

City of St. Charles, Illinois
Plan Commission Resolution No. 26-2019

**A Resolution Recommending Approval of an Application for Special Use for
Recreational Cannabis Dispensing Organization for Zen Leaf St. Charles,
3714 Illinois Ave. (Healthway Services of West Illinois, LLC)**

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 Special Use; and,

WHEREAS, the Plan Commission held a public hearing and reviewed the application for Special Use for Recreational Cannabis Dispensing Organization for Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC); and,

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use provided by the Applicant, 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 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.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use for Recreational Cannabis Dispensing Organization for Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC), subject to the following conditions:

1. Parking lot lighting shall be updated to meet IES standards for retail parking.
2. Additional security cameras shall be installed to monitor the parking lot.
3. Additional signage regarding prohibition of on-site consumption shall be posted.

Roll Call Vote:

Ayes: Wallace, Vargulich, Melton, Kessler, Purdy

Nays: Becker, Funke, Pretz, Holderfield

Absent:

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Motion passed: 5-4

PASSED, this 17th day of December 2019.

Chairman
St. Charles Plan Commission