

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC1

Title:

Consideration of a 90-day extension for final City Council action on the General Amendment and Special Use applications filed by Healthway Services of West Illinois, LLC (Zen Leaf)

Presenter:

Rita Tungare

Meeting: City Council

Date: April 6, 2020

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted: ☐**Executive Summary** (*if not budgeted please explain*):

On March 9, 2020, the P&D Committee voted on motions to approve a 1) General Amendment to the Zoning Ordinance to add "Recreational Cannabis Dispensing Organization" as a Special Use in the M-2 Limited Manufacturing zoning district and 2) Special Use to establish a Recreational Cannabis Dispensing Organization, Zen Leaf, at 3714 Illinois Ave. in the M-2 zoning district. Both motions to approve failed by votes of 4-5. In accordance with the Committee action, staff has prepared Ordinances for denial of both applications, which are subsequently listed on tonight's agenda.

The City Code identifies a 90-day timeframe for the City Council to take action on a Special Use application following the receipt of the Plan Commission recommendation (Section 17.04.330.C.3.b). The 90-day timeframe for the Zen Leaf special use application extends to April 12, 2020. The code allows for an extension if mutually agreed upon by the City Council and the applicant that more time is required.

Schain Banks, the attorney for the applicant, Healthway Services of West Illinois, LLC, has requested a 90-day extension for review of both the General Amendment and Special Use applications. The request letter is attached.

The extension request identifies that the applicant intends to provide additional information in response to the Committee discussion. This type of discussion customarily occurs at the Committee level.

Therefore, if the extension is to be granted, it would be most appropriate to refer the General Amendment and Special Use applications back to Planning & Development Committee for review on the next meeting date, May 11, 2020.

Attachments (*please list*):

Request letter

Recommendation/Suggested Action (*briefly explain*):**If approving the request, make two motions:**

1. Motion to grant a 90-day extension for final City Council action on the General Amendment and Special Use applications filed by Healthway Services of West Illinois, LLC (Zen Leaf).
2. Motion to refer the General Amendment and Special Use applications filed by Healthway Services of West Illinois, LLC (Zen Leaf) back to the Planning & Development Committee for review on May 11, 2020.

(If both motions pass, no Council action is to be taken on Items C2, C3, C4 & C5)

If denying the request:

Motion to deny a 90-day extension for final City Council action on the General Amendment and Special Use applications filed by Healthway Services of West Illinois, LLC (Zen Leaf).

(If denial motion passes, Council will now need to take action on Items C2, C3, C4 & C5)

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VIA E-MAIL

April 2, 2020

Nicholas S. Peppers
Storino, Ramello & Durkin
9501 W. Devon Avenue, Suite 800
Rosemont, IL 60018

Re: *Healthway Services of West, Illinois ("Zen Leaf")*

Dear Mr. Peppers:

Given the uncertainty that has resulted from the COVID pandemic and the pending state legislation to amend the state cannabis statute, we request an extension for an additional 90 days of the initial 90 day limitation provided for under Section 17.04.330.c.3.b of the St. Charles Zoning Ordinance for City Council to act upon the recommendations received from the Plan Commission.

Zen Leaf would like additional time to work with St. Charles' staff on the application for a General Text Amendment and on any conditions to the Special Use Permit application, such as the sunset clause, and continue to work with its neighbors to effectuate any other potential conditions recommended by staff on a special use permit.

We remain hopeful that City Council will reconsider the Planning and Development Committee's recommendation to deny our applications. Should City Council grant our request for an extension of an additional 90 days under Section 17.04.330.c.3.b., Zen Leaf hopes that City Council will remand the matters back to City Council's Planning and Development Committee's May 11, 2020 meeting.

Should you have any questions, please do not hesitate in contacting me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tyler Manic', with a stylized, cursive script.

Tyler Manic