

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

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

Members Absent: Jeff Funke

Also Present: Rita Tungare, Director of Community & Econ. Dev.  
Ellen Johnson, Planner  
Rachel Hitzemann, Planner  
Monica Hawk, Development Engineer  
Ciara Miller, Econ. Dev. Planner  
Court Reporter

**1. Call to order**

Chairman Wallace called the meeting to order at 7:01 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 September 3, 2019 meeting of the Plan Commission.**

**Motion was made by Ms. Becker, seconded by Mr. Pretz and unanimously passed by voice vote to approve the minutes of the September 3, 2019 Plan Commission meeting.**

**5. 303 S. 3<sup>rd</sup> St. (John Weitz)**

Application for Zoning Map Amendment  
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. Pretz to close the Public Hearing.**

**Roll call vote:**

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

**Nays: 0**

**Absent: Funke, Purdy**

**Motion carried 7-0**

**Minutes – St. Charles Plan Commission**  
**Tuesday, September 17, 2019**  
**Page 2**

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 Mr. Pretz to approve the Application for Zoning Map Amendment for 303 S. 3<sup>rd</sup> St. (John Weitz) subject to resolution of staff comments.**

**Roll call vote:**

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

**Nays:**

**Absent: Funke, Purdy**

**Motion carried 7-0**

**6. General Amendment (City of St. Charles)**

Ch. 17.14 “Business & Mixed Use Districts”, Ch. 17.20 “Use Standards”, Ch. 17.24 “Off-Street Parking, Loading & Access”, and Ch. 17.30 “Definitions” regarding regulation of recreational cannabis uses.

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. Pretz to continue the public hearing to October 8, 2019 at 7:00 in the Council Chambers.**

**Roll call vote:**

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

**Nays:**

**Absent: Funke**

**Motion carried 8-0**

**7. Additional Business from Plan Commission members or Staff**

**8. Weekly Development Report**

**9. Meeting Announcements**

a. Plan Commission

Tuesday, October 8, 2019 at 7:00pm Council Chambers

Tuesday, October 22, 2019 at 7:00pm Council Chambers

Tuesday, November 5, 2019 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, October 14, 2019 at 7:00pm Council Chambers

Monday, November 11, 2019 at 7:00pm Council Chambers

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

- 9. Public Comment- None**
- 10. Adjournment at 8:43 p.m.**



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# Transcript of 303 South 3rd Street

**Date:** September 17, 2019

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
303 South 3rd Street :  
(John Weitz); Application for :  
Zoning Map Amendment. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, September 17, 2019  
7:01 p.m.

Job No.: 218472A  
Pages: 1 - 13  
Reported by: Paula M. Quetsch, CSR, RPR

1 Report of proceedings held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public 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 JIM HOLDERFIELD, Member

6 SUZANNE MELTON, Member

7 TOM PRETZ, Member

8 PETER VARGULICH, Member

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10 ALSO PRESENT:

11 ELLEN JOHNSON, Planner

12 MONICA HAWK, Development Engineer

13 RACHEL HITZEMANN, Planner

14 RITA TUNGARE, Community and Economic  
15 Development Director

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

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

4 Tim.

5 VICE CHAIRMAN KESSLER: Becker.

6 MEMBER BECKER: Here.

7 VICE CHAIRMAN KESSLER: Pretz.

8 MEMBER PRETZ: Here.

9 VICE CHAIRMAN KESSLER: Holderfield.

10 MEMBER HOLDERFIELD: Here.

11 VICE CHAIRMAN KESSLER: Vargulich.

12 MEMBER VARGULICH: Here.

13 VICE CHAIRMAN KESSLER: Melton.

14 MEMBER MELTON: Here.

15 VICE CHAIRMAN KESSLER: Wallace.

16 CHAIRMAN WALLACE: Here.

17 VICE CHAIRMAN KESSLER: Kessler, here.

18 CHAIRMAN WALLACE: All right. Before we  
19 begin anyone who wishes to, please rise for the  
20 Pledge of Allegiance.

21 (The Pledge of Allegiance was recited.)

22 CHAIRMAN WALLACE: Presentation of minutes  
23 of the September 3rd, 2019, meeting of the Plan  
24 Commission. Is there a motion to approve?

1 MEMBER BECKER: So moved.

2 MEMBER PRETZ: Second.

3 CHAIRMAN WALLACE: All right. It's been  
4 moved and seconded. All in favor.

5 (Ayes heard.)

6 CHAIRMAN WALLACE: Opposed.

7 (No response.)

8 CHAIRMAN WALLACE: That motion passes  
9 unanimously.

10 Item 5 on your agenda is 303 South 3rd  
11 Street (John Weitz). This is an application for a  
12 zoning map amendment, and we have on the agenda  
13 public hearing and discussion and recommendation.

14 Thank you all for coming. What we're  
15 doing now is we have two items that are on the  
16 agenda. We're going to take this one first. This  
17 is a public hearing. The St. Charles Plan  
18 Commission is tasked by the City Council to  
19 conduct public hearings for certain applications  
20 that come before us such as this one for a zoning  
21 map amendment. We will gather evidence and at the  
22 end make a recommendation to the City Council to  
23 approve or deny the application that's before us.

24 After tonight this application will go to

1 the City Council planning and development committee  
2 and then to the City Council as a whole.

3 Any questions regarding that?

4 (No response.)

5 CHAIRMAN WALLACE: All right. Anyone who  
6 wishes to offer any testimony only on 303 South  
7 3rd Street, if you could raise your hand and be  
8 sworn in, and if the applicant is here -- oh, yes.

9 (Witness sworn.)

10 CHAIRMAN WALLACE: All right. Thank you.  
11 And this goes for the next item on your agenda, as  
12 well. Anyone who wishes to speak, please, I would  
13 ask that you first be recognized by me. And when  
14 you speak, I'll ask that you approach the lectern,  
15 speak into the microphone, spell your last name  
16 and state your address for the record. We do have  
17 a court reporter here in the room, and she needs  
18 to take everything down.

19 So for the first application, if you're  
20 ready, you can begin.

21 MR. WEITZ: Hi, my name is John Weitz.  
22 Thanks for taking the time to listen to this  
23 presentation today.

24 I'm a CPA. I have a small public accounting

1 practice in St. Charles, and for the last three years  
2 I've been renting space above Dick Pond Athletics,  
3 and I'm here today because I'd like to purchase  
4 the property at 303 South 3rd Street to move my  
5 accounting practice there but also to keep the  
6 current tenants who rent the upstairs, keep that  
7 residential rental.

8 So to do this I would need to have the  
9 zoning changed from, I believe right now it's  
10 currently RT-4 for residential, and I need it to  
11 be changed to CBD-2 for mixed use.

12 This is the property here on the screen,  
13 303 South 3rd Street, and I have a site plan here  
14 for -- I would need to increase the size of the  
15 current parking lot. This is the site plan that I  
16 submitted to get the required three parking spots  
17 and have room for the driveway. It also has a  
18 setback for the landscape, the 10-foot required  
19 landscape on the south end and on the west end,  
20 as well.

21 I believe this zoning change request would  
22 be consistent with many of the properties along  
23 3rd Street and is consistent with the City's  
24 comprehensive plan.

1           That's all I've got. Do you have any  
2 questions for me?

3           CHAIRMAN WALLACE: All right. Any questions  
4 from the Plan Commissioners?

5           MEMBER VARGULICH: A question for staff.

6           Ellen, will the introduction of the  
7 parking, will that require him to move the curb  
8 cut that's there right now?

9           MS. JOHNSON: Yes, I believe it will.

10          MEMBER VARGULICH: And do the improvements  
11 include the property to have curbed paved areas,  
12 or will this be just an asphalt?

13          MS. JOHNSON: I believe that it can be  
14 asphalt on grade.

15          VICE CHAIRMAN KESSLER: And this was  
16 noticed; right?

17          MS. JOHNSON: Yes. There was a public  
18 notice issued in the newspaper, and notice was  
19 sent to surrounding property owners.

20          VICE CHAIRMAN KESSLER: Just curious,  
21 what's the use to the south? The two-story house,  
22 is that residential? I see it for sale. You're  
23 on the corner.

24          MR. WEITZ: This property right here,

1 the 307?

2 VICE CHAIRMAN KESSLER: Is that  
3 residential? Do you know?

4 MR. WEITZ: I believe that's residential.

5 VICE CHAIRMAN KESSLER: Just for staff, do  
6 we have any indication of -- I mean, this is kind  
7 of like an overlay next to a CBD-2. Is there any  
8 other place where this has happened on that side  
9 of town that you're aware of?

10 MS. JOHNSON: I don't believe RT-4 to  
11 CBD-2, but there has been CBD-2 to CBD-1 in this  
12 vicinity, and the property is adjacent to CBD-2  
13 zoning on two sides.

14 CHAIRMAN WALLACE: Any other questions  
15 from Plan Commissioners?

16 VICE CHAIRMAN KESSLER: Did you know you  
17 were going to have this audience tonight? Good  
18 for you.

19 CHAIRMAN WALLACE: Any questions or  
20 comments from any members of the audience on this  
21 application?

22 (No response.)

23 CHAIRMAN WALLACE: No. Okay. If the Plan  
24 Commission feels they have enough information to

1 make a recommendation to City Council, then a  
2 motion to close the public hearing would now be in  
3 order.

4 VICE CHAIRMAN KESSLER: I move to close  
5 the public hearing.

6 MEMBER PRETZ: Second.

7 CHAIRMAN WALLACE: It's been moved and  
8 seconded. Any discussion on the motion?

9 (No response.)

10 CHAIRMAN WALLACE: Tim, roll call to close  
11 the public hearing.

12 VICE CHAIRMAN KESSLER: Becker.

13 MEMBER BECKER: Yes.

14 VICE CHAIRMAN KESSLER: Pretz.

15 MEMBER PRETZ: Yes.

16 VICE CHAIRMAN KESSLER: Holderfield.

17 MEMBER HOLDERFIELD: Yes.

18 VICE CHAIRMAN KESSLER: Vargulich.

19 MEMBER VARGULICH: Yes.

20 VICE CHAIRMAN KESSLER: Melton.

21 MEMBER MELTON: Yes.

22 VICE CHAIRMAN KESSLER: Wallace.

23 CHAIRMAN WALLACE: Yes.

24 VICE CHAIRMAN KESSLER: Kessler, yes.

1 CHAIRMAN WALLACE: All right. And then 5B  
2 is discussion and recommendation if anyone wishes  
3 to offer a motion or have any discussion.

4 VICE CHAIRMAN KESSLER: I would like to  
5 make a motion to recommend approval to the  
6 planning and development committee the application  
7 for zoning map amendment at 303 South 3rd Street  
8 (John Weitz).

