

Village of Carol Stream

AGENDA

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, NOVEMBER 13, 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: October 23, 2023

- III. Public Hearing

23-0014 – Bridge Street Properties (Villas of Fair Oaks) – 1475 W. Lies Road
Zoning Map Amendment Upon Annexation
Special Use Permit for a Planned Development
Preliminary Plat of Subdivision

23-0035 – C.I.E. Properties, LLC – 2N275 Morton Road
Special Use Permits for Truck Repair and Outdoor Storage
Variations for Fence in Front Yard and Parking
Rezoning from B-3 to I-Industrial

23-0038 – Dev Patel/Veltiste IL – 720 E. North Avenue (Continued from the October 23, 2023 meeting)
Zoning Text Amendment-Limit on Cannabis Dispensaries

- IV. Presentation

23-0042 – Dev Patel/Veltiste IL – 720 E. North Avenue
North Avenue Corridor Review

- 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
October 23, 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: 7 Commissioners Battisto, Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Absent: 0

Also Present: 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 Morris seconded the motion to approve the minutes of the Regular Meeting held on September 25, 2023.

The results of the roll call vote were:

Ayes: 7 Commissioners Battisto, Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 0

The motion passed by a unanimous vote.

PUBLIC HEARING:

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

The results of the roll call vote were:

Ayes: 7 Commissioners Battisto, Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 0

The motion passed by unanimous vote.

Case #23-0038 – Dev Patel/Veltiste IL – 720 E. North Avenue
Zoning Text Amendment – Limit on Cannabis Dispensaries

Chairman Parisi stated there was a request from the petitioner for a continuance.

Mr. Farace stated that is correct. He was not able to have all of his team members here tonight, so he requested a continuance for the next meeting on November 13, 2023.

Chairman Parisi asked for a motion to continue Case #23-0038 to November 13, 2023. Commissioner Petella motioned and Commissioner Christopher seconded the motion.

The results of the roll call vote were:

- Ayes: 7 Commissioners Battisto, Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi
- Nays: 0
- Abstain: 0
- Absent: 0

The motion passed by a unanimous vote.

Case #23-0039– Family Life Christian Center – 362 S. Schmale Road

Chairman Parisi swore in Mr. Daniel Hochstatter from Family Life Christian Center.

Mr. Hochstatter stated we moved in last August and hoped renovations would be complete by the end of 2022. We had several delays which caused us to begin operating in this building in July of this year. Part of our Special Use Permit was to reseal and stripe the parking lot which was done November of 2022. Since then, the milling and paving was scheduled for this past September, but we would like to request a time frame extension to June of 2024 to complete this type of work.

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

Mr. Faraced provided a Staff Report by stating Family Life Christian Center received Special Use approval the summer of 2022 which included a phasing plan for interior work and exterior work (parking lot). As indicated, the parking lot was seal coated and restriped last Fall, but a component of the approval was milling it down and resurfacing it by September of 2023. Staff feels comfortable supporting the amendment of the Special Use to extend this work to be done and are recommending it be extended to the end of June, 2024.

Chairman Parisi asked for any questions from the Commission.

Commissioner Battisto asked if June is enough time so you do not have to come back.

Mr. Hochstatter stated we are confident June should be fine, but if there is room for a few more months, I would not say no to that either. My neighbor mentioned his lot needs work as well.

Commissioners Tucek, Christopher, Morris and Meneghini had no questions.

Commissioner Petella stated the lot does not look horrible.

Chairman Parisi stated we should give the church a little more time than June. He then stated if your neighbor is going to resurface his lot, maybe the lots can be redone at the same time it would help you out.

Chairman Parisi asked for a motion. Commissioner Petella moved with Staff Recommendations and added the condition to extend the deadline to July 31, 2024, and Commissioner Christopher seconded the motion.

The results of the roll call vote were:

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

The motion passed by a majority vote.

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

PUBLIC HEARING:

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

The results of the roll call vote were:

Ayes: 7 Commissioners Battisto, Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi
Nays: 0
Abstain: 0
Absent: 0

The motion passed by unanimous vote.

PRESENTATION:

The Plan Commission viewed the final segment of the PC/ZBA training video. Ms. Paula Freeze, Executive Director of Illinois Chapter of the American Planning Association, was also in attendance.

NEW BUSINESS:

Mr. Farace provided a brief update regarding previous cases.

OLD BUSINESS:

OTHER BUSINESS:

ADJOURNMENT:

At 6:59 p.m. Commissioner Christopher moved and Commissioner Petella seconded the motion to adjourn the meeting.

The results of the roll call vote were:

Ayes:	7	Commissioners Christopher, Meneghini, Morris, Petella, Tucek and Chairman Parisi
Nays:	0	
Abstain:	0	
Absent:	0	

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

STAFF REPORT
November 13, 2023

TO:
Chairperson and Plan Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
The applicant is requesting approval
of the following:

- A Zoning Map Amendment Upon Annexation, in accordance with Section 16-8-4 (N) of the UDO
- A Special Use for a Planned Development, in accordance with Section 16-7-3 of the UDO
- Preliminary Plat of Subdivision, in accordance with Section 16-8-4 (O) of the UDO

APPLICANT/ CONTACT:

Mr. John McHale
Bridge Street Properties,
LLC
P.O. Box 5726
Naperville, IL 60567



CASE #: 23-0014

LOCATION: 1475 W. Lies Road

PROJECT NAME: Bridge Street Properties (Villas of Fair Oaks)



LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN DESIGNATION
Subject Property	Unincorporated DuPage County R-2 Single Family Residence District	Vacant	Residential
North	Unincorporated DuPage County R-2 Single Family Residence District	Single-Unit Detached Residential (Judith Court Residences)	Residential
South	R-3 Suburban Residence District	Single-Unit Detached Residential (Slepicka Farms Subdivision)	Residential
East	R-1 Estate Residence and Community Facilities District	Place of Worship (Corpus Christi Church)	Institutional
West	Unincorporated DuPage County R-2 Single Family Residence District	Open Space (Forest Preserve)	Residential

The property highlighted above is located at the northeast corner of Fair Oaks Road and Lies Road.

Site Assessment

COMPREHENSIVE PLAN DESIGNATION:

The subject property is designated for single-family (now referred to as single-unit) residential uses upon annexation according to the Village's 2016 Comprehensive Plan. The proposed single-unit attached duplex development fits within this designation.

AERIAL PHOTOGRAPH:



Project Summary

ATTACHMENTS:

Attached for review is the General Application, Special Use Application, Map Amendment Application, Petition to the Village of Carol Stream for Residential Development, Public Notice, Planned Development Plan (Exhibit A), Preliminary Engineering Plan (Exhibit B), Preliminary Plat

of Subdivision (Exhibit C), Preliminary Landscape Plans (Exhibits D-1 through D-4), and Proposed Floor Plans and Building Elevations (Exhibits E-1 through E-16).

BACKGROUND:

John McHale, President of Bridge Street Properties, requests the following approvals associated with a 32-unit duplex development situated on approximately nine acres at the northeast corner of Fair Oaks Road and Lies Road:

- Zoning map amendment to rezone the property to R-4 Multi-Unit Residence District upon annexation
- Special Use Permit for a Planned Development (PD)
- Preliminary Plat of Subdivision

In the Fall of 2022, the PC/ZBA and Village Board completed a courtesy review of the proposed duplex development, and provided feedback to Mr. McHale regarding the development. Mr. McHale has refined his plans based on feedback from the PC/ZBA, Village Board, and Village staff, and is presenting a project which will consist of 32 duplex units within 16 buildings. The development is proposed to be called Villas of Fair Oaks. Two additional items worth noting:

- As a UDO requirement for PDs, the applicant held a meeting for the surrounding properties in October to provide an overview of the project and answer questions. Village representatives did not attend the meeting, but it was noted that between 30-40 attendees were present.
- The last duplex development built in Carol Stream is the Central Park development, which is located south of Army Trail Road and on the east side of Kuhn Road. Central Park was built about 20 years ago, and contains 100 duplex units in 50 buildings.

Staff Analysis

ZONING MAP AMENDMENT UPON ANNEXATION

For cases involving requests for annexation, the PC/ZBA must conduct a public hearing and make a recommendation regarding the zoning classification of the property upon annexation. In this case, the applicant is seeking to zone the property to R-4 Multi-Unit Residence District upon annexation to the Village. Factors to be considered in determining the appropriate zoning classification for the property include the recommendation of the Comprehensive Plan's Future Land Use Map, the current and future use of the property, the zoning and use of properties in the surrounding area, and the Village's development objectives for the area.

With respect to the Comprehensive Plan Future Land Use Map, the Map recommends residential use for the subject property upon annexation. The Comprehensive Plan states, *"The residential market in Carol Stream is strong, and the inventory for homes currently is low."* In addition, the Plan states, *"The Village of Carol Stream contains a wide variety of housing types,"* and *"nearly 18% of housing units are attached single-family."* The development of the property with a duplex development will meet the residential designation on the Future Land Use Map and objectives

of the Comprehensive Plan, and annexation of this parcel will allow for a new housing development within the community.

Staff supports the subject property being zoned R-4 upon annexation to the Village. It should be noted that the Village is currently reviewing an annexation agreement and plat of annexation for the development, which will be reviewed at a future public hearing before the Village Board.

ZONING AMENDMENT EVALUATION CRITERIA

The Plan Commission's recommendation regarding the requested zoning map amendment must be based on the evaluation criteria set forth in the UDO. In making recommendations and decisions on map amendments, the Plan Commission and Village Board must consider all relevant factors, including at minimum the following criteria:

1. The existing uses and zoning of nearby property.

Surrounding uses include single-unit detached residences to the north and south, a place of worship to the east, and over 700 acres of Forest Preserve property to the west. The proposed duplex development is in keeping with lower density residential developments in the immediate vicinity.

2. The extent to which property values are diminished by the current zoning classification.

As vacant land, the subject property provides little in the way of property tax valuation. With the proposed development and annexation in Carol Stream, there should be an increase to the local tax base and overall property values for nearby residences.

3. The extent to which the diminishment of property value of the applicant promotes the health, safety, morals or general welfare of the public.

Staff does not believe that the proposed development will have a negative impact on health, safety, morals or general welfare of the public.

4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner.

The proposed duplex development will meet the provisions established in the Comprehensive Plan, to provide a diversified housing stock that is still in character with nearby developments.

5. The suitability of the subject property for the zoned purposes.

The proposed duplex development and associated zoning designation will be suitable and in character with other residential developments to the north, east, and south.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area.

The subject property will be the last remaining parcel in the general vicinity to be developed, and the proposal will allow for a new single-unit attached development in the community that is in keeping with nearby residential developments.

7. The care with which a community has undertaken to plan its land-use development.

The Comprehensive Plan designates the subject property for single-unit residential development upon annexation, which includes both attached and detached dwelling units. The proposed duplex development is consistent with this designation.

8. Community need for the use proposed by the applicant.

Staff believes a new housing development will benefit the community, and provide an additional housing option for both existing Carol Stream residents and potential new members to the community.

SPECIAL USE FOR A PLANNED DEVELOPMENT

Article 7 of the UDO lists out requirements for PDs. As described in § 16-7-1 of the UDO,

The purpose of the regulations, standards, and criteria contained in this article is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural and site design when sufficiently justified under the provisions of this article. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the village while departing from the strict application of the use and bulk regulations as detailed in Article 16-3 of the UDO.

The general purpose of the PD is to provide a single application process for unique developments that are not accommodated for under conventional zoning regulations, provided such developments benefit the community and are compatible with the character and objectives of the underlying zoning district and the Village Comprehensive Plan.

Below is a summary of the proposed PD project:

- As previously stated, the subject property is approximately 9.19 acres in area, and will consist of 32 duplex units within 16 buildings. During the courtesy review process last year, the conceptual plan reviewed by the PC/ZBA consisted of 38 duplex units within 19 buildings. Based on feedback during the courtesy review process, the applicant reduced the number of proposed units. It was also discussed during the courtesy review on whether the development would be age-restricted. The applicant proposes the development will be

targeted for buyers who are 55 and older, but families will be able to purchase a duplex unit as well.

- The development is proposed to have two entrances, with one entrance proposed on Lies Road and one entrance proposed on Fair Oaks Road. The conceptual plan reviewed last year illustrated a single entrance for the development on Lies Road, but the applicant has redesigned the site to accommodate two entrances, which is fully supported by Village staff and the Carol Stream Fire Protection District for safer site access and circulation. Sidewalks are also proposed along both sides of both roadways within the development, as required per the UDO.
- Parking requirements will be met for the development. The UDO states that a dwelling unit is required to have two parking spaces. With 32 units proposed in the development, 64 parking spaces are required. The submitted plans illustrate that each unit will contain a two-car garage and space for two additional vehicles on the driveway, for a total of 128 provided spaces. On-street parking will also be allowed within the development.
- Stormwater management is provided for on-site, with a detention basin proposed at the northwest corner of the development. During the courtesy review process last year, it was recommended that open space with detention, which was previously proposed in the middle of the development, be relocated to provide unencumbered views of the Forest Preserve property to the west for most if not all of the duplex units. In addition, the development will be connected to Village water and sewer once annexed into Carol Stream. The submitted engineering plan and information have been reviewed by the Village's Engineering Department, but will undergo a more thorough analysis once final engineering plans are submitted should the project receive approval, and abide by the DuPage County Stormwater Ordinance provisions.
- Landscaping, with a combination of trees, shrubs, and ornamental grasses, is proposed along Fair Oaks Road and Lies Road frontages, with native plantings also proposed in and around the detention basin. A landscaped island in the north cul-de-sac is proposed, and an entrance feature at both the Fair Oaks Road and Lies Road entrances will include landscaping around a decorative brick pier with a sign panel for the development and a small segment of ornamental fencing. In addition, the development will contain a walking path that leads to an overlook area south of the detention basin. The proposed overlook area will contain decorative pavers, landscaping, benches, and pergolas, and will provide an amenity for the residents of the PD.
- There will be a homeowner's association (HOA), which will oversee maintenance and other responsibilities related to common areas and elements within the development, including landscaped areas throughout the development, the detention basin, fencing, and other development amenities. The development is proposed to contain fee simple lots, which means that duplex owners will own the entire lot on which the duplex unit is located. While ownership will contain land within front, rear, and side yards, the HOA will have general

maintenance responsibilities of green space and driveways (snow removal, lawn care), with additional stipulations and restrictions outlined in declarations for the development. Additional stipulations will include the prohibition of accessory structures, such as sheds and perimeter fences, within the development.

- As illustrated on the plans, each duplex unit will be provided with standard amenities, which include plantings at the front foundation of the unit, a 10 x 12 patio in the rear of the unit, and a six-foot tall white vinyl fence to provide privacy between two adjacent units.
- The applicant is collaborating with Pulte Homes on the construction of the duplexes. Pulte has submitted proposed floor plans and building elevations for the development. One model is proposed (The Provence), with three different front façade options. Each front façade will include a combination of masonry and siding material as exterior building materials, with other decorative features including multi-gabled roofs, pediments and other trim features above doors and windows, and windows within the upper portion of garage doors. In addition, potential buyers will be offered a variety of upgrades for each duplex unit. These upgrades include an optional bay window, second-story loft, and rear sunroom. Three different color packages are also proposed, with each building (not each duplex unit) containing a color motif for roof shingles, siding, shutters, trim, and masonry material. Staff believes that the proposed front façade and color packages, variety in building materials and details, and building options, will offer buyers, and the community as a whole, an attractively designed neighborhood.
- The applicant has provided an exhibit titled “Elevation and Color Package Assignments” which illustrates that no two duplex buildings will have the same front façade design or color package next to one another. With the proposed front façade designs and color packages, and mixed assignment of said designs and packages within the development, staff believes that the project will meet anti-monotony provisions in the Code of Ordinances.
- The applicant is requesting several site development allowances in conjunction with the PD. Site development allowances are considered deviations from underlying zoning provisions. The following allowances are requested:
 - *Reduced lot size.* The UDO requires that lots for single-unit attached developments in the R-4 District be a minimum of 10,000 square feet in area. For the proposed PD, lot sizes range from 5,623 square feet to 12,601 square feet, with an average lot size of 6,698 square feet. While most individual lots will be less than 10,000 square feet in area, the land square footage for each of the 16 buildings containing two duplex units will be in excess of 10,000 square feet. Therefore, staff can support the lot size reduction request.
 - *Reduced lot width.* The UDO requires lots for single-unit attached developments in the R-4 District be a minimum of 75 feet wide. Most lots in the proposed development are approximately 44 feet wide. However, when evaluating an entire building with two duplex units, the total width exceeds 75 feet. Similar to the reduced lot size allowance request, staff supports the reduced lot width request.

- *Exceed maximum lot coverage.* The UDO requires a maximum of 40% lot coverage for single-unit attached developments in the R-4 District. Lot coverage for the proposed development will be 45%. As previously indicated, the proposed lot sizes in the development will be an average of 6,698 square feet. With a smaller lot size, the lot coverage ratio increases to accommodate the proposed buildings. The majority of building setback requirements will still be met, even with the increased lot coverage percentage, and allow for adequate yard space for all duplex owners. Staff supports the allowance request.
- *Garage Orientation and Setbacks.* According to the UDO, “the main entrances to a single-unit attached dwelling shall face the primary street. Garages are encouraged to face side yards or be located in the rear of the primary structure. If garages face the front yard, they shall be setback a minimum of three feet from the primary elevation of the primary building.” Based on the configuration of the proposed development, it is not feasible for garages to be located in the side or rear yards. The applicant has illustrated that individual duplex units can be offset from one another within each duplex building, with one of the duplex units recessed approximately two feet. Staff believes that potential site constraints does not allow for rear and side-loaded garages, and supports the allowance to provide front-loaded garages. The proposed recess between duplex units, and the inclusion of windows in the upper lights of the proposed garage doors, reduces the prominence of the garage doors along the roadways.
- *Exterior side yard setback reduction.* Front yard, side yard, and rear yard building setbacks are required, to provide adequate spacing between buildings for air and light. The UDO requires lots for single-unit attached developments in the R-4 District to maintain a 25-foot front and exterior side yard building setback, a 7.5-foot interior side yard building setback, and a 30-foot rear yard building setback. Most lots meet required building setbacks. However, Lots 17 and 32 do not meet the required 25-foot exterior side yard setback. Lots 17 and 32 are corner lots, and meet the required 25-foot front yard building setback, but have reduced exterior side yard (or corner side yard) building setbacks of approximately 15 feet. Given the additional green space areas, and the more compact nature of the development, staff supports the exterior side yard building setback reduction for these two lots.
- *Interior Side Yard Building Setback Reduction.* As stated above, lots for single-unit attached developments in the R-4 District require a 7.5-foot interior side yard building setback. Duplex units will meet this requirement on one side of each lot, but will not meet the interior side yard building setback requirement where the duplex units are connected. A zero-lot line will be provided between the duplex units in each building, which necessitates an allowance for a setback reduction. Staff is supportive of this allowance request.
- *Right of way width reduction.* Article 9 of the UDO, and specifically Sections 16-9-3 and 16-9-4 of the UDO and the Village’s Design Standards and Construction Specifications Manual (The Manual), describe Village roadway standards. For a local residential roadway, the required right of way width (the roadway and parkways) is 66 feet, and the required roadway pavement width is 27 feet. The development will

contain two residential roadways, and each will provide the 27-foot minimum requirement for pavement width. However, the proposed total right of way width will be 60 feet instead of 66 feet, with a reduction of the parkway areas on either side of both roadways. Staff supports the slightly reduced right of way width, as there will still be adequate room for installation of sidewalks and underground utilities within the parkways.

- *Use of vinyl siding.* Section 16-4-2 (C) of the UDO states that “exterior building materials shall be traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture. EIFS and vinyl materials shall be restricted to 20% of the facade facing the front and exterior side yards and shall be utilized as accent or trim material only.” The proposed building elevations illustrate a limited amount of vinyl siding on front facades (primarily in gabled sections along the roofline), but is utilized more than just as an accent or trim material. Staff supports the additional amount of vinyl siding on the front facades, and believes the application of vinyl siding, in conjunction with masonry and other building details, will provide a visually interesting front façade within the development.

Proposed site and landscaping improvements will meet PD standards as outlined in Sections 16-7-1 and 16-7-3 of the UDO, which state that PDs should have unified buildings, structures, and site amenities through design, and should provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities. In addition, proposed amenities will be provided for residents’ use and enjoyment. As such, staff supports the PD plan and project as a whole.

PLANNED DEVELOPMENT FINDINGS OF FACT

No application for a planned development shall be approved unless all the following findings are made about the proposal:

1. *Comprehensive plan.* The planned development shall conform with the general planning policies of the village as set forth in the Comprehensive Plan.

Staff believes the proposed single-unit attached residential development will abide by directives found in the Comprehensive Plan for the subject property.

2. *Public welfare.* The planned development shall be designed, located, and proposed to be operated and maintained such that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

The proposed development has been designed to provide safe traffic flow and suitable stormwater design, and should not negatively affect adjacent properties.

3. *Impact on other property.* The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the

district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.

The proposed development is consistent with the goals, objectives, and policies in the Comprehensive Plan, and the single-unit attached residential product should be compatible with surrounding neighborhoods in Carol Stream from a density and development perspective.

4. *Impact on public facilities and resources.* The planned development shall be designed such that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as required by this UDO.

The development has been designed to provide adequate utilities, road access, drainage, and other necessary facilities, and should not have a negative impact on surrounding properties from a traffic or drainage perspective.

5. *Archaeological, historical or cultural impact.* The planned development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

Staff does not believe the proposed PD shall substantially adversely impact a known archaeological, historical, or cultural resource located on the subject property.

6. *Parking and traffic.* The planned development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.

The proposed development will exceed Village parking requirements, and on-street parking will also be allowed in the development. Likewise, there should be a negligible impact on traffic flow along Fair Oaks Road and Lies Road given the number of duplex units proposed.

7. *Adequate buffering.* The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

Landscaping is proposed along the Fair Oaks Road and Lies Road frontages, at entrances to the development, along the development's roadway system in the form of parkway trees, along the front building foundations of all duplex buildings, and around the proposed detention basin. All proposed landscaping treatments will enhance the development, and provide for an attractive neighborhood. In addition, excluding the two corner lots in the development, all other lots will meet front, exterior side, and rear yard building setback requirements.

8. *Performance.* The applicant shall demonstrate a successful history of having completed one or more recent projects of comparable value and complexity to provide the village with reasonable assurance that, if authorized, the planned development can be completed according to schedule as proposed.

The applicant has provided information on other developments in their portfolio, and is collaborating with Pulte Homes, a nationally known homebuilder, to construct the duplex development.

9. *Signs.* Any sign on the site of the planned development shall be in conformity with or shall satisfy the standards of review for variations as detailed in Article 16-8 of the UDO.

Proposed entrance signage has been tastefully designed, and meets requirements set forth in the UDO.

PLAT OF SUBDIVISION

A preliminary plat of subdivision has been submitted for review, which subdivides the 9.19-acre parcel into 32 lots. In addition, outlots are proposed for stormwater and other green space common areas within the development. Staff from Community Development, Engineering Services, and the Village Clerk's office have reviewed the submitted plat, and deem it acceptable. Please note that, pending approval of the applicant's current requests, the applicant would need to submit a final plat of subdivision for Plan Commission review and Village Board action in upcoming months.

RECOMMENDATION

Staff has reviewed the proposed project, and believes the duplex development aligns with goals and objectives of the Comprehensive Plan for the subject property upon its annexation, and will provide an additional quality housing option in the community. Therefore, staff recommends approval of a Zoning Map Amendment to rezone the subject property to R-4 upon annexation, Special Use Permit for a Planned Development, and Preliminary Plat of Subdivision for Bridge Street Properties (Villas of Fair Oaks), Case No. 23-0014, subject to the following conditions:

1. That all improvements, including but limited to the building and landscaping, must be built, installed, and maintained in accordance with the attached plans and exhibits; however, the applicant acknowledges that revisions to the plans may be necessary as determined during final engineering review, which may result in additional design and construction costs;

2. That the landscape materials must be installed as shown on the attached landscape plan and that all materials shall 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 the Petition to the Village of Carol Stream for Residential Development shall be updated prior to Village Board review to accurately reflect the allowances that are being requested for the development; and
4. That the site must be maintained and operated in accordance with all State, County and Village codes and regulations.

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Do Not Write in This Space	
Date Submitted:	<u>3/16/23</u>
Fee Submitted:	<u>\$ 2140.00</u>
File Number:	<u>23 - 0014</u>
Meeting Date:	<u>11/13/23</u>
Public Hearing Required:	<u>Y</u>

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 Bridge Street Properties, LLC Phone 630-710-9490

Address P.O. Box 5726 Naperville, IL 60567 Fax 630-281-4085

E-Mail Address jmchale@bridgestreetproperty.com
 (required)

Name of Attorney _____ Phone _____
 (if represented)

Address _____ Fax _____

Name of Owner John Chew Phone 847-678-7023
 (required if other than applicant)

Address 28893 N Garland Rd Wauconda, IL 60084 Fax _____

Name of Architect _____ Phone _____
 (if applicable)

Address _____ Fax _____

2. *Common Address/Location of Property Corner of Fair Oaks and Lies Rd

3. Requested Action: *(check all that apply)*
- | | |
|---|--|
| <input checked="" type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input checked="" type="checkbox"/> Planned Development – Preliminary | <input checked="" type="checkbox"/> Special Use Permit (requires Form C) |
| <input type="checkbox"/> Shared Parking Facility | <input checked="" type="checkbox"/> Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Text Amendment (requires Form D2) |
| | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action Would like to submit preliminary PD development. We would need to annex the property into the village and develop a 32 unit duplex development.

4. Fee Schedule: *(Check all that apply)*

Total Application Fee: \$ 2,140

	Annexation approvals:	
	New development	\$2,000
	Other	\$800
	Annexation Agreement Amendment	\$800
	Appearance fee for approvals required by the UDO but not listed herein	\$500
	Courtesy Review	\$240
	Development Staff Review	\$640
	Easement Encroachment	\$300
	Gary/North Avenue Corridor Review:	
	New or replacement monument sign	\$500
	One discipline (site design, architecture or landscaping)	\$500
	Two disciplines	\$1,000
	Three disciplines	\$1,500
	New development	\$1,500
	Outdoor Dining Permit	\$120
	Planned Development:	
	Existing Planned Development, minor change	\$500
	Existing Planned Development, major change	\$1,000
X	New Planned Development	\$1,500
	Rezoning (Zoning Map Amendment)	\$640
	Shared Parking Facility Permit	\$500
	Site Plan Review	\$640
	Special Use:	
	First	\$800
	Each additional	\$200
	Special Use Amendment	\$800
	Staff Adjustment	\$240
	Subdivision:	
	Major	\$700
	Minor	\$400
	Temporary Building, Structure or Use	\$120
	Temporary Waiver to the Code of Ordinances	\$120
	Text Amendment:	
	Building Codes	\$240
	Unified Development Ordinance	\$640
	Variation:	
	First	\$640
	Each additional	\$200
	Zoning verification letter	\$80

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 notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed 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 that 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. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

John McHale

Print Name

Signature

Date

Revised 11/22



FORM C

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org ▪ website: www.carolstream.org

SPECIAL USE APPLICATION

Uses designated under the various zoning districts herein as special uses are so classified because they may have site-specific impacts that require the discretionary review of the Plan Commission and Village Board. Each special use request must be reviewed based on its unique character, with consideration being given to the proposals impact upon neighboring properties. (Please address each of the following standards as it relates to your request.)

No special use shall be recommended by the Plan Commission nor approved by the Village Board, unless the special use:

1. Is deemed necessary for public convenience at the location.

See enclosed Petition for Development Relief for responses to standards.

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 Village Board.

7. Other pertinent information or reason for request.



FORM D-1

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org ▪ website: www.carolstream.org

MAP AMENDMENT

Please see Section 16-8-4(N) of the Unified Development Ordinance (UDO) to learn more about Map Amendments.

In accordance with the applicable statutes of the State of Illinois, an amendment shall be granted or denied by the Village Board only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the Village Board.

The decision to amend the Official Zoning Map is a matter of legislative discretion that is not controlled by any single review criterion. In making recommendations and decisions on Map Amendments, the Plan Commission and Village Board must consider all relevant factors, including at minimum the following criteria: (Please respond to each of these standards in writing below as it relates to your request.)

1. The existing uses and zoning of nearby property.

See enclosed Petition for Development Relief for responses to standards.

2. The extent to which property values are diminished by the current zoning classification.

3. The extent to which the diminishment of property value of the applicant promotes the health, safety, morals or general welfare of the public.

4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner.

5. The suitability of the subject property for the zoned purposes.

6. The length of time the property has been vacant as zoned considered in the context of land development in the area.

7. Community need for the use proposed by the applicant.

8. Other pertinent information or reason for the request.

RECEIVED
OCT 19 2023
COMMUNITY DEVELOPMENT
DEPT

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
VILLAGE OF CAROL STREAM)

PETITION TO THE VILLAGE OF CAROL STREAM FOR
RESIDENTIAL DEVELOPMENT

THE UNDERSIGNED Petitioner, Bridge Street Properties LLC, an Illinois limited liability company (hereinafter the “Petitioner”), as the contract purchaser of the property legally described on **Exhibit A** (hereinafter the “Property”), respectfully petitions the Village to, upon annexation of the Property: (i) rezone the Property to R-4; (ii) approve a special use for a Planned Development with associated deviations from the Village’s zoning and subdivision regulations; (iii) approve a preliminary plat of subdivision; and (iv) approve such other relief from the Village of Carol Stream Code of Ordinances (“Code”) as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

1. The owner of the Property is John R. Chew, as Trustee of the John R. Chew Trust dated March 19, 1994, as amended (hereinafter “Owner”).
2. The Property consists of approximately 9 acres of vacant property.
3. The Petitioner, Bridge Street Properties LLC, is an Illinois limited liability company having an office at 618 W. Jefferson Ave., Naperville, Illinois 60540, is the contract purchaser of the Property.
4. Petitioner seeks to acquire the Property for the express purpose of developing a residential subdivision consisting of 32 duplex units (the “Intended Use”).
5. Petitioner’s obligation to acquire the Property is expressly contingent on obtaining the appropriate entitlements with the Village necessary to facilitate the Property for Petitioner’s Intended Use.

