

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
February 6, 2023

The Planning and Zoning Commission held a meeting on February 6, 2023, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St. DeKalb, Illinois. Vice Chair Bill McMahon called the meeting to order at 6:02 PM.

A. ROLL CALL

Recording Secretary Stephanie Turner called the roll. Planning and Zoning Commission members present were: Trixy O’Flaherty, Shannon Stoker, Jerry Wright, and Vice Chair McMahon. Steve Becker, Maria Pena-Graham, and Max Maxwell were absent. Planning Director Dan Olson, City Manager Bill Nicklas, and City Engineer Zac Gill were also present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair McMahon requested a motion to approve the February 6, 2023, agenda as presented. Mr. Wright motioned to approve the agenda as presented. Ms. Stoker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. December 19, 2022 – Vice Chair McMahon requested a motion to approve the December 19, 2022, minutes as presented. Ms. O’Flaherty motioned to approve the minutes as presented. Mr. Wright 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 Canndid Spirit Too, LLC represented by Crystal Anderson for approval of a special use permit for a cannabis business establishment (cannabis dispensary) at 305 E. Locust Street.

Nakia McAdoo, founding partner of Canndid Spirit LLC, introduced another founding partner, Crystal Anderson, Marty McDonald from their construction team, and Ed Brania from their security team (SMG). She expressed their appreciation to hopefully make DeKalb home to Excelleaf Dispensary. Ms. McAdoo spoke on Canndid Spirit’s background which started with three nurses, with over 60 years collective experience, and a veteran partner who focuses on providing trusted cannabis products. She continued by stating one of their goals is to remove the stigmas attached to cannabis and to promote the full legalization of this plant medicine.

Ms. McAdoo explained they were awarded a dispensary license in 2020 in the Northwest Illinois Region and saw the growth occurring in DeKalb with no dispensary within a 35-mile radius. She went on to inform the Commission of the plans for the building including adding an ADA ramp to the front entrance along E. Locust St. She stated the hours of operation would start out being 9:00 a.m. to 9:00 p.m. and anyone under the age of 21 would not be employed or allowed on the premises.

Nakia McAdoo noted they will have an online platform to complete orders that could be picked up in store to alleviate crowding and lines outside of the store. She added Excelleaf will maintain a discreet storefront and signage will follow state and local regulations.

Planning Director Olson covered the Staff Report dated February 2, 2023, and mentioned the site is zoned Central Business District which requires a special use permit for cannabis dispensaries. Mr. Olson explained there was a change in regions for State licenses being issued and the applicant was granted a license for the area (Region #14 – Northwest Illinois Nonmetropolitan), which DeKalb County is located in. He went on to explain Canndid Spirit Too, LLC has a craft grower license and an adult use transporter license through the State.

Mr. Olson continued stating the UDO setback standards for dispensaries are 250 feet from nursery schools, public/private schools, daycare centers, and NIU academic buildings and dormitories. He added the subject site complies with the setback standards in the UDO. He noted the building was a credit union in the past and it has been vacant for about a year and a half. Mr. Olson showed the site plan and added there will be three parking spaces with an additional handicap space east of the building and there are approximately 340 public/semi-public parking spaces within a four-block area.

Planning Director Olson touched on the ADA ramp adding that four feet of the 10-foot public right-of-way along E. Locust St. will be used for the ramp, leaving six feet available for the public walk. He added the applicant will likely apply for an AIP grant to help fund the construction of the ADA ramp. Mr. Olson noted a security plan approved by the Police Department is one of the conditions for this permit along with no onsite consumption of cannabis. He stressed this proposal follows the regulations of the UDO and Comprehensive Plan, would provide additional revenue for the City, and meets the health needs of the community.

Mr. Olson said there were no public comments received and the City approves the request for a special use permit.

Vice Chair McMahon asked if there were any comments from the public.

DeWayne Brown of 520 Prospect Street said he spoke at a City Council meeting in 2016 recommending approval of a medical cannabis dispensary along Peace Road. He mentioned they never opened due to not receiving a license from the State. He continued with many other dispensaries attempting to open with no luck. Mr. Brown exclaimed his strong approval for this proposal stating DeKalb has needed a dispensary for years.

Vice Chair McMahon asked if there were any questions or comments from the Commission members.

Shannon Stoker asked about the location and if there would be conflicts with Corn Fest and asked if the applicant objected to the parking lot to the north being closed during the festival. Planning Director Olson stated the applicants were made aware of the location of Corn Fest. Nakia McAdoo and Crystal Anderson stated they were made aware of Corn Fest and there was no objection.

Jerry Wright asked if the projected revenue could be provided at this time. Ms. McAdoo does not have projected City figures with her but added the State of Illinois made \$1.5 billion last year with \$144 million in the month of December alone.

Mr. Wright inquired on the number of employees they plan to hire. Ms. McAdoo answered 10 full-time and 10 part-time employees not including security.

Mr. Wright wanted more information on the future retail space in the building. Nakia McAdoo explained this area will be designated to sell merchandise related to cannabis products and clothing. It may also be used as an education and event space.

Bill McMahon stressed he has a few concerns with the proposed location and touched on the 250-foot setback in the UDO from schools, daycare centers, etc. He said the City is not following the spirit of the law regarding the setback requirements. He noted a dance school called Just For Kix is located just north of the subject site whose clientele is preschool and grade school children. Mr. McMahon added the Monat Building is a State University building staffed by graduate students and has classes. He also mentioned Debutantes is a cosmetology school along N. 3rd St. near the proposed location as well. Mr. McMahon voiced one last concern of property values in the surrounding area being negatively affected if this is approved.

