

**Village of Justice**  
**Zoning Board of Appeals**  
**Minutes of Monthly Meeting**  
**March 31, 2015**

**CALL TO ORDER:**

Meeting was called to order at 7:05pm by Chairman John Bruce.

**ROLL CALL:**

Present at meeting were: Rich Berkowicz, Edwina Gaskin, Jack Kennedy, Attorney Joe Cainkar, Chairman John Bruce, and Secretary Shirley Shilka.

Jim Brock excused.

George Orawiec and Bogdan Ogorek, not in attendance.

Chair entertains a motion to table the minutes from September 2, 2014, they are pending, the tape has some corruption to it and we are still looking to recover the data.

Jack Kennedy: **SO MOVED**

**SECOND:** Rich Berkowicz

**VOTE:** All Ayes

John Bruce: Read Public Notice for Petition #1015-01, allowing medical cannabis dispensing as a special use.

Trustee Sparr: What we are asking for is the board to change 2500ft, to 1000ft due to the fact that no area in the village would be approximately 2500ft from a business/residence. There is no such structure that stands in the Village of Justice at this time.

Attorney Cainkar: What we are actually doing in this, is allowing the dispensing organization within the B-1 & B-2 zoning district as a special use. Before those organizations were limited to the industrial district. So this would have them as a special use within the business districts, and would also remove one of the distance requirements.

John Bruce: Does the Police Department have any concerns about this since we are going from 2500 ft. to 1000 ft., since this is the minimum distance from residents and schools.

Deputy Chief Kurschner: I have no problems to report.

John Bruce: Will take questions from the audience, please state your name and address for the record.

Barbara Holden, 7433 Figura: What is B-1 and B-2?

John Bruce: B-1 and B-2 are business districts, and right now the main thoroughfares are designated as business districts, 80<sup>th</sup> Ave. on either side of 39<sup>th</sup> St., Archer Roberts Road those are your business districts and it was in I number one which is actually 88<sup>th</sup> Ave. on the other side of the toll way and there is no space and there never will be any space for any type of a dispensing facility so we would like to put it into be one to allow it into be one as a special use. The village would then have ultimate control over this as far as security and hours of app operation etc. the main thing is that we have to amend the code to allow this to go into a B-1 and then put it under a special use in B-1.

B-1 is zoning for light businesses or heavier businesses.

Barb Holden: They said they wanted 2500 ft.?

John Bruce: We had initially modeled our ordinance under state statute. We just copied it without consideration to the impact to the businesses or any potential business and with the inability to have anything in an I1. We're looking to be one but there's nowhere in the village that fits anything roughly 1000 to 1100 ft. from a residence or school. The state statute recommends 2500 ft., we're looking to drop it to 1000ft which would maintain it on a main thoroughfare and it wouldn't be inside a residential district. We would still have to maintain 1000 ft. from any business or school.

Trustee Small: My question is more for Attorney Cainkar, you were saying something that there has been other areas that have reduced the linear footage to 1000ft, is that true?

Attorney Cainkar: Under the state statute the cultivation centers are 2500 ft. from a residential district. The dispensaries, which are more pharmacy than an agricultural growing facility, there is no distance requirement in the state statute other than their distance from a daycare or school or something like that, that's 1000 ft. in the state statute. Our ordinance is 1000 ft.; as well it's always been that way for that requirement. What we did before is we were more restrictive than state statute. We said you had to be 1000 ft. from a residential district as well. That pretty much was prohibited to the extent that nothing would be allowed anywhere within the village. So what we are doing is actually taking that restriction out which is more restrictive than the state law.

Trustee Small: Are there other villages that have done the same thing?

Attorney Cainkar: Typically the dispensaries are going to be in your business or commercial districts. The cultivation centers will be in your manufacturing and industrial districts.

Trustee Oszakiewski to Attorney Cainkar: Have you heard any comments or questions from School District 109?

John Bruce: They were notified; I emailed them a copy of the actual public notice.

