



**PLANNING AND ZONING COMMISSION MEETING**  
**City Council Chambers**  
**3600 Kirchoff Rd.**  
**Rolling Meadows, IL 60008**  
**Tuesday, November 1, 2022**  
**7:00 p.m.**

**AGENDA**

**Call to Order**

**Roll Call/Declaration of a Quorum:** Buckingham, Burchert, Chubirka, Gercken, Leone, Sheehan, Sipple

**Approval of Minutes: October 4, 2022 Planning and Zoning Commission Meeting**

**Pending Business: NONE**

**New Business – (New Public Hearings):**

1. Text amendment to Sections 122-42, 122-88, and 122-331 of Chapter 122 "Zoning" of the City of Rolling Meadows Zoning Code of Ordinances to define and regulate "Tobacco, Vape, and CBD shops" as permitted uses in the C-1 and C-2 zoning districts, City of Rolling Meadows, Petitioner
2. Text amendment to Sections 122-363(1)a and 122-363(1)c of Chapter 122 "Zoning" of the City of Rolling Meadows Zoning Code of Ordinances to reduce the number of members of the Planning and Zoning Commission from nine to seven, and reduce attendance constituting a quorum from five to four, City of Rolling Meadows, Petitioner

**Discussion Items:**

1. None.

**Reports: Update of on-going projects, cases, and issues.**

**Next Meeting: Wednesday, December 7, 2022 at 7:00 pm (NOTE MODIFIED DAY FOR DECEMBER)**

**Motion to Adjourn**

**City of Rolling Meadows**  
**Planning and Zoning Commission Minutes**  
**7:00PM**  
**Tuesday, October 4, 2022**

**Call to Order**

**Chairman Buckingham** called the October 4, 2022 meeting of the Planning and Zoning Commission to order at 7:03PM.

Roll Call -

**Presiding:** Chairman Buckingham

**Present:** Burchert, Chubirka, Gercken, Leone, Sheehan, Sipple

**Absent:** None

**Also Present:** JoEllen Charlton - Assistant Director Public Works, Martha Corner - Business Advocate, Cindy Browder - Secretary

**Chairman Buckingham** declared a quorum.

**Approval of Minutes**

**Chairman Buckingham** asked for a motion to approve the minutes from the September 6, 2022 Planning and Zoning Commission meeting. Mr. Gercken moved to approve the minutes as written and Mr. Leone seconded. Motion carried by unanimous voice vote. Minutes approved as written

**Pending Business: Yes**

**Pending Business:**

1. Public Hearing for a Special Use pursuant to Section 122-331 of Chapter 122 "Zoning" of the City of Rolling Meadows Code of Ordinances, to authorize a Special Use for "Outdoor Storage" and other relief necessary for accommodate the outdoor storage at 1675 Hicks Road, Nick Luisi, Sunset Pools and Spas, LLC, petition (*Continued from August 3, 2022 and September 6, 2022 meetings*)

**New Business – (New Public Hearings):**

1. None

**Chairman Buckingham** asked if the file was in order and proper notice was given. Staff indicated that it was.

**Chairman Buckingham** asked for a motion to open the public hearing and enter the Staff report included in the packet into record. A motion was made by Mr. Gercken and seconded by Mr. Leone. Motion to open public hearing approved by unanimous voice vote.

**Nick Luisi** was sworn in by Chairman Buckingham.

**Chairman Buckingham** prior to calling Mr. Luisi to the podium provided a recap of previous Planning and Zoning Meetings where this matter was addressed on both August 3, 2022 and September 6, 2022.

**Mr. Luisi** addressed each concern and the proposed improvements or conditions of approval needed to mitigate concerns stated by their neighbor at 1645 Hicks Road, Ms. Karen Benedetto and Attorney Mark Daniel.

1. **Fence:** An 8' tall fence with screening slats will be installed to screen the paved area west of the building. The fence shall include two fixed sections and two 40-foot sliding sections which provides for a 40' opening in the middle.
2. **Insufficient Parking Issue:** Seven parking spots will be installed in place of current landscaping on the North side of the building that will be removed. This will be part of the common easement that both properties could use.
3. **Delivery Impacts:** The size of delivery trucks will be limited to no greater than a 26' box truck. A sign will be posted in the front common driveway area stating that delivery trucks greater than 26' are prohibited.
4. **Fuel Tanks:** Currently two fuel tanks in rear parking lot; one for diesel and one for regular fuel. A permit has been submitted to the City of Rolling Meadows.
5. **Overnight Parking:** Licensed company vehicles will be allowed to park overnight in the fenced in area in the west parking lot. You will not be able to see any vehicles from the street.
6. **Refuse Area:** There will be a designated refuse area that is 12' by 18' located in the rear on left side of the property. This will be emptied weekly.
7. **Outdoor Storage:** There are several conditions for outdoor storage that we will conform to such as -
  - a. There will be no delivery trucks larger than 26'.
  - b. Delivery trucks will not be allowed to back in from Hicks Road. They will have to pull in straight and turn around in the rear parking lot.
  - c. No construction debris will be brought back and stored on the property.
  - d. Parking spaces on west side of the building would only be allowed to accommodate vehicles that can fit into standard 9' by 18' parking space.
  - e. The access aisle between both the north and south building would be kept free.
  - f. They will not store any garbage on the premises outside of what would be put in the designated dumpster location.
  - g. They have designated the size of the outdoor material storage area as 17'2" by 31'6" and 17'2" by 31'10" as shown on Exhibit 3.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham** opened the meeting to Commissioner's questions and comments.

**Mr. Gercken** confirmed that unloading would be done from within the gate. Mr. Luisi confirmed that there will be (2) 20' sections that would be able to slide open in increments up to 40' which will give them flexibility to open as much as needed.

**Mr. Gercken** asked Mr. Luisi to confirm regarding the overnight parking needs. Mr. Luisi confirmed that any overnight parking would be in the fenced in area only and would accommodate up to 18 parking spaces. Also confirmed that the ADA spaces will be in the east parking lot in front of the building and some in the west parking lot in rear of building.

**Mr. Leone** asked regarding the fuel tanks and where they will be located and if they will have containment built around them. Mr. Luisi clarified that they are steel above ground tanks and would not be operational at night when business is closed. The Fire Marshall was concerned about anything flammable being within a certain distance of them so they were required to put concrete street dividers around them to be sure that a vehicle wouldn't park too close.

