



#2021-168 501 Pingree Road – Special Use Permit Project Review for Planning and Zoning Commission

Meeting Date: October 6, 2021

Requests:

1. Special Use Permit for a Cannabis Dispensary.
2. A variation from Article 2 Limited and Special Use Criteria to reduce the buffer from a religious establishment from 500 feet to 350 feet.

Location: 501 Pingree Road

Acreage: Approximately 1.6 acres

Existing Zoning: B-2 PUD General Commercial

Surrounding Properties:

| | |
|--------|----------------------------|
| North: | B-2 General Commercial |
| South: | B-2 PUD General Commercial |
| East: | B-2 PUD General Commercial |
| West: | B-2 PUD General Commercial |

Staff Contact: Elizabeth Maxwell (815.356.3615)

Background:

- **Existing Use:** The site is a former restaurant. The building has been vacant for several years.
- **Previous Approvals:** The restaurant tenant received a Special Use Permit and Planned Unit Development approval for the drive-through restaurant with specific elevations. Minor modifications to the elevations for this tenant are permitted.

Development Analysis:

General

- **Request:** The request is for a Cannabis Dispensary.
- **Land Use:** The land use map shows the area as Commerce. This land use designation is appropriate for this use.
- **Zoning:** The site is zoned B-2 PUD. The use of the property as a Cannabis Dispensary, which is allowed as a Special Use in the B-2 zoning district.
- **Site:** The site will remain the same and the drive-through component would not be used, unless the State amends the rules for purchasing cannabis.

Comprehensive Land Use Plan 2030 Plan Review:

The Comprehensive Plan designates the subject property as Commerce, which allows for existing and future commercial, service and office uses. The following goal is applicable to this request:

Land Use - Commerce

Goal: Maintain a dynamic and sustainable base of commercial uses that provides a solid tax base, goods, services and jobs to the City, as well as the surrounding region through coordination in the Unified Development Ordinance, Comprehensive Land Use Plan and Economic Development Strategic Plan.

This can be accomplished with the following supporting action:

Supporting Action: Promote, retain, and attract businesses that provide a diverse tax base.

Economic Development – Revitalize and Enhance Key Commercial Corridors

Goal: Establish funding sources and work with property owners to assist with and encourage the redevelopment of commercial areas.

Economic Development – Attract and Retain Businesses

Goal: Establish marketing efforts to attract and retain businesses throughout the City.

This can be accomplished with the following supporting action:

Supporting Action: Continue to solicit the retail businesses which are most likely to succeed in various retail nodes in Crystal Lake.

Success Indicator: the number of retail businesses – grocery, restaurants, coffee/juice shops, apparel, electronics, and comparison goods – contacted, started and/or relocated.

Findings of Fact:

SPECIAL USE PERMIT

The petitioner has requested a Special Use Permit to allow a Cannabis Dispensary. Special Uses require a separate review because of their potential to impact surrounding properties and the orderly development of the City. Section 2-400 B of the Unified Development Ordinance establishes standard for all Special Uses in Crystal Lake. The criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.

Meets *Does not meet*

2. The use will not be detrimental to area property values.

Meets *Does not meet*

3. The use will comply with the zoning districts regulations.
 Meets *Does not meet*
4. The use will not negatively impact traffic circulation.
 Meets *Does not meet*
5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.
 Meets *Does not meet*
6. The use will not negatively impact the environment or be unsightly.
 Meets *Does not meet*
7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.
 Meets *Does not meet*
8. The use will meet requirements of all regulating governmental agencies.
 Meets *Does not meet*
9. The use will conform to any conditions approved as part of the issued Special Use Permit.
 Meets *Does not meet*
10. The use will conform to the regulations established for specific special uses, where applicable.
 Meets *Does not meet*

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

1. Minimum required buffer from protected uses:
 - a. 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.
 Meets *Does not meet*

- b. 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.

Meets *Does not meet*

- c. A cannabis dispensary may not be located within 250 feet of residentially zoned property.

Meets *Does not meet*

- d. 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.

Meets *Does not meet*

- e. Summary of buffer requirements:

| USE | REQUIRED BUFFER (feet) |
|------------------------------|------------------------|
| Schools | 500 |
| Childcare | 500 |
| Religious Establishment | 500 |
| Residentially Zoned Property | 250 |
| Parks and Open Space | 500 |
| Library | 500 |
| Recovery Home | 500 |

2. Sale of food for on-premises consumption shall not be allowed as an accessory use or activity to a cannabis dispensary.

Meets *Does not meet*

3. A cannabis dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Act.

Meets *Does not meet*

4. Exterior display: A cannabis dispensary shall be maintained or operated in a manner so 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.

