

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		<b>Agenda Item Number: 4d</b>
	<b>Title:</b>	Plan Commission recommendation to approve a 6-Month Extension of a Special Use for Recreational Cannabis Dispensing Organization for Zen Leaf, 3714 Illinois Ave.	
	<b>Presenter:</b>	Ellen Johnson, Planner	
<b>Meeting:</b> Planning & Development Committee		<b>Date:</b> October 11, 2021	
Proposed Cost: \$0	Budgeted Amount: \$0	Not Budgeted: <input type="checkbox"/>	
<b>Executive Summary</b> <i>(if not budgeted please explain):</i>			
<p>An application for Special Use has been submitted by Healthway Services of West Illinois LLC, owner of Zen Leaf, requesting to amend Ordinance 2020-Z-10, which granted a Special Use for a Recreational Cannabis Dispensing Organization for Zen Leaf, located at 3714 Illinois Ave.</p> <p>Zen Leaf’s Special Use ordinance includes a sunset clause; the Special Use expires 18 months from the date of approval, which is November 18, 2021. The applicant has requested a 6-month extension of the Special Use, to May 18, 2022. This will allow Zen Leaf to continue operating at 3714 Illinois Ave. until the State of Illinois approves their relocation to 3691 E. Main St.; the City approved a Special Use for the Main St. location earlier this year.</p> <p>In July, the State passed legislation allowing Early Approval Adult Use Dispensing Organization license holders, such as Zen Leaf, to relocate. The State will begin accepting relocation applications in mid-October.</p> <p><b><u>Plan Commission Recommendation</u></b> – Plan Commission held a public hearing on 9/21/21 and voted 8-0 to recommend approval. No members of the public spoke in opposition.</p> <p>An email was submitted by the St. Charles Commons owners association stating that the association is requesting Zen Leaf contribute to the cost of repaving the parking lot. Plan Commission did not include any related conditions in their recommendation for approval.</p>			
<b>Attachments</b> <i>(please list):</i>			
Plan Commission Resolution, Staff Report, Application, Plans, Letter from Condo Owners Association			
<b>Recommendation/Suggested Action</b> <i>(briefly explain):</i>			
Plan Commission recommendation to approve a 6-Month Extension of a Special Use for Recreational Cannabis Dispensing Organization for Zen Leaf, 3714 Illinois Ave.			

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 18-2021**

**A Resolution Recommending Approval of a Special Use to Amend Ordinance  
2020-Z-10 for Zen Leaf, 3714 Illinois Ave. (Healthway Services of West Illinois  
LLC)**

**Passed by Plan Commission on September 21, 2021**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Special Use; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for Special Use to amend Ordinance 2020-Z-10 in order to extend the Special Use for a Recreational Cannabis Dispensing Organization at 3714 Illinois Ave. for a period of 6-months; and

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use in accordance Section 17.04.330.C of the Zoning Ordinance:

**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. The proposed development is expected to have minimal 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 17 spaces.
3. Proximity to the Route 64 (Main Street) retail corridor. A comparable land use already operates on the site of the proposed Recreational Cannabis Dispensing Organization and the location is approximately 1/4 mile (5-min walk) away from the Route 64 retail corridor. Sales to the adult-use consumers at the site where a comparable use is already safely operating may attract increased customers to the City's nearby retail areas, therefore the proximity of the proposed location will serve the public's convenience.

## Resolution 18-2021

4. Consolidation of Medical and Recreational Cannabis Dispensaries. The public convenience will be further served by consolidating the Medical and Recreational Cannabis Dispensaries into a single location. Unless the Special Use is granted, there will be two cannabis dispensaries (one Medical and one Recreational) located on the east side of St. Charles. By granting this Special Use, the infrastructure and services required for the dispensaries from the public will be consolidated into one location for greater convenience.

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

1. The 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 is expected to have minimal impact on the existing traffic operations of the area roadway network.
2. There are no known drainage issues at the site. The proposed Recreational Cannabis Dispensing Operation is comparable to the existing Medical Cannabis Dispensing Organization currently operating on-site. The proposed use will be accommodated with minimal changes to the internal floor plan of the facility. There are no site changes proposed to accommodate the new use; therefore, there will be 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 17 spaces. Based on the parking analysis completed, a proposed supply of 17 spaces is adequate to accommodate the anticipated parking demand for the proposed Recreational Cannabis Dispensing Organization. Employees will 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 of 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.

### **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.**

## Resolution 18-2021

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 proposed 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 proposed use will continue to strictly enforce rules banning on-site consumption. The proposed Special-use 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 neighbourhood occur. Allowing the 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.

**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 Special-use is located on a site that is already developed where a comparable retail use (Medical Cannabis Dispensing Organization) is already operating. If the special use is granted, the current operations at the proposed location will not materially change by adding a recreational cannabis use. The City has adopted proposed use standards for Recreational Cannabis Dispensing Organizations and the proposed special use complies with each of the standards. Through compatibility with the existing permitted medical cannabis use and compliance with adopted zoning ordinance use standards, the proposed Special-use 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 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. Based on its compatibility with the Special-use requested, the minimal impact of the existing Medical 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.

## Resolution 18-2021

The proposed Special-use is comparable to the use of Medical Cannabis Dispensing Organization, which 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 will be met. Compliance with all local and state laws will be met and strict enforcement banning on-site consumption rules will be enforced. Zen Leaf-St. Charles had 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 Special-use could 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 existing Federal, State and local legislation and regulation 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 Special-use to allow Recreational Cannabis Dispensing Operations meets or exceeds all applicable provision of this Title.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use to amend Ordinance 2020-Z-10 for Zen Leaf, 3714 Illinois Ave. (Healthway Services of West Illinois LLC) by granting a 6-month extension, subject to resolution of outstanding staff comments prior to City Council action.

Roll Call Vote:

Ayes: Macklin-Purdy, Weise, Funke, Melton, Ewoldt, Becker, Moad, Vargulich

Nays:

Absent: Hibel

Motion carried: 8-0

**Resolution 18-2021**

PASSED, this 21st day of September 2021.

---

Chairman  
St. Charles Plan Commission



<b>Applicant:</b>	Healthway Services of West Illinois LLC	<p><b>Zen Leaf</b></p>
<b>Property Owner:</b>	West Capital LLC	
<b>Location:</b>	3714 Illinois Ave.	
<b>Purpose:</b>	6-month extension of Special Use for a Recreational Cannabis Dispensing Organization	
<b>Applications:</b>	Special Use (Amendment)	
<b>Public Hearing:</b>	Yes, required	
<b>Zoning:</b>	M-2 Limited Manufacturing	
<b>Current Land Use:</b>	Commercial- retail	
<b>Comprehensive Plan:</b>	Corridor/Regional Commercial	
<b>Summary of Proposal:</b>	<p>An application for Special Use has been submitted by the owner of Zen Leaf, requesting to amend Ordinance 2020-Z-10, which granted a Special Use for a Recreational Cannabis Dispensing Organization for Zen Leaf, located at 3714 Illinois Ave. Zen Leaf’s Special Use approval expires November 18, 2021.</p> <p>The applicant has requested a 6-month extension of the Special Use, to May 18, 2022. This will allow Zen Leaf to continue operating until the State of Illinois approves their relocation to 3691 E. Main St.; the City approved a Special Use for the Main St. location earlier this year.</p>	
<b>Info / Procedure on Application:</b>	<p><b>Special Use:</b></p> <ul style="list-style-type: none"> <li>• Per Sec. 17.04.330, the purpose of a Special Use is as follows: “Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.”</li> <li>• Public hearing is required, with a mailed notice to surrounding property owners.</li> <li>• 6 findings of fact – ALL findings must be in the affirmative to recommend approval.</li> </ul>	
<b>Suggested Action:</b>	<p>Conduct the public hearing on the Special Use (Amendment) and close if all testimony has been taken. The Plan Commission may vote on this item should the Commission feel they have enough information to make a recommendation.</p>	
<b>Staff Contact:</b>	<p>Ellen Johnson, Planner</p>	

## I. BACKGROUND INFORMATION

### A. History / Context / Proposal

The subject property, 3714 Illinois Ave., is Unit “C” within St. Charles Commons, a multi-tenant building located within the M-2 Limited Manufacturing zoning district. The nine units within the building are owned separately as condominium units and a condominium owners’ association is in place. Unit C, the subject property, is 3,768 sf in size.

In 2015, Zen Leaf St. Charles began operating a Medical Cannabis Dispensing Organization at the subject property. Medical Cannabis Dispensing Organization is a permitted use in the M-2 District.

In response to the 2019 State of Illinois Cannabis Regulations and Tax Act which legalized recreational cannabis, the City passed Ord. 2019-Z-19 which established a Recreational Cannabis Dispensing Organization use category and identified it as a Special Use in the BC-Community Business and BR- Regional Business districts, along with a number of use standards further limiting location of recreational dispensaries.

In May 2020, the City approved a General Amendment requested by Healthway Services of West Illinois (Zen Leaf) to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District, as well (Ord. 2020-Z-9). The City also approved Ord. 2020-Z-10 at that time, which granted Special Use approval for Zen Leaf to operate a Recreational Cannabis Dispensing Organization at 3714 Illinois Ave. The ordinance included a condition that the Special Use shall automatically expire 18 months from the date of approval. The Special Use was approved May 18, 2020, and will therefore expire November 18, 2021.

In March 2021, the City approved a Special Use for Zen Leaf to operate at 3691 E. Main St. (former Jared’s) in Main Street Commons (Ord. 2021-Z-5). However, Zen Leaf cannot relocate until the State of Illinois Department of Financial and Professional Regulation (IDFPR) grants an Adult Use Dispensing Organization License for the Main St. location.

Zen Leaf is currently operating under an Early Approval Adult Use Dispensing Organization License. This license was available to preexisting Medical Cannabis Dispensaries. Initially, the license did not allow license holders to change locations. In July 2021, the State passed an amendment to the Cannabis Regulation and Tax Act, which allows Early Approval Adult Use Dispensing Organization license holders to relocate, pending State approval. However, the IDFPR has not yet approved Zen Leaf’s relocation, and is not expected to do so prior to the November 18<sup>th</sup> Special Use expiration for Zen Leaf’s current location.

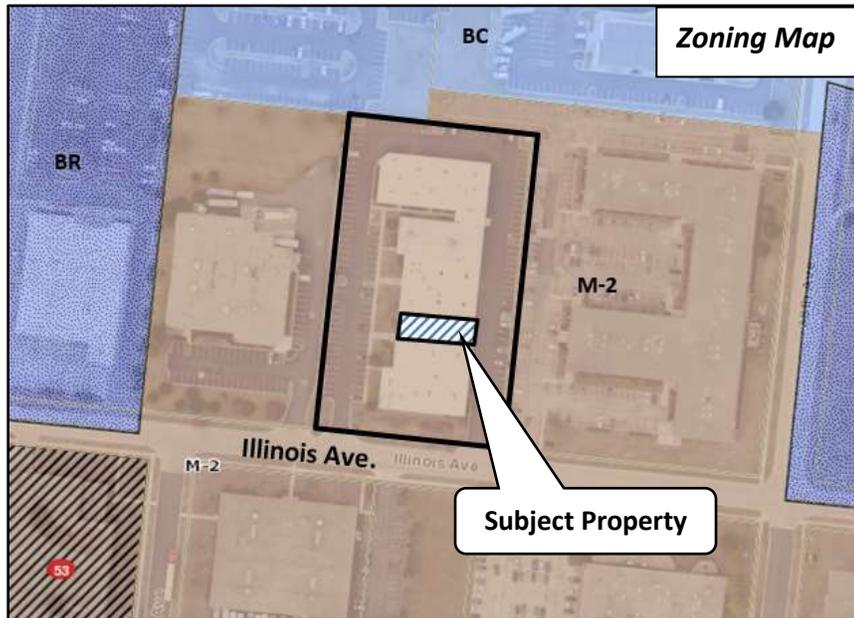
Therefore, Zen Leaf is requesting to extend the Special Use approval for the current location (3714 Illinois Ave.) in order to allow the business to operate until IDFPR can process and approve the relocation. Proposed is to extend the Special Use for 6 additional months, to May 18, 22 (a total period of 24 months). Zen Leaf may relocate before then, if IDFPR approves the relocation.

Zen Leaf may not operate at both locations concurrently, per the Use Standards contained in Section 17.20.030. Once Zen Leaf relocates to Main Street, operations at 3714 Illinois Ave. will need to cease, since both locations are on the east side of St. Charles and are located within 1,500 feet of each other.

**B. Zoning**

The subject property is zoned M-2 Limited Manufacturing District, along with the remainder of the St. Charles Commons property and adjacent properties on Illinois Ave. Commercial zoning exists to the north.

	Zoning	Land Use
<b>Subject Property</b>	M-2 Limited Manufacturing	Retail- cannabis dispensary
<b>North</b>	BC Community Business	Holiday Inn, multi-tenant office/retail
<b>East</b>	M-2 Limited Manufacturing	Multi-tenant office building
<b>South</b>	M-2 Limited Manufacturing	Multi-tenant industrial building
<b>West</b>	M-2 Limited Manufacturing	Creative Millwork



**II. PLANNING ANALYSIS**

Staff has analyzed the submitted applications and plans for conformance with the standards established in applicable sections of the Zoning Ordinances, including:

- Ch. 17.16 Office/Research, Manufacturing & Public Lands Districts
- Ch. 17.20 Use Standards

**A. Proposed Use**

Proposed is to continue use of the subject property as a “Recreational Cannabis Dispensing Organization”, which is defined in Ch. 17.30 as follows:

*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 Dispensing Organization is a Special Use in the M-2 District. As previously stated, a Special Use was granted for Zen Leaf at 3714 Illinois Ave. under Ord. 2020-Z-10.

