

# *Village of Carol Stream*

## **AGENDA**

**REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS**

**MONDAY, JANUARY 23, 2023 AT 6:00 P.M.**

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

- I. Roll Call: Present:  
Absent:
  
- II. Approval of Minutes: January 9, 2023
  
- III. Public Hearing  
  
**22-0048– CEVA Logistics – 195 E. Elk Trail**  
*Variation to Allow a Fence in the Front Yard (continued from the January 9, 2023 meeting)*
  
- 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  
January 09, 2023.***

Chairman Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 6:00 p.m. and directed Patty Battaglia, Planning and Permitting Assistant, to call the roll.

The results of the roll call vote were:

Present: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Absent: 1 Commissioner Christopher

Also Present: Bob Mellor, Village Manager; Don Bastian, Community Development Director; Tom Farace, Planning and Economic Development Manager; Bravo Berisha, Assistant Planner; Patty Battaglia, Planning and Permitting Assistant; a representative from County Court Reporters

**MINUTES:**

Commissioner Meneghini moved and Commissioner Petella seconded the motion to approve the minutes of the Regular Meeting held on December 12, 2022.

The results of the roll call vote were:

Ayes: 4 Commissioners Meneghini, Morris, Petella, Tucek

Nays: 0

Abstain: 2 Commissioners Battisto and Chairman Parisi

Absent: 1 Commissioner Christopher

The motion passed by a majority vote.

**PUBLIC HEARING:**

Chairman Parisi asked for a motion to open the Public Hearing. Commissioner Morris moved and Commissioner Tucek seconded the motion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 1 Commissioner Christopher

The motion passed by unanimous vote.

**Case #22-0048– CEVA Logistics – 195 E. Elk Trail**

*Variation to Allow a Fence in the Front Yard*

Chairman Parisi asked if the petitioner was present and he was not so Chairman Parisi continued to the next case on the agenda.

**Case #22-0057 – Village of Carol Stream – 500 N. Gary Avenue**

*Text Amendment to allow Adult Use Cannabis Dispensaries as a Special Use in the B-3 District*

Chairman Parisi swore in Mr. Farace and asked him to provide his presentation.

Mr. Farace stated he would be reviewing some text amendments regarding Cannabis Dispensaries and provided some background information (included in the Staff Report) on the following:

- B-3 and O-S Districts
- Proposed Text Amendments
- Special Use Approval Process Submittal Requirements
- Special Use Regulations
- Overview of the Adult-Use Cannabis Dispensaries 100-Foot Buffer Map

Mr. Farace stated, up until last October, cannabis dispensaries were prohibited in the county to allow for them in the various zoning districts, but now they are permitted. Because of that, our Village Board discussed some potential zoning changes within our zoning regulations and districts. At the December 5<sup>th</sup> Village Board meeting, Staff was given direction by the Village Board to prepare some text amendments to amend our UDO to allow adult-use cannabis dispensaries as a Special Use in the B-3 General Business District and the O-S District. We are proposing three changes to the UDO which are:

- Add the use itself as a Special Use in the B-3 District and adult-use cannabis dispensaries are and will continue to be Special Uses in the O-S District.

- Amend our dispensary distance requirements to match the requirements for businesses that sell alcohol in the Village. Currently, regulations in the code dictate that a dispensary has to be at least 1,000 feet away from a school, park, library, daycare center and a church or place of worship. But is proposed to match liquor license (retail sale aspect) requirements the dispensaries cannot be located within 100 feet of a church, school, hospital, home for aged or indigent persons, veterans, or military or naval stations.

- Distance requirements between dispensaries will remain at 1,500 feet.

Also, all of the current code requirements of adult-use cannabis dispensaries will also be applied to medical cannabis dispensaries and our Village Attorney recommended each be kept separate.

Staff is looking for a recommendation from the Plan Commission on these amendments.

Chairman Parisi asked for any comments or questions from the audience.

