



REPORT TO PLANNING COMMISSION CITY OF COLLINSVILLE

APPLICATION NUMBER(S)	TA 24-05
APPLICATION NAME:	Tobacco Stores (Text Amendment)
APPLICANT NAME:	City of Collinsville 125 South Center Street Collinsville, IL 62234
APPLICANT'S REQUEST:	A City-initiated request for approval of amendments to Title 17 (Zoning) as it relates to Tobacco Retail regulations.
COMMISSION MEETING DATE:	November 14, 2024
CASE MANAGER:	Caitlin Rice, Senior Planner
RECOMMENDATION:	APPROVAL

REQUEST OVERVIEW

The City of Collinsville has initiated a request to make changes to the land use permissibility and regulations regarding tobacco stores. Specifically the following Sections of Title 17 (Zoning):

1. Section 17.020.020– Definitions
 - Updates existing definition of *Tobacco Stores*
2. Section 17.50.010—Use Table
 - Removes Tobacco Store use from UCD Uptown Collinsville District
3. 17.050.240.—Tobacco Stores (new)
 - Creates supplementary regulations for tobacco stores

BACKGROUND

Per Planning Commissioner comments at the September 12, 2024 meeting, staff is bringing forward an amendment to the City's regulations for Tobacco Retail Stores/Smoke Shops/ E-Cigarette stores. Currently, Tobacco Retail (NAICS 453991) is permitted as a Special Use Permit in the B-2, B-3, B-4, CP-1, M-1 and UCD zoning districts. However, there are no supplementary requirements for this use, such as for flea markets & secondhand stores, pawn shops, fast food, day care, carwash etc.

Since 2020, the City has approved a total of seven (7) Special Use Permit applications, five (5) of which were approved since 2023. Out of those seven (7) approvals, one (1) never opened and has expired. There is also another smoke/vape shop, Mystic Vapes, that has been grandfathered in, leaving a total of 8 potentially active shops in Collinsville. Please see Table 1 summarizing these businesses.

Staff asked the Planning Commission on feedback on the direction of regulation the Planning Commission would like to explore at the October 10th, 2024, meeting.

The Planning Commission asked staff to investigate implementing a flat cap on number of stores, distance between other tobacco stores, distances between tobacco stores and schools, and prohibition in the Uptown Collinsville District (UCD).

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Table 1: Tobacco Store Retailers in Collinsville

Year Approved	Business Name	Address	Active?
N/A	Mystic Vapes	1099 Vandalia	Yes
2020	Studio 420	118 N Bluff	Expired
2021	Nature's Pharmacy	122 N Bluff	Yes
2022	Vape Pluss	501 Beltline Rd. Suite 20K	Yes
2023	Elevate Vapor	1962 Vandalia	Yes
2023	Vapor World	1099 Beltline Suite C	Yes
2023	Twisted Vapes (HPNOTIQ)	1044 Collinsville Crossing	No
2024	Studio 420	106 W Main	Yes
2024	The Cave	205 W Main	No

MUNICIPAL RESEARCH

Staff delved into Collinsville’s existing regulations for Tobacco stores and similar uses such as cannabis, and surrounding municipalities. Staff found a variety of different methods for tobacco retail regulations.

1. Collinsville, IL

- Special Use Permit in the B-2, B-3, B-4, CP-1, & UCD districts. By right in M-1.
- No additional licensure of fee.

2. Belleville, IL

- Permitted in all commercial zoning districts as Special Use Permit.
- Restricted to freestanding structure occupied solely by the tobacco business.
- Tobacco Retail license required (\$25 annual fee)

3. Edwardsville, IL

- No special regulations found in ordinances.

4. O'Fallon, IL

- Permitted by right in B-1 Community Business District

5. Maryville, IL

- Permitted by right in B-1 Community Business District.

