



COMMITTEE OF THE WHOLE MEETING
Monday, November 18, 2019
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

1. Randall Crossing Concept Plan
2. 161 South Lincolnway Special Use
3. Moka TIF

EXECUTIVE SESSION

1. Review of Executive Session Minutes dated 05/06/2019; 06/3/2019; and 08/05/2019
2. Review of the Release of Executive Session Minutes

ADJOURN

Initials SB

VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: RANDALL CROSSING MIXED USE CONCEPT PLAN
AGENDA: NOVEMBER 18, 2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

Staff has been working with the developer of the MyPlace Hotel and the adjacent forty (40) townhome units within the Randall Crossing development on a three-story mixed use concept building. The proposed building would be located on Lot 3, directly south of the MyPlace Hotel, adjacent to Ritter Street. According to the Preliminary Plan for Randall Crossing, the Lot 3 area is to include a single-user commercial space, presumably for a standalone restaurant, at an estimated 4,000 square feet in size.

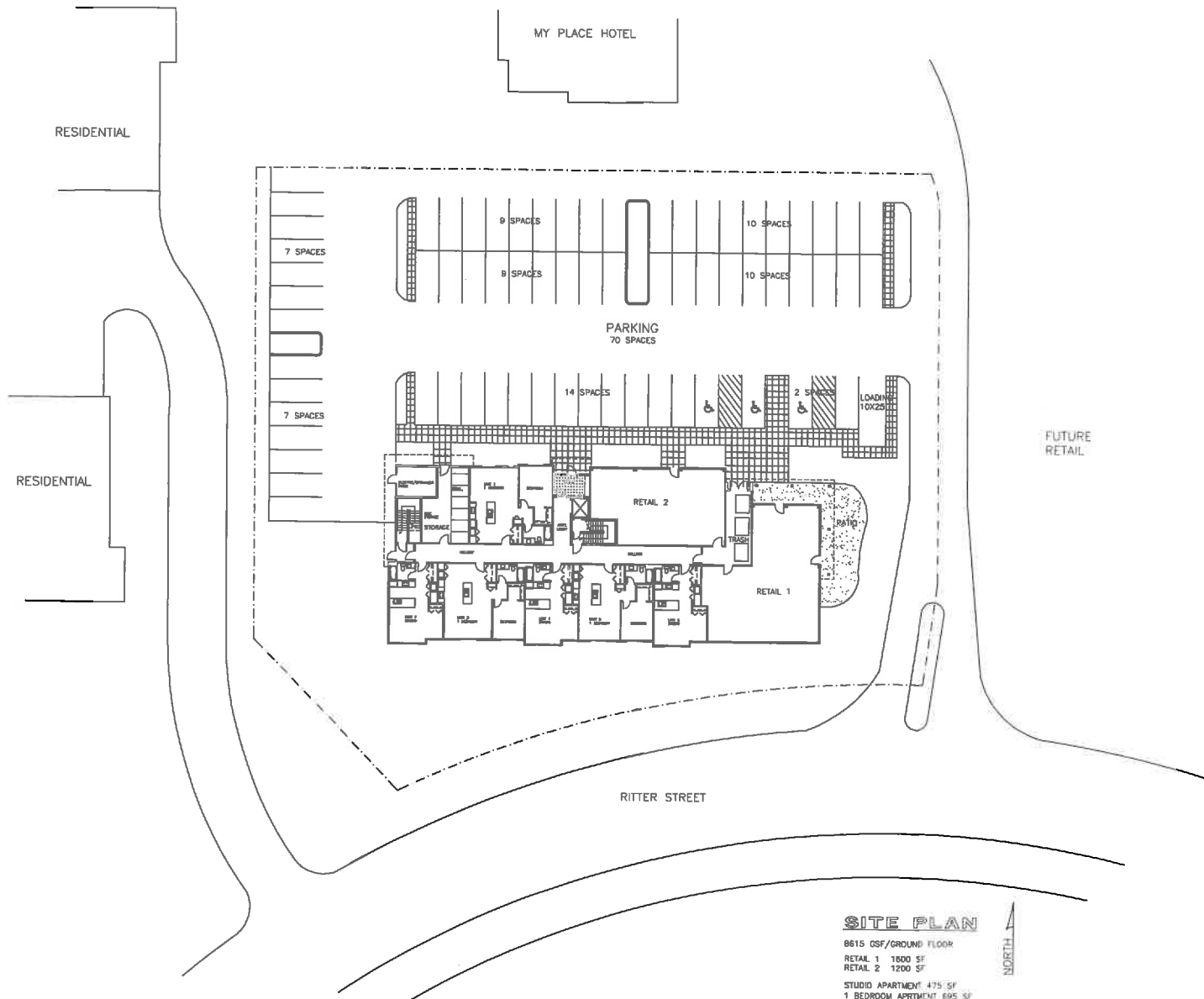
The proposed mixed use concept plan includes the following:

- Twenty-eight (28) residential units consisting of one-bedroom (670 sq. ft.) and studio apartments (475 sq. ft.).
- Two ground floor commercial spaces totaling 2800 square feet. The plan also includes patio space adjacent to eastern commercial space, to which the developer plans to attract a café user. As the commercial space is limited, the Village can restrict the types of uses in those two spaces. **Does the Village Board wish to restrict the types of uses in the two commercial spaces? If so, what types of uses would be undesirable or what types of uses would be preferred?**
- Sixty-eight (68) parking spaces. As submitted, the site would require a total of sixty-seven (67) parking spaces.
- A 10'x25' loading space for residential tenants, commercial deliveries and garage pick up.

Staff would like to take this opportunity to solicit feedback from the Village Board on the submitted concept development plans. As the approval mechanism for the proposed plan would include an amendment to the PUD, a special use public hearing would be required with Plan Commission recommendation and subsequent Board approval.

Attachments:

1. Concept Site Plan, prepared by RA Mifflin Architect, dated October 30, 2019
2. North – East Exterior Building Elevation Plan, prepared by RA Mifflin Architect, dated November 8, 2019
3. South – West Exterior Building Elevation Plan, prepared by RA Mifflin Architect, dated September 16, 2019
4. Ground Floor Plan, prepared by RA Mifflin Architect, dated October 10, 2019
5. Second Floor Plan, prepared by RA Mifflin Architect, dated October 10, 2019
6. Third Floor Plan, prepared by RA Mifflin Architect, dated October 10, 2019



RAM

R A Miffin architect
 107 JACKSON RIVER FOREST, IL 60065
 (815) 604-7147

RANDALL CROSSING
 PROPOSED 3 STORY MIX USE BUILDING
 NORTH AURORA, IL

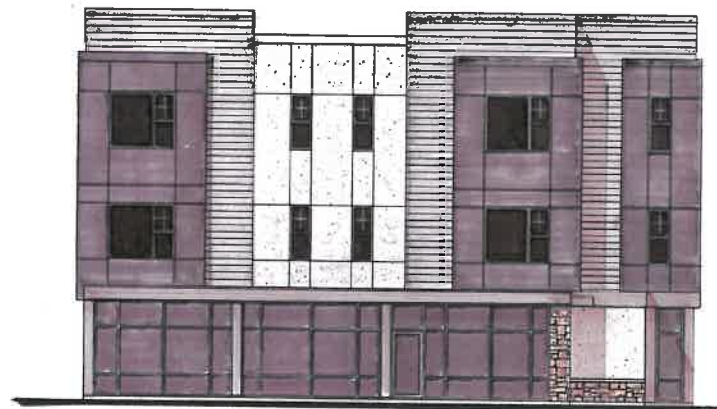
DATE: OCT. 30, 2019
 JOBNO:

