



CITY OF WOOD DALE

COMMUNITY DEVELOPMENT COMMISSION **MEETING AGENDA**

Date & Time: November 18, 2019 at 7:00 PM
Location: Wood Dale City Call
404 N. Wood Dale Road, Wood Dale, IL 60191
Members: Ron Damasco, Brad Karich, Richard Petersen, Dave Shimanek,
Rick St. Marie, George Vant, David Woods
Staff Liaison: Ed Cage

I. CALL TO ORDER

II. ROLL CALL

III. BUSINESS ITEMS

A. Approval of Meeting Minutes from September 16, 2019 and October 21, 2019

IV. PUBLIC HEARINGS

A. Case No. 2019-CDC-13

Hilton Displays is requesting a Sign Variation to allow a second menu board sign for the Starbucks drive-through. The subject property is located at 330 W Irving Park Road, (PIN 03-09-307-004). MSS Wood Dale Land, LLC is the owner of the parcel.

B. Case No. 2019-CDC-14

The City of Wood Dale is proposing a Text Amendment to Chapter 17 of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the text amendments is to consider the recreational cannabis regulations.

V. STAFF LIAISON REPORT

VI. ADJOURNMENT

COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: September 16, 2019

Present: Ron Damasco, Brad Karich, Richard Petersen, Dave Shimanek, George Vant, Dave Woods

Absent: Rick St. Marie

Also Present: Gosia Pociеча, Attorney Sean Conway, Attorney Ronald S. Cope, Michael A. Wolin, Steve Lenet, Nazar Skpupskyj, Blagoy Shterev, Arnold Rubin, Yolanda Gospodnva
Ald. Eugene Wesley

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Chairman Brad Karich called the meeting to order. Roll call was taken and a quorum was present.

APPROVAL OF THE MINUTES:

Mr. Shimanek made a motion to approve the minutes of the August 19, 2019 meeting; the motion was seconded by Mr. Petersen and unanimously approved as presented via voice vote.

PUBLIC HEARINGS:

CASE NO. 2019-CDC-09

Floor Pros., LLC is requesting a Special Use and Major Site Plan Review to permit the operation of a carpet, rug and linoleum store. The subject property is located at 1450 N. Wood Dale Rd. The property is improved with an existing one-story commercial building and parking lot and is currently zoned C-2General Commercial.

At the August CDC meeting, the Public Hearing under this case was continued to this September CDC meeting per the applicant's request. However, again acting upon petitioner's request, Mr. Shimanek made a motion, seconded by Mr. Petersen, to continue the hearing once again until the November CDC meeting. The motion was unanimously approved as presented via voice vote. Motion carried. Mr. Woods requested that staff re-post the sign announcing the Public Hearing so that anyone interested in this case will be aware of the new hearing date. In addition, staff will direct a letter to the petitioner

requesting information regarding his future plans for this project and his reasons for seeking another continuance.

CASE NO. 2019-CDC-07

OVERVIEW:

Trust 1186 Partnership is requesting a Text Amendment to Chapter 17 of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the text amendment is to modify Section 17.903 Allowed Uses by adding “motor vehicle repair facility for commercial motor vehicles” to be designated as a special use within the Corporate Main Street subarea of the Thorndale Corridor Corporate Overlay District.

DISCUSSION:

Ms. Pociеча provided background information for the two cases to be considered. The requests for the text amendment and the special use (to be considered later) were submitted by the property owners at 885 Lively Blvd. is zoned Corporate Main Street (CMS) subarea of the Thorndale Corridor Corporate (TCC) District Overlay with underlying I-1 (Light Industrial). This request for a text amendment has become necessary because of a change in the building’s tenant. The applicant is proposing a Text Amendment to allow a commercial truck repair as a special use within the Corporate Main Street subarea of the TCC overlay District. Currently, uses falling under this use category are permitted only within the I-1 Light Industrial, I-2 Industrial districts and C-3 Automotive Services (passenger vehicles only). She explained further that while this use does not meet the intent of the Corporate Main Street subarea where the predominant uses would include office, retail and supporting services, the area was developed and remains an industrial park with predominantly industrial uses. Representatives of petitioner were in attendance and attested to the fact that, while a truck repair use within the Corporate Main Street does not meet the intent of this subarea per the 2009 Master Plan, it may be considered consistent with the Comprehensive Plan which recognizes the difficulties for redevelopment of this subarea in current market conditions. Additionally, they explained that there has not been nor will there be any outside storage of vehicles or equipment, that all repair work is done inside the building, there is no obtrusive signage on the building and would, therefore, not have a negative impact on the area in general. Mr. Blagoy Shterev, a tenant in another building in the area was in attendance and expressed his support of this text amendment. Mr. Woods stated his opposition, citing the fact that development of the UDO was a costly project and should not be put aside in considering this request.

VOTE:

Mr. Vant made a motion that based on the proposed text amendment to the UDO, as summarized in the staff memo, I move that the Community Development Commission

recommend to the City Council approval of the proposed text amendment to allow a Motor Vehicle Repair Facility for Commercial Vehicles as a Special Use in the Corporate Main Street subarea of the Thorndale Corridor Corporate Overlay District in Sec. 17.903 in Case No. 2019-CDC-07. Mr. Shimanek seconded the motion. A roll call vote was taken with the following results:

Ayes: Mr. Shimanek, Mr. Vant, Mr. Petersen, Mr. Damasco, Mr. Karich
Nays: Mr. Woods
Abstain: None
Motion carries.

CASE NO. 2019-CDC-08

OVERVIEW

Trust 1186 Partnership, owner of the property located at 885 Lively, is requesting a Special Use and Major Site Plan Review to permit the operation of a motor vehicle repair facility for commercial motor vehicles. The petition is contingent upon approval of the requested Text Amendment as described above in Case No. 2019-CDC-07. As described in that case, the site is zoned Corporate Main Street (CMS) subarea of the Thorndale Corridor Corporate (TCC) District Overlay with underlying I-I (Light Industrial) zoning. The one-story brick commercial building and surface parking is located on a 0.78-acre site. The building's former tenant performed snow removal for O'Hare Airport and included maintenance and repair of their vehicles for twenty-six years. This request for a text amendment and special use has become necessary because of a change in the building's tenant. Staff reiterated the information presented at the Public Hearing conducted in conjunction with this request as did representatives of the petitioner. Mr. Nazar Skrupskyj was in attendance and expressed his support of this request.

RECOMMENDATION

Mr. Karich made a motion that based on the submitted petition and the testimony presented, the proposed Special Use and Major Site Plan Review meets the standards of approval and is consistent with the UDO and Comprehensive Plan; therefore, I move that the Community Development Commission adopt the findings of fact included within the staff memo as the findings of the Community Development Commission, and recommend to the City Council approval of the Special Use request to operate a vehicle repair facility for commercial vehicles at 885 Lively Blvd. in Case No. 2019-CDC-08. Mr. Vant seconded the motion and a roll call vote was taken with the following results:

VOTE

Ayes: Mr. Vant, Mr. Petersen, Mr. Shimanek, Mr. Damasco, Mr. Karich
Nays: Mr. Woods
Abstain: None
Motion: Passed

STAFF LIAISON REPORT

Ms. Pociеча reminded Commissioners of the Special Meeting to be held on September 30th.

ADJOURNMENT:

Mr. Shimanek motioned to adjourn the meeting at 8:25 P.M.; the motion was seconded by Mr. Damasco and was unanimously approved via voice vote.

Minutes taken by Marilyn Chiappetta

COMMUNITY DEVELOPMENT COMMISSION MINUTES

Meeting Date: October 21, 2019

Present: Ron Damasco, Brad Karich, Richard Petersen, Dave Shimanek, George Vant, Dave Woods

Absent: Rick St. Marie

Also Present: Gosia Pociecha, Ed Cage, Attorney Mary Dickson
Mayor Pulice, Kevin Mahoney, David Mangurten
Forty-Four Observers

Meeting Convened at: 7:00 P.M.

CALL TO ORDER:

Chairman Brad Karich called the meeting to order. Roll call was taken and a quorum was present.

APPROVAL OF THE MINUTES:

Mr. Karich made a motion to approve the minutes of the September 30, 2019 meeting; the motion was seconded by Mr. Woods and unanimously approved as presented via voice vote.

PUBLIC HEARINGS:

CASE NO. 2019-CDC-09

OVERVIEW:

Floor Pros, LLC had requested a Special Use and Major Site Plan Review to permit the operation of a flooring store. The subject property is located at 1450 N. Wood Dale Rd. William Lockwood is the owner of the parcel.

DISCUSSION:

Mr. Karich stated that the petitioner has requested withdrawal of their application, thus concluding Case No. 2019-CDC-09.

CASE NO. 2019-CDC-11

OVERVIEW:

Transwestern Development Company, LLC is requesting Rezoning from R-1, upon annexation, to I-1, Light Industrial, Final Plat of Subdivision, Special Use, Planned Unit Development, Final Development Plan and Major Site Plan Review to demolish thirty existing single-family homes in Branigar's Mohawk Manor and to construct a new 301,075 sq. ft. industrial building. The subject property is unincorporated and consists of thirty parcels located near the intersection of Bryn Mawr and IL Route 83. CH Realty VIII- TDC 1 Chicago Bryn Mawr, LLC is the property owner.

