



**PLAN COMMISSION AGENDA
VILLAGE HALL BOARD ROOM
25 E. STATE STREET
TUESDAY, SEPTEMBER 6, 2022
7:00 PM**

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated July 5, 2022

PUBLIC HEARING

1. None.

NEW BUSINESS

1. **Site Plan Approval (SPA 22-01)** – Lot 101 of Randall Crossing
2. The Village of North Aurora requests a text amendment to Title 16 of the North Aurora Municipal Code (Subdivision Ordinance) relative to parkway tree species.

OLD BUSINESS

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
July 5, 2022**

CALL TO ORDER

Commissioner Tom Lenkart called the meeting to order.

ROLL CALL

In attendance: Commissioners Aaron Anderson, Anna Tuohy, Scott Branson, Richard Newell, Doug Botkin, Tom Lenkart and Mark Bozik.

Not in Attendance: Chairman Mike Brackett and Commissioner Alex Negro

Staff in attendance: Community & Economic Development Director Mike Toth and Planner David Hansen

Also in attendance: Village Attorney Kevin Drendel

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated May 3, 2022

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

PUBLIC HEARING

- 1. Petition #22-04:** The petitioner, Pharmacann, Inc, requests a Special Use to allow an Adult-Use Cannabis Dispensing Organization on the property located at 2080 West Orchard Road in North Aurora, Illinois.

Commissioner Tom Lenkart called the public hearing to order.

Community and Economic Director Mike Toth introduced Petition #22-04. The petitioner is requesting a special use to allow an Adult-Use Cannabis Dispensing Organization at 2080 West Orchard Road in the Orchard Commons Subdivision located at the northwest corner of Oak Street and Orchard Road. Toth shared currently there is no building on the property so the building and site plan is not under question this evening. The building was approved as part of Petition #21-06 in 2021 as part of the PUD amendment for Orchard Commons/Orchard Acres development, which consist of a four lot subdivision. The hearing and meeting tonight is only regarding the special use. Presently, the building's shell permit is in for permit right now with the Village. Toth mentioned tonight is the Plan Commission public hearing where the Plan Commission listens to the presented information, provides feedback and gives a recommendation to the Village Board. Toth clarified there is no final decision tonight, but the Plan Commission will provide a recommendation. The recommendation is then forwarded on to the Village Board for discussion and eventually for final consideration. The Board meetings are not publicly advertised with signage or adjacent property

owner letters as a public hearing is. Toth noted the Village Board meets on the first and third Monday of each month and the Board packets are typically posted on the Village website the Friday before the meeting.

The petitioner, Brandon Nemec (Government and Regulatory Affairs Director of Pharmacann Inc) presented Verilife's special use relocation application. Talar Berberian, with the law offices of Thompson/Coburn out of Chicago, introduced Brandon Nemec and represents Pharmacann. Also in attendance from Pharmacann included Monte Spiers, Senior Transaction Manager, and Pete Courlas, Project Manager. Berberian mentioned all four are available to answer any questions anyone may have.

Brandon Nemec shared Pharmacann is the parent company to Verilife. Verilife is currently operating at 161 S. Lincolnway in North Aurora and is a medical and adult-use recreational cannabis dispensary. Nemec mentioned Pharmacann is here tonight to present a special use relocation request for the existing dispensary to move to 2080 W. Orchard Rd. Nemec's presentation included detailing the history of Verilife's dispensary in North Aurora, the proposed relocation of the new dispensary's site plan and floor plan details, the purpose of relocating to a larger site, how the new site would include a redesigned floor space to improve patient customer flow and improve efficiencies to avoid bottlenecks that are currently taking place at the current site, any state laws Pharmacann operations are subject to, and Verilife's security plan.

Nemec shared in 2015, Verilife received one of the first Illinois State licenses to serve medical cannabis to patients through the Compassionate Use program. In 2015, the Village approved Verilife's medical cannabis dispensary use, which is located at 161 S. Lincolnway Suite 302 on the second floor. In June of 2019, the State of Illinois passed the adult-use cannabis law called the Cannabis Regulation and Tax Act. Prior to sales commencing for adult-use, the Village approved the colocation dispensary sales use at the 161 S. Lincolnway site, which allowed the dispensary to serve the existing medical patient base as well as new recreational adult-users 21 and over. In January of 2020, adult-use sales commenced at the site. In 2021, the State law changed and now allows dispensary's to relocate. When adult-use sales commenced Verilife started to serve a much broader consumer base. Verilife will continue to serve medical patients and by law are required to do so and prioritize medical patients. Nemec said medical patients are the core reason why the company was founded. Currently, the dispensary has four point of sales (POS) terminals, which is the same number of POS terminals originally setup for medical sales when the site opened in 2015.

Nemec added Verilife's current location has a bottleneck, which creates congestion for the identification, verification and security checks at the entryway. This entryway is where Verilife verifies if the consumer has a medical patient card or is of age, if an adult recreational user. Verilife also verifies identity again at the point of sale. Verilife has conducted hundreds of thousands transactions over the past couple of years. Nemec said the redesign they are proposing to the Plan Commission today will allow everyone to spread out, which was difficult to do at our current site during the pandemic. As part of the redesign Verilife is proposing twelve (12) POS terminals for a much faster customer throughput, which would increase efficiencies and flow for customers and patients both entering the site and the building.

Nemec mentioned the proposed location has been submitted to the State upon passage of the new state law in 2021. The proposed site would be a new build out at 2080 W. Orchard Rd, which

would be a one floor build out, single tenant floor retail space, surrounded by other commercial developments at the Northwest Corner of Oak St and Orchard Rd. The site is readily accessible off of Oak St. and Madison St, which would allow patients and customers to enter the facility and park. The site plan includes 24 dedicated parking spaces. Verilife's current location is under 2,000 square feet, but the new proposed build out would be 4,250 square feet. The new site would have a sales floor of approximately 1,550 square feet with 12 POS terminals. Verilife's hours of operation would be 8am to 9pm Sunday through Saturday and 9am to 9pm on Sunday, which are the same hours as the current site. 8am to 9am Monday through Saturday are reserved for medical patients only and allows for inventory to be prioritized for medical patients and time for consolation to better aid treatment. Currently this Verilife location provides 25 full time living wage jobs. The new larger site would increase the employee base by approximately five employees for a total of 30 full time employees. The proposed site plan would also include reserved medical parking spaces, which is currently implemented at the current site. The proposed site would have 24 dedicated parking spaces compared to the current site of a shared parking lot with multiple businesses. Nemec explained the site plan and floor plan layout which included a security checkpoint within the first five to seven feet into the building and a restricted access area for employees. The proposed site will have a restricted access entry area for deliveries to be dropped off directly into a secured vault area. Nemec showed internal and external renderings from other Verilife Illinois dispensaries (Rosemont and Galena), which he said included benign medically focused signage. Nemec said Verilife signage only shows their name and logo and doesn't use flashy signage, try to cater towards children or use provocative marketing in any way.

