



# City of Aurora

2nd Floor Council  
Chambers  
44 East Downer Place  
Aurora, Illinois 60505  
www.aurora-il.org

## Planning Commission Meeting Minutes

Wednesday

January 08, 2020

7:00 PM

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### CALL TO ORDER

*Chairman Pilmer called the meeting to order at 7:00 p.m.*

### ROLL CALL

*The following Commission members were present: Chairman Pilmer, Mrs. Anderson, Mr. Chambers, Mrs. Duncan, Mr. Gonzales, Mrs. Head, Mr. Hull, Mrs. Owusu-Safo, Mr. Reynolds and Ms. Tidwell. Mr. Elsbree called in and excused himself from the meeting. Mr. Cameron and Mr. Divine were absent.*

### OTHERS PRESENT

*The following staff members were present: Mr. Sieben, Mrs. Vacek, and Mrs. Jackson.*

*Others Present: Jim Hughes (Next Generation Development), Bob Fitzsimmons (NuMed Partners, LLC), Tom Mihelic (Manpower) and Jonny Pacilla (West Chicago).*

### APPROVAL OF MINUTES

**19-1161**

Approval of the Minutes for the Planning Commission meeting on December 18, 2019.

**A motion was made by Ms. Tidwell, seconded by Mrs. Anderson, that the minutes be approved and filed. The motion carried.**

### PUBLIC COMMENT

*Chairman Pilmer said if you are here for an item that does not appear on the agenda as a public hearing and you wish to speak to the Commission, we can give you 3 minutes to do so.*

*No one came forward.*

### AGENDA

**19-1104**

An Ordinance Granting a Special Use Permit for a Cannabis Dispensing

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Facility (2115) Use on the Property located at 1415 Corporate Boulevard  
(NuMed Partners, LLC - 19-1104 / AU01/3-19.236-Su - TV - Ward 1)  
(PUBLIC HEARING)

*Mrs. Vacek said on October 25th of 2019, just to give you some background, the Cannabis Regulation and Tax Act was signed into law by the State of Illinois effective January 1st of this year. Subsequently, the Aurora City Council passed an Ordinance on October 22nd of 2019 requiring a Special Use Permit for qualifying cannabis dispensing facilities with a Special Use Permit being permissible in the B-2, B-3, DC, ORI, M-1 and M-2 and business areas in PDD. The subject property is currently an office building within the PDD Planned Development District zoning, which is part of the Farnsworth International Planned Development District. The Petitioner is requesting approval of the Special Use for a cannabis dispensing facility. The existing building is currently divided into 2 separate spaces. NuMed Partners is proposing to initially occupy one of the units, which is currently vacant. I'm going to turn it over to NuMed so they can kind of give you a little bit more background on them and everything else, unless you have questions for me.*

*The Petitioners were sworn in.*

*Good evening. My name is Jim Hughes. I'm with Next Generation Development. I've been here many times on residential developments we've done throughout the city. This is a little different venue. We're co-applicant with NuMed. I'm going to turn it over to Bob Fitzsimmons who can answer any and all of your questions. We were kind of, for Bob's firm, for NuMed, coordinating with staff. As usual, they did a great job and always have. Unless there is something you have specific to me, I'm going to turn it over to Bob Fitzsimmons. Thank you.*

*Mr. Fitzsimmons said good evening. NuMed is a chain of dispensaries. We've also had experience in other states with medical products primarily in the cannabis space and also in the CGD space. We have 3 currently operating dispensaries and licenses for 3 more under the recently passed statute. Our currently operating facilities are in Urbana near Carl Hospital, they are in East Peoria, and then in Chicago on North Avenue at 90/94 1308 Northwest Avenue. We currently have about 3,000 medical patients and as you know if you track the statute, it is changing to an adult use statute, so our next 3 dispensaries will come out under an adult use standard. I know you've had other Special Uses previously and so I'm assuming you are generally familiar with this statute and with the program. I'd be happy to answer any specific questions to that. In terms of this specific site, it is a building that has about 2,700 square feet on the east side, which is perfect for an 8 point of sale dispensary location. We've submitted the plans that would cover all of the aspects that are quite extensive under the statute, including security plans and operating plans. We have had dozens of those approved in our 3 year history with the state, which is regulated by the IDFPR as you may know. But if there are any questions about the operation of a facility of this type I would be happy to answer those as well. We have submitted a qualifying statement, which addresses the Special Use requirements. I think that speaks to itself to some extent, but I would address a couple of specific things. There is actually evidence that cannabis uses are complementary to their neighborhoods and actually increase property values and that they are not deleterious in the effect of increasing crime or any other negative aspects and that's been proven across numerous states and in extensive studies. That said, I don't know if there is anything else specific I should address that staff is aware of, but I'm certainly open to any questions you may have.*

