AGENDA
SPECIAL CITY COUNCIL MEETING
City Council Chambers, 333 S Green Street
Monday, October 28, 2019, 7:00 p.m.

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. Public Comments: Any member of the public wishing to address the Council is invited to do so by signing in at the meeting entrance and, when recognized, stepping to the podium.
5. Motion to approve or deny a Conditional Use Permit for the construction and operation of a medicinal cannabis dispensary at 408 S Illinois Route 31
6. Motion to grant the RISE Up Foundation 1) use of Petersen park to setup, host, and cleanup for the Splash Pad benefit concert from Friday, June 19, through Saturday, June 20, 2) special event liquor license for the sale of beer, wine, and malt liquor with drink ticket sales to cease 30-minutes prior to park closure, 3) a 50% reduction of the charges for city services incurred as a result of this event.
7. Adjourn.

NOTICE: In compliance with the Americans with Disabilities Act (ADA), this and all other City Council meetings are located in facilities that are physically accessible to those who have disabilities. If additional accommodations are needed, please call the Office of the City Administrator at 815-363-2108 at least 72 hours prior to any meeting so that accommodations can be made.

Posted: October 25, 2019
By: Monte Johnson, Deputy Clerk

The City of McHenry is dedicated to providing its citizens, businesses, and visitors with the highest quality of programs and services in a customer-oriented, efficient, and fiscally responsible manner.
AGENDA SUPPLEMENT

TO: Mayor and City Council

FOR: October 28, 2019 Special City Council Meeting

FROM: Douglas Martin, Director of Economic Development

       John Birk, Chief of Police

RE: Conditional Use Permit to allow the construction of a medical cannabis dispensary at 408 S Illinois Route 31

ATT:

1. Unapproved Planning and Zoning Commission Minutes dated October 16, 2019
2. Application Packet

AGENDA ITEM SUMMARY: 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. The applicant is seeking a conditional use permit to allow the construction of a medical cannabis dispensary at 408 S Illinois Route 31.

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.

Phoenix Farms of Illinois presented a petition to 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 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.

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. 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.

The proposed site is currently very heavily utilized by two restaurant uses—particularly in the morning and during the lunch hour. Parking is sometimes very difficult at this location and with the proposed use free flow of traffic and optimal internal circulation is very important and permitting the proposed use jeopardizes this issue. 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. For Council’s reference following are the crash reports taken at the businesses at the site, leading into the site and adjacent to the site.

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<thead>
<tr>
<th>#</th>
<th>Report Number</th>
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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’s a very busy center to potentially integrate a use such as the one being proposed. Internal traffic circulation is challenging and this along with the center not being very pedestrian-friendly is a public health safety and welfare is a concern when introducing this type of land use. There are limited sidewalk areas and traffic speed-reduction bumps within the parking area. Having the proposed use with its own dedicated parking area would be ideal. 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 distances from the parking spaces to the building to patronize one or more uses.

Following are the rescue/fire calls taken at the site, adjacent to the site and leading into the site and other police calls taken in the same manner referencing the subject property.
Rescue/Fire Calls

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Other Calls for Service

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PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission unanimously recommended approval of a conditional use permit to allow a medical cannabis dispensary on the 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 marijuana dispensary from the Illinois Department of Financial and Professional Regulation by December 31, 2020.
Recommendation: Staff does not believe it meets the criteria outlined in Table 31 of the zoning ordinance and additionally due to the concerns outlined in this report staff recommends denial of the application for a medical cannabis dispensary at 408 S Illinois Route 31.
City of McHenry

Unapproved Planning and Zoning Commission Minutes

October 16, 2019

Chairman Strach called the October 16, 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: Doherty, Gurda, Lehman, Strach, Sobotta, Thacker and Walsh. Absent: None. Also in attendance were City Attorney Brandy Quance, 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.

Public Hearing: Crystal Clear Compassionate Care Inc.

File No. Z-954

408 S. Route 31

Conditional Use Permit to allow a Medical Cannabis Dispensing Organization

Chairman Strach called the Public Hearing to order at 7:30 p.m. regarding File No. Z-954 an application for a Conditional Use Permit to allow a Medical Cannabis Dispensing Organization at the property located at 408 S. Route 31 located in a strip center.

