<u>FINAL</u>
MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, NOVEMBER 13, 2019 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET
BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. David Stanczak; Mr. Kevin Suess; Mr. John Protzman; Mr. Justin Boyd; Mr. Mark Muehleck; Mr. Thomas Kreiger; Mr. Tyson Mohr; Ms. Megan McCann; Chairperson Megan Headean.

MEMBERS ABSENT: Mr. Eric Penn.

OTHERS PRESENT: Mr. Bob Mahrt, Community Development Director; Ms. Katie Simpson, City Planner, Ms. Casey Weeks, Assistant City Planner; Mr. George Boyle, Assistant Corporate Council.

CALL TO ORDER: Chairperson Headean called the meeting to order at 4:02 PM. Mr. Mahrt called roll. With nine members present, the Commission established a quorum.

PUBLIC COMMENT: Chairperson Headean called for public comments on items that were not on the meeting agenda. There were none.

MINUTES: The Commission reviewed the minutes from the October 9, 2019 regular meeting. Mr. Boyd motioned to approve the minutes as presented; Mr. Stanczak seconded the motion. The minutes were approved by a voice vote 9-0.

REGULAR AGENDA:

A. Z-09-19 Public Hearing, review and action on a Text Amendment to the Bloomington Zoning Ordinance, Chapter 44 of the Bloomington City Code, to define and allow Adult-Use Cannabis Business Establishments with a special use permit in the agriculture, business, and manufacturing districts in the City of Bloomington.

Chairperson Headean opened the public hearing and provided a general overview that the purpose of the public hearing was to provide a non-binding recommendation on a zoning ordinance text amendment for the City Council to consider. She indicated that Katie Simpson, City Planner would provide the presentation of the case, the Commission would be able to ask questions of City staff, and the Commission would open up the hearing for public testimony with a plan to implement five minute time allotments per each person.

Chairperson Headean called on Ms. Simpson to present the case report. Ms. Simpson provided a tentative timeline on the text amendment regarding Adult Use Cannabis Business Establishments and the background on enacted State legislation. She indicated that courtesy notices had been sent to community stakeholders and that the legal notice was published in the *Pantagraph*. She outlined the proposed text amendment which limits cannabis business establishments through a special use permit process and establish criteria for considering special use applications, application standards and separation requirements. She presented the proposed operational standards and special use consideration requirements, as well as, reviewed the specific requirements and zoning considerations for Adult- Use Dispensing Organization, Adult-Use Craft Grower, Adult-Use Infuser, Adult-Use Processor, Adult-Use Transporter, and Adult-Use Cultivation Center. Ms. Simpson presented the proposed separation requirements and buffers including a comparison with the Town of Normal proposed regulations. She further outlined the discussion/consideration items for the Planning Commission being 1) to allow Adult-Use Cannabis Establishments by right or by special use, 2) the applicable zoning districts, 3) the separation requirements, 4) and additional considerations. Ms. Simpson described how the Planning Commission could address each consideration with a separate motion and action on the individual elements of the proposed text amendment.

Chairperson Headean called for public testimony.

Nathan Wang, 300 West Grand, Chicago, IL, spoke on behalf of Jushi Holdings, Inc., a corporation purchasing the Green Solution in Normal and looking to open a business in Bloomington.

Roy Laws, 2806 Park Ridge Road, Bloomington, IL, spoke against the text amendment, and asked about redevelopment areas and did not think this issue was being addressed. He commented that the different establishments should have different setbacks.

Wayne Montney, 2005 Woodbine Road, Bloomington, IL, spoke against the text amendment. He indicated that allowing establishments in M-1 Restricted District would be contrary to the intent of the code due to odor. He asked that uses be removed from the M-1 district. He stated 250 feet is not enough of a setback and recommended that the Commission use at least 500 feet from residential districts and 1000 feet from other districts. He had questions about the maps and to add a provision to the special use requirement that the applicant must prove that the separation requirements are met.

