Item #2:
Report Of The PCZBA - October 7, 2014
Zoning Code Amendments Re: Medical Cannabis

10/08/14

Village of Long Grove Illinois

MEETING AGENDA OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS REGULAR MEETING

Tuesday October 7, 2014 at 7:00 P.M.

Village Hall, 3110 OLD MCHENRY ROAD LONG GROVE, ILLINOIS

1. **Call to Order**
2. **Visitors Business**
3. **Old Business;**

   a) **PUBLIC HEARING - CONTINUATION; Consideration of amendments to the Zoning Code of the Village of Long Grove in light of the adoption of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 430 ILCS 130/1 et seq., including specifically whether to include state-authorized medical cannabis dispensing organizations and medical cannabis cultivation centers as special uses in non-residential zoning districts in the Village.**

4. **New Business; None**
5. **Approval of Minutes; August 5, 2014 & September 2, 2014**
6. **Other Business;**

   a) **2015 Meeting Calendar & VB Attendance Roster**

7. **Adjournment: Next Regular Meeting – November 4, 2014**

Village Board Representative; (10/14/14) Commissioner Kazmer.

MEETING PROCEDURES

Plan Commission meeting follow the procedures outlined below. In the spirit of fairness to all parties, any of these procedures may be modified for a particular item at the discretion of the Chair.

1. Introduction of item by the Chair.
2. Village Staff's summary of Petition.
3. Presentation by the Petitioner.
4. Public Testimony and Comment.
5. Cross-Examination.
6. Response by the Petitioner.
7. Questions by the Commission.
8. Commission Discussion and Deliberation.

The Village of Long Grove is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to phone David Lothspeich, Long Grove Village Manager at 847-634-9440 or TDD 847-634-9650 promptly to allow the Village of Long Grove to make reasonable accommodations for those persons.

FILIPPINI
LAW FIRM

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990 Grove Street
Suite 220
Evanston, IL 60201
www.filippinilawfirm.com

Betsy L. Gates
312.462.0809
Betsy.Gates@filippinilawfirm.com

Memorandum

Date: October 7, 2014

To: Chairman Phillips and Members of the Long Grove PCZBA

From: Betsy L. Gates

Re: Proposed Motions for 10/7/2014

I. Medical Cannabis

Should the PCZBA wish to recommend the proposed Zoning Code text amendments, the following motion would be appropriate:

Motion to:

(i) recommend approval of the proposed text amendments regarding medical cannabis dispensaries [subject to the following revisions: _____]; and

(ii) recommend approval of the proposed text amendments regarding medical cannabis cultivation centers to allow cultivation centers as a special use in the _____ district(s), [subject to the following revisions: _____].

5-4-5 Special Uses.

The uses listed in the following subsections may be permitted in the applicable business districts subject to the issuance of a special use permit as provided in section 5-11-17 of this title:

* * *

(B) B2 District:

1. Uses:

* * *

(h) Medical cannabis dispensaries operating pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.* ("Medical Cannabis Act"), provided that:

(1) "Medical cannabis dispensary" means 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.

(2) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) Location.

i. No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.

ii. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

iii. [A dispensary shall be a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.]

(C) HR District:

1. Home improvement stores, retail stores, and restaurants, if approved pursuant to an ordinance granting approval of a planned unit development.

2. Medical cannabis dispensaries, operating pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.* ("Medical Cannabis Act"), if approved pursuant to an ordinance granting approval of a planned unit development, provided that:

(a) "Medical cannabis dispensary" means 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.

(b) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(c) Location.

i. **No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.**

ii. **A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.**

iii. ***[A dispensary shall be a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.]***

~~2.~~**3.** Such other uses as may be consistent with the village's comprehensive plan and expressly authorized pursuant to an ordinance granting approval of a planned unit development.

(D) HR-1 District

1. Grocery stores, drugstores, retail stores, coffee shops, dry cleaning plant and store, restaurants, community centers, and outdoor dining, if approved pursuant to an ordinance granting approval of a planned unit development, which planned unit

development may only include either: a) property located exclusively within the HR-1 district or b) property located within the HR-1 and one or more of the OS districts.

2. Medical cannabis dispensaries, operating pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.* ("Medical Cannabis Act"), if approved pursuant to an ordinance granting approval of a planned unit development, provided that:

(a) "Medical cannabis dispensary" means 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.

(b) Each medical cannabis dispensary shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the dispensary shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(c) Location.

i. No dispensary may be located within 1,000 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, or part day care child facility.

ii. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use.

iii. [A dispensary shall be a minimum of 1,000 feet from any other medical cannabis dispensary, measured from the parcel boundaries.]

