of the cannabis market have opportunities for equity ownership.

Member Johnson asked about the status of a partnership with Windy City Cannabis (the dispensary located next to the proposed infuser location) and if they have alternatives if that does not work out. Ms. Dinkins stated that the partnership is still speculative. They would not work exclusively with Windy City Cannabis.

Member Johnson asked about plans for waste. Ms. Dinkins stated they have to dispose of waste with 51% of organic materials. They plan to use paper or cardboard (something biodegradable). This location is near Homewood Disposal, which is another benefit, and they would work with them. They would not use chemicals that require special disposal.

Member Johnson asked, if they are awaiting the decision from the state why are they in front of the Commission at this stage. Ms. Dinkins stated that the license requires that in order to present business plan to the state, they have to have their site selected and appropriate zoning in place. Otherwise, they cannot submit an application.

Acting Chairman Planera asked staff to help clarify that the application is for text amendment only, and not a business application and that the language is clear that this depends on state licensing. Ms. Mesaros stated that without a license, the village would not change the Zoning Code. Ms. Dinkins stated that Sweet Sensi is in a great position to receive a license because they are a social equity license applicant.

Member O'Brien stated that this is a lot of "ifs"—licensing, zoning, construction to make it all work. One of the things the applicant mentioned is future plans for extraction at the facility. Extraction can only be done by a cultivator or a craft grower. An extractor could not exist at this location due to the proximity of the school. The prints accompanying the application provide for extraction. Maybe a different site might be more appropriate. Ms. Dinkins stated that if they are not able to cultivate at the proposed location due to the distance of the school, they have an alternative location for extraction/cultivation in discussion in the City of Chicago. In that case, the Homewood location would remain only infusion.

Member O'Brien asked about the level of heating. Ms. Dinkins stated that Sweet Sensi would have no open flame but they would have scientific stoves.

Member O'Brien asked if they would upgrade the model or module? They will upgrade the model and install a new model to further reduce nuisance of odors.

Member O'Brien asked if the plan is to install ventilation equipment on the roof. They would continue to use the existing roof equipment for ventilation.

Member O'Brien asked about the difference in language between "sell and distribute." Ms. Dinkins stated this is probably a semantical issue.

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Member O'Brien stated that page 3, item #2 does not apply to this applicant. At bottom, #5, limited to M-1 should be included. Recommend inserting in findings of fact, item #4 after the word conduct "cultivation." Ms. Mesaros stated yes.

Member O'Brien asked if the only feature they are picking up in the property is the one module. Ms. Dinkins stated the existing air exchange, fire safety system, lighting would be utilized, and they would not be extending exterior walls.

Member O'Brien asked if Sweet Sensi would be involved with topicals besides consumables. Ms. Dinkins stated yes.

Member O'Brien asked about the loan mentioned in the lease and possible accredited investors. Will they be involved in the R3 program: restore, reinvest, renew to invest in communities. Ms. Dinkins stated that is not the plan.

Member O'Brien asked if they would extract from raw cannabis. Ms. Dinkins stated correct. If a cultivation center sells cannabis is that "raw cannabis." Ms. Dinkins stated yes.

Member O'Brien stated that in 2014, the Planning & Zoning Commission had recommended that cannabis uses be zoned as special uses. That was ultimately changed by the Village Board and the Commission was not notified of why that was done. It would be helpful for the Commission to understand the reasoning behind the change when the recommended standards reflected the intent of the act and were consistent with special use standards. This particular application and discussion is the second of many. The next logical step is a cultivator or craft grower. It would be helpful to understand why the Village Board changed the use to permitted use. Member O'Brien stated that he would prefer to take these on an individual basis as special use.

Ms. Mesaros stated that the Commission could make the recommendation that this infuser be a special use. It is the final decision of the Village Board. Currently, a medical cannabis cultivator is a permitted use so it may be more challenging to make the cultivator a special use.

