



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • APRIL 19, 2022

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis Dwyer	Chairman	Present	
Patrick Noonan	Plan Commissioner	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Present	
Stephen Fedota	Plan Commissioner	Present	

2. Plan Commission - Regular Meeting - Apr 5, 2022 7:00 PM

Plan Commission minutes - April 5, 2022 meeting.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Rodney Bettenhausen, Plan Commissioner
AYES:	Dwyer, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota

II. CASE STAFF STATEMENTS

1. Text Amendments to Appendix A -Article 15, - Village of Palatine Zoning Ordinance -Section 15.02 and Section 15.04 (a)

Case Number 22-15

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on April 4th, 2022, as required.

The following exhibits were introduced:

1. Exhibit - Proposed Article XV Amendments
2. Public Notice

Chairman Dwyer swears in Staff - Mr. Vyverberg & Ms. Bremanis

Mr. Vyverberg presents information regarding the Adopted State of Illinois Cannabis Laws and provides background on the Act. He explains that the initial Cannabis Pilot Program Act that went into effect in 2014 was a 4-year pilot program. The Village of Palatine amended the Zoning Ordinance at that time to allow cultivation centers and dispensaries as Special Use in the manufacturing district. He explained that in 2019 the State of Illinois declared the use of cannabis as legal for persons 21 years of age or older and would be taxed the same as alcohol. The Village of Palatine amended the zoning ordinance to allow adult use dispensaries as Special Uses in the B-5 district and Manufacturing district on 12/9/2019, subject to certain spacing and operational requirements.

Mr. Vyverberg states that the text amendments are now based upon the past 3 years of operational history by the State of Illinois, which is regulated by the Department of Finance and Professional Regulation for dispensaries. It is also based on information from other communities in the metropolitan area that have allowed such special uses.

He explains that the current language permits dispensaries in the B-5 (Rand Road corridor) and Manufacturing districts. The amendments propose that dispensaries be permitted in Planned Development districts, which permitted uses align to the B-5 or manufacturing district could also be included. Also, the amendment would eliminate the requirement to operate a dispensary with a current medical license. This was initially included because the State's final requirements and process were not yet established. The State Act and its security requirements and protocols are now nearly three years old.

Mr. Freidman questions the specific language regarding the operating license requirement.

Mr. Vyverberg states that there is a clearer understanding of the requirements and based on the State of Illinois language and three years of operational history.

STAFF RECOMMENDATION:

Staff is recommending text amendments to Article 15 - Adult use cannabis, which expand the eligible zoning districts for Special Use application to include Planned Development Districts, subject to the B-5 or Manufacturing District use lists and the elimination of the requirement for a medical dispensary. Staff is recommending the following text amendments:

- 1) **Amending Section 15.02 to include Planned Development Districts, subject to the B-5 or Manufacturing District Use lists, as eligible zoning districts to apply for a Special Use for an adult-use cannabis dispensing establishment; and**
- 2) **To eliminate the requirement, as referenced in Section 15.04 (a), that a dispensing establishment must currently be licensed by the Illinois Department of Financial and Professional Regulation to operate a medical cannabis dispensing organization, as further described on the attached Exhibit.**

Discussion:

Mr. Fedota questions the Plan Development districts and asks if the districts have to be B-5 or manufacturing, and located within the Rand Road district, to be approved. He asks if there are other B-5 or manufacturing districts within the village that could also fall under this zoning.

Mr. Vyverberg explains that the original intention of this zoning was to identify various spacing requirements that were put into place for dispensaries based on the distance from schools, park district properties, and residential properties. It identified zoning districts which fell under those categories and led to the B-5 district and manufacturing district being determined. The intention of the amendment is if a Planned Development is aligned to the B-5 or manufacturing district use lists, then it could be eligible, subject to all of the requirements and reviewed on case by case determination.

Mr. Fedota clarifies that a new Planned Development would look at the original underlying use.

Mr. Vyverberg states the intention is to align the underlying zoning district with the uses proposed as part of the Planned Development.

Mr. Dwyer asks if the comprehensive plan would be looked at.

Mr. Vyverberg states that it would be relevant information.

Mr. Kolososki questions the minimum distance of the dispensaries from schools, parks and residents.

Mr. Vyverberg explains that a dispensary cannot be located within 500 feet of property either owned by Park District or utilized for Park District purposes. Dispensary cannot be located within 1,500 feet of school property preexisting, public or private nursery school, preschool, primary school, secondary school or daycare. He notes that learning centers and vocational centers are not classified as public or private schools.

