



City of Aurora

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Legistar History Report

File Number: 22-0390

File ID: 22-0390

Type: Petition

Status: Draft

Version: 2

**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 05/05/2022

File Name: Nature's Edibles, LLC / 1585 Beverly Court, Units 124
& 125 / Conditional Use

Final Action:

Title: An Ordinance Granting a Conditional Use Permit for a Cannabis Infuser Facility on the Property located at 1858 Beverly Court, Units 124 & 125 (Nature's Edibles, LLC - 22-0390 / AU01/1-22.143-CU - TV - Ward 1) (PUBLIC HEARING)

Notes:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Legal Description, Exhibit "B" Memorandum of Agreement, Land Use Petition and Supporting Documents - 2022-05-03 - 2022.143, CC&R's - 2022-05-03 - 2022.143, Association Bylaws - 2022-05-03 - 2022.143, Plat of Survey - 2022-05-03 - 2022.143, Infusing Plan - 2022-05-24 - 2022.143, Floor Plans - 2022-05-03 - 2022.143, Security Plan and Record Keeping - 2022-05-03 - 2022.143, Ventilation Plan - 2022-05-03 - 2022.143, Environmental Plan - 2022-05-03 - 2022.143, Maps, Findings of Fact - 2022-06-06 - 2022.143

Enactment Number:

Planning Case #: AU01/1-22.143-CU

Hearing Date:

Drafter: vacekt@aurora.il.is

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning and Zoning Commission	06/08/2022	Forwarded	Building, Zoning, and Economic Development Committee	06/15/2022		Pass

Action Text: A motion was made by Mr. Chambers, seconded by Mrs. Martinez, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 6/15/2022. The motion carried.

Notes: 4 *The first item on the agenda is*

5 *Item No. 22-0390, an ordinance granting a*

6 *conditional use permit for a cannabis infuser*

7 *facility on the property located at 1858 Beverly*

8 *Court, Units 124 and 125, by Nature's Edibles, LLC,*

9 *Ward 1. And this is a public hearing.*

10 *MS. VACEK: Good evening. Tracey Vacek with*

11 *the Zoning and Planning Division.*

12 *Just to kind give you a little bit*

13 *of background, on June 25th of 2019, the Cannabis*

14 *Regulation and Tax Act was signed into law by the*

15 *State of Illinois effective January 1st of 2020.*

16 *Subsequently to that, Aurora City*

17 *Council passed an ordinance on October 22nd of 2019*

18 *requiring a conditional use permit for qualified*

19 *cannabis infusing facilities with the conditional*

20 *use permit being permissible in the ORI M1 M2*

21 *district and industrial districts or areas within*

22 *the PDDs.*

23 *The subject property is currently*

24 *two vacant units within the Aurora Corporate Center*

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1 *park with PDD, planned development district, zoning,*

2 *which is part the Farnsworth international*

3 *conditional use planned development -- or actually,*

4 I'm sorry, it's not conditional use planned

5 development. It's a planned development.

6 The petitioner is requesting

7 approval of a conditional use for cannabis infusing

8 facilities. The two units are approximately

9 4,600 square feet of a warehouse and office space

10 including an existing 900-square-foot loft space.

11 The facility will be used to

12 produce product by applying edible labels onto baked

13 goods that will be -- that have been baked elsewhere

14 and then brought onto the site.

15 The facility will also produce

16 beverages infused with cannabis. The edible labeled

17 in beverages are infused with a precise measured

18 quantity of cannabis which will be printed on the

19 label of the edible goods or noted on the beverage

20 container.

21 With that, I will turn it over to

22 the petitioner. They can give you a little bit more

23 detail on their operations, and then if you have any

24 questions.

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1 CHAIRMAN PILMER: All right, thank you.

