

ORIGINAL



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 014-067
DATE OF PASSAGE November 18, 2014

An Ordinance Granting a Special Use Permit for a Medical Cannabis Dispensing Facility Use on the Property located at 929 N. Lake Street, Aurora, Illinois, 60506

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, Curative Health LLC is the petitioner of record of the real estate property legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth; and

WHEREAS, Curative Health LLC filed a Special Use petition with the City of Aurora on 10/14/2014, to authorize the use of the property legally described in Exhibit "A" for a Medical Cannabis Dispensing Facility; 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 11/5/2014, with respect to said petition for Special Use permit and found that said petition met the standards prescribed by Section 4.3-3.N Standards of Ordinance Number 3100, being the Aurora Zoning Ordinance, and recommended **CONDITIONAL APPROVAL** of the Special Use; and

WHEREAS, the City Council, based upon the conditional recommendation and the stated standards of the Planning Commission, finds that the proposed Special Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, will not be injurious to the use of other property in the immediate vicinity, nor diminish or impair property values in the neighborhood and, further, the City Council finds that the granting of this Special Use will not impede normal and orderly development and improvement of surrounding property for uses permitted in the district and that adequate utilities, access roads, drainage and other facilities are being provided and that the Special Use will in all respects conform to the applicable

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regulations of the B-3(S) Business and Wholesale zoning and M-1 Manufacturing Limited classification except as varied herein; and

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

Section Three: That this Special Use permit hereby granted is solely for the purpose of a Medical 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 applicant and his respective heirs, executors, administrators, successors, assigns and devisees for the duration of said use.

Section Four: That the petitioner agrees to sign the Memorandum of Agreement attached hereto as Exhibit "C" 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 asphalt in the front of the building between the two drive aisles is to be removed and replaced with landscaping per Staff approval.
- 2) That a public sidewalk is to be added along Lake Street per Engineering's comments.
- 3) That the petitioner is to file with the City of Aurora a Land Use Petition within 6 months of the granting of a State license for the subject property, to rezone the underlying zoning district to B-2 General Retail and submit for approval plans to include façade improvements, landscaping, sidewalks, and signage. In addition, the two rear buildings are to be removed at such time unless a plan to re-use them is acceptable by the City during this process.
- 4) 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 a building permit being issued for the subject property.

Section Five: 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 plans

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described in Exhibit "B" the City Council shall take the necessary steps to repeal this Ordinance.

Section Six: 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 Seven: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of B-3(S) Business and Wholesale and M-1 Manufacturing Limited and upon termination of the use of said property for a Medical Cannabis Dispensing Facility use, or the failure of the State of Illinois to grant said license for the property to the applicant, this Special Use permit shall terminate and the classification of B-3(S) Business and Wholesale shall be in full force and effect.

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

Section Nine: That all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

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

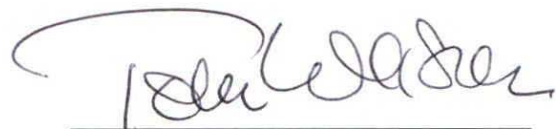
Section Eleven: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

PASSED AND APPROVED on November 18, 2014

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ATTEST:


City Clerk


Mayor

Legistar Number: 14-00888

ATTACHMENTS:

Exhibit "A" Legal Description
Exhibit "B" Plan Information Sheet
Exhibit "C" Memorandum of Agreement

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EXHIBIT "A"

LEGAL DESCRIPTION

For the Special Use for the property located at 929 N. Lake Street

Parcel Number(s): 15-15-176-023 & 15-15-176-060

Commonly known as: 929 N. Lake Street located in Kane County.