Chairman Strach stated Notice of the Public Hearing was published in the Northwest Herald on September 30, 2019. 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 were John and Rosemary Swierk, 3321 S. Route 31, Crystal Lake, IL 60012, representing RJ Properties, LLC (Architect, Property Owner), Mitch Zaveduk and Twila Ash, 311 N Aberdeen Suite 200A, Chicago, IL 60607, representing Crystal Clear Compassionate Care Inc. (Applicant), and Attorney Craig Krandel, 407 E. Congress Parkway, Crystal Lake IL 60014. Attorney Krandel stated the applicant is requesting a conditional use permit for a medical cannabis dispensary. The applicants are excited to have the opportunity to petition the city for this business. The medical cannabis dispensary process is a two-part system with state identified metrics and most of the city’s stated concerns are covered by the state requirements. The dispensaries generate significant sales tax (from $3-5 million dollars) and a lot of upfront improvements in the $200-300,000 dollar range. Justice grown is the operational partner with Crystal Clear Compassionate Care and have operated centers across the United States. John is the architect on the project,
Rosemary is the building owner. The fact the strip center has full parking shows the success of the shopping center. Attorney Krandel clarified the applicants meet the C-5 zoning category and have provided quite a bit of support documentation in response to the staff report including site design, cameras, support from land owners and tenants – all with no complaints. He stated in regard to the parking issues raised by staff, the use is treated the same as any other retail use would be in this space, meaning any other use would also bring additional traffic to the center.

The city’s parking ratios are met even at the peak times when the Brunch Café is open. He further stated this proposed use has a limit on the number of people in the store and has a 1:1 ratio and operate with typically no more than 6 employees so a maximum load of 12-13 people at a time, including employees would be present. There are typically 1-3 patients at a time in the dispensary. Attorney Krandel stated they acknowledge the many access points but opine this use will not increase the volume of traffic any more than any other new retailer that would inhabit the center. Compassionate Care and Justice Grown have not had any incidents at any of their other facilities. It will be operated as a secure facility with many cameras – referencing a proposed plan with cameras inside, outside, front and rear and will follow state and local police department requirements but they do, however, opine requiring security cameras over the entire building may be too much.

They can provide camera feed directly to the McHenry Police Department if that is requested of the entire IT security system for emergency purposes. There are HIPAA concerns involved, but police would have authority in case of any emergency and a driver’s license or state issued photo id must be provided by patients in order to enter the facility. The applicant is proposing to install LED lights in front that meet city requirements. Mr. Zaveduk stated the peak operating time is 4:00-7:00 pm for patient visits. They’ve submitted application but it takes 60-90 days for the state to approve the location.

Director of Economic Development gave the Staff report stating the applicants are requesting a Conditional Use Permit to allow the construction of a medical cannabis dispensary at 408 S Illinois Route 31. Director Martin presented a definition and summary of Amendments to the zoning ordinance pertaining to dispensaries that were considered by the Planning and Zoning Commission and subsequently approved by the City Council which include dispensaries as conditional uses in the C-5 Highway Commercial District.

Director Martin stated 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. He also opined public safety and health is a concern because 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. Director of Economic Development Martin stated Staff has some concerns with the proposed request as stated and is not making a formal recommendation on the petition. Director Martin presented language recommended to be used if the Planning and Zoning Commission wanted to recommend approval of the request. Chairman Strach invited questions and/or comments from the Commission.

Commissioner Gurda asked if the dispensary could be opened to the general public in the future, and if so, would it have to come back to the Planning and Zoning Commission. Attorney Krandel stated that would require different licensing and they would have to go back to the state for approval. Chairman Strach affirmed it would then have to be brought back to the Planning and Zoning Commission.

Commissioner Sobotta asked if there was an immediate intentional thought to convert the medical dispensary to recreational use. He also asked for a summary of peak business days and times and where the next closest medical dispensary is located. Mr. Zaveduk replied peak days are Friday, Saturday and Monday with the busiest hours typically being 4-7pm but that will vary at times dependent on holidays and by weather. He stated Tuesday and Thursday are usually slower and they do not have set schedules yet but most other states close the dispensaries on Sundays. Medical facilities must have consultation and pharmacist on staff.

