Village of Forest Park Memorandum

TO:

Planning and Zoning Commission

FROM:

Steve Glinke, Director

SUBJECT:

PC 2023-01 Conditional Use - Cannabis Dispensary

Petitioner: Emerald Cost LLC dba BLOC

DATE OF REPORT:

01 February 2023

DATE OF Planning and Zoning Commission:

21 February 2023

PROJECT OVERVIEW: The petitioner/property owner is requesting approval to occupy a portion of 7216 Circle Ave. (formerly CVS Pharmacy) for a Cannabis Dispensary in accordance with the Illinois Cannabis Regulation and Tax Act ILCS 410/705. The current zoning requires a conditional use permit for the proposed use.

GENERAL PROPERTY INFORMATION

Applicant's Name:

Emerald Coast LLC dba BLOC

Property Owner's Name:

Bern Builders of II. LLC – Circle Plaza LLC

Common Property Address:

7216 Circle Ave. Forest Park II., 60130 SW corner of Circle Ave and Harlem Ave.

Common Location: Neighboring Property Land Use(s):

North _ I-1 Light Industrial

South – B-2 Community Shopping District West – B-2 Community Shopping District East – Planned Development (Oak Park)

Comprehensive Plan Designation:

Downtown Commercial

Existing Use of Property:

Multi-retail

Proposed Use of Property:

Cannabis Dispensary

Existing Property Zoning:

B-2 – Community Shopping District

Property Size:

Approximately 57,000 sq. ft.

Bulk Area Regulations:

Regulation	Requirement	Proposed		
Front yard setback	No Requirement	No Change		
Rear yard setback	No Requirement	No Change		
Side/East setback	No Requirement	No Change		
Side/West setback	No Requirement	No Change		
Min. Lot Area/Dwelling	n/a	n/a		
Lot Cov (with residential)	n/a	n/a		
Minimum Dwelling Unit Size	n/a	n/a		
Building height	1 story	No Change		
Off-street parking	52	No Change		



PROJECT DOCUMENTS:

The following documents, submitted by the developer are attached to this report as Exhibit 1.

- 1. Petitioner project narrative
- 2. Site Plan, Hague Architecture sheet ASK-003
- 3. Building Elevations dated 5 January 2023 Architectures sheets EL-1/EL/2
- 4. Interior floor plan Feeler Architects sheet SD100
- 5. Police Chief Gross memorandum

PROJECT DESCRIPTION:

The petitioner intends to improve and occupy the subdivided 5,000 sq. ft space referred to as "Tenant C" on the site plan. This proposed use if for a retail cannabis dispensary.

STANDARDS FOR CONDITIONAL USE:

In reviewing and determining whether to approve or disapprove a conditional use permit, the Zoning Board of Appeals and Village Council shall consider the criteria established in 9-10-7 of the Village of Forest Park Zoning Code. The criteria and staff's evaluation of the applications compliance with those criteria are as follows:

1. What measures have been or will be taken to prevent detrimental impact to or endanger the public health, safety, morals, comfort, or general welfare? (Explain

in detail how the proposed conditional use has been designed, located, or proposed so that it will not disturb residents, the neighborhood, or the community-at-large. Explain how the proposed condition use at the particular location requested is necessary or desirable to provide a service or a facility that will benefit residents, the neighborhood or the community-at-large?)

Petitioner Response: Based on prior dispensaries as developed, the proposed use, as a Cannabis Dispensary, should not have any negative impact or affect the public health, safety, morals, comfort or general welfare as it shall run under the applicable terms and conditions as provided by the State of Illinois. The location as selected is in an area already set up for commercial uses with adequate access/parking, etc. and should not be a disturbance to the surrounding community. The addition of a Cannabis Dispensary is intended to be of benefit to the community at large for access to Cannabis locally as well for sales tax generation.

2. How will the proposed conditional use not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood? (Consider existing uses near the subject property and explain how the proposed conditional use may or may not be compatible with surrounding existing uses.)
Petitioner Response: Typically, the development of a Cannabis Dispensary will enhance the safety of an area due to increased security as will be developed. The enhanced use of the property and traffic may also help surrounding properties'

businesses. Cannabis Dispensaries mix well with most other retail and commercial

3. How will the establishment of the proposed conditional use not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district? (Explain how the proposed conditional use will allow the surrounding area to develop appropriately. Is the use too large for the site? Will it be in a location on the lot that will cause conflicts with adjacent properties? Does the use create noise, odor, smoke, or light that will affect other properties? Will the proposed use have a negative impact on existing adjacent land uses?)

uses with cross usage.