DISCUSSION:

Ms. Pociecha explained petitioner's proposal for demolishing thirty residential buildings in Branigar's Mohawk Manor, to consolidate those lots into one and to construct a 301,075 sq. ft. light industrial building on this 17,726-acre site. The proposal includes a partial vacation of Bryn Mawr Ave., which will be reduced in width from 100 to 66 feet in the vicinity of the development project. The subject property will be annexed and rezoned from unincorporated DuPage County residential R-3 in the City of Wood Dale I-1 Light Industrial zoning. The proposed building will be occupied by Nippon Express USA, Inc., a company that currently occupies two buildings in Wood Dale. Their proposal is to consolidate those operations, to relocate their corporate headquarters in the new building, and to use the majority of the building for warehousing with limited truck traffic. The site address will be 800 N. Rte. 83. Ms. Pociecha and Mr. Cage stated that the subject property is consistent with the land uses surrounding the subject property to the west, north and east. In addition, the subject property is designated as Industrial/Business Park and Sites Likely to Experience Development Pressure in the Future Land Use Map of the Comprehensive Plan. Further, development as proposed meets the goals of the City Council. Mr. Cage noted that the proposed plan has been reviewed by the City Engineer, Building Administrator, Public Works, Planner and Wood Dale Fire Protection District. Mr. Kevin Mohoney of Transwestern Development Company pointed to Wood Dale's premier location for future developments of this type; he described the building's high-image design, extensive landscape plans for the site and stated that the project as designed is consistent with current marketing demands and re-development projects. He stated that the anticipated scheduling of demolition, construction and completion of the project would take approximately twelve months. At the conclusion of Mr. Mohoney's presentation, members of the public were sworn in and allowed to ask questions and to voice their concerns and/or objections to this project. Of prime importance to the remaining one hundred and four residents of Mohawk Manor are increased traffic in and out of the area and the resultant safety concerns, the existing problems regarding ingress/egress for the area and how any increase in vehicles will exacerbate an already difficult situation. In addition, environmental

concerns re. the area's water supply via wells and the existing septic fields were raised; petitioner was questioned regarding these issues during tree removal. Questions regarding the City's allowable hours of construction and the requirement that the petitioner provide oversight during all phases of construction were discussed. The conclusions reached in the traffic impact study provided by petitioner were challenged; in particular, the proposed access points along Bryn Mawr and the need to revise same. Petitioner is requesting deviations through the PUD process. One in particular regarding service and auto curb-cut width is viewed as problematic. In response to all of the comments raised by the attendees, Mr. Cage stated that he will contact DuPage County to determine whether or not petitioner has obtained all permits as required for work done to date and added that discussions with the developer will continue regarding modifications to the plan based upon comments made by residents affected by this project.

VOTE:

Mr. Karich made a motion that based on the submitted petition and the testimony presented, the proposed Rezoning, Special Use, Planned Unit Development, Final Plat of Subdivision and Major Site Plan Review meet the standards of approval and are consistent with the UDO and Comprehensive Plan; therefore, he moved that the Community Development Commission adopt the findings of fact included within the staff memo dated October 21, 2019 as the findings of the Community Development Commission, and recommend to the City Council approval of Rezoning to I-1, upon annexation, Special Use for a planned Unit Development-Final Development Plan and Major Site Plan Review and for approval of a Final Plat of Subdivision for the Bryn Mawr Industrial Redevelopment at 800 N. Route 83 in Case No. 2019-CDC-11 subject to the following conditions:

- The Special Use, Planned Unit Development, Final Plat of Subdivision and Major Site Plan Review shall substantially conform to the staff memo dated October 21, 2019 and the attached exhibits, except as such plans may be modified to meet City code requirements. Where deviations to the codes have not been requested as part of this approval, the existing codes must be met, as applicable, at the time of permit application.
- Final engineering approval
- An examination of the elimination of one of the Bryn Mawr access points
- Consideration of the use of emergency exits/egress with traffic flow
- Review of water/well concerns with demolition/pre-demolition as well as in relation to current residential area to the south
- Site supervision as well as protection (safety)
- Issuing permitting by DuPage County in place and/or with other entities (DuPage County Health Department)
- Consideration of another entrance off Edgewood

The motion was seconded by Mr. Vant. A roll call vote was taken with the following results:

Ayes: Mr. Woods, Mr. Shimanek, Mr. Karich, Mr. Vant, Mr. Damasco

Nays: Mr. Petersen

Abstain: None

Motion carries

CASE NO. 2019-CDC-12

OVERVIEW

EmployBridge, LLC d/b/a Resource MFG and ProLogistix is requesting a Text Amendment, Special Use and Major Site Plan Review to permit the operation of an employment agency as a Special Use in the Town Center Business District. The subject property is located at 273 E. Irving Park Rd, Suite B. Mason Property Group LLC is the owner of the parcel,

DISCUSSION

Ms. Pociеча explained that the Municipal Code defines an employment agency as “a business that provides contractual employment for individuals, whether that is for a short-term or long-term period.” Currently, employment agencies are allowed as a Special Use in the C-1 and C-2 districts and permitted use in the C-3 zoning districts, If this text amendment is approved, any employment agency seeking to locate in the TCB would need a Special Use. The employment agency use is not permitted in the TCB District without the approval of the text amendment. To this effect, the applicant is concurrently requesting both the text amendment and, if approved, a Special Use to operate an employment agency at 273 E. Irving Park Rd., Suite B. In addition, a Major Site Plan Review is also required. Further, Ms. Pociеча advised commissioners that petitioner does not plan to make any changes to the site, that the parking requirements are met and that traffic impact will be negligible. Ms. C. Tomczyk, business owner at 265 E. Irving Park Rd. directly west of the subject site, was present to comment on parking problems which routinely occur from customers of the Sherwin Williams Paint Store in the 273 E. Irving Pk. Rd. building and the Sweet Baby Ray’s restaurant east of the building. She explained that here are often cars parked in the area serving her business at 265 E. Irving Pk. Rd., an inconvenience to her business. The petitioner has expressed desire to assist her in alleviating the problem by posting the parking area as an area to be used only for her establishment. In addition, owners of the other two businesses will be requested to educate their employees and customers as to where they may park.

VOTE

Mr. Karich made a motion that, based on the submitted petition and the testimony presented, the proposed Text Amendment is consistent with the Unified Development Ordinance and Comprehensive Plan, he moved that the Community Development Commission recommend to the City Council approval of the text amendment to allow an Employment Agency as a Special Use in the TCB, Town Center Business District in Case No, 2019-CDC-12. The motion was seconded by Mr. Vant. A roll call vote was taken with the following results:

Ayes: Mr. Damasco, Mr. Vant, Mr. Petersen, Mr. Shimanek, Mr. Karich, Mr. Woods
Nays: None
Abstain: None
Motion: Passed

Re the Special Use and Major Site Plan Review: Mr. Karich made a motion that based on the submitted petition and the testimony presented, the proposed Special Use and Major Site Plan Review meet the standards of approval and is consistent with the Unified Development Ordinance and Comprehensive Plan; therefore, he moved that the Community Development Commission adopt the findings of fact included within the staff memo as the findings of the Community Development Commission and recommend to the City Council approval of the Special Use request to operate an Employment Agency at 273 E. Irving Park Rd, Suite B in Case No. 2019-CDC-12. Mr. Shimanek seconded the motion. A roll call vote was taken with the following results:

Ayes: Mr. Damasco, Mr. Vant, Mr. Shimanek, Mr. Karich, Mr. Petersen, Mr. Woods
Nays: None
Abstain: None
Motion: Passed

STAFF LIAISON REPORT:

There were no items to report.

ADJOURNMENT:

Mr. Shimanek motioned to adjourn the meeting, which was seconded by Mr. Woods. The motion was unanimously approved via voice vote. The meeting adjourned at 10:00 P.M.

Minutes taken by Marilyn Chiappetta

CITY OF WOOD DALE

Community Development



MEMO

DATE: November 18, 2019

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. 2019-CDC-13, Sign Variation to Allow Second Menu Board Sign, 330 W Irving Park Rd

REQUEST

An application has been filed by Hilton Displays for a Sign Variation to Chapter 13, Article VI, Sec. 13.602.A of the Municipal Code, the Unified Development Ordinance (UDO). The purpose of the Sign Variation is to allow a second menu (pre-menu) board sign for the Starbucks drive-through located at 330 W Irving Park Road, (PIN 03-09-307-004), Wood Dale, Illinois.

PROPERTY INFORMATION

Site Address: 330 W Irving Park Road
PIN: 03-09-307-004
Property Size: 0.69 acres (approx. 30,056 square feet)
Existing Land Use: Retail/Commercial
Future Land Use: Retail/Commercial
Existing Zoning: C-1, Neighborhood Commercial

Surrounding Zoning / Land Use

North: C-2, General Commercial
South: C-1, Neighborhood Commercial / R-1, Estate Residential
East: C-1, Neighborhood Commercial
West: C-1, Neighborhood Commercial

ANALYSIS

Submittals

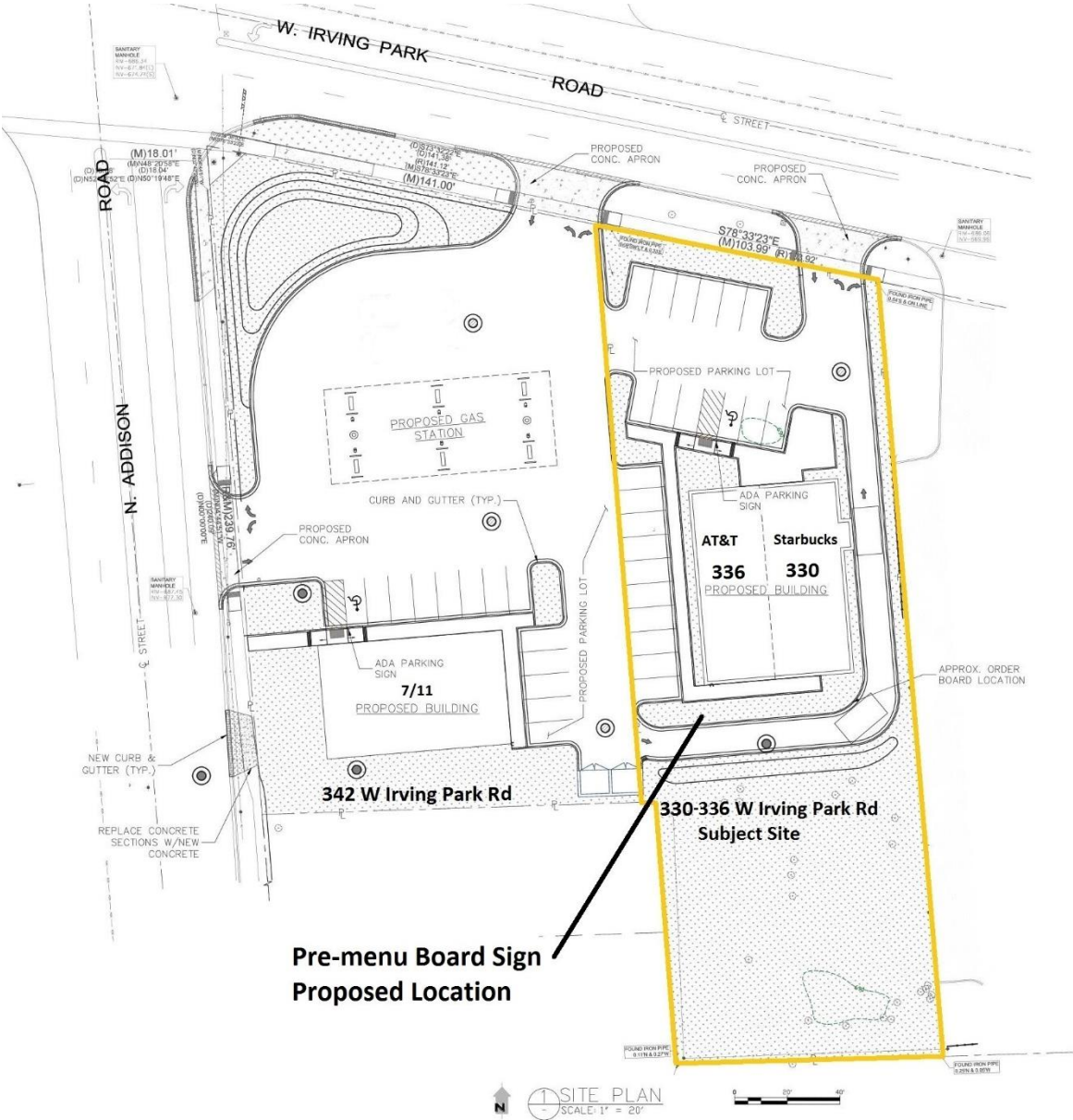
The analysis and recommendation provided within this memo are based on the following documents, which are on file in the Community Development Department and attached as noted:

- Public Hearing Application

- Proof of Ownership
- Architectural Site Plan (Exhibit A)
- Sign Specifications - Pre-Menu Freestanding (Exhibit B)
- Petitioner Narrative (Exhibit C)

Project Description

The subject property is located on the southeast corner of Addison and Irving Park Roads, commonly known as 330 W Irving Park Road (see map below). The property, approximately 0.69 acres in size, is zoned C-1, Neighborhood Commercial. The site is currently being developed and will contain a one-story commercial building housing two commercial tenants; a retailer and restaurant with a drive-thru. Refer to Exhibit A for the site plan drawing of the site.



The applicant has petitioned for a Sign Variation approval to allow a second menu (pre-menu) board sign (see Exhibit B) for the Starbucks drive-through at 330 W Irving Park Road.

Per the applicant's statement, the proposed pre-menu board is typically present at all Starbucks drive-throughs. While the menu board lists standard menu that do not change, the pre-menu board is used to inform customers of new or unique items that are being offered. The pre-menu board is approximately 5.4' tall by 3' wide with a total sign area of 6.72 square feet. The subject sign will be located behind the building and will not be visible from the main streets. The Sign Code allows only one menu board sign per zoning lot, therefore the applicant has submitted a petition seeking approval for a second menu board.

Neighborhood Comment

Notice was provided to adjacent property owners in accordance with Section 17.401.D of the UDO. No public comments have been received as of November 13, 2019.

Findings of Fact

The Community Development Commission may recommend approval of a Sign Variation if evidence is presented to establish that the application meets the standards. The applicant has provided responses to the standards in Exhibit C. The standards are as follows (*staff comments italicized*):

1. The property in question cannot yield a reasonable return if a sign may be permitted only under the conditions allowed by the regulations of the zoning district in which it is located;

The pre-menu board is intended to notify the customers waiting in drive-through of new and unique items that are being offered. Without the pre-menu board, customers would only view the standard menu, which does not list the shifting seasonal promotions. Without the presence of the pre-menu board, many of these seasonal products would not be captured by the drive-through traffic. This standard is met.

2. The plight of the owner is due to unique circumstances, and the proposed request will not merely serve as a convenience to the petitioner but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other property within the same zoning district;

Per the applicant, 60% of business is conducted via drive-through. The function of pre-menu board is to offer additional information to customers affecting their purchases. The pre-menu board is a significant component of Starbucks' business operation. This standard is met.

3. The alleged hardship has not been created by any person presently having a proprietary interest in the subject property;

As mentioned above, a significant portion of the business operations occurs at the drive-through. The proposed pre-menu board sign is an important component of Starbucks' business model. This standard is met.

4. The proposed request will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood;

The proposed pre-menu board will not be materially detrimental to the public welfare or injurious to other properties. The pre-menu board will be located along the drive-through and will be screened from the public streets. This standard is met.

5. The proposed request will not alter the essential character of the neighborhood; and

The proposed pre-menu board is consistent with the existing commercial character of the neighborhood. The board is designed and installed to conform to the appearance of the site and matches the other drive-through components. It will not be visible from the major streets. This standard is met.

6. The proposed request is in harmony with the spirit and intent of this chapter.

The proposed pre-menu board sign meets the locational and size requirements of the Sign Code. This standard is met.

RECOMMENDATION

The Community Development Department finds that the request for the Sign Variation to allow a second menu (pre-menu) board sign for the Starbucks drive-through located at 330 W Irving Park Road meets the standards for approval per Sec. 13.802 of the Municipal Code. Based on the above considerations, staff recommends that the Community Development Commission make the following motion recommending approval of this petition:

Based on the submitted petition and the testimony presented, the proposed Sign Variation meets the standards for approval; and, therefore, I move that the Community Development Commission recommend to the City Council approval of the Sign Variation to allow a second menu (pre-menu) board sign for the drive-through at 330 W Irving Park Road in Case No. 2019-CDC-13.

(Yes vote would be to approve; No vote would be to deny.)

SITE PLAN

- A** 20" CHANNEL LETTERS
- B** 60" WALL SIGN
- C** 62" DT WALL SIGN
- D** 46" DT DIRECTIONAL
- E** 46" TY/EO DIRECTIONAL
- F** CLEARANCE BAR
- G** PRE MENU BOARD
- H** 5 PANEL MENU
- I** CANOPY
- J** DIGITAL ORDER SCREEN
- K** DIGITAL CONTROL BOX
- L** TENANT PANELS

Exhibit A

HILTONDISPLAYS
 125 HILLSIDE DRIVE • GREENVILLE SC 29607
 P 800 353 9132 • F 864 242 2204
 www.hiltondisplays.com

QID 19-45213

JOB NAME

Starbucks 2746

LOCATION

330 West Irving Park Road
 Wood Dale, IL 60143

CUSTOMER CONTACT

SALESMAN / PM

David Rodatz

DESIGNER

Jesse Black

DWG. DATE

06-27-19

REV. DATE / REVISION

SCALE

As Noted

FILE

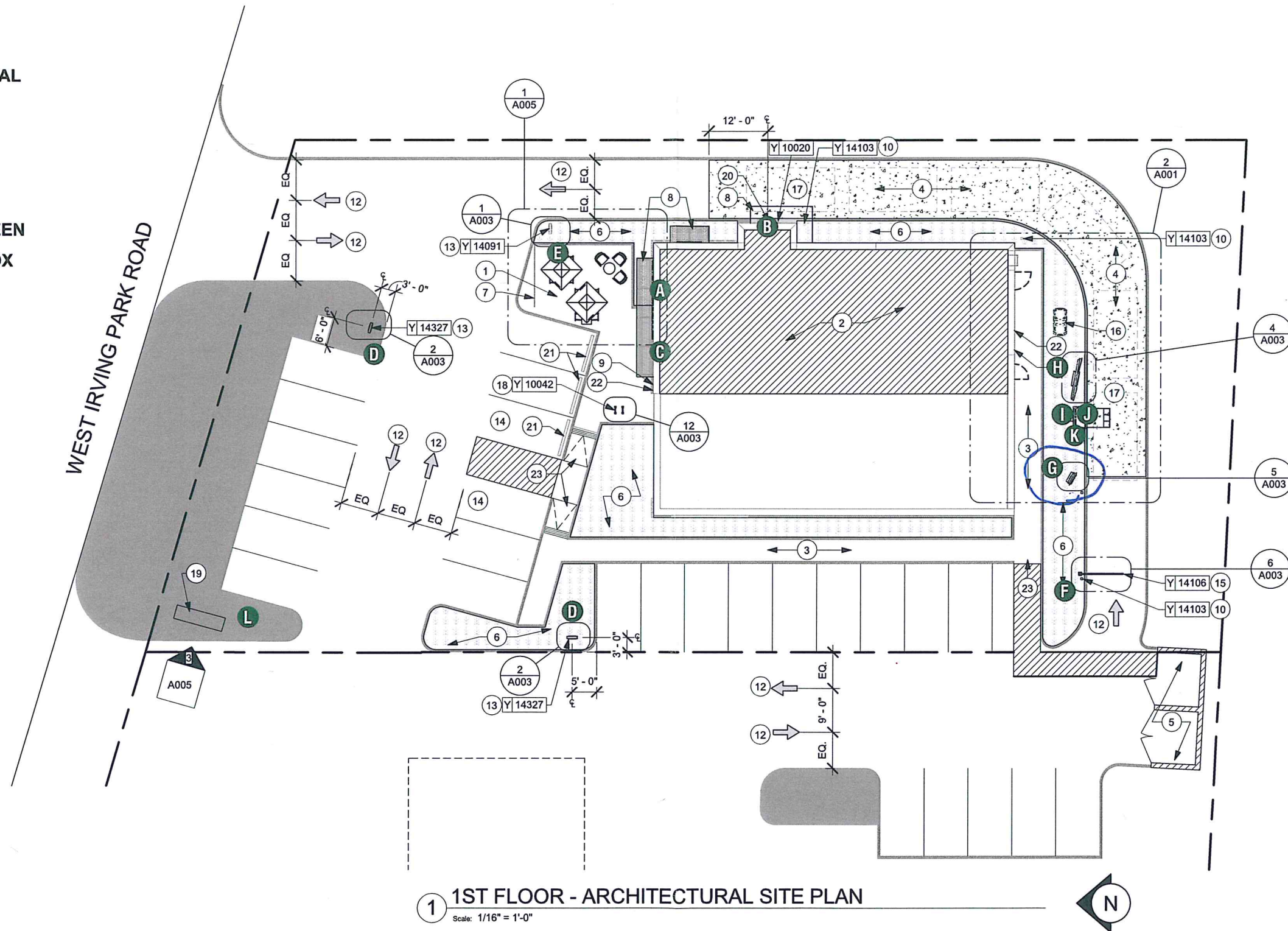
2019/Starbucks/Wood Dale IL/
 19-45213/SB Wood Dale IL
 19-45213.cdr

