

City of Moline

Plan Commission

Wednesday, December 11, 2019
4:00 p.m.
Council Chambers, 619 16th Street

AGENDA

1. Call to order
2. Approval of minutes
3. New business
 - a. None
4. Old business
 - a. Cannabis discussion
5. Public comment
6. Adjourn

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 Ryan Berger, Department of Planning & Development, 524-2030.

PLAN COMMISSION

MINUTES

Wednesday, November 13, 2019

Present: Bill Fitzsimmons, Mike Crotty, Butch Trevor, Jeff Nelson, Craig Mack, Victoria Graves, John Wetzel, Peter McDermott, Dennis Kelly, Cindy Wermuth, Ashley Pankey

Absent: None

Staff: Ryan Berger, Jeff Anderson, Derke Price

Others: Hong Nguyen

1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:01 PM.

2. Approval of minutes

Motion made by Commissioner Trevor; seconded by Commissioner Mack, to approve the minutes for October 23, 2019. Motion carried unanimously.

3. New business

a. Cannabis discussion

Corporation Counsel, Derke Price of Ancel Glink, gave a presentation to the Plan Commission on the legalization of cannabis in the State of Illinois, the impact it will have on the Commission and the guidance from the City Council.

He met with City Council in October to go over the Cannabis Regulation and Tax Act which presented the City of Moline with the option to “opt-out” and prohibit adult-use cannabis businesses from locating in Moline or to “opt-in” and permit them to locate within Moline. The City Council decided to “opt-in” and provided staff with a recommendation to take to the Plan Commission. City Council’s recommendation consisted of allowing dispensaries, cultivation centers, craft growers, processors, infusers and transporters but not lounges. Dispensaries would be limited to two locating one on John Deere Road and one on Avenue of the Cities. Plan Commission will be tasked with creating a Zoning Overlay District located on John Deere Road and Avenue of the Cities, criteria for the special use in particular to parking per square foot for dispensaries and districts for the other uses. All of this will be presented at the December Plan Commission Meeting and later a Public Hearing will be held. The City Council is expecting the Plan Commission recommendation to return to Council in February.

The Commission asked questions in regards to the Cannabis Regulation and Tax Act, City Council’s discussion, other communities and other items relating to cannabis zoning and special use permitting.

b. 2020 Plan Commission meeting schedule

Mr. Berger explained that staff put together a calendar of the 2020 Plan Commission meeting dates to go to City Council. In November 2020, the date of the normal meeting falls when City Hall is closed so he suggested selection of a new date as place holder. The Commission selected Wednesday, November 18th as the November meeting date.

4. Old business

None.

5. Public comment

Hong Nguyen of 801 34th Avenue explained that she owns a building at 1810 5th Avenue in downtown Moline and is an applicant for a dispensary license. She would like downtown Moline considered as a location for a dispensary. She explained the extensive process of the application process, the research she has done and her vision for a dispensary. Chairman Fitzsimmons and Commissioner Wetzel gave background on how the Plan Commission works and the already existing downtown plan.

6. Adjourn

Chairman Fitzsimmons adjourned the meeting at 5:05 p.m.

Respectfully submitted,
Fawn Schultz, Community & Economic Development Administrative Assistant
Recording Secretary

DIVISION 6. ADULT USE CANNABIS BUSINESSES

SEC. 35-3600. FINDINGS.

The State of Illinois enacted Public Act 101-0027, the Cannabis Regulation and Tax Act (the “**Act**”), thereby regulating the cultivation, sale, possession, and consumption of cannabis in Illinois; and,

The Act authorizes the sale and consumption of cannabis for recreational purposes throughout the State of Illinois; and,

The City may not prohibit or regulate the use of cannabis excepts as otherwise provided in the Act; and,

The Act authorizes the City to regulate adult-use cannabis businesses, such as dispensaries, cultivation centers, infusers, transporters, processors, and craft growers (collectively, “**Cannabis Business Establishments**”); and

The Act authorizes the City to enact reasonable zoning ordinances or resolutions regulating Cannabis Business Establishments as long as such regulations are not in conflict with the Act (410 ILCS 705/55-25(1)); and,

The Act allows the City to enact ordinances governing the time, place, manner, and number of Cannabis Business Establishments, including minimum distance limitations between cannabis business establishments and locations the City determines to be sensitive (410 ILCS 705/55-25(2)); and,

The Act expressly authorizes the City to regulate Cannabis Business Establishments through the use of special use permits (410 ILCS 705/55-25(2)); and,

The City has the authority to regulate the on-premises consumption of cannabis at or in a cannabis business establishment ((410 ILCS 705/55-25(3)); and,

The Act further authorizes the City to enact ordinances to prohibit or significantly limit cannabis business establishment’s location (410 ILCS 705/55-25(5)); and,

Subsection 35-10(a)(8) of the Act requires state-licensed “infusers” producing cannabis-infused products to show compliance with local zoning (410 ILCS 705/35-10(a)(8)); and

The provisions of this Division are adopted under the authority granted by the Cannabis Regulation and Tax Act and do not extend to businesses established under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et. seq.*

SEC. 35-3601. DEFINITIONS.