Petitioner Response: The development of the proposed Cannabis Dispensary should not in any way impede the continued normal/orderly development/improvement of the surrounding properties. The area already has been developed and hopefully this use will assist going forward with additional commercial uses.

RESPONSES TO CONDITIONAL USE STANDARDS continued

4. To what extent will the proposed conditional use be adequately served by essential public facilities and services, and by private utilities? (Explain the measures that have been or will be taken to provide adequate utilities, access roads, drainage and/or necessary facilities.)

Petitioner Response: As this use is being put into an area as already developed for commercial/retail operations there

should not be any need for additional access roads, drainage and/or necessary facilities.

All services as exist are adequate for the proposed use.

5. What measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets? (Explain how increases to traffic congestion and circulation problems will be address. Also, explain the ways that access issues will be improved due to the design, locations, or specific proposal of the conditional use.)

Petitioner Response: We believe that the existing ingress/egress systems are adequate as designed to meet the needs of the proposed use as well adequate parking to support the needs of the Dispensary.

6. How is the proposed conditional use not contrary to the objectives of the current comprehensive plan for the village of Forest Park? (Explain how the conditional use is harmonious and compatible with the goals and objectives of the Village's comprehensive planning documents.)

Petitioner Response: This use as proposed is in line with uses as acceptable to the Village per its Ordinances allowing for this

type of use and as in an area zoned for such a use feel it shall be harmonious and compatible

with the Village's goals and objectives.

7. How does the proposed conditional use conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the ZBA? (Show how the proposed conditional use will comply with as many sections of the Zoning Regulations as possible. The proposed site plan may be a part of this response.)

Petitioners Response: Pursuant to site plan as submitted, as well per Narrative the proposed use shall meet applicable Village regulations and requirements as well all as required by the State of Illinois as applicable to Cannabis Dispensaries.

STAFF REVIEW and COMMENTS:

Forest Park took a cautious position in 2014 when considering the suitability of locations for medical cannabis dispensaries requiring a conditional use permit. The Village adopted the same measured approach in 2019 when retail (non-medicinal) cannabis was approved under "The Act". As the Board considers granting this conditional use permit, the benefit of retrospect should be exercised. As the first adult use cannabis dispensary application in the Village, we have the benefit of looking at nearly three years of successful dispensary operations throughout the State of Illinois.

As stated in the May 2022 text amendment hearings to make dispensaries a permitted use in the DBD, staff took the opportunity to visit multiple regional cannabis dispensaries to speak with management regarding operations and unanticipated outcomes. Those facilities reported no untoward incidents and credited the regulatory requirements in "The Act" for making cannabis dispensaries arguably no different from any restricted retail operation such as liquor sales. In fact, <u>all</u> patrons are required by law to show valid identification before entering the establishment. On site security and statutory hours of operation are further examples of the consideration given to making such uses safe for patrons and neighboring business and residential areas. Chief of Police Ken Gross reached out to police chiefs in communities that currently host cannabis dispensaries to determine police requests for service or other issues affecting quality of life matters to proximate neighborhoods. Chief Gross offers his assessment in the memo to the Board included in this packet.

The addition of a cannabis dispensary provides the added benefit of a more secure retail operation at this location. During the three year period leading up to CVS closing the Forest Park Police Department responded to 546 calls for service at this location. The majority of these calls were for retail thefts. The robust security measures outlined in the petitioners' narrative provide assurances that similar incidents will not occur under the proposed use.

The site provides ample parking to accommodate staff and patron parking as well as future tenants to the remaining unfilled commercial spaces.

Should the Zoning Board of Appeals wish to support the request, the following sample motion is provided:

Based on the submitted petition and testimony provided, I move that the Zoning Board of Appeals recommend to the Village Council approval of the Site Plan associated with ZBA2021-01 subject to the following conditions:

- 1. The site shall be constructed in substantial compliance with the "Project Documents" identified in this report and available in the Department of Public Health and Safety.
- 2. Operation of the proposed conditional use shall be in full compliance with 410 ILCS 705/ the Illinois Cannabis Regulation and Tax Act.