~~2.~~**3.** Such other uses as may be consistent with the village's comprehensive plan and expressly authorized pursuant to an ordinance granting approval of a planned unit development.

* * *

Cultivation Centers in One or More Zoning Districts:

Amendment to Section [_____]. Section [_____], titled [_____] of Chapter [__], titled [_____] of the Zoning Code is hereby amended in part as follows:

The uses listed in the following subsections may be permitted in the applicable [_____] districts subject to the issuance of a special use permit as provided in section 5-11-17 of this title:

Uses:

Medical cannabis cultivation centers operating pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.* ("Medical Cannabis Act"), provided that:

(1)"Medical cannabis cultivation center" means 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 useable medical cannabis.

(2) Each medical cannabis cultivation center shall strictly comply with all applicable laws, regulations, rules, and ordinances, including, without limitation, the Medical Cannabis Act and all administrative rules and regulations adopted in accordance therewith. Unless otherwise provided by state law, the cultivation center shall conform to all requirements of this Code and all other Village rules, regulations and ordinances.

(3) No cultivation center may be located within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day care child facility, or an area zoned for residential use.

(4) All cultivation center operations and activities must be conducted in fully-enclosed buildings.

(5) All cultivation center buildings shall be set back a minimum of [250] feet from any lot line that borders one or more properties zoned in the R-1, R-2, or R-3 Residential District.

Village of Long Grove Illinois

MEMORANDUM

TO:	Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM:	JAMES M. HOGUE, Village Planner
DATE:	October 1, 2014
RE:	Public Hearing – **CONTINUATION**; Compassionate Use of Medical Cannabis

At the September meeting the PCZBA discussed the issue of placement of Medical Cannabis facilities within the Village. The consensus of the PCZBA was that; 1) such uses should be limited to the "B-2", "HR" and "HR- 1" Zoning Districts, and; 2) such uses should be considered as special uses.

Additionally, the Village Attorney offers the following per the state regulations (finalized last month) regarding sites for these facilities;

"To follow up on our discussion after last week's PCZBA meeting, the state distance requirements for medical marijuana dispensaries are as follows:

- *A dispensary may not be located within 1,000 feet (measured from the property lines) of any of the following pre-existing uses:*
  - *Public or private preschool or elementary or secondary school*
  - *Day care center, day care home, group day care home, or part-day child care facility*

- *A dispensary may not be located in a house, apartment, condominium, or area zoned exclusively for residential use. There is no state-mandated buffer zone around residential areas for dispensaries.*

Lake County is a designated "Dispensing Organization District" and is allocated three dispensary registrations. State law does not further restrict where the three possible dispensaries may be located within Lake County. Some communities have established spacing requirements (i.e. no dispensary may be located within 1,000 feet of another dispensary), which the PCZBA might wish to consider if there is concern about having multiple dispensaries in the same area".

As such, there are four areas of the Village which meet the zoning criteria. However, the distance requirement from pre-existing uses limits or excludes this use from some properties.

Properties that meet the zoning criteria (subject to SUP approval) are as follows;

1) Properties along Illinois Rt. 83/60 - Zoned B-2

There are several properties along the northern edge of the Village which carry the B-2 District designation. These are part of Towners' Subdivision and abut the residential portion of the subdivision which is zoned R-2 Residential. Most properties contain approximately 1 acre of land area. Some properties contain structures which would likely be demolished and the property redeveloped. Many are non-conforming residential structures. One property is currently vacant. Of these two parcels fall within 1000 feet of the Diamond Lake Elementary School and could not be considered for such a use (See Map 1).

2) Long Grove Commons – Rt. 22 & Old McHenry Road – Zoned B-2 PUD

The Long Grove Commons is a PUD. In addition to the SUP an amendment to the PUD approval ordinance would also likely be needed to consider dispensaries as special uses within the development.

The property is bordered to the north and east by the "Apache Day Camp" (unincorporated Lake County) and "Jay's Camp" (Long Grove) respectively. Both of these are essentially seasonal day care facilities operating during the summer months. The 1000' distance requirement severely limits placement of such a facility on this property. Structures on the far west end of development appear potentially feasible however. (See Maps 2 & 3).

3) Menards /Geimer Greenhouse Property – Lake-Cook Road & Rt. 53 – Zoned HR

The HR district requires all developments be brought in as a PUD. As such, amendment to the PUD approval ordinance would also likely be needed to consider dispensaries as special uses within the development.

The Long Grove Country School (day care facility), located on unincorporated property east of these sites impacts them from the distance requirement perspective. The Geimer Property just falls within the 1000' boundary as do the soccer fields property and the Menards building site.

