

VILLAGE OF BARTLETT

COMMITTEE AGENDA

OCTOBER 15, 2019

BUILDING & ZONING, CHAIRMAN HOPKINS

1. Zoning Ordinance Text Amendment (Adult-Use Cannabis Uses)

COMMUNITY & ECONOMIC DEV., CHAIRMAN GABRENYA

1. 120 Live

FINANCE & GOLF, CHAIRMAN DEYNE

1. 2019 Proposed Property Tax Levy
2. Municipal Cannabis Retailers' Occupation Tax



Agenda Item Executive Summary

Item Name Zoning Ordinance Text Amendment (Adult-Use Cannabis Uses) Committee or Board Committee

BUDGET IMPACT

Amount: N/A Budgeted N/A

List what fund N/A

EXECUTIVE SUMMARY

At the Village Board Committee of the Whole meeting on September 17, 2019 Trustees directed Staff to prepare a Zoning Ordinance text amendment to address the adult use cannabis enterprises that will be legal as of January 1, 2020 per state law. Attached is a redline zoning text amendment that revises sections of the Zoning Ordinance to allow certain adult-use cannabis uses with limitation and expressly prohibits other adult-use cannabis enterprises.

Section 10-2-2 Definitions is amended to include all adult-use cannabis enterprises addressed by state law. The definitions are consistent with the existing definitions for medical cannabis uses. Distancing requirements and a limit on the number of adult-use cannabis enterprises is included in this section.

Sections 10-7A-4 and 10-7C-4 Special Uses are amended to include both adult-use cannabis cultivation centers and adult-use cannabis dispensing centers by Special Use within the I-1 Light Industrial District and the I-2 EDA Economic Development Overlay District.

Sections 10-6A-6, 10-6B-6, 10-6C-6, 10-6D-6, 10-7A-6, 10-7C-6, and 10-8A-6 Prohibited Uses are amended to include: adult-use cannabis craft growers, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, and adult-use cannabis transporting organization or transporter. These uses shall be expressly prohibited throughout the Village.

Section 10-13-8 Special Uses is amended to include additional findings of fact when considering a special use permit for an adult-use cannabis dispensing center or an adult-use cannabis cultivation center.

ATTACHMENTS (PLEASE LIST)

PDS Memo and Redline Zoning Ordinance Text Amendment (Adult-Use Cannabis Uses)

ACTION REQUESTED

- For Discussion Only – For review and forward to the Zoning Board of Appeals for further review and to conduct the required public hearing
- Resolution
- Ordinance
- Motion

Staff Roberta Grill, Planning & Development Services Director Date: 10/7/2019

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM

19-151

DATE: October 7, 2019

TO: Paula Schumacher, Village Administrator

FROM: Roberta B. Grill, Planning & Development Services Director 

RE: **Adult-Use Cannabis Cultivation and Dispensing Zoning Text Amendment**

At the Village Board Committee meeting on September 17, 2019 Trustees directed Staff to prepare a Zoning Ordinance text amendment to address certain adult-use cannabis enterprises. The consensus was to consider an amendment to the Zoning Ordinance which will allow adult-use cannabis enterprises in the same manner as medical cannabis enterprises are currently allowed in the Village with additional limitations on the number and location of these uses. Trustees asked staff to draft the amendment to limit the number of adult-use cannabis cultivation centers and adult-use cannabis dispensing centers to one (1) each within the Blue Heron Business Park and one (1) each within the Brewster Creek Business Park.

Attached is a redline draft of the requested Zoning Ordinance text amendment. The following sections of the Zoning Ordinance are proposed for amendment:

Section 10-2-2 **Definitions** is amended to define the following adult-use cannabis enterprises: Adult-use cannabis craft grower, Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter. Adult-use cultivation center is further defined to require a distance of at least two thousand five hundred feet (2,500') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes and to allow only one (1) in Blue Heron Business Park and one (1) in Brewster Creek Business Park. Adult-use dispensing center is further defined to require a distance of at least one thousand feet (1,000') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes and to allow only one (1) in Blue Heron Business Park and one (1) in Brewster Creek Business Park.

Section 10-6A-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the B-1 Village Center District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6B-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the B-2 Local Convenience Shopping District: Adult-use cannabis cultivation

center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6C-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the B-3 Neighborhood Shopping District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6D-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the B-4 Community Shopping District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-7A-4 **Special Uses** is amended to allow Adult-use cultivation center and Adult-use dispensing center in the I-1 Light Industrial District by Special Use Permit.

Section 10-7A-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the I-1 Light Industrial District: Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter.

Section 10-7C-4 **Special Uses** is amended to allow Adult-use cultivation center and Adult-use dispensing center in the I-2 EDA Economic Development Area Overlay District by Special Use Permit.

Section 10-7C-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the I-2 EDA Economic Development Area Overlay District: Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter.

Section 10-8A-6 **Prohibited Uses** is amended to include and thereby prohibit the following uses in the P-1 Public Land District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-13-8 **Special Uses** is amended to include additional findings of fact specific to an Adult-use cannabis dispensing center and Adult-use cannabis cultivation center. The amendment also includes a requirement for building enhancements at these facilities to

provide for safety and security of the facility and the neighborhood in which they are located.

Cannabis related uses will also be prohibited in the Residential Districts and the OR Office/Research District by their exclusion from these zoning district regulations. Due to the construction of these zoning district regulations, the Residential and OR Office/Research Districts do not require revision. Only permitted and special uses are addressed in these districts and any use not addressed is prohibited.

RECOMMENDATION

Staff recommends the Village Board Committee review the attached redline zoning text amendment and forward to the Zoning Board of Appeals for their review and to conduct the requisite public hearing.

rwh/attachment
x:\comdev\mem2019_151_ Adult-Use Cannabis_Zoning text amend_vbc.docx

Village of Bartlett Municipal Code Title 10 Zoning Text Amendment Redline

(Adult-Use Cannabis Cultivation and Dispensing)

Text in blue is new language

Text in ~~red-strikethrough~~ is deleted language

Text in black is included for reference

Chapter 2

RULES AND DEFINITIONS

10-2-2: DEFINITIONS:

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis grown and cultivated to be packaged and distributed to registered medical cannabis dispensing organizations with usable medical cannabis in accordance with the laws of the State of Illinois. In addition a cultivation center must be located at least two thousand five hundred feet (2,500') from any daycare center, school or area zoned for residential use.

MEDICAL CANNABIS DISPENSING CENTER: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients in accordance with the laws of the State of Illinois. In addition a dispensary cannot be located within one thousand feet (1,000') of a school or daycare center or located in a residential neighborhood.

ADULT-USE CANNABIS CRAFT GROWER: 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis regulation and Tax Act, (P.A. 101-0027), as may be amended from time to time, and regulations promulgated thereunder. An adult-use cannabis cultivation center shall not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. No more than one (1) Adult-use cannabis cultivation center shall be permitted at any given time in Blue Heron Business Park and no more than one (1) additional Adult-use cannabis cultivation center shall be permitted at any given time in Brewster Creek Business Park. On site consumption of cannabis is expressly prohibited.

ADULT-USE CANNABIS DISPENSING CENTER: A facility operated by an organization or business that is licensed by the Illinois department of Financial and Professional Regulation to acquire

cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. An adult-use cannabis dispensing center shall not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. No more than one (1) Adult-use cannabis dispensing center shall be permitted at any given time in Blue Heron Business Park and no more than one (1) additional Adult-use cannabis dispensing center shall be permitted at any given time in Brewster Creek Business Park. On site consumption of cannabis is expressly prohibited.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: 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, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ARTICLE A. B-1 VILLAGE CENTER DISTRICT

10-6A-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 82-73, 11-16-1982)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini-motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center
Adult-use cannabis dispensing center
Adult-use cannabis craft grower
Adult-use cannabis infuser organization or infuser
Adult-use cannabis processing organization or processor
Adult-use cannabis transporting organization or transporter
Automobile racetracks.

Car washes.

Drive-in uses, except for financial institutions.

Hotels and motels.

Incinerators.

Junk yards. (Ord. 82-73, 11-16-82)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-88)

Wholesale uses.

ARTICLE B. B-2 LOCAL CONVENIENCE SHOPPING DISTRICT

10-6B-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini-motion picture theaters.

Adult motion picture theaters.

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower
Adult-use cannabis infuser organization or infuser
Adult-use cannabis processing organization or processor
Adult-use cannabis transporting organization or transporter
Automobile racetracks, raceways, speedways.

Hotels and motels.

Incinerators.

Junkyards.

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses.

ARTICLE C. B-3 NEIGHBORHOOD SHOPPING DISTRICT

10-6C-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special and Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automobile racetracks, raceways, speedways.

Hotels and motels.

Incinerators.

Junk yards. (Ord. 78-40, 5-16-1978)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-1988)

Wholesale uses. (Ord. 78-40, 5-16-1978)

ARTICLE D. B-4 COMMUNITY SHOPPING DISTRICT

10-6D-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special or Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automobile racetracks, raceways, speedways.

Incinerators.

Junk yards. (Ord. 78-40, 5-16-1978)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-

1988)

Wholesale uses. (Ord. 78-40, 5-16-1978)

ARTICLE A. I-1 LIGHT INDUSTRIAL DISTRICT

10-7A-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits in accordance with the provisions of chapter 13 of this title.

The following uses are special uses in the I-1 district: (Ord. 78-40, 5-16-1978)

Adult-use cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Adult-use cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.

Airports and heliports, commercial or private, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities.

Car washes and motor vehicle laundries.

Chemical processing and production.

Electroplating establishments.

Garages, public.

Medical Cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Medical cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.

10-7A-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses:

Air, motor and railroad freight terminals.

Asphalt plants.

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automotive salvage yards.

ARTICLE C. I-2 ECONOMIC DEVELOPMENT AREA OVERLAY DISTRICT

10-7C-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed, subject to the issuance of special use permits in accordance with the provisions of chapter 13 of this title:

The following uses are special uses in the I-2 EDA overlay district:

Adult-use cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Adult-use cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.