Nemec said security cameras are utilized and monitored 24 hours a day, 7 days a week by a third party security and remote access is provided to state regulators and state police at any time. Nemec also mentioned exterior lighting is located around the entire facility to deter and detect any bad actors should they show up to the facility. Nemec added customer service and patient care representatives will meet anyone to help facilitate orders, help educate customers on dosage, product types, and provide substance abuse information. Nemec shared building elevations and explained all glass must be tinted, screened and shatterproof and the inside can't be seen from the outside due to state law. Nemec also shared the security requirements Verilife follows, which he said meets and exceeds the terms required by State law. Nemec shared other security info, which includes 24 hour security, how every square inch is covered, and the entire external perimeter of the building as well as the parking lot is covered and monitored 24/7/365. Data retention is kept for 90 days and will coordinate with local law enforcement if there is a need. Nemec also said cameras can see license plates and faces up to 100-150 feet away and emergency buttons are located throughout the facility. Nemec said Verilife utilizes Metro One, a security company, for onsite/perimeter security and will continue to work with local law enforcement to establish a relationship. Nemec explained the inventory process, how the delivery schedule is randomized, how delivery vehicles are unmarked, and how the inventory is placed directly in a secured vault. Nemec mentioned there is a preorder option, which requires ID verification during pickup. Berberian said the store hours mentioned in the staff report appear to be incorrect. The hours of operation are 8am to 9pm Monday through Saturday and 9am to 9pm on Sunday's.

David Hansen shared in 2019, when zoning text amendments for various cannabis uses and definitions went before the Plan Commission and Village Board, five use standards for adult-use cannabis were also discussed and adopted. The five use standards for adult-use cannabis include: dispensaries must comply with the State of Illinois Cannabis Regulation and Tax Act and any

amendments to the act, a maximum of two (2) adult-use cannabis dispensing organizations are allowed to be located in the Village of North Aurora, Adult-Use Cannabis Dispensing Organizations shall be located a minimum of one thousand (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 twenty-one (21) years of age or older located in the Village of North Aurora, on-site consumption of cannabis shall be prohibited, Adult-Use Cannabis Dispensing Organizations shall be located a minimum of one thousand five hundred (1,500) feet from the property line of any pre-existing Adult-Use Cannabis Dispensing Organization located in the Village of North Aurora.

Hansen said upon review of Verilife's special use application, Pharmacann meets all five adult-use cannabis use standards outlined in the zoning ordinance, which were mentioned above. Hansen also said a cannabis dispensing organization is only allowed one license at a time and would need to move with that license to the new facility and close the existing site to satisfy the licenses requirement per State law. Toth shared that in 2019 when the Plan Commission was discussing the topic of cannabis, there was discussion about allowing an Adult-Use Cannabis Dispensing Organization as a permitted use with use standards or a special use with use standards. The zoning text amendment was ultimately adopted as a special use with use standards. Toth said regardless if the use was a permitted or special use, the use standards would still apply since they would be the standards for this particular use.

Commissioner Lenkart asked if the Plan Commission had any questions for the petitioner. Commissioner Mark Bozik asked what the ratio of medical vs recreational consumers is for the existing facility. Nemec said about 1/3rd of sales go towards medical patients currently. Commissioner Scott Branson asked how much tax revenue the dispensary brings in annually for the Village and if there was any police activity since the site opened. Nemec mentioned since Verilife is the only dispensary in the Village, giving exact tax revenues would disclose our annual revenue since it's an exact 3% based off the tax the Village receives so the information is deemed confidential. Nemec did say the sales are very strong and the projected tax revenues are approximately between \$300,000 and \$500,000 annually that come back to the Village. Nemec said with the current dispensary at 2,000 square feet and the proposed one just over 4,000 square feet, it would be difficult to find another location that brings in that type of tax revenue on an annual basis at that small of a footprint. Nemec mentioned there is a substantial State tax applied to adult-use sales and not medical sales that runs about 40% and dispensaries throughout the State, last year alone, brought in upwards of \$380 million and a portion of that is disbursed back to local government units. Nemec also said, to the best of our knowledge, there has been no police calls, but will check on that and get back to staff as soon as possible. Commissioner Branson asked if there was any security guards on site during the operational hours. Nemec said on-site security shows up a half an hour before store opening and will stay until the dispensary closes and cameras will monitor the site after hours.

Commissioner Anna Tuohy asked what Pharmacann's consumer demographic typically is and why this location would better serve that demographic. Nemec said a 1/3rd of our sales would be for the medical demographic and the remaining demographic would be all age ranges over 21, which would include the remaining 2/3rd of sales. Nemec mentioned there is no pinpoint demographic Verilife serves since it ranges from people in their 20's all the way into their 70's. Nemec said the location would be more accessible to consumers, not just by thoroughfare and a separate parking

not shared by other tenants, but also having a readily accessible location that is conveniently located next to other commercial retail and everyday shopping throughout the Village.

Commissioner Lenkart asked how many of the 24 parking spaces on the site plan would be used by employees during regular business hours. Nemec said there will be seven employees on-site on an average day and if there is a holiday (Christmas, 4/20 cannabis holiday, etc.) up to nine employees may be on site which leaves 15 parking spaces for customers and patients. Nemec believes that is an ample amount of parking for the customer and patient base since there should be a faster throughput with the new store redesign. Commissioner Lenkart mentioned that the first few months Verilife was open for recreational sales there was a lot of traffic control problems. Commissioner Lenkart asked if this will be a larger facility with 24 parking spaces, is there going to be a parking issue again and is there security going to be outside again to ensure people are moving in and out quickly and not parking in adjacent business lots or on the road. Toth added in January of 2020 when recreational sales began it was a chaotic, but this dispensary was one of the first dispensaries to open in the area and has since quieted down. Toth added at the current site at 161 S. Lincolnway there is a lot of parking, but there are multiple businesses including the VA center which uses a bulk of the parking behind the building adjacent to the river. According to the police, we haven't really had any incidents that staff is aware of. Commissioner Lenkart asked who controlled the traffic light frequency for the intersection at Orchard Rd and Oak St. Toth said the County would control it since they own Orchard Rd. Commissioner Lenkart was concerned of a backup due to all the developments that are currently being built in that area. Toth said each property pays a traffic impact fee to the County based on the use of the property, which can be relooked at in the future should it become an issue. Toth also said there are 24 parking spaces on the site and that the Village zoning code only requires 17 parking spaces due to it being a retail establishment, which by code requires 4 spaces per 1,000 square feet.

