



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: February 11, 2020

SUBJECT: Petition of Roy Sorce of Sorce Enterprises for a Conditional Use to allow for the operation of an adult-use cannabis processor and transporter organizations on property located at 3201 N. Main St.

BACKGROUND: The petitioner here is seeking a Conditional Use to operate a cannabis processor and transporter organizations 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 7-0 to recommend approval of this proposal to the City Council.

RECOMMENDATION: Approval, as presented with the following conditions – consistent with those presented for previously approved operations here:

- 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. 4486

**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 processor operation and a recreational cannabis transporter 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 processor 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 transporter 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, 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 processor organization (processor) 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 processor, Petitioner shall submit final site plan documents for the recreational cannabis processor operation in a facility up to 22,000 square feet in size (the "Processor 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 processor organization.

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

3. Prior to operation as a recreational cannabis infuser, the Petitioner shall establish sufficient security measures for the processor 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 processor 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 processor operation on the Property as hereby approved.

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

Section 4. The establishment and continuation of the Conditional Use as an adult-use recreational cannabis transporter 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 transporter, Petitioner shall submit final site plan documents for the recreational cannabis transporter operation in a facility up to 22,000 square feet in size (the "Transporter 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 transporter.

2. Prior to operation as a recreational cannabis transporter, the Petitioner shall conduct construction activities on the Property in

accordance with the Transporter Site Plan in a manner as approved by the Director of Planning and Community Development, with the structure for the transporter operation having a separate street address, and with the effect of meeting the 1,000 foot separation requirement as required for an adult-use recreational cannabis transporter.

3. The transporter 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 transporter, the Petitioner shall establish sufficient security measures for the transporter 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 transporter.

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 transporter 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

[Exhibits]

Case 20-SU-6
3201 N. Main St.
Roy Sorce of Sorce Enterprises

Exhibit "A"

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



