



**PLAN COMMISSION AGENDA
VILLAGE HALL BOARD ROOM
25 E. STATE STREET
TUESDAY, NOVEMBER 5, 2019
7:00 PM**

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated October 1, 2019.

PUBLIC HEARING

1. **Petition #19-08 (161 S. Lincolnway)** The petitioner, PharmaCann, LLC, requests a Special Use to allow an Adult-Use Cannabis Dispensing Organization (Recreational Cannabis Dispensary) in the B-3 Central Business District.

NEW BUSINESS

1. **Petition #19-08 (161 S. Lincolnway)** The petitioner, PharmaCann, LLC, requests a Special Use to allow an Adult-Use Cannabis Dispensing Organization (Recreational Cannabis Dispensary) in the B-3 Central Business District.

OLD BUSINESS

1. None.

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
OCTOBER 1, 2019**

CALL TO ORDER

Chairman Brackett called the meeting to order.

ROLL CALL

In attendance: Chairman Mike Brackett, Co-chairman Jennifer Duncan, Commissioners Mark Rivecco, Connie Holbrook, Mark Bozik, Doug Botkin, Anna Tuohy, Aaron Anderson and Mark Rivecco.

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Village Clerk Lori Murray.

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated September 3, 2019

Motion for approval made by Commissioner Lenkart and seconded by Commissioner Bozik. All in favor. **Motion approved.**

PUBLIC HEARING

Chairman Brackett opened the public hearing. There were no audience comments. The public hearing was then closed.

1. Petition #19-07 The Village requests amending Title 17 of the North Aurora Municipal Code (Zoning Ordinance) as follows:

- 1) Title 17.8.2 to allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Title 17.9.2 to allow Recreational Cannabis Dispensaries in the I-1 - Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Title 17.9.2 to allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Title 17.10.2 to allow Recreational Cannabis Dispensaries in the O-R -Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.

- 5) Title 17.11.2 to establish buffer requirements for Recreational Cannabis Dispensaries from the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.
- 6) Title 17.11.2 to prohibit on-site consumption of cannabis as part of any permitted or conditional use.

NEW BUSINESS

1. Petition #19-07 The Village requests amending Title 17 of the North Aurora Municipal Code (Zoning Ordinance) as follows:

- 1) Title 17.8.2 to allow Recreational Cannabis Dispensaries in the District B-1 – Community Business District, B-2 – General Business District and B-3 – Central Business District as a special use.
- 2) Title 17.9.2 to allow Recreational Cannabis Dispensaries in the I-1 - Limited Industrial District, I-2 – General Industrial District and I-3 – Central Industrial District as a special use.
- 3) Title 17.9.2 to allow Cannabis Craft Growers, Cannabis Infuser Organizations, Cannabis Processing Organizations, and Cannabis Transporting Organizations in the I-2 – General Industrial District as a special use.
- 4) Title 17.10.2 to allow Recreational Cannabis Dispensaries in the O-R -Office and Research District and O-R-I – Office Research and Light Industrial District as a special use.
- 5) Title 17.11.2 to establish buffer requirements for Recreational Cannabis Dispensaries from the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older.
- 6) Title 17.11.2 to prohibit on-site consumption of cannabis as part of any permitted or conditional use.

Mike Toth stated that in 2014 the Village adopted Zoning Ordinance provisions that allowed medical dispensaries as a permitted use in all non-residential districts and cultivation centers as a special use in the I-2 District. Medical dispensaries are not allowed in residential districts. At one time there was a 1,000 foot buffer requirement from schools, parks and daycares. That is no longer

the case and any dispensary opening after July 1, 2019 is no longer subject to the provisions of the separation requirement.

The last Plan Commission meeting was held on September 3rd. At that time, discussion centered on several questions from staff:

- 1) Whether they would want to limit the number of recreational cannabis dispensaries?
- 2) If there is a particular zoning district appropriate for recreational cannabis dispensaries?
- 3) Whether recreational cannabis dispensaries should be a permitted or special use?
- 4) Whether the Village should adopt setbacks for setbacks from schools, parks, and day cares?

For the public hearing this evening, staff is proposing recreational cannabis dispensaries in all non-residential zoning districts.

Commissioner Duncan said she would not be averse to keeping the 1,000 foot setback in place. Duncan said that the buffer would be a way to control the number of dispensaries in the Village.