Jack Kennedy: Did I hear that there is no place in this village that meets these requirements.

John Bruce: Not in I-1.

Jack Kennedy: Not in B-1 or B-2?

Attorney Cainkar: There would be a lot of places now, if you take out the thousand linear feet from a residential district they could then qualify for this.

Jack Kennedy: That would be within property lines from nursery schools preschools etc.

Attorney Cainkar: That would be outside of the thousand feet of a school.

Jack Kennedy: Why do we want to put something within 1000 ft. of any residential property? Is it against the law to keep it 2500 linear feet?

Attorney Cainkar: It's a different use; we're not changing the law at all with respects to cultivation centers that's what's within 2500 linear feet.

Jack Kennedy: This is dispensing?

Attorney: Right.

Jack Kennedy: Was the residential sales bundled up with the 2500 ft., is that the issue?

Attorney: No, that was a separate requirement.

Jack Kennedy: So if we have it within 1000 ft., how many actual areas in this village could we put this in?

Attorney Cainkar: I don't know the location of the schools or daycare centers for that matter.

Jack Kennedy: So we have a business that wants us to change the ordinance so they can start a dispensing system?

Attorney Cainkar: Ultimately yes.

Jack Kennedy: Are we in the business of just changing an ordinance for one company to come in and do one thing?

John Bruce: I think were fine-tuning it, not been legal before. So everybody took an approach which was prohibitive or restrictive to the actual use itself. Now that the presentations have been made, and people are more familiar with it, and the state has taken more control over the licensing, people are starting to realize that the secondary effects so to speak that they worried about may not necessarily be in fact the case. So when we originally drafted the initial ordinance it was more restrictive than state law.

Jack Kennedy: When we initially sat through this there were no places in the village that we wanted or needed this.

Cookie Gaskin: Most of it we talked about was for cultivation centers.

Jack Kennedy: I'm hearing that some people didn't want it dispensed or cultivated in the village.

Trustee Small: If we go back in the minutes this came to a discussion in the board. We were made aware that the state was passing this law and the rules set up by the state for cultivation when we discussed the different places where we might be able to have a cultivating center it became very clear that there were absolutely no spots within the village that this could be cultivated. So the reason that we put the 2500 ft. on the dispensary was kind of a wait-and-see what other communities would do and understand what this looks like. So we never said or we never thought that we would entertain the opportunity to have a dispensary. We knew we would not be able to have a cultivating center because we just don't have the property.

Jack Kennedy: I would definitely go back and read the minutes. I've just never been up here long enough to change an ordinance in one minute and then another one to allow business to go into effect because of that ordinance change.

John Bruce: Now we have an opportunity to fine-tune it based on real-world situations.

Attorney Cainkar: When we had to draft these things there were no rules and regulations out yet. The state took six months after we were supposed to have these in effect to draft their rules and regulations. Nobody really knew what was going to be done or how they would interpret the various statutes.

John Small I- 7225 S. 86<sup>th</sup> Avenue: Why is this particular ordinance being passed so soon?

Trustee Sparr: Actually we have someone who's approached us to put this business in town that is why we are trying to fine-tune this ordinance with the zoning board and the village board itself so we can be able to do this.

John Small: Generally there is usually a period of time between public hearing and zoning meeting.

Attorney Cainkar: In full candor, they need to have their disclosure to the State of Illinois by a certain deadline to say that they have zoning approval or they don't.

John Small: What is the deadline?

Steve Wiseman: The deadline is not exactly clear, there is a process we have to go through, we have to submit a final entry by the first week in June. So there's a lot of moving parts. Just to add a little further, the state will inspect each of the properties, so we will have to have zoning authorization and that location provided to the state.

Trustee Rusch – 8019 S. 84<sup>th</sup> Avenue: I would like to clarify, I don't believe to the best of my knowledge that the board has met with the principal people that would like to establish this business in town. I believe the only discussion we had was with the manager of the area. I don't believe we have met with the principal people that are interested in putting this business in. I know I have not, and I don't remember any of the other board members doing so.

