CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
June 17, 2014
6:30 p.m.

1. Call to Order

2. Roll Call

3. Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.

4. Reconvene in Regular Session at 7:30 p.m.

5. Roll Call

6. Pledge of Allegiance

7. Approval of Minutes – June 3, 2014 Regular City Council Meeting and April 5, 2014 Budget Workshop Meeting

8. Accounts Payable

9. Public Presentation
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.

10. Mayor's Report

11. Council Reports

12. Consent Agenda
    a. Doherty Properties Annexation Public Hearing Continuation
    b. Downtown Crystal Lake Main Street Temporary Use Permit request for the Johnny Appleseed Festival and Great Ball Race and request for waiver of the Temporary Use Permit application fee.

13. Crystal Lake Water Ski Association request for waiver of no-wake restrictions for their Slalom Tournaments on July 13th, 2013, August 24th, 2014, and August 31st 2014.

14. New Retailer Job Creation and Investment Program Matching Grant Application Request – Bioenergy Technology Inc., 340 Commerce Drive, Unit B.

15. Bucky's Convenience Store, 8108 Pyott Road – Special Use Permit to allow a Preliminary PUD for a Gasoline Service Station and Convenience Store and Gasoline Electronic Pricing Signs; and variations (a) to allow a flat roof for the gas canopy, rather than peaked roof; (b) to allow 2 free-standing gas station electronic pricing monument signs with red illumination, rather than the 1 free-standing sign permitted with white, amber or green illumination; (c) to allow greater than 125% of the required parking constructed on a non-permeable surface rather than the requirement for a permeable surface; (d) from the requirement for a landscape island every 10 spaces; and (e) to allow 206.5 square feet of wall signage and additional signage on the gas pumps rather than the 150 square feet permitted, a variation of 56.5 square

feet and to allow 83.5 square feet of signage on the front façade rather than the 75 square feet permitted, a variation of 8.5 square feet.

16. **Resolution authorizing execution of an agreement for the purchase of five (5) Police Interceptor Utility/Sedan Vehicles through the State of Illinois Joint Purchasing Program.**

17. **Unified Development Ordinance Text Amendment for Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries.**

18. **Capital Improvement Project Overview Presentation – Discussion Only**

19. **Council Inquiries and Requests**

20. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**

21. **Board, Commission and Committee Appointments and Reappointments**

22. **Reconvene to Regular Session**

23. **Adjourn**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.

Agenda Item No: 12a

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: Doherty Properties Annexation Public Hearing Continuation

Patrick Doherty, petitioner

Recommendation: Motion to continue the petitioner's request to the August 19, 2014, City Council meeting for the Annexation Public Hearing.

Staff Contact: James Richter II, Planning & Economic Development Manager

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Background: The petitioner is requesting annexation of four parcels that total approximately 2.5 acres, located north and south of Route 176, east of Route 31. The parcels are improved and unimproved, with Discount Flooring Warehouse, commercial buildings and a vacant parcel.

City staff and the petitioner are finalizing details concerning recapture and utility locations. In addition, there are garage additions and storage buildings that are being designed for two of the parcels and the petitioner would like to have these details finalized before annexation. Due to these reasons, the petitioner respectfully requests that this matter be continued to the August 19, 2014, City Council meeting for the Annexation Public Hearing.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 12b

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: Downtown Crystal Lake Main Street Temporary Use Permit for a Special Promotion (Johnny Appleseed Festival and Great Ball Race)

Recommendation: Motion to approve the Temporary Use Permit for Downtown Crystal Lake Main Street for a Special Promotion (Johnny Appleseed Festival and Great Ball Race), pursuant to the recommendations listed below, and waive the Temporary Use Permit application fee.

Staff Contact: James Richter II, Planning & Economic Development Manager

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Background: The applicant has applied for a Temporary Use Permit for a Special Promotion. The applicant is requesting permission for the 22nd annual Johnny Appleseed Festival on Saturday, September 27, 2014, from 9:00 a.m. to 4:00 p.m. City Council approval is required because the applicant is requesting permission to close off Brink Street between Williams and Main Streets from 2:00 p.m. to 3:30 p.m. for the 13th annual Great Ball Race and close the Brink Street Market parking lot until 5:00 p.m. (please see the attached site plans).

This year's event would be very similar to previous years' events and would include demonstrations and entertainment, food vendors, crafts, pony rides, a pumpkin train, pumpkin bowling, an apple ride, a giant slide, a petting zoo, and storytelling. Horse-drawn wagon rides would be given, which would circle the block that includes the Brink Street Market. For the Great Ball Race, brightly colored and numbered plastic balls would be rolled down Brink Street from their starting point at Williams Street to their ending point before Main Street. Also, the Farmers' Market, which is held every Saturday in the Depot Park, will be relocated to the parking lot at Brink and Grant Streets for this event only.

The applicant is requesting a waiver from the $40.00 Temporary Use Permit application fee.

If the request is approved, staff recommends the following conditions:

1. The Temporary Use Permit shall be valid on Saturday, September 27, 2014. The closure of Brink Street from Williams Street to Main Street is permitted from 2:00 p.m. to 3:30 p.m. The