*Mr. Hull said I was curious about the parking. I took a look at the drawings and the footprint and then I actually rode into the parking lot. What are the plans for overflow parking?*

*Mr. Fitzsimmons said so we will do employee parking off-site if need be. We only have 12 spaces in North Avenue and so we'd have at least 16 here, 15 to 16 here. For our normal traffic flow that shouldn't be a problem. This weekend what you saw, it would be a problem anywhere because that was an unusual onslaught, but we expect that the customer base is going to be more like our typical. It may go from 50 a day to 100 a day, but it is not going to be hundreds a day, and 32 spaces when we occupy the whole building should be more than adequate.*

*Mr. Hull said have you visited the Outlet Mall on the weekend?*

*Mr. Fitzsimmons said I have. That's part of the reason we'd like to be there. It is steady traffic.*

*Mr. Hull said I know you wouldn't want a staff based on the weekend, but I'm just saying.*

*Mr. Fitzsimmons said we fully expect that there will be off-site parking for employees in some periods.*

*Mrs. Anderson said what are the hours?*

*Mr. Fitzsimmons said we have typically operated in the range of 10:00 to 5:00. The statute allows people to operate, believe it or not, at 6:00 in the morning to 10:00 at night. That is not our intention. It will be more business hours.*

*Mrs. Owusu-Safo said are you going to permit actual use on-site or just purchase for any sale and then everybody will go away?*

*Mr. Fitzsimmons said I don't believe Aurora contemplates on-site use and it is not being applied for.*

*Mr. Gonzales said I have a question for you. The common area, I know this was something that came up in a past meeting, if anybody under the age of 21 is in the common area, are they allowed to stay in that common area or do they have to wait outside?*

*Mr. Fitzsimmons said so the common area entering before our security facility?*

*Mr. Gonzales said correct.*

*Mr. Fitzsimmons said we won't be able to control that obviously. There could be people coming into the other use, for example, the under 21. You cannot get past our security desk unless you present a credential to be over 21.*

*Mr. Gonzales said so the area, the doorway, entering the check-in, express pickup area, that specific area boxed out is 21 and older?*

*Mr. Fitzsimmons said if you come past our security desk, it is 21 and older. Then the areas shown in red on the plans, if you have the security plans, are no one other than a card carrying dispensary agent. That's the area behind the points of sale toward the*

vault, toward the security facilities.

*Mr. Gonzales said is there going to be proper signage on the windows of the glass or the doorway coming in specifically stating the age requirements to enter that facility?*

*Mr. Fitzsimmons said yes.*

*The public input portion of the public hearing was opened. The witnesses were sworn in.*

*My name is Tom Mihelic. I'm the President of Kane County Personnel, which is currently located in the building we are discussing today, which is 1415 Corporate Boulevard. I am a franchisee of the Manpower Group and they are a global staffing and recruiting firm located out of Milwaukee, Wisconsin. The Manpower Group stated in 1948. In 1961, it opened its first office in Aurora and it has been under continuous operation since 1961. Next year it will be 60 years. My family bought the franchise in 1972. I am the second generation and owner of the business. I joined the business in 1991 and have been focused full time on staffing in Kane, Kendall and McHenry counties since then. This is our support center office. We have a payroll center and we have a recruiting office here located in this building. We support also our recruiting offices in Yorkville, Elgin and Crystal Lake, Illinois for payroll and accounting services out of this building. We staff for over 200 companies in those 3 county areas. We generate over \$11 million dollars in wages in those communities. Out of the Aurora location on its own, we generate over \$4 million dollars a year in wages for people who live and work in your community. We've been doing this with my family. It will be almost 50 years this year. It will be 48 years. I haven't had much work in planning. I haven't had much in addressing your committee and what's going on, but I've been involved in the community. I was the Chair of the Workforce Investment Board in early 2000. I also have worked with the Aurora and Elgin Chamber. A long time ago, I worked with the Economic Development group at the Aurora Chamber when Steve Hatcher was in charge of it. I work with the Economic group in Elgin, Illinois currently right now. I've been doing staffing for all of that time. This building was actually built at my father and I's request, so we're the ones that established and built the building at the location when at that time the zoning was actually for manufacturing and industrial uses and some office spaces. That was changed when it was turned into the mall. I have a long time that I've been in this building. It will be 20 years this year that've we been in this building since we built it. That's kind of a little bit of the background. We continue to do recruiting and staffing in Kane County and Aurora. We have a long term commitment to this community. I was surprised when 2 signs were nailed in the ground about 2½ weeks ago, so I had to come up to speed more on the cannabis industry and what's going on for a long time. I understand it is an important initiative in Illinois. It is an important initiative in Aurora. It can generate tax revenue. I think it could be something that's a benefit to the community. I did meet this week with both gentlemen here. We did sit down and meet this week and shared ideas and I shared with them what I was going to share with you. I truly think that this is the wrong location for this. You brought up the parking. I think that's the number one issue. I think it is such a disruption of business. I've been thinking about this today. I went to lunch today and I turned on WMAQ and they had a story about North Aurora. I would ask you guys as we rush into this and we push this forward and we want to get to the revenue, it is important we get this right, not only for us, but NuMed also because we don't want to create a mess. But if you have not been to North Aurora during the day and you have not seen what's going on up there, I think you should because I went over and I talked to some of the business people and they feel like they are under siege. I went to a woman's legal office today. She is constantly*

