

Minutes – St. Charles Plan Commission

Tuesday, February 4, 2013

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Motion carried: 8-0

MEETING

5. General Amendment (City of St. Charles)

Requirements for the regulation of Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations.

No action was taken on this item.

6. 2701 E. Main St. - Drive-Through Stacking Reduction Request (Kolbrook Design)

Stuart's Crossing PUD- Proposed Dunkin Donuts.

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Mr. Kessler made a motion to continue the item to a future date when the applicant and staff are prepared to respond to the Commission's comments. Motion seconded by Mr. Schuetz.

Roll Call Vote:

Ayes: Henningson, Schuetz, Doyle, Wallace, Kessler, Amatangelo, Gaugel,
Holderfield

Nays:

Absent: Pretz

Motion carried: 8-0

7. Meeting Announcements

Tuesday, February 18, 2014 at 7:00pm Century Station

Tuesday, March 4, 2014 at 7:00pm Council Chambers

Tuesday, March 18, 2014 at 7:00pm Council Chambers

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

9. Adjournment at 9:00PM

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Public Hearing on)
General Amendment;)
Regular Meeting,)
2701 East Main Street.)

REPORT OF PROCEEDINGS
St. Charles City Hall
2 East Main Street
St. Charles, Illinois 60174
February 4, 2014
7:00 p.m.

Reported by: Mel anie L. Humphrey-Sonntag,
CSR, RDR, CRR, CCP, FAPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. TODD WALLACE, Chairman;
- MR. TIM KESSLER, Vice Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. CURT HENNINGSON, Member;
- MR. JIM HOLDERFIELD, Member; and
- MR. TOM SCHUETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MR. MATTHEW O'ROURKE, Planner.

I N D E X

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Drive-Through Stacking Reduction Request, 2701 East Main Street	71

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1 CHAIRMAN WALLACE: This meeting of the
2 St. Charles Planning Commission will come to order.
3 Tim, roll call.
4 VICE CHAIRMAN KESSLER: Holderfield.
5 MEMBER HOLDERFIELD: Here.
6 VICE CHAIRMAN KESSLER: Amatangelo.
7 MEMBER AMATANGELO: Here.
8 VICE CHAIRMAN KESSLER: Schuetz.
9 MEMBER SCHUETZ: Here.
10 VICE CHAIRMAN KESSLER: Doyle.
11 MEMBER DOYLE: Here.
12 VICE CHAIRMAN KESSLER: Gaugel.
13 MEMBER GAUGEL: Here.
14 VICE CHAIRMAN KESSLER: Henningson.
15 MEMBER HENNINGSON: Here.
16 VICE CHAIRMAN KESSLER: Wallace.
17 CHAIRMAN WALLACE: Here.
18 VICE CHAIRMAN KESSLER: Kessler, here.
19 CHAIRMAN WALLACE: All right.
20 And first thing -- are you tired from so many
21 people?
22 VICE CHAIRMAN KESSLER: Yeah. Full
23 house.
24 CHAIRMAN WALLACE: First thing, I'd like

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1 to welcome our two new members, Mr. Holderfield and
2 Mr. Gaugel. Welcome to Plan Commission.

3 And I think that there was a -- was there
4 something on the City Web site, a little write-up about
5 the background? I don't want to put you on the spot
6 and make you say what your background is. I think that
7 there --

8 MEMBER HOLDERFIELD: Well, there was
9 something but --

10 CHAIRMAN WALLACE: Would you mind just
11 introducing yourself and just giving a couple of words?

12 MEMBER HOLDERFIELD: Sure.

13 I was a high school teacher at St. Charles
14 East High School for 35 years.

15 I taught architectural drafting, product
16 design. I was over the building trades program and
17 supervised the building of 12 homes here in the city.

18 And so that's basically what I bring to this
19 Commission, and I'm eager to work for it and be an
20 active part.

21 CHAIRMAN WALLACE: Okay. Great.

22 MEMBER GAUGEL: Steve Gaugel. I'm
23 pretty much a lifelong resident of St. Charles with the
24 exception of my college years at the University of

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1 Illinois.

2 I went to Davis School, Thompson Middle
3 School, and St. Charles High School, which is now East.
4 I work for Fermilab. I'm in the procurement office and
5 a senior procurement administrator. I have the
6 government contracts over there for purchasing,
7 construction, fabrication, among other things.

8 And I ran for Alderman against Tim Martin a
9 couple years back, and I was on the comprehensive plan
10 task force just recently. That was a project that came
11 before this Commission as well as the City Council.

12 I'm happy to be here.

13 CHAIRMAN WALLACE: All right. Thank you
14 very much and welcome.

15 MEMBER HOLDERFIELD: Thank you.

16 CHAIRMAN WALLACE: All right.

17 Presentation of minutes of the January 7th,
18 2014, meeting.

19 Is there a motion to approve?

20 MEMBER AMATANGELO: So moved.

21 MEMBER SCHUETZ: Second.

22 CHAIRMAN WALLACE: It's been moved and
23 seconded.

24 All in favor?

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GENERAL AMENDMENT, MEDICAL CANNABIS**

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1 (Ayes heard.)

2 CHAIRMAN WALLACE: Opposed?

3 (No response.)

4 CHAIRMAN WALLACE: Motion passes
5 unani mousl y.

6 Item 4 on your agenda is a general amendment,
7 City of St. Charles, requirements for the regulation of
8 medical cannabi s cul ti vati on centers and medical
9 cannabi s di spensi ng organi zati ons.

10 This is the public hearing portion of our
11 meeting, and the Plan Commission has the role of
12 conducting public hearings for the City Council.

13 When applications for certain things come
14 before the Ci ty, the Pl anni ng Commi ssi on conducts the
15 public hearing as a means of gathering facts and
16 testi mony, both for and against an appli cation, and
17 that's what we're doing here tonight.

18 This parti cular appli cation's actual ly
19 brought by the Ci ty of St. Charles, and we'll get into
20 the whys of that as we start to listen to the
21 testi mony.

22 But the Appli cant will present the
23 appli cation, and anyone who has any questions of the
24 Appli cant and the evidence that he presents may ask

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1 those.

2 After the Applicant presents testimony,
3 anyone else who wishes to present testimony either in
4 favor of or opposing the application may do so at that
5 time.

6 And the Applicant will end by providing any
7 rebuttal testimony.

8 I will -- because we are on the public
9 record, there is a court reporter here in the room.
10 I will recognize those who speak, and I would ask that
11 no person speak if they are not specifically recognized
12 by me.

13 It is a public record, and so whoever speaks
14 must state their name, spell their last name, and also
15 state their address. And anyone who speaks needs to
16 come up to the lectern to do so.

17 Any questions regarding that procedure?

18 (No response.)

19 CHAIRMAN WALLACE: Any questions
20 regarding the procedure?

21 (No response.)

22 CHAIRMAN WALLACE: Okay.

23 Then in that case, anyone who wishes to offer
24 testimony on this particular item, including asking

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1 questions or making comments, I would ask that you now
2 be sworn in. Please raise your right hand.

3 (One witness duly sworn.)

4 CHAIRMAN WALLACE: All right. And
5 before we start, do we have anything -- we don't have
6 any exhibits on this one, do we?

7 MR. O'ROURKE: No, just the staff
8 materials.

9 CHAIRMAN WALLACE: Okay. Which were a
10 part of the --

11 MR. O'ROURKE: They were part of the
12 packet items that were submitted on the Internet.

13 CHAIRMAN WALLACE: All right.
14 Anything else before we start?

15 MR. O'ROURKE: (Mr. O'Rourke shook his
16 head from side to side.)

17 CHAIRMAN WALLACE: Go ahead.

18 MR. O'ROURKE: All right. Thank you.
19 Staff is presenting a general amendment
20 application for the Planning Commission tonight for
21 review.

22 Essentially, we're looking at medical
23 marijuana, slash, cannabis-related uses; in particular,
24 cultivation centers and dispensing organizations.

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1 In August of 2013 the State of Illinois
2 passed a law that made such uses legal here in the
3 state of Illinois, and staff has reviewed that law and
4 looked at it and basically wanted to create a staff
5 review process that would allow us to react and review
6 these proposals should one come forward to the City of
7 St. Charles. Rather than sit back and wait for maybe
8 one to come in, we felt it would be a little bit better
9 to be proactive and at least get something into the
10 Zoning Ordinance that would allow us to react to it
11 instead of just kind of in that mode of "Let's wait and
12 see what happens."

13 So what you see before you is -- essentially,
14 it's a hundred-plus-page law that goes into every kind
15 of detail with medical cannabis that you can think of,
16 and there are very few specifics related to how this is
17 a part of the zoning process.

18 In particular, there's some guidelines for
19 where these things could be located within cities.
20 There's specific provisions for cannabis cultivation
21 centers that state it cannot be located within
22 2500 feet of any day care, residentially zoned
23 property, nursing homes, and a few other uses.

24 And then there's a very similar provision for

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1 the dispensing organizations except that requirement is
2 reduced to 1,000 feet, and there's also not -- it can
3 be permitted closer to residential areas. It basically
4 just says stick within the day cares, nursing homes, a
5 thousand feet away from some of those uses.

6 And I have a visual aid to help us here.

7 So when staff looked at this and looked at
8 what provisions are relevant to zoning and siting of
9 these types of organization, we asked the GIS
10 department to develop some mapping.

11 What you see here is a buffer analysis.
12 Basically, everything with this kind of lighter yellow
13 shade over it -- anything within this light color is
14 within 2500 foot of either a residentially zoned
15 property, a school, day care, nursing home, et cetera.

16 And what this shows staff is that, basically,
17 very few properties are out of the buffer zones.
18 You'll see this is one small area here in the -- in the
19 M-2 zoning district, and this doesn't even count.
20 There's a few more residential properties down in this
21 area, so this would -- logically -- we didn't have that
22 information to put it on the map, but, logically, this
23 would probably be something like this.

24 Very similar is the -- this is the map

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1 prepared for everything within a thousand feet.

2 What this does not show is buffers from
3 downtown. Downtown, since it's mixed use and does
4 permit residential uses, would be considered a
5 residential use in such that the State law says you
6 cannot have this on a property that is residential, but
7 there's no buffer requirement.

8 So, basically, you could not have a
9 dispensing organization in any of these downtown zoning
10 districts because there are residential uses permitted
11 on those properties.

12 So what is left in the city is basically more
13 of the manufacturing area on the east side of town,
14 some more of the commercial areas, and the corners.

15 So what staff did is we took this
16 information --

17 VICE CHAIRMAN KESSLER: I don't mean to
18 interrupt you but -- you just showed us two different
19 maps. And they're two different things, aren't they?

20 MR. O'ROURKE: They absolutely are.

21 VICE CHAIRMAN KESSLER: Would you
22 explain that.

23 MR. O'ROURKE: Certainly.

24 This is for cultivation centers, this first

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1 map. These are all the properties that are
2 basically -- what this shows you, these buffer areas
3 are 2500 feet out from any property that's zoned
4 residential or school or day care or, basically, any
5 use identified in the State act that has to be -- the
6 cultivation center has to be 2500 feet away from.

7 So the only properties in St. Charles that
8 meet those requirements are the ones where you don't
9 see this kind of yellow shade over it. So,
10 essentially, it's this area here.

11 The difference between this map and the
12 second map is this is for dispensing organizations, and
13 this shows properties that are a thousand feet away
14 from the uses called out in the State act; particularly
15 the schools, nursing homes, day care centers,
16 et cetera.

17 It does not have the same requirement that it
18 has to be buffered from residentially zoned properties,
19 but what I -- I think what I was stating is that, if a
20 property is residential, it cannot contain a dispensing
21 organization.

22 So the dispensing organization does not have
23 to be a thousand feet away from them.

24 Is that more clear?

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1 VICE CHAIRMAN KESSLER: Thank you.

2 MR. O'ROURKE: So based on these
3 location criteria established in the State law and a
4 few other items that staff looked at, what staff is
5 proposing here tonight is an ordinance that would
6 basically mirror the standards that are in the State
7 law and go a little further in terms of location.

8 What staff is proposing is that these uses
9 basically be permitted uses in the M-2 zoning district,
10 which is all here on the east side of town. This fits
11 more with what you see here on this map, which is for
12 the cultivation centers and the 2500-foot buffer
13 requirement.

14 Staff essentially thought, from an
15 enforcement issue and especially while this is in this
16 pilot program phase, it would just be an issue for the
17 staff that deals with this on a day-to-day basis to
18 keep this in a consistent zoning district.

19 It would just make the enforcement of any
20 related -- as long as we're getting used to these laws,
21 it just makes it easier for us to be able to do this
22 properly and not make any mistakes on the review side
23 should a proposal come into town.

24 It should also be noted that the State law

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1 says only one cultivation center can be located per
2 policing district.

3 We -- our policing district is fairly large.

4 Excuse me. I put a map in here.

5 So you'll see we're part of No. 2.

6 So only one cultivation center can be seen in
7 anything you see in this large area here, so McHenry,
8 Lake, Kane -- I don't believe DuPage is in that -- and
9 DeKalb.

10 Also, there will only be 60 licenses issued
11 by the State for the dispensing organizations. It does
12 not have this same police district requirement, but
13 there will only be 60 statewide. So the number of
14 these uses that will be out there are fairly limited,
15 as well.

16 To go along with this, staff is proposing
17 some use standards. It's a different chapter of the
18 Zoning Ordinance, basically, that mirrors what was
19 contained in the State act. Staff has also proposed
20 some parking standards and, also, some definitions in
21 the "Definitions" chapter just to define these uses.

22 It's -- basically, all the amendments
23 proposed in the staff materials are for these uses.
24 It's just a few chapters had to be amended to make sure

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1 everything was incorporated in there and all the kind
2 of t's were crossed, i's were dotted, that sort of
3 thing.

4 With that, I'll conclude my staff formal
5 comments and open the floor to any questions you might
6 have.

7 CHAIRMAN WALLACE: Okay. Thank you.

8 Questions from Plan Commissioners?

9 Yes.

10 MEMBER AMATANGELO: I would just like to
11 clarify the difference between cultivation center and
12 dispensing center. Could you just elaborate on that a
13 little bit?

14 MR. O'ROURKE: Yeah. I probably should
15 have reiterated that.

16 A cultivation center as defined by the State
17 law is where these -- where it will grow, where you'll
18 grow cannabis. So it has to be enclosed inside a
19 facility, but it will be where you actually grow the
20 material, product.

21 The dispensing organization is where
22 designated caregivers and/or patients would go to pick
23 up the actual processed and ready-to-be-used product
24 that comes from the cultivation center.

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1 MEMBER AMATANGELO: Thank you.

2 MR. O'ROURKE: Sorry. I should have
3 mentioned that.

4 MEMBER SCHUETZ: So, Matt, when you're
5 looking at -- which -- cultivation or dispensing, which
6 one allows one in the district?

7 MR. O'ROURKE: That's a cultivation
8 center. So that's where they're grown.

9 MEMBER SCHUETZ: Okay. So dispensing,
10 how many are allowed?

11 MR. O'ROURKE: 60 statewide. There is
12 no restriction on how many would be in one policing
13 district in the state, though.

14 So they just didn't -- that wasn't included
15 as part of the State law.

16 MEMBER SCHUETZ: But we could?

17 MR. O'ROURKE: Could we limit it to one?

18 MEMBER SCHUETZ: Or whatever.

19 MR. O'ROURKE: Not through zoning. That
20 would be more of a business license-type -- you could
21 limit it like liquor licenses are, but I think if you
22 do that, the Zoning Ordinance, it would be a little
23 sticky. There might be -- you have to limit it by
24 district or districts, you know; it has to be based on

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1 the zoning. It can't really be just one business,
2 that's it.

3 MEMBER SCHUETZ: And have you had an
4 opportunity to check with any other cities in the area
5 to see what they're doing as far as zoning ordinances
6 and how they're handling it?

7 MR. O'ROURKE: There has been a little
8 bit of publicity out there. I know Naperville in
9 particular has had a lot of articles written about what
10 they're doing.

11 They're doing something similar. I -- the
12 cultivation centers, their ordinance is very similar.
13 They are allowing dispensing organizations in more
14 zoning districts, some of their commercial districts,
15 for instance.

16 But there's nobody that we -- this is so new,
17 there's nobody -- there's not a lot of these on the
18 books yet.

19 MEMBER SCHUETZ: Is there any in
20 Kane County?

21 MR. O'ROURKE: Not that's come to my
22 attention. The two that I found were Naperville and
23 Lemont. I don't think Naperville is part of
24 Kane County -- I don't think any part of it is.

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1 I'm not sure.

2 MEMBER SCHUETZ: No, they wouldn't be.

3 Thanks.

4 CHAIRMAN WALLACE: Okay. Other
5 questions?

6 Steve.

7 MEMBER GAUGEL: The map for the
8 dispensing centers, there was the thousand feet for
9 dispensing centers and 2500 feet for the cultivation
10 centers.

11 Is the map that you showed for the dispensing
12 centers just where -- does it just include the
13 thousand-foot border around, or are we limiting it even
14 more than that?

15 MR. O'ROURKE: Yeah. What this map
16 shows is a thousand-foot buffer from all schools,
17 day care centers, nursing homes, things that are
18 identified in the State act, but the staff proposal is
19 limiting this more by just letting it -- or proposing
20 it as permitted in the M-2 of the zoning districts.

21 Now, this doesn't account for everything
22 because they wouldn't -- all this white space you see
23 are residentially zoned properties, which they would
24 not be allowed there, either.

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1 MEMBER GAUGEL: Right.

2 MR. O'ROURKE: Or the downtown. So it's
3 really more here.

4 This is just the thousand-foot buffer that
5 you see.

6 MEMBER HENNINGSON: So there's -- the
7 only opportunity for dispensing would be on the east
8 side of the river in the M-2 zone?

9 MR. O'ROURKE: That's correct, as
10 proposed.

11 CHAIRMAN WALLACE: Okay. Brian.

12 MEMBER DOYLE: Matt, what is the staff's
13 concern with what led to duplications in terms of
14 procedure, in terms of regulation, et cetera, of
15 allowing dispensing centers to be located in
16 office/research zoning areas?

17 MR. O'ROURKE: It has a lot to do with
18 the requirements that are in the State law itself.
19 Essentially, there's requirements that only designated
20 patients can be in these facilities and/or the people
21 that work there.

22 There's not supposed to be any loitering
23 outside. People shouldn't really be parked there if
24 they're not just going to pick up their prescription.

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1 So it was kind of the enforcement of all
2 these things that staff was looking at when we
3 basically determined this would be the best way to
4 proceed.

5 MEMBER DOYLE: Is that zoning
6 enforcement or law enforcement?

7 MR. O'ROURKE: Really, it's enforcement
8 through the State law. It's unclear yet as how that
9 will trickle down to municipalities. It might be
10 somewhat of a policing function. It might be somewhat
11 of a code enforcement function. It wouldn't be zoning
12 particularly.

13 It's in the State law but --

14 MEMBER DOYLE: So that brings up another
15 question about -- and I'm sorry. You know, the
16 Internet connection is not functioning. We can't bring
17 up the packet on our computers.

18 MR. O'ROURKE: Oh.

19 MR. COLBY: Yeah. If anyone needs
20 copies of anything, I'll get them.

21 MR. O'ROURKE: Sorry.

22 MEMBER DOYLE: I perused the State law,
23 and I noticed that employees of dispensing centers have
24 to be licensed. The dispensing center itself has to be

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1 licensed --

2 MR. O'ROURKE: Uh-huh.

3 MEMBER DOYLE: -- and to purchase
4 medical care cannabis, you have to have a State ID
5 card.

6 MR. O'ROURKE: Right.

7 MEMBER DOYLE: So I didn't see anything
8 that indicated that -- that actually being on the
9 premises of a dispensing center -- to even enter the
10 center you had to have a State ID card as a patient
11 because it does say that family and relatives can pick
12 up medical cannabis for patients without an ID card.

13 MR. O'ROURKE: Right. That's the
14 designated caregiver, but they, as well, would have to
15 have a State license -- ID card -- of some kind,
16 I believe, that would designate them as caregiver.

17 MEMBER DOYLE: In order to enter?

18 MR. O'ROURKE: Yeah, in order to get to
19 the facility.

20 MEMBER DOYLE: Okay. So that -- so in
21 no way can -- is the facility open or accessible to
22 people who do not have one of these licenses, either a
23 license to be an employee there or a State
24 identification card to purchase medical cannabis for

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1 either themselves or for a relative?

2 MR. O'ROURKE: Right. As staff has read
3 the State law, that's what we understand, yes.

4 MEMBER DOYLE: And is the issue that
5 you're not certain yet -- I also noticed the -- in the
6 letter from City Council, he advised -- I can't
7 remember the gentleman's name -- he advised that
8 there -- the number of -- many other municipalities are
9 waiting for the final rules and regulations to be
10 released in April -- I think it is --

11 MR. O'ROURKE: Right.

12 MEMBER DOYLE: -- before they make any
13 policy decisions about how they're going to zone and
14 regulate these kind of businesses.

15 So are you -- are there aspects of the rules
16 and regulations that are still not clear to you that
17 are influencing you to go -- to proscribe this or
18 prescribe this, you know, limit it away from the
19 office/research?

20 MR. O'ROURKE: That was part of the
21 thought process.

22 In particular, the State doesn't know how
23 it's going to issue the licenses yet and how it's going
24 to be checking that these businesses would be meeting

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1 the criteria established in the State law. So
2 that's -- that led into part of our thinking.

3 I mean, that's part of what the -- that
4 April date, that's what -- they're trying to figure all
5 that stuff out, the various State departments such as
6 agriculture and -- finance, I think, was the other one.

7 MEMBER DOYLE: So if an Applicant came
8 to us next month, before these rules and regulations
9 were in place, and they said, "I would like to open a
10 dispensary in office/research up in the Valley -- you
11 know -- the Valley View area," isn't -- is that on the
12 map here? Is that office/research?

13 MR. O'ROURKE: This here?

14 MEMBER DOYLE: Yeah.

15 MR. O'ROURKE: Yeah, that's -- that's
16 the Q Center.

17 MEMBER DOYLE: That's the Q Center.

18 MR. O'ROURKE: Yes.

19 MEMBER DOYLE: Right now they would
20 be able -- they would -- that application would be able
21 to go forward and be able to be considered?

22 Or is there -- can we not consider any
23 applications until the regulation is done?

24 MR. O'ROURKE: You know, I'm not sure if

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1 I have a great answer to that. I know we have the City
2 counsel here, John McGuirk, who wrote the letter here.
3 He might be able to answer that a little better than
4 I could.

5 I think it would be one of those situations
6 where we'd have to react to it at that time if it
7 came in.

8 I'm not sure if -- because the State law is
9 so uncertain -- if it would be possible for them to
10 apply to the City or just to go there or not.

11 I -- to be honest with you, I'm not a hundred
12 percent sure.

13 MEMBER DOYLE: Yeah. I guess the real
14 thing that I -- the crux of what I want to know is, is
15 the proposed additional restriction -- because there is
16 a part of the law that also says that communities, even
17 home-rule communities, cannot attempt, through -- to --
18 to limit or restrict the placement of these facilities
19 in their community except through reasonable zoning,
20 that they can't try to circumvent the law through
21 zoning.

22 MR. O'ROURKE: Right.

23 MEMBER DOYLE: So is that word
24 "reasonable" in there?

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1 So is the proposed restriction that would --
2 cannot be in OR for the convenience of City staff, or
3 is it really serving a public welfare issue in terms
4 of, you know -- I mean, is there some sort of risk to
5 public welfare of having such a facility in an
6 office/research area?

7 MR. O'ROURKE: I think you -- you can
8 look at it as the character of these type of
9 businesses. When somebody -- you know, in a retail- or
10 an office-oriented area, you'd expect people to kind of
11 be coming in and out all day; it would be more of a
12 traffic flow situation. In particular, retail you want
13 to see kind of that constant activity. That's what
14 retail's for.

15 I think, due to the limited nature of who and
16 how -- people that would be going to these
17 organizations, you just wouldn't have that. So it
18 wouldn't fit into the character of those developments
19 as such.

20 But to be more specific to your question, we
21 did have legal counsel review this proposal in
22 particular against that provision, and they have
23 determined that what's being proposed meets the
24 definition of "reasonable zoning."

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1 MEMBER DOYLE: Okay. Office/research is
2 for office uses and -- and not just retail uses.

3 So does -- it includes as a -- as a standard
4 use other kinds of low-traffic uses; correct?

5 You don't have to . . .

6 MR. O'ROURKE: I think, yeah, you
7 reasonably could have office uses where all the
8 employees show up in the morning and then leave, you
9 know, for lunch and/or when they go home at night.

10 MEMBER DOYLE: Okay.

11 CHAIRMAN WALLACE: Yeah.

12 VICE CHAIRMAN KESSLER: Could you spend
13 a little more time on the parking restriction? How are
14 you reading that, the parking restriction?

15 MR. O'ROURKE: Essentially, staff looked
16 at that and said, you know, what uses would be most --
17 in terms of a parking count sort of comparison, since
18 there's really no research on this. There's no good
19 way to say, you know, "Other states and other cities
20 have zoned it this way and here's what their parking
21 requirements are."

22 Staff looked at what was most comparable
23 based on the type of use that we saw, and that's what
24 we came up with.

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1 So for a cultivation center it's similar to a
2 warehouse, slash, manufacturing-type use, so staff went
3 with that for those.

4 In terms of the dispensing organizations, you
5 know, you might have multiple patients showing up at
6 once, like similar to a retail situation, so we used
7 that parking requirement for that.

8 It was -- it was really just based on which
9 use is existing in our Zoning Ordinance and those
10 requirements that seemed most analogous to what's being
11 proposed.

12 VICE CHAIRMAN KESSLER: And in the State
13 statute how does it describe the parking?

14 You said earlier that it --

15 MR. O'ROURKE: It doesn't talk about it.

16 VICE CHAIRMAN KESSLER: But you said
17 earlier that people aren't really allowed to even be in
18 the parking lot.

19 MR. O'ROURKE: It says that people are
20 not allowed to loiter, is the word that the State law
21 uses.

22 VICE CHAIRMAN KESSLER: Do we have
23 ordinances against loitering in St. Charles? Is that
24 right?

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1 MR. O'ROURKE: I'd have to defer to
2 either the police department or somebody else. I don't
3 really know.

4 VICE CHAIRMAN KESSLER: (Indicating.)

5 DEPUTY CHIEF KINTZ: I'd have to check
6 the statutes specifically. I think --

7 CHAIRMAN WALLACE: Wait. Hold on. Hold
8 on one second.

9 DEPUTY CHIEF KINTZ: Sorry.

10 CHAIRMAN WALLACE: If you could raise
11 your right hand.

12 (One witness duly sworn.)

13 CHAIRMAN WALLACE: Thank you.

14 DEPUTY CHIEF KINTZ: Deputy Chief David
15 Kintz, K-i-n-t-z, St. Charles Police Department.

16 I do believe we have a statute that's on the
17 book for loitering, but it's very, very specific. It's
18 been a while since I've had to pull that one out. I'd
19 have to go in and research that.

20 VICE CHAIRMAN KESSLER: All right.

21 Thank you.

22 And then -- okay.

23 So the parking, there really is -- there are
24 restrictions against loitering, which we'd probably

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1 have ordinances for or they could be looked at to see
2 if they cover this.

3 But then you just said something else about,
4 you know, you're looking at the types of uses and that
5 this is the type of use that will have very little
6 traffic.

7 I think we just had a few incidents -- or a
8 few applications come before us when we were talking
9 about uses in the CBD-2 downtown district, that we were
10 going to allow some less retail-type, you know, traffic
11 in there that wouldn't have the kind of retail traffic,
12 so that's probably not that big an issue.

13 Is there another reason why you wouldn't
14 allow -- because I think there's a big difference
15 between a dispensing center and a cultivation center.

16 MEMBER HENNINGSON: Sure.

17 MEMBER AMATANGELO: Sure.

18 VICE CHAIRMAN KESSLER: They're two
19 different things.

20 And I'm just -- is there -- I understand why
21 you might want to put them in a place that is -- you
22 know, can be easily controlled, is the way I'm hearing
23 you say this. But is there a reason why you wouldn't
24 put them in another place, why you wouldn't allow them

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1 in places that meet the law that says they can be
2 anywhere except within a thousand feet of a nursing
3 home, school, day care center?

4 Why wouldn't you put them there?

5 MR. O'ROURKE: Essentially, that was --
6 staff looked at it, presented it in-house.

7 I think other than what staff has represented
8 already, there's no other -- that was staff's
9 rationale.

10 VICE CHAIRMAN KESSLER: Okay. It's for
11 control, so you know where they are?

12 MR. O'ROURKE: Right. This is a new
13 thing, a new entity. Staff felt it best, from an
14 enforcement and administrative standpoint, to really
15 look at it in terms of somewhere where we know these
16 things can go and we know where they are at least for
17 the -- for as long as this is a newer concept, and so
18 we -- we don't know how this is going to work.

19 So it was really on the staff trying to make
20 sure we had a really good feel for this before it
21 became, you know, permitted in more zoning districts
22 that -- if Council would like to see it be permitted in
23 more zoning districts in the future -- this was staff's
24 best guess at, you know, weighing all the

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1 considerations where we don't want to make -- staff
2 didn't look at this to say "Let's make it so
3 restrictive that these can't go anywhere in town."

4 And, you know -- but we didn't think -- we
5 thought, from an administrative standpoint, it
6 shouldn't be everywhere, either.

7 VICE CHAIRMAN KESSLER: Okay.

8 CHAIRMAN WALLACE: Sue.

9 MEMBER AMATANGELO: So if I understand
10 this correctly, we're going to have some more
11 information coming down the pike here in the
12 April time frame. Correct?

13 About these facilities and so on and so
14 forth.

15 MR. O'ROURKE: It depends. I think part
16 of what's being discussed would not relate to this.

17 It's how the tax is going to be collected --

18 MEMBER AMATANGELO: Okay.

19 MR. O'ROURKE: -- some of those other
20 things that aren't really zoning related.

21 MEMBER AMATANGELO: Will any of it deal
22 with the facilities themselves, like security and
23 information of that -- of that sort? Size . . .

24 MR. O'ROURKE: There are specific

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1 provisions in the State law about that: They have
2 security systems; the product needs to be in like
3 locked box areas or locked rooms with all kinds of
4 security measures. That's all built into there.

5 I think what they're looking at more now is
6 how do they go about reviewing these proposals and
7 licensing them.

8 MEMBER AMATANGELO: So is there anything
9 that we will be getting that's forthcoming that could
10 actually change our thoughts about the number of
11 parking spaces or the location of this?

12 MR. O'ROURKE: I don't know for certain.
13 I would say most of what is being reviewed would not
14 relate to the zoning provisions proposed here tonight.

15 MEMBER AMATANGELO: Okay. Thank you.

16 CHAIRMAN WALLACE: Go ahead, Tom.

17 MEMBER SCHUETZ: Maybe I'm out in left
18 field here but just food for thought: Has there -- say
19 an area or an existing business such as a nursery -- we
20 have a few of them in town. If they meet the criteria,
21 would they be able legally to be a cultivation center
22 and, therefore, also provide nursery plants at the same
23 location?

24 MR. O'ROURKE: That I don't have an

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1 answer for specifically except most nurseries are not
2 enclosed and all the growing is not done inside a
3 building, which a cultivation center has to be. It's
4 the only thing in the State law, that it has to be
5 inside.

6 MEMBER SCHUETZ: Well, greenhouses.

7 MR. O'ROURKE: No, I think it has to be
8 an actual building, based on State law.

9 MEMBER SCHUETZ: Just food for thought,
10 something to think about.

11 MR. O'ROURKE: But I mean, most --
12 I don't know of any nurseries in the manufacturing area
13 that I can think of in M-2 specifically.

14 MEMBER SCHUETZ: No, I don't think there
15 is. Heinz might fit but what about -- what about --

16 MR. O'ROURKE: I see what you're saying.

17 MEMBER SCHUETZ: -- what about -- help
18 me -- Midwest -- Midwest Groundcovers?

19 MR. O'ROURKE: I don't think Heinz, for
20 instance, would ever meet that 2500-foot criteria.

21 MEMBER SCHUETZ: I don't think so,
22 either, but just something to think about. They might
23 need to subsidize.

24 CHAIRMAN WALLACE: Yeah.

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1 MEMBER HENNINGSON: Matt --

2 MR. O'ROURKE: Yes, sir.

3 MEMBER HENNINGSON: How many cultivation
4 centers in the state?

5 MR. O'ROURKE: There will be a total of
6 22, based on the police districts.

7 MEMBER HENNINGSON: 22. And how many
8 distributions? 60?

9 MR. O'ROURKE: Correct.

10 MEMBER HENNINGSON: Okay. And those
11 aren't limited to any of the districts, the
12 22 districts?

13 MR. O'ROURKE: That's my understanding.

14 MEMBER HENNINGSON: Okay. I would think
15 that, if St. Charles wanted to proceed with getting a
16 distribution center, that it should be located on the
17 west side of the river.

18 And the reason I say that is because of
19 Cadence and their new presence on the cancer center in
20 Geneva. It's one of the top cancer centers in the
21 state right now.

22 So I would think, if you're going to have --
23 if you want a distribution center, you put it on the
24 west side of the river, along Randall Road.

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1 MEMBER SCHUETZ: Why?

2 MR. O'ROURKE: When you say
3 "distribution center," you mean dispensing
4 organization?

5 MEMBER HENNINGSON: Yeah, dispensing.

6 MR. O'ROURKE: Sorry. I just wanted to
7 make sure.

8 MEMBER HENNINGSON: If you want to have
9 a dispensing --

10 MEMBER SCHUETZ: Because you're saying
11 patients are going to be coming from there?

12 MEMBER HENNINGSON: Yes.

13 MEMBER SCHUETZ: Okay.

14 MEMBER HENNINGSON: And it's easier.
15 Randall Road has become the Main Street of Northern
16 Illinois. If want to do business, that's the place you
17 do business.

18 So . . . I mean, I think it's more a decision
19 of whether or not the City wants to approach it.

20 If you're going to put it out at -- you know,
21 where it is now on the east side of the river . . .
22 I doubt if you're going to get it.

23 Does that make sense, Tom?

24 VICE CHAIRMAN KESSLER: Does to me.

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1 MEMBER SCHUETZ: Has some good thoughts
2 to it, yes.

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

5 (No response.)

6 CHAIRMAN WALLACE: Okay.

7 Any questions from members of the public?

8 (No response.)

9 CHAIRMAN WALLACE: Any other comments?

10 MEMBER DOYLE: Um --

11 CHAIRMAN WALLACE: Yeah, Brian.

12 MEMBER DOYLE: Well, two comments: One
13 is I think that the Commission needs to consider
14 whether or not we've received enough information
15 tonight to close the public hearing, particularly in
16 light of the comment that we have from the City
17 attorney about other municipalities choosing to wait
18 until the regulation -- the complete regulations are
19 finalized and published and issued.

20 I've heard Matt say a couple times during the
21 question-and-answer that there were things that staff
22 is really not sure is going to -- is not -- doesn't
23 have clarity yet as far as how this is going to work
24 and that the proposal in front of us is based upon the

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1 fact that there's a lack of clarity about what these
2 regulations are going to be.

3 So I think that's one thing to be considered,
4 is whether or not we need to actually continue this and
5 whether we want to act upon this now in advance of the
6 final regulations being issued.

7 The other comment I would make, I think that
8 the point that you make, Curt, is interesting in that
9 we have a medical campus on the west side of the river.
10 And medical uses -- I don't think that it's a question
11 of whether the City wants one of these to be placed in
12 St. Charles or not. That's really not up to the City
13 to decide.

14 The question is, does somebody want to open a
15 dispensary in St. Charles and, if they did, where
16 would -- where would make the most likely and
17 successful location for that kind of business be?

18 And it does make sense to me that it would
19 be proximate to doctors' offices and to other
20 office/research uses that are around medical
21 facilities. I have to say I've not heard anything yet
22 or seen anything in the staff packet that compels me to
23 restrict dispensaries to manufacturing.

24 I would need to hear more from either Iaw

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1 enforcement or from staff as to what kind of specific
2 threat is being countered by obstructing it,
3 particularly such an industry that's going to be so
4 highly regulated and so highly licensed. I mean, it's
5 just pretty over the top, frankly.

6 And the third thing I want to say is that, as
7 far as in a manufacturing district, our comprehensive
8 plan -- during the comp plan process we talked about
9 protecting our manufacturing district from encroachment
10 of nonmanufacturing uses, and I don't think a
11 dispensary is a manufacturing use. It's a public use.

12 And so it doesn't strike me that putting
13 dispensaries in a manufacturing district is the right
14 place for them to be. The right place for them to be
15 is an office/research area, which is designed for
16 low-traffic uses that serve the public but serve
17 administrative purposes.

18 So if we were to act on this tonight, I would
19 be inclined to recommend that the proposal be amended
20 to include office/research and that we accept all of
21 the other proposals of staff.

22 CHAIRMAN WALLACE: And one question that
23 I have: Now, the way that the ordinance would be
24 written, it's -- for example, with the map we're

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1 looking at right up here, the 2500-foot buffer would be
2 from any residential area; correct?

3 MR. O'ROURKE: Yes. The 2500-foot
4 buffer is any property zoned residential and then all
5 the other uses.

6 CHAIRMAN WALLACE: Any property zoned
7 residential under our Zoning Ordinance?

8 MR. O'ROURKE: I think it's -- if you
9 were to interpret that from the State law perspective,
10 it's any property used for residential purposes.

11 CHAIRMAN WALLACE: Well, the question
12 that I have is, the two areas that are off of
13 Kautz Road over here --

14 MR. O'ROURKE: Yeah.

15 CHAIRMAN WALLACE: -- or at least one of
16 them -- well, down here -- these roads are residential;
17 correct?

18 MR. O'ROURKE: That's correct.

19 CHAIRMAN WALLACE: So there would
20 actually be 2500 more?

21 MR. O'ROURKE: Yeah.

22 Staff, I think, kind of stated that this
23 would -- this would be more restricted to almost this
24 area.

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1 It's not shown on this map because our GIS
2 system doesn't have these properties in it.

3 CHAIRMAN WALLACE: Sure. Sure.

4 MR. O'ROURKE: But, yeah, you're right.
5 It would be more like this.

6 CHAIRMAN WALLACE: And the same would go
7 over here? I mean, we aren't talking about business
8 being -- but as far as looking at the 2500-foot
9 buffers -- I mean, there would be a portion of that
10 that would be within 2500 feet of a residential use, as
11 well, right?

12 MR. O'ROURKE: That's correct. There
13 are more residential uses.

14 CHAIRMAN WALLACE: Because of Geneva's
15 residential district.

16 MR. O'ROURKE: That's right.

17 CHAIRMAN WALLACE: All right. I mean --
18 I have a tendency to agree with Brian. I don't know
19 if -- I don't know if the Plan Commission would want to
20 continue the public hearing to another day or end the
21 public hearing but then put off taking action on this
22 until a future date.

23 What would you propose, Brian?

24 MEMBER DOYLE: Well, if the -- if the

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1 recommendation that we are going to make or if the
2 proposal in front of us was to limit dispensaries to
3 office/research and limit cultivation centers to M-2
4 because it is literally the only place in town where
5 they could be located and we can, you know, comply with
6 State law -- under those circumstances I would say that
7 we received enough information -- I would believe --
8 I believe that we've received enough information to
9 make an informed recommendation.

10 But I'm not -- but I don't feel I have enough
11 information to make an affirmative recommendation if
12 tonight is restricting dispensaries to manufacturing
13 and in addition to the -- some of the other concerns
14 that I stated about whether that zoning area is really
15 the appropriate zoning area for this type of use.

16 MR. O'ROURKE: Can I just -- you know,
17 as I sit here and think about that, the only thing
18 I would point out is the assisted-living facilities
19 themselves and other senior living are permitted uses
20 in OR. So I would -- I would --

21 MEMBER DOYLE: In what?

22 MR. O'ROURKE: In OR.

23 So I would be reluctant to say that that's
24 the right place for dispensing organizations if you

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1 want to expand it beyond M-2. There might be a better
2 zoning district, but I'm pretty sure that those are at
3 least special uses in that. I'll look that up real
4 quick but --

5 MEMBER DOYLE: Are you saying, then, OR,
6 then, is technically residential zoned?

7 MR. O'ROURKE: I think it allows a use
8 that has to be buffered by a thousand foot from -- per
9 the State law for dispensing organizations.

10 I'm going to double-check that real quick
11 while we're standing here, though.

12 CHAIRMAN WALLACE: Is there any
13 detriment to continuing the public hearing in order
14 to . . . because I -- I mean, I would feel more
15 comfortable with the recommendation -- staff
16 recommendation specifically regarding OR.

17 MR. O'ROURKE: Yeah, assisted-living
18 facilities are permitted in OR.

19 CHAIRMAN WALLACE: Okay.

20 MR. O'ROURKE: So I think, from staff's
21 perspective, I would -- I'd be reluctant to -- to say
22 that that's the right district where a dispensing
23 organization should go.

24 Because -- I mean, you have that

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1 chicken-and-egg thing, you know, if one goes there
2 first, and then it could lead to issues down the road.

3 MEMBER DOYLE: So I think in that
4 sense -- I think, then, in that case, what . . . what
5 we need, then, is some sort of -- what I -- I would
6 like to see is a statement from legal counsel that
7 would substantiate that OR actually, under this State
8 law, is properly considered a residential district, and
9 therefore, under State law, a dispensing organization
10 could not exist in OR zoning. Under State law.

11 In which case -- in which case the staff's
12 recommendation is not actually more restrictive. It
13 simply is a hundred percent consistent with State law.

14 MR. O'ROURKE: We can certainly run that
15 by legal counsel.

16 I don't know if that determination could be
17 reached --

18 MEMBER DOYLE: Yeah.

19 MR. O'ROURKE: -- in the sense that it
20 could be residential or it could never be. You know,
21 the State's not going to look at our Zoning Ordinance
22 every time they submit a license and say, "Could
23 assisted living be permitted here someday in the
24 future?"

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1 It would look to see if anything's there now.

2 MEMBER DOYLE: But is the law that it
3 can't be within an area that is zoned residential or an
4 area that has residential uses in it?

5 MR. O'ROURKE: My read is it doesn't
6 state "zoned residential."

7 MEMBER DOYLE: Okay.

8 MR. O'ROURKE: It just says it cannot be
9 on a property that has a residential use.

10 VICE CHAIRMAN KESSLER: Or within a
11 thousand or 2500 --

12 MR. O'ROURKE: Or within a thousand
13 foot -- it does say within a thousand foot for the
14 dispensing organization.

15 VICE CHAIRMAN KESSLER: It does; right?

16 MR. O'ROURKE: A thousand foot from
17 schools, day care, assisted-living facilities, not
18 residentially zoned property.

19 VICE CHAIRMAN KESSLER: Okay.

20 MEMBER DOYLE: Okay. So --

21 VICE CHAIRMAN KESSLER: Is there a
22 restriction on distance from residential property for a
23 dispensary?

24 MR. O'ROURKE: Just that it cannot be on

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1 that property for the dispensing organization.

2 MEMBER DOYLE: On the parcel.

3 MR. O'ROURKE: On the same parcel if
4 it's used for residential use.

5 MEMBER DOYLE: So if you had -- like,
6 say, CBD. If you had a parcel in the CBD that was
7 strictly -- that was not used for -- that didn't
8 have -- did not have any residential uses in CBD --
9 this is just an office building, not mixed use --
10 you could locate a dispensary in that office building?

11 MR. O'ROURKE: I think under the
12 provisions of the State law, that might be possible.
13 I'd have to check.

14 VICE CHAIRMAN KESSLER: You could do it
15 downtown.

16 MR. COLBY: If I could interject, the
17 State act specifically says that the dispensing
18 organization may not be located in an area zoned for
19 residential use.

20 So I think the issue is that's open to some
21 interpretation, but our opinion is that, if the zoning
22 district permits any type of residential use, then that
23 is an area zoned for residential use, which is why we
24 were taking the position that the use was not allowed

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1 in the downtown districts.

2 And then, as Matt pointed out, there's a
3 possibility the OR district may also fall in that
4 category because it permits assisted-living facilities,
5 which are considered under our ordinance a residential
6 type of use, but that's probably a bad interpretation
7 in terms of whether the State act applies to that kind
8 of use.

9 VICE CHAIRMAN KESSLER: I'd just like to
10 make a comment.

11 I'm wondering if we're not being a little
12 premature simply because there is more information
13 coming out.

14 Secondly, I don't suppose that you have
15 anybody that's approached you for a dispensary in
16 St. Charles at this time.

17 MR. O'ROURKE: No. That's not been any
18 requests.

19 VICE CHAIRMAN KESSLER: That's not
20 what's driving this. It's just you -- you are very --
21 your staff is very -- you and staff are very good at
22 being proactive and doing the research and we
23 appreciate that.

24 There is a provision in the statute that

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1 talks about communities not being allowed to use
2 restrictive zoning or control the placement of the
3 dispensing units.

4 And I'm not so sure that if you got a -- or
5 making our dispensing units be in an industrial park on
6 the east side of St. Charles is not restrictive to
7 those people who might have licenses to use it.

8 You know, while it is a highly regulated
9 business and a highly regulated -- you have to -- it's
10 highly regulated to even get it; it's a lot like a
11 pharmacy or, you know, a doctor's office. And we do
12 allow those types of uses in -- even in our retail
13 districts.