**Ms. Sheehan** asked if the height of the storage would be able to be seen over the fence. Mr. Luisi confirmed that storage rack and fence are both 8' and the fence will cover the full height of the storage. Mr. Leone asked if anything will be stored on top of the 8' racks and Mr. Luisi confirmed that it would not.

**Mr. Burchert** asked regarding total number of existing parking spaces and the petitioner clarified that and also the reason the dumpster is outside the gate is so Lakeshore Recycling can access it.

**Mr. Gercken** asked what they will do with construction debris. Mr. Luisi said they plan to fill up the dump trailers they have and take it directly to the dumpsite down the street.

**Chairman Buckingham** referred to the list of storage items and asked if bobcats would be stored there. Mr. Luisi stated that they would be stored there when not on a job site. Ms. Charlton clarified that the revised exhibit 2 item 7h. does identify bob cat accessories and treads but there was also a condition that stated that trailers and other equipment could be stored in the parking spaces as long as they fit within the parking spaces and there was still enough room that it didn't preclude them from parking their overnight company vehicles in those space and it couldn't overflow into the drive aisle.

**Chairman Buckingham** asked how they unload the delivery vehicles currently and if it is it through the shared driveway. Mr. Luisi said that it depends on the type of vehicle; the standard one backs up to where the back door is and the 4' that comes out of their building and takes off the delivery materials. Chairman Buckingham asked if they currently go all the way into the back or unload in the shared drive. Mr. Luisi explained that it is half on and half off the easement, they probably split it in the middle right now. Chairman Buckingham asked, if the Special use is approved unloading will only be able to occur within the gated area in the back, do you see any problem with that? Mr. Luisi is confident that there is enough room with the 40' gate open that a box truck can get all the way in and reverse out. Chairman Buckingham asked about semi-trucks making deliveries and how that would be handled given these conditions. Mr. Luisi stated that semi-trucks will park in the median on Hicks Road and be unloaded from there.

**Chairman Buckingham** asked about testimony from the last hearing about debris in the shared driveway; nails, tires being punctured and other obstructions preventing clear access by the neighbor's customers into that area. Some of this will be mitigated by these conditions and deliveries occurring in the back but will Sunset Pools police the shared drive to be sure that it is kept clean on your side. Mr. Luisi thinks that the fenced in area will be beneficial as it will clearly delineate the borders of their property so their employees will

be more contained in that space. Also, not bringing back the construction debris should help greatly with this issue. Sunset Pools purchased metal magnet rollers that are used by warehouse employees to roll the streets to pick up any metal that may have fallen.

**Mr. Gercken** asked about an item that appears to be missing from the exhibit in regard to all trucks must unload behind the fence in the loading dock area. Chairman Buckingham referenced 7e. and that it is stated differently. Mr. Luisi to your point, the big issue is when we've had semis roll up and block everything. The 26' box truck deliveries aren't the issue. Mr. Gercken asked if they will establish safety procedures with their employees for unloading on the Hicks Road median. Mr. Luisi said they are familiar with this procedure as they do a lot of projects in the city and have all the gear, stop signs, etc. for unloading in the street. The trucks that park on the median are few and far between. Home Depot is their biggest supplier and offer different size trucks for deliveries so they will work together to come up with the optimum size trucks to make deliveries easier. Mr. Leone asked if they can designate the best delivery times and Mr. Luisi assured the commission that they will do what is possible based on the delivery schedules available from their vendors.

**Chairman Buckingham** asked how frequent their deliveries are. Mr. Luisi said that the box trucks are usually Monday, Wednesday and Friday in peak season and as it tapers off then it depends on when they need the product. Deliveries by semi-trucks are generally once every two weeks when the product is coming from out of state.

**Chairman Buckingham** asked if there is any concern about storing all the vehicles behind the gate overnight so that none will need to be outside the gate. Mr. Luisi said they have no concerns about this. The gate will be locked at night and designated employees will be able to lock and unlock them daily. They have also entertained the idea of a lockbox in the event that an employee returns after hours. They have previously had theft occur in their parking lot and feel that the locked gate will prevent that in the future. They have security cameras installed but they were unable to pick up faces or license plates.

**Staff Report Highlights:**

Ms. Charlton commended the Petitioner and the Commission on their thoroughness on covering many of the items that she had planned to discuss in the staff report. These items are included in the report which has been entered into record so it isn't necessary to go into a lot of detail but is important to comment on this process as it has been unusual as it is not common for us to need to continue a petition over 3 meetings but it really shows good effort on behalf of both parties; the applicant and the owner to the north. Typically, when an attorney is going to be present and provide that level of testimony we are aware of it but Mr. Daniel was unable to give proper notice but did apologize. Nonetheless, we were able to meet with the petitioners and property owners to the north to hammer through some of the things that we thought would mitigate those concerns. This resulted in a lot of back and forth correspondence and its interesting because we have both the conditions associated with the special use, attached for your review and consideration, and other things that come into play that are more related to the fact that they share this common access and driveway and have a private easement agreement between them. There is a broken water service connection, information provided in the report. The two properties were built at the same time by the same owner and as a result have one service coming in from Hicks Road. That connection is on the far east side of Hicks Road, it goes under Hicks Road comes onto their property at 1675 and then takes a bend and goes under the 1645 property. They both take their services off of that service line so we believe that the break is on the 1645 property and if

you recall, there was testimony at the last meeting that suggested potentially that the weight of the trucks and the frequency of the trucks could have caused that. Sometimes these issues get involved with a lot of private negotiations and disagreements but again I am very proud of these two owners for getting together on the site to talk through the issues and come up with an agreeable plan to not only fix the water service connection but to also address the re-pavement of that road. A Memorandum of Agreement has been provided which shows how they are going to handle the current repair as well as repairs moving forward. This is not something they were required to provide as part of the special use but it was relevant and shows good faith on both parties. A revised Exhibit 2 has been provided. Prior to closing the hearing and taking any consideration for votes, the Commission should enter the revised document into record. Based on the changes made from last month, the findings of facts for special uses was revised which is included on pages 5 and 6 of your staff report. The recommendation to approve that is provided on page 7 was drafted so that you can reference Exhibit 2.

**QUESTIONS AND COMMENTS FROM THE COMMISSION:**

**Chairman Buckingham opened the meeting to Commissioner's questions and comments.**

**Mr. Gercken** asked as part of the recommendation should they also include the Memorandum of Agreement. Staff stated that this is a private matter and does not need to be included.