calling tow trucks all day because they are parking in her lot and she can't get them off her lot, so she is distracted by that. I know there is a tenant that's in the building there. I talked to him. He could not come tonight because of prior engagements. I just met with him today, but he is a tenant in the building like I am a tenant in my building. They have 50 parking spaces there. The first week he came to work he couldn't get a parking space himself to go to work. After a week, the landlord figured it out. They broke it down to 30 parking spaces for the dispensary and 20 spaces for the other people in the building. He says he has to arrive before 7:00 a.m. to get a parking spot for his own building because the security doesn't come in for the dispensary until 9:00 o'clock and at that point the parking lot is backed up. I can understand. We have some history from NuMed in the past and I like what Robert said and their history and what they've done, but January 1st is a game changer in Illinois. It is a whole new world. So the question is we live in interesting times, right? But, as important as it is for us to get it right for NuMed, it is also, I feel, just as important to get it right for Manpower and for Kane County Personnel that's been established here. So I went over there and talked to them. As I went to the building, they were directing traffic in and out. I talked to the security guard and he said we can't handle any retail traffic here. If you don't have a medicinal license, we are directing you down the street. So as of right now, they have 2 secondary parking locations. One is across Route 31 at the police station, so they are parking in the government police station lot. They've got 45 parking spaces they can use there and now they've got a parking lot that's down the street on Route 31. So as I went to park in the parking lot and ask the business owners that are going by, people are walking up and down Route 31 from Route 56 all the way down to Airport Road, a quarter of a mile or maybe more. Some of that has sidewalk, some of it does not, but those are the retail clients and they are being diverted off also across to the police station. They are under siege. The other business in between there, 2 attorneys, their last week has been spent diverting traffic and they don't know what they can do. They met with the city and they can't change it now, but they've got 50 parking spots. They are delineating 30 for this dispensary and the dispensary themselves is telling their security guards that they can only take people with medicinal licenses for that parking lot. One of the concerns here is the fact that I rent 56% of the building. I have a 2 year lease left on it on top of my 20 years, so I've got 2 years for my cycle. If the parking lot's here, I get more than 50% of the parking in the building, so I have 16 to 17 slots out of 32, so that leaves 14 or 15 slots. Two of them are handicapped. I would think with a co-tenant we would share that for the handicap use, so that would cut the parking down to 14 or 15 slots. I did take some pictures today of North Aurora that I'd like to share with you guys. I've got 10 copies and I'm going to share 1 with Robert. I just want to give you a picture. A picture is worth a thousand words of what's occurring there. I've passed it around and I've numbered the pages. I'm sorry about the quality of the work. This is something that I did today. Could you tell me if I'm off track? Is parking a critical consideration and traffic flow for this facility?

Mrs. Head said my question to you would be have you talked to your landlord?

Mr. Mihelic said my landlord did not even notify. I called and talked to him yes.

Mrs. Head said because that's an issue between you and them. Have you discussed what your parking spaces are going to be and handled that through him?

Mr. Mihelic said it is in the lease that I get 56% of the parking. It is divided out. But is an interesting scenario because the landlord has signed a Letter of Intent with NuMed that if they get the license approved not only will they become a lessee, but they are probably going to buy the building. So when I asked him and I met with him who the

landlord is, it depends on the timing and your decision. But my rights for the lease do have me getting 50% of the parking. I have 10 employees, so that leaves me 6 spaces for me to do my business. It is critical that I get employees into the building and do that and I will have employees under the age of 21 using the general lobby and having to come in and out of the building and through the building. That is something that we are co-located in that way. I just want to talk about the parking right now. If you look at this, this is a picture at the front from across the street at the police department and looking across Route 31. If you look at the middle, that's the traffic that's slowed down because we have someone taking a right into the building there. That's picture #1. If you go and look at picture #2, that's a car entering the parking lot from the opposite direction. There is a security guard that's stopping everybody as they come into the lot and they are having to direct them north through the parking lot if they don't have a medicinal license or they are not with the business, so that's page 2. If you look at page 3, there is a security guard at the north end of the parking lot that is having to direct people out of the parking lot that don't have a medicinal license. They have 2 full time people directing traffic. This occurred between 2:30 and 3:30 p.m. today, so it is in real time. You can see VeriLife is the name of the business. The 4th slide is looking north on Route 31 as you come out of the building. You'll notice across the street is a vacant property. The security firm has had to park the cars in front of the entrances to that property probably to keep cars from going in and parking in the back side of that for the business owners, so both entrances to that and a security guard park. If you'll look at picture #5, that's the police department parking lot and you can see there are at least 4 rows of cars parked there at the police parking lot. That's on the west side of Route 31 and not on the east side. Slide #6 actually is looking across the street as you walk from the police station to Route 31 to cross the street. There is a sign that says VeriLife in the middle and it points left and you can see people waiting at the light to come back across the street today to come to the police parking lot, so they are coming all the way across Route 31. Slide #7 just shows somebody walking north on Route 31 on the opposite side of the street. Slide #8, I'll turn your attention to the flow that is happening inside of the building. This is downstairs in the building. They have to direct people to the back of the building and they are creating a snake or a queue line for people to get into the building there. So what you can see is page 8 and 9 are one room of people waiting to get into the station. This is in the basement. The dispensary is located on the second floor, so these people are waiting in the basement. Slide #10 is the second room of the queue line and these were all taken within 2 minutes. I just went up the line and took the pictures. Do you like my drawing? I just figured I didn't want to have anybody's faces, so that's why I did that for their privacy. I did it on the license plates for cars that were there. I just felt that that was the most adequate thing to do. Page 10 is the second room. Page 11 is the second floor. People have to wait to be set up in queues to go up to the second floor and here is the line on the second floor. Then page 12 is just me looking north on Route 31. That's someone walking up the sidewalk. That's someone coming to the dispensary, so they are walking a quarter of a mile down because there is not enough parking. For the parking thing, it is the point. What Aurora wants to do in putting the dispensary in place, their choice of NuMed, I don't have a problem with that choice. I just don't think this is the right location. The reason being, on top of only having the parking space, there are no sidewalks that can get to this building. This building has no sidewalks. You have the Tollway to the south, the entrance ramp coming on. You can't have a sidewalk because people are coming off of 88 and going north on Farnsworth Avenue. Farnsworth Avenue is a 4 lane thoroughfare with a middle turn section in the middle. There is no way people can walk across Farnsworth and get to this area. Across the street there are parking lots, but that's for a retail building, right? So those people can't come across traffic. They are going to have to walk across Corporate Boulevard, which is all the traffic that flows

*into the mall and the dispensary and my business. That piece is there. The mall is there, but it is all wetlands and it is protected. This building is on wetlands and there's no capability whatsoever to expand the parking for this building. Is that correct Ed? Is there not capacity at this building to expand the parking lot?*

*Mr. Sieben said I believe you are at capacity.*

*Mr. Mihelic said so we are at capacity for that parking lot, so whether I'm there long term or NuMed is there long term or anybody is there, you can't make it more than that many parking spaces because you have the wetlands protection, you have Farnsworth and you have a building to the north of it. It is very limited parking. As I look at this, I'd ask you guys to take a long look at this. Someone could say this is the first week of sales. Who knows? This might be the new normal. I do believe DuPage County has not approved any dispensaries. Is that correct? Does anybody know any different? I'm trying to get up to speed on information, but from what I've heard DuPage County hasn't allowed any dispensaries. That's what I'm hearing from the state. I heard today that Tinley Park has put a moratorium on expanding dispensaries because of these type of issues that are occurring. I think NuMed has been in Central Illinois and the St. Louis area, but you are talking about the population of Aurora and Naperville are 250,000 to 300,000 people and you are talking about DuPage County is another 920,000 people, so you talking over 1,000,000 people just from the east that could come to this facility. It is big traffic flow and this is the closest location to DuPage County. Like I said, I get it. We want tax revenue and we want to get this done, but does this need to be done today without more looking at the parking and analysis of that? That's the comments that I have. For me as a business owner, for what I saw with what those business owners are going through that have been in North Aurora and are parked in there and they are kind of landlocked and they've got cars going by and trying to park in their lots and they've got to get to work early, that's established businesses that are really under duress, so this has to be thought out. The world changes fast. The police department is now that parking lot for the dispensary in North Aurora. We can chuckle and we can laugh, but outside of that, I think this can be planned better. Aurora is a very big city. Aurora has a lot of locations that can make some sense. The question is, is this one the best answer? I would disagree with it. Any questions.*