Member O'Brien stated that 40 licenses will be issued for infusers on July 1, 2020 and the applicant wants to be one of them. In the act, 100 infuser licenses will be coming up by January 2022, are these 40 part of that 100 or are these 40 in addition to the 100. Ms. Dinkins stated that she believes they are in addition but only if the department finds that there is a demand.

Member O'Brien stated that item #6 on lease, shall "remind" should be "remain."

Member O'Brien asked the Commission about the appropriateness of his request for insight/sense of direction from the Village Board on this industry in the future.

Member Bransky stated that he shares Member O'Brien's concerns that this should be a special use and that the Commission did not get that level of feedback. However, this meeting might not be the proper venue for that discussion. Member Bransky stated that this should apply to any decision that the Village Board changes from Commission recommendations.

Acting Chairman Planera stated that Ms. Mesaros might want to find an explanation to answer Member O'Brien's questions.

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Member Cap stated that he understands the speculative/tentative nature of this application. Member Cap asked if Sweet Sensi will not be an extractor at this moment. Ms. Dinkins stated correct.

Member Cap asked if they have made inquiries to potential suppliers of the product. Ms. Dinkins stated that they have had very preliminary conversations. They are waiting for state approvals. They are interested in craft growers and are still waiting for licenses.

Member Cap asked about the methods of extraction and how the various methods might impact their business. For instance some extractors might use hydrocarbons like butane, CO₂, solvents like alcohol. Some of these methods may use traces of toxic materials that would have to be removed. That might affect the process or equipment that they use. Ms. Dinkins stated that Sweet Sensi's model is to do no harm and they are not interested in extractions that utilize potentially toxic methods such as butane. They are primarily looking for cultivators that use CO₂ method or an emerging method is to use ice water extraction.

Member Cap asked about decarboxylation, which involves a controlled heat for a certain amount of time at a certain temperature – very precisely controlled to maximize the yield. This would probably be a burden on the property owner.

Member Cap asked if they would have a laboratory on-site. Ms. Dinkins stated not to the degree the state requires for extraction. They would have equipment to test for contaminants in addition to monitoring THC levels.

Member Cap asked about testing for microbial or fungal contaminations. Ms. Dinkins stated that this is sent out to a laboratory for testing, but they are looking at a testing machine to test at a smaller scale in-house before the product is sent out.

Member Cap asked about the use of terpenes that might be extracted from cannabis. Ms. Dinkins stated she is not sure.

Member Bransky stated that Commissioners have asked good questions and the applicant has provided detailed answers. Member Bransky stated that he shares the same concerns as Member O'Brien as far as making this a special use. However, he realizes that there are so many unknowns and so the applicant cannot answer a lot of the special use questions. In addition, the special use process might delay Ms. Dinkins' state licensing

Member Johnson stated that he agrees that the Commission would not be able to make this as a special use as the other cannabis uses are permitted uses.

Member Alfonso had no questions.

Acting Chairman Planera asked about the FDA guidelines. Ms. Dinkins stated no, because FDA would be Federal and cannabis is legal only at the state level at this time. However, they do have to have food service sanitation, health inspections, and other inspections.

Motion was made by Member O'Brien for approval of Case 20-06 for a text amendment to allow a cannabis infuser organization as a permitted use in the M-1 Light Manufacturing zoning district and incorporating the amended Findings of Fact into the record – including cultivation before extraction in #4; seconded by Member Cap.

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AYES: Members Alfonso, Cap, O'Brien, Bransky, Johnson, and Acting Chairman Planera.

NAYS: None

ABSTENTIONS: None

Motion passed.

NEW BUSINESS: None

OLD BUSINESS: None

ADJOURNMENT: Member Alfonso moved to adjourn the meeting at 9:23 p.m., seconded by Member O'Brien. Motion passed by voice vote.

Respectfully submitted,

Angela M. Mesaros
Staff Liaison