

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, OCTOBER 8, 2019**

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

Members Absent: Tom Pretz

Also Present: Rita Tungare, Director of Community & Econ. Dev.
Russell Colby, Community Development Manager
Ellen Johnson, Planner
Rachel Hitzemann, Planner

Court Reporter

1. Call to order

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

2. Roll Call

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

3. Pledge of Allegiance

4. Presentation of minutes of the September 17, 2019 meeting of the Plan Commission.

Motion was made by Mr. Kessler, seconded by Ms. Purdy and unanimously passed by voice vote to approve the minutes of the September 17, 2019 Plan Commission meeting.

5. 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
- 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. Vargulich to close the Public Hearing.

Roll call vote:

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

Nays: 0

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**Absent: Pretz
Motion carried 8-0**

b. Discussion & Recommendation

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

Motion was made by Mr. Kessler and seconded by Ms. Becker to recommend approval of the General Amendment subject to limiting recreational cannabis dispensaries to the BR District and with a comment to investigate allowing recreational cannabis dispensaries in the M-2 District, and that distances from sensitive properties be considered.

Motion was made by Ms. Purdy and seconded by Mr. Vargulich to amend the motion by adding a 500 ft. buffer requirement between recreational cannabis dispensaries and schools, day cares, and residential zoning.

**Roll call vote (on motion to amend):
Ayes: Vargulich, Purdy, Wallace
Nays: Becker, Funke, Holderfield, Melton, Kessler
Absent: Pretz
Motion to amend failed: 3-5**

**Roll call vote (on main motion):
Ayes: Becker, Vargulich, Kessler
Nays: Funke, Holderfield, Purdy, Melton, Wallace
Absent: Pretz
Motion failed: 3-5**

Motion was made by Mr. Kessler and seconded by Mr. Holderfield to recommend approval of the General Amendment subject to requiring a distance of 250 feet between recreational cannabis dispensaries and schools, day cares, and residential zoning and with a comment to investigate allowing recreational cannabis dispensaries as a Special Use in the M-2 District.

Motion was made by Ms. Purdy and seconded by Mr. Kessler to amend the motion by not allowing recreational cannabis dispensaries in the BC District.

**Roll call vote (on motion to amend):
Ayes: Becker, Holderfield, Vargulich, Purdy, Melton, Wallace, Kessler
Nays: Funke
Absent: Pretz
Motion to amend carried: 7-1**

**Roll call vote (on main motion, as amended):
Ayes: Becker, Holderfield, Vargulich, Purdy, Melton, Kessler
Nays: Funke, Wallace
Absent: Pretz**

Motion carried: 6-2

6. General Amendment (John Karatheodore)

Ch. 17.14 “Business & Mixed Use Districts” to add Pet Care Facility as a Special Use in the CBD-1 District.

- a. Public Hearing
- 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. Vargulich and seconded by Mr. Kessler to continue the public hearing to October 22, 2019 at 7:00 p.m. in the Council Chambers, so that a site plan can be provided which shows all easements and site circulation as well as scaled elevation drawings of the fence and building

Roll call vote:

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

Nays:

Absent: Pretz

Motion carried: 8-0

7. K-9 Country Club of St. Charles, 305 N. 2nd St. (John Karatheodore)

Application for Special Use

- a. Public Hearing
- b. Discussion & Recommendation

Public Hearing was combined for Items #6-7. Above motion to continue the Public Hearing applies to both items.

8. Additional Business from Plan Commission members or Staff

9. Weekly Development Report

10. Meeting Announcements

- a. Plan Commission
Tuesday, October 22, 2019 at 7:00pm Council Chambers
Tuesday, November 5, 2019 at 7:00pm Council Chambers
Tuesday, December 3, 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

11. Public Comment- None

12. Adjournment at 10:08 p.m.



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Transcript of General Amendment, Volume 2

Date: October 8, 2019

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: General Amendment :
to Business & Mixed Use :
Districts, Use Standards, :
Off-Street Parking, :
Loading & Access, and :
Definitions Regarding :
Regulation of Recreational :
Cannabis Uses :
-----x

HEARING, VOLUME II
St. Charles, Illinois 60174
Wednesday, October 9, 2019
7:00 p.m.

Job No.: 218473A
Pages: 76 - 186
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, 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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13 Before Joanne E. Ely, a Certified Shorthand
14 Reporter, and a Notary Public in and for the State
15 of Illinois.

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JAMES HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 PETER VARGULICH, Member

10 ALSO PRESENT:

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community &
13 Economic Development

14 RACHEL HITZEMANN, Planner

15 RUSSELL COLBY, Community Development
16 Manager

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P R O C E E D I N G S

CHAIRMAN WALLACE: The City of St. Charles
Plan Commission will come to order.

Tim, roll call.

VICE CHAIRMAN KESSLER: Becker.

MEMBER BECKER: Here.

VICE CHAIRMAN KESSLER: Funke.

MEMBER FUNKE: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

CHAIRMAN WALLACE: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Melton.

MEMBER MELTON: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right. Those of
you who wish to, please stand for the Pledge of
Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRMAN WALLACE: All right. Item 4 is

1 presentation of the minutes of the September 17th,
2 2019, meeting of the Plan Commission.

3 Is there a motion to approve?

4 VICE CHAIRMAN KESSLER: So moved.

5 MEMBER MACKLIN-PURDY: Second.

6 CHAIRMAN WALLACE: It's been moved and
7 seconded. Any discussion?

8 (No response.)

9 CHAIRMAN WALLACE: All in favor.

10 (Ayes heard.)

11 CHAIRMAN WALLACE: Opposed?

12 (No response.)

13 CHAIRMAN WALLACE: That motion passes
14 unanimously.

15 On to Item 5 on your agenda, under General
16 Amendments, City of St. Charles, Chapter 17.14,
17 Business and Mixed Use Districts; Chapter 17.20,
18 Use Standards; Chapter 17.24, Off-Street Parking,
19 Loading & Access; and Chapter 17.30, Definitions
20 regarding regulation of recreational cannabis
21 uses.

22 Welcome, everyone. This is a continued
23 public hearing from September 17th. Previously,
24 we began to hear public testimony to consider an

1 application that has been brought by the City to
2 amend our zoning ordinance to allow and provide
3 regulations for recreational cannabis business
4 establishments.

5 The City staff brought the application to
6 the Plan Commission as directed by the government
7 operations committee of the City Council. And
8 before we begin, I will ask staff to give us a
9 summary of the application, but I will just say a
10 few words first.

11 We did request that staff provide certain
12 follow-up information from the last meeting
13 regarding options for separation requirements from
14 sensitive land uses, information on how other
15 municipalities are addressing the sale of
16 recreational cannabis, and operational
17 requirements for dispensaries from the State Act.

18 For those of who you have not been here
19 before, the Plan Commission is tasked by the City
20 Council to conduct public hearings for certain
21 applications that come before it, such as this
22 one. The Plan Commission is a volunteer body. We
23 gather public information -- gather public
24 comment, and then we make a recommendation to that

1 City Council for action.

2 We do not take action on anything. We
3 just make a recommendation. The Plan Commission
4 has the benefit of being dispassionate. We have
5 to follow facts. The facts will either say that
6 we should or should not make a recommendation.
7 And all that we do is we take in evidence, weigh
8 those facts, and make our recommendation. So
9 that's the role of the Plan Commission.

10 Tonight we had people who wish to speak or
11 ask any questions fill out a slip giving their
12 name and address to make it a little easier for
13 me; and what I intend to do is when we come to the
14 time in the meeting, I will ask each person who
15 has written their name down to come up, and they
16 will come up to the lectern and state their name
17 again for the record.

18 Anyone who wishes to speak, I would ask
19 that you first be recognized by me and only speak
20 from upfront. We have a court reporter here in
21 the room today. She has to take down everything
22 that we say. So please make it easier for her.

23 Are there any questions at this point
24 regarding our process?

1 (No response.)

2 CHAIRMAN WALLACE: Okay. What we will do
3 then is anyone who wishes to give any testimony,
4 including asking any questions, I would ask you to
5 be sworn in. Could you please raise your hand.

6 (Witnesses sworn.)

7 CHAIRMAN WALLACE: All right. Thank you.
8 And before we begin, as I said, I'm going
9 to ask Ellen to give a summary of the application.

10 MS. JOHNSON: Good evening. So I'll start
11 with summarizing some background information that
12 we reviewed last time.

13 The State of Illinois recently passed the
14 Cannabis Regulation and Tax Act which legalized
15 possession and consumption of cannabis for adults
16 ages 21 and over across the state. It also
17 establishes licensing procedures for recreational
18 cannabis businesses. The law goes into effect
19 January 1st.

20 The law allows municipalities to regulate
21 the cannabis through their district zoning.
22 Municipalities can choose to opt out and ban the
23 sale of recreational cannabis or they can choose
24 to allow sales and regulate through zoning.

1 So in August, the government operations
2 committee of the City Council directed staff to
3 file a zoning amendment to allow the sale of
4 retail recreational cannabis with certain
5 restrictions. So the proposed amendment was
6 discussed at the last Plan Commission meeting on
7 September 17th, and the amendment that is under
8 consideration is summarized on this slide.

9 It is to allow recreational cannabis
10 dispensaries as a special use in two commercial
11 districts, which are the BC, Community Business,
12 and BR, Regional Business District. This is the
13 location of the BC and BR districts on the east
14 side generally along Main Street, Route 64, and on
15 the west side generally around Randall Road and
16 Route 38.

17 Also proposed is to allow no more than two
18 dispensaries in town, one on either side of the
19 river; require businesses to have operated a
20 medical cannabis dispensary for at least two
21 years; require 1500 feet of separation between
22 dispensaries, this is a requirement that's taken
23 from the State Act; and also to prohibit any
24 on-site consumption at other cannabis businesses,

1 like cultivation centers, production and
2 distribution facilities.

3 So based on the discussion at the last
4 meeting, staff has prepared a memo summarizing the
5 additional information that was requested, and
6 I'll go through that information briefly.

7 So first, the Commission discussed the
8 possibility of adding separation requirements
9 between dispensaries and sensitive land uses, such
10 as schools, daycares, and residential areas. So
11 the State Act does allow municipalities to impose
12 separation requirements.

13 So staff has prepared several maps to
14 illustrate the impact of various separation
15 options from 1,000 feet around schools, daycares,
16 and residential zoning all the way down to
17 250 feet around those land uses. Those distances
18 are measured property line to property line.

19 The first map shows a 1,000-foot buffer
20 around schools and daycares only. So this was
21 prepared because currently the City Code, the
22 provisions for medical cannabis dispensaries
23 require 1,000 foot of separation between daycares
24 and schools and medical cannabis dispensaries. So

1 if the City wanted to impose the same requirement
2 for recreational, this is what the impact would
3 be.

4 So the purple area shows the 1,000-foot
5 buffer around the property lines of schools and
6 daycares, and then the blue areas are the BR and
7 BC zoning districts. So any parcel that does
8 not -- that's not covered at all by a buffer area
9 could be available in this case for a dispensary.
10 Any parcel that is touched at all by a buffer area
11 would not be available for a dispensary.

12 And this shows the west side of town.

13 So on the east side, most BC and BR
14 parcels are available with the exception of a few;
15 and then on the west side of town, again, most are
16 available with the exception of the area around
17 St. Charles Commercial Center and Prairie Center.

18 So this map adds 1,000-foot buffer as well
19 around residential zoning districts, which are
20 shown in red. So the 1,000 feet is measured out
21 from the residential parcel. So, for example, in
22 this area there's some residential parcels right
23 here. So the 250 -- or 1,000 feet is measured out
24 from those parcels.

1 So the 1,000 foot -- adding that
2 1,000-foot residential buffer really limits the
3 location of potential dispensaries on the east
4 side. Only a few parcels would be open on the
5 north side of Route 64. For example, the
6 Charleston Mall Outlots and then near Target -- in
7 the vicinity of Target and the Pheasant Run area.

8 And then on the west side of town, a few
9 parcels would be open south of Route 38 along
10 Randall Road.

11 This map reduces the buffer down to
12 750 feet from schools and daycares and residential
13 zoning. So this would open up a few more parcels
14 on the east and west sides of town.

15 This map further reduces the buffer to
16 500 feet, opening up more parcels on the west
17 side; and finally, this map shows a 250-foot
18 buffer, which is the smallest separation
19 requirement being presented, although we could go
20 lower if desired.

21 So this actually makes most of the BC and
22 BR parcels available for potential dispensaries;
23 however, it does restrict dispensaries from
24 locating on parcels that are directly adjacent to

1 residential parcels or schools and daycares.

2 There's the west side.

3 Are there any questions on understanding
4 these maps?

5 MEMBER BECKER: I have a couple questions.

6 If a daycare -- schools are generally
7 pretty established, but daycares might be more
8 fluid in where they establish their community. If
9 a daycare moved -- say, a dispensary or a
10 recreational marijuana dispensary was established
11 and a daycare moved within whatever set buffer
12 there might be, would that render, then, that
13 dispensary nonconforming?

14 MS. JOHNSON: No. It would be
15 preexisting --

16 MEMBER BECKER: Okay.

17 MS. JOHNSON: -- if there's prior
18 licensing of the dispensary.

19 MEMBER BECKER: And then my second
20 question is there is a separation between
21 dispensaries of 1500 feet; so on the west side,
22 would that -- if we put any buffers in, that would
23 pretty much render most of the area unable to
24 locate, if I'm reading these buffer maps correct.

1 So if you go back to the east side of the
2 map and where the existing dispensary is, there
3 has to be a 1500 foot --

4 MS. JOHNSON: Yes.

5 MEMBER BECKER: So if you take that and
6 then the buffers, there would be further
7 restrictions for locating on the east side.

8 MS. JOHNSON: Correct.

9 MEMBER BECKER: Okay. Thank you.

10 MS. JOHNSON: Okay. So staff has gathered
11 information on other communities' response to the
12 State Act as was requested by the Commission. So
13 note that this list is not exhaustive by any means
14 given the number of municipalities in the state
15 not surveyed, but we did check on the status of
16 our neighbors in the region that have larger
17 municipalities.

18 So information on other communities was
19 also gathered from news articles based on news
20 reporting. So like St. Charles, many of the
21 communities are in the midst of discussions about
22 whether or not to allow cannabis sales and how to
23 regulate them. So relatively few have taken final
24 action one way or the other.

1 And this information really is changing on
2 a daily basis; but as of the date of preparing
3 this slide, about 10 communities that we know of
4 have chosen to opt out, and that includes
5 Naperville and Wheaton, among others, and a few
6 others are considering banning sales.

7 Only two as of today that we are aware of
8 have actually passed an ordinance to allow sales,
9 and those are Elburn and Lombard. They have
10 actually passed zoning regulations regarding where
11 that can be located in their town and imposing
12 certain restrictions.

13 A number of communities are considering to
14 allow sales, including some of our neighbors --
15 Elgin, South Elgin, Aurora, North Aurora.

16 MEMBER HOLDERFIELD: I have a question. I
17 want to go back to the 1500 square -- 1500-foot
18 distance. The proposal is one on the east side
19 and one on the west side. Are you saying that the
20 one that's located on the east couldn't be within
21 1500 feet of the medical marijuana on the east
22 side?

23 MS. JOHNSON: Yes. So the requirement
24 would apply to both medical and recreational

1 dispensaries. So if medical -- the existing
2 medical dispensary were to stay where it is, then
3 a recreational dispensary couldn't be within
4 1500 feet of that one.

5 MEMBER HOLDERFIELD: And in future cases,
6 if we get more medical marijuana, that would apply
7 east and west if we have locations there; right?

8 MS. JOHNSON: Correct.

9 MEMBER HOLDERFIELD: Okay. That's all.

10 MS. JOHNSON: So now briefly in terms of
11 the Plan Commission's recommendation tonight, the
12 Commission has been directed by the City Council
13 to consider the proposed amendment. The
14 Commission may recommend changes to the proposed
15 amendment, changes to the zoning district in which
16 the use would be allowed as a special use, or the
17 Plan Commission may choose to add additional
18 standards, such as a separation requirement.

19 There are six findings of fact for general
20 amendments, and staff has provided draft responses
21 to these items in your packet. These are the six
22 findings of fact. These are nonbinding, and all
23 need not be found in the affirmative to recommend
24 approval, but the Commission should consider these

1 findings when deliberating.

2 And I will also note that in your packets
3 there are memos that were prepared for the
4 government operations committee, memos from the
5 police department, fire department, and finance
6 department. They outline the potential impacts of
7 cannabis dispensaries on police operations and
8 emergency medical services as well as an estimate
9 of the amount of tax revenue that the City could
10 expect to collect. So that's been provided as
11 reference information.

12 CHAIRMAN WALLACE: All right. Thank you,
13 Ellen.

14 MEMBER MELTON: I have one question,
15 Ellen. We only have one medical dispensary on the
16 east side only; correct?

17 MS. JOHNSON: Correct.

18 CHAIRMAN WALLACE: Okay. Before I get to
19 comments, I neglected to say that there was an
20 e-mail that was received. Typically, we don't
21 read those into the public record. We just state
22 that there was something received dated
23 October 8th from a Dr. Wu at 3413 Blackhawk Trail
24 in St. Charles.

1 Also before we begin, I will just say we
2 want to get all of the relevant information in
3 order to make a recommendation. The information
4 that is relevant here is regarding our zoning
5 ordinance. It's not regarding whether
6 marijuana/cannabis should be legal or not. That
7 decision has already been made by our state, and
8 that will be the law as of the beginning of next
9 year.

10 If we do nothing, then it will be
11 considered to be a permitted use in any retail
12 zoning district, and it can be sold in any retail
13 zoning district. So the City has the option to
14 either opt in and create regulations regarding the
15 sale or opt out. We've been directed by the City
16 Council to go forward with this application to opt
17 in and to consider what the regulations are.

18 So any testimony, any questions, I would
19 just ask that you focus on those issues
20 specifically relating to zoning.

21 All right. Before I go to public
22 questions and comments, is there anything else
23 from Plan Commission members?

24 (No response.)