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



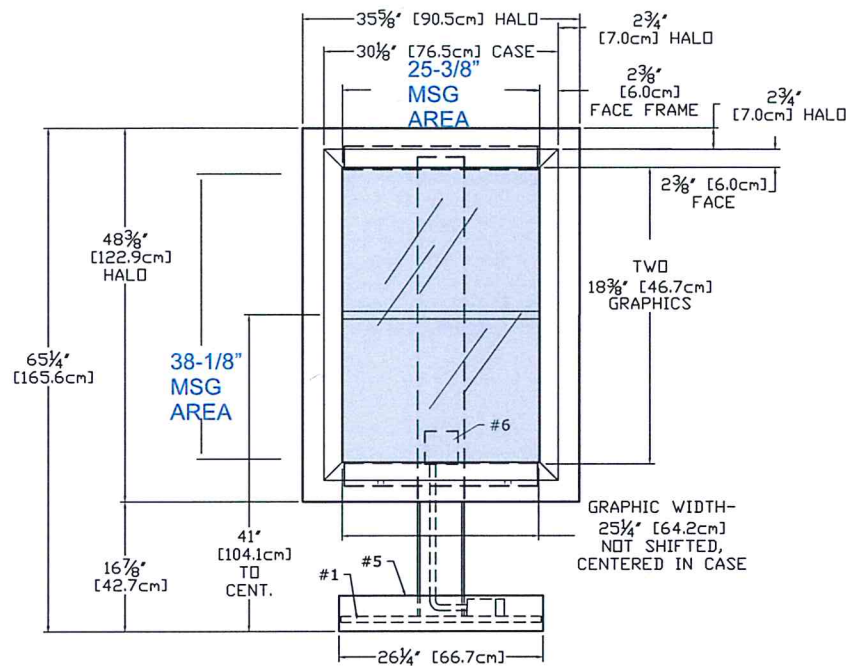
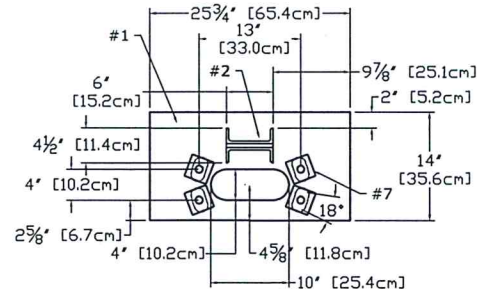
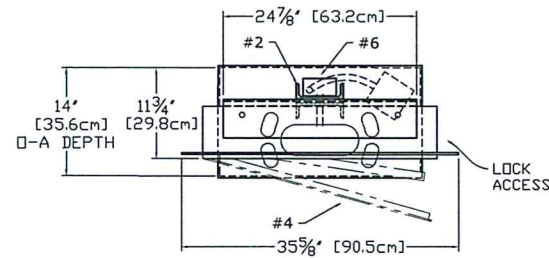
1 1ST FLOOR - ARCHITECTURAL SITE PLAN
 Scale: 1/16" = 1'-0"

COLOR LEGEND		
	PMS/PAIN	VINYL
	PMS 3425 C	3M 3630-76
	RAL 7021M	3M 3630-22
	PMS WHITE	3M 3630-20/ 7725-10 TRANSLUCENT OPAQUE
	PMS 369 C	NA
	REFL. WHITE	3M 680-10

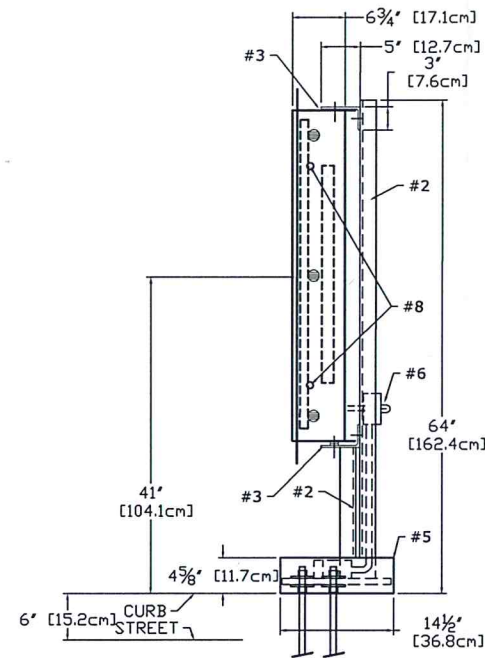
PRE-MENU BOARD - FREESTANDING

Qty. 1

G



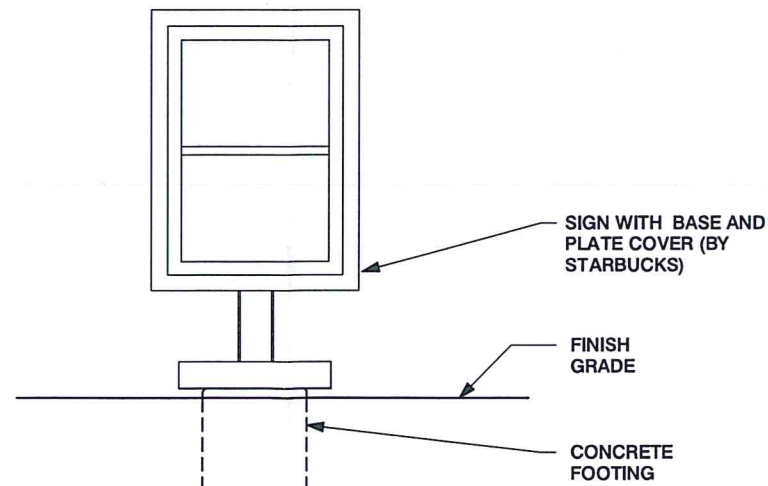
MESSAGE AREA = (25.375 * 38.125) / 144 = 6.72 SQ FT



- #1 - 3/4" [19mm] STEEL BASE PLATE w/ 18deg HOLES PATTERN LEFT SQUARE / SYMETRICAL
- #2 - C6X10.5 (6"x2"x5/16") STEEL POST (1x)
- #3 - 5"x3"x1/4" STEEL SUPPORT ANGLES (2x) (WELDED TO STEEL POST)
- #4 - EXTRUDED ALUMINUM MENU BOARD (1x) ONE SPLIT PANEL LIGHTBOX TWO 25 1/4"x18 3/8" GRAPHICS GRAPHIC ASSEMBLY CENTERED, NOT SHIFTED STANDARD LED TUBE LIGHTING, SIDE LOCKS
- #5 - WELDED ALUMINUM BASE COVER
- #6 - WATER-TIGHT BOX w/SWITCHES & SENSOR, RIDGID CONDUIT RUN TO SECOND EXT BOX BELOW BASE COVER, 120 WATT, 0.30Aac
- #7 - 8 BASE WASHERS, 1/4" THICK
- #8 - TWO SIDE MOUNT LOCKS, RETAIN EXISTING KEY #E3-26-819-15

DTE - PRE-MENU FREESTANDING

Scale: 1/2" = 1' (11x17 paper)



DTE - PRE-MENU FREESTANDING

Scale: 3/8" = 1' (11x17 paper)

Exhibit B

HILTONDISPLAYS

125 HILLSIDE DRIVE • GREENVILLE SC 29607
P 800 353 9132 • F 864 242 2204
www.hiltondisplays.com

QID 19-45213

JOB NAME

Starbucks 2746

LOCATION

330 West Irving Park Road
Wood Dale, IL 60143

CUSTOMER CONTACT

SALESMAN / PM

David Rodatz

DESIGNER

Jesse Black

DWG. DATE

06-27-19

REV. DATE / REVISION

SCALE

As Noted

FILE

2019/Starbucks/Wood Dale IL/
19-45213/SB Wood Dale IL
19-45213.cdr

DESIGN SPECIFICATIONS ACCEPTED BY:

EST: CLIENT:

SLS/PM: LANDLORD:

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David Rodatz

Hilton Displays
125 Hillside Drive Greenville, SC 29681
(864) 270-1655
davidrodatz@hiltondisplays.com

City of Wood Dale

404 North Wood Dale Road Wood Dale, IL 60191

Dear City of Wood Dale,

I am writing you in regard to the signage variance for Starbucks #2746, 330 West Irving Park Road. A variance for the pre-menu board is required.

The pre-menu board is a key component that is a part of Starbucks' drive thru at every location. As is the case with many restaurants, Starbucks menu is constantly evolving and offering new products to customers. The pre-menu board serves as the focus point to present these new and unique items to customers as they wait to order. At 65.25 inches tall and a message area of only 6.72 square feet, the pre-menu board isn't meant to garner attention or add any aesthetics to the drive thru lane.

Starbucks has no desire to change the aesthetics of not only the drive thru, but any particular area around the drive thru. The menu board, while being a nice-looking feature as customers move forward in the drive thru lane, is located at its designed location to capture the attention of customers who need to be made aware of new or unique items that are being offered.

Without the pre-menu board's presence in the drive thru lane, critical information is lost between Starbucks and the customer. Starbucks' standard menu board is a set menu of items that do not change. The pre-menu board presents the ability to give more updated information to customers. With this out of the picture, information and potential business is lost.

I humbly ask that the pre-menu board be accepted and permitted into Starbucks' signage scope. It is not only Starbucks' intent, but my intent, to always make sure that any and all signage proposed, permitted, and installed is always in harmony with the spirit of the city and will be something the city not only finds attractive, but is beneficial for all parties.

Warm Regards,

David Rodatz

Project Manager, Hilton Displays



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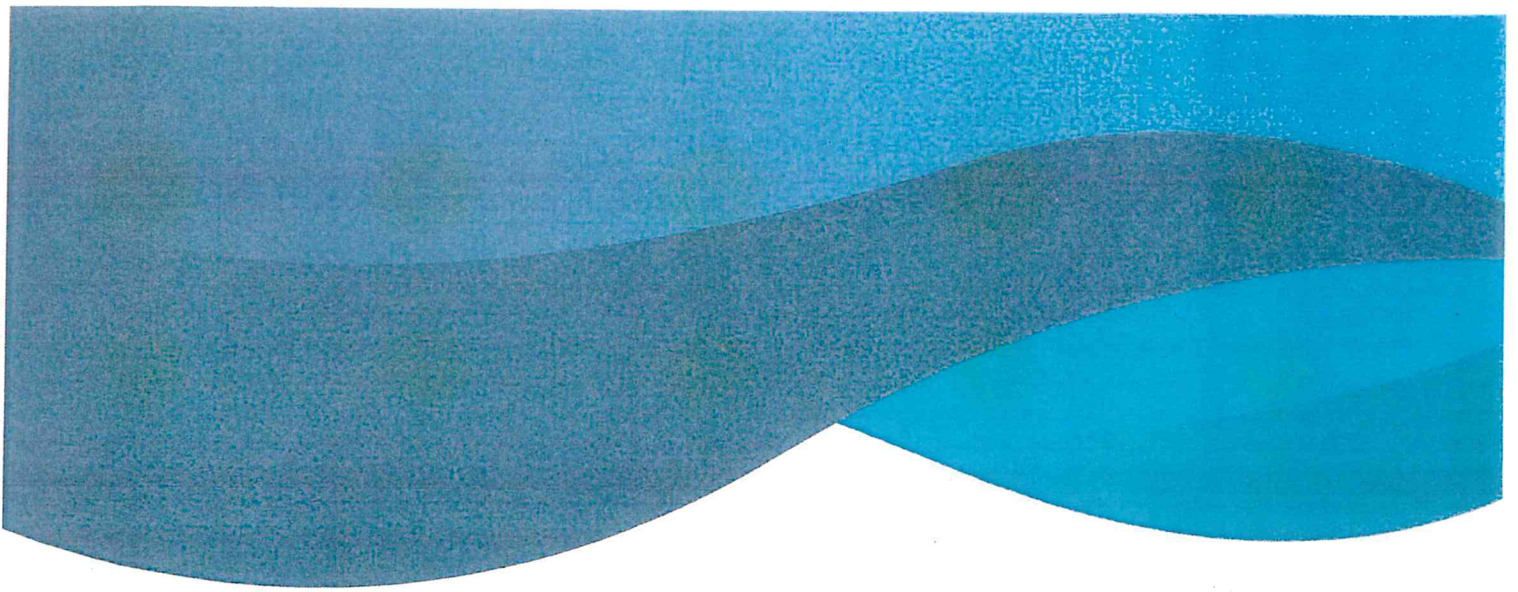
City of Wood Dale

