

Village of Carol Stream

AGENDA

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, DECEMBER 12, 2016 AT 7:00 P.M.

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

- I. Roll Call: Present:
Absent:
- II. Approval of Minutes: November 28, 2016
- III. Public Hearing:
 - A. 16-2079 **Village of Carol Stream – 130 E. St. Charles Road**
Special Use Permit for a Public Service Use
Special Use Permit for Outdoor Activities and Operations
Amendment to a Special Use Permit for a Planned Unit Development
 - B. 16-2080 **Village of Carol Stream – 295 N. Kuhn Road**
Termination of Special Use Permit
Zoning Map Amendment (B-3 to R-1)
- IV. Presentation:
- V. Old Business:
- VI. New Business:
- VII. Report of Officers:
- VIII. Adjournment:

**Regular Meeting – Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

All Matters on the Agenda may be Discussed, Amended and Acted Upon

November 28, 2016

Chairman Frank Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. Chairman Parisi directed Jane Lentino, Community Development Secretary, to call the roll.

The results of the roll call were:

Present: Commissioners David Creighton, Angelo Christopher, Frank Petella, Dee Spink, John Meneghini, Charlie Tucek, and Chairman Frank Parisi.

Absent: None were absent.

Also Present: Tom Farace, Planning and Economic Development Manager, Jane Lentino, Community Development Secretary, and a representative from DuPage County Court Reporters.

MINUTES:

Commissioner Spink moved and Commissioner Petella made the second to approve the minutes of the meeting of November 14, 2016. Commissioner Creighton noted a change on page two that the audience was asked if there were any questions after Mr. Steele's presentation.

The results of the roll call vote were:

Ayes: 6 Commissioners Creighton, Christopher, Petella, Spink, Meneghini, and Tucek.

Nays: 0

Abstain: 1 Chairman Parisi.

Absent: 0

PUBLIC HEARING:

Commissioner Creighton moved and Commissioner Spink made the second to open the Public Hearing.

The motion passed by unanimous vote.

Case # 16-2066, Peter Nora – U-Stor-It – 120 Tubeway Drive

*Special Use Amendment to allow a Mini Warehouse Expansion
Variation To Exceed Floor Area Ratio*

Chairman Parisi swore in the witness, Mr. Peter Nora, U-Stor-It, 120 Tubeway Drive, Carol Stream, IL, 60188.

Mr. Nora stated that U-Stor-It is looking to pursue a second and third floor addition on the west warehouse as a use to fill up the property. The facility has a 30 foot high ceiling that is unused, and the facility is at its capacity. The addition would be all interior, climate controlled, as is the rest of the facility.

All construction would be interior, nothing will be done to the exterior façade or any other items. Mr. Nora stated that everything would be built to code as required by the Village. The addition would provide 156 additional units which, would bring the facility to 825 total units, adding 19,300 gross square feet. Mr. Nora stated that they are requesting 1.4 FAR. They had an initial FAR of 1.11 in 2008. Mr. Nora asked for questions.

Chairman Parisi asked for any questions from the audience and noted that there was no audience in attendance.

Chairman Parisi asked for the staff report.

Mr. Farace stated that the petitioner was seeking an amendment to their original special use, as mini-warehouses require special use approval in the industrial district, and that they are seeking the approval of a variation to increase their original FAR from 1.11 to 1.4. Mr. Farace stated that U-Stor-It took over the building in 2008 to construct 3 stories of climate controlled storage units, excluding approximately 1/3 of the rear of the building, which was set aside for future tenant leasing. However, business has increased and they are proposing to construct 156 units on the second and third levels of the building, with the first level remaining vacant for warehouse space as there are docks in the area. Mr. Farace confirmed that there would only be construction inside of the space with no physical addition to the building; that the height and footprint of the building would remain the same, but the floor area ratio (FAR) would increase. Mr. Farace explained that FAR was a zoning tool used to control mass or bulk within zoning districts by taking the total square footage of each floor and dividing it by the square footage of the lot. Mr. Farace also explained that a three story building would have a larger FAR that is allowed per code, and that there is a separate provision for mini-warehouses where 50% FAR is allowed, however, in 2008 a variation to increase that to 1.1 was approved because of the multi-story capabilities of the building, and with the additional storage units on the second and third floors, it will increase the FAR to 1.4. Mr. Farace stated that staff is comfortable supporting the FAR variation and special use amendment request, subject to the conditions at the end of the report, as it should not have adverse effects on neighboring properties, noting that there is low traffic and parking use.

Chairman Parisi asked for questions from the board. Commissioners Meneghini, Petella, Spink, Tucek and Christopher had none.

Commissioner Creighton asked if Mr. Nora was amenable to the landscape plan as requested by staff, and that it should be done prior to the issuance of any permits.

Mr. Nora agreed, and offered clarification that the first floor warehouse space on the west side is self-storage, and that a permit was pulled for that in 2014, and they would be adding the second and third floor as it states.

Commissioner Meneghini moved to approve and Commissioner Tucek seconded with staff recommendations.

The motion was passed by unanimous vote.

The results of the roll call vote were:

Ayes: 7 Commissioners Creighton, Christopher, Petella, Spink, Meneghini, Tucek, and Chairman Parisi.

Nays: 0

Abstain: 0

Absent: 0

Chairman Parisi reminded the applicant that the request for the Special Use Amendment and FAR Variation will go before the Village Board on Monday, December 5, 2016, at 7:30 PM for final action.

Commissioner Petella moved and Commissioner Spink seconded the move to close the Public Hearing.

The motion was passed by unanimous vote.

NEW BUSINESS:

Mr. Farace discussed that there would be a meeting on December 12, 2016.

ADJOURNMENT:

At 7:10 p.m. Commissioner Creighton moved and Commissioner Spink made the second to adjourn the meeting.

The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

Jane Lentino
Community Development Secretary

Minutes approved by Plan Commission on this ____ day of _____, 20____.

Chairman

Village of Carol Stream Plan Commission/Zoning Board of Appeals

STAFF REPORT

December 12, 2016

TO:
Chairman and Plan
Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
The Village of Carol Stream is requesting approval of a Special Use Permit for a Public Service Use in accordance with Section 16-10-2(B)(17) of the Zoning Code, a Special Use Permit for Outdoor Activities and Operations in accordance with Section 16-10-2(B)(14) of the Zoning Code, and an Amendment to a Special Use Permit for a Planned Unit Development in accordance with Section 16-10-2(B)(15) of the Zoning Code.

APPLICANT/ CONTACT:
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL 60188



CASE #: 16-2079
LOCATION: 130 E. St. Charles Road
PROJECT NAME: Village of Carol Stream – Temporary
Municipal Center



The Village of Carol Stream is planning to construct an expansion of the Municipal Center at its current location at 500 N. Gary Avenue, and is evaluating the property at 130 E. St. Charles Road (southeast corner of St. Charles Road and Easy Street) as a possible temporary facility during construction of the expansion. Approval of a Special Use Permit is required for a public service use for a governmental office/police station, for outdoor activities and operations for the outdoor parking of Village fleet vehicles, and for an exemption to allow off-site parking at a nearby property for overflow parking.

Staff arranged for publication of the required public notice to allow for the possibility that the Plan Commission/Zoning Board of Appeals (PC/ZBA) could conduct the public hearing on December 12, 2016. However, the Village remains in discussions regarding various aspects of the project with the property owner, and the petition is not yet ready for a public hearing before the PC/ZBA. Therefore, staff is recommending that the PC/ZBA continue the matter to the January 23, 2017 agenda.

Staff Report – Plan Commission/Zoning Board of Appeals Meeting of December 12, 2016
Case No. 16-2080, Village of Carol Stream – 295 N. Kuhn Road (NEC Kuhn & McNeese Drive)
Special Use Permit – Termination
Zoning Map Amendment

GENERAL INFORMATION

Applicant:

Mayor and Board of Trustees of the Village of Carol Stream

Size and Location:

The proposed 1.17-acre lot is located at the northeast corner of the intersection of Kuhn Road and McNeese Drive, which is the private access roadway leading to the Village of Carol Stream's Thomas R. Vinson Water Reclamation Center. (See attached location map.)

Existing Zoning and Land Use:

The 1.17-acre site of the proposed Landscape Waste Transfer Facility (LWTF) was rezoned to the B-3 Service District in August of 2014 as part of the zoning approval process for the LWTF project. The proposed LWTF project site is vacant, but is part of the overall 43.1-acre property owned by the Village of Carol Stream and improved with the Water Reclamation Center (WRC).

Adjacent Zoning and Land Uses:

The properties to the north and east of the proposed LWTF site are zoned R-1 One-Family Residence District. Although the land immediately adjacent to the proposed LWTF site to the north and east is vacant, the property further to the north contains the Carol Stream Fire Protection District Headquarters and the property further to the east contains the Village's WRC. The property to the south is zoned B-2 General Retail District with a Special Use for Planned Unit Development and is vacant, and the property to the west is zoned B-2 General Retail District and is vacant.

Comprehensive Plan Recommendation:

The 2016 Comprehensive Plan recommends transportation/utilities use for the property.

Attachments:

Attached for review are an aerial photo, public notice, the General Application, a memo outlining the project history/chronology, and copies of Ordinances 2014-08-44 and 2016-02-06.

Requests:

At its meeting on November 21, 2016, the Mayor and Board of Trustees directed staff to process an application for termination of the Special Use Permit granted to Organic Soils, Inc. through Ordinance 2014-08-44, in accordance with the procedure set forth in §16-15-8(H) of the Carol Stream Zoning Code. The Mayor and Board of Trustees also directed staff to process an application for a Zoning Map Amendment to rezone the property from the B-3 Service District to the R-1 One Family Residence District, in accordance with §16-15-7 of the Carol Stream Zoning Code.

BACKGROUND

In August of 2014, the Village Board approved ordinances granting a Zoning Map Amendment and Special Use Permit to allow Organic Soils to operate a Landscape Waste Transfer Facility (LWTF) on Village-owned property at the northeast corner of Kuhn Road and McNeese Drive. Also in August of 2014, the Village Board entered into a lease agreement with Organic Soils to establish the terms and conditions under which the Village would lease the property to Organic Soils.

Staff Report – Plan Commission/Zoning Board of Appeals Meeting of December 12, 2016
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The Zoning Code requires construction of Special Uses to commence within 18 months from the date of approval of the Special Use. In the case of the LWTF, construction did not commence during the initial 18-month period following the date of approval of the Special Use, and on January 21, 2016, Organic Soils submitted a letter to the Mayor and Board of Trustees requesting an extension of the Special Use. The Zoning Code permits the Village Board to grant an extension of the 18-month construction period, and at its meeting on February 1, 2016, the Village Board granted a six-month extension of the Special Use, until July 31, 2016. Construction of the LWTF also did not commence during the six-month extension, which expired on July 31, 2016.

