

PLANNING & ZONING COMMISSION

**City Council Chambers
651 Prairie Pointe Drive, Yorkville, IL
Wednesday, October 9, 2024 7:00pm**

Meeting Called to Order

Chairman Richard Vinyard called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call

Danny Williams-yes, Ryan Forristall-yes, Rusty Hyett-yes, Greg Millen-yes, Marge Linnane-yes, Richard Vinyard-yes

City Staff in Attendance

Krysti Barksdale-Noble, Community Development Director
Sara Mendez, Planner1
Monica Cisija (via Zoom)
Meghan Lamb, City Attorney
Alderman Dan Transier (via Zoom)
Alderman Chris Funkhouser (via Zoom)

Others in Attendance

Lynn Dubajic Kellogg, City Consultant
Chris Vitosh, Vitosh Reporting Service
Joey Weslo, *Kendall County Record* (via Zoom)
Mitchel Kay, Attorney, Consume Cannabis
Steve Weber, Consume Cannabis
Peter Karlis (via Zoom)
Nick Taylor (via Zoom)
Jake Coward, Director of Operations, Consume Cannabis

SEE ALSO ATTACHED SIGN-IN SHEETS FOR ADDITIONAL ATTENDEES

Previous Meeting Minutes September 11, 2024

Motion by Mr. Williams and second by Mr. Forristall to approve the minutes as presented. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes Carried 6-0.

Citizen's Comments None

Public Hearings

Chairman Vinyard said there was one Public Hearing tonight. He explained the procedure for the Public Hearing, taking of testimony and then swore in those who would present testimony.

A motion was made and seconded by Mr. Williams and Ms. Linnane, respectively, at about 7:03pm, to open the Public Hearing. Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes, Linnane-yes, Carried 6-0.

Chairman Vinyard read the Public Hearing description as follows:

1. **PZC 2024-19 Steve Weber, on behalf of PTS Corp. (contract lessee and petitioner) and Fort Smith FD Partners, LLC (owner)**, has applied to the United City of Yorkville, Kendall County, Illinois, for special use authorization to establish a cannabis dispensary within the B-3 General Business District on a 1.33-acre parcel at 1508 N. Bridge Street, located in the northeast quadrant of Veteran's Parkway (U.S. Route 34) and N. Bridge Street. The petitioner is also seeking three variances to Section 10-4-14 of the Yorkville Unified Development Ordinance: 1) reducing the minimum distance between the dispensary and certain pre-existing institutions from 500 feet to 450 feet; 2) extending the permitted hours of operation to 9:00a.m. to 9:00 p.m. Monday through Saturday, and 10:00a.m. to 6:00p.m. on Sundays; and 3) allowing more than one wall-mounted sign by adhering to the current signage regulations for similar B-3 businesses while complying with Illinois cannabis signage rules.

(See Court Reporter's transcript)

(All responses to be included in official transcript)

Public Hearing testimony concluded at approximately 8:05pm and the Hearing was closed on a motion by Ms. Linnane and second by Mr. Millen. Roll call: Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes, Forristall-yes, Hyett-yes. Carried 6-0.

Unfinished Business None

New Business

1. **PZC 2024-19 Steve Weber, on behalf of PTS Corp. (contract lessee and petitioner) and Fort Smith FD Partners, LLC** (see full description in #1 above)

Community Development Director Krysti Barksdale-Noble gave a summary of the ordinances applicable to this petition. She described the building and property being considered and said it is currently vacant. The zoning is B-3 and B-2 on the west. The dispensary was reviewed by the legal department and outside agencies to insure compliance and for the Special Use. Ms. Noble noted that only one cannabis dispensary will be allowed in the city per ordinance. She also said there is a required 500 feet separation from any school and that Parkview Christian Academy is 460 feet from property line to property line. A variance will be requested for the distance. She said the petitioner has met the bulk regulations. Ms. Noble noted the drive-through window and said the window and e-commerce are prohibited by city ordinance. Elevations and signage were discussed and Ms. Noble said the petitioner has requested a variance for the number of wall-mounted signs and hours of operation. Staff researched 10 other communities' cannabis laws and found that most other towns allow 2 dispensaries and the distance from schools ranged from 220-970 feet. A distance map was prepared by staff to show the available sites which are very limited in the city.

A community meeting to present information on the dispensary was held by the petitioner for nearby property owners, however, no public members attended. A written objection from the Parkview Academy attorney was received and Ms. Noble said a letter in support of the dispensary was received from an area business.

Additional information related to the Special Use was requested by staff including owners/those having financial interest, lease or contract, business plan, waste management plan and security plan. If the Special Use and variances are approved, staff is recommending signage be posted inside the business stating no consumption on premises and also the minimum requirement of

landscaping be installed by the sign. Ms. Noble reviewed the standards for Special Use and the petitioner's responses.

The Commission then discussed the Special Use request. Chairman Vinyard said he disagreed with the location of the proposed dispensary. Mr. Forristall questioned the need for the security and if it is required by the state. Ms. Noble noted the business is a cash-only operation and Jake Coward, Assistant Director of Operations of Illinois said the security and video cameras are required by state statute and because of the cash operation. Ms. Linnane also said she does not like the location due to the many family-oriented uses nearby, though she is not opposed to the dispensary. She also did not favor the name "Consume Cannabis". Mr. Hyett commented that the location is bad and noted the hotel behind the proposed site.

Ms. Noble recapped the 3 variances being requested and she reviewed the standards and responses for them. There was no further discussion.

Action Item

Special Use

Commissioners Williams and Linnane, respectively, moved to approve the Special Use. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for Special Use authorization to operate a cannabis dispensary business within the B-3 General Business District for an approximately 1.33-acre parcel located at 1508 N. Bridge Street, subject to staff recommendations in a memo dated October 3, 2024.

Roll call: Linnane-no, Vinyard-no, Williams-yes, Forristall-no, Hyett-no, Millen-no. Motion failed 5-1.

Action Item

Variance (distance)

Commissioners Williams and Millen moved and seconded, respectively, to approve the variance regarding distance from a school. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14(D)(1) of the Unified Development Ordinance to decrease the minimum distance a cannabis dispensing organization can be located to a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, or religious institutions from five-hundred feet (500') to four-hundred fifty feet (450') for an approximately 1.33-acre parcel located at 1508 N. Bridge Street.

Roll call: Vinyard-no, Williams-yes, Forristall-no, Hyett-no, Millen-no, Linnane-no. Motion failed 5-1.

Action Item

Variance (hours)

Commissioners Williams and Forristall moved and seconded, respectively, to approve the variance regarding change of hours. Mr. Williams read the motion as follows: In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14(A)(1) of the Unified Development Ordinance to change the permitted hours of operation for a cannabis dispensary from "10:00a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays" to "9:00 a.m. to 9:00 p.m. Monday through Saturday and 10:00 a.m. to 6:00 p.m. on Sundays" for an approximately 1.33-acre parcel located at 1508 N. Bridge Street.

Roll call: Williams-yes, Forristall-no, Hyett-no, Millen-no, Linnane-no, Vinyard-yes. Motion failed 4-2.

Action Item

Variance (signs)

Mr. Williams moved [no second was audible] to approve relief from only one wall-mounted sign. He read the motion as follows: In consideration of testimony presented during a Public Hearing on October 9, 2024 and discussion of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council a request for a variance to Section 10-4-14 (A(3)(a) of the Unified Development Ordinance seeking relief from the maximum one (1) wall-mounted sign per cannabis business to allow the petitioner to follow the current signage regulations in Section 10-6-6(A)(4) for similar B-3 General Business District single-tenant uses while maintaining compliance with Illinois State signage regulations for cannabis businesses for an approximately 1.33-acre parcel located at 1508 N. Bridge Street.

Roll call: Forristall-no, Hyett-no, Millen-no, Linnane-no, Vinyard-no, Williams-yes. Motion failed 5-1.

2. **PZC 2024-23 Kendall County Petition 24-26**, Timothy A. Tremain, petitioner, is requesting an approval of a map amendment (rezoning) for 3.6+/- acres located on the north side of River Road and approximately 0.75 miles east of Eldamain Road between 11327 and 11209 River Road from R-1 One-Family Residential District to R-3 One-Family Residential District. The purpose of the request is to construct a maximum of two (2) single-family houses. The real property is located immediately north of River Road and approximately 0.75 miles east of Eldamain Road in unincorporated Kendall County.

Ms. Mendez presented the facts for this petition and stated that Mr. Tremain is requesting a map amendment and rezoning to R-3 for his 3.6 acres, in order to construct 2 single-family homes. The Commissioners had no discussion for this 1.5 Mile Review. If approved, this will move to the City Council on October 22nd.

Action Item

1.5 Mile Review

Mr. Williams moved and Mr. Hyett seconded to approve the request. Mr. Williams read the motion as follows: In consideration of the proposed mile and one-half review of Kendall County Petition 24-26 for a map amendment 3.6 +/- acres located immediately north of River Road and approximately 0.75 miles east of Eldamain Road, between 11327 and 11209 River Road, from R-1 One-Family Residential District to R-3 One-Family Residential District, the Planning and Zoning Commission recommends to the City Council not to object to the request.

