



Post Office Box 299
Peru, Illinois 61354

May 21, 2020

Mayor Scott J. Harl,
Peru City Clerk, and
Aldermen of the City of Peru

RE: Petition of Illinois Kindness Three LLC
Property located on the southeast corner of Donlar Avenue and Unytite Drive,
Peru, IL

Gentlemen:

Pursuant to legal notice published in the News Tribune in the manner provided by law, the Planning/Zoning Commission of the City of Peru convened for a public hearing on Wednesday, May 20, 2020, at 5:00 p.m. in the City Municipal Building, 1901 Fourth Street, Peru, IL, to consider the Petition of Illinois Kindness Three LLC (hereinafter "Petitioner") concerning property generally located on the southeast corner of Donlar Avenue and Unytite Drive, Peru, IL, legally described as follows:

Lot A in the Subdivision of Lots 1 and 2 in May Road Business Park – 1, being a Subdivision of part of the West Half of the Southwest Quarter of Section 32, Township 34 North, Range 1 East of the Third Principal Meridian, according to the Plat of said Subdivision of Lots 1 and 2 recorded June 12, 2008 as document 2008-13406; SITUATED IN LASALLE COUNTY, ILLINOIS

PIN: 11-32-302-006 (hereinafter "Property").

With consent of the Property owner, Petitioner requests a text amendment to Section 12.03 of the Zoning Ordinance to add a special use for Adult-Use Cannabis Infuser Organizations and for Adult-Use Cannabis Transporting Organizations in a M-2 Manufacturing District. Petitioner further requests a text amendment to Section 4.19(k) of the Zoning Ordinance to allow for the co-location of an Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Infuser Organization and an Adult-Use Cannabis Transporting Organization. Petitioner prays for a special use to operate an Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Infuser Organization, and an Adult-Use Cannabis Transporting Organization on the Property.

Planning/Zoning Commission Members Miller, Grabowski, Atkinson, Lucas, Kalsto, Brady, and Moreno were present at the hearing. No members were absent. Due to COVID-19, this meeting was also streamed live on the internet.

No one appeared on behalf of the Petitioner. City Attorney Scott Schweickert stated that he had reviewed Petitioner's "Statement of Case" submitted to the City and largely agreed with the text amendment language proposed by Petitioner. The only significant changes suggested by Attorney Schweickert concerned the floor space requirements in Sections 4.19(f)(4), (g)(4), (h)(4), and (i)(4); stating that, should the City approve the text amendment allowing for co-location of Adult-Use Cannabis Establishments, those sections should also be amended to add the language "unless authorized by Section 4.19(k)."

Petitioner's Statement of Case, Affidavit of Compliance with Section 15.12 (Special Uses) and Section 4.19(c) (Adult-Use Cannabis Facility Components), and Powerpoint presentation slides were received into the record and are attached hereto. Attorney Schweickert stated he was satisfied Petitioner's Affidavit met the requirements of the Adult-Use Cannabis Facility Components in Section 4.19(c) of the Zoning Ordinance.

There were no objectors at the hearing or online.

The Planning/Zoning Commission found that the requested special use will not alter the essential character of the locality; will not be detrimental or injurious to other properties in the area; will not impair an adequate supply of light or air to adjacent properties, or increase the danger of fire, or endanger the public safety, or diminish or impair property values and will not increase street congestion and, therefore, recommends to the City Council that the special use be granted.

Chairman Miller moved, and Member Moreno seconded, to favorably recommend to the City Council a text amendment to Section 4.19(k) of the Zoning Ordinance to allow for the co-location of any combination of Adult-Use Cannabis Establishments as proposed by Petitioner. The motion passed: 6 aye, Member Kalsto voting nay, and 0 Members absent.

Chairman Miller moved, and Member Grabowski seconded, to favorably recommend to the City Council a text amendment to Section 12.03(d) of the Zoning Ordinance to add Adult-Use Cannabis Infuser Organizations and Adult Use Cannabis Transporting Organizations as a special use in a M-2 Manufacturing zoning district as proposed by Petitioner. The motion passed: 6 aye, Member Kalsto voting nay, and 0 Members absent.

In response to Member Lucas, City Engineer Carls stated that Petitioner will still be required to go through the City's standard building and site permitting process and receive City approval before construction on the Property.