**Ms. Sheehan** was glad to see somebody came up with this Cross-Easement Agreement so it could be reviewed by the Commission. It is obviously recorded but for some reason we didn't come up with it at the first hearing. Is this Memorandum of Agreement going to be recorded so that it isn't glossed over? Ms. Charlton stated that since it is a matter between private parties we wouldn't require it but it is now part of the hearing record as part of this case so it will be stored that way with the City files and as we get Energov up and operational in January of 2023 all of that searching for those documents will become much easier.

**Chairman Buckingham** questioned staff's comfort level with the proposed method of loading and unloading delivery vehicles as stated in the conditions even if the lots are full with cars. Ms. Charlton stated that staff is comfortable with the 26' and at one point in conversations they were considering whether they could go with any larger trucks and it was suggested that if they were to do that they would need to evaluate with turning templates whether or not those movements could be made but they are comfortable with the 26'.

**Chairman Buckingham** noticed that there is no requirement that the dumpster be enclosed. Ms. Charlton explained that with certain projects like this that are retrofitting new situations into existing properties, there are always a list of things that are non-conforming. Things that they don't comply with in terms of our current code. We try to gain closer compliance to the code without throwing the entire book at them. We looked at the level of improvements this petitioner was already making and agreeing to adding 7 new parking spaces, installing a gate and also the fact that the adjacent owners dumpster enclosure, right next to this area, is also not enclosed led to that conclusion so we felt like we gained a lot of compliance and that wasn't an additional expense we didn't want to burden this petitioner with especially when the adjoining property owners dumpster is not enclosed.

**Chairman Buckingham** asked staff to speak on the shared parking and the addition of 7 new parking spots and how that relates to the special use and the issue before the commission. Ms. Charlton responded that a

special use by nature is a permitted use that is intended to evaluate the impacts caused by the special use which might be unique to their situation or to how they relate to property around them so we always look at required parking and determined that they met the requirement. There are 31 spots on site and 24 required by code, however, based on testimony provided at the last meeting by the neighbor to the north, regarding how many additional spaces are required due to the company vehicles coming and going and transferring between the employees who drive their personal cars and swap them out, it was determined based on how this user utilizes the property and needs those additional parking spaces for the company vehicles, that they really needed to add additional parking spaces to get to a total of 37 not 31. We feel comfortable that the concerns raised by the northern property owner will be alleviated with the additional parking spaces and made that a condition of approval. Chairman Buckingham confirmed then that it is more a matter of the use of the subject property and having enough spaces and room to do what they have to do to make the special use effective.

**Chairman Buckingham** asked if Staff sees any issues with the fuel tanks. Ms. Charlton clarified that the State Fire Marshal issued the permit for the site and typically the City would issue the permit based on the Fire Marshal's approval of the site, however that step was missed and the City permit was not requested. When the permit is submitted through the City it will be re-reviewed as we normally would to see if there are any other conditions to meet either City of State Fire Marshal requirements. If other issues come up as part of that review they will need to meet those requirements as part of the permit not the special use.

**QUESTIONS AND COMMENTS FROM THE AUDIENCE:**

**Chairman Buckingham opened the meeting for comments from the public. With no members of the public wishing to comment, the public comment portion was closed.**

**Chairman Buckingham** asked for a motion to enter the revised conditions of approval Exhibit 2 revised as of October 4, 2022. Mr. Gerken made a motion. Seconded by Mr. Leone.

**Chairman Buckingham** asked for a voice vote for those in favor. 7 in favor; 0 opposed.

The motion is carried and the revised conditions of approval are entered into the record.

**Chairman Buckingham** asked for a motion to close the public hearing, motion received by Ms. Sheehan, seconded by Mr. Chubirka. With a unanimous voice vote the public hearing was closed.

**Mr. Chubirka** moved that, based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings of fact for a special use listed in the staff report prepared for the October 4, 2022 Planning and Zoning Commission meeting, and recommend to City Council approval of a special use to allow outdoor storage for Sunset Pools and Spas, subject to the following conditions listed in Exhibit 2 to the staff report prepared for the October 4, 2022 Planning and Zoning Commission meeting.

Seconded by Mr. Sipple.

**Roll Call:**

**Mr. Burchert:** Yes

**Mr. Chubirka:** Yes

**Mr. Gercken:** Yes

**Mr. Leone:** Yes

**Ms. Sheehan:** Yes

**Mr. Sipple:** Yes

**Chairman Buckingham:** Yes, the conditions of approval are reasonable and provide a good balance allowing the petitioner to enjoy the full use of their property while still taking into consideration the interest of its neighbor. This is what makes the City a good place to work and live with neighbors working together. Thank you to Mr. Luisi - your efforts are appreciated.

Yeas – (7) – Buckingham, Burchert, Chubirka, Gercken, Leone, Sheehan, Sipple

Nays – (0) – NONE

Absent – (0) – NONE

Abstain – (0) – NONE

The motion is carried and a recommendation for approval will be forwarded to City Council for 1st reading on October 11, 2022

**Report Items – Ms. Charlton:**

1. Council responded to a request by the City Manager’s office to go back to having Community Development be a separate department from Public Works. In 2017 upon the retirement of a former director of Community Development, the department was brought into Public Works and has been part of that department ever since. The recommended change is to take the position that was Don Wenzel, Interim Superintendent and Community Development Operations and create a dual position which will be called Assistant City Manager/Community Development Director. They will begin recruiting for that position this month or next with the hope that this position will be in place by January 1, 2023. Elizabeth Kwandras has does a great job serving in an interim role and as a result, City Manager Sabo has announced that she will be named as Deputy Director for the Community Development Department basically continuing what she has been doing whereas the Assistant City Manager/Community Development Director will have some functions in the City Manager’s office and also the bigger economic development and community development role like I’ve been doing part time with my Assistant Director of Public Works position. City Manager Sabo fully expects that we’ve built this great relationship and there is an obvious inner relationship between Community Development and Public Works because of public improvements and the public right of way that need to occur so I will still have a hand in it just won’t see me as much as you have been. It is time for City of Rolling Meadows to go back to that model. It is a more traditional model that you see in other communities so we look forward to that process and having someone new join in that role.
2. Agenda items for Planning and Zoning Commission meeting in November, 2022.
  - a. Text amendment to reduce the size of the Commission from 9 to 7.
  - b. Text amendment to regulate tobacco, CBD, and vape shops as special uses in the C1, C2 districts. There are several shops in the area currently so it was brought to City Council and decided that further discussion is needed to determine if they should get treated similar to Video Gaming and allow only so many in a district or certain distances from sensitive uses like churches and schools.