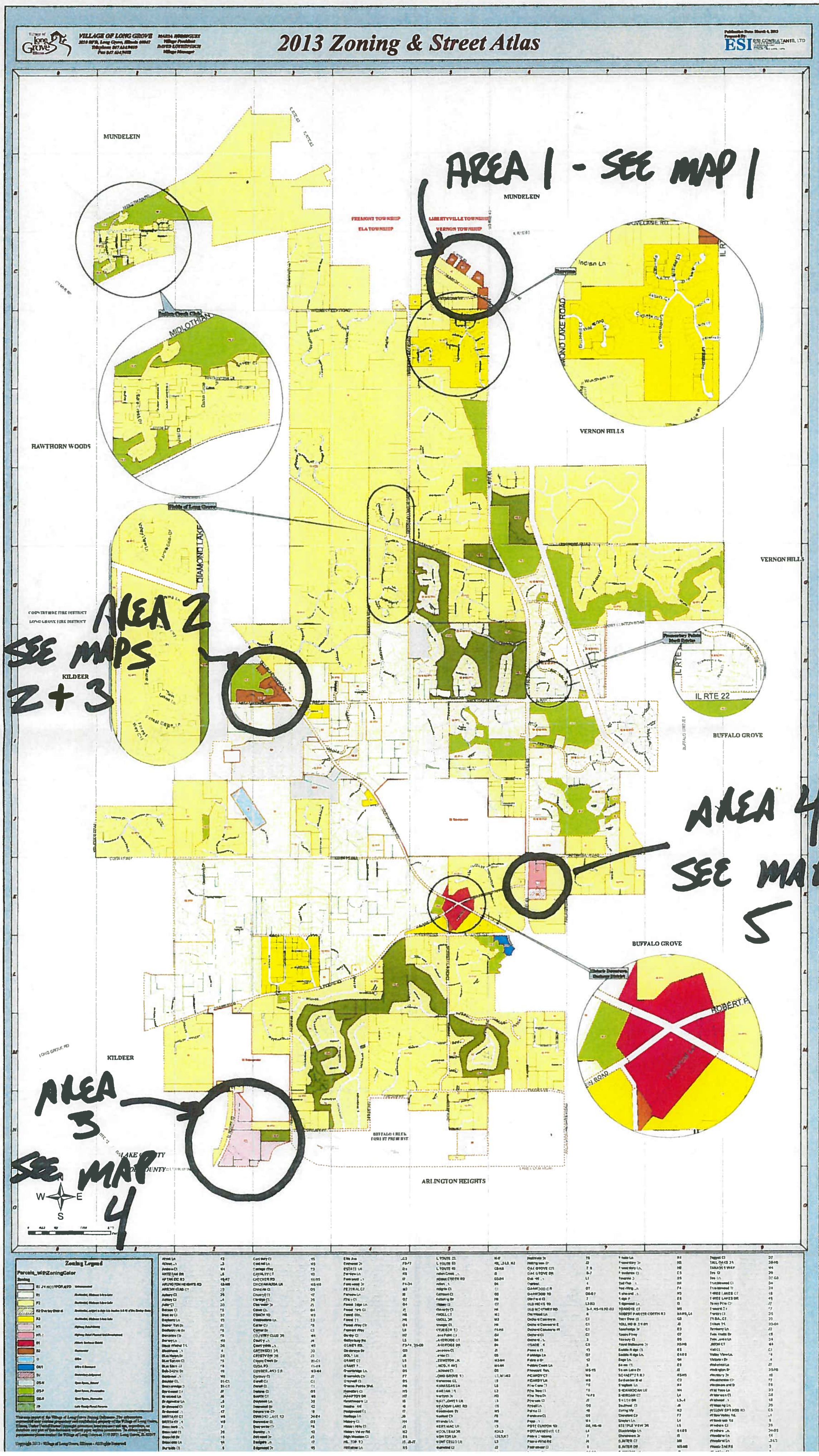
The Menards outlots appear unencumbered by this requirement. (See Map 4)

4) . Sunset Grove/Glazer PUD –Rt. 83 & Aptakisic – Zoned HR-1

The HR-1 district requires all developments be brought in as a PUD. As such, amendment to the Sunset Grove PUD approval ordinance would also likely be needed to consider dispensaries as special uses within the development. The same holds true for the Executive House Property (Glazer PUD).