1 CHAIRMAN WALLACE: Okay. All right. Then
2 the first person is Larry Rakunas, R-a-k-u-n-a-s,
3 1150 Willowgate Lane, St. Charles.

4 MR. RAKUNAS: That's correct. That's
5 correct.

6 Thank you very much for allowing me to
7 speak here tonight. I did not exactly know
8 exactly what was going to transpire here, but I
9 personally -- from what I've learned and what I've
10 read about cannabis, it is a very, very dangerous
11 psychotic drug.

12 When I see the distance from the school,
13 and I think 1,000 feet is hardly enough. I know
14 other cities have considered a mile, 2 miles. Our
15 children are at a very vulnerable time in their
16 lives, and you all have studied this. You know
17 the detriment this chemical has on the development
18 of a young brain.

19 So I'd ask you to seriously consider the
20 safety of our children, and is this an adequate --
21 adequate distance to have. Thank you.

22 CHAIRMAN WALLACE: All right. Thank you.

23 Richard Mueller, 1945 Huntington Road in
24 St. Charles.

1 MR. MUELLER: Good evening. Thank you all
2 for serving our community and the city on this
3 Board and tackling what must be a thankless issue,
4 a difficult issue at best.

5 My name is Richard Mueller, and I do live
6 with my wife at 1945 Huntington Road in the
7 Hunter's Fields subdivision. We have lived there
8 for 30 years. We moved there for two reasons,
9 what most people have done, St. Charles was a
10 great family-oriented community and for the good
11 schools.

12 We have found both of those reasons to be
13 accurate and true and so must have Family Circle
14 Magazine when they awarded St. Charles with its
15 award for family friendliness in 2011. The Family
16 Circle banner is still hanging in the lobby of
17 this building.

18 I recently read a Daily Herald article on
19 Wednesday, October 2nd, entitled, "Police, schools
20 tackling youths' vaping." I have given a copy of
21 this to the recorder. Their article states that
22 they have confiscated hundreds of vaping products
23 at one St. Charles school in one semester. I
24 quote, The use of e-cigarettes is a growing

1 epidemic in communities, and STC is no different.
2 There then was a joint meeting of the school board
3 and City Council to discuss this issue.

4 So why do I bring this up? Help me
5 understand why we are discussing the sale of
6 recreational marijuana in our community in light
7 of this article. If there is such great concern
8 about vaping, shouldn't there be even more concern
9 with the sale of marijuana?

10 If marijuana sales are approved, doesn't
11 it stand to reason that there's going be another
12 article in the Daily Herald in the not-to-distant
13 future that talks about the school board and the
14 City Council discussing the adverse effects of
15 marijuana in our schools. Unfortunately, if it's
16 passed, it will be too late. The toothpaste will
17 be out of the tube. So I urge you to say no to
18 these zoning amendment.

19 Mayor Rogina was quoted in the article,
20 "Here in this city, we are not going to mess
21 around. We are going to crack down hard on any
22 and all who dare to sell to a minor." This is
23 regarding the vaping. Not all underage marijuana
24 use in St. Charles will be trackable to the stores

1 in St. Charles.

2 But isn't it naive to think that some, if
3 maybe not all or more -- or most will come from
4 the stores in St. Charles? With this in mind,
5 help me understand why the mayor and other City
6 Council members would even consider the sale of
7 marijuana in St. Charles.

8 Now, I'm not so naive to think that our
9 kids and adults don't know where to go to find
10 pot. They know exactly where to go to. Vaping is
11 illegal for those under 21, but somehow they find
12 out how to get it. Someone over 21 buys it, gives
13 it to them, sells it to them. It's a black market
14 of sorts. Maybe it's a fake ID. Maybe parents
15 get it for them. And that's exactly what will
16 happen with recreational marijuana sales,
17 especially if a dispensary is approved in
18 St. Charles regardless of where it is located.

19 You have heard and will hear repeatedly
20 the greater the availability, the greater the
21 usage. Do you honestly think that is true for
22 everyone else but St. Charles. Prove your concern
23 for St. Charles kids by saying no to this zoning
24 amendment.

1 I ask this board and the City Council to
2 produce for the citizens' review and comment any
3 and all evidence that they have gathered that
4 recreational marijuana sales is a positive and
5 good thing for our community.

6 I would ask that those who provided and
7 authored this evidence be clearly identified. I
8 would ask that no action be taken by the City
9 Council without a time for public comment on these
10 supposed benefits.

11 I would also ask that the City table this
12 measure until a vote of St. Charles citizens be
13 taken. Why the rush? As I understand it, if
14 passed, the City won't see a dime of the revenue
15 until next September. Let the citizens of
16 St. Charles speak whether they want this or not.

17 With all due respect, are the Council
18 proponents of the sale of marijuana so enamored
19 with the thought of additional revenues that they
20 don't want to be bored with the facts that will be
21 brought this evening and to two weeks ago. I
22 certainly hope not.

23 You asked last meeting to hear facts about
24 how recreational sales have affected other

1 communities. You will hear and have heard facts
2 about what has happened in Colorado specifically
3 after their six years of sales. Listen carefully.
4 There isn't much positive.

5 This being true, what could possibly be a
6 socially redeeming benefit of recreational
7 marijuana sales in St. Charles? I can think of
8 none, save possibly the additional revenue; but
9 you have heard the report that it cost \$4.50 to
10 mitigate the issues caused for every \$1 of
11 revenue. The costs far outweigh benefits. There
12 is no financial benefit at all. No business can
13 spend \$4.50 for every dollar of revenue and stay
14 in business very long. This is not only bad
15 business. It's bad governance.

16 The St. Charles finance director, Chris
17 Minick in a letter dated July 23rd to the mayor
18 and City Council indicates the tax revenue for the
19 sale of cannabis for every 1 million is only
20 \$50,000. So if they sell 3 million, it means
21 \$150,000 of revenue to St. Charles.

22 He goes on to say that no one really knows
23 how much revenue will be generated. So you may
24 say that the Colorado numbers are way out of whack

1 and you don't believe them. What if there were
2 only \$1 cost for \$1 revenue? Would that still
3 make it a good idea and a good thing? I don't
4 think so. So if it's not a great revenue source,
5 why are we here discussing this? Say no to the
6 zoning amendment.

7 You know, I question the currently
8 proposed zoning districts where these two
9 dispensaries as proposed at the last meeting. I
10 suggest we put them in the downtown business
11 district, say, in the Gordie's location; or how
12 about an empty storefront across the river on
13 restaurant/bar road. How about right next to the
14 St. Charles development agency that is trying to
15 woo new business for St. Charles.

16 Just think of the business that could be
17 generated this weekend at Scarecrow Festival. You
18 would probably say I am crazy, and I probably
19 would be. The downtown merchants would scream
20 bloody murder and rightly so I might had. Why?
21 It would damage their business.

22 It's not the image St. Charles wishes to
23 portray or paint to the outside world. Have you
24 polled the other businesses and merchants where

1 these might be located to see how they feel? I
2 can only imagine that they would say the same
3 thing as the downtown merchants.

4 So in lieu of that, let's put them out in
5 areas that are, incidentally, near our homes and
6 our schools. So if it's not good for the central
7 business district, why is it good for our
8 neighborhoods? The answer is it's not. So just
9 say no to the zoning changes.

10 I'm almost done. Thank you for your
11 indulgence.

12 We had a relator in last year to evaluate
13 our home, and we had them in once again just
14 recently. I don't know about your neighborhoods,
15 but we were shocked to find out that our
16 neighborhood has declined approximately 10 percent
17 since last year.

18 I can't imagine the sale of recreational
19 marijuana will help elevate our home value. It's
20 hard enough to maintain our home values in this
21 state. Please don't add this to the list of
22 reasons why people don't want to live in Illinois
23 in general, and in particular St. Charles. So
24 just say no to the zoning amendment.

1 It's been suggested that medicinal
2 marijuana may choose to move out of St. Charles if
3 recreational sales are not approved. That would
4 be sad and an added inconvenience for those who do
5 need it for medicinal reasons, but businesses make
6 business decisions every day, and they make those
7 decisions based on what is in their best interest.
8 Rarely do they make a decision for what is in the
9 community's best interest. So they will do what
10 they will do, and it will prove that their
11 interest is strictly profit, not this community.

12 So do you honestly believe in your heart
13 of hearts that the recreational sale of marijuana
14 will add value to and is a good thing for our
15 community, our schools, our kids, and our
16 neighborhoods?

17 The facts and studies that will be
18 presented tonight will clearly demonstrate that
19 there is no social, health, financial, or economic
20 benefits for the recreational sale of marijuana.
21 So please use your sound reasoning and vote your
22 conscience.

23 When our kids were in school, there was an
24 anti-drug campaign with the byline of saying "just

1 say no." You have a chance to just say no. Say
2 no to the zoning ordinance amendment and send a
3 clear and loud message to our St. Charles City
4 Council that St. Charles does not want the
5 recreational sale of marijuana, and St. Charles
6 should opt out.

7 Thank you for your time and your
8 consideration.

9 CHAIRMAN WALLACE: Thank you.

10 (Applause.)

11 CHAIRMAN WALLACE: Next, we have Sean
12 Baker, 302, I think, Timbers Trail, St. Charles.

13 MR. BAKER: Good evening. My name is Sean
14 Baker, and I've been a member of St. Charles for
15 four years now. I'm a part of what you may
16 consider a young family. Why we decided to move
17 to St. Charles, it was because it was a welcoming
18 community, and it's open to new commerce and small
19 businesses, which we all know is part of the charm
20 of this city.

21 I'm here to tell you that I support
22 St. Charles allowing cannabis dispensaries within
23 the city limits. I could say that plenty of other
24 young families that I've spoken with typically

1 agree with it and agree that it would be a great
2 resource to have it accessible in the community.

3 There have been studies that show cannabis
4 dispensaries are not associated with increased
5 teen use; that they, in fact, reduce opioid
6 consumption among the general public within the
7 community.

8 There are even studies that show that
9 dispensaries are not associated with an increase
10 in criminality, and it, typically, leads to
11 increased housing values. Who doesn't want their
12 house to go up in value along with generating tax
13 revenue to help improve our wonderful city.

14 Furthermore cannabis is already available
15 in the community illegally and unregulated, and it
16 can often have dangerous additives as we've
17 learned about with the black market
18 vape cartridges. Having legal dispensaries would
19 make the community safer.

20 Additionally, studies have shown that
21 cannabis retailers are not selling to minors, and
22 the products are not being diverted to the
23 underage market. In fact, in most cases, cannabis
24 retailers' compliance is higher than that of

1 liquor stores.

2 If we want to talk about selling the
3 community out and the messages that we send to
4 young families, then we should have a serious
5 discussion about the bars lining downtown book
6 ended by liquor stores. You'd be hard pressed to
7 find someone who is under the influence of
8 cannabis getting into arguments with somebody on
9 the sidewalk.

10 Ultimately, come January 1st, we will not
11 be able to control consumption. If St. Charles
12 doesn't have a dispensary offering it, people
13 will -- people are going to buy it from Elburn,
14 Aurora, or Elgin. If we opt in, we can have some
15 control of when and where it's sold, it will put a
16 damper on illegal sales, and ultimately generate
17 tax revenue for the city.

18 I know what I say here speaks for plenty
19 of other young families in the community, that we
20 support the decision to move forward and allow
21 dispensaries on the east and west side of
22 St. Charles.

23 Thank you for your time, and I'll be
24 e-mailing copies of the studies to Russell Colby

1 of the cities that I've referenced. Thank you.

2 CHAIRMAN WALLACE: All right. Thank you.

3 (Applause.)

4 CHAIRMAN WALLACE: Next, Gary Zubel, 1315
5 Winners Cup Circle.

6 MR. ZUBEL: Good evening, Mr. Chairman and
7 committee members. Thanks for spending your
8 evening with us.

9 I've lived here for 14 years, and I've got
10 a very long speech, so I'm going to shorten it up.
11 I'd like to give you some facts, Mr. Chairman,
12 Mr. Wallace. I appreciate you mentioned facts
13 because let's look at some hard facts here.

14 When we're looking at a controversial
15 issue such as opting in or opting out of the sale
16 of recreational marijuana, I think we need to back
17 up a little bit and take a look at those
18 communities that have got some experience, who
19 have done this in the past.

20 Let's take a look, and let's glean from
21 what has happened in those communities, and let's
22 learn and then direct our opinion towards pure
23 facts and pure information. It's a very emotional
24 issue. I mean, personally, I think we should opt

1 out. I don't even think there should be a
2 conversation here, but that's my personal opinion.
3 The gentleman right before me had a different
4 opinion.

5 But let's look at some facts from
6 Colorado, and I'm going to have to read these
7 because I'm too old. I can't remember all
8 of them.

9 The first findings are from The
10 Legalization of Marijuana in Colorado: The Impact
11 study dated September 20, '19. Since recreational
12 marijuana was legalized, traffic deaths in which
13 drivers tested positive for marijuana increased
14 109 percent, while all Colorado traffic deaths
15 increased 31 percent. According to the National
16 Highway Traffic Safety Administration, 28 of the
17 traffic deaths involved pedestrians who were run
18 down by drivers who tested positive for marijuana.

19 According to the Colorado Criminal Justice
20 Division, the costs associated with testing blood
21 for drugs can be 10 times the cost of testing for
22 alcohol. At this time there is not a fully
23 approved method of field testing for marijuana.
24 St. Charles would have to incur this added cost.

1 Drug-impaired driving has a tangible
2 impact on public safety. Nationally, drug
3 detection and fatally injured drivers with
4 toxicology results has been steadily increasing.
5 According to the National Institute on Drug Abuse,
6 marijuana significantly impairs judgment, motor
7 coordination, reaction time, and studies have
8 found a direct relationship between blood THC
9 concentration and impaired driving ability.

10 The risk of being involved in a motor
11 vehicle crash increases after marijuana use. Make
12 no mistake. If we opt in, these impaired drivers
13 will be on our streets.

14 Now, I look at some of the slides that the
15 young lady put up, and there's a couple of
16 communities that are close to us who have opted
17 out. I understand that Plainfield has opted out,
18 Lisle, as well as Wheaton. Interesting comment
19 from an alderman in lisle. He publicly came out
20 and said the reason that he opted out is because
21 there are harm to families here. It's an impact
22 on our children and lasting damage to their
23 community and culture, that they feel strongly
24 about protecting their brand.

1 And I think that's what it's all about.
2 It's about the children, it's about safety, and
3 it's about the brand and image of our town. We
4 know it's legal. If people want to use it
5 January 1st, 2020, then that's up to them, but why
6 do we have to sell it?

7 The young man that just talked about a
8 revenue push here. According to Chris Minick, and
9 I think the other gentleman had mentioned this,
10 but I've got a copy of the letter from Chris
11 Minick, who is the finance director in
12 St. Charles. His letter dated July 23rd, 2019, to
13 our mayor and members of the City Council talks
14 about the potential maximum tax rate on
15 recreational cannabis sales of 5 percent. 5
16 percent.

17 Now, if you take a look at each \$1 million
18 in recreational cannabis sales, that would
19 generate \$50,000 on \$1 million worth of sale of
20 cannabis. \$50,000.

21 Now, the second-to-last paragraph in Chris
22 Minick's letter to -- I'm not sure, maybe you all
23 have a copy of this. I'd like to just quickly
24 read this in my name, Mr. Wallace.

1 This is Mr. Minick, "As mentioned
2 previously, it is difficult to attempt to quantify
3 the amount of sales of cannabis that a local
4 dispensary would generate. My research has
5 revealed wide variation in estimates ranging from
6 a few hundred thousand dollars to estimates well
7 in excess of \$1 million in local taxes per
8 recreational cannabis dispensary in Illinois.

9 "Many of these estimates are derived based
10 on actual sales data and experience in other
11 states and modified in a linear manner to reflect
12 the population and relative income levels present
13 in Illinois. Given the newness of this law, the
14 lack of experience with recreational cannabis
15 sales, it is difficult to comment on the accuracy
16 of this linear analysis to quantify the amount of
17 sales that will actually be generated."

18 So Mr. Minick is basically saying we're
19 going to get 5 percent of the total sales. He
20 just doesn't know exactly what these sales are
21 going to be, even with this linear analysis.

22 So I would hope and pray that all of you
23 find it in your hearts to do whatever you can with
24 your recommendation to the City Council to opt

1 out. Trust me, this is not a good thing. I know
2 it's legal. I know we can use it. But please
3 don't let this be -- I mean, I'm telling you, if
4 Wheaton, and I know in Geneva it's under
5 discussion, I know it's under discussion in
6 Bartlett -- or not Bartlett but Batavia; if they
7 all opt out of this, we're going to be a regional
8 tri-city dispensary for all those people.

9 I just -- I'm sorry. I just don't think
10 it's a good idea. Thank you for your time.

11 (Applause.)

12 CHAIRMAN WALLACE: Okay. Next is Ali
13 Amato, 3005 Glen Eagles, St. Charles.

14 MS. AMATO: Thank you. Thank you for
15 hosting this forum this evening.

16 So why should the city of St. Charles opt
17 out of selling marijuana when people might be able
18 go buy it on the street pretty soon? Because we
19 can limit the consequences. We can limit the
20 impact to our local community.

21 We know one of the four major factors that
22 influence the rate of drug abuse in a community is
23 availability. The less availability, the lower
24 the number of users, the lower the consequences.

1 On the flip side, the more available, the greater
2 the number of users, and the greater the
3 consequences.

4 According to a Wall Street Journal article
5 Marijuana is More Dangerous Than You Think,
6 marijuana can cause psychosis, and psychosis is a
7 high risk factor for violence.

8 This report, The Legalization of Marijuana
9 in Colorado: The Impact just released last month
10 has a number of really great statistics, but I'd
11 like to take a moment to talk about the local
12 impact that it's had just on the city of Denver.

13 Denver sells -- Denver has many
14 dispensaries. I'd like to point out their
15 marijuana revenue budget is less than 1 percent.
16 I don't know if you can see this. It's less than
17 1 percent of the money they bring in, so it's a
18 small amount, just like our amount will be too.