SUMMARY OF DEVELOPMENT

Petitioner looks forward to providing a new housing option for Carol Stream existing residents as well as those that would like to live in a well-respected municipality with excellent schools and park facilities. Petitioner requests Village approval of the new residential community which consists of thirty-two (32) duplex units located on approximately 9 acres of vacant land (the "Development") which is only a density of 3.5 homes per acre. The adjacent uses surrounding the property are as follows:

North: Unincorporated DuPage County - Single-family detached

East: R-1 Corpus Christi Catholic Church

South: R-3 Single-family detached

West: Unincorporated DuPage County - West Branch Forest Preserve

In addition to the immediately adjacent properties, just east of the adjacent church is the Maplewood Estates townhome development zoned R-4 in the Village. Lies Road is generally a more heavily traveled roadway and higher density uses are deemed more appropriate here. The Village recognizes the importance of varying residential uses in this area by way of primarily zoning properties along Lies Road between Fair Oaks Road and Gary Avenue R-1, R-3, and R-4. (It is important to note that property is automatically zoned R-1 upon annexation to the Village until a new zoning designation has been requested and thus the same may apply to properties zoned R-1 along Lies Road.) The Property is also designated for single-family residential use (including attached) the Village's Comprehensive Plan for future land use. Given the Property's location along Lies Road and Fair Oaks Road, a higher density residential use is most appropriate and will ensure the Property is developed in a manner consistent with the Village's intent under the

Comprehensive Plan.

The Property presents an excellent canvas on which to meet a significant community need by creating a housing opportunity that is suitable for many types of homebuyers, including some of the fastest growing housing segments of our population – young professionals, young families and empty nesters. Accordingly, the site plan has been designed to complement the surrounding properties and kickstart residential development consistent with the Village’s vision and intent for this area.

The Development will have two access points located off of Lies Road and Fair Oaks Road. The community is designed to circulate traffic efficiently and safely with two access points. Landscape treatments will be utilized to enhance the visual appeal of the community, including a mix of parkway trees, shade trees and shrubs. The landscape design enhancements will include decorative plantings around the perimeter of the Property and foundation plantings in the front of each duplex building. The open space detention areas will allow for a nice aesthetic along with a passive recreation/relaxation area that will be available for the residents. Specifically, the Development will include an approximately 1.93-acre detention pond in the northwest corner of the community and which will include a landscaped seating area available for residents. Due to the fact that duplexes often do not generate many children of an age that would utilize extensive playground equipment, the Petitioner is proposing an abundant amount of open space, a landscaped seating area, and pedestrian walks for active and passive recreation. In addition, the 713-acre West Branch Forest Preserve of DuPage County is located immediately adjacent to the west of the Property, which will provide the future residents of the development convenient access to all of the recreational amenities the forest preserve has to offer. Lastly, the homeowner’s association will be responsible for landscape maintenance as well as snow removal, which is a feature often

appealing to empty nesters and young professionals. The proposed architecture draws inspiration from the modern trends to create a complementary design with the overall area. Each home will also have a standard two car garage along with spaces for two cars in each driveway. The Development will provide a total of 128 off-street parking spaces, which far exceeds the Village's parking requirements for the Development.

REZONE PROPERTY TO R-4 RESIDENTIAL DISTRICT

Upon annexation, Petitioner seeks to rezone the Property to the R-4 Residential District.

Petitioner's proposed rezoning meets the standards for Rezoning as follows:

a. The existing uses and zoning of nearby property are as follows:

North: Unincorporated DuPage County - Single-family detached

East: R-1 Corpus Christi Catholic Church

South: R-3 Single-family detached

West: Unincorporated DuPage County - West Brank Forest Preserve

Generally, zoned property located along Lies Road between Fair Oaks Road and Gary Avenue ranges between R-1, R-3, and R-4. By way of zoning these properties, the Village has recognized the importance of diversifying the Village's housing stock and allowing for varying residential land uses. The proposed development falls somewhere between the single-family detached communities and the townhome communities all located along Lies Road and will ensure the Property is developed consistent with the existing land uses and the Village's comprehensive plan and intended development for this Property.

b. The extent to which property values are diminished by a particular zoning classification or restriction:

The nearby property values will not be diminished by the Petitioner's request. The properties to the north and west are located in unincorporated DuPage County. Specifically, the

West Branch forest preserve is located west of the property and will greatly benefit from added residents and future visitors in the immediate vicinity. Though contemplated for annexation and single-family attached development under the comprehensive plan, the Property has sat vacant and idle for the past several years, providing no tangible benefit to the nearby properties and community at large. By way of annexing the Property to the Village, Petitioner will develop the Property consistent with its future land use designation under the comprehensive plan and thus increase the local tax base and the property values of the nearby and adjacent properties.

c. The extent to which the proposed zoning amendment promotes the health, safety, and general welfare of the public:

The proposed Development under an R-4 zoning designation will not be detrimental to the health, safety, morals or general welfare of the public. Upon annexation to the Village, property is automatically zoned R-1, unless a new zoning designation is requested. Accordingly, certain R-1 designations along Lies Road may or may not represent the Village's intended land use for this area, but rather functions as a placeholder zoning designation upon annexation until a new designation is requested. Petitioner looked to the Village's Comprehensive Plan for guidance as to the Village's intended land use for this Property. The Comprehensive Plan designates the Property's future land use as "Single Family Residential (includes attached)". Given the Property's location along Fair Oaks Road and Lies Road, a higher density residential use is most appropriate, and an R-4 zoning designation will ensure the Property is developed in a manner consistent with the Village's intent under the Comprehensive Plan and will diversify the Village's housing stock in accordance with current market trends. Accordingly, such development promotes the health, safety, morals, and general welfare for the public.

d. Relative gain to the public as compared to the hardship imposed on the applicant/property owner:

Approval of the rezoning request will ultimately provide for the development of this otherwise underperforming vacant land that has provided no tangible benefit to the community. Under the Village's Code, property is automatically classified and zoned in the R-1 District upon Annexation until another zoning designation is requested. Petitioner now seeks a zoning designation for the Property to be classified as R-4 consistent with the Village's Comprehensive Plan, the intent of the Code, and the nearby properties along Lies Road. Accordingly, approval of Petitioner's request to rezone the Property to R-4 will facilitate the development of this underperforming Property in harmony with its future land use designation under the Comprehensive Plan, all of which will ultimately provide a net positive to the Carol Stream community at large.

e. The suitability of the subject property for the purposes for which it is currently zoned:

The Property is currently zoned R-2 in unincorporated DuPage County. Petitioner's request for an R-4 zoning designation upon annexation to the Village will ensure the Property is developed consistent with nearby properties and the trend of development generally located along Lies Road.

f. The length of time the property has been vacant as zoned, compared to the context of land development in the area:

The currently unincorporated Property has been vacant for as long as the Owner has held title to the Property. The Properties to the north, south, and east of the Property are all developed. The Property to the west is the West Branch Forest Preserve and is not subject to development. Accordingly, the Property is the last remaining parcel to be developed in the immediate vicinity. Annexation and ultimately the rezoning of the Property will facilitate the development of this otherwise vacant property in conformance with the trend of development in the area.

g. The zoning amendment's consistency with the Comprehensive Plan and any adopted land use policies:

The Property's future land use designation under the Comprehensive Plan single-family residential (includes attached). Petitioner now seeks to rezone the Property to R-4 upon annexation to the Village in accordance with the Comprehensive Plan designation and to support the proposed development of 32 duplex units. Upon approval of this rezoning request, the Property will be consistent with the Village's intended land use for the Property at the time which the Comprehensive Plan was adopted.

h. The proposed zoning amendment will benefit the needs of the community:

The Property has been vacant and undeveloped and continues to provide no tangible benefit to the community. As annexed property and upon approval of the requested rezoning to R-4, the Property will be developed into a duplex community consistent with the purpose and intent of the Village's future land use plan and will provide diversification of the Village's housing stock.

SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT

a. The special use is deemed necessary for public convenience at the location.

The Property has been vacant and undeveloped and continues to provide no tangible benefit to the community. Upon annexation to the Village, the Property will be developed into a duplex community consistent with the purpose and intent of the Village's future land use plan provide and will provide diversification of the Village's housing stock. In addition, the community will be conveniently located adjacent to the West Branch Forest Preserve, which will provide extensive recreational opportunities for the residents to enjoy.

b. The special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Petitioner looked to the Village's Comprehensive Plan for guidance as to the Village's

intended land use for this Property. The Comprehensive Plan designates the Property's future land use as "Single Family Residential (includes attached)". Given the Property's location along Fair Oaks Road and Lies Road, a higher density residential use is most appropriate, and an R-4 zoning designation will ensure the Property is developed in a manner consistent with the Village's intent under the Comprehensive Plan and will diversify the Village's housing stock in accordance with current market trends. In addition, duplexes are largely popular among first-time homebuyers and empty nesters. The proposed development provides an excellent opportunity to provide a housing option for varying demographics to address the different needs and ages of homebuyers. Accordingly, such development promotes the health, safety, morals, and general welfare for the public.

- c. *The special use 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.*

The nearby property values will not be diminished by the Petitioner's request. The properties to the north and west are located in unincorporated DuPage County. Specifically, the West Branch forest preserve is located west of the property and will greatly benefit from added residents and future visitors in the immediate vicinity. Though contemplated for annexation and single-family attached development under the comprehensive plan, the Property has sat vacant and idle for the past several years, providing no tangible benefit to the nearby properties and community at large. By way of annexing the Property to the Village, Petitioner will develop the Property consistent with its future land use designation under the comprehensive plan and thus increase the local tax base and the property values of the nearby and adjacent properties. As such, Petitioner's request could be restated as a request to improve the existing conditions with consistent with and complementary to the surrounding area.

- d. The special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The Property is one of the last remaining vacant parcels in the vicinity. Granting the special use for a planned development will increase those property values of nearby and adjacent properties by ensuring the Property is developed consistent with the Village's well-established development goals and objectives for this area.

- e. The special use will provide adequate utilities, access roads, drainage, and other important and necessary community facilities.*

The municipal services and infrastructure to be incorporated into the proposed community are depicted on the engineering plans submitted herewith. All necessary improvements will be designed and installed in accordance with the Village's design standards and the requested deviations (detailed hereafter) will have no impact on municipal services and infrastructure. Notably, the proposed development is within established standards for the R4 District. Therefore, it stands to reason that there will be no unanticipated impact on Village services or infrastructure.

- f. The special use 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 Village Board.*

A planned development is intended to provide flexibility in the stringent design metrics of the zoning code in exchange for amenity enhancement, environmental benefit, superior design, or enhanced community vitality. In this instance, Petitioner's proposal is geared towards move-down buyers. With its base floor plan including two-bedrooms with the option to add a third bedroom and second floor loft space, the key component to these units is the incorporation of first-floor master bedrooms to allow Carol Stream natives to age-in-place. With that, Petitioner is providing a product that is currently facing a massive shortage in terms of supply

where the demand is extraordinary. The proposed plan will be attractive to the empty-nesters seeking maintenance free living. In addition, the planned development will be heavily landscaped to provide a sense of a residential enclave with pedestrian paths and a scenic overlook feature. The planned development will comply with all Village standards with the exception of the following deviations:

- A deviation to permit lots less than 10,000 square feet as shown on the Planned Development Plan
- A deviation to allow a maximum lot coverage of 45% as shown on the Planned Development Plan.
- A deviation to allow lot widths of less than 75 feet as shown on the Planned Development Plan
- A deviation to permit an exterior side yard of less than 25 feet as shown on the Planned Development Plan
- A deviation to allow roadway right-of-way width less than 66'
- A deviation to allow vinyl building materials on all sides of the proposed units
- A deviation from Section 6-8-2(A) of the Code to allow Petitioner's proposed anti-monotony plan

In addition to the aforementioned deviation requests, Petitioner seeks approval of a waiver of the following requirements under the Village's Planned Development standards:

- A waiver from the requirement to provide a professional traffic study
- A waiver from the requirement to provide a professional economic analysis
- A waiver from the requirement to provide an environmental impact study
- A waiver from the requirement to provide an analysis of the demand on all

Village services.

The proposed residential subdivision will be a desirable improvement to the current vacant land and the Petitioner believes the Planned Development and associated deviations accomplish these objectives through significant new public open space amenities and through the diversification of the City's housing stock. Strict compliance with the Code results in less common open space/amenities and ultimately less enhanced community vitality for the residents. Several of the deviations requested (lot area, lot width, etc.) would otherwise be met had the Petitioner divided the Property with two dwelling units per lot. However, by way of subdividing each individual dwelling unit into its own specific lot will allow for fee simple lot ownership and simplified conveyance to the future residents of the Development. The deviations are being requested to incorporate a proposal that will address the need for diverse housing in Carol Stream in accordance with the Village's principles and objectives while simultaneously providing extensive common open space and recreational opportunities for the future residents.

PLANNED DEVELOPMENT FINDINGS

(a) The planned development shall conform with the general planning policies of the Village as set forth in the Comprehensive Plan.

The Property is designated for "Single-Family Residential (attached included)" under the Village's comprehensive plan. Generally, the recommendations pertaining to housing and future land use are geared towards providing "high quality housing to Carol Stream's residents into the future while also making the Village attractive to new residents" while "identifying opportunities for new development that offer a diversity of housing types and densities to accommodate future growth and market demand." (p.53 Comprehensive Plan). Single-family attached communities are widely desirable for a first-time homebuyer in that they have little to no maintenance and are priced more affordable than a traditional large-lot single-family detached home. On the opposite

end of the spectrum, single-family attached are also largely sought among empty nesters looking to downsize with little to no maintenance obligations. The planned development is expected to bring new residents and first-time homebuyers to the community, while simultaneously appealing to the existing Carol Stream empty nester who is seeking to downsize, but not downgrade. The proposed development provides an excellent opportunity for this demographic “age-in-place” by way of remaining in Carol Stream and perhaps close to children and grandchildren, without the burden of large-lot homeownership. Accordingly, the planned development is consistent with the policies set forth in the Comprehensive Plan.

