

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



DEC 10 2014  
CITY OF CHICAGO

**Professional Midwest Dispensary, LLC**  
APPLICANT

**397-14-S**  
CALENDAR NUMBER

**1811 W. North Ave., Suites 101 & 102**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Bernard Citron**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is denied.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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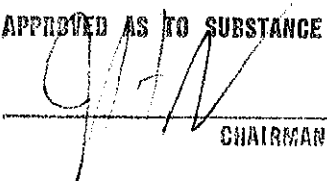
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, in response to questions by the Board, Mr. Bernard Citron, counsel for the Applicant, stated that when the Applicant's application was first filed, the Applicant had a lease to Suite 101 of the subject property and an option to lease Suite 102 of the subject property; that subsequent to the filing of the Applicant's application, the Applicant has exercised its option to lease Suite 102; that the Applicant has control of

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

Suite 102; that the lease for the current tenant of Suite 102 ends at the end of June / beginning of July; that the Applicant could provide testimony that the end of June / beginning of July would be the earliest anything would be happening based on state licensure and the fact that none of the cannabis growers have been established by the state; that the Applicant would not be opening when it took control of Suite 102; that the lease submitted to the Board for the space is contingent upon approval by the Board which is customary in these types of cases; that the current tenant of Suite 102 does not have an option to extend her lease; that the Applicant will have control of the lease in the first part of July of 2015; that the original lease between the Applicant and the owner of the subject property only contained a reference to Suite 101 but the addendum to that lease references Suite 102; and

WHEREAS, in response to questions by the Board, Mr. Patrick Murphey, staff member of the Department of Planning and Development (“Department”), testified that the Department had reviewed the addendum to the lease that references Suite 102; that nevertheless, the Department’s recommendation for the proposed medical cannabis dispensary is only for Suite 101; that this recommendation is in light of: (1) the time in which the Department received the addendum to the lease; (2) the discrepancies the Department had received from the individual who claims to have a lease to Suite 102; and (3) not having anything in writing regarding the individual’s lease for Suite 102; and

WHEREAS, the Board asked Mr. Murphey to have a conversation with the Assistant Zoning Administrator to see if the Department’s recommendation would remain the same in light of Mr. Citron’s additional information on the subject of the lease for Suite 102; that if the Department needed to make an addendum to its recommendation, the Board would accept such an addendum; and

WHEREAS, Ms. Tami Marron testified on behalf of the Applicant; that she is the chief executive officer of the Applicant; that the Applicant is a certified female minority owned business; that she is a licensed Illinois pharmacist; that she is familiar with protocol and rules dealing with controlled substances; that her training as a pharmacist is helpful in terms of the Applicant’s operation of a medical cannabis dispensary because the education and operational experience of pharmacists are both a safety asset and an educational asset to the Applicant’s patients; that the Applicant’s patient registration system mimics the process of going to a physician’s office; that the Applicant will ask for both a medical history and a medication history of all new patients; that the Applicant would review these medical and medication histories and counsel a patient as to whether or not medical cannabis was even appropriate; and

WHEREAS, in response to questions by the Board, Ms. Marron testified that all patients counseled by the Applicant would be patients approved by the state; and

WHEREAS, Ms. Marron further testified that even if a patient registering with the Applicant were approved by the state to use medical cannabis, the Applicant may find it is inappropriate to treat the patient with medical cannabis; that the Applicant will have a registered pharmacist on the staff at all times; that she herself will be the primary

pharmacist; that currently Mr. Ahmad Hasashi is the other pharmacist for the Applicant; that as the business grows, the Applicant will add more pharmacists; that like a pharmacy, there will be technicians to assist the pharmacists; that the Applicant's hours of operation will be 8:00 AM – 8:00 PM, Monday – Sunday; that the Applicant's financial plan is very conservative and anticipates approximately 200 patients per month after the Applicant's first six (6) months in business; that the Applicant computed patients per day based on the idea that most patients will be purchasing up to one (1) ounce per month; that medical cannabis is between \$300 and \$400 per ounce; that no one will come to the Applicant and drop \$300-400 in one transaction; that therefore regular patients will visit the Applicant's facility between two (2) to three (3) times per month; that the Applicant expects twenty-five (25) to fifty (50) patients per day; that again, this is an incredibly conservative estimate; that when visiting the Applicant's facility, the Applicant's patients will be a mix of "by appointment" and "walk-in"; that initially, people are going to come in and ask questions; that she intends to refer these people back to their primary physicians; that there will also be people who are going to come in with their medical cannabis cards and know they want medical cannabis; that just like a pharmacy or in medicine, the Applicant will make a recommendation to patients as to best choice, best administration, and best frequency of the product; that the Applicant will try to make sure patients are aware of possible drug interaction; that the Applicant's patients will ultimately choose what products they want; that there will always be a minimum of three (3) people on staff, including the security guard; that the Applicant planned to have a security guard on site 24/7 even before the City of Chicago's proposed ordinance; that the Applicant's main entrance will be on North Avenue; that said entrance will be ADA accessible; that the security guard will be stationed there; that the Applicant will want identification from anyone that walks through the main entrance; that this will be state identification in the form of a driver's license or a state identification card; that although the Applicant would prefer those that enter its facility have medical cannabis cards, this is a new business and people will have questions; that therefore, the Applicant will want identification from people entering the facility but would like to allow potential patients to access the Applicant's facility; and

WHEREAS, in response to questions by the Board, Ms. Marron further testified that only people with medical cannabis cards could enter the admitted access area of the Applicant's facility; that anyone – once his or her identity is established – can enter into the patient waiting area of the Applicant's facility; that as a clinician, it is the Applicant's right to provide clinical information to its patients; and

WHEREAS, the Board questioned as to why people who are not certified by the state should be allowed to access medical cannabis dispensaries; and

WHEREAS, Ms. Marron testified that the Applicant will provide education material for these people who are not certified by the state; and

WHEREAS, the Board again questioned as the necessity of open-access of the Applicant's facility to the Applicant's business plan; and

WHEREAS, Mr. Citron stated that the Applicant believed that open-access of the Applicant's facility is appropriate as medical cannabis is a new concept in the State of Illinois; that people do not understand how to get medical cannabis cards; and

WHEREAS, the Board seriously questioned the idea that someone who needed a medical cannabis card would not know how to get a card; and

WHEREAS, Mr. Citron stated that he probably qualified for a medical cannabis card and did not know how to get said card; and

WHEREAS, the Board stated that access to the Applicant's facility by the general public posed a significant question to the Board; and

WHEREAS, Mr. Citron stated that the Applicant's security advisor would discuss the question but that the general public cannot enter the portion of the Applicant's facility where the medical cannabis is dispensed without a state issued card; that the Applicant provides its security near said dispensary but believes that said security works in terms of community outreach; that this is similar to a pharmacy in that people can enter a pharmacy and not necessarily get drugs; and

WHEREAS, the Board stated that typically there are other retail options available for purchase by the general public in a pharmacy; that therefore the analogy did not hold; and

WHEREAS, in response to further questions by the Board, Ms. Marron further testified that a state identification card or driver's license would be necessary to enter the Applicant's waiting area; that the Applicant would gladly talk to undocumented persons about medical cannabis; and

WHEREAS, in response to further questions by the Board, Mr. Citron stated he did not have an answer as to whether the Applicant would accept identification issued by a consulate as opposed to the state; that the question had never before come up; and

WHEREAS, the Board gave the Applicant a moment to think about the issue; and

WHEREAS, Ms. Marron then continued her testimony regarding the Applicant's operations; that after a potential patient has been verified and allowed into the facility, all the potential patients that have medical cannabis cards will come to the front receptionist; that the front receptionist will be behind a bullet-proof glass window; that like a doctor's office, the potential patient will fill out a patient registration form; that the Applicant will give the potential patient its mission statement and a HIPPA privacy statement; that the Applicant will then enter the potential patient into the computer system; that the Applicant will check the potential patient in the state system to ensure that the Applicant has not purchased more than 2.5 ounces of medical cannabis within the last fourteen (14) days; that then the potential patient will be brought inside a consultation room to meet with a dispensing agent; that the dispensing agent will try to rule out any type of medical interaction or disease interaction; that the dispensing agent will inquire what the potential

patient is trying to accomplish; that generally speaking, traditional medication has failed all potential patients and that is why they are at a medical cannabis dispensary; that therefore, the dispensing agent has to inquire as to what the potential patient has tried before and what the potential patient is trying to accomplish; that the dispensing agent will give the potential patient options and make suggestions as to appropriate products and dosages; that after a potential patient makes his or her choice, she or he is taken over to the display case to pick out his or her product; that as this is a unique industry, people make not only visual inspections of the product but also inhale or smell the product; that the state has therefore allowed medical cannabis dispensaries to have a small floor sample of the product for inspection; that all product must be placed in the safe at the close of business; that at the end of seven (7) days, the state has mandated that dispensaries must destroy any open packages of product; that after the potential patient has made his or her purchase, he or she is escorted to the front entrance; that the front door and the door to the dispensary waiting area are limited access and will never be open at the same time; that therefore the entire facility functions as one large mantrap; that the eventual floor plan (including Suite 102) will have another exit to the facility, meaning one would enter one door and exit via another; that it is very possible the floor plan that includes Suite 102 will be the only floor plan to exist due to the timing of the product being available for sale; that the Applicant will have a very specific training program for its dispensary agents; that this training program is four (4) days long and includes both written and on-line training; that the Applicant intends to offer a 15% discount for low-income patients, no-income patients, and veterans; that the Applicant believes that when conducting a business, one must give back to the community; that the Applicant will follow all state laws regarding patients and patient purchases; and

WHEREAS, Mr. Tony Gallo testified on behalf of the Applicant; that he is the director of Sapphire Production and has been in the retail loss prevention field for thirty (30) years; that he has worked for such companies as Sears and Macy's; that for seventeen (17) years he was director of loss prevention for the financial loan company EZCorp; that he has designed 750 plus high-risk businesses that have opened; that he is a speaker on cannabis loss prevention; that he has been designing loss prevention programs for security at cannabis locations for the last year-and-a-half; that he has consulted with the Applicant to provide a security plan; that the Applicant will use the same standard as federal and state government use for identification (such as TSA or any other location where you get a financial loan); that therefore any form of government issued identification accepted by the federal or state government would be accepted by the Applicant; that this includes consulate issued identification; and

WHEREAS, Mr. Gallo further testified as to the layout of the Applicant's facility; that there is a three (3) foot drop from the Applicant's facility to the parking lot; that this is a security benefit because it will prevent or help reduce anyone attempting to drive through the facility late at night; that when individuals enter the Applicant's facility, their identification will be checked by the security guard; that the security guard will then buzz an individual in; that the Applicant will use as 1200 pound magnetic lock door, which means that 1200 pounds of force will be required to open the lock; that there will be a lift for handicapped patients; that individuals will then enter into the patient waiting area

where individuals will either receive medical cannabis education or proceed to the bulletproof glass window; that at the bulletproof glass window, an individual will present his or her medical cannabis card; that the system will then approve the individual, and she or he will be buzzed in through another 1200 pound magnetic lock door; that at this time, an individual will receive consultation or will go directly to the product display cases; that if an individual is interested in purchasing product, the individual will proceed to one of the safes; that the safes are 32-drawer safes; that the safes are designed so that only one (1) drawer can be opened at a time; that the drawers are on a twenty (20) second delay; that there is an automatic trail that shows who entered the drawer and what drawer he or she entered; that after product is removed, the drawer would be closed so as to discourage anyone from attempting any assault of the safe; that at night, the safes are closed; that said safes are rated TL 30, which means it will take a professional more than thirty (30) minutes to enter the safes; that after receiving the product, the individual will proceed to the cash register; that the cash received from the sale of the product will be put in the register; that when the amount of cash in the register reaches a certain amount, the cash will be dropped into a drop box; that the Applicant will not keep a large amount of cash in the register; and

WHEREAS, the Board questioned why the cash safe was so far from the register; and

WHEREAS, Mr. Gallo then testified that the cash safe is the overnight safe; that the cash register drawer actually has a drop safe; that therefore there is a drop safe under the counter; that during the daytime, the drop safe will take in cash; that once the register reaches a certain amount (\$500), the cash is put into the drop safe; that said drop safe is not designed to withstand an attack at night; that after the facility is closed, the Applicant will remove the cash from the drop safe and place it in the overnight safe; that the drop safe will only have the ability to be opened by management; that the drop safe will be a keycode safe; and

WHEREAS, in response to further questions by the Board, Mr. Gallo further testified that the safe is not visible from the lobby, despite the bulletproof glass window; that the Applicant will be placing either a partition wall or a partition curtain that would prevent anyone from looking past the window; that such partition wall or partition curtain would be fixed; and

WHEREAS, Mr. Gallo then testified that after an individual paid for the product, the individual will be buzzed out of the dispensary and then buzzed out of the facility and into the parking lot; and

WHEREAS, in response to further questions by the Board, Mr. Gallo stated there would be one security professional for the Applicant's facility; that said security guard would be stationed at the entrance of the Applicant's facility; and

WHEREAS, the Board questioned how the Applicant would prevent those who had entered the patient waiting area under malicious intent from rushing the door into the dispensing area if the sole security guard is guarding the main entrance to the facility; and

WHEREAS, Mr. Gallo conceded that if the door to the dispensing area was opened, three (3) people in the patient waiting area could rush the door; and

WHEREAS, the Board then again questioned how such a thing would be prevented if the security guard is guarding the facility's main entrance; and

WHEREAS, Mr. Gallo testified that there will still be a mantrap; that there will be an alarm system throughout the building to alert not only the police but also the security guard; and

WHEREAS, Mr. Citron stated that a person could not get past the second door into the dispensing area without a state issued medical cannabis card; and

WHEREAS, the Board stated that while Mr. Citron's statement was true in theory, once the second door was open, unless there was a second mantrap of some sort, people could rush the door; and

WHEREAS, Mr. Gallo testified that he did not know the answer to the question of rushing the door into the dispensing area; that he was unclear if there would be a group of people in the patient waiting area without medical cannabis cards; and

WHEREAS, the Board stated that according to Ms. Marron's testimony, there would be people in the patient waiting area without medical cannabis cards; and

WHEREAS, Mr. Citron stated Ms. Marron would answer the Board's questions;

WHEREAS, the Board stated this is a real issue for the Board and the Board needed an answer; and

WHEREAS, Ms. Marron stated that the Applicant will limit the number of people in its facility; that initially, no more than ten (10) people will be allowed in the facility; that this number includes both the patient waiting room as well as the dispensing area; that no more than six (6) people will be allowed in the dispensing area at any one time; that groups of people will not be allowed in; that if a group of four (4) came in, one being a patient and the other three (3) just curious, the staff will inquire as to the group's business and may ask the group to leave; that groups with cellphones will not be allowed to communicate, especially if a person in the patient waiting area is communicating via cellphone with a person in the dispensing area; that the Applicant will be specifically looking for the problems just described or other problems; and

WHEREAS, the Board stated that part of the reason why the Board did not like the people without medical cannabis cards being allowed in dispensing facilities was that any other attempt to monitor people in a dispensing facility becomes very subjective; that it is an issue when a facility determines a group of three (3) or four (4) people cannot enter the facility as this decision to bar entrance is not based on any objective criteria; and

WHEREAS, the Board then asked the Applicant what sort of impact a condition such as limiting entrance to the Applicant's facility to those persons with medical cannabis cards would have on the Applicant; and

WHEREAS, Mr. Citron stated that the Applicant would accept such a condition; that such a condition would change the Applicant's business plan but would not be insurmountable; and

WHEREAS, Mr. Gallo further testified that there are twenty-nine (29) cameras at the Applicant's facility; that cameras are in the parking lot and at every entrance; that cameras will be watching every transaction as well as the safes, the cash, the counters, etc.; that the cameras are all designed to meet the state requirements; that if customer flow or crowd management needs better control, the Applicant will adapt when it comes to security; that the Applicant will have advance notification as to any product delivery or cash pick-up; that an armed car service would come in to pick up the cash; that the security will check all those who come for delivery or pick-up; that the Applicant has a secured parking lot for delivery and pick-up; that the trucks will not be pulling up onto a street location; that the delivery and pick-up teams will utilize a separate door for entrance and the facility's other doors will not open until the teams are ready to leave; that the teams will either deliver product that they will put directly into the safe or will pick up cash from the manager's office; that the teams would exit in the same manner as patients; that once the teams had left, the Applicant's facility would open up again for business; that the guards for the armored car would be armed; that the Applicant will try and stagger the hours for cash pick-up and product delivery; and

WHEREAS, the Board inquired if other people would be allowed in the facility when the product delivery occurred; and

WHEREAS, in response to questions by the Board, the Ms. Marron stated that if a patient was already in the patient waiting area when a product delivery occurred, the Applicant would not close its doors; that instead, the delivery team would be buzzed in by the security guard at the front desk; that the delivery team would then come into the patient waiting area; that patients would not be asked to leave the patient waiting area at this time; that the delivery team would go to the receptionist window and be buzzed into the dispensing area; that if a patient presented himself at the front entrance of the Applicant's facility while the product delivery team was in the patient waiting area, the patient would have to wait for entrance into the patient waiting area until the delivery team was in the dispensing area; that this is just like any other pharmacy; that pharmacies receive their deliveries through their front entrances; that drugs are delivered in sealed opaque totes; that drug orders containing narcotics arrive in opaque steel totes; that pharmacists sign for the number of totes and the delivery team removes the empty totes; and

WHEREAS, in response to further questions by the Board, Mr. Citron stated that the Applicant does not yet have a bank that will take its money; that the Applicant is reaching



out to various banks; that the Applicant is in the same position as every other dispensary; and

WHEREAS, the Board stated that other medical cannabis dispensaries have stated, under oath and before the Board, that they have established bank relationships; and

WHEREAS, Ms. Marron further testified that she was in discussion with two specific banks; that she conceded that if the Applicant opened the following day, the Applicant's business would be all cash; and

WHEREAS, in response to further questions by the Board, Ms. Marron testified that the Applicant will be having their cash picked up via armored car; and

WHEREAS, the Board asked if the Applicant had a place to put its cash after pick-up via armored car; and

WHEREAS, Mr. Citron stated that such cash could still be brought to a bank and placed in a lockbox; and

WHEREAS, in response to further questions by the Board, Ms. Marron testified that the Applicant has an armored car provider that has agreed to take the Applicant's cash from the Applicant's facility to a specific place; and

WHEREAS, in response to further questions by the Board regarding patient protection after a patient has left the Applicant's facility, Ms. Marron testified that the Applicant has cameras on the parking lot; that nevertheless, if a patient does not feel comfortable, the Applicant will ask the security guard to walk a patient to his or her car; that the product the Applicant is selling is in small amounts and the packaging of the product is nondescript; that the Applicant has a secured parking lot; that unfortunately, the Applicant cannot walk patients to the bus; that on the Applicant's property, the Applicant will provide patients security; that if the security guard is walking a patient to his or her car, no one will be allowed access into the Applicant's facility until the security guard returns; that the Applicant's intention is to hire two (2) or three (3) security guards as more and more people start coming to the Applicant's facility; that the reality is that when the Applicant's facility first opens, there will only be one (1) patient there at one time; and

