



AGENDA

Carbondale Planning Commission
October 23, 2019
City Hall / Civic Center
200 South Illinois Avenue, Room 108
6:00 p.m.

- 1. Call to Order and Roll Call**
- 2. Approval of Minutes:** Minutes of September 11, 2019
- 3. Citizen Comments and Questions**
- 4. Report of Officers, Committees, Communications**
- 5. Public Hearings**

PC 20-04: City Council is requesting a text amendment to Chapter 15 of the Carbondale Revised Code pertaining to cannabis cultivation, processing, and sales.

- 6. Old Business**

None

- 7. New Business**

A. Approval of the 2020 Planning Commission Calendar.

B. City Council Agenda from September 10, 2019, September 24, 2019, and October 8, 2019.

- 8. Adjournment**



MINUTES

Carbondale Planning Commission
Wednesday, September 11, 2019
Room 108, 6:00 p.m.
City Hall/Civic Center

Mr. Burnside called the meeting to order at 6:00 p.m.

Members Present: LeBeau, Henson, Hamilton, Burnside, Love, and Litecky

Members Absent: Miller, Sheffer, Burnside, Bradshaw (ex-officio)

Staff Present: Wallace and Maxwell

1. Approval of Minutes:

Ms. Lilly moved, seconded by Mr. Love, to approve the minutes for August 7, 2019.

The motion to approve the minutes passed with a unanimous voice vote.

2. Citizen Comments or Questions

Charlie Howe stated that he is a member of the sustainability committee and gave an overview of how Carbondale can help with the climate change and what the City can do to help with Vision 2025.

3. Report of Officers, Committees, Communications

There were none.

4. Public Hearings

PC 20-03 6:02pm,- Dr. Douglas Baker is requesting a Special Use Permit to allow for a Professional Office in an R2, Medium Density Residential, Zoning District.

Ms. Litecky declared Public Hearing PC 20-03 open and asked Mr. Wallace to read the legal notice.

Chris Wallace, Director for the City of Carbondale, read the legal notice.

Ms. Litecky asked Ms. Maxwell to read the staff report.

Ms. Maxwell read parts A and B of the staff report.

Ms. Litecky asked if there were any questions of staff.

There were none.

Ms. Litecky asked if the applicant was present and wished to speak.

The applicant is present, but did not wish to speak.

Ms. Litecky asked if there were any questions for the applicant.

There were none.

Ms. Litecky asked if anyone wished to speak in favor.

There were none.

Ms. Litecky asked if anyone wished to speak in opposition.

There were none.

Ms. Litecky asked what kind of questions were asked from the two phone calls.

Ms. Maxwell stated that the questions were seeking clarification on the legal notice the caller received and just wanted an examination on what the notice was for.

Ms. Maxwell read Part C of the staff report for PC 20-03, with a recommendation of approval.

Ms. Litecky asked if the Commissioners had questions for staff.

There were none.

Ms. Litecky asked if there were questions from anyone to anyone.

There were none.

Ms. Litecky declared PC 20-03 closed and asked for a motion on the findings of fact.

Mr. Love moved that the Commission vote on all seven criteria as one, seconded by Dr. LeBeau.

The motion was passed with a unanimous voice vote.

Mr. Love moved that the Commission vote on all seven criteria has been meet, seconded by Dr. LeBeau.

Roll Call Vote:

Yes – 5 (LeBeau, Hamilton, Henson, Love, Lilly, and Litecky)
No- 0

Mr. Love moved that the Commission accept as findings of fact Parts A and B of the staff report for PC 20-03, the applicant was present, and none spoke in favor, none in opposition, seconded by Ms. Lilly.

The motion was passed with a unanimous voice vote.

Mr. Love moved that the Commission recommend approval of the PC 20-03, seconded by Dr. LeBeau.

Roll Call Vote:

Yes – 5 (LeBeau, Hamilton, Henson, Love, Lilly, and Litecky)
No- 0

Mr. Wallace stated that the item will move forward with recommendation for approval of PC 20-03 and that the item would be on the City Council agenda for discussion at their meeting on September 24, 2019.

5. Old Business

There was none.

6. New Business

A. City Council Agenda from August 13, 2019 and August 27, 2019.

Mr. Wallace reviewed the City Council meetings as they related to Planning.

6. Adjournment

Ms. Litecky adjourned the meeting at 6:32 p.m.



