A meeting of the Planning & Zoning Commission was held on Thursday, February 6, 2020, at 1:00 p.m., at City Hall, 419 Fulton St., in Room 400, with Chairperson Michael R. Wiesehan presiding and with proper notice having been posted.

ROLL CALL

The following Planning & Zoning Commissioners were present: Ed Barry, George Ghareeb, Robin Grantham, Eric Heard, Branden Martin, and Mike Wiesehan – 6. Commissioners absent: Richard Unes – 1.

City Staff Present: Leah Allison, Sara Maillacheruvu, Megan Nguyen, and Kimberly Smith.

SWEARING IN OF SPEAKERS

Speakers were sworn in by Megan Nguyen.

MINUTES

Commissioner Barry moved to approve the minutes of the Planning & Zoning Commission meeting held on January 6, 2020; seconded by Commissioner Heard.

The motion was approved viva voce vote 6 to 0.

REGULAR BUSINESS

PZ 19-L (deferred from January meeting)

Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Short Term Rentals.

Chairman Wiesehan addressed Case No. PZ 19-L directly, understanding that there was a desire to defer the case to the March meeting.

Urban Planner, Sara Maillacheruvu, Community Development Department, confirmed the desire of the staff to defer the case to the March meeting pending feedback from a public meeting being integrated into the proposed text amendment.

Motion:

Commissioner Heard made a motion to defer the request to the March 2020 meeting of the Planning and Zoning Commission; seconded by Commissioner Ghareeb.

The motion was APPROVED viva voce vote 6 to 0.

Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6

Nays: None – 0

PZ 20-1

Hold a Public Hearing and forward a recommendation to City Council on the request of Mark Davis of Woodland Baptist Church to rezone property from the present Class R-6 (Multi-Family Residential) District to a Class R-3 (Single Family Residential) District, for the property located at 6847 N Allen Road (Part of Parcel Identification No. 14-07-376-003), Peoria, IL (Council District 5)

Senior Urban Planner, Leah Allison, Community Development Department, read Case No. PZ 20-1 into the record and presented the request. Ms. Allison provided a summary of the request and offered relevant background context.
Discussion was held regarding the re-zoning of part of the parcel. Chairperson Wiesehan asked the reason for converting part of the parcel to R-3 from R-6 instead of the entirety of the parcel. Ms. Allison explained that the existing use may need R-6 zoning.

Devin Birch, representing the Petitioner, of Austin Engineering Company gave further background context in support of the case and the reason for wanting to convert part of the parcel from R-6 to R-3, citing work done to the site in 2008.

Chairperson Wiesehan opened the public hearing at approximately 1:13 pm. There being no public testimony, the public hearing was closed at approximately 1:13 pm.

Motion:
Commissioner Heard made a motion to approve the request as presented; seconded by Commissioner Ghareeb:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

PZ 20-2
Hold a Public Hearing and forward a recommendation to City Council on the request of Joshua L. Blue, of The Grow Trust, LLC to obtain a Special Use in a Class C-G (General Commercial) District for Cannabis, Craft Grower for the property located at 4040 SW Adams Street (Parcel Identification No. 18-19-181-015), Peoria, IL (Council District 1).

Senior Urban Planner, Kimberly Smith, Community Development Department, read Case No. PZ 20-2 into the record. Ms. Smith provided a summary of the proposal and offered relevant background context.

The Development Review Board recommends APPROVAL of the request for a special use subject to the following conditions and waivers:

1. Remove existing barbed wire and chain link fence. Staff supports the applicant’s proposal to replace this fence with a new, black powder coated aluminum fence.
2. Replace sidewalks along the front property.
3. All other applicable permits and licenses through the City and State must be obtained. This includes building permits related to a change of occupancy, and City and State licenses related to cannabis operations.
4. Waivers to permit existing landscaping to meet front yard, parking lot interior, and perimeter parking lot landscaping requirements.

Joshua L. Blue, Petitioner, of The Grow Trust gave his agreement to staff recommendations and further context on the scope of his proposal.

Discussion was held regarding the potential odor to be emitted from the operation of the facility and spread into the surrounding community. Commissioner Grantham expressed concern that the odor could spread to nearby Class R-4 (Single-Family Residential) District and what proposal the Petitioner had to prevent the issue. The Petitioner stated that carbon filters would be used to minimize the spread of the odor. Commissioner Grantham reiterated concern for citizens of the surrounding neighborhood and declared her opposition to the proposal unless the Petitioner communicates with local citizens and neighborhood associations and fully addresses the plan to minimize the potential odor. The Petitioner reiterated that the
carbon filter system will contain much of the scent so as not to impose on the surrounding community. Commissioner Wiesehan suggested the Petitioner communicate his proposal with the members of the neighborhood, to which the Petitioner agreed. Commissioner Barry queried as to the mechanics of the carbon filter system, with regards to what percentage of the scent is removed. The Petitioner could not provide that answer immediately but will provide that information when known. Commissioner Heard asked what generates the odor. The Petitioner explained the odor is produced by flowers of the plants during the growing process and that it can be contained. Commissioner Ghareeb recommended the Petitioner look for best practices in other similar facilities to fully contain the odor as much as possible. The Petitioner stated the air quality control measures are modeled after partner facilities in California.

