

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
July 7, 2025

The Planning and Zoning Commission held a meeting on July 7, 2025, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois. Vice Chair McMahon called the meeting to order at 6:00PM.

A. ROLL CALL

Recording Secretary, Olivia Doss, called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O’Flaherty, Jerry Wright, and Vice Chair Bill McMahon. Chair Max Maxwell and Commission member Maria Pena-Graham were absent. Planning Director Dan Olson, City Manager Bill Nicklas and City Attorney Matthew Rose were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair McMahon requested a motion to approve the July 7, 2025, agenda as presented. Mr. Wright motioned to approve the agenda as presented. Mr. Becker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. June 16, 2025 – Vice Chair McMahon requested a motion to approve the June 16, 2025, minutes as presented. Ms. O’Flaherty motioned to approve the minutes as submitted. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None.

E. NEW BUSINESS

- a. **Public Hearing** – A petition by the City of DeKalb for text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to allow cannabis dispensing organizations to have onsite consumption lounges.

Since the City is the applicant, Planning Director, Dan Olson, gave his staff report dated July 3, 2025, as the presentation. Mr. Olson explained on May 27, 2025, the City Council discussed the possibility of allowing “tasting rooms” in cannabis dispensaries. He stated Nakia McAdoo, a principal with Excelleaf Dispensary at 305 E. Locust Street, requested City Council guidance about the prospect of opening a “tasting room” in their dispensary.

Mr. Olson noted that Section 7.18.07, paragraph 12, of the City’s UDO prohibits any cannabis business establishment from allowing any person “to smoke, inhale or consume cannabis on the property.” He reminded the Commission that the City Council has the authority, upon recommendation from the Planning and Zoning Commission, to revise UDO provisions. He stated there was consensus among Council members present at the May 27<sup>th</sup> meeting to move forward with the amendments to the UDO to allow “tasting room” in dispensaries. He told the Commission the minutes from the May 27<sup>th</sup> City Council meeting were in the background materials.

Mr. Olson recapped that at the City Council meeting, Ms. McAdoo proposed to only allow the consumption of limited quantities of various edible cannabis products and was not interested in featuring inhaled products in the proposed tasting room. Mr. Olson detailed the space for the tasting room has existed in the facility at 305 E. Locust Street since its opening in November 2023, but the room's occupancy would depend on a proposed revision to the UDO as well as an occupancy permit from the City's Building Department. He added any sales from the featured edible products in the proposed tasting room would generate sales tax at the local cannabis rate of 3%. He specified the proposed amendments will establish conditions related to the location of the onsite consumption lounges within the building, maximum square footage, food and beverage restrictions, tobacco and liquor prohibition, hours of operation, age restrictions, employee training, security measures and other restrictions.

Mr. Olson pointed out City Manager Bill Nicklas and City Attorney Matthew Rose were present for questions.

City Attorney Matthew Rose then discussed operation plan requirements in the proposed amendments. He explained the Illinois Administrative Code provides regulations regarding onsite cannabis lounges, and the City has adopted and incorporated those into the proposed text amendments. He continued, stating the dispensary wishing to have a tasting room must create a responsible operations plan with detailed explanations as to how employees will monitor and prevent over intoxications, underage consumption, illegal use or possession of cannabis in the consumption lounge and other potential criminal activity. The plan must also include how best to stop impaired driving. Furthermore, Mr. Rose stated the dispensary must provide a documented employee plan to address all components listed above, a staffing plan with hours of operation, pricing policies and procedures. Additionally, they must also have a general liability insurance coverage policy similar to what bars have for liquor.

Attorney Rose provided detailed information regarding the regulations and conditions imposed under State law which will be imposed in the UDO amendments. He mentioned those include requiring the lounge to be in a separated area with a locked door, a security guard and at least one staff member present. He mentioned a cannabis product destruction and waste management plan must also be created. Clarifying, Mr. Rose explained all dispensaries must have a plan for leftover or discarded products but there is relevance with this to consumption lounges. Leftover consumables cannot just be placed in the garbage where another person could obtain them. Mr. Rose confirmed these plans are required under State regulation but are also required to be submitted as part of their permit application and condition of compliance with the permit.

Maria Davis, co-owner of Excelleaf, located at 305 E. Locust Street, gave a brief presentation. Ms. Davis explained the tasting room is a small piece of what they are looking to do with the space; their main focus will be on education. During a recent festival they were part of, they asked the community what they would like to see. She shared some insight into common responses they received which were meditation, classes on illnesses and cannabis effects, and yoga among various other suggestions. She reiterated they are not just looking to create a tasting room, but a way to bring the community together and focus on education about cannabis. She noted some of the education community members were interested in were cannabis effects on Epilepsy, Alzheimer's and mental health. Socially, the community was interested in BINGO nights and other themed nights, workshops on herbs and oils, and culinary options.

