

APPROVING A SPECIAL USE PERMIT FOR A CANNABIS BUSINESS ESTABLISHMENT (CANNABIS DISPENSARY) AT 305 E. LOCUST ST. (CANNDID SPIRIT TOO, LLC).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and 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, CNRA Real Estate, LLC (the "Property Owner"), as the owner of the property located at 305 E. Locust Street, DeKalb, Illinois and legally described in the attached and incorporated Exhibit B (the "Property"), and Canndid Spirit Too, LLC (the "Tenant"), as the contingent-contract lessee of the site on the Property depicted in the Site Plan dated 1-09-23 attached and incorporated Exhibit A, who are together referred to as "Petitioner", petitioned the City to approve a special use permit for a cannabis business establishment (cannabis dispensary) on the Property; and

WHEREAS, on February 6, 2023, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on Petitioners' application for a special use permit and recommended the approval of Petitioners' application; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving a special use permit for the Property is in the public interest for the protection of the public health, safety and welfare, and specifically find that the proposed special use permit conforms with the applicable factors contained therein as follows:

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

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

The proposed special use will comply with all regulations of the "CBD" Central Business District and Article 7.18 "Cannabis Business Establishment" of the UDO. Adequate parking is provided in the area and Petitioners will provide a security plan meeting the requirements of 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 the adjacent properties or land uses. The site has been zoned "CBD" Central Business District for decades. The subject site is in proximity to a variety of other commercial uses including business offices, restaurants, and other retail and service uses. 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. In addition, the proposed use meets the recommendations of the City's 2022 Comprehensive Plan.

- 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. Much of the area is already developed with a variety of commercial uses. With the recommended conditions, 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 are already provided to the subject site. A total of four parking spaces are proposed on-site and approximately 340 public or semi-public spaces are provided in a one block area from the property. The previous use of a credit union has a parking demand that will be similar to the proposed cannabis dispensary. A full alarm and security system including lighting and surveillance cameras will be added to the facility.

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 uses in the "CBD" District. The proposed special use will be in compliance with the 2022 Comprehensive Plan, UDO, and Municipal Code. Adequate parking is provided on-site, along the adjacent streets and in nearby public parking lots. The proposed cannabis dispensary will take up a vacant commercial building in the downtown area and will be an economic benefit to the 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:

SECTION 1: The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities grant Petitioners' application for a special use permit and approve a special use permit for a cannabis business establishment (cannabis dispensary) on the site of the Property depicted in Exhibit A, subject to the following conditions: (1) Tenant shall obtain a State-issued cannabis dispensary license for the subject site within one (1) year of the approval of this Ordinance; and (2) Petitioners shall comply with applicable laws, regulations, ordinances, and provisions of the City's Municipal Code pertaining to the regulation and taxation of a cannabis dispensary in the City including, but not limited to, providing a security plan that is approved by the City's Police Department before the issuance of a final certificate of occupancy pursuant to Article 7.18 of the UDO and collecting and remitting the City's cannabis retailers' occupation tax pursuant to Chapter 13 of the City's Municipal Code..

SECTION 3: The City Manager and the City Manager's designee are authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

SECTION 4: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent

with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of February 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.



COHEN BARNES, Mayor

ATTEST.