Mr. Tom Garvey, 559 Iroquois Trail, stated he hoped they all viewed the video of the Village Board meeting on this subject from a link that was provided in the Staff Report. I would like to highlight the background history of what wasn't covered by Mr. Farace. The Board at first considered including a referendum on the ballot on the April 4 consolidated election to solicit the residents' feelings on whether we should expand the possibility of cannabis dispensaries in town by modifying the ordinances. The

mayor originally suggested the referendum to defuse the level of contention that was on the Board. He noted he had never seen such contention in the 16 years he has been mayor so the Board directed Staff to review the legal requirements for a referendum. Staff learned that any revenues potentially generated from cannabis sales that we would have to notify the Department of Revenue by a certain date, which was April 1, so that revenues could be collected starting on July 1. The problem with that was the election would be on April 4, so if we did put a referendum on the ballot, we wouldn't be informed what the residents really thought until after April 1. The next date that we could possibly notify them was, I think October, which would delay further the collection of revenue until January 1, 2024. So we are talking about a whole calendar year from today's date. So the gap of almost a year is what, I think in my opinion, suddenly changed the referendum to be less favored by the majority of the Board. If you watch that link, the Board members readily admitted this was entirely about revenue. I personally ask whether there was some item the Village needed that we could not address in our budget due to revenue limitations, and there wasn't any. It's not that we need the money to be generated by cannabis sales. The referendum was then objected to by the Board and I think it's because, this is my opinion, but we didn't want to wait a whole year for fear of missing out on potential revenue. I think the fear was there that the DuPage County Board hadn't taken their action that they would have taken the opportunity of the locations in Carol Stream along North Avenue and Army Trail and we would lose out on the revenue. I mean that was clearly stated at the Village Board meeting. So the referendum was voted down. But, believe it or not, we are going to have a referendum after all and it's you because you're all residents of Carol Stream just like the Village Board members are right. So, even though the Carol Stream Board has decided not to have a city wide referendum, you're going to make that decision tonight. You're going to make that vote. Your consideration of this text amendment specifically says in item two that the amendment must not adversely effect the public health, safety or general welfare. The Staff simply says it should not adversely affect it, but what if it does. You're also agreeing on item three of this text amendment that this amendment is necessary because of changed or changing social values. You're all residents of this town just like me and all of those gathered here, except for Staff, can you honestly say that Carol Stream, that 4-5 years ago, you could perceive our little village having a property tax and allowing video gambling in nearly every sit down restaurant in town that is up to 20 locations now and 5 video cafes whose sole purpose is to generate income from video gambling. And now we are actively pursuing the locations of cannabis dispensaries in our town. Is this the same town it was five years ago. And is this amendment actually necessary and are we sure it's not going to effect the health, safety and general welfare of our town. So you're the referendum that we're going to have and we're going to find out what you as representatives of Carol Stream really think about this. So I ask you consider that you are speaking for the residents of this town, your families and your generations and vote according to your consciences.

Mr. Phil Wood, 586 Aztec Dr., stated I appreciate the job you guys are doing and I know you spend a lot of evenings here and we as citizens do appreciate the Planning Committee. I just want to express a little concern coming from two different angles. One is, and I guess my request is that you be the most restrictive as possible. The first thing is I'm a screener for a state program called SASS that works with at risk youth and it's done through the County Health Department and, usually, if you find youth with depression, anxiety, suicidal ideation, trafficking, usually in the center of it is the young person is going to test positive for THC. It's the drug of choice for young people. It is an epidemic. It is destroying a generation and it's bleeding over into the young adults. All I ask is don't contribute to the problem. It's a major, major problem and I feel like by having dispensaries within the community contribute to them. The other aspect is it's just no community pride. I've been in the community for over 20 years and these properties, as Tom pointed out, are highly visible. Is that we want people who are just passing through and not going back into our community to be highlighting in the highly visible places. And, so partly from community pride, I ask you to really consider is that what we want to be known for in Carol Stream. So the quality of life today is impacted by what the committee made 30 years ago and we're still living with it. And I think, you know the jury is still out as far as the impact of cannabis, THC, on our society, and I think someday, just like cigarette smoking, we're going to say what were we thinking. You guys are the gatekeepers and you can keep those gates closed a little bit longer and I think time will bear out that you made a good decision if you do. I wouldn't want to be the ones to open the gate to it and I think time will

prove that out. Thank you for what you are doing and your thoughtful consideration and just for an opportunity for me as a community member to talk.