Sheet	Revised	By
1		
2		
3		
4		

SHEET



NORTH ELEVATION



EAST ELEVATION

RAM

R A Miffin architect
1100 Jackson Street, Suite 1100
Aurora, IL 60005

RANDALL CROSSINGS
PROPOSED 3 STORY MIX USE BUILDING
NORTH AURORA, IL

DATE REV. 11, 2018
JOSHUA

NO.	DESCRIPTION	DATE
1		
2		
3		
4		

SHEET

SCALE: 3/16" = 1'-0"



mr jackson river forest, il 62305
708-381-6443

RAM

SECOND FLOOR PLAN

UNIT 2-17
STUDIO
475 SF
Living/Dining

UNIT 2-16
1 BEDROOM
731 SF
Living/Dining

UNIT 2-15
STUDIO
475 SF
Living/Dining

UNIT 2-14
STUDIO
475 SF
Living/Dining

UNIT 2-13
STUDIO
475 SF
Living/Dining

UNIT 2-12
STUDIO
475 SF
Living/Dining

UNIT 2-11
BEDROOM
670 SF
Living/Dining

UNIT 2-10
BEDROOM
670 SF
Living/Dining

UNIT 2-9
1 BEDROOM
670 SF
Living/Dining

UNIT 2-8
1 BEDROOM
738 SF
Living/Dining

UNIT 2-7
STUDIO
464 SF
Living/Dining

UNIT 2-6
STUDIO
464 SF
Living/Dining

UNIT 2-5
STUDIO
464 SF
Living/Dining

UNIT 2-4
STUDIO
464 SF
Living/Dining

UNIT 2-3
STUDIO
464 SF
Living/Dining

UNIT 2-2
STUDIO
464 SF
Living/Dining

UNIT 2-1
STUDIO
464 SF
Living/Dining

HALLWAY

APRT. LOBBY

ROOF DECK

1/2" = 9'

RANDALL CROSSING
PROPOSED 3 STORY MIX USE BUILDING
NORTH AURORA, IL

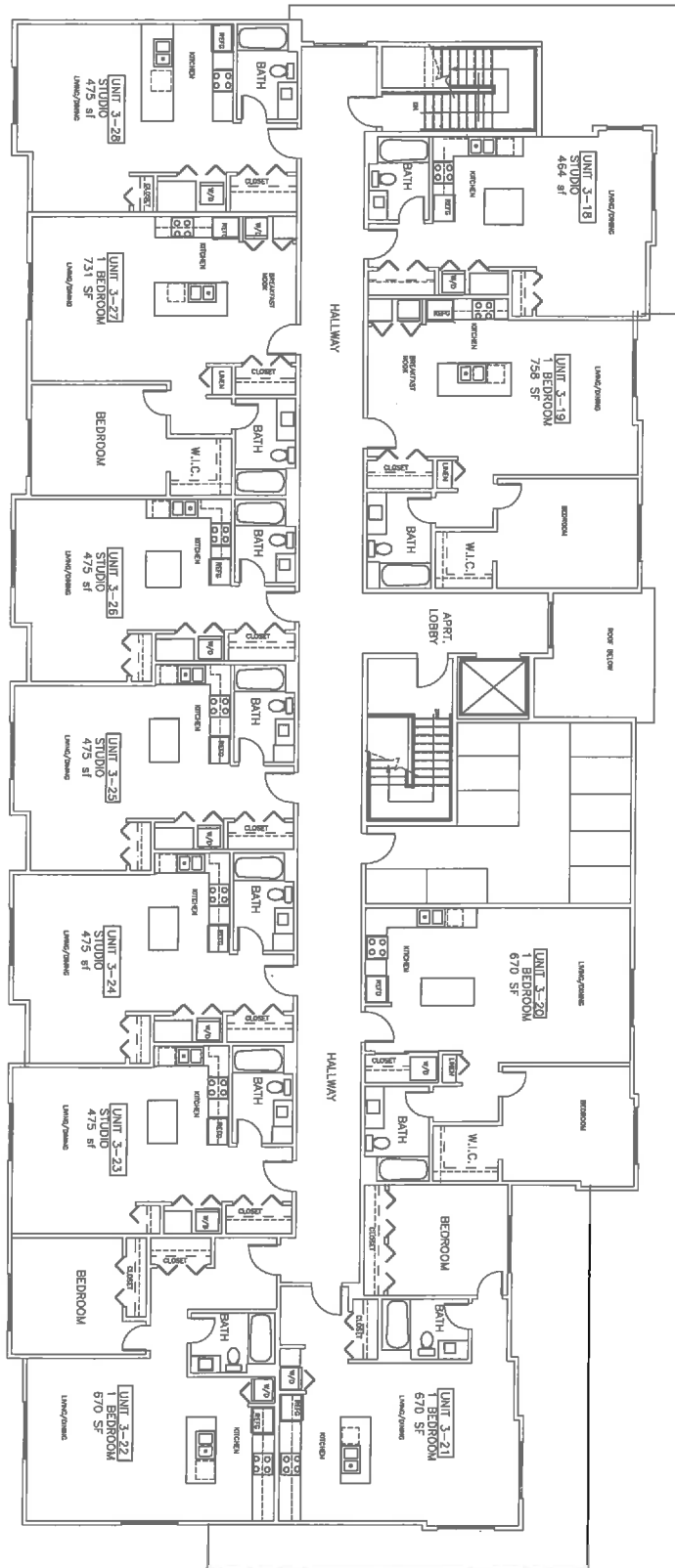
132° jackson river forest, il 60305
702-383-6449

FAM

Order	Category	Item
1	Category 1	Item 1
2	Category 1	Item 2
3	Category 1	Item 3
4	Category 1	Item 4

DATE OCT. 12, 2018
JOSHO

SHEET



**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PETITION 19-08: 161 S. LINCOLNWAY ADULT USE CANNABIS SPECIAL USE
AGENDA: NOVEMBER 18, 2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The 1,832 square foot tenant space presently occupied by the petitioner is located at 161 S. Lincolnway in the River Park Atrium building. The space is currently being used as a Medical Cannabis Dispensary, which is classified as a permitted use in the underlying B-3 Central Business District. The petitioner is proposing to sell cannabis to the general public, as made legal by the Cannabis Regulation and Tax Act, and continue medical cannabis sales. As such, a special use to allow an Adult-Use Cannabis Dispensing Organization (Recreational Cannabis Dispensary) is being requested.

A public hearing was held before the Plan Commission at their November 5, 2019 meeting. The petitioner provided a brief verbal presentation and made themselves available for questioning. The conversation was brief and the Plan Commission discussed the anticipated impact of their opening on traffic and parking. The petitioner stated they will be closely monitoring their parking demands and are in the process of reaching out to the property owner at 150 S. Lincolnway in the event that additional parking is needed. The Plan Commission unanimously recommended approval of the proposed special use, subject to the six (6) conditions listed in the staff report.

