

Findings of Fact

Plan Commission – August 1, 2019

This Report incorporates only the Recommendation for Recreational Cannabis Establishments.

All other Zoning Ordinance Text Amendments are under a separate agenda item ORD 19-67

August 1, 2019

President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

**Re: Application of the Village of Oak Park for
Consideration of An Amendment Regarding
Recreational (Marijuana) Cannabis
Establishments to the Village of Oak Park
Zoning Ordinance – PC 19-04**

Dear President and Board of Trustees:

In July of 2019, the Village of Oak Park (“Applicant”), submitted an application for consideration of miscellaneous amendments to the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) with the Plan Commission (“Commission”). The Applicant requested that the Commission consider six (6) amendments to the Zoning Ordinance (this report references only one the six (6) amendments relative to Recreational Cannabis Establishments), with additions underlined:

1. In Section 8.3, Table 8-1, add “Recreational Cannabis Establishment” as a permitted use (“P”) in the “Use” column in the “Retail” category in the DT-Downtown, HS-Harrison Street, GC-General Commercial, MS-Madison Street, NA-North Avenue, NC-Neighborhood Commercial, and RR-Roosevelt Road Zoning Districts, and add a reference to “State Statute” in the “Use Standard” column.

Notice and Hearing.

On July 17, 2019, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation within the Village of Oak Park.

Pursuant to legal notice, the Commission conducted a public hearing on the application on August 1, 2019, at which time and place a quorum of the members of the Commission was present.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

1. The Applicant is the Village of Oak Park.
2. The Applicant asked the Commission to consider whether it is appropriate to make the Amendment set forth above to the Zoning Ordinance.
3. The Zoning Ordinance was adopted in its current form in September of 2017, and has been amended several times since then.
4. The Applicant explained that since the Zoning Ordinance was adopted in September of 2017, Village staff has been presented with circumstances where the Zoning Ordinance has not adequately addressed certain issues.
5. The Commission heard testimony regarding the proposed Amendments, including that most of the Amendments are in the nature of “clean-up” changes to the Zoning Ordinance.
6. Additionally, the Applicant explained that changes to State law, such as regarding recreational (marijuana) cannabis establishments, require amendments to the

Zoning Ordinance in order to implement the policies of the Village President and Board of Trustees.

Standards.

7. The following are standards for approval of text amendments in Subsection 14.1(E)(2) of the Zoning Ordinance:

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. The extent to which the proposed amendment creates nonconformities.
- g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

8. The Commission finds that the Amendments, as recommended below, satisfy the standards in Subsection 14.1(E)(2), and that approval of the requested Amendments is appropriate.

9. Specifically, the Commission finds that making this Amendment to the Zoning Ordinance will promote the public health, safety, and welfare, will make the regulations in the Zoning Ordinance more closely aligned with the intent of the Zoning Ordinance

and Comprehensive Plan of the Village of Oak Park, and will further the land planning goals of the Village of Oak Park.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the Village President and Board of Trustees that the application be GRANTED, and that this Amendment be made to the Zoning Ordinance, as follows, with additions underlined:

1. In Section 8.3, Table 8-1, add "Recreational Cannabis Establishment" as a special use ("S") in the "Use" column in the "Retail" category in the DT-Downtown, HS-Harrison Street, GC-General Commercial, MS-Madison Street, NA-North Avenue, NC-Neighborhood Commercial, and RR-Roosevelt Road Zoning Districts, and add a reference to "State Statute" in the "Use Standard" column.

This report adopted by a 6 to 0 vote of the Plan Commission, sitting as a Zoning Commission, this 1st day of August, 2019.