Roll call: Forristall-yes, Hyett-yes, Millen-yes, Vinyard-yes, Williams-yes, Linnane-yes. Carried 6-0.

3. **PZC 2024-24 Kendall County Petition 24-27**, Steve W. Jeffers, on behalf of Revolution Investments, LLC, petitioners, are requesting approval of a Plat of Vacation to vacate the public easements between two (2) parcels (Lots 110 and 111) within the Whitetail Ridge subdivision. The purpose of the request is to construct a home in the center of the combined lots. The real property is located at 5862 and 5834 Championship Court, which is generally located north of the East Schoolhouse Road (IL Route 126) between Grove Road and Hopkins Road in unincorporated Kendall County.

The summary of this petition was presented by Ms. Mendez who said this is a request to vacate a public easement between 2 separate parcels so Mr. Jeffers can construct a home in the center of the 2 lots. She said the HOA is OK with this request as well as staff. There was no other discussion. If approved, this will move to the City Council on October 22nd.

Action Item

1.5 Mile Review

Mr. Williams moved and Mr. Millen seconded a motion to approve Mr. Jeffers' request. Mr. Williams read the motion as follows: In consideration of the proposed mile and one-half review of Kendall County Petition 24-27 for a plat of vacation to vacate the public utility easement between two (2) parcels (Lots 110 and 111) within the Whitetail Ridge Subdivision commonly known as 5862 and 5834 Championship Court, the Planning and Zoning Commission recommends the City Council not to object to the request.

Roll call: Forristall-yes, Hyett-yes, Millen-yes, Linnane-yes, Vinyard-yes, Williams-yes. Carried 6-0.

Additional Business

1. Appointment of New Vice Chair

Ms. Noble said Mr. Vinyard has been appointed as the new Chairman of this Commission. Mr. Vinyard recommended Mr. Williams as the new Vice-Chair.

2. City Council Action Updates

- a. PZC 2024-01 Yorkville Renewables** has been moved to City Council on October 24 for a vote.
- b. PZC 2024-18 Kendall County Petition 24-07 Jerry Styrzula:** approved.
- c. PZC 2024-20 Kendall County Petition 24-22 Leo M. Phillip:** approved.

Adjournment

There was no further business and the meeting was adjourned at 8:44pm on a motion by Danny Williams.

Respectfully submitted by
Marlys Young, Minute Taker

PLEASE SIGN IN

MEETING: Planning & Zoning

DATE: 10-9-24

NAME (PLEASE PRINT)	BUSINESS NAME OR SUBDIVISION NAME
Brynn Krempski	Weed
Peri Krempski	Weed
Ginger Rees	Ward 2 - in town
MIKE KREMPSKI	
Molly Krempski	
Rachel Hansen	Parkview
KEVIN HANSEN	Parkview
Alan Blomquist	Yorkville resident
Colleen Murphy	Parkview Yorkville business owner
Paula Steinhoff	Parkview Mom, Business owner
Melissa Farmer	Parkview
Corin Yang	Parkview - mom of 3 kids, Employed
Tim Hagan	Parkview
Tracey Hagan	Parkview
Faith Skinner	Parkview Christian

PLEASE SIGN IN

MEETING: PZC

DATE: 10-9-24

NAME (PLEASE PRINT)	BUSINESS NAME OR SUBDIVISION NAME
Darin Malone	Park View CA
Katherine Tessmer	Parkview
Betsy Nelson	Parkview
Marina Kerkjus	Parkview
Milan Kerkjus Jr.	Parkview
Robert Kindle	Parkview
Alisa Kindle	Parkview
Lilah borneman	Parkview
Tony Senagawa	Hodges Loizzi
Jordan Gash	Parkview Christian
Todd Long	Parkview
Jane Colburn	Parkview
Barb Pugsek	Parkview
Sarah VanDeneal	Parkview
Mark VanDeneal	Parkview


PLEASE SIGN IN

MEETING:

P ZC

DATE:

10-9-24

NAME (PLEASE PRINT)	BUSINESS NAME OR SUBDIVISION NAME
Fran & Sheri Kbas	Countryside Center
Keith Kurtz	Parkview
Dr. Ray Epperson	Parkview
Frank & Janet Perko	Parkview
Ryan & Sarah Malkowski	Parkview
Angie Thompson	Parkview
Connie Arnes	Parkview
Kathleen Reis	Parkview
John Reis	Parkview
Anneliese Linnemann	Parkview
Scott Mantia	Parkview
Valarie Epperson	Parkview
Debbie Lewis	Parkview
Jordan 	Parkview
Mike Gonzalez	Parkview

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UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

651 Prairie Pointe Drive
Yorkville, Illinois

Wednesday, October 9, 2024
7:00 p.m.

PRESENT:

Mr. Rich Vinyard, Chairman,

Mr. Danny Williams,

Mr. Greg Millen,

Mr. Rusty Hyett.

Mr. Ryan Forristall,

Ms. Marge Linane.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community
Development Director;

Ms. Sara Mendez, Planner;

Ms. Marlys Young, Minute Taker.

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1 APPEARANCES:

2 OTTOSEN, DiNOLFO, HASENBALG & CASTALDO,
3 LTD.

4 BY: MS. MEGAN LAMB
1804 North Naper Boulevard, Suite 350
Naperville, Illinois 60563
5 (630) 682-0085

6 appeared on behalf of the United City of
Yorkville;

7 PTS CORP.

8 BY: MR. MITCHEL KAY
4801 Emerson Avenue, Suite 112
Palatine, Illinois 60067
9 (847) 404-6687

10 appeared on behalf of the Petitioner;

11 HODGES, LOIZZI, EISENHAMMER, RODICK &
12 KOHN

13 BY: MR. ANTONIO J. SENAGORE
500 Park Boulevard, Suite 1000
Itasca, Illinois 60143
14 (847) 670-9000

15 appeared on behalf of Parkview Christian
Academy.

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I N D E X

WITNESS:	PAGE:
STEVE WEBER	8
JORDAN GASH	18
CORIN YOUNG	22
AL BLOMQUIST	27
FRANCIS KLAAS	28
MOLLY KREMPSKI	30
DR. RAY EPPERSON	34
DAVE YOUNG	37
MARK VAN DENEND	39
MIKE KREMPSKI	43
TONY SENAGORE	44
ANNELIESE LINNEMANN	49
MITCHEL KAY	51
MIKE KRKLJUS, JR.	59
COLLEEN MURPHY	62

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1 (WHEREUPON, the following
2 proceedings were had in public
3 hearing:)

4 CHAIRMAN VINYARD: We will move on to
5 the next item on the agenda, into the public
6 hearings.

7 There is one public hearing
8 scheduled tonight for the Planning and Zoning
9 Commission meeting. The purpose of this hearing
10 is to invite testimony from members of the public
11 regarding the proposed request that is being
12 considered before the Commission tonight.

13 Public testimony from persons
14 present who wish to speak may speak for or
15 against the request, or to ask questions of the
16 petitioner regarding the request being heard.

17 The persons wishing to testify are
18 asked to speak clearly, one at a time, state your
19 name, who you represent. You are also asked to
20 sign in at the podium over there.

21 If you plan to speak during
22 tonight's hearing as a petitioner or member of
23 the public, please stand, raise your right hand
24 and repeat after me.

1 (Witnesses sworn.)

2 CHAIRMAN VINYARD: Thank you, all. You
3 may be seated.

4 So the order for receiving testimony
5 will be as follows: The petitioner presentation,
6 followed by those who wish to speak in favor of
7 the request, and then finally those who wish to
8 speak in opposition of the request.

9 So may I have a motion to open the
10 public hearing on Petition number PZC 2024-19 PTS
11 Group requesting a special use authorization and
12 variances?

13 MR. WILLIAMS: So moved. So moved.

14 MS. LINANE: Second.

15 MR. HYETT: Second.

16 CHAIRMAN VINYARD: Roll call on the
17 motion.

18 MS. YOUNG: Yes. Forristall.

19 MR. FORRISTALL: Yes.

20 MS. YOUNG: Hyett.

21 MR. HYETT: Yes.

22 MS. YOUNG: Millen.

23 MR. MILLEN: Yes.

24 MS. YOUNG: Vinyard.

1 CHAIRMAN VINYARD: Yes.

2 MS. YOUNG: Williams.

3 MR. WILLIAMS: Yes.

4 MS. YOUNG: And Linane.

5 MS. LINANE: Yes.

6 CHAIRMAN VINYARD: All right. This is a
7 mouthful now. So the public hearing up for
8 tonight's public discussion is PZC 2024-19,
9 Steve Weber on behalf of PTS Corp, this is the
10 contract lessee and petitioner, and Fort Smith FD
11 Partners, LLC would be the owner, has applied to
12 the United City of Yorkville, Kendall County,
13 Illinois, for special use authorization to
14 establish a cannabis dispensary within the B-3
15 General Business District on a 1.33 acre parcel
16 at 1508 North Bridge Street located in the
17 northeast quadrant of Veteran's Parkway and North
18 Bridge Street.