2 I would ask the petitioner to come

3 forward. This is a public hearing, so anyone that

4 wishes to speak for the petitioner, I would swear

5 *you in at this time.*

6 *Please raise your right hand.*

7 *(Audience participants sworn.)*

8 CHAIRMAN PILMER: *Thank you.*

9 *And then if you will just state*

10 *your name and address for the record, please, before*

11 *you begin.*

12 MR. WEILER: *My name is Bernie Weiler,*

13 *1770 Molitor Road, Aurora, Illinois.*

14 MR. CHIVARI: *I'm George Chivari. I'm the*

15 *managing partner of our LLC, and I reside at*

16 *775 North Main Street in Glen Ellyn.*

17 CHAIRMAN PILMER: *Thank you.*

18 MR. WEILER: *Good evening, ladies and*

19 *gentlemen. I'm the attorney for Nature's Edibles.*

20 *And Nature's Edibles about two years ago applied for*

21 *a license to become an infuser -- a cannabis*

22 *infuser. That license process, which was*

23 *administered by the Department of Agriculture, was*

24 *extremely competitive, many, many, many applicants.*

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1 *We believe that Nature's Edibles was chosen as a*

2 *licensee because of the unique nature of its*

3 *business.*

4 *One of the difficulties with*

5 *infusing cannabis into edible products is it's very,*

6 very difficult to control the dosages of THC that is
7 infused into those products; and so the people who
8 are ingesting them do not have a really way of -- a
9 way of telling what that content will be and what
10 the effect on them will be.

11 The technology that has been
12 developed by Nature's Edibles solves that problem by
13 being able to control the amount of THC that is in
14 each portion of an edible product by creating a
15 slurry. And George can get into a little bit more
16 of the technology, but a precise amount of THC is
17 infused in what is called -- in an edible label,
18 which if you think about a breath strip, that's kind
19 of what the edible label will look like. And it's
20 marked with the exact dosage of, you know, how many
21 milligrams of THC are in that label, and it's placed
22 right on the product.

23 So because of the safety nature, we
24 believe that we were selected as a licensee because

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1 of that.

2 So what the business really is is
3 using that technology to create products. One of
4 the products is just the edible strip itself, and
5 the other is a strip that can be applied to other
6 food products.

7 The actual products that will be
8 generated here are actually very, very small in
9 nature. There will be no cannabis plants brought
10 onto the premises. The -- the cannabis content is
11 distilled in another facility under another type of
12 license by another company and is brought onto the
13 property in vials that are about the size of a
14 one-liter bottle. That process -- then that is
15 interjected into a slurry and put through a process
16 that creates these strips.

17 So that is the principal business
18 that will be -- that will be done on the premises.

19 So there will be no retail -- no
20 retail use. There will be no -- there will be no
21 plant products. There will be -- this THC comes in
22 a very, very thick oil that does not have any
23 vapors, so there's no emissions issues. So it's a
24 very, very tidy operation that we're looking for.

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1 And this is -- I wish I could --
2 I've been here on many occasions and have had
3 wonderful drawings and so forth; but in this case,
4 it's just two units that are joined together.
5 They're already being used as a single unit that has
6 just been acquired by Nature's Edibles for this
7 purpose.

8 So the number of employees would
9 probably never exceed 10 employees at one time.
10 MR. CHIVARI: 10 to 15 is what we anticipate
11 at this juncture of the development of the business.
12 Could go larger, but 10 to 15 is what we're
13 targeting.

14 MR. WEILER: One of the products that will
15 also be -- that will be produced there is a beverage
16 so that the content of this concentrated THC will be
17 introduced into beverages that will be bottled
18 on-site, as well.

19 And George can give you an idea of
20 the size of what that business is.

21 MR. CHIVARI: Well, excuse me, that business
22 is -- we're going to be a licensee -- or we hope to
23 be a licensee for source technology out of
24 Washington State. They market a brand called Major.