Automotive services, including painting and undercoating, repair shops, service stations, storage facilities and retreading and repair shops (Cook County property only).

Car washes and motor vehicle laundries.

Chemical processing and production.

Electroplating establishments.

Garages, public.

Medical Cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Medical cannabis dispensing centers as defined herein and in accordance with the laws of the state

10-7C-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, are prohibited uses:

Uses already prohibited in the I-2 general industrial district as follows

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automotive salvage yards.

Creosote treatment or manufacturing.

Fertilizer manufacturing.

Incinerators.

Junkyards.

Landfills, dumps.

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills, and uses accessory to or related to said uses.

ARTICLE A. P-1 PUBLIC LAND DISTRICT

10-8A-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special or Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 96-30, 4-16-1996)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses.

Private commercial uses.

Chapter 13 ADMINISTRATION AND ENFORCEMENT

10-13-8: SPECIAL USES:

D. Processing: An application for a special use shall be filed with the Village Clerk on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Village Clerk. The Village Clerk shall upon instructions from the Village Board forward such application to the Plan Commission or the Zoning Board of Appeals with a request to hold a public hearing.

The designated hearing body shall make its recommendation after a public hearing, of which there shall be a notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. In addition, at least fifteen (15) days prior to the date of the public hearing, the petitioner shall cause to be posted on the real estate which is the subject of the proposed amendment to the Bartlett Zoning Ordinance, the following notice:

Public Notice. Public Hearing for special use under Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.

The Bartlett Plan Commission

or

The Bartlett Zoning Board of Appeals

The procedure for posting the notice hereinbefore required shall be governed by section 10-13-10 of this chapter. (Ord. 78-40, 5-16-1978; amd. Ord. 79-15, 3-20-1979; Ord. 80-5, 2-5-1980)

The designated hearing body shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact shall include all of the following:

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
3. That the special use shall conform to the regulations and conditions specified in this title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees. (Ord. 78-40, 5-16-1978; amd. Ord. 79-15, 3-20-1979)
4. That special use permits for Adult-use Cannabis Dispensing Centers and/or Adult-use Cannabis Cultivation Centers shall include the following additional findings of fact:
 - a. The proposed facility will not negatively impact existing or future uses located within the vicinity of the subject property.

- b. The proposed Adult-use Cannabis Dispensing Center property is located a minimum of 1,000 feet from a day care center, school or area zoned for residential use or an Adult-use Cannabis Cultivation Center is located a minimum of 2,500 feet from a day care center, school or area zoned for residential use.
- c. The proposed structure in which the facility will be located complies with the Village of Bartlett Zoning Ordinance and Building Code.
- d. The proposed hours of operation for the proposed facility coincide with the hours established by the State of Illinois.
- e. The proposed facility has satisfied all necessary security measures as required by the State of Illinois and the Village, including but not limited to a security plan and security installations.
- f. The proposed parking for the facility satisfies the parking requirements in the Zoning Ordinance and is based on one (1) space per 200 square feet of retail floor area for an Adult-use cannabis dispensing center and one (1) space per 1,000 square feet of growing/warehousing space for an Adult-use cannabis cultivation center.
- g. The proposed traffic generated by the facility will not negatively impact the adjacent roadway capacity nor will it negatively impact access to adjacent roadways.
- h. The design and layout of the site, including internal site circulation is compatible with adjacent land uses and provides for safe, efficient movement of traffic.
- i. The proposed signage for the facility complies with the Village of Bartlett Sign Code regulations as outlined in the Zoning Ordinance.
- j. The proposed facility satisfies and complies with all requirements provided in Section 10-2-2 of this Title.
- k. Building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the Adult-use cannabis dispensing center or Adult-use cannabis cultivation center, as well as its environs have been satisfied. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-use cannabis dispensing center or an Adult-use cannabis cultivation center and the site on which it is located, consistent with the requirement of the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder



Agenda Item Executive Summary

Item Name 120 Live Committee or Board Committee

BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

The Petitioner proposes to establish a sit down restaurant with alcohol service in an existing building located at 120 W Bartlett Avenue. The Site Plan includes creating a fenced outdoor seating area on the west side of the existing building. The interior of the building will undergo a substantial remodel which will include the creation of an entertainment area which will host special events such as karaoke.

The Petitioner is requesting the following:

Site Plan Review

Special Use Permits to allow:

- Restaurant with alcohol service
- Outdoor seating
- Live entertainment (indoor and outdoor)

Variations to allow:

- A reduction in the required number of off-street parking spaces,
- A reduction of the required open space, and
- An increase in the maximum wall sign square footage allowance

ATTACHMENTS (PLEASE LIST)

PDS Memo, Applicant Cover Letter, Development Application, Location Map, Development Plans, and Downtown Parking Map

ACTION REQUESTED

- For Discussion Only – Review and forward to the Plan Commission and Zoning Board of Appeals for further discussion and to conduct the required public hearings.
- Resolution
- Ordinance
- Motion

Staff: Roberta Grill, Planning and Development Services Director Date: 10/7/19

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM

19-148

DATE: October 7, 2019
TO: Paula Schumacher, Village Administrator
FROM: Roberta Grill, Planning and Development Services Director 
RE: **(#19-12) 120 Live (120 West Bartlett Avenue)**

PETITIONER

Mary Ann Bollman and Dana Bollman, property owners and business operators

SUBJECT SITE

120 W Bartlett Avenue (north side of Bartlett Avenue between Oak and Eastern Avenues)

REQUESTS

Site Plan Review

Special Use Permits to allow:

- a) Restaurant with Alcohol Service,
- b) Outdoor Seating, and
- c) Live Entertainment (Indoor and Outdoor)

Variations to allow:

- a) A reduction in the required number of off-street parking spaces,
- e) A reduction of the required open space, and
- f) An increase in the maximum wall sign square footage allowance

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Vacant Office	Commercial	B-1
North	Commercial	Commercial	B-1
South	Railroad Tracks	Commercial	B-1
East	Commercial	Commercial	B-1
West	Commercial	Commercial	B-1

ZONING HISTORY

This property falls within the original Village of Bartlett corporate limits and has been zoned for business use throughout the history of the Village of Bartlett Zoning Ordinance. In 1998, a Site Plan was approved as Ordinance #1998-85 for a bakery (Poundcakes) to operate in this building. In 2010, the building was remodeled for an office use.

DISCUSSION

1. The Petitioner is requesting a **Site Plan Review** to establish a restaurant in the existing building and to improve the site with a fenced outdoor dining area on the west side of the building.
2. The Petitioner is also requesting **Special Use Permits** to establish a restaurant serving alcohol, an outdoor dining area, and live entertainment both indoors and outdoors.
3. This lot is improved with a building approximately 3,000 square feet in area. Three (3) off-street parking spaces are located on the lot between the rear of the building and E Oneida Avenue. The proposed redevelopment plan maintains these off-street parking spaces.
4. The interior of this building will be substantially renovated to create a sit down restaurant and entertainment area where activities such as karaoke will be offered. The exterior will be improved with an outdoor dining area immediately adjacent to the building, improvements to the front façade, including the installation of new lighting and signage, a new dumpster enclosure at the rear of the building, and on-site landscape improvements. The outdoor seating area will be enclosed by an eight foot (8') tall composite fence that has a gray stone appearance around three sides with an open picket style aluminum fence along the Bartlett Avenue sidewalk. This fence design will provide an open view of the outdoor seating area along the Bartlett Avenue sidewalk.
5. The anticipated hours of operation for this business are from 10 a.m. until 1:00 a.m. week nights and 10:00 a.m. until 2:00 a.m. Friday and Saturday. The petitioner understands that the hours of operation may be limited by conditions of a Special Use Permit and/or Liquor License. Staff recommends limiting the hours of outdoor entertainment to be consistent with the Village amplifier regulations (BMC Title 3 Chapter 22). Staff recommends that all outdoor entertainment end before 11:00 p.m. Monday through Saturday and before 10:00 p.m. on Sunday.
6. The Petitioner is requesting the following **Variations**:
 - A. A 94% reduction in the number of off-street parking spaces required (BMC 10-11-1-6 Spaces Required). The Zoning Ordinance requires 46 off-street parking spaces to accommodate this use. The requirement is based on providing one (1) space for each three (3) seats in the dining and patio area, plus one (1) space for each three (3) employees at peak shift. The proposed floor plan indicates a total of 122 seats and the Petitioner anticipates a maximum of 15 employees at peak shift. Three (3) off-street parking spaces will be maintained on the site. Due to the large amount of public on and off-street parking located nearby, the anticipated parking demand may be accommodated off-site. The attached map and data table illustrates the location and availability of public parking within close proximity to this proposed restaurant.
 - B. An approximately 99% reduction in the amount of open space provided on the lot (BMC 10-11A-4.B Minimum Landscaped Open Space). The Zoning Ordinance requires that fifteen percent (15%) of the lot area be preserved as open or green space. The Petitioner proposes to maintain large planters on the patio, planters along the Oneida Avenue lot line, and the existing landscaping between the new patio area and the West Bartlett Avenue sidewalk.

- C. An increase in the amount of wall signage (BMC 10-12-9 Allowable Sign Area). The Zoning Ordinance allows wall signage at one (1) square foot of sign for each one (1) linear foot of building width along a public street. For this building, a maximum of twenty-two (22) square feet of wall signage is allowed on the front façade and twenty-seven (27) square feet of wall signage on the rear façade. The petitioner is requesting sixty (60) square feet of wall signage on the front façade.
7. The Village of Bartlett in association with the Regional Transportation Authority (RTA) has contracted with Codametrics to draft a Form Based Code applicable to the Downtown Bartlett area that focuses on regulating the appearance, placement and scale of buildings and their relationship to one another. Staff has had the opportunity to compare the Petitioner's proposed plans to the draft code. The following staff observations are noted:
- A. The draft code will greatly reduce the required number of off-street parking spaces. The draft code will require approximately 8 off-street parking spaces compared to the current Zoning Ordinance which requires 46 off-street parking spaces. The draft code reduces the requirement for off-street parking due to the substantiated concept that a property located near a transit station does not require the same parking ratio as a property located outside a public transit area.
- B. The draft code eliminates the open space requirement in the core downtown area. The Zoning Ordinance applies a required fifteen percent (15%) open space minimum throughout the Village. The historic development pattern within the Downtown Bartlett core is to build lot line to lot line without preserving open space on the lot. The reason historic downtowns may be relieved of this requirement is the location of public open space within close proximity.

