

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, DECEMBER 17, 2019**

Members Present: Chairman Wallace
Tom Pretz
Jennifer Becker
James Holderfield
Jeff Funke
Peter Vargulich
Suzanne Melton
Vice Chairman Kessler
Laura Macklin-Purdy

Members Absent: None

Also Present: Rita Tungare, Community & Economic Development Director
Russell Colby, Community Development Manager
Ellen Johnson, Planner
Rachel Hitzemann, Planner
Nick Peppers, City Attorney
Court Reporter

1. Call to order

Chairman Wallace called the meeting to order at 7:00 p.m.

2. Roll Call

Vice Chair Kessler called the roll. A quorum was present.

3. Pledge of Allegiance

4. Presentation of minutes of the December 3, 2019 meeting of the Plan Commission.

Motion was made by Mr. Kessler, seconded by Mr. Funke and unanimously passed by voice vote to approve the minutes of the December 3, 2019 Plan Commission meeting.

6. Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC)

Application for Special Use

a. Public Hearing

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Kessler and seconded by Mr. Funke to close the public hearing.

Roll call vote:

Ayes: Holderfield, Becker, Wallace, Funke, Vargulich, Pretz, Melton, Kessler, Purdy

Nays:

Absent:

Motion carried 9-0

- 5. General Amendment (Healthway Services of West Illinois, LLC)**
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.
- a. Discussion & Recommendation

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Kessler and seconded by Ms. Becker to approve the 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

Absent:

Motion carried 5-4

- 6. Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC)**
Application for Special Use
- b. Discussion & Recommendation

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Kessler and seconded by Ms. Purdy to recommend approval of the application for Special Use for Zen Leaf St. Charles, 3714 Illinois Ave.

Motion was made by Mr. Vargulich to amend the original motion by adding the following conditions: A) Parking lot lighting shall be upgraded to meet IES standards for retail parking; B) Additional security cameras shall be installed to monitor the parking lot; and C) Additional signage regarding prohibition of on-site consumption shall be posted. Seconded by Ms. Purdy.

Roll call vote (on motion to amend):

Ayes: Holderfield, Becker, Wallace, Vargulich, Pretz, Melton, Kessler, Purdy

Nays: Funke

Absent:

Motion to amend passed 8-1

Roll call vote (on main motion, as amended):

Ayes: Wallace, Vargulich, Melton, Kessler, Purdy

Nays: Becker, Funke, Pretz, Holderfield

Absent:

Motion passed 5-4

Minutes – St. Charles Plan Commission
Tuesday, December 17, 2019
Page 3

- 7. Additional Business from Plan Commission Members or Staff- None**
- 8. Weekly Development Report**
- 9. Meeting Announcements**
 - a. Plan Commission
 - Tuesday, January 7, 2020 at 7:00pm Council Chambers
 - Tuesday, January 21, 2020 at 7:00pm Century Station Training Room
 - Tuesday, February 4, 2020 at 7:00pm Council Chambers
 - b. Planning & Development Committee
 - Monday, January 13, 2020 at 7:00pm Council Chambers
 - Monday, February 10, 2020 at 7:00pm Council Chambers
- 10. Public Comment- None**
- 11. Adjournment at 8:50pm**



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Transcript of Hearing - Volume II

Date: December 17, 2019

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x

In Re: Special Use, :
Zen Leaf St. Charles :

-----x

HEARING, VOLUME II
St. Charles, Illinois 60174
Tuesday, December 17, 2019
7:01 p.m.

Job No.: 218478A
Pages: 105 - 194
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

1 HEARING, held at the location of:

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3

4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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13 Before Melanie L. Humphrey-Sonntag, a Certified
14 Shorthand Reporter, Registered Diplomate Reporter,
15 Certified Realtime Reporter, and a Notary Public
16 in and for the State of Illinois.

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 SUE MELTON, Member

8 LAURA MACKLIN-PURDY, Member

9 TOM PRETZ, Member

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSS COLBY, Community Development Manager

14 ELLEN JOHNSON, Planner

15 RACHEL HITZEMANN, Planner

16 RITA TUNGARE, Community & Economic

17 Development Director

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P R O C E E D I N G S

CHAIRMAN WALLACE: This meeting of the
St. Charles Plan Commission will come to order.

Tim, roll call.

VICE CHAIRMAN KESSLER: Becker.

MEMBER BECKER: Here.

VICE CHAIRMAN KESSLER: Funke.

MEMBER FUNKE: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER PURDY: Here.

VICE CHAIRMAN KESSLER: Melton.

MEMBER MELTON: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right.

Everyone who wishes to, please rise for
the Pledge of Allegiance.

1 (The Pledge of Allegiance was recited.)

2 CHAIRMAN WALLACE: All right.

3 Item 4, presentation of minutes of the
4 December 3rd, 2019, meeting of the Plan
5 Commission. Is there a motion to approve?

6 VICE CHAIRMAN KESSLER: So moved.

7 MEMBER FUNKE: Second.

8 CHAIRMAN WALLACE: It's been moved and
9 seconded.

10 All in favor?

11 (Ayes heard.)

12 CHAIRMAN WALLACE: Opposed?

13 (No response.)

14 CHAIRMAN WALLACE: That motion passes.

15 Item 5 is -- well, 5 and 6. 5 is a
16 general amendment for Healthway Services of West
17 Illinois, LLC. 6 is Zen Leaf St. Charles,
18 3714 Illinois Avenue, Healthway Services of West
19 Illinois, LLC.

20 Hold on one second.

21 All right. For Item No. 5 the public
22 hearing was closed at our last meeting. The
23 public hearing for Item 6 is still open.

24 I would suggest, if there is not an

1 objection, that we go ahead with the -- hold on
2 one second -- that we go ahead and complete the
3 public hearing on No. 6 and then, after we're done
4 with that and that is closed, then we will take
5 action on 5 and 6 in that order.

6 Any questions?

7 (No response.)

8 CHAIRMAN WALLACE: Okay.

9 All right. Before we start -- well, let
10 me just say hello.

11 This is a public hearing. The Plan
12 Commission is tasked by the City Council to
13 conduct public hearings for certain applications
14 that come before it, and what we are doing here is
15 we are collecting evidence both for and against
16 the application.

17 Once the Plan Commission feels that they
18 have enough evidence, then the public hearing will
19 be closed and the Plan Commission will take
20 action.

21 "Action" means that we will make a
22 recommendation to the City Council's Planning and
23 Development Committee. And in order to do so,
24 anyone -- first of all, anyone who wishes to speak

1 tonight, whether that's making a presentation or
2 asking any questions, I would ask that you be
3 sworn in, if you'll raise your hand.

4 (Multiple witnesses sworn.)

5 CHAIRMAN WALLACE: Thank you.

6 What we will do is we have some follow-up
7 matters. We've taken most of the evidence
8 previously, but in regards to the follow-up
9 matters, I'll ask the Applicant to present those
10 first, and then if the Plan Commissioners have
11 questions, we'll do that followed by any questions
12 or additional evidence from anyone else.

13 And we've already received evidence
14 previously in this public hearing, so I would
15 implore upon everyone present to know, first of
16 all, the Plan Commission has heard everything that
17 has been said, and please focus on new evidence
18 that's being presented here tonight.

19 There are a few different items that are
20 marked. Plan Commission Exhibit 1 is a letter
21 dated December 17th, 2019, from Hampton, Lenzini
22 and Renwick, civil engineering firm, and this is a
23 letter in regards to the traffic study that was
24 submitted by the Applicant.

1 There is a second letter marked as No. --
2 what was that?

3 VICE CHAIRMAN KESSLER: Nothing.

4 CHAIRMAN WALLACE: There was a second
5 letter that is marked as No. 2, which is from GHA
6 Associates, and that is a response to the other
7 letter, the letter marked as 1.

8 There's No. 3, which is the traffic impact
9 and parking study dated December 12th, updated
10 December 17th, also from GHA Associates.

11 And then there is No. 4, which is a letter
12 from Hampton, Lenzini and Renwick dated
13 December 17th, 2019.

14 Those will all be further discussed, I'm
15 sure.

16 Before we go back to the Applicant, is
17 there anything else?

18 (No response.)

19 CHAIRMAN WALLACE: Staff, is there
20 anything?

21 MR. COLBY: No.

22 CHAIRMAN WALLACE: Okay.

23 All right. Is the Applicant ready?

24 MR. MANIC: Yes.

1 CHAIRMAN WALLACE: Go ahead.

2 MR. MARSICO: Thank you, Mr. Chairman and
3 Plan Commissioners.

4 To your point, we're not going to dive
5 back into the entire presentation, but I think we
6 will follow up with the parking and traffic study
7 that was completed at the request of the Plan
8 Commission. There were some concerns and some
9 further clarification that was being sought out.

10 We have conducted a full traffic study, as
11 opposed to the preliminary study that was
12 conducted and presented at the last meeting.
13 I believe all staff members have that.

14 And there has also been -- the traffic
15 study's also been reviewed by the City's traffic
16 firm, HLR. And a quick summary of the letter
17 dated December 17th, 2019, addressed to
18 Mr. Russell Colby, Assistant Director of Community
19 and Economic Development for City of St. Charles,
20 "Per your request we have reviewed the traffic
21 study and response letter submitted by Gewalt
22 Hamilton Associates, GHA, on December 17th for the
23 referenced project. We concur with the findings
24 of this study and have no further comments."

1 And they further go on to say, "We do not
2 have a recommendation on where else to find
3 additional data. We feel GHA has done their due
4 diligence in trying to determine most accurate
5 trip generations."

6 And then it's "Yours truly, Hampton,
7 Lenzini and Renwick, Callie Allbright, traffic
8 engineer for City of St. Charles."

9 To our point at the last meeting, we feel
10 and there's proof in data that there is going to
11 be zero impact with respect to this use. There's
12 been no evidence brought upon this Plan Commission
13 that suggests otherwise.

14 And if there are any questions, we want to
15 entertain those. We have Lynn Means from GHA, who
16 has conducted the full traffic study. I'm sure
17 there's going to be some questions, so I'll turn
18 it over to you guys and her to answer any of
19 those.

20 CHAIRMAN WALLACE: Okay. Thank you.

21 Do you want to present anything first or
22 just take questions?

23 MS. MEANS: I can -- I can take questions.

24 Again, my name is Lynn Means from Gewalt

1 Hamilton Associates, and we prepared the traffic
2 impact and parking study.

3 CHAIRMAN WALLACE: Okay.

4 Yeah.

5 MEMBER BECKER: Good evening.

6 I'd like you to highlight what is on our
7 place. No. 3, it's the updated December 17th,
8 2019, study.

9 It appears to reflect some of the comments
10 that were raised by HLR in the December 12th memo,
11 if you could go over those for our benefit since
12 we haven't had a chance to review those in advance
13 of the meeting.

14 MS. MEANS: Yes. Of course.

15 So the traffic study that was updated on
16 December 17th did incorporate the questions and
17 comments that were raised by the City's traffic
18 consultant, HLR.

19 Just to briefly go over, we updated our
20 traffic study to provide an additional
21 documentation and note relative to the limited
22 sample size that's available for the data points
23 for the cannabis use.

24 It is a relatively new use, and ITE has,

1 for several of the locations, only four or five or
2 less sample sizes for various data points, so we
3 added that footnote to our table. We also
4 provided some additional information and
5 clarification relative to the peak time frames
6 that we studied.

7 They had asked, also, relative to the
8 intersections that we had included and
9 time frames. We incorporated within our study the
10 analysis of the Illinois Avenue intersections with
11 38th Avenue, with the site access driveways as
12 well as the intersection with Kirk Road.

13 We provided clarification why we didn't
14 expand further out to additional intersections
15 along North Avenue, and the reasoning behind that
16 is relative to the amount of traffic that the site
17 generates, the anticipated distributions, and the
18 existing geometrics at those roadway networks.

