Motion to Open the Meeting

Call to Order/ Roll Call: Fink, Lynch, Rataiczyk, Rybarczyk, Stefaniuk, and Whitney

Declaration of a Quorum

Approval of Minutes: September 3, 2019 Planning and Zoning Commission meeting

Pending Business:

1. Sign appeal for an electronic billboard sign at 3105 Tollview Drive, M-1 Manufacturing District, Sam Roti, Genband Media, Petitioner (continued from September 3, 2019) (withdrawn at the request of the petitioner)
2. Variance request to the side yard setback for a building addition at 3737-3837 Industrial Avenue, M-1 Manufacturing District, Nancy Lee Carlson, Lehman Peterson Corporation, Petitioner (continued from September 3, 2019) (withdrawn per request of the petitioner)

New Business/ Public Hearings:

1. Text Amendment to City of Rolling Meadows Zoning Code of Ordinances Section 122-221(c) to allow Microbreweries as a Special Use in the M-1 Manufacturing District, City of Rolling Meadows, Petitioner
2. Text Amendment to City of Rolling Meadows Zoning Code of Ordinances Section 122-221(c)(12) and 122-221(c)(13) to allow recreational marijuana cultivation and dispensing facilities as Special Use in the M-1 Manufacturing District, City of Rolling Meadows, Petitioner

Discussion Items:

1. Discussion/workshop on pending Zoning Code update (Materials to be provided prior to October 1 meeting)

Reports: Update of on-going projects and cases

Motion to Adjourn
City of Rolling Meadows  
Planning and Zoning Commission  
City Council Chambers  
7:30 PM  
September 3, 2019

Motion to Open the Meeting
Chairman Whitney asked for a motion to open the September 3 Planning and Zoning Commission meeting. Mr. Rataiczyk moved to open the meeting and Mr. Fink seconded. Motion carried. Roll call:

Presiding: Chairman Whitney  
Present: Fink, Lynch, Rataiczyk, Rybarczyk, Stefaniuk  
Absent: NONE

Also Present: Rob Horne, Public Works Director; Jo Ellen Charlton, Assistant Public Works Director; Elizabeth Payne, Administrative Services Coordinator;

Call to Order
Chairman Whitney called the meeting to order at 7:30 pm and declared a quorum.

Approval of Minutes
Chairman Whitney asked for a motion to approve the minutes from the August 7, 2019 Planning and Zoning Commission. Mr. Lynch moved to approve the minutes as written and Mr. Rybarczyk seconded.

Roll call:

   Mr. Fink: Yes  
   Mr. Lynch: Yes  
   Mr. Rataiczyk: Yes  
   Mr. Rybarczyk: Yes  
   Mr. Stefaniuk: Yes  
   Chairman Whitney: Yes

Motion carried. Minutes approved as written.

Upcoming Public Hearings: NONE
Pending Business:

1. Sign appeal for an electronic billboard sign at 3105 Tollview Drive, M-1 Manufacturing District, Sam Roti, Genband Media, Petitioner

Chairman Whitney noted that this item had been postponed from the July 2 meeting, as well as from the August 7 meeting.

Mr. Rybarczyk moved to postpone the petition for the Sign Appeal for an illuminated billboard sign for the property located at 3105 Tollview Drive, M-1 Manufacturing, Sam Roti, Genband Media, Petitioner, to a future Planning and Zoning Commission Meeting on October 1, 2019 at 7:30 pm in the City Council Chambers.

Mr. Rataiczyk seconded.

Mr. Rataiczyk asked if billboards had gone before the Committee of the Whole. Ms. Charlton replied that it had been presented at the August 20 meeting, and a copy of the presentation had been provided. Staff had requested deferral of any action regarding billboards pending staff investigation of the matter. The City Council had generally concurred with holding off on action until the zoning code update had been considered. Staff had a discussion with the petitioner immediately following the Committee of the Whole meeting, and had scheduled a separate meeting regarding their petition. The petitioner wanted staff to understand all the additional components in their request, including their proposed public/private partnership. As such, staff requests a postponement, and the petitioner has agreed. When staff next meets with the petitioner, they are going to suggest withdrawal, which will hopefully be brought forward at the October meeting.

Mr. Rataiczyk asked what the other components were that needed enlightenment. Ms. Charlton noted that it mostly centered around the proposed partnership. There was nothing currently in writing, and staff has some technical questions. As such, a meeting was being scheduled. Mr. Rataiczyk noted that it might be a good idea to request City Council’s advice to see what avenues the City might have for compelling any promises or agreements reached in advance. Ms. Charlton agreed, noting that, despite offers, the City receives a small fraction of the visibility requested.

Ms. Charlton brought up additional concerns regarding whether the proposed “public private” partnership might be construed as “contract zoning”. She stated that, since the petitioner was amenable, the best course of action at this time would be to postpone this item one more month.

Mr. Rataiczyk asked if the Committee of the Whole meeting had provided any other feedback. Ms. Charlton noted that the direction staff had been given was to perform research and answer outstanding questions regarding this topic, including fiscal impact of billboards. Staff would go back to the Committee of the Whole with answers.
Mr. Whitney noted that the proposed billboard was to be part of a network for emergencies. However, no network currently existed. Mr. Fink noted that other billboard companies had said similar things, that were not in evidence.

Mr. Rataiczyk noted that more legal information regarding what the City can and cannot compel the petitioner to do and not do would be good to have. Ms. Charlton asked if there were any additional information the Commission would like provided, to contact staff.

Mr. Lynch requested a photograph of an existing billboard of the proposed size. Staff noted that billboards of the requested size already existed in Rolling Meadows, and larger billboards were not permitted by the State.

Roll Call:

- Mr. Rataiczyk: Yes, noting he would vote against further postponements
- Mr. Rybarczyk: Yes
- Mr. Stefaniuk: Yes
- Mr. Fink: Yes
- Mr. Lynch: No
- Chairman Whitney: Yes

Yeas – (5) – Fink, Rataiczyk, Rybarczyk, Stefaniuk, Whitney
Nays – (1) - Lynch
Absent – (0) – NONE
Abstain – (0) – NONE

Motion Approved.