closure of the Brink Street Market parking lot is permitted until 5:00 p.m.
2. The event shall be in accordance with the attached site plan, with the exception of both alleys east of Williams Street and the Marathon gas station driveways must remain clear at all times. Begin temporary closure of Williams Street EAST of the alley entrances and end the closure WEST of the gas station driveways. Any additional changes to the site plan shall be provided prior to the inspection by the Fire Prevention Bureau.
3. The Farmers' Market at the Grant Street parking lot must keep displays, tables, tents, etc. off the bioswale along Brink Street. This area was planted last year with native vegetation that is sensitive to disruption. Please keep all foot traffic off the bioswale area and ensure that all trash is picked up from the parking lot, as rainwater will cause debris to flow from the pavement surface into the bioswale.
4. Vendors are not allowed to tie into the Downtown lighting system for electrical needs and will need to supply their electrical power via generators. Temporary electric wiring shall be approved by the Building Division.
5. All electrical shall comply with the 2005 National Electric Code and is subject to an inspection prior to starting the event.
6. A standard Hold Harmless agreement between Downtown Crystal Lake Main Street and the City, including insurance coverage covering these events, is required.
7. The applicant shall contact the Crystal Lake Police Department to coordinate parking and traffic procedures.
8. Any additional permits or requests for signage shall be made through the Building Division. Signs shall not obstruct the view of traffic or be attached to utility poles.
9. No liquor shall be served at the event.
10. The applicant is responsible for obtaining all necessary McHenry County Health Department permits.
11. All outside vendors must be approved by Downtown Crystal Lake Main Street at least 7 days prior to the event (September 19, 2014).
12. The applicant shall provide adequate trash receptacles, which need to be emptied on a regular basis throughout the event, and following post-event cleanup. Downtown amenities and landscaping shall be properly maintained and/or restored to their original condition, as necessary. Waste materials in/under and within 30 feet of all tents/canopies need to be stored in approved containers. (Garbage cans shall be provided for waste.)
13. The event organizer shall schedule a meeting with the Fire Prevention Bureau at least one week prior to the event by calling 815-356-3640 ext. 4147. An inspection by the Fire Rescue Department is required prior to the event. The Fire Prevention Bureau needs to be contacted regarding cooking and other requirements for tents and canopies. Canopies/tents shall be adequately anchored using sand, water, concrete, or guide lines. Cooking tents/canopies shall be of a flame-resistant material, or treated as such. No smoking in or under any tents/canopies.
14. Provide approved access for emergency vehicles to gain entry to the event as well as maintain access to the existing structures. This shall include a minimum 20-foot access in the parking areas serving the alley to the rear of Williams Street and the Brink Street lot near the Raue Center. Access to both alleys east of Williams Street and the Marathon gas station driveways must remain clear at all times.
15. If the sidewalks cannot accommodate the pedestrian traffic sufficiently and people are using the streets, consideration to close the roadway to traffic should be made. The decision to close the roadway would be made by the on-duty police patrol supervisor and the event organizers.
16. Pre-event advertisements and event-day signage should direct motorists to the commuter lots for parking.

17. The petitioner shall erect approved barricades and advance-warning signs for the temporary closure of Brink Street during the hours of 2:00 and 3:30 p.m. only. These signs and barricades shall only be in place during the approved time for the road closure.
18. Restrict parking in the three (3) Brink Street Z-lots until after 3:30 p.m. or provide temporary signs at these spaces noting that vehicles cannot be moved out of this area between the hours of 2:00 p.m. and 3:30 p.m.
19. Temporary pedestrian crossing warning signs at the intersection of Brink Street and Grant Street shall be provided. Contact the Public Works Department for these signs.
20. Any vendors must be located off all roadways and parking areas that are not approved for closure.

The applicant has been made aware of these recommended conditions and advised to attend the June 17, 2014 City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 13

City Council
Agenda Supplement

Meeting Date:	June 17, 2014
Item:	Slalom Tournaments – Waiver of No-Wake Restrictions
Staff Recommendation:	Motion to waive no-wake restrictions for the Slalom Tournaments to be held on Sunday, July 13, 2014 from 1:30 p.m. to 6:30 p.m. and Sunday, August 24, 2014 from 1:30 p.m. to 6:30 p.m., and the Barefoot Tournament Sunday, August 31, 2014 from 2:00 p.m. to 6:00 p.m.
Staff Contact:	Eric T. Helm, Deputy City Manager

Background:

The City received a letter from the Crystal Lake Water Ski Association (CLWSA) requesting permission to hold the following events on Crystal Lake:

1. Slalom Tournaments – Sunday, July 13, 2014 from 1:30 p.m. to 6:30 p.m.
2. Slalom Tournaments – Sunday, August 24, 2013 from 1:30 p.m. to 6:30 p.m.
3. Barefoot Tournament - Sunday, August 31, 2014 from 2:00 p.m. to 6:00 p.m.

As the events would occur during no-wake hours, the CLWSA is requesting a waiver from no-wake restrictions for event participants. No-wake restrictions would be back in effect at the end of the events. The City Council has lifted the no-wake restrictions for these events in the past.

Ski areas will be clearly marked and adequate personnel provided to ensure a safe event. Assistance is not being requested of the City.

The Police and Fire Rescue Departments have reviewed the request and do not have concerns with the events. The CLWSA is also coordinating approval for "no-wake" restrictions with the Crystal Lake Park District and Village of Lakewood.

City staff does not have any concerns with the petitioner's request to waive the no-wake restrictions, providing the following conditions are met:

1) The Crystal Lake Water Ski Club shall provide the City with a letter from the Crystal Lake Park District and Village of Lakewood indicating their approval.
2) All debris created by the event shall be cleaned up during and after the event.
3) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement.
4) Any additional permits or requests for signage shall be made through the Community Development Department.
5) If the City utilizes the "rain date" for the 4th of July fireworks of Sunday, July 13th, the petitioner shall work with the Fire Rescue Department to ensure that the Slalom course does not interfere with the firework setup.
6) In the case of inclement weather, an alternate date can be approved by the City Manager.

The applicant has been advised to attend the June 17, 2014 City Council meeting. The letter requesting approval for the waiver of no-wake restrictions is attached along with a letter from the Crystal Lake Park District with the approval for the July 13th and August 24th date. The Crystal Lake Park District approval of the August 31st date is pending review.

Votes Required to Pass:

Simple majority vote of the City Council

Agenda Item No: 14

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: New Retailer Job Creation and Investment Program Matching Grant application request #2014-23-02 for Bioenergy Technology Inc., at 340 Commerce Drive, Unit B, to request $10,000 in matching grant funds.

Petitioner: Thomas Breslin, Bioenergy Technology

Recommendations: City Council's discretion:

1. Motion to approve the Grant Agreement with Bioenergy Technology Inc., and to award $10,000 in grant funding for the new retail business's furniture, fixtures and equipment and employees;
2. Motion to deny the grant application request.

Staff Contact: James Richter II, Planning and Economic Development Manager

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Background:

- On November 1, 2011, the City Council approved the Retailer and Manufacturer Job Creation and Investment Programs, which provide grant funding to new and existing retailers who occupy vacant space and hire new full-time or part-time employees and/or install eligible furniture, fixtures, and equipment.
- In March of 2013, several changes were made to the grant program. The Retailer Job Creation and Investment program allows for grant funds to be disbursed to new businesses that purchase furniture, fixtures and equipment and hire new full-time and part-time employees.

