DEKALB PLANNING AND ZONING COMMISSION AGENDA
April 5, 2021
6:00 P.M.
DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, Illinois 60115

PLANNING AND ZONING COMMISSION MEETING

COVID-19 Notice: This meeting will be conducted in-person with a physically present quorum and open to the public. The corporate authorities of the City of DeKalb intend to conduct this meeting in compliance with all applicable social distancing and public health requirements. All persons attending this meeting in-person shall be required to wear protective face masks/coverings. Furthermore, the corporate authorities of the City of DeKalb intend to conduct this meeting pursuant to Illinois Governor JB Pritzker’s Executive Order 2021-4 dated February 5, 2021 (the “Executive Order”), which prohibits meetings of more than 50 people for Phase 4 mitigations, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption “to ensure the operation of government agencies or to provide for or support the health, safety and welfare of the public.”

As a convenience to the public, the City of DeKalb may also provide video, audio, telephonic or internet access for the public to monitor this meeting. The provision of any such remote means of access is not intended to provide for attendance by a means other than physical presence due to the COVID-19 public health emergency, nor is it intended to provide an opportunity for the public to address public officials, make public comment or otherwise participate in the meeting.

Persons wishing to provide public comment or otherwise address public officials in person during this meeting must comply with all applicable rules governing the conduct of this meeting including, but not limited to, the aforementioned social distancing and face covering requirements.

The City of DeKalb is providing the following conveniences for the public to monitor and participate in this meeting:

- Persons wishing to view the meeting from home or elsewhere can tune in to Channel 14 or by following the link provided here.
- Persons wishing to provide public comment but are unable to attend the meeting in person or remotely may forward their comments by clicking on the link provided here. Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure dissemination to the Planning and Zoning Commission before the meeting convenes.
- Zoom Meeting Information

  Join Zoom Meeting
  https://us02web.zoom.us/j/83242285783?pwd=dE83cFltYmMwbzg5WGEyaGxsN1IBZz09

  Meeting ID: 832 4228 5783
  Passcode: 586193
  One tap mobile
  +13126266799,,83242285783#,,,*586193# US (Chicago)

  Dial by your location:
  +1 312 626 6799 US (Chicago)
  Passcode: 586193
For those participating via Zoom and wishing to comment during the public hearing portion of the meeting, please click on the link provided here and add in the Comment Section that you wish to address the Commission verbally. Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure your name is added to the list of remote speakers.

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES
   1. March 1, 2021

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

E. NEW BUSINESS
   1. Public Hearing – A petition by NuMed Partners LLC for approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway.

F. REPORTS

G. ADJOURNMENT
The Planning and Zoning Commission held a meeting on March 1, 2021, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Chair Maxwell called the meeting to order at 6:00 PM.

Chair Maxwell stated he wanted to thank everyone for being here tonight. He mentioned for those attending, the meeting room has been set up to meet the CDC recommended distancing guidelines and the Executive Order from the Governor.

A. ROLL CALL

Principal Planner Dan Olson called the roll. Planning and Zoning Commission members present were: Ron Klein, Trixy O’Flaherty, Jerry Wright, Bill McMahon, and Chair Max Maxwell. Steve Becker attended the meeting remotely by video conference. Maria Pena-Graham was absent. Principal Planner Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the March 1, 2021 agenda as presented. Mr. Klein motioned to approve the agenda as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. February 16, 2021 – Chair Maxwell requested a motion to approve the February 16, 2021 minutes as presented. Mr. Wright motioned to approve the minutes as presented. Ms. O’Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None

E. NEW BUSINESS

1. Public Hearing – A petition by USCOC of Central Illinois LLC for approval of a special use permit for existing antennas and associated equipment on top of a 16-story building located at 507 E. Taylor Street to allow for an upgrade of communication equipment (US Cellular).
Shawn Kellis (attending remotely), representing USCOC of Central Illinois, advised the proposed equipment will be located on top of 507 E. Taylor Street. He stated the property has several antennas already located on the roof from various carriers including U.S. Cellular. He noted the proposal is for an upgrade to existing equipment.

