PLANNING AND ZONING COMMISSION
MEETING NOTICE

DATE:       Wednesday, October 16, 2019
TIME:       7:30 p.m.
PLACE:      McHenry Municipal Center (Council Chambers)
            333 South Green Street, McHenry, IL 60050

AGENDA

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

4. Public Input – (five minutes total on non-agenda items only)

5. Consideration of Approval of Meeting Minutes:
   
   September 18, 2019 Regular Meeting; and
   September 24, 2019 Special Meeting

6. Z-954 Public Hearing – Conditional Use Permit to allow a Medical Cannabis Dispensing
   Organization at 408 S. IL Route 31

   Applicant: Crystal Clear Compassionate Care Inc., 3350 S. Prairie Avenue, Chicago, IL
             60616

   Requested Action: Conditional Use Permit to allow a Medical Cannabis Dispensing
   Organization

   Location of Subject Property: The Subject property is located at 408 S. IL Route 31 in a
   strip mall, east of IL Route 31 and north of Charles Miller Rd.

7. Staff Report: Next Regular Meeting Date: November 13, 2019 at 7:30 p.m.

8. Adjourn

The City of McHenry is dedicated to providing the citizens, businesses and visitors of McHenry with the highest quality of programs and services in a customer-oriented, efficient and fiscally responsible manner.
City of McHenry
Planning and Zoning Commission Minutes
September 18, 2019

Chairman Strach called the September 18, 2019 regularly scheduled meeting of the City of McHenry Planning and Zoning Commission to order at 7:30 p.m. In attendance were the following: Gurda, Lehman, Strach, Sobotta, Thacker and Walsh. Absent: Doherty. Also in attendance were Director of Economic Development Martin and Economic Development Coordinator Wolf.

Chairman Strach opened the public portion of the meeting at 7:30 p.m. There was nobody in attendance who wished to address the Commission with public comment.

Approval of Minutes

Motion by Walsh seconded by Lehman to approve the August 21, 2019 Regular Meeting minutes of the Planning and Zoning Commission as presented:

Voting Aye: Gurda, Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Doherty.

Motion carried 6-0.

Public Hearing: Effingham Medical Farms LLC dba Justice Grown
File No. Z-954
408 S. Route 31
Conditional Use Permit to allow a Medical Cannabis Dispensing Organization

Chairman Strach stated this hearing will be held at a future date due to a publication error.

Public Hearing: City of McHenry
File No. Z-955
333 S. Green Street
Text amendments to the City of McHenry Zoning Ordinance: Article III. General District Regulations, Article V. Commercial Districts and Article XIX. Definitions to add regulations, location requirements and definitions of vape stores, vaping products, vaping, electronic cigarettes and e-cigarettes and any other amendments and/or regulations required

Chairman Strach called the Public Hearing to order at 7:33 p.m. regarding File No. Z-955 an application for Text amendments to the City of McHenry Zoning Ordinance: Article III. General
District Regulations, Article V. Commercial Districts and Article XIX. Definitions to add regulations, location requirements and definitions of vape stores, vaping products, vaping, electronic cigarettes and e-cigarettes and any other amendments and/or regulations required.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on August 30, 2019. A Certificate of Publication is on file in the City Clerk’s Office.

Director of Economic Development gave the Staff report stating vaping is extremely prevalent in our society, particularly by young people. There has been at least one death and numerous illnesses attributed to vaping throughout the United States. Severe respiratory and other issues are linked to vaping and e-cigarettes.

On February 18, 2019, the City Council discussed vape shops and the health risks associated with vaping. Following the City Council discussion an ordinance adopting a moratorium on vape shops was placed on the March 18, 2019 City Council meeting agenda and approved by the City Council.

Director Martin presented a proposed text amendment to the City of McHenry Zoning Ordinance which regulates vape stores, products, vaping and electronic/e-cigarettes. Vape stores are permitted in the C-5 zoning district. They must obtain a tobacco license; must be 1,000 feet from other vape stores, school, child care or children’s recreation facility. Accessory use vaping products are permitted in all commercial zoning districts so long as the vaping products display and storage utilize less than 2% of the gross floor area of the authorized principal structure or 200 square feet, whichever is less. They must be ancillary to the principal use and a tobacco license is required.

Director of Economic Development Martin stated Staff recommends approval of the text amendment to the City of McHenry Zoning Ordinance: Article III. General Residential District Regulations; Article V. Commercial Districts and Article XIX Definitions regarding vaping establishments.

Chairman Strach invited questions and/or comments from the Commission.

Commissioner Sobotta asked if there is an age restriction on buying vape products. Commissioner Strach stated the State of Illinois just changed the purchase requirements from 18 to 21.

Commissioner Thacker asked if the 5 vape shops presently in McHenry were required to have a tobacco license. Director Martin stated he believes they were.

Chairman Strach stated that since there were no outside attendees present the public comment portion of the hearing was closed at 7:41 pm. There were no further questions or comments from the Commissioners.
Motion by Walsh seconded by Gurda to recommend to the City Council with regard to File No. Z-955, approval of Text amendments to the City of McHenry Zoning Ordinance: Article III. General Residential District Regulations; Article V. Commercial Districts and Article XIX Definitions regarding vaping establishments.

Voting Aye: Gurda, Lehman, Sobotta, Strach, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Doherty

Motion carried 6-0

Chairman Strach closed the Public Hearing regarding File No. Z-955 at 7:44 pm.

Staff Report

Director Martin stated a special meeting has been scheduled for Tuesday September 14, a public hearing regarding text amendments for Adult Use Cannabis and there is still an October 16, 2019 regularly scheduled meeting.

Adjournment

Motion by Sobotta seconded by Lehman to adjourn the meeting at 7:50 p.m.

Voting Aye: Gurda, Lehman, Strach, Sobotta, Thacker and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Doherty.

Motion carried 6-0.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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Shawn Strach, Chairman
City of McHenry
Planning & Zoning Commission
Chairman Strach called the September 24, 2019 special meeting of the City of McHenry Planning and Zoning Commission to order at 7:30 p.m. In attendance were the following: Doherty, Gurda, Lehman, Strach, Sobotta, and Walsh. Absent: Thacker. Also in attendance were Director of Economic Development Martin, Economic Development Coordinator Wolf, and Police Chief Birk.

Chairman Strach opened the public portion of the meeting at 7:30 p.m. There was nobody in attendance who wished to address the Commission with public comment.

Public Hearing: City of McHenry
File No. Z-956

Text amendment to the City of McHenry Zoning Ordinance including but not limited to:
- Article III General District Regulations, Article V Commercial Districts, Article VI Office, Industrial, Business Park, Agricultural and Mining Overlay and Health Care Districts, Article VII Off-Street Parking and Loading, Article XIX Definitions of the City of McHenry Zoning Ordinance and Chapter 7.50 Signs of the City of McHenry Municipal Code pertaining to Adult-Use Cannabis.

