



REPORT TO CITY COUNCIL

PUBLIC HEARING

To: The Honorable Mayor and City Council Members

THRU: Debra M. Irvin, Manager

FROM: Kimberly Smith-Drake, ED Coordinator

DATE: May 1, 2020

SUBJECT: **Case No. 20-07: 4451 Brown Road**

The above Subject item has been investigated, and the findings are listed as follows:

RECOMMENDATION

The Planning Commission met on May 1, 2020 and reviewed and do recommend approval to City Council for a Special Use Permit (SUP) application from petitioners FD Natural Bridge for Greenlight Dispensary LLC, a medical marijuana dispensary at 4451 Brown Road. The location is currently a pre-owned auto sales center and the location will be purchased by the petitioner.

The petitioner has received State of Missouri licensing and is the only medical marijuana dispensary license issued within the City of Berkeley.

BACKGROUND

The property, 4451 Brown Road is located at the corner of Natural Bridge and Brown Road. Currently the location is a used auto sales business and will be purchased from the current owner. FD Natural Bridge LLC will operate Greenlight Dispensary, LLC which is a national chain that currently operates in Arkansas, Missouri, Illinois and Oklahoma.

JUSTIFICATION

Adopted under Ordinance 4527, City of Berkeley Zoning Code, Section 400.530, within the C-2 General Commercial District, allows this use by Special Use Permit (SUP) for the operation of a State Licensed medical marijuana dispensary.

Medical Marijuana Dispensary: A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, an drug paraphernalia used to administer marijuana for medical purposes to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

Distance Requirements:

The location meets the distance requirements of the City of Berkeley as established by the city's zoning code below:

Section 600.210 requires that no such license shall be granted to any entity which is within three hundred (300) feet or (.056) miles from the nearest property line of any school, church, park or playground. This location meets the distancing guidelines.

- Hope Church, 4200 Brown Road, 0.2 miles
- Prince of Peace Missionary Church, 9350 Natural Bridge Rd, 0.4 miles
- Holman Elementary, 8811 Harold Drive, 0.5 miles
- Edgewood Park, 4003 McKibbon, 0.5 miles

Loading Requirements Section 400.530 F:

1. All commercial uses. One (1) space for each fifteen thousand (15,000) square feet of floor area, or fraction thereof in excess of three thousand (3,000) square feet. Where such place is located in a manner that a truck must back directly from a major street into the loading space, a maneuvering space of not less than forty-nine (49) feet shall be provided.

2. Enlargements and extensions. No building or part thereof heretofore erected which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading space is provided in accordance with the provisions of this Chapter.

Area Requirements Section 400.530 G:

- Front yard: Twenty-five (25) feet
- Side yard: Five (5) feet
- Rear yard: Ten (10) feet
- Height: 3 stories or 45 feet. Existing building is one (1) story.

Site Design: Section 400.530 I

1. All roads, parking and loading areas and walks shall be paved with asphalt or concrete in accordance with City specifications on file in the office of the Director of Public Works. All roads, parking and loading areas shall have concrete curbs and gutters.

4. A planting strip of twenty (20) feet shall be established and maintained within the required front yard. A minimum ratio of one (1), three (3) inch caliper, shade tree or three (3), two (2) inch caliper, grouped ornamentals shall be planted within the twenty (20) foot wide planting strip for each twenty-five (25) feet of linear front footage.

7. Where possible, existing plant material should be preserved and may serve in lieu of required planting.

8. *Where a commercial use abuts a residential district on the rear or side yards of the commercial use, a six (6) foot high fence shall be erected and maintained by the commercial property owner. The type of fence shall be approved by the City Fence Review Committee.*

9. All electrical, telephone, cable and similar wires and all utilities must be placed underground for structures constructed after the date of adoption of this Chapter, and for additions of more than twenty-five percent (25%) of the existing floor area in square feet as of the date of adoption of this Chapter.

Fence Requirements Section 400.530 J

In Side and Rear Yards. Fences in required side and rear yards shall not exceed five (5) feet in height.

Performance Standards Section 400.530 K:

1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

2. Noise. Every use shall be so operated that the maximum volume of sound or noise generated does not exceed forty (40) decibels at any point on the lot line of the lot on which the use is located. Outdoor loudspeakers and audible communication systems are not permitted within one thousand (1,000) feet of a residential district.

3. Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line of the lot on which the use is located.

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4. Smoke. Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.

5. Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.

6. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five hundreds (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pounds per one thousand (1,000) pounds of gases shall be of such size as to be retained on a three hundred twenty-five (325) mesh U.S. Standard Sieve. In the case of emission of fly ash or dust from a stationary furnace or combustion device, these standards shall apply to a condition of fifty

REQUESTED CITY COUNCIL ACTION

Recommendation of approval with conditions, to the City Council from the Plan Commission for a Special Use Permit (SUP) to FD Natural Bridge LLC to operate Greenlight Dispensary LLC, a State of Missouri licensed medical marijuana dispensary, in the C-2 General Commercial zone, Ordinance 4527 Section 400.530 at 4451 Brown Road.

OPTIONS OF CITY COUNCIL

1. Approval of the petitioner's request
2. Disapproval of the petitioner's request

CONDITIONS OF SPECIAL USE PERMIT

The Commission shall consider the following conditions:

1. Hours of operation MON-THU 8:00 am – 8:00pm, FRI-SAT 8:00am-10:00pm, SU-Closed
2. All site fencing, including the trash enclosure, shall be repaired or replaced. If total replacement of the wood perimeter site fencing is required all fencing shall be white vinyl.
3. The parking lot shall be restriped, weather permitting.
4. The building, lot, landscaping, and yard areas shall be maintained and kept free and clear of any debris or trash or weeds including maintenance of all landscaped areas.

5. Prior to issuance of any Commercial Occupancy Permits all site improvements and/or damaged portions of the building and fencing is required to be repaired.
6. Exterior building and site conditions in need of repair must be approved by the Building Commissioner.
7. Owner shall comply with Ordinance 4373 and install a commercial enclosure
8. Repair or replacement of current freestanding sign is required, applying for applicable permits from the City Building Department.
9. No loitering on the parking lot at any time.
10. Pick up litter around the premises at least twice a day
11. No snipe signs or directional signs in the Public Right of Way
12. Only 10% of windows space shall be used for window signage
13. Deliveries, loading and unloading shall not occur between 7am-9am and 4pm -6pm
14. Immediate revision of current City of Berkeley business license to reflect change in location
15. This Special Use Permit will be revoked if for any reason the applicant ceases operation and closes its doors to the public for a period of six (6) months or more and not complying with the City's Special Use Permit.
16. The Special Use Permit shall not be assigned, or sold, or conveyed, or operated by another without prior approval by the City Council and occupancy permit, building permit or business license shall be issued to such assignee until such approves is secured.
17. Any violations can be a reason for the City to revoke this permit, according to the City's current regulations. The applicant will comply with all the City's rules and regulations.
18. Prior to issuance of a “new” Commercial Occupancy Permit, the conditions as described in the attached Report, the inspections as part of the normal occupancy permit process shall be met, and as approved by the City Council.
19. In granting such special use permits, the City Council may provide that the permit be valid for a limited period of time not to exceed ten (10) years. Upon expiration of the time limit specified in the permit, the holder of the permit may request the permit be reviewed by the City Council, and the City Council may extend it for another limited period of time not to exceed ten (10) years. The City Council shall provide that the permit be exclusive only for the holder and non-transferable.
20. The City Council may, in accordance with Section [400.580](#), institute a rezoning. The City Council, after a public hearing, may revoke a special use permit for failure of compliance

with the regulations and restrictions of this Chapter or the requirements of the special use permit.

21. The building will also be inspected by the City's Building and Fire Department for code compliance related inspections.

PUBLIC NOTICE AND COMMENT

Public Hearing notification is applicable. Upon recommendation by City Plan Commission to City Council, notices shall be mailed to owners and occupants of the property within 185 feet of the site. This public hearing shall be published, posted and scheduled for the next available date as determined by the City Clerk.

SUPPORTING DOCUMENTS

1. Staff Report
2. Application
3. Business Rendering for Green Light Dispensary
4. Site Photos
5. Site Plan

IMPACT ON CITY BUDGET

Potential increase in sales tax revenue for the City of Berkeley.

