

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, DECEMBER 3, 2019**

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

Members Absent: Laura Macklin-Purdy

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

**1. Call to order**

Chairman Wallace called the meeting to order at 7:00 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 November 19, 2019 meeting of the Plan Commission.**

**Motion was made by Mr. Kessler, seconded by Mr. Funke and unanimously passed by voice vote to approve the minutes of the November 19, 2019 Plan Commission meeting.**

**5. General Amendment (Healthway Services of West Illinois, LLC)**

Ch. 17.16 "Office/Research, Manufacturing and Public Land Districts" to add Recreational Cannabis Dispensing Organization as a Special Use in the M-2 District.

a. Public Hearing

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

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

**Roll call vote:**

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

**Nays:**

**Absent: Purdy**

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**Tuesday, December 3, 2019**  
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**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 Mr. Pretz to continue action for Item #5 to the December 17, 2019 meeting at 7:00pm.**

**Roll call vote:**

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

**Nays:**

**Absent: Purdy**

**Motion carried 8-0**

6. **Zen Leaf St. Charles, 3714 Illinois Ave. (Healthway Services of West Illinois, LLC)**  
Application for Special Use
  - a. Public Hearing

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

**Motion was made by Mr. Kessler and seconded by Ms. Pretz to continue the Public Hearing for Item #6 to the December 17, 2019 meeting at 7:00 p.m.**

**Roll call vote:**

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

**Nays:**

**Absent: Purdy**

**Motion passed 8-0**

7. **Extreme Clean Express Car Wash, 1625 W. Main St. (MKD Enterprises of St. Charles LLC)**  
Application for Special Use (Amendment to Special Use)
  - a. Public Hearing

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

**Motion was made by Mr. Kessler and seconded by Ms. Pretz to close the Public Hearing.**

**Roll call vote:**

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

**Nays:**

**Absent: Purdy**

**Motion passed 8-0**

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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. Funke to approve the application for Special Use (Amendment to Special Use) for Extreme Clean Express Car Wash, 1625 W. Main St. (MKD Enterprises of St. Charles LLC), subject to resolution of staff comments.**

**Roll call vote:**

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

**Nays:**

**Absent: Purdy**

**Motion carried 8-0**

**8. Additional Business from Plan Commission Members or Staff- None**

**9. Weekly Development Report**

**10. Meeting Announcements**

a. Plan Commission

Tuesday, December 17, 2019 at 7:00pm Council Chambers

Tuesday, January 7, 2020 at 7:00pm Council Chambers

Tuesday, January 21, 2019 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, December 9, 2019 at 7:00pm Council Chambers

Monday, January 13, 2019 at 7:00pm Council Chambers

**11. Public Comment- None**

**12. Adjournment at 10:42pm**



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# Transcript of Healthway Services, General Amendment, Volume 2

**Date:** December 3, 2019

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

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

HEARING, VOLUME II  
St. Charles, Illinois 60174  
Tuesday, December 3, 2019  
7:00 p.m.

Job No.: 218477A  
Pages: 73 - 160  
Reported by: Melanie L. Humphrey-Sonntag,  
CSR, RDR, CRR, CRC, FAPR

1 HEARING, VOLUME II, held at the location of:

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 SUE MELTON, Member

8 TOM PRETZ, Member

9 PETER VARGULICH, Member

10

11 ALSO PRESENT:

12 RUSS COLBY, Community Development Manager

13 ELLEN JOHNSON, Planner

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

16 CIARA MILLER, Economic Development Planner

17 RITA TUNGARE, Community & Economic

18 Development Director

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P R O C E E D I N G S

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

Tim, roll call.

VICE CHAIRMAN KESSLER: Becker.

MEMBER BECKER: Here.

VICE CHAIRMAN KESSLER: Funke.

MEMBER FUNKE: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Melton.

MEMBER MELTON: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: For those who wish to, please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRMAN WALLACE: All right. Item 4 on



1 the agenda is -- all right. Sorry.

2 Item 4 on the agenda, presentation  
3 of minutes of the November 19th, 2019, meeting of  
4 the Planning Commission.

5 Is there a motion to approve?

6 VICE CHAIRMAN KESSLER: So moved.

7 MEMBER FUNKE: Second.

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

10 All in favor?

11 (Ayes heard.)

12 CHAIRMAN WALLACE: Opposed?

13 (No response.)

14 CHAIRMAN WALLACE: That motion passes  
15 unanimously.

16 Items 5 -- well, Item 5 on your agenda is  
17 a general amendment, Healthway Services of West  
18 Illinois, LLC, and Item 6 is Zen Leaf St. Charles.  
19 Both of these were continued from the previous  
20 date.

21 And, actually, we did not open the public  
22 hearing on Item 6, but we do have an open public  
23 hearing on Item 5.

24 So this is a general amendment, Healthway

1 Services of West Illinois, LLC, Chapter 17.16,  
2 "Office/Research, Manufacturing, and Public Land  
3 Districts," to add recreational cannabis  
4 dispensing organization as a special use in the  
5 M-2 District. This is a continued public hearing.

6 For those of you who were not with us last  
7 time, we did have a presentation and a request  
8 from the Applicant to continue the hearing to this  
9 date.

10 There are two different items that are on  
11 the agenda. One is a general amendment to the  
12 Zoning Ordinance, and that is to actually add this  
13 as a special use in the zoning -- in the  
14 M-2 District. The second one, then, is an  
15 application for a special use for this particular  
16 Applicant.

17 During a public hearing, we, as the Plan  
18 Commission, gather testimony and evidence to make  
19 a recommendation to the City Council Planning and  
20 Development Committee.

21 And what we will do is we will ask the  
22 Applicant to make a presentation or offer whatever  
23 testimony or evidence he has, then we will ask  
24 for -- then the Plan Commission members will ask

1 questions, after which anyone who wishes to offer  
2 any other evidence or ask any questions of the  
3 Applicant can go.

4 When we have enough information to make a  
5 decision, we will close the public hearing, and  
6 then we will take action on this application.

7 Any questions regarding that procedure?

8 (No response.)

9 CHAIRMAN WALLACE: Okay. Anyone who  
10 wishes to speak, including asking any questions,  
11 I would ask that you raise your hand, be sworn in.

12 (Multiple witnesses sworn.)

13 CHAIRMAN WALLACE: Thank you.

14 And when speaking, I would ask that you  
15 approach the lectern, speak into the microphone.  
16 There's a court reporter here tonight, and I would  
17 ask that you please wait to be recognized by me  
18 before speaking and only one person at a time.

19 And when you do get up to speak, state  
20 your name, spell your last name for the record,  
21 and also state your address.

22 All right. Before we start, staff, is  
23 there anything?

24 MS. JOHNSON: No.

1 CHAIRMAN WALLACE: Okay. Is the Applicant  
2 ready?

3 All right. Go ahead.

4 Oh, hold on one second. I neglected,  
5 also, to mention we did have a few different  
6 items. I don't know if these should be -- well,  
7 we'll mention them all on the record.

8 We do have -- that is not the list.

9 We do have an email from Gary King dated  
10 December 3rd to the planning department. We also  
11 have a letter from St. Charles East High School to  
12 the City Council dated October 17th, 2019. And we  
13 have a series of pictures. I don't really know  
14 what they're of, so we'll disregard those unless  
15 somebody offers us some explanation.

16 All right. Go ahead.

17 MR. RAK: Thank you, Commissioner. My  
18 name is Adam Rak, R-a-k. I'm an urban planner  
19 with WBK Engineering located at 116 West Main  
20 Street, right around the corner, in St. Charles.

21 And I'm here on behalf -- as the planner  
22 on behalf of Healthway Services of West Illinois  
23 to request a general text amendment that would  
24 allow recreational cannabis dispensing

1 organizations as a special use in the M-2 District.

2 We last met on Tuesday, November 19th.

3 The Plan Commission and the public raised multiple  
4 questions, and the following slides will address  
5 those outstanding questions prior to a vote on the  
6 general text amendment. We will address all  
7 remaining questions during the special use portion  
8 of the presentation once that portion of the  
9 presentation or hearing is opened.

10 First, I would like to read the findings  
11 of the fact into the record, so bear with me while  
12 I read your findings, which are located in your  
13 packet.

14 Finding No. 1 is that it's -- I should  
15 preface this by saying in making its  
16 recommendation to grant or deny the application  
17 for a zoning text amendment, the Plan Commission  
18 shall consider the following: Finding No. 1, the  
19 consistency of the proposed amendment with the  
20 City's Comprehensive Plan.

21 The proposed amendment to allow  
22 recreational cannabis dispensing organizations as  
23 a special use in the M-2 District supports the  
24 following objectives for industrial areas found in

1 Chapter 3 of the Comprehensive Plan:

2 Industrial Objective No. 1, preserves the  
3 integrity of the industrial park by preventing the  
4 encroachment of businesses or land uses that could  
5 impact the long-term viability of the industrial  
6 areas. Parking needs, traffic issues, and  
7 potential impacts to existing or future industrial  
8 business operations should be considered when uses  
9 such as entertainment or recreational uses,  
10 community facilities, schools, places of worship,  
11 et cetera, locate in industrial areas.

12 The City has approved medical cannabis  
13 dispensing organizations as a permitted use in the  
14 M-2 District. Recreational cannabis dispensing  
15 organizations are a comparable retail use in all  
16 material aspects to medical cannabis dispensing  
17 organizations; therefore it has been determined  
18 that these retail uses do not encroach on  
19 businesses or land uses or the long-term viability  
20 of industrial areas.

21 Parking needs will be met based on the  
22 standards for recreational cannabis dispensing  
23 organizations as outlined in the City ordinance,  
24 and traffic issues and potential impacts to

1 existing or future industrial business operations  
2 shall be considered in the special use process.

3 Industrial Areas Objective No. 2 --

4 THE COURT REPORTER: Could you speak a  
5 little slower and closer to the mic?

6 MR. RAK: Sure.

7 THE COURT REPORTER: Thank you.

8 MR. RAK: Industrial Objectives No. 2,  
9 establish and maintain regular lines of  
10 communication with industrial property owners and  
11 businesses.

12 By approving the general text amendment to  
13 allow recreational cannabis dispensing  
14 organizations subject to the special use process,  
15 the City is establishing lines of communication  
16 with industrial property owners and businesses as  
17 well as members of the general public.

18 The public hearing process as a condition  
19 to granting a special use will allow comments from  
20 City officials, stakeholders, and all other  
21 members of the public to speak in a public forum  
22 to support, object, or speak in any other manner  
23 regarding the proposed amendment.

24 Industrial Areas Objective No. 8, ensure

1 that all uses are effectively screened from  
2 adjacent properties and public rights-of-way  
3 through the use of landscaping and fencing.

4 As a comparable retail use to medical  
5 cannabis dispensing organizations already  
6 permitted in the M-2 District by right, the City  
7 has already established a level of landscaping and  
8 screening that is deemed sufficient for  
9 recreational cannabis dispensing organizations.

10 By approving the general text amendment to  
11 allow recreational cannabis dispensing  
12 organizations subject to the special use process,  
13 the City can enforce design standards found in the  
14 City's ordinance, Chapter 17.26, "Landscaping and  
15 Screening," to ensure that all proposed  
16 recreational cannabis dispensing organizations are  
17 adequately screened from adjacent properties and  
18 all rights-of-way through the use of landscaping  
19 and other screening mechanisms.

20 Economic Development Goal No. 2, work with  
21 the City's economic development partners to  
22 maintain and strengthen a diverse tax base through  
23 the attraction, retention, and expansion of  
24 businesses in the city.



1           Based on its compatibility to medical  
2           cannabis dispensing organizations, an approved use  
3           in the M-2 District by right, the Applicant is  
4           seeking a general text amendment to add  
5           recreational cannabis dispensing organizations as  
6           a special use in the M-2 District. The addition  
7           of recreational cannabis dispensing organizations  
8           as an approved use in the city as a result of a  
9           State Act will further strengthen and diversify  
10          the City's tax base by introducing a new use to an  
11          area where a comparable use is already permitted.

12           No. 2, the consistency of the proposed  
13          amendment with the intent and general regulations  
14          of this title. The proposed amendment supports  
15          the following purpose statements listed in  
16          Chapter 17.02 of the Zoning Ordinance: No. 1,  
17          maintaining businesses and industrial areas that  
18          are attractive and economically viable.

19           Recreational cannabis dispensing  
20          organizations provide an opportunity for new  
21          economic activity within a newly established  
22          industry as a result of a State Act. Based on its  
23          compatibility to the medical cannabis dispensing  
24          organizations approved as -- permitted by right in

1 the M-2 District, recreational cannabis dispensing  
2 organizations should be allowed to extend this  
3 opportunity to the M-2 District subject to  
4 special use.

5 Two, promoting the public health, safety,  
6 comfort and convenience and general welfare. The  
7 special use process ensures opportunity to address  
8 public health, safety, comfort, convenience, and  
9 general welfare concerns via the public hearing  
10 process. In addition, approval of recreational  
11 cannabis dispensing organizations in the  
12 M-2 District require that a proposed use meet a  
13 minimum of 250 feet separation from a parcel  
14 containing a preexisting primary or secondary  
15 school, private boarding school, day care center,  
16 day care home, or other residentially zoned  
17 parcels and enforcement of strict rules banning  
18 on-site consumption.

19 Three, implementing the goals and  
20 objectives of the St. Charles Comprehensive Plan.  
21 As I discussed in Finding No. 1, the proposed  
22 amendment promotes Industrial Areas Objective  
23 No. 1, Industrial Areas Objective No. 2,  
24 Industrial Areas Objective No. 8, and Economic

1 Development Goal No. 2, as demonstrated in the  
2 findings of fact, General Text Amendment No. 1.

3 Third finding, whether the proposed  
4 amendment corrects an error or omission, adds  
5 clarification to existing requirements, is more  
6 workable than the existing text, or reflects a  
7 change in policy.

8 The proposed amendment aligns with -- this  
9 title -- with the State of Illinois Cannabis  
10 Regulation and Tax Act. It reflects a change in  
11 City policy to add recreational cannabis  
12 dispensing organizations as a special use in the  
13 M-2 District based on its compatibility to an  
14 already-permitted retail use of medical cannabis  
15 dispensing organizations in response to the State  
16 Act. The proposed amendment will also be subject  
17 to new use standards that have been adopted by the  
18 City for recreational cannabis dispensing  
19 organizations.

20 After the City amended its Zoning  
21 Ordinance to allow recreational cannabis  
22 dispensary organizations to relocate to a BR or  
23 BC Zoning District, the State of Illinois  
24 promulgated rules that existing medical cannabis

1 dispensaries could not relocate and offer  
2 recreational cannabis.

3           This general text amendment corrects that  
4 error in the original Zoning Ordinance amendment  
5 and reflects a change of policy in the state of  
6 Illinois governing recreational cannabis  
7 dispensing organizations. It would also allow  
8 St. Charles to limit the amount of dispensaries  
9 operating in the city to the intended two  
10 dispensaries instead of three dispensaries and --  
11 being one medical and two additional recreational  
12 dispensaries.

13           No. 4, the extent to which the proposed  
14 amendment would be in the public interest and  
15 would not serve solely the interest of the  
16 Applicant.

17           Public Interest Statement No. 1, the  
18 proposed amendment would allow for regional  
19 economic activity related to a newly established  
20 industry while limiting it in a way to minimize  
21 potential impacts on the community. Excuse me.

22           Recreational cannabis dispensing  
23 organizations were recently approved as a special  
24 use in the BC and BR District and was determined

1 in the public interest as it provided regional  
2 economic activity to a newly established industry.

3 The newly established industry of  
4 recreational cannabis dispensing organizations is  
5 comparable to a medical cannabis dispensing  
6 organization, which is already a permitted use in  
7 the M-2 District by right; therefore, based on  
8 this compatibility between the proposed use and  
9 the existing use that is already permitted in the  
10 M-2 District, it is reasonable to state that the  
11 public benefits of allowing for regional economic  
12 activity related to a newly established industry  
13 would also apply to locations in the M-2 District.

14 In addition, the similar limiting factors,  
15 such as minimum separation requirements to  
16 sensitive uses and strict conformance banning  
17 on-site consumption, are proposed to remain in  
18 place in order to minimize potential impacts on  
19 the community and preserve public interest.

20 Public Interest Statement No. 2, the  
21 special use review process will allow for public  
22 discussion of any recreational cannabis dispensing  
23 organizations seeking to locate in St. Charles.  
24 The special use review process is a benefit to

1 public interest as it outlines a specific process  
2 and standards for the review and approval of  
3 proposed developments. All special uses are  
4 subject to a public hearing where residents,  
5 landowners, and other City stakeholders are  
6 permitted to express their own concerns and  
7 interests in a public forum.

8 Public Interest Statement No. 3, the  
9 proposed ordinance would expand the sale of  
10 cannabis from solely medical patients to include  
11 adult users, thereby increasing the tax base for  
12 the public. Medical cannabis dispensing  
13 organization is a permitted use by right in the  
14 M-2 District. Recreational cannabis dispensing  
15 organizations is a comparable retail use,  
16 therefore should be allowed in the M-2 District.

17 Making a product available to a larger  
18 group of consumers will result in increased sales  
19 revenues, which will, in turn, result in  
20 additional tax revenue to be paid to the City of  
21 St. Charles via funds that could be used to  
22 further public interests in the city.

23 Public Interest Statement No. 4, the  
24 amendment has been proposed in response to the

1 State of Illinois Cannabis Regulation and Tax Act  
2 based on a comparable land use which is already  
3 permitted in the M-2 District. Providing  
4 reasonable zoning regulations consistent with the  
5 law is in the public interest of the City.

6 Public Interest Statement No. 5, the  
7 amendment would allow both medical and  
8 recreational cannabis sales to occur at a single  
9 location, which would allow the City to  
10 consolidate its resources to address this single  
11 location. If this general text amendment is not  
12 passed, the City of St. Charles Zoning Ordinance  
13 currently allows for up to three dispensaries  
14 instead of the intended two dispensaries, which  
15 would result in the inefficient spread of public  
16 resources to accommodate three locations instead  
17 of two.

18 Finding No. 5, the extent to which the  
19 proposed amendment creates nonconformities.  
20 Per Section 17.20.010, general use standards of  
21 the Zoning Ordinance, within the lists of  
22 permitted and special uses for each zoning  
23 district, some uses are specifically named while  
24 others fall within a generic use definition; see

1 Chapter 17.30.

2 A use that is not specifically listed in a  
3 zoning district or overlay and that does not fall  
4 within a general -- generic use definition of  
5 Chapter 17.30 is prohibited within that district  
6 or overlay.

7 The proposed text amendment would  
8 specifically enumerate a recreational cannabis  
9 dispensing organization as a special use in  
10 locations in the city of St. Charles in the  
11 M-2 District based on its compatibility to the  
12 already approved use of medical cannabis  
13 dispensing organizations which are already in --  
14 already permitted by right.

15 In addition, this is in response to the  
16 State of Illinois Cannabis Regulation and Tax Act.  
17 There are no existing recreational cannabis  
18 dispensing organizations in the city; therefore,  
19 the proposed amendment will not create any  
20 nonconformity.

21 Finding No. 6, the implications of the  
22 proposed amendment on all similarly zoned property  
23 in the city. The proposed text amendment to allow  
24 recreational cannabis dispensing organizations as



1 a special use will apply to all properties in the  
2 M-2 Limited Manufacturing District, subject to  
3 recently adopted use standards. Further, the  
4 general text amendment requires that any Applicant  
5 satisfy the special use requirements to ensure  
6 that there will not be adverse implications to  
7 similarly zoned properties in the city.

8 The proposed uses' compatibility with  
9 existing permitted retail uses in the M-2 District  
10 demonstrates the limited implications of the  
11 proposed text amendment on other similarly zoned  
12 properties in the city.

13 I'd like to now -- there were about five  
14 key issues that were brought up during the last  
15 hearing. And so in an effort to vet those out and  
16 discuss those, we want to address those issues one  
17 by one.

18 And with me is Anthony Marsico, who is  
19 here on behalf of Zen Leaf. He will stand up and  
20 help address those issues, as well.

21 And our attorney has represented -- as  
22 I said earlier, my name is Adam Rak. I am  
23 an urban planner. I have over 10 years of  
24 experience. I've testified in many public

1 hearings for many development projects in the  
2 past, and I have worked in front of planning  
3 commissions and other city councils to get  
4 approved a number of -- over the last 10 years,  
5 I couldn't even count at this point -- a number of  
6 different development projects.

7 With that being said, I'm going to call up  
8 Anthony Marsico, who's going to -- we're going to  
9 kind of tag-team this next section to address some  
10 of the key issues that we heard during the last  
11 hearing.

12 MR. MARSICO: Thank you, Adam, and  
13 thank you to all the Commissioners here today.

14 My name is Anthony Marsico. I'm the  
15 executive vice president of retail for Zen Leaf  
16 dispensaries.

17 One of the issues that was brought up at  
18 the last hearing was what were the other  
19 comparable uses and what is the compatibility of  
20 this use in the M-2 District. And I think some  
21 clarity needs to be brought to the differences  
22 between a medical cannabis dispensing organization  
23 and a recreational cannabis dispensing  
24 organization.

1           And from an operational standpoint, from a  
2 compliance standpoint, from a governing body  
3 standpoint, there are no differences. The  
4 products we sell are the same.

5           From an inventory control standpoint,  
6 security, compliance, all of those are exactly  
7 identical. There are no differences, and we put  
8 these side by side for a reason. The sole  
9 difference is an increase in customer base.

10           So with respect to compatibility and use,  
11 there's nothing anywhere else in St. Charles --  
12 not BC, not BR -- no zoning district that has a  
13 comparable use. And St. Charles, City of  
14 St. Charles, this governing body, along with  
15 government affairs and City Council, has set the  
16 precedent that cannabis dispensaries are to be in  
17 M-2 as a permitted use.

18           Now, that's been expanded and changed with  
19 respect to adult use, and I think it's -- when  
20 we're talking about compatibility of use, M-2 does  
21 correct the error and should be included in the  
22 ordinance.

23           Just talking about the few differences, a  
24 medical cannabis dispensing organization is a

1 permitted use by right in M-2. With respect to  
2 adult use, if you include it in M-2, we're adding  
3 a layer of protection with this process right now,  
4 which is the special use process. So I think that  
5 that's an added layer of protection to see who is  
6 going to operate.

7 But with respect to operations, exactly  
8 identical. They're both a retail use, which that  
9 precedent's been set already for M-2. With a  
10 medical cannabis dispensing organization, products  
11 are available to the patients who furnish the  
12 proper identification, come with a medical card  
13 and proper ID.

14 Exact same process. The only difference  
15 is in an adult-use situation they're coming with a  
16 valid ID that states that they're 21 or older.  
17 With respect to the customer retail experience,  
18 exactly identical.

19 They would arrive; they would provide  
20 their proof of identity and their proper  
21 credentials to enter the facility. They would  
22 consult with one of our employees. There would be  
23 a product selection process, exchange of payment,  
24 order fulfillment, safe, secure departure.

1 Identical between the two.

2 Our standard operating procedures,  
3 virtually identical. Again, there are some added  
4 layers of protection that the State has put in  
5 place for adult-use cannabis dispensing  
6 organizations. But with respect to receiving and  
7 processing inventory, storage of product, the  
8 products that we carry and that customers or  
9 patients have access to, exactly identical. The  
10 way that our money is picked up, our security  
11 procedures, exactly identical.

12 There will be some additional layers of  
13 protection, again, put in place to -- in  
14 anticipation of an increase in customer flow. But  
15 with respect to the operation and the use, it's  
16 exactly identical.

17 And with respect to security, the facility  
18 requires security check-in and waiting areas,  
19 retail showcase, product vault, order fulfillment  
20 room, secure storage. With respect to layout,  
21 again, exactly identical.

22 There is not another district that has a  
23 comparable use or -- when we talk about  
24 compatibility of use -- that fits more

1 appropriately than M-2. And, again, I remind  
2 everyone that a medical cannabis dispensing  
3 organization is already a comparable retail use  
4 allowed by right in the M-2 District.

5 MR. RAK: Thank you.

6 Our second issue had to do with the issue  
7 of a school. It was stated that a lease exists at  
8 the adjacent school of dance, that a lease exists  
9 with St. Charles East High School for a practice  
10 space, and that that lease would prohibit a  
11 recreational cannabis dispensing organization from  
12 being located on-site due to the minimum  
13 separation requirements of 250 feet.

14 Based on the City of St. Charles'  
15 ordinance, there are three definitions of schools,  
16 a primary and secondary school, a private boarding  
17 school, or a school of specialized instruction.  
18 The dance studio, as we understand, based on the  
19 ordinance, expressly falls under the third  
20 definition of specialized school instruction. In  
21 fact, that definition lists dance schools under  
22 it, as well.

23 The ordinance does not include specialized  
24 instructional school as a use listed among the

1 distance restrictions for a recreational cannabis  
2 dispensing organization. Furthermore, a  
3 definition of school, primary or secondary, also  
4 requires that the school or institution be  
5 primarily engaged in economic instruction as well  
6 as be certified and approved by the State of  
7 Illinois, which we do not believe the school is an  
8 approved academic instruction institution.

9 Third, the dance studio -- and in our  
10 opinion -- cannot be found a primary or secondary  
11 school or private boarding school without  
12 violating the St. Charles ordinance. Primary or  
13 secondary schools and private boarding schools are  
14 not allowed uses in the M-2 District. The third  
15 definition, specialized instruction school, that  
16 is an allowable use in the M-2 District.

17 Therefore, our conclusion is that the  
18 location of the dance studio does not preclude  
19 Zen Leaf of St. Charles from operating the  
20 recreational cannabis dispensing organization in  
21 this location.