5. Normal, IL

Recently underwent zoning changes to restrict tobacco stores in 2024 due to proliferation in their community and increase in juvenile use. The City of Normal considered banning tobacco uses entirely in their Uptown District, however, ultimately rested on distance requirements. Below is their requirements:

- No tobacco retail license will be issued to any seller of smoking products that is not in a fixed, permanent location.
- No retail tobacco store may be located within 1,500 feet of the property line of another retail tobacco store or of a cannabis dispensary.
- No retail tobacco store may be located within 200 feet of the property line of a school or daycare facility.



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CASE STUDY—PUBLIC HEALTH

During this research, staff also found case studies on how the density and location of tobacco retail stores can impact of youth and adult tobacco use. An article published in *Health & Place* Volume 67 in 2021 titled, *Association between density and proximity of tobacco retail outlets with smoking: A systematic review of youth studies (Marsh et. al)* sought to perform a systematic review of international literature on the density and proximity of tobacco retail outlets (TROs) to homes, schools and communities, and their association with smoking behaviors among youth. The study reviewed evidence documenting the association between density or proximity of TROs and smoking behaviors among youth 18 or under between 1990 and 2019. Thirty-five (35) peer reviewed papers were selected to be analyzed in this study.

Eight (8) studies examined density of TROs around youths' homes. Overall, tobacco density around the home was found to be associated with increased smoking behavior in six (6) of the eight (8) studies. Eighteen (18) studies examined the association between the density of TROs around schools and smoking behaviors. The available studies do not provide strong evidence of an association between the density of TROs around schools or smoking among youths at those schools. Marsh et. al states that inconsistent findings of the density of TROs around the school and youth smoking may have been due to limitations inherent in the outcome variables used. Nine (9) studies measured TRO density in youths' communities in the USA. TRO density in these communities was found to be significantly associated with higher odds of recent, past-year and lifetime smoking. Ultimately the existing evidence supports a positive association between TRO density and smoking behaviors among youth, especially for density near youths' home although more direct research and studies should be performed.

It was also proposed in Marsh et. al that increased tobacco density may encourage greater competition between retailers. Increased competition could lead to more sales to minors, drive prices lower and raise the chances of single cigarette sales. A greater number of TROs increases enforcement requirements, and may reduce the likelihood of inspections.

To read the full study by Marsh et al., please visit the National Library of Medicine PubMed Central at:
<https://pmc.ncbi.nlm.nih.gov/articles/PMC8171582/#S15>.

Through reading this study, staff finds that although the findings are not concrete, there is benefit to the public health and general welfare of the Collinsville community by enacting regulations that reduce the density and quantity of tobacco retail stores in the City.

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ZONING ANALYSIS

Sec. 17.150.090. - Amendments to text.

When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:

A. Whether such change is consistent with the intent and purpose of these regulations.

The proposed text amendment furthers the intent and purpose of the City's Zoning Ordinance ([Section 17.010—Title and Intent](#)), specifically:

- To promote the health, safety, quality of life, comfort and general welfare of the City and its planning area, which includes the area within the City corporate limits and unincorporated territory lying outside the City forming the total community of which Collinsville is a part;
- To preserve and protect property values throughout the City and its planning area;

B. The areas which are most likely to be directly affected by such change and in what way they will be affected.

Section 17.050.010—Use Table

The proposed amendment to the Land Use Table will remove Tobacco Stores the UCD Uptown Collinsville District. Please see the tables below for the proposed land use table amendments.

