

CITY OF ST. CHARLES
 TWO EAST MAIN STREET
 ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT DIVISION

PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

SPECIAL USE APPLICATION

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

For City Use	
Project Name:	<u>Zen Leaf - 3714 Illinois Ave.</u>
Project Number:	<u>2019 -PR- 023</u>
Cityview Project Number:	<u>PLSU202100058</u>



To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Property Information:	Location: 3714 Illinois Avenue	
	Parcel Number (s): 09-25-401-031	
	Proposed Name: Zen Leaf St. Charles	
2. Applicant Information:	Name Healthway Services of West Illinois, LLC	Phone 312-819-4859
	Address 415 N. Dearborn Street, 4th Floor Chicago, IL 60654	Fax
		Email chris@verano.holdings
3. Record Owner Information:	Name West Capital, LLC	Phone 312-819-4859
	Address 415 N. Dearborn Street, 4th Floor Chicago, IL 60654	Fax
		Email chris@verano.holdings

Please check the type of application:

- Special Use for Planned Unit Development - PUD Name:** _____
 - New PUD
 - Amendment to existing PUD- Ordinance #: _____
 - PUD Preliminary Plan filed concurrently

- Other Special Use (from list in the Zoning Ordinance):** _____
 - Newly established Special Use
 - Amendment to an existing Special Use Ordinance #: 2020-Z-10

Information Regarding Special Use:

Comprehensive Plan designation of the property: Industrial/Business Park and Corridor/Regional Commercial

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? M-2 Limited Manufacturing

What is the property currently used for? Existing Cannabis Dispensary

If the proposed Special Use is approved, what improvements or construction are planned?

For Special Use Amendments only:

Why is the proposed change necessary?

The approved special use permit is scheduled to expire on November 18, 2021. The State legislature passed in July 21 the amendment to the state statute allowing the applicant to relocate its dispensary at 3714 Illinois Ave. However, the State of Illinois will be unable to begin processing and approving the Applicant's relocation before November 18, 2021 as outlined in the statute.

What are the proposed amendments? (Attach proposed language if necessary)

To amend paragraph 4(a) of the Ordinance to read "the Special Use granted n this Ordinance shall automatically expire twenty-four (24) months from the Effective Date of this Ordinance..."

Note for existing buildings:

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

Attachment Checklist:

If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

☐ APPLICATION FEE:

Application fee in accordance with Appendix B of the Zoning Ordinance. (Special Use for PUD \$1,000; all other Special Use requests \$750)

☐ REIMBURSEMENT OF FEES AGREEMENT:

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

☐ REIMBURSEMENT OF FEES INITIAL DEPOSIT:

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

☐ PROOF OF OWNERSHIP and DISCLOSURE:

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.

☐ LEGAL DESCRIPTION: For entire subject property, on 8 1/2 x 11 inch paper

☐ PLAT OF SURVEY:

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

☐ FINDINGS OF FACT:

Fill out the attached forms or submit responses on a separate sheet (*Submit "Criteria for PUD" for any PUD application; "Findings for Special Use" for all other Special Use applications.*)

☐ LIST OF PROPERTY OWNERS WITHIN 250 FT.:

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.

❑ **ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

Fill out the online form, print the report and submit with this application.

❑ **TRAFFIC STUDY:** If requested by the Director of Community Development.

Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.

❑ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

Copies of Plans:

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

❑ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line

21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
 - a. Location, height, intensity and fixture type of all proposed exterior lighting
 - b. Photometric information pertaining to locations of proposed lighting fixtures

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

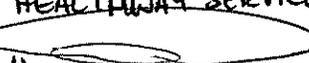
WEST CAPITAL, LLC

By: 

Record Owner

HEALTHWAY SERVICES OF WEST ILLINOIS, LLC

7/21/2021
Date

By: 

Applicant or Authorized Agent

7/21/2021
Date

**OWNERSHIP DISCLOSURE FORM
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS)
) SS.
COOK COUNTY)

I, GEORGE ARCHOS, being first duly sworn on oath depose and say that I am the Trustee of the sole Member of the sole Manager of HEALTHWAY SERVICES OF WEST, ILLINOIS, LLC, an Illinois Limited Liability Company (L.L.C.), and that the following entities are all of the members of the said L.L.C.:

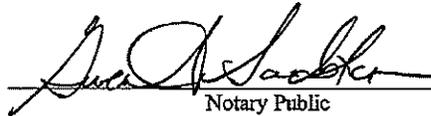
HEALTHWAY SERVICES OF ILLINOIS, LLC - 40%
(an Illinois limited liability company)

SAINT CHICAGO, LLC - 60%
(an Illinois limited liability company)

WEST CAPITAL, LLC
By: Union Management Group, LLC, its manager
By: Copperstone Trust, its sole member

By: 
George Archos, Trustee

Subscribed and Sworn before me this 25 day of
October, 20 19.


Notary Public



AMENDMENT TO SPECIAL USE PERMIT (ORDINANCE NO. 2020-Z-10)

FINDINGS OF FACT

A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

A Recreational Cannabis Dispensing Organization will serve the public convenience at the proposed location (3714 Illinois Avenue) in the following ways:

1. *The existing road network, as it is configured provides safe and convenient access to the property.* Access occurs off of Illinois Avenue, an east-west, local roadway providing a two-lane cross-section. It extends from Kirk Road a primary arterial road, on the west to Kautz Road, a major collector roadway on the east. Illinois Avenue operates its intersections with Kirk Road and Kautz Road under stop control. Since the Special Use Permit was approved on May 18, 2020, the recreational cannabis dispensing organization has had minimal to no impact on the existing traffic operations of the area roadway network.
2. *Adequate parking for the proposed Recreational Cannabis Dispensing Organization will be provided.* The City's parking standards require a minimum of one space for every 4,000 sq. ft. of Gross Floor Area. The minimum required number of spaces per the ordinance is 15 parking spaces. The Applicant has secured a lease of four additional parking spaces bringing the total number of spaces dedicated to the proposed Recreational Cannabis Dispensing Organization use to 41 spaces, which is more than adequate.
3. *Proximity to the Route 64 (Main Street) retail corridor.* Since May 19, 2020, the Recreational Cannabis Dispensing Organization has operated approximately 1/4 mile (5-min walk) away from the Route 64 retail corridor. The Recreational Cannabis Dispensing Organization has been safely operating at the location for more than a year and has attracted increased customers to the City's nearby retail areas, therefore the proximity of the proposed location will serve the public's convenience.
4. *Continuation of the Recreational Cannabis Dispensing Organization.* For more than the past year, the Recreational Cannabis Dispensing Organization has been continually serving the public without any significant issues detrimental to the public's convenience. The City found that the Special Use Permit, granted on May 18, 2020, was in the public convenience. The same result should be reached here. If the Special Use Permit is not amended to extend its sunset date by an additional six months, the Recreational Cannabis Dispensing Organization will have to cease operations thereby leaving a void in satisfying the public's demand for its services and result in an inconvenience to the public to travel greater distances to other dispensaries outside of St. Charles and leave the public without critical sales tax dollars that has allowed St. Charles to fulfill the public's needs.

B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

1. *The existing road network, as it is configured, can accommodate the traffic generated by the proposed use.* Access occurs off of Illinois Avenue, an east-west, local roadway providing a two-lane cross-section. It extends from Kirk Road a primary arterial road, on the west to Kautz Road, a major collector roadway on the east. Illinois Avenue operates its intersections with Kirk Road and Kautz Road under stop control. The proposed development has had minimal to no impact on the existing traffic operations of the area roadway network and will continue to have minimal to no impact to existing traffic if the Special Use Permit is extended for an additional six months.