John Bruce: What we are talking about here right now is the actual ordinance to amend the village code itself.

Barb Holden: If we change the code now does this mean any business or just this business?

Attorney Cainkar: The use itself is good to be characterized as special use, which means that any location or any person that wants a special use permit would have to come before the zoning board and meet standards for approval basically to operate. So it's not a permissive use that typically is, for example, that you could open up a barbershop in a business district without having to come before the zoning board or special approval from the zoning board.

John Bruce: I think what you are actually referring to is for the next petition as for the specific business itself, that's actually the next petition, we have a second petition.

John Bruce: The matter before us, Petition # 2015 – 01, is to amend the village code for this purpose, is this sufficient to use the text that was supplied?

Rich Berkowitz: I make a **MOTION** we recommend approval of Petition #2015 – 01.  
**SECOND:** Edwina Gaskin

**ROLL CALL:** Rich Berkowicz – Yes  
Edwina Gaskin – Yes  
Jack Kennedy – No  
John Bruce – Yes

John Bruce: We now have Petition #2015 – 02.

John Bruce: Read petition.

The petitioner is WCCC, LLC.

Clerk Svoboda swore in Mr. Steve Weisman

John Bruce: Mr. Weisman could you explain to us your petition.

Steve Weisman: In 2014 the state had authorized the approval for 60 dispensaries and 21 cultivation centers. Out of the 60 dispensaries we have applied for five and were awarded four (4). We are in Homewood, Posen, Darien, **(the last village I could not hear).**

I was a lawyer and then formed this company.

For security we plan to have a camera system and a walk in vault. The actual inside will look more like a bank, and will have a reception area, a patient consulting room and room waiting room. In order to purchase the product you must have one of 35 conditions, which are very serious diseases and would have to work this out under a doctor's care and would have to have an ongoing history with the doctor. The State of Illinois would then issue them a card to gain entrance and becomes part of the security system.

This is a very secure system

Trustee Sparr: Can you tell me the business hours I know residents are a little leery of this business being open late at night?

Steve Weisman: The law states that we have to be open 35 hours a week. We want to be open so that when patients need this, we are there. So in the beginning we are going to try to be open from noon until 7:00pm, so patients would be able to come in after work five days a week. We will have seven hours a day five days a week as more patients register with this program, we will expand earlier hours but not later hours. This is for medicinal purposes only, not recreational use.

We have spent a lot of time in Springfield, what is really important is that we would like everyone to be aware that this is by far the most restrictive law than any other state.

The reason we are here is for a number of reasons, primary reason of which is that this is a better location from the other locations that we have looked at. We are also here to answer any questions you might have.

John Bruce: Jack, do you have any questions for them?

Jack Kennedy: 10% of your store will be in retail sales? I'm talking about papers, pipes and things like that.

Steve Weisman: Yes the state asks us to have paraphernalia for use, but we will not have T-shirts or things of that nature.

Jack Kennedy: I understand this is not to be a head shop, but I'm wondering if you're selling paraphernalia on the inside, when they walk out of your front door you have no control over the product or the people using it.

Steve Weisman: Yes, we do not have control but it's illegal for them to buy it and then re-sell it and also use it in public. In order to get a medical card every single patient has to be fingerprinted and has to have a federal back ground check. So anyone who might resell this product would have their records in our system.

Jack Kennedy: Is there security outside?

Steve Weisman: There are security cameras externally and there are controlling laws.

Jack Kennedy: This is still illegal in Justice.

John Bruce: What is the limit per prescription?

Steve Weisman: They are limited to 2 ½ ounces every 14 days.

John Bruce: Is this leaf, liquid, pill, or what?

Steve Weisman: We don't actually know what the cultivators will grow and make, they are responsible for that. We are sort of the middleman, whatever they make we carry.

John Bruce: It also depends on the prescription, so if the doctor prescribes it for a cancer patient, he may prescribe something in pill form.

