



PLANNING & ZONING COMMISSION

TO: City of Peoria Planning & Zoning Commission
FROM: Development Review Board (prepared by Kerilyn Weick)
DATE: December 5, 2019
CASE NO: PZ 19-33

REQUEST: Hold a Public Hearing and forward a recommendation to City Council on the request of Mark D. Walton, on behalf of Ron DiGiacomo of Trinity M.M.J., LLC to obtain a Special Use in a Class C-2 (Large Scale Commercial) District for Adult Use Cannabis Dispensary for the property located at 3125 N University Street (Parcel Identification No. 14-29-376-021), Peoria IL (Council District 2).

SUMMARY OF PROPOSAL & REQUESTED WAIVERS

The petitioner is requesting to obtain a Special Use for an adult use cannabis dispensary at an existing medical cannabis dispensary as described below:

Development Item	Applicant Proposal	Applicant Waiver Request & Justification	DRB Comment
Parking	Shared parking lot. Add two accessible parking spaces which results in 81 parking spaces, 4 of which are accessible.	Four accessible parking spaces are required	Signs for the two existing accessible parking spaces must be replaced.
Mechanical, Utility Screening	No changes to existing screening.	None	None
Landscaping	Will provide an Alternative Compliance Landscaping Plan to add plant material in front yard.	None.	Submit alternative compliance landscaping plan.
Buffers & Screening	Add or extend existing dumpster enclosure for additional screening.	None.	All dumpsters visible from the public right-of-way must be screened from view by 6-7 foot tall enclosure.
Signs	No change to existing freestanding sign and wall signs.	None	None
Exterior Lighting	No change to existing exterior lighting per submitted photometric plan.	None	None
Setbacks, Yards, Build To	No change to existing yards.	None	None
Height	No change to existing building height.	None	None
Access & Circulation	No change to existing ingress/egress from University St. and Forest Hill Ave. Estimated traffic generation is similar to specialty retail store or pharmacy.	None	None

BACKGROUND

Property Characteristics

The subject property is 1.54 acres with a 16,160 sq. ft. commercial building. The commercial building currently has 7 tenants. The subject use would operate from a 2,961 sq. ft. leased space. The property is zoned Class C-2 (Large Scale Commercial) district. It is surrounded by class C-2 (Large Scale Commercial) to the north and west and class C-1 (General Commercial) to the south and east.

History

In September 2015, FSBA Missouri Inc. was issued zoning certificate 14-273 for a pharmacy/medical cannabis dispensary at the subject tenant space. At the time of the zoning certificate, such use was permitted by right in the C-2 (Large Scale Commercial) district.

Date	Zoning
1931 - 1958	Not in the City
1958 - 1963	Not in the City
1963 - 1990	C2 (Neighborhood-Commercial)
1990 - Present	C2 (Large Scale Commercial)

DEVELOPMENT REVIEW BOARD ANALYSIS

The DRB examines each application against the appropriate standards found in the Code of the City of Peoria and/or in case law.

Standard	Standard Met per DRB Review	DRB Condition Request & Justification
No detriment to public health, safety, or general welfare	Yes	None
No injury to other property or diminish property values	Yes	None
No impediment to orderly development	Yes	None
Provides adequate facilities	Yes	None
Ingress/Egress measures designed to minimize traffic congestion	Yes	None
If a public use/service, then public benefit	NA	NA
Conforms to all district regulations	No	Update accessible parking signs. Submit alternative compliance landscaping plan. All dumpsters must be screened from view of public right-of-way.
Comprehensive Plan Critical Success Factors	Grow Employers and Jobs	N/A
City Council Strategic Plan Goals	Grow Business	N/A

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The Development Review Board recommends approval of the request with the following waivers and conditions:

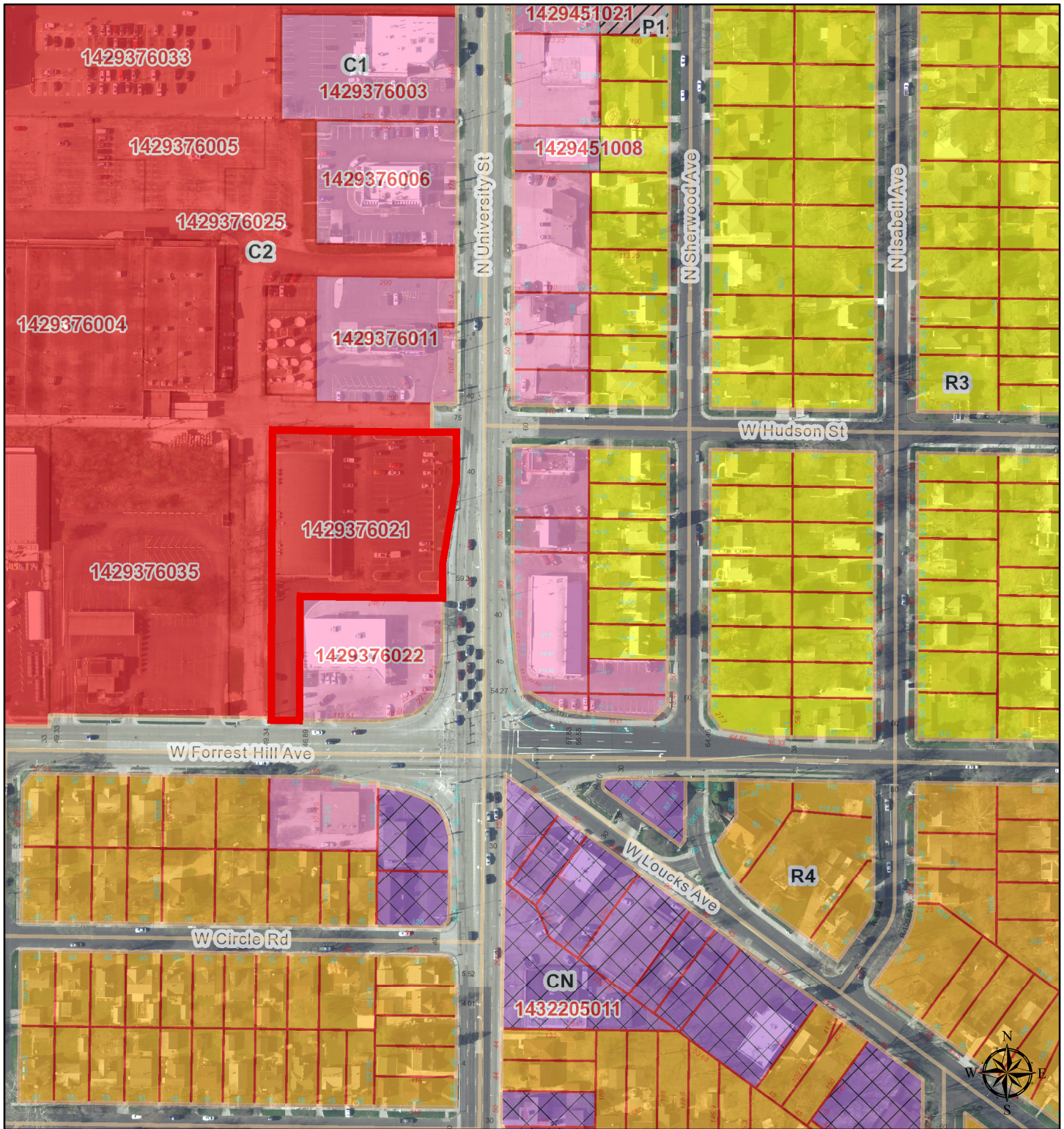
1. Replace R7-8 sign for each of the two existing accessible parking spaces.
2. Provide an Alternative Compliance Landscaping Plan that meets standards pursuant to City Code, Appendix A, Section 8.2 Landscaping and Screening.
3. Any unscreened refuse dumpsters must be screened pursuant to City Code Chapter 13, Section 40.b.

NOTE: If a City Code Requirement is not listed as a waiver, then it is a required component of the development. The applicant is responsible for meeting all applicable code requirements through all phases of the development.

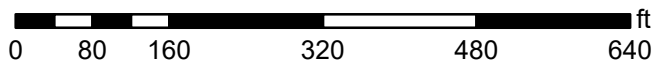
ATTACHMENTS

1. Surrounding Zoning
2. Aerial Photo
3. Site Plan
4. Landscaping Plan
5. Photometric Plan
6. Existing Building Elevations
7. Trip Generation Estimate
8. Statements

Zoning 3125 N. University



1 inch = 200 feet



Disclaimer: Data is provided 'as is' without warranty or any representation of accuracy, timeliness or completeness. The burden for determining fitness for, or the appropriateness for use, rests solely on the requester. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is in a constant state of maintenance. This website is NOT intended to be used for legal litigation or boundary disputes and is informational only. -Peoria County GIS Division

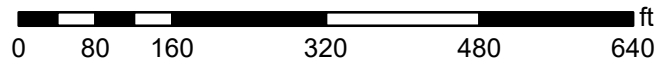
County of Peoria, Tri-County Regional Planning Commission, Kucera International, Inc. Peoria County, IL, HERE, USGS