*Mr. Chambers said I have a question. The empty lot that's shared in the same building that you're in, do you know approximately long that's been empty?*

*Mr. Mihelic said the lot?*

*Mr. Chambers said no. The portion of the building that NuMed is looking to occupy.*

*Mr. Hughes said 8 years.*

*Mr. Chambers said it has been empty for 8 years?*

*Mr. Mihelic said since 2012.*

*Mr. Chambers said and you've been in that building for how long?*

*Mr. Mihelic said I've been there since 2000.*

*I'm Jonny Padilla of West Chicago, Illinois. I'm here representing the local residents. I'm not against him opening up a dispensary here. As a law, it is great that it passed.*

*I think it should be focused first on the social equity applicants that are still waiting to hear from the state if they are awarded a license. I believe they should be awarded and given some time. Some of the good spots have already been taken by some of the medical locations, such as NuMed has already 3 dispensaries in Illinois. One great location in Wicker Park / Logan Square. They took up that spot over there. Now they want to take the second best location in the suburbs and I think it should be reserved more for the local residents and the social equity applicants that have applied. This whole traffic situation might be an issue. I don't know. Either way, I believe anyone should be have to have a dispensary at that location. It is a great spot. I think there should be some more time given for the social equity applicants that are still waiting on their licenses. I know I'm one of them that is looking to get on in Aurora, hopefully, and I've got a couple of other people that I've met in the process, so him taking the spot will give up another mile and a half radius for anyone else that wants a dispensary at that location, so he would be kind of monopolizing the spot, especially, you know, it should be given back to the local residents that have been impacted by this war on drugs. It is just like a great location there. Like if they take it, it's the money they will be making. At the moment he owns 3. If the dispensary is selling over \$5 million, he'll make half a million a year from the dispensary and he's got 3. I think it should be just slowed down and given a chance for the social equity applicants to kind of get on board with the industry. I don't think I have anything else at the moment.*

*The public input portion of the public hearing was closed.*

*Chairman Pilmer said I might ask staff to come forward. If you could just maybe comment on parking and if that meets the requirements for zoning.*

*Mr. Sieben said I was just doing some math. Basically the site as is does meet the City of Aurora zoning requirements for parking. As was stated, there are 32 parking spaces here. The building was originally designed for office use. I think I heard your space is about 2,700 square feet of retail. There is about 3,000 square feet of office on the Manpower side give or take. All totaled, let's assume it is 6,000 square feet. All office, you need 1 space for 300 square feet of office so that would be 20 parking spaces required for an all office building. There are 32. If half the building, let's say 3,000, was going to be office, that's 10 spaces required for the office. The retail portion, which is now the dispensary, is 1 per 200 square feet, which I believe if it is 3,000 square feet it would be about 15 spaces, so that would be 25 spaces, so either way, even if this was all retail, they would still have enough parking per the Zoning Ordinance. So it does meet the requirements. I would just say one comment regarding the parking that's occurring in North Aurora, we had a similar experience with a similar new type of business when the Chick-Fil-A went in up by the Fox Valley Mall on Route 59. That was the first Chick-Fil-A in all the Chicago region when it came in about 5 or 6 years ago and a similar issue happened on a short term basis, but eventually that did die down. I would say that's the closest that we've had to this type of new demand, but again, that eventually died down fairly quickly.*

*Ms. Tidwell said has there been any change to the Zoning Ordinance in contemplation of the January 1st change in the ability to have these facilities and is there any discussion about changing if there have not been any changes to date?*

*Mr. Sieben said so the city just approved the Text Amendment to the Zoning Ordinance on October 22, so we did take into account the current state law. So there hasn't been any changes since then I don't believe.*

*Chairman Pilmer said but from parking, this would fall under retail.*

*Mr. Sieben said the new dispensary, the dispensary portion, would be retail, correct.*

*Ms. Tidwell said retail and my guess that the definition of retail has not necessarily included a facility that may well have the kind of traffic that could happen here.*

*Mr. Sieben said we don't differentiate the type of retail, so this would just fall under retail.*

*Ms. Tidwell said as I look at this area, and I live not too far away and travel up to Double York pretty frequently, there is destruction of facilities going on on the west side of Farnsworth, north of 88. I've heard that there may be some development in that area, but as I look at this particular property, I don't see a place for overflow parking at all.*

*Mr. Sieben said I guess I'd let the Petitioner, I believe they may have looked at some overflow parking, I'll let them answer that. For their employees they mentioned that.*

*Ms. Tidwell said right, but as far as customers, I don't see any place where people could go if the lot is full.*