Chairman Whitney stated that the item would reappear before the Commission on October 1, 2019.
2. Text amendment to the Zoning Code of Ordinances to update Section 122-27(d)(12), Temporary Seasonal Outdoor Seating, City of Rolling Meadows, Petitioner

Chairman Whitney asked for a motion to postpone this item. Staff noted that the item was being withdrawn per petitioner’s request.

3. Variance request to the side yard setback for a building addition at 3737-3837 Industrial Avenue, M-1 Manufacturing District, Nancy Lee Carlson, Lehman Peterson Corporation, Petitioner

Chairman Whitney asked if the petitioner had contacted staff. Ms. Charlton replied that she had. Staff had met with this petitioner to discuss potential alternatives for the site that would address safety concerns, and direction from the Comprehensive Plan. There seemed to be some initial wariness regarding pricing and timelines of alternative site plans, but the petitioner had stated she would bring into information back to her client. From there, the petition might be withdrawn for further consideration, amended, or moved forward as existing. As such, the petitioner had requested additional time to confer with her client, thus the request for postponement.

Mr. Rataiczyk moved to postpone the petition for the variance to the City’s Comprehensive Zoning Code Section 122-227(c) to allow an addition to be installed across property lines where the side yard setback is 15 feet, 3737-3837 Industrial Avenue, M-1 Manufacturing, Nancy Lee Carlson, Lehman Peterson Corp., Petitioner, to a future Planning and Zoning Commission Meeting on October 1, 2019 at 7:30 pm in the City Council Chambers.

Mr. Stefaniuk seconded.

Roll Call:

- **Mr. Rybarczyk:** Yes
- **Mr. Stefaniuk:** Yes
- **Mr. Fink:** Yes
- **Mr. Lynch:** Yes
- **Mr. Rataiczyk:** Yes
- **Chairman Whitney:** Yes

Yeas – (6) – Fink, Lynch, Rataiczyk, Rybarczyk, Stefaniuk, Whitney
Nays – (0) - NONE
Absent – (0) – NONE
Abstain – (0) – NONE

Motion Approved.

Chairman Whitney stated that the item would reappear before the Commission on October 1, 2019.
New Business: NONE

Miscellaneous Business:

1. Discussion/workshop on pending Zoning Code update

Ms. Charlton gave a PowerPoint presentation to the Commission on the progress of the Zoning Code update. Staff had been meeting internally and with the consultants, Teska, regarding the comments received from the Commission about the sections already provided. At this stage, staff was requesting feedback from the Commission regarding proposed processes and procedures for petitions requiring public hearings. She began by noting the updating the Zoning Code had been one of the highest priorities noted in the recently adopted Comprehensive Plan. She went on to note that the Definitions section would be a work in progress throughout the context of the code update. Updates on the definitions would be provided as they were received, and they could be used in the review of other sections, but staff requested that the Commission not comment on them until the end when they were completed.

Ms. Charlton spoke about the processes as existing and as proposed. She noted that one proposal the Commission had questioned was that the Commission would make a recommendation in 60 days. She noted that the language meant that the Commission could take up to 60 days to make a recommendation, but that decisions could be made sooner. Specific language regarding timeframes for recommendations could be considered.

Ms. Charlton detailed existing processes. For variation requests and appeals from the building official’s decision, there was a public hearing and the Commission decided the matter. For rezoning and text amendment requests, a public hearing was held, the Commission made a recommendation, and the City Council decided the matter. For Planned Developments, there seemed to be a disconnect between what was called for in the code, and what was done in practice. In the code, preliminary planned developments were brought forward by notifying the City Manager, and there was no public hearing – only an approval or disapproval by the Commission. For final planned developments, the public hearing was held, the Commission made a recommendation, and the Council made a decision. In practice, the preliminary planned developments were also brought through the public hearing process. Discussion ensued regarding the existing processes, both in code and in practice.

Ms. Charlton detailed the proposed processes. Included in these processes are required items for each submittal, to allow for staff to make better reviews. For variation requests, appeals from the building official’s decision, rezoning, text amendments, and Special Uses, there would be an application, public hearing, a recommendation by the Commission, and final decision by the City Council. For Planned Developments, the petitioner would have an informal review with staff, a review with the Commission (not including a public hearing), a more technical review by staff, a public hearing and City Council decision for the preliminary plan, and a public hearing and City Council decision for the final plan, and both can be done simultaneously. Decisions for Council consideration
were suggested to be given within 35 days of the close of the hearing, which would encompass two meetings if additional time was needed to make findings of fact. Discussion ensued regarding proposed processes. The Commission expressed concern about skipping an informal workshop requirement, where applicants could gain essential feedback from the Commission. They asked staff if they were allowed to combine preliminary and final approval. Staff noted that it was not the intent that petitions be rushed, and that the Commission could request postponements when additional consideration was needed. Petitioners would be allowed to combine preliminary and final approval when all steps and submittal requirements were met.

In addition, staff noted that the combination of preliminary and final approval would include the preliminary steps of informal, technical, and Planning and Zoning Commission review. Ms. Charlton noted that rules of feedback would need to be considered carefully as well. She made suggestions regarding modifications to the processes as proposed by Teska Associates. Mr. Horne noted some of the procedures that staff was considering, including a cash advance account for staff to track hours against. Staff’s goal is good, smart development. The Commission noted that the City should be inviting, but that applicants should also be invested in the process.

Chairman Whitney asked if there was any other discussion regarding the zoning code update. Ms. Charlton responded that there were no articles to provide at the meeting. Staff was in discussion with Teska regarding the schedule for the rest of the zoning code update. In the best case, all the sections would have been provided to the Commission for review by December, with a public hearing to be held in January, and hopeful final approval by March. Mr. Lynch noted that he would not be present at the December meeting.