3125 N. University



1 inch = 200 feet



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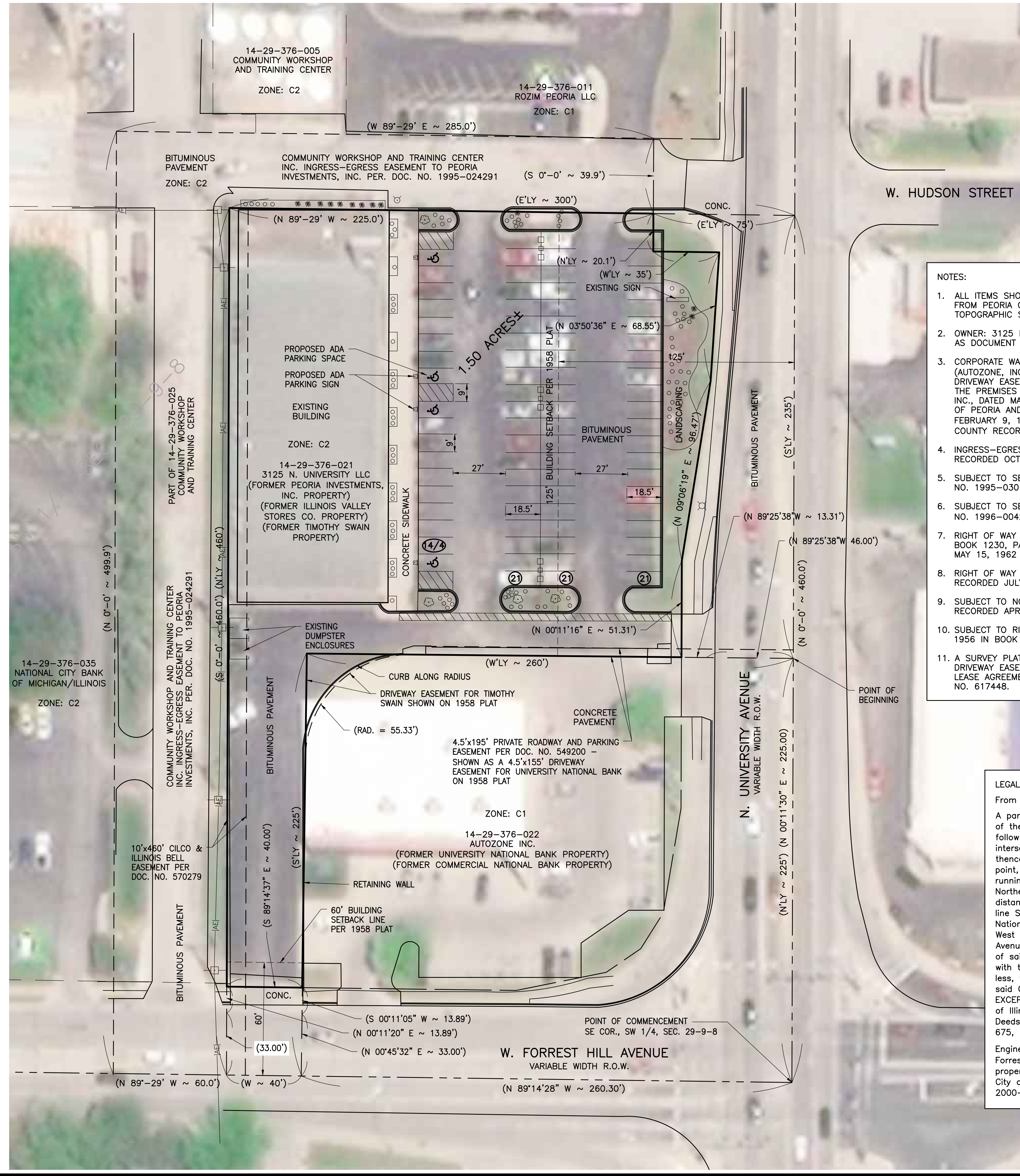
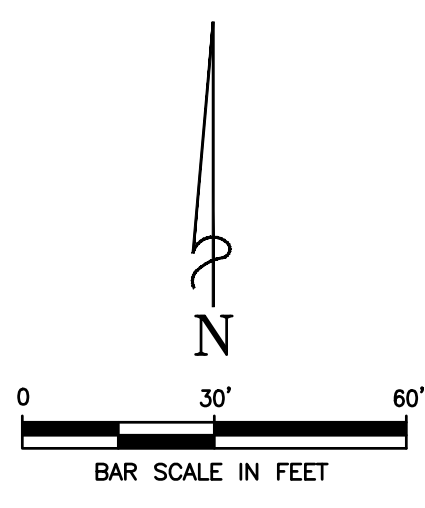
County of Peoria, Tri-County Regional Planning Commission, Kucera International, Inc. Peoria County, IL, HERE, USGS



S:\21\2019\23119013\02 (3125 N University LLC)\02\University Street.dwg

LEGEND	
	SECTION LINE
	DEED LINE OR PARCEL LINE
	RIGHT OF WAY LINE
	EASEMENT LINE
	AERIAL ELECTRIC LINE
	FIRE HYDRANT
	LIGHT POLE
	POWER POLE

