



Legislation Text

File #: 19-1020, **Version:** 2

TO: Mayor Richard C. Irvin

FROM: Tracey M Vacek, Senior Planner

DATE: November 19, 2019

SUBJECT:

An Ordinance rescinding and vacating Ordinance Number O14-066 for a Special Use Permit for a Medical Cannabis Dispensing Facility Use on the property located at 1056 N. State Route 59, Aurora, Illinois, 60504 (The City of Aurora - 19-1020 / NA16/4-19.228-SU - TV - Ward 10)

PURPOSE:

The City of Aurora is requesting to rescind and vacate Ordinance Number O14-066 for a Special Use Permit for a medical cannabis dispensing facility use on the property located at 1056 N. State Route 59, Aurora, Illinois, 60504.

BACKGROUND:

The Subject Property is currently zoned B-2(S) General Retail District with a Special Use for a medical cannabis dispensing facility. The applicant did not receive a state license, therefore, the medical cannabis dispensing facility never opened. Additional information on the legislative history of the property can be found in the attached Property Information Sheet.

The City of Aurora is requesting that the City Council revoke the Special Use Ordinance Number O14-066 which was approved on November 18, 2014 for a medical cannabis dispensing facility use on the property located at 1056 N. State Route 59. The Subject Property was granted a Special Use with two (2) conditions which to date have not been met. In addition, there has been no construction work that has been completed for this use.

DISCUSSION:

Pursuant to Section 10.6-7.2 and Section 10.6-9 of the City of Aurora's Zoning Ordinance, the City Council has authority to initiate proceeding to revoke the special use as the applicant have not complied with the conditions set forth in the approved ordinance and as the applicant have not begun construction work for the medical cannabis facility within 12 months from approval of the Special Use.

Due public notice was given for the public hearing on this matter and written notification was mailed to the applicant and current property owner on November 12, 2019. As of the date of this memo, staff has not received public inquiries regarding this petition.

IMPACT STATEMENT :

This revocation should not have any negative impact to the Subject Property as the medical cannabis dispensing facility did not receive a state license, therefore, cannot occupy the property. By revoking

the Special Use, this will allow the City of Aurora to grant new cannabis dispensing facility within a mile and half restriction zone.

RECOMMENDATIONS:

Staff would recommend APPROVAL of the Ordinance rescinding and vacating Ordinance Number O14-066 for a Special Use Permit for a Medical Cannabis Dispensing Facility Use on the property located at 1056 N. State Route 59, Aurora, Illinois, 60504.

ATTACHMENTS:

Exhibit "A" Ordinance Number O14-066
Property Research Sheet
Legistar History Report

Legistar Number: 19-1020

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 rescinding and vacating Ordinance Number O14-066 for a Special Use Permit for a Medical Cannabis Dispensing Facility Use on the property located at 1056 N. State Route 59, Aurora, Illinois, 60504

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, WHEREAS, the City of Aurora approved a Special Use Permit for a Medical Cannabis Dispensing Facility on the property located at 1056 N. State Route 59 by Ordinance Number O14-066 on November 18, 2014; and

WHEREAS, said Special Use Permit was granted subject to two (2) conditions approved and required by the City Council as set forth in Ordinance Number O14-066; and

WHEREAS, Section 10.6-7.2 and Section 10.6-9 of the Aurora Zoning Ordinance authorizes the City Council to initiate proceeding to revoke the Special Use Permit; and

WHEREAS, PharamaCann, LLC, the applicant of recorder of 1056 N. State Route 59, has failed to comply with all two (2) of the conditions, as stated in Ordinance Number O14-066, as specifically set forth in Exhibit "A"; and

WHEREAS, furthermore, it has been determined that construction did not begin within the twelve (12) months from authorization order of the City Council; and

WHEREAS, a public hearing was held November 27, 2019, by the Building, zoning and Economic Development Committee of the City Council of the City of Aurora, and pursuant to sworn testimony provided at such hearing, the Council finds that the two (2) conditions has not been met as provided for in Ordinance O14-066 and that construction did not begin within the twelve (12) months from authorization order of the City Council; and

WHEREAS, it is therefore in the best interests of the citizens of the City of Aurora that Ordinance Number O14-066 be rescinded, and that the Special Use Permit granted thereby be vacated.

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

Section One: The preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

Section Two: That Ordinance Number O14-066, which Ordinance granted a Special Use Permit for a Medical Cannabis Dispensing Facility on property located at 1056 N. State Route 59, passed and approved on November 18, 2014, is hereby rescinded and the Special Use Permit approved therein is hereby vacated.

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

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

Section Five: 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 and effect thereafter.