



# CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ [www.cofh.org](http://www.cofh.org)

## AGENDA PLANNING COMMISSION JANUARY 14, 2020 7:00 P.M. City Council Chambers

1. **CALL TO ORDER AND ROLL CALL**
2. **CITIZENS COMMENTS-** *This is an opportunity for the public to address the Plan Commission on non-agenda related items. Comments made during this section of the agenda that require a response will be referred to the appropriate City staff member or official for follow-up at a later date.*
3. **MINUTES OF NOVEMBER 20, 2019**
4. **PUBLIC HEARINGS** - None
5. **OLD BUSINESS** - None
6. **NEW BUSINESS**
  - a. Work Session – of proposed zoning text amendments relating to Adult-Use Cannabis establishments – *DISCUSSION ONLY*
7. **ANNOUNCEMENTS**
  - a. Chair/Plan Commission Member Comments
  - b. Director's Report
8. **ADJOURNMENT**

*The next regularly scheduled meeting is February 11, 2020.  
The meeting may be canceled if there is no business to conduct. Please contact Department of Land Use and Development staff at (618) 489-2060 for an update.*

**CITY OF FAIRVIEW HEIGHTS, ILLINOIS  
PLANNING COMMISSION  
MEETING MINUTES  
November 20, 2019**

**CALL TO ORDER**

The meeting was called to order at approximately 7:00 p.m. by Chairman Jim Bramstedt with (7 members) in attendance: Greg Moats, Larry Mensing, Don Barkley, Linda Hoppe, Kelly Smith, and Pat Wesemann. Also, in attendance were Andrea Riganti (Director of Land Use and Development), Andrew Hoerner (Attorney), and Kendra Tucker (Secretary).

**1. CITIZENS COMMENTS**

None

**2. APPROVAL OF MINUTES**

The minutes of September 10, 2019 approved as written.

**3. PC10-19, Special Use Permit, 10227 Lincoln Trail**

Ms. Riganti presented the staff advisory to the commission.

The applicant was present.

Steven Hubbard of 141 St Paul Drive, Cahokia, IL was sworn in.

Mr. Hubbard explained his request to allow for a church use in a strip mall.

The commission requested clarification from Mr. Hubbard on which suites would be used for the church. Mr. Hubbard clarified by pointing to the suite fronts on a digital image.

None were present to speak in favor of the application.

None were present to speak against the application.

Mr. Bramstedt closed the public portion of the meeting and the commission discussed their thoughts on the application.

Mr. Moats asked if there would be any issues due to zoning by an approval. Ms. Riganti stated there would be no significant impact.

Mr. Kelly made a motion to approve the application.

Planning Commissioner Smith introduced the following resolution and moved for its adoption:

### **RESOLUTION PC 9-19**

#### **A RESOLUTION ADOPTING FINDINGS OF FACT PC 10-19 RELATING TO A REQUEST FROM STEVEN AND TANYA HUBBARD TO APPROVE A SPECIAL USE PERMIT WITHIN “B-3” BUSINESS DISTRICT FOR A CHURCH LOCATED AT 10227 LINCOLN TRAIL.**

**WHEREAS**, Steven and Tanya Hubbard, hereinafter referred to as the “Applicant,” has properly applied for a Special Use permit for a church within the “B-3” Business District located at 10227 Lincoln Trail.

**NOW THEREFORE, BE IT RESOLVED BY THIS PLANNING COMMISSION OF THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, STATE OF ILLINOIS that the findings of fact relating to the request are determined to be as follows:**

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 14-10-8 of the City of Fairview Heights Development Code on November 20, 2019, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. The subject property, 10227 Lincoln Trail, Suite 9.
3. That this permit will not require any changes to traffic circulation and ingress/egress.
4. That this permit will not require any changes to lighting, landscaping, or the existing site usage.
5. That the proposed use will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
6. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
7. That the proposed use will not be hazardous or disturbing to existing neighboring uses.
8. That the proposed use will be served adequately by public facilities and services such as highways and streets.

9. That the proposed use will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
10. That the proposed use will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.
11. The proposed use will be consistent with the Comprehensive Plan.
12. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.
13. That the Director of Land Use, and his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
14. That the Permittee shall meet the performance standards identified in Section 14-3-20 of the Development Code, and ensure in particular that traffic and noise impacts deemed to be excessive to surrounding residential areas are reasonably mitigated. Mitigation strategies will be reviewed by the Director of Land Use prior to implementation.

The motion for the adoption of the foregoing resolution was duly seconded by;  
Moats

and the following voted for the same: Mensing, Wesemann, Hoppe, Barkley,  
Smith, Moats, & Bramstedt

and the following against the same: None

and the following abstained: None

and the following were absent: Herrington, Carthen, Coleman, & McCarthy

whereupon said resolution was declared duly passed and adopted by the  
Fairview Heights Planning Commission this the 20th day of November 2019.