CARBONDALE

All Ways Open

Planning and Development Management

200 South Illinois Avenue
Carbondale, Illinois 62901
Telephone 618-457-3248
Fax 618-457-3289
www.explorecarbndale.com

M-E-M-O-R-A-N-D-U-M

TO: City of Carbondale Planning Commission

FROM: Molly Maxwell, Planner *MM*

RE: PC 20-04, Text Amendment relative to Cannabis Cultivation, Processing, and Sales

DATE: October 15, 2019

(Planning Commission Public Hearing on October 23, 2019 at 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Applicant:
City of Carbondale
200 South Illinois Avenue
Carbondale IL, 62901
2. Requested Action and Background:

On June 25, 2019, Governor J.B. Pritzker signed the Illinois Cannabis Regulation and Tax Act Bill, legalizing the use of recreational cannabis beginning January 1, 2020, in the state of Illinois. The City of Carbondale, as a home-rule community, may regulate cannabis in a manner consistent with the Act. The Act outlines options for carrying out this regulation, and one is through the municipality's zoning ordinances.

Pursuant to City Council's meeting September 24, 2019, City staff prepared an ordinance amending Title 7 of the City's Revised Code to establish a municipal cannabis retailer's tax. It also includes a resolution that the Planning Commission will modify the Zoning District Use Tables within Title 15 to expressly permit cannabis businesses within the appropriate districts. Exhibit A presents the use tables for residential and nonresidential districts from Section 2.28 and 2.29 and includes new definitions for the proposed use categories in the *General Definitions* section. Additions to the code have been underlined, and only affected pages from the use tables are included.

PART B. ANALYSIS

Title 15 of Carbondale's Revised Code currently allows for the cultivation and distribution of recreational cannabis, in that these uses would fall under other general use categories. However, pursuant to the City's

decision to allow these uses, City Council and planning staff both believe the Code should explicitly allow for them in the appropriate zones. In this proposal, 'Cannabis craft grower' and 'Cannabis cultivation center' fall under the Agriculture use category in Table 2.28, and the AG, Agriculture, district is the only permitted residential/rural district for these uses. In the non-residential districts, outlined in Table 2.29, 'Cannabis dispensing organization' is considered to fall into the 'Retail sales and service, sales oriented' use category, and would be permitted in SB, Secondary Business; BPL, Planned Business; and BPR, Primary Business, districts. 'Cannabis craft grower' and 'cannabis cultivation center' would be permitted in SB, Secondary Business; BWA, Wholesale and Automotive; LI, Light Industrial; and GI, General Industrial, districts. These districts already allow for similar uses by other businesses. Therefore, allowing cannabis cultivation and distribution here should not have a major impact to the nature of the districts.

The designations of 'Cannabis Dispensing Organization', 'Cannabis Craft Grower', and 'Cannabis Cultivation Center' as specific uses recognize their legitimacy within state law and City Code. Allowing for these uses in their distinct zones and use categories will make explicitly clear that those uses are permitted for both those seeking to establish these businesses and for City staff as they work to uphold the intent of the Carbondale Revised Code. It is then also important to define these terms within the *General Definitions* section, as in the attached Exhibit A.

The Illinois Cannabis Regulation and Tax Act Bill is the primary source of the regulation of recreational cannabis cultivation and distribution. Issues such as cultivation enclosure, public view of plants, etc., are covered by the state's bill and need no mention in the City's Revised Code. Carbondale's Planning Department and Planning Commission's sole responsibility here is to expressly permit these uses in the districts they deem appropriate. The proposed zoning regulation is intended to be carried out alongside the state law.

PART C. RECOMMENDATION

Due to the analysis presented above, staff recommends approval of the proposed text amendment for PC 20-04.