Jason Lloyd (2157 Bartram Rd. in Tanner Trails Subdivision)

Lloyd mentioned he appreciates what Pharmacann is trying to do, but has mixed feelings on the relocation and does not use their product. Lloyd said he is a 14-year army veteran who is disabled and goes to the Aurora VA clinic, which shares the current building at 161 S. Lincolnway with Verilife. Verilife has had an impact with access for veterans going to their appointments and parking is limited due to the dispensary. Lloyd mentioned the 17 parking spaces for the new site would be less than what is at their current site, which still has traffic issues. Lloyd is in favor in the relocation since the dispensary is a nuisance to the veteran community; however, their proposed area is in a family-friendly area and 30% of Tanner Trails have children and minors living in it. Lloyd said families were happy about Starbucks and Taco Bell going in near that location, but are now concerned Verilife will have a negative impact to that area and are terrified of the cannabis use proposing to go into the site. Lloyd mentioned he has 22 years' experience as a deputy and is still currently serving. Lloyd is concerned this use will bring crime to the area and feel the users of the product bring a threat to the peacefulness of the area. Lloyd mentioned his children walk from Tanner Trails across Deerpath through that property to get to Woodman's and McDonald's. Lloyd was concerned about the increase in traffic for the use and how it will disperse cars down Deerpath Rd and into subdivision, which will be used as a cut through. Lloyd mentioned a traffic light would need to be required at Tanner and Deerpath or vehicle and pedestrian accidents will occur because the use creates a traffic issue for the future. Lloyd is concerned the increase in floor space will lead to more traffic, parking and police issues. Lloyd mentioned many police-related issues in the Village would not happen if the dispensary did not draw the demographic into the

area and is afraid the same would happen at the new proposed location. Lloyd said he thinks the attraction is a nuisance to his subdivision. Lloyd said the reason security is that high is because the use has a history of violent crime happening at these facilities and is a key reason it is required by state law. Lloyd cited a quote from a previous review (source and location unnamed), that suggests crime tends to increase in areas of medical and recreational dispensaries by 26% to 1,452% than compared to subdivisions with no commercial marijuana activity. Lloyd is concerned the location is one street away from his neighborhood. Lloyd said Tanner Trails has a total population of 18,363 people. Lloyd said the location is prime for something good for our community and is not Verilife's only option. Lloyd said the location they are proposing is the subdivisions only route to get to the places they want to get too safely and would like to do it without traffic and attracting criminals to the area, not saying all clients are criminals, but that is why security is needed because of the crime. Lloyd said there are 2,178 homes in Tanner Trails that have children and many will be going to Taco Bell, but next door there will be armed guards protecting the dispensary. Lloyd said the use would be a detriment to the area and it's located practically in my neighborhood and will tarnish the area regardless what stores are next to it and is not a benefit to the community.

Lloyd continued and said the only serves a spotted amount of people around the community and the new location will bring everyone to that spot. Lloyd added a park isn't the only impact zone in the buffer map, but any residential neighborhood is too and the code should be redefined to say any residentially populated area is an impact zone. Lloyd mentioned a drug deal that went bad in the Woodman's parking lot and is concerned drugs will spill over into the surrounding neighborhoods with this use. The current dispensary location is not near a residential area. They need to move from their current location, but this site is not the place. Lloyd was concerned the 17 spots for parking are not enough since the current site takes up the entire VA parking lot. Lloyd said the 4/20 holiday is the criminal code for cannabis and made a national joking holiday because it's the criminal code and that's when people went out and got it and did it in defiance of law and order. Lloyd was unhappy that a professional person even mentioned what 4/20 is and said his kids know it in elementary school because it's such a joke. Lloyd said the use will still be a nuisance on a larger property and the current site has an armed person on the sidewalk letting people pass and walk in while traffic is backed up on Route 31. Lloyd shared data from the Chicago Police Department, which shows that there are 19 licensed dispensaries and a combined 13 of them had attempted burglaries since recreational cannabis sales opened in 2020 and I don't want that in my neighborhood. Lloyd also quoted the Journal of Studies for Alcohol and Drugs, which states dispensaries can be at risk for property crimes, such as burglary, and employees of dispensaries can be at risk for violent crimes such as robbery and assault. Lloyd said why are we putting a target in my neighborhood? Lloyd requested to have the Village grant Verilife's request to move from their current location due to being a nuisance to the VA, but also deny the proposed location Verilife is seeking since it is a threat to my family and neighborhood and the tax revenue is not worth it.

Village Attorney Kevin Drendel clarified the issue before us is a zoning issue and the Village does not have the authority to approve their relocation, that's a state issue, all we have in front of us is to entertain the application based on the zoning standards the Village has and we need to focus on those standards. Lloyd said the standards for an impact zone needs to be adjusted since his personal residence will be impacted by this.

Wes Jaros (2863 Leonard Ln. in Tanner Trails Subdivision)

Jaros said he is a newer resident that moved into the Village about two years ago and would be considered part of the grandparent demographic. Jaros said Tanner Trails is mainly a family residential area and we are one of the fewer empty nesters who live there. I have no children here that would be affected and am here as a concerned resident and want what is best for all children in town. Tanner Trails is the closest subdivision located to this site. Jaros said he can appreciate the remedy cannabis might have as a cure to anything that ails an individual, but has always been opposed to legalizing it for recreational use. Jaros mentioned state by state has been capitulating legalizing cannabis mainly due to the money and said think of the impact of marijuana on individuals. Jaros shared data (no source mentioned), that 30% of people become addicted to the product, and marijuana has 50% more benzaprine and 75% more benzathine than cigarette smoke, which is nasty stuff for people to put in their bodies. Why does the Plan Commission want to forward their recommendation to the Board that would make this product more accessible and the location more visible to the young people in our community? Jaros said this should be in an area that is commercially zoned and people passing by cannot see it unless they are looking for it. A high visible site is no place for a product that only 20 years ago, no one thought of legalizing marijuana in this country. Jaros said cannabis sales appear to be between \$300,000 to \$500,000 and was wondering if that number has been verified. Jaros provided articles about funding for cannabis sales and said that a majority of revenue goes down to Springfield and only 6 to 8% go into the local government distributive fund. Jaros said traffic flow area is a concern since there are two left turn lanes on Orchard Rd, which can only turn on green arrows even though there is a lot of site line visibility. Jaros was concerned that the toll road at Orchard Rd is in close in proximity to the dispensary proposed site and will increase traffic in the area and will make the area more congested especially turning right onto Deerpath. Jaros asked to verify the tax revenue coming to the Village since the dispensary revenue has none going to public schools although that's the number one ticket item on our tax bills. Jaros asked why the Commission would recommend to vote yes when this use can adversely affect the youth in our community.

