

80-O-20

AN ORDINANCE

**Granting a Special Use Permit for a Cannabis Transporter Business
Located at 1701 Howard Street in the C1 Commercial District
("MJA Chicago, LLC")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on July 21, 2020, pursuant to proper notice, to consider case no. 20ZMJV-0035, an application filed by Adam Zats (the "Applicant"), proprietor of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1701 Howard Street (the "Subject Property") and located in the C1 Commercial District, for a Special Use Permit to establish, pursuant to Subsection 6-10-2-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Cannabis Transporter business 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 Transporter business met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 14, 2020, 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 approved the application in case no. 20ZMJV-0035; and

WHEREAS, at its meetings of September 14 and September 28, 2020, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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 Transporter business on the Subject Property as applied for in case no. 20ZMJV-0035.

SECTION 3: Pursuant to Subsection 6-3-5 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 6-3-5 of the Zoning Ordinance:

- A. 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 on file in this case.
- B. Applicant shall submit an updated site plan that shows a larger landscape bed at the front sidewalk, stripe parking for employees, and show location for beautification of the property prior to City Council.
- C. Special use is not transferable to any subsequent owner or user.
- D. Installation of a community mural required and preferred on the front-facing façade of the building.
- E. Hours of operation shall not exceed 8am - 8pm 7 days a week.

F. 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.

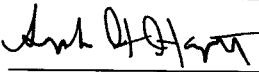
SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 14, 2020

Approved:

Adopted: September 29, 2020

October 23, 2020

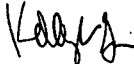


Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Eduardo Gomez



~~Devon Reid, City Clerk~~
Eduardo Gomez, Deputy City Clerk

Kelley A. Gandurski, Corporation Counsel

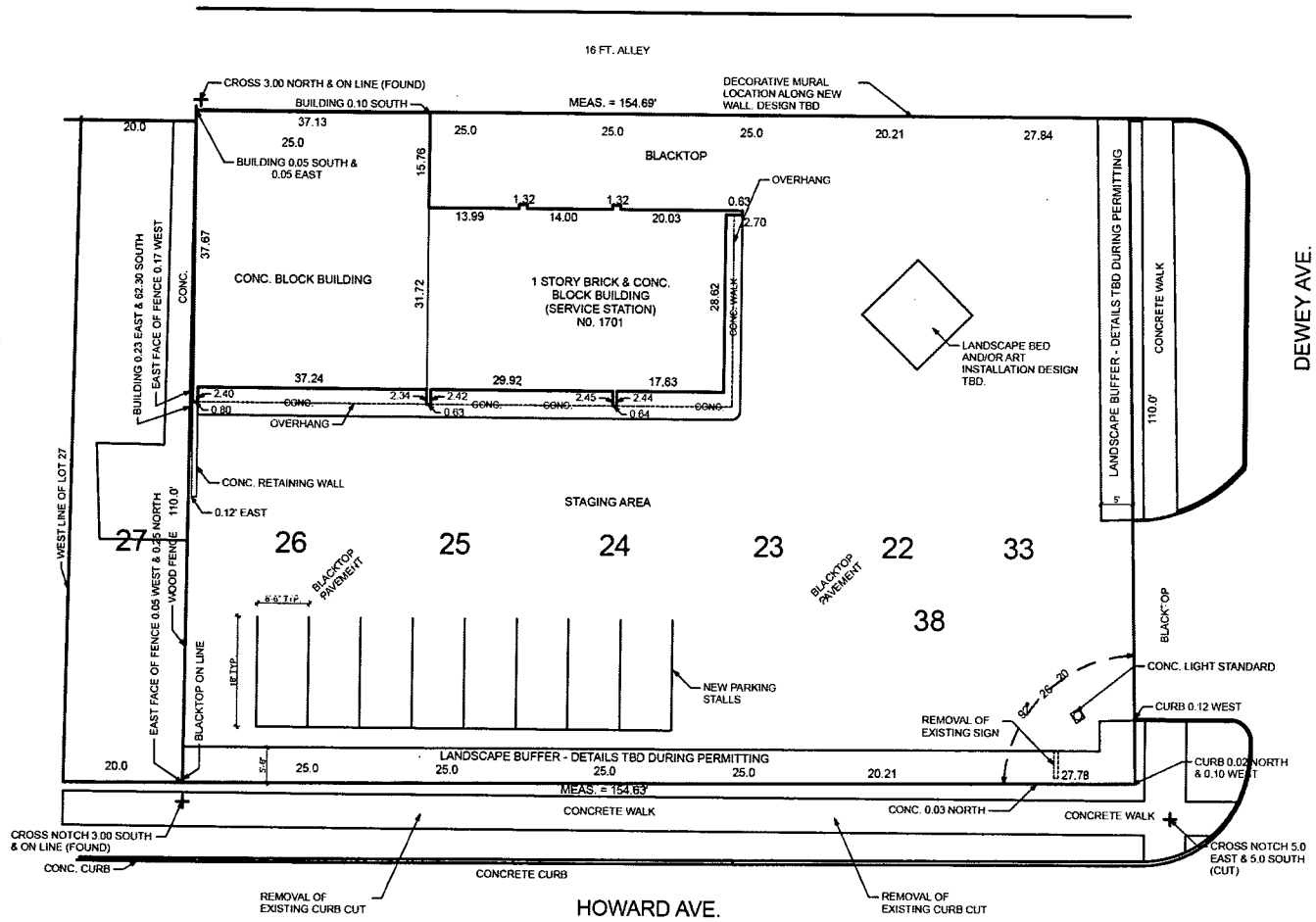
EXHIBIT A

LEGAL DESCRIPTION

Lots 22, 23, 24, 25, 26 and 27 except the west 20 feet thereof in Tenne's Subdivision of the South West quarter of the North East quarter of Section 25, Township 41 North, Range 13; Also East quarter of Section 25, Township 41 North, Range 13; Also Lot 30 In Tenne's Subdivision in the South West quarter of the North East quarter of Section 25, Township 41 North, Range 13 East of the Third Principal Meridian.

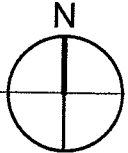
PIN: 10-25-220-159-0000; 10-25-220-067-0000

COMMONLY KNOWN AS: 1701 Howard Street, Evanston, Illinois.



1
A-1

SITE PLAN
SCALE: 1/32" = 1'-0"



SERVICE STATION
1701 HOWARD ST.
EVANSTON, IL 60202

Title
SITE PLAN
Scale
1/32" = 1'-0"

Date
8/7/2020
Dwg. No.
A-1



FINDINGS

FOR STANDARDS OF
SPECIAL USE PERMITS

In the case of

Case Number: 20ZMJV-0035
Address or Location: 1701 Howard Street
Applicant: Adam Zats, MJA Chicago LLC
Proposed Special Use: Cannabis Transporter

After conducting a public hearing on July 21, 2020, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

<u>Standard</u>	<u>Finding</u>
(A) It is one of the special uses specifically listed in the zoning ordinance;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the city as a whole;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(D) It does not interfere with or diminish the value of property in the neighborhood;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-1

(E) It can be adequately served by public facilities and services	<u> X </u> Met <u> </u> Not Met Vote 6-0
(F) It does not cause undue traffic congestion;	<u> X </u> Met <u> </u> Not Met Vote 6-0
(G) It preserves significant historical and architectural resources;	<u> X </u> Met <u> </u> Not Met Vote 6-0
(H) It preserves significant natural and environmental features; and	<u> X </u> Met <u> </u> Not Met Vote 6-0
(I) It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.	<u> X </u> Met <u> </u> Not Met Vote 6-0

and, based upon these findings, and upon a vote

 5 in favor & 1 against

Recommends to the City Council

 approval without conditions

 denial of the proposed special use

 X approval with conditions *specifically:*

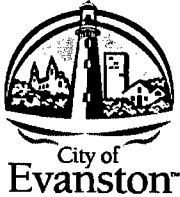
1. Applicant shall submit an updated site plan that shows a larger landscape bed at the front sidewalk, stripe parking for employees, and show location for beautification of the property prior to City Council.
2. Special use is not transferable to any subsequent owner or user.
3. Installation of a community mural required and preferred on the front-facing façade of the building
4. Hours of operation shall not exceed 8am - 8pm 7 days a week
5. Proposal to be implemented in substantial compliance with the documents and testimony on record.

Attending:

 X Max Puchtel
 X Myrna Arevalo
 X Jill Zordan
 X Violetta Cullen
 X Lisa Dziekan
 Mary McAuley
 X Kiril Mirintchev

Vote:

<i>Aye</i>	<i>No</i>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> </u>	<u> X </u>
<u> X </u>	<u> </u>
<u> </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>



MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, July 21, 2020
7:00 PM
Via Virtual Meeting

Members Present: Violetta Cullen, Myrna Arevalo, Kiril Mirintchev,
Jill Zordan, Lisa Dziekan , Max Puchtel

Members Absent: Mary McAuley

Staff Present: S. Mangum, M. Klotz, C.W. Sterling

Presiding Member: Violetta Cullen

Declaration of Quorum

With a quorum present, Chair Cullen called the meeting to order at 7:00 p.m.

Suspension of Rules for digital meeting

Ms. Zordan motioned to suspend the rules to permit members to convene via virtual meeting. Second by Ms. Arevalo and approved 6-0.

Minutes

Ms. Dziekan motioned to approve the meeting minutes of June 16, 2020. Second by Mr. Mirintchev and approved 6-0.

