

City of Moline

PLAN COMMISSION

Wednesday, July 23, 2014
4:00 p.m.
Council Chambers, 619 16th Street

AGENDA

1. Approval of Minutes – July 9, 2014
2. Presentation/discussion on Compassionate Use of Medical Cannabis Pilot Program Act (Shawn Christ, Land Development Manager and Amy Keys, Deputy City Attorney)
3. Review upcoming meetings
4. Other

Any person with disabilities who wishes to attend the meeting who requires a special accommodation or any other person requiring a special accommodation in attending the meeting should notify Holly K. Jackson, Department of Planning & Development, 524-2030.



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MEMORANDUM

TO: Plan Commission
FROM: Shawn M. Christ, AICP, Land Development Manager
SUBJECT: Medical Marijuana
DATE: July 17, 2014

Attached please find information from Deputy Attorney Amy Keys regarding Illinois' *Compassionate Use of Medical Cannabis Pilot Program Act*.

At next week's meeting we will present information on the Act and how it affects Moline. We will discuss how other communities have reacted and seek feedback from Commissioners with regard to Moline's Zoning and land development codes.

Memorandum

To: Shawn Christ, Land Development Manager

From: Amy Keys, Deputy City Attorney

Date: July 17, 2014

Re: Compassionate Use of Medical Cannabis Pilot Program Act

The Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et. seq. became law January 1, 2014. The administrative regulations governing the program were officially approved on July 15, 2014. By many accounts, the Illinois Act is one of the strictest medical cannabis programs in the nation. As structured in the Act, four state agencies will each oversee and regulate a separate portion of the program:

- Department of Agriculture will regulate state-licensed cultivation centers;
- Department of Financial and Professional Regulation will regulate state-licensed dispensaries;
- Department of Public Health will regulate qualified patients; and
- Department of Revenue will regulate certain taxes.

State-licensed cultivation centers will be the only locations in Illinois allowed to grow medical marijuana. The law allows 22 cultivation centers in the entire state; one cultivation center in each Illinois State Police (“ISP”) District. Moline is located in ISP District 7, which includes all of Rock Island, Mercer, Henry, and Knox Counties. Therefore, there will be one registered cultivation center somewhere in one of these counties. The state statutes and regulations impose significant requirements on any entity wishing to operate a cultivation center.

Cultivation centers are only allowed to sell to state-licensed dispensing organizations. These dispensaries are the sole location where patients, once qualified, will be able to purchase their medical cannabis. There will be 60 dispensaries in the entire state; only one will be located in ISP District 7 as well. The state statutes and regulations also impose significant requirements on any entity wishing to operate a dispensary.

The entire program is controlled and regulated almost exclusively by the State of Illinois, through the four state agencies referenced above. However, Section 140 of

the Act does allow local governments to “enact reasonable zoning ordinances or resolutions...regulating registered medical cannabis cultivation center or dispensing organizations.” Any such ordinances or resolutions cannot conflict with the Act or the Regulations of the Illinois Department of Agriculture (in charge of regulating the cultivation centers) or the Illinois Department of Financial and Professional Regulation (in charge of regulating the dispensing organizations). What the State has made clear is that local governments cannot simply prohibit a cultivation center or a dispensing organization within its limits.

The Act does provide some limitation on where cultivation centers and dispensaries can be located. Pursuant to 410 ILCS 130/105(c), a cultivation center:

may not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group care home, part day child care facility, or an area zoned for residential use.

Under 410 ILCS 130/130(d), a dispensary:

may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

An “area zoned for residential use” is defined by both the Department of Agriculture’s regulations and the Department of Financial and Professional Regulation as “an area zoned exclusively for residential use.”

Local governments can consider things such as whether cultivation centers or dispensing organizations should be limited to a particular zoning district and whether the use should be a permitted use or a special use. For example, Niles, Itasca, and Wheeling, Illinois limited both cultivation centers and dispensing organizations to their manufacturing zone. Lombard, Illinois created dispensaries as a conditional use in the office district. Naperville decided to allow dispensaries as permitted uses in industrial districts and conditional uses in commercial districts and cultivation centers as conditional uses in industrial. Note: these municipalities’ actions were all passed prior to the adoption of the final regulations and some were even adopted prior to the issuance of the draft regulations.

**PLAN COMMISSION
MINUTES
Wednesday, July 9, 2014**

- Present:** Cindy Wermuth (Vice Chairman), Butch Trevor, Mike Wendt, Bill Fitzsimmons, Mike Crotty, Matt Puck, Jeff Nelson
- Absent:** Dan McConaghy (Chairman), Dennis Kelly, Pete McDermott, John Wetzel
- Staff:** Shawn Christ, Jeff Anderson, Holly Jackson, Alan Sabat
- Others:** Pastor Tim Bowman, Calvary Church of the Quad Cities
Mike Richmond, Townsend Engineering

Vice Chairman Wermuth called the meeting to order at 4:00 pm in the Moline Council Chambers.

1. Approval of Minutes: April 9, 2014

Motion by Fitzsimmons, seconded by Trevor, to approve minutes as presented for the April 9, 2014 meeting. Motion carried unanimously.

2. PC 14-03: Preliminary Plat for Calvary Church Addition

Shawn Christ, Land Development Manager, stated Calvary Church at 4700 53rd Street has approached the City with a request to extend 53rd Street through their property and connect it to 52nd Avenue. This would provide secondary access for their congregation and also prepare the site for construction of a future auditorium and worship center on the site. The proposed preliminary plat includes three lots and two outlots ranging in size from 5 acres to 35 acres. The plat provides for construction and dedication of right-of way for 53rd Street. It also dedicates right-of-way for a future extension of 49th Avenue and 52nd Avenue eastward, but does not include construction at this time.