No changes to the interior or exterior of the building are proposed. Hours of operation are Monday-Thursday 9am to 9pm; Friday & Saturday 9am to 10pm; and Sunday 10am to 6pm.

If the Special Use extension is not granted and Zen Leaf's Special Use expires, Zen Leaf may continue sale of medical cannabis to registered medical cannabis patients at the subject property. "Medical Cannabis Dispensing Organization" is a permitted use in the M-2 District.

## **B. Conditions of Special Use Approval**

A number of conditions were incorporated into the Special Use approval for Zen Leaf at 3714 Illinois Ave. under Ord. 2020-Z-10. The conditions are listed below, with information regarding compliance noted.

1. The Special Use granted in this Ordinance shall automatically expire eighteen (18) months from the Effective Date of this Ordinance, without any further action of the City of St. Charles and Healthway Services of West Illinois, LLC, for itself, affiliates, successors and/or assigns, shall (i) thereupon immediately cease to operate the Recreational Cannabis Dispensing Organization, and (ii) hereby waives any and all rights to the continuation of the Special Use granted in this Ordinance, specifically, but without limitation, any right to a hearing.  
***The applicant is requesting to amend the expiration period to 24 months, which would allow the use to continue until May 18, 2022.***
2. The applicant shall put forth its best efforts to update parking lot lighting to meet Illuminating Engineering Society standards for retail parking, recognizing any such lighting improvements would require approval of the St. Charles Commons Condominium Association.  
***Parking lot lighting was improved by installing new fixtures on existing light poles along the east property line. The lighting plan was approved by the condo association.***
3. Additional security cameras shall be installed to monitor the exterior of the condominium unit and its parking spaces.  
***Three additional exterior security cameras were added, covering the east and west sides of the building and parking lot.***
4. Additional signage regarding prohibition of on-site consumption shall be posted.  
***Signage was installed.***

A letter was issued to Zen Leaf by the Director of Community & Economic Development dated 5/29/2020 stating that the Special Use conditions were met. Zen Leaf was then permitted to begin sales of recreational cannabis.

### C. Use Standards

Recreational Cannabis uses are subject to several Use Standards contained in Section 17.20.030. The existing Special Use for Zen Leaf meets these standards, and will continue to do so if the extension is granted, as noted below:

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. No Recreational Cannabis Dispensing Organization shall operate without written authorization from the Director of Community and Economic Development.  
***Zen Leaf is currently the only recreational cannabis dispensary operating on the east side of town. Zen Leaf will be required to cease operations at 3714 Illinois Ave. before opening for business at the Main Street location, even if the extended Special Use approval has not yet expired.***
2. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the St. Charles corporate limits for a minimum consecutive period of one (1) year. One of the two Recreational Cannabis Dispensing Organizations shall have operated as a Medical Cannabis Dispensing Organization licensed by the State of Illinois within the State of Illinois for a minimum consecutive period of one (1) year.  
***Zen Leaf operated as a medical cannabis dispensary in their current location for four years prior to beginning recreational sales in 2020.***
3. A Recreational Cannabis Dispensing Organization shall not be located on a parcel that is within 250 ft. of a parcel containing a pre-existing Primary or Secondary School, Private Boarding School, Day Care Center, Day Care Home, Church, or a parcel within a single-family residential zoning district, specifically the RE-1, RE-2, RS-1, RS-2, RS-3, RS-4, RT-1, RT-2, RT-3, and RT-4 districts.  
***3714 Illinois Ave. is not located within 250 ft. of the applicable land uses.***
4. 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.  
***3714 Illinois Ave. is not located within 1,500 ft. of another operating dispensary. However, Zen Leaf's new location at 3691 E. Main St. is approx. 750 ft. from 3714 Illinois Ave. The two locations cannot operate concurrently.***
5. 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, as defined in the Cannabis Regulation and Tax Act, granted from the State of Illinois Department of Financial and Professional Regulation.  
***Zen Leaf was issued an Early Approval Adult Use Dispensing Organization License by the Illinois Department of Financial and Professional Regulation for 3714 Illinois Ave.***
6. 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. ***This requirement applies to Zen Leaf.***

**III. DEPARTMENTAL REVIEWS**

**Police Dept.**

Police Chief James Keegan provided a memo regarding police activity for Zen Leaf since it began recreational cannabis sales on June 1, 2020 (see attached). Chief Keegan stated the Police Dept. has received service-related calls such as alarms, traffic accident and premise checks, but has not responded to any crimes or violations.

**IV. ATTACHMENTS**

- Special Use Application; received 8/31/21
- Ordinance 2020-Z-10
- Memo from Chief Keegan
- Letter from condo association

**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)

<b>For City Use</b>	
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.*

<b>1. Property Information:</b>	Location: 3714 Illinois Avenue	
	Parcel Number (s): 09-25-401-031	
	Proposed Name: Zen Leaf St. Charles	
<b>2. Applicant Information:</b>	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
<b>3. Record Owner Information:</b>	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.

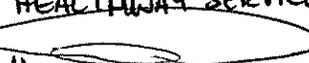
WEST CAPITAL, LLC

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.:

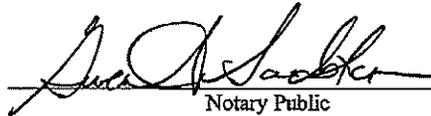
HEALTHWAY SERVICES OF ILLINOIS, LLC - 40%  
(an Illinois limited liability company)

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.

1301 W. HUNT CEM. STREET  
AURORA, ILLINOIS 60402  
PHONE (708) 251-1000

1999K029217

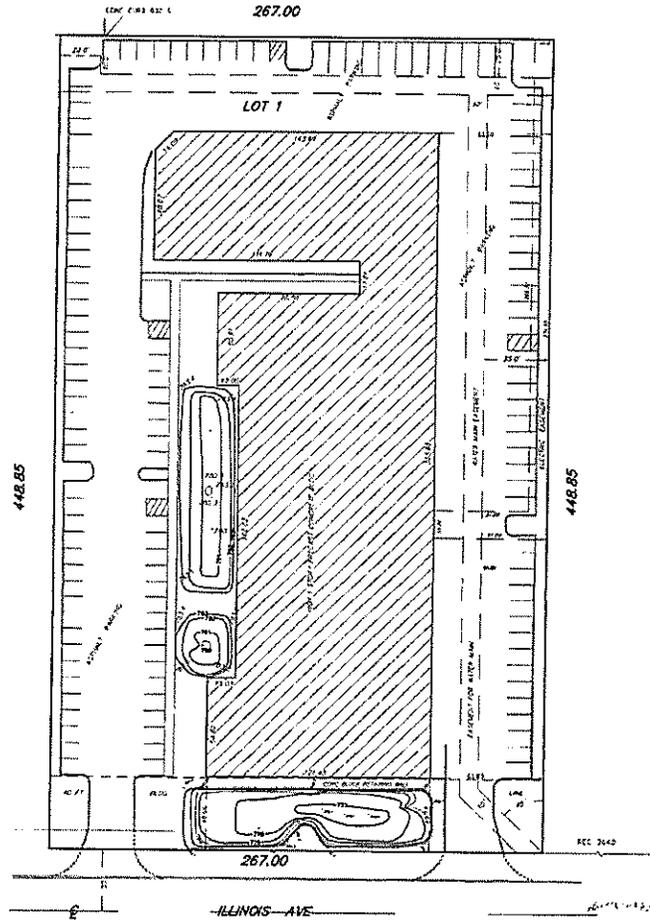
FILED FOR RECORD  
1999 MAR 19 AM 10:15  
REC'D

