



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-011
DATE OF PASSAGE January 28, 2020

An Ordinance Granting a Special Use Permit for a Cannabis Dispensing Facility (2115) Use on the Property located at 1415 Corporate Boulevard

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, NuMed Partners, LLC, is the applicant of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A"; and

WHEREAS, by petition dated December 3, 2019, NuMed Partners, LLC filed with the City of Aurora a petition Requesting approval of a Special Use for a Cannabis Dispensing Facility (2115) use on property located at 1415 Corporate Boulevard; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on January 8, 2020, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on January 16, 2020, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning Commission, finds that the proposed Special Use is not contrary to the purpose and intent of Ordinance Number 3100, being the Aurora Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

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Section One: That the City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: In accordance with Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to Section 10.6 and Section 4.3-3.N a Special Use permit is hereby granted for a Cannabis Dispensing Facility use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Cannabis Dispensing Facility use and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said special use.

Section Seven: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "B" within fourteen (14) days from the date of passage of this Ordinance and that said Special Use permit is granted specifically contingent upon 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 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.
3. That the petitioner agrees to separate the ventilation systems between the two units.
4. That the petitioner install a sidewalk, prior to occupancy permit, along the east side of Church Road right of way from the northern access of 2485 Church Road to Bilter Road and along the south side Corporate Boulevard right of way from Farnsworth Avenue to the eastern access of the Subject Property.

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Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the special use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of PDD(S) Planned Development District with Special Use. The Special Use permit shall terminate and the classification of the PDD Planned Development District shall be in full force and effect without further action by the City Council if said property 1) fails to obtain conditional registration license for Cannabis Dispensing Facility by the State, within one hundred eighty (180) days of the authorization of the permit, or 2) fails to commence its use as a Cannabis Dispensing Facility within one (1) year of the authorization of the permit, or 3) ceases its use as a Cannabis Dispensing Facility for a period greater than thirty (30) days.

Section Eleven: That this Cannabis Dispensing Facility use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.


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PASSED AND APPROVED ON January 28, 2020

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ATTEST:


City Clerk


Mayor

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE BUILDING, ZONING AND ECONOMIC DEVELOPMENT COMMITTEE

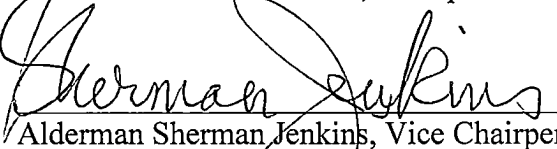
The Building, Zoning and Economic Development Committee at the regular scheduled meeting on Wednesday, January 15, 2020 recommended APPROVAL of An Ordinance Granting a Special Use Permit for a Cannabis Dispensing Facility (2115) Use on the Property located at 1415 Corporate Boulevard


VOTE: 4-1

Submitted By:


Alderman Michael Saville, Chairperson


Alderman Juany Garza


Alderman Sherman Jenkins, Vice Chairperson


Alderman Robert J. O'Connor


Alderman Carl Franco

Dated this 15th day of January, 2020

EXHIBIT A-2

STREET LOCATION MAP

(attached)