- 3. All construction shall comply with the Building Code of the Village of Forest Park, with final plans subject to review and approval by the Village Engineer and Director of Public Health and Safety.
- 4. No building permits and no Certificate of Occupancy for the Subject Property shall be issued by the Department of Public Health and Safety to the Owner unless all debts owed to the Village of Forest Park by the Owner have been paid in full prior to the issuance of such permits or certificate.
- 5. Any violation of the above conditions will result in a violation of the Municipal code of the Village of Forest Park and the owner may be subject to fines for each day said violation exists.
- 6. Additional information shall be submitted, subject to review and approval by staff, for loading.
- 7. Additional information shall be submitted subject to review and approval by staff, regarding onsite signage.

Emerald Coast LLC, an Illinois limited liability company, is applying for a Conditional Use designation for the property located at 7216 Circle Ave. which is improved with a single-story building, containing approximately 10,639 sq. ft.*, which was formerly a CVS Pharmacy, for the operation of a "Adult-Use Cannabis Dispensing Organization" as provided for pursuant to Village of Forest Park Zoning Code Section 9-4B-2. (*-Emerald Coast to use approximately 5000 sq. ft. of building to be re-purposed as a Three (3) unit retail building.

Emerald Coast has partnered with Justice Cannabis Co., an accomplished national cannabis company founded in Chicago, which owns and operates cannabis cultivation centers and dispensaries in several states. Emerald Coast has been selected to receive a conditional Adult Use Cannabis Dispensing Organization license by the State of Illinois, and its full license has been secured (copy attached as Exhibit A). If this Conditional Use is approved, the Dispensary shall be operated under the name "Bloc," as will all other dispensaries operated by JG IL LLC d/b/a Justice Cannabis Company an Illinois limited liability company.

This Adult Use Cannabis Dispensary we believe is well located and fully compliant with all terms and requirements of Section 9-4B-2 for Conditional Uses within Forest Park as required and will service recreational users.

As noted above, the property in question meets the location requirements in that it is located more than: (1) five hundred feet (500') of an existing school or church

In regard to the operation of the proposed dispensary as required per Village Code:

General Operations

Emerald Coast plans to sell cannabis, cannabis-infused products, including but not limited to vaporizers, vaporizer cartridges, topicals, tinctures and edibles, which will be obtained from an Illinois registered adult use cultivation center, craft grower, infuser, or other licensed dispensary. In order to provide purchasers with as wide of an array of products as possible, Emerald Coast will carry an assortment of products from various cannabis cultivation licensees such that the products secured from one licensee does not exceed forty percent (40%) of Emerald Coast's total inventory available for sale. All sales to eligible purchasers shall be in accordance with the rules of the Cannabis Regulation and Tax Act (the "Act").

As detailed in the enclosed floor plan, the layout of the Proposed Dispensary distinguishes amongst the Proposed Dispensary's public area, limited access areas and highly restricted areas. The Proposed Dispensary's public area is limited solely to the waiting area accessed through the main entrance to the building located at its southeast corner.

The remainder of space consists of showroom, sales floor area, including Point of Sales cashiers (limited access area) vault, packaging area and security, deemed a highly restricted area.

Because the business may be cash-intensive, Emerald Coast will utilize a "smart safe" to minimize the danger of theft. The smart safe logs each cash purchase and automatically stores the cash in a safe on premises. Dispensary Managers can only access the safe via tracked log-ins. Each transaction is uploaded to Emerald Coast's bank in real time. The bank regularly deploys an armored vehicle to collect the cash and reconcile the amount. That minimizes the likelihood of theft by both employees and third parties and provides an additional layer of transparency for tracking cash flow.

As noted above, Emerald Coast is working with Justice Cannabis, a dispensary management consultant with extensive experience in cannabis sales in multiple states. As a result, Emerald Coast can benefit from the consultant's breadth of experience to utilize best practices and standard operating procedures with a proven track record.