Malora Carson (3039 Elleby Ct. in Lake Run Estates Subdivision)

Carson mentioned that she felt the proposal/notification was posted very late, in very small print, and added she didn't know this hearing was going to be today until last week and why was it chosen to have the hearing on a holiday weekend. Carson said this gave me no time to rally my neighbors or anyone in Tanner Trails to be here tonight. Carson said this area is the primary residential area filled with children of all ages and is hugely impactful. Carson said she understands this company has been part of the community for a few years, but this is not the location. Carson said although a security plan is in place their location needs to be closer to the Police Station. Carson added if Verilife wants more traffic, they are right off I-88 in their current location with an industrial area right by it, out of site and not impacting families. Carson said traffic is already bad in this area and turning right onto Deerpath from Oak St is already tough and people get cut off. Carson mentioned that part of the land, on the corner, should be family friendly for all ages and not just a spot for ages 21 and over because it sends the wrong message. Carson said I understand marijuana has been voted on and is legal, even though I don't believe of the benefits of a recreational usage, but this is the wrong location in this community for it. I don't think Verilife will lose any clients if it is tucked away since medical clients need it and will find it and recreational users will seek it out as well regardless where it is located.

Rich Szafluk (2224 Schrader Ln. in Tanner Trails Subdivision)

Szaflik shared his concern regarding the increase in employees and customer base and if the parking they are proposing is enough. Szaflik said medical was highlighted in their presentation, but only 1/3rd of the customer base is medical and this is more for a recreational move than from a medical standpoint. Szaflik also asked staff to look into their revenues to ensure the Village is receiving the maximum amount of tax dollars for this use.

Toth mentioned the property is zoned commercial and located in the B-2 General Business District. Nemec said Pharmacann appreciates the feedback provided and wanted to say we are not claiming there won't be traffic associated with the site and are up here for the purpose of moving to a new location to mitigate against the problems we are currently experiencing, which are congestion and bottlenecks in service. He anticipates the new location will have a better access and thoroughfare to our customers and patients. Nemec said they understand there are members of the community who will not come to the site and who do not use cannabis recreationally or believe in its medical benefits. Nemec added the State has voted on and decided recreational cannabis is legal in Illinois and the Village has already approved the use at our other site for recreational cannabis. In regards to the ancillary impact concerns to the surrounding community, our site has been highly secured and monitored by third-party security, internal security and on-site security since its inception. Nemec said the security is not a new practice or something the state mandated based on any crime problems. Verilife has been monitoring our employees as well to ensure there is no bad behavior. To our knowledge there has been no nuisance on or around our property since its inception seven years ago as medical and in 2020 when it became a collocate site.

Nemec said there are longitudinal studies from jurisdictions (no source provided) that have had adult-use recreational cannabis sales for a much longer period of time that shows there is a positive benefit to the surrounding crime in the community from legal, regulated and highly secured sales that mitigate against any of the examples brought out. Nemec added that one of the residents mentioned the illegal drug deal that took place and this is exactly what a safe and regulated cannabis market is designed to prevent against. Nemec also added positive foot traffic and highly secured facilities mitigate against crime on and around the facility and property values in the surrounding areas do go up when there are cannabis dispensaries located in the community. Nemec said in regards to the question about tax revenue, the prominent tax revenue will fall between the \$300,000 to \$500,000 range. Nemec also said this revenue is generated from a special adult use tax created by the State, in which the Village adopted at the inception of the adult use and takes 3% of adult use revenues directly into the Village coffers for reinvestment into the community. Toth mentioned he spoke with the Finance Director and can't give out exact numbers, but the range is accurate between \$300,000 to \$500,000 based on the Village's 1.5% sales tax and the additional 3% sales tax on adult-use cannabis the Village adopted in 2020.

Commissioner Richard Newell asked if there is room for expanded parking for the site since it appear that is one of the primary concerns. Nemec said they will use the maximize parking spaces on site and no plans for expanded parking. Nemec mentioned he checked with the District Manager and the only time that police was called to our facility, at 161 S. Lincolnway, was to assist with a customer that needed emergency response since he felt faint and needed police assistance.

Commissioner Tom Lenkart closed the public hearing.

Commissioner Lenkart thanked the audience for their comments and concerns. Commissioner Lenkart mentioned the Village only has a limited authority and cannot discuss if we are for or against cannabis since that was already decided by the State. Commissioner Lenkart added the facility is located in a proper business district and question becomes if the special use meets the special use standards according to Village code. Commissioner's vote in favor or against the use and are not the final decision makers. The Plan Commission is an advisory board that listens to petition first, looks at the petition through our zoning code and passes our comments onto the Village Board. We understand traffic issues can arise and we can share that concern with the Village Board, but they get to make the final decision. Lloyd asked if the community has the opportunity to rebuttal like the petitioner did. Commissioner Lenkart mentioned although public hearing was closed, the lady in the crowd could ask her question.

Sandra Pendzinski (942 Wilkinson Lane in Orchard Estates Subdivision)

Pendzinski shared she has lived in North Aurora for 22 years, has three children of all ages and her biggest concern was the dispensary will be located next to the other uses, Taco Bell and Starbucks, where children will riding their bikes to. Pendzinski said she was fine with Verilife moving, but feels this is the wrong location. Pendzinski had a concern about people at the other location loitering and standing around in the area waiting for transportation, people, and perhaps money since she has noticed that when she goes to the bike store nearby. Pendzinski also was concerned about the violence and safety in that area and the mentioned the armed robbery in Dixon that ended up getting off at Orchard Rd and went into her subdivision. The site altogether will be adding traffic to the community and believe this should be a family restaurant or something family friendly. Pendzinski said her family has been proud members of the community since 2000 and would like to uphold the aesthetics of the community.

Village Attorney Drendel said the audience should be given the opportunity to rebuttal, but should be focused on what was being said in response and be limited to new information. Jason Lloyd mentioned from a financial impact, Verilife already has the finances and don't need to move to the new proposed location. Lloyd said security was brought up again and they keep saying how amazing it is. Any establishment that requires that level of security does not belong at a location directly outside a residential area. Lloyd mentioned although this is a commercial zone and we are looking at the special use permit, I think it should be put it in another location, not an area where my kids are welcome to go to and an area that is family friendly. Lloyd continued this is not a family friendly use and will be a nuisance to the businesses already there or going in and anything with this level of security should raise concern. Commissioner Lenkart mentioned to please keep comments to the petitioner's rebuttal. Berberian mentioned security was not put in place for any criminal activity and simply gave in depth details since it was a concern mentioned by multiple audience speakers. Lloyd mentioned every time he hears a block party is going to have security it always ends up being a problem. Lloyd said that level of surveillance and security shouldn't be bragged about and this use will kill any businesses looking to go in that area since we won't go and we will be trapped due to the traffic congestion it will cause in that area.

