



**DEPARTMENT OF COMMUNITY DEVELOPMENT
SERVICES**

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Lorrie Pearson, AICP, Community Development Services Director
Katherine Trotter, Associate Planner

DATE: April 9, 2020

SUBJECT: An Ordinance Approving a Special Use Permit (1906 Federal Drive / 2397-SU-20)

Introduction

Tamala Green, on behalf of Champaign Social Equity Growers, has requested a Special Use Permit to allow a craft grower cannabis business on the property at 1906 Federal Drive. According to Table V-I, Table of Uses in the Urbana Zoning Ordinance, a craft grower is permitted in the IN-1, Light Industrial/Office zoning district. However, craft growers require a Special Use Permit when located within 300 feet of residential zoning, according to Section V-13. Regulation of Cannabis Uses.

At its March 19, 2020, meeting, the Plan Commission held a public hearing on this case. Two members of the public spoke regarding this case. They voiced their concerns of distribution of product, increased traffic and parking, security, and hours of operation. Staff and the applicant addressed the public comments. The Plan Commission voted unanimously, with six ayes and zero nays, to recommend that City Council approve the Special Use Permit, with the condition that the proposed use generally conforms to the site plan in Exhibit C.

Background

Description of the Site and Surrounding Properties

The subject property is approximately 33,000 square feet (0.76 acres) and is zoned IN-1, Light Industrial/Office. It is located on Federal Drive, south of West Kenyon Road. All of the surrounding properties are also zoned IN-1. To the north is an office and retail building. To the east is a warehouse and a utility tower. To the south is a warehouse. To the west, across Federal Drive, is another warehouse, and to the southwest is an office that was recently approved for reuse as a church (ZBA-2019-C-06). South of the industrial district are two residentially-zoned parcels, which are less than 300 feet from the site. This triggers the Special Use Permit requirement for a craft grower. The residential parcels are currently undeveloped, but are planned for the Union Gardens development and for an affordable housing development.

The following chart identifies the current zoning and existing land uses of the site and surrounding properties (see Exhibits A and B).

Table 1: Zoning & Land Use

Direction	Zoning	Existing Land Use
Site	IN-1, Light Industrial/Office	Warehouse/Office
North	IN-1, Light Industrial/Office	Office/Retail
East	IN-1, Light Industrial/Office	Warehouse/Utility
South	IN-1, Light Industrial/Office	Warehouse
West	IN-1, Light Industrial/Office	Warehouse

Proposed Use

The proposed use at 1906 Federal Drive is a cannabis craft growing facility. The warehouse cultivation area for the craft growing facility would be approximately 16,000 square feet. The facility would be required to provide eight parking spaces as required in Table VIII-7 of the Zoning Ordinance. The business would have seven employees and operate during normal business hours. There will be no identifiable signage, and the facility’s entrance and exit would be inconspicuous. The property would also be fenced and well-lit, and would have around-the-clock security (per State law).

The proposed craft grower is not located within 1,500 feet of another craft grower or cultivation center. It is also not located within 2,500 feet of any school or park. The use requires a Special Use Permit because it is within 300 feet of a residentially-zoned lot. The residentially-zoned lots are in the R-4, Medium Density Multiple-Family Residential district and are not currently developed.

The proposed craft grower would be subject to Illinois State regulations in the Cannabis Regulation and Tax Act (410 ILCS 705). Cannabis craft growers are required to mitigate exterior odors by installing air scrubbing and/or air filtration systems, per Section V-13.B.4 of the Zoning Ordinance. Champaign Social Equity Growers would install an air purification system to process air in the cultivation area and eliminate odors. The applicant would also implement a security plan and surveillance system with biometric access, per State law. The facility would be monitored 24/7 with security guards.