He reiterated they have not set hours for Illinois yet but other states operate on a schedule with Mon, Wed, Thurs, Fri. from 10 am-6 pm, Tues 11 am-7 pm, and Sat. 10 am-5 pm, closed Sundays. Mr. Mitch Zaveduk further stated this dispensary would be the first in McHenry County, with the next closest being Mundelein, Buffalo Grove, Schaumburg, and Rockford. He clarified that the original 55 approved medical dispensaries in Illinois will have first rights at opening a recreational dispensary in the state and this facility obviously is not one of those original 55. In response to Commissioner Sobotta’s stated concern with parking on Saturdays, Mr. Zaveduk stated they would be amenable to adjusting their hours to be complementary to the center. Mr. Zaveduk stated they have a great relationship with the state of Illinois and even hold one of the 21 licenses issued for cultivation in the state (in Effingham) and operate in multiple states with no problems – meeting all state requirements.

Commissioner Thacker posed questions regarding armed security, working with the local police department, frequency and security of deliveries and the number of medical cannabis users in McHenry County. Mr. Zaveduk responded stating the business model has armed security but if it is against any ordinance they would address it as needed and still always work with the local PD. Mr. Zaveduk stated deliveries always come in sprinter vans with product factory sealed having no odor, 2-3 times per week. Mr. Zaveduk stated the local PD is typically not informed when deliveries are being made because deliveries are not significant and are purposely kept quiet and
low profile, scheduled randomly on as well. Purchases of the products are given in sealed bags with a receipt attached and required to be left sealed and unopened until the patient arrives home. He stated if the PD required notification or deemed it necessary, they could be informed of deliveries. As far as patient’s typical timing in the dispensaries, Mr. Zaveduk said they are typically in store an average of 10-20 minutes, with some calling ahead and ordering and just picking up and leaving all within 5 minutes, still being required to show ID and go through security to pick up their prescriptions. New patients or someone wanting to speak to the pharmacist may be there 30 minutes or so. Mr. Zaveduk stated there are approximately 35,000 approved patients in Illinois but he is unsure if that number is broken down by county to his knowledge, but he could look into that.

Commissioner Walsh asked about the safety and plans for adding the delivery bay to the front of the building, directly in the front of the center. Mr. Swierk stated all caution would be used and bollards will be added. Mr. Zaveduk stated there are 4 points of sale in the facility and there is an armed security guard in the reception area; if anything happened outside the front door of the facility McHenry PD would be called. Commissioner Walsh asked whether any educational seminars would be offered. Mr. Zaveduk stated yes but any held in the facility would only be open to those with medical cards (qualified public) due to HIPAA rules. He further stated they have hosted events in communities at a town hall type meeting to educate the public and would be open to that because their biggest lesson has been making sure to harbor an excellent relationship with the community and the PD, wishing they could do more!

Commissioner Lehman asked if there were any concerns with vehicles pulling in/out of delivery bays in the front of the center. Mr. Zaveduk stated safety is a huge concern so they use quick close doors and deliveries are scheduled randomly and usually during off-hours. They have control over their deliveries and will not take deliveries during any peak hours and always at staggered times. Commissioner Doherty asked if Mr. Zaveduk would be at the facility very often and whether or not there are typically lines of patients outside waiting for the facility to open. Mr. Zaveduk stated he is the VP of Real Estate and would not be there very often but there will be a dedicated onsite manager and assistant manager and director of operations for Illinois at the facility quite often. He does maintain a presence with the municipality for permits or to make responses directly. Mr. Zaveduk stated patients are not typically lining up outside the doors but can’t say a patient might not wait outside if they want to be first to get in and out of the facility. He does not expect the hours to be an issue due to the typical customer patterns.

Chairman Strach restated Mr. Zaveduk’s information that there is a 1:1 ratio of employees and patients and 4 points of sale in a 3100-3600 sf facility, asking if the applicant has enough space to be able to add more point of sale positions in the future to increase the number of employees and patients that will be served, and whether that has been thought about or planned. Mr. Zaveduk
stated recreational facilities might increase in that manner but they did not choose this facility with an eye to expand. Mr. Zaveduk further stated only the original 55 medical dispensaries that obtained licenses in Illinois can seek out a recreational facility in their same area. They are not one of the original 55 so that possibility is not valid for them or others opening in January. In response to a question from Chairman Strach as to where Crystal Clear Compassionate Care is in the process with their application with the state for approval, Mr. Zaveduk stated his best guess is 60-90 days out, but you can never be sure with Springfield and they don’t do a lot of information sharing with applicants on a regular basis. He stated the State of Illinois already issued 5 recreational licenses so their hope internally is that it won’t be a long drawn out period for approval on medical facility licenses either.