Jaro's added even though it's zoned commercial, the Plan Commission role is to plan functionally for North Aurora. A cannabis dispensary doesn't fit into this area with multiple restaurants and a grocery store in such close proximity. There are other locations in the Village that are more viable. The northbound Orchard Rd left two lanes are going to be filled with people going to the

dispensary and I ask everyone to visit that area if you haven't already to see how the traffic at that intersection currently operates.

NEW BUSINESS

1. **Petition #22-04:** The petitioner, Pharmacann, Inc, requests a Special Use to allow an Adult-Use Cannabis Dispensing Organization on the property located at 2080 West Orchard Road in North Aurora, Illinois.

Commissioner Doug Botkin mentioned he has spoken extensively with a few police officers in the community as well as the two former police chiefs and there has been no indications of criminal issues. Commissioner Botkin said he is an engineer and I have not seen any data that this is causing a criminal problem. Commissioner Botkin added I respect the opinions expressed here tonight and understand the issues, but I am inclined to proceed forward. Commissioner Mark Bozik mentioned tonight is the first part of the process, which looks at the Village's zoning code to see if the use meets the standards and ordinances that are in place. The Village Board makes the final determination if a dispensary should be located there.

Commissioner Richard Newell had no additional comments. Commissioner Scott Branson mentioned the Village can only do so much and asks the petitioner to exhaust all other potential locations and take a look at them since this location doesn't make much sense. Commissioner Branson shared his sons are both medical customers who don't have seizures anymore and said he believes in their product. Commissioner Branson added however there are better locations in the Village for this business than what is being proposed.

Commissioner Aaron Andersen thanked the residents for coming out and for the nice presentation by the petitioner. Commissioner Andersen mentioned he has been on the Plan Commission for years and voted in favor for creating the zoning to allow for the medical dispensary and expanding the site to include adult use recreational space as well. Commissioner Andersen added I understand you are a business in our community and the Village has this process as a special use to consider your request in relation to what else is happening in the area in real-time. The fact of the matter is we have had recent developments in this general geographic area that is much more driven towards all residents and age groups in the Village. I live a mile from here, I am not worried about an increase in crime and have been to your dispensary on Route 31. I have five kids and counsel them on alcohol and drugs as a parent should. Commissioner Andersen said with more residential development coming to the north I don't think this is the right spot and will vote no.

Commissioner Anna Tuohy mentioned traffic is absolutely a concern here especially the northbound lane on Orchard Rd turning west onto Oak St. Commissioner Tuohy also said as part of the comprehensive plan pedestrian mobility is mentioned and I don't see this business use helping with that. Commissioner Tuohy added that the buffer map indicates there are other location options in the Village and I will not be in favor of this.

Village Attorney Drendel mentioned the standards for a Special Use are part of the application and the vote to approve or not approve should be made in regards to those standards. Toth mentioned there are specific use standards for Adult-Use Cannabis as well as the general special use standards.

Toth added the Plan Commission should be looking at it through the standards for a special use that are part of the application and there are eleven (11) of them. Village Attorney Drendel mentioned there are no one standard that is controlling and the Plan Commission can weigh them all to see if they meet or do not meet the standards. Village Attorney Drendel added not all standards need to be voted on, but calling out the standards that are not unanimously agreed upon would be helpful for making a motion to vote for or against.

Commissioner Tuohy read the eleven special use standards out loud, which included: 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.

Motion for approval of a special use to allow an Adult-Use Cannabis Dispensing Organization was made by Commissioner Botkin and seconded by Commissioner Anderson. Vote: Tuohy – No, Anderson – No, Lenkart – Yes, Branson – No, Newell – No. Bozik – Yes, Botkin – Yes. Motion failed 4-3.

The Plan Commission members who voted no on the special use cited the following Standards for Special Use not being met:

2. *The proposed special use is deemed necessary for the public convenience at that location.*
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.*
8. *The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site.*

Commissioner Lenkart mentioned the next step includes the petition being presented to the Village Board. The Village's website will have the meeting dates and agendas. The Trustees will have the Plan Commission's recommendation vote and comments to review. The petitioner, staff and audience will all have the opportunity to speak at the meeting. The Village Board has the final say on this matter. Village Attorney Drendel added people submit applications for zoning approval to the Village. The Village does not choose the applications that come in front of it. The Village

simply receives those applications, processes them, which includes the Plan Commission conducting a hearing to allow for an opportunity for the audience to address the subject and allow the Plan Commission to make a recommendation to the Village Board. The Board will not have another hearing, but there will be other opportunities to speak, which includes audience comments on the agenda. Village Attorney Drendel added an item will usually go to two meetings in which the Village Board is present; the Committee of the Whole for discussion, and another Village Board meeting for a final consideration with a vote.

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Toth provided an update on Petition 22-03 (Sullivan Road/Smoke Tree Plaza Industrial Development). Toth mentioned the petition was received favorably by the Village Board at a Committee of the Whole meeting, but has not gone to final consideration yet. The Sullivan Road entrance is still being discussed by the developer and the City of Aurora.

Toth also mentioned that the Dairy Barn, which currently has a location in Oswego, is currently planning to develop a restaurant in Randall Highlands by The Turf Room.

ADJOURNMENT

Motion to adjourn made by Commissioner Bozik and seconded by Commissioner Tuohy. All in favor. **Motion approved.**

Respectfully Submitted,

Jessica Watkins
Village Clerk

**STAFF REPORT TO THE VILLAGE OF NORTH AURORA PLANNING COMMISSION
FROM: MIKE TOTH, COMMUNITY DEVELOPMENT DIRECTOR**

GENERAL INFORMATION

Meeting Date: September 6, 2022

Petition Number: SPA #22-01

Petitioner: Mike Mann

Request: Site Plan Approval

Location: Lot 101 of Randall Crossing

Parcel Number(s): 12-32-327-001

Size: 1.73 acres



Current Zoning: B-2 General Business District Planned Unit Development (Randall Highlands PUD)

Contiguous Zoning: North: GC – General Commercial (City of Batavia), South: R-3 General Residence District (Randall Highlands PUD), East: B-2 General Business District (Randall Highlands PUD), West: R-3 General Residence District (Randall Highlands PUD)

Comprehensive Plan Designation: ‘Regional Commercial’

PROPOSAL

The subject property is located in the B-2 General Business District and has already been granted a special use for a general commercial planned unit development, known as the Randall Highlands. The intent of this request is to accommodate the development of a restaurant with a drive through. Restaurants with Drive-Through Facilities are classified as a permitted use in the Randall Highlands PUD.

Per Section 4.4 of the Zoning Ordinance, site plan review is required for each building permit application for multi-family, townhouse, commercial, and industrial development for which a site plan has not already been approved. Staff has reviewed the submitted plans and confirms compliance with the Zoning Ordinance and Randall Highlands Planned Unit Development.