Mr. Whitney asked what the number of members needed for a quorum was, given the reduced number of filled spots on the Commission. Mr. Horne noted that five members were needed for a quorum, and it was based on the total number of seats available. Mr. Whitney asked if there had been any news on potential new members. Mr. Horne replied there had not.
Reports:
Mr. Lynch stated that he was leaving the area very early on October 2. To allow him to be able to attend the October 1 meeting, he moved to change the start time to 7:00 pm from 7:30 pm. Mr. Rataiczyk seconded the motion.

Roll Call:

Mr. Rybarczyk: Yes
Mr. Stefaniuk: Yes
Mr. Fink: Yes
Mr. Lynch: Yes
Mr. Rataiczyk: No
Chairman Whitney: Yes

Yeas – (5) – Fink, Lynch, Rybarczyk, Stefaniuk, Whitney
Nays – (1) - Rataiczyk
Absent – (0) – NONE
Abstain – (0) – NONE

Motion Approved.

The October 1, 2019 Regular Meeting of the Planning and Zoning Commission will begin at 7:00 pm.

Ms. Payne noted that the annual American Planning Association Plan Commissioner training had been scheduled in Evanston for Thursday, September 26. It was a full day training, and had been attended by some of the Commissioners in the past. Any Commissioners interested in attending were encouraged to contact staff.

Ms. Payne noted that, in addition to the two postponed items, there were two confirmed items for the October agenda – text amendments to allow adult use cannabis and microbreweries, microdistilleries, and microwineries as special uses in the M-1 district. She noted that there was a potential special use petition, but staff was waiting on confirmation.

Mr. Lynch asked if recreational marijuana had been approved by the City Council. Mr. Horne noted that the Committee of the Whole had provided positive feedback, and the Council had approved first reading of the Ordinance regarding sales tax.

Mr. Lynch asked if staff could bring forward microdistilleries at the same time as microbreweries. Staff indicated that they would.

Mr. Whitney asked about the status of the Islamic Society. Staff noted that a meeting had been held recently, and they had been put in contact with the Permit Coordinator.
Mr. Horne noted there were other developments that were approaching the two year expiration date for their final approvals, specifically the two lot subdivision on Benton Street, and the seven lot subdivision on Vermont Street.

Mr. Lynch asked about the status of a previous petition regarding variance for a driveway that had been installed that was too large. Staff reported that the driveway had been modified to the satisfaction of the Public Works Director.

Adjournment
A motion to adjourn was made by Mr. Rataiczyk and seconded by Mr. Rybarczyk. Motion carried by unanimous voice vote. The regular meeting of the September 3, 2019 Planning and Zoning Commission was adjourned at 8:59 pm.

Respectfully Submitted,

Elizabeth Payne
Secretary
Community Development Division

Distribution:
Mayor
City Manager
Planning and Zoning Commissioners
Community Development Department
Clerk’s Office
PLANNING AND ZONING COMMISSION SUMMARY

DATE: September 23, 2019

MEETING DATE: October 1, 2019

SUBJECT: Request for Sign Appeal for an illuminated billboard property located at 3105 Tollview Drive, M-1 Manufacturing, Sam Roti, Genband Media, Petitioner

PUBLIC HEARING: [X] Yes [ ] No

RELATED CODE SECTIONS: Sec. 122-229 Permitted signs
Sec. 122-22 (i) (5)

EXISTING ZONING: M-1 Manufacturing

COMPREHENSIVE PLAN: Manufacturing

BACKGROUND: The petitioner, Genband Media (Sam Roti), representing the property owner, MAI McDonald Associates, Inc., is requesting a sign appeal to permit the installation of a billboard at 3105 Tollview Drive, in the rear of the property which fronts the tollway.

The Planning and Zoning Commission has previously discussed this item at its January 9, 2019, April 17, 2019, July 2, and September 3, 2019 meetings. At the recommendation of staff, the Commission postponed the item to October.

Staff met with the petitioner and exchanged information since the September meeting. Staff anticipates additional meetings in the future, and the petitioner has indicated a willingness to work with staff on the proposal, and on the suggested public/private partnership. Pursuant to additional discussions, the petitioner has requested to withdraw the petition.

Respectfully Submitted,

Jo Ellen Charlton
Assistant Director of Public Works

Elizabeth Payne
Administrative Services Coordinator

Pc: Sam Roti

Attachments:
DATE: September 23, 2019

MEETING DATE: October 1, 2019

SUBJECT: Request for Approval of a Variance for a Side Yard Setback for 3737-3837 Industrial Avenue, M-1 Manufacturing, Nancy Lee Carlson, Lehman Peterson Corp., Petitioner

PUBLIC HEARING: [X] Yes [ ] No

RELATED CODE SECTIONS: Sec. 122-227(c)

EXISTING ZONING: M-1

COMPREHENSIVE PLAN: Manufacturing

BACKGROUND: The subject property is two separate zoning lots with two separate PIN numbers, and includes three total buildings. The petitioner requested to install an addition linking the two outside buildings together for the movement of people and materials during inclement weather.

The Planning and Zoning Commission heard this request at its meeting on July 2, 2019. At that time, the Commission requested additional information regarding the proposal, the storm water drainage, and the Cook County 6b Tax Incentive. At the August 7, 2019 meeting, staff provided additional information regarding the storm water situation in the area.

Staff met with the petitioner on August 27, 2019 to discuss the site plan. Suggestions were made, and additional information was requested from both parties. Staff anticipates additional meetings in the near future. Pursuant to that meeting, the petitioner has requested to withdraw the petition.

Respectfully Submitted,

Jo Ellen Charlton
Assistant Director of Public Works

Elizabeth Payne
Administrative Services Coordinator

Attachments:
PLANNING AND ZONING COMMISSION SUMMARY

MEETING DATE: October 1, 2019

SUBJECT: Request for Approval of a Text Amendment permitting Microbreweries, Microdistilleries, and Microwineries as Special Uses in the M-1 Manufacturing District

PUBLIC HEARING: [X] Yes [ ] No

RELATED CODE SECTIONS: Sec. 122-3, 122-221(c), and 122-223

BACKGROUND:

As the City of Rolling Meadows is updating its Comprehensive Zoning Code of Ordinances, that code is also being modernized. New uses are being considered that have not previously been allowed in the context of the code. One of these uses is the microbrewery/microdistillery/microwinery. Exhibit 1 contains the full draft amendments, which are also summarized below.

