

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Public Hearing at 7:30 P.M. on April 28, 2022 at Deerfield Village Hall.

Present were: Al Bromberg, Chairman  
Blake Schulman  
Bill Keefe  
Jennifer Goldstone  
Lisa Crist  
Kenneth Stolman

Also present: Jeff Ryckaert, Principal Planner  
Dan Nakahara, Planner  
Stewart Weiss, Village Attorney

Chairman Bromberg swore in all who plan to testify before the Commission.

**Public Comment on a Non-Agenda Item**

There were no comments from the public on a non-agenda item.

**PUBLIC HEARING**

**1) Request for a Special Use to Permit a Recreational Cannabis Dispensary at 677 Lake Cook Road in the Deerfield Depot Planned Unit Development - Curaleaf**

Chairman Bromberg confirmed that the petitioners provided proof of certified mailing. Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on April 7, 2022.

The petitioner Lawrence Freedman, Attorney for the petitioner Greenhouse Group LLC, doing business as Curaleaf stated that they are seeking a Special Use Permit for a recreational cannabis dispensary at 677 Lake Cook Road. They are also seeking three exceptions to the recreational cannabis ordinance. One of which is to allow exterior cannabis unloading rather than requiring the loading to be in a fully enclosed building. Also to allow non-cannabis waste to be stored in outside trash receptacles. And lastly, to get some relief from the sign regulations in the recreational cannabis ordinance, which is much more restrictive than other commercial uses in the same zoning district. He stated that per the ordinance they would be required to have a singular wall sign of ten square feet in area. During the Workshop Meeting, they proposed having three signs, on all sides other than the south side facing Home Depot. Even though the Appearance Review Commission (ARC) had no difficulty with this, they reassessed and decided they did not need a sign on the west side where the former drive thru is located. He stated that they are now seeking an exception to allow for two signs that will each be 36 square feet instead of 10 square feet. He added that they were before the ARC this week (April 25) and the ARC recommended approving the sign plan. However, as it is an exception to the ordinance, the Plan Commission also must make a recommendation on this.

Mr. Freedman stated that the applicant is the holder of the only cannabis license in Deerfield. The medical license was granted in 2015 and they have been operating at 151 S. Pfingsten since that time as a medical dispensary. They now hold the State of Illinois license for recreational sales subject to getting Special Use approval. He stated that it is not their intention to operate two facilities, and if they are successful in receiving the Special Use, when they open for business at the new location they will close the current location.

Mr. Freedman stated that the proposed site has formerly been Peapod, Macaroni Grill and a bank. They are not planning any exterior changes other than the signage. They are eliminating use of the drive thru and plan to stripe the drive thru lanes to indicate it is not available for customer parking or as a drive thru operation. Mr. Freedman reported that the applicants will now review the exceptions.

Monica Henderson, Director of Compliance for Curaleaf reviewed the request to unload products outside of an enclosed building. She stated that the proposed location does not allow for enclosed delivery as is, without making substantial changes to the building. She stated that at the Northbrook and Skokie recreational cannabis dispensary Curaleaf locations, there are no enclosures for delivery. She stated that delivery trucks arrive unmarked and look like a Sprinter van. Two individuals called transporters arrive, one stays in the car, and one comes out. And then one or more Curaleaf employees comes and takes the delivery inside at which point it is counted inside and signed off on. Ms. Henderson stated that product is never transported out, only received in.

Chairman Bromberg asked how large a typical delivery is. Ms. Henderson replied that deliveries happen a few times a week and it depends based on the need. It can be a pallet, or it can be a few boxes. Chairman Bromberg asked if it is a pallet, if there are several trips made in and out. Ms. Henderson replied that yes, there may be several trips made and there would always be one transporter in the car and watching the car as well as one Curaleaf and another transporter moving the product inside.

Commissioner Crist asked why they couldn't put a vestibule or an air lock at the drive thru entrance to make it enclosed. She stated that it appears that there is already a room there or some walls. And she is wondering why that couldn't be an option.