19 Their local crime has gone way up. In
20 2018 violent crime in Colorado rose by 7.95
21 percent compared with 2017. Over half of the
22 violent crime reported in 2018 was characterized
23 as aggressive assault. In total there were 211
24 murders, 14,403 aggravated assaults, and 6,834

1 sexual offenses.

2 Compared to other large cities, Denver saw
3 the largest rise in violent crime. The per capita
4 violent crime rate in Denver grew 9 percent
5 between 2017 and 2018, while the bulk of large
6 cities in the U.S. saw a decline. On average, the
7 violent crime rates in 25 of the nation's most
8 prosperous cities dropped 4 percent over that
9 period of time.

10 Denver's rise in crime, according to the
11 Brennan Center for Justice derived from Denver's
12 crime rate, shows a true trend and not just a
13 one-year blip on the chart.

14 I did a little extra reference, and I was
15 able to find the number of dispensaries in Denver.
16 They have more -- they have a total of 364
17 dispensaries in their city, and the number of
18 Starbucks and McDonald's is just 111. They can't
19 control the crime that they're seeing from this.

20 By opting out, not only will we lessen the
21 crime here, we'll send a message that it's not
22 okay to use this. I know this has a face for many
23 people. To me this is the face of my husband's --
24 I'm sorry -- my best friend's husband who

1 committed suicide after using marijuana for
2 15 years. He is one of two men that I was friends
3 with that committed suicide after using marijuana
4 for years.

5 So when I read things like one in six --
6 and this is all in this study, by the way. When I
7 read things like one in six teens who try
8 marijuana will be addicted, and that's a medical
9 fact. That's listed in The legalization of
10 marijuana in Colorado: The Impact report.

11 When I read things like one in 10 adults
12 who try marijuana will become addicted, and that's
13 a fact, a medical fact that's listed in this. I
14 see my friends.

15 When I read things like it causes
16 psychosis and schizophrenia and mental illness,
17 when I read things, like it causes people to go
18 crazy and kill themselves, I think about my best
19 friend who has been raising her three girls all
20 alone for 10 years now because her husband just
21 couldn't handle it anymore, so he went off in the
22 woods and did something horrible.

23 And I think about a dear college friend
24 who got high and jumped off a cliff. This isn't a

1 cool way to chill out. This definitely affects
2 people in the brain; and if you want to know why
3 we shouldn't -- why we should opt out, it's
4 because we're neighbors, because we care about
5 each other, and because we do what's best for each
6 other.

7 And when somebody wants to come to our
8 town and offer us some chump change to sell
9 something that's addictive, that's going to put us
10 in the ground, 1 in 10 is going to become
11 addicted, the answer is no.

12 According to an article by Brian Blane,
13 Nancy Reagan's just say no campaign helped half
14 the number of teens on drugs. This was written in
15 2016. When the Reagans moved into the White House
16 on January 20th, 1981, drug use, particularly
17 among teenagers, was hovering near the highest
18 rates ever measured. Of that year's graduating
19 Class, 65 percent had used drugs in their lifetime
20 and a remarkable 37 percent were regular drug
21 users.

22 Eight years later when the Reagans left
23 Washington, only 19.7 percent of 1989's graduating
24 class were regular drug users, a 47 percent

1 reduction. And the trend that began under their
2 leadership persisted until it reached an all-time
3 low of 14.4 percent in 1992. That's 61 percent
4 lower than 1981.

5 Nancy Reagan made a difference. Her just
6 say no campaign changed the culture, and God only
7 knows how many people she saved from drug
8 addiction and all the consequences that go with
9 that.

10 Mentioned in this report, The Legalization
11 of Marijuana in Colorado: The Impact, I wanted to
12 mention some facts and statistics that are in
13 here. Since recreational marijuana was legalized
14 in Colorado, marijuana use for ages 12 and older
15 increased 58 percent and is 78 percent higher than
16 the national average. It's currently ranked
17 fourth in the nation.

18 Adult marijuana use increased 94 percent
19 and is 96 percent higher than the national
20 average, and it's currently ranked fourth in the
21 nation. College age marijuana increased
22 18 percent, and it's 48 percent higher than the
23 national average. It's currently ranked 6th in
24 the nation. Youth marijuana is 40 percent higher

1 than the national average, and it's currently
2 ranked 6th in the nation.

3 I was really lucky. I had an amazing dad
4 who told me to stay away from the stuff, and I
5 did. Please let's opt out. Let's send a message
6 that we need to stay away from this. Let's tell
7 our kids and our neighbors to run.

8 Thank you.

9 (Applause.)

10 CHAIRMAN WALLACE: All right. The next
11 person is David, I believe, it's a Guzik,
12 G-u-z-i-k, 960 North Second Avenue in St. Charles.

13 MR. GUZIK: Good evening. How do you
14 follow an act like that?

15 Ladies and gentlemen, commissioners,
16 everyone in this room I'm certain wants to see
17 St. Charles have an opportunity to grow and
18 prosper. We all want to live in a vital community
19 where our kids can grow up strong and
20 well-educated, where families can thrive, a place
21 tourists can enjoy and return to frequently, and a
22 place where local businesses can succeed.

23 The Cannabis Regulation and Taxation Act,
24 CRTA, was signed into law this year, and it

1 represents a solid opportunity for St. Charles
2 that will enable it to continue to do all those
3 things and maybe even do some of them better, if
4 they -- if we opt in.

5 Last November the people of Illinois spoke
6 loud and clear and made recreational marijuana and
7 regulating it and taxing it like alcohol a
8 legislative priority, as we now know. A recent
9 poll finds that 66 percent of Illinoisans favor or
10 strongly favor this plan while only 32 percent are
11 opposed.

12 While public opinion has grown, some
13 people continue to regard cannabis as the evil
14 weed or a hardcore drug. We've heard some
15 statistics today. I take issue with some of them.
16 I'd like to read them. But actually marijuana,
17 cannabis, is a plant with many fascinating
18 attributes, one among hundreds that are processed
19 to benefit mankind -- coffee, aspirin, digitalis,
20 you name it, hundreds.

21 When I read the Chronicle's coverage of
22 the last meeting, I was a bit stunned by some of
23 the things people said. They showed little
24 understanding of either cannabis or the provisions

1 of the new law. A former alderman presented a
2 dystopian vision of our Bedford Falls like
3 community turned into a nightmarish Pottersville
4 with marijuana shops blanketing downtown and
5 tarnishing the reputation of the pride of the Fox.

6 As zoning people, you know that's not
7 that's going to happen. We've seen the maps.
8 It's going to be a very particular process, and I
9 trust you'll act accordingly. This scenario is
10 interesting for a 1940s movie, but it's not going
11 to happen under this law. It's one of the most
12 comprehensive and restrictive in the nation.

13 For the draft of the CRTA, its writers
14 learned from the experiences of 10 other states
15 that created well-regulated, highly taxed, and
16 responsibly managed cannabis industries from
17 scratch. All of those states gained revenue and
18 none of them descended into chaos or experienced
19 drastic public health crises. Most importantly,
20 none rolled back their programs and reinstated
21 prohibition.

22 The Chronicle also mentioned a woman who
23 lost her son to heroin addiction 13 years ago.
24 She repeated the now discredited trope from the

1 failed war on drugs that marijuana is a gateway
2 drug that can lead to the addiction of other
3 substances. While I'm truly sorry for her loss,
4 but the gateway theory has been debunked. It is a
5 tired relic of the just say no era.

6 Life itself is the main gateway to
7 addiction in its many forms; and in the case of
8 our nation's opioid plague, doctors themselves
9 were the real gateway. In fact, cannabis is now
10 being used as an actual exit drug to help people
11 kick opioid addition and return to normal
12 productive lives.

13 Similarly, medical marijuana programs in
14 Illinois and now 46 other states have enabled
15 millions of patients to use cannabis to help them
16 deal with a host of serious medical conditions
17 from epilepsy to cancer. Times have really
18 changed since the Nixon administration made
19 cannabis a schedule 1 narcotic.

20 When this happened, medical research into
21 its palliative and therapeutic properties ground
22 to a halt. Over the decades since, this heartless
23 decision deprived countless patients of relief
24 from devastating diseases.

1 The people of Illinois now realize the
2 value of medical marijuana and overwhelmingly
3 support sales of recreational cannabis. Our city
4 should not waste this opportunity. The long adage
5 is that local taxes on marijuana sales can
6 provide -- I've got a little frog in my throat,
7 sorry -- can provide needed funds to support
8 individual communities.

9 Mr. Minick has been quoted many times, and
10 the Chronicle quoted him as realizing over
11 \$1 million in tax revenue for 20 million in
12 recreational sales. We don't know what it's going
13 to be, how it's going to take off; but as a
14 taxpaying property owner, I find the prospect of
15 potential tax relief to be a very good thing.

16 The CRTA is going to create an entirely
17 new industry that will finally help communities
18 contend with the vicious black market that's
19 prayed upon our children for decades. To those
20 who think our children will somehow remain safe in
21 the status quo, think again. The black market
22 makes cannabis and other truly dangerous drugs
23 readily available to kids, and they will sell
24 anything to make a buck regardless of purity and

1 safety.

2 Just look at the recent health crises
3 caused by Fentanyl poisoning and black market
4 vapes to see some of the damage that's being done.

5 So under the CRTA, State funds will go to
6 public education and safety programs. Product
7 will be grown and packaged and conform to strict
8 quality standards. Sales will be tightly
9 controlled, and public health and safety will be
10 protected.

11 A large portion of these revenues will
12 flow throw into the State's general fund and end
13 up being funneled back into our school systems,
14 infrastructure projects, and other important
15 programs.

16 As a concerned citizen, I feel proud that
17 our state has taken these steps. I want to feel
18 the same pride in St. Charles for responding to
19 the will of the people, adapting to change, and
20 staying in step with progress. The CRTA will help
21 curtail the black market and provide adults with a
22 saner, safer way to enjoy cannabis in Illinois.
23 It also provides St. Charles with an opportunity
24 to opt in and get on the ground floor of this

1 exciting new industry, grow responsibly, and
2 prosper more.

3 Thank you.

4 (Applause.)

5 CHAIRMAN WALLACE: All right. Next we
6 have Adam -- I can't make out your last name.
7 Sorry.

8 MR. RAK: My name is Adam Rak. I'm with
9 WBK Engineering, and we're here working with
10 Zen Leaf, who is the existing medical cannabis
11 dispensing organization located at 3714 Illinois
12 Avenue.

13 We're just here to say that we support the
14 text amendment to allow recreational cannabis
15 dispensing organizations as a special use in the
16 BC and BR district. Additionally, we would like
17 to request that the St. Charles Plan Commission
18 consider allowing the dispensing of recreational
19 cannabis at existing medical dispensing
20 organizations in the city.

21 We have read the city of St. Charles
22 staff's findings of facts and recommendations for
23 the proposed text amendment; and based on this
24 review, we believe that the criteria to satisfy

1 the findings of fact to allow dispensing of
2 recreational cannabis at existing medical
3 dispensing locations can be demonstrated.

4 Thank you.

5 (Applause.)

6 CHAIRMAN WALLACE: I'm going to take a
7 second and just ask staff regarding that
8 possibility. Is that something that can be
9 incorporated as a condition if we were to
10 recommend approval?

11 MS. TUNGARE: I would incorporate it as a
12 comment that you could forward on to the planning
13 and development committee. The public notice, the
14 legal notice that was published for the amendment
15 was specific to the BC and BR districts.

16 So as part of the general amendment that's
17 before you, the Plan Commission cannot make a
18 recommendation on any other districts other BC and
19 BR, nor can they forward it as information for the
20 Council committee to consider.

21 CHAIRMAN WALLACE: All right. Next.

22 MEMBER VARGULICH: I just have a follow-up
23 question.

24 CHAIRMAN WALLACE: Yes.

1 MEMBER VARGULICH: If the City Council
2 would agree to allow both medical and
3 recreational, would that still limit it to one --
4 one retail outlet then?

5 CHAIRMAN WALLACE: One on each side of the
6 river, yeah.

7 MS. TUNGARE: So we already have one
8 medical dispensary in St. Charles. So I'm not
9 sure if I'm understanding your question.

10 MEMBER VARGULICH: Well, if the amendment,
11 if the plan development and ultimately City
12 Council would agree to allow both retail and
13 medical to be sold in the same location, then
14 would that be the one retail location, let's say,
15 on the east side, since the medical location is on
16 the east side?

17 MS. TUNGARE: That is correct.

18 MEMBER VARGULICH: Thank you.

19 CHAIRMAN WALLACE: All right. Any other
20 questions?

21 (No response.)

22 CHAIRMAN WALLACE: Okay. Next we have
23 Alec Wittum, W-i-t-t-u-m, 733 Prairie Street.

24 MR. WITTUM: Thank you for the opportunity

1 to address the board. I'm sorry for the
2 hoarseness of my voice. I feel a little bit like
3 Mr. Smith goes to Washington in the final act, a
4 Jimmy Stewart movie.

5 Irregardless of how we feel about this
6 subject, the reality is it is going to be the law
7 of the land, and with greater dreams often comes
8 greater social ills. They walk hand in hand.

9 Now, the situation with a civil society is
10 to come up with a way to regulate and manage this,
11 and I personally believe that we should be -- the
12 situation should be well-regulated, well-managed,
13 and well-taxed.

14 I'm a long-term resident of St. Charles, a
15 business owner, and a downtown property owner. We
16 are not going to stop the social ills at our
17 border simply by whatever is done by this council
18 or the City Council of St. Charles. The situation
19 is going to be that we are going to have a certain
20 impact from the passage of this law.

21 What we will lose if we do not take the
22 opportunity here is the revenue stream to address
23 some of those social issues, and so I urge the
24 City Council to support the passage of

1 recreational use marijuana dispensaries in the
2 downtown or throughout St. Charles.

3 Thank you.

4 (Applause.)

5 CHAIRMAN WALLACE: All right. Thank you.

6 Next we have Matthew Kling, K-l-i-n-g, 306
7 Timbers Trail.

8 MR. KLING: Thank you. My name is Matthew
9 Kling. I'm a resident of St. Charles. I moved my
10 family out here five years ago. I've called
11 St. Charles my permanent residence for 30 years.
12 I grew up here, went to public schools here, and I
13 thought it was important for me to move my family
14 back out here. We now have three kids under the
15 age of five, and I'm currently opt in for their
16 approval.

17 One thing that I wanted to carry from the
18 last comment was it won't stop at the border of
19 St. Charles. I think there's a lot of concerns
20 with other families that I've spoken to about the
21 criminal enterprises that would develop from not
22 having legalization and the sale of cannabis
23 within St. Charles. What criminal activities
24 could transpire from the private sale of cannabis

1 as well in St. Charles is a big concern of mine.

2 I just wanted to go on record and say that.

3 Thank you for your time.

4 CHAIRMAN WALLACE: All right. Thank you.

5 (Applause.)

6 CHAIRMAN WALLACE: Next, and I apologize.

7 I can't read the first name. Mr. Fair? Tram

8 Fair?

9 MS. FAIR: Tracy. I should have used my

10 Chinese name and made it more difficult.

11 Good evening. So I come from China

12 15 years ago. So I have been living in

13 St. Charles since 2006. I live here much longer

14 than some of you actually. I'm surprised.

15 So today I would like to -- let me see.

16 So I would like to talk about the sale of

17 marijuana would increase local -- it would

18 increase use locally, and that increase would have

19 detrimental outcomes for local students and

20 citizens.

21 CHAIRMAN WALLACE: Would you mind just

22 pulling the microphone down towards you. Thanks.

23 MS. FAIR: So some of the facts that are

24 already spoken by many people, but I still would

1 love to share also of my findings.

2 Since recreational marijuana was legalized
3 in Colorado, the study found that marijuana use
4 for children ages 12 and older increased
5 58 percent and is 78 percent higher than the
6 national average. Adult marijuana use increased
7 94 percent, and it is 96 percent higher than the
8 national average. College age marijuana use
9 increased 18 percent and is 48 percent higher than
10 the national average. Youth marijuana use is
11 40 percent higher than the national average.

12 So there are facts. Like you said, we
13 have facts that support that there is an
14 association of increased use of marijuana when it
15 is being -- the recreational marijuana is being
16 legalized.

17 I went to NIU to get my accountancy
18 degree; and when I was at NIU, we have ethical
19 test, you know, where, you know, we were trained,
20 you know, we were taught to be ethical. So, you
21 know, we learned -- there was a mom test. You
22 know, when you wanted to do something, you want to
23 ask your mom, you know, if this is something that
24 your mom will approve and will be happy about what

1 you're doing.

2 So I come up, you know, myself with a
3 child test, and I would like to know how many of
4 you that have kids that is over 21 years old. Can
5 you raise your hands, please.

6 How many of you have a child that is less
7 than 21 years old?

8 How many of you have children of mixed
9 ages? More than that.

10 So I'm not sure, you know, with the child
11 test, you know, have you shared with your child
12 your views about, you know, the recreational
13 marijuana being sold in St. Charles? Have you
14 shared a position with your kids?

15 And what do you think they would say of
16 you and about the family and about the city. If
17 you have mixed-age kids, what do you think is the
18 age, the kid is older than 21 years old, and he
19 smokes marijuana or she smokes marijuana at home
20 with little kids looking at them.

21 As we know, you know, the legalization of
22 guns, alcohol does not make it better. It just
23 make it worse. Back in the war, first and second,
24 you know, and why we think the Japanese, just a

1 small little country can control and, you know,
2 win China just because the opium. They sold the
3 drugs to China, and many, many people were on
4 drugs in the country.

5 Why are we even talking about zoning here
6 today? Do you think, you know, if the -- you
7 know, it does not make any harm to the kids, why
8 do we need to zone it out a certain way to keep it
9 outside of the kids. Because it's dangerous. We
10 all know it's dangerous.

11 And my daughter at the beginning of the
12 year, this school year, she brought home one
13 message called too good for drugs. It's called
14 TGFD. I'm not sure how we can teach the kids this
15 message when the city says, yes, we let them come
16 in. Let's sell it. Let's do it. However, the
17 school says we are too good for drugs. I'm not
18 sure how we should be able to teach the kids the
19 correct message.