9 CHAIRMAN WALLACE: Is there a second?

10 MEMBER PRETZ: Subject to staff --

11 VICE CHAIRMAN KESSLER: Subject to --

12 CHAIRMAN WALLACE: So is the motion to  
13 recommend approval subject to resolution of staff  
14 comments?

15 VICE CHAIRMAN KESSLER: That's correct.

16 MEMBER PRETZ: Second.

17 CHAIRMAN WALLACE: It's been moved and  
18 seconded. Any discussion on that motion?

19 (No response.)

20 CHAIRMAN WALLACE: Tim.

21 VICE CHAIRMAN KESSLER: Becker.

22 MEMBER BECKER: Yes.

23 VICE CHAIRMAN KESSLER: Pretz.

24 MEMBER PRETZ: Yes.

1 VICE CHAIRMAN KESSLER: Holderfield.

2 MEMBER HOLDERFIELD: Yes.

3 VICE CHAIRMAN KESSLER: Vargulich.

4 MEMBER VARGULICH: Yes.

5 VICE CHAIRMAN KESSLER: Melton.

6 MEMBER MELTON: Yes.

7 VICE CHAIRMAN KESSLER: Wallace.

8 CHAIRMAN WALLACE: Yes.

9 VICE CHAIRMAN KESSLER: Kessler, yes.

10 MR. WEITZ: Thank you so much.

11 (Off the record at 7:09 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, 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 stenographically 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 22nd day of September, 2019.

My commission expires: October 16, 2021



\_\_\_\_\_  
Notary Public in and for the  
State of Illinois



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# Transcript of General Amendment

**Date:** September 17, 2019

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
General Amendment :  
(City of St. Charles); :  
Ch. 17.14 "Business & Mixed :  
Use Districts," Ch. 17.20 :  
"Use Standards," Ch. 17.24 :  
"Off-Street Parking, Loading :  
& Access," and Ch. 17.30 :  
"Definitions" regarding :  
regulation of recreational :  
cannabis uses. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, September 17, 2019  
7:09 p.m.

Job No.: 218472B  
Pages: 1 - 75  
Reported by: Paula M. Quetsch, CSR, RPR

1 Report of proceedings held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public in and for the State of Illinois.

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Transcript of General Amendment  
Conducted on September 17, 2019

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JIM HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 SUZANNE MELTON, Member

8 TOM PRETZ, Member

9 PETER VARGULICH, Member

10

11 ALSO PRESENT:

12 ELLEN JOHNSON, Planner

13 MONICA HAWK, Development Engineer

14 RACHEL HITZEMANN, Planner

15 RITA TUNGARE, Community and Economic

16 Development Director

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1 PROCEEDINGS

2 CHAIRMAN WALLACE: Item 6 on your agenda is  
3 General Amendment (City of St. Charles), Ch. 17.14  
4 "Business & Mixed Use Districts," Ch. 17.20 "Use  
5 Standards," Ch. 17.24 "Off-Street Parking, Loading  
6 & Access," and Ch. 17.30 "Definitions" regarding  
7 regulation of recreational cannabis uses.

8 Again, this is a public hearing, so I  
9 would ask that anyone who wishes to offer any  
10 testimony, including asking any questions, please  
11 raise your hand to be sworn in.

12 (Witnesses sworn.)

13 CHAIRMAN WALLACE: And, again, if you wish  
14 to offer anything, I would ask that you speak at  
15 the lectern, state your name and spell your last  
16 name and state your address for the record.

17 For our purposes tonight we want to make  
18 sure that we receive all public comment in a  
19 thorough manner, and so most likely, given the  
20 size of the crowd here tonight, this will be  
21 continued to a future date. I have a feeling that  
22 we're going to need additional information anyway  
23 in order to make a recommendation. I'm not saying  
24 we're not going forward tonight. I'm saying we

1 will go forward, but it will also be continued.

2 Any objections to that from any members or  
3 staff?

4 (No response.)

5 CHAIRMAN WALLACE: All right. So just to  
6 let you know, if for whatever reason you're not  
7 able to say what you need to say and you have to  
8 leave, chances are you'll get the chance to say it  
9 another day. Also, it will go before City Council,  
10 and you'll get a chance to speak in that forum,  
11 but this is the public hearing on this matter.

12 Before we start, we do have some exhibits  
13 that were presented which the Plan Commissioners  
14 have. These are in the form of email letters, and  
15 it is our practice -- because it's a public hearing,  
16 if anyone offers any testimony, we want to give  
17 that person and other people the right to question  
18 that or cross-examine that testimony. So what I  
19 will do is I'll make reference to the letters, but  
20 I won't read them into the record. If anyone who  
21 writes a letter wishes to be heard, they can do  
22 that. If you wish to examine the letters, you can  
23 do that through the planning office.

24 But there is an email from Kathleen Rosa

1 that was received by the planning office dated  
2 September 17th; there's one from Timothy Raney  
3 also dated September 17th; there's a letter from  
4 Brian Doyle dated September 16th, and there's a  
5 letter from -- and I'm not going to be able to say  
6 his last name, Dan T-s-o-u-l-o-u-f-i-s submitted  
7 to the planning office September 17th.

8 And in general, it seems that all of the  
9 letters are against the proposed -- the proposed  
10 amendment -- oh, I'm sorry; I don't want to make a  
11 blanket statement. It seems that one is in  
12 support, the others are opposed. But as I said,  
13 those will be available through the planning office.

14 Any questions so far?

15 (No response.)

16 CHAIRMAN WALLACE: All right. So --

17 AUDIENCE MEMBER: Question. I'm sorry; I  
18 came a little late. Is this -- has the City  
19 decided it will allow sale of --

20 CHAIRMAN WALLACE: Why don't you come on  
21 up. Were you sworn in?

22 MR. BIXBY: I was in here.

23 CHAIRMAN WALLACE: What's your name?

24 MR. BIXBY: John Bixby. I live on

1 13th Street. I apologize on my ignorance on this.  
2 Is tonight's meeting to decide to agree to sell  
3 cannabis in the city of St. Charles or just to  
4 decide where it would go if the decision is made  
5 to sell it?

6 CHAIRMAN WALLACE: Neither. What we're  
7 doing is an application to amend the zoning  
8 ordinance, and what we're doing is we're gathering  
9 the information to make a recommendation to the  
10 City Council to change the zoning ordinance, and  
11 that would potentially allow applicants to come in  
12 and file an application to be able to put that  
13 type of business in the city of St. Charles.

14 We're not deciding anything -- and we're  
15 not the decision makers. The Plan Commission  
16 makes a recommendation to City Council, but this  
17 is where the discussion takes place as to whether  
18 the change in the zoning ordinance is appropriate  
19 to allow that type of business to be able to be  
20 situated in St. Charles.

21 MR. BIXBY: If I understood what you said,  
22 you have to make a zoning change before anything  
23 can be done?

24 CHAIRMAN WALLACE: Correct.

1 MR. BIXBY: Thank you.

2 CHAIRMAN WALLACE: Uh-huh. All right.

3 Any other questions?

4 (No response.)

5 CHAIRMAN WALLACE: Okay. So now who is  
6 going to be presenting? Ellen? Okay.

7 MS. JOHNSON: Good evening. The State of  
8 Illinois recently passed the Cannabis Regulation  
9 and Tax Act which legalized possession and  
10 consumption of cannabis for adults ages 21 and  
11 over. It also establishes licensing procedures  
12 and requirements for recreational cannabis  
13 businesses such as set up as cultivation centers  
14 and dispensaries. The law goes into effect  
15 January 1st.

16 Municipalities can choose to opt out and  
17 ban the sale of recreational cannabis or they can  
18 choose to allow sales and enact zoning provisions  
19 to regulate the use.

20 In August the government operations  
21 committee of the City Council which is a council  
22 committee of the whole held two public discussions  
23 about whether the sale of recreational cannabis  
24 should be permitted in St. Charles. By a vote of

1 6 to 3 the committee directed staff to initiate a  
2 zoning amendment to allow the retail sale of  
3 recreational cannabis, and they also suggested the  
4 following restrictions: To limit the location of  
5 dispensaries to the BC Community Business and the  
6 BR Regional Business Districts and to require  
7 special use approval for any dispensaries located  
8 in town; also to allow no more than two dispensaries  
9 in town, one on each side of the river; require  
10 dispensaries to have operated a medical cannabis  
11 dispensary for at least two years, and also to  
12 prohibit any on-premise consumption lounges,  
13 production facilities, and distribution facilities.

14 The proposed zoning amendments as we're  
15 presenting tonight is based on this direction we  
16 received from the Council committee. Also note  
17 that no changes are being proposed to the medical  
18 cannabis provisions that are currently in the  
19 zoning ordinance. Those were adopted by the City  
20 in 2015. So currently medical cannabis station  
21 centers and medical cannabis dispensaries are  
22 permitted in the M2 Limited Manufacturing  
23 District. The city currently -- there's currently  
24 one medical cannabis dispensary in town in the

1 M2 District. General retail sale of recreational  
2 cannabis will not be permitted at that location.

3 With that first proposed is to add use  
4 categories to the zoning ordinance definitions.  
5 For the record, it shows cannabis business  
6 establishments that are licensed and regulated  
7 under the State act. So the full definitions are  
8 provided in the staff report, and the definitions  
9 are consistent with the State Act. So these uses  
10 are recreational cannabis dispensing organization,  
11 cultivation center, craft grower, infuser  
12 organization, processing organization, and  
13 transporting organization.

14 Proposed is to allow only recreational  
15 cannabis dispensing organizations. However, we will  
16 be defining -- proposed is to define all the uses  
17 in the zoning ordinance. Defining the uses and  
18 then not permitting them in any district clarifies  
19 that the uses are not permitted in St. Charles,  
20 and it just clarifies that the City has made a  
21 decision not to permit those uses in town.

22 So proposed is to allow recreational  
23 cannabis dispensing organizations as a special use  
24 in the BC Community Business and BR Regional

1 Business District. The BC and BR districts are  
2 commercial districts generally located outside of  
3 downtown along Main Street and Randall Road. The  
4 purpose of these districts is to accommodate  
5 businesses which have both a local and regional draw.

6 This is the general location of the BC and  
7 BR zoning on the east side. Generally east of  
8 13th Avenue out to the city limits, generally  
9 fronting on Main Street.

10 This is the location of the BC and BR zoning  
11 on the west side, generally along Main Street west  
12 of 14th Street and then along Randall Road, as  
13 well as Route 38, Lincoln highway.

14 So any dispensing organization seeking to  
15 locate in St. Charles within these districts would  
16 be required to gain City approval of a special use  
17 before operating. A review of a special use for  
18 an individual business would include a public  
19 hearing and notification sent to surrounding  
20 property owners based on the location that they're  
21 proposing to locate.

22 For special use applications there are six  
23 findings, and the City would need to find each of  
24 these findings in the affirmative in order to

1 approve any special use. The findings are related  
2 to public convenience, sufficient infrastructure,  
3 effect on nearby property, effect on development  
4 of surrounding property, effect on general welfare,  
5 and conformance with codes.