19 The petitioner is also seeking three
20 variances to Section 10-4-14 of the Yorkville
21 Unified Development Ordinance: One, reducing the
22 minimum distance between the dispensary and
23 certain pre-existing institutions from 500 feet
24 to 450 feet; the second is extending the

1 permitted hours of operation to 9:00 a.m. to
2 9:00 p.m., Monday through Saturday, and 10:00
3 a.m. to 6:00 p.m. on Sundays; and, three,
4 allowing more than one wall mounted sign by
5 adhering to the current signage regulations for
6 similar B-3 businesses while complying with the
7 Illinois cannabis signage rule.

8 Is the petitioner for PZC 2024-19,
9 PTS Corp. present and prepared to make your
10 presentation?

11 MR. WEBER: Yes, I am.

12 CHAIRMAN VINYARD: Very good, sir.

13 STEVE WEBER,
14 having been first duly sworn, testified from the
15 podium as follows:

16 MR. WEBER: Good evening, everybody. My
17 name is Steve Weber. I am the petitioner for
18 this current request for tonight.

19 Just a little background. So I am a
20 resident in the western suburbs, I currently
21 reside in Kane County, in St. Charles, and I just
22 thought I would let you know the reason I got
23 into cannabis is about ten years ago, me being a
24 military veteran, I saw how much help that the

1 product provided wounded veterans as well as
2 veterans that suffer from PTSD, depression, pain,
3 anxiety, so that was my inspiration to get into
4 the space.

5 So fast forward ten years later, we
6 are here now. PTS -- all right. PTS, our core
7 values, our core values are education, number
8 one.

9 We believe in properly informing our
10 customers, both medical and recreational, of --
11 one thing I want to say is that this store is
12 going to both be able to both serve recreational
13 as well as medicinal consumers, providing
14 continuous course offerings to the public, advise
15 through education and purchasing guidance, we
16 strive to educate consumers about the realities
17 of cannabis and its effects for both medicinal
18 and recreational consumers.

19 Second core value is community. We
20 believe in becoming strong partners within the
21 community. We support local chambers of commerce
22 and community events where appropriate. We
23 believe in strong relationships and
24 communications with our neighboring businesses.

1 Responsibility. Our marketing
2 efforts and communications are directed and
3 curated for adult consumers, not under age. All
4 marketing materials are compliant through the
5 rules and regulations set by the industry. We
6 have created procedures and processes of review
7 that are dedicated to compliance.

8 PTS difference. So we are a
9 vertically integrated company. We deal with
10 cultivation, manufacturing, as well as
11 distribution and retail.

12 Cultivation. We have created
13 proprietary methods that produce top shelf
14 flowers. They include lighting schemes,
15 automated irrigation methods, unique media
16 formulations and novel HVAC designs.

17 Manufacturing. We currently produce
18 over 250 active SKUs for retail distribution,
19 including beverages, popsicles, chewing gum,
20 chocolate, gummies, vapes, topicals, concentrates
21 at a scale all in multiple size, child safe form
22 factors.

23 Distribution. PTS partners with a
24 broad range of dispensaries in Illinois,

1 Michigan, Arizona and Ohio. We have a very
2 experienced executive team. Our team has
3 completed hundreds of harvests over the years in
4 multiple states.

5 We have managed numerous operations
6 around the country in a variety of climates and
7 geographies. Management has shown the ability to
8 both port and scale our IP into both new and
9 established markets.

10 CPG strategy branded product
11 development. Our board members have decades of
12 successful experience in consumer packaged goods,
13 retail sales and distribution. Tonic, a THC
14 infused beverage, is the number one product in
15 this category in Illinois and Michigan.

16 Our stores are branded consume
17 Cannabis Company. We have operational retail
18 outlets in Illinois, Michigan, Ohio and Arizona.
19 We are dedicated to scientifically driven
20 proprietary IP.

21 Through our subsidiary, we have
22 multiple patent pending. Our technologies
23 include solvent extraction, novel dry cure
24 methods and unique sensors for improving yields.

1 We are compliant with compliance.
2 We respect that cannabis advertising should not
3 directly or indirectly propose that any laws
4 pertinent to the sale and consumption of cannabis
5 should not be complied with.

6 Advertising should adhere to general
7 and industry standard advertising best practices.
8 Abuse or inappropriate consumption of cannabis
9 should not be encouraged directly or indirectly.

10 Advertising themes, concepts and
11 visuals should not depict any imagery that may
12 target an underage person or intend to encourage
13 an underage person to consume cannabis.

14 We, along with our licensed security
15 company, Silver Star Protection Group, have
16 shared our security plan with Police Chief James
17 Jensen as well as his command staff.

18 We have a very robust security plan
19 that has been designed to ensure the safety and
20 security of employees, purchasers, and the
21 community is a priority.

22 PTS Corp. has a proven ten-year
23 track record of operating both dispensaries as
24 well as cultivation facilities that feature a

1 discipline free record of full regulatory
2 compliance and adherence to the Illinois Cannabis
3 Regulation and Tax Act.

4 As an organization that has done
5 millions of customer transactions, we pride
6 ourselves as being a market leader at compliance,
7 followed by our relentless pursuit of customer
8 service.

9 These are some of the different
10 advertisements as well as compliance rules in the
11 states that we currently operate in.

12 This just shows some of our
13 different locations in different states. As I
14 mentioned, we are in four different states right
15 now, Arizona, Illinois, Michigan and Ohio.

16 Why is consume different than other
17 dispensaries? Consume Cannabis Company is a
18 national retail cannabis brand with the purpose
19 of providing a better cannabis experience to
20 medical and recreational purchasers.

21 Since education is at the heart of
22 Consume, all of our advisors and staff begin with
23 a proprietary training program to gain a full
24 understanding of local cannabis laws, products

1 and consumption methods.

2 Our onboarding and training
3 processes go beyond a training manual. We offer
4 an online platform, consume University, that
5 provides mini tutorials and interactive lessons.
6 Our goal is for every consumer to have a better
7 understanding of cannabis and the effects that it
8 will have on their body.

9 I just want to give you a snapshot
10 of currently what's going on in Illinois. So
11 when you originally passed your ordinance, there
12 was 55 medicinal-only stores that were allowed in
13 the state.

14 Fast forward four years now, there
15 is currently 228 active dispensaries in Illinois,
16 that are under construction or approved.

17 There is -- per Illinois law, 355
18 stores are allowed to open up in the state, so
19 that leaves 111 remaining to be approved and/or
20 open.

21 Stores that are currently close to
22 Yorkville, there is two stores currently
23 operating in Oswego, two in Plainfield that are
24 coming soon, there is one in Montgomery, and then

1 there is three in Aurora.

2 Once again, this is the snapshot of
3 where the consume locations are in the four
4 different states.

5 Consume Cannabis, benefits of having
6 a consume dispensary in Yorkville. Due to the
7 nature of the business and difficulty moving
8 licenses, consume provides a stable, long-term
9 tenant for -- or building owner for years to
10 come.

11 Consume dispensary locations will
12 fill an empty retail location. Where possible,
13 we will use locally based businesses for goods
14 and services or contracted needs.

15 Consume attracts new customers to
16 the area who will inherently spend money at local
17 businesses. We provide both salaried as well as
18 hourly positions along with benefits to our
19 employees.

20 Average employee count at a consume
21 is approximately, between full-time and
22 part-time, 20 to 25. Our average monthly
23 payrolls are around \$75,000 a month plus.

24 New employees. Because of the

1 payroll, the new employees will spend locally,
2 adding to the economy, as well as offering new
3 options for employment other than fast food or
4 traditional retail jobs, while also paying at or
5 above most other comparable employers.

6 At one of our recent stores that we
7 opened up, we had over 250 applications for 20
8 spots. Any time we promote somebody and we need
9 to recruit new patient advisors, there is always
10 a lot of applications that come. There is lots
11 of people that want to be employed by -- they
12 want to be in the space. They want to be
13 employed by cannabis dispensaries, so it just
14 shows that, you know, there is people that are
15 very interested and passionate and want to be in
16 the cannabis space.

17 I note tonight one of the requests
18 that I had is for -- to slightly change the hours
19 that the ordinance has in place. The
20 justification for the request is I wanted to just
21 kind of show the hours that we are requesting.

22 At the top you can see Monday
23 through Saturday, 9:00 to 9:00, and then Sunday,
24 10:00 to 6:00, which equates to 80 hours of being

1 open.

2 Our nearest competitor is Ivy Hall.
3 They are going to be open for 84 hours. They are
4 open from 9:00 to 9:00 Monday through Thursday;
5 Friday, Saturday, 9:00 to 10:00 p.m.; and then
6 Sunday, nine to seven.

7 Market 96, which is in Oswego, they
8 are open Monday through Sunday from 9:00 to 9:00
9 p.m., 84 hours total open.

10 And then Cloud 9, which is the most
11 recent one that opened up, they are open from
12 Sunday through Thursday, 8:00 to 9:00; and then
13 Friday and Saturday, 8:00 to 10:00, for a total
14 of 93 hours. So those are the closest
15 competitors in their hours.

16 And then I made an additional slide
17 that just kind of shows some of the other
18 businesses in town, the liquor stores, in regards
19 to their hours, so I just wanted you to
20 understand where I was coming from in regards to
21 why I requested the hours be what they are.

