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2014R39897

STATE OF ILLINOIS

MADISON COUNTY

12/11/2014 3:49 PM

AMY M. MEYER, RECORDER

REC FEE: 31.00

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City Clerk
116 E. Market Street
Troy, Illinois 62294



3100 CTY

Ordinance No. 2014 - 17

An Ordinance Concerning Chapter 154 of the Troy Municipal Zoning Code (also known as the Troy Zoning Code) for the Purpose of Granting a Special Use of a Specific Parcel (Operation of a medical cannabis cultivation facility licensed by the Illinois Department of Agriculture under the Illinois Compassionate Use of Medical Marijuana Pilot Program Act)

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS FIFTEENTH DAY OF SEPTEMBER, 2014

WHEREAS, the City of Troy, County of Madison, State of Illinois, presently has in force the Troy Zoning Code, which is contained in Chapter 154 of the Troy Municipal Code, also known as Ordinance No. 2004-21, adopted August 2, 2004 and as amended from time to time; and

WHEREAS, HealthCentral, LLC and Bethel-Eckert Enterprises, Inc., owners, are requesting a special use permit for a specific parcel currently zoned I-1 Light Industry within the corporate limits (as more particularly described below); and

WHEREAS, notice of such petition and hearing has been given as required by law; and

WHEREAS, a hearing on such petition was held by the Planning Commission on September 11, 2014; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the standards for issuance as described in Section 154.141(E) of the City of Troy Zoning Code; and

WHEREAS, in accordance with Section 154.141(F) of the City of Troy Zoning Code, the Planning Commission has submitted their recommendation, including findings of fact, to the City Council that such petition for special use be granted with the stipulations as stated in Recommendation No. 2014-08PC; and

WHEREAS, the City Council finds that the requested special use is in the best interest of the City of Troy, Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TROY, MADISON COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: That the applicants be granted a special use permit to operate a medical cannabis cultivation facility licensed by the Illinois Department of Agriculture under the Illinois Compassionate Use of Medical Marijuana Pilot Program Act at 7638 and 7714 Commercial Drive with permanent parcel identification numbers 09-2-22-17-05-101-004 and 09-2-22-17-05-101-003 with the stipulations as stated in Recommendation No. 2014-08PC.

SECTION 2: The special use permit is not transferable to successive owners of the property; is not transferable to any other person; and is not transferable to any other property.

SECTION 3: That all other provisions of said Chapter 154 shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

SECTION 4: This Ordinance shall be effective upon its passage, signing, and publication as required by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this fifteenth day of September, 2014.

Aldermen:

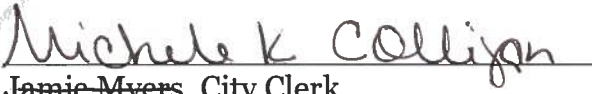
DeCarli <u>Nay</u>	Italiano <u>Absent</u>	Adomite: <u>Aye</u>
Evans <u>Aye</u>	Jackson <u>Aye</u>	<u>Total:</u>
Greenfield <u>Aye</u>	Lanahan <u>Absent</u>	<u>5</u> Ayes
Hendrickson <u>Absent</u>	Partney <u>Aye</u>	<u>1</u> Nays

APPROVED BY:

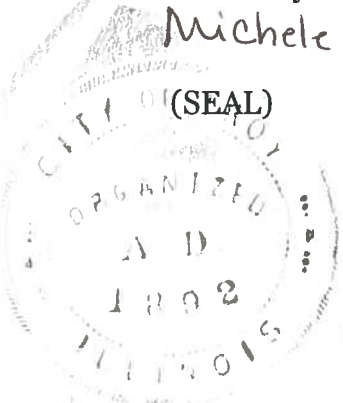


Allen P. Adomite
Mayor

ATTEST:


~~Jamie Myers~~, City Clerk
Michele K. Colligan, Deputy City Clerk

(SEAL)



RECOMMENDATION No. 2014 ~ 08PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending an Application for a Special Use Permit Requested By HealthCentral, LLC and Bethel-Eckert Enterprises, Inc. (i.e. to Operate a Medical Cannabis Cultivation Facility)

WHEREAS, the Planning Commission met on September 11, 2014, to consider an application for A Special Use Permit filed by HealthCentral, LLC and Bethel-Eckert Enterprises, Inc. A copy of the application and certification by the City Clerk regarding publication of the notice of hearing and notification to surrounding property owners are incorporated by reference; and

WHEREAS, this application applies to property commonly known as 7638 and 7714 Commercial Drive with permanent parcel number: No. 09-2-22-17-05-101-004 and 09-2-22-17-05-101-003 ; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the application; and the following citizens also testified regarding the application:

_____ ; and

WHEREAS, the Planning Commission, as per Section 8-2.4 Standards for Issuance and 8-2.5 Findings of Fact of the Zoning Ordinance of the City of Troy, Illinois, has attached as Exhibit A their findings to support this recommendation; and

WHEREAS, the Planning Commission voted as recorded below:

Burnett <u>N</u>	Hayes ^{Hale} <u>Y</u>	Lawrenz <u>N</u>	Total:
Cissell <u>N</u>	Hellrung <u>Y</u>	Nehrt <u>Y</u>	<u>6</u> Yeas
Dyer <u>Y</u>	Johnson <u>Y</u>	Turner <u>Y</u>	<u>3</u> Nays

NOW THEREFORE BE IT RECOMMENDED BY THE PLANNING COMMISSION AS FOLLOWS:

That the application for a special use permit at 7638 and 7714 Commercial Drive to operate a medical cannabis cultivation facility licensed by the Illinois Department of Agriculture under the Illinois Compassionate Use of Medical Marijuana Pilot Program Act

Is Not Recommended _____ Is Recommended X With the following stipulations: Stipulations listed in Exhibit A & that the original I-1 zoning is overlaid by the special use permit - not rezoned.