6 So next are six use standards that are  
7 proposed. So any recreational cannabis dispensing  
8 organization would need to meet these six standards  
9 in order for the City to even consider the special  
10 use application.

11 The first is that the number of  
12 recreational cannabis dispensing organizations  
13 shall be limited to two. Only one shall operate  
14 on the east side and one on the west side. The  
15 Act allows municipalities to limit the number of  
16 dispensaries, so the committee stated a preference  
17 for limiting that number to two. The director of  
18 Community and Economic Development would need to  
19 provide a zoning sign-off prior to any business  
20 opening.

21 Any organization seeking approval of a  
22 special use shall have operated a medical cannabis  
23 dispensing organization licensed by the State for  
24 at least two consecutive years. This standard

1 would help to ensure that any special use applicant  
2 has demonstrated knowledge about the industry and  
3 experience with complying with State licensing  
4 requirements and State regulations.

5           The third use standard is a recreational  
6 cannabis dispensing organization shall not be  
7 located within 1500 feet of the property line of a  
8 preexisting dispensing organization, either medical  
9 or recreational. This is a standard per the State  
10 Act, so the separation would then be verified by  
11 the City during special use review. And do note  
12 that the Act does allow municipalities to impose  
13 additional distance requirements between  
14 dispensaries and any location or zoning district  
15 deemed sensitive, such as schools or residential  
16 zoning.

17           The fourth use standard is City approval  
18 of the special use shall be conditional upon the  
19 applicant providing the City with proof of a valid  
20 adult-use dispensing organization license granted  
21 from the State. This would need to be provided to  
22 the City prior to the dispensary opening for  
23 business.

24           Receipt of a State license indicates that

1 a business complies with all the rules and  
2 regulations contained in the State Act. So these  
3 include a number of operational requirements and  
4 prohibitions related to hours of operation,  
5 security, means of tracking, and those sorts of  
6 considerations. These are summarized in the staff  
7 report, as well.

8 The fifth use standard is that consumption  
9 of cannabis and cannabis-infused products on the  
10 premises of any cannabis business establishment  
11 shall be prohibited. The Act does allow for on-  
12 premise consumption lounges, and the Council  
13 committee expressed preference for outright  
14 prohibition of this type of activity.

15 The final use standard is that all other  
16 recreational cannabis businesses defined in the  
17 ordinance shall not be permitted in any zoning  
18 district. This includes cultivation center, craft  
19 grower, infusing organization, processing  
20 organization, and transporting organization. And  
21 that just further clarifies what is and is not  
22 permitted in the city.

23 So finally, proposed is to establish a  
24 parking requirement for the dispensing organization

1 use. Proposed is to require 4 spaces per  
2 1,000 square feet of gross floor area of the  
3 building. For example, a 2,000-square-foot space  
4 would need 8 parking stalls. And this is the same  
5 requirement that applies to general retail sale uses.

6 In the packet staff has provided responses  
7 to the six general amendment findings for the Plan  
8 Commission to consider. And note that these findings  
9 are nonbinding. All items do not need to be found  
10 in the affirmative for the Commission to recommend  
11 approval.

12 As previously stated, the Council committee  
13 provided direction to allow the sale of recreational  
14 cannabis in St. Charles. The Plan Commission may  
15 vote on the amendment as proposed, or they may  
16 choose to recommend changes, such as changes to  
17 the zoning districts in which the use would be  
18 permitted, assuming those are commercial districts  
19 since that was the chapter of the code that was  
20 noticed in the newspaper. Or the Plan Commission  
21 could choose to recommend additional use standards,  
22 for example, additional distance requirements to  
23 sensitive uses and those types of considerations.

24 And that's all I have, and I can take any

1 questions.

2 MR. PACELLI: I do have a question.

3 CHAIRMAN WALLACE: Hold on a second.

4 Typically we'll take questions from members of the  
5 Plan Commission first.

6 MEMBER BECKER: I have two questions. It  
7 sounds like the City Council did not give any  
8 guidance regarding separation from other sensitive  
9 uses, and I think I'd like us to explore some  
10 consideration.

11 When you look at the zoning map and where  
12 those zoning district boundaries are the same or  
13 back up to residential uses, and when you do some  
14 basic measurement, it can get pretty close.

15 I think if we're going to consider possibly  
16 continuing, maybe that would be time for staff to  
17 do some gathering of some information if the  
18 committee thinks that it's appropriate to do  
19 further recommendations for separation.

20 VICE CHAIRMAN KESSLER: I agree and I  
21 believe that we have some of those already in  
22 place for the medical dispensary in our medical  
23 dispensary ordinance already, so bring those in  
24 and make sure that they're included.

1 MS. JOHNSON: Do you want me to go over  
2 those? I have a slide about that.

3 VICE CHAIRMAN KESSLER: That would be great.

4 MS. JOHNSON: So yes, the current zoning  
5 ordinance for medical cannabis cultivation center  
6 and dispensing organization has distance  
7 requirements, and these were per the medical  
8 cannabis State Act.

9 So the requirement is at least 2500 feet  
10 from a school, daycare, or residential zoning for  
11 a cultivation center, and then for dispensing  
12 organization it's 1,000 feet from a school or a  
13 daycare.

14 It's interesting to note that actually in  
15 2019 there was a change to the Medical Cannabis  
16 Program Act which actually eliminated these  
17 distance restrictions for medical cannabis  
18 dispensaries probably to be in line with the State  
19 Act for recreational dispensaries, but those  
20 distances are still in our code.

21 VICE CHAIRMAN KESSLER: And we could adopt  
22 them if we decide to.

23 MEMBER BECKER: I think it would be helpful  
24 to actually see some real-life applications of

1 that maybe super imposed on an aerial so that we  
2 can see and whether staff could recommend maybe --  
3 is it property line to property line or building  
4 to building? I'm not sure what that --

5 MS. JOHNSON: It's property line.

6 MEMBER BECKER: My follow-up question is,  
7 how is compliance in St. Charles for special uses  
8 verified? Is it complaint-based or how would staff  
9 go about verifying that special use standards  
10 might not be followed, and what would be the  
11 repercussions for that then?

12 MS. JOHNSON: Well, the Plan Commission  
13 and City Council would make the findings of fact,  
14 and those would be documented in the ordinance for  
15 the special use. So if there's a complaint, or  
16 otherwise a staff member, or a member of the  
17 public, or someone made a complaint or notified  
18 the City of something that was in conflict with  
19 the special use findings, then the City would take  
20 zoning action. There may be some fees for  
21 noncompliance.

22 MS. TUNGARE: It would be treated as any  
23 other zoning violation, and it would go through  
24 the City's administrative review process.

Transcript of General Amendment  
Conducted on September 17, 2019

19

1 MEMBER BECKER: I'm finished. Thank you.

2 MEMBER MELTON: You had mentioned the  
3 existing medical marijuana. Do you say they're  
4 not allowed to or they don't want to dispense  
5 recreational cannabis?

6 MS. JOHNSON: They are not allowed to.  
7 Our M2 district does not permit any retail sales.  
8 Also proposed is not to allow retail sales within  
9 those districts.

10 MEMBER MACKLIN PURDY: So if they moved  
11 into a different zone, they could possibly do both?

12 MS. JOHNSON: Yes. So under the  
13 definition of recreational cannabis dispensary,  
14 they can -- my understanding is they can dispense  
15 both medical and recreational, but they would need  
16 to gain special use approval within one of those  
17 allowed districts.

18 VICE CHAIRMAN KESSLER: Does that mean  
19 that they are grandfathered in where they're at?

20 MS. JOHNSON: Right now currently  
21 operating as a medical dispensary, the provisions  
22 for medical dispensaries are not changing, so if  
23 they continue to operate as they are, they're not  
24 in violation of our ordinance.

1 CHAIRMAN WALLACE: So really there would  
2 be no way for one location to do both medical and  
3 recreational because medical is allowed in M1 and  
4 recreational under this proposal would be --

5 MS. JOHNSON: Well, recreational would  
6 include medical and recreational.

7 CHAIRMAN WALLACE: Got it.

8 VICE CHAIRMAN KESSLER: I'm not clear  
9 on that.

10 MEMBER HOLDERFIELD: I'm not either.

11 VICE CHAIRMAN KESSLER: So we have a  
12 medical dispensary now. They cannot be --

13 MS. JOHNSON: They can't do retail sales  
14 where they are now.

15 VICE CHAIRMAN KESSLER: They're on the  
16 east side, and they stay there, and then we have  
17 an application for a medical recreational on the  
18 east side, that would be allowed, that could  
19 possibly be allowed, correct, and then you would  
20 possibly have another medical and recreational on  
21 the west side?

22 MS. JOHNSON: Yes. So we can have up to  
23 two one on each side of the river, recreational  
24 cannabis.

1           VICE CHAIRMAN KESSLER: Is there any limit  
2 on medical?

3           MS. JOHNSON: No.

4           MEMBER VARGULICH: I think limited by the  
5 zoning district.

6           MS. JOHNSON: It's limited by zoning but  
7 the number of medical dispensaries is not limited.

8           MEMBER MACKLIN PURDY: But that's why I  
9 asked the question. If Zen Leaf moved into the  
10 proper district, they could do both.

11          VICE CHAIRMAN KESSLER: Right.

12          I do have another question. I seem to  
13 recall a long time ago when the legislation for  
14 medical was first being proposed, and there were a  
15 lot of rules and regulations about how the actual  
16 facility was set up. You go in, and you have a  
17 waiting area, and you're called in individually,  
18 you can't leave through the same door you come in.  
19 There's actual blueprints for businesses like  
20 these. And it was my understanding at that time  
21 that the facility limited the number of patrons  
22 who were allowed to come in.

23          Wouldn't that have some bearing on the  
24 retail nature of the parking for a facility like

1 that? If you can only have a certain number of  
2 people in the building at a time, it would seem to  
3 me that that would have some bearing on parking.

4 MS. JOHNSON: And I don't believe there's  
5 those same rules as far as the number of patrons  
6 in the facility at the same time. I don't think  
7 those apply to recreational.

8 VICE CHAIRMAN KESSLER: But can we find  
9 out for sure?

10 MS. JOHNSON: Yes. I haven't seen any of  
11 that in the Act when I read through it but I  
12 can check.

13 VICE CHAIRMAN KESSLER: Thank you.

14 CHAIRMAN WALLACE: Any other questions?

15 MEMBER MACKLIN PURDY: I just want some  
16 clarification. It's not our job today to decide  
17 whether we're going to sell recreational  
18 marijuana; it's our job tonight to recommend that  
19 the areas and the districts that have been  
20 suggested are appropriate for the use; is that  
21 correct?