- c. Text amendment to modify the Zoning Code under variances to allow petitions to seek variations from the Building Code and other codes with the City code of ordinances cause at this time there isn't an avenue for that.
- d. Working with the Marathon gas station next to Comet Ice cream. They want to construct a new convenience store building at the far south end of that property that will require some variations and special exceptions.

**Mr. Sipple** asked what the remaining meetings are for 2022. Confirmed they are November 1, 2022 and December 7, 2022.

**Mr. Chubirka** asked if the easement issue by the old fire house got resolved. Ms. Charlton confirmed that they have sent them a draft development approximately 3 months ago and have been waiting for their comments. Asked for an update last week. The City Attorney has been talking to their attorney.

**Mr. Leone** asked what is moving in to the old fire house. Staff responded that a group has dubbed a plan called Fire Hall which is an upscale food court and event space and bar on the second floor. Parking is a big issue that they are working through.

#### **Adjournment**

**Chairman Buckingham** requested motion to adjourn. Mr. Chubirka made motion, seconded by Mr. Leone. Carried by unanimous vote. The regular meeting of the October 4, 2022 Planning and Zoning Commission was adjourned at 8:07PM.

Next Meeting: Tuesday, November 1, 2022.

Cindy Browder  
Administrative/Clerk  
Community Development Division

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE:** November 1, 2022

**SUBJECT:** Public Hearing and Consideration of a Text Amendment to Sections 122-42, 122-88, and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances to define and regulate “Tobacco, Vape, and CBD shops” as permitted uses in the C-1 and C-2 zoning districts.

**PUBLIC HEARING:**  Yes  No

### BACKGROUND/HISTORY:

As part of the 2021 zoning code update, new definitions were included for uses in the Ordinance. They were made broader by purpose to allow staff flexibility in determining appropriate uses for an area. One of these definitions was for “indoor retail”. Up to now, that definition was used for tobacco, vape, and CBD shops, and they were allowed for all indoor retail uses. Up to this point, there were six such shops in the City, two of which were on Kirchoff Road. Staff received a request for a third on Kirchoff Road, and has since received another request for one on Central Road. In considering the Economic Development Committee’s desired direction for the Kirchoff Road corridor, and at the direction of the City Manager with concurrence from the City Attorney, staff was asked to investigate with the Planning and Zoning Commission whether additional regulations were warranted.

Staff evaluated zoning codes of surrounding communities and how they regulated similar uses. In some places, they were considered special uses, and in others they were permitted by right. On considering these other regulations, staff reached some conclusions, and is prepared to offer suggested regulations.

### Considerations.

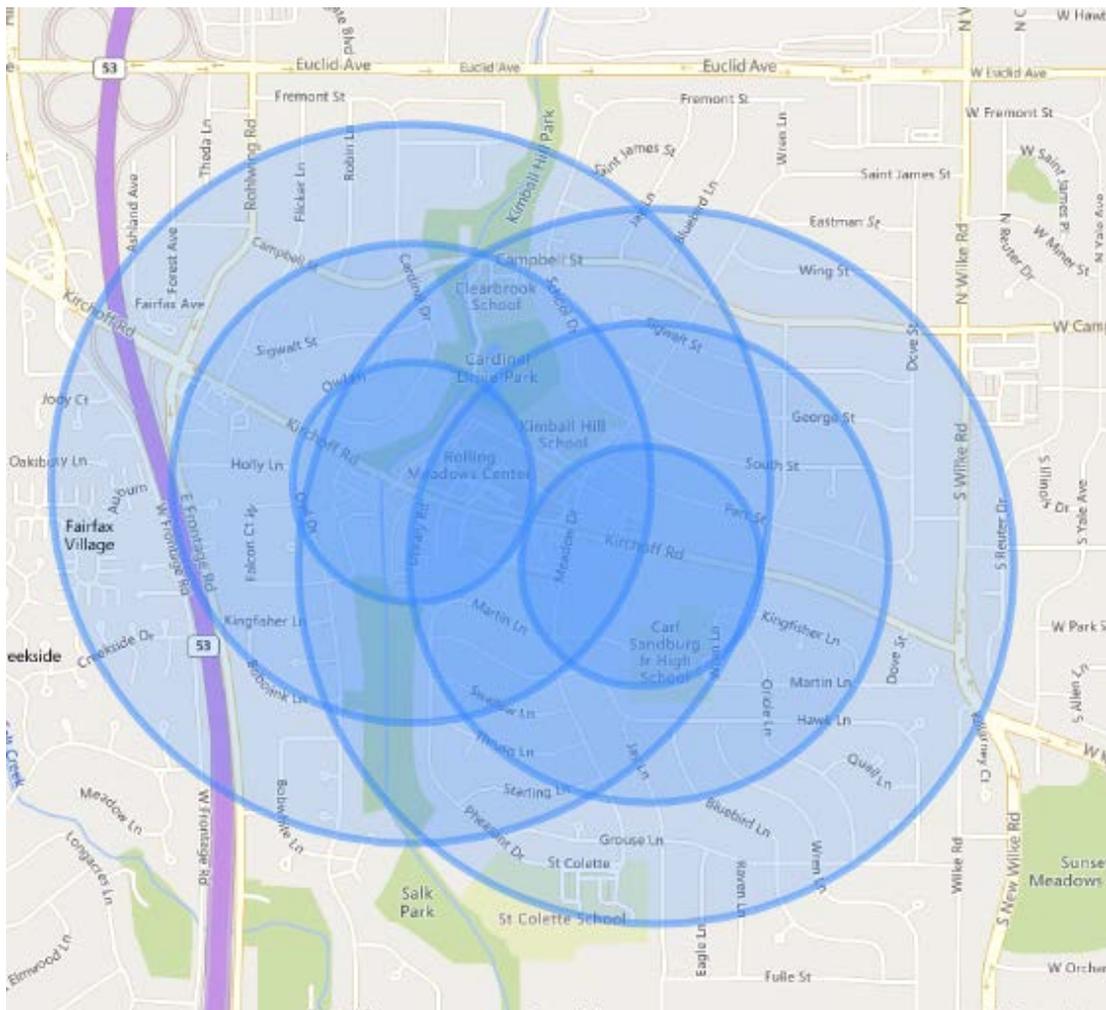
When considering a text amendment, it is appropriate to evaluate the location and characteristics of any existing uses already in the community. In Rolling Meadows, there are currently six establishments that are primarily geared towards the sales of tobacco, vape products, and CBD. They are:

Business	Address
Zee Vapor & Tobacco	2641 Kirchoff Rd.
Sky Vapor Tobacco	3338 Kirchoff Rd.
Squire Liquor & Tobacco	1929 Plum Grove Rd.
Green Zone CBD & Vape	1935 Plum Grove Rd.
Island Smoke & Vape	1645 Algonquin Rd.
Nirvana Smoke & Vape	2224 Algonquin Rd.