Emerald Coast will employ Leaflogix, a state-of-the-art inventory- and sales-tracking platform that maximizes transparency with state regulators. Once the purchaser's order is placed into Leaflogix by the Dispensary Agent, the order then shows up on the terminal in product vault, where it is fulfilled by an employee, automatically logging, and tracking the delivery from which the product originated. The order is then handed to the Dispensary Agent. At checkout, the purchaser can pay via cash or with debit card. If the purchaser pays via debit card, our debit card processor, LeafPay, integrates directly with LeafLogix. If the purchaser pays with cash, that transaction is also logged into Leaflogix. In either case, every part of the transaction is recorded in Leaflogix, which automatically uploads every detail to the state's inventory tracking system, Biotrack. Thus, each delivery, purchase, or other interaction is immediately communicated to state regulators in real time. Once the sale is completed the Purchaser will exit the Proposed Dispensary.

Emerald Coast anticipates that, after a short ramping-up period, it will serve approximately 750 customers per week (based on data from dispensaries around the country ranging from 400 to 1,400 customers per week), with each purchaser staying between five and ten minutes at the dispensary and spending \$75 and \$200 per transaction. Emerald Coast anticipates that, at the start, sales will be approximately 80 percent cash and 20 percent debit transactions, although the proportion of debit transactions appears to be increasing over time. Team members come to Justice Cannabis Co. with a history of successful results building and managing financially sustainable facilities.

Traffic and parking

The parking at the facility will meet the needs of a dispensary of this size based on experience with the other dispensaries as operated by Justice Cannabis. In this regard:

- A. Within the envelope of the subject property, it will have 52 parking spaces for the three-unit building (includes three handicapped), The minimum required number of parking spaces by code for this use is 1 space per 75 square feet of gross sales floor/Customer area. The gross floor area of the building as to the subject property is 2100 square feet and as such requires a minimum of 28 parking spaces.
- B. Many of the current customers at other facilities pre-order their products, limiting the time they spend in the store. Average visit by a customer is under ten (10) minutes.
- C. Justice Cannabis' clientele typically come throughout the day and do not follow "rush hour" patterns.
- D. The facility is large enough to contain an oversized waiting area to accommodate busy periods and prevent any queuing outdoors. If there are issues with vehicular traffic, the plan shall be to deploy a security officer into the parking lot to help assist customers and keep the site free of traffic issues and safety.

Loitering/On-site consumption

- A. Strictly prohibited by law. Our customers know this, and our experience indicates this is not a problem.
- B. Armed security guards shall be enforcing.

Security

As the business may be cash-intensive, the Applicant will utilize a "smart safe" to minimize the danger of theft. The smart safe logs each cash purchase and automatically stores the cash in a safe on-premises. Dispensary Managers can only access the safe via tracked log-ins. Each transaction is uploaded to Applicant's bank in real-time. The bank regularly deploys an armored vehicle to collect the cash and reconcile the amount. That minimizes the likelihood of theft by both employees and third parties and provides an additional layer of transparency for tracking cash flow.

Additionally, in order to provide customers with the best experience, the Applicant's Dispensary Agents will receive extensive training. In addition to participation in the Applicant's Responsible Vendor Program, approved by the Illinois Department of Financial and Professional Regulations ("IDFPR"), all Dispensary Agents participate in an extensive two-week training course which includes:

- i) Classroom instruction on topics including cannabis product information, daily purchasing limits, safe consumption of cannabis, and the use of specific cannabis products;
- Behind-the-counter training, including how to effectively operate Applicant's Point of Sale (POS) system and inventory control system and iii) situational training. Dispensary Agents are also required to participate in continuing education programs in order to remain current with industry practices. The applicant will maintain records and evidence of training of its Dispensary Agents in its files, which will be maintained on-site and available for IDFPR for inspection and audit, if necessary.

The Applicant, in consultation with Justice Security LLC, its contracted third-party security firm, has established a robust security plan. The Proposed Dispensary will include two (2) to three (3) armed security guards on-site within business hours. 1-2 guards will greet purchasers and be stationed strategically to oversee the on-site operations, assist with deliveries, and conduct inside and outside perimeter checks. The remaining security guard watching the interior and exterior camera feed. Thirty (30) to fifty (50) high-definition cameras, which capture photo-quality facial images, will be located throughout the Proposed Dispensary, In addition to the cameras, there will be controlled monitored access, glass break, door position, and intrusion alarms monitored 24/7, that will notify the police if there were to be an intrusion or robbery. Applicants' security guards will be trained specifically for cannabis dispensary operations. Such training will include crowd control, traffic control, extensive firearms training, and de-escalation techniques