22 Here is our management team.
23 Obviously I am not going to go through each
24 person's bio here, but just to let you know that

1 we have a very strong management team.

2 With that, I thank the staff for
3 putting everything together. I thank the
4 Planning and Zoning Commission for obviously
5 listening to us.

6 Obviously I am seeking a favorable
7 recommendation on all of the requests and, with
8 that, I would like to just say thank you, and our
9 full staff is here for any questions that anybody
10 may have.

11 Thank you very much.

12 CHAIRMAN VINYARD: Thank you. All
13 right. Is there anyone who wishes to speak in
14 favor of the request?

15 (No response.)

16 CHAIRMAN VINYARD: Seeing as there are
17 none, are there anyone present who wishes to
18 speak in opposition of the request? All right.
19 Please step up to the podium.

20 JORDAN GASH,
21 having been first duly sworn, testified from the
22 podium as follows:

23 MR. GASH: Hello, everyone. My name is
24 Jordan Gash. I am a Yorkville resident. Just

1 want to start out by saying thank you to
2 everyone. I know some of you who are here and I
3 appreciate all that you do for the community.

4 I am here on behalf of Parkview
5 Christian Academy. I serve as the board
6 president at the school, and I actually met with
7 Mr. Weber on July 13th over the summer and we
8 voiced our objection at that time to the location
9 of the cannabis facility, and so at that time I
10 think the same things that I am going to share
11 tonight are the same things that we shared in our
12 conversation.

13 We are not objecting to the business
14 being in Yorkville, we are objecting to its
15 location and the close proximity that it is to
16 the school.

17 So I live here in Yorkville, my wife
18 Melissa and I have four kids. Three out of four
19 attend Parkview Christian Academy, and so, too,
20 my middle schooler and my high schooler who is
21 currently enrolled at the school would be right
22 there at that upper campus, and so we have moral
23 objections as a family, moral objections as a
24 school, and my request tonight for those of you

1 that are making this decision and taking this
2 decision up the chain to be voted on as it
3 relates to these variances, we respectfully ask
4 that these variances not be approved.

5 We feel like those standards are in
6 place for good reasons, and if they are approved,
7 I think my question would be who is looking out
8 for our kids, and so those standards are there
9 for the safety and the health and the well-being
10 of children and so to go against those standards
11 and against those variances, I'd be personally
12 saddened as a resident because I feel like we
13 need to be looking out for our children, that's
14 the reason why those standards are in place, and
15 so for all of you that have an opportunity to be
16 a part of this decision, for our mayor,
17 ultimately for our aldermen, I ask you to look
18 out for the kids.

19 The other thing I think I'd like to
20 bring up is, you know, not only looking out for
21 the kids, but I'd ask the question if those
22 variances were to be approved, you know, what do
23 we value as a community.

24 I think that, again, Parkview

1 Christian Academy, it's not just a 501(c)(3)
2 non-profit, it's made of up of families,
3 Yorkville residents, taxpayers like myself who
4 have come together to teach their kids, so we've
5 got an amazing staff, it's an amazing
6 organization.

7 We are teaching biblical values, we
8 are teaching service, community service, and I
9 think that if these variances are approved, it
10 makes me ask that question as a resident what do
11 we really value.

12 There is more to being a successful
13 community than our tax revenues, and I feel like
14 to take really the decision that is being made
15 it's between PTS and Parkview Christian Academy
16 because of these variance requests, and so I
17 think that that's a good question to ask, what do
18 we value, so I just want to propose that to you
19 tonight.

20 And, again, I am speaking on behalf
21 of our school board, on behalf of our school
22 community, we respectfully ask that the variances
23 not be approved, and then, too, that we ask our
24 ourselves some of those questions I think are

1 good for all of us, who is going to protect our
2 kids. That's why those standards are in place.
3 We ask they be upheld. And then, two, what do we
4 truly value as a community.

5 So thank you for your time. I
6 appreciate it.

7 (Applause.)

8 CHAIRMAN VINYARD: Thank you, sir.
9 Whoever would like to go next, please.

10 CORIN YOUNG,
11 having been first duly sworn, testified from the
12 podium as follows:

13 MS. YOUNG: I have prepared my comments
14 on paper here just to make sure I am respectful
15 of everyone's time.

16 CHAIRMAN VINYARD: Could you state your
17 name for us, please?

18 MS. YOUNG: Oh, yes. Corin Young. I am
19 a parent at Parkview Christian School and I have
20 lived in Yorkville my entire life. So long time
21 resident.

22 Today I would urge you to increasing
23 the distance between cannabis dispensaries and
24 the schools for the sake of our children's health

1 and safety.

2 Under Illinois law, as you are all
3 aware, cannabis dispensaries must be at least
4 500 feet from schools, and I will cite several
5 sources throughout my material.

6 I am not going to list them all for
7 you because I think that's probably a waste of
8 your time, but I do have the materials here if
9 you would like to see them.

10 Resident studies and insights from
11 public health organizations suggest that this
12 distance may not be sufficient to shield young
13 people from the negative effects from cannabis
14 exposure and marketing.

15 The Centers for Disease Control and
16 Prevention highlights that cannabis use among
17 teens can interfere with brain development,
18 affect academic performance and increase the risk
19 of mental health issues like anxiety and
20 depression, and based on your comments, I'm sure
21 that that's not something that you want and I
22 appreciate your effort to educate the communities
23 that you reside in.

24 However, as we examine the broader

1 implications of cannabis dispensaries on our
2 communities, it becomes evident that the issues
3 extend beyond their proximity to schools.

4 Lax regulations, particularly in
5 terms of security and monitoring, which it sounds
6 like you make an effort to address, have raised
7 concerns about the relationship between these
8 establishments and local crime rates, as well as
9 homelessness.

10 Research from multiple sources
11 suggests that communities with high visibility of
12 cannabis dispensaries are seeing troubling
13 correlation with increased crime and
14 homelessness.

15 Many cannabis products are highly
16 potent, leading to cases where dependency or even
17 mental health crisis such as cannabis induced
18 psychosis are becoming more and more common.

19 In the case of Johnny Stacks' story,
20 it is a heartbreaking example of how this
21 dependency can spiral. Johnny's use of highly
22 concentrated THC products led him into a cycle of
23 addiction, ultimately resulting in severe mental
24 health struggles, and tragically his suicide.

1 We know that many of Consume
2 Cannabis' products are edibles geared towards
3 children in both their flavoring and high
4 concentrations of THC. Moreover, many of these
5 packages contain 100 milligrams of THC, a dosage
6 level that is described as follows: Even in
7 seasoned consumers, negative side effects like
8 paranoia and rapid heart rate can occur.
9 Coordination is almost always impaired at this
10 stage, end quote.

11 Current regulations allow a consumer
12 to purchase 500 milligrams of THC per day.

13 While we cannot change Illinois law
14 or the current city regulations, we can at the
15 very least enforce the lax requirements for
16 cannabis dispensaries.

17 A 2021 national survey on drug use
18 and health found that among the 52 million
19 Americans 12 years and older who used marijuana
20 in the past month, 16 million were addicted.
21 One-third of the users can't quit despite the
22 drug's negative effects on their lives.

23 In closing, and on a personal note,
24 I would ask is this who we are as a community?

1 The Yorkville I grew up in used to be a place of
2 nurturing, growth and care.

3 I watched my local church coordinate
4 with local business owners to build a gazebo in
5 Town Square Park. It was no small feat at the
6 time. I was there for the original duck race on
7 the Fox River.

8 I have watched businesses come and
9 businesses go, and I have watched community
10 members invest so much time into this community
11 because we believe in this community. We believe
12 in being here and in what's being done here. We
13 joined Parkview Christian Academy for that very
14 reason.

15 My family has not been the most
16 prominent or outspoken family in Yorkville, but
17 we have been the quiet servants of this
18 community, raising funds, bringing meals to those
19 in need, gathering supplies and raising our
20 family to leave things better than they found
21 them.

22 We work hard and pray even harder
23 for safe educational opportunities for our
24 children, something our local school district

1 wasn't able to provide.

2 I ask you to consider the many
3 sacrifices of local families, many of whom are
4 unable to be present here tonight prior to making
5 our choice, what is the cost of our children's
6 future and our community's future?

7 (Applause.)

8 CHAIRMAN VINYARD: Thank you. Who would
9 like to go next? Please step up to the podium,
10 sign in and then state your name for us, sir.

11 AL BLOMQUIST,
12 having been first duly sworn, testified from the
13 podium as follows:

14 MR. BLOMQUIST: Yes, sir. My name is Al
15 Blomquist, and my piece is relatively brief here.
16 Just as a grandfather of three teenage boys here
17 in Yorkville, I would strongly urge that just as
18 we would not sell cannabis to children, so should
19 we avoid the marketing or selling of cannabis in
20 a neighboring location to a school.

21 I have nothing against a marijuana
22 store per se as long as it is kept in a normal
23 zoning distance from the school. Thank you.

24 CHAIRMAN VINYARD: Thank you, sir.

1 Next.

2 FRANCIS KLAAS,
3 having been first duly sworn, testified from the
4 podium as follows:

5 MR. KLAAS: My name is Francis Klaas. I
6 live at 205 East Kendall Drive in Countryside
7 Center Subdivision. I am here representing
8 myself, my wife and my family.

