

TO: Mayor and City Council

FROM: Drew Rackow AICP, Planner

DATE: February 11, 2021

RE: Ordinance 21-12: Amending the Text of the Zoning Code (Cannabis Business Establishments) City of Batavia, Applicant

Committee of the Whole Update: During the Committee of the Whole review, several revisions were made through the discussion of draft Ordinance 21-12, which are reflective in the revised Ordinance 21-12, attached here. Namely, the Committee made the following recommendations:

1. Allow Recreational Cannabis Dispensaries in the LI and GI Districts as Conditional Uses without a requirement that they be on the premises with another Cannabis Business establishment such as a Craft Grower, Infuser, Processor or Cultivation Center.
2. Remove any limitation on the number of dispensaries, recognizing that the state's separation requirement of 1,500 feet would reduce the likelihood of an over-proliferation of the use in the City.
3. Revise the Locational Requirements, reducing the required separation from specific uses from 1,000 to 500 feet. Also, removing "recreation center or facility" and "game arcade to which admission is not restricted to persons 21 years of older" from the list of buffered uses in part due to the ambiguity of the language. For that reason, staff also proposes removal of former item b. "a Playground". Playground without a specific definition could be construed to include playsets at fast food restaurants, private play equipment or other items. Staff believes the intent of the Plan Commission and COW was to address playgrounds at public parks, which would be addressed already through item c (formerly item d) "public parks".
4. Remove a prohibition on drive-through or walk-up businesses, as this is already regulated by the state licensing program.
5. Set hours of operation consistent with state licensing of to allow operations between 6 AM and 10 PM
6. Remove a requirement of previous licensing, noting this would allow for state equity applicants to apply in the community.

A redlined copy of the previously distributed Ordinance 21-12 is attached to this report for reference.

Staff has also prepared a revised map depicting buffers based on these requirements for properties eligible for a Recreational Cannabis Dispensary. Overall, the changes have increased the number of potential properties where a dispensary use may locate, including in existing Light Industrial in West Town (west Main and Mallory area). The Downtown Mixed-Use District remains constrained by the buffers as currently written.

Alternatives: The City Council can approve or deny the Ordinance as presented or with direction to staff for revision, remand the issue back to the Committee or Plan Commission for further review, or take no action.

Impacts: Approving Ordinance 21-12 would allow for applicants to apply to locate Recreational Cannabis Dispensaries within the City Limits. Some nearby businesses or residents may object to the siting of such a use in proximity to their use. Others may feel there is no issue with the use, or even that the proposed requirements are too restrictive.

- **Budget Impact:** Recreational Cannabis Dispensaries, when operational, would likely have a positive impact on the budget, netting new sales tax revenues. No impacts to the budget would occur until such a business located in Batavia.

- **Staff Impact:** Staff time would be necessary to assist applicants with the conditional use approval process, like any other conditional use. Due to state licensing requirements, more time may be spent assisting potential applicants in due diligence. Additional policing may be needed for traffic control purposes during the first weeks or months of the facility opening due to the “newness” of the unique use. However, this is likely to subside as time goes on causing less impacts on policing services.

Timeline for Actions: The next license cycle has not yet been announced by the Illinois Department of Financial and Professional Regulation. A change in the Zoning Code would position the City with applicants to apply in that to be announced cycle.

Staff Recommendation: Staff recommends approval of Ordinance 21-12

Attachment: Ordinance 21-12, as revised at 2/11/21 COW
Redline of Ordinance 21-12 showing changes made at Committee
Revised Map of Allowed Locations

Cc: Mayor and City Council
Department Heads
Media