Todd Miller, 7 Cameron Court, Bloomington, IL, expressed concerns about odor and about locating these establishments on the east side. He discussed the perceived benefits of taxes and expressed concerns about lowered assessed valuations.

Father David Halt, 1920 E. Oakland Avenue, Bloomington, IL, expressed concerns about the timeline and stated the turnaround time is too short. He asked the Planning Commission to slow down the decision process and gather relevant data to determine if and where these uses are the right-fit for the City. He expressed concerns about projected financial returns for the City. He questioned if the City gains financially from the uses and has additional questions about the impacts on the community. He stated there is a need to discuss with other communities and does not believe Bloomington should be an early adopter of cannabis uses.

Aaron LeNeve, 1009 South Madison, Bloomington, IL**,** he provided comments in favor of allowing adult use cannabis establishments. He stated that cannabis stinks and compared the interaction of the odor with a wine or whiskey connoisseur. He expressed concerns about past histories with cannabis. He believes Bloomington should consider revenues generated from the cannabis industry.

Radiance Campbell, 3613 Baldocchi Drive, Bloomington, IL, spoke in favor of on-premise use. She stated that the Chicago Housing Authority banned on-site consumption. She expressed concerns about equity, and stated she believes on-site consumption is a social justice issue. She expressed concerns about the implications of the Act on renters and asked the Commission to also consider access to public transit.

There were some general questions and discussion by the Commissioners on consumption and possession issues.

Mr. Wang provided rebuttal and testimony in response to items discussed. He stated that his corporation is publicly traded. He described the standards that the cannabis industry is held to. He stated his organization is required to contribute to the community, for example, providing job training programs and apprentice programs for community colleges. He provided testimony that odor is not an issue for dispensaries since the products are packaged and sealed. He stated that businesses typically prefer to locate on commercial corridors, with adequate parking.

Scott Stimeling 111 Parkview Drive Bloomington, IL, spoke against permitting recreational cannabis. He expressed concerns about revenues and consequences of allowing cannabis establishments.

Mr. Mohr stepped out at 5:09 PM and returned at 5:11 PM.

Sheila Montney, 2005 Woodbine Road, Bloomington, IL, expressed concerns about the proposed text amendment that would allow all aspects of the supply chain in Bloomington. She stated there is new information on the industry related odor, health and safety. She expressed concerns about impacts on air quality. She stated there is significant odor in cultivation and processing and has concerns about public nuisances as a result of growing, manufacturing, distribution, and processing. She expressed concerns about retail and the impacts on the public safety and quality of life.

Joyce Kaye, 2 Sunshine Ct, Bloomington, IL, expressed concerns about social justice and equity for tenants and renters. She would like to see the City consider a special use for cafes where on-site premise consumption is allowed.

Mr. Miller provided a rebuttal and testimony in response to items discussed. He is concerned about an out-of-town business providing testimony on the text amendment.

Mr. LeNeve provided a rebuttal and testimony in response to items discussed. He testified that at-home medical cannabis will produce more odor than other uses. He recommended the City adopt Normal’s setbacks and buffer requirements.

Olivia Butts, 27 White Place #1, spoke on-behalf of the Adult Use Cannabis Task Force. She explained their recommendation and the pros and cons of opting in and opting out.

Surena Fish, 909 West Wood, Bloomington, IL, stated that the Task Force concluded shortly, and had concerns about the transparency of the Task Force. She asked that the establishments be located as far away as possible from other businesses. She expressed concerns of impacts on the community and the surrounding uses. She expressed caution and suggested the City not hurry the decision.

Cinnamon Porter, 1107 East Olive, Bloomington, IL, expressed support for the text amendment and suggested the text amendment be changed to allow on-premise consumption. She suggested the businesses be located in accessible areas and near transit.

Mr. LeNeve testified he would like to see these uses allowed in churches.

Bridget Lentz, 213 Vale Street, Bloomington, IL, spoke about separations in Bloomington and Normal and recommended the same radius distances in Normal.

