

City of Rolling Meadows
Planning and Zoning Commission
7:00 PM
February 1, 2022

Call to Order

Chairman Devall called the February 1, 2022 regular meeting of the Planning and Zoning Commission to order at 7:00 p.m.

Roll Call/Declaration of a Quorum:

Presiding: Chairman Duvall

Present: Buckingham, Chubirka, Sheehan, Sipple, Duvall

S. Morrison arrived @ 7:26 p.m.

Absent: L. Morrison

Also Present: Elizabeth Kwandras, Interim Superintendent of Community Development; Vickie Wiley, Community Development; and Martha Corner, Business Advocate.

Chairman Duvall declared a quorum.

Approval of Minutes

Chairman Duvall asked for a motion to approve the minutes from the January 4, 2022 Planning and Zoning Commission meeting. Mr. Buckingham moved to approve the minutes as written and Mr. Chubirka seconded.

Motion carried by unanimous voice vote. Minutes approved as written.

Pending Business: None

New Business:

1. Public hearing and consideration of a petition for text amendments to Sections 122-88 and 122-331 of the City of Rolling Meadows Zoning Code of Ordinances to add and regulate adult use cannabis dispensaries as an allowable special use in Commercial Zoning Districts, City of Rolling Meadows, petitioner.

Chairman Duvall asked if proper notice was give, and if the file was in order. Ms. Kwandras stated that was the case.

Open Public Hearing:

Chairman Duvall asked for a motion to open the public hearing and enter the staff report. Mr. Buckingham made a motion, Ms. Sheehan seconded. Motion carried by a unanimous voice vote.

Petitioner's Presentation: Elizabeth Kwandras representing the City of Rolling Meadows

Ms. Kwandras - Good evening, Ms. Charlton is off today, so I will be acting as primary staff liaison. Tonight we are talking about adult use cannabis dispensaries. The State authorized medical cannabis in 2013. The City of Rolling Meadows followed suit and Natures Care on Rohlwing Rd was opened in 2014 as our first medical cannabis dispensary and continues to operate today. In 2019 the State opened that up to adult use cannabis as well for recreational use. The special use that authorized Natures Care was amended and they are also operating as an adult use cannabis dispensary.

Anytime we bring a cannabis related text amendment or special use to you, it's because a specific business has asked for it. With these types of businesses it's better for us and the community if we can regulate them as they come in so we understand what the businesses' needs are and how they will impact the surrounding community.

Over the past several months, staff has been fielding various requests wanting to put in adult use cannabis dispensaries in the commercial district ("C") zoned properties along Golf Rd east of New Wilke Road (Wal-Mart/Sam's Club) area. Currently in our existing zoning code any adult or medical use cannabis are only allowed in the manufacturing ("M") districts as special uses. Generally speaking, when we bring these types of uses forward, we request that they become special uses. Special uses are things that we can consider as allowable in use, but may have some unique impacts that the Commission, City Council and Staff all need to look at to make sure some of those potential negative impacts are mitigated to the best of our ability, while still allowing the businesses to grow and be successful.

Currently the City's code has a lot of restrictions in it for any type of cannabis uses. The reason for that is when the text amendments were first brought forward to be considered as allowable uses, we were basing our regulations on information that was coming forward from the Illinois Municipal League. The current City code does not allow dispensary uses within 1,000 feet of sensitive uses including schools, daycares, residential uses or even vacant residential property. The State no longer requires that separation, the only remaining separation that we are aware of is a 1,500 foot separation between separate cannabis users. The City is not proposing that condition be included in our code because the State also does make exceptions for that rule, although I cannot speak to what those are or when they happen, those are guidelines by the State.

Most of the City's commercially zoned areas are pretty small. We are largely a residential community and a lot of the commercial areas in the City are close to residential. The zoning area in question this evening is a little bit unique in that it is a larger commercial district. There are some residential uses that are nearby, specifically across New Wilke from the car wash there is a condominium development. On Algonquin Road there is also single family residential in Arlington Heights.