Chairman Strach called the Public Hearing to order at 7:34 p.m. regarding File No. Z-956 a request for a Text amendment to the City of McHenry Zoning Ordinance including but not limited to:
- Article III General District Regulations, Article V Commercial Districts, Article VI Office, Industrial, Business Park, Agricultural and Mining Overlay and Health Care Districts, Article VII Off-Street Parking and Loading, Article XIX Definitions of the City of McHenry Zoning Ordinance and Chapter 7.50 Signs of the City of McHenry Municipal Code pertaining to Adult-Use Cannabis.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on September 7, 2019. A Certificate of Publication is on file in the City Clerk’s Office.

Director of Economic Development gave the Staff report stating during the last legislative session of the Illinois General Assembly House Bill 1438 (Cannabis Regulation and Tax Act) was passed, legalizing the recreational use of Cannabis in Illinois. Since this passage the Governor signed the bill into law, which takes effect on January 1, 2020. Imbedded in the preamble of the Act the State makes a clear statement advising that the regulation of recreational cannabis is a state matter preempting home rule bodies of government such as McHenry from instituting local ordinances that are stricter. The Act does however offer each municipal body of government the opportunity to either prohibit or restrict cannabis businesses within their community. The City Council discussed this topic at their September 3, 2019 meeting. The consensus of the Council was to allow one or two dispensaries in town. Security, signage, location and zoning were primary focuses of the Council.
Staff prepared an ordinance which would allow adult-use cannabis dispensaries as conditional uses in I-1, BP and C-5 zoning districts with location restrictions from other dispensaries (required by law) and 1,000 feet from schools. On-site consumption is prohibited and a maximum of two is permitted in the City. A signage plan is required with each conditional use permit.

Over the course of July and August Staff met as an informal committee multiple times to review the law, collect information, and discuss the benefits, risks and concerns associated with cannabis businesses in McHenry.

Director Martin reported information on what other McHenry County municipalities are doing and the benefits, risks and concerns involved. There are currently no medical cannabis dispensaries in McHenry County but several communities outside of McHenry County currently have at least one medical cannabis dispensary located within their corporate limits.

He reported a municipality may "prohibit or significantly limit" the location of cannabis businesses by ordinance. If a municipality chooses to permit cannabis businesses to locate and operate within its borders, it may also enact reasonable zoning regulations that are not in conflict with the Act. This authority would include permitting cannabis businesses to locate in certain zoning districts but not others, and imposing generally applicable off-street parking requirements.

Director Martin stated further, the Act explicitly authorizes municipalities to impose limits on the "time, place, manner, and number" of cannabis business by requiring the businesses to obtain conditional or special use permits. These limits must be reasonable and may not conflict with the requirements of the Act. He explained that determining whether a local restriction conflicts with the Act may be more difficult than the drafters anticipated. The licensing of cannabis businesses and the requirements ensuring compliance were summarized.

Director Martin went over the draft ordinance being proposed and added he invited Chief Birk specifically to give background on text in the ordinance which specifically prohibits any dispensing organizations or similar business north of McCullom Lake Road, which is considered a major shopping district of town.

Director Martin stated Staff recommends approval of text amendments to the City of McHenry Zoning Ordinance including but not limited to: Article III General District Regulations, Article V Commercial Districts, Article VI Office, Industrial, Business Park, Agricultural and Mining Overlay and Health Care Districts, Article VII Off-Street Parking and Loading, Article XIX Definitions of the City of McHenry Zoning Ordinance and Chapter 7.50 Signs of the City of McHenry Municipal Code pertaining to Adult-Use Cannabis.

Chairman Strach asked Chief Birk to give background information on limiting locations north of McCullom Lake Road. Chief Birk stated the decision was made for consideration of public safety as this type of establishment assesses specific risks in a major shopping district. Being filled with family oriented types of businesses and located farthest from the Police Department which
would affect response times to incidents mitigates the overall risk to residents. Chief Birk further stated City Council made it clear they want no more than a maximum of 2 dispensaries in town.

Chairman Strach asked if the state statute stipulates the 1000’ distance rule from schools. Chief Birk stated it does not.

Chairman Strach opened the floor to questions and comments from the Commissioners.

Commissioner Sobotta inquired if there is any limitation on the number of medical marijuana facilities established in the City. Director Martin stated there is not.

Commissioner Doherty inquired on the status of a medical marijuana dispensary at 618 S. Route 31 which was given approval by the Commission in 2017 and whether stricter sign regulations could be implemented. Director Martin stated the prior request for a medical dispensary was withdrawn by the applicant and never went before City Council.

Chairman Strach stated any requests of this nature would need a conditional use permit and a sign plan will need to be submitted and approved by Planning and Zoning. Chief Birk added a consenting agreement will need to be signed by the applicant to verify the signage requirements are met as well.

Clarification on the specific zoning areas of town that are C-5 (including Route 120 and South Route 31), Business Park (BP) and I1 were discussed.

There were no attendees at the meeting to address the Commission in public comment regarding this matter.

Motion by Lehman seconded by Walsh to recommend to the City Council with regard to File No. Z-956, approval of text amendments to the City of McHenry Zoning Ordinance including but not limited to: Article III General District Regulations, Article V Commercial Districts, Article VI Office, Industrial, Business Park, Agricultural and Mining Overlay and Health Care Districts, Article VII Off-Street Parking and Loading, Article XIX Definitions of the City of McHenry Zoning Ordinance and Chapter 7.50 Signs of the City of McHenry Municipal Code pertaining to Adult-Use Cannabis.

Voting Aye: Doherty, Gurda, Lehman, Sobotta, Strach, and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Thacker.
Motion carried 6-0

Chairman Strach closed the Public Hearing regarding File No. Z-956 at 8:00 pm.
Adjournment

Motion by Sobotta seconded by Lehman to adjourn the meeting at 8:00 p.m.

Voting Aye: Doherty, Gurda, Lehman, Strach, Sobotta, and Walsh.
Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Thacker.
Motion carried 6-0.
The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

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Shawn Strach, Chairman
Planning & Zoning Commission
Applicant
Crystal Clear Compassionate Care Inc.
3350 Prairie Avenue
Chicago, IL 60616

Requested Action
Conditional Use Permit to allow the construction of a medical cannabis dispensary at 408 S Illinois Route 31.

Site Information
Location and Size of Property
The subject property is located on the east side of Illinois Route 31 and consists of approximately two acres.

Comprehensive Plan Designation
Commercial

Existing Zoning and Land Use
The subject property is currently zoned C-5 Highway Commercial, contains a multi-tenant building with Aesthetics Boutique, Meat and Potatoes, Brunch Café and Salon Te Elle Ce and a vacancy of approximately 3,156 square feet

Adjacent Zoning and Land Use
North: C-5 Highway Commercial District, Park View Plaza Strip Shopping Center and Vacant Land
South: C-5, BP Fueling Center, Unincorporated McHenry County Mark’s Tree Service
East: C-3 Community Commercial, Vacant Land
West: C-5, Vacant Land
BACKGROUND
On November 19, 2014 a Use Variance to allow the construction of a medical cannabis dispensary under the Compassionate Use of Medical Cannabis Pilot Program Act was filed for the property at 620 South Illinois Route 31 Units 6B and 8. The application was subsequently withdrawn. On May 17, 2017 an application was considered by the Planning and Zoning Commission for a proposed medical marijuana dispensary at 618 S Illinois Route 31. This application was approved by the Planning and Zoning Commission but was never brought forward by the applicant to City Council.