In a letter dated July 8, 2016, Organic Soils requested a second extension of the Special Use, until April 30, 2017. In considering the second request for an extension of the Special Use, staff had some concern that Organic Soils was not making sustained progress in obtaining the permits and approvals necessary to construct and operate the LWTF in the almost two-year period since the approval of the Special Use. It was unknown if additional Special Use extensions might be needed before construction of the LWTF would begin. At its meeting on July 18, 2016, the Village Board did not grant the request for a second Special Use extension, but instead directed staff to work with Organic Soils on an amendment to the lease agreement that would provide specific milestones for commencement of construction, payment of rent, and initiation of operations. In its proposal for an amendment to the lease agreement, Organic Soils suggested that the date for commencement of construction of the LWTF be established as June 1, 2017.

A draft amendment to the lease agreement was on the Village Board agenda for the meeting on November 7, 2016. At the November 7 meeting, instead of taking action on the amendment to the lease agreement, the Board directed staff to prepare a memo for the November 21, 2016, Village Board agenda, outlining the procedure for termination of the Special Use for the LWTF, for consideration by the Board. At the meeting on November 21st, by a 5-1 vote, the Village Board directed staff to commence the process to terminate the Special Use Permit.

The attached project history/chronology provides additional information about the LWTF project; however, the matter before the Plan Commission at this time is solely tied to whether a condition allowing for termination of the Special Use Permit is determined to exist.

Special Use Permit – Termination Process

The text in red below, taken from the Zoning Code, outlines the process for termination of a Special Use Permit.

(H) Termination of special use permit.

(1) A special use permit granted by the Board of Trustees shall be subject to termination in the manner provided herein below under any of the following circumstances:

Staff Report – Plan Commission/Zoning Board of Appeals Meeting of December 12, 2016
Case No. 16-2080, Village of Carol Stream – 295 N. Kuhn Road (NEC Kuhn & McNeas Drive)
Special Use Permit – Termination
Zoning Map Amendment

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(a) Failure to commence construction of the proposed use within 18 months from and after the date of the granting of the permit. Construction shall not be deemed to have commenced unless and until all necessary permits have been obtained, the site has been properly graded, all foundations and footings are in place, and all utilities have been provided for.

(b) Failure to carry the construction work forward expeditiously with adequate forces for a period of 18 months out of any 24-month period.

(c) Following the issuance of occupancy permits, abandonment or other failure to utilize the property for the purposes permitted by the special use for a period of two months out of any consecutive six-month period.

(d) Upon written application, the Board of Trustees may authorize extensions of any time period specified herein above, but each such extension shall not exceed one year at a time.

(2) Upon written application by any person or any village official following the expiration of any time period or authorized extension thereof, as provided herein above, the Plan Commission shall hold a public hearing with regard to whether any of the conditions described in division (H)(1) above exist and whether on account of such conditions and other circumstances the special use permit shall be terminated or whether the property shall be rezoned to another use. Public notice of such hearing shall be given by newspaper publication and the legal owner of record of the subject property shall be notified by certified mail, return receipt requested. The hearing shall otherwise be conducted in accordance with the procedures required by state law and by this Chapter for an amendment to the Zoning Code.

(3) Following such hearing, the Plan Commission shall prepare written findings of fact and its recommendations regarding the continuation or termination of the special use and regarding the rezoning of the property to another classification. Such findings and recommendations shall be transmitted forthwith to the Board of Trustees for final action. The Board of Trustees, after receiving such findings and recommendations, may grant a further extension of the special use permit, may allow the property to be developed and utilized for the permitted uses of the underlying zoning classification, or may rezone the property.

(4) In making their determination, the Plan Commission and the Board of Trustees shall consider the effect of changed conditions, if any, upon the property. Where the property in question was granted a change in zoning category contemporaneously with its special use or achieved such a use as part of an annexation agreement, the Plan Commission and Board of Trustees shall consider whether the property would have been granted the zoning classification underlying its special use if it were not for the conditions which were imposed by the special use or by an annexation agreement, as the case may be. It is the intent of this provision to prevent the rezoning of land to a higher (less restrictive) category based upon the promise of development of a well-planned special use subject to various conditions; the abandonment of that use, and the attempted development of the property without proper planning controls under a zoning category which would not have been granted, but for the planning requirements imposed under the special use.

(5) During the time that the Plan Commission and Board of Trustees are considering the disposition of a special use which has prima facie been abandoned in accordance with the time period set forth in this subsection, no permits for new construction shall be issued for the property and no buildings for which permits have been previously issued shall be constructed until the Board of Trustees has made a final decision regarding the future zoning of the property.

Staff Report – Plan Commission/Zoning Board of Appeals Meeting of December 12, 2016
Case No. 16-2080, Village of Carol Stream – 295 N. Kuhn Road (NEC Kuhn & McNees Drive)
Special Use Permit – Termination
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Role of the Plan Commission

Per §16-15-8(H)(2) of the Zoning Code, the Plan Commission shall hold a public hearing with regard to whether any of the conditions described in division (H)(1) above exist and whether on account of such conditions and other circumstances the special use permit shall be terminated or whether the property shall be rezoned to another use. (Staff arranged for the publication of the required public notice in *The Examiner*, and for mailing the notice to the legal owner (the Mayor and Board of Trustees) by certified mail, return receipt requested.)

In conducting the public hearing and deliberating on the matter, the Plan Commission must determine ***“whether any of the conditions described in division (H)(1) exist”***. Staff would draw the Plan Commission’s attention to the condition set forth in (H)(1)(a), which is, ***“Failure to commence construction of the proposed use within 18 months from and after the date of the granting of the permit. Construction shall not be deemed to have commenced unless and until all necessary permits have been obtained, the site has been properly graded, all foundations and footings are in place, and all utilities have been provided for.”***

Should the Plan Commission find that condition (H)(1)(a) exists, the Plan Commission is to make a recommendation, whether on account of that condition and other circumstances, the Special Use Permit shall be terminated or whether the property shall be rezoned.

Staff believes there can be no question that construction of the Special Use did not commence within the 18-month timeframe set forth in the Zoning Code; that construction also did not commence during the six-month extension granted by the Village Board (which ended July 31, 2016); and that construction has not commenced in the four months since the extension expired. Further, the Village has done nothing to impede the project since the approval of the Special Use.

FINDINGS OF FACT

The Plan Commission is required to prepare a finding of fact and recommendation regarding the continuation or termination of the Special Use, and the rezoning of the property, which will be forwarded to the Village Board for final action. In making its recommendation, the Plan Commission shall consider the following:

1. Whether any of the conditions that allow for the termination of a Special Use Permit, as contained in §16-15-8(H)(1), exist in this particular case.

Construction of the site improvements authorized by Ordinance 2014-08-44 did not commence within 18 months of the approval of the Ordinance, did not commence during the six-month extension granted by the Village Board (until July 31, 2016), and has not commenced in the four months since the expiration of the extension. As failure to commence construction within 18 months, or within an extended time period if so authorized by the Village Board, is a circumstance that allows for termination of a Special Use, a condition that allows for termination of the Special Use Permit does exist in this particular case.

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Special Use Permit – Termination
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2. Whether on account of such conditions (from §16-15-8(H)(1) a through c) and other circumstances the Special Use Permit shall be terminated or whether the property shall be rezoned to another use.

Failure to commence construction of the Special Use within the initial 18-month period, and within the six-month extension, and during the four months since expiration of the extension, is grounds for the Plan Commission to recommend termination of the Special Use. Staff is not aware of any relevant “other circumstances” in this case. Should the Plan Commission recommend termination of the Special Use, the proposed LWTF site should be rezoned to R-1 One Family Residence District to be consistent with the remainder of the WRC property.

3. The effect of changed conditions, if any, upon the property, in making the determination as to whether the Special Use Permit should be terminated.

No changed conditions upon the property are applicable in this case.

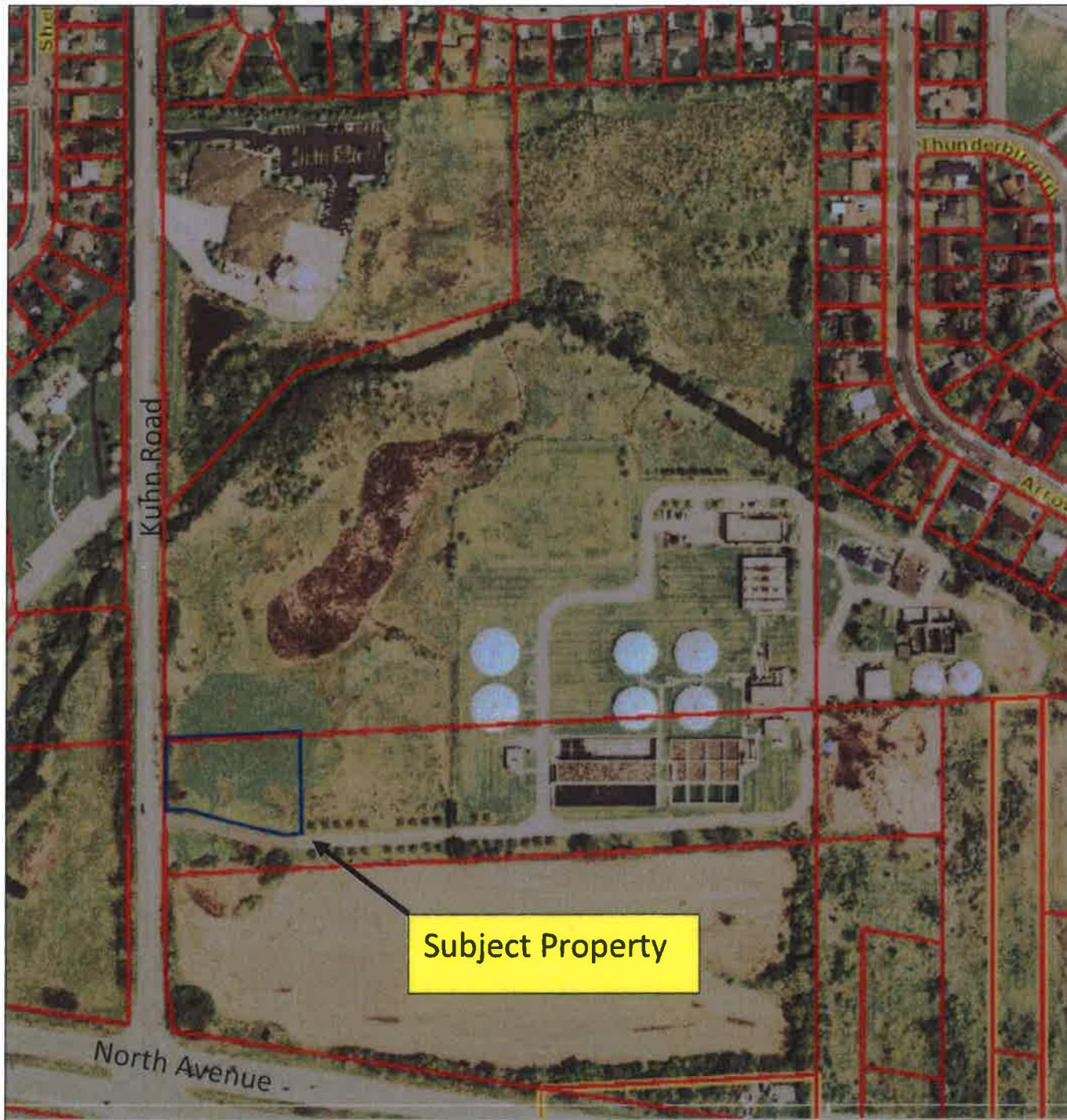
4. Where the property in question was granted a change in zoning category contemporaneously with its special use, the Plan Commission shall consider whether the property would have been granted the zoning classification underlying its special use if it were not for the conditions which were imposed by the special use.