22 CHAIRMAN WALLACE: Correct.

23 MS. TUNGARE: That is correct.

24 VICE CHAIRMAN KESSLER: And then for

1 further clarification of that, if we were to  
2 recommend approval or ultimately if the City Council  
3 were to vote to approve that either based on our  
4 recommendation or not, an applicant would still have  
5 to come forward for a special use for recreational  
6 marijuana dispensary in those districts. So it's  
7 not a blanket "You're open"? Okay.

8 CHAIRMAN WALLACE: All right. And I'd  
9 like to go to questions from the audience, but I  
10 do -- Ellen, I actually have one more question for  
11 you. If -- and I think and you said this, and I  
12 believe that I missed it and I apologize. If the  
13 City Council does not act at all, is that  
14 equivalent to opting out?

15 MS. JOHNSON: No. They would need to  
16 adopt an ordinance to opt out of recreational  
17 sales in town. So if the City were to take no  
18 action whatsoever, then there could be an  
19 interpretation that recreational marijuana sales  
20 would be considered general retail, and in that  
21 case it would be permitted in any zoning district  
22 permitting retail. So there's that possibility  
23 that that interpretation could be made if no  
24 action is taken.

1 MEMBER VARGULICH: Ellen, within the  
2 M zoning district, the medical marijuana --

3 CHAIRMAN WALLACE: Can you move closer to  
4 the mic? I can't hear you.

5 MEMBER VARGULICH: -- is there a limit to  
6 the number of medical marijuana sales?

7 MS. JOHNSON: No, there is not.

8 MEMBER VARGULICH: So there's not a  
9 distance between facilities, between  
10 organizations?

11 MS. JOHNSON: Not that I'm aware of. Not  
12 in our code.

13 MEMBER VARGULICH: So we could have 10,  
14 15 medical locations?

15 MS. JOHNSON: I hear you but the State has  
16 limits on the number of medical dispensaries or  
17 any of these types of businesses based on  
18 districts, State districts, police districts or  
19 something.

20 MEMBER VARGULICH: Okay. So there is a  
21 limitation not imposed by us. Thank you.

22 VICE CHAIRMAN KESSLER: Thank you, Ellen.

23 CHAIRMAN WALLACE: Thank you. Now I will  
24 take questions from members of the audience.

1 Sir, if you could come up to the lectern.

2 MR. PACELLI: I have some comments to make.  
3 Do you want me to do that now? I'll start with my  
4 question.

5 CHAIRMAN WALLACE: Yes.

6 MR. PACELLI: My question is first --

7 CHAIRMAN WALLACE: If you can state your  
8 name first.

9 MR. PACELLI: Greg Pacelli, P-a-c-e-l-l-i.  
10 Address is 734 Fox Glen Drive in St. Charles.

11 My question first -- and thank you,  
12 Chairman and members. The process is to amend the  
13 zoning ordinance which can begin to open the door  
14 to provide a special use under that amended zoning  
15 ordinance that would then allow recreational  
16 marijuana?

17 CHAIRMAN WALLACE: Yes, that's correct.

18 MR. PACELLI: So I want to make sure I  
19 understand that correctly.

20 CHAIRMAN WALLACE: That is correct. But  
21 the question that I had, and this goes towards  
22 that, as well, is if we were to do nothing -- and  
23 really this is in response to State law.

24 MR. PACELLI: I understand.

1           CHAIRMAN WALLACE: And the State law  
2 basically would require us to specifically pass an  
3 ordinance opting out in order to not allow sales.  
4 Otherwise, if we were to do nothing, it would  
5 become -- could be considered general retail.

6           So if we were wanting to have any type of  
7 regulatory oversight, it would have to be done  
8 through a change in the zoning ordinance of one  
9 kind or another.

10          MR. PACELLI: So if the zoning ordinance  
11 was not amended, the City through the Plan  
12 Commission or the Council would still have to  
13 create an ordinance and public hearings,  
14 et cetera, to opt out?

15          MS. TUNGARE: It would not necessarily  
16 require a public hearing, but the City Council  
17 through legislative action would have to approve  
18 an ordinance opting out. It would not be a Plan  
19 Commission function; it would be a City Council  
20 function.

21          MR. PACELLI: For the sake of brevity, I  
22 guess I'm not going to repeat the amended process  
23 and special use. My presence here today is to  
24 object to the sale of recreational marijuana, and

1 implied in that is this --

2 (Applause.)

3 MR. PACELLI: This is not my family. But  
4 implied in that -- my objection to that, implied  
5 is I don't want you to amend the zoning ordinance  
6 and under that slide in a special use.

7 So with that said I object to the sale of  
8 recreational marijuana. I believe that marijuana  
9 shops, recreational -- I'm not talking about  
10 medical; that's a whole different aspect. But I  
11 believe that marijuana shops do not reflect the  
12 family community values and images of this town --

13 (Applause.)

14 CHAIRMAN WALLACE: Please, please.

15 MR. PACELLI: Thank you but let me finish.

16 It sends the wrong message to our youth.  
17 Why make further temptations more easily  
18 accessible to our young people. Yes, I understand  
19 there's going to be some stipulation that it's  
20 21 years and over as a minimum, but let's not kid  
21 ourselves, it won't be long until the 16-year-olds  
22 will be smoking it because of the access ability  
23 nearby.

24 And once you start with -- in my opinion,

1 this is a gateway drug, and I've heard a lot of  
2 comments about it being a gateway drug. I'm not a  
3 scientist; I can't sit here and give you facts  
4 about that, but everybody has heard about this  
5 being a gateway drug.

6 Furthermore, what kind of a message does  
7 this send to young families looking to move to the  
8 Pride of the Fox when you have marijuana shops in  
9 your own downtown?

10 If I could digress for a moment, I had the  
11 honor of serving on the City Council here during  
12 the 1980s and 1990s, and one of my colleagues on  
13 the Council at that time consistently without  
14 exception voted against liquor licenses for  
15 St. Charles. And I thought -- at the time I  
16 thought, Jim, this is unreasonable. And I still  
17 today think it's unreasonable.

18 However, Jim had an underlying message in  
19 his objections to each and every liquor license,  
20 and that was he did not want the image of his town  
21 and his downtown to look like one bar, after  
22 another bar, after another bar, after liquor  
23 store, after liquor store, after liquor store.

24 And I see this as a continuation really of

1 that message because marijuana is a drug, and it's  
2 like alcohol -- and I'm not a teetotaler, but as I  
3 look back on it 35 years later, I think Jim was  
4 right, and his message should have been taken  
5 maybe more seriously at the time, but it is what  
6 it is today. Today we can do something about that  
7 as it relates to recreational marijuana sales.

8 I know there are some aldermen on the  
9 Council who seem to be attracted to the idea that  
10 we're going get additional sales tax revenue off  
11 of marijuana sales, and I would say to the  
12 aldermen who are here tonight, don't sell yourself  
13 out. Use the space where these joints would go --  
14 no pun intended -- use the sales tax for additional  
15 businesses to come in here and get those sale taxes.  
16 So don't sell the city out on recreational marijuana  
17 just because there's a 2, or 3, or 4 percent tax  
18 increase to the city. In the long run there's  
19 going to be a higher price to pay.

20 I recently contacted a mayor friend of  
21 mine in a community not St. Charles but in a  
22 community that I knew had some idea what was going  
23 on with this whole recreational marijuana. He and  
24 his police chief looked into this and contacted

1 states out west. Long story short he expressed  
2 some real horror stories to me as it relates to  
3 solicitation that can go in and around these  
4 joints.

5 And while I don't expect you to take my  
6 word for it, I would implore that the City -- and  
7 maybe the mayor and the chief have been doing  
8 this, but I would implore that the City start  
9 looking into this as to what goes on around these  
10 places because there's solicitation that is above  
11 and beyond marijuana.

12 So I would hope that with this zoning  
13 amendment and special use, I would hope that the  
14 Plan Commission and the City Council will show  
15 some self-respect for themselves and for the city  
16 of St. Charles and vote down recreational  
17 marijuana in St. Charles. And if the City Council  
18 eventually approves this zoning amendment and  
19 future special use, I would hope the mayor would  
20 use his veto power to reject that use.

21 Thank you for your time.

22 (Applause.)

23 CHAIRMAN WALLACE: Any additional questions  
24 from members of the audience?

1 Ma'am.

2 MS. SCHUESSLER: I have a comment, not a  
3 question. My name is Jessica Schuessler. I live  
4 on Adams Avenue in St. Charles. I'm here tonight  
5 to implore the Plan Commission, the City Council,  
6 and the mayor of St. Charles to stand against  
7 recreational marijuana sales in this city. I was  
8 shocked and disappointed to learn last week that  
9 the City Council is currently 6 to 4 in favor  
10 along with the mayor.

11 It is clear to me that those in favor are  
12 looking more at increasing City revenue than  
13 honoring the wishes of most St. Charles residents  
14 and following what should be simple common sense.

15 Drug use is not good for many reasons. I  
16 am someone who grew up on the south side of Chicago  
17 and first smoked pot at the age of 13 years old.  
18 Thankfully, I did not smoke often, probably less  
19 than five times total over a few years because it  
20 was not readily available. At the age of 16 I  
21 became a Born Again Christian, and my life was  
22 changed from the inside out. However, many I knew  
23 growing up did continue down a drug road, and it  
24 damaged many of them in regards to their health,

1 their general well-being. A number ended up in  
2 jail, and some I know have overdosed on drugs,  
3 including my 27-year-old cousin's husband two weeks  
4 ago in St. Charles.

5 Many in the pro pot community will say  
6 that people don't die from marijuana. That is not  
7 true. We all know that impaired drivers cause  
8 accidents that end up taking the lives of  
9 themselves and others. As we've seen from stats  
10 in Colorado, this will also be true in Illinois.  
11 St. Charles has a responsibility to stand against  
12 being another city that sells drugs recreationally.

13 We all should also know that it's common  
14 sense that marijuana is a gateway drug. Many die  
15 each year having ODD on meth, cocaine, heroin,  
16 prescription drugs, and other drugs, but how many  
17 of you actually believe those people went from  
18 being clean to on meth? No, they started with  
19 lesser drugs such as marijuana and continued to  
20 increase in use and in other substances over the  
21 years, which in turn led to their death. This  
22 should be common sense.

23 I'm a conservative person but not one who  
24 has dollar signs as my shining light. My shining

1 light is Jesus Christ, my savior and my lord. I  
2 encourage each of you to turn to him as your moral  
3 compass and to say no to recreational marijuana  
4 sales in the city of St. Charles. I will not vote  
5 for those who stand for drug sales in this city  
6 and will do my best to remind residents come  
7 voting time who stood for increased drug use and  
8 who didn't.

9 Many of you, I believe, say that using is  
10 already legal, so why not get the extra money.  
11 Drug use doesn't become morally right just because  
12 it's legal, and you have a responsibility to vote  
13 no. When something is more readily available,  
14 it's more readily used, and if you vote yes, you  
15 will be personally responsible for the drug use of  
16 the men, women, and children buying from adults  
17 who buy in the city of St. Charles. Why would you  
18 want that on your conscience?

