



Post Office Box 299
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July 30, 2020

Mayor Scott J. Harl,
Peru City Clerk, and
Aldermen of the City of Peru

RE: Petition of Illinois Valley Green LLC
Property located on Terminal Road, Peru, IL (PIN: 17-18-414-000)

Gentlemen:

Pursuant to legal notice published in the News Tribune in the manner provided by law, the Planning/Zoning Commission of the City of Peru convened for a public hearing on Wednesday, July 29, 2020, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Illinois Valley Green LLC (hereinafter “Petitioner”) concerning property generally located on Terminal Road, Peru, IL, legally described as follows:

That part of the West Half of the Southeast Quarter of Section 18, in Township 33 North, Range One East of the Third Principal Meridian, in the County of LaSalle and State of Illinois, described as follows:

Commencing at a point on the South line of said West Half of the Southeast Quarter of Section 18, where the West boundary line of the right-of-way of the Wood River Oil and Refining Company intersects said South line, and running thence West on said South line 295 feet to a point; thence North on a line parallel to the half-section line of said Section 18, 295 feet to a point, running thence East on a line parallel to the South line of said Section 18, 295 feet to the West line of the right-of-way of the Wood River Oil and Refining Company, and thence South along said West line of said right-of-way to the Place of Beginning, containing two (2) acres more or less, and excepting coal and mining rights as theretofore conveyed; subject to covenants, easements and restrictions of record.

PIN: 17-18-414-000 (hereinafter “Property”).

The Petitioner prays for the following relief:

- 1.) A text amendment to Section 12.03 the City of Peru Zoning Ordinance to add a Special Use allowing for Adult-Use Dispensing Organizations in a M-2, Manufacturing District;
- 2.) Approval of a Special Use to operate an Adult-Use Cannabis Dispensing Organization on the Property;
- 3.) Approval of a Special Use to operate an Adult-Use Cannabis Cultivation Organization on the Property pursuant to Section 12.03(d)(12) of the Zoning Ordinance;
- 4.) Approval, pursuant to Section 4.19(k) of the Zoning Ordinance, of the co-location of an Adult-Use Cannabis Dispensing Organization and an Adult-Use Cannabis Cultivation Organization on the Property; and
- 5.) For such other relief as may be equitable and just.

The Property is located in an M-2 Manufacturing District.

Planning/Zoning Commission Members Miller, Grabowski, Atkinson, Lucas, Kalsto, Brady, and Moreno were present at the hearing. No members were absent. Due to COVID-19, the hearing was also streamed live on the internet.

No one appeared on behalf of the Petitioner. City Attorney Scott Schweickert stated Petitioner had informed the City earlier that day that he was unable to attend due to COVID-19 concerns. Petitioner further informed the City that he was withdrawing his request for Special Uses and the co-location of an Adult-Use Cannabis Dispensing Organization and Adult-Use Cannabis Cultivation Organization on the Property and was proceeding with only his request for a text amendment to add a Special Use for Adult-Use Cannabis Dispensing Organizations in M-2 Manufacturing Districts for purposes of marketing the Property.

Chairman Miller noted it was difficult to hold a hearing with no one to question and stated his concern that approval of Petitioner's requests may preclude other Adult-Use Cannabis Business Establishments seeking to develop property.

Attorney Schweickert stated that the City's Zoning Ordinance does impose certain distance restrictions on Adult-Use Cannabis Business Establishments. Both Adult-Use Cultivation Centers and Adult-Use Cannabis Dispensing Organizations 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. Cultivation Centers may not be located with 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes. Dispensing Organizations may not be located within 250 feet of the property line of a pre-existing property zoned or used for residential purposes, or within 1,500 feet of a pre-existing Dispensing Organization. Attorney Schweickert noted that Petitioner's request to add a Special Use for an Adult-Use Cannabis Dispensing Organization in M-2 Manufacturing District would not preclude other developments.

Member Lucas noted that several years ago, the P/Z Commission heard a petition for approval of a medical cannabis dispensary on 21st Street behind Schimmer Ford. At that time, the Chief of Police testified that it was a bad location for police purposes because it was not regularly patrolled. Member Lucas stated he had the same concerns with this Property, being located on a dead end on the west end of the City. Member Lucas added that, with future petitions concerning Adult-Use Cannabis Business Establishments, the P/Z Commission may need the police department's input regarding the proposed location of the business.

Noting that Petitioner is seeking a text amendment to market the Property and had no current plans for a business, Member Brady asked whether the P/Z Commission should even be hearing this Petition. Attorney Schweickert stated that one of the standards for variance requests provided in the Zoning Ordinance is that the purpose of the variation is not based exclusively upon a desire to make more money out of the Property. However, Attorney Schweickert noted Petitioner's request for a text amendment was distinguishable from a variance. Members Grabowski and Lucas both stated they did not approve of seeking a text amendment that would affect an entire zoning district for the purposes of marketing and increasing the value of the Property.

In response to questioning from Member Moreno, Attorney Schweickert stated that if Petitioner's text amendment request was granted, additional hearings would be necessary to obtain a Special Use.

In response to questioning from Member Grabowski, Attorney Schweickert stated the Property may be located within 1,500 feet of the property line of pre-existing property used for residential purposes on Route 6. Member Moreno stated he had driven by the Property and noticed what appeared to be apartments nearby. No one knew if there was anyone living in the apartments reference by Member Moreno.

Chairman Miller stated he initially did not object to the location of the Property for an Adult-Use Cannabis Business since it was in a remote area off the main thoroughfares, but police input as to the location might change that.

There were no objectors at the hearing or online.

Member Lucas moved, and Member Atkinson seconded, to recommend that the City Council not approve the Petition sought by Petitioner. The motion passed unanimously: 7 aye, 0 nay, and 0 Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission