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#2020-39

City of Crystal Lake

Planning and Zoning Commission Public Hearing

Meeting Date:

May 6, 2020

Request:

Amend the Special Use Permit criteria to add a restriction on the number of SUPs that can be issued and in use at any one time.

Staff Contact:

Elizabeth Maxwell, 815-356-3605

Background:

- October 1, 2019, the City Council approved a text amendment to allow a Cannabis Dispensary as a Special Use in the B-2 zoning district.
- The special use criteria required buffers from certain uses like daycares, schools, and parks. They also regulated hours of operation, signage, prohibition of on-site consumption and other State regulations.
- The criteria did not limit the number of Special Uses that could be approved. In reviewing other approvals, the majority of other communities have set a limit on the number of dispensaries in their community.
- This request is to add a criterion to the list, which would limit the number of Special Use Permits to a maximum of two at any one time.

The following is the proposed amendments to the various UDO sections.

Article 2

2-400-76

Cannabis Dispensary. All cannabis dispensaries must comply with the following standards:

- a. Minimum required buffer from protected uses:
 - (i) A Cannabis Dispensary 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,

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day care center, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- (ii) A Cannabis Dispensary may not be located within 1,000 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home.
- (iii) A Cannabis Dispensary may not be located within 250 feet of residentially zoned property.
- (iv) For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property of the lot on which an applicable Cannabis Dispensary is located to the nearest point on a property line of any protected use.
- (v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
Schools	500 feet
Childcare	500 feet
Religious Establishment	500 feet
Residentially zoned property	250 feet
Parks and Open Space	500 feet
Library	500 feet
Recovery Home	500 feet

- b. Single-Use Site: A Cannabis Dispensary shall be the sole principal use of the zoning lot on which it is located, and at least 75% of the floor area of any building space occupied by a Cannabis Dispensary shall be devoted to the activities of the Cannabis Dispensary as authorized by the Cannabis Regulation and Tax Act. Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a Cannabis Dispensary.
- c. A Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. Exterior Display: A Cannabis Dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- e. Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.
- f. Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
- g. Signage: Electronic Message Center signs are not permitted for a Cannabis Dispensary. No cannabis leaf or bud image may be used in promotional signage for the Dispensary.
- h. State Requirements: The Cannabis Dispensary must comply with all applicable provisions of the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*, as may be revised or amended from time to time.
- i. All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the City of Crystal Lake.

- j. On-Premises Consumption: It shall be prohibited to consume cannabis products in a Cannabis Dispensary or anywhere on the site occupied by a dispensary.
- k. **Maximum Number of Cannabis Dispensaries: Not more than two (2) Cannabis Dispensaries shall be authorized to operate within the City at any one time.**

Recommendation:

Amend the Special Use Permit criteria to limit the number of SUPs that can be issued to a maximum of two in operation at any one time.



The City of Crystal Lake Illinois

**AN ORDINANCE AMENDING
CHAPTER 650: UNIFIED DEVELOPMENT ORDINANCE OF THE
CODE OF ORDINANCES OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

WHEREAS, the City of Crystal Lake is a home rule municipal corporation under the Illinois Constitution; and

WHEREAS, pursuant to Illinois law, its home rule authority, and the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, the City is authorized to regulate land uses within the City and does so pursuant to the City's Unified Development Ordinance, set forth as Chapter 650 of the Crystal Lake City Code; and

WHEREAS, from time to time it is appropriate to review, update and modify the Unified Development Ordinance to assure that it appropriately addresses new issues that may arise; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on August 15, 2019 in the Northwest Herald, held a public hearing at 7:30 p.m., on September 4, 2019 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider proposed amendments to the Unified Development Ordinance regarding Adult-Use Cannabis businesses and Articles 2, 4, and 10 within the City; and

WHEREAS, on September 4, 2019, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that proposed amendments to the Unified Development Ordinance be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #PLN-2019-00133, dated as of September 5, 2019; and

WHEREAS, the Mayor and City Council, having considered such recommendation and the findings and report of the Planning and Zoning Commission, have found and determined that adopting amendments to the Unified Development Ordinance regarding Adult-Use Cannabis businesses as set forth in this Ordinance will be in the best interests of the City and its residents;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Crystal Lake, County of McHenry, State of Illinois, as follows:

SECTION I: That Table 650-2-300, “Permitted Uses Table,” set forth in Section 650-2-200, “Use Categories,” of the City’s Unified Development Ordinance be amended in part as follows:

Article 2

Section 2-300. Land Use Table

Misc. Store Retailers		F	E	RE	R-1	R-2	R-3A	R-3B	R-O	O	B-1	B-2	B-4	M-L	M	Use Criteria
	Cannabis Dispensary											S				2-400-76