Key Factors:

BIOENERGY TECHNOLOGY (340 Commerce Drive, Unit B)

Bioenergy Technology plans to occupy vacant space at 340 Commerce Drive to sell shredders, granulators, briqutters, pellet makers and related auxiliary equipment to businesses looking to create wood pellets for wood burning stoves. The equipment takes wood, biomass, paper, and cardboard and turns it into wood pellets. Bioenergy Technology feels this is a burgeoning business in the United States. Bioenergy Technology plans to spend $21,000 on new furniture, fixtures and equipment (FFE) and plans to hire 7 full-time employees. In accordance with the matching grant program guidelines, Bioenergy Technology Inc. is eligible for a $10,000 grant award.

In order to objectively analyze the applications for funding, eligibility criteria have been established in the Ordinance approving this program. The list below outlines the evaluation of the applicant's request in relation to our eligibility criteria:

1. The program is open to any new sales-tax generating business that will occupy vacant retail space or a building or that will construct a new building for its business.
   ☒ *Meets* ☐ *Does not meet*

2. Applicant must meet a minimum annual taxable sales threshold of at least $100,000.
   ☒ *Meets* ☐ *Does not meet*

3. Applicant's business must provide a stocked retail showroom for retail products.
   ☒ *Meets* ☐ *Does not meet*

4. Applicant must provide written proof of employment recruitment and of FFE costs.
   ☒ *Meets* ☐ *Does not meet*

5. Applicant must file an application for grant funding prior to commencing improvements.
   ☒ *Meets* ☐ *Does not meet*

6. Grant recipient may re-apply after 5 years from the date of recipient's previous award.
   ☒ *Meets* ☐ *Does not meet*

7. Eligible FFE includes, but is not limited to, shelving, racks, tables, chairs, furniture, point-of-sale systems, fixed computer equipment used in business operation, televisions located in dining rooms or showrooms, office furniture and appliances.
   ☒ *Meets* ☐ *Does not meet*

The applicant's request has been evaluated based on the above eligibility criteria and their planned purchase of FFE and the new employees. The current application would meet 7 of the 7 eligibility criteria.

SUMMARY OF CURRENT REQUESTS

The chart below provides a complete summary of the grant funding requests. For the 2014-2015 Fiscal Year, there would be $80,000 budgeted for reimbursements to awarded recipients. The job creation and investment programs will share the same funding source ($80,000).

2013-2014 Matching Grant Summary

File #	Applicant Name / Business name	Address	New Retailer Programs	Existing Retailer Programs	Manufacturer Programs	Total Requested	Amount Approved
2013-17-09	1776 Restaurant			$5,000.00		$5,000.00	$5,000.00
2013-17-10	Which Wich	5899 NW Hwy	$10,000.00			$10,000.00	$10,000.00
2014-23-01	Xtreme Nutrition	6312 Nw Hwy, 220	$10,000.00			$10,000.00	$10,000.00
2014-23-02	Bioenergy Technology	340 Commerce #8	$10,000.00			$10,000.00	
	Totals		***$30,000.00***	***$5000.00***	***$0,000.00***	***$35,000.00***	***$25,000.00***

Votes Required to Pass: A simple majority vote.

Agenda Item No: 15

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2014-17 Bucky's Convenience Store

Requests:

1. Special Use Permit to allow a Preliminary PUD, Gasoline Service Station and Convenience Store and Gasoline Electronic Pricing signs.

Variations from:

2. Section 2-400 13 to allow a flat roof for the gas canopy, rather than the peaked roof required.
3. Section 2-400 62 and 4-1000 F to allow 2 free-standing gas station electronic pricing monument signs with red illumination, rather than the 1 free-standing sign permitted with white, amber or green illumination.
4. Section 4-200 D 5 to allow greater than 125% of the required parking constructed on a non-permeable surface rather than the requirement for a permeable surface.
5. Section 4-400 F 1 from the requirement for a landscape island every 10 spaces.
6. Section 4-1000 F to allow 206.5 square feet of wall signage and additional signage on the gas pumps rather than the 150 square feet permitted, a variation of 56.5 square feet and to allow 83.5 square feet of signage on the front façade rather than the 75 square feet permitted, a variation of 8.5 square feet.

Petitioner: Richard McMahon, petitioner
8108 Pyott Road

PZC Recommendation: To approve the PZC recommendations and adopt an ordinance granting the Special Use Permit and Preliminary PUD with Variations for Bucky's Convenience Store at 8108 Pyott Road.

Staff Contact: James Richter II, Planning and Economic Development Manager

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Background:

- Existing Use: The property is currently L&V Distribution, which is improved with a building and parking area.

Key Factors:

- Special Use Permit for a Preliminary PUD for gasoline service station and convenience store with multiple variations.
- This would be a 7,054 square-foot convenience store with 20 fuel pumps and automatic carwash. Typically, the other convenience stores in the area are around 2,000 – 3,500 square feet.
- The gas pumps and canopy are out of the well head protection area.
- New commercial buildings are required to meet at least 6 of the architectural Design Standards in the UDO. This project meets 7 of the criteria.
- The site would provide 39 parking spaces only 25 are required, but the site does not exceed the maximum impervious surface coverage. The maximum permitted is 65% and this site is approximately 54%.
- The petitioner has requested variations for the total amount of signage, the requirement from landscape islands in the parking lot, to be allowed to exceed the maximum number of parking spaces and to allow red illumination on both EMC signs.

PZC Highlights:

- The PZC discussed the building architecture and how to better tie the canopy with the building. They were in favor of granting the variation from the peaked canopy requirement.
- The PZC discussed the amount of signage and would like it reduced. The motion was made to remove the illumination from the blue on the canopy. This reduced the amount of wall signage by 389 square feet.
- The PZC reviewed the Findings of Fact and found that Bucky's met the criteria for the Special Use Permit, Planned Unit Development and Variations.

The PZC recommended **approval (8-0)** of the petitioner's request for an SUP and Preliminary PUD with associated variations to allow a gas station and convenience store for Bucky's with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Application (Buchanan Energy LLC, received 04/25/14)
   B. ALTA and Topographic Survey (VSEI., dated 2/19/13, received 04/25/14)
   C. Site and Landscape Plans (ARC Design, dated 01/27/14, received 04/25/14)
   D. Architectural Plans (Robert W. Engel and Associates, dated 09/17/12, received 04/25/14)
   E. Sign Plans (Omaha Neon Sign Co., dated 004/02/14, received 04/25/14)

2. Site and Landscape Plan
   A. Addition foundation base landscaping is required to meet the UDO standards. Work with staff on the foundation base landscape.
   B. Any tree removal must meet the requirements of Article 4-300.
   C. An addendum to your traffic study is required for an on-site traffic analysis.