SITE PLAN APPROVAL

Per the Randall Highlands PUD, prior to development of any one or more lots a final site plan shall be approved by the Village Administrator and Plan Commission without the need for a public hearing. The standards for review and approval of final site plans shall be limited to the following:

Compliance: The Final Site Plan is in compliance with the terms of this [PUD] Ordinance.

Circulation: The traffic circulation for the one or more lots must be adequate for the use contemplated for such one or more lots.

Pedestrian Pathways: Pedestrian pathways within such Lots must be adequate for the use contemplated for such one or more lots.

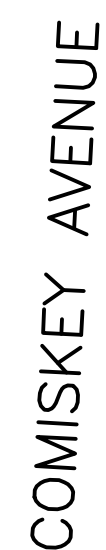
Site Plan Engineering: The Village Engineer must approve the final engineering within the area to be developed within the Site Plan submitted.

Site Plan Landscaping: Approval by the Village Administrator that the parking lot and foundation landscaping proposed for the area within the Final Site Plan is in compliance with the Village Ordinances existing as of the date hereof, it being acknowledged that in addition, the landscaping depicted on the General Landscape Plan, which is located within the development area of the proposed Final Site Plan, shall also be installed concurrently with development of the development area within the proposed Final Site Plan.

Signage: The Developer shall be allowed suitable signage in conformance with the Village's Sign Ordinance in force at the time that the owner applies for permits to begin construction of any phase.

Should the Plan Commission recommend approval of SPA 22-01, staff recommends the following conditions:

1. All dumpsters located on the subject property shall be enclosed per Section 14.11.A of the Zoning Ordinance.
2. A photometric plan shall be submitted and must be approved by the Village in keeping with Village requirements prior to building permit issuance.