Camilo Cielo, Director of Retail Construction for Curaleaf, displayed the site plan. Mr. Cielo replied that the existing ramp door will be locked. Although it does not lend itself to building an enclosure because there is a ramp. He stated that they are using the existing door. He pointed out the door and stated that they will also add a security gate there. Mr. Freedman stated that the ordinance requires a vehicle to drive into an enclosed secure garage or enclosure. Mr. Freedman agreed and stated that they are seeking relief from having to drive inside an enclosed and locked area inside the building to unload. He added that an enclosure would have to be an area big enough to house the delivery vehicle and be able to unload around the vehicle. Mr. Freedman stated that in addition to the convenience of not restructuring the ramp, it is already a building of limited size and scope and adding an enclosure would be very challenging. He also pointed out that the number of buildings that this use could be allowed at in Deerfield is already limited.

Chairman Bromberg confirmed that the drive thru would not be used by customers. Ms. Henderson replied that it would only be used for deliveries and by employees.

Commissioner Stolman asked approximately how long an average delivery would take from start to finish. Ms. Henderson replied that conservatively the whole process takes at most 10 to 15 minutes. She added that the transporters are licensed by the Illinois Department of Agriculture, and they are credentialed for this line of work and have specialized training.

Commissioner Goldstone asked if they have had any security breaches or incidents at their Skokie or Northbrook locations using this procedure. Ms. Henderson replied that they have not had any issues at other locations.

Commissioner Crist asked if the Deerfield Police Department has reviewed this procedure. Ms. Henderson replied that they have not reviewed the plans with the Deerfield Police Department. Mr. Freedman added that they have provided copies of their security plan to the Deerfield Police Department, so they may be aware of the unloading plan.

Commissioner Schulman asked if internal delivery is required in the Village ordinances because it is part of the State ordinance that was used, or if it was added by Deerfield intentionally to be more restrictive. Mr. Freedman confirmed that this is more restrictive than Skokie and Northbrook as enclosed unloading is not required there. Mr. Weiss replied that when the Cannabis Regulation and Tax Act was passed, the act that legalized adult use sales, initial drafts of the rules that were being proposed by the Illinois Department of Finance and Professional Regulations indicated it would require internal loading, but in the end the State decided not to require this. He added that some communities did adopt this requirement, especially early adopters of regulations. But as stated, the State decided not to require this, and many dispensaries operate without internal loading. Mr. Weiss summarized that Deerfield could decide to grant the exception or has the authority to require enclosed loading.

Commissioner Goldstone confirmed that if the exception were granted for this applicant, this would not change the ordinance and would only be for this applicant. Mr. Weiss replied that this would be an exception and would not change the requirement that there is only the ability to have one dispensary in Deerfield. Commissioner Goldstone confirmed that if this applicant closed and another came in that they would have to ask for this exception, as well. Mr. Weiss confirmed that another operator would have to get a Special Use Permit and ask for this exception, as well.

Chairman Bromberg asked if the height of the drive thru would work for their delivery vehicles. Mr. Cielo replied that deliveries come via Sprinter type vans, which is the same type of van used for Amazon deliveries, so no modifications would be needed to accommodate the vehicle height.

Mr. Freedman reported that they will review their request for non-cannabis waste disposal. Ms. Henderson stated that at their other facilities they place their trash in outdoor bins. It is scheduled based on pick up days and it is brought out the night before or the morning of pick up so that waste is not sitting out for long. It is done this way so to avoid people trying to pick through the waste.

Chairman Bromberg commented that the Deerfield ordinance is based upon what they were anticipating the State requiring and the State ended up not requiring more secure non-cannabis waste disposal. Mr. Weiss added that this rationale is correct and that it might be useful for the applicant to talk about how they treat cannabis waste and how they comply with the strict State law. Ms. Henderson replied that it is very rare that they have cannabis waste as almost all

product is sold. But on the rare occasion they do have cannabis waste they hold a weekly destruction. This destruction is very specific per the State regulations. The cannabis must be undetectable and unusable after destruction. For example, a gummy edible would be melted down, blended with bleach and then mixed with soil to be rendered undetectable and unusable. At this point it can be put out with other non-cannabis waste. Mr. Weiss confirmed that this is also the case for growers. It is rendered into compost and no longer has any active ingredients that can be extracted.

Commissioner Goldstone confirmed that most of their waste is not food related and wouldn't attract animals. Ms. Henderson replied that most waste is packaging and boxes.

Mr. Freedman reviewed the signage exception request. They are asking for an increase in the number of signs from one to two and an increase in the size of sign from 10 square feet to 36 square feet on each of the two. They had originally proposed having some directional signage which also would have been an exception, but they are no longer seeking directional signage.

