

# MEETING MINUTES



Village of Homewood  
Planning and Zoning Commission  
Thursday, October 10, 2019  
7:30 p.m.

Village Hall Board Room  
2020 Chestnut Road  
Homewood, IL 60430

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**CALL TO ORDER:** Chairman Sierzega called the meeting of the Planning and Zoning Commission to order at 7:26 p.m.

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

**APPROVAL OF MINUTES:** Chairman Sierzega asked if there were any corrections or changes to the minutes of August 22, 2019. There being no changes or corrections a motion was made by Member O'Brien to approve the minutes of August 22, 2019; seconded by Member Cap.

AYES: Members Alfonso, Cap, Planera, O'Brien, Johnson and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Member Bransky

Motion passed.

## **PUBLIC HEARING – CASE NO. 19-36, Administrative Variance for rear yard at 2419 Ravisloe Lane:**

Chairman Sierzega stated that the petitioner is requesting a variance to construct a deck in the rear yard. A legal notice was published in the *Daily Southtown* on 09/24/2019 and letters were sent to property occupants within 250 ft. Chairman Sierzega asked Staff if there were any complaints. Staff Liaison Mesaros stated that she received one. The concerned citizen was worried that the deck could be seen from their backyard.

Chairman Sierzega swore in Toni Terry, 2419 Ravisloe Lane.

Mrs. Terry stated that the existing deck was deteriorating. They began construction to rebuild the existing deck. The deck was away from the house and the individual would have to step down and then step up onto the deck. The petitioner stated that her architect told her that the original deck was allowed because it was not attached. The building inspector then told her that the new deck needed a variance because it would be attached to the house.

Chairman Sierzega stated that the company the petitioner hired should have known that a building permit was required. Mrs. Terry stated that they were informed that because it was a rebuild they did not need a permit.

Chairman Sierzega requested confirmation that the petitioner is replacing the old deck and putting it in a new location. Mrs. Terry stated that they are replacing it so that they will not have to step up to get to the deck.

Chairman Sierzega asked if there is anything behind the property. Mrs. Terry stated that there are trees that create a barrier between them and the neighboring property. She reinforced that they are not building anything new; the deck is being replaced.

Member Planera asked if the petitioner is the original owner. Mrs. Terry stated no. Member Planera stated the homes in the area are single development executive homes next to Ravisloe Country Club. These types of homes tend to be larger than most neighboring developments. The developers tend to push the limits with floor ratio. The plat of survey shows that the lot is triangular with a 25-foot front setback line with a 10-foot beyond it. These measurements limit available space. Building anything to that limited amount of space may not be worth the effort. There is a hardship created and cannot be corrected by the current owner.

Member O'Brien asked if the deck would go into the utility easement. Mrs. Terry stated that it would be one foot from the utility easement.

Member O'Brien asked Staff what complaint came to the Village. Staff Liaison Mesaros stated that the anonymous complaint was for building without a permit that and the deck would be too much for the lot.

Member Johnson asked who is building the deck. Mrs. Terry stated her husband and a friend. Member Johnson asked if the friend was a professional contractor. Mrs. Terry stated that her husband is doing the work and the friend is helping.

Member Johnson requested clarification on who "they" are that is doing the work. Mrs. Terry stated that the architect was hired to get the plat, but the architect is not tied with the original deck.

Member Alfonso asked how much bigger the deck would be compared to the original. Mrs. Terry stated it would expand 5 ft. off the house. Member Alfonso asked if the petitioner would consider putting the deck where the patio is currently. Mrs. Terry stated that they kept the size as is, because they did not realize the new deck would have different requirements.

Member Alfonso asked Staff if the neighbors behind the petitioner had issues. Staff Liaison Mesaros stated that there were no issues reported for the previous deck.

Member Cap asked if there are any flooding problems. Mrs. Terry stated no. Chairman Sierzega stated that there is a retention pond across the street. Member Cap asked if the petitioner would be inclined to flip the patio and deck. Mrs. Terry stated that they would like to keep the original locations.

Chairman Sierzega asked if the deck is located on the east side of the house and if it close to the driveway. Mrs. Terry stated that the deck would be located on the west side and it will be close to the driveway.

Chairman Sierzega asked if the deck could be seen from the street. Mrs. Terry stated that the deck could not be seen from the street.