22 The next issue will bring Anthony back up.

23 MR. MARSICO: Another issue that was  
24 raised is how does the amendment to allow

1 recreational cannabis dispensing organizations  
2 subject to the special use in the M-2 District  
3 serve the interests of the public.

4 The proposed amendment would allow for  
5 regional economic activity related to a newly  
6 established industry while limiting it in a way as  
7 to minimize potential impacts on the community.

8 Two, the special use review process allows  
9 for public discussion of recreational cannabis  
10 dispensing organizations seeking to locate in  
11 St. Charles.

12 Three, the availability of product to  
13 adult-use consumers will increase tax revenues to  
14 the City in locations where a comparable use is  
15 already allowed to operate.

16 Four, the proposed amendment would support  
17 the City's intent of allowing a total of two  
18 cannabis dispensaries, one on the west side and  
19 one on the east side of the Fox River.

20 Five, the proposed amendment would allow  
21 for a consolidation of dispensaries, which will  
22 allow for the public and City to consolidate its  
23 resources to serve a single location instead of  
24 multiple locations, which would result in a



1 greater public efficiency and cost savings.

2 Now, I think this generally speaks to this  
3 issue. I think what was more raised is how does  
4 this amendment serve the public as opposed to just  
5 Zen Leaf as the Applicant.

6 In the original adult-use ordinance, the  
7 Applicant was the City of St. Charles. They were  
8 the Applicant. And this body, government affairs,  
9 City Council during those discussions all raised  
10 the point and, in one way or another, including  
11 this body, recommended that M-2 be included, I'm  
12 presuming with the intent that they hoped -- and  
13 some of the Commissioners even stated -- they  
14 hoped that Zen Leaf would be able to be one of the  
15 recreational dispensaries.

16 And I think I have it here on the  
17 transcript -- I know it was -- Commissioner Purdy  
18 explicitly stated that it was her wish that  
19 Zen Leaf would be one of the two, and it's due to  
20 our flawless track record for the past four years,  
21 having a good working relationship with the police  
22 chief and fire chief.

23 There's a level of comfort, and this has  
24 been a highly debated issue. I don't think I have

1 to tell anyone that. And I think the idea of  
2 doing business with someone that everyone's  
3 comfortable with and have operated responsibly --  
4 we're good stewards of the community, we want to  
5 partner and always look to partner with  
6 communities that we are in. We're members of the  
7 Chamber of Commerce. We're members of the  
8 St. Charles business alliance. We want to partner  
9 with the community, and we think it is in the best  
10 interests of the public for us to be one of those  
11 applicants.

12 Again, it's specific to us, but when we  
13 weren't the Applicant, this body, government  
14 affairs, and City Council even directed either  
15 staff or an Applicant to create a text amendment.  
16 So I think at that point that was everyone's  
17 intent.

18 Now, us being the Applicant, it seems that  
19 it's only in our best interest. But I'll also  
20 point to the ordinance, which states that one of  
21 the two, referring to adult-use dispensaries,  
22 shall have operated as a medical cannabis  
23 dispensing organization licensed by the State  
24 within St. Charles for a minimum of one year.

1 That only happens in M-2.

2 So the intent there is for a dispensary  
3 operating in the M-2 District to be one of the  
4 two dispensing organizations. That's only us.  
5 I mean, it's obvious to everyone. That is  
6 only us.

7 Now, potentially someone could move into  
8 the city of St. Charles, operate a medical  
9 dispensary for one year, and then come. That  
10 would also have to happen in M-2 because that's  
11 where a medical dispensary is a permitted use.

12 With respect to City resources, it was  
13 also brought up that we were implying that three  
14 is worse than two, and that's not the implication.

15 I think if there's any businesses -- and  
16 if you talk to the police department, fire  
17 chiefs -- whether it was three restaurants or two,  
18 three bars or two, three big box stores or two,  
19 it's easier to manage three rather than two. It  
20 doesn't matter what the business is, not  
21 dispensaries.

22 It also allows for additional businesses  
23 to take over the space that would otherwise be  
24 operated or be occupied by another dispensary.

1           And I also -- I reviewed the transcript  
2 personally from when this body recommended the  
3 ordinance by a vote of 6 to 2, and a discussion  
4 came up about M-2, and there were zero objections  
5 at that point. There were lots of conversations  
6 about some of the other issues. There were no --  
7 there was zero conversation "No, we shouldn't  
8 add M-2."

9           Now, that doesn't mean that we're not  
10 going to have a discussion today, which we are.  
11 But at that time I think it was everyone's  
12 thought "That's where a dispensary already is.  
13 Why wouldn't we continue to have it there?"

14           So I think somehow from then to now --  
15 and, again, us not being the Applicant before, it  
16 wasn't only in our best interest, and now, us  
17 being the Applicant, it seems like it's only in  
18 our best interest.

19           But I -- I think our arguments are pretty  
20 firm here that having a dispensary that the City  
21 is comfortable with, someone that they've done  
22 business with, and someone that they have open  
23 lines of communication with for four-plus years is  
24 in the public's best interest.

1 MR. RAK: In order to dovetail that, one  
2 of the other comments that was made was regarding  
3 the effect on police and emergency resources in  
4 the city of St. Charles.

5 In a previous packet, in a memo dated  
6 July 25th, 2019, Chief of Police James Keegan  
7 stated the following. He, according to his memo,  
8 stated that as of that date there were two calls  
9 originating from the existing medical cannabis  
10 dispensary organization, and they were both  
11 originating from Zen Leaf St. Charles, and they  
12 were regarding a single individual who had his or  
13 her license revoked by the State of Illinois.

14 In addition, Police Chief Keegan did some  
15 surveying around other local communities with  
16 medical dispensaries in Addison, North Aurora, and  
17 Naperville, and they also reported minimal calls  
18 for service with most being just false burglar  
19 alarms.

20 CHAIRMAN WALLACE: The memos that you're  
21 referencing, were those included in the  
22 application?

23 MR. RAK: They were not included in our  
24 application. They were included in the staff

1 report during the original BC and BR general text  
2 amendment approvals. The date was October -- in  
3 October.

4 MR. MANIC: August.

5 MR. MARSICO: October 8.

6 MR. RAK: The -- October 8, I think -- the  
7 meeting date, right.

8 MR. MARSICO: The staff report from 9/17.

9 MR. RAK: So, in addition, I'll quote  
10 James -- Police Chief Keegan: "Medical cannabis  
11 dispensaries have had little or no impact on  
12 police services."

13 Now, admittedly, he does say it remains to  
14 be seen for recreational cannabis. But based on  
15 the same nature, the same use, I think it's a  
16 reasonable thing to say that the recreational  
17 cannabis would also have little or no impact on  
18 police services.

19 The same can be said -- in a memo dated  
20 July 30th, 2019, for that same hearing, Fire Chief  
21 Joseph -- and forgive me if I'm saying the name  
22 wrong but -- Joseph Schelstreet stated that, based  
23 on his research, that the fire department had seen  
24 an additional 2 to 14 calls for emergency medical

1 services over the course of a year.

2 And I'll quote Chief Schelstreet, that  
3 "The fire department does not believe that  
4 allowing the sale of marijuana and associated  
5 products will increase call volume to the extent  
6 that additional resources will be necessary."

7 Issue No. 5, I will call back Anthony, who  
8 will talk a little bit more about the number of  
9 dispensaries and the intent of approving two  
10 dispensaries.

11 MR. MARSICO: And I touched on this  
12 a little bit in Issue 3.

13 But limiting the number of dispensaries in  
14 the City of St. Charles -- again, it was this  
15 governing body and the others, too, that came to  
16 the conclusion and pushed through the ordinance to  
17 limit the number of adult-use dispensaries to two.  
18 I'm speculating a bit, but I don't think the  
19 intent was to have a total of three.

20 "The number of recreational cannabis  
21 dispensing organizations are limited to one on the  
22 east of the Fox River and one on the west of the  
23 Fox River." Again, I'm going to point to this  
24 one: "One of the two shall have operated as a

1 medical cannabis dispensing organization licensed  
2 by the State within St. Charles for a minimum of  
3 one year."

4           Again, I'm going to drive it home. That  
5 is a permitted use only in the M-2 District, so we  
6 believe that we're correcting an error by  
7 including M-2 as a text amendment in the  
8 ordinance.

9           The other is "One of the two shall have  
10 operated as a medical cannabis dispensing  
11 organization licensed by the State of Illinois for  
12 a minimum of one year." Stated before, Zen Leaf  
13 has operated responsibly, operated a medical  
14 dispensing organization in the city of St. Charles  
15 for approximately four years, and I can say we've  
16 done so without incident, have great working  
17 relationships with City officials.

18           At one point I can remember talking to one  
19 of the staff members, and before the idea of  
20 adult-use cannabis dispensaries came up, he said,  
21 "I forgot that we had a dispensary in  
22 St. Charles." And that's a good thing because we  
23 have operated without incident, and we haven't  
24 been a nuisance like some people are going to try



1 and convey today.

2 The amendment would allow for medical and  
3 recreational cannabis dispensing organizations to  
4 be consolidated to one location on the east side  
5 of the Fox River. Again, we are not saying that  
6 two is better than three. We believe that the  
7 intent of City Council and the other governing  
8 bodies was to have two dispensaries in the city of  
9 St. Charles, not three.

10 And, again, when we think about resources  
11 in any business -- not just dispensaries --  
12 resources and calls to service, whether they're  
13 false alarms, whether they're emergency related,  
14 it's just a fact there's going to be less with two  
15 than three.

16 If the amendment is not passed, a total of  
17 three dispensaries, two recreational and one  
18 medical, could locate in the city, which would not  
19 align with the City's original intent.

20 CHAIRMAN WALLACE: Let me ask you a  
21 question on that.

22 MR. MARSICO: Yep.

23 CHAIRMAN WALLACE: How would it be  
24 possible for there to be three dispensaries?

1 MR. MARSICO: Under -- our interpretation  
2 of the ordinance is that one adult-use-only  
3 dispensary could open on the west side of the  
4 river, one adult-use-only dispensary could open on  
5 the east side of the river, and we could continue  
6 to operate solely as medical.

7 CHAIRMAN WALLACE: But one of those two  
8 has to be you.

9 MR. MARSICO: Or someone else -- I mean,  
10 potentially someone else could come in.

11 CHAIRMAN WALLACE: As of right now --

12 MR. MARSICO: As of right now.

13 CHAIRMAN WALLACE: -- you're the only one  
14 that would qualify.

15 MR. MARSICO: That's correct.

16 CHAIRMAN WALLACE: Okay. In fact, you  
17 would have to open one within one of those  
18 districts before anybody else could anyway?

19 Because one of the two --

20 MR. MARSICO: For at least the next year.

21 CHAIRMAN WALLACE: Okay. Am I correct in  
22 stating that?

23 That as it is right now, if there weren't  
24 another medical facility that was opened in M-2,

1 the only person that would be able to open any  
2 cannabis -- recreational cannabis sale facility --  
3 would be Zen Leaf?

4 MS. JOHNSON: Well, there's no order in  
5 which the Applicant -- the special uses would be  
6 granted. So there could be up to two and one --  
7 the first maybe could be Zen Leaf or the first  
8 could be another existing medical cannabis  
9 dispensary operating in the state of Illinois.  
10 One doesn't have to come before the other.

11 CHAIRMAN WALLACE: But assuming there  
12 wasn't another medical one that was opened in M-2,  
13 there would -- there really wouldn't be any way  
14 for there to be three? It would only be two?

15 MS. JOHNSON: Correct.

16 CHAIRMAN WALLACE: Okay.

17 MR. MARSICO: There is a possibility there  
18 could be three. Someone could open an adult-use-  
19 only, having operated one year in the state of  
20 Illinois, and we could use our option for a plus  
21 one to open -- to operate solely as an adult-use  
22 dispensary, making three.

23 That's not in our interest. We're not  
24 interested in doing that but that possibility --

1 CHAIRMAN WALLACE: But that would be two  
2 recreational and one medical?

3 MR. MARSICO: Three total dispensaries.

4 CHAIRMAN WALLACE: Okay.

5 MR. MARSICO: A possibility. That's not  
6 something we're looking to do. But possibly three.

7 CHAIRMAN WALLACE: All right.

8 MR. RAK: Since I read through the  
9 findings already for the record, we would now open  
10 it up for questions or for public comment.

11 CHAIRMAN WALLACE: All right.

12 Planning Commissioners?

13 MEMBER FUNKE: Yeah, I've got a question.

14 CHAIRMAN WALLACE: Hold on a second.

15 MR. MANIC: Tyler Manic, attorney for  
16 Zen Leaf, 70 West Madison, Chicago, Illinois.

17 I just want to -- before we conclude our  
18 presentation -- just make sure that we're  
19 submitting our findings of fact into the record.

20 CHAIRMAN WALLACE: Yeah. Everything that  
21 was submitted with the application is a part of  
22 the record. And everything that was just spoken.

23 MR. MANIC: Right. And the presentation  
24 on the projector?

1 MS. JOHNSON: Uh-huh.

2 CHAIRMAN WALLACE: Is the presentation  
3 also included as a part of the record?

4 MS. JOHNSON: Yes.

5 CHAIRMAN WALLACE: Okay.

6 MR. MANIC: Very good. Thank you.

7 CHAIRMAN WALLACE: Yeah.

8 Go ahead.

9 MEMBER FUNKE: How many people actually  
10 come and use the store currently that are medical  
11 marijuana users, licensed medical marijuana users?

12 MR. MARSICO: On a daily basis or total?

13 MEMBER FUNKE: On a daily basis.

14 MR. MARSICO: I would say, on an average  
15 day, approximately 100.

16 MEMBER FUNKE: And what do you think it  
17 will increase to once you get it?

18 MR. MARSICO: Our projections -- and we're  
19 going to get into that with the -- in the special  
20 use process. Our traffic and trip generation  
21 manual speaks to that.

22 But my estimate is, on an average day, 400  
23 to 450.

24 MEMBER FUNKE: How many square feet is

1 your unit currently?

2 MR. RAK: The unit has approximately,  
3 I believe, 4,000 square feet gross floor area.

4 In terms of calculating marketing, which  
5 we'll discuss in the special use portion of this,  
6 gross floor area is defined as area defined by the  
7 midpoint of the shared common wall and subtracting  
8 any interior loading parking spaces. So the gross  
9 floor area, by definition, is approximately  
10 3700 square feet.

11 MEMBER FUNKE: And do you see growth in  
12 the next five years to that square footage?

13 MR. MARSICO: Within the current space?

14 MEMBER FUNKE: Yeah, expanding.

15 MR. MARSICO: Not in our current plans, no.

16 MEMBER FUNKE: And so you did a study that  
17 you can accommodate 450 people per day in that  
18 space?

19 MR. MARSICO: Sure. Again, I think we  
20 could address this in the special use. But from  
21 our experience -- we operate an adult-use  
22 dispensary in Nevada. We see -- I mean, I can  
23 share the figures but -- 4- to 500 people per day,  
24 on average, in about 1200 square feet.

1           MEMBER FUNKE: And how big's the showroom  
2 or the retail space?

3           MR. MARSICO: In Nevada?

4           MEMBER FUNKE: Yeah.

5           MR. MARSICO: I'd have to pull that up --  
6 I don't have it in front of me -- but I could say  
7 it's smaller than what's in St. Charles.

8           MEMBER FUNKE: How many hours are you guys  
9 open per day?

10          MR. MARSICO: In Nevada?

11          MEMBER FUNKE: Well, would you be here?

12                I mean, you're saying 450 people per day,  
13 so how many people is that per hour?

14          MR. MARSICO: Again, in the special use  
15 part of our application, but I believe it's 8 to  
16 10 --

17          MEMBER FUNKE: Okay. All right.

18          MR. MARSICO: -- 35-ish per hour.

19          CHAIRMAN WALLACE: Let's -- let's make  
20 sure to stay -- we do have two different  
21 applications, and this public hearing is for the  
22 general amendment application.

23          MR. MARSICO: Right. That's site-  
24 specific.

1 CHAIRMAN WALLACE: What's that?

2 MR. MARSICO: I think that's pretty  
3 site-specific.

4 CHAIRMAN WALLACE: Yeah.

5 And the next application would be an  
6 application for special use for the specific site.  
7 So right now what we're talking about is just a  
8 general amendment to add this use as a special use  
9 in M-2.

10 MR. MARSICO: And a lot of that's going to  
11 be answered in our special use application so --  
12 I mean, a lot of the questions that you're going  
13 to have specific to Zen Leaf St. Charles, I can  
14 assure you most, if not all, will be answered in  
15 our application.

16 Again, just what you said.

17 CHAIRMAN WALLACE: Okay. Questions?

18 VICE CHAIRMAN KESSLER: I have just a  
19 quick question for staff.

20 THE COURT REPORTER: Use your microphone,  
21 please.

22 VICE CHAIRMAN KESSLER: Are liquor stores  
23 allowed in M-2?

24 MS. JOHNSON: No.



1 VICE CHAIRMAN KESSLER: Thank you.

2 CHAIRMAN WALLACE: All right.

3 Questions, other Commissioners?

4 MEMBER VARGULICH: I just have a question  
5 for staff.

6 CHAIRMAN WALLACE: Yeah.

7 MEMBER VARGULICH: As far as the parking  
8 requirements for the medical dispensing marijuana  
9 location, so the existing M-2 use, how did we  
10 establish that?

11 And then, also, how did we establish what  
12 retail would be?

13 MS. JOHNSON: So the parking requirement  
14 for a medical dispensary is three spaces per  
15 thousand square feet of gross floor area.

16 For recreational, we established the four  
17 per thousand based on the requirement for general  
18 retail sales, which is also four per thousand.

19 MEMBER VARGULICH: Okay. Thank you.

20 I -- I just would -- I've been trying to  
21 cross between applications. But when you hear a  
22 volume of a hundred people a day versus 400 people  
23 a day, the parking requirement to move from three  
24 to four seems awfully light. And, again, I don't

1 know what -- you know, it's almost like a  
2 difference between regular retail at 4 and a  
3 restaurant at 10 or 15.

4 And so I think that should be part of our  
5 discussion related to M-2 -- okay? -- independent  
6 of the Applicant -- okay? -- is do we need to  
7 adjust or recommend an adjustment to the required  
8 parking. And can that be part of what we're  
9 talking about today as relates to this general  
10 amendment?

11 MS. JOHNSON: You could not make a  
12 recommendation on changing the parking because  
13 it's not part of this application. It wasn't  
14 noticed as -- it's a different chapter than was  
15 noticed.

16 But if you feel that a change should be  
17 made to the parking requirement for that use, you  
18 could have that as a comment to the Planning and  
19 Development Committee.

20 MEMBER VARGULICH: Okay.

21 VICE CHAIRMAN KESSLER: To piggyback on  
22 that, heavy retail and service are a special  
23 use -- are a permitted use in M-2.

24 And what are the parking requirements for

1 heavy retail?

2 MS. JOHNSON: One moment.

3 It's -- it's three per thousand plus three  
4 per thousand of outdoor sales area.

5 VICE CHAIRMAN KESSLER: So three per  
6 thousand?

7 MS. JOHNSON: Yeah.

8 VICE CHAIRMAN KESSLER: Thank you.

9 CHAIRMAN WALLACE: All right. Other  
10 questions, Planning Commission?

11 MEMBER HOLDERFIELD: I just want to clear  
12 this up.

13 You said for medical that you have about a  
14 hundred customers a day; is that correct?

15 MR. MARSICO: On an average day. I would  
16 say, a peak day, 250. Again, I -- we use --

17 MEMBER HOLDERFIELD: At least a hundred?

18 MR. MARSICO: With respect to -- yes. Yes.

19 MEMBER HOLDERFIELD: So that -- for  
20 recreational you're saying 450. Is that just the  
21 recreational part plus the medical?

22 MR. MARSICO: That would be for both so --  
23 and I'm using our adult-use dispensary in Nevada,  
24 which also does service the medical community. So

1 it's a multiuse, medical and adult-use.

2 And, again, with respect to this special  
3 use -- and if -- we can get into the traffic study  
4 if you guys think it's --

5 VICE CHAIRMAN KESSLER: No.

6 MR. MARSICO: -- important for M-2.

7 But there is a trip generation manual that  
8 traffic engineers do use. It has scientific data.  
9 And in the latest version they do identify  
10 adult-use recreational cannabis dispensaries for  
11 trip generation.

12 MEMBER HOLDERFIELD: It just seemed -- at  
13 the last meeting I heard the number 600.

14 MR. MARSICO: That was from -- not from us.

15 MEMBER HOLDERFIELD: Not from you?

16 MR. MARSICO: No.

17 MEMBER HOLDERFIELD: So 450 includes  
18 medical and recreational?

19 MR. MARSICO: That's correct. And, again,  
20 an average day. There could be some special  
21 cases, but I don't think -- when we're talking  
22 about traffic studies and trip generation, you  
23 don't take the Black Fridays into account for  
24 retail.

1           MEMBER FUNKE: Ellen, can you define  
2 "heavy retail and service"?

3           MS. JOHNSON: Okay. It's defined in the  
4 Zoning Ordinance as a retail and/or service  
5 establishment where, A, outdoor service or storage  
6 areas or partially enclosed structures are used in  
7 conjunction with the business or, B, the sale of  
8 goods or services to the general public at retail  
9 is secondary to the sale of goods or services to  
10 contractors, service professionals, and the like  
11 at wholesale.

12           The use includes equipment rental and  
13 leasing, lumberyards and other building material  
14 and supply establishments, auto parts  
15 establishments, commercial greenhouses and garden  
16 centers, et cetera, kind of larger-scale retail,  
17 swimming pool sales, deck and patio sales,  
18 playground equipment.

19           MEMBER FUNKE: So that's more buying in  
20 bulk; correct? I mean, it's -- you wouldn't  
21 really have like a single person going in and  
22 buying a small item?

23           MS. JOHNSON: Potentially. I think it's  
24 for the sale of kind of larger items, but it

1 does -- it does allow for general public at  
2 retail, although it would be secondary to a  
3 wholesale use.

4 CHAIRMAN WALLACE: All right. Any other  
5 questions from members of the Planning Commission?

6 (No response.)

7 CHAIRMAN WALLACE: No? All right.

8 If anyone in the audience has any  
9 questions for the Applicant, I would ask for those  
10 right now.

11 (No response.)

12 CHAIRMAN WALLACE: No?

13 Oh, yeah, ma'am.

14 MS. FUNKE: Hello. My name is Carolyn  
15 Funke. My address is 306 South 10th Avenue in  
16 St. Charles.

17 THE COURT REPORTER: Could you spell your  
18 last name, please.

19 MS. FUNKE: F-u-n-k-e.

20 THE COURT REPORTER: Thank you.

21 MS. FUNKE: My question is who -- my first  
22 question, I guess, is, when we're talking about a  
23 retail location being compatible with a medical  
24 marijuana dispensary, it's hard for me to believe

1 that those two are truly compatible because I see  
2 retail as something where the general public can  
3 come in and use the location. So, obviously,  
4 we're going to increase the number drastically.

5 But as the gentleman over here was saying,  
6 he talked about the standards for the -- or the  
7 sales and the security would be exactly the same.  
8 And I don't understand how it would be exactly the  
9 same because, when you're opening it up to the  
10 general public, it seems to me that it would be  
11 very hard to have the same sort of "Enter our  
12 location" and procedures that you do with medical  
13 marijuana because with the medical marijuana you  
14 have to show a license that shows that you have  
15 like a prescription, I would imagine, to come in.

16 And I guess partially I don't really fully  
17 understand the -- what you're allowed to have as  
18 far as like at a retail location for recreational  
19 marijuana. But if I were to walk in with my  
20 children and I wanted to purchase it, the same way  
21 I would maybe into a liquor store, are -- is  
22 everybody's IDs checked?

23 So to me, I'm not quite sure that we can  
24 compare the two, that a medical would be the same

1 as a retail location. And so my concerns,  
2 obviously, are about that.

3 They talk about security being exactly the  
4 same. I'm not sure how that would happen.

5 VICE CHAIRMAN KESSLER: I'd like to --  
6 I -- it's interesting because I know that there --  
7 if you could answer part of that.

8 I know that there are design standards for  
9 your stores that you have to follow by State  
10 statute. Isn't that correct?

11 MR. MARSICO: That's correct.

12 VICE CHAIRMAN KESSLER: And you have to --  
13 and so the stores are -- maybe you could describe  
14 that a little bit because I think that would help  
15 me understand that security issue.

16 MS. FUNKE: That would help me. All  
17 right. Thank you.

18 MR. MARSICO: Sure.

19 I think that her argument maybe holds some  
20 water. When we say that a dispensary isn't  
21 comparable to normal retail use and when we're  
22 trying to make the comparisons to heavy retail or  
23 other high-volume retail, it's not the same. The  
24 most comparable use is to the dispensary that's



1 in St. Charles right now. We operate the same  
2 exact way.

3 So if -- that woman mentioned her walking,  
4 potentially, in with her kids. In both a medical  
5 setting and adult-use setting, a customer or  
6 patient is not allowed to walk in with a guest.  
7 You need to be -- you need to show the proper  
8 credentials.

9 In a medical setting you would have to  
10 present your Illinois-issued valid medical  
11 cannabis card, along with a State or  
12 Federal-issued ID. In an adult-use setting, you  
13 would have to show a State or Federal-issued ID.  
14 No one is allowed without those credentials. So  
15 while the credentials are slightly different, the  
16 process is exactly the same.

17 So to answer her question, no, she would  
18 not be able to walk in with her kids. Same in a  
19 medical or adult-use setting.

20 I can get into the floor plan if you'd  
21 like.

22 VICE CHAIRMAN KESSLER: Uh-uh.

23 MR. MARSICO: And we do have a copy of  
24 the floor plan. We can get into that in the

1 special use.