14 So I think that -- I'm not real happy with
15 the dispensary restrictions that you put.

16 Somebody has to tell me for sure -- I mean,
17 we could take action on this tonight. But, I mean,
18 we're taking action on what they presented, and that is
19 that we restrict both dispensaries and cultivation
20 facilities to the M-2 district on the east side of
21 town.

22 CHAIRMAN WALLACE: Mr. McGuirk, are you
23 available for a question?

24 MR. MCGUIRK: Sure. Sure, I am. Do

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1 I have to identify myself for the record?

2 CHAIRMAN WALLACE: Well, I'll have to
3 swear you in.

4 MR. McGUIRK: Okay. Go ahead.

5 (One witness duly sworn.)

6 CHAIRMAN WALLACE: All right.

7 Mr. McGuirk is legal counsel for the City,
8 and he did -- he wrote the opinion letter that was
9 included in the packet.

10 And the -- I guess the question that I have
11 is -- based on the discussion that we're having here,
12 I have -- the first concern that I would have is
13 regarding the . . . what do you call it? -- the -- the
14 2500-foot . . . the cultivation.

15 MR. McGUIRK: Cultivation center? Sure.

16 CHAIRMAN WALLACE: Cultivation center.

17 If there is even more restriction in the M-2
18 zoning district, are we overly restricting the area in
19 contravention of what the State -- of what State law
20 allows? I mean, basically, we're giving this little
21 diamond of an area for a potential cultivation center
22 in St. Charles.

23 MR. McGUIRK: You know, I -- it's really
24 a question of reasonableness.

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1 But -- I mean, the chances of us getting a
2 cultivation center are pretty remote, given the number
3 that there are going to be.

4 I guess you just have to look at that and
5 say, "Is that a reasonable location?" I don't
6 think you could really go -- you know, you can
7 overanalyze it.

8 CHAIRMAN WALLACE: Okay.

9 MR. McGUIRK: And, to me, it seemed
10 reasonable.

11 CHAIRMAN WALLACE: Okay. And then the
12 second question, regarding the dispensing centers, do
13 you think that we need more information -- you know,
14 more of a legal opinion -- as to whether the
15 OR districts could be included along with the
16 M-2 districts for the dispensaries?

17 MR. McGUIRK: I think Russ gave the
18 language out of the statute -- or at least as it's
19 stated now -- and they see do use the term "residential
20 use" as opposed to "residential district."

21 Again, you know, whether it's reasonable to
22 limit it to the east side . . . you know, that's just a
23 question of interpretation.

24 I don't think that the regulations we're

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1 going to get from the various agencies are going to
2 impact tremendously on zoning issues. I mean, that --
3 and I did say April in my memo, but indications we're
4 getting is, you know, it could be the end of 2014.

5 So, you know, it will be a long time until
6 those will be available to analyze.

7 CHAIRMAN WALLACE: You commented that
8 Naperville -- it seemed like their law is the -- the
9 purpose of it potentially was to push them -- or
10 prevent them from going outside of the manufacturing
11 districts.

12 MR. McGUIRK: I think it's -- it
13 seemed -- and, again, I took that from articles, but it
14 seemed like they struggled with that, yeah. Yeah.

15 CHAIRMAN WALLACE: Okay. Do you --

16 MR. McGUIRK: There was some -- it
17 seemed to me there was some emphasis on keeping it away
18 from -- for whatever reason -- keeping it from the main
19 downtown areas.

20 CHAIRMAN WALLACE: Got it. Okay.

21 All right.

22 MEMBER AMATANGELO: I agree.

23 CHAIRMAN WALLACE: Any other questions
24 or -- go ahead, Brian.

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1 MEMBER DOYLE: Yeah. I . . .

2 Mr. McGuirk, if you could just clarify for us this
3 question of OR.

4 The staff packet has the language from the
5 State law, and the last sentence of the paragraph in
6 question reads, "A registered dispensing organization
7 may not be located in a house, apartment, condominium,
8 or in an area zoned for residential use."

9 The staff has suggested that OR, as currently
10 defined by our City Code, is an area zoned for
11 residential use.

12 My question for you is, do you think that
13 staff would be able to comply with the State law -- and
14 the City, for that matter -- would be able to comply
15 with the State law and grant a use for a dispensing
16 organization in the OR district -- in an OR district --
17 even if there was no active residential use in that
18 district?

19 MR. MCGUIRK: Well, I guess I'd have
20 to -- Russ, does there -- the OR allow residential use?

21 It's just -- assisted living? Is that --

22 MR. COLBY: Yes. Assisted-living
23 facility is a permitted use in the OR district.

24 MR. MCGUIRK: So your question is if

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1 there's not a present permitted use in that particular
2 OR district?

3 MEMBER DOYLE: Well, there is a -- there
4 is a -- right now OR is an area that is zoned for
5 residential use --

6 MR. McGUIRK: Right.

7 MEMBER DOYLE: -- as Russ has defined
8 it -- as Russ -- staff has presented it.

9 MR. McGUIRK: Right.

10 MEMBER DOYLE: My question is, would the
11 City be in compliance with the State law if they
12 granted the ability -- or would a -- would a dispensing
13 organization be in compliance with State law if it were
14 located in our OR district?

15 Since it is zoned for residential use.

16 MR. McGUIRK: Well, it appears not. It
17 appears that's zoned for residential use.

18 MEMBER DOYLE: Okay.

19 MR. McGUIRK: So . . .

20 MEMBER DOYLE: Okay. Thank you.

21 MR. McGUIRK: Okay.

22 CHAIRMAN WALLACE: All right.

23 Thank you.

24 I'm just -- sorry. I'm just looking at our

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1 Zoning Ordinance.

2 An assisted-living facility is a permitted
3 use, but OR is actually designed to provide an open
4 landscape appearance along public streets and provide a
5 buffer area between residential uses and other
6 commercial or industrial uses.

7 Even in our Zoning Ordinance it's not called
8 a residential district. It's called a buffer district.
9 Correct?

10 MR. O'ROURKE: Yeah. It's not -- its
11 true intent is not primarily as a residential --
12 residentially zoned district, and I think that's what
13 Russ was alluding to, is that interpretation of what
14 "residentially zoned property" means.

15 MEMBER DOYLE: I mean, I wonder how any
16 dispensing organization is going to be able to operate
17 in the state of Illinois with this law written the way
18 it is.

19 CHAIRMAN WALLACE: Well, I think that an
20 assisted-living facility is considered to be an
21 institutional use as opposed to a residential use.

22 At least in our Zoning Ordinance. It's not
23 even under the definition of -- well, it says
24 "residential use," but then even below it says

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1 "institutional, government" -- well, "government,
2 institutional uses includes hospice and nursing home,
3 as well."

4 And I guess the question would be, what's the
5 difference -- what's the . . . you know, how does our
6 Zoning Ordinance look at a nursing home versus an
7 assisted-living facility?

8 And I'm -- you know, I don't know.

9 Okay. I know that we're kind of mincing
10 words.

11 MR. O'ROURKE: I think if you're going
12 to take it -- as long as you're discussing it, I mean,
13 these similar uses are allowed in most of the
14 commercial districts, as well, upper-level dwelling
15 units in BL, special uses for assisted living in BC.
16 I mean, these all have some variance of this.

17 MEMBER DOYLE: So you could only locate
18 it in an area that is explicitly -- explicitly
19 proscribed any kind of residential use?

20 Does -- are all residential uses proscribed
21 in the manufacturing district?

22 MR. O'ROURKE: No. There's no
23 residential uses proscribed in manufacturing.

24 MEMBER DOYLE: It's not allowed?

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1 MR. O'ROURKE: I'd have to double-check,
2 but I don't believe so.

3 Yeah, there's no permitted residential uses
4 in M-2.

5 MEMBER DOYLE: And that's the -- that's
6 the only zoning category that explicitly proscribed --
7 prohibits?

8 MR. COLBY: No, that's not correct.
9 Also the BR, the regional business district, does not
10 permit residential use.

11 MR. O'ROURKE: That's the only
12 manufacturing district.

13 MEMBER DOYLE: BR, business regional?

14 MR. COLBY: Right. There are no --

15 THE COURT REPORTER: I'm sorry.
16 I didn't hear what you said. "There are no" . . .

17 MR. COLBY: There are no uses
18 categorized as residential in that district.

19 THE COURT REPORTER: Thank you.

20 MR. O'ROURKE: Okay.

21 MEMBER DOYLE: So looking at this map,
22 then, are there BR parcels in the City where -- that --
23 that are not within a thousand feet of a school?

24 MR. O'ROURKE: I'd have to scroll down

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1 to that next map because that's the thousand-foot map.

2 It's these dark blue areas.

3 VICE CHAIRMAN KESSLER: A lot of them.

4 CHAIRMAN WALLACE: A lot of them.

5 VICE CHAIRMAN KESSLER: I have to say,
6 you know, you've been focusing on the OR, and that's
7 fine. I'm not convinced that we need to confine it --
8 confine it to OR. There are a lot of places that a
9 dispensing facility could land in St. Charles if
10 someone was so inclined to do that.

11 I'm -- I'm not so certain that -- you know,
12 I couldn't agree with you more, Mr. McGuirk, when you
13 said it's a matter of reasonableness.

14 And reasonableness is not confined to the
15 legal opinion. It's also confined to is it reasonable
16 for us in our community.

17 And to, you know, have a little
18 diamond-shaped piece of land on the east side of town
19 that's going to show -- it's the only place you can
20 make it and the only place you can buy it -- you know,
21 it smacks of a subversive society, you know. It's just
22 not what we're about here in St. Charles.

23 And I think we can put it many places around.
24 We have liquor stores on Main Street; we have a tattoo

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1 parlor over by the old Dominick's; we have, you know,
2 pharmacies all over town. This is not -- it's not this
3 scary thing that I think we need to confine.

4 Now, what I want to clarify is, for us here
5 tonight, we have a proposal in front of us and we're
6 going to go into a meeting.

7 And in this proposal it's suggesting that we
8 are -- you either restrict it -- both the dispensaries
9 and the cultivation facilities -- to a specific area of
10 town or not.

11 And I don't think we have an option here of
12 saying, "Well, we'll recommend approval, but we
13 recommend that you change the dispensing, you know,
14 restrictions as you have them."

15 That's not a choice, to me. I don't know if
16 there's any -- I mean, for me, I can't think of any
17 more information that we need. I think, again, we
18 might be being premature here.

19 There's nothing I can ask you for that you
20 could do that I -- would cause me to say, "Oh, we need
21 to continue the public hearing." But maybe somebody
22 else does.

23 MEMBER SCHUETZ: May I say something?

24 CHAIRMAN WALLACE: All right. Yeah.

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1 MEMBER SCHUETZ: Tim, I think you bring
2 up a -- a while back you brought up a very good
3 example, that, you know, we have pharmacies all over
4 town. We want to make it convenient for the customer,
5 if you will.

6 My -- a little bit of my concern as I sit
7 here and listen to the manufacturing district, the OR
8 district, et cetera, is, if we hide it in an area, is
9 it going to be that -- is it going to create some
10 issues?

11 Not only that it's inconvenient for
12 everybody, but it's going to be somewhat hidden, and
13 I'm thinking, if it's more readily available or a
14 higher profile like a pharmacy, that we might have
15 potentially less issues that the community might be
16 concerned about because it will be more out in the open
17 and visible and not hidden somewhere, creating
18 problems.

19 VICE CHAIRMAN KESSLER: Good point.

20 MEMBER HENNINGSON: Yeah.

21 MEMBER SCHUETZ: So some -- just
22 something to think about.

23 CHAIRMAN WALLACE: So would you propose
24 differentiating between the cultivation and the

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1 dispensing --

2 MEMBER SCHUETZ: Absolutely.

3 CHAIRMAN WALLACE: -- centers?

4 I mean, really we're taking them both at
5 one -- kind of as one group.

6 MEMBER SCHUETZ: I don't think they are
7 one. It would be like -- I don't know. It's just not
8 the way you grow things. You grow them somewhere and
9 then you sell them somewhere else.

10 CHAIRMAN WALLACE: And I think the
11 chance of actually having a cultivation center here --
12 I mean, it seems like it's pretty small but --

13 MEMBER SCHUETZ: And Curt brings up a
14 good point. You've got the hospital all the way over
15 on Randall and . . . it's an interesting thought.
16 I hadn't thought about it.

17 CHAIRMAN WALLACE: Brian?

18 MEMBER DOYLE: If I could just respond
19 to Tim.

20 I agree with the sentiment that you share.

21 The only thing I would say is that I -- I do
22 think that, in terms of clarity, in terms of the staff
23 being able to efficiently respond to an application and
24 efficiently provide guidance to an applicant on what is

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1 compliant with State law and ensure that an application
2 is not going to get derailed along the way because of
3 some -- I mean . . . staff's done a great service here
4 to, you know, analyze this law to the degree it has and
5 anticipate the kinds of questions that are going to
6 come up, and there are some questions that have come up
7 tonight that I don't think even were anticipated on
8 what came before.

9 So, you know, if -- we heard from Mr. McGuirk
10 that there is a reasonable interpretation that OR would
11 not be compliant with State law, in which case, if
12 I were a business owner looking to establish a
13 dispensing organization, I would want to be absolutely
14 certain that I had every t crossed, every i dotted, and
15 that I was not going to get derailed along the way by
16 some gotcha.

17 And so if staff -- if we can recommend a
18 regulatory framework that says we've analyzed this and
19 we are confident that these areas are compliant with
20 State law, business regional is going to be compliant
21 with State law, OR might be a problem, and, therefore,
22 it's reasonable for us to do the public a service and
23 say, "You probably don't want to try to open one here
24 because you might get -- you might get caught along

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1 the way."

2 And it's not because we want to stop it, but,
3 you know, if we're really interested in providing a
4 framework that helps businesses grow within this pilot
5 program, this four-year pilot program -- it's going to
6 sunset in four years -- I think -- I was focused on OR
7 before because, frankly, I made an incorrect assumption
8 that OR was the only zone that -- I don't know why
9 I focused on it, just felt that was the most logical
10 one. It didn't occur to me that BR was another option.

11 But I think that we should follow the
12 principle staff has proposed, which is to identify
13 those areas that are going to remove any legal
14 barriers, remove any legal confusion, provide clarity
15 to applicants, and, in the process, make staff's work
16 surveying applications reasonably efficient.

17 VICE CHAIRMAN KESSLER: So you are
18 saying -- well said.

19 Are you suggesting that we ask staff to go
20 back and do research on the areas that would support,
21 legally, a dispensary?

22 Is that what you're . . . for more
23 information?

24 I mean, we've identified areas where we don't

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1 want them, but maybe what we should do is go back and
2 identify the areas where they could be. I mean legally
3 where they wouldn't have a challenge.

4 MEMBER DOYLE: Yeah. I think maybe
5 we've identified at least one.

6 MR. O'ROURKE: Yeah. I think more --
7 I don't want to put words in Commissioner Doyle's
8 mouth.

9 Were you anticipating maybe just some sort of
10 conditions that say "and this district" as part of the
11 recommendation, or did you -- or are you looking for
12 more information? I guess.

13 MEMBER DOYLE: You know, we may have the
14 information that -- at our disposal tonight. I mean,
15 I asked Russ earlier what districts, according to our
16 Zoning Ordinance, explicitly prohibit any kind of
17 residential use, and those are manufacturing and BR.