ST. CHARLES COMMONS CONDOMINIUMS

PLAT OF SURVEY  
JAMES M. ELLMAN

LOT 1 IN S. CHARLES COMMONS CONDOMINIUMS BEING A REDEVELOPMENT IN PART OF THE 150  
STANLEY LINDSAY INDUSTRIAL DEVELOPMENT OF THE CENTRAL AURORA-BAVING STREET IN SECTION  
20, TOWNSHIP 40 NORTH RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE  
PLAT THEREOF REFERENCED ABOVE DATED 1993 AS INSTRUMENT NUMBER REGISTERED IN SAID COUNTY  
CLERK'S OFFICE.

PLAT OF SURVEY



○ BENCH MARK  
FIN OF GRAN M/P  
ELEV. 383.95

NOTE  
VELOC. OF THE THREE RETENTION BASINS ARE 22,000 G.P.M.

THIS PLAT IS PREPARED IN ACCORDANCE  
WITH AND IS SUBMITTED IN COMPLIANCE  
WITH THE CONDOMINIUM PROPERTY ACT.

SUBMITTED BY  
FIRST AMERICAN TITLE TO RANGE  
COUNTY  
ONE CONDOMINIUM DRIVE - SUITE 2  
AURORA, IL 60402

Ordered by: ALDES CONSTRUCTION CO. INC  
Order No: 990223  
Date Issue: APR - 30 1999  
Code: 1999K029217

EXEMPT ALL OTHERS FROM BEING BOUND BY THIS ONE OF  
THESE PLATS AND COPIES THEREOF BY THE USE OF  
OTHER INSTRUMENTS AND COPIES THEREOF BY THE  
RECORDING OFFICE AND THE COUNTY CLERK'S OFFICE.

NOT VALID UNLESS ENDORSED

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS  
I, James M. Ellman, being duly sworn, depose that the above  
DESCRIBED PROPERTY HAS BEEN SURVEYED ACCORDING TO THE PLAN  
AND THAT THE PLAT HEREON SHOWN IS A CORRECT REPRESENTATION  
OF SAID SURVEY.

BY: James M. Ellman  
LICENSED PROFESSIONAL LAND SURVEYOR No. 2186



# City of St. Charles, Illinois

**Ordinance No.: 2020-Z. 10**

**An Ordinance Granting Approval of a Special  
Use for a Recreational Cannabis Dispensing  
Organization in the M-2 Limited  
Manufacturing District (3714 Illinois Ave. –  
Zen Leaf St. Charles**

**Adopted by the  
City Council  
of the  
City of St. Charles  
May 18, 2020**

Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, **May 25, 2020**



\_\_\_\_\_  
City Clerk



**(S E A L)**

**City of St. Charles**  
**Ordinance No. 2020-Z- 10**

**An Ordinance Granting Approval of a Special Use for a Recreational Cannabis Dispensing Organization in the M-2 Limited Manufacturing District (3714 Illinois Ave. – Zen Leaf St. Charles)**

WHEREAS, on or about October 28, 2019, Healthcare Services of West Illinois, LLC (“the Applicant”) filed a petition for Special Use for a Recreational Cannabis Dispensing Organization for the real estate commonly known as 3714 Illinois Ave. and legally described in Exhibit “A”; said Exhibit being attached hereto and incorporated herein (the "Subject Property"), for the purpose of allowing a Recreational Cannabis Dispensing Organization on the Subject Property; and,

WHEREAS, on or about October 28, 2019, the Applicant also filed a petition for General Amendment to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles, to add “Recreational Cannabis Dispensing Organization” as a Special Use in the M-2 Limited Manufacturing District, and approval of the petition for Special Use was predicated on and dependent upon the granting of the Petition for General Amendment, and;

WHEREAS, Notice of Public Hearing on said petition for Special Use was published on or about November 2, 2019 in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission conducted a public hearing on or about November 19, 2019, December 3, 2019, and December 17, 2019 on said Special Use petition in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said petition and all interested parties were afforded an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of said petition on or about December 17, 2019; and,

WHEREAS, the Planning & Development Committee of the City Council reviewed said petition on or about January 13, 2020, February 20, 2020, and March 9, 2020; and,

WHEREAS, on or about March 9, 2020, the Planning & Development Committee of the City Council voted on a motion to recommend approval of said Special Use petition, which said motion failed; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning & Development Committee and has considered the same; and,

WHEREAS, on or about April 6, 2020, the City Council of the City of St. Charles granted a 90-day extension requested by the Applicant to allow for additional review of the Special Use application; and,

WHEREAS, the City Council of the City of St. Charles has approved the petition for General Amendment to add “Recreational Cannabis Dispensing Organization” as a Special Use in the M-2 zoning district.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.
2. That passage of this Ordinance shall constitute approval of a Special Use for an a Recreational Cannabis Dispensing Organization with respect to the Subject Property pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, and based upon the Applicant’s petition and the evidence presented at the Public Hearing, the City Council hereby adopts the Findings of Fact for Special Use, set forth in Exhibit “B”, which is attached hereto and incorporated herein.
3. That approval of said Special Use for a Recreational Cannabis Dispensing Organization is subject to substantial compliance with the plans attached hereto and incorporated herein as Exhibit “C”.
4. The Subject Property shall be developed and used only in accordance with all ordinances of the City as now in effect and as hereafter amended, and subject to the following conditions:
  - a. The Special Use granted in this Ordinance shall automatically expire eighteen (18) months from the Effective Date of this Ordinance, without any further action of the City of St. Charles and Healthway Services of West Illinois, LLC, for itself, affiliates, successors and/or assigns, shall (i) thereupon immediately cease to operate the Recreational Cannabis Dispensing Organization, and (ii) hereby waives any and all rights to the continuation of the Special Use granted in this Ordinance, specifically, but without limitation, any right to a hearing.
  - b. The applicant shall put forth its best efforts to update parking lot lighting to meet Illuminating Engineering Society standards for retail parking, recognizing any such lighting improvements would require approval of the St. Charles Commons Condominium Association.
  - c. Additional security cameras shall be installed to monitor the exterior of the condominium unit and its parking spaces.
  - d. Additional signage regarding prohibition of on-site consumption shall be posted.

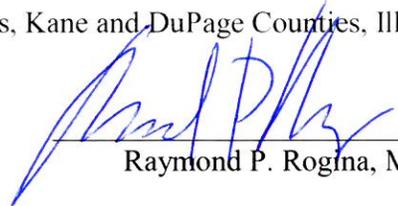
5. Within 30 days of the Effective Date of this Ordinance, the Applicant shall provide to the City an indemnification in substantial conformance with the language attached hereto and incorporated herein as Exhibit "D".

6. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of May 2020.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of May 2020.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18<sup>th</sup> day of May 2020.

  
Raymond P. Rogina, Mayor

Attest:  
  
Charles Amenta, City Clerk

Vote:  
Ayes: 6  
Nays: 4  
Absent: 0  
Abstain: 0  
Date: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

UNIT C IN ST CHARLES COMMONS CONDOMINIUM, AS DELINEATED ON A PLAT OF SURVEY OF THE FOLLOWING DESCRIBED TRACT OF LAND: LOT 1 IN ST. CHARLES COMMONS SUBDIVISION BEING A RESUBDIVISION OF UNIT 1 IN THE "ST CHARLES" ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT IN SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANE COUNTY, ILLINOIS, WHICH PLAT OF SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED MARCH 19, 1999 AS DOCUMENT NUMBER 1999K029217; TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, AS SET FORTH IN SAID DECLARATION.

Commonly known as 3714 Illinois Avenue, St. Charles, Illinois

PIN #09-25-401-031

**EXHIBIT "B"**

**FINDINGS OF FACT FOR SPECIAL USE**

**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. The proposed development is expected to have minimal 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 17 spaces.
3. Proximity to the Route 64 (Main Street) retail corridor. A comparable land use already operates on the site of the proposed Recreational Cannabis Dispensing Organization and the location is approximately 1/4 mile (5-min walk) away from the Route 64 retail corridor. Sales to adult-use consumers at the site where a comparable use is already safely operating may attract increased customers to the City's nearby retail areas, therefore the proximity of the proposed location will serve the public's convenience.
4. Consolidation of Medical and Recreational Cannabis Dispensaries. The public convenience will be further served by consolidating the Medical and Recreational Cannabis Dispensaries into a single location. Unless the Special Use is granted, there will be two cannabis dispensaries (one Medical and one Recreational) located on the east side of St. Charles. By granting this Special Use, the infrastructure and services required for the dispensaries from the public will be consolidated into one location for greater convenience.

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

1. The 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 is expected to have minimal impact on the existing traffic operations of the area roadway network.

2. There are no known drainage issues at the site. The proposed Recreational Cannabis Dispensing Operation is comparable to the existing Medical Cannabis Dispensing Organization currently operating on-site. The proposed use will be accommodated with minimal changes to the internal floor plan of the facility. There are no site changes proposed to accommodate the new use; therefore, there will be 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 17 spaces. Based on the parking analysis completed, a proposed supply of 17 spaces is adequate to accommodate the anticipated parking demand for the proposed Recreational Cannabis Dispensing Organization. Employees will 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 of 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.

**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 proposed 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 proposed use will continue to strictly enforce rules banning on-site consumption. The proposed Special-use 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 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.

**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 Special-use is located on a site that is already developed where a comparable retail use (Medical Cannabis Dispensing Organization) is already operating. If the special use is granted, the current operations at the proposed location will not materially change by adding a recreational cannabis use. The City has adopted proposed use standards for Recreational Cannabis Dispensing Organizations and the proposed special use complies with each of the standards. Through compatibility with the existing permitted medical cannabis use and compliance with adopted zoning ordinance use standards, the proposed Special-use 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. Based on its compatibility with the Special-use requested, the minimal impact of the existing Medical 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 Special-use is comparable to the use of Medical Cannabis Dispensing Organization, which 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 will be met. Compliance with all local and state laws will be met and strict enforcement banning on-site consumption rules will 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 Special-use could 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.**

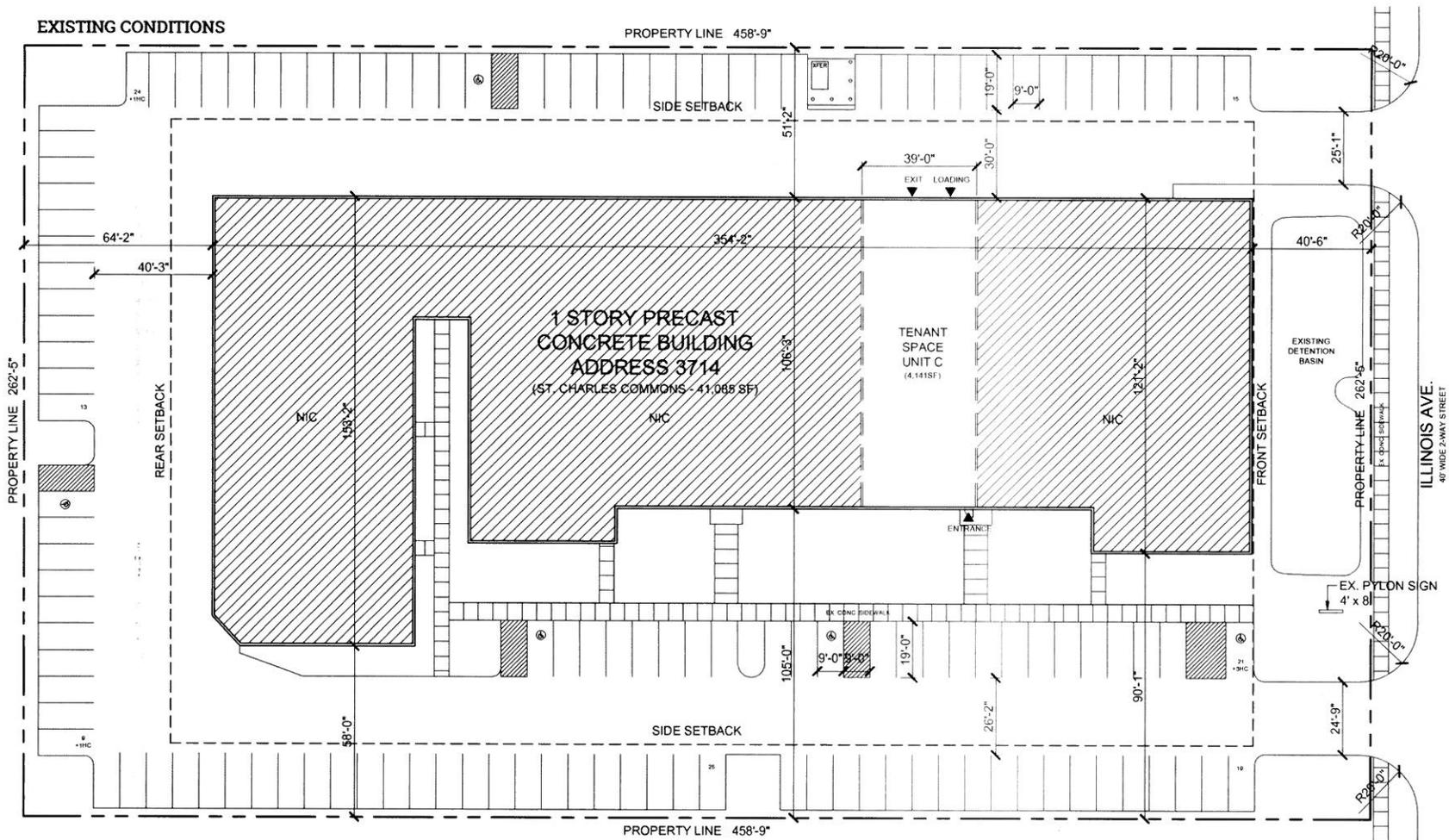
The proposed Special-use to allow Recreational Cannabis Dispensing Operations meets or exceeds all applicable provisions of this Title.