2 MEMBER VARGULICH: I have one question.

3 MR. MARSICO: Yeah.

4 MEMBER VARGULICH: So whether it's retail  
5 or medical, you'd indicated --

6 MR. MARSICO: They're both retail.

7 MEMBER VARGULICH: Well -- okay. Adult or  
8 medical.

9 MR. MARSICO: Sure.

10 MEMBER VARGULICH: You've indicated that  
11 the process is the same as far as how --  
12 forgetting security for a moment. So now I'm  
13 inside and I want to go through what my options  
14 are for purchase.

15 MR. MARSICO: Correct. Correct.

16 MEMBER VARGULICH: So about how long does  
17 that take to do with one of your employees? And  
18 then --

19 MR. MARSICO: So -- sure.

20 MEMBER VARGULICH: -- to make that  
21 purchase, to go and get as much as I, you know, am  
22 allowed to do that --

23 MR. MARSICO: Sure.

24 MEMBER VARGULICH: -- make my purchase and

1 leave? What's that time frame?

2 MR. MARSICO: So I think -- sure. It's  
3 very customer-specific.

4 We have a proprietary system that we use  
5 for online reservations ahead. So if you are  
6 experienced or have visited our store before and  
7 know exactly what you want, you can visit our  
8 website. You can shop, literally, the same as  
9 Amazon. You can build a cart.

10 You would have to put in your credentials  
11 in the medical setting. In the adult-use setting,  
12 you would just have to verify your age. The  
13 transaction cannot happen online due to the  
14 Federal guidelines, but it's a reservation.

15 At that point that information is kicked  
16 to our fulfillment area. We would prepare the  
17 order, and it's no different than picking up a  
18 prescription at Walgreens. And that's the same  
19 for adult-use and medical. We utilize the same  
20 express pickup lanes, so to speak. So in that  
21 instance, it would be two minutes or less.

22 For someone who -- it's their first time  
23 ever entering a cannabis dispensary, they know  
24 nothing about it, they're curious -- and I'm

1 talking an adult-use setting or medical setting.  
2 You know, they have cancer and they heard from a  
3 friend that this may help and they're terminal.  
4 That conversation would be a little bit longer.  
5 So it's really customer-specific.

6 We're -- our goal at a dispensary, both  
7 medical or adult-use, is to provide proper  
8 education, make a recommendation based on our  
9 expertise and based on what other patrons who have  
10 come in our store have seen success with, look --  
11 in a medical setting -- look at symptom relief.

12 In a recreational setting, look at what  
13 type of experience you're looking to accomplish --  
14 whether it's sleep, whether it's to be -- feel  
15 uplifting -- and go through our list of products  
16 and pick the list of products that we think that  
17 sound best.

18 MEMBER VARGULICH: And so given that  
19 you're not planning to expand 4,000 square feet  
20 gross --

21 MR. MARSICO: Sure.

22 MEMBER VARGULICH: -- so of the 4,000  
23 square feet, what percentage of that or how many  
24 square feet is actually for customers to be

1 experienced?

2 CHAIRMAN WALLACE: Let me stop you for a  
3 minute because that goes more into the other  
4 application.

5 MEMBER VARGULICH: Well, I -- yes and no,  
6 if you can just bear with me for a minute.

7 CHAIRMAN WALLACE: Actually, I want to  
8 take a brief recess. We're going to take a  
9 five-minute recess, and then you can continue on.

10 Okay? We'll be back in five minutes.

11 (A recess was taken from 7:57 p.m. to  
12 8:06 p.m.)

13 CHAIRMAN WALLACE: Sorry. That was a  
14 little longer than five minutes. This meeting  
15 will come back to order.

16 And do you want to continue on?

17 MEMBER VARGULICH: Yes, I do.

18 CHAIRMAN WALLACE: Okay. Go ahead.

19 MEMBER VARGULICH: Mr. -- I'm missing our  
20 witness.

21 MR. MARSICO: Sorry.

22 MEMBER VARGULICH: There he is.

23 So how many -- given 4,000 square feet --  
24 is the maximum amount of customer space that

1 you're going to have? Or number of customers that  
2 you can have in the building at one time.

3 Just currently, with your medical --

4 MR. MARSICO: Again, that's an occupancy  
5 issue. And, again, I think it's site-specific.

6 Do we have occupancy on our current?

7 MR. RAK: I don't know.

8 MR. MARSICO: I guess -- what's the  
9 greater question? Is there a broader question?

10 MEMBER VARGULICH: I'm just trying to  
11 understand how many people you can have inside the  
12 store at one time.

13 MR. MARSICO: I guess my rebuttal to  
14 that --

15 MEMBER VARGULICH: That are not employees.  
16 That are not employees.

17 MR. MARSICO: Yeah. Sure.

18 My rebuttal to that, though, would be  
19 we're talking about M-2. We could potentially be  
20 in a 20,000-square-foot facility in M-2. We're  
21 talking about allowing recreational in M-2.

22 I'm -- again, site-specific; right?

23 But --

24 MEMBER VARGULICH: Well, I guess -- does

1 the State regulate how many people within your  
2 building you're allowed to have at one time?

3 MR. MARSICO: No. I think it would be  
4 more of an occupancy issue. Now --

5 UNIDENTIFIED MALE VOICE: It's a fire  
6 marshal thing.

7 CHAIRMAN WALLACE: Hold on. Only the  
8 person who's speaking.

9 Go ahead.

10 MR. MARSICO: Not to my knowledge.

11 MEMBER VARGULICH: Okay.

12 MEMBER BECKER: I have a question. I'd  
13 like some clarification from staff.

14 There was some discussion about if it was  
15 the intent of the Council to only have two, they  
16 would have directed the filing -- talking about  
17 the amendment in BR and BC.

18 And I know that we had some discussion  
19 when we were contemplating the original text  
20 amendment, and one of our recommendations/  
21 suggestions was to contemplate it in the M-2, but,  
22 ultimately, the Council did not vote that way  
23 because it wasn't posted that way.

24 But if the Council had wanted that to

1 happen, they, themselves, would have directed the  
2 filing of a text amendment, much as they did the  
3 original one; correct?

4 MS. JOHNSON: Yes. They could have.

5 I think it was noted in the staff  
6 materials when it was presented to P and D that  
7 the committee could choose to make that  
8 recommendation, for staff to file an amendment, or  
9 an outside applicant could request that.

10 MEMBER BECKER: Okay. I just wanted that  
11 clarification because it was -- it -- the Council  
12 could have had that directed and we could have  
13 gone through this exercise at the direction of  
14 Council as opposed to an applicant coming  
15 before us.

16 Okay. Thank you.

17 MR. MARSICO: Didn't they make -- and this  
18 is a question, again, for staff -- my  
19 recollection -- and my recollection could be  
20 wrong -- stating that staff or an applicant could  
21 make that -- could make this text amendment and  
22 possibly they just beat me to the punch.

23 MS. TUNGARE: Well, typically the only  
24 time staff would initiate a general amendment



1 application is if that directive were coming from  
2 the City Council.

3 MR. MARSICO: To that -- this was a  
4 quicker process, for us to just apply ourselves,  
5 as the Applicant, especially -- we probably would  
6 have gone the staff route and lobbied staff and  
7 talked to some City Council members on what the  
8 actual intent was.

9 But with this governing body, government  
10 affairs, and City Council all seemingly  
11 recommending or being in support of including M-2,  
12 it seemed much quicker for us to just be the  
13 Applicant and file that text amendment. So that  
14 was our thought process.

15 MEMBER BECKER: Understood. I just wanted  
16 that clarification in the record.

17 MR. MARSICO: Sure.

18 CHAIRMAN WALLACE: All right.

19 Any other questions from the Plan  
20 Commission?

21 (No response.)

22 CHAIRMAN WALLACE: All right.

23 Ma'am.

24 MS. DE BORD: My name is Mary Beth DeBord,

1 3722 Illinois Avenue, St. Charles.

2 I have a question for Zen Leaf.

3 When Anthony Marsico was up here, he was  
4 talking about comparable numbers based upon  
5 traffic at the store, and he was comparing them to  
6 a facility in Las Vegas, so I have some questions  
7 so that we can determine in our mind what is  
8 comparable.

9 When was recreational marijuana legalized  
10 in Nevada? Anthony.

11 MR. MARSICO: Do you want me to answer  
12 these one-by-one? I don't know offhand.

13 MS. DE BORD: Research shows that it was  
14 legalized in 2017, so that store has been open for  
15 2 1/2 -- there have been legal marijuana stores in  
16 Nevada for 2 1/2 years.

17 How many recreational marijuana stores are  
18 there in Las Vegas?

19 MR. MARSICO: Las Vegas proper? Again,  
20 I -- I don't want to state -- off the record --

21 MS. DE BORD: My research shows that there  
22 are 60. Zen Leaf is one of 60.

23 In the state of Illinois currently there  
24 are 55 medical marijuana stores. Zen Leaf would

1 be one of the first to add recreational to  
2 medical, and the communities around here that  
3 would be competing with that store initially would  
4 be North Aurora and Addison, drawing from a pretty  
5 big population base and garnering much attention  
6 at this facility were recreational marijuana  
7 allowed to happen at that facility.

8 I also have a question about Zen Leaf's  
9 store.

10 Is it one story or two stories --

11 CHAIRMAN WALLACE: Hold on.

12 MS. DE BORD: -- in Las Vegas?

13 CHAIRMAN WALLACE: Hold on a second.

14 We -- I want to keep to the application  
15 that we're talking about, which is specifically  
16 regarding the general amendment, because we're  
17 going to be talking about the special use specific  
18 to their store. But I want them to be able to  
19 provide information before we ask them questions  
20 about that.

21 MS. DE BORD: And that's fair. My only  
22 concern, Mr. Wallace, is that when we're hearing  
23 traffic numbers and we're hearing a hundred or 450  
24 and we're using a comparison of a store where

1 there are 59 stores competing with it, I'm not  
2 really sure that we're hearing data that we can  
3 really use --

4 CHAIRMAN WALLACE: Okay.

5 MS. DE BORD: -- if we are considering  
6 opening this up to an M-2.

7 CHAIRMAN WALLACE: Okay.

8 MS. DE BORD: Okay?

9 CHAIRMAN WALLACE: Understood.

10 MS. DE BORD: All right? Thank you.

11 CHAIRMAN WALLACE: Uh-huh.

12 MR. MARSICO: May I respond?

13 CHAIRMAN WALLACE: Yeah. Go ahead.

14 MR. MARSICO: When I stated those numbers,  
15 that's the only data that I personally can attest  
16 to. Again, with respect to traffic, we have a  
17 traffic engineer and traffic expert that will go  
18 on the record and probably have the best  
19 knowledge.

20 I'd also remind you that we're using  
21 Las Vegas as the analogy, 43 million visitors  
22 a year. So we're not just thinking about  
23 population. I don't think St. Charles gets  
24 anywhere near that number or their surrounding

1 area but -- 43 million tourists per year. So if  
2 we're talking about traffic, they may be  
3 comparable.

4 CHAIRMAN WALLACE: All right. Other  
5 questions?

6 Yes, ma'am.

7 MS. FOWLER: Hi. My name is Beth Fowler.  
8 I have the Beth Fowler School of Dance now  
9 for almost 37 years, and I am located at  
10 3720 Illinois Avenue.

11 My concern with the whole retail thing --  
12 once again, I know I've mentioned it; I'll mention  
13 it briefly again -- that the reason -- I have been  
14 in business for almost 37 years. I've been in  
15 St. Charles for 10 years. And I did have the --  
16 I was in a St. Charles shopping center where I was  
17 next to a bar, and there were problems there with  
18 the dancers, and the parents wouldn't even let  
19 them leave the studio because of it.

20 So when I did purchase another building --  
21 it was a very, very big investment -- and the  
22 reason I did it was because it was big enough for  
23 the growth, but, also, I would never have to worry  
24 about, you know, a liquor store or anything else

1 going in there.

2 So I purchased this building, and now I'm  
3 very concerned because now -- I've invested in  
4 St. Charles and now not only possible of, you  
5 know, liquor being sold there but now also  
6 recreational marijuana. That's a very big concern  
7 of mine.

8 Also, something that hasn't been brought  
9 up -- they're saying it's very similar and  
10 everything's the same but -- the clientele is very  
11 different from medical to recreational. That's  
12 why there's so many more people, so many more  
13 different clientele.

14 Also, the hours are different. We are  
15 open from 3:00 p.m. until 10:00 p.m., and they're  
16 currently open -- I don't really know but I --  
17 5:00, I think. I'm not sure but they're not --  
18 but they're not open late like we are. They  
19 optimally could be open until ten o'clock. So  
20 we're open from 3:00 p.m. until 10:00 p.m.

21 They also have a -- I think he said  
22 something about possibly going until  
23 eight o'clock, but they actually legally can be  
24 open until ten o'clock. And so, once again, when

1 you pull into this industrial area, you're going  
2 to see two lights on, two businesses open, and  
3 I just feel that the two businesses clash.

4 And I'm very concerned for the -- for the  
5 safety of -- my business is 100 percent children,  
6 and, also, it's 99 percent girls.

7 So young girls -- I'm just -- it -- to me,  
8 it just makes me very, very nervous. I know  
9 there's a lot of parents that are very, very  
10 concerned about this so I wanted to state that.

11 Last time I was here, also, you wanted me  
12 to provide proof that we are leasing to the  
13 St. Charles East High School. I did email that on  
14 to you. There was three things. There was a  
15 letter from the St. Charles East High School  
16 principal and the athletic director, and, also,  
17 there was a copy of their most recent rental  
18 check, and there was, oh, the high school  
19 schedule. So I hope that was sufficient.

20 And, yeah, those are my concerns for now.  
21 Thank you.

22 CHAIRMAN WALLACE: All right.

23 Other questions?

24 MR. BOCHTE: I don't have questions.

1 I have a few comments. I don't know what the  
2 appropriate time --

3 CHAIRMAN WALLACE: Let me see if there are  
4 any other questions first.

5 Any other questions for the Applicant?

6 Yes.

7 MR. MANIC: Tyler Manic for Zen Leaf.

8 I just want to make sure -- a lot of those  
9 comments are site-specific.

10 And I'm not trying to devolve this process  
11 into the special use process so -- we would like  
12 to address them. We'll defer to your -- the  
13 Chairman's desire of how they want to proceed.

14 Should we wait for the special use  
15 process?

16 CHAIRMAN WALLACE: Yes. We're going to  
17 keep with the general amendment.

18 Yes.

19 MR. MARSICO: The hard part is that those  
20 comments go into the record and we don't have a  
21 chance to rebuttal them. At some point we have to  
22 limit the site-specific comments because it does  
23 muddy the waters.

24 And if we don't have a chance to respond



1 so that -- which I don't think it's appropriate  
2 because it's not -- has not much to do with the  
3 general amendment -- it puts us in a really tough  
4 spot. So we just ask that.

5 CHAIRMAN WALLACE: Understood.

6 Yes, sir.

7 MR. LEWIS: My name is Mike Lewis. I live  
8 at 36W617 Crane Road, St. Charles.

9 I have a question for Anthony.

10 I know Anthony and congratulate him on his  
11 business and what he's done there.

12 I am confused as to can he -- can you only  
13 have one -- can you only do medical marijuana? Or  
14 retail? What's the State allow you to do? Out of  
15 that building.

16 MR. MARSICO: We could do both.

17 MR. LEWIS: The State allows you to do  
18 both?

19 MR. MARSICO: Up to the municipality, if  
20 the municipality allows us to.

21 MR. LEWIS: Why are you not opening  
22 another facility on the other side of the river,  
23 retail?

24 MR. MARSICO: Again, site-specific.

1           It's not in the business interest for us  
2           to have two in such close proximity. We have the  
3           ability to have the two colocate under our current  
4           location.

5           IDFPR, which is our governing body, only  
6           allows us to colocate -- I should say allows a  
7           medical dispensary to also operate as an adult-use  
8           dispensary at its current location, so they're  
9           tying the ability to co-operate an adult-use and  
10          medical to the location, not the license.

11          MR. LEWIS: So my understanding is with  
12          St. Charles Anthony is the only one who is  
13          available to get this license. Is that correct?  
14          Because he's been here for one year.

15          CHAIRMAN WALLACE: At the present -- well,  
16          that's what we were discussing earlier.

17          One of the two would have to be someone  
18          who has been operating as a medical facility for  
19          at least one year.

20          MR. LEWIS: Which Anthony is the only  
21          current St. Charles owner; right?

22          CHAIRMAN WALLACE: One of the questions  
23          I had asked earlier was regarding that, and there  
24          is no mention in the ordinance regarding the

1 order.

2 So if somebody else wanted to open up  
3 another dispensary who hadn't been operating  
4 medical, they would be able to, but then a second  
5 one would only be available to someone who had.

6 MR. LEWIS: Okay.

7 CHAIRMAN WALLACE: Am I stating that  
8 correctly?

9 MS. JOHNSON: Yes. One's available to one  
10 who had operated medical in St. Charles. The  
11 other would be available to one who had operated  
12 medical elsewhere in the state.

13 CHAIRMAN WALLACE: Yes.

14 MR. LEWIS: Okay. So, in a sense, we have  
15 both licenses that Zen Leaf has, and this is an  
16 opportunity for them to double-dip if they get  
17 this approval; is that correct?

18 CHAIRMAN WALLACE: I -- I don't know.

19 MR. MARSICO: I wouldn't say "double-dip."  
20 Co-operate. We have the ability -- if M-2 is  
21 allowed, we would be able to operate both a  
22 medical and adult-use dispensary under the  
23 current -- at the current location.

24 MR. LEWIS: Okay.

1           Okay. Thank you very much.

2           CHAIRMAN WALLACE: All right. Other  
3 questions?

4           Yes, sir.

5           MR. BEND: Tim Bend, 3506 Charlemagne  
6 Lane, St. Charles, Illinois.

7           My question is to Zen Leaf.

8           Since we can have a license on this side  
9 of town, the east side of town, and you're trying  
10 to get everything into one facility, knowing that  
11 we have a school that exists there and you're a  
12 good partner with the City, good partner with the  
13 businesses there, and definitely knowing the  
14 impact, why wouldn't you just open up another  
15 facility that's for the recreational use away from  
16 the dance school?

17           CHAIRMAN WALLACE: This is going more --  
18 this is going more to the site-specific, which is  
19 in the next application. We're talking more about  
20 the general amendment --

21           MR. BEND: Well, why would they change the  
22 general amendment with the dance school there?  
23 I guess is my question.

24           CHAIRMAN WALLACE: The general amendment

1 applies to whether this use should be allowed in  
2 an M-2 District.

3 MR. BEND: Okay. So the --

4 CHAIRMAN WALLACE: Without regards to the  
5 specific Applicant, properties, anything, just  
6 whether it should be allowed in an M-2 District.

7 MR. BEND: Okay. Because it just seems  
8 like an awful lot of people coming into one area  
9 where there's a bunch of little kids and even  
10 preschoolers.

11 Thank you.

12 CHAIRMAN WALLACE: All right. Other  
13 questions?

14 (No response.)

15 CHAIRMAN WALLACE: All right. Bill.

16 MR. BOCHTE: Yes. Good evening.

17 My name is Bill Bochte, B-o-c-h-t-e.

18 THE COURT REPORTER: Use the microphone,  
19 please. Thank you.

20 MR. BOCHTE: I'm an attorney from  
21 St. Charles. I am here on behalf of Potential and  
22 Metalloy, who are commercial unit owners in the  
23 complex that's under discussion.

24 Quite frankly, Mr. Chairman, I understand

1 Mr. Marsico's frustration because it is virtually  
2 impossible to address the appropriateness of a  
3 general amendment without getting into some  
4 specific use issues.

5 A general amendment, any general  
6 amendment, in addition to the one being requested  
7 here to add recreational marijuana as a special  
8 use in an M-2 District, must bear a substantial  
9 relationship to the public health, safety, and  
10 welfare.

11 That is the standard of review that has  
12 been used by every Appellate Court in the State of  
13 Illinois when determining whether or not the  
14 legislative action in allowing an amendment is  
15 correct.

16 Now, in order to get there and see whether  
17 or not there has been a substantial relationship  
18 between the public health, safety, and welfare,  
19 they look at certain traditional factors.

20 One of the factors that they look at is  
21 the use and zoning of nearby properties. So in  
22 order to make that decision as to an amendment  
23 being appropriate, we need to -- excuse me.

24 Were you addressing me?

1 MR. MANIC: No.

2 MR. BOCHTE: Okay. Because if you are,  
3 just let me know.

4 MR. MANIC: We will.

5 MR. BOCHTE: In order to do that, we have  
6 to look at the uses of the nearby properties and  
7 the zoning. We know what the zoning is. It's  
8 M-2, BR, and BC.

9 What are the uses? Unit A is office and  
10 business. Unit B is a motor vehicle service.  
11 Unit C is medical cannabis. Unit D and E are  
12 warehouse distribution. Unit F is a school.

13 And we should talk about that because they  
14 are correct. Definitionally they are not  
15 precluded from having recreational marijuana use  
16 within 250 feet of that school; however, you, as a  
17 Board, are entitled to look at and consider that  
18 use to determine whether or not it's one of the  
19 factors which will allow you to determine whether  
20 or not this is in the public welfare, health, and  
21 safety.

22 Potential, another unit owner, office and  
23 business. Montclare Flooring, warehouse and  
24 distribution. Metalloy, light manufacturing. All

1 single, ground floor-level businesses. So  
2 whatever they see, they see out their front doors.  
3 Those are the uses that you need to consider to  
4 determine whether or not you're meeting the public  
5 safety standard.

6 One of the other factors that we're told  
7 you must consider is the extent to which property  
8 values will be diminished by the amendment.

9 We haven't had a lot of communication -- a  
10 lot of testimony as to what, in fact, property  
11 values will do once I have between 500 and  
12 751 people -- according to certain studies that we  
13 just looked at -- coming through my parking lot,  
14 but in my opinion, those property values are going  
15 to diminish.

16 The only evidence you have is from the  
17 real estate broker, Mr. Coleman, who came here  
18 last time we conducted a session and indicated  
19 that there's a strong possibility that, if this  
20 recreational use is allowed in an M-2 District,  
21 he's going to lose a deal that's pending for the  
22 sale of one of the vacant units in this very, very  
23 complex. So I think you need to consider what  
24 this is going to do to property values in the



1 surrounding area.

2 One of the other factors they look at is  
3 the extent to which the limitation or destruction  
4 of property value promotes the public health,  
5 morals, or general public welfare.

6 There is not one scintilla of evidence  
7 before this Board that suggests that a diminution  
8 in property values is going to increase or add to  
9 the public health, morals, or general public  
10 welfare.

11 And it's not impossible to do. It happens  
12 all the time when special uses for health care  
13 facilities, for example, are allowed in certain  
14 districts. It reduces the value of the property  
15 around, but it more than adequately compensates  
16 for the health, welfare, and -- of the general  
17 public.

18 The suitability of the property for the  
19 purpose and intent is one of the other factors  
20 that has to be considered to determine whether the  
21 public safety, health, and welfare is being  
22 addressed and whether the amendment has a  
23 substantial relationship to that public health and  
24 safety and welfare.

1           The suitability of the property for the  
2           purpose and intent. They have, if they get their  
3           lease, 17 parking spaces. 8 of them are on the  
4           east side of the building, which will be used by  
5           their employees, per what they filed with the  
6           City, and the other 9 will be used for up to  
7           84 customers an hour. That number comes from  
8           their report. They say that an average person  
9           will spend five minutes in the store. You do the  
10          math. You got 751 customers a day, 84 an hour.

11          This property is not suitable for the  
12          intended use. What they're doing here is they're  
13          taking a commercial office complex and they're  
14          turning it into a retail complex. My clients  
15          purchased this property because they didn't have  
16          to concern themselves with retail.

17          CHAIRMAN WALLACE: Did you have something?

18          MR. MANIC: Yes. Tyler Manic.

19          He's talking about a report that we  
20          haven't even had a chance to present yet.

21          MR. BOCHTE: You know what, Mr. Chairman?  
22          I didn't -- I sat there patiently, I kept my mouth  
23          shut, and I didn't interrupt any of them one time.  
24          And I would appreciate the same courtesy from this

1 young man.

2 CHAIRMAN WALLACE: Well, we'll hear you  
3 for now. But -- I mean, obviously, the weight  
4 that we assign to it is based on the underlying  
5 report and the ability to hear both sides of it.

6 So I understand.

7 MR. MANIC: Okay.

8 MR. BOCHTE: One of the last -- aside from  
9 the fact that you're turning this into a retail  
10 complex with the 751 people coming through per  
11 day, according to their report, we have to also  
12 consider the gain to the public versus hardship to  
13 owners.

14 I have not seen one scintilla of evidence  
15 in the two nights that I've been here which shows  
16 that there is any public gain here which outweighs  
17 the hardship being put on the owners in that  
18 subdivision -- or that complex. It's unfair.

19 The only gain is to Zen Leaf. They have  
20 the benefit of selling recreational marijuana out  
21 of an M-2 District as opposed to opening up across  
22 the street in an M -- a BC or a BR District.

23 VICE CHAIRMAN KESSLER: I have to  
24 interrupt. I'm sorry. I have to interrupt.

1 MR. BOCHTE: Sorry. No problem.

2 VICE CHAIRMAN KESSLER: You're speaking to  
3 the special use. You're specifically speaking to  
4 the special use of that business in that location,  
5 and that's not the application that we're  
6 considering right now.

