

**VILLAGE OF HINCKLEY
PLANNING COMMISSION MEETING MINUTES
DECEMBER 2, 2019**

CALL TO ORDER: The meeting was called to order by Chairman Kula at 7:00 PM.

Present: Chairman Russ Kula, John McFarland, Rodney Davis, Gerald Bahl, and Joan Umano. Quorum Established.

Absent: Danielle Marion.

Also Present: Village Clerk Elizabeth Losiniecki, Attorney Kurlinkus, Trustee Mike Constant, and members of the public.

PLEDGE OF ALLEGIANCE: The pledge to the flag was recited.

PUBLIC COMMENT:

None.

AGENDA ITEM: Previous Meeting Minutes – 11/04/19 Presentation and Vote

Joan Umano moved to approve the previous meeting minutes from November 4, 2019 and Russ Kula seconded the motion. Roll Call Vote: McFarland-Aye, Davis-Aye, Bahl-Aye, Kula-Aye, Umano-Aye. Motion carried.

OLD BUSINESS

° **Agenda item for discussion:** Zoning Change Request – 335 W. Lincoln Ave.

Clerk Losiniecki stated that an application for a zoning map amendment had been received to change the zoning from B-1 to multi-family. Trustee Constant stated that this is a result of a zoning map amendment that occurred in 2009, that re-zoned numerous properties in town to B-1. Clerk Losiniecki will advise the members of the date for the public hearing once the application has been reviewed.

° **Agenda item for discussion:** Zoning Variance Request – 220 S. Oak Street

Applicant John Michels provided an updated plat with the new (proposed) garage shown to scale. He gave a description of the adjacent properties. He stated that he is seeking a variance to the 25' setback for corner side lots. The public hearing for this property is scheduled for December 16, 2019 at 7:00 pm at the Village Hall.

NEW BUSINESS

° **Agenda item for discussion:** Cannabis Legalization

Attorney Kurlinkus led a discussion regarding the legalization of cannabis. He stated that, effective January 1, 2020, recreational use of marijuana will be legal in the State of Illinois. As a result, municipalities need to appropriate zoning. The Commission members need to consider whether it will be allowed and if so, where (zoning districts). He stated that the Board of Trustees (BoT) had already conducted a preliminary review and are considering allowing the sale of cannabis. The Planning Commission should look at where to allow and what types of use (retail sale of products – dispensary and growing – raw products). Chairman Kula questioned whether the size of the town would preclude the use at all because of the proximity of schools, day care, parks, library, etc. to meet the required 1500' set back. Umano asked if this review was necessary if the setbacks preclude the use in town. Attorney Kurlinkus explained that it is important for municipalities to assess and implement zoning regulations because the State may reduce the setback requirements. Bahl asked if the licensing

requirements will be comparable to liquor license requirements. Kurlinkus stated that recreational use will be allowed on private property in Hinckley via State law and that the licensing for retail sale will probably be similar to State liquor license requirements. He also stated that it is possible that “smoking rooms” will emerge, similar to bars/taverns. Discussion followed regarding the State application process, residential/recreational growing, and potential revenue via tax money. Medicinal uses were also discussed. Attorney Kurlinkus advised members to consider which uses would be allowed, including growers, because it is possible that unincorporated properties would seek annexation. The Village needs to have broad regulations in place.

Umano asked how much the municipality is allowed to change what the State has decided and Kurlinkus indicated that more restrictive would be allowed but not less restrictive. Umano asked if other types of buildings can be added to the list (i.e.: churches) and Kurlinkus said they can. He also said that the Village can regulate the density of shops. Trustee Constant pointed out that if this were an allowed use in specific zoning districts with a special use permit required, all applications would have to be reviewed and approved by the Zoning Board of Appeals and Board of Trustees. He also stated that Sugar Grove had voted not to allow and Sandwich was reconsidering.

Attorney Kurlinkus suggested that an attempt should be made to determine what the residents want. This could be done via public hearings to give residents the opportunity to voice their opinions. Umano suggested a survey.

Umano asked for clarification about the difference between medical dispensaries and recreational sales. Kurlinkus stated that current medical dispensaries will automatically get a recreational license. He added that if the Village is okay with alcohol sales, they should be okay with cannabis. The State will treat the sale of cannabis much like they do they sale of alcohol.

Trustee Constant asked if the Village can allow uses even though only one or two would be feasible at this time. Kurlinkus stated that it could and that that is the legal recommendation – allow all uses but regulate accordingly. Mr. Kurlinkus will provide updated information at the next meeting.

PLANNING COMMISSIONER COMMENTS, PROJECT UPDATES AND OTHER INFORMATION

Chairman Kula stated that the next meeting will be January 6, 2020 at the Village Hall.

ADJOURNMENT

Motion: Russ Kula moved to adjourn the meeting at 8:29 pm and Rodney Davis seconded the motion.

Voice Vote: All members voted yes. Motion carried.

Russ Kula, Chairman

Elizabeth Losiniecki, Village Clerk