Attachments:

1. Staff report to the Plan Commission
2. Application for Special Use, submitted by the petitioner on October 10, 2019

Staff Report to the Village of North Aurora Plan Commission

FROM: Mike Toth, Community and Economic Development Director

GENERAL INFORMATION

Meeting Date: November 5, 2019

Petition Number: 19-08

Petitioner: PharmaCann, LLC

Request(s): Special use to allow an Adult-Use Cannabis Dispensing Organization (Recreational Cannabis Dispensary)

Location: 161 S. Lincolnway

Parcel Number(s): 15-04-426-010,-011,-013

Property Size: Approximately 2.78 acres

Current Zoning: B-3 Central Business District

Contiguous Zoning: North – B-3 Central Business District, South - B-3 Central Business District, East – B-3 Central Business District, West – B-2 General Business District

Comprehensive Plan Designation: Local Commercial



BACKGROUND

On October 21, 2019, the Village Board approved Ordinance #19-10-21-01, which allows for the sales of recreational cannabis in approved Adult-Use Cannabis Dispensing Organizations. Said use is classified as a special use in all non-residential zoning districts. Use standards regulating Adult-Use Cannabis Dispensing Organizations were also added to the Zoning Ordinance, as follows:

G. Adult-Use Cannabis.

- 1. Purpose and Applicability. It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.*

2. *There shall be a maximum of two (2) Adult-Use Cannabis Dispensing Organizations located in the Village of North Aurora.*
3. *Adult-Use Cannabis Dispensing Organizations shall be located a minimum of 1,000 feet from the property line of any school grounds, public playground, public recreation center, child care center, public park, public library, or game arcade to which admission is not restricted to persons 21 years of age or older located in the Village of North Aurora.*
4. *On-site consumption of cannabis shall be prohibited.*
5. *Adult-Use Cannabis Dispensing Organizations shall be located a minimum of 1,500 feet from the property line of any pre-existing Adult-Use Cannabis Dispensing Organization located in the Village of North Aurora.*

PROPOSAL

The 1,832 square foot tenant space presently occupied by the petitioner is located at 161 S. Lincolnway in the River Park Atrium building, which consists of multiple office spaces. The space is currently being used as a Medical Cannabis Dispensary, which is classified as a permitted use in the underlying B-3 Central Business District. While previously operating under the name PharmaCannis, the operational name at the subject property has been changed to Verilife.

The petitioner is proposing to sell cannabis to the general public, as made legal by the Cannabis Regulation and Tax Act, and continue medical cannabis sales. The Zoning Ordinance defines *Adult-Use Cannabis Dispensing Organization* as follows:

Adult-Use Cannabis Dispensing Organization. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Hours of Operation

According to the petitioner, anticipated hours of operation would be Monday through Saturday from 9:00 a.m. to 9:00 p.m. and Sundays from 10:00 a.m. to 6:00 p.m.

Parking

There is no specific parking requirement for the proposed use; as such, it is classified as a general retail goods establishment, which requires four (4) off-street parking spaces per 1,000 square foot gross floor area. With 1,832 total square feet of area, the proposed use would require seven (7) parking spaces. There are an estimated 155 existing off-street parking spaces on the subject property, which are shared amongst the various building tenants. Staff notes that the parking requirement would not change from the existing use of medical cannabis sales.

Upon general observation of the subject property, staff noticed the subject parking lot is heavily utilized. In order to ensure orderly use of the property and to prevent disruption of other businesses, a condition of approval shall require that the petitioners coordinate temporary parking solutions with surrounding business and property owners during the first several weeks of business.

Police Department Feedback

A Certificate of Occupancy was issued to PharmaCannis on November, 9, 2015, to allow them to open their facility and sell medical cannabis. After speaking with the North Aurora Police Department, there have been no calls for criminal activity to the business since opening.

RECOMMENDATIONS

Staff finds that the information presented **meets** the Standards for Specials Uses as submitted by the petitioner and as set forth in the Zoning Ordinance. Based on the above considerations, staff recommends the Plan Commission make the following motion recommending **approval** of Petition #19-08; subject to the following conditions:

- 1) Sales of non-medical cannabis shall commence only as authorized by the Cannabis Regulation and Tax Act.
- 2) Use of the facility shall be limited to the sales of cannabis as authorized and regulated by the Compassionate Use of Medical Cannabis Program Act and the Cannabis Regulation and Tax Act.
- 3) On-site consumption of cannabis shall be prohibited.
- 4) The petitioner shall coordinate temporary parking solutions with surrounding business and property owners during the first several weeks of business.
- 5) All dumpsters located on the subject property shall be enclosed per Section 14.11.A of the Zoning Ordinance.
- 6) All potholes located on the subject property shall be properly filled.

APPLICATION FOR SPECIAL USE

VILLAGE OF NORTH AURORA
Board of Trustees
25 East State Street
North Aurora, IL 60542

PETITION NO. 19-08

FILE NAME 161 S. LINCOLNWAY

DATE STAMP

RECEIVED

OCT 10 2019

**VILLAGE OF
NORTH AURORA**

I. APPLICANT AND OWNER DATA

Name of Applicant PharmaCann, LLC

Applicant Address 190 South LaSalle Street, Suite 2950, Chicago, Illinois 60603

Applicant Telephone # 708-919-5641

Email Address brett.novey@pharmacannis.com

Property Owner(s) Tyler Glen LLC

Owner Address 161 S. Lincolnway, Suite 302

Owner Telephone # 630-408-0772

II. ADDRESS, USE AND ZONING OF PROPERTY

Address of Property 161 S. Lincolnway, Suite 301
(indicate location if no common address)

Legal Description: See attached

Parcel Size 117,353 square
feet

Present Use Medical Cannabis Dispensary
(business, manufacturing, residential, etc.)

Present Zoning District B3 - Central Business District
(Zoning Ordinance Classification)

III. PROPOSED SPECIAL USE

Proposed Special Use Adult Use Cannabis Dispensary
(Zoning Ordinance Classification)

Code Section that authorizes Special Use Not Applicable

Has the present applicant previously sought to rezone or request a special use for the property or any part thereof? No

If so, when? _____ to what district? _____

Describe briefly the type of use and improvement proposed _____

The applicant seeks to expand its current operation of medical cannabis sales to include sales of adult use cannabis as permitted by the State of Illinois Cannabis Regulation and Tax Act, subject to licensing by the State.

What are the existing uses of property within the general area of the Property in question? _____

Uses of existing property in the area are other medical office uses, commercial uses and the Village police department.

To the best of your knowledge, can you affirm that there is a need for the special use at the particular location? (Explain) _____

There is a need for this special use at this location as it will be the first Adult Use cannabis dispensary in the Village. Also, the site is situated among other commercial uses rather than residential uses and will have similar hours of operation.

Attach hereto a statement with supporting data that the proposed special use will conform to the following standards:

1. The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located.
2. The proposed special use is deemed necessary for the public convenience at that location.
3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.
4. The proposed use is in conformance with the goals and policies of the Comprehensive Plan, and all Village codes and regulations.

5. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.
6. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located.
7. The proposed special use is compatible with development on adjacent or neighboring property.
8. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.
9. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this Ordinance.
10. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities.
11. The proposed special use conforms with the requirements of this Ordinance and other applicable regulations.

