

MINUTES OF THE OTTAWA PLAN COMMISSION MEETING January 27, 2020

Chairman Brent Barron called the meeting to order at 7:00 PM in the Ottawa City Council Chambers.

ROLL CALL - Present: Barron, Stone, Burns, Bueting, Reagan, Sesto. Absent: Etscheid, Volker, McConville. Others: City Planner Doug Carroll of Carroll Planning, LLC, City Attorney Christina Cantlin of Cantlin Law Firm.

MINUTES OF PREVIOUS MEETING: John Stone made a motion to approve the November minutes as published. Second, Reagan. Reagan asked planner Carroll to rewrite the section that starts out with the word “discussion” at the bottom of page two. Motion was moved to table the minutes to allow for corrections. Second, Sesto.

OLD BUSINESS

- 1. Continuation of a public hearing for a citywide text amendment of Chapter 118 (Zoning) of the Ottawa Municipal Code to provide for the regulation of adult use cannabis business establishments in certain zoning districts.*

Chairman Barron opened the public hearing. Stone asked to pause the hearing to discuss “New Business” on the agenda.

NEW BUSINESS

Planner Carroll noted the RFQ’s for a new comprehensive plan are out. Carroll talked to TESKA, Gingko, Houseal Lavigne. He expressed there was no need for an RFP as he would talk with the selected firm to meet the City’s needs. Barron asked about budget. Carroll expressed the last comprehensive plan was done for \$100,000 so he would predict that range. Reagan asked if there were any responses yet, Carroll expressed other than the 3 or 4 firms he had talked to, no one had submitted an RFQ yet.

OLD BUSINESS (CONT’D)

Barron restarted the public hearing. Barron and Carroll summarized where the Plan Commission was at with the discussion. Carroll stated the Plan Commission recommended and the City Council approved an ordinance to allow existing medical marijuana facilities as a permitted use in the C-3 zoning district.

Barron asked about the 1500 feet distance requirement. Carroll clarified the distance requirement is between cannabis facilities as required by State statute. Any other distance requirement is up to the municipality.

Barron stated the Plan Commission at the last meeting decided not to allow any cannabis related businesses in any residential zoning districts. Barron further discussed the difference between craft grower and commercial grower.

Reagan asked about the learning centers and vocational centers and why they are excluded from the school distance requirement. The plan commission discussed the definition of learning centers.

Stone asked about focusing on a region as opposed to a zoning classification. Carroll brought up St. Charles and how they delineated west of the river and east of the river for cannabis facility locations. The Plan Commission discussed general location.

Carroll asked the plan commission to discuss specific zoning districts as outlined in the draft ordinance. The plan commission discussed the C-1 zoning district and where those properties are in town with Carroll pointing on the zoning map. The plan commission further discussed zoning locations of commercially zoned property.

In discussing the merits of any cannabis business location downtown, Reagan brought up the long line at the existing cannabis facility on the north side of town. Barron expressed he wouldn't judge the line based on January 1. Stone expressed he has not seen large lines. Jeriann Lamb, an employee from the existing cannabis facility, expressed they have a security company and separate parking for patrons. Orders are processed outside to expedite wait times. Sesto explained he recalled from previous meetings the ratio of customers to sales staff is 1:1. Barron asked the Lamb since 1/1/20 if the numbers have gone down. Lmb said they have changed their hours to better accommodate the lines. Barron expressed he thought the lines would die down as more dispensaries come on-line.

Chad Lucas suggested identifying where dispensaries can be as opposed to where they cannot be. Lucas asked the plan commission what is bad about dispensaries being downtown. Reagan expressed concerns about parking. Stone clarified if there was one dispensary downtown that would knock out any other facility from locating there.

Barron directed the plan commission to look at the map depicting distance requirements.

Discussion ensued about the different distance requirements. Beuting expressed he liked the idea of regions and a certain number of dispensaries in each region.

Barron said he wouldn't be surprised if the State approves more dispensaries to get the price down. Dan Aussem, 1131 Post Street, said he disagrees and explained the application process. Lucas explained major companies are the ones opening the dispensaries and sees it as a destination. Lucas expressed he thought Ottawa has a great downtown and a dispensary would bring more people downtown. Reagan expressed she thought parking was just one issue and people will go to dispensaries no matter where the location.

Barron asked Carroll if the Aldi strip mall was 1500 feet from the existing facility. Carroll expressed it was farther. Barron identified areas, other than downtown, a facility could be

located based on the 1500 buffer from schools and other cannabis facilities. Three areas were identified, Ottawa Industrial Park, area near the intersection of IL 71 and I-80, and an area south of I-80 generally along IL 23.

Barron clarified what zoning classes we are not allowing cannabis use facilities. He explained we aren't allowing in "A" and "B", "C-1", "C-2" is questionable, then we need to further discuss the other districts. Lucas asked why wouldn't the City decide on a case by case basis? Lamb said it is contradictory to have festivals with alcohol located close to schools but you can't have a retail dispensary near a school.

Burns asked if the Downtown Merchants have weighed in on facilities located downtown.

Carroll said he has not heard specifically from anyone associated with them.

Stone said he liked the 1500 foot distance requirement from schools because it keeps things consistent and simple.