20 And also one other thing about the
21 petition is I would like everyone of us to think
22 about the competitive advantage. What do we have
23 to compete with? In the next 10, 15, 20,
24 30 years, what do our kids have to compete with?

1 Are we going to compete with the drugs? No,
2 definitely no. China is growing, and we have 5G
3 already, 5G network. It's now in Shanghai. What
4 are we selling? What are we protecting? What are
5 we preserving for our kids, for our nation, for
6 our city?

7 I mean, we do something little in our
8 city, you know, we make a difference. If we are
9 together, we make it strong. Like Lisle,
10 Naperville, and Wheaton, and so many cities
11 already opt out. I am glad I have an investment
12 in Naperville because they opt out. If I do have
13 another opportunity to invest again, I would
14 choose those cities that opt out.

15 I strongly recommend that we would
16 reconsider this. I call St. Charles home because
17 I have been living here for 13 years. I love this
18 city. I want to be able to smell clean air. When
19 I was in school, I had seen, you know, and I
20 smelled, you know, kids that were smoking
21 something that I do not like the smell. I do not.

22 Thank you.

23 (Applause.)

24 CHAIRMAN WALLACE: Next is Greg Pacelli.

1 734 Fox Glen Drive in St. Charles.

2 MR. PACELLI: Mr. Chairman, actually I had
3 a question, and you answered it in your opening
4 comments regarding clarification on exactly what
5 vote you'll be taking here at the Plan Commission
6 level. I think everybody needs to understand
7 that.

8 I'm not going to repeat my comments from
9 the meeting of several weeks ago. I'll reserve
10 further comments for the Council meetings, but I
11 just find it interesting that we're putting these
12 restrictions on distances from schools, from
13 daycare, from residential and so forth, which I
14 think are woefully short. But putting that aside
15 for the moment, what does that tell you? That
16 you're having to put distance restrictions on a
17 use; and a lot of it relates to the more sensitive
18 part of our communities which are our youth and
19 our residential.

20 But I'll reserve further comments for the
21 Council meeting. Thank you.

22 (Applause.)

23 CHAIRMAN WALLACE: Next is David Ash, 2320
24 Forest Ridge Road in St. Charles.

1 MR. ASH: Thank you for your time.

2 So I think we've heard that it's debunked
3 that marijuana is a gateway drug. I would argue
4 that we really don't know for sure, but it's a
5 strong possibility.

6 In my neighborhood, two young men have
7 passed away from drug overdose. Also two other
8 people that I know in the neighborhood have lost
9 one the grandson, one a son to a drug overdose.

10 My college roommate who runs a successful
11 tax accounting business in South Carolina called
12 me for a class reunion, and his 35-year-old
13 daughter who died of a drug overdose. Most of
14 these were opioid-related; but if, just if
15 marijuana is a entryway drug, and if, just if it
16 causes somebody to go to an opioid and causes one
17 person to die, is it really worth it? So I am not
18 for the recreational use of this drug, and I'm not
19 for putting it in our city.

20 Thank you.

21 CHAIRMAN WALLACE: All right.

22 (Applause.)

23 CHAIRMAN WALLACE: Next is, I believe it's
24 Jenine Mehr.

1 MS. MEHR: Good evening. Thank you for
2 letting us come to speak.

3 I have a business in St. Charles. I'm a
4 certified financial planner, and I'm looking at
5 this decision for us today to answer the question
6 is this a quick economic decision to bring
7 recreational marijuana dispensaries, pot stores to
8 St. Charles? Will the city recoup so much money
9 in sales taxes, that no matter what the collateral
10 damage is, it would be worth it? I think not.

11 From what those in Colorado have said, get
12 ready to pay three to four times in cost what
13 you're receiving in revenue. When Naperville
14 evaluated this decision, their estimate of tax
15 revenue was only \$500,000. That's a pittance
16 compared to the extra costs incurred, being only a
17 small part of the picture.

18 Will it improve or will it lower the
19 prestige factor of St. Charles by having pot
20 stores here? If businesses and families have a
21 choice of where to move in the western suburbs,
22 putting pot stores here will decrease the pristine
23 culture and livability rate in St. Charles.

24 This will then correlate to lower real

1 estate values, which are already suffering because
2 of the Illinois property tax overload. There will
3 be less families moving to St. Charles, which
4 means less students filling the schools, which
5 means less State school tax dollars coming to
6 St. Charles. Families that can choose other more
7 family-oriented towns will say no to these towns
8 that say -- they will move, and they'll move to
9 towns that say no to the pot stores.

10 The stature or perceived culture, the
11 livability factors are very important for
12 families. I believe St. Charles will be looked at
13 as a lower class town that sold its soul for
14 short-term dollars. As a business owner, we have
15 a choice to locate to a town that says no to pot
16 like Glen Ellen, Wheaton. We will as many other
17 businesses will. You will lose business taxes
18 there.

19 So after all we've heard last month and so
20 far tonight except for a few outliers, I haven't
21 heard one good reason to say yes to pot stores in
22 St. Charles. It will not give you more in net
23 income, which is income minus your costs. It will
24 hurt St. Charles' livability factor. It will

1 promote more vices which means more crime.

2 So if we don't have one good reason to
3 approve this, I'd say let's make a mature decision
4 and care about the city of St. Charles and say no
5 to pot stores.

6 I visited some -- I was in Sheridan Prison
7 a couple weeks back and talking to a lot of the
8 men there that were there because of drugs and
9 they had created -- they did many crimes. That's
10 why they were in the prison; and they said if they
11 had it to do over again, of course, they wanted to
12 get out, have a clean life, and stay away from
13 drugs because they know that helps create crimes.

14 This is not the pot when I was young and
15 smoked pot. This stuff is like 20 to 30 times
16 more powerful. So it does, as many people have
17 tested, hurt minds, spirits, souls, and the
18 potential. If anything we want to help be a city
19 or town that creates an environment to improve the
20 potential of our citizens, not to detract from it.

21 So I would say that everyone that came
22 last month and this month, there was a great
23 majority that were against it. This is a
24 microcosm of the town. So, if anything, if you're

1 not going to say no to it right away, then put it
2 to a vote because I think you'll find definitely
3 that the town -- city of St. Charles will say no
4 to pot stores.

5 Thank you.

6 (Applause.)

7 CHAIRMAN WALLACE: All right. Anthony
8 Marsico, M-a-r-s-i-c-o, at 3714 Illinois in
9 St. Charles.

10 MR. MARSICO: Hi, My name is Anthony
11 Marsico. I'm a representative of the current
12 medical dispensary Zen Leaf that operates here. I
13 want to thank all the commissioners here for their
14 time and volunteered service.

15 I'm very compelled to jump into the debate
16 here on whether to allow recreational cannabis
17 or not, but I realize that the goal today is to
18 speak to zoning.

19 When the amendment was first being
20 discussed and we had conversations with the staff,
21 it was our intention to move the current
22 dispensary into one of the mentioned zones. That
23 was handcuffed a bit by IDFPR, by their
24 interpretation of the language, the current

1 operating medical dispensary being able to dual
2 operate and also be allowed to sell recreational
3 or adult use cannabis.

4 Their interpretation is not allowing us to
5 move and dual operate. With the current zoning
6 that St. Charles has proposed to pass, it puts us
7 on the outside looking in. It puts us in a really
8 tough spot, and I think we made a pretty
9 compelling argument at the City Council meeting
10 that we've been a very good steward in the
11 community. We have partnered with the city of
12 St. Charles, worked very closely with the police
13 chief and members of the chamber of commerce. We
14 do community outreach events, have been a very
15 strong business partner in the city of
16 St. Charles.

17 When talking to some staff members and
18 some of the aldermen, many of them had mentioned
19 that they forget we even had a dispensary, and
20 that came from our immaculate record with respect
21 to compliance.

22 We had our urban planner come up and speak
23 earlier on our behalf, and they do have a full
24 study laying out that our current medical facility

1 does fit the requirements and would be able to
2 appease the concerns of City Council with respect
3 to operating as an adult use cannabis until the
4 State figures out an interpretation of the law.
5 We can elaborate on that if you guys are curious.

6 But we're asking -- while we can't make
7 the recommendation, as Rita had mentioned, we're
8 urging staff here today to put in the comments to
9 grandfather in our current location to also be
10 allowed to sell recreational adult use cannabis
11 under the proposed ordinance if it should pass.

12 Thank you.

13 (Applause.)

14 CHAIRMAN WALLACE: All right. Those are
15 all of the slips that I have. If there's any --
16 Was there anyone that -- sir, do you wish to
17 offer --

18 MR. BEEBE: I want to offer.

19 CHAIRMAN WALLACE: Okay. Were you sworn
20 in?

21 MR. BEEBE: Yeah, I think so.

22 CHAIRMAN WALLACE: Okay. Come on up.

23 State your name and spell your last name
24 and state your address, please.

1 MR. BEEBE: My name is William Beebe,
2 Winner Cup Circle. B-e-e-b-e, William.

3 Since we're talking about zoning, and I
4 see it, in my eyes, kind of hypocritical that
5 we're putting it only this far away from schools.
6 Why don't you put it around a hospital? Why don't
7 you make them sell it by the hospital? Since it
8 does so much for medical purposes, put it by the
9 hospital. See what the hospital says.

10 That's it.

11 (Applause.)

12 CHAIRMAN WALLACE: Sir.

13 MR. WILSON: Hello. My name is Kevin
14 Wilson. I live at 719 Cutler Street here in
15 St. Charles, and I'm happy to have this
16 opportunity to make a comment, make a statement
17 to the board.

18 So on March 16th, 2016, a 30-year-old
19 Massachusetts man went to a medical marijuana
20 dispensary, obviously in Massachusetts, bought
21 three marijuana cigarettes. An hour later
22 traveling down the Mass turnpike at 81 miles an
23 hour, he crossed over three lanes of traffic, ran
24 over a Massachusetts state trooper by the name of

1 Thomas Cardy and killed him, obviously, instantly,
2 so at 81 miles an hour.

3 The trooper left behind a wife and six
4 children. Blood tests revealed THC in the
5 driver's system, and he was charged with
6 manslaughter, motor vehicle homicide, driving
7 while under the influence of drugs, and other
8 motor vehicle charges.

9 Now, the reason I bring this is up is, you
10 know, one of the criteria that the board is using
11 having this dispensary or this pot store, whatever
12 you want to call it, is in the public interest. I
13 would just say one of these examples would show
14 that it potentially is not in the public interest.

15 St. Charles is a family-oriented city
16 where people come here to go to the shops or the
17 restaurants, participate in the fairs, and the
18 arts, go to some of our parks, fantastic, and yes,
19 the bars. They do come for the bars as well.

20 But given that not every Illinois town and
21 city will have a dispensary, I believe having two
22 in town would be sort of an attractive nuance;
23 that is, people will come to town to buy drugs;
24 and, you know, there is some evidence that legal

1 marijuana sales does lead to diversion. So what
2 does that mean? I buy my limit at a couple of
3 stores and then resell it. So potentially, it
4 could be selling it on the streets, you know,
5 outside the dispensary.

6 So I think we really want St. Charles to
7 be known as an entertainment destination, but not
8 necessarily a drug source for the greater
9 geographic area. So as such I recommend that it's
10 not in the public interest, not in the city's
11 interest to approve this amendment, and I
12 encourage you to vote no.

13 Thank you.

14 (Applause).

15 CHAIRMAN WALLACE: Staff or Ellen, are you
16 able to put the findings of fact up on our screen?

17 Thank you. All right.

18 And the findings of fact that the
19 gentleman referenced, these are the factors that
20 we consider in determining whether or not to make
21 a recommendation to the City Council on the
22 application.

23 All right. Are there any further
24 questions? Comments?

1 MR. BEEH: My name is Warren Beeh. I live
2 across from your old house, Todd. B-e-e-h.

3 Interestingly, the people that are most
4 positive about selling marijuana are either
5 already selling marijuana or potentially investing
6 in marijuana. The gentleman who felt that this is
7 going to be a windfall for us in the State of
8 Illinois has to have lived here less than a week
9 to really feel that it's going to be a benefit to
10 our community from a financial standpoint.

11 I also heard you, Todd, say loud and clear
12 that this is not -- you guys don't make any
13 decisions. You just make recommendations.

14 As a physician, I would argue that it is a
15 gateway drug. I've taken care of people who
16 started with marijuana and ended up dying. I
17 don't have a study. I've seen real lives
18 affected. My nephew committed suicide. He was a
19 daily pot smoker.

20 There are many, many people who could tell
21 stories like this young lady back here. It is not
22 something we need in our town; and, you know, the
23 best argument was if you smoke marijuana, you're
24 not going to get in a bar fight. Well, somehow I

1 think there's got to be a better reason for us to
2 have it in our town than that.

3 (Applause.)

4 CHAIRMAN WALLACE: Okay. Sir.

5 MR. CAPISTA: Good evening. My name is
6 David Capista. I live at 1015 North Fifth Avenue
7 in St. Charles. C-a-p-i-s-t-a.

8 I heard all the arguments here tonight.
9 There's good discussion here. I agree with many,
10 many things; but there are some realities that we
11 have to face. Whether anybody likes it or not,
12 and this has been pointed out, marijuana will be
13 legal the 1st of the year in the State of
14 Illinois.

15 Currently, I actually do not think that
16 it's going to increase the usage. I think anybody
17 that wants to use marijuana in this town is
18 already using it almost certainly. I have been
19 propositioned to buy marijuana. I'm not as hip as
20 I used to be. I might say, No, thank you. What's
21 the next question? Okay. Would you like some
22 cocaine or Vicodin?

23 These people that are pushing this stuff
24 are not nice people. I think everybody will agree

1 with that here tonight. Okay. It is also shown
2 in Colorado that there's areas that do not have
3 dispensaries, and the underground networks remain.
4 These people don't check IDs. They sell to
5 anybody that wants whatever they want, and they
6 don't care. Okay.

7 That's my biggest argument tonight as to
8 why you should put the dispensary here, to make it
9 convenient for people, get rid of these guys as
10 much as you can. It's not a perfect world. This
11 isn't a perfect law. This isn't a perfect
12 situation. But to not put the dispensaries here
13 in the town will only invite more underground
14 networks to continue.

15 Why would people travel to another town if
16 they already have a supply. They'll stay with it.
17 These people will stay in business, and the other
18 money, all this money that would go to the
19 businesses will go to these people. It's not a
20 good thing.

21 I urge you to vote for the dispensaries in
22 this town, and I know there's a lot of other towns
23 that are a little bit skittish about this and
24 rightfully so. And I understand that, but it's a

1 tax benefit. It's not great. It's not going to
2 save our tax system, but I think everybody here
3 will agree there's been plenty of people and
4 plenty of times where people come here and argue
5 the taxes are too high or the services are too
6 poor. This is something that will benefit the
7 town at some level.

8 So thank you for your time.

9 (Applause.)

10 CHAIRMAN WALLACE: Thank you. All right.

11 Any other questions or comments from the
12 audience?

13 MS. AMATO: Can I add something?

14 CHAIRMAN WALLACE: Yes, ma'am.

15 MS. AMATO: Thank you. Ali Amato.

16 I just wanted to state in "The
17 Legalization of Marijuana in Colorado: The Impact,
18 under the black market report, the black market
19 has grown in Colorado since legalization. It's in
20 this report if you'd like to see more.

21 Thank you.

22 CHAIRMAN WALLACE: Would you be able to
23 provide the name of the author for that report?

24 MS. AMATO: Sure. It's by the Rocky

1 Mountain High Intensity Drug Trafficking Area, and
2 it's called The Legalization of Marijuana in
3 Colorado: The Impact. It's Volume VI,
4 September 2019.

5 Thank you.

6 (Applause.)

7 CHAIRMAN WALLACE: All right. Ma'am, yes.

8 MS. PATTERSON: Carol Patterson, 58 White
9 Oak Circle, St. Charles.

10 I hope all of you will listen to what you
11 heard here tonight, and I hope you will do the
12 research that this young lady did. It's your
13 responsibility.

14 I attended the first City Council meeting
15 when this was brought up, and they brought forth
16 the police chief, the fire chief, the financial,
17 zoning. I don't know if any of you were there,
18 but the police chief got up and spoke, and he
19 didn't say one way or the other; and finally, he
20 was asked, and he said no. We are not ready for
21 it yet. They don't have the testing for it. And
22 if they stop someone now, then they have to do the
23 blood work, send it to the hospital, and that's
24 more expense.

1 They're just not ready. I don't think the
2 City is ready. Let's wait. There's no rush on
3 this. Let's wait and see what happens, find out
4 from these other towns, see the mess they get in.
5 I'm sorry.

6 I know a lot of people have said, you
7 know, I've lived here 4 years, 15 years. I was
8 born here. I'm not going to say how long ago, but
9 it's been awhile. I've seen a lot of change in
10 this town, not all for the good, but a lot of it
11 is good. Let's keep the integrity of our city.

12 (Applause.)

13 CHAIRMAN WALLACE: All right. Any other
14 questions? Comments?

15 (No response.)

16 CHAIRMAN WALLACE: All right. Plan
17 Commission, any questions?

18 MEMBER BECKER: If I may.

19 CHAIRMAN WALLACE: Yep.

20 MEMBER BECKER: First, is on the buffer
21 materials given to us by the staff, maybe we can
22 have a discussion about deciding on a preferred
23 buffer area and maybe arrive at a consensus. Is
24 that something that might be amenable or --

1 CHAIRMAN WALLACE: Well, we should
2 probably complete the public hearing first, and
3 then any discussion regarding that -- the
4 information has already been presented to comment
5 on.

6 MEMBER BECKER: Okay.

7 CHAIRMAN WALLACE: So we can do that after
8 the public hearing is closed.

9 MEMBER BECKER: Thank you.

10 CHAIRMAN WALLACE: Any other questions?
11 Comments?

12 (No response.)

13 CHAIRMAN WALLACE: All right. Anything
14 further from staff?

15 MS. JOHNSON: No.

16 MS. TUNGARE: Nothing further.

17 CHAIRMAN WALLACE: Okay. If Plan
18 Commission members feel that we have enough
19 evidence to be able to make a recommendation on
20 this application, then a motion would be in order
21 to close the public hearing. Once we close the
22 public hearing, then we will move on to Sub-item
23 b, which is discussion and recommendation.

