

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC6

Title:

Motion to approve 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).
(Approve the Special Use)

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 Special Use to establish a Recreational Cannabis Dispensing Organization, Zen Leaf, at 3714 Illinois Ave. in the M-2 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 Special Use application has been posted in the meeting packet for the Special P&D Committee meeting on 5/18/2020.

Approval of a separate General Amendment to the Zoning Ordinance is required in order for this Special Use application to be approved.

Attached Ordinance:

Staff has prepared an ordinance for approval of the Special Use. The ordinance includes the following conditions, per the information included in the Special P&D meeting packet (Letter from Attorney Tyler Manic on behalf of Zen Leaf, dated 5/13/20):

1. The Special Use shall terminate two years (24 months) from the date of the Special Use approval by the City Council.
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.
3. Additional security cameras shall be installed to monitor the exterior of the Zen Leaf unit and its parking spaces.
4. Additional signage regarding prohibition of on-site consumption shall be posted.

Indemnification language is also attached to the ordinance as requested by the City Attorney. Zen Leaf would be required to provide an indemnification to the City within 30 days.

Attachments (please list):

Ordinance

Recommendation/Suggested Action (briefly explain):

Motion to approve 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).

City of St. Charles
Ordinance No. 2020-Z-_____

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 twenty-four (24) 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 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”

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

PROPOSED FLOOR PLAN IMPROVEMENTS

Zen Leaf St. Charles Adult-Use/Medical Dispensary
Proposed Operational Overview

Proposed Hours of Operation:

Monday-Saturday: 8am-10pm

Sunday: 9am-6pm







Employee Needs at Peak Business Hours:

- » 1 General Manager / Asst. Manager
- » 1 Dispensary Leads
- » 4 Patient Care Advisors/Budtenders/Fulfillment
- » 1 Reception
- » 1 3rd party security guards (Silver Star Protection)

Customer Experience from Start to Finish:

A Customer walking in the door of Zen Leaf (public access area) would first be greeted by our reception personnel who would be assisting with customer flow and check in procedures. That person would verify state required forms of identification before entering the dispensary sales floor. Once entering the sales floor (restricted access area) a patient care advisor would greet the customer and begin talking through product offerings. When the two come to a conclusion on what products will be purchased the advisor will use our fulfillment software program to queue products to be pulled for our vault and delivered to our point of sale counter for checkout. The customer would proceed to the designated point of sale station where their products would be scanned out of the state regulated inventory system and the transaction procedure would take place. Once all questions have been answered all products will be bagged up accompanied by a receipt and the customer will proceed to the exit. A third party security guard who is stationed in our public access area will assist with the entry/exit procedure and will also be available to walk any customers to their car who request such service.

Proposed Floor Plan Modifications

Color ID	Space's Current Use	Space's Proposed Use
	Active Storage Room	Open Office / Multipurpose Work Area
	Open Office / Conference Area	Safe / Inventory Room
	Safe / Inventory Room	General Storage Room
	General Storage Room	Order Fulfillment Area
	Patient Service Area	Retail Sales Floor
	Conference / Consult Room, Waiting Area & Security Check-In	Waiting Area & Security Check-In

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5. All separation sections shall be HVI Full Bolt 11 Dual Anchors or equivalent.
6. All structural steel members and connections shall have shop-applied coat of rust inhibiting paint. Provide full coats on top of rust inhibiting paint at all exposed locations.
7. All structural steel members specified to remain exposed to light, air, and moisture shall be hot-dip galvanized following ASTM A 366, "Practice for Providing High Quality Zinc Coatings" prior to final painted finish. Clearly with Structural Engineer to insure proper design considerations are met and to avoid conflicting specifications.
8. All welding shall be done by qualified welders and shall conform to AWS D1.1 "Structural Welding Code" latest edition. All exposed welds shall be ground smooth.
9. Refer to additional notes as part of structural engineering plans.

STEEL DECKING - D53100
(for modifications to existing conditions)
1. Install deck panels and accessories according to SDI Publication No. 28.
2. Panels, adjust, align, and bear deck panels on structure. Do not stretch or compress deck top members.
3. Panels shall be flat and square and weld or mechanically fasten to structure without gaps or reflections.
4. All fasteners, and its deck panels and accessories around openings and projections. Maximum gap shall be 1/8".
5. Fast Deck Accessories: Install sump pans, sump gaskets, edge and valley plates, finish strips, cover plates, and closures, and reinforcing channels. Weld to substrate.
6. Floor Deck Closures: Weld tight-fitting closures at open ends of ribs and sides of decking. Weld cover plates or changes in direction of floor deck panels.
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8. Weld anchor connections through deck to structure.
9. Protect and repair damaged galvanized coatings on both surfaces with galvanized repair paint according to ASTM A 780.
10. Prime, touch, clean, and paint exposed areas, welds, and rust spots on both surfaces of painted deck panels.

DIVISION 07 - THERMAL & MOISTURE PROTECTION
General contractor shall be responsible for ensuring that the completed project is 100% water-tight and free of water leaks to the interior.

BITUMINOUS DAMPROOFING - D71113
1. Apply TUFF-N-DRI waterproofing membrane as manufactured by Tarmac Barrier Solutions to all exterior below-grade surfaces of walls in contact with earth.
2. TUFF-N-DRI shall not be exposed to the sunlight for more than 15 days.
3. Waterproofing membrane shall be a non-sagging, non-soluble composition of polymer-modified asphalt in a water carrier that cures to a monolithic, elastomeric membrane.
4. Installation to conform strictly to the recommendations of the manufacturer of the TUFF-N-DRI system.
5. Foundation wall waterproofing shall be applied on all basement and crawl space walls and top of footings. Remove all form ties, pins and metal pins shall be flush. Check, voids and holes shall be patched with a nonshrinking grout or asphaltic mastic, with nonshrinking grout preferred for large defects.
6. TUFF-N-DRI shall only be applied when the air temperature is above 20 degrees F.
7. TUFF-N-DRI shall not be exposed to the sunlight for more than 15 days.
8. 2.3" (61mm) WARM-N-DRI insulation board as manufactured by Koch Waterproofing Solutions shall be applied as the membrane begins to cure.
9. Insulation shall be installed at the base of the foundation wall, in contact with the drainage system or foundation.

THERMAL INSULATION - D72100
1. Provide insulation in accordance with plans and specifications and as needed to achieve the following R-values for completed assemblies:
* Exterior walls R-10
* Basement walls R-10
* Floors R-10
* Ceilings R-10
2. Insulation, as noted at R-10 noted R-2.5.
3. Install all insulation materials in accordance with manufacturer's recommendations. Fill cavities completely and leave joints between batts.
4. Insulate ducts and plumbing pipes subject to sweating.
5. Provide minimum 2" air space between insulation and roof sheathing at roof rafter location. Form and install air tubes or baffles at same time, and as shown on plans.
6. Provide acoustic batts as noted on plans and at all bath, power room, and laundry room wall locations.
7. Provide acoustic wrap on all horizontal walls, ceiling, and roof overhangs.
8. Insulate all downspout in unheated attic and crawl space locations.
9. Provide acoustic batt insulation around all whirlpool hot locations. Maintain adequate clearance around whirlpool motor.
10. Install insulation in attic and in drop-downs indicated. Cut and fit tightly around obstructions and fit voids with insulation.
11. Place R-value insulation in comply with ASTM C 1195.
12. Extend vapor retarder to exterior of areas to be protected from vapor transmission. Secure in place with adhesives or other fasteners.
VAPOR BARRIERS AND AIR INFILTRATION BARRIERS - D72700
1. Provide vapor barrier at all building perimeter constructions including, but not limited to, walls, roofs, ceilings, floors, walls, and doors.
2. Vapor barrier shall be provided on warm side of assembly only. Double vapor barriers shall not be permitted.
3. Joins in vapor barriers shall be taped if minimum or be taped.
4. Provide a vapor barrier on all insulation used on cold water and refrigerant piping.

GENERAL ROOFING NOTES - D73000
1. Provide curbs and flashing systems as required for vent pipes, skylights, flues, RTUs, and other items indicated.
2. Provide flashing as required to make the roof water-tight.
3. Roof shall be watertight at the completion of the project.
4. The roof system and related hardware shall be warranted against defects in material and workmanship for a period of 10 years following Owner acceptance. Warranty coverage shall also include the complete repair and replacement of other building components that are damaged as a result of a roof system failure.
5. The completed roof shall be free from all conditions that lead to ponding of water. Ponding if hereby defined as any body of standing water that does not evaporate within 48 hours of being deposited on the roof.
6. Provide roof membrane protection boards over all surfaces within 3 feet of rooftop HVAC equipment.
7. Terminate membrane a minimum of 8" above the roof.
8. All lumber used for rafters, curbs and roofing shall be pressure treated lumber containing ACQ. Pressure treated lumber containing CCA is not permitted.
9. Refer to Flashing Notes for location and compliance per "SMACNA" specifications.