7 I think that you'll have an opportunity to  
8 make those arguments when we get to that  
9 application. But at this particular point in  
10 time, we're talking about a general amendment to  
11 allow that use in that district. It may not be at  
12 that location --

13 MR. BOCHTE: I totally understand that.

14 VICE CHAIRMAN KESSLER: -- so I really  
15 think we need to --

16 MR. BOCHTE: I totally understand that.  
17 I will finish up.

18 But what I'm doing is trying to  
19 demonstrate the factors that the Court has told us  
20 we must consider when making a decision on whether  
21 or not to allow a general amendment.

22 VICE CHAIRMAN KESSLER: But you're going  
23 specifically -- not to the district. You're going  
24 specifically to that complex.

1 MR. BOCHTE: Almost impossible, as  
2 Mr. Marsico said.

3 VICE CHAIRMAN KESSLER: Because unless you  
4 can present evidence of every use that's going on  
5 in that M-2 District, it's difficult to use that.

6 MR. BOCHTE: No, I have evidence of  
7 every -- as I did just now --

8 VICE CHAIRMAN KESSLER: Just in that  
9 complex --

10 MR. BOCHTE: That complex.

11 VICE CHAIRMAN KESSLER: -- but not in that  
12 entire district.

13 MR. BOCHTE: Not in the entire district.

14 VICE CHAIRMAN KESSLER: No. But that  
15 would be site-specific. But I appreciate it.

16 MR. BOCHTE: Thank you. That's it for now.

17 CHAIRMAN WALLACE: Yeah. Go ahead.

18 MR. MANIC: Once again, Tyler Manic for --  
19 attorney for Zen Leaf.

20 I just would like to make a general  
21 objection to the discussion on diminution of  
22 values. That's an opinion that the State of  
23 Illinois only allows an appraiser, licensed  
24 appraiser, to make.

1           So to the extent that any comments were  
2 made about this potential use or recreational  
3 cannabis affecting the property values, I would  
4 respectfully object and ask it be stricken from  
5 the record for lack of foundation.

6           CHAIRMAN WALLACE: Your objection is noted  
7 and --

8           MR. BOCHTE: Apparently, I --

9           CHAIRMAN WALLACE: Hold on. Hold on.  
10 We're not strictly a judicial body that  
11 has to follow the Illinois --

12          MR. BOCHTE: I understand.

13          CHAIRMAN WALLACE: -- you know, rules of  
14 evidence; however, we are all experienced enough  
15 to know the amount of weight to assign to evidence  
16 as presented.

17          So your objection's noted.

18          At this time, I just -- I want to have a  
19 brief discussion among the Plan Commissioners.

20          My intention, based on -- based on the  
21 testimony that we've been given and the  
22 frustration of the parties and not being able to  
23 really discuss specifics of the second  
24 application -- and I've discussed this with staff

1 just now -- I would recommend that we leave the  
2 first public hearing open and go ahead and proceed  
3 and open the second public hearing so that we can  
4 discuss site-specific that -- the second  
5 application.

6 And then that way, once we have enough  
7 evidence on both applications, we can close both  
8 of the public hearings at the same time and then  
9 take action first on the first application, then  
10 on the second application.

11 Does anyone have an objection to that?

12 VICE CHAIRMAN KESSLER: Well, I do have  
13 a little difficulty with it because I think, even  
14 for us, it makes it difficult to separate the two.

15 And I think the most important thing that  
16 we can do here, as our job, is to determine  
17 whether or not this -- we would recommend this to  
18 be an allowed use in an M-2 District, not this --  
19 any M-2 District. And then, secondly, to separate  
20 out the site-specific.

21 I'm not going to object, but I want to  
22 make that statement because we have to make  
23 two separate judgments here as Plan Commissioners,  
24 and this is -- I've said it before over and

1 over -- this is not a referendum on marijuana.

2 This is an application as to whether we should

3 allow this in a specific zoning district.

4 And the second hearing and application is

5 whether to allow this particular business at that

6 particular location to operate as a special use.

7 Totally separate things.

8 It's no referendum. Whether you like it

9 or not, it doesn't matter. Whether we like it or

10 not, it doesn't matter. We have to stay focused

11 on the applications that are in front of us.

12 If there is going to be discussion about

13 whether we should allow this, marijuana in

14 St. Charles, or whether you like it in -- next to

15 that -- you can go to the City Council because

16 there will be discussion about it at that time.

17 But right now we need to stay focused on

18 whether it's allowed in the district and whether

19 this business should be allowed to operate as a

20 special use if it's allowed in that district.

21 So -- that said, I'll defer to the

22 Chairman.

23 MR. BOCHTE: I -- for --

24 MEMBER PRETZ: I agree with Tim.



1 MR. BOCHTE: For purposes of the record --  
2 Bill Bochte.

3 Although I did indicate that I understand  
4 there has to be some spillover in making these  
5 arguments, I totally object to going on to the  
6 second amendment -- the special use application --  
7 prior to the time the general amendment is either  
8 passed or denied.

9 CHAIRMAN WALLACE: Okay.

10 Do you have any comment on that?

11 MR. MANIC: We're okay with your  
12 procedure.

13 CHAIRMAN WALLACE: Okay.

14 Sorry to do this. We're going to take  
15 another like three-minute recess -- this time it  
16 really will be three minutes -- just to discuss  
17 this.

18 (A recess was taken from 8:38 p.m. to  
19 8:41 p.m.)

20 CHAIRMAN WALLACE: Okay. This meeting of  
21 the St. Charles Planning Commission will come back  
22 to order.

23 I want to make sure that the Applicant is  
24 in the room.

1           VICE CHAIRMAN KESSLER: The Applicant is  
2 coming.

3           CHAIRMAN WALLACE: All right. The  
4 procedure we're going to follow probably won't  
5 make anyone happy so -- there you go.

6           What we're going to do is we're going  
7 to -- I'm going to entertain a motion -- as long  
8 as Plan Commissioners feel they have enough  
9 evidence, I'm going to entertain a motion to close  
10 the first public hearing.

11           We're going to hold off on taking action  
12 on the first application, though, until after  
13 we've conducted the second public hearing. Then  
14 we will take action on the first application,  
15 followed by action on the second application.

16           Any questions?

17           (No response.)

18           CHAIRMAN WALLACE: Okay.

19           VICE CHAIRMAN KESSLER: I move we close  
20 the public hearing on Item 5, general amendment,  
21 Healthway Services of West Illinois, LLC.

22           MEMBER FUNKE: I second.

23           CHAIRMAN WALLACE: All right. Any  
24 discussion on that motion?

1 (No response.)  
2 CHAIRMAN WALLACE: Okay.  
3 Tim, roll call.  
4 VICE CHAIRMAN KESSLER: Becker.  
5 MEMBER BECKER: Yes.  
6 VICE CHAIRMAN KESSLER: Funke.  
7 MEMBER FUNKE: Yes.  
8 VICE CHAIRMAN KESSLER: Pretz.  
9 MEMBER PRETZ: Yes.  
10 VICE CHAIRMAN KESSLER: Holderfield.  
11 MEMBER HOLDERFIELD: Yes.  
12 VICE CHAIRMAN KESSLER: Vargulich.  
13 MEMBER VARGULICH: Yes.  
14 VICE CHAIRMAN KESSLER: Melton.  
15 MEMBER MELTON: Yes.  
16 VICE CHAIRMAN KESSLER: Wallace.  
17 CHAIRMAN WALLACE: Yes.  
18 VICE CHAIRMAN KESSLER: Kessler, yes.  
19 CHAIRMAN WALLACE: All right.  
20 (Off the record at 8:42 p.m.)  
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22  
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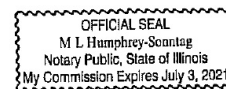
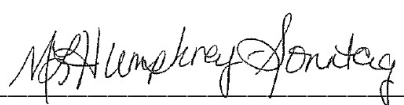
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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 9th day of December, 2019.

My commission expires July 3, 2021.



MELANIE L. HUMPHREY-SONNTAG  
NOTARY PUBLIC IN AND FOR ILLINOIS



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# Transcript of Zen Leaf, Special Use, Volume 1

**Date:** December 3, 2019

**Case:** St. Charles Plan Commission

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1 HEARING, held at the location of:

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ST. CHARLES CITY HALL

5

2 East Main Street

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St. Charles, Illinois 60174

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(630) 377-4400

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

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 SUE MELTON, Member

8 TOM PRETZ, Member

9 PETER VARGULICH, Member

10

11 ALSO PRESENT:

12 RUSS COLBY, Community Development Manager

13 ELLEN JOHNSON, Planner

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

16 CIARA MILLER, Economic Development Planner

17 RITA TUNGARE, Community & Economic

18 Development Director

19

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21

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

2 CHAIRMAN WALLACE: Moving to 6A, which is  
3 a public hearing, Zen Leaf St. Charles,  
4 3714 Illinois Avenue, Healthway Services of West  
5 Illinois, LLC, application for special use.

6 Is the Applicant ready?

7 MR. RAK: Good evening. My name is Adam  
8 Rak, R-a-k, 116 West Main Street, here in  
9 St. Charles, right across the river.

10 I am an urban planner with  
11 WBK Engineering. I have testified on numerous --  
12 before Plan Commission and City Council on  
13 numerous development projects, subdivisions.

14 Now, that we've closed the general text  
15 amendment portion, we can speak to the special use  
16 portion. Our request is for a special use to  
17 operate a recreational cannabis dispensing  
18 organization at 3714 Illinois Avenue.

19 We've submitted findings of fact that  
20 we feel sufficiently address the City's  
21 requirements and legal requirements and findings  
22 for special use.

23 We've also prepared an additional  
24 explanation on plan modifications to the inside of

1 the building. Anthony will step up again and  
2 describe in more detail the standard operating  
3 procedures as well as the building and its  
4 function.

5 We also have additional expert witness  
6 testimony on security as well as traffic and  
7 parking demand analysis from the transportation  
8 engineer.

9 For those of you who don't know where the  
10 site is located, it's located on the map here at  
11 3714 Illinois Avenue, right-of-way frontage on  
12 Illinois Avenue, Kirk Road to the west,  
13 38th Avenue directly to the east, Kautz Road  
14 beyond that. We are a quarter mile south,  
15 generally, of the Illinois Route 64 corridor --  
16 retail corridor.

17 As we discussed previously, the medical  
18 cannabis dispensing organization use and  
19 recreational cannabis dispensing organization uses  
20 are both retail uses. They operate nearly  
21 identically in terms of standard operating  
22 procedures in terms of building facilities and use  
23 and space needs.

24 And I'd like to bring up Anthony Marsico

1 of Zen Leaf to tell you more about the customer  
2 experience, hours of operation, and discussion of  
3 employee needs and, as well, we can bring up our  
4 witness to discuss additional security, additional  
5 security measures and standards in the existing  
6 location.

7 MR. MARSICO: Hi again. Anthony Marsico,  
8 executive vice president of retail for Zen Leaf  
9 dispensaries.

10 I assume there's going to be a lot of  
11 questions during this section, so I would let you  
12 guys know -- please interrupt me at any time.  
13 I want you to get as clear of a picture of how our  
14 store operates.

15 I know many if not all of you have not  
16 been in a medical or adult-use dispensary before.  
17 So if there are any questions with respect to  
18 operations, SOPs, any protocols we're putting in  
19 place, please feel free to interrupt me at any  
20 time.

21 As Adam mentioned, the way we operate a  
22 dispensary is no different from medical to  
23 adult-use. With respect to compliance, security,  
24 SOPs, and overall experience, our mission is the

1 same.

2 When a customer comes in, they are going  
3 to be greeted by our reception area where they  
4 will need to provide the proper credentials to  
5 enter our facility. There is a public access area  
6 at our current location that anyone from the  
7 public is allowed to enter.

8 That is cut off and very closely  
9 monitored. Only someone who provides the proper  
10 credentials -- in this case, it would be a State  
11 or Federal-issued ID proving that they are over  
12 21 years of age. We would also, for that process,  
13 use a certified scanner which identifies all  
14 50 states and that the ID is actually valid, so  
15 it's going to be a little different -- yep.

16 VICE CHAIRMAN KESSLER: I'm sorry. I do  
17 have a question.

18 MR. MARSICO: Yes. Go ahead.

19 VICE CHAIRMAN KESSLER: So you don't need  
20 a medical license anymore? You don't have to have  
21 a medical ID card anymore.

22 MR. MARSICO: For adult-use, no.

23 VICE CHAIRMAN KESSLER: What's the  
24 difference? Isn't the product the same?

1 MR. MARSICO: The products are the same.

2 VICE CHAIRMAN KESSLER: So for  
3 adult-use -- I mean, doesn't that make the medical  
4 obsolete?

5 MR. MARSICO: Sure. So the way I think  
6 Illinois did a -- quite a good job of keeping the  
7 medical program relevant -- there's a few points.

8 One, tax breaks. So recreational cannabis  
9 is taxed at a significantly higher rate than  
10 medical. There is an anticipation in the  
11 beginning of a product shortage. There are  
12 mandates in place that force us to prioritize our  
13 medical patients to make sure that we can satisfy  
14 their needs first.

15 So if there is a product shortage at the  
16 wholesale level and we aren't able to secure  
17 enough product to supply the recreational --  
18 the recreational customer base sufficiently, we  
19 would scale those sales back to make sure that  
20 product is prioritized to the medical patients.  
21 That's two.

22 VICE CHAIRMAN KESSLER: Okay.

23 MR. MARSICO: And then they are also  
24 allowing home grow of up to five plants. You must

1 be a medical patient to be eligible for that  
2 legally.

3 VICE CHAIRMAN KESSLER: All right.  
4 Thank you.

5 MR. MARSICO: Those are the three key  
6 points that -- Illinois has kept the medical  
7 program relevant, in my opinion.

8 VICE CHAIRMAN KESSLER: Okay. Very good.  
9 Thank you.

10 MR. MARSICO: But with respect to  
11 check-in, we are looking to co-operate, both the  
12 medical and adult use. As earlier mentioned,  
13 similar to how a medical patient would supply  
14 their Illinois-issued State medical card, in  
15 addition to that, a State or Federal valid issued  
16 ID. An adult-use purchaser would only have to  
17 present a State or Federal-issued ID and we would  
18 have the scanner to help identify that that was,  
19 in fact, valid.

20 Especially if you have people from out of  
21 state, it's difficult to expect employees to know  
22 what a valid ID looks like in all 50 states, so we  
23 have protocols in place to make sure that those  
24 are valid.

1           Once that happens, they would be allowed  
2           to enter our customer service area. They would be  
3           greeted by a sales associate and, similar to my --  
4           to our conversations with Commissioner Vargulich,  
5           we would talk about the products, look at what --  
6           the needs of the customer or patient was looking  
7           for, go through our products, and they would  
8           choose -- help them choose the products, direct  
9           them to our point of sale, where the transaction  
10          would take place.

11          The products would be pulled from our  
12          vault in our fulfillment area, transaction takes  
13          place, and they would exit at that point.

14          With respect to deliveries, deliveries are  
15          made in the rear of our building. We have an  
16          enclosed garage. There's, again, very strict  
17          protocols and procedures in place for this.

18          This process would be overseen by a  
19          third-party security staff. Anything having to do  
20          with the exterior of our building is very tightly  
21          secured, and we do have a member of that staff  
22          here today who can speak a little bit more to  
23          security.

24          Our two biggest concerns when we operate a

1 facility is, one, State compliance and municipal  
2 compliance, and security. Those are our two  
3 biggest issues -- our two biggest concerns. And  
4 then, after that, satisfying our customers. So we  
5 take security very seriously, and we do train our  
6 staff on emergency preparedness, so we feel that  
7 we're well trained.

8           And then, again, secured exit services.  
9 We make sure that we're creating a safe  
10 environment all the way through the process, and  
11 then we offer that to all of our customers.

12           The proposed hours of operation, Monday  
13 through Saturday, 8:00 a.m. to 10:00 p.m. These  
14 are longer hours than our current medical facility  
15 does operate. I will say that we just happen to  
16 operate on a certain time frame right now at our  
17 medical dispensary. We have the ability to expand  
18 those hours greater than what they are now and  
19 would probably do so regardless of what happens  
20 here, so I know that was an issue that was brought  
21 up prior. Sunday, 8:00 a.m. to 7:00 p.m.

22           Employee needs -- and, again, this is in a  
23 standard-type setting. There's going to be  
24 extremes, and we're not going to testify to the



1 extremes, the Black Fridays, the 420s.

2 A standard day would expect one general  
3 manager, one dispensary lead, four patient care  
4 advisers, one reception, and then one to two  
5 third-party security guards. And, again, I would  
6 assume, depending on the timing of this, these may  
7 be a little greater. Specifically the security,  
8 probably two just to help until we get a good  
9 handle of exactly what the traffic flow is going  
10 to be.

11 We have data to back this up, but we want  
12 to make sure that we are overestimating and, you  
13 know, not only that we're providing a good  
14 environment in our store but alleviating any of  
15 the concerns, if there are concerns, of neighbors  
16 or the community.

17 And just talking to security, I'm going to  
18 introduce Dan Ferrell, who is one of the owners of  
19 Silver Star Protection, and he can address some of  
20 the security protocols and things that we do at  
21 our facility.

22 VICE CHAIRMAN KESSLER: Can I ask you --

23 MR. MARSICO: Sure.

24 VICE CHAIRMAN KESSLER: -- a couple

1 questions before you go?

2 MR. MARSICO: Yeah, sure.

3 VICE CHAIRMAN KESSLER: Some years ago  
4 I was working at a construction company, and we  
5 did some preliminary drawings on a tentative model  
6 for a medical facility.

7 MR. MARSICO: Sure.

8 VICE CHAIRMAN KESSLER: And I remember  
9 that there were a number of specific building  
10 requirements, how the actual space was laid out --

11 MR. MARSICO: Sure.

12 VICE CHAIRMAN KESSLER: -- where you would  
13 come into a general customer area, then, from --  
14 after you were accepted in there, then you would  
15 move on to another room --

16 MR. MARSICO: Exactly right.

17 VICE CHAIRMAN KESSLER: -- where the  
18 shopping would take place. Only a certain number  
19 of people were allowed in -- and --

20 MR. MARSICO: Correct.

21 VICE CHAIRMAN KESSLER: -- at the same  
22 time.

23 And then when the -- they would move to a  
24 place where the purchase was made, and they would

1 exit through a different exit.

2 MR. MARSICO: Correct.

3 VICE CHAIRMAN KESSLER: Is that correct so  
4 far? Is it what it is?

5 MR. MARSICO: It's very in line. I've got  
6 the floor plan up now, and I can talk a little bit  
7 about the experience if you'd like me to walk  
8 through.

9 VICE CHAIRMAN KESSLER: Just one final  
10 thing and then I'll let you go on and you can --  
11 with your security people.

12 The -- oh, okay. I see it. So the  
13 deliveries -- any deliveries are inside?

14 MR. MARSICO: Correct.

15 VICE CHAIRMAN KESSLER: And they have to  
16 pull in? Doors come down?

17 MR. MARSICO: That's exactly right.

18 VICE CHAIRMAN KESSLER: Okay. I'll stop.  
19 Go ahead.

20 MR. MARSICO: And I'll just talk about the  
21 flow of the store since we got into it.

22 This is the current layout. This is the  
23 proposed layout. And, obviously -- depending on  
24 how you vote -- we're going to do some

1 improvements.

2           The main differences are, one, the public  
3 access area. There's currently a divider right  
4 here. And in an effort to help expedite customer  
5 flow, they're scanned in that area, have a larger  
6 reception and intake area, and have that dedicated  
7 entry right here.

8           With respect to the sales floor, it's the  
9 same. We are going to be expanding -- you can't  
10 really tell here, but we are going to be expanding  
11 our point of sale counter, so we will have, at a  
12 maximum, four points of sale, which, again, will  
13 help expedite the flow of customers and avoid any  
14 lines and, again, will help with any sort of  
15 traffic concerns.

16           MEMBER HOLDERFIELD: I have a question.

17           MR. MARSICO: Yes, sir.

18           MEMBER HOLDERFIELD: I've been inside  
19 before. I'm just wondering.

20           You come in the guest entry --

21           MR. MARSICO: Yeah.

22           MEMBER HOLDERFIELD: -- can you go  
23 immediately into the waiting room? Or do you have  
24 to talk to someone through that little window

1 there like you do now?

2 MR. MARSICO: Correct. So there is a  
3 vestibule here. And the reason the vestibule is  
4 here is when the dispensary was originally built,  
5 this did not exist here. So this was all  
6 restricted access --

7 MEMBER HOLDERFIELD: Yeah.

8 MR. MARSICO: -- so you would have to  
9 present your credentials here prior to entering  
10 this door.

11 MEMBER HOLDERFIELD: Right.

12 MR. MARSICO: We've since put this wall  
13 up. So this is now State-approved, all public  
14 access because there is this division, and our  
15 reception area is here.

16 The reason we did that is, as business has  
17 grown, this tiny vestibule -- it's a mantrap so  
18 this door can't open without this door being open.  
19 And if two people are in there at one time, it's  
20 quite a mess.

21 MEMBER HOLDERFIELD: So you can  
22 immediately walk into the waiting area?

23 MR. MARSICO: To the public, that's  
24 correct.

1 MEMBER HOLDERFIELD: Just open the door  
2 and go in?

3 MR. MARSICO: Yep, that's correct.

4 This would be the sales floor. This door  
5 here is the only access, and this is restricted  
6 access, only to badged employees.

7 One of the other key improvements is our  
8 vault.

9 So our vault is currently these two rooms.  
10 We're going to expand the vault for increased  
11 inventory -- because it's already pretty tight in  
12 there. This will make the flow in our fulfillment  
13 and creating that whole -- kind of quick,  
14 Apple-like experience, it will make it a lot  
15 easier. And then we're moving all of our office  
16 space to the back. This is strictly just  
17 warehouse at this point.

18 Delivery will remain the same, and this  
19 mantrap for any employee entry and exit will  
20 remain the same.

21 Any questions on the layout of the store?

22 VICE CHAIRMAN KESSLER: Where did the --  
23 where does the credential inspection take place?

24 MR. MARSICO: Currently?

1 VICE CHAIRMAN KESSLER: I mean, anybody  
2 could walk in.

3 MR. MARSICO: You would walk in --

4 VICE CHAIRMAN KESSLER: I could walk in  
5 with my kids into the waiting area.

6 MR. MARSICO: That's correct.

7 So the waiting area credentials would  
8 happen right here. Once those credentials are  
9 verified, you'd enter through this door. So all  
10 of this is limited access.

11 VICE CHAIRMAN KESSLER: But in the waiting  
12 area does somebody make sure that everybody in  
13 there is credentialed?

14 MR. MARSICO: No. So this is public  
15 access.

16 VICE CHAIRMAN KESSLER: Okay. So --

17 MR. MARSICO: And that is per the State  
18 rules and approved. So this is a public access  
19 area. Anyone can walk in here.

20 VICE CHAIRMAN KESSLER: Okay. But they  
21 won't be credentialed unless they want to go  
22 through to the sales floor?

23 MR. MARSICO: That's correct. That's  
24 correct.

1 VICE CHAIRMAN KESSLER: Okay.

2 MR. MARSICO: So even currently there  
3 are -- if someone's a patient and wants to come  
4 with their husband -- I'm assuming husband and  
5 wife -- the wife is a medical patient. She could  
6 enter and her husband could wait for her in this  
7 public access area.

8 Currently, also, if there are people that  
9 are interested in getting their medical card,  
10 they're now -- this was another reason why we put  
11 up this wall -- is, as awareness was gained in the  
12 program, people were wondering how to get  
13 certified, and we help them through that process  
14 with our outreach.

15 And we can also take, you know, meetings.  
16 When St. Charles Chamber of Commerce came in, we  
17 can have that meeting in our dispensary because  
18 this is a public access area versus, before, it  
19 was this tiny little vestibule here.

20 Okay. I'll introduce Dan Ferrell from  
21 Silver Star security.

22 MR. FERRELL: My name is Dan Ferrell. I'm  
23 at 700 West Sacramento in Chicago. I'm with  
24 Silver Star Protection Group, and I'm one of the



1 owners.

2 Silver Star was founded in 2014  
3 specifically to provide security services for the  
4 medical cannabis industry in Illinois. In the  
5 past five years, we've provided physical  
6 protection for dispensaries and cultivation  
7 centers; we provide transportation of currency and  
8 product within Illinois. We have written a  
9 compliance assessment for a bank that we used to  
10 do business with, and then, most recently, we  
11 provided curriculum to the State of Illinois.

12 We applied for the Responsible Vendor  
13 Program, and we were issued a license where --  
14 every new dispensary employee has to go through  
15 the State-mandated training before they become an  
16 employee. We are one of the vendors that provides  
17 that for the State of Illinois.

18 Our senior security staff is led by ex-law  
19 enforcement officials. My other partner is  
20 Ed Ferrell. He is a retired US marshal. He spent  
21 23 years with the marshals service. Most recently  
22 he was a supervisory inspector for the Great Lakes  
23 task force, which was the fugitive task force.

24 Prior to that, he was on their special

1 operations group, which is their SWAT team. He  
2 also did very high-level protective details for  
3 Supreme Court Justices, the drug czar, and other  
4 judiciary officials.

5 Our other director of operations is a  
6 retired Cook County sheriff. His name is Anthony  
7 Burns. He spent 28 years with the Cook County  
8 Sheriff. He was on the narcotics task force as  
9 well as the FBI task force. He's also a military  
10 veteran. While he was in the Air Force, he was  
11 assigned to the Air Force One protective detail  
12 for the President of the United States.

13 So with our senior security staff, we take  
14 five years of experience of best practices in the  
15 industry that we work with, other dispensaries, as  
16 well as the law enforcement experience, and bring  
17 that to the dispensaries. So we write what we  
18 call standard operating procedures.