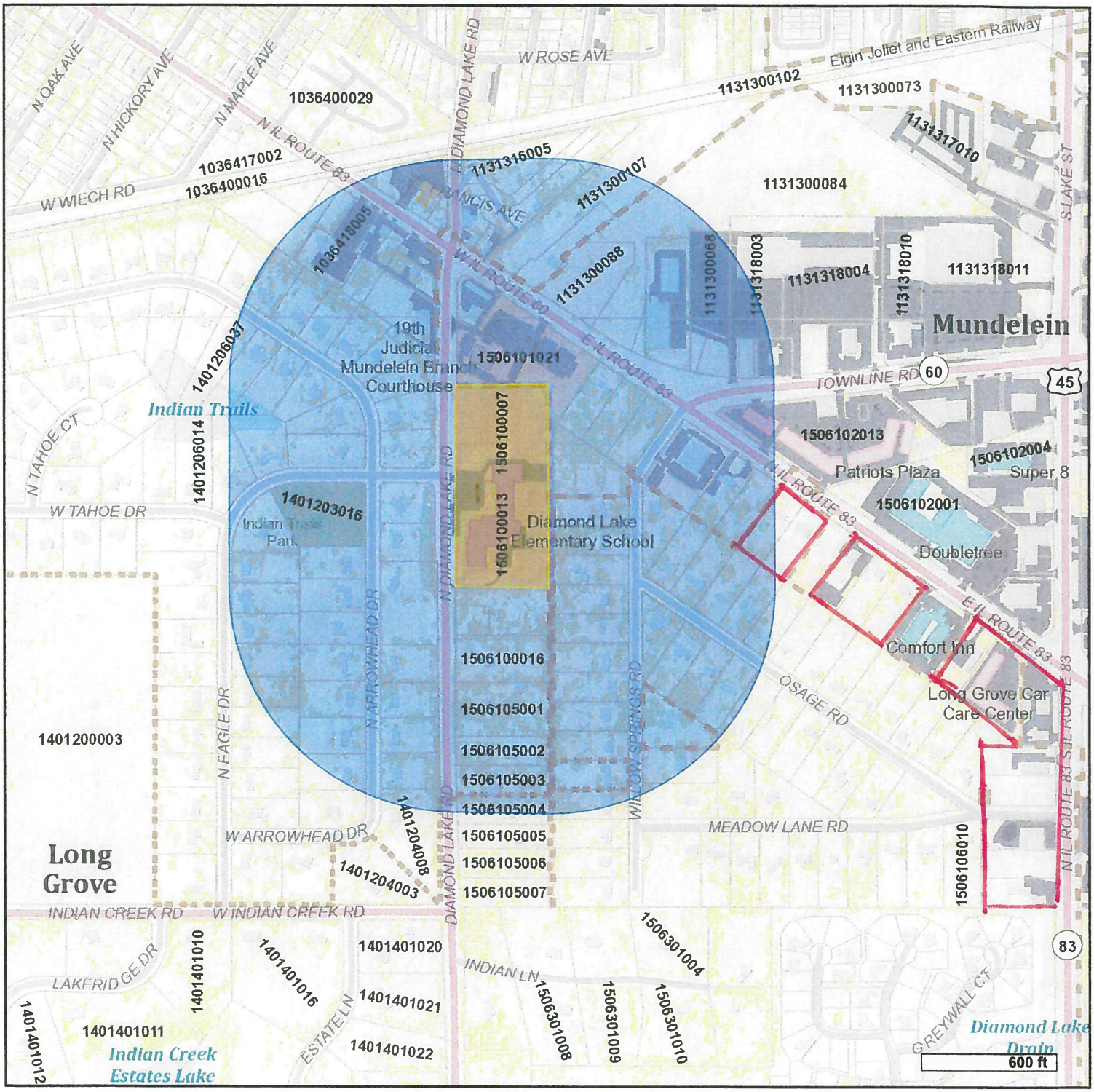
A Montessori school is located in Buffalo Grove and slightly impacts the Glazer Property in terms of the distance requirements. The Sunset Grove property is unencumbered. The "South 15" , currently zoned R-2 residential but anticipated as being HR-1 is impacted by the site distance requirement. (See Map 5)

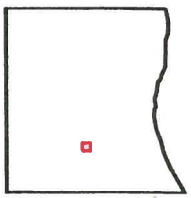
A draft ordinance has been prepared by the Village attorney and is included in the packet for discussion by the PCZBA.



VILLAGE OF LONG GROVE
2013 Zoning & Street Atlas
ESI CONSULTANTS, LTD
AREA 1 - SEE MAP 1
MUNDELEIN
FREMONT TOWNSHIP
ELA TOWNSHIP
LIBERTYVILLE TOWNSHIP
VERNON TOWNSHIP
MIDLOTHIAN
Indian Ln
DIAMOND LAKE ROAD
HAWTHORN WOODS
VERNON HILLS
DIAMOND LAKE
COUNTRYSIDE FIRE DISTRICT
LONG GROVE FIRE DISTRICT
AREA 2
SEE MAPS
2 + 3
KILDEER
IL RTE 22
BUFFALO GROVE
AREA 4
SEE MAP
5
ROBERT P
LONG GROVE RD
AREA 3
SEE MAP
4
LAKE COUNTY
BUFFALO CREEK FOREST PRESERVE
ARLINGTON HEIGHTS
N
W
E
S
Zoning Legend

Lake County, Illinois MAP 1





LakeCounty
Geographic Information System

Lake County Department
of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 10/01/2014

N

Buffer Graphic: – 1000'
User Graphic:
Lake County Border
Water
Municipalities
Tax Parcels
Tax Parcels
Trails
2011 Buildings

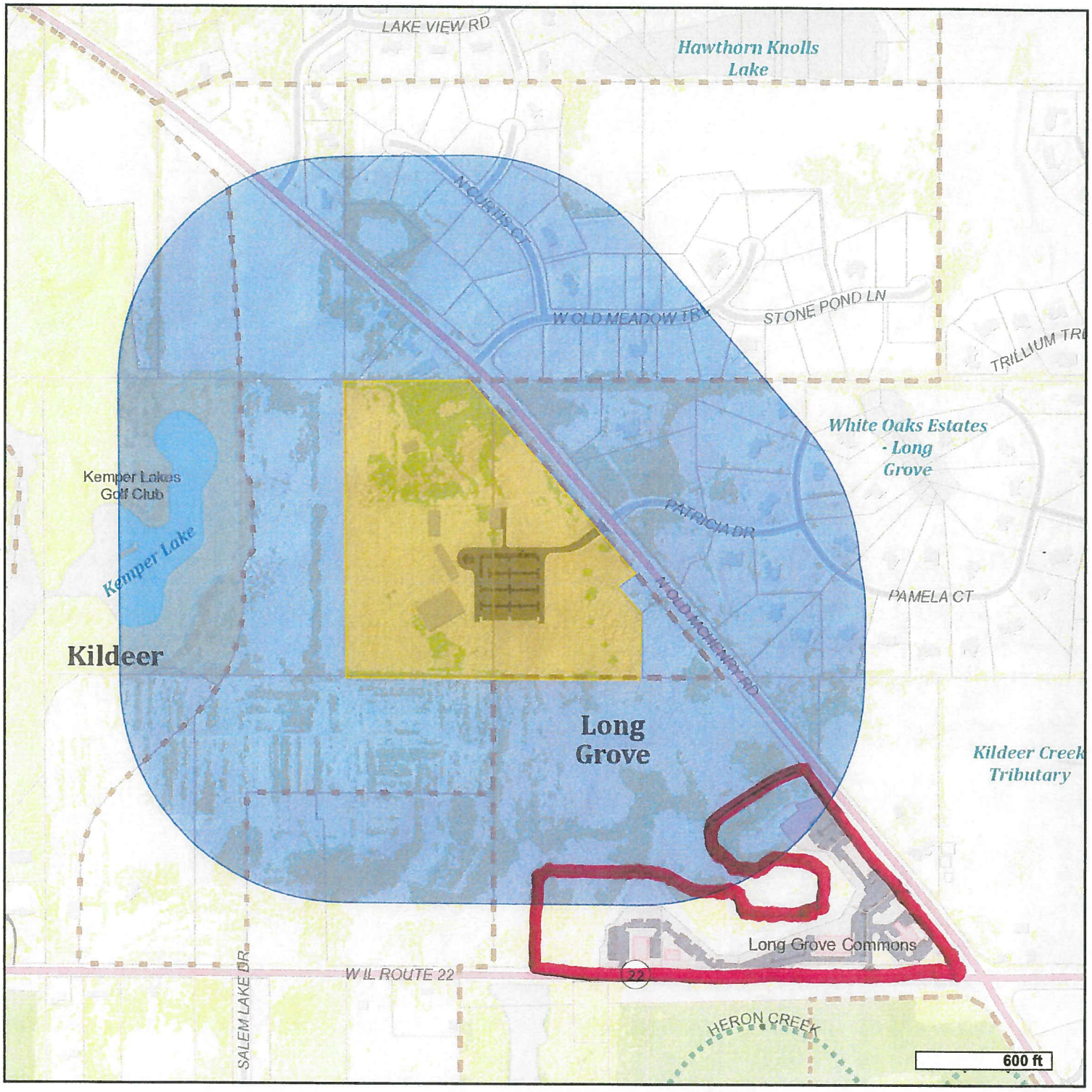
ZONED "B-2"