PARCEL ONE:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 342.52 FEET TO THE CENTER LINE OF INDIAN TRAIL ROAD; THENCE EAST ALONG SAID CENTER LINE 1033.27 FEET TO THE CENTER LINE OF THE AURORA AND BATAVIA ROAD; THENCE SOUTH 18 DEGREES 29 MINUTES EAST ALONG SAID CENTER LINE 1275.32 FEET TO THE POINT WHERE THE SOUTH LINE OF LAND FORMERLY OWNED BY JOHN JONES CROSSES SAID ROAD; THENCE SOUTH 88 DEGREES 57 MINUTES EAST ALONG THE SOUTH LINE OF SAID JONES' LAND 417.12 FEET; THENCE SOUTH 8 DEGREES 37 MINUTES EAST PARALLEL WITH THE CENTER LINE OF SAID AURORA AND BATAVIA ROAD, 80 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 8 DEGREES 37 MINUTES EAST PARALLEL WITH THE CENTER LINE OF SAID AURORA AND BATAVIA ROAD, 131.2 FEET; THENCE NORTH 88 DEGREES 57 MINUTES WEST PARALLEL WITH THE SOUTH LINE OF SAID JONES' LAND, 417.12 FEET TO THE CENTER LINE OF SAID AURORA AND BATAVIA ROAD; THENCE NORTH 8 DEGREES 37 MINUTES WEST ALONG SAID CENTER LINE 126.63 FEET; THENCE NORTH 87 DEGREES 49 MINUTES 30 SECONDS EAST 173.71 FEET; THENCE SOUTH 87 DEGREES 43 MINUTES EAST 243.47 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART LYING WESTERLY OF THE EASTERLY LINE OF P.A. ROUTE 23 (ILLINOIS ROUTE 31) AS ESTABLISHED BY WARRANTY DEED RECORDED MARCH 20, 1963 IN BOOK 2179, PAGE 215 AS DOCUMENT 1001136; TOGETHER WITH EASEMENT FOR JOINT DRIVEWAY PURPOSES OVER SOUTH 10 FEET OF PREMISES NORTH AND ADJOINING, CREATED IN AGREEMENT RECORDED AUGUST 26, 1958 AS DOCUMENT 868931, IN OFFICE OF RECORDER OF DEEDS, KANE COUNTY, ILLINOIS, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE NORTH WEST 1/4 OF SECTION 15, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH WEST CORNER OF SAID SECTION 15; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 342.52 FEET TO THE CENTER LINE 1033.27 FEET TO THE CENTER LINE OF THE AURORA AND BATAVIA ROAD; THENCE SOUTH 18 DEGREES 29 MINUTES 0 SECONDS EAST ALONG SAID CENTER LINE 1275.32 FEET TO THE POINT WHERE THE SOUTH LINE OF LAND FORMERLY OWNED BY JOHN JONES CROSSES SAID ROAD; THENCE SOUTH 88 DEGREES 57 MINUTES 0 SECONDS EAST ALONG THE

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FORMER SOUTH LINE OF SAID JONES' LAND 244.67 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 57 MINUTES 0 SECONDS EAST 172.45 FEET; THENCE SOUTH 8 DEGREES 37 MINUTES 0 SECONDS EAST, PARALLEL WITH THE CENTER LINE OF SAID AURORA AND BATAVIA ROAD, 80 FEET; THENCE NORTH 87 DEGREES 43 MINUTES 0 SECONDS WEST 185.47 FEET TO A LINE DRAWN SOUTH 0 DEGREES 42 MINUTES 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 42 MINUTES 0 SECONDS EAST 74.87 FEET TO THE POINT OF BEGINNING, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS

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EXHIBIT "B"

PLAN INFORMATION SHEET

For the Special Use for the property located at 929 N. Lake Street

Case File Number: AU15/1-14.275-Su

Tax Parcel Number: 15-15-176-023 & 15-15-176-060

Owner:

Curative Health LLC
347 Lockwood Avenue
Northfield, IL 60093

Landscape Plan Prepared By:

Etera Design Studio, Ltd.

13543 W. 185th St.

Mokena, IL 60448

Date Landscape Plan Received: 10/28/2014

NOTE: A COPY OF THESE DOCUMENTS AS REFERENCED HEREON ARE ON
FILE IN THE CITY OF AURORA PLANNING AND ZONING DIVISION OFFICE ON
THE SECOND FLOOR, 1 SOUTH BROADWAY, AURORA, ILLINOIS, 60505.

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MEMORANDUM OF AGREEMENT

For the Special Use for the property located at 929 N. Lake Street

Curative Health LLC, petitioner for the Special Use permit for a Medical Cannabis Dispensing Facility located at 929 N. Lake Street granted by Ordinance Number 014-067, agrees to abide by all of the provisions of said Ordinance.

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 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 014-067.

Dated this 20th day of November, 2014.

Signed: Nicholas Vita

Name: Nicholas Vita

Address: 347 Lockwood Avenue, Northfield, IL 60093

Phone: 847-881-6686

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

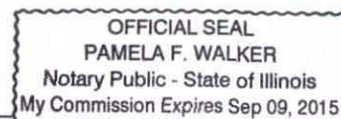
I, the undersigned, a Notary Public in and for the said County and State aforesaid, DO HEREBY CERTIFY that Nicholas Vita, is known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered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

Given under my hand and notary seal this 20th day of November, AD 2014.

Pamela J Walker

Notary Public

My Commission Expires 09/09/2015, 20



14-00888

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE


FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee at Their Special Meeting on Thursday, November 6, 2014
Recommended **APPROVAL** an Ordinance Granting a Special Use Permit for a Medical Cannabis
Dispensing Facility use Located at 929 N Lake Street (Curative Health, LLC – L14-00888/AU15/1-
14.275-Su – ES – Ward 6)

VOTE ²~~3~~-0

Submitted By 
Alderman Michael Saville, Chairman

Alderman Richard C. Irvin


Alderman William "Bill" Donnell

Alderman Scheketa Hart-Burns, Alternate

Dated This 6th Day of November 2014

014-067