Planning Director Olson told the Commission the intent of the setback regulations for academic halls was meant for buildings on campus that routinely conducted classes. Mr. Olson spoke on the security measures at dispensaries, noting it will be a discreet facility, and it will not devalue surrounding properties.

City Manager Nicklas added this proposed location will be a secure environment to legally purchased cannabis and probably more secure than liquor establishments in the surrounding area. Mr. Nicklas believes a cannabis dispensary will add value to surrounding properties.

Nakia McAdoo respects concerns and assured it will be a well-run, discreet business and these dispensaries have shown to add value to surrounding buildings in other areas.

Jerry Wright questioned how this business will promote themselves. Nakia McAdoo responded there are strict regulations on advertising a cannabis business. She noted most is done by word of mouth, the internet, and social media.

Bill McMahon asked if employees had to be certified to work at a dispensary. Ms. McAdoo explained the State mandates the quantity that can be sold to an individual

and the product must leave the store in a sealed package. Crystal Anderson spoke on all employees being certified and they have to go through an 8-hour training course annually.

Ms. O'Flaherty moved that based on the submitted petition, testimony presented and findings of fact, the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a special use permit for a cannabis business establishment (cannabis dispensary) at 305 E. Locust St. as shown on the Site Plan dated 1-09-23 labeled as Exhibit A and subject to the following:

1. There shall be no onsite consumption of cannabis in tenant space as shown on Exhibit A without an amendment to the special use permit.
2. 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.

Ms. Stoker seconded the motion.

A roll call vote was taken. Ms. O'Flaherty – Yes, Ms. Stoker- Yes, Mr. Wright- Yes, Vice Chair McMahon – No. Steve Becker, Maria Pena-Graham, and Max Maxwell were absent. Motion passed 3-1-3.

2. **Public Hearing**– A petition by the City of DeKalb for text amendments to Chapter 23 "Unified Development Ordinance (UDO)" of the Municipal Code to amend Article 12 "Off-Street Parking, Loading and Storage Requirements" of the UDO regarding design, landscaping, parking setback, and locational requirements, minimum parking space requirements, and other miscellaneous amendments.

Planning Director Olson covered the Staff Report dated February 2, 2023, and discussed this was a comprehensive amendment to the parking regulations and involves several miscellaneous amendments also. He added none of the amendments will make the regulations stricter and will allow flexibility to the standards.

Mr. Olson started with the language allowing alternate surfaces for mainly storage areas in industrial sites where accessibility to the public is not allowed. He stated currently these areas must be fully paved and the proposed amendment permits alternate surfaces approved by the City Engineer. He added there are a few conditions including the site must be in the General Commercial, Light or Heavy Industrial Districts only. In addition, the area cannot be accessible to the public, be within 50 feet of a residential zoned area, and be in the front of the building.

Mr. Olson moved to the second amendment involving the location of parking facilities for residential uses if required parking is not available onsite. He explained if there is an agreement with an adjacent landowner, parking can be accommodated within 300 feet of the property. Sorority, fraternity, and rooming houses would be added as a part of the amendment. He continued with proposed amendments for parking setbacks, curbing, and driveways abutting alleyways.

Planning Director Olson mentioned the current landscaping standards require shrubbery and berming along a parking lot fronting a street. He said providing both in a 10-foot setback area can be very difficult. Mr. Olson said the proposed amendment would require one or the other, not both. He added the amendments allow for flexibility for landscaping on a site-by-site basis.

Mr. Olson discussed the proposed amendment allowing the sharing of parking up to 25% if operating at different times. He went on to describe the amendments for the parking requirements based on use. Mr. Olson added the intent was to make sure the number of spaces required actually met the parking demand of the use. He stated restaurants, multi-family housing, and Greek Housing were the main areas addressed.

Zac Gill addressed the Commission and said this was more of a philosophical exercise from an engineering standpoint. He explained the City is trying to avoid all or nothing scenarios in relation to hard surfaced outdoor storage areas that take away from investment and improvements to a site.

Vice Chair McMahan asked if there were any comments from the public in which there were none.

Vice Chair McMahan asked if there were any questions or comments from the Commission members.

Trixy O'Flaherty liked the addition of flexibility for City staff and added it makes sense, is business friendly, efficient and prevents people from having to jump through hoops.

Ms. Stoker moved that based upon the submitted petition and testimony presented, the Planning and Zoning Commission recommend to the City Council approval of text amendments to the Unified Development Ordinance regarding the parking regulations as indicated in Exhibit A of the staff report.

Mr. Wright seconded the motion.

A roll call vote was taken. Ms. O'Flaherty – Yes, Ms. Stoker- Yes, Mr. Wright- Yes, Vice Chair McMahan – Yes. Steve Becker, Maria Pena-Graham, and Max Maxwell absent. Motion passed 4-0-3.

F. REPORTS

Planning Director Olson announced the next scheduled meeting is set for Tuesday, February 21st with one hearing scheduled so far. The hearing is for 1104-1106 Lewis St. where the owner of a duplex is looking to split the lot and a special use permit is required. Mr. Olson discussed the amendments to Chapter 21 of the Municipal Code regarding the Planning and Zoning Commission that were handed out. Mr. Olson said the City Council approved the special use permit in January for a retail tobacco store at 901 Lucinda Ave.

G. ADJOURNMENT

Mr. Wright motioned to adjourn, Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:59 PM.

Minutes prepared by: Stephanie Turner Approved: February 21, 2023