



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION

AGENDA • NOVEMBER 19, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Nov 5, 2019 7:00 PM

III. PUBLIC HEARING

1. Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1
2. Text Amendments to the Village of Palatine Zoning Ordinance - Adult-use cannabis - Article 3 - Rules and Definitions (Section 3.02), Article 11 (Section 11.06), Article 12 (Section 12.01), and a new Article 15 (Adult-Use Cannabis)

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

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PLAN COMMISSION

MINUTES • NOVEMBER 5, 2019

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Absent	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

Staff Present: Mr. Ben Vyverberg and Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Oct 15, 2019 7:00 PM - **Accepted**

Ms. Williams made a motion to approve the minutes of the October 15, 2019 Plan Commission meeting; seconded by Mr. Friedman.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Eric Friedman, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Bettenhausen, Fedota
ABSENT:	Noonan, Kolososki

Minutes Acceptance: Minutes of Nov 5, 2019 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

1. Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1 - **Continued**

Chairman Dwyer read the notice of public hearing that was published in the Daily Herald on October 21, 2019 and mailed to the owners of the surrounding properties.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Northwest Highway Corridor Sub Area Plan Map Phase 1
3. Northwest Highway Sub Area Plan Phase 1
4. Northwest Highway Corridor Analysis and Sub-Area Approved Project Appendix

Sworn in Staff: Mr. Ben Vyverberg, Ms. Katie Rivard and Ms. Sanyokta Kapur

Mr. Vyverberg gave a brief overview of the Northwest Highway Corridor Sub Area Plan Phase 1 referring to the PowerPoint slides.

Sworn in Mr. Rob Meyers 285 N. Linden Avenue, Palatine

Mr. Meyers asked for examples of the B-1 and B-2 uses.

Mr. Vyverberg explained the differences between the zoning districts explaining B-2 is more liberal being more of general business category, and the B-1 focuses more on larger shopping districts.

Mr. Vyverberg continued to go through the PowerPoint slides speaking to the study area recommendations.

Mr. Hansen asked if property owners did not want to consolidate and develop together would Staff try to influence and encourage the consolidation.

Mr. Vyverberg stated the Village does not own any private property along the Northwest Highway corridor. He explained when a development is proposed, for example, to develop 5 separate lots, Staff would require them to consolidate during the review process. He further explained the Village would not compel a forced consolidation among multiple owners.

Mr. Vyverberg spoke to the parking challenges referring to the PowerPoint for recommendations and requirements including consolidation of curb cuts and required cross-access.

Mr. Vyverberg went through the PowerPoint recommendation slides including parking and medical/dental office uses.

Mr. Vyverberg spoke to the setbacks of the different zoning districts and the screening and buffer requirements. He spoke to the multi-family uses not being appropriate in certain areas.

He referred to the slides to depicting neighboring municipalities development examples along Northwest Highway.

Mr. Vyverberg spoke to the next steps from a zoning and land use perspective. He stated Staff would be open to review the possibility of multi-family uses along the Northwest highway corridor. Mr. Vyverberg stated Staff would be open creating an overlay district allowing medical uses on single lots as being permitted uses. He explained Staff's intentions are to review again at a future meeting either on November 19th or December 3rd.

Chairman Dwyer asked if Staff has any thoughts or preferences on if redevelopment expands by purchasing property that is residential behind the existing lots.

Mr. Vyverberg explained it could be considered if the development was unified and provided the appropriate screening and buffering for the bordering residential properties, so as not to not impact its use. He spoke to the 2-lot subdivision with the AutoZone and Great Clips center as a development blueprint meeting all of the zoning requirements.

Sworn in Mr. Nicholas Kaza 306 S. Elmwood Avenue, Palatine

Mr. Kaza asked what Staff considers as "low impact". He explained he lives in a residential lot that is located next to a property that has been vacant for 12 years and a condemned building with an alleyway. He asked how this plan affects the abandoned and condemned buildings in Palatine.

Mr. Vyverberg referred to the slide to show the property in question pointing out the proximity of the building to the residential area. He spoke to a proposal that had was approved for a professional office, including a second floor addition, which required setback relief. Ultimately, that development did not move forward. He spoke to previous auto repair use proposal that Staff did not support and was not approved by Village Council. Mr. Vyverberg spoke to the challenges and impact of having commercial property that immediately abuts residential. He spoke to the transition and the setbacks that are required in the R-3 districts explaining Staff would like to see a minimum of 30-foot buffer if a residential property was acquired to mirror a required front yard in the residential districts. Mr. Vyverberg spoke to some low impact options that are permitted uses and the screening, parking and building permit requirements. He further explained some uses require Special Use approvals as well because there is a potential those uses can have further impact on the neighborhood.

Discussion on the difficulty of setbacks on the property due to the lot depth.

Mr. Kaza asked about the alleyway and how it fits into the plan.

Mr. Vyverberg explained alleyways are not permitted as a component of subdivision developments. He spoke to alleyways exist along Northwest Highway and remain open and active. If there is a proposal to vacate the alley, for a development proposal, the Plat Act requires its division from when it came. In this example, half would go to the north and half would go to the south. He further explained the Village would want to maintain access to utilities and any properties that derive access through the alleyway cannot be restricted. Mr. Vyverberg stated from a Staff's perspective the alleyway can be used to provide

the screening and buffering required.

Mr. Vyverberg continued to speak to Staff recommendations referring to the slides. He explained Staff's intention is to walkthrough the initial findings, identify the challenges, and come back to the plan commission with a suggested overlay district that expands the permitted use list. He spoke directly to multi-family uses, and medical and dental uses. Mr. Vyverberg explained it is Staff's direction to recommend utilizing the B-2 standards and use list. He explained they will review any resident and board comments and suggestions and come back to the Plan Commission either on November 19 or first meeting in December to further discuss. He spoke to the vacant buildings stating there is a pending application in for the property at Palatine Road and Northwest Highway that involves both the vacant gas station property, former Teddy's Liquors and the adjacent property to the north.

Mr. Hansen referred to packet page 12 where it reads "Staff is recommending that medical and dental offices on single-user lots are included as permitted uses within the Phase 1 study area." He asked Staff if this will be proposed at the next meeting.

Mr. Vyverberg explained Staff would like to put together their findings and come back with a formal review.

Chairman Dwyer stated it makes sense pointing out Northwest Highway has been developed in a haphazard fashion over decades and it shows. He stated many of the buildings are not what they would like to use for retail anymore so thinks this is appropriate both for the village as well as the businesses and future development.

Mr. Vyverberg stated B-2 doesn't contemplate multi-family pointing out there is a residential use in the Agio Planned Development. He spoke to the appropriate transition area as you hit Kenilworth Avenue going southeast.

Mr. Friedman spoke to the packet including documents from the 2011 Village Council adopted comprehensive plan. He asked about the current process and how it relates procedurally or impacts the plan that is already in place from 8 years ago.

Mr. Vyverberg spoke to the 2011 rewrite to the prior comprehensive plan. He referred to Northwest Highway enhancement report from 1990. He pointed out the consultants reviewed the challenges of Northwest Highway and referred to presentation slide that includes the recommendations of the 2011 plan.

Chairman Dwyer asked if there will be text amendments to the ordinances.

Mr. Vyverberg stated yes explaining in order to create an overlay the Village would have to go through a process.

Chairman Dwyer asked if there could be potential conflicts if someone develops by-right against what the zoning district wants.

Mr. Vyverberg explained that the Sub Area concept would not necessarily remove an ability allowed by the current zoning, but that it typically permits

development potential in addition what is currently permitted.

Staff Recommendation

Mr. Vyverberg stated Staff recommends continuing the matter for discussion to the meeting on the 19th unless additional notice is required and in that case it will be moved to the first meeting in December.

Chairman Dwyer asked if Staff would like to close the meeting and open a new public hearing or adjourn and schedule to a date certain.

Mr. Vyverberg stated Staff would be okay to adjourn to a date certain.

Sworn in Mr. Reyes 203 S. Ashland Avenue, Palatine

Mr. Reyes stated he appreciates the attention to the area. He stressed the importance of crosswalks especially east of Palatine and Northwest Highway. He indicated areas where he feels crosswalks could be used to make the area more walkable.

Mr. Vyverberg pointed out IDOT's control. He explained they have permit review authority along Northwest Highway. He agreed that pedestrian improvements should be reviewed, but noted they would need to work within IDOT review and approval.

Mr. Reyes pointed out the more walkable the more revenue from sales tax. He pointed out there are areas that have no sidewalks. He spoke to consolidated parking areas and how other communities have used vacant lots for additional parking that would setup the Village for increased development. Mr. Reyes asked about the motels in the area and how they relate to the plan.

Mr. Vyverberg explained if the existing uses become non-permitted uses they become nonconforming uses. He further explained if a new use comes in they would have to comply with the screening, parking and setback requirements as well as go through a site plan review with the Village Council. He stated the Village cannot require existing uses to meet today's standards. Ben explained issues are addressed through complaints or through proactive enforcements.

Mr. Reyes understands Staffs' limitations. He stated residents would appreciate proactive enforcement to bring current business up to standards. Mr. Reyes suggested the Village attempt to avoid wedge properties like 406 E. Northwest Highway.

Sworn in Mr. Walter Klis 236 N. Linden Avenue, Palatine

Mr. Klis asked if the 8-foot tall fence screening would be for new development or existing.

Mr. Vyverberg spoke to the grading on the east side of Linden being 4-6 feet below the commercial properties. He explained the present requirements for screening if a commercial property abuts a residential property. Mr. Vyverberg further explained through this review process Staff is suggesting increasing the minimum fence requirements to 8 feet instead of 6 but this requirement would only be for new developments. This would be in addition to the landscaping buffer requirements being standardized.

Mr. Klis spoke to the bushes being removed from his lot which left him with a view of a parking lot and the side of a funeral home. He stated he would like to install an 8-foot fence to screen the lot to provide privacy.

Mr. Vyverberg stated Staff would be happy discuss the options.

Sworn in Mr. Glen McDade Coldwell Banker representing the Busch Family

Mr. McDade asked for a copy of the report.

Mr. Vyverberg stated he would send him a link pointing out the packet is available on the Village website.

Mr. Kaza spoke to the privacy fence installed to the west that was installed without concrete piers and ready to collapse. He asked about current code requirements and reviews or the possibility to add them in the future.

Mr. Hansen made a motion to continue the discussion until the November 19th Plan Commission; seconded by Ms. Williams.

RESULT:	CONTINUED [UNANIMOUS]	Next: 11/19/2019 7:00 PM
MOVER:	Conrad Hansen, Plan Commissioner	
SECONDER:	Teri Williams, Plan Commissioner	
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Bettenhausen, Fedota	
ABSENT:	Noonan, Kolososki	

IV. COMMUNICATIONS

A. As Submitted

1. For information and discussion - Village of Palatine - SolSmart designation -

Mr. Vyverberg spoke to the assessment done by the Village with SolSmart presented in SolSmart Memo PZD-1a that was included in the Plan Commission packet. He explained as detailed in the memo that the review by SolSmart of the Village's Zoning Ordinance outlined the potential barriers in the current code and the possible gaps that exist. He explained SolSmart is a third party reviewer that identifies solar improvements that can be made from a code perspective as well as an efficiency perspective. Mr. Vyverberg spoke to the changes that can be made to stream line and allow for improvements as they relate. He spoke to the solar array that had come through the zoning process and the solar usages that are currently spread throughout the village. He explained how solar is currently regulated from is a zoning perspective.

Ms. Kapur gave a brief overview of the SolSmart program explaining it is a nationally recognized program that helps cities and villages facilitate the development of solar panels. She further explained they help make the Village a solar friendly community. Ms. Kapur stated they help put the Village on not only the regional map as well as the national map. She explained the process which includes SolSmart coming in and working with the Village to identify any gaps including inspections and permit fees according to industry standards and providing the Village with an analysis. Ms. Kapur spoke to the 3 levels of ratings including Bronze, Silver and Gold explaining currently when the Village of Palatine goes through the process we would be eligible for the Bronze certification making us one of 300+ communities nationwide with that designation.

Mr. Fedota asked about the funding.

Ms. Kapur stated the program is federally funded explaining the only cost includes the staff time working with the SolSmart advisor and the trainings for our internal staff including inspectors and permit department to understand the program and installation in the fields.

Mr. Fedota asked if there are multiple vendors.

Ms. Kapur explained this is the only entity that offers the SolSmart recognition.

Mr. Fedota asked if SolSmart is an installation organization.

Ms. Kapur answered no. She explained their whole premise is energy conservation to make a solar friendly community to market standards pointing out there is a link on the website for more information.

Mr. Friedman stated they seem like an advocacy organization to ensure communities are ready for installations.

Ms. Kapur explained they educate residents as well as staff in terms of installation as well as having an outreach program to advocate this. She stated it helps bring more businesses into the community.

Mr. Fedota asked what it would take to get to higher than the bronze.

Ms. Kapur explained the analysis and the point system. She further explained to achieve silver status there would need to be a letter from the Planning and Zoning Department indicating the items they would like to adapt from the memo as well as items that would not be applicable to our community.

Mr. Fedota asked if it requires implementation.

Ms. Kapur explained it requires analysis and recommendation. She further explained if changes are made to the Zoning Ordinance to implement the recommendations the Village would move to the Gold level.

Chairman Dwyer asked if the Plan Commission is to expect proposed text amendments as a result of this analysis.

Ms. Kapur answered no not for the bronze level. She explained at this level we are raising awareness to the analysis and findings not recommending or advising anything.

Mr. Vyverberg spoke to the findings that the consultant identified explaining they indicated the zoning ordinance is nearly silent to some of these issues. He spoke to the permit process and what is evaluated including height limitations. He spoke to the difference in permit review for solar array versus a roof-top solar panel. Mr. Vyverberg explained Village Council has not given advisement on amending the code but appreciates the third party review of the code to suggest what can be changed as it relates.

Chairman Dwyer asked what needs to be changed to receive bronze status.

Ms. Kapur explained by presenting the findings of the memo to the Plan Commission the Village receives 5 points. She further explained this meeting was to introduce the concept of SolSmart.

Mr. Friedman read a passage from SolSmart's website "Once on a path to designation the first initiative is to establish a vision and concrete goals for the adoption of solar within the community via a formal letter of commitment and to begin tracking key metrics" He asked if the Village of Palatine has already established that type of letter and if so does those goals and metrics live within the Planning and Zoning or Building Department standpoint.

Ms. Kapur explained there was an initial letter to start the program from Harry Spila, Director of Community Services. She explained the letter expressed our curiosity in the program and requested info on what factors would enable Palatine to be a solar friendly community.

Mr. Fedota asked if that meets the required commitment level.

Ms. Kapur stated they would appreciate more but explained it is done in incremental steps.

Chairman Dwyer asked if the statement of vision can be sent to the Plan Commission.

V. ADJOURNMENT

Minutes Acceptance: Minutes of Nov 5, 2019 7:00 PM (Approval of Minutes)

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 11/19/19 07:00 PM

CASE STAFF STATEMENT (ID # 5641)

Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1

THIS ITEM WAS INITIALLY REVIEWED BY THE PLAN COMMISSION AT THE NOVEMBER 5TH MEETING AND WAS CONTINUED UNTIL THE 11-19 MEETING. IT IS STAFF'S INTENTION TO PRESENT THESE INITIAL FINDINGS AND RECOMMENDATIONS TO THE VILLAGE COUNCIL FOR THEIR REVIEW AND CONCURRENCE. ULTIMATELY, ANY OF THE PROPOSED RECOMMENDATIONS (CREATION OF A NORTHWEST HIGHWAY OVERLAY DISTRICT, EXPANSION OF THE PERMITTED USES FOR CONSIDERATION -INCLUDING POTENTIALLY MULTI-FAMILY USES AND MEDICAL/DENTAL OFFICES ON SINGLE-USER LOTS, THE STANDARDIZATION OF LANDSCAPING BUFFERING REQUIREMENTS FOR PROPERTIES WITHIN THE SUB AREA, AND THE CREATION OF A PARKING DISTRICT CATEGORY, ALL REQUIRE A SEPARATE PUBLIC HEARING, WITH NOTICE, BEFORE THE PLAN COMMISSION.

THEREFORE, STAFF IS REQUESTING A MOTION ACCEPTING THE INITIAL SUB AREA FINDINGS, WITH THE UNDERSTANDING THAT ANY PROPOSED CHANGES TO THE ZONING OR SUBDIVISION ORDINANCES FOR THIS PROPOSAL WILL BE COMING BACK TO THE PLAN COMMISSION, WITH NOTICE, FOR ADDITIONAL REVIEW.

THIS WILL ALLOW STAFF TO PRESENT THIS INFORMATION TO THE VILLAGE COUNCIL MOVING FORWARD.

CASE NUMBER:

19-68

PETITIONER:

Village of Palatine

LOCATION:

Northwest Highway Corridor Sub Area Plan Phase 1 (Properties along the Northwest Highway Corridor and adjacent to and abutting) from Baldwin Road (north), Linden Avenue (east), Schubert Street extended (west), and through to IL Route 53.

PROPOSAL:

Through initial Village Council direction, Staff began the process of reviewing and completing the Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1. The initial goals were to review the historical development patterns, desired bulk standards, and provide Staff recommendations for future land use and development standard considerations.

ZONING AND LAND USE:

B-1 (shopping center), B-2 (general business), Planned Development, R-3 (high density multi-family) and the surrounding single-family residential properties are all zoned R-2 single-family residential. The properties are a mixture of retail, retail-service, office, and convenience uses.

SURROUNDING CONDITIONS:

North:	Mariano's, Renaissance Office Park, single-family residential subdivisions
South:	Union Pacific Rail Road, City of Rolling Meadows
East:	single-family residential subdivisions
West:	single-family residential subdivisions

COMPREHENSIVE PLAN:

As noted in the Village Comprehensive Plans, the Northwest Highway corridor - U. S. Route 14 is IDOT controlled and a significant transportation roadway and regional arterial, which serves as a major gateway to the western and eastern edges of the Village. It also functions as a connection for the surrounding communities to IL Route 53. Unsurprisingly, Northwest Highway was a significant focus of the transportation sections of the previous and current Comprehensive Plans. The later recommended and examined the various sections of the corridor with specific Sub-Area reviews and recommendations. The Subject Sub Area for Phase 1 represents the initial examination of those recommended actions.

BACKGROUND:

From a land use perspective, there are many faces to the Northwest Highway corridor. Northwest Highway is a gateway corridor connecting the eastern and western portions of the Village. The western section of Northwest Highway tends to have a more residential focus, interspersed with Park District Facilities and athletic uses until reaching the Quentin Road intersection, where more traditional, yet established shopping center uses prevail. The residential uses continue until the Smith Street

intersection, which starts again with commercial centers until reaching the Renaissance Planned Development and Palatine Plaza.

The Village's current Comprehensive Plan accurately summarized the corridor as follows:

"The age of much of the existing development indicates that proposals for redevelopment and land use change can be anticipated in the coming years. Redevelopment policies for different sections along this corridor and effective transportation management policies should be examined."

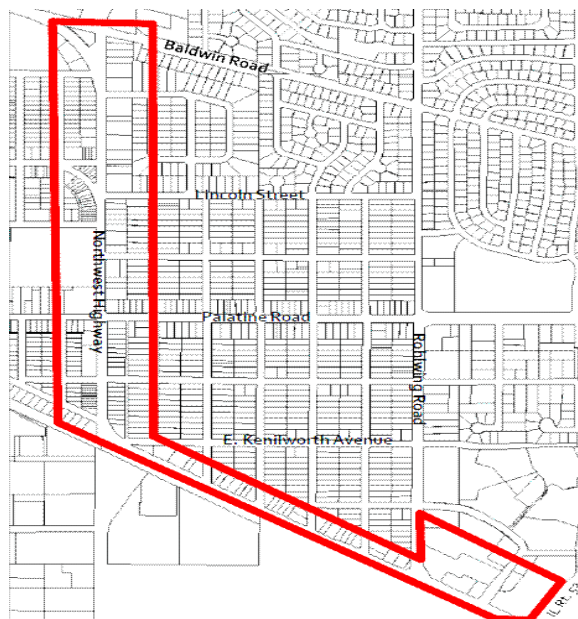
Current Conditions and Characteristics of the Proposed Sub-Area:

This Phase 1 report for the selected eastern section of the corridor begins that process. These are the property characteristics in the Phase 1 Study Area:

- 153 lots - approximately 49 acres.
- Currently improved with commercial buildings, with a few vacant undeveloped lots (Rohlwing Road and Northwest Highway and vacant lots north of Busch Tire) and multi-family residential properties.
- Average lot size is 14,600 square feet.
- The smallest lot is 327 square feet and the largest lots area 220,000 square feet (5.05 acres).
- All of the commercial properties are zoned B-2, with the exception of 2 that are zoned Planned Development and 9, which are zoned B-1 (shopping center).
- For the residential properties, 4 are zoned R-3 and 1 is zoned B-2.

ANALYSIS:

The Sub-Area plan identifies E. Baldwin Road as the northern boundary, through IL Route 53, with Linden Avenue (east) and Schubert Street extended (west) serving as the boundaries. The map below identifies the Sub-Area Phase 1:



History: Development Patterns and Most Recent IDOT traffic counts:

- The commercial properties from Baldwin Road through Kenilworth Avenue typically represent traditional commercial properties, whose initial development dates to the 1960's. These lots all directly abut single-family properties on the eastern and western sides respectively.
-
- The western half of Northwest Highway represents some of the oldest property in the Village and was predominately annexed in 1869.
-
- The majority of properties located on the eastern/northern side of Northwest Highway were annexed from 1925 through 1958.
-
- IDOT daily traffic counts - 19,000 (Rohlwing Road); 25,300 (Palatine Road); 29,000 (Wood Street); and 30,000 (west of Hicks Road).
-
- The Union Pacific/Metra Northwest railroad creates a one sided corridor along the eastern and western segments of Northwest Highway.
-
- The more intensive uses in this area are clustered around the intersection of Northwest Highway and Palatine Road, with 2 automobile fuel stations (1 of which is vacant and not in use, but a recent development application was submitted to the Village and will be presented to the Plan Commission in the near term) and a Walgreens pharmacy.
-

- The remaining uses include Park District facilities restaurants, medical offices, retail and service uses and previously established motels, a significant office Planned Development, a senior living facility use and a banquet/event venue.
-
- Within the Sub-Area, there have also been areas of redevelopment. The following is a sampling of recent projects over the last 15 years:
 - Taco Bell (complete redevelopment)
 - Starbucks (complete redevelopment)
 - Glencoe Street Center (complete redevelopment - shopping center - Agio - commercial tenants, and one residential property)
 - Casey Automotive (substantial building addition and façade renovations)
 - Palatine Wilson Northwest Subdivision (complete redevelopment- 2 commercial buildings Advance Auto Parts, Athletico, Great Clips)
 - Popeyes - substantial building renovation and drive thru addition)
 - Mephram building (new office/retail building)
 - The Grand @ Twin Lakes - (substantial building/façade renovation - conversion of a former hotel into senior living facility)
- All of these projects were reviewed and approved by the Village, many with varying forms of relief from the Code. These developments are further summarized as an Appendix to the Sub-Area, within the Plan Commission Packet.
- Notwithstanding the numerous developments in this area, there are remaining properties that have not been redeveloped and remain vacant and unused. The Sub-Area findings will apply to all of the properties within this area, but this report also identifies some of the existing constraints likely contributory to impacting the redevelopment in those areas.

Development Challenges, Constraints and Conclusions:

- Through both the Sub Area Phase 1 review process and the existing circumstances for some of the properties, there are specific identified challenges/constraints within this area:
 - Shallow lot depths for properties along Northwest Highway (particularly for those southeast of E. Kenilworth Avenue)
 - Direct adjacency of single-family residential properties puts pressure on the commercial lots.
 - Lack of reinvestment in certain sections of Northwest Highway has led to

vacancies and Code Enforcement activities.

- The construction and development of many of the existing buildings date to the 1960's, which creates pockets of outdated structures.
- Traffic volumes along Northwest Highway create pedestrian barriers.
- Lack of identifiable retail users to fill the existing commercial spaces.
- Landscaping buffer requirements impact the site plan for shallower lots along Northwest Highway, southeast of Kenilworth Avenue.
- Consolidation of multiple lots for larger developments is complicated, as it would involve multiple property owners.
- In reviewing the existing zoning requirements (transitional buffer yard requirements), building setbacks and existing lot depths, Staff is recommending expanding the permitted uses in the Sub Area to include medical and dental uses, which comply with the parking requirements. Also, in order to standardize the commercial screening requirements for single-family residential properties, Staff is recommending a uniform standard to both protect the residential properties, but also provide unified direction to the commercial property owners.

RECOMMENDATIONS:

- With the creation of an overlay district, the permitted uses within the Sub-Area could be expanded and also include a uniform landscaped buffer/screening requirement. This would recognize the development constraints along the corridor (particularly southeast of Kenilworth Avenue):
 - As there are different screening requirements between the B-1 and B-2 districts and the lot sizes and dimensions are not uniform in the Study Area, Staff is recommending that all of the shared lot lines with single-family residential properties provide screening with up to an 8-foot solid fence. Vacation of ROW, where appropriate, with the maintenance of necessary access and with reservation of easements.
 - Use of ROW (16 or 20-foot alleys) as added landscaped buffer areas through license agreements, in support of new development and a further protection for single-family residential properties.
- In addition to the different screening requirements between the B-1 and B-2 districts, there are separate uses lists, setbacks, and bulk standards. In order to align like properties with different zoning designations, Staff is recommending

that B-1 properties within the Sub Area be allowed to utilize the B-2 screening requirements, bulk standards, and use lists. None of the existing B-1 properties comply with the minimum required 200-foot lot width.

- The expansion of uses for consideration could include, where appropriate, new unified multi-family land uses and developments (of an appropriate architectural scale and density and in compliance with the parking requirements) to be explored in this area.

NOTE: The zoning ordinance presently reviews dwelling units, accessory, a Special Uses within the B-2 district. Staff is not recommending changing that requirement and process as part of this analysis and this would continue to be the process for accessory dwelling units within existing commercial

- Through development review, multi-lot consolidation would be required to eliminate the potential patterns for piecemeal development.
- (NOTE - Medical and dental offices currently require Special Use review in all of the Commercial Districts and the Zoning Ordinance does not have a separate office district). Staff is recommending that medical and dental offices, on single-user lots are included as permitted uses within the Phase 1 study area. This would be subject to compliance with the parking requirements (anticipated patient and employee parking needs) and the other Code requirements, including landscaping and screening requirements.
- Cross access would be required through the Village review process for new developments through Village review, where appropriate and necessary.
- Municipal parking lots and commercial parking lots for private self-propelled passenger vehicles are permitted uses within the B-1 and B-2 districts, subject to the required landscaping, screening, and lighting limitation requirements.

While any expansion of a commercial use into the surrounding residential neighborhoods is not allowed within the current residential zoning designations, the creation of a parking district, with significant screening and buffering could provide additional protections for the residential properties, and provide additional parking for the commercial uses. This could also seek to eliminate the various ROW parking along Northwest Highway. While the zoning ordinance does not currently have a parking zoning district category. This would be further reviewed as part of the creation of an overlay district for the Sub-Area Phase 1.

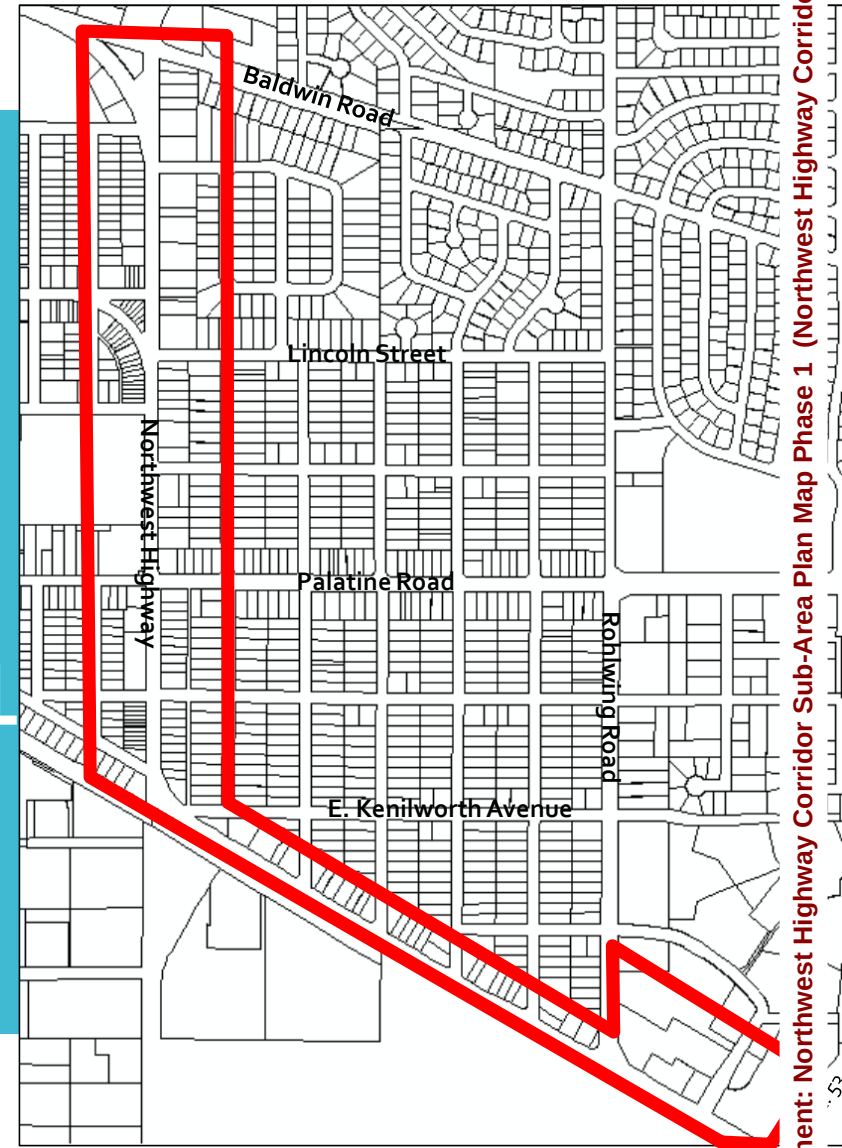
ATTACHMENTS:

- Northwest Highway Corridor Sub-Area Plan Map Phase 1
- NW HGY SAP P1

Case Staff Statement (ID # 5641)
Meeting of November 19, 2019

- APPENDIX - NWHGY SAP P1
- Public Notice

Northwest Highway Corridor Analysis and Sub Area Plan – Phase 1

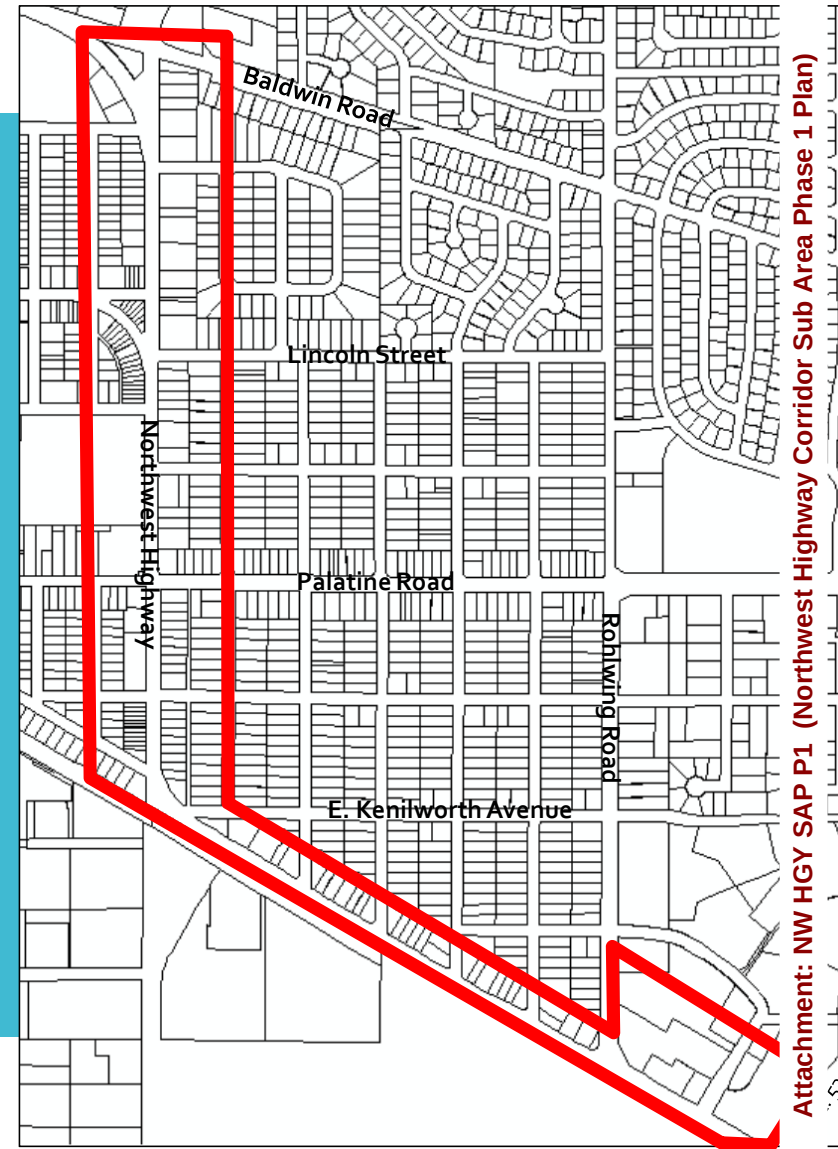


Northwest Highway Corridor Analysis and Sub-Area Plan Phase 1

Department of Planning and Zoning

DRAFT – November 2019

Northwest Highway Corridor Analysis and Sub-Area Plan – Phase 1



Northwest Highway Corridor Analysis and Sub- Area Plan Phase 1 - outline

- Identify the initial Northwest Highway Sub-Area Phase 1 initial study area boundaries;
- Development History of the Sub-Area;
- Identify Current and Past Development Patterns:
 - Current Zoning requirements,
 - Current and Average Lot Sizes;
- Identify Possible Development Challenges;
- Identify the Code relief that has been approved elsewhere in the Sub Area for application to other similar properties/developments;
- Identify potential and likely redevelopment sites:
 - Staff Analysis and Recommendations;
- Land use amendment considerations and recommendations.

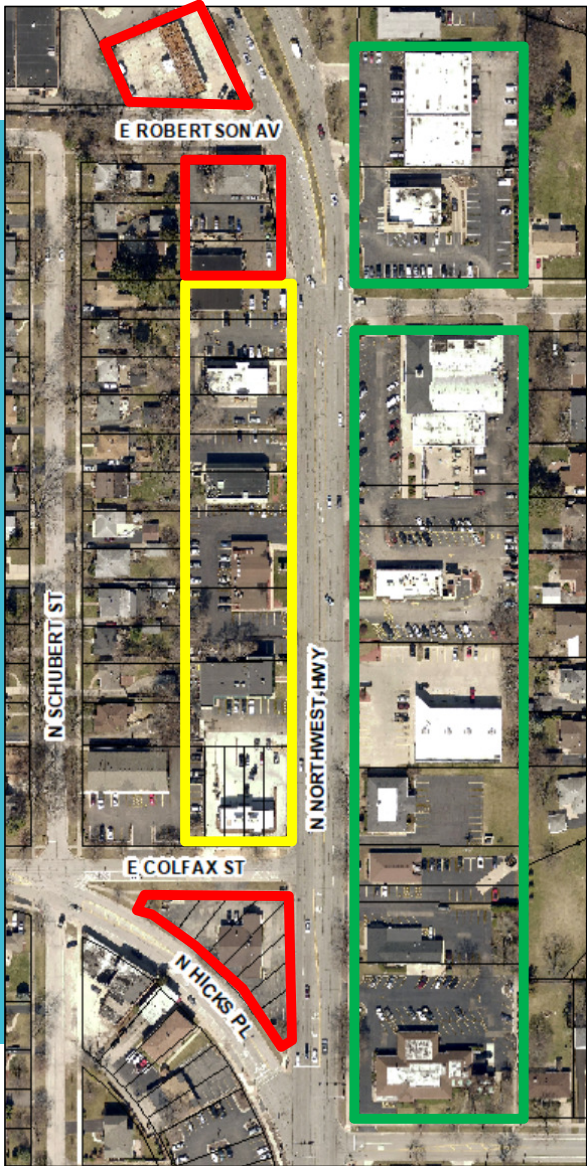
Northwest Highway Corridor Analysis and Sub- Area Phase 1:

Current lot conditions and Zoning Characteristics

- Study Area:
 - 153 lots – approximately 49 acres.
- Currently improved with commercial buildings.
- Average lot size is 14,600 square feet
 - Smallest lot is 327 square feet and the largest lots area 220,000 square feet (5.05 acres).
- All of the commercial properties are zoned B-2, with the exception of 2 that are zoned Planned Development and 5, which are zoned B-1 (shopping center).
- For the 5 residentially used properties, 4 are zoned R-3 and 1 is zoned B-2.

Development challenges within the Northwest Highway Sub-Area

- Shallow lot depths for properties along Northwest Highway (particularly for those southeast of E. Kenilworth Avenue)
- Direct adjacency of single-family residential properties puts pressure on the commercial lots.
- Lack of reinvestment in certain sections of Northwest Highway has led to vacancies and Code Enforcement activities.
- The construction and development of many of the existing buildings date to the 1960's, which creates pockets of outdated structures.
- Traffic volumes along Northwest Highway create pedestrian barriers.
- Lack of identifiable retail users to fill the existing commercial spaces.
- Landscaping buffer requirements impact the site plan for shallower lots along southeast of Kenilworth Avenue.
- Consolidation of multiple lots for larger developments is complicated, as it would involve multiple property owners.



 = Lot Depth of 213' – 219'

 = Lot Depth of 133'

 = Lot Depth of 98' – 127'





= Lot Depth of 264'



= Lot Depth of 181'

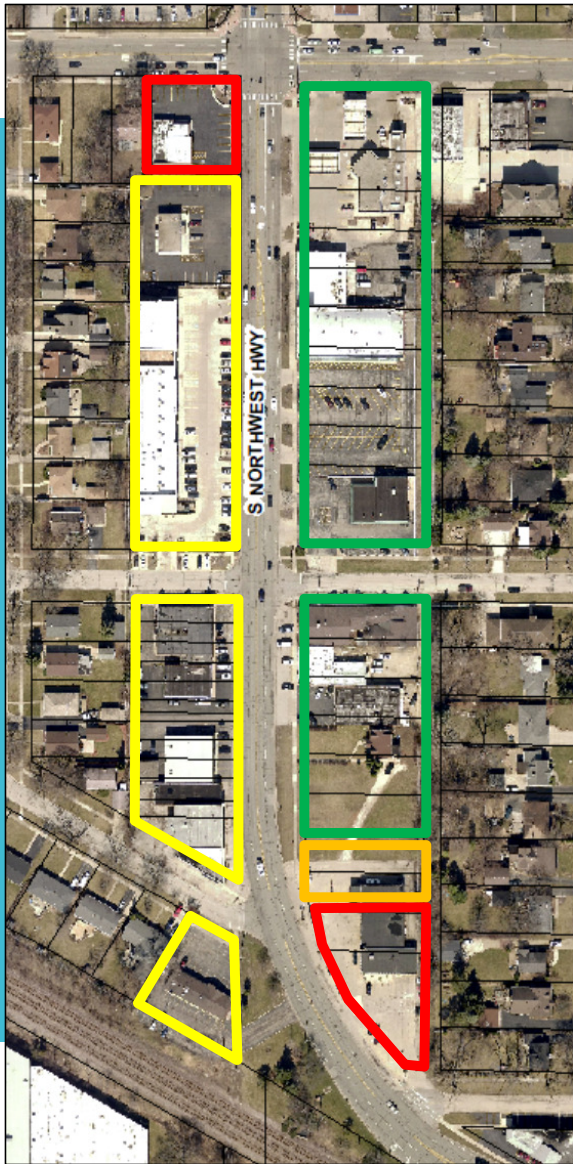


= Lot Depth of 134' – 150'



= Lot Depth of 125'





	= Lot Depth of 150'
	= Lot Depth of 133' – 150'
	= Lot Depth of 132'
	= Lot Depth of 23' – 125'





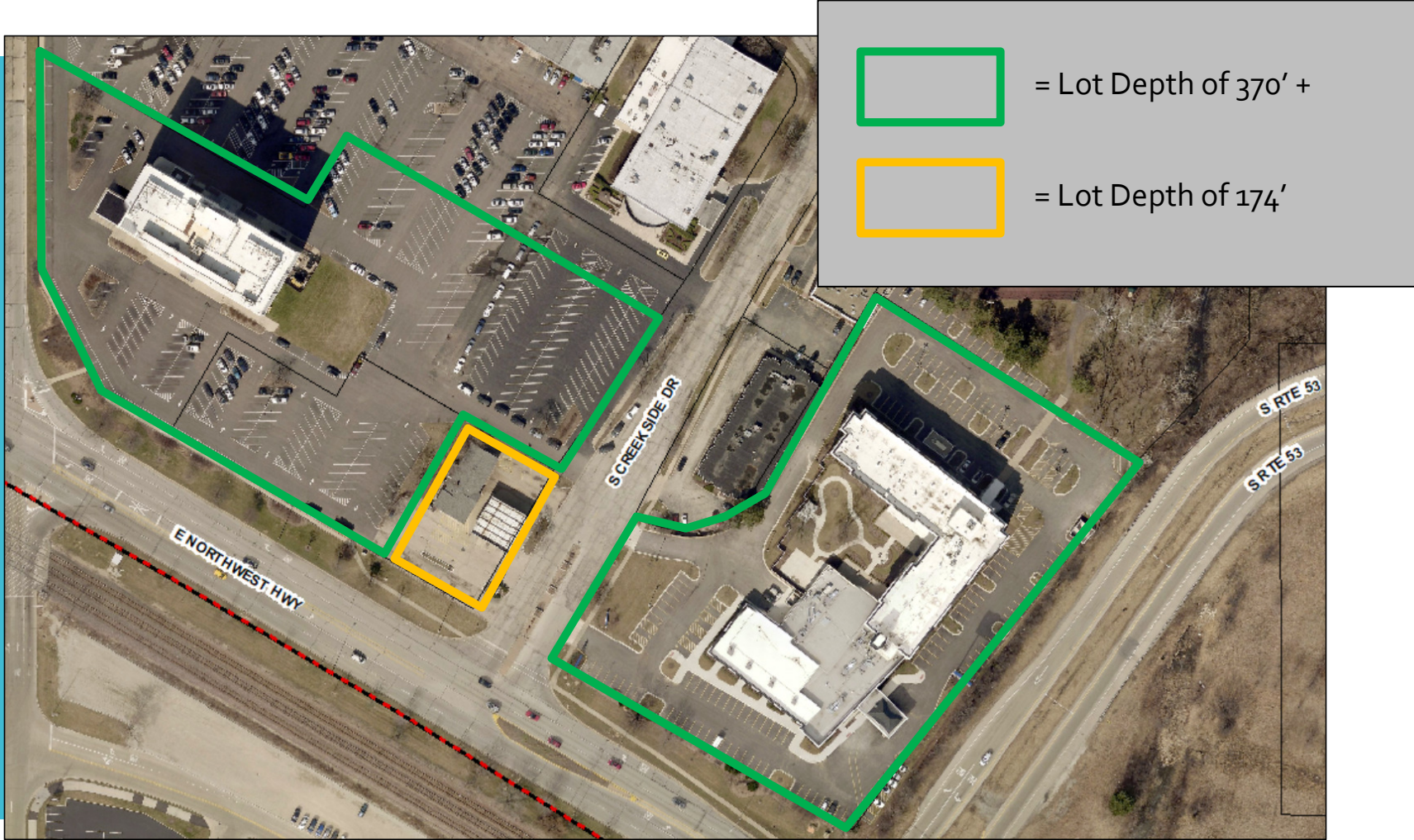
= Lot Depth of 150'



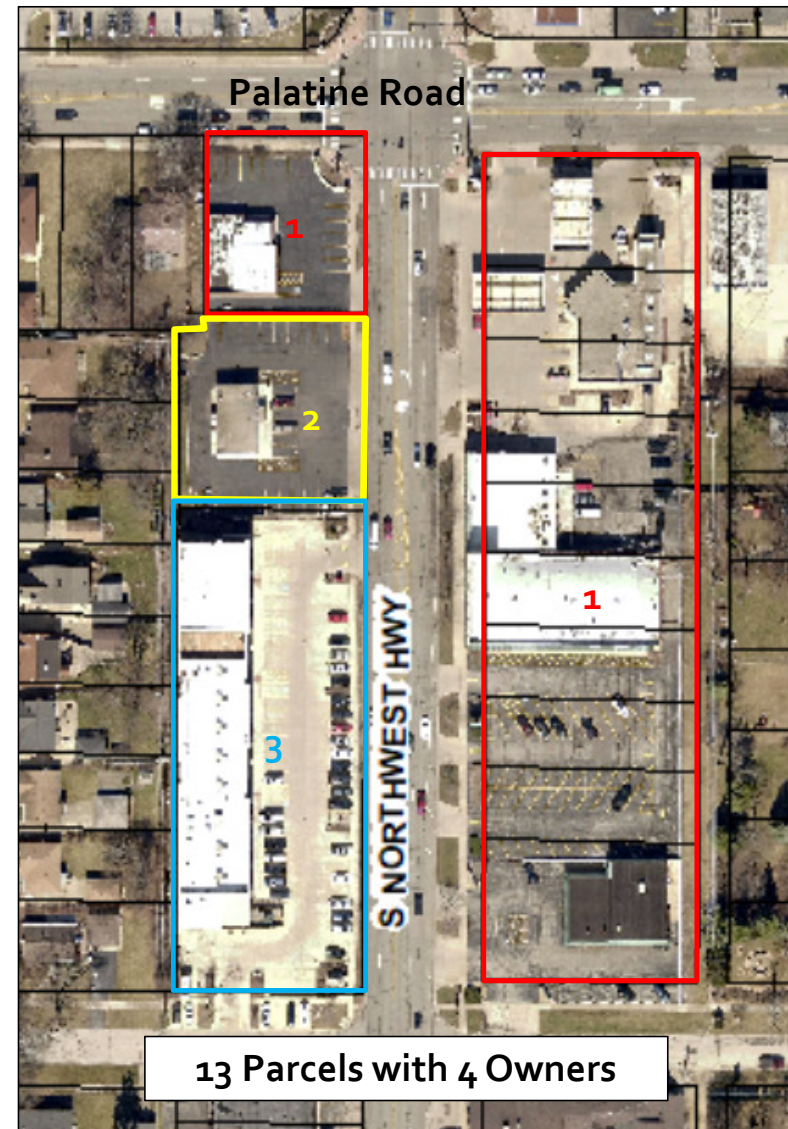
= Lot Depth < 125'





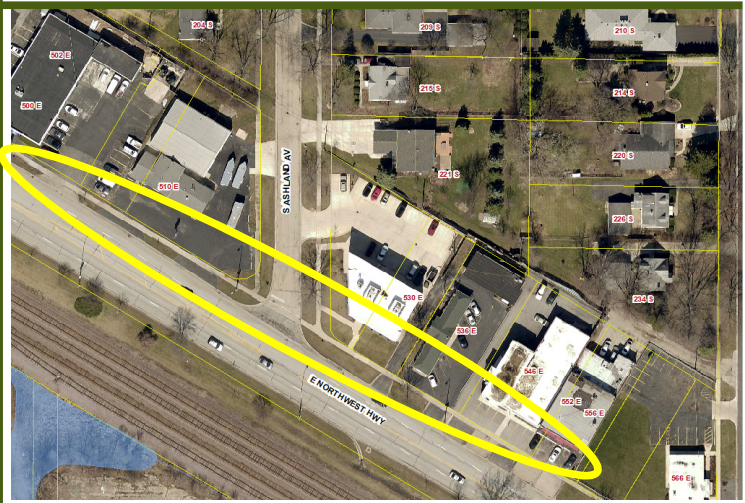
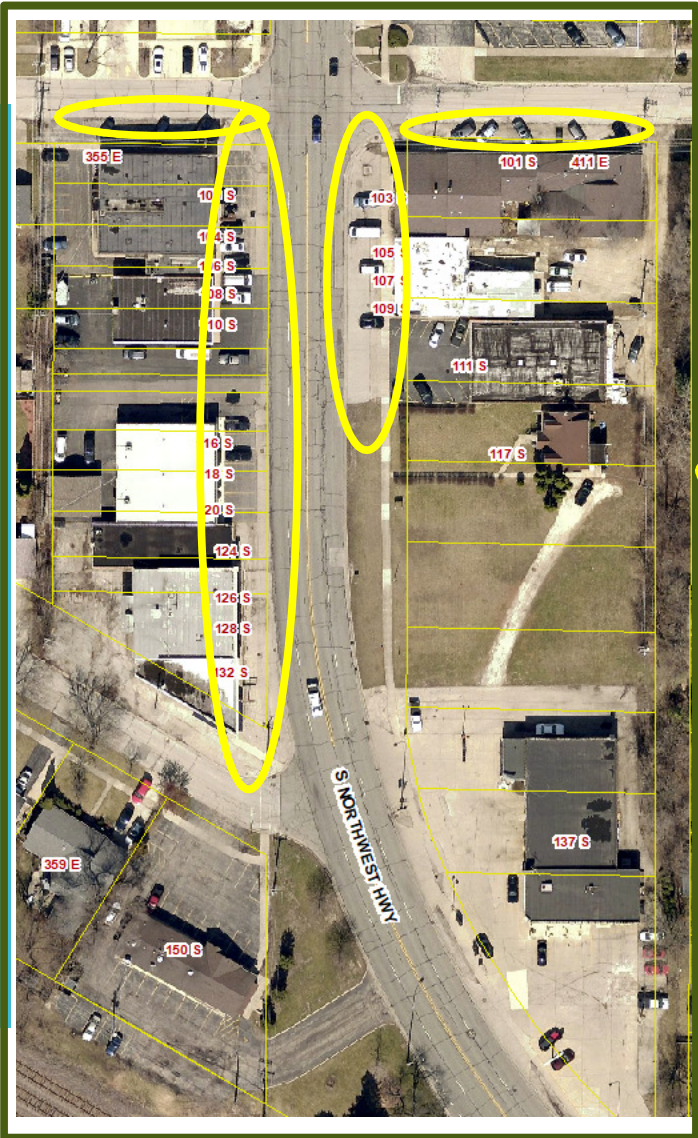


Multiple
property
Ownership
information
example

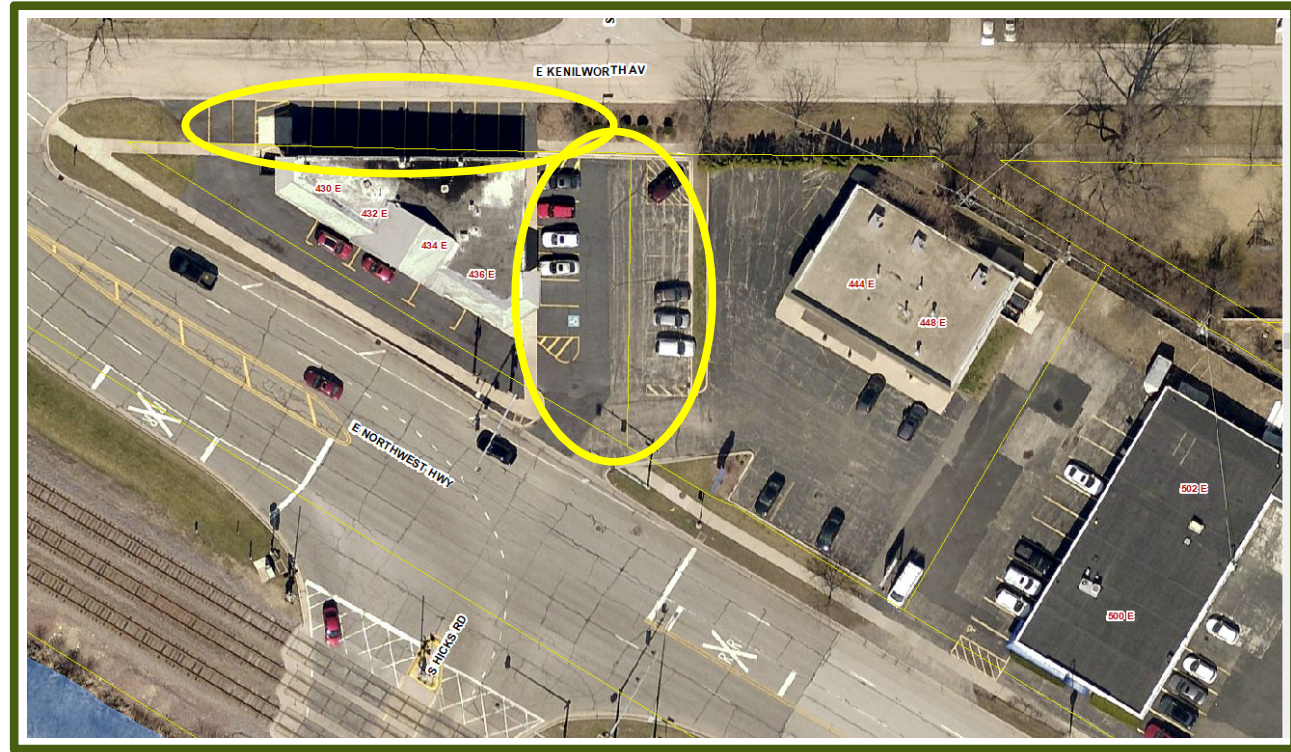




Existing parking examples in the ROW along the Northwest Highway Corridor



Existing
parking
examples in
the ROW
along the
Northwest
Highway
Corridor



Redevelopment recommendations

- Creation of an overlay district, within the sub-area to expand the permitted uses within this area, and create uniform landscaping buffer/screening requirements, while recognizing the previously discussed development constraints along Northwest Highway (particularly southeast of Kenilworth Avenue) and adjacent single-family residential properties.
- Uniform landscaping buffer/screening requirements for residential properties.
 - As there are different screening requirements between the B-1 and B-2 districts and the lot sizes and dimensions are not uniform in the Study Area, Staff is recommending that all of the shared lot lines with single-family residential properties provide screening with up to an 8-foot solid fence. The use of ROW (16 or 20-foot alleys) as added landscaped buffer areas through license agreements, in support of new development and a further protection for single-family residential properties, could also be reviewed.

Phase 1 Study Area Recommendations

- Medical and dental offices currently require Special Use review in all of the Commercial Districts. The Zoning Ordinance does not have a separate office district.
- Staff is recommending that medical and dental offices, on single-user lots are included as permitted uses within the Phase 1 study area. This would be subject to compliance with the parking requirements (anticipated patient and employee parking needs) and the other Code requirements, including landscaping and screening requirements.
 - Medical and dental offices tend to be typically lower impact to surrounding uses (hours of operation, noise impact, etc.) than other commercial uses.
 - NOTE - The 800 E. Northwest Highway building is almost exclusively a professional office building within the Phase 1 area and there are several such uses in the corridor.

Phase 1 Study Area Recommendations

- A parking zoning district category with the Phase 1 overlay district, could review the potential for additional surface parking areas, adjacent to and in support commercial businesses could be further explored.
- Any such parking area would require significant screening and buffering and separation from residential properties could be reviewed within the creation of an overlay district.
- Cross access would be required to be provided through Village review of the proposed projects.

Northwest Highway Sub Area – Recommended Land use considerations – Overlay district considerations.

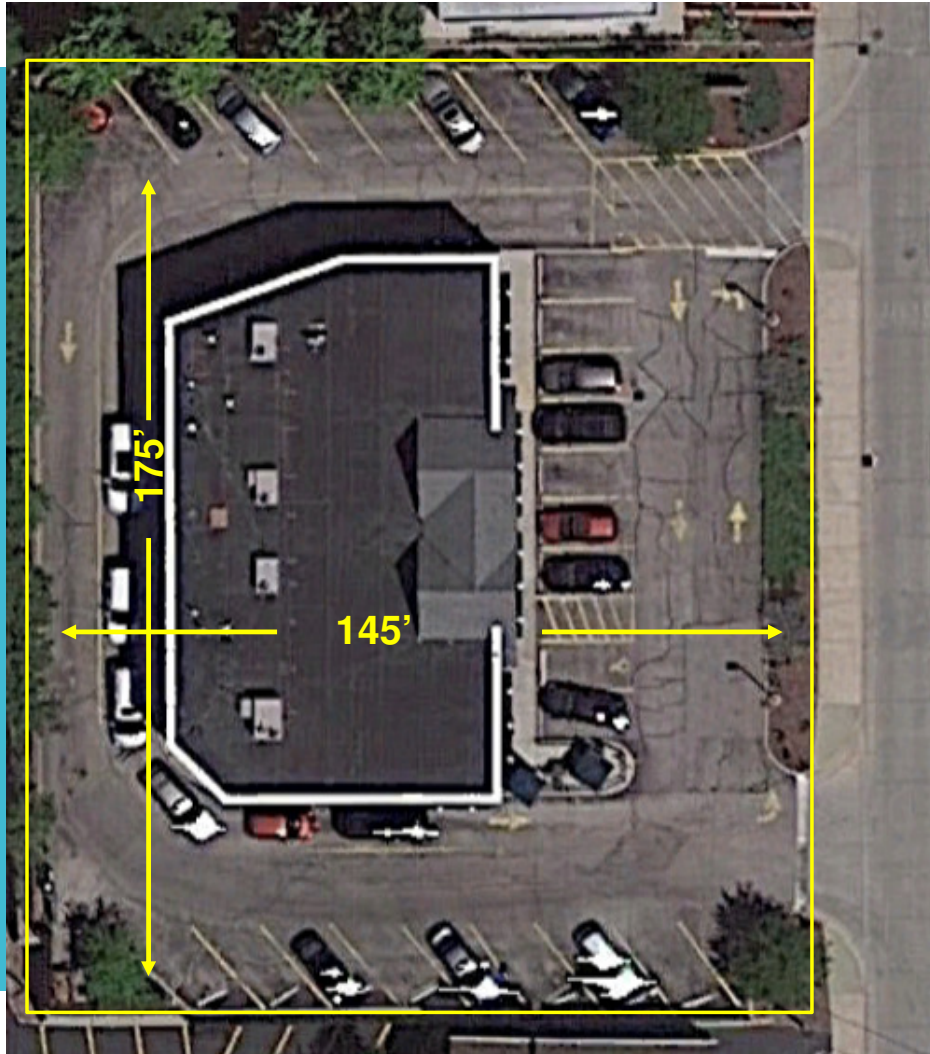
- Specific consideration should be given to the integration of architecturally appropriate, scale and density for multi-family developments within the Sub Area, as both a transitional land use between the commercial uses and single-family residential properties and Northwest Highway itself.
 - Multi-family uses – Currently, the Zoning Ordinance reviews dwelling units, accessory, as Special Uses. This will continue to be the appropriate review process for including accessory dwelling units within existing commercial properties.
- Within the Sub-Area, consideration would encourage multi-lot consolidation to create larger redevelopment parcels. Scattered or single-lot site developments should be discouraged.

Northwest
Highway
Redevelopment
Project
examples
outside of the
Village of
Palatine



Barrington: Lake Cook Road & Northwest Highway





Barrington: Northwest Highway





Barrington: Northwest Highway



Northwest Highway multi-family example – Arlington Heights – height and massing facing Northwest Highway



B-1 district
setbacks:
Front yard – 30 feet
Rear – 20 feet
Side – 10 feet

B-2 District
setbacks:
Front – 25 feet
Rear – 20 feet
Side – 5 feet
Side abutting street
– 10 feet

Northwest Highway Sub Area Phase 1 –

Zoning district setbacks, screening, and buffer yard requirements

- 7.04 (g) *Screening*.
- (1) Manufacturing and business districts. All open off-street commercial and industrial parking areas which abut residential properties (including lots across the street) shall be effectively screened along the entire boundary of the residential property by a densely planted hedge, solid masonry wall, or solid fence.
- a. Said screening device shall be at least four (4) feet in height and shall not exceed six (6) feet in height.

11.02. B-1, Shopping Center District

- (h) *Transitional yards*.
- (1) Where a rear or side lot line coincides with a rear or side lot line in an adjacent Village of Palatine residentially zoned district, rear and side yard setbacks of at least thirty (30) feet shall be provided.
- (2) A landscaped buffer strip of at least twelve (12) feet shall be provided immediately adjacent to any residential district.
- (j) *Maximum building height*: Three (3) stories, not to exceed forty-five (45) feet.

11.03. B-2, General Business District.

(h) *Transitional yard*. When a side lot line coincides with a side lot line in an adjacent Village of Palatine residentially zoned district, a landscaped buffer of at least fifteen (15) feet shall be provided.

(j) *Maximum building height*: Three (3) stories, not to exceed forty-five (45) feet.

•

Northwest Highway Corridor Analysis and Sub Area –

Approved Project Appendix

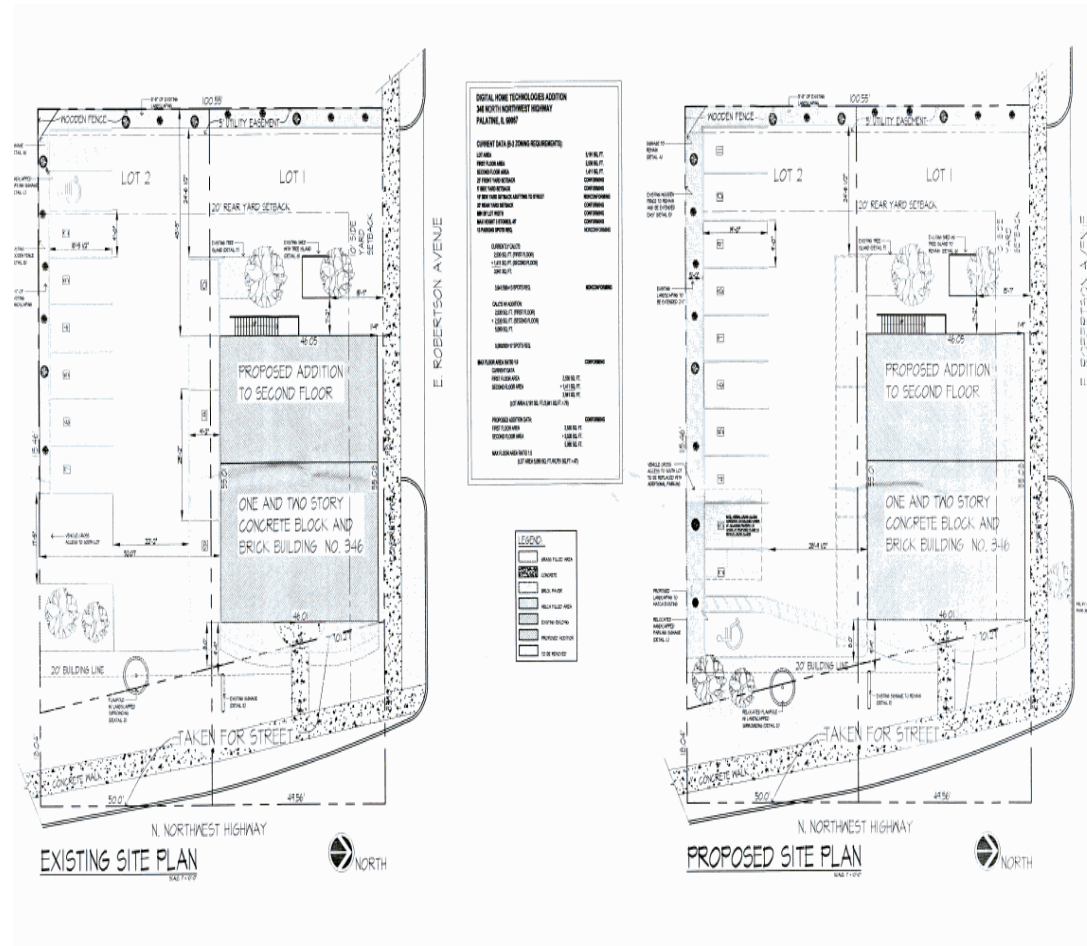
(Google Streetview used for some slides)

Digital Home Technologies – 346 N. Northwest Highway –



Digital Home Technologies – 2nd story addition:

Variations – setbacks (front yard, and corner side yard) and required parking



N →

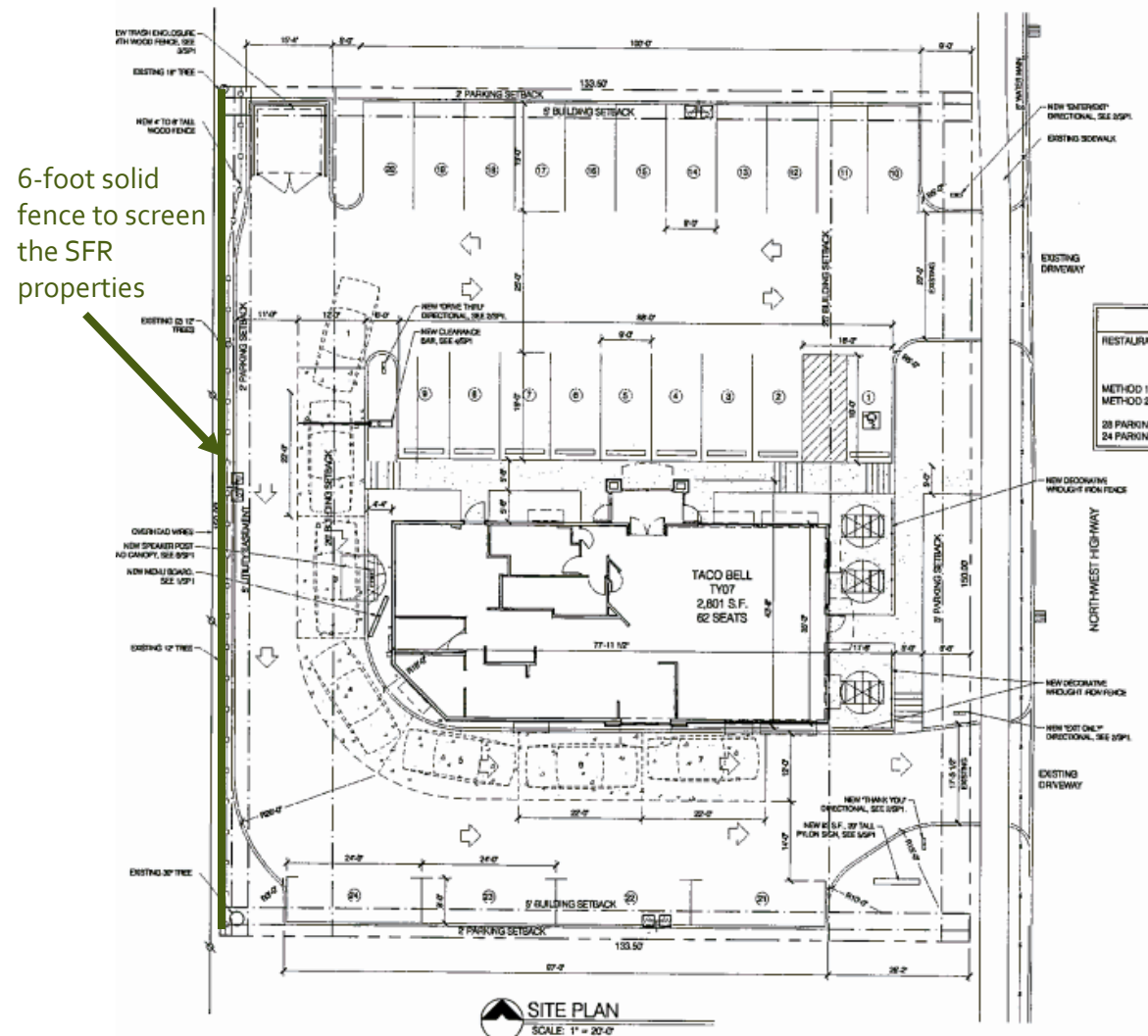
Taco Bell – 320 N.
Northwest
Highway –



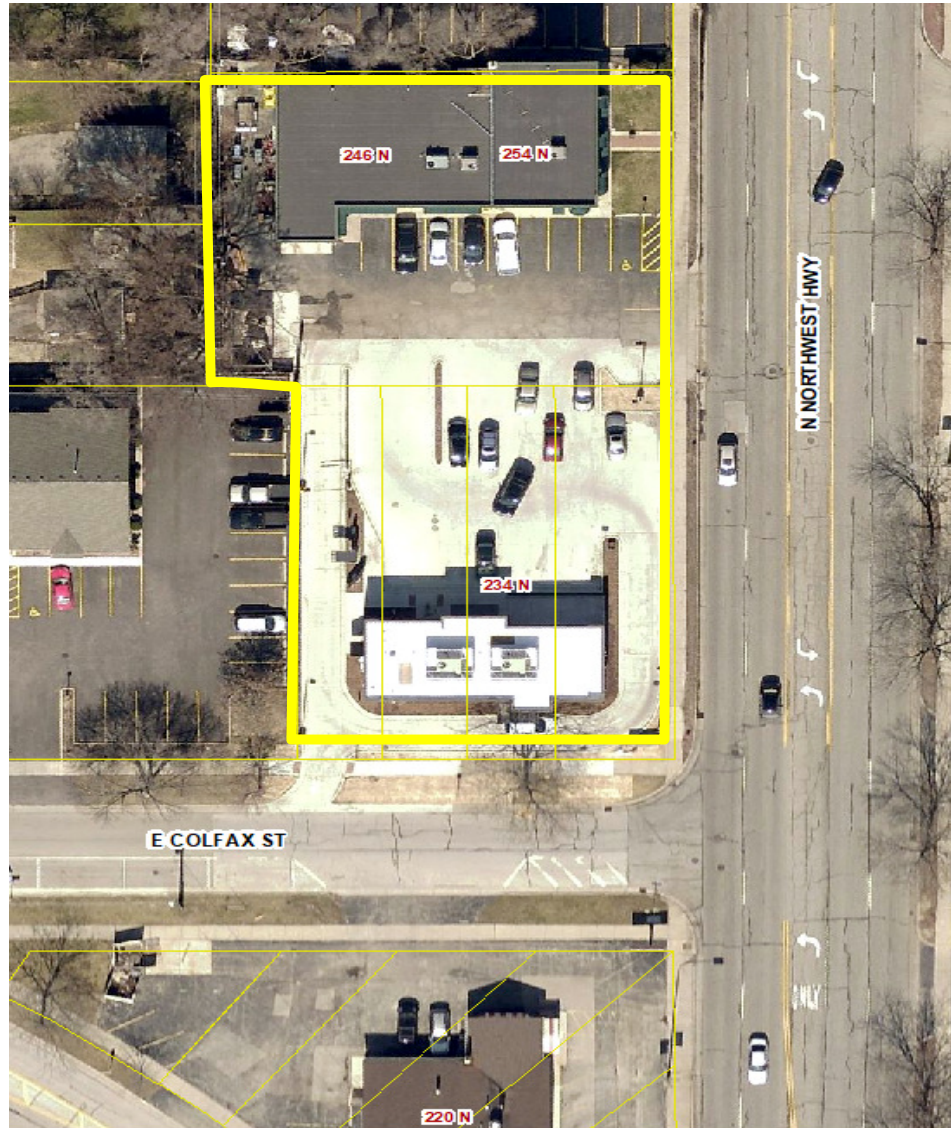
Taco Bell Reconstruction

Variations – required parking and drive-thru dimensions.

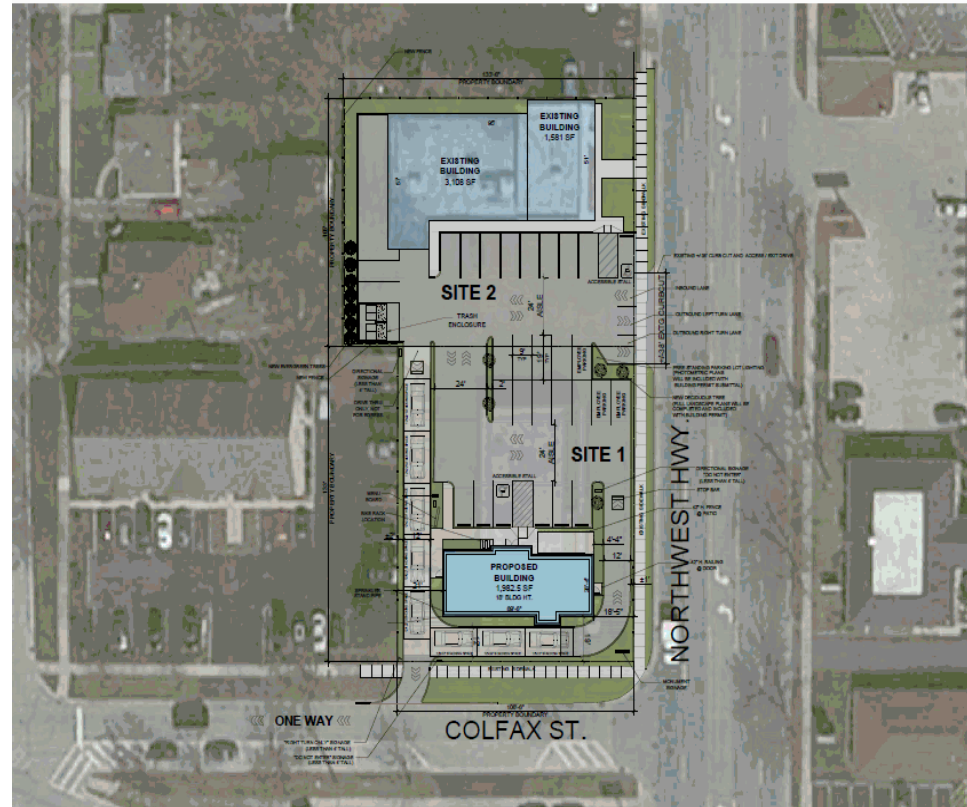
Existing site did not meet the landscape buffer requirement, along the west property line (maintained with redevelopment).



Starbucks – 234 N. Northwest Highway



Starbucks – 234 N. Northwest Highway – Variations granted: front yard setback, drive thru dimensions, landscaped area, and required parking.



PROJECT DATA:

SITE AREA 1: 0.33 AC
(14,430 SF)

EXISTING LANDSCAPE AREA: ±757 SF

PROPOSED LANDSCAPE AREA: 1,726 SF

BUILDING AREA: 1,982.5 SF

SITE AREA 2: 0.32 AC
(14,008 SF)

LANDSCAPE AREA: 1,919 SF

BUILDING AREA: 4,689 SF

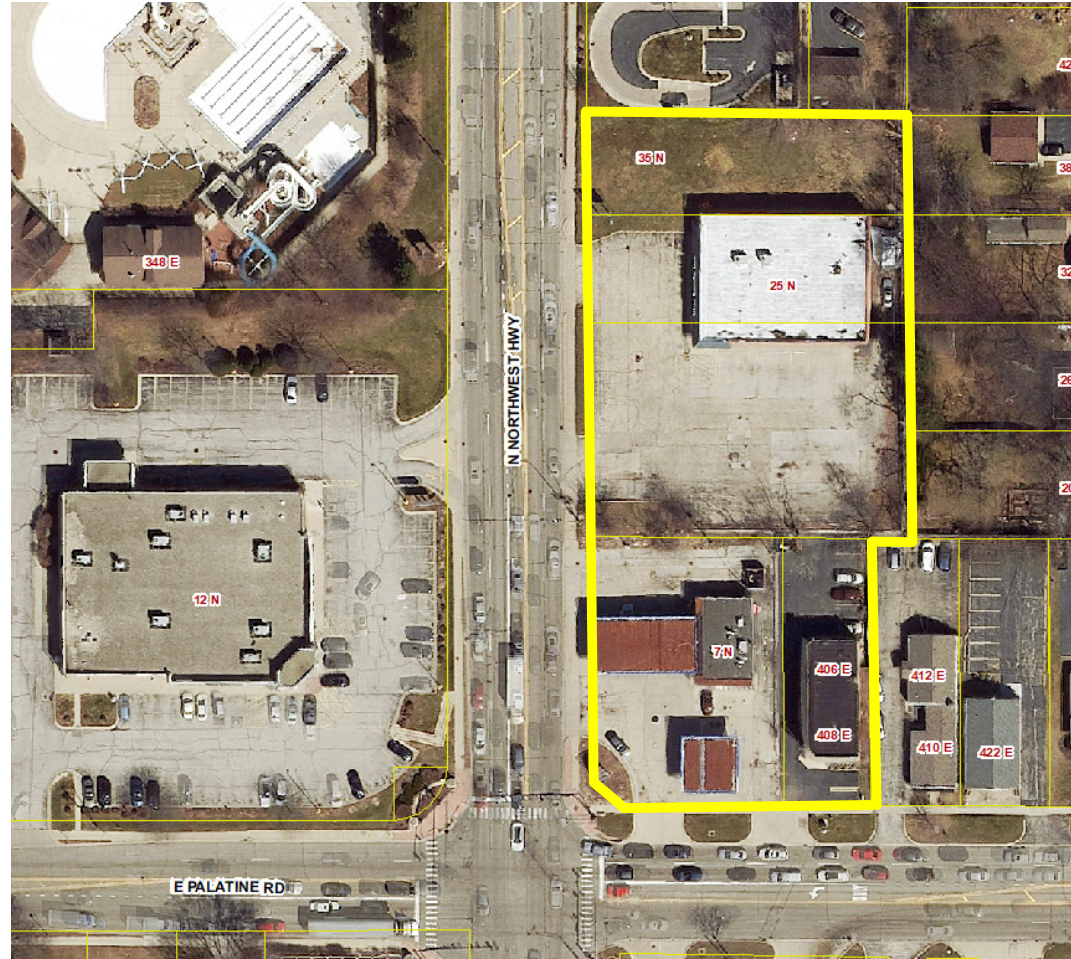
CAR PARKING:
SITE AREA 1: 18 STALLS
SITE AREA 2: 10 STALLS
28 STALLS

*PHOTOMETRIC PLANS WILL BE INCLUDED WITH PERMIT BUILDING SUBMITTAL

*FULL LANDSCAPE PLANS WILL BE COMPLETED AND INCLUDED WITH BUILDING PERMIT

7-25 N. Northwest Highway & 408 E. Palatine Road - Vacant gas station and building. Planned Development application submitted (gas station, car wash, and a commercial multi-tenant reuse of the 25 N. Northwest Highway building).

1.5 acre site.



Staff is recommending including these properties in the Phase 1 area due to their adjacency to Northwest Highway and likely redevelopment in the future (to include lot consolidation, cross access and appropriate buffering).



These 4 lots are all zoned B-1 (shopping center district) and have a combined square footage of 31,000 square feet or .75 acres



Staff is recommending including these properties in the Phase 1 area due to their adjacency to Northwest Highway and likely redevelopment in the future (to include lot consolidation, cross access and appropriate buffering).



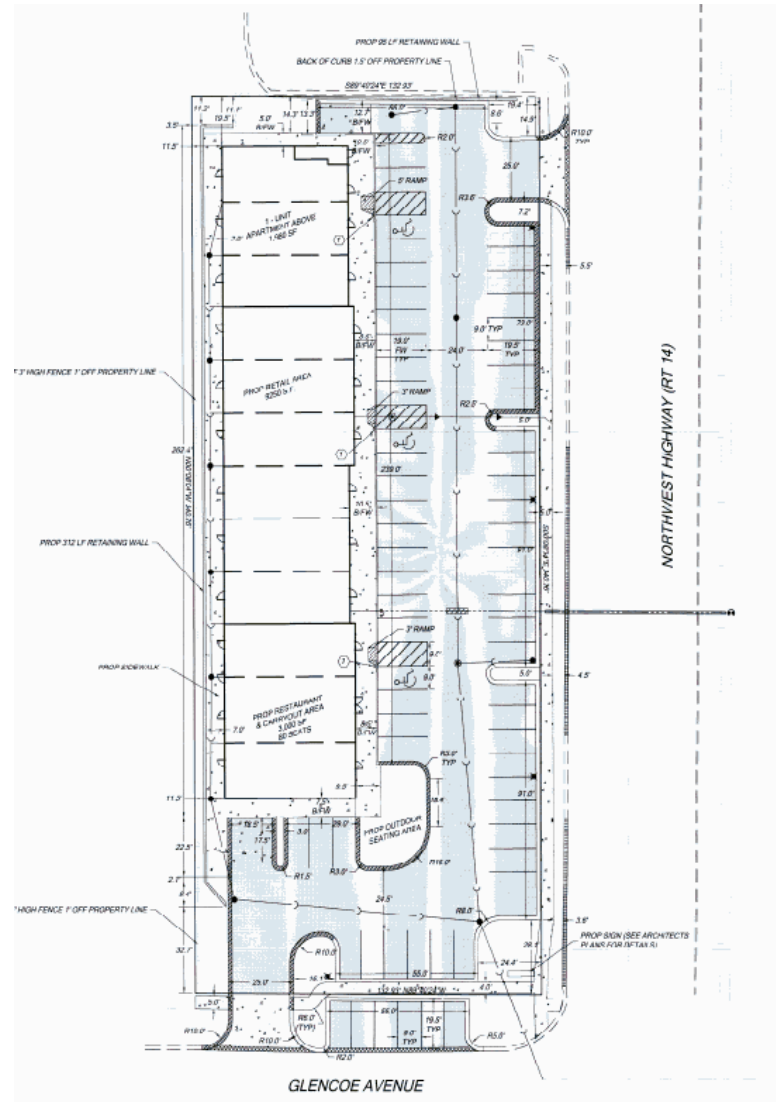
These 3 lots are all zoned B-1 (shopping center district) and have a combined square footage of 31,000 square feet or .75 acres



Glencoe Street Center
 – 26-64 S. Northwest
 Highway – 2006
 2006 – Slice of Chicago –
 Planned Development -
 one lot commercial
 consolidation, with one
 residential unit.

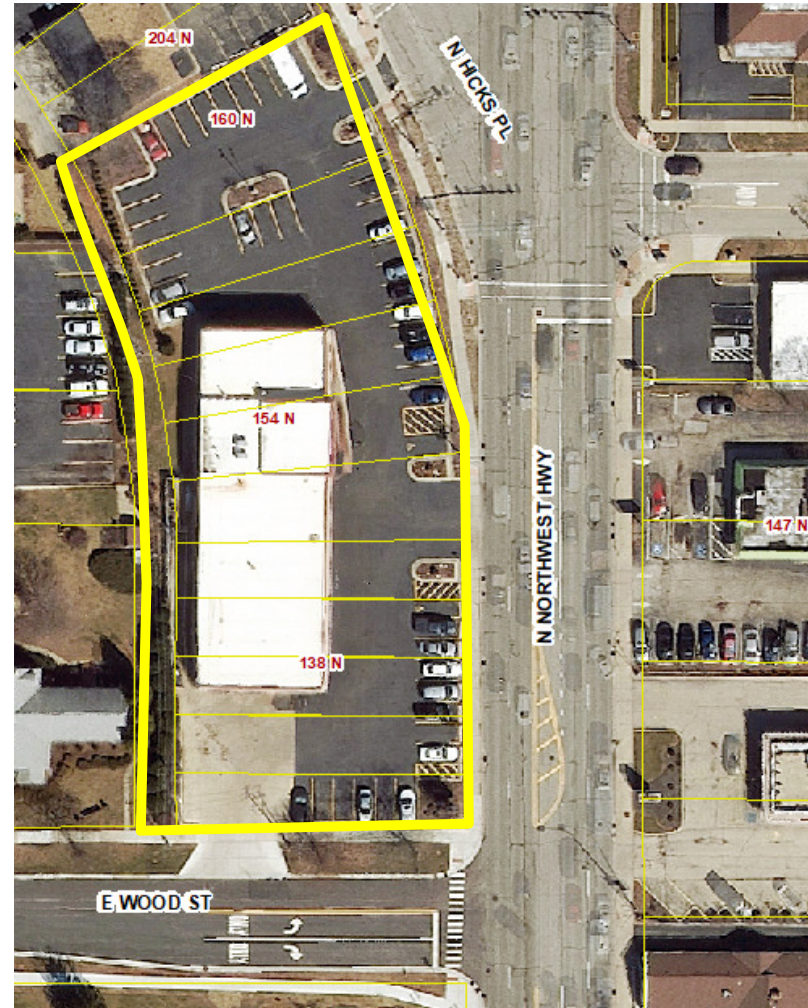


Slice of Chicago –
2006 Planned
Development –
Glencoe Street Center
- replaced existing
restaurant, required
parking (ROW license
agreement) relief,
includes a residential
apartment, and
landscape buffer relief

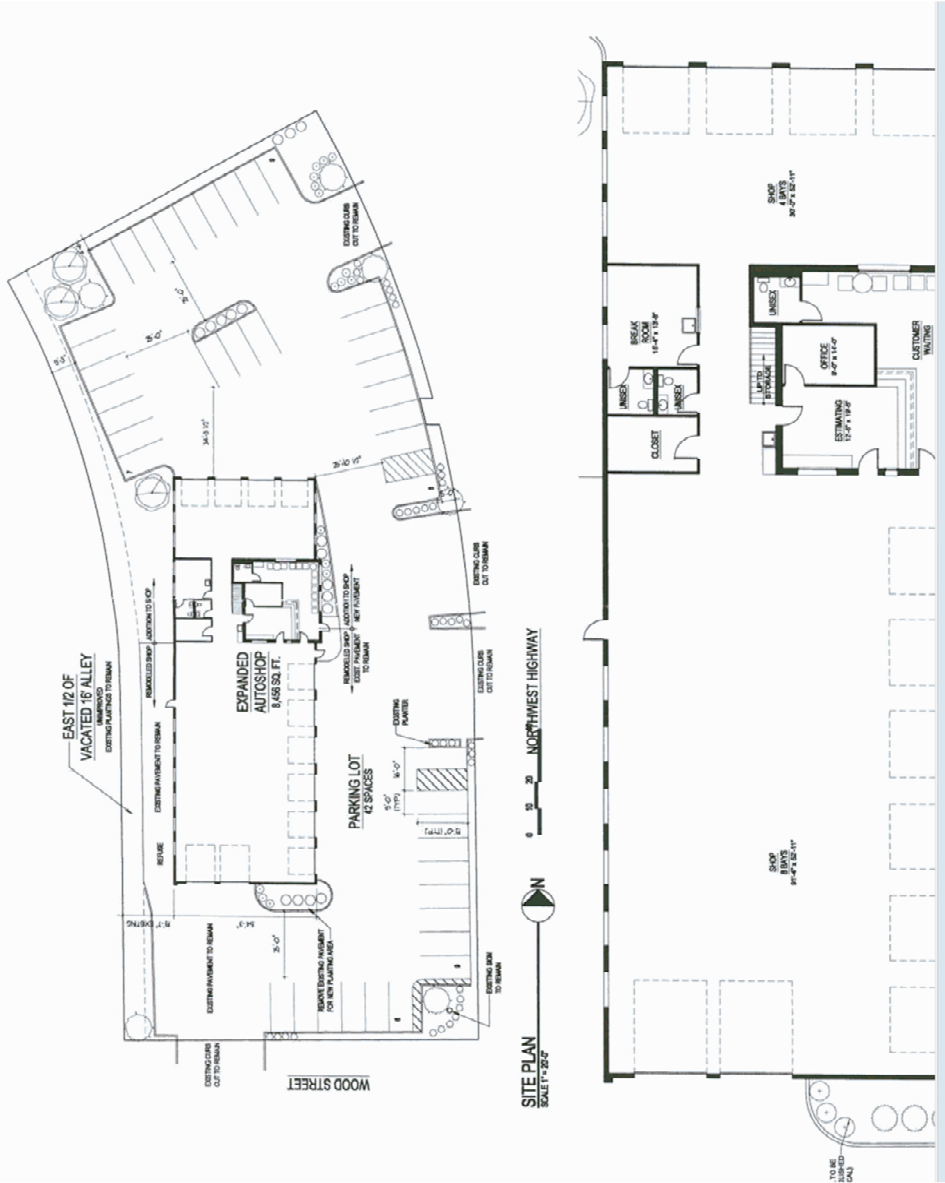


Casey Automotive –
154 N. Northwest
Highway – 2010 –
Casey Automotive –
commercial
redevelopment, with
alleyway vacation 3 lots.

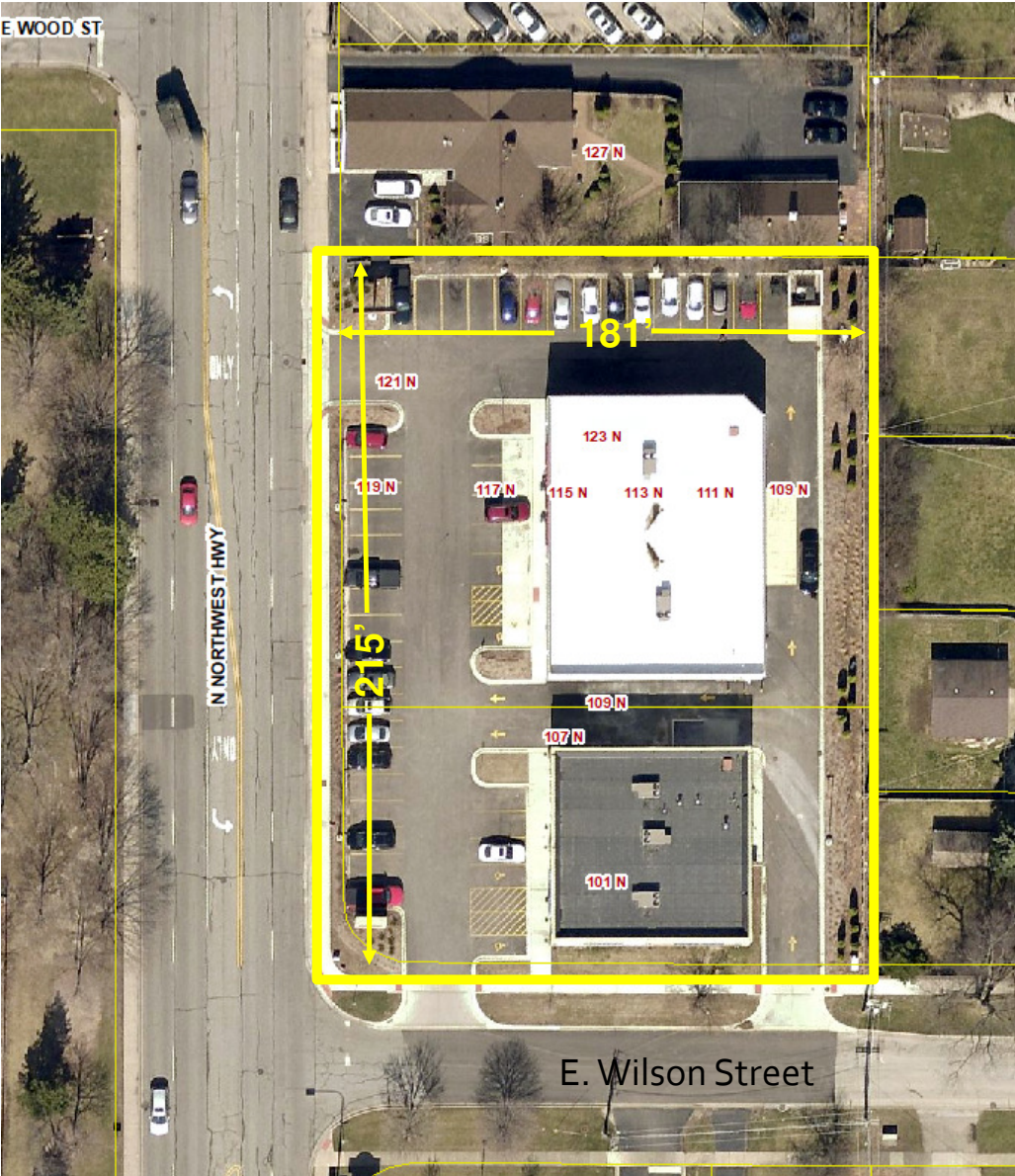
CASEY AUTOMOTIVE®
YOUR COMPLETE FULL SERVICE REPAIR SHOP



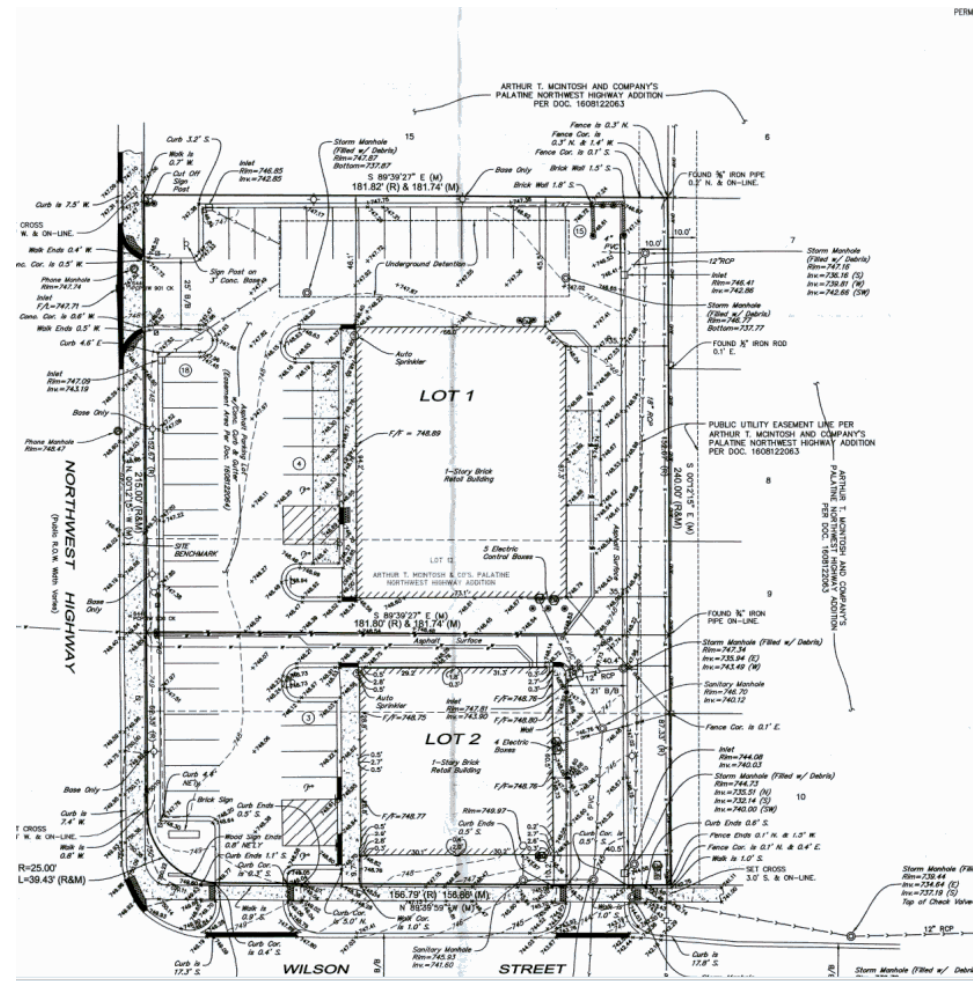
Casey Automotive –
154 N. Northwest
Highway – zoning
process and
landscaping relief -
Special Use
amendment –
alleyway Vacation



Northwest Highway and Wilson Street – 2-lot commercial Subdivision – 2015 – no zoning relief required



Northwest Highway and Wilson Street – 2 lot subdivision – Palatine Wilson Northwest Subdivision -

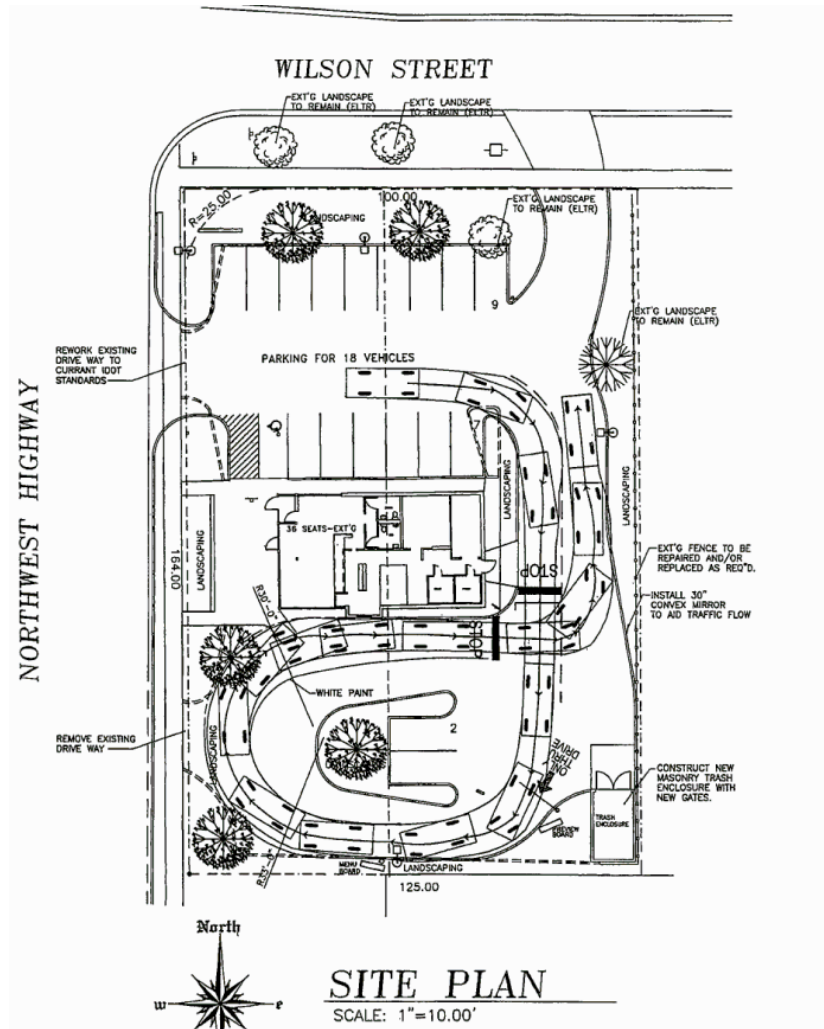


Popeyes – 45 N. Northwest Highway – 2006– Popeye Special Use and drive thru variations. The existing landscaped buffer was maintained.



Popeyes – drive-thru Special Use and Variations from the drive through dimensions, and required standards.

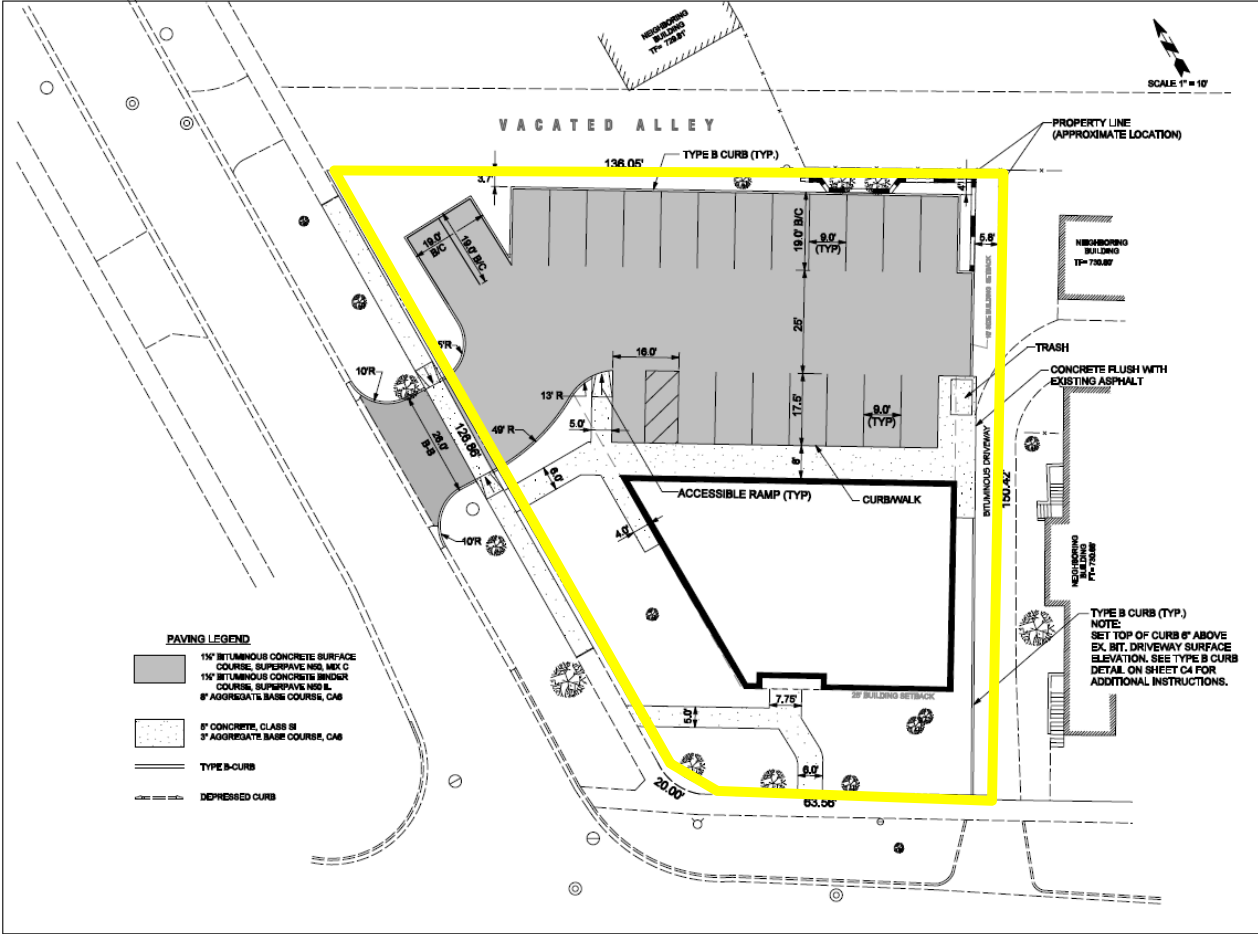
The existing landscaped buffer was maintained.



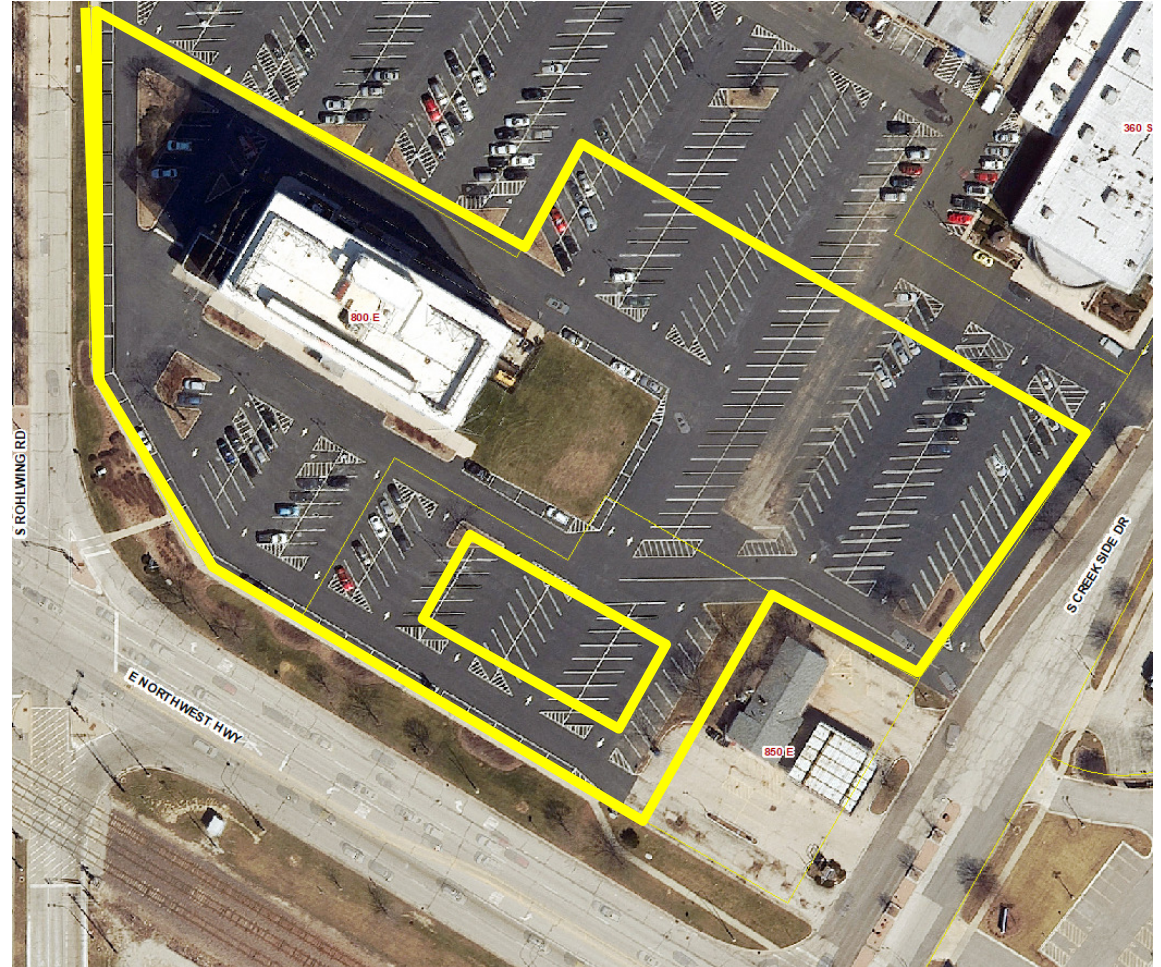
Mephram Building –
530 E. Northwest
(retail and office
uses) – 2009 –
Mephram Building – site
plan approval.



Mepham Tax office
-Site Plan Review
approval. 6-foot
fence satisfied the
screening
requirement.

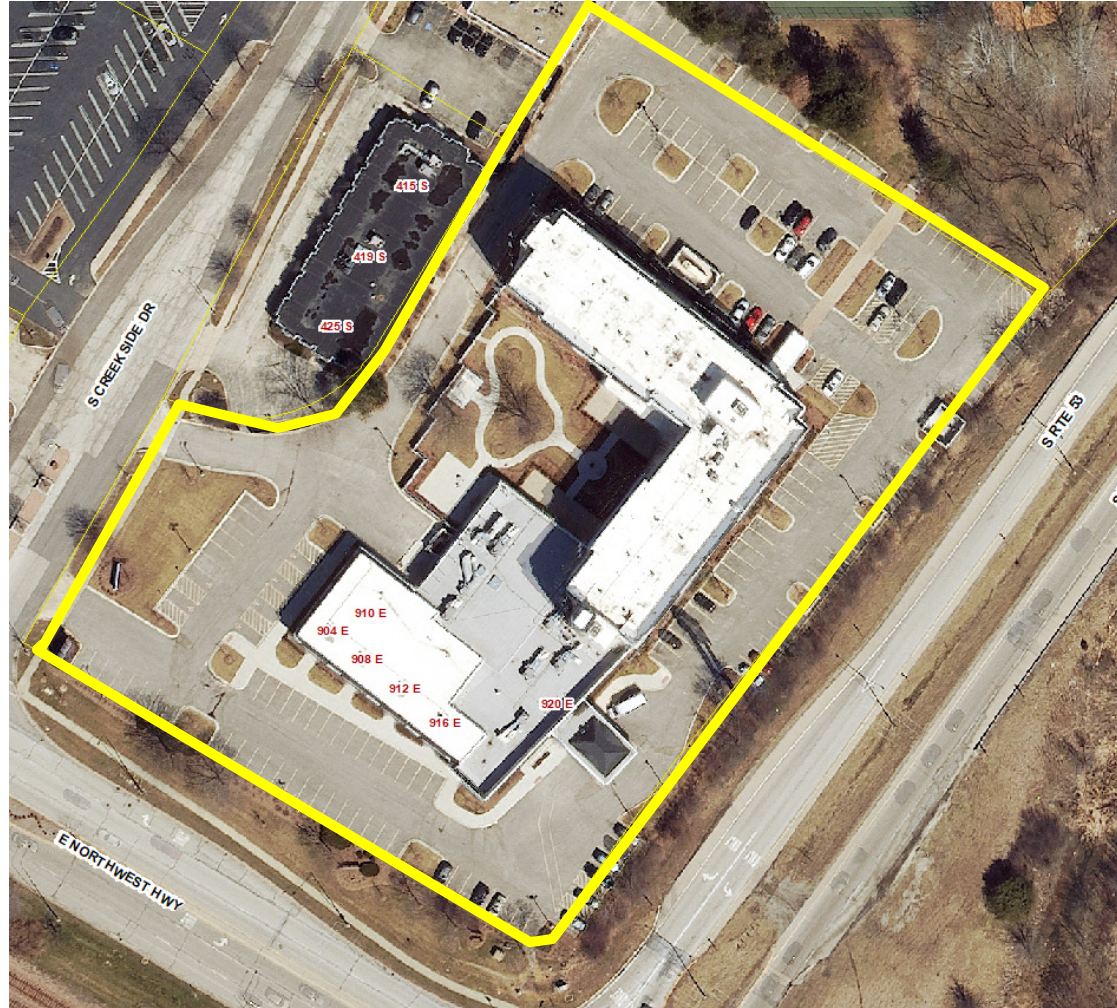


800 E. Northwest Highway – Planned Development Amendment (since expired) 2009– shared parking agreement (office condominiums).