Concurrent with Organic Soils’ application for a Special Use Permit to operate the LWTF, Organic Soils also requested and received approval of a Zoning Map Amendment to change the zoning of the LWTF site from R-1 One Family Residence District to B-3 Service District. The proposed LWTF site continues to be owned by the Village of Carol Stream, and remains part of the larger, Village-owned WRC site. Were it not for Organic Soils’ proposal to operate a LWTF on the site, the Village would not have rezoned the property from R-1 to B-3. The Village has no other plans, at this time, for development of any portion of the WRC site. Finally, the Comprehensive Plan Future Land Use Map recommends “Transportation/Utility” use for the property for the future, owing to the public utility nature of the WRC operation.

If the Plan Commission recommends termination of the Special Use for the LWTF, staff suggests that the Plan Commission should also recommend that the proposed LWTF site be rezoned back to R-1 One Family Residence District.

RECOMMENDATION

Based upon the facts of this case, the Plan Commission should recommend to the Village Board that the Special Use Permit granted to Organic Soils through Ordinance 2014-08-44, and extended by Ordinance 2016-02-06, should be terminated. The Plan Commission should also recommend that the property be rezoned from B-3 Service District to R-1 One Family Residence District.



Subject Property

North Avenue

Kuhn Road

Thunderbird Hill

Afton

Certificate of the Publisher

Examiner Publications, Inc. certifies that it is the publisher of The Examiner of Carol Stream. The Examiner of Carol Stream is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Carol Stream, township of Bloomingdale, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 times in The Examiner of Carol Stream, namely one time per week for 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on November 23, 2016 and the last publication of the notice was made in the newspaper dated and published on November 23, 2016. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

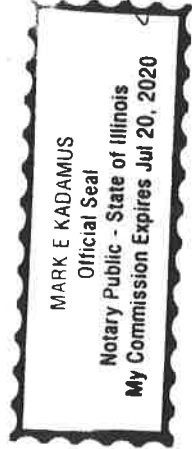
In witness, Examiner Publications, Inc. has signed this certificate by Randall Petrik, its publisher, at The Village of Carol Stream, Illinois, on November 23, 2016
Examiner Publications, Inc.



By: Publisher

Randall E. Petrik, Publisher, Examiner Publications, Inc.

Subscribed and sworn to before me this 25 day of November, A.D. 2016.



Notary Public



LEGAL NOTICE PUBLIC NOTICE FILE # 16-2080

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Carol Stream, Gregory J. Bleiawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday, December 12, 2016, at 7:00 p.m. to consider an application from the Mayor and Board of Trustees of the Village of Carol Stream for the following action:

Termination of a Special Use Permit granted through Ordinance 2014-08-44, and extended through Ordinance 2016-02-06, which approved a landscape waste transfer facility. The termination of the Special Use Permit is being processed in accordance with Section 16-15.8(H) of the Carol Stream Zoning Code for failure to commence construction of the proposed use within 18 months from and after the date of the granting of the permit.

A Zoning Map Amendment (rezoning) for the proposed landscape waste transfer station site from B-3 Services District to R-1 One Family Residential District in accordance with Section 16-15-7 of the Carol Stream Zoning Code.

For property at the northeast corner of McNeese Drive and Kuhn Road, P.I.N. 02-31-205-021 and 02-31-400-001.

A copy of the application for the termination of the Special Use Permit and Zoning Map Amendment is on file with the Community Development Department. All interested parties will be given an opportunity to be heard.

By order of the Combined Plan Commission/Zoning Board of Appeals, Village of Carol Stream, Illinois. Published in The Examiner, on Wednesday, November 23, 2016.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting facilities, are requested to contact the ADA Coordinator at 630-671-4250.

As published in The Examiner of Carol Stream Nov. 23, 2016. 1123

**PUBLIC NOTICE
FILE # 16-2080**

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Carol Stream Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday, December 12, 2016, at 7:00 p.m. to consider an application from the Mayor and Board of Trustees of the Village of Carol Stream for the following action:

Termination of a Special Use Permit granted through Ordinance 2014-08-44, and extended through Ordinance 2016-02-06, which approved a landscape waste transfer facility. The termination of the Special Use Permit is being processed in accordance with Section 16-15-8(H) of the Carol Stream Zoning Code for failure to commence construction of the proposed use within 18 months from and after the date of the granting of the permit.

A Zoning Map Amendment (rezoning) for the proposed landscape waste transfer station site from B-3 Service District to R-1 One Family Residence District in accordance with Section 16-15-7 of the Carol Stream Zoning Code.

For property at the northeast corner of McNees Drive and Kuhn Road, P.I.N. 02-31-205-021 and 02-31-400-001.

A copy of the application for the termination of the Special Use Permit and Zoning Map Amendment is on file with the Community Development Department. All interested parties will be given an opportunity to be heard.

By order of the Combined Plan Commission/Zoning Board of Appeals, Village of Carol Stream, Illinois. Published in *The Examiner*, on Wednesday, November 23, 2016.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities are requested to contact the ADA Coordinator at 630-871-6250.

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Carol Stream
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Village of Carol Stream

FRANK SAVERINO, SR., MAYOR • LAURA CZARNECKI, CLERK • JOSEPH E. BREINIG, MANAGER
500 N. Gary Avenue • Carol Stream, Illinois 60188-1899
(630) 665-7050 • FAX (630) 665-1064
www.carolstream.org

To: Property Owners and/or Residents within 250 feet of the northeast corner of McNeas Drive and Kuhn Road

From: Donald T. Bastian, Community Development Director

Date: November 23, 2016

**Re: Carol Stream Plan Commission/Zoning Board of Appeals Public Hearing
Case # 16-2080, Village of Carol Stream – NEC of McNeas Drive and Kuhn Road**

Enclosed, please find a notice regarding the above-referenced Public Hearing, which is scheduled to be held at 7:00 p.m. on December 12, 2016, at the Village of Carol Stream Gregory J. Bielawski Municipal Complex, located at 500 N. Gary Avenue. The Mayor and Village Board of Trustees have filed an application to consider termination of the Special Use Permit granted to Organic Soils in August 2014 through Ordinance 2014-08-44 to operate a Landscape Waste Transfer Facility on the above-noted property. The application also requests that the property be rezoned from B-3 Service District to R-1 One Family Residence District. At the public hearing on December 12th, the Plan Commission/Zoning Board of Appeals will consider whether one or more conditions, as outlined in the Zoning Code, exist that support termination of the Special Use, and whether the property should be rezoned from the current B-3 Service District to the R-1 One Family Residence District. The recommendations of the Plan Commission/Zoning Board of Appeals regarding termination of the Special Use Permit and property rezoning will be forwarded to the Village Board for a final vote.

You are welcome to attend the public hearing and you may provide comments regarding the application if you wish. If you should have any questions in advance of the public hearing, please do not hesitate to contact me at 630-871-6233 or by e-mail at dbastian@carolstream.org.

Sincerely,

Donald T. Bastian, AICP
Community Development Director

Do Not Write in This Space
 Date Submitted: 11/22/16
 Fee Submitted: N/A
 File Number: 16-2080
 Meeting Date: 12/12/16
 Public Hearing Required: Y

Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188
 PHONE 630.871.6230 ▪ FAX 630.665.1064
www.carolstream.org

FORM A

**GENERAL APPLICATION
 PUBLIC HEARINGS AND DEVELOPMENT APPROVAL REQUESTS**

1. Name of Applicant Mayer & Village Board of Trustees Phone 630/665-7050
 Address 500 N. Gary Avenue Carol Stream IL 60188 Fax _____

E-Mail Address _____

(required)

Name of Attorney _____ Phone _____

(if represented)

Address _____ Fax _____

Name of Owner _____ Phone _____

(required if other than applicant)

Address _____ Fax _____

Name of Architect _____ Phone _____

(if applicable)

Address _____ Fax _____

2. *Common Address/Location of Property 295 N. Kuhn Road, Carol Stream

3. Requested Action (check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Gary/North Avenue Corridor Review |
| <input type="checkbox"/> Planned Unit Development – Preliminary | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Planned Unit Development – Final | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Special Use Permit (requires Form C) | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Subdivision – Preliminary | <input checked="" type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input type="checkbox"/> Subdivision – Final | <input checked="" type="checkbox"/> Zoning Change |
| | <input checked="" type="checkbox"/> Other |

Describe requested action Process a request to consider termination of the Special Use Permit issued by Ordinance 2014-08-44 for the operation of a landscape waste transfer facility on property @ the NEC Kuhn & McNees Drive, as well as rezone the property from B-3 to R-1.

4. After referring to the specific process handout(s) relevant to this application, please indicate below the items that are included with the submittal.