This special use permit IS ~~IS NOT~~ transferable to any other person or any other property.

Copies of this recommendation are presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 11th day of September, 2014.

By: [Signature] Chairman, Planning Commission

Attest: [Signature] Secretary, Planning Commission

FINDINGS OF FACT

As per Section 8-2.5 Finding of Fact, Recommendation, the Planning Commission shall submit such recommendation, including the reason or reasons for the recommendation, in writing to the City Council; and, The recommendation so submitted, shall be accompanied by findings of fact referring to any exhibits containing plans and specifications for the proposed special use, copies of which shall remain a part of the permanent record of the Planning Commission, and specifying the following:

As per Section 8-2.4 Standards for Issuance, the Planning Commission shall not make a recommendation to the City Council to grant any special use permit unless, in each specific case, the Planning Commission has found that:	Findings:
a) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public's health, safety, morals, comfort or general welfare;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
e) Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestions in the public streets;	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
f) Adequate measures have been taken or will be taken to protect any facilities near the proposed special use, such as a school or nursing home that may require special protection.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
g) The special use shall in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendation of the Planning Commission.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
h) The special use, as conditioned, is in keeping with the general purposes of the Zoning Ordinance and the Troy Comprehensive Plan.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

1. The extent to which the proposed special use departs from the zoning and subdivision regulations of the City;

I-1 does not permit "manufacturing" pharmaceuticals w/o a special use permit.

2. The conformance or nonconformance of the proposed special use with the Standards for Issuance section;

conforms as listed above. The only consideration is under (f) above IF the State rules against the church "doctrine" being w/in 2500' + the term "exclusive" is found

3. The relationship and the compatibility of the proposed special use to adjacent properties and neighborhoods;

The special use permit is conforming to the comprehensive plan.

to exclude the residential district w/in 2500'

4. The effect of the proposed special use on the development pattern, tax base, and economic well being of the City.

Unknown but if developed as suggested the taxes on the property will increase.

[Signature] 9/11/14 *[Signature]* 9-11-14
 Chairman, Planning Commission Date Secretary, Planning Commission Date

Exhibit A

1. If HealthCentral, LLC, is granted approval by the State of Illinois to operate its medical cannabis cultivation facility at 7714 and 7638 Commercial Drive, this Special Use Permit shall run congruently with Public Act 98-122. Pursuant to 410 ILCS 130/220, this Special Use Permit shall expire automatically, and become null and void, when the provisions of Public Act 98-122 expire. However, if at any time the State Legislature extends the pilot program, this Special Use Permit shall be similarly extended, subject to the terms and conditions of the newly extended statute.
2. If at any time Public Act 98-122 and/or the Compassionate Use of Medical Cannabis Pilot Program Act is declared to be illegal or unconstitutional by any Court of this State, any Federal Court, or any Federal decree or law, then this Special Use Permit shall automatically terminate, and shall be considered null and void. Further, this Special Use Permit confers no rights or privileges upon HealthCentral, LLC, that are greater than State or Federal law.
3. If the Compassionate Use of Medical Cannabis Pilot Program Act, or the State regulations implementing the Act, are amended at any time in the future, and those amendment(s) place additional zoning requirement(s) upon a medical cannabis cultivation center that are not in accord with this Special Use Permit, the Petitioner shall re-apply for a Special Use Permit ninety (90) days prior to such amendment(s) becoming law.
4. HealthCentral, LLC, is required to have any and all security plans reviewed and approved by the Chief of Police.
5. If HealthCentral, LLC, desires to further expand its use in the future beyond that shown in the design plans presented in connection with this special use permit, such expansion will require zoning approval.

Planning Commission Public Hearing
 Thursday, September 11, 2014

Public hearing for a special use permit to operate a medical cannabis cultivation facility at 7638 & 7714 Commercial Dr.
 Please Sign In:

	Name	Address	Phone #	For	Against
✓1	Brooke Hermann	1928 Paradise South Troy	2177254595	X	
✓2	Steve Zuber	2328 Abigail Pl St Louis MO	314-409-7283	X	
✓3	David Scott	1500 Dale dr. Troy IL	314-504-4073	X	X
✓4	David J. Janssen	329 Bass " "	618-9381		X
✓5	Quana Hendriksen	1500 Fairdale Drive Troy IL	667-1364		X
✓6	Christian Luetkenmeyer	411 Fox Creek Dr Troy IL 61829	618 779 2008		X
✓7	Terry Mabe	1400 Troy Rd Collinsville	618 667 3604		X
✓8	Christine Finkbe	221 Reinkensalpe Ct Troy IL	618, 814, 77447		X
✓9	Julia D Walling	13 Arbor Springs Troy	618-406-8715		X
✓10	Don Siebel	104 Brookfield Ct Troy	667-0129		X
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