Two additional requests are waiting to be considered. One is in the Rolling Meadows Shopping Center (Jewel), and the second is at 1910 Central Road (corner of Central and New Wilke, end unit).

Staff's proposes regulations that include a distance requirement between uses of this type. There are three distances under consideration: 1,000 feet, 2,000 feet, and 3,000 feet. The goal of any distance restriction would be to establish reasonable opportunities for new competition, without crowding too many similar uses in one neighborhood, while also attempting to minimize a rule that would make one or more existing businesses non-conforming. To come to a conclusion, staff mapped out the locations of the existing shops, as well as radii of each distance around them. The goal is to reduce non-conformity as much as possible.

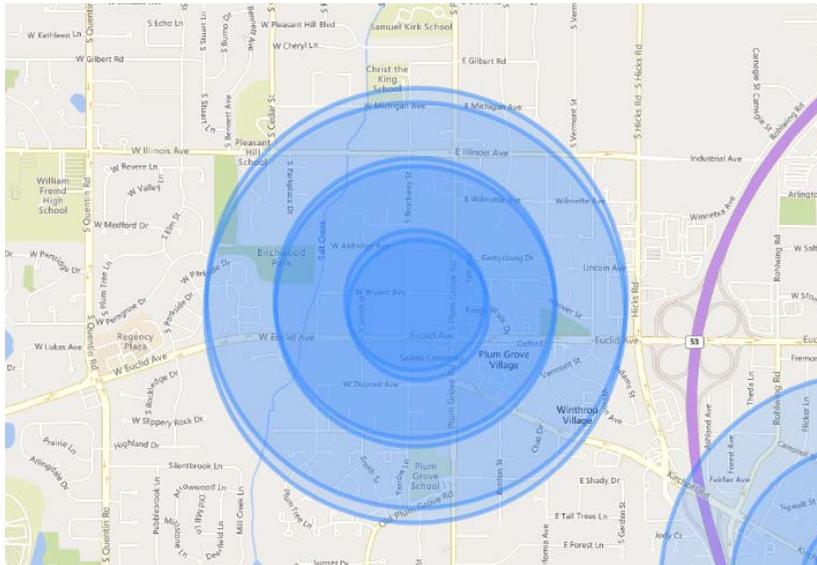
The Kirchoff Road locations are shown below in the center of the smallest circle:



The smallest circle shows a 1,000 foot radius from the store location. The second and third largest circles show 2,000 and 3,000 feet radii respectively. The two Kirchoff Road locations are just over 2,000 feet apart. Establishing a 1,000' separation requirement would potentially leave room for additional shops to be located in the Kirchoff Road corridor. 2,000 feet would cover the majority of the area and limit additional shops, but would keep the existing two users in

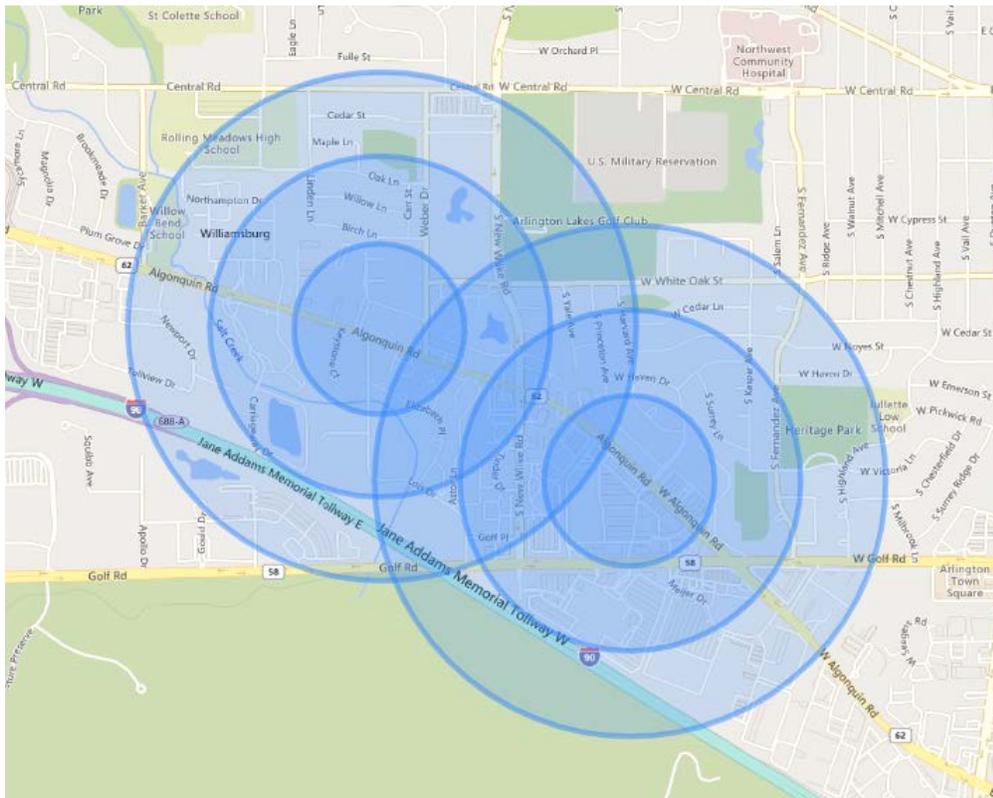
conformance with the code. 3,000 would cover a larger area, but would make the two existing users non-conforming.