The Commission will also recall Phoenix Farms of Illinois presented a petition to the Planning and Zoning Commission which was subsequently approved by the City Council for a medical cannabis cultivation center at 1515 Miller Parkway in the McHenry Corporate Center. Phoenix Farms of Illinois was not issued a cultivation license for 1515 Miller Parkway and Fabrik Industries since purchased, expanded and is operating out of 1515 Miller Parkway.

City of McHenry Zoning Ordinance Regulations for Medical Cannabis Dispensaries
Amendments to the zoning ordinance pertaining to dispensaries were considered by the Planning and Zoning Commission and subsequently approved by the City Council and include dispensaries as conditional uses in the C-5 Highway Commercial District. Below is a definition and summary of the regulations approved for dispensaries:

MEDICAL CANNABIS DISPENSING ORGANIZATION
A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

Q. MEDICAL CANNABIS
• Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of medical cannabis occurring within the corporate limits of the City of McHenry. Such facilities shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, as may be amended from time to time (hereinafter referred to as the “Act”), as well as those additional regulations provided below. In the event the Act is amended, the more restrictive of the state or local regulations shall apply.
• Conditional Use Permit: Medical Cannabis facilities, as defined herein, requiring approval of a conditional use permit in the respective zoning districts in which they are requested shall be processed and reviewed in accordance with Article II. Filing Procedures and Article XIV. Conditional Uses of the City of McHenry Zoning Ordinance and Article III. General District Regulations Q. Medical Cannabis as provided herein.

• Medical Cannabis Facility Components: In determining compliance with Article XIV. Conditional Uses the following additional components of the Medical Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:
  a. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
  b. Proposed structure in which the facility will be located, including co-tenancy and building code compliance.

• 5. Medical Cannabis Dispensing Organization: In those zoning districts in which a Medical Cannabis Dispensing Organization may be located, the proposed facility must comply with the following regulations:
  a. Facility may not be located within 1,000 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 vocation/trade centers shall not be classified as a public or private school for purposes of this section.
  b. Facility may not be located in a building or structure which is also utilized as a dwelling unit or on a property which contains a building or structure which is utilized as a residential dwelling.
  c. For purposes of determining required parking, Medical Cannabis Dispensing Organizations shall be classified as “Other Retail and Personal Service” in accordance with Article VII Off-Street Parking & Loading Table 13: Required Parking Spaces for Non-Residential and Non-Lodging Uses unless the Medical Cannabis Dispensing Organization is located within a Shopping Center, as defined herein, and in this instance shall comply with the off-street parking and loading requirements for “Shopping Centers” in accordance with Article VII Off-Street Parking & Loading Table 13: Required Parking Spaces for Non-Residential and Non-Lodging Uses.
  d. Petitioner/Applicant shall file an affidavit with the City affirming compliance with Article III. General District Regulations Section Q. Medical Cannabis as provided herein and all other requirements of the Act.
STAFF ANALYSIS
The applicant is required to obtain a conditional use permit to allow a medical marijuana dispensary at the subject property because the City's zoning ordinance only permits dispensaries as conditional uses in the C-5 zoning district.

As part of the application process with the State of Illinois and in accordance with the provisions of the Act and accompanying administrative rules, Crystal Clear Compassionate Care Inc. is required to meet several minimum regulations and will be categorically scored based on their ability to demonstrate how well they address each of the criterion in their application to the state.

Conditional Use Permit Criteria
The criteria for conditional use permit approval includes traffic; environmental nuisance; neighborhood character; public service and facilities; public safety and health and other factors. Staff has concerns with traffic and public safety and health.

Staff believes the subject property is ideal in that it's located on a major route, however the site currently is very heavily utilized by two restaurant uses-particularly in the morning and during the lunch hour. Parking can be very difficult at this location and with the proposed use, parking and the free flow of traffic is paramount. The site does have multiple ingress and egress points however the ingress/egress is right-in/right-out to/from the site onto Illinois Route 31.

Finally, public safety and health is a concern. This is a very busy shopping center, with multiple uses, points of access, cross access, a drive-thru to the south, access driveway to the east of the fueling center, access to Knox Drive, Route 31, centers to the south and eventually Bull Valley Road. Staff believes it is a very busy center to potentially integrate a use such as the one being proposed. There is a lot going on and there is the potential for something dangerous to occur because of all of the activity within the aforementioned and adjacent centers. People are constantly coming and going and walking sometimes several distances from the parking spaces to the building to patronize one or more uses.

RECOMMENDATION PRIOR TO PUBLIC HEARING

Staff has some concerns with the proposed request as stated and is not making a formal recommendation on the petition.
If the Planning and Zoning Commission wants to recommend approval, staff recommends using the recommendation below.

Approval of a conditional use permit to allow a medical cannabis dispensary on the subject property at 408 S Illinois Route 31 subject to the following conditions:

- Facility may not be located within 1,000 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 vocation/trade centers shall not be classified as a public or private school for purposes of this section;
- Crystal Clear Compassionate Care shall file an affidavit with the City affirming compliance with Article III. General District Regulations Section Q. Medical Cannabis as provided herein and all other requirements of the Act;
- Crystal Clear Compassionate Care shall install 24-hour/day 7 days/week real time video surveillance equipment, to be approved by the City, which covers/encompasses the entire exterior perimeter of 408 South Illinois Route 31, including the north, south, east and west sides of the building, common parking area to the south, east and west of 408 South Illinois Route 31 as well as the ingress/egress to the site. Additionally, equipment encompassing the interior of the building, common hallway/entrance and entire space of 408 S Illinois Route 31 shall be installed and all surveillance equipment must be in place, tested and operational prior to receipt of a certificate of occupancy;
- Crystal Clear Compassionate Care shall maintain on-site security personnel at all times business is conducted at the subject property; proof of such security shall be provided to the City prior to receipt of a certificate of occupancy;
- If a conditional use permit is approved there shall be no residential dwelling units permitted on subject property at any time the dispensary remains in operation;
- A photometric plan must be submitted verifying minimum parking lot lighting requirements are met. If the regulations are not met, additional/new lighting standards must be installed in accordance with all City ordinance requirements prior to granting an occupancy permit for the proposed medical marijuana dispensary;
- For purposes of determining required parking, Medical Cannabis Dispensing Organizations shall be classified as “Other Retail and Personal Service” in accordance with Article VII Off-Street Parking & Loading Table 13: Required Parking Spaces for Non-Residential and Non-Lodging Uses and the proposed dispensary on subject property shall comply with said regulation;
- Conditional Use Permit for a dispensary on the subject property shall be null and void if Crystal Clear Compassionate Care Inc. does not secure a license to operate a medical

Staff finds all requirements in Table 33 of the zoning ordinance have been satisfied.