As noted in the enclosed floor plans, the product will be delivered through the southeast corner of the building. The product will then be transported to the secured vault, which will house cannabis and cannabis-infused products. Dispensing Agents will adhere to strict unloading/loading protocols and regulations related to receiving cannabis products including the physical reception of the cannabis and cannabis-infused products, inventory logging, and secure storage. Every inventory purchase that Applicant makes from a cultivator, infuser, or other vendor is logged into Leaflogix on delivery. The Receiving Area and storage area are located away from the POS area and handled by a limited number of employees.

Hours of operation

- A. Typically ask for approvals requested for 9:00 AM to 9:00 P.M. (Monday-Saturday); 9:00 A.M. to 7:00 P.M. (Sundays)
- B. Willing to work with the Community and adjust hours as requested.

Lighting

A. The parking area will be fully lit in accordance with applicable Forest Park codes.

Advertising

- A. Dispensary name will be "Bloc" which will be in line with all other dispensaries operated by the Justice Cannabis family of dispensaries.
- B. Will not include any cannabis type decorations or blatant verbiage anywhere in company advertising.

Impact on Local Economy – Employment

- A. Generally, six to twelve employees on site at all times, depending on day and time.
- B. Location will typically hire twenty per location, sixteen full-time and four parttime
- C. Will, to the extent possible, look to hire from the local community and typically will have job fairs on site prior to opening.
- D. Advertisement handled through local channels for employees

Impact on Local Economy

- Tax Revenue

- A. As indicated, the Village will receive 3% of gross sales.
- B. Gross sales projected to be between \$500,000 and \$1,000,000 per month.
- C. Based on estimates for this location (based on experiences with other Justice Cannabis' existing dispensaries), it is anticipated that this dispensary will earn towards the high end of that range.

Conditional Use Requirements

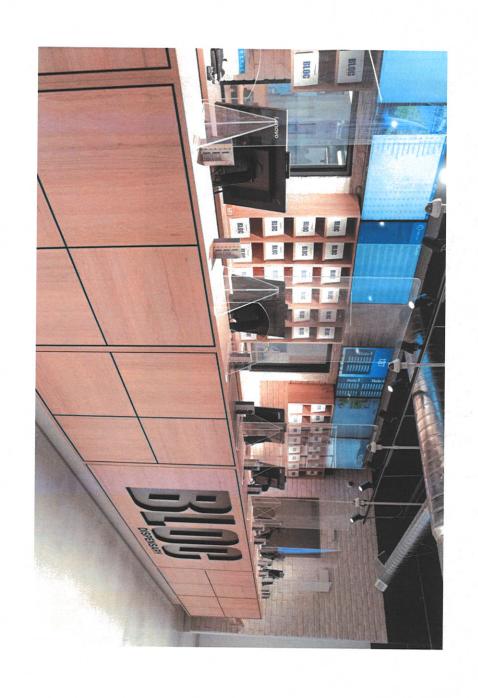
In regard to the general Conditional Use Requirements of Section 9-4B-2. of Forest Park Village Code we believe the Emerald Coast 's proposed use and property in question meet same for the reasons as noted in our Application.