Another requirement the City has for any kind of cannabis users is it be in a single use property, no multi-tenant and no shared parking. The reason for that is because in a lot of the manufacturing areas, the buildings are smaller and parking is more restricted. The commercial areas that we are looking at here have large parking areas, so the parking consideration is a lot less of a concern. Prospective dispensaries are providing the City with examples of dispensaries in neighboring communities such as Schaumburg or Naperville that are also being allowed in multi-tenant commercial buildings. For example, Sunnyside down Golf Rd by Woodfield Mall is in a multi-tenant building. In this case we are supportive of the text amendment modifications. We did bring this question to the Committee of the

Whole in January and they gave general consensus on consideration of approval for adult use cannabis dispensaries in commercial districts. Specifically this evening we are requesting that they be limited to the commercial district east of New Wilke Rd. In addition to the general text amendment regulations that we would be adding to the code, one of the things we have found during our updating of the zoning code is that adult cannabis uses were completely left off of the use table that's listed in article 5. If this text amendment is approved one of the things we will be asking for is that all of the adult use cannabis uses be listed under the use table as special use in the M-1, M-2 districts and also for adult use dispensaries as special uses in the commercial district. All of the standards that are required to be met for text amendments and findings of facts are discussed in the staff reports and I'm happy to answer any questions.

Questions and Comments from the Board:

Mr. Chubirka – The distance between different dispensaries has been discussed by City Council or COW?

Ms. Kwandras – The adult use cannabis businesses are highly regulated by the State and the City can be more restrictive than the State, but that would be discouraging to potential businesses that want to locate to Rolling Meadows. If we were to put a 1500 ft. separation between cannabis users in our commercial districts we would have one, maybe two spaces available in the commercial corridor in that area. A possibility if the Commission wants to explore that, but given that the State does waive that requirement, it's not something that was considered to be particularly necessary.

Mr. Chubirka – Just to be clear, the dispensary goes to the State first to get a license and then has to apply for special use permit here?

Ms. Kwandras – I believe so. We are working with a craft grower that wants to locate to the manufacturing district in the City of Rolling Meadows that you will probably see in March. They already have their license to locate where they want, so now they just have to come to us for special use. I believe that is the process they need to follow.

Mr. Chubirka – State still has 1500 ft. requirement, but they have waived it in the past?

Ms. Kwandras – Yes

Mr. Buckingham – What if they don't waive it in the future? Then that's binding on us. If someone comes and there is two businesses within that 1500 ft. limit?

Ms. Kwandras – It is and it isn't binding on us. We would still process the special use request as per normal function. It is not up to us to tell the State where they can issue a license. They would not be allowed to operate as a dispensary or a craft grower without a license from the State.

Mr. Buckingham – To get the license from the State, they still have to be in the 1500 ft. requirement?

Ms. Kwandras – Yes, unless the State chose to waive it. If they don't waive it, they will not be allowed to operate.

Mr. Chubirka – Would we have a justification to deny special use?

Ms. Kwandras – Most likely they wouldn't even bring it forward if they couldn't get a license from the State.

Mr. Chubirka – If the State waives it and two businesses come in for special use that build right next door to one another, would we have grounds to deny it? Based on the State's precedence, although the State disagreed and waived it, would that be legally acceptable to say no?

Ms. Kwandras – You could, but if it's not listed as grounds in the ordinance there are other impacts you could consider, especially if they were right next door to each other. If two were to come in right next to each we would take a look at the impacts and say this is probably not going to be the best place for you and to take a look at some other locations that might be better. As a Commission you can absolutely vote to deny approval.

Mr. Chubirka – Wouldn't that be a little more difficult because we would not be able to cite them on anything specific?

Ms. Kwandras – We would have to look at potential impacts. We as staff would go through all the standards of special use and list out for you whether that standard is met. If any of the standards are not met you could base your decision to deny special use on that.