Respectfully submitted,

Kimberly Smith-Drake



STAFF REPORT

Case Number: 20-07

Date: May 1, 2020

Petitioner: FD Natural Bridge, LLC
13610 Barrett Office Dr., Ste. 106A
Ballwin, MO 63021

Current Owner: Daboul Enterprises LLC
4451 Brown Road
Berkeley, MO 63134

Request: Green Light Dispensary LLC

Location: **4451 Brown Road**

Size: 2,500 sq. ft.

Current Zoning: C-2 General Commercial District

Proposed Zoning: Remains the same

Existing Use: Pre-owned Auto Sales

Proposed Use: Medical Marijuana Dispensary

Recommendation: Plan Commission recommends approval to City Council



TYPE OF APPLICATION

(Please check all that apply)

INITIAL FEE \$350

| | |
|--|--|
| <input type="checkbox"/> Preliminary (Plats) | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Re-approval (Plats) | <input type="checkbox"/> Zoning Change |
| <input type="checkbox"/> Amending (Plats) | <input type="checkbox"/> Resubdivision/Reconsolidation |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Business Name/Ownership Change |
| <input type="checkbox"/> Lot Consolidation | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Street Name (New, Change) | <input type="checkbox"/> Liquor/Lottery/Financials (Money Grams/Order) |
| <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Other |

REQUIREMENTS:

1. Prepare twenty (20) legible sets of drawings detailing interior & exterior of property.
2. Submit a completed application three (3) weeks prior to Planning meeting. (SEE attached Deadline & Meeting dates)
3. **DO NOT** destroy, tear down or remodel proposed business structure until 'FINAL' approval by City Council.
4. If you do not submit your application in a timely manner your request will be considered on the next meeting date.

APPLICANT(S) LEGAL NAME(S) FD - NATURAL BRIDGE LLC

APPLICANT IS (CHECK ONE): OWNER AGENT _____ PURCHASER OF CONTRACT _____ TENANT _____

APPLICANT(S) ADDRESS: STREET 13610 BARKER OFFICE SUITE 100A

CITY BALLWIN STATE MO ZIP 63021 PHONE 305-607-0934 E-MAIL tbommali@bommali.com
, Net

LOCATION OF PROPOSED USE

STREET ADDRESS: 4451 BROWN RD. BERKELEY MA 63134

PROPERTY DESCRIPTION: ELANOR PARK No 2 Lot PT 2 & BIK 7 Lot PT 15 & Pt 5 & SJR 49 & 656-46-6 & Pt VAC STANDELEY AVE 6 22 82 Block 6

PRESENT ZONING DISTRICT: C-2 PROPOSED ZONING DISTRICT (If applicable) C-2

THE PROPERTY IS PRESENTLY BEING USED AS FOLLOWS: PRE OWNED AUTO SALES

THE PROPERTY IS TO USE IT FOR: (Use of Business) MEDICAL MARIJUANA DISPENSARY

DAYS & HOURS OF OPERATION: _____

PROPOSED NAME OF BUSINESS: GREENLIGHT DISPENSARY LLC

APPROXIMATE SIZE OF TRACT: ACRES 0.1 ACRES SQ FT OF SPACE (Under roof) 2300 SQ FT.

IF APPLICANT IS NOT OWNER: OWNER(S) NAME: Rodwan Dubay

ADDRESS: STREET: 4451 Brown Rd CITY St-Louis

STATE: MO ZIP: 63134 PHONE: 314 5489903 E-MAIL Ryan@rdgbcuauto.com

I HAVE AUTHORITY TO ACT ON BEHALF OF THE OWNER: _____
SIGNATURE

By signing this application the owner(s) and applicant(s) attest that all information and facts provided on this form and attachments are complete and accurate and that any omission or incorrect fact or information may invalidate any notice or subsequent action taken by the City of Berkeley Board of Adjustments, City of Berkeley Planning & Zoning Commission. (All applicants and owners shall sign the application. Attach additional name/address/signature/date pages as needed.)

