



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: September 29, 2020

SUBJECT: Petition of Roy Sorce of Sorce Enterprises to allow for the operation of an adult-use cannabis dispensary on property located at 300 S. Main St.

BACKGROUND:

The petition here is to allow an adult-use cannabis dispensary. The petitioner proposed another location on North Main Street a few months ago that was rejected by the ZBA and City Council. However, this location is appropriate in its separations from other considered uses (e.g. 1,000 feet from the nearest daycare) and with the demolition of the small house out front, should offer sufficient parking for customers and employees. Given the building's size, there is also room for expansion in the future.

At their meeting, the ZBA voted 3-2 to recommend approval. As per City Code, Special Use votes by the ZBA must pass with 4 votes in the affirmative, otherwise it is considered a recommendation to deny. Since the ZBA did vote in favor of this petition by a narrow margin, staff still supports this petition and recommends approval.

RECOMMENDATION: Approval, as presented with the condition the small house in the front of the property be demolished in order to provide additional parking for this operation.

ORDINANCE NO. 4522

**AN ORDINANCE AUTHORIZING A CONDITIONAL USE
FOR PROPERTY LOCATED AT 300 S. 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 dispensary operation on property zoned "B-3, Business Service District" and located at 300 S. 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 referred to as the "Property"); and

WHEREAS, under the provisions of the City's Zoning Code, a recreational cannabis dispensary 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 a public hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals voted 3 – 2 in favor of the Conditional Use, which is not considered a recommendation of approval under the City's Zoning Code; and

WHEREAS, City staff support this petition for a Conditional Use for a recreational cannabis dispensary on the Property because the petition meets the requirements established for the issuance of a Conditional Use for a recreational cannabis dispensary under the City's Zoning Code; and

WHEREAS, the City Council has the ultimate authority to review and approve a petition for a Conditional Use under the City's Zoning Code; and

WHEREAS, the City Council hereby finds that it is in the best interests of the City to approve this petition for a Conditional Use for a recreational cannabis dispensary on the Property in compliance with the provisions of the City's Zoning Code;

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 dispensing organization (dispensary) on the Property is hereby approved.

Section 2. The establishment and continuation of the Conditional Use hereby authorized is contingent upon continual compliance with all applicable provisions of the City Code and the following special conditions:

1. Prior to opening for business as a recreational cannabis dispensary, Petitioner shall remove the small house structure on the Property and replace it with parking for the recreational cannabis dispensary

in accordance with a site plan approved by the Director of Planning and Community Development.

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

3. Petitioner continues to comply with all other required provisions of the City's Zoning Code for a Conditional Use for an adult-use recreational cannabis dispensing 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 hereby approved.

Section 3. 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 4. 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 5. 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, TAZEVELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Map of Property – Conditional Use

Case 20-SU-29
300 S. Main St.
Roy Sorce of Sorce Enterprises

Exhibit "A"

Legal Description: P.I.N.:01-01-32-403-003



