



Legislation Text

File #: 22-0390, **Version:** 3

TO: Mayor Richard C. Irvin

FROM: Planning and Zoning Commission

DATE: June 10, 2022

SUBJECT:

An Ordinance Granting a Conditional Use Permit for a Cannabis Infuser Facility on the Property located at 1585 Beverly Court, Units 124 & 125 (Nature's Edibles, LLC - 22-0390 / AU01/1-22.143-CU - TV - Ward 1)

PURPOSE:

The Petitioner, Nature's Edibles, LLC is requesting approval of a Conditional Use for a Cannabis Infuser Facility on property located at 1585 Beverly Court, #124 and #125.

BACKGROUND:

On June 25, 2019, the Cannabis Regulation and Tax Act (P.A.101-0027), was signed into law by the State of Illinois, effective January 1, 2020. The Act legalizes the purchase, possession, and private use of cannabis by adults 21 years of age or older for recreational use. The majority of the law pertains to the sales, processing, distribution, taxes and eligible users of cannabis. Subsequently, the Aurora City Council passed Ordinance Number O19-072 on October 22, 2019, requiring a Conditional Use permit for qualifying Cannabis Infuser Facility with the Conditional Use Permit being permissible in the ORI, M-1, and M-2 Districts and industrial areas of PDD.

The Subject Property is currently two vacant units within the Aurora Corporate Center Park with PDD Planned Development District zoning, which is part of the Farnsworth International Conditional Use Planned Development.

The Petitioner, Nature's Edibles, LLC, is requesting approval of a Conditional Use for a cannabis infuser facility. The two units are approximately 4,600 square feet of warehouse and office space, including an existing 900 square foot loft space. Approximately 3,600 square feet will be utilized for production consisting of initially two production lines. Within this area, there will be devoted, secured warehouse space for raw materials, and finished inventory. The remaining 1,000 square feet will be utilized for office space and employee common area. The facility will be used to produce product by applying edible labels onto baked goods that have been baked elsewhere. The facility will also produce beverages infused with cannabis. The edible labels and beverage are infused with a precise measured quantity of cannabis which will be printed on the label of the edible goods or noted on the beverage container.

DISCUSSION:

As part of the Conditional Use review, staff reviewed the request per the requirements as stated in

the Conditional Use section for cannabis infuser facilities. These regulations are as follows:

- a. Facilities shall at all times comply with all requirements, rules and restrictions, including without limitation, geographic location restrictions, as set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) or as modified by applicable law, and shall at all times comply with the terms and conditions of any conditional use permit that may be granted in the future.

The facility will need to comply with the requirement of the Compassionate Use of Medical Cannabis Pilot Program Act (IL Public Act 098-0122) and the Cannabis Regulation and Tax (IL Public Act 101-0027) in order to obtain a license with the State.

- b. Facilities shall not be located within five hundred feet (500'), measured from property line to property line, of a grade school, middle school, alternative school, or high school. The authorization of a conditional use for this purpose should not be affected by subsequent establishment of a school within the restricted area.

The facility is not located within five hundred feet of a grade school, middle school, alternative school, or high school.

- c. No cannabis or paraphernalia shall be displayed or kept at the facility so as to be visible from outside the premises including but not limited to depiction on signage.

There will not be cannabis or paraphernalia displayed or kept at the facility so as to be visible from outside the premises.

- d. Onsite Use Is Prohibited. No marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises.

There will not be any onsite consumption of cannabis or retail sale of cannabis at this facility.

- e. Facilities shall have operating hours not earlier than 8 a.m. and not later than 10 p.m.

All operations will be conducted between 8:00 am and 10:00 pm on any given day.

- f. Facilities shall provide evidence upon request of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any applicable County or City ordinance.

Plans have been submitted to the city to ensure the conformity to the performance standards.

- g. Co-locations: The City may approve the co-location of a Cannabis Dispensing Facility, a Cannabis Craft Grower Facility or a Cannabis Infuser Facility, subject to the requirements of State law, zoning requirements and the conditional use criteria within this ordinance.