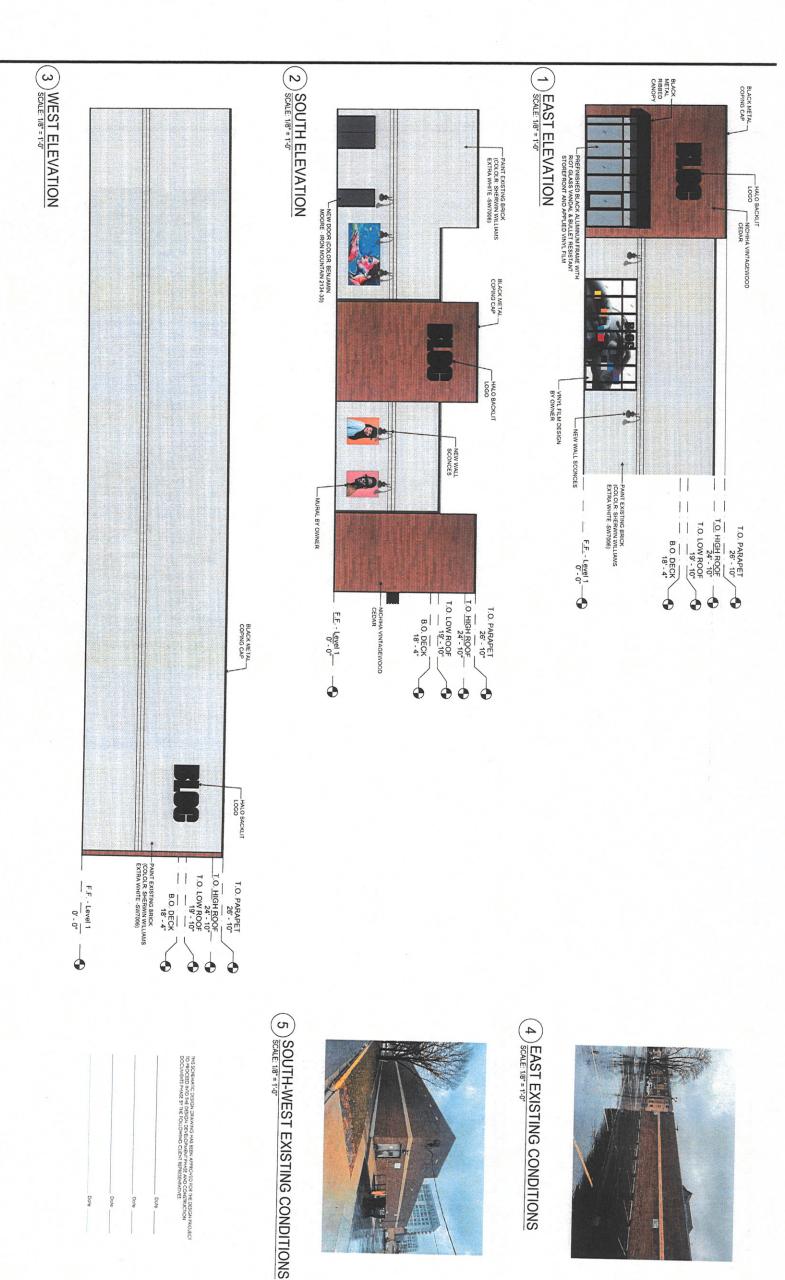
In further regard to the Emerald Coast and its operational partner, Justice Cannabis:

- All of Justice Cannabis Company's dispensaries are doing business as BLOC Dispensary
- Justice Cannabis Company is very committed to its proposed dispensary operations in Illinois.
 - Justice Cannabis Company an existing cultivation site near Effingham, IL producing cannabis products since 2017
 - Through its network and current licenses, there will be up to ten (10) BLOC dispensaries in Illinois

Current Dispensaries operated by Justice Cannabis Company (as of 01/31/23):

- BLOC Dispensary Belton, MO
- BLOC Dispensary Farmington MO
- BLOC Dispensary Richmond Heights MO
- BLOC Dispensary Valley Park MO
- BLOC Dispensary Kirksville MO
- Bloc Pharmacy South Jordan UT
- Bloc Pharmacy St. George UT
- BLOC Dispensary Bethlehem, PA (Sample interior Photos Below)
- BLOC Dispensary Dickson City PA
- BLOC Dispensary Edwardsville, PA
- BLOC Dispensary Benton Harbor, MI