Attachments
- Application packet
- May 17, 2017 Planning and Zoning Commission Meeting Minutes
Chairman Strach called the May 17, 2017 regularly scheduled meeting of the City of McHenry Planning and Zoning Commission to order at 7:31 p.m. In attendance were the following: Doherty, Meyer, Sobotta, Strach, Thacker, and Walsh. Absent: Miller. Also in attendance were: Director of Economic Development Martin, City Attorney Cahill, and Administrative Assistant Wolf.

Approval of Minutes

Motion by Meyer, seconded by Sobotta, to approve the April 12, 2017 regular meeting minutes of the Planning and Zoning Commission Meeting as presented:

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller.
Motion carried 6-0.

Public Hearing: JAMIL TAYLOR (JUSTICE GROWN)
File No. Z-908
618 S Illinois Route 31
Use Variance to allow Construction of a Medical Cannabis Dispensary under the Compassionate Use of Medical Cannabis Act and any other Variances required effectuating the request on the subject property

Chairman Strach called the Public Hearing to order at 7:33 p.m. regarding File No Z-908, an application for a use variance to allow Construction of a Medical Cannabis Dispensary under the Compassionate Use of Medical Cannabis Act and any other Variances required effectuating the request on the subject property as submitted by Jamil Taylor, Justice Grown, 311 N. Aberdeen St. #300, Chicago, IL 60607.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on May 2, 2017. Notices were mailed to all abutting property owners of record as required by ordinance. The subject property was posted. A Certificate of Publication and Affidavit of Compliance with notice requirements are on file in the City Clerk’s Office.

In attendance was Jamil Taylor, VP of Business Development, 6331 S Kenmare, Chicago IL 60637 and Ashley Peterson, CEO Illinois, 3404 W. McLean. Chicago, IL 60607 who were sworn in by Chairman Strach. Mr. Taylor provided a summary of the request before the Commission at this Hearing stating Justice Grown is a business founded by a group of attorneys who had issues with social justice in making sure citizens in the US are served justly. He has been a Vice
President with Justice Grown for a year and a half. They currently cultivate in Illinois being one of 22 licensees. Ms. Peterson stated she currently runs the cultivation center in Edgewood Illinois (Effingham County) and May 31 will be their one year anniversary. Mr. Taylor and Ms. Peterson went through a 20 page presentation about their company, background, history of medical cannabis and why McHenry County is a prime location as a dispensary to serve patients in the local area. Mr. Taylor gave his corporate financial background and wants to serve and educate people in the community to help understand why their product is medicine and how to use it safely and not abuse it. Ms. Peterson stated she was a school principal for Chicago Public Schools for four years and she taught for seven years prior to that. She left that role to right some of the wrong views in the community on medical cannabis and giving medical aid to people in the community with very few side effects. They explained the healing component of medical cannabis incorporating an overview of the industry. Mr. Taylor and Ms. Peterson referenced a Chicago Tribune article and quotes regarding safety of medical cannabis dispensaries. They noted there has never been a robbery or any issues with the organizations that are currently regulated in Illinois because the security is so highly regulated. Dispensary licenses are given out based on population. In 2016 there was $36 million in revenue and in April alone there was $6.6 million in revenue. There are approximately 500,000 people suffering from 40+ qualifying conditions and about 20,000 patients presently have legal medical cannabis cards with numbers increasing by 3000 every month. McHenry County was never awarded a dispensary license in the first run of licensing and there are about five licenses left to issue. McHenry County is densely populated and the City itself is a perfect location central to the county. There is a big demand for the product and the closest dispensary is in Rockford.

Only 4000 sq. ft. of the 10,000 sq. ft. building will be used for the dispensary. The rest will be a community space used for education, yoga, and classes to help people in the community make lifestyle changes. The location is close to law enforcement, near medical facilities and has a one way in and out entrance which is not visible from the street. This location is good for anonymity and safety of clients as well. A percentage of proceeds is earmarked to the local school districts for things such as offering sponsorship of a DARE officer, partnering with drug abuse programs, sponsoring health fair events, and partnering with tenants in or near the park such as chiropractors, massage therapists, and working with veterans and groups suffering from PTSD. Mr. Taylor and Ms. Peterson encouraged anyone to call Effingham County and they will be given positive reviews of how Justice Grown operates. They want to be a positive influence in the community.

The operation will have very high security sponsored by Eagle Security. There will be approximately 32 cameras for the 4000 ft. space covering every spare inch of the facility. Delivery of product is typically in the morning during daylight hours and a security guard is on staff at all times. Security procedures were presented. Illinois is operating a very tight ship in regard to security of these facilities with no incidents reported to date and they operate discreetly yet safely. The premises will not look like a head shop or smoke shop but will rather have a professional, welcoming and medical pharmacy facility design with very discreet signage.
Director of Economic Development Martin provided the Commission with the Staff Report regarding this matter stating the requested action is a use variance to allow construction of a medical cannabis dispensary at 618 S Illinois Route 31 but also includes a 1,060 square-foot community space.

The property consists of (two) one-story buildings, 618 and 620 South Illinois Route 31. Lot 2 can only be accessed from Illinois Route 31 by way of an access easement, which is depicted on the plat of survey. The current zoning of the property was presented.

Director Martin stated in August 2013 the State of Illinois enacted the Compassionate Use of Medical Cannabis Pilot Program Act (the “Act”), which became effective January 1, 2014. The Act is in place until July 2020. The Act permits one dispensary in McHenry County. The State of Illinois Department of Financial and Professional Regulation originally planned to issue 60 permits for dispensary centers in Illinois however there were a few permits for dispensaries that were not issued and no permit for a dispensary was issued in McHenry County.

An update from the State of Illinois Medical Cannabis Program Pilot website was provided. Director Martin stated Phoenix Farms of Illinois presented a petition to the Planning and Zoning Commission which was subsequently approved by the City Council for a medical cannabis cultivation center at 1515 Miller Parkway in the McHenry Corporate Center. Phoenix Farms of Illinois was not issued a cultivation license for 1515 Miller Parkway and Fabrik Industries since purchased, expanded and is operating out of 1515 Miller Parkway.

Amendments to the zoning ordinance pertaining to dispensaries were considered by the Planning and Zoning Commission and subsequently approved by the City Council and include dispensaries as conditional uses in the C-5 Highway Commercial District. A definition and summary of the regulations approved for dispensaries was provided.

The applicant is required to obtain a use variance to allow a medical marijuana dispensary at the subject property because the City’s zoning ordinance only permits dispensaries as conditional uses in the C-5 zoning district, and the subject property is zoned O-1.

As part of the application process with the State of Illinois and in accordance with the provisions of the Act and accompanying administrative rules, Justice Grown is required to meet several minimum regulations and will be categorically scored based on their ability to demonstrate how well they address each of the criterion in their application to the state. These requirements were presented and Justice Grown has included information in their application packet which addresses all state-mandated criteria.