404 North Wood Dale Road Wood Dale, IL 60191

City of Wood Dale,

Below are the responses to the applicable standards required for the variance regarding a narrative for the proposed pre-menu board.

- 1) A pre-menu board remains a critical piece of Starbucks' drive thru business. Due to the shifting menu and seasonal promotions, the pre-menu board provides visibility to these changes. Without the presence of the pre-menu board, many of these products are not captured by drive thru traffic.
- 2) The pre-menu board is not wanted out of convenience of Starbucks wanting a full drive thru equipment scope. The pre-menu board is the first piece of advertising and product customers see as they pull into the drive thru lane. These products, typically seasonal and new to the menu, offer additional choices and information that many customers are not aware of. Since 60% of Starbucks business is done via drive thru, the pre-menu board remains a critical piece for the biggest aspect of Starbucks' business.
- 3) The pre-menu board is always a major drive thru component of the Starbucks brand.
- 4) Starbucks architecture, construction and vendors always make sure that the drive thru components are designed and install in a way that is not a detriment or an annoyance to customers or the public. The pre-menu board, like all pieces of drive thru equipment, are designed and installed in a way that conforms nicely with the overall site.



- 5) The dimensions of the pre-menu board do not stand out and fits in nicely with the drive thru lane as customers pull in for their order.

- 6) The pre-menu board works together with other drive thru components to form a customer experience that is effective and promotes the overall Starbucks brand.

Warm Regards,

David Rodatz, Project Manager

CITY OF WOOD DALE

Community Development



MEMO

DATE: November 18, 2019

TO: Community Development Commission

FROM: Gosia Pociecha, AICP, Planner

SUBJECT: Case No. 2019-CDC-14, Text Amendment to the Unified Development Ordinance – Recreational Cannabis Regulations

OVERVIEW

Text amendment to the Unified Development Ordinance (UDO), Chapter 17 of the Municipal Code is being proposed. The purpose of the text amendment is to consider the recreational cannabis regulations. The application is being heard under Case No. 2019-CDC-14.

BACKGROUND

Medical Cannabis

The Compassionate Use of Medical Cannabis Pilot Program Act (Public Act 098-0122) went into effect on January 1, 2014, legalizing the use of medical marijuana. At that time two types of businesses were established: medical marijuana cultivation centers and medical marijuana dispensaries. Contained in the State legislation were restrictions concerning minimum separation distances for cultivation centers and dispensaries from schools, daycares, and areas zoned for residential. Local governments could not completely prohibit these facilities but could enact reasonable zoning regulations in addition to the standards prescribed by the state.

On February 20, 2014, the City Council approved the land use and zoning regulations for medical marijuana via Ordinance O-14-002. The City Code limited the medical marijuana dispensary and medical marijuana cultivation center as special uses in the I-2 Industrial District. There were no properties within Wood Dale that would meet the required separation distances for cultivation centers, however, said use was added to City Code in case the State would modify the separation restrictions in the future.

To date, the City has not received any applications for a special use for medical marijuana dispensary or cultivation center.

Recreational Cannabis

The Cannabis Regulation and Tax Act (Public Act 101-0027, “The Act”) signed into law on June 25, 2019, will legalize the possession and private use of cannabis for Illinois residents over 21 years of age. The Act will become effective on January 1, 2020. The City Attorney has provided a brief memo, attached as Exhibit A, outlining some of the most pertinent information related to the Act. Additional information is provided via excerpts from the Illinois Municipal League’s publication on adult-use cannabis including a Fact Sheet and Frequently Asked Questions (Exhibit B).

While a municipality may not restrict the private consumption of cannabis that is authorized by the Act, it may enact local ordinances regulating establishment of recreational cannabis businesses. The Act allows municipalities to prohibit (opt-out) or significantly limit the establishment and operation of recreational cannabis businesses within its corporate limits.

Cannabis Business Establishments

The Act creates five (5) adult-use recreational cannabis licenses, subject to various fees and subject to administration by the Illinois Department of Agriculture and the Illinois Department of Financial and Professional Regulation. The licenses are summarized as follows:

- Adult-use Dispensing Organization: selling and dispensing; includes registered medical cannabis organizations; may not be located within 1500ft of a pre-existing dispensing organization
- Adult-use Cultivation Center: cultivate, process and transport
- Craft Grower: 40 licenses; cultivate, dry, cure and package; may share premises with a processing organization or a dispensing organization or both; may not be located in area zoned for residential; not within 1,500ft of another craft grower or cultivation center.
- Infuser: 40 licenses; directly incorporate cannabis or cannabis concentrate into a product; may only sell their product to dispensing organizations; may not be located in area zoned for residential; may share area with a craft grower or a dispensing organization, or both.
- Transporter: transport cannabis on behalf of a cannabis business establishments or a community college

Surrounding Communities

Many communities are still considering the topic of recreational cannabis and have not indicated their stand. There is also a number of municipalities that have decided to opt-out by prohibiting establishment of recreational cannabis businesses. Table below provides a summary of few of the surrounding communities.

Community	Status
Addison	No indication yet
Bensenville	Opt-in; Allowed as special use in C-1, C-2, I-1 and I-2 (10/22/2019)
Bloomington	May opt-out; PC meeting to prohibit in the Zoning Code (10/15/19); Village Board vote at a later date
Carol Stream	No indication yet

Glendale Heights	No indication yet
Elk Grove Village	Opt-out
Elmhurst	Opt-out
Hanover Park	No indication yet; to be considered in November
Itasca	No indication yet

ANALYSIS

Text Amendment – Opt-out

As mentioned earlier in the report, the City has the ability to completely opt-out by prohibiting establishment of any of the recreational cannabis businesses. Prohibiting the recreational cannabis establishments would not impact the medical dispensaries, which would remain to be permitted as special use in the I-2, Industrial zoning district.

The initial feedback received by the staff indicates the City would prefer to opt-out at this time. The topic could be revisited in the future as more information becomes available related to the impacts upon the health, safety and welfare of residents. Additional information would also need to be factored related to the costs and impacts upon law enforcement and regulatory operations.

The proposed text amendment to prohibit establishment of cannabis businesses would amend Sec. 17.503, as follows:

[17.503 B. Cannabis Business Establishments:](#)

[Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act \(410 ILCS 705/1-10\), which include cultivation centers, craft growers, processing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.](#)

Compliance with the Comprehensive Plan

The proposed text amendments will help the City work towards the Comprehensive Plan's vision by working towards "sustaining a good quality of life for its residents". It will also help the City to work towards Comprehensive Plan's goals such as to "keep Wood Dale diverse" by managing development to create a balanced mix of land uses, promoting economic vitality, and sustainable quality of life. One of the strategies is working towards limiting potential negative impacts of businesses on residential areas.

Compliance with the Unified Development Ordinance

The proposed text amendment is in keeping with the purpose and intent of the UDO to implement the goals, objectives and policies of the Comprehensive Plan and to promote the public health, safety, morals, comfort and general welfare of the people. The purpose

of the text amendment is to prohibit the establishment of cannabis businesses within the City, due to the potential negative impact on the community.

Findings of Fact

Although there is no requirement to adopt findings of fact, the proposed amendments are consistent with the Comprehensive Plan and the UDO.

RECOMMENDATION

Staff recommends that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses. The proposed text amendment is consistent with the Comprehensive Plan and the Unified Development Ordinance. Based on the findings listed above, staff recommends that the Community Development Commission make the following motion recommending approval of the amendments:

Based on the proposed text amendment to the UDO, as summarized in the staff memo dated November 18, 2019, I move that the Community Development Commission recommend to the City Council approval of the text amendment prohibiting establishment of cannabis businesses in Case No. 2019-CDC-14.

Memo

To: Community Development Commission
From: Sean Conway, City Attorney
Date: November 13, 2019
Re: Cannabis Regulation and Tax Act

The Cannabis Regulation and Tax Act (“Act”) goes into effect on January 1, 2020. The Act legalizes the possession and recreational use of cannabis by individuals 21 and older.

However, the Act prohibits the recreational use of cannabis in public places. Under the Act, the definition of “public places” not only includes public parks and buildings but also includes private businesses and commercial establishments. Under the Act a “public place” is defined as “any place where a person could reasonably be expected to be observed by others.” 410 ILCS 705/10-35. A “public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

City Zoning Authority

A. Opt-Out Approach

Under the Act, the City may adopt and enforce local ordinances prohibiting the location of any and all cannabis business establishments from locating in the City. 410 ILCS 705/55-25 (5). This is commonly known as the “opt-out” approach where the municipality adopts a city-wide prohibition on the establishment and operation of all cannabis business establishments.

There are several categories of cannabis business establishments detailed in the Act including:

- State licensed **cultivation centers** (completely enclosed and secured facility primarily used to grow cannabis on a large scale of a maximum space of 210,000 square feet)
- State licensed **craft growers** (completely enclosed and secured facility primarily used to grow cannabis on a smaller scale of a maximum space of 14,000 square feet)
- State licensed **processing/infusing** organizations (completely enclosed and secured facility primarily used for extraction and infusion of cannabis compounds into edible and oil products)

- State licensed **dispensing organizations** (completely enclosed and secured facility primarily used for dispensing recreational cannabis products)
- State licensed **transporting organizations** (organization dedicated to the transport of cannabis on behalf of a cannabis business establishment)

A number of communities have recently approved this opt-out approach. Many communities have approved the opt-out approach due to the relatively unknown impact cannabis business establishments may have of the health and safety of residents in the community.