Mr. Kolososki asks if these are state guidelines.

Mr. Vyverberg states that staff and the Village attorney looked at a couple of different factors. The criteria was based on the State limitations, what other communities required and what is reasonable from a distance perspective.

Mr. Noonan made a motion to close the public hearing. 2nd by Mr. Fedota

DISCUSSION:

Mr. Fedota states it is consistent with what was established in 2019.

Mr. Noonan made the motion to approve the proposed text amendments to Article 15.

Seconded by Mr. Kolososki and unanimously approved

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Robert Kolososki, Plan Commissioner
AYES:	Dwyer, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota

2. Planned Development Amendment to the Patrick Hyuandai Phase 2 Subdivision Planned Development to Align with the B-5 Highway Business District use lists; and Special Use for an Adult Use Cannabis Dispensing Establishment for the vacant lot east of 325 E. Lake Cook Road (PIN # 02-02-102-037-0000)

Case Number 22-09

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on April 4th, 2022 and mailed to the required parties for the surrounding properties.

The following exhibits were introduced:

1. Application
2. Plat of Survey
3. Site Plan
4. Floor Plan
5. Elevation
6. Business Plan
7. IDFRP
8. Patrick Hyundai Phase 2 Plan Development Amendment
9. Letters of Support/Objections
10. Public Notice
11. Letters of Support/Objections received after 4/14/22

Sworn in Petitioners: Craig Krandel - Attorney for Botavi Wellness and Mr. Zaveduk - Justice Cannabis - Botavi Wellness.

Mr. Krandel explains that Botavi Wellness applied for a Special Use for an adult use dispensary at the vacant lot east of 325 E Lake Cook Rd on Lot 3 of the Patrick Hyundai Phase 2 Planned Development. The petitioner has a conditional license for a dispensary. He explains that 185 conditional licenses have been granted from the State through a lottery. He states that none of the licenses have been released, due to litigation that is delaying the issuance of the licenses. The State originally issued 55 medical cannabis dispensary licenses that also had recreational components. The next round of 185 conditional licenses are waiting to be released. They are hoping to have the licenses released within the next 60-90 days. He states that the site meets all of the requirements for distances from schools and parks. He talks about parking and states that there are 12 required parking spots, and 24 parking spots are provided in their plan. Parking should not be a significant issue as most people are there for a short time. The business would operate in accordance with all State of Illinois requirements.

Mr. Zaveduk provides information on their business, Justice Cannabis Company DBA Bloc Dispensary, and gives background information on the company. He states they will be opening at least 10 dispensaries in the State of Illinois. He states that they have a full cultivation facility in downstate Illinois, operated by

Justice Cannabis. They currently operate 11 dispensaries in PA, MO, UT and MI. Mr. Zaveduk states that the dispensary will bring jobs to the area and will be hiring local residents for a total of 22 jobs. He explains the typical customer experience and states that you must be 21 to purchase recreational cannabis. Customers would arrive on site and check in with security. They would be required to present their ID and this would be run through the State Database for a background check. The customer would then be taken to the sales floor, where they would either pick up their pre-order or place their order through the onsite Kiosk. They would then proceed to the sales desk for their purchase and explains in detail the steps to complete the sale. He explains that onsite consumption is strictly prohibited and is enforced by the onsite security guards.

Mr. Zaveduk presents photos of the typical floor plan and features of the dispensary, and states they work to achieve a high-end experience. He then provides information on their security measures, and states that security is overseen by Justice Cannabis National Security director. Security is provided by an affiliated company as per Illinois Statutes. He explains the roll of the security guards and states that each facility has 30 to 50 high definition cameras which provide face recognition and license plate reading. Security guards are trained specifically on de-escalation, crowd control, first-aid and advanced lifesaving, and extensive firearm training. The goal is to make customers and employees feel safe.

Mr. Bettenhausen asks who initially checks the ID when customers enter.

Mr. Zaveduk states the guard will check to make sure the customer is 21 and the front desk person would run the ID for a background check.

Mr. Fedota questions the percentage of sales between smokable and edible products.

Mr. Zaveduk states that the mixture is relatively balanced. There is a broad mix of products.

Mr. Fedota asks about security of cash transfer.