WHEREAS, Mr. Joe Wilcox testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application; and

WHEREAS, in response to questions by the Board, Mr. Wilcox testified that the North Avenue corridor is all mixed-use properties with commercial or retail spaces on the

first floors; that in regards to the block of the subject property, the three properties to the left are mixed-use properties and the four properties to the right are mixed-use properties; that the subject property is improved with a four-story building; that the building is all commercial use with other medical and physical therapy type businesses in the building; that the R2-4 Zoning District on the other side of the alley does have residential properties; that these residential properties are nevertheless separated from the subject property and the rest of the North Avenue commercial corridor by said alley; that there are residents behind the subject property; and

WHEREAS, in response to further questions by the Board, Ms. Marron testified that the Applicant has done extensive community outreach; that the Applicant's most recent community meeting was the prior Sunday; that such meeting had been advertised through the local chamber of commerce; that the Applicant has done many question and answer sessions for local community groups; that there has been no opposition; and

WHEREAS, in response to further questions by the Board, Mr. Citron stated that none of the local community groups had been willing to issue letters of support; that said community groups indicated they would not oppose the Applicant's application; and

WHEREAS, Mr. Wilcox further testified that the Applicant's facility complies with its C1-2 Zoning District; that the subject property already has similar types of uses in it; that the proposed space is currently vacant; that filling a space in a neighborhood tends to be a positive thing; that as the proposed special use is a new business, there is no reference point in regards to property values; that he looked at similar cities that have cannabis dispensaries and tried to track crime; that he found no decline in property values in regards to properties in Ypsilanti, Michigan and Norfolk County, Massachusetts; that this finding was specifically in regards to residential property; that commercial and retail real estate markets thrive with new businesses; that in Colorado and Seattle commercial and retail real estate property has increased in value; that however, Colorado and Seattle allow for recreational use of cannabis which changes the studies; that the previously mentioned Michigan and Massachusetts studies discuss only medicinal impact; that with regards to the residential property across the alley, there would no impact; that this is because the Applicant is not taking deliveries behind the building, is not placing a sign behind the building, and is not making use of the alley; that the Applicant's facility only faces towards the commercial block of North Avenue; that the subject property has on-site secured parking with lights and cameras; that there is also metered parking on the street and a bus stop 150 feet from the building's front door; that the proposed special use will have no impact on the residential properties behind the building; that building on the subject property has a common signboard; that the Applicant's name will be in one of the signboard's slots; that the Applicant's business will be just another commercial use in the building; that as there are other medical uses in the building and as the Applicant will not have a retail storefront, there will be no negative impact on the commercial spaces; that the Applicant's special use will conform with the building; that the Applicant's special use will conform with the block and the makeup of the general neighborhood; and

WHEREAS, in response to further questions by the Board regarding the Applicant's proposed site plan, Mr. Splitt testified on behalf of the Applicant; that he is the project architect for this project; that door in question is a steel secured door; that it is a fire exit and leads to a common hall and then leads out of the building; that the door opens in as well as out because the capacity of the space is under fifty (50) people; that therefore, the Applicant is allowed to have the door open in; that the door is secured by the fact it is steel and does not have a handle or lock on the other side; that the door is flush, set inside a steel frame, and has a panic bar on the inside; that in regards to the alley door, the Applicant will put a new steel door with a 1200 pound magnetic lock; that the alley door will not have a push bar or panic bar and will instead be locked; that in case of a fire, there are two other exits as required by code; that in regards to other doors shown on the floor plan, they are fire exit doors that lead into a public hall; that again, the outside of the door is flush with no signage, no handles and no locks; and

WHEREAS, in response to further questions by the Board, Mr. Gallo testified that these doors will be monitored by cameras; that the doors will also be alarmed; and

WHEREAS, in response to further questions by the Board, Mr. Citron stated that the door to the alley is an existing space for the existing building; that it is a delivery door; that the Applicant will not be taking deliveries through the alley as the Applicant will not be using the alley; that nevertheless, the Applicant must secure the door; that the Applicant's landlord will not allow the Applicant to brick up the door; that the Applicant is therefore replacing the current door with a secure door; and

WHEREAS, the staff of the Department recommended approval of the proposed medical cannabis dispensary at 1811 W. North Avenue, Suite 101 provided the development is established consistent with the design, layout and plans prepared by Jonathan Splitt Architects and dated September 2, 2014; and

WHEREAS, the staff of the Department further recommended that any expansion of the proposed medical cannabis dispensary at 1811 W. North Avenue, Suite 102 require a new special use; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use will have an adverse impact on the general welfare of the neighborhood. In particular, the Board finds the Applicant's decision – as shown by the site plan presented to the Board – to keep the medical cannabis in safes in the dispensing area rather than equip the Applicant's facility with a separate and secured medical cannabis vault will adversely impact the general welfare of the neighborhood. This decision to keep the medical cannabis in safes in the dispensing area is made worse in light of testimony that the Applicant: (1) would initially employ one security officer that would be stationed at the

Applicant's entrance to the facility; (2) would allow said security officer to escort patients to their cars; (3) would allow people not in possession of medical cannabis cards access to the patient waiting area; (4) would have the medical cannabis delivery team traverse the patient waiting area when delivering medical cannabis; and (5) would not ask people in the patient waiting area to leave the Applicant's facility during medical cannabis delivery. Furthermore, Mr. Gallo, the Applicant's security expert, conceded that three (3) people could rush the door separating the patient waiting area from the dispensary area. The Board finds that the Applicant's site plan, when combined with the Applicant's proposed plan of operations, lacks sufficient safeguards to protect the Applicant's facility from crime. As this particular Applicant, due to its site plan and plan of operations, lacks sufficient safeguards to protect the Applicant's facility from crime, the proposed special use will have an adverse impact on the general welfare of the neighborhood.

RESOLVED, the Board finds that the Applicant has not proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby denied.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Maribis of Chicago, LLC**  
APPLICANT

**380-14-S**  
CALENDAR NUMBER

**4568-70 S. Archer Avenue**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Mark Kupiec**  
APPEARANCE FOR APPLICANT

**Al Guiterrez & Others**  
OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the conditions specified in this decision.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Mark Kupiec, counsel for the Applicant, explained the underlying basis for the relief sought; that he then submitted a revised site plan to the Applicant's application; that the new site plan has a change to the rear of the property; that this change is due to community feedback; that the Applicant's new plan for the subject

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

property is to demolish the rear portion of the existing building; that the Applicant is exploring if it can add a driveway to the site to add a couple of parking spaces; and

WHEREAS, Ms. Laurel Dineff testified on behalf of the Applicant; that she is the managing member of the Applicant; that the Applicant has a contract to purchase the subject property; that said contract is contingent upon securing a license with the state; that she is currently an international corporate attorney with offices in Chicago and Luxemburg; that if the Applicant were to obtain a state license, she would leave her law practice and devote her time to the proposed special use; that she has spent the past year researching and working with organizations in both Colorado and Washington and learning about the types of products; that it is the Applicant's goal to provide various strains of product for its patients; that said strains will be designated according to specific disease by the state; that products will vary from flowers, tinctures, oral sprays, and infused products, such as edibles; that all such products would be purchased from already packaged from a cultivation center as repackaging is not allowed under the Act; that the subject property is currently improved with a union hall; that the Applicant would be utilizing the existing building on the subject property; that the Applicant intends for product delivery to occur at the rear of the building; and

WHEREAS, Ms. Dineff then testified that patients will enter through the front of the building off of Archer Avenue; that there is a double door entry into the facility; that when a person enters through those double doors, there will be a security guard to check identification to ensure that said person is allowed inside the Applicant's facility; that the only people coming into the Applicant's facility are patients or caregivers; that if someone drives a patient to the facility, that person would not be allowed inside; that once a patient has been cleared by the security guard, the patient will proceed to reception area and check-in; that once there is an available consultant in the dispensary itself, the patient will be admitted into the mantrap; that the patient will go through the mantrap, waiting for the first door to shut before the second door opens; that the patient will then enter the main dispensary and meet with a consultant to determine whether or not educational consultation is needed; that if it is determined educational consultation is needed, the consultant will speak with the patient, discussing the patient's situation and what types of medical cannabis would be most applicable to the patient's needs; that alternatively, the patient could go and look at the product; that the patient would then order the product via an iPad; that once the patient ordered the product, the patient would go to a kiosk; that the kiosk would be biometrically accessed; that a patient's biometric information would be set-up at the patient's first visit to the Applicant; that at this point, the patient would either call up the order placed in the iPad or alternatively order at the kiosk; that the Applicant is in the process of creating an app for ordering as well; that the kiosk will indicate how much money is owed; that all money would be paid to the kiosk; that there would be no cash handling in the dispensary at all; that the kiosk would be similar to an ATM; and

WHEREAS, in response to questions by the Board, Ms. Dineff further testified that this technology has already been established and is being instituted in other states, particularly Nevada; that the Applicant will still have personnel helping the patients; that

the process in the dispensary is a one-on-one situation; that there will not be patients wandering around the dispensary; that once the patient inserts his or her money in the kiosk, the patient will receive a voucher; that the Applicant has an operational relationship with a bank; that this bank is outside of state as no Illinois bank is willing to accept accounts for the cannabis industry; that credit cards are processed through the kiosk, as well as debit cards; that if cash is inserted into the kiosk, it immediately goes to a cash box within the kiosk; that when cash reaches a certain amount within the cash box, a message is automatically sent to the courier service; that the courier service comes in and removes the cash box and puts another cash box in; that the courier service is responsible for taking, counting, and depositing the cash with the Federal Reserve; that the Applicant anticipates the courier service will collect money once a week; that this is because of the size of the cash box; that each kiosk has a threshold dollar amount; that once said threshold dollar amount is triggered, the courier service is notified; that the Applicant would attempt to set up a situation that when cash reaches a certain dollar value, the kiosk would trigger pick-up and a review of all kiosks would be done simultaneously by the courier service; that cash pick-up will be done entirely by the courier service that will arrive by armored car; that the courier service will come in, access the kiosks, remove the cash box and put in a new cash box; that it is similar to a parking box in the fact that it shows a person how much money is due and a person can put a credit card or cash in; and

WHEREAS, Ms. Dineff then testified that the Applicant's employees would comply with the state requirements; that she will be one of the agents-in-charge; that the Applicant's hours of operation will be: 8:00 AM – 8:00 PM, Monday – Friday; 9:00 AM – 6:00 PM, Saturday – Sunday; that the Applicant is not opening at 6:00 AM as allowed under the Act because the Applicant needs a time period within which to accept deliveries; that the Applicant will accept deliveries between 6:00 AM – 8:00 AM; that the Applicant will not accept deliveries during the Applicant's open hours; that in regards to the replacement site plan, the Applicant intends to demolish a portion of the existing building's rear; that with the approval of the City, the Applicant intends to build a small garage on one side whereby the product delivery vehicle will be able to drive into said garage for delivery; that the delivery entrance is on the northeast (rear) corner of the existing building; that the proposed special use complies with all applicable standards of the ordinance; that the proposed special use will be in the interest of public convenience as the purpose of this is to supply medicine to patients; that the general public will not be entering the Applicant's facility; that to secure a card, a person must go before the Illinois Department of Public Health with a prescription from a physician; that people are coming to the Applicant's facility for a reason; that the whole purpose of the special use is for all people to get medicine; that the existing building is a one-story building and has been there for many, many years; that the special use will be compatible in terms of its operation as it will operate like any other business in the area; that there should be no noise coming from the Applicant's business; that the Applicant's business should not have any special amount of excess traffic generation; that the Applicant chose this location because it is on a thoroughfare that has wonderful public transportation; that the Applicant has a bus stop immediately in front of its building; that the Applicant has close access to the Orange Line; that Archer Avenue has a lot of available parking; that based

on the amount of people that actually qualify for a medical cannabis card and the small amounts of medical cannabis allotted per two (2) week period under the Act, the types of purchases made at the Applicant's facility with respect to dollar value is relatively small; that therefore, the proposed special use does not create an environment that is conducive to having problems; that the Applicant will retain the services of an Illinois licensed private security contractor and maintain a private security contractor presence at this facility twenty-four (24) hours per day, seven (7) days a week as required by Alderman Burke's ordinance; that it is the Applicant's intent to have two (2) security people on-site at all times when the facility is open; that one (1) security guard will be in the waiting area; that the second security guard will be manning a station within the dispensary itself; that in said location, said security guard will have a visual through the entire dispensary; that the front door of the existing building is at sidewalk level and is handicap accessible; that therefore, said entrance is designed for pedestrian safety; and

WHEREAS, in response to questions by the Board, Ms. Dineff further testified that the "dispenser" shown on the site plans is where – once product is removed from the vault – product will be packaged; that there is an opening in the wall between the dispenser and where the product is passed to the customer; that the exit door next to the dispenser is a secure door; that said secure door will lead to a garage; that besides herself, she has one person for a second agent-in-charge; that should the license from the state be granted, the Applicant will seek to hire other qualified people as agents-in-charge; and

WHEREAS, Mr. Michael Crane testified on behalf of the Applicant; that he is a vice-president of Hillard Heintze, which is a security risk management firm; that he has been in the security business for a very long time; that he oversaw the writing of an American national standard in asset protection management; that Hillard Heintze does three basic things: (1) investigations; (2) security risk management; and (3) law enforcement consulting; that Hillard Heintze has previously appeared before the Board in regards to the medical cannabis dispensary at 900 West Lake Street; that the vault has biometric access and is very secure; that if the Applicant had a garage, the rear door shown near the dispenser will go directly to the garage; that said rear door would be alarmed with cameras inside and out; that he prepared the Applicant's security plan for the Applicant's state application; that should the Applicant be awarded by the state, Hillard Heintze will oversee the Applicant's security for the next three (3) years; that the existing building is brick and will have cameras located throughout the whole of the interior as well as the exterior of the building; that said cameras will be very low light and very high technology; that the video will be recorded both internally on a service and externally through a third-party monitoring system, allowing both the State Police and the Illinois Department of Regulation access; that although not required, the Chicago Police Department ("CPD") could also gain access if CPD has the capability; that the cameras have a built in "virtual burglar alarm;" that this allows a person to draw a virtual line and if something crosses that line, the burglar alarm goes off; that the Applicant would utilize this feature in the interior of the building; that the security guard in the dispensary area will be monitoring the feeds as well as a third-party video monitoring company; that this camera system and coverage is adequate for the Applicant's business; that the camera system and coverage also offer benefit for the neighborhood, as the cameras were



designed to pick up facial recognition and license plates; that under the Act, the Applicant must retain the camera feed for ninety (90) days on the property and (90) days off-site; that for evening hours, there is a burglar alarm; and

WHEREAS, in response to questions by the Board, Mr. Crane further testified that there will be a security guard both inside and outside the facility; that if there are no customers, the security guard will be inside; that if the security guard needs to assist customers from a car or vehicle, the security guard will be outside; that the Applicant has battery backup for all equipment; that the system is designed so that if no power is going to the building, the doors will lock because they are biometric; that therefore, the Applicant will have a generator; that the Applicant's product delivery will comply with the Act; that the delivery of product will come in a 2' x 2' box; that the product will come from the cultivation center; that the Applicant will make arrangements to have the cultivation center put the product in a box that has dual locks of the Applicant's design; that one lock would be opened by the dispensary's employees; that the other lock would be opened by the delivery team; that the Applicant will have to mantraps so that the flow of people in the Applicant's facility will comply with the Act; that the kiosk method of payment is very safe; and

WHEREAS, in response to further questions by the Board in regards to doors on the site plans, Mr. Crane testified that the door on the side is an emergency-only door; that said door will have a push bar on it; that the agent-in-charge and the security guard will have a key to the door; that the door in the back would be locked with biometric access; and

WHEREAS, Mr. Crane then testified he will continue to consult with the Applicant; that he will be available to handle the hiring of the security guards; that based on his security plan, it is his opinion that the proposed special use will not have a significant adverse impact on the general welfare of the neighborhood; that the building is compatible with the neighborhood in terms of planning and design; that the Applicant's business will be compatible to the operating characteristics, like hours of operation, to other businesses on the street; that the operation is designed for pedestrian safety; and

WHEREAS, in response to questions by the Board, Mr. Crane testified that anyone can walk into the facility; that he initially thought to keep everyone out; that people would have to be verified before they were allowed to enter the building; that however, people with illnesses cannot be kept outside in inclement weather; that he therefore created a vestibule so everyone can come inside; that in said vestibule, a security guard will verify the medical cannabis card and another form of identification; that he is assuming the medical cannabis card will have a photo on it and this photo will be compared to the other form of identification; that any government issued identification will suffice for the other form of identification; that it does not have to be a state-issued driver's license; that once a patient is registered with the Applicant's dispensary, he or she will come in; that the patient will then go to the receptionist and biometrically check-in; that the Applicant will offer its services both by-appointment and walk-in; that the Applicant's will have some parking behind the building; that it is the Applicant's intent to

remove what is currently behind the building which will allow the Applicant to have additional parking spaces; that the Applicant has done a parking study for this portion of Archer Avenue; that there are more than ample spots for parking; that there is not a loading zone in front of the subject property; that the Applicant would like to have a loading zone for handicap purposes; that the Applicant would also like to secure ADA parking spaces along St. Louis Avenue, which is on the side of the Applicant's building; that there is also the bus stop in front of the subject property; and

WHEREAS, Mr. Joseph M. Ryan testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as it will operate like a low-level pharmacy-type store that will generate less traffic than the Walgreens pharmacy at the intersection of Archer Avenue and Kedzie Avenue and as Archer Avenue has operated as a retail corridor for over 100 years so no traffic generated by the Applicant will alter the character of parking traffic in the neighborhood; (3) will not have an adverse impact on the general welfare of the surrounding neighborhood as it will operate much as a Walgreens or a CVS but will have much lower density and the impact will be negligible on the neighborhood; (4) that the building is compatible with the character of the neighborhood in terms of site planning and design as it is an existing one-story masonry construct on a corner site; (5) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because: (1) traffic is one-way southbound on St. Louis Avenue so traffic off of Archer Avenue cannot turn onto St. Louis and therefore traffic generated by the special use will not intersect with the neighborhood traffic; and (2) there are businesses along Archer Avenue that are open earlier and later than the Applicant's proposed hours of operations; and

WHEREAS, in response to questions by the Board, Mr. Ryan further testified that while he has looked at several studies regarding medical cannabis facilities from out of state, there is nothing in state for him to look at; that he has looked at urban areas like Denver and Los Angeles; that the Los Angeles study found that Los Angeles had twice as many medical cannabis dispensaries as banks but that banks had twice the crime rate as medical cannabis dispensaries; that an article done in Denver stated that there was more criminal activity at liquor stores and banks than medical cannabis facilities; and

