

RECREATIONAL CANNABIS SALE / NUMED PARTNERS LLC

July 23, 2020

Project Number

2020-0163

Applicant

NuMed Partners LLC

Subject Property Location

4S120 N. IL Route 59, Naperville IL 60563

Property Owners

Rockbuild Enterprises Inc.

Zoning

B-4 Motorist Service District

Existing Land Use

Vacant former bank building

Comprehensive Plan

Commercial

Approvals Sought

Special Use Permit for an Adult Use Cannabis Dispensary

Subject Property

Area: 36,970 SF

Submitted Documents

Exhibit A



LOCATION MAP

PROJECT DESCRIPTION

The Applicant is requesting approval of a Special Use Permit per Table 3A of Zoning Ordinance 1018 to operate an Adult Use Cannabis Dispensary on the property zoned B-4 Motorist Service district and commonly known as 4S120 N. IL Route 59, Naperville IL 60563 (the Subject Property). The Subject Property is located within City of Warrenville corporate boundaries.

The public hearing legal notice for this project was published in the Daily Herald newspaper on July 8, 2020. **It is important to note that a public hearing for this request will be held at the July 23, 2020, Plan Commission/Zoning Board of Appeals meeting. This staff report does not currently reflect any public input that may be received at the scheduled public hearing, and therefore should be reviewed with this fact in mind. Any additional information concerning the application that may be provided at the public hearing will be reviewed and considered by City staff before a detailed staff recommendation can be formulated for this approval request.**

BACKGROUND

The existing 4,969-square foot vacant bank building with four drive-thru lanes, 22 parking spaces and associated landscaping, lighting, and stormwater management improvements was constructed in 2003, in accordance with the plans and documents approved by the City by Ordinance #2084. Prior to the bank development, the property was developed with a BP/Amoco gas station.

In 2017 the vacant bank property was proposed for redevelopment with a gas station and a Dunkin' Donuts restaurant with drive-thru facility. Ordinance #O2017-57 granted approval of special use permits to operate a gas station and a drive-thru facility for a Dunkin' Donuts restaurant in September of 2017. The redevelopment plans were not implemented and the special use permit approvals have since expired.

The Subject Property is accessed off of Route 59 and Ferry Road; both access points are limited to right-in/right-out drives due to the medians constructed within both right-of-ways.

On January 23, 2020, the Plan Commission conducted a Courtesy Review of the Applicant's concept proposal and expressed general support for the potential special use. A copy of the minutes from the January 23, 2020, Plan Commission meeting are attached as Exhibit B.

The Plan Commission and staff offered the following input at the January 23, 2020, Courtesy Review:

1. Land Use. Staff and the Plan Commission were not opposed to the recreational cannabis dispensary at the proposed location. The Subject Property is zoned B-4 Motorist Service District and is located along arterial streets. Recreational cannabis dispensaries are permitted in the B-4 zoning district with a Special Use Permit approval. The Subject Property is outside of location restrictions outlined in the Zoning Ordinance (see attached Exhibit C with buffer zones).
2. Parking. The Applicant shall provide information confirming compliance with the parking requirements of the Zoning Ordinance. Six parking spaces are required for every 1,000 square feet of the Adult Use Cannabis Dispensary's floor area.
3. Lighting. The Applicant would need to demonstrate that all exterior lighting on the property complies with the City's illumination performance standards outlined in Section 9 of the Zoning Ordinance. An updated electrical and photometric plan confirming compliance with the applicable illumination performance standards shall be submitted for City review and approval.
4. Interior Lighting, Security and Video Surveillance, and Inventory Control. The interior lighting, security and video surveillance, and inventory control of each Adult Use Cannabis Dispensary shall comply with all requirements of applicable State laws and regulations, including the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act. The Applicant shall provide documentation confirming compliance with this requirement.

5. Hours of Operation. The proposed operation would have to comply with the Adult Use Cannabis Dispensary requirements of the Zoning Ordinance, which limit such operation to 9:00 am - 9:00 pm.
6. Security and Crowd Control. The Applicant shall prepare and coordinate their security and crowd control plan with the Warrenville Police Department.
7. Landscaping. The Applicant would need to restore/replant and maintain the existing landscaping on the Subject Property in accordance with the previously approved Landscape Plan. If alternative landscaping is proposed, the Applicant shall submit a revised Landscape Plan for City review and approval.
8. Stormwater Management. The existing stormwater management-related improvements and related vegetation on the Subject Property shall be repaired/restored and maintained in accordance with the approved engineering plans.