PRELIMINARY - NOT FOR CONSTRUCTION 01.05.23

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Job Number:	Issue Date:		EXTERIOR E		# Description:	The seal(s) and signature(s) apply document to which they are affix expressly discibin may responsibility plans, specifications, estimates, repy documents or instruments relating to to be used for any part or parts of Douisions.
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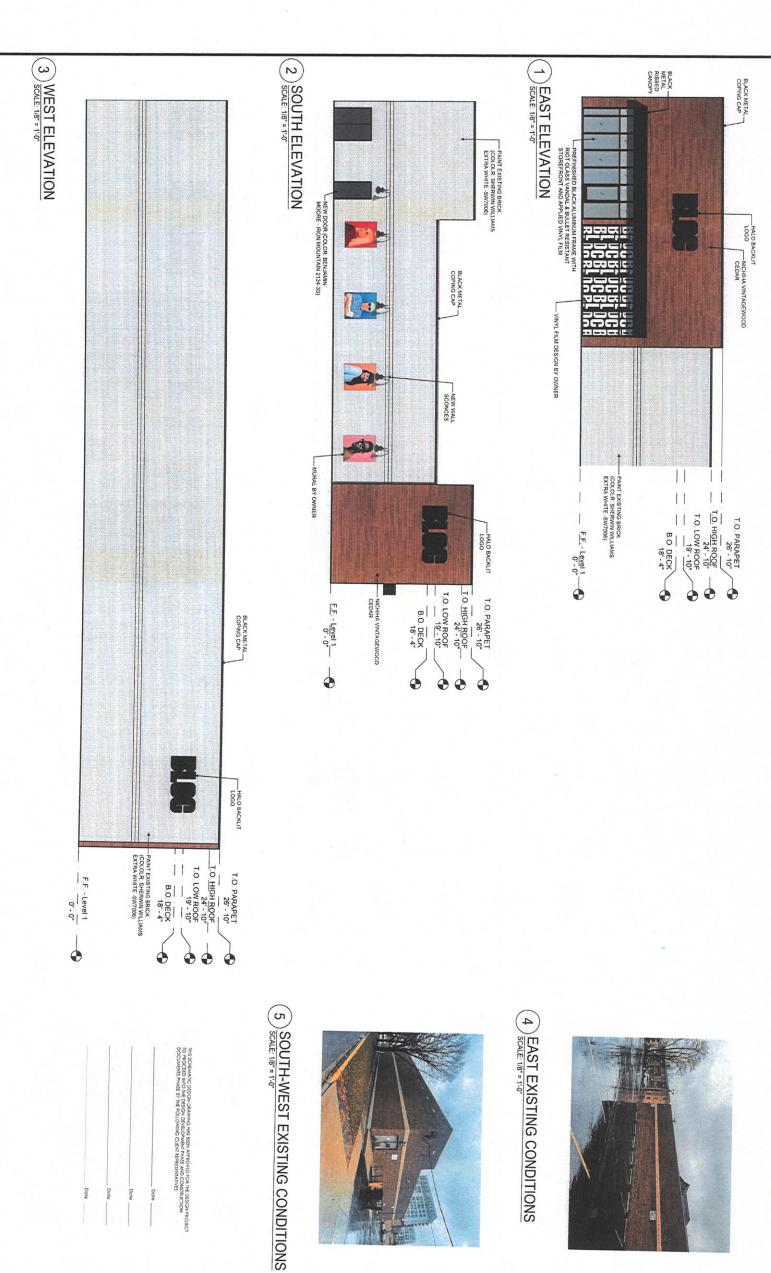
Preliminary Exterior Elevations for:

BLOC

7216 CIRCLE AVENUE FOREST PARK, IL 60130



8725 Big Bend Boulevard St. Louis, Missouri 63119 phone: 314-434-9700



PRELIMINARY - NOT FOR CONSTRUCTION 01.05.23

Job Number: ssue Date: Revisions:
Description: **EXTERIOR ELEVATIONS** П N 01.05.23

Preliminary Exterior Elevations for:

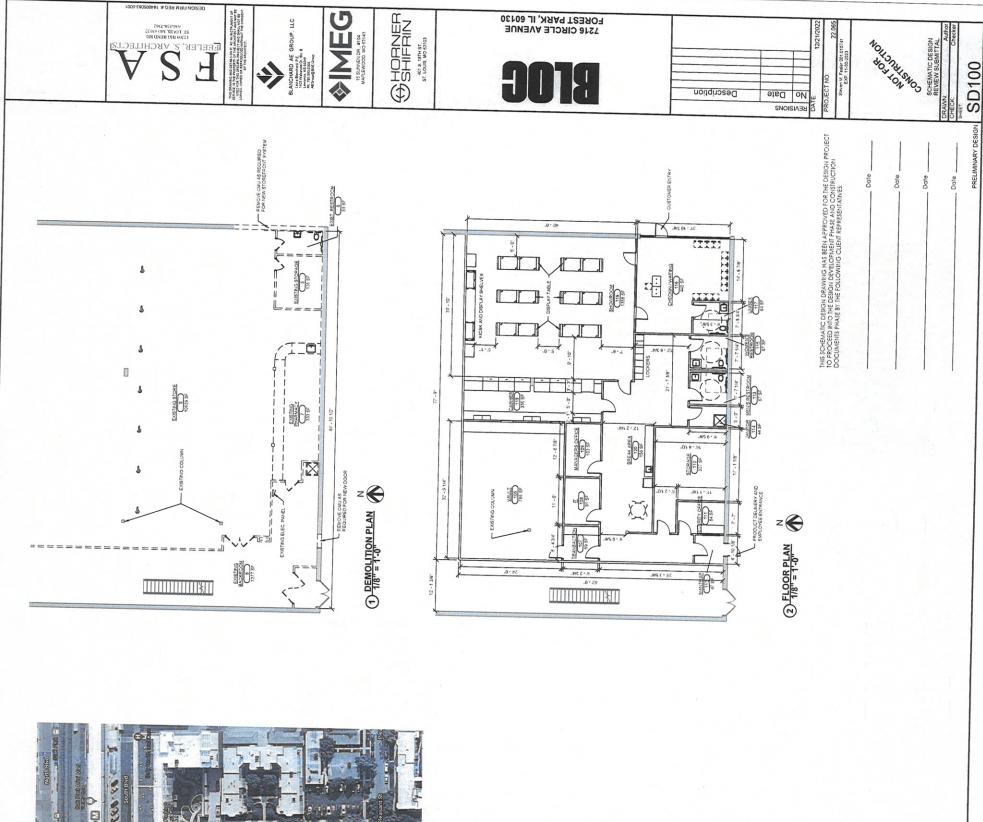
BLOC

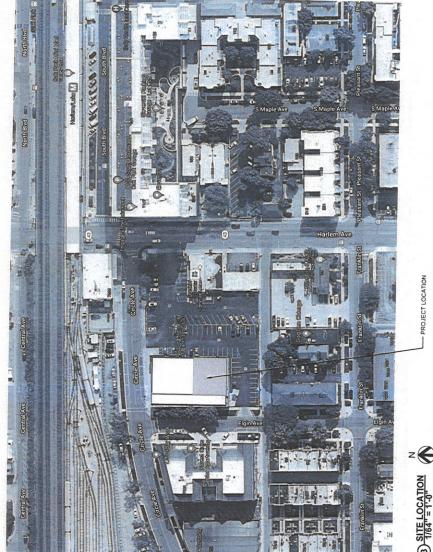
7216 CIRCLE AVENUE FOREST PARK, IL 60130



8725 Big Bend Boulevard St. Louis, Missouri 63119 phone: 314-434-9700

NDITIONS





Forest Park Police Department

Field Services

Memorandum

TO: Forest Park Planning and Zoning Commission

FROM: Chief Ken Gross

DATE: 02Feb23

SUBJECT: Neighboring Cannabis Dispensaries

This week, I contacted police chiefs or deputy chiefs in nearby municipalities that have cannabis dispensaries in their jurisdictions. I asked them in they had any police related issues at the cannabis dispensaries or a number of service calls to these locations.

The law enforcement officials I spoke with were in Elmwood Park, Melrose Park, Rosemont and Westchester. Rosemont has two dispensaries in their village and the remaining towns each have one dispensary.

All who I communicated with advised that the dispensaries in their municipalities were not problematic nor are they a source of increased police calls, crimes, or arrests.

The chief of Westchester could only recall having to go to their dispensary for an issue with a terminated employee otherwise he said there have been no problems.

The chief of Rosemont said that they had a handful of peaceful protesters at the opening of one dispensary. Other than that, he said that the dispensaries are a non-issue. The Rosemont chief also told me that the security at the dispensaries is incredible and that there is a good relationship between dispensary security and law enforcement.

Since we use the same dispatch center as Oak Park, I was able to review calls that the Oak Park PD has had at MedMen at 1142 Lake St from January 1, 2020 through February 2, 2023. There were five calls in this period with two being parking complaints, two being customer disputes, and one being a motor vehicle theft. I cannot with authority advise if the parking complaints or motor vehicle theft were directly related to MedMen.

In short, cannabis dispensaries do not appear to cause a strain on police resources.