19 Thank you.

20 (Applause.)

21 MS. AMATO: Good evening. My name is  
22 Ali Amato, A-m-a-t-o. I live at 3005 Glen Eagles  
23 Court here in St. Charles, and I'm here to  
24 encourage you to please opt out.

1           My family and I moved here about two years  
2 ago, and my husband and I have three kids, ages  
3 13, 11, and 6, and we just love St. Charles and we  
4 would love to stay.

5           CHAIRMAN WALLACE: Sorry. Can you pull  
6 the mic up a little bit?

7           MS. AMATO: I'm here to encourage you to  
8 please opt out mainly for three reasons. I spent  
9 the day doing research, and I know that according  
10 to -- if we want to talk about money, I'll talk  
11 about three things.

12           According to the Centennial Institute, for  
13 every dollar gained in tax revenue Coloradans are  
14 spending \$4.50 to mitigate the effects of  
15 legalization. For every dollar they bring in  
16 they're having to spend \$4.50 to combat all the  
17 evil that comes with it.

18           I know that according to the Colorado  
19 Department of Revenue, the average total sales for  
20 a Colorado dispensary was roughly \$2.8 million in  
21 2018. Assuming St. Charles has a 5 percent  
22 projected effective tax rate, we would only see  
23 \$141,000 generated in taxes per store. I have  
24 learned tonight that we're planning on putting in

1 two dispensaries, so that would bring in roughly  
2 \$280,000 in revenue. That's not worth it.

3 If what happened in Colorado happens here,  
4 while we would bring in roughly \$280,000, if you  
5 want to multiply that by the 4 1/2 multiplier that  
6 Colorado is seeing and what they're having to  
7 spend to mitigate the effects of legalization, it  
8 would cost us roughly \$1.2 million. So while we  
9 might see an increase in \$280,000 in tax revenue  
10 it will cost us \$1.2 million to mitigate the  
11 effects of legalization, according to research by  
12 the Centennial Institute.

13 Another concern I have is as a parent of  
14 three children and as a former teacher, how will  
15 this affect our children. According to Monitoring  
16 the Future, 1 in 4 12th graders indicated that  
17 they would try marijuana or increase their current  
18 use if it were legalized. We know that greater  
19 access equals greater use. And in the six years  
20 since Colorado has legalized marijuana, even  
21 though it's only legal for those 21 years of age  
22 or older, more than one fourth of Colorado's  
23 middle and high school students admit to using pot  
24 daily since it has been legalized.

1           Lastly, I am concerned about how this will  
2           affect our image here in St. Charles. My husband  
3           and I bought a home here two years ago, and I've  
4           had a great time. I love it. It's great. I  
5           don't want to leave, but I will say since moving  
6           to Illinois all I hear is about people taking up  
7           and going to Tennessee, and I've got my eye on  
8           North Carolina, I'm going to honest. I won't take  
9           my family to a Walgreen's that has a marijuana  
10          store nearby.

11          St. Charles is a family town. It is the  
12          Pride of Fox. It is lovely. People come from out  
13          of town to bring their family to events like the  
14          Scarecrow Fest and the Riverfest. How is this  
15          going to affect our revenue because families won't  
16          come for a lousy \$280,000 in tax revenue? I think  
17          we'd be driving off good people, and we would see  
18          a decline.

19          So I encourage you to please opt out.  
20          Thank you.

21          (Applause.)

22          CHAIRMAN WALLACE: Ma'am here in the  
23          second row.

24          MS. KOCH: My name is Julie Koch. I live

1 on King Edward Avenue in St. Charles.

2 Since this is a Planning Commission meeting,  
3 I have a Planning Commission question. And that  
4 is, since the Planning Commission's recommendation  
5 to the City Council is that presentation we just  
6 heard, how do we as a city group of people here  
7 tonight, how do we go about influencing and saying  
8 we are not interested in that proposal, we would  
9 like to just shut down the whole idea from the  
10 beginning? How do we do that?

11 How do we influence recommendation?

12 That's my question.

13 CHAIRMAN WALLACE: Well, everything that's  
14 being said tonight the Plan Commission is  
15 considering as evidence relating to the application.  
16 And we will -- as soon as we feel that we have  
17 enough evidence to make a recommendation, then  
18 we'll do that.

19 So I mean, the way to impact that  
20 recommendation would be to, you know, present  
21 evidence the way that it's being presented.

22 Rita, correct me if I'm wrong, but will  
23 there be an opportunity to speak at the planning  
24 and development committee when this is considered?

1 MS. TUNGARE: Yes. Typically the  
2 chairperson of the planning and development  
3 committee will allow members of the public to  
4 speak, that is correct.

5 MS. KOCH: I would just like to go on  
6 record, along with others that are here tonight, I  
7 would like to have St. Charles opt out of being  
8 a community that sells recreational marijuana. I  
9 know that our neighbors to the north have chosen --  
10 South Elgin has chosen that they will be a  
11 community that is selling. Geneva has chosen not  
12 to. I would like St. Charles to join its  
13 counterpart in Geneva and have the Fox Valley  
14 tri-cities be free of marijuana dispensary for  
15 recreational purposes. Thank you.

16 (Applause.)

17 MS. JOHNSON: Good evening everyone and  
18 thank you so much for allowing this opportunity to  
19 share my concern with you. My name is Rhonda Tyus  
20 Johnson. I'm from West Chicago, Illinois. I have  
21 a dear friend in St. Charles letting me know about  
22 this, and I'm here to speak on the plight of  
23 recreational marijuana for West Chicago as well as  
24 St. Charles. I am against that and I hope and

1 pray that this community along with West Chicago  
2 opt out.

3 The reason why I am against recreational  
4 marijuana being sold in St. Charles as well as  
5 West Chicago is that there has not been one  
6 benefit mentioned how recreational marijuana truly  
7 helps kids and families or how it improves the  
8 community that we live, not one.

9 The people who are harmed and destroyed by  
10 it the most includes kids in schools, parents and  
11 drivers in car crashes due to increased  
12 marijuana-related incidents.

13 It is my understanding that the false  
14 taxes from legalized dispensaries do not go to the  
15 people of the city but to liabilities caused by  
16 this mind altering drug which dumbs down mental  
17 faculties.

18 Shortly after a City Council meeting about  
19 this subject in West Chicago my 15-year-old son  
20 who is in high school expressed his concern to me  
21 about recreational marijuana being sold in our  
22 city. Right now our neighborhood and community is  
23 mostly peaceful. Our family enjoys walking around  
24 without expecting harm, death, or robbery to

1 ourselves or our property. We know that in  
2 peaceful neighborhoods those things do happen, but  
3 with recreational marijuana being sold in West  
4 Chicago and St. Charles, there may be increased  
5 possibility of danger.

6 For these reasons I do not want  
7 recreational marijuana sold in St. Charles or in  
8 my hometown, West Chicago. Thank you.

9 (Applause.)

10 CHAIRMAN WALLACE: Sir.

11 MR. WEINSTEIN: Hello, my name is Emery  
12 Weinstein. I live at 0N065 Coniston Court in  
13 Winfield, and I was told this is a public forum,  
14 so I see I'm not the only non-St. Charles person,  
15 so I'm glad for that.

16 A couple weeks ago I was very, very  
17 startled to have my 41-year-old daughter tell me  
18 my 19-year-old granddaughter in college, an  
19 excellent student, informed my daughter that she  
20 cannot sleep without marijuana, cannot go to  
21 sleep, cannot stay asleep without marijuana. And  
22 my daughter is a single mom. She goes to work  
23 long before my granddaughter has to be up to go to  
24 school and sometimes she doesn't. My daughter is

1 beside herself, "What do I do?" Some nights she  
2 lets her use the stuff; sometimes she doesn't.  
3 When she doesn't let my granddaughter use it,  
4 sometimes my granddaughter stays in bed in the  
5 morning.

6 Another personal reflection, I've been  
7 remarried two years, my wife's 45-year-old son had  
8 been an addict for 22 years, the last 10 was to  
9 heroin. Thank God he's been clean now for a year  
10 and a half, and he preaches like night and day  
11 when he's not working as a plumber to kids other  
12 than teen challenge where he successfully  
13 completed the 13-month program to get clean. If  
14 anybody asks him how did he get started, it  
15 started very, very benign, a little beer, a little  
16 wine, a little marijuana. That is typically, if  
17 you talk to addicts, the way it starts. As  
18 somebody said it doesn't go from a straight person  
19 to cocaine, a straight person to heroin, a  
20 straight person to meth. It just doesn't happen  
21 that way. It's a gateway.

22 Marijuana legalized is asking for our  
23 society to be ruined. Thank you very much.

24 (Applause.)

1           CHAIRMAN WALLACE: Sir.

2           MR. SEABLOM: I didn't write a speech --  
3           excuse me, my name is Jerry Seablom,  
4           S-e-a-b-l-o-m, 1370 Ronzheimer Avenue, St. Charles.  
5           I've been a resident here for over 40 years, and  
6           through watching what's going on with our  
7           government, I was a firm believer in our  
8           government and the integrity of our politicians,  
9           and it's going down, down, down. Okay?

10           The Lakota Sioux Indians in South Dakota,  
11           the poorest county in the country, and they made a  
12           treaty with the Federal government that they would  
13           give them their reservation which included the  
14           Black Hills until the white men found gold in the  
15           Black Hills, and then they came and take it back.  
16           I'm not a numbers guy, I don't know the dates and  
17           all that, but you can look it up. What happened  
18           was when they took it back, and just recently in  
19           the last 10 or 20 years the government admitted  
20           that they were wrong by stealing that land back,  
21           and they offered to pay the Lakota Indians several  
22           million dollars, and then the Lakota Indians turned  
23           it down, and now it's up to like a billion dollars,  
24           and they're still turning it down -- okay? --

1 because that land is theirs, they're people with  
2 integrity. The poorest -- I think the average  
3 wage -- average income for Lakota Indian is \$5,000  
4 a year, and they're turning that money down because  
5 principle is more important. The Black Hills are  
6 theirs.

7 Today when we stood up here we all said a  
8 pledge of allegiance to the flag. Did you guys  
9 mean it? Does the City Council mean it? Does the  
10 State mean it? The governor mean it? I don't  
11 know. I can't speak about you guys, but I know  
12 the governor doesn't and I'll tell you why.

13 Marijuana in the Federal court in 1970,  
14 they made it illegal. It's illegal. It's against  
15 the law, if we understand what that means. It's  
16 against the law. Okay? There's a supremacy act  
17 that was passed that says that Federal law trumps  
18 State law. It's in Article 6 of the constitution.  
19 You can look it up. Okay?