Chairman Bromberg asked if they have images and renderings of the two signs. Mr. Freedman showed an image of the proposed sign and reported that the ARC asked for individual lettering as they thought it would be more attractive. The sign now has individual letters, and it is more attractive than presented at the Prefiling Conference. Mr. Cielo added that it has a thin panel below the letters and individual letters.

Commissioner Stolman confirmed that the signs will face north and east. Mr. Ryckaert confirmed that the proposed wall signs will be located over the entrances to the dispensary.

Commissioner Crist commented that one image in the packet showed signage on all four elevations. Mr. Freedman replied that they first planned for this and then removed the one facing Home Depot before the Prefiling Conference. And after meeting with the ARC decided to request signage on only two sides. Mr. Freedman stated that this image can be withdrawn from the packet.

Chairman Bromberg commented that at the Prefiling Conference the directional signs would be to tell people not to pull into the drive thru. Mr. Freedman replied that instead they will stripe that area and not use directional signs. They believe this will deter people from pulling in there. And if it is not sufficient they will request an alternative.

Mr. Freedman reported that the parking and traffic study was completed by KLOA and is included in the packet. Chairman Bromberg asked if there are any questions for KLOA or concerns about parking or traffic. There were no comments from the Commission.

This concluded the petitioners' presentation and Chairman Bromberg asked for comments from the Commissioners.

Commissioner Schulman asked if the Sprinter van would go through the drive thru area that would be striped. Ms. Henderson replied that they would instruct the delivery van to use that striped area and stop closest to the door to minimize the time of delivery and it puts them closest to where they would be delivering the product.

Commissioner Schulman asked if Peapod had two signs. Mr. Freedman replied that he does not know about the number of signs, but he does know that the Peapod sign facing Look Cook

Road was larger than what they are asking for. Commissioner Schulman commented that McCallister's sign appears to be almost the size of what Curaleaf is proposing.

Commissioner Schulman commented that the exhibit in the packet showing that Curaleaf is in good standing is not up to date. Mr. Freedman replied that they can submit an updated one.

Commissioner Goldstone asked to confirm that the sign at McCallister's is similar to what Curaleaf is asking for. Chairman Bromberg replied that McCallister's did not have to ask the Plan Commission for their sign because they replaced a restaurant and the sign was within the requirements. Chairman Bromberg stated that he believes the McCallister's sign is larger.

Commissioner Crist asked if there is a shopping center sign for this development. Mr. Freedman replied that Home Depot has a monument sign, but it does not have signage for the other tenants in the outlots. Commissioner Crist confirmed that they only plan on the two building signs. Mr. Freedman stated that they were not proposing any monument signs. Commissioner Crist commented that a shopping center ground sign might give them more visibility and they may not need two on the building. Mr. Freedman replied that he does not know if a monument sign for the shopping center is an option. Mr. Nakahara reported that a monument sign is not allowed for a recreational cannabis dispensary use.

Commissioner Keefe asked if there is a mechanical separation between the customer area and order packaging and where the cashiers are inside the store. Mr. Cielo displayed the interior layout and pointed out that there is a wall that separates the point of sale from the packaging area. He explained that customers come in at the entry and are greeted in the sales floor and then go to the point of sale. Behind the point of sale area is a full length wall so that no one can see back into the order package area, and it is very contained. Commissioner Keefe confirmed that a customer cannot just wander back into the delivery area. Mr. Weiss asked how many locked doors with security are between a customer and the order packaging area. Mr. Cielo pointed out the doors where only employee security badges can access. Mr. Nakahara asked if the point of sale area has individual checkouts for customers or just one long counter. Mr. Cielo replied that there are 10 point of sale stations for customers and at peak times every station will be occupied.

Mr. Weiss asked if there is any product actually on the floor or displayed at any time. Ms. Henderson replied that no product is displayed. There is only empty packaging or fake product. But there is no product on the floor. There may be some paraphernalia like pipes, but they are in locked cabinets. Mr. Cielo pointed out the display cases in the layout.

Chairman Bromberg opened public comment on this matter.

Mr. Nakahara read aloud the following public comment letter received.

"Plan Commission Board,

I would like to voice my concerns regarding Curaleaf's request for a special use permit. I'm specifically speaking to their request for an amendment to the ordinance for signage.