19 So based on the existing traffic volumes
20 that are through those intersections, looking at
21 what our increases are and those distribution and
22 what they relatively mean through those traffic
23 signals, we would expect maybe one to two
24 additional cars at most per cycle length, which

1 would not significantly impact them nor cause any
2 type of signal change modifications needed nor for
3 the need for additional turn lanes and/or other
4 geometric movements.

5 And then we also reiterated that we
6 performed our study in accordance with ITE as well
7 as IDOT and Kane County's guidelines for traffic
8 impact studies, looking at the time frames that
9 provide the most significant impact on the
10 adjacent roadway network, coinciding with the peak
11 development's traffic considerations, as well.

12 They also asked us if we considered
13 pass-by trips as part of our study. And pass-by
14 trips represent traffic that's already on the
15 adjacent travel stream. An easy example of that
16 is, I believe, coffee shops. So you're driving
17 along on the way to work and there's a coffee shop
18 there. You pull off; you get your coffee; you
19 continue on your way.

20 We have resourced similar-type uses that
21 they had suggested -- the retail, convenience
22 markets, other types of pharmacies -- which showed
23 that between 26 and 50-plus percent of traffic for
24 those types of uses could be in the pass-by

1 variety.

2 We did not take any discount for pass-by
3 trips, as we wanted to test the maximum impacts of
4 the site and provide a conservative analysis
5 scenario.

6 They had also asked relative to the
7 existing site, acknowledging within our study we
8 noted that the site currently operates as a
9 medical cannabis facility, and the trip generation
10 that we did provide within our study does already
11 account for the existing medical trips, as studies
12 and information that we have provided about
13 30 percent of that traffic is already -- that we
14 estimated -- is already occurring at the site.
15 However, again, we did not want to discount and
16 test the maximum impact, so we provided a
17 conservative analysis scenario. We did not
18 discount for any traffic that was already
19 operating on-site.

20 And we further provided some additional
21 trip generation information for additional
22 comparable-type uses, pharmacy as well as a
23 variety store, apparel store, and a convenience
24 store.

1 And we found that the trip generation
2 estimates for the cannabis dispensary were
3 generally higher than all of those uses except for
4 the general retail during the morning and then a
5 convenience-type store.

6 We further wanted to test that information
7 by -- as noted in our testimony but not provided
8 in the previous documentations.

9 We've provided that information from
10 Zen Leaf's current facility that's operating in
11 southwest Las Vegas, so we provided those daily
12 trip information and, also, to further collaborate
13 [sic] that -- our findings, that we found the ITE
14 trip generation to be consistent with the daily
15 information that we were provided from their
16 existing facility in operation.

17 And then we also provided some
18 modifications to the capacity analysis table, and
19 that was just to further expand it and provide
20 some additional detail. So we included where --
21 the summaries that were provided in the appendix
22 had all the delays contained within that, but we
23 added them to the table. We also added additional
24 approach delays and capacities.

1 Again, the information was contained
2 within the study, but we just further provided
3 that information for quick clarity and access.

4 And then we also -- within the
5 appendices -- they asked for some additional
6 information on -- in our "Conclusions" section
7 where information that was provided within the
8 traffic study, we just pulled that out and further
9 expanded the conclusions.

10 And we also -- within the study -- also
11 provided some additional information just relative
12 to what the traffic increases meant relative to
13 the adjacent street network as well as what the
14 vehicle queues meant, which our findings were that
15 the impacts were not significant, that the
16 adjacent street network could accommodate the
17 increase in traffic associated with the proposed
18 development, and the storage lengths and queues
19 that we projected increase as a result of the
20 development could be accommodated with the storage
21 and turn lanes existing and provided at those
22 intersections.

23 I'm available to provide any additional
24 questions -- address any other questions or

1 provide any details related to some of the
2 other maybe -- information or specific data that
3 was provided within the study, as well.

4 MEMBER FUNKE: I've got a question.

5 Do you have a chart showing existing
6 business traffic, trip patterns on the weekday and
7 Saturday, and then what the totals would be when
8 you combine these businesses together?

9 MS. MEANS: Yes.

10 So if you look at the traffic study,
11 Exhibit 3 highlights the weekday morning, weekday
12 evening, Saturday midday peak-hour traffic volumes
13 entering and exiting the site as well as the
14 adjacent roadway network.

15 Exhibit 4 includes -- there's currently
16 vacant space within the existing units contained
17 within the St. Charles Commons building, so we
18 wanted to maximize the impacts, as well, and so we
19 estimated traffic for the full occupancy of that
20 building, as well. So Exhibit 4 illustrates those
21 traffic volumes.

22 Exhibit 5 illustrates the site traffic
23 volumes. And, again, that's for the whole traffic
24 of the site and -- and, in essence, we're double-

1 counting what's already out there on-site. But,
2 again, we maximized the impacts and included that
3 total traffic.

4 So that's what's presented in the earlier
5 table for the full development of the site.

6 And Exhibit 6 is the total traffic after.

7 MEMBER BECKER: Total traffic after?

8 MS. MEANS: So total traffic would be
9 existing traffic plus the background traffic,
10 which is the full occupancy of the unoccupied
11 space within the building, and then the site
12 traffic, as well.

13 MEMBER FUNKE: So if Exhibit 6 is your
14 total traffic, how does that match up to your
15 charts? You're estimating 900 trips per day?

16 MS. MEANS: So 6 equals basically -- if
17 you take 3 plus 4 plus 5 equals 6.

18 MEMBER FUNKE: Okay.

19 CHAIRMAN WALLACE: Other questions?

20 MEMBER PRETZ: I had a question concerning
21 the charts and that, and I'm not -- this is not a
22 dispute with the information that you're
23 providing.

24 And I apologize. I ran out of the car

1 without my glasses, so I can't see a lot of this
2 that's here.

3 MS. MEANS: No problem.

4 MEMBER PRETZ: In your information you
5 still base everything on the Las Vegas site as far
6 as the daily trips in and out, and then the rest
7 of your traffic study and that is based off of
8 that? Am I correct in that?

9 MS. MEANS: So the traffic estimate that
10 our study is based on, the analysis that -- we
11 performed a capacity analysis, so that is a
12 measure to look at the -- how each intersection is
13 operating. And what we do is we enter various
14 parameters.

15 So we enter the volumes of movements,
16 turning, lane uses. We add in trucks percentage.
17 So during our traffic counts we collect how many
18 trucks are out there, enter in those percentages.

19 We also add in information that pertains
20 to how that volume of traffic is distributed over
21 the course of the hour. So, for example, like for
22 a school, you'll have a lot of volume that
23 releases at maybe one time or comes in at one time
24 in the morning versus the afternoon, so you look

1 at how that volume is distributed over the course
2 of the hour, and we enter in those parameters, as
3 well, to determine how each intersection operates
4 right now.

5 And then we add in traffic associated, as
6 I mentioned, with those background developments
7 for future traffic to get how this total traffic
8 is to basically understand what's the delay now,
9 what are the queues now, what's the -- how is it
10 operating right now, and how is it going to
11 operate in the future to gain a measure of what
12 the impacts of the development is.

13 So our considerations included both
14 existing and then future operations, but they were
15 projected based on the ITE, the Institute of
16 Transportation Engineers. As I had mentioned
17 earlier, they have a land use code for a cannabis
18 dispensary. It is limited. It does have for
19 several locations, five or more -- for several of
20 the time frames -- five or more data points, so we
21 wanted to get more information since there was
22 limited information to further test to make sure
23 that we're understanding how this development will
24 operate as well as its associated impacts.

1 So the basis was based on the ITE -- the
2 Institute of Transportation Engineers -- trip
3 generation, but we tested it using information
4 that was available to us from an existing facility
5 that's operating.

6 Does that --

7 MEMBER PRETZ: Yeah. That was a long
8 answer.

9 MS. MEANS: I admit.

10 MEMBER PRETZ: My concern -- my concern
11 is -- and I believe the information concerning the
12 Las Vegas site is accurate.

13 My concern is that I don't necessarily
14 think, based upon the two given markets,
15 understanding that Las Vegas is about 650,000
16 people and the metro area's about 2 million. And
17 then I went in and there was -- there was the --
18 in fact, I believe it came from other people in
19 the audience -- she had stated that she had
20 counted 60 dispensaries, so I guess I added in --
21 and I didn't -- I never heard anything that said,
22 "No, there weren't 60" -- so I went in and
23 I punched in and I stopped at a hundred.

24 And so the rationale for my questioning

1 is, is the number -- while it's a true number, is
2 it an understated number as it relates to our
3 population in our market area here?

4 Because that's a -- that's a 1-in-
5 20,000 ratio in comparison to what we have today
6 or we could have.

7 MS. MEANS: So --

8 (An off-the-record discussion was held.)

9 MS. MEANS: Just to reconfirm what I had
10 previously indicated, we -- our numbers were based
11 on the ITE trip generation, the industry standard
12 for that. And we just wanted to get as much
13 information to test the assumptions that we had,
14 so that location was just another mechanism and a
15 measure to test what we would anticipate the
16 daily -- the daily and the hourly estimates to be.

17 MEMBER PRETZ: And, again, my -- part of
18 my concern is that ITE has limited and then we're
19 also -- you say some existing. So it really is
20 not known as true even though you made some
21 additional assumptions into that, so that's where
22 I'm coming from.

23 I'm a little uncomfortable with that
24 number, but I'm not challenging the number because

1 I believe your numbers probably are correct, based
2 on what you provided.

3 MR. MARSICO: Yeah. I think it's
4 important to say that the study was done using the
5 scientific data that's available using that ITE
6 trip generation manual.

7 We used -- we only have what we have;
8 right? We only have the data that we have.

9 And, you know, with respect to the
10 Nevada -- our Nevada location, we offered that
11 because that is the adult-use dispensary that we
12 operate, and that's something we can use as a
13 comparison.

14 That was not figured into the study. That
15 was used more to confirm the data as an extra data
16 point, and it fit in almost exactly with what she
17 presented.

18 With respect to Nevada and the amount of
19 dispensaries that are there, what we are not
20 taking into account is Las Vegas -- first off, the
21 number of those dispensaries is for the whole
22 state of Nevada, not just Las Vegas. And what
23 we're not taking into account is Las Vegas is one
24 of the highest tourism cities in the country,

1 43 million visitors a year, and it's a little
2 different tourist city than most. So there are
3 quite a bit of out-of-state customers that we see
4 there.

5 So I -- using the data points of this many
6 dispensaries in this population versus a
7 dispensary in St. Charles, I don't know if that's
8 the best analogy for those reasons.

9 But, again, it was another data point, and
10 I think it's in a similar setting, in an
11 industrial park-type setting or medical district
12 setting with shared parking, similar amount of
13 parking spaces. And, again, operating without
14 incident and without objections from neighbors and
15 operating efficiently and just fine.

16 We don't have lines out the door; we don't
17 have drug deals happening outside our doors like
18 some of the egregious sort of concerns that have
19 come out during this -- these hearings. It's just
20 not reality.

21 And I understand their concerns, but
22 they're not substantiated. We've had a full
23 traffic study done by an expert witness that's
24 been confirmed by the City's traffic engineer.

1 I don't know what else we can say.

2 I understand there are some unknowns and there are
3 concerns. But we've presented the data, we've
4 done a full traffic study, and it's been confirmed
5 and corroborated by the City's traffic engineer.

6 So I understand the concerns, but we only
7 have -- we can only present the data that we have.
8 I'm not sure, you know, what else -- more we can
9 do to alleviate concerns.

10 VICE CHAIRMAN KESSLER: Tom, just so
11 I understand, what I -- what I understand being
12 said is that this traffic study was based on the
13 ITE --

14 MEMBER PRETZ: Uh-huh.

15 VICE CHAIRMAN KESSLER: -- data and that
16 they just looked at their Las Vegas site to do a
17 comparison to check the validity of their
18 findings. But they didn't base it on the study
19 that they did in Las Vegas.

