



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

File Number: 20-0042

File ID: 20-0042

Type: Petition

Status: Draft

Version: 2

**General
Ledger #:**

In Control: Building, Zoning,
and Economic
Development
Committee

File Created: 01/17/2020

File Name: City of Aurora / Text Amendment to the BB -
Business Boulevard District

Final Action:

Title: An Ordinance Approving a Text Amendment to Ordinance Number 3100,
being the Aurora Zoning Ordinance to add Section 8.6-4.5 Limited but
Permitted Uses to the BB Business-Boulevard District (City of Aurora -
20-0042 / KDWK-20.004-TXT - ES) (PUBLIC HEARING)

Notes:

Agenda Date: 02/12/2020

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit "A" Text Amendment - 2020-01-13.pdf, BB
Location Map - 2020-01-29 - 2020.004.pdf, Legistar
History Report - 2020-01-21 - 2020.004.pdf

Enactment Number:

Planning Case #: KDWK-20.004-TXT

Hearing Date:

Drafter: tvacek@aurora-il.org

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Council	01/21/2020	Forwarded	Planning Commission	02/05/2020		Pass
Action Text: A motion was made by Mrs. Vacek, seconded by Mr. Dick, that this agenda item be Forwarded to the Planning Commission, on the agenda for 2/5/2020. The motion carried by voice vote.							
Notes: Mrs. Vacek said we are adding a limited, but permitted, section to the BB regarding cannabis dispensing facilities as they were not included in in the previous Text Amendment for the BB zoning, so we would be adding that. We are limiting them to Illinois routes and State routes. I would like to make a motion to move this forward to the February 5th Planning Commission. Mr. Dick seconded the motion. The motion carried unanimously.							

2	Planning Commission	02/05/2020	Forwarded	Building, Zoning, and Economic Development Committee	02/12/2020	Pass
---	---------------------	------------	-----------	---	------------	------

Action Text: A motion was made by Mr. Cameron, seconded by Ms. Tidwell, that this agenda item be Forwarded to the Building, Zoning, and Economic Development Committee, on the agenda for 2/12/2020. The motion carried.

Notes: *Mr. Sieben said on October 22nd of last year, the City Council, with the Planning Commission's recommendation, approved modifications to the Zoning Ordinance related to cannabis uses in the City of Aurora in response to the recent State of Illinois legislation, which was, I believe, the end of June of 2019. These amendments dealt with the 6 types of cannabis licenses established in the State Act, which included dispensing facilities and the proposed Text Amendment only deals with that specific license type. While the October amendment addressed dispensing facilities as a Special Use within most of the city's commercial districts, industrial districts, downtown and associated PDD districts, the BB Business Boulevard District was not included in that amendment, so this proposed amendment is designed to address that. A little bit of background of the BB zoning district because we don't usually deal with it, this district was created back in the 1970's as an initial way to get some higher standards for development while allowing mixed uses. This was prior to the wide implementation of Planned Developments within the city, which more effectively accomplished said goals. Therefore, actual BB zoning is quite limited in the city and not pursued anymore for new development. What you have on the TV screen, and I apologize, I think the blue is a little faded, but in blue are the areas that are zoned BB within the City of Aurora and really there are 3 main areas. There is a small area on Route 59 just south of Liberty Street down to New York Street. There is the Meijer Shopping Center. There are several outlots just south of that on Route 59. There are several lots going as you go west of 59 on New York Street, both between Route 59 and Commons and then as you get into Kane County there are some BB zoning? Then you have some BB zoning way over on Orchard Road up in the vicinity of I-88. For example, the commercial development where the Hampton Inn and IHOP and car wash over there in the gas station, it is between Sullivan and the Tollway, that's a BB zoning. Then there is still a BB zoning north of I-88, which does front on Orchard Road, which is undeveloped between Orchard and Deerpath there. Some of you that go way back, back in 2000 a restaurant was proposed there, a Machine Shed from Iowa, but that never developed. There were a lot of issues to the ramp there due to Tollway restrictions. Those are the only straight BB zonings we have in the city, which are shown in the map. With that being said, it was observed that there are a few key commercial areas in the city, primarily along Route 59, which still have said designation and should be eligible for a dispensing facility use provided all requirements are met. Again, refer to the BB map. This proposed Text Amendment would still relate to all existing cannabis regulations that were recently passed within the Zoning Ordinance. All those would still be applicable. This amendment specifically proposes a cannabis dispensing facility being a limited but permitted use within the BB zoning district with multiple restrictions and requirements as indicated in the redline Text Amendment that is just over one side of a page long and is in your packet. The limited but permitted use section is currently used in the B-1, B-2 and B-3 commercial zoning districts for a few different types of uses such as dwelling units. Dwelling units are limited but permitted as long as they are above a first floor and some other restrictions. Dry cleaning establishments as long as they are not over a certain capacity. Then in the B-3 district for example, you can do some limited processing, finishing and assemble facilities, kind of almost like a light industrial use as long as it is not more than 6,000 square feet within the building. So what's proposed with the Text Amendment, a couple of key limitations is that the use would not be permitted in any Planned Development Districts, so any PDD which has underlying BB classification would not be allowed. That is not shown on the map. The only thing you see on the map in the blue is the straight BB. Also, the other thing we are proposing is that this only be located directly on a US or Illinois State highway system, so what you see in the green, the roads in the green there, those are the State or US highways, including I-88. If you drive on I-88, you see next to I-88 you see Illinois 110. I don't know why it is, but I-88 is also classified as a State highway, so that's why that's also shown there. The limited but permitted use would have to be BB and on a State of US highway. Other restrictions in place regarding a cannabis dispensing facility under this section would be that there would be a 1.5 mile separation between said facilities, which is what we had put in with the October ordinance. Also identical would be a 750 foot separation from schools as defined and there could be no adjacency to a daycare. So all that is the same as what we approved for the other dispensing facilities in the October ordinance. Also,*

