



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: June 13, 2023

SUBJECT: Petition of Antonio Cocchi for a Special Use to permit a Smoke (Vape) Shop on property located at 1818 Meadow Avenue, 05-05-02-103-001.

BACKGROUND:

The petition in this case is to allow a vape (smoke) shop at this address. This location is eligible as per the City Code as it's not within 500' of any school or childcare facility. The petitioner indicates that only vaping materials are to be sold here – no tobacco products or other smoking paraphernalia. Also, the space being rented is located on the west side of the building as is the entrance to the space (the door doesn't face Meadow). Should this Special Use be approved by the City Council, the petitioner will need to go through the City's licensing process.

At their meeting, the ZBA voted 6-0 to recommend approval of this Special Use.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4734

**AN ORDINANCE AUTHORIZING A SPECIAL USE FOR OPERATING
A SMOKE SHOP ON PROPERTY LOCATED AT 1818 MEADOW AVENUE
IN THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS**

WHEREAS, Antonio Cocchi (the "Petitioner") has petitioned for a special use to allow a smoke shop operation on property zoned "B-2, Business District, General Retail" and located at 1818 Meadow Avenue 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 Smoke Shop, which includes the sale of vaping devices and products, may only operate in the City in areas zoned B-2 (Business District, General Retail) as an approved special use in compliance with the special use provisions set forth in the City's Zoning Code and provided that the proposed location meets the location restrictions for Smoke Shops set forth in Chapter 39 of Title 3 of the City Code; and

WHEREAS, after holding a public hearing pursuant to duly published notice, the East Peoria Zoning Board of Appeals voted in favor of recommending the Special Use for the Petitioner; and

WHEREAS, City staff support this petition for a Special Use for a Smoke Shop on the Property due to its location meeting the location requirements established for the issuance of a Special Use for a Smoke Shop under the City Code; and

WHEREAS, the City Council hereby finds that it is in the best interests of the City to approve this petition for a Special Use for a Smoke Shop on the Property in compliance with the provisions of the City Code and Zoning Code;

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

Section 1. A Special Use to allow operation of a Smoke Shop on the Property is hereby approved.

Section 2. The establishment and continuation of the Special Use 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 Smoke Shop, the Petitioner shall obtain and continuously maintain the required license from the City for operating a Smoke Shop.

2. Petitioner must comply with all provisions of Chapter 39 of Title 3 of the City Code, as amended from time to time, for operating a Smoke Shop in the City of East Peoria at all times.

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 Special 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, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor

ATTEST:

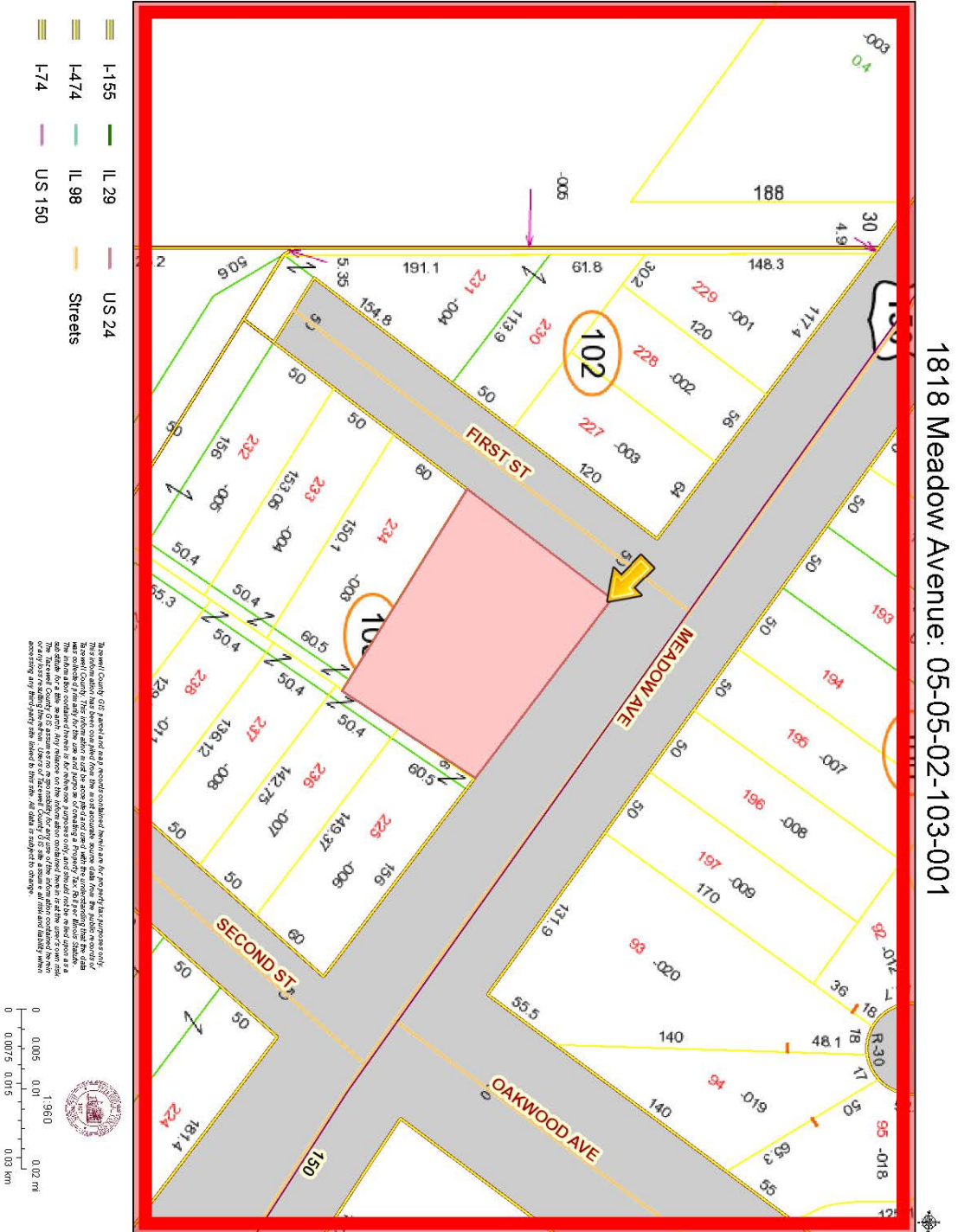
City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

Map of Property – Special Use



1818 Meadow Avenue: 05-05-02-103-001