Mr. Christ stated the applicant is seeking three variances, the first of which is for public sidewalks. The subdivision code requires sidewalks on both sides of a street when a lot develops. Two of the three lots in the subdivision will remain outlots and much of the area is floodplain or wetland and is not developable. The church proposes to build sidewalk on the west side of 53rd Street and postpone construction on the east side until Lot 2 is developed. Commissioner Crotty questioned the sidewalks being placed on the west side when they are not required and those lots are probably not developable; he stated a sidewalk makes more sense on the east side. Commissioner Nelson stated from a walkable and livable communities perspective he would rather have a sidewalk on the west side; many people walk in Heritage Addition and Metrolink tries to eliminate conflicts with driveways.

The second variance is for water. The water department would like to loop and connect the dead-end water mains and also stub to the Green Valley Park property line. The church proposes to complete the loop and the stub extension when Lot 2 develops. Commissioner Fitzsimmons

stated the east-west water stub along 52nd Avenue seems urgent and asked if the City would contribute toward upsizing. Mr. Christ responded Greg Swanson is comfortable with postponing the stub to Green Valley until the loop is completed and the City may consider participating.

The third variance is for sanitary sewer. There is a sanitary sewer main on the property now in the 49th Avenue right-of-way. Mr. Swanson would like to see that main extended to Green Valley. Lot 2 may be developed and served by the existing sewer and any extension may be considered at that time.

This is a sensitive area with floodplain and wetlands. Any disturbance of regulatory wetlands must be approved by the US Army Corps of Engineers. FEMA requires buildings to be elevated and the development cannot block or alter flood flows.

Staff Recommendation: Staff recommends approval of the Preliminary Plat for Calvary Church Addition, including temporary variances to delay construction of the remaining sidewalks, water main, and sanitary sewer main.

Commissioner Fitzsimmons asked to clarify that the 49th Avenue right-of-way is going to be dedicated with this subdivision and not a reservation. Mr. Christ replied that is correct, for all three streets. Mr. Fitzsimmons noted on their master plan the new facility parking lot runs through 53rd Street that will be dedicated. Mr. Christ stated that was a concept and this will be an actual street, adjacent to their parking lot, and will meet applicable setback clearances. Mr. Fitzsimmons asked about the sidewalk location with respect to the bioswale and the curb.

Mike Richmond, Townsend Engineering, explained the design of the 10' wide bioswale on each side of the road between the back of curb and sidewalk; the bioswale will slow down runoff and filter water to eliminate large storm sewers. It was designed in conjunction with Erica Williams and Jon Clark in the City's Engineering Division. Commissioner Fitzsimmons expressed his concern with the design and feels is not pedestrian friendly plan. Mr. Richmond stated the bioswale could incorporate sidewalk access points for pedestrians.

Pastor Tim Bowman, Calvary Church, explained the City's involvement and the help provided from Erica Williams, City of Moline Environmental Manager she was able to provide the church with history and reasons this is the best plan for the church and the City of Moline. Pastor Bowman said the project cost is over 1 million dollars; he envisions future extensions of 52nd Avenue as part of the neighborhood plan and also sidewalks on both sides of 53rd Street.

Commissioner Fitzsimmons expressed his concerns along with other members for the need to require a deed restriction or other recorded document as assurance that the required sidewalk, water main, and sanitary sewer main will be completed in the future if the variances are granted.

3. Consideration: PC14-03

Commissioner Nelson applauded the applicant for sharing their vision for Deere Valley and for providing such a large contribution to the progression of this area. Others agreed.

Motion by Nelson, second by Wendt, to recommend approval of the Preliminary Plat for Calvary Church Addition including variances to delay construction of the remaining sidewalks, water main, and sanitary sewer main as proposed and answering the question on assurance for completion of the required public improvements. Motion carried unanimously.

4. Review upcoming meetings

Staff relayed that there was no business for the July 23rd meeting so that meeting would be cancelled.

5. Other Discussion

Mr. Christ reported Kirk Bishop from Duncan Associates is moving forward on the Subdivision Code update and will have the first draft available by July 23.

Mr. Anderson thanked the group for their participation with the Floresciento, Moline Centre, and Edgewater Plan updates. They were approved by the City Council and amended to the Comprehensive Plan as plan elements. The City has secured an additional \$200,000 in IDOT transportation grant funds to begin phase two of that project to focus on the transportation elements for Illinois Route 92, I-74, and the multi-modal station. Staff has a scope of services and will continue the work with Renew Moline. Staff would also like a couple Plan Commission representatives to serve on the steering committee for the project.

The group discussed recent improvements to Avenue of the Cities. The roadway was recently reconstructed and streetscaping added between 27th and 34th Streets. Similar treatments will be added between 34th and 41st Streets. The group also discussed the preferred alternative design for the John Deere Road overpass on I-74 which was on display in the Council Chamber.

Construction of the overpass on John Deere Road near 38th Street on the north side of the road has buckled. The wall will need to be disassembled and re-set to make the corrections.

There being no further business, the meeting adjourned at 4:52 p.m.

Respectfully submitted,



Holly K. Jackson

Administrative Secretary-Planning/Recording Secretary