(b) The planned development shall be designed, located, and proposed to be operated and maintained such that it will not impair an adequate supply of light and air to the adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

The proposed development will meet the R-4 standards for height and lot coverage and the combination of the two lots which the duplex building sits equate to meeting the R-4 standards for lot width and lot area. In addition, the Property is located adjacent to the West Branch Forest Preserve to the west and the Church to the east. Lies Road provides a buffer to the residential uses to the South and Petitioner is proposing landscaping consistent with the Village’s Code requirements for the remainder of the Property. Accordingly, the planned development will not impair adequate supply of light and air to adjacent properties, nor will it increase the danger of fire.

(3) Impact on other property. The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate

vicinity.

The general character of the neighborhood is residential. Lies Road between Fair Oaks Road and Gary Avenue is largely populated with residential uses ranging from single-family detached homes to single-family attached homes and multi-unit dwellings. Petitioner seeks to build upon this trend of development and keep consistent with the essential character of the neighborhood by way of providing yet another housing opportunity for the Village of Carol Stream that offers a relatively lower density option in comparison to a multi-unit building residential building. At 32-dwelling units, the proposed development will only have a density of approximately 3.5 dwelling units per acre. The proposed duplexes will increase and diversify the Village's housing stock in order to address the growing popularity of the single-family attached market. The Property is one of the last remaining vacant parcels in the vicinity of the area which it is located and thus, new development will not be impeded.

(4) Impact on public facilities and resources. The planned development shall be designed such that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as required by this UDO.

All public services, facilities, and utilities are adequate and available to service the site. Any new on-site facilities necessary will be provided as part of the development of the subject Property. Lastly, two access points will be provided off of Lies Road and Fair Oaks Road. Neither access point is expected to generate a negative impact on public street congestion given the size and scale of the planned development.

(5) Archaeological, historical or cultural impact. The planned development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.

To the best of Petitioner's actual knowledge, the Development will not adversely affect a known archaeological, historical, or cultural resource.

(6) Parking and traffic. The planned development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.

Under the Code, single-unit attached dwellings must provide 2 parking space per unit and a minimum of one parking space shall be provided in a garage. Petitioner is proposing four (4) off-street parking spaces per unit, two of which will be located in the garage serving the unit. Thus, the planned development far exceeds the Village's parking requirements. In addition, access to the community will be provided off Lies Road and Fair Oaks Road, which is appropriate to provide multiple access points and relief congestion entering and exiting the community. Given the size and scale of the proposed development, the project is not expected to generate a traffic congestion in the public streets.

(7) Adequate buffering. The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.

The planned development consists of 28% open space. Landscape treatments will be utilized to enhance the visual appeal of the community, including a mix of parkway trees, shade trees and shrubs. The landscape design enhancements will include decorative plantings around the perimeter of the Property and foundation plantings in front of each building. Landscape buffers will be incorporated throughout the perimeter of the community to create the feel of a residential enclave. The stormwater detention facility proposed in the northwest corner of the Property will enhance the natural aspects and features of the community. Additionally, the open space detention area central to the community will have sidewalks around its entirety and will allow for a nice aesthetic along with a passive recreation/relaxation area in addition to a covered landscaped seating area that will be available for the residents. The West Branch Forest Preserve

to the west will also provide an excellent opportunity for more active recreation.

(8) Performance. The applicant shall demonstrate a successful history of having completed one or more recent projects of comparable value and complexity to provide the village with reasonable assurance that, if authorized, the planned development can be completed according to schedule as proposed.

Petitioner has had many successful projects in the Chicagoland area. Most recently, Petitioner received approval from the City of Naperville to allow for the development of nine (9) townhomes and four (4) duplex dwelling units near the City of Naperville's historic district and in close proximity to Downtown Naperville; all of which creates a challenging set of circumstances. The project consisted of the following entitlements: (i) a conditional use to allow townhomes in the R-2 Zoning District; (ii) a height variance to exceed the maximum height; (iii) a variance from the area requirement; (iv) variances from the required rear and front yard setbacks; and (v) a preliminary/final plat of subdivision.

(9) Signs. Any sign on the site of the planned development shall be in conformity with or shall satisfy the standards of review for variations as detailed in Article 16-8 of the UDO.

Petitioner confirms any signs located on the Property for the purposes supporting the Planned Development will be conform to the Village's standards as set forth in the Code.

APPROVAL OF A PRELIMINARY PLAT OF SUBDIVISION

1. Petitioner seeks approval of a Preliminary Plat of Subdivision, a copy of which has been submitted herewith. The proposed subdivision meets the standards for a subdivision consistent with the standards set forth in the Code.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner respectfully petitions the Village to (i) rezone the Property to R-4; (ii) approve a special use for a planned

development with associated deviations; (iii) approve a preliminary plat of subdivision; and (iv) approve such other relief from the Code as may be deemed necessary and appropriate to develop the Property consistent with the plans submitted herewith.

RESPECTFULLY SUBMITTED this 19th day of October, 2023.

PETITIONER:

Bridge Street Properties, LLC, an
Illinois limited liability company



By:
ROSANOVA AND WHITAKER LTD.
Attorneys for Petitioner

EXHIBIT A
LEGAL DESCRIPTION

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, EXCEPT THE EAST 10 ACRES THEREOF AND EXCEPT FAIR OAKS ROAD AND LIES ROAD, OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

PIN: 01-23-402-016

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 October 25, 2023 and the last publication of the notice was made in the newspaper dated and published on October 25, 2023. 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 October 25, 2023.

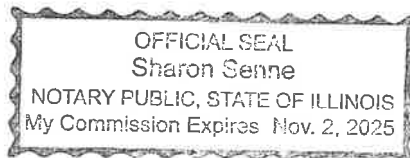
Examiner Publications, Inc.

By: Publisher

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

Subscribed and sworn to before me this 25 day of October, A.D. 2023.

Notary Public



LEGAL NOTICE PUBLIC NOTICE FILE #23-0014

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, November 13, 2023 at 6:00 p.m. to consider an application from Bridge Street Properties (Villas of Fair Oaks) for the following actions:

A Zoning Map Amendment to zone the property R-4 Multi-Unit Residence District Upon Annexation, in accordance with Section 16-8-4 (N) of the Carol Stream Unified Development Ordinance; and

A Special Use Permit for a Planned Development, in accordance with Article 7 of the Carol Stream Unified Development Ordinance

For the property located at 1475 W. Lies Road (PIN 01-23-402-016)

The hearing will be held in-person and via a web conference meeting. The web conference will allow the public to view the meeting online or listen to the meeting.

Join from a PC, Mac, iPad, iPhone or Android device by using the following URL: <https://us02web.zoom.us/j/81711911911>

Or join by phone: Dial (for higher quality, dial a number based on your current location):

+1 312 626 6799 or +1 301 715 8592 or +1 646 558 8656

Webinar ID: 822 0733 9907

International numbers available: <https://zoom.us/j/81711911911>

Those members of the public wishing to be heard with respect to this matter must attend in-person, or complete the public comment form at <http://carolstre.am/pc> by 4:00 p.m. the day of the public hearing. The public may also provide written comments prior to the public hearing by submitting them to Tom Farace, AICP, Planning & Economic Development Manager, 500 N. Gary Ave., Carol Stream, IL 60188, or may provide email comments by sending them to tfarace@carolstream.org. Comments must be provided by 4:00 p.m. the day of the public hearing. The application is available for public inspection on the Village's website at www.carolstream.org, and under the "Development Projects" button. 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, are requested to contact the ADA Coordinator at 630-871-6250.

As published in The Examiner October 25, 2023. 1025



LOCATION MAP

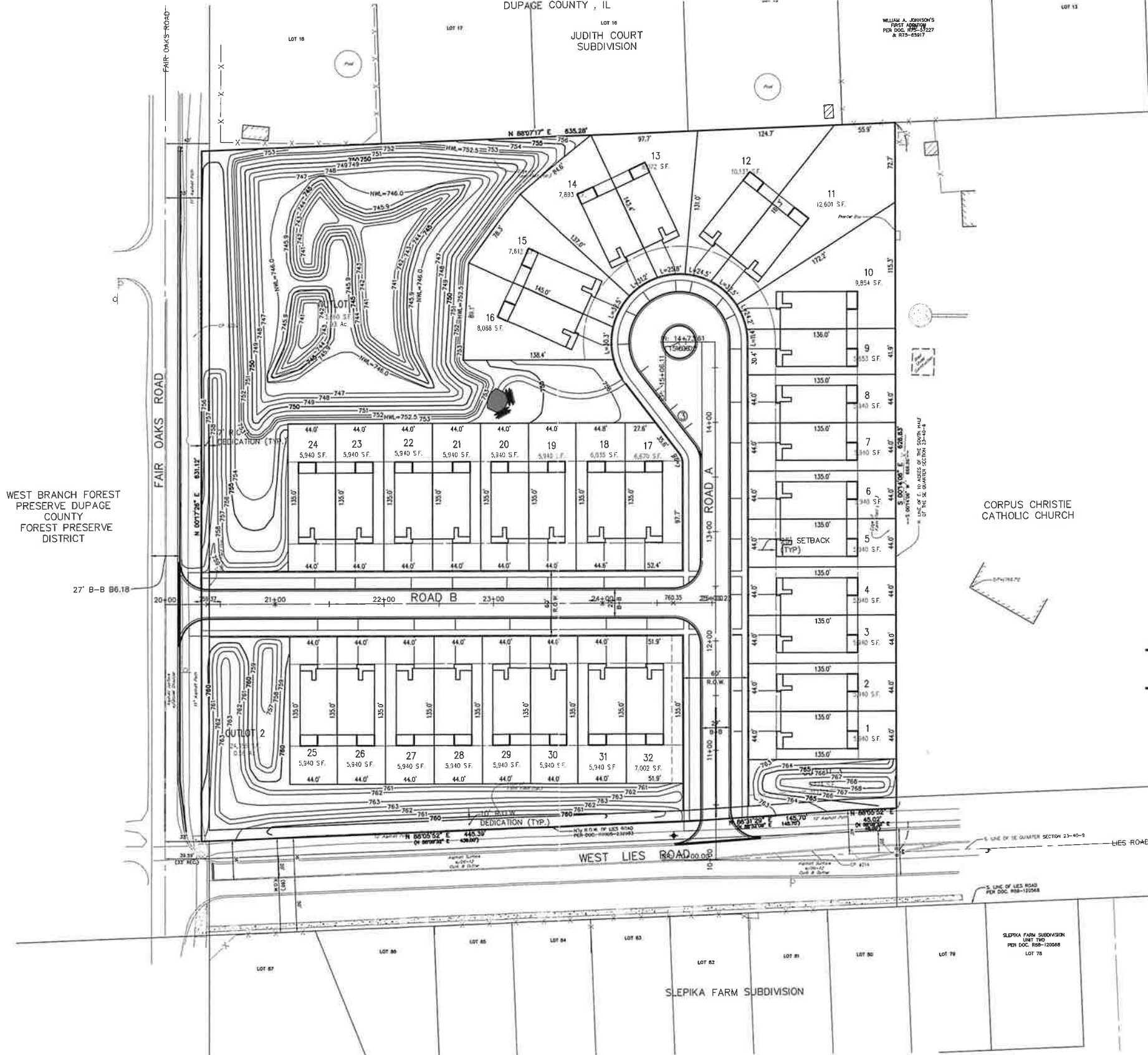
LOT AREA TABLE			
LOT NO.	AREA (S.F.) (Ac.)	LOT NO.	AREA (S.F.) (Ac.)
1	5,940	17	6,670
2	5,940	18	6,035
3	5,940	19	5,940
4	5,940	20	5,940
5	5,940	21	5,940
6	5,940	22	5,940
7	5,940	23	5,940
8	5,940	24	5,940
9	5,653	25	5,940
10	9,854	26	5,940
11	12,601	27	5,940
12	10,133	28	5,940
13	8,072	29	5,940
14	7,893	30	5,940
15	7,612	31	5,940
16	8,088	32	7,002
OUTLOT 1	83,860	1.93	
OUTLOT 2	24,358	0.56	
OUTLOT 3	5,174	0.12	

SITE DATA		
A. TOTAL AREA	9.19 AC±	100%
B. EXTERNAL R.O.W.	0.25 AC±	2.72%
C. INTERNAL R.O.W.	1.42 AC±	15.45%
D. STORMWATER MANAGEMENT/ OPEN SPACE	2.61 AC±	28.40%
F. NET RESIDENTIAL	4.91 AC±	53.43%
G. NO. OF UNITS	32	
H. MINIMUM LOT SIZE	5,653 S.F.	
I. MAXIMUM LOT SIZE	12,601 S.F.	
J. AVERAGE LOT SIZE	6,698 S.F.	
K. MODIFIED GROSS DENSITY (G/A-B)	3.58 DU/AC	
L. REQUIRED PARKING (2 PER UNIT)	64	
M. PROVIDED DRIVEWAY PARKING	64	
O. ON STREET GUEST PARKING PROVIDED	3	
P. TOTAL PARKING PROVIDED	67	
Q. LOT AREA COVERAGE	40 %	
R. HEIGHT OF BUILDINGS	28 FT.	
EXISTING ZONING:	AGRICULTURE	
PROPOSED ZONING:	R-4 PUD	
FRONT SETBACK:	25 FT.	
EXTERIOR SIDE SETBACK:	15 FT. (VARIANCE)	
INTERIOR SIDE SETBACK:	7.5 FT.	
REAR YARD SETBACK:	30 FT.	
MIN. LOT AREA:	5,545 S.F. (VARIANCE)	
MIN. LOT WIDTH AT SETBACK:	41.1 FT. (VARIANCE)	

PLANNED DEVELOPMENT PLAN FOR THE VILLAS OF FAIR OAKS

PART OF THE SOUTHEAST QUARTER
SECTION 23-40-9
DUPAGE COUNTY, IL

JUDITH COURT
SUBDIVISION



RECEIVED
OCT 19 2023
COMMUNITY DEVELOPMENT
DEPT



50 25 0 50
SCALE: 1 INCH = 50 FEET

LINE LEGEND	
	SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
	LOT LINE/PROPERTY LINE (Solid Line)
	EXISTING CORPORATE LIMITS OF THE CITY OF NAPERVILLE (Heavy Dashed Line)
	BUILDING LINE (Long Dashed Lines)
	EASEMENT LINE/LIMITS OF EASEMENT (Short Dashed Lines)
	CENTERLINE (Single Dashed Lines)
	QUARTER SECTION LINE (Double Dashed Lines)
	SECTION LINE (Triple Dashed Lines)
	APPROX SCALED LIMITS OF ZONE A AS SHOWN ON WILL COUNTY FIRM.
	SECTION CORNER OR QUARTER SECTION CORNER