PARKING SPACES	
REGULAR	77
ADA	4



- NOTES:
- ALL ITEMS SHOWN ON THIS DRAWING ARE BASED ON RECORD DOCUMENTS, INFORMATION FROM PEORIA COUNTY GIS WEBSITE AND AERIAL PHOTOGRAPHS. NO BOUNDARY OR TOPOGRAPHIC SURVEY WAS PERFORMED.
 - OWNER: 3125 N. UNIVERSITY LLC PER SPECIAL WARRANTY DEED RECORDED MAY 12, 2014 AS DOCUMENT NO. 2014-008813.
 - CORPORATE WARRANTY DEED RECORDED DEC. 1, 1992 AS DOCUMENT NO. 1992-035913 (AUTOZONE, INC.) MENTIONS THAT THE AUTOZONE INC. PROPERTY IS "SUBJECT TO A DRIVEWAY EASEMENT FOR THE BENEFIT OF THE PROPERTY TO THE NORTH OVER AND ACROSS THE PREMISES IN QUESTION AS SHOWN ON THE SURVEY BY CONSOLIDATED LAND SURVEYING, INC., DATED MAY 1, 1992 AND AS CREATED BY GRANT FROM COMMERCIAL NATIONAL BANK OF PEORIA AND UNIVERSITY NATIONAL BANK TO ILLINOIS VALLEY STORES, CO., DATED FEBRUARY 9, 1955." THE SURVEY AND GRANT DOCUMENT WERE NOT FOUND IN THE PEORIA COUNTY RECORDER'S OFFICE IN A SEARCH BY MAURER-STUTZ, INC.
 - INGRESS-EGRESS EASEMENT BENEFITING THE 3125 N. UNIVERSITY LLC PROPERTY WAS RECORDED OCTOBER 2, 1995 AS DOCUMENT NO. 1995-024291.
 - SUBJECT TO SETBACK ENCROACHMENT AGREEMENT RECORDED NOV. 28, 1995 AS DOCUMENT NO. 1995-030189.
 - SUBJECT TO SETBACK ENCROACHMENT AGREEMENT RECORDED FEB. 15, 1996 AS DOCUMENT NO. 1996-004240. (RE: FREE-STANDING SIGN ON FORREST HILL ELEV.)
 - RIGHT OF WAY FOR UNIVERSITY STREET PER WARRANTY DEED RECORDED MAY 15, 1962 IN BOOK 1230, PAGE 675 AS DOCUMENT NO. 1962-005995 AND QUIT CLAIM DEED RECORDED MAY 15, 1962 IN BOOK 1230, PAGE 674 AS DOCUMENT NO. 1962-005994.
 - RIGHT OF WAY FOR FORREST HILL AVENUE AND UNIVERSITY STREET PER DEDICATION DEED RECORDED JULY 21, 2000 AS DOCUMENT NO. 2000-023060.
 - SUBJECT TO NON-EXCLUSIVE EASEMENT FOR PRIVATE ROADWAY AND PARKING PURPOSES RECORDED APRIL 27, 1955 IN BOOK 1006, PAGE 248 AS DOCUMENT NO. 549200.
 - SUBJECT TO RIGHT OF WAY FOR ELECTRIC AND TELEPHONE UTILITIES RECORDED APRIL 13, 1956 IN BOOK 1046, PAGE 201 AS DOCUMENT NO. 570279.
 - A SURVEY PLAT BY HORTON ENGINEERING CO. SHOWING BUILDING SETBACK LINES AND DRIVEWAY EASEMENTS FOR TIMOTHY SWAIN AND UNIVERSITY NATIONAL BANK IS INCLUDED IN LEASE AGREEMENT RECORDED OCTOBER 31, 1958 IN BOOK 1131, PAGE 633 AS DOCUMENT NO. 617448.

LEGAL DESCRIPTION

From Special Warranty Deed Recorded May 12, 2014 as Doc. No. 2014-008813

A part of the Southwest Quarter of Section 29, Township 9 North, Range 8 East of the Fourth Principal Meridian, More particularly bounded and described as follows: Beginning at the Southeast corner of said Southwest Quarter in the intersection of West Forrest Hill Avenue with North University Street, running thence North along the said Quarter Section line, a distance of 225 feet to a point, which is the place of beginning of the tract to be described; thence running Westerly parallel with the South line of said Quarter Section along the Northerly line of the premises now owned by the University National Bank, a distance of 260 feet; thence parallel with the East line of said Quarter Section line Southerly along the Westerly line of said premises owned by said University National Bank, a distance of 225 feet to the South line of said Section 29 in West Forrest Hill Avenue; thence West along said Section line in West Forrest Hill Avenue, a distance of 40 feet; thence Northerly and parallel with the Easterly line of said Quarter Section line, a distance of 460 feet; thence Easterly and parallel with the South line of said Quarter Section line, a distance of 300 feet, more or less, to the center Section line in North University Street; thence Southerly along said Quarter Section line, a distance of 235 feet to the place of beginning, EXCEPT therefrom that portion of the premises in question conveyed to the State of Illinois, for the use of the Department of Public Works and Buildings, by the Deeds recorded May 15, 1962, in Book 1230, Page 674, and in Book 1230, Page 675, situated in Peoria County, Illinois.

Engineer's Note: Property is also subject to right of way of University Street and Forrest Hill Avenue along the east and west sides of the above described property, including that portion of the above described property conveyed to the City of Peoria in Dedication Deed recorded July 21, 2000 as Document No. 2000-023060.

REV	NO.	DATE	DESCRIPTION

MAURER-STUTZ
ENGINEERS - SURVEYORS

3116 N. DRESSLANE, SUITE 100 | PEORIA, IL 61604 | (309) 693-7615 | FAX (309) 693-7616
 1670 EAST ASH STREET | CANTON, IL 61520 | (309) 647-7831 | FAX (309) 647-6355
 1880 W. MILGORE AVENUE | MUNCIE, IN 47304 | (765) 773-6228 | FAX (309) 693-7616
 ILLINOIS PROFESSIONAL DESIGN FIRMA LICENSE #188-005754
 www.maurer-stutz.com *WORKING WITH YOU BY DESIGN*