RECOMMENDATION

The Staff recommends forwarding this Petition to the Plan Commission and Zoning Board of Appeals for further review and to conduct the required public hearings for the Special Use Permits and Variations to allow for the establishment of a sit down restaurant at 120 W Bartlett Avenue.

ATTACHMENTS

- Location Map
- Letter dated August 29, 2019 from Dana Bollman
- Village of Bartlett Development Application received September 3, 2019
- Compiled supporting Plans prepared by Sweat Shop Design
- Map of Available Downtown Parking

rwh/attachments

x:\comdev\mem2019\148_120 W Bartlett_120 Live_vbc.docx

Kevin Wallace, Board President &
Board of Trustees
Village of Bartlett

August 29, 2019

RE: 120 West Bartlett Avenue

At 120 W. Bartlett Ave., we would like to develop a family-friendly restaurant and social gathering establishment that offers many entertainment options.

Options we would like to offer include a menu of our homemade special recipe pizzas, chicken wings & other appetizers, pub burgers, sandwiches to mention a few, along with weekly specials. We would also like to offer a full bar including beer, wine and spirits.

Entertainment would include live bands, karaoke, trivia nights, music bingo and gaming machines.

This project includes a large outdoor seating area patio that can be utilized for many purposes including enjoying a pizza or sandwich, watching a sporting event, live entertainment or just socializing outdoor with family and friends.

For this project, we are requesting the following variations: outdoor seating that would include a bar and table seating.

A liquor license to allow us to serve a variety of beer, wine & spirits indoor and outdoor.

The option to have live entertainment indoor and outdoor to include live bands, karaoke and trivia.

An 8-foot fence around the entire outdoor seating area for safety, security and noise control. The fence we would like to use is a vinyl faux brick material that will need little maintenance and will last for years to come.

We are also requesting permission for our patrons to utilize Village parking around 120 W. Bartlett Ave.

We thank you for this opportunity to bring our business to Bartlett and look forward to serving the Bartlett community.

Dana Ballman



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only

Case # _____

(Village Stamp)

120 Live

PROJECT NAME (120 West Bartlett)

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Mary Ann Bollman & Dana Bollman

Street Address: _____

City, State: _____

Zip Code: _____

Email Address: mab14@att.net/danabollman8@yahoo

Phone Number: _____

Preferred Method to be contacted: See Dropdown

PROPERTY OWNER INFORMATION

Name: Mary Ann Bollman LLC

Street Address: _____

City, State: _____

Zip Code: _____

Phone Number: _____

OWNER'S SIGNATURE: Dana Bollman **Date:** 8/28/19
(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

ACTION REQUESTED (Please check all that apply)

- Annexation
- PUD (preliminary)
- PUD (final)
- Subdivision (preliminary)
- Subdivision (final)
- Site Plan (please describe use: commercial, industrial, square footage): establish restaurant on developed lot
- Unified Business Center Sign Plan
- Other (please describe) 8 foot fence around outdoor seating area & 60 square foot signage on front of the building
- Text Amendment
- Rezoning See Dropdown to See Dropdown
- Special Use for: outdoor seating, alcohol sales, live entertainment inside and out
- Variation: number of required parking spaces & percentage open space required

SIGN PLAN REQUIRED? See Dropdown

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFORMATION

Common Address/General Location of Property: 120 W. Bartlett

Property Index Number ("Tax PIN"/"Parcel ID"): 06-34-405-018-000

Zoning: Existing: B-1
(Refer to Official Zoning Map)

Land Use: Existing: Commercial

Proposed: B-1

Proposed: Commercial

Comprehensive Plan Designation for this Property: Commercial
(Refer to Future Land Use Map)

Acreage: _____

For PUD's and Subdivisions:

No. of Lots/Units: _____

Minimum Lot: Area _____ Width _____ Depth _____

Average Lot: Area _____ Width _____ Depth _____

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Engineer _____

Other _____

FINDINGS OF FACT (Standards)

The Village of Bartlett Zoning Ordinance requires that certain findings of fact, or standards, must be met before a special use permit, variation, site plan or planned unit development may be granted. Each application for a hearing before the Plan Commission or Zoning Board of Appeals for a special use, variation, site plan or planned unit development must address the required findings of fact for each particular request. The petitioner should be aware that he or she must present specific testimony at the hearing with regards to the findings. **(On the following pages are the findings of fact, or standards, to be met. Please respond to each standard, in writing, as it relates to the case.)**

****PLEASE FILL OUT THE FOLLOWING FINDINGS OF FACT AS THEY
RELATE TO YOUR PETITION****

Findings of Fact for **Site Plans**: Pages 4-5

Findings of Fact for **Planned Unit Developments**: Pages 6-9

Findings of Fact for **Special Uses**: Page 10

Findings of Fact for **Variations**: Pages 11-12

FINDINGS OF FACT FOR SITE PLANS

Both the Plan Commission and Village Board must decide if the requested Site Plan meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. The proposed use is a permitted use in the district in which the property is located.

Yes

2. The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.

Yes. Same arrangement as other properties on block.

3. The vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.

Yes. No changes to ingress or egress anticipated.

4. The site plan provides for the safe movement of pedestrians within the site.

Yes. No changes to pedestrian ways are proposed.

5. There is sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking or accessways shall be landscaped with a mixture of grass, trees and shrubs. (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements)

Yes. Existing landscaped area on the perimeter of the property will be maintained.

6. All outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

No outdoor storage is proposed.

FINDINGS OF FACT FOR PLANNED UNIT DEVELOPMENTS

Both the Plan Commission and Village Board must decide if the requested Planned Unit Development meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. The proposed Planned Unit Development is desirable to provide a mix of uses which are in the interest of public convenience and will contribute to the general welfare of the community.

Yes. Redeveloping this property with an active use will contribute to the neighborhood.

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2. The Planned Unit Development will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

Yes. Redeveloping this property will improve the neighborhood.

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3. The Planned Unit Development shall conform to the regulations and conditions specified in the Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

Yes. Business will be operated in compliance will all applicable laws.

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FINDINGS OF FACT FOR SPECIAL USES

Both the Plan Commission and Village Board must decide if the requested Special Use meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Yes. Redeveloping this property with an active use will contribute to the neighborhood.

.....

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.....

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

Yes. Redeveloping this property will improve the neighborhood.

.....

.....

.....

3. That the special use shall conform to the regulations and conditions specified in this Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

Yes. Business will be operated in compliance with all applicable laws.

.....

.....

.....

FINDINGS OF FACT FOR VARIATIONS

Both the Zoning Board of Appeals and the Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Zoning Ordinance and if there is a practical difficulty or hardship in carrying out the strict letter of the regulations of the Zoning Ordinance.

The Zoning Board of Appeals shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the ZBA and Village Board to review.)**

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

Hardship is created due to the limited size of developed lot.

2. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

Historic downtown area pattern relies upon public parking which is readily available.

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

True.

4. That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.

True.

5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.

True.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

True.

7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.

Other properties have received same variation.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: Dana Bollman

PRINT NAME: Mary Ann Bollman LLC

DATE: 8/28/19

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE **BILLED**: Mary Ann Bollman LLC

