



**DANVILLE AREA
PLANNING & ZONING COMMISSION
MEETING**

Minutes, November 7, 2019

Members in Attendance:

Tracy Taylor – Chair
Adam Brown
Ted Vacketta Jr.
Troy Savalick
Pete Goodwin

Members Not Present:

City Representatives:

Logan Cronk
Tyson Terhune

I. Call to Order, Roll Call & Declaration of Quorum

- a. Chair Taylor called the meeting to order at 5:15 with declaration of a quorum.

II. Announcement that the P&Z Commission is Advisory to the City Council

- a. Announcement made.

III. Approval of Agenda:

- a. *Motion:* Vacketta *Second:* Goodwin ALL AYE

IV. Approval of Minutes:

- a. *Motion:* Goodwin *Second:* Savalick ALL AYE

V. General Oath of Audience

- a. All in attendance stood and were sworn-in.

VI. Public Hearings

- a. Variance Petition #320, Boulder Design: Terhune spoke for Boulder Designs who was requesting a variance for a monument sign located at 2215 N. Bowman Ave. The variance would allow for increased square footage of a 37.5 square foot sign face in the R4 zoning district.
- i. Motion to recommend approval of Variance Petition # 320 at the November 19, 2019 City Council meeting.
Motion: Goodwin, *Second:* Savalick 5 AYE, – Motion Passed

b. Re-Zoning Petition #272, Soul Garden Recovery Center:

- i. Soul Garden Recovery Center is requesting to re-zone the property commonly known as 801 West Fairchild St. & 816 W. Fairchild St. from P1-Professional to B3-General Business to allow for retail sales and parking at those locations.
- ii. Speaking on behalf of the petition: Lisa Beith, Deann Ryan, Greg Thatcher
- iii. Ryan: The petition is requesting a zoning change to allow for a “Social Enterprise” function at the non-profit recovery center. This would allow for sales of baked goods and other items to fundraise for the non-profit.
- iv. Thatcher: spoke about the various services that the recovery center provides.
- v. Vacketta: The use is commendable, but the concern is the creation of spot zoning and what types of businesses could establish at that location if the recovery center were to leave.
- vi. Taylor: Allowing this would set a precedent that could allow spot zoning elsewhere.
- vii. Beith: The recovery center by-laws state that if they leave the property must go to another non-profit, however that doesn’t mean that the property will always be a non-profit.
- viii. Terhune: Received one phone call speaking against the re-zoning petition. The concern was regarding what types of business could come in if the recovery center were to leave.
- ix. Commission Discussion: The City can research “Social Enterprises” and explore whether to incorporate this idea into the Danville Zoning Code.
- x. Motion to recommend approval of Re-Zoning Petition #272 and the findings of fact at the November 19, 2019 City Council Meeting.
Motion: Savalick, *Second:* Brown 0 AYE, 5 NAY, –Motion Failed

c. Re-Zoning Petition #273, Omni-Kolor of Danville:

- i. Omni Kolor is requesting to re-zone the property commonly known as 210 W. Williams St. & 443 Oak St. from R3-Mixed Residential to B3-General Business to allow for a Specialty School/Motor Vehicle Painting Service & continuation of current use.
- ii. Speaking on behalf of the petition: Joey White (Omni Kolor, owner). Also speaking, Greg Thatcher (owner of neighboring property).
- iii. White: wants to preserve the current use of the business. Because his business is located in a residential district he would be restricted from re-building in the case of a fire or other disaster.
- iv. White: would like to expand the business by establishing classes on automotive painting. Classes would be 4 days a week and normal hours of operation would increase by one hour during class days.
- v. Savalick: asked about the area where the painting would take place. Discussion on safety precautions, location, and that the activity would not cause a nuisance for the area.
- vi. Thatcher: did not oppose the zoning change but felt that other lots in that immediate vicinity should be given consideration for re-zoning. Discussion on the Danville renaissance project and the re-zoning of lots in that area for that purpose.
- vii. Motion to recommend approval of Re-Zoning Petition #273 and the findings of fact at the November 19, 2019 City Council Meeting.
Motion: Brown, *Second:* Goodwin 5 AYE, –Motion Passed