**EXHIBIT "C"**

**PLANS**



**EXISTING CONDITIONS**



**SITE PLAN**  
Sheet 14-1-12

**ZONING INFORMATION:**

- 1. SITE PLAN FOR PROPOSED ZEN LEAF DISPENSARY BY VERANO HOLDINGS
- EXISTING ZONING CLASSIFICATION: MD
- PROPOSED ZONING CLASSIFICATION: MD
- SITE AREA: 2.78 AC. (130,374 SF)
- EXISTING NOT CHANGING
- BUILDING HEIGHT: 24'-0"
- EXISTING NOT CHANGING
- PARKING: 132 x 8'6" x 13'6" STALLS @ 20'
- EXISTING NOT CHANGING
- TENANT SPACE - UNIT C
- AREA: 4,141 SF
- PARKING REQ'D: 3,100 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 REQUIREMENT 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
- PHOTOMETRIC INFORMATION PERTAINING TO LOCATIONS OF PROPOSED LIGHTING FIXTURES - EXISTING SITE, INTERIOR BUILD-OUT ONLY - REQUIREMENT NOT APPLICABLE

**collectiveoffice**

ARCHITECTURE  
INTERIORS  
DESIGN STRATEGY

91401 24th St., Chicago, Illinois 60618  
(312) 853-2999 | www.collectiveoffice.com

VERANO HOLDINGS/ST. CHARLES COMMONS  
3714 ILLINOIS AVE., UNIT C  
ST. CHARLES, IL 60174



FOR INFORMATION ONLY  
NOT FOR PERMIT OR CONSTRUCTION

Project: VERANO HOLDINGS/  
ZEN LEAF DISPENSARY

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

Sheet No: **SITE PLAN**

Sheet No: **A101**

Date: 10-25-2019

Information: 10-25-2019



**EXHIBIT "D"**

**INDEMNIFICATION**

A. Indemnification:

West Capital, LLC, for itself, affiliates, successors and assigns ("Zen Leaf"), releases from and covenants and agrees that the City of St. Charles ("City"), its Mayor and Council governing body, officers, employees, agents, including independent contractors (collectively, the "Indemnified Parties"), shall not be liable for and agrees to indemnify and hold harmless the Indemnified Parties against any loss, damage, claims, demands, suits, costs, expenses (including reasonable attorneys' fees), actions or other proceedings whatsoever by any person or entity whatsoever arising or purportedly arising from the actions, inactions or obligations of Zen Leaf and its officers, employees, agents and/or contractors (or if other persons acting on its behalf or under its direction or control) ("Indemnified Claims"), resulting from, are caused by or in any way related to

- a) the failure of Zen Leaf to comply with any of the terms, covenants or conditions of the Special Use permit; or
- b) any material misrepresentations or omissions of Zen Leaf relating to the Special Use permit which are the result of information supplied or omitted by Zen Leaf or by its agents, employees, contractors or persons acting under the control or at the request of Zen Leaf; or
- c) any claim, cause of action and/or legal proceedings brought by a third party resulting from, caused by, arising out of or in any way related to the City granting the Special Use permit and for the operation of Zen Leaf at 3714 Illinois Avenue, Unit C, St. Charles, Illinois.

The provisions of this Section shall not apply to a loss which arises out of intentional misconduct on the part of the Indemnified Parties seeking indemnification, or a loss or portion thereof, or which arises, in whole or in part, out of gross negligence on the part of such Indemnified Parties, but only to the extent that such Indemnified Parties' misconduct or gross negligence contributed to the loss, or that the loss is attributable to such Indemnified Parties' misconduct or negligence.

B. Third Party Litigation:

In the event that any third party or parties institute any legal proceedings against Zen Leaf and/or the City which result from, are caused by or in any way relate to the City's granting of this Special Use permit, except, however, in the event of the City's intentional misconduct, or gross negligence, then, in that event, Zen Leaf, on notice from the City to Zen Leaf, the other party shall assume, fully and vigorously, the entire defense of such lawsuit and all expenses of whatever nature relating thereto; provided, however:

- a) neither party shall make any settlement or compromise of the lawsuit, or fail to pursue any available avenue of appeal of any adverse judgment, which would impose any liability on the other party, without the prior approval of that party; and
- b) if the City, in its sole discretion, determines there is, or may probably be, a conflict of interest between the City and Zen Leaf, on an issue of importance to the City having a potentially substantial adverse effect on the City, then the City shall have the option of being represented by its own legal counsel. In the event the City exercises such option, Zen Leaf shall reimburse the City from time to time on written demand from the City and notice of the amount due for any expenses, including but not limited to court costs, reasonable attorneys' fees and witnesses' fees, and other expenses of litigation, incurred by the City in connection therewith.

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on **May 18, 2020**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-Z 10** entitled:

**An Ordinance Granting Approval of a Special Use for a Recreational Cannabis Dispensing Organization in the M-2 Limited Manufacturing District (3714 Illinois Ave. – Zen Leaf St. Charles**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020-Z<sup>10</sup>**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **May 25, 2020**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this **18th** day of **May 2020**.

  
\_\_\_\_\_  
Municipal Clerk

(S E A L)





# Memo

Date: September 17, 2021

To: Members of the Plan Commission (via City Planner Ellen Johnson)

From: James Keegan, Chief of Police

Re: Zen Leaf-3714 Illinois Avenue

---

The purpose of this memorandum is to document and pass-along the police activity related to Zen Leaf at 3714 Illinois Avenue as it pertains to their request for a Special Use extension at this location. This request is for a period of 6-months. It is my understanding that once this extension expires, they plan on moving to their new location; 3691 E. Main Street.

I reviewed all police-related calls for service dating back to the effective date of their recreational cannabis approval at this location (June 1<sup>st</sup>, 2020). Although our police department has been out to this location several times for service related calls (alarms, traffic accident and premise checks), we did not investigate or respond to a single crime or violation of law during this time period.

If I can be of any further assistance in this matter, please advise.