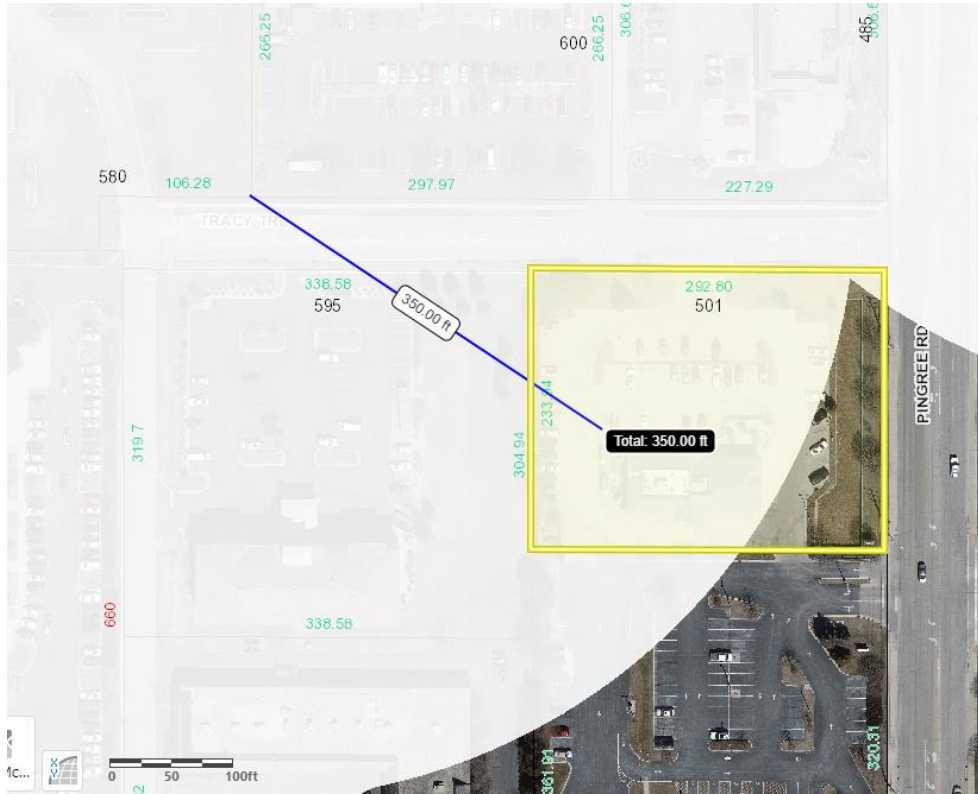
Meets *Does not meet*

5. Hours of operation: Hours of operation are limited to between 6:00 a.m. and 10:00 p.m.
 Meets *Does not meet*
6. 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.
 Meets *Does not meet*
7. 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.
 Meets *Does not meet*
8. 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.
 Meets *Does not meet*
9. 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.
 Meets *Does not meet*
10. On-premises consumption: It shall be prohibited to consume cannabis products in a cannabis dispensary or anywhere on the site occupied by a dispensary.
 Meets *Does not meet*
11. Maximum number of cannabis dispensaries: Not more than two cannabis dispensaries shall be authorized to operate within the City at any one time.
 Meets *Does not meet*