Exhibit A

§2.28 PERMITTED AND SPECIAL USES, RESIDENTIAL AND RURAL DISTRICTS TITLE 15. ARTICLE 2. DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS USE TABLE											
USE CATEGORIES	SPECIFIC USE TYPES	F	AG	RR	R-I	R-I-D	R-2	R-3	PUD	RMH	USE STANDARD
Retail sales and service, personal service-oriented (See §3.1.9.F)	Kennel		P	S							
	Funeral homes without crematorium						S	S			
	Funeral homes with crematorium						S	S			
	Veterinary clinics		P								
	Laundromat									P	
Retail sales and service, repair-oriented (See §3.1.9.F)	All retail sales and service, repair-oriented		S								§3.3.1.O
Self-service storage (See §3.1.9.G)	Mini-warehouse							S			§3.3.1.S
INDUSTRIAL USES											
Light industrial service (See §3.1.10.A)	Contract construction services		S								§3.3.1.H
Warehouse and freight movement (See §3.1.10.B)	Commercial agricultural storage operation		S								
Waste-related service (See §3.1.10.C)	Sanitary landfill or other qualified solid waste disposal system		S								
	Junk yard or auto wrecking yard, or storage										
Wholesale trade (See §3.1.10.D)	All wholesale trade		S								§3.3.1.O
RURAL USES											
Agriculture (See §3.1.11.A)	Cannabis craft grower		P								
	Cannabis cultivation center		P								
	Raising, breeding, training, and boarding of animals		P								
	Raising, breeding, training, and boarding of animals for personal use		P	P							
	Agricultural Production		P	P							
	All other agriculture		P								
Resource extraction (See §3.1.11.B)	Mining operation, including, but not limited to: coal, oil, gas, rock, gravel, sand and the storing and sale of such materials with the exception of hydraulic fracturing		S ⁶								
OTHER USES											
Vehicles and access	Motorized recreational vehicle uses; for commercial purposes		S								
	Private access roads or streets to or from a permitted use in an adjoining zoning district		S	S	S	S	S	S	S	S	§3.3.1.V
Accessory uses	Home occupations		P	S	S	S	S	S	S	S	§3.4.2.B
	Vacation Rental Units		P	P	P	P	P	P	P	P	§3.4.2.C

NONRESIDENTIAL DISTRICTS USE TABLE												
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD
	Credit services (other than banks), including pay-day loan and check cashing services			S	S	P		P				
	Educational and scientific research	S	P	P	P	P			P	P	P	
	Employment services		P	P	P	P		P				
	Dental offices and dental labs	S	P	P	P	P		P			P	
	Medical offices without surgical facilities	S	P	P	P	P		P			P	
	Printing services				P	P	P	P				
	Professional offices	P										
	Professional schools				P				P	P		
	Studios, television and radio	S			P		P	P			P	
	Studios, recording	S			P	P		P			P	
	Telecommunications offices and exchanges				P			P				
Overnight accommodations (See §3.1.9.D)	Bed and breakfast establishment.	S	P ³	P ³	P			P				§3.3.1.F
	Inn	S	S	S	P		P	P			P	§3.3.1.Q
	Hotels and motels				P	P		P			P	
	Travel trailer parks or campground											
Parking, commercial (See §3.1.9.E)	Automobile parking public and commercial, for uses on adjoining parcels or in adjacent districts		S	P	P	P	P	P			P	
	Public or commercial parking						P		P	P		
	All other commercial parking				P		P					
Retail sales and service, sales-oriented (See §3.1.9.F)	Retail, general, except as otherwise listed	P ⁸	S ¹⁰		P	P	S	P			P	
	Retail, groceries, except as otherwise listed	P ⁸			P	P		P			P	
	Apparel and accessories	P ⁸		P	P	P		P				
	Art galleries	P ⁸	P	P	P	P		P			P	
	Auto parts and accessories				P		P				P	
	Building supplies and lumber, including electrical, plumbing, HVAC and other	P ⁸			P ⁴	P ⁴	P		P	P	P	
	Antiques and secondhand merchandise	P ⁸			P			P			P	
	<u>Cannabis Dispensing Organization</u>				P	P		P				
	Computers and accessories	P ⁸			P	P		P			P	
	Convenience stores with gasoline service /gasoline service station				P	P	P				P	
	Convenience store without gasoline service	P ⁸			P	P		P				
	Electronics, including audio, video and other				P	P		P			P	
	Fuel and ice dealers, including coal, bottled gas						P		P			
	Furniture, home furnishings and equipment				P	P		P			P	
	Hardware without lumber and building supplies				P ⁴	P ⁴	P	P ⁴	P	P	P	
	Hay, grain and feeds						P					
	Household appliances				P	P	P				P	
	Liquor				P ²	P ²		P ²			P ²	
	Medical appliances and supplies			P ⁴	P	P		P			P	
	Garden supplies				P	P		P			P	
	Office supplies and equipment				P	P		P			P	
	Optical goods	P ⁸		P ⁴	P	P		P			P	
	Outdoor recreation equipment and vehicles				P	P	P		P	P	P	
	Pets				P	P		P			P	