**From:** [Linda Reilly Murphy](#)  
**To:** [CD](#); [Johnson, Ellen](#)  
**Cc:** [MaryBeth DeBord](#); [Reilly Murphy](#)  
**Subject:** REVISION St Charles Commons Parking Lot Proposal for Zen Leaf Prior to Public Hearing re Zoning Extension  
**Date:** Tuesday, September 21, 2021 11:31:58 AM  
**Attachments:** [image001.png](#)  
[21-1148-P Revised St. Charles Commons Pave 7.15.21.pdf](#)  
[St Charles Commons Proposal to Zen Leaf.docx](#)

---

Community Development Division of St Charles,

The Association has a proposal for Zen Leaf with their request for an extension of the Special Zoning to stay in the St Charles Commons industrial building for another 6 months.

Severe, heavy, Zen Leaf customer traffic in the front or west parking lot of the Commons has expedited the association's plan to pave the asphalt this year instead of 2023 or later.

The association is asking Zen Leaf to help with the paving cost incurred with the front parking lot, for more than normal wear and tear with "as many as 600 cars per day" (Zen leaf forecast in 2019).

All paperwork is on the attachments; the paving bid, proposal and pictures.

Zen Leaf has agreed to replace the Crab Apple tree removed for camera access by the state police in front of their unit and cover the cost of new grass near the sidewalk access to their unit.

Besides the paving request, the St Charles Commons Association would like the Planning Commission, Planning and Development Committee, and City Council to prohibit any further Retail or Special Use Zoning changes to the building once Zen Leaf has moved their location in the Commons.

Thank you for your consideration.

Linda Reilly Murphy  
St Charles Commons Association President

Metalloy  
3728 Illinois Ave  
St. Charles IL 60174  
630-841-8888  
[www.metalloyco.com](http://www.metalloyco.com)



P. O. Box 9207  
Naperville, IL 60567  
Main Number: 630-420-8765  
Fax Number: 630-922-3871  
Website: www.maulasphalt.com

DATE: July 15, 2021

Sales Representative: Stephen Kalina  
W.O. # 21-1148-P

St. Charles Commons  
c/o Linda Reilly Murphy  
3728 Illinois Ave.  
St. Charles, IL 60174  
Ph:630-841-8888

Email: linda@metalloyco.com

**REVISED: Mill and Resurface West Parking Lot (See site Map attached)**

**Square Footage: 14,148**

- Surface grind up to 2.00" existing asphalt surface area.
- Grind depth not to exceed 2.00".
- Dispose of asphalt spoils at approved dumpsite.
- (Additional charge required for any removal or re-installation of sub-base, "binder or CA-6 Gravel", to insure stable sub-base exists prior to installation of surface layers.)
- Check drainage basins prior to pavement installation.
- Tack coat asphalt surface.
- Level with hot surface asphalt as needed.
- Install up to 2.00" surface course material. (no change in pavement elevation or drainage are planned.)
- Roll to compaction with vibratory roller.

**Patching in 2 Areas on the Northeast Side of the Building Square Footage: 544**

- Saw Cut and Tear out up to 4" depth of existing asphalt surface in 2 areas.
- Tear out depth not to exceed 4".
- Dispose of asphalt spoils at approved dumpsite.
- (Additional charge required for any removal or re-installation of sub-base, "CA-6 Gravel", to insure stable sub-base exists prior to installation of binder and surface layers.)
- Compact existing stone base.
- Roll to compaction with vibratory roller.
- Install 4" of surface course material in 2 lifts.
- Roll to compaction with vibratory roller.

**Striping Services:**

Layout and Restripe per existing layout. Restriping completed in yellow or white material meeting or exceeding Illinois State Specifications M-122-96. 49 yellow stripes / 98 Digits / 3 handicap spaces.

Continued



PAVING ▲ SEALCOATING ▲ CONCRETE

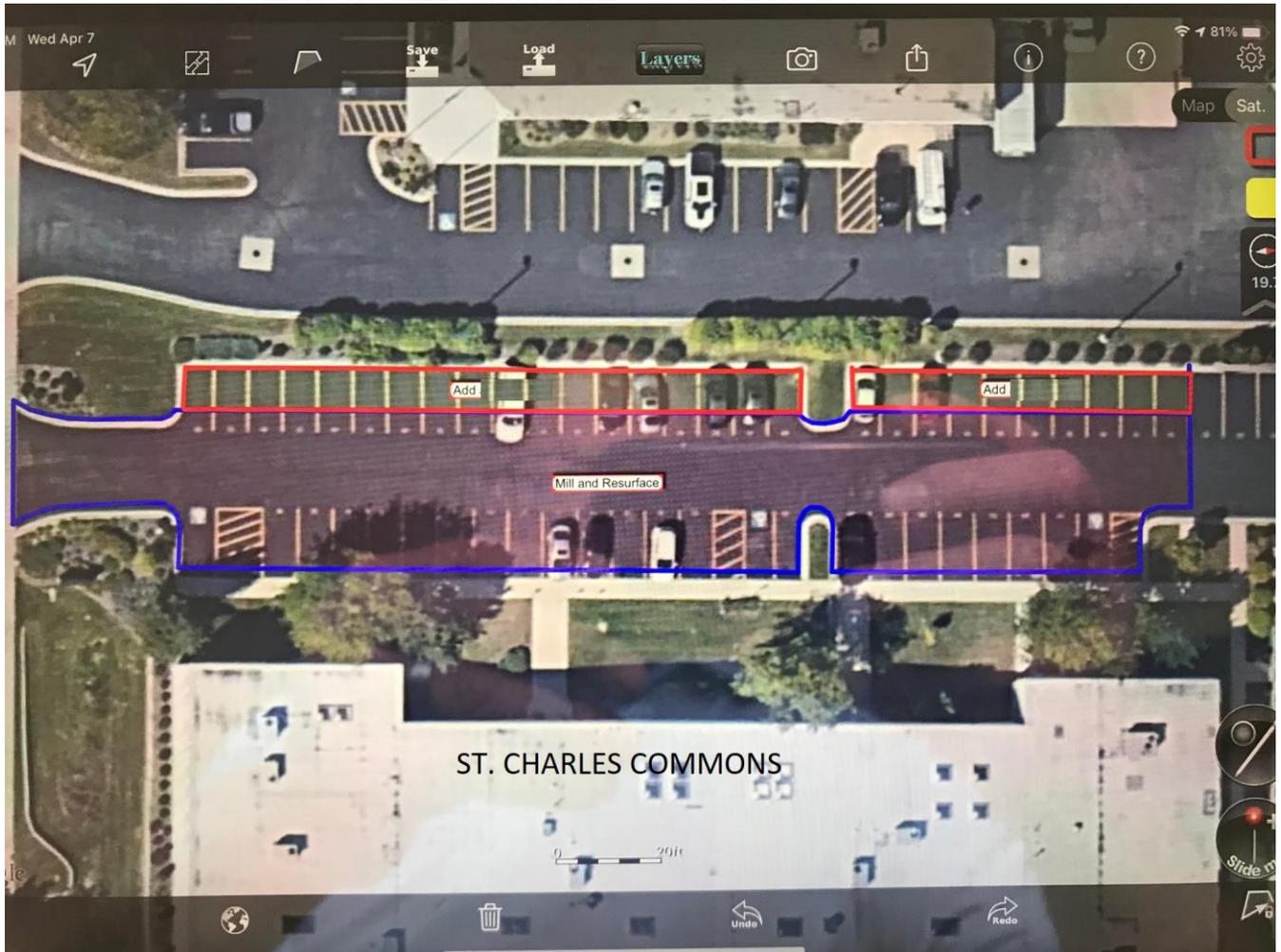
We propose to furnish material and labor in accordance with above specifications, for the sum of **\$34,505.00**.