~~D. The site should be shifted up to provide a drive-through lane and required maneuvering area for the parked vehicles at the south end of the site adjacent to the car wash.~~ **(Deleted by PZC)**

E. Work with the Public Works Department to provide sufficient utilities to the site including a looped water main.

F. Provide the City with a copy of the FAA approval.

3. Elevations

A. The petitioner shall work to better integrate the gas canopy into the convenience store architecture, possible options include:

1. Creating brick columns around the metal gas canopy columns to match the brick on the building.
2. Painting the gas canopy the same color as the brick.
3. ~~Giving the gas canopy a peaked roof that matches the roof over the convenience store.~~

B. **Work with staff on the addition of a** ~~The petitioner shall add as~~ stone base around building to give the building a solid and grounded feel. **(Modified by PZC)**

~~C. The windows shall have a knee wall of brick or stone.~~ **Work with staff on the addition of a knee wall for the two 13-foot sections adjacent to the backroom and behind the prep area. (Modified by PZC)**

D. A sample color and material board shall be presented with the Final PUD application for all exterior materials on all buildings.

E. The Mobil logo signs on the canopies can be illuminated, but the blue bands shall not be illuminated. (Added by PZC)

4. The petitioner shall address all of the review comments and requirements of the Community Development, Fire Rescue, Police, Public Works Departments and of the City's Stormwater Consultant.

5. Due to safety concerns, the petitioner shall work with staff to move the driveway along Pyott Road farther south.

6. Present the revised plans to McHenry County Department of Transportation to review the changes to the entrance on Pyott Road stating the City's concern with the potential safety issue with vehicles turning left out of the site heading southbound on Pyott Road. There is no place for the turning vehicle to safely wait to merge with other southbound traffic. (Added by PZC)

Votes Required to Pass: A simple majority vote.

Agenda Item No: 16

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: State of Illinois Joint Purchase Contract Vehicle Purchase

Staff Recommendation: Motion to adopt a resolution authorizing the City Manager to execute an agreement with Morrow Brothers Ford Inc., in Greenfield, IL for the purchase of five (5) Police Interceptor Utility/Sedan Vehicles in the amount of $133,840.00 through the State of Illinois Joint Purchasing Program.

Staff Contact: Derek Hyrkas, Deputy Chief of Police
Victor Ramirez, Director of Public Works

Background:

The Police Department requested approval for fleet vehicle replacement as part of the Fiscal Year 2014-2015 budget. Three (3) new Interceptor Utility vehicles will replace two sedans and one caravan minivan. Two (2) new Interceptor Sedans will replace two sedans.

As members of the State of Illinois Joint Purchasing Program, the City is able to take advantage of the State's leveraged contract. This program allows State of Illinois Joint Purchase Contract members to combine purchasing power, which enables significant cost reductions. All items that are bid through the State of Illinois Joint Purchasing Program follow the same public procurement statutes that the City follows for a competitive, sealed bidding process.

Recommendation:

After careful examination, it is the recommendation of the Public Works Fleet and Facility Services Division and the Police Department to purchase five (5) Police Interceptor Utility/Sedan vehicles in the amount of $133,840.00 from Morrow Brothers Ford Inc., in Greenfield, IL, through the State of Illinois Joint Purchasing Program Contract # 4017160. Funds have been budgeted for this purchase.

Votes Required to Pass:

Simple Majority

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Purchase Agreement between the CITY OF CRYSTAL LAKE and Morrow Brothers Ford Inc. (Greenfield, IL) for the purchase of five (5) Police Interceptor Utility/Sedan Vehicles in the amount of $133,840.00. The funds to purchase these vehicles will be from the Fiscal Year 2014/2015 Budget.

DATED this 17th day of June, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
MAYOR

SEAL

ATTEST

_____
CITY CLERK

PASSED: June 17, 2014
APPROVED: June 17, 2014

Agenda Item No: 17

City Council
Agenda Supplement

Meeting Date: June 18, 2014

Item: UDO Text Amendment for Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries.

PZC Recommendation: Motion approve the Planning and Zoning Commission recommendations and to adopt an ordinance amending Chapter 650 of the Code of Ordinances of the City of Crystal Lake for the Text Amendment for Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries.

Staff Contact: James L. Richter II, Planning and Economic Development Manager

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Background:

- On August 1, 2013, the Compassionate Use of Medical Cannabis Act was signed into law by Illinois Governor Pat Quinn. The Act went into effect on January 1st, 2014, and created a four-year trial program in which doctors could prescribe patients no more than 2.5 ounces of marijuana every two weeks. Per the Act, up to 22 cultivation centers, one in each State Police District is permitted. The State may allow up to 60 dispensing organizations. These organizations shall be geographically dispersed throughout the State to allow all registered qualifying patients reasonable proximity and access to a dispensing organization.
- In the absence of other regulations, dispensaries could qualify under local zoning as a pharmacy or similar use. Without amending the UDO to include distribution facilities as a Special Use, a prospective dispensary could secure a vested right prior to the City developing regulations. Accordingly, on June 4, 2013, the City adopted a resolution, essentially creating a moratorium on dispensaries, giving the City time to decide how to regulate dispensaries.
- The proposed amendment to the UDO would address both Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries.

PZC Highlights

- Following a brief discussion, the PZC recommended **approval** of the proposed UDO Amendment for Medical Cannabis Cultivation Centers and Medical Cannabis Dispensaries at the June 4th, 2014 meeting **(8-0)**.