- General Application (Form A)
- General Variation Application (Form B-1)
- Sign Code Variation Application (Form B-2)
- Fence Code Variation Application (Form B-3)
- Special Use Application (Form C)
- Application for Development Approval (Form D)
- Gary/North Avenue Corridor Application (Form E)
- Plat of Survey with Legal Description
- Site Plan
- Landscape Plan
- Plat of Annexation
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Preliminary Planned Unit Development Plan
- Final Planned Unit Development Plan
- Drawings of Proposed Signs
- Horizontal Building Elevations
- Floor Plan
- Proof of Ownership or Written Consent From Property Owner
- Project Narrative/Cover Letter
- Application Fee \$ _____

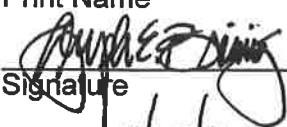
Please submit eight (8) full size drawings and one legible 11 by 17 inch reduced reproducible copy of full size drawings. Additional sets of plans may be required for certain applications. Please contact Village staff with any questions concerning the submittal requirements. **Full size drawings should be folded not rolled.**

5. Applicant Certification

*I authorize the Village of Carol Stream to install a temporary sign or signs on the property having the common address indicated in Item 2 on this form, for the purpose of notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have received a copy of the informational handout(s) for the zoning process(es) for which I am making an application. I am familiar with the code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I understand that incomplete or substandard submittals may increase the staff review time and delay scheduling of the public hearing.

JOSEPH E. BREINIB, VILLAGE MANAGER
Print Name

Signature
11/22/16
Date

Project History/Chronology

Landscape Waste Transfer Facility

Following is a chronology of key events regarding the LWTF project.

- **May 2013** – Organic Soils representatives make initial contact with the Village regarding their interest in operating a LWTF on a portion of the Village’s Water Reclamation Center property on Kuhn Road. Village staff recommends that Organic Soils should present their concept plan for the LWTF at a Village Board workshop meeting to introduce the concept to the community, the Plan Commission and Village Board.
- **July 1, 2013** – Organic Soils presents an initial concept plan regarding the LWTF at a combined Plan Commission and Village Board workshop meeting, open to the public, at Village Hall. The purpose of the workshop is to allow Organic Soils to introduce the project to the community and gauge the initial reaction to the concept. Notice of the workshop meeting was published in local newspapers, and a link to the presentation materials prepared by Organic Soils was placed on the Village’s website at this address:

<http://www.carolstream.org/images/stories/AgendaandMinutesArchive/2013SpecialMeetingAgendas/SpecialMeeting070113.pdf>

- **July 2013 through September 2013** – Organic Soils submits a concept plan and information about the LWTF to Village staff to receive technical/code-based feedback from staff.
- **September 9, 2013** – Staff’s concept plan review letter is sent to Organic Soils. Among other comments, the letter advises the applicant that a wetland delineation report should be prepared for the property.
- **October 2013** – Staff and Organic Soils begin negotiation of a lease agreement for the property. Organic Soils proposes to lease from the Village for the LWTF.
- **October 2013 through December 2013** – Organic Soils prepares applications and plans for submittal to Village for formal zoning approvals for the LWTF use.
- **December 20, 2013** – Organic Soils submits an application for formal zoning approvals for the LWTF use to the Community Development Department.
- **January 17, 2014** – Village staff review letter regarding first formal submittal package is sent to Organic Soils.
- **January 2014 through April 2014** – Organic Soils representatives make revisions to the LWTF plans in response to comments in the Village staff review letter.
- **April 10, 2014** – Organic Soils submits revised LWTF plans and information to the Community Development Department.
- **May 23, 2014** – Village staff review letter on second formal LWTF submittal package sent to Organic Soils.
- **June 18, 2014** – Based on a suggestion by Village staff in staff’s September 9, 2013, concept plan review letter, Organic Soils representatives host a public informational meeting at the Carol Stream Holiday Inn. Organic Soils sent out letters inviting nearby property owners to attend the informational meeting. This informational meeting was optional and in addition to the public hearing required by State statutes and the Village Code for zoning applications. Two Carol Stream residents attended the meeting. Organic Soils representatives provided information regarding the LWTF, discussed information displayed on presentation boards, and answered

questions from attendees. The principal concerns expressed by those in attendance at the meeting related to noise and odor that might be generated by the LWTF.

- **June 23, 2014** – Organic Soils submits a final set of revised plans in response to comments in the Village’s May 23, 2014, staff review letter and the comments received at the June 18, 2014, public informational meeting.
- **June 25, 2014** – A Notice of Public Hearing, at which the Plan Commission will consider the formal zoning approvals requested by Organic Soils, is published in The Examiner. This notice satisfies state statutes for the legal noticing of a local municipal Special Use zoning hearing.
- **June 26, 2014** – A Notice of Public Hearing is mailed to property owners within 250 feet of the Village’s Water Reclamation Center property, upon which the LWTF is proposed to be located. The mailing of this notice is beyond the requirements of state statutes, and is intended to encourage greater community knowledge and participation in the Public Hearing process.
- **July 11, 2014** – The Agenda packet for the July 14, 2014, Plan Commission meeting is posted on the Village’s website.
- **July 14, 2014** – At its July 14, 2014, meeting, the Plan Commission hears the presentation regarding the LWTF from Organic Soils representatives, receives the staff report from Village staff, accepts testimony from the public during the Public Hearing, and asks questions of Organic Soils representatives and staff. At the conclusion of the meeting, the Plan Commission unanimously recommends approval of all of Organic Soils’ requests for zoning approvals.
- **July 18, 2014** – The Agenda packet for the July 21, 2014, Village Board meeting is posted on the Village’s website. This agenda contains a staff memo to the Village Board recommending that the Village Board table action on the requested zoning approvals while the Village staff continues negotiation of the lease agreement for the proposed LWTF site with Organic Soils representatives.
- **July 21, 2014** – Village Board tables Organic Soils’ requested zoning approvals at its July 21, 2014, meeting, to allow continued negotiation of the lease agreement with Organic Soils representatives.
- **August 4, 2014** – Village Board tables Organic Soils’ requested zoning approvals at its August 4, 2014, meeting, to allow continued negotiation of the lease agreement with Organic Soils representatives.
- **August 18, 2014** – Village Board unanimously approves all of Organic Soils’ requested zoning approvals and the lease agreement for use of the proposed LWTF site.
- **February 19, 2015** – Organic Soils submits an application for a permit to construct and develop a LWTF to the Illinois Environmental Protection Agency (IEPA).
- **May 27, 2015** – The IEPA issues a permit to construct and develop a LWTF to Organic Soils. (Note: A separate IEPA Operating Permit is required to operate a LWTF.)
- **November 2015** – Partial Site Improvement/Engineering plans for the LWTF are submitted to the Engineering Services Department.
- **January 13, 2016** – Village sends letter to Organic Soils, seeking clarification regarding the status of the LWTF project, and informing Organic Soils that the Special Use approval would be subject to termination by the Village Board on or after February 18, 2016, if Organic Soils failed to commence construction of the Special Use within the 18-month timeframe set forth in the Zoning Code.
- **January 21, 2016** – Organic Soils submits a letter to the Village requesting an extension of the Special Use approval, accompanied by a schedule indicating that construction of the LWTF

should commence by July/August 2016. Delays in IEPA permitting are offered as the reason for the delay in construction commencing.

- **February 1, 2016** – The Village Board grants an extension of the Special Use originally approved through Ordinance 2014-08-44, until July 31, 2016, through Ordinance 2016-02-06.
- **February 24, 2016** – Organic Soils submits initial Storm Water Report and revised Engineering plans to the Village.
- **March 28, 2016** – Comments from Village’s Engineering Consultant, Christopher B. Burke Engineering, Ltd. are provided to Organic Soils. The comments referenced that the Storm Water Certification Application was not included with the submittal, and there were also several comments regarding detention, floodplain, post-construction best management practices (PCBMP’s), maintenance and monitoring along with comments regarding maps and exhibits. The review also concluded that the site contains wetlands, which confirmed prior information provided to Organic Soils by staff. CBBEL staff concluded that the DuPage County Floodplain Ordinance was not met and recommended not issuing a Storm Water Certification until the many outstanding items were addressed.
- **April 15, 2016** – Organic Soils submits a letter to the Village providing an update on the project. Organic Soils indicated that they previously did not believe the site contained wetlands, but that owing to the presence of wetlands, they anticipated that further jurisdictional review and permitting will add three to six months to the project timeline.
- **April 22, 2016** – Village sends letter to Organic Soils, referring to the September 2013 concept plan review letter by prepared by Village staff, which advised Organic Soils that a wetland delineation report should be prepared. The April 22, 2016, letter encouraged Organic Soils to make progress on other project approvals, such as the plat of subdivision and building permits, and advised that it was unknown whether the Village Board would be willing to grant additional project extensions.
- **May 31, 2016** – Organic Soils contacts the Village and requests Village review comments on the proposed Plat of Subdivision.
- **June 3, 2016** – Organic Soils submits a permit application for a temporary construction sign to the Community Development Department.
- **June 10, 2016** – Village staff review letter regarding the Plat of Subdivision is sent to Organic Soils.
- **June 13, 2016** – Organic Soils submits a revised storm water report to the Village for review. Organic Soils also submits building permit applications for LWTF site pavement, an aboveground fuel tank and a permanent ground sign.
- **June 20, 2016** – As neither the approved project plans nor the lease agreement contemplated the installation of a temporary construction sign on the LWTF site, the Village Board is asked, as the representative for the property owner, whether they wished to authorize the installation of a temporary construction sign on the property. With the deadline to commence construction about six weeks away (July 31, 2016), the Village Board decides to wait until the project status is better known after July 31, 2016, to make a determination regarding the temporary sign.
- **July 7, 2016** – Storm Water Review #2 was completed by the Village’s Storm Water consultant, Christopher B. Burke Engineering, LTD. CBBEL concluded that a wetland delineation provided by the applicant was acceptable and that the wetland mitigation of fee-in-lieu is acceptable. However, the wetlands are the jurisdiction of the US Army Corps of Engineers and a permit determination is needed from the Corps. This process could take up to nine months.

CBBEL staff also concluded that the DuPage County Floodplain Ordinance was not met and recommended not issuing a Storm Water Certification until other outstanding items are addressed.

- **July 8, 2016** – Organic Soils submits a letter to the Mayor and Trustees, requesting a second extension of the Special Use approval, until April 30, 2017. The letter cites approvals related to the presence of a wetland on the property as the primary need for the extension.
- **July 18, 2016** – The Village Board does not act on Organic Soils' request for a second extension of the Special Use Permit, but instead directs Village staff to work with Organic Soils on an amendment to the lease agreement that would establish specific milestones for commencement of construction, payment of rent, and initiation of operations.
- **November 7, 2016** – A draft lease amendment is on the Village Board agenda for November 7, 2016. The Village Board does not take action on the draft lease amendment, but instead directs staff to prepare a memo outlining the procedure for termination of the Special Use for the LWTF for consideration by the Board at the Board's next meeting on November 21, 2016.
- **November 21, 2016** – By a vote of 5-1, the Village Board directs staff to commence the process to terminate the Special Use Permit for the LWTF.