24 Is there a motion?

1 VICE CHAIRMAN KESSLER: So moved.
2 MEMBER VARGULICH: Second.
3 CHAIRMAN WALLACE: Okay. It's been moved
4 and seconded to close the public hearing.
5 Tim.
6 VICE CHAIRMAN KESSLER: Becker.
7 MEMBER BECKER: Yes.
8 VICE CHAIRMAN KESSLER: Funke.
9 MEMBER FUNKE: What are we --
10 CHAIRMAN WALLACE: To close the public
11 hearing.
12 MEMBER FUNKE: Yes.
13 VICE CHAIRMAN KESSLER: Holderfield.
14 MEMBER HOLDERFIELD: Yes.
15 VICE CHAIRMAN KESSLER: Vargulich.
16 MEMBER VARGULICH: Yes.
17 VICE CHAIRMAN KESSLER: Purdy.
18 MEMBER MACKLIN-PURDY: Yes.
19 VICE CHAIRMAN KESSLER: Melton.
20 MEMBER MELTON: Yes.
21 VICE CHAIRMAN KESSLER: Wallace.
22 CHAIRMAN WALLACE: Yes.
23 VICE CHAIRMAN KESSLER: Kessler, yes.
24 CHAIRMAN WALLACE: All right. The public

1 hearing is closed.

2 Next we will have discussion; and during
3 this phase, what we will do is I will ask if there
4 are any motions. We will proceed pursuant to
5 regular parliamentary procedure as far as taking
6 and voting on motions until we have a motion that
7 passes.

8 If there is any discussion that anyone
9 wants to have, typically, informally, we will
10 invite discussion among the Plan Commission before
11 a motion unless somebody feels like making a
12 motion at the outset.

13 VICE CHAIRMAN KESSLER: I believe we
14 should delve into some discussion because it seems
15 to me that regardless of any recommendation that
16 we make, there could possibly be additions and/or
17 recommendations or comments that we might want to
18 attach to any recommendation.

19 So I'd suggest that we open it up to
20 discussion among the Plan Commission.

21 CHAIRMAN WALLACE: All right. Who would
22 like to begin?

23 Jennifer, go ahead.

24 MEMBER BECKER: I suggest we talk about

1 the buffer area. I really appreciate staff's work
2 on providing that. I really appreciate the
3 different choices; and as I alluded to in some of
4 my comments, I guess, earlier, when you
5 superimpose the buffer of the existing dispensary
6 with some of the other buffers on the east side,
7 it kind of effectively removes any area.

8 And if that's the will of the Commission,
9 well, then why bother having a zoning amendment.
10 If we're zoning it out with buffers, then we
11 should consider not having zoning at all.

12 But I guess from the choices given, I'm
13 more comfortable with the 500 or 250. The 1,000
14 seems a little large to me when you consider the
15 areas that remain. So that's just my opinion.

16 CHAIRMAN WALLACE: Sorry. I was asking a
17 procedural question. Okay.

18 VICE CHAIRMAN KESSLER: Well, you know, I
19 have some questions. I really want to make a
20 comment that speaks to your discussion of the
21 distances.

22 I know we've heard from everybody tonight.
23 I actually did a little tally of more than just a
24 few people for and against, and those are all very

1 valid concerns and comments that everybody made.

2 We're here tonight to address this
3 particular application in front of us for a text
4 amendment to our zoning ordinance, and it's not in
5 our brief to weigh in on whether we're for it or
6 against it.

7 When we make our recommendation, it's
8 going to affect whether or not there will be any
9 control by the City over where a dispensary might
10 be located, if, in fact, in the future, the City
11 Council votes to opt in. That's the only thing
12 we're doing here tonight.

13 So those discussions that we're having
14 about the particulars of how this text amendment
15 might look, if, in fact, there was control over
16 our location of dispensaries, it's really
17 important. I have a couple of questions. That's
18 all I want to say about that.

19 So I have a couple questions about these
20 distances. I wonder and, you know, I have a
21 little concern about the restrictions we're
22 placing on a legal product in a retail environment
23 that we don't have on other products sold in that
24 same zoning district.

1 So, for example, do we have distances
2 specified for things like a massage parlor or a
3 tattoo parlor or even liquor stores or bars? And
4 if so, then it's probably appropriate. But if
5 we're going to put these restrictions on, we
6 should be careful about putting any unusual
7 restrictions on a legal retail product.

8 Ellen.

9 MS. JOHNSON: Could you repeat the
10 question? Are you wondering if we have business
11 requirements for other uses?

12 VICE CHAIRMAN KESSLER: Yes.

13 MS. JOHNSON: We do not, no, not specific
14 distance requirements. I believe there is a State
15 requirement -- a requirement in the State Liquor
16 Code for separation from churches, liquor license
17 separation from churches by 100 feet, I believe,
18 but that is not in our zoning ordinance.

19 MEMBER MACKLIN-PURDY: Isn't there
20 something specific about tattoo parlors?

21 MS. JOHNSON: No. Tattoo parlors are a
22 special use in the BR Zoning District.

23 MEMBER HOLDERFIELD: So there is no
24 distance regulations on anything?

1 MS. JOHNSON: No.

2 VICE CHAIRMAN KESSLER: And to get back to
3 the question Peter asked earlier, this text
4 amendment to the zoning ordinance specifically
5 speaks to two dispensaries in town, one on the
6 east side and one on the west side; and if we were
7 to make a recommendation or -- a recommendation
8 that staff would consider adding -- going back and
9 adding a medical dispensary as a possible
10 recreational dispensary, that would still,
11 according to the text amendment, limit it to only
12 two dispensaries in town?

13 MS. TUNGARE: That is correct. That's the
14 amendment before you.

15 VICE CHAIRMAN KESSLER: Okay.

16 MS. TUNGARE: However, the Plan
17 Commission, if they wish, could make a
18 recommendation for a different number, if you
19 wish, and forward that on to City Council.

20 VICE CHAIRMAN KESSLER: Okay.

21 MEMBER MELTON: I have a question. So I'm
22 looking at the definitions or descriptions of the
23 zoning ordinances for the BC and the BR, and one
24 of the biggest differences in the BC is it talks

1 about -- and I'll read it here -- "Since this
2 district is located along the roads that serve as
3 gateways into St. Charles, quality building
4 architecture and landscaping, and other site
5 improvements are necessary to ensure this type of
6 development enhances St. Charles' image."

7 I guess I'm asking the question for the
8 Commission if we feel as if that -- this type of
9 business, based on all the evidence presented
10 before us, would it enhance the city of
11 St. Charles, or would we consider limiting it to
12 the BR district that doesn't have that same
13 stipulation.

14 MEMBER MACKLIN-PURDY: I read the exact
15 same description; and in my opinion, I feel that
16 the BR zone is more suitable to a dispensary. And
17 to be honest, I actually don't have a problem with
18 the M2 zone which is where the recreation -- or
19 where the medical dispensary is currently.

20 CHAIRMAN WALLACE: All right. Further
21 discussion?

22 MEMBER VARGULICH: Is there a limit on the
23 square footage?

24 CHAIRMAN WALLACE: Is there a limit on the

1 square footage?

2 MS. JOHNSON: No.

3 MEMBER VARGULICH: As far as comments
4 about appearance and things like that, whatever
5 the use is, we still have to meet all the zoning
6 setbacks and requirements, architectural
7 requirements if it's a new freestanding facility
8 versus leasing a store that's already in
9 compliance; is that correct?

10 MS. JOHNSON: That's correct.

11 CHAIRMAN WALLACE: All right. Any other
12 questions?

13 MEMBER HOLDERFIELD: I have been thinking
14 about this a lot, and I don't know whether it
15 would apply or not, but have we discussed anything
16 about signage? I know we have regulations on
17 square area and square feet. Is there any special
18 application which would be appropriate for a
19 business with recreational marijuana?

20 MS. JOHNSON: Nothing has been proposed.
21 If we were to -- I don't believe it would be legal
22 to enact specific sign regulations depending on
23 the type of use. I don't believe that that would
24 be permitted.

1 MEMBER HOLDERFIELD: I bring this up
2 because I read an article, I think it was in the
3 Tribune paper, about where in the signage they
4 show a cannabis leaf, and I just wonder if that
5 would have any impact too. I know we have a -- I
6 don't know the -- we had a retail store on the
7 west side on Randall Road that does have that
8 signage.

9 But I just wondered if we go forward and
10 make any recommendations in regard to recreational
11 marijuana, if that would be appropriate. I don't
12 know. I just wonder if anybody has a comment on
13 signage.

14 MEMBER VARGULICH: I would assume they
15 would be limited by the same factors of either
16 square footage or the lineal frontage, those kinds
17 of things that limit signage for any use; right?

18 MS. JOHNSON: That's correct.

19 MEMBER VARGULICH: And as far as a
20 monument sign, that would be the total square
21 footage of what's allowed, et cetera, for that.

22 MS. JOHNSON: Correct. It would be
23 included in the calculation of the sign area.

24 MEMBER HOLDERFIELD: I agree. I just

1 wanted to put that out there and see what would
2 come up. That's all I have to say about that.

3 CHAIRMAN WALLACE: Go ahead.

4 MEMBER BECKER: I have a follow-up
5 question about the comment about the zoning
6 districts. Based upon what was published for the
7 public notice, could part of our recommendation be
8 for one or the other zoning ordinance -- zoning
9 districts, or would it have to be a comment, like
10 we would comment that we prefer one zoning
11 district over the other for the special use.

12 CHAIRMAN WALLACE: If it's in the BR and
13 BC, then it would be a condition on approval, I
14 would think.

15 MS. TUNGARE: That is correct.

16 CHAIRMAN WALLACE: But if it is
17 incorporating the use into, say, for example, M2,
18 it's not a part of the application, so that would
19 have to be a comment.

20 MEMBER BECKER: Right.

21 CHAIRMAN WALLACE: I do have one thought
22 that I wanted to share with the plan commissioners.
23 This occurred to me after the last meeting. It's
24 in regards to the findings of fact, not for this

1 application, but for the application that would
2 have to come before the City for the special use.

3 And I have some -- I don't quite know how
4 to handle this except to say that the application
5 that would have to come before the City for a
6 special use has certain findings of fact that we
7 have to find all of them in the affirmative,
8 unlike this application. We have the findings of
9 fact here behind me.

10 But if somebody actually brought an
11 application for a special use, we have a set of
12 findings of fact that would all have to be met in
13 the affirmative, and I read through those findings
14 of fact. And the last finding of fact -- I wish I
15 had brought it up here before I started talking,
16 but I didn't, but I will paraphrase.

17 The last finding of fact is that the
18 proposed use be in compliance with all local,
19 state, and federal laws in effect at the time of
20 the application. Yeah. The proposed special use
21 will conform to all existing state, federal, and
22 local legislation, regulation, et cetera.

23 And the issue that I have is that
24 regardless of what the Plan Commission were to do

1 to enact this change to the general amendment, I
2 don't see at this point in time how any
3 application that came before the City for this
4 special use, how the Plan Commission would be
5 legally able to recommend approval to the City
6 Council. Because like it or not, there's a
7 conflict between laws, between the state law and
8 the federal law on this issue. So I think that
9 there is a fundamental issue.

10 Now, I don't know that that necessarily
11 prevents us from changing the zoning ordinance,
12 but I do think that any applicant that comes
13 before the City and files an application and is
14 met with -- basically, runs into a brick wall at
15 the Plan Commission because we're not able to
16 recommend approval. You know, that's an issue.
17 That's a potential issue.

18 So my question is should the Plan
19 Commission -- before the law is settled on this
20 issue, before there is, you know, a joining of
21 minds at the federal level and the state level on
22 this issue, should the Plan Commission be enacting
23 or recommending that this use be allowed in the
24 City? And that's a question for the Plan

1 Commission. That's just a question that I'm
2 posing.

3 But this is the issue that I see because
4 if there is an application that comes before us, I
5 don't see how we can make a recommendation in the
6 affirmative to the City Council. So maybe this is
7 all academic. So use that as you will for your
8 deliberations.

9 VICE CHAIRMAN KESSLER: Well, I think
10 that's a very interesting observation, and it's
11 true that for a special use under current -- our
12 current findings of fact and our current
13 application process, we would, in fact, not be
14 able to recommend approval.

15 And while I think that that's good
16 information, I still am not convinced that that is
17 germane to the application in front of us. We
18 often have discussions here about uses that may or
19 may not infringe on the rights of somebody in the
20 future, land uses; and it's always been our
21 position, and it should be, that we can't
22 recommend based on some future occurrence. We
23 don't know what could happen between now and when
24 an application might come in front of us.

1 So I do, you know, appreciate that you
2 pointed that out, and it is a true fact; but
3 that's not part of our application right now. All
4 we're doing is voting to recommend or not
5 recommend a text amendment that would make the
6 sale -- a recreational cannabis dispensary a
7 special use if in the future the City Council
8 opted in. So there's many things that could
9 happen between now and when an application comes
10 before us.

11 CHAIRMAN WALLACE: All right. Any further
12 comments, or if there are none then is there --
13 yes.

14 MS. JOHNSON: A point of clarification on
15 an earlier comment. There was a question of
16 whether the zoning ordinance had any other
17 distance requirements, and we do have 1,000-foot
18 separation requirement between adult uses and any
19 residential district, downtown district, or place
20 of worship, school, or another adult use. I just
21 wanted to clarify that we do have that.

22 CHAIRMAN WALLACE: All right. Any other
23 comments? Questions? Or is there a motion?

24 VICE CHAIRMAN KESSLER: I'll make a

1 motion. I'm going to make a motion to recommend
2 to the planning and development committee approval
3 of the general amendment, City of St. Charles,
4 Chapter 17.4, Business and Mixed Use Districts;
5 Chapter 17.20, Use Standards; Chapter 17.24,
6 Off-Street Parking and Loading Access;
7 Chapter 17.30, Definitions regarding regulation of
8 recreational cannabis uses with the following --
9 let's see -- I would say a recommendation to limit
10 it to the BR district and a comment to investigate
11 including M2 district, and that distances from
12 sensitive properties are considered in any further
13 action, subject to planning and development
14 questions and comments.

15 CHAIRMAN WALLACE: So the distances being
16 considered will be a comment not a portion of the
17 recommendation. Then planning and development
18 will consider that.

19 VICE CHAIRMAN KESSLER: Correct.

20 CHAIRMAN WALLACE: Okay. Is there a
21 second?

22 MEMBER BECKER: I'll second it.

23 CHAIRMAN WALLACE: All right. It's been
24 moved and seconded. So now any discussion on the

1 motion?

2 MEMBER HOLDERFIELD: Two districts were
3 brought before us. Why are we going to add one
4 and not the other? I don't understand. What's
5 the other side?

6 VICE CHAIRMAN KESSLER: Sue came up with
7 that. I'll let her explain it to you.

8 MEMBER MELTON: When I read it earlier, by
9 definition, it states that the BC district in the
10 City is located along roads that serve as gateways
11 into St. Charles, quality building architecture,
12 landscaping, and other site improvements are
13 necessary to ensure that this --

14 THE REPORTER: Could you slow down.

15 MEMBER MELTON: All right. Sorry. I'll
16 start over.

17 Since this district is located along the
18 roads that serve as gateways into St. Charles,
19 quality building architecture, landscaping, and
20 other site improvements are necessary to ensure
21 this type of development enhances St. Charles'
22 image.

23 My comment on that was based on certainly
24 all the evidence that has been presented not only

1 today but the last time we met, and I'm
2 questioning whether this would enhance our image
3 in that district, and I would recommend
4 considering only allowing it in the BR district
5 where that does not have the same stipulation.

6 MEMBER HOLDERFIELD: If you move into an
7 existing building, how would that be an issue?

8 MEMBER MELTON: When I look at the zoning
9 map, I think about what is located in the BC
10 district versus in the BR district and where
11 they're located. I'm also leaning towards the BR
12 district.

13 MEMBER HOLDERFIELD: That's fine. Is
14 Randall Road included in that?

15 CHAIRMAN WALLACE: I was just looking at
16 our zoning map and the BR district -- which we're
17 talking about the current motion. Thank you.
18 Okay. So here the BR district on the west side is
19 the darker blue, and the BC district is the
20 lighter blue.

21 And then we do the east side. Then on the
22 east side, the BR district generally is where the
23 former Charlestowne Mall and Pheasant Run, some of
24 the area surrounding that. The BC is down Main

1 Street towards downtown.

2 And as a note, the existing medical
3 dispensary is in the M2 district, it's noted there
4 on the map, just adjoining both BR and -- I guess,
5 it's not adjoining BR, but it is adjoining BC.

6 MEMBER HOLDERFIELD: So the motion is for
7 BC.

8 CHAIRMAN WALLACE: The motion is to limit
9 it to BR.

10 MEMBER HOLDERFIELD: BR.

11 CHAIRMAN WALLACE: And to exclude it from
12 BC, and to also make a comment that it be extended
13 to M2 as well, which is where the existing medical
14 dispensary is.

15 All right. Other comments? Questions?

16 MEMBER MACKLIN-PURDY: So if I agree with
17 everything that Tim recommended; however, a
18 stipulation of a 500-foot buffer, then if we go
19 through, I would say no.

20 CHAIRMAN WALLACE: Or you could make a
21 motion to amend the motion.

22 MEMBER MACKLIN-PURDY: So I would like to
23 make a motion to amend what Tim recommended by
24 asking for a 500-foot buffer.

1 CHAIRMAN WALLACE: And setting that as 500
2 feet from residential? From schools? Daycare?

3 MEMBER MACKLIN-PURDY: Schools and
4 residential.

5 CHAIRMAN WALLACE: So school, daycare,
6 residential 500-foot buffer as a condition --

7 MEMBER MACKLIN-PURDY: Yes.

8 CHAIRMAN WALLACE: -- of our
9 recommendation.

10 MEMBER MACKLIN-PURDY: Yes.

11 CHAIRMAN WALLACE: Okay. Is there a
12 second? This is a motion to amend the main
13 motion. Is there a second?

14 MEMBER VARGULICH: I'd just ask one
15 question. In the case if we're going to limit it
16 to BR --

17 CHAIRMAN WALLACE: Hold on. There's a
18 motion right now.

19 MEMBER VARGULICH: I understand that, but
20 I'm trying to understand whether I'm going to
21 support any of this by understanding if we add the
22 500-foot buffer, then what does that do to the
23 usability of that district on the east side?