Duncan asked if the Board was firm on not having anything but dispensaries. Toth said that at the last Board meeting, the trustees focused the conversation around the dispensaries. That is not to say that they were not interested in the other uses. Bosco said that since the Village currently has a dispensary in town that is already petitioning to open a recreational dispensary and January 1st is right around the corner. Staff wanted to see how the Board felt about recreational marijuana in general in the community. Bosco said that if anyone wants to come forward and wants to open something that is not permitted, it will still open up the process to make a text amendment to the zoning code.

Commissioner Botkin said that he was fine with not having a buffer because it would be more rigorous than the medical dispensaries. Mike Toth noted that the State regulation requiring the dispensaries to be 1,500 feet apart is still in place as part of the Regulation Tax Act. Toth noted that if the Plan Commission so desired, they could memorialize the 1,500 foot separation in the code, in the event that the state removes it.

Chairman Brackett asked how the Commission felt about memorializing the 1,500 foot setback. Rivecco – in favor, Tuohy – in favor, Anderson – could vote either way, Lenkart – could vote either way, Duncan – in favor, Holbrook – in favor, Bozik – could vote either way, Botkin – in favor. (In favor – 5, either way – 3)

Commissioner Bozik asked if there is still an advertising setback. Toth said yes and that the setback is 1,000 feet for the advertisement of cannabis products. Bozik said that if we keep the 1,000 foot radius, how it would affect home daycares that are licensed by DCFS. Toth said that the buffer map includes those private residences. Bozik said his concern is that someone who is not in favor of the dispensaries could decide to get a license for a daycare which would in turn not allow a dispensary to open in a specific location. Bozik suggested removing the 1,000 foot radius and address this as a special use.

Commissioner Holbrook asked if the 1,500 foot buffer is just between dispensaries. Toth said yes. Holbrook said she is in favor of keeping the 1,000 foot buffer.

Bosco noted that the buffer does not just mean the distance, but the make up as well. The Commission can add residential or remove daycares or parks. It can be designed around what the Village wants.

Commissioner Lenkart asked if staff had determined what the maximum number of dispensaries would be with a 1,000 foot buffer and the 1,500 foot separation versus without the 1,000 foot buffer. Toth said that analyzed the GIS map but did not get an approximate number. Toth then referenced the scale on the map as a way to gauge the potential separation between dispensaries. Toth noted that in working with some groups that are looking to come into town, they are having problems finding properties since the buffers are in place. Lenkart said he didn't think the 1,000 foot buffer was needed and that by dropping that buffer, the potential locations for the dispensaries would not increase. Bosco said that without the buffer, it would open up availability to three commercial areas: Randall Commons (Orchard & Randall), Chesterfield Plaza (Butterfield & Mitchell) and State & 31.

Chairman Brackett said the Commission is struggling with keeping it clean, but not making it difficult for the businesses to succeed.

Commissioner Anderson said he agreed with a lot of what was said and was in agreement that the buffer could be removed. If this is not going to be a permitted use and going to be a special use. State law does a good job setting out what the parameters are. Anderson said in terms of memorializing the 1,500 foot setback, he could go either way and wants to give businesses the full value of state law as it exists. Specifics can still be addressed through the special use process.

Commissioner Tuohy agreed with Commissioner Duncan and was in favor of keeping setbacks. Tuohy said that the residents she has spoken to so far have not been too friendly about the idea of having the dispensaries in town.

Commissioner Rivecco said he was in favor of the buffers being only around schools.

Duncan said we also need to think about property values and how this will affect our homes.

The commission voted on the six items in the petition:

Amendment #1 as written. Motion for approval made by Commissioner Botkin and second by Commissioner Bozik): All vote yes.

Amendment #2 as written. Motion for approval made by Commissioner Bozik and seconded by Commissioner Botkin: All vote yes.

Amendment #3 as written. Motion for approval made by Commissioner Holbrook and seconded by Commissioner Bozik: All vote yes.

Amendment #4 as written. Motion for approval made by Commissioner Duncan and seconded by Commissioner Holbrook: All vote yes.

Amendment #6 as written. Motion for approval made by Commissioner Tuohy and seconded by Commissioner Rivecco: all vote yes.

The Plan Commission was in agreement with items 1, 2, 3, 4 and 6. Further discussion was needed for Amendment #5.