18 Are those the only two?

19 CHAIRMAN WALLACE: BC.

20 MR. O'ROURKE: BC allows assisted living
21 as a special use.

22 CHAIRMAN WALLACE: Uh-huh.

23 VICE CHAIRMAN KESSLER: Doesn't OR allow
24 it as a special use?

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1 MR. O'ROURKE: It's a permitted use
2 in OR.

3 VICE CHAIRMAN KESSLER: Oh, permitted.
4 Okay.

5 MEMBER DOYLE: So I think it really
6 depends on how confident staff is that the information
7 that they verbally provided tonight is complete. I'm
8 inclined to take staff's word at it because you guys
9 know the ordinances better than we do.

10 But if you say that BR is the only other
11 zoning district that prohibits residential use and,
12 therefore, is assured to be compliant with State law,
13 then, to me, the logical way to take this, based on
14 everything that we've said -- including Curt's comment
15 about, you know, the propriety of these on the west
16 side near the medical campuses -- would be to request
17 that staff come back to us with a revised -- either
18 revise it now or have staff come back to us with a
19 revised proposal that would restrict dispensing
20 organizations to the BR district.

21 VICE CHAIRMAN KESSLER: Just the BR or
22 the additional --

23 MEMBER DOYLE: That's the only --
24 according to what I've heard, it's the only one where

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1 it would be absolutely compliant with State law.

2 CHAIRMAN WALLACE: Well, and M-2,
3 as well.

4 VICE CHAIRMAN KESSLER: M-2.

5 MEMBER DOYLE: I don't think
6 manufacturing -- I still don't think that manufacturing
7 is the right place for it. But I -- I'd be happy to
8 leave M-2 in there. If some -- some --

9 VICE CHAIRMAN KESSLER: I would be more
10 inclined, Brian, to -- for staff to go back and come
11 back to us and tell us where it would be completely
12 legal --

13 MEMBER SCHUETZ: Allowed, right.

14 VICE CHAIRMAN KESSLER: -- where it
15 wouldn't be -- have a challenge according to our
16 ordinances and State law.

17 MEMBER DOYLE: Yes. And on that
18 basis --

19 VICE CHAIRMAN KESSLER: Right.

20 MEMBER DOYLE: -- give us a
21 recommendation.

22 VICE CHAIRMAN KESSLER: Right. Right.

23 MEMBER AMATANGELO: Are there
24 opportunities to look at other -- and I know we're

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1 starting -- we're trying to stay within State rules and
2 regulations, but there are states out there that have
3 been doing this for a while.

4 And can we possibly research that and see
5 what's working, what isn't working, and maybe get some
6 of these questions answered through experience?

7 MR. O'ROURKE: Sure. Staff did an
8 extensive review of other states that -- or communities
9 in other states, really -- that have permitted these
10 sorts of things. It's -- a lot of it is what you see
11 repeated in the Illinois State law. It's very similar.

12 At other communities and other counties
13 across the country, sometimes there's zoning provisions
14 in place with license provisions, but most of that
15 would cover the number that could be permitted in
16 one town. The surveillance requirements, a lot of
17 things that were encapsulated in the State law is what
18 you'll find in other communities.

19 We probably looked at 14 to 15 ordinances
20 from 5 or 6 states. I mean, we did a very exhaustive
21 analysis when this was all coming out.

22 And then when the State law finally came out,
23 we looked at it and said, "Oh, this is very similar to
24 the research that we looked at."

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1 CHAIRMAN WALLACE: Okay. And we would
2 have to continue it to a date certain. Would it be the
3 next --

4 MR. O'ROURKE: The next meeting is
5 February 18th, which would be at Century Station,
6 just -- you know, sometimes, if there's public
7 interest, that can be problematic.

8 I didn't know -- so if you don't want to
9 continue it to that date in particular, you could also
10 move it to March 4th.

11 VICE CHAIRMAN KESSLER: That would be
12 good, March.

13 CHAIRMAN WALLACE: Why don't we give it
14 a March day?

15 So the motion is to continue the public
16 hearing to March 4th, 7:00 p.m.?

17 MEMBER DOYLE: Yes.

18 CHAIRMAN WALLACE: Okay.

19 And that was the second?

20 VICE CHAIRMAN KESSLER: That was the
21 second.

22 CHAIRMAN WALLACE: All right.

23 Any discussion on the motion?

24 MR. O'ROURKE: I just -- a point of

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1 clarity.

2 You were looking for staff to come back with
3 just an analysis of BR. Would -- if the other zoning
4 districts in town --

5 MEMBER DOYLE: So I don't know if this
6 is a motion as much as it's a request of staff.

7 As -- I think what Tim's recommend -- you
8 know -- suggestion is right, which is to come back with
9 an analysis of all zoning districts in the city that
10 are --

11 MEMBER SCHUETZ: Allowed.

12 MEMBER DOYLE: -- that are compliant
13 with State law and that would ensure that an
14 application and/or a dispensary would not run afoul of
15 the law, whether that's BR or OR or any other.

16 CHAIRMAN WALLACE: All right?

17 All right. And that's all the information
18 Plan Commission thinks that they need in order to close
19 the public hearing at that time?

20 (No response.)

21 CHAIRMAN WALLACE: All right.

22 Roll call.

23 VICE CHAIRMAN KESSLER: Holderfield.

24 MEMBER HOLDERFIELD: Aye.

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1 VICE CHAIRMAN KESSLER: Amatangelo.

2 MEMBER AMATANGELO: Yes.

3 VICE CHAIRMAN KESSLER: Schuetz.

4 MEMBER SCHUETZ: Yes.

5 VICE CHAIRMAN KESSLER: Doyle.

6 MEMBER DOYLE: Yes.

7 VICE CHAIRMAN KESSLER: Gaugel.

8 MEMBER GAUGEL: Yes.

9 VICE CHAIRMAN KESSLER: Henningson.

10 MEMBER HENNINGSON: Yes.

11 VICE CHAIRMAN KESSLER: Wallace.

12 CHAIRMAN WALLACE: Yes.

13 VICE CHAIRMAN KESSLER: Kessler, yes.

14 CHAIRMAN WALLACE: All right. That

15 motion passes unanimously, and the public hearing is

16 continued to that date.

17 Next -- and that -- we're done with public

18 hearings. Next is the meeting portion.

19 Item 5 is the general amendment, City of

20 St. Charles. Do we need to take action to continue

21 this?

22 MR. COLBY: No, you don't need to take

23 any action.

24 CHAIRMAN WALLACE: All right. So we

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1 will -- we're not going to take any action on that item
2 tonight, obviously.

3 Item 6, 2701 East Main Street, drive-through
4 stacking reduction request, Kolbrook Design.

5 Stuart's Crossing PUD, proposed Dunkin'
6 Donuts.

7 And, Matt, is this yours, as well?

8 MR. O'ROURKE: This is mine.

9 CHAIRMAN WALLACE: Tell me how you want
10 to -- how you want to handle this.

11 MR. O'ROURKE: I think we'll follow some
12 similar -- I think -- it's not a public hearing, as
13 stated.

14 This is a unique request, in that typically
15 when there's a parking -- or excuse me -- a stacking
16 space reduction request, it's usually involved with a
17 special use request or application for a drive-through.

18 In this particular case, the drive-through is
19 permitted by a right through the provisions of the PUD,
20 so -- but the Zoning Ordinance still has a clause in
21 there that states that somebody can request a reduction
22 in the required number of stacking spaces by
23 recommendation of the Plan Commission and the City
24 Council.

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1 So, essentially, what's being considered here
2 tonight is a stacking space reduction request and, you
3 know, anything related to that particular matter.

4 So with that, I think that staff's, you know,
5 kind of prefaced the whole thing, and then we can have
6 the Applicant come up and describe the site plan and
7 what it is that they're proposing to do.

8 CHAIRMAN WALLACE: And I know that you
9 said it in the staff memo, but the standards that we're
10 looking at in considering this change -- first of all,
11 you . . . tell us about what constitutes minor change
12 under the Zoning Ordinance.

13 MR. O'ROURKE: Basically, the way the
14 Zoning Ordinance reads is it's anything that's not
15 considered a major change or an administrative change,
16 and there are very -- there are very specific
17 provisions for what is a major change and what's an
18 administrative change.

19 So anything in between the two, that's that.

20 Since -- I mean, they're proposing something
21 that's permitted by right. They're not increasing the
22 square footage of the commercial use itself, those
23 types of things. That's why it's not considered a
24 major change. There's different provisions in the

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1 Zoning Ordinance that establish that.

2 CHAIRMAN WALLACE: Okay.

3 MR. O'ROURKE: And then administrative
4 changes, just for clarification, are related to very
5 small things, like if you need to shift a plant a
6 couple of feet -- meaning a literal landscape plant --
7 or, you know, changes to awning color, that sort of
8 thing.

9 CHAIRMAN WALLACE: Okay.

10 And then in order -- I was looking at
11 17.24.100-C in the Zoning Ordinance.

12 The City Council may reduce the required
13 stacking spaces "after receiving a recommendation from
14 the Plan Commission if the petitioner presents a study
15 with quantifiable evidence based on comparable
16 facilities and demonstrates that the number of stacking
17 spaces may be reduced without affecting the ability of
18 the proposed facility to meet the applicable
19 requirements. The approval of a reduced number of
20 stacking spaces shall apply only to the specific
21 business for which the study was conducted."

22 So if we do reduce the number of stacking
23 spaces -- or not "we," if the City Council does -- and
24 Dunkin' Donuts is there for a year and then becomes a

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1 Starbucks or something like that, they would have to go
2 back through the same process in order to be able to
3 utilize that drive-through facility?

4 MR. O'ROURKE: Based on the way this
5 reads, I would -- that would be accurate.

6 CHAIRMAN WALLACE: Okay. So a "specific
7 business" actually means the specific Dunkin' Donuts,
8 not that particular building.

9 MR. O'ROURKE: That's correct.

10 CHAIRMAN WALLACE: All right. Well,
11 then, in that case, shall we go on with the Applicant?

12 MR. O'ROURKE: Yeah. I would say at
13 this point it would be best to have the Applicant.

14 CHAIRMAN WALLACE: Okay. Is the
15 Applicant here?

16 All right. Come on up.

17 It isn't a public hearing, so I'm not going
18 to swear you in, but I would appreciate it if you'd
19 just introduce yourself, state your name and -- and
20 address -- the court reporter's still here, so it's
21 still a matter of public record.

22 MR. KOLBER: Certainly. My name is
23 Steven Kolber with Kolbrook Design. We're the
24 architects for the franchisee -- Dunkin' franchisee

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1 that's looking to go to this location -- and our office
2 is in Evanston, Illinois.

3 CHAIRMAN WALLACE: Okay.

4 All right. If you want to just tell us what
5 we're looking at here.

6 MR. KOLBER: Well, simply, you are
7 familiar with the site, which was formerly a Qdoba
8 restaurant which has been closed for a few years now.
9 The franchisee that we work with worked with Dunkin'
10 corporate and identified this as a good area for them.
11 He's actually looking at a few other sites in St.
12 Charles, as well.

13 And to make this work, Dunkin' was looking at
14 a drive-through component.

15 And you have in front of you as part of the
16 packet a study done by a traffic consultant that the
17 franchisee uses often to look at his locations to
18 verify that. The stacking load for what his business
19 is is roughly around six cars, and it's -- you know,
20 he's -- the franchisee owns over 40 locations in the
21 northern Illinois area, so it's pretty consistent.

22 One of the -- a bit of information that's not
23 in the report here is that his average wait time from
24 drive-through menu to the window is only 80 seconds.

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1 So it moves quickly. So there's not a long lead time
2 of people waiting. It moves very rapidly.

3 And as the report says, the bulk of the
4 drive-through time is before 10:00 a.m., so it's
5 morning time only. That's the real rush at Dunkin',
6 and then after that it's pretty light traffic.

7 What you see in the site plan here is -- what
8 we're doing is we're moving nine parking spots that are
9 on the west side of the building currently. On your
10 packet you have the original surveys that show that,
11 where -- the nine spots that we're taking out to divide
12 this drive-through lane. And in doing it we've put
13 back into the layout a large swath of additional
14 landscaping to, you know, obviously provide more
15 aesthetics to the site and, you know, comply with the
16 landscape requirements.

17 And we're pushing the drive-through window,
18 as you see in the plan, to the far south to allow for
19 the six cars. This is something that we feel, you
20 know, that will satisfy our needs here.

21 And one thing that -- as the staff puts in
22 their report, the upside is that, you know, in the rare
23 case that it exceeds six -- which is usually not the
24 case -- we're still well with -- we're not on the

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1 public street. We're within our own parking lot, so
2 the additional car or two will not be a hazard to other
3 traffic.

4 Also, you have in the packet what we're
5 doing -- proposing at this point for exterior
6 modifications to the building itself.

7 So to just give you a feel for what we're
8 going to do for the building to accommodate the
9 drive-through itself and to bring it up to the Dunkin'
10 standard and the new branding that they started just
11 recently, earlier in 2013, when the new Dunkin' model
12 came out, where it's really a coffee shop look with
13 soft seating and all that kind of -- all those elements
14 are now being put into each and every location
15 nationwide.

16 CHAIRMAN WALLACE: Well -- okay.

17 First of all, the crosswalk -- sorry.

18 There's one stacking space that is right in
19 the middle of the crosswalk.

20 I know that this came up when the McDonald's
21 recently was before us.

22 MR. O'ROURKE: Right.

23 CHAIRMAN WALLACE: What's the issue with
24 the stacking space on the crosswalk?

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1 Is that allowed?

2 MR. O'ROURKE: Yeah. There's nothing in
3 the code that would prohibit that.

4 CHAIRMAN WALLACE: Okay.

5 MR. O'ROURKE: It was more of -- I think
6 it was a suggestion that there be some sort of way for
7 pedestrians to get from those spaces -- in the case of
8 McDonald's -- from those -- there's a lot of parking on
9 the west and then the front door. And I think -- and
10 this was actually a staff suggestion, that there be a
11 sidewalk that basically gets folks from the -- kind of
12 the southwestern corner of the site up through the
13 drive-through to the front door.

14 CHAIRMAN WALLACE: Do either of the
15 two doors on the south side of the building allow for
16 customer access, or are those just --

17 MR. KOLBER: Strictly for service.

18 CHAIRMAN WALLACE: -- just for service?

19 MR. KOLBER: And it should be known that
20 in the Dunkin' layout, which we're still working on for
21 the interior, is a complete gut and remodel of the
22 entire space. So patrons will only be coming from the
23 north end of the building.

24 CHAIRMAN WALLACE: Only from the north?

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1 MR. KOLBER: They'll only enter at the
2 north of the building.

3 CHAIRMAN WALLACE: Not the west?

4 MR. KOLBER: Not the west. There is a
5 door there that's existing, but if you can imagine --
6 because of where the drive-through is, what was Qdoba
7 where their whole service line is on that interior
8 wall, we're moving everything to that west wall.

9 So that's all a service line for Dunkin', so
10 there's no access to that west door.

11 CHAIRMAN WALLACE: Okay.

12 MR. KOLBER: That would -- if that door
13 remains -- we're finalizing plans -- that would be only
14 for staff.

15 CHAIRMAN WALLACE: So the only access
16 for pedestrians -- if somebody were to park in those
17 spaces at the southwest or on the south side of the
18 building, they would have to go around the building to
19 the north entrance --

20 MR. KOLBER: Yes.

21 CHAIRMAN WALLACE: -- to get in the
22 building; correct?

23 MR. KOLBER: As it is now. Because
24 right now all the south doors are service doorways for

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1 the space.