WHEREAS, Mr. Al Guterrez, of 4564 S. Archer Ave., testified in opposition to the application; that he lives adjacent to the subject property and feels he is the party most affected by the proposed special use; that this location is different from all the other locations the Board approved in the prior month; that he believes the special use will hurt properties; that property values will be hurt due to the stigma attached to the proposed special use; that this is a working class neighborhood; that there is a moral objection to

marijuana; that people are considered about potential crime; that his objection is a financial objection; that he does not believe the proposed special use will bring more crime but that it will hurt overall property values; that the proposed special use could potentially bring more crime; that there is social stigma to marijuana dispensaries and marijuana in general; that the loading dock and drop-off point will be fifteen (15) feet away from his neighbor's yard; that it will be ten (10) feet away from the swing set in his yard; that the Applicant's proposed time for deliveries will coincide with the time kids are going to school; that with all the school buses on St. Louis Avenue, it is not an ideal time for deliveries because people do not necessarily want their children exposed to marijuana on their way to school; that even if the Applicant adds more parking, the maximum the Applicant could have is five (5) or six (6) spaces; that with two (2) security guards and three (3) personnel, all spaces would be used up; that traffic will definitely increase on St. Louis Avenue, especially if the Applicant gets handicapped parking added to St. Louis Avenue; that he is concerned about two (2) or three (3) years from now when medical marijuana changes to recreational marijuana; that the Applicant's patients cannot park directly on Archer Avenue because of the bus stop; that Archer Avenue during rush hour becomes a no-parking zone; that the Orange Line is not one or two blocks away; it is a mile away; and

WHEREAS, Mr. John Woo, of 4540 S. St. Louis Avenue, testified in opposition to the application; that he lives right across the alley; that he is also concerned about the Applicant generating more vehicular and pedestrian traffic; that during rush hour, cars back up on St. Louis because everyone wants to avoid traffic on Archer Avenue; that kids play in the front yards on St. Louis; that the idea of a shop selling marijuana nearby is causing mental disturbance; that there will potentially be more crime; that this is affecting his quality of life; that cameras mean the neighborhood around the area is not as safe as one would think; that this specific police beat had 221 crimes in the last three (3) months; that within the last month, there were thirty-one (31) crimes; that there will be more light generated so that the Applicant's cameras can record; that there would therefore be light pollution which will affect people trying to sleep at night; that with armed guards in the area, there will be an increase in the risk of gunfights; that by increasing guns in the neighborhood, the neighborhood is not safe; that cameras that can record license plates is a violation of privacy; that he has thirty-four (34) letters from around the neighborhood opposing the special use; and

WHEREAS, Mr. Jason Guterrez, of 4564 S. Archer, testified in opposition to the application; that he lives adjacent to the subject property; that there is potential danger regarding this special use which affects quality of life; that he has doubts and concerns regarding the proposed special use, much like Alderman Burke; and

WHEREAS, in response to the concerns raised by the Objectors, Ms. Dineff testified that the Applicant had done a study of the available street parking; that this study was offered into the evidence; that Ms. Dineff then testified that the City does have a parking restriction on parking on one side of the street during rush hour; that in the morning, it is no parking on the side going into the City and in the evening, it is no parking on the side going out of the City; that this would obviously affect parking in the afternoon on the side

of Archer the subject property is on; that there is still ample parking on Archer Avenue; and

WHEREAS, in response to questions by the Board, Ms. Dineff testified that the Applicant did not anticipate that there will be a large volume of parking based on the Applicant's projected number of patients; that the Applicant is making arrangements for employees to have off-site parking; that the employees will not park on the premises; that the Applicant intends to have a minimum of six (6) spaces behind the building; that the Applicant anticipates patients will arrive by car or Pace Bus' Paratransit Service; that the Applicant believes it has enough parking on Archer and behind its building to accommodate the number of patients at any given time; and

WHEREAS, Mr. Kupiec stated that a special use in this particular zoning district had a parking requirement; that under the parking requirement for the Applicant's facility, the maximum parking required is three (3) spaces; that the Applicant has at least four (4) spaces; that if the Applicant knocks down the rear portion of the existing building, it will have more parking spaces; and

WHEREAS, in response to further questions by the Board, Ms. Dineff further testified there would be no canopy on the building; that currently, the building has an extension that will be completely removed and replaced with a garage; and

WHEREAS, Mr. Kupiec stated that currently the building is a union hall; that the Applicant's usage of the existing building should be less intense and perhaps eligible for a parking credit; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Architectural Studio and dated September 15, 2014; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no adverse impact on the surrounding neighborhood as the use is a pharmaceutical use and will operate much as a Walgreens or CVS but will have a much lower density so that any impact of the use would be negligible on the neighborhood. The Board finds that Mr. Ryan's credible expert testimony on this factor outweighs any speculation on the part of the Objectors;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be located in an existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because: (1) Archer Avenue is a 100 year old retail corridor with businesses that are open earlier and later than the Applicant's proposed hours of operation; (2) traffic is one-way southbound on St. Louis Avenue so traffic off of Archer Avenue cannot turn onto St. Louis and therefore traffic generated by the special use will not intersect with the neighborhood traffic; and (3) the Applicant is committed to providing more on-site parking. Again, the Board finds Mr. Ryan's credible expert testimony on this factor outweighs any speculation on the part of the Objectors;
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building and there will be – as credibly testified to by Mr. Crane – extensive exterior security measures.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. Entrance to the medical cannabis dispensary at the subject property shall be limited to only those persons holding valid medical cannabis cards, either patient or caretaker, along with appropriate vendors and employees.
2. The Applicant shall establish additional parking at the rear of its building in accordance with Ms. Dineff's testimony.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Rosenwald Courts Apartments, LP**  
APPLICANT

**394-14-S**  
CALENDAR NUMBER

**4636-52 South Wabash Avenue**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Brandon Calvert**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a non-required, accessory parking lot to serve the visitors and guests of the mixed-use (residential and retail) development located at 53-9 E. 46th Street

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFIRMATIVE	NEGATIVE	ABSENT
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Brandon Culvert, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Ms. Sharnette Brown testified on behalf of the Applicant; that she is the Applicant's project manager for the proposed parking lot and the future development of the Applicant's future mixed-use (residential and retail) development located at 53-9 E. 46th Street ("Applicant's development"); that the Applicant owns the subject property;

APPROVED AS TO SUBSTANCE

A handwritten signature in black ink, appearing to be "J. Swain", written over a horizontal line.

that the subject property is currently vacant; that the Applicant has filed a special use application in order to improve the subject property with off-street parking, including servicing, lighting, landscaping, and fencing; that Alderman Dowell is in support of the proposed special use; that the City of Chicago Department of Transportation ("CDOT") has reviewed and approved the site plans for the proposed parking lot; that if the proposed parking lot is approved, it will comply with all applicable standards of this Zoning Ordinance; that the proposed parking lot will provide a convenient and safe location for off-street parking for those persons living and visiting the Applicant's development; that the Applicant's development is located directly across from the proposed parking lot; that by re-locating parking for the Applicant's development to the subject property, existing off-street parking will be better utilized by the surrounding residences, buildings, and community; that the proposed parking lot will integrate the existing vacant land into the community in a positive manner; that the proposed improvements to the subject property will enhance the attractiveness of the subject property; that the improvements to the subject property will not adversely impact the general welfare of the neighborhood because said improvements have been designed so that the traffic generated by the proposed parking lot will not circulate around the surrounding subject area; that the proposed landscaping for the proposed parking lot will buffer the lot from the surrounding properties; that the scale and size of the proposed parking lot is keeping within the character of the surrounding area; that the proposed parking lot would be utilized twenty-four (24) hours a day by residents and visitors of the Applicant's development; that outdoor lighting for the proposed parking lot has been designed so as to not allowing excessive spillage into the adjoining properties; that the proposed parking lot has been designed to not result in any excessive noise or excessive traffic generation; that the proposed parking lot promotes pedestrian safety and comfort as there will be separate pedestrian access from the proposed parking lot to the Applicant's development; and

WHEREAS, in response to questions by the Board, Ms. Brown further testified that the Applicant had not yet determined how access to the proposed parking lot would be granted; that the Applicant may provide access to the residents via key fob or something of that nature; that the Applicant will somehow restrict the proposed parking lot for residents' use; and

WHEREAS, in response to further questions by the Board, Mr. Culvert stated that it would be fine if the Board imposed a condition restricting the use of the proposed lot; and

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as it will provide adequate parking for the Applicant's development and will not have any adverse impact

on the general welfare of the neighborhood as residential neighborhoods typically have parking areas used in conjunction with residences and apartment buildings and therefore is compatible and harmonious with the character of the surrounding area in regards to use; (3) is compatible with the character of the surrounding area in terms of site planning, building scale and product design as the property is currently vacant and will remain vacant; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because it will be similar to other parking areas in the subject area because there will be some means of ingress and egress that will ensure it will not be used by the public in general but rather by residents of the Applicant's development; and (5) is designed to promote pedestrian safety and comfort because egress and ingress to the parking lot will be off of the alley; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established with the design, layout and plans prepared by Eriksson Engineering and dated October 31, 2014 for the site plan and Lightengale Design Group and dated November 3, 2014 for the landscape plan; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it will provide adequate parking for the Applicant's development and will not have any adverse impact on the general welfare of the neighborhood as residential neighborhoods typically have parking areas used in conjunction with residences and apartment buildings and therefore is compatible and harmonious with the character of the surrounding area in regards to use;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning, building scale and product design as the subject property is currently vacant and will remain vacant;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because it will be similar to other parking areas in the subject area and because there will be some means of ingress and egress that will ensure it will not be used by the public in general but rather by residents of the Applicant's development;
5. The proposed special use is designed to promote pedestrian safety and comfort because egress and ingress to the parking lot will be off of the alley.



RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The parking lot shall be used only by residents of and visitors to the Applicant's mixed-use (residential and retail) development located at 53-9 E. 46th Street and shall be restricted as such.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Rosenwald Courts Apartments, LP**

APPLICANT

**395-14-S**

CALENDAR NUMBER

**4601-11 S Michigan Ave./101-15 E. 46th St.**

PREMISES AFFECTED

**November 21, 2014**

HEARING DATE

**Brandon Culvert**

APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a non-required, accessory parking lot to serve the visitors and guests of the mixed-use (residential and retail) development located at 53-9 E. 46th Street

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition specified in this decision.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of this Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, Mr. Brandon Culvert, counsel for the Applicant, summarized the facts of the history of the affected property and explained the underlying basis for the relief sought; and

WHEREAS, Ms. Sharnette Brown testified on behalf of the Applicant; that she is the Applicant's project manager for the proposed parking lot and the future development of the Applicant's future mixed-use (residential and retail) development located at 53-9 E. 46th Street ("Applicant's development"); that the Applicant owns the subject property;

APPROVED AS TO SUBSTANCE

CHAIRMAN

that the subject property is currently vacant; that the Applicant has filed a special use application in order to improve the subject property with off-street parking, including servicing, lighting, landscaping, and fencing; that Alderman Dowell is in support of the proposed special use; that the City of Chicago Department of Transportation ("CDOT") has reviewed and approved the site plans for the proposed parking lot; that if the proposed parking lot is approved, it will comply with all applicable standards of this Zoning Ordinance; that the proposed parking lot will provide a convenient and safe location for off-street parking for those persons living and visiting the Applicant's development; that the Applicant's development is located directly across from the proposed parking lot; that by re-locating parking for the Applicant's development to the subject property, existing off-street parking will be better utilized by the surrounding residences, buildings, and community; that the proposed parking lot will integrate the existing vacant land into the community in a positive manner; that the proposed improvements to the subject property will enhance the attractiveness of the subject property; that the improvements to the subject property will not adversely impact the general welfare of the neighborhood because said improvements have been designed so that the traffic generated by the proposed parking lot will not circulate around the surrounding subject area; that the proposed landscaping for the proposed parking lot will buffer the lot from the surrounding properties; that the scale and size of the proposed parking lot is keeping within the character of the surrounding area; that the proposed parking lot would be utilized twenty-four (24) hours a day by residents and visitors of the Applicant's development; that outdoor lighting for the proposed parking lot has been designed so as to not allowing excessive spillage into the adjoining properties; that the proposed parking lot has been designed to not result in any excessive noise or excessive traffic generation; that the proposed parking lot promotes pedestrian safety and comfort as there will be separate pedestrian access from the proposed parking lot to the Applicant's development; and

WHEREAS, in response to questions by the Board, Ms. Brown further testified that the Applicant had not yet determined how access to the proposed parking lot would be granted; that the Applicant may provide access to the residents via key fob or something of that nature; that the Applicant will somehow restrict the proposed parking lot for residents' use; and

WHEREAS, in response to further questions by the Board, Mr. Culvert stated that it would be fine if the Board imposed a condition restricting the use of the proposed lot; and

WHEREAS, Mr. Terrence M. O'Brien testified on behalf of the Applicant; that his credentials as an expert in appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in the Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience as it will provide adequate parking for the Applicant's development and will not have any adverse impact

on the general welfare of the neighborhood as residential neighborhoods typically have parking areas used in conjunction with residences and apartment buildings and therefore is compatible and harmonious with the character of the surrounding area in regards to use; (3) is compatible with the character of the surrounding area in terms of site planning, building scale and product design as the property is currently vacant and will remain vacant; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because it will be similar to other parking areas in the subject area because there will be some means of ingress and egress that will ensure it will not be used by the public in general but rather by residents of the Applicant's development; and (5) is designed to promote pedestrian safety and comfort because egress and ingress to the parking lot will be off of the alley; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed special use provided the development is established with the design, layout and plans prepared by Eriksson Engineering and dated October 31, 2014 for the site plan and Lightengale Design Group and dated November 3, 2014 for the landscape plan; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as it will provide adequate parking for the Applicant's development and will not have any adverse impact on the general welfare of the neighborhood as residential neighborhoods typically have parking areas used in conjunction with residences and apartment buildings and therefore is compatible and harmonious with the character of the surrounding area in regards to use;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning, building scale and product design as the subject property is currently vacant and will remain vacant;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because it will be similar to other parking areas in the subject area and because there will be some means of ingress and egress that will ensure it will not be used by the public in general but rather by residents of the Applicant's development;
5. The proposed special use is designed to promote pedestrian safety and comfort because egress and ingress to the parking lot will be off of the alley.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The parking lot shall be used only by residents of and visitors to the Applicant's mixed-use (residential and retail) development located at 53-9 E. 46th Street and shall be restricted as such.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
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Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Curative Health, LLC**  
APPLICANT

**398-14-S**  
CALENDAR NUMBER

**4758 N. Milwaukee Ave.**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**William Banks**  
APPEARANCE FOR APPLICANT

**George Blakemore**  
OBJECTOR

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

	AFFIRMATIVE	NEGATIVE	ABSENT
Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sheila O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

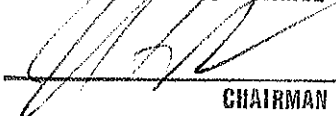
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. William Banks, counsel for the Applicant, explained the underlying basis for the relief sought; that the property is zoned B3-2; that the Applicant's proposed medical cannabis dispensary required a special use; that Applicant will utilize an existing vacant building on the property; that said vacant building will be substantially improved; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Mr. Nicholas Vita testified on behalf of the Applicant; that he is the vice-chairman of the Applicant and is responsible for all operations, licensure, and training; that the Applicant has operated in four medically focused jurisdictions in the United States: (1) Washington, D.C.; (2) Nevada; (3) Massachusetts; and (4) Arizona; that the Applicant was in fact the first applicant approved for dispensary in Washington D.C. and was the only applicant approved for cultivation; that currently, the Applicant is operating in Washington D.C. and Arizona; that the Applicant has served over 45,000 individuals; and

WHEREAS, in response to questions by the Board, Mr. Vita further testified that ownership structure differed between jurisdictions; and

WHEREAS, Mr. Vita further testified that the Applicant's proposed hours of operation at the Applicant's facility at the subject property are: 6:00 AM – 9:00 PM; that the Applicant expects to employ between twelve (12) and sixteen (16) people at the Applicant's facility at the subject location; that the Applicant will have two (2) guards at the facility; that the employees will have academic training, training on the product, training on best practices and policies and procedures; that the employees will be involved in an apprenticeship program run by the Applicant so that the employees can have real world training for a period of time at one of the Applicant's other locations before working in the State of Illinois; that the Applicant provides for several layers of background checks when hiring its employees, including a private background check which is independent of the state's background check; that patients will approach the facility and show state issued identification to the camera at the front door; that the patients will be asked to remove any items of clothing that obscure their identity; that once the receptionist has visually confirmed that the state issued identification is at hand, the patients are allowed into the facility; that once they have entered the facility, they will present a state issued identification to the receptionist who then logs on to the state database to confirm the validity of the identification; that every patient registered with the Applicant's facility would have to provide a second form of photo identification to visibly confirm that the photo on the state issued identification matches; that the patient then proceeds to the waiting area until there is a space in the point of sale area; that then the patient goes to transact; that the waiting area is solely for those who hold state issued medical cannabis cards; that the Applicant has established banking relationships and will accept both debit cards and cash transactions; that the Applicant prefers that patients rely upon debit cards to minimize the amount of cash kept on premise at its facilities; that the Applicant uses banks in D.C. and Arizona; that the Applicant has relationships with Illinois banks as well; that the Applicant has met with the City's 16th District Police Commander; that the Applicant looks forward to having long-standing dialogue with him; that the Applicant has offered to provide the City's Office of Emergency Management and Communications ("OEMC") line access to the Applicant's video feed; that the Applicant offers this access at its facilities nationwide to local law enforcement and first responders; that the Applicant has met with the Alderman; that the Applicant has introduced itself to the local business community; that one of the Applicant's members is the owner of the subject property in order to make an investment in the community; and

WHEREAS, in response to questions by the Board, Mr. Vita further testified that the Applicant is going to provide escorts for its patients if necessary; that there is no parking on-site; that all parking is on-street metered parking; that the Applicant has nonscheduled cash pick-ups and drop-offs at the bank on a consistent basis but not a regularly scheduled basis; that the Applicant is not using an armored car service for its cash pick-ups or drop-offs; that the Applicant is using people who have been licensed by the State of Illinois to do these cash pick-ups and drop-offs; that the Applicant has contracted with Covenant as its primary security vendor; that the Applicant is hoping to work with retired law enforcement as well; that with regards to the Applicant's Arizona and Washington D.C. operations, its cash business is somewhere between 20 and 50%; that in regards to the Applicant's other medical markets, there is far less foot traffic and far less cash than one would expect; that the Applicant therefore anticipates a by appointment only means of interacting with patients when it first opens; and

WHEREAS, Mr. Steve Peterson testified on behalf of the Applicant; that he is the owner of Landmark Group Chicago, a private investigation security firm; that for thirty-nine (39) years he was with the Chicago Police Department; that for the last eleven (11) of these thirty-nine (39) years, he was a commander and then deputy superintendent; that he has experience designing security plans for airports; that one of his current clients is the National Football League; that in regards to the Applicant's facility, the exterior will have cameras on the front and rear; that inside the Applicant's facility, there will be thirty-two (32) closed-circuit surveillance cameras, twenty-six (26) motion detectors, nine (9) panic alarms, five (5) hold-up alarms, fourteen (14) door sensors, fifteen (15) biometric locks, and three (3) alarm controlled keypads; that there will be two (2) guards on duty during all hours of operation; that if the City's proposed security ordinance is passed, the Applicant will have one (1) security guard 24/7; that one of the security guards will be stationed inside while the other security guard will be stationed outside; that the outside guard will monitor any activity both at the front and rear of the subject property; that the outside guard will assist any clients leaving the building to their transport; that the Applicant will be notified of any deliveries prior to arrival; that during deliveries, the outside guard will be in the rear to take note of any activity; that once the outside guard has determined everything is clear, he will notify the indoor personnel that everything is clear; that indoor personnel will then approve the delivery; that the vehicle will pull into the alley port, the door will close, and the delivery will be made; and