Form E of the City’s zoning ordinance includes approval criteria to be considered when evaluating a request for a use variance. Five criteria which the applicant must satisfy to receive a positive recommendation for the request were provided. The two buildings on the subject property, 618 and 620 South Illinois Route 31 have been vacant for several years. The site is
also unique for the simple fact that it meets the strict location requirements outlined in the Act. Additionally, Route 31 road improvements were recently completed which restrict access to the subject property and significantly limit the uses which could reasonably locate on the site. First National Bank closed their facility directly to the north of the subject property due to the access limitations.

Director Martin stated staff does not believe the proposed use will alter the character of the area and that it will be a destination business. It is accessed off a major roadway and abuts vacant land to the south, a vacant building to the north, a multi-tenant office/medical building to the west and a cemetery to the east. The proposed use is a destination, provides a service to our community and will draw people from outside the City due to the limitation on the licensing of dispensaries. Additionally, Justice Grown is including a community space within the building and has made it clear they want to be active within the City and partner with the community.

Director Martin discussed access and safety of the property. Photographs of the subject property and surrounding area were presented. Staff’s primary zoning concerns pertaining to the proposed use include: safety and security for patrons of the proposed business as well as other businesses on Lots 1 and 2, deliveries and access to the business. If awarded a license, the operator of the proposed medical cannabis dispensary will be required to provide continuous uninterrupted video surveillance. Such surveillance must be available “real time” 24 hours/day and accessible by the State of Illinois. Staff presented an email in support of the project.

Electronic video monitoring is defined as: “continuous and uninterrupted video surveillance of dispensary activities and oversight for potential suspicious actions.” Due to the ambiguity and subjectivity of this provision staff would recommend 24-hour/day 7 days/week real time video surveillance to include the entire exterior perimeter of 618 South Illinois Route 31, as well as the interior of the building. This would include the north, south, east and west sides of the building, common parking area to the north as well as the ingress/egress to the subject property from Illinois Route 31. Director Martin highlighted the security and video monitoring requirements and stated if this request is approved staff will ensure the operator works with the police department to adequately satisfy this requirement. Additionally, staff recommends the operator maintain on-site security personnel during business hours which is already part of their plans.

Staff wants to ensure the parking lot lighting standards comply with the minimum parking lot lighting requirements set forth in the City’s zoning ordinance and recommends a photometric plan be submitted to verify this requirement is met, and if the lighting restrictions set forth in the zoning ordinance are not met staff recommends the applicant install additional/new standards to comply with the ordinance.

Director of Economic Development Martin stated Staff recommends approval of a use variance to allow a medical cannabis dispensary on the subject property, at 618 S Illinois Route 31, and
any other variances required to effectuate the aforementioned request in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, in substantial accordance with the conceptual architectural plan completed by Perimeter Architects dated 4.18.17 and subject to conditions as presented and Staff finds all requirements in Table 32(A) of the zoning ordinance have been satisfied.

Director Martin presented an email and mailed correspondence admitting them to the record regarding the proposed use as well as an email received today from Ms. Laura Miller objecting to the use of the property as a medical cannabis facility. Director Martin responded to Ms. Miller’s email with pictures showing the dispensary will be well over 1,000 ft. from any day care facility.

Chairman Strach invited questions and/or comments from the Commission.

Commissioner Thacker asked for a description and frequency of deliveries. Ms. Peterson stated that rules and regulations for deliveries state deliveries must be randomized and that Justice Grown is open to coordinating with the McHenry Police Department which is something they do in Effingham County. The security officer on the premises will be unarmed but will be very well trained in other methods of security.

Commissioner Walsh asked about the opiate abuse information given in the power point presentation on slide 9 and whether or not a reduction in the statistics has been realized. Ms. Peterson stated they have actually seen a reduction in the statistics on slide 9 since opening as well as reduced opiate overdose deaths and a reduction in Medicaid costs.

Commissioner Sobotta how the delivery system of cash flow is handled. Mr. Taylor stated cash bags have tracking devices hidden in them and Smartsafes eliminate the cash till explaining cash goes in but none goes out by employees working similarly to an ATM. Prepaid cards purchased can be used which lessens the use of high cash retention building up in the facility. Mr. Taylor further stated the vault room is in the middle of the facility. Mr. Sobotta asked if there is a plan to put up fencing in the rear of building. Mr. Taylor stated they have considered the addition of concrete posts and planters but nothing is definite yet due to high security already in place. He further stated the product cannot be used inside or outside the facility and a security guard is always present.

Commissioner Doherty asked how the product is packaged. Mr. Taylor answered there are many ways to use the product which comes in pill form, edibles, olive oil, diffused vaporizing cartridges, and flower buds used to smoke. All products are pre-packaged and dispensary displays are showing all three forms of packaging will be present – flowers, edibles, concentrates. Packages are all child resistant with tamper evident seals along with a list of information similar to prescriptions. Commissioner Doherty asked how soliciting clients is done. Ms. Peterson stated educational seminars are held with public speakers and people will not see commercials, radio ads or the like.
Commissioner Walsh asked if people wanting to participate in the community outreach aspect will need a medical card to get in or if it will be open to public. Mr. Taylor stated the community space will be open to the public and the beauty of this particular space is that the outreach center has a separate entrance.

Commissioner Meyer asked what stage of the licensing process Justice Grown is in and how long does it can take. Mr. Taylor stated they are actually in a limbo state with their application tucked away and ready to go. Governor Rauner has not opened up the applications yet and each one is typically 500 pages long. The second round of applications is expected to open up this year and Justice Grown is trying to be proactive. There are only 5 licenses remaining in the entire state.

Commissioner Strach asked if finding a location is part of the application process. Ms. Peterson explained as part of the process a facility must be earmarked and approved before the facility application can be touched so this is part of the process to help with approval of a license.

Commissioner Thacker asked if they have any idea of the number of residents in McHenry County currently holding medical cannabis cards. Ms. Peterson stated a nearby dispensary said they do not have access to that information but McHenry County residents are currently travelling over an hour one-way to get to medical cannabis dispensaries.

Commissioner Doherty asked if the use of the dispensary will be open to out of state residents and the typical hours of operation. Ms. Peterson stated it can be used by Illinois residents only and hours of operation are typically six days a week from 10 a.m. until 6 or 7 p.m. Patients are regulated to a maximum 2.5 ounces every 14 days which is trackable. Commissioner Doherty asked how they donate money to schools and help educate students. Mr. Taylor answered doctors and health experts are invited in and compensated to speak sometimes explaining the way to use it as medicine including presentations by and for the Substance Abuse Coalition.

