

**JOURNAL OF THE PROCEEDINGS OF THE
PLANNING AND ZONING BOARD OF APPEALS
September 1, 2022**

CALL TO ORDER

A meeting of the Planning and Zoning Board of Appeals of the City of Blue Island was called to order at 7:03 p.m. on September 1, 2022.

ROLL CALL

Roll call indicates the following:

Present:	5	Jason Berry, David Brown, David Johnson, Samuel Jones, Michael Sinde
Absent	2	Annette Alexander, A.J. Weir
Present Also:		Howard Coppari, Community Development Mgr. Ryan Morton, City Attorney Applicants and other members of the public

PUBLIC COMMENT

None.

OLD BUSINESS

1. Minutes of August 4, 2022 PZBA Meeting.

Motion by Berry, second by Sinde, to approve the minutes of the August 4, 2022 meeting of the Planning and Zoning Board of Appeals.

Ayes:	5	Berry, Brown, Johnson, Jones, Sinde
Nays:	0	

There being five affirmative votes, the Chairman declared the motion carried.

NEW BUSINESS

1. Text amendment to City's Zoning Code pertaining to "adult-use cannabis business establishments" and special uses in the I-1 and I-2 Districts. [City of Blue Island]

Chairman Johnson opened the public hearing at 7:05 p.m.

Attorney Morton explained the reasons why the City submitted this text amendment. When the cannabis regulations ordinance was adopted two years ago, the City Council included some language restricting the location of adult-use cannabis business establishments in relation to certain landmarks, such as schools, daycares, and residences. These restrictions have prevented many businesses from opening in Blue Island, as the desirable locations in the industrial zone are too close to these other places. The goal of the amendment to Section 166.025 of the Code is to bring it back to what the Cannabis Regulation and Tax Act provided. Another part of the amendment would remove residential as a special use in the industrial districts, to avoid any

claim that the industrial district is also a “residential district,” because certain cannabis businesses are barred by statute from operating in residential districts.

Chairman Johnson invited comments from the public. All witnesses were sworn in. The following individuals spoke:

Ron Bloom expressed concerns over the dramatic impact that removing locational restrictions could have on the community. He is worried about the risk involved with allowing cannabis businesses to open close to schools and similar places. He also stated that he wished more information about this was available online.

Bryce Yancy spoke in support of the text amendment as a prospective owner of a cannabis infuser business. He explained that the locational restrictions are only being removed from non-dispensary businesses, which do not have retail customers. These businesses will not have any advertising (to avoid drawing attention) and will have security on site. He said this amendment will allow him to bring his business to Blue Island.

Sidney Brown asked for clarification on why community colleges are being removed from the distance restrictions for dispensaries. He expressed concerns over there being too many locations in close proximity, though he said Mr. Yancy’s testimony helped him feel better.

There were no other public comments. Johnson closed the public hearing at 7:27 p.m.

The Board discussed the amendment. Sinda clarified that all non-dispensary uses will still be limited to the industrial district, as a special use, so this Board will still have an opportunity to consider whether to grant a permit based on surrounding factors. Berry mentioned that community colleges were not mentioned in the Act as a location restriction, but they were given the ability to teach classes on cannabis, so it doesn’t make sense to keep them on the list of prohibited nearby landmarks for dispensaries. Berry was glad to make the ordinance more consistent with the Act.

Johnson objected to the portion of the amendment that removed residential uses as special uses in the industrial uses. Although he agrees the district is designed for non-residential uses, he does not want to prevent someone from rebuilding their house if it is destroyed. Morton explained that there is no caselaw yet to state whether allowing a residential special use makes the district a residential district (which would preclude certain cannabis businesses). Johnson said in light of that uncertainty, he would rather leave the special uses alone and declare that the PZBA does not consider the industrial district a residential district.

Coppari voiced some concerns over the existing notice requirements, which exclude roads and rights-of-way from the 250-foot radius of notifying nearby property owners. Morton explained that the Act does not include that language, but it is consistent with other notice provisions in the Municipal Code. Berry suggested Coppari institute a policy requiring applicants to determine proper notice rather than change the ordinance or require more work for the community development department.

Motion by Johnson, seconded by Brown, to approve the Findings of Fact, as amended, and recommend approval of the text amendment, without any changes to Section 166.023 of the Code.

Ayes: 5 Berry, Brown, Johnson, Jones, Sinda

Nays: 0

There being five affirmative votes, the Chairman declared the motion carried.

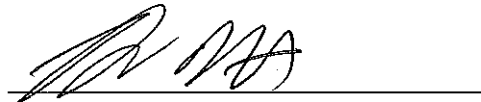
COMMISSIONER COMMENTS

None.

ADJOURN

Motion by Brown, second by Sinda, to adjourn the meeting. A majority voted in favor by voice vote, and the Chairman declared the motion carried. The meeting adjourned at 7:57 p.m.

The next scheduled meeting of the Planning and Zoning Board of Appeals is scheduled for October 6, 2022 at 7:00 p.m.



Ryan R. Morton, City Attorney

APPROVED BY ME THIS
6 DAY OF Oct, 2022



David Johnson, Chairman