[illegible]

The Grand at Twin Lakes – 920 E. Northwest Highway – 2014 - The Grande at Twin Lakes – Planned Development amendment and required parking variation.



The Grand at Twin Lakes - Planned Development Amendment – Parking Variations (formerly Hotel Indigo) – 2014 –



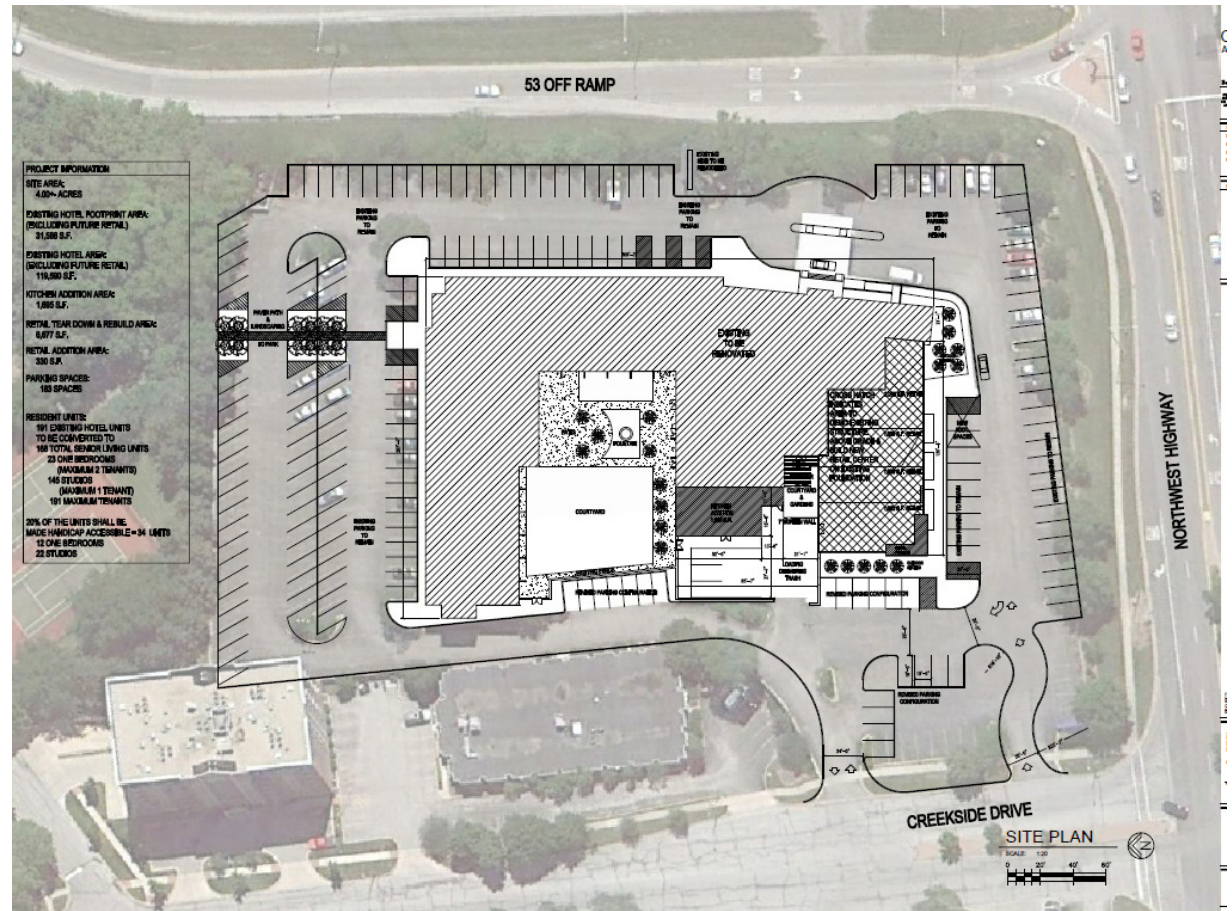
NORTHEAST ELEVATION



SOUTHEAST ELEVATION



SOUTH ELEVATION



Northwest Highway Enhancement Report – August 1990

final report

August, 1990

Name of Project:

Northwest Highway Enhancement Program Palatine, Illinois



Prepared by:

Trkla, Pettigrew, Allen & Payne, Inc.
Land Design Collaborative

Northwest Highway Enhancement Program Report - 1990

EXECUTIVE SUMMARY

Improvement and enhancement of the Northwest Highway is a high-priority objective of the Village of Palatine because of the important role and function of the corridor within the community, and the wide range of interests which converge along and near the highway.

- o **Community image and identity.** The Northwest Highway corridor is crucial in terms of Palatine's overall community image and identity. Because of its role as a major traffic carrier, the corridor is perhaps the most highly visible part of the Village to residents, visitors and passing motorists. The image most people have of the Palatine community will be determined by their experiences along the corridor. As Palatine aspires to become a unique living and working environment within the larger region, it must give special attention to improving and enhancing the corridor as it passes through the community.
- o **Competing roles and interests.** The corridor enhancement program must strive to create a balance between the divergent roles and competing interests along the Northwest Highway corridor. While the corridor must continue to be a major traffic route, land development will also intensify along the corridor. The corridor will continue to be the site of a wide range of land-uses, many of which have differing needs and requirements. Development sites along the corridor must accommodate auto access and internal traffic circulation, but pedestrian movement must also be considered and even receive priority in certain locations. The objectives of improving appearances must also be balanced with the needs and requirements of individual businesses and land developers.
- o **Shared features and characteristics.** The enhancement program should strive to visually unify Northwest Highway as the corridor passes through the community. It should be possible for a passing motorist to clearly realize that he or she is passing through Palatine. Even though the corridor will also pass through adjacent communities, the portion within Palatine should have a clear identity. Certain projects and improvements such as street trees, street lighting, gateway features, banners and graphics, and public signage should be consistent and essentially the same for the entire length of the corridor within the Village of Palatine.
- o **Public and Private Cooperation.** In order to be effective, the corridor enhancement program must entail the cooperative efforts of both the public and private sectors. The Village should take the initiative in implementing roadway and right-of-way improvements, as well as other public investments. Individual property owners, business persons and developers must also share the Village's vision for the corridor, conform to the improvement guidelines, and ensure that site and building development complements and reinforces overall corridor improvement objectives. In addition, since the Northwest Highway passes through other communities, a successful corridor improvement program may also require intergovernmental coordination and cooperation.

Comprehensive Plan – Northwest Highway Corridor Sub Area – 2011 Village Council adoption

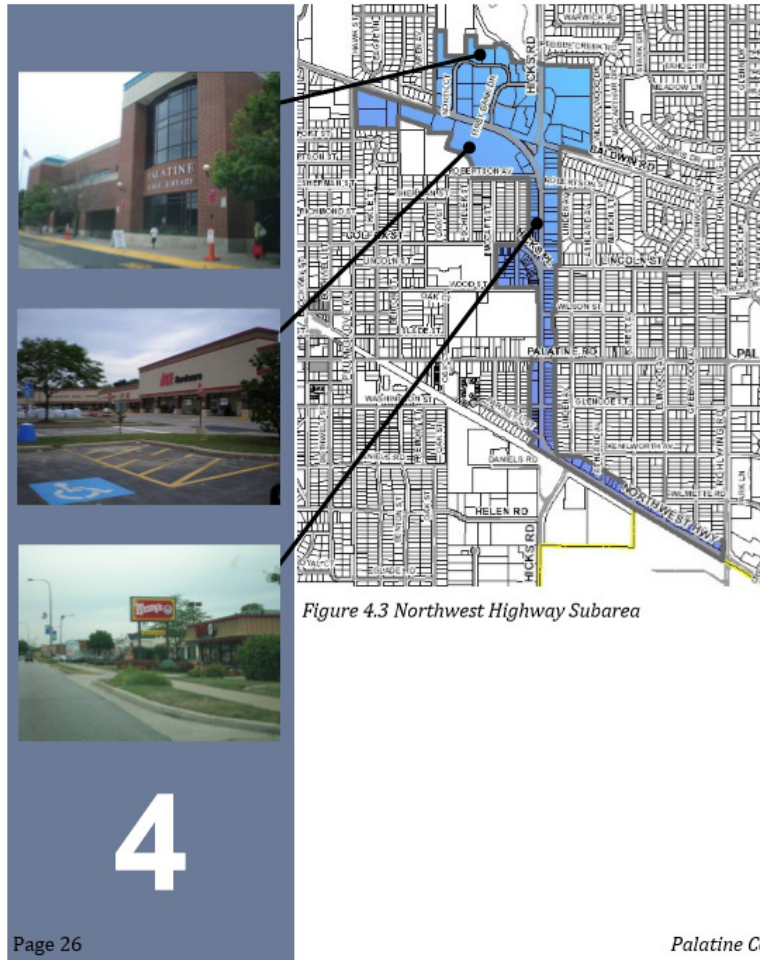


Figure 4.3 Northwest Highway Subarea

Northwest Highway Subarea

The Northwest Highway subarea is generally located between Rohlwing Road on the east and Plum Grove Road on the west. This portion of the Northwest Highway corridor includes a variety of site development conditions and constraints that impact future land use patterns.

The overall land use and planning goals for this subarea are to 1) upgrade the image of economically viable existing commercial uses, 2) support redevelopment of obsolete uses with a more sustainable and integrated development pattern, and 3) provide guidance for redevelopment with the intent to create new activity nodes that enhance existing land use patterns.

Railroad tracks create a one-sided commercial corridor along the southern leg of Northwest Highway Sub-Area. Shallow commercial lot depths oriented as diagonals to the grid of the adjacent residential neighborhood limit redevelopment opportunities.

The northern portion of the Northwest Highway Subarea includes several large commercial developments and Palatine's new police station oriented around the intersection of Northwest Highway and Hicks Road. The parcels in this area are of appropriate size and configuration to accommodate a broad range of commercial development types.

The commercial development pattern along the north-south portion of Northwest Highway

Palatine Comprehensive Plan—Land Use and Community Identity

Comprehensive Plan – Northwest Highway Corridor Sub Area - 2011

includes recent redevelopments and structures that are nearing the end of their useful lives. There are a number of opportunities for redevelopment which could create a more cohesive image and identity.

Existing commercial site improvement concepts:

Planning Issues:

- Lack of integrated sidewalk systems.
- Lack of definable street character.
- Complex traffic and circulation patterns.

Recommendations:

- Consolidate curb cuts in order to reconnect the pedestrian network and reduce conflicts between vehicular and foot traffic.
- Create access points between sites to enhance vehicular access thereby maximizing the development potential of the site.
- Enhance on-site landscaping at the property edge and unused portions of the site to delineate between the sidewalk environment and private property.

Commercial block infill development:

Planning Issues:

- Obsolete commercial structures that are difficult to adapt for reuse.
- Traditional parcel structure that makes it difficult to meet zoning requirements.

- Limited capacity for projects of substantial scale without strategic site acquisition and assembly.

Recommendations:

- Update zoning regulations to establish appropriate regulations to facilitate high-quality development.
- Link parking lots to minimize curb cuts on Northwest Highway.
- Create a continuous pedestrian network that provides safe and comfortable access to commercial spaces from surrounding neighborhoods and parking areas.
- Support sustainable site and building design that minimizes the impact of development on the environment and creates an attractive landscape.
- Initiate public improvements that complement private investment and create an overall identity for the block and corridor.
- Encourage attractive building design by creating guidelines that reflect a local character and establish a sense of place along Northwest Highway.



Page 27

Palatine Comprehensive Plan—Land Use and Community Identity

Comprehensive Plan – Northwest Highway Corridor Sub Area – 2011 – Illustration of cross access and shared parking – site plan example

4

Page 28

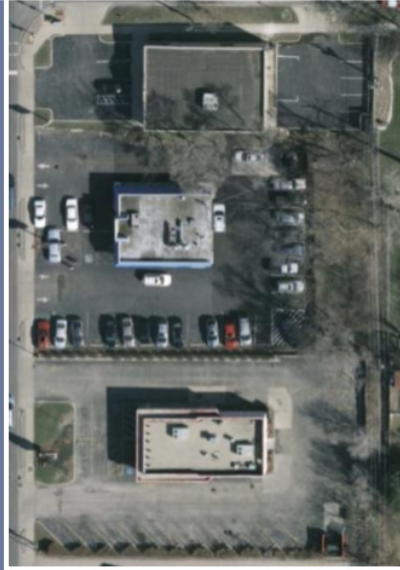


Figure 4.4 Site Analysis and Potential Redesigned Site Plans



Palatine Comprehensive Plan—Land Use and Community Identity

Comprehensive Plan – 2011 - Existing Land Uses

4

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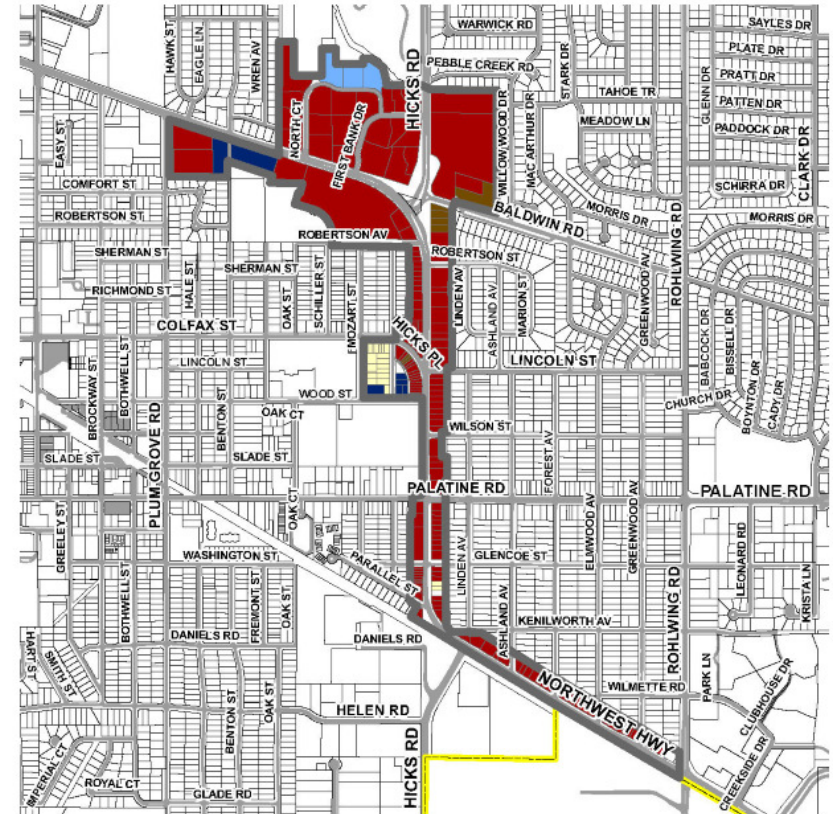
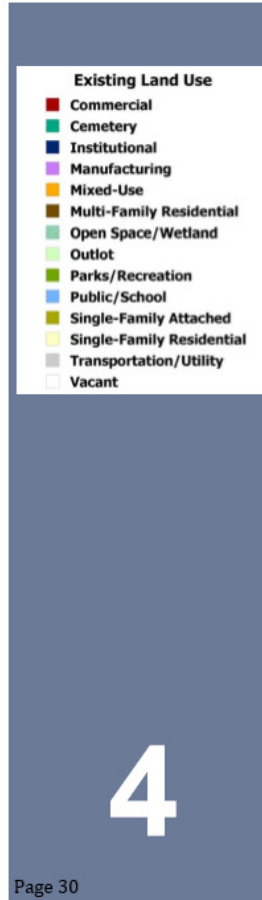


Figure 4.6 Existing Land Use Map—Northwest Highway Subarea

Palatine Comprehensive Plan—Land Use and Community Identity

Comprehensive Plan –
2011 - Future Land
Recommendations –
business uses are
recommended
throughout the Sub
Area

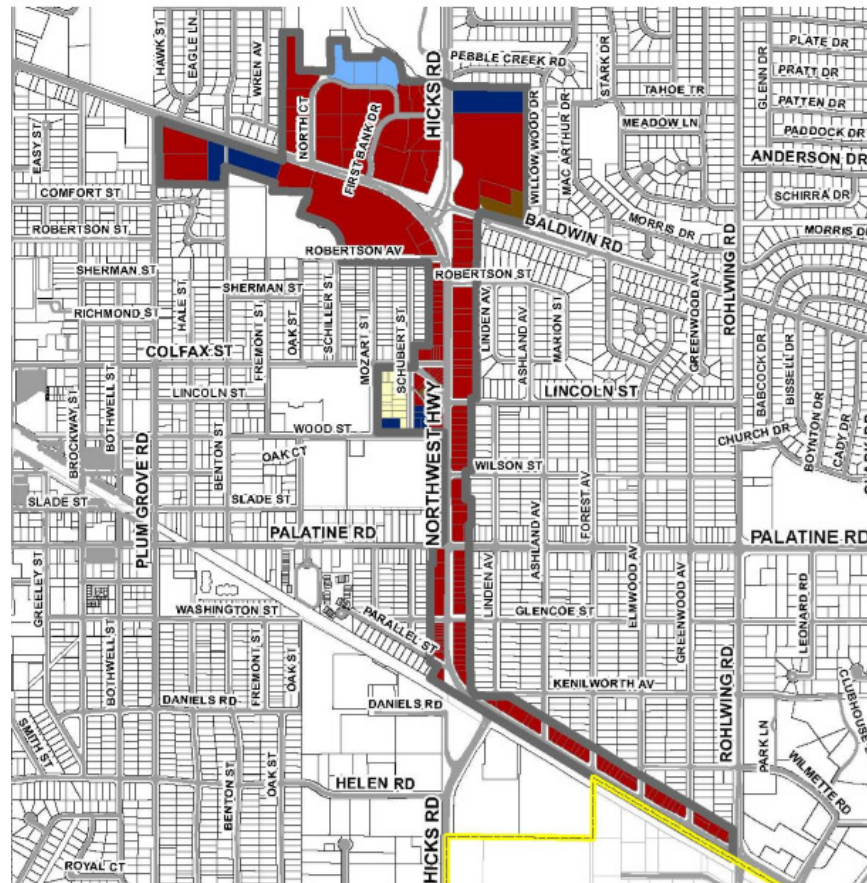


Figure 4.7 Future Land Use Map—Northwest Highway Subarea

Palatine Comprehensive Plan—Land Use and Community Identity

4

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PUBLIC NOTICE
A Public Hearing and presentation will be held before the Village of Palatine Plan Commission on Tuesday, November 5, 2019, at 7 P.M., in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

A review of the Northwest Highway Corridor Analysis and Sub Area Plan Phase I. The Phase I Sub Area includes all of the properties along Northwest Highway and those adjacent to and abutting and generally bounded by E. Baldwin Road (north), Linden Avenue Street (east), Schubert Street (west), and including the properties through S. Creekside Drive (southeast) to Illinois Route 53. The general address range and included properties for the Phase I Sub Area plan includes the property at 410 N. Northwest Highway through to 920 E. Northwest Highway.