20 That's -- is that -- did I understand that
21 correctly?

22 MS. MEANS: That's correct.

23 VICE CHAIRMAN KESSLER: Okay. But in
24 addition to that, in the first comment in the

1 first letter by HLR, they asked them to include a
2 note that speaks to what you say, and that is that
3 ITE cautions the use of data from Land Use 882 as
4 it is from a small sample size and typically it's
5 not recommended to use that.

6 But that's the information that we have.
7 So I suppose to speak to what you're saying, there
8 could be a kernel of, you know, assumption that we
9 don't know for sure if this is -- we don't have
10 enough data -- there isn't enough data for that
11 land use in the country.

12 But I don't think --

13 MEMBER PRETZ: And I agree with you as far
14 as the idea that there are some assumptions.

15 I just want to make sure that if -- if, in
16 fact, those assumptions are taken into
17 consideration, that they are considered, what
18 possible negative side there are because of those
19 unknowns.

20 Because -- and the reason I say that is
21 because there are other businesses within that
22 area that could be greatly impacted. And so,
23 therefore, let's be aware of that, even though
24 I'm not challenging any of the numbers or

1 method -- the method -- I can't say the word --

2 VICE CHAIRMAN KESSLER: Methodology.

3 MEMBER PRETZ: -- it's a little bit too
4 big for me -- the method that they've done, which
5 I believe, you know, as traffic engineers they've
6 done it right and reviewed those.

7 So that's where I'm standing. Thank you.

8 CHAIRMAN WALLACE: Thank you.

9 MEMBER FUNKE: I've got a question
10 regarding the totals for the existing and for the
11 proposed. You say it's on Exhibit 6, but could
12 you just clarify?

13 What is the daily existing trip count that
14 you have for the weekend?

15 MS. MEANS: So the daily existing counts
16 along Kirk Road are provided on Exhibit 3. We
17 don't have daily volumes that are provided along
18 the --

19 MEMBER FUNKE: What's the total?

20 MS. MEANS: On Kirk Road?

21 MEMBER FUNKE: No, going into the site,
22 just the site alone. I'm more concerned --

23 MS. MEANS: The daily total going into the
24 site?

1 MEMBER FUNKE: Yes.

2 MS. MEANS: If you look on -- existing
3 daily or exist --

4 MEMBER FUNKE: Yeah. What I'm trying to
5 find is -- what is the existing daily going into
6 the site?

7 MS. MEANS: I don't have the existing
8 daily going into the site. I have the peak hour
9 volumes going into and out of the site during the
10 weekday morning, weekday evening, and Saturday
11 midday time frames, and I have daily volumes that
12 were available from IDOT along Kirk Road.

13 MEMBER FUNKE: So do you have a percentage
14 of what the increase is going to be for the trip
15 generation compared to the existing businesses
16 on-site?

17 So if the existing site trip generation
18 is, say, a hundred per day, what is it going to --
19 is it going to go up to 400 a day? That's what
20 I'm trying to find out.

21 MS. MEANS: So our measure that we
22 performed was looking at the existing volumes.
23 We -- industry standard is to perform capacity
24 analysis during those peak times, so we performed

1 a capacity analysis that took into consideration
2 the lane geometrics, as I mentioned before, the
3 volumes coming in and out, and the percentage of
4 trucks and the turning movements of the directions
5 that they're proceeding.

6 And so we currently measured how that
7 intersection operates, we added in the traffic --
8 as I noted, relative to the background information
9 as well as the site traffic -- and then did an
10 analysis after to see what that relative impact of
11 the site traffic was and found that with the site
12 traffic the site driveway would continue to
13 operate at acceptable levels of service with all
14 movements operating at Levels of Service B or
15 better.

16 MEMBER FUNKE: So what would be the
17 increase in percentage of --

18 MS. MEANS: I don't -- I could calculate
19 but I don't have that information right in front
20 of me.

21 MEMBER FUNKE: Okay.

22 CHAIRMAN WALLACE: Other questions, Plan
23 Commission?

24 MEMBER VARGULICH: Yes.

1 CHAIRMAN WALLACE: Yeah.

2 MEMBER VARGULICH: Not directly relating
3 to the traffic, more about the site itself, so it
4 might be something for somebody else.

5 But I noticed that in the application that
6 there's not an indication that there's any
7 improvements being planned to the property. Is
8 that correct?

9 MR. MARSICO: There are improvements.

10 MEMBER VARGULICH: To the exterior of the
11 property, not the -- not the interior of the
12 building.

13 MR. MARSICO: No. The exterior, no.

14 MEMBER VARGULICH: Okay. So when I go
15 there -- as I did before the last couple
16 meetings -- the parking areas are very dark.
17 There's like some lights that are on the building
18 that shine towards the parking areas, but there's
19 no parking lot lighting per se.

20 And I guess along the lines of
21 addressing -- you're going to have higher traffic
22 and more extended hours, until 10:00 p.m., and
23 those kinds of things. It would seem that for
24 general safety, for your neighbors who have -- as

1 an example, the dance studio has people coming
2 until ten o'clock at night; your clients who come
3 will now be able to come until ten o'clock at
4 night -- that that level of activity is really
5 geared more at the type of activity that you would
6 see at a retail use.

7 And right now it appears that the
8 illumination is geared more to an industrial use,
9 which would -- say, for the most part, unless it
10 was shift work or something -- would shut down at
11 five o'clock.

12 So I would have a recommendation and
13 request that you would upgrade the parking lot
14 lighting -- not for the entire parking lot but for
15 the west bay, which is where your parking is going
16 to be associated -- as far as for your clients.
17 I understand that your employees will park in the
18 back, primarily.

19 And so I would request that you upgrade
20 the lighting to meet IES standards, which is the
21 Illuminating Engineers Society standard. And
22 maybe, as part of that, that included some poles,
23 that you would also -- if that aren't already some
24 planned -- add security cameras on those poles so

1 that the parking area could be monitored because
2 one of the things that you identified is that
3 you're going to continue to strictly enforce the
4 rules relating to banning on-site consumption.

5 So I guess, to that end, "on-site
6 consumption" could include people sitting in their
7 cars --

8 MR. MARSICO: Absolutely.

9 MEMBER VARGULICH: -- and so maybe the
10 idea that there were video cameras available which
11 would help your security people identify those
12 people, having better illumination so that you
13 can't say, "Hey, it was too dark; we couldn't tell
14 what they were doing," and maybe some signage that
15 would alert people that you are going to strictly
16 enforce and that they're being videotaped as part
17 of their comings and goings would all help to
18 address some of these concerns about people doing
19 those kinds of things despite whatever the laws are.

20 And I would just ask that that kind of
21 thing be done. I don't have, really, any
22 questions for the traffic engineer. She seems to
23 have been exhausted between all these people plus
24 the HLR reviews.

1 And understanding this is a difficult
2 thing when there's not data and -- and not to
3 throw stones at traffic engineers, but it is hard
4 to get traffic engineers -- okay? -- to move
5 outside of the standards because, once you start
6 to move outside the standards of how you do the
7 evaluations, then it becomes more subjective, and
8 so, hence, why I'm sure Ms. Means does not want to
9 do that. And so I understand that challenge.

10 But I think that creating a safer parking
11 lot, a more well-lit parking lot would benefit you
12 and the adjacent users but potentially help
13 security and the police if there ever becomes an
14 issue, even though we have very low reports of
15 issues. But just those kinds of things will make
16 people feel more comfortable.

17 MR. MARSICO: I'm really glad you brought
18 that up, Commissioner Vargulich. You brought up a
19 few points, and let me read them off a few at a
20 time.

21 In the association meeting predating
22 November 27th, I spoke at an association meeting
23 with several of the other tenants and -- to gauge
24 concerns of our use.

1 And we were willing to make some
2 concessions at 100 percent our expense so that the
3 association would not be negatively impacted by
4 our use.

5 And I'm going to read strictly -- directly
6 from an email that I wrote on November 27th on a
7 couple of -- five concessions that we would make
8 at 100 percent our cost.

9 One concern was that -- if you've been to
10 the site -- there's a retaining wall that helps
11 protect our parking lot that had recently been
12 damaged. It was speculated -- I'm not admitting
13 that it was 100 percent our fault but
14 speculated -- that increased traffic from our use
15 had people banging into that retaining wall as
16 they backed into parking spaces, so there are
17 several signs now that say "Do not back into
18 spaces."

19 Our association spent a considerable
20 amount of money on that with the anticipation of
21 increased trips. We made a commitment. "We are
22 aware that the association recently spent a
23 considerable amount of money on the retaining wall
24 protecting our parking lot. Any damage requiring

1 repair or replacement to the retaining wall due to
2 increased visits or accidents will be completed
3 100 percent at the expense of Zen Leaf
4 St. Charles." That was one concession.

5 Another with respect to security because
6 we spoke of that and had a couple of lengthy
7 conversations with some of the concerns. Our
8 association recently -- it was even more poorly
9 lit until recently and -- have installed and
10 affixed some additional lighting.

11 But lighting was brought up and was a
12 concern, and No. 2 commitment that we made with
13 respect to security, "I can assure all tenants
14 that Zen Leaf operates with the utmost respect to
15 compliance and security. We will be putting
16 additional security measures in place to ensure
17 the protection of everyone at St. Charles
18 Commons," and I think Silver Star Protection spoke
19 about some of those additional measures that we're
20 putting in place.

21 "One concern of the association is that
22 our parking lot is not the most well-lit. If
23 there is a reasonable proposal to add additional
24 lighting, we are willing to complete this

1 installation 100 percent at the expense of
2 Zen Leaf."

3 And there's some others that I can go into
4 if you'd like. But with respect to lighting,
5 security, we made those commitments to the
6 association. I've said several times here that we
7 want to be good neighbors, good stewards of the
8 community.

9 Us operating without incident is not just
10 to the benefit of the community. It's to the
11 benefit of our company; it's to the benefit and in
12 line with the reputation of our company. We don't
13 cut corners. And I think we've exhausted
14 resources to go above and beyond to help alleviate
15 some of the concerns and address the concerns not
16 only of this committee but of the public.

17 So with respect to security lighting,
18 we're willing to do that, and we've made those
19 commitments with every single association member
20 copied here.

21 With respect to on-site consumption,
22 strictly, strictly prohibited. And it's funny you
23 mentioned that because that signage is mandated --
24 I don't know if you can see it here -- but there

1 are some signs here. One of these is with respect
2 to that everyone is on camera and another is with
3 respect to no consumption.

4 So that's mandated by the State, and they
5 have very specific language that must be posted
6 with specific size to the signage and the letters.

7 So your concerns are noted, and I think
8 they're very valid, and we're addressing that and
9 have addressed them. So I think they're -- I'm
10 not sure if that answered your question.

11 MEMBER MELTON: Does the State make you
12 put signs outside, as well, or just inside?

13 MR. MARSICO: I don't believe they need to
14 be outside. If the association wanted us to, we'd
15 be happy to do so.

16 And with respect to additional cameras,
17 there are additional cameras that are planned to
18 be put in place, a few additional on the inside
19 and, so far, one additional on the outside.

20 We do have a fairly good view of our
21 parking lot. Since we've been open, Illinois
22 State Police and the Commission has asked us --
23 and we've complied -- to add additional cameras to
24 get a better views of our parking lot and our

1 entranceway. And we've done that.

2 MEMBER HOLDERFIELD: A question on the
3 lighting.

4 MR. MARSICO: Yes.

5 MEMBER HOLDERFIELD: After visiting the
6 site at night, I find it kind of creepy. There's
7 no lighting at all, really. The only lighting
8 that's on the parking lot now is from the adjacent
9 lot to your west, and it's not even directly in
10 your parking lot.

11 So when you say you might or will put in
12 additional lighting --

13 MR. MARSICO: I said we were open to it.

14 MEMBER HOLDERFIELD: -- how much lighting
15 are you going to put in?

16 Now, what I'm thinking, make sure you run
17 the distance of the entrance to your site to the
18 corner or curve that you make to go around the
19 building.