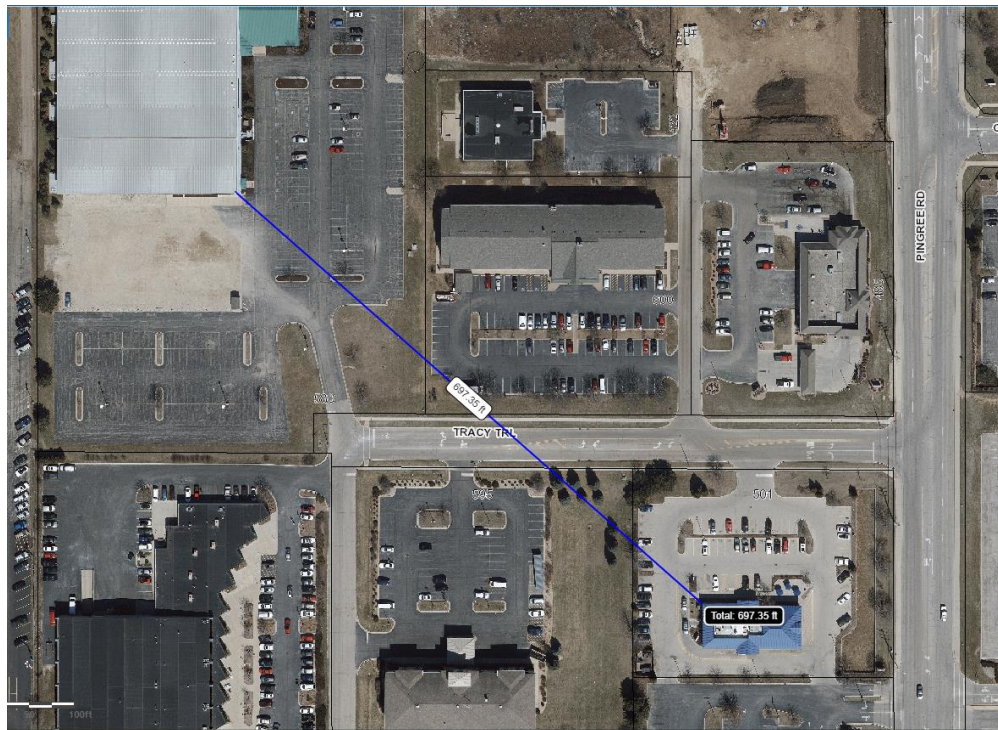
ZONING ORDINANCE VARIATION

Currently, the buffer from a religious establishment is 500 feet. This is measured from the property line to the building of the proposed cannabis dispensary. The buffer is illustrated in white as it crosses the parcel.

The petitioner is requesting a variation to reduce the buffer to 350 feet, which would put the buffer beyond the edge of the building, permitting a cannabis dispensary at this location. See the illustration below.



The actual distance from the church building to the proposed cannabis dispensary building is almost 700 feet.



The petitioner is requesting a variation from Article 2 Limited and Special Use Criteria to reduce the buffer from a religious establishment from 500 feet to 350 feet.

The Unified Development Ordinance lists specific standards for the review and approval of a variation. The granting of a variation rests upon the applicant proving practical difficulty or hardship caused by the Ordinance requirements as they relate to the property. To be considered a zoning hardship, the specific zoning requirements; setbacks, lot width and lot area must create a unique situation on this property. It is the responsibility of the petitioner to prove hardship at the Planning and Zoning Commission public hearing.

Standards

When evidence in a specific case shows conclusively that literal enforcement of any provision of this Ordinance would result in a practical difficulty or particular hardship because:

- a. The plight of the property owner is due to unique circumstances, such as, unusual surroundings or conditions of the property involved, or by reason of exceptional narrowness, shallowness or shape of a zoning lot, or because of unique topography, or underground conditions.

Meets *Does not meet*

- b. Also, that the variation, if granted, will not alter the essential character of the locality.

Meets *Does not meet*

For the purposes of supplementing the above standards, the Commission may take into consideration the extent to which the following facts favorable to the application have been established by the evidence presented at the public hearing:

- a. That the conditions upon which the application for variation is based would not be applicable generally to other property within the same zoning classification;

Meets *Does not meet*

- b. That the alleged difficulty or hardship has not been created by any person presently having interest in the property;

Meets *Does not meet*

- c. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

Meets *Does not meet*

- d. That the proposed variation will not impair an adequate supply of light or air to adjacent property, will not unreasonably diminish or impair the property values of adjacent property, will not unreasonably increase congestion in the public streets, substantially increase the danger of fire or otherwise endanger public safety.

Meets *Does not meet*

Where the evidence is not found to justify such conditions, that fact shall be reported to the City Council with a recommendation that the variation be denied.

Recommended Conditions:

If a motion to recommend approval of the petitioner's request is made, it should be with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Americanna Dream, received 09/15/21)
 - B. Narrative (CL Dispensary LLC, undated, received 09/15/21)
 - C. Plans (Unnamed, received 09/15/21)
2. Any expansion to the building, significant modifications to the site plan, or the use of the drive-through shall require a Special Use Permit Amendment.
3. Work with staff to replace any dead or missing landscape and to add additional landscape along Pingree Road.
4. The petitioner shall address all of the review comments and requirements of the Community Development Department.

PIQ MAP
501 Pingree Road



September 11, 2021

Ms. Elizabeth Maxwell
City Planner
City of Crystal Lake
100 West Woodstock Street
Crystal Lake, Illinois 60014

Re: *Authorization to file Special Use and PUD Amendment Application; 501 Pingree Road, Crystal Lake, Illinois*

Dear Ms. Maxwell:

The undersigned (the "Owner") holds title to that certain property commonly known as 501 Pingree Road, Crystal Lake, Illinois (the "Property"). The Property is presently zoned B2 Planned Unit Development. The contract purchaser of the Property, Americanna Dream, LLC, intends to file a combined application to amend the planned unit development and to secure a special use permit for a cannabis dispensary on the Property. In connection with this application, the Owner hereby consents to the Applicant, and any affiliated or authorized entity or entities (including, without limitation, legal counsel), to: (i) file an such application; (ii) pursue approval of said application; and (iii) take any and all related actions which may be necessary or appropriate in connection with processing such application so long as it does not affect the physical integrity of the property.

Thank you for your consideration. If you have any questions regarding the foregoing consent, please contact Sharon Bar-Shalom, at sbarshalom@metrocre.com or (847) 912-3197.