APPLICANT(S) SIGNATURE _____ OWNER(S) SIGNATURE _____

DATE 3/16/2020 DATE 3/16/2020

On this date _____, all items necessary for a technical review of the proposed special use permit plan have been submitted and constitute a COMPLETE APPLICATION. STAFF SIGNATURE: _____

DATE PAID 3/16/20 Cash Check Money Order Debit/Credit RECEIPT NO: _____ CASE NO: 20-07

Real Estate Tax Information

This page shows real estate tax information for the tax year shown. To change tax years go back and select a tax year in the top left corner.

To print a tax receipt select a tax year in which taxes were paid in full.

If you have any questions please contact the [Collection Division](#).

No Taxes Are Due

Effective 3/18/2020.

Tax Year: 2020
Locator Number: 13K540562
Owner Name: Daboul Enterprises Llc
Property Location: 4451 Brown Rd
Subdivision: Eleanor Park No 2
Block Number: 6
Lot Number:
School Sub Code: 111NE
Legal Description: Lot Pt 2 & Blk 7 Lot Pt 15 & Pt Sur
49 & 656-46-6 & Pt Vac Stansberry Ave
6 22 82
Assessed Value: The 2020 total assessed value will not
be available until the end of May.

2020 tax information will be published in the fall of 2020. Below is the latest tax payment information for this account.

Real Estate Taxes Paid:

| Locator Number - 13K540562 | | | | | | | |
|----------------------------|------------|----------|-----------|---------------|------------|-------------|------------|
| Tax Year | Tax | Interest | Penalties | Other Charges | Total Tax | Amount Paid | Date Paid |
| 2019 | \$8,074.39 | \$0.00 | \$0.00 | \$1,500.93 | \$9,575.32 | \$9,575.32 | 12/31/2019 |



ECONOMIC IMPACT



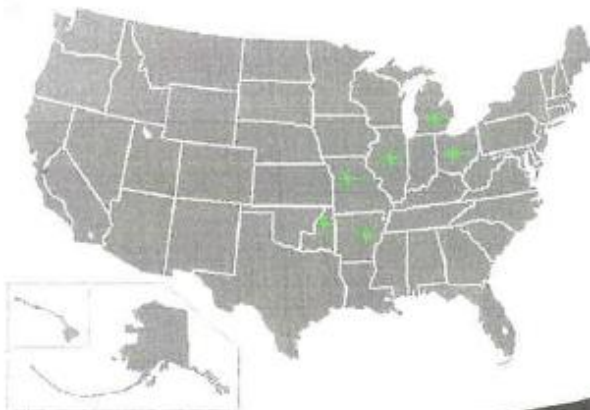
GREENLIGHT

WHO WE ARE

Greenlight is dispensary brand developed by the Founders of Acres Dispensary. The Founders two previous operations (in California and Nevada) sold to Curaleaf in Q1 of 2019 for over \$100m.

Specifically, Greenlight is a network of unified operations across multiple legal jurisdictions in the United States. We partner with local entrepreneurs to develop their cannabis facilities into successful and profitable operations.

Greenlight works with municipalities of blighted or underprivileged areas to open new facilities and provide opportunities to the local community



LOCAL INVESTMENT

The ownership and management behind Greenlight has been involved in cannabis facilities since 2014. On average, the economic impact of our operations yield the following:

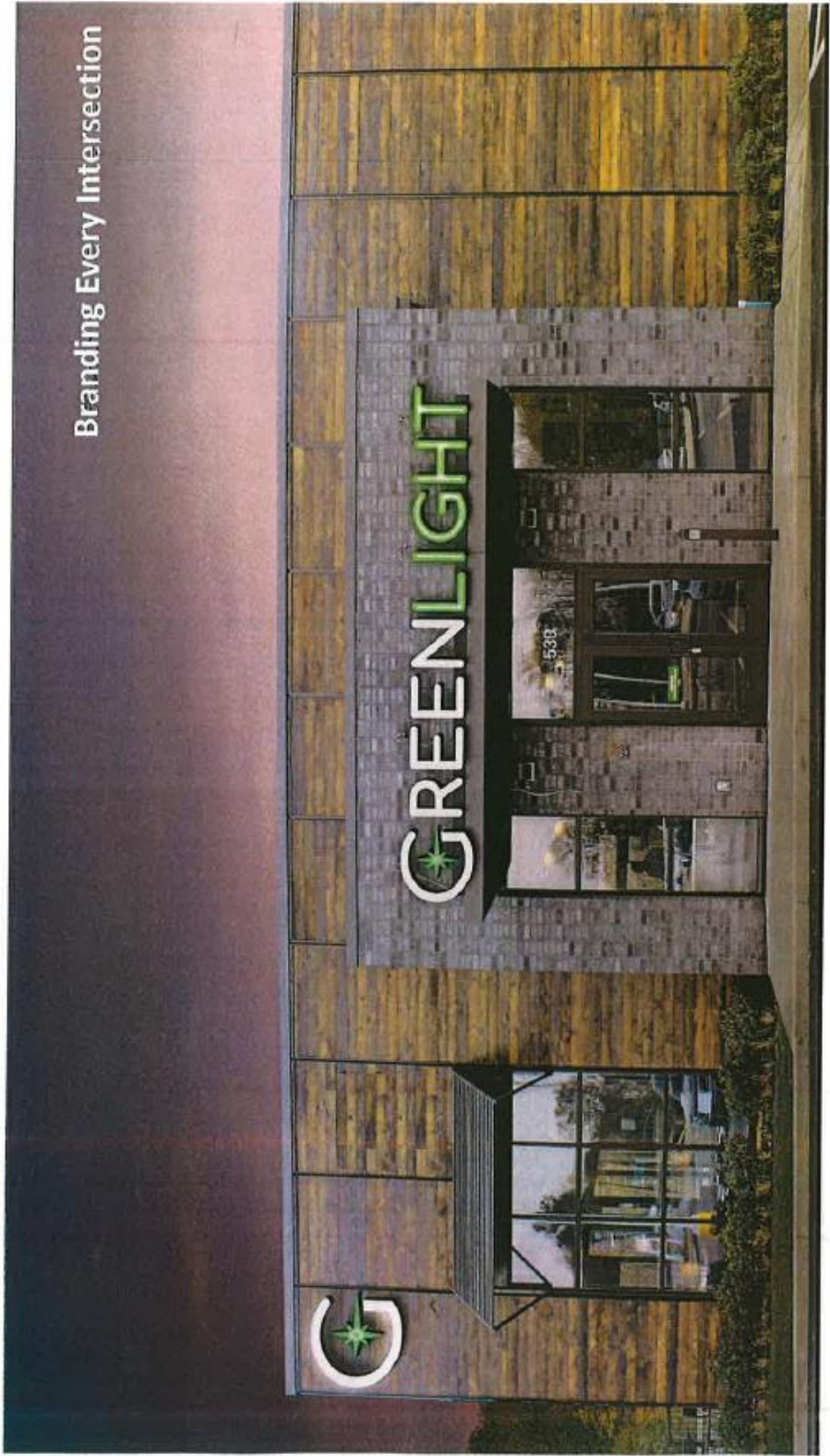
- 10-75 employees per operation.
- 5-12 operations per state.
- Living wages averaging \$15/hour.
- In-house provided training of a skilled profession.
- Attraction of new businesses to the area that include restaurants and banks.
- On average \$1m+ is invested into local businesses to supply services for the buildout and construction of our facilities.
- Tax revenue to city, county and state includes payroll taxes, sales taxes and income taxes.
- Average sales tax generated by 1 dispensary (at 7% sales tax rate) is approx \$221,760 / year.
- All our operations promote a clean and safe environment that puts employee wellness and safety first.