If the City determines to approve the opt-out approach, it is free to revisit this prohibition, at any time in the future, once there is more data and experience with cannabis business establishments as they locate and operate in other Illinois communities. If the City determines to approve the “opt-out” approach, it will be required to amend its Unified Development Ordinance with an express prohibition. In approving the “opt-out” we suggest the following language:

17.503 B. Cannabis Business Establishments:

Cannabis business establishments, as defined in the Cannabis Regulation and Tax Act (410 ILCS 705/1-10), which include cultivation centers, craft growers, processing and infusing organizations, dispensing organizations, and transporting organizations, and any future amendments to the definition of cannabis business establishments pursuant to the Cannabis Regulation and Tax Act, are hereby prohibited uses in all development districts within the corporate boundaries of the city.

B. Special Use Regulation Approach

Under the Act, the City may allow the location of cannabis business establishments in the City and regulate: (1) their location by special use permits in certain zoning development districts; (2) their minimum distance from sensitive locations like schools, daycare facilities, libraries, or parks; and (3) the on-site consumption of recreational cannabis within cannabis business establishments.

While there is a potential tax revenue benefit to the City if it allows the location of cannabis business establishments in the City, it is unclear as to whether the potential tax revenue will be greater than the fiscal and societal costs related to the impact of cannabis business establishments on the community and the City. Again, once there is more data and experience with cannabis business establishments, as they locate and operate in other Illinois communities, the City will have more concrete information so as to conduct an informed cost/benefit analysis.

Do not hesitate to contact me with any follow-up questions on this matter.



Adult-Use Cannabis Resources

9/9/19



Fact Sheet

Adult-Use Cannabis

Adult-Use Cannabis

Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.



7/15/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. [More information about the medical cannabis program is available via this link.](#)



ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.



LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.



SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.



Frequently Asked Questions Cannabis Regulation and Tax Act Public Act 101-0027

Updated September 9, 2019

Provided by

KTJ

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FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

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FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

ADVERTISING

What are the restrictions on advertising for a cannabis business establishment?

- “Advertise” means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.
- No cannabis business establishment nor any entity or person shall engage in advertising that contains any statement or illustration that is:
 - False or misleading;
 - Promotes the overconsumption of cannabis;
 - Displays cannabis;
 - Shows someone under 21 consuming cannabis;
 - Makes health or medicinal claims about cannabis;
 - Includes the image of the cannabis leaf or bud; or
 - Includes any image that is likely to appeal to minors.
- No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:
 - Within 1,000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21;
 - On or in a public transportation vehicle or on a public transportation shelter; or
 - On or in publicly-owned or publicly-operated property.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

CRAFT GROWERS

What is the definition of “craft grower?”

- "Craft grower" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering stage. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

Are craft growers inspected? How, and by whom?

- Craft growers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may craft growers sell cannabis?

- Craft growers may sell or distribute cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization or as otherwise authorized by rule.

What are the limitations on the location of craft growers?

- A craft grower may not be located in an area zoned for residential use.
- A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

CULTIVATION CENTERS

What is the definition of “cultivation center?”

- "Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act) and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

Are cultivation centers inspected? How, and by whom?

- Cultivation centers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may cultivation centers sell cannabis?

- Cultivation centers may sell or distribute cannabis or cannabis-infused products to dispensing organizations, craft growers, infusing organizations, transporters or as otherwise authorized by rule.

What is the maximum space a cultivation center may provide for plants in the flowering stage?

- A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult-use cannabis as provided in this Act.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

DISPENSING ORGANIZATIONS

What is the definition of “dispensing organization?”

- "Dispensing organization" means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, a “dispensing organization” shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

What methods of sale by dispensing organizations are prohibited?

- Drive-through windows
- Vending machines
- Transport of cannabis to residences or other locations where purchasers may be for delivery

When are dispensing organizations allowed to operate?

- Operation is allowed between 6:00 a.m. and 10:00 p.m. local time.
- Operation is prohibited when video surveillance equipment is inoperative.
- Operation is prohibited when point-of-sale equipment is inoperative.
- Operation is prohibited when the state’s cannabis electronic verification system is inoperative.
- Operation is prohibited when there are fewer than two people working at any time within a dispensing organization.

What products are dispensing organizations prohibited from selling?

- Dispensing organizations may not sell any product containing alcohol except tinctures, which are limited to containers no larger than 100 milliliters.
- Selling clones or other live plant material is prohibited.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

- Selling cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other for one price is prohibited.

Can dispensing organizations sell cannabis outside of Illinois or obtain cannabis from outside of Illinois?

- No. Dispensing organizations may not transport cannabis or cannabis products across state lines.
- No. Dispensing organizations may not obtain cannabis or cannabis-infused products from outside the State of Illinois.

What type of packaging is required for cannabis sold at dispensing organizations?

- All cannabis sold by a dispensing organization to purchasers must be in a container or package with a label identifying, at a minimum, the name of the dispensing organization, the contents and the weight of the raw cannabis in grams or, for cannabis products, the amount of Tetrahydrocannabinol (THC) in milligrams.

Are there restrictions in the Act on the location of dispensing organizations?

- Yes. A dispensing organization may not be located within 1,500 feet of the property line of a pre-existing dispensing organization.

What is the process for a dispensing organization to dispense cannabis to a purchaser?

- Before cannabis is dispensed:
 - The age of the purchaser shall be verified by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan the identification;
 - The validity of the government-issued identification card must be verified;
 - Any appropriate purchaser education or support materials shall be offered; and
 - Information must be entered into the state's cannabis electronic verification system, including the dispensing organization's agent's identification number, the dispensing organization's identification number, the amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed, and the date and time the cannabis is dispensed.
- A dispensing organization shall refuse to sell cannabis to anyone unless the person produces valid identification showing that the person is 21 years of age or older. However, a medical cannabis dispensing organization may sell cannabis-infused products to a person who is under

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

21 years of age if the sale complies with the provisions of the Medical Cannabis Program Act and rules.

- Public Act 101-0363, effective August 8, 2019, revised the Medical Cannabis Program Act to provide that registered qualifying patients under 21 years of age shall be prohibited from consuming forms of cannabis other than medical cannabis-infused products, and purchasing any usable cannabis or paraphernalia used for smoking or vaping medical cannabis.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

DRIVING UNDER THE INFLUENCE (DUI)

How will DUI's be addressed under the new law?

- Driving under the influence of cannabis will continue to be illegal.
- The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 of the Illinois Motor Vehicle Code (625 ILCS 5/11-501) or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical tests and standardized field sobriety tests are, under the Act, admissible at a civil or criminal trial or proceeding for an arrest for a cannabis-related offense as defined in Section 11-501 of the Illinois Motor Vehicle Code or a similar local ordinance.
- The Act creates a DUI Cannabis Task Force to examine best practices for enforcement of driving under the influence of cannabis laws and emerging technology in roadside testing for impairment.
- The Act creates various statutory presumptions applicable to cannabis DUIs:
 - Tetrahydrocannabinol (THC) concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance creates a presumption that a person was under the influence of cannabis; and
 - Tetrahydrocannabinol (THC) concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance does not give rise to a presumption that the person was or was not under the influence of cannabis, but may be considered with other competent evidence in determining whether the person was under the influence of cannabis.
- The refusal to submit to a chemical test will result in the imposition of driver's license sanctions under Section 11-501.1 of the Illinois Motor Vehicle Code.
- The refusal to take validated roadside chemical tests or standardized field sobriety tests is admissible in any civil or criminal action or proceeding regarding impairment by use of cannabis.
- An authorized medical cannabis patient who drives is deemed to have given consent to (i) validated roadside chemical tests or (ii) standardized field sobriety tests.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

- Law enforcement officers must have an independent, cannabis-related factual basis giving reasonable suspicion that a person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis to conduct validated roadside chemical tests or standardized field sobriety tests.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

EMPLOYMENT CONCERNS

May an employer maintain a drug-free workplace?

- Yes. The Act specifies that nothing shall prohibit an employer from adopting:
 - reasonable zero-tolerance or drug-free workplace policies;
 - employment policies concerning drug testing; or
 - regulations concerning smoking, consumption, storage or use of cannabis at the workplace or while on call.

- These policies must be applied in a nondiscriminatory manner.

- Employers' policies may cover use of cannabis in the employer's workplace, while performing the employee's job duties or while "on call." An employee is deemed "on call" when he or she is scheduled with at least 24 hours' notice by employer to be on standby or otherwise responsible for performing tasks related to his or her employment.

- An employer may discipline an employee for violating a workplace drug policy. If the employer elects to discipline the employee, the employer must give the employee reasonable opportunity to contest the determination.

- Nothing in the Act shall be construed to interfere with any federal, state or local restrictions on employment including, but not limited to, the United States Department of Transportation regulation 49 CFR 40.151(e), or impact an employer's ability to comply with federal or state law or cause it to lose a federal or state contract or funding.

- The Illinois Right to Privacy in the Workplace Act prohibits discrimination for the use of a lawful product while off duty or not on call. (820 ILCS 55/5.)

How can an employer determine whether an employee is impaired by the use of cannabis?

- An employer may consider an employee to be impaired by the use of cannabis if the employer has a good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

EXPUNGEMENTS

What records will be automatically expunged?

- The Act mandates that arrest records relating to offenses under the Illinois Cannabis Control Act for possession of under 30 grams of any substance containing cannabis that are not associated with an arrest, conviction or other disposition of a violent crime as defined in subsection (c) of Section 3 of the Illinois Rights of Crime Victims and Witnesses Act. “Minor Cannabis Offenses” will be automatically expunged by all law enforcement agencies, including records of an arrest, charges not initiated by arrest, orders of supervision or orders of qualified probation for all offenses committed prior to the Act if:
 - One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and
 - No criminal charges were filed or if filed they were dismissed and/or arrestee was acquitted.

What is the schedule for automatic expungement?

- The Act provides that all law enforcement agencies must expunge qualifying records according to the following schedule:
 - Records created prior to the effective date of the Act, but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2021;
 - Records created prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023; and
 - Records created prior to January 1, 2000, shall be automatically expunged prior to January 1, 2025.

