

173-O-19

AN ORDINANCE

Granting a Special Use Permit for a Cannabis Dispensary Located at 1804 Maple Avenue in the RP Research Park District (“VeriLife”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on November 19, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0093, an application filed by PharmaCann LLC (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1804 Maple Avenue (the “Subject Property”) and located in the RP Research Park District, for a Special Use Permit to establish, pursuant to Subsection 6-12-2-3 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”), a cannabis dispensary, “VeriLife,” on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a cannabis dispensary met the standards for Special Uses in Section 6-12-2-3 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of December 9, 2019, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approve the application in case no. 19ZMJV-0093; and

WHEREAS, at its meeting of December 9, 2019, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a cannabis dispensary on the Subject Property as applied for in case no. 19ZMJV-0093.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents and testimony on file in this case, including those concerning crowd management and security.
- B. Hours of Operation:** The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
- C. Parking:** Employees of the cannabis dispensary shall not be permitted to park their vehicles on the street.
- D. License Transfer:** Medmen shall complete the State license transfer and become the lessee of the property with the City.
- E. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: December 9, 2019

Approved:

Adopted: December 9, 2019

December 16, 2019

Stephen H. Magerty
Stephen H. Magerty, Mayor

Attest:

Approved as to form:

Edwards Gomez
Devon Reid, City Clerk
Edwards Gomez, Deputy City Clerk

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A**LEGAL DESCRIPTION**

Part of Lot 4 of the Church Maple Resubdivision, being a Resubdivision of part of Dempster's Subdivision of Block 66 of the Village of Evanston, Cook County, Illinois, part of the Chicago and Northwestern Railroad Right of Way (formerly Chicago, Milwaukee and St. Paul Right of Way); part of Block 18 in the Village of Evanston; all of Blocks 2 and 3 in the Circuit Court Subdivision in partition of Lot 22 in the County Clerk's Division of Unsubdivided Lands; and part of vacated Clark Street and East Railroad Avenue; being in the Northwest Quarter and the Southwest Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois.

PIN: 11-18-117-015-0000

COMMONLY KNOWN AS: 1804 Maple Avenue, Evanston, Illinois.