

PLAN COMMISSION

MINUTES

Wednesday, December 11, 2019

Present: Bill Fitzsimmons, Mike Crotty, Jeff Nelson, Craig Mack, Victoria Graves, John Wetzel, Peter McDermott, Ashley Pankey

Absent: Dennis Kelly, Cindy Wermuth, Butch Trevor

Staff: Ryan Berger, Jeff Anderson

Others: Hong Nguyen, Lucien Debatty, Ken Bailey

1. Call to Order

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

2. Approval of minutes

Motion made by Commissioner Nelson; seconded by Commissioner Wetzel, to approve the minutes for November 13, 2019. Motion carried unanimously.

3. New business

a. Cannabis discussion

The Plan Commission discussed "Division 6. Adult Use Cannabis" that was provided in the agenda packet by the City's Corporate Council. Land Development Manager, Ryan Berger, presented a handout breaking down "Division 6. Adult Use Cannabis" into three main points to discuss: "Use and District Table" of what is permitted and what is special use, Dispensary Overlay Sensitive Uses and overlay areas. Included in his handout was definitions from the State Statute on cannabis uses.

Mr. Berger and the Commission began by going through the "Use and District" table. The Commission wanted clarification on "Cannabis Transporters." They also wanted more information on the "Cannabis Cultivation Center" as to whether odor would be an issue. They felt all Industrial Zones should be included and Special Use allowed in Zones B-3 and B-4 for "Cannabis Transporters" dependent on clarification. Mr. Berger did let the Commission know the table presented will be added to the Land Use Table in the City Code once approved.

Mr. Berger and the Commission then went over the "Distances from Pre-Existing Sensitive Uses" table. He made the Commission aware that "Principal residential building" will be changed to "Residentially zoned property" on that table. The Commission discussed footages listed for "Cannabis business establishment building distance from sensitive use." For day care centers, the applicant will have to show at the particular time they are applying that they are not within 250' of a day care center in order to receive a Special Use Permit. Commissioner Wetzel requested to know how inclusive the day care center list was at the State level as some may not have to file with the State.

Lastly, Mr. Berger presented a map to the Commission to help assign overlay areas for Cannabis Dispensaries. This map took into account all the measurements listed in the “Distances from Pre-Existing Sensitive Uses” and showed all Zoning Districts but did not take into consideration current land use. Mr. Berger reported that besides John Deere Road and Avenue of the Cities, the City Council is open to hearing about possible downtown areas for the dispensaries. He also reported that this same information was shown to Renew Moline and no issues were found.

Of the areas on the map presented, the Commission felt comfortable with the following Cannabis Dispensary Overlay District areas:

Avenue of the Cities: 46th Street to the Eastern City border. 27th Street to 29th Street.

John Deere Road: All of John Deere Road where the blue mapping allows excluding Black Hawk College.

15th Street: 14th Avenue South to 19th Avenue.

Downtown: 19th Street West to 12th Street including 4th Avenue South to 7th Avenue. I-74 Interstate East to 23rd Street including 4th Avenue South to almost 6th Avenue where the blue mapping area allows.

The Commission wanted to be cautious of schools, staying off the City Bike Path as it is considered City Park and wanted the I-74 Bridge Realignment areas to be included in possible redevelopment. They also felt it was important to get feedback from Renew Moline on the overlay areas they chose.

Commissioner Wetzel also wanted to note an error in the “Division 6. Adult Use Cannabis” line reading “The City may not prohibit or regulate the use of cannabis excepts as otherwise provided in the Act” where “excepts” should be “except.”

Public Hearing will be held Wednesday, January 8th, 2020.

4. Old business

None.

5. Public comment

Hong Nguyen of 801 34th Avenue brought her Consultant, Joseph Wright, to speak on her behalf. Mr. Wright explained that he is an attorney by training and considers himself an expert in cannabis to an extent that there are experts in the cannabis industry. His knowledge and experience is from working with the State of Illinois and in the cannabis industry. He is the former Director of Illinois’ Medical Cannabis Program and was appointed by Governor Rauner in 2015 to oversee implementation and licensing of cannabis dispensaries and cultivation centers in the State of Illinois. Prior to that, he was Assistant General Counsel for the Governor and did a significant amount of legal work on licensing and scoring. He wanted to address any issues or questions the Commission had about dispensary licensing or any other types, as well as, any questions or concerns they had regarding his client and her business. He and his client were pleased that the Commission was open to considering dispensaries in the downtown area, in particular,

5th Avenue where his client has interest. He answered Commission questions on Cannabis Transporters and odors based on cannabis license types.

Lucien Debatty spoke on behalf of a dispensary client. He commended Mr. Wright for his explanation on what the cannabis program is about and explanation on the various license classifications. He wanted to encourage the Commission to consider what will be happening. There will be one license given in the Quad Cities area. Even with passing zoning laws, that does not mean that there will be a dispensary business here. He encouraged the Commission to consider that dispensaries are highly regulated and have many restrictions and as a result, would like the Commission to not make the restrictions too invasive and push businesses elsewhere. He also encouraged the Commission to review the RFPs the City requested and consider the areas most beneficial to the community, mitigate any safety issues and select the best areas that represent the community. Mr. Debatty also encouraged the Commission to look at parking and facility size as this would reduce concerns on effects to the community. He thanked the City for becoming informed and considering cannabis in the Community. He answered Commission questions on licenses and when they will be available again.

Ken Bailey spoke as a Moline community member for 34 years and owner of Rascals Pub and Rascals Live Music Venue. He wanted to advocate for a dispensary in his neighborhood and asked the Commission to be lenient on the restricted overlay areas to allow economic revitalization to areas of Moline that are in need. He spoke on behalf of Wards 2 and 3 as they were the most familiar to him. Part of the dispensary application includes a community plan where the applicant designates the needs of the neighborhood and how they will be improved. Mr. Bailey explained that Wards 2 and 3 are considered a disproportionately affected area and provided State statistics. He also provided the statistics of neighborhoods with a dispensary including increased property values, sustainability in existing businesses, additional new local businesses, decreased crime and decreased use in teen marijuana use. He explained how dispensaries are more secure than bars, hospitals and banks due to the State's high security requirements. He felt Downtown Moline, Avenue of the Cities and the John Deere Road areas have more opportunity to bring in business, whereas, Wards 2 and 3 do not. A dispensary would bring opportunity for the area as it already has parking lots available, is used to heavy traffic, has use of public transportation and is not far from the interstate. He reminded the Commission that in are of Rock Island, Mercer and Henry Counties, only one license will be issued.

The Commission revisited the overlays and added the 15th Street selection following Public Comment.

Commissioner Wetzel wanted to verify that if a "Sensitive Use" moved into one of the overlay districts, that the area would change to reflect the distance needed. Mr. Berger confirmed that would be the case. It would be based on that moment of time when the dispensary looks to come into one of the overlay districts. If a dispensary was already there, it would be grandfathered in, however.

Election of officers

Motion made by Commissioner Wetzel; seconded by Commissioner Mack, to approve Commissioner Fitzsimmons as Chairman and Commissioner Nelson as Vice Chairman for the following year. Motion carried unanimously.

The Commission discussed the Comprehensive Plan and its future for updating with City Planner, Jeff Anderson.

6. Adjourn

Chairman Fitzsimmons adjourned the meeting at 5:47 p.m.

Respectfully submitted,

Fawn Schultz, Community & Economic Development Administrative Assistant

Recording Secretary