Steve Weisman: The doctors do not make prescriptions, they can only make recommendations, the doctor will help them pick and then we have some very sophisticated software. Every product has a different effect, so what we have done is that they can come in, try something, go home and use it and then come back the next time that they are buying more, we can track their symptoms and how well this is managing them, then we can hone into what is best for them.

John Bruce: So you will have physicians on staff there?

Steve Weisman: More like a nurse, doctors are not allowed to work there. There will be some sort of medical professional.

John Bruce: So the doctor makes a recommendation? I am trying to understand the procedure from when they walk in the door. We understand the licensing where each individual user has to have a license by the state with all his information. How do they get to that point? Do they start with their doctor, then what do they do?

Steve Weisman: They start with their doctor, the doctor then comes to terms that they think this would be a help for them, they then apply for the card, they get the card from the state, and then they come to us. When they come to us we have a variety of products, we have a private consultation where they go meet with the medical professional. They talk to them and go over the symptoms and then we help them hone in on a product that will possibly help.

John Bruce: So it would almost be like an experimental drug test?

Steve Weisman: Yes.

John Bruce: With the initial doctor recommended dosage or the strength what would be a secondary step?

Steve Weisman: That is sort of a secondary step again, they would hone in on what dosage works for them. The state would most likely limit the amount of dosage per saleable product. They haven't yet, but I think this is coming up. We have medical professionals who have a better understanding of this.

John Bruce: So the doctor would make a recommendation and the patient would choose which pharmacy they would want to go to as a regular pharmacy, they would then have a consultation based on the doctor's information and the prognosis from the doctor himself?

Steve Weisman: The doctor does not talk to the medical professional at the pharmacy.

John Bruce: With a medical professional at the pharmacy, they go over the actual records or are they simply to go by what the person says?

Steve Weisman: With the HIPA laws we cannot just get the records, it's a little bit of what the person says, and all the products have different reactions. If you and I tried the same exact product we would have different reactions. So the idea is that they will try a bunch of different things in an attempt to try and figure out what works best for them. If you are fighting cancer and having trouble keeping down food you're trying anything at that point we see what will help.

Trustee Small: What if the person cannot get to the location and sends a caregiver?

Steve Weisman: That person would also have to have a background check and be fingerprinted and get registered, then that person would come in.

Edwina Gaskin: The people that are dispensing, are they all medical professionals or are they pharmacists?

Steve Weisman: We will have one person on site who is a medical professional and then there will be one person who is a cashier and a security guard, only one person will handle the drug. Every employee will go through a vigorous training process. They will also have to be fingerprinted and go through a back ground check.

Edwina Gaskin: Are there inspections done on this location and how often?

Steve Weisman: There is one inspection before we open. All future inspections will be a surprise inspection, we will never know when they will show up. They have an invested interest to make sure that this is secure as one bad dispensary could ruin the whole program.

Jack Kennedy: The license that you get under the special use, if they decide to sell the booth or business or whatever, nobody else can come in and work under their business, is that true?

Steve Weisman: The State of Illinois will not allow the business to be sold. Every investor had to complete 10,000 pages of paper work, was finger printed and had a back ground check and had to send in financial disclosures.

Attorney Cankar: They would have to be licensed by the state.

John Kapecki – 8631 75<sup>th</sup> Street. I have a question in terms of access. Could not hear the rest of this question:

Steve Weisman: Could also not hear the answer to this question.

John Small: Why did you choose Justice?

Steve Weisman: We had originally looked in Mc Cook, this just wasn't the right spot mostly because of home day care.

John Small: Asked a question regarding research and testing.

Steve Weisman: There has not been a lot of research. Could not hear the rest of the answer.

John Small: What if the state goes from medicinal use to recreational use?

Steve Weisman: This law is not for recreational use; that would go to another law.

Trustee Oszakiewski – 7506 Cronin: Your dispensary is only going to purchase marijuana from an approved grower?

Steve Weisman: We are only allowed to purchase from the 20 state licensed growers. Right now there are only 15 licensed.