Crystal Anderson, co-owner of Excelleaf, also spoke. She explained all three (3) principals are nurses and view cannabis as plant medicine. Based on their healthcare background, they believe it is

imperative for the community and consumers to know what they are consuming and how it affects the body and certain diseases, leaning heavily on that. She stated employees are educated on how to deal with customers who consume too much. Employees will teach customers how to consume, properly dose and how much the body is able to tolerate. She added that when customers come to the store, the product is packaged, and customers cannot see what they are consuming until they get home. The tasting lounge would allow patrons to consume small doses in a responsible environment.

No public comments were made, and the public hearing was closed.

Commission member Becker addressed the Commission with a reminder that their job was not to determine morality in their decision, only to determine if this would be the highest and best use for the site. He noted concerns regarding consumption of cannabis at a location that is not at home or on private property. He inquired what happens when a person consumes and then leaves. He stated when someone goes into a bar and is overserved, there is a quick mechanism for determining inebriation, but there is nothing like that for cannabis, outside of a blood test which can be refused. He asked what can be done and what are they (Excelleaf) willing to do to help mitigate that. He also asked the City how they monitor people leaving overserved and whether that is the highest and best use of the property.

Ms. Anderson responded that with other consumption lounges in the area, there are parameters set for how much can be consumed at the lounge. She also stated employees will be able to identify if the person is intoxicated. She explained the State sets parameters and Excelleaf's Standard Operating Procedures (SOP) will include provisions on making arrangement for a person to get home, i.e. providing a ride through Uber or Lyft. She added they would not allow people to get so intoxicated they would not be able to drive.

Mr. Becker questioned how employees would be able to identify if someone would be overserved. Ms. Anderson stated only samples would be served. Customers cannot come there and purchase large amounts of gummies and sit in the lounge to consume them all. The space is there to educate the community and maybe sample a small piece, but not to get intoxicated. She continued that training modules are required annually for employees.

Commissioner Becker admitted he felt very positive about Excelleaf's commitment to education regarding the different facets of cannabis and asked about how much effort they anticipated going into that aspect. Ms. Davis stated it would be an event space. There would not be daily samples available, but they would have vendors come out and provide people with an opportunity to sample. Mr. Becker stated he originally believed the space would be for socializing and enjoying recreational consumption but sees that is not the case. Ms. O'Flaherty commented the model they are proposing would be similar to wine tastings. Ms. Anderson stated a vendor or cultivator would bring samples and educate consumers on their products while there. She also reiterated Excelleaf pays an annual fee for educational modules employees must complete so they are trained on every product in the store.

City Attorney Rose explained on the regulatory end; the City makes sure the regulations are implemented and failure to comply with the conditions could result in revocation of the permit for the consumption lounge. Excelleaf would want to have plans in place to ensure they do not overserve. Mr. Becker inquired about what mechanism is in place for enforcement, and City Attorney Rose stated it is the same problem with alcohol at a bar. Additional discussion continued between Mr. Becker and City Attorney Rose regarding how the City will mitigate the risk of intoxicated drivers, which Mr. Rose noted bars do not even have the same requirements dispensaries have. He added it is incumbent on the City's Police Department to enforce any instances brought to their attention. Ms. Anderson echoed

City Attorney Rose, explaining there are State regulations requiring each employee to prove they have completed the education in order to get a badge to get into the building. She also stated that State Police inspect them regularly.

City Manager Bill Nicklas addressed the Commission. He mentioned there are a number of things that produce a sedative effect or slightly accelerated effect, including a couple of shots at the bar or consuming cannabis products. He noted dispensaries are required to have security which is a lot more than bars are required to have. He stated if someone buys a sample, leaves and then becomes erratic, someone could file a complaint against the establishment with the City and the City would investigate. He explained there are cameras on every corner of the building at 305 E. Locust Street and evidence of the person coming and going would be available, which would not be available at other places.

Mr. Nicklas felt, in addition to private security, there are a number of conditions in the red lined version showing the amendments which go a long way to giving the City some comfort. He commented that you have no way of knowing what someone's intent is. He added the State left it to local governments and private businesses to do it right and do it safely. Mr. Nicklas noted the City does not have all of the answers but will continue to be vigilant and trust that the way of policing these things is now a lot more thoughtful. He admitted it is not quite as easy as a regular BAC test, but police officers are trained to utilize other impairment tests which they receive training. He concluded that Excelleaf is exhibiting safe, legal and thoughtful ownership.