24 CHAIRMAN WALLACE: Well, the current

1 motion that's being considered is for BR only. So
2 it would be to add a condition that the 500-foot
3 separation from -- we could -- if you want to
4 second the motion, and then we discuss it, that's
5 fine. But the motion is --

6 MEMBER VARGULICH: I accept what's on the
7 screen. Okay.

8 CHAIRMAN WALLACE: All right. Is there a
9 second to the motion to amend?

10 MEMBER VARGULICH: I second.

11 CHAIRMAN WALLACE: Okay. It's been moved
12 and seconded. And what we'll do is we'll vote
13 on -- or any discussion on the motion to amend
14 only?

15 (No response.)

16 CHAIRMAN WALLACE: Okay. Then we'll vote
17 on the motion to amend. This is just to amend the
18 main motion to include the 500-foot setbacks.

19 Tim.

20 VICE CHAIRMAN KESSLER: Becker.

21 MEMBER BECKER: No.

22 VICE CHAIRMAN KESSLER: Funke.

23 MEMBER FUNKE: No.

24 VICE CHAIRMAN KESSLER: Holderfield.

1 MEMBER HOLDERFIELD: No.

2 VICE CHAIRMAN KESSLER: Vargulich.

3 MEMBER VARGULICH: Yes.

4 VICE CHAIRMAN KESSLER: Purdy.

5 MEMBER MACKLIN-PURDY: Yes.

6 VICE CHAIRMAN KESSLER: Melton.

7 MEMBER MELTON: No.

8 VICE CHAIRMAN KESSLER: Wallace.

9 CHAIRMAN WALLACE: Yes.

10 VICE CHAIRMAN KESSLER: Kessler, no.

11 CHAIRMAN WALLACE: All right. That motion
12 does not pass by a 4-to-4 [sic] vote.

13 So the main motion is now being considered
14 again. Any other discussion?

15 (No response.)

16 CHAIRMAN WALLACE: Okay. Seeing none, we
17 will vote on the main motion.

18 Tim.

19 VICE CHAIRMAN KESSLER: Becker.

20 MEMBER BECKER: Yes.

21 VICE CHAIRMAN KESSLER: Funke.

22 MEMBER FUNKE: No.

23 VICE CHAIRMAN KESSLER: Holderfield.

24 MEMBER HOLDERFIELD: No.

1 VICE CHAIRMAN KESSLER: Vargulich.
2 MEMBER VARGULICH: Yes.
3 VICE CHAIRMAN KESSLER: Purdy.
4 MEMBER MACKLIN-PURDY: No.
5 VICE CHAIRMAN KESSLER: Melton.
6 MEMBER MELTON: No.
7 VICE CHAIRMAN KESSLER: Wallace.
8 CHAIRMAN WALLACE: No.
9 VICE CHAIRMAN KESSLER: Kessler, yes.
10 CHAIRMAN WALLACE: All right. That motion
11 fails by a 3-to-5 vote.
12 Is there any other motion?
13 (No response.)
14 CHAIRMAN WALLACE: All right.
15 VICE CHAIRMAN KESSLER: So let me ask
16 Jennifer. When you talk about distances, and I
17 know that Laura brought up specifically 500 feet,
18 and that was my question is to what? Just to
19 schools and --
20 MEMBER MACKLIN-PURDY: Schools and
21 residential.
22 VICE CHAIRMAN KESSLER: Okay. But when
23 you talk about distances, are you referring to
24 anything specific? Any specific --

1 MEMBER BECKER: Well, initially, when I
2 was raising the issue, we were contemplating both
3 zoning districts, and I was looking at the
4 attached exhibits.

5 But when the motion came up to have it
6 just be just one district, when I looked at the
7 impact of just that district on the east and west
8 side and your motion, Commissioner, to let the
9 Council consider the most appropriate setback or
10 separation, I thought that took care of my issues.

11 Because I agree with the zoning
12 distinction, and I think that the width or the
13 distances of the separation could be handled at
14 the Council level. That's where I was coming
15 from, from this particular vote. Does that help?

16 VICE CHAIRMAN KESSLER: Yes. And why
17 not -- I'm just curious. If we're going by the
18 map that they showed us --

19 MEMBER MACKLIN-PURDY: I'm looking at the
20 map, and I'm looking at the residential; and I
21 think that given -- given the people that came
22 today, I think those are some concerns with the
23 residential and schools for sure; and so I feel
24 that 500 feet still gives the BR district enough

1 area to put a dispensary there; and also by
2 putting a comment in there to M2, it still gives
3 the option for our current dispensary to be
4 considered.

5 VICE CHAIRMAN KESSLER: Okay. And I
6 understand that, you know, you are somewhat swayed
7 by what you've heard tonight but how does that --
8 can you apply to a finding of fact for that
9 particular -- I mean, we have in our findings of
10 fact that we're working with tonight -- if we
11 recommend against approval of this text change, we
12 need to have some findings of fact that support
13 that. And it can't be just take a vote based
14 on -- we're not policy makers. We are actual fact
15 finders.

16 MEMBER MACKLIN-PURDY: Well, the Finding
17 of Fact No. 4, the extent to which the proposed
18 amendment would be in the public interest and
19 would not serve solely the interest of the
20 applicant, I'm taking in consideration of the
21 public interest.

22 VICE CHAIRMAN KESSLER: Okay. I
23 understand reading it that way. My concern
24 here -- my biggest concern with us not, you know,

1 weighing in on some sort of control of the
2 placement of dispensaries is that there is no
3 control; and if we go back to the City Council
4 with just, Well, we don't agree with putting any
5 kind of control on the location of the
6 dispensaries and --

7 MEMBER MACKLIN-PURDY: That's not what I'm
8 saying.

9 VICE CHAIRMAN KESSLER: But that's in the
10 public interest -- that's my argument for public
11 interest is that our brief here is to come up with
12 some way to control the placement, locations, and
13 numbers of dispensaries that could occur should
14 the City Council vote to opt in; and if we don't
15 do that, then they could be anything. They could
16 go anywhere.

17 And so I have a little bit of concern with
18 not giving direction to the City Council in some
19 form that gives them something to work with, to
20 put together, you know, an ordinance if that
21 happens. So that is a concern that I have.

22 MEMBER VARGULICH: Well, Tim, along with
23 that, I was just kind of curious that with so many
24 no votes on the motion, what would they like to

1 see that would change a no vote to a yes vote?

2 VICE CHAIRMAN KESSLER: I agree. And I
3 don't hear anything.

4 MEMBER VARGULICH: We had three yes votes,
5 and the rest were no. So of the no's, where are
6 we at? What moves it?

7 MEMBER MACKLIN-PURDY: Or anything.

8 VICE CHAIRMAN KESSLER: So you believe
9 that we should set distances.

10 MEMBER MACKLIN-PURDY: I do. I would
11 consider 250 feet if that would push the vote, if
12 people would be comfortable with that.

13 VICE CHAIRMAN KESSLER: But you believe
14 that we should make the recommendation for --

15 MEMBER MACKLIN-PURDY: For a buffer.

16 VICE CHAIRMAN KESSLER: Can that be a
17 comment or a recommendation or a condition?

18 CHAIRMAN WALLACE: I think it would be
19 most appropriate to have it as a condition if
20 we're specifying a distance.

21 MEMBER MACKLIN-PURDY: Yes.

22 CHAIRMAN WALLACE: That would be
23 my suggestion.

24 VICE CHAIRMAN KESSLER: Commissioner

1 Becker, what do you think of that?

2 MEMBER BECKER: Well, I can't hear much of
3 what's going on over there. I'm sorry.

4 VICE CHAIRMAN KESSLER: Well, that doesn't
5 help.

6 CHAIRMAN WALLACE: Okay.

7 MEMBER MACKLIN-PURDY: I would consider a
8 250-foot buffer.

9 MEMBER BECKER: As part of?

10 MEMBER MACKLIN-PURDY: From schools and
11 residences.

12 VICE CHAIRMAN KESSLER: As part of a
13 motion.

14 MEMBER BECKER: A condition or a comment?

15 VICE CHAIRMAN KESSLER: A condition.

16 MEMBER BECKER: Is that a motion or --

17 VICE CHAIRMAN KESSLER: No. We're
18 discussing what might --

19 MEMBER BECKER: Well, in the end, it's a
20 recommendation regardless.

21 VICE CHAIRMAN KESSLER: Right.

22 MEMBER BECKER: That would be amenable
23 to me.

24 CHAIRMAN WALLACE: Speak in your

1 microphone. I can't hear you.

2 MEMBER BECKER: That would be amenable
3 to me.

4 CHAIRMAN WALLACE: Okay. All right.

5 VICE CHAIRMAN KESSLER: What do you think
6 of that?

7 MEMBER VARGULICH: Well, I think we've
8 already gone from 500 to around 0, and now it's
9 250. So I think, at the end of the day, we need
10 to have a reasonable recommendation to City
11 Council or the planning and development committee,
12 and let the merits of that weigh out with their
13 future discussions, so.

14 CHAIRMAN WALLACE: Let me just ask staff.
15 If the Plan Commission decided they did not
16 consider a recommendation -- an affirmative
17 recommendation for this application to be proper,
18 if they wanted to make a negative recommendation,
19 what would be appropriate as a part of that
20 recommendation to provide direction to City
21 Council short of just saying no?

22 MS. TUNGARE: So short of just saying no,
23 it would be helpful if the Plan Commission would
24 give some guidance, maybe some substantiation of

1 your recommendation as to why the Plan Commission
2 does not believe, based on findings of fact, that
3 this use was appropriate for the BC and/or BR
4 districts. So the districts that have been
5 proposed. It would be helpful for the Plan
6 Commission to give some specificity and some
7 guidance or direction or comments to advance
8 forward to the planning and development committee.

9 And in addition to that, it would also be
10 helpful for the Plan Commission maybe to go a step
11 further and also state if not the BC and BR
12 district, are there any other zoning districts in
13 St. Charles that would be appropriate for this
14 kind of use.

15 CHAIRMAN WALLACE: All right. Do you have
16 a motion?

17 VICE CHAIRMAN KESSLER: I'd like to make
18 another motion, because I think we can move this
19 off of square one, to recommend approval to the
20 planning and development committee. I'm not going
21 to reread the entire agenda item, per Agenda Item
22 5, and I think that I would like to add adding M2
23 as a comment to add -- consider adding M2 to the
24 zoning districts, and to recommend that the

1 Council consider a distance of 250 feet between
2 schools and residential.

3 CHAIRMAN WALLACE: Is that a condition or
4 a comment?

5 VICE CHAIRMAN KESSLER: It's a
6 recommendation.

7 MS. TUNGARE: If I can intervene, I
8 believe if it's going to be at that level of
9 specificity, it should be a condition to your
10 recommendation.

11 CHAIRMAN WALLACE: Okay. The motion is to
12 recommend approval with the condition that a
13 buffer of 250 feet from residential and school,
14 daycare uses, and a comment to add M2 zoning
15 district for this special use; correct?

16 MEMBER BECKER: Which district? For BR?

17 MEMBER MACKLIN-PURDY: BR.

18 MEMBER HOLDERFIELD: Just BR.

19 CHAIRMAN WALLACE: No, I didn't say that.

20 MEMBER VARGULICH: He didn't say that.

21 CHAIRMAN WALLACE: He didn't say that.

22 The motion is to recommend approval of the
23 application with adding them to M2 and a condition
24 of 250 feet; is that correct?

1 Here, talk into the microphone. Sorry.

2 MEMBER MACKLIN-PURDY: I just wanted to be
3 sure if you were --

4 VICE CHAIRMAN KESSLER: I didn't remove it
5 this time.

6 CHAIRMAN WALLACE: So it's the application
7 as is with a comment to add M2 with the condition
8 of a 250-foot buffer.

9 Is there a second to the motion?

10 MEMBER HOLDERFIELD: So BC and BR.

11 CHAIRMAN WALLACE: Correct.

12 All right. Is there a second?

13 MEMBER HOLDERFIELD: I'll second.

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

16 Discussion on the motion?

17 MEMBER MACKLIN-PURDY: I would like to
18 make a recommendation for an amendment. Sorry.

19 CHAIRMAN WALLACE: Okay. Motion to amend.
20 What is the motion to amend?

21 MEMBER MACKLIN-PURDY: To remove the BC
22 district.

23 CHAIRMAN WALLACE: Okay. So it's to
24 remove the BC district from the main motion; is

1 that correct?

2 MEMBER MACKLIN-PURDY: Yes.

3 CHAIRMAN WALLACE: Okay. Is there a
4 second?

5 VICE CHAIRMAN KESSLER: Second.

6 CHAIRMAN WALLACE: Okay. Now, we're
7 talking about the motion to amend to remove BC
8 from the main motion.

9 Any discussion on this motion?

10 (No response.)

11 CHAIRMAN WALLACE: Tim.

12 VICE CHAIRMAN KESSLER: Becker.

13 MEMBER BECKER: Yes.

14 VICE CHAIRMAN KESSLER: Funke.

15 MEMBER FUNKE: No.

16 VICE CHAIRMAN KESSLER: Holderfield.

17 MEMBER HOLDERFIELD: Yes.

18 VICE CHAIRMAN KESSLER: Vargulich.

19 MEMBER VARGULICH: Yes.

20 VICE CHAIRMAN KESSLER: Purdy.

21 MEMBER MACKLIN-PURDY: Yes.

22 VICE CHAIRMAN KESSLER: Melton.

23 MEMBER MELTON: Yes.

24 VICE CHAIRMAN KESSLER: Wallace.

1 CHAIRMAN WALLACE: Yes.

2 VICE CHAIRMAN KESSLER: Kessler, yes.

3 CHAIRMAN WALLACE: All right. That motion
4 passes.

5 So now the main motion is -- that was 7 to
6 1. The main motion then is to recommend approval
7 with the condition that BC be removed, that a
8 250-foot buffer be established, and a comment to
9 add the M2 zoning district for this special use.

10 Discussion on the motion?

11 MEMBER BECKER: I have one comment. The
12 only thing I continue to be concerned about, and
13 maybe it will be a nonissue when you put the
14 distance boundary between the existing medical
15 dispensary within only the BR district. I'm just
16 wondering how much of that district then is
17 eliminated from siting; and if that would be a
18 problem for any of the commissioners on the
19 east side.

20 VICE CHAIRMAN KESSLER: I don't
21 understand. Say that again.

22 MEMBER BECKER: I said I can't hear, and
23 I'm doing the same thing. I apologize.

24 I'm concerned that the existing dispensary

1 on Illinois, there's a 1500-foot distance between
2 this dispensary and any commercial dispensary. So
3 I'm concerned that that will eat into the BR
4 district quite a bit on the east side.

5 I just want to make sure that everybody is
6 okay with reducing the size of the BR availability
7 on the east side, and it still gets the sweet spot
8 of enough available space.

9 MEMBER MACKLIN-PURDY: Right. I mean, my
10 hope is that Zen Leaf can open up a recreational
11 along with the medical.

12 VICE CHAIRMAN KESSLER: That's a curious
13 question. So you say along with the medical. So
14 if it's a medical dispensary and a recreational --

15 CHAIRMAN WALLACE: Well, let me have a
16 timeout here because that's going beyond the
17 application of what we're discussing here. We're
18 not going to discuss any particular property.
19 We're just discussing changes to the zoning
20 ordinance.

21 MEMBER MACKLIN-PURDY: I'm okay with that.

22 CHAIRMAN WALLACE: Okay. And any further
23 comments, questions, before we take a vote on the
24 motion?

1 (No response.)

2 CHAIRMAN WALLACE: None. Tim.

3 VICE CHAIRMAN KESSLER: Becker.

4 MEMBER BECKER: Yes.

5 VICE CHAIRMAN KESSLER: Funke.

6 MEMBER FUNKE: No.

7 VICE CHAIRMAN KESSLER: Holderfield.

8 MEMBER HOLDERFIELD: Yes.

9 VICE CHAIRMAN KESSLER: Vargulich.

10 MEMBER VARGULICH: Yes.

11 VICE CHAIRMAN KESSLER: Purdy.

12 MEMBER MACKLIN-PURDY: Yes.

13 VICE CHAIRMAN KESSLER: Melton.

14 MEMBER MELTON: Yes.

15 VICE CHAIRMAN KESSLER: Wallace.

16 CHAIRMAN WALLACE: No.

17 VICE CHAIRMAN KESSLER: Kessler, yes.

18 CHAIRMAN WALLACE: All right. That motion

19 passes by a vote of 6 to 2.

20 All right. And that concludes Item --

21 I've lost what item we're on here -- Item No. 5 on

22 the agenda. That concludes Item 5.

23 (Off the record at 9:15 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of cannabis, 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 10th day of October, 2019.

My commission expires: May 16, 2020

Joanne E. Ely 

Notary Public in and for the
State of Illinois



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Transcript of Hearing

Date: October 8, 2019

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: General Amendment :
to Add Pet Care Facility :
as a Special Use in CBD-1 :
District; and Application :
for Special Use; Property :
Located at 305 North 2nd :
Street. :
-----x

HEARING
St. Charles, Illinois 60174
Wednesday, October 9, 2019
9:15 p.m.

Job No.: 218473B
Pages: 1 - 42
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, 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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13 Before Joanne E. Ely, a Certified Shorthand
14 Reporter, and a Notary Public in and for the State
15 of Illinois.

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Transcript of Hearing
Conducted on October 8, 2019

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JAMES HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 PETER VARGULICH, Member

10 ALSO PRESENT:

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community &
13 Economic Development

14 RACHEL HITZEMANN, Planner

15 RUSSELL COLBY, Community Development
16 Manager

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

2 CHAIRMAN WALLACE: Next we have Item 6,
3 which is general amendment, John Karatheodore,
4 Chapter 17.14, Business and Mixed Use Districts.