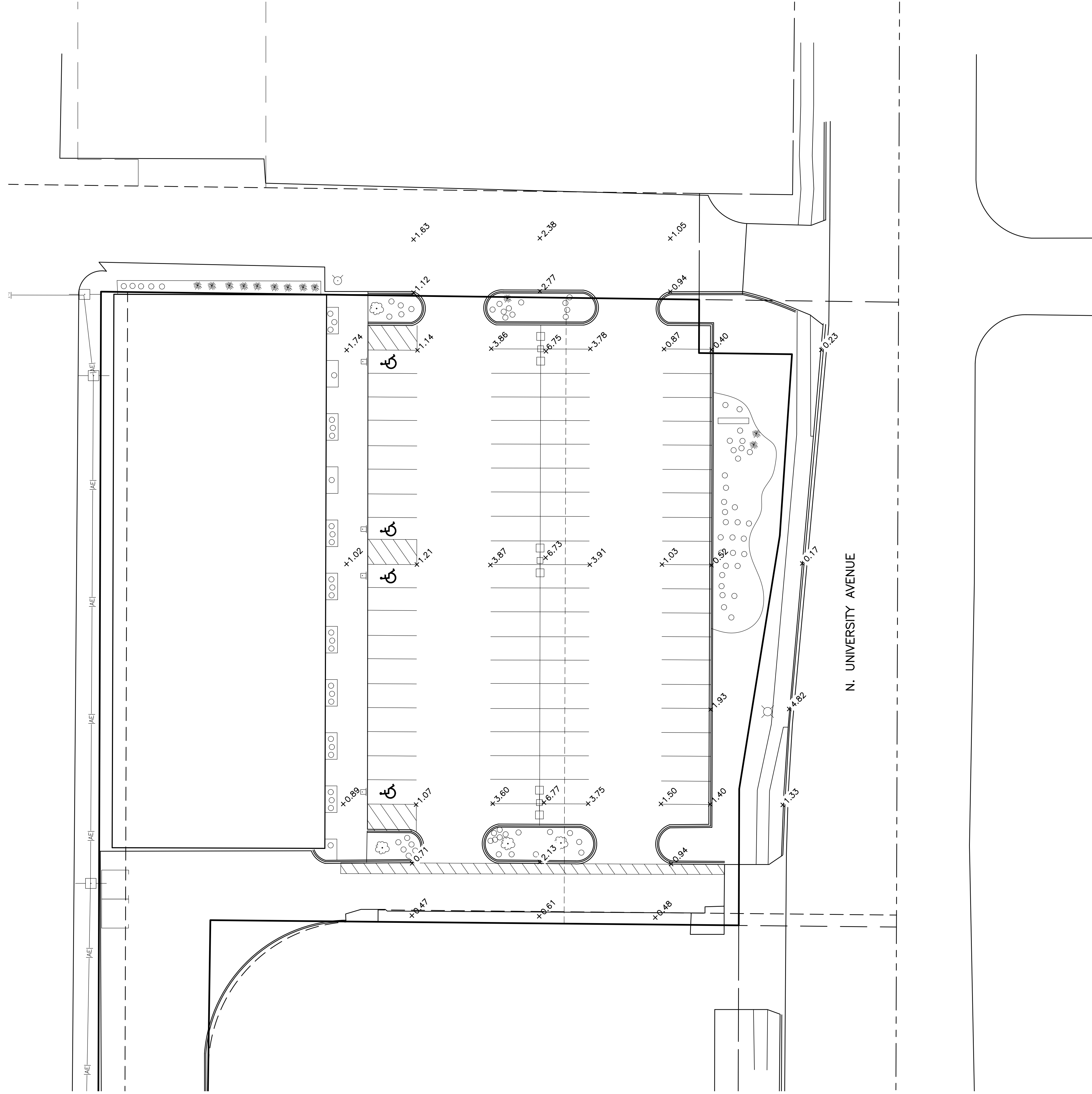
SITE PLAN

3125 N. UNIVERSITY STREET
SPECIAL USE REQUEST

Client: 3125 N. UNIVERSITY LLC

Designed By: KJP
 Drawn By: KDR
 Reviewed By: KJP

Date: 12 October 2019
 Project No.: 23119013.00
 Drawing: 1



LEGEND	
+3.78	FOOT CANDLE

REVISIONS	
No.	Description

MAURER-STUTZ
ENGINEERS - SURVEYORS

PEORIA, IL 3116 N. DRESSLANE, SUITE 100 | PEORIA, IL 61604 | (309) 693-7615 | FAX (309) 693-7616
 CANTON, IL 1670 EAST ASH STREET | CANTON, IL 61520 | (309) 647-7831 | FAX (309) 647-6155
 MUNCIE, IN 5830 W. ILLINOIS AVENUE | MUNCIE, IN 47304 | (765) 773-8228 | FAX (309) 693-7616
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE #184-005754
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PHOTOMETRIC PLAN

3125 N. UNIVERSITY STREET
SPECIAL USE REQUEST

Client: 3125 N. UNIVERSITY LLC

Designed By: KJP
 Drawn By: KDR
 Reviewed By: KJP
 Date: 12 October 2019
 Project No.: 23119013.00
 Drawing: 2