Member O'Brien asked if the petitioner was aware that they needed a variance for the deck. Mrs. Terry stated that the representative from Elemental Landscapes stated that it was not needed.

Motion was made by Member Planera of Case 19-36 for an administrative variance from Section 4.3, Table 4.2 of the Homewood Zoning Ordinance to permit a deck that encroaches 15 feet into the required rear yard on the property located at 2419 Ravisloe Lane and incorporating the Findings of Fact into the record; seconded by Member O'Brien.

AYES: Members Alfonso, O'Brien, Planera, Johnson, and Chairman Sierzega

NAYS: Member Cap

ABSTENTIONS: None

ABSENT: Member Bransky

Motion passed.

**PUBLIC HEARING – CASE NO. 19-37, Variance to locate a parking space within the front yard at 18501 Kedzie Avenue:**

Chairman Sierzega stated that the petitioner, Adrian Cano is requesting a variance from Section 11.4 to expand the current driveway an additional six feet. A legal notice was published in the *Daily Southtown* on 09/24/2019 and letters were sent to property occupants within 250 ft. Staff Liaison Mesaros stated that she received no comments. The Commissioners have been provided with a letter from Building Inspector dated September 24, 2019 and a plat of survey dated May 21, 2014.

Chairman Sierzega swore in Adrian Cano, 18501 Kedzie Avenue.

Mr. Cano stated that he is looking to expand his driveway an additional six feet. The driveway is old and cracked, so he will be having it repaved. He is also having it repaved so that he can control the water that accumulates next to the driveway during heavy rain.

Chairman Sierzega asked if there is ample amount of space to add an additional 6 ft., Mr. Cano stated yes. Chairman Sierzega asked if it would be extended to the street. Mr. Cano stated that it would only go up to the property line. Staff Liaison Mesaros stated that Kedzie Avenue is a State road, so he would not be permitted expand beyond his property line.

Chairman Sierzega asked if the widening of the driveway between the petitioner's house and neighbor's household re-solve the water problem. Mr. Cano stated yes, because there would be less grass.

Member Cap requested clarification that the petitioner is only going to the property line. Mr. Cano stated yes.

Member Cap asked if the north side is where the drainage problem occurs. Mr. Cano stated yes, the problem lies with the neighbor to the right with the fence. Member Cap asked if it gets muddy due to parking there. Mr. Cano stated no, it is because the grass is low.

Member Cap asked if the house is original to Kedzie Ave. Staff Liaison Mesaros stated yes.

Member Alfonso asked if the neighbor's house is higher. Mr. Cano stated that the newer homes are on higher ground. Resulting in water on the petitioner's property.

Member Johnson had no questions.

Member O'Brien stated that the petitioner has 22 ft. to work with, the driveway is 14.7 ft. with an additional 8.2 ft. equals 22.9 ft. Out of the 22.9 ft.; the petitioner has an additional 4 ft. to play with, and asked if the petitioner plans to build anything on the 4 ft. of extra space. Mr. Cano stated that he does not plan to build on the remaining 4 ft., it will remain grass.

Member O'Brien asked if the runoff is to the south. Mr. Cano stated no.

Member Planera asked if the petitioner is extending to the fence. Mr. Cano stated no.

Chairman Sierzega asked if the petitioner plans to redo the entire driveway with asphalt. Mr. Cano stated yes.

Motion was made by Member O'Brien for approval of Case 19-37 for a zoning variance of Section 11.4 of the Homewood Zoning Ordinance to allow parking in the front yard by expanding the width of the driveway on the property located at 18501 Kedzie Avenue and incorporating the Findings of Fact into the record, seconded by Member Planera.

AYES: Members Alfonso, Cap, O'Brien, Planera, Johnson, and Chairman Sierzega

NAYS: None

ABSTENTIONS: None

ABSENT: Member Bransky

Motion passed.

## **PUBLIC HEARING – CASE NO. 19-31, Text Amendment to the Homewood Zoning Ordinance regulating Adult-Use Cannabis:**

Chairman Sierzega stated that the petitioner, Village of Homewood is requesting a text amendment for adult-use cannabis. A legal notice was published in the *Daily Southtown* on 07/23/2019 and the Commissioners have been provided an adult use cannabis fact sheet and FAQs prepared by the Illinois Municipal League (IML) from September 2019. Chairman Sierzega asked Staff Liaison Mesaros to introduce the case.