Chairman Parisi asked for any other comments or questions from the audience and there were none.

Chairman Parisi then asked for questions from the Commission.

Commissioner Meneghini had no questions at this time.

Commissioner Morris stated he noticed the comment was made by Mr. Farace that the instructions were to make this ordinance similar to the alcohol sales ordinance. However, I feel that this particular product is a lot different than alcohol and so I think we shouldn't be looking at this in the same aspect as an alcohol sale. Also, right now marijuana sales are against the law in the Federal Government level. I know the state level has said yes and we want to explore these options at the local level, but it's still against the Federal law and banks are not allowed to work with these dispensaries because it's a cash business, and as a cash business, I think that makes them more susceptible to robberies, holdups, burglaries, etc. So I think that's another consideration. And thirdly, I think 100 feet close to a school or an old folks home or whatever, is way too close. I can only imagine someone who is an active user luring a 6<sup>th</sup> grader or a 1<sup>st</sup> grader, 6 year old, to come over and have some gummies or whatever as he's walking out of the dispensary.

Commissioner Petella stated first off we're not giving this to kids. It's not for kids and nobody says they want it for kids. We have to take the kid thing off the table. That's not fair. It's also not fair to put this on the Planning Commission that we're the gatekeepers. Nobody here was elected. We all live here but were not a representative of the population. We're just people that got the job to do this. I think that the fact that it's legal, and that people are going to do it, and they are going to do it right on our doorstep, that we might as well get the money from it.

Commissioner Tucek stated going back a year my position has changed, and we didn't have as much information as we do now that we did last year to make almost the same decision. So in specifics as to what the Village is changing, I think everything is correct and I do think we need to treat it like alcohol as a cohesiveness of how we do business in this town. Commissioner Tucek asked if it was 1,000 feet to a school or 100 feet.

Mr. Farace answered by reiterating the current code is 1,000 feet, but in order to match retail alcohol sales, that provision is 100 feet.

Chairman Parisi stated originally we had 1,000 feet and remind me if 1,000 feet was based on a state recommendation or was that something that the Village Board and we decided as in the UDO. So the state does not have a 1,000 foot requirement.

Mr. Farace replied the state has a requirement of 1,500 feet between dispensaries but no requirements for buffering or distance requirements from other uses.

Commissioner Petella stated these recommendations were made by the trustees and the Mayor correct. The people that were elected asked for 100 feet. This wasn't your idea.

Mr. Farace stated it was requested at the Village Board meeting and then presented those proposed changes to the Plan Commission.

Commissioner Battisto asked Mr. Farace to clarify whether or not the direction was specifically about the 1,000 feet, or was the direction more of can you mirror what we do for alcohol.

Mr. Farace stated the latter is correct.

Commissioner Battisto stated it's possible that the trustees did not know all of that included the 100 feet versus the other.

Mr. Farace stated they would have had that information.

Commissioner Battisto stated this is not going to stop here. We don't have the authority to block anything that the Trustees and that the Village wants to do. But we can make recommendations so I would like to have discussions with the Commission and some changes we can recommend to the Board. I agree with Commissioner Morris that 100 feet is really nothing and I'd like to discuss putting it back to 1,000 feet. I'd also like to discuss changing or increasing the parking requirements for a dispensary because I've heard there could be long lines at these locations. Do other Villages limit the number of dispensaries and possibly putting a recommendation to limit the number.

Chairman Parisi asked what is the parking requirement in the B-3 or O-S District.

Mr. Farace stated it is 4 parking spaces for every 1,000 SF of net area which is similar to other retail uses.

Commissioner Meneghini stated he thinks we should discuss and get an idea of what our positions are or get specific ideas.

Chairman Parisi stated we can separate the recommendations the Staff has made by the three subject topics that they have mentioned and we can augment that recommendation.