19 When we design a plan for security, we use  
20 that experience and bring it to the security --  
21 bring it to the dispensaries. And so when we  
22 partner with groups like Zen Leaf, one of the  
23 first things that we will do is we will go and  
24 meet with the chief of police. We want to be good

1 stewards to the community and be transparent.

2 So we will take our security plan and  
3 bring it to the chief of police, show it to him,  
4 make sure he has a level of comfort with what --  
5 he or she -- level of comfort with what we're  
6 doing. We will take feedback from him or her for  
7 any changes that they want to recommend.

8 But, more importantly, we want to make  
9 sure we open the lines of communication. We have  
10 to partner with the police. If something goes  
11 wrong, we need an open line of communication with  
12 them.

13 On top of that, we want to make sure that  
14 we have a level of communication with the other  
15 businesses that are in the community. Not only do  
16 we protect life and the purchasers at Zen Leaf,  
17 but we also want to make sure we're helpful to the  
18 other businesses around Zen Leaf.

19 We want to make sure that we introduce  
20 ourselves to the other business owners. If there  
21 are ever any issues, they can come directly to us  
22 so that we can make sure that we mitigate any risk  
23 that they may be seeing.

24 Anthony did a very good job of describing

1 some of the flow of traffic, but I mentioned some  
2 SOPs earlier today. One of the things that --  
3 from a security perspective -- is we want to make  
4 sure we manage the flow of traffic when it comes  
5 through the facility.

6 So Anthony mentioned that when someone  
7 comes into the facility, they walk into the public  
8 access area. In order to get into the retail  
9 floor, there is actually a door with access  
10 controls on it.

11 So if you imagine a little button -- most  
12 of the time there's a fob. So in order for  
13 somebody to go from the public access area to the  
14 retail floor, someone in the dispensary has to  
15 take their fob, open that door, let them in, so we  
16 are making sure that the flow of traffic is  
17 limited. I know there have been some occupancy  
18 issues, but we can make sure that there are not  
19 too many people in each area.

20 When folks are in the retail area,  
21 obviously, once they're done, we make sure that  
22 they come out. Once they leave the facility, we  
23 want to make sure that there is no loitering  
24 outside the facility. So one of the other things

1 you should know is that every square inch of that  
2 facility will be covered with cameras except for  
3 the bathrooms.

4 So there will be cameras in every room in  
5 the interior of the facility as well as perimeter.  
6 So there's cameras on the front of the building,  
7 back of the building, looking out into the parking  
8 lots.

9 It should also be noted that the Illinois  
10 State Police have actually had access to these  
11 cameras whenever they want as well as the Illinois  
12 Department of Professional Regulation. So  
13 everything that's done in this store is recorded  
14 on camera, and that, obviously, helps us identify  
15 things. So when you think about having two  
16 security guards in there, usually one of them's  
17 monitoring the cameras, making sure that  
18 everything is being monitored within the facility.  
19 The other one's usually moving around, including  
20 perimeter sweeps where they will be looking  
21 outside the facility to make sure that there is  
22 nothing going on within the greater community.

23 Anthony mentioned the transportation of  
24 product to the facility and the currency. He

1 mentioned in the back there's what we call, in  
2 security terms, a sally port, which is a  
3 commercial-grade door that opens. When we bring  
4 product in, nobody from the outside community will  
5 know that it will be happening. Our security  
6 protocols are whenever someone's delivering  
7 product to us, we ask that a phone call be made  
8 15 minutes in advance.

9 Our security guards will go outside the  
10 facility, make sure there are no threats. We'll  
11 invite the vehicle in. That back door has to  
12 close. The security officer will make sure there  
13 are no threats on the vehicle. And then once that  
14 door's closed and there are no threats, then  
15 they're allowed into the facility.

16 So we want to make sure that there is no  
17 exposure to the outside community when there is  
18 transportation of product and cash.

19 A couple other security measures that I'll  
20 mention is that, when we talk about the types of  
21 employees that Silver Star hires, we have a  
22 preference for ex-law enforcement and military.  
23 We do hire people that have security background  
24 experience, as well. We've had great success with

1 ex-law enforcement and military.

2 Another thing that differentiates our  
3 company, I think, from others is we spend a lot of  
4 time training our employees on multiple things.  
5 First is security, making sure they understand the  
6 protocols and procedures from the State as well as  
7 the individual dispensary.

8 But on top of that, they have to be  
9 customer service agents that -- this is a retail  
10 store, so we spend a lot of time vetting the right  
11 people to make sure that we provide great security  
12 guards to these groups. We actually pay them a  
13 little more than most other security companies.

14 In terms of general SOPs, I think Anthony  
15 did a good job of walking people through the  
16 store. But also on top of that, as a company, we  
17 have something we call postorders, where we write  
18 out what our guards need to do on a daily basis,  
19 whether that be patrols, different logs they need  
20 to keep, and make sure that we are part of the  
21 dispensary community in helping them with anything  
22 they need.

23 From a security perspective, I think  
24 that's all I have. Are there any questions that

1 you may have?

2 VICE CHAIRMAN KESSLER: I do.

3 Are your guards armed?

4 MR. FERRELL: Oh, yes. So we are a  
5 licensed security company. We will have armed  
6 guards.

7 VICE CHAIRMAN KESSLER: So everybody --  
8 all the security personnel at the site are armed?

9 MR. FERRELL: Correct.

10 VICE CHAIRMAN KESSLER: How do you  
11 determine how many security personnel are at a  
12 specific site? Is it by size? Is it --

13 MR. FERRELL: So part of it is just  
14 meeting with the owners and understanding what  
15 they're looking to do. Most of the time it has to  
16 do with the ability to make sure we can control  
17 the flow of traffic and have someone monitor the  
18 cameras.

19 So in most circumstances in a medical  
20 place you can usually get away with one. In  
21 talking with Anthony, he mentioned in the  
22 beginning we're going to go with two just to be  
23 proactive. That should be enough to do what we  
24 need to do.



1           VICE CHAIRMAN KESSLER: There's no  
2 prescribed protocols on how many? It's really --  
3 okay.

4           And you mentioned the outside. I mean,  
5 I know that there are going to be those events  
6 that are going to create heavy traffic, queuing  
7 customers.

8           I mean, in those cases would you have more  
9 staff involved? I mean, I don't know who to ask  
10 this of. Sorry.

11          MR. MARSICO: Well, there's going to be  
12 specific instances -- and, again, pointing to  
13 general retail, I point to Black Friday because  
14 that's probably the most -- the best analogy for  
15 people who aren't familiar with dispensaries.

16          Additional staff -- I mean, think about  
17 Best Buy -- additional security at the doors and  
18 additional staff to help the customer flow.

19          It's not just in our best interests, it's  
20 in everyone's best interests -- all of our  
21 neighbors, the community -- for us to operate  
22 successfully, safely, and within compliance.

23          Again, we're a national company. We have  
24 a reputation in the industry, and we are not going

1 to do -- we're not going to cut a corner to  
2 jeopardize that.

3 So we understand that, even though we do  
4 have experience in other markets, both medical and  
5 adult-use and markets that were medical that  
6 transferred to adult-use, there are some unknowns.

7 We can speculate and we have strong data,  
8 but there are some unknowns, so we are going to  
9 overestimate to make sure that we run not only a  
10 successful business but -- again, our two biggest  
11 priorities are compliance and security.

12 VICE CHAIRMAN KESSLER: Thank you.

13 And your staff is prepared to go outside  
14 of the facility for any issues that might arise  
15 that would require security staff?

16 MR. FERRELL: Absolutely. We currently do  
17 that with our medical facilities.

18 VICE CHAIRMAN KESSLER: Okay. You  
19 mentioned that -- your experience for your  
20 security staff and your preference for law  
21 enforcement or military. But you've mentioned  
22 it's preference, so it's not a prerequisite,  
23 I assume.

24 And are there some -- are there any, you

1 know, experience prerequisites that you require of  
2 your security staff?

3 MR. FERRELL: Yes. Normally we're  
4 looking -- so, obviously, if they have the law  
5 enforcement background, that's everything we're  
6 looking for. On top of that, if they're military,  
7 we're usually looking for someone that has some  
8 type of special forces background, that has been  
9 in stressful situations.

10 And then when we talk about security  
11 personnel, we're looking for someone that's more  
12 experienced. We're not going to take someone with  
13 a few years of experience. We're looking for  
14 someone that has done some of the more high-level  
15 security.

16 What we do when we interview people, we do  
17 run them through a background check. Everybody  
18 gets fingerprinted, and we do do reference checks,  
19 so we will call the previous employees to see what  
20 types of employees they were and get references  
21 before we move forward.

22 And then normally we'll take that  
23 employee, bring it to the dispensary staff, let  
24 them interview that person and make sure that we

1 have the right fit.

2 VICE CHAIRMAN KESSLER: I know it's  
3 difficult in your business. But would you say  
4 that the majority of your security staff have some  
5 law enforcement or military background?

6 MR. FERRELL: Right now, no. I would say  
7 that it may be 50/50.

8 VICE CHAIRMAN KESSLER: Okay. Thank you.

9 MEMBER FUNKE: I have a question with  
10 regards -- regarding the number of people that  
11 he's anticipating in the waiting area and retail  
12 sales area at one time.

13 MR. FERRELL: So we're going to follow the  
14 occupancy codes. So if there is a retail area  
15 that's too full and the lobby that's too full, we  
16 will not let people into the building, so they  
17 will have to wait in line outside.

18 MEMBER FUNKE: Where do you see that  
19 second exit in case there is a fire? Typically  
20 there would be two exits. Do they exit through  
21 the back of the store?

22 MR. FERRELL: So there is one exit on the  
23 front of the store, and there's one exit in the  
24 back.

1           MEMBER FUNKE: So then if there's a fire,  
2 they're going to go through the private area in  
3 the back?

4           MR. FERRELL: Not to my knowledge. We're  
5 going to try to get them to go out the front. In  
6 an emergency scenario where it's life or death, we  
7 would let them out of the back.

8           MR. MARSICO: And I would say that all of  
9 those doors that are locked are fail-safe. So in  
10 the case that a fire alarm goes off, those doors  
11 automatically are allowed to open, so they have a  
12 fail-safe. In the case of an emergency situation  
13 like that, they wouldn't require a badge.

14          MEMBER FUNKE: Okay.

15          CHAIRMAN WALLACE: All right.

16          MR. FERRELL: Thank you.

17          VICE CHAIRMAN KESSLER: Thank you.

18          MR. RAK: Once again, Adam Rak.

19                 In terms of parking -- I know we talked a  
20 little about parking previously. For medical  
21 cannabis dispensaries, the ordinance requires  
22 three spaces for a thousand square feet of gross  
23 floor area. The recommended -- or the standard  
24 that was approved for recreational cannabis

1 dispensaries was four spaces per 1,000 square feet  
2 of gross floor area.

3 So with the calculation of approximately  
4 3700 square feet of gross floor area, not  
5 including the indoor parking space in the back of  
6 the room, we are -- the parking requirements by  
7 the ordinance is 15 parking spaces.

8 Currently the condo association documents  
9 allot 13 spaces to Zen Leaf, and Zen Leaf has  
10 executed a lease agreement with an adjacent  
11 tenant -- or adjacent owner, I should say -- to  
12 lease an additional 4 parking spaces in the front  
13 of the building. Those are indicated with the  
14 pink arrows.

15 The green-filled circles identified with  
16 the letter C are current spaces allotted to  
17 Zen Leaf. You can see 4 in the rear of the  
18 building, you can see 11 in the front of the  
19 building for a total of 15 spaces, and then --  
20 no -- 13 spaces. I'm sorry.

21 And then the additional four spaces are  
22 white with green outlines identified by the pink  
23 arrows. Those are the additional four spaces that  
24 have been leased from Unit D and Unit E, and that

1 brings us to the -- an excess of two spaces over  
2 the ordinance requiring 15 spaces.

3 We can talk a little bit more about  
4 parking demand. The reason we didn't secure just  
5 2 spaces is because the demand says we actually  
6 will need more, and so we leased 17 spaces. And  
7 I'll bring up Lynn Means in a little bit to talk  
8 a little bit about that in more detail.

9 It's important, obviously, when entering  
10 an agreement, to ensure that the other party is --  
11 remains in compliance with the ordinance, so  
12 that's what -- I'm showing that compliance in this  
13 exhibit showing restraint.

14 The owners of Units D and E that own two  
15 storefronts have a gross floor area of  
16 approximately 8200 square feet. It is a  
17 distribution and warehouse use, and according to  
18 the standard in the ordinance, a distribution and  
19 warehouse use must provide one space per  
20 1,000 square feet of gross floor area.

21 So as you can see in the table labeled  
22 "Proposed Parking Arrangement," the parking  
23 allotment for Zen Leaf is 13 spaces; the parking  
24 allotment for the adjacent user where we have

1 executed a lease agreement is 26 spaces based on  
2 the floor area. The parking lease agreement is  
3 for a total of 4 spaces, yielding a proposed  
4 parking condition for Zen Leaf of 17 spaces and  
5 proposed parking for the adjacent user of  
6 22 spaces.

7 Parking required by ordinance for Zen Leaf  
8 is 15 spaces, and the parking required by  
9 ordinance, as per the land use of warehouse and  
10 distribution, for the adjacent use is 8 parking  
11 spaces. So as you can see, even with the proposed  
12 parking agreement, the adjacent user is well in  
13 compliance of parking standards labeled in the  
14 ordinance.

15 MEMBER BECKER: I have a couple questions.

16 MR. RAK: Sure.

17 MEMBER BECKER: How is the outdoor use of  
18 the spaces monitored?

19 You have a certain number of spaces that  
20 are for your business, so how does that  
21 practically take place outside?

22 MR. MARSICO: So -- and I'm speaking from  
23 memory, so forgive me if it's not verbatim.

24 Our bylaws allow unit owners to put signs



1 up specifying their spaces. It is the rule that  
2 if a space is not signed, it is for public use.

3 So there are several units that do not use  
4 anywhere near their amounts -- their amount of  
5 parking allocated to them, which is why we were  
6 quite easily able to secure additional parking.  
7 So there's signs put up that are -- if you wish --  
8 for your particular business.

9 I can say overwhelmingly -- and I would  
10 say conservatively -- at least 80 percent of the  
11 spaces are not signed, and that's just because  
12 they're not being used.

13 And with respect to parking spaces --  
14 because I know it's going to come up again -- we  
15 secured 4 to give us a total of 17 because that's  
16 what the ordinance dictated. If the ordinance was  
17 more, we would have secured more.

18 And in conversations with the  
19 association -- we've had a couple of board  
20 meetings. And the biggest concerns were parking,  
21 and our next-door neighbor was very gracious in  
22 agreeing to allow us to lease four. And upon our  
23 second meeting, when parking still seemed to be a  
24 concern, she made the notion to us that if we

1 needed more, she could give us significantly more  
2 because, as the other model shows, they have 26,  
3 down to 22, and they don't use anywhere near that.

4 So we do have the ability to secure more.  
5 The answer to why we secured 17, it's already in  
6 excess of the ordinance. We didn't write the  
7 ordinance; we're being compliant with the  
8 ordinance.

9 So we think and -- we think that our  
10 traffic study proved that 17 is enough. We'll let  
11 Lynn speak to that. But that's why we did that.

12 MR. RAK: One question just to clarify --  
13 I'm sorry. Go ahead.

14 VICE CHAIRMAN KESSLER: Go ahead.

15 MR. RAK: I just wanted to --

16 MEMBER BECKER: So you're not necessarily  
17 going to direct customers to park in those signed  
18 spaces?

19 MR. MARSICO: No. There will be specific  
20 signs in those spaces for Zen Leaf. But, no, we  
21 won't have a parking director, although I will say  
22 that in our last meeting, in an attempt to be a  
23 good neighbor and alleviate some of the concerns  
24 of the other unit owners and to -- our hope was to

1 garner some sort of support from the association.

2 We did offer, perhaps during peak times,  
3 if there is this terror that there is going to be  
4 a significant amount of traffic -- which we don't  
5 anticipate -- that we would have someone directing  
6 traffic if there was a need. So we're willing to  
7 do that.

8 At the end of the day, we're going to make  
9 it work for not only us but for everyone. Again,  
10 it's in our -- not only in our best interest that  
11 everyone's best interest is protected.

12 VICE CHAIRMAN KESSLER: So all of your  
13 spaces are signed?

14 MR. MARSICO: Currently not but they will  
15 be. And to be honest, four of our spaces are  
16 signed. The overwhelming majority of the entire  
17 parking lot is not signed because it just really  
18 hasn't been an issue.

19 MEMBER HOLDERFIELD: I'm just looking at  
20 the parking lot plan here.

21 MR. MARSICO: Yes, sir.

22 MEMBER HOLDERFIELD: I don't -- I only see  
23 three -- nine in front of the building. Is that  
24 right?

1 MR. MARSICO: And then the -- so there's  
2 these 3 and these 6 and the 4 in the back that  
3 currently make our 13.

4 MEMBER HOLDERFIELD: 13.

5 MR. MARSICO: And these four Ds where the  
6 arrows are, that is through the lease we have  
7 secured from Renfert. So those are also -- that's  
8 an executed lease. So that's not being  
9 negotiated; that's an executed lease. So we have  
10 the right to those four.

11 MEMBER HOLDERFIELD: So that's the other  
12 four?

13 MR. MARSICO: Yeah. And, again, not  
14 executed, but they have made a notion and sent  
15 emails as early as this morning that they're  
16 willing to help us with respect to parking or  
17 traffic needs.

18 CHAIRMAN WALLACE: Hold on a second.

19 Ms. DeBord, did you have something?

20 MS. DE BORD: Yes.

21 I just needed to clarify something  
22 Mr. Marsico said. And he may not be aware of it,  
23 but it is attached to the bylaws, and perhaps he  
24 just hasn't read it.

1           In -- December 12th of 2007, there was an  
2 agreed order filed in litigation specifically  
3 about parking at our complex, so there have been  
4 issues about parking in the past. It involved a  
5 tenant, Midwest Driveshaft, versus the association  
6 and other unit owners.

7           And the agreed order -- well, first of  
8 all, before I get to that, each of the units have  
9 a specific allotment of parking spaces and they  
10 are numbered. Several of them have signs. Most  
11 specifically Unit A has signs. That's Corporate  
12 Graphics. Corporate Graphics was next to Unit B,  
13 which was Midwest Driveshaft, and those two unit  
14 owners were having the most difficulty with  
15 parking, which was what precipitated this  
16 litigation.

17           The agreed order specifically states that  
18 "Each unit owner has been previously assigned  
19 specific parking spaces as limited common  
20 elements. Unit owners may place signs in their  
21 assigned spaces, similar in size than the signs  
22 now in place, indicating said spaces are for the  
23 exclusive use of and are reserved for the unit  
24 owner business assigned such spaces.

1            "No other unit owner, tenant, or employee  
2 of another unit owner business operating within  
3 the St. Charles condominium may park in spaces  
4 having the above-referenced signage. If such a  
5 parking violation occurs, the association may levy  
6 a fine on the unit owner who disobeys or whose  
7 tenant or employee disobeys this order in the  
8 amount of \$100 per occurrence or such sum as the  
9 association may set." And then if the unit owner  
10 doesn't put signs down, then you can't levy that  
11 fine.

12            I can tell you that I'm a unit owner in  
13 Unit G. My husband and I own Potential. That's  
14 the business in Unit G, which is towards the back.  
15 We will be erecting signs should any -- should  
16 this use be allowed, as will Metalloy and probably  
17 the unit in between. That's for sale so I can't  
18 speak for them, and I can't speak for the other  
19 unit owners, but we have significant concerns  
20 about this.

21            We've operated, kind of taking care of  
22 each other and being cognizant of what's going on  
23 there, and, quite frankly, we haven't had that  
24 need after this litigation and the rules were kind

1 of set.

2 So it's not a hundred percent accurate  
3 what Mr. Marsico said. It's not like you can just  
4 use somebody else's parking spot and it's okay.  
5 We don't agree to that.

6 Because we're in the back and on the side,  
7 we've been okay up until now. But if we have a  
8 tremendous influx of retail clients, we won't be  
9 okay, and we will be putting signs up, and it  
10 won't be the comfortable business environment that  
11 we've had all these years.

12 VICE CHAIRMAN KESSLER: Can I ask you a  
13 couple questions?

14 MS. DE BORD: Sure.

15 VICE CHAIRMAN KESSLER: So you're in  
16 Unit G, which is -- I see it's in the south --  
17 I'd say the northeast corner. Correct?

18 MS. DE BORD: Uh-huh.

19 VICE CHAIRMAN KESSLER: In the back?

20 MS. DE BORD: That is correct.

21 VICE CHAIRMAN KESSLER: Do you have  
22 marking out front?

23 MS. DE BORD: I do.

24 VICE CHAIRMAN KESSLER: Where would your

1 parking be out front?

2 MS. DE BORD: So do you see like that  
3 little gap?

4 VICE CHAIRMAN KESSLER: Yes.

5 MS. DE BORD: It's directly in front.

6 VICE CHAIRMAN KESSLER: Oh. So do you  
7 have access to your unit through that gap?

8 MS. DE BORD: I do.

9 VICE CHAIRMAN KESSLER: How many spaces do  
10 you have out there in the front?

11 MS. DE BORD: We have one -- two out  
12 front.

13 VICE CHAIRMAN KESSLER: And then you'd  
14 have more along the back and the side?

15 MS. DE BORD: We have more out back.

16 VICE CHAIRMAN KESSLER: Okay. And  
17 this rule that you're describing -- from what  
18 I'm understanding -- means that if you have  
19 customers or employees of your unit that park in  
20 some -- they're not allowed to park in somebody  
21 else's -- some other unit's spot unless, of  
22 course, they have some lease agreement or that  
23 sort of thing.

24 MS. DE BORD: Right.



1           VICE CHAIRMAN KESSLER:  And what  
2 enforcement is there?  Is it enforced by complaint  
3 from that unit owner?

4           MS. DE BORD:  If somebody complains, then  
5 you can fine them a hundred dollars.

6           VICE CHAIRMAN KESSLER:  Okay.  And then --

7           MS. DE BORD:  That's what the agreed order  
8 says.

9           VICE CHAIRMAN KESSLER:  Would that  
10 complaint have to come from a unit owner?  Or  
11 could some other unit owner complain about them  
12 using spaces of another unit owner?

13          MS. DE BORD:  Well, I suppose anybody  
14 could complain.

15          But I would imagine that the people that  
16 would be complaining are the ones whose spots are  
17 being used.

18          VICE CHAIRMAN KESSLER:  Whose spaces were  
19 being used.

20          MS. DE BORD:  Right.

21          VICE CHAIRMAN KESSLER:  But other people  
22 could lodge a complaint and try and --

23          THE WITNESS:  Right.  There's no --

24          VICE CHAIRMAN KESSLER:  -- and the

1 association might enforce it.

2 MS. DE BORD: Right. There's no  
3 preclusion against that.

4 VICE CHAIRMAN KESSLER: And then it's up  
5 to the association to decide to enforce it or not?

6 MS. DE BORD: Correct.

7 VICE CHAIRMAN KESSLER: All right.  
8 Thank you.

9 MS. DE BORD: But, quite honestly, we just  
10 don't want to be in the business of enforcing  
11 that. We'd like to operate our own businesses.

12 CHAIRMAN WALLACE: Just for the record,  
13 what's the case number that you're referencing?

14 MS. DE BORD: Sure.

15 Case No. 02 CHK 693, consolidated with  
16 Case No. 02 LMK 73. And it was in Kane County.

17 CHAIRMAN WALLACE: Okay. All right.

18 MR. MARSICO: Just as a brief response  
19 before we get into traffic studies in respect to  
20 the parking, we do have a few people who are  
21 acting as the board of our association. I'm not  
22 sure if they're elected or not.

23 But in an email in an attempt to be  
24 protective about parking needs -- and I can submit

1 this as evidence but I'll state it for the record.

2 On Tuesday, October 22nd, I sent an email  
3 to Linda Reilly Murphy -- who is, I believe,  
4 acting as the secretary -- "As a follow-up to the  
5 email earlier this year with respect to parking,  
6 our needs are slowly growing. Can you please let  
7 us know if the parking spaces are allocated by the  
8 association or if they're deeded with the unit  
9 owners? We want to be proactive about use."

10 And part of her response said, "The  
11 original bylaws were made in 1999 and then  
12 restated in 2014 without any changes to the  
13 parking spaces. In Article 4 Section D states  
14 that in order for a parking space to be changed,  
15 the unit owners need to be a hundred percent in  
16 favor of it. That's for a permanent change.  
17 Leases are allowed. The unit owners are able to  
18 reserve their parking spaces with signs.  
19 Otherwise, anyone can park in spaces without  
20 signs."

21 It does make reference -- the signage  
22 mandate is mentioned in the lawsuit in 2007 -- I'm  
23 assuming that's the one that Mary Beth  
24 presented -- mentioned in the lawsuit in 2007, set

1 a record that went between Midwest Driveshaft,  
2 Corporate Graphics, and Harry Wendel [phonetic] on  
3 the final pages of the documents.

4 I have not reviewed the lawsuit, so I'm  
5 not a hundred percent sure on what that says. But  
6 going by what the board member said, that's where  
7 I -- that's where I came up with that.

8 She simply says "In order for" -- or "Unit  
9 owners are able to reserve their spaces with  
10 signs. Otherwise, anyone can park in the spaces."

11 Regardless of that, we believe our parking  
12 is sufficient. If there are additional concerns,  
13 we're confident we can secure additional parking.  
14 And if the ordinance required additional parking,  
15 we would have reserved it. We would have secured  
16 it with a lease.