It is my understanding the ordinance allows for ONE sign that is 10 sq feet. Curaleaf is requesting TWO signs at 36 sq feet each. That is seven times more than the ordinance allows. I don't believe the other retail establishments in that area required more than one sign. There is a

study regarding marijuana signage showing young people (ages 18-22) living within four miles of a marijuana dispensary are more likely to use the drug and use it more often. There is a stronger association for dispensaries that have signage.

<https://www.ncbi.nlm.nih.gov/pubmed/31183908>

Deerfield already allowed retail marijuana dispensaries in our village limits, so we knew this was inevitable. However, Deerfield did a great job making the ordinance more restrictive than surrounding communities. I hope the village sticks to the parameters they felt were so important at that time and not allow this amendment to the ordinance regarding signage.

Thank you for your consideration,  
Michelle Culver  
1267 Linden Avenue, Deerfield”

Katherine Spencer addressed the commission for public comment. She reported that she is with the Community Anti-Drug Coalition which is a youth drug prevention coalition that serves Deerfield, Highland Park, Highwood, Riverwoods and Bannockburn. She stated that she echoes the comments that Michelle Culver made. She stated that Curaleaf is requesting two signs and she is wondering if the other businesses in that area have two signs or just one. She stated that there is a stronger correlation with more signage and more visibility with youth use, and the more the sign can be restricted, the more they can protect youth from being exposed to this.

Chairman Bromberg replied to Ms. Spencer and stated that it varies by development and business along Lake Cook Road. For example, Dunkin Donuts has multiple signs on the building and monument signs. It depends on the development and how far from the road the building is and how many sides it has in terms of how many signs.

There were no further public comments.

Chairman Bromberg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees for final action on this matter.

Commissioner Keefe commented that he is in favor of the plan including the signage and the request for deliveries without an enclosed area. He understands concerns about signage and influencing young people, but the law states that you must be 21 to buy cannabis. He added that it makes sense to sell this product legally and regulate it so that the product has some quality control and safety as opposed to selling whatever someone wants to sell on the street which could be dangerous.

Commissioner Stolman stated that he is also in support of the plan. Commissioner Crist agreed and was in support of the plan.

Commissioner Goldstone commented that her questions were all answered and reiterated that she would like confirmation that the Deerfield Police Department has reviewed the plans even if it's not part of the public record.

Commissioner Schulman suggested that in their approval the Plan Commission require that deliveries be made in the drive thru area. And that requiring this would make granting the exception more agreeable. Commissioner Goldstone agreed. Commissioner Shulman added that in terms of signage he agrees with some concerns raised. But in the photos the sign size appears smaller than some of the neighbors, and given the shape and location of the building, it lays out well to have it on two sides. So he has no issue with the signage request, and it does not strike him as being excessive.

Chairman Bromberg asked if they are planning to close the medical dispensary simultaneously or on the same day. Mr. Freedman replied that they are not planning on operating them at the same time. The new one will not open until the medical dispensary is closed. Otherwise they are in violation of their state license.

Mr. Ryckaert reported that Deerfield Police Chief Sliozis reviewed the security plans back in February as required by the ordinance and was fine with it.

Commissioner Goldstone moved, seconded by Commissioner Crist to approve the request for a Special Use to permit a recreational cannabis dispensary at 677 Lake Cook Road in the Deerfield Depot Planned Unit Development – Curaleaf, with the exceptions requested for signage, non-cannabis waste removal, and non-enclosed deliveries, with the additional requirement that the applicant must use the drive thru lane closest to the building for deliveries. The motion passed with the following vote.

Ayes: Schulman, Goldstone, Keefe, Crist, Stolman, Bromberg (6)  
Nays: None (0)

Mr. Nakahara reported that this will go before the Board of Trustees on June 6, 2022.

## **DOCUMENT APPROVAL**

1. 130-140 Kenmore Avenue Final Plat of Resubdivision Recommendation
2. April 14, 2022 Plan Commission Minutes

Commissioner Goldstone moved, seconded by Commissioner Keefe to approve the documents. The motion passed with the following vote.

Ayes: Crist, Stolman, Keefe, Goldstone (4)  
Nays: None (0)  
Abstain: Schulman, Bromberg (2)

## **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be May 12, 2022.

## **Adjournment**

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Stolman to adjourn the meeting. The motion passed with a unanimous voice vote.

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Respectfully Submitted,  
Laura Boll