Mr. Kellis advised their scope of work includes replacing and adding three antennas, adding three junction boxes, adding twelve remote radio units, replacing and adding one outdoor cabinet, and wrapping antennas in a reflective material. He stated these changes will have minimal to no visual impact on the park or surrounding area. He mentioned they will be using both reflective and stealth material to decrease any visual impact of the antennas and equipment. He advised the stealth material will have a brick design to allow for the lower portions of the equipment to blend into the building.

Mr. Kellis stated the antennas are eight feet tall and will only extend four feet above the penthouse. He added there will be no lighting added to the equipment, as the Federal Aviation Administration (FAA) does not require it. He advised the proposed equipment will not add any noise pollution, as there are no generators or noise producing equipment. He stated the upgraded equipment will not be detrimental to the surrounding area and will improve communication capabilities.

Principal Planner Dan Olson went through the staff report dated February 25, 2021. He advised in March 2017, the City Council approved a special use permit to US Cellular in order to upgrade existing antenna equipment. He noted the Unified Development Ordinance (UDO) requires construction or operation of a special use to commence within two years. He stated the work wasn’t completed within that timeframe, so U.S. Cellular had to re-apply for the special use permit.

Mr. Olson stated T-Mobile received a comparable special use permit in 2018 for the same location, in which they were required to add reflective material to the equipment to minimize visual impacts. He added City staff suggested this type of material be added the equipment proposed by U.S. Cellular, to which the applicant was very receptive. Mr. Olson advised the special use application is in compliance with the standards for antenna facilities and special use permits as outlined in the UDO.

Mr. Olson noted a citizen response form was received from the building owner of the subject site, representing the Housing Authority of DeKalb County, expressing their support of the special use.
Mr. Olson advised staff recommends approval of the special use permit contingent upon approval of the submitted drawings labeled Exhibit A, addition of concealment film and brick veneer wrap, and submittal of the necessary application and plans to the City in compliance with applicable building codes and regulations.

Chair Maxwell gave the public an opportunity to speak. There was none.

Chair Maxwell gave Commission members an opportunity to speak.

Mr. Klein questioned if any of the upgraded or additional equipment will extend past what is currently existing and if any additional lighting will be required. Mr. Kellis advised the equipment will not extend past the existing equipment and will be approximately the same height. He noted the FAA does not require any additional lighting to be added in conjunction with this project and stated their equipment is not the tallest point of the building. Chair Maxwell advised he believes there is already lighting on the building.

Mr. Klein questioned if there will be any additional weight added from the upgrades and if a structural analysis has been done. Mr. Kellis advised a structural analysis has been completed and the structure will support the additional weight. Mr. Olson added the Building Department will verify this information along with their building permit plans.

Mr. Wright asked what benefits will come from the upgrade of cellular equipment. Mr. Kellis responded the radios will be placed closer to the antennas, shortening the latency between the equipment. He added this will increase the data rate and speeds for customers.

Mr. Wright moved the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for existing antenna and associated equipment on top of a 16-story building at 507 E. Taylor St. to allow for an upgrade of communication equipment subject to the following:

1. The antennas and equipment upgrades shall comply with the drawings dated 2-12-21 indicated on Exhibit A.

2. Panel antennas to be wrapped with 3M concealment film and 3M brick veneer wrap to match existing building. Exposed framing members on proposed gamma sector mount to be wrapped with 3M concealment film.
3. The applicant is required to submit the necessary application and plans to the City in compliance with applicable Building Codes and the regulations of Article 7.08 of the UDO (Wireless Communications Ordinance).

Mr. McMahon seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Ms. O’Flaherty – Yes, Mr. Becker – Yes, Mr. Wright - Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Ms. Pena-Graham was absent. Motion Passed 6-0-1.

2. Public Hearing – A petition by the City of DeKalb to allow two-family or multi-family attached dwellings not meeting the minimum lot area requirements as a special use in the "TFR" and "MFR-1" Districts and to remove the allowance for multi-family dwellings not meeting the building height requirements to apply for a special use in the "MFR-2" District.