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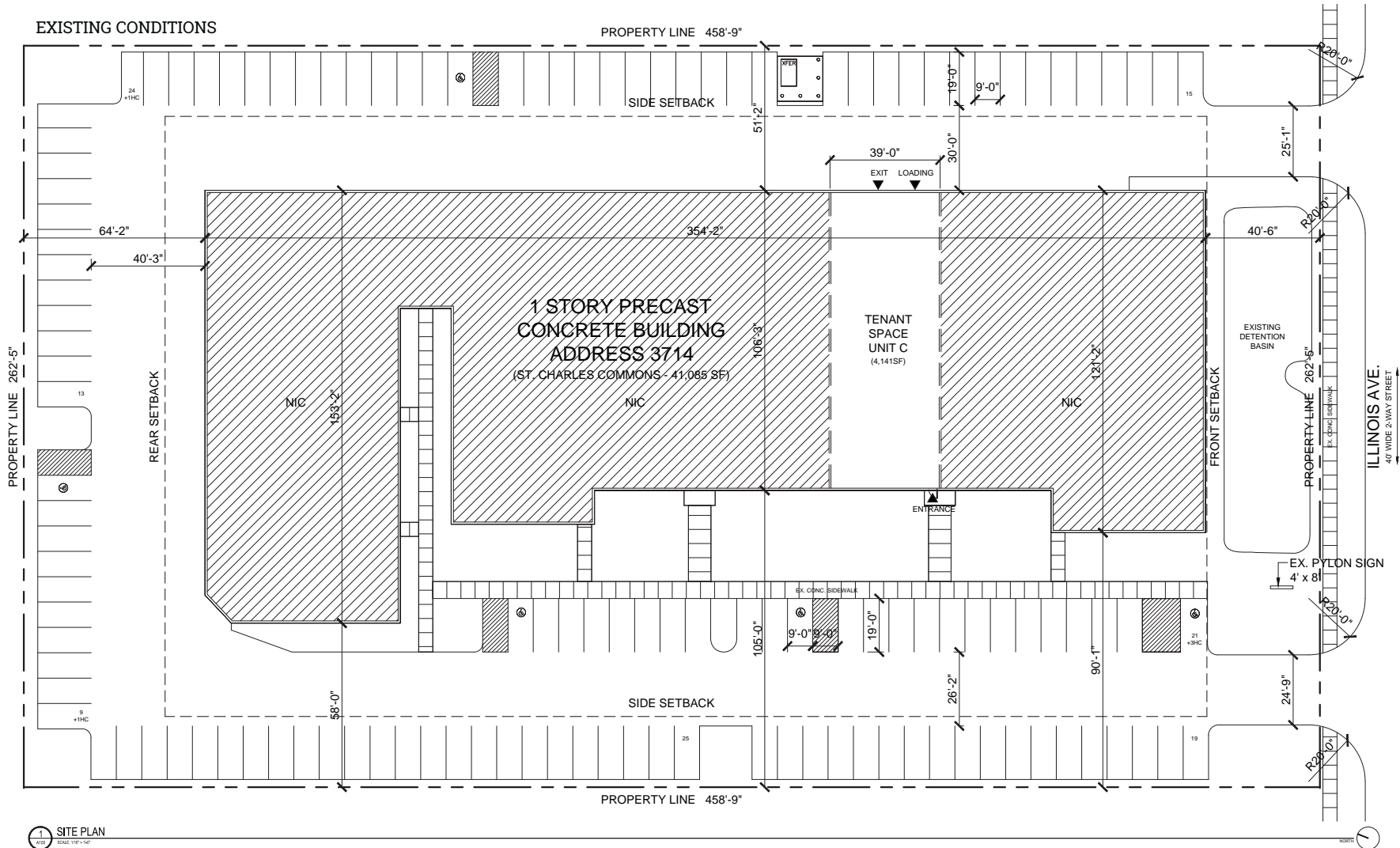
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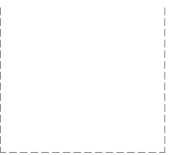
1 SITE PLAN
SCALE: 1/8" = 1'-0"

ZONING INFORMATION:

1. SITE PLAN FOR PROPOSED ZEN LEAF DISPENSARY BY VERANO HOLDINGS.
EXISTING ZONING CLASSIFICATION: M2
PROPOSED ZONING CLASSIFICATION: M2
SITE AREA: 2.76 AC (120,374 SF)
EXISTING NOT CHANGING.
2. BUILDING HEIGHT: 24' 0"
EXISTING NOT CHANGING.
3. PARKING: 126 + SHC = 131 STALLS (9' x 20')
EXISTING NOT CHANGING.
4. TENANT SPACE - UNIT C:
- AREA: 4,141 SF
- PARKING REQ'D: 3' 1000 SF = 13 SPACES
- EXISTING NOT CHANGING.

SITE PLAN REQUIREMENTS:

1. GROUND ELEVATION CONTOUR LINES -
- LOCATION, HEIGHT, INTENSITY AND
- 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 RECURRENT
INTERVAL 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
- REQUIREMENT NOT APPLICABLE.
7. PHOTOMETRIC INFORMATION PERTAINING
TO LOCATIONS OF PROPOSED LIGHTING
FIXTURES - EXISTING SITE, INTERIOR BUILD-OUT
ONLY - REQUIREMENT NOT APPLICABLE.