9 I am going to disagree just a little
10 bit with the president of Parkview Christian
11 Academy because I am speaking against this
12 petition, but not only for the reason that it's
13 in proximity to the school, but that it's in
14 Yorkville at all.

15 UNIDENTIFIED AUDIENCE MEMBER: Amen.

16 MR. KLAAS: I would encourage the board
17 to not approve the variances, and just as soon as
18 you can, increase the setbacks and every other
19 thing that is required of a dispensary and make
20 it so uninviting to Yorkville that none are ever
21 located here, and I say this, you know, for a
22 couple different reasons.

23 The proliferation of drugs and
24 alcohol in our country is not a good thing, and I

1 think it sets a terrible example for our young
2 people, and it desensitizes them to drugs and
3 alcohol. Even if they are not allowed to do it,
4 they are affected by this.

5 We want Yorkville to be a wholesome
6 community, and just because other communities are
7 building dispensaries, that doesn't make it
8 right. There are thousands of stores that sell
9 cigarettes; I wouldn't say that's virtuous.

10 So I think I would encourage you to
11 choose to say no and make this an uninviting
12 thing. Vote no on the variances and simply say
13 no.

14 Just because Montgomery or Oswego is
15 doing it, it doesn't mean it's a good thing for
16 Yorkville.

17 UNIDENTIFIED AUDIENCE MEMBER: That's
18 right.

19 MR. KLAAS: I love this town, and I just
20 don't think that sort of thing should be here.
21 Thank you.

22 CHAIRMAN VINYARD: Thank you, sir.

23 (Applause.)

24 CHAIRMAN VINYARD: Have the podium.

1 MOLLY KREMPSKI,
2 having been first duly sworn, testified from the
3 podium as follows:

4 MS. KREMPSKI: My name is Molly
5 Krempski. I own properties in Yorkville. I have
6 a bunch of kids, but they don't go to Parkview, I
7 am just here speaking on behalf of myself and my
8 family.

9 I want to clear up a couple -- or
10 just one really misunderstanding about the
11 500-foot setback that keeps coming up in
12 conversations that I have been having and then I
13 will say what I came to say.

14 I feel like when the purposes for
15 specific ordinances are understood, there is a
16 tendency to have more respect for them.

17 So there is various types of
18 businesses that require setbacks from schools.
19 These setbacks are put in place to keep -- they
20 aren't put in place to keep the kids out of
21 businesses, we already have laws for that, but
22 these school setbacks are put in place to
23 mitigate the proven secondary effects that
24 various business types have on the community.

1 The Secondary Effects Doctrine was
2 established about 15 years ago. We had the
3 Supreme Court ruling Young v. American Mini
4 Theaters, and it allows for setbacks to be
5 established to keep spaces around residential
6 areas, schools, parks, churches, from
7 deteriorating.

8 In subsequent decisions the court
9 added that a city does not have to conduct its
10 own study to justify its reliance on the
11 secondary effects argument; instead, the city
12 could rely on studies conducted in other cities
13 previously.

14 This is why Yorkville is able to
15 legislate cannabis setbacks from schools, because
16 the activities that have occurred in other towns
17 prove the need for such legislation.

18 Thought, planning, research and
19 discussion went into these ordinances. As you
20 know from your time spent on this committee and
21 perhaps if you served on other committees, it's a
22 deliberate and rational process that is entered
23 into with the aim of creating spaces where
24 children can safely learn and grow.

1 I have always been in favor of
2 upholding ordinances put in place to protect
3 children, and I am still, after several years of
4 speaking before committees and the City Council
5 here in Yorkville, am in favor of upholding
6 ordinances put in place to protect children.

7 I realize that you guys might feel
8 some pressure to generate revenue for the city,
9 but I will ask, as many of these people have
10 asked tonight, what is the security of
11 Yorkville's children worth to the committee?
12 Because it's priceless to me.

13 I know it seems to make sense by the
14 reasoning of men that if we want to be prosperous
15 we need to facilitate the opening of as many
16 businesses as possible, but it doesn't always
17 work that way.

18 A city that prioritizes revenue over
19 the defense of the most defenseless among us will
20 never know true prosperity.

21 The Preamble to the Illinois
22 Constitution -- and, now, this is a document that
23 the aldermen have sworn an oath to uphold -- it
24 reads: We, the People of the State of Illinois,

1 grateful to Almighty God, for the civil,
2 political and religious liberty which He has
3 permitted us to enjoy and in seeking his
4 blessings upon our endeavors, in order to provide
5 for the health, safety and welfare of the people;
6 maintain a representative and orderly government;
7 eliminate poverty and inequality; assure legal,
8 social and economic justice; provide opportunity
9 for the fullest development of the individual;
10 ensure domestic tranquility; provide for the
11 common defense; and secure the blessings of
12 freedom and liberty to ourselves and our
13 posterity, do ordain and establish this
14 Constitution for the State of Illinois.

15 So Illinois was established to
16 provide for people by honoring God. Putting kids
17 at risk by nullifying ordinances that were put in
18 place to ensure their safety, their welfare,
19 their fullest development, does not honor God or
20 secure his blessing.

21 (Applause.)

22 CHAIRMAN VINYARD: Thank you.

23 By a show of hands, could you guys
24 let me know how many more people would like to

1 say something?

2 (A show of hands.)

3 CHAIRMAN VINYARD: Okay. In defense of
4 the amount of people that want to say something,
5 I am getting the point that the location of this
6 is going to be the main issue.

7 Am I correct with that?

8 UNIDENTIFIED AUDIENCE MEMBERS: No. No.

9 CHAIRMAN VINYARD: That's what I am
10 getting with every one of them?

11 UNIDENTIFIED AUDIENCE MEMBERS: No.

12 CHAIRMAN VINYARD: All right. So those
13 of you who have something to say other than its
14 proximity to Parkview, I am going to take you
15 guys next.

16 We've got a pretty good grasp on the
17 location issue. If you have any other concerns
18 outside of its proximity to Parkview, please grab
19 the podium.

20 DR. RAY EPPERSON,
21 having been first duly sworn, testified from the
22 podium as follows:

23 DR. EPPERSON: My name is Dr. Ray
24 Epperson. I am the superintendent at Parkview

1 Christian Academy. I have lived in Yorkville
2 basically since I got married in the early 80's,
3 my wife has lived in Yorkville since she was
4 born, so we are long-time residents of the
5 community.

6 Yes, the proximity is a major
7 concern, but you asked for additional things. In
8 your initial presentation you talked about the
9 fact that your company complies with all the
10 regulations, but the purpose of this meeting is
11 you are asking to change three things that are
12 currently regulations.

13 (Applause.)

14 DR. EPPERSON: More signage, more hours,
15 and closer to the school. Again, those
16 regulations are there for a reason. They weren't
17 just developed willy-nilly. A lot of time,
18 thought, effort, went into putting those
19 regulations in place.

20 So it's just a simple ask that they
21 are there for a reason, follow that reasoning of
22 why they are there in the first place.

23 You talked about the number of
24 dispensaries in the state. This isn't just a

1 question of proximity to Parkview, but I don't
2 know the answer, and maybe I'd be surprised by
3 the answer, how many of those dispensaries across
4 the state are within 500 feet of a school?

5 (Applause.)

6 DR. EPPERSON: I don't know the answer
7 to that. It might be a lot. I know I have
8 driven in all the surrounding communities just
9 from shopping and living in the area and every
10 one I drive by that has a dispensary, there is
11 not a school in sight anywhere in the vicinity of
12 those places, so my ask is simply the regulations
13 are there for a reason.

14 The last thing I am going to say is
15 you talked about marketing. Businesses spend
16 millions in marketing. They market for a
17 specific reason.

18 The name of this dispensary is
19 consume Cannabis, so there is going to be signs
20 the kids in our community and the families of our
21 community are going to be driving by every single
22 day that say consume Cannabis. I don't think
23 that's good for Yorkville.

24 CHAIRMAN VINYARD: Thank you.

1 (Applause.)

2 CHAIRMAN VINYARD: Somebody else have
3 anything to say? Please, step to the podium,
4 sign in and state your name.

5 DAVE YOUNG,
6 having been first duly sworn, testified from the
7 podium as follows:

8 MR. YOUNG: My name is Dave Young, I am
9 a resident of Yorkville. I have children and my
10 wife live here. Our children do attend Parkview,
11 but that's not the -- the variance is not the
12 reason.

13 I can tell you real world. I work
14 next to a cannabis dispensary and I can tell you
15 the negative effects it has had on the area in
16 which I work.

17 I am a mechanic. We service a lot
18 of police cars as part of our service to the
19 community, and I can tell you that talking to
20 them after the dispensary went in, the crime rate
21 went up.

22 I can tell you the vagrancy that's
23 happened in our area. The little things,
24 catalytic converters missing, things like that.

1 Now, that may not directly be because of the
2 cannabis, but I can tell you the crime rate has
3 gone up.

4 It has directly affected the area in
5 which we work. I have been a mechanic for about
6 almost 30 years now and I can tell you that it
7 would be wonderful if cannabis was just used in
8 someone's home, but that's not the case. That's
9 not real world.