What is the process for expungement for offenders actually convicted of Minor Cannabis Offenses or of more serious violations under the Cannabis Control Act?

- Within 180 days of the effective date of the Act, the Illinois State Police must notify the Prisoner Review Board of those convictions for Minor Cannabis Offenses that are eligible for expungement under the Act.
- The Act provides a process for the Prisoner Review Board to make recommendations to the Governor for pardons for certain convictions for Minor Cannabis Offenses.
- Those convicted for more serious violations of the Cannabis Control Act and not qualifying for a pardon have the option of petitioning for expungement through the circuit court.

FREQUENTLY ASKED QUESTIONS

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FREEDOM OF INFORMATION ACT

Are all records and documents created or obtained by a public body pursuant to the provisions of the Act subject to the Illinois Freedom of Information Act (FOIA)?

- The Act adds an exemption to FOIA for confidential information described in Section 55-30 of the Illinois Cannabis Regulations and Tax Act (information received by state agencies from cannabis establishment licensees or applicants).
- The name and address of a dispensing organization licensed under the Act shall be subject to disclosure under FOIA. The name and cannabis business establishment address of the person or entity holding each cannabis business establishment license shall be subject to disclosure.
- Complaints from consumers or members of the general public received regarding a specific, named licensee or complaints regarding conduct by unlicensed entities shall be subject to disclosure.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

HOME CULTIVATION

What are the limitations and requirements to grow cannabis at home?

- Only registered medical cannabis patients over 21 years of age may participate in home cultivation.

- Additionally, cultivation in private residences by medical cannabis patients is subject to the following limitations:
 - There is a limit of five plants that are five inches or more per household without a cultivation center or craft grower license;
 - Cannabis plants may not be cultivated in an area subject to public view;
 - Reasonable precautions must ensure that the plants are secure from unauthorized access or access by a person under 21 years of age;
 - Cannabis cultivation must occur in an enclosed locked space;
 - Cannabis cultivation may only occur on residential property lawfully in possession of the medical cannabis patient or with the consent of the person in lawful possession of the property;
 - A medical cannabis patient may allow their authorized agent to tend to the plants for brief periods of time if the patient is temporarily away;
 - A medical cannabis patient may only purchase cannabis seed from a dispensary;
 - Purchase of live plant material is prohibited; and
 - If the home grown plants yield more than the allowable possession limit of 30 grams of raw cannabis, then the excess cannabis must remain secured within the residence of residential property in which it was grown.

May a landlord prohibit growth of cannabis on their property?

- Yes. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

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INFUSER ORGANIZATIONS OR INFUSERS

What is the definition of “infuser organization” or “infuser?”

- "Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

Are infusers inspected? How, and by whom?

- Infusers are subject to random inspections by the Illinois Department of Agriculture, the Illinois Department of Public Health, local safety or health inspectors and the Illinois State Police.

To whom may infusers sell cannabis?

- Infusers may only sell or distribute cannabis to a dispensing organization, or as otherwise authorized by rule.

What are the limitations on the location of infusers?

- An infuser may not be located in an area zoned for residential use.
- An infuser may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

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LICENSING

Is a license required to operate a cannabis establishment in Illinois?

- Yes. The Illinois Office of Cannabis Control shall issue licenses for all dispensing organizations. Dispensing organizations are defined by the Act as a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers.

May municipalities require licenses to operate a cannabis establishment within their boundaries?

- Since licensing is a function of the state under the Act, local governments may only enforce generally applicable business registration requirements for cannabis establishments and conduct inspections of the premises to ensure compliance with local ordinances.

What are the different types of licenses?

- The Act creates the following adult-use cannabis licenses, subject to various fees and subject to administration by the Illinois Department of Agriculture and the Illinois Department of Financial and Professional Regulation:
- Early Approval Adult-Use Dispensing Organization - A license that permits a medical cannabis dispensing organization licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin selling cannabis to purchasers as permitted by the Act as of January 1, 2020.
- Early Approval Adult-Use Cultivation Center - A license that permits a medical cannabis cultivation center licensed under the Illinois Medical Cannabis Program Act as of the effective date of the Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act) and selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020. A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products to approved dispensing organizations on December 1, 2019.

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- Conditional Adult-Use Dispensing Organization License - A license awarded to top-scoring applicants for an Adult-Use Dispensing Organization License that reserves to the applicant the right to an adult-use dispensing organization license if the applicant meets certain conditions described in the Act. A dispensing organization that is awarded a Conditional Adult-Use Dispensing Organization License is not entitled to purchase, possess, sell or dispense cannabis or cannabis-infused products until the applicant has received an Adult-Use Dispensing Organization License.
- Conditional Adult-Use Cultivation Center License - A license awarded to top-scoring applicants for an Adult-Use Cultivation Center License that reserves to the applicant the right to an Adult-Use Cultivation Center License if the applicant meets certain conditions as determined by the Illinois Department of Agriculture by rule. A cultivation center applicant that is awarded a Conditional Adult-Use Cultivation Center License is not entitled to grow, purchase, possess or sell cannabis or cannabis-infused products until the applicant has received an Adult-Use Cultivation Center License.
- Adult-Use Dispensing Organization - A license issued by the Illinois Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under the Act and any administrative rule made in furtherance of the Act.
- Adult-Use Cultivation Center - A license issued by the Illinois Department of Agriculture that permits a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act.
- Craft Grower - The Illinois Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. A “craft grower” is a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.
- Infuser - The Illinois Department of Agriculture shall issue up to 40 infuser licenses through a process provided for in the Act no later than July 1, 2020. “Infuser organization” or “infuser” means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product. An infuser is prohibited from extracting cannabis concentrate from raw cannabis material. Only cultivation centers and craft growers will be allowed to extract cannabis concentrate.
- Transporter - Transporting organization” or “transporter” means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on

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behalf of a cannabis business establishment or a community college licensed under the Illinois Community College Cannabis Vocational Training Pilot Program.

Do state licenses need to be renewed?

- Yes. All licenses expire and are subject to the renewal provisions set forth in the Act.
- Adult-Use Dispensing Organization Licenses shall expire on March 31 of even-numbered years. Licensees must submit a renewal application as provided by the Illinois Department of Financial and Professional Regulation and pay the required renewal fee.

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LOCAL GOVERNMENT

May municipalities prohibit cannabis establishments within their boundaries?

- Yes. A municipality may enact ordinances to prohibit or significantly limit an adult-use cannabis business establishment's location.
- While adult-use cannabis business establishments may be prohibited, the Illinois Medical Cannabis Program Act specifically provides that medical cannabis dispensing organizations may not be prohibited within municipal boundaries. For medical cannabis establishments, then, municipalities may only regulate location via reasonable zoning regulations (special use permits, etc.).

May municipalities and other units of local government regulate cannabis establishments within their boundaries?

- A unit of local government may enact reasonable zoning ordinances or resolutions not in conflict with the Act or with Illinois Office of Cannabis Control, Illinois Department of Public Health, Illinois Department of Financial and Professional Regulation and Illinois Department of Agriculture rules regulating cannabis establishments.
- A unit of local government may enact ordinances or rules governing the time, place, manner and number of cannabis establishment operations, including a minimum distance limitation between cannabis establishments and locations it deems sensitive through the use of special use permits.

May municipalities prohibit or regulate cannabis establishments outside of their boundaries?

- A municipality may exert extra territorial zoning authority in the unincorporated area within one and one half miles of its corporate limits through the adoption of a comprehensive plan and zoning for that area pursuant to 65 ILCS 5/11-13-1. The municipal ordinances would control that area absent a county zoning ordinance, or another municipality with zoning already in place.

May municipalities regulate the on-premises consumption of cannabis and/or allow cannabis cafes and lounges?

- Yes. A municipality may regulate and/or allow the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the Act. The Act allows the creation of “cannabis cafes/lounges” in the discretion of the municipality. Cannabis business establishments or other entities authorized or permitted by a municipality to

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allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

May municipalities and other units of local government prohibit the use of cannabis within their boundaries?

- No unit of local government, including a home rule unit, may unreasonably prohibit the use of cannabis authorized by the Act.

Does the Act contain any location restrictions on dispensaries?

- A dispensing organization may not be located within 1,500 feet of the property line of a preexisting dispensing organization.
- These distance restrictions are different than those originally imposed by the Illinois Medical Cannabis Program Act. Under the Medical Cannabis Program Act, registered cultivation centers could not locate within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility or an area zoned for residential use (410 ILCS 130/105(c)) and registered dispensing organizations could not locate within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or be located in a house, apartment, condominium, or an area zoned for residential use (410 ILCS 130/130(d)). P.A. 101-0363, which made various amendments to the Medical Cannabis Program Act and became effect on August 8, 2019, eliminated the distance restrictions for medical cannabis dispensaries registered after July 1, 2019.

Does failure to be in compliance with local zoning regulations have any impact on a cannabis establishment's ability to operate in Illinois?

- Yes. A state-issued cannabis establishment license will be denied if the applicant is not in compliance with local zoning rules.

May municipalities and other units of local government fine or penalize cannabis establishments for violation of local zoning regulations?

- A unit of local government may establish civil penalties for violation of an ordinance or rules governing the time, place and manner of operation of a cannabis establishment within the jurisdiction of the unit of local government.

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May municipalities regulate personal possession and consumption of cannabis?

- The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act. Therefore, municipalities may adopt the prohibitions and penalties of the Act into their codes which will give the local governments the ability to enforce and prosecute personal possession and consumption violations through local adjudication or the circuit court.

Does the Act apply to home rule units of government?

- Yes. A unit of local government may not regulate cannabis-related activities in a manner more restrictive than their regulation by the state under the Act. Home rule preemption applies here.
 - “This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.” Section 55-25(4).
- Home rule preemption is specifically set forth in Section 55-90 of the Act. *“Except as otherwise provided in this Act, a unit of local government, including a home rule unit, may not regulate or license the activities described in this Act.” [emphasis added]*

May voters choose to limit or prohibit cannabis establishments within a municipality?

- Only within the City of Chicago. The Act allows the legal voters of any precinct within a municipality with a population of over 500,000 to petition their local alderman, using a petition form made available online by the city clerk, to introduce an ordinance establishing the precinct as a restricted cannabis zone. "Restricted cannabis zone" means a precinct within which home cultivation, one or more types of cannabis business establishments, or both has been prohibited pursuant to an ordinance initiated by a petition under the Act.

Does the Act contain any operational rules for adult-use cannabis dispensing organizations?