OWNER: 

By: Song Ja Shin

Name: Song Ja Shin

Its: Owner

PUBLIC NOTICE BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS IN THE MATTER OF THE PETITION OF CL DISPENSARY LLC LEGAL

NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission upon the application by Adam Saffro with CL Dispensary LLC, on behalf of the owner, PGSS LLC for a Special Use Permit and Variation relating to the following described real estate commonly known as 501 Pingree Road, Crystal Lake, Illinois 60014, PIN: 19-04-476-016.

This application is filed for the purposes of seeking a Special Use Permit to allow a Cannabis Dispensary with a variation from the 500-foot buffer from a Religious Establishment to allow a 350-foot buffer and an amendment to the Planned Unit Development to allow changes to signage and elevations; pursuant to Article 2, Land Use, Article 4 and Article 9-200

Administration. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall. A public hearing before the Planning and Zoning Commission for this request will be held at 7:00 p.m. on Wednesday October 6, 2021, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Jeff Greenman, Chairperson Planning and Zoning Commission City of Crystal Lake

(Published in Northwest Herald September 18, 2021)1919415

CL DISPENSARY LLC
STATEMENT OF CASE FOR SPECIAL USE PERMIT, AMENDMENT TO PLANNED
UNIT DEVELOPMENT AND DISTANCE VARIATION
501 PINGREE ROAD

APPLICANT AND NATURE OF REQUESTED RELIEF

The applicant and contract purchaser of the property commonly known as 501 Pingree Road, Crystal Lake, Illinois (the "Property") is CL Dispensary LLC, an Illinois limited liability company ("Applicant"). Specifically, Applicant is seeking: (1) a special use permit to allow an adult use cannabis dispensary; (2) a reduction in the distance between an adult use cannabis dispensary and an existing religious establishment; and (3) an amendment to the existing planned unit development which governs the Property.

PROPERTY AND PROJECT INFORMATION

The Property is an approximately 68,497 square foot (1.57 acres) parcel that is improved with a 4,500 square foot former Culver's Restaurant. The restaurant closed in mid-2018 and the building has been vacant ever since that time. The Property is bounded on the north by Tracy Trail and on the east by Pingree Road. A strip center and bank are located to the south while a motel is located to the west of the Property.

Surrounding land uses are retail, commercial and service business. As noted above, a bank is located to the south and a motel is located to the west. A motel and car wash are located immediately to the north of the Property across Tracy Trail. A bank, hair salon and theater are located to the east across Pingree Road.

There is a religious establishment located to the north and west of the Property. The distance between the closest point of the building where the dispensary will be located and the property line of the religious establishment is approximately 350 feet. Otherwise, there are no public or private nursery school, preschool, primary or secondary school, day-care center, or residential care home in proximity to the Property. Similarly, there are no residential uses near the Property.

The Property is zoned B2 Planned Unit Development. The City of Crystal Lake (the "City") approved the planned unit development on April 16, 2002 to allow for the development of the Culver's Restaurant. As noted above, the restaurant closed in mid-2018.

Applicant intends to renovate the interior of the former restaurant building to allow for the operation of a cannabis dispensary. The point of customer entry/exit will be via a secured entry on the north side of the building. Customers will wait in a waiting area until they enter a sales floor which is segregated and secured from the back of house which is where a vault, product storage areas and employee breakroom are located. No cannabis products will be visible from outside of the building. Hours of operation will be no earlier than 6 a.m. for opening and no later than 10 p.m. for closing. All waste, cannabis or otherwise, will be disposed of in accordance with all laws.

The principal point of ingress/egress would be a driveway located on Tracy Trail. In addition, access across the property to the south allows for ingress and egress via a driveway located on Pingree Road. It should be noted that the Applicant does not plan to make changes to the exterior

of the building with the exception of eliminating the drive through window on the building. In addition, the configuration of the parking lot and remainder of the site would remain the same.

STANDARDS FOR APPROVAL OF A VARIATION

Applicant meets the standards for approval of the requested special use permit as follows:

1. *That the proposed use is necessary or desirable, at the location involved, to provide a service or facility which will further the public convenience and contribute to the general welfare of the neighborhood or community.*

The proposed dispensary is desirable at this location. The subject property is located in a strong retail and commercial area, has multiple access points and is near major rights of way in the City. The proposed dispensary will further the public convenience because it will afford residents of the City close access to cannabis products instead of them having to drive to nearby municipalities with their own dispensaries. The dispensary contributes to the general welfare of the community by reactivating a building that has been vacant for about three years, strengthening the City's real estate and sale tax bases and drawing City residents and non-residents who take advantage of other businesses in the area.