WHEREAS, in response to further questions by the Board, Mr. Vita further testified that the Applicant expects roughly two (2) to three (3) deliveries per week; that these deliveries will typically occur after the Applicant's hours of operation; and

WHEREAS, Mr. Peterson then testified that the guards will both have radios and have communications with each other and other personnel in the building; that both guards will have panic buttons that go to OEMC; that both guards will carry pepper spray; and



WHEREAS, in response to further questions by the Board, Mr. Peterson further testified that the Applicant will use biometric locks on all of its doors; that biometric means fingerprint; that only specific personnel will have access to the biometric locks; that the waiting area is going to be run like a mantrap; that the outside security guard will be trained to assist anyone needing assistance to get into the facility; and

WHEREAS, in response to further questions by the Board, Mr. Vita testified that the stairs indicated on the site plan lead to the second floor of the building; that the second floor used to be for mixed-use; that should the Applicant receive its special use the second floor would be a secured area; that the door in the floor plan that goes outside leads to the alley; that the door is secured; that the door would have a fixed lock as well as a push bar for fire code purposes; that the door is fire-rated; that ordinarily the door is biometrically locked but if there is a fire, one could push the fire bar; that an alarm will sound when the fire bar is pushed; that the general manager and the head of security will have the key to disarm the alarm; that the Applicant's general manager will be the agent-in-charge for purposes of the Act; that the agent-in-charge for this facility would either be himself or a colleague; that there will always be an on-duty general manager, a head of security, the second security personnel, the head of sales, the sales team, and receptionist on duty during operations; that everyone will report to the on-duty general manager; that the on-duty general manager will report to the board of directors and CEO; that the Applicant has not yet identified a CEO for the facility; that the CEO will be Mr. Vita until a second member has been hired; that the CEO will be the main person on site; that although the Applicant stated in its application it will be open from 6:00 AM – 9:00 PM, the Applicant anticipates having much more limited hours; that different people will have different authorities in regards to the biometric locks on the doors; and

WHEREAS, the Board stated that the Applicant had not provided adequate ownership disclosures; and

WHEREAS, Mr. Griffin, the Applicant's co-counsel, stated that the Board would have adequate disclosure before the Board deliberated; and

WHEREAS, Mr. Terrence O'Brien testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that in his professional opinion, the proposed special use will not have any adverse effect on the surrounding properties; that the majority of the land uses along Milwaukee Avenue are business and commercial in nature, including restaurants, and offices; that there is also a CVS pharmacy just to the north of the subject property; that there is also a banking facility; that the Alderman's office is directly to the south of the subject property; that this block currently has six (6) vacant storefronts not counting the subject property; and

WHEREAS, in response to further questions by the Board, Mr. O'Brien further testified that to the west of the subject property is an alley and to the west of that there are rear yards and garages of residential properties; that there is also a Congregational Church just to the southwest of the subject property; that therefore there is not just residential use but also institutional or religious use; and

WHEREAS, Mr. O'Brien then testified that the proposed special use satisfies the criteria for special uses under this Zoning Ordinance; that there is a need for these types of facilities as evidenced by the Applicant's market study; that the recent legislation passed by the state also shows there is a need for this type of facility; and

WHEREAS, Mr. Frank Sueth testified in support of the application; that he is a board member of the Jefferson Park Chamber of Commerce; that he is also a board member of the Jefferson Memorial Park Advisory Council; that he believes he is a resident within 200 feet of the proposed special use; that every neighbor he has spoken to is in support of the project; that he and his fellow neighbors believe the proposed special use is a benefit to the community; that the Reverend Gayle of the Congregational Church is in support of the application; that he recommends approval of the Applicant's application; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; that he had questions regarding the application; that he wished to know how many of the owners of the Applicant were black; that he wished to know what percentage of Ward 45 was black; that he will always advocate for people of color; that he wishes to know what percentage of the Applicant's workers will be people of color; and

WHEREAS, in response to Mr. Blakemore's questions, Ms. Dee Robinson testified that she is the Applicant's co-chair; that she will remain as co-chair; that there is therefore diversity within the context of the Applicant's leadership team; and

WHEREAS, in response to Mr. Blakemore's questions, Mr. Vita further testified that the Applicant sources its workers from a variety of mechanisms, including recruiting referrals and print media; that the Applicant hopes to have as diverse a workforce as the community the Applicant will serve; and

WHEREAS, Mr. Michael Abbott testified on behalf of the Applicant; that he believed sixty-five percent (65%) of the Applicant's employees in its D.C. dispensary are African American; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Barrett Design Studio and dated September 22, 2014; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings

with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by recent legislation passed by the State of Illinois and will have no adverse impact on the surrounding neighborhood as the use is commercial and the majority of the land uses along Milwaukee Avenue are business and commercial in nature;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be utilizing an already existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because this portion of Milwaukee Avenue has other similar business and commercial uses;
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Illinois ABJ Dispensaries, LLC**  
APPLICANT

**401-14-S**  
CALENDAR NUMBER

**2723 N. Elston Avenue**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Rolando R. Acosta**  
APPEARANCE FOR APPLICANT

**Megan Doerr & George Blakemore**  
OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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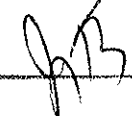
**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Rolando Acosta, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is improved with a commercial shopping center; that the Applicant would be one of the multiple tenants, between a HomeGoods and a mattress store; and

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

WHEREAS, Mr. Jeff Basler testified on behalf of the Applicant; that he is the CEO of the Applicant and agent-in-charge of the proposed facility; that he has thirty (30) years of corporate business experience, most recently fifteen (15) years as vice-president / general manager of regional business for Comcast; that the Applicant has spent the past year traveling the country and taking a look at all corners of the cannabis industry, including both cultivation and dispensary; that Sarah Reedy will run the Applicant's dispensary operations; that she could not attend the hearing; that she has spent four (4) years successfully managing a top ranked Colorado dispensary called The Farm; that her experience with tracking software, management, security protocols, regulation, compliance, and patient relations; that Sarah will report to him at the end of the day; that the buck stops with him in terms of all questions, concerns, and considerations relative to the dispensary; that the Applicant proposes to lease the subject property for its facility; that he will oversee the design and operation of the facility to ensure it complies with all applicable laws and regulations, including this Zoning Ordinance; that there are no schools or daycares within 1000 feet of the proposed facility; that there is no residential owned property near the subject property; that the Applicant anticipates thirty (30) customers per day; that there is sufficient customer demand for the proposed facility; that the Applicant's facility will be open: Monday – Friday, 10:00 AM – 6:00 PM; Saturday-Sunday, 12:00 PM – 7:00 PM; that the Applicant will have a separate entrance from the other tenants on the subject property; that the Applicant will have security designed for the facility that includes cameras and alarms, as well as panic buttons and motion detectors; that the Applicant will have two (2) security guards provided by Titan; that said guards will be on the premises at all times of the facility's operation; that said guards will also be on the premises one hour pre-operation and one hour post-operation; that if required by the City Council of Chicago, the Applicant will provide a security guard on the premises 24/7; that the Applicant will video record all areas except washrooms; that these recordings will be retained for a minimum of ninety (90) days and available to all law enforcement agencies as well as the state; that in terms of patient access to the facility, the Applicant has divided the facility into three (3) levels of security; that Level One is entrance to the facility; that Level Two is a limited access area where dispensing occurs; that Level Three is a restricted area for storage, cash, and product; that only the appropriate personnel employed by the Applicant will be able to access Level Three; that in order to gain Level One access, a patient will have to identify himself to an integrated camera intercom system at the front before gaining access to the facility; that a patient will be further verified before proceeding into Level Two; and

WHEREAS, in response to questions by the Board, Mr. Basler further testified that a patient would first be verified by showing his or her medical cannabis card through the camera intercom system at the front entrance; that once said patient has entered the facility, the patient will then again be verified by the security receptionist; that if someone hides a card or presents a damaged card to the camera intercom system, the fact that there will be two security guards will allow the receptionist to make sure security is in place when the door is opened; and

WHEREAS, Mr. Basler then testified that dispensary personnel will have color-coded identification cards that will identify the level of access allowed to said personnel; that

only managers or senior personnel will have access to Level Three; that the Applicant will keep logs of all records as required; that the Applicant will keep patient records for five (5) years and make said records generally available to the state; that there will never be more than four (4) patients inside the Level Two limited access area; that no more than six (6) people will be in the waiting area at any given time; that the Applicant's security cameras will record twenty-four (24) hours even when the Applicant is not operating; that this includes the cameras outside the Applicant's front and rear entrances; that the recordings from these cameras will be made available to the state as well as law enforcement personnel; and

WHEREAS, in response to questions by the Board, Mr. Kevin Velene testified on behalf of the Applicant; that he is from Lamarco Systems; that for restricted access, there will be a keypad reader on each door with a key code that will be personalized to each individual user; that the doors will also have a fob or card for access as well; that there are therefore multiple ways to access restricted doors; that this system is in place for Level Two and Level Three access; that the Applicant anticipates receiving product two (2) to three (3) times per week at random delivery times as scheduled with the cultivation center; that there is a door at the rear of the facility that will be used for delivery; that the Applicant will be pre-notified approximately fifteen (15) minutes before delivery that the delivery vehicle is to arrive; that when the delivery vehicle arrives, there will be video verification; that at the start of every week, the Applicant will have a staff meeting and discuss the scheduled delivery plan for the week; that the security guard will be at the rear entrance for receipt of the product; that the product will then be brought in; that the Applicant is well aware that – with traffic – fifteen (15) minutes could turn into thirty (30) minutes; that the Applicant anticipates delivery of product during normal business hours; that it is the Applicant's preference as a customer to receive product from the wholesaler during normal, working hours; and

WHEREAS, Mr. Acosta stated that the Applicant does not have a set time for product delivery because that obviously creates security concerns; that therefore the delivery times will be randomized; that if the Applicant discovers that a particular time is problematic for traffic reasons, the Applicant will make note of it so that such a delivery time is not used again; and

WHEREAS, Mr. Basler further testified that with the Applicant's electronic tracking system, the Applicant can track the product from receipt to point of sale; that the Applicant can also track the movement of product from the vault into the dispensary area; that the Applicant will ensure this product movement is reconciled each morning and then again at day's end; that the Applicant will record internal processes and protocols relative to the movement of cannabis; that there will be a procedure for receiving, storing, and removing of cash; that the Applicant will accept both cash as well as debit cards at its facility; that the Applicant has a relationship with Merchant Service Company; that the Applicant will be incenting its patients to transact with cash; that in Colorado, it is common to round up if a patient is using a debit card; that therefore if a patient is making a \$75 purchase, it is common to round up to \$100 and give the patient \$25 in cash back;

that, in other words, it is the Applicant's intention to move cash out of the facility naturally; and

WHEREAS, in response to further questions by the Board, Mr. Basler further testified that cash will leave the dispensary through Thillens transportation security services; that the cash will go to a bank; that the Applicant has formally established a banking relationship with a full understanding as to what the relationship will be when the Applicant begins its business; that the Thillens truck is a mobile money processing center and the money collected from the Applicant will be directly deposited into the Applicant's checking account; and

WHEREAS, in response to further questions by the Board, Ms. Basler further testified that the "nonmedical product display" referenced on the site plan refer to accessories that would be needed and used depending upon how a patient chose to consume his or her medication; that the Act allows for such items to be sold at a medical cannabis facility; that the Applicant will also sell candles and other wellness items; and

WHEREAS, Mr. Valene testified that Lamarco Systems is a custom security firm; that he has been in the security industry for twenty (20) years and his specialty is high security applications; that he has done a lot of work with the Chicago Housing Authority and the Chicago Public Schools; that Lamarco Systems secures high-risk locations such as banks, jewelry stores, government installations, and oil refining facilities; that he has overseen the design of the security for the Applicant's facility and all of its security features; that he is also overseeing the proposed method by which product is delivered and inventoried as well as patient or public access procedures; that based on his experience, the level of security for the proposed plan is greater than average; that the level of security is much greater than jewelry stores or banks; that the Applicant's facility is therefore extremely safe; that the Applicant's facility is comparable in terms of security to banks and jewelry stores, as the insurance companies for banks and jewelry stores require that there are at least three levels of security (exterior, perimeter, and interior); that usually when a security system is designed, only two of the three levels is focused upon; that in the Applicant's security, all three levels exist; and

WHEREAS, in response to questions by the Board, Mr. Valene further testified that the rear door is secured with an electronic strike as far as the lock is concerned; that there is a camera in the back; that there is a contact on the door and the door is backed up with a motion detector; that if anyone cuts through the door itself without enabling the door contact the motion detector on the inside would be backed up; that there are two levels of security on that door; that the door will have free egress for fire code; and

WHEREAS, in response to further questions by the Board, Mr. Acosta stated that the Act does not allow customers to sample the product; and

WHEREAS, in response to further questions by the Board, Mr. Basler testified that if a patient was dissatisfied with a product, the Applicant would like to understand said dissatisfaction; that any customer dissatisfaction would be dealt with on a case by case

basis; that a patient is limited to a certain amount of product per fourteen (14) days; that if a patient is dissatisfied and the amount has been reached, the Applicant cannot replace the product; that there is nothing in the Act that addresses the issue; that the Applicant will contemplate the problem on receipt of its licensure; that from a weight standpoint, returned product opens a Pandora's box of issues; that the product was lab-tested when it went out; that upon the return of any product, there would be a question if the product were the same; that the Applicant would be very careful about any chicanery that might be going on; that a patient can smell and look at a one (1) gram sample; that said sample must be disclosed and tracked like any other medical cannabis product; that Sarah Reed is the director of dispensary operations and for all intents and purposes the store manager; that when Sarah is not at the facility, there will be an assistant store manager; that the Applicant will also employ three (3) medical cannabis consultants, all of whom would go through a four (4) week training program; and

WHEREAS, Mr. Peter Poulos testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) will have no adverse impact on the surrounding neighborhood given the location of the special use and the operation of the security protocols for the special use; (2) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the proposed special use will be located in an existing shopping center; (3) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, as this area is commercial area with many large stores and shopping centers, including a Target, and as the proposed special use will operate similarly to the other establishments in the area; (4) and will not impair pedestrian safety or comfort as the special use will not affect the sidewalk at all; (5) will enhance safety as the exterior cameras will record not only the Applicant's front entrance but the front entrances of adjacent tenants; and

WHEREAS, Ms. Megan Doerr, of 2307 Diversey Avenue, testified in opposition to the application; that she lives nearby and frequents all the commercial businesses at the shopping center on the subject property; that traffic congestion is terrible at the shopping center; that during the shopping center's hours of operation, people fight over parking spaces; that there is no security for the shopping center's parking lot; that the parking lot is a madhouse; that she is concerned that the Applicant does not have a lease at the shopping center; that she is concerned that even if there is a lease, the landlord will not approve the security measures discussed by the Applicant; and

WHEREAS, the Board explained to Ms. Doerr that in order for the Applicant to present its application to the Board, the property owner must have consented to the application; and



WHEREAS, in response to Ms. Doerr's concerns, Mr. Acosta stated that the Applicant has secured the consent of its landlord for not only the application but also the necessary submittals to the state under the Act; that the Applicant and the landlord have signed a letter of intent that will be converted into a lease if the Applicant is approved as a medical cannabis dispensary; if the Applicant is not approved by the Board and the state, no business will be leasing the space; and

WHEREAS, in response to questions by the Board, Mr. Acosta further stated that the Applicant and its landlord had a meeting of the minds with consideration in regards to its letter of intent; that the Applicant has a contract to lease that space that is contingent upon this approval; and

WHEREAS, the Board then explained to Ms. Doerr that the Applicant has a contingent lease based on the Applicant receiving the Board's approval and the state's approval for its facility; that if the Applicant does not receive the state's approval, the Applicant will not lease the space; that the Applicant does have a written, formal contract that gives the Applicant the right to come before the Board today and the right to lease the space should the Applicant be approved by the Board and the state; and

WHEREAS, Ms. Doerr further testified that other businesses in the subject shopping center did not have cameras; that other businesses had not been approved to make any changes or add anything substantive like that; that if a lease is entered into, she would feel comfortable that someone looked at all the changes contemplated by the Applicant were actually approved and that security will be put in place; and

WHEREAS, the Board explained to Ms. Doerr that the Applicant's presentation at this hearing is a replica of what the Applicant presented to the state; that the state will consider the same matters presented at this hearing; that the state will make the final determination if the Applicant has the ability to put its plan into place; that all the Board requires to make its determination is the consent of the landlord; that if the state has further requirements to make its determination, the state will delve deeper into the actual leasing of the property and the ability of the Applicant to make the changes to the space as shown on its site plans; and

WHEREAS, Mr. Acosta stated that the landlord of the subject property had seen the Applicant's site plans as well as its security plans and has no issues with said plans; and

WHEREAS, the Board asked Mr. Acosta to address the Applicant's concerns regarding parking congestions at the subject shopping center; and

WHEREAS, Mr. Acosta stated that as previously testified, the Applicant anticipated perhaps thirty (30) customers per day; that the subject property is a retail center; that currently, there is a Hair Cuttery, a nail salon, and a HomeGoods store; that the Applicant could put another use in the shopping center that would generate significantly more traffic than the proposed special use; that the Applicant's proposed special use is generally low intensive when compared to a use such as a Chipotle; and

WHEREAS, Mr. George Blakemore testified in opposition to the application; that he then questioned the State of Illinois and the City of Chicago and their ability to track the sales of medical cannabis; that he is concerned about how the Applicant's workforce diversity; and

WHEREAS, in response to Mr. Blakemore's questions, Mr. Basler testified that there are two (2) or three (3) three reputable tracking pieces of software; that the Applicant is going to evaluate said software very carefully and choose the best piece of software and will use it for patient tracking; that there is a state tax on all sales of medical cannabis; that all sales of medical cannabis will be reported to the state and the state will determine whether or not the Applicant is paying the proper sales tax; that the Applicant intends to have as diverse a workforce as it can on every single level; and

WHEREAS, in response to earlier questions by the Board regarding patient dissatisfaction with the product, Mr. Basler further testified that as this is not a traditional remedy, each individual will feel differently about using the product; that the Applicant could follow up each sale with a phone call to ask how a patient felt after using the product; that the Applicant is going to have a patient reported outcome study on its website; that the Applicant intends to learn as this is a new business; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Susan Fredman Design Group and dated October 22, 2014; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the passage of the Act and will have no adverse impact on the surrounding neighborhood given the location of the special use and the operation of the security protocols for the special use;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be located in an existing shopping center;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because this area is a commercial area with many large stores and

shopping centers, including a Target, and as the proposed special will operate similarly to the other establishments in the area;

5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building and the sidewalk will not be affected.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The build-out of the proposed special use shall be based on the floor plan submitted to the Board and dated as of November 21, 2014 for identification purposes.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Phoenix Farms of Illinois, LLC**  
APPLICANT

**402-14-S**  
CALENDAR NUMBER

**500 W. 18th Street**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Rolando R. Acosta**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the conditions specified in this decision.