Staff Liaison Mesaros stated that earlier this year, the State of Illinois enacted the Cannabis Regulation and Tax Act that would allow the possession, use, cultivation, transportation and sale to adults of recreational cannabis. The Act allows local municipalities to adopt reasonable zoning ordinances to regulate recreational cannabis businesses, as long as the local ordinances do not conflict with the State Act. An FAQ sheet from the Illinois Municipal League with details about the state legislation was included in the Commissioner's agenda packet. Among the restrictions by the State Act are that dispensary may not be located within 1500 feet of the property line of a pre-existing dispensing organization. The State Act also restricts operations to only 6 a.m. to 10 p.m.

Beginning January 1, 2020, the State Act allows medical dispensaries to begin to sell recreational cannabis to adults who are at least 21 years of age, if allowed by local zoning regulations. The Village currently has one medical cannabis dispensary. Windy City Cannabis has operated a medical dispensary at 1137 W. 175<sup>th</sup> Street in the M-1 Limited Manufacturing District since 2016. Medical cannabis dispensaries are a permitted use in the M-1 Manufacturing district under the current zoning ordinance. Sales of recreational cannabis in addition to medical sales at this location requires an amendment to the zoning ordinance. Staff proposes two changes to the zoning ordinance. (1) A new definition for

“*Adult Use Cannabis Dispensing Organization*”: a dispensary that sells recreational cannabis consistent with State Law and the model ordinance developed by the Illinois Municipal League. (2) The deletion of the word “*medical*” from the table of permitted uses, so that the use is “*cannabis dispensing organizations*”- thus allowing dispensary of both medical and recreational cannabis as a permitted use.

The Village Board passed an ordinance in September 2019 that authorizes a 3% tax on recreational cannabis sales in anticipation of recreational sales at Windy City Cannabis.

Chairman Sierzega swore in John Kamis, attorney at Carpenter, Lipps & Leland LLC, 659 W. Randolph St., Chicago, representing Windy City Cannabis.

Chairman Sierzega asked Staff why the Village is asking for a text amendment now, if state is unsure itself. Staff Liaison Mesaros stated that we are on schedule with the State and other communities for sales to be effective January 1, 2020.

Member Johnson stated that he had minor changes to the text amendment. He referred to the model ordinance developed by the Illinois Municipal League (IML), which is consistent with the State statute and suggested that *Adult-Use* should not be hyphenated. In the first sentence the word *Illinois* should be placed before licensed and *adult use* should be placed before cannabis. In addition, *under the rules of* should replace the word *per* towards the end of the ordinance. “Per” is not a legal term. Staff Liaison Mesaros stated that she would make the changes before sending to the Trustees.

Member Johnson asked if there is a definition for the word adult use. Mr. Kamis stated that the word adult has a standard meaning for this ordinance. Nothing in the statute states otherwise.

Member O’Brien stated that the Commission’s discussion is based on three hypothetical scenarios: (1) moratorium is one choice, (2) accept as is and (3) full discussion on aspects of the ordinance.

Member O’Brien stated that there was a typo in the Adult Use Operation and Management Plan on Page 9. There is a duplication of the words “personal information” at the top of the page. Member O’Brien questioned the reference to each dispensary on Page 1. Mr. Kamis stated that Windy City had 3 other dispensaries in other municipalities.

Member O’Brien asked what the difference would be between the product lines for medical cannabis and recreational cannabis. Mr. Kamis stated none. Member O’Brien asked what the anticipated recreational market would mean. Mr. Kamis stated it means the volume and that an average customer would spend only five minutes in the store. In addition, Mr. Kamis confirmed that Windy City has no plans of relocating to a larger facility or plans to seek a second location in Homewood at this time.

Member Planera asked if other communities that are going through the same process. Staff Liaison Mesaros stated that other communities are in varies stages of approval and/or opting out. Mr. Kamis stated that some communities are voting no because they already have an existing medical dispensary.

Member Planera asked if young children would have access to medical cannabis. Mr. Kamis stated that individuals under the age of 21 have had access since the State allowed medical use.

Chairman Sierzega asked Staff why the Village is going through the process now. Staff Liaison Mesaros stated that the Village is on schedule, so that the dispensary would be able to sell recreational on January 1, 2020.