Ms. Anderson added customers will not be allowed to purchase products from the store and then sit in the lounge to consume, they will only be allowed to consume the samples provided for purchase by Excelleaf or the vendor they bring in. Mr. Becker inquired about the training for security, to which she responded they receive the same training as herself and all other employees.

Mr. Wright asked what a consumption lounge might look like. Ms. Davis stated they are in the process of designing it, but it would be a welcoming, inviting and safe space for customers. Ms. Anderson mentioned she has been to a few with couches and a TV, though since their space is small, they probably will not have that. Their goal is to retain floor space for yoga and vendors to have a space to set up tables.

Mr. Wright inquired if not inhalants, what the consumables might be. Ms. Anderson stated they will teach people how to make cannabis infused baked goods at home with the products they sell at the store, but gummies and drinks will be the only items available for sampling. Mr. Wright asked what enhancements they anticipate making to the tasting lounge. Ms. Anderson explained they anticipate seeing an increase in the customer base and more community involvement. Ideally, they would like to pair up with local businesses and non-profits, citing a recent example of a vendor donating a large amount of dog bowls to Tails Humane Society. She stressed that while the intent is to market and grow business, their focus is on education.

Vice Chair McMahon asked the City what exactly the Commission is agreeing to tonight. If they were to vote yes, would NuEra be able to install proper ventilation to allow smoking based on the Commission's decision. Mr. Olson explained, currently, the other dispensary does not have any interest in a tasting lounge, and the Commission is only reviewing the red lined amendment, which does not allow smoking. He said the amendments would apply to NuEra also. Mr. Nicklas pointed out that installing ventilation and allowing smoking would require additional permitting. He remarked it simply would not be possible. The business would need to install several safety measures, but even if that occurred, the smoke would need to be exhausted outside of the building and would be noticed

by the surrounding area. Furthermore, the City currently has two (2) dispensaries and will not have a third.

Mr. Rose added that no smoking or vaping is allowed in the proposed language. The Commission is only voting on allowing the consumption of edibles. He confirmed if someone wanted to have a smoking lounge, they would still have to come back to the Commission for additional Code amendments.

Mr. McMahon inquired if there are requirements for a certain duration of stay. Ms. Anderson noted their counterparts have implemented two (2) hour maximums, but they will be requiring consumers to vacate when the event is over. Additionally, if a customer has purchased something in the store, they must leave and cannot go to the lounge and consume, nor will they be able to leave and come back. Vice-Chair McMahon clarified if there was a minimum stay time in place to help those who have never tried anything before to see how they will react. Ms. Anderson stated there is nothing currently in their SOP but would consider addressing it if necessary.

Mr. McMahon asked if there would be extra security present or if the regular security at the door would meet the requirements. Ms. Anderson confirmed the security at the door would meet the requirements. That security would also have access to the tasting room.

Mr. McMahon then inquired about restroom requirements now that patrons may stay longer at the facility. Ms. Anderson explained they currently have one bathroom in the store and one in the portion that would become the lounge. Mr. Nicklas clarified public bathrooms refer to public patrons and employees combined, and the current bathrooms present meet the requirements.

Mr. McMahon continued with several additional questions, including inquiring if there would be a fee for entering the lounge, how the lounge would increase business sales given the need for additional staff, and what the hours of operation may be. Ms. Anderson explained there would not be an entrance fee, and revenue would be generated from people going inside the store to purchase products. Additionally, their hope is to bring in more customers through increasing their community involvement. She provided an example of someone attending a culinary class and then purchasing the products needed to make the recipe from the store side. Regarding hours of operation, Ms. Anderson noted customers would only be able to taste if there was a vendor present. Ms. O'Flaherty likened this to when grocery stores have alcohol vendors on site to sample products.

Mr. Wright admitted he had been impressed with the way the business is run, and how Ms. Anderson and Ms. Davis have presented. He was also impressed with how they have been implementing education with their employees, how they plan to focus on education with the community, and how they have integrated into the community. Ms. Anderson responded that they try to be responsible business owners.

Vice Chair McMahon asked for a motion to approve the text amendments. Ms. O'Flaherty moved that based on the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of text amendments to Article 7.18.07, paragraph 12 of the Unified Development Ordinance to allow cannabis dispensing organizations to have onsite consumption lounges as indicated in Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Maxwell were absent. The motion passed 4-0-2.

- b. **Public Hearing** – A petition by Heartland Bank and Trust, represented by Ryan Cour, for a special use permit to allow a bank with drive-through facilities for the property located at 330 Grove St. (SW corner of Grove St. and S. 4<sup>th</sup> St.).