Jonathan Swain, Chair
Catherine Budzinski
Sol Flores
Sheila O'Grady
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Rolando Acosta, counsel for the Applicant, explained the underlying basis for the relief sought; that the subject property is currently improved with the Schoenhofen Brewery building; that this is a multi-tenant building; that the Applicant

**APPROVED AS TO SUBSTANCE**

**CHAIRMAN**

is proposing to lease at least 4000 square feet in the building; that the Applicant has prepared a separate floor plan that seals the two doors that were connected between the space intended for the proposed special use and the rest of the building; that these plans were then submitted and accepted by the board; that for clarification purposes, the two sets of doors that went from the space into the general entrance to the building were not necessary per the City's Building Code; that he is unsure as to why the doors were there; that the Applicant has asked its architect to remove said doors from the plan; that now the space is segregated from the rest of the building and has its own separate entrance and exit; that the subject property is in a C3-3 Zoning District; that residential use is not permitted on the subject property; and

WHEREAS, Mr. James Barr testified on behalf of the Applicant; that his career has been exclusively focused on the healthcare industry; that he served in hospital administration for about eight (8) years, including at Vista Health System in Waukegan; that he has over five (5) years' experience in the medical cannabis industry; that he has owned, operated, and consulted in various markets, including Michigan, Colorado, Canada and now Illinois; that he owned medical cannabis facilities in Colorado and Michigan; that he was a cofounder of Good Meds Network in Denver but is no longer an owner of it; that the Applicant's design and operation of the proposed space would conform to all applicable laws and regulations, including City of Chicago ordinances; that there are no schools or daycare centers within 1000 feet of the subject property; that there is no residential use at the subject property; that the Applicant anticipates approximately twenty (20) to forty (40) customers per day during the Applicant's first six (6) months of business; that these numbers are based on the Applicant's review of patient population in the state but could vary depending upon customer demand for the Applicant's facility; that the proposed facility is to be open 10:00 AM – 7:00 PM, Monday – Sunday; that there is a separate entrance from the parking lot to the Applicant's space in the building; that this entrance is on the north wall of the building; that the entrance for all other tenants in the building is on the south wall of the building; that therefore these entrances are totally separate; that the Applicant plans to have three (3) security guards during business hours: one (1) security guard will be in the parking lot; one (1) guard in the lobby; and one (1) guard in the medicine room, which is where the product will be dispensed; that there would also be one (1) security guard 24/7 for after business hours; that there are also cameras, alarms, and other devices to provide enhanced security; that the Applicant will have an exterior recording system; that all recordings will be preserved for ninety (90) days and made available to the appropriate law enforcement as well as the state; that in terms of patient access, the Applicant, like other dispensary facilities, has three (3) levels of access: (1) entry level access; (2) a limited access area which is the dispensary operation; and (3) restricted area which is where the product is stored; and

WHEREAS, in response to questions by the Board regarding the Applicant's floor plans, Mr. Barr further testified that to get product from the product storage vault into the medicine room where the product will be dispensed, staff will have to bring the product through the lobby; and

WHEREAS, Mr. Acosta stated that if the Board wished, the Applicant could add a door so there is a corridor that leads from the product storage area directly into the medicine room; and

WHEREAS, in response to further questions by the Board regarding the Applicant's floor plans, Mr. Barr testified that with regards to the counter in the medicine room, staff would be serving patients from the back of the counter; that therefore, the Applicant could put a door straight off the product storage vault so that staff could walk straight to the counter; and

WHEREAS, the Board stated that if the Applicant's proposed special use was approved, such a door would be a condition of the Board's approval; and

WHEREAS, Mr. Acosta stated that the acceptance of such a condition had been acknowledged by Mr. Barr and would be acknowledged by the Applicant's security consultant; and

WHEREAS, in response to further questions by the Board, Mr. Barr testified that for level one access, the front lobby door will be secured with an electronic key stripe; that said door will be staffed with a security guard; that the security guard will review photo identification cards; that the front lobby is responsible for keeping daily logs of any visitors to the lobby, including all patients and employees of the Applicant; that for level two, employees will be able to access level two with proximity badges; that after patients had been registered at the bulletproof glass reception desk, they will remain in the lobby until an employee is available to serve them in the medicine room; that at said time, patients will be buzzed into level two; that there are no public restrooms offered at the Applicant's facility; that restrooms will be strictly for staff; that the ratio of staff to patient in the medicine room will be one to one (1:1); that the Applicant's cameras will record the exterior of the space as well as the interior; that the Applicant will have an electronic inventory systems that tracks the product from receipt to sale; that as the Applicant's loading dock is at the front of the building, the product will have to come through the Applicant's lobby; that therefore, the Applicant will not be receiving product during business hours; that under the Act, the cultivation centers have to provide to the state 24-hour advance notice before product delivery is authorized; that the Applicant is therefore going to be ordering product two (2) to three (3) days in advance; that the Applicant would prefer to receive product during the morning, daylight hours, if the cultivation center is able to do so; that nevertheless, the Applicant will not be receiving product during business hours; that Applicant expects between two (2) and three (3) deliveries of product per week; that the Applicant will refuse delivery of product during business hours; that the Applicant does not know if it will keep a higher amount of inventory on hand to counter a possible delivery refusal; that the Applicant is aware it cannot run out of product; and

WHEREAS, Mr. Barr further testified that the Applicant is looking at installing a debit card system so that the Applicant can minimize its amount of cash on premises; that the Applicant has a working relationship with two (2) banks and therefore has a place to

deposit its cash; that the cash will be collected by armored vehicle for delivery to said banks or to be electronically processed inside the armored car; that he is the agent-in-charge for the Applicant; that when he is not on the premises, the general manager will be the agent-in-charge; that the Applicant is part-owner of the facility; that he is the Applicant's director of operations; that the Applicant does not have a CEO; that the Applicant has managing partners; that he will be the principal person managing the facility; and

WHEREAS, Mr. Greg Kubacki testified on behalf of the Applicant; that he has been in the security industry for a little over twenty-three (23) years; that currently he is a vice-president at Convergent Technologies and has been with the company since 2001; that he has provided security for everything from small banks and retail facilities all the way up to top secret defense contractors, oil refineries, and airports; that he has overseen the design and all secure features of the Applicant's facility; that all security features in the Applicant's facility are extremely high end; and

WHEREAS, in response to questions by the Board, Mr. Kubacki further testified that the Applicant's lobby is not a man-trap; that with the new door the Applicant will put in, the Applicant's lobby can be configured as a man-trap for access to the back, secured areas; that currently, the lobby's entrance door and the door to the security area are configured in such a way that both doors could be opened at the same time; that, however, as the Applicant is agreeing to put in a second door, the door that leads to the medicine room and the door that leads into the Applicant's facility should not open at the same time; that when one door is open, the other door is sealed; and

WHEREAS, Mr. Acosta stated that the Applicant could configure any door not to open simultaneously if the Board wished; that the Applicant has a computerized system that can program a door to remain shut while another door is open; that this effectively creates a man-trap; and

WHEREAS, Mr. Michael Daniels testified on behalf of the Applicant; that he is a partner of the Applicant and is inventory manager under Mr. Barr; and

WHEREAS, Mr. Acosta stated that Mr. Daniels would be one of the agents-in-charge; and

WHEREAS, Mr. Matthew Romano testified on behalf of the Applicant; that he is the Applicant's chief financial officer; and

WHEREAS, Mr. Peter Poulos testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) will have no detrimental impact or significant

adverse effect on the neighborhood or community; (2) is compatible with building scale and site planning within the area as it will be located in an existing building; (3) is compatible in terms of operating characteristics similar to other commercial uses in the area; and (4) is not detrimental to the safety of the area; and

WHEREAS, in response to questions by the Board, Mr. Poulos further testified that there is very little residential use in the area; that most of the use in the area is industrial; that there is a little bit of residential use west of the subject property; and

WHEREAS, in response to further questions by the Board, Mr. Acosta stated that the Applicant did not meet with any residents of the area as there is no residential use adjacent to the subject property; that there are only commercial properties; that the property next west of the subject property is an office building; that there is an industrial building next north of the subject property; that the Applicant did not hear any concerns from the residents that lived across the street to the west; that a third guard will be posted outside to provide security in the parking lot; that the Applicant will provide patients escort to their cars, if they so wish; that as the Applicant's entrance is elevated and as there are cameras on the perimeter, the security guard has a view of the parking lot; and

WHEREAS, in response to further questions by the Board, Mr. Barr testified that the parking lot will be well-lit and will have exterior cameras running day and night; that one of the purposes of the security staff is to escort patients to the parking lot; and

WHEREAS, in response to further questions by the Board, Mr. Kubacki testified that there are windows at the Applicant's facility; that the Applicant has installed motion detectors and a glass break sensor; and

WHEREAS, in response to further questions by the Board, Mr. Acosta stated that the Applicant would be willing to put bars on said windows; that the building is a landmark building, so the bars would have to be on the inside; that the windows are at least five (5) feet above grade; that the windows are probably six (6) or seven (7) feet above grade; that the windows are not operational; that it would be quite easy to install a cage behind said windows; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Fujikawa Johnson Gobel Architects and dated November 6, 2014; and

WHEREAS, the staff of the Department of Planning and Development further recommended its approval subject to the conditions that: (1) all interior doors which provide access to other portions of the building be removed and wall-sealed to the extent said doors are not required for life-saving purposes; and (2) the proposed special use has a dedicated entrance separate and apart from that which may be available to other tenants in the existing building on the subject property; now, therefore,



THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no adverse impact on the surrounding neighborhood as evidenced by Mr. Poulos' expert testimony;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be located in an existing building;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because this use is commercial and will be therefore be similar to the other commercial uses of the area;
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building;

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The lobby of the Applicant's facility shall be altered so that it becomes what is commonly known as a man-trap;
2. There shall be a direct connection between the product storage area and the dispensary service area; and
3. The special use shall have a secure entrance that is separate from the entrances for the uses of the rest of the building.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Chicago Alternative Health Center, LLC**  
APPLICANT

**405-14-S**  
CALENDAR NUMBER

**5648 S. Archer Avenue**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Theodore & Alexa Tetzlaff**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved.

Jonathan Swain, Chair  
Catherine Budzinski  
Sol Flores  
Sheila O'Grady  
Sam Toia

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**


WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Theodore and Ms. Alexa Tetzlaff, counsel for the Applicant, explained the underlying basis for the relief sought; and

WHEREAS, Mr. Neal McQueeney testified on behalf of the Applicant; that he is the Applicant's general counsel; that the Applicant has an option to purchase the subject

APPROVED AS TO SUBSTANCE

  
CHAIRMAN

property if the Applicant is licensed by the Illinois Department of Professional and Financial Responsibility (“IDPR”) as a medical cannabis dispensary; that the Applicant’s proposed hours of operation are: 10:00 AM – 7:00 PM, Monday – Saturday; 12:00 PM – 5:00 PM, Sunday; that signage for the proposed facility will signify the Applicant’s name and address; that cannabis-infused products or cannabis paraphernalia will not be visible to the public outside the Applicant’s facility; that based on the Applicant’s research, the Applicant anticipates serving twenty (20) to thirty (30) patients per day; that patients will enter the Applicant’s facility from the front door located at 5648 South Archer Avenue; that patients will then be met at the front door by a security guard who will confirm that said patients have licensed medical cannabis cards; that if the patient passes the first security doorway, the patient will register with the Applicant’s receptionist; that the receptionist will confirm that the patient’s medical cannabis card is lawful; that the receptionist will also confirm that patient is in compliance with state requirements with regards to product amount; that the patient will then wait in the initial patient waiting lounge until a product specialist is available in the secure product transaction area; that the Applicant will have a one-to-one (1:1) patient to product specialist in the secure product transaction area; that if the Applicant experiences an issue of patient overflow, the Applicant intends to see patients only at a preordained time; that the Applicant has a parking facility for its patients; that said parking facility is located at the corner of South Archer Avenue and South Laramie Avenue; that the ingress and egress to said parking facility is on South Laramie Avenue; that the parking facility holds eighteen (18) parking spaces, including handicapped spaces; that as requested by patients, the Applicant will have escorts available; that the Applicant will have two (2) security guards on-site during hours of operation and two (2) security guards 24/7; that the Applicant has a banking relationship for operational accounts with an Illinois bank; that the Applicant anticipates handling cash transactions at its facility; that the Applicant has designed its facility so that cash transactions occur in the level two area of the facility; that similar to a bank teller window, a patient will order product and the product will be put through the window for the patient to complete the transaction; that the Applicant anticipates a \$3000 limit before cash will be dropped into a drop box and then transferred to the secured vault; and

WHEREAS, in response to questions by the Board, Mr. McQueeney further testified that he believed eighty percent (80%) of the Applicant’s transactions would be cash; that although the Applicant has a bank that has agreed to take its money, the Applicant does not yet have a bank that has agreed to provide the Applicant a platform for credit and debit cards; and

WHEREAS, Mr. McQueeney then testified that the Applicant has designated its agent-in-charge, Mary McCarthy, a licensed practicing pharmacist, to oversee product delivery at the Applicant’s facility; that the on-site security guard will assist with those transactions; that product will be delivered through the secure selling port as shown on the Applicant’s site plans; that the cultivation center will give the applicant ten (10) to fifteen (15) minutes’ notice prior to delivery; that the delivery vehicle will be allowed to pull in once its determined it is safe; that a door will close behind the delivery vehicle and the security guard will meet the delivery vehicle; that deliveries will be conducted outside

of view of the public; that the Applicant anticipates two (2) or three (3) deliveries per week; that the Applicant has retained the services of an Illinois licensed security professional; that the Applicant had retained Larry Mulcrone, a security expert formally with the Illinois state police, to work with the Applicant on security staffing needs; that additionally, Steve Baskis, a former chief of police, is part of the Applicant's ownership team; and

WHEREAS, in response to questions by the Board regarding the Applicant's site plan, Mr. McQueeney further testified that when product is delivered, it will go in the vault; that for product to get in the vault, product must be brought through the workroom; that the workroom is not accessed via the patient lounge; that once the product is in the workroom, it is sorted and kept until a patient picks that product; that upon receiving an order, the product will be put through the bank teller window, which is behind the steel-access door as shown on the plans; that there will be no cash or product transfer in the lounge shown on the plans; that all product will have to come through the vault into the workroom and then come through the bank teller window; that therefore, no product will be coming through the center door shown on the plans; and

WHEREAS, in response to further questions by the Board, Mr. McQueeney further testified that the Applicant will educate its patients that product consumption is not allowed on the premises; that under the Act, a patient will lose his or her license if he or she consumes product on the premises; that as there is only one patient per product specialist, a relationship will develop so that the Applicant's product specialist can educate the patient regarding long-term management of and compliance with the patient's medical cannabis card; and

WHEREAS, in response to further questions by the Board, Ms. Mary McCarthy testified on behalf of the Applicant; that she is a licensed pharmacist; that she is the agent-in-charge of the Applicant's facility;

WHEREAS, Mr. McQueeney then testified that the Applicant's CEO is Steve Turk; that Mr. Turk will not be present on-site everyday but will be on-site for a number of days; that Mr. Turk will direct all business decisions made for the facility; that Ms. McCarthy is the Applicant's agent-in-charge; that she is charge of all the day-to-day operations of the Applicant's facility, such as hiring, firing, and training; that the "buck stops" with her in regards to day-to-day operations at the facility; that he is the Applicant's general counsel and chief of regulatory compliance to ensure that all City and state regulations are addressed; that when Ms. McCarthy is not on-site, Mr. Turk will be agent-in-charge; that Mr. McQueeney will be on-site as well; that the Applicant's protocol requires two (2) members of the Applicant to be present at all times during the Applicant's operations; that the Applicant has ten (10) members; that all members will provide expertise in various areas; and

WHEREAS, Mr. Larry Mulcrone testified on behalf of the Applicant; that he is the Applicant's security advisor; that he has forty-two (42) years' background in security, starting as a military police officer; that he retired as a lieutenant colonel from the state

police; that in 2000, he was hired as senior director of security and safety for McCormick Place; that he retired from that position in 2009 and has done security consulting since then; that he participated in preparing the security plan for the Applicant that was submitted to the state; that the Applicant has a very robust security process; that a person entering the Applicant's facility will be greeted at the front door by a security officer; that said security officer will ensure that the said person is qualified to enter the premises; that when said person is cleared to enter the premises, he or she will be escorted; that at no time will said person be alone; that after a person gains entrance into the facility, the receptionist will take the person's medical cannabis card to verify that the person is legally authorized to obtain medical cannabis; that the person will then be greeted by one of the Applicant's staff and escorted to the lounge area; that at this time, the staff member and the person will discuss the person's medical needs to determine what the person will order; that the person will then sit until the order is delivered; that in regards to moving product or currency from the vault to the workroom, the area is highly secured; that there are a number of cameras, motion detectors, and panic alarms throughout the entire complex; that the restricted access area is only for employees; that the product will be transported from the vault to the workroom; that the workroom is like a currency exchange or bank teller window where the product will be delivered to a person; that the money will be transferred to the staff; that the person would then be escorted to the facility's exit which is a different location than the entrance; that the Applicant wants to ensure that those coming into the facility are not meeting with those exiting the facility; that the Applicant will use a combination of proximity cards and codes in regards to doors to the secured area; that proximity cards and codes would also be used from the entry to the reception as well as the lounge area; and

WHEREAS, Mr. Mulcrone further testified that the cultivation center responsible for delivering the product to the Applicant's facility will have two (2) or three (3) armed security officers accompanying the delivery vehicle; that the dispensary is not going to know at what time the delivery is going to occur; that according to the Applicant's protocol, the delivery vehicle will contact the Applicant ten (10) minutes prior to arrival; that the Applicant's armed guard will meet with the delivery vehicle; that the delivery vehicle will be put into an enclosed cell port; that once the delivery vehicle is secured, one of the cultivation center's armed security guards will remove the product from the delivery vehicle; that if there is an exchange of cash, this will happen as well; that all transactions will be monitored by camera; that at this point, the cultivation center is still responsible for the product; that once the Applicant's agent-in-charge has signed off on the product, the Applicant takes possession of the product; that the Applicant's security guard will walk with the agent-in-charge through two (2) mantrap doors; that a mantrap is when one door closes, the next door cannot open up until a person reaches said next door; that after going through both mantrap doors, the product will move directly into the vault area; that this is a highly secured area; that in addition, the Applicant will have routine and unannounced security inspections; that therefore, throughout the entire process, there will be an extra layer of security management; and

WHEREAS, in response to questions by the Board, Mr. Mulcrone testified that if power goes out at the Applicant's facility, the Applicant has significant backup built into

its system; that in addition, there is always a human security presence at the Applicant's facility; and

WHEREAS, Mr. Tetzlaff stated that the backup generator for the Applicant's facility is powered by natural gas; that this is included in the information submitted to the Board; and

WHEREAS, in response to further questions by the Board, Mr. Mulcrone further testified that there was no rooftop access at the Applicant's facility; that the parking lot will have cameras and increased lighting; that there are also four (4) handicapped spots along Archer Avenue; that regular patients at the Applicant's facility will call for an appointment; that when calling for an appointment, a patient can request escort; that additionally, once a patient is in the Applicant's parking lot, a patient can contact the Applicant, and the Applicant can provide escort via the security guard; and

WHEREAS, Mr. Sam Salvi testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then testified that the proposed special use is compatible with the surrounding uses in terms of access, exposure and frontage around the commercial traffic; that street parking is available on either side of Archer Avenue; that the Applicant has the added benefit of the accessory parking lot; that within the limited knowledge that appraisers have of the new proposed special use, said use will be compatible; and

WHEREAS, in response to questions by the Board, Mr. Salvi further testified that there is commercial mixed use along the arterial streets of the surrounding area; that there are residential uses along the side streets that proceed north, south, east and west from the arterial streets; that this is not atypical of any commercial use in the City; that most of the residential uses are lower density, such as single-family or two-unit uses; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by TRIA Architecture and dated September 12, 2014;

WHEREAS, the staff of the Department of Planning and Development further recommended approval of the proposed medical cannabis dispensary provided that access from the vault to the service desk be via a direct path and that said direct path does not have access from any of the building's corridors, rooms, or other spaces; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings

with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the passage of the Act and will have no adverse impact on the surrounding neighborhood;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the proposed special use is a commercial use and this portion of Archer Avenue is commercial mixed-use;
4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because Archer Avenue is an arterial street with similar (e.g., commercial) uses. Further, any residential use in the area is on the side streets as is typical in City development;
5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will have well-lit, off-street parking with security cameras.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Custom Strains, LLC**  
APPLICANT

**407-14-S**  
CALENDAR NUMBER

**12233 S. Avenue O**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Jim Banks**  
APPEARANCE FOR APPLICANT

**NO OBJECTORS**

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis cultivation center.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the condition specified in this decision.