The new uses and their definitions in the proposed text amendment are as follows:

*Microbrewery* means a manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carry-out. The microbrewery facility may include an ancillary tasting room and retail sales in which guests/customers may sample and purchase the product(s).

*Microdistillery* means a small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes alcoholic spirits on the premises. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Operation of the facility shall be consistent with Illinois State law regarding “Craft Distillers”.

*Microwinery* means a combination retail, wholesale, and small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes wine for sale on or off-site. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Operation of the facility shall be consistent with Illinois State law regarding “Second Class Wine Makers”.

Most of these definitions consider a retail component as accessory to the main use of brewing/distilling. Staff suggests that these definitions be altered to allow a slightly broader retail component, so that merchandise (such as the sale of growlers and t-shirts) specific to the user be allowed to be sold, in addition to the particular product being manufactured.

These uses are proposed to be permitted as a special use in the M-1 district.
The following new parking requirement is also proposed:

*Microbreweries, Microdistilleries and Microwineries.* One (1) space for every employee on the maximum shift plus one (1) space for every three (3) occupants the ancillary tasting room or other “public” space accommodates, based on planned seating and maximum occupancy as defined in Chapter 18 “Buildings and Building Regulations” of the Code of Ordinance, and as authorized in the ordinance granting the special use. Cumulative parking requirements in multi-tenant buildings to accommodate seats in an ancillary tasting room may be reduced or waived pursuant to the special use approval process if tasting room hours are off-peak hours from other building occupants, and the property owner of the multi-use building signs an affidavit acknowledging future tenants will be limited to those with parking requirements and business hours similar to the conditions that exist at the time the special use is granted.

Industrial properties are not typically “parked” to accommodate a large number of cars associated with a public gathering spot. Therefore, although the proposed parking requirement is typical for retail uses, it also provides the ability to evaluate exceptions to the requirement through the special use process if the applicant can demonstrate “off-peak” hours or other exceptions that should be considered.

**STAFF SUMMARY:**

At this time, staff is proposing this use be added into the current code as a Special Use. This is because while microbreweries, microdistilleries and microwineries typically seek out industrial properties because the building and their ceiling heights better accommodate their production needs, these businesses also desire accessory tasting rooms, which draws the public into an area that might not have otherwise been designed to accommodate. The special use process allows the City to evaluate 1) whether the specific location within an industrial zone is appropriate, and 2) whether the site warrants the addition of conditions to mitigate impacts such as landscape screening, or to regulate things like lighting, parking, circulation, special events, etc. to make the site more accommodating to public use.

This text amendment precedes a known future applicant who intends to follow up with an application to seek approval of a special use for their microbrewery in an M-1 zoning district.

**STAFF RECOMMENDATION AND OPTIONS:**

Staff recommends approval of amendments that would authorize and regulate Microbreweries, Microdistilleries, and Microwineries as Special Uses in the M-1 Manufacturing District.

Three sample motions are provided below as guidance to the Planning and Zoning Commission. Staff recommends approval of option 1 or 2, with the second option provided if the Planning and Zoning Commission wishes to recommend modifications to the proposed draft.

1. **Recommendation to approve text amendments as drafted**

   Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council approval of the text amendments permitting Microbreweries, Microdistilleries, and Microwineries as Special Uses in
2. Recommendation to approve text amendments with modifications

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council approval of the text amendments permitting Microbreweries, Microdistilleries, and Microwineries as Special Uses in the M-1 Manufacturing District as prepared for the October 1, 2019 Planning and Zoning Commission meeting with the following changes to the draft text as prepared for the October 1, 2019 Planning and Zoning Commission meeting: (List Proposed Changes)

3. Recommendation to deny text amendments

Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council denial of the text amendments permitting Microbreweries, Microdistilleries, and Microwineries as Special Uses in the M-1 Manufacturing District as prepared for the October 1, 2019 Planning and Zoning Commission.

Respectfully Submitted,

Jo Ellen Charlton
Assistant Director of Public Works

Elizabeth Payne
Administrative Services Coordinator

Attachments:

Application
Legal Notice
Exhibit 1: Draft Text
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: Barry Krumstok, City Manager

Petitioner's Signature:

Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows  State: IL  Zip: 60008

Phone: 847-894-8500  Fax:  Email: admin@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:

Amend the City of Rolling Meadows Comprehensive Zoning Code of Ordinances to allow microbreweries, microdistilleries, and microwineries as Special Uses in the M-1 District

Contact Person: Jo Ellen Charlton

Contact Person's Address: 3900 Berdnick St

City: Rolling Meadows  State: IL  Zip: 60008

Phone: 847-963-0500  Fax:  Email: charltonj@cityrm.org
CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.

Daily Herald


County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/16/2019 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY ________________________________
 Authorized Agent

Control # 4532268
Exhibit 1

1. **Add the following definitions alphabetically in Article 1, Section 122-3 of Chapter 122**

   **122-3 – Definitions and rules generally**

   *Microbrewery* means a manufacturer of alcoholic malt beverages of up to 15,000 barrels per year for the purpose of wholesale distribution of a majority of its product with incidental sales of up to 3,000 barrels to the public for on-site consumption or carry-out. The microbrewery facility may include an ancillary tasting room and retail sales in which guests/customers may sample and purchase the product(s).

   *Microdistillery* means a small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes alcoholic spirits on the premises. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Operation of the facility shall be consistent with Illinois State law regarding “Craft Distillers”.

   *Microwinery* means a combination retail, wholesale, and small-scale artisan manufacturing business that blends, ferments, processes, packages, and distributes wine for sale on or off-site. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Operation of the facility shall be consistent with Illinois State law regarding “Second Class Wine Makers”.