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1 So they sell the product in a
2 100-milligram bottle, and it's a very simple
3 process. They have a proprietary slurry that you
4 mix with the cannabis oils, bottle. It's all
5 ambient, package it, goes out the door.
6 It's -- both of the edible film
7 that Bernie mentioned and the beverage are very
8 simple cumulating processes. There's no cooking;

9 *there's no freezing; there's no treated air.*

10 *Everything is ambient, and that's the beauty of the*
11 *product lines.*

12 *MR. WEILER: So -- and that's the -- the*
13 *cannabis business is governed by a number of*
14 *licensees. So, for instance, anybody who brings the*
15 *cannabis product onto the property must have a*
16 *separate license. So that -- so it's a*
17 *transporter's license. And anybody who takes it off*
18 *of the property also has to be a licensee. So it's*
19 *extremely regulated.*

20 *We are not a trans- -- we do not*
21 *hold a transporter's license, and so we will have to*
22 *engage other licensees to do that. But there will*
23 *be no on-site consumption, no on-site sales. It*
24 *will be, you know, primarily producing these*

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1 *products and placing them elsewhere.*

2 *Even though it might be anticipated*
3 *that we would apply labels to food products that are*
4 *brought in, it's -- it's pretty much intended, I*
5 *believe, George, that it's the labels that are going*
6 *to be shipped out.*

7 *MR. CHIVARI: Yep. Yeah. The other part of*
8 *that edible -- let me state it this way. This is an*
9 *edible film that could be used by itself with the*

10 infused cannabis or applied to a brownie, a
11 crispy -- Rice Crispy Treat or something like that.

12 To Bernie's point, the whole safety
13 aspect is what we have hung our hat on. So that
14 strip we can get down 10 milligrams, plus or minus
15 10 percent, which is within the guidelines of the
16 state and the regulations.

17 MR. WEILER: And our leadership's background
18 is George has a 40-year career in the food
19 distribution industry; and so with regard to food
20 purity, et cetera, he, you know, understands all of
21 the -- all of the mechanics of safely distributing
22 an edible product.

23 So if there's any other questions.

24 CHAIRMAN PILMER: Any questions of the

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1 petitioner?

2 COMMISSIONER GONZALES: Yes, I have a
3 question for you.

4 MR. WEILER: Sure.

5 COMMISSIONER GONZALES: You mentioned a
6 minute ago that there's no -- I don't know, I guess
7 you would call it the liquids coming in. It's
8 already bottled into one liters. So that's being
9 produced and manufactured outside and being brought
10 in.

11 You mentioned there's not going to
12 be any cooking or any sorts with machinery there.
13 Obviously it's a packaging company. What type of
14 fume extraction is going to be in the facility, and
15 is that going to cause any kind of external smell, I
16 guess I would say?

17 MR. CHIVARI: No. This is really what I
18 would construe as a cold process. So there is no
19 vapors whatsoever, and it's basically an assembly.
20 You mix with proprietary slurries. Ours is the --
21 the edible strips are proprietary and the beverage
22 is proprietary. So you just mix those on a formula
23 with the cannabis or the THC and bottle or produce
24 the strips.

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1 Very simple -- very simple process,
2 thank God, because, I mean, you can get into
3 complications. But this is straightforward, no --
4 no exhaust or anything. Everything is ambient.

5 MR. WEILER: The only application of heat is
6 up to 100 degrees in order to get the -- this thick
7 distilled product to flow. It's like making sure
8 that your syrup -- it would be like warming up syrup
9 on your pancakes.

10 MR. CHIVARI: Yeah, we use water baths in the
11 sealed containers because you don't want it to

12 evaporate. You want to maintain everything. So

13 that's some of the controls that we have, too.

14 CHAIRMAN PILMER: Any other questions of the
15 petitioner?

16 COMMISSIONER OWUSU-SAFO: I have a product
17 question.

18 MR. CHIVARI: Sure.

19 COMMISSIONER OWUSU-SAFO: And that is you
20 were talking about having it proportioned or
21 specific. Is this for individual dosage allowed per
22 day by the State? How is that all being done?