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

Mr. William Sicca, 2805 Henzada Ave., McHenry, stated he is in support of a medical marijuana dispensary and this use is much needed in the area. People, seniors and disabled are travelling very far to receive this medication that is necessary for quality of life. Mr. Sicca stated he has been a medical cannabis patient for 3 years and it has saved his life. It’s a hard application process for most people and access to dispensaries should be made easier for the patients.

Chairman Strach closed the public comment portion of the hearing at 8:35 pm.

Commissioner Thacker asked of Staff and Mr. and Mrs. Swierk if there are any recorded vehicular or pedestrian incidents in the Brunch Café parking lot as of yet? Mr. and Mrs. Swierk stated the only incident they are aware of in 12 years is someone ran into a handicap parking sign several years ago and remarked they have added speed bumps in the lot. They further stated they’ve talked with all tenants in the strip mall and all are in favor of this use; including the BP Amoco next door.

Commissioner Walsh asked if they use a marketing campaign to notify patients they are open for business. Mr. Zaveduk stated they use ads and word of mouth for patients who usually are able to obtain lists of dispensaries available to use from their doctors. He further stated the product markets itself with no fanfare or banners and is very discreet with no picture signage. All notifications of all types are patient focused.

Commissioner Sobotta stated he believes his concerns on parking will be worked out based on what was presented by the applicant, but did stated he believes it might be more welcomed than anticipated in the County and they should possibly be prepared for more patients due to the need in the area. He thanked the applicant for choosing to grown in McHenry.

Motion by Lehman seconded by Doherty to recommend to the City Council with regard to File No. Z-954, approval of a conditional use permit to allow a medical cannabis dispensary on the 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 marijuana dispensary from the Illinois Department of Financial and Professional Regulation by December 31, 2020; and

Staff finds all requirements in Table 31 of the zoning ordinance have been satisfied.

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

Motion carried 7-0

Attorney Krandel asked for clarification on the rest of the process. Commissioner Strach clarified the Planning and Zoning Commission is a recommending body and the motion was based on conditions as stated. The request will be scheduled for a City Council meeting in November for approval.

Chairman Strach closed the Public Hearing regarding File No. Z-954 at 8:44 pm.
1. Name of Applicant: Crystal Clear Compassionate Care Inc.  
   Address: 3350 S. Prairie Avenue, Chicago, IL 60616  
   Tel: 312-342-9026  

2. Name of Property Owner: R.J. Properties, LLC  
   Address: 3321 S. Route 31, Crystal Lake, IL 60012  
   Tel: 815-482-1938  

3. Name of Engineer: N/A  
   Address:  
   Tel:  
   Fax:  

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

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 in a 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

<table>
<thead>
<tr>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
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<tbody>
<tr>
<td>C5</td>
<td>C5</td>
<td>C3</td>
<td>C5</td>
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</table>

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 owners(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)

[Signature]

September 17, 2019

Mitch Zaveduk

Authorized Agent
Project Narrative

McHenry Zoning Case Z-954

Conditional Use Permit Request

408 S. Route 31

McHenry, IL 60050

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

NOTARY PUBLIC

OFFICIAL SEAL
LORI VEE EASTWOOD
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 02/28/22

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]
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
NOTICE OF PROPER ZONING FORM

1. BUSINESS/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 #: 

4. CITY: McHenry

5. COUNTY: McHenry

6. ZIP CODE: 60051

The applicant is solely responsible for ensuring the proposed location is within district boundaries, is compliant with Section 130(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 re-zoned.

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

CHECK ALL THAT APPLY

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

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

9. 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)

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

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

Title of the Authorized Zoning Representative
Douglas Martin

Name of the Local Jurisdiction
City of McHenry

Printed Name

9/23/19

Signature/Date

Telephone Number
815.363.2110

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 center, group day care home, group day care home, or part-day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.
### IMPORTANT NOTICE:
Completion of this form is necessary for consideration for licensure in connection with the Medical Cannabis Pilot Program Act, 410 ILCS 130 and 88 IAC 1290.

### ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

### MEDICAL CANNABIS DOCUMENTATION OF PROPERTY OWNERSHIP

**SUPPORTING DOCUMENT**

**MC-PROP**

<table>
<thead>
<tr>
<th>To be completed by Property Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. NAME OF ENTITY APPLYING FOR A DISPENSARY REGISTRATION</td>
</tr>
<tr>
<td>Crystal Clear Compassionate Care Inc</td>
</tr>
<tr>
<td>3. NAME OF OWNER OF THE PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY</td>
</tr>
<tr>
<td>R.J. Properties LLC</td>
</tr>
<tr>
<td>4. PHYSICAL ADDRESS OF THE PROPOSED DISPENSARY</td>
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<tr>
<td>408 S. Route 31</td>
</tr>
<tr>
<td>5. CITY</td>
</tr>
<tr>
<td>McHenry</td>
</tr>
<tr>
<td>7. ZIP CODE</td>
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<tr>
<td>60050</td>
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</tbody>
</table>

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.

---

R.J. Properties, LLC 815.444.8844
Property Owner Name  Phone Number

R.J. Properties, LLC 815.444.8844
Property Owner Signature  Date

Subscribed and sworn to before me this 11th day of September 2020.

LORI VEE EASTWOOD  Notary Public

IL486-2111  8/14
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)
CONSULT LEVEL 2
Escorted Public Access.

SECURITY LEVEL 3
Employee Access Only.

VAULT LEVEL 4
Restricted Access.

SALES
Controlled Public Access. Admittance Permission Required.

MAN TRAP

RECEPTION

DELIVERY BAY

HLAL

JAN M W

UNI

SECURE IT OFFICE BREAK

RESTRICTED ZONING LEVELS
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

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@ltglegal.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
October 15, 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 response to your Staff Report and to provide additional materials received since my letter of October 7th:

1. Proof of Publication as received from Northwest Herald.  
2. Additional emails of support from adjoining business owners  
4. Parking ratios for the building as previously submitted for the building along with parking counts as provided by John Swierk.

If anything more you may wish us to provide ahead of our hearing on Wednesday please advise. Please note that I am also enclosing 15 sets of above materials for distribution for applicable parties.

Sincerely,

TIMM & GARFINKEL, LLC

By Craig S. Krandel
Certificate of the Publisher

Northwest Herald

Description: FILE Z-954 CRYSTAL CLEAR
1707682

TIMM & GARFINKEL LLC
407 CONGRESS PARKWAY STE F
CRYSTAL LAKE IL 60014

Shaw Media certifies that it is the publisher of the Northwest Herald. The Northwest Herald is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Crystal Lake, County of McHenry, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Northwest Herald, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 09/30/2019

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by John Rung, its publisher, at Crystal Lake, Illinois, on 30th day of September, A.D. 2019

Shaw Media By:  

John Rung, Publisher

Account Number 10046201  
Amount $99.92
John,

I am writing in reference to the new tenant looking to open a cannabis dispensary adjacent to my retail boutique.

I am in support of this business in our plaza.

Thank you for getting our approval of this unique business in advance.

Thank you,

Connie Perez
Aesthetics Boutique

Sent from my iPhone
To Whom it may concern:

I have the authority to make decisions on behalf of Salon Te Elle Ce and am aware of the proposed conditional use zoning action request at 408 S. Route 31 for a Cannabis Dispensary. The proposed tenant and use is welcome from our perspective.
# 400 - 414 S Route 31 Parking Requirements

**400-414 S. Route 31 City of McHenry Parking Requirements**

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<th>USE</th>
<th>GROSS AREA</th>
<th>NET AREA 85%</th>
<th>ORDINANCE REQUIREMENT</th>
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<td><strong>DINING AREA</strong></td>
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<td><strong>410 (SALON)</strong></td>
<td>2558</td>
<td>2175</td>
<td>4.5 Other Retail</td>
<td>9.79</td>
<td></td>
</tr>
<tr>
<td><strong>408 (DISPENSARY)</strong></td>
<td>3156</td>
<td>2525</td>
<td>4.5 Other Retail</td>
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<tr>
<td><strong>SUITE 400 (RESTAURANT)</strong></td>
<td>3000</td>
<td>1494</td>
<td>25 Restaurant</td>
<td>37.35</td>
<td>3</td>
</tr>
<tr>
<td><strong>DINING AREA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>KITCHEN &amp; MISC.</strong></td>
<td>1506</td>
<td></td>
<td></td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td><strong>404 (AESTHETICS)</strong></td>
<td>1800</td>
<td>1530</td>
<td>4.5 Retail</td>
<td>6.885</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>15,361 S.F.</td>
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<td>125.38</td>
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</table>