Discussion

Requirements for a Special Use Permit

According to Section VII-4.A of the Urbana Zoning Ordinance, an application for a Special Use Permit shall demonstrate the following:

- 1. That the proposed use is conducive to the public convenience at that location.*

A cannabis craft grower is permitted by-right in the IN-1, Light Industrial/Office zoning district. A Special Use Permit is required for this use when it is located within 300 feet of a residential district. That location is slightly less than 300 feet from the nearest residential districts, which are

both to the south (away from prevailing winds) and are currently undeveloped. The location is also on the northwest side of town, far from other residential districts. This will help to minimize any potential odors that may not be fully suppressed by the air filters, and will bring no traffic to residential areas. The proposed use would also expand an existing building in an industrial district, which is well-served by public infrastructure.

2. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare.

The craft growing facility would be surrounded by other IN-1 zoned properties and industrial uses. While a church is planned to occupy the building across the street to the southwest, at 1807 Federal Drive, the facility will be virtually indistinguishable from any other industrial use in the area. It will have no identifiable signage, and the property will be fenced and will include inconspicuous entrances and exits. The facility will also require 24/7 security and an installed air filtration system, per State regulations. The State of Illinois and City of Urbana regulations in place ensure that the proposed craft grower will not be unreasonably injurious or detrimental to the district it is located in, or otherwise injurious to the public welfare.

3. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located, except where such regulations and standards are modified by Section VII-7.

The proposed use would preserve the essential character of the district and is consistent with the IN-1 zoning and future land use on the property. The cannabis craft growing facility would be permitted by-right in the IN-1 zoning district, if not within 300 feet of a residential district. The use fits with the surrounding warehouse and office uses in the area. The appearance and function of the building are both consistent with the other warehouses in the industrial district

Overview

The development of the subject property as a craft grower would meet the criteria for Special Use Permit approval. The proposed craft grower would be infill development in an industrial district. The craft grower would be located in an established industrial area and would conform to the essential character of the district. The proposed use is conducive to the public convenience, because it is not in direct proximity to residential uses. A Special Use Permit is necessary because the proposed craft grower is within 300 feet of an undeveloped, residentially-zoned property.

In addition to the requirements in Section VII-4.A of the Zoning Ordinance, the City Council may also recommend such additional conditions and requirements on the operation of the proposed uses as are appropriate or necessary for the public health, safety, and welfare, and to carry out the purposes of this Ordinance, including but not limited to conditions that:

1. Regulate the location, extent, and intensity of such uses;
2. Require adherence to an approved site plan;
3. Require landscaping and the screening of such use by means of fences, walls, or vegetation;
4. Stipulate a required minimum lot size, minimum yards, and maximum height of buildings and structures;

5. Regulate vehicular access and volume, and the design and location of parking and loading areas and structures;
6. Require conformance to health, safety, and sanitation requirements as necessary;
7. Regulate signs and outdoor lighting;
8. Any other conditions deemed necessary to affect the purposes of the Zoning Ordinance.

Plan Commission

On March 19, 2020, the Plan Commission discussed the requested Special Use Permit for a craft grower at 1906 Federal Drive. Two members of the public spoke at the public hearing. They voiced concerns about distribution of product, increased traffic and parking, security, and hours of operation. Staff and the applicant addressed these concerns. After hearing the public input, the Plan Commission voted unanimously, with six ayes and zero nays, to forward this case to the Urbana City Council with recommendation to APPROVE the request, with the condition that the proposed craft grower generally conforms to the site plan in Exhibit C.