Proposed Amendments																					
CATEGORY	LAND USE	NAICS CODE	R-1	R-1A	R-2	R-3	R-4	B-2	B-3	B-4	HP-1	CP-1	CP-2	BP-1	BP-2	BP-3	BP-4	M-1	UCD	MINIMUM PARKING REQUIREMENT	
Retail Trade	Tobacco, Electronic Cigarette, and other Smoking Supplies Retailers (except Cannabis)	459991						S	S	S		S							S		4.5 spaces per 1,000 sq. ft. of floor area plus 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises

Existing																					
CATEGORY	LAND USE	NAICS CODE	R-1	R-1A	R-2	R-3	R-4	B-2	B-3	B-4	HP-1	CP-1	CP-2	BP-1	BP-2	BP-3	BP-4	M-1	UCD	MINIMUM PARKING REQUIREMENT	
Retail Trade	Tobacco Stores	453991						S	S	S		S							S	S	4.5 spaces per 1,000 sq. ft. of floor area plus 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises

The Planning Commission expressed desire to explore the prohibition of tobacco stores in the UCD District. Staff did find that Normal, IL, was also challenged with a similar scenario and considered a ban in their Uptown as well. Ultimately, the City determined to avoid an explicit ban, and focus on the distance requirements to reduce density in the City as there were concerns for 'government overreach'. **As it was discussed by Planning Commission, staff has prepared an amendment addressing the Uptown District and encourages the Planning Commission to discuss if the proposed supplementary regulations will satisfy these concerns.**



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ZONING ANALYSIS

Section 17.020.020—Definitions

Staff is proposing an update to the definition of Tobacco Store and adding definitions related to tobacco retail in Title 17 (Zoning) as follows:

Existing: *Tobacco store* means a specialty retail establishment that has no substantial or significant portion of its stock in anything other than tobacco products, smoking-related accessories, such as pipes, pipe cleaners, lighters, butane, flints, pocket knives, and cigar nippers, exclusive of items identified as drug paraphernalia in Chapter 9.18 of the Municipal Code of Ordinances

Proposed:

Tobacco accessories means any cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any state statute.

Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or items associated with smoking.

Tobacco store means establishments primarily engaged in retailing cigarettes, electronic cigarettes, vapes, cigars, tobacco, pipes, nicotine products and other smokers' supplies including tobacco accessories, tobacco products, and/or vapor products.

Vapor product means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.

The proposed definitions are modelled off of the definitions in Edwardsville's municipal code, as staff finds that are well encompassing and suit Collinsville's need. **Staff finds that adding these definitions to the zoning code will help clarify to applicants and staff the type of merchandise that would require a Special Use Permit as a 'tobacco store' in Collinsville. Currently staff is interpreting the existing definition of a tobacco store to include all types of nicotine products, such as electric cigarettes and vapes.**

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ZONING ANALYSIS

Based on the discussion with the Planning Commission, staff is proposing several supplementary regulations for any new tobacco retail use in the City. The Planning Commission expressed the desire for a distance requirement between tobacco stores and schools, as well as a distance between each other. Also desired was a flat cap on the total number of tobacco retail uses in the city.

This amendment will create a new Section under Section 17.050. as shown below:

Sec. 17.050.240. – Tobacco Stores

Tobacco stores shall be limited to special uses within the B-2, B-3, B-4, and CP-1 zoning districts and shall be subject to the provisions of Section 17.100. Special Use Permits. The following requirements shall apply to all tobacco stores as defined in Section 17.020.020:

A. *No retail tobacco store may be located within 1,500 feet of the property line of another retail tobacco store or of a cannabis dispensary.*

**This distance requirement is the same as Collinsville’s cannabis dispensary requirements.*

B. *No retail tobacco store may be located within 100 feet of the property line of a school or daycare facility.*

**This distance requirement is the same as Collinsville’s cannabis dispensary requirements.*

C. *Maximum number of special use permits active for tobacco stores in City of Collinsville corporate limits shall be eight (8).*

**This cap is pulled from the number of active tobacco retail stores in Collinsville to date.*

D. *The operator of a retail tobacco store must comply with all applicable state and federal laws, and city ordinances.*

The proposed distance requirements will be measures as the crow flies from property line to property line of each use. These requirements will only apply to new businesses after approval of this ordinance.

