

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN ADULT USE  
CANNABIS DISPENSARY AT 975 ROHLWING ROAD**

**WHEREAS**, Jeff Neuschaefer, Nature's Care Company, petitioned the Planning and Zoning Commission ("PZC") to consider a special to allow as adult-use cannabis dispensary to operate in the property commonly known as 975 Rohlwing Road, Rolling Meadows, Illinois, ("Premises"); and

**WHEREAS**, the PZC, after notice of public hearing as required by law, conducted a public hearing on November 5, 2019, to consider the proposed special use; and

**WHEREAS**, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated below and recommended that the City Council approve the petition for a special use for an adult-use cannabis dispensing organization on the Premises; and

- 1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or the community;**
  - a. Nature's Care has operated at 975 Rohlwing Road since 2015, when it was approved as a special use for a medical dispensary. The site is located centrally within a group of properties zoned for industrial uses, and has adequate access to Rohlwing Road, a local, two way roadway providing north/south access on the west side of Illinois Route 53.
  - b. Nature's Care has operated at 975 Rohlwing Road since it opened without any significant police or public safety issues.
  - c. On June 25, 2019, the Illinois Governor signed into law a bill that legalizes the sale and consumption of cannabis for nonmedicinal purposes. The adult-use/recreational cannabis law goes into effect on January 1, 2020, and initially authorizes only those existing medical marijuana dispensaries in place and licensed by the State of Illinois (including Nature's Care) to sell for adult use/recreational purposes.

- d. Nature's Care requested approval of a special use and intends to comply with strictly crafted state guidelines to offer the public with legal access to safe supplies of marijuana.
  - e. Nature's Care has provided documentation and testimony that its existing facility, coupled with its work program to staff on-site/outdoor security personnel to direct increased customer traffic, can accommodate increased sales and employees to its site with on-site parking and parking secured by arrangement with adjoining property owners.
  - f. Nature's Care will monitor customer and employee trends for the first four months of operation, and will then cooperate with the City to construct at their expense necessary physical improvements based on observed conditions. In this regard, the City will assist with design standards in the right-of-way and assist in the identification and possible securement of potential grants.
- 2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or injurious to property values or improvements in the vicinity; and**
- a. Nature's Care has operated for the last four years in a discreet, respectful and responsible manner. The Rolling Meadows Police Department reports no issues with the existing business or the manner in which they operate their business.
  - b. Nature's Care intends to work with City and other local personnel to identify outlets for the appropriate distribution of public education and counseling information.
  - c. Nature's Care has been a good neighbor to surrounding properties, as evidenced by a willingness of some of those properties to work together with them to address temporary or interim parking shortages.
- 3. The proposed use will comply with the regulations and the conditions specified in this chapter for such use and with the stipulations and conditions made a part of the authorization granted by the city council.**
- The use will comply with the regulations and address concerns for safety if the following conditions are met and included as conditions of approval in any ordinance authorizing the special use:
- a. The existing 5,600 square foot building, including a point of sale retail area of up to 1,120 square feet within the building, and a site that contains 17 parking spaces shall not be altered without amendment to the approved special use.

- b. Employees, owners and others associated with Nature's Care who drive to work shall be required to park in designated "off-site" locations. The Nature's Care lot shall be signed as "Customers Only".
- c. On-site/outdoor security personnel, in numbers sufficient to direct and accommodate all customers safely from their cars into the building and back to their cars, or as directed by the Rolling Meadows Police Department, shall be provided on site at all times when the existing parking capacity of 17 cars on the lot is exceeded.
- d. Nature's Care shall educate their customers about their on-site parking in front of and behind the building, about on-line ordering to reduce parking turn-over times, about non-peak hour times to visit their store, and about alternative off-site parking locations to seek out when the Nature's Care lot is full.
- e. Nature's Care will observe and document employee and customer behavior daily for four months, and then meet with the City's Public Works Director to discuss whether and which physical improvements (i.e. crosswalks, sidewalks, signage) are necessary to address on-site parking shortages as determined by the Public Works Director. Nature's Care will cooperate with City to complete any improvements on its property or in the City's right-of-way. City will construct improvements and Nature's Care will reimburse City for City's actual costs in an amount not to exceed \$25,000.

**WHEREAS**, the City Council accepts the findings of fact recommended by the PZC and has determined that the proposed special use will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property within the surrounding area, or in any other respect impair the public health, safety, comfort, or welfare of the inhabitants of the City.

**WHEREAS**, the corporate authorities of the City of Rolling Meadows have determined that it is advisable, necessary and in the best interest of the City to approve the special use for an adult-use cannabis dispensing organization on the Premises.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rolling Meadows, Illinois as follows:

**Section 1:** The recitals set forth above are incorporate herein by reference.

**Section 2:** A special use permit for an adult-use cannabis dispensing organization is hereby granted for the Premises subject to the following conditions:

- a. The existing 5,600 square foot building, including a point of sale retail area of up to 1,120 square feet within the building, and a site that contains 17 parking spaces shall not be altered without amendment to the approved special use.
- b. Employees, owners and others associated with Nature's Care who drive to work shall be required to park in designated "off-site" locations. The Nature's Care lot shall be signed as "Customers Only".
- c. On-site/outdoor security personnel, in numbers sufficient to direct and accommodate all customers safely from their cars into the building and back to their cars, or as directed by the Rolling Meadows Police Department, shall be provided on site at all times when the existing parking capacity of 17 cars on the lot is exceeded.
- d. Nature's Care shall educate their customers about their on-site parking in front of and behind the building, about on-line ordering to reduce parking turn-over times, about non-peak hour times to visit their store, and about alternative off-site parking locations to utilize when the Nature's Care parking lot is full.
- e. Nature's Care will observe and document employee and customer behavior daily for four months, and then meet with the City's Public Works Director to discuss whether and which physical improvements (i.e. crosswalks, sidewalks, signage) are necessary to address on-site parking shortages as determined by the Public Works Director. Nature's Care will cooperate with City to complete any improvements on its property or in the City's right-of-way. City will construct improvements and Nature's Care will reimburse City for City's actual construction costs in an amount not to exceed \$25,000.

**Section 3.** The approval of the special use permit herein is contingent upon the acquisition by Nature's Care of an Adult Use Dispensing Organization license issued by the State of Illinois and is subject to all other conditions and

requirements imposed by and set forth in the City's Zoning Ordinance and all other duly enacted ordinances of the City of Rolling Meadows, except as otherwise provided herein.

**Section 4:** All ordinances or portions thereof in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

**Section 5:** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

**Section 6:** This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois, and shall take effect on January 1, 2020.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this 3<sup>rd</sup> day of December 2019.

YEAS: Sanoica, Cannon, Budmats, O'Brien, Vinezeano, Bisesi, D'Astice

NAYS: 0

ABSENT: 0

  
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Joe Gallo, Mayor

ATTEST:

  
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Judith Brose, Deputy City Clerk

Published this 4<sup>th</sup> day of December 2019.

  
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Judith Brose, Deputy City Clerk