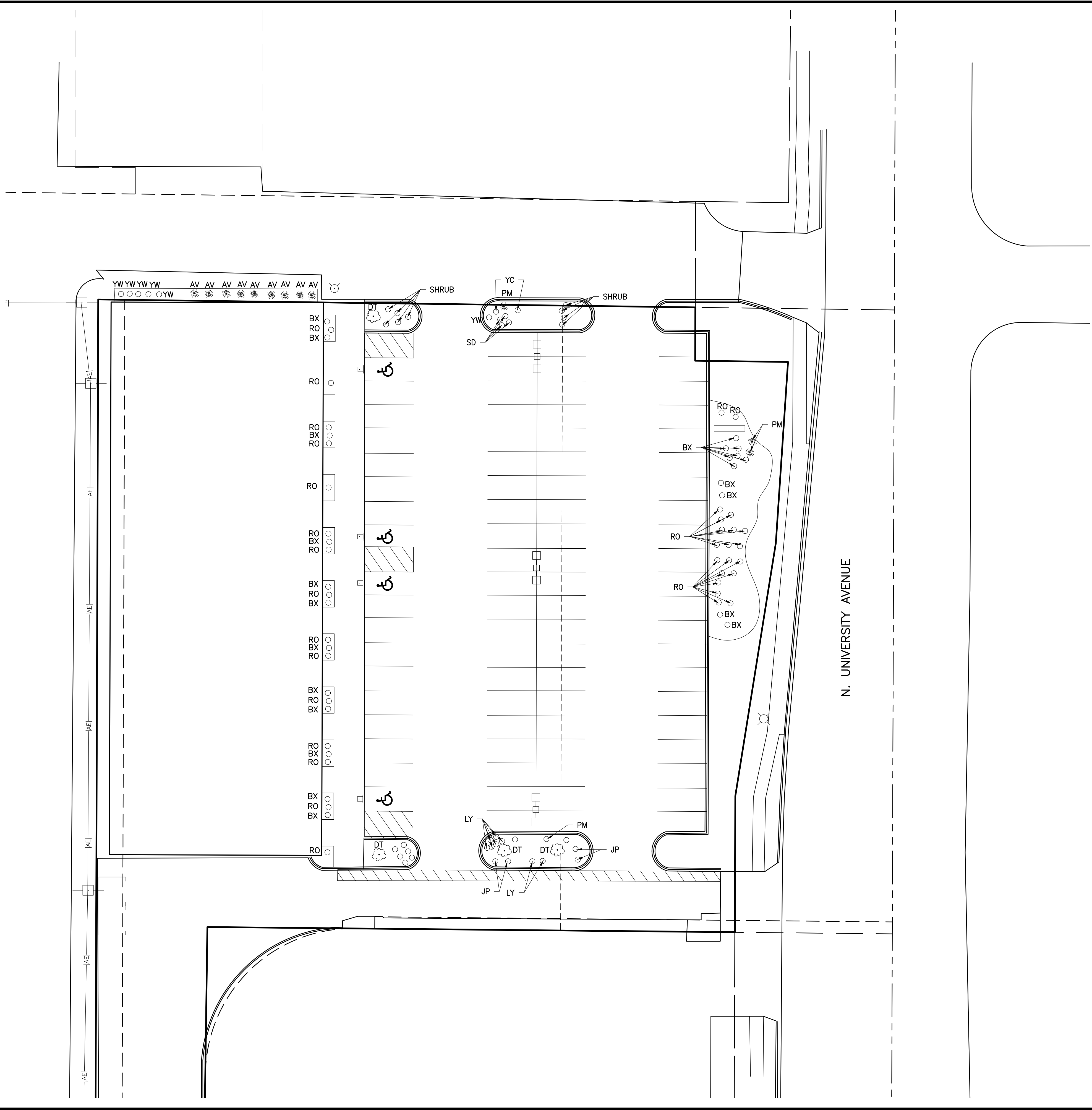
Sheet Title: PHOTOMETRIC PLAN

Project: 3125 N. UNIVERSITY STREET SPECIAL USE REQUEST

Client: 3125 N. UNIVERSITY LLC

Designed By: KJP
 Drawn By: KDR
 Reviewed By: KJP
 Date: 12 October 2019
 Project No.: 23119013.00
 Drawing: 2

2 OF 3



LEGEND (EXISTING)

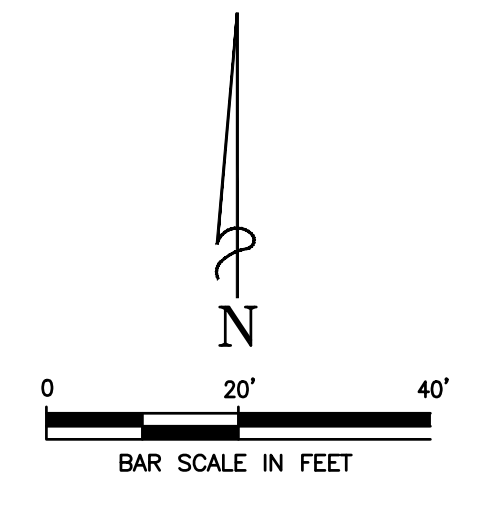
AV	ARBORVITAE (THUJA OCCIDENTALLIS)
RO	ROSE (ROSA)
LY	LILY (LILIUM)
BX	BOXWOOD (BUXUS)
YW	YEW (TAXUS)
JP	JUNIPER SHRUB (JUNIPERUS)
YC	YUCCA (YUCCA)
PM	PINE MUGO (PINUS MUGO)
SD	SEDUM
DT	DECIDUOUS TREE