DTB:db

T:\Village Board Special and Temporary Approvals\2016-07-18 VB Memo - LWTF SUP Extension Project History.docx

ORD. 2014-08-44

**VILLAGE OF CAROL STREAM
500 North Gary Avenue
Carol Stream, IL 60188**

ORDINANCE NO. 2014-08-44

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO
ALLOW A LANDSCAPE WASTE TRANSFER FACILITY IN THE
B-3 SERVICE DISTRICT (ORGANIC SOILS, INC., NE CORNER
KUHN ROAD & MCNEES DRIVE)**

**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF CAROL STREAM
THIS 18TH DAY OF AUGUST 2014**

**Published in pamphlet form
by order of the Mayor and Board
of Trustees of the Village of Carol Stream,
County of DuPage, Illinois
This 19th Day of August 2014**

ORDINANCE NO. 2014-08-44

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
TO ALLOW A LANDSCAPE WASTE TRANSFER FACILITY
IN THE B-3 SERVICE DISTRICT
(ORGANIC SOILS, INC., NE CORNER KUHN ROAD & MCNEES DRIVE)**

WHEREAS, Dave Gravel, Vice President of Organic Soils, Inc., hereinafter referred to as the Petitioner, has petitioned the Village of Carol Stream for a Special Use Permit to allow for a *landscape waste transfer facility* in the B-3 Service District, as provided in Section 16-9-4(C)(17) of the Carol Stream Code of Ordinances, on the property legally described in Section 2 herein and commonly known as the northeast corner of Kuhn Road and McNees Drive, in Carol Stream, Illinois; and

WHEREAS, pursuant to Section 16-15-8 of the Carol Stream Code of Ordinances, the Combined Plan Commission/Zoning Board of Appeals at a regular meeting thereof, held a public hearing on the above petition on July 14, 2014, following proper legal notice of said public hearing, after which the Commission voted to recommend to the Mayor and Board of Trustees of the Village that a Special Use Permit be approved; and

WHEREAS, the Combined Plan Commission/Zoning Board of Appeals has filed its Findings and Recommendations regarding the Special Use Permit with the Mayor and Board of Trustees, and the Mayor and Board of Trustees have duly considered said Findings and Recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION 1:

The Mayor and Board of Trustees of the Village, after examining the Petition for a Special Use and the Findings and Recommendations of the Combined Plan Commission/Zoning Board of Appeals, have determined and find that the requested Special Use Permit:

1. Is deemed necessary for the public convenience at the location.
2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
3. 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.
4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. Will provide adequate utilities, access roads, drainage, and other important and necessary community facilities.

6. Will conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees.

SECTION 2:

A Special Use Permit is hereby approved and granted, subject to the conditions set forth in Section 3, to allow a *landscape waste transfer facility* upon the real estate commonly known as the northeast corner of Kuhn Road and McNees Drive, in Carol Stream, Illinois, and legally described as follows:

THAT PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 31; THENCE SOUTH 00 DEGREES 12 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 31, 2632.90 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 47 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 47 SECONDS EAST ALONG THE LAST DESCRIBED COURSE, 278.00 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 13 SECONDS EAST, 211.08 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 47 SECONDS WEST, 47.62 FEET TO A POINT CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 115.00 FEET, A CHORD OF 31.42 FEET AND A CHORD BEARING OF NORTH 82 DEGREES 21 MINUTES 09 SECONDS WEST, AN ARC DISTANCE OF 31.52 FEET; THENCE NORTH 74 DEGREES 30 MINUTES 06 SECONDS WEST, 116.28 FEET TO A POINT CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 290.00 FEET, A CHORD OF 79.23 FEET AND A CHORD BEARING OF NORTH 82 DEGREES 21 MINUTES 09 SECONDS WEST, AN ARC DISTANCE OF 79.47 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 47 SECONDS WEST, 8.83 FEET; THENCE NORTH 00 DEGREES 12 MINUTES 13 SECONDS WEST, 164.50 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

SECTION 3:

The approval of the Special Use Permit for a *landscape waste transfer facility* granted in Section 1 herein is subject to the facility generally being designed and operated in accordance with the attached exhibits including the Overall Site Plan and Enlarged Site Plan (Exhibits A-1 and A-2), Circulation Plans (Exhibits B-1 and B-2), Packer Truck Circulation Schedule (Exhibit C), Landscape Plan (Exhibit D), Lighting Plan (Exhibit E), Sign Plan (Exhibit F), and Building Elevation and Renderings (Exhibit G-1 and G-2), prepared by Enon Hill Design & Development, dated June 23, 2014, and with the facility being operated and the site being maintained in accordance with the following conditions:

1. That the site improvements, including but not limited to the office building, fencing, landscaping, parking lot lighting, and signage, must comply with the attached plans and exhibits, with the exception of any modifications noted herein or approved by staff;

2. That the landscape materials must be installed as shown on the landscape plan, and all landscape materials must be maintained in a healthy condition, with dead or dying materials being replaced in accordance with the approved plan on an annual basis;
3. That all landscape waste material must be completely removed from the dumping floor surface at the end of each business day and must be placed in a transfer trailer, and the transfer trailer must be fitted with a tarp so as to reduce odors and wind-blown debris leaving the site;
4. That absolutely no composting of landscape materials may occur on the property, and that all landscape materials must be removed from the LWTF property within 24 hours of being brought to the property;
5. That the facility may only operate between the hours of 7:00 am and 4:00 pm Monday through Friday, and between the hours of 7:00 am and 12:00 pm on Saturday. In addition, the facility may be open for business generally between March 15 and December 15 each year;
6. That no on-site storage or parking of transfer trailers may occur during the off-season period when the facility is closed. In addition, the LWTF site may not be used for any other vehicle or equipment storage not related to LWTF operations;
7. That the facility must obtain and maintain any and all required approvals from the Illinois Environmental Protection Agency and/or Illinois Pollution Control Board, with respect to the construction, operation and eventual decommissioning of the facility;
8. That permits must be received for any and all facilities requiring review and approval by the Office of the State Fire Marshal, including but not limited to the proposed aboveground fuel tank;
9. That the on-site LWTF employees must monitor inbound and outbound traffic conditions, and must ensure that regular vehicle stacking or queuing does not occur on Kuhn Road;
10. That vehicles are prohibited from backing into the LWTF site off of Kuhn Road;
11. That the steel tube across the access drive into the LWTF near Kuhn Road must be locked at all times when the facility is closed;
12. That the applicant and/or operator of the LWTF will be responsible for cleaning up and properly disposing of any unauthorized dumping that takes place on the LWTF site;

13. That the applicant/operator must provide a video surveillance system of the site;
14. That transfer trailers serving the LWTF must travel to the LWTF site from Kuhn Road via North Avenue, and must not utilize Kuhn Road north of the LWTF property;
15. That the applicant must modify the design of the fence to provide a double-wall solid wooden fence, and must submit plans to Village staff for further review. The applicant agrees, at the request of the Village, to supply an updated Noise Impact Assessment Report that takes into account the modified fence design;
16. That the proposed portable office trailer must comply with all applicable building and fire codes, and with the requirements of the Illinois Accessibility Code;
17. The automobile parking spaces must be striped in accordance with the Village's looped parking space striping detail, and must meet the dimensional requirements set forth in the Village Code, and the accessible parking space must comply with the requirements of the Illinois Accessibility Code;
18. That in completing the Plat of Subdivision, the dashed line parallel to and just east of the Kuhn Road right-of-way line should be identified as an existing public utility easement, a list of the taxing bodies applicable to the property must be added to the Plat;
19. That the final site grading and engineering must comply with the requirements of the DuPage County Countywide Stormwater and Flood Plain Ordinance, which may result in the need for modifications to the site plan;
20. That no storage of any kind may take place outside of the fenced portion of the LWTF site;
21. That the LWTF operator must maintain the equipment and supplies on-site needed to properly contain, clean up, and dispose of contaminated or unacceptable material that may be brought to the site; and
22. That the facility must comply with all state, county, and Village codes and requirements.

SECTION 4:

This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form, provided, however, that this Ordinance is executed by the owners or such other party in interest, consenting to and agreeing to be bound by

the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance or within such extension of time as may be granted in the discretion of the corporate authorities, by motion.

SECTION 5:

The failure of the owner or other party in interest, or a subsequent owner or other party in interest, to strictly comply with the terms and conditions of this Ordinance, after execution of this Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7 A and B of the Carol Stream Code of Ordinances, and/or termination of the special use permit after notice and public hearing in accordance with the procedures required by the Carol Stream Code of Ordinances.

PASSED AND APPROVED THIS 18th DAY OF AUGUST, 2014.