17 This is where we are today. So that's  
18 just the background there.

19 MS. FOWLER: I'm sorry --

20 MR. RAK: I'd like to introduce Lynn Means  
21 from Gewalt Hamilton. She has prepared a traffic  
22 summary as well as a parking demand analysis, as  
23 well, which supports our finding of -- our  
24 proposed 17 parking spaces for this use.

1 MS. MEANS: Good evening. As previously  
2 noted, my name is Lynn Means.

3 I'm a senior transportation engineer with  
4 Gewalt Hamilton Associates, 625 Forest Edge Drive  
5 in Vernon Hills, Illinois. I have over 20 years  
6 of professional engineering experience, as well as  
7 a licensed professional engineer in the state of  
8 Illinois, New Hampshire, and Tennessee, as well as  
9 a certified professional transportation operations  
10 engineer.

11 And as noted, we prepared a traffic and  
12 parking analysis summary for the proposed  
13 development. The first step of our analysis was  
14 to inventory and collect data available relative  
15 to the operational characteristics of the adjacent  
16 roadway network.

17 Although not shown in this diagram but  
18 located to the west of the site you have Kirk  
19 Road, a primary arterial roadway that's under  
20 County jurisdiction; North Avenue to the north,  
21 again, a primary arterial roadway underneath  
22 IDOT's jurisdiction. 38th Avenue is a local  
23 street. Illinois Avenue abuts the site to the  
24 south, and then Illinois connects to the east to

1 Kautz Road, which is a major collector-type  
2 roadway.

3 38th Avenue provides signalized access at  
4 North Avenue, as does Kirk Road as well as  
5 Kautz Avenue. As noted, we looked at the roadway  
6 characteristics, the lane uses, available daily  
7 traffic volumes, and then we took the next step to  
8 project the amount of traffic that the sites would  
9 generate.

10 Looking at industry standards, we look at  
11 the Institute of Transportation Engineers Trip  
12 Generation Manual. The ITE Trip Generation Manual  
13 compiles surveys from multitudes of uses that are  
14 existing throughout the country, from industrial  
15 to shopping centers to schools to cannabis  
16 dispensaries. The current edition of the ITE Trip  
17 Generation Manual did include the cannabis  
18 dispensary for existing facilities that are  
19 operational in Colorado as well as Oregon.

20 And based on that information, using the  
21 anticipated operations, the square footage of this  
22 facility, we generated the amount of traffic that  
23 this type of facility would -- would be estimated  
24 during peak hours as well as on a daily basis.

1           So during the morning peak time frame,  
2           which is a one-hour time frame between 7:00 a.m.  
3           and 9:00 a.m., we would expect the site to  
4           generate 40 total trips. That's 25 coming in and  
5           15 coming out.

6           During the weekday p.m. peak hour, which  
7           is one hour between 4:00 and 6:00 a.m. would be  
8           80 trips, 40 coming in and 40 coming out.

9           And a Saturday peak hour generator, which  
10          typically occurs during your midday time frame,  
11          between 10:00 a.m. and 2:00 p.m., 140 trips.  
12          That's 70 coming in and 70 coming out.

13          Again, looking at that distribution on the  
14          adjacent roadway network, what do those numbers  
15          mean? They mean approximately about one car  
16          per minute, which those adjacent roadway volumes  
17          and networks can easily accommodate that  
18          additional site traffic.

19          Next we --

20          VICE CHAIRMAN KESSLER: Excuse me.

21          At the very beginning you said there were  
22          20 trips going in and 15 coming out?

23          MS. MEANS: In the morning.

24          VICE CHAIRMAN KESSLER: What happened to

1 the other five?

2 MS. MEANS: So the morning time frame  
3 accounts for employees. So typically during your  
4 morning time frame, you'll have your employees --  
5 and these numbers are rounded to the five.

6 VICE CHAIRMAN KESSLER: Gotcha.

7 MS. MEANS: So that would account for your  
8 employees typically coming in during your morning  
9 time frame.

10 VICE CHAIRMAN KESSLER: Thank you.

11 MS. MEANS: And, obviously, during the  
12 other time frames.

13 VICE CHAIRMAN KESSLER: So you'll have a  
14 similar flip at the end?

15 MS. MEANS: And it may be towards the end  
16 of the day, yeah, you know, depending on their  
17 shift changes and --

18 VICE CHAIRMAN KESSLER: Gotcha.

19 MS. MEANS: -- such.

20 VICE CHAIRMAN KESSLER: Thank you.

21 MS. MEANS: And next we looked at the  
22 parking analysis.

23 Again, as previously noted by Adam, the  
24 parking required by the City's code of ordinance



1 was 15 spaces or 1 per 4,000 square feet.

2 We dove deeper to test based on our  
3 projected volume of traffic coming in and out to  
4 determine whether or not those number of spaces  
5 based on that demand would be adequate. So we  
6 looked at the operational characteristics of  
7 eight employees, which would then leave --  
8 assuming a hundred percent of those employees  
9 drive themselves -- would leave nine spaces  
10 available for customers.

11 Again, looking at the typical average  
12 length of stay ranging from approximately  
13 5 minutes to -- at the short end -- to 15 minutes  
14 at the long end, with typical turnaround  
15 time frames of about 6 to 7 minutes per customer,  
16 that would give us that demand of a maximum of  
17 about 84 customers per hour that could be serviced  
18 in those nine spaces. Again, with the split being  
19 about 70 percent of the recreational would  
20 typically -- which has that shorter time frame of  
21 the 5-minute -- the 2-minute to 5-minute time  
22 frame and then some of the medicinal or new-time  
23 customers being in that larger time frame of the  
24 15-minute turnaround time frame.

1           And one other thing to note which was  
2 previously documented -- or testified -- was that  
3 the short time frames are typically experienced  
4 because of no consumption on-site as well as the  
5 heavy use of the online as well as mobile apps to  
6 make that reservation so they're aware of what  
7 products are available in advance, short  
8 time frame coming in, short time coming out.

9           MEMBER FUNKE: I've got a question.

10           That traffic analysis, does it include the  
11 other units' traffic? Is there any --

12           MS. MEANS: So this is just the  
13 increase -- or the estimated traffic for the  
14 proposed site, which does include the existing  
15 medical use.

16           So these 20 -- the morning trips, the  
17 evening trips, Saturday trips, estimates on a  
18 daily basis would encompass both recreational as  
19 well as -- the medical use, as well.

20           MEMBER FUNKE: But does that include the  
21 other units' traffic? Because they're also  
22 utilizing those entrances and exits.

23           MS. MEANS: Those estimates are based just  
24 on these specific uses. The other uses within the

1 site, obviously, generate their own traffic.

2 As part of what this increase means to the  
3 existing volumes out there, it's essentially one  
4 additional car per minute coming in and out, and  
5 that access -- we anticipate -- can accommodate  
6 the additional increase in traffic just based on  
7 those volumes of generated traffic.

8 MEMBER FUNKE: Did you guys do a traffic  
9 analysis for the other units?

10 MS. MEANS: We did not do a traffic count  
11 of the ins and outs at the specific access.

12 MEMBER FUNKE: Okay. How do you know how  
13 many cars are going to be coming in and out?

14 MS. MEANS: Based on our experience with  
15 these types of uses and the adjacent roadway and  
16 the current volumes that they serve and the amount  
17 of traffic that would be generated by this use and  
18 the increase in traffic by that, we would  
19 anticipate there to be acceptable operations, and  
20 those roadways have ample capacity. A two-lane  
21 facility can typically accommodate 10,000 vehicles  
22 per day. You have nowhere near that volume on  
23 Illinois Avenue.

24 VICE CHAIRMAN KESSLER: Do you -- do

1 you -- that's interesting, very interesting.

2 How do you know -- how do you know the  
3 traffic on Illinois Avenue? I mean, do you --

4 MS. MEANS: So we reviewed available IDOT  
5 traffic counts that were published. And there is  
6 not one specific that is on Illinois Avenue, but  
7 there is one that's on Ohio Avenue, which is  
8 approximately -- is the next parallel street to  
9 the south, and that's approximately 2,000 vehicles  
10 per day.

11 And I also did some observations out there  
12 during peak hours and saw there -- during the  
13 p.m. peak period I sat at the driveway and  
14 virtually saw no traffic coming in and out during,  
15 you know, the p.m. peak hours of operation.

16 VICE CHAIRMAN KESSLER: But you can  
17 extrapolate what you estimate the traffic would be  
18 on Illinois based on --

19 MS. MEANS: Based on the existing data.

20 VICE CHAIRMAN KESSLER: -- based on the  
21 existing sites on the surrounding roadways?

22 MS. MEANS: Correct. Correct.

23 MEMBER VARGULICH: I just have a quick  
24 question for Russ and Ellen.

1           Has this report been analyzed by the  
2 City's traffic engineer?

3           MR. COLBY: No, it has not.

4           MEMBER VARGULICH: Thank you.

5           MR. MARSICO: Can I just correct something  
6 for the record?

7           VICE CHAIRMAN KESSLER: Yeah.

8           MR. MARSICO: I just want to correct it  
9 for the record.

10           With respect to parking, I think Lynn said  
11 it was one space per 4,000 square feet. It's, in  
12 fact, four spaces per thousand square feet. So  
13 I just want to correct that so there's no  
14 confusion.

15           CHAIRMAN WALLACE: And is -- are you done  
16 with the computer presentation?

17           MR. RAK: Not yet.

18           CHAIRMAN WALLACE: Okay. Go ahead.

19           MEMBER VARGULICH: Thank you.

20           MR. RAK: As in the case for our general  
21 text amendment, special use applications are also  
22 relative to findings of fact. And at this time  
23 I'd like to read the findings of fact for the  
24 special use application for the record.

1 As a reminder --

2 THE COURT REPORTER: I'm sorry. I can't  
3 understand you.

4 MR. RAK: As a reminder, Chairman Wallace  
5 usually reminds everybody, but I'll say it, as  
6 well. No special use or amendment to special use  
7 shall be recommended by the Plan Commission unless  
8 it finds that the proposed special use or  
9 amendment to special use will conform to each of  
10 these standards.

11 The Plan Commission shall submit its  
12 written findings together with its recommendations  
13 to the City Council after the conclusion of the  
14 public hearing and may also recommend such  
15 conditions as it may deem necessary to ensure  
16 conformance with these standards.

17 On the basis of the evidence presented at  
18 the public hearing, the Plan Commission shall  
19 record its reasons for recommending approval or  
20 denial of this petition in accordance with the  
21 following standards:

22 Standard A, public convenience: The  
23 special use will serve the public convenience at  
24 the proposed location.

1           A recreational cannabis dispensing  
2 organization will serve the public convenience at  
3 the proposed location, 3714 Illinois Avenue, in  
4 the following ways: The existing road network, as  
5 it's configured, provides safe and convenient  
6 access to the property.

7           Access occurs off of Illinois Avenue, an  
8 east/west local roadway, providing a two-lane  
9 cross-section. It extends from Kirk Road, a  
10 primary arterial road, on the west to Kautz Road,  
11 a primary collector roadway on the east. Illinois  
12 Avenue operates its intersections with Kirk Road  
13 and Kautz Road under stop control. The proposed  
14 development is expected to have minimal impact on  
15 the existing traffic operations of the area  
16 roadway network.

17           Adequate parking for the proposed  
18 recreational cannabis dispensing organization will  
19 be provided. The City's parking standards require  
20 a minimum of one space for every -- of four  
21 spaces -- I'm sorry -- for every 1,000 square feet  
22 of gross floor area.

23           The minimum required number of parking  
24 spaces per the ordinance is 15 spaces. The

1 Applicant has secured a lease of 4 additional  
2 parking spaces, bringing the total number of  
3 spaces dedicated to the proposed recreational  
4 cannabis dispensing organization to 17 spaces.

5           Number three is proximity to the Route 64  
6 retail corridor. A comparable land use already  
7 operates on the site of the proposed recreational  
8 cannabis dispensing organization, and the location  
9 is approximately one-quarter mile or a five-minute  
10 walk away from the Route 64 retail corridor.

11           Sales to adult-use consumers at the site  
12 where a comparable use is already safely and  
13 responsibly operated may attract increased  
14 customers to the City's nearby retail areas;  
15 therefore, the proximity of the proposed location  
16 will serve the public's convenience.

17           Four, consolidation of medical and  
18 recreational cannabis dispensaries. The public  
19 convenience will be further served by  
20 consolidating the medical and recreational  
21 cannabis dispensary organizations into a single  
22 location. Unless the special use is granted,  
23 there would be two cannabis dispensaries, one  
24 medical and one recreational, located on the east



1 side of St. Charles. By granting this special  
2 use, the infrastructure and services required for  
3 the dispensaries from the public will be  
4 consolidated into one location for greater  
5 convenience.

6 Standard B, sufficient infrastructure,  
7 that adequate utilities, roads -- access roads --  
8 drainage, and/or necessary facilities have been or  
9 are being provided.

10 Number one, the existing road network as  
11 it's configured can accommodate the traffic  
12 generated by the proposed use. Access occurs off  
13 of Illinois Avenue, an east/west local roadway  
14 providing a two-lane cross-section. It extends  
15 from Kirk Road, a primary arterial road on the  
16 west, to Kautz Road, a major collector roadway on  
17 the east. Illinois Avenue operates its  
18 intersections with Kirk Road and Kautz Road under  
19 stop control. The proposed development is  
20 expected to have minimal impact on the existing  
21 traffic operations of the area roadway network.

22 Two, there are no known drainage issues at  
23 the site. The proposed recreational cannabis  
24 dispensing operation is a comparable retail use to

1 the existing medical cannabis dispensing  
2 organization currently operating on-site. The  
3 proposed use will be accommodated with minimal  
4 changes to the internal floor plan of the  
5 facility.

6 There are no changes proposed to  
7 accommodate the new use to the exterior of the  
8 facility or site; therefore, no change to existing  
9 grades or increases to impervious areas or  
10 surfaces which could result in a negative effect  
11 on area stormwater and drainage patterns within it.

12 Three, adequate parking facilities have  
13 been provided. The City's parking standards  
14 require a minimum of one space -- I'm sorry -- of  
15 four spaces for every 1,000 square feet of gross  
16 floor area. The minimum required parking spaces  
17 per the ordinance is 15 spaces. The Applicant has  
18 secured a lease of 4 additional spaces, bringing  
19 the total number of spaces dedicated to the  
20 proposed recreational cannabis dispensing  
21 organization use to 17 spaces.

22 Based on the parking analysis completed, a  
23 proposed supply of 17 spaces is adequate to  
24 accommodate the anticipated parking demand for the

1 proposed recreational cannabis dispensing  
2 organization. Employees will be encouraged to  
3 park in the rear spaces to provide convenient  
4 customer parking towards the front.

5           Number four, the site provides adequate  
6 access to all utility providers and first  
7 responders. Access to the lot occurs off of  
8 Illinois Avenue via two-way -- via two two-way  
9 curb cuts for ingress and egress. Existing curb  
10 cuts are positioned east and west of the building,  
11 providing a complete loop around the perimeter of  
12 the building.

13           Standard C, effect on nearby property,  
14 that the special use will not be injurious to the  
15 use and enjoyment of other property in the  
16 immediate vicinity for the proposed uses already  
17 permitted nor substantially diminish or impair  
18 property values within the neighborhood.

19           There is a medical cannabis dispensing  
20 organization permitted as of right in the  
21 M-2 District currently operating at 3714 Illinois  
22 Avenue. The medical cannabis dispensing  
23 organization is a similar retail use, similar in  
24 all material -- in all material respects to the

1 proposed recreational cannabis dispensing  
2 organization.

3           The City requires a minimum 250-foot  
4 separation distance from sensitive uses, including  
5 preexisting school, primary or secondary school,  
6 private boarding, day care center, day care home,  
7 or other residentially zoned parcels. The  
8 proposed special use meets these distance  
9 requirements. In addition, the proposed use will  
10 continue to strictly enforce the rules banning  
11 on-site consumption.

12           The proposed special use will also  
13 continue to comply with all other local and State  
14 regulations. These measures and other zoning and  
15 use standards, including parking requirements, are  
16 in place to ensure that no impacts to the use,  
17 enjoyment of other properties or effect or  
18 impairment on property values within the  
19 neighborhood could occur. Sorry.

20           Allowing the sale of cannabis to adult-use  
21 consumers on a site where a comparable -- some  
22 would say identical -- retail use already occurs  
23 could -- will result in enhanced property values  
24 due to the attraction of new customers to the area

1 and potential consumers of goods and services for  
2 other properties proximate to the site of the  
3 proposed special use.

4 Standard D, effect on development of  
5 surrounding property, that the establishment of  
6 the special use will not impede the normal and  
7 orderly development and improvement of the  
8 surrounding property for uses permitted in the  
9 district.

10 The proposed special use is located on a  
11 site that is already developed where a comparable  
12 retail use is already operating. If the special  
13 use is granted, the current operations at the  
14 proposed location will not materially change by  
15 adding a recreational cannabis use.

16 The City has adopted proposed use  
17 standards for recreational cannabis dispensing  
18 organizations, and the proposed special use  
19 complies with each of these standards. Through  
20 compatibility with the existing permitted medical  
21 cannabis use and compliance with adopted Zoning  
22 Ordinance use standards, the proposed special use  
23 will not impede the normal and orderly development  
24 or improvement of the surrounding property for

1 uses permitted in the district.

2 Standard E, effect on general welfare,  
3 that the establishment, maintenance, or operation  
4 of the special use will not be detrimental to or  
5 endanger the public safety, comfort, or general  
6 welfare.

7 Zen Leaf St. Charles has been operating as  
8 a medical cannabis dispensing organization at  
9 3714 Illinois Avenue since 2015 and during that  
10 time, quote, "has had minimal impact on police  
11 operations in the city of St. Charles," and that  
12 quote was made by Chief of Police James Keegan in  
13 a memorandum related to the potential impact of  
14 the cannabis dispensaries on police operations,  
15 which was dated July 25th, 2019. That's the  
16 memorandum we discussed earlier.

17 Based on its compatibility with the  
18 special use requested, the minimal impact of the  
19 existing medical cannabis dispensing organization  
20 on police operations in the city allows police  
21 resources to focus on serving the public and  
22 protecting its health, safety, comfort, and  
23 general welfare.

24 The proposed special use is comparable to

1 the use of the medical cannabis dispensing  
2 organization, which is already permitted and  
3 operating on-site. Safe access is provided via  
4 two curb cuts along Illinois Avenue, and proposed  
5 use standards and parking requirements for the  
6 special use will be met.

7 Compliance with all local and State laws  
8 will be met, and strict enforcement banning  
9 on-site consumption rules will be enforced.  
10 Zen Leaf St. Charles has demonstrated a high  
11 degree of responsibility in operating the existing  
12 retail use, compliance with all local and State  
13 requirements, and full cooperation with the City  
14 and its resources so as to not endanger the public  
15 health, safety, comfort, or general welfare of  
16 those in the community.

17 Furthermore, the application of sales tax  
18 revenue resulting from the proposed special use  
19 could provide additional funding for the City to  
20 allocate towards not only capital improvement  
21 projects promoting public safety but also social  
22 programs that will contribute in a positive manner  
23 to the general welfare of the public.

24 The City of St. Charles has adopted

1 specific use standards for the recreational  
2 cannabis dispensing organizations to ensure public  
3 health, safety, comfort, and general welfare.  
4 This special use satisfies all use standards  
5 adopted by the City of St. Charles for  
6 recreational cannabis dispensary organizations.  
7 Moreover, the State of Illinois has adopted the  
8 most stringent licensing requirements in the  
9 United States, also to ensure public health,  
10 safety, comfort, and general welfare. The  
11 proposed special use, by requiring that the  
12 Applicant maintain State of Illinois license, will  
13 uphold these exacting standards.

14           Finally, Standard F, conformance with  
15 codes, that the proposed special use conforms to  
16 all applicable provisions of the St. Charles  
17 Municipal Code and meets or exceeds all applicable  
18 provisions of this title except as may be varied  
19 pursuant to a special use for planned unit  
20 development.

21           The proposed special use to allow  
22 recreational cannabis dispensing organizations  
23 meets or exceeds all applicable provisions of this  
24 title.



1           That concludes the portion of the  
2 presentation for the special use, and we'll open  
3 it up for discussion unless anyone else has any  
4 comments.

5           MEMBER VARGULICH: I have some questions.

6           CHAIRMAN WALLACE: One second.

7           MR. MANIC: I just want to make sure our  
8 evidentiary material is tracked for the  
9 presentation and everything that was submitted to  
10 the staff is part of the record.

11          CHAIRMAN WALLACE: Yes, it is.

12          And what we're going to do with the  
13 remainder of our time here is I -- I think that  
14 the chance of making it all the way through and  
15 being able to make a recommendation tonight is not  
16 likely. We do have another item on the agenda,  
17 which is another public hearing.

18          So what I would suggest -- I know that a  
19 lot of you have been here for quite some time and  
20 would like to ask questions or make comments, and  
21 I want you to be able to do that.

22          So what I would like to do is take a brief  
23 amount of time to allow people to do that, but  
24 I would ask -- I would implore upon you to please

1 limit it to what we talked about, not about  
2 cannabis in general, just specifically regarding  
3 this application.

4 Yeah. And, of course, what I would ask is  
5 that we have a motion to keep the public hearings  
6 open -- or hearing -- open in -- to a future date.  
7 And then if there's any additional information  
8 that anyone has based on information that's been  
9 presented tonight, there will be more time to be  
10 able to get that.

11 Is there any other -- are there any  
12 questions about that?

13 (No response.)

14 CHAIRMAN WALLACE: And then the Plan  
15 Commission will not take action until after the  
16 public hearing is closed.

17 All right. And so what I'll do is I'll  
18 reserve -- unless the Plan Commission has anything  
19 that's urgent, I would ask that we take questions  
20 and comments from members of the public.

21 MEMBER VARGULICH: I just have a couple of  
22 questions for the traffic engineer, given what  
23 they provided and their testimony. And inasmuch  
24 as we're continuing the hearing, that then maybe

1 I can have some questions that if they can't  
2 answer now that they could come back at the  
3 next -- when this is continued to --

4 CHAIRMAN WALLACE: Okay.

5 MEMBER VARGULICH: -- and provide that  
6 information, rather than waiting until the next  
7 meeting to ask these questions.

8 CHAIRMAN WALLACE: Yeah. Okay.

9 MEMBER VARGULICH: That's all.

10 CHAIRMAN WALLACE: Go ahead.

11 MEMBER VARGULICH: In your traffic study  
12 did you take into account the potential 400-plus  
13 users that were -- it sounds like you were just  
14 using ITE data. But the owner stated that there  
15 could potentially be 400-plus users a day coming.

16 So did you -- did your analysis address  
17 that?

18 MS. MEANS: Yes.

19 MEMBER VARGULICH: Okay.

20 MS. MEANS: So the information provided by  
21 the Applicant was then compared to the information  
22 that we calculated/estimated based on the ITE Trip  
23 Generation Manual.

24 So on a daily basis, the ITE Trip

1 Generation Manual had estimated approximately --  
2 it was about 1,000 total trips on the weekday or  
3 daily, and that equates to, essentially,  
4 500 coming in, 500 coming out, which is consistent  
5 with the information that the Applicant provided.

6 So we have a level of confidence that,  
7 based on the operational experience the Applicant  
8 has with similar facilities that they've operated,  
9 that the estimates provided are consistent, and we  
10 would expect there to be, as I -- as they do get  
11 acceptable operations based on the projections.

12 MEMBER VARGULICH: And so the nine spaces  
13 that are available for customers, since eight  
14 of them are for employees, that 500 trips,  
15 500 customers --

16 MS. MEANS: So it's not -- yeah, exactly.  
17 It's not all -- they're not all coming in at  
18 one time.

19 MEMBER VARGULICH: Understood. Spread out  
20 over 14 hours.

21 MS. MEANS: So it's spread out over the  
22 operational time frame. Based on data that we do  
23 have from ITE, that gives us a breakdown by hourly  
24 basis, approximately -- you know, during your

1 typical hours of business, your 7:00 a.m. to like  
2 6:00 p.m. time frame.

3           During those typical standard operating  
4 hours, those accommodate approximately 85 to  
5 90 percent of the customers, fairly evenly  
6 distributed over the course of that time frame.  
7 And then during the later hours or early hours,  
8 that accommodates that additional 10 to 15 percent.

9           MEMBER VARGULICH: Okay.

10           MS. MEANS: So at the most, as I noted  
11 during that Saturday time frame, that's the  
12 highest hourly hour that we would expect the  
13 70 coming in, the 70 coming out. During most  
14 typical time frames, you may get, you know, 20 to  
15 25 coming in and out per hour.

16           So based on that analysis, based on that  
17 hourly expected rate of arrival, we would expect  
18 those spaces to accommodate the anticipated  
19 demand.

20           Now, obviously, holidays, what have you --  
21 there are special events, grand openings --  
22 special provisions would obviously need to be  
23 accommodated to -- you know, just like with any  
24 store that has a grand opening. That's -- you

1 know, or has a Black Friday holiday special.

2 It -- particular additional provisions would need  
3 to be accommodated.

4 CHAIRMAN WALLACE: All right?

5 MEMBER FUNKE: I've got a question real  
6 quick from your traffic -- this is just a  
7 preliminary study; correct?

8 MS. MEANS: This is a preliminary analysis  
9 that we did based on the estimated traffic,  
10 looking at available data, what we would  
11 anticipate its impact to be.

12 MEMBER FUNKE: Are you guys going to  
13 perform a final traffic study with actual data?

14 MS. MEANS: That would be a -- that would  
15 be at the discretion of what's required.

16 MEMBER FUNKE: I've got another question.  
17 Regarding the -- in Table 1 you have --  
18 it's 952 trips daily; is that correct?