Jonathan Swain, Chair  
Catherine Budzinski  
Sol Flores  
Sheila O'Grady  
Sam Toia (recused)

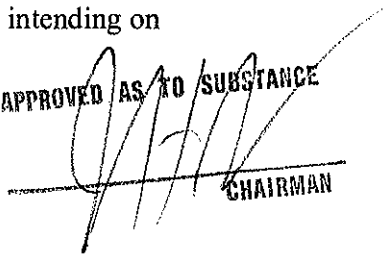
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**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis cultivation center at this particular location; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained the underlying basis for the relief sought; that the Applicant owned the subject property, which consisted of approximately eight (8) acres; that the subject property is currently improved with two (2) vacant buildings; that the rest of the subject property is vacant land; that the subject property has been unused for the past eight (8) years; that the Applicant is intending on

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razing one of the existing structures and replacing it with a new 32,000 square foot medical cannabis cultivation facility; that the remaining 13,000 square foot building will be connected to the new cultivation facility; that said remaining building will function as a production and packaging facility; and

WHEREAS, the Board then adopted Mr. Perry Mander's prior testimony regarding his background and history from the hearing for calendar number 406-14-S; that the Board then requested Mr. Banks speak to the Mr. Mander's interest in medical cannabis cultivation at the subject property; and

WHEREAS, Mr. Mander testified on behalf of the Applicant; that he is the Applicant's owner and managing member; that this will be his first attempt in the cultivation of medical cannabis; that as the medical cannabis market has grown in other states, he believes the same will be true in Illinois; that he is seeking to enter the market with his own cultivation center; that the subject property is centrally located near major highways, namely I-90, I-94, and I-57; that he believes the proposed cultivation center can serve the licensed dispensaries throughout the state; that the subject property is located in an industrial area and therefore will have no negative impact on residential properties or uses; that the 32,000 square foot cultivation facility will be a completely enclosed, environmentally controlled space that will allow the Applicant to grow medical cannabis on a year round basis; that the Applicant anticipates between six (6) and seven (7) grow cycles per year; that when at maximum capacity, the Applicant anticipates producing approximately 4500 pounds of dry, useable plant product per year; that from an operation standpoint, the cultivation facility will be a variable capacity constant harvester; that this means plants are being grown, maintained, picked, trimmed and harvested on an ongoing basis; that the cultivation facility is designed to operate twenty-four (24) hours a day, 365 days per year; that the actual plants will be tended by a team of between fifteen (15) and twenty (20) individuals; that these individuals will work in shifts throughout the year and will physically oversee the cannabis cultivation; that this will include keeping the plants exposed to the appropriate amount of light, air, and hydration; that the Applicant will be using very sophisticated equipment that will create a controlled environment that will allow for optimal growth; that this is a sterile environment within which temperature, humidity, oxygen, and carbon dioxide are all closely controlled and monitored; that when the plants are harvested, they parts intended for human consumption are cured and dried on site; that then the cured and dried cannabis is routed to the Applicant's production facility; that this is the 13,000 square foot space; that production includes everything from separating the usable cannabis from the waste to developing and packaging various cannabis-infused products, such as oils, topicals, and edibles; that the Applicant will employ eight (8) to ten (10) individuals to handle the production part of the business; that after the Applicant's product is packaged, the Applicant will store the product on on-site in a security vault; that the Applicant intends to deliver its product to licensed dispensaries throughout the state; and

WHEREAS, Mr. Mander further testified that the Applicant already has two (2) delivery trucks that meet the Act's standards; that both trucks will be operated by at least two (2) people; that one person will be an employee of the Applicant and the other will

be a security person; that the Applicant intends to establish a garden on the remaining acreage of the subject property; that that Applicant also intends to locate several greenhouses on-site which will be used to grow organic fruits and vegetables on a seasonal basis; that the Applicant intends to sell these products to grocery stores; that this business will be completely separate from the cannabis cultivation center; that such a garden will benefit the immediate neighborhood; that he intends to be the chief executive officer of the Applicant and in that capacity he has assembled the very best team of professionals, employees, experts, and consultants; that he will not be on-site at the cultivation center each day but will play an active role; that he is prepared to invest up to \$10 million in the cultivation center; that therefore, he is making a substantial investment in the cultivation center; that the Applicant has the full support of Alderman Pope; and

WHEREAS, in response to questions by the Board, Mr. Mander testified that he believed the delivery trucks were unmarked; and

WHEREAS, Mr. Brett Roper testified on behalf of the Applicant; that he is the licensing service director and chief operating officer of Medicine Man Technologies, Inc.; that this is the operational systems subsidiary of Medicine Man Productions; that Medicine Man Productions is one of the largest dispensaries operating in the state of Colorado; that Medicine Man Technologies, Inc. will be engaged long-term with the Applicant in regards to assisting the Applicant in establishing the Applicant's cultivation center; and

WHEREAS, in response to questions by the Board in regards to the site plan of the Applicant's facility, Mr. Roper further testified that product comes from the flower base to the production area; that in the production area, the flower will be rendered to the elements of oil; that said oil will then be used in ingestibles; that packing operations involve both production items (such as ingestibles) or flower items; that once everything is packaged, it will go into the vault for staging; that for some of the flower, the flower will go straight into the vault which; that the packaging of product is happening around the men and women's locker room because the idea of the site plan was for the production center and the cultivation center to share facilities; that there is separation between the cultivation area, the vault, and the production kitchen; and

WHEREAS, Mr. William Vasilopolous testified on behalf of the Applicant; that he is an agriculturist and has approximately six (6) years' experience growing cannabis plants; that he also has six (6) years' experience working for a landscaping and nursery company; that he has experience with various growing techniques, such as hydroponics and aquaponics; that if the Applicant's special use is approved, he would be responsible for overseeing the cultivation operation on the subject property; that he would manage and oversee day-to-day growing operations as well as aiding and training cultivation staff; that in this capacity, he will manage the growing and harvesting of the cannabis plants; and

WHEREAS, in response to questions by the Board, Mr. Vasilopolous testified that he was in charge of all operational issues relative to growing, hiring, and inventory control; and

WHEREAS, in response to further questions by the Board in regards to securing the product inventory, Mr. Roper further testified that the Applicant will employ state-of-the-art tracking software called BioTrack; that the plants are tagged and watched from the moment they are created from a cutting to when they are actually harvested; that the plants are watched by cameras; that the plants' growth is carefully watched, due to hand tending, hand watering, and hand feeding; that once the plants are harvested, BioTrack watches every gram of the plant material; that when a plant is harvested, it might have a wet weight of 2500 grams; that once the plant is trimmed, the plant is again measured and put into BioTrack; that different components of the plant are measured separately; that it is expected that the a plant loses a gram of water weight per two (2) to three (3) hours of exposure to air; that if a plant starts at 2500 grams wet, after its first trim, it may be 2492; that stocks and stems trimmed from the plant are not usable and have no commercial value, as they contain no CBD or THC; that the stocks and stems will be ground up, composted, and added back into the soil; that BioTrack also watches the plants through the drying and curing process; that the Applicant will determine that weight is decreasing at the appropriate amount during product drying and curing due to the historical information known about various product strains; that typically, cannabis plants take seven (7) to nine (9) days to dry; that cannabis plants typically lose anywhere from 84% to 87% of their weight due to evaporation during drying; that this is a known metric; that it is very difficult for cultivation workers to pocket any of the plant as all cultivation workers will be in uniforms and booties; that the cultivation workers will also be working in teams of two (2); that obviously, this does not eliminate collusion but the idea is that the two (2) cultivation workers will keep an eye on the other; that the bottom line is that as cultivation workers exit for the day, they will change out of their uniforms; that they will then be thoroughly screened before they walk out of the door; that the uniforms do not have pockets, though they will have clips for pens or loops for various instruments; that BioTrack will alert the Applicant to things that are outside of normal parameters and therefore the Applicant will know pretty quickly if there is any of pilferage or other methods of shrink of cannabis that are nefarious as BioTrack's algorithm will alert the Applicant; and

WHEREAS, in response to further questions by the Board, Mr. Roper further testified that a cultivation employee trims the plant; that a supervisor watches and verifies that weights are correctly taken from the plant; that a secondary individual is employed solely to put the plants' measurements into BioTrack; that this person is not part of the cultivation team; that this person is audited by security and other members of the management team; that cultivation centers have an agent-in-charge; that the Applicant's facility will most likely have multiple agents in charge; and

WHEREAS, Mr. Mander testified that ultimately, the people in charge of overseeing shrink will be the same people overseeing cultivation, production and packing, and security; and

WHEREAS, Mr. Roper then testified that the person overseeing cultivation and the person overseeing production and packing will be jointly responsible; that the security person will be layered over the top of those two people; that this will allow the Applicant's facility to have checks and balances; that the BioTrack system generates a report every day or upon request; that one could request a report at any given moment; that these reports would be given to the general manager, Mr. Mander, and the head of security; that these reports will be generated often and constantly reviewed; that he will be training Mr. Vasilopolous and his team on the BioTrack system; that he and his team will be available for the Applicant throughout the whole process; that what his company is providing to the Applicant is comparable to providing a microsystem to a restaurant; and

WHEREAS, Mr. Robert Gedville testified on behalf of the Applicant; the Board then adopted Mr. Gedville's prior testimony regarding his background and history from the hearing for calendar number 406-14-S; that he will ultimately be responsible for security for the Applicant's facility; that security will independently audit existing product for shrink; that the results of this audit would be directly turned in to the agent-in-charge; that the audit will be in terms of sheer weight; that there will be at least four (4) security guards on-site 24/7; that one (1) guard will be located at the main entrance; that the three (3) others will monitor cultivation and production inside the building; that two (2) guards will be in the security command center monitoring the cameras and alarms; that one (1) guard will be an independent roving officer who responds to issues within the facility; that there will be a day-shift of guards that will be relieved by a team of overnight guards; that under the Act, the Applicant's video system must provide a twenty-four (24) hour view of each individual cannabis plant; that the video system will also provide surveillance for the rest of the facility; that there will be 110 cameras installed at the Applicant's facility; that with regards to the cameras aimed at the cannabis plants, each will be linked to the Illinois Department of Agriculture and the State of Illinois Police; that his corporate offices will be linked as well; that the proposed video surveillance system will keep the Applicant's facility secure; that said system is very similar to security systems he has used at other drug manufacturing facilities; that the security team he will hire will go through an independent background check as well as the State of Illinois background check and the FBI background check; that he is only handling the hiring of security employees; and

WHEREAS, in response to questions by the Board, Mr. Roper stated that the Applicant's production supervisor, who is responsible for all of the ingestibles, will be directly responsible for his hires; that the production supervisor would most likely consult with the agents-in-charge to ensure he is hiring in accordance with Illinois rules as well as federal rules; that the cultivation director will do the same thing in regards to his hires; that the interesting part of the cultivation side is that while there is robust cultivation technology, it is a repetitive and industrialized process; that therefore, this allows people that do not have a lot of experience to be trained and brought on board; that his only restriction in hiring would be if someone failed a background check or if a better

qualified candidate applied for the same position; that under the Act, convicted felons may not be hired at either dispensary or cultivation facilities; and

WHEREAS, Mr. Manderer testified that it is the Applicant's goal to hire people within the community to work at the Applicant's facility; that complete separation will remain between the cultivation portion of the campus and the other portions the Applicant is looking to develop; and

WHEREAS, in response to questions by the Board, Mr. Gedville testified that employees that come to the Applicant's facility must stop at the gatehouse; that at the gatehouse, there will be an independent access card station where an employee will swipe his or her card on a proximity reader while a security guard watches the video monitor; that the guard will verify whether or not the person swiping the card is in fact the employee by an employee photo that comes up through the computer program; that the employee will then enter in a PIN number and use his or her fingerprint to enter the facility; that the gate will then open and the guard will turn off the retractable spikes until the vehicle has proceeded past the gatehouse, at which point the retractable spikes will be raised again to prevent tailgating; that the employee will then report to work; that when the shift changes occur, the roving security guard and the production supervisor will be near the changing area; that they will obviously not watch employees change, but once employees are changed, both the roving security officer and the production supervisor will make sure that all employees have proper safety equipment to enter the facility; that at the end of a shift, employees will place their uniforms in a disposable bin bag; that all employees will then wait for the security team to go through each uniform; that the security team searches each employee's uniform before the employees leave the area where the employee is assigned; that once this search is completed, the security team will give the production manager the go ahead to release the employees; that employees will return to their vehicles and exit the facility the same way they came in; that the employees will still have to use their access card, PIN number, and fingerprint to leave the facility so that the Applicant can track when each employee entered and exited the facility; and

WHEREAS, in response to further questions by the Board, Mr. Gedville testified that the security team would do vehicle searches on the way out; that employees are not allowed to bring personal items onto the production floor; that such a rule is standard in any warehouse or distribution center; that anything an employee brings to the facility with them must be placed in a locker; that said locker will have a clear door or holes so that security can see what is in the locker; that all employees will go through a noninvasive metal detector to ensure no weapons or other contraband are brought to the facility; that on every security shift, one guard is designated shift leader; that this guard is one of the guards stationed in the command center; that when the shift changes, the old shift places its uniforms in disposable bin bags, and the new shift leader checks the uniforms; that there are two (2) biometric locks on each vault so that the security team alone cannot enter the vault; that neither could the distribution managers enter the vault alone; that a distribution manager and a security guard need to both enter their PINS,

swipe their access cards, and provide thumbprints for a vault to open; that such a redundant system keeps everyone honest; and

WHEREAS, Mr. Mike Wolin testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified that the proposed special use: (1) complies with all applicable standards of this Zoning Ordinance; (2) is in the interest of the public convenience and will have no adverse impact on the surrounding neighborhood as the majority of land surrounding the subject property is vacant, industrial land; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the area is industrially zoned and was carefully chosen for its vast abundance of vacant land so that there would be no school within 2500 lineal feet; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, because the proposed use is cultivation and therefore will generate very little noise or traffic; (5) and will promote pedestrian safety and comfort; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis cultivation center provided the development is established consistent with the design, layout and plans prepared by Studio ARQ and dated November 21, 2014; and

WHEREAS, the staff of the Department of Planning and Development further recommended approval of the proposed medical cannabis cultivation center provided the development complied with the City's landscape ordinance; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no adverse impact on the surrounding neighborhood as the majority of land surrounding the subject property is vacant, industrial land;
3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the area is industrially zoned and was carefully chosen for its vast abundance of vacant land so that there would be no school within 2500 lineal feet;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the proposed use is cultivation and therefore will generate very little noise or traffic;
5. The proposed special use is designed to promote pedestrian safety and comfort.

RESOLVED, the Board finds that the Applicant has proved its case by testimony and evidence covering the five specific criteria of Section 17-13-0905-A of the Chicago Zoning Ordinance.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following condition, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. The Applicant must comply with City's landscape ordinance.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS  
CITY OF CHICAGO**

City Hall Room 905  
121 North LaSalle Street  
Chicago, Illinois 60602  
TEL: (312) 744-3888



JAN 05 2015  
CITY OF CHICAGO

**Custom Strains, LLC**  
APPLICANT

**406-14-S**  
CALENDAR NUMBER

**1105 W. Fulton Market**  
PREMISES AFFECTED

**November 21, 2014**  
HEARING DATE

**Jim Banks**  
APPEARANCE FOR APPLICANT

**William Mondri & Others**  
OBJECTORS

**NATURE OF REQUEST**

Application for a special use to establish a medical cannabis dispensary.

**ACTION OF BOARD**

**THE VOTE**

The application for the special use is approved subject to the conditions specified in this decision.