The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) “**Cannabis**” shall have the same definition as “cannabis” set forth in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (2) “**Cannabis Business Establishment**” means a “cannabis business establishment,” “infuser organization,” or “infuser”, as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended, and such other cannabis business establishments authorized under the Act, as amended.
- (3) “**Cannabis Dispensary**” means “dispensing organization” and “dispensary” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.

- (4) *“Cannabis Cultivation Center”* means “cultivation center” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (5) *“Cannabis Craft Grower”* means “craft grower” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (6) *“Cannabis Infuser”* means “infuser organization” or “infuser” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (7) *“Cannabis Transporter”* means “transporting organization” or “transporter” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (8) *“Cannabis Processor”* means “processing organization” or “processor” as defined in Section 1-10 of the Cannabis Regulation and Tax Act, as amended.
- (9) *“On-Premises Cannabis Consumption Establishment”* means a cannabis business establishment (e.g., “lounge” or “café”) or other entity (e.g., retail tobacco store) that is authorized or otherwise permitted by the State of Illinois to allow the on-premises consumption of cannabis. The City of Moline does not permit On-Premises Cannabis Consumption Establishments in any form within its corporate boundaries.

SEC. 35-3602. USES PERMITTED IN ZONES.

a) The following Cannabis Business Establishments are hereby authorized in the City of Moline as follows:

<i>Uses</i>	<i>Districts</i>								<i>Table</i>
	AG-2	B-1	NC	B-2	B-3	B-4	I-1	I-2	
Cannabis Dispensary					S- Overlay	S- Overlay	S- Overlay	S- Overlay	Chapter 35 Appendix C
On-Premises Cannabis Consumption Establishment									None – Prohibited Use
Cannabis Infuser							P	p	35-3410
Cannabis Processor							P	p	35-3410
Cannabis Cultivation Center					S	S	P	p	35-3410
Cannabis Transporter					p	p	P	p	35-3409
Cannabis Craft Grower							S	s	35-3410

b) Number of authorized Cannabis Business Establishments. The number of each type of Cannabis Business Establishments allowed in the City may be established by resolution duly adopted by the City Council.

c) CDOD – Cannabis Dispensary Overlay Districts

Overlay Districts are established to delimit areas of the City in which supplementary or alternative regulation, standards or procedures are established. Unless otherwise specified or unless otherwise approved pursuant to the regulations governing special use or planned unit developments, the regulations of the underlying use district shall remain in full force and effect within the area covered by the overlay district.

The City hereby establishes 2 Cannabis Dispensary Overlay Districts (CDOD #1; CDOD #2). These overlay districts are established to allow the construction, operation, maintenance, repair and replacement of a single Cannabis Dispensary within each respective Cannabis Dispensary Overlay District.

Cannabis Dispensary Overlay District #1 (“CDOD #1”) shall be comprised of the area depicted in the following map:

MAP OF CANNABIS DISPENSARY OVERLAY DISTRICT #1

MAP OF JOHN DEERE ROAD AREA

Cannabis Dispensary Overlay District #2 (“CDOD #2”) shall be comprised of the area depicted in the following map:

MAP OF CANNABIS DISPENSARY OVERLAY DISTRICT #2

MAP OF AVENUE OF THE CITIES (or possibly Downtown)

SEC. 35-3603. APPLICATION REQUIREMENTS.

Application Requirements. In addition to all other applicable requirements, cannabis business establishments must submit all documents requested by the Zoning Administrator for evaluation under the applicable standards, which may include:

- (1) A complete copy of all applications and plans submitted for required state licenses;
- (2) An odor control plan;
- (3) A security plan;
- (4) An inventory control plan;
- (5) A floor plan;
- (6) A traffic study;
- (7) A plan for the recycling and destruction of cannabis waste;
- (8) A site plan. A site plan for any Cannabis Dispensary use must show adequate public access, the layout promotes the safe dispensing of cannabis, the location is sufficient in size, power allocation, lighting, parking, handicapped accessible parking spaces, accessible entry and exists as required by the Americans with Disabilities Act, product handling, and storage; and
- (9) A recoverable costs agreement, in a form acceptable to the Zoning Administrator, to reimburse the City for the actual costs incurred in processing the application, including costs for legal publication, court reporter services, administrative preparation and review, document preparation and review, professional and technical consultants, legal review and consultation, and document recording.

SEC. 35-3604. CONDITIONS.

In addition to all other required conditions, Cannabis Business Establishments must comply with the following conditions:

- (1) Compliance with State Regulations and Rules. All Cannabis Business Establishments must comply with all applicable state and local laws, including the Cannabis Regulation and Tax Act, as amended, the Compassionate Use of Medical Cannabis Program Act, as amended, and applicable administrative rules.

