

ORDINANCE NO. 2020- 2358

AN ORDINANCE OF THE VILLAGE OF WESTCHESTER, COOK COUNTY,
ILLINOIS GRANTING A SPECIAL USE TO ALLOW FOR AN
“ADULT USE CANNABIS DISPENSING ORGANIZATION” USE
WITHIN THE B2 RESTRICTED BUSINESS DISTRICT
(1137 MANNHEIM ROAD)

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
THIS 8th DAY OF SEPTEMBER 2020

Published in pamphlet form by
Authority of the Corporate
Authorities of Westchester, Illinois
the 8th day of September, 2020

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WHEREAS, the Village of Westchester, Cook County, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village President and Board of Trustees of the Village of Westchester (the “*Corporate Authorities*”) have heretofore exercised the power conferred on them pursuant to Chapter 11-13-1, *et seq.*, of the Illinois Municipal Code by adopting the Westchester Zoning Ordinance (Ord. 64-682 §7), as amended from time to time; and

WHEREAS, a special use application, PZC-20-0005, has been submitted by Maribis of Chicago LLC, as contract purchaser (the “*Applicant*”) to allow within the B2 Restricted Business District an “adult use cannabis dispensing organization” use (the “*Proposed Special Use*”) on the property commonly known as 1137 Mannheim Road, Westchester, Illinois and as legally described on Exhibit A (the “*Property*”); and

WHEREAS, the Plan and Zoning Commission held a public hearing on August 31, 2020 as to whether the Proposed Special Use should be approved, at which time all persons present were afforded an opportunity to be heard; and

WHEREAS, a public notice in the form required by law was given of said public hearing dates; and

WHEREAS, the Plan and Zoning Commission has filed its findings of fact and

recommendations that the Proposed Special Use be granted, and the Corporate Authorities have duly considered said findings of fact and recommendations; and

WHEREAS, the Corporate Authorities have determined, in the best interest of the health, safety and welfare of the residents of the Village, to further amend the text of the Westchester Zoning Ordinance (Ord. 64-682 §7), as amended.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Westchester, Cook County, Illinois as follows:

Section 1: The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2: All documents and exhibits submitted at the aforesaid public hearings are also incorporated by reference into this Ordinance.

Section 3: After review of the record of the aforesaid public hearing, the Village President and the Board of Trustees further find in relation to the Proposed Special Use as follows:

1. The establishment, maintenance or operation of the Proposed Special Use, subject to the conditions set forth herein, will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare;
2. The Proposed Special Use, subject to the conditions set forth herein, will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
3. The Proposed Special Use, subject to the conditions set forth herein, will not impede the normal and orderly development of the surrounding property for uses permitted in the B2 Restricted Business District;
4. Adequate utilities, access roads, drainage and necessary facilities for the Proposed Special Use are already in place at the Property;
5. Ingress and egress for the Proposed Special Use, subject to the conditions set

forth herein, shall minimally affect traffic congestion in the public streets; and

6. The Proposed Special Use shall, in all other respects, conform to the applicable regulations of the B2 Restricted Business District, except as such regulations may, in each instance, be modified by the Board of Trustees pursuant to the recommendations of the Zoning Board of Appeals.

Section 4: A special use, subject to the conditions set forth below, is hereby granted and issued for an “adult use cannabis dispensing organization” use in the B2 Restricted Business District located at 1137 Mannheim Road, Westchester, Illinois, and as legally described on Exhibit A.

The special use is subject to the following conditions:

1. That this Special Use shall be limited to Applicant, and shall not be transferable except upon reapplication, hearing and approval in the manner provided in the Westchester Zoning Ordinance;
2. That the Special Use at all times comply with all Village codes and regulations; and
3. This Ordinance shall be signed by the Applicant to signify acknowledgement of the terms hereof.

Section 5: The Applicant hereunder shall at all times comply with all Village regulations and the terms and conditions of the special use and in the event of non-compliance, said permit shall be subject to revocation by appropriate legal proceedings.

Section 6: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 7: All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: The Village Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form and this Ordinance shall be in full force and effect immediately

after its adoption, approval and publication to ensure the public health, safety and welfare of the residents of the Village.

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ADOPTED this 8th day of September 2020, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u> - </u>	Robert Morales	<u> A </u>
Cathy Kuratko	<u> A </u>	Frank Perry	<u> A </u>
Tracy Hart Markey	<u> N </u>	Nick Steker	<u> - </u>

President Gattuso A

APPROVED this 8th day of September, 2020.



Paul Gattuso, Village President

ATTEST:



Stanley V. Kolodziej, Village Clerk

Exhibit A

Legal Description

TRACT 1:

THE WEST 23 FEET OF LOT 417; ALL OF LOT 418 AND LOT 419 (EXCEPT THE SOUTH 40 FEET THEREOF); LOT 420 (EXCEPT THE SOUTH 40 FEET THEREOF); ALL OF LOTS 421 AND 422, LOT 423 (EXCEPT THE SOUTH 15 FEET THEREOF) AND (EXCEPT THE WEST 5 FEET OF SAID LOTS 421, 422, AND 423); ALL OF LOT 429 AND THE WEST 23 FEET OF LOT 430; ALL IN WILLIAM ZELOSKY'S WESTCHESTER, A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN COOK COUNTY AND THE STATE OF ILLINOIS.