10 When I started in this business, it
11 was a rarity to see cannabis and cannabis
12 paraphernalia inside a car. Now that the law has
13 changed, it's probably one in every ten cars that
14 I work on, strong odors, paraphernalia, so I can
15 tell you that they are driving around using this
16 product.

17 There is absolutely nothing -- While
18 there are laws in place that keep these things
19 away from children, there is absolutely nothing
20 that stops someone who is legally able to go into
21 this dispensary, get the product and then sell it
22 to children.

23 Many of the products that they sell
24 are designed for children, edibles and things

1 like that, that look like candy. There is
2 nothing that stops them from doing that.

3 So I am very much opposed to this
4 not only for the variance, but in Yorkville. It
5 is not the message we want to send our children
6 and it is certainly not the message that we want
7 to send the community, that we want drugs in our
8 community.

9 Thank you very much for your time.
10 Have a good day.

11 CHAIRMAN VINYARD: Thank you.

12 (Applause.)

13 MARK VAN DENEND,
14 having been first duly sworn, testified from the
15 podium as follows:

16 MR. VAN DENEND: Good evening. My name
17 is Mark Van Denend. I am a Yorkville area
18 resident only for the last three years. We
19 recently moved back to Illinois after a long, sad
20 time in California.

21 I am speaking to you today because I
22 have kids that attend a number of schools in
23 Yorkville, including Parkview Christian Academy.

24 I am also a football coach in the

1 area, I have players on my team from Plano,
2 Yorkville, Oswego, Minooka, Montgomery, Aurora,
3 you name it, and so I am working with young
4 teenage men on a daily basis.

5 My wife and I are also licensed
6 foster parents. We did foster care for four or
7 five years out in California before we moved here
8 where we also got licensed, and I am just telling
9 you about all of those things because in all of
10 those different situations I have seen the
11 effects of marijuana use in the lives of
12 individuals.

13 So my main objection to this request
14 for a variance is not so much the proximity to
15 the school, but it's the fact that there is a
16 recreational sale of marijuana for any purpose.
17 I have never seen anything good from that.

18 Additionally, I forgot to mention I
19 am also an architect, and when I was an architect
20 in California, my firm did take on a number of
21 dispensaries and also manufacturing facilities
22 that dealt with marijuana processes, and while
23 they often do have pretty incredible security, I
24 have seen some of the drawings, and while there

1 are significant regulations, just like some of
2 the -- like Dave shared a second ago, I have also
3 seen crime increase in the areas around those
4 facilities almost a hundred percent of the time.

5 What's shocking to me as well is
6 that even in California where we lived, we lived
7 in the far northern part of the state in the area
8 that's known as the Green Triangle, it is
9 well-known for how well marijuana can grow, even
10 there the proximity required was 1,000 feet to a
11 school or a daycare facility or something like
12 that, so just the fact that it's even smaller
13 here blows my mind.

14 In dealing with moms whose kids have
15 been taken away from them in foster care,
16 oftentimes my wife and I have had the opportunity
17 to support those moms in some way, shape or form
18 while we were caring for their kids, and more
19 often than not those moms were using, and more
20 often than not, it was contributing to or
21 exacerbating underlying mental illness.

22 If anybody cares to look even a
23 little bit into regular marijuana use -- maybe
24 you can make an argument on the medicinal side,

1 but recreational marijuana use, you know, I
2 encourage you to go to Pub Med and just pore
3 through any of the studies out there. It most
4 definitely contributes to or exacerbates mental
5 illness, psychoses, schizophrenia.

6 Those are things we don't need in
7 our community. They are certainly not things we
8 need for the young people in our community.

9 And then also again to Dave's point
10 about driving while under the influence of
11 marijuana, I don't know -- I mean, maybe people
12 what to show their hands, how many times you have
13 been driving the car and you can smell the car
14 ahead of you.

15 (A show of hands.)

16 MR. VAN DENEND: That happens to me on
17 almost a daily basis now and I can't even believe
18 that. It's not safe. It's not safe.

19 So I appreciate the graphic that
20 showed Montgomery, Oswego, Plainfield, and what I
21 appreciated most about it was Yorkville was not
22 on it, and I ask you to keep it that way.

23 (Applause.)

24 MIKE KREMPSKI,

1 having been first duly sworn, testified from the
2 podium as follows:

3 MR. KREMPSKI: Hi. I am Mike Krempski.
4 I live in Yorkville, I have some properties in
5 Yorkville proper, and I actually have some nieces
6 and nephews that go to Parkview. My children do
7 not.

8 But I would like to point out, and I
9 hope you guys realize this -- I am assuming you
10 do -- look at this room. Every commission and
11 committee meeting and board meeting I go to,
12 there is nobody there. The room is empty. It's
13 me listening to the aldermen or commissioners or
14 trustees, right? So you can see the community
15 has an absolute concern of what's going on here.

16 One of the things that was brought
17 up was about security and communication with
18 their local police. Well, that's going to put a
19 burden on our police department for our
20 community, right?

21 So while they may be engaging in
22 that, they are taking away from something else in
23 the community or we are having to hire more
24 staff, police, to be able to regulate what's

1 going on in the community, so I think there is
2 real concerns.

3 The secondary effects, if anybody
4 takes any time to look into it, they are real.
5 That's why this whole thing started with the
6 Secondary Effects Doctrine, that these are real
7 things that happen in communities, and it's
8 proven over and over again, and the Supreme Court
9 has ruled in favor of communities, towns,
10 villages, to regulate certain businesses based on
11 those effects.

12 So we just ask that you consider
13 that in your decision tonight. We know it's only
14 something that gets pushed forward, but your
15 decision does have weight going forward.

16 Thank you.

17 (Applause.)

18 CHAIRMAN VINYARD: Does anyone have any
19 other topics that haven't been discussed tonight,
20 any viewpoints on this that would like to come
21 up?

22 ANTONIO J. SENAGORE,
23 having been first duly sworn, testified from the
24 podium as follows:

1 MR. SENAGORE: Good evening. My name is
2 Tony Senagore. I am an attorney at the law firm
3 of Hodges, Loizzi, Eisenhammer, Rodick & Kohn,
4 counsel for the Parkview Christian Academy, and I
5 just wanted to make a couple points. These are
6 raised in my letter, but I just wanted to raise a
7 couple points that were raised in the two letters
8 sent to the City earlier.

9 First, the applicant has not shown
10 compliance with pertinent Illinois statutes on
11 advertising and signage located so close to
12 school grounds.

13 The Cannabis Regulation and Tax Act
14 prohibits placing an advertisement of cannabis or
15 a cannabis infused product in any form or through
16 any medium within 1,000 feet of the perimeter of
17 school grounds.

18 The consume Cannabis company is not
19 the name of a registered company according to my
20 search of the Illinois Secretary of State in
21 Illinois, it's a trade name, and if the variance
22 for the signage is granted in this case, the
23 applicant would be effectively placing signage
24 literally encouraging onlookers to consume

1 cannabis within 1,000 feet of a school.

2 Moreover, the applicant has not
3 demonstrated that they are -- how the applicant
4 would operate its business without any interior
5 signage or how the applicant can operate a
6 dispensary without any advertising. Therefore,
7 the applicant has not shown compliance with state
8 law.

9 In addition, the applicant has
10 failed to satisfy the requirements for a
11 variation. One of the requirements under the
12 ordinance is that the applicant must show a
13 particular hardship would result because of the
14 physical surroundings, shape or topographical
15 conditions of the subject property as
16 distinguished from a mere convenience if the
17 strict letter of the regulations were carried
18 out.

19 According to some of the case law
20 cited in the letter, a particular hardship does
21 not mean a self-imposed hardship or that a piece
22 of property is better adapted for the forbidden
23 use or that a variation would be for the owner's
24 profit.

1 Here the applicant knew or should
2 have known of the signage requirements before it
3 sought to occupy the subject property.

4 The 500-foot distance requirement
5 applies generally to all properties that are
6 located 500 feet from a school, and the applicant
7 has not and cannot show any physical
8 surroundings, shape or topographical conditions
9 require variation. Therefore, on that basis the
10 variation request -- request for variation should
11 be denied.

12 In addition, the applicant must
13 establish that the variation will not be
14 detrimental to the public welfare or injurious to
15 other property or improvements in the
16 neighborhood in which the property is located.

17 There are several studies cited in
18 the letter showing the negative effects of
19 cannabis business, and the ten or so speakers
20 tonight and the additional people in the audience
21 are -- should receive credit from the Commission
22 as evidence that this would negatively impact
23 other properties in the neighborhood and the
24 public welfare.

1 And, finally, relatedly, the
2 requirement for a special use also involves the
3 consideration of -- that the change -- the
4 special use I should say serves the public
5 health, safety, morals, comfort and general
6 welfare.

7 Again, based on the information
8 presented in the letter and the sincerely held
9 views of the speakers tonight, the Commission can
10 credit that as evidence that allowing the special
11 use to allow a dispensary would not serve the
12 general welfare.

13 Finally, granting the variation here
14 would create a slippery slope that would justify
15 the use of other adult-oriented uses in other
16 parts of the city that are not desired.