2 CHAIRMAN WALLACE: Now, from a site
3 circulation standpoint, is there a cross-access
4 agreement with the property owner to the east?

5 MR. KOLBER: I believe so. As you can
6 see, that's the Walgreens piece there. And those --
7 the entire building has -- from what -- our
8 understanding is that there is cross-easement access so
9 that the circulation can go around the building into
10 the drive-through. And that's what we're proposing,
11 appropriate drive-through signage, directional signs to
12 direct the traffic around that --

13 CHAIRMAN WALLACE: Okay.

14 MR. KOLBER: -- naturally.

15 VICE CHAIRMAN KESSLER: Is it going to
16 go all the way around the Walgreens? Is that what I'm
17 understanding?

18 I understand you can come in and go all the
19 way around the Walgreens --

20 MR. KOLBER: No, no. There's room
21 between -- where the Walgreens drive-through is,
22 there's another access. What you see on this drawing
23 right here, on the very edge, that's an island for the
24 drive-through for Walgreens.

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1 Between that drive-through and what is the
2 landscape barrier or the -- on the T-Mobile side is
3 access where we can drive around the lot of the
4 building itself.

5 CHAIRMAN WALLACE: I'm just -- I'm
6 having trouble -- maybe you can help me out.

7 I don't know if other Plan Commissioners are
8 having this same difficulty, but I'm trying to imagine,
9 if somebody's coming from Route 64, how they get in
10 here, how they get into the drive-through.

11 MR. KOLBER: Well, we're imagining that
12 the bulk of the traffic will come in from the west for
13 the drive-through.

14 CHAIRMAN WALLACE: Okay. And --

15 MEMBER HENNINGSON: Just a minute.

16 MR. KOLBER: As they come in from the
17 west -- actually, we can do this. So as -- coming in
18 this direction here, directional signage will bring
19 them around to this portion here, to the drive-through
20 here.

21 So around the building -- the block that is
22 the building -- into the drive-through here.

23 CHAIRMAN WALLACE: Okay. Would there be
24 anything to prevent them, when they turn in there, to

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1 turn to the left and then to the right into that area?

2 MR. KOLBER: Normally what we have at
3 the beginning of the drive-through in those type of
4 instances is another directional, right at the
5 drive-through, promoting the access in the correct
6 direction.

7 CHAIRMAN WALLACE: Okay.

8 MR. KOLBER: I suppose there could be,
9 you know, the rogue that gets in there, but the turn
10 radius is difficult for somebody to pull that off. So
11 I -- it's going to be encouraged, through signage, to
12 bring everybody around the building.

13 VICE CHAIRMAN KESSLER: And then the
14 exit out -- show us the exit out.

15 MR. KOLBER: Exit out would be out this
16 direction or they'd have the option to go back here or,
17 if they want, out this way.

18 As they come out here, the driver will have
19 the option to go either direction.

20 MR. O'ROURKE: I just want to point out,
21 too, the actual menu board and order station,
22 I believe, is before you would make that turn into the
23 drive-through.

24 MR. KOLBER: That's correct. We're

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1 showing a menu board that's right here.

2 MR. O'ROURKE: I don't know if you'd
3 have a patron want to take that move because they'd be
4 basically jumping in line before they could -- after
5 they could order something.

6 CHAIRMAN WALLACE: So when a vehicle is
7 at the ordering station, there is no structural --
8 there's no curb? There's nothing that separates them
9 from traffic moving in the opposite direction right
10 next to them; correct?

11 MR. KOLBER: As it stands now, yes.

12 CHAIRMAN WALLACE: Okay. And if there
13 was a seventh car -- I know that we're saying here that
14 there's only -- that there are six stacking spaces that
15 are proposed, but if there was a seventh, where would
16 they be?

17 MR. KOLBER: Well, in this particular
18 instance, the seventh car -- I can move this down.

19 If, in fact, there was a seventh car, that
20 seventh car would be here waiting for that opening.

21 CHAIRMAN WALLACE: Okay. If they did
22 turn behind the sixth car, then they effectively would
23 be blocking traffic?

24 MR. KOLBER: If there was a seventh car

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1 and they decided to turn, there would be a blockage
2 there, yes.

3 CHAIRMAN WALLACE: Okay.

4 And then has there been any turning template
5 from the exit to see what type of -- because,
6 effectively, vehicles are going to be making U-turns
7 when they come out of there. They're going to be
8 heading south coming out. They're going to have to go
9 north; correct?

10 MR. KOLBER: Yeah. If they're heading
11 back out the side entrance again, yes.

12 CHAIRMAN WALLACE: What if they want to
13 go over to the Walgreens?

14 They're then going to go north. They're
15 going to have to make a right turn in conflict with the
16 car that is coming at the menu board; correct?

17 MR. KOLBER: Right. But there will --
18 you know, again, this -- this -- you know, there's
19 directional signage and stop signs here as you're
20 coming out to -- to, you know, be mindful of traffic
21 from both directions.

22 CHAIRMAN WALLACE: Okay.

23 MR. KOLBER: Because there's a whole
24 rail of directions that are at our fingertips to direct

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1 traffic orienting.

2 MEMBER SCHUETZ: Can I --

3 CHAIRMAN WALLACE: Hold on just a
4 second. Let me just ask another question.

5 The -- now, I know that you compared this to
6 other Dunkin' Donuts that are located elsewhere in
7 Chicagoland, but was there ever any even informal study
8 done with the other Dunkin' Donuts located in
9 St. Charles?

10 MR. KOLBER: The studies were done at
11 our franchisee's locations --

12 CHAIRMAN WALLACE: Okay.

13 MR. KOLBER: -- because he'll be
14 operating the store. So no. At the one that was here
15 locally, no, that was not.

16 CHAIRMAN WALLACE: Do you have any
17 information as to how many cars stack at the Dunkin'
18 Donuts, even informally at the Dunkin' Donuts in
19 St. Charles, let's say, at 8:00 in the morning?

20 MR. KOLBER: I do not have that
21 information.

22 CHAIRMAN WALLACE: Have you ever heard
23 about difficulties with cars being maybe 16, 17 deep
24 going out onto Route 64 in the morning at Dunkin'

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1 Donuts in St. Charles?

2 MR. KOLBER: No, I have not heard that
3 about the St. Charles location. Again, we're just
4 going on the information from the 40 stores that our
5 franchisee has and what his track record has been at
6 his locations.

7 CHAIRMAN WALLACE: Okay.

8 (Discussion off the record.)

9 VICE CHAIRMAN KESSLER: I said he'll do
10 quite well in St. Charles, but it's a problem.

11 CHAIRMAN WALLACE: Yes.

12 MEMBER HENNINGSON: Todd, I want to
13 address the question you asked earlier, and that's, if
14 you're coming from the west on Route 64, going east,
15 how do you access this site.

16 The first access point would be a road which
17 is between -- which enters -- which actually goes into
18 the Toyota dealership.

19 Is that a public or a private street?

20 MR. O'ROURKE: As far as -- I believe
21 it's a private street.

22 MR. COLBY: It's private.

23 MEMBER HENNINGSON: And it's owned
24 by who?

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1 MR. COLBY: I believe it's on the
2 property of the Toyota dealership.

3 MEMBER HENNINGSON: And have we gotten a
4 reaction from them?

5 MR. O'ROURKE: (Mr. O'Rourke shook his
6 head from side to side.)

7 MEMBER HENNINGSON: Okay. So --

8 CHAIRMAN WALLACE: I think that there is
9 an easement. There has to be an access easement.

10 MEMBER HENNINGSON: I'm sure there's a
11 cross-easement, Todd. But here's -- I spent an hour
12 out there this afternoon.

13 You pull in that drive -- it's a very narrow
14 drive. And then you come into the subject site where
15 we see it here, and that's your one -- that's one of
16 the ways you can get onto this site, and you can exit
17 that way, as well.

18 That -- yeah. That street that goes to the
19 Toyota dealership ends very shortly after the entrance
20 to this site, and then there's a sign saying it's
21 private property.

22 The other way to get in is to go around to
23 Lakeside Drive, which is the Walgreens, and then you
24 can pull into the Walgreens lot all the way around and

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1 get to the building, or you can go behind the Walgreens
2 building, as well; pretty narrow behind the building.

3 It's a very difficult site for a
4 drive-through -- for a drive-through window.

5 My understanding -- are they automatically
6 granted a drive-through?

7 MR. O'ROURKE: The use is permitted by
8 the PUD, the drive-through use itself as a drive-in
9 restaurant.

10 CHAIRMAN WALLACE: But they are asking
11 for a reduction in the stacking spaces, and I don't see
12 how, with this site, they get the number of stacking
13 spaces they're required to have, which is --

14 MEMBER HENNINGSON: 15.

15 MR. O'ROURKE: 15.

16 CHAIRMAN WALLACE: -- 15.

17 MR. O'ROURKE: Right. If they could
18 provide a plan that had 15 stacking spaces, they
19 wouldn't be here tonight. So it's that -- it's that --
20 so --

21 MEMBER HENNINGSON: I understand.

22 Now, when -- now -- I'm sorry. What was your
23 name again?

24 MR. KOLBER: Steve Kolber.

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1 MEMBER HENNINGSON: Steve, when you
2 enter the drive-through lane from the north and you go
3 south, then, if you were going to exit out and go to
4 that road next to the Toyota dealership, it would be
5 very difficult to do that.

6 If you wanted to go behind the building and
7 towards Walgreens, it's my recollection -- I'd have to
8 take another look out there, but it's my recollection
9 that both of those lanes coming from -- both of those
10 lanes between Walgreens and this site are drive-through
11 lanes going from north to south. I don't think you've
12 got room to go around that building.

13 I think -- you've got double drive-throughs
14 at Walgreens.

15 MR. KOLBER: Yes. And I believe we --
16 here's the thing: Here's the island that makes the
17 edge of the drive-through for Walgreens, right here.
18 This space is what we're counting on to allow for the
19 traffic to come around.

20 MEMBER HENNINGSON: Is that property for
21 that building, or is it property for Walgreens?

22 MR. KOLBER: I believe it's a property
23 that they have an easement to use this for this
24 building here.

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1 MEMBER HENNINGSON: Well, if you go back
2 to the aerial . . . I'm not -- on the aerial I'm seeing
3 two drive-through lanes for Walgreens and that's it.

4 CHAIRMAN WALLACE: Up a little more.
5 See here, the two drive-through lanes here?
6 And this is the road here.

7 MR. KOLBER: I'll go down. Sorry.

8 MR. O'ROURKE: No, I think it's
9 further up.

10 VICE CHAIRMAN KESSLER: It's on page 3
11 of this.

12 MR. O'ROURKE: You're going the
13 wrong way.

14 VICE CHAIRMAN KESSLER: You're going the
15 wrong way. See, you're on 14. Go to page 3.
16 Keep going -- there you go.

17 MR. KOLBER: So here's the canopy for
18 the Walgreens.

19 MEMBER HENNINGSON: Is that canopy
20 typical for both lanes?

21 MR. KOLBER: Yes, it does. That covers
22 the drive-through lanes for Walgreens, and this island
23 is what you see on the drawing that we provided.

24 This is the end of that paved island, so this

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1 is the drive-through for Walgreens. This is the access
2 that we feel that we have adequate, you know, traffic
3 pattern to bring clients -- patrons through to our
4 driveway.

5 VICE CHAIRMAN KESSLER: You're not sure
6 whose property that is, though?

7 MR. KOLBER: We're not a hundred percent
8 certain, but in our initial research we were told by
9 the owners of the building that -- my client is looking
10 to purchase the building as part of this -- that there
11 is a cross-easement there that we will need to do.

12 VICE CHAIRMAN KESSLER: What about the
13 parking? I'm sure you've -- I mean, do you -- can you
14 do anything with the parking? Where are we at?

15 I don't see anything here that tells us.

16 MR. KOLBER: The parking as it stands
17 right now, even with what's taken out of the nine
18 spots, it meets the code for required parking even if
19 both units were restaurants. Right now it's a retail,
20 a T-Mobile, and what we have on our site is the
21 drive-in restaurant.

22 VICE CHAIRMAN KESSLER: You have
23 overparking.

24 MR. KOLBER: There is adequate parking.

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1 And Matt actually helped us out with that.

2 MEMBER HENNINGSON: How many do you have
3 there?

4 MR. O'ROURKE: It depends on which
5 sides. The T-Mobile store is 4 spaces per thousand,
6 and this would be 10 spaces, and those requirements
7 were identified and called out on page 4 of the staff
8 report where it says "Parking stalls, both units."

9 VICE CHAIRMAN KESSLER: Well, the reason
10 I bring that up is because I'm just wondering -- and
11 can't -- they haven't identified it. If we are
12 overparked right now, is there something we can do with
13 the parking to make it easier?

14 I didn't see it as a big problem.

15 I'm telling you, our anecdotal evidence of
16 the Dunkin' Donuts, it's -- it's extremely popular.
17 And 64 is a -- you know, we don't want to back it up.

18 I'm not so sure we would back it up here, but
19 you all are making a public safety issue by trying to
20 stack that many cars in that area. Where are they
21 going to go? I mean, where are you going to put them?

22 MEMBER AMATANGELO: The other thing that
23 bothers me about the cars stacking into this area right
24 here, this island piece that comes out there, there is

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1 a -- right at the edge there, you actually have the
2 potential for traffic going in three different
3 directions --

4 VICE CHAIRMAN KESSLER: Right. That's
5 a -- right.

6 MEMBER AMATANGELO: -- and that is
7 really concerning.

8 I -- is there a way that you could take out
9 this piece right here and bring the traffic in this way
10 so that you're not getting into that kind of a conflict
11 there?

12 I'm sure you did it that way because that
13 extends the number of stacking that you have there.

14 However --

15 MR. KOLBER: And, also, we wanted to
16 maintain -- you know, we were -- we wanted to maintain
17 the degree of landscaping, as well.

18 Right now there is a whole seated area out
19 there, and we didn't want to just wipe it out. We
20 wanted to try to be sensitive to the amount of work
21 that went into maintaining the landscaping the first
22 time and the seating area that's out there.

23 MEMBER AMATANGELO: Sure.

24 MR. KOLBER: But the answer to your

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1 question, no. I mean, there is nothing to keep us from
2 making that turn a little bit tighter.

3 And also, in all honesty, if -- you know, we
4 just tried to keep what was here in terms of the
5 curbing and the existing parking areas. But if it's a
6 concern of the Commission, there's nothing to say
7 that -- that, you know, that this access here that goes
8 for -- to the Dumpsters, that it's not directed
9 straight out the back, and then it's a little bit
10 clearer as to which way they go and not turning
11 back in.

12 MEMBER AMATANGELO: Right. Plus the
13 other thing, too, is, if you're concerned about
14 landscaping, you can actually extend that island on the
15 left side and then landscape that and just have the --
16 that makes it a definite separation between the traffic
17 going in two ways plus -- two directions -- plus your
18 one lane coming through the drive-through.

19 MR. KOLBER: Absolutely. Again, we were
20 just trying to maintain what was there, but we're
21 not -- if it's the Commission's recommendation, we're
22 certainly open to that.

23 MEMBER HOLDERFIELD: I would like to see
24 what you would respond to if we just directed traffic

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1 in one direction.