Chairman Brackett asked who would be in favor of dropping the 1,000 foot buffer, with the exception of the four public schools.

Commissioner Botkin said that these items could be addressed through the special use process.

Bozik said if we look at where the schools are and where the parks are, the majority are based in residential areas. The commercial areas are designed to be easy access to get into. Someone coming in, unless they are looking for a problem, will come in, do their shopping and leave. The threat is very minimal. Bozik questioned, "Are we looking to what we could do best or are we trying to appease what we think some of the backlash may be? What other business do we have that we regulate, with the exception of adult bookstores that have regulations like we are trying to place on recreational marijuana?" Toth said, none.

Bozik asked what the radius is for notification for a special use. Toth said 250 feet from the property line. Bozik asked if it would be possible to expand that to 500 or 750 feet for notification. Toth said he was not sure it could be done or would require a separate text amendment. Toth added that it might be a legal question to be able to put that in as a use standard.

Bosco mentioned that since January 1st is the opening for recreational sales, the petitioner would still have to come in for a special use for even their existing location since the chances of them building at a new location by that time is not likely. They plan on opening at the current location and consider moving to another location at a later date.

Commissioner Anderson asked if the 11 findings of fact for a special use is codified. Bosco said yes.

Bosco said that this would go to the Committee of the Whole meeting on October 7th. The Village Board would also look at the suggestions of immortalizing the 1,500 foot rule.

Toth said he will be asking the Village Attorney if there is the ability to get a variance from the buffer requirement.

Duncan noted that she was curious as to what the available locations would look like on the map if there was a 500 foot buffer.

Chairman Brackett asked who could vote to approve if there was no buffer in place. Rivecco – no, Tuohy – no, Anderson – yes, Lenkart – yes, Duncan – no, Holbrook – no, Bozik – yes, Botkin – yes. (No – 4, Yes – 4).

Chairman Brackett asked who could vote to approve if there was a buffer of 500 feet for schools and parks. Rivecco – yes, Tuohy – no, Anderson – no, Lenkart – no, Duncan – yes, Holbrook – yes, Bozik – no, Botkin – no. (No – 5, Yes – 3).

Bozik suggested a 1,000 foot buffer around Goodwin Elementary, Schneider Elementary, Fearn Elementary and Jewel Middle School in North Aurora and drop the buffer on all other areas. Rivecco – yes, Tuohy – yes, Lenkart – no, Duncan – yes, Holbrook – yes, Bozik – yes, Anderson – no, Botkin – no. (No – 3, Yes – 5).

Bosco said that after discussing the issue with the Village Attorney regarding memorializing the 1,500 foot buffer, it can be voted on since the Plan Commission is discussing the topic of marijuana. It can also just be recommend to the Village Board. Bosco said that Attorney Drendel suggested adding it separately in the staff report.

Amendment #7 as proposed. A motion was made by Commissioner Rivecco and seconded by Commissioner Tuohy to memorialize the 1,500-foot buffer between recreational cannabis dispensaries. Rivecco – yes, Tuohy – yes, Anderson – yes, Lenkart – yes, Duncan – yes, Holbrook – yes, Bozik – yes, Botkin – yes. **Motion approved (8-0).**

In reference to Amendment Item #5 of the petition, Chairman Brackett asked for a vote on having a 500 foot buffer in place and a 1,000 foot buffer for the four schools in North Aurora: Goodwin Elementary, Schneider Elementary, Fearn Elementary and Jewel Middle School. Rivecco – yes, Tuohy – yes, Anderson – no, Lenkart – no, Duncan – yes, Holbrook – yes, Bozik – yes, Botkin – no. (Yes – 5, No – 3).

The motion to be put forth before the Village Board:

Amendment #5 as proposed. A motion made by Commissioner Bozik and seconded by Commissioner Holbrook to recommend a 1,000 foot buffer around the four schools: Goodwin, Schneider, Fearn and Jewel in the Village of North Aurora, as the only buffer, and a special use for everything else. **Roll Call Vote:** Botkin – no, Bozik – yes, Holbrook – yes, Duncan – yes, Lenkart – no, Anderson – no, Tuohy – yes, Rivecco – yes. **Motion approved (5-3).**

ADJOURNMENT

Motion to adjourn made by Commissioner Duncan and seconded by Commissioner Botkin. All in favor. **Motion approved.**

Respectfully Submitted,

Lori J. Murray
Village Clerk

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 302
(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.