Chairperson Headean called for additional testimony in support or opposition to the petition. There was none. There being no further testimony, Chairperson Headean closed the public hearing at 5:30 pm.

Chairperson Headean called for discussion by the Commission. She proposed a process to organize and evaluate the discussion items issue by issue.

Chairperson Headean requested Ms. Simpson provide some background on the Special Use application process and criteria for granting a Special Use. Ms. Simpson indicated that a Special Use Permit would be processed through the Board of Zoning Appeals with a recommendation provided to the City Council. The application would require a site plan, landscape plan and lighting plan. She stated there are six criteria for granting a Special Use Permit. She further outlined the proposed Adult Use Cannabis Business Establishments application criteria and special use considerations.

There were some general questions and discussion by the Commissioners regarding on-site consumption, social justice issues, and notice requirements for Special Use Permits.

Motion 1: Commissioner Boyd made a motion to allow "on-site" consumption use within Adult-Use Cannabis Dispensing Organizations and to amend the proposed text amendment. Commissioner Suess seconded the motion.

The motion was approved (7-2) with the following votes cast: Mr. David Stanczak – No; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - No; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Chairperson Headean called for discussion on whether Adult Use Cannabis Business Establishments should be allowed by right or as a Special Use. After further discussion, it was determined to evaluate the business establishments individually starting with Adult-Use Cannabis Dispensing Organizations.

Chairperson Headean queried whether Adult-Use Cannabis Dispensing Organizations should be allowed by right and whether any proposed use standards for a zoning district should be amended. There was general consensus to not allow Adult-Use Cannabis Dispensing Organizations by right and that the proposed Special Use Permit requirements would be applicable to the proposed districts. There was further discussion on reducing the proposed separation requirements for Adult-Use Cannabis Dispensing Organizations to match the less restrictive Town of Normal regulations.

Motion 2: Commissioner Mohr made a motion to align the separation requirements for Adult-Use Cannabis Dispensing Organizations to match the Town of Normal standards. Commissioner Boyd seconded the motion.

Following discussion on the differences of separation requirements for public and residential uses between the two municipalities, as well as, the prohibition of establishments adjacent to university properties, the motion and second were withdrawn.

Motion 3: Commissioner Mohr made a motion to amend the proposed separation requirements for Adult-Use Cannabis Dispensing Organizations from 250 feet to 200 feet from all residential districts including the R4, mobile home district and from 500 feet to 100 feet from all Schools, Day Cares, Residential Care Homes, Places of Worship, and Parks or Playgrounds. Commissioner Boyd seconded the motion.

Chairperson Haedean called for discussion. There was general discussion on separation requirements and the impact separation requirements in the Downtown area may have on entrepreneurs.

The motion was approved (6-3) with the following votes cast: Mr. David Stanczak – No; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - No; Mr. Krieger - Yes; Mr. Tyson Mohr – Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - No.

Motion 4: Commissioner Mohr made a motion to amend the proposed separation requirements for Adult-Use Cannabis Craft Growers from 250 feet to 200 feet from all residential districts including the R4, mobile home district and from 500 feet to 100 feet from all Schools, Day Cares, Residential Care Homes, Places of Worship, and Parks or Playgrounds.

This motion died for a lack of a second.

Motion 5: Commissioner Stanczak made a motion to adopt the proposed text amendments for Adult-Use Cannabis Craft Growers, as included on Exhibit "A". Commissioner Protzman seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 6: Commissioner Mohr made a motion to eliminate the Special Use from the Use Matrix for Adult-Use Cannabis Cultivation Centers in A Agriculture District, M-1 Restricted

Manufacturing District, M-2 General Manufacturing District and GAP-6 Gridley-Allin-Prickett (Warehouse). Commissioner Stanczak seconded the motion.

After further discussion Commissioner Stanczak withdrew his second to the motion. This motion then died for a lack of a second.