SECTION II:

Section 2-400-76. Limited and special use criteria

Cannabis Dispensary. All cannabis dispensaries must comply with the following standards:

- a. Minimum required buffer from protected uses:
 - (i) A Cannabis Dispensary may not be located within 500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (ii) A Cannabis Dispensary may not be located within 500 feet of the property line of an existing religious establishment, parks and open space, library, or recovery home.
 - (iii) A Cannabis Dispensary may not be located within 250 feet of residentially zoned property.
 - (iv) For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property of the lot on which an applicable Cannabis Dispensary is located to the nearest point on a property line of any protected use. For occupancy purposes, if a portion of the buffer touches the property, it does not exclude the entire property. If a portion of the building is in the buffer, the entire building would be considered in the buffer and not eligible.

(v) Summary of Buffer Requirements:

<u>Use</u>	<u>Required Buffer</u>
Schools	500 feet
Childcare	500 feet
Religious Establishment	500 feet
Residentially zoned property	250 feet
Parks and Open Space	500 feet
Library	500 feet
Recovery Home	500 feet

- b. Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a Cannabis Dispensary.
- c. A Cannabis Dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- d. Exterior Display: A Cannabis Dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- e. Hours of Operations: Hours of operation are limited to between 6:00am and 10:00pm.
- f. Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
- g. Signage: Electronic Message Center signs are not permitted for a Cannabis Dispensary. No cannabis leaf or bud image may be used in promotional signage for the Dispensary.
- h. State Requirements: The Cannabis Dispensary must comply with all applicable provisions of the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.*, as may be revised or amended from time to time.
- i. All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the City of Crystal Lake.
- j. On-Premises Consumption: It shall be prohibited to consume cannabis products in a Cannabis Dispensary or anywhere on the site occupied by a dispensary.

SECTION III:

Section 4-200 Off-Street Parking and Loading

Table 4-200 Minimum Off-Street Parking Requirements		
Commercial		
Miscellaneous Store Retailers	Used Merchandise Stores	3.5 per 1,000 GFA
	Cannabis Dispensary	5 per 1,000 GFA

SECTION IV:

Article 10-200. Definitions

CANNABIS BUSINESS ESTABLISHMENT:

A cannabis craft grower, cultivation center, dispensary, infuser, processing, or transporter organization.

CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “craft grower” to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “cultivation center” to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS DISPENSARY:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation as a “dispensing organization” to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as an “infusing organization” or “infuser” to directly incorporate cannabis or

cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS PROCESSING:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture as a “processing organization” or “processor” to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

CANNABIS TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture as a “transporting organization” or “transporter” to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ENCLOSED, LOCKED FACILITY

A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store and distribute cannabis for registered qualifying patients or adults 21 years of age or older in accordance with Illinois law.

MEDICAL CANNABIS CONTAINER

A sealed, traceable, food compliant, tamper resistant, tamper evident container or package used for the purpose of containment of medical cannabis from a medical cannabis cultivation center to a medical cannabis dispensing organization.

MEDICAL CANNABIS CULTIVATION CENTER

A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide ~~only~~ registered medical cannabis dispensing organizations with usable medical cannabis.

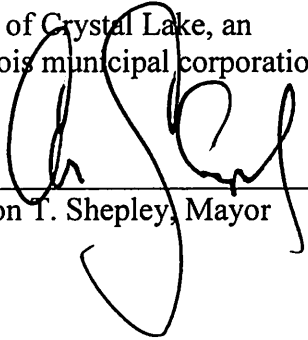
MEDICAL CANNABIS DISPENSING ORGANIZATION ("MEDICAL CANNABIS DISPENSARY")

A facility operated by an organization or business that is registered by the Illinois 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.

passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this 1st day of October, 2019.


City of Crystal Lake, an
Illinois municipal corporation



Aaron T. Shepley, Mayor

SEAL

ATTEST



Nick Kachiroubas, City Clerk

Passed: October 1, 2019

Approved: October 1, 2019

**PUBLIC NOTICE
BEFORE THE PLANNING
AND ZONING COMMISSION
OF THE CITY OF CRYSTAL
LAKE, MCHENRY COUNTY,
ILLINOIS**

IN THE MATTER OF THE
PETITION OF

City of Crystal Lake

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance (UDO) of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission for the purposes of seeking UDO Text Amendments to make changes to Article 2-400-76 amending the Special Use Permit criteria for Adult-Use Cannabis Dispensing Organization.

A public hearing before the Planning and Zoning Commission on this request will be held at 7:30 p.m. on Wednesday, April 1, 2020, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning
Commission
City of Crystal Lake

(Published in the Northwest
Herald on March 17, 2020)
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