Summary of Findings

1. Tamala Green, on behalf of Champaign Social Equity Growers, has requested a Special Use Permit to allow a cannabis craft growing facility on the property at 1906 Federal Drive.
2. The proposal calls for a 16,136-square-foot cannabis craft growing facility. The use of a cannabis craft grower facility is permitted in the IN-1, Light Industrial/Office zoning district; the use requires a Special Use Permit when within 300 feet of a residential district.
3. The proposed use is conducive to the public convenience at that location, because it is not in direct proximity to residential uses.
4. The proposed use is designed, located, and prepared to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious to the public welfare because it is located in an industrial district and conforms to the essential character of the district.
5. The character of the IN-1, Light Industrial/Office zoning district would be preserved with the proposed use because the use fits with the surrounding warehouse and office uses in the area; the appearance and function of the building are both consistent with the other warehouses in the industrial district.
6. At the March 19, 2020, meeting, the Urbana Plan Commission held a public hearing and voted unanimously, with six ayes and zero nays, to forward the case to the City Council with a recommendation to approve, with the condition that the proposed use generally conforms to the site plan in Exhibit C.

Options

The Urbana City Council has the following options:

1. Approve the Ordinance; or,

2. Approve the Ordinance with certain terms and conditions; or,
3. Deny the Ordinance.

Recommendation

At the March 19, 2020 meeting, the Plan Commission voted with six ayes and zero nays to forward this case to the Urbana City Council with a recommendation to APPROVE the request, with the following condition:

The use generally conforms to the site plan submitted as shown in Ordinance Attachment A.

Staff concurs.

Attachments: Exhibit A: Location and Existing Land Use Map
Exhibit B: Zoning Map
Exhibit C: Site Plan
Exhibit D: Site Photos
Exhibit E: Special Use Permit Application

cc: Champaign Social Equity Growers, Tamala Green, Owner/Applicant

ORDINANCE NO. 2020-04-020

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
(1906 Federal Drive Champaign Social Equity Growers – Plan Case 2397-SU-20)**

WHEREAS, Champaign Social Equity Growers has petitioned the City for approval of a Special Use Permit to allow a Cannabis Craft Grower use at 1906 Federal Drive in the IN-1, Light Industrial/Office Zoning District; and

WHEREAS, the proposed use is permitted in the IN-1, Light Industrial/Office Zoning District, however, the Urbana Zoning Ordinance requires a Special Use Permit for a Craft Grower when located within 300 feet of a residential zoning district; and

WHEREAS, the proposed use is conducive to the public convenience at this location as it is located not in direct proximity to residential uses, and it fits with the surrounding warehouse and office uses in the area; and

WHEREAS, the proposed use would not be unreasonably injurious or detrimental to the district in which it shall be located, because it is located in an industrial district and conforms to the essential character of the district; and

WHEREAS, the proposed use conforms to the regulations and standards of, and preserves the essential character of the IN-1, Light Industrial/Office Zoning District in which it shall be located; and

WHEREAS, after due publication, the Urbana Plan Commission held a public hearing on March 19, 2020, and voted with six (6) ayes and zero (0) nays to forward Plan Case 2397-SU-20 to the Urbana City Council with a recommendation to approve the request for a Special Use Permit, subject to the condition specified in Section 1 herein; and

WHEREAS, approval of the Special Use Permit, with the condition set forth below, is consistent with the requirements of Section VII-4 of the Urbana Zoning Ordinance, Special Use Procedures, and with the general intent of that Section of the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. A Special Use Permit is hereby approved to allow a cannabis craft grower in the IN-1, Light Industrial/Office Zoning District with the following condition:

- That the use generally conforms to the site plan submitted as shown in Ordinance Attachment A.

Legal Description:

Lot 207 in Park 74 Industrial Development Number Two, a subdivision in the City of Urbana, Champaign County, Illinois, as per plat recorded October 25, 1990 in Plat book "BB" at Page 95 as document 90R21351, situated in Champaign County, Illinois.

PIN: 91-21-06-402-005, Address: 1906 Federal Drive

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code. Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of ____, ____.

AYES:

NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this this ____ day of ____, ____.