2 In other words, on the entrance there, have a
3 Y come out, a curbing that directs the flow of the
4 traffic, you can only go to the right.

5 MR. KOLBER: Right.

6 MEMBER HOLDERFIELD: And you've got it
7 going both directions here but it can't be.

8 It all flows in a counterclockwise movement
9 around the building, all the way up the backside and
10 back, and then you come in. As opposed to having it
11 helter-skelter, so to speak.

12 But I'm most fearful that -- I mean, if we
13 had a curbing there at the front to actually direct the
14 flow, we'd be less apt to have people turning to the
15 left.

16 MR. KOLBER: Uh-huh.

17 MEMBER HOLDERFIELD: If you have just
18 signage there, there's going to be people just --
19 "I'm going to go that direction," and if we can direct
20 the flow . . .

21 VICE CHAIRMAN KESSLER: Could I ask you
22 a question?

23 That's a good suggestion.

24 So you would come in and it would direct you

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1 in a counterclockwise direction.

2 MEMBER HOLDERFIELD: Right. You're
3 going to go to the right. You go around, come back in.

4 VICE CHAIRMAN KESSLER: But what happens
5 when you -- oh, you could -- you could continue
6 straight, but you could also go out? That would be it?

7 MEMBER HOLDERFIELD: Yeah.

8 VICE CHAIRMAN KESSLER: Okay.

9 MEMBER SCHUETZ: Then what if you were
10 to consider the one-way and then have all the parking
11 angled?

12 MR. KOLBER: We would have to see how
13 that affects the flow of --

14 MEMBER SCHUETZ: It would probably
15 affect the parking. However, maybe you could do
16 something about it. But if it went in one direction
17 like Tim was saying, you'd have to obviously -- I would
18 suggest -- angle the parking, and that would tell the
19 people as soon as they come in they've got to go to the
20 right.

21 I mean, if everybody knows the parking's in
22 the wrong direction, they're not going to go that way.

23 MR. KOLBER: Certainly. Again, we're
24 certainly open to modifying -- obviously, we're doing

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1 some extensive modification as it is to the site to get
2 the queuing to work.

3 If it's a little bit more manipulating to
4 allow a better traffic flow to keep that -- so that
5 queue can stay at six to allow for this to exist, my --
6 I'm certain it's something that we would be happy
7 to do.

8 MEMBER SCHUETZ: If you did the one-way
9 and the angled parking, it also might allow for a
10 little more stacking inside the parking lot.

11 VICE CHAIRMAN KESSLER: Well, that's
12 what I'm thinking.

13 If it is -- with that suggestion that you
14 made right off the bat, you're eliminating the traffic
15 jamming.

16 But I still go back to you're overparked in
17 there, so there are parking -- there is parking that
18 can be possibly used for a double stack.

19 I think you're going to need all the stacking
20 spaces at certain times of the day. I really do. And
21 all you're going to do is you're just going to cause a
22 problem in that lot.

23 Now, I don't know necessarily see it backing
24 out on 64. It could but it -- I don't think so.

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1 I think the big problem's going to be in the lot.

2 And with only five stacking spaces, I don't
3 care how you're directing the traffic. It's going to
4 stop.

5 And even coming in, they're going to pull
6 in the entrance and they're going to stop and wait
7 85 seconds and 85 seconds and 85 seconds until they get
8 around, and I'm concerned that that is a safety hazard.

9 MR. KOLBER: Well, again, I can only
10 state that, per the study that you have and based on
11 the information that are at my client's stores -- and
12 they're all operated a little bit differently -- and he
13 has over 40 locations -- you know, his average is
14 roughly in the neighborhood of six cars and an
15 80-second wait from drive-through to leaving.

16 So it's -- it's a pretty quick turnaround.
17 And it's only -- as you know, before 10:00 a.m. is
18 where the bulk of it is.

19 VICE CHAIRMAN KESSLER: Right. It's
20 really -- I mean, it takes a long time. The time is
21 not the problem.

22 MR. KOLBER: And because his, you know,
23 traffic is good at what he does is why this site was
24 even feasible to him. He said, "We can do this here.

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1 We can make this work here."

2 And that's why -- our request to see if we
3 can reduce the stacking for this location so that he
4 can come to this area, this spot.

5 VICE CHAIRMAN KESSLER: So what are you
6 doing differently that doesn't cause cars to stack?
7 I mean, that's -- you know, I know what I see.

8 MR. KOLBER: I know. I understand.
9 I just know that the locations on -- we've done several
10 for him, and every one that we've been at, it's been --
11 I don't know what they do differently, but they
12 certainly do it very efficiently.

13 VICE CHAIRMAN KESSLER: Okay.

14 MEMBER SCHUETZ: Have you gone in to
15 order, possibly, at the other -- let's call it a
16 competitor -- Dunkin' Donuts to see what their
17 turnaround time is? Is it 85 seconds?

18 MR. KOLBER: I've not gone to --

19 MEMBER SCHUETZ: Maybe there's --
20 I don't know. I've never been there. But maybe it's a
21 hundred and sixty. You know, I'm just guessing. Maybe
22 their turnaround time is less than what yours is.

23 MR. KOLBER: It could be. Again, we
24 based our design and our thought process on the average

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1 of our franchisee.

2 MEMBER SCHUETZ: I mean, look at
3 Portillo's. My God, they get hundreds of people
4 through there in minutes, you know, because they're
5 good at it.

6 That's my point, is maybe you guys are better
7 at it than the other ones. I don't know. I've never
8 been there.

9 MR. KOLBER: He does have 40 locations,
10 so he's got some good practice.

11 MEMBER AMATANGELO: And reducing this to
12 stack to the back of the building is not -- you know,
13 it -- you have the additional parking space back here.
14 You know, rather than --

15 MR. KOLBER: You have to be -- then
16 you're on the wrong side of the car.

17 MEMBER AMATANGELO: You're on the wrong
18 side.

19 MR. KOLBER: And we're limited -- you
20 know, if we had the T-Mobile side, it would be a whole
21 different story. We'd be doing a whole different
22 layout. Because of the Qdoba side, you want to be on
23 the driver's side, it's just -- you know, it's the deck
24 of cards you have to work with.

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1 MEMBER AMATANGELO: Yeah. That makes
2 sense, yeah.

3 MR. KOLBER: Yeah. We talked about
4 that, believe me, but . . .

5 MEMBER AMATANGELO: Sure. Sure. I kind
6 of like the recommendation of both of my fellow
7 commissioners here of the combination of making it a
8 one-way and the angled parking.

9 And if you go to any Sonic burger, it works
10 so well, you know; you don't see people going the wrong
11 way, and it's because you pull in and everything's
12 angled at a certain direction. And they have plenty of
13 room, but everyone goes the right way. It's like
14 we're -- we're all told to do so and we do.

15 MR. KOLBER: Again, we'd have to go back
16 to see how it affects the overall parking layout.

17 But would we be willing to explore that?
18 Absolutely.

19 MEMBER HENNINGSON: I'd like to touch
20 back on something I said a minute ago.

21 That entrance to the site, general site, that
22 is on the west side of the site between Toyota and this
23 property, I'd like to get a little better understanding
24 on who controls that, who takes care of it, the width

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1 of that.

2 Because when I've gone in to Toyota, I can't
3 remember ever having a car come at me. It seems like
4 it's more of a one-way entrance into Toyota. And maybe
5 cross-access easement with this other property is an
6 afterthought.

7 And if you're going to be running a bunch of
8 traffic through that, boy, I think it's real
9 problematic.

10 I think the staff needs to research that one,
11 figure out who owns that, if it's public, if it's
12 private, what the width is. If you're going to be
13 driving that much traffic through it, you need to have
14 some answers.

15 CHAIRMAN WALLACE: Okay. All right.

16 MEMBER DOYLE: Well, one of the
17 questions I had -- there are two questions I had.
18 Maybe you've already answered one of them.

19 The location of the drive on the west side
20 into this parcel on that private road and the
21 configuration of that western side of the parcel, is
22 that fixed? Is it modifiable?

23 If -- you know, would it be possible, for
24 instance, to move the ingress lane farther south

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1 towards the back of the parcel?

2 That -- you know, or is it -- is that not
3 within the purview of the owner?

4 MR. COLBY: I think that would take some
5 further research.

6 MEMBER DOYLE: Okay. Second -- so that
7 was one reason -- the reason why I was thinking that
8 was you already mentioned -- I was wondering if -- if
9 there are businesses that have found a way to do a
10 drive-through where, you know, the -- the window is on
11 the passenger side of the car. Because I was thinking,
12 if the lane -- if you had -- if you could imagine this
13 parcel, if you came all the way to the south end of the
14 site -- right?

15 And you turned left into it and if you went
16 right up into the drive-through lane and then, as you
17 come out, you have a little lane right there to get out
18 and just go right out onto North Avenue, you could --
19 you would have more space for longer stacking.

20 MR. KOLBER: Certainly.

21 MEMBER DOYLE: And you might simplify
22 the circulation, but then -- I mean, I don't know what
23 the possibilities are in terms of a drive-through.

24 MR. KOLBER: Well, it's certainly

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1 possible, but it doesn't work in the model for --
2 80 seconds get longer now because in that -- and that
3 multiplies and it's an inconvenience, and it's not
4 something that my franchisee is interested in.

5 We talked about it but, you know, he went
6 through the whole process of -- in our timing package
7 and how we do it and how we turn the cars around, it
8 relies on reaching and going and reaching and going.

9 When you pull on the other side, there's a
10 whole other dynamic that's involved, especially when
11 you're handing -- as you see, 70 percent of their
12 business is the hot beverage. So when you're handing
13 some hot coffee over to somebody, there's some
14 potential for some real disasters.

15 MEMBER DOYLE: Yeah. You don't do the
16 pneumatic tube delivery systems for the coffee?

17 MR. KOLBER: Wouldn't it be nice?
18 Wouldn't it be nice?

19 VICE CHAIRMAN KESSLER: Doughnut tubes.

20 MR. KOLBER: Send a doughnut through the
21 tube.

22 MEMBER DOYLE: Well, I guess then my
23 only comment is the suggestion -- suggestions made
24 earlier about the -- limiting the circulation into a

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1 counterclockwise direction.

2 The other thing I would say about that is, if
3 you eliminate traffic moving in a clockwise direction,
4 you can then curve your stacking around that corner
5 through a -- you know, if you have a lane that turns
6 that corner, you could --

7 MR. KOLBER: We need to be mindful of
8 the handicap parking requirements up front.

9 MEMBER DOYLE: Absolutely. But you
10 might be able to get one more car before it -- before
11 you get to the handicap. I don't know if that's going
12 to resolve some of the other concerns that have been
13 raised, but I definitely feel that that would be a --
14 an improvement that -- that I would want to see
15 before --

16 MR. KOLBER: Uh-huh.

17 MEMBER HENNINGSON: And I would suggest
18 that all the Planning Commission members drive through
19 that site, take a good look at it. I was shocked.

20 MEMBER DOYLE: I've been to that site
21 when it was Qdoba, but . . . but as far as the way it's
22 been reconfigured now, I -- I've not driven around back
23 of it.

24 MEMBER HENNINGSON: I'd drive around the

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1 back and drive around the back of Walgreens, as well.
2 Very tight site.

3 CHAIRMAN WALLACE: All right.

4 Well, this -- I guess let's -- do we have any
5 further comments -- I'll try to figure out what to do.

6 MEMBER GAUGEL: In the ordinance, the
7 part that I'm having trouble with is this "quantifiable
8 evidence based on comparable facilities." I think what
9 anybody up here is using as a comparable facility is
10 the facility on the west side, and we know the volume
11 that goes through there. We know that on Saturday at
12 9:00 it's backed up onto Route 64. There are probably
13 14 to 15 cars deep at any time.

14 So if this is tabled or if it moves on, what
15 I would like to see is how your facility would compare
16 to the Dunkin' that is on the west side and how that
17 will affect -- you know, maybe their -- maybe their
18 wait time is longer, but we don't know that.

19 I think for everybody, as Curt had mentioned,
20 drive through the site and also drive through the other
21 Dunkin' Donuts so we can get a good, you know,
22 cross-section of both facilities, and then you -- you
23 tell us how it compares to that facility. Maybe it's a
24 totally different concept or a totally different way to

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1 run a business.

2 But the two examples you gave, which were --
3 one being Rolling Meadows, the other being in Elgin --
4 both July 5th, over a year and a half ago, and both on
5 a Thursday, the -- the -- Saturday is one of -- I think
6 one of the biggest and busiest times there.

7 And if that's the case for this facility,
8 I think that T-Mobile just might be run out of there,
9 too, to have cars wrapped around the whole facility.

10 MR. KOLBER: Again, there -- as it says,
11 the peak times end at 10:00 when the T-Mobile is
12 probably opening.

13 MEMBER GAUGEL: Sure.

14 MR. KOLBER: And it's almost barren from
15 10:00 to 3:00, and it's the after-hours when you get a
16 little more, but that early rush -- and some of these
17 are open as early as 4:00. And it's that early rush,
18 and that's why we feel there's not -- we don't feel we
19 will be hindering the neighboring business because of
20 all the stacking that will be there.

21 And we feel that, because of my franchisee's
22 track record and his history of what he does, that the
23 stacking won't exceed six at peak times.

24 CHAIRMAN WALLACE: Do you have any

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1 schematic drawings of the two comparables that you list
2 here?

3 MR. KOLBER: I don't but I can get
4 those.

5 CHAIRMAN WALLACE: Because if -- am I
6 correct in saying -- in thinking that they both have
7 gas stations and convenience stores as a part of the
8 Dunkin' Donuts?

9 MR. KOLBER: They both are -- yes,
10 they're both part of a gas station convenience store.

11 CHAIRMAN WALLACE: How are those
12 comparable, then?

13 MR. KOLBER: Because the drive-through
14 business is actually more at those locations.

15 CHAIRMAN WALLACE: Okay. How can you
16 quantify -- I mean, what's the evidence for that? Just
17 the drive-through is --

18 MR. KOLBER: Just because of the amount
19 of business they do in the morning on their coffee --
20 their coffee runs, their peak hours. Those are two of
21 their busier locations.

22 CHAIRMAN WALLACE: But the drive-through
23 business is more at those locations than what? Than a
24 regular Dunkin' Donuts? Or --

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1 MR. KOLBER: No. They're -- those are
2 two of their busy ones, but their drive-through is
3 pretty steady through -- where they have drive-through
4 locations. Not every single one is a drive-through.

5 CHAIRMAN WALLACE: Wouldn't it make more
6 sense that, if people are there getting gas and going
7 into the convenience store, then they're not going to
8 drive through? So the drive-through business would
9 actually be less at those locations?

10 MR. KOLBER: Surprisingly, the
11 business -- and we just did -- we just finished one in
12 Lincolnshire; it's just opening up with a gas
13 station -- that the amount of business that is going to
14 the Dunkin' is drive through. It's -- very little of
15 it is people going into the gas station, very -- very
16 little. I mean, most people that go to the gas
17 stations don't go in the convenience stores.

18 CHAIRMAN WALLACE: Does anyone else have
19 an issue with these two properties actually being
20 comparable to what they're proposing?

21 MEMBER HENNINGSON: Yes.

22 VICE CHAIRMAN KESSLER: Yes. But my
23 issue is simply that I don't think this site is
24 suitable for five stacking the way this is laid out.