Trustee Oszakiewski: How many employees will you have in your facility?

Steve Weisman: That is a changing number, we will only be open 35 hours a week with a small amount of patients and a small number of employees. As that increases, the number of employees will increase, but that just depends on the demand.

Trustee Oszakiewski: So there will be some part time and some full time.

Steve Weisman: We are hoping to make everyone full time and they will get full benefits. Can start at \$10.00 but as high as \$25.00 an hour.

Trustee Oszakiewski: What about security, what types of security will you have?

Steve Weisman: There will be monitoring with security cameras, we will have a security guard inside the facility. It will be monitored 24 – 7 with cameras that cover every square inch so you could not stand inside the facility or anywhere without the camera seeing you. The cameras are a very high quality camera. They are better than anything in a casino, they have their own battery backup system so if anyone cuts the power they would still be working. The way the facility is laid out, you would come in thru the first door and the second door that opens to the facility, will not open until the first one closes. There is a person there that will check them in to make sure they are licensed, by state law you are not allowed in there unless you have a medical card, or some sort of ITT specialist or security guard. They will be checked in.

The vault is made my American Vault it is an incredibly sophisticated modular vault, it will be put into concrete with slab walls it also has motion sensors.

Trustee Oszakiewski: When the facility is open will you have security guard there also?

Steve Weisman: Yes, we have decided to go with unarmed security guards. We feel that it is safer to have an unarmed security guard. With the security system and the way we have the door system, which is so sophisticated, the last thing we would want is for an employee to pull out a gun. Every single employee will also wear a panic button.

Trustee Oszakiewski: Have you talked to neighboring business's \.

Steve Weisman: I have not.

John Toliopoulos: Manager of Justice Town Square: I have not talked to them, was not sure we could disclose this yet. We also intend to add security cameras and lights.  
Could not hear the rest of answer.

John Bruce: In answer to your question about notification, there is a sign posted on the property referencing the address and the public notice for tonight.

Trustee Symonds – 8631 W 71<sup>st</sup> Street: I did talk to each business and mentioned that this meeting was happening and welcomed them to come. The only issue that Fresh Foods manager was asking was in regard to security.

It seems like it has been explained very well.

Are the 35 hours a minimum of the state, is there a maximum?

Steve Weisman: There is no maximum and at this time we do not have a plan. We will be open the 35 hours, if there are more patients we will be open longer to meet their needs. We will probably be open as little as possible in order to still full fill the specifications.

Trustee Symonds: Also, the distance from other dispensaries, is regulated by population?

Steve Weisman: It is sort of by population, they are defined by district, roughly four townships. Lemont, Lyons and Palos, could not hear the fourth.

Trustee Symonds: In regards to the revenue towards the Village. Do you have an estimate of this, or sales tax?

Steve Weisman: Could not hear first part of answer.

The business owners will most likely lose revenue in the first 2 or 3 years, however, the investors are in this for the long haul. My understanding is 1 ½% will go to the village. Someone was coughing could not hear the rest of this comment. We plan on being very charitable to the community.

Trustee Symonds: Do you have any projection as to when the growers will be able to supply your business.

Steve Weisman: They have all been granted their licenses, so I hear that they have started to grow and takes 6 to 8 months.

Clerk Svoboda: What about cost, cost of the average prescription?

Steve Weisman: The cost we do not set, or we don't know how much we will have to pay for this. The national average is \$310.00 an ounce. Our goal is to price it as street price. We have created a program where we are setting aside a certain portion of our inventory for people with needs. So depending on where you fall in the circuit breaker and veterans can apply for discounts.

Barbara Holden: Where are the patients expected to come from, can someone from way over by O'Hare come here.

Steve Weisman: You have to tell them when you register, what dispensary you want to go to, but you must go back to the state to tell them if you want to make a change in dispensaries. Once you take it you are locked in to that facility. No walk ins are allowed.