Diane Wolfe Marlin, Mayor

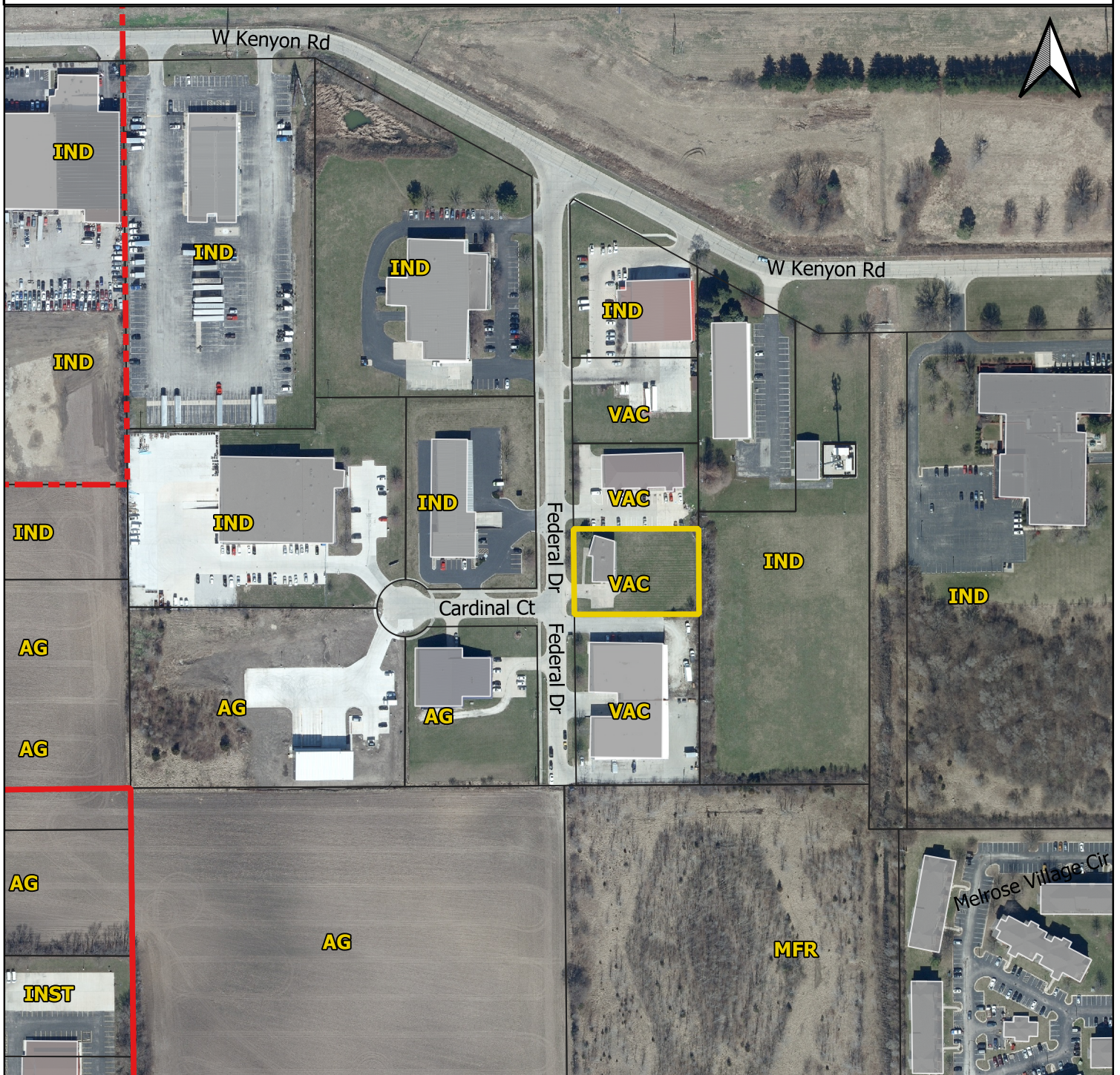
CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 2020, the City Council of the City of Urbana passed and approved Ordinance No. _____, entitled “An Ordinance Approving a Special Use Permit (1906 Federal Drive / Champaign Social Equity Growers – Plan Case 2397-SU-20)” which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, 2020, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2020.