VERANO HOLDINGS
2300 LEAF DISPENSARY
4100 S. CHARLES ST.
CHICAGO, IL 60614

1 25 OCT 2019 ISSUED FOR INFORMATION

collectiveoffice

ARCHITECTURE
INTERIOR
DESIGN STRATEGY

9 East 24th St., Chicago, Illinois 60616
1-312-818-2008 | www.collectiveoffice.com

10001

FOR INFORMATION ONLY
NOT FOR PERMIT OR CONSTRUCTION

Project: VERANO HOLDINGS/
ZEN LEAF DISPENSARY

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

Drawing Title: SITE PLAN

Drawing No: A101

Revised For: Job No: 19-030.00

Date: 10-25-2019

Information

10-25-2019

PARKING PLAN

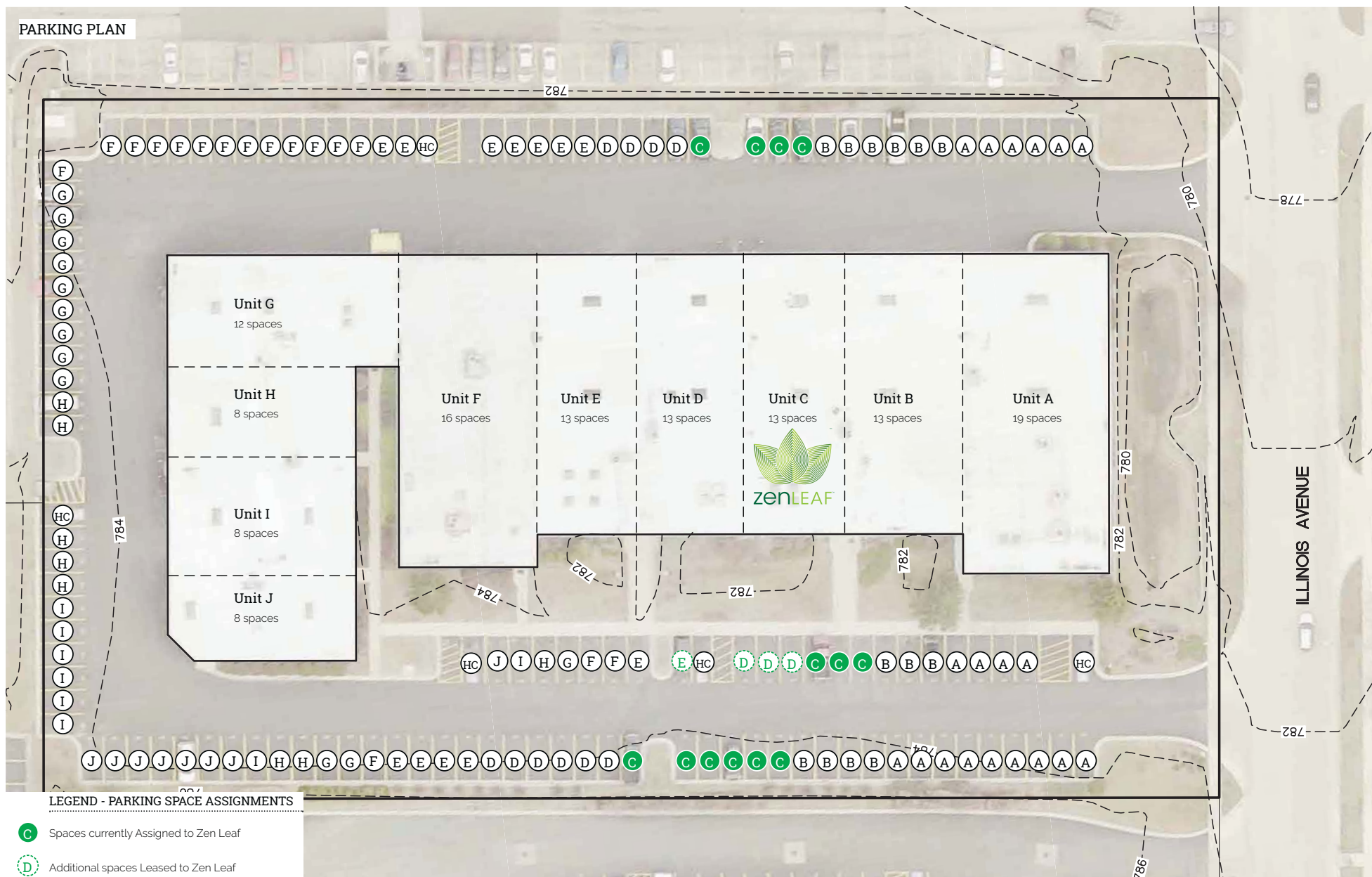


EXHIBIT “D”

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.