AYES: Trustees LaRocca, Gieser, Frusolone, Weiss and McCarthy

NAYS: None

ABSENT: Trustee Schwarze


Frank Saverino, Sr. Mayor

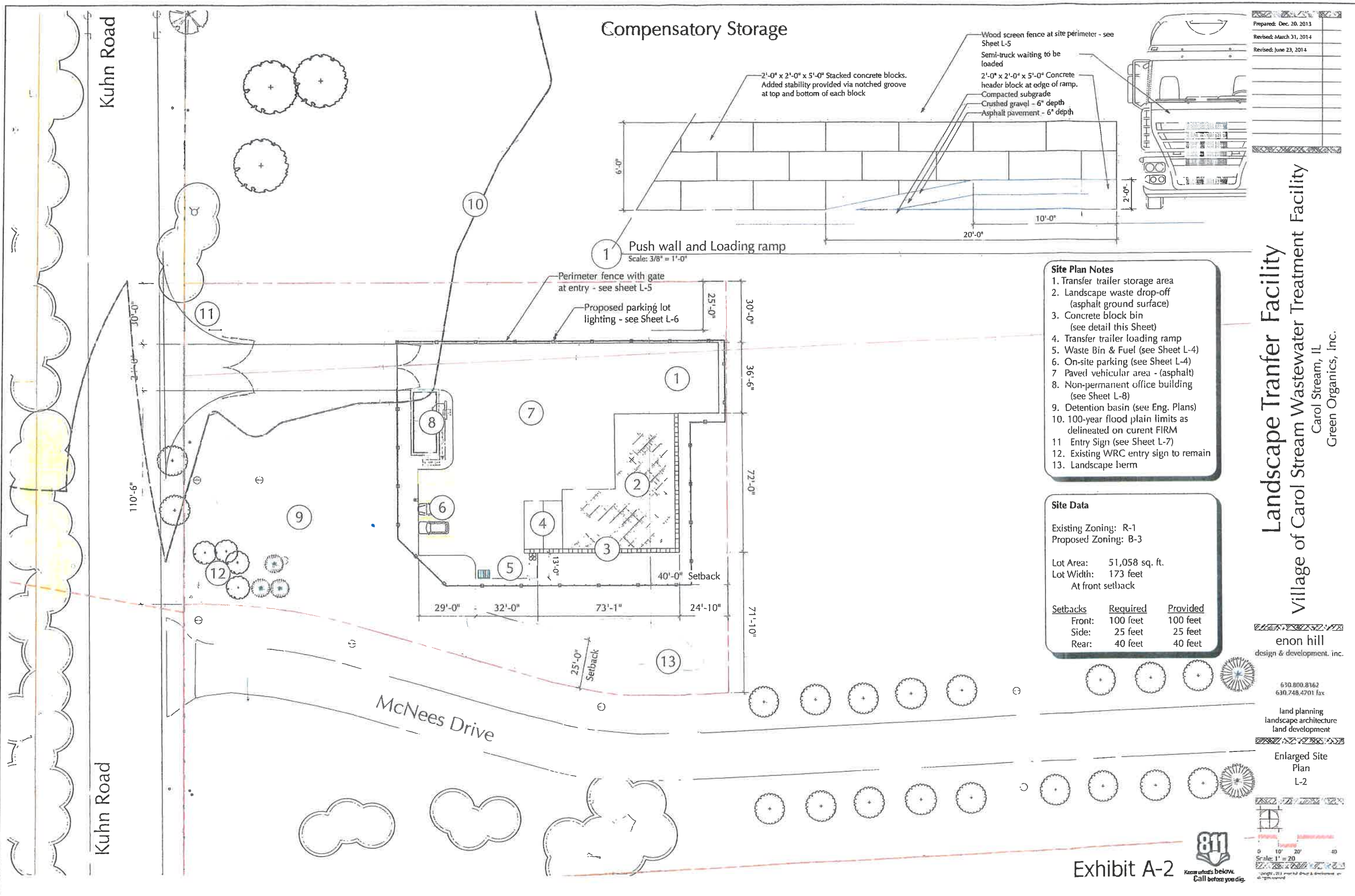
ATTEST:


Beth Melody, Village Clerk

I, DAVID A. CRAVEL, being the owner/party in interest of the property legally described in this ordinance, do hereby accept, concur, and agree to develop and use the subject property in accordance with the terms and conditions of this Ordinance, and I understand that if I do not do so, I am subject to the penalties set forth in Section 16-17-7 A and B of the Carol Stream Code of Ordinances, and/or termination of the special use permit.

9.4.14
Date


Owner/Party In Interest



Prepared: Dec. 20, 2013
 Revised: March 31, 2014
 Revised: June 23, 2014

Compensatory Storage

1 Push wall and Loading ramp

Scale: 3/8" = 1'-0"

- Site Plan Notes**
1. Transfer trailer storage area
 2. Landscape waste drop-off (asphalt ground surface)
 3. Concrete block bin (see detail this Sheet)
 4. Transfer trailer loading ramp
 5. Waste Bin & Fuel (see Sheet L-4)
 6. On-site parking (see Sheet L-4)
 7. Paved vehicular area - (asphalt)
 8. Non-permanent office building (see Sheet L-8)
 9. Detention basin (see Eng. Plans)
 10. 100-year flood plain limits as delineated on current FIRM
 11. Entry Sign (see Sheet L-7)
 12. Existing WRC entry sign to remain
 13. Landscape berm

Site Data

Existing Zoning: R-1
 Proposed Zoning: B-3

Lot Area: 51,058 sq. ft.
 Lot Width: 173 feet
 At front setback

Setbacks	Required	Provided
Front:	100 feet	100 feet
Side:	25 feet	25 feet
Rear:	40 feet	40 feet

Landscape Transfer Facility
 Village of Carol Stream Wastewater Treatment Facility
 Carol Stream, IL
 Green Organics, Inc.

enon hill
 design & development, inc.

630.800.8362
 630.748.4701 fax
 land planning
 landscape architecture
 land development

Enlarged Site Plan
 L-2

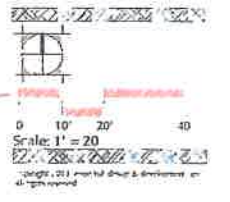
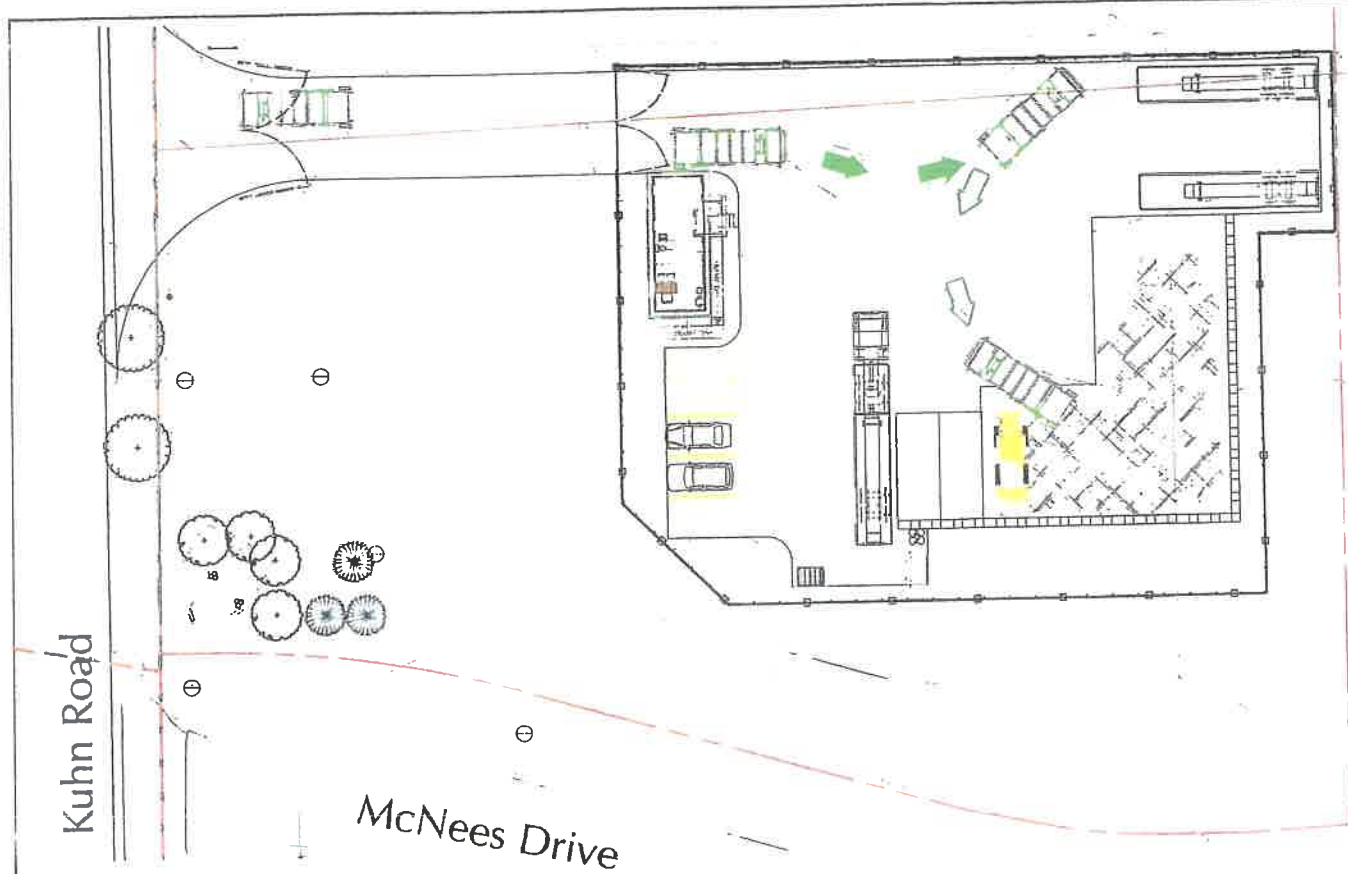
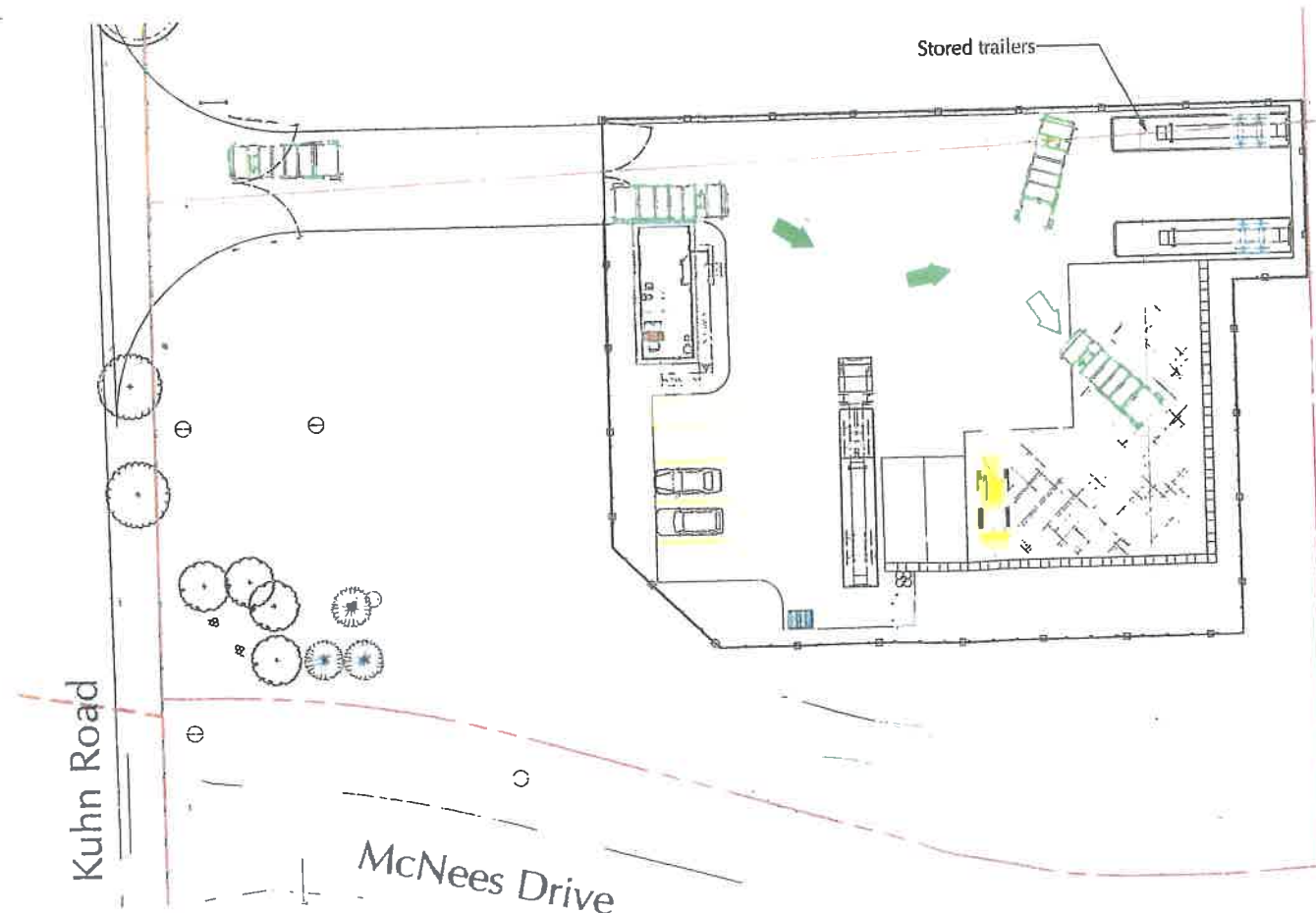


