

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
March 7, 2022

The Planning and Zoning Commission held a meeting on March 7, 2022, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Chair Maxwell called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Stephanie Turner called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O’Flaherty, Bill McMahan, Maria Pena-Graham, Shannon Stoker, Jerry Wright, and Chair Max Maxwell. Planning Director Dan Olson and City Manager Bill Nicklas were present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the March 7, 2022, agenda as presented. Mr. McMahan motioned to approve the agenda as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. February 7, 2022 –Chair Maxwell requested a motion to approve the February 7, 2022, minutes as presented. Ms. O’Flaherty motioned to approve the minutes as presented. Ms. Stoker seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None

E. NEW BUSINESS

1. **Public Hearing** – A petition by the City of DeKalb for text amendments to the UDO to remove the 250-foot setback for a cannabis dispensary to a residential use and to add the “CBD” Central Business District, “PD-C” Planned Development Commercial District and “PD-I” Planned Development Industrial District to the list of zoning districts where a special use for a dispensary can be applied for.

Dan Olson, Planning Director, went through the staff report dated March 3, 2022. He stated the UDO defines cannabis business establishment as an adult-use cannabis dispensing organization and a medical cannabis dispensing organization. Mr. Olson spoke on the proposed amendments with the first being to remove the 250-foot setback for a dispensary to a residential use. He then discussed the proposed addition of the “CBD” Central Business District, “PD-C” Planned Development Commercial District, and “PD-I” Planned Development Industrial District to the list of zoning districts where a special use permit for a cannabis dispensary can be applied for.

Mr. Olson explained the proposed amendments will expand the areas in which a dispensary can be located while still protecting the public health, safety, and welfare. He talked about the dispensaries being well regulated by the State and City and they act like a pharmacy, so adding these to the CBD District would be appropriate. Mr. Olson stated the proposed amendment is to add the CBD, PD-C and PD-I Districts to the list of districts where a cannabis dispensary can apply for a special use. He stressed sites zoned as a planned development have ordinances specifically for that site and would need to be checked for any restrictions.

Mr. Olson addressed the second proposed amendment which is the removal of the 250-foot setback for a cannabis dispensary to a residential use. Mr. Olson discussed the history on the regulations for setbacks for dispensaries. He noted in 2015 the original regulation required a 1,000-foot setback from residential areas and an amendment in 2019 reduced the setback to 250 feet. He added there are existing regulations for cannabis establishments in the UDO addressing safety provisions including hour restrictions, security plans, and other measures.

Mr. Olson provided the Commission with maps showing the current areas a cannabis dispensary could be located with the current 250-foot setback to residential, and a map with potential locations removing the 250-foot setback regulation. He said the maps show an increase for potential dispensary locations with the removal of the setback. He reminded the Commission that dispensaries would require a special use permit, so a hearing in front of the Commission would be required along with neighborhood notification.

Mr. Olson advised the City recommends approval of the proposed text amendments.

Chair Maxwell asked if there were any comments or questions from the Public, in which there were none.

Chair Maxwell asked if there were any comments or questions from Commission members.

Mr. Wright inquired on the current revenue of dispensaries in the City of DeKalb. Mr. Olson replied there are currently no dispensaries in the City of DeKalb. He added there are a few locations approved from a zoning standpoint, one being on Peace Road, and another on West Lincoln Highway in the Junction Shopping Center, which is waiting on State approval.

City Manager Nicklas gave background regarding the State statute legalizing cannabis and added as a part of the law, the State was split into regions with each one being allocated a certain number of licenses. The City of DeKalb is in a region including eight counties with only three licenses being allowed in the region. He added the State allowed for a total of 185 licenses which have already been awarded and there is a pending lawsuit on this matter.

Chair Maxwell made a comment the City should want to make ourselves as inviting as possible due to the low number of licenses permitted in our region.