EXCEPT THAT PART VESTED IN THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS BY ORDER ENTERED JANUARY 18, 2000 AND RECORDED JANUARY 20, 2000 AS DOCUMENT NO. 00051354 AS CASE NO. 99L51067 AND DESCRIBED AS FOLLOWS: THAT PART OF LOTS 421, 422, 423 AND PART OF VACATED STREET CALLED THE STRAND IN WILLIAM ZELOSKY'S WESTCHESTER, A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1925, AS DOCUMENT NO. 9129638 IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF MANNHEIM ROAD AS TAKEN BY CONDEMNATION CASE NO. 59-S-13310 (SAID EASTERLY RIGHT-OF-WAY LINE BEING THE EAST LINE OF THE WEST 1.524 METERS (5.00 FEET) OF SAID LOTS 421, 422 AND 423) WITH THE NORTH LINE OF THE SOUTH 4.572 METERS (15.00 FEET) OF SAID LOT 423 IN WILLIAM ZELOSKY'S WESTCHESTER; THENCE ON AN ASSUMED BEARING OF NORTH 02 DEGREES 08 MINUTES 08 SECONDS WEST, 25.909 METERS (85 FEET), ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MANNHEIM ROAD, TO A POINT 7.620 METERS (25.00 FEET) NORTH OF, AS MEASURED PERPENDICULAR TO THE NORTH LINE OF SAID LOT 421 IN WILLIAM ZELOSKY'S WESTCHESTER; THENCE NORTH 87 DEGREES 28 MINUTES 10 SECONDS EAST, 3.937 METERS (12.92 FEET), ALONG A LINE 7.620 METERS (25.00 FEET) NORTH OF AND PARALLEL WITH, SAID NORTH LINE OF LOT 421 IN WILLIAM ZELOSKY'S WESTCHESTER, TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF-WAY CORNER IPLS 2017"; THENCE SOUTH 02 DEGREES 50 MINUTES 26 SECONDS EAST 0.949 METERS (3.11 FEET), TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF-WAY CORNER IPLS 2017"; THENCE SOUTH 87 DEGREES 31 MINUTES 16 SECONDS WEST 1.896 METERS (6.22 FEET), TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF-WAY CORNER IPLS 2017"; THENCE SOUTH 02 DEGREES 28 MINUTES 44 SECONDS EAST 8.118 METERS (26.63 FEET), TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE

OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF-WAY CORNER IPLS 2017"; THENCE NORTH 87 DEGREES 31 MINUTES 16 SECONDS EAST 1.947 METERS (6.39 FEET), TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF WAY CORNER IPLS 2017"; THENCE SOUTH 02 DEGREES 50 MINUTES 26 SECONDS EAST 16.841 METERS (55.25 FEET), TO A POINT ON SAID NORTH LINE OF THE SOUTH 4.572 METERS (15.00 FEET) OF LOT 423 IN WILLIAM ZELOSKY'S WESTCHESTER AND TO A 5/8" REBAR WITH AN ALLIED CAP STAMPED "STATE OF ILLINOIS DIVISION OF HIGHWAYS RIGHT-OF-WAY CORNER IPLS 2017"; THENCE SOUTH 87 DEGREES 28 MINUTES 10 SECONDS WEST 4.256 METERS (13.96 FEET), ALONG SAID NORTH LINE OF THE SOUTH 4.572 METERS (15.00 FEET) OF LOT 423 IN WILLIAM ZELOSKY'S WESTCHESTER, TO THE POINT OF BEGINNING, ALL SITUATED IN COOK COUNTY AND THE STATE OF ILLINOIS.

TRACT II:

THAT PART OF THE VACATED 20 FOOT EAST AND WEST ALLEY LYING EAST OF THE EAST LINE EXTENDED NORTHERLY OF LOT 428 AND WEST OF THE WEST LINE OF PUBLIC STREET DEDICATED ACCORDING TO DOCUMENT 17472198 WHICH LIES EAST OF THE EAST LINE EXTENDED SOUTH OF LOT 419 AND WEST OF THE EAST LINE EXTENDED SOUTH OF THE WEST 23 FEET OF LOT 417 IN WILLIAM ZELOSKY'S WESTCHESTER, A SUBDIVISION. SITUATED IN COOK COUNTY AND THE STATE OF ILLINOIS.

TRACT III:

THAT PART OF VACATED NORTH AND SOUTH 20 FOOT ALLEY LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 420 AND LYING SOUTH OF A LINE CONNECTING THE NORTH WEST CORNER OF SAID LOT WITH THE NORTH EAST CORNER OF LOT 421, EXCEPT THE SOUTH 40 FEET THEREOF; IN WILLIAM ZELOSKY'S WESTCHESTER SUBDIVISION. SITUATED IN COOK COUNTY AND THE STATE OF ILLINOIS.

TRACT IV:

THAT PART OF THE VACATED STREET CALLED THE STRAND LYING WEST OF THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF THE WEST 23 FEET OF LOT 417 AND LYING EAST OF THE NORTHERLY EXTENSION OF THE WEST 5 FEET OF LOT 421 AND SOUTHERLY OF A LINE 25 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF LOT 421 AND SAID NORTH LINE OF LOT 421 EXTENDED EASTERLY, IN WILLIAM ZELOSKY'S WESTCHESTER, A SUBDIVISION, ALL IN COOK COUNTY, ILLINOIS, SITUATED IN COOK COUNTY AND THE STATE OF ILLINOIS.

Address: 1137 Mannheim Road, Westchester, Illinois
PIN: 15-16-322-062-0000

ACKNOWLEDGMENT BY APPLICANT: THE UNDERSIGNED AUTHORIZED REPRESENTATIVES ACKNOWLEDGE THE CONDITIONS OF THIS ORDINANCE:



Maribis of Chicago, LLC, Applicant

Dated: September 8, 2020