**PER ZONING ORDINANCE VII.A.3**

Less 15% allowed per ordinance:

(126 actual x 0.15) - 18

**Total Stalls Required**: 108

**Total Stall Provided**: 111

**ADA Stalls Required**: 5

**ADA Stalls Provided**: 5
PAST APPROVED PROJECT PARKING STATISTICS
(This calculation chart has been provided and approved for all existing tenants)

400 – 414 S ROUTE 31
PARKING REQUIREMENTS

400-414 S. Route 31 City of McHenry Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>GROSS AREA</th>
<th>NET AREA 85%</th>
<th>ORDINANCE REQUIREMENT</th>
<th>SPACES</th>
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<tbody>
<tr>
<td>414 (BRUNCH)</td>
<td>4847</td>
<td>2081</td>
<td>25 RESTAURANT</td>
<td>52.025</td>
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<td>DINING AREA</td>
<td>2448</td>
<td>2081</td>
<td>5</td>
<td>5</td>
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<tr>
<td>KITCHEN &amp; MISC.</td>
<td>1676</td>
<td>2081</td>
<td>5</td>
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<tr>
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<td>2552</td>
<td>2170</td>
<td>4.5 RETAIL</td>
<td>9.76</td>
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<tr>
<td>406/408 (VACANT)</td>
<td>2620</td>
<td>2227</td>
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<td>7.79</td>
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<td>SUITE 400 (RESTAURANT) 3000</td>
<td>1494</td>
<td>1270</td>
<td>25 RESTAURANT</td>
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<td>1270</td>
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<tr>
<td>KITCHEN &amp; MISC.</td>
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<td>3</td>
<td>3</td>
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<tr>
<td>404</td>
<td>1800</td>
<td>1530</td>
<td>4.5 RETAIL</td>
<td>6.885</td>
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<tr>
<td>TOTAL</td>
<td>14,819 S.F.</td>
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<td>PER ZONING ORDINANCE VII.A.3 LESS 15% ALLOWED PER ORDINANCE (106 ACTUAL X 0.15) -15.9</td>
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</table>

TOTAL STALLS REQUIRED 100.31
TOTAL STALL PROVIDED 109

ADA STALLS REQUIRED 5
ADA STALLS PROVIDED 5
# 400 – 414 S ROUTE 31
OPEN PARKING COUNTS

400-414 S. Route 31

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>OPEN STALLS</th>
</tr>
</thead>
<tbody>
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<td>9-23-2019</td>
<td>12:35</td>
<td>51</td>
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<tr>
<td>9-24-2019</td>
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<td>17</td>
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<td>9-26-2019</td>
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<td>33</td>
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<tr>
<td>9-30-2019</td>
<td>12:30</td>
<td>49</td>
</tr>
<tr>
<td>10-1-2019</td>
<td>12:15</td>
<td>15</td>
</tr>
<tr>
<td>10-4-2019</td>
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</tr>
<tr>
<td>10-9-2019</td>
<td>12:30</td>
<td>49</td>
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</table>
AGENDA SUPPLEMENT

DATE: October 28, 2019
TO: Mayor and City Council
FROM: Bill Hobson, Director of Parks and Recreation
RE: R.I.S.E. Foundation Splash pad Benefit Concert

ATTACHMENTS:
- Park Layout Renderings
- Splash pad Renderings

AGENDA ITEM SUMMARY: The R.I.S.E. Up Foundation is requesting the temporary use of Petersen Park Friday, June 19, 2020 from 5 – 11pm and Saturday, June 20, 2020 from 3 – 11pm for a two day benefit concert with live music, food trucks and tents, sponsor tents and alcohol sales. All proceeds from the concert are to be utilized for the installation of a new splash pad adjacent to Fort McHenry in Whispering Oaks Park.

BACKGROUND: Recently a new not-for-profit corporation was created in our community “organized exclusively for charitable, education, religious or scientific purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code specifically to fund projects for children and their families as needed in the city of McHenry and/or McHenry County, Illinois.” The R.I.S.E. Up Foundation stands for “Revitalize, Invest, Succeed, Encourage; as a community we RISE to help future generations.” The Foundation was organized by Wayne and Amber Jett.