Principal Planner Dan Olson went over the staff report dated February 25, 2020. He advised the City is the applicant for this text amendment proposal to allow two-family and multi-family attached dwellings not meeting the minimum lot area requirements as a special use in the “TFR” Two-Family Residential District and “MFR1” Multi-Family Residential District. He added the proposal also includes an amendment to the “MFR2” Multi-Family Residential District to remove the allowance for a multi-family dwelling not meeting the building height requirements to apply for a special use permit.

Mr. Olson said there are references in the UDO regarding two-family and multi-family attached dwellings not meeting the minimum lot area requirements, however, the article references sections that aren’t related. He noted staff believes the intention was to allow two-family and multi-family attached dwellings not meeting the minimum lot area requirements the ability to apply for a special use. He stated the proposed text amendments will clarify these code sections.

Mr. Olson noted the minimum lot area requirement for two-family attached dwellings is 7,000 sq. ft. and 3,500 sq. ft. per dwelling unit for multi-family attached dwellings. He mentioned there have been a few cases recently that were unable to meet the minimum requirements, and the amendments would allow the property owners to apply for a special use permit. He added several older properties in town are unable to meet the minimum lot area requirements and this would give property owners the opportunity to seek approval through the Planning and Zoning Commission and City Council. He mentioned a variance can be requested currently for a lot not meeting the minimum area requirements, however, it can only be requested for not less than 80% of the required area. Mr. Olson added the proposed amendments will allow
Mr. Olson advised properties in the MFR2 District can already apply for a special use if they don’t meet the minimum lot area requirements. He noted the current language in the MFR2 District allowing a special use permit if the property does not meet height requirements will be removed. He added a variance can be applied for if a structure will exceed the maximum building height requirement.

Chair Maxwell gave the public an opportunity to speak. There was none.

Chair Maxwell gave the Commission an opportunity to speak.

Ms. O’Flaherty advised she knows several property owners in town that would be positively affected by the proposed amendments. She stated there are several two-family homes on North 9th Street that might not meet the minimum lot area requirements and this amendment will allow property owners and realtors more opportunity to rehabilitate homes.

Mr. Klein advised he knew several properties in the past that would have greatly benefited from these changes.

Mr. Becker questioned if staff knew an approximate number of properties that would be affected by these changes. Mr. Olson advised no official count was taken; however, he would guess less than 100.

Chair Maxwell advised he approves of the changes and how it allows property owners to invest and improve their properties. He stated, however, he does not want these changes to allow properties to have an excessive number of dwelling units on smaller lots. Mr. Olson advised it will be controlled by parking requirements and the special use permit must be approved by the Commission and City Council.

Ms. O’Flaherty moved the Planning and Zoning Commission recommend to the City Council approval of Text Amendments to the Unified Development Ordinance as indicated in Exhibit A of the staff report.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Ms. O’Flaherty – Yes, Mr. Becker – Yes, Mr. Wright - Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Ms. Pena-Graham was absent. Motion Passed 6-0-1.
F. REPORTS

Mr. Olson advised there are no hearings scheduled for March 15, 2021, so the meeting will most likely be cancelled. He added during the last City Council meeting on February 22, 2021, the Cheseboro School amended site plan and rezoning of the property off E. Gurler Road was approved. He also mentioned the special use permit for the Nehring Electrical Works parking lot off E. Locust Street was approved on second reading.

Chair Maxwell advised Mr. Klein will be stepping down from the Planning and Zoning Commission and this will be his last meeting. He thanked Mr. Klein for his dedication and time on the Commission.

G. ADJOURNMENT

Mr. Klein motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:38 PM.
TO:  DeKalb Planning and Zoning Commission

FROM:  Dan Olson, Principal Planner

RE:  Approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway (NuMed Partners, LLC)

I. GENERAL INFORMATION

A. Purpose:  To extend the time limit to July 1, 2022 to obtain a state issued cannabis dispensary license

B. Location/Size:  818 W. Lincoln Highway/Tenant space – 6,600 sq. ft./Total site - 2.1 acres

C. Petitioner:  NuMed Partners, LLC

D. Existing Zoning:  “LC” Light Commercial District

E. Existing Land Use:  Vacant tenant space

F. Surrounding Zoning and Land Use:  North:  “LC” & “GC”; Various commercial uses; apartments
   South:  “SFR2”; RR and open space
   East:  “LC” and “PD-C”; Restaurant and DeKalb Police Station
   West:  “LC” and “GC”; Commercial and apartments