2. **Amend Section 122-221(c) of Division 5 of Article III of Chapter 122 as follows to add microbrewery, microdistillery and microwinery as special uses in the M-1 Zoning District.**

3. **Amend Section 122-223 of Division 5 of Article III of Chapter 122 to add the following parking requirements in the M-1 Zoning District:**

   *Microbreweries, Microdistilleries and Microwineries.* One (1) space for every employee on the maximum shift plus one (1) space for every three (3) occupants the ancillary tasting room or other “public” space accommodates, based on planned seating and maximum occupancy as defined in Chapter 18 “Buildings and Building Regulations” of the Code of Ordinance, and as authorized in the ordinance granting the special use. Cumulative parking requirements in multi-tenant buildings to accommodate seats in an ancillary tasting room may be reduced or waived pursuant to the special use approval process if tasting room hours are off-peak hours from other building occupants, and the property owner of the multi-use building signs an affidavit acknowledging future tenants will be limited to those with parking requirements and business hours similar to the conditions that exist at the time the special use is granted.
PLANNING AND ZONING COMMISSION SUMMARY

MEETING DATE: October 1, 2019
SUBJECT: Request for Approval of Text Amendments permitting Adult-Use (Recreational) Cannabis Cultivation Centers and Dispensaries as Special Uses in the M-1 Manufacturing District
PUBLIC HEARING: [X] Yes [ ] No

HISTORY/BACKGROUND:

Medical Cannabis.

In 2013, Illinois became the 20th State to legalize medicinal marijuana. Local governments modified zoning codes to accommodate the 22 cultivation centers and 60 dispensary licenses authorized as part of that new law. A dispensary license for the Nature’s Care Dispensary was authorized in Rolling Meadows at 975 Rohlwing Road. In total, 55 of the 60 dispensary licenses were issued by the State. Additional existing medical cannabis dispensaries in nearby suburbs can be found in Arlington Heights, Buffalo Grove, Mount Prospect, and Mundelein.

Adult-Use (Recreational) Cannabis.

On June 25, 2019, Governor J.B. Pritzker signed into law House Bill 1438, which will make legal statewide the consumption of marijuana for nonmedicinal purposes. Legal sales will begin January 1, 2020, which will authorize adults aged 21 and older to possess up to 30 grams of cannabis flower. Cannabis concentrate will be limited to 5 grams, and edibles will be limited to 500 milligrams of THC. The existing medical marijuana dispensaries (including Rolling Meadows’s Nature’s Care establishment) will be the only legal sellers of marijuana for recreational use beginning in January of 2020. Beginning in mid-2020, Illinois expects to issue 75 new conditional adult use dispensing organization licenses, with 47 of those licenses earmarked for the “Chicago-Naperville-Elgin” Bureau of Labor Statistic (BLS) Area Number 5, which includes, Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will Counties. Up to 295 stores could be in operation in Illinois by 2022.

Non-Zoning Related Information.

Beginning January 1, 2020, medical users will be able to grow up to five plants at home, although recreational users will still be prohibited from home growing. It will be legal to smoke cannabis in one’s own home, and on-site in those cannabis-related businesses that have been authorized by local governments to do so. Smoking cannabis will be prohibited in any public place, in any motor vehicle, on school grounds (except for medical users), near someone under the age of 21, and near any on-duty school bus driver, police officer, firefighter or corrections officer. Any person, business or landlord can prohibit use on private property. Illinois colleges and universities will be allowed to ban cannabis use.

Cannabis products with less than 35% THC will pay a 10% sales tax. Cannabis-infused products such as edibles will pay a 20% or a 25% tax depending on the concentration of THC tax. These
taxes are in addition to local municipal taxes which can be set in .25% increments up to 3%. The Rolling Meadows City Council recently unanimously approved an ordinance imposing a municipal retailers' tax of up to 3% on potential recreational cannabis sales. This action was taken in advance of zoning revisions at the recommendation of the Illinois Municipal League so that the tax could be certified by the Illinois Department of Revenue by October 1 of this year.

Zoning Related Matters.

When Medical Cannabis was authorized in 2013, the City of Rolling Meadows amended its Zoning Code to allow Medical Cannabis Cultivation Centers and Dispensaries as special uses in the M-1 Zoning District. Nature’s Care was authorized under those provisions and continues to operate to this day. Additional text amendments are required in order for Nature’s Care to operate as an adult-use facility beginning January 1, 2020. Similar to the City’s actions to process text amendments to accommodate medical cannabis facilities, the City of Rolling Meadows is the applicant for this text amendment to authorize adult-use cannabis facilities.

The proposed text amendment was prepared utilizing the model ordinance provided by the Illinois Municipal League, after speaking with Nature’s Care, and after discussing the matter informally with the City Council at a recent Committee of the Whole meeting. Similar to the medical cultivation and dispensary text amendments, adult-use cultivation centers and dispensaries are proposed to be added as special uses only in the M-1 Zoning District. The full text amendment is provided in Exhibit 1, and can be summarized as follows:

- Adult-Use Cultivation Centers and Dispensaries would be allowed only in the M-1 zoning district pursuant to special use approval. Only one facility will be allowed in Rolling Meadows at this time. This will authorize Nature’s Care to apply for the special use approval necessary from the City to operate as an adult use facility beginning January 1, 2010, as authorized by the State.

- State authorized “Craft Growers”, “Infuser Organizations”, “Processing Organizations”, and “Transporting Organizations” are defined in the Rolling Meadows Text Amendment, but specifically excluded at this time. This was done to accommodate only that which is currently permitted medically in Rolling Meadows at this time. Future amendments could be made later to accommodate a specific request.

- On-site use is prohibited. The new law gives local governments the ability to determine whether on-site consumption in licensed facilities will be allowed. Again, future amendments could be made that would allow on-site consumption, but for now, it is the intent to allow what’s permitted medically and move forward slowly as more is learned and other uses are proposed and introduced.