Exhibit A - Location & Land Use Map



Case No. 2397-SU-20
Subject Cannabis Business - Craft Grower
Location 1906 Federal Dr, Urbana IL
Petitioner Champaign Social Equity Growers

Legend

 Subject Property - 1906 Federal Dr

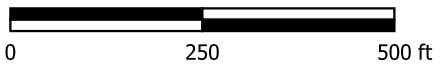
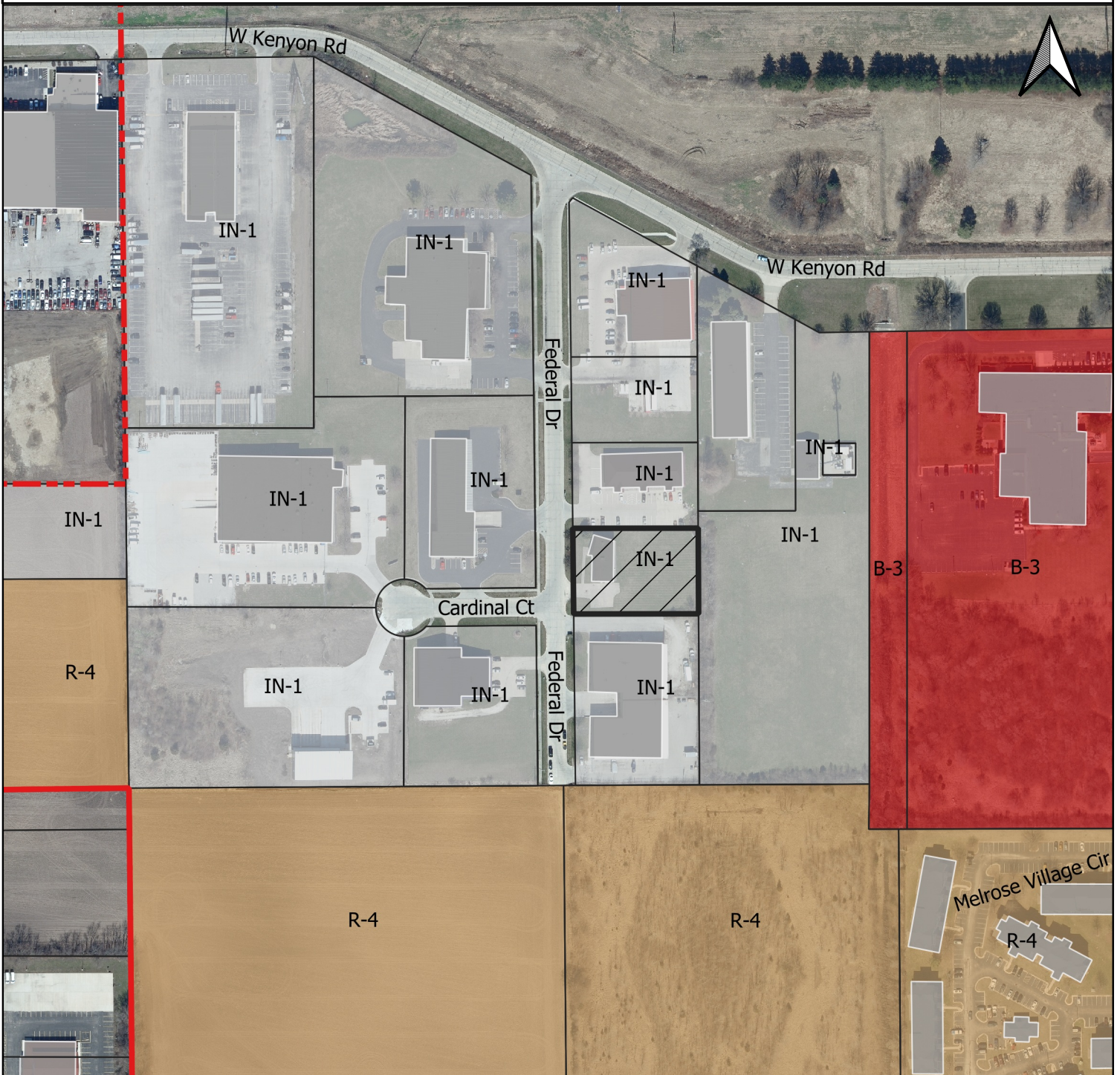