5 Please, we're still conducting business.
6 Thank you.

7 Business and Mixed Use Districts to add
8 pet care facility as a special use in the CBD-1
9 district.

10 This, again, is a public hearing. Anyone
11 who wishes to offer testimony, please raise your
12 hand and be sworn in.

13 (Witnesses sworn.)

14 CHAIRMAN WALLACE: All right. Thank you.

15 Anyone who wishes to speak, I would ask
16 you to speak from the lectern, state your name,
17 spell your last name, state your address for the
18 record. Hold on. We're going to take the
19 applicant first.

20 AUDIENCE MEMBER: Okay.

21 CHAIRMAN WALLACE: Do you have something?

22 MS. JOHNSON: I was just going to pull up
23 the presentation.

24 CHAIRMAN WALLACE: All right. Is the

1 applicant ready?

2 MR. KARATHEODORE: Yes, one moment.

3 CHAIRMAN WALLACE: Okay.

4 Hold on one second before we start. We do
5 have two items. We have a general amendment. We
6 also have the K-9 Country Club of St. Charles,
7 which is Item 7 on the agenda. It's the same
8 applicant.

9 So I guess, staff, my question would be
10 should we take this as a public hearing together
11 with the two applications, or is it necessary to
12 have two separate public hearings on this one?
13 Rita, or anyone?

14 We have two different items under the same
15 applicant, and the first one is a general
16 amendment, and the second one is the application
17 for special use. I'm just curious as to whether
18 you recommend that we take these in the same
19 public hearing, as I'm sure a lot of the
20 information and evidence will pertain to both
21 applications.

22 MS. TUNGARE: That would be fine,
23 Mr. Chairman.

24 CHAIRMAN WALLACE: Okay. All right. Then

1 this public hearing is for both Items No. 6 and 7,
2 6, having been already stated, and 7 is K-9
3 Country Club of St. Charles, 305 North Second
4 Street, application for special use.

5 MR. KARATHEODORE: Good evening. My name
6 is John Karatheodore. I'm the proposed applicant
7 for the K-9 Country Club of St. Charles. Should I
8 get right into each application? I'm not familiar
9 with the format.

10 CHAIRMAN WALLACE: Yes, yes. If you just
11 want to go through the application, the first
12 application is adding the pet care facility to the
13 special use in the CBD-1 district.

14 What districts is it already a special
15 use in?

16 MS. JOHNSON: It's a special use in the
17 BL, Local Business; BC, Community Business, and
18 BR, Regional Business, as well as M1, Special
19 Manufacturing.

20 CHAIRMAN WALLACE. Okay. So the first
21 application then is to add this as a special
22 use -- a general amendment to the zoning ordinance
23 to add this as a special use in CBD-1; and then
24 the second is for an application for special use.

1 I think we understand the first application, what
2 that is.

3 If you want to go ahead into what your
4 specific use is, that probably would be most
5 helpful.

6 MR. KARATHEODORE: Just to go back to a
7 little history, myself with the K-9 Country Club.
8 Just about 10 years ago, I engaged myself as a
9 partner in a Boston-based pet care facility. It
10 started off in a downtown residential and business
11 rich environment location in the north end of
12 Boston.

13 We were actually faced with similar
14 concerns as I'm being faced with here with zoning
15 of that area that we looked at for an original
16 location. As we got through the zoning process
17 and entered into a -- this was actually a
18 residential area. We grew very quickly in a short
19 amount of time and the residents and businesses
20 began to embrace the services we were offering to
21 the residents and the visitors of the area, and
22 services that were not currently provided to a
23 downtown location that we were bringing in the
24 city of Boston.

1 My partner has 18 years experience in the
2 pet care facility business, which includes
3 grooming, it includes training, it includes
4 product sales, pet food, and daily care pickup,
5 drop offs, dog walking. The business grew as we
6 started expanding at that location in downtown
7 Boston.

8 Fast forward to five to eight years
9 later -- I believe it's eight years later, we have
10 now opened up seven locations in Boston, the final
11 one currently under construction is in the Seaport
12 area of Boston, which is newly renovated with
13 shopping, residential, hotels, a very saturated
14 new location in the city of Boston.

15 There was -- I had moved to the city of
16 Elburn approximately three years ago. At that
17 time, while working in another business here in
18 Illinois, I came upon this location at 305 Second
19 Street in St. Charles.

20 Our appeal in our business has been in a
21 downtown location for the past 15 years for my
22 partner and the past almost 10 years myself. We
23 saw a great benefit to not only the residents but
24 the visitors that were coming to our establishment

1 to relieve themselves of their pets, to utilize
2 our business drop off so they could go to work, so
3 they could shop, so they could go entertain
4 themselves and spend the day in the city while we
5 took care of their family and loved ones, being
6 the dogs.

7 As I've lived in the area in the past
8 three years, I've always had in the back of head
9 bringing this new idea and the concept that has
10 evolved of the pet care facility that we have in
11 Boston, which is under a different name, but over
12 the years has evolved into this newly modernized,
13 technology savvy, appealing community-based family
14 environment for a pet.

15 We wanted to provide something that is not
16 seen in the area, something that is very unique,
17 something that brings a higher level and a
18 standard to the pet care facilities that we've
19 been a part of and ones that we see in the
20 surrounding areas as well.

21 Our location, located within a walking
22 distance from downtown, to us was viewed as an
23 ideal location for this new concept. Being more
24 of an advanced, more green, more friendly, and

1 being something that is new to the area and
2 something that will promote constant visitation to
3 our site, the use of our services, and the ability
4 for us to provide a location for a pet care
5 facility that is close to downtown, that is within
6 the reach of local residential that may be in a
7 condo or an apartment setting.

8 Being at that location just on the
9 outskirts of downtown is surrounded by primarily
10 businesses and a driving distance from most
11 residential but a walking distance for visitors
12 coming into downtown St. Charles.

13 As I went through the City's comprehensive
14 plan, I utilized that as a guide to how we could
15 bring a unique look, character, and appearance to
16 this business that we want to stand out from
17 anything that we have ever done in the past. The
18 comprehensive plan follows side-by-side with the
19 ideas that we had regarding the aesthetics of the
20 building, the promotion -- the use of stone, which
21 the building currently has, the decorative wood
22 fencing.

23 I'm fortunate to have a landlord at the
24 location and partner in the business that is

1 willing to make numerous improvements to the
2 current property which follow along with several
3 areas of the comprehensive plan in regards to
4 areas -- that is new trees, evergreens, planting
5 of beds along the main road at the entrance,
6 setting up parking beds with curbstone. I'm not
7 sure if you have seen the actual location of the
8 property.

9 This is a picture of the existing space.
10 Not that one. This building here. As you can
11 see, it's quite dark. There's not much color in
12 any buildings in the area. It's a giant parking
13 lot in front of the space with very little
14 landscaping and very little green, bushes or
15 anything like that whatsoever, nothing along the
16 building, one existing tree in the back.

17 Our idea and our concept was to embrace
18 the comprehensive plan of the City by adding such
19 things as flowering beds along the front of the
20 building, utilization of the decorative fencing,
21 earth tones, bringing a lot of plants and
22 vegetation to the building itself in the front,
23 cutting down all the excess overhang along the
24 left side of the building, which you can't exactly

1 see in that photo, but there's a large amount of
2 growth of the trees on the west side that's
3 covering about 20 feet of the left side of the
4 parking lot.

5 Currently, we have an egress agreement
6 with the building in the back. Our intention was
7 to set up a -- these days I think convenience is
8 something that we're all looking for; and being
9 the majority of us that have pets and dogs, that
10 we're always looking for a place to bring our dogs
11 and our pets to relieve us for a few hours.

12 Maybe relieve us so we can go shopping, so
13 we can go spend the night out. A lot of us don't
14 want to leave to be leaving our pets at home
15 unintended and uncared for while we enjoy whether
16 it's our work or our time away for fun.

17 Being so close to the city, ideally, we
18 would be promoting our business to visitors and
19 residents that are planning to come into the city
20 for short trips or they may work downtown and
21 utilizing our facility as their daycare, as their
22 drop off, as their place to take care of their
23 loved one while they're away at work.

24 Also, getting back to the building,

1 there's existing storage units around the back.
2 My proposal was to keep the same perimeter of the
3 building space that is currently used, just
4 expanding it out to the front of the storefront
5 which is on the right side of that very dull
6 picture up there, to bring up the front and add
7 something, add a putting green.

8 We want to try to keep with this country
9 club theme, a place of relaxation and fun for dogs
10 and for family and kids to come and enjoy. We
11 have such a big parking lot. We've had great
12 success in the past at our locations in Boston
13 with weekend events and dog parties.

14 Having such a large parking lot, our ideas
15 would have -- we would have ideas of incorporating
16 stuff like weekend food trucks, to maybe cater a
17 lunch on certain days, to bring your pet for lunch
18 and golf out front. We plan on having a 20-by-30,
19 I believe, putting green out front with a space
20 for kids and families. Being an avid golfer
21 myself, I think it would be quite enjoyable to
22 have a nice location there to practice, something
23 like that.

24 We have looked at too partnering up with

1 local businesses, in particular there's a bike
2 shop in downtown St. Charles there called Sammy's
3 Bikes. We've been talking to them about setting
4 up bike racks, so that people could utilize our
5 location being so close to town and him being in
6 town, back and forth as a drop location in the
7 area to meet. You have coffee or bring your pet
8 and enjoy some time hanging out with all the pet
9 owners and taking a walk along the riverfront as
10 being at such a convenient location across from
11 the Fox River.

12 As I get back to the comprehensive plan,
13 it mentions that the commercial areas are the
14 first impressions of the City. I think as you
15 pass down Second Street you're at one of the
16 main -- other than Main Street, one of the main
17 roads before you enter St. Charles.

18 At my first look at the space, as I looked
19 at the location, I said to myself before even
20 deciding that this might be a potential location
21 for the business was it was such an open dark area
22 that's so close to the river and so close to
23 downtown. How nice would it be to revive this
24 area with something fresh and new that conforms to

1 what the City is looking for, and at the same time
2 ideally meets the appearance and aesthetics of
3 what we're looking for for a daycare facility.

4 CHAIRMAN WALLACE: Can I interrupt just to
5 ask you --

6 MR. KARATHEODORE: Yes.

7 CHAIRMAN WALLACE: -- a question about the
8 building itself. How much of an extension are you
9 proposing to the south with this portion that
10 you're adding on beyond where the existing
11 building goes?

12 MR. KARATHEODORE: Actually, it follows
13 the exact perimeter of the existing fence around
14 the back and around the front to the shed. The
15 one section that I'm proposing that moves forward
16 towards Second Street is a little shed area where
17 the door is on the side. So there is
18 approximately 8 feet forward that it would move
19 from where the shed is.

20 So 95 percent of the location is in the
21 exact current fencing. It's currently a chain
22 link fence, which I also read in the comprehensive
23 plan that was something the City is trying to
24 heavily promote using more of a decorative

1 appearance to the front, storefronts, and
2 surrounding perimeter.

3 CHAIRMAN WALLACE: And then the arrow here
4 that it shows on this picture up here, is that a
5 drop off, like, a drive-thru location?

6 MR. KARATHEODORE: Yes. We're planning to
7 set up some kind of a drop off spot around the
8 building. There's certain agreements that the
9 landlords -- I found that the landlords have with
10 the surrounding landlords of use. Ideally that
11 drop off spot would have been great to have around
12 the back, but that enters through the neighbor --
13 it's a really open parking lot, four different
14 parking lots. So they have agreed to keep it open
15 to keep traffic flowing through the lots.

16 So the idea was to designate a spot so our
17 customers, for convenience purposes, could simply
18 pull up in that circle and drop off, the car one
19 of our employees would come to once buzzed, or our
20 camera has located the car on the side right along
21 the fence, that we can come pick up the dog
22 themselves and bring them in without the customer
23 having to go inside the building.

24 CHAIRMAN WALLACE: Rita, you know my

1 question. Does that require a separate
2 application for a drive-thru?

3 MS. JOHNSON: We would not designate that
4 as a drive-thru facility. It's just a pet drop
5 off.

6 CHAIRMAN WALLACE: Okay. Would there be
7 queuing requirements?

8 MS. JOHNSON: I don't believe so, not if
9 we did not classify it as a drive-thru.

10 MR. KARATHEODORE: If I can add --

11 CHAIRMAN WALLACE: Sure.

12 MR. KARATHEODORE: -- we have -- the lot
13 is -- I'd have to look at the plat plan that I had
14 completed; but if there was queuing that was
15 needed at all, I don't believe that would be a
16 problem for us to designate and kind of set up the
17 driveway in to queuing cars that might -- if it's
18 needed. Because if you look at a plat, we're set
19 in the very far back corner of the location.

20 CHAIRMAN WALLACE: My issue with talking
21 about queuing and drive-thrus is obstruction of
22 traffic both within the site itself, so we can
23 maintain traffic flow within the site, and also on
24 to adjoining properties and roads.

1 I don't know what cross-access agreements
2 affect this property. I have driven through it to
3 get to the adjoining property, and I would imagine
4 that there are cross-access easements. So my
5 issue would be by creating a use such as this
6 where we have the potential to disrupt those
7 cross-access easements, are we disturbing the
8 traffic flow to adjoining properties.

9 MR. KARATHEODORE: The one access that I'm
10 aware of for the building, in the direct rear left
11 of the property they have -- their easement is a
12 20-foot easement agreement. The span across to
13 the side of the fencing area is, I believe, almost
14 three times that where -- it's at approximately
15 50 feet, and our easement is for two-way traffic,
16 the width of two cars going back to that one
17 building in the back.

18 CHAIRMAN WALLACE: Is that over the 311
19 property? The property to the north?

20 MR. KARATHEODORE: I'm not sure which is
21 north. No.

22 CHAIRMAN WALLACE: Towards the train
23 tracks.

24 MR. KARATHEODORE: No. I think we're

1 looking in the other direction.

2 MS. JOHNSON: The property to the west.

3 MR. KARATHEODORE: The west.

4 CHAIRMAN WALLACE: Okay.

5

6 MR. KARATHEODORE: In the far back. So if
7 it was --

8 CHAIRMAN WALLACE: So that's, like, 224
9 North Fourth Street and 309 North Second Street.
10 It's behind it to the west.

11 MR. KARATHEODORE: We set up the drop off
12 spot proposal as directly in the middle of the
13 property so that any traffic on the left side or
14 the right side coming through would be in the
15 least traffic area of such a large parking lot.

16 CHAIRMAN WALLACE: Okay.

17 MEMBER FUNKE: Did you have an architect
18 look at this and kind of analyze the traffic flow
19 patterns or a civil engineer? It looks like the
20 drawings are pretty conceptual at this point.

21 MR. KARATHEODORE: The drawings are, yes.
22 I wanted to get through the actual approval before
23 we brought an official architect. My rendering
24 are my sketches based on photographs and previous

1 plans that we've had from other building locations
2 in Massachusetts, but the architect has only come
3 up with the plat.

4 We plan to bring one on board immediately
5 once we're going to set up any kind of design work
6 and any type of formal layout of the traffic path
7 or anything like that that's needed for a drop off
8 or any pickup.

9 We plan to kind of lay out -- the
10 requirements of the parking spaces is only six
11 parking spaces for this entire lot. I think the
12 proposal that I spoke to with the landlord, Joe
13 Salas, was to include the landscaping and the
14 parking lot. I think, you call them -- I forget
15 the name of them actually now, but they're the
16 concrete beds that kind of break up such a large
17 lot with some evergreen, hanging trees, and some
18 ground cover, as you see in large parking lots to
19 indicate where parking actually is located.

20 This is just one big giant parking lot at
21 the moment that only needs six spaces for this
22 business. So we have a lot of space. We're
23 trying to figure out how we would utilize that
24 space best to both conform with the City's plans

1 for the future and for the aesthetics of this
2 business that we want to actually stand out in the
3 community as something, you know, that you would
4 see in the next 10 or 15 years as the City
5 progresses and more areas are updated.

6 It's fortunate to have a landlord that's
7 willing to jump on board with extensive
8 landscaping and changing of his lot and his
9 building to what I feel would conform to the
10 business best and what the City is actually
11 looking for in the plans that I've read.

12 To get to the actual business itself,
13 there's a few different concerns which we've faced
14 in the past that I wanted to bring up and explain
15 to everyone how we have dealt with such things as
16 noise concerns from a pet care facility, and I
17 think to do so is getting to know the behavior of
18 dogs and what really makes them bark.

19 We have had -- having six locations and
20 one in construction in Massachusetts, I think one
21 thing we've certainly learned about is barking
22 control and why dogs do it, what makes them, and
23 how do we prevent them. Even as human beings
24 being in a pet care facility, we want to limit the

1 noise at the same time. We do not want to have
2 loud noise in an enclosed space nor in an outdoor
3 space.

4 This space is primarily geared -- it's a
5 very small indoor space, which is going to host
6 other services such as the grooming, the training,
7 a small kitchen for feeding the dogs we will be
8 forced to feed.

9 But the concern of ours, and initially
10 this was probably the first conversation me and
11 the landlord had, would be, you know, how do we
12 make this conducive to our fellow business owners
13 in the area so that the noise is not a concern and
14 that it's kept within our facility.

15 I think to do so -- if I could just grab
16 my other notes here. To do so I think you have to
17 approach the sound and noise in six-directional
18 type approach, one being the ground, the four
19 sides, and upward where sound travels.

20 Excuse me, one second. I'm sorry. I'm
21 looking for those notes.

22 Before I find them, let me explain to you
23 what I'm trying to say. Six-directional noise in
24 an exterior space, what we've studied, what we've

1 read, and what we've experienced is when you're in
2 an outdoor space with a dog and you have a 6- to
3 8-foot barrier around the dog, any barking,
4 whether it's one or several more, will reflect up
5 and bounce off a solid surface, and come back in
6 the direction that it came from. The problem is
7 how do you lower that volume coming back off the
8 solid surface.

