



Legislation Text

File #: 21-0255, **Version:** 2

TO: Mayor Richard C. Irvin

FROM: Tracey M. Vacek, Senior Planner

DATE: April 15, 2021

SUBJECT:

An Ordinance amending O20-078 granting additional time for compliance of the Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) at 35 N. Broadway that was granted on October 27, 2020

PURPOSE:

The purpose of this Ordinance is to grant additional time for compliance of the Special Use (Conditional Use) for the Cannabis Dispensing Facility.

BACKGROUND:

The City of Aurora granted Bloom Holdings I, LLC, a Special Use (Conditional Use) permit for a cannabis dispensing facility at 35 N. Broadway by Ordinance O2020-028 on April 28, 2020, that contained conditions. Specifically, the ordinance granting the Special Use (Conditional Use) permit states:

The Special Use (Conditional 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

Due to the shutdowns caused by COVID-19, the state has delayed the deadline for issuing the cannabis dispensing licenses.

The Special Use (Conditional Use) then amended by Ordinance O20-078 on October 27, 2020 granting additional time for compliance of the Special Use (Conditional Use). Specifically, it granted an additional six months to obtain conditional registration license for cannabis dispensing facility by the State, being April 28, 2021, and granted an additional year to commence its use as a cannabis dispensing facility, being October 27, 2021.

The State has delayed awarding licenses again to give applicants a second chance at qualifying following complaints about the scoring process. Governor Pritzker has declined to give a date on when the license will be awarded and issued.

Therefore, the Petitioner is requesting a second extension for additional time for compliance as follows:

- 1) fails to obtain conditional registration license for Cannabis Dispensing Facility by the State, by October 28, 2021, or
- 2) fails to commence its use as a Cannabis Dispensing Facility within one (1) year of the authorization of the permit extension.

DISCUSSION:

On March 28, 2020, due to the COVID-19 pandemic, Governor Pritzker signed Executive Order 2020-34 which suspended the requirement that Illinois Department of Financial and Professional Regulation (IDFPR) issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020. The executive order also suspended the requirement that IDFPR approve or deny an application for a medical or adult use cannabis dispensing organization agent identification card within 30 days of receiving a completed application. The suspension of the above requirements is for the duration of the Gubernatorial Disaster Proclamations, or until IDFPR announces a new date.

As a result, the Special Use (Conditional Use) petitioners cannot meet the conditions of their Special Use (Conditional Use) permit. The Aurora Zoning Ordinance allows the committee to grant additional time for compliance based on sufficient cause. The delays caused by Executive Order 2020-34 qualifies as sufficient cause.

POLICIES AND GUIDELINES:

The Staff's Evaluation and Recommendation are based on the following Physical Development Policies:

30.0 To promote and plan for the location of commercial centers, based on their functions and interrelationships, in order to provide a balanced distribution of commercial development and redevelopment.

31.1(3) To promote the development of commercial facilities in existing or planned commercial areas

RECOMMENDATIONS:

Staff recommends APPROVAL of the Ordinance amending O20-078 granting additional time for compliance of the Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) at 35 N. Broadway that was granted on October 27, 2020

ATTACHMENTS:

Request of Extension

cc:

Alderman Michael B. Saville, Chairperson
Alderman Sherman Jenkins, Vice Chairperson
Alderman Carl Franco
Alderman Robert J. O'Connor
Alderman Juany Garza



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance amending O20-078 granting additional time for compliance of the Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) at 35 N. Broadway that was granted on October 27, 2020

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, the City of Aurora granted Bloom Holdings I, LLC, a Special Use (Conditional Use) permit for a cannabis dispensing facility by Ordinance O20-028 on April 28, 2020, that contained conditions.

WHEREAS, On March 28, 2020, due to the COVID-19 pandemic, Governor Pritzker signed Executive Order 2020-34 which suspended the requirement that Illinois Department of Financial and Professional Regulation (IDFPR) issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020. The executive order also suspended the requirement that IDFPR approve or deny an application for a medical or adult use cannabis dispensing organization agent identification card within 30 days of receiving a completed application. The suspension of the above requirements is for the duration of the Gubernatorial Disaster Proclamations, or until IDFPR announces a new date.

WHEREAS, on October 27, 2020 by Ordinance O20-078, the City of Aurora amended O20-028 granting additional time for compliance of the Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) at 35 N. Broadway that was granted on April 28, 2020

WHEREAS, the Petitioner, is requesting a second extension for additional time for compliance of the Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) that was granted by Ordinance O20-028 on April 28, 2020 and then amended by O20-078 on October 27, 2020.

WHEREAS, The Aurora Zoning Ordinance allows the Building, Zoning and Economic Development Committee to grant additional time for compliance based on sufficient cause. The delays caused by Executive Order 2020-34 qualifies as sufficient cause.

WHEREAS, on April 14, 2021, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said request and the before mentioned recommendations and

recommended APPROVAL; and

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

Section One: That O20-078, a Special Use (Conditional Use) for a Cannabis Dispensing Facility (2115) at 35 N. Broadway, is hereby amended to extend original Special Use (Conditional Use) that ends on October 28, 2021 as follows:

The Special Use (Conditional Use) permit shall terminate and the classification of the DC Downtown Core 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, by October 28, 2021, or 2) fails to commence its use as a Cannabis Dispensing Facility within one (1) year of the authorization of the permit extension, or 3) ceases its use as a Cannabis Dispensing Facility for a period greater than thirty (30) days.

Section Two: That the remainder of the Special Use (Conditional Use) language from O20-028 remains in full force and effect, in addition to the amendment, and shall be controlling, upon its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force effect thereafter.