20 The dance studio is in a strange place at
21 eight o'clock at night with no lighting. I would
22 think that would be a concern not only by you but
23 the dance studio or whoever the owner of that
24 building is because it's based on the

1 infrastructure for manufacturing; now we have
2 retail in there, which probably shouldn't have
3 happened but it has.

4 MR. MARSICO: And a specialized school.

5 MEMBER HOLDERFIELD: Well, regardless of
6 that, it's in there, in an M-2 District, and the
7 infrastructure doesn't support retail or services.
8 That's been an issue from the get-go.

9 MR. MARSICO: But --

10 MEMBER HOLDERFIELD: Go ahead.

11 MR. MARSICO: When you say it doesn't
12 "support the infrastructure," I'd ask you to
13 expand on that --

14 MEMBER HOLDERFIELD: Well, I --

15 MR. MARSICO: -- because I'd argue that we
16 do.

17 MEMBER HOLDERFIELD: What I'm saying is
18 the parking lot was not designed for retail
19 businesses, as I understand it. Now we have retail
20 there, so that's all water over the dam now.

21 But what I'm saying now, the lighting is
22 part of that. That's what I mean by the
23 infrastructure wasn't for retail. And I would
24 hope that the lighting would be -- I think that's

1 a big issue for any business out there, and it
2 should screen down that western side where all the
3 entrances are to the building, not just your unit
4 but for the rest of them.

5 And I don't know if you're talking about
6 parking right now and lighting --

7 MR. MARSICO: Sure.

8 MEMBER HOLDERFIELD: -- I don't know
9 whether it's possible. But perhaps, maybe, the
10 west side where all the entrances are, that would
11 be an entrance only and the exit would be on the
12 east side of the building, where your -- where you
13 get your shipments and storage and all that.

14 I don't know if that's possible.

15 MR. MARSICO: You're saying an exit for
16 patrons to exit on the east side of the building?

17 MEMBER HOLDERFIELD: As they're coming in
18 the west side but you can't go back out of that
19 west side; you have to make a curve down the
20 building and go out on the east side.

21 MR. MARSICO: I see what you're saying.

22 MEMBER HOLDERFIELD: We talk about
23 stacking and so forth and a lot of things and even
24 in a -- you mentioned drugstores and pharmacy --

1 you know, all this traffic coming in and where
2 it's going to go as they're backing out and trying
3 to come out where people are coming in.

4 I don't know if that's possible, but
5 I would offer it as a suggestion. That might be
6 helpful for everybody, one entrance in and another
7 exit out. That's all.

8 MR. MARSICO: It's an interesting
9 suggestion. I think it could be difficult to
10 enforce at times to continue the flow of
11 traffic and also --

12 MEMBER HOLDERFIELD: I realize that. You
13 could just put signage up --

14 MR. MARSICO: Sure.

15 MEMBER HOLDERFIELD: -- and you're going
16 to have people that want to use the other lanes.

17 MR. MARSICO: Yeah. I mean, I assume
18 that, you know, the next concern will be, "Well,
19 you have these people going all the way around the
20 building when, you know, they're maybe a
21 hundred feet from the entrance as opposed to
22 making a" -- you know, I'm estimating here -- "a
23 1500-foot drive around the building."

24 It's an interesting --

1 MEMBER HOLDERFIELD: I think -- I tried
2 to -- there are a few blind spots there, I know.
3 But if it was established that that was the
4 pattern --

5 MR. MARSICO: Again, we're -- we're open
6 to suggestions and not only what makes this Plan
7 Commission content with the use but the
8 association content with the use. I'd say the
9 majority of concerns we're hearing are traffic and
10 parking.

11 MEMBER HOLDERFIELD: Yes.

12 MR. MARSICO: I think you agree with that.

13 It's just ironic that some of the
14 objectors operating outside of the ordinance with
15 respect to parking and there's no objections on
16 that use. I mean, that's a different question,
17 but, you know, it's -- the credibility of the
18 objections just aren't there. And it's -- that's
19 a fact.

20 I mean, when one of the objectors has --
21 and I'll pull it up because I want to be
22 accurate -- has 13 spaces allotted to them and
23 admittedly -- confirmed by staff at the last
24 meeting -- to be compliant with the parking

1 ordinance needs 52 spaces, yet they're one of the
2 objectors from the parking, doesn't that seem
3 a little bit odd to you?

4 And it -- I'm glad you bring this up
5 because another email -- just this past week from
6 another -- from one of our board members -- and
7 I'd like to read it into the record.

8 And I was conflicted on whether or not
9 I was going to read this into the record. And
10 this is by one of Mr. Bochte's clients who --
11 I would say their top concern is parking and
12 traffic. Would you agree with that?

13 Dated Friday, December 13th. And, again,
14 ironically enough, I was left off this email. We
15 were left off this email but it was sent to other
16 association members.

17 And this is in reference to Unit A, which
18 is for sale, which at our first meeting the
19 gentleman said he had a "golden buyer,"
20 quote/unquote, and that his sale may be in
21 jeopardy.

22 This is from Linda Reilly Murphy,
23 linda@metalloyco.com. "Robert Lee from TAAG
24 Genetics came in to introduce himself today.

1 TAAG does food processing testing and is basically
2 an office with some small testing equipment in it.
3 They have signed a contract to purchase the
4 Corporate Graphics unit in the front."

5 Just so everyone knows, that's Unit A.
6 I'm going to try and pull it up here so everyone
7 can see it. I believe we have it.

8 Unit A.

9 "Robert visited the St. Charles Economic
10 Development and was advised that they need to have
11 an allocation of 36 usable parking spaces for a
12 research office in St. Charles. Unit A is
13 currently allocated 19 spaces. A research office
14 needs four spaces per thousand feet, and the unit
15 is 8660 square feet, hence the requirement for 35
16 spaces for parking. They will never need that
17 many parking spaces; for the first year will only
18 have one or two people in the building."

19 Underlined, "They will never need more
20 than the 19 spaces that they have allotted
21 currently. Robert is asking if any of the other
22 units would be willing to share their parking
23 spaces with him so they can say he does have more,
24 quote/unquote, 'access' should he need it. Again,

1 he will not need it and his business model does
2 not have that many people and cars," underlined.

3 "Does anyone have a few spaces to
4 highlight or designate on the parking lot map for
5 Robert to say he can use? Robert is included on
6 this email should you have questions for him.
7 Thank you on this matter. We will need to know by
8 Monday."

9 Now, this is one of the objectors that's
10 been perhaps the most vocal with respect to
11 parking and traffic, endorsing a business to come
12 into our -- into St. Charles Commons, again, that
13 admittedly needs 36 usable spaces and only has
14 allotted 19.

15 I don't know for sure, but I'm quite
16 concerned that Linda's not a traffic engineer and
17 she's not a traffic expert, and I'm also quite
18 certain that when City of St. Charles drafts these
19 ordinances, staff spends a heck of a lot of time.
20 This is our third meeting just with this
21 Commission. There's two other governing bodies to
22 draft these ordinances.

23 They don't just pick these parking spaces
24 out of a hat. There's a reason why this use has a

1 requirement for 35 spaces, just like there's a
2 reason that Unit E, based on the testimony that
3 Beth Fowler gave, has a need for 52 spaces, yet
4 those are the objectors with respect to parking
5 and zoning -- or parking and traffic.

6 So when I hear those, it's difficult for
7 me to say that those are credible objections. And
8 it's -- it's mind-boggling for me because the
9 ordinance that was drafted in St. Charles requires
10 us, per our square footage, to have 15 spaces.
11 We've exceeded that and we've taken the measures
12 to secure additional parking to exceed the
13 ordinance with respect to parking.

14 And, again, I don't think staff just
15 picked this number out of a hat. And the amount
16 of diligence that this body, government affairs,
17 City Council, and staff has put into this has been
18 monumental. It's been going on for six-plus
19 months. You guys do an amazing job, and you do
20 not leave any stone unturned. And I've been to
21 several of these public hearings, and it's one of
22 the smarter groups that I've dealt with.

23 But it's difficult for me and for us when
24 we are doing everything by the book and we're

1 going above and beyond to satisfy the concerns,
2 whether it's a traffic study by our own traffic
3 consultant and have a third party -- or I should
4 say -- the City traffic engineer confirm that with
5 respect to traffic and there's no objections and,
6 with respect to parking, exceeding the ordinance
7 that St. Charles has put in place and everyone's
8 just dismissing these and saying it's not enough.

9 And when our objectors -- two of our
10 objectors -- they can't have that big of a concern
11 with parking when one is endorsing a tenant to
12 come in and operate outside of the ordinance with
13 respect to parking and one is currently operating
14 far outside of the ordinance for parking.

15 It seems -- I -- it's -- and forgive me
16 for getting upset but it's ridiculous. It's
17 ridiculous. I don't know what else to say.

18 CHAIRMAN WALLACE: All right.

19 Any other questions, Plan Commissioners?

20 (No response.)

21 CHAIRMAN WALLACE: Okay. Then I'll turn
22 to the audience. Is there any -- go ahead.

23 You weren't sworn in. Will you tell the
24 truth?

1 MR. COLEMAN: I will.

2 CHAIRMAN WALLACE: Go ahead.

3 MR. COLEMAN: A couple of weeks ago --
4 Mark Coleman from Coleman Land Company. My firm
5 has been in St. Charles for -- since 1940.

6 A couple of weeks ago I told a story that
7 I was representing a company who was considering
8 Corporate Graphics' Unit A and we were in the
9 middle of contract negotiations and I was afraid
10 that a retail use might complicate the parking
11 situation that was already fairly limited.

12 Since that time we have concluded our
13 negotiations, we are under contract, a cash deal
14 from an international corporation that has a
15 hundred employees worldwide. Not all of them are
16 coming to St. Charles but some of them are.

17 And we have had discussions about this use
18 coming into this building, and the principals have
19 told me, based on their international travels and
20 their travels to Boulder, Colorado, and California
21 and Oregon where recreational is legal, they have
22 no concerns.

23 So on behalf of Corporate Graphics and the
24 concern about the liability of this company coming

1 into this building, we waive concerns, and we
2 welcome the new neighbors into the building.

3 So I want to be on record for that.

4 Thank you.

5 CHAIRMAN WALLACE: All right. Thank you.

6 Yes, ma'am.

7 MS. REILLY MURPHY: Good evening. I'm
8 Linda Reilly Murphy from Metalloy Company.

9 I own two units that were bought in 1998,
10 since the building was built, and I just wanted to
11 mention that we did purchase it as a zoned
12 industrial building. My company represents a
13 number -- about a dozen steel companies. We also
14 sell machine parts.

15 And we have trucks in weekly. We have UPS
16 in every day delivering and then picking up. So,
17 I mean, we're talking about the traffic flow one
18 way to the building. You're going to have to
19 bring trucks coming in one side, you know, on a
20 regular basis.

21 I have 10 employees. We're going to have
22 to mark spots now to make sure we can get our
23 parking spots, and that's something else we're
24 going to have to do.

1 There's a lot of changes that we never
2 anticipated the first 20 years I've owned this
3 building, which I'm also -- as Anthony pointed
4 out, I'm the treasurer of the association.

5 The past couple of years, we managed to
6 put on a new roof, repainted the building. We
7 take care of all the snow removal, resealing the
8 parking lot. Any mechanical things like the water
9 flow and all that are done by me and my staff,
10 which is time-consuming, but it's because we own
11 this property. All these units are owned by
12 individuals who own their own companies, just
13 about, except for maybe Verano Holdings.

14 I think it's important to point out that
15 because of that we want to maintain the property.
16 We'd like to maintain it as the use that we
17 intended it to be, and it's worked out pretty well
18 for these 21 years that I've had it.

19 And I also wanted to address Anthony's
20 point about the letter I wrote on behalf of
21 Mr. Coleman's client who is looking to purchase
22 the unit. We don't want to have -- get in the way
23 of that purchase of a unit. It's been for sale
24 for a number of months. He just needs to make

1 sure he has parking spaces allocated. He's never
2 going to have that many employees; he's never
3 going to need any of those spots, which he
4 attested to me.