Tom Weaver (contractor for the project), of 1636 Joseph Sixbury Street in Sycamore gave a presentation regarding the special use permit request. He stated the proposal is for a drive-through at the property located at 330 Grove Street. The lot previously contained the Post Office which has since been torn down and the new bank will be present at that site. He explained in order to make the bank work the way it is intended, a drive-through is needed.

Landon Faivre, from Heartland Bank and Trust, located at 1985 DeKalb Avenue, in Sycamore, spoke as well. He stated their goal is to continue to serve the community in a new and improved facility on the south side of DeKalb. The drive-through is important to them, and they look forward to continuing to serve the community with a little better visibility than their current DeKalb location on South 4<sup>th</sup> Street (913 S. 4<sup>th</sup>).

Mr. Olson gave his staff report dated July 3, 2025. He explained the City has received a special use permit application from Heartland Bank and Trust to allow a bank with drive through facilities at 330 Grove St. The .47-acre vacant parcel is located at the SW corner of Grove St. and S. 4<sup>th</sup> St. The proposed bank building will be a single-story structure with approximately 2,100 square feet of interior space. The new facility will include two commercial drive-through lanes, and an ATM drive-through lane. Mr. Olson noted along with the special use application, a layout plan, utility plan, landscape plan, grading plan, photometric plan and building elevations were submitted.

He continued, stating Heartland Bank has spent the past few years looking for properties around the south side of DeKalb and in relative proximity to their current location at 913 S. 4<sup>th</sup> St. Because of the mix of commercial and residential properties, high traffic counts, and proximity to their current location, they have chosen the subject site. Mr. Olson noted with other commercial and residential projects being completed around the area, the applicant believes the addition of a local community bank on the subject property will add to the aesthetics of the neighborhood and serve the financial needs of the community.

Mr. Olson said the site previously contained the DeKalb Community Center Building (Senior Center – Youth Services Bureau), which was demolished in 2023. Heartland Bank purchased the property last October. The applicant has indicated they will close the existing Heartland Bank branch at 913 S. 4<sup>th</sup> St. after the new one opens. He mentioned the current bank property along S. 4<sup>th</sup> St. is located far off the road and has limited visibility.

Mr. Olson mentioned the subject site is zoned “CBD” Central Business District. The CBD has no building or parking setbacks or maximum site coverage. He continued by stating the landscape plan does show a 14.5 foot paving setback along S. 4<sup>th</sup> St. with landscaping covering the area. A five (5) foot paving setback is provided along Grove St. with landscaping in the green space. Landscaping is also provided around the building, meeting all the UDO requirements. Two access points will be provided to the site. Access will be provided from Grove St. using the existing public alley. In addition, a full access off S. 4<sup>th</sup> St. is proposed. The applicant has obtained approval of the full access onto S. 4<sup>th</sup> St. from I.D.O.T. since it’s a state-controlled highway. Although it is not required to have on-site parking, the plan shows 10 standard parking spaces and one handicap space.

He pointed out the drive-through lanes were moved from the south side of the proposed building in previous versions of the plan to the north side. This change was made to encourage customers to exit the site using Grove St. instead of S. 4<sup>th</sup> St, which is busier roadway and has a higher speed limit. The site plan indicates adequate stacking area for three (3) vehicles per lane as required by the UDO. The queue for the vehicles in the drive-through lanes will not interfere with other site traffic or back up onto a public roadway. The various plans have been examined by staff and all comments applicable to this level of review have been addressed.

No public comments were made, and the hearing was closed.

Ms. O'Flaherty inquired about the alley being used as the shared entrance and how often it is utilized. Mr. McMahon, who owns a restaurant in the area, stated he uses the alley daily. Ms. O'Flaherty expressed concern it would become a similar situation to the alley by Dunkin' Donuts which is located near her hardware store. She explained the alley is difficult to utilize due to the large amount of traffic created from Dunkin' Donuts and did not want the same thing happening with another mixed-use alley. Mr. Olson affirmed the traffic situation that occurs at Dunkin' Donuts will not occur in the alley by the bank.

Mr. McMahon inquired about any grading that will occur to the alley. Mr. Olson stated whatever needs to be done to the alley based on the bank's needs will need to be done by the bank, and the bank has not identified any necessary changes at this time. Mr. Nicklas mentioned the City will most likely collaborate with the property owner to repair the alley and parking since the City's Annex building is just a couple doors down. However, they will wait until after construction as he anticipates large portions of the alley being damaged during that time.