20 The governor decided he was going to go  
21 against the law. He's not following it. Okay.  
22 What about you guys? Are you going to have  
23 integrity? You said the Pledge of Allegiance to the  
24 flag, not to how much money can St. Charles make.

1 I don't care how much it is. They turn down a  
2 billion dollars, those Indians, and you guys are  
3 worried about making 3 or 4 percent on this stuff.

4 I totally don't agree with that, and if  
5 you want to break the law, that's what you'll be  
6 doing or that's what the City Council will be  
7 doing when they put these things in town. They'll  
8 be breaking the law.

9 And not only that, every one of them and  
10 every one of you -- and you can look it up, look  
11 up the RICO Act -- because you all know, and even  
12 if you don't know, when you break the law like  
13 that to make a profit, you can read all the  
14 qualifications for the RICO Act, you're all  
15 guilty, every one of you. And I'm not trying to  
16 threaten anybody. I'm just saying let's have some  
17 integrity here.

18 And I say just turn this thing down. It's  
19 not going to help. We've been here 40 years.  
20 Let's use our heads and let's use our hearts. I  
21 always taught my kids, above all, do what's right.  
22 You know what's right.

23 And, Chairman, I'm sorry if I'm boring  
24 you. I'm done.

1 (Applause.)

2 CHAIRMAN WALLACE: All right. Ma'am.

3 MS. KLING-SANCHEZ: Hello, my name is  
4 Anna Kling-Sanchez. Now, I'm a resident from  
5 West Chicago, and why I'm here is because I love  
6 St. Charles. I always thought it was high class  
7 just like Wheaton. Wheaton they don't even sell  
8 any alcohol. I thought that's beautiful.

9 But we're missing also something else.  
10 This is a great nation. Do you know why? Because  
11 why is it that we're so -- the number one powerful  
12 nation? Because our money says, "In God we  
13 trust," and that I believe strongly. But you know  
14 what? We're cursing it because now not only did  
15 the other president legalize same sex marriage,  
16 we're also legalizing what?

17 It's ridiculous. Why don't we use that  
18 area that they're planning on selling this drug  
19 for like a YMCA? Why don't we open those instead?

20 I just hear -- I don't have a speech ready,  
21 but there's so much I wanted to say. And let's  
22 not forget that our big boss is God, and it says  
23 here in the Bible, you will weep -- someone help me.

24 AUDIENCE MEMBER: You will reap what you sow.

1 MS. KLING-SANCHEZ: You will reap what you  
2 sow. That's all. Thank you.

3 CHAIRMAN WALLACE: Ma'am.

4 MS. FOLEY: Thank you, Chairman and Members.  
5 My name is Vicki Foley. I am the president of  
6 Chris' Walk Against Substance Abuse. I have been  
7 a resident here in St. Charles for 30 years. I  
8 love this city. I am opposed to a recreational  
9 cannabis dispensary being allowed in my city.

10 With Illinois' legalization of drugs  
11 people still are looking at the money aspect of  
12 it. Tonight I ask you to look at the other issues  
13 behind this and take money out of the equation.

14 I have a few statistics here. I'm sorry,  
15 but they're very important, so I'm going to try  
16 and make them not too boring. These come from the  
17 National Institute on Drug Abuse.

18 It says recent data suggests that 30 percent  
19 of those who use medical marijuana -- or  
20 marijuana; I'm sorry -- may have some degree of  
21 marijuana use disorder. Marijuana use disorders  
22 are often associated with dependence in which a  
23 person feels withdrawal symptoms when they're not  
24 taking the drug. People who use marijuana

1 frequently often report irritability, mood and  
2 sleep difficulties, decreased appetite, cravings,  
3 restlessness, and various forms of physical  
4 discomfort.

5 In 2015 about 4 million people in the  
6 United States met the diagnostic criteria for  
7 marijuana disorder. That's 2015. Can you imagine  
8 where we are right now? 9 percent of people who  
9 use marijuana will become dependent on it. The  
10 average marijuana extract contains more than  
11 50 percent THC with some samples exceeding  
12 80 percent. And some research suggests that  
13 marijuana is likely to precede use of other licit  
14 and other illicit substances that develop into  
15 addiction to other substances.

16 I can speak to this personally because my  
17 son who lived here in St. Charles with us, he used  
18 marijuana and succumbed to heroin, and his heroin  
19 led to his death right here in this beautiful city  
20 of St. Charles. I don't want to see that.

21 So hopefully I've given you just a few things  
22 to think about tonight. First, that marijuana use  
23 disorder, that's a possible 30 percent. Now, if  
24 you put that down into numbers to our community,

1 that would be the equivalent of 9,815 of your  
2 family, friends, and neighborhoods here in  
3 St. Charles. 9 percent of the people become  
4 dependent. Once again, at that would be about  
5 2,945 people that you know right here in  
6 St. Charles, possibly family members. Again, the  
7 average marijuana extract may contain 50 to  
8 80 percent THC, a highly addictive substance, and  
9 there's a likelihood that marijuana use can lead  
10 to addiction of other substances.

11 So I say tonight, are you willing to take  
12 this risk for St. Charles? If all the cities  
13 across Illinois decided not to sell marijuana,  
14 we'd be sending a real message to the public, and  
15 we would have clear conscience about not causing  
16 these issues in our community.

17 So I ask you to think about those things.  
18 Thank you so much for your time.

19 (Applause.)

20 CHAIRMAN WALLACE: Ma'am.

21 MS. CERVEN: Hi. Thank you for having  
22 this hearing tonight. I really do appreciate it,  
23 and I do feel it's very important to hear from  
24 people who actually have lived here short periods

1 of time, long periods of time, all sorts of  
2 residents of St. Charles, and I hope you're  
3 getting a flavor for how people who actually live  
4 here are starting to feel about this issue.

5 My name is Jennifer Cerven, C-e-r-v-e-n.  
6 I've lived in St. Charles for about 25 years now,  
7 maybe a little over.

8 I'll tell you a little story. My daughter  
9 was very young. We were down at Mount St. Mary's  
10 Park, and I could smell the very distinct odor of  
11 the subject you're talking about tonight, and that  
12 is marijuana, on the playground at Mount St. Mary's  
13 Park. And a fellow looked like he was smoking a  
14 joint under, I think it was a slide, one of the  
15 pieces of equipment there. And I glared at him,  
16 as a mom would do, kind of stared him down like,  
17 "What the heck do you think you're doing," and he  
18 just glared right back at me as if to say, "Too  
19 bad for you." And so our family left the park  
20 that night, and we didn't get to enjoy an evening  
21 in one of the parks that makes St. Charles special  
22 right along our riverfront.

23 I know that's just a small anecdote, and,  
24 you know, that's without even being legal in our

1 community.

2 I'll also say that, you know, the areas  
3 you're talking about in particular, the zoning,  
4 very close to some residential areas. I've looked  
5 at -- there's a map on the website that the City  
6 put together of the different types of zoning.  
7 There's some red lines that show where these zoning  
8 areas might actually be very close to Davis school  
9 where my daughter went to elementary school, close  
10 to Thompson where my daughter went to middle  
11 school, not that far from St. Charles East where  
12 my daughter went to high school.

13 I don't have children in schools anymore,  
14 but I care very deeply about this community. I'm  
15 very deeply rooted here. I think there are a lot  
16 of things that make St. Charles very special. The  
17 Blue Goose makes St. Charles special, Townhouse  
18 Books makes St. Charles special, the Arcada Theatre  
19 makes St. Charles special, Baker Memorial Church  
20 makes St. Charles special. I could go on, and on,  
21 and on.

22 I don't think any of those things that make  
23 St. Charles special are particularly compatible with  
24 the type of recreational marijuana dispensaries

1 that we're considering. So I would certainly  
2 encourage both the Zoning Commission and the City  
3 to opt out. Thank you.

4 (Applause.)

5 MR. FEEHAN: Hi, my name is Mike Feehan.  
6 I'm not a member of St. Charles. I was informed  
7 of this meeting from someone, and I live in  
8 Willowbrook, Illinois 60527.

9 I actually went -- back in April they had  
10 some people from Colorado come and speak before  
11 this even got passed in Illinois, and they talk --  
12 whoever said about -- the woman to my right here  
13 who talked about the 4 1/2 versus the 1, that's  
14 absolutely correct. I have some people from  
15 Colorado on my email list.

16 I have bipolar disorder myself, and from  
17 what I've heard, this stuff can very well lead to  
18 psychosis and schizophrenia. I don't know if it  
19 leads to suicides, but we're already having problems  
20 with suicides it seems like in this society, and I  
21 can't imagine this would reduce that.

22 Also, the whole thing about driving  
23 accidents, it's been proven that it causes more  
24 fatalities, as well.

1           So like I'm not a member here -- I'm not a  
2     resident here, but I just felt compelled to come  
3     and say I would not support this either. Thanks.

4           (Applause.)

5           CHAIRMAN WALLACE: Sir.

6           MR. WALTERS: My name is Jerry Walters. I  
7     live in Warrenville and I don't want to go over  
8     things that you've already heard tonight,  
9     everything that recreational marijuana would cause  
10    in the destruction of property and in life. Much  
11    like this gentleman that spoke earlier, I object  
12    to the sale of recreational marijuana, and I also  
13    object to any recommendation that this Planning  
14    Commission would make to either the planning and  
15    development committee or the City Council that  
16    would support a specific use for such sale.

17           I urge this Plan Commission to make a  
18    strongly unfavorable recommendation to the  
19    planning and development committee and to the city  
20    Council that there is no place in any zone in this  
21    city where the sale of recreational marijuana  
22    makes any sense.

23           Thank you.

24           (Applause.)

1           MR. THORSEN: My name is Marcus Thorsen,  
2 T-h-o-r-s-e-n. I'm a lifetime resident here, if  
3 that makes a big difference, but I'd like to  
4 appeal to all of you before you vote one way or  
5 another if you talk to both the chief of police  
6 and the social services that have to deal with  
7 some of the outcomes of what may transpire. Those  
8 are some people that have some authority and  
9 background as to what may happen if we have a  
10 retail site selling marijuana.

11           And then I'd like to ask a question, and  
12 that is whether the benefits that both the city  
13 gets or the people get from having two sites that  
14 sell marijuana, and I can only think of two. One  
15 of them has been the economic, which has been  
16 discussed here, and then the other one is easy  
17 accessibility to those people that want it.

18           In my opinion, neither one of those  
19 justify having a retail site in downtown  
20 St. Charles. Thank you.

21           (Applause.)

22           CHAIRMAN WALLACE: All right. Sir.

23           MR. BATE: My name is Warren Bate. I'm a  
24 lifelong resident of St. Charles. I was gone for

1 10 years for my education. I'm a recently retired  
2 family doctor; I think I can speak to the gateway  
3 nature of marijuana, seeing it in many patients  
4 that I took care of.