The Plum Grove locations can be seen below:



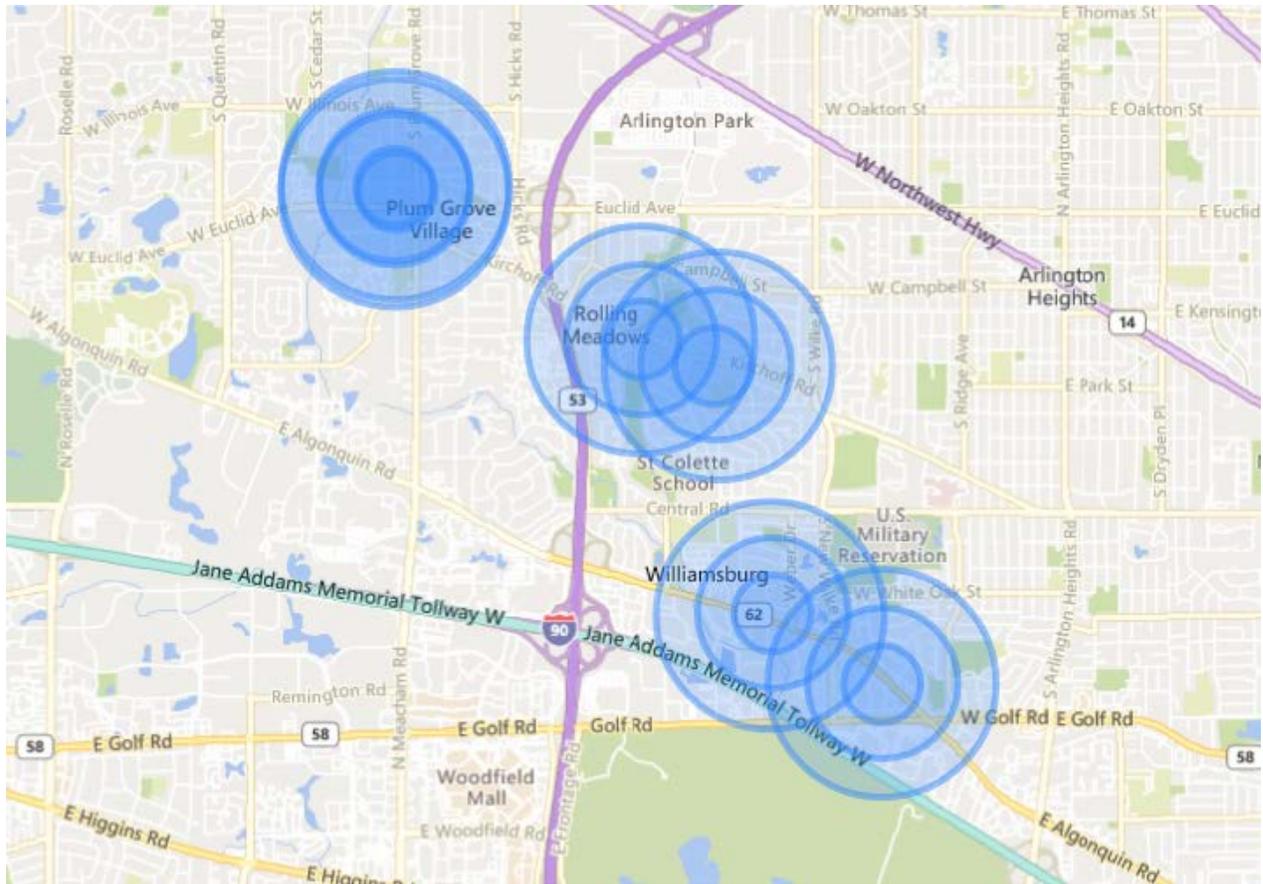
The two locations on Plum Grove road are in the same shopping center, and would both become non-conforming no matter any new distance regulation that might be proposed. In this case, both existing users would be allowed to continue operation as a legal non-conforming use. If, however, one of them were to cease operations or otherwise vacate the premises, the same use would not be allowed to re-occupy that space.

There are two locations on Algonquin Road shown in the map below.

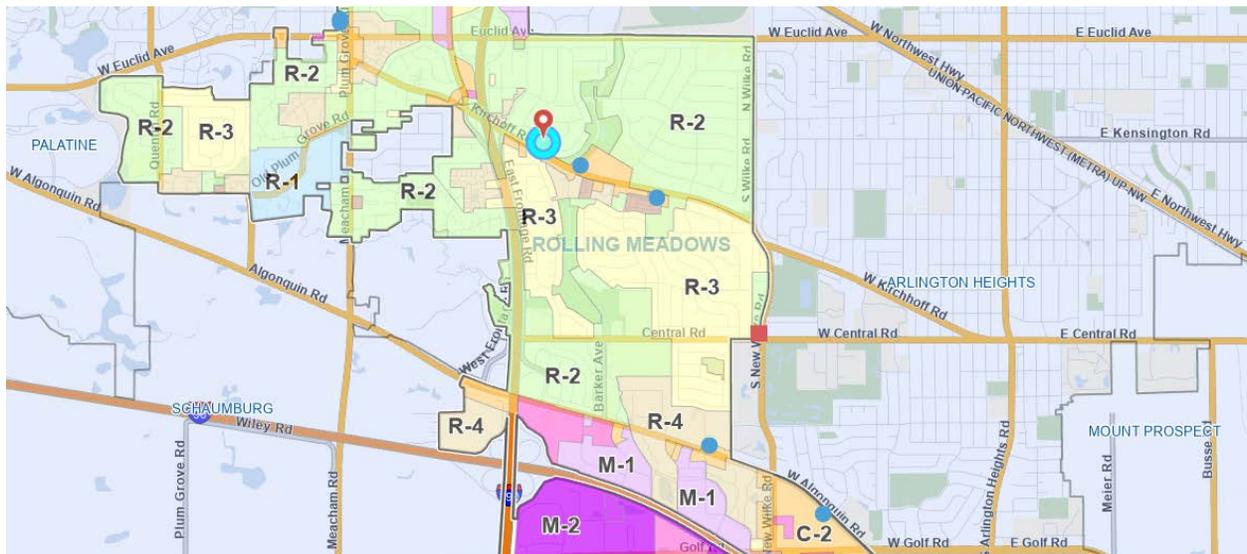


These two locations are just over 3,000 feet apart. Any regulations being considered will not make either location non-conforming, but would limit what is available for new potential users.