Jonathan Swain, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Budzinski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sol Flores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sheila O'Grady	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sam Toia (recused)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AFFIRMATIVE	NEGATIVE	ABSENT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THE RESOLUTION OF THE BOARD**

WHEREAS, public hearings were held on this application by the Zoning Board of Appeals ("Board") at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107-B of the Chicago Zoning Ordinance ("Zoning Ordinance") and by publication in the *Chicago Sun-Times*; and

WHEREAS, the Board took judicial notice of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et. seq.* (the "Act"); that the Board would like the Applicant to present its case relative to a proposed medical cannabis dispensary at this particular location; and

WHEREAS, Mr. Jim Banks, counsel for the Applicant, explained the underlying basis for the relief sought; and

WHEREAS, Mr. Perry Mandera testified on behalf of the Applicant; that he is the owner and managing member of the Applicant; that the Applicant is leasing the entire

**APPROVED AS TO SUBSTANCE**

**APPROVED AS TO SUBSTANCE**

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first-floor basement of an existing four-story building located at the subject property; that the Applicant is attempting to establish a medical cannabis dispensary at this location; that although this is his first attempt in the medical cannabis business, for the past thirty (30) plus years he has owned and operated close to twenty (20) businesses in and around the Chicago area, including Custom Companies and Cardinal Fitness; that one of his businesses currently holds a liquor license and public place of amusement license in the City of Chicago; that he has never filed for bankruptcy on behalf of himself or any of his businesses; that he has never had a business shut down for economic or legal reasons; that he is involved in many nonprofit, charitable endeavors, such as his network of nonprofits Custom Care Charities; that he also operates the nonprofit Two Soldiers and a Marine; that Two Soldier and a Marine employs veterans; that he himself is a proud veteran; that helping veterans is very important to him which is why he created the Applicant; that the Applicant will provide medical cannabis to patients in a safe, comfortable and compassionate environment; that the Applicant will place specific emphasis on providing high quality, economical products for disabled veterans; that the Applicant intends to offer a ten percent (10%) discount to veterans; that twenty percent (20%) of veterans suffering disability live below the poverty line; that the Applicant chose the subject location because it is located just off of Halsted Street, in the commercial strip of Fulton Market; that therefore, the Applicant's proposed special use will have no impact on residential areas; that the subject property is the perfect location for the Applicant's special use; that the subject property is located in a C1-1 Zoning District; that medical cannabis dispensaries are not permitted uses in a C1-1 Zoning District but the Board has the authority to allow the Applicant to establish its special use on the subject property; that he has actively reached out the neighboring property owners and members of the community; that he has obtained thirty (30) letters of support for the proposed dispensary; that in his capacity as the Applicant's CEO, he has retained a leading medical cannabis consulting firm for licensing, compliance, operations, and logistics for the proposed facility; that 4Front Advisors, said consulting firm, has successfully assisted applicants to set up and operate cannabis dispensaries across the country; that 4Front Advisors utilize a turnkey operating model as well as a successful training program; that based on this model, 4Front Consulting has helped the Applicant model team individuals; that this includes the Applicant's management and security team; that the Applicant has retained Hunter Sutterfield to be agent-in-charge; and

WHEREAS, Mr. Hunter Sutterfield testified on behalf of the Applicant; that he is the agent-in-charge of the proposed medical cannabis dispensary; that should the Applicant be awarded a license by the state, he will move to Illinois; that currently he lives in Arizona; that for the past two (2) years he has been employed as an agent-in-charge by a medical cannabis facility in Tempe, Arizona; that said dispensary was recently named best medical cannabis dispensary by *Phoenix* magazine; that he has previous experience as a proposal manager for an engineering and design firm in Oklahoma; that the Applicant is leasing the first-floor and basement of the existing building on the subject property; that said first-floor contains just under 4000 square feet; that said basement contains about 3000 square feet; that the proposed dispensary operation will be conducted wholly within the first-floor of the existing building; that the basement will contain a dispensary inventory room; that as the agent-in-charge, he will be responsible for

managing the day-to-day financials as well as administrative operations of the Applicant's business; that he will manage the other employees, including the security team and the patient services department; that the Applicant will employ an inventory manager; that said inventory manager will train the dispensing agents; that a dispensing agent is akin to a pharmacy technician; that the Applicant will also employ a full-time patient services manager; that said patient services manager will be responsible for patient check-in and registration as well as consultation; that the patient will also work with the dispensing agent; that pursuant to the Act, the Applicant's employees will undergo substantial training specific to the medical cannabis industry; that the Applicant anticipates hiring: (1) full-time inventory manger; (2) a patient services manager; and (3) two dispensing agents; that these employees will each be on-site during the Applicant's regular business hours; that he will also be present during these times; that the Applicant will also have a full-time security team; that said security team will consist of one (1) security manager and at least four (4) security agents; that said security team will monitor and secure the premises twenty-four (24) hours per day, seven (7) days per week; that as the Applicant's business grows, the Applicant will hire additional staff members; that with regard to the Applicant's actual dispensary, it will function much like a pharmacy; that the dispensary will be operated in accordance with all state and local laws; that only registered patients and caregivers will be able to utilize the Applicant's facility; that the Applicant's intended hours of operation are from 10:00 AM – 8:00 PM; and

WHEREAS, in response to questions by the Board, Mr. Sutterfield further testified that the Applicant's facility will be by-appointment only; that there will be no walk-up; and

WHEREAS, Mr. Sutterfield then testified that the Applicant has designed and designated a schedule to mitigate any impact to the operation of surrounding businesses in the area; that the Applicant is attempting to minimize any early morning traffic congestion as there are still some meatpackers and food distributors in the area; that said meatpackers and food distributors start their day early in the morning; that the Applicant is anticipating scheduling approximately ten (10) to fifteen (15) patient appointments daily; that the Applicant will spread these appointments intermittently between the ten (10) hours the Applicant is open; that this is to ensure that large numbers of patients do not arrive at the Applicant's facility at once; that patients and caregivers will be escorted by the Applicant's security to the Applicant's entrance, if they so desire; that the Applicant anticipates that many of its patients will arrive via automobile; that as the existing building occupies the entire subject property, it is impossible for the Applicant to provide on-site parking; that the Applicant has been able to secure thirty (30) off-site parking spaces in the immediate proximity of the Applicant's facility; that there is also ample street parking; that the Applicant has also contracted with a reputable valet company, Preferred Valet; that the Applicant intends to offer free valet parking to all of its patients; that Preferred Valet has several parking lots located close to the Applicant's facility; that if a patient prefers to use the valet services, a patient will drive up to the front of the Applicant's facility and leave his or her car with the valet attendant; that at this point, the patient will be met by one of the Applicant's security people and escorted

to the entrance of the facility; that this will also be the case if a patient arrives by another mode of transportation such as cab; and

WHEREAS, in response to questions by the Board, Mr. Sutterfield further testified that there will be an outside security guard at all times the Applicant is open; that said outside security guard will check and make sure each person attempting entrance to the Applicant's facility has a valid medical cannabis card; that the Applicant has a valet zone in front of the subject property; that there are two spaces available in this valet zone; that the outside security guard is the Applicant's gatekeeper during the Applicant's hours of operation; and

WHEREAS, Mr. Sutterfield then testified that to obtain entry to the Applicant's facility, an individual will have to present his or her medical cannabis card as well as a valid form of secondary identification to the security guard; that once the security guard has confirmed the individual as a qualified patient or caregiver, the individual will be permitted to enter the facility; that non-qualified patients or caregivers will not be allowed into the Applicant's facility; that once the patient or caregiver enters the main door, he or she will be greeted by the patient services manager; that the patient or caregiver will again present his or her medical cannabis card; that the patient services manager will then enter the individual's information into the Applicant's patient database; that this is to ensure that the patient is registered with the Applicant's facility and has not already obtained the allotted amount of medical cannabis for the two-week period; that if it is determined the patient or caregiver is already "maxed-out" on the allotted amount of cannabis, the individual will be required to leave the Applicant's facility; that the Applicant will be using an industry-specific electronic database to maintain data on all of its patients; that said database is FDA and HIPPA compliant and specifically designed to protect against the sale and/or transfer of medical cannabis; that following this registration with the patient services manager, the patient or caregiver will be allowed access to one of the Applicant's semi-private dispensing areas; that the patient will be met by one of the Applicant's dispensing agents; that the dispensing agent will sit down with each patient to determine each patient's individual requirements and what products will help each patient; that the dispensing agent will be specifically trained to see if the patient is currently under the influence of any controlled substance and to respond accordingly; that the Applicant's dispensing agent will discuss with the patient his or her conditions as well as the symptoms the patient hopes will be treated; that once this is determined, the dispensing agent will work with the patient to figure out strains, dosages, etc. of the medical cannabis; that the Applicant is estimating a typical visit will be between ten (10) to fifteen (15) minutes; that after the dispensing agent has determined the strain and dosage, the dispensing agent will obtain the product from the inventory room; that this will be done in much the same way a pharmacist will fill a prescription; that all of the inventory for the dispensary will be stored within a highly restricted, temperature-controlled room; that this room will be located in the basement of the subject building; that all product will be kept in a steel, fireproof and waterproof safe; that properly trained and authorized staff, the dispensing agent and the agent-in-charge will have access to the inventory area; that the area will be secured from the remainder of the facility by an automatic locking door with electronic access code and will be monitored

24/7 by video surveillance; that no patients, caregivers, or other unauthorized persons will ever be allowed access to the inventory room; that all doors to and in the dispensary, including the inventory area, will require keycards and electronic pass codes to gain access; that the doors will also be equipped with electronic locking mechanisms to deny access to individuals based on facial recognition and thumbprint data; that only authorized employees of the Applicant will have a keycard and the access codes to get in; and

WHEREAS, Mr. Sutterfield further testified that once the dispensing agent has obtained the product from the inventory room, the dispensing agent will deliver the product to the patient; that this delivery will take place in the dispensing area; that the patient will pay for the product at this time; that said payment will be made by cash, credit card, check, etc.; that the Applicant has commitments from at least two (2) accredited financial institutions to take deposits and process payments; that the national average price for a single-patient visit is approximately \$70 which equates to approximately four (4) to five (5) grams of medical cannabis; that based on current trends, that Applicant anticipates that the amount of product dispensed per individual per visit will be around two and one-half (2 1/2) ounces; that this is the maximum amount a qualified patient is permitted to obtain every two (2) weeks; that there is an industry standard for the price the Applicant will sell its product; that the Act requires that all dispensaries keep their price at or near street value; that once payment for the product is processed, the patient will leave the facility through the same door in which he or she entered; that said patient can have the option of being escorted to his or her car; that all deliveries of product will be conducted within the interior of the building; that the Applicant's plan calls for deliveries of product to occur once a week; that these deliveries will occur during the Applicant's off-hours; that the Applicant will work with the community and the Alderman to determine day and times that are least disruptive to the surrounding neighbors; that product delivery will occur by special armored car; that access to the building for deliveries will be via garage door; that the garage door is in the front of the existing building; that the garage door is not at grade level but is instead raised two (2) feet above grade; that in order to drive a delivery truck through the garage door, a set of ramps will be positioned from the building down to the ground; that once the delivery truck is inside the building, the garage door will come down and lock, securing the delivery vehicle within the building; that authorized personnel will then unload the product and transfer it to the inventory room via freight elevator; that said freight elevator is located within the delivery area; that during his time managing the dispensary in Arizona, he neither witnessed nor reported an incident of crime or violence that took place in the facility during delivery operations; that statistics show that crime rates decrease in and around medical cannabis dispensaries; that he believes this decrease in crime is due to the extensive security required for medical cannabis dispensaries; that running the right kind of dispensary and instituting the best security plan is a high priority; that therefore, the Applicant is making a significant commitment to ensure the dispensary is properly run and managed in accordance with all rules, regulations, and statutes; and

WHEREAS, in response to questions by the Board, Mr. Sutterfield testified that he has an employment contract with the Applicant and is not an at-will employee; that the product will have to go through janitorial space to get into the dispensary; and

WHEREAS, Mr. Robert J. Gedville testified on behalf of the Applicant; that he is currently employed by Guardian Security in operation command; that he is a certified protection professional and has twenty-three (23) years of experience in the security industry, during which time he has written security plans and personally managed security for the Mercantile Exchange, Goldman Sachs, and Boeing; that Guardian Security has contracted with the Applicant to develop and implement a security plan for its proposed medical cannabis dispensary; that Guardian will provide a team of security agents at the Applicant's facility, including a security manager and at least three (3) full-time security agents; that there will be at least two (2) security agents at the subject property on a 24/7 basis; that one (1) agent will be located outside the facility's main entrance and one (1) agent will be located in the security command center inside the facility; that in the security command center, the guard will monitor all the electronic systems; that two (2) agents will work a twelve (12) hour shift; that these agents will be relieved by an overnight team; that the outside guard will be the roving security associate while the command center guard will notify the outside guard of any individual approaching the facility; that the third security agent will be able to respond to any type of alarm or suspicious activity; that the security team will be watching not only patients coming into the facility but also any disturbance within the neighborhood as such a disturbance might be a potential distraction; that he has designed a video surveillance system that meets all requirements under the Act; that said video surveillance will provide a twenty-four (24) hour view of each and every inch of the dispensary as well as the perimeter for the facility; that the Applicant will install a minimum of thirty-five (35) cameras in the facility; that the cameras' video feed will be linked to all necessary state parties under the Act as well as the City's Office of Emergency Management and Communications; that the command center will be manned twenty-four (24) hours per day; that Guardian Security will monitor the cameras from off-site at its corporate offices; that any given time of day, four (4) sets of eyes will be watching the Applicant's facility; that on-site security and the proposed video surveillance system provides the highest level of security for the facility; that in his experience, crime goes down due to the level of monitoring; that based on his experience, the medical cannabis dispensary will not have any detrimental impact on the surrounding neighborhood; and

WHEREAS, in response to further questions by the Board, Mr. Gedville further testified that except for the entry door, all doors will have a proximity access card, followed by a PIN number, and then a thumbprint biometric reader; that with regards to the vault doors, there are dual locks so that two (2) individuals will have to swipe their cards, enter their PINs, and use their biometric thumbprint; and

WHEREAS, in response to further questions by the Board, Mr. Kris Kane testified on behalf of the Applicant; that he is employed with 4Front Advisors; that every one (1) to two (2) hours, the Applicant's tills will be put into a drop to go back to the inventory department; that all cash will be taken down by two (2) individuals who will have vault

access and put the cash in the safes within the vault; that the cash is kept in those safes until daily pickup by armored vehicle; that the armored vehicle will take the cash to the bank; that the armored car will utilize the same receiving/loading area as the delivery car; and

WHEREAS, Mr. Mike Wolin testified on behalf of the Applicant; that his credentials as an expert in real estate appraisal were acknowledged by the Board; that he has physically inspected the subject property and its surrounding area; that his findings are contained in his report on the subject property; his report was submitted and accepted by the Board; that his report fully addresses all of the criteria identified in this Zoning Ordinance which must be addressed in support of such an application; that he then orally testified to following: (1) that the proposed special use complies with all applicable standards of this Zoning Ordinance; (2) that the proposed use is in the interest of the public convenience and will have no adverse impact on the surrounding neighborhood as the proposed special use will fit in well with the character of the area as said character includes a variety of retail service use, incubator use, commuter use, and professional office use; (3) is compatible with the character of the surrounding area in terms of site planning and building scale and project design as the Applicant will be rehabbing and reusing an existing building and as the proposed use is keeping with the commercial nature of the surrounding neighborhood; (4) is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation, as the proposed special use is much less impactful than surrounding businesses in the area; (5) and will promote pedestrian safety and comfort; and

WHEREAS, in response to questions by the board in regards to the agent-in-charge hierarchy, Mr. Mandera further testified that as the owner of the Applicant, he would like to be involved in all hirings and firings; that he and Mr. Sutterfield have discussed this; that should the Applicant's state license be granted, he will relocate Mr. Sutterfield to Chicago; that the Applicant will have at least two (2) agents-in-charge at all times; that one of the agents-in-charge is an individual that could not be at the hearing due to health reasons; that Mr. Mandera would also be an agent-in-charge; and

WHEREAS, Mr. Max Walsvisz, of 908 W. Madison St., testified in support of the application; that he is part-owner of Gold Coast Tickets of Chicago; that he has known Mr. Mandera for over twenty (20) years and has never had any bad business dealing with any of Mr. Mandera's businesses; that he himself is an ex-marine; that he believes the Applicant's business will be the most respectable situation; and

WHEREAS, Mr. William Mondy, of 1109 W. Fulton Market, testified in opposition to the application; that he is concerned about further traffic congestion in the area as traffic is already heavily congested and extremely slow, due to the nature of the traffic; that the sidewalks are similarly congested due to workers taking their breaks; that the elevated sidewalk in the area is 2' high; that he is concerned that the Applicant's patients would not be able to get up on the sidewalks without going down to the end of the block; that there is no parking in the neighborhood for the Applicant other than the valet spaces;

that the current workers in the neighborhood have traffic all the way down the street; the Applicant does not have access to a parking lot; that the Applicant's valet service has a parking lot, but that he is concerned the valet service's parking lot will not have security cameras or that patients will be dropped off into the valet lot where they will become targets; that there is no alley behind the subject property; that there is no rear exit to the existing building on the subject property; that he is concerned if there is a fire; that he is concerned as to what will be in the top two (2) floors of the existing building; that he believes it will take longer than fifteen (15) minutes for the valet to retrieve a car; that with the ramp the Applicant is putting down for deliveries, he believes this will further congest traffic; that the ramps will also indicate to "bad guys" that something is happening at the facility; and

WHEREAS, Mr. Ted Wallhaus, of 1046 W. Fulton Market, testified in opposition to the application; that he is not opposed to medical cannabis but does not believe the Applicant's facility is not a good fit for the neighborhood; that the neighborhood is continuing to improve, with art galleries, restaurants, and technology companies; that the Applicant's facility is not good for the neighborhood and where the neighborhood is headed; that he is representing his condo association as well as himself; that many people in the neighborhood have children and he does not feel it is appropriate to have the Applicant's facility in the area; that parking is already challenging and will continue to get worse; that he does not understand where the Applicant is getting thirty (30) parking spaces; that the Applicant's facility is one solid building; that his building's wall is the Applicant's wall, and the rooftops are all joined; that this is a safety issue to him; that someone could come across the roofs or the wall and; and

WHEREAS, Mr. Roger Romanelli testified in opposition to the application; that he is the executive director of the Randolph Fulton Market Association ("Association"), a non-profit economic and community development agency for the City's near west side since 1996; that the Association has served as the delegate agency for the Department of Planning and Development under the local and industrial retention initiative program since 2000; that the Association opposes the application; that there is substantial community opposition to the application as the subject property is not an appropriate location; that the location is not a high visibility location; that there are significant logistical problems with the location; that this is the first time he has heard anything about secured parking; that previously at community meetings, including a meeting held on the last Wednesday prior to this hearing, the Applicant discussed valet parking; that to have valet parking, one must have a secured lot; that the Applicant does not have a secured lot; that the proposed delivery process is problematic as the City has asked other businesses in the area to no longer use temporary ramps; that the Applicant's facility would be the only business using temporary ramps; that the use of a temporary ramp could potentially obstruct the street as well as signal loading and unloading times at the facility; that he believes the application is credibly deficient as none of the letters of support are notarized; and

WHEREAS, the Board stated that it understood such letters of support were hearsay; and

WHEREAS, Mr. Romanelli testified that such letters were not from Fulton Street businesses; and

WHEREAS, the Board again stated it understood such letters of support were hearsay; and

WHEREAS, in response to concerns raised by the Objectors, Mr. Banks stated that there is a separate entrance for those two floors of the existing building; that said floors will be leased out for strictly office-type use; that the vehicles used by deliveries will be very small; that deliveries would be made once a week in off-hours; that it is very common for cash to be brought out of a business into an armored truck; that therefore, this issue is a nonstarter; that for deliveries, a small, armored vehicle equivalent to a small panel van will be used; and

WHEREAS, in response to questions raised by the Board, Mr. Wolin further testified that there are no ramps on the block; that there is therefore no condition similar to the Applicant's; that there are loading docks up and down the street; and

WHEREAS, in response to concerns raised by the objectors, Mr. Banks further stated that the Applicant has engaged a valet company to provide parking; and

WHEREAS, in response to questions raised by the Board regarding the off-site parking drawing in the Applicant's application, Mr. Manderer further testified that at the community meeting discussed by Mr. Romanelli, the Applicant told the community it was in the process of securing a parking lot and/or securing valet service; that the Applicant finally secured a valet company yesterday; that said valet service works in conjunction with other valet services and has access to said other valet services' lots; that as the Applicant's patients will be coming on an appointment-by-appointment basis, there will never be more than two (2) patients there at any given time; that while the Fulton Street Committee's concern regarding parking in the area is valid, it does not apply to the Applicant's application at this time; and