5 I don't think we need anything to do with  
6 it in St. Charles. Our state has lost its mind.  
7 We can't fix the State of Illinois, but we don't  
8 have to join the madness. We can say no and we  
9 can continue to have a nice community in a state  
10 that has gone completely off the board.

11 And I would urge you to vote no and urge  
12 everyone to get out and talk to their friends and  
13 neighbors about this issue. We don't need it in  
14 St. Charles. The money we would raise is minimal  
15 compared to the problems we create.

16 You can measure a drunk driver's alcohol  
17 level. You cannot measure the degree of  
18 intoxication from a drug like marijuana. You  
19 would be limited possibly to counting fast food  
20 wrappers on the floor of the car.

21 (Applause.)

22 CHAIRMAN WALLACE: Any other questions or  
23 comments? Yes, sir.

24 MR. KOCH: My name is David Koch. I live

1 on King Edward Avenue. I just want to go on  
2 record to -- I'm a professional educator. I'm not  
3 a school teacher, but I'm a professional educator.  
4 My wife is a substitute teacher, and she sees a  
5 lot of things that go on in the schools, and  
6 there's been a lot of distractions. Our kids are  
7 all grown and all went through and graduated from  
8 St. Charles East and got great educations there.  
9 But over the years there's been more and more  
10 distractions, including hand-held devices that are  
11 now capturing their time more than the teachers  
12 are attracting their time and attention. Vaping  
13 has become a serious problem, and if you combine  
14 vaping with some of the THC and some of the other  
15 things that are starting to make their way into  
16 it, we're creating an environment where the kids  
17 are going to be more and more distracted. In a  
18 nation where we are dumbing down our kids, we  
19 don't need one more thing to contribute to that.

20 So I endorse the many things that have  
21 been said tonight, and anything the Plan Commission  
22 can do to limit or eliminate the possibility of  
23 having this available in our community I fully  
24 endorse. Thank you.

1 (Applause.)

2 CHAIRMAN WALLACE: Anyone else? Sir.

3 MR. KING: Good evening, my name is  
4 Brian King. I'm a resident of St. Charles. In  
5 addition to that, I stand before you with 21 years  
6 of law enforcement experience.

7 We've heard from teachers; we've heard from  
8 educators; we've heard from former politicians;  
9 we've heard from people who have family members  
10 who have lost their battles with their addictions.  
11 I'm going to tell you right now cannabis is a  
12 gateway drug. Every time I sat across from  
13 somebody who committed a felony, whether it be a  
14 homicide, whether it be a retail theft, whether  
15 they stole their grandparents' snowblower out of  
16 their garage to score smack, it all started with  
17 cannabis.

18 In addition to that, we can't trust the  
19 State of Illinois to look out for our well-being.  
20 Take, for instance, vaping. That was all okay how  
21 many months ago; it's going to be great, going to  
22 get people off tobacco. Vape shops popped up on  
23 every corner, and now what do we hear? How many  
24 kids are sick now? How many middle schoolers are

1     vaping? How many elementary school kids are  
2     vaping? But our state deemed that was okay, too.

3             So we can't trust our State officials to  
4     look after our well-being. Maybe the voices of  
5     our residents and the people that are here from  
6     all sorts of walks of life giving testimony  
7     tonight can maybe sway this committee.

8             Thank you.

9             (Applause.)

10            CHAIRMAN WALLACE: All right. Any other  
11     comments, questions? Yes, sir.

12            MR. ZUBEL: Good evening, my name is  
13     Gary Zubel. I live at 1315 Winners Cup Circle  
14     here in St. Charles. I implore all of you to  
15     opt out.

16            I'm sure most of you are fathers; you're  
17     mothers; you're grandfathers; you're grandmothers.  
18     We owe it to our children in our community to  
19     opt out.

20            You have heard from a wide range of  
21     people, law enforcement people, people from the  
22     religious community, you've heard from physicians.  
23     What I haven't heard of yet this evening is anyone  
24     who is supportive of this. Everyone in this room,

1 I would think most everyone in this room is  
2 against it.

3 Please listen to your community, and more  
4 important, please listen to your heart and please  
5 opt out. Thank you for your time.

6 (Applause.)

7 CHAIRMAN WALLACE: All right. Any other  
8 comments, questions?

9 (No response.)

10 CHAIRMAN WALLACE: Okay. Back to Plan  
11 Commissioners. Any comments, questions?

12 (No response.)

13 CHAIRMAN WALLACE: So at this time I think  
14 that there are still -- there's still some  
15 additional information that was requested from  
16 staff just in relation to -- sorry; who  
17 requested it?

18 MEMBER BECKER: Some information regarding  
19 separation of the zoning districts from other  
20 sensitive land uses.

21 VICE CHAIRMAN KESSLER: You were also  
22 looking into information regarding the facilities  
23 themselves and any statutory conditions that apply  
24 to the facilities themselves.

1 MS. TUNGARE: As of the limitations on how  
2 many patrons?

3 VICE CHAIRMAN KESSLER: Yes.

4 CHAIRMAN WALLACE: And I also have another  
5 question that staff can answer, and this is  
6 regarding the definition of medical cannabis  
7 dispensing organization. The proposed ordinance  
8 reads that, "A dispensing organization may not be  
9 located within 1,000 feet of the property line of  
10 a preexisting public or private preschool or  
11 elementary or secondary school or daycare center,  
12 daycare home, group daycare home, or part-day  
13 childcare facility."

14 And I guess maybe it would be helpful to  
15 have just a little bit of a narrative as far as  
16 definitions. Are those all already contained in  
17 the zoning ordinance?

18 MS. JOHNSON: The medical cannabis  
19 definitions are already in the ordinance, and that  
20 was taken straight from the State medical cannabis  
21 act.

22 CHAIRMAN WALLACE: All right. And it also  
23 may not be located in a house, apartment, or  
24 condominium in an area zoned for residential use.

1           In taking a look at other similar  
2 ordinances, I know that there was a form ordinance  
3 that was distributed by the State. Is this in  
4 line with what that ordinance was?

5           MS. TUNGARE: So the provision that you  
6 just recited, Mr. Chairman, was taken straight out  
7 of the 2014 Act that was passed by the State of  
8 Illinois with relation to medical dispensaries.

9           CHAIRMAN WALLACE: I understand that. I mean  
10 the ordinance as a whole, what we're considering in  
11 this application, not just that one provision.

12          MS. TUNGARE: Could you elaborate on your  
13 question, Mr. Chairman?

14          CHAIRMAN WALLACE: Well, is there a  
15 standardized ordinance that the State of Illinois  
16 has proposed for municipalities to approve or  
17 consider regarding this question?

18          MS. TUNGARE: So there are some ordinances  
19 out there proposed by the Illinois Municipal  
20 League. So to respond to your question, there are  
21 some proposed ordinances out there for communities  
22 to either opt in or opt out.

23          CHAIRMAN WALLACE: And I guess part of  
24 what would be helpful at least for me and what I'm

1 going to take a look at independently but would be  
2 helpful for us to consider would be what has  
3 already transpired in other communities. And, you  
4 know, more than just maybe a couple of examples of  
5 surrounding communities but whether anyone has  
6 made any modifications to proposed ordinances.

7 One of the issues that I have I can tell  
8 you already is -- and this may go -- I don't know  
9 if this goes to your point regarding distance from  
10 certain uses, but it is concerning to me that  
11 there is not minimum distance from residential  
12 areas, only that it may not be placed within a  
13 residential zone. Is that correct? Is that my  
14 reading of the ordinance as proposed?

15 MS. JOHNSON: Yes. So the only distance  
16 requirement that is being proposed is a 1500-foot  
17 separation between dispensaries and then to not  
18 allow it in any residential zoning districts.

19 CHAIRMAN WALLACE: Say that again.

20 MS. JOHNSON: We're not proposing to allow  
21 use in any residential zoning district or any  
22 downtown district.

23 CHAIRMAN WALLACE: There would be the  
24 separation between dispensaries and also the

1 1,000 feet from those specific uses, the schools,  
2 et cetera?

3 MS. JOHNSON: That's for medical -- the  
4 medical dispensaries that have the 1,000-foot  
5 separation. We are not proposing right now any  
6 separation for recreational dispensaries.

7 CHAIRMAN WALLACE: I understand. I  
8 apologize for my confusion with that.

9 Let me gather some thoughts. Are there  
10 any other questions or comments before we --

11 VICE CHAIRMAN KESSLER: Well, I do have a  
12 comment that I think we need to take into  
13 consideration. I mean, as a Plan Commission we  
14 are gathering evidence, and we make a recommendation  
15 based on certain findings of fact for a certain  
16 application. And I think it's really important  
17 that particularly in a case that was -- you know,  
18 that is getting so much attention that we  
19 specifically go through our findings of fact and  
20 make our recommendations based on each of those.

21 In our binders we have the general  
22 amendment, text amendment, excerpts from the  
23 zoning ordinances, and in making a recommendation  
24 to grant or deny the application for zoning

1 amendments the Plan Commission should consider the  
2 following findings of fact: The consistency of  
3 the proposed amendment with the City's  
4 comprehensive plan; No. 2, the consistency of the  
5 proposed amendment with the intent and the general  
6 regulations of this title; No. 3, whether the  
7 proposed amendment corrects an error or omission,  
8 adds clarification to existing requirements, is  
9 more workable than the existing text, or reflects  
10 a change in policy; No. 4, the extent to which a  
11 proposed amendment would be in the public interest  
12 and would not serve solely the interest of the  
13 applicant; No. 5, the extent to which the proposed  
14 amendment creates nonconformity; and No. 6, the  
15 implications of the proposed amendment on all  
16 similarly zoned property in the city.

17 Now, we aren't required to find in the  
18 affirmative for each one of these exclusively, but  
19 the preponderance of positive or negative findings  
20 would help form our recommendation. I think it's  
21 important, though, that we consider each one of  
22 these when we do make our recommendation.

23 CHAIRMAN WALLACE: All right.

24 MEMBER PRETZ: I have one question for

1 staff. I'm assuming we're going to continue this.  
2 When would the next meeting -- when would we have  
3 this on the agenda again? Would it be on the  
4 October 8th meeting?

5 MS. JOHNSON: October 8th is the next  
6 meeting.

7 MEMBER PRETZ: It would be on that agenda?

8 MS. JOHNSON: Yes.

9 CHAIRMAN WALLACE: Sir, do you have a  
10 follow-up?

11 MR. PACELLI: Follow-up question, I guess.  
12 I think the Plan Commission in my opinion is a  
13 little bit between a rock and a hard place in the  
14 sense that statistically, factually you can create  
15 a scenario where the zoning amendment would work,  
16 so far from this side, so far from that use,  
17 et cetera, et cetera, et cetera. And to a great  
18 extent that's what you have to look at and make a  
19 decision on.