Exhibit A

PREPARED FOR:
BRIDGE STREET PROPERTIES
P.O. BOX 5726
NAPERVILLE, ILLINOIS 60567

PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 White Oak Circle, Suite 100
Aurora, Illinois 60502-9675
PH: 630.862.2100 FAX: 630.862.2199
E-Mail: info@cemcon.com Website: www.cemcon.com

DISC NO.: 847014 FILE NAME: PEOVER
DRAWN BY: KMS FLD. BK. / PG. NO.:
COMPLETION DATE: 05-12-23 JOB NO.: 847,014
XREF: TOPO PROJECT MANAGER: MAM
REV: 05-24-23/KMS, 07-03-23/KMS
REV: 08-04-23/MAM, 09-14-23/MAM, 10-17-23/MAM

NOTES

BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY PERFORMED BY CEMCON, LTD. ON NOVEMBER 3, 2022.
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

PRELIMINARY ENGINEERING PLAN FOR THE VILLAS OF FAIR OAKS

PART OF THE SOUTHEAST QUARTER
SECTION 23-40-9
DUPAGE COUNTY, IL

RECEIVED
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DEPT



LOCATION MAP

STORMWATER MANAGEMENT FACILITY NO. 1
 NWL = 746.0
 DESIGN HWL = 752.5
 STORAGE REQUIRED = 5.53 AC.-FT.
 STORAGE PROVIDED = 6.20 AC.-FT.
 WETLAND FACILITY

WATERMAIN TO BE EXTENDED TO JUDITH COURT

WEST BRANCH FOREST PRESERVE DUPAGE COUNTY FOREST PRESERVE DISTRICT

CORPUS CHRISTI CATHOLIC CHURCH

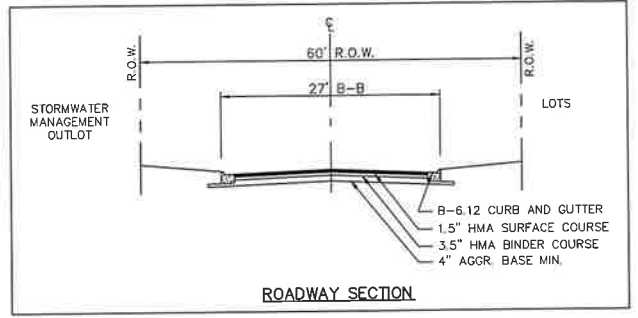
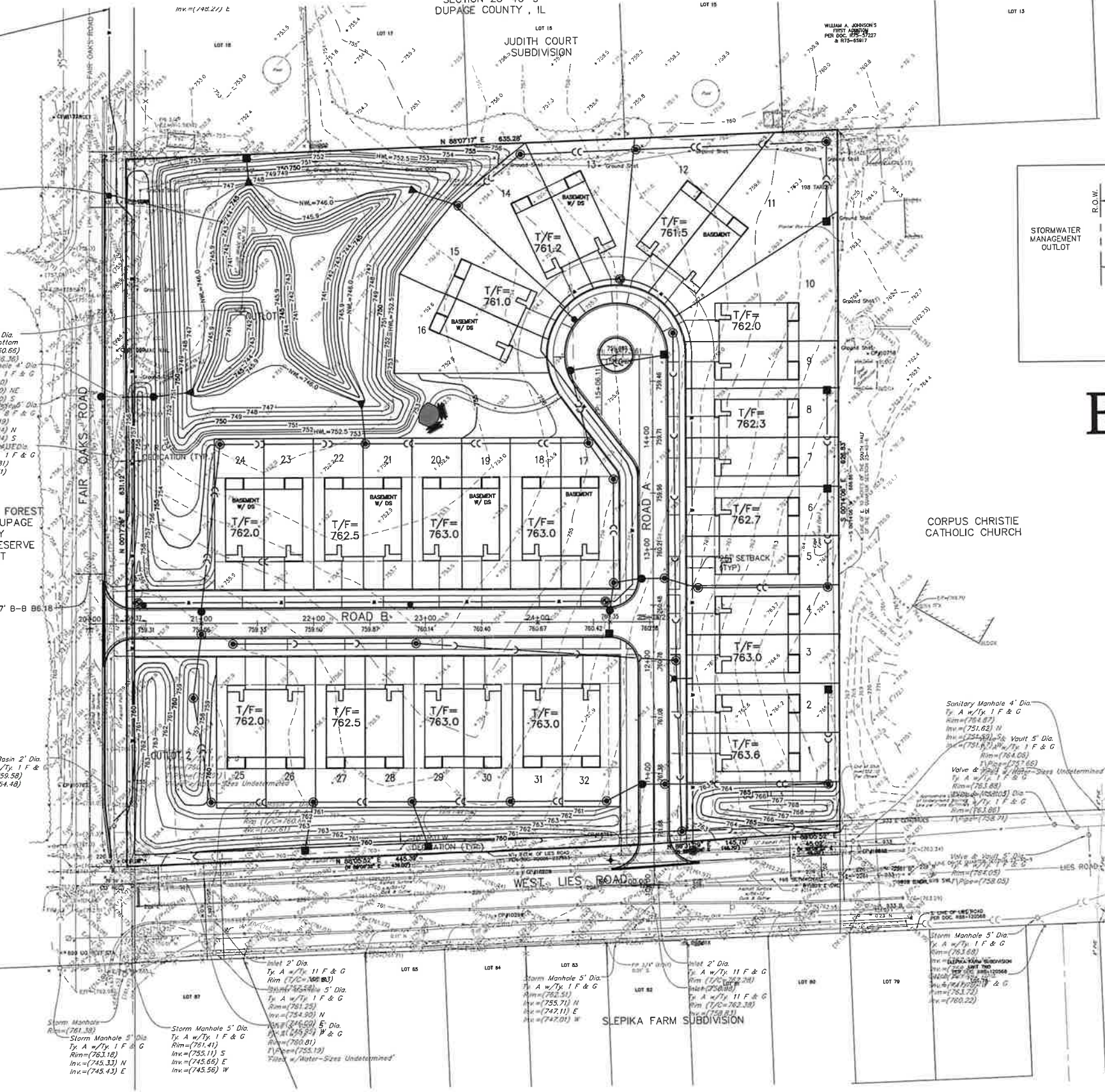


Exhibit B

NOTE: ALL SANITARY SEWER SHALL BE 8 INCH DIA. UNLESS OTHERWISE NOTED.
 ALL SANITARY SERVICES SHALL BE 6 INCH DIA. PVC SDR 26.
 ALL WATERMAIN SHALL BE 8 INCH DIA. UNLESS OTHERWISE NOTED.
 ALL WATER SERVICES SHALL BE 1.5 INCH DIA. COPPER TYPE K.

LEGEND		DESCRIPTION
		MANHOLE
		CATCH BASIN
		INLET
		CLEANOUT
		SLOPE INLET BOX
		HEADWALL
		END SECTION
		STORM SEWER
		SANITARY SEWER
		SANITARY FORCEMAIN
		WATERMAIN
		VALVE & BOX
		WATER VALVE IN VAULT
		FIRE HYDRANT
		CONTOURS
		ELEVATIONS
		STREET LIGHT (100 WATT W/25' HEIGHT, 8' MAST)
		OVERFLOW ROUTE

PREPARED FOR:
 BRIDGE STREET PROPERTIES
 P.O. BOX 5726
 NAPERVILLE, ILLINOIS 60567

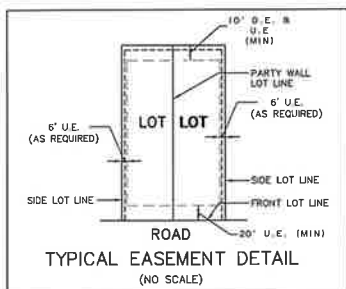
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 Consulting Engineers, Land Surveyors & Planners
 2280 White Oak Circle, Suite 100
 Aurora, Illinois 61052-9675
 PH: 630.862.2100 FAX: 630.862.2199
 E-Mail: info@cemcon.com Website: www.cemcon.com

DISC NO: 847014 FILE NAME: PREOVER
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BENCHMARK/CONTROL POINTS

ELEVATION REFERENCE MARK:

NGS MONUMENT 0132 (PID DK3195): A 3.5 INCH BRASS DISK ON A CONCRETE LIGHT POLE BASE AT THE ENTRANCE FOR FIRE STATION THREE. THE MONUMENT IS 0.3 FT ABOVE LIES ROAD SURFACE.

ELEVATION: 778.09 NAVD 88

CONTROL POINTS:

CP #202: SET MAG NAIL IN ASPHALT PATH ON EAST SIDE OF FAIR OAKS ROAD APPROXIMATELY 24 FEET EAST OF THE CENTERLINE OF FAIR OAKS ROAD AND APPROXIMATELY 497 FEET NORTH OF THE CENTERLINE OF LIES ROAD.

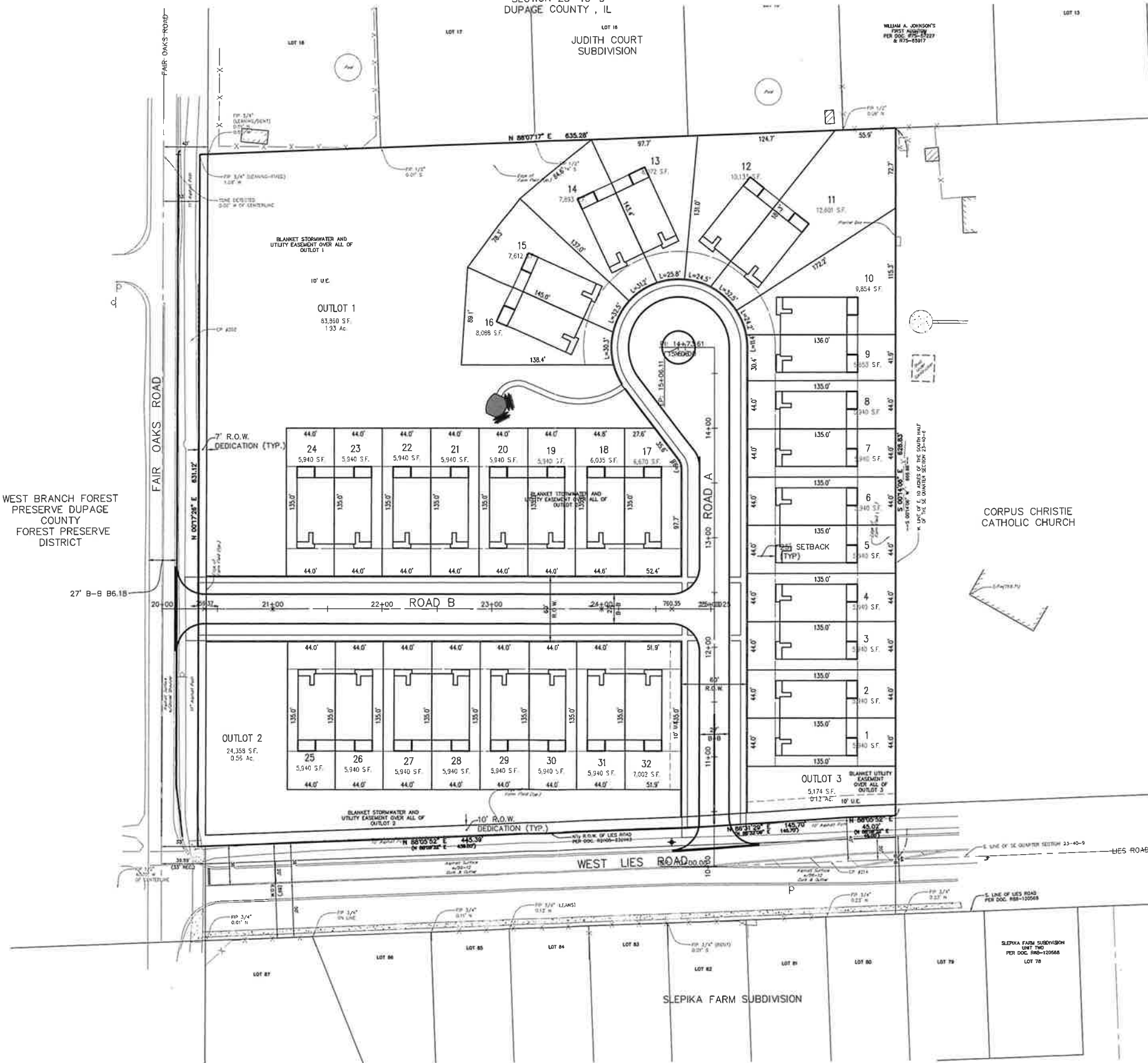
NORTHING: 1917464.07
EASTING: 1027440.36
ELEVATION: 755.37 NAVD 88

CP #214: SET MAG NAIL IN THE CENTERLINE OF THE PAVEMENT OF LIES ROAD AND 610 FEET EAST OF THE CENTERLINE OF FAIR OAKS ROAD.

NORTHING: 1916986.54
EASTING: 1028021.83
ELEVATION: 762.70 NAVD 88

**PRELIMINARY PLAT OF SUBDIVISION
FOR
THE VILLAS OF FAIR OAKS**

PART OF THE SOUTHEAST QUARTER
SECTION 23-40-9
DUPAGE COUNTY, IL



RECEIVED
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NOTES

IRON PIPES ARE AT ALL PROPERTY CORNERS UNLESS OTHERWISE NOTED.

ALL MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS OF A FOOT.

DIMENSIONS SHOWN ALONG CURVED LINES ARE ARC DISTANCES.

THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 9 AS BEING S 89°27'28" E (ASSUMED).

ALL RIGHT-OF-WAYS ARE TO BE PUBLIC DEDICATIONS.

ALL STREETS, UTILITY PIPES AND MAINS SHALL BE PUBLICLY OWNED AND MAINTAINED. SERVICES SHALL BE PRIVATE.

BUILDING LINES SETBACKS ARE 25' FRONT AND 15' CORNER SIDE UNLESS OTHERWISE NOTED.

LINE LEGEND

- SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
- LOT LINE/PROPERTY LINE (Solid Line)
- EXISTING CORPORATE LIMITS OF THE VILLAGE OF CAROL STREAM (Heavy Dashed Line)
- BUILDING LINE (Long Dashed Lines)
- EASEMENT LINE/LIMITS OF EASEMENT (Short Dashed Lines)
- CENTERLINE (Single Dashed Lines)
- QUARTER SECTION LINE (Double Dashed Lines)
- SECTION LINE (Triple Dashed Lines)
- APPROX. SCALED LIMITS OF ZONE A AS SHOWN ON DUPAGE COUNTY FIRM.
- SECTION CORNER OR QUARTER SECTION CORNER

LOT DIMENSIONS & AREAS ARE APPROXIMATIONS & WILL VARY AT TIME OF FINAL PLATTING.