DIAMOND LAKE ELEMENTARY SCHOOL

Disclaimer The selected soil feature layer may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois

MAP 2



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Waukegan IL 60085
(847) 377-2373

Map Printed on 10/01/2014

N

Buffer Graphic: - 1000'
User Graphic: - APACHE DAY CAMP
Lake County Border
Water
Municipalities
Tax Parcels
Parks
Railroads
Trails
2011 Buildings

LONG GROVE COMMONS
ZONED B-2
PUD

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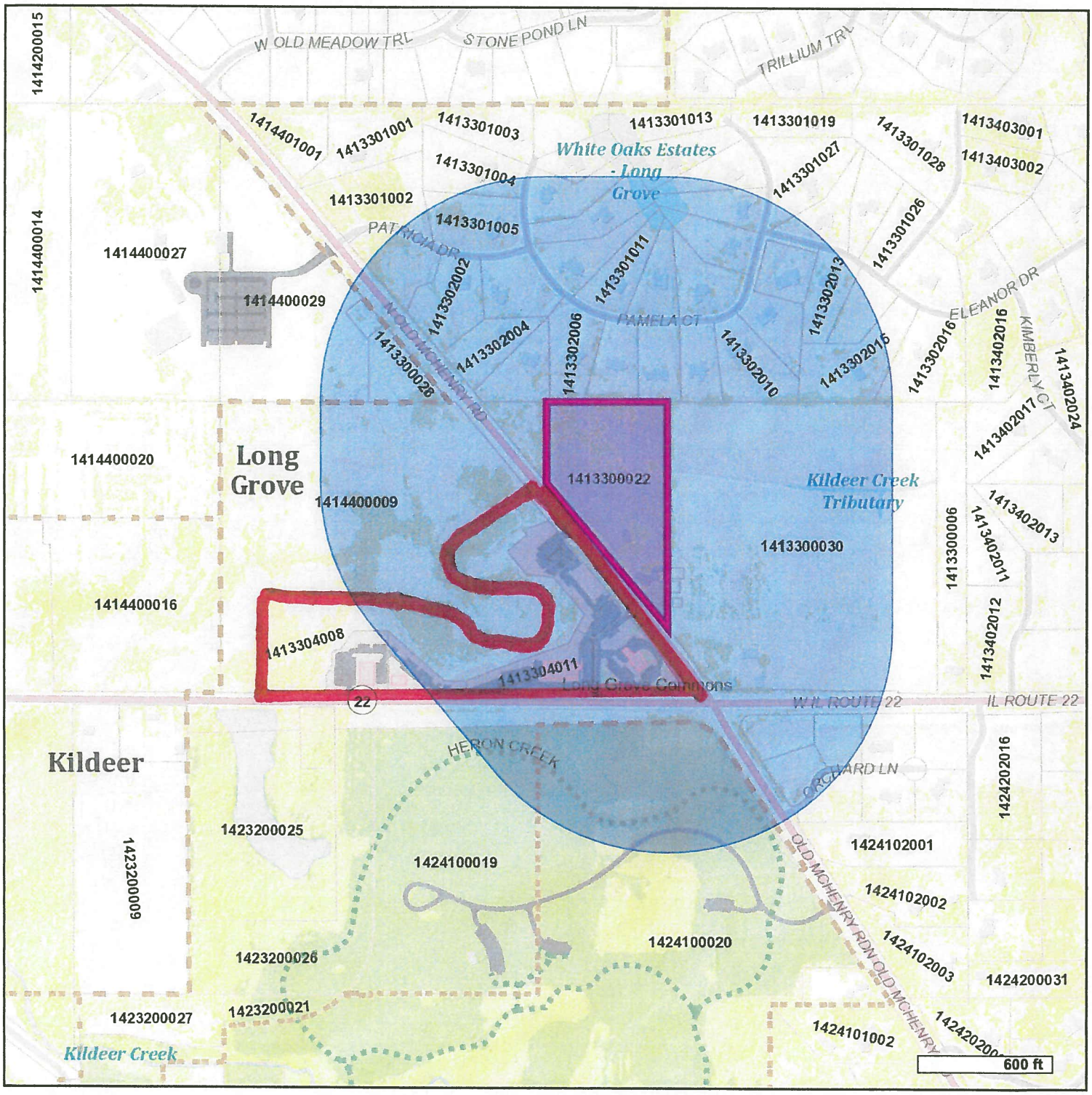
Lake County, Illinois

MAP 3



LakeCounty
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of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 10/01/2014
Parcel 14-13-300-022 is outlined.

N

Tax Parcels: (various) – JAY'S CAMP (DAY CARE SEASONAL)
Buffer Graphic: – 1000'
Lake County Border
Water
Municipalities
Tax Parcels
Tax Parcels
Trails
2011 Buildings

LONG GROVE COMMONS ZONED B-2 PUD

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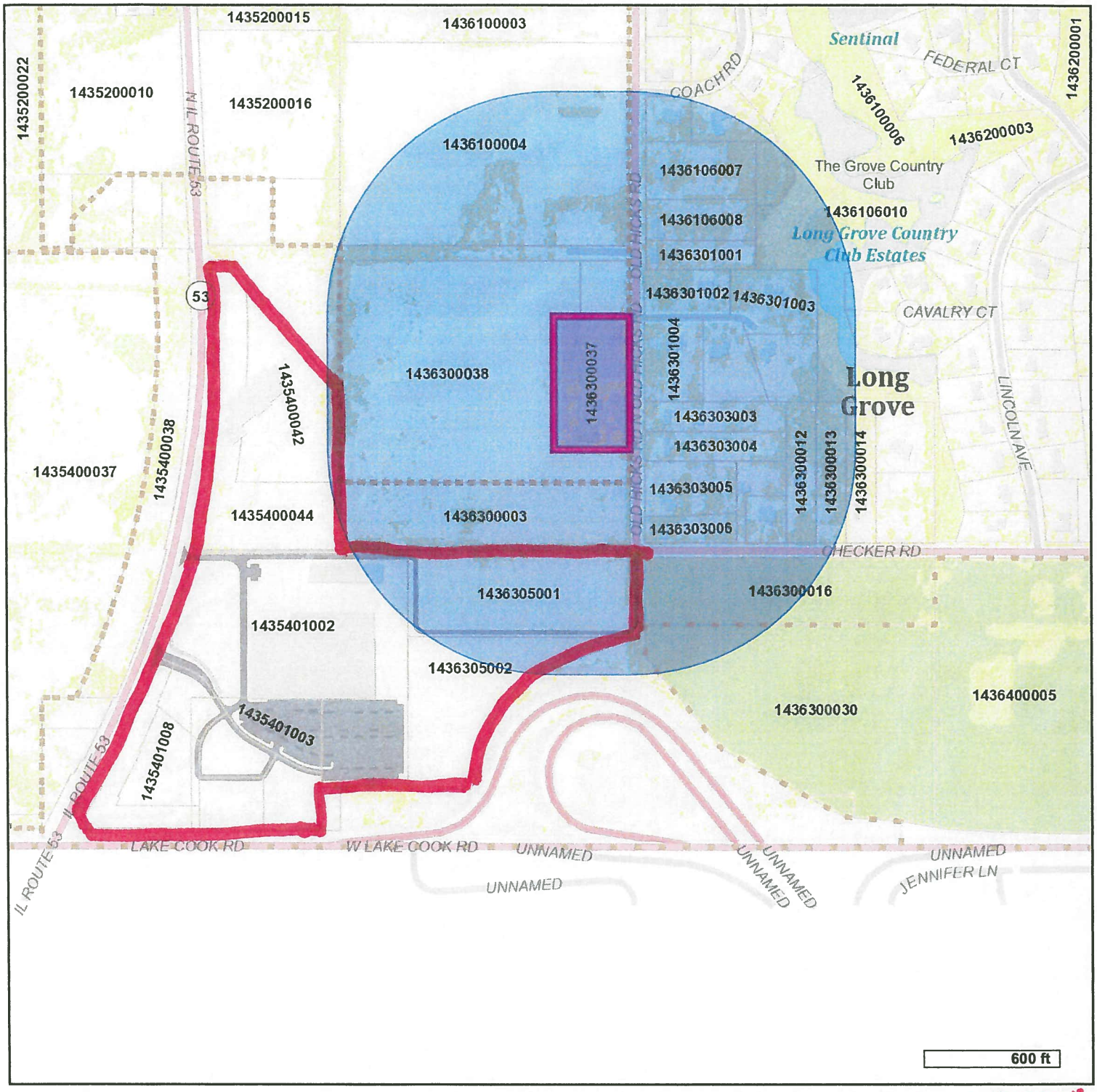
Lake County, Illinois

MAP 4



LakeCounty
Geographic Information System

Lake County Department
of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 10/01/2014
Parcel 14-36-300-037 is outlined.