20 But I think the deeper question, and that  
21 is, yes, you can statistically create or factually  
22 create the situation where a zoning amendment  
23 would work, but what the heck is the underlying  
24 use driving that zoning amendment?

1           And maybe that's something that's more  
2 abstract that really falls at the Council level as  
3 opposed to the Plan Commission where you have to  
4 look at these factual things, but at the end of  
5 the day I think at some point you have to  
6 incorporate some of the abstract issues that  
7 relate to the underlying use that's really driving  
8 this, and I think you're hearing a community that  
9 says we don't want it.

10           Now, maybe this setback works, and that  
11 distance over there works, but at the end of the  
12 day we don't want the use. So I don't know really  
13 how much time the Plan Commission should be  
14 spending -- I guess by ordinance they have to --  
15 but spending on factual things when, in fact, this  
16 community does not want the underlying use.

17           (Applause.)

18           CHAIRMAN WALLACE: And I think that you're  
19 absolutely right that we are not a policy making  
20 organization, which is why members of this Plan  
21 Commission are not elected. We are unpaid  
22 volunteers who are appointed for the purpose of  
23 being fact finders for the City Council. If there  
24 are policy decisions to be made, that is to be

1 made at the City Council level.

2 And what Tim was getting at in citing the  
3 findings of fact is that we have very specific  
4 findings of fact that we're supposed to look at,  
5 and we are supposed to be dispassionate about  
6 that, look at it from a technical standpoint and  
7 see if it meets those findings of fact and make a  
8 recommendation to the City Council based on that.

9 And when it comes to policy, that's when  
10 the City Council steps in and applies our  
11 recommendation to whatever policy the City chooses.

12 So thank you for your comments.

13 Ma'am, did you have a follow-up?

14 MS. KOCH: Just really quick. Can the  
15 Planning Commission not just make the determination  
16 we are not interested, we are opting out?

17 VICE CHAIRMAN KESSLER: No, we cannot.

18 CHAIRMAN WALLACE: We can make a  
19 recommendation of the application with conditions,  
20 and if that condition is to -- I mean, we can make  
21 a recommendation to deny it. We can make a  
22 recommendation with instructions or comments.  
23 That doesn't mean the City Council has any  
24 obligation to follow it. But yeah, we can make

1 whatever recommendation we see fit based on the  
2 evidence that's presented.

3 VICE CHAIRMAN KESSLER: But it is just a  
4 recommendation.

5 MEMBER BECKER: Mr. Chairman, can I get  
6 some clarification? In the staff memo it says  
7 that the government operations committee held  
8 two public discussions, and they voted 6 to 3 to  
9 direct Plan Commission to consider this. Does  
10 that mean that they voted to opt in, or has that  
11 not been done yet?

12 MS. TUNGARE: That has not been done yet.  
13 All they did was they provided direction and  
14 directed staff to file a general amendment  
15 application which then is following the public  
16 hearing process.

17 VICE CHAIRMAN KESSLER: And in addition, I  
18 might add, because we have an application in front  
19 of us, we have to consider it as long as we have  
20 an application.

21 MS. SCHUESSLER: I just wanted to point  
22 out we understand that you're not voting the body  
23 of the City Council, but you still have a personal  
24 responsibility. So if you make a recommendation

1 of where these recreational marijuana places should  
2 be in this city, that's on you. That's your  
3 recommendation. You might not be the one who votes  
4 yes in the end, but they're going to say, hey,  
5 here was the recommendation, and then they're  
6 going to go vote yay or nay.

7 So if I were in your shoes, I could not  
8 sign my name or have my vote on something that is  
9 pro putting recreational marijuana use in this  
10 city or deciding where it should be. I would have  
11 no part of that.

12 Ephesians 5:11 says, "Have nothing to do  
13 with fruitless deeds of darkness but rather expose  
14 them." That's what you're supposed to do, have  
15 nothing to do with the fruitless deeds of darkness  
16 but expose them. You say no, you put it back to  
17 the City Council and then it's on them. It will  
18 be more pressure on them to say no; we're getting  
19 pushback.

20 Thank you.

21 (Applause.)

22 CHAIRMAN WALLACE: Any other comments or  
23 questions? Sir.

24 MR. PAYLEITNER: I'm Jay Payleitner,

1 I've been living here a million years at 629 North  
2 Tyler Road. I wrote it down. Is there any  
3 decision -- I don't know where you-all stand yet.  
4 Is there any decision the Plan Commission can make  
5 that will either send a very clear no message to  
6 the City Council or some sneaky way like being  
7 held up in committee -- like to hear that -- some  
8 sneaky way to actually prevent the Council from  
9 even having the opportunity to approve  
10 recreational marijuana, some sneaky way to hold  
11 this thing up in committee? You hear about that  
12 all the time. That would be my recommendation.

13 (Applause.)

14 AUDIENCE MEMBER: Let the officials do  
15 their job. How about that?

16 CHAIRMAN WALLACE: Sir, if you want to  
17 speak, please come up here. Please state your name  
18 and spell your last name for the record.

19 MR. TOTTON: Christopher Totten, T-o-t-t-e-n,  
20 Southgate.

21 I understand what a lot of you guys are  
22 saying, and I admire your passion, but to suggest  
23 that we go about this in an unethical way when we  
24 have elected officials that we voted for that will

1 make the decision in the end, let's do what you're  
2 doing right now, this is awesome, and let the  
3 Planning Commission to their job and let City  
4 Council do their job. That's all.

5 CHAIRMAN WALLACE: I can assure you from  
6 our side that the Plan Commission will follow  
7 their procedure. We will present a recommendation  
8 to the City Council.

9 AUDIENCE MEMBER: A negative one.

10 CHAIRMAN WALLACE: Any further questions  
11 or comments?

12 MR. WEINSTEIN: Question, question; sorry.  
13 I've already been up. Can I ask it from here?

14 CHAIRMAN WALLACE: If you can come up,  
15 please, just so everyone can hear you.

16 MR. WEINSTEIN: Emery Weinstein again from  
17 Winfield. So when you say you will make your  
18 recommendation, so does that mean just simply on  
19 the physical aspects, this is where A can be and  
20 another dispensing location B can be, or will you  
21 have any effect from what you've heard tonight in  
22 your recommendation personally speaking?

23 CHAIRMAN WALLACE: I can't speak for the  
24 Plan Commission. I'm saying that we will -- as

1 soon as we've received all of the evidence which I  
2 am assuming will probably be wrapped up at the  
3 next meeting, then we will close the public hearing.  
4 At that point in time, the Plan Commission will  
5 have a discussion regarding the evidence and make  
6 a recommendation, vote on a recommendation.

7 MR. WEINSTEIN: So the testimony here  
8 tonight, is that considered part of evidence?

9 CHAIRMAN WALLACE: Absolutely, yes.

10 MR. WEINSTEIN: So you are going to make  
11 recommendations not based simply on A, B, C, D, E,  
12 but also on the moral aspects that you've heard  
13 tonight?

14 CHAIRMAN WALLACE: Anything that is stated  
15 tonight in this room is evidence.

16 MR. WEINSTEIN: Okay. Thank you very much.

17 CHAIRMAN WALLACE: All right. Any other  
18 further comments or questions?

19 (No response.)

20 CHAIRMAN WALLACE: Then at this point if  
21 there's nothing further from Plan Commission or  
22 staff, I would entertain a motion to continue this  
23 public hearing to October 8, 2019, at 7:00 p.m. in  
24 this very room.

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1 VICE CHAIRMAN KESSLER: So moved.  
2 MEMBER PRETZ: Second.  
3 CHAIRMAN WALLACE: It's been moved and  
4 seconded. In any discussion on the motion?  
5 (No response.)  
6 CHAIRMAN WALLACE: Tim.  
7 VICE CHAIRMAN KESSLER: Becker.  
8 MEMBER BECKER: Yes.  
9 VICE CHAIRMAN KESSLER: Pretz.  
10 MEMBER PRETZ: Yes.  
11 VICE CHAIRMAN KESSLER: Holderfield.  
12 MEMBER HOLDERFIELD: Yes.  
13 VICE CHAIRMAN KESSLER: Vargulich.  
14 MEMBER VARGULICH: Yes.  
15 VICE CHAIRMAN KESSLER: Purdy.  
16 MEMBER MACKLIN PURDY: Yes.  
17 VICE CHAIRMAN KESSLER: Melton.  
18 MEMBER MELTON: Yes.  
19 VICE CHAIRMAN KESSLER: Wallace.  
20 CHAIRMAN WALLACE: Yes.  
21 VICE CHAIRMAN KESSLER: Kessler, yes.  
22 CHAIRMAN WALLACE: All right. That  
23 concludes Item No. 6 on your agenda.  
24 Ladies and gentlemen, we still have the

1 remainder of the meeting, so if you wish to speak,  
2 if you could go outside, I would appreciate it, or  
3 you're welcome to stay. We don't have much left.

4 Any additional business from Plan  
5 Commission members or staff?

6 (No response.)

7 CHAIRMAN WALLACE: We've all seen the  
8 weekly development report. We have the meeting  
9 announcements.

10 On that October 8th meeting, are we  
11 discussing the comprehensive plan, as well?

12 MS. TUNGARE: That was the plan. Yes, we  
13 were planning to bring that forward, as well,  
14 specifically for the west side. But it's something  
15 I can confer with my staff and make a determination  
16 as to whether it makes sense to bring it back --

17 CHAIRMAN WALLACE: Please everyone.

18 MS. TUNGARE: So there's a possibility it  
19 could be on the same agenda, but I will confer  
20 with staff and yourself, and we can make that  
21 determination.

22 CHAIRMAN WALLACE: Any public comment?  
23 Sir, did you have something?

24 AUDIENCE MEMBER: I have a hearing

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1     impediment so I missed out on the two locations.  
2     Are there two known locations we were talking about?

3             CHAIRMAN WALLACE: We can't really discuss  
4     it further because we've continued the public  
5     hearing, but if you want to contact staff, I'm not  
6     sure how long it will take to get a transcript but  
7     they will -- you can have access to the transcript  
8     so you can read it.

9             AUDIENCE MEMBER: Okay. Thank you.

10            CHAIRMAN WALLACE: Any further public  
11     comment?

12            (No response.)

13            CHAIRMAN WALLACE: Is there a motion to  
14     adjourn?

15            VICE CHAIRMAN KESSLER: So moved.

16            MEMBER VARGULICH: Second.

17            CHAIRMAN WALLACE: It's been moved and  
18     seconded. All in favor.

19            (Ayes heard.)

20            CHAIRMAN WALLACE: Opposed.

21            (No response.)

22            CHAIRMAN WALLACE: This meeting of the  
23     St. Charles Plan Commission is adjourned at 8:43 p.m.

24            (Off the record at 8:43 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, 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 stenographically 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 22nd day of September, 2019.

My commission expires: October 16, 2021



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Notary Public in and for the  
State of Illinois