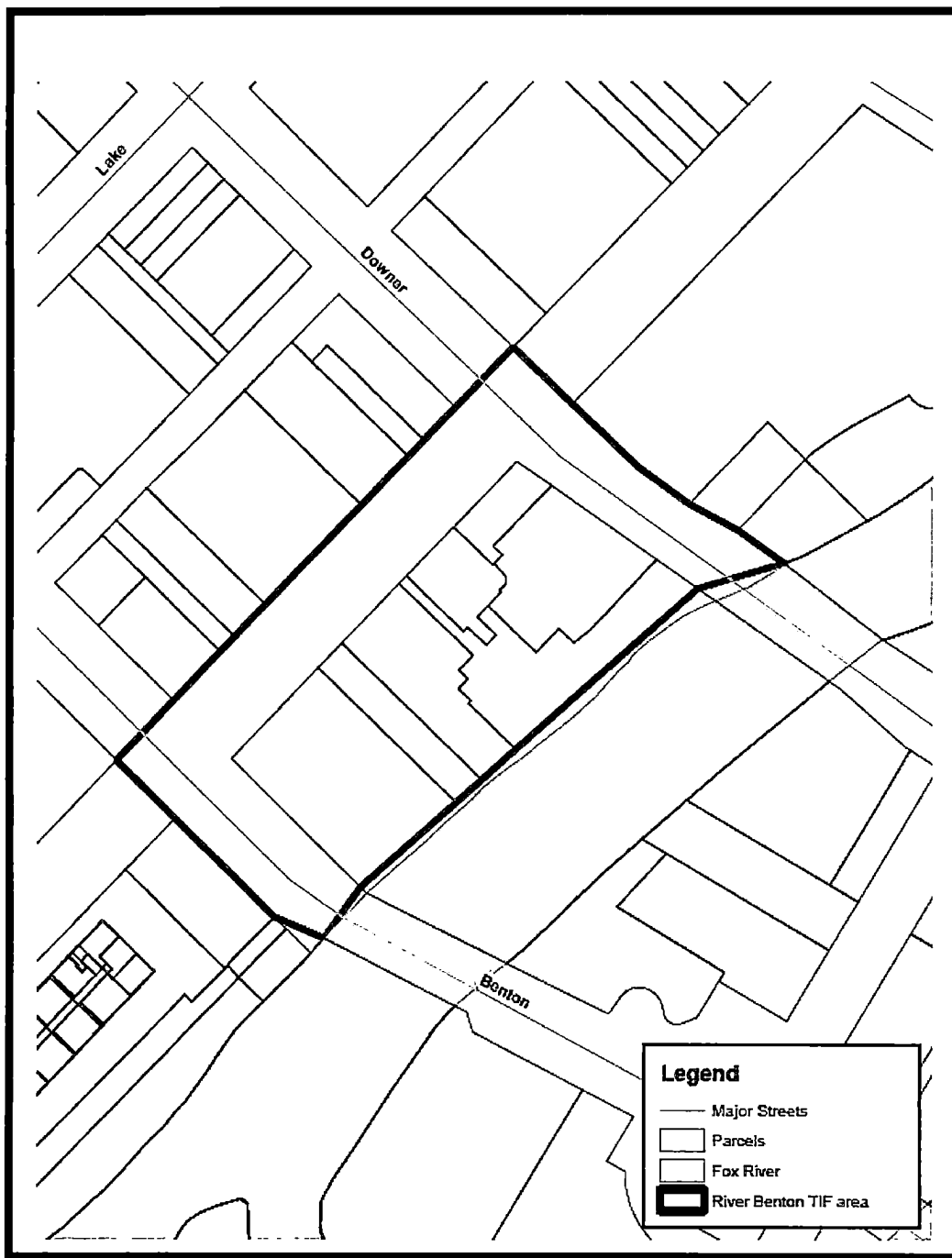


EXHIBIT "A"
LEGAL DESCRIPTION
For the property located at 1415 Corporate Boulevard

Parcel Number(s):15-01-301-006

Commonly known as: 1415 Corporate Boulevard located in Kane County.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 1. TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN. DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 1 ° 19' 25" EAST ALONG THE WEST LINE OF SAID QUARTER, 2163.09 FEET; THENCE SOUTH 88° 49' 00" EAST, 77.31 FEET TO THE EASTERLY LINE OF PARCEL NO. E-1C-356.6 OF THE ILLINOIS STATE TOLL HIGHWAY COMMISSION FOR THE POINT OF BEGINNING; THENCE SOUTH 0° 07' 17" EAST ALONG SAID EASTERLY LINE 78.83 FEET; THENCE SOUTH 1° 18' 43" WEST ALONG SAID EASTERLY LINE 171. 19 FEET; THENCE SOUTH 88° 49' 00" EAST 175 FEET; THENCE NORTH 1 ° 18' 43" EAST, 250 FEET TO A LINE DRAWN SOUTH 88° 49' 00" EAST FROM THE POINT OF BEGINNING; THENCE NORTH 88° 49' 00" WEST 176.97 FEET TO THE POINT OF BEGINNING (EXCEPT THE NORTHERLY 75 FEET, MEASURED AT RIGHT ANGLES TO THE NORTHERLY LINE THEREOF); IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

EXHIBIT "B"

MEMORANDUM OF AGREEMENT

For the Special Use for the property located at 1415 Corporate Boulevard

NuMed Partners, LLC, petitioner for the Special Use permit for a Cannabis Dispensing Facility located at 1415 Corporate Boulevard granted by Ordinance Number _____, agrees to abide by all of the provisions of said Ordinance and with the following conditions of approval:

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 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.

This agreement shall be mutually binding upon the heirs, executors, administrators, successors, devisees and assigns of future owners.

As petitioner for the special use granted for the subject property, I sign this agreement with full knowledge of the contents of said Ordinance and with total understanding of my/our responsibilities to comply with conditions set forth in this agreement and within said Ordinance. I hereby affirm that I have the full legal capacity to sign this document.

WHEREAS, I/We do affix my/our signature(s) hereto and acknowledge receipt of a certified copy of Ordinance Number _____.

Dated this _____ day of _____, 20____.

Signed: _____

Name: _____

Address: _____

Phone: _____

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public in and for the said County and State aforesaid, DO HEREBY CERTIFY that _____, is known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notary seal this _____ day of _____, AD 20____.

Notary Public

My Commission Expires _____, 20____.