Barron asked Attorney Cantlin if the existing adult use cannabis facility were to leave their current location would they have to abide by whatever zoning regulations we come up with.

Cantlin replied yes they would.

Reagan asked Carroll about the draft ordinance and the language says 500 feet for a dispensing organization from schools. Reagan asked if this was a mistake. Carroll stated no, that language is from the original draft.

Barron expressed he agrees with Stone on the consistent distance requirement from schools.

Sesto said he thought it was fine to have separate distances between cannabis businesses and churches. Sesto noted we need more discussion on whether to have cannabis businesses downtown. Stone said he didn't think the impact on downtown would be that great.

Aussem expressed when he met with Justice Grown they had said they would like to be downtown because Ottawa is a fantastic city and in their opinion a cannabis dispensary is no different than a retail store like Bell's clothing. People don't consume on site. Aussem expressed he was surprised because he assumed cannabis businesses would want to be close to I-80.

Barron asked if any of the downtown businesses have expressed a concern. Aussem said no.

Reagan asked Aussem if anyone had asked them. Aussem expressed this is why we have public hearings.

Reagan said she is in favor of the 1500 foot buffer requirement from schools and is in favor of locations outside of downtown.

Sesto said we have vaping stores and gambling places close to schools and he considers those worse than cannabis stores.

Barron asked if we keep the 1500 distance from schools but excluded the downtown how could we do that. Cantlin said it would have to be tied to the zoning classification. You could put a different distance requirement for each zoning classification. Sesto asked if we could put a 250 foot requirement in the C-4 district. Cantlin answered that we could. Sesto also mentioned we could limit the number of dispensaries.

Burns explained she thinks when someone is going to a pot store they are going to the location to buy pot, not necessarily to expand their purchases to surrounding stores. She questioned whether retail would grow because there is a cannabis store next door. Barron used an example of Wine Fest and someone may do an impulse purchase at the cannabis store.

Bueting said in Oklahoma they have pot dispensaries in every downtown. He stated they only allow it for medical purposes. Burns stated she is struggling with allowing it downtown.

Barron stated the debate is whether to allow dispensaries downtown. Bueting noted he didn't have a problem with dispensaries downtown, he didn't want a saturation.

Barron asked if anyone on the plan commission had a problem with a dispensary in any of the "C" zoning classifications outside of the downtown. Barron then asked how far from a school do we want them to be? Sesto asked how far is a city block and said he liked 500 feet from schools. Burns noted the South Towne Mall is a perfect spot for a dispensary. Stone stated he has no problem including the downtown with a 500 foot buffer from schools.

Reagan asked why we couldn't ask the Chamber of Commerce or Downtown Merchant's for their opinion. Discussion ensued about whether the Plan Commission should be seeking comment.

Barron asked if we wanted to limit the number of cannabis businesses. Sesto suggested limiting the number of dispensaries to four. Barron further questioned whether to limit the number of dispensaries. Barron polled the plan commission on limiting the number of dispensaries to four, it was tied 3 ayes to 3 naves.

Sesto suggested the plan commission discuss the distance from schools instead. Sesto suggested 500 feet. Barron noted 500 feet will extend into the downtown. Sesto said all but LaSalle St would be limited based on a 500 foot buffer from schools. He noted he thought 500 feet might be too much after further consideration. Barron took a poll of who thought 500 feet from schools was sufficient. No agreement was made.

Burns said she didn't think dispensaries should be allowed downtown. Reagan agreed she didn't think dispensaries belong in the C-4 zoning district. Barron agreed with excluding it from C-4 and the 1500 foot requirement. Stone agreed with the 1500 foot buffer.

Barron clarified the draft ordinance allows dispensaries as a conditional use in C-3 and questioned why all six cannabis related businesses wouldn't be allowed in D as a conditional use. He noted all cannabis businesses are allowed in E as a conditional use.

Carroll summarized the draft so far: C-1 and C-2 - no cannabis businesses, C-3 allows adult use cannabis dispensing organizations as a conditional use, C-4 not allowed, C-5 not allowed, C-6 not allowed, D and E all cannabis related businesses are allowed as a conditional use.

Cultivation and craft growers are 1500 from residentially zoned property, the other cannabis related businesses are 250 feet from residentially zoned property. Section 6.1 should be changed from 500 feet to 1500 feet distance requirement.

Barron asked about co-location in Section 11. Carroll clarified that was Section 6.5 where the plan commission had a question about co-location.

Sesto said he thought the ordinance was too restrictive in its current form and suggested if the plan commission doesn't allow dispensaries in C-4 they should reduce the distance requirements from schools to 500 feet.

Cantlin speculated the 1500 foot requirement could have been a carryover from previous drafts of the Statute. She noted the State decided to let each municipality decide what facilities they deemed sensitive and what distance if any would be required as a buffer.

Sesto suggested the Plan Commission email people they know to attend the February meeting.

Barron gave Bueting the floor and Bueting relayed that this was his last plan commission meeting. The plan commission expressed thanks to Bueting for his time and his engineering perspectives.

Moved by Barron to continue the public hearing.

Being no further business, motion was made by Burns to adjourn the meeting at 10:03 PM.

Respectfully submitted,
Douglas Carroll, AICP
Carroll Planning, LLC