Exhibit A-2





1 Circulation Plan - Packer Truck 1
Scale: 1" = 20 ft



2 Circulation Plan - Packer Truck 2
Scale: 1" = 20 ft

Circulation Plan Legend

- Packer Truck - Going Forward
- Packer Truck - Going in Reverse

Prepared: Dec. 20, 2013
Revised: March 31, 2014
Revised: June 23, 2014

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 Carol Stream, IL
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Circulation Plan
 Packer Trucks
 L-3

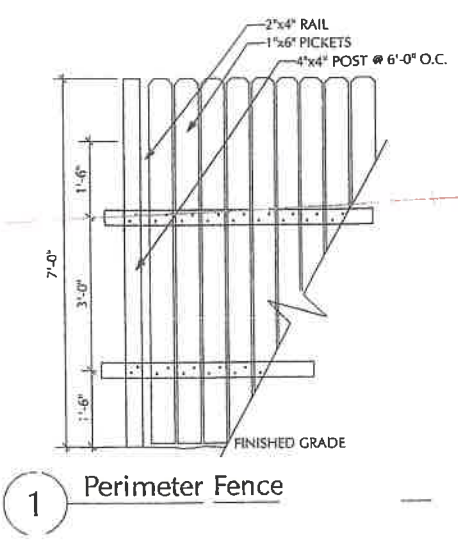
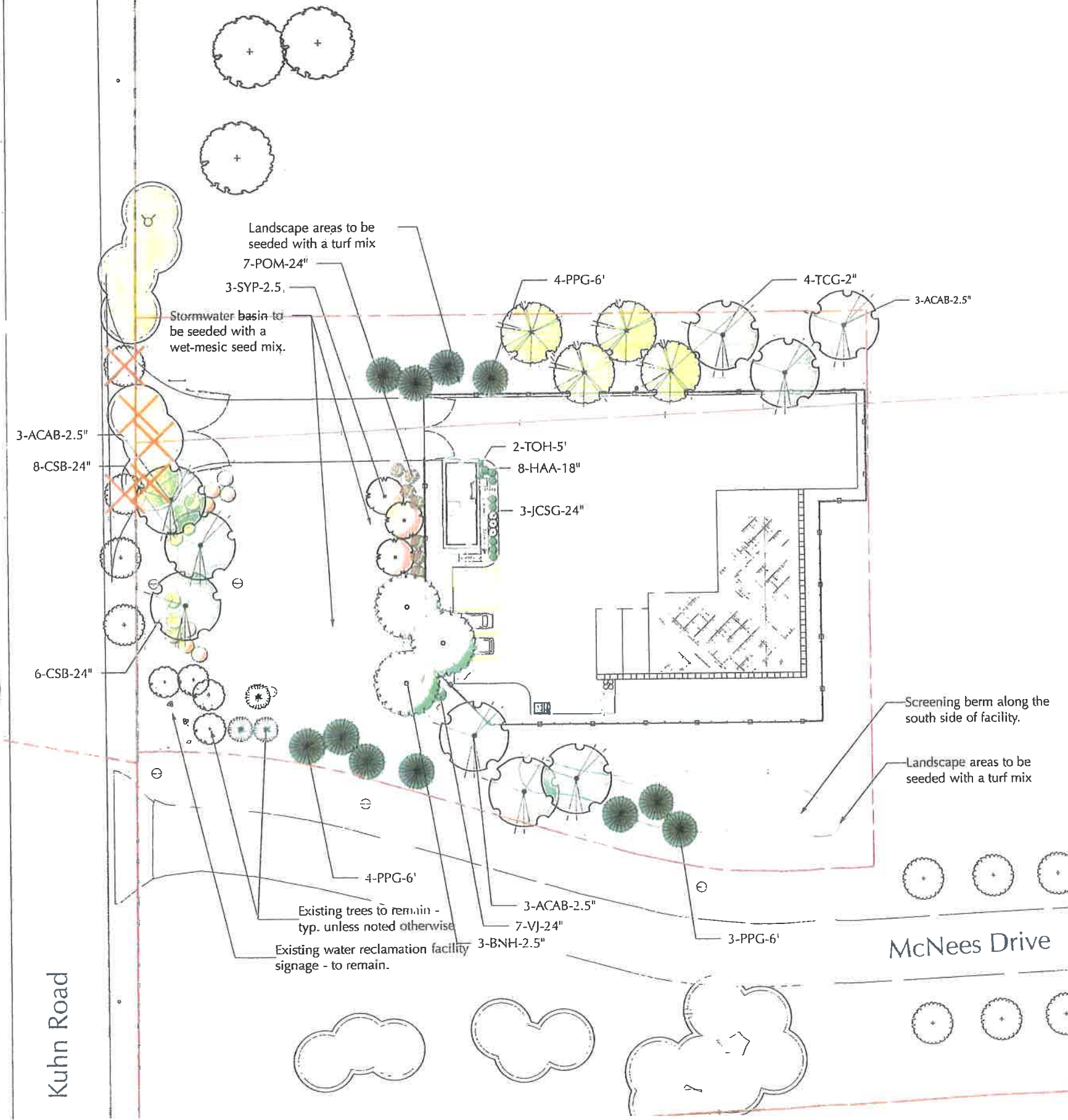
Scale: 1" = 20'

Exhibit B-1

Compensatory Storage

ID	QTY	SIZE	LATIN NAME	COMMON NAME
Deciduous Trees				
ACAB-2.5"	9	2.5" cal	Acer x freemanii 'Autumn Blaze'	Autumn Blaze Maple
BNH-2.5"	3	2.5" cal	Betula nigra 'Heritage'	Heritage River Birch (R)
TCG-2"	4	2" cal	Tilia cordata 'Greenspire'	Greenspire Littleleaf Linden
Evergreen Trees				
PPG-6'	11	6' ht	Picea pungens var. glauca	Colorado Spruce, Blue Spruce
Ornamental Trees				
SYP-2.5"	3	2.5" cal	Syringa pekinensis 'Morton'	Peking Lilac China Snow Tree
Shrubs - Deciduous				
CSB-24"	14	24" ht	Cornus sericea 'Bailey'	Bailey's Red Twigg Dogwood
HAA-18"	8	18" ht	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea
POM-24"	7	24" ht	Physocarpus opulifolius 'Diablo'	Diablo Ninebark (R)
VJ-24"	7	24" ht	Viburnum x juddi	Judd Viburnum
Shrubs - Evergreen				
JCSG-24"	3	24" dia.	Juniperus chinensis 'Sea Green'	Sea Green Juniper
TOH-5'	2	5' ht	Thuja occidentalis 'Holmstrup'	Holmstrup Arborvitae

Prepared: Dec. 20, 2013
Revised: March 31, 2014
Revised: June 23, 2014



Landscape Transfer Facility
 Village of Carol Stream Wastewater Treatment Facility
 Carol Stream, IL
 Green Organics, Inc.

enon hill
 design & development, inc.
 630.800.8162
 630.748.4701 fax
 land planning
 landscape architecture
 land development

Landscape Plan

L-5

Scale: 1" = 20'

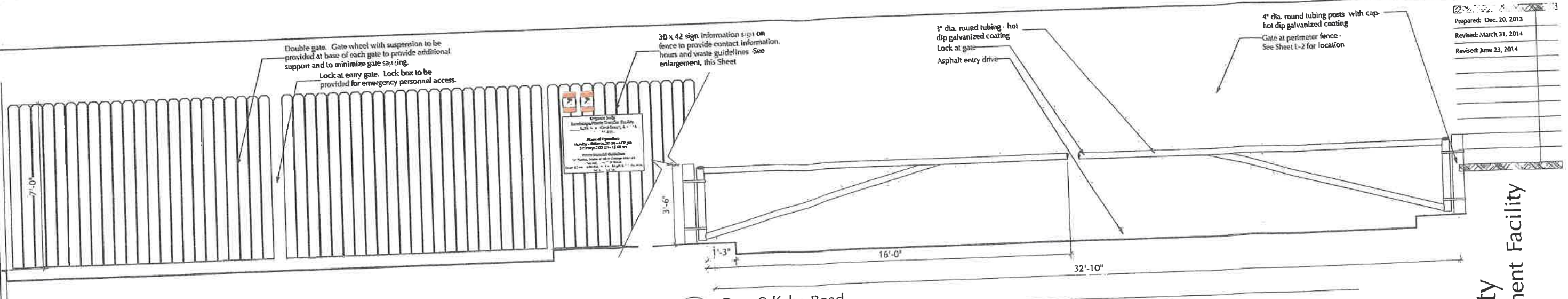
811
Call before you dig.