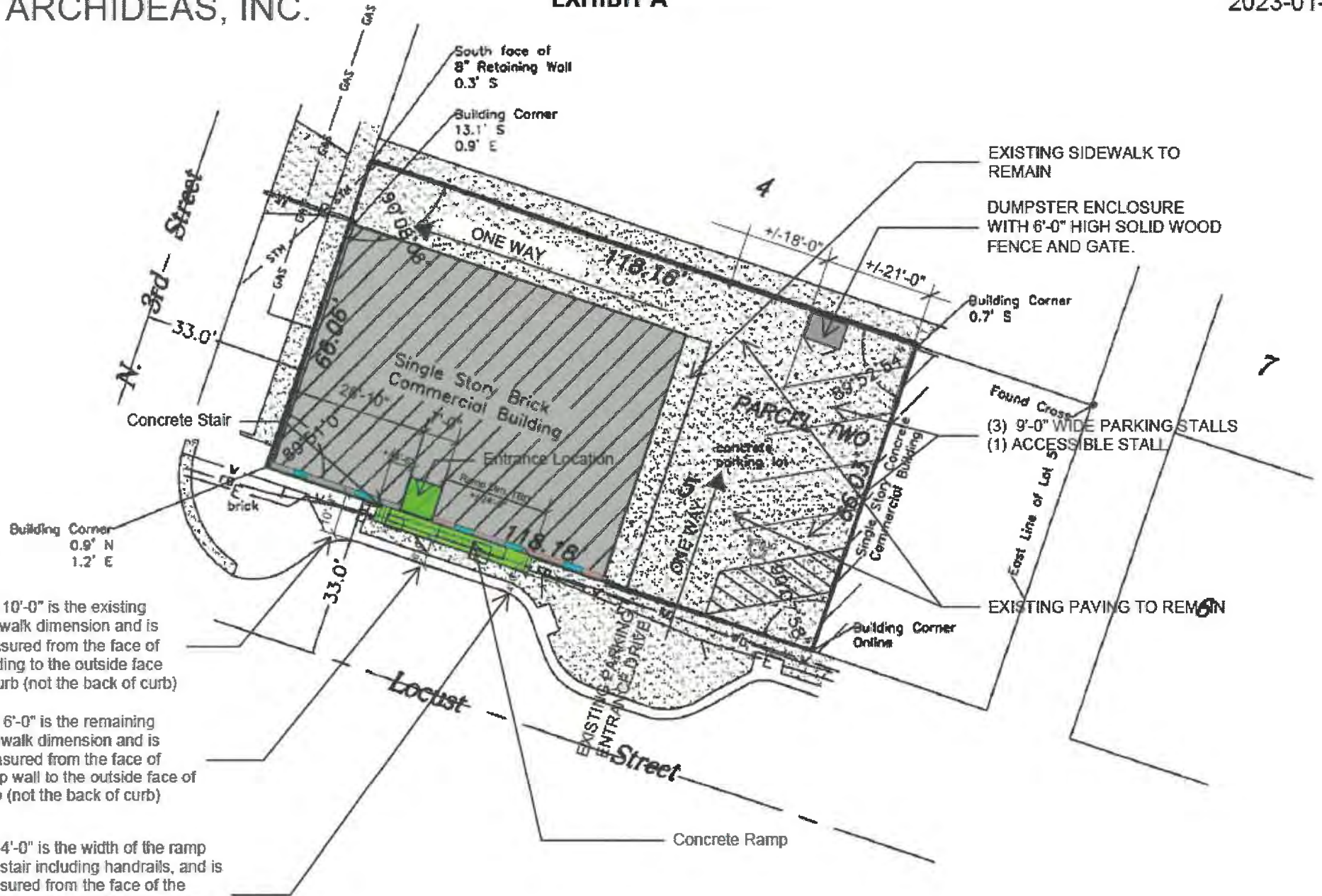
Ruth A. Scott, Executive Assistant

MJ ORGANICS - DISPENSARY - SITE PLAN

ARCHIDEAS, INC.

EXHIBIT A

2023-01-09



The 10'-0" is the existing sidewalk dimension and is measured from the face of building to the outside face of curb (not the back of curb)

The 6'-0" is the remaining sidewalk dimension and is measured from the face of ramp wall to the outside face of curb (not the back of curb)

The 4'-0" is the width of the ramp and stair including handrails, and is measured from the face of the building to the outside face of the ramp wall.

EXHIBIT B
(Legal Description of the Property)

The Property is legally described as follows:

PARCEL 1:

THE WEST 1/2 OF LOT 5 IN BLOCK 13 OF THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1853, IN BOOK "A" OF PLATS, PAGE 8-1/4 IN DEKALB COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 40 FEET OF THE EAST 1/2 OF LOT 5 IN BLOCK 13 IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1853, IN BOOK "A" OF PLATS, PAGE 8-1/4, IN DEKALB COUNTY, ILLINOIS.

Common Address: 305 E. Locust St., DeKalb, IL 60115
Parcel Identification Number ("PIN"): 08-23-157-017



2023001355

TASHA SIMS
RECORDER - DEKALB COUNTY, IL

RECORDED: 3/1/2023 01:54 PM
REC FEE: 75.00

STATE OF ILLINOIS)
COUNTY OF DEKALB) SS
CITY OF DEKALB)

PAGES: 6

POOR ORIGINAL OR CONTAINS COLORED INK
RECORDER NOT RESPONSIBLE
FOR REPRODUCTION

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 2023-010

APPROVING A SPECIAL USE PERMIT FOR A CANNABIS BUSINESS ESTABLISHMENT (CANNABIS DISPENSARY) AT 305 E. LOCUST STREET, DEKALB, ILLINOIS (CANNDID SPIRIT TOO, LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 13th day of February 2023.

WITNESS my hand and the official seal of said City this 1st day of March 2023.

RUTH A. SCOTT, Executive Assistant/Recording Secretary



Prepared by and Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115