Farina
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.

Correct.
 Family of _____
 Applicant Signature
 Attorney for applicant

Applicant Signature

Attorney for applicant

Date 10.21.19

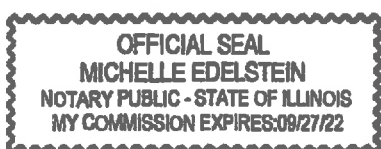
Date _____

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.

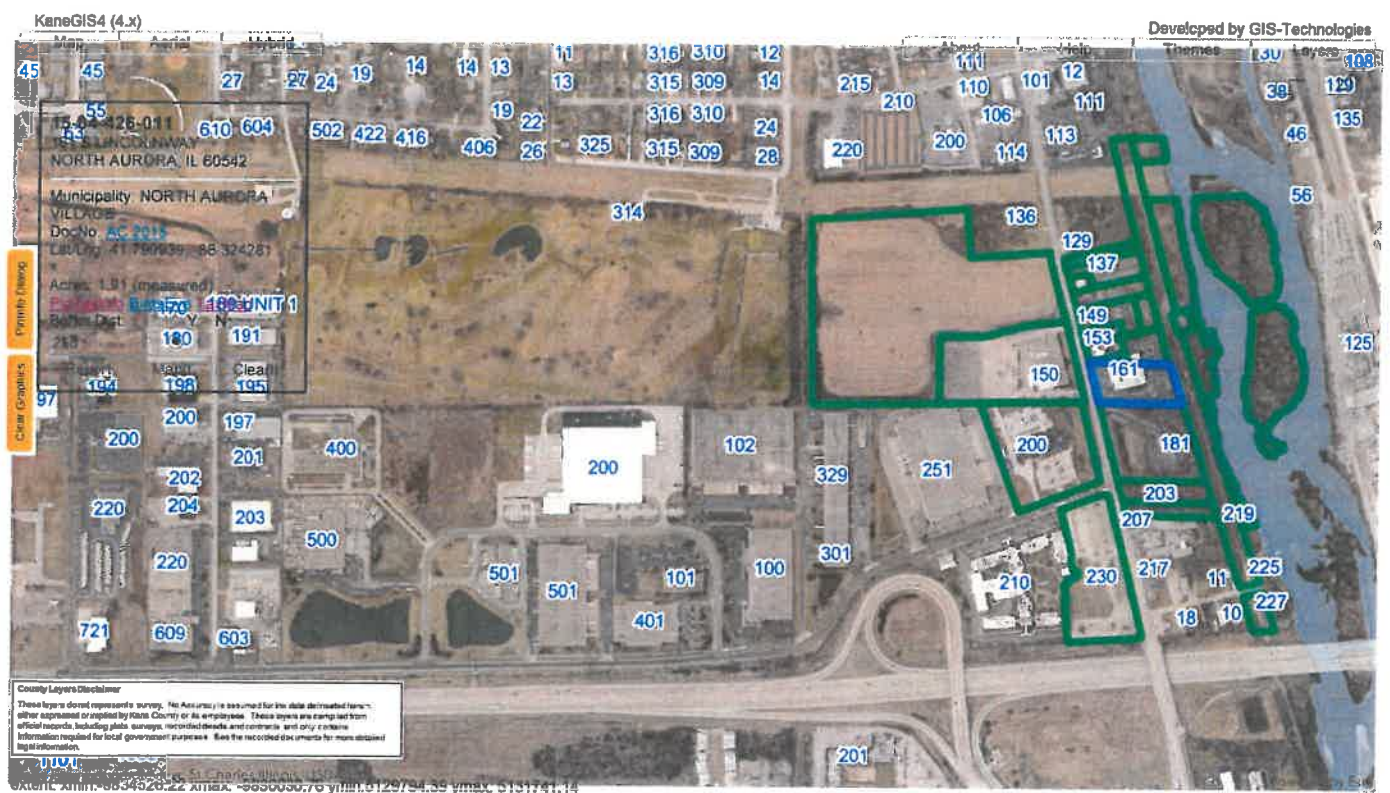
The proposed special use will be adequately served by adequate utilities, drainage, road access, public safety and other necessities, in the same way that the existing use is served at this location.

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.