2. *That the proposed use will not be detrimental to the value of other properties or improvements in the vicinity.*

The proposed dispensary will not be detrimental to the value of other properties or improvements in the vicinity. There is a broad body of evidence that supports the conclusion that dispensaries have little impact – positive or negative – on property values. Applicant's business does not generate excessive traffic, is operated in a very secure manner and does not generate noise, smoke or excessive lighting.

In this particular case, the dispensary may have a positive impact due to the investment in the property and the reactivation of a building that has sat vacant for many years. Moreover, by drawing more people to the area to shop and use nearby services, the dispensary could have a positive impact on nearby commercial and retail properties.

3. *That the proposed use will comply with the regulations of the zoning district in which it is located and this Ordinance generally, including, but not limited to, all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, watershed, wetlands, and floodplain regulations, Building and Fire Codes and all other applicable City Ordinances.*

Except to the extent that relief is granted pursuant to the PUD and relief is granted from the 500-foot distance requirement, the dispensary will comply with all applicable ordinances and regulations.

4. *That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and, if required, will contribute financially, in proportion to its impact, to upgrading roadway and parking systems.*

The proposed dispensary will not negatively affect off-site traffic circulation. As noted above, the subject property has a driveway on Tracy Trail. In addition, cross access easements afford customers access to Pingree Road. Both points of access allow for safe and efficient traffic movements. The prior user was a Culver's Restaurant with a drive through window. In general, a dispensary is a less intense use than a drive through restaurant – particularly one as popular as Culver's.

In terms of on-site traffic circulation, the Property has ample drive aisles to allow for safe and efficient movement of traffic. The parking field and building entrances are designed to minimize pedestrian/vehicular conflicts.

The Property has over 60 parking spaces which is more than adequate to serve a dispensary of this size. Given that the City's Uniform Development Ordinance requires five spaces per 1,000 square feet of gross floor area, the dispensary is in fact overparked by more than 35 spaces.

Finally, given that the proposed dispensary will not materially impact the City's rights of way or parking systems, it is not expected that any types of impact fees or financial contributions will be warranted.

5. *That the proposed use will not negatively impact existing public utilities and municipal service delivery systems and, if required, will contribute financially, in proportion to its impact, to the upgrading of public utility systems and municipal service delivery systems.*

The proposed dispensary will not negatively affect the City's public utilities or City services. The proposed dispensary does not require water, sewer, power or gas service that is different from any similarly sized retail facility. In addition, the proposed dispensary does not require any greater City services, such as police, fire or refuse collection than a comparable retail facility.

6. *That the proposed use will not impact negatively on the environment by creating air, noise, or water pollution; ground contamination; or unsightly views.*

The proposed dispensary will not have negative environmental impacts. All cannabis products are pre-packaged so there will not odors from the building. Applicant does not store or operate with any hazardous materials in its facilities so the dispensary will not result in any pollution or ground contamination. Finally, all operations will be conducted inside the building with no cannabis products visible to the public from the exterior. Accordingly, the proposed dispensary will not result in any unsightly views.

7. *That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; provide landscaping in forms of ground covers, trees and shrubs; and provide architecture, which is aesthetically appealing, compatible or complementary to surrounding properties and acceptable by community standards, as further detailed in Article 4, Development and Design Standards.*

The Property is already improved with landscaping which is consistent with other properties in the surrounding area. To the extent appropriate, Applicant will supplement the landscaping to ensure the aesthetic appearance of the Property. No residential properties are near the Property so no additional screening is warranted.

8. *That the proposed use will meet standards and requirements established by jurisdictions other than the City such as federal, state or county statutes requiring licensing procedures or health/safety inspections, and submit written evidence thereof.*