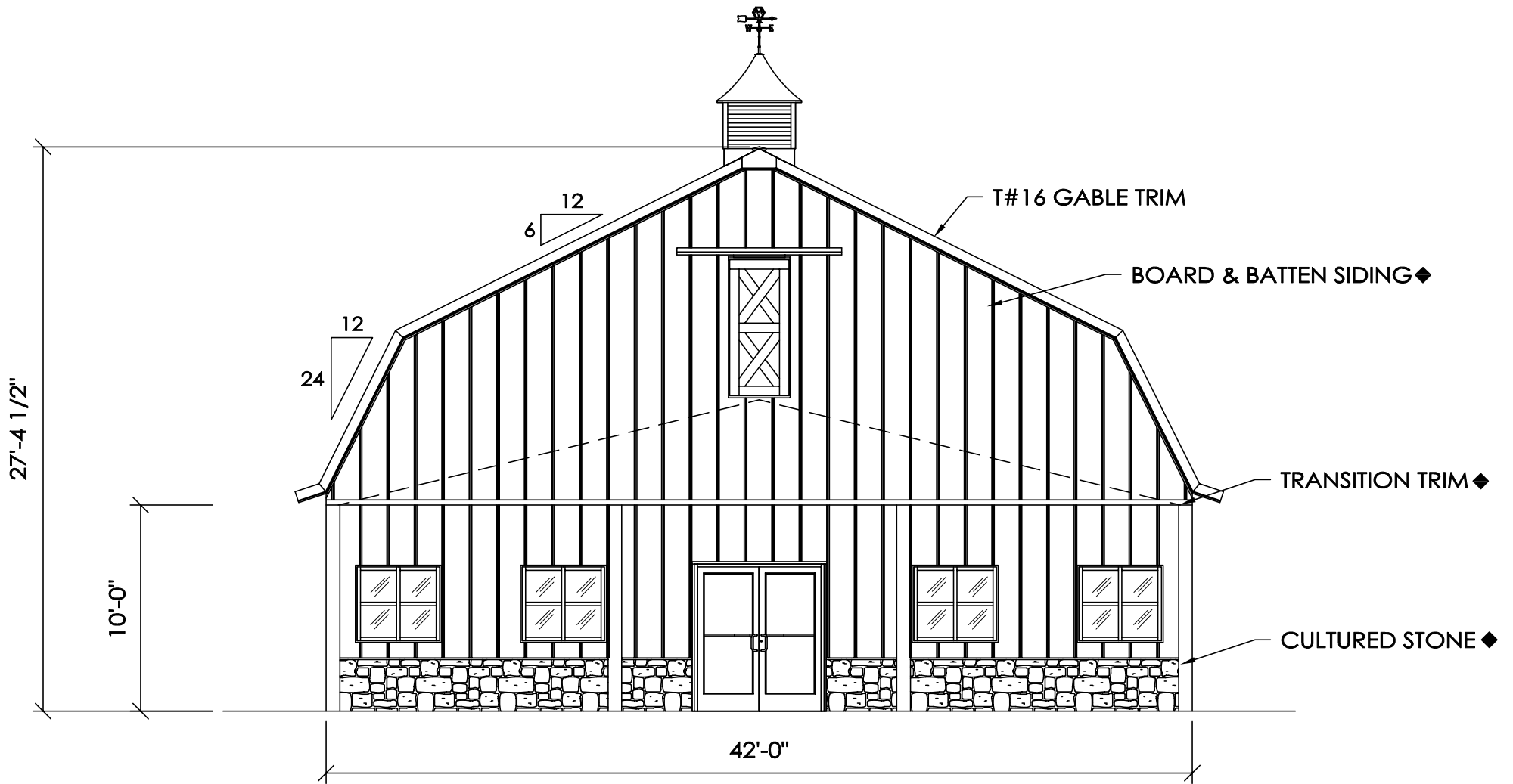


CON-A

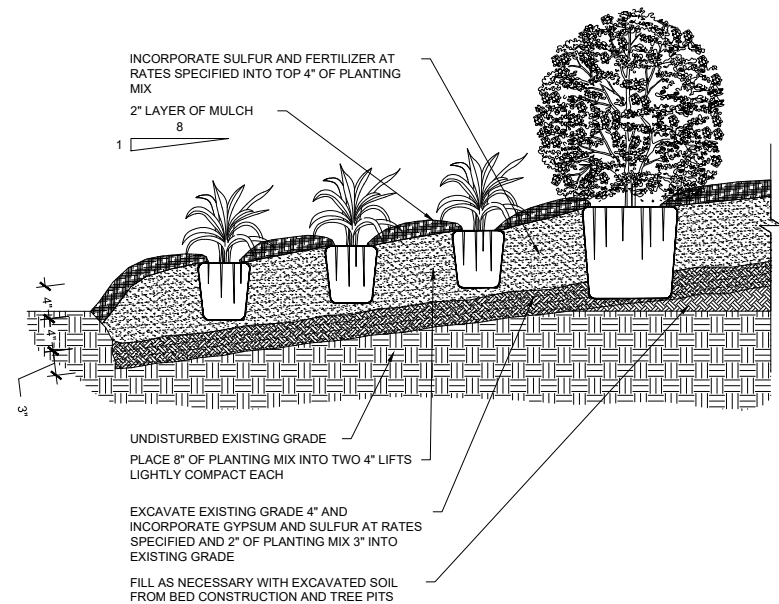
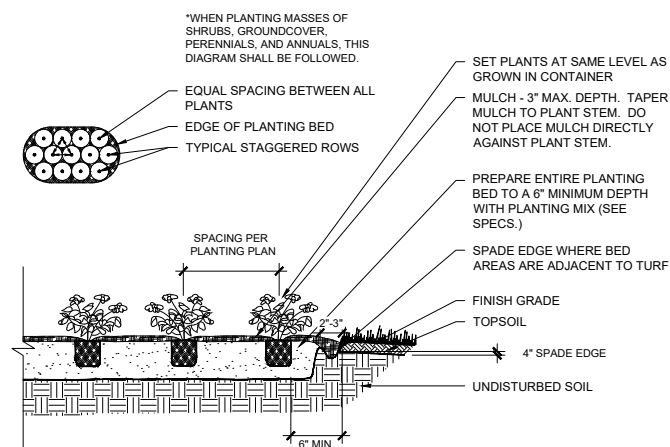
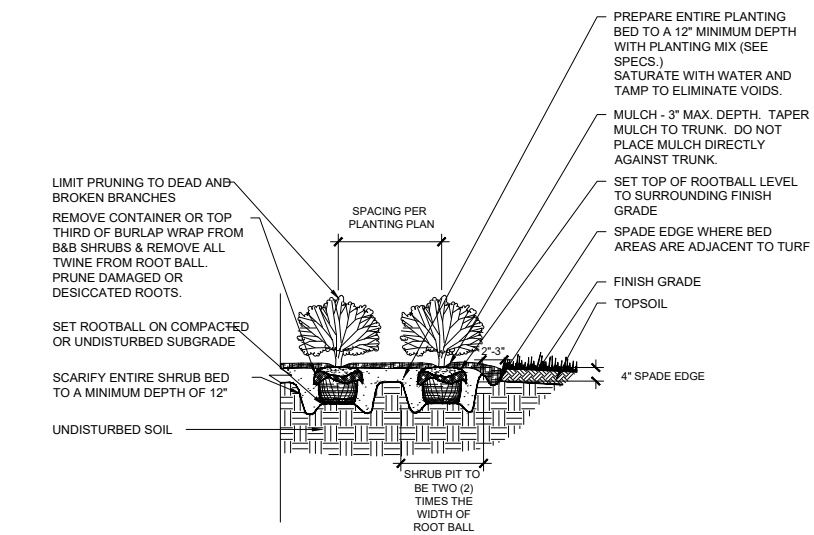
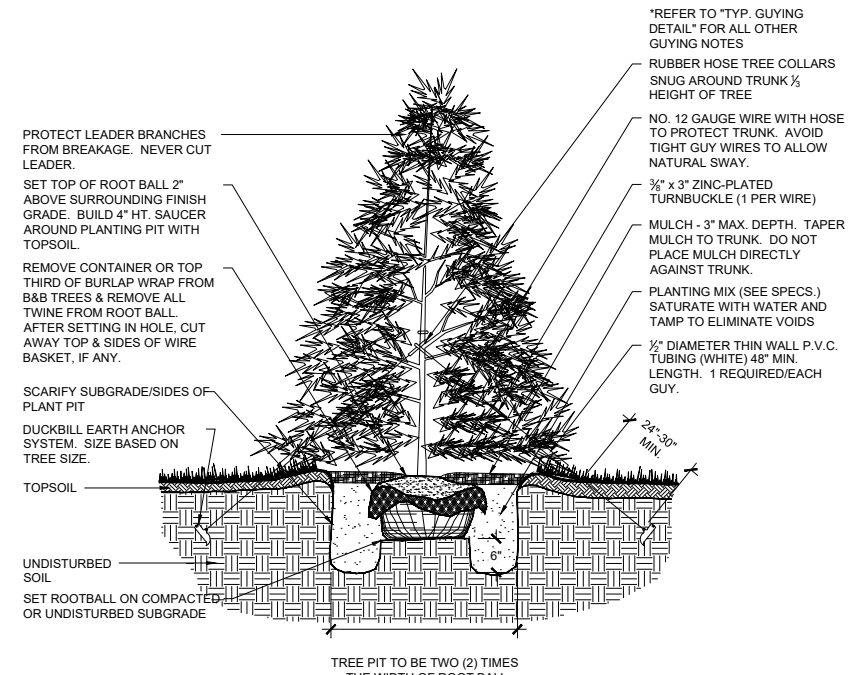
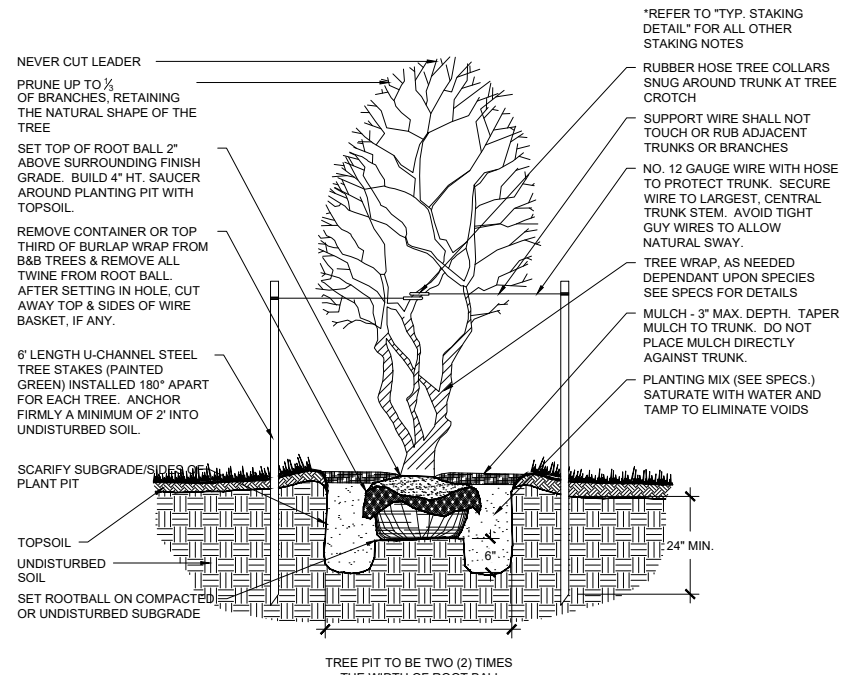
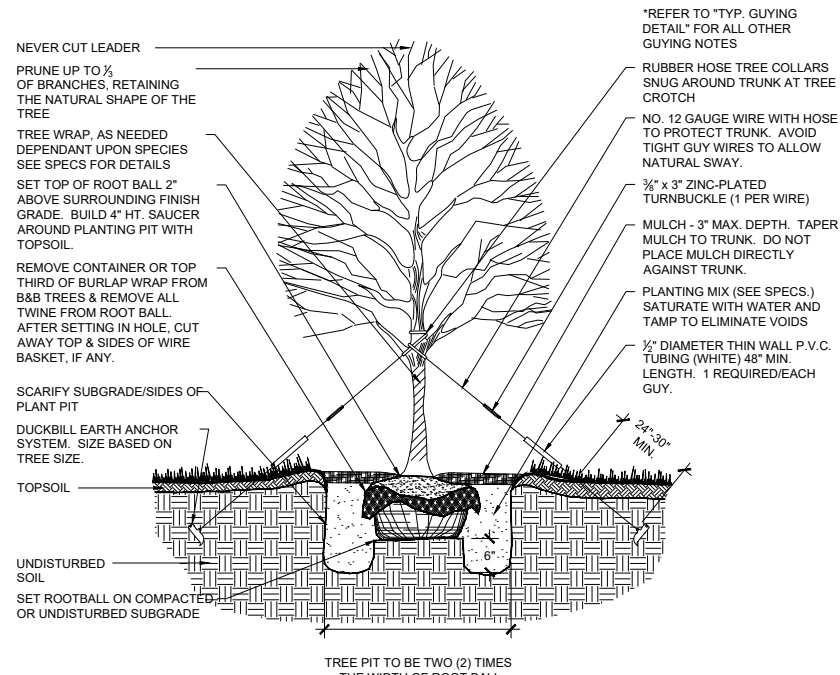