Vice Chair McMahon requested a motion to approve the request for a special use permit. Mr. Becker moved that based upon the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of special use permit to allow a bank with drive-through facilities for the property located at 330 Grove St. (SW corner of Grove St. and S. 4th St.) per the site plan described in Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Chair Maxwell were absent. The motion passed 4-0-2.

- c. **Public Hearing** – A petition by Ms. Anderson (Worrell) Garvey for approval of a variance to the Unified Development Ordinance to allow a 6-foot-high privacy fence to be constructed in a portion of the front yard for the property located at 1838 E. Lincoln Highway.

The applicant, Ms. Garvey, stated she is asking for the variance to replace a fence that existed prior to her obtaining the property from her grandmother. She would like to construct the 6-foot-high privacy fence past the front of her house to provide additional privacy, security and noise reduction from the highway. She added the fence has fallen down and needs to be replaced.

Mr. Olson gave his staff report dated July 3, 2025. He noted the petitioner is requesting a variance to Articles 7.06.3 and 7.06.6 of the Unified Development Ordinance (UDO) to allow a six (6) foot-high privacy fence in a portion of the front yard along E. Lincoln Hwy. The UDO states that privacy fences

cannot be over three (3) feet tall if they are in front of the front building line (home). The applicant notes in their summary they would like to construct the fence for safety and privacy reasons. In addition, the fence will also provide a barrier from garbage blowing on their property and help buffer the traffic noise from E. Lincoln Hwy.

Mr. Olson explained the applicant is requesting the six (6) foot high privacy fence along the west property line and in front of the front building line. The proposed fence would extend 66 feet from a point near the garage on the property to the west (1834-1836 E. Lincoln Hwy.) to about 31 feet in front of the home on the subject site. The fence will replace a previous fence that was four (4) to six (6) feet high and located along the west lot line. The previous fence extended to about six (6) feet away from the sidewalk along E. Lincoln Hwy. The fence was approximately 30 years old, deteriorated over time and gradually fell down. Mr. Olson mentioned the fence was permitted through DeKalb County. The subject site was annexed by the City in 2011 and rezoned to the "LC" Light Commercial District in 2012.

Mr. Olson said the applicant is requesting the fence be extended to be in line with the residential structure to the west at 1834 E. Lincoln Hwy. The proposed fence would be about 31 feet in front of the home on the subject site. The fence will transition down to a four (4) foot high open (50%) fence starting at 25 feet from the sidewalk along E. Lincoln Hwy. Mr. Olson pointed out that if the same fence (height and location) were proposed along the east property line of 1834 E. Lincoln Hwy. they would not need a variance.

Director Olson added the proposed four (4) foot high portion of the fence would not interfere with access or motorist visibility leaving the subject site or leaving the property to the west. The site at 1834-1836 E. Lincoln Hwy. contains a tree service business (Midwest Tree & Landscape) and a home with renters. He stated the previous fence did not impair public health and safety and did not create a negative impact on the surrounding neighborhood and did not cause any safety issues.

Mr. Olson advised the Commission that a public comment in support of the request was received from Michelle Brokop with MARS Inc, a commercial business at 1827 E. Lincoln Highway.

Mr. Olson stated the staff recommended approval of the variance request.

Mr. Becker thanked Ms. Garvey for her patience with the Commission.

Vice Chair McMahon stated it seemed like a request that makes sense to approve. Various additional positive remarks were made amongst the Commission.

Vice Chair McMahon requested a motion to approve the variance request. Ms. O'Flaherty moved that based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission approve a variance to Articles 7.06.3 and 7.06.6 of the Unified Development Ordinance to allow a 6-foot-high privacy fence to be constructed in a portion of the front yard for the property located at 1838 E. Lincoln Highway as shown on Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Maxwell were absent. The motion passed 4-0-2.



F. REPORTS

Planning Director Olson stated the next meeting on July 21<sup>st</sup> will have two fence variances for corner lots, one at 1158 S. 5<sup>th</sup> Street and one at 857 S. 1<sup>st</sup> Street. He also noted a new commission member will hopefully be appointed at the July 28 City Council meeting.

G. ADJOURNMENT

Vice Chair McMahon requested a motion to adjourn. Mr. Wright motioned to adjourn, and Mr. Becker seconded the motion. The meeting adjourned at 7:10 p.m.

Respectfully submitted,

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Olivia K. Doss, Recording Secretary

Minutes approved by the Planning and Zoning Commission on July 21, 2025.

Click [here](#) to view the agenda packet for the July 7, 2025 Planning and Zoning Commission Meeting.

Click [here](#) to view the video recording of the July 7, 2025, Planning and Zoning Commission Meeting.