2. *There are no known drainage issues at the site.* The Recreational Cannabis Dispensing Operation has been operating on-site for over the past year without any drainage issues. The proposed amendment to the Special Use Permit will be accommodated without any changes to the existing facility, including no change to existing grades or increases to impervious surface which could result in negative effects on area storm water and drainage patterns.
3. *Adequate parking facilities have been provided.* The City's parking standards require a minimum of one space for every 4,000 sq. ft. of Gross Floor Area. The minimum required number of spaces per the ordinance is 15 parking spaces. The Applicant has secured a lease of four additional parking spaces bringing the total number of spaces dedicated to the proposed Recreational Cannabis Dispensing Organization Use to 41 spaces. A proposed supply of 41 spaces is and has been adequate to accommodate the anticipated parking demand for the proposed Recreational Cannabis Dispensing Organization. Employees will continue to be encouraged to park in the rear spaces to provide convenient customer parking in the front.
4. *The site provides adequate access to all utility providers and first responders.* Access to the lot occurs off Illinois Avenue via two, two-way curb cuts for ingress and egress. Existing curb cuts are positioned east and west of the building providing a complete loop around the perimeter of the building. Since the Recreational Cannabis Dispensing Organization began operating at the site over a year ago, there has been no interruption of utility services or services from first responders.
5. *Continuation of Existing Special Use Permit.* On May 18, 2020, the City found that there was sufficient infrastructure to operate a Recreational Cannabis Dispensing Organization and granted the Applicant a Special Use Permit. The proposed Amendment to the Special Use Permit will merely allow the continuation of an existing special use for an additional six months.

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

There is a Medical Cannabis Dispensing Organization permitted as of right in the M2 district currently operating at the proposed location. The Medical Cannabis Dispensing Organization is a comparable use, similar in all material respects, to the Recreational Cannabis Dispensing Organization. The City requires a minimum 250-foot separation distances from sensitive uses including pre-existing School, Primary or Secondary, School, Private Boarding, Day Care Center, Day Care Home, or other residential zoning parcels. The proposed special use meets these distance requirements. In addition, the Recreational Cannabis Dispensing Organization use will continue to strictly enforce rules banning on-site consumption. The proposed amendment to the Special-Use Permit will also continue to comply with all other local and State regulations. These measures and other zoning and use standards, including parking requirements, are in place to ensure that no impacts to the use and enjoyment of other properties, or affect or impairment on property values within the neighborhood occur.

Allowing the continued sale of cannabis to adult-user consumers, on a site where comparable retail uses already occur could result in enhanced property values due to the attraction of new customers to the area and potential consumers of goods and services for other properties proximate to the site of the proposed Special-use. Since the Special Use Permit was granted in May 2020, there has not been a detrimental impact on the use and enjoyment of other property in the immediate vicinity or a diminishment in neighborhood property values.

D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed amendment to the Special-Use Permit will continue a use already operating at the site and where a comparable retail use (Medical Cannabis Dispensing Organization) is allowed to operate as of right. If the amendment to the Special Use Permit is granted, the current operations at the proposed location will continue for a limited duration until May 31, 2022, in the same manner as the City previously approved as a Special Use Permit, which included the finding that there would be no effect on development of surrounding property. The City has adopted proposed use standards for Recreational Cannabis Dispensing Organizations and the Recreational Cannabis Dispensing Organization complies with each of the standards. As demonstrated by the anecdotal evidence of the Recreational Cannabis Dispensary Organization's current operations at the site for over the past year and its continued compliance with adopted zoning ordinance use standards, the proposed amendment to extend the Special Use Permit will not impede the normal and orderly development or improvement of the surrounding property for uses permitted in the district.

E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Zen Leaf-St. Charles has been operating as a Medical Cannabis Dispensing Organization at 3714 Illinois Avenue since 2015 and during that time "has had minimal impact on police operations in the City of St. Charles" – Chief of Police James Keegan, Memorandum related to Potential Impact of Cannabis Dispensaries on Police Operations, dated July 25, 2019). Since May 18, 2020, Zen Leaf-St. Charles has operated a Recreational Cannabis Dispensing Organization for more than a year without any significant issues that were detrimental or endangered the public health, safety, comfort, or general welfare. Based on its compatibility with the Special-Use Permit requested, the minimal impact of the existing Recreational Cannabis Dispensing Organization on police operations in the City allows police resources to focus on serving the public and protecting its health, safety, comfort, and general welfare.

The proposed Amendment to the Special-Use Permit is already permitted and operating on site. Safe access is provided via two curb cuts along Illinois Avenue and proposed use standards and parking requirements for the Special-Use Permit will be met. Compliance with all local and state laws has been and will continue to be met and strict enforcement banning on-site consumption rules will continue to be enforced. Zen Leaf-St. Charles has demonstrated a high degree of responsibility in operating the existing retail use, compliance with all local and State requirements, and full cooperation with the City and its resources so as to not endanger the public health, safety, comfort or general welfare of those in the community.