The language in the UDO will be amended as follows:

Article 2 LAND USE

Table 2-300 Permitted Uses Table

	F	E	RE	R-1	R-2	R-3A	R-3B	O	B-1	B-2	B-4	M-L	M	W	USE CRITERIA	NAICS
Medical Uses																
Medical Cannabis Cultivation Center													**S**			**2-300C-64**
Medical Cannabis Dispensaries	**S**															**2-300C-65**

Section 2-400 Limited and Special Use Criteria

64. <u>Medical Cannabis Cultivation Centers</u>

All Medical Cannabis Cultivation Centers must comply with the following standards:

a. Minimum Distance from Protected Uses: No medical cannabis cultivation center shall be established, maintained or operated on any lot that has a property line with 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.

b. Measurement: 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 line of the lot on which an applicable cultivation center is located to the nearest point on a property line of any protected use (as defined in Section 2-400 C 64 a above).

c. Compliance with State Regulations and Rules: Each cultivation center shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and all rules and regulations adopted in accordance thereto.

d. Single Use Site: No cultivation center may be established in multiple use or tenant property or on a site that shares parking with other uses.

e. Setbacks: Each cultivation center shall be a minimum of 50 feet from all property lines.

f. Parking

(i) **Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by cultivation center staff and are continually recorded in a tamper proof format.**

(ii) **The video surveillance system shall be available 24 hours per day, and 7 days per week to the City of Crystal Lake Police Department and law enforcement agencies via a secure web-based portal.**

g. **Signage.**

(i) **All commercial signage for a cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the cultivation center address. Such signs shall not be directly illuminated.**

(ii) **Electronic message boards and temporary signs are not permitted in connection with a cultivation center.**

(iii) **Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.**

h. **Age and Access Limitations: Each cultivation center shall prohibit any person who is not at least twenty-one (21) years of age from entering the cultivation center property. Cultivation centers shall not employ anyone under the age of twenty-one (21). Access to the cultivation center site shall be limited exclusively to cultivation center staff, local and state officials and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*)**

i. **Security and Video Surveillance:**

(i) **All cultivation, production and related operations at a medical cannabis cultivation center shall occur in an enclosed locked facility ("facility"). Each cultivation center shall provide and maintain adequate security on the entire site on which the cultivation center sits, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the facility from theft. The facility shall be enclosed by high security fence or wall. The fence or wall must be adequately secure to prevent unauthorized entry and include gates tied into an access control system.**

(ii) **The medical cannabis cultivation center parking area, cultivation, production, warehousing areas and shipping bays and entrances shall be monitored by video surveillance equipment whose live images can**

be viewed by cultivation center staff and are continually recorded in a tamper proof format.

(iii) The video surveillance system shall be available 24 hours per day, and 7 days per week to the City of Crystal Lake Police Department and law enforcement agencies via a secure web-based portal.

(iv) A sign shall be posted in a prominent location which includes the following language: "THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE".

(v) The Chief of Police or his/her assigned designee shall review the adequacy of lighting, security and video surveillance installations with the assistance from local law enforcement officials. The Chief of Police or his/her assigned designee and the Crystal Lake Police Department have the discretion to conduct periodic reviews of the security features, as appropriate.

(vi) Loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the facility.

j. Noxious Odors: All cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties and, if necessary, the facility shall be ventilated with a system for odor control.

k. Conduct on Site:

(i) A cultivation center may not sell or distribute any cannabis to any individual or entity other than a dispensary organization registered under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.).

(ii) It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products, at a cultivation center.

(iii) It shall be prohibited to consume cannabis products in a cultivation center or anywhere on the site occupied by the cultivation center. A sign, at least 8.5 by 11 inches, shall be posted inside a cultivation center building in a conspicuous place and visible to staff and shall include the following language: "Smoking, eating, drinking, ingesting or other forms of consumption of cannabis products is prohibited on cultivation center property."

65. Medical Cannabis Dispensaries

All Medical Cannabis Dispensaries must comply with the following standards:

a. Minimum Distance from Protected Uses.

(i) No medical cannabis dispensary shall be established, maintained or operated on any lot that has a property line with 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility.

(ii) No medical cannabis dispensary shall be established, maintained or operated in any house, apartment, condominium, or an area zoned for residential use.

b. Measurement: 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 line of the lot on which an applicable medical cannabis dispensary is located to the nearest point on a property line of any protected use (as defined in Section 2-400 C 65 a 1 above).

c. Compliance with State Regulations and Rules: All medical cannabis dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) and all rules and regulations adopted in accordance thereto.

d. Single Use Site: No medical cannabis dispensary shall be established in multiple use or tenant property or on a site that shares parking with other uses.

e. Setbacks: Each medical cannabis dispensary shall be a minimum of 30 feet from its surrounding property lines.

f. Buffering from Other Medical Cannabis Dispensaries: Each medical cannabis dispensary shall be a minimum of 1,000 feet from all other dispensaries, as measured from the applicable property lines.

g. Parking.

(i) Parking shall be located in an area which is visible from a public road or a private road that is accessible to the public. It cannot be screened from the roadway with vegetation, fencing or other obstructions.

(ii) **Parking areas shall be well lit and monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper proof format.**

h. **Exterior Display: No medical cannabis dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights or any similar lighting system.**

i. **Signage and Advertising**

(i) **All commercial signage for a medical cannabis dispensary shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, not to exceed two square feet in area, which may only include the dispensary address. Such signs shall not be directly illuminated. Exterior signs on the dispensary building shall not obstruct the entrance or windows on the dispensary.**

(ii) **Electronic message boards and temporary signs are not permitted in connection with a medical cannabis dispensary.**

(iii) **Signage shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth, or language referencing cannabis.**

(iv) **A sign shall be posted in a conspicuous place at or near all dispensary entrances and shall include the following language: "Only cardholders, designated caregivers, and staff may enter these premises. Persons under the age of 18 are prohibited from entering." The required text shall be no larger than 1 inch in height.**

(v) **Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphic advertising or identifying the contents of the products contained within.**

j. **Drug Paraphernalia Sales: Medical cannabis dispensaries that display or sell drug paraphernalia shall do so in compliance with the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1 *et seq.*) and the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*).**

k. **Age and Access Limitations: Each medical cannabis dispensary shall prohibit any person who is not at least eighteen (18) years of age from entering the dispensary facility. Dispensaries shall not employ anyone under the age of**

eighteen (18). Access to the dispensary facility shall be limited exclusively to dispensary staff, cardholders, designated caregivers, local and state officials, and those specifically authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*)

l. Hours of Operation: A medical cannabis dispensary may operate between the hours of 6 a.m. local time to 8 p.m. local time.

m. Drive-In Windows: Medical cannabis dispensaries may not have drive-in or drive-through services.

n. Security and Video Surveillance

(i) Each medical cannabis dispensary shall be an enclosed locked facility ("facility"). Each dispensary shall provide and maintain adequate security on the entire property on which the dispensary exists, including lighting, video surveillance, security personnel and alarms reasonably designed to ensure the safety of persons and to protect the facility from theft.