- Cultivation Centers
  - Can’t be established in multiple use or multi-tenant properties or on a property that shares parking with other uses.
  - Can’t locate within 2,500 feet of 1) pre-existing public or private preschool, elementary or secondary school, 2) a pre-existing day care center, day care home, group day care home or part day child care facility; or 3) a pre-existing areas zoned for residential use.
  - Retail sales are prohibited.
  - No outdoor, window, or on-site media display of merchandise and/or products related to marijuana or cannabis allowed.
o No exterior signage that includes the words “marijuana,” “cannabis,” or any related word or symbol.

**Dispensing Facilities**

o Can’t be established in multiple use or multi-tenant properties or on a property that shares parking with other uses.

o Can’t locate within 1,000 feet of 1) pre-existing public or private preschool, elementary or secondary school, 2) a pre-existing day care center, day care home, group day care home or part day child care.

o Facilities shall only operate between the hours of 6:00 am and 8:00 p.m.

o May not dispense through a drive-through window.

o Must provide an operations plan, that outlines measures for lighting, security and hours of operation.

o No outdoor, window, or on-site media display of merchandise and/or products related to marijuana or cannabis allowed.

o No exterior signage that includes the words “marijuana,” “cannabis,” or any related word or symbol.

o At least 75% of the floor area shall be devoted to activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.

o Parking must be visible from the public road or private road in which it is accessible unless otherwise authorized in writing by the Police Chief.

**Parking Requirements** were added as part of this text amendment. The draft text requires one parking space for every 250 square feet or retail or “public” area, plus one space for every employee on the maximum shift, or as required pursuant to the special use process.

**STAFF SUMMARY:**

The new legislation gives local government the ability to “opt out”. Some communities, including Naperville, Libertyville and Bloomingdale have taken such actions, while other communities like Oak Park recently approved amendments to allow recreational cannabis uses by narrow margins. Most communities are currently in the process of reviewing and making decisions in time to accommodate existing medical cannabis business who wish to operate under the new law beginning January 1, 2020.

Rolling Meadows has had a very good experience with Nature’s Care as a medical dispensary in the community, and believes they will remain a responsible business partner in the evolution from a medical only dispensary to an adult-use dispensary. This text amendment will allow them to make that transition upon successful application and approval of a special use. It is expected that Nature’s Care will be the only special use granted in the short term given the draft ordinance is written to allow for only one facility within the City of Rolling Meadows. Additional facilities, if requested, could be considered as part of future text amendments. And, while the new law made provisions for additional and ancillary cannabis uses such as craft growers, infusers and distribution facilities, it is recommended that the City not entertain those new uses until more is known about how they operate and the relationships between them and other cannabis businesses. If that amendment is later considered, new uses would be subject to many of the same restrictions originally contemplated when the medical cannabis amendments were approved, including separations from sensitive uses, signage restrictions, parking and other criteria outlined in this report. Also provided is a new parking
requirement, which was not included as part of the medical cannabis uses. It is similar to parking requirements for most retail uses, but also allows for special evaluation as part of the special use process.

**STAFF RECOMMENDATION AND OPTIONS:**

Staff recommends approval of amendments that would authorize adult-use cultivation centers and dispensaries, with a “start-small” approach, where only one facility is authorized at this time. Similar requirements to the medical cannabis facilities that were authorized by text amendment in 2013 were utilized in the draft for adult use cannabis. Additionally, new parking requirements were added that are consistent with retail type standards.

Three sample motions are provided below as guidance to the Planning and Zoning Commission. Staff recommends approval of option 1 or 2, with the second option provided if the Planning and Zoning Commission wishes to recommend modifications to the proposed draft. Option 3 denies the requested text amendment and, if approved, would prohibit adult use (recreational) cannabis sales in Rolling Meadows.

1. **Recommendation to approve text amendments as drafted**

   Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council approval of the text amendments permitting adult-use (recreational) cannabis cultivation centers and dispensaries as special uses in the M-1 Manufacturing District as prepared for the October 1, 2019 Planning and Zoning Commission meeting.

2. **Recommendation to approve text amendments with modifications**

   Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council approval of the text amendments permitting adult-use (recreational) cannabis cultivation centers and dispensaries as special uses in the M-1 Manufacturing District with the following changes to the draft text as prepared for the October 1, 2019 Planning and Zoning Commission meeting: (List Proposed Changes)

3. **Recommendation to deny text amendments**

   Based on the submitted petition and testimony presented, I make a motion that the Rolling Meadows Planning and Zoning Commission recommend to City Council denial of the text amendments permitting adult-use (recreational) cannabis cultivation centers and dispensaries as special uses in the M-1 Manufacturing District.

Respectfully Submitted,

Jo Ellen Charlton
Assistant Director of Public Works

Elizabeth Payne
Administrative Services Coordinator
Attachments:
Application
Legal Notice
Exhibit 1: Draft Text
Illinois Municipal League Fact Sheet
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: Barry Krumstok, City Manager

(please print)

Petitioner's Signature: ________________________________

Petitioner's Address: 3600 Kirchoff Road

City: Rolling Meadows  State: IL  Zip: 60008

Phone: 847-894-8500  Fax: ________________________________  Email: admin@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:

Amend the City of Rolling Meadows Comprehensive Zoning Code of Ordinances to regulate adult use cannabis businesses as Special Uses in the M-1 District

Contact Person: Jo Ellen Charlton

(please print)

Contact Person's Address: 3900 Berdnick St

City: Rolling Meadows  State: IL  Zip: 60008

Phone: 847-963-0500  Fax: ________________________________  Email: charltonj@cityrm.org
CERTIFICATE OF PUBLICATION
Paddock Publications, Inc.

Daily Herald


County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 09/16/2019 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Authorized Agent

Control # 4532267
Exhibit 1

Revision 6. For PZC Review

Add the following alphabetically to Article I “In General”

Sec. 122-3: Definitions and rules generally

*Adult-Use Cannabis Business Establishment* means an adult-use cannabis cultivation center, or dispensing organization, as allowed and regulated by this Chapter.