PREPARED FOR:
BRIDGE STREET PROPERTIES
P.O. BOX 5726
NAPERVILLE, ILLINOIS 60567

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REV: 08-04-23/MAM, 09-14-23/MAM, 10-17-23/MAM

TAB: PREPLAT
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DRAWING DATE: 10/17/2023 BY: MAM

Preliminary Landscape Plan

VILLAS OF FAIR OAKS

Carol Stream, Illinois

September 15, 2023

RECEIVED
OCT 19 2023
COMMUNITY DEVELOPMENT
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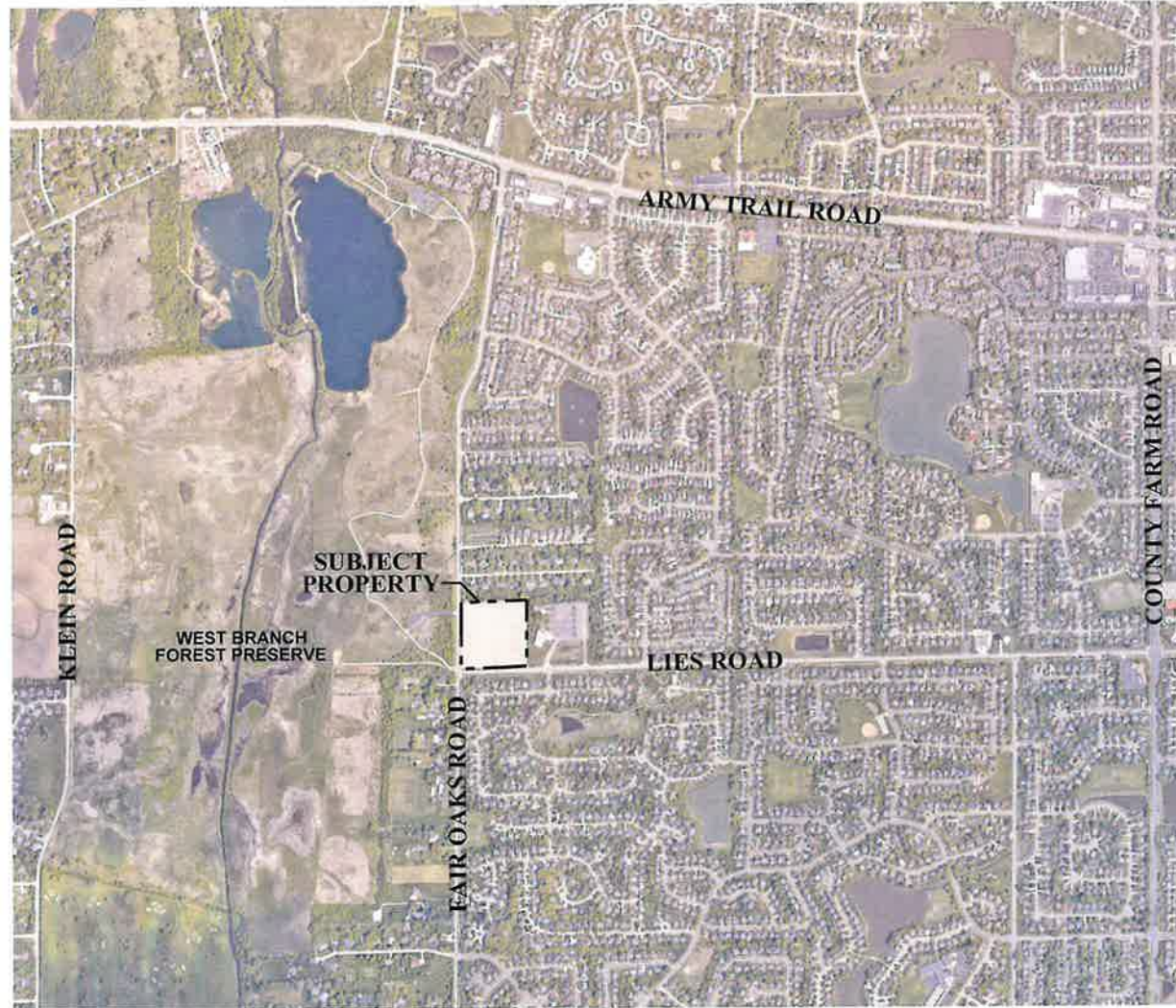
CONSULTANTS:



LANDSCAPE ARCHITECT:
GARY R. WEBER ASSOCIATES, INC
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187



CIVIL ENGINEER:
CEMCON, LTD.
2280 WHITE OAK CIRCLE, SUITE 100
AURORA, ILLINOIS 60502



LOCATION MAP

SCALE: 1"=800'

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
0	COVER SHEET
1	PRELIMINARY LANDSCAPE PLAN
2	LANDSCAPE DETAILS
3	LANDSCAPE DETAILS

Exhibit D-1

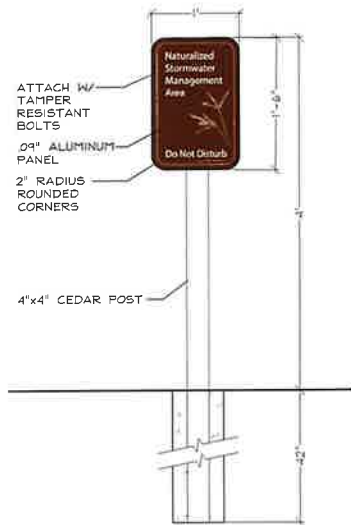
GENERAL LANDSCAPE NOTES

- Contractor shall verify underground utility lines and is responsible for any damage.
- Contractor shall verify all existing conditions in the field prior to construction and shall notify landscape architect of any variance.
- Material quantities shown are for contractors convenience only. The Contractor must verify all material and supply sufficient materials to complete the job per plan.
- The landscape architect reserves the right to inspect plant materials either at place of growth or at site before planting, for compliance with requirements of variety, size and quality.
- Work shall conform to American Standard for Nursery Stock, State of Illinois Horticultural Standards, and Local Municipal requirements.
- Contractor shall secure and pay for all permits, fees, and inspections necessary for the proper execution of this work and comply with all codes applicable to this work.
- See General Conditions and Specifications for landscape work for additional requirements.

Exhibit D-2

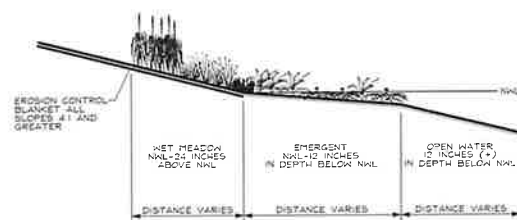
SIGN NOTES:

- SIGN BACKGROUND COLOR: C=40, M=70, Y=100, K=20
SIGN FONT AND GRAPHIC COLOR: WHITE
- FONT STYLE: MYRIAD PRO
FONT SIZE: 1 1/2 PT.
- SIGN ARTWORK SHALL BE PROVIDED BY GARY R. WEBER ASSOCIATES, INC.
- CONTRACTOR TO SUBMIT SHOP DRAWING AND COLOR SAMPLE FOR THE STORMWATER MANAGEMENT AREA SIGN FOR REVIEW AND APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO FABRICATION AND INSTALLATION.

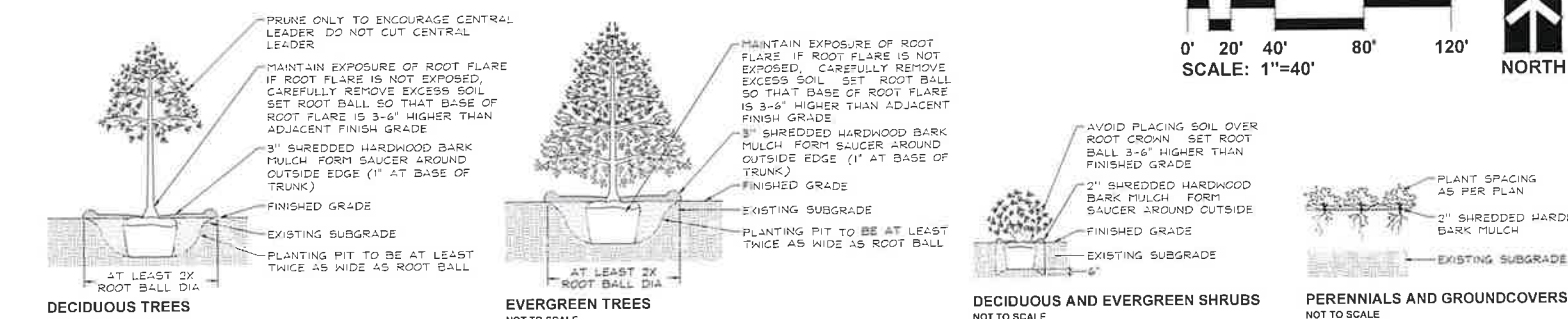
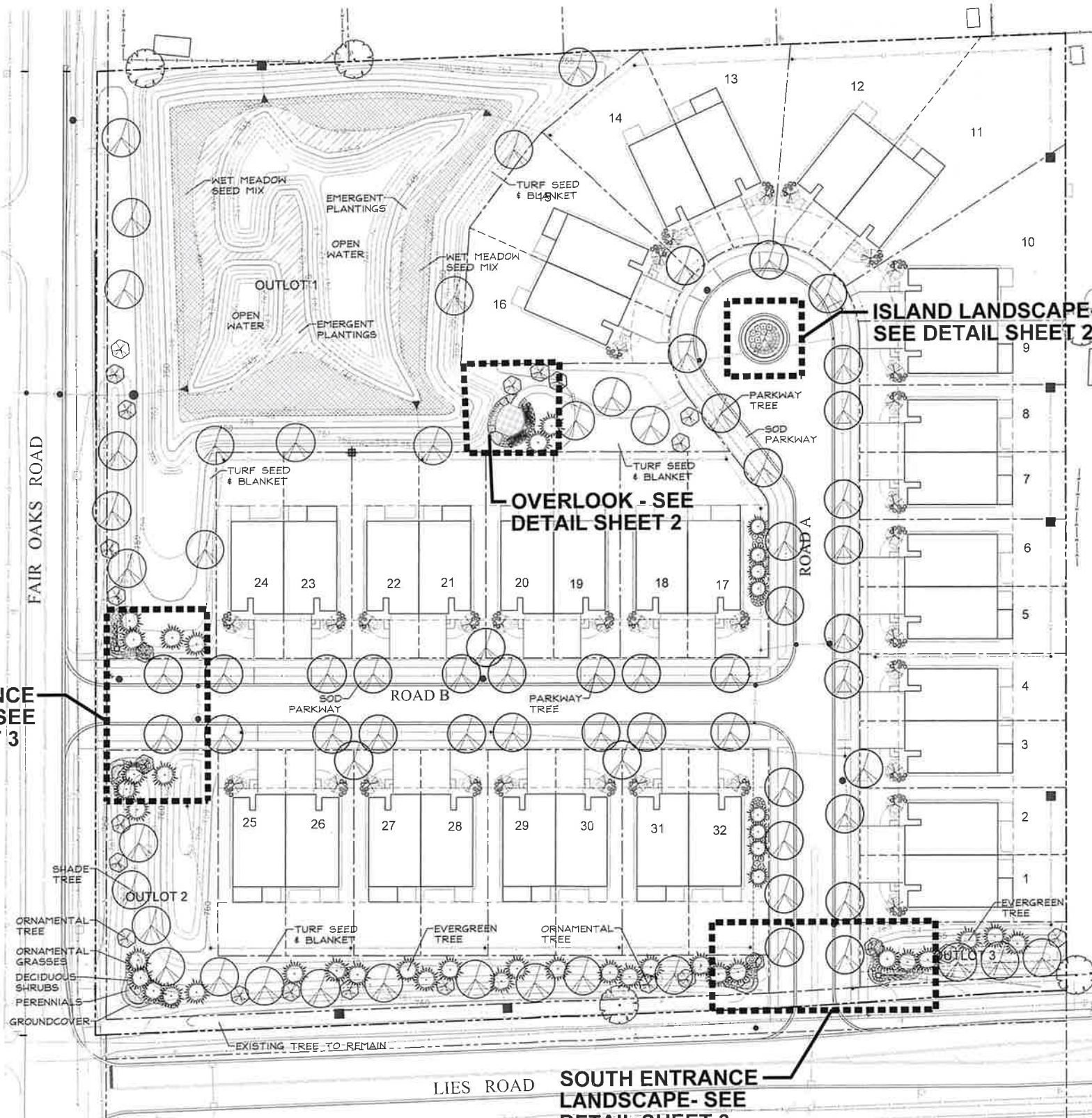


NATURALIZED STORMWATER SIGN DETAIL
NOT TO SCALE

PLANTING DETAILS



NATURALIZED STORMWATER BASIN SECTION
NOT TO SCALE



DECIDUOUS TREES NOT TO SCALE
EVERGREEN TREES NOT TO SCALE
DECIDUOUS AND EVERGREEN SHRUBS NOT TO SCALE
PERENNIALS AND GROUNDCOVERS NOT TO SCALE

REPRESENTATIVE PLANT LIST

Key	Botanical/Common Name	Size	Remarks
SHADE TREES			
☾	Acer miyabei 'Morton'	2 1/2' Cal	STATE STREET MAPLE
☾	Celtis occidentalis	2 1/2' Cal	COMMON HACKBERRY
☾	Quercus bicolor	2 1/2' Cal	SWAMP WHITE OAK
☾	Quercus muhlenbergii	2 1/2' Cal	CHINKAPIN OAK
☾	Tilia americana 'Redmond'	2 1/2' Cal	REDMOND AMERICAN LINDEN
☾	Tilia cordata 'Greenspire'	2 1/2' Cal	GREENSPIRE LITTLELEAF LINDEN
☾	Ulmus carolinifolia 'New Horizon'	2 1/2' Cal	NEW HORIZON SMOOTHLEAF ELM
ORNAMENTAL TREES			
☼	Amelanchier x grandiflora	6' Ht	MULTI-STEM APPLE SERVICEBERRY
☼	Betula nigra 'Cully'	6' Ht	MULTI-STEM HERITAGE RIVER BIRCH
☼	Cercis canadensis	6' Ht	MULTI-STEM EASTERN REDBUD
☼	Malus 'Pranfire'	6' Ht	MULTI-STEM PRAIRIFIRE CRABAPPLE
☼	Syringa reticulata 'Ivory Silk'	6' Ht	MULTI-STEM IVORY SILK JAPANESE TREE LILAC
EVERGREEN TREES			
☼	Abies concolor	8' Ht	WHITE FIR
☼	Picea abies	8' Ht	NORWAY SPRUCE
☼	Picea glauca var. densata	8' Ht	BLACK HILLS SPRUCE
☼	Picea omorika	8' Ht	SERBIAN SPRUCE
☼	Pinus strobus	8' Ht	EASTERN WHITE PINE
DECIDUOUS SHRUBS			
☼	Cornus sericea 'Bailey'	36" Tall	5' O.C. BAILEY'S REDTWIN DOGWOOD
☼	Hydrangea paniculata 'SIMPLO'	24" Tall	3' O.C. LITTLE QUICK FIRE HYDRANGEA
☼	Physocarpus opulifolius 'Seward'	30" Tall	4' O.C. SUMMER WINE NINEBARK
☼	Rhus aromatica 'Gro-low'	24" Wide	3' O.C. GRO-LOW SUMAC
☼	Syringa maynei 'Paladin'	24" Tall	4' O.C. DWARF KOREAN LILAC
☼	Viburnum x juddii	36" Tall	4' O.C. JUDD VIBURNUM
☼	Weigela florida 'Bromwell'	24" Tall	3' O.C. FINE WINE WEIGELA
EVERGREEN SHRUBS			
☼	Juniperus chinensis 'Kallias Compact'	24" Wide	4' O.C. KALLIAS COMPACT PFITZER JUNIPER
☼	Juniperus chinensis 'Sea Green'	30" Wide	5' O.C. SEA GREEN JUNIPER
☼	Taxus x media 'Densiformis'	24" Wide	4' O.C. DENSE YEW
PERENNIALS AND ORNAMENTAL GRASSES			
☼	Allium 'Summer Beauty'	#1	18" O.C. SUMMER BEAUTY ONION
☼	Calamagrostis x acutiflora 'Karl Foerster'	#1	30" O.C. FEATHER REED GRASS
☼	Echinacea 'CBG Cone 2'	#1	18" O.C. PINK MEADOWBRITE CONEFLOWER
☼	Hemerocallis 'Happy Returns'	#1	18" O.C. HAPPY RETURNS DAYLILY
☼	Nepeta racemosa 'Walker's Low'	#1	18" O.C. WALKER'S LOW CATMINT
☼	Panicum virgatum 'Heavy Metal'	#1	24" O.C. HEAVY METAL SWITCHGRASS
☼	Sporobolus heterolepis	#1	24" O.C. PRAIRIE DROPSEED
GROUNDCOVERS			
☼	Liriope spicata	#SP4	18" O.C. CREEPING LILYTURF
☼	Vinca minor 'Dart's Blue'	#SP4	12" O.C. DART'S BLUE PERIWINKLE

