

**VILLAGE OF LAKE BARRINGTON
MINUTES OF THE MEETING OF THE
PLAN COMMISSION
JANUARY 23, 2014**

Approved

1. CALL TO ORDER AND ROLL CALL

A Meeting of the Plan Commission of the Village of Lake Barrington was held on Thursday, January 23, 2014, at the Village Municipal Center, 23860 Old Barrington Road, and was called to order by Chair Delisle at 7:00 p.m. There was no one in the audience. On a roll call, the following were:

Present:	Commissioners: Carpenter, Ambrose-Gerak, Menconi, Puleo, Wrzeszcz and Chair Delisle
Absent:	None
Also Present:	Village Administrator Chris Martin and Village Attorney Jim Bateman

2. APPROVAL OF THE MINUTES

A motion was made by Commissioner Ambrose-Gerak and seconded by Commissioner Puleo approve the minutes of August 23, 2013. The voice vote was unanimous.

3. CONSIDERATION OF AMENDMENTS TO THE SUBDIVISION AND TREE PROTECTION REGULATIONS

Mr. Martin noted that the Village currently regulates trees in two ways: 1) the subdivision ordinance requires installation of trees as part of new developments, and 2) the Village's Tree Protection ordinance protects existing trees and requires replacements for the removal of healthy trees.

The attached draft ordinance for Commission consideration works to synchronize these regulations by creating one comprehensive list of native trees for new development and for replacements. The Village has long promoted the use of native landscapes and material and it is important to diversify the tree canopy due to continued single species threats like the Ash Borer. Finally, giving residents and arborists more options in selecting material encourages compliance and promotes more creative landscapes. To these ends, the new list adds 35 species and removes several non-native and invasive varieties.

The draft ordinance also adds five trees to the exempt list. Exempt trees may be removed without penalty or replacement and regardless of health. These trees are considered invasive, have damaging root systems, or are prone to disease or insect infestation.

1. Ash, blue (*Fraxinus quadrangulara*)
2. Ash, white (*Fraxinus Americana*)
3. Cherry, choke (*Prunus virginiana*)
4. Maple, Norway (*Acer platanoides*)
5. Maple, silver (*Acer saccharinum*)

The tree lists were vetted by Trillium Native Landscapes a Village landscape contractor, Possibility Place Nursery a vendor of native trees, and compared to the University of Illinois Extension list.

Commissioner Questions and Public Comment

Chair Delisle requested public comment of which there was none. The Commissioners' comments and discussion relative to the proposed amendments are detailed within the attached transcripts. At the conclusion of Commission discussion, the following motion was made.

A Motion Was Made By Commissioner Menconi Seconded By Commissioner Puleo To Recommend To The Board of Trustees Approval Of Amendments To The Subdivision and Tree Protection Regulations

On roll call vote, the vote was:

YEAS: Commissioners Ambrose-Gerak, Carpenter, Menconi, Puleo, Wrzeszcz, and Chair DeLisle
NAYS: None
ABSENT: None
ABSTAIN: None

Chair Delisle declared that the motion carried.

4. CONSIDERATION OF AMENDMENTS TO THE FENCE AND BERM REGULATIONS

Mr. Martin reported that the Village recently amended its fence regulations which resulted in a conflicting regulation relative to the fences in the business various zoning districts. The fence regulations permit the location of fences along lot lines while the district regulations require open yards. Staff recommends approval of amendments to accurately reflect the conditions within the district. There are dozens of lot line fences within the business park. The Village Attorney reviewed an ordinance allowing fences along lot lines in the business districts consistent with the fence regulations.

Commissioner Questions and Public Comment

Chair Delisle requested public comment of which there was none. The Commissioners' comments and discussion relative to the proposed amendments are detailed within the attached transcripts. At the conclusion of Commission discussion, the following motion was made.