With the proposed distance between tobacco stores , property line to property line, the follow businesses in red would be in violation and in green would meet:

Mystic Vapes, 1099 Vandalia – Elevate Vapor, 1962 Vandalia (98.4 feet)

The Cave, 205 W Main – Studio 420, 106 W Main (415 feet)

Nature’s Pharmacy, 122 N Bluff - Twisted Vapes, 1044 Collinsville Crossing (1,783 feet)

Vape Pluss, 501 Beltline Road – Vapor World, 1099 Beltline Road (1,326 feet)

With the proposed distance between tobacco stores and schools and daycares, property line to property line, the follow businesses in red would be in violation and in green would meet:

Mystic Vapes, 1099 Vandalia (68 feet from Dorris)

Elevate Vapor, 1962 Vandalia (106 feet from Dorris)

The Cave, 205 W Main (460 feet from Webster)

Studio 420, 106 W Main (240 feet from Webster)

Nature’s Pharmacy, 122 N Bluff

Twisted Vapes, 1044 Collinsville Crossing (none nearby)

Vape Pluss, 501 Beltline Road (none nearby)

Vapor World, 1099 Beltline Road (630 feet from Riverbend Head Start (5 Crestmont))



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As the Planning Commission expressed concerns about tobacco retail use in Uptown, staff has proposed the amendment to remove it from the UCD use table. However, staff requests the Planning Commission to consider if the distance requirements between stores would fit the bill.

The Uptown Planning Area is divided into three (3) districts, the Garden District (Summit to Seminary) the Central Business District (Seminary to Vandalia) and the Market District (Vandalia to Lebanon Road). Per the intent of each district, a retail use such as a tobacco store would only be suitable in the Central Business District or the commercial portion of the Market District of Uptown. The distance between Seminary and Aurora (which is the cut off of existing commercial in the Market District) is approximately 1,930 feet. This means that feasibly, there most likely could be only one tobacco retail store in Uptown based on the current development of this area. Since each request is a Special Use Permit, Planning Commission and City Council would have the opportunity to determine if the use fits the character of each district in Uptown. The past two requests have been in the Central Business District, which promotes higher traffic retail, leaving little to disagree with.



C. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

Staff is pursuing the proposed text amendment due to the sharp increase of tobacco retail/smoke shop uses in Collinsville in the past two (2) years. In total, Collinsville has approved seven (7) special use permit applications for Tobacco Retail since 2020. Five (5) of those seven (7) were approved since 2023. There are also no supplementary regulations in place to help guide the permissibility of this use, therefore the City has had difficulty challenging any tobacco retail application. The market for these uses only appears to be increasing, and tobacco stores are not shy about operating in close proximity to each other. Vapes, especially single use disposable vapes, are extremely popular among younger students, under twenty-one (21). Staff is coordinating with the municipal court clerk to determine how many court cases in the past two years have been youths vaping to help add context to the dilemma.

Overall, the density of tobacco retail has skyrocketed and the market trends have not been self regulating. Staff finds that the proposed amendments will help protect public health and welfare, by reducing the density of tobacco retail in the City. It is also worth noting that these amendments are for uses that are primarily tobacco retail. Businesses such as gas stations and pharmacies will not be impacted.

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Strategic Plan Goals Achieved by the Proposed Text Amendment:

Achieve Strategic Plan Goal #6 - Keep Collinsville Safe and improve the perception of public safety in the community.

Achieve Strategic Plan Goal #3—Encourage tourism and economic development opportunities.

RECOMMENDATION

Staff finds that the proposed amendments to text meets or exceeds the review criteria for zoning text amendments. Further, staff finds that the proposed text amendments advance the intent of the City's Zoning Ordinance. Based on these findings, staff recommends 'Approval' of Text Amendment Application *TA 24-05 Tobacco Stores* proposing to amend Section 17.020.020—Definitions, Section 17.050.010.—Use Table and create Section 17.050.240—Tobacco stores of Title 17 (Zoning) as it relates to use permissibility and regulations of tobacco retail.