IV CHECKLIST FOR ATTACHMENTS

The following items are attached here to and made a part hereof:

1. Introduction Letter. Please include information relevant to the proposed use of the property and business operations (hours of operation, number of employees, etc.).
2. Legal Description of the subject property(s).
3. Illinois Land Surveyor's plat of survey.
4. Site Plan illustrating all existing and proposed improvements.
5. Statement and supporting data regarding Standards for Special Uses (above).
6. Filing fee in the amount of \$300.00, if paid by check make payable to the Village of North Aurora.
7. Specified escrow deposit (\$4,000 minimum). May be included with filing fee. Remaining funds refundable upon project completion.
8. Visit the Illinois Department of Natural Resources' website www.dnr.state.il.us and initiate a consultation using DNR's [EcoCat](#) online application.
9. Visit the Kane DuPage Soil and Water Conservation District's website www.kanedupageswcd.org for a Land Use Opinion Application

The Applicant authorizes the Village of North Aurora representatives to enter on to the property to make inspection during the hearing process.

The Applicant is responsible for publishing a legal notice in the newspaper, sending United States mail notices to properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.

The undersigned hereby agrees to reimburse the Village for all costs of court reporter fees for attendance at and transcript of hearing(s) and other professional service fees for services rendered in connection with this application as defined in Appendix B of the North Aurora Zoning Ordinance. Such reimbursement shall be made promptly upon receipt of invoices from the Village, whether or not this application for special use is approved.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

Patricia M. [Signature]
Applicant or Authorized Agent
attorney for applicant

10/10/19
Date

[Signature]
Owner

10/9/19
Date

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, _____, being first duly sworn on oath depose
and say that I am trust officer of _____ and that the following are all of the
beneficiaries of the _____.

**NOT
APPLICABLE**

TRUST OFFICER

SUBSCRIBED AND SWORN TO

Before me this _____ day of _____, 20____.

A Notary Public in and for such County

Following are the names and addresses of all property owners within 250 feet of the property in questions for which the special use being is being requested.

TAX PARCEL NO.**PROPERTY OWNER**

MAILING ADDRESS

[illegible]

1, Katriina McElwre, Attorney, being first duly sworn on oath certifies that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct.

Applicant Signature
Attorney for applicant

Applicant Signature

Attorney for applicant

Date 10.21.19

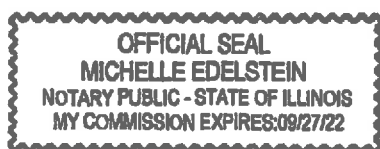
Date _____

SUBSCRIBED AND SWORN TO

Before me this 21st day of October, 20 19


Notary Public

Notary Public



LEGAL DESCRIPTION

LEGAL DESCRIPTION

PARCEL 1: LOT 1-A AND THE EASTERLY 200 FEET OF LOT 1 OF GRAHAM'S SUBDIVISION OF SAMUEL GRAHAM'S ADDITION TO THE VILLAGE OF NORTH AURORA, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHEAST CORNER OF J. F. SLAKER'S ADDITION TO NORTH AURORA, KANE COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID ADDITION, 452.92 FEET TO THE CENTER LINE OF LINCOLN WAY (STATE HIGHWAY ROUTE NO. 31); THENCE NORTH 14 DEGREES 17 MINUTES 00 SECONDS WEST ALONG SAID CENTER LINE, 202.38 FEET TO THE SOUTHERLY LINE OF LOT 1-A IN GRAHAM'S SUBDIVISION OF SAMUEL GRAHAM'S ADDITION TO THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS, EXTENDED WESTERLY; THENCE NORTH 88 DEGREES 30 MINUTES 44 SECONDS EAST ALONG SAID SOUTHERLY LINE AND SAID SOUTHERLY LINE EXTENDED, 439.03 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT (BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY LANDS); THENCE SOUTH 17 DEGREES 45 MINUTES 00 SECONDS EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, 209.60 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

Commonly known as: 161 South Lincolnway, North Aurora, IL 60542

Tax ID: 15-04-426-010, 15-04-426-011, 15-04-426-013

SPECIAL USE STANDARDS

North Aurora

Special Use Application

PharmaCann LLC

161 S Lincolnway – Recreational Cannabis Dispensary

- 1) The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located.**

The proposed site is in the B3 – Central Business District, which permits Recreational Cannabis Dispensaries as a special use.

- 2) The proposed special use is deemed necessary for the public convenience at that location.**

The proposed special use is deemed necessary for the public convenience at this location as the location, and its neighbors are accustomed to the sale of cannabis at this site. The expansion will also represent the only Recreational Cannabis Dispensary in North Aurora, and since there are no others in the Village, the proposed special use will serve a need in the community. It will also help drive increased tax revenues into the Village. This particular location is well-suited to accommodate this use, as cannabis sales are not new to the neighborhood, and the surrounding area is commercial in nature.

- 3) The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community.**

The proposed special use does not create excessive additional impacts at the public expense. The existing space is suited for the proposed sale of cannabis and related products since the applicant has operated such a business there over the past several years. Additionally, the operator has experience from other states in recreational cannabis dispensary operations. Accordingly, the history of the current use, and the experience of the current operators in cannabis sales shows that the proposed special use will have a similarly limited impact on the surrounding uses.

This use will be beneficial to the economic welfare of the community as sales of Recreational Cannabis can be taxed beyond general sales taxes for the benefit of the municipality. The Applicant projects \$600,000 of added tax revenue annually for the Village.

- 4) The proposed use is in conformance with the goals and policies of the Comprehensive Plan and all Village codes and regulations.**

The proposed special use will help to establish a vibrant and unique commercial use consistent with the goals of the Comprehensive Plan to develop Lincolnway into an attractive, multifunctional corridor and to promote and maintain vibrant commercial areas throughout the Village to serve the day-to-day needs of local and regional residents.

The establishment of a Recreational Cannabis Dispensary will specifically address the Village's objective to encourage new commercial uses that will increase the range of employment opportunities and strengthen and expand the Village's tax and economic base.

The proposed use will be operated in accordance with all Village codes and regulations.

- 5) The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity.**

The proposed special use is an existing medical cannabis sales facility. The space is currently designed and operated in a manner that is harmonious and compatible in use and appearance with the surrounding uses. The expansion of the use will continue in a professional and harmonious manner so as to maintain and enhance the character of the neighborhood as a whole.

- 6) The proposed special use will not significantly diminish the safety, use, enjoyment and value of the property in the neighborhood in which it is located.**

The proposed special use will not significantly diminish the safety, use, enjoyment and value of the property in the neighborhood. On the contrary, it will expand upon an existing, unique use in the neighborhood, which will help increase the value of the area. The use will continue in an existing space and will be operated by the current operators. The experience of these operators will help ensure the use will remain consistent and compatible with the surrounding uses. Consistent with State of Illinois requirements, the operator will have a robust safety and security plan to ensure no diminution in safety for the neighborhood.