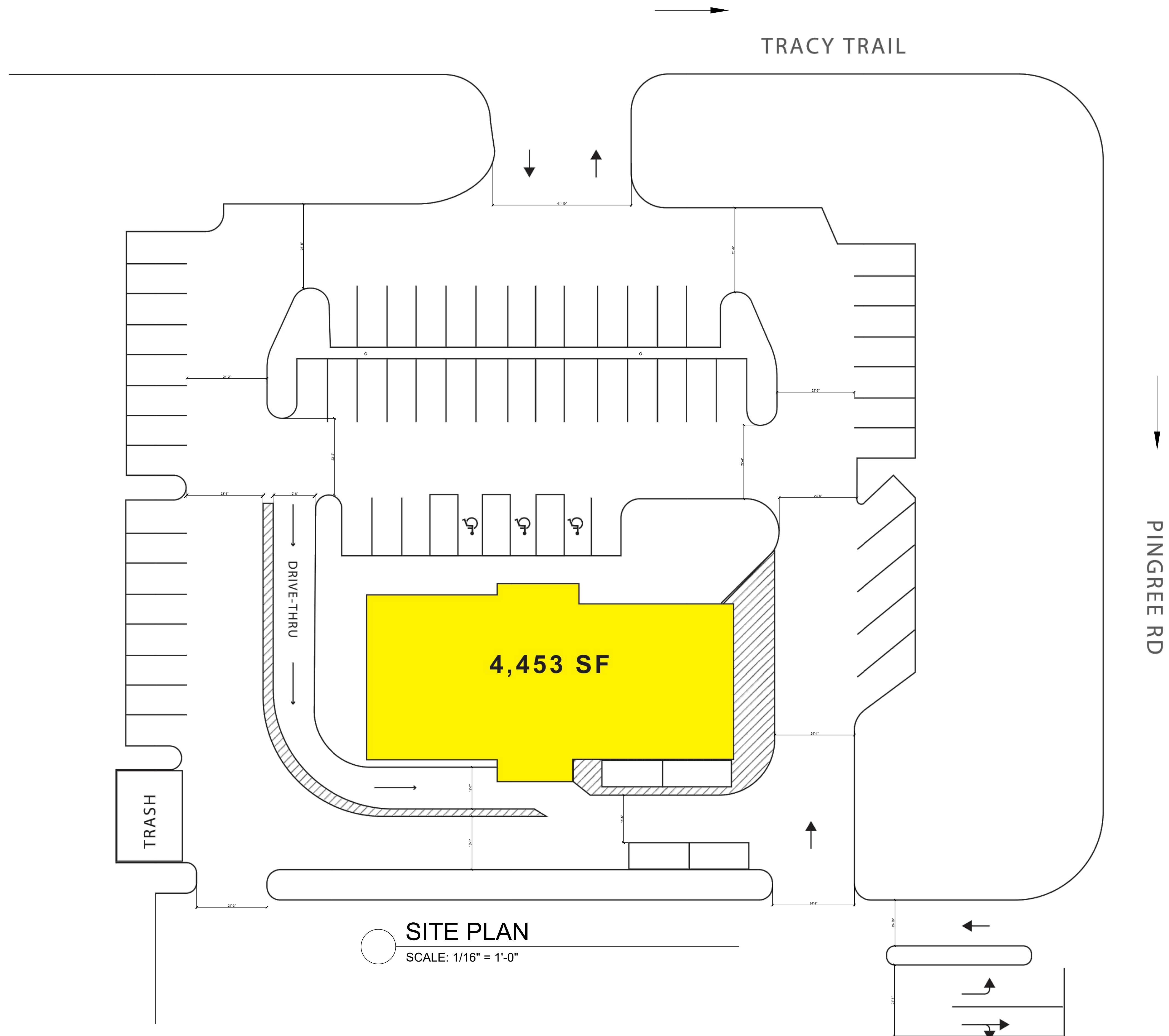
The proposed dispensary will meet all State standards applicable to construction, operation and licensing of a recreational cannabis dispensary.

9. *That the proposed use shall conform to any stipulations or conditions approved as part of a special use permit issued for such use.*

The proposed dispensary will conform to all stipulations and conditions set forth in the ordinance authorizing the dispensary.