23 MR. CHIVARI: An edible -- edible products,
24 the max is 10 milligrams plus or minus, I think it's

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1 15 percent, so -- and any portion, if it's a strip
2 or anything, that's what we're selling.

3 Now, we sell them in hundred
4 milligrams, so it's up to the consumer to maintain
5 the 10 milligrams. But there is no minimum and
6 there's no maximum.

7 If you want to sit and get a little
8 high, I mean, it's up to you; but, I mean, you're
9 not going to overdose from any of these things, so.

10 But that's -- that's the beauty of
11 our product is that because of the slurry
12 homogenizes with the cannabis oils that we can

13 deliver a real tight product line, versus if I took
14 chocolates and homogenize it, you're not quite sure
15 what you're going to get at any one bite, so.
16 MR. WEILER: And one of the problems that
17 this solves is that with edibles, one of the -- the
18 original experience with edibles was that because of
19 the -- the digestive time that it takes for an
20 edible content to be absorbed into the bloodstream
21 and have the desired effect, is that the consumers
22 would think, well, I've eaten -- I've eaten two
23 bites of this brownie and nothing has happened so
24 I'll eat two more, and I'll eat, you know, I'll eat

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1 the whole brownie, and I'll eat another brownie, and
2 then two hours later, now it's having an effect and,
3 you know, they can't move.
4 So the idea is, is that they're
5 being told that each section of this -- you know, if
6 there is a product that has 100 milligrams in it,
7 you can see that 10 milligrams at each labeled
8 section of that, like if you had a Hershey bar where
9 you have those little sections, so that you know
10 that you are consuming 10 milligrams, with the idea
11 that, you know, wait a minute and it will -- you
12 know, it'll have the desired effect.
13 MR. CHIVARI: That's right.

14 CHAIRMAN PILMER: Any other questions for the
15 petitioner?

16 COMMISSIONER ANDERSON: Yes, I have one.

17 What would be the hours of
18 operation for this facility?

19 MR. WEILER: The hours of operations are
20 limited by the -- by the -- by the ordinance, which
21 is 8:00 AM to 10:00 PM?

22 MS. VACEK: Yes.

23 MR. CHIVARI: Yeah, we anticipate running a
24 normal eight-hour business from 8:00 to 4:30, 8:00

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1 to 5:00.

2 COMMISSIONER ANDERSON: Okay, thank you.

3 CHAIRMAN PILMER: Anything additional?

4 All right. This is a public
5 hearing. At this time if anyone in the audience
6 would like to speak to the Commission regarding this
7 case, please note you'll have the opportunity to do
8 so.

9 Does anyone want to come forward?

10 (No response.)

11 CHAIRMAN PILMER: Please, for the record,
12 note that no one has come forward, and then I will
13 close the public hearing for this case.

14 Are there any questions of staff?

15 (No response.)

16 CHAIRMAN PILMER: I would ask staff to cover
17 the findings of fact, please.

18 MS. VACEK: Staff has evaluated the findings
19 of fact and finds that the project will not be
20 detrimental or endanger the public health, safety,
21 morals, comfort, or general welfare as the use is
22 going into two units of an existing industrial
23 building within an industrial park.

24 The conditional use will also -- or

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1 will not be injurious to the use and the enjoyment
2 of other properties in the immediate vicinity or
3 diminish or impair property values as it is a
4 compatible -- it is compatible with the other
5 industrial businesses within the industrial park.

6 The conditional use will not impede
7 the normal and orderly development and improvement
8 of the surrounding properties for the use -- the
9 uses permitted in this district as the use is going
10 into an existing industrial building, so they're not
11 impeding any order -- or orderly development.

12 There is sufficient adequate water
13 and sewer capacity to serve the project. In
14 addition, there's already -- it's already been
15 developed; therefore, stormwater management,

16 drainage, and access has already been accommodated.

17 Again, there's accommodations for

18 access, cross-access through the private drives to

19 the public streets, and this should cause little to

20 no traffic congestion on the public streets.

21 And then the last one is that the

22 conditional use will in all other aspects conform to

23 the regulations of the PDD.