Mr. Nicklas added the region DeKalb is in includes counties to the north and northwest that have low populations so the chance of a dispensary coming to DeKalb seems good.

Chair Maxwell asked if the City is notified when a license is applied for in our region. Mr. Nicklas replied the City is not notified when a license is applied for.

Ms. Stoker questioned a difference in the current dispensary location map versus the proposed dispensary location map. She wondered why areas disappear from the proposed map if the proposed amendments are to open more locations. Mr. Olson explained the current map shows locations with the 250-foot setback regulation where the proposed map shows locations removing the setback regulation. He said he did not go through each location on the map and the intent was to show by removing the 250-foot setback, the available opportunities increased.

Mr. Becker commented the biggest increase seems to be on Lincoln Highway. Mr. Olson stated the potential increases were mainly in the downtown area, along Lincoln Highway, Sycamore Road, and South 4th Street.

Ms. Stoker asked if the area is showing as a possible location on the current map will the be a possible location on the potential map as well. Mr. Olson answered it generally should be.

Ms. Pena-Graham inquired if tonight's proposal is similar in other cities. Mr. Olson explained many other cities have setback regulations that vary.

Mr. McMahon questioned the addition of cannabis dispensaries in the downtown area (CBD) and noted a concern about it. Mr. Olson reiterated each request would require a special use permit which would bring any proposal to the Commission to determine if the proposed location was a good fit or not.

Chair Maxwell told the Commission he is impressed with the State regulations for opening a dispensary. Mr. Maxwell is amazed at the levels of security and governance to be able to operate a cannabis dispensary.

Mr. Becker inquired on a regulation for a secured rear entrance for any proposed location. Mr. Olson responded that all previous regulations are still in effect.

Ms. O'Flaherty moved that the Planning and Zoning Commission recommend to the City Council approval of the text amendments to the Unified Development Ordinance regarding cannabis business establishments as indicated in Exhibit A of the staff report.

Ms. Stoker seconded the motion.

A roll call vote was taken. Mr. Becker- Yes, Ms. O'Flaherty – Yes, Mr. McMahon – No Ms. Pena-Graham-Yes, Ms. Stoker-Yes, Mr. Wright- Yes, Chair Maxwell-Yes. Motion Passed 6-1-0.

F. CONSDERATIONS

City Manager Bill Nicklas addressed the Commission on the topic of compensation for attendance at meetings. He explained he learned about six weeks ago that members from two of the fourteen commissions were being compensated for attending meetings. Mr. Nicklas explained there is no mention in the Municipal Code to allow for Planning and Zoning Commission members to be compensated for meetings. He recommended doing away with compensation for attending this voluntary Commission due to other commissions not being compensated for their meeting attendance.

Ms. O'Flaherty said this makes sense to her, and the other commission members agreed.

Jerry Wright expressed his appreciation to Mr. Nicklas for coming to the meeting in person to discuss the matter.

G. REPORTS

Mr. Olson announced the next meeting is scheduled for Monday, March 21, and there are no hearings currently scheduled for this date. Mr. Olson added the City Manager and himself have been working on the Comprehensive Plan, including the introduction, background data, goals and objectives and other information and the Plan will be brought to future meetings for discussion.

City Manager Nicklas added the Comprehensive Plan would be discussed at future Commission meetings as a part workshops to get the Commissioner's input as well from the public. He stated the Comprehensive Plan should be updated at an average of every five years.

Mr. Becker explained residential growth typically follows commercial growth and the City is currently experiencing very rapid industrial development. He assumed the updated Comprehensive Plan will reflect increased residential growth due to this trend. Mr. Nicklas suggested to the Commission to start thinking about areas in DeKalb and what potential you see for growth and development. He stressed all ideas would be put together with statistical data to finalize a Comprehensive Plan to submit to the City Council.

H. ADJOURNMENT

Mr. McMahon motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:35 PM.

Minutes prepared by: Stephanie Turner Approved: 4/4/2022