DAIRY BARN
Milk House





NORTH ELEVATION


[illegible]

ILLINOIS DESIGN FIRM
184.001322
2363 SEQUOIA DRIVE,
SUITE 101
AURORA, IL 60506
PHONE: 630.553.7560
FAX: 630.553.7646



DAIRY BARN
IMPERIAL INVESTMENTS, LLC
NORTH AURORA, ILLINOIS

CONCEPTUAL
LANDSCAPE DETAILS

BAR IS ONE INCH ON
OFFICIAL DRAWINGS
0  1"
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: JTK
APPROVED: JFR
JOB DATE: 03/14/2022
JOB NO: 220241

DRAWING

L-03

PRELIMINARY

Memorandum



To: Mark Gaffino, Village President & Board of Trustees
Cc: Steven Bosco, Village Administrator
From: Brian Richter, Public Works Streets Superintendent
Date: July 28, 2022
Re: Proposed Tree List Amendments

Periodically the Village will amend the Tree Species list located in *Section 16.12.190 Landscaping and trees*, of the Municipal Code. The amendments serve a few purposes. The first is to include additional trees to continually diversify the parkway trees in the Village. Increasing the biodiversity of parkway trees reduces the probability of catastrophic losses as experienced when the Ash Borer decimated the Ash tree population in the Village resulting in the removal and replacement of approximately 1000 ash trees. The second purpose is to provide our residents with a large selection of trees to choose from, should they choose to plant their own parkway tree. A third is to remove the species from the list that are now identified by tree authorities as invasive or for some reason are not beneficial to the Village.

This year the amendments in the list include the elimination of the following trees:

Norway Maple	Acer plantanoides
Street Keeper Honey Locust	Gleditsia triacanthos 'Draves'
Japanese Zelkova	Zelkova serrata

The Norway Maple has been classified as an invasive species. The Street Keeper Honey Locust produces pods that are a nuisance and in aggregate can clog sewer inlets. The Japanese Zelkova is only supposed to be planted in Spring and have a limited availability.

The trees following trees are being proposed as additions to the list:

New Horizon Elm	Ulmus 'New Horizon'
Frontier Elm	Ulmus 'Frontier'
Princeton Elm	Ulmus americana 'Princeton'
Prairie Elm	Ulmus americana 'Lewis & Clark'
(aka Prairie Expedition /Lewis and Clark)	

These trees are proposed because they have been identified as species recommended by arborists or arbor societies, add biodiversity to the list, and have been observed to be

hardy trees by staff at the nursery. It is the staff recommendation to amend the list to include four new trees and remove three others.

Per Code, the Plan Commission must also approve the list of trees allowed for planting in the parkways. Due to the Plan Commission not having a meeting in August and in the best interest of the regular tree planting program that begins in the fall, staff is recommending that the Village Board approve the ordinance that Plan Commission will subsequently be able to review and approve in September 2022 at their meeting. In the event Plan Commission does not approve the suggested tree list changes, there will be no new trees from the list planted for this year's program and the list will be revisited for 2023.

Please see the attached ordinance modifying *Section 16.12.190 Landscaping and trees* of the Municipal Code to allow these changes pending the approval of the Plan Commission.

ORDINANCE NO. 22-08-01-01

**AN ORDINANCE AMENDING THE NORTH AURORA CODE SECTION 16.12.190
LANDSCAPING AND TREES TO UPDATE PARKWAY TREE RECOMMENDED
SPECIES**

BE IT ORDAINED by the President and the Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

SECTION 1: Section 16.12.190 of Chapter 16.12 of Title 16 of the North Aurora Municipal Code is hereby amended to read as follows:

16.12.190 Landscaping and Trees

The tree list **removes** the items of:

Norway Maple
Street Keeper Honey Locust
Japanese Zelkova

Acer plantanoides
Gleditsia triacanthos 'Draves'
Zelkova serrata

The tree list **adds** the items of:

New Horizon Elm
Frontier Elm
Princeton Elm
Prairie Elm

Ulmus 'New Horizon'
Ulmus 'Frontier'
Ulmus americana 'Princeton'
Ulmus americana 'Lewis & Clark'
(aka Prairie Expedition /Lewis and
Clark)

SECTION 2: No other portion of the Village of North Aurora Municipal Code is amended or modified by this Ordinance.

SECTION 3: This Ordinance shall take immediate full force and effect following the approval of the Plan Commission at their September 5, 2022 meeting, from and after its passage, approval and publication in pamphlet form by the Village Clerk, and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18th day of August, 2022, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18th day of August, 2022, A.D.

Mark Carroll

Laura Curtis

Mark Guethle
Todd Niedzwiedz

Yea
Yea

Michael Lowery
Carolyn Bird Salazar


Yea
Yea

Approved and signed by me as President of the Board of Trustees of the Village of North
Aurora, Kane County, Illinois this 1st day of August 2022, A.D.



Village President

ATTEST:



Village Clerk