5 I just was looking for spots on his behalf
6 at his request, and I left Anthony out of the
7 letter because he has no spots to lend anybody.
8 So that was the point of doing that.

9 I had no intention of leaving you out,
10 Anthony, or any of your staff.

11 So I just wanted to make sure that you
12 heard our point. We wish Zen Leaf to be a
13 successful business. We're just not sure that the
14 traffic and the amount of people coming in,
15 especially in the beginning when it's new in
16 Illinois, can withstand it in our particular area.
17 And there's a lot of changes that we would have to
18 make to maybe make it accessible for that many
19 people in a retail -- a full-blown retail
20 business, not just medical.

21 So thank you very much for your time
22 tonight.

23 CHAIRMAN WALLACE: Thank you.

24 Other comments, questions?

1 Yes, ma'am.

2 MS. DE BORD: Good evening. My name is
3 Mary Beth DeBord. My address is 3722 Illinois
4 Avenue. My husband and I are co-owners of
5 Potential. We own Unit G, which is in the
6 northeast corner of the complex.

7 First, I'd like to thank all of you for
8 all the time you've given us. It's -- I had no
9 idea you gave so much time to this until I became
10 part of this process. The last time I was here
11 was when one of my boys was a Cub Scout. So it's
12 been a long time since I've been in this room, and
13 I really appreciate the time and careful
14 consideration you're giving this.

15 The question of allowing the variance
16 entails a matter of perspective, as I see it.
17 Should the Commission advocate to change the
18 entire nature of the M-2 Districts in general and
19 ours specifically to accommodate an emerging
20 retail business is the question.

21 And in order for you to make a considered
22 decision on that, I think you have to know what
23 our experience is like living and working in that
24 industrial complex.

1 I believe that, based upon our experience
2 and gaps in the traffic study -- which is no fault
3 to the traffic engineer; it's just that the data's
4 not there -- that it's not a good fit and it would
5 be completely inappropriate to allow the
6 recreational sale of marijuana in our industrial
7 complex.

8 The City's land use plan provides that
9 areas designated for industrial/business park are
10 intended to accommodate a variety of businesses
11 and uses such as light assembly, storage and
12 distribution, research, and tech industries and
13 office building, but none of the uses are for
14 general retail of the nature proposed by the
15 Applicant. They just simply aren't.

16 The biggest reason for this is they are
17 simply not designed for the traffic, parking,
18 security issues which affect general retail
19 operations.

20 If I shop at the outdoor mall which is
21 just to the west of our complex and I park and go
22 into TJ Maxx and then I leave my car there and
23 I go down to World Market and then I go next to
24 Ulta and then I go all the way to the end to

1 Stein Mart, nobody's going to object if I leave my
2 car at TJ Maxx. Why is that? Because it's set up
3 for that.

4 Why is it set up for that? Well, one of
5 the reasons is that retail wants cross traffic.
6 That's why they're there, location, location,
7 location. They encourage that type of cross
8 traffic so that those retail operations can make
9 money.

10 That's not what we have in the complex we
11 have right now. We have allotted parking spaces,
12 and we've actually had litigation about it, which
13 I read into the record last time we were here.

14 There's visibility at that retail
15 location. There's lighting and security
16 measures that are -- measures that are tailored to
17 the general retail climate. And as a customer at
18 any of those stores, I feel relatively safe
19 because I know that the security measures are in
20 place.

21 It's simply not the case in the M-2 District.
22 In fact, the relevant industrial businesses' goal
23 is to preserve the entirety of the industrial park
24 by preventing the encroachment of businesses that

1 can impact the long-term viability of industrial
2 areas.

3 The landscaping and berming that are there
4 are made to protect it from the outside. And to
5 your point, it makes it a little creepy sometimes.
6 Right?

7 But it's there so that it can maintain
8 privacy and not detract from neighboring
9 residential areas. I'm reading this and
10 paraphrasing it out of the City's land use plan,
11 so I'm not making this up.

12 That alone is a deterrent to adding a
13 retail operation, because these areas are not
14 highly visible, which adds to security concerns,
15 and industrial parks do not typically have
16 security cameras, proper outdoor lighting, open
17 parking lots to accommodate the high traffic, or
18 wide curb cuts in the driveways to accommodate
19 high traffic.

20 In addition, this special use asks for
21 targeted zoning, in that it applies to one class
22 of industry with two locations in St. Charles, one
23 on each side of the river. So St. Charles would
24 be amending the Zoning Ordinance to accommodate

1 only two businesses.

2 In the traffic study that was completed by
3 Zen Leaf, there was absolutely no provision for
4 stacking. So I ask you, where do all the cars go
5 when all the spaces are used?

6 I'd like to -- if I have it with me.

7 I'd like to just share a diagram real
8 quickly just to illustrate what I think is going
9 to happen, based upon me working there and owning
10 a business for the last six years. You can also
11 look up there, and I can kind of guide you
12 through, but it's easier to look at this diagram
13 because of the shading.

14 So if you look at the diagram, and in the
15 middle, there's a black line around our office
16 park. And then you look directly to the north,
17 and you see a blue line with an office park
18 encroaching from the east, and then you see red
19 lines, shaded areas, with commercial.

20 As I told you, our unit's Unit G. Behind
21 us are our allotted parking spaces, and then
22 directly behind that is a grassy berm.

23 Right behind that is parking for the
24 office park directly in that little blue-shaded

1 area, and then to the left or to the west there's
2 additional parking for that commercial complex.
3 That's where I believe the St. Charles Chamber of
4 Commerce has its current location.

5 None of those parking spots are used right
6 now. Ever. But I think what's going to happen is
7 there's going to be such a demand on our little
8 industrial complex that people are going to park
9 there. And what are they going to do? They're
10 going to walk behind our units, and you're going
11 to have all of this pedestrian traffic walking
12 down to Zen Leaf and buying and then walking back
13 to their cars. Again, we're not set up for
14 retail.

15 Linda's already shared with you all of the
16 hard work -- which is amazing -- that she's put in
17 to running the association and all the
18 improvements that she's made, and it's no surprise
19 to me that any business would be attracted to our
20 industrial unit because we have a new roof, we
21 have improved the parking lot, it's all painted.
22 She's just done an amazing job.

23 Now, as it regards Zen Leaf and the
24 traffic they have had to date, we have noticed an

1 increase in the customer traffic. We have noticed
2 use of other unit owners' parking spaces. We have
3 noticed damage to retaining walls across from
4 Zen Leaf's location.

5 Do I know that their customers did it?
6 Absolutely not. Do I suspect that it was as a
7 result of that? Yes, because of where it's
8 located.

9 We've noticed an increased use of the
10 western driveway, an increased ingress and egress
11 of parking spaces near Illinois Avenue,
12 necessitating at least me and our employees to use
13 the east driveway to avoid traffic.

14 We are concerned that the increased amount
15 of traffic will lead to traffic jams, more damage
16 to retaining walls, difficulty to receive
17 deliveries. In fact, our UPS driver has already
18 complained to us that when he goes through there
19 now he lays on his horn because he doesn't want
20 anybody backing into him.

21 And this will impede our ability to
22 operate, especially those of us in the northern
23 portion of our building, because we're landlocked.
24 So the only way we can get back there is to go

1 through a parking jam off of that area or to go on
2 the other driveway, which is always -- is also
3 possibly going to be impeded because of the
4 increased traffic.

5 I'd like to also offer that I believe the
6 basic premise that is supporting some of the data
7 in the traffic study and the evidence that
8 Zen Leaf has presented is that the recreational
9 customer will be in the store for five minutes, an
10 average of five minutes. Zen Leaf's also shared
11 with us that its largest demographic is 40- to
12 60-year-old women.

13 I'm a recent graduate of that group.
14 I can testify that I have never, in my 61 years on
15 the planet, gone into a retail store, completed a
16 purchase, and come back out in five minutes.
17 I can't even go to Walmart and get a pickup of
18 groceries that I preordered in five minutes.
19 I don't think any of us has ever done that.

20 Realistically, shoppers will want to view
21 options and browse, especially new products with
22 any product -- with many product offerings.

23 This isn't only my common sense. I'm
24 getting this from Zen Leaf's website, and I'd like

1 to share what is on their website with you.

2 "What to Expect on Your First Visit." It
3 likens your shopping experience to being a kid in
4 a candy store. It explains that there are
5 different types of cannabis that accomplish
6 different objectives, anti-inflammatory,
7 antibacterial, relaxation, promoting sleep,
8 improving energy, improving mood, antinausea, pain
9 relief, reduction and dependence on more
10 debilitating drugs like heroin. There are three
11 different strains of cannabis that are used to
12 achieve these desired objectives.

13 In addition to --

14 VICE CHAIRMAN KESSLER: Excuse me.

15 Excuse me.

16 I don't think -- we have that. I don't
17 think you need to read that into the record. That
18 has nothing to do with our application on this.

19 MS. DE BORD: Okay. Let me shorten it up.
20 This is no slam on cannabis use.

21 My point is that doing the math with three
22 different strains of cannabis, four methods of
23 ingestion, coupled with 12 different --

24 VICE CHAIRMAN KESSLER: That has

1 absolutely nothing to do with the application in
2 front of us. Could you please move on?

3 MS. DE BORD: All this points to the fact
4 that there are a lot of product options out there.
5 And so when you go to the store, it's going to
6 take you way more than five minutes to explore.
7 That's the point I'm getting to.

8 VICE CHAIRMAN KESSLER: You've made your
9 point.

10 Thank you.

11 MS. DE BORD: Okay.

12 I would also add that as for the
13 congestion on neighboring sites to our site, we
14 see a high likelihood of parking on the hotel
15 parking lot and St. Charles Chamber parking lots
16 to the north of us, parking on neighboring
17 properties to our east and west and walking
18 through our parking lot to Zen Leaf and travel
19 through an alley alongside TJ Maxx to access Kirk
20 and North Avenues so that you -- I believe that
21 there is going to be travel implications to the
22 retail operations to our west to avoid traffic
23 jams, as well, and then travel onto 37th Street to
24 access the light on Ohio and Kirk in order to make

1 a left turn traveling southbound. I think all of
2 those are going to be implicated in terms of
3 traffic jam congestion.

4 And, finally, I'd like to address
5 security. Last time we were here, Zen Leaf had
6 its security company, Silver Star.

7 I have the utmost respect for the Silver
8 Star. It stands for a high honor in the military,
9 and I have the utmost respect for the training
10 that any military person goes through. I'm not
11 questioning any of that.

12 My questioning is, why the need for that
13 level of security?

14 The statute indicates that the level of
15 security is because of what's stored in the store
16 itself, cannabis and cash. All of this makes me
17 very nervous as to the potential for crime and
18 theft in my industrial complex.

19 What does this mean for our businesses?
20 As a human resource manager, the training I give
21 our employees for active shooter drills becomes a
22 reality. We'll need to take more security
23 precautions, lock our doors, inhibit our client
24 traffic. We've already talked about increased

1 lighting and other security precautions like
2 security cameras.

3 I realize that we are living in an age of
4 increased anxiety. It's difficult for adults,
5 very worrisome for children. Speaking as a
6 citizen, I have large and weighty concerns about
7 granting this variance at St. Charles Commons.

8 In 2011 St. Charles was recognized by
9 Family Circle magazine as one of the 10 best
10 communities to raise a family in the
11 United States. We won this award in large part
12 because of the philanthropic efforts of our
13 community, namely the Kick-A-Thon, a fund-raiser
14 organized and run by the North and East
15 High School dance teams, the very dance teams
16 talking to by Beth Fowler in her studio two doors
17 down from Zen Leaf.

18 In giving the award Family Circle stated
19 "Every September" --

20 CHAIRMAN WALLACE: Let me -- let me
21 interrupt you. I'm sorry. We -- let's move on to
22 what has to do with findings of fact here.