This presentation will review both the historical and current commercial development patterns, bulk standards in this corridor and will provide recommendations for future development standards, and zoning and land use considerations within the Phase I Sub Area. The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 19-68
VILLAGE OF PALATINE
Dennis Dwyer
Chair - Plan Commission
DATED: This 21st day of October 2019.
Published in Daily Herald
October 21, 2019 (4534275)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

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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 10/21/2019 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

Laurel Baitz
Authorized Agent

Control # 4534275

Attachment: Public Notice (Northwest Highway Corridor Sub Area Phase 1 Plan)

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 11/19/19 07:00 PM

CASE STAFF STATEMENT (ID # 5672)

**Text Amendments to the Village of Palatine Zoning Ordinance
- Adult-use cannabis - Article 3 - Rules and Definitions
(Section 3.02), Article 11 (Section 11.06), Article 12 (Section
12.01), and a new Article 15 (Adult-Use Cannabis)**

CASE NUMBER:

19-74

PETITIONER:

Village of Palatine

PROPOSAL:

Text Amendments to the Village of Palatine Zoning Ordinance - Appendix A of the Code of Ordinances - with regulations regarding adult-use cannabis in the Village. The proposed amendments are to Section 3.02 ("Specific definitions"), Section 11.06 (e) Special Uses - B-5 Highway Business District, Section 12.01 (h) Special Uses - Manufacturing District, and a new Article 15 - Adult-Use Cannabis.

BACKGROUND:

In June 2019, Governor Pritzker signed Public Act 101-0027 (Cannabis Regulation and Tax Act <http://www.ilga.gov/legislation/publicacts/101/PDF/101-0027.pdf>).

This Act legalizes the private consumption and possession of cannabis for Illinois residents over the age of 21. While the Act does not allow any municipality, including those with Home Rule Authority, to restrict the use or possession of cannabis, it does provide local authority relative to the production and sale of cannabis within a given community.

Also, Senate Bill 1557 further clarifies that public consumption will not be allowed at locations that have food or drink. Therefore, public consumption will not be allowed at restaurant and bars. It would only be allowed as a dispensary or retail tobacco store, which would have to seek waivers from the Smoke Free Illinois Act from their respective local governments.

ANALYSIS:

The Village Council has not yet made a policy decision on whether to prohibit these

uses. That review and discussion is solely under the purview of the Village Council and completely separate from the proposed text amendments. Although the Village Council has not made the final decision, the proposed text amendments were drafted to allow the Village Council to review all additional enabling Ordinances with the scope of the policy discussion regarding the sale and production of adult-use cannabis in the Village of Palatine.

Staff and the Village Attorney worked collectively to draft and review the proposed text amendments to the Zoning Ordinance regarding the production and sale of adult-use cannabis. As the Plan Commission is likely aware, many of the surrounding communities are also determining what Zoning Ordinance amendments are necessary for consideration by the respective elected officials in the review of these questions. The narrow focus of this text amendment review is only within the context of the Zoning process and standards for evaluation. Any questions about whether the Village should or should not allow adult-use cannabis establishments are outside the scope of Zoning Ordinance text amendment review.

Current Zoning Ordinance regulation for Adult-Use Cannabis - Sale and Production Uses:

- Prior to June 2019, any proposed cannabis use would not be contemplated, as it would have been in violation of the law. Subsequent to the adoption of Public Act 101-0027, while the Village of Palatine Code of Ordinances does not speak to or address such uses, there is a use category in all of the Special Uses categories as a unique use. It is defined as follows:

Unique Uses. A use not otherwise listed as a Permitted Use or Special Use within any zoning district. (Ord. 0-72-07, §3, 5/14/07; Ord. 0-85-12, §2, 6/18/12)

- If the Zoning Ordinance is not amended, every zoning district could be subject to the sale or production of cannabis as a Special Use for a Unique Use or Accessory Unique Use.

Proposed Zoning Ordinance requirements and text amendments regulating the production and sale of cannabis:

- In order to provide the Village Council with a draft ordinance for consideration, if the Village Council should decide to allow such sales within the Village, the proposed Ordinance identifies *Adult-Use Cannabis Dispensing Establishments*, as Special Uses with the B-5 (Highway Business District) and M (Manufacturing

District) districts, subject to specific requirements and establishment operational compliance considerations. This would be reflected in a new Section 15 ("Adult-Use Cannabis") of the Zoning Ordinance and would require the following:

- The proposed adult-use cannabis dispensing establishment must be licensed by the Illinois Department of Financial Professional to operate a medical cannabis dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act.
 - Any adult-use cannabis dispensing establishment building cannot be located within 1,500 feet of a building in which there is located a pre-existing public or private nursery school, pre-school, primary or secondary school, or day-care facility. Learning centers and vocational/trade centers shall not be classified as a public or private school for purpose of the proposed ordinance.
 - Adult-use cannabis dispensing establishments shall not be located within 500 feet of any property that is either owned by a Park District or utilized for Park District purposes, unless separated by railroad tracks.
 - Adult-use cannabis establishments may not be located in a dwelling unit nor abutting or directly across the street from any residential use.
 - Adult-use cannabis establishments cannot conduct sales or distribution of cannabis other than authorized by the Act. And, on-site consumption is prohibited.
- The Village review process would follow the Special Use review process, with an evaluation of the following components for review:
 - Impact of the proposed facility on the existing or planned uses located within the vicinity of the Subject Property.
 - Site design and a review of the proposed structure in which the use will be located, including any co-tenancy, square footage, Building Code compliance, and security plan for the use.
 - Parking demand, available parking supply, and anticipated traffic generation.
 - Proposed signage plan.
 - Hours of operation and the anticipated number of customer and employees.
 - Any requested Special Use would follow the typical Public Hearing notification

process, pursuant to the Zoning Ordinance requirements, with a Public Hearing before the Zoning Board of Appeals or Plan Commission and Village Council review

RECOMMENDATION:

In anticipation of an upcoming Village Council review and policy decision as to whether the Village should prohibit or allow such uses, the proposed text amendments were drafted for consideration by the Village Council during that policy review.

ATTACHMENTS:

- 11-12-2019 Village of Palatine proposed Text Amendments - Adult Use Cannabis Regulations - Appendix - A - Village of Palatine Zoning Ordinance Sale of Cannabis
- Copy of Retail Cannabis Dispensaries Survey Lake Zurich
- Public Notice - Cannabis Text Amendments

ORDINANCE NO. 2019 - _____

**AN ORDINANCE AMENDING THE VILLAGE OF PALATINE ZONING ORDINANCE
BY THE ADDITION OF REGULATIONS REGARDING ADULT-USE CANNABIS
IN THE VILLAGE OF PALATINE**

WHEREAS, the Village of Palatine, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (“Act”), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the Village deems sensitive; and

WHEREAS, the Village staff has researched the regulations on adult-use cannabis, commonly referred to as recreational marijuana, in the Village; and

WHEREAS, the Plan Commission recommended approval of the proposed amendments to Chapter __, __, __ of the Zoning Ordinance on _____.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND VILLAGE COUNCIL OF THE VILLAGE OF PALATINE, COOK COUNTY, ILLINOIS, as follows:

Section 1. The foregoing recitals are hereby adopted and incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2. Article III of the Village Zoning Ordinance, entitled “Rules and Definitions” is hereby amended by adding the following definition to Section 3.02 in alphabetical order:

Adult-use cannabis dispensing establishments. 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. An adult-use cannabis dispensing establishment shall not include a cultivation center, craft grower, processing organization, infuser organization or transporting organization as defined by the Illinois Cannabis Regulation and Tax Act.

Section 3. Article XV entitled “Adult-Use Cannabis”, is hereby added to Appendix A of the Code of Ordinances, Village of Palatine, Illinois as follows:

- 15.01 Purpose and Applicability. It is the intent and purpose of this Section Article XV to provide regulations controlling an adult-use cannabis dispensing establishment occurring within the corporate limits of the Village. 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.*
- 15.02 Adult Use Cannabis. Adult-use cannabis dispensing establishments, as defined in Section 3.02 shall require an approval of a Special Use in either the B-5 Highway Business District or the M Manufacturing and the Special Uses shall be processed in accordance with Section 14.05 et seq. (Special Uses) of the Village Zoning Ordinance as provided herein, and shall be subject to the conditions set forth in Section 15.04:*
- 15.03 Adult Use Cannabis Dispensing Establishment Components: In determining compliance with Section 14.05 (Special Use), the following components of the adult-use cannabis dispensing establishment 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 properties:*
- (a) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.*
 - (b) Proposed structure in which the facility will be located, including the co-tenancy (if in a multi-tenant buildings), total square footage, security installations/security plan and building code compliance.*
 - (c) Hours of operation and anticipated number of customers and employees.*
 - (d) Anticipated parking demand and available private parking supply.*
 - (e) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.*
 - (f) Site design, including access points and internal site circulation.*

- (g) *Proposed signage plan.*
- (h) *Compliance with all requirements provided in this Section 15.04.*
- (i) *Other criteria determined to be necessary to assess compliance with Section 14.05 (Special Uses).*

15.04 Adult-Use Cannabis Dispensing Establishment: *An adult-use cannabis dispensing establishment must comply with the following:*

- (a) *Facility must be operated by an organization or business that is currently licensed by the Illinois Department of Financial and Professional Regulation to operate a medical cannabis dispensing organization under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130 et seq.)*
- (b) *Facility must keep a copy of the dispensing organization agent identification card issued pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act visible at all times.*
- (c) *An adult-use cannabis dispensing establishment building shall not be located within 1,500 feet of the building in which is located a pre-existing public or private nursery school, pre-school, primary or secondary school, or day care facility. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.*
- (d) *An adult-use cannabis dispensing establishment shall not be located within five hundred (500) feet of property either owned by a Park District or utilized for park district purposes, unless separated by railroad tracks.*
- (e) *An adult-use cannabis dispensing establishment may not be located in a dwelling unit.*
- (f) *An adult-use cannabis dispensing establishment shall not abut nor be directly across the street from any residential use.*
- (g) *At least 75% of the floor area of any tenant space occupied by an adult-use cannabis dispensing establishment shall be devoted to the activities of the cannabis dispensing establishment as authorized by the Act, and other than cannabis infused food products, no cannabis dispensing establishment shall also sell food for consumption on the premises in the same tenant space.*

- (h) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (i) Adult-use cannabis dispensing establishments are prohibited from allowing on-site consumption of cannabis under all circumstances.
- (j) For purposes of determining required parking, adult-use cannabis dispensing establishments shall be classified as “Business and Retail Uses” area as per Section 7.03 (b) (1), provided however that the Village may require that additional parking be provided as a result of the analysis completed through Section 14.05 (Adult-Use Cannabis: Special Use) herein.
- (k) Petitioner must submit a complete copy of their state license application and all plans submitted to the State of Illinois, or any agency thereof, as part of their special use application. Before issuance of a certificate of occupancy or otherwise opening to the public, adult-use cannabis dispensing establishments must provide a copy of their license to operate as an adult-use cannabis dispensing establishment from the respective state agency.
- (l) Petitioner shall file an affidavit with the Village affirming compliance with this Section 15.04 and all other requirements of the Act.

15.05 *Additional Requirements.* 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 dispensing 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 dispensing establishment and the site on which it is located, consistent with the requirements of the Act.

15.06 *Violation / Penalties* – Any violation of this Article XV shall be punishable as provided in Section 1-8 of the Code of Ordinances of the Village of Palatine, Illinois.

Section 4. **11.06 (e) Special Uses of** Article XI entitled Business Districts is hereby amended by adding the following section to:

(42) *Adult Use Cannabis Dispensing Establishment as defined in Section 3.02.*

Section 5. **12.01 (h) Special Uses of** Article XII entitled Manufacturing Districts is hereby amended by adding the following section to:

(22) *Adult Use Cannabis Dispensing Establishment as defined in Section 3.02.*

Section 6. That consistent with this Ordinance, Appendix A of the Palatine Zoning Ordinance, of the Village Code shall be amended as set forth above.

Section 7. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

AYES: _____

NAYES: _____

ABSENT: _____

PASSED: _____, 2019

APPROVED: _____, 2019

APPROVED:

Jim Schwantz, Mayor

ATTEST:

Marg Duer, Village Clerk

C:\RCK\VOP\11-12-2019 Recreational marijuana draft ordinance

Retail Cannabis Dispensaries Survey

Municipality	Has your Village Board / City Council either opined or formally voted yet on authorizing or prohibiting retail cannabis dispensaries?	If your Village Board / City Council has not yet opined or formally voted, how likely is it that you think they will authorize at least on retail cannabis dispensary? (Very Likely 1 - 5 Not Likely)	If your municipality already has a medical cannabis dispensary operating, have you encountered any police-related / safety / security incidents at that location?	Comments
Antioch	UNKNOWN at this point.	3 Unknown at this point.	N/A.	
Bannockburn	UNKNOWN at this point.	3 We may consider a retail cannabis dispensary with restrictions. Our Plan Commission Zoning Board of Appeals will be reviewing the issue in October.		
Buffalo Grove	YES, they want to authorize. Public discussion will occur on August 5, at this point direction is still informal.	1	NO, zero incidents that we're aware of.	
Des Plaines	UNKNOWN at this point.	3	N/A.	
Glencoe	UNKNOWN at this point.	3 Unknown.	N/A.	The Village Board's most recent activity regarding recreational cannabis is attached. The resolution was passed in June 2019.
Glenview	UNKNOWN at this point.	4	N/A.	
Grayslake	YES, they want to prohibit. Village board is looking to prohibit it for a year and then make a decision on if they would like to allow it.	1		

Retail Cannabis Dispensaries Survey

3.2.b

Municipality	Has your Village Board / City Council either opined or formally voted yet on authorizing or prohibiting retail cannabis dispensaries?	If your Village Board / City Council has not yet opined or formally voted, how likely is it that you think they will authorize at least on retail cannabis dispensary? (Very Likely 1 - 5 Not Likely)	If your municipality already has a medical cannabis dispensary operating, have you encountered any police-related / safety / security incidents at that location?	Comments
Highland Park	UNKNOWN at this point. This matter was continued to our 8/12 COTW meeting.	3 The City currently permits medical dispensaries; the Council is divided on whether or not to permit retail cannabis. If there is support, staff recommends that the zoning be limited to those districts which allow medical as a conditional use (limited retail and industrial).	NO, zero incidents that we're aware of.	
Lake Forest	YES, they want to prohibit.			
Lake Zurich	UNKNOWN at this point. Expect to have the public discussion begin in August.	3	Do not have one.	
Lincolnshire	UNKNOWN at this point.	3		
Niles	UNKNOWN at this point.	3 Too soon to tell.	N/A.	
Palatine	UNKNOWN at this point.	3	NO, zero incidents that we're aware of. We don't have a medical dispensary.	
Park Ridge	UNKNOWN at this point. To be discussed at August 12 Committee of the Whole.			
Rolling Meadows	UNKNOWN at this point. We will be talking to the City Council at our August 20th Committee-of-the-Whole meeting on this subject.	Very likely because currently we do have a medical dispensary in town.	NO, zero incidents that we're aware of. Good neighbor and good business.	
Schaumburg	UNKNOWN at this point.	3	NO, zero incidents that we're aware of.	

Retail Cannabis Dispensaries Survey

Municipality	Has your Village Board / City Council either opined or formally voted yet on authorizing or prohibiting retail cannabis dispensaries?	If your Village Board / City Council has not yet opined or formally voted, how likely is it that you think they will authorize at least on retail cannabis dispensary? (Very Likely 1 - 5 Not Likely)	If your municipality already has a medical cannabis dispensary operating, have you encountered any police-related / safety / security incidents at that location?	Comments
Streamwood	UNKNOWN at this point.	3 Not really sure.		
Wheeling	YES, they want to authorize.	1	N/A.	
Wilmette	UNKNOWN at this point.	3 We have had no discussions so unsure at this point.	N/A.	We may consider a referendum for the community to determine whether they wish to allow the retail sale of cannabis.

PUBLIC NOTICE
 A public hearing will be held before the Palatine Plan Commission on Tuesday, November 19, 2019 at 7:00 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street or if necessary, at another Public Location designated by the Village of Palatine in order to accommodate Public commentary, relative to a request for the following:
 1. Text amendments to Article 3 Rule and Definitions -Section 3.02 Specific Definitions; Article 11 - Business Districts- Section 11.06 (e) B-5 - Highway Business District Special Uses; Article 12 Manufacturing Districts - Section 12.01 (h) - Manufacturing District Special Uses; and a new Article 15 - Adult Use Cannabis.
 These amendments are all of Appendix A (Village of Palatine Zoning Ordinance) of the Village of Palatine Code of Ordinances.
 Pursuant to the State of Illinois enacting the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019, the proposed text amendments to the Village of Palatine Zoning Ordinance will incorporate recreational marijuana sales as Special Uses in the B-5 (Highway Business) and Manufacturing Districts for consideration by the Village Council.
 The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 19-74
 VILLAGE OF PALATINE
 Dennis Dwyer, Chair
 Palatine Plan Commission
 Published in Daily Herald
 November 4, 2019 (4535121)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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 11/04/2019 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 # 4535121

Attachment: Public Notice - Cannabis Text Amendments (Text Amendment - Adult-Use Cannabis)