#### **4. OLD BUSINESS**

Ms. Riganti updated the commission on the city's decision process regarding opting in/out on recreational cannabis.

#### **5. NEW BUSINESS**

None.

#### **6. ANNOUNCEMENTS**

None.

#### **7. ADJOURNMENT** – There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully,

Andrea Riganti  
Director of Land Use and Development  
AR/kt

The next regularly scheduled meeting of the Fairview Heights Planning Commission will be December 10, 2019 at 7:00 p.m. in the Council Chambers of the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois.



## DEPARTMENT OF LAND USE AND DEVELOPMENT

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ [www.cofh.org](http://www.cofh.org)

### MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: ANDREA RIGANTI, DIRECTOR OF LAND USE AND DEVELOPMENT**  
**DATE: JANUARY 7, 2020**  
**SUBJECT: RECREATIONAL CANNABIS DISCUSSION**  
**CC: ANDREW HOERNER, CITY ATTORNEY**

#### BACKGROUND

As has been discussed in prior Planning Commission meetings, an Illinois Public Act (Public Act 101-0027) regarding the legalization of recreational cannabis was signed into law on June 25, 2019. The sale, possession and consumption of same became effective January 1, 2020. Under the Act, municipalities can choose to ban cannabis uses OR allow cannabis uses and regulate them through zoning.

On December 17, 2019, the City Council voted to allow cannabis establishments in the City. Staff has been directed to prepare zoning text amendments for consideration by the Planning Commission. As a first step, a work session will be conducted with Planning Commission on January 14, 2020 during the regular business meeting.

#### PROCESS AND TENTATIVE TIMELINE

Zoning text amendments to Chapter 14: Development Code: These code revisions are necessary to regulate time, place and manner of adult-use cannabis establishments in Fairview Heights.

1. **January 14, 2020.** Planning Commission work session/discussion only of draft ordinance.
2. **February 11, 2020.** Planning Commission conducts public hearing; considers and makes a recommendation to City Council on text amendments.
3. **February 19, 2020.** Community Committee considers Planning Commission's recommendation.
4. **March 3, 2020.** City Council first reading of draft ordinance.
5. **March 17, 2020.** City Council second reading/adoption of text amendments.

*As a point of information, please be aware that other Municipal Code revisions are necessary to set forth the number and type of cannabis establishments in the City. These amendments will be made to Chapter 8: Business Regulations and are outside of Planning Commission's purview as they relate to law enforcement and business regulations. Consideration of Chapter 8 amendments will precede zoning text amendments.*

#### REQUEST FOR JANUARY 14, 2020

Following are proposed text amendments with staff annotations. Please review this draft prior to the January 14, 2020 Planning Commission meeting and be prepared to discuss your suggestions, concerns and seek clarification. The proposed text amendments are modeled after a draft zoning ordinance prepared by the Illinois Municipal League for adult-cannabis establishments and the City's existing Adult Uses section of Chapter 14.

## PROPOSED AMENDMENTS AND STAFF COMMENTS

### Section 14-1-11 (Rules and Definitions)

The following definitions are proposed to be added to Section 14-1-11 (Rules and Definitions). These uses are licensed under the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act. The proposed definitions are consistent with the Acts.

#### **ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:**

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

#### **ADULT-USE CANNABIS CRAFT GROWER:**

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS CULTIVATION CENTER:**

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS DISPENSING ORGANIZATION:**

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:**

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:**

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

#### **ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:**

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**Staff Comments:** It is necessary to define all of the cannabis uses described in the Acts, even if the City chooses not to allow a use. If not defined, certain cannabis uses could be interpreted as "Retail

Use” and permitted by right in any district allowing retail sales. Defining a use removes ambiguity and different administrative interpretations of the Development Code.

**Section 14-2 (General Zoning District Regulations)** It is proposed to add recreational dispensing organizations to the list of special uses in the following districts:

**SPECIAL USES IN “B-3”.**

Adult-Use Cannabis Dispensing Organization.

**SPECIAL USES IN “B-4”.**

Adult-Use Cannabis Dispensing Organization.

**SPECIAL USES IN “PB”.**

Adult-Use Cannabis Dispensing Organization.

**SPECIAL USES IN “I”.**

Adult-Use Cannabis Dispensing Organization.

**Staff Comments:** It is necessary to establish the zoning districts within which Adult-Use Cannabis Dispensing Organizations may be allowed as a special use. Please note: though listed as a special use in the above zoning districts, the general requirements and regulations specific to adult-use cannabis dispensing organizations (described elsewhere in Chapter 14) and Special Use Permit criteria must be met.

