

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

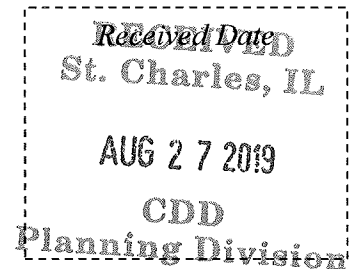


COMMUNITY DEVELOPMENT DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>GA - Recreational Cannabis</u>
Project Number:	<u>2019 -PR- 019</u>
Cityview Project Number:	<u>PL GA 201900154</u>



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), 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 meeting or 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.

Applicant:	Name	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	
			Email	cd@stcharlesil.gov

Attachment Checklist

If multiple zoning or subdivision applications are being 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 (\$500)
- 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. (For a General Amendment application only: \$1,000 deposit.)
- FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

□ **WORDING OF THE REQUESTED TEXT AMENDMENT**

What is the amendment regarding?

Establish retail sales of recreational cannabis as a defined zoning use, establish use standards,
and identify the zoning districts in which the use is permitted as a Special Use.

What sections are proposed for amendment?


Chapters(s): Ch. 17.14 "Business & Mixed Use Districts"; Ch. 17.20 "Use Standards"; Ch. 17.30 "Definitions";
Ch. 17.24 "Off-Street Parking, Loading & Access"

Section(s): 17.14.020; 17.20.030; 17.30.020; 17.24.140, Table 17.24-3

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

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.


Applicant

8/27/19
Date

GA – Recreational Cannabis

- I. Ch. 17.30 Definitions, Section 17.30.020 Use Definitions – Add the following use categories:

Recreational Cannabis Dispensing Organization. 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. A facility that only acquires and dispenses medical cannabis to registered medical cannabis patients shall be considered a Medical Cannabis Dispensing Organization, as defined herein.

Recreational Cannabis Cultivation Center. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport, and perform other necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act.

Recreational Cannabis Craft Grower. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act.

Recreational Cannabis Infuser Organization or Infuser. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act.

Recreational Cannabis Processing Organization. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act.

Recreational Cannabis Transporting Organization. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act.

- II. Ch. 17.14 Business & Mixed Use Districts, Table 17.14-1 Permitted & Special Uses – Add Cannabis Dispensing Organization as a Special Use in the BC and BR districts.

	BL	BC	BR	CBD-1	CBD-2	Specific Use Standards
Recreational Cannabis Dispensing Organization		S	S			Sec. 17.20.030

III. Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses – Establish limitations to which Recreational Cannabis Dispensing Organizations will be subject:

Recreational Cannabis Uses:

1. The number of Recreational Cannabis Dispensing Organizations shall be limited to no more than two (2). Only one (1) Recreational Cannabis Dispensing Organization shall operate on the east side of the Fox River and only one (1) Recreational Cannabis Dispensing Organization shall operate on the west side of the Fox River.
2. A Recreational Cannabis Dispensing Organization shall not be located within 1,500 ft. of the property line of another Recreational Cannabis Dispensing Organization or Medical Cannabis Dispensing Organization.
3. Any organization or business seeking City approval of a Special Use for a Recreational Cannabis Dispensing Organization shall have operated a Medical Cannabis Dispensing Organization licensed by the State of Illinois for a minimum consecutive period of two (2) years prior to January 1, 2020.
4. City approval of a Special Use for Recreational Cannabis Dispensing Organization shall be conditional upon the applicant providing the City with documentation proving receipt of a valid Adult Use Dispensing Organization License granted from the State of Illinois Department of Financial and Professional Regulation.
5. Consumption of cannabis and cannabis-infused products on the premises of any cannabis business establishment as defined in the Cannabis Regulation and Tax Act shall be prohibited.
6. Recreational Cannabis Cultivation Center, Recreational Cannabis Craft Grower, Recreational Cannabis Infuser Organization or Infuser, Recreational Cannabis Processing Organization, and Recreational Cannabis Transporting Organization shall not be permitted in any zoning district.

IV. Ch. 17.24 Off-Street Parking, Loading & Access, Section 17.24.140 Required Off-Street Parking Spaces, Table 17.24-3 – Add the parking requirement for Recreational Cannabis Dispensing Organization:

	Parking Requirement
Recreational Cannabis Dispensing Organization	4 per 1,000sf of GFA

FINDINGS OF FACT – GENERAL AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed amendment is appropriate. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate “not applicable” and explain why it does not apply.



SEE ATTACHED

Amendment Description/Ordinance Section Number

Date

From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

5. The extent to which the proposed amendment creates nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

Findings of Fact

1. The Consistency of the proposed amendment with the City's Comprehensive Plan.

The proposed amendment to allow Recreational Cannabis Dispensing Organization as a Special Use in the BC and BR districts supports the following Goals and Objectives found in Chapter 3 of the Comprehensive Plan:

Commercial & Office Areas Goal 1 – “Develop attractive and highly functional retail and commercial areas that are market responsive, create a diverse tax base, and serve the needs of the City’s residents and, in some areas, a larger regional market.” Objective #1 – “Maintain a range of retail and service activities throughout the City.”

Goal 2 – “Enhance the economic viability, productivity, appearance, and function of the City’s commercial corridors, including Randall Road, Main Street, Lincoln Highway, and Kirk Road.” Objective #1 – Promote a healthy and mutually reinforcing mix of commercial, retail, and service uses along key corridors within the City.”

The proposed amendment will allow for additional retail activity along the City’s primary commercial corridors where retail uses have struggled over the past several years causing several retail vacancies. This new type of retail activity has the potential to serve a regional market and generate spillover commercial activity.

2. The Consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment supports the following purpose statements listed in Ch. 17.02 of the Zoning Ordinance:

- Maintaining businesses and industrial areas that are attractive and economically viable.
- Promoting the public health, safety, comfort, convenience and general welfare.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment aligns the Title with the State of Illinois Cannabis Regulation and Tax Act. It reflects a change in City policy to add Recreational Cannabis Dispensing Organization as a Special Use in the BC and BR districts in response to the State Act.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The proposed amendment will allow for economic activity related to a newly established industry while limiting the activity in such a way as to minimize potential impacts on the community. The Special Use review process will allow for public discussion of any Recreational Cannabis Dispensing Organization seeking to locate in St. Charles. Local tax revenue received from these establishments will contribute to the City’s operating budget.

5. The extent to which the proposed amendment creates nonconformities.

The proposed amendment will not create any nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The proposed amendment applies to all properties in the City regardless of zoning district. The proposal to allow Recreational Cannabis Dispensing Organization as a Special Use applies only to the BC and BR districts.