

PLAN COMMISSION

INTER-DEPARTMENTAL REVIEW COMMITTEE REPORT

Zen Leaf – 783 E. Butterfield Road

July 20, 2020

Title

PC 20-18

Petitioner

Zen Leaf/Verano Holdings
415 N Dearborn St 4th Floor
Chicago IL 60654

Property Owner

777 Butterfield LLC
418 Clinton Place
River Forest IL 60305

Property Location

783 E. Butterfield Road
PIN: 06-29-201-007
Trustee District #3

Zoning

B3

Existing Land Use

Retail Center

Comprehensive Plan

Community Commercial

Approval Sought

Approval of a conditional use

Prepared By

Jennifer Ganser, AICP
Assistant Director



Location Map

PROJECT DESCRIPTION

The petitioner proposes a cannabis dispensary at a retail space at 783 E. Butterfield Road. Per a 2019 text amendment, cannabis dispensaries are a conditional use in the B3 Zoning District. Cannabis would be sold at the location, in compliance with Illinois law. Cannabis would not be grown on the premises. The operator, Verano Holdings/Zen Leaf has existing locations in St. Charles and Effingham. A future location in Aurora is undergoing interior build-out and a potential location in Prospect Heights is under zoning review. They also have locations throughout the country.

APPROVAL(S) REQUIRED

The petitioner requests a zoning conditional use pursuant to Section 155.415(C)(31) of the Lombard Village Code to allow for “Cannabis dispensing facility operated in strict compliance with State law applicable thereto” on the subject property located within the B3 Community Shopping District.

EXISTING CONDITIONS

The subject property is vacant retail space and was formerly Anthony’s Coal Fired Pizza restaurant.

PROJECT STATS

Lot & Bulk

Parcel Size 1.08 acres

Tenant Space 3,200 square feet

Submittals

1. Petition for Public Hearing;
2. Binder with the following documents: presentation, response to standards, executive summary, qualifying statement, plat of survey and draft interior floor plan; and
3. Public Comments.

INTER-DEPARTMENTAL REVIEW

Building Division:

The Building Division has no comments. Should the petition be approved, additional comments may be forthcoming during permit review of the tenant space.

Fire Department:

The Fire Department has no comments. Should the petition be approved, additional comments may be forthcoming during permit review of the tenant space.

Public Works/Private Engineering Services:

The Department of Public Works/Private Engineering Services has no comments. Should the petition be approved, additional comments may be forthcoming during permit review.

Planning Services Division:

In 2019, the Plan Commission and Village Board reviewed cannabis as a text amendment to the zoning ordinance. In October 2019, the Village Board approved dispensaries in multiple zoning districts. They concurred with the Plan Commission’s recommendation of dispensaries as a conditional use in the B3 District. Therefore, this petition is going before the Plan Commission and Village Board for a conditional use.

The cannabis industry is regulated by the State of Illinois Department of Financial and Professional Regulation and the Illinois State Police. Proposed hours are Monday-Saturday from 8 a.m. to 10 p.m. and Sunday from 10 a.m. to 7 p.m.

Surrounding Zoning & Land Use Compatibility

	Zoning Districts	Land Use
North	O	Office
South	OPD	Parking and Extended Stay Hotel
East	B3	General retail and restaurants
West	O	Benihana Restaurant

The site is surrounded by other commercial land uses. There is no residential in the immediate area. The site takes access from Butterfield Road, which is a major arterial roadway.

The purpose statement of The B3 Community Shopping District states it “is designed to provide for the needs of a much larger consumer population than is served by the B1 or B2 Districts; thus a wider range of uses and structure sizes is permitted for both daily and occasional shopping. This district is generally located astride regional and major arterial roadways.”

Comprehensive Plan Compatibility

The 2014 Comprehensive Plan designated the property Community Commercial. The use of a commercial building is consistent with the designation of Community Commercial. The use of a dispensary is also consistent. The petitioner expects customers from the surrounding area.

Access and Parking

The site will be accessed by Butterfield Road, a major arterial roadway. The building went to the Plan Commission in 2015 (PC 15-26). The site met parking as it uses parking in the rear owned by Nicor and has used this parking since 1982 pursuant to a lease agreement that runs through June 2024. Afterwards there are ten extension options of five years each. In 2011 (PC 11-22) a conditional use was granted for off-site parking. Staff added a condition in the 2011 approval, as well as the 2015 petition, that if the Nicor parking becomes unavailable, the property will need to request a variance or amendment relative to the parking before the Plan Commission.

Elevations/Interior Floor Plan

The petitioner has provided staff with draft elevations and an interior floor plan. No exterior modifications to the building are needed. Should the project be approved, any future signage will undergo a permit review. Should the proposed signage not meet Code, the petitioner could apply for a variance or redesign the signs to meet Code.

The site is monitored by a camera inside and outside with a cloud backup.

SITE HISTORY

The property at 777 E. Butterfield Road was annexed into the Village in 1981 and granted development approvals together with the restaurant to the west (Benihana). The Village rezoned the property to the O District and granted a conditional use for two restaurants. At that time, the Plan Commission specifically chose to zone the subject property to the O District instead of the B3 District as Office zoning would better maintain the overall character of the corridor.