NONRESIDENTIAL DISTRICTS USE TABLE													
USE CATEGORIES	USE TYPES	NB	PAR	PA	SB	BPL	BWA	BPR	LI	GI	PAD	USE STANDARD	
trade (See §3.1.10.D)	Commercial and industrial machinery and equipment									P	P		
	Construction equipment								P	P			
	Drugs, chemicals and allied products						P		P	P	P		
	Dry goods and apparel						P		P	P	P		
	Electrical and electronic goods						P		P	P	P		
	Farm equipment						P		P	P			
	Farm and grain mill products								P	P			
	Furniture and home furnishings						P		P	P	P		
	Groceries and related products						P		P	P	P		
	Hardware, plumbing, and heating equipment and supplies				P ⁴		P		P	P	P		
	Lumber and other building materials				S		P		P	P	P		
	Machinery, equipment and supplies						P		P	P	P		
	Mail-order house				S		P		P	P			
	Merchandise vending machine operators				S		P		P	P			
	Motor vehicles, equipment, parts and accessories						P		P	P	P		
	Paint, glass and wallpaper				P ⁴		P ⁴		P	P			
	Paper and paper products						P		P	P	P		
	Professional equipment, instruments and supplies						P		P	P	P		
	Transportation equipment									P			
	Welding equipment and supplies						P		P	P			
	Wholesale trade of products produced on the premises						P		P	P			
Other Uses													
Agriculture (See §3.1.11.A)	Cannabis craft grower				P		P		P	P			
	Cannabis cultivation center				P		P		P	P			
	Plant nursery or greenhouse	S			S		P		P	P	P		
	All agricultural uses										P		
Resource Extraction (See §3.1.11.B)	All resource extraction except hydraulic fracturing ⁶								S	S			
Vehicles and access	Private access roads or streets to or from a permitted use in an adjoining zoning district	S	S	S	S		S		S	S	S		§3.3.1.V
	Motorized recreational vehicle use				S		S		S	S			
Accessory Uses	Vacation Rental Units							P					§3.4.2.C

¹ In BPL, day care centers for children including child care centers, day nurseries, nursery schools, kindergartens, play group and centers or workshops for mentally or physically handicapped children shall be permitted as a permitted use only when they are approved as part of the development plan.

² Within 250 feet of property owned by a public school agency and used for elementary or secondary school educational purposes, uses identified with this footnote shall be considered as special uses in the respective districts.

³ In PAR and PA, Bed and Breakfasts are subject to the Special Use Standard detailed in §3.3.1.F.

⁴ Only if within completely closed buildings.

⁵ In BPL, automotive repair services are permitted only as accessory uses to: a) the retail sale of motor vehicles, or b) the retail sale of automotive accessories.

⁶ Hydraulic fracturing (fracking) shall not enter or infringe upon the City of Carbondale's zoning jurisdiction from a location outside of the zoning jurisdiction.

regulations a business development must include lots that do not have frontage on a state or federal highway and the business development shall be limited to one freestanding sign.

CABIN: A facility that is leased on a temporary basis for recreational purposes which may be fully plumbed, served with electrical power, and/or contain a kitchen and bathroom. This may also include a lodge or similar type of facility.

CANNABIS BUSINESS ESTABLISHMENT: A cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

CAREGIVER: A person, whether paid or unpaid, who provides a senior citizen with live-in assistance in meeting daily living needs.

CELLAR: That portion of a building partially underground, but having half or more of its clear floor-to-ceiling height below grade (see definition of Basement).

CENTERS OR WORKSHOPS FOR MENTALLY OR PHYSICALLY HANDICAPPED: Day care centers which provide care for less than 24 hours a day to mentally or physically handicapped persons who are not residents of the facility and which provide services and programs to meet the person's needs for care, protection and training.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Preservation Commission indicating its approval of plans for alteration, construction or demolition on property or improvements in a designated district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the Preservation Commission authorizing an alteration, construction or demolition of property or improvements even though a Certificate of Appropriateness has previously been denied.

CHILD CARE CENTERS: Day care centers which receive preschool or school age children, or both, for short-term or extended hours of care, or out-of-school hours of care, or out-of-school hours, and which provide essential personal care, protection, supervision, training and programs to meet the needs of the children served.

CITY CLERK: The City Clerk of the city of Carbondale, Illinois.