- 7) The proposed special use is compatible with development on adjacent or neighboring property.**

The proposed special use, just as the current use, is compatible with development on adjacent or neighboring property. The location is in a center with medical office and professional services as well as commercial uses. Other, similarly varied commercial uses populate the street. The Medical Cannabis sales aspect of the current and proposed business is compatible with the other medical uses, while the recreational component of the business is compatible with the diverse commercial makeup in the vicinity.

- 8) The proposed special use minimizes potentially dangerous traffic movements, and provides adequate safe access to the site.**

The proposed special use is in an existing building with safe ingress and egress to Lincolnway. Access to the site will continue to operate safely even with the addition of recreational cannabis sales. The existing building and parking area is designed to promote traffic and pedestrian safety and to minimize potentially dangerous traffic movements.

- 9) The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of the Ordinance.**

The dispensary location is in an existing building which provides parking as required by village ordinance.

10) The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessities.

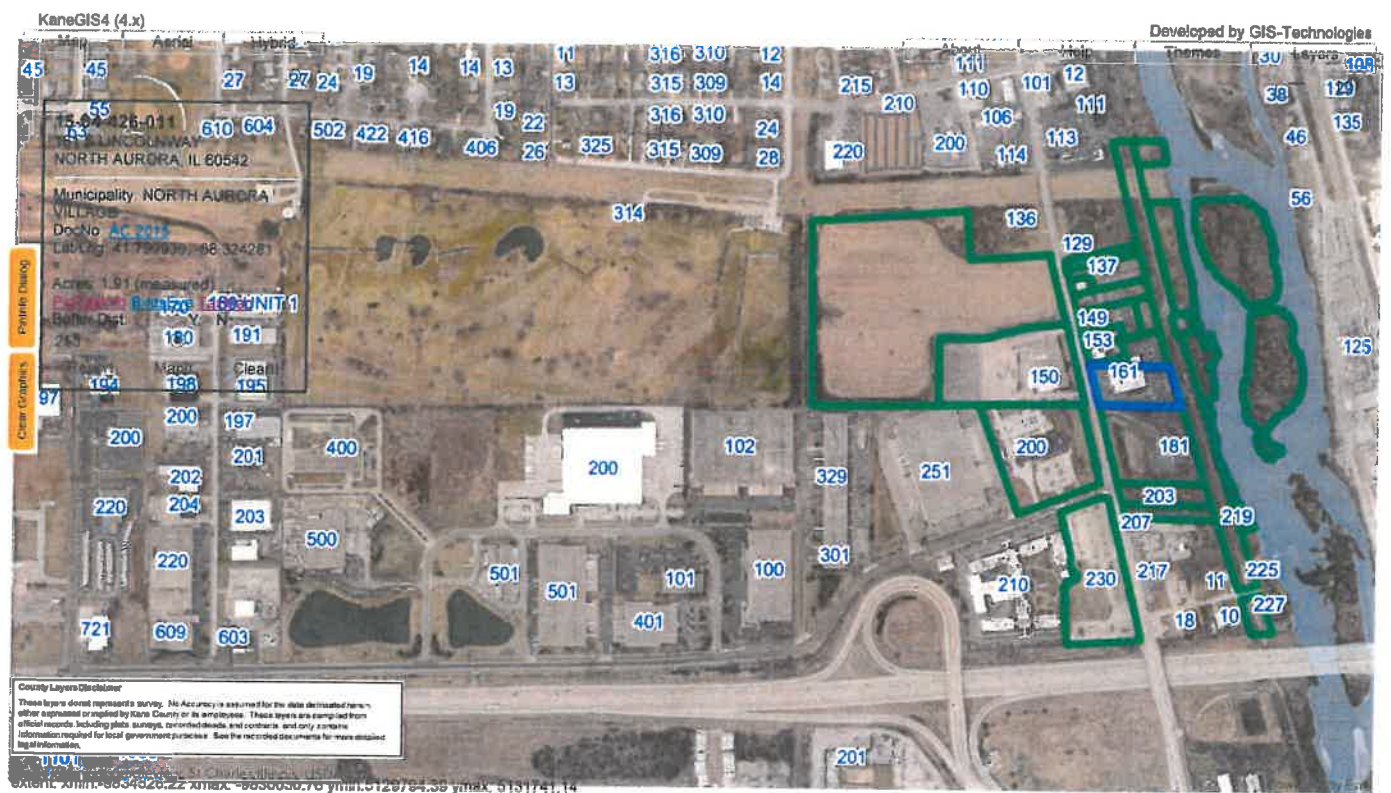
The proposed special use will be adequately served by adequate utilities, drainage, road access, public safety and other necessities, in the same way that the existing use is served at this location.

11) The proposed special use conforms with the requirements of this ordinance and other applicable regulations.

The proposed site is in the B3 – Central Business District, which permits Recreational Cannabis Dispensaries as a special use. The existing site otherwise complies with the requirements of the zoning ordinance and other applicable regulations.