Mr. Zaveduk explains that they have a Smart Safe System and explains that they are required by law to have a vault constructed on the premise. The Safe is bolted to floor of the vault. The safe is the property of the bank and they lease the safe from the bank. He explains that the safe has a cash feeder at the top. At the end of the day, cash is fed into the cash reader and the smart safe sorts the money into cartridges and notifies the bank how much cash is fed into the safe. This allows the business to have access to the cash in the banking system and to keep the money secure. The bank is aware how large the safe is, and is notified of the capacity and will schedule a pick up as needed. He explains the protocol of the pick up by the Brinks truck and states that product deliveries are done the same way, just the reverse process.

Chairman Dwyer asks if this facility would also have medical use.

Mr. Zaveduk states it will only be adult recreational use.

Mr. Bettenhausen asks if the deliveries and pickups would be through the back

door.

Mr. Zaveduk states that it would be back door at this location.

Mr. Freidman asks if there is any other data on the peak parking demand.

Mr. Zaveduk states that this is their first dispensary in Illinois. He speculates that there wouldn't be a busy time of day and states that many customers pre-order. He believes that the parking spots would be sufficient for their business.

Mr. Vyverberg notes that Plan Commission received additional resident comments and these can be found in the exhibit folder. He explains that the Starbucks approval in 2016 addressed the infrastructure for the property. The access drive is in place for the right-in and right-out. He also notes that the Police Chief reviewed the security plan and business plan and did not have any additional conditions.

Mr. Fedota asks for further clarification regarding the private drive and signage.

Mr. Vyverberg states the turning movements were created when the original development was approved in 2012. He also states that there is a sign easement on Rand Road, and the specific requirements within the declarations and easement would regulate the allowable sign access.

Mr. Dwyer talks about the resident emails received and reads a typical letter. He also notes that the approval of this petition is subject to Village Councils approval of the Text Amendments.

STAFF RECOMMENDATION:

When the Patrick Hyundai and Phase 2 Planned Development were approved, portions of the underlying properties maintained a B-5 zoning and also continues to have frontage and access to Rand Road. Staff believes the amendment further memorializes both the intention of the Planned Development and the B-5 District Ordinance requirements. Therefore, Staff recommends approval of the Planned Development Amendment, pursuant to the following conditions:

1. Planned Development Ordinance #O-6-16, shall be amended to align the use lists with the B-5 Highway Business District.

Both the State of Illinois and the Village allow adult use dispensaries and contemplate their operation. Adult use cannabis is both legal and contemplated within the Code. Therefore, the Special Use review should not be a determination of whether adult use cannabis should be allowed, as those questions have already been answered, but rather the narrow focus of whether this is an acceptable location and has the Petitioner demonstrated compliance with the required standards.

The proposed location complies with all of the other spacing, separation, and operational restrictions within the zoning ordinance. The use would abut the rear

yards of commercial lots along Rand Road and across the street from unincorporated Lake County. And, the Petitioner has operating experience within 10 other similar stores/pharmacies. The Police Department reviewed the security plans and did not have any other questions or comments.

Therefore, Staff recommends approval of the Special Use, pursuant to the following conditions:

1. The Special Use shall substantially conform to the site plan submitted on 03/17/2022, floorplan dated 02/24/22, the business plan submitted on 03/17/22, and elevations submitted on 03/17/22, except as such plans may be changed to conform to Village Codes and Ordinances.
2. If required by the Village, the business plan shall be modified in a manner acceptable to the Village Attorney.
3. The final signage plan, including interior window signs shall be submitted in a manner acceptable to the Director of Planning and Zoning.
4. The dispensary shall operate in compliance with all applicable State and Village requirements.

Mr. Noonan made a motion to close the public hearing - Seconded by Mr. Fedota

DISCUSSION:

Mr. Kolowoski would like to note he is not for cannabis in Palatine.

Mr. Fedota states that the site meets the zoning requirements that were put in place for this land usage and is appropriate.

Chairman Dwyer states that the petitioner meets all of the requirements of the village ordinance and the state law.

Mr. Noonan makes a motion to approve - 2nd by Mr. Freidman
Unanimously approved

Tentatively scheduled with the Community and Economic Development Committee on Monday, May 2nd, 2022

Communication:

Mr. Vyverberg states annexation and preliminary plan development for 780 W Dundee were reviewed by Village council on 4/18/22 and approved.

Next meeting scheduled for 5/3/22 is cancelled.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Eric Friedman, Plan Commissioner
AYES:	Dwyer, Noonan, Williams, Friedman, Bettenhausen, Kolososki, Fedota