G. Comprehensive Plan Designation:  Commercial
II. BACKGROUND AND ANALYSIS

On April 27, 2020, the City approved Ordinance 2020-029 which granted a special use permit for an adult use and medical cannabis dispensary at 818 W. Lincoln Highway (Junction Shopping Center) for NuMed Partners. The Ordinance required the applicant obtain a state issued license within 1-year after approval of the Ordinance. Due to COVID-19 restrictions the review process was delayed for dispensary licenses. The process has been reactivated and NuMed recently submitted a petition requesting the time period for obtaining the State license be extended to July 1, 2022.

The Commission will recall that NuMed Partners, LLC is an Illinois based pharmaceutical grade cannabis producer and retailer and currently operates three medical and adult use cannabis dispensaries in Illinois (Chicago, East Peoria and Urbana). The subject location at 818 W. Lincoln Highway is a 6,600 sq. ft. tenant space in The Junction Shopping Center. The space is in the corner of the shopping center building and was the former location of Book World. NuMed has continued to pay rent on the space since their initial interest in the location. The proposed operation will have a high level of security meeting all State requirements and industry standards. The proposed location will also have related retail operations including selling logo apparel, devises and merchandise.

With the approval in 2020, the Ordinance contained a condition requiring the applicant obtain a state-issued adult-use and medical cannabis dispensary license for the subject tenant space within one year of approval of the special use permit. In addition, the applicant had to complete the build-out and tenant improvements within six months after issuance of the state-issued cannabis dispensary license (and prior to opening of the facility). Finally, the Ordinance required the applicant comply with the restrictions of Article 7.18 of the Unified Development Ordinance for “Cannabis Business Establishments” and have an approved security plan with the Police Department prior to a final certificate of occupancy. We are recommending these conditions be included with the amendment along with the time restriction extended to July 1, 2022.

III. PUBLIC INPUT

The City received a Citizen Response Form from the owner of the subject property, Richard Finn, indicating support for the request. A copy of the Form is provided in the Commission’s back up material.

IV. RECOMMENDATION

Sample Motion:

Based on the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway in the tenant space as shown on Exhibit A and subject to the conditions listed in Exhibit B.
Exhibit B

1) The applicant shall obtain a state-issued medical and adult use cannabis dispensary license for the subject site by July 1, 2022.

2) The applicant shall complete all required build-out and tenant improvements within six months after issuance of the state-issued medical and adult use cannabis dispensary license (and prior to opening of the facility).

3) The applicant shall comply with the restrictions of Article 7.18 of the Unified Development Ordinance for “Cannabis Business Establishments” and have an approved security plan with the Police Department prior to a final certificate of occupancy.
SPECIAL USE PERMIT PETITION

TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): NuMed Partners LLC  Phone: 3129271905
Petitioner's Representative: Robert Fitzsimmons  Email: rfitzsimmons@numed.com
Mailing Address: 975 E 22nd St. Suite 200, Wheaton, IL 60189

Property Owner: Richard Finn  Phone: 815 761 0830
Mailing Address: 818 W Lincoln Hwy., DeKalb IL 60115

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:
Pin: 08-22-152-010 (See Attached full legal description)

B. Street Address or Common Location: 818 W. Lincoln Highway, DeKalb, IL 60115
C. Size of Property (square feet or acres): 6,600 sq ft
D. Existing Zoning: LC Light Commercial District
E. Proposed Special Use: Amend Ordinance 2020-029 to extend until 07/01/2022 to allow state licensing
F. Proposed Use and Description: On a separate document, describe the proposed use’s characteristics. Also, indicate whether or not the proposed use would: a) Prevent development and use of neighboring property; b) impact adjacent existing and future land uses; c) impact adjacent property values; d) impact the general public’s health, safety, and welfare; and e) be in conformance with all elements of the “UDO,” Unified Development Ordinance
2. The petitioner hereby submits the following information:

- Vicinity map of the area proposed for the special use
- Petition fee ($500.00)
- 3 full size copies and an electronic copy on a disk of a site plan, which must show the following items (per the requirements of Article 14.03.03 of the UDO):
  - Property dimensions
  - Location and use of proposed structures
  - Number and location of parking spaces and loading area
  - Location and type of landscaping (including existing trees 6" in diameter or greater and existing tree masses
  - Location, type, and height of fencing or walls
  - Location and width of driveways and curb cuts; internal traffic patterns
  - Floor area (square footage)
  - Location of exterior lighting
  - Location, type, and height of signage
  - Direction of storm water flow, location of detention area

(Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans must eventually conform to other City standards prior to the issuance of any building permits or other permits.)

3. The petitioner hereby states that a pre-application conference ☑ was ☐ was not held with City staff prior to the submittal of this petition.

*Date of pre-application conference: 02/18/2020
Those in attendance: Mayor Smith, Dan Olson, Bill Nicklas, Jim Hughes, Robert Fitzsimmons

(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the above information and affirms that it is true and correct.

Petitioner Signature: [Signature]
Date: 02/26/2021

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Special Use Permit petition as described above (petitioner must sign if they are the owner).

Property Owner Signature: [Signature]
Date: 02/27/2021

Updated: 9/2019
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Monday, April 5, 2021 at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by NuMed Partners, LLC for approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway. The subject property has a Parcel Identification Number (PIN) of 08-22-152-010 and is zoned “LC” Light Commercial District.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Monday, April 5, 2021, by e-mail to dan.olson@cityofdekalb.com or the Online Public Comment Submission Form at https://www.cityofdekalb.com/FormCenter. Further information regarding the petition is available from the Community Development Department at (815) 748-2070 or on the City of DeKalb’s web page at https://www.cityofdekalb.com/1103/Public-Hearings.

Max Maxwell, Chair

DeKalb Planning and Zoning Commission
818 W. Lincoln Highway - Amendment to Special Use Permit
Citizen Response Form

Owners Name: Richard Finn - Trust H 506

Property Address: 858 W. Lincoln Hwy

Basic Input:

☒ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:
CERTIFICATION

I, RUTH A. SCOTT, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

ORDINANCE 2020-029

APPROVING A SPECIAL USE PERMIT TO ALLOW A CANNABIS BUSINESS ESTABLISHMENT FOR AN ADULT USE AND MEDICAL CANNABIS DISPENSARY TO BE LOCATED AT 818 WEST LINCOLN HIGHWAY, DEKALB, ILLINOIS (NUMED PARTNERS, LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 27th day of April 2020.

WITNESS my hand and the official seal of said City this 28th day of April 2020.

RUTH A. SCOTT, Executive Assistant

Prepared by and return to:

City of DeKalb
City Manager’s Office
Attention: Ruth A. Scott
200 S. Fourth Street
DeKalb, Illinois 60115
ORDINANCE 2020-029

APPROVING A SPECIAL USE PERMIT TO ALLOW A CANNABIS BUSINESS ESTABLISHMENT FOR AN ADULT USE AND MEDICAL CANNABIS DISPENSARY TO BE LOCATED AT 818 WEST LINCOLN HIGHWAY, DEKALB, ILLINOIS (NUMED PARTNERS, LLC).

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, NuMed Partners LLC (herein referred to as “Petitioner”), has petitioned the City for approval of a special use permit to allow a cannabis business establishment - adult use and medical cannabis dispensary to be located at 818 W. Lincoln Highway (herein referred to as “Subject Property”),

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission on April 22, 2020; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the City’s Planning and Zoning Commission for the special use permit for the Subject Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

WHEREAS, the City Council has reviewed and adopts the following findings of fact of the Planning and Zoning Commission of the City of DeKalb, finds that the proposed special use permit is in conformance with the applicable factors contained therein, and finds that approval of the special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare;

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05 (2) OF THE UNIFIED DEVELOPMENT ORDINANCE

1. The proposed special use complies with all provisions of the applicable district regulations.

The proposed “Cannabis Business Establishment” will comply with all regulations of the “LC” Light Commercial District and Article 7.18 of the Unified Development Ordinance (the “UDO”). The 2005 Comprehensive Plan recommends the subject site for commercial uses. The proposed cannabis dispensary will be locating in a multi-tenant building along a highly visible roadway and compatible with adjacent uses. In addition, the cannabis dispensary will have adequate parking and provide a security plan meeting the requirements of the UDO and the Police Department.
2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.