EXHIBITS

A. DRAFT ORDINANCE

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EXHIBIT A—DRAFT ORDINANCE

ORDINANCE NO. ____

**ORDINANCE AMENDING TITLE 17 (ZONING) OF THE CODE OF
ORDINANCES OF THE CITY OF COLLINSVILLE RELATED TO
TOBACCO RETAIL**

WHEREAS, the City of Collinsville, Illinois, a home rule municipality (hereinafter the “City”), 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 City of Collinsville places a priority on providing for a strong and diverse economy supported by quality, vibrant development which will contribute to and improve the appearance of property and commercial corridors within the City of Collinsville; and,

WHEREAS, on November 14, 2024, the Collinsville Planning Commission held a public hearing regarding the text amendment to the City’s Zoning Code as outlined in the following Sections of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Collinsville, Illinois, as follows:

Section 1. That Title 17 (Zoning), Section 17.020.020 of the Collinsville Municipal Code shall be amended by adding and repealing and replacing the following definitions:

Sec. 17.020.020 - Definitions

Tobacco accessories means any cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any state statute.

Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or items associated with smoking.

Tobacco store means establishments primarily engaged in retailing cigarettes, electronic cigarettes, vapes, cigars, tobacco, pipes, nicotine products and other smokers' supplies including tobacco accessories, tobacco products, and/or vapor products.



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EXHIBIT A—DRAFT ORDINANCE

Vapor product means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.

Section 2. That “*Section 17.050.010. – Use Table – Table 5, Principal and Accessory Uses*” category ‘Retail Trade’ Land Use ‘Tobacco Stores’ of Title 17 (Zoning) of the Code of Ordinances of the City of Collinsville, Illinois, is hereby amended as follows:

CATEGORY	LAND USE	NAICS CODE	ZONING DISTRICTS																MINIMUM PARKING REQUIREMENT			
			R-1	R-1A	R-2	R-3	R-4	B-2	B-3	B-4	HP-1	CP-1	CP-2	BP-1	BP-2	BP-3	BP-4	M-1		UCD		
Retail Trade	Tobacco, Electronic Cigarette, and other Smoking Supplies Retailers (except Cannabis)	459991							S	S	S		S									4.5 spaces per 1,000 sq. ft. of floor area plus 1 space for every employee on the maximum shift, plus 1 space for every vehicle customarily used in operation of the use or stored on the premises

Section 3. That Title 17 (Zoning), Section 17.050.240 of the Collinsville Municipal Code shall be created as follows:

Sec. 17.050.240. – Tobacco Stores

Tobacco stores shall be limited to special uses within the B-2, B-3, B-4, and CP-1 zoning districts and shall be subject to the provisions of Section 17.100. Special Use Permits. The following requirements shall apply to all tobacco stores as defined in Section 17.020.020:

- A. No retail tobacco store may be located within 1,500 feet of the property line of another retail tobacco store or of a cannabis dispensary.
- B. No retail tobacco store may be located within 100 feet of the property line of a school or daycare facility.
- C. The maximum number of special use permits active for tobacco stores in City of Collinsville corporate limits shall be eight (8).
- D. Regulations/requirements. The operator of a retail tobacco store must comply with all applicable state and federal laws, and city ordinances.

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EXHIBIT A—DRAFT ORDINANCE

Section 4. In the event any section or provision of this Ordinance shall be held unconstitutional or invalid by any Court, in whole or in part, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance, other than the part held unconstitutional or invalid.

Section 5. All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

Section 6. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant, or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

Section 7. This Ordinance is effective upon its passage by the City Council, approval by the Mayor, and publication according to law.

Passed and approved this ___ day of _____, 2024.

Ayes: _____

Nays: _____

Absent: _____

Approved: _____

APPROVED: _____
JEFF STEHMAN, MAYOR

ATTEST: _____
KIM WASSER, CITY CLERK

RECORDED: _____, 2024.