ANALYSIS

The documents listed on Exhibit A of this staff report have been submitted to the Community Development Department, distributed to the Plan Commission/Zoning Board of Appeals with the July 23, 2020, agenda packets, and are the basis for the review comments contained in this report. Copies of any or all of the submitted documents are available upon request at the Community Development Department and may be viewed on the City's website at <https://www.warrenville.il.us/772/Numed>.

Per Table 3A of the Zoning Ordinance, an Adult Use Cannabis Dispensary requires a special permit approval in the B-4 Motorist Service District.

The Applicant is proposing to operate a recreational cannabis dispensary business on the Subject Property. As proposed, the building would be remodeled to accommodate a recreational cannabis dispensary, sales of logo apparel, devices, merchandise, and items for hosting educational and social events.

The Applicant is proposing removal of the existing four drive-thru lanes in order to add seven new parking spaces on the west side of the building for a total of 29 parking spaces (including two handicapped spaces) on the Subject Property. The total number of parking spaces exceeds the minimum required number of parking by seven spaces.

A three-foot wide sidewalk is also proposed from the southern entrance of the building to access the proposed parking spaces west of the building. Wall signage is proposed on the east and south building elevations. Further details regarding signage have not been provided. The trash enclosure would remain at its current location in the northwest corner of the site.

In recommending or granting approval or conditional approval of a Special Use, the City Council and Plan Commission shall prepare written findings of fact that on the basis of the characteristics cited under Review of Special Uses herein -- or changes to such characteristics that conditions to which the approval is made subject require -- the proposed use will be compatible with existing uses in the area, and with Permitted Uses in the zoning district, in the following ways:

1. Traffic

Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

2. Environmental Nuisance

Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of Permitted Uses in the zoning district, have been appropriately controlled.

3. Neighborhood Character

The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with Permitted Uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character already existing in the area or normally associated with Permitted Uses in the district.

4. Public Services and Facilities

The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of Permitted Uses in the district, nor generate disproportionate demand for new services or facilities as compared with the Permitted Uses, in such a way as to place undue burdens upon existing development in the area.

5. Public Safety and Health

The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use, nor of the general public in the vicinity.

6. Other Factors

The proposed use is in harmony with any other elements of compatibility pertinent in the judgment of the Commission or Council to the particular Special Use or its particular location.

CONCLUSION

Once the initial Public Hearing for this project has been conducted, Community Development Department staff will prepare detailed staff review findings and recommendation on this application for consideration by the Plan Commission at its August 20, 2020, meeting.

Staff recommends the public hearing for this project be continued until the August 20, 2020, Plan Commission/Zoning Board of Appeals meeting.

ATTACHMENTS

Exhibit A: Submitted Documents

Exhibit B: January 23, 2020, PC/ZBA Minutes

Exhibit C: Buffer Zone Map

EXHIBIT A

Submitted Documents

1. General Application, 3 pages, prepared by Robert Fitzsimmons, dated 4-15-20
2. Special Use Permit Application, 4 pages, prepared by Robert Fitzsimmons, dated 4-15-20
3. Warranty Deed, 3 pages, prepared by Michael Lacy, dated 9-20-17, recorded 10-5-17
4. Alta Commitment for Title Insurance, 10 pages, prepared by Chicago Title Insurance Company, effective 9-1-17
5. Authorization Letter, 2 pages, prepared by Mohammad Khan, dated 1-14-20
6. NuMed Dispensaries Table of Ownership and Control, 4 pages, prepared by NuMed, submitted 4-17-20
7. Floor Plan, 3 pages, prepared by OKW Architects, dated 4-17-20
8. Elevations, 1 page, prepared by OKW Architects, dated 4-17-20
9. Fire Truck Access Route, 1 sheet, prepared by RWG Engineering, LLC, dated 4-13-20
10. Site Plan, 1 sheet, prepared by RWG Engineering, LLC, dated 4-13-20
11. Boundary and Topographic Survey, 1 sheet, prepared by Gentile and Associates, Inc., dated 4-7-20
12. Dispensary Security Plan, 51 pages, prepared by NuMed, submitted 4-17-20
13. Customer Flow Standard Operating Procedures, 3 pages, prepared by NuMed, submitted 4-17-20
14. Floor Space Plan, 3 pages, prepared by NuMed, submitted 4-17-20
15. Restricted Access Plan, 2 pages, prepared by NuMed, submitted 4-17-20
16. ADA Plan, 2 pages, prepared by NuMed, submitted 4-17-20
17. Signage Schedule, 1 page, prepared by NuMed, submitted 4-17-20
18. Security Device and Plan, 2 pages, prepared by NuMed, submitted 4-17-20
19. Special Use Application Overview, 6 pages, prepared by Robert Fitzsimmons, submitted 4-17-20
20. Letter to Plan Commission, 4 pages, prepared by Robert Fitzsimmons, dated 3-30-20
21. Traffic Study, 47 pages, prepared by KLOA, Inc., dated 4-17-20
22. Landscape Plan, 1 sheet, prepared by Schoppe Design Associates, Inc., dated 4-20-20