23 MS. DE BORD: All right. I'll just end it.
24 I think it's our responsibility to protect

1 this vulnerable part of our community. They don't
2 have a voice or a vote. And I respectfully submit
3 that to allow the special use application at
4 St. Charles Commons is a bad public policy choice.

5 Thank you.

6 CHAIRMAN WALLACE: All right.

7 MEMBER PRETZ: Todd, I have a question for
8 Mr. Coleman.

9 CHAIRMAN WALLACE: Yes.

10 MEMBER PRETZ: And I'm not sure if he's
11 going to be here -- you know, how long he's going
12 to be here. I was wondering if I could ask him.

13 CHAIRMAN WALLACE: Sure.

14 VICE CHAIRMAN KESSLER: All right.

15 CHAIRMAN WALLACE: Mr. Coleman.

16 Go ahead.

17 MR. COLEMAN: Yes, sir.

18 MEMBER PRETZ: My question to you was, in
19 reference to Unit A, it was stated that, based
20 upon the type of business that was going to be
21 coming in, they needed 35 parking spaces and
22 they're allocated 19.

23 And since you're intimate to the deal and
24 understanding of their business, the 19 existing

1 spaces, are they truly necessary for that new
2 business that is coming in?

3 Because it -- I would think that there
4 would be a concern in there with you representing
5 and, also, you know, trying to close your deal
6 that if -- relative to the parking scenario.
7 Outside of Zen Leaf even being in the Commons.

8 MR. COLEMAN: I think -- as TAAG Genetics
9 fully moves into the property, I don't think that
10 they will ever need 19 --

11 MEMBER PRETZ: Okay. Thank you.

12 MR. COLEMAN: -- in their configuration.

13 I think the increased parking requirement
14 is due to the classification of their use by the
15 City, which aligns it more closely with offices,
16 which is four per thousand, I recall. But I don't
17 think their use will ever approach that.

18 MEMBER PRETZ: Okay. Thank you.

19 Thank you.

20 CHAIRMAN WALLACE: Yes.

21 MR. MANIC: For the record, my name is
22 Tyler Manic. I'm the attorney for the Applicant.

23 Since this Commission does -- is in the
24 process of weighing evidence, I just want to point

1 out to the Commission, in weighing this evidence,
2 that Ms. DeBord made many statements regarding
3 parking and traffic, commenting on Ms. Means'
4 traffic study.

5 There's absolutely zero foundation for the
6 conclusions that she makes, so I don't believe any
7 of the traffic or parking concerns that she is
8 raising -- while they're speculative at best, at
9 worst they have zero foundation and can't be
10 relied upon as far as the evidence.

11 CHAIRMAN WALLACE: All right. Thank you.

12 And before we get too much further along,
13 there are two exhibits that were presented, and
14 I've marked them as Exhibit 5, which is a
15 one-page aerial line map, and Exhibit 6, which is
16 a printout of a website.

17 All right. Further questions, comments?

18 Yes, ma'am.

19 MS. FOWLER: My name is Beth Fowler.

20 I wasn't going to -- I've talked quite a bit, and
21 I wasn't planning on speaking tonight. But now my
22 name's been brought up a couple times, so I feel
23 the need.

24 But in the 37 years that I've had the

1 dance studio, I've had nine different locations in
2 four different cities, and I've never been told
3 that I needed to have anywhere near that amount of
4 parking spots, so I don't really believe that.

5 But I -- also, I feel like that's another
6 conversation. But there has not been any
7 questions. Basically, it's a drop-off, so I'm
8 very concerned all the traffic that --

9 CHAIRMAN WALLACE: Hold on. Let me just
10 stop you there.

11 MS. FOWLER: Yeah.

12 CHAIRMAN WALLACE: We aren't talking about
13 your need for parking or whether or not it's
14 allowed under the -- I mean, we're --

15 MS. FOWLER: Right, because --

16 CHAIRMAN WALLACE: We have an application
17 in front of us.

18 MS. FOWLER: Right. Right. Exactly.

19 I'm just saying there was no effect that
20 I need that many because I don't believe it.

21 CHAIRMAN WALLACE: Okay.

22 MS. FOWLER: That's all I want to say.

23 And, also, I do want to agree that --

24 I have talked to Anthony on several occasions --

1 and I do enjoy talking to him. He's very, you
2 know, approachable, and he is very accommodating.

3 But the problem is the more he tries to
4 get involved and help, the more of a conflict it
5 is because the two businesses just don't mesh.

6 So, you know, the added security is to
7 help, but, you know, when you see all the
8 security, parents do not feel comfortable bringing
9 up and leaving their kids there.

10 So my concern is, you know, with my
11 business and -- you know, I hope he has a great
12 business in a place that's zoned for it, but
13 I just feel that -- I'm very concerned about the
14 business that I have worked very hard to develop
15 in 37 years, and I feel like that's very important
16 to the -- for the safety of the kids and, also,
17 you know, for the well-being of the studio.

18 So I just wanted to remind that's a huge
19 concern and the traffic because our little ones
20 are being dropped off. And, also, I agree with
21 what -- what she said about the parking spots in
22 the back are never used. But now I can see even
23 my kids in the dark coming around the studio --
24 children -- coming around the studio to park in

1 the back.

2 So those are my concerns. Thank you very
3 much.

4 CHAIRMAN WALLACE: All right. Any
5 other -- yes, sir.

6 MR. FRITSCH: My name is Richard Fritsch.
7 My daughter has gone to Beth Fowler School of
8 Dance for quite a few years.

9 As it's labeled a specialty school, the
10 thing that's in common with a grammar school is
11 the children. It is no less dangerous being in
12 that parking lot than dropping your kids off at
13 Norton Creek. The biggest problem is that school
14 will typically end at 9:30 at night. It's dark,
15 there's a big release, and it's difficult to get
16 in and out of there.

17 You're coming in to any one of those
18 storefronts, you miss the driveway, you're going
19 to go to the east side or vice versa, what it --
20 depending on where you're going, so there's
21 traffic going both ways.

22 My daughter's been instructed by me not to
23 go out the east side driveway. You have to pass
24 all the children. You know, they're nondrivers.

1 They don't understand the weight of a car; they
2 don't understand what side of the street the cars
3 are coming on. They don't get it. They're out at
4 9:30 and they're moving across the parking lot.

5 So it's been fine up to now. But Zen Leaf
6 wants to go to ten o'clock, so now you have
7 extra -- I do not go out that entrance when I go
8 to pick up at 9:30. I do not go out the west side
9 driveway. So I'm going around the back.

10 So there's -- as others have said -- now,
11 again, this is not drop-off or drops and whatever,
12 but there's a lot of traffic, and it's difficult
13 getting around the corners of the building in the
14 back.

15 So that's all I wanted to say, was that
16 there is a lot of activity out in that parking lot
17 at times. Summertime -- we have summer camps;
18 there is a large drop-off at three o'clock in the
19 afternoon. 4:00 or five o'clock on a regular day
20 and then usually a few times a week until 9:30.

21 So that's it. Thank you for letting me
22 talk.

23 THE COURT REPORTER: Could you spell your
24 name for me, please, sir.

1 MR. FRITSCH: Sure. F-r-i-t-s-c-h.

2 THE COURT REPORTER: Thank you.

3 CHAIRMAN WALLACE: All right. Any other
4 questions, comments?

5 MR. MARSICO: Anthony Marsico from
6 Zen Leaf.

7 You know, one thing I just want to get
8 back into and following up from the last meeting,
9 and it's starting to get brought back up again --
10 and some of us weren't here last time -- is
11 compatibility of use, and that was something that
12 was brought up quite a bit in the first meeting.

13 And I just want to remind everyone that
14 cannabis dispensaries were mandated to be in the
15 M-2 District by the City of St. Charles.

16 If we go to the differences in use between
17 medical and adult-use, they operate virtually
18 identically. The only slight differences are the
19 identification that's needed to enter. The
20 products are the same; we're governed by the same
21 body; we operate the same way. There is just
22 going to be an increase in the amount of access of
23 consumers.

24 And the traffic studies have indicated

1 that there will not be an impact. And with
2 respect to parking, again, we are above the
3 ordinance -- we are exceeding the ordinance
4 requirements.

5 Compatibility of use. I'd like to make
6 the argument that there's no more compatible zone
7 than M-2 because that's where cannabis
8 dispensaries were originally decided to be put.

9 So I wanted to make that point.

10 CHAIRMAN WALLACE: Thank you.

11 Any other questions or comments?

12 Yes, ma'am.

13 MS. FRITSCH: Hi. I'm Therese Fritsch.
14 Same spelling, F-r-i-t-s-c-h, from West Chicago,
15 Illinois. Same daughter as Mr. Fritsch who spoke,
16 at the dance school for seven years.

17 With regard to the compatibility of use,
18 I think you need to take the general separate from
19 the specific.

20 Generally speaking, the M-2 District may
21 be the appropriate place for the recreational
22 cannabis, but, again, when you take into
23 consideration the specific businesses, the
24 specific layout, the specific ingress and

1 access -- and access, the parking, the amount of
2 space there is, the amount of lighting that was
3 brought up earlier, these are all things that make
4 that particular site incompatible with retail.

5 The other businesses, I believe, should
6 not be impacted negatively by the location of that
7 business and its activity. And I am quite
8 certain, based on all the conversations I've heard
9 amongst the parents of the dancers at the school,
10 there are people that will take their children out
11 of that dance school, and that will negatively
12 impact Beth Fowler's business.

13 I don't know as much -- or anything --
14 about the other businesses there and what kind of
15 peak traffic times they might have that would be
16 incompatible or the amount of parking spaces they
17 have that might be incompatible besides what we've
18 heard here, but there are definitely
19 incompatibilities for that location between the
20 Beth Fowler school that's been there already.
21 I know both have been there already for some time,
22 but that business was there longer and has been
23 using that site.

24 And I do want to actually -- pardon me,

1 but I want to add to what Beth said about the
2 number of parking spaces.

3 I know that's not -- her site isn't an
4 issue, but it was incorrectly stated. It was
5 corrupted, what was talked about last time. She
6 does not use more than her 13 spaces throughout
7 the day of her business. There's pickup and
8 drop-off, and that's when there's more cars there,
9 but it is not that everybody's parking and staying
10 there all that time. It's just at those times of
11 drop-off and pickup that there's a traffic flow.

12 Thank you.

13 CHAIRMAN WALLACE: All right. Thank you.

14 Any other comments, questions?

15 (No response.)

16 CHAIRMAN WALLACE: Okay. Anything else?

17 (No response.)

18 CHAIRMAN WALLACE: Anything further from
19 the Planning Commission?

20 (No response.)

21 CHAIRMAN WALLACE: Staff?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. If the Plan
24 Commission feels --

1 MEMBER MELTON: I just have a question.

2 CHAIRMAN WALLACE: Go ahead.

3 MEMBER MELTON: Maybe this is just --

4 I just want to clarify this one last time.

5 So what we stated or what has been stated
6 by City Council is that, of the two, one of them
7 has to have -- to run a medical dispensary for one
8 or two years; correct?

9 Is that correct?

10 MS. JOHNSON: Both would have -- both
11 would have -- would be required to have run a
12 medical dispensary for a period of one year, one
13 of which would have to be in St. Charles
14 previously and one elsewhere in the state.

15 MEMBER MELTON: So with that said, the
16 only way -- based on that -- that Zen Leaf could
17 operate a recreational would be to move based on
18 what we heard today unless we approve of the --

19 MS. JOHNSON: Correct.

20 CHAIRMAN WALLACE: All right.

21 Sir.

22 MR. BEND: Tim Bend, 3506 Charlemagne
23 Lane, St. Charles, Illinois.

24 I've been with UPS for 40 years, and I've

1 talked to our driver. He has issues with that
2 facility now -- and that's a fact -- before
3 they're even there.

4 I guess my second concern is with that
5 school going -- or my -- I guess my question is,
6 can Zen Leaf take one of our businesses that is
7 already on North Avenue that is vacant and open a
8 storefront and utilize their existing facility for
9 all their warehouse?