Chairman Strach opened the floor to questions and comments from the audience. The following were sworn in by Chairman Strach prior to their addressing the Commission:

Amie Kennedy, 7511 Hiawatha, Wonder Lake IL came to show support. Her husband has MS and has had years of pain and suffering taking much medication including opiates over the years without any relief or success. The family physician suggested the medical cannabis route for Mr. Kennedy to try and get relief. Ms. Kennedy works in the healthcare industry and was skeptical at first but after visiting the dispensary with the medical cannabis card and being educated on the program she has changed her opinion and realizes alternative choices need to be made available to patients in addition to mainstream medical care. They presently now need to travel over an hour to a dispensary but her husband has a much better quality of life now than he has for the past 10 years.
Dave Trost, 414 N Shepherd Hill Lane, McHenry IL was very impressed with the program and the amount of thought put into it. Mr. Trost thinks it is needed in the community and believes it is in total compliance with the regulations as well as being able to provide needed tax dollars to the city.

Sophia Giblin, 4605 Loyola Dr., McHenry IL came to show support. She is certified to dispense medical cannabis in the state of Illinois. It is highly regulated and somewhat micromanaged but quite helpful to patients.

Kaylie Hukirk, 1447 Todd Farm Drive, Elgin IL said she was one of the first employees in Illinois to dispense medical cannabis. She has helped the two major advocacy groups in Illinois to sign up over 1000 patients prior to the program’s existence. She presently works in a full service wellness center in West Dundee and they believe in Justice Growrn’s work due to the huge gap in the medical industry for alternative patient services along with education and holistic lifestyle changes. Kaylie is highly impressed with Justice Growrn’s educational aspect and services being provided for the community. She further opined an opiate epidemic is here in the City and the County and if the community supports this it will be quite beneficial toward healthier residents and a decrease in crime.

Chairman Strach closed the public comment portion of the hearing at 8:36 p.m.

Director Martin stated this is a recommending body to make recommendations to City Council and anyone with questions or concerns or wanting more information should contact him directly.

Motion by Meyer, seconded by Walsh, to recommend to the City Council with regard to File No. Z-908, approval of an application for a Use Variance to allow a medical cannabis dispensary on the subject property, at 618 S Illinois Route 31, and any other variances required to effectuate the aforementioned request in accordance with the Compassionate Use of Medical Cannabis Pilot Program Act, in substantial accordance with the conceptual architectural plan completed by Perimeter Architects dated 4.18.17 and subject to the following conditions:

- Facility may not be located within 1,000 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 vocation/trade centers shall not be classified as a public or private school for purposes of this section;
- Justice Growrn shall file an affidavit with the City affirming compliance with Article III. General District Regulations Section Q, Medical Cannabis as provided herein and all other requirements of the Act
- Justice Growrn shall install 24-hour/day 7 days/week real time video surveillance equipment, to be approved by the City, which covers/encumbers the entire exterior perimeter of 518 South Illinois Route 31, including the north, south, east and west sides of the building, common parking area to the west of 618 South Illinois Route 31 as well
as the ingress/egress to the site. Additionally, equipment encompassing the interior of the building, common hallway/entrance and entire space of 618 S Illinois Route 31 shall be installed and all surveillance equipment must be in place, tested and operational prior to receipt of a certificate of occupancy;

- Justice Grown shall maintain on-site security personnel at all times business is conducted at the subject property; proof of such security shall be provided to the City prior to receipt of a certificate of occupancy;
- If use variance is approved there shall be no residential dwelling units permitted on subject property at any time the dispensary remains in operation;
- A photometric plan must be submitted verifying minimum parking lot lighting requirements are met. If the regulations are not met, additional/new lighting standards must be installed in accordance with all City ordinance requirements prior to granting an occupancy permit for the proposed medical marijuana dispensary;
- For purposes of determining required parking, Medical Cannabis Dispensing Organizations shall be classified as “Other Retail and Personal Service” in accordance with Article VII Off-Street Parking & Loading Table 13: Required Parking Spaces for Non-Residential and Non-Lodging Uses and proposed dispensary on subject property shall comply with said regulation;
- Use Variance for a dispensary on the subject property shall be null and void if Justice Grown does not secure a license to operate a medical marijuana dispensary from the Illinois Department of Financial and Professional Regulation by December 31, 2018

be granted, and Staff finds all requirements in Table 32(A) of the zoning ordinance have been satisfied.

Voting Nay: None.
Not Voting: None.
Abstaining: None.
Absent: Miller.
Motion carried 6-0.

Commissioner Thacker thanked Justice Grown for providing an extremely professional and informative presentation at the hearing.

Chairman Strach closed the Public Hearing regarding File No. Z-908 at 8:38 p.m.

Public Hearing: UTOPIAN ROAST LLC
File No. Z-909
1252-1254 N Green Street
Conditional Use Permit to allow assembly use, along with a coffee shop
PUBLIC HEARING APPLICATION

Planning and Zoning Commission
City of McHenry

333 South Green Street · McHenry, IL 60050 · Tel: (815) 363-2170 · Fax: (815) 363-2173

1. Name of Applicant Crystal Clear Compassionate Care Inc. Tel 312-342-9026
   Address 3350 S. Prairie Avenue, Chicago, IL 60616 Fax

2. Name of Property Owner R.J. Properties, LLC Tel 815-482-1938
   (If other than Applicant)
   Address 3321 S. Route 31, Crystal Lake, IL 60012 Fax

3. Name of Engineer N/A Tel
   (If represented)
   Address Fax

4. Name of Attorney Craig S. Krandel Tel 815-477-7476
   (If represented)
   Address 407 E. Congress Pkwy., Ste E, Crystal Lake Fax 815-333-0480
   IL 60014

5. Common Address or Location of Property 408 S. Route 31, McHenry, IL 60050

   __________________________________________________________________________

6. Requested Action(s) (check all that apply).

   ___ Zoning Map Amendment (Rezoning) ___ Zoning Variance - Minor

   X Conditional Use Permit ___ Zoning Text Amendment

   ___ Zoning Variance ___ Other

   Provide a brief description of the Requested Action(s). For example, the operation that requires a
   Conditional Use Permit, the specific Zoning Variance needed, or the new zoning classification that is
   requested:

   Conditional Use Permit to allow a Medical Cannabis Dispensing Organization
   in an existing C5 zoned facility in accordance with the City of McHenry
   Zoning Ordinance.

   __________________________________________________________________________
7. Current Use of Property: The property is located in a C5 zoned property existing multi-tenant facility. The current space is vacant.

8. Current Zoning Classification of Property, Including Variances or Conditional Uses

The current zoning is C5.

9. Current Zoning Classification and Land Use of Adjoining Properties

North: C5
South: C5
East: C3
West: C5

10. Required Attachments (check all items submitted)

Please refer to the Public Hearing Requirements Checklist to determine the required attachments.

X 1. Application Fee (amount) $ 950.00 (Previously paid)
X 2. Narrative Description of Request
X 3. FORM A - Public Hearing Application
X 4. FORM B - Zoning Map Amendment (Rezoning) Application
X 5. FORM C - Conditional Use Application
X 6. FORM D - Zoning Variance Application
X 7. FORM E - Use Variance Application
X 8. Proof of Ownership and/or Written Consent from Property Owner in the Form of an Affidavit
X 9. Plat of Survey with Legal Description
X 10. List of Owners of all Adjoining Properties
X 11. Public Hearing Notice
X 12. Sign (Provided by the City, to be posted by the Applicant)
X 13. Site Plan
X 14. Landscape Plan
X 15. Architectural Rendering of Building Elevations
X 16. Performance Standards Certification
X 17. Traffic Analysis
X 18. School Impact Analysis
11. Disclosure of Interest

The party signing the application shall be considered the Applicant. The Applicant must be the owner or trustee of record, trust beneficiary, lessee, contract purchaser, or option holder of the subject property or his or her agent or nominee.

