

: OFFICIAL PROCEEDINGS :

: OF THE CITY OF PEORIA, ILLINOIS :

A special meeting of the Planning & Zoning Commission was held on Wednesday, April 12, 2023, at 3:00 PM, at City Hall, 419 Fulton St., in Room 400 with Chairman Mike Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: Branden Martin, Edward Barry, Eric Heard, George Ghareeb, and Mike Wiesehan – 5. Absent: Richard Unes and Robin Grantham – 2.

City Staff Present: Leah Allison, Blake Eggleston, Julia Hertaus, Masum Perkins, and Grace Burgener.

SWEARING IN OF SPEAKERS

Speakers were sworn in by Julia Hertaus.

REGULAR BUSINESS

PZ 1293-2023

Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A of the Unified Development Code relating to Medical/Adult Use Cannabis Dispensary, Cultivation Center, Craft Grower, Infuser, and Processor.

Urban Planner, Blake Eggleston, Community Development Department, read the case into the record and summarized the request to amend the Unified Development Code.

On March 21, 2023 City Council held a policy session to discuss zoning and licensing of cannabis uses. As a result, City Council requested the following changes to the Unified Development Code:

1. Replace the permitted use designation with a special use in the Industrial zoning districts.
2. Require the cannabis use to be active and in place within 6 months of the special use approval. A six-month extension may be granted by the City Manager. Currently, a special use has 24 months from approval to become active and in place.
3. Prohibit cannabis uses in all Form Districts.

Additionally, City Council recommended the following changes relating to licensing:

1. Set a minimum distance requirement of 1,500 feet for cannabis dispensaries.
2. Limit the number of cannabis dispensary licenses to six.
3. Reserve a minimum of three licenses for social equity applicants.

The Development Review Board recommends approval of the proposed text amendment.

Chairman Wiesehan asked for clarification on prohibiting cannabis uses in Form Districts.

Ms. Allison stated that Form District allow for mixed uses and Council expressed concern for allowing cannabis near residential.

Commissioner Barry asked if one facility can provide both medical and adult use cannabis.

Ms. Allison stated that zoning allows one facility to provide both medical and adult use cannabis.

Masum Perkins, Assistant City Attorney, stated that Trinity Cannabis on North University Street has both medical and adult use cannabis.

Commissioner Barry asked if the licensing cap of 6 applies to the entire City.

Ms. Allison stated that is correct but clarified that is for licensing rather than zoning purposes.

Commissioner Ghareeb inquired about the number of operating cannabis dispensaries in the City.

Ms. Allison stated that there are 2 cannabis dispensaries in operation and an additional 3 that have been granted the special use but still require licensing before opening.

Commissioner Heard recalled a previous desire of the Commission to allow cannabis uses in the Warehouse District and asked if that stance has since changed.

Joe Dulin, Director of Community Development, stated that City Council discussed all of the Form Districts and subsequently decided to prohibit cannabis uses in all Form Districts. Mr. Dulin stated that City Council wanted to codify this policy before the State approves another round of licenses.

Commissioner Ghareeb inquired about the potential to increase the number of allotted licenses after the maximum of 6 have been issued.

Mr. Dulin stated that the licensing standard was codified at the City Council Meeting on Tuesday, April 11, 2023 and therefore it is unnecessary to grant more than 6 special uses. Mr. Dulin stated that City Council has the ability to amend the ordinance as they deem appropriate.

Chairman Wiesehan asked if City Council has the ability to approve the text amendment if the Commission votes to reject it.

Mr. Dulin stated that City Council can approve the text amendment regardless of the Commission's decision but feedback from the Commission is appreciated.

Commissioner Heard inquired about the possibility of adding language that limits the number of licenses per City Council District.

Mr. Dulin stated that the distance requirement will achieve a similar outcome and suggested that a non-recommendation from the Commission may be more suitable than limiting the number per district.

Chairman Wiesehan opened the public hearing at 3:19 pm.

With no public testimony, the public hearing closed at 3:19 pm.

Motion:

Commissioner Heard made a motion to approve with staff recommendations; seconded by Commissioner Ghareeb.

Mr. Dulin stated that the Commission can amend the motion to add language that limits the number of special use requests for cannabis dispensaries when the licensing maximum has been reached.

Chairman Wiesehan voiced objection to the prohibition of cannabis uses in the Form Districts, especially downtown.

Commissioner Ghareeb stated that the decision to have 6 as the maximum number of licenses seems arbitrary.

Commissioner Barry asked if there has been an increase in police reports for loitering or using the products outside of the dispensaries.

Mr. Dulin responded no.

Motion:

Commissioner Heard made a motion to re-open the hearing; seconded by Commissioner Martin at 3:23 pm.

The motion was approved unanimously by viva voce vote 5 to 0.

Mr. Dulin stated that Chrissie Kapustka, Deputy Corporation Counsel, suggested the number 6 based on several points of insight, including data gathered from a public survey regarding the future of cannabis uses in the City and the protocols of other municipalities that allow cannabis uses. Mr. Dulin added that there was conversation regarding the allowance of more than 6 licenses.

Commissioner Ghareeb inquired about the number of and requirements for cannabis dispensaries in the City of East Peoria.

Mr. Dulin stated that there are two operating cannabis dispensaries and perhaps another in the application process. Mr. Dulin stated that the demand in Peoria is higher than the surrounding municipalities.

Chairman Wiesehan inquired about the number of counties in the Peoria region for licensure per the State of Illinois Cannabis Regulation and Tax Act.

Commissioner Martin stated that there are 7 counties in the Peoria region.

Motion:

Commissioner Martin made a motion to close the hearing; seconded by Commissioner Ghareeb at approximately 3:30 pm.

The motion was approved unanimously by viva voce vote 5 to 0.

Motion:

Commissioner Heard made a motion to approve the text amendment with the additional condition of permitting cannabis uses in the Warehouse District subject to special use approval and to grant staff administrative discretion in limiting applications for cannabis uses once the maximum number of licenses have been issued; seconded by Commissioner Ghareeb.

The motion was approved unanimously by viva voce vote 5 to 0.

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION

There were no citizen requests to address the Commission.

ADJOURNMENT

Commissioner Martin made a motion to adjourn; seconded by Commissioner Ghareeb at approximately 3:33 PM.

The motion was approved unanimously by viva voce vote 5 to 0.



Grace Burgener, Development Technician