



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: January 15, 2020

SUBJECT: Petition of Roy Sorce of Sorce Enterprises for a Special Use to allow for the operation of an adult use cannabis infuser operation and craft grower on property located at 3201 N. Main St.

BACKGROUND: The petitioner here is seeking a Special Use to operate a cannabis infuser operation and craft grower in the rear corner of existing building at this location. In order to achieve the required 1,000-foot separation from a day care facility located across Main Street, the petitioner proposes to demolish a portion of the building to allow 2,000sf of the back, northwest corner to remain in order to be greater than 1,000 feet away. The petitioner likely will decide to expand this “new” building up to an additional 20,000sf in the future (for a total of up to 22,000sf) but no portion of that building can fall closer the 1,000-foot separation requirement from the daycare facility at 3006 N. Main St, as well.

At the ZBA hearing, the board voted 5-0 to recommend approval of this proposal to the City Council. However, they felt the separation requirement in the ordinance left some opportunity for interpretation other than measuring building to building, in a straight line. Staff does not support any interpretation other than a straight line and the understanding for this approval is based upon this approach.

RECOMMENDATION: Approval, as presented with the following conditions:

- The use may not be operational until the demolition of the building has occurred, and staff is able to confirm the remaining building meets the 1,000-foot separation requirement.
- This new building may be expanded up to 22,000sf in total as long as it does not come closer than 1,000 feet from 3006 N. Main St. This building will adhere to all other code requirements.

ORDINANCE NO. 4479

**AN ORDINANCE AUTHORIZING A CONDITIONAL USE
FOR PROPERTY LOCATED AT 3201 N. MAIN STREET
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Sorce Enterprises (the “Petitioner”) has petitioned for a conditional use to allow a recreational cannabis infuser operation and a recreational cannabis craft grower operation on property zoned “M-1, Manufacturing District Limited” and located at 3201 N. Main Street in East Peoria, as shown and described at "Exhibit A" attached hereto and incorporated herein by reference (which property as so described hereinafter is referred to as the "Property"); and

WHEREAS, under the provisions of the City’s Zoning Code, a recreational cannabis infuser operation may only operate in the City in areas zoned B-3 (Business Service District) or M-1 (Manufacturing District Limited) as an approved “Conditional Use” in compliance with the Conditional Use provisions set forth in the City’s Zoning Code; and

WHEREAS, under the provisions of the City’s Zoning Code, a recreational cannabis craft grower operation may only operate in the City in areas zoned M-1 (Manufacturing District Limited) as an approved “Conditional Use” in compliance with the Conditional Use provisions set forth in the City’s Zoning Code; and

WHEREAS, after hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed Conditional Uses subject to certain conditions hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. A Conditional Use to allow operation of an adult-use recreational cannabis infuser organization (infuser) on the Property is hereby approved.

Section 2. The establishment and continuation of the Conditional Use as an adult-use recreational cannabis infuser hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Prior to operation as a recreational cannabis infuser, Petitioner shall submit final site plan documents for the recreational cannabis infuser operation (the "Infuser Site Plan") that shall be approved by the Director of Planning and Community Development and shall be in compliance with all provisions of the City's Zoning Code for a conditional use for an adult-use recreational cannabis infuser organization.

2. Prior to operation as a recreational cannabis infuser, the Petitioner shall conduct demolition and structure reconfiguration activities on the Property in accordance with the Infuser Site Plan in a manner as approved by the Director of Planning and Community Development and with the effect of meeting the 1,000 foot separation requirement as required for an adult-use recreational cannabis infuser organization.

3. Prior to operation as a recreational cannabis infuser, the Petitioner shall establish sufficient security measures for the infuser facility as approved by the Director of Planning and Community Development.

4. Petitioner shall comply with all required provisions of the City's Zoning Code for a conditional use for an adult-use recreational cannabis infuser organization.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Conditional Use for an adult-use recreational cannabis infuser operation on the Property as hereby approved.

Section 3. A Conditional Use to allow operation of an adult-use recreational cannabis craft grower operation (craft grower) on the Property is hereby approved.

Section 4. The establishment and continuation of the Conditional Use as an adult-use recreational cannabis craft grower hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Prior to operation as a recreational cannabis craft grower, Petitioner shall submit final site plan documents for the recreational cannabis craft grower operation in a facility up to 22,000 square feet in size (the "Craft Grower Site Plan") that shall be approved by the Director of Planning and Community Development and shall be in compliance with all provisions of the City's Zoning Code for a conditional use for an adult-use recreational cannabis craft grower.

2. Prior to operation as a recreational cannabis craft grower, the Petitioner shall conduct construction activities on the Property in accordance with the Craft Grower Site Plan in a manner as approved by the Director of Planning and Community Development and with the effect of meeting the 1,000 foot separation requirement as required for an adult-use recreational cannabis craft grower.

3. The craft grower facility as approved by this Ordinance shall be a separate and distinct structure and facility from the infuser facility approved by this Ordinance.

4. Prior to operation as a recreational cannabis craft grower, the Petitioner shall establish sufficient security measures for the craft grower facility as approved by the Director of Planning and Community Development.

5. Petitioner shall comply with all required provisions of the City's Zoning Code for a conditional use for an adult-use recreational cannabis craft grower.

Upon the violation of or failure to comply with the forgoing conditions or with any provisions of the City Code applicable to the Property or its use, the City Council may, after providing reasonable notice and an opportunity for a hearing, terminate the Conditional Use for an adult-use recreational cannabis craft grower operation on the Property as hereby approved.

Section 5. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 6. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

Case 20-SU-2
3201 N. Main St.
Roy Sorce of Sorce Enterprises

Exhibit "A"

Legal Description: P.I.N.: 01-01-23-100-018