greenlightdispensary.com

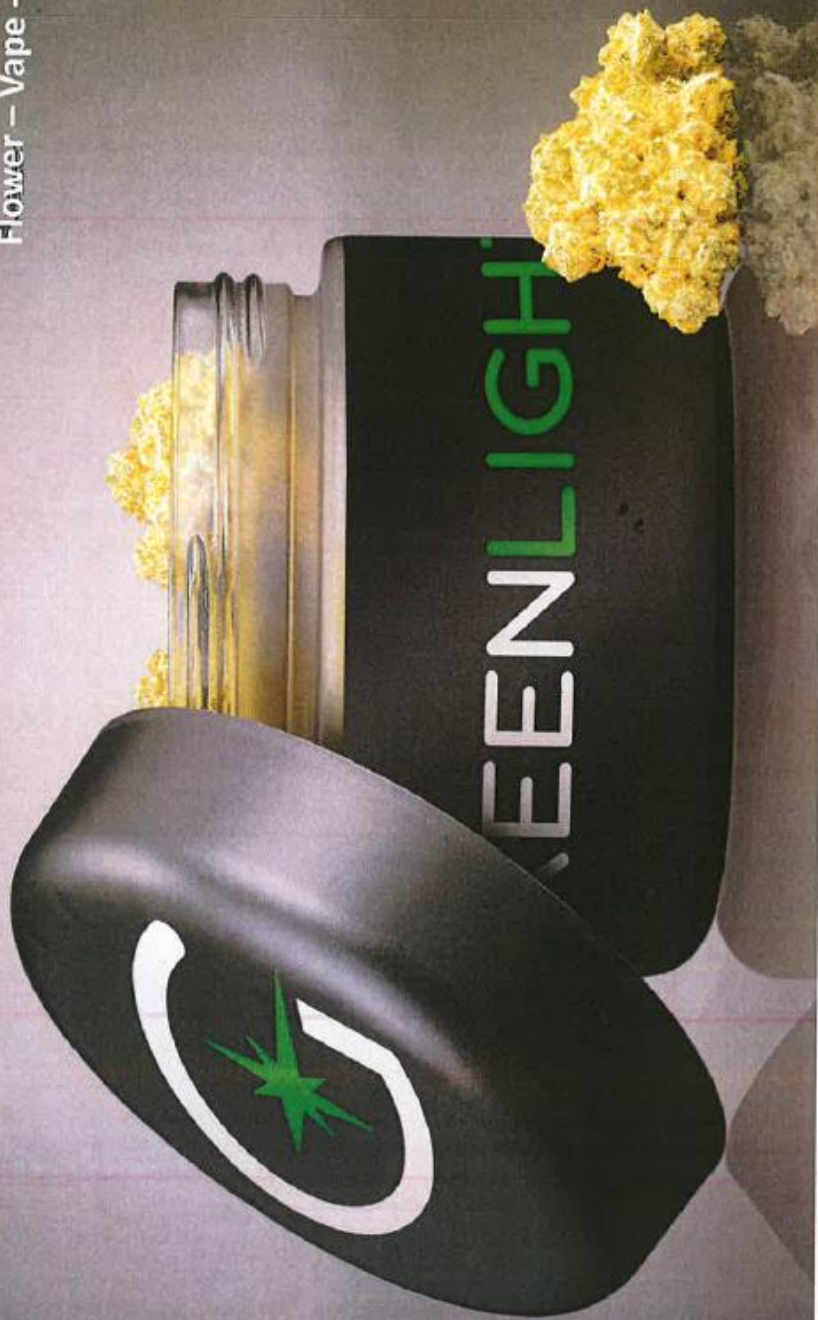
GREENLIGHT

greenlightdispensary.com

Branding Every Intersection



Flower – Vape - Edibles



Merchandising - Uniforms



Current Photo



20 EXISTING PICTURE - FRONT
SCALE: NO SCALE

Proposed Rendering



10 RENDERING - FRONT
SCALE: NO SCALE

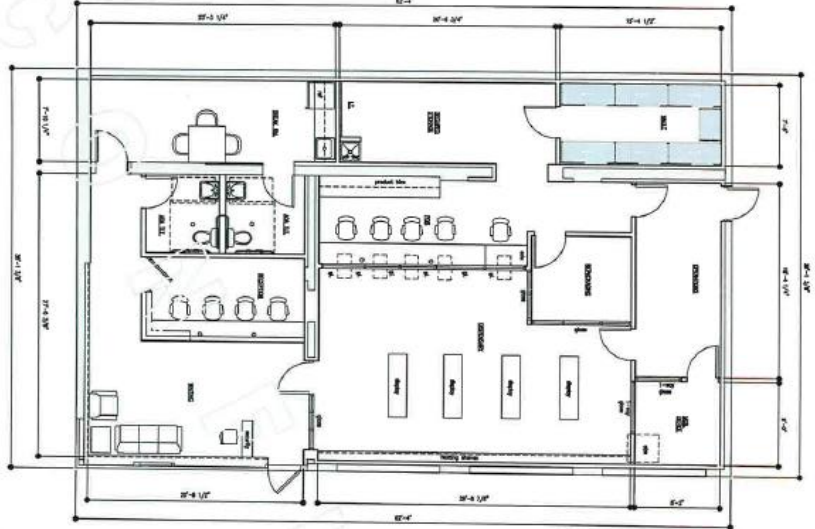


20 EXISTING PICTURE - FRONT
SCALE: NOT SCALE

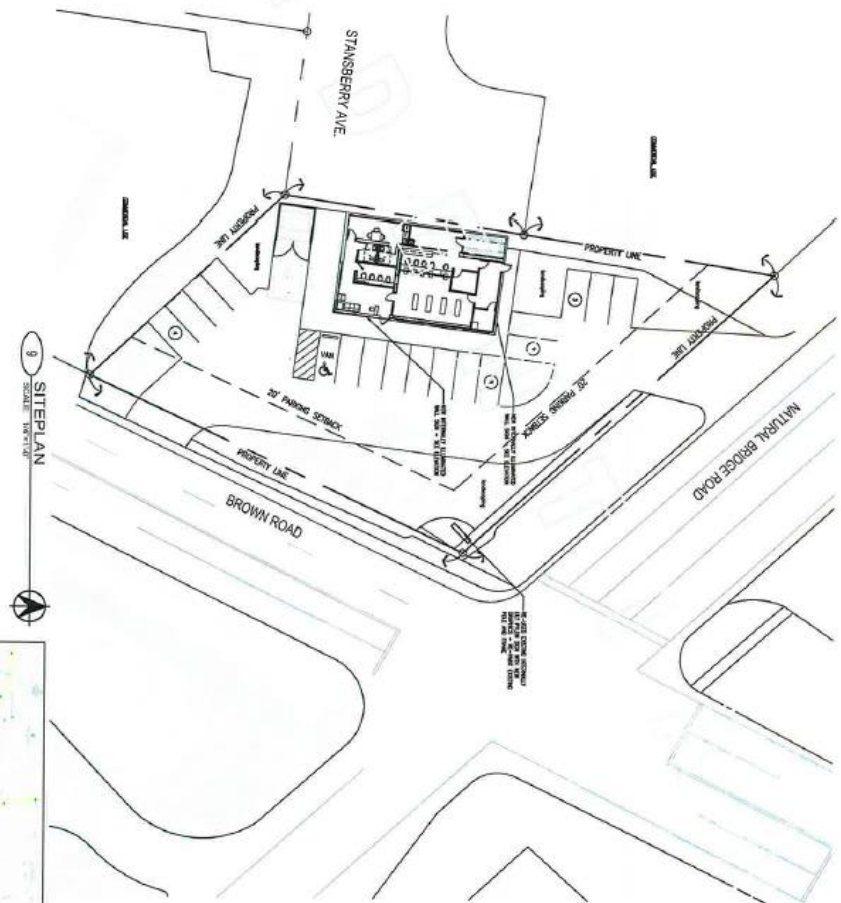


10 RENDERING - FRONT
SCALE: NOT SCALE

18 GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"



9 SITEPLAN
SCALE: 1/8" = 1'-0"



3 LOCATION MAP
SCALE: NOT SCALE



ADOPTED CODES

BUILDING CODE DATA

ZONING BLOCK

PROJECT INFORMATION

Construction Documents For:
FP2- RETAIL and SHOWROOM
4451 Brown Rd. Berkeley, MO



SUP 01

1.01 GENERAL NOTES

1.02 MATERIALS

1.03 FINISHES

1.04 PAINTS

1.05 GLASS

1.06 METALS

1.07 MASONRY

1.08 CONCRETE

1.09 FLOORING

1.10 CEILING

1.11 LIGHTING

1.12 MECHANICAL

1.13 ELECTRICAL

1.14 TELECOMMUNICATIONS

1.15 SECURITY

1.16 SITES

1.17 SIGNAGE

1.18 FURNITURE

1.19 EQUIPMENT

1.20 SPECIALTIES