



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-028
DATE OF PASSAGE April 28, 2020

An Ordinance Granting a Special Use Permit for a Cannabis Dispensing Facility (2115) Use on the Property located at 35 N. Broadway

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, Knightsbridge Global Ltd 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 January 22, 2020, Bloom Holdings I, LLC filed with the City of Aurora a petition Requesting approval of a Special Use for a Cannabis Dispensing Facility (2115) use on property located at 35 N. Broadway; 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 March 4, 2020, reviewed the petition and recommended **CONDITIONAL APPROVAL** of said petition; and

WHEREAS, on March 11, 2020, 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 Commission, 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, as follows:

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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Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.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 Ordinance Number 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, and pursuant to Section 10.6 and Section 4.3-3.N a Special Use permit is hereby granted for a Cannabis Dispensing Facility (2115) use for the real estate property legally described in Exhibit "A".

Section Six: That this Special Use permit hereby granted is solely for the purpose of a Cannabis Dispensing Facility (2115) 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 special 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 Special Use permit is granted specifically contingent upon the following conditions:

1. 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 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 special 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 Section 10.6 of Ordinance Number 3100, being the Aurora Zoning Ordinance.

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Section Ten: That the property legally described in Exhibit "A" shall remain in the underlying zoning classification of DC Downtown Core District. The Special 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, 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.

Section Eleven: That this Cannabis Dispensing Facility (2115) use shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.

EXHIBIT "A"
LEGAL DESCRIPTION
For the property located at 35 N. Broadway

Parcel Number(s): 15-22-332-001

Commonly known as: 35 N. Broadway, Aurora located in Kane County.

Lots 1 and 2 (except the Easterly 12 feet) of L.D. Brady's Subdivision of Lots 1 and 11 in Block 6 of the original town of Aurora. On the East side of Fox River in the City of Aurora, Kane County, Illinois.

EXHIBIT "B"

MEMORANDUM OF AGREEMENT

For the Special Use for the property located at 35 N. Broadway

Bloom Holdings I, LLC, petitioner for the Special Use permit for a Cannabis Dispensing Facility (2115) located at 35 N. Broadway granted by Ordinance Number _____, agrees to abide by all of the provisions of said Ordinance and with the following conditions of approval:

1. 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 building permit being issued for the Subject Property.

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 in this agreement and 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 _____.

Dated this _____ day of _____, 20_____.

Signed: _____

Name: _____

Address: _____

Phone: _____

STATE OF ILLINOIS)
) SS
COUNTY OF _____)

I, the undersigned, a Notary Public in and for the said County and State aforesaid, DO HEREBY CERTIFY that _____, 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 _____ day of _____, AD 20_____.

Notary Public

My Commission Expires _____, 20_____.

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PASSED AND APPROVED ON April 28, 2020


AYES 10 NAYS 1 NOT VOTING ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	not present
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	no

ATTEST:



City Clerk



Mayor