24 CHAIRMAN PILMER: Those are the findings of

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1 fact. Would staff have a recommendation?

2 MS. VACEK: Yes. Staff would recommend

3 conditional approval of the ordinance granting a

4 conditional use permit for the cannabis infusing

5 facility and the properties located at -- sorry.

6 It's 1585. I don't know why I have 1855 -- or 58

7 there, but it's 1585 Beverly Court, Units 124 and

8 125, with the following condition: That the

9 petitioner agrees that the required documents

10 submitted pursuant to the conditional use petition

11 are subject to re-review and comments by staff if

12 the State license is issued for the subject

13 property.

14 The petition further -- or

15 petitioner further agrees to make any requested

16 modifications based on said re-review prior to the

17 building permit before it issued -- being issued for

18 the subject property.

19 CHAIRMAN PILMER: So can we just clarify the

20 address? It's 1585; correct?

21 MS. VACEK: It's 1585.

22 CHAIRMAN PILMER: Correct.

23 You've heard staff's

24 recommendation. Is there a motion?

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1 COMMISSIONER CHAMBERS: Move for approval

2 with the conditions listed in the staff report.

3 COMMISSIONER MARTINEZ: I second.

4 CHAIRMAN PILMER: A motion has been made and

5 seconded.

6 Please call the roll.

7 MS. JACKSON: Chairman Pilmer?

8 CHAIRMAN PILMER: Yes.

9 MS. JACKSON: Mrs. Anderson?

10 COMMISSIONER ANDERSON: Yes.

11 MS. JACKSON: Mr. Chambers?

12 COMMISSIONER CHAMBERS: Yes.

13 MS. JACKSON: Mr. Gonzales?

14 COMMISSIONER GONZALES: Yes.

15 MS. JACKSON: Mrs. Martinez?

16 COMMISSIONER MARTINEZ: Yes.

17 MS. JACKSON: Mrs. Owusu-Safo?

18 COMMISSIONER OWUSU-SAFO: Yes.
19 CHAIRMAN PILMER: Motion carries.
20 We are to evaluate this case or
21 this proposal with respect to six findings of fact.
22 Staff has read those into the record.
23 Are there any additions or
24 corrections?

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1 (No response.)
2 CHAIRMAN PILMER: Hearing none, is there a
3 motion to approve those findings of facts as read
4 into the record?
5 COMMISSIONER OWUSU-SAFO: Motion to approve
6 the findings of fact as read by staff.
7 COMMISSIONER ANDERSON: Second.
8 CHAIRMAN PILMER: Motion has been made and
9 seconded.
10 Please call the roll.
11 MS. JACKSON: Chairman Pilmer?
12 CHAIRMAN PILMER: Yes.
13 MS. JACKSON: Mrs. Anderson?
14 COMMISSIONER ANDERSON: Yes.
15 MS. JACKSON: Mr. Chambers?
16 COMMISSIONER CHAMBERS: Yes.
17 MS. JACKSON: Mr. Gonzales?
18 COMMISSIONER GONZALES: Yes.

- 19 MS. JACKSON: *Mrs. Martinez?*
- 20 COMMISSIONER MARTINEZ: *Yes.*
- 21 MS. JACKSON: *Mrs. Owusu-Safo?*
- 22 COMMISSIONER OWUSU-SAFO: *Yes.*
- 23 CHAIRMAN PILMER: *Motion carries.*
- 24 *And if staff will just state where*

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- 1 *this will next be heard.*
- 2 MS. VACEK: *This will next be heard at our*
- 3 *Building, Zoning & Economic Development Committee on*
- 4 *June 15th here at the Council Chambers at 4:00 PM.*
- 5 CHAIRMAN PILMER: *Good luck.*
- Aye: 6 Chairperson Pilmer, At Large Anderson, At Large Chambers, At Large
Gonzales, At Large Owusu-Safo and At Large Martinez

Text of Legislative File 22-0390