10 Can we have two recreationals, one on the
11 east, one on the west, and their medical space?
12 Can we have three?

13 MS. JOHNSON: Yes. If Zen Leaf were to
14 stay medical, then there could be two additional
15 recreational.

16 MR. BEND: Well, then, as a good corporate
17 citizen, it might be a good idea to look at one of
18 our open storefronts on North Avenue and utilize
19 your facility and eliminate all this cost because
20 there's so many businesses up and down North
21 Avenue -- from Sweet Tomatoes to the old
22 Toys "R" Us to stuff in little strip malls -- even
23 right across the street here kitty-corner. You
24 can help us generate and build this community

1 rather than tucking it away in a medical facility
2 in back.

3 And I think one statement that was made
4 before, you guys are just looking to double-dip.
5 Come and help. Reduce your resources and your
6 attorney fees and this cost for this lengthy
7 process because once it gets to City Council, it's
8 going to explode in this town because we are one
9 of the top communities, and more people are going
10 to get involved.

11 Just my suggestion. Thank you.

12 CHAIRMAN WALLACE: All right. Thank you.

13 MR. BEND: And you probably already have
14 paid for the store already just with the cost
15 since you've been here -- or storefront. So we
16 can have three.

17 CHAIRMAN WALLACE: All right.

18 Any other comments or questions?

19 (No response.)

20 CHAIRMAN WALLACE: Okay. At this time, if
21 the Planning Commission feels that they have
22 enough evidence to be able to make a
23 recommendation to the City Council based on the
24 findings of fact that are contained in the Zoning

1 Ordinance, then a motion to close the public
2 hearing would be in order.

3 VICE CHAIRMAN KESSLER: So moved.

4 MEMBER FUNKE: Second.

5 CHAIRMAN WALLACE: Okay. It's been moved
6 and seconded. Any discussion on the motion?

7 (No response.)

8 CHAIRMAN WALLACE: There's a motion to
9 close the public hearing.

10 Tim.

11 VICE CHAIRMAN KESSLER: Becker.

12 MEMBER BECKER: Yes.

13 VICE CHAIRMAN KESSLER: Funke.

14 MEMBER FUNKE: Yes.

15 VICE CHAIRMAN KESSLER: Pretz.

16 MEMBER PRETZ: Yes.

17 VICE CHAIRMAN KESSLER: Holderfield.

18 MEMBER HOLDERFIELD: Yes.

19 VICE CHAIRMAN KESSLER: Vargulich.

20 MEMBER VARGULICH: Yes.

21 VICE CHAIRMAN KESSLER: Purdy.

22 MEMBER MACKLIN-PURDY: Yes.

23 VICE CHAIRMAN KESSLER: Melton.

24 MEMBER MELTON: Yes.

1 VICE CHAIRMAN KESSLER: Wallace.

2 CHAIRMAN WALLACE: Yes.

3 VICE CHAIRMAN KESSLER: Kessler, yes.

4 CHAIRMAN WALLACE: All right.

5 (A recess was taken from 8:30 p.m. to
6 8:40 p.m.)

7 CHAIRMAN WALLACE: Item No. 6 on your
8 agenda is Zen Leaf St. Charles, 3714 Illinois
9 Avenue, Healthway Services of West Illinois, LLC,
10 application for special use.

11 Is there a motion for discussion?

12 VICE CHAIRMAN KESSLER: I'll make a motion
13 to recommend to the City Council Planning and
14 Development Committee approval of the application
15 for special use for Zen Leaf St. Charles,
16 3714 Illinois Avenue, Healthway Services of West
17 Illinois, LLC.

18 MEMBER MACKLIN-PURDY: I'll second it.

19 CHAIRMAN WALLACE: Okay. It's been moved
20 and seconded.

21 Discussion on the application for special
22 use?

23 And -- sorry. And, obviously, we have
24 different findings of fact for special use that



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Transcript of Hearing - Volume III

Date: December 17, 2019

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: General Amendment, :
Healthway Services of West :
Illinois, LLC, to Add :
Recreational Cannabis :
Dispensing Organization :
as a Special Use in the :
M-2 District. :
-----x

HEARING, VOLUME III
St. Charles, Illinois 60174
Tuesday, December 17, 2019
8:30 p.m.

Job No.: 218478B
Pages: 161 - 173
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

1 HEARING, held at the location of:

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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12

13 Before Melanie L. Humphrey-Sonntag, a Certified
14 Shorthand Reporter, Registered Diplomate Reporter,
15 Certified Realtime Reporter, and a Notary Public
16 in and for the State of Illinois.

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 SUE MELTON, Member

8 LAURA MACKLIN-PURDY, Member

9 TOM PRETZ, Member

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSS COLBY, Community Development Manager

14 ELLEN JOHNSON, Planner

15 RACHEL HITZEMANN, Planner

16 RITA TUNGARE, Community & Economic

17 Development Director

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1 P R O C E E D I N G S

2 CHAIRMAN WALLACE: The public hearing is
3 closed and now we will be having discussion and
4 recommendation.

5 And we do have two applications. The
6 first application is for the general amendment.
7 What we will do is we will make a recommendation
8 to the City Council on both of the applications
9 without regard to what the recommendation is.

10 I guess from a logical standpoint, it may
11 seem that if we were to make a negative
12 recommendation on the general amendment, then the
13 special use wouldn't matter, but that's not the
14 case because the City Council is the one that's
15 going to take action on this. So we can take each
16 of them and make recommendations on each of them
17 separately.

18 There are findings of fact that
19 I referenced, and the -- in your binders are the
20 findings of fact --

21 VICE CHAIRMAN KESSLER: Can you review the
22 general --

23 CHAIRMAN WALLACE: Yeah.

24 -- under the "General Amendment" tab and

1 under the "Special Use" tab, although the special
2 use one hasn't been updated. But I think that we
3 all know what the factors are.

4 So for the general amendment, the Plan
5 Commission will consider -- oh, all right. It's
6 all right here.

7 So those are the findings of fact, and
8 those are not findings that the Plan Commission
9 has to make determinations in the affirmative for
10 all of them. The way that the ordinance is
11 written is that we will consider these factors in
12 making a recommendation and application.

13 That having been said, I will turn it over
14 to the Plan Commission if anyone wishes to either
15 make a motion or have discussion.

16 VICE CHAIRMAN KESSLER: I'll make a
17 motion.

18 CHAIRMAN WALLACE: Okay. Tim.

19 VICE CHAIRMAN KESSLER: I'd like to make a
20 motion on Item 5, general amendment, Healthway
21 Services of West Illinois, LLC, Chapter 17.16,
22 "Office/Research, Manufacturing, and Public Land
23 Districts," to add recreational cannabis
24 dispensing organizations as a special use in the

1 M-2 District.

2 I would like to make a motion to recommend
3 approval to the City Council of that general
4 amendment.

5 CHAIRMAN WALLACE: Okay. There's a
6 motion. Is there a second?

7 MEMBER VARGULICH: I'll second.

8 MEMBER BECKER: I'll second.

9 CHAIRMAN WALLACE: All right. Second was
10 Jennifer.

11 All right. Discussion on the motion?

12 VICE CHAIRMAN KESSLER: Well, I'd like to
13 make a couple comments about why I believe that
14 the general amendment application -- and this is
15 outside of the special use application by the
16 Applicant -- is -- we should recommend in the
17 affirmative.

18 First of all, while it's been noted that
19 it's office/research, manufacturing, and public
20 land districts, there's actually 14 permitted uses
21 that have nothing to do with manufacturing.

22 THE COURT REPORTER: Can you use your mic,
23 please?

24 VICE CHAIRMAN KESSLER: There are

1 14 permitted uses in the M-2 District that have
2 nothing to do with manufacturing. There's six
3 special uses that are not under the manufacturing
4 umbrella, as well.

5 In addition to that, I believe that we've
6 had this discussion when we debated where to
7 locate the medical marijuana facilities, and we
8 also had discussion about it when we initially
9 determined the districts and recommended approval
10 to the City Council on the districts that have
11 been approved. Part of our recommendation was the
12 comment to consider using M-2 at that time.

13 This application is simply to allow a use
14 that is compatible with the retail, office, and
15 service uses that are already permitted and a
16 special use in that district. It doesn't speak
17 specifically to this Applicant at the location
18 they're at but simply to M-2 Districts in general.

19 So I believe that with -- for those
20 reasons it's difficult for us to not approve it in
21 the M-2 District and so my recommendation -- my
22 proposal -- my motion to recommend.

23 CHAIRMAN WALLACE: All right.

24 Any other discussion?

1 MEMBER FUNKE: Yeah.

2 I want to kind of -- my opinion is that,
3 you know, we're setting a precedent here and we're
4 setting a precedent -- this existing manufacturing
5 usage, it's part of the zoning. This is the
6 zoning. It's an industrial use. Right?

7 We have a special use for medical use,
8 which is -- the increasing capacity from medical
9 to retail is approximately four-fold, so we're
10 essentially changing this to a retail use.

11 I actually took some time and I counted
12 all the vacant spaces on North Avenue that are
13 in the BC/BR District. All -- and this is on
14 the east side alone. And I counted over
15 188,000 square feet of vacant retail.

16 And as city planners, what are we doing if
17 we're promoting to create retail spaces in
18 industrial areas? Why aren't we protecting our
19 businesses and, you know, creating retail spaces
20 that are actually complementary to other
21 businesses, say the Giordano's which has two
22 spaces right next to it that are vacant or other
23 restaurants that would benefit from traffic of
24 400 to 600 people a day?

1 So I just want, you know, as a city
2 planner -- you know, thinking about what the use
3 is, what it was designed for, this site is very
4 tight. It has bad lighting.

5 VICE CHAIRMAN KESSLER: But I have to --
6 I have to say we're not -- we're not discussing --

7 MEMBER FUNKE: I understand.

8 VICE CHAIRMAN KESSLER: -- the site.

9 MEMBER FUNKE: I understand.

10 VICE CHAIRMAN KESSLER: We're discussing
11 M-2 --

12 MEMBER FUNKE: I understand.

13 VICE CHAIRMAN KESSLER: -- not the site.

14 MEMBER FUNKE: Well, we're discussing what
15 the zoning requirements are for site parameters in
16 that district.

17 So you have certain lighting requirements,
18 you have certain parking requirements, you have
19 certain access requirements, so we have to adhere
20 to those.

21 So that's what I'd like to say.

22 VICE CHAIRMAN KESSLER: And I'd also like
23 to point out that -- I'd like to just list a
24 couple of the permitted uses in that district now.

1 Day care centers are permitted; heavy
2 retail and service are permitted; hotel and motel
3 are permitted; medical, dental clinics are
4 permitted; motor vehicle service and repair are
5 permitted.

6 Motor vehicle rental, which is a retail
7 use, is permitted. Office use is permitted,
8 outdoor sales as an accessory use. Veterinary
9 office, animal hospital are permitted.

10 So I don't believe that we're infringing
11 on the use of that zoning district by approving
12 something like this. It's just -- there are so
13 many other uses that are permitted in this
14 district -- indoor recreational amusement is a
15 permitted use in this district. These aren't, you
16 know, manufacturing uses at all.

17 So, you know, I do get your point that
18 there are other places that we could promote, but
19 that's not our application. Our application is
20 specifically to the use in this M-2 District.

21 CHAIRMAN WALLACE: All right.

22 MEMBER HOLDERFIELD: I --

23 CHAIRMAN WALLACE: Yes.

24 MEMBER HOLDERFIELD: I just have to --

1 THE COURT REPORTER: I'm sorry. I can't
2 hear you.

3 MEMBER HOLDERFIELD: I shouldn't have
4 turned my head.

5 I just have trouble -- not necessarily --
6 I'm not talking about recreational marijuana. I'm
7 just talking about putting retail sales in an
8 M-2 District. That's what's bothering me. And
9 I think we've done that in the past but not
10 necessarily, in my point of view, it's been a good
11 decision.