Chairperson Wiesehan opened the public hearing at approximately 1:32pm.

Denise Jackson, Vice President of Southside Community United for Change, read a prepared statement on behalf of Southside Community United for Change, as representative of citizens in the surrounding community, in opposition to the proposal.

Martha Ross, President of Southside Community United for Change, expressed concern for the potential increase in crime and further degradation of the surrounding community should a Special Use be granted. Ms. Ross further questioned what benefit the facility would provide for the immediate area.

Robert Johnson, Vice President of Southside Community United for Change, expressed desire to keep the Southside area safe. Mr. Johnson also said members of the surrounding community felt left out from the process and asked that the Petitioner engage neighborhood associations with regards to the proposal.

Andres Diaz, a concerned citizen, expressed his support for the spirit of entrepreneurship but questioned the economic impact of the facility to the immediate area. Mr. Diaz further concurred with previous discussion and testimony that the Petitioner engage with community and incorporate neighborhood associations in generating and refining the proposal.

Denise Moore, City of Peoria 1st District Councilwoman, expressed concern about the lack of communication about the proposal from the Petitioner. Councilwoman Moore stated other cannabis entrepreneurs had approached her regarding potential opportunities in her district and was concerned she had never visited with the Petitioner.

Steve Kerr, of Mohr and Kerr, stated he recommended the Petitioner speak with Councilwoman Moore and that she was e-mailed regarding the proposal. This was confirmed by Councilwoman Moore. Mr. Kerr concurs that the effort was belated but was made. Mr. Kerr further defended the proposal.

Brian Montgomery, partner to the Petitioner, stated there was to be an informational meeting and job fair with citizens of Peoria held at Washington Carver Community Center, in coordination with State Representative Jehan Gordon-Booth. Due to a scheduling conflict, Representative Gordon-Booth suggested an event concerning the cannabis industry to be held at Illinois Central College, which the Petitioner accepted. The Petitioner gave their reasons for selecting the location at 4040 SW Adams St and responded to the comments from public testimony. Mr. Montgomery stated opposition to the proposal is based on stigma and defended the proposal and its potential benefits to the area.

There being no further public testimony, the public hearing was closed at 1:55pm.

Chairman Wiesehan stated the City of Peoria follows government requirements regarding notification of the surrounding area. Chairman Wiesehan further stated that much of the concerns of citizens fall out of the purview of the Planning and Zoning Commission but may be addressed by the City Council.
Motion:

Commissioner Ghareeb motioned to defer to the March meeting, but Chairman Wiesehan stated the motion to defer must come with the consent of the Petitioner and that the Commission did not have the authority to defer the case. The Petitioner did not consent to a deferral and thus the motion was not considered.

Commissioner Martin made a motion to approve the request as presented; seconded by Commissioner Heard.

Discussion was held prior to voting. Commissioner Heard stated a craft grower would be preferable to a dispensary at the site proposed and that the Petitioner talk and work with community members to address their concerns. Commissioner Grantham expressed a desire for proper air filtration to be put in place to not affect the air quality of the surrounding area and damage property values.

Discussion on the Findings of Fact was held.

The motion was APPROVED viva voce vote 4 to 2.
Yeas: Ghareeb, Heard, Martin, and Wiesehan – 4
Nays: Barry, Grantham – 2

PZ 20-B (deferred from January meeting)
Hold a Public Hearing and forward a recommendation to City Council on the request of the City of Peoria to amend Appendix A, the Unified Development Code, relating to Setback Regulations

Urban Planner, Sara Maillacheruvu, Community Development Department, read Case No. PZ 20-B into the record. Ms. Maillacheruvu provided a summary of the proposal and offered relevant background context.

Chairperson Wiesehan opened the public hearing at approximately 2:10 pm. There being no public testimony, the public hearing was closed at 2:10 pm.

Motion:
Commissioner Barry made a motion to approve the request as presented; seconded by Commissioner Grantham:

The motion was APPROVED viva voce vote 6 to 0.
Yeas: Barry, Ghareeb, Grantham, Heard, Martin, and Wiesehan – 6
Nays: None – 0

CITIZENS' OPPORTUNITY TO ADDRESS THE COMMISSION
There were no citizen requests to address the Commission.

ADJOURNMENT
Commissioner Ghareeb made a motion to adjourn; seconded by Commissioner Martin at approximately 2:11 pm.