17 This is a generally applicable
18 requirement and the Commission should not be
19 revisiting a generally applicable requirement,
20 such as the 500-foot distance requirement from
21 schools, in the context of the variation.

22 For these reasons and the other
23 reasons expressed in our letter, the Academy
24 would ask that the variations and the special use

1 be denied.

2 Thank you.

3 CHAIRMAN VINYARD: Thank you, sir.

4 (Applause.)

5 CHAIRMAN VINYARD: All right. So we are
6 going to move on with the -- Would you like to
7 say something? Sorry.

8 MS. LINNEMANN: I have something I would
9 like to say.

10 CHAIRMAN VINYARD: Yes, ma'am.

11 ANNELIESE LINNEMANN,
12 having been first duly sworn, testified from the
13 podium as follows:

14 MS. LINNEMANN: Hi. My name is
15 Anneliese Linnemann. I am 16 years old and I am
16 a junior at Parkview Christian Academy, in Upper
17 Campus.

18 One thing that I worry about is the
19 kind of company that this would bring to the area
20 around the school. We have already had a
21 situation happen at school with a suspicious man,
22 and thanks to students that said something, the
23 person was stopped. I am worried that with a
24 place like this so close to school, more things

1 like that could happen.

2 Another thing is natural human
3 curiosity. If I had never heard about this place
4 before, maybe I would want to see what it was
5 about, maybe I would become hooked on vape,
6 marijuana or something worse, and then my life
7 would rapidly down-spiral into something I
8 couldn't control, and I am worried that something
9 like that will happen to my classmates and
10 younger individuals at the school that wouldn't
11 know anything about it and the dangers of drugs.

12 Third, 1 Corinthians 15:33 from the
13 Bible says that bad company corrupts good morals.
14 What will happen to the area around the school if
15 this business is put into place?

16 What is Yorkville doing to make sure
17 that my classmates are safe, that my teachers are
18 safe, and I would personally like to know if
19 Yorkville has a plan for that, because I live in
20 Sugar Grove, just 15 minutes to Yorkville, and I
21 am already worried that maybe some seniors or
22 people that are able to buy drugs or alcohol will
23 become curious and then will get bad grades or
24 something bad might happen to them.

1 Thank you for listening.

2 (Applause.)

3 CHAIRMAN VINYARD: Young lady. Hey,
4 young lady. That was very brave of you to get up
5 and do that. Thank you.

6 MR. REIS: She literally wrote that
7 right now, sitting here listening to all you guys
8 talk. It hit her that hard and she wrote that.

9 (Applause.)

10 CHAIRMAN VINYARD: Thank you. Oh,
11 sorry, petitioners. Yes.

12 MITCHEL KAY,
13 having been first duly sworn, testified from the
14 podium as follows:

15 MR. KAY: Hey, everyone. My name is
16 Mitch Kay. I am the attorney for the petitioner.
17 I am the bad guy tonight I guess.

18 I love these meetings. It's an
19 opportunity to see the community, to hear your
20 concerns. They are all well received.

21 I do want to go over a few items
22 because there is maybe a little confusion on some
23 perspectives. I want to go through very quickly
24 the standards for variation.

1 First, particular hardship. This
2 property has been vacant for two, three years.
3 This is zoned correctly, we are permitted to
4 apply for a special use permit variance, go
5 through this entire process. We respect, you
6 know, the town listening to us and taking
7 everything we have submitted to heart and, again,
8 listening to the town.

9 There is no other similarly situated
10 property. I want to remind the town that the
11 church is a non-conforming use in this zone
12 without a variance, and to my knowledge the
13 church came in with a threat that they would be
14 able to work there, have a school there, under
15 the guise of suing the town if they didn't permit
16 them to operate. They also came in with another
17 letter threatening to sue.

18 We are data driven. We want to make
19 sure everyone is very well aware, there are
20 subjective opinions and then there are objective,
21 concrete facts.

22 One, we are not marketing anything.
23 A sign is a designation of our store, nothing
24 more than that. You cannot see into the store,

1 so anything in the store cannot be seen from
2 outside. No one under the age of 21 that is
3 outside the -- anyone outside the store cannot
4 see what's going on inside the store.

5 Security is incredibly tight. We
6 are compliant with all regulations. These three
7 are variances. These are ordinances within the
8 town, they are not state regulations. We have to
9 be compliant with all state regulations in order
10 to operate.

11 In every municipality that we have a
12 store in, we have enhanced security, we have a
13 great relationship with the police department,
14 and, in fact, in our facility in Show Low,
15 Arizona, a heavily Mormon community, we have
16 extended our hours because it's been that
17 spotless, and that's how we act as a company.
18 That's what we do.

19 Your town passed a law to permit one
20 dispensary, we are asking for your consideration
21 that we be granted this opportunity. We are at
22 most de minimus distance from the required
23 500-foot setback, and I'm not going to formally
24 ask you to look into it, but I did raise in my

1 letter, by the black letter of your ordinance,
2 the measurement is from facility to property
3 line, which is over 500 feet, which you guys can
4 discuss on your own whether you want to look at
5 it differently, but that would put us out of even
6 needing a variance for that.

7 Slippery -- Is Mr. Senagore here?
8 Slippery slope argument, first year of law
9 school? It's not a valid argument. We can't go
10 on subjective Reefer Madness from the 1960's and
11 think this is the same thing.

12 MR. GASH: That's disrespectful.

13 MR. KAY: It's not.

14 UNIDENTIFIED AUDIENCE MEMBER: Yes, it
15 is.

16 CHAIRMAN VINYARD: Point of order.

17 MR. KAY: Respectfully, we want to have
18 concrete, objective facts. We want to discuss
19 with you what's going on. I also --

20 MS. KREMPSKI: Are you addressing the
21 board?

22 MR. KAY: I am addressing the entire
23 room.

24 CHAIRMAN VINYARD: Please.

1 MR. KAY: I'm letting you hear what's
2 going on, so -- I gave you guys time to speak,
3 please also be courteous to my time. Thank you.

4 We are not here in the 1960's in
5 Reefer Madness taking, you know, subjective
6 opinions on what a few individuals think is going
7 on.

8 There are 20,000 residents of
9 Yorkville. I am happy some showed up, that's
10 wonderful. That is a minority compared to the
11 total folks in this town that would have
12 otherwise shown up if there was that much
13 concern.

14 UNIDENTIFIED AUDIENCE MEMBER: Where are
15 the other ones speaking up for it?

16 CHAIRMAN VINYARD: Point of order.

17 MS. LAMB: Let's keep the comments --

18 CHAIRMAN VINYARD: Yeah, comments have
19 to keep to their -- You guys had your
20 opportunity, sorry.

21 MR. KAY: So going down the steps for a
22 variation, this owner cannot find another
23 suitable tenant. It's been two to three years
24 since anyone has been on the property.

1 The conditions upon which the
2 petition for a variation is based are unique to
3 this property. It is in the correct zoning
4 district. We cannot build anywhere else in the
5 town to similarly situate ourselves to conduct
6 our business.

7 If we cannot receive these variances
8 or approval to operate, yes, we would have a
9 significant hardship in not being able to conduct
10 business.

11 And no, based on many other
12 studies -- and some of the studies cited were
13 based on Portland, Oregon, which legalized every
14 drug, open use of needles, heroin, which they are
15 now trying to call back, that's not Yorkville.

16 Those studies on secondary
17 environment are looking at drastically different
18 environments, and that needs to be considered
19 when we're looking at how this could impact or
20 not impact your community.

21 And, again, the proposed variation
22 will not impair any adequate supply of light or
23 air to the adjacent property.

24 I have submitted my letter in

1 response to Mr. Senagore before. His last
2 letter, again, was filled with inaccuracies and,
3 you know, assumptions on what we do.

4 Consume Cannabis is a trade name.
5 We often mark with just Consume, that's just how
6 we do business, so I didn't really understand
7 that point.

8 But, again, we thank everyone for
9 your time and we -- again, sorry if you thought I
10 was being disrespectful, but we appreciate
11 everyone coming out to listen to us, and if you
12 have further questions, we are here to answer
13 them.

14 CHAIRMAN VINYARD: Thank you. Are there
15 any questions from the commissioners for the
16 petitioner?

17 MR. WILLIAMS: Not at this time.

18 CHAIRMAN VINYARD: All right. So we are
19 going to conclude the public hearing. Oh, I'm
20 sorry, petitioner -- would you like to have your
21 responses to the standards entered into the
22 public record?

23 MR. KAY: Sure.

24 CHAIRMAN VINYARD: Very good. All

1 right. Since all public testimony regarding this
2 petition has been taken, may I have a motion to
3 close the taking of testimony in this public
4 hearing?

5 MR. KRKLJUS: It's not all been taken,
6 though.

7 CHAIRMAN VINYARD: Excuse me?

8 MR. KRKLJUS: It's not all been taken.
9 I think there are other people that wanted to
10 speak, but you are closing arguments, so I don't
11 think you have taken all the arguments.