Not applicable.

- h. Additional conditions may be imposed as part of the conditional use approval to provide for compatibility with adjacent uses and mitigate potential impacts from the dispensing operation.

Not applicable.

- i. The following items shall be submitted as part of the conditional use request:

1. A plan for disposal of any cannabis or byproducts that are not sold to a purchaser or registered qualifying patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal and shall abide by applicable state or local regulations.
2. A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations.
3. A copy of the operating procedures adopted in compliance with state statutes. Said operations procedures should include provisions with minimum requirements for facility employees or volunteers (paid or unpaid) including individuals must be at least 21 years of age and must pass a criminal background having not been convicted of a felony under any federal or state law or having been convicted of a violation of any federal, state or city law concerning the manufacture, possession or sale of controlled substances or alcoholic liquor.
4. A plan for ventilation of the facility that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business. For cannabis infuser facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises.

This Documentation has been submitted to the city.

Staff has also evaluated the Findings of Fact and finds:

1. The project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare as this use is going into two units of an existing industrial building within an industrial park.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity or diminish or impair property values as this will be compatible with the other industrial businesses within this industry park.
3. The conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district as this use is going into an existing industrial building therefore, the area is already build out.
4. There is adequate water and sewer capacity to serve the project. In addition, this is an already developed area, therefore, stormwater facilities, drainage and access has already

been accommodated.

5. There is adequate cross access through private drives to the public streets. This use should cause little to no traffic congestion on the public street as no public will be traveling to this property.
6. The conditional use in all other respects conforms to the applicable regulations of the PDD Planned Development District.

POLICIES AND GUIDELINES:

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

40.0 To plan and promote industrial, office, office-research development in areas suited to such development and to minimize the negative impacts of industries on surrounding land uses and the environment.

40.01(1) To attract and encourage industrial, office and office-research development to planned sites where requisite public facilities are either present or proposed.

40.01(2) To promote a balanced distribution of industries within the City.

50.0 To promote sound, diversified and organized industrial, office and commercial growth within the City to widen employment opportunities and strengthen the economic base.

RECOMMENDATIONS:

The Planning and Zoning Commission recommended **CONDITIONAL APPROVAL** of the Ordinance Granting a Conditional Use Permit for a Cannabis Infuser Facility on the Property located at 1858 Beverly Court, Units 124 & 125, with the following conditions:

1. That the Petitioner agrees that the required documents submitted pursuant to the Conditional 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.

ATTACHMENTS:

Exhibit "A" Legal Description
Exhibit "B" Memorandum of Agreement
Land Use Petition and Supporting Documents
Infusing Plan
Floor Plans
Security Plans and Record Keeping
Ventilation Plan
Environmental Plan
Maps

Legistar Number: 22-0390

cc:

Alderman Michael B. Saville, Chairperson
Alderwoman Patty Smith, Vice Chairperson
Alderman Carl Franco
Alderman Sherman Jenkins
Alderman Ron Woerman



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance Granting a Conditional Use Permit for a Cannabis Infuser Facility on the Property located at 1585 Beverly Court, Units 124 & 125

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, TK Green Enterprises LLC, is the owner 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 May 4, 2022, Nature's Edibles, LLC filed with the City of Aurora a petition requesting approval of a Conditional Use for a Cannabis Infuser Facility on property located at 1585 Beverly Court, #124 and #125; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on June 8, 2022, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

WHEREAS, on June 15, 2022, 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 and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora.

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

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 Sec. 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article V of Chapter 34 of the Code of Ordinances, City of Aurora a Conditional Use permit is hereby granted for a Cannabis Infuser Facility use for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Cannabis Infuser 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 conditional 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 Conditional Use permit is granted specifically contingent upon the following conditions:

1. That the Petitioner agrees that the required documents submitted pursuant to the Conditional 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.

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 conditional 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 Article V of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of PDD Planned Development District and upon termination of the use of said property for a Cannabis Infuser Facility use, this Conditional Use permit shall terminate and the classification of PDD Planned Development District shall be in full force and effect.

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