Exhibit B - Zoning Map



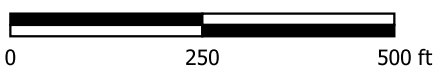
Case No. 2397-SU-20
Subject Cannabis Business - Craft Grower
Location 1906 Federal Dr, Urbana IL
Petitioner Champaign Social Equity Growers

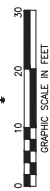
Legend

Subject Property - 1906 Federal Dr

Zoning

- B-3
- IN-1
- R-4

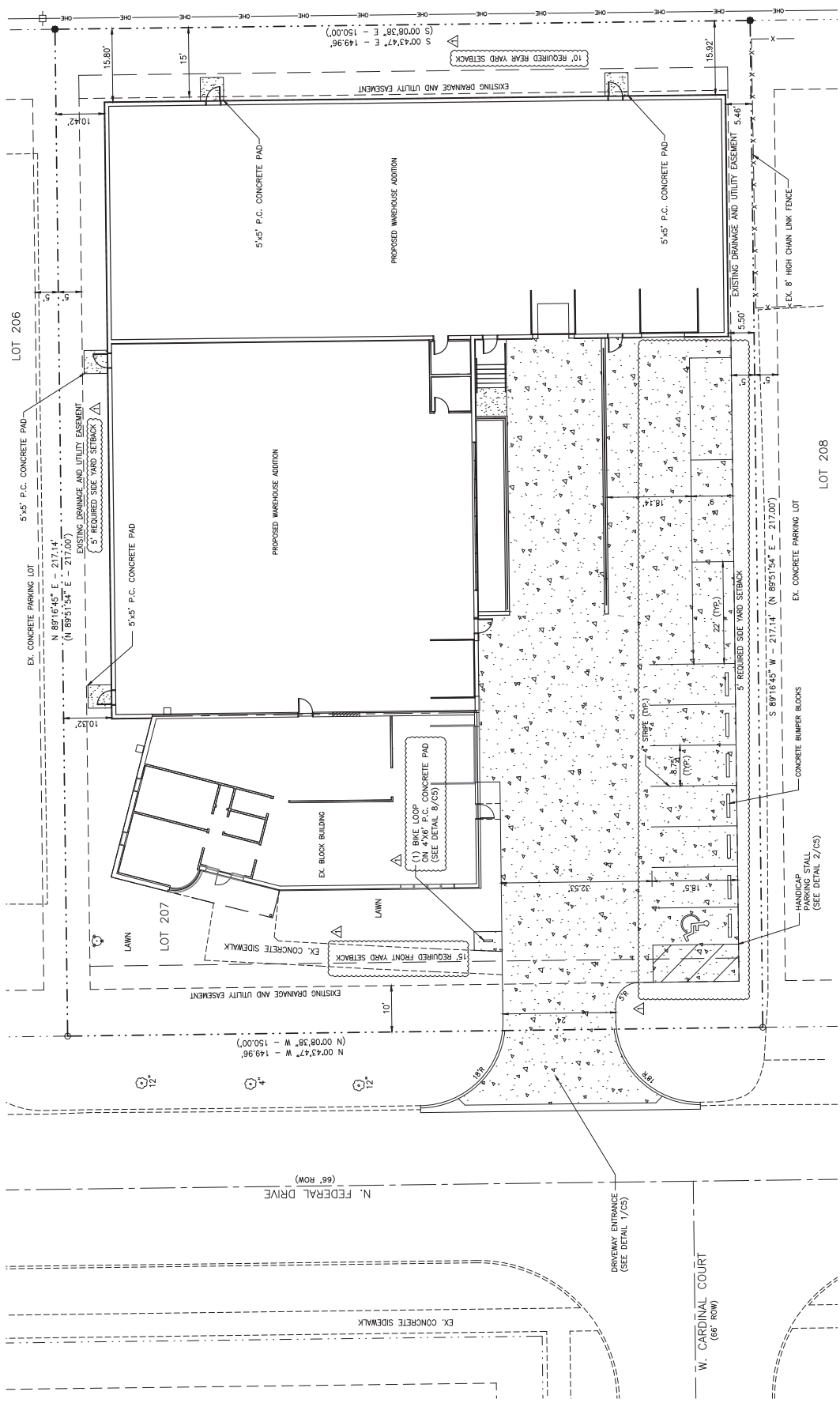




PAVEMENT LEGEND

- P.C. CONCRETE PAVEMENT, 8" THICK
- AGGREGATE BASE COURSE, TYPE A, 4" THICK
- P.C. CONCRETE SIDEWALK, 5" THICK

PARKING TABLE:	
OFFICE:	400 SF @ 1 SPACE / 300 SF = 1 SPACE
WAREHOUSE:	(2,386 SF EXISTING + 13,500 SF PROPOSED) @ 1 SPACE / 2,000 SF = 8 SPACES
TOTAL REQUIRED:	= 9 SPACES
TOTAL PROVIDED:	= 9 STANDARD SPACES AND 1 HANDICAP SPACE



SITE LAYOUT PLAN

WAREHOUSE ADDITION
1906 N. FEDERAL DR.
URBANA, ILLINOIS

B K B
ENGINEERING
301 N. NEL STREET, SUITE 400 | CHAMPAIGN, IL 61820
CELL 217.840.3546 | OFFICE 217.531.2971 | FAX 217.531.2211

NO.	DATE	DESCRIPTION
1	6/12/19	CITY REVISIONS

PROJECT: 127-1905
DESIGN BY: BKB
DRAWN BY: BKB
DATE: 5/24/19
SHEET: C2









Application for Special Use Permit

PLAN COMMISSION

The application fee must accompany the application when submitted for processing. Please refer to the City’s website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 02-18-2020 Plan Case No. 2397-SU-20
Fee Paid - Check No. Cash Amount \$200.000 Date 02-18-2020