Applicant is Not Owner
If the Applicant is not the owner of record of the subject property, the application shall disclose the legal capacity of the Applicant and the full name, address, and telephone number of the owner(s). In addition, an affidavit of the owner(s) shall be filed with the application stating that the Applicant has the authority from the owner(s) to make the application.

Applicant or Owner is Corporation or Partnership
If the Applicant, owner, contract purchaser, option holder, or any beneficiary of a land trust is a corporation or partnership, the application shall disclose the name and address of the corporation’s officers, directors, and registered agents, or the partnership’s general partners and those shareholders or limited partners owning in excess of five percent of the outstanding stock or interest in the corporation or interest shared by the limited partners.

Applicant or Owner is a Land Trust
If the Applicant or owner is a land trust or other trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary shall be disclosed in the application.

12. Certification

I hereby certify that I am aware of all code requirements of the City of McHenry that relate to this property and that the proposed use or development described in this application shall comply with all such codes.

I hereby request that a public hearing to consider this application be held before the Planning and Zoning Commission, and thereafter that a recommendation be forwarded to the City Council for the adoption of an ordinance(s) granting the requested action(s), including any modifications to this application or conditions of approval recommended by the Zoning Board of Appeals or City Council.

Signature of Applicant(s)
Print Name and Designation of Applicant(s)

Mitch Zaveduk
Authorized Agent

September 19, 2019
R. J. Properties, LLC, an Illinois limited liability company, is the owner of the building located at 400-414 S. Route 31 within the City Limits of McHenry, IL (the "Building") and has a lease in place with Crystal Clear Compassionate Care Inc., an Illinois corporation to operate a Medical Cannabis Dispensing Organization in approximately 3,156 sf of the Building, subject to the issuance of the required Conditional Use Permit.
Table 31 of the City of McHenry Zoning Ordinance provides that in recommending approval or conditional approval of a Conditional Use Permit, the Planning and Zoning Commission shall transmit to the City Council written findings that all of the conditions listed below apply to the requested action.

Please respond to each of these conditions as it relates to your request.

1. **Traffic**
   Any adverse impact of types or volumes of traffic flow not otherwise typical in the zoning district has been minimized.

   The proposed use will not create an adverse impact of types or traffic volumes. The site is served by access on Route 31 and Bank Drive.

2. **Environmental Nuisance**
   Any adverse effects of noise, glare, odor, dust, waste disposal, blockage of light or air, or other adverse environmental effects of a type or degree not characteristic of permitted uses in the zoning district have been appropriately controlled.

   The proposed use should not create any environmental nuisances.

3. **Neighborhood Character**
   The proposed use will fit harmoniously with the existing natural or man-made character of its surroundings and with permitted uses in the zoning district. The use will not have undue deleterious effect on the environmental quality, property values, or neighborhood character existing in the area or normally associated with permitted uses in the district.

   The proposed use should not adversely affect the neighborhood character and will harmoniously fit in to the existing center.
4. Public Services and Facilities
The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities, in such a way as to place undue burdens upon existing development in the area.

The proposed use will not require public services disproportionate to that normally expected in the C5 use district.

5. Public Safety and Health
The proposed use will not be detrimental to the safety or health of the employees, patrons, or visitors associated with the use nor of the general public in the vicinity.

The proposed use will not be detrimental to the public safety and health associated with the use nor the general public in the vicinity.

6. Other Factors
The proposed use is in harmony with all other elements of compatibility pertinent to the Conditional Use and its particular location.

We believe this to be correct.
DISCLOSURES OF INTEREST
McHenry Zoning Case Z-954

In regard to the application for a Medical Cannabis Dispensing Organization by Crystal Clear Compassionate Care Inc., an Illinois Corporation, for the property commonly known as 408 S. Route 31 as owned by R. J. Properties, LLC, an Illinois limited liability company the ownership of the various entities are as follows:

R. J. Properties, LLC

Managers/Members
Rosemary Swierk sole Manager/Member
3321 S. Route 31, Crystal Lake, IL 60012
Ph. 815-444-8844

Crystal Clear Compassionate Care Inc.

Owners/Officers:
MARIA DAVIS (50% owner), President
3350 S PRAIRIE AVE CHICAGO, IL 60616
Ph. (312) 342-9026

CRYSTAL ANDERSON

(50% Owner), Secretary
1235 S. PRAIRIE, #200 CHICAGO, IL 60605
Ph. (773) 447-5726

By:

Craig S. Krandel, Attorney
AFFIDAVIT

Now comes Rosemary Swierk, Manager of R.J. Properties, LLC and being first duly sworn and upon oath, and states as follows:

1. That R.J. Properties, LLC is currently the owner of the property commonly known as 408 S. Route 31 McHenry, IL 60050

2. That pursuant to Application for Conditional Use for this property, R.J. Properties, LLC has given authority to Crystal Clear Compassionate Care Inc. to file for this Conditional Use.

Further Affiant sayeth naught.

__________________________
Rosemary Swierk, Manager

SUBSCRIBED and SWORN to
before me this 16th day
of September 2019

__________________________
Lori Vee Eastwood
NOTARY PUBLIC

Prepared By:
Craig S. Krandel
Timm & Garfinkel, LLC
407 Congress Parkway Ste E.
Crystal Lake, IL 60014
(815) 477-7476
AFFIDAVIT

Now comes Rosemary Swierk and being first duly sworn and upon oath, and states as follows:

1. That I am currently the Manager of R.J. Properties, LLC an Illinois Limited Liability Company.

Further Affiant sayeth naught.

[Signature]
Rosemary Swierk

SUBSCRIBED and SWORN to before me this 16th day of September 2019

[Signature]
NOTARY PUBLIC

Prepared By:
Craig S. Krandel
Timm & Garfinkel. LLC
407 Congress Parkway Ste E.
Crystal Lake, IL 60014
(815) 477-7476
## NOTICE OF PROPER ZONING FORM

### SECTION 1 TO BE COMPLETED BY APPLICANT

1. **LEGAL NAME OF APPLICANT:**
   - Crystal Clear Compassionate Care, Inc.

2. **STREET ADDRESS OF THE PROPOSED DISPENSARY:**
   - 408 S. Rte 31

3. **DISPENSARY'S REGISTRY ID:**
   - [Redacted]

4. **CITY:**
   - McHenry

5. **COUNTY:**
   - McHenry

6. **ZIP CODE:**
   - 60051

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**NOTICE:**

The applicant is solely responsible for ensuring the proposed location is within district boundaries, is compliant with Section 100(d) and 140 of the Act and is in a location that meets minimum zoning requirements. Applicants must not apply with a proposed dispensary address that needs to be rezoned.