The property at 777 E. Butterfield Road was developed as a restaurant in 1983, The Rusty Pelican. The restaurant was later operated as Magnum’s Prime Steakhouse, Topo Gigio, and Trademark Tavern.

The Nicor parcel to the south has been used for off-site parking for the restaurant since 1982, pursuant to a lease agreement that runs through June 2024. In 2011 (PC 11-22) a conditional use was granted for off-site parking.

In 2015 the property received zoning entitlements to construct the existing buildings and was rezoned to B3. Starbucks received additional approvals for signage and the former Anthony’s Coal Fired Pizza received approvals for additional outside seating.

FINDINGS & RECOMMENDATIONS


Staff finds that the requested conditional use is consistent with its surrounding properties as proposed, the Zoning and Subdivision and Development Ordinance, and is consistent with the overall intent of the Comprehensive Plan.

The Inter-Departmental Review Committee has reviewed the standards for the conditional use and finds that they **comply** with the standards established by the Lombard Zoning Ordinance, subject to conditions of approval based on the above considerations. As such, the Inter-Department Review Committee recommends that the Plan Commission make the following motion for **approval** of PC 20-18.

Based on the submitted petition and the testimony presented, the proposed request for a conditional use does comply with the standards required by the Lombard Zoning Ordinance and that granting said request is in the public interest and, therefore, I move that the Plan Commission accept the findings of the Inter-Departmental Review Report as the findings of the Plan Commission, and recommend to the Village Board **approval** of PC 20-18, subject to the following conditions:

1. The petitioner shall develop the site in accordance with the plans submitted as part of this request and as modified by the conditions of approval set forth herein.
2. The petitioner shall satisfactorily address all other development comments identified within the Inter-Department Review Report as part of any future permits as part of the project.
3. The petitioner shall be required to apply for and receive building permits for any activity and/or improvements to the subject property.
4. Pursuant to the Zoning Ordinance, project construction shall commence within one (1) year from the date of approval of the ordinance, unless a time extension is granted by the Village Board.
5. If, for any reason, the Nicor parcel becomes unavailable for off-site parking an amendment to the conditional use and/or any necessary variations must be obtained in order to continue the use.
6. Operation of the cannabis dispensary is subject to securing and maintaining all requisite approvals as set forth by the State of Illinois relative to the cannabis dispensary land use.

Inter-Departmental Review Committee Report approved by:



William J. Heniff, AICP
Director of Community Development

c. Petitioner

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Kohn, Jeannie

From: ROBERT DOHE <~~bettyandrobtd@comcast.net~~>
Sent: Friday, July 3, 2020 10:35 AM
To: Ganser, Jennifer
Subject: Cannabis dispensary

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are completely **in favor** of this proposal! I require medical cannabis. It would be more convenient to pick it up where I live. Also as important, this would bring added revenue to Lombard. Those against it don't understand we are normal, everyday people. NOT drug addicts. Thanks for allowing us to give our opinion.
Bob & Betty Dohe
523 S. Edgewood Ave.

Kohn, Jeannie

From: Jim Grillo <jim@hereschicago.com>
Sent: Friday, July 3, 2020 9:02 AM
To: Ganser, Jennifer
Subject: Cannabis Facility Comment (vote yes)

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This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This will continue our financial stability and help with tax revenue loss due to the pandemic. There is no end in sight.

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Kohn, Jeannie

From: Robert Luchetta-Stendel <ganserbusinessinfusions@gmail.com>
Sent: Wednesday, July 1, 2020 6:43 PM
To: Ganser, Jennifer
Subject: Comment for July 20ths public hearing

Please be cautious

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I would like to know if the commission has considered expanding it's cannabis related zoning to include the allowance of more types of cannabis businesses other than dispensing and potentially growing bud. There are actually two other classes of licenses available from the state to both Infuse and Transporte weed neither of which would attract any increased levels of foot traffic or public sales of Cannabis. I have been interested in starting a local Infusery for quiet some time and have raised my interest previously with members of the villages community development team. I have a strong belief that allowing a more diverse array of cannabis related businesses operate within lombard would allow for the development of a more resilient and economically beneficial cannabis economy within the village of lombard. Other towns are already making space for these emerging industries and markets if we do not adopt more hospitable zoning practices the chance to capitalize on this emerging market in the most positive way could be closing.

Kohn, Jeannie

From: TSG 55 Lombard, IL TSG55@thesimplegreek.com
Sent: Wednesday, July 1, 2020 1:24 PM
To: Ganser, Jennifer
Subject: The Simple Greek

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jennifer,

I am the owner of the Simple Greek Restaurant at 789 E. Butterfield Rd., Lombard. We are the tenant right next door to the proposed cannabis dispensary. We would be in support of this business.

Thank you.

Andy Papandreou

[312-515-0122](tel:312-515-0122)

Kohn, Jeannie

From: EmilyAEbel0523 . <emilyabel@gmail.com>
Sent: Thursday, July 2, 2020 12:27 PM
To: Ganser, Jennifer
Subject: Weed dispensary

Please be cautious

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing regarding the proposal by Zen Leaf. I am in support of weed dispensaries, but would like to add that priority be given to business owners of color who were disproportionately affected by the war on drugs. I couldn't find the ownership of Zen Leaf online but would encourage the village to actively seek and prioritize minors business owners.

Best,

Emily shultz

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Emily A. Ebel, Esq.