

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

CASE NUMBER: 20-ZPA-02-002

HEARING DATE: June 11, 2020

PROPERTY ADDRESS: 170 Detroit Street

PETITIONER: Nicholas Halazonitis, Illinois Collective, LLC

OWNER: 170 Collective, LLC

PIN NUMBER: 20-18-351-023

REQUEST: 1. Conditional Use for a Cannabis Craft Grower

MEMBERS PRESENT: Kretschmer, Khoury, Williams, Phippen, O’Laughlin and Graziano

MEMBERS ABSENT: Jasper

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. After approving minutes from previous meetings and hearing one additional case, Chairman Khoury called Village Case No. 20-ZPA-02-002.

Director Simmons stated the Petitioner, Illinois Collective LLC, is proposing to occupy the existing office warehouse building located at 170 Detroit Street in order to operate a cannabis craft growing business. Per the Village’s Unified Development Ordinance cannabis craft growers require conditional use approval. The ZPA hearing was properly noticed in the May 23, 2020, 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 specifics of the petitioner’s request for consideration, the subject property is located on the south side of Detroit Street just to the east of the Com-Ed high-tension powerline utility crossing. The property is zoned M Limited Manufacturing and is bordered by the M district to the east and north, the R-3 Multi-Family District to the west across the Com-Ed ROW, and R-1 Single-Family Residential (Unincorporated McHenry County) to the south. According to Village records the 27,000 square foot building was originally constructed in 1995. The property is situated on a flag lot with limited frontage to Detroit Street. The majority of the property is located behind an adjacent office/warehouse building.

Petitioner Mr. Nicholas Halazonitis, Corporate Representative Benjamin Brown and Corporate Attorney Jenna Miller were present to answer any questions.

Mr. Halazonitis provided an overview of their petition and the operations of the proposed facility.

Chairman Khoury opened the floor to Public Comment.

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

CASE NUMBER: 20-ZPA-05-002

HEARING DATE: June 11, 2020

PROPERTY ADDRESS: 219 Foxford Drive

PETITIONER/OWNER: Keith Battaglia

PIN NUMBER: 20-06-304-016

REQUEST: 1. Variation to Increase the Maximum Ground Floor Area of an Accessory Structure to 144 Square Feet (Sec. 14.4.3.2)

MEMBERS PRESENT: Kretschmer, Khoury, Williams, Phippen, O’Laughlin and Graziano

MEMBERS ABSENT: Jasper

STAFF MEMBERS PRESENT: Brian Simmons
Director of Community Development

Chairman Khoury called the meeting to order at 7:00 PM. After approving minutes from previous meetings, Chairman Khoury called Village Case No. 20-ZPA-05-002.

Director Simmons stated the Petitioner, Keith Battaglia, is seeking to install a pergola in the rear yard of the property located at 219 Foxford Drive. As proposed an approximately nine and one third (9.33) foot tall, and eleven and one third (11.33) foot square accessory structure is proposed to be constructed over the patio in the rear yard. The improvements will also include the construction of an outdoor kitchen and fireplace structure. The ZPA hearing was properly noticed in the May 23, 2020 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 property.

Director Simmons reviewed the petitioners request. The proposed pergola will exceed the maximum ground floor area requirements. The petitioner is seeking to increase the size of the pergola proposed as part of this project to a maximum ground floor area of 144 square feet. The height of the structure will comply with code with a maximum height of nine feet four inches (9.33’). The petitioner is seeking approval of a variance in order to exceed the maximum ground floor area (from 120 to 144 square feet). It should be noted that if the proposed structure was attached to the primary building it would comply with the zoning district’s regulations for a primary structure. Since the structure is detached from the primary residence, it is considered an accessory structure and necessitates the need for the variation.

Mr. Battaglia was present to answer questions from the Board.

Chairman Khoury opened the floor to Public Comment. With no comment from those present, Chairman Khoury closed Public Comment.

Discussion:

Member Graziano asked for detail on the proposed accessory structure. Director Simmons stated the proposed structure will be detached from the primary structure which defines it as an accessory structure on the property.

Mr. Battaglia stated Director Simmons had presented the petition completely and had no additional comments.

Member Graziano asked if Mr. Battaglia had any feedback from neighboring properties. Mr. Battaglia stated he has received no negative feedback.

Chairman Khoury entertained a motion.

Member O'Laughlin moved, seconded by Member Kretschmer, a motion for approval of a variation to increase the maximum ground floor area of an accessory structure from 120 to 144 square feet for the construction of a detached pergola for the property located at 219 Foxford Drive.

Aye: Williams, Khoury, Kretschmer, Graziano, Pippen, O'Laughlin

Nay: None

Abstain: None

Absent: Jasper

Motion Passed: 6-0

After hearing one additional case, Director Simmons reviewed future cases. Chairman Khoury entertained a motion to adjourn at 8:04 pm.

All Ayes by Voice Vote

Motion Passed

Respectfully submitted,



Susan Greene, Deputy Village Clerk

Mr. Dave Hall, Root Springs resident, lives behind the proposed location and asked about fans and outside lighting. Mr. Halazonitis stated the fans used are low noise and used to dispel odors. The lighting is regulated for security and the Village has limitations as to what is allowed bordering residential areas. With no further comment from those present, Chairman Khoury closed Public Comment.

Discussion:

Member Graziano asked Mr. Simmons about benefits to the Village by approving this use. Director Simmons reviewed State funded benefits that the Village would receive.

Member O'Laughlin asked if the business were to expand if additional reviews would be required. Director Simmons reviewed what expansion would be allowed under the Village's Unified Development Ordinance.

Member Phippen asked if all Village departments have reviewed the proposed plans. Director Simmons stated the Police Department and Public Works have both reviewed the petition and have no objections.

Mr. Halazonitis reviewed for the ZPA Board the background of the 170 Collective, LLC and the rules, licenses, employee training and state regulations that will be in place once the petition is approved and the business operational.

Chairman Khoury asked the Petitioner for background on this type business and the reason they selected Cary. Mr. Halazonitis stated he lives locally, and the location fit their business requirements.

Mr. Benjamin Brown, a member of the Petitioners team located in California, reviewed how this type of business is run and regulated.

Member Williams asked if there were similar businesses located in the State of Illinois. Mr. Halazonitis stated there are very few at this time spread throughout the state and all are cultivation centers. This is the first round of applications to operate craft growers within the state.

Member Phippen asked the Petitioner when they expect to be approved for their license. Attorney Miller stated the State licenses have been applied for and the State of Illinois will issue them by July 1, 2020.

Director Simmons stated the conditional use would be contingent on 170 Collective, LLC receiving State licensing.

Chairman Khoury entertained a motion.

Member Phippen moved, seconded by Member Williams, a motion to recommend to the Village Board of Trustees approval of a conditional use for a cannabis craft grower for the property located at 170 Detroit Street subject to the conditions listed in the staff report.

Aye: Williams, Khoury, Kretschmer, Graziano, Phippen, O'Laughlin

Nay: None

Abstain: None

Absent: Jasper

Motion Passed: 6-0

Director Simmons reviewed future cases. Chairman Khoury entertained a motion to adjourn at 8:04 pm. *All Ayes by Voice Vote*

Motion Passed

Respectfully submitted,



Susan Greene, Deputy Village Clerk