19 MS. MEANS: That's correct.

20 MEMBER FUNKE: And then Saturday is  
21 978 trips daily?

22 MS. MEANS: Correct.

23 MEMBER FUNKE: And then in Table 3 -- I'm  
24 just trying to get an idea of how -- what to

1 compare this to.

2 You know, a fast-food restaurant has  
3 285 trips daily; is that correct?

4 MS. MEANS: The daily information isn't in  
5 Table 3. But a -- we more or less tried to -- by  
6 Table 3 -- just to get an idea of what types of  
7 uses this -- you know, the volume of traffic in  
8 and out -- may be comparable to.

9 And the daily volumes fluctuate amongst  
10 them, and some uses may have a higher influx  
11 during certain time frames than others, so it's  
12 hard to --

13 MEMBER FUNKE: So would you compare it to  
14 a fast-food restaurant?

15 MS. MEANS: During certain time frames,  
16 without a drive-through, such as like a Subway --  
17 there are certain time frames that it may operate  
18 like a Subway.

19 CHAIRMAN WALLACE: All right.

20 Let's take questions from members of the  
21 audience.

22 MR. BOCHTE: Yes.

23 Ms. Means, quickly --

24 THE COURT REPORTER: Could you go to the

1 microphone, please?

2 MR. BOCHTE: I'm sorry.

3 Ms. Means, I believe you've indicated in  
4 your report but I just want to make sure  
5 I understand this.

6 If the average stay in the store is  
7 five minutes and you utilized all nine spaces,  
8 that would be 84 customers per hour?

9 MS. MEANS: It's about six to seven  
10 minutes on average.

11 MR. BOCHTE: Well, "These nine spaces  
12 could accommodate approximately 84 customers per  
13 hour." Did you not write that?

14 MS. MEANS: Yes. That's based on the six-  
15 to seven-per-minute time frame.

16 MR. BOCHTE: Okay. Now, they're open from  
17 8:00 in the morning until 10:00 at night. That's  
18 nine hours so that's 756 trips in and 756 trips  
19 out if you're maximizing the space with  
20 84 customers per hour; correct?

21 MS. MEANS: That's if it's continuous --

22 MR. BOCHTE: And that's a little over --

23 MEMBER VARGULICH: It's 14 hours.

24 MS. MEANS: Yeah, 14 hours.



1 MR. BOCHTE: It's a little over  
2 10,000 trips in and out per week, cars?

3 MS. MEANS: We don't look at it on a  
4 weekly basis. But about 7,000 total, 3500 in --

5 MR. BOCHTE: Well, if we look at your  
6 950 to 1,000 in-and-out trips the development will  
7 generate --

8 MS. MEANS: 1,000 times 7 is 7,000.

9 MR. BOCHTE: About 7,000?

10 MS. MEANS: 7,000.

11 MR. BOCHTE: Cars in and out --

12 MS. MEANS: 3500 in, 3500 out.

13 MR. BOCHTE: Yeah. Okay. 7,000. I just  
14 wanted to make sure I understood.

15 Now, let's assume that all of the spaces  
16 are full. What provisions have you done for way  
17 signs and stacking of cars that don't have parking  
18 spaces?

19 MS. MEANS: Based -- as I noted, this is  
20 based on the information we provided.

21 MR. BOCHTE: Well, let me ask you a  
22 question.

23 Based on the information you provided here  
24 as an expert engineer, if all the spaces are full

1 and more cars come in, where do they go?

2 MS. MEANS: I can come up to -- just like  
3 any other business that's operational, if there's  
4 a car not -- a space not available, a vehicle  
5 would have to wait to occupy a space.

6 Based on, as I noted, our projections and  
7 our analysis, we would anticipate the demand to be  
8 accommodated within the supply.

9 MR. BOCHTE: Exactly my point. But where  
10 would they wait?

11 MR. MANIC: I'm just trying to unstick  
12 this question. The question's based upon a  
13 false -- speculation.

14 Her study says the situation that  
15 counsel's proposing won't happen. So he's  
16 proposing something that, based upon the research,  
17 won't ever happen, so it's not a situation that we  
18 need to be concerned about based on the research.

19 MR. BOCHTE: Just in case I'm correct,  
20 Ms. Means, and all of the spaces are filled and  
21 another 15 cars show up, where do they wait?

22 On the street? On Illinois Avenue? In  
23 the parking lot? Where do they wait? I think  
24 that's a fair question.

1 MR. MARSICO: I guess --

2 MR. BOCHTE: I'm getting answers from  
3 everybody except the engineer who did the study to  
4 whom I'm directing the question.

5 MR. MARSICO: I think it's --

6 MR. BOCHTE: Please note that for the  
7 record.

8 MR. MARSICO: That's fine. And I'm not  
9 the traffic expert, so you can put that on the  
10 record.

11 I think it's more of an operational  
12 question. And like I said, we also offered this  
13 in our two association meetings, that if there are  
14 additional needs, we are going to do whatever it  
15 takes to not only make our business successful but  
16 the members of the association and unit -- the  
17 tenant -- the adjacent tenants -- the adjacent  
18 tenants happy for the way we're operating.

19 So if we need to secure extra parking, if  
20 we need to have someone out there directing  
21 traffic a specific peak time -- a holiday, a grand  
22 opening -- we are going to take those measures and  
23 not only make sure that we're operating a  
24 successful business but the adjacent tenants are

1 okay with the way we're operating and security and  
2 well-being of the city is taken into account.

3 If we want to do what-ifs -- and we can do  
4 that for any business throughout all of  
5 St. Charles so -- I understand what you're saying  
6 but, again --

7 MR. BOCHTE: One more question.

8 Ms. Means, you're obviously familiar with  
9 the Institute of Transportation Engineers, ITE.

10 MS. MEANS: Yes.

11 MR. BOCHTE: You quoted them. And trip  
12 generation manuals? Yes?

13 MS. MEANS: Yes.

14 MR. BOCHTE: Yeah. Are you familiar with  
15 a report that was done by Ridgewood [phonetic]  
16 Engineering Consultants in Morrison, Colorado?

17 MS. MEANS: I'm sorry?

18 MR. BOCHTE: Are you familiar with a  
19 report that was done --

20 MS. MEANS: I think it's appropriate for  
21 me if we're to speak on record in front of --

22 MR. BOCHTE: -- by Ridgewood Engineering  
23 Consultants, LLC, in Morrison, Colorado, which  
24 concluded using the data from ITE that marijuana

1 dispensaries generate about 10 times more  
2 traffic -- excuse me -- than the typical retail  
3 or -- retail store and five times more than a  
4 pharmacy?

5 Are you familiar with that report?

6 MS. MEANS: I'm not familiar with that  
7 article as --

8 MR. BOCHTE: Are you a member of ITE?

9 MS. MEANS: I am a member of the Institute  
10 of Transportation Engineers. And our analysis  
11 that we've provided was in accordance with ITE  
12 guidelines, industry standards.

13 MR. BOCHTE: Are you familiar with the  
14 traffic jams that are being created in Boston  
15 because of marijuana dispensaries?

16 MS. MEANS: I am not aware of the --

17 MR. BOCHTE: Didn't read any of those  
18 articles?

19 MS. MEANS: -- articles that you have  
20 provided.

21 MR. BOCHTE: Okay. None of them? You  
22 don't know about the ones in Colorado? the ones in  
23 Boston? any of the traffic jam reports and studies  
24 that have been done and are available online?

1 MS. MEANS: I'm available -- I'm aware of  
2 industry standards, which I used to prepare my  
3 analysis. Any information beyond that specific to  
4 any additional operation is specific where  
5 situations may change as a result of, obviously,  
6 location, use of a street, accommodations, can  
7 roadways accommodate additional traffic --  
8 reviewing other sites that are not specific to  
9 this development were not provided -- was not  
10 performed as part of this.

11 MR. BOCHTE: Can you tell me how many cars  
12 can line up along the curb between the site and  
13 North Avenue?

14 MS. MEANS: The -- the site doesn't  
15 abut --

16 THE COURT REPORTER: I'm sorry. I didn't  
17 hear you. The site doesn't what?

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

19 MR. BOCHTE: How many cars can line up  
20 between the site on Illinois Street to North  
21 Avenue? If necessary.

22 MS. MEANS: Illinois Street does not  
23 connect to North Avenue. Illinois Street --

24 MR. BOCHTE: You're right.

1 MS. MEANS: -- connects to 38.

2 MR. BOCHTE: Kirk.

3 MS. MEANS: Yeah, or connects to --

4 MR. BOCHTE: Kautz. Kautz and Kirk.

5 MS. MEANS: -- to Kautz as well as to Kirk.

6 MR. BOCHTE: And Kirk. Okay.

7 Can you tell me how many can line up going  
8 to Kautz Road and how many can line up along the  
9 curb going to Kirk Road?

10 MS. MEANS: I don't have that information.

11 MR. BOCHTE: Do you know whether or not  
12 that traffic would interfere with trucks which are  
13 typically making deliveries to industries in that  
14 area?

15 CHAIRMAN WALLACE: Let me interrupt for a  
16 second. I think maybe I can help this line of  
17 questioning by suggesting that the City's traffic  
18 engineers might review the study that was done.

19 And I think it's -- you know, unless  
20 there's another expert to give testimony, that  
21 would be a way to have a neutral third party  
22 review it and make any comments on whether it was  
23 done correctly and according to industry standards.

24 So, staff, is there any issue with that?

1 MR. COLBY: No.

2 CHAIRMAN WALLACE: Okay.

3 Then I would suggest that any -- and do  
4 you think that could be done by the next meeting  
5 date --

6 MR. COLBY: I think so.

7 CHAIRMAN WALLACE: -- and provided to the  
8 parties --

9 MS. JOHNSON: We'll check.

10 CHAIRMAN WALLACE: -- including Attorney  
11 Bochte?

12 MS. JOHNSON: Yes.

13 CHAIRMAN WALLACE: Okay.

14 MR. BOCHTE: Thank you.

15 One last question for Mr. Ferrell, if  
16 I may.

17 I believe, sir, that you indicated that  
18 your guards are sometimes outside.

19 MR. FERRELL: Correct.

20 MR. BOCHTE: Their weapons, are they  
21 concealed or do they wear them exposed?

22 MR. FERRELL: They wear them exposed.

23 MR. BOCHTE: They wear them exposed.

24 What kind of training do they get as it



1 relates to exposed weapons when they're around  
2 little children so they don't frighten them or get  
3 them upset?

4 MR. FERRELL: So in order for anybody to  
5 be licensed to carry a weapon in Illinois, they  
6 have to get what they call an FCC card, which is  
7 an additional 20 hours of training mandated by the  
8 State of Illinois.

9 Upon top of that, we do training at Silver  
10 Star Protection Group. We have our guys certify  
11 every six months that they're proficient with a  
12 weapon.

13 On top of that, we train them to -- you  
14 know, obviously, when you have a holster, there's  
15 ones that -- you know, normally you just can't  
16 pull it out. So for a kid to walk up and grab a  
17 gun from a security officer would be highly  
18 unlikely because you have to give it a good tug to  
19 come out, so I don't see that as a scenario that  
20 could happen.

21 CHAIRMAN WALLACE: Okay.

22 All right. Other -- Ms. Fowler.

23 MS. FOWLER: I'm just wondering if the  
24 study includes the dance studio traffic at night

1 in the parking because this is going to be a whole  
2 new thing.

3 Since the building was built 20 years ago,  
4 it was designed for a dance studio. It has only  
5 been a dance studio the last 20 years since it was  
6 built. And when they -- when I first bought the  
7 building, that was never a problem because I'm the  
8 only one there at night. So it takes -- we take  
9 up quite a bit of parking, but it has never been a  
10 problem because I'm the only one there.

11 So now if they're -- now, I'm open until  
12 10:00. If they're open until 10:00, I'm very  
13 concerned on the parking situation because he's  
14 correct. During the day there is -- there are a  
15 lot of empty parking spaces that aren't being used  
16 but not at night.

17 VICE CHAIRMAN KESSLER: Did you say that  
18 the building was built for a dance studio?

19 MS. FOWLER: No, my unit. My unit was  
20 built for a dance studio. So it has only been a  
21 dance studio the whole 20 years. The whole entire  
22 20 years, it's only been a dance studio where the  
23 parking is like -- we're open at night. There's  
24 no dance studio ever open during the day because

1 the kids are in school. So we're open from 3:00  
2 to 10:00 year-round.

3 So I'm -- so this hasn't been brought up,  
4 but this is like a game changer. This is  
5 something completely new because it is -- we take  
6 up a lot of spots at night.

7 CHAIRMAN WALLACE: How many spots -- what  
8 is your required number of spots?

9 MS. FOWLER: I knew you were going to ask  
10 that. And, honestly, it's never been an issue  
11 because I'm the only one there. I don't know. So  
12 now it is an issue.

13 CHAIRMAN WALLACE: Why don't we calculate  
14 it. How many students do you have?

15 MS. FOWLER: About 200 that are in that  
16 facility.

17 CHAIRMAN WALLACE: How many students at a  
18 time?

19 MS. FOWLER: Oh, at a time?  
20 Maybe -- depends on the day.

21 UNIDENTIFIED FEMALE VOICE: Well, you --

22 CHAIRMAN WALLACE: Hold on. Hold on.  
23 Just her.

24 MS. FOWLER: I have two -- yeah, I have

1 two studios running at the same time. I could  
2 have like 50 kids there at once.

3 We have -- one class comes in with 20 kids,  
4 you know --

5 CHAIRMAN WALLACE: How many staff do you  
6 have?

7 MS. FOWLER: At a time? At night probably  
8 three.

9 CHAIRMAN WALLACE: Okay. So 3 staff for  
10 50 kids? 3 staff plus 50 kids?

11 MS. FOWLER: Yeah, because there's two  
12 classes going on. Usually there's about 20 kids  
13 in a class.

14 CHAIRMAN WALLACE: Okay.

15 MS. FOWLER: Plus a receptionist.

16 CHAIRMAN WALLACE: Okay. So correct me if  
17 I'm wrong, staff, that that would mean that she's  
18 required to have 52 spaces.

19 MS. JOHNSON: Yes. The parking  
20 requirement for a specialized instructional school  
21 is one per two faculty and staff members and one  
22 per student based on rated design capacity.

23 MS. FOWLER: But is that -- because  
24 it's -- every hour it's different. Like that

1 would be like a higher -- like 20 kids in a class.

2 CHAIRMAN WALLACE: How many do you have  
3 for your unit? How many spaces do you have?

4 MS. FOWLER: Parking spaces?

5 15? That's --

6 MS. DE BORD: That's in the bylaws.

7 MS. FOWLER: I have 15.

8 CHAIRMAN WALLACE: Just curious.

9 MS. FOWLER: It has never been a problem  
10 in the past.

11 CHAIRMAN WALLACE: Okay.

12 MEMBER VARGULICH: Could I just ask that  
13 maybe some of this data of the users and how  
14 they -- could be looked at by the traffic engineer  
15 and incorporated into their study?

16 So that if we have an existing user that  
17 has -- whatever that is -- then that gets  
18 correlated against their hours of operation since  
19 they tend to operate nontraditional -- you know,  
20 9:00 to 5:00 -- since their operation is 3:00 to  
21 10:00? Now, that overlaps with some of the  
22 regular use of Zen, but it also overlaps with some  
23 of the nonpeak hours of Zen.

24 But they need to provide the data so the

1 traffic engineer can look at it and then Hampton  
2 Lenzini can see whether it all seems to work.

3 VICE CHAIRMAN KESSLER: When are your  
4 classes -- what are the hours of your classes?

5 MS. FOWLER: Well, the dance team comes at  
6 3:00. They're from 3:00 to 5:00 twice a week.

7 VICE CHAIRMAN KESSLER: How many are on  
8 the dance team?

9 MS. FOWLER: There -- well, there's 35  
10 but they come together. They carpool. There's  
11 35 on the dance team.

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

13 MR. MANIC: I just hope that we don't go  
14 down the wrong road. I mean, what we're really  
15 reviewing here is our use, and our evidence is our  
16 use meets the parking requirement.

17 MEMBER VARGULICH: I also think that  
18 there's a need, since this is about how this use  
19 impacts the other tenants and adjacent uses,  
20 that -- understanding how existing tenants use and  
21 operate bears directly on what you're doing to  
22 them. Yes?

23 MR. MANIC: No, I understand the point.

24 MEMBER VARGULICH: Okay.

1 MR. MANIC: I guess the thing I'm just  
2 saying is, if it's determined that we only have a  
3 parking requirement of 15 or 17, what they're  
4 doing -- what anybody else is doing -- we're  
5 satisfying our demand, so we're really not  
6 affecting anybody.

7 CHAIRMAN WALLACE: I'm making a  
8 determination as to how to weight the different  
9 testimony and evidence.

10 MR. MANIC: Correct.

11 CHAIRMAN WALLACE: And if somebody is  
12 arguing that there are not enough spaces in a  
13 particular lot and that this use is the reason  
14 why, I want to know if it's this use or another  
15 use that's the reason why there aren't enough  
16 spaces.

17 MR. MANIC: Correct.

18 MS. FOWLER: And that's why I wanted to  
19 say about the 20 years it's been that way.

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

22 Ma'am, did you have something?

23 MS. FRITSCH: I have a number of comments,  
24 but I promise to be brief with each.

1 But I didn't --

2 VICE CHAIRMAN KESSLER: She was not  
3 sworn in.

4 CHAIRMAN WALLACE: Will you tell the  
5 truth?

6 MS. FRITSCH: I will.

7 CHAIRMAN WALLACE: Thank you.

8 MS. FRITSCH: All right.

9 THE COURT REPORTER: What's your name,  
10 please? And spell it.

11 MS. FRITSCH: Therese Fritsch,  
12 T-h-e-r-e-s-e F-r-i-t-s-c-h, 2319 Kidwell Drive,  
13 West Chicago. My daughter is a student at Beth  
14 Fowler School of Dance, and that's why I'm here  
15 tonight.

16 I also want to note that my daughter's  
17 18 years old and this is her last year at the  
18 school, so I'm really not here because I have a  
19 stake in this myself but because I'm interested in  
20 what's right.

21 One thing I noted earlier today was the  
22 extensive security requirements that were  
23 described. That says to me, if you need those  
24 kind of security measures, that there's a level of



1 risk being brought to that site that is  
2 incompatible with the site also having a dance  
3 school there that has children in it from 3:00 to  
4 10:00 at night, as Beth said, of all ages.

5 To me, that means that it's rather  
6 disingenuous to say that the presence of  
7 recreational cannabis will have a positive impact  
8 on the neighboring businesses, most particularly  
9 the dance school. It seems to me there will be  
10 definitely an encroachment on that business.

11 I also want to note that, although the law  
12 does not classify the dance school as a school,  
13 that the spirit of the law and the distance of a  
14 recreational cannabis business to a school is to  
15 protect children, and that's what this business  
16 does have. It caters to children. That's what  
17 all of the students are. It's not an adult dance  
18 school, it is only a children's dance school, and  
19 you'll have children there from those hours. In  
20 addition to the 3:00 to 10:00, Monday through  
21 Friday, that was mentioned, there are children  
22 there on Saturday and Sunday for various practices  
23 and classes, as well.

24 I also wanted to note that the

1 similarities that were described between the  
2 existing medical cannabis business and the coming  
3 recreational cannabis business that they would  
4 like to have are similar but not with respect to  
5 volume and with respect to the intent of the  
6 clients.

7           These clients are coming for recreational  
8 purposes, not for medical purposes. That will be  
9 a different type of clientele, and I think we can  
10 also expect that the peak hours of their business  
11 may also collide with the peak hours of the  
12 pickups.

13           I can speak as an experienced parent  
14 having picked a child up at that site many times  
15 at 9:30 to 10:00 at night after classes are done.  
16 It's not the number of parking spots that we  
17 should be so concerned about; it is the flow of  
18 the traffic.

19           And if you have a business in there with  
20 clientele coming in up until 10:00 at night -- as  
21 many as 80 an hour or whatever the numbers were --  
22 and then you also have all of these parents  
23 picking up these children -- they're not parked.  
24 They're not parked there that whole time. They're

1 coming in to drop children off and pick children  
2 up in addition to the early teen drivers that are  
3 taking themselves there. Those numbers are fewer  
4 but you will also have those drivers coming in  
5 and out.

6           You're talking about a very narrow strip  
7 of coming in and out and then all of these people  
8 coming to these two businesses that are just a few  
9 doors down from each other. I think the flow of  
10 traffic is a much more hazardous situation than  
11 the number of parking spots that are going to be  
12 used.

13           The other thing that I'm concerned with is  
14 that despite the waiting area expansion that was  
15 described -- and it was unclear to me whether this  
16 was done already or proposed because it seemed  
17 like both were being said.

18           But that expansion, while it will  
19 accommodate more people, I am concerned that there  
20 will be still people loitering outside during peak  
21 times that won't be able to fit into that waiting  
22 area, and then those people will be standing  
23 outside or in their cars outside waiting to get  
24 into that business as there are children coming in

1 and out of the Fowler School of Dance.

2 So I thank you for your time in listening  
3 to my concerns.

4 CHAIRMAN WALLACE: All right. Thank you.

5 VICE CHAIRMAN KESSLER: Thank you.

6 CHAIRMAN WALLACE: Any --

7 MR. FERRELL: Can I respond?

8 CHAIRMAN WALLACE: Sure. Yeah.

9 MR. FERRELL: I just want to make one  
10 comment in response to -- there was a statement  
11 made that because there are so many security  
12 precautions that there must be an imminent risk  
13 here that is perceived.

14 And the one thing I wanted to remind  
15 everybody about is when the medical cannabis  
16 program was written in 2014, it was an unknown.  
17 And what happened is the regulations were written  
18 that we would have stringent security measures;  
19 there was a high percentage of points on the  
20 application that were given for that. It was  
21 based on the unknown. As responsible vendors and  
22 dispensary owners, we took a cautionary approach  
23 to making sure that we oversecured than needed.

24 But I do want to let you know what is

1 known is what has been testified by the police  
2 chiefs. There was no additional calls to them.  
3 That was represented from Addison and, I believe,  
4 St. Charles. I can tell you that I work with  
5 multiple other dispensaries. The incidents of  
6 police reports and calls to them are minimal to  
7 none. Most of them are false burglar alarms.

8 So I don't think that there's an imminent  
9 risk that the last lady had mentioned.

10 CHAIRMAN WALLACE: All right. Hold on  
11 one second.

12 A gentleman in the back here.

13 MR. KING: Hi. Gary King, 3114 Charlemagne  
14 Lane, St. Charles.

15 I submitted an email earlier -- because  
16 I didn't think I was going to be here -- with some  
17 pictures.

18 Can that be submitted to this hearing, not  
19 the first one? I think it's more appropriate for  
20 this because it's close to the use.

21 CHAIRMAN WALLACE: Okay. Yeah, we -- the  
22 email.

23 MR. KING: The reason I came up -- just so  
24 you got -- the pictures are a representation of

1 what one of our other moms had talked about, about  
2 people waiting, loitering.

3 I don't know whether those pictures are  
4 from grand openings or 420 or just, you know,  
5 party time on Friday or what have you, but that's  
6 indicative of what could happen at some of these  
7 dispensaries, which is great.

8 I also know Anthony quite well. I'm not  
9 here to disparage a business. As a matter of  
10 fact, I think we need more tax revenue in  
11 St. Charles. Our taxes are rampant. So we'd --  
12 we enjoy that; however, we also have to be wary of  
13 the local businesses and what impacts that will  
14 have. Okay?

15 If I'm a dad or a mom and I'm searching  
16 for a place to bring my son or daughter to dance  
17 and I go over to Beth Fowler School of Dance and  
18 there's a line down the sidewalk and, you know,  
19 signs, you know, whatever -- whatever signage  
20 they're going to use to promote their business --  
21 I'm driving by. I'm not taking my daughter or son  
22 to Beth Fowler School of Dance because I don't  
23 want to deal with that.

24 She may have -- on January 1 if this all

1 goes through, she may have immediate loss of  
2 business with families with young kids that won't  
3 want to deal with it, so there's going to be an  
4 immediate impact for that business potentially  
5 because of this.

6           So I just wanted to -- you had said  
7 something earlier about, you know, you have to  
8 make sure that the surrounding businesses -- how  
9 are they going to be impacted. Just -- when  
10 you're making your decisions, you need to -- you  
11 need to make sure you're taking that into  
12 consideration because her business is solely  
13 dependent on the trust of parents and the  
14 family -- the Beth Fowler family -- to take care  
15 of their kids.

16           And the perception is going to be that  
17 there's people standing around loitering, 420,  
18 there's guys with -- with sidearms directing  
19 traffic. No parent's going to want to drop their  
20 8-year-old daughter off to a dance class when  
21 that's happening so -- that's my opinion.

22           My daughter's been there 11 years. She  
23 probably spends more time at Beth Fowler School of  
24 Dance here and Genoa than asleep in her home.

1           If 11 years ago there was a dispensary in  
2 town next to Beth Fowler School of Dance, we would  
3 not have been there. That's just plain and  
4 simple. I don't think she's in it for the long  
5 game, honestly. If there's a recreational permit  
6 given in that location, I do not believe that  
7 business survives more than a few years. My  
8 opinion.

9           Thanks.

10          CHAIRMAN WALLACE: All right.

11          Who else had a comment or question?

12          MS. FOWLER: I did but --

13          CHAIRMAN WALLACE: Yeah.

14          MS. FOWLER: This will be quick because he  
15 pretty much said what I was going to say.

16          But -- yeah. When people come up and they  
17 see those weapons, I'm just very concerned --  
18 especially new people coming to the studio trying  
19 to, you know, check us out, come for a tour --  
20 like just the whole atmosphere. It just seems  
21 like "I don't think this is the place for my  
22 daughter to dance -- or my son to dance."