**Option:** Project to be scheduled and completed on a Saturday for an additional \$5,000.00. **Initial**

**TERMS:** Payment in full due upon completion of work unless terms have been agreed upon and made part of this contract in writing.

**ACCEPTANCE:** If this proposal meets with your approval and you desire to enter in a contract with us, please sign and return a copy. The terms and provisions on the front and backside of this proposal are part and parcel of this proposal being made. Acceptance of this proposal constitutes full acceptance to be bound by the terms and provisions set forth on the backside of this proposal as part of this agreement of the parties.

**ACCEPTED BY:** \_\_\_\_\_ **BY:** \_\_\_\_\_  
OWNER/AUTHORIZED SIGNATURE MAUL PAVING





**PROVISIONS: MAUL PAVING, INC., HERINAFTER CALLED "MAUL" STATES:**

1. Maul shall not be held liable for failure or delay in commencement or completion of work due to weather, strikes, government regulations or requirements, shortages or failure of materials, breakdown of equipment or any other causes beyond Maul's reasonable control, whether similar or dissimilar to those listed above. In no event shall Maul be liable for any special or consequential damages or claims due to failure or delay of work.
2. This proposal is based on current cost and is subject to change or cancellation if not accepted within 21 days.
3. In the event that timely payment is not received by Maul, then should Maul refer this matter to its attorneys for collection, the Buyer agrees that Buyer will be responsible for and pay all reasonable attorney's fees incurred by Maul for work performed by its attorneys, whether said work is performed in court or out of court, and regardless of whether said work is performed before a lawsuit is filed or after a lawsuit is filed.
4. Any work not completed and carried over to the next paving season will be subject to a price adjustment. If paving is delayed beyond the current paving season, the expense of maintaining or repairing the base work in preparation for paving shall be an additional charge to be paid by Buyer.
5. If final payment is not made within the time stipulated under "terms" Buyer agrees that Maul may take all action necessary to impose liens upon the subject property and on other properties in which the Buyer has an interest, real or personal.
6. Maul is not responsible for damage on newly paved asphalt, due from truck traffic which includes overlength trucks, box trucks, forklifts, any large vehicles or machinery that results in damage will not be the Maul's responsibility.
7. Maul is not responsible for tire marks, vehicles / machinery exceeding 4 tons of weight on area, landscape and above and below grade irrigation damage.
8. Maul is not responsible for landscape areas in which it will affect the Paver's work or cause of delay due to overhang landscape, bushes or any other forms of obstructions not being cut back / removed.
9. Maul is not responsible for any damage incurred to existing sprinkler systems, electrical systems, or concrete curbing or flatwork.
10. Paving work is not guaranteed when base work and/or preparation work is done by others in addition trench backfill work by others will not be guaranteed.
11. Barricades and customized traffic control, as necessary for job site, will be an extra charge.
12. Allowance of 1% standing water at completion, which is industry standard.
13. Maul is not responsible for damages to parking blocks.
14. Maul will do the necessary steps for HOA. Maul is not responsible for any issues that may arise in work that can't be avoided.
15. Customer is responsible for any costs due to State of Illinois testing requirements
16. Map and/or drawings included in bid are not to scale. They serve as a guide only to illustrate general location of repair area.
17. Any alteration or deviation from above specifications involving extra costs will be executed only upon written change orders and will become an extra charge over and above this estimate.
18. Pricing is subject to adjustment if current parking lot contains any geo-textile materials, as well as, any other non-asphalt-based materials.
19. Pricing is based on work being performed Monday – Friday. Additional charge for Saturday work
20. Bid prices are subject to change due to increased raw material costs after the date of contract. If requested, proof of increases will be provided (raw material tickets from asphalt provider). Pricing is based on current material costs: \$52.00 per ton (surface material), \$46.00 per ton (binder material), which does not include charges for leveling additional binder will be \$50.00 per truck load (dump fees) and \$11.00 per ton of CA-6 gravel material plus sales tax if required.
21. In the event there is a substantial increase in the cost of fuel, vendor will impose a fuel surcharge on the final invoice. Fuel surcharges will be calculated using the AAA average fuel index cost for the "Chicagoland Area" on the completion date of the contract. When the average is above \$3.50/gallon on the date the work is completed we reserve the right to add a fuel surcharge of \$350.
22. A service charge of 1.75% will apply on all balances over 30 days from date of completion of work. This is an annual percentage rate of 21%. A late fee of \$150.00 will be charged to all unpaid invoices after thirty days in addition to finance charges.
23. Deposit of 50% of total cost is due prior to the start of work. Locations Specific.
24. Maul is authorized to subcontract any or all of the proposed work. Maul's subcontractors warrant that they will carry public liability, and property damage insurance.
25. Contract is binding - Customer agrees to pay 25% processing/handling fee in the event the customer cancels the contract prior to the start of the job.
26. Permitting Fees will be additional charge

**ACCEPTED BY:** \_\_\_\_\_  
OWNER/AUTHORIZED SIGNATURE

**BY:** \_\_\_\_\_  
MAUL PAVING





September 10, 2021

## **Proposal**

**To:** Zen Leaf at 3714 Illinois Avenue, St. Charles IL 60174

**From:** St Charles Commons Condominium Association at 3728 Illinois Ave 60174

### **Purpose:**

The front (west) parking lot of the association building has had more traffic in the past 18 months and needs to be paved. The association had planned on resealing the pavement for a few more years. The association is looking for Zen Leaf to cover the cost of the expedited paving requirement due to the very heavy Zen Leaf customer traffic.

Also included with the proposal are pictures of the specific area with potholes and pavement erosion, and the quote from Maul Paving.

The Maul Paving costs are \$39,505.00 for paving on the weekend (only) to avoid delivery traffic during the week.

Parking will be open in the rear (on the east side) of the building on the paving day.

**Response date required:** Friday September 17, 2021 -prior to the St Charles City Council Public Hearing on Tuesday September 21 requesting Zen Leaf zoning extension for 6 more months to May 22, 2022.

Submitted by Linda Reilly Murphy, Association Board President, and the St Charles Commons Association Board