The proposed special use will not have a detrimental effect on adjacent properties or land uses. The site has been zoned commercial for decades. The subject site is in proximity to a variety of other commercial uses including restaurants, and other retail and service uses. The nearest residential property to the proposed special use is approximately 350 feet to the west of the tenant space. One of the conditions with the special use permit is an approved security plan with the Police Department prior to a final certificate of occupancy.

3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The granting of the special use will not dominate the immediate area and will not prevent development on the neighboring properties. The surrounding area is already fully developed with a variety of commercial and retail uses and some residential properties. The proposed cannabis business will operate in a manner that is not detrimental to the surrounding neighborhood.

4. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Adequate public services and utilities are already provided to the subject tenant space. A full alarm and security system including lighting and surveillance cameras will be added to the facility. The parking lot serving the proposed special use has 170 parking spaces and 167 parking spaces are required per the Unified Development Ordinance. The previous use of a bookstore has the same parking demand as the proposed cannabis dispensary.

5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The proposed adult use and medical
cannabis dispensary will take up a vacant commercial tenant space along W. Lincoln Highway and will be an economic benefit to the corridor and City. As extensively documented by academic research on the subject, cannabis dispensaries pose no threat to the public health, safety, morals, or general welfare of a community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

SECTION 1: The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

SECTION 2: This Ordinance is limited and restricted to the Subject Property described as follows:

THE WEST 10 FEET OF LOT 8 AND ALL OF LOTS 9 AND 10, IN BLOCK 4 IN NORMAL PARK ADDITION TO THE CITY OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK “D” OF PLATS, PAGE 20, (EXCEPTING THEREFROM THE NORTHERLY 8 FEET OF THE WEST 10 FEET OF SAID LOT 8 AND THE NORTHERLY 8 FEET OF SAID LOTS 9 AND 10, AS CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION BY DEED RECORDED JUNE 26TH, 1975 AS DOCUMENT NO. 387038) SITUATED IN DEKALB COUNTY, ILLINOIS, COMMONLY KNOWN AS STORE NUMBERS 1-10 INCLUSIVE IN THE JUNCTION SHOPPING CENTER.

The property is commonly known as 818 West Lincoln Highway, Suite 7, DeKalb, Illinois 60115, and has a Parcel Identification Number (“PIN”) of 08-22-152-010.

SECTION 3: The City's corporate authorities grant a special use permit for the Subject Property for a cannabis business establishment for an adult use and medical cannabis dispensary in the tenant space as shown on the site plan dated March 5, 2020 and attached as Exhibit A, subject to the following conditions:

1. The applicant shall obtain a state-issued medical and adult use cannabis dispensary license for the subject site within one year of approval of this ordinance.

2. The applicant shall complete all required build-out and tenant improvements within six months after issuance of the state-issued medical and adult use cannabis dispensary license (and prior to opening of the facility).

3. The applicant shall comply with the restrictions of Article 7.18 of the Unified Development Ordinance for “Cannabis Business Establishments” and have an approved security plan with the Police Department prior to a final certificate of occupancy.

SECTION 4: All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.
SECTION 5: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 6: That all provisions of the UDO shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or Executive Assistant shall record a copy of this Ordinance after execution of this Ordinance.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27th day of April 2020 and approved by me as Mayor on the same day. Passed on First Reading by a 7-1 roll call vote. Aye: Morris, Finucane, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Smith. Second Reading waived by a 7-1 roll call vote. Aye: Morris, Finucane, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Smith.

ATTEST:

RUTH A. SCOTT
Executive Assistant

JERRY SMITH, Mayor