A Motion Was Made By Commissioner Wrzeszcz Seconded By Commissioner Puleo To Recommend To The Board Of Trustees Approval Of Amendments To The Berm and Fence Regulations

On roll call vote, the vote was:

YEAS: Commissioners Ambrose-Gerak, Carpenter, Menconi, Puleo, Wrzeszcz, and Chair DeLisle
NAYS: None
ABSENT: None
ABSTAIN: None

Chair Delisle declared that the motion carried.

5. CONSIDERATION OF AMENDMENTS TO ZONING REGULATIONS RELATIVE TO MEDICAL CANNABIS OPERATIONS AND USES

Mr. Martin noted that the State of Illinois enacted the *Compassionate Use of Medical Cannabis Pilot Program - Public Act 98-0122* (the "Act") in August 2013. The Act allows for the cultivation and subsequent dispensing of marijuana/cannabis for various medical conditions by licensed physicians. The four-year pilot program will allow doctors to prescribe up to 2.5 ounces of marijuana every two weeks to patients who have a debilitating medical condition. The law allows for up to 60 dispensaries and 22 cultivation centers, to be spread out geographically across the state. The Act requires municipalities to allow these uses and supersedes home rule authority. There are two types of uses created by the Act:

Cultivation Center: a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. Mr. Martin noted due to the Lake Barrington Business Park being in close proximity to numerous residential uses¹, the possibility of a cultivation center being located here is remote.

Medical Cannabis Dispensing Organization ("dispensary"): a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire

¹ A 2,500 foot buffer is required from any residential use for a Cultivation Center.

medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Mr. Martin noted it is possible for a dispensary to be located within the Lake Barrington Business Park. The buffer of 1,000 feet from a “pre-existing daycare” would limit the location to areas outside of a marked area shown on an aerial provided to the Commission:

Village Attorney noted that the attached draft ordinance provides for compliance with the Act, incorporating its definitions, permissions, and regulations. The complete text of the 211 page Act can be found here: www.ilga.gov/legislation/publicacts/98/098-0122.htm, or google *Compassionate Use of Medical Cannabis Pilot Program*. Staff will have a copy available at the meeting and upon request.

The draft ordinance also adds the following local restrictions:

1. A cultivation center or dispensary shall be located only in the M Zoning District, and only pursuant to a Special Use.
2. Drive-through facilities for a cultivation center or dispensary shall not be permitted.
3. Outdoor, window, and/or on-site media displays of merchandise and/or products related to a cultivation center or dispensary shall not be permitted.
4. All exterior signage shall be in compliance with the Sign Regulation, and, no exterior signage, including window treatments over 8 1/2” x 11” in size, shall use the word “marijuana,” “cannabis,” or any other word, phrase, or symbol commonly understood to refer to marijuana or cannabis.

Commissioner Questions and Public Comment

Chair Delisle requested public comment of which there was none. The Commissioners’ comments and discussion relative to the proposed amendments are detailed within the attached transcripts.

At the conclusion of Commission discussion, the Commission chose to table consideration of the automotive use regulations to the next meeting and the following motion was made.

A Motion Was Made By Commissioner Menconi Seconded By Commissioner Wrzeszcz To Recommend To The Board Of Trustees Approval Of Amendments To Zoning Code relative to Medical Cannabis Operations and Uses.

On roll call vote, the vote was:

YEAS:	Commissioners Ambrose-Gerak, Carpenter, Menconi, Puleo, Wrzeszcz, and Chair DeLisle
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Chair Delisle declared that the motion carried.

6. ADJOURNMENT

A motion was made by Commissioner Puleo and seconded by Commissioner Ambrose-Gerak to adjourn the meeting. The voice vote was unanimous, the motion carried, and the meeting was adjourned at approximately 7:58pm.

THE VILLAGE OF LAKE BARRINGTON’S PLAN COMMISSION MINUTES FOR THE MEETING OF JANUARY 23, 2014 HAVE BEEN REVIEWED AND APPROVED

Village Administrator: _____