*Mrs. Anderson said and have they looked at any other locations besides this one?*

*Mr. Sieben said I'll let the Petitioner answer that.*

*Mr. Fitzsimmons said so you had a question?*

*Mrs. Anderson said yes. Have you looked at any other locations besides this one?*

*Mr. Fitzsimmons said we've done extensive work throughout the western suburbs. We have several locations we are looking at. We just applied for 35 more licenses, so we will have several to apply, but this is actually the best one in the western suburbs, partly because it is very compatible with the mall next door. The traffic is quite similar. The demographic is quite similar. We actually don't have parking problems. I told you we only have 12 spots on North Avenue. I don't mean to demean our competition, but we use a text back system and so you get an appointment to come. You can't show up at the door. You get an appointment and for those 40 minutes you are allowed to come into the dispensary. We don't have lines. It is just done on technology through a system called Data Owl and it leaves us to some of the highest customer satisfaction around. A lot of our medical patients actually take quite a while if you have an ailment you need diagnosed and we are strenuously keeping to the medically fold, so as you may know if you look at the news, we have cut off recreational now because we don't want it to strain the medical customers. We think the ebb and flow will die down, so we are serving our medical customers now. So I know there were questions about parking. As to what you are seeing in North Aurora, I actually represent that building. The owner of the VA Clinic is a good friend of mine. We were the ones who told them they ought to do an interior holding area and recommended Data Owl for them as a text back system, but you can't put it in overnight. We started planning that at Halloween knowing that there would be traffic. Everybody is going to learn by doing, but in this case we felt we managed the traffic very, very well.*

*Mrs. Head said so you will have that available day one when you are there where it is required to have an appointment to come in?*

*Mr. Fitzsimmons said we will use Data Owl in all our locations.*

*Mrs. Head said so if you don't have an appointment you can't sit outside and hope and pray that someone cancels?*

*Mr. Fitzsimmons said you can't get in the building and we don't set up lines.*

*Mrs. Head said okay, perfect. Thank you.*

*Mr. Owusu-Safo said did I hear you right that you're going to maintain it as a medical dispensary facility?*

*Mr. Fitzsimmons said so as you may know, the state law requires you to serve medical patients and keep a significant portion of your inventory for medical patients. We have 3 medicals. You're not able necessarily to establish a new medical. It is actually a glitch in the law we thought they would be allowing new medicals. It is interesting to watch because we have that focus on the medical. We had 33,000 Google Map searches over the weekend, but we never had a line because they all got the immediate kickback through Google that you had to sign up for a text back. We got 2,000 more medical card applications over the weekend because we prioritize medical customers, but we didn't have 10,000 people waiting. That's not the way we run our business or plan to run our business. I do agree that North Aurora has been handled poorly. I think they are starting to get control over it, but a lot of other dispensaries like ours has handled it pretty well.*

*Mr. Chambers said so with your business hours being from 8:00 a.m. until what time will you close?*

*Mr. Fitzsimmons said we usually open at 10:00 and we have been closing at 5:00 or 6:00.*

*Mr. Chambers said is that going to be the hours at this location?*

*Mr. Fitzsimmons said I believe the hours here will extend closer to 7:00.*

*Mr. Chambers said and you are open at?*

*Mr. Fitzsimmons said at 10:00.*

*Mr. Chambers said with that being said, I just want to make sure I'm understand it and hearing this correctly is that the only customers that you are taking are those with an appointment or is it just for a 40 minute time slot that you are taking customers?*

*Mr. Fitzsimmons said so we have a text back system where if you come and there is no appointment for you, you go to your phone and there is a text back system that says come Tuesday at 4:00 o'clock. You get a 40 minute window to come and have your appointment through Data Owl.*

*Mr. Hull said I have a question for staff. Would that be part of any condition that that would have to be in place when they open?*

*Mr. Sieben said the Planning Commission could make a conditional recommendation. We do not have that in there at this time, but if that should be the wish of the*

Commission, yes.

Ms. Tidwell said I had another question. Of 40 minute appointments, how many do you run concurrently?

Mr. Fitzsimmons said it depends on how many points of sale you have. This facility is scheduled to open with 8 points of sale, so you could have 8 customers being served. If you have a 40 minute window, you might have 25 people waiting for appointments at the most because you have 15 minutes to work with a patient and you have there 3 times 8 or 25 people who are in the building.

Ms. Tidwell said no one has ever paid me for my math ability. Could you go over that again please?

Mr. Fitzsimmons said sure. I happen to be a math major, but I'll try to keep it simple, which is basically you have 8 points of sale. In the building, you might have 2 people lined up behind the first customer. It is like being in the bank, you would only be the third customer in line if you had a 40 minute window.