WHEREAS, in response to further questions raised by the Board regarding the off-site parking drawing in the Applicant's application, Mr. Manderer stated he was not familiar with what the Board was talking about; and

WHEREAS, Mr. Banks stated that for the purposes of the presentation, the Board should ignore the off-site parking drawing; and

WHEREAS, the Board stated it wanted to know what the off-street parking drawing was; and

WHEREAS, Mr. Cesar Santoy, architect for the Applicant, testified on behalf of the Applicant; that he is the principal of Studio ARQ; that the drawing was originally a targeted lot as the Applicant developed its application; and



WHEREAS, Ms. Michilla Blaise testified on behalf of the Applicant; that she is in charge of the Applicant's community outreach; that she spoke with the parking lot's sales representative; that the lot is currently full but that the Applicant is on a waitlist; that because the Applicant would not open until at least the spring or summer of next year, the sales representative felt that parking spaces would be available at that time; that she was unsure how it ended up as part of the application as there is no contract; and

WHEREAS, Mr. Banks stated that this is why he suggested the off-street parking drawing be disregarded; and

WHEREAS, the Board asked if from a zoning perspective, such parking is required for the proposed special use; and

WHEREAS, Mr. Banks confirmed it was not; and

WHEREAS, Mr. Gedville further testified that security of the valet's parking lot is secondary as it would be the patient with the product and not the vehicle that would be the potential target; that the patient with the product would be escorted both to and from his or her car; and

WHEREAS, Ms. Blaise further testified that as part of her duties in community outreach, she and six (6) or seven (7) others canvassed the area; that they did so for four (4) or five (5) weeks; that they also circulated a petition for the Applicant's facility at the subject property; that on said petition, they obtained signatures of almost 700 individuals; and

WHEREAS, Mr. Banks then submitted said petition into the Board's file; and

WHEREAS, the Board then asked how a condition placed on the application that ramps could not be used and the Applicant had to make deliveries from the street would affect the Applicant's operations; and

WHEREAS, Mr. Banks stated that the Applicant's architect could provide testimony that the Applicant could modify its building to drive straight in so that ramps would not be required; and

WHEREAS, the Board stated it would like to hear such testimony; and

WHEREAS, Mr. Santoy testified that Applicant had considered in the initial stages of installing a curb cut; that the Applicant decided to go with the ramp concept as it was least disruptive; that, however, in response to the community's concerns, a curb cut is definitely something that could be considered; that in taking into account the 2' high curb, the Applicant can re-grade it so that it is re-graded to the interior of the building; that this ensures there is not too steep of a ramp or incline from the garage door to the street; and

WHEREAS, in response to further questions by the Board regarding potentially ill individuals having to climb a 2' high curb after being dropped off via car, Mr. Santoy further testified that this is a condition prevalent throughout the block and exists for all the restaurants, businesses, and residences on the block; that he would advise that any ill person to go the nearest accessible route; that said nearest route is at the corner of Fulton and Aberdeen, where there is ADA compliant ingress from the street to the sidewalk; and

WHEREAS, in response to further questions regarding this, especially as to a patient traversing a block from the ADA complaint route to enter the Applicant's facility, Mr. Gedville further testified that security would escort the patient at all times and could even provide a wheelchair; and

WHEREAS, the Board expressed its concerns about this plan, especially in inclement weather and with physically infirm patients; and

WHEREAS, in response to the Board's concerns, Mr. Banks stated that the Applicant has been working with the City's Department of Transportation ("CDOT"); that CDOT will ultimately install an ADA-compliant ramp from street to sidewalk; that this is something that is done all the time; and

WHEREAS, the Board inquired whether CDOT would install an ADA-compliant ramp in the middle of a City block; and

WHEREAS, Mr. Banks stated that in case where such ramp is needed, CDOT does so install; and

WHEREAS, Mr. Santoy then testified that the Applicant would have to work with CDOT to make sure that the proposed incline that would be used for the loading dock could also be used for wheelchair accessibility; that the Applicant would want to make sure it complied with the required slope for wheelchair and pedestrian use; and

WHEREAS, in response to further questions by the Board regarding pedestrian safety and comfort, Mr. Banks stated that the Applicant would only have one (1) delivery a week; and

WHEREAS, the Board stated that people go into business to make money; that there would not be so many people before the Board for the proposed special use if people did not believe that there would be enough demand for the product for significant return; that therefore, the Board must consider the possibility that the Applicant's business will grow; and

WHEREAS, Mr. Banks conceded that the Board should assume that the Applicant would have multiple deliveries per week; that the Board could place conditions on when those deliveries could occur; that if the Board conditioned that deliveries could only be between the hours of 12:00 AM – 3:00 AM, it could be done; that if the Board has a

concern regarding pedestrian safety relative to delivery, delivery could be done at a time with no pedestrians; and

WHEREAS, in response to further questions by the Board, Mr. Wolin further testified that there is mixed-use west and east of the subject property; that while it is possible for a person to jump from rooftop to rooftop, it is pretty unlikely; and

WHEREAS, Mr. Gedville then testified if someone was able to get onto the rooftop of the neighboring building and then onto the Applicant's roof, an alarm would be triggered; that the Applicant will install infrared cameras and motion sensors and therefore would be able to see anyone coming on the rooftop from 800 meters; that the first response would be to contact the Chicago Police Department ("CPD") because no one is allowed on the roof; that even if someone was on the Applicant's roof, it would be extremely difficult for that person to get into the Applicant's facility; that it would take a K12 saw to saw through the roof; that this would take somewhere between fifteen (15) and twenty (20) minutes; that CPD response time is five (5) minutes; that there are also four, live, armed guards in the facility; and

WHEREAS, the staff of the Department of Planning and Development recommended approval of the proposed medical cannabis dispensary provided the development is established consistent with the design, layout and plans prepared by Studio ARQ and dated November 12, 2014; and

WHEREAS, the staff of the Department of Planning and Development further recommended approval of the proposed medical cannabis dispensary subject to the following conditions: (1) that all interior doors providing access to other portions of the building be removed and walls sealed to the extent that the presence of said doors are not required for life-safety purposes; and (2) that the proposed special use have a dedicated entrance, apart from that entrance which may be available to other tenants in the building; now, therefore,

THE ZONING BOARD OF APPEALS having fully heard the testimony and arguments of the parties and being fully advised, hereby makes the following findings with reference to the Applicant's application for a special use pursuant to Section 17-13-0905-A of the Chicago Zoning Ordinance:

1. The proposed special use complies with all applicable standards of this Zoning Ordinance;
2. The proposed special use is in the interest of the public convenience as evidenced by the Act and will have no adverse impact on the surrounding neighborhood as both the Applicant's safety and operational plans for its proposed special use are designed so that the special use does not disrupt the surrounding neighborhood in any way. The Board finds the testimony of Mr. Gedville and Mr. Sutterfield to be very credible in this regard;

3. The proposed special use is compatible with the character of the surrounding area in terms of site planning and building scale and project design because the special use will be located in an existing building and because the proposed use fits in well with the retail service use, incubator use, commuter use, and professional office use of the surrounding area. The Board finds Mr. Wolin's expert testimony to be very credible as to this factor;

4. The proposed special use is compatible with the character of the surrounding area in terms of operating characteristics, such as hours of operation, outdoor lighting, noise and traffic generation because the Applicant has designed its operations in such a manner as to ensure that all of its operational activities – such as product delivery and patient arrival – are done in such a manner as to minimize any impact on the surrounding area. As Mr. Sutterfield credibly testified, the Applicant will work with the surrounding neighbors and the Alderman to find delivery times that are least disruptive. Furthermore, all patients are by appointment only and will be scheduled after the early morning congestion in the area;

5. The proposed special use is designed to promote pedestrian safety and comfort as the proposed special use will utilize an already existing building and as the Applicant provided testimony that it would work with CDOT to install curb cuts and an ADA accessible ramp for the Applicant's facility.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use subject to the following conditions, pursuant to the authority granted by Section 17-13-0906 of the Chicago Zoning Ordinance:

1. Valet parking must be used at the subject property for the life of the special use;
2. Curb cuts that allow access to the overhead driveway from the at street level grade must be installed;
3. An ADA accessible ramp must be installed in front of the Applicant's facility so that patrons may access the front entrance from the street.

RESOLVED, the aforesaid special use application is hereby approved, and the Zoning Administrator is authorized to permit said special use.

This is a final decision subject to review under the Illinois Administrative Review Law (735 ILCS 5/3-101 *et. seq.*).

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Crazy Kids, LLC

**CAL NO.:** 375-14-Z

**APPEARANCE FOR:** Thomas Moore

**DATE OF MEETING:**  
November 21, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2959 North Hamlin Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the front yard setback from 13.4' to 0'; to reduce the front setback for parking accessed directly from North Hamlin Avenue from 20' to 0'; to reduce the south side yard setback from 3.75' to 0'; and, to reduce the on-site parking requirement of six spaces by not more than one space for a proposed conversion of ground floor commercial space into a residential unit in an existing three-story, five-unit building

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the front yard setback to 0'; to reduce the front setback for parking accessed directly from North Hamlin Avenue to 0'; to reduce the south side yard setback to 0'; and, to reduce the on-site parking requirement of six spaces by not more than one space for a proposed conversion of ground floor commercial space into a residential unit in an existing three-story, five-unit building; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**MINUTES OF MEETING:**

Date: November 21, 2014

Mark Kupiec, Attorney for the applicant, presented a written request for an extension of time in which to establish five off-site, accessory parking spaces to fulfill the parking requirement for five dwelling units to be located in the existing building at 312 N. Carpenter Street. The special use was approved on November 15, 2013 in Cal. No. 407-13-S.

Mr. Kupiec stated that his client has not been able to obtain the permits needed within the one year validity period.

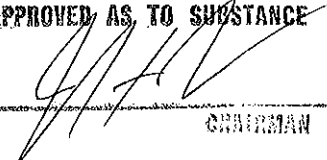
Jonathan Swain moved the request be granted and the time for obtaining the necessary permit be extended to January 21, 2016.

Yeas- Swain, Budzinski, Flores, Toia Nays- None

JAN 05 2015

CITY OF CHICAGO

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Matthew Schwingel & Heather Kitchens

**CAL NO.:** 357-14-Z

**APPEARANCE FOR:** Chris Leach

**DATE OF MEETING:**  
November 21, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 2124 W. Pensacola Avenue

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 35.03' to 20.2' for a proposed rear, one-story addition connecting and existing, two-story single-family residence with a rear, detached, three-car garage with a roof deck.

**ACTION OF BOARD-  
VARIATION GRANTED**

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

**THE RESOLUTION:**

WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on October 2, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 20.2' for a proposed rear, one-story addition connecting and existing, two-story single-family residence with a rear, detached, three-car garage with a roof deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED BY THE BOARD  
*[Signature]*  
JAN 05 2015

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Erie Acquisitions, LLC

**CAL NO.:** 355-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
September 19, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 61 West Erie Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of residential use below the second floor for a proposed ten-story, eight-unit building with 16 indoor, at-grade parking spaces.

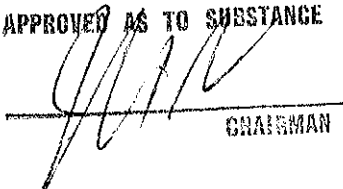
**ACTION OF BOARD-**  
CASE CONTINUED TO FEBRUARY 20, 2014

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN



**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 2808-14 North Avenue, LLC

**CAL NO.:** 238-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2814 West North Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor of a proposed four-story, eight-unit building with eight on-site parking spaces.

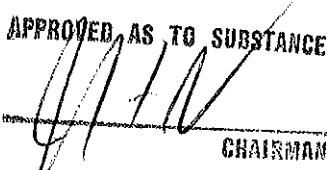
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** 2808-14 North Avenue, LLC

**CAL NO.:** 237-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2808 West North Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a residential use below the second floor of a proposed four-story, eight-unit building with eight on-site parking spaces.

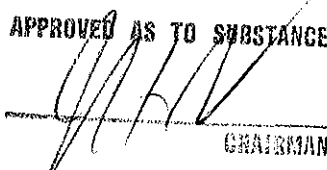
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Outdoor Impact, Inc.

**CAL NO.:** 235-14-A

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

June 20, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3132 N. Kedzie Avenue

**NATURE OF REQUEST:** Application to appeal the decision of the Zoning Administrator in refusing to allow the establishment of an off-premise advertising sign measuring 52' x 19'.

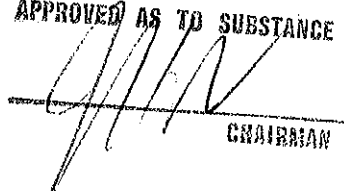
**ACTION OF BOARD-**  
CASE CONTINUED TO JANUARY 16, 2015

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Jihyun Kim Living Trust

**CAL NO.:** 223-14-Z

**APPEARANCE FOR:** Thomas Moore

**MINUTES OF MEETING:**  
June 20, 2014

**APPEARANCE AGAINST:** None

**PREMISES AFFECTED:** 1538 North Dearborn Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the rear yard setback from 41.72' to 23.23' for a proposed rear, one-story walkway connecting a rear, open deck to an existing three-story single family residence with a rear, second floor deck and to an existing garage with a rooftop deck.

**ACTION OF BOARD-**  
**VARIATION GRANTED**

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

**THE RESOLUTION:**

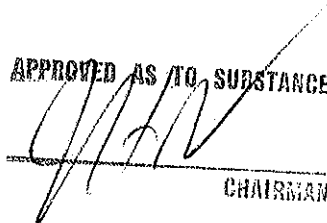
WHEREAS, a public hearing was held on this application by the Zoning Board of Appeals at its regular meeting held on November 21, 2014, after due notice thereof as provided under Section 17-13-0107B and by publication in the Chicago Sun-Times on June 5, 2014; and

WHEREAS, the Zoning Board of Appeals, having fully heard the testimony and arguments of the parties and being fully advised in the premises, hereby finds the following; the applicant shall be permitted to reduce the rear yard setback to 23.23' for a proposed rear, one-story walkway connecting a rear, open deck to an existing three-story single family residence with a rear, second floor deck and to an existing garage with a rooftop deck; the Board finds 1) strict compliance with the regulations and standards of this Zoning Ordinance would create practical difficulties or particular hardships for the subject property; 2) the requested variation is consistent with the stated purpose and intent of this Zoning Ordinance 3) the property in question cannot yield a reasonable return if permitted to be used only in accordance with the standards of this Zoning Ordinance; 4) the practical difficulties or particular hardships are due to unique circumstances and are not generally applicable to other similarly situated property; and 5) the variation, if granted will not alter the essential character of the neighborhood; it is therefore

RESOLVED, that the Zoning Board of Appeals, by virtue of the authority conferred upon it, does hereby make a variation in the application of the district regulations of the zoning ordinance and that the aforesaid variation request be and it hereby is granted subject to the following condition(s):

That all applicable ordinances of the City of Chicago shall be complied with before a permit is issued.

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** RS Fuels c/o Mohammad Yagoob

**CAL NO.:** 203-14-Z

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
May 16, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 7453 S. State Street

**NATURE OF REQUEST:** Application for a variation under Chapter 17 of the Zoning Ordinance for the approval to reduce the minimum lot area from 20,000 square feet to 15,738 square feet for a proposed gas station with a convenience store and a one-lane automatic car wash.

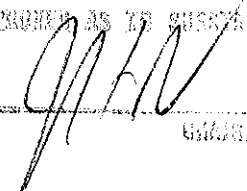
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O' GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
X		
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** RS Fuels c/o Mohammad Yagoob

**CAL NO.:** 202-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 7453 S. State Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval to establish a gas station with a convenience store and a one-lane automatic car wash.

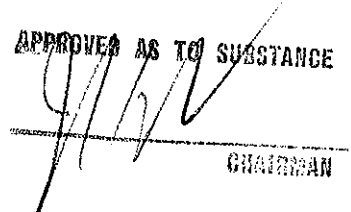
**ACTION OF BOARD-**  
WITHDRAWN ON MOTION OF THE APPLICANT

**THE VOTE**

JAN 25 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O' GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Midwestern Wellness Group of Illinois, Inc.

**CAL NO.:** 408-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 3118 North Harlem Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

**ACTION OF BOARD:**

CASE CONTINUED TO DECEMBER 19, 2014

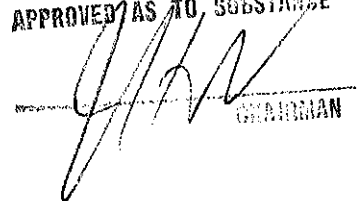
**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE



CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** Good Earth Solutions, LLC

**CAL NO.:** 404-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 1954-68 West Peterson Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

**ACTION OF BOARD-**

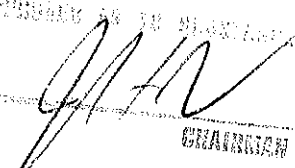
CASE CONTINUED TO DECEMBER 19, 2014

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
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X		
X		

APPROVED BY THE BOARD  
  
SECRETARY



**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:**

Phoenix Farms of Illinois, LLC

**CAL NO.:** 403-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:**

3433 North Pulaski Road

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

**ACTION OF BOARD-**

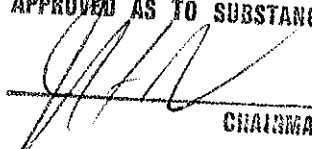
CASE CONTINUED TO DECEMBER 19, 2014

**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** MedMar, Inc.

**CAL NO.:** 399-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**

November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 2843 North Halsted Street

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

**ACTION OF BOARD-**  
CASE CONTINUED TO DECEMBER 19, 2014

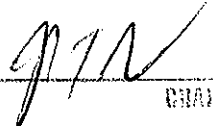
**THE VOTE**

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
X		
		X
X		

**APPROVED AS TO SUBSTANCE**

  
CHAIRMAN

**ZONING BOARD OF APPEALS, CITY OF CHICAGO, CITY HALL, ROOM 905**

**APPLICANT:** EuFlora Health Center, LLC

**CAL NO.:** 396-14-S

**APPEARANCE FOR:**

**MINUTES OF MEETING:**  
November 21, 2014

**APPEARANCE AGAINST:**

**PREMISES AFFECTED:** 4760 ½ N. Milwaukee Avenue

**NATURE OF REQUEST:** Application for a special use under Chapter 17 of the Zoning Ordinance for the approval of the establishment of a medical cannabis dispensary.

**ACTION OF BOARD.**

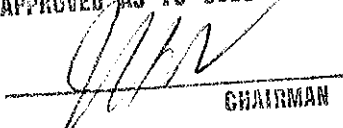
CASE CONTINUED TO DECEMBER 19, 2014

JAN 05 2015  
CITY OF CHICAGO

JONATHAN SWAIN  
CATHERINE BUDZINSKI  
SOL FLORES  
SHEILA O'GRADY  
SAM TOIA

**THE VOTE**

AFFIRMATIVE	NEGATIVE	ABSENT
X		
X		
		X
		X
X		

APPROVED AS TO SUBSTANCE  
  
CHAIRMAN