12 CHAIRMAN VINYARD: So that's why I was
13 asking if anyone had any topics that weren't
14 already discussed. You had something that --

15 MR. KRKLJUS: I found something in
16 Illinois law that I'd like to say.

17 CHAIRMAN VINYARD: Okay. We have
18 already moved on past that. I apologize for
19 that.

20 MR. KRKLJUS: So you are not taking --

21 CHAIRMAN VINYARD: I'm sorry. Is there
22 any way we can -- Is there any way we can go
23 back?

24 MR. KRKLJUS: I would like to speak.

1 MS. LAMB: Yeah, you can -- Let's --

2 CHAIRMAN VINYARD: Hold on. Let me talk
3 to legal.

4 MS. LAMB: It's okay, you can go back.

5 CHAIRMAN VINYARD: I can go back to
6 that?

7 MS. LAMB: Yes, we have not closed the
8 hearing yet. If there was somebody who had
9 something additional to say, that would be fine.

10 CHAIRMAN VINYARD: Then you have the
11 floor. My apologies. I am not a lawyer.

12 MIKE KRKLJUS, JR.,
13 having been first duly sworn, testified from the
14 podium as follows:

15 MR. KRKLJUS: My name is Mike Krkljus, I
16 am a parent of a student at Parkview Christian.
17 We live in Montgomery. There is one point that I
18 wanted to make.

19 I am a contractor, and through the
20 course of my contracting career I have done some
21 commercial work. One of the things that I am
22 familiar with, sir, you mentioned HVAC. I'm not
23 sure exactly what your HVAC upgrades are, but one
24 of the things that Illinois mandates for

1 recreational use and the consumption areas,
2 private property, with owner's consent, so I
3 don't know if you are going to be buying that
4 building or you are going to be renting that
5 building.

6 The other thing is an approved
7 dispensary. An approved dispensary is an
8 approved consumption area. I don't know how your
9 HVAC works, but nail salons are required to have
10 above and beyond HVAC systems to expel all the
11 fumes and the gases that they generate. It goes
12 into the open air.

13 If we are -- if we mandate
14 1,000 feet for advertising, 500 feet from
15 schools, what do we do by smells and aromas that
16 make their way out of the business into the
17 surrounding area? If you can answer that
18 regarding HVAC.

19 But I did want to point out, was it
20 your opinion or was it fact to say that Parkview
21 had threatened Yorkville?

22 MR. KAY: It's my understanding.

23 MR. KRKLJUS: Okay. So that's your
24 understanding. Unless you have proof to back

1 that up, that's hearsay. I am not a lawyer
2 either, but to come up and discredit a school
3 that is a pillar of the community, that raises
4 young people to be pillars of the community, to
5 give back through organizational structure,
6 through community service, you name it, Parkview
7 is doing it to help the community, so to attack a
8 school like that --

9 MS. LAMB: Okay. Let's stay on topic,
10 please. Thank you.

11 MR. KRKLJUS: Yeah, that was a personal
12 thing that I didn't like. But as a contractor,
13 you mentioned HVAC. I would be curious to know
14 what the HVAC abilities are of your business to
15 filter what's going to be coming out of that
16 business, because if advertising can't be within
17 1,000 feet, what do we do about the smell?
18 That's a pretty strong advertisement if you ask
19 me. So I'd like to point that out.

20 CHAIRMAN VINYARD: We will let you
21 readdress it.

22 (Applause.)

23 CHAIRMAN VINYARD: Ma'am, please write
24 your name down.

1 COLLEEN MURPHY,
2 having been first duly sworn, testified from the
3 podium as follows:

4 MS. MURPHY: My name is Colleen Murphy.
5 I own a business in Yorkville. I also am the
6 founder of a non-profit organization that teaches
7 children five and up how to identify predators
8 online and in person.

9 The first point I would like to make
10 is I think roughly six years ago I had to go
11 before the City because I have a microblade
12 license, which falls under the category of tattoo
13 establishment, and the City of Yorkville told me
14 at that time that they do not allow tattoo
15 establishments in their town, that that is their
16 discretion, and that they did not like what that
17 would bring to the community. I just wanted to
18 make that known.

19 And then also, this summer, with the
20 non-profit work that I do, I went to the Crimes
21 Against Children conference in Dallas and had the
22 opportunity to sit down with the DEA who informed
23 me -- and I am not sure of the exact numbers, but
24 I can get them for you -- they are currently

1 finding in our country that children who are in
2 states where cannabis is being sold are roughly
3 nine times more likely to purchase illegally,
4 where it's, quote, more affordable for them, and
5 those drugs are being laced with Fentanyl and
6 things much more deadly than what cannabis is
7 being sold from the dispensary, and I think
8 that's something we really need to take into
9 consideration, especially when you consider that
10 it could be placed near a school.

11 (Applause.)

12 CHAIRMAN VINYARD: Thank you. Any
13 additions?

14 (No response.)

15 CHAIRMAN VINYARD: Anybody?

16 (No response.)

17 CHAIRMAN VINYARD: Going once, going
18 twice.

19 (No response.)

20 CHAIRMAN VINYARD: All right. Would you
21 like to respond to that?

22 MR. KAY: Yes.

23 CHAIRMAN VINYARD: Please.

24 MR. KAY: To your second question, just

1 to be clear, the first letter said that you would
2 go through all avenues, including litigation.
3 This was not denied, so that was based on fact.

4 What you read from the regulation is
5 accurate language, but it's related to a
6 consumption lounge. We are not doing that.
7 There is no smoking allowed on premises.

8 So we have a normal -- well, we have
9 a high-end air filtration system in general for
10 all our facilities, but there is no smoking or
11 any consumption of any sort of product on
12 property at any time. It's strictly prohibited.

13 MR. KRKLJUS: Are you prepared to
14 enforce people who do it in their car?

15 MR. KAY: Oh, yeah. No, we shepherd
16 them off, off the property. We have our director
17 of retail operations here as well if you have any
18 additional direct questions, he is happy to
19 answer them, but we -- you know, there are
20 absolutely times when we get, you know, a few
21 people that are unsavory and Mike and his team
22 make sure they are not on our property and they
23 are gone, but it's few and far between.

24 UNIDENTIFIED AUDIENCE MEMBER: What

1 about --

2 CHAIRMAN VINYARD: Okay.

3 MS. LAMB: Folks, this is not a back and
4 forth.

5 CHAIRMAN VINYARD: Folks, yeah, this is
6 his opportunity. Sorry. All right.

7 Anybody else?

8 (No response.)

9 CHAIRMAN VINYARD: All right. Are there
10 any questions from the commissioners?

11 (No response.)

12 CHAIRMAN VINYARD: All right. And I am
13 assuming you would still like your responses
14 added? All right. Very good.

15 Since all public testimony regarding
16 this petition has been taken, may I have a motion
17 to close the taking of testimony in this public
18 hearing, please?

19 MS. LINANE: I will make a --

20 MR. WILLIAMS: So moved.

21 MS. LINANE: Oh.

22 MR. MILLEN: Second.

23 CHAIRMAN VINYARD: Second. All right.

24 Can I have a roll call vote on the motion?

1 MS. YOUNG: Yes. Millen. Millen.

2 MS. NOBLE: To close the public hearing.

3 CHAIRMAN VINYARD: To close the public
4 hearing.

5 MR. MILLEN: Yes.

6 MS. YOUNG: Linane.

7 MS. LINANE: Yes.

8 MS. YOUNG: Vinyard.

9 CHAIRMAN VINYARD: Yes.

10 MS. YOUNG: Williams.

11 MR. WILLIAMS: Yes.

12 MS. YOUNG: Forristall.

13 MR. FORRISTALL: Yes.

14 MS. YOUNG: And Hyett.

15 MR. HYETT: Yes.

16 CHAIRMAN VINYARD: All right. Motion
17 passes. Seeing that there -- the public hearing
18 portion of tonight's meeting is now closed.

19 (Which were all the proceedings had
20 in the public hearing portion of
21 the meeting, concluding at 8:06
22 p.m.)

23

24

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF LASALLE)

4 I, CHRISTINE M. VITOSH, a Certified
5 Shorthand Reporter of the State of Illinois, do
6 hereby certify:

7 That previous to the commencement
8 of any testimony heard, the witnesses were duly
9 sworn to testify the whole truth concerning the
10 matters herein;

11 That the foregoing public hearing
12 transcript, Pages 1 through 68, was reported
13 stenographically by me by means of machine
14 shorthand, was simultaneously reduced to
15 typewriting via computer-aided transcription
16 under my personal direction, and constitutes a
17 true record of the testimony given and the
18 proceedings had;

19 That the said public hearing was taken
20 before me at the time and place specified;

21 That I am not a relative or employee or
22 attorney or counsel, nor a relative or employee
23 of such attorney or counsel for any of the
24 parties hereto, nor interested directly or
indirectly in the outcome of this action.

1 I further certify that my certificate
2 attached hereto applies to the original
3 transcript and copies thereof signed and
4 certified under my hand only. I assume no
5 responsibility for the accuracy of any reproduced
6 copies not made under my control or direction.

7 IN WITNESS WHEREOF, I do hereunto set my
8 hand at Leland, Illinois, this 15th day of
9 October, 2024.

10
11
12 /s/ Christine M. Vitosh

13 CHRISTINE M. VITOSH,
14 C.S.R. Certificate No. 084-02883.
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