

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 23-ZPA-03-001

HEARING DATE: April 13, 2023

PETITIONER: Ridgefield Homes, LLC

OWNER: Village of Cary

LOCATION: 106-124 E. Main Street

REQUEST: 1. Approval of a Plat of Subdivision

MEMBERS PRESENT: Khoury, Stefani, O’Laughlin, Graziano and Williams

MEMBERS ABSENT: Kretschmer, Jasper

STAFF MEMBERS PRESENT: Brian Simmons, Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. Chairman Khoury congratulated Member Stefani on his election to the Cary Village Board as Trustee. Chairman Khoury reviewed meeting procedures for those present. Chairman Khoury presented minutes from a previous hearing for approval. After one change, the minutes were approved by voice vote.

Chairman Khoury called Village Case No. 23-ZPA-03-001.

Director Simmons stated the Petitioner, Ridgefield Homes LLC, is planning to redevelop the property located on the northeast corner of E Main Street (US Route 14) and N Second Street. The property is owned by the Village of Cary and is currently vacant. The petitioner recently received zoning approval to construct a ten (10) unit residential development called Ridgefield Landing. The proposed plat will create the necessary building lots for the development of the two rowhome buildings and various easements needed to serve the future development. Easements for utilities, ingress/egress, and for the public walkway encroachment along the Route 14 frontage are provided. Staff believes the proposed plat complies with Village Ordinances and all conditions of approval for the Ridgefield Landing PUD

Director Simmons answered questions from the Board and reviewed some details regarding the proposed Plat of Subdivision.

Mr. Jay Dulla, Ridgefield Homes, was available to answer questions from the Board.

Chairman Khoury opened the floor to public comment.

With no comment on the petition from those present, Chairman Khoury closed the public comment portion of the meeting.

Chairman Khoury entertained a motion.

Member Graziano moved, seconded by Member Williams, to recommend to the Village Board of Trustees approval of the final plat of subdivision for the Ridgefield Landing Subdivision.

Aye: Khoury, Stefani, O'Laughlin, Graziano and Williams

Nay: None

Abstain: None

Absent: Kretschmer, Jasper

Motion Passed: 5-0

Director Simmons reviewed meeting dates and future cases to be presented to the Zoning Board of Appeals.

After hearing one additional case, Chairman Khoury entertained a motion to adjourn at 08:00 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,

Susan Greene

Susan Greene, Deputy Village Clerk

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ZONING, PLANNING AND APPEALS**

CASE NUMBER: 23-ZPA-03-002

HEARING DATE: April 13, 2023

PETITIONER: Vertical Management, LLC

OWNER: Michael E. Rein

LOCATION: 20 Northwest Highway

REQUEST:

1. Amendment to a Conditional Use for a Cannabis Dispensary
2. Variance to Reduce the Required Rear Yard Building Setback to Zero (0) Feet
3. Variance to Eliminate the Buffer Yard Requirements for a Cannabis Dispensary Along the South Property Line

MEMBERS PRESENT: Khoury, O’Laughlin, Williams, Stefani and Graziano

MEMBERS ABSENT: Jasper, Kretschmer

STAFF MEMBERS PRESENT: Brian Simmons, Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. Chairman Khoury congratulated Member Stefani on his election to the Cary Village Board as Trustee. Chairman Khoury reviewed meeting procedures for those present. Chairman Khoury presented minutes from a previous hearing for approval. After one change, the minutes were approved by voice vote.

After hearing one case, Chairman Khoury called Village Case No. 23-ZPA-03-002.

Director Simmons stated the Petitioner, Vertical Management LLC, recently received approval in 2022 of zoning entitlements from the Village of Cary related to the operation of a Cannabis Dispensary and Ancillary Infusion use on the property located at 20 Northwest Highway. The subject property is currently zoned B-3R Fringe Business Residential District. The petitioner is seeking approval of an amendment to the conditional use permit and variances associated with a new building addition not contemplated at the time of the original 2022 zoning entitlements. The ZPA hearing was properly noticed in the Saturday, March 25, 2023, edition of the Northwest Herald newspaper. In addition, the Petitioner has completed the required written notice to property owners within 250 feet and staff posted a public hearing sign on the Subject Property.

Director Simmons reviewed the property’s previous approvals and the petitioner’s current request. The State of Illinois Licensing requirements were presented and reviewed by the Board. Director Simmons discussed the buffer yard requirements and design plans for the border of the property.

Member Stefani asked if there was any feedback from the public on the petition. Director Simmons stated no feedback has been received.

Chairman Khoury asked for additional details on the size of the garage and proximity to the closest neighbor. Director Simmons reviewed the details requested.

Chairman Khoury asked if this petition had been reviewed by the Fire District. Director Simmons stated it had been reviewed and no comments were presented.

The Petitioner's Representative, Attorney Patrick Smith, was present with property owners and Vertical Management representatives David Scott and Anthony Rein to answer questions from Board members.

Attorney Smith reviewed the State of Illinois dispensary and infusion business requirements. He also stated the Petitioners are willing to construct an enclosed garage for deliveries to the property as required by the State of Illinois and its agencies. The Petitioners also believe a garage would be a more secure location for deliveries and its visibility from the public street would be limited.

Member Williams asked for additional information on materials that will be delivered. Attorney Smith reviewed the delivery items and the process for the proposed business.

Chairman Khoury asked for a timeline for the State amending delivery requirements for this proposed business. Attorney Smith stated it hinged on different agencies' interpretation of what constitutes a secure location. He stated the Petitioners received notification of the design requirement change early February 2023.

Member Williams asked what ingredients are being delivered that required this change request. Member Stefani stated because this business uses raw materials to make a product rather than receive a finished product ready for sale.

Anthony Rein stated the business primary focus will be to sell products that are made in-house by the business. Mr. Rein stated materials will not be able to be delivered unless the garage is securely closed. Emergency plans will be in place for the business as part of their overall security structure. The building will be secure and have restricted access to all materials. Mr. Rein stated deliveries will be made by employees of the business.

Chairman Khoury opened the floor for Public Comment. With no comment from those present, Chairman Khoury closed the Public Comment portion of the meeting.

Member Graziano requested the motion be split and voted on separately. Member O'Laughlin and Member Williams supported the change.

Chairman Khoury entertained a motion.

Member O'Laughlin moved, seconded by Member Williams, to recommend to the Village Board of Trustees, approval of a conditional use for a cannabis dispensary with ancillary infusion.

Aye: Graziano, Williams, Stefani and O'Laughlin

Nay: Khoury

Abstain: None

Absent: Jasper, Kretschmer

Motion Passed: 4-1

Chairman Khoury entertained a motion.

Member O’Laughlin moved, seconded by Member Williams, to recommend to the Village Board of Trustees, approval of variances to the cannabis land use screening requirements along the southern property line and reduction in the rear building setback to zero (0) feet for the property located at 20 Northwest Highway, subject to the two conditions listed in the staff report.

Aye: Graziano, Williams, O’Laughlin

Nay: Khoury

Abstain: None

Absent: Jasper, Kretschmer

Motion failed to carry. A minimum of four votes are required in order for a motion for a variance to pass.

Director Simmons reviewed meeting dates and future cases to be presented to the Zoning Board of Appeals

Chairman Khoury entertained a motion to adjourn at 9:04 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,



Susan Greene, Deputy Village Clerk