Attorney Cainkar: In respect to the facility use and its neighboring properties, as far as loading and the cultivation trucks that come and are delivering the product to you, can you describe what kind of vehicles they use and how they come into your business.

Steve Weisman: They range from an armored SUV/Truck vehicle. The delivery door is being installed in the back of the facility, which is just like the man trap. This is called a restrictive access area, they also get checked in and all transfers are on all cameras at all times.

Attorney Cainkar: What type of parking demand do you anticipate over the first and second years?

Steve Weisman: This is a very fast transaction. Patients are in and out in approximately 10 minutes, so we do not anticipate traffic problems.

Attorney Cainkar: Do you know how many parking spaces you will have devoted for your use during the day?

Steve Weisman: I do not know, there is a dedicated lot. We were there now and more than 50% of the spaces were empty.

Attorney Cainkar: How many patients can you theoretically see at one time?

Steve Weisman: The way it is set up, is one patient per clerk. There is a waiting room so if more patients show up you go to the waiting room and wait until someone is there to help you, there is no wandering around and these are all secured.

Attorney Cainkar: The access to the property is off Roberts Road? We are not having a drive thru service or anything like that, is that correct?

I want to make one note for the record, the notice of this hearing was published on the property and the notice was published in the paper. We did have a snafu as to the letters going out to the adjoining property owners, so what we are going to do is, we are going to have a recommendation from this board today, the Village board can act on it either way, but ultimately we are going to require the applicant to send out notices to the adjoining land owners and we will give those people an opportunity to come here at the next hearing date which we will schedule, so they can at least come back here and state their case to the extent that there is any matters that affect this board or the next Village board decision, we can handle that accordingly.

However, with the deadline we want to make sure that we proceed today with the understanding that it is contingent upon any land owner that was not aware of this and possibly could be aware of it. That they have an opportunity to come in and present something.

No sooner than 30 days and no later than 15 days.

John Bruce to Steve Wiseman: Not sooner than the 20<sup>th</sup>. I am thinking April 21, 2015. Can you compile the addresses of all the property owners within 250ft, that's both sides of Roberts Road. You could have this compiled and completed and postmarked by Friday.

Steve Weisman: Yes, we can complete that.

Attorney Cainkar: We will have a continuation of the hearing, so to speak, on April 21, 2015 at 7:00pm, an addendum if you will.

Jack Kennedy: Didn't Trustee Symonds talk to all the residents and owners in the area?

Trustee Symonds: Only the businesses in the strip mall?

Jack Kennedy: I would like to make a MOTION to accept 2015-02 as written.  
SECOND: Edwina Gaskin

John Bruce: Discussion, we will vote on the motion and then we will submit the motion to the village board. Then we will continue the meeting itself to review the formal documentation for notification on the 21<sup>st</sup> of April.

Then the board could actually have the information by the following day for their committee meeting on the 22<sup>nd</sup> of April. So you could have an open discussion as to any documentation if it is necessary.

ROLL CALL: Rich Berkowicz – Yes  
Edwina Gaskin – Yes  
Jack Kennedy – Yes  
John Bruce – Yes

John Bruce: This will go to the Village Board, please understand that we are just a recommending body, they may move on it or table it subject to any formal documentation.

Steve Weisman: I would like to thank you for the discussion. We got a lot of different questions from different municipalities; I think everyone here hit on every question we got.

John Bruce: Do we need to do a continuation of the public notice?

Attorney Cainkar: No, you are giving it right now, by us notifying that there is going to be a continuation of this you will not have to publish and you will not have to post the property. Any one that saw the sign or saw the newspaper would have been here tonight. So anyone that gets the notice will find out about it, or they can contact a trustee.

John Bruce: Chair entertains a MOTION to ADJOURN until April 21, 2015

Rich Berkowicz: **SO MOVED**  
**SECOND:** Edwina Gaskin  
**VOTE:** All Ayes

Respectfully Submitted

Shirley Shilka, Secretary

*John W. Bruce*

**John W. Bruce, Chairman**