LANDSCAPE REQUIREMENTS

	TREE POINTS	SHRUB POINTS
FRONT YARD	60	60
PARKING LOT	81	

EXISTING LANDSCAPING

	TREE POINTS	SHRUB POINTS
FRONT YARD	0	111
PARKING LOT	219	



REVISIONS

No.	Date	Description

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LANDSCAPE PLAN

3125 N. UNIVERSITY STREET
SPECIAL USE REQUEST

Sheet Title: _____
Project: _____

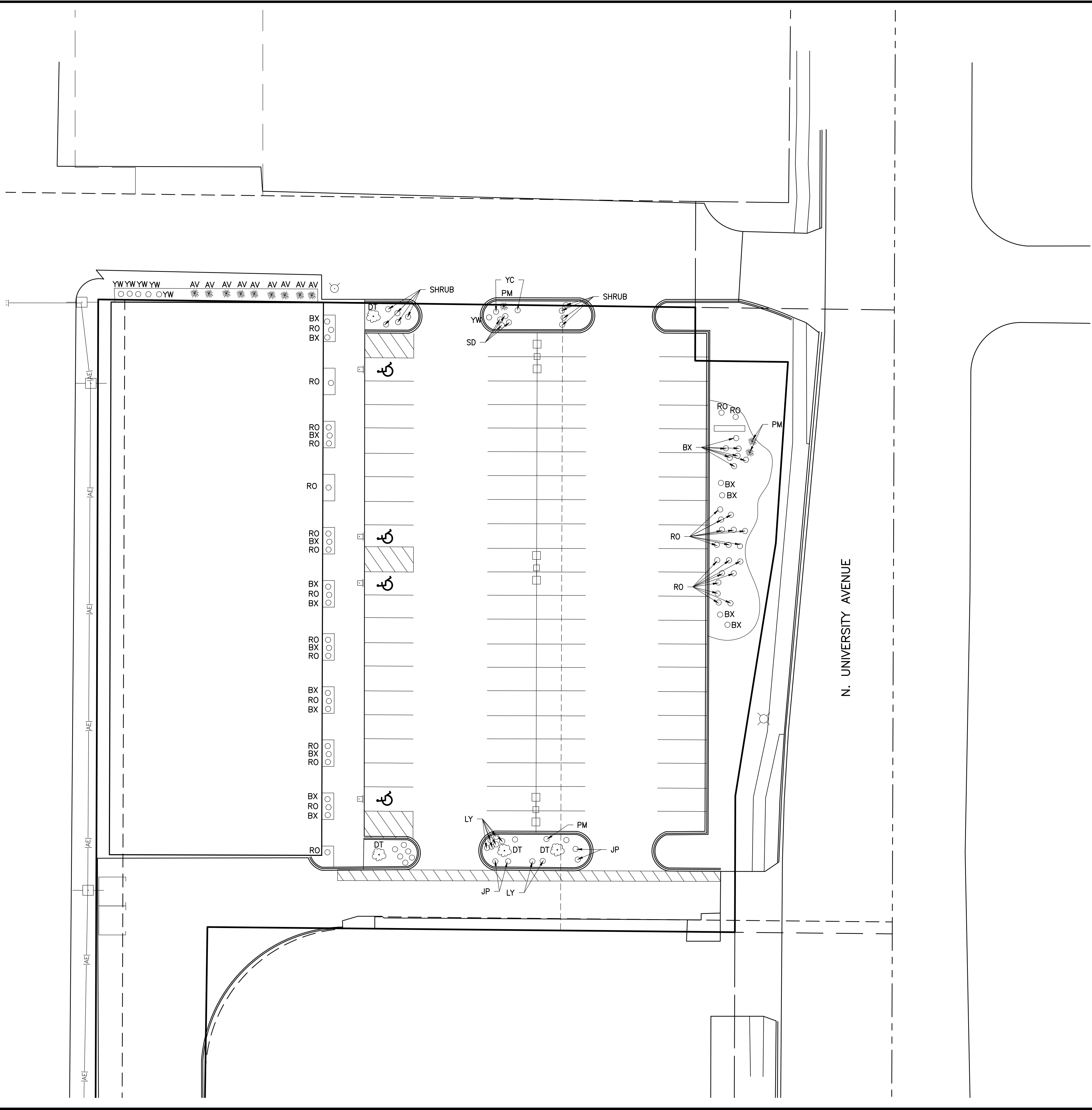
3125 N. UNIVERSITY LLC

Client: _____

Designed By: KJP
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 Reviewed By: KJP

Date: 12 October 2019
 Project No.: 23119013.00
 Drawing: 3

3 OF 3



LEGEND (EXISTING)

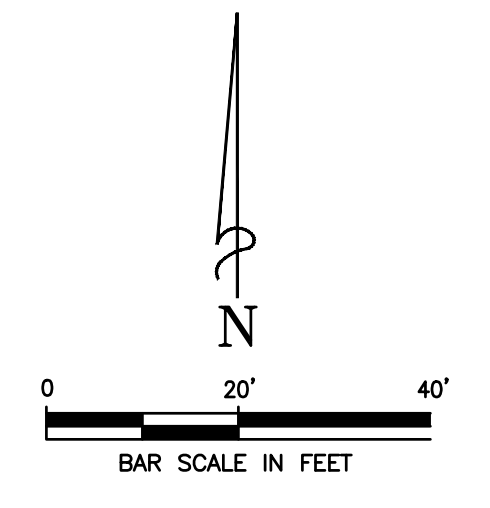
AV	ARBORVITAE (THUJA OCCIDENTALLIS)
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REVISIONS