d. Re-Zoning Petition #274, City of Danville Zoning Ordinance Amendment

- i. The Danville Zoning Administrator is requesting to amend the Danville Zoning Ordinance to make changes to the definitions and district use regulations in the ordinance, including adding specific definitions and regulations for medicinal and adult-use cannabis.
- ii. Speaking on behalf of the petition: Tyson Terhune (City of Danville). Also Speaking: Tim Knight (Sleep Inn, owner), Sabrina Noah (Cresco Labs, Senior Vice President of Public Affairs), Steve Miller (Acton & Snyder, LLP)
- iii. Terhune: Reviewed the draft ordinance, discussed combining medicinal Cannabis and Adult-use cannabis into this one ordinance, discussed new definitions, discussed the buffer zones for location of cannabis related industries, and discussed requiring a Special Use Permit for any cannabis related industries to establish in Danville.
- iv. Vacketta: Questioned the wording which regulated a buffer zone between cannabis related industry and residentially zoned locations. “Facility may not be located in a dwelling unit or within 2,640 feet (one half mile) of the property line of a pre-existing property zoned or used for residential purposes (R1, R2, R3, R4, & RR).” Felt “Or used” was too ambiguous and questioned whether that confused the intent of the buffer clause.
- v. Terhune: Agreed that the wording was confusing and that the intent of the buffer clause was to separate cannabis industries from specifically residentially zoned districts.
- vi. Knight: Questioned whether customers staying at hotels in the area could be considered residents if they were there for extended stays.
- vii. Noah: Cited state laws which indicated that without a legal mailing address and proof of payment of property tax hotel guests could not be considered residents.
- viii. Vacketta: Suggested that the phrase “Or used” be removed from the buffer clause in all instances where it appears in the draft ordinance in order to eliminate any ambiguity as to what can be defined as a resident.
- ix. Terhune: If this phrase were removed from the buffer clause it would specifically define where cannabis related industries could be located without question of hotel guests, non-conforming residential use, or owners living at the locations of their businesses.
- x. Knight: Questioned the reasoning behind the ½ mile buffer zone and if any other buffer scenarios had been explored.
- xi. Terhune: Other buffer zones had been explored internally within the planning department with input from City Council members. Concerns arose regarding where cannabis related industries would be able to locate based on these variations. Based on deliberation and input the planning department felt that applying the most restrictive buffer zone available would be the best way to begin the public conversation regarding the ordinance.
- xii. Motion to recommend conditional approval of Re-Zoning Petition #274 and the findings of fact at the November 19, 2019 City Council Meeting. Condition: The words “Or used” be stricken from all occurrences of this sentence, “Facility may not be located in a dwelling unit or within 2,640 feet (one half mile) of the property line of a pre-existing property zoned or used for residential purposes (R1, R2, R3, R4, & RR).”

Motion: Savalick, *Second:* Brown 5 AYE, – Motion Passed

e. Special Use Permit Petition # 238, Phoenix Farms LLC

- i. Phoenix Farms of Illinois, LLC, is requesting a Special Use Permit to allow for a Medicinal/Adult-Use Cannabis Dispensing Organization to be located at the property commonly known as 369 Lynch Drive in the B3-General Business zoned district.
- ii. Speaking on behalf of the petition: Steve Miller (Acton & Snyder, LLP), Sabrina Noah (Cresco Labs, Senior Vice President of Public Affairs). Speaking against the petition: Dori Stone (General Manager, Sleep Inn), Tim Knight (Owner, Sleep Inn).
- iii. Miller: Summarized the petition and the request for a special use permit.
- iv. Noah: Referenced the staff report included in the application saying that City staff felt as if this would be an acceptable use for the area. She reviewed the Company (Cresco Labs), security measures at other cannabis operation locations (specifically Champaign, IL). Discussed what could be expected for internal operations between customer and employee in a cannabis facility. Presented a sample of what the facility would look like externally and described what it would look like internally. Described an expected timeline for development of the facility; 4 weeks for design, 4 weeks for review, 8 weeks for employee training, with a final opening expected sometime within the first quarter of 2020.
- v. Noah: Could not answer a question on what the expected traffic would be for an adult-use facility because no reference was available.
- vi. Stone: Opposed the Special Use Permit application. Felt the location was too close to the Sleep Inn and that without knowing the type of clientele and activity an adult-use cannabis dispensary would generate it could be dangerous for the hotel business. Felt that traffic would be impacted in a negative way if a dispensary were at this location.
- vii. Knight: Echoed Stone's concerns regarding the unknown activity surrounding a cannabis dispensary. Felt that the location would be better farther away from the hotels in the area. Felt that establishment of a cannabis dispensary so close to the hotels would seriously hurt his business by reducing the number of repeat customers, among other factors.
- viii. Vacketta: Reviewed each preliminary finding of fact as presented in the application and made the following comments: He felt that the use might not be compatible for the area given the lack of sufficient evidence for such a business, Felt that a cannabis dispensary may cause a stigma for the area which could harm nearby businesses, Felt that there could be an issue because of walking traffic generated from hotels.
- ix. Brown: Felt that a dispensary at this location could actually help business in the area.
- x. Taylor: Discussed what she felt could be some of the negative impacts that a dispensary could have on the area. Assured those against the petition that the Zoning Commission was seriously considering their concerns.
- xi. Vacketta: Made a note that he felt when the City Council heard this petition they should specifically discuss the issue of the proximity of a proposed dispensary and the effect it may have on nearby hotel businesses.
- xii. Motion to recommend approval of Special Use Permit Petition #238 and the findings of fact at the November 19, 2019 City Council Meeting.
Motion: Vacketta, *Second:* Brown 3 AYE (Brown, Goodwin, Savalick),
2 NAY (Vacketta, Taylor) – Motion Passed

VII. Adjournment

a. Chair Taylor entertained a motioned to adjourned the meeting at 7:15

i. *Motion:* Goodwin, *Second:* Brown 5 AYE, – Motion Passed