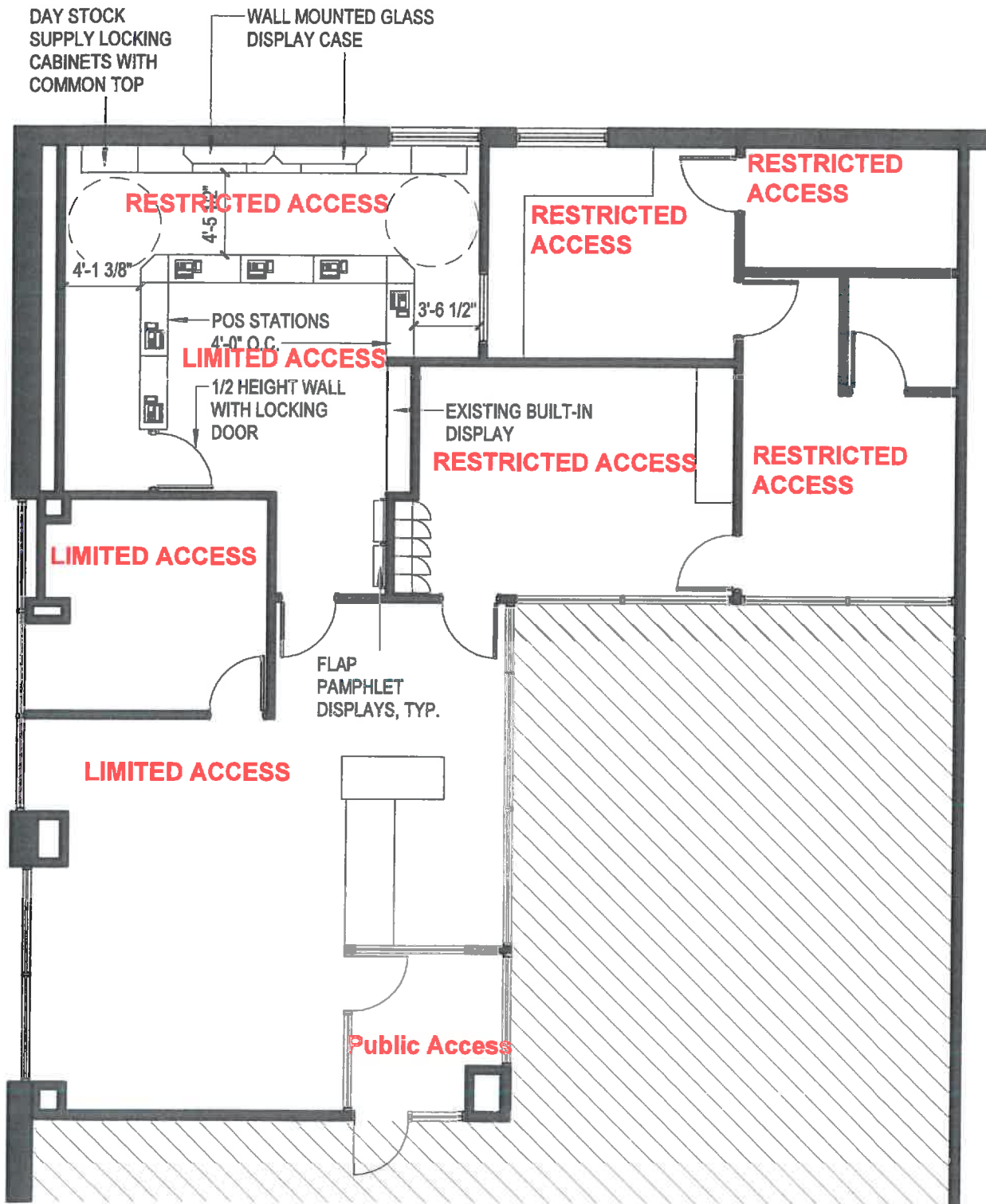
NOTICE LIST AND MAP

1504426011 TYLER GLEN LLC, 161 S LINCOLNWAY STE 311 NORTH AURORA, IL, 605421662	1504401013 LOTUS PACIFIC HOLDING LLC, TSANG CHU 1100 SHERMAN AVE STE 115-A4 NAPERVILLE, IL, 60563-4855	1504401019 NORTH AURORA VILLAGE 25 E STATE ST NORTH AURORA, IL, 605421684
1504401021 SLAKER FAMILY TRUST, SLAKER ROBERT J & WILLIAM P COTRUSTEES 813 REVERE CT	1504426010 TYLER GLEN LLC, KEVIN FITZPATRICK 161 S LINCOLNWAY STE 311 NORTH AURORA, IL, 605421662	1504426012 BRACKETT, RICHARD D DCLRN OF TR, TRUSTEE, 43 SILVER TRL NORTH AURORA, IL, 605421580
1504426013 TYLER GLEN LLC, 161 S LINCOLNWAY STE 311 NORTH AURORA, IL, 605421662	1504426017 CREMER, CARL F & THERESA A 153 S LINCOLNWAY NORTH AURORA, IL, 60542	1504426021 LINDOO, WILLIAM C JR TRUST LINDOO WILLIAM C JR OR RHONDA F TRUSTEES 05S016 SWAN RD BIG ROCK, IL, 60511
1504426022 LINDOO, WILLIAM C JR TRUST LINDOO WILLIAM C JR OR RHONDA F TRUSTEES 05S016 SWAN RD BIG ROCK, IL, 60511	1504427012 FOX VALLEY PARK DISTRICT, 101 W ILLINOIS AVE AURORA, IL, 605065989	1504427013 FOX VALLEY PARK DISTRICT, 101 W ILLINOIS AVE AURORA, IL, 605065989
1504427014 FOX METRO WATER RECLAMATION DISTRICT, CONTROLLER 682 STATE ROUTE 31 OSWEGO, IL, 605438500	1504476017 TA, ANDREW D MD & MARY E 315 PINECREST CT AURORA, IL, 60504	



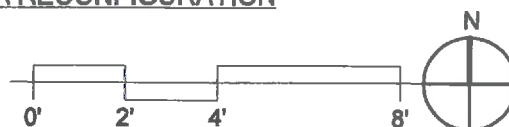
PLAT OF SURVEY

SITE PLAN



PHARMACANN - NORTH AURORA DISPENSING AREA RECONFIGURATION

09.18.19



PUBLIC HEARING NOTICE

**SPECIAL USE TO ALLOW A RECREATIONAL CANNABIS DISPENSARY IN THE B-3
CENTRAL BUSINESS DISTRICT AT 161 S. LINCOLNWAY, VILLAGE OF NORTH
AURORA, ILLINOIS**

PLEASE BE NOTIFIED of a hearing before the North Aurora Plan Commission on Tuesday, November 5, 2019 at 7:00 p.m. at the North Aurora Village Board Meeting Room, 25 E. State Street, North Aurora, Illinois. The applicant requests the following:

1. Special Use to allow a Recreational Cannabis Dispensary in the B-3 Central Business District.

The property is commonly known as 161 S. Lincolnway, North Aurora, Kane County, Illinois. PIN#'S 15-04-426-010,-011,-013.

An application has been filed by the petitioner and is known as petition number #19-08. The petitioner is PharmaCann LLC. The proposed special use will permit the petitioner to operate a Recreational Cannabis Dispensary in conjunction with the existing medical cannabis dispensary currently operating on site.

The application for special use is on file at the office of the North Aurora Community Development Department and is available for public inspection. Public comments will be taken at the public hearing. Further information is available by contacting the Community Development Department at 630-897-8228.

Dated this 9th day of October, 2019

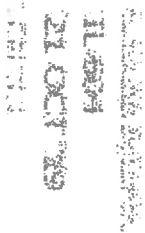
/s/ Mike Toth
Community Development Director



THOMPSON
COBURN LLP

55 East Monroe Street
37th Floor
Chicago, IL 60603

1504401019
NORTH AURORA VILLAGE
25 E STATE ST
NORTH AURORA, IL 60542-1684



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VILLAGE OF NORTH AURORA BOARD REPORT

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: 24 S. LINCOLNWAY (MOKA COFFEE) TIF REQUEST
AGENDA: NOVEMBER 18, 2019 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The subject property is developed as an operational drive through coffee shop located in the Route 31 Tax Increment Financing District. The business/property owner has made a formal request to the Village for the reimbursement of certain site development costs associated with the redevelopment of the property. A request in the amount of \$232,758 over the course of a five (5) year period has been made to assist with borrowing costs. According to the property owner, the cost to acquire the land, build and put the business into service was over \$1,100,000.

The request being made was not unanticipated as it is the result of several months of discussion between Village staff and the business owner. The business owner discussed the potential need for TIF assistance before, during and after completion of the project. For informational purposes, staff notes the following benchmarks associated with the subject property:

1. **February 2016** – the Village purchased the subject property for \$200,000.
2. **September 2016** – the Village awarded the bid for the demolition of all site improvements and removal of underground storage tanks to Fox Excavating, Inc. at a cost of \$49,900.
3. **March 2018** – the Village sold the subject property for \$200,000 to the current property owner for development of the drive through coffee shop.
4. **February 2019** – the Village reimbursed the property owner in the amount of \$39,997 for the testing and disposal of contaminated soils.
5. **March 4, 2019** - the Village issued the temporary Certificate of Occupancy allowing the business to operate.
6. **May 31, 2019** - the Village issued the final Certificate of Occupancy.

The Village's TIF consultant, Teska Associates, Inc., has verified that the items requested as part of the reimbursement are TIF-eligible expenses. While an after-the-fact request is atypical, request and reimbursement can be made after completion of a project.