All of the locations across the City can be seen in the map below:

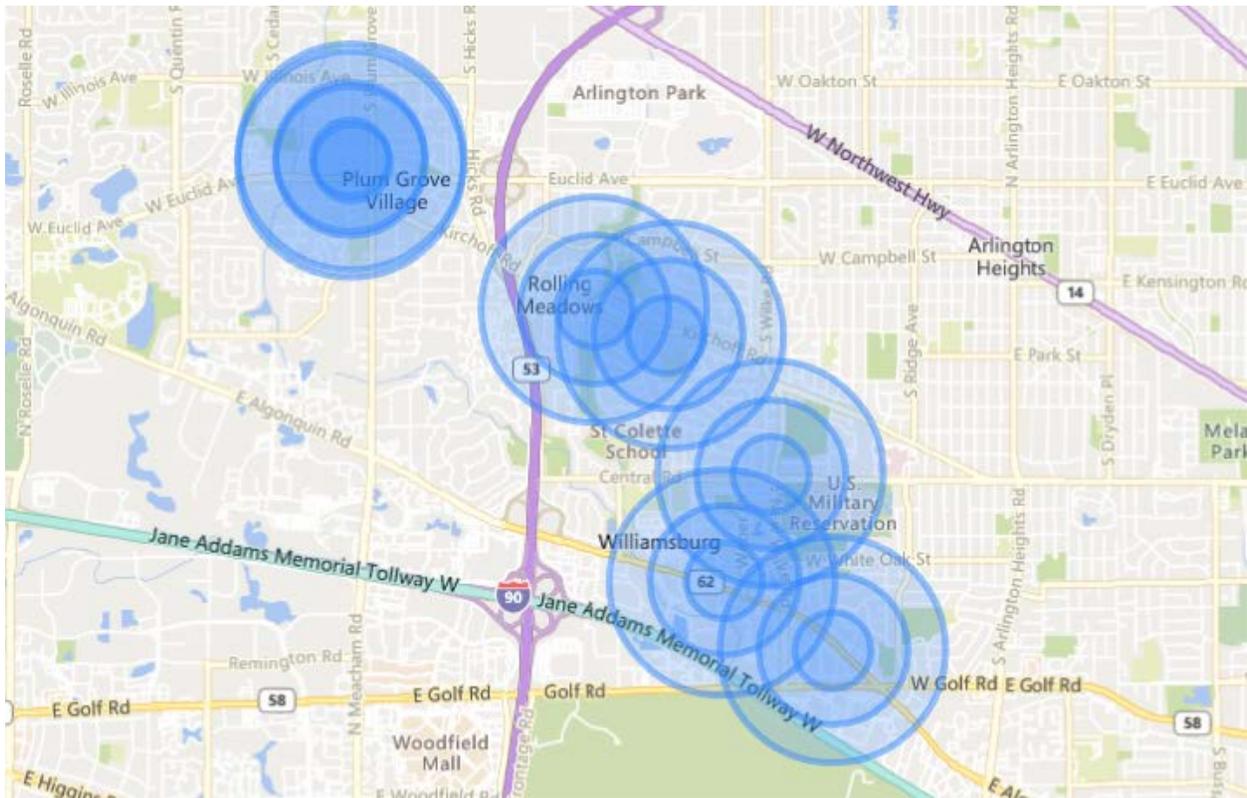


For comparison, the City's zoning map can be seen here:



The current locations of each shop are noted by a blue dot. The red square indicates one of the two requests staff has received – the one for Central Road. Unlike the additional request of the third shop on Kirchoff Road, this shop would be considered in compliance with any of the three evaluated distance regulations. A third location on Kirchoff is not recommended. A 2,000'

separation would achieve that goal while not making either existing use non-conforming. A full map with radii of all six current, along with the seventh proposed, locations is shown below:



Additional zoning regulations being considered for Tobacco, Vape, and CBD Shops are:

- Limitation to C-1 and C-2 zoning districts
- Only one use in any multi-tenant building

The definition staff is proposing is as follows:

**Tobacco/Vape/CBD Shop** A retail establishment where 40% or more of the sales are tobacco related products, vapes and related products, or CBD.

Overall, staff recommends the text amendment be adopted to ensure that the development of the City continues along the track for economic growth as envisioned by the Mayor and City Council, the City Manager, and the Comprehensive Plan. The text amendment is recommended to include the definition provided, the limitation to C-1 and C-2, limitation to one use per building, and a distance requirement of 2,000 feet between uses, as measured between the closest points of each tenant space.

#### **TEXT AMENDMENT STANDARDS:**

All text amendments are required to show evidence that the standards listed in the Code are met. Each standard is listed below in **bold**, with the finding for that standard listed in *italics*.

**Standard 1: Potential impacts:** The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

*Findings:*

*The text amendment, as recommended by staff, will have limited impact on existing users, except that the two existing users on Plum Grove Road would become non-conforming. Under the existing ordinance provisions, those two users would be allowed to continue to exist as legal non-conforming uses. New users coming into the City will either need to find a location that meets all the requirements of the code, or replace an existing user if/when they close.*

**Standard 2: Trend of development/consistency:** Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

*Findings:*

*This text amendment is consistent with the intent of the surrounding code section, which is to ensure that all users have a fair chance to thrive in the City. Similar restrictions are in place for adult use cannabis, and for video gaming cafes.*

**Standard 3: Externalities:** Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

*Findings:*

*This amendment is necessary to ensure consistent good development, and to protect the City from an overabundance of a single type of use to the detriment of all others.*

**Standard 4: City plans:** Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

*Findings:*

*The City's plans call for smart economic development. The City's base depends on a wide variety of users spread out throughout the City.*

**Standard 5: Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.**

*Findings:*

*This amendment is proposed to allow a wide variety of uses in the City's commercial districts, including the Kirchoff Road corridor.*

**STAFF SUMMARY AND RECOMMENDATION:**

Staff supports the proposed text amendment and recommends approval as presented in Exhibit 1.

Three sample motions are provided below as guidance to the Planning and Zoning Commission.

**1. Recommendation to approve**

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for the text amendment listed in the staff report prepared for the November 1, 2022, Planning and Zoning Commission meeting, and recommend to City Council approval of the text amendment provided in Exhibit 1 of that staff report.

**2. Recommendation to approve with modifications**

Use the framework above, but modify, change or delete conditions.

**3. Recommendation to deny**

Vote no on either motion above.

Respectfully Submitted,



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Elizabeth Kwandras  
Interim Superintendent of Community Development

Attachments:

Exhibit 1: Proposed Changes

Exhibit 1

Proposed Changes shown in red underscore

Section 122-42 is changed by adding the following definition:

Tobacco/Vape/CBD Shop A retail establishment where 40% or more of the sales are tobacco related products, vapes and related products, or CBD.

Section 122-88 is added to include the following:

Section 122-87. – Tobacco, Vape, and CBD shops

(a) Purpose and applicability. It is the intent and purpose of this section to provide regulations regarding tobacco, vape, and CBD shops within the corporate limits of the City of Rolling Meadows.

(b) Requirements of a tobacco, vape, and CBD shop. All tobacco, vape, and CBD shops proposed to locate in the City of Rolling Meadows must comply with the following:

(1) Tobacco, vape, and CBD shops are allowed as Permitted Uses in the C-1 and C-2 commercial zoning districts.