ADDRESS: _____

PHONE NUMBER: _____

EMAIL: Mab14@att.net/danabollman8@yahoo.com

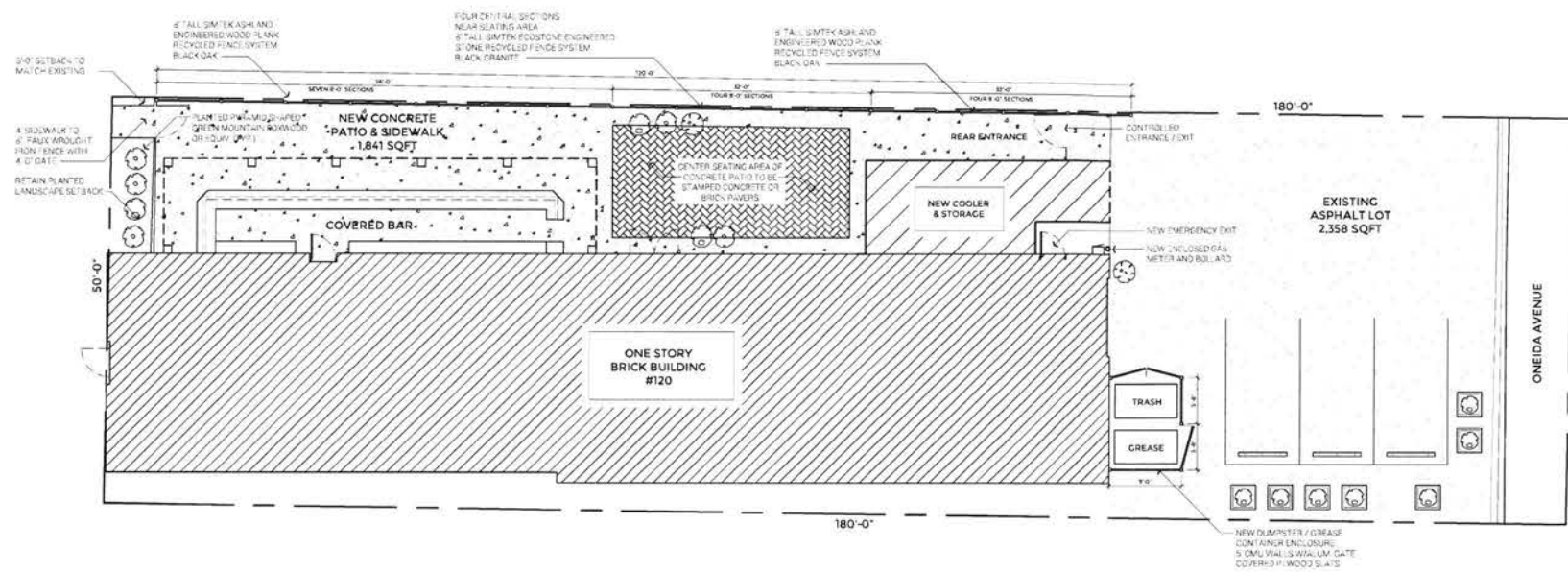
SIGNATURE: Dana Bollman, manager

DATE: 8/28/19

120 W. Bartlett Ave.

PIN: 06-34-405-018

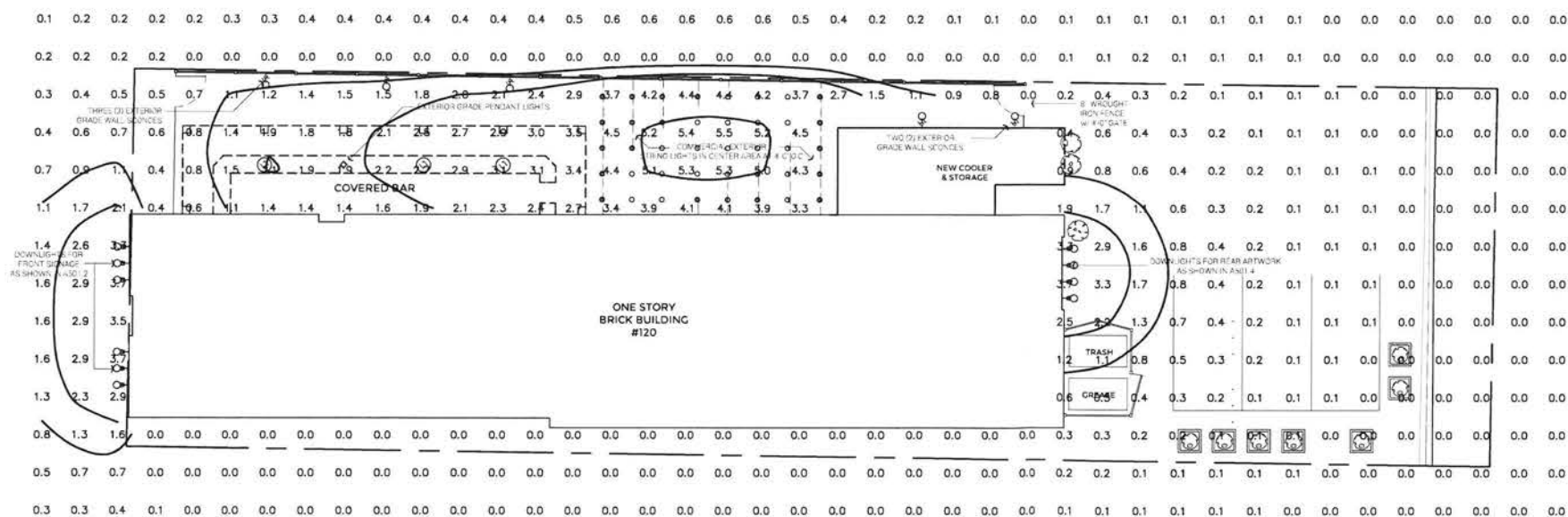




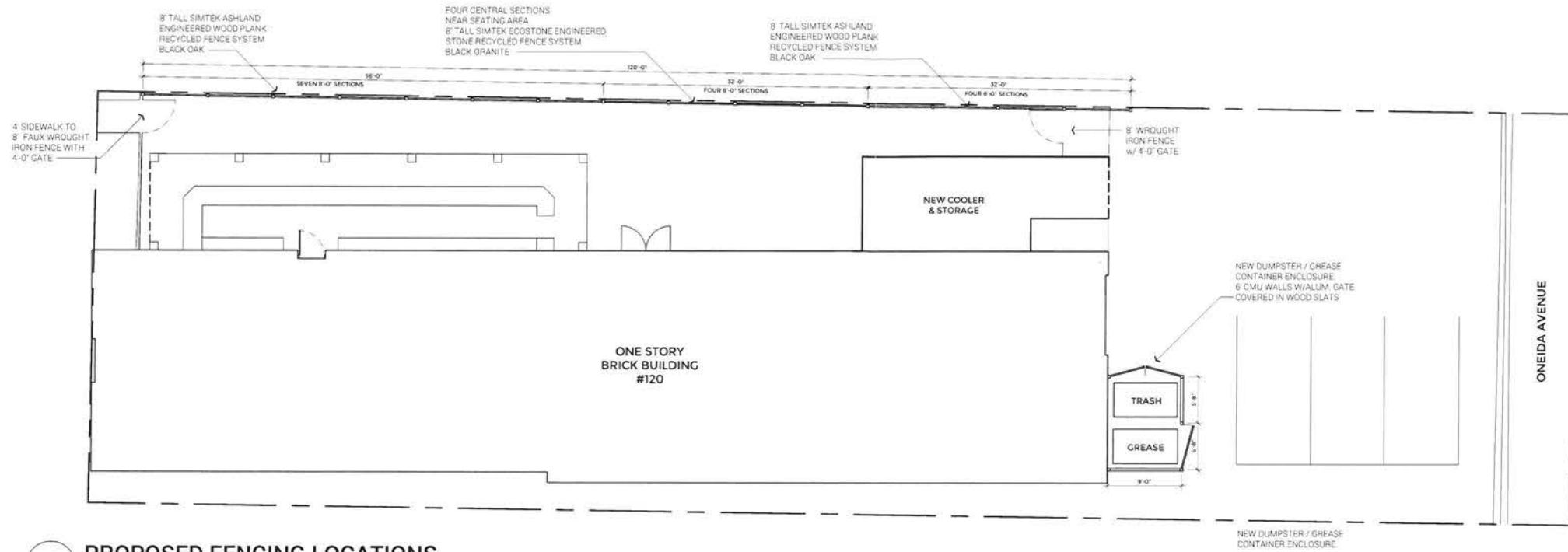
IMPERVIOUS SURFACE CALCULATIONS

EXISTING	
778 SQFT	$\frac{778 \text{ SQFT}}{9,000 \text{ SQFT}} = 8.6\%$
PROPOSED	
79 SQFT	$\frac{79 \text{ SQFT}}{9,000 \text{ SQFT}} = 0.8\%$

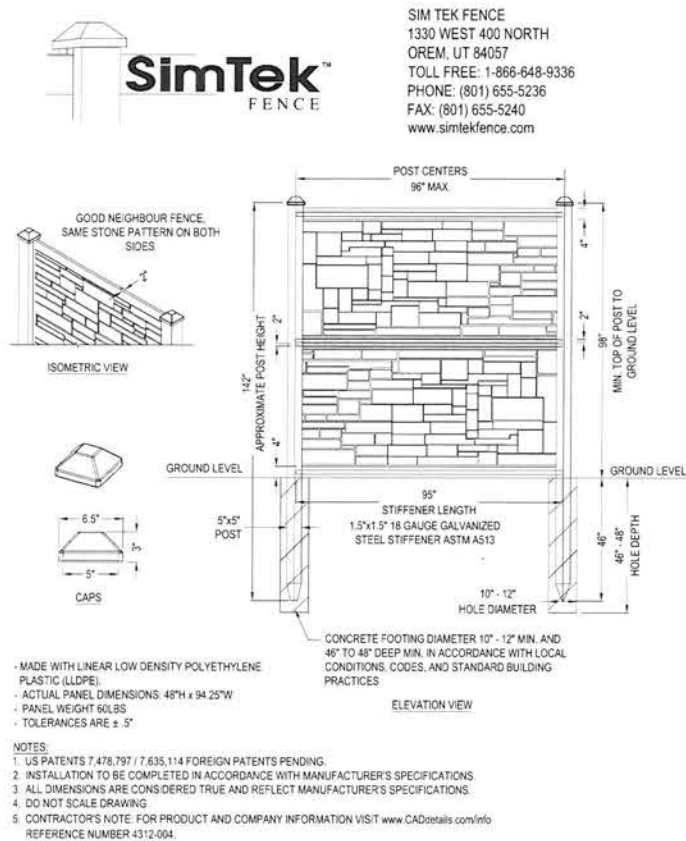
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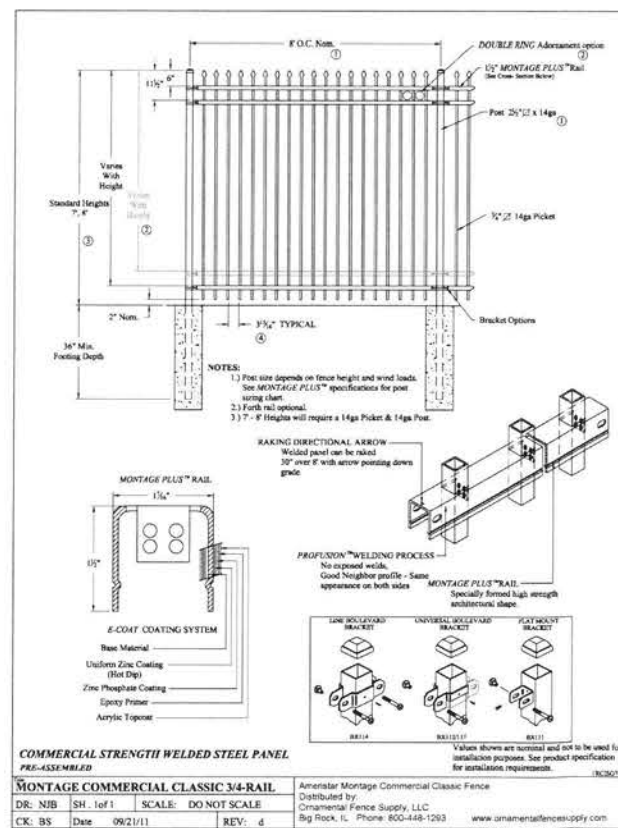
2 EXTERIOR PHOTOMETRIC LIGHTING PLAN
SCALE: 1" = 10'-0"