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Chairman Sierzega asked if the State has finalized selling of recreational cannabis. Staff Liaison Mesaros stated that a medical facility begin recreational sales on January 1, 2020 if zoning allows.

Member Cap stated that because of the proscribed legal status of marijuana at the federal level, regular banking is not available for transactions. Therefore, retail sales, even if allowed by State Statutes, are on a cash basis. Considering the volume of anticipated sales, the presence of cash could be a security issue. Mr. Kamis stated that extraordinary measures beyond the required CCTV and security guards would be employed; Mr. Kamis could not specify the details.

Member Cap asked which other municipalities where Windy City operates have already approved such zoning amendments. Mr. Kamis stated that all three other locations have voted to allow recreational sales.

Member Cap asked if the source of the product is registered cultivators. Mr. Kamis stated Windy City Cannabis does not foresee a problem with suppliers meeting the anticipated demand. There may be some adjustments to match supply with the increased demand, but Windy City Cannabis has no intention to “vertically integrate” to become a registered cultivator to supply its own needs.

Member Cap asked if there is a specific “shelf life” of this product, as the inventory has a quick turnover. Mr. Kamis stated that he spoke to spoke to the FIFO inventory controls. Windy City Cannabis has virtually no product loss or unaccounted product. Mr. Kamis further clarified that there are no limits to the frequency of sales for recreational use; this is different from the law regarding medicinal purchases. However, limits are placed on the amount of concentrated product that a customer may possess.

Member Cap asked if there is a difference between the medicinal and recreational products. Mr. Kamis stated that the concentrations of the active ingredients would be the same. There may be pricing differences between the medicinal/recreational products that reflects the differences in tax rates.

Member Cap asked if the location is well suited for this type of operation. Mr. Kamis stated that the location has a secure setting with the features (office, warehouse with overhead door) specified for such sales. Plenty of parking is available to accommodate customer traffic. Staff Liaison Mesaros stated that the improvements made to its space enhances the security of its operations. Staff Liaison Mesaros further stated that if Windy City Cannabis were to vacate this space, the Building and Fire Department would ask that some of these features be removed, as they would inhibit firefighting efforts.

Member Cap stated that the site has access to an arterial street. As it is in the Manufacturing District, the site is well separated from sensitive uses (churches, schools, day care centers, etc.) in the village. However, as noted in staff memoranda prepared in 2014 when both the Plan Commission and Zone Board discussed the zoning changes to permit the medicinal sales, this site and the M district lie across the street from a single-family residential area of East Hazel Crest. As a good neighbor, the Village of Homewood does not intend (nor never intended) to inflict deleterious effects on this East Hazel Crest neighborhood. For example, the southeast corner of the property of Lincoln Elementary School is about 1100 feet from the NW corner of the Windy City Cannabis site. This separation exceeds the statutory requirement. Mr. Kamis stated that State statute requires this type of use to be 1000 ft. away from sensitive uses. Mr. Kamis assured the Commission that this space is sufficient to conduct both medicinal and recreational sales. There is a separation of the two user types.

Member Alfonso had no questions.

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Chairman Sierzega asked how Windy City Cannabis receives shipments. Mr. Kamis stated that the shipment arrives in an armored truck and all inventory is tagged. They use licensed transport and, to date, he can report that there has been zero product lost.

Member O'Brien stated that the hyphen in adult use needs to be removed from the motion. Staff Liaison Mesaros confirmed that she would remove it in the final report.

Motion was made by Member O'Brien to recommend approval to the Homewood Zoning Ordinance Section 15.3 by adding a definition for adult use cannabis dispensing organization and amending Section 6, Table 6.1 to allow a cannabis dispensing organization as a permitted use in the M-1 zoning district. The Findings of Fact shall be included as part of the record and recommendation to the Village Board of Trustees; seconded by Member Alfonso.

AYES: Members Alfonso, Cap, O'Brien, Planera, and Johnson

NAYS: Chairman Sierzega

ABSTENTIONS: None

ABSENT: Member Bransky

Motion passed.

**NEW BUSINESS:** None

**OLD BUSINESS:** None

**ADJOURNMENT:** Member Cap moved to adjourn the meeting at 9:25 p.m., seconded by Member Planera. Motion passed by voice vote.

Respectfully submitted,

*Angela Mesaros*

Angela M. Mesaros

Staff Liaison