Chairman Parisi asked Mr. Farace how it was determined to be just the B-3 and O-S Districts considering there is industrial along North Avenue that is not inhabited now with tenants. So why was it restricted to those two Districts.

Mr. Farace stated O-S District has been existing since 2019 and the reasoning for the B-3 District is those are our larger shopping centers or commercial properties. Typically, these days, that is where dispensaries are locating. Not so much in the industrial areas.

Chairman Parisi stated 100 feet is a little close and Mr. Farace was very particular in the language. I noticed that parks are not included in that language of 100 feet. Is that correct. Was that a revision to the amendment.

Mr. Farace stated that is correct. Again, it is matching alcohol sales which do not have that buffer for parks.

Chairman Parisi stated which we originally had as part of our requirement. I personally would like to augment the recommendation to include parks for a quality of life and public security aspect and would be receptive to looking at the 1,000 feet as well.

There was a brief discussion amongst the Commission regarding the amount of feet the dispensaries should be distanced from school, parks, and churches.

Chairman Parisi then asked Mr. Farace has there been any interest with the proposed revisions, from a solicitor coming to the Village to put a dispensary in the Village of Carol Stream, if it was revised for the B-3 District and how many.

Mr. Farace stated there are dispensary operators that have licenses who have expressed an interest. In recent months maybe just a couple.

Chairman Parisi stated we have never limited other businesses within the Village and this is a Special Use and they still have to come back to the Plan Commission and the Village Board for Special Use.

Mr. Farace stated the Village Attorney was concerned with limiting or having a number of dispensaries because we do not have those limitations on any other businesses that have requested Special Use.

The Plan Commission had a brief discussion about possibly recommending the parking spaces be doubled to 8 per every 1,000 SF.

Chairman Parisi is allowing a gentleman in the room that has a question or comment to speak.

Mr. Bill Fehling, 320 Silverleaf, stated the area in discussion (Mr. Farace stated previously it is not within the Village) is where the Good Will store and old Dominicks used to be on the Northwest corner. I have to go there today, due to my job, and probably 90 percent of that parking lot has never been used. It is in terrible shape. So if that's the kind of places you are talking about there's no need for 90 percent of that parking. And it is terribly deteriorated. One other thing, as long as I'm up here, and this may not have anything to do with you, are you guys considering hours of operation when these places open.

Chairman Parisi stated that is actually mandated by the state.

Mr. Farace stated they cannot be open between 10 p.m. and 6 a.m.

Mr. Fehling asked do you have the ability to modify that and make it shorter. I know you can't extend it.

Mr. Farace stated that would be up to the Plan Commission to recommend it.

Chairman Parisi asked for a motion to accept the Staff's recommendation to modify the text amendment to include the B-3 District as an allowable Special Use for a recreational adult-use dispensary.

Commissioner Meneghini moved and Commissioner Tucek seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes:	6	Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi
Nays:	0	
Abstain:	0	
Absent:	1	Commissioner Christopher

The motion passed by unanimous vote.

Chairman Parisi asked for a motion to modify the text amendment from 100 feet back to 1,000 feet and include parks within that 1,000 foot radii.

Commissioner Battisto moved and Commissioner Morris seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi  
Nays: 0  
Abstain: 0  
Absent: 1 Commissioner Christopher

The motion passed by unanimous vote.

Chairman Parisi asked for a motion to include the medical cannabis dispensaries within the same requirements as the adult use dispensaries as recommended by Staff.

Commissioner Meneghini moved and Commissioner Battisto seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi  
Nays: 0  
Abstain: 0  
Absent: 1 Commissioner Christopher

The motion passed by unanimous vote.

This case will go before the Village Board on Monday, December 16, 2023, at 6:00 PM for review.

There was a brief discussion about limiting the number of medicinal cannabis dispensaries as well as adult-use cannabis dispensaries.

Chairman Parisi clarified we are recommending 1,000 feet from any place of worship, school, hospital, home for the aged and indigent, veterans, military naval bases and parks which excludes libraries and daycares.