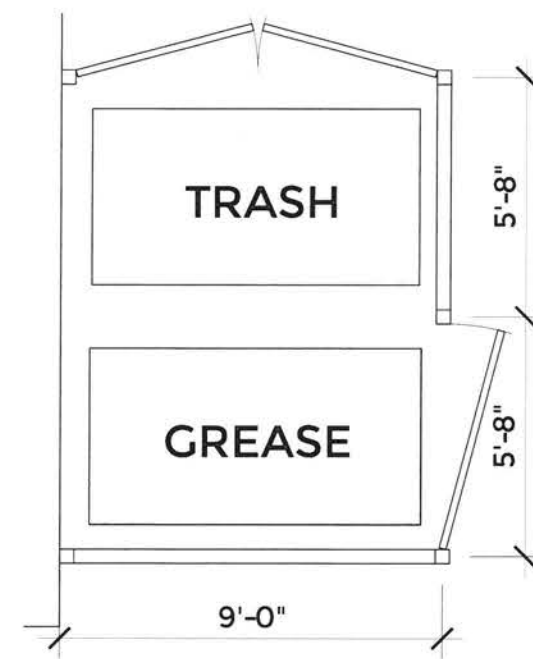
1 PROPOSED FENCING LOCATIONS
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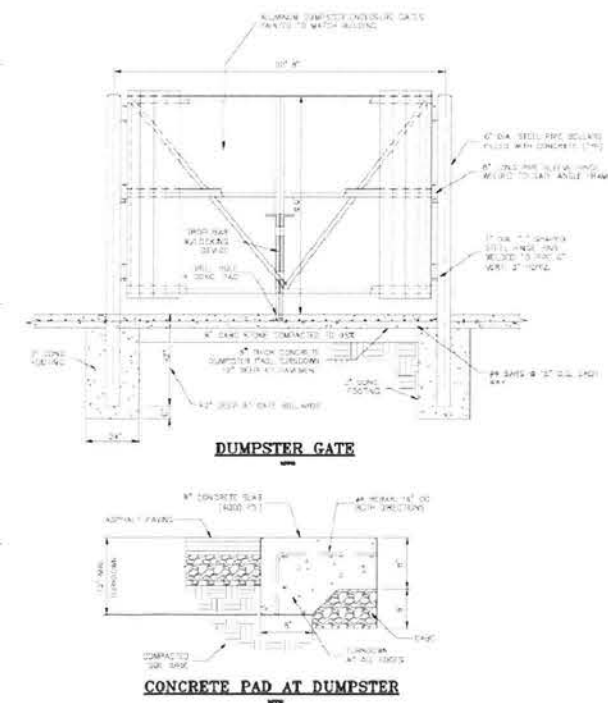
2 WEST FENCING DETAILS
SCALE: 1/2" = 1'-0"



3 NORTH + SOUTH FENCING
SCALE: 1/2" = 1'-0"

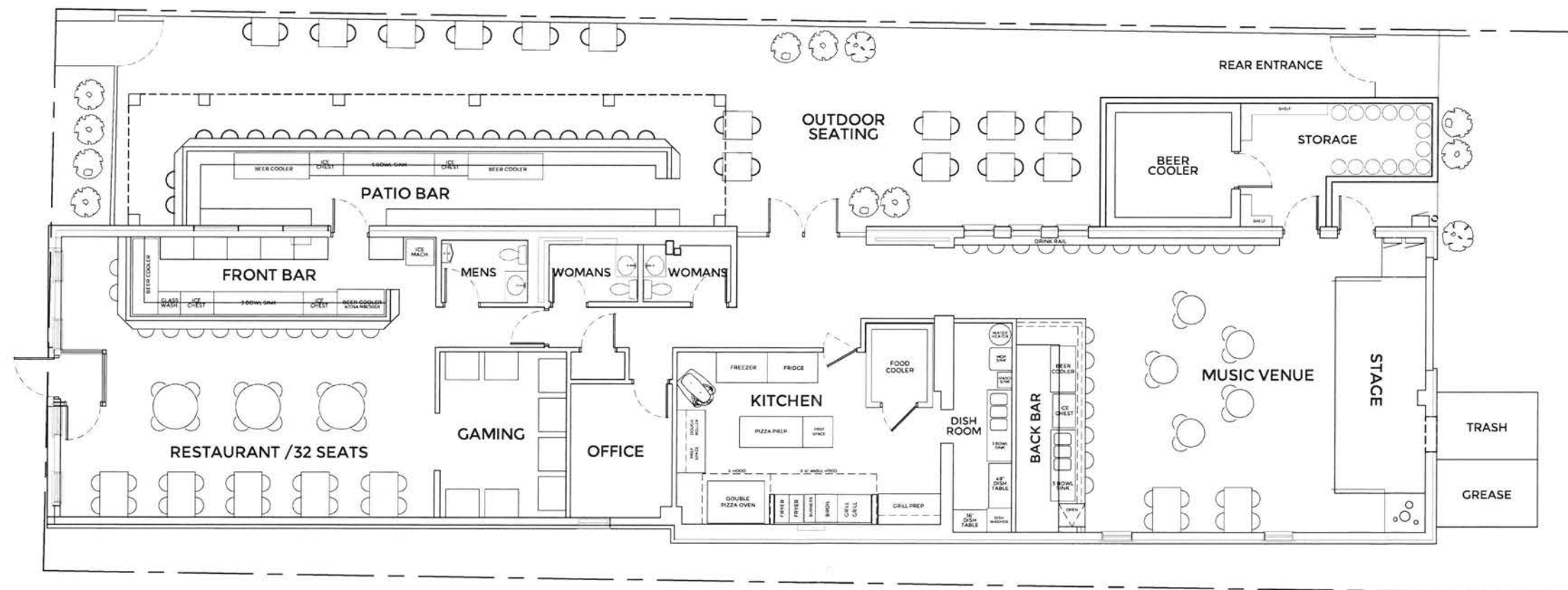


4 TRASH ENCLOSURE
SCALE: 1/2" = 1'-0"



5 ENCLOSURE DETAILS
SCALE: NTS

BAR / MUSIC VENUE
 120 W. BARTLETT AVE
 BARTLETT, ILLINOIS 60103

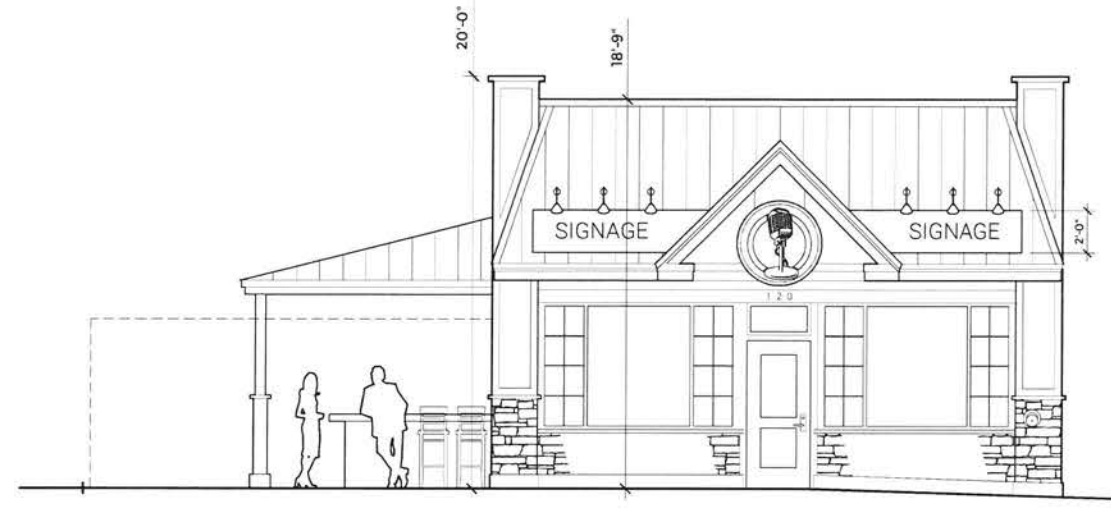


1 PROPOSED FLOOR PLAN
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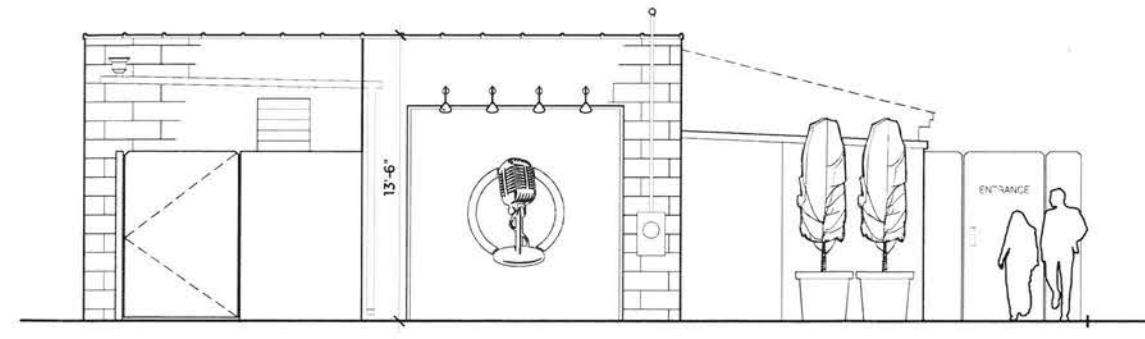
FLOOR PLAN
 PROPOSED

