

City of St. Charles, Illinois
Plan Commission Resolution No. 25-2019

**A Resolution Recommending Approval of a General Amendment to
Ch. 17.16 “Office/Research, Manufacturing and Public Land Districts” to
add Recreational Cannabis Dispensing Organization as a
Special Use in the M-2 District.**

Passed by Plan Commission on December 17, 2019

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, “Zoning”; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to 17.16 “Office/Research, Manufacturing and Public Land Districts” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District; and

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

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

The proposed amendment to allow Recreational Cannabis Dispensing Organizations as a Special Use in M2 district supports the following objectives for Industrial Areas found in Chapter 3 of the Comprehensive Plan.

- a. Industrial Objectives #1 – “Industrial Areas Objective #1 - “Preserve the integrity of the industrial park by preventing the encroachment of businesses or land uses that could impact the long term viability of industrial areas. Parking needs, traffic issues, and potential impacts to existing or future industrial business operations should be considered when uses such as entertainment or recreational uses, community facilities, schools, places of worship, etc. locate in industrial areas.”
 - i. The City has approved Medical Cannabis Dispensing Organizations as a permitted use in the M2 district. Recreational Cannabis Dispensing Organizations are a comparable retail use in all material respects to Medical Cannabis Dispensing Organizations. Therefore, it has been determined that these retail uses do not encroach on businesses or land uses or the long-term viability of industrial areas. Parking needs will be met based on the standards for Recreational Cannabis Dispensing Organizations as approved by the City of St. Charles. Traffic issues and potential impacts to existing or future industrial business operations will be considered via the Special-use process.
- b. Industrial Areas Objective #2 - “Establish and maintain regular lines of communication with industrial property owners and businesses.”

- i. By approving the General Text Amendment to allow Recreational Cannabis Dispensing Organizations, subject to the Special-use process, the City is establishing lines of communication with industrial property owners and businesses as well as members of the general public. The public hearing process as a condition to granting a special use will allow comments from City officials, stakeholders, and all other member of the public, to speak in a public forum to support, object, or speak in any other manner regarding the proposed amendment.
- c. Industrial Areas Objective #8 – “Ensure that all uses are effectively screened from adjacent properties and public rights-of-way, through the use of landscaping and fencing.”
 - i. As a comparable retail use to Medical Cannabis Dispensing Organizations, permitted in the M2 district, the City has already established a level of landscaping and screening that it has deemed sufficient for Recreational Cannabis Dispensing Organizations. By approving the General Text Amendment to allow Recreational Cannabis Dispensing Organizations, subject to the Special-use process, the City can enforce design standards found in the City’s Ordinance Chapter 17.26 – Landscaping and Screening to ensure that all proposed Recreational Cannabis Dispensing Organizations are adequately screened from adjacent properties and public rights-of-way through the use of landscaping and other screening mechanisms.
- d. Economic Development Goal #2 – “Work with the City’s economic development partners to maintain and strengthen a diverse tax base through the attraction, retention, and expansion of businesses in the City.”
 - i. Based on its compatibility to Medical Cannabis Dispensing Organizations, an approved use in the M2 district, the applicant is seeking a General Text Amendment to add Recreational Cannabis Dispensing Organizations as a Special-use in the M2 district. The addition of Recreational Cannabis Dispensing Organizations as an approved use in the City, as a result of a state act, will further strengthen and diversify the city’s tax base by introducing a new use to an area where a comparable use is already permitted.

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

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

- a. “Maintaining businesses and industrial areas that are attractive and economically viable.”

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

- a. Public Interest Statement #1 – The proposed amendment could allow for regional economic activity related to a newly established industry while limiting it in a way as to minimize potential impacts on the community.
 - i. Recreational Cannabis Dispensing Organizations was recently approved as a special use in the BC and BR Districts and was determined in the public interest as it provided regional economic activity to a newly established industry. The newly established industry of Recreational Cannabis Dispensing Organizations is comparable to Medical Cannabis Dispensing Organizations which are already allowed as a permitted use in the M2 district. Therefore, based on the compatibility between the proposed use and the existing use already permitted in the M2 district, it is reasonable to state that public benefits of allowing for regional economic activity related to a newly established industry would also apply to locations in the M2 district. In addition, the similar limiting factors such as a minimum separation requirement to “sensitive uses” and strict conformance banning on-site consumption are proposed to remain in place in order to minimize potential impacts on the community and preserve public interests.
- b. Public Interest Statement #2 – The special use review process will allow for public discussion of any Recreational Cannabis Dispensing Organization seeking to locate in St. Charles.
 - i. The special use review process is a benefit to public interest as it outlines a specific process and standards for the review and approval of proposed development. All special uses are subject to a public hearing where residents, land owners, and other City stakeholders are permitted to express their own concerns and interests in a public forum.
- c. Public Interest Statement #3 – The proposed ordinance would expand the sale of cannabis from solely medical patients to include adult-users thereby increasing the tax base for the public.
 - i. Medical Cannabis Dispensing Organization is a permitted use in the M2 district. Recreational Cannabis Dispensing Organization is a comparable retail use therefore should be allowed in the M2 district. Making a product available to a larger group of consumers will reasonably result in increased sales revenues which will in turn result in additional tax revenue to be paid to the City of St. Charles via funds that could be used to further public interests in the City.
- d. Public Interest Statement #4 – The amendment has been proposed in response to the State of Illinois Cannabis Regulation and Tax Act based on a comparable use which is already

permitted in the M2 district. Providing reasonable zoning regulations consistent with the law is in the public interest.

- e. Public Interest Statement #5 – The amendment would allow both Medical and Recreational Cannabis sales to occur at a single location, which would allow the City to consolidate its resources to address a single location. If this general text amendment is not passed, the St. Charles Zoning Ordinance currently allows for three dispensaries instead of the intended two dispensaries, which would result in the inefficient spread of public resources to accommodate three locations instead of two locations.

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

Per Section 17.20.010 – General use standards of the Zoning Ordinance, “Within the lists of permitted and Special-uses for each zoning district, some uses are specifically named, while others fall within a generic use definition (see Chapter 17.30.) A use that is not specifically listed in a zoning district or overlay and that does not fall within a generic use definition of Chapter 17.30, is prohibited within that district or overlay.” The proposed text amendment would specifically enumerate the “Recreational Cannabis Dispensing Organization” as a Special-use in locations in the City of St. Charles in the M2 district based on the compatibility of the use to Medical Cannabis Dispensing Organizations, which is already a permitted retail use in the district and in response to the State of Illinois Cannabis Regulation and Tax Act. There are no existing Recreational Cannabis Dispensing Organizations in the City; therefore, the proposed amendment will not create any nonconformities.

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

The proposed text amendment to allow Recreational Cannabis Dispensing Organization as a Special-use will apply to all properties in the M2 Limited Manufacturing District, subject to recently adopted use standards. Further, the general text amendment requires that any applicant satisfy the special use requirements to insure that there will not be adverse implications to similarly zoned property in the City. The proposed uses’ compatibility with existing permitted retail uses in the M2 district demonstrate the limited implications of the proposed text amendment on other similarly zoned property in the City.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.16 “Office/Research, Manufacturing and Public Land Districts” to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District.

Roll call vote:

Ayes: Wallace, Vargulich, Melton, Kessler, Purdy

Nays: Becker, Funke, Pretz, Holderfield

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Absent:
Motion carried 5-4

PASSED, this 17th day of December 2019.

Chairman