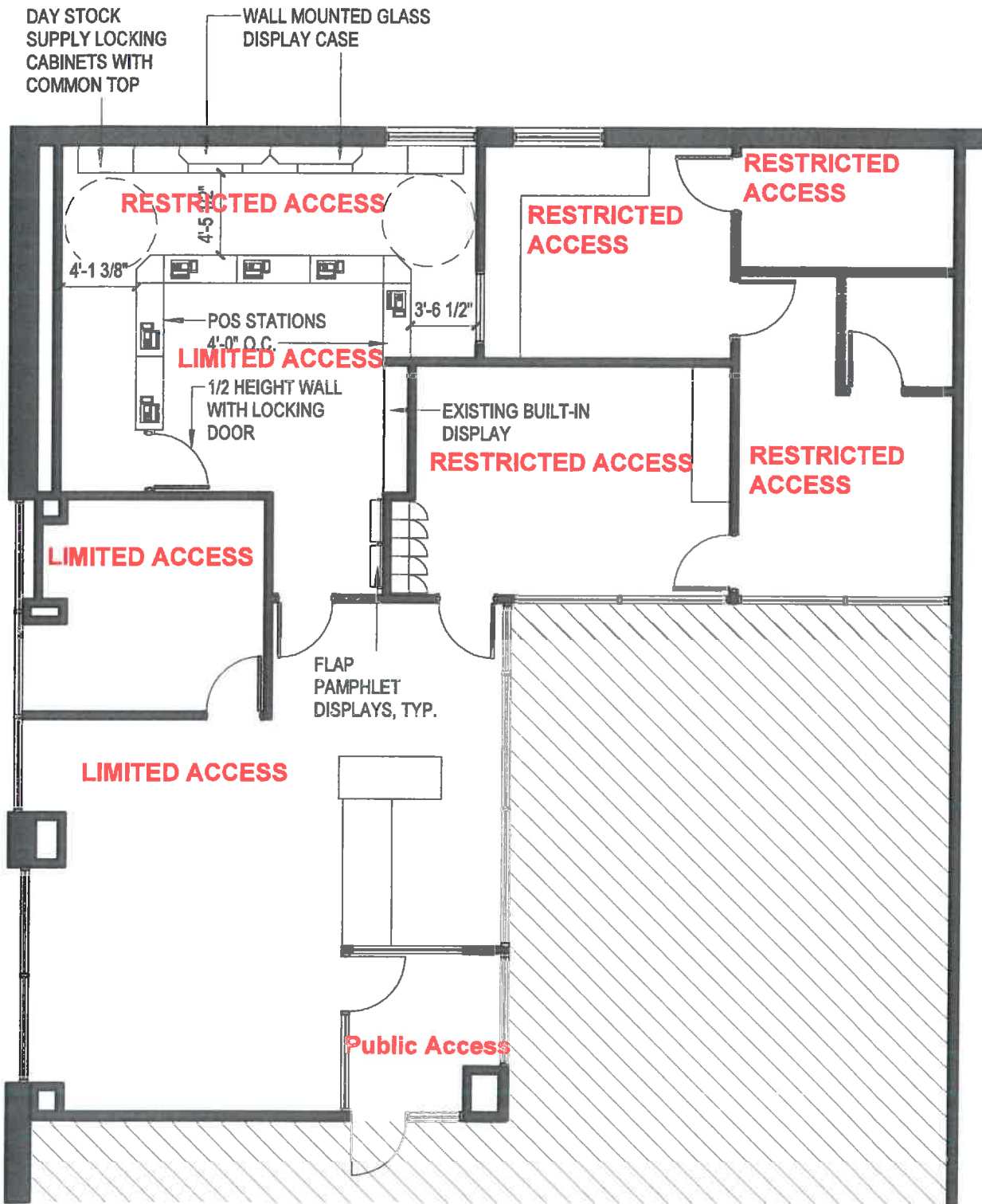
NOTICE LIST AND MAP

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.

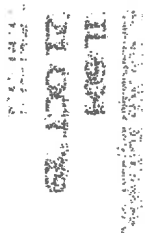
Dated this 9th day of October, 2019

/s/ Mike Toth
Community Development Director



THOMPSON
COBURN LLP

55 East Monroe Street
37th Floor
Chicago, IL 60603



NEOPOST

FIRST-CLASS MAIL

10/21/2019

US POSTAGE \$000.50⁰⁰



ZIP 60603
041M11282821

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

60542-168499