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1 I think that there are things you could
2 possibly do. You're -- you know that there are other
3 alternatives, things that you probably even thought of,
4 but I understand you're trying to do it the most
5 efficient way possible.

6 I frankly feel that you're going to need more
7 stacking than that because it's an unsafe lot if you
8 don't, and that's my biggest concern right there.

9 I don't have an opinion -- you know, we keep
10 talking about the east side of town and go look at it
11 if you like. But regardless of that, the type of
12 business that this is going to do at those peak
13 hours . . . I just -- no matter what these studies that
14 you have show, I would have to see something a little
15 more convincing to tell me that you won't have more
16 than six cars at a peak hour on a Saturday or a Sunday
17 morning, even a Friday morning, because we know -- we
18 see differently.

19 And there's a reason we have stacking
20 requirements like we do, and -- because of these types
21 of things.

22 MEMBER SCHUETZ: I think the Commission
23 would be -- I think you're getting the message but --
24 would be happier or more than comfortable not comparing

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1 it to the other sites but more what's here, and that is
2 the other one.

3 And if the turnaround time is less than -- or
4 excuse me -- more than what you're saying yours is,
5 significantly more, that might make some sense, like
6 you were saying, Steve.

7 MR. KOLBER: Understood. It's just hard
8 to do a parking study, a traffic study of a
9 competitor's location.

10 MEMBER SCHUETZ: Well, send your buddies
11 in there.

12 VICE CHAIRMAN KESSLER: But more
13 importantly, I think that there are alternatives to the
14 site that, you know, you could do.

15 MR. KOLBER: Well, the problem is with
16 the orientation of this particular site -- like where
17 that drive-through window is is as far south as it's
18 going to get. Because just south of that is the
19 mechanical room of the building. So we pushed it as
20 far -- the south corner -- as far as we could.

21 VICE CHAIRMAN KESSLER: Why couldn't you
22 put the handicapped on the east side of the building
23 and do a double stack so they come around that corner,
24 eliminate that big island over there -- I know you're

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1 trying to keep the landscaping but -- move the
2 landscaping somewhere else?

3 MR. KOLBER: Because we don't have
4 enough room for the drive-through -- that's actually --
5 if you read the traffic study, what was done, they
6 recommended that, but we didn't have enough room for
7 the drive-through lane and parking and then the 24 --
8 and then the required drive before the next round of
9 parking. It was too squeezed. That's why we opted for
10 the landscape buffer.

11 MEMBER SCHUETZ: Would it be less,
12 though, if it's a one-way?

13 MR. KOLBER: If it was one-way, it would
14 be less, then we're reconfiguring the entire lot.

15 Again, I'd be happy to look at that. I have
16 to look at the economics of that with the franchisee,
17 too. But that might, you know, push him away from the
18 site.

19 VICE CHAIRMAN KESSLER: Right. But
20 I think that those -- those are the considerations they
21 have to make before they take the site. If it's going
22 to be feasible, you know, if -- "Can we do what we need
23 to do it and is it affordable?"

24 MR. KOLBER: Certainly. As I said,

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1 as -- the study that we presented based on his
2 operations, what he's done with over 40 locations, they
3 feel very comfortable with this stacking. I mean,
4 that's their track record and what they do. That's the
5 only reason why they like this location, because they
6 have done it and they feel comfortable doing it.

7 And if it's getting more studies of more of
8 his locations, we can do that all day long to show that
9 across the board, sit-down restaurants as well as
10 convenience store drive-throughs.

11 VICE CHAIRMAN KESSLER: I'd rather see
12 different configurations. I'd rather see you show
13 different configurations than do more studies because
14 I'm not convinced that we should reduce the number of
15 stacking spaces.

16 MR. KOLBER: Okay.

17 MEMBER AMATANGELO: Mr. Kolber, have you
18 looked at other locations on the east side of
19 St. Charles?

20 MR. KOLBER: Right now my franchisee is
21 entertaining three locations and this being one of
22 them. And -- I mean, building all three of them. He's
23 not looking at all of those; we're working on three
24 different locations right now.

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1 MEMBER AMATANGELO: So you intend to
2 open three separate locations for --

3 MR. KOLBER: That is his hope, right.

4 MEMBER AMATANGELO: Okay. All right.

5 VICE CHAIRMAN KESSLER: Maybe there
6 won't be as much stacking.

7 MEMBER SCHUETZ: We're going to have a
8 lot of fat St. Charles people walking around.

9 MR. KOLBER: There's three locations --
10 in fact, we've worked with others. There's three other
11 locations that we're -- in process right now. So this
12 is one of three that he's looking at. They're very up
13 on the St. Charles area.

14 CHAIRMAN WALLACE: Well -- all right.

15 MEMBER AMATANGELO: We are, too.

16 MEMBER DOYLE: I have one more question
17 for the staff.

18 CHAIRMAN WALLACE: Sure.

19 MEMBER DOYLE: We talked tonight about
20 reconfiguring the lot.

21 Are these -- the spaces here -- shared spaces
22 with the other businesses on this side of the building?

23 MR. O'ROURKE: For -- particular to this
24 lot? For -- or are you talking about like across the

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1 Walgreens and everything?

2 MEMBER DOYLE: No. Does the T-Mobile
3 and --

4 MR. O'ROURKE: Just these two units?

5 MEMBER DOYLE: Yes.

6 MR. O'ROURKE: Yeah, they'd be
7 considered shared parking spaces.

8 MEMBER DOYLE: Okay.

9 So in terms of reconfiguring the circulation
10 to go in a particular direction and possibly angling
11 the spaces, one or the other -- and/or the other --
12 what impact would that have on the other businesses on
13 the lot? Would it -- I mean, would it in any way --
14 I mean, would we need to hear from those business
15 owners?

16 MR. O'ROURKE: I think the -- and
17 I don't want to speak for the Applicant on this.

18 I think they -- they don't own the property,
19 and they're not going to own the property. They're
20 leasing this and reconfiguring it.

21 Is that correct?

22 MR. KOLBER: Well, there's two options,
23 but I think one of the options is purchase.

24 MR. O'ROURKE: Okay.

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1 MR. KOLBER: I don't know which way --
2 last I heard was the purchase option.

3 MR. O'ROURKE: Okay. So maybe -- if
4 they were not the owners, they'd certainly have to
5 check with the owner who holds the lease on the other
6 space for T-Mobile, and I think T-Mobile would have to
7 weigh in, too, and do that.

8 I mean, that -- that would be something,
9 I think, that the property owner would have to sign off
10 on before they just came in with a plan and said, "Hey,
11 you know, we're going to reconfigure the whole thing"
12 and not let the property owner know.

13 If they own the property, it's a different
14 situation. I'm sorry, Steve.

15 MR. KOLBER: Certainly. Like I said,
16 we'd be certainly happy to entertain alternates, but
17 there's a whole process we'd have to go through to make
18 that happen.

19 MEMBER DOYLE: Yeah.

20 MR. KOLBER: I like the idea of the
21 one-way and trying to redirect the traffic, but we
22 would have to look at, as you say, how it affects the
23 property.

24 If it ends up being a lease situation, is the

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1 property owner even going to be amicable to that, let
2 alone the tenants next door?

3 MEMBER DOYLE: I think, you know -- no
4 one has said this explicitly, but I think one of the
5 things that we're -- maybe some of us are struggling
6 with is a reduction from 15 to 6 is a big reduction --

7 MR. KOLBER: Uh-huh.

8 MEMBER DOYLE: -- and we looked at these
9 kinds of reductions before, I think, with -- like with
10 the Burger King, we've talked about it at some length.

11 We all have experience of driving up to a
12 business and it being just a constant nightmare and
13 asking "Who approved this?" you know.

14 MR. KOLBER: Sure. Sure. Understood.

15 MEMBER DOYLE: And so we're all thinking
16 about that next person who's saying "Who is the guy who
17 did this?" and . . . so -- that's all I have to say
18 about that.

19 CHAIRMAN WALLACE: All right.

20 So I guess, as far as what the action is
21 tonight, does the Plan Commission -- you know, our
22 choices are either to take action on this tonight or to
23 continue it to another meeting.

24 VICE CHAIRMAN KESSLER: I'd like to

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1 offer it to the Applicant.

2 MR. KOLBER: I would certainly --
3 obviously, you know, if there are -- to satisfy the
4 Commission, I certainly would talk to the franchisee,
5 the property owner, and see what other options we can
6 come up with to satisfy the inquiries and the questions
7 that have been brought forth tonight.

8 VICE CHAIRMAN KESSLER: So you're
9 willing to table it to another date so you can come
10 back?

11 MR. KOLBER: Oh, I'm certainly willing
12 to table it, you know, because I don't think if I -- we
13 keep it on the table, it's not going to be very
14 favorable for us at this point.

15 And I think there's some -- I think there's
16 some options that we can explore for taking into
17 consideration the Planning Commission's comments.

18 MR. COLBY: If I can interject because
19 this is a nonhearing item, if the Commission wanted to
20 table it, we wouldn't necessarily need a date specific.
21 We can just specify that it be tabled until the
22 Applicant and staff have an opportunity to respond to
23 the questions that were raised by the Plan Commission
24 and then come back.

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1 CHAIRMAN WALLACE: Yeah.

2 MR. COLBY: Because we're not certain
3 when we will have our next meeting, so we wouldn't want
4 to table it to that date if we were not prepared.

5 CHAIRMAN WALLACE: Okay. All right.

6 And before we take action, are there any
7 members -- any other members of the public who wish to
8 make any comments or ask questions regarding what's
9 been presented?

10 MS. BAYER: Yes.

11 CHAIRMAN WALLACE: Ma'am.

12 MS. BAYER: I'm Carol Bayer, B-a-y-e-r.
13 I'm a citizen of St. Charles for 30 years.

14 CHAIRMAN WALLACE: What's your address,
15 Ms. Bayer?

16 MS. BAYER: 45 Stirrup Cup Court,
17 St. Charles.

18 CHAIRMAN WALLACE: Okay.

19 MS. BAYER: I am a regular customer of
20 T-Mobile, and going around that area that this
21 gentleman is considering, I find that a real hazardous
22 safety issue there.

23 Coming out of T-Mobile and the cars coming
24 around the building, I -- I assume you've all checked

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1 that very carefully. I'm concerned about that.

2 Besides, I'm here on behalf of Mr. and
3 Mrs. Lee, who are the owners of the doughnut shop
4 called Bosa Donuts, which is a stone's throw across the
5 street.

6 And so when the term "reasonable saturation"
7 was used tonight in another matter, I guess that
8 doesn't matter for small businessmen and women who are
9 trying to realize the American dream when Dunkin'
10 Donuts has 23 already operating Dunkin' Donuts within
11 the area, the 24th one going in on Route 38, and . . .
12 the American dream that these two people have, Mr. and
13 Mrs. Lee -- they lived through the city tearing up the
14 streets for two years. They had one year previous to
15 that that they had a decent year.

16 They have three children they're raising.
17 This is their American dream. They've had -- the last
18 two years were awful. They barely made it because of
19 the streets.

20 Now, when this gentleman said that this
21 address was their primary -- how shall I say this? --
22 I'm getting tired -- this was their first choice, I am
23 with the understanding that they attempted to move into
24 the Wendy's building but the owner of Wendy's would not

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1 sell to them because it's right next door to the
2 Lees' doughnut shop. So there are some people with
3 some sensibility.

4 And I hope that the safety issue and the
5 stacking area, the space reduction, will come under
6 minute and total scrutiny.

7 They would like to have their American dream
8 and pass it on to their three children. And I'm here
9 just to help them. They don't speak real good English.
10 I don't, either.

11 But this is all I had to say. Thank you very
12 much for your consideration.

13 CHAIRMAN WALLACE: All right.
14 Thank you.

15 Any other comments or questions?

16 (No response.)

17 CHAIRMAN WALLACE: Okay.

18 Staff, anything else?

19 MR. COLBY: (Mr. Colby shook his head
20 from side to side.)

21 MR. O'ROURKE: (Mr. O'Rourke shook his
22 head from side to side.)

23 CHAIRMAN WALLACE: Okay. In that case,
24 I guess a motion to continue this matter --

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1 VICE CHAIRMAN KESSLER: I'd make a
2 motion to continue the 2701 East Main Street
3 drive-through stacking reduction request from Kolbrook
4 Design, doing business as Dunkin' Donuts, to a future
5 date when the Applicant and the City determine they're
6 prepared to readdress this.

7 CHAIRMAN WALLACE: All right.

8 MEMBER SCHUETZ: Second.

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

11 Any discussion on the motion?

12 (No response.)

13 CHAIRMAN WALLACE: Seeing none, Tim.

14 VICE CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 VICE CHAIRMAN KESSLER: Amatangelo.

17 MEMBER AMATANGELO: Yes.

18 VICE CHAIRMAN KESSLER: Schuetz.

19 MEMBER SCHUETZ: Yes.

20 VICE CHAIRMAN KESSLER: Doyle.

21 MEMBER DOYLE: Yes.

22 VICE CHAIRMAN KESSLER: Gaugel.

23 MEMBER GAUGEL: Yes.

24 VICE CHAIRMAN KESSLER: Henningson.

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1 MEMBER HENNINGSON: Yes.

2 VICE CHAIRMAN KESSLER: Wallace.

3 CHAIRMAN WALLACE: Yes.

4 VICE CHAIRMAN KESSLER: Kessler, yes.

5 CHAIRMAN WALLACE: All right. That
6 motion passes unanimously, and that concludes Item 6 on
7 your agenda.

8 Item 7, meeting announcements.

9 And what is -- do we have something for the
10 February 18th meeting?

11 MR. O'ROURKE: It's possible. There's
12 an application in that might be on the agenda, but I'll
13 have other information.

14 CHAIRMAN WALLACE: So maybe, maybe not.

15 MR. O'ROURKE: Correct.

16 CHAIRMAN WALLACE: But that March 4th
17 definitely is going to continue the public hearing on
18 that date.

19 MR. O'ROURKE: Yes. There will be other
20 public hearings scheduled for that date, too, based on
21 applications we've received in the last week or so.

22 CHAIRMAN WALLACE: All right.

23 Any additional business from Plan Commission
24 members?

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1 (No response.)

2 MEMBER SCHUETZ: I won't be here,
3 just FYI, on the 18th.

4 CHAIRMAN WALLACE: Then we'll have to
5 cancel for sure.

6 MR. O'ROURKE: For both dates or just --
7 I'm sorry.

8 MEMBER SCHUETZ: Just the 18th.

9 MR. O'ROURKE: Okay.

10 CHAIRMAN WALLACE: All right. Anything
11 else?

12 (No response.)

13 CHAIRMAN WALLACE: All right. Staff?

14 (No response.)

15 CHAIRMAN WALLACE: Citizens?

16 (No response.)

17 VICE CHAIRMAN KESSLER: I'd like to make
18 a motion to adjourn.

19 MEMBER SCHUETZ: Second.

20 MEMBER DOYLE: Second.

21 MEMBER AMATANGELO: Second.

22 CHAIRMAN WALLACE: It's been moved and
23 seconded. All those in favor?

24 (Ayes heard.)

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CHAIRMAN WALLACE: Opposed?

(No response.)

CHAIRMAN WALLACE: The St. Charles
Planning Commission is adjourned at nine o'clock p.m.

PROCEEDINGS CONCLUDED AT 9:00 P.M.