Mr. Buckingham – How many inquiries are we getting from perspective dispensaries in that triangle?

Ms. Kwandras – A few over the past few months. A lot have been discouraged by the fact that there is not an existing path for approval already, which is why we are here this evening.

Mr. Sipple- All of our cannabis related businesses are considered special use?

Ms. Kwandras- Absolutely.

Mr. Buckingham - So they have to propose to us anyway.

Ms. Kwandras – Yes, the text amendment that's before you this evening would request to make adult use cannabis dispensaries in commercial districts special uses, particularly because staff is sensitive to the potential impacts to neighboring areas. Any request for a special use dispensary in a commercial area, right now we are limiting them to East of New Wilke Rd, but anything that would come in would come before you.

Mr. Sipple – How many licenses are available per municipality? Is it similar to a liquor license? They do not have to say that they are coming into Rolling Meadows when they apply for their license from the State?

Ms. Kwandras – I don't believe so, but there are guidelines from the State as to where they can locate. Aside from that, the municipalities can limit the number of licenses that are available. Right now we have one license available and that is to Nature's Care. The method we were considering pursuing when Nature's Care came in and asked for Adult Use Cannabis Dispensary as part of our special use is similar to a liquor license where we have a number of licenses available exactly equal to the number of establishments that we have in the City of Rolling Meadows. Anyone new coming in would have to get that number of licenses amended by the City Council.

Mr. Sipple – Regarding the residences in that area, do they have any say in if we allow this to go into that area?

Ms. Kwandras – They absolutely have a say in it. The requirement for notice is all property owners within 250 ft. They will be notified and they can come in here and speak to whether they are for or against it the issue.

Sipple – Yes, we want to be fair to everybody.

Ms. Kwandras – Yes. Arlington Heights doesn't have a say in our codes and how we adopt or enforce them, but the residents absolutely have a say in the proceeding when they're within that notice range.

Mr. Duvall – Just to clarify, the homes in Arlington Heights on the north side of Algonquin Rd, do they fall under any type of requirements since the State waived the 1000 ft? According to the Staff Report the State's only requirement for distancing is the dispensaries have to be 1500 ft. apart. If there is a viable property in this commercial triangle facing Algonquin Rd, do those homeowners have a recourse other than coming to a public hearing?

Ms. Kwandras – No, their recourse is to come to the public hearing and to give their testimony and have their voices heard, as is the case with any special use that comes forward.

Mr. Duvall - Within the frame work, is there a technicality that an Arlington Heights homeowner could stop it under the distancing requirement?

Ms. Kwandras – No, we are not proposing to have a distancing requirement within the commercial districts.

Mr. Duvall - If we take these steps and there is a home 1000 ft. away in Arlington Heights, does that give them the legality to stop it?

Ms. Kwandras – No.

Ms. Sheehan – My question is regarding the existing special use for the M-1 & M-2 Districts. Tonight we are being asked to allow a special use in a Commercial District. We are allowing shared parking and to be in a multi-tenant where we don't allow that in M-1 or M-2. How does staff feel that relates to the existing M-1 special use and could you now have, if we are allowing this for the commercial districts, can they say they want to be in M-1 in a multi-tenant, you've allowed it over here, so you have to allow it. I understand that there are certain parameters that they have to demonstrate to us that they are adhering to as far as parking, amenities and things like that.

Ms. Kwandras – As the code is being presented for approval this evening, the multi-tenant exception is only being proposed for the commercial districts. The requirements for a dispensary or craft grower in a manufacturing district would still be in a single tenant building. There is always a recourse that they could ask for a text amendment and come before you and make that request. I can't think of many manufacturing properties that we would feel comfortable supporting them moving forward in a multi-tenant facility. They always have the right to come before you and ask the question.

Mr. Sipple - All cannabis use is special use?

Ms. Kwandras – Yes.