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LANDSCAPE PLAN

3125 N. UNIVERSITY STREET
SPECIAL USE REQUEST

Sheet Title: _____
Project: _____

3125 N. UNIVERSITY LLC

Client: _____

Designed By: KJP
 Drawn By: KDR
 Reviewed By: KJP

Date: 12 October 2019
 Project No.: 23119013.00
 Drawing: 3

3 OF 3

3125 NORTH UNIVERSITY AVENUE



Looking East at West Side of Building



Looking North at South and West Sides of Building



Looking Southeast at West Side of Building



Looking East along North Side of Building



Looking South at North Side of Building



Looking Southwest at East Side of Building



Looking West at East Side of Building



Looking Northwest at East Side of Building



Looking Northeast at South Side of Building



Looking North at South Side of Building

3125 N. University - Location Trip Generation

Existing Leased Space:

Trinity Lease Area 2961 sf
 Hours of Operation: Tue-Fri 10AM-7PM, Sat 10AM-6PM, Sun 12PM-4PM

Reference:

ITE Trip Generation Manual, 7th Edition

Using a Pharmacy	Trips Per 1000 sf	Trips	Per
Weekday (All Day)	90.06	267	Day
Weekday (PM Peak Hour of Adjacent Street Traffic)	8.42	25	Hour
Weekday (PM Peak Hour of Generator)	11.07	33	Hour
Saturday (Peak Hour of Generator)	10.68	32	Hour

Using a Specialty Retail Center			
Weekday (All Day)	44.32	131	Day
Weekday (PM Peak Hour of Adjacent Street Traffic)	2.71	8	Hour
Weekday (PM Peak Hour of Generator)	5.02	15	Hour
Saturday (All Day)	42.04	124	Day

Notes:

Trinity anticipates between 125-175 customers daily beginning Jan 1, 2020

By: RJA 10/15/19

**DEVELOPMENTAL IMPACT STATEMENT
3125 North University, Suite B**

The proposed special use is not expected to have any significant impacts on the location or surrounding areas. The site, which is a retail unit in a commercial strip center, is presently used as a medical cannabis dispensary. The size of the location will remain the same, with only limited interior remodeling taking place.

**PART A
ECONOMIC STATEMENT**

The renovation of the improvements at 3125 North University is not expected to result in any increase in property taxes. However, recreational cannabis sales are expected to be in the range of \$400,000 to \$500,000 per month, which would generate between \$12,000 and \$15,000 in municipal cannabis tax revenue. The community is expected to benefit from the additional customer presence generated by the sales of recreational cannabis. The sale of recreational cannabis from this site is not expected to have any impact on surrounding property values.

**PART B
ENVIRONMENTAL STATEMENT**

Introductory Statement: The addition of the adult recreational use sales from the existing medical cannabis dispensary currently occupied by the applicant at this location will involve remodeling of the interior of the retail space, but the interior remodeling will not result in an expansion of the floor space. Accordingly, while the location is expected to see an increase in customer traffic, the environmental impact of the proposed special use will be negligible.

- 1. Existing storm and sanitary sewers and their capacity.** The special use will place no additional demands on existing storm and sanitary sewers.
- 2. Soils—type and classification for agricultural uses and structural stability.** The property is not being used for, and is inappropriate for, agriculture. The special use will not require any changes to the foundation of property's improvements, and there are no concerns with respect to structural stability.
- 3. Slope, proposed cut and fill.** There is no proposed cut or fill.
- 4. Flood plain locations and impact of proposed development.** Inapplicable; the special use will not result in any additional impermeable surface or any additional water runoff.

5. Protected water table recharge areas and developmental impacts. Inapplicable. See response to item 4.

6. Impacts on surrounding land use, [and] quality of life factors relating to physical, cultural, and aesthetic impacts the proposed development may have on surrounding existing land uses. The proposed special use is consistent with adjoining retail commercial development. There will be no physical or aesthetic impacts on the surrounding land uses. The cultural impact of the dispensary will be negligible, but applicant believes that the impact will be positive, as residents will be afforded additional retail options, and because a licensed dispensary can be expected to result in the reduction of illicit and unregulated cannabis trade in the community.

7. Construction phases impacts, traffic on residential streets, erosion and inconvenience. Any construction impact will be minimal, since construction will consist only of remodeling the interior of the existing commercial space. Please see the accompanying traffic study for the traffic impact, but due to the location, no increased traffic will be experienced on any residential streets. The special use will have no effect on erosion, nor should it create any inconvenience for City residents or neighboring businesses.

PART C PUBLIC SERVICES STATEMENT

1. Transportation systems network impact. The proposed special use is not expected to have any impact on transportation systems.

2. Police/Fire protection impacts. The proposed special use is not expected to have any impact on police or fire protection services.

3. General Services Impacts. The proposed special use is not expected to have any impact on general services.