1701 Howard Street

ZBA 20ZMJV-0035

Adam Zats, applicant, submits for a special use for Cannabis Transporter, MJA Chicago LLC, in the C1 Commercial District (Zoning Code Section 6-10-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Adam Zats explained the proposal:

- Proposes to upgrade the look of the property
- BZ has been in the family for 40 years
- Point to point delivery system from distributor (ie. one is in Aurora) to 3-4 dispensaries
- No cannabis on site or at the transport facility ever in any way
- Submitted updated site plan that closes off the two Howard St. curb cuts and adds landscaping parallel to the sidewalk as suggested by DAPR
- Space for 6-9 vehicles inside but will start with 2 vehicles
- All vehicles are stored indoors overnight
- Motion sensors, cameras, retina scanners for safety and security
- Plan to give back 5% of proceeds to Evanston and have murals painted on the back of the building where there is graffiti

- Pending approval of the state license
- Normal 8am-5pm operations for drivers. Office will be staffed with four dispatchers and a security guard from 7:30am-6pm, M-F
- Back of property is a brick wall so the alley will remain unused

Ms. Zordan asked why the high level of security is needed if there is no cannabis onsite, and the applicant responded that the security is based on what is required by the State. Applicant states that in his professional opinion the degree of security is unnecessary, but they will meet state requirements.

Mr. Mirintchev asked where the employees will park their own vehicles when they arrive at work, and the applicant responded there is ample space in the parking lot although it isn't striped to delineate individual spaces.

Mr. Mirintchev asked if the entire area from the landscape bed to the sidewalk can all be landscaped and the applicant responded yes that can be done. Also the front facade will be improved by removing two vehicle doors and adding at least one window and stucco.

Mr. Puchtel asked how the State license works with timing and what will happen if the State license is not granted, and the applicant responded that the State requires the special use approval prior to license awarding. The date for license awarding is unknown. If not granted a State license, the building will still be fixed up as described.

Gloria Clunie, 1620 Dobson - explained BZ does sometimes have too many vehicles around and is somewhat blighted. There are also good things about BZ. The concern is that vehicles will now exit only onto Dewey and into the neighborhood. Will the kids who graffiti the building think there is cannabis inside anyway? Will the business model change within the first 5 years if successful? What signage will there be?

The applicant responded the plan is to grow to 6-9 employees and if more successful than that would move to a larger location. The end goal not for this location, but for his business, is for an Uber Cannabis delivery business. Vehicles that exit onto Dewey will exit south and get to Howard. Signage will not state anything about cannabis so as not to attract attention to the property.

Ms. Zordan asked Ms. Bond Clunie if she received the post card notice and she replied yes but is surprised more neighbors are not at the meeting and asked if there will be additional meetings. Ms. Klotz responded that she spoke to roughly 10 neighbors who originally had concerns about the proposal but no longer did after learning there would never be cannabis on site. If the special use is recommended tonight, the case will move on to meetings at the Planning & Development Committee and City Council.

Ms. Bond Clunie asked if there is a more appropriate use for the property since the property is within a neighborhood.

Resident at 1710 Dobson stated she received notification twice, and appreciates BZ painting over the graffiti continuously. The proposal will be an improvement to the property and there will be fewer cars in the parking lot. Cameras facing the alley will help and reduce dumping.

Carlis Sutton, 1821 Darrow, stated the business shouldn't be in a neighborhood and will become a nuisance property as people break in when seeing cannabis signs (no cannabis signs are proposed).

Deliberation:

Ms. Dziekan stated the proposal improves multiple things on the property and traffic flow.

Mr. Mirintchev stated the use is less impactful than the current business but landscaping and parking lot striping are needed.

Ms. Zordan wished there was more information from DAPR regarding landscaping and parking striping improvements.

Ms. Zordan and Mr. Puchtel agreed that the perception of the use may not be compatible to the nearby residential. Beautifying the property with things like a mural will help change the perception.

Ms. Arevalo stated the use is appropriate but the parking and beautification details for the property are needed. Chair Cullen agreed.

Standards:

1. Yes
2. Yes
3. Yes
4. Yes (JZ, No)
5. Yes
6. Yes
7. NA
8. NA
9. Yes

Motion to recommend approval by Ms. Dziekan, seconded by Ms. Arevalo

Conditions Include:

1. Applicant shall submit an updated site plan that shows a larger landscape bed that goes to the front sidewalk and stripe parking for employees, and beautification details for the property prior to City Council.
2. Special use is not transferable to any other owner or user.
3. Mural required and preferred on the front-facing facade
4. Maximum hours of operation shall not exceed 8am - 8pm 7 days a week
5. Proposal be implemented in substantial compliance with the documents and testimony on record

Ms. Zordan noted Standard 4 is not met because the property is blighted due to the current owner letting it get that way so any improvement is because it previously lacked maintenance.

Recommended for approval 5-1

Adjourned 8:42pm