Mr. Duvall – To expand on what Kelly was saying, in the proposed commercial triangle that was on the staff report map, it would be okay for a cannabis dispensary to locate in one of those multi-use buildings?

Ms. Kwandras – Yes.

Mr. Duvall – But if they are not within that area, then they have to go to single use?

Ms. Kwandras - Then they have to be in manufacturing in a single use building.

Mr. Duvall - Okay so manufacturing applies to single use. Multi-tenant would be in the commercial triangle.

Ms. Kwandras - Only East of New Wilke Rd. The text amendment we are bringing forward to you this evening is only for the commercial corridor of Golf and Algonquin east of New Wilke.

Mr. Duvall - You're creating an area where something is allowed.

Ms. Kwandras - Yes, akin to an overlay district.

Mr. Duvall – Multi-use buildings can be 5 units long and you can easily access the next space. The special use is more than valid for cannabis because then they have to provide us with a security plan.

Ms. Kwandras - The locations that have been requested so far, are single use buildings, even in the commercial district.

Mr. Duvall - If you look at surrounding areas, they have repurposed buildings, such as Aldi Grocery is now a dispensary. The aspect of maintaining special use for this allows us to control the security presentation aspect of it. The possibility of breaking into a marijuana dispensary is a security concern.

Mr. Sipple - When these come in as special uses, is there things we can add to it? For example - Could we ask for materials such as fire treated plywood instead of drywall?

Ms. Kwandras - The Commission has the ability to ask for information on security and make sure security principles are upheld. As for specific materials, that's outside the purview of this Commission. Once they leave here and come into the building permit process that would be up to Community Development doing the reviews and permits.

Mr. Sipple - My primary concern with a multi-tenant

Mr. Duvall – My question is, is this going to influence law enforcement or not? Nature's Care seems to have their security in order. Maintain as a special use and make sure this particular business is not going to be a burden to law enforcement.

Ms. Kwandras - One of the things that I can assure you and that is as staff we will be informing all potential petitioners, which we already do, that the Commission is very concerned with security and safety. If they want a favorable recommendation from the Commission and they want to be a good community partner and work with the City to the best of their ability, security is a primary concern.

Mr. Buckingham – As I understand it there is no cap or limit on the number of dispensaries allowed in the City under the ordinance?

Ms. Kwandras - There is. We handle it the same way we handle liquor licenses. The number of cannabis licenses that are available exactly equals the number of establishments in operation. When a new business wants to come forward, they come before you, they get the special use, and they also have to go through the process of amending the code. The same way we do with a liquor license. It's a process to make sure we are not just handing out licenses.

Mr. Buckingham - The limit language is not in this part of the ordinance?

Ms. Kwandras – No, I do not believe it's located in the zoning code, I believe it is located elsewhere in the code.

Mr. Buckingham - When we approved the ordinance for the video gaming cafes, I thought there was language that there shall be no more than a certain amount.

Ms. Kwandras - For the video gaming the reason that you saw that is because we brought everything to you, just so you were aware of other regulations that were going to be in effect. Those regulations on the number of licenses were not in the zoning code, they were in the liquor code I believe.

Mr. Buckingham - This limit is already there?

Ms. Kwandras - It is existing and elsewhere in the code.

Mr. Duvall - How about transporting?

Ms. Kwandras - Not currently permitted at all even as a special use. Again, when these kinds of uses come forward, we will bring forward a text amendment. When we have a business that wants to operate in the City of Rolling Meadows, we can understand better what they are looking for, how they operate, what they need and what the impacts on the community are. We are not against it, we just don't know how to regulate it.

Ms. Sheehan - Why not open it up to other commercial districts and other retail, like by Jewel on Kirchoff?