Motion 7: Commissioner Protzman made a motion to adopt the proposed text amendments for Adult-Use Cannabis Cultivation Centers, as included on Exhibit “A”. Commissioner Suess seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 8: Commissioner Boyd made a motion to adopt the proposed text amendments for Adult-Use Cannabis Infuser. Commissioner Muehleck seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 9: Commissioner Boyd made a motion to add a footnote provision to the Use Matrix to allow Adult-Use Cannabis Infusers to co-locate with Adult-Use Cannabis Dispensing Organizations with a Special Use Permit in the D-1 Central Business District and the D-2 Downtown Transitional District. Commissioner Mohr seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 10: Commissioner Mohr made a motion to adopt the proposed text amendments for Adult-Use Cannabis Processing Organization, as included on Exhibit “A”. Commissioner Muehleck seconded the motion.

After further discussion Commissioner Mohr withdrew his motion.

Motion 11: Commissioner Boyd made a motion to increase the separation requirements for Adult-Use Cannabis Processing Organization from 250 feet to 500 feet from all residential districts. Commissioner Stanczak seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes;

Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 12: Commissioner Mohr made a motion to adopt the proposed text amendments for Adult-Use Cannabis Transporting Organization, as included on Exhibit "A". Commissioner Boyd seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Motion 13: Commissioner Mohr made a motion to amend the proposed Section 44-1038.C.4 to add "proximity to public transit" as a supplement to the Special Use Considerations. Commissioner Stanczak seconded the motion.

The motion was approved (9-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes; Chairperson Megan Headean - Yes.

Chairperson Headean called for a recess at 6:45 pm in order for Community Development Department Staff to revise the draft Exhibit "A" for review by the Planning Commission.

Chairperson Headean reconvened the meeting at 6:58 pm and indicated that she would have to excuse herself to take care of her new born child. Vice-Chairperson Mohr then presided over the meeting at 6:59 pm.

Ms. Simpson presented the revisions to the draft Exhibit "A" based on motions passed by the Planning Commission.

Motion 14: Commissioner Boyd made a motion to recommend approval of Planning Commission Case No. Z-09-19 with the approved amendments. Commissioner Kreiger seconded the motion.

The motion was approved (7-1) with the following votes cast: Mr. David Stanczak – No; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes.

Motion 15: Commissioner Boyd made a motion to adopt as the findings of fact for Planning Commission Case No. Z-09-19 the comments made during the public hearing, discussion amongst the Commission on economic benefits and social justice equality, separation standards more aligned with the Town of Normal to support business development and address nuisance concerns raised during the public hearing, to allow for co-location of establishments, to align with the objectives of the Comprehensive Plan. Commissioner Protzman seconded the motion.

The motion was approved (8-0) with the following votes cast: Mr. David Stanczak – Yes; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes.

Motion 16: Commissioner Boyd made a motion that the proposed text amendment is in the best interests of the citizens of the City of Bloomington. Commissioner Protzman seconded the motion.

The motion was approved (7-1) with the following votes cast: Mr. David Stanczak – No; Mr. Kevin Suess - Yes; Mr. John Protzman - Yes; Mr. Justin Boyd – Yes; Mr. Mark Muehleck - Yes; Mr. Krieger - Yes; Mr. Tyson Mohr - Yes; Ms. Megan McCann – Yes.

OLD BUSINESS: Vice-Chairperson Mohr called for discussion on any Old Business. There was none.

NEW BUSINESS:

A. Approve 2020 meeting dates.

Vice-Chairperson Mohr called for discussion on the 2020 meeting dates. Ms. Simpson indicated that the Commission does not typically schedule the second meeting in November due to the Thanksgiving Holiday.

Commissioner Boyd motioned to approve the 2020 meeting dates as presented; Mr. Stanczak seconded the motion. The meeting schedule was approved by a voice vote 8-0.

ADJOURNMENT: The meeting was adjourned at 7:26 pm by voice vote, motioned by Mr. Boyd and seconded by Mr. Protzman.

Respectfully submitted,
Bob Mahrt
Community Development Director