(2) Only one (1) Tobacco, Vape and CBD Shop is allowed in a multi-tenant building.

(3) Tobacco, Vape and CBD Shops shall be separated from each other by a distance of not less than 2,000 feet, as measured between the closest points of each tenant space.

Section 122-331 shall be updated as follows:

Zoning District	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	M-1	M-2
Business Uses										
Tattoo Parlor							S		S	S
<u>Tobacco, Vape, and CBD Shops</u>						<u>P</u>	<u>P</u>			
Veterinary Services							S	S	S	S

**APPLICATION TO APPEAR BEFORE THE  
CITY OF ROLLING MEADOWS  
PLANNING AND ZONING COMMISSION**

Property's Commonly Known Address: \_\_\_\_\_

Real Estate Tax Number: \_\_\_\_\_

Owner/Developer's Name: City of Rolling Meadows

Petitioner's Name: City of Rolling Meadows

Petitioner's Signature: (please print)  


Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-963-0500 Fax: \_\_\_\_\_ Email: paynee@cityrm.org

Interest of Petitioner: (check one)

Owner       Lessee(s)       Contract Purchaser       Agent

**Note: If you are not the owner, you must supply the owner's written authorization.**

Description of Request:

Request a text amendment to define and regulate tobacco,  
vape, and CBD shops as permitted uses in the C-1 and C-2  
zoning districts.

Contact Person: Rob Sabo  
(please print)

Contact Person's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-963-0500 Fax: \_\_\_\_\_ Email: kwandrased@cityrm.org

## PLANNING AND ZONING COMMISSION SUMMARY

**MEETING DATE:** November 1, 2022

**SUBJECT:** Public Hearing and Consideration of a Text Amendment to Sections 122-363(1)a and 122-363(1)c of the City of Rolling Meadows Zoning Code of Ordinances to reduce the number of members of the Planning and Zoning Commission from nine to seven, and reduce attendance constituting a quorum from five to four

**PUBLIC HEARING:**  Yes  No

### BACKGROUND/HISTORY:

In 2017, the City Council approved Ordinance 17-19 to combine the previously separate Plan Commission and Zoning Board of Appeals. The new Planning and Zoning Commission was created with nine members. When the updated Zoning Code was adopted as of January 1, 2021, the number of members remained at nine.

Since that time, the Planning and Zoning Commission has either not had the full complement of nine members, or has had continued difficulty with obtaining a quorum for meetings through absences. As such, the City Manager and City Council have provided staff direction to modify the City Code to reduce the number of Planning and Zoning Commission members from nine to seven, thereby reducing the minimum number of members needed for a quorum from five to four.

### Considerations.

The Planning and Zoning Commission is discussed in Chapter 122 “Zoning”, including its establishment, duties, and makeup. The Commission is also discussed in Chapter 78 “Planning”, which will need to be amended by the City Council, but is outside the purview of the PZC as it is not part of the Zoning Ordinance.

The current text is shown in Exhibit 1, along with proposed changes in red.

### TEXT AMENDMENT STANDARDS:

All text amendments are required to show evidence that the standards listed in the Code are met. Each standard is listed below in **bold**, with the finding for that standard listed in *italics*.

**Standard 1: Potential impacts:** The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

*Findings:*

*This amendment will have no negative impact on existing land uses. It is proposed specifically to allow petitioners to be secure in the knowledge of their ability to have a public hearing when scheduled.*

**Standard 2: Trend of development/consistency:** Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

*Findings:*

*This text amendment is consistent with the intent of the surrounding code section, which is to ensure a fair and timely public hearing for petitioners.*

**Standard 3: Externalities:** Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

*Findings:*

*This amendment is necessary to ensure consistent good development and to allow petitioners to move forward with their applications.*

**Standard 4: City plans:** Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

*Findings:*

*The City's plans and policies all call for petitioners to be able to move forward with their requests and petitions to ensure good development and that the City keeps up with surrounding communities and markets.*

**Standard 5: Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.**

*Findings:*

*This amendment is proposed to allow all petitioners a timely review and public hearing, to ensure continued development for all zoning districts.*

**STAFF SUMMARY AND RECOMMENDATION:**

Staff supports the proposed text amendment and recommends approval as presented in Exhibit 1.

Three sample motions are provided below as guidance to the Planning and Zoning Commission.

**1. Recommendation to approve**

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission adopt the findings for the text amendment listed in the staff report prepared for the November 1, 2022, Planning and Zoning Commission meeting, and recommend to City Council approval of the text amendment provided in Exhibit 1 of that staff report.

**2. Recommendation to approve with modifications**

Use the framework above, but modify, change or delete conditions.

**3. Recommendation to deny**

Vote no on either motion above.

Respectfully Submitted,



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Elizabeth Kwandras  
Interim Superintendent of Community Development

Attachments:

Exhibit 1: Proposed Changes

Exhibit 1

Proposed Changes

Section 122-363(1)

(1) *Membership:*

a. The planning and zoning commission shall consist of ~~nine~~seven members who are residents of the City of Rolling Meadows to be appointed by the mayor and confirmed by the city council. The term of each planning and zoning commission member shall be for four years or until their successor is appointed. If any vacancy occurs during the term of office, an appointment shall be made by the mayor and confirmed by the city council for the unexpired term.

b. The members of the planning and zoning commission shall elect annually from among the members of the body a chairperson and vice chairperson.

c. The attendance of at least ~~five~~four members shall constitute a quorum.

**APPLICATION TO APPEAR BEFORE THE  
CITY OF ROLLING MEADOWS  
PLANNING AND ZONING COMMISSION**

Property's Commonly Known Address: \_\_\_\_\_

Real Estate Tax Number: \_\_\_\_\_

Owner/Developer's Name: City of Rolling Meadows

Petitioner's Name: City of Rolling Meadows

Petitioner's Signature: \_\_\_\_\_  
*(please print)*

Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-963-0500 Fax: \_\_\_\_\_ Email: paynee@cityrm.org

Interest of Petitioner: (check one)

Owner       Lessee(s)       Contract Purchaser       Agent

**Note: If you are not the owner, you must supply the owner's written authorization.**

Description of Request:

Request a text amendment to modify the number of members of the  
Planning and Zoning Commission from 9 to 7, and modify the number  
of members required for a quorum from 6 to 4.

Contact Person: Rob Sabo  
*(please print)*

Contact Person's Address: 3600 Kirchoff Road

City: Rolling Meadows State: IL Zip: 60008

Phone: 847-963-0500 Fax: \_\_\_\_\_ Email: kwandruse@cityrm.org