(ii) The medical cannabis dispensary parking areas, client entrances, sales areas, back rooms, storage areas and delivery bays and any other entrances shall be monitored by video surveillance equipment whose live images can be viewed by dispensary staff and are continually recorded in a tamper proof format.

(iii) A sign shall be posted in a prominent location in the dispensary which includes the following language: "THIS AREA IS UNDER LIVE/RECORDED VIDEO SURVEILLANCE TO AID IN THE PROSECUTION OF ANY CRIMES COMMITTED AGAINST THE FACILITY OR ITS PATRONS".

(iv) The Police Chief or his/her assigned designee shall review the adequacy of lighting, security and video surveillance installations. The Police Chief or his/her assigned designee and the Crystal Lake Police Department have the discretion to conduct periodic reviews of the security features, as appropriate.

(v) Each medical cannabis dispensary shall report all criminal activities occurring on the property to the applicable law enforcement agency immediately upon discovery.

(vi) Deliveries shall occur between 7 a.m. local time and 8 p.m. local time within a secure enclosed delivery bay and shall not be visible from the exterior of the facility.

o. Conduct on Site.

(i) **Loitering is prohibited on the dispensary property.**

(ii) **It shall be prohibited to consume cannabis products in a medical cannabis dispensary or anywhere on the site occupied by a dispensary. A sign, at least 8.5 by 11 inches, shall be posted inside the dispensary building in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking, ingesting or other forms of consumption of cannabis products is prohibited on dispensary property."**

ARTICLE 10, DEFINITIONS

CARDHOLDER: A qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card by the Illinois Department of Public Health pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act. (410 ILCS 130/1 *et seq.*)

DESIGNATED CAREGIVER: A person who: (1) is at least 21 years of age; (2) has agreed to assist with a patient's medical use of cannabis; (3) has not been convicted of an excluded offense; and (4) assists no more than one registered qualifying patient with his or her medical use of cannabis.

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.

MEDICAL CANNABIS INFUSED PRODUCT: Food, oils, ointments, or other products containing usable cannabis that are not smoked.

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 cultivation center to a dispensing organization.

MEDICAL CANNABIS CULTIVATION CENTER ("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 ("DISPENSING ORGANIZATION," "DISPENSARY ORGANIZATION," "MEDICAL CANNABIS DISPENSARY" OR "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.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 18

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: Capital Improvement Project Overview Presentation

Staff Recommendation: Discussion Only

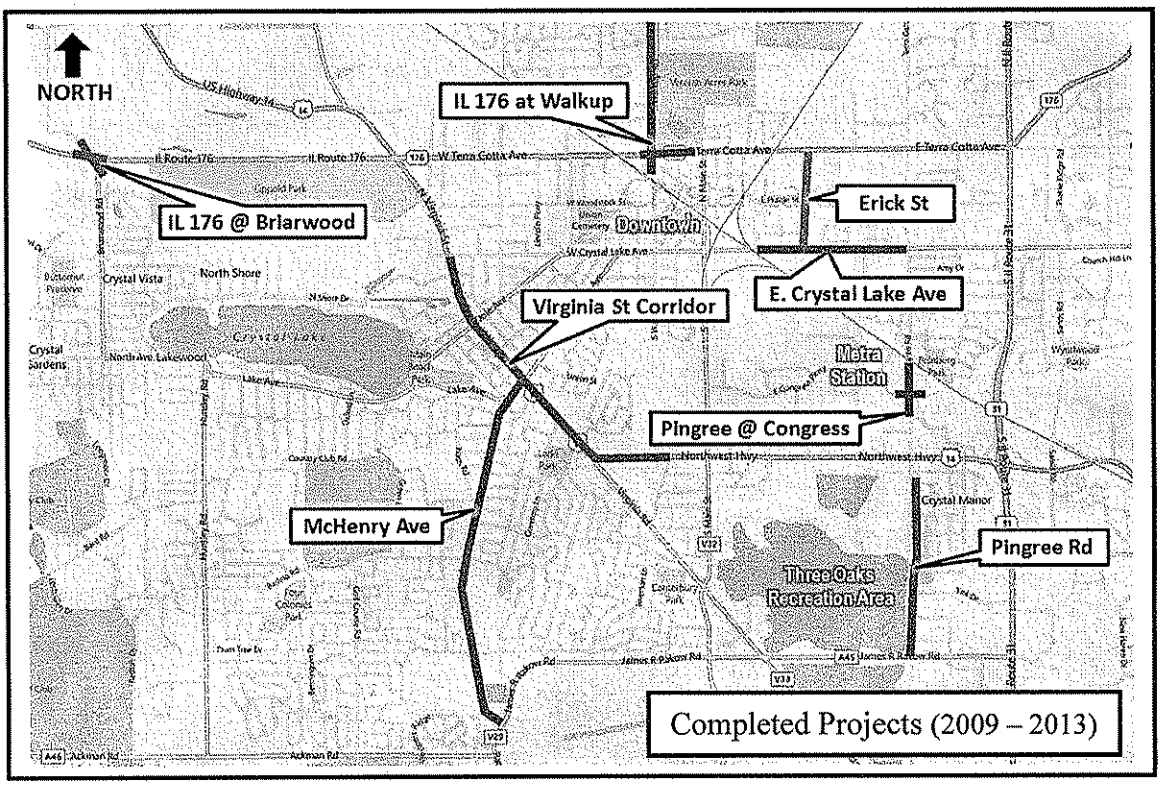
Staff Contact: Abigail Wilgreen, City Engineer

Purpose

The purpose of this presentation is to provide an update to the City Council regarding the Capital Improvement Projects, as well as discuss and prioritize possible projects which could potentially be submitted for grant funding.

Background

Since 2009, over $26 million in road improvements have been completed in the City. Of that, the City's share is about $9.3 million. The City has a history of successfully leveraging grant funds and other funding sources to supplement local revenues for road construction improvements. Since 2008, the City has also resurfaced 42.3 miles (26 percent) of the City maintained streets using local funds.