there would be no displays or signage depicting cannabis or paraphernalia, in other words, pictures of the leaf and things like that on any signage. I believe that mirrors the State ordinance, or the State requirements. Again, no on-site smoking or consumption on any of these premises and hours limited to a maximum of 8:00 a.m. open and 10:00 p.m. closed. Also, all previously required plans for dispensing facilities that are already in place in the Zoning Ordinance that was passed in October would remain. In other words, they would have to provide us with full security, maintenance, ventilation and other procedures of the State licensure would also need to be required prior to any permit issuance. With that being said, we've had no input from the public. This was duly published in the paper ahead of time. I'm here if there are any other questions from the Commission.

Mr. Cameron said not a question, just a comment. 110, I think, is the Chicago/Kansas City Expressway.

Mr. Sieben said right.

Mrs. Owusu-Safo said I have just a statement or just a clarification. My understanding is the blues are the BB locations and all of the State highways are labeled in green.

Mr. Sieben said correct.

Mrs. Owusu-Safo said so for the blues, the internal ones that are not on Route 59, Ogden and 31 and 25, basically those locations would not...

Mr. Sieben said correct. Those would be restricted. You see some on 59, those would be allowed. You see E. New York Street coming west from 59, that's another area where there is a section, but New York Street is not a State highway. The only other area where there is a BB abutting a State highway would be the property right up at Orchard and 88 on the north side of 88.

Mrs. Owusu-Safo said so the one south of the highway would not be?

Mr. Sieben said north of 88. The one on the south side does not touch 88. That's already built out by the Hampton Inn. It would be the one on the north side.

The public input portion of the public hearing was opened. No witnesses came forward. The public input portion of the public hearing was closed.

Mr. Sieben said staff would recommend approval of an Ordinance approving a Text Amendment to Ordinance Number 3100, being the Aurora Zoning Ordinance to add Section 8.6-4.5 Limited but Permitted Uses to the BB Business Boulevard District.

MOTION OF APPROVAL WAS MADE BY: Mr. Cameron

MOTION SECONDED BY: Ms. Tidwell

AYES: Mrs. Anderson, Mr. Cameron, Mr. Divine, Mrs. Duncan, Mr. Gonzales, Mrs. Head, Mrs. Owusu-Safo, Ms. Tidwell

NAYS Mr. Reynolds

Mr. Sieben said this will next be heard at the Building, Zoning and Economic Development Committee on Wednesday, February 12, 2020, at 4:00 p.m. on the fifth floor of this building.

Aye: 8 At Large Cameron, At Large Anderson, Fox Metro Representative Divine, SD 204 Representative Duncan, At Large Owusu-Safo, SD 129 Representative Head, At Large Tidwell and At Large Gonzales

Nay: 1 Aurora Twnshp Representative Reynolds