**NOTE:** If a proposed location is not in a zoning classification that allows for operation of a medical cannabis dispensary, the location is non-compliant and your application will be disqualified.

### CHECK ALL THAT APPLY

1. Are there local zoning restrictions specific to a medical cannabis dispensary at the proposed location? [ ] Yes [ ] No

2. If applicable, is the location of the proposed medical cannabis dispensary in compliance with local zoning restrictions for medical cannabis dispensaries? [ ] Yes [ ] No

3. If applicable, has the proposed dispensing organization filed a request with the local zoning authority for a dispensary use permit/special use permit? [ ] Yes [ ] No

   If a zoning request was filed but has not been approved, the zoning determination is expected to be issued in approximately [ ] DAYS [ ] WEEKS [ ] MONTHS (check one)

4. Is the proposed location in compliance with Section 130(d) of the Act? [ ] Yes [ ] No

---

**SECTION 2 TO BE COMPLETED BY AUTHORIZED REPRESENTATIVE OF THE LOCAL ZONING OFFICE**

Please confirm the boxes 7 to 10 above are true and accurate under the local zoning ordinance.

**Director of Economic Development:**

**Title of Authorized Zoning Representative:**

**City of McHenry**

**Name of the Local Jurisdiction:**

**Douglas Martin**

**Printed Name:**

**9/23/19**

**Signature / Date**

**815.363.2110**

**Telephone Number**

---

**NOTE:**

Section 130(d) of the Medical Cannabis Pilot Program Act states in pertinent part:

(d) A dispensing organization may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part-day child care facility. A regulated dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

**IL480-23359 11/16**
MEDICAL CANNABIS
DOCUMENTATION OF PROPERTY OWNERSHIP

To be completed by Property Owner

1. NAME OF ENTITY APPLYING FOR A DISPENSARY REGISTRATION
Crystal Clear Compassionate Care Inc

2. MEDICAL CANNABIS DISTRICT NUMBER

3. NAME OF OWNER OF THE PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY
B.J. Properties, LLC

4. PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY
408 S. Route 31

5. CITY
McHenry

6. COUNTY
McHenry

7. ZIP CODE
60050

8. IS APPLICANT ALSO THE PROPERTY OWNER? □ YES □ NO

9. IS THE PROPERTY SUBJECT TO A MORTGAGE? □ YES □ NO

CERTIFICATION

By affixing your signature below, you certify you are the owner of the physical address of the property listed herein, and you know and understand that the above listed entity is applying for a medical cannabis dispensary with the Illinois Department of Financial and Professional Regulation. You also consent that the property at the listed address provided herein may be used as a dispensary if the applicant is awarded a registration by the Illinois Department of Financial and Professional Regulation.

B.J. Properties, LLC
Property Owner Name

815.444.8844
Phone Number

AllSweet, Manager
Property Owner Signature

9/16/19
Date

Subscribed and sworn to before me this 16th day of September, 2020.

OFFICIAL SEAL
Lori Vee Eastwood
Notary Public - State of Illinois
My Commission Expires: 9/28/2023
October 7, 2019

Douglas P. Martin
Director of Economic Development
City of McHenry
333 S Green Street
McHenry, IL 60050

Re: Crystal Clear Compassionate Care
Medical Cannabis Dispensary
Zoning Case Z-954
Property at: 408 S. Route 31
Our File: 19-342

Dear Doug:

In follow up to our prior discussions related to the above matter and concerns of parking, security and public safety, enclosed please find additional documentation related to our client’s proposed operation as well as notes of support from adjoining tenants and owners.

I expect we will further discuss and address these topics with members of the Planning and Zoning Commission as well as City Council in our appearance before each group.

Please advise if anything further you may wish us to provide ahead of our hearing on October 16th.

Sincerely,

TIMM & GARFINKEL, LLC

By Craig S. Krandel
Crystal Clear Compassionate Care
Medical Cannabis Dispensary
Operations Guidelines

Security/Safety features:

- Armed guard at all times when open
- Cameras throughout the interior/exterior of the facility (Camera plan attached)
- Biometric screening and security at all checkpoints
- The space uses double man doors prior to access to sales area a fully internal delivery bay (sally port), mantrap at the dispensing area entryway and a second mantrap protecting the vault storage area. The configuration also provides for secure handling of product with minimal movement. (Security Plan attached)
- One to one employee to customer ratio in sales area
- No back windows to the facility
- Delivery of product/removal of cash all through drive in bay
- All cash in locked/secured safe

Hours of Operation

- 7 days a week
- General Hours 10 a.m. to 8 p.m.
- Peak hours 5-8 p.m.

Parking

- Spaces generally needed during peak time- '13
- Total of 6 employees during peak operational times
- Prior communication from Landlord indicating plenty of open parking during a typical lunch/brunch hour (Approx. 50 open spaces at 12:35 p.m. the day in question)
From: John Swierk <jswierk@ddcaarchitects.com>
Sent: Tuesday, October 1, 2019 10:40 AM
To: Craig Krandel
Cc: rosemaryswierk@gmail.com
Subject: FW: Zoning Support

Craig.

Please see below.

Thanks

John Swierk, AIA
President, NCARB
LEED AP BD+C

Direct Design Ltd.
Carroll Associates
3321 S. Route 31
Prairie Grove, IL 60012
C. 815.482.1942

From: Ted Zatos <tedzatos@gmail.com>
Sent: Tuesday, October 1, 2019 10:40 AM
To: John Swierk <jswierk@ddcaarchitects.com>
Subject: Re: Zoning Support

To Whom it may concern:

I have the authority to make decisions on behalf of Brunch Café and Meat N Potato and am aware of the proposed conditional use zoning action request at 408 S. Route 31 for a Cannabis Dispensary. Brunch Café and Meat N Potato are in support of the proposed use and have no concerns include with regard to traffic or security. The proposed tenant and use is welcome from our perspective.

Regards,

Ted Zatos
From: John Swierk <jswierk@ddcaarchitects.com>
Sent: Friday, October 4, 2019 1:56 PM
To: Craig Krandel <Ckrandel@tglegal.com>
Cc: rosemary.swierk@gmail.com
Subject: FW: Zoning mchenry

FYI Carlo DeCarlo South Owner BP & Strip Center

John Swierk, AIA
President, NCARB
LEED AP BD+C

Direct Design Ltd.
Carroll Associates
3321 S. Route 31
Prairie Grove, IL 60012
C. 815.482.1942

From: dhavana6@aol.com <dhavana6@aol.com>
Sent: Friday, October 4, 2019 1:00 PM
To: John Swierk <jswierk@ddcaarchitects.com>
Subject: Re: Zoning mchenry

To: John Swierk

Dear John, as the Southerly property owner abutting you location on Route 31 I wish to offer my full support to your endeavor to secure a Cannabis outlet as a tenant for your center.

Sincerely yours,
Carlo DiCarlo TRAPANI LLC