9 First and foremost, you need to make that
10 surface solid. What we've done in the past, and
11 we have several photos of other locations that we
12 have had directly next to residential, with the
13 use of an 8-foot wall was utilizing these panels,
14 you can see, as one piece of sound deflection.

15 So once we've sealed the 6- or 8-foot
16 wall, there's no leakage through that space which
17 is in front of you, to the side of you, and the
18 rear of you. The leakage of the sound is what
19 carries upward and out and what travels down and
20 out or what gets through cracks of unsealed
21 exterior areas.

22 We found in the four locations that we
23 have, once an 8-foot wooden fencing is covered,
24 and sealed, the only noise that you're getting is

1 not coming through that area. It's coming up and
2 over. We've had great success with these panels
3 which are triangular -- sorry -- the triangular
4 panel.

5 So what you have is a dog that would bark,
6 the sound projects off this wall which is four
7 times to six times his height, reflect back. In
8 our area behind our space that we're looking at,
9 the idea is to catch that reverb coming back off
10 the wall and absorb it.

11 Our intention is to put dividing panels
12 throughout the rear open space with fabric or
13 plantings surrounding that wall of absorption to
14 absorb some of the sound waves coming back off of
15 the exterior wall which is sealed.

16 Once the sound actually hits the wall and
17 comes back and hits the second part, the sound
18 will travel upward or the sound will travel
19 downward. Downward goes into an artificial turf
20 with gravel, and the floors, for reasons of having
21 dogs outside, being able to wash the exterior
22 flooring of the space.

23 But once going upward to reduce that even
24 more, we found these sound panel -- these fabric

1 panels that are sound reflective that we put along
2 the sides of our locations to catch any sound
3 going upward with the idea of that sound bouncing
4 back down. So what we're trying to accomplish in
5 an exterior space is somehow containing any noise
6 and keeping it muffled within that location.

7 In five years that we've been at the past
8 three locations -- which if you can see in that
9 space and in the one directly underneath it, it is
10 directly underneath a luxury apartment building.
11 In five years, we have had one complaint regarding
12 the noise of the dogs when we close at
13 8:00 o'clock at night.

14 VICE CHAIRMAN KESSLER: That's pretty
15 cool. I have to say that in another facility I
16 know on the west side, it was an issue about half
17 a mile away, the noise of dogs at particular times
18 of the day.

19 But, you know, I have a question --

20 MR. KARATHEODORE: Yes.

21 VICE CHAIRMAN KESSLER: -- you know, our
22 applications are for, first of all, should this
23 use be allowed even as a special use in CBD-1; and
24 the other application in front of us is if, in

1 fact, that was an acceptable use as a special use
2 in CBD-1, should this application be granted a
3 special use.

4 So with those two questions in mind, I
5 wanted to ask the Plan Commissioners about CBD-1.
6 Sue, you had a question about it? What was your
7 comment?

8 MEMBER MELTON: My comment was that when I
9 was reading the definition of CBD-1 is to promote
10 pedestrians and retail and that type of traffic,
11 and I'm not sure that -- I guess I was wondering
12 if this type of facility would do that.

13 VICE CHAIRMAN KESSLER: Well, okay, so
14 that was the one issue. Then there's another
15 issue that has been raised. I think that one
16 speaks -- what Sue is referring to speaks directly
17 to whether or not that use should be allowed in
18 this district.

19 But then Jeff had a comment that speaks
20 specifically to this, and I think it bears some
21 looking at, and that is the traffic. It doesn't
22 sound or seem like the traffic has been really
23 worked out, you know, with everybody surrounding
24 this property, that there are some issues that

1 could arise as a result of this.

2 So I'm wondering, since we kind of
3 combined these, I'd like to focus the first part
4 here on whether or not this use should be allowed
5 in the CBD-1 district as a special use.

6 MS. TUNGARE: Mr. Chairman, can I
7 interject for a moment?

8 CHAIRMAN WALLACE: Yes.

9 MS. TUNGARE: So these are questions that
10 we've heard before. You know, it may be
11 appropriate, if the Plan Commission wishes, to,
12 you know, continue the hearing with the condition
13 that a site plan be brought forward, so the Plan
14 Commission can consider the issues of how the
15 traffic location looks internally and externally
16 and how, in fact, the Plan Commission for an
17 application needs to see that. So that is one
18 suggestion.

19 But I also want to make sure that members
20 of the public who are here to speak get an
21 opportunity to speak tonight if the Plan
22 Commission decides to continue the public hearing.

23 CHAIRMAN WALLACE: Yes. Anyone who is
24 here to speak certainly before we take any action

1 with continuing or closing the public hearing will
2 have a chance.

3 In the event that we are continuing the
4 public hearing, I did receive something that
5 should be included in our packets for the next
6 time, and that is an e-mail that I neglected to
7 mention at the outset. It's dated October 7th,
8 it's from Tom Anderson, and it is regarding the
9 use. Along with our usual procedure, I won't read
10 the e-mail, but I will note that it is made a part
11 of the record.

12 So let's just -- I want to solicit public
13 comment. Is there anyone in the audience who
14 wishes to offer any comment?

15 MR. KARATHEODORE: Will I get a chance to
16 speak after?

17 CHAIRMAN WALLACE: Yes.

18 MR. KARATHEODORE: Thank you.

19 MR. GROVE: My name is Terry Grove,
20 T-e-r-r-y G-r-o-v-e. My office is at 311 North
21 Second Street, suite 304, St. Charles, Illinois,
22 known as the Charleston Center.

23 I think -- I'm not sure this gentleman
24 really has all the facts on the piece of property

1 that he's talking about. I have an exclusive
2 parking easement for 14 spaces on the front of
3 that lot, which substantially reduces the amount
4 of parking and traffic that he could use.

5 I also have an exclusive easement for
6 ingress and egress over the front 20 feet of that
7 lot that parallels Route 31. This was an easement
8 agreement that was put into effect several years
9 ago between my building, Charleston Center, and
10 Howard Rasmussen who owned this piece of property
11 before, and the two buildings which this gentleman
12 owns in addition. And so I think there are many
13 easements that you're not familiar with.

14 I also don't think and I don't propose to
15 be an expert, but my father did run a kennel with
16 25 beagle hounds at one time. I'm quite familiar
17 with the barking of dogs and the noise it creates.

18 I also have spent some time, not because
19 of this issue, with an acoustical engineer in the
20 last year and spent several thousand dollars, and
21 I'm more familiar with the travel of sound and how
22 difficult it is to stop sound, almost impossible
23 in one sense to stop it.

24 I don't think -- and I know you've got two

1 things going on here, two changes, but I don't
2 think that from our standpoint, I think you'll
3 hear from this gentleman's standpoint and Tom
4 Anderson's standpoint, not at all in favor of this
5 use for that particular property.

6 It just doesn't seem to fit in with office
7 retail and he -- the gentleman pointed out the
8 different ways the people would get to the
9 property and talk about bicycles. I'm not sure
10 where all that is going, but, again, the limited
11 space that he has in the parking lot, and our
12 easements over it, and the easement to and from
13 this gentleman's building really take up a great
14 deal.

15 So if you have any questions, I'll be
16 happy to answer them.

17 We're not in favor of it at all. I think
18 it would be much better used -- although I do
19 admit it's hard to find tenants these days for
20 property. That property, as you know, has had two
21 uses since Howard Rasmussen sold it. So I have
22 sort of a feeling for that too. I mean, I wish it
23 wasn't the case. This is the only time in
24 50 years I've ever objected to the use of a piece

1 of property in downtown St. Charles. Thank you.

2 CHAIRMAN WALLACE: All right. Thank you.

3 Any other comments? Yes, sir.

4 MR. LINDBERG: Hi. My name is Brent
5 Lindberg. My wife and I own both 309 North Second
6 Street and 224 North Fourth Street.
7 L-i-n-d-b-e-r-g.

8 And I moved my design firm -- moved our
9 design firm to St. Charles, oh, gosh, seven years
10 ago, and really found that area as a specific area
11 of interest because it was two things. One it had
12 large overhead doors that allowed us to open our
13 space, as well as it was just quaint. It was
14 tucked back, and so our team could be indoors and
15 outdoors.

16 We are a design firm that brings in the
17 likes of Amazon, Google, Disney, Starbucks to the
18 community; and we're a large growing team, which
19 is why I bought the second building so that we
20 could create an outdoor space. So we originally
21 bought 309 North Second Street and refurbished
22 that building, built up a pretty cool urban
23 studio. I think, Laura, you've been to the space.

24 We also then bought the space behind,

1 which is the old print shop, in order to refurbish
2 that and also built that into a studio space so
3 that we could have our creative team who does
4 incredibly challenging work and concentrates and
5 wants to be outside.

6 So I'm getting very specific in the
7 interest of time for you guys, just the straight
8 findings of fact, it affects the nearby property.
9 It affects our ability to use our outdoor space.
10 It affects our ability to keep our doors open and
11 our team to be able to work indoors and outdoors.

12 And the barking, I am enough of an
13 acoustic engineer to be dangerous, and I know
14 that, like Terry, that it is incredibly difficult
15 to control, and we are a daytime application
16 unlike maybe some of the people who live outside
17 of this building in other locations, and that
18 affects our daytime use of the property, so.

19 MEMBER FUNKE: May I ask a question?

20 MR. LINDBERG: Yes. Sure.

21 MEMBER FUNKE: Do you have an easement,
22 any access to the building?

23 MR. LINDBERG: Yes. Our 309 building, we
24 have an easement over the south-most portion of

1 the property, so, I don't know.

2 MEMBER FUNKE: From Route 31?

3 MR. LINDBERG: Yeah. I don't know how
4 it's -- with these pictures here.

5 MEMBER FUNKE: To Fourth Street?

6 MR. LINDBERG: So on this picture here on
7 the right, the after picture, that whole left-hand
8 side is our driveway. That is our main entrance
9 and exit off of Second Street.

10 MEMBER FUNKE: So you access your building
11 from Route 31 going through his property?

12 MR. LINDBERG: Yes. The easement is over
13 that property, correct.

14 MEMBER FUNKE: But you share an easement
15 with the gentleman behind you?

16 MR. LINDBERG: It was a joint agreement
17 that was built years ago that was between those
18 three properties in order to get certain rights
19 and get certain parking access that was required,
20 and that was -- that was part of that was to
21 have -- that's the only access. That address off
22 of North Second Street, the only way to get to it
23 is over that easement from Second Street back.

24 MEMBER FUNKE: Okay. So basically, the

1 front door of your building is clearly right
2 across there.

3 MR. LINDBERG: If you pan that camera a
4 little bit to the left, that's the front door of
5 our building.

6 MEMBER FUNKE: Okay.

7 MR. LINDBERG: And the access to our large
8 overhead door.

9 MEMBER FUNKE: Okay. Thank you.

10 VICE CHAIRMAN KESSLER: You had something
11 else?

12 MR. KARATHEODORE: Just to address the
13 gentleman's concern of the ease of access. If you
14 look closely on the photo on the right, we were
15 informed that -- if you look in the back which you
16 can't zoom in on, but there are two large --
17 there's two roads of exit from the gentleman's
18 building.

19 We were told that the easement was given
20 because of the desire for the Second Street
21 address, which they have and utilized. There is a
22 street directly behind their building which they
23 chose to block off the exit to that with two giant
24 cement pillars so that all -- any employee there

1 at his building cannot exit into the original
2 address of the building, but have to exit through
3 the easement agreement we have throughout our
4 property.

5 VICE CHAIRMAN KESSLER: I think that that
6 is not a road through Fourth Street.

7 MR. KARATHEODORE: No. Behind if you look
8 on the right side of this, our building here with
9 the green that I drew there, if you look at his
10 driveway exit is to the rear of his building,
11 there's two giant concrete pillars blocking the
12 road.

13 VICE CHAIRMAN KESSLER: Excuse me. Staff,
14 could you address -- do you know about that? I
15 don't believe that that is a dedicated road.

16 MS. JOHNSON: The area along that --

17 CHAIRMAN WALLACE: That is not a dedicated
18 road. That is a private parking lot. That's not
19 a road.

20 MEMBER VARGULICH: I would just like to
21 ask that -- I mean, even before we can even begin
22 this discussion, we have to have a real site plan
23 that shows us all these factors. It has to
24 include all of these easements, showing

1 dimensions, and who has got authority over what,
2 and whether there's restrictions before I can even
3 really even begin to have a discussion.

4 VICE CHAIRMAN KESSLER: And even before
5 that discussion, we have to decide whether or not
6 we would allow this as a special use in CBD-1.
7 That's an application for a special use.

8 CHAIRMAN WALLACE: I couldn't have voiced
9 it better myself. Is that a motion to continue
10 the public hearing until they have a site plan?

11 MEMBER VARGULICH: Sure. Sure. I'll make
12 that motion.

13 VICE CHAIRMAN KESSLER: Second.

14 CHAIRMAN WALLACE: Moved and seconded.

15 Discussion on the motion?

16 (No response.)

17 CHAIRMAN WALLACE: Tim, roll call.

18 VICE CHAIRMAN KESSLER: Becker.

19 MEMBER BECKER: Yes.

20 VICE CHAIRMAN KESSLER: Funke.

21 MR. KARATHEODORE: One quick question may
22 I ask is with our application, we are
23 acknowledging every easement that is in place at
24 that location. We have not filed for any kind of

1 petitions or any kind of changes to that
2 gentleman's 20 feet of easement through it. I
3 mean, I have 50 feet to travel through with one
4 car. The gentleman that owns the property behind
5 us has 14 parking spaces. We have 25,000 feet in
6 the parking lot, 14 spaces.

7 CHAIRMAN WALLACE: Staff is more than
8 capable of working with you and letting you know
9 what type of site plan is needed.

10 MR. KARATHEODORE: We provided a new one
11 for this hearing. We did provide a site plan.

12 MS. TUNGARE: I believe what would be
13 appropriate would be a site plan that shows all
14 the easements superimposed on that site plan with
15 adjoining properties, and a site circulation
16 that's going to work so the Plan Commission can
17 make an informed decision. That was the motion.
18 It appears that is what the Plan Commission is
19 asking for.

20 MR. KARATHEODORE: I'm in agreement. My
21 question was is that -- I'm not sure how this
22 business would affect any existing easements.
23 We're not touching any of the easements nor are we
24 petitioning for any of them.

1 CHAIRMAN WALLACE: We need to see a site
2 plan in order to make a recommendation. I mean,
3 if you want to proceed with the recommendation
4 without a site plan and you're asking us not to
5 continue the public hearing, that's up to you,
6 but I wouldn't advise it.

7 MR. KARATHEODORE: That's fine.

8 CHAIRMAN WALLACE: All right. The
9 motion -- hold on. We have a motion that is on
10 the table right now, and the motion, as I heard
11 it, is to continue the public hearing for a site
12 plan pursuant to what staff had made comments on
13 what it needed to include; is that correct?

14 MEMBER VARGULICH: Yes.

15 CHAIRMAN WALLACE: Okay. All right.

16 Any discussion on the motion then? Do you
17 have something, Jeff?

18 MEMBER FUNKE: No. I just want to clarify
19 that along with the site plan, it would also help
20 to have definitive elevations of how tall the
21 fence would be. You described an 8-foot-tall
22 fence and materials, but, you know, some of the
23 existing photos show a 5-foot fence.

24 I mean, you know, the design is all over

1 the board. You need to come up with something
2 concrete that shows some facts and specifications
3 of the entire site and the building, for that
4 matter.

5 MR. KARATHEODORE: I'll provide that. I
6 mentioned the range because in different cities we
7 have built these fences, and some of them allow 6,
8 some of them allow 7 or 8. I'll provide that at
9 the next hearing. Thank you.

10 CHAIRMAN WALLACE: Jeff, would you agree
11 to put that as an amendment to your motion?
12 Peter, sorry.

13 MEMBER VARGULICH: I'm sorry?

14 CHAIRMAN WALLACE: Would you agree to that
15 amendment to your motion to include those things
16 Jeff had talked about?

17 MEMBER VARGULICH: Yes, absolutely.

18 VICE CHAIRMAN KESSLER: Second.

19 CHAIRMAN WALLACE: All right. Any further
20 discussion on the motion?

21 (No response.)

22 CHAIRMAN WALLACE: Tim.

23 VICE CHAIRMAN KESSLER: Becker.

24 MEMBER BECKER: Yes.

Transcript of Hearing
Conducted on October 8, 2019

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1 VICE CHAIRMAN KESSLER: Funke.
2 MEMBER FUNKE: Yes.
3 VICE CHAIRMAN KESSLER: Holderfield.
4 MEMBER HOLDERFIELD: Yes.
5 VICE CHAIRMAN KESSLER: Vargulich.
6 MEMBER VARGULICH: Yes.
7 VICE CHAIRMAN KESSLER: Purdy.
8 MEMBER MACKLIN-PURDY: Yes.
9 VICE CHAIRMAN KESSLER: Melton.
10 MEMBER MELTON: Yes.
11 VICE CHAIRMAN KESSLER: Wallace.
12 CHAIRMAN WALLACE: Yes.
13 VICE CHAIRMAN KESSLER: Kessler, yes.
14 CHAIRMAN WALLACE: All right. Thank you.
15 That concludes Items 6 and 7 on our agenda. Those
16 are continued to the next meeting, which is
17 October 22nd. Okay. Talk to staff.
18 CHAIRMAN WALLACE: Additional business
19 from Plan Commission members or staff? None.
20 Weekly development report. We have
21 meeting announcements on the agenda.
22 Are there any public comments? No.
23 Is there a motion to adjourn?
24 VICE CHAIRMAN KESSLER: So moved.

1 MEMBER MACKLIN-PURDY: Second.

2 CHAIRMAN WALLACE: All in favor.

3 (Ayes heard.)

4 CHAIRMAN WALLACE: Opposed.

5 (No response.)

6 CHAIRMAN WALLACE: This meeting of the
7 St. Charles Plan Commission is adjourned at
8 10:08 p.m.

9 (Off the record at 10:08 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, 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 15th day of October, 2019.

My commission expires: May 16, 2020

Joanne E. Ely 

Notary Public in and for the
State of Illinois