*Adult-Use Cannabis Craft Grower* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Adult-Use Cannabis Cultivation Center* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Adult-Use Cannabis Dispensing Organization* means a facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Adult-Use Cannabis Infuser Organization or Infuser* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Adult-Use Cannabis Processing Organization or Processor* means a facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation
to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

*Adult Use Cannabis Transporting Organization or Transporter* means an organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
Add the following new section to Article I “In General”

Sec. 122-28: Adult-Use Cannabis

(a) Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation and dispensing of adult-use cannabis occurring within the corporate limits of the City of Rolling Meadows. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

(b) Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a special use in the respective districts in which they are listed or identified shall be processed in accordance with Article V (Special Uses) of Chapter 122 (Zoning) and Section (c) (Adult-Use Cannabis Facility Components) as provided herein below.

(c) Adult-Use Cannabis Business Establishment Facility Components: In determining compliance with Article V (Special Uses of Chapter 122 (Zoning), the following components of the Adult-Use Cannabis Business Establishment facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties in the immediate area:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

2. Proposed structure in which the facility will be located, including total square footage, security installations/security plan and building code compliance.

3. Hours of operation and anticipated number of customers/employees.

4. Anticipated parking demand and available private parking supply. Parking must meet the requirements of Article III, Division 5, Section 122-223. Parking must be visible from the public road or private road in which it is accessible, unless otherwise authorized in writing by the Police Chief.

5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

6. Site design, including access points, internal site circulation, and adequate loading facilities and security.

7. Proposed signage plan in compliance with the following regulations:
i. No outdoor, window, or on-site media display of merchandise and/or products related to marijuana or cannabis allowed.

ii. No exterior signage that includes the words “marijuana,” “cannabis,” or any related word or symbol.

(8) Compliance with all requirements provided in Paragraph (d) (Adult-Use Cannabis Cultivation Center); and Paragraph (e) (Adult-Use Cannabis Dispensing Organization as applicable.

(9) Other criteria determined to be necessary to assess compliance with Article V (Special Uses of Chapter 122 (Zoning) of the Code of Ordinances City of Rolling Meadows, Illinois.

(d) Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

(1) Facility may not be located within 2,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not be located within 2,500 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned or used for residential purposes.

(3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(4) For purposes of determining required parking, Adult-Use Cannabis Cultivation Center shall be in compliance with Section 122-223(8) of Division 5 of Article III, provided, however, that the City may require that additional parking be provided, or less parking required, as a result of the analysis completed pursuant to this Section and Article V herein.

(5) Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

(e) Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
(1) Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

(2) Facility may not be located within 1,000 feet of the property line of a vacant property zoned residential or a pre-existing use or structure on a property zoned and used for residential purposes.

(3) Single-use property. Adult-use cannabis dispensing facilities shall not be established in a multiple-use or multi-tenant properties or on a property that shares parking with other uses.

(4) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.

(5) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

(6) Adult-use cannabis dispensing facilities shall only operate between the hours of 6:00 a.m. and 8:00 p.m.

(7) Facility shall not dispense cannabis or other products through a drive-through window.

(8) For purposes of determining required parking, Adult-Use Cannabis Dispensing Organization shall be in compliance with Section 122-223(8) of Division 5 of Article III, provided, however, that the City may require that additional parking be provided, or less parking required, as a result of the analysis completed pursuant to this Section and Article V herein.

(9) Petitioner shall file an affidavit with the City affirming compliance with Chapter 122 “Zoning”, of the Code of Ordinances City of Rolling Meadows, Illinois, and all other requirements of the Act.

(f) Additional Requirements.

(1) On-site consumption. On-site consumption is not allowed in any Adult-Use Cannabis Business Establishment, or on any property occupied by Adult-Use Cannabis Business Establishment.
(2) Limits on Adult-Use Cannabis Business Establishments. There shall be no more than one (1) Adult-Use Cannabis Business Establishment within the corporate limits of the City of Rolling Meadows.

(3) Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the Adult-Use Cannabis Business Establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
Modify Paragraph (c) (Special Uses) of Section 122-221 (M-1 Manufacturing District) of Division (Manufacturing) of Article III (District) to append Number 19 and 20 as additional special uses

Sec. 122-221. - M-1 manufacturing district.

(19) Adult-Use Cannabis Business Establishments as defined in Section 122-3, and in accordance with the procedures outlined in Section 122-28 of Division 5 of Article III, and Article V of this Chapter.

Modify Section 122-223 “Schedule of parking requirements” of Division 5 “Manufacturing” of Article III “Districts” to insert Number 8 and re-number 9 and 10.

Sec. 122-223. - Schedule of parking requirements.

In the M-1 manufacturing district, for the uses listed in this section, accessory off-street parking spaces shall be provided as required in this section. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both on the premises at any one time. The parking spaces required for the uses shall be as follows:

(1) **Automobile service stations.** One parking space shall be provided for each two employees, plus one space for each vehicle used in the conduct of the business.

(2) **Motor vehicle sales.** Two square feet of parking area shall be provided for every one square foot of floor area. The required parking space includes area required for access drives, aisles, ramps or light standards.

(3) **Offices and laboratories.** One parking space shall be provided for each 250 square feet of floor area of the building, excluding basements.

(4) **Wholesale establishments, but not including warehouses and storage buildings other than accessory.** Two square feet of parking area shall be provided for every one square foot of floor area. The required parking space includes area required for access drives, aisles, ramps or light standards.

(5) **Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products.** One parking space shall be provided for each two employees, plus one space for each vehicle used in the conduct of the business.

(6) **Warehouses and storage buildings.** One parking space shall be provided for each two employees, plus one space for each vehicle used in the conduct of the business.
(7) **Public utility and public service uses.** One parking space shall be provided for each three employees, plus spaces adequate in number, as determined by the planning and zoning commission, to serve the public.

(8) **Medical cannabis cultivation centers, Medical cannabis dispensing facilities, Adult-use cannabis cultivation center, and Adult-use cannabis dispensing organizations as authorized in this Chapter.** One parking space for every 250 square feet of area accessible to the public or customers, plus one parking space for every employee on the maximum shift, or as required pursuant to the requirements of Article I, Section 122-28 and Article V.

(9) **Mixed uses.** When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the zoning board of appeals.