Commissioner Petella asked if there is going to be any place left with these restrictions or what ramifications it has on the map.

Mr. Bastian stated if you were to add daycares to the list of things being buffered from a thousand feet you would have pretty much nothing left because most of our shopping centers have daycare facilities in them. Certainly, it is within the Plan Commissions' preview to say we don't like 100 feet we want to go to 500 or 1,000 and you can start adding different uses back in, but the reason we matched what was out of the liquor code was because if you add everything back in that's kind of where we are now essentially.

Chairman Battisto stated he has a much different concern for the dispensaries than the places that sell alcohol because dispensaries include things in their product line that looks like candy.

There was a brief discussion of the product looking like candy.



Chairman Parisi asked for any other comments or questions from the Commission.

Commissioner Morris asked if the Police Chief might have a comment or thoughts on this issue.

Chief Holmer stated he did not come tonight to make a public comment but I am happy to answer questions. Are you asking my opinion on cannabis dispensaries.

Commissioner Morris stated you're going to have to deal with this on a day-to-day basis.

Chief Holmer stated I can tell you that I've done some research on this and I've talked to many communities who have dispensaries in place and none of them report having any of the issues that I know you expressed some concern about security wise. The state regulations regarding dispensaries are pretty tight; the tightest I'm aware of from a security perspective and a planning perspective. Just general facility perspective. They are required to have so many security people employed at any given time. So we don't really have concerns about those types of things. Planning perspective I leave to you all. I think that you started into a conversation about the 1,000 foot thing and the closer you get to that 1,000 foot buffer the more restrictive you're going to make it and Don has a better handle on where that leaves us. I think that's probably why we end up with this 100 foot similar to liquor, which I'll be honest with you, I've kind of settled into it's a similar equation to me. It's legal and we can't do much about that piece.

Chairman Parisi thanked the Commission for providing a very intelligent process on making a recommendation back to the Village Board for the public welfare and safety based on our Zoning Ordinance.

**PUBLIC HEARING:**

Chairman Parisi asked for a motion to close the Public Hearing. Commissioner Petella moved and Commissioner Meneghini seconded the motion.

The results of the roll call vote were:

Ayes:	6	Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi
Nays:	0	
Abstain:	0	
Absent:	1	Commissioner Christopher

The motion passed by unanimous vote.

**NEW BUSINESS:**

**OLD BUSINESS:**

**OTHER BUSINESS:**

Mr. Farace stated we need to continue the CEVA Logistics case.

Chairman Parisi asked for a motion for a continuance for Case #22-0048 to the January 23, 2023, meeting.

Commissioner Battisto moved and Commissioner Petella seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 1 Commissioner Christopher

The motion passed by unanimous vote.

**ADJOURNMENT:**

At 7:18 p.m. Commissioner Meneghini moved and Commissioner Petella seconded the motion to adjourn the meeting.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 1 Commissioner Christopher

The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,


\_\_\_\_\_  
Patty Battaglia  
Planning and Permitting Assistant


Minutes approved by Plan Commission on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman

*Village of Carol Stream*  
**Plan Commission/Zoning Board of Appeals Memorandum**

**TO:** Plan Commission/Zoning Board of Appeals Members

**FROM:** Bravo Berisha, Assistant Planner 

**THROUGH:** Donald T. Bastian, Community Development Director 

**DATE:** January 19, 2023

**RE:** **CEVA Logistics / 195 E. Elk Trail – A variation from Section 16-5-8 E (2) of the UDO to allow fencing in the front yard / Case No. 22-0048**

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A request for a variation from Section 16-5-8 E (2) of the UDO to allow fencing in the front yard was initially supposed to be reviewed at the January 9, 2023 PC/ZBA meeting. Based on the fact that CEVA Logistics did not have a representative present at the meeting, the PC/ZBA continued the case to the January 23, 2023 PC/ZBA meeting.

The applicant is still working on updated plans and operational information. Therefore, staff recommends that the case be continued to the February 13, 2023 PC/ZBA meeting.