Route 31 Tax Increment Financing District

- 5.75 years remaining
- Current TIF revenue = \$508,000
- Ending fund balance = \$1,614,260 (May 31, 2019)

The Operations Committee discussed this item at their November 4, 2019 meeting. The business/property owner conducted a PowerPoint presentation, which included background on the business, specifics on the development costs, why the development costs were high and how the TIF funds would assist the business moving forward. Said PowerPoint presentation has been attached for informational purposes. While some Board members questioned the need for the financial assistance, in the context that the absorbent development costs should have been anticipated, the general consensus from the Board members was that the Village should provide some type of financial assistance. The Committee did inquire about the anticipated annual tax increment generated by the property, which staff estimates to be \$1,700 (2019 tax year).

Assuming support for an incentive agreement, staff is requesting feedback from the Village Board on the questions below. The questions are intended to provide the structure for a potential agreement, a draft of which would be brought back before the Village Board for additional feedback at a future Committee of the Whole meeting.

Are there any additional stipulations the Village Board would like to add to a potential TIF Agreement?

- The property owner provide documentation of all costs associated with the request in the form of paid invoices, canceled checks or any other documented proof of payment.
- Reimbursement be contingent upon the operational status of the business – if the business were to close, reimbursement would subsequently cease.
- Forfeiture of rights to any future financial assistance request to the Village.
- The business/property be in good standing with the Village.
- No delinquency of future payment to any taxing bodies.

The petitioner provided a specific breakdown of their request. Is the following amount(s) acceptable to the Village Board or is there a different amount that the Village Board is comfortable with?

	<u>Amount</u>	<u>Percentage of Request</u>
Environmental test, staking, surveying:	\$8,226	4%
Earthwork, parking & other site work:	\$48,662	21%
Site Utilities – Sanitary, Water and Storm:	\$78,361	34%
Site concrete, curbs, paving & walkways:	\$82,570	35%
Site Electric – Service and Site Lighting:	<u>\$14,939</u>	<u>6%</u>
	<u>\$232,758</u>	100%

The petitioner requested payout over a five-year term in the amounts provided below. Is this acceptable to the Village Board or is there a different payout schedule the Village Board is comfortable with?

<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
\$85,000	\$70,000	\$35,000	\$25,000	\$17,758

Attachments:

1. Request for funds, prepared by Scott Miller, received September 30, 2019
2. Request for funds Operations Committee presentation, prepared by Scott Miller, presented November 4, 2019

MILLER COFFEE PROPERTY, LLC

Village of North Aurora

Attn: Mike Toth

25 E. State St.

North Aurora, IL 60542

Dear Mike

Please let this letter serve as request for TIF funds, for reimbursement of TIF eligible expenses related to the now completed Moka Coffee Shop site at 24 S. Lincolnway, North Aurora. The following is a summary of requested reimbursement of site-related expenses:

Environmental testing, staking, surveying: \$8226

Earthwork, parking & other site work: \$48,662

Site Utilitites - Sanitary, Water and Storm: \$78,361

Site concrete, curbs, paving, & walkways: \$82,570

Site Electric - Service and Site Lighting: \$14,939

Total: \$232,758 requesting to be paid over a 5 year period.

This list excludes haul-off of contaminated soil (already reimbursed). It also excludes \$140,365 of other TIF eligible expenses, including all of the Supervision & GC costs, landscaping, & other costs, none of which are related to the building construction itself. The total cost of this entire project has been approx. \$1,100,000 to date, and these reimbursements are vital to the business's survival. I would be happy to present details of this request in person.

The following page provides some background information that may be helpful in supporting this request.

28575 Deerpath Rd., Batavia IL 60510

630.536.4579

Email: espressoscott@gmail.com

Moka is a family owned (Scott & Jeanette Miller, & family) and operated drive-thru/walk-up coffee shop. We have 14 employees and are becoming very active in the community and in building business relationships.

Moka, being located in the TIF district, is requesting relief for a portion of the TIF eligible expenses that will allow Moka to be able to sustain itself by reducing our monthly debt payment. The request would be for financial relief over a 5 year period, with stipulations on our part including keeping the business license in good standing, the property in good shape, and our continued growing involvement in the community.

Several factors in the project evolution became extremely expensive, mostly related to site work that was far beyond our planned expectations. The following are some of the assumptions we made which contributed to the unexpected high cost of the project: 1) Construction Costs would be reasonably similar to other Moka stores, 2) A construction estimate would be reasonably possible before the land purchase, 3) some TIF relief would be possible for TIF eligible expenses, and 4) the time table to design and build would be similar to WI/MN stores.

Detail bids we finally received ranged from \$560k to \$921k, and even with the lowest bid we went with (after a 2nd round of bidding and) along with choosing the most knowledgeable/experienced GC, there were still a number of change orders that brought the final construction piece to over \$677k (excluding the land and other costs).

We believe this request for relief will give us the ability to have cashflows based on proformas, largely from other similar Moka stores actual performance, that will allow us to stay in business for the long haul. Without relief, we fear the debt monthly debt payments will prevent sustainability over time.

Again, this is not the entire list of TIF eligible expenses, but it is a partial list of identifiable costs that are clearly specific to the project that we could not have done any cheaper, in our opinion. So far our reception from North Aurora patrons has been amazing and seems to be, best we can tell, just what the community needs on the Lincolnway strip. We would be happy to come and give a more detailed overview of the project and need for the relief, along with a specific 5-year plan for success and ongoing involvement in the community.



Thank you - Scott Miller

28575 Deerpath Rd., Batavia IL 60510

630.536.4579

Email: espressoscott@gmail.com



General Info on Moka

Family owned and operated (Scott & Jeanette Miller, as well as their kids and Scott's parents)

14 Employees & Growing

Building Connections in North Aurora Community

Garage 31, Brunos, Juqualita Tacos, 7-11, A&W, Harners Bakery,
Taking Control Counseling, Park Eye Care, & more

Future public use of lawn for North Aurora days, Fireworks, Parade

Summer walk up and bike up traffic, Share & Care kids field trips

Starting a trash pickup schedule with employees in the surrounding blocks.

Overwhelming response from local North Aurora patrons & businesses, all ages - including police officers & fire dept.

General Info on Moka

Fundraising & Memberships

Have had many community donation requests & participations
(Soccer kids, local schools/brew boxes, teacher
appreciation, Library, Aurora Central Catholic, Soccer kids
from Aurora West, Valley Spine & Pain Care, etc.)

Chamber of Commerce

Batavia Dance Pom Team

North Aurora Days sponsor

Messenger Library Reading Club

We feel we have barely scratched the surface with community involvement &
donations, and want to continue to do more to contribute to local & community
events as we grow.

General Background Info

We wanted to find a great location, and expected
that the cost to build would be reasonably similar to
other Moka Stores.

The following is a general time-line, bid info,
assumptions related to the project, and summary
of costs.

Land Cost / Timeframe

Oct 2017	Worked with Mike Toth on evaluating the Lincolnway / John St. Lot
Nov 2017	Began working with ISG and developing architect drawings needed to do any bidding for construction
Mar 2018	Closed on Land (\$204k, or ~\$8.51/sf)

At this time, Dunkin' was a contender. The challenge: drawings were needed for a bid, and bidding required a commitment for the land.

Original Development Assumptions

Assumption #1 - Construction costs
would be reasonably similar to other stores.