Ms. Tidwell said so doing the math, tell me how many parking spaces potentially you would need for this collection of people inside.,

Mr. Fitzsimmons said it would depend on how many came at once, but with the whole building, 32 spaces is more than enough, especially if you have off-site employee parking.

Ms. Tidwell said thank you.

Mr. Fitzsimmons said downtown you'd be surprised at the Uber traffic. That's part of the reason 12 spaces is enough.

Mr. Chambers said you have 12 or 14 spots and you said 32, so where would the other 17 cars be parked?

Mr. Fitzsimmons said we have 12 downtown. The 32 is when you have the whole building here.

Mrs. Owusu-Safo said my understanding is that you share the 32 with Manpower, so yours is approximately less than 50% of that 32.

Mr. Fitzsimmons said right. It is 15 spots. We only have 12 downtown, almost exactly the same square footage and the same number of points of sale.

Mrs. Owusu-Safo said your math just indicated that you could potentially have about 25 people in the queue, right?

Mr. Fitzsimmons said in a 40 minute, if they all stayed the full 40 minutes, you could have more than 17 cars theoretically.

Mrs. Head said my understanding, because I've done a lot of research on this so that I understood everything with the law, and I've also looked at how it ebbed and flowed and this is very, very, very normal right now. When do you plan on, if this all goes through, how long to the closing process where you are literally ready to open your door? Then I have another question.

*Mr. Fitzsimmons said you mean for our new 3 locations?*

*Mrs. Head said if this goes through, we vote you in and it goes to the Council and it is voted through with our city, when do you plan on this facility opening?*

*Mr. Fitzsimmons said the fall, sometime around November 1st.*

*Mrs. Head said my research has shown that by that time the newness of marijuana will have worn off and this is not the case that happens. Within 6 months, lines have diminished drastically in all the states that this has been done. I just want people to understand that by the time this gets put in the people that want marijuana are going to have their marijuana and it is going to be in their house and it is not going to be an onslaught of everyone in the state wanting it at the same time.*

*Mr. Fitzsimmons said and I'm not aware of any jurisdiction that's changed requirements for marijuana. I will point out that we, like almost any, I can't believe there will be any non-SEA applicants get licenses in the next round the way the scoring works. The last time around, the lowest scoring application that got a license was a 91. If you are not a SEA applicant, you can't get higher than an 80, so everyone of the new licenses will be SEA. This is probably the most socially equitable statute passed in the history of Illinois and maybe the country. They obviously have a very strong focus on that and we applied for 25 SEA applicants where we don't have any ownership interest on our own with our own money and our own resources. I absolutely believe in the SEA applications here. It is the future of marijuana (inaudible).*

*Mr. Hull said well I believe that the revenue that's going to be generated will override all those other issues that are impacting the different communities. So once NuMed is in, no matter what happens in November or next year, or whether it has died down or not, I don't think you guys concern will be how that's impacting the other businesses in the area because the revenue overrides all our senses and everything else that is taking place. I understand that these facilities are going to open, but I also understand that they do need to be appropriately placed where you do have some sidewalk and you do have parking spaces. I live in that area as well and I've been waiting for the traffic at the Outlot Mall to die down for the last 20 years. I've been waiting since they said the newness and then Rosemont opened and you have all these other places and I'm sorry Ed, this is a little different than the chicken sandwiches. Let's all be honest. There was a lot of reasons everyone stayed in the closed was because it was illegal. It is not illegal anymore. I don't think it is going to die off. It hasn't died off in centuries.*

*Mr. Fitzsimmons said I'm not suggesting it is going to die off. What we are going to have is 300 to 500 dispensaries. The other problem with the North Aurora situation, you may know, St. Charles did not give a permit for Zen Leaf to open, and Naperville did not get the permission to open a medical. When you say it didn't open anywhere in DuPage, that's DuPage County. There will be many other dispensaries in DuPage County, just in municipal jurisdictions, not in a town like Naperville that said no or the county. If you 10 operating dispensaries in the perimeter of North Aurora, you'd never have seen anything like that. You wouldn't need Data Owl to fix that problem because they would spread out, but you have to go to Joliet or you have to go to fill in the blank. You can't go to Naperville and go to GTI. That will solve itself. Most, if not all, of the new applicants will be social equity and you will be looking at 10 of them serving this community. That's how your traffic dies down.*

*Mr. Hull said are the sources the same for all the dispensaries?*

*Mr. Fitzsimmons said you mean where we source the product?*

*Mr. Hull said yes.*

*Mr. Fitzsimmons said you have to source from 1 of 20. Now you have 1 in Aurora, Illinois, cultivation centers, and so 3 of them are semi-operative, including 1 we have under contract near DeKalb, but 17 of them are producing product and they are going to have to gear up because this is going to be 3, 5, 7 times more product than it was last year.*