- (2) Compliance with Plans. The development, use, operation, and maintenance of the Cannabis Business Establishment will be in substantial compliance with all application documents and plans, except for minor changes and site work approved by the Zoning Administrator in accordance with all applicable City rules, regulations, and ordinances.
- (3) Security. In addition to all state-imposed security requirements, the City may require a Cannabis Business Establishment to provide sufficient additional safeguards in response to any special security concerns.
- (4) Air Treatment. In addition to all state-imposed air treatment requirements, the City may impose additional air treatment requirements on a Cannabis Business Establishment to promote compliance with City nuisance and other ordinances.
- (5) Traffic. The City may impose conditions requiring the design of the cannabis business establishment to minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
- (6) Cannabis Waste. All Cannabis Business Establishments must comply with all state, county, and City regulations governing cannabis waste.
- (7) Hours of Operation. Unless otherwise prescribed by state law, the City Council may impose hours of operation for a Cannabis Business Establishment as a condition of any zoning certificate to reduce conflicts with surrounding land uses.
- (8) Drive-Through Windows. Cannabis Business Establishments may not have a drive-through service.
- (9) On-Premises Consumption. No Cannabis Business Establishment may allow the smoking, inhalation, or consumption of cannabis in any form anywhere inside or outside the building on its property. A sign, at least 8.5 by 11 inches, shall be posted inside the Cannabis Business Establishment in a conspicuous place and visible to patrons and shall include the following language: "Smoking, eating, drinking or other forms of consumption of cannabis products is prohibited on the premises of this establishment."

- (10) Principal Use. Cannabis Business Establishments are only permitted as a principal use and are not allowed as an accessory use or temporary use.
- (11) State License. Before issuance of a certificate of occupancy or otherwise opening to the public, Cannabis Business Establishments must file a copy of all required state licenses to operate as a Cannabis Business Establishment with the Zoning Administrator. Cannabis Business Establishments must maintain all required state licenses in effect at all times, and keep satisfactory proof thereof on file with the Zoning Administrator.
- (12) Non-Transferability. Unless otherwise expressly provided by Ordinance, the privileges, obligations, and provisions of any special use permit issued for a Cannabis Business Establishment:
 - i. are for the sole benefit of and will be binding on the applicant; and
 - ii. may not be transferred to any other person or entity without a new application for approval for a person or entity other than the applicant.
- (13) Inspections.
 - i. Cannabis Dispensaries are subject to random and unannounced inspections by local law enforcement.
 - ii. Cannabis Infusers are subject to random inspections by local law enforcement.
 - iii. Cannabis Cultivation Centers and Craft Growers are subject to random inspections by local safety or health inspectors.
 - iv. When reasonable cause of a violation exists, all Cannabis Business Establishments are subject to inspections by the Zoning Administrator with the assistance of the City Attorney, the Police Department, or other City agents and employees.

SEC. 35-3605. DISTANCES FROM PRE-EXISTING SENSITIVE USES.

Minimum Distance Limits. In addition to all state-imposed minimum distance limits, any building used for a Cannabis Business Establishment may not be located within the distance of a pre-existing sensitive use listed in the following table:

<i>Pre-existing sensitive use</i>	<i>Cannabis business establishment building distance from sensitive use</i>	<i>Measured from</i>
Preschool	250'	Property line of sensitive use
Elementary school	250'	Property line of sensitive use
Secondary School	250'	Property line of sensitive use
Day care center	250'	Property line of sensitive use
State-licensed day care home	250'	Property line of sensitive use
Park	250'	Property line of sensitive use
Library	250'	Property line of sensitive use
Principal residential building	100'	Property line of sensitive use

SEC. 35-3606. PARKING.

The following Parking Requirements shall be imposed for Cannabis Business Establishments:

<i>Cannabis Business Establishment</i>	<i>Parking Requirements</i>
<u>Cannabis Dispensary</u>	<u>1 per 300 sf of GFA</u>
<u>Cannabis Infuser</u>	<u>1 per 500 sf of office + 1 per 1,000 sf of GFA, then 1 per 2,000 sf of GFA in excess of 20,000</u>
<u>Cannabis Processor</u>	<u>1 per 500 sf of office + 1 per 1,000 sf of GFA, then 1 per 2,000 sf of GFA in excess of 20,000</u>
<u>Cannabis Cultivation Center</u>	<u>1 per 500 sf of office + 1 per 1,000 sf of GFA, then 1 per 2,000 sf of GFA in excess of 20,000</u>
<u>Cannabis Transporter</u>	<u>1 per 500 sf of office + 1 per 1,000 sf of GFA, then 1 per 2,000 sf of GFA in excess of 20,000</u>
<u>Cannabis Craft Grower</u>	<u>1 per 500 sf of office + 1 per 1,000 sf of GFA, then 1 per 2,000 sf of GFA in excess of 20,000</u>