Member Lucas moved, and Member Moreno seconded, to favorably recommend to the City Council that they approve Petitioner's requested special use to operate an Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Infuser Organization, and an Adult-Use Cannabis Transporting Organization co-located on the Property. The motion passed: 6 aye, Member Kalsto voting nay, and 0 Members absent.

Respectfully submitted,

CARY MILLER, Chairman of the
Planning/Zoning Commission

**ILLINOIS KINDNESS THREE LLC
STATEMENT OF CASE
FOR
TEXT AMENDMENTS AND SPECIAL USES**

THE APPLICANT

Illinois Kindness Three LLC, an Illinois limited liability company (the "**Applicant**") is the applicant for this text amendment and special use application. The Applicant holds a contractual interest which may become a freehold interest in the Property, as that term is defined below, an option to purchase the Property, and/or an exclusive possessory interest which is specifically enforceable on the Property.

THE PROPERTY AND RELIEF SOUGHT

The subject site (the "**Property**") is Lot "A" May Road Business Center, commonly known as East 1st Road and Unytite Drive, Peru, Illinois, and located at the southeast corner of the East 1st Road/Unytite Drive intersection. The Property currently consists of approximately 229,561 square feet of agricultural land and is zoned M-2 Heavy Manufacturing District.

The Applicant is seeking the following relief:

- (a) Text amendment amending Article IV – General Provisions, Section 4.19, Adult-Use Cannabis, of The City of Peru Zoning Ordinance by adding the underlined language and deleting the stricken language, as follows:

(k) Co-Location of Cannabis Business Establishments. The City may approve the co-location of any Adult-Use Cannabis Establishment in any combination, ~~Dispensing Organization with an Adult Use Cannabis Craft Grower Center or an Adult Use Cannabis Infuser Organization, or both,~~ subject to the provisions of the Act and the City's Special Use criteria. In a co-location, the floor space requirements of Sections 4.19(f)(4), ~~and 4.19(g)(4), 4.19(h)(4) and 4.19(i)(4)~~ shall not apply, but the co-located establishments shall be the sole use of the tenant space.

- (b) Text amendment amending Article XII – Manufacturing Districts, Section 12.03, M-2, Manufacturing District, of The City of Peru Zoning Ordinance by adding the underlined language, as follows:

- (d) Special Uses

(13) Adult-Use Cannabis Infuser Organization. Subject to the Adult-Use Cannabis provisions set forth in Section 4.19 of this Ordinance.

(14) Adult-Use Cannabis Transporting Organization. Subject to the Adult-Use Cannabis provisions set forth in Section 4.19 of this Ordinance.

- (c) Three (3) special use permits for an (i) adult-use cannabis craft grower, (ii) adult-use cannabis infuser organization, and (iii) adult-use cannabis transporting organization or transporter, to operate and co-locate at the Property.

AUTHORITY

The Planning Commission and the City Council have the authority to consider this application, make recommendations and take final action on this application pursuant to Sections 4.19, 15.10, 15.11 and 15.12 of The City of Peru Zoning Ordinance (the "**Zoning Ordinance**").

ADULT-USE CANNABIS FACILITY COMPONENTS

The Applicant meets all of the components for granting the relief sought as follows:

1. *Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.*

The proposed facility will not affect existing or planned uses located within the vicinity of the Property because the Property abuts the commercial intersection of East 1st Road/Unytite Drive and is surrounded by commercial uses. Surrounding land uses primarily include agriculture, a tractor-trailer freight depot, and single and multi-story industrial/manufacturing facilities. The zoning classifications for the surrounding properties are B-4 Highway Business, M-1 Light Manufacturing, M-2 Heavy Manufacturing Districts.

The proposed facility will not only serve a commercial use but will be wholly contained in an enclosed building to the benefit of security and conformity with the character of the surrounding area. In addition, the proposed use will not burden the immediate area with an excessive number of similar uses because adult-use cannabis establishments are a new land use for the City of Peru and the State of Illinois.

2. *Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.*

The proposed facility is a single-tenant structure that will be one-story of approximately 20-feet in height and contain a total of approximately 27,707 square feet. The approximate gross floor area by use is as follows: (a) 25,660 square feet of manufacturing, (b) 1,079 square feet of storage, and (c) 968 square feet of office. The proposed security installation/security plan will comply with the Cannabis Regulation and Tax Act. The proposed structure will comply with all applicable building codes.