The codified purpose statement of each business district and the industrial district was reviewed to determine if an adult-use cannabis dispensing organization met the district’s intent. It was determined that cannabis business establishments may be compatible with other uses listed in the four proposed districts. Requiring a Special use Permit for this use will allow the City to review and regulate the operation of each individual business.

**Section 14-4-26 (Article IV Supplementary Land Use and Area-Bulk Regulations)** A new section is being proposed to describe criteria and regulations specific to Adult-Use Cannabis Dispensaries.

**14-4-26: ADULT-USE CANNABIS:**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City of Fairview Heights. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Special Use Permit: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 14-10-8 of this Chapter as provided herein and Chapter 8, Article XVII (Business Regulations).

A. Relevant parties. The name(s), physical address(es), and phone number(s) of the owner(s), operator(s) and agent(s) dispensary.

B. Site plan. A site plan of the dispensary, drawn to scale, showing:

1. boundaries of the facility site and parcel on which the facility will be located;

2. nature of the structure to be used for the purpose of cannabis distribution;
3. demonstration that the facility meets the conditions for an enclosed, locked facility;
4. distance from all facilities and uses requiring setbacks as described in this Article;
5. all locally required perimeter setback lines;
6. public access roads and the location of access drives into the site with respect to their creating traffic or security hazards;
7. location of all existing structures on the site with their uses identified;
8. current uses, zoning, public roads and structures adjacent to the site;
9. location of proposed video surveillance equipment;
10. proposed lighting of the premises;
11. location, height and nature of any fences or any other barriers meant to provide security for the site;
12. landscaping and buffer plan, including identification of trees to be removed;
13. parking configuration, including a circulation diagram;
14. exterior elevations, including architectural renderings with materials identified;
15. grading/erosion control measures; drainage/stormwater management plans;
16. nature and adequacy of supervision and security at the site.

C. Setbacks. Evidence demonstrating that the facility would meet all requirements of state law regarding setbacks required by the Act and other regulations of same.

D. State fees. Evidence demonstrating that all state required fees have been or can be paid.

E. Narrative statement. A narrative statement shall accompany the application and site plan. At a minimum, it shall contain the following:

1. Development schedule providing sequence for the completion of the proposed project.
2. Anticipated impact to the community and surrounding area as per 14-10-8 (A).
3. A description of the business operation, including hours of operation, number of jobs created, anticipated number of customers.
4. Other information that may be deemed appropriate by the zoning administrator.

3. Adult-Use Cannabis Special Use Permit Evaluation Components: In determining compliance with Section 14-10-8 (Special Uses) of this Title, as well as Chapter 8, Article XVII (Business Regulations) and any other pertinent code sections, the following components of the Adult-Use Cannabis establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. Compliance with all requirements provided in Chapter 8, Article XVII (Business Regulations).

4. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned for residential purposes.
3. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. Security and video surveillance.
  - (a) The Adult-Use Cannabis Dispensing Organization shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum eight feet (8') high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.
  - (b) The Adult-Use Cannabis Dispensing Organization parking area, storage areas, fully enclosed dumpster, loading area/shipping bays and the entire exterior of Facility shall be monitored by video surveillance equipment whose live images can be viewed by Facility staff, City of Fairview Heights Police Department Staff and those entities that dispatch for the Fairview Heights Police Department, and continually recorded in a tamper proof format.
  - (c) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."
  - (d) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under 21 years of age not permitted on these premises."
  - (e) The zoning administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Fairview Heights Police Chief.
  - (f) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.
  - (g) An Adult-Use Cannabis Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.
6. Exterior signage. Other than the signs as specified in this Section, all exterior signage shall comply with the provisions of Chapter 14, Article VII (Sign Regulations), further subject to the following:
  - (a) Electronic message boards and temporary signs are prohibited.
  - (b) Signs shall not include any realistic or stylized graphical representation of cannabis plant or its parts, smoke, drug paraphernalia, or cartoonish imagery oriented toward youth.
  - (c) Temporary signs or promotional banners are not permitted.

7. Noxious Odors. An Adult-Use Cannabis Dispensing Organization shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the St. Clair County Department of Public Health.

**Staff Comments:** The proposed Special Use Permit criteria meets or exceeds the Cannabis Regulation Tax Act. It is also modeled after the City's Adult-Use regulations as per 14-4-25.

#### **SUMMARY**

As described in the previous sections of the report, the proposed amendments to the Development Code are:

- To add cannabis use categories to the ordinance and define them.  
To permit cannabis dispensing organizations as a Special Use in the B-3, B-4, PB and I zoning districts.
- To establish use standards for cannabis business establishments and separation requirements from specific uses and zoning districts.
- To establish application process and evaluation criteria specific to cannabis dispensing organizations.