ZONING REVIEW
 3 OCT 2019

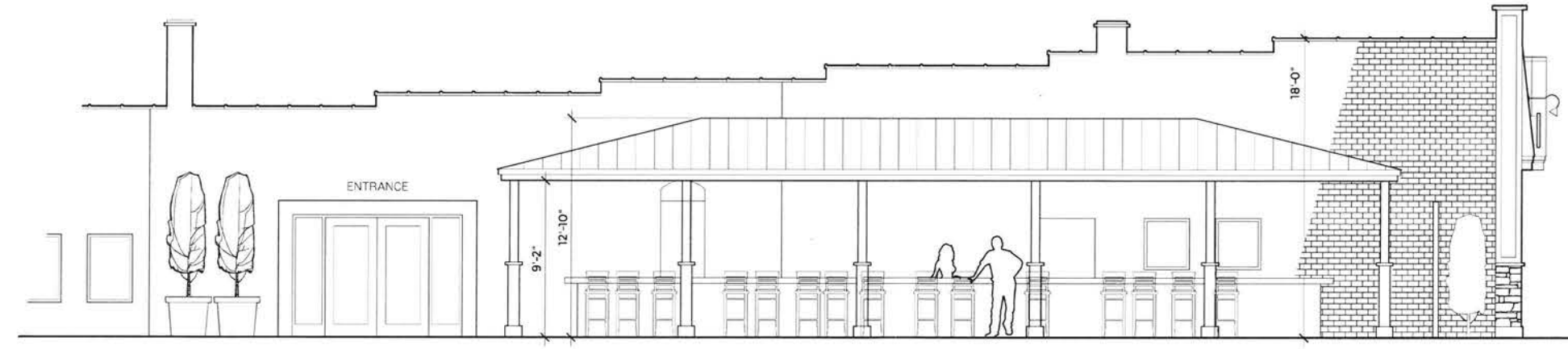
A101



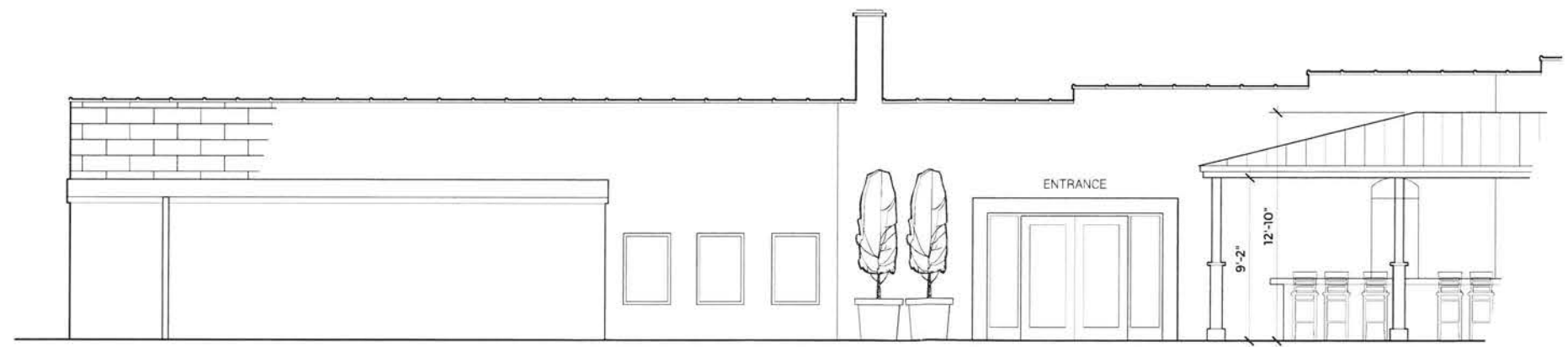
1 SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



3A WEST ELEVATION / FRONT
 SCALE: 1/4" = 1'-0"



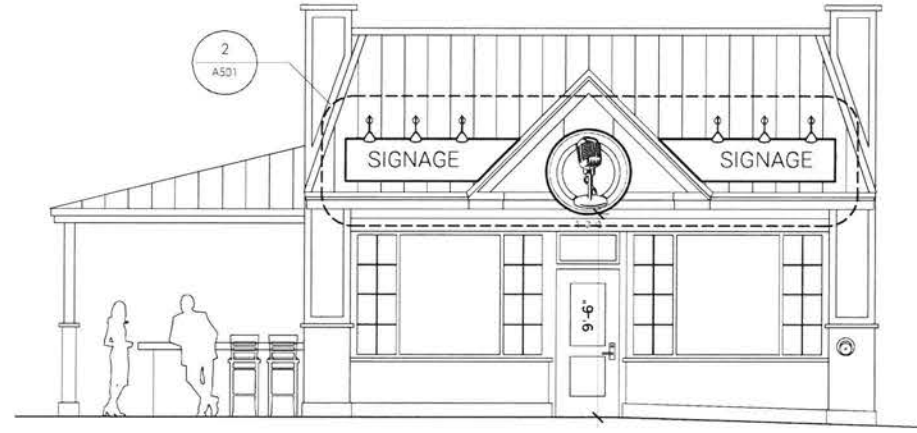
3B WEST ELEVATION / REAR
 SCALE: 1/4" = 1'-0"

BAR / MUSIC VENUE
 120 W. BARTLETT AVE
 BARTLETT, ILLINOIS 60103

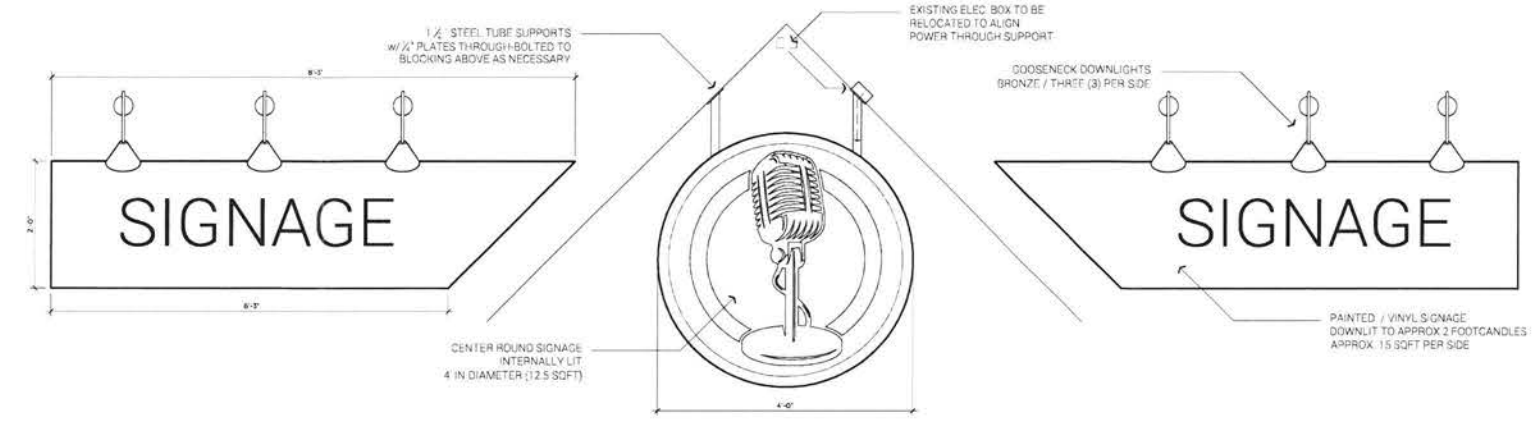
EXTERIOR ELEVATIONS
 PROPOSED

ZONING REVIEW
 3 OCT 2019

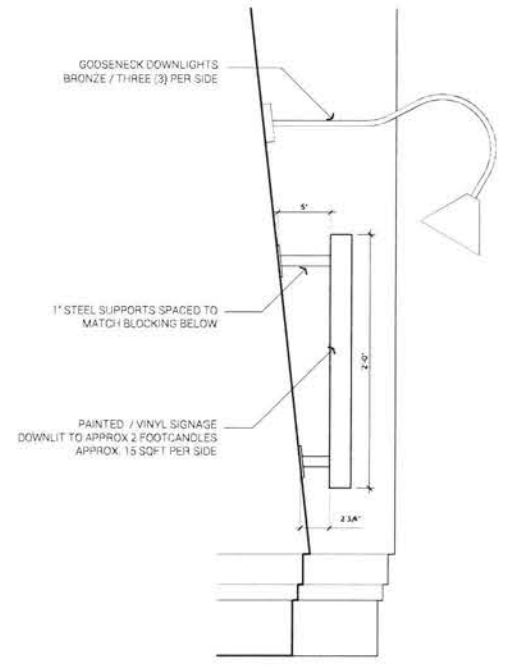
A201



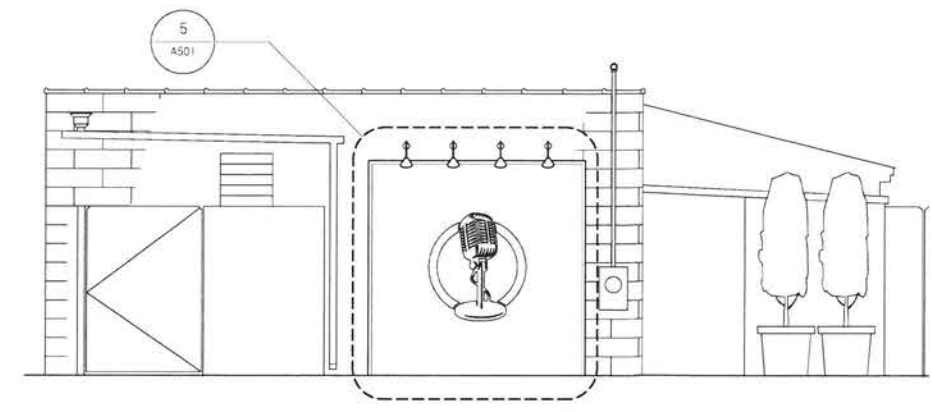
1 SOUTH (FRONT) SIGNAGE
SCALE: 1/4" = 1'-0"