3. *Hours of operation and anticipated number of customers/employees.*

The proposed facility will operate 24 hours per day, 7 days per week. The anticipated number of customers will be zero and employees will be between 20-50, but no more than 15 employees are anticipated on site at any one time.

4. *Anticipated parking demand based on the Zoning Ordinance and available private parking supply.*

Pursuant to Sections 4.19(d)(4), (g)(5), (i)(5), 7.03(b)(9) and 7.05(c)(4) of the Zoning Ordinance, the proposed structure requires 92 parking spaces and one 12-foot by 50-foot off-street loading berth. The proposed facility will satisfy these requirements.

5. *Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.*

The proposed facility anticipates low traffic generation in the context of adjacent roadway capacity and access to such roadways because its abutting intersection provides two directions of access and it will provide off-street parking segregated from the abutting public rights-of-ways with direct access to the facility. This configuration mitigates pedestrian-vehicular conflicts. In addition, the nature of the Property's business is a low traffic generator with a low frequency of visits (as compared to an adult-use cannabis dispensary organization) and will result in low user turnover.

6. *Site design, including access points and internal site circulation.*

The Property's site design and internal site circulation will comply with applicable law, including Peru's building codes and ordinances. However, the Property will contain one secured entry point from the public right-of-way to the proposed facility. The proposed facility's access points will conform with the Cannabis Regulation and Tax Act.

7. *Proposed signage plan.*

There will be no signage except surveillance signs because the proposed facility will be unmarked.

8. *Compliance with all requirements provided in Section 4.19(d) (Adult-Use Cannabis Craft Grower); Section 4.19(e) (Adult-Use Cannabis Cultivation Center); Section 4.19(f) (Adult-Use Cannabis Dispensing Organization); Section 4.19(g) (Adult-Use Cannabis Infuser Organization); Section 4.19(h) (Adult-Use Cannabis Processing Organization); or Section 4.19(i) (Adult-Use Cannabis Transporting Organization), as applicable.*

The proposed facility will comply with the aforesaid requirements, as applicable. Please see the attached affidavit affirming such compliance.

9. *Other criteria determined to be necessary to assess compliance with Section 15.12 (Special Uses).*

The proposed facility will comply with the aforesaid criteria and requirements, as applicable. Please see the attached affidavit affirming such compliance.

AFFIDAVIT

The undersigned hereby certify as follows to the City of Peru, Illinois in connection with the petition of Illinois Kindness Three LLC (the "Matter");

1. The undersigned is the authorized representative of the Applicant in the Matter.
2. The Applicant meets all of the standards for the grant of the special uses, including, without limitation, the following:
 - a. The Adult-Use Cannabis Establishments on the Property will not be located within 1,500-feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes hereof.
 - b. The Adult-Use Cannabis Establishments on the Property will not be located within 1,500-feet of the property line of a pre-existing property zoned for residential purposes or another Adult-Use Cannabis Establishment (other than a permitted co-location on the Property).
 - c. The Adult-Use Cannabis Establishments on the Property will not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 - d. The Adult-Use Cannabis Establishments on the Property will not be located in a dwelling unit.
 - e. The Applicant will install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permits, to ensure the safety of employees and customers of the Adult-Use Cannabis Establishments on the Property, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for the Adult-Use Cannabis Establishments on the Property and the Property, consistent with the requirements of the Cannabis Regulation and Tax Act. Said improvements will comply with all applicable city ordinances and state statutes.
 - f. The Property will comply with all applicable city building codes and ordinances, including required parking, and the Cannabis Regulation and Tax Act.
3. The Applicant affirms compliance with Sections 4.19(c) and 15.12 of The City of Peru Zoning Ordinance.
4. The undersigned has reviewed the Statement of Case submitted in connection with the Matter and verify its accuracy and completeness.
5. The undersigned, if called upon to testify under oath in connection with the Matter, would offer testimony substantially similar to and in support of the testimony set forth in the Statement of Case.

[ACKNOWLEDGEMENT PAGE FOLLOWS]

ILLINOIS KINDNESS THREE LLC,
an Illinois limited liability company

By: 

Name: Christina Visco

Title: President/CEO

Subscribed and Sworn to before me this

18th day of May, 2020

Alexis Boyer
Notary Public

[NOTARY STAMP]

May 18, 2020