EXHIBIT B

**January 23, 2020, PC/ZBA Minutes
COURTESY REVIEW**

1. 4S120 N. Route 59 / Next Generation Development, LLC

Located at the northwest corner of Route 59 and Ferry Road

Potential request for approval of a special use permit for Adult Use Cannabis Dispensary in the B-4 Motorist Service zoning district that would allow operation of a recreational cannabis dispensary in an existing 4,770-square foot single-story building formerly occupied by a bank.

Co-applicant Jim Hughes, Jr. of Next Generation Development, LLC addressed the Commission regarding a proposal to operate a recreational cannabis dispensary at the subject property. He introduced co-applicant Bob Fitzsimmons, CEO with NuMed Chicago LLC, and Laura Jaramillo Bernal. Mr. Hughes confirmed a meeting took place last week with the Warrenville Police Chief, who purportedly was comfortable with the proposal.

Mr. Fitzsimmons stated NuMed currently operates three medical dispensaries in Illinois (Chicago, Urbana, and East Peoria), and has submitted 25 applications for new locations.

As a former bank, Warrenville's site is ideal because it offers eight established points of sale, which would be expanded to 12-15 fairly easily for optimum customer flow. The former bank building offers high security and a vault. Mr. Fitzsimmons stated that for the time being, because Illinois does not allow drive thru dispensaries, the drive thru would be repurposed for delivery, additional parking, or both.

All new State licenses will allow combined medical and recreational sales. Medical customers would be serviced before recreational users. To date, there have been over 100,000 medical cards issued in Illinois.

In Illinois, because customers are not allowed to touch, feel or smell products in stores, cannabis is sealed in display cases. Prices are not regulated.

To alleviate congestion, NuMed adopted a program wherein customers are registered offsite because of the one to two-hour wait period to get signed in. Customers are then texted to remind them to return within a window of time to the dispensary to be served. NuMed utilizes Leafly and DataOwl online services to familiarize its customers with their products and pre-order in advance, which then typically results in a three-minute transaction at the dispensary. Education rooms are used primarily for medical cannabis sales.

Consultant Bernal shared information on multiple channels of communication, including via its website, online services, Facebook, and Instagram profiles. They also offer an optional newsletter and text alerts.

NuMed offered to purchase the Route 59 location; however, the landlord declined. Typically, a 20-year lease is involved, that is broken down to ten years, with two four- or five-year options.

To achieve a smooth approval process, Com. Miller urged the applicant to have conversations with staff about parking and the flow of traffic on site. Mr. Fitzsimmons replied that because the site itself is constrained, off-site parking is being considered. Com. Cosgrove cautioned that the owner of neighboring 4M Plaza was not amenable to a shared entrance when a former applicant considered redeveloping the site with a gas station/Dunkin Donuts. Mr. Fitzsimmons replied he would be willing to pay them for use of

the parking lot, which in turn would benefit the strip mall businesses because of heightened visibility. No parking variances would be requested due to the six spaces per 1,000-square foot building area.

As to timeline, it is unclear whether Warrenville would be selected to be a secondary site or one of 35 new sites to be determined on May 1, 2020. If the Warrenville site is selected to receive a license on May 1st, the opening would likely take place at the onset of the fourth quarter, after a 60- to 90-day construction period. There will be 75 new licenses issued throughout Illinois on May 5th, 47 of which will be in the Chicago area.

The Commission generally expressed reasonable support for the proposed location of the new business. Ch. Davis strongly suggested working with the Police Department to formulate a plan for security and potential traffic issues before returning for a formal application. He added that the landscaping and existing stormwater management improvements would also require considerable attention.

Buffer Zone Map

