

MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, AUGUST 13, 2014, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 EAST OLIVE STREET, BLOOMINGTON, ILLINOIS

MEMBERS PRESENT: Mr. Wills, Mr. Balmer, Mr. Diamond, Mr. Pearson, Mr. Scritchlow, Mr. Cornell, Mr. Cain, Mr. Stanczak, Mr. Suess

MEMBERS ABSENT: Mr. Stuckey

OTHERS PRESENT: Mr. Frank Koehler, Interim Economic Development Coordinator
Mr. Tom Dabareiner, Director of Planning and Code Enforcement

CALL TO ORDER: Chairman Cain called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Koehler called the roll. A quorum was present.

PUBLIC COMMENT: None

MINUTES: The Commission reviewed the July 23, 2014 minutes. Mr. Pearson moved to approve the July 23, 2014, minutes as written. Mr. Cornell seconded the motion which passed by a vote of 6-0 with following votes being cast on roll call: Mr. Wills-yes; Mr. Scritchlow-yes; Mr. Cornell-yes; Mr. Cain-yes; Mr. Pearson-yes; Mr. Diamond-yes; Mr. Balmer-present; Mr. Suess-present; Mr. Stanczak-present; Mr. Stuckey-absent.

REGULAR AGENDA:

Z-05-14. Public hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), of the Bloomington City Code, Section 44-3.2, Definitions, Section 44.6-30 Table of Authorized Principal Uses in Each Zoning District and Section 44.10 Special Use Regulations, to address Medical Marijuana.

Chairman Cain introduced the case. Mr. Koehler stated there was no change to the petition from the last meeting. He said the proposal allows medical marijuana cultivation centers as a permitted use in the M1 and M2 districts subject to state locational restrictions. The medical marijuana dispensaries would be a permitted use within C1, C2, C3, B1, B2, B3, M1 and M2 districts subject to the state locational restrictions. Mr. Koehler stated this case needed to come back before this commission for the required publication. He stated the notice was published for this meeting as mandated by city ordinance and that staff recommends approval.

Mr. Stanczak stated his prior comments questioning whether the general assembly knew what they were doing when they passed the medical marijuana law may not have been well founded. He said one of the areas of criticism had to do with the excessive separation requirements. He read a news article regarding the marijuana industry as it has developed in Colorado and the current issues with industrial orders. Mr. Stanczak said the Illinois law requires a 2500 foot separation from residential zoned areas and that he now understands the reasoning.

Mr. Pearson questioned if a business would be grandfathered in if it met the approved separation guidelines and then a residential zoning district moved within the allotted separation. Mr. Koehler stated the liquor license could provide precedence for this situation.

Mr. Pearson asked for the original thinking for the special use designations. Mr. Koehler stated the original approach was more restrictive and could be relaxed as needed.

Chairman Cain opened the public hearing and asked for anyone to speak in opposition. Chairman Cain asked if anyone was in favor of the petition. Mr. Nick Williams, 5 Timber View Drive, was sworn in and stated he is chief staff counsel for a Bloomington, Normal based enterprise. He provided the commission with the information regarding a state application for medical marijuana dispensaries. Mr. Williams explained the state application deadline is September 22, 2014 and requires approximately \$30,000 - \$40,000 of materials. A special use requirement might prevent meeting the state deadline and a loss of investment.

Chairman Cain asked if there were any questions, comments, or if anyone was in favor or in opposition to the petition and no one spoke. He closed the public hearing.

Mr. Pearson stated there should not be a list of permissive uses since the state has removed the home rule option and they would just follow the state law. There was discussion on taking a direction now as opposed to waiting for possible changes by the state.

Mr. Balmer moved to recommend the City Council approval for case Z-05-14, the amended Chapter 44 (Zoning), of the Bloomington City Code, Section 44-3.2, Definitions, Section 44.6-30 Table of Authorized Principal Uses in Each Zoning District and Section 44.10 Special Use Regulations, to address Medical Marijuana. Mr. Diamond seconded the motion which passed by a vote of 7 to 2 with the following votes being cast on roll call: Mr. Scritchlow-no; Mr. Cornell-yes; Mr. Cain-yes; Mr. Pearson-no; Mr. Wills-yes; Mr. Diamond-yes; Mr. Balmer-yes; Mr. Suess-yes; Mr. Stanczak-yes; Mr. Stuckey-absent.

OLD BUSINESS:

Discussion of Comprehensive Plan: Chairman Cain said the status report will be presented at the next meeting.

NEW BUSINESS: None

ADJOURNMENT: There being no further business to come to the Bloomington Planning Commission's attention, Mr. Diamond moved to adjourn the meeting. Mr. Balmer seconded the motion which was approved unanimously. The meeting was adjourned at 4:23 p.m.

Respectfully submitted,

Mark Woolard, City Planner

For further information contact:

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