12 And I think what's going on here in this
13 discussion tonight is exactly the wrong path we
14 were going down, you know, by allowing more retail
15 sales in an M-2 District. And I just -- I think
16 the property speaks to that.

17 So like I said earlier, that's where I'm
18 at. M-2 is not for retail or medical use. That's
19 how I see it.

20 CHAIRMAN WALLACE: All right.

21 Other discussion?

22 (No response.)

23 CHAIRMAN WALLACE: All right. Anything
24 from staff before I take a vote?

1 (No response.)
2 CHAIRMAN WALLACE: All right.
3 Tim, roll call.
4 VICE CHAIRMAN KESSLER: Becker.
5 MEMBER BECKER: No.
6 VICE CHAIRMAN KESSLER: Funke.
7 MEMBER FUNKE: No.
8 VICE CHAIRMAN KESSLER: Pretz.
9 MEMBER PRETZ: No.
10 VICE CHAIRMAN KESSLER: Holderfield.
11 MEMBER HOLDERFIELD: No.
12 VICE CHAIRMAN KESSLER: Vargulich.
13 MEMBER VARGULICH: Yes.
14 VICE CHAIRMAN KESSLER: Purdy.
15 MEMBER MACKLIN-PURDY: Yes.
16 VICE CHAIRMAN KESSLER: Melton.
17 MEMBER MELTON: Yes.
18 VICE CHAIRMAN KESSLER: Wallace.
19 CHAIRMAN WALLACE: Yes.
20 VICE CHAIRMAN KESSLER: Kessler, yes.
21 CHAIRMAN WALLACE: All right. That passes
22 by a vote of 5 to 4.
23 (Off the record at 8:40 p.m.)
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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of December, 2019.

My commission expires July 3, 2021.

MELANIE L. HUMPHREY-SONNTAG

MELANIE L. HUMPHREY-SONNTAG

NOTARY PUBLIC IN AND FOR ILLINOIS

1 are on the screen. And unlike the findings of
2 fact for general amendment, any special use must
3 meet all the standards.

4 All right. Discussion? Motion?

5 I'm sorry. There already is a motion. Is
6 there discussion on the motion?

7 VICE CHAIRMAN KESSLER: Discussion on the
8 motion.

9 CHAIRMAN WALLACE: Yes. That's what
10 I said.

11 All right. Any discussion?

12 (No response.)

13 CHAIRMAN WALLACE: We might be discussed
14 out so --

15 VICE CHAIRMAN KESSLER: Yeah. Could be.

16 MEMBER VARGULICH: Can we amend the
17 recommendation?

18 CHAIRMAN WALLACE: A motion to amend?

19 MEMBER VARGULICH: Yes.

20 CHAIRMAN WALLACE: Go ahead.

21 MEMBER VARGULICH: I -- I'm sorry. Am I
22 on mic?

23 The Applicant would have to upgrade the
24 parking lot lighting and add security cameras to

1 address the -- my earlier stated concerns to avoid
2 on-site consumption in the parking lot and add the
3 signage.

4 Just because it's in the building doesn't
5 mean that people are going to pretend like they
6 remember it.

7 So that would be my stipulation.

8 CHAIRMAN WALLACE: Okay. So that's a
9 motion to amend the main motion?

10 MEMBER VARGULICH: Correct.

11 CHAIRMAN WALLACE: Is there a second to
12 that motion to amend?

13 MEMBER MACKLIN-PURDY: I'll second it.

14 CHAIRMAN WALLACE: Okay.

15 So just so we're clear, the motion to
16 amend is to recommend approval on the condition
17 that the Applicant upgrade signage and lighting in
18 order to ensure --

19 VICE CHAIRMAN KESSLER: With lighting and
20 security cameras.

21 CHAIRMAN WALLACE: Oh, I'm sorry.

22 -- lighting and security cameras to ensure
23 that there's no on-site consumption.

24 Correct?

1 MEMBER VARGULICH: Correct.

2 CHAIRMAN WALLACE: Okay. Any discussion
3 on the motion to amend?

4 MS. JOHNSON: Was signage included in that
5 condition?

6 CHAIRMAN WALLACE: No.

7 MEMBER VARGULICH: Yes.

8 VICE CHAIRMAN KESSLER: You added it?

9 MEMBER MACKLIN-PURDY: Originally, it
10 had it.

11 CHAIRMAN WALLACE: I think he did say
12 signage.

13 MEMBER VARGULICH: I said signage.

14 CHAIRMAN WALLACE: So we're talking about
15 lighting, security cameras, and signage --

16 MEMBER VARGULICH: Yes.

17 CHAIRMAN WALLACE: -- in order to ensure
18 that there's no on-site consumption, which was
19 covered in the record.

20 And I guess, as a part of the discussion,
21 is the Applicant clear on that?

22 MR. MANIC: Yes.

23 CHAIRMAN WALLACE: Okay. All right.
24 Yeah.

1 MEMBER BECKER: So if we vote yes on this,
2 it's to amend the motion, not --

3 CHAIRMAN WALLACE: Correct, yeah. This is
4 a motion to amend, yeah.

5 He's the Applicant.

6 MR. MARSICO: We're happy to comply with
7 all of those, maybe some level of specificity to
8 what the expectations are.

9 Signage I think is easy. We would just
10 comply with what Illinois mandates with respect to
11 consumption. Cameras -- camera coverage I think
12 is also easy. Lighting, we may just want to be a
13 little bit more --

14 MEMBER VARGULICH: To meet IES standards
15 for retail marketing.

16 MR. MARSICO: Okay. That would be -- okay.

17 CHAIRMAN WALLACE: Okay.

18 VICE CHAIRMAN KESSLER: Yeah, I have a
19 question for staff regarding the specificity of
20 any recommendation we might make.

21 We don't have that background to make
22 those kind of specific recommendations. So could
23 we make it conditional on staff? I mean, you'd be
24 responsible -- staff would be responsible for

1 creating that standard?

2 I don't think that's something this body
3 has expertise to do.

4 MR. COLBY: We can ensure that the
5 standard as stated by the Plan Commission is met
6 based on plan documents that are submitted.
7 I think the technical standard that Commissioner
8 Vargulich had referenced is something that staff
9 can apply.

10 VICE CHAIRMAN KESSLER: Okay. And then
11 that would be the extent of our --

12 CHAIRMAN WALLACE: All right.

13 All right. Any further discussion from
14 the Plan Commission on the motion to amend?

15 (No response.)

16 CHAIRMAN WALLACE: All right.

17 Tim.

18 VICE CHAIRMAN KESSLER: Becker.

19 MEMBER BECKER: Yes. Yes.

20 CHAIRMAN WALLACE: What was that?

21 MEMBER BECKER: Yes.

22 VICE CHAIRMAN KESSLER: Okay.

23 Funke.

24 MEMBER FUNKE: No.

1 VICE CHAIRMAN KESSLER: Pretz.

2 MEMBER PRETZ: Yes.

3 VICE CHAIRMAN KESSLER: Holderfield.

4 MEMBER HOLDERFIELD: Yes.

5 VICE CHAIRMAN KESSLER: Vargulich.

6 MEMBER VARGULICH: Yes.

7 VICE CHAIRMAN KESSLER: Purdy.

8 MEMBER MACKLIN-PURDY: Yes.

9 VICE CHAIRMAN KESSLER: Melton.

10 MEMBER MELTON: Yes.

11 VICE CHAIRMAN KESSLER: Wallace.

12 CHAIRMAN WALLACE: Yes.

13 VICE CHAIRMAN KESSLER: Kessler, yes.

14 CHAIRMAN WALLACE: All right. The motion
15 to amend passes.

16 Back to the main motion. Any further
17 discussion?

18 MEMBER BECKER: I'd like to just say one
19 thing before we take the vote from my two cents.

20 I guess, having heard all of this, it's
21 just clear to me that, with all the on-site
22 conflicts, that introducing this retail use on the
23 site would most likely -- wouldn't be happening if
24 we were discussing this special use in a

1 traditional business setting, a larger, more
2 cohesive retail area.

3 And so this is the prime reason for me to
4 conclude that this particular special use in this
5 M-2 District isn't appropriate and it's more
6 appropriate in another -- in the original district
7 that we contemplated.

8 So that's just my opinion on how I'll be
9 voting.

10 CHAIRMAN WALLACE: All right. Any other
11 discussion?

12 MEMBER MELTON: Jennifer, to add to that,
13 I guess my question would be -- I mean, I'm
14 thinking that we're going to have similar conflict
15 even in a retail setting -- whether it be by a
16 Dunkin' Donuts -- we're going to be having the
17 same debate about kids and teenagers hanging out.
18 I mean, I'm very conflicted about it.

19 I think what's conflicting me, as well, is
20 what we've stated, about what one of the space --
21 one of the owners of a recreational dispensary has
22 to have had this medical, you know, experience.
23 And, yet, the way it is, you know, in St. Charles
24 they can't do that.

1 So we've literally eliminated -- the two
2 things don't -- they're in conflict.

3 CHAIRMAN WALLACE: Any other discussion?

4 (No response.)

5 CHAIRMAN WALLACE: Anything?

6 (No response.)

7 CHAIRMAN WALLACE: No?

8 (No response.)

9 CHAIRMAN WALLACE: Okay.

10 Tim.

11 VICE CHAIRMAN KESSLER: Becker.

12 MEMBER BECKER: No.

13 VICE CHAIRMAN KESSLER: Funke.

14 MEMBER FUNKE: No.

15 VICE CHAIRMAN KESSLER: Pretz.

16 MEMBER PRETZ: No.

17 VICE CHAIRMAN KESSLER: Holderfield.

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19 VICE CHAIRMAN KESSLER: Vargulich.

20 MEMBER VARGULICH: Yes.

21 VICE CHAIRMAN KESSLER: Purdy.

22 MEMBER MACKLIN-PURDY: Yes.

23 VICE CHAIRMAN KESSLER: Melton.

24 MEMBER MELTON: Yes.

1 VICE CHAIRMAN KESSLER: Wallace.

2 CHAIRMAN WALLACE: Yes.

3 VICE CHAIRMAN KESSLER: Kessler, yes.

4 CHAIRMAN WALLACE: All right. That passes
5 by a vote of 5 to 4. That concludes Item No. 6 on
6 the agenda.

7 Item 7 on the agenda, any additional
8 business from Plan Commission members or staff?

9 (No response.)

10 CHAIRMAN WALLACE: No?

11 (No response.)

12 CHAIRMAN WALLACE: Okay. The weekly
13 development report.

14 (No response.)

15 CHAIRMAN WALLACE: We have meeting
16 announcements.

17 This is our last meeting of the year. So
18 we have meetings on January 7th, 21st,
19 February 4th.

20 Any of those meetings do we not have
21 items?

22 MS. JOHNSON: Not sure yet at this point.
23 There's a couple items pending that could go on
24 January 7th, and I believe we'll have the comp

1 plan on that, as well.

2 CHAIRMAN WALLACE: Okay.

3 All right. And so I'm assuming that this
4 will be before the Planning and Development on
5 January 13th.

6 MR. COLBY: That's correct.

7 CHAIRMAN WALLACE: Okay. All right.

8 Any public comment?

9 (No response.)

10 CHAIRMAN WALLACE: The public is gone.

11 All right. Is there a motion to adjourn?

12 VICE CHAIRMAN KESSLER: So moved.

13 MEMBER VARGULICH: Second.

14 CHAIRMAN WALLACE: It's been moved and
15 seconded.

16 All in favor?

17 (Ayes heard.)

18 CHAIRMAN WALLACE: Opposed?

19 (No response.)

20 CHAIRMAN WALLACE: The City of St. Charles
21 Planning Commission is adjourned at 8:50 p.m.

22 (Off the record at 8:50 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of December, 2019.

My commission expires July 3, 2021.

MELANIE L. HUMPHREY-SONNTAG

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