NATIVE LEGEND

Key	Description
☾	WET MEADOW SEED MIX
☼	EMERGENT PLANTINGS
☼	NATURALIZED STORMWATER MANAGEMENT AREA SIGN

GARY R. WEBER ASSOCIATES, INC.
LAND PLANNING
ECOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187
PHONE: 630-668-7197

CIVIL ENGINEER
CEMCON, LTD.
2280 WHITE OAK CIRCLE, SUITE 100
AURORA, ILLINOIS 60502

VILLAGES OF FAIR OAKS

CAROL STREAM, ILLINOIS

PRELIMINARY LANDSCAPE PLAN

NO.	DATE	DESCRIPTION
4	10.17.2023	
3	9.15.2023	
2	8.04.2023	
1	5.17.2023	

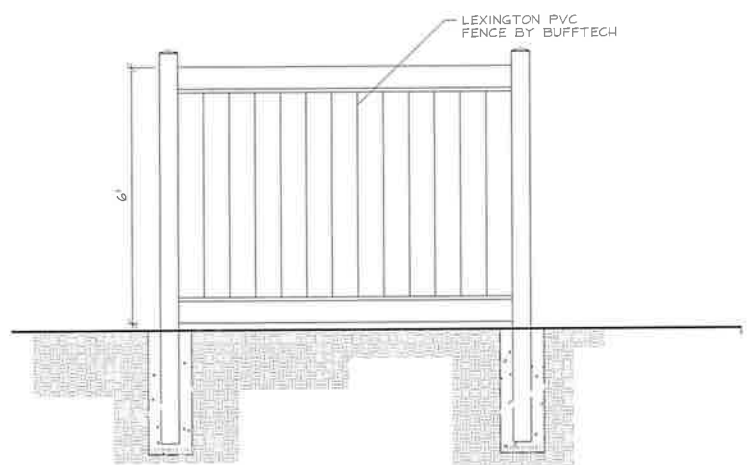
DATE	2.03.2023
PROJECT NO.	BS2303
DRAWN	TRC
CHECKED	GFJ
SHEET NO.	



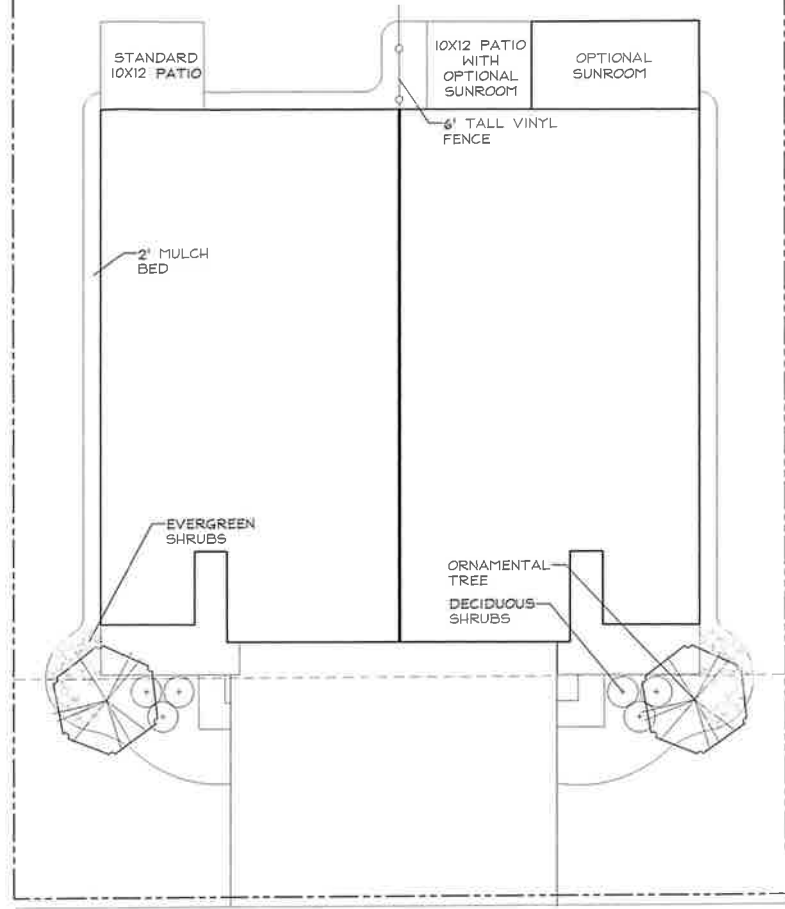
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VILLAS OF FAIR OAKS
CAROL STREAM, ILLINOIS
LANDSCAPE DETAILS



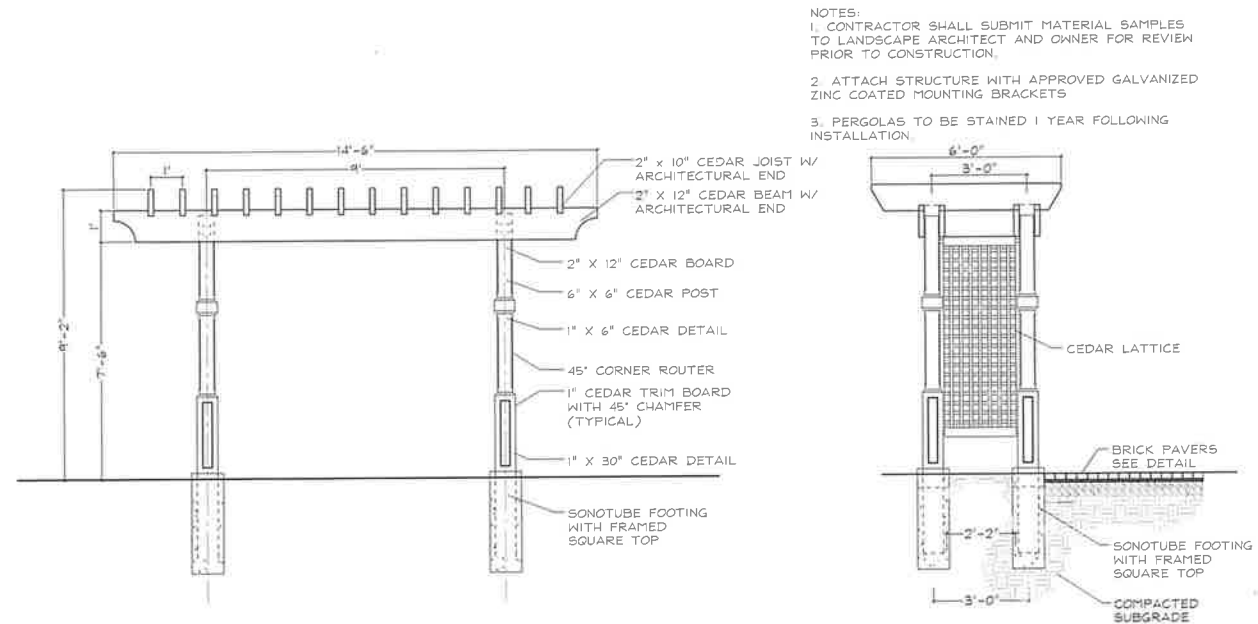
6' VINYL FENCE DETAIL
NOT TO SCALE



TYPICAL DUPLEX FOUNDATION PLAN
SCALE: 1"=10'

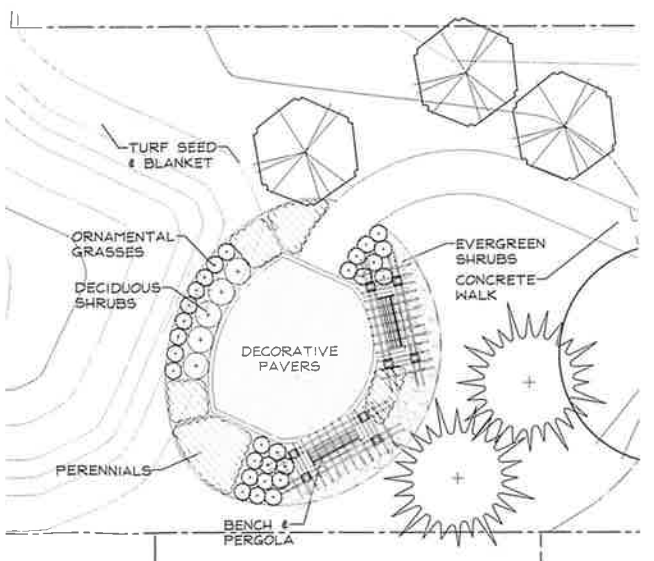
TYPICAL DUPLEX LANDSCAPE FOUNDATION

Key	Botanical/Common Name	Size	Remarks
🌳	ORNAMENTAL TREES		
	Malus x 'Red Jewel' RED JEWEL CRABAPPLE	6' Tall	Clump form
	Cornus mas 'Golden Glory' GOLDEN GLORY CORNELIANCHERRY DOGWOOD	6' Tall	Clump form
	Magnolia stellata 'Royal Star' ROYAL STAR MAGNOLIA	6' Tall	Clump form
🌿	DECIDUOUS SHRUBS		
	Rhus aromatica 'Gro-Low' GRO-LOW SUMAC	24" Wide	3' O.C.
	Spiraea japonica 'Neon Flash' NEON FLASH SPIREA	24" Tall	3' O.C.
	Hydrangea paniculata 'Jane' LITTLE LIME HYDRANGEA	24" Wide	4' O.C.
	Spiraea nipponica 'Snowmound' SNOWMOUND SPIREA	30" Wide	4' O.C.
	Viburnum trilobum 'Redwing' Highbush CRANBERRY VIBURNUM	36" Tall	4' O.C.
	🌿	EVERGREEN SHRUBS	
Buxus x 'Green Velvet' GREEN VELVET BOXWOOD		24" Wide	3' O.C.
Juniperus chinensis 'Kallay's Compact' KALLAY'S COMPACT JUNIPER		24" Wide	4' O.C.
Thuja occidentalis 'Smaragd' EMERALD GREEN ARBORVITAE		4' Tall	4' O.C.
🌿	ORNAMENTAL GRASSES & PERENNIALS		
	Hemerocallis 'Chicago Fire' CHICAGO FIRE DAYLILY	#1	18" O.C.
	Hosta 'Patriot' PATRIOT HOSTA	#1	18" O.C.
	Deschampsia caespitosa TUFTED HAIR GRASS	#1	24" O.C.
	Sporobolus heterolepis PRAIRIE DROPSID	#1	24" O.C.
🌿	MISC. MATERIALS		
SHREDDED HARDWOOD MULCH	C.Y.		

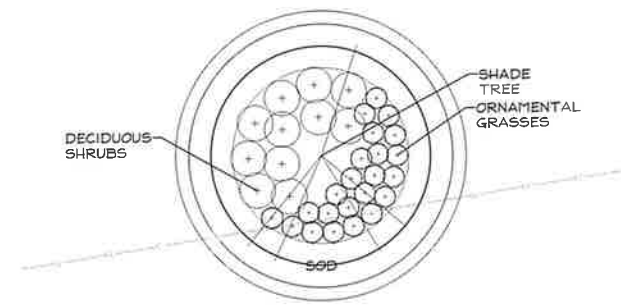


PERGOLA DETAIL
NOT TO SCALE

NOTES:
1. CONTRACTOR SHALL SUBMIT MATERIAL SAMPLES TO LANDSCAPE ARCHITECT AND OWNER FOR REVIEW PRIOR TO CONSTRUCTION.
2. ATTACH STRUCTURE WITH APPROVED GALVANIZED ZINC COATED MOUNTING BRACKETS
3. PERGOLAS TO BE STAINED 1 YEAR FOLLOWING INSTALLATION.



OVERLOOK LANDSCAPE DETAIL
SCALE: 1"=10'



ISLAND LANDSCAPE DETAIL
SCALE: 1"=10'

REVISIONS	DATE
4	10.17.2023
3	9.15.2023
2	8.04.2023
1	5.17.2023

DATE 2.03.2023
PROJECT NO. BS2303
DRAWN TRC
CHECKED GFB
SHEET NO.

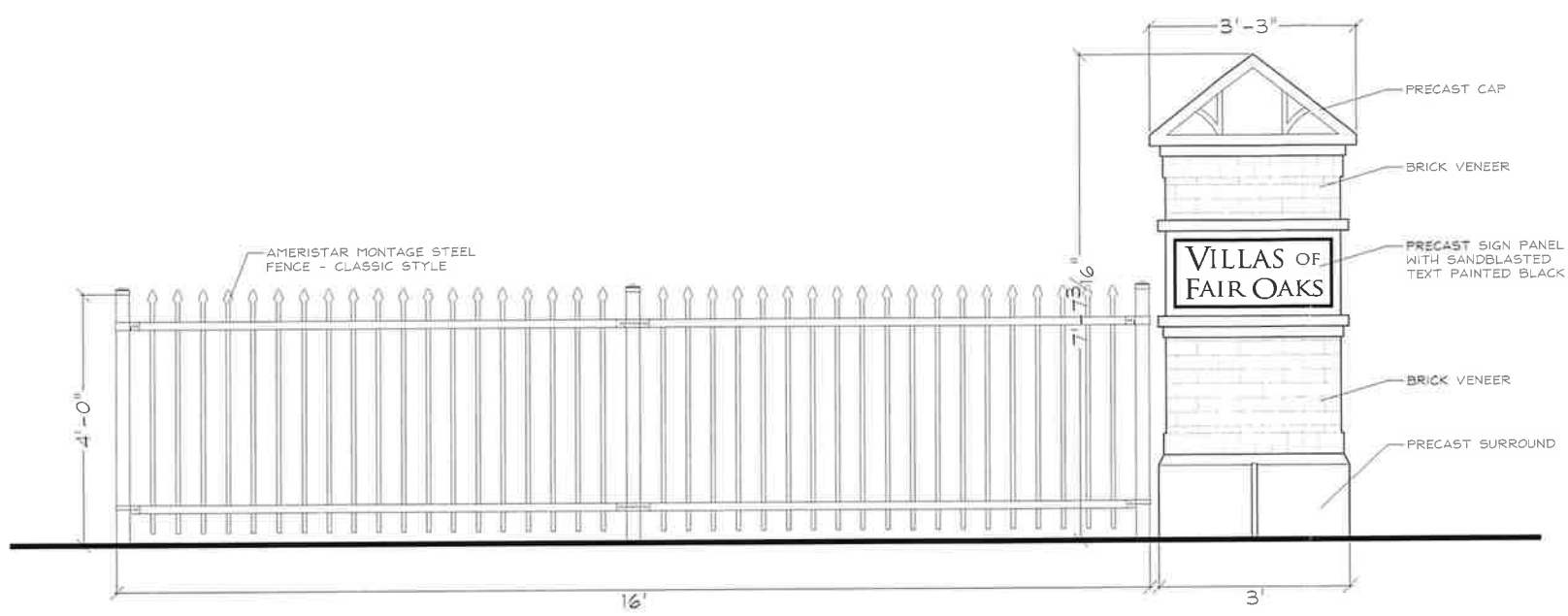




GARY R. WEBER
ASSOCIATES, INC.
LAND PLANNING
ECOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
402 WEST LIBERTY DRIVE
WHEATON, ILLINOIS 60187
PHONE: 630-668-7197

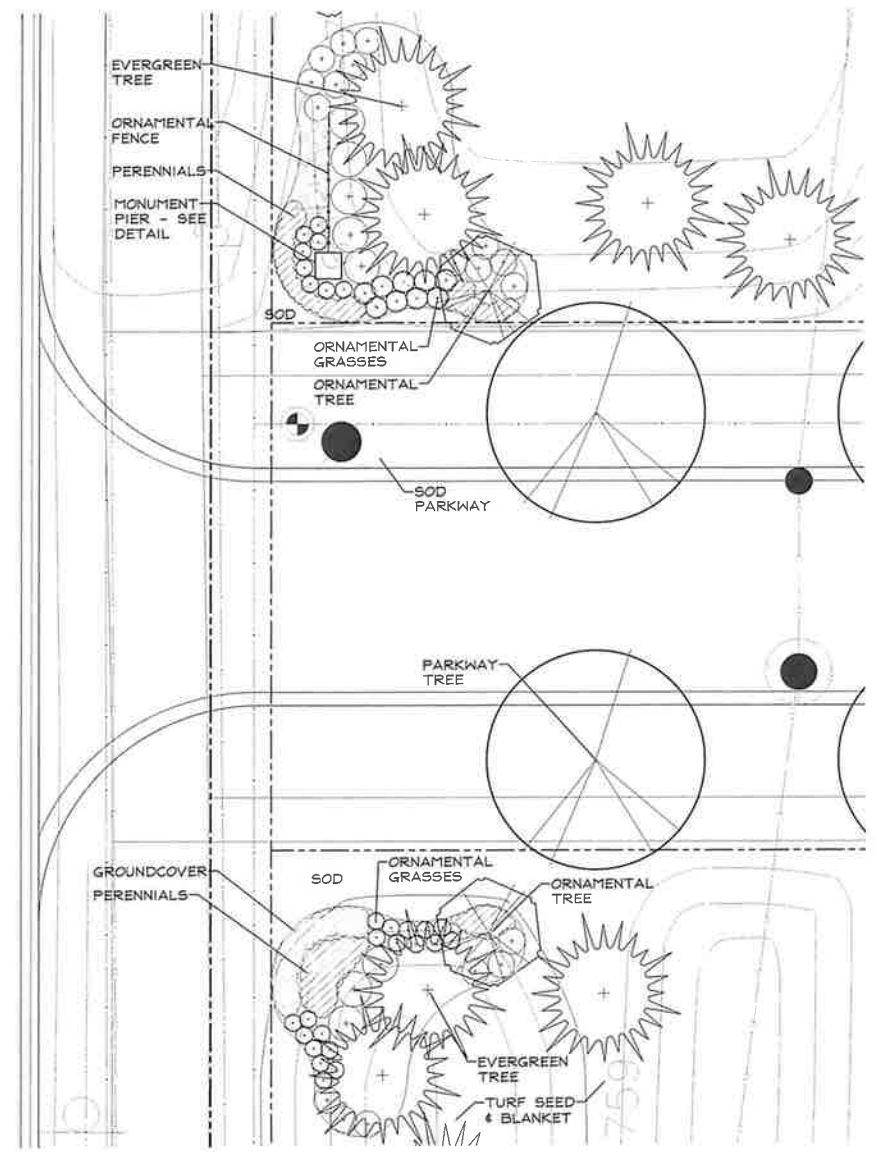
CIVIL ENGINEER
CEMCON, LTD.
2280 WHITE OAK CIRCLE, SUITE 109
AURORA, ILLINOIS 60502

VILLAS OF FAIR OAKS
CAROL STREAM, ILLINOIS
LANDSCAPE DETAILS

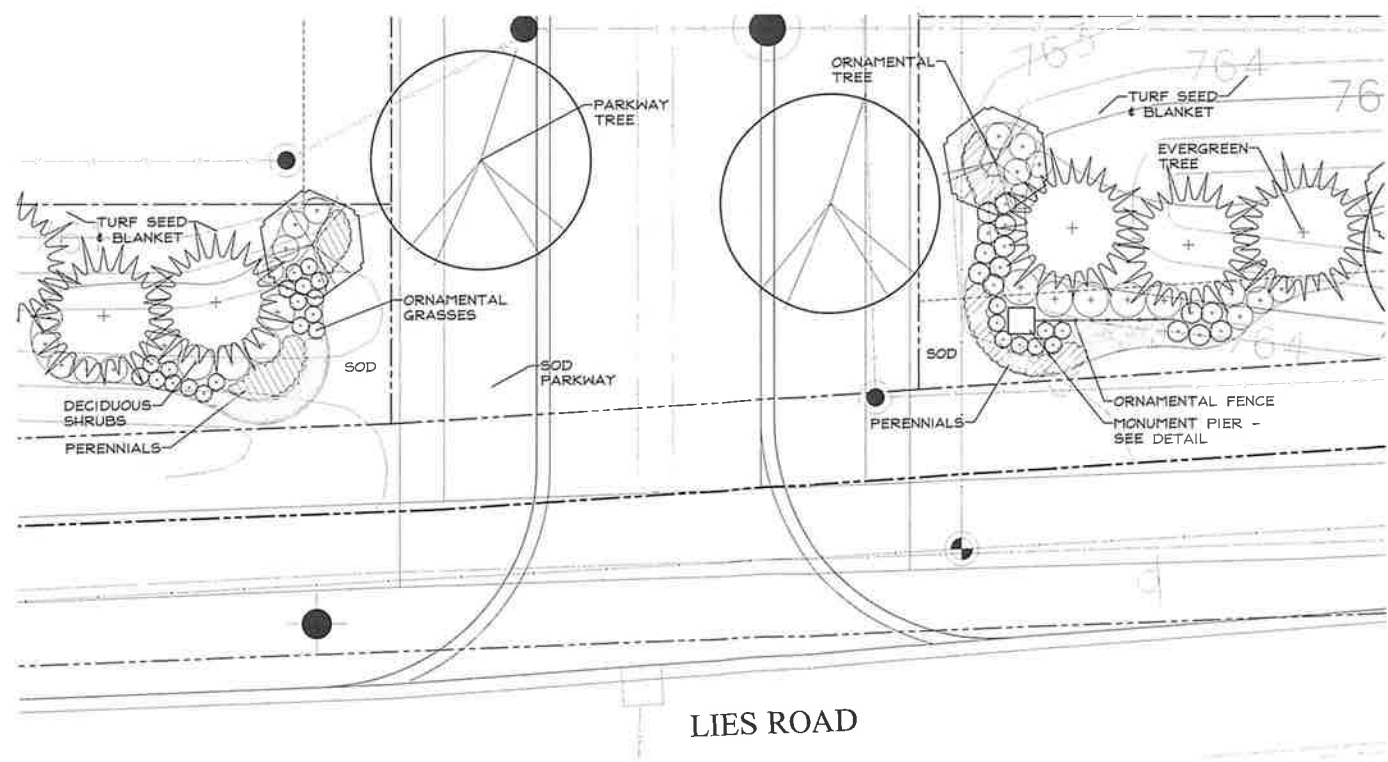
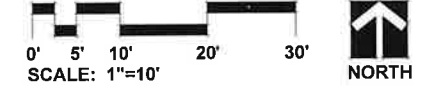


PIER DETAIL
NOT TO SCALE

FAIR OAKS ROAD



**WEST ENTRANCE
LANDSCAPE DETAIL**



**SOUTH ENTRANCE
LANDSCAPE DETAIL**



LIES ROAD

REVISIONS	DATE
4	10.17.2023
3	9.15.2023
2	8.04.2023
1	5.17.2023

DATE	2.03.2023
PROJECT NO.	BS2303
DRAWN	TRC
CHECKED	GFB
SHEET NO.	



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Villas of Fair Oaks Carol Stream, IL

Proposed Elevations

November 8, 2023

Exhibit E-1

Duplex Details

	Square Footage	Bedrooms	Garage
Base Provence	1,577 sf	2	2
Provence With Sunroom	1,698 sf	2	2
Provence with Sunroom and Loft	2,678 sf	2 - 3	2

Above Areas do not include:

2-car garage (377 sf)
Café Bay (19 sf)
Front Porch (97 sf)

Exhibit E-2

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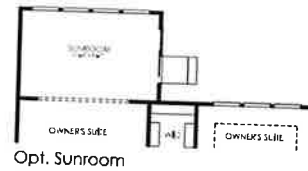
NOV 09 2023

COMMUNITY DEVELOPMENT
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Provence Duplex



First Floor



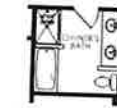
Opt. Sunroom



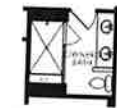
Opt. Cafe Bay Window



Opt. Fireplace



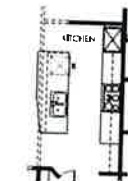
Opt. Owner's Bath - Level 3



Opt. Owner's Bath - Level 5



Stairs w/ Opt. Loft



Opt. Built-In Kitchen

First Floor Options

* For Village Impact Fee calculations, Bedrooms are indicated by ★

Exhibit E-3

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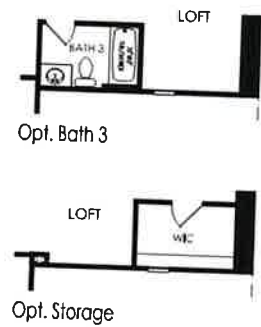
NOV 09 2023

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DEPT

Provence Duplex



Optional Loft



Loft Options

* For Village Impact Fee calculations, Bedrooms are indicated by ★

Exhibit E-4

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Provence Duplex

Exhibit E-5



Front Elevation A – Base Plan

Note: The Front Plane of One Garage Door shall be stepped/offset 2' in front of the plane of the other garage door. (Not Depicted Above)

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Provence Duplex

Exhibit E-6



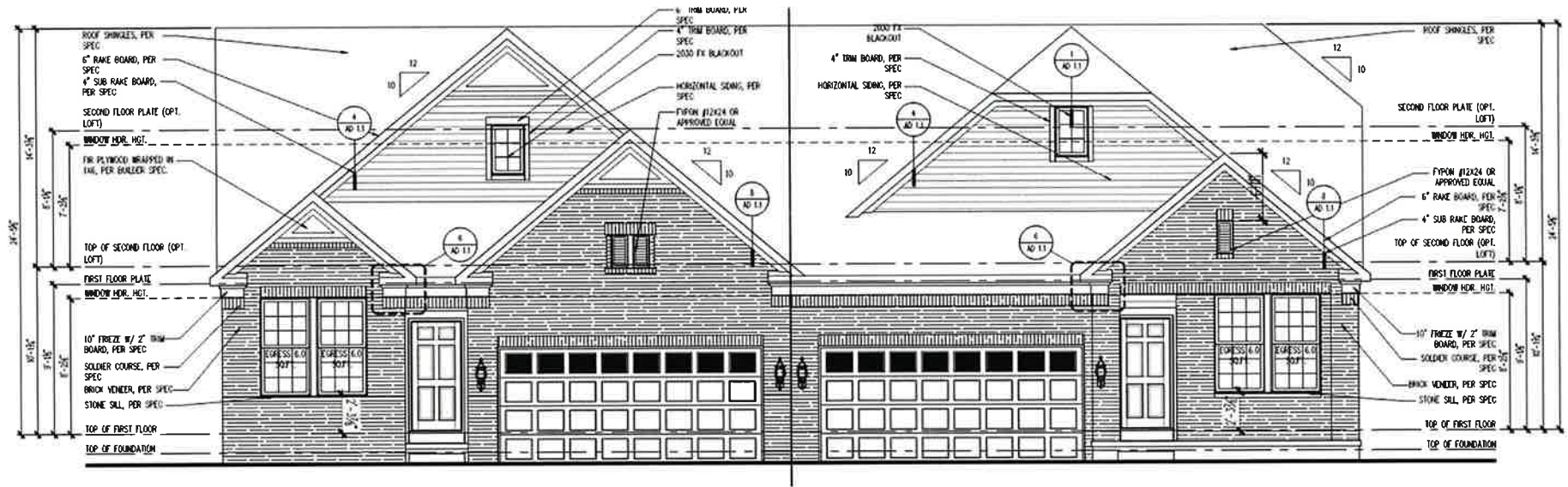
Front Elevation A- w/ Optional Loft

Note: The Front Plane of One Garage Door shall be stepped/offset 2' in front of the plane of the other garage door. (Not Depicted Above)

RECEIVED
NOV 09 2023
COMMUNITY DEVELOPMENT
DEPT

Provence Duplex

Exhibit E-7