*Mr. Hull said okay so there won't be I'm going to Aurora because they've got better product than...*

*Mr. Fitzsimmons said actually with adult use comes customer choice, so your medical card is tied to a dispensary, kind of like doctor/patient. But when you go into the adult use, you can go to different ones. You can say I want to see what they have in Oakbrook or fill in the blank compared to Aurora. It is kind of an open market and more natural retail than it was under the medical program. It's been a very good program I think. If you saw anyone of our locations, you'd be surprised how medical and orderly they are. It is our focus to keep them at least orderly, if not medical under the new process. I appreciate your time. Any other questions?*

*Mrs. Vacek said staff would recommend conditional approval of the Ordinance granting a Special Use Permit for a cannabis dispensing facility use on the property located at 1415 Corporate Boulevard with the following conditions:*

- 1. That the Petitioner agrees to replace any dead or dying landscaping prior to occupancy permit approval.*
- 2. That the Petitioner agrees that the required documents submitted pursuant to the Special Use Petition are subject to re-review and comment by staff if a State of Illinois license is issued for the subject property. The Petitioner further agrees to make any requested modifications based on said re-review prior to building permit being issued for the subject property.*

*MOTION OF CONDITIONAL APPROVAL WAS MADE BY: Mrs. Duncan*

*MOTION SECONDED BY: Mrs. Head*

*AYES: Mrs. Anderson, Mr. Chambers, Mrs. Duncan, Mrs. Head, Mrs. Owusu-Safo, Ms. Tidwell*

*NAYS: Mr. Gonzales, Mr. Hull, Mr. Reynolds*

#### *FINDINGS OF FACT*

- 1. Is the proposal in accordance with all applicable official physical development policies and other related official plans and policies of the City of Aurora?*

*Mr. Chambers said yes and those are listed in the staff report.*

- 2. Does the proposal represent the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question?*

*Chairman Pilmer said I would state that this over time has come to a very high retail*

area. The uses probably over the last 20 years have changed, but with the entire corridor has transformed into a retail area.

3. Is the proposal consistent with a desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the City of Aurora?

Chairman Pilmer said again, I would state that this property is consistent with the desirable trend of development in the general in question.

4. Will the proposal maintain a compatible relationship with the traffic pattern and traffic volume of adjacent streets and not have an adverse effect upon traffic or pedestrian movement and safety in the general area of the property in question?

Mrs. Owusu-Safo said there is potential for traffic impact with this proposal. As discussed earlier, there are no pedestrian access facilities currently present. With the facility currently being used as an office space and is changing to retail, the assumption is there is going to be some impact to both vehicular and pedestrian movements.

5. Will the proposal allow for the provision of adequate public services and facilities to the property in question and have no adverse effect upon existing public services and facilities?

Mrs. Anderson said these should already be in place and there should be no adverse effect.

6. Does the proposal take adequate measures or will they be taken to provide ingress and egress so designed as to maximize pedestrian and vehicular circulation ease and safety, minimize traffic congestion, and not substantially increase the congestion in the public streets?

Chairman Pilmer said based on the testimony heard tonight, which there was a lot of discussion about congestion in the area, the parking does meet the city standards per the Zoning Ordinance.

9a. Will the special use not preclude the normal and orderly development of improvement of surrounding properties due to the saturation or concentration of similar uses in the general area?

Chairman Pilmer said the area in which the subject property is located is already improved with structures that are similar retail uses. The operation of a dispensary will be normal and orderly in addition to the neighborhood.

9b. Is the special use in all other respects in conformance to the applicable regulations in the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission?

Chairman Pilmer said by virtue of the Special Use it will be.

Mrs. Vacek said this will next be heard at the Building, Zoning and Economic

*Development Committee on Wednesday, January 15, 2020, at 4:00 p.m. on the fifth floor of this building.*

**A motion was made by Mrs. Duncan, seconded by Mrs. Head, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 1/15/2020. The motion carried.**

### **PENDING**

### **ANNOUNCEMENTS**

*Mr. Sieben said I just wanted to indicate we will not have a meeting on January 22nd, which was the next regular meeting. There is a chance we may have a special meeting on the 29th of January. We can let everyone know tomorrow. I know we asked if you were available, but we may not need that.*

### **ADJOURNMENT**

**A motion was made by Mr. Chambers, seconded by Ms. Tidwell, that the meeting be adjourned. The motion carried by voice vote. Chairman Pilmer adjourned the meeting at 7:55 p.m.**

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