- The Act, in Section 15-70, contains a list of specific business operational rules for adult-use cannabis dispensing organizations that provide a clear baseline of regulatory guidelines for these establishments. Municipalities may include these in any statement on approvals or conditions that are part of any conditional use permit. These rules include:
 - A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
 - Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which are limited to containers that must be no larger than 100 milliliters.

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- A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act.
- A dispensing organization shall maintain compliance with state and local building, fire and zoning requirements or regulations.
- A dispensing organization shall submit a list to the state of the names of all service professionals that will work at the dispensary.
- A dispensing organization's license allows for a dispensary to be operated only at a single location.
- A dispensing organization may operate between 6:00 a.m. and 10:00 p.m. local time.
- A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
- A dispensing organization shall not:
 - Produce or manufacture cannabis;
 - Accept a cannabis product from an adult-use cultivation center, craft grower, infuser, dispensing organization or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act;
 - Obtain cannabis or cannabis-infused products from outside the State of Illinois;
 - Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Illinois Medical Cannabis Program Act, and the individual is registered under the Medical Cannabis Program Act or the purchaser has been verified to be over the age of 21;
 - Enter into an exclusive agreement with any adult-use cannabis cultivation center, craft grower or infuser;
 - Refuse to conduct business with an adult-use cannabis cultivation center, craft grower, transporting organization or infuser that has the ability to properly deliver the product and is permitted by the Illinois Department of Agriculture, on the same terms as other adult-use cannabis cultivation centers, craft growers, infusers or transporters with whom it is dealing;
 - Operate drive-through windows;
 - Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
 - Transport cannabis to residences or other locations where purchasers may be for delivery;
 - Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;
 - Operate a dispensing organization if its video surveillance equipment is inoperative;
 - Operate a dispensing organization if the point-of-sale equipment is inoperative;

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- Operate a dispensing organization if the state's cannabis electronic verification system is inoperative;
- Operate a dispensing organization when there are fewer than two people working at any time;
- Be located within 1,500 feet of the property line of a pre-existing dispensing organization;
- Sell clones or any other live plant material;
- Sell cannabis, cannabis concentrate or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate or cannabis-infused product must be separately identified by quantity and price on the receipt;
- Violate any other requirements or prohibitions set by the Act or administrative rules.

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SOCIAL JUSTICE

What other agency oversight does the state have for social issues related to cannabis production, sale and use?

- The Restoring Our Communities (ROC) program will be created. The ROC program will be a performance incentive funding program for high-need, underserved communities throughout the state.
- The purpose of the ROC program will be to directly address the impact of economic disinvestment and the historical use of criminal justice responses to community and individual needs by supporting local design and control of community-based responses to these impacts that can be accessed outside of the criminal justice system.
- The ROC program will provide planning and implementation grants as well as technical assistance to collaborative groups that include human service providers and community-based organizations, individuals who have experienced the criminal justice system or other systems of state intervention, individuals who have been consumers of social programs administered by the state or local jurisdictions, and local leaders from all sectors.

FREQUENTLY ASKED QUESTIONS

Cannabis Regulation And Tax Act – Public Act 101-0027

TAXATION, REVENUES AND APPROPRIATIONS

How is cannabis cultivation going to be taxed at the state level?

- Beginning on January 1, 2020, a Cannabis Cultivation Privilege Tax is imposed by the State of Illinois upon the privilege of cultivating cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a cultivator.
 - This tax rate already exists under current medical cannabis law.
 - As all funds collected under the Cannabis Regulation and Tax Act and under the Compassionate Use of Medical Cannabis Program Act will be deposited into the state's Cannabis Regulation Fund, the 7% cultivation tax that previously only applied to the cultivation of medical cannabis is repealed, effective July 1, 2020 (See 410 ILCS 130/200), and replaced by the same tax that applies to both adult-use and medical cannabis cultivation.
 - All funds received by the Illinois Department of Revenue under the privilege tax shall be paid into the Cannabis Regulation Fund in the state treasury.

- The Cannabis Cultivation Privilege Tax will be collected in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision (whether the cultivation is for medical or adult-use purposes).

How is the sale of cannabis going to be taxed at the state level?

- Beginning on January 1, 2020, a Cannabis Purchaser Excise Tax is imposed by the State of Illinois upon purchasers for the privilege of using cannabis at the following rates:
 - Cannabis flower or products with less than 35% Tetrahydrocannabinol (THC): 10% tax.
 - Cannabis-infused products (i.e., edibles): 20% tax.
 - Cannabis flower or products with a THC concentration higher than 35%: 25% tax.

- The purchase price of any product that contains any amount of cannabis or any derivative is subject to the excise tax on the full purchase price of the product.

- The purchase of cannabis is also subject to state and local sales taxes. Sales tax is collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.

- All funds received by the Illinois Department of Revenue under the excise tax will be paid into the Cannabis Regulation Fund in the state treasury.

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What is the state going to do with the funds collected in the form of state taxes, license fees and any other monies collected with regard to cannabis production and sale?

- The Cannabis Regulation Fund is created in the state treasury. Unless otherwise provided, all funds collected under the Cannabis Regulation and Tax Act and under the Medical Cannabis Program Act shall be deposited into the Cannabis Regulation Fund, consisting of taxes, license fees, other fees and any other amounts required to be deposited or transferred into the Fund.
- Monthly, the transfers of revenues received into the Cannabis Regulation Fund shall be certified as follows:
 - First, to pay for the direct and indirect costs associated with the implementation, administration and enforcement of the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act, the Illinois Department of Revenue shall certify the transfer of 1/12 of the fiscal year amount appropriated to the numerous agencies involved with the program;
 - Second, after the above-noted transfers have been made, the remainder shall be transferred by formula to the following funds:
 - 35% transferred to the state General Revenue Fund
 - 25% transferred to the Criminal Justice Information Projects Fund to support the Restore, Reinvest and Renew Program for community reinvestment
 - 20% transferred to the Illinois Department of Human Services Community Services Fund to fund mental health and substance abuse services at local health departments
 - 10% transferred to the Budget Stabilization Fund to pay the backlog of unpaid state bills
 - 8% transferred to the Local Government Distributive Fund (LGDF) to fund crime prevention programs, training, and interdiction efforts relating to the illegal cannabis market and cannabis-based DUIs
 - 2% transferred to the Drug Treatment Fund for public education and awareness

How may cannabis be taxed at the local level?

- On and after January 1, 2020, the corporate authorities of any county or municipality may, by ordinance, impose a County and Municipal Cannabis Retailers' Occupation Tax (MCROT).
- For municipalities, the MCROT is imposed upon purchasers for the privilege of using adult-use cannabis purchased in the municipality. The rate of tax shall not exceed 3% of the purchase price. If imposed, the tax shall only be imposed in 0.25% increments.
- Counties are authorized to impose a tax of up to 3% in incorporated areas and 3.75% on sales emanating from unincorporated areas.

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- The Illinois Department of Revenue will collect and administer the MCROT.
- The MCROT shall not be imposed on cannabis that is subject to tax under the Medical Cannabis Program Act. Sales of medical cannabis from registered medical cannabis dispensaries are taxed at the 1% rate imposed on prescription and nonprescription drugs in Illinois.
- Any ordinance imposing the tax must be certified by the municipal clerk of that unit of local government and filed with the Illinois Department of Revenue before June 1 of any year, to be effective and enforced by the Department of Revenue on September 1 of that year.
- The MCROT will be collected in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the state.

How are existing sales taxes affected?

- Retailers' Occupation Taxes (sales taxes), assessed at both a local and state level, will not be deposited into the Cannabis Regulation Fund. Nothing in the Medical Cannabis Program Act and the Cannabis Regulation and Tax Act affects the collection of these taxes or their deposit in the state's general fund and/or distribution to municipalities under local ordinance.
- Under the state Retailers' Occupation Tax, the sale of cannabis is classified as a "sale of tangible personal property at retail."

FREQUENTLY ASKED QUESTIONS

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USE AND POSSESSION

How much cannabis may a resident of the State of Illinois legally possess under the Act?

- For an Illinois resident who is 21 years of age or older, the possession limit is any combination of the following:
 - 30 grams of raw cannabis;
 - Cannabis-infused product or products containing a total of no more than 500 mg of Tetrahydrocannabinol (THC);
 - 5 grams of cannabis product in concentrated form.
- For individuals who register as qualifying patients under the state’s existing medical cannabis program only:
 - Up to 5 cannabis plants and the cannabis produced from those 5 plants, secured within the residence or dwelling unit (no matter how many people reside in a residence, only 5 plants are allowed per residence).
 - Any combination of the amounts indicated above. Additionally, if they have plants that yield more than the 30 grams of raw cannabis, the excess must remain secured in the residence or residential property it is grown.

How much cannabis may a non-resident of the State of Illinois legally possess under the Act?

- For a person who is 21 years of age or older and who is not a resident of Illinois, the possession limit is any combination of the following:
 - 15 grams of raw cannabis;
 - Cannabis-infused products or products containing a total of no more than 250 mg of THC;
 - 2.5 grams of cannabis product in concentrated form.
- A non-resident may not possess cannabis plants.

Where is a person prohibited from possessing cannabis?

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, any of the following conduct:
 - Possessing cannabis on a school bus.
 - Possessing cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.
 - Possessing cannabis in any correctional facility.

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- Possessing cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.
- Possessing cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

Where is the use of cannabis prohibited?

- The Act does not permit any person to engage in, and does not prevent the imposition of any civil, criminal or other penalties for engaging in, the following:
 - Consuming cannabis on a school bus.
 - Consuming cannabis on the grounds of any preschool or primary or secondary school unless authorized in the medical cannabis program.
 - Consuming cannabis in any correctional facility.
 - Consuming cannabis in any motor vehicle.
 - Consuming cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
 - Consuming cannabis in any public place or knowingly in close physical proximity to anyone under 21 years of age.
 - Consuming cannabis in any public place where a person could reasonably be expected to be observed by others.
 - Consuming cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
 - Universities, colleges and other post-secondary educational institutions may restrict or prohibit cannabis use on their property.

How is a “public place” defined under the Act?

- A “public place” is defined as any place where a person could reasonably be expected to be observed by others.
- A “public place” includes all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government.
- A “public place” does not include a private residence, unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises.

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Are there certain specific activities that an individual may not perform while using cannabis?

- Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis.
- Use of cannabis by a law enforcement officer, corrections officer, probation officer or firefighter while on duty.
- Use of cannabis by a person who has a school bus driver's permit or a Commercial Driver's License (CDL) while on duty.
- Driving under the influence and reckless driving based on THC impairment may continue to be charged.

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