

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC2

Title:

Motion to approve An Ordinance Denying an Amendment to Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.16 “Office/Research, Manufacturing and Public Lands Districts”, Table 17.16-1 “Permitted and Special Uses” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 Limited Manufacturing District
(Deny the General Amendment)

Presenter:

Rita Tungare

Meeting: City Council

Date: May 18, 2020

Proposed Cost: N/A

Budgeted Amount: N/A

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

On March 9, 2020 the P&D Committee voted on a motion to approve a General Amendment to the Zoning Ordinance proposing to add “Recreational Cannabis Dispensing Organization” as a Special Use in the M-2 Limited Manufacturing zoning district. The motion to approve failed by a vote of 4-5.

At the April 6, 2020 City Council meeting, ordinances for denial of the General Amendment and Special Use applications were placed on the agenda for action. No final action was taken on the ordinances. Instead, the City Council granted a 90-day extension requested by Healthway Services of West Illinois, LLC to allow for additional review of both the General Amendment and Special Use applications. Both applications were referred back to P&D Committee for review.

Information on the General Amendment application has been posted in the meeting packet for the Special P&D Committee meeting on 5/18/2020.

Attached Ordinance:

Staff has prepared an ordinance with findings for denial of the General Amendment, based on past Committee discussions. The findings are attached as Exhibit A of the ordinance.

(The applicant, Healthway Services of West Illinois, LLC, also submitted an application for Special Use to establish a Recreational Cannabis Dispensing Organization (Zen Leaf) at 3714 Illinois Ave. in the M-2 District. Approval of this General Amendment would be required in order for the Special Use application to be approved.)

Attachments *(please list):*

Ordinance

Recommendation/Suggested Action *(briefly explain):*

Motion to approve An Ordinance Denying an Amendment to Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.16 “Office/Research, Manufacturing and Public Lands Districts”, Table 17.16-1 “Permitted and Special Uses” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 Limited Manufacturing District.

City of St. Charles, Illinois
Ordinance No. 2020-Z-

**An Ordinance Denying an Amendment to Title 17 of the St. Charles
Municipal Code Entitled “Zoning”, Ch. 17.16 “Office/Research,
Manufacturing and Public Lands Districts”, Table 17.16-1 “Permitted and
Special Uses” to add Recreational Cannabis Dispensing Organization as a
Special Use in the M-2 Limited Manufacturing District**

WHEREAS, on or about October 28, 2019, Healthway Services of West Illinois, LLC (“the Applicant”) 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, regarding adding “Recreational Cannabis Dispensing Organization” as a Special Use in the M-2 Limited Manufacturing District; and,

WHEREAS, Notice of Public Hearing on said petition 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 and December 3, 2019, on said 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 had 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 General Amendment 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 General Amendment application.

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 denial of the petition for General Amendment, and pursuant to Title 17, Chapter 17.04 "Administration", Section 17.04.320 "Zoning text and map amendments", City Council finds that the proposed amendment, under Item #1) is not consistent with the City Comprehensive Plan, Item #2) is not consistent with the intent and general regulations of Title 17, and Item #3) is not in the public interest and serves solely the interest of the applicant, the findings attached hereto and incorporated herein as Exhibit "A" are expressly adopted by the corporate authorities of the City.

3. 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 18th day of May 2020.

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

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

Raymond P. Rogina, Mayor

Attest:

Charles Amenta, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: _____

EXHIBIT “A”

FINDINGS FOR GENERAL AMENDMENT

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

The area encompassing the M-2 zoning district is identified in the Land Use Plan as “Industrial/Business Park”, described as follows (p. 39) : *Areas designated for industrial/business park are intended to accommodate a variety of uses ranging from light assembly, storage and distribution, low intensity fabrication operations, research and “tech” industry applications, intense commercial service uses, and more. These areas are also intended to provide for business park/office park uses, which could include “stand alone” office buildings and complexes or several buildings incorporated into a “campus like” setting.*

A “Recreational Cannabis Dispensing Organization” is a retail use that serves customers. Retail uses are not identified as a type of business intended for “Industrial/Business Park” areas. “Industrial/Business Park” land uses are intended to accommodate “a variety of uses ranging from light assembly, storage and distribution, low intensity fabrication operations, research and “tech” industry applications, intense commercial service uses”.

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

The intent of the M-2 Limited Manufacturing District is as follows (Section 17.16.010): *The purpose of the M-2 Limited Manufacturing District is to accommodate a wide range of manufacturing, assembly, processing, warehousing and office/research activities, both as individual users and in a business park setting. New development and redevelopment in this District shall focus on providing sufficient setbacks, and adequate landscaping and buffering from adjacent nonindustrial uses and public rights-of-way. Outdoor storage and loading, and other outdoor activities, shall be adequately screened.*

A “Recreational Cannabis Dispensing Organization” is a specific type of retail use that serves customers. Retail uses are not identified in the purpose statement for the M-2 District. The M-2 district is intended to accommodate “manufacturing, assembly, processing, warehousing and office/research activities.” “Retail Sales” uses are permitted only in Business and Mixed Use districts. The only Retail Uses permitted in the M-2 district are “Heavy Retail and Service” uses which are more appropriate to locate in manufacturing districts, rather than business and mixed-use districts, because they are primarily intended to serve contractors or wholesale customers.

The M-2 district permits “Medical Cannabis Dispensing Organization”. However, a “Medical Cannabis Dispensing Organization” use only permits the sale of products for medical purposes to Medical Cannabis Patients that are registered with the State of Illinois, and does not allow for the sale to the general public as a retail product.

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

Not applicable.

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

The General Amendment is not in the public interest as it would allow for a use that is inconsistent with the purpose and intent of the M-2 zoning district. The City has already identified “Recreational Cannabis Dispensing Organization” as a Special Use in the BC Community Business and BR Regional Business zoning districts.

The General Amendment is proposed by an applicant that also submitted a Special Use application to establish a “Recreational Cannabis Dispensing Organization” in the M-2 District.

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

Not applicable.

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

If approved, a Special Use for a “Recreational Cannabis Dispensing Organization” could be requested for other properties within the M-2 Limited Manufacturing District.