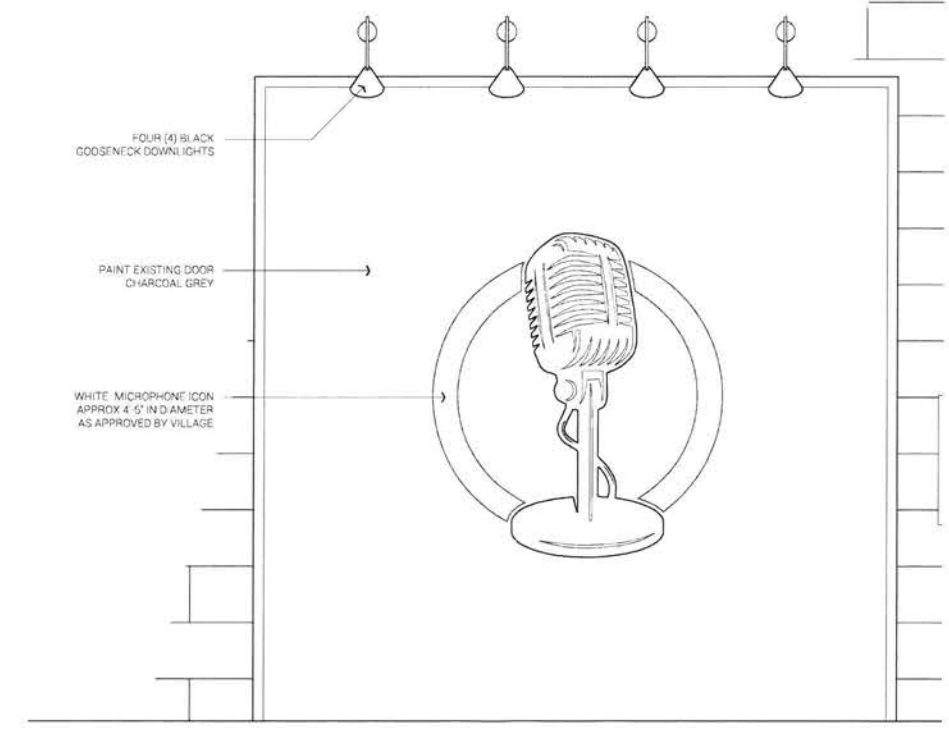
2 SOUTH (FRONT) SIGNAGE DETAILS
SCALE: 3/4" = 1'-0"



3 SOUTH (FRONT) SIGNAGE DETAIL
SCALE: 1-1/2" = 1'-0"



4 NORTH (REAR) SIGNAGE
SCALE: 1/4" = 1'-0"



5 NORTH (REAR) SIGNAGE DETAILS
SCALE: 3/4" = 1'-0"

SIGNAGE
PROPOSED

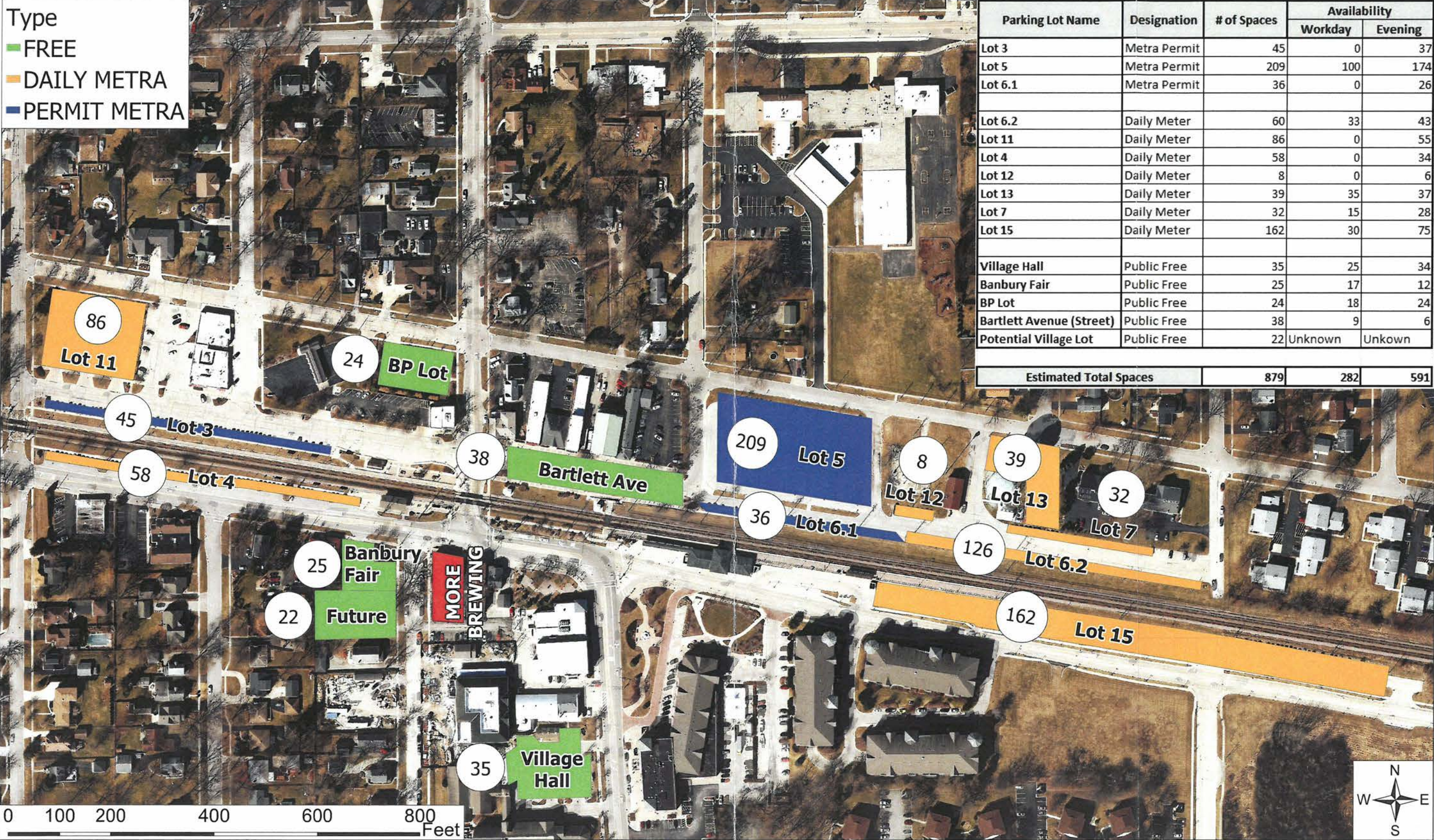
ZONING REVIEW
3 OCT 2019

A501

DOWNTOWN PARKING

Type

- FREE
- DAILY METRA
- PERMIT METRA



Parking Lot Name	Designation	# of Spaces	Availability	
			Workday	Evening
Lot 3	Metra Permit	45	0	37
Lot 5	Metra Permit	209	100	174
Lot 6.1	Metra Permit	36	0	26
Lot 6.2	Daily Meter	60	33	43
Lot 11	Daily Meter	86	0	55
Lot 4	Daily Meter	58	0	34
Lot 12	Daily Meter	8	0	6
Lot 13	Daily Meter	39	35	37
Lot 7	Daily Meter	32	15	28
Lot 15	Daily Meter	162	30	75
Village Hall	Public Free	35	25	34
Banbury Fair	Public Free	25	17	12
BP Lot	Public Free	24	18	24
Bartlett Avenue (Street)	Public Free	38	9	6
Potential Village Lot	Public Free	22	Unknown	Unknown
Estimated Total Spaces		879	282	591

**Village of Bartlett
Finance Department Memo
2019 - 16**

DATE: October 7, 2019

TO: Paula Schumacher, Village Administrator

FROM: Todd Dowden, Finance Director

SUBJECT: 2019 Proposed Property Tax Levy

Below is a chart showing the proposed 2019 levy compared to the 2018 extension. The proposed property tax levy for 2019 totals \$11,248,925 and is \$129,074 less than the prior year extended amount. The General corporate levy is 1.75% less than the 2018 extension and is flat from last year's actual levy amount. This is the 8th consecutive year the Village has either reduced or kept this levy flat from the 2011 levy. The proposed Police Pension levy is increasing 7.29% mainly due to the second year of lowering of the assumed rate of return by 0.125% to 7.00%. Updates to the mortality tables increased the annual pension contribution by \$189,000, but I am recommending that we use \$200,000 of General Fund revenue surplus from the fiscal 2019 year to offset the increase. The Debt Service Levy is expected to be lower from the prior year due to the scheduled 2009 Bonds refunding and is \$129,074 or 4% less than the 2018 extended amount.

Proposed Levy Compared to Prior Year's Extension				
	2019			
	Proposed	2018	Increase	Percent
	Levy	Extension	(Decrease)	Change
General Corporate	6,433,094	6,547,770	(114,676)	-1.75%
Police Pension	1,730,426	1,612,776	117,650	7.29%
Subtotal	8,163,520	8,160,546	2,974	0.04%
Debt Service	3,085,405	3,214,479	(129,074)	-4.02%
TOTAL	11,248,925	11,375,025	(126,100)	-1.11%

Abatements

Currently, there are two abatements being proposed for the amount of \$627,266. The 2017 bond issue requires an estimated payment in the amount of \$41,712 for the Fire District's share of bonds attributable to the construction of the fire station. Also, the amount of \$29,880 is to be transferred from the Brewster Creek TIF Municipal fund to the Debt Service fund to pay for its portion of the bonds. The second abatement of \$555,674 is the Sewer Fund's estimated portion of the 2019 bond issue related to the Devon Avenue excess flow project. Abatement ordinances will be presented with the final approval of the tax levy on December 3, 2019. The chart below itemizes the proposed debt service levy and abatement for 2019.

