

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
April 5, 2021

The Planning and Zoning Commission held a meeting on April 5, 2021, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Vice Chair Bill McMahon called the meeting to order at 6:00 PM.

A. ROLL CALL

Principal Planner Dan Olson called the roll. Planning and Zoning Commission members present were: Trixy O'Flaherty, Jerry Wright, Steve Becker, Maria Pena-Graham, and Vice Chair Bill McMahon. Chair Max Maxwell was absent. Principal Planner Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair McMahon requested a motion to approve the April 5, 2021 agenda as presented. Ms. O'Flaherty 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. March 1, 2021 – Vice Chair McMahon requested a motion to approve the March 1, 2021 minutes as presented. Mr. Becker 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 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.

Jim Hughes, representing NuMed Partners LLC, advised they are looking for an extension to their special use permit. He stated they are still waiting on the

State of Illinois to issue their cannabis dispensary license. He added they are working with the landlord and are very excited in the DeKalb location.

Principal Planner Dan Olson went through the staff report dated April 1, 2021. He advised on April 27, 2020, the City approved an ordinance which granted a special use permit for an adult use and medical cannabis dispensary at 818 W. Lincoln Highway. He stated one of the conditions to the ordinance was for the applicant to obtain a state issued license within 1-year after approval, which they were unable to do. He added this petition, if approved, would extend the time to obtain state approval to July 1, 2022.

Mr. Olson noted NuMed Partners LLC operates other dispensaries including locations in Chicago, East Peoria, and Urbana. He mentioned the applicant has been paying rent for the subject site since their initial interest in the location. He said it will be located in the old Book World location, which is approximately 6,600 sq. ft. Mr. Olson added the proposed operation will meet all State requirements for security and safety.

Mr. Olson clarified this petition is solely for the extension to obtain a state issued cannabis dispensary license. He stated the conditions required for the initial approval have not changed, and include completing the build-out and tenant improvements within 6 months of issuance of the state license, complying with Article 7.18 of the Unified Development Ordinance for "Cannabis Business Establishments, and having an approved security plan with the Police Department prior to a final certificate of occupancy.

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

Vice Chair McMahon gave Commission members an opportunity to speak.

Mr. Wright questioned when the State might issue their license. Mr. Robert Fitzsimmons (participating via Zoom), representing NuMed Partners LLC, advised a bill is currently being reviewed by the State Legislature, which will release up to 150 cannabis dispensary licenses. He believes it will be approved by Memorial Day.

Mr. McMahon questioned if they are unable to get a license for DeKalb, where would they relocate? Mr. Hughes advised they have prospective locations in Aurora, but DeKalb is where they want to be.

Mr. Becker inquired if the State license is issued based on location. Mr. Hughes advised they must propose a location to the State, in which case they will conduct an inspection to ensure the location is compliance with their regulations. Mr. Becker stated he was very impressed with NuMed's presentation last year. He said he was unsure whether he was going to support

the proposal at that time, but their presentation was very thorough and convinced him otherwise.

Ms. O'Flaherty clarified NuMed Partners has been unable to open, due to no fault of their own. She stated it appears they have completed and satisfied everything on their end and are only waiting on the State to issue their license.

Vice Chair McMahon advised he has seen an empty store front for the last year that has not produced jobs or revenue and is unsure if DeKalb is the right place for their proposal. Mr. Hughes advised they are adamant about opening their business at this location and have been working with the property owner, as well as paying rent for the space. He advised their intentions is to get this location opened as soon as possible and they are doing everything in their power to do so.

Ms. O'Flaherty moved the Planning and Zoning Commission forward its findings of fact and 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.

Mr. Becker seconded the motion.

A roll call vote was taken. Ms. O'Flaherty – Yes, Mr. Becker – Yes, Mr. Wright - Yes, Ms. Pena-Graham – Yes, Vice Chair McMahon – No. Chair Maxwell was absent. Motion Passed 4-1-1.

F. REPORTS

Mr. Olson advised the Commission meeting on April 19 has one scheduled hearing, with the City of DeKalb as the petitioner. He stated the petition is an amendment to the UDO regarding barbed fire fencing. He added the City is proposing to allow certain uses to have barbed wire fencing in the front yard. He stated there is also an amendment allowing barbed wire fencing to be angled inwards or outwards from the property.

Mr. Olson stated he anticipates a new Commission member will be appointed within the next few meetings. He advised Mayor Smith has a candidate in mind but due to the upcoming election, he wanted to the new Mayor to review the person and provide input.

G. ADJOURNMENT

Mr. Wright motioned to adjourn, Ms. Pena-Graham seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:15 PM.