WI - LaCrosse Store - \$245,631 (~425 sq ft) 2017

WI - Onalaska Store - \$218,391 (~400 sq ft) 2017

vs.

North Aurora - \$677,337 (656 sq ft) 2018/2019

Original Development Assumptions

**Assumption #1 - Construction costs
would be reasonably similar to other stores.**

Examples:	WI	North Aurora
Plumbing	\$15,571 or \$39/sf	\$40,065 or \$61/sf
Signage	\$19,400 - \$48/sf	\$37,040 or \$56/sf
Electrical	\$13,500 - \$34/sf	\$30,150 or \$46/sf

Original Development Assumptions

**Assumption #2 - Construction Estimate would be
Possible before Land Purchase decision for an
Independent**

**We learned that no construction company will put the effort,
understandably, into the work of a bid until the land is acquired, and
construction drawings are reasonably finished.**

Original Development Assumptions

Assumption #3 - Being in a TIF District, we assumed some TIF Eligible costs could be reimbursed.

Examples

Earth/Site Work (includes storm drain system)

Utility Connections

Concrete / Paving

Environmental Testing

Original Development Assumptions

Assumption #4 - Time frame to design and build would be similar to WI

The project took 9 months longer to complete compared to similar WI stores.

This resulted in more costs, and store operating time lost.

Round 1 - Construction Bids

- Completed Draft Drawings needed for bidders - Bid letter initiated by ISG on 3/26/18 with 4/5 Deadline
- Market & Johnson (Built the other local Mokas)
- Lou Rotella (Local) dropped out due to an upcoming surgery
- ACI Construction (local)
- Hogan's Design and Construction (local)
- Charlie Blood - Kaneland Properties/BBC Construction (local)
 - M&J initially said they would do the project, but then never did complete a bid.
- Remaining few bids ranged from \$650 to \$921k

Round 2 - Construction Bids

- Initiated my own bidding process, met with each construction company, after 2 months:

Paramount Construction (J. Young) & Kaneland Properties (C. Blood)
\$560,124 (Winning Bid - St. Charles)
 Hogan Design and Construction **\$615,840**
 Tom Krakkevik with MRC **\$609,480**
 ACI Contractors & Builders **\$713,914** (was **\$921,000** first round)
 Franklin Development – Est/verbal **\$850,000**
 Schramm Construction Corp. **\$610,000**

Construction Costs

General Categories

Site Work: Soil testing, Parking Lot, Paving	\$177,264
Site Utilities: Sanitary, Water, Storm	\$78,361
Plumbing, Elect, HVAC, Fire	\$125,873
Concrete, Carpentry, Materials	\$118,617
Roofing	\$41,825
Landscaping	\$32,022
All Other & Supervision	\$103,375
Total Construction	\$677,377

Unanticipated Construction Costs

(Change Orders)

16 Change orders totaling: **\$117,213**

Items include: grease trap, water main changes, IDOT parking lot changes, earthwork & utilities, hauling contaminated dirt, erosion blankets, etc.

Reimbursed by ISG (replace drive thru window) **(\$6,205)**

Reimbursed by Village (contaminated soil) **(\$39,997)**

Net additional unanticipated costs **\$71,011**

Soft & Other Costs

Architect Fees & Other	\$54,332
Signage	\$37,139
Gov't Fees	
Permit Fees	\$5,824
Public Hearing, Reg, Civil Eng & Other	\$6,400
Fox Metro	\$7,425
Attorney	\$8,487
Total	\$119,548

Summary of All Costs

Land	\$204,102
*Construction	\$677,377
(Orig Bid = \$560,124 + \$117,213 in Change Orders)	
Equipment	\$94,555
All Other Costs	\$133,327
Total	\$1,109,361

(\$413,120 of this total related to TIF type expenses*)

Funds Request

Requesting these funds to help relieve the borrowing cost and help cash flow. Total cost to acquire land, build, and put into service has required over \$1,140,000 to date - much more than initially expected.

This comes out to \$1,032/sq ft., when factoring just the construction costs.

Most recent similar stores in WI, 2017:
 LaCrosse, WI \$577/sq ft
 Onalaska, WI \$513/sq ft

Requested TIF relief:

The total project resulted in **\$413,120** that were TIF eligible type expenses. \$39,997 was already reimbursed from the village for soil remediation.

Total Request: Of the remaining **\$373,123** in TIF type expenses, we are requesting **\$232,758** spread over the course of **5 years**, provided we stay in business and are actively involved with North Aurora businesses and community.

Breakdown of TIF relief:

Environmental testing, staking, surveying	\$8,226
Earthwork, parking & other site work	\$48,662
Site Utilities - Sanitary, Water and Storm	\$78,361
Site concrete, curbs, paving & walkways	\$82,570
Site Electric - Service and Site Lighting	\$14,939
Total	\$232,758

Requested TIF relief:

\$232,758 spread over the course of **5**
years:

Year 1	\$85,000
Year 2	\$70,000
Year 3	\$35,000
Year 4	\$25,000
Year 5	\$17,758

Sales Proforma and Summary of Benefit

	Jun-Oct 2019 Avg Mo.	Year 2 Avg Mo.	Year 3 Avg Mo.	Year 4 Avg Mo.	Year 5 Avg Mo.
Sales	\$ 53,177	\$ 56,947	\$ 60,717	\$ 64,486	\$ 68,256
COGS	\$ 19,717	\$ 20,290	\$ 20,864	\$ 21,437	\$ 22,011
Gross Profit	\$ 33,460	\$ 36,656	\$ 39,853	\$ 43,049	\$ 46,245
Total Expense	\$ 24,353	\$ 25,069	\$ 25,784	\$ 26,500	\$ 27,216
Net Ordinary Income	\$ 9,107	\$ 11,588	\$ 14,068	\$ 16,549	\$ 19,029
Less Current Loan Pmt	\$ (12,372)	\$ (12,372)	\$ (12,372)	\$ (12,372)	\$ (12,372)
Net Monthly Income	\$ (3,265)	\$ (784)	\$ 1,696	\$ 4,177	\$ 6,657
TIF adjusted Loan Pmt	(\$11,450)	(\$10,626)	(\$10,179)	(\$9,822)	(\$9,534)
Net Monthly Income	(\$2,343)	\$961	\$3,889	\$6,726	\$9,495

Year 1 Actual for N. Aurora Store, based on Jun-Oct 2019 Avg
 Year 5 Target based on average of 3 Wisconsin stores most similar to
 N. Aurora, newly established, 2019 Operating Data from Moka HQ
 Year 2-4 Assuming average annual growth to year 5

Commitment Requirements for Relief:

- No Delinquencies on:
 - Annual Business License Registration
 - Property Taxes
 - Continue to be open for business
- Keep Property Tidy - landscape, litter, snow removal, etc.
- Will have no additional Financial Requests

Funds Request

In addition to higher construction costs, some additional requirements were included such as a sprinkler system / fire suppression. Economy of scale problem - **the small size of the building still has all of the components of a large building.**

The funds assistance should alleviate the going concern of the business over the long haul, and we believe the business is good for the all who benefit - our family & employees, local neighboring business, patrons, and the village in general.

MOKA[®]
ESPRESSO.COFFEE.TEA

Thank You!