(10) **Other uses.** For uses not listed in the schedule of parking requirements in this section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the planning and zoning commission.
Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.

LOCAL REGULATION OF CONSUMPTION
Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS
Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. More information about the medical cannabis program is available via this link.

ZONING
The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION
In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.
LOCAL REVENUE
Municipalities, by ordinance, may impose a Municipal Cannabis Retailers’ Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.

SMOKE FREE ILLINOIS ACT
The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS
The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those polices and workplace rules.

STATE LICENSING
The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT
The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY
The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

DECRIMINALIZATION AND EXPUNGEMENTS
A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE
State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.
PLANNING AND ZONING COMMISSION SUMMARY

MEETING DATE: October 1, 2019

SUBJECT: Discussion of the Pending Zoning Code Update

PUBLIC HEARING: [ ] Yes [X] No

BACKGROUND: In January, 2019, The City Council approved $65,000 to update the City of Rolling Meadows Zoning Code of Ordinances, including the sign code and the outdoor seating code. As previously noted, the zoning code has not had a comprehensive update in over forty (40) years. Staff and the consultant, Teska Associates, have been working and meeting regularly for several months, and have provided preliminary review of initial sections of the draft revised code.

Staff continues to complete the review of the next sections provided by the Zoning Consultant. As part of that review, the Planning and Zoning Commission’s feedback is requested on certain topics, which will be discussed at the meeting. All staff and PZC feedback will be provided to the consultant for inclusion in a revised document to be reviewed at a later time.

1. Outdoor Seating.

   Based on feedback from local businesses and the Economic Development Commission, the City provided direction to the zoning code update consultant to create standards, that when met, would allow outdoor seating without a special use permit. The goal would be to encourage outdoor dining opportunities and make clear, by its compliance with specific standards, it can be achieved safely and with minimal impact to incompatible uses.

   There are two general scenarios when restaurants request outdoor tables and chairs on a sidewalk immediately adjacent to a tenant space in a multi-tenant building, and more permanently placed outdoor seating of a stand-alone restaurant project.

   Feedback that would be particularly helpful during the PZC’s discussion includes the following:

   a. Are there instances where a special use should be required, and what are those instances (i.e. proximity to incompatible uses)?
   b. Are there standards that could be applied where we would allow alcohol without a special use?
   c. When are “barriers” (fences/walls) required or when can they be excluded (i.e. A few tables adjoining a business in a multi-tenant building)?
   d. When must “barriers” be permanent versus movable?
   e. Type and weight of chairs/tables/umbrellas, etc.?
   f. What about advertising on umbrellas, fences, menus on a-frames?
g. Other than ensuring a consistent accessible walkway, should there be any separation of the outdoor seating from parking or driving surfaces? What about roadways?

h. Time limitations (regulated by weather or year round)? If year round, what about heating and cooling devices?

i. On permanent installations, should landscaping be required and how much?

2. Required Screening.

Due mostly to the fact of the timing of development in Rolling Meadows, many properties do not provide traditional screening of things like trash enclosures, mechanical equipment and outdoor storage.

The PZC’s feedback on the following is requested:

a. What to screen and how/what materials
   i. Trash Enclosures (In All Zoning Districts?)
   ii. Ground and Roof Top Mechanicals
   iii. Permitted Outdoor Storage or Outdoor Retail Areas
   iv. Incompatible uses (Commercial next to residential)? Increased setbacks?
   v. Cellular facilities
   vi. Others

b. When to screen if not existing (New Permits?)

c. Screening Materials (wood, masonry, block)

3. Donation boxes
Donation boxes have popped up over time, with little ability to restrict or regulate them. The PZC’s feedback is requested on whether staff should explore possible ways to exclude them. Or, if allowed, conditions upon which they would be allowed. Topics to consider include the following:

a. By special permit when conforms to regulations
b. What zoning districts are they allowed/prohibited.
c. Where they can be placed (not in drive aisle/parking space, front yard setback)
d. Number allowed per lot
e. Maximum size, screening
f. Signage on the box, how to contact owner
g. Maintenance requirements
h. Revocation


Home occupations continue to evolve as a result of technological advances, social impacts and other factors. It is becoming increasingly important that local codes regulate the standards by which a home occupation would be allowed, as opposed to simply listing permitted or prohibited uses. The existing code already does some of that. As the retail experience continues to shrink in local shopping centers, communities are finding that supporting local home grown cottage industries can translate into reduced commercial vacancy and replacement sales tax generation. Some home occupation entrepreneurs grow out of their home space and into nearby vacant commercial properties, and for those that perform acceptable home based sales utilizing technology instead of walk in customers, the point of sales taxes remain in the community. While it might be important to specifically list prohibited uses, most inappropriate uses can be regulated with standards similar to the following:

a. Permit Required.
b. Principal structure only? Accessory structures?
c. Size or percentage of structure that can be utilized for business
d. Family members only or family plus a number of non-related employees
e. Limitations of outdoor impacts, including parking
f. Numbers of clients, customers, or students permitted at one time and hours allowed
g. Parking
h. Number of trips per day

The goal of home occupation regulations should be to support these entrepreneurs in their homes and be ready to recommend other Rolling Meadows commercial location when they outgrow their home based business model.

5. Accessory Dwelling Units

The community’s existing regulations restrict any form of accessory dwelling units in a single family zoning district, including modification of an existing single-family home to accommodate an aging or disabled adult family member, or construction or modification of an accessory structure in a manner that would
provide a livable unit. Due to the aging population’s desire to “age-in-place” and the younger generation’s need and desire for alternate affordable housing options, communities are finding themselves needing to address this possible code modification.

This issue will likely require more discussion than we are willing to complete at this time, but the topic is introduced to stimulate thought and conversation with your neighbors and community members about where, how and under what conditions these zoning changes might be considered in the future.

Staff will be prepared to discuss these issues at the October 1, 2019 meeting.

Respectfully Submitted,

_____________________________    _____________________________
Jo Ellen Charlton      Elizabeth Payne
Assistant Director of Public Works    Administrative Services Coordinator