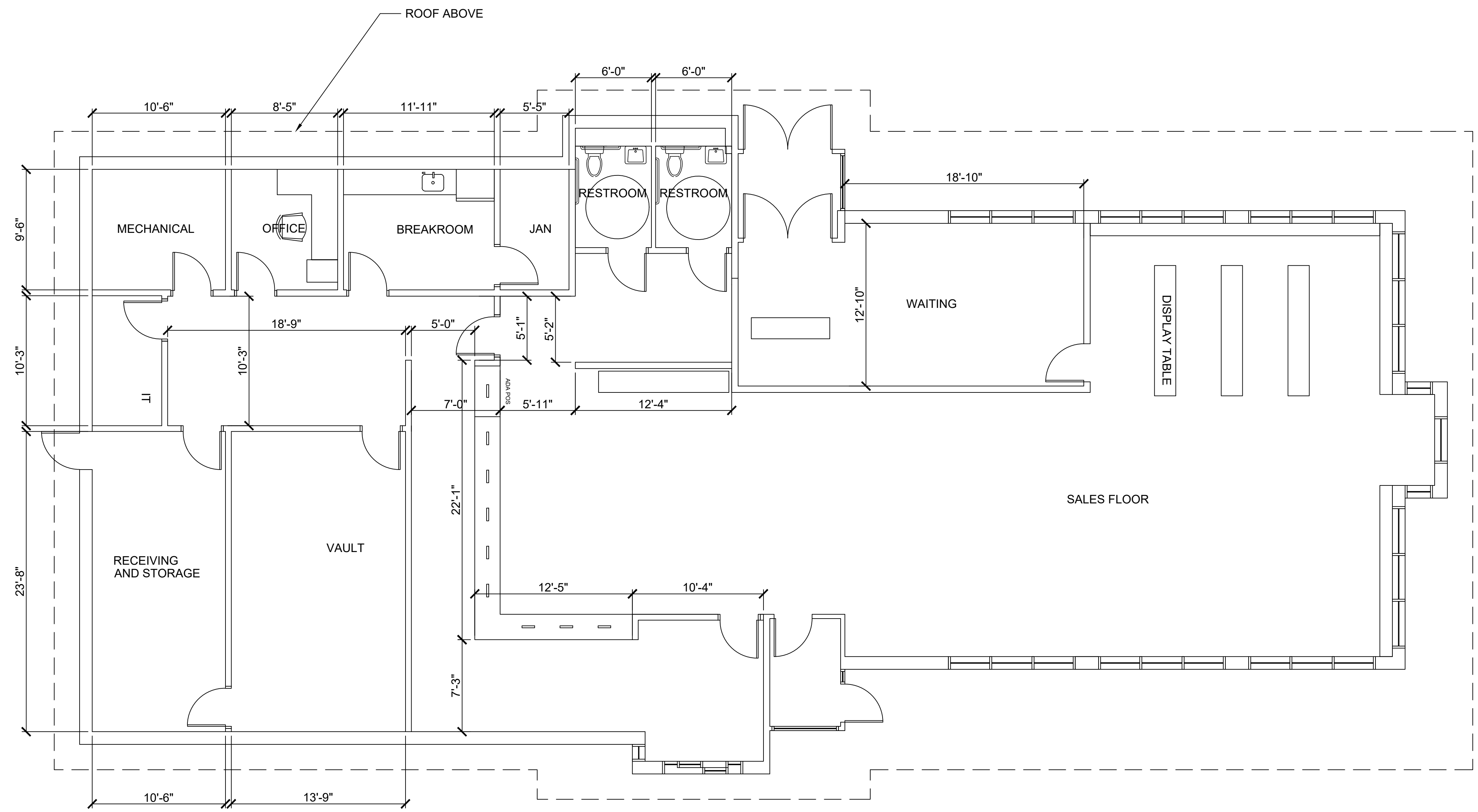
10. *That the proposed use shall conform to the standards established for specific special uses as provided in this section.*

Except to the extent the City grants relief from the minimum buffer distance from a protected use, the proposed dispensary will conform to the standards set forth in Section 2-400-76 of the City's Uniform Development Ordinance.



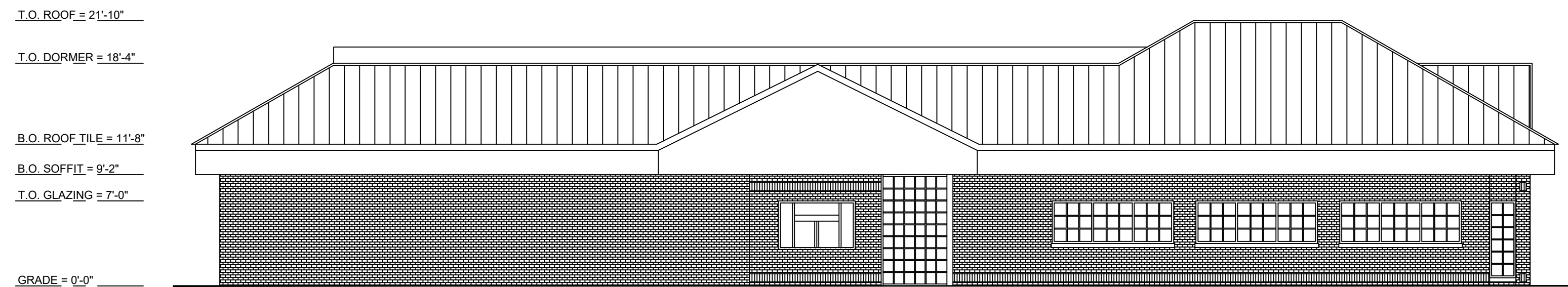
○ SITE PLAN
SCALE: 1/16" = 1'-0"

CLIENT: AMERICANNA DREAM
 PROJECT DESCRIPTION: CANNABIS DISPENSARY
 ADDRESS: 501 PINGREE ROAD, CRYSTAL LAKE ILLINOIS 60014
 BUILDING SIZE: 4,453 SF
 DRAWING SCALE: 1/16" = 1'-0"
 SITE PLAN