The RISE Up Foundation approached the city staff inquiring about the installation of a Spray Pad in McHenry as the project for their initial endeavor. Mr. Jett met with city staff to discuss the location possibilities and feasibility of any splash pad project within the Parks system. After significant investigation by staff with vendors, in which staff explored various sizes, budgets and locations, a recommendation of the installation of a 2,500 square foot open to the public free splash pad adjacent to Fort McHenry in Whispering Oaks Park. The estimated cost of the project with supporting amenities is $170,000 - $180,000.

The Foundation explored multiple avenues to raise the funds for the project ultimately landing on a benefit concert at Petersen Park. Again Parks and Recreation and Police Command staff met
with Mr. Jett to discuss the logistics of a concert that could accommodate an estimated crowd of 4,000 on Friday night and 8,000 – 9,000 attendees on Saturday as well as identify a date that would work for the all without impacting the existing summer schedule of events. June 19-20 were selected as event dates and park layouts prepared. Other details relating to the event have been modeled after Fiesta Days and Blues’ Brews & BBQ’s. Friday’s hours are proposed as 5pm – 11pm and Saturday proposed hours would be 3pm – 11pm. Organizers are also requesting approval of a Special Event Liquor License for the sale of alcohol in accordance with the similar events.

**ANALYSIS:** The RISE up Foundation is 501(c)(3) not-for-profit corporation that is looking to independently hold a fundraising benefit concert that will ultimately provide a large benefit to residents and to visitors. The city has a long history or working with or partnering these type of entities to accomplish great things in the community. Entities such as the McHenry Township Fire Protection District Burn Camp Fundraiser, Friends of Montini concert, the McHenry Rotary Noon and Sunrise Clubs, the Kiwanis Club, The McHenry Riverwalk Foundation and of course the McHenry Area Chamber of Commerce. All of these have hosted events varying in size and cooperation from the city, but all have also given back significantly to the community. In this instance it is in the form of an improvement that has long been desired by our community.

The free splash pad was an item that residents consistently commented on in the Community Needs Assessment. Choosing Whispering Oaks Park adjacent to Fort McHenry as the location, resulted from a number of factors. Fort McHenry is the heart of our playground system. Pairing our most popular playground with a splash pad is a natural fit for the free amenity and visitors to the park can now enjoy both and make a day out of their visit. The 2, 500 square foot size fits very nicely just west of the bike path and leaves plenty of room for tables and benches. There are utilities close by to serve the proposed amenity as well as a permanent washroom structure. The central location of the park makes it extremely convenient to all and visible to a great deal of people as the commute along Route 120. It is also situated along the Prairie Path Bike trail that makes it a safe easy bike ride for a family that is out for the day. Lastly, there is room for the expansion of the parking lot should it be necessary.

The proposed event is larger than a typical concert however very similar to crowd numbers that we have seen for the largest Fiesta Days concert when Tesla performed in 2014. The estimated Friday crowd is the typical attendance for a Fiesta Days National Act. The major change however is the proposed park layout. Bringing in a temporary stage and shifting it to the western end of the park opens up the entire park and spreads enhanced crowds out further. The attachments provided illustrate how the change will provide a great deal more space for attendees.

Parks staff has conferred extensively with the Police Department who have provided clear direction and parameters for the event organizer. The city will have an extensive police presence at the event to ensure public safety. The cost to provide police services is estimated at $10,500. In addition, there will be a $500 park rental fee and fees to cover the cost for the city to prepare the park for the event and incidentals such as general patrol of the washroom facilities by a parks employee.
RISE Up Foundation is requesting approval of a fee reduction of 50% for all reimbursable costs similar to what was approved for Fiesta Days and BBB. Volunteers from the Rise Up Foundation will operate all other aspects of the event including trash pickup, parking, stage, and sound.

Any patron wishing to consume alcohol will be id’d and wrist banded. Alcohol ticket sales will cease 30-minutes prior to festival closing times and actual distribution of alcohol will cease 15 minutes prior to closing.

RECOMMENDATION:
Therefore, if Council concurs, then staff requests that a motion be made to grant the RISE Up Foundation 1) use of Petersen park to setup, host, and cleanup for the Splash Pad benefit concert from Friday, June 19, through Saturday, June 20, 2) special event liquor license for the sale of beer, wine, and malt liquor with drink ticket sales to cease 30-minutes prior to park closure, 3) a 50% reduction of the charges for city services incurred as a result of this event.
Fort McHenry Splash Pad
Proposed location for new splash pad

Legend

- 100 ft
- N
- ➤➤ N
- X
- sewer and electric
- X
- water service

Google Earth