Proposed Debt Service Levy and Abatements			
Bond Issue	2019 Levy	Proposed Abatement	Net Levy
2012 GO Bonds	718,619	0	718,619
2016 GO Bonds	1,182,825	0	1,182,825
2017 GO Bonds	330,000	(71,592)	258,408
2019 GO Bonds	1,481,227	(555,674)	925,553
TOTAL	3,712,671	(627,266)	3,085,405

2019 Sewer and 2009 Refunding – This bond issue is scheduled for late October 2019 to finance the Devon Avenue excess flow project and to refund the 2009 bonds issued to refund the 2002 and 2005 bonds. The 2002 bonds were used to fund the ball fields, W. Bartlett/Naperville Road bike path, and W. Bartlett Road widening. The 2005 bonds were issued to finance the water meter change out program and most of the construction of the Village Hall. The issue will mature in 2039.

2017 Fire Station Refunding – This bond issue was sold in July 2017 to refund the 2007 bonds issued to finance the construction of a fire station on the west side. Abatements are based upon revenues from the Brewster Creek TIF Municipal Account and the Fire District's share of the annual debt service. The issue will mature in 2026.

2016 Police Station Bonds - This bond issue was sold in November 2016. The 2016 bonds are being used to fund the construction of the new Police Station. The final maturity on these bonds will be in 2036.

2012 Road Resurfacing Bonds - This bond issue was sold in 2012. The 2012 bonds were used to fund street improvements and the Village's portion of flood mitigation for Heartwood Farms. The final maturity on these bonds will be in 2030.

Equalized Assessed Value (EAV) History			
Year	EAV	Change	% Change
2009	1,366,342,294		
2010	1,273,382,727	(92,959,567)	-6.80%
2011	1,188,318,865	(85,063,862)	-6.68%
2012	1,097,765,218	(90,553,647)	-7.62%
2013	959,330,352	(138,434,866)	-12.61%
2014	950,037,843	(9,292,509)	-0.97%
2015	957,991,785	7,953,942	0.84%
2016	1,051,280,552	93,288,767	9.74%
2017	1,079,697,040	28,416,488	2.70%
2018	1,098,395,911	18,698,871	1.73%
*2019	1,164,624,734	66,228,823	6.03%

*Estimate

Equalized Assessed Value (EAV)

Above is a chart showing the actual EAV for the last 10 years along with the estimate for 2019. The overall EAV estimate for 2019 assumes that EAV will increase by 6.03%.

In DuPage County, the estimate for EAV is an increase of 4%. In 2018, EAV increased in DuPage County by 3.92%.

The estimate for Cook County assumes a 10% increase in EAV. This year will be the tri-annual assessment. The last re-assessment in 2016 for the county resulted in a 17.12% increase.

Estimated Tax Rates

Below is a chart showing an estimate of the 2019 Cook County rate. The rate is anticipated to decrease in Cook County by 9.95 cents.

Estimated 2019 Property Tax Rate - Cook County				
Burden	38.53%			
EAV	407,809,842			
		Loss	County	
	Total Levy	Allowance	Burden	Tax Rate
General Corporate	6,433,094	192,993	2,553,031	0.6260
Police Pension	1,730,426	51,913	686,735	0.1684
Subtotal	8,163,520	244,906	3,239,766	0.7944
Debt Service	3,085,405	154,270	1,248,247	0.3061
TOTAL	11,248,925	399,176	4,488,013	1.1005
			2018 Rate	1.2000
			Rate Decrease	(0.0995)

The chart below shows the estimated 2019 tax rate for DuPage County. The DuPage County tax rate is anticipated to decrease by 2.91 cents.

Estimated 2019 Property Tax Rate - DuPage County				
Burden	61.19%			
EAV	751,689,540			
		Loss	County	
	Total Levy	Allowance	Burden	Tax Rate
General Corporate	6,433,094	64,331	3,975,774	0.5289
Police Pension	1,730,426	17,304	1,069,436	0.1423
Subtotal	8,163,520	81,635	5,045,210	0.6712
Debt Service	3,085,405	30,854	1,906,839	0.2537
TOTAL	11,248,925	112,489	6,952,049	0.9249
			2018 Rate	0.9540
			Rate Decrease	(0.0291)

Burden percentage is based on the 2018 rate.

The chart below shows the total EAV for the entire Village along with the total levy for all funds (General, Police Pension and Debt Service). The proposed dollar levy along with the estimate for the 2019 EAV will decrease the combined rate 4.98 cents.

Estimated 2019 Property Tax Rate - Total			
EAV	1,164,624,734		
		Loss	
	Total Levy	Allowance	Tax Rate
General Corporate	6,433,094	64,331	0.5579
Police Pension	1,730,426	17,304	0.1501
Subtotal	8,163,520	81,635	0.7080
Debt Service	3,085,405	30,854	0.2676
TOTAL	11,248,925	112,489	0.9755
		2018 Rate	1.0253
		Rate Decrease	(0.0498)

Schedule

In order to comply with state statute regarding deadlines to file a tax levy with the County Clerk's office of each county, I am recommending the time table below. The schedule includes a public hearing on November 05, 2019. The Village is not required to hold a public hearing because our increase over the prior year's extension is less than 5%. However, the Village has traditionally held a public hearing to allow for public input and I recommend we continue to do so.

Advertise public hearing	10/23/19
Hold public hearing	11/05/19
Village Board reviews estimated levy	11/05/19
Adopt levy	12/03/19
File levy - on or before	12/24/19

Village of Bartlett
Finance Department Memo
2019 - 18

DATE: October 7, 2019

TO: Paula Schumacher, Village Administrator

FROM: Todd Dowden, Finance Director

SUBJECT: Municipal Cannabis Retailers' Occupation Tax

In June of 2019, the sale of cannabis for recreational use in Illinois was legalized. Municipalities were also authorized to impose a local sales tax at a rate not to exceed 3%. On and after January 1, 2020, the corporate authorities of any municipality may, by ordinance, impose a tax upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the municipality on the gross receipts from these sales made in the course of that business. Attached is a proposed ordinance that would amend the Village's municipal code to impose a 3% tax on cannabis sales. This tax would be collected the submitted to the Village by the State. Also attached is an informational bulletin from the Illinois Department of Revenue in regard to the local cannabis tax.

ORDINANCE 2020- _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 2, MUNICIPAL
OCCUPATION AND USE TAXES BY THE ADDITION OF SECTION 3-2-4:
IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That Title 3, Chapter 2, of the Bartlett Municipal Code is hereby amended to add new Section 3-2-4 thereto, now entitled "IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX", as follows:

3-2-4: IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

A. Tax imposed; Rate; Authority.

1. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of 3% of the gross receipts from such sales made in the Village.
2. The imposition of this tax is in accordance with the provisions of Sections 8-11-22 of the Illinois Municipal Code (65 ILCS 5/8-11-22).

B. Collection of Tax by Retailers:

The tax imposed by this Section shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Section and any such tax collected by such retailer and required to be remitted to the Department of Revenue shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

C. Illinois Department of Revenue to Administer:

The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue. The Department of Revenue shall have full power to administer and enforce the provisions of this section.

SECTION TWO: CLERK TO FILE ORDINANCE WITH IDOR. The Village Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before June 1, 2020.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect on the first day of September next following the adoption and filing of this Ordinance with the Illinois Department of Revenue, if filed on or before the preceding June 1st.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED: January 7, 2020

APPROVED: January 7, 2020

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the village clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2020-_____, enacted on January 7, 2020, and approved on January 7, 2020, as the same appears from the official records of the Village of Bartlett.

Lorna Giles, Village Clerk



*i*nformational

Bulletin

David Harris, Director

Municipalities and Counties may impose a local Cannabis Retailers' Occupation Tax beginning September 1, 2020

This bulletin is written to inform you of recent changes; it does not replace statutes, rules and regulations, or court decisions.

To: All Illinois Municipal and County Governments

For more information
Visit our website at:
tax.illinois.gov

Call us at:
217 785-6518

Email us at:
rev.localtax@illinois.gov

Public Acts 101-27 and 101-363 authorize municipalities (65 ILCS 5/8-11-22) and counties (55 ILCS 5/5-1006.8) to impose, by ordinance, a tax upon all persons engaged in the business of selling cannabis, other than medical cannabis, at retail in the municipality or county on the gross receipts from cannabis sales.

What is the tax rate that counties and municipalities can impose by ordinance on retail sales of cannabis?

Municipalities may impose a tax on retail sales of cannabis, other than medical cannabis, at a rate that may not exceed 3%, imposed in one-quarter percent (0.25%) increments. Counties may impose a tax (also in one-quarter percent increments) on retail sales of cannabis, other than medical cannabis, at the following rates:

- In unincorporated areas of the county, the rate may not exceed 3.75%.
- In a municipality located in the county, the rate may not exceed 3%.

As with any local government tax administered by the Illinois Department of Revenue (IDOR), municipalities and counties must submit their ordinances to IDOR by a statutory deadline in order to begin imposing the tax.

When must counties and municipalities submit cannabis ordinances to IDOR for those ordinances to take effect on September 1, 2020?

The law provides that if a proper ordinance is adopted and filed with IDOR on or before June 1, 2020, then IDOR will administer and enforce the tax beginning on September 1, 2020. Ordinances filed on or after June 2, 2020, will be implemented by IDOR on September 1st of the following year. Municipalities and counties should submit their ordinances to the following address:

LOCAL TAX ALLOCATION DIVISION (3-500)
ILLINOIS DEPARTMENT OF REVENUE
101 W JEFFERSON
SPRINGFIELD IL 62702