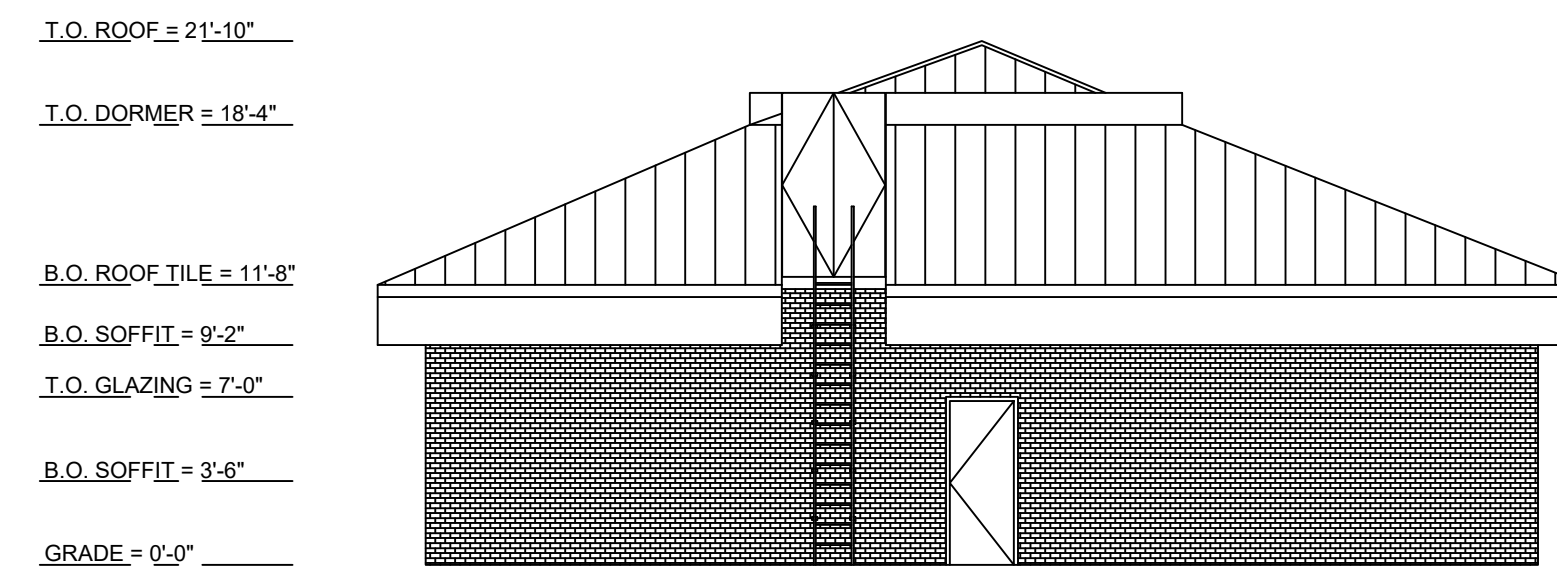


1 FLOOR PLAN
SCALE: 3/16" = 1'-0"

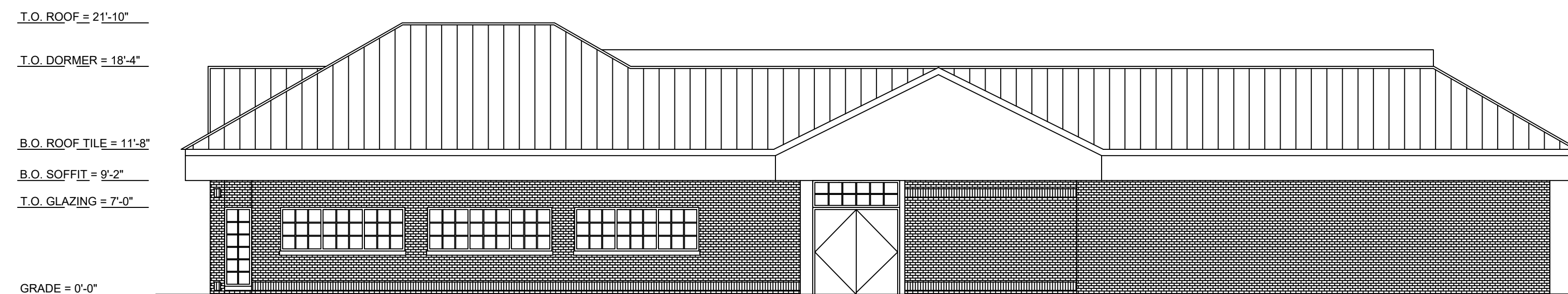
CLIENT: AMERICANNA DREAM
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 ADDRESS: 501 PINGREE ROAD, CRYSTAL LAKE ILLINOIS 60014
 BUILDING SIZE: 4,453 SF
 DRAWING SCALE: 3/16" = 1'-0"
 BUILDING FLOOR PLAN



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"

CLIENT: AMERICANNA DREAM
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ADDRESS: 501 PINGREE ROAD, CRYSTAL LAKE ILLINOIS 60014
BUILDING SIZE: 4,453 SF
DRAWING SCALE: 1/4" = 1'-0"
BUILDING ELEVATIONS: NORTH, EAST, WEST AND SOUTH