Kuhn Road

McNees Drive

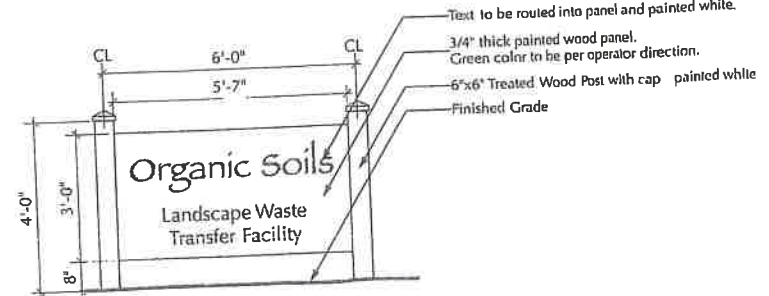
Exhibit D

Prepared: Dec. 20, 2013
 Revised: March 31, 2014
 Revised: June 23, 2014

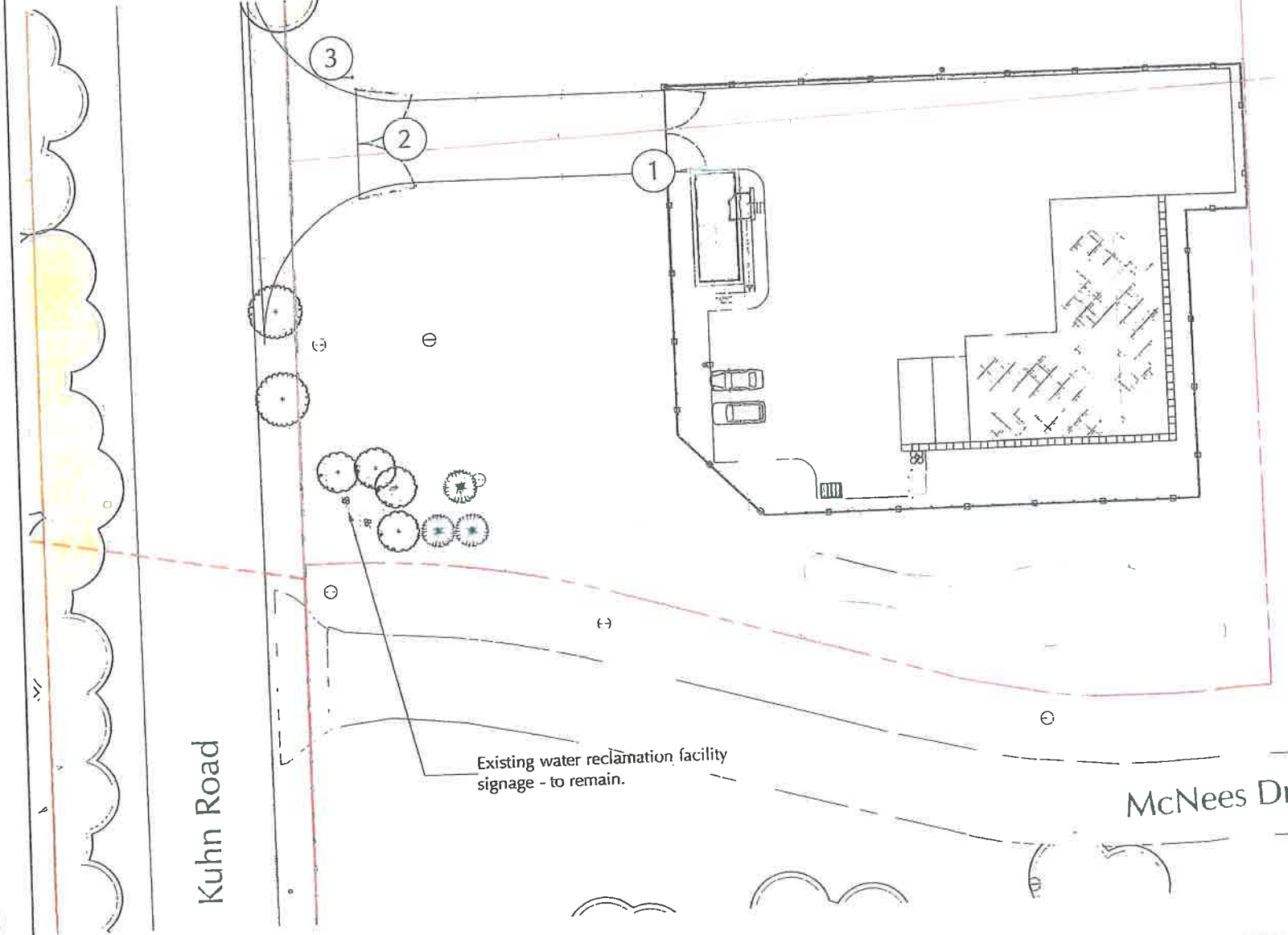


3 Gate @ Kuhn Road
 Scale: 1/2" = 1'-0"

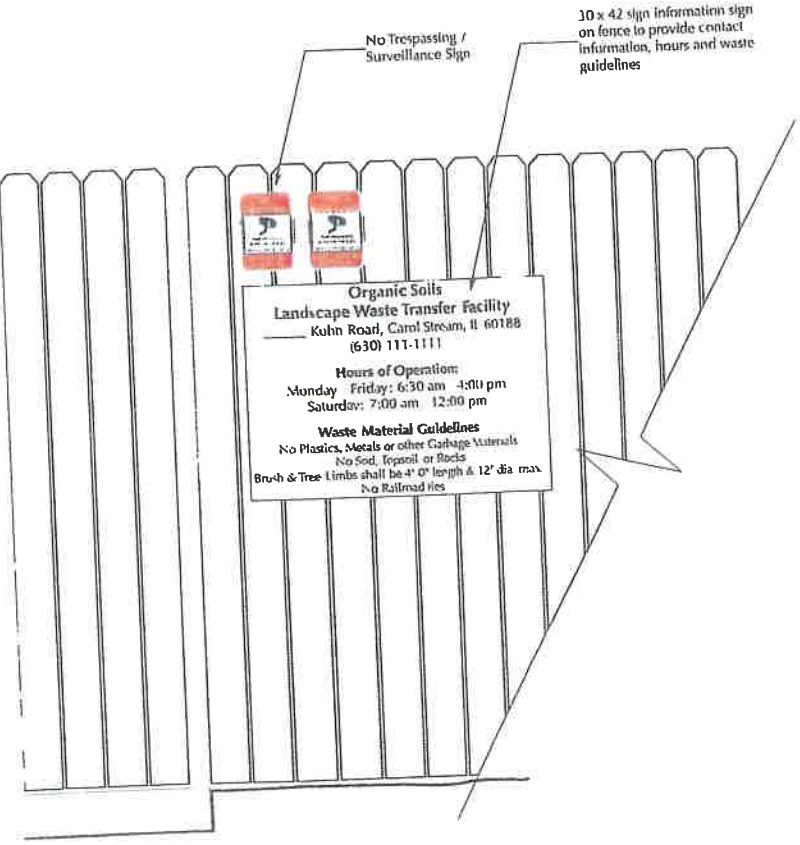
1 Main Gate - IEPA Sign
 Scale: 1/2" = 1'-0"



4 Entry Sign
 Scale: 1/2" = 1'-0"



2 Site Plan
 Scale: 1" = 20 ft



5 Main Gate Enlargement - IEPA Sign
 Scale: 1" = 1'-0"

Landscape Transfer Facility
 Village of Carol Stream Wastewater Treatment Facility
 Carol Stream, IL
 Green Organics, Inc.

enon hill
 design & development, inc.

630.800.8362
 630.748.4701 fax

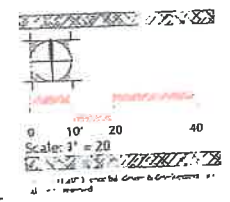
land planning
 landscape architecture
 land development

Sign Plan

L-7



Exhibit F





1 Looking to the Northeast



3 Looking to the Southeast
Scale: 1" = 10' ft

Landscape Transfer Facility
Village of Carol Stream Wastewater Treatment Facility
Carol Stream, IL
Green Organics, Inc.

enon hill
design & development, inc.

630.800.3362
630.718.1701 fax

land planning
landscape architecture
land development

Building Plan

ORD. 2016-02-06

**VILLAGE OF CAROL STREAM
500 North Gary Avenue
Carol Stream, IL 60188**

ORDINANCE NO. 2016-02-06

**AN ORDINANCE EXTENDING THE TIME PERIOD TO COMMENCE
CONSTRUCTION FOR THE SPECIAL USE PERMIT FOR ORGANIC
SOILS, INC. (NE CORNER KUHN ROAD & McNEES DRIVE)**

**ADOPTED BY THE MAYOR AND BOARD OF TRUSTEES
OF THE VILLAGE OF CAROL STREAM
THIS 1st DAY OF FEBRUARY, 2016**

**Published in pamphlet form
by order of the Mayor and Board
of Trustees of the Village of Carol Stream,
County of DuPage, Illinois
This 2nd Day of February, 2016**

ORDINANCE NO. 2016-02-06

**AN ORDINANCE EXTENDING THE TIME PERIOD TO COMMENCE
CONSTRUCTION FOR THE SPECIAL USE PERMIT FOR ORGANIC SOILS, INC.
(NE CORNER KUHN ROAD & McNEES DRIVE)**

WHEREAS, on August 18, 2014, the President and Board of Trustees of the Village of Carol Stream passed and approved Ordinance 2014-08-44 which granted a Special Use Permit for a landscape waste transfer facility on property owned by the Village of Carol Stream located on the northeast corner of Kuhn Road and McNees Drive, adjacent to the west of the Water Reclamation Center; and

WHEREAS, Section 16-15-8(H) of the Carol Stream Code of Ordinances requires construction to commence within eighteen (18) months from and after the date of granting the permit; and

WHEREAS, Organic Soils, Inc. in a letter received on January 22, 2016, acknowledged that construction would not commence by February 18, 2016, eighteen (18) months after the approval of Ordinance 2014-08-44; and

WHEREAS, Section 16-15-8(H)(1)(d) of the Carol Stream Code of Ordinances allows the Board of Trustees to grant an extension of up to one year at a time upon written application; and

WHEREAS, Organic Soils, Inc. in their letter received on January 22, 2016 requested an extension for the commencement of construction until July 31, 2016 due to delays in IEPA permitting for their landscape waste transfer facility.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:

SECTION 1: The President and Board of Trustees, after review of the letter received on January 22, 2016 have determined that an extension of time for the commencement of construction for the landscape waste transfer facility to be operated by Organic Soils, Inc. on the northeast corner of Kuhn Road and McNees Drive is warranted and hereby granted.

SECTION 2: Construction of the aforementioned landscape waste transfer facility is to commence on or before July 31, 2016.

SECTION 3: Failure to commence construction on or before July 31, 2016 may result in initiation of the process for termination of the Special Use Permit granted in Ordinance 2014-08-44, said process for termination found in Section 16-15-8(H) of the Carol Stream Code of Ordinances.

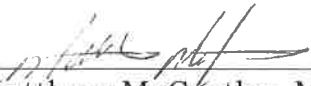
SECTION 4: This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 1st DAY OF FEBRUARY, 2016.

AYES: Trustees Hennessey, LaRocca, Gieser, Frusolone, Schwarze and McCarthy

NAYS: None

ABSENT: None


Matthew McCarthy, Mayor Pro Tem

ATTEST:


Laura Czarnecki, Village Clerk