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A SPECIAL USE PERMIT is requested in conformity with the powers vested in the Plan Commission to recommend to the City Council under Section _____ of the Urbana Zoning Ordinance to allow (*Insert proposed use*) _____ on the property described below.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): _____ Phone: _____
Address (*street/city/state/zip code*): _____
Email Address: _____

2. PROPERTY INFORMATION

Address/Location of Subject Site: _____
PIN # of Location: _____
Lot Size: _____
Current Zoning Designation: _____
Current Land Use (*vacant, residence, grocery, factory, etc*): _____
Proposed Land Use: _____
Legal Description (*If additional space is needed, please submit on separate sheet of paper*): _____

3. CONSULTANT INFORMATION

Name of Architect(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Engineers(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Professional Site Planner(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s): Phone:

Address (*street/city/state/zip code*):

Email Address:

4. REASONS FOR SPECIAL USE PERMIT

Explain how the proposed use is conducive to the public convenience at the location of the property.

Explain how the proposed use is designed, located and proposed to be operated, so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare.

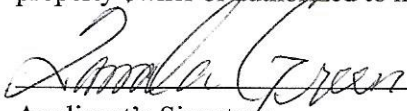
Explain how the proposed use conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

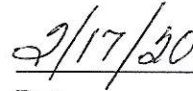
NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature


Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367