Improvements Underway

The following projects are currently programmed to be constructed over the next two years:

- *South Main Street* (North of Rakow Road to Liberty Drive)
  - Utility relocations underway
  - Construction scheduled for 2015
  - $1.5 million in federal Surface Transportation Program (STP) funds
  - McHenry County Division of Transportation financially participating for their roadways
- *Country Club Road Multiuse Path* (Wedgewood Subdivision to South Elementary School)
  - Preliminary and design engineering underway
  - Construction anticipated in 2015
  - $250,000 in federal Safe Routes to School funds
- *Crystal Lake Avenue at Main Street*
  - Preliminary and design engineering underway
  - Construction anticipated for 2016
  - $1.5 million in federal Surface Transportation Program (STP) funds

Possible Future Improvement

In 2012, the City was awarded $1.5 million in STP funds for an improvement along North Main Street. The project limits extend from the railroad tracks to Route 176. The proposed improvements as outlined in the grant application were:

- Improve traffic channelization at the Route 176/North Main Street intersection
- Reconstruction of North Main Street from Prairie Street to Route 176
- Resurfacing of North Main Street from the railroad tracks to Prairie Street
- Upgraded storm sewer and water main

Route 176/North Main Street Intersection

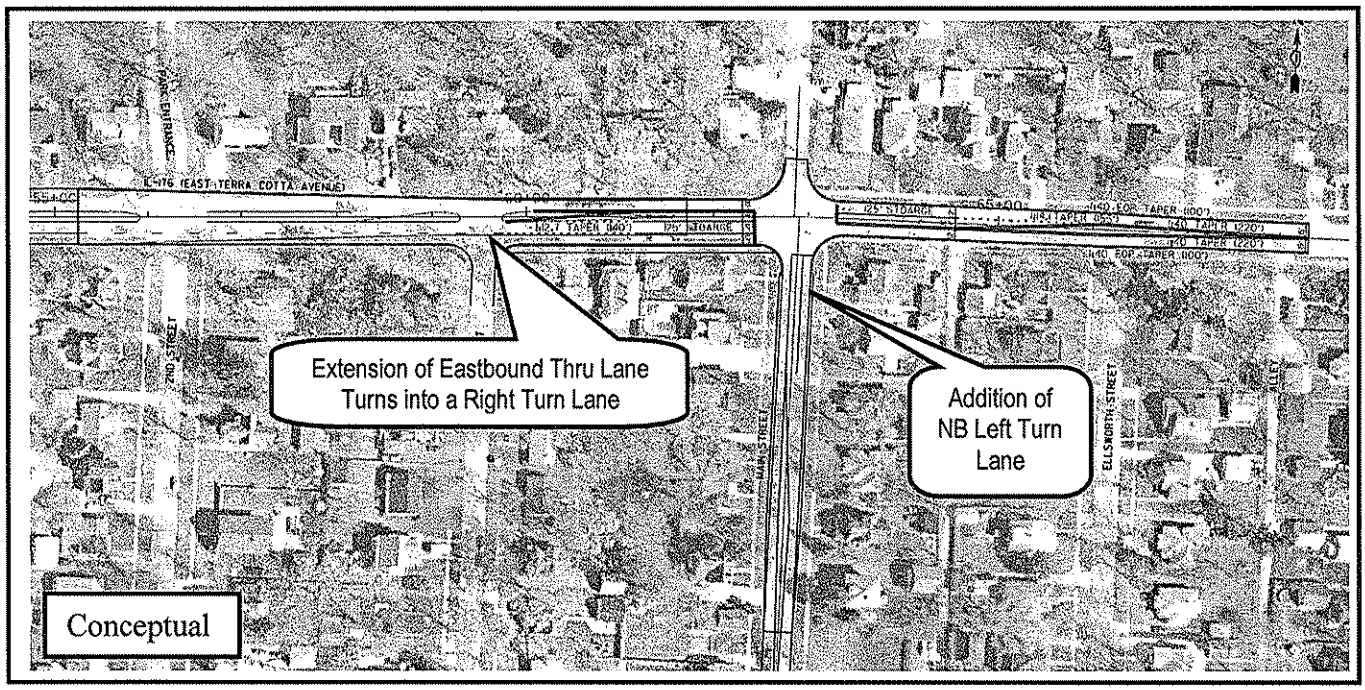
Further analysis was completed to evaluate what would improve traffic channelization at the Route 176/North Main Street intersection as well as the downtown area. A new traffic signal was evaluated and was found to be warranted. The traffic signal warrant analysis was submitted to the Illinois Department of Transportation (IDOT) for approval. IDOT approved the new traffic signal at this location on December 23, 2013.

IDOT has specific geometric policies for intersections that must be followed when a new traffic signal is installed. A preliminary analysis was completed utilizing existing and estimated future (year 2040) traffic volumes. The preliminary analysis studied:

- Intersection operations
- Identified needed improvements (such as additional thru lanes, turn lanes, increase curb radii, etc)
- Adequate capacity provided for intersection
- Adjacent and nearby roadway conditions, such as number of lanes and lane configuration
- Safety

Staff met with representatives from IDOT to present the preliminary analysis results and discuss IDOT requirements. IDOT stated that geometric improvements would be necessary with the new traffic signal and that they would consider the following:

- Extension of the second eastbound thru lane from the Route 176/Walkup Road improvement to the intersection of Route 176/Main Street
- Second eastbound thru lane turning into a right turn lane onto Main Street
- Addition of a northbound left turn lane on Main Street
- Shifting of the roadway improvements to the north to minimize impacts to the adjacent properties



Project Cost

The preliminary project cost is $2,733,246 and does not include any necessary right-of-way or easement acquisition. This cost would be determined during preliminary engineering.

Staff has completed a five year projection of the expenditures and revenues of the Motor Fuel Tax (MFT) funds. Sufficient funds for construction of this improvement are not available due to already committed funds to other projects and the reserve fund balance will be nearly exhausted. Additionally, it will take several years to accrue sufficient reserve funding for the City's share of the project.

Next Steps

Upon direction, staff could move forward with preliminary engineering for this improvement. Staff could also request funding assistance from IDOT for the improvements to the intersection of Route 176/North Main Street.

STP Call for Projects

Staff is seeking City Council input regarding potential improvements to be submitted for grant funding.