Ms. Kwandras - The reason we are limiting it right now is for a couple of reasons. The only requests we have gotten so far is for this area and secondly we want to see how it functions in our bigger commercial districts, so that are ready with a better understanding on what the impacts are in the surrounding community if someone comes in for one of our smaller commercial areas. We are not opposed to it, but it's easier to initially limit then it is to have it fully expansive and try and limit it after the fact. The idea behind these text amendments is when we have a request, we write it to meet the needs of the businesses as well as the needs of the community and we limit it to start with, until we understand better and then as the requests continue to come in we have better understanding and can expand from there in a smart way.

Mr. Chubirka - Is there any way to increase the notice requirement to include these entities within 1000 ft. that are actually going to be affected by us doing this?

Ms. Kwandras - Not specifically, however there are a couple of things in regards to that. First, we require a sign be put on the property for special use. Secondly, if there is concern from the citizens of Arlington Heights, word tends to get out.

Mr. Chiburka – My concern is for the citizens of Rolling Meadows. They aren't going to be driving by and see the sign of this area or be notified. Is there something we could add in there, so they don't feel they didn't get a say in this?

Ms. Kwandras - No, the notice requirements are set elsewhere in the code and that is not under the purview of tonight's text amendment. We follow the State's requirements and we do publish it in the Daily Herald. We post both the agendas on our website and in the City Hall within the required timeframe, so if there are any interested citizens they are aware of it. When these type of changes come forward, we do bring them to the City Council first, so we did bring them to the COW before we brought it to you this evening.

Mr. Sipple - We publish, post a sign and do a direct mailing of anyone within 250 ft. of the property line?

Ms. Kwandras – Yes.

Questions and Comments from the Public:

None

Motion to Close Public Hearing:

Motion to close public hearing by Mr. Chubirka was seconded by Ms. S Morrison and approved by a unanimous 6-0 voice vote of the members present.

Recommendation to approve

The following motion by Buckingham, was seconded by Sipple, and approved by a unanimous 6-0 roll call vote of the members present:

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

That motion is carried and a recommendation to approve the text amendment will be sent the Rolling Meadows City Council for first reading on February 22, 2022.

Reports: Update of on-going projects and cases

Next month is the cleaned up text amendments in March and likely a Craft Grow Cannabis user on Carnegie for their Special Use approval. An indoor soccer field may be coming forward for a Special Use approval, they are going to be locating on Edison. Staff is continuing to work with potential redevelopers of 3447 Algonquin, the former Holidome.

Please welcome Dan Streit if you come by Community Development, he is our new building official who started yesterday.

Mr. Sipple – I will not be in attendance in April and May is also a concern. Just a heads up to make sure we have quorum.

Ms. Kwandras – Please be here in April and May on time so we can conduct our business. We have petitioners that rely on use to keep their business moving forward.

We are continuing to work with the developer of the Holidome. Tapestry is the name of the developer and we are working with them to try and get a workable site plan. We are having a meeting next week to go over the plan. I don't know the timeline, but we are still moving forward.

Ms. Sheehan - Can we do a separate discussion with staff or workshop?

Ms. Kwandras - Staff isn't going to bring forward to the Commission a site plan that we don't believe in. Our job as staff is to bring you the best of what we can. To make it something that we can bring to you and support as a good development. These bigger projects, you don't have to approve it on the same night. It can be continued for additional fact finding, information gathering or whatever the case. The Commission always has that option at its disposal.

The City Council & COW meetings, there is a link directly to the video through the agendas and minutes section of the City website.

You can review the agendas, the minutes for the meeting are also posted on the website.

Ms. S. Morrison – Can we get an update for 2550 Golf Rd?

Ms. Kwandras – 2550 Golf Rd update – The developer has decided to pull out.

Adjournment

The next meeting will be on March 1, 2022

A motion to adjourn by Ms. Sheehan was seconded by Mr. Chubirka, and approved by unanimous voice vote of the members present. The regular meeting of the Planning and Zoning Commission was adjourned at 7:51 p.m.

Respectfully Submitted,

Vickie Wiley

Administration/Clerk CDD