23          That's basically it, what I wanted to say.

24          MR. FERRELL: I should have mentioned



1 earlier that we do have the ability to conceal.  
2 So if the association felt that way, that is an  
3 option we can go, as well.

4 CHAIRMAN WALLACE: Okay.

5 All right. Any other questions, comments?

6 (No response.)

7 CHAIRMAN WALLACE: Okay. If there isn't  
8 anything right now, I'll -- yeah. I'll accept a  
9 motion. I think we have several things that are  
10 still open --

11 MR. MANIC: I'm sorry to interrupt.

12 We just had -- we made an objection  
13 earlier that -- we just want to make sure that  
14 stays in the record.

15 CHAIRMAN WALLACE: I'm sorry.

16 Yeah, there was an objection. The  
17 attorney presenting objected to the testimony  
18 which had been given by the spouse of one of the  
19 members of the Planning Commission and just wanted  
20 to let that be known for the record.

21 Anything further on that?

22 MR. MANIC: That's fine.

23 CHAIRMAN WALLACE: Okay.

24 All right. And is there a motion --

1 VICE CHAIRMAN KESSLER: So moved.

2 CHAIRMAN WALLACE: What's your motion?

3 VICE CHAIRMAN KESSLER: Well, you said  
4 you'd entertain a motion to continue the public  
5 hearing --

6 CHAIRMAN WALLACE: Okay.

7 VICE CHAIRMAN KESSLER: -- so I move that  
8 we continue the public hearing to --

9 CHAIRMAN WALLACE: December 17th.

10 VICE CHAIRMAN KESSLER: -- December 17th.

11 MEMBER PRETZ: Second.

12 CHAIRMAN WALLACE: All right.

13 THE COURT REPORTER: Who seconded?

14 MEMBER PRETZ: (Indicating.)

15 THE COURT REPORTER: Thank you.

16 CHAIRMAN WALLACE: December 17th at  
17 seven o'clock p.m.

18 Any discussion on the motion?

19 (No response.)

20 CHAIRMAN WALLACE: Tim.

21 VICE CHAIRMAN KESSLER: Becker.

22 MEMBER BECKER: Yes.

23 VICE CHAIRMAN KESSLER: Funke.

24 MEMBER FUNKE: Yes.

1 VICE CHAIRMAN KESSLER: Pretz.

2 MEMBER PRETZ: Yes.

3 VICE CHAIRMAN KESSLER: Holderfield.

4 MEMBER HOLDERFIELD: Yes.

5 VICE CHAIRMAN KESSLER: Vargulich.

6 MEMBER VARGULICH: Yes.

7 VICE CHAIRMAN KESSLER: Melton.

8 MEMBER MELTON: Yes.

9 VICE CHAIRMAN KESSLER: Wallace.

10 CHAIRMAN WALLACE: Yes.

11 VICE CHAIRMAN KESSLER: Kessler, yes.

12 CHAIRMAN WALLACE: Okay. That concludes  
13 Item No. 6 on the agenda.

14 Item No. -- and I guess we're also  
15 continuing action on Item No. 5, which we had set  
16 after the public hearing, to that same date, and  
17 I'll entertain a motion for that --

18 MEMBER PRETZ: So moved.

19 CHAIRMAN WALLACE: -- to postpone action  
20 on Item 5 to December 17th, as well.

21 VICE CHAIRMAN KESSLER: So moved.

22 MEMBER PRETZ: Second.

23 CHAIRMAN WALLACE: Moved and seconded.

24 Tim.

1 VICE CHAIRMAN KESSLER: Becker.  
2 MEMBER BECKER: Yes.  
3 VICE CHAIRMAN KESSLER: Funke.  
4 MEMBER FUNKE: Yes.  
5 VICE CHAIRMAN KESSLER: Pretz.  
6 MEMBER PRETZ: Yes.  
7 VICE CHAIRMAN KESSLER: Holderfield.  
8 MEMBER HOLDERFIELD: Yes.  
9 VICE CHAIRMAN KESSLER: Vargulich.  
10 MEMBER VARGULICH: Yes.  
11 VICE CHAIRMAN KESSLER: Melton.  
12 MEMBER MELTON: Yes.  
13 VICE CHAIRMAN KESSLER: Wallace.  
14 CHAIRMAN WALLACE: Yes.  
15 VICE CHAIRMAN KESSLER: Kessler, yes.  
16 CHAIRMAN WALLACE: All right.  
17 (Off the record at 10:26 p.m.)

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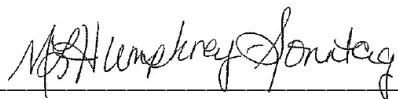
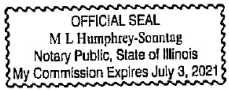
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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 9th day of December, 2019.

My commission expires July 3, 2021.

MELANIE L. HUMPHREY-SONNTAG  
NOTARY PUBLIC IN AND FOR ILLINOIS



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# Transcript of Extreme Clean, Special Use Amendment, Volume 2

**Date:** December 3, 2019

**Case:** St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: Amendment to :  
Special Use, Extreme Clean :  
Express Car Wash. :  
-----x

HEARING, VOLUME II  
St. Charles, Illinois 60174  
Tuesday, December 3, 2019  
10:26 p.m.

Job No.: 218477C  
Pages: 34 - 57  
Reported by: Melanie L. Humphrey-Sonntag,  
CSR, RDR, CRR, CRC, FAPR

1 HEARING, VOLUME II, held at the location of:

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 SUE MELTON, Member

8 TOM PRETZ, Member

9 PETER VARGULICH, Member

10

11 ALSO PRESENT:

12 RUSS COLBY, Community Development Manager

13 ELLEN JOHNSON, Planner

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

16 CIARA MILLER, Economic Development Planner

17 RITA TUNGARE, Community & Economic

18 Development Director

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

2 CHAIRMAN WALLACE: Moving on to Item  
3 No. 7, which is Extreme Clean Express Car Wash,  
4 1625 West Main Street, MKD Enterprises of  
5 St. Charles, LLC, application for special use,  
6 amendment to special use.

7 MR. GUNSTEEN: Good morning.

8 (Laughter.)

9 CHAIRMAN WALLACE: Good morning. I'll  
10 swear you in.

11 (Two witnesses sworn.)

12 CHAIRMAN WALLACE: All right. Your  
13 brevity will be appreciated.

14 MR. GUNSTEEN: So, first, I want to  
15 apologize. Last month I came for -- in front of  
16 you guys for a meeting and I was not able to be  
17 here due to a family emergency.

18 We did go in front of the Council, and it  
19 was recommended that we come back to the Planning  
20 Commission, and so we're here today.

21 During that process we looked at our site  
22 plan, we looked at the concerns that you guys had,  
23 and we redesigned our egress on Route 64, creating  
24 a right-out exit only and a full access in, which

1 is currently a full access as it sits right now.

2 We submitted those plans to staff, where  
3 they submitted them to a traffic engineer hired by  
4 the City where they approved and recommended that  
5 our changes fit the criteria that fall into the  
6 parameters of that egress there.

7 Further, as I stated in the prior meeting,  
8 as I drive up and down Route 64, 80 percent of the  
9 businesses on the south side of Route 64 have  
10 full-access egress. McDonald's has two of them.  
11 Beef Shack, Dunkin' Donuts, the auto parts store,  
12 Los Burritos, Evergreen Pub on the north side of  
13 the street, Midas on the north side of the street,  
14 Alexander's on the north side, Just Kabobs, and  
15 BP. So all of the neighboring businesses within  
16 the 1-mile radius of our facility, 80 percent of  
17 them have full access off of Route 64.

18 Part of our request for our full access  
19 off Route 64 is for the success of our business  
20 and the neighboring businesses. We are an impulse  
21 business. We generate traffic or we generate  
22 business through impulse. People see it; they  
23 turn in.

24 One of the things that we know is that an

1 egress that is on a side street tends to cause us  
2 to drop our business, where people drive past it.  
3 It's -- there's not a lane on 17th Street where  
4 people can say, "Oh, I'm going to turn here and  
5 I'll go in."

6 Some of the items that we mitigated on the  
7 original special use was based on a recommendation  
8 from you guys. We moved our building back to  
9 align with the chiropractic office. And if you  
10 see right there, we've actually moved it back so  
11 it lines up, which opens up the egress here and  
12 the flow at the exit of our building.

13 MEMBER PRETZ: Can you just -- how  
14 many feet did you bring it back? I don't have my  
15 glasses on so I can't see.

16 MR. GUNSTEEN: From the original design we  
17 submitted, it went back about 9 feet to line up  
18 for aesthetic reasons and as far as accessibility  
19 or traffic flow leaving the tunnel.

20 MEMBER PRETZ: Okay. Thank you.

21 MR. GUNSTEEN: So during that process we  
22 also created a couple more fail-safes that we  
23 felt, as a business, that were proper.

24 We put in an anticollision device, which

1 is a magnetic mechanical device that will stop the  
2 car wash tunnel should somebody stall out at our  
3 exit or should a paramedic be going by or  
4 emergency vehicles where traffic came to a halt.  
5 So that would stop everything in its tracks in our  
6 facility.

7 In addition to that, there was some  
8 concerns in our last meeting about ice buildup  
9 causing ice and water to get on the street.

10 We put a commercial-grade exterior trench  
11 drain at the exit of our tunnel. In addition to  
12 that, we heated the entire exit approach of our  
13 tunnel so that ice does not build up at our exit.

14 All this was to, hopefully, change the  
15 special use -- and it was approved -- to go into a  
16 full access. But at that point when --

17 MEMBER FUNKE: Excuse me.

18 When you mean -- when you say "full  
19 access," what do you mean by that?

20 MR. GUNSTEEN: So the current access off  
21 Route 64 is a full access. That means it's -- you  
22 can turn left or right. You can turn left into  
23 our facility whether you're going eastbound -- or  
24 right into our facility if you're going eastbound

1 or left into our facility if you're going  
2 westbound, versus having a -- eastbound traffic  
3 only being able to go into our site.

4 MEMBER FUNKE: So is that one way, then?  
5 It's one way going north?

6 MR. GUNSTEEN: Currently it's a two --  
7 currently it's a two-way road and it has a lane in  
8 the middle for a turn lane, all --

9 MR. LINKENHELD: The driveway --

10 MEMBER FUNKE: Anybody can turn --

11 MR. GUNSTEEN: Anybody --

12 THE COURT REPORTER: Excuse me. Excuse me.

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

14 CHAIRMAN WALLACE: You've got to tell her  
15 who you are first.

16 MR. GUNSTEEN: All right. Do you need my  
17 name, too?

18 THE COURT REPORTER: Sure. That would be  
19 good.

20 MR. GUNSTEEN: Daniel Gunsteen, 651 South  
21 Sutton Road, Streamwood, Illinois, Suite 305.  
22 Last name is spelled G-u-n-s-t-e-e-n.

23 THE COURT REPORTER: Thank you.

24 And your name, please.

1 MR. LINKENHELD: Jeff Linkenheld,  
2 L-i-n-k-e-n-h-e-l-d, Arc Design Resources.

3 THE COURT REPORTER: Okay. Now, if you  
4 want to talk one at a time, that would be great.

5 MR. LINKENHELD: I forgot what I was going  
6 to say.

7 MEMBER FUNKE: So to get back to that, so  
8 if you have somebody going, let's say, westbound,  
9 they're going to be in that left lane; right? And  
10 then if you have somebody going eastbound, they're  
11 going to be in the right lane.

12 What if somebody wants to turn in to the  
13 car wash area? They can turn right in?

14 MR. GUNSTEEN: They cannot -- if -- the  
15 right-in/right-out -- if you're going westbound  
16 with the right-out, right-out, as it was  
17 originally proposed, you would have to pass our  
18 facility, make a decision to turn on 17th Street,  
19 or say, "Oh, forget it. It's too much of a  
20 hassle."

21 So that's where I'm asking, because it's  
22 for the success of my business. There are other  
23 car washes in the town that have full access off  
24 of the same road for the same traffic on the east

1 side of the river, and I am --

2 MEMBER FUNKE: Sorry. So if you're going  
3 eastbound on Main Street, Route 64, and you're  
4 coming up to this drive, you cannot turn right;  
5 right? It's only -- you can't turn right because  
6 somebody may be going westbound; right?

7 MR. GUNSTEEN: Go ahead.

8 MEMBER FUNKE: Is that correct?

9 MR. LINKENHELD: As of right now the  
10 driveway is a full-access driveway up -- let's  
11 just say prior to the start of construction.

12 So the chiropractor office -- anybody  
13 coming westbound on Main Street -- there's a  
14 center turn lane. A guy could come -- get in the  
15 center turn lane, wait for a gap in the traffic,  
16 and then turn in to the driveway.

17 The person could also leave the  
18 chiropractor's office and decide whether or not he  
19 wanted to turn right onto Main Street and head  
20 into downtown or turn left onto Main Street and  
21 head out of town.

22 So at that -- as of prior to the  
23 construction, that's how the driveway situation  
24 was.



1 MEMBER FUNKE: Okay.

2 MR. LINKENHELD: Does that answer your  
3 question yet?

4 MEMBER FUNKE: You've got a 30-foot  
5 entrance; right? Entrance/exit; right? 30 foot  
6 wide?

7 MR. LINKENHELD: Yes.

8 MEMBER FUNKE: And then you have an  
9 island --

10 MR. LINKENHELD: I'm following you.

11 MEMBER FUNKE: Yeah. You have an island  
12 in the middle --

13 MR. LINKENHELD: Yes.

14 MEMBER FUNKE: -- so you're going one way  
15 east -- going right -- and then you're --

16 MR. LINKENHELD: Yes.

17 MEMBER FUNKE: -- going left one way.

18 MR. LINKENHELD: Okay. I --

19 MEMBER FUNKE: So you don't have enough  
20 room. You've --

21 MR. LINKENHELD: I got you.

22 MEMBER FUNKE: -- got 16 feet. You're  
23 going to need at least 24 to get somebody to turn  
24 right into -- somebody going eastbound on North

1 Avenue --

2 MR. LINKENHELD: Okay. I see where you're  
3 going with that.

4 Just a quick recap because we've all got  
5 to go home and go to bed.

6 So you guys did approve an original study  
7 about a year ago with a right-in/right-out  
8 driveway; correct? That was the special use  
9 approved.

10 Mr. Gunsteen petitioned to IDOT to say,  
11 you know, "We've already got a full-access  
12 driveway. Maybe I could just leave that alone."  
13 And IDOT said yes.

14 And so we came back with an amended report  
15 that said a full-access driveway would still be  
16 appropriate, and HLR backed us on that and they  
17 said yes; however, you guys had some concerns  
18 about the traffic flow and the congestion at this  
19 driveway point.

20 And so then we are now here today to amend  
21 a third time to a combo, the best of all worlds.  
22 A full-in/right-out driveway is what is the  
23 current proposal, which would mean to you, sir, we  
24 could turn left into the site, we can turn right

1 into the site.

2 Now, we cannot do that at the same time  
3 because the driveway's only 30 foot wide. The  
4 left-turning car would -- just like at the  
5 McDonald's or -- he would wait for the guy or a  
6 gap in the traffic coming westbound or somebody  
7 turning in to the chiropractor or the car wash in  
8 order for him to make his turn into the site --

9 MEMBER FUNKE: So --

10 MR. LINKENHELD: -- just a standard  
11 driveway.

12 MEMBER FUNKE: -- how do you stripe that?

13 MR. LINKENHELD: Well, there's actually  
14 then a pork chop median proposed to prevent people  
15 that are northbound leaving the property to make  
16 any sort of left turn. Those people are forced to  
17 turn right.

18 MEMBER FUNKE: Wouldn't it be easier just  
19 to make three lanes and have one lane that goes  
20 left on North Avenue, one lane going right, and  
21 then one lane turning right into the property?  
22 I mean -- as opposed to them sharing.

23 MR. LINKENHELD: You -- no, it wouldn't.  
24 You would not want to have a person trying to come

1 across North Avenue and having them trying to  
2 merge with a car coming -- turning right into the  
3 street -- or into the driveway -- at that same  
4 time.

5 You would want them -- you would want one  
6 person to wait. I mean, it -- like if you were  
7 driving home tonight and there was a guy coming  
8 down the street --

9 MEMBER FUNKE: Okay. So --

10 MR. LINKENHELD: -- and you would wait for  
11 him to pass your driveway before you turned in to  
12 your driveway.

13 MEMBER FUNKE: Maybe you're not  
14 understanding. So if you're -- if I'm going  
15 eastbound on Illinois Route 64 -- right?

16 MR. LINKENHELD: Right.

17 MEMBER FUNKE: -- and then I turn right  
18 after -- what's that street?

19 MR. GUNSTEEN: 17th.

20 MEMBER FUNKE: After 17th I turn right  
21 into the site --

22 MR. GUNSTEEN: Into my driveway.

23 MEMBER FUNKE: Right.

24 But if somebody is in that drive lane

1 turning left --

2 MR. LINKENHELD: They're not.

3 VICE CHAIRMAN KESSLER: Putting --

4 MR. LINKENHELD: We're proposing -- we're  
5 restricting them from turning left at this point.  
6 We're having the pork chop island in there so that  
7 people leaving the site are only going to be  
8 allowed to turn right.

9 MEMBER FUNKE: Oh.

10 MR. GUNSTEEN: We're forcing them right.

11 MEMBER FUNKE: All right. So you --

12 MR. GUNSTEEN: We heard your concerns.

13 MEMBER FUNKE: So you're not turning left  
14 out of there?

15 MR. GUNSTEEN: We're not turning left --

16 MR. LINKENHELD: No, we're --

17 THE COURT REPORTER: Wait. Come on.

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

19 MR. LINKENHELD: We're no longer turning  
20 left out of the site onto North Avenue. The left  
21 turns are basically diverted to either 17th or  
22 15th, to the traffic light.

23 MEMBER FUNKE: It makes sense now.

24 Thank you.

1 MR. LINKENHELD: Okay.

2 THE COURT REPORTER: Thank you.

3 MR. LINKENHELD: So summarizing -- and,  
4 hopefully, getting approval -- we've kind of  
5 merged the two different prior studies into one  
6 combined approvable study to allow you to leave  
7 Mr. Gunsteen his left-in from North Avenue but  
8 then restrict him from left-out.

9 CHAIRMAN WALLACE: Questions?

10 VICE CHAIRMAN KESSLER: I just want to  
11 comment that I'm -- I also missed the last  
12 meeting. Sorry. And I don't know if you were at  
13 that.

14 MR. LINKENHELD: Me, too.

15 VICE CHAIRMAN KESSLER: You, too. So  
16 three of us did.

17 So at any rate, I have to say, after  
18 40 years on that side of town in that  
19 neighborhood, this is probably the best use of  
20 that Route 64 access that I've seen.

21 That's a very difficult area there because  
22 you have 17th on the north and the south side of  
23 64 that do not align, and directly across the  
24 street you have a double full access in and out at

1 that gas station that's been there forever. It's  
2 a very difficult place.

3 Have -- controlling that traffic to a  
4 right-in/right-out and a left-in-only is perfect  
5 because there's -- you can sit in that center lane  
6 until there's a break in the traffic. You can  
7 make that turn. I think this is good -- a good  
8 solution.

9 MR. GUNSTEEN: Thank you.

10 CHAIRMAN WALLACE: All right. Any other  
11 questions, anyone?

12 MR. GUNSTEEN: I do want to just add one  
13 thing.

14 My neighboring business, Pat -- he left  
15 because there were no sandwiches passed out from  
16 the previous applicant but -- so he said that in  
17 seven years of being in his business --

18 CHAIRMAN WALLACE: Is this Olympic?

19 MR. GUNSTEEN: Olympic Chiropractic.

20 In seven years of being in his business,  
21 he has never once witnessed an accident at that  
22 intersection in all the years he's been there.  
23 And his customers do use the approach off of 64.

24 He provided me documentation. I'm not

1 going to enter it, but he did tell me since we've  
2 closed the approach that his revenue went down  
3 from 61,000 to 47,000 because the current way the  
4 site is aligned is the same issue that I would  
5 have, people that might miss an appointment  
6 because it might be an inconvenience or just --  
7 people today are in an impulse mood. They just  
8 want to pull in and get their car washed or --

9 VICE CHAIRMAN KESSLER: Will he still have  
10 access?

11 MR. GUNSTEEN: Yes, he will still have  
12 access.

13 MEMBER VARGULICH: He still does.

14 CHAIRMAN WALLACE: He'll have cross-access.

15 VICE CHAIRMAN KESSLER: Right there?

16 MEMBER VARGULICH: It's under construction  
17 so that's why.

18 MR. GUNSTEEN: So, again, I appreciate you  
19 guys hearing this again for the third time. And  
20 if you have any questions, I'm happy to answer any  
21 more.

22 CHAIRMAN WALLACE: Any questions?

23 (No response.)

24 CHAIRMAN WALLACE: Motion?



1 VICE CHAIRMAN KESSLER: I'd make a motion  
2 to close the public hearing.

3 MEMBER PRETZ: Second.

4 CHAIRMAN WALLACE: All right. Moved and  
5 seconded.

6 Any discussion?

7 (No response.)

8 CHAIRMAN WALLACE: Tim.

9 VICE CHAIRMAN KESSLER: Becker.

10 MEMBER BECKER: Yes.

11 VICE CHAIRMAN KESSLER: Funke.

12 MEMBER FUNKE: Yes.

13 VICE CHAIRMAN KESSLER: Pretz.

14 MEMBER PRETZ: Yes.

15 VICE CHAIRMAN KESSLER: Holderfield.

16 MEMBER HOLDERFIELD: Yes.

17 VICE CHAIRMAN KESSLER: Vargulich.

18 MEMBER VARGULICH: 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. And let's

1 take some action here.

2 VICE CHAIRMAN KESSLER: I'd make a motion  
3 to recommend approval to the Planning and  
4 Development Committee for the Extreme Clean  
5 Express Car Wash, 1625 West Main Street,  
6 MKD Enterprises of St. Charles, LLC, application  
7 for special use, amendment to special use.

8 CHAIRMAN WALLACE: Is there a second?

9 MEMBER FUNKE: Second.

10 VICE CHAIRMAN KESSLER: I'd like to add to  
11 that subject to --

12 CHAIRMAN WALLACE: Subject to the  
13 resolution of any staff comments?

14 THE COURT REPORTER: I'm sorry?

15 VICE CHAIRMAN KESSLER: Subject to the  
16 resolution of any staff comments.

17 THE COURT REPORTER: Thank you.

18 MEMBER FUNKE: I'll second.

19 CHAIRMAN WALLACE: All right.

20 Any discussion.

21 (No response.)

22 CHAIRMAN WALLACE: I just want to say  
23 thank you because this is -- this is a good  
24 compromise.

1 MR. GUNSTEEN: Thank you for hearing me.

2 CHAIRMAN WALLACE: Thank you for working  
3 with us and listening to what we were saying.

4 MR. GUNSTEEN: We're pretty excited to be  
5 here so -- we want to get this going, so we kind  
6 of pushed to be on this meeting, not knowing that  
7 that was going to be prior.

8 VICE CHAIRMAN KESSLER: You never know.

9 CHAIRMAN WALLACE: Yeah. All right.

10 Any other discussion? Comments?

11 (No response.)

12 CHAIRMAN WALLACE: Anything from staff? No?

13 (No response.)

14 CHAIRMAN WALLACE: Okay. Tim.

15 VICE CHAIRMAN KESSLER: Becker.

16 MEMBER BECKER: Yes.

17 VICE CHAIRMAN KESSLER: Funke.

18 MEMBER FUNKE: Yes.

19 VICE CHAIRMAN KESSLER: Pretz.

20 MEMBER PRETZ: Yes.

21 VICE CHAIRMAN KESSLER: Holderfield.

22 MEMBER HOLDERFIELD: Yes.

23 VICE CHAIRMAN KESSLER: Vargulich.

24 MEMBER VARGULICH: Yes.

1 VICE CHAIRMAN KESSLER: Melton.

2 MEMBER MELTON: Yes.

3 VICE CHAIRMAN KESSLER: Wallace.

4 CHAIRMAN WALLACE: Yes.

5 VICE CHAIRMAN KESSLER: Kessler, yes.

6 MR. GUNSTEEN: Thank you very much.

7 MR. LINKENHELD: Thank you.

8 CHAIRMAN WALLACE: All right. Thank you.

9 Any additional business?

10 (No response.)

11 CHAIRMAN WALLACE: Weekly development?

12 (No response.)

13 CHAIRMAN WALLACE: Meeting announcements?

14 (No response.)

15 CHAIRMAN WALLACE: Public comment?

16 (No response.)

17 CHAIRMAN WALLACE: Is there a motion to  
18 adjourn?

19 VICE CHAIRMAN KESSLER: So moved.

20 MEMBER FUNKE: Second.

21 CHAIRMAN WALLACE: All right. All in  
22 favor?

23 (Ayes heard.)

24 CHAIRMAN WALLACE: Opposed?

1 (No response.)

2 CHAIRMAN WALLACE: The meeting of the  
3 St. Charles Planning Commission is adjourned at  
4 10:42 p.m.

5 (Off the record at 10:42 p.m.)

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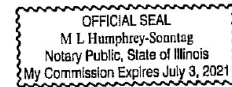
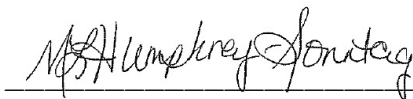
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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 9th day of December, 2019.

My commission expires July 3, 2021.



MELANIE L. HUMPHREY-SONNTAG  
NOTARY PUBLIC IN AND FOR ILLINOIS