N

Tax Parcels: (various) - LONG GROVE COUNTY SCHOOL (DAY CARE)
Buffer Graphic: - 1000'
Lake County Border
Water
Municipalities
Tax Parcels
Tax Parcels
Trails
2011 Buildings

ZONED "HR"

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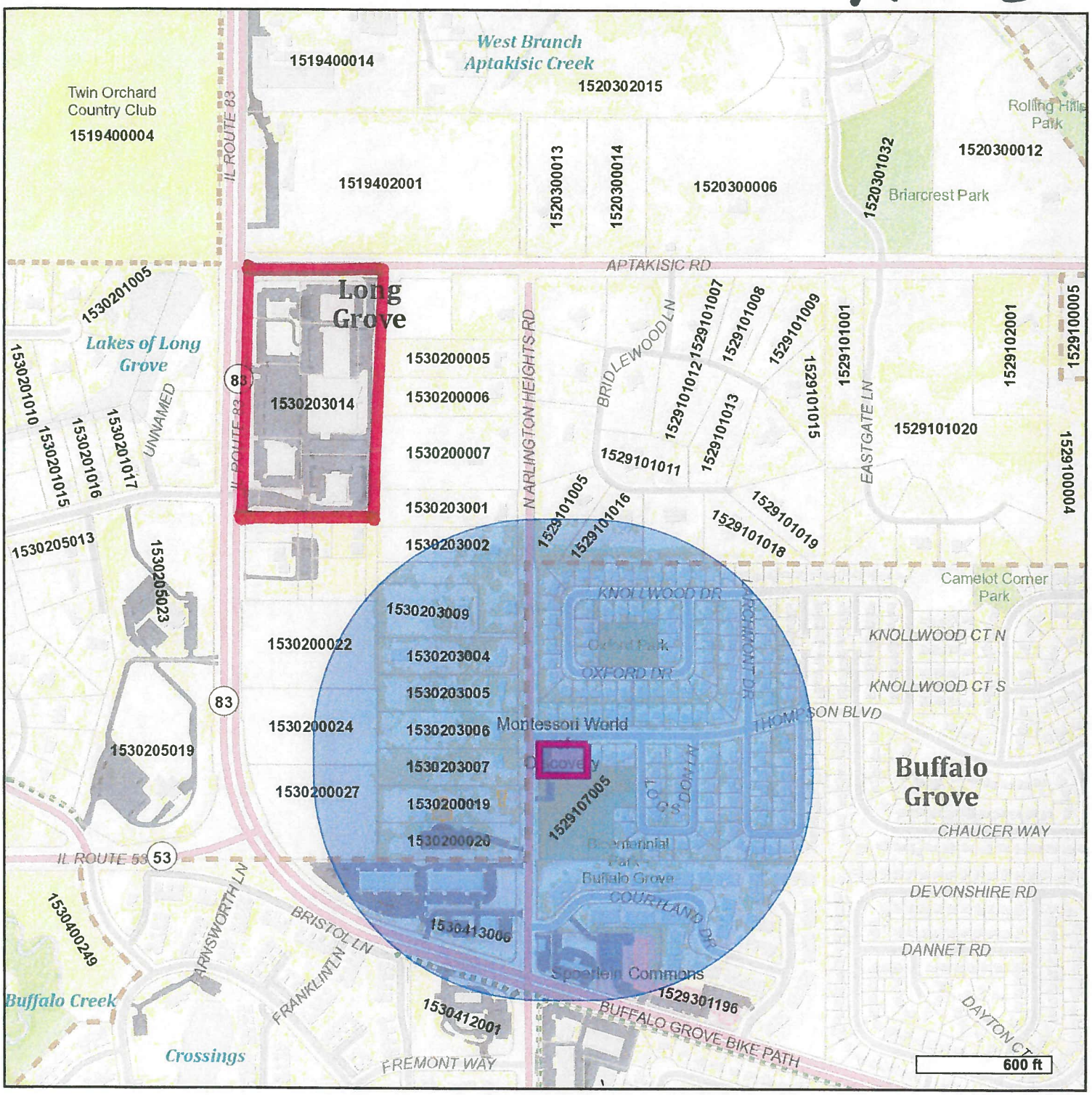
Lake County, Illinois

MAP 5



LakeCounty
Geographic Information System

Lake County Department
of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 10/01/2014
Parcel 15-29-107-001 is outlined.

N

Tax Parcels: (various) - MONTESSORI WORLD
Buffer Graphic: - 1000'
Lake County Border
Water
Municipalities
Tax Parcels
Tax Parcels
Trails
2011 Buildings

SUNSET GROVE
ZONED HR-1

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