Furthermore, the application of sales tax revenue resulting from the proposed extension of the Special Use Permit will provide additional funding for the City to allocate towards not only capital improvement projects promoting public safety, but also social programs that will contribute in a positive manner to the general welfare of the public.

The City of St. Charles has adopted specific use standards for the Recreational Cannabis Dispensary Organizations to ensure public health, safety, comfort, and general welfare. This special use satisfies all use standards adopted by the City of St. Charles for Recreational Cannabis Dispensary Organizations. Moreover, the State of Illinois has adopted the most stringent licensing requirements in the United States also to ensure public health, safety, comfort, and general welfare. The proposed special use, by requiring that the Applicant maintain State of Illinois license, will uphold these exacting standards.

F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

The proposed extension of the Special Use Permit to allow Recreational Cannabis Dispensing Operations meets or exceeds all applicable provisions of this Title.

NON-RESIDENTIAL ZONING COMPLIANCE TABLE

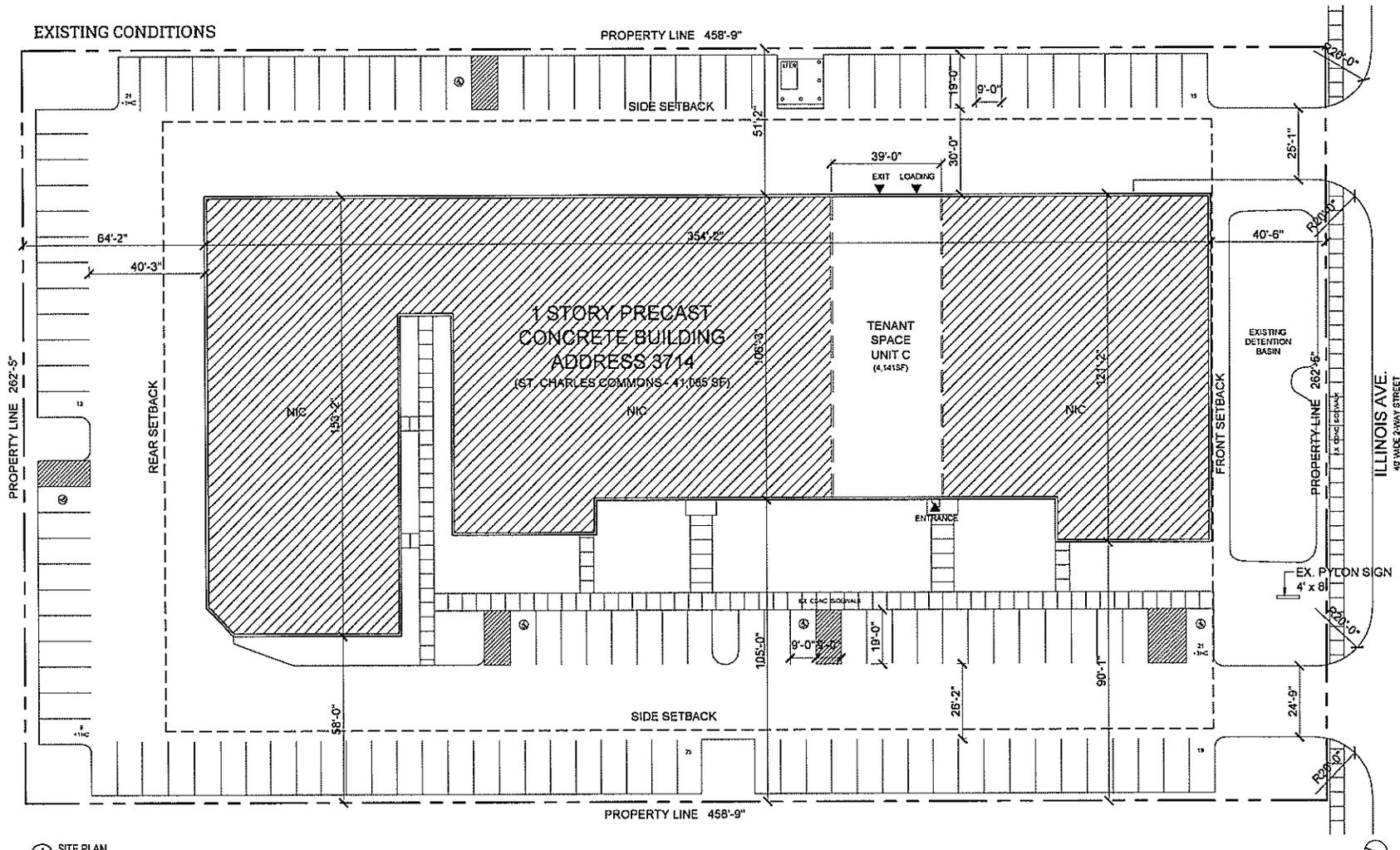
NONRESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Zen Leaf - St. Charles

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District:	Ordinance #:	
Minimum Lot Area	None		no changes proposed
Minimum Lot Width	None		no changes proposed
Maximum Building Coverage	60%		no changes proposed
Maximum Gross Floor Area per Building			
Maximum Building Height	60 ft.		no changes proposed
Front Yard	40 ft.		no changes proposed
Interior Side Yard	B: 20 ft., P: None		no changes proposed
Exterior Side Yard	40 ft.		no changes proposed
Minimum Rear Yard	B: 20 ft., P: None		no changes proposed
Landscape Buffer Yard ²	100 ft. * with caveats		no changes proposed
% Overall Landscaped Area			
Building Foundation Landscaping			
Public Street Frontage Landscaping			
Parking Lot Landscaping			
# of Parking Spaces			
Drive-through Stacking Spaces (if applicable)			

² Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, RT or RM District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

EXISTING CONDITIONS



1 SITE PLAN
DATE 12/14/20

ZONING INFORMATION

- 1. SITE PLAN FOR PROPOSED ZONING LEAF DISPENSARY BY VERANO HOLDINGS
- EXISTING ZONING CLASSIFICATION: M2
- PROPOSED ZONING CLASSIFICATION: M2
- SITE AREA: 2.74 AC (123,374 SF)
- EXISTING: NOT CHANGING
- BUILDING HEIGHT: 34' 0"
- EXISTING: NOT CHANGING
- PARKING: 126 + 3HC + 131 STALLS (19 + 27)
- EXISTING: NOT CHANGING
- TENANT SPACE: UNIT C
- AREA: 4,141 SF
- PARKING REQ'D: 31,102 SF + 13 SPACES
- EXISTING: NOT CHANGING

SITE PLAN REQUIREMENTS

- 1. GROUND ELEVATION CONTOUR LINES - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.
- 2. LOCATION OF ANY SIGNIFICANT NATURAL FEATURES - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.
- 3. LOCATION OF ANY 100-YEAR RECLARDENCE INTERNAL FLOODPLAIN AND FLOODWAY BOUNDARIES - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.
- 4. LOCATION AND CLASSIFICATION OF WETLAND AREAS AS DELINEATED IN THE NATIONAL WETLANDS INVENTORY - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.
- 5. ANY PROVISIONS REQUIRED FOR SCREENING - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.

- 6. EXTERIOR LIGHTING PLANS SHOWING LOCATION, HEIGHT, INTENSITY AND FIXTURE TYPE OF ALL PROPOSED EXTERIOR LIGHTING - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.
- 7. PHOTOGRAPHIC INFORMATION PERTAINING TO LOCATIONS OF PROPOSED LIGHTING FIXTURES - EXISTING SITE, INTERIOR BUILD-OUT ONLY. REQUIREMENT NOT APPLICABLE.

collectiveoffice
ARCHITECTURE
INTERIORS
DESIGN STRATEGY

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FOR INFORMATION ONLY
NOT FOR PERMIT OR CONSTRUCTION

VERANO HOLDINGS
ZEN LEAF DISPENSARY

3714 ILLINOIS AVE. UNIT C
ST. CHARLES, IL 60174

SITE PLAN
A101
19-030-00
Information 10-25-2019