The McHenry County Council of Mayors is allocated a percentage of federal highway funds based on the population in its jurisdiction. The Council of Mayors then allocates these funds to road projects in its jurisdiction that it deems worthy enough through STP grants. Periodically, when there is room in the program, the Council of Mayors issues a call for projects, and asks communities to submit projects for inclusion in the grant program.

The McHenry County Council of Mayors approved a call for STP projects at the May 15, 2014 meeting to program FY2017, FY2018, and FY2019. The following projects could be considered for this call for projects:

- *Teckler Boulevard Extension* (at Main Street and Congress Parkway)
  - *Project Need*: Improve area traffic flow, provide a safe pedestrian crossing from the regional Prairie Trail to Congress Parkway, and enhance development in the area.
  - *Scope of Work:* Extend Teckler Boulevard to Main Street at the Congress Parkway intersection as shown on the attached location map. Also include a safe pedestrian crossing at this intersection.
  - *Estimated Traffic Volumes:* 17,000 Average Daily Traffic (ADT) on Main St
8,150 ADT on Congress Parkway
2,000 ADT on Teckler Boulevard
  - *Railroad Crossings:* Roadway crossing at the Crystal Lake Commons back entrance at Main Street would close to allow for railroad crossing to open at Teckler Boulevard.
  - *Funding:* Additional funds have been designated by Immanuel Lutheran Church for this project. Funds have also been allocated from the Crystal Pointe Annex.
  - *Challenges:* The City would need to obtain concurrence from the railroad for the crossing changes before the project could move forward.
  - *Miscellaneous:* The City's large scale Railroad Relocation Project allows for the extension of Teckler Boulevard to Main Street should it move forward. Funding constraints currently exist with this project.
- *McHenry Avenue at Virginia Street/US 14*
  - *Project Need:* Traffic congestion exists at the intersection due to inadequate traffic capacity.
  - *Scope of Work:* Improve traffic channelization at the intersection to enhance traffic flow. It is anticipated that a southbound right turn lane would be added and possible southbound and/or northbound thru lane.
  - *Estimated Traffic Volumes:* 24,300 ADT on Virginia Street/US 14
8,650 ADT on McHenry Avenue
  - *Challenges:* Developed area with potential impacts to surrounding businesses or homes. Large scale improvement may be necessary depending upon IDOT requirements.

- *Dole Avenue* (Crystal Lake Avenue to Lake Shore Drive)
  - *Project Need:* Originally constructed over 75 years ago and has been overlaid on numerous occasions. Deficiencies exist with the base and subgrade due to the concrete being extremely old and well beyond its usable life.
  - *Scope of Work:* Reconstruct Dole Avenue with new curb and gutter, and upgrade water main and storm sewer. Also improve the bike lane accommodations at the intersection of Virginia Street.
  - *Estimated Traffic Volumes:* 8,683 ADT on Dole Avenue
    24,300 ADT on Virginia Street/US 14
  - *Challenges:* Improving the bike lane accommodations at the intersection of Virginia Street may be challenging due to the existing conditions (traffic signal and street light cabinet locations, light pole locations, building, etc).

- *Congress Parkway at Exchange Drive*
  - *Project Need:* With the recent development in the area, the amount of traffic utilizing Congress Parkway and Exchange Drive has increased. The City recently received a list from the Illinois Department of Transportation Bureau of Safety Engineering, which outlined local streets that are underperforming when compared to similar locations statewide. This intersection was identified on the list.
  - *Scope of Work:* Improve traffic flow at this intersection.
  - *Estimated Traffic Volumes:* 7,500 ADT on Congress Parkway
    Unknown at this time on Exchange Drive
  - *Other Funding:* The developer of the Crystal Point Annex development has contributed about $50,000 towards any improvements to this intersection. Metra is also required to contribute to the improvement. This project would also be eligible for Highway Safety Improvement Program (HSIP) funds. This type of federal fund provides funding up to 90 percent of the project cost. This project would make an excellent candidate for the HSIP program.

Funding

The STP program funds up to 80 percent of the construction and construction engineering costs of a project up to a maximum of $1.5 million. Preliminary cost estimates for each of these improvements is currently not available.

Staff has completed a five year projection of the expenditures and revenues of the Motor Fuel Tax (MFT) funds. Sufficient funds for construction of any of these improvements may not be available due to already committed funds to other projects.

Next Steps

Upon direction, staff could move forward with any of these projects for this year's STP call for projects. Staff would present these preliminary cost estimates and a resolution to commit to the local match for any improvement submitted for the STP program to City Council later this summer.

Votes Required to Pass:

Discussion Only

Agenda Item No: 21

City Council
Agenda Supplement

Meeting Date: June 17, 2014

Item: Board and Commission Reappointments and Appointments

Mayor's Recommendation: Motion to appoint and reappoint members to the Fire & Police Commission, Historic Preservation Commission, Library Board and Police Pension Board as indicated below.

Contact: Aaron T. Shepley, Mayor

Background:
On June 30, 2014, Ron Miller's term on the Fire & Police Commission and Patricia Philpot's term on the Police Pension Board will expire. Mr. Miller has expressed interest in reappointment to the Fire & Police Commission for a three-year term, expiring on June 30, 2017, and Ms. Philpot has expressed interest in reappointment to the Police Pension Board for a two-year term, expiring on June 30, 2016.

Also, on June 30, 2014, terms on the Historic Preservation Commission for Brice Alt and Thomas Nemcek will expire. Mr. Nemcek has expressed interest in reappointment to the Historic Preservation Commission for a three-year term, expiring on June 30, 2017. Mr. Alt has notified the City that he will not seek reappointment to the Historic Preservation Commission. With the resignation of Mr. Alt, there are two vacancies on the Commission and current members of the Historic Preservation Commission are recommending the appointment of Lisa Slovak and Sarah Jakowiak to fill these vacancies for a three-year term expiring on June 30, 2017.

In addition, on June 30, 2014, terms on the Library Board for William Weller, Mary Alice Fellers and Ron Eberle will expire. Mr. Weller, Ms. Fellers and Mr. Eberle have expressed interest in reappointment to the Library Board for a three-year term, expiring on June 30, 2017.

Fire & Police Commission, Library Board and Police Pension Board appointments and reappointments are nominated by the Mayor with City Council confirmation. Historic Preservation Commission appointments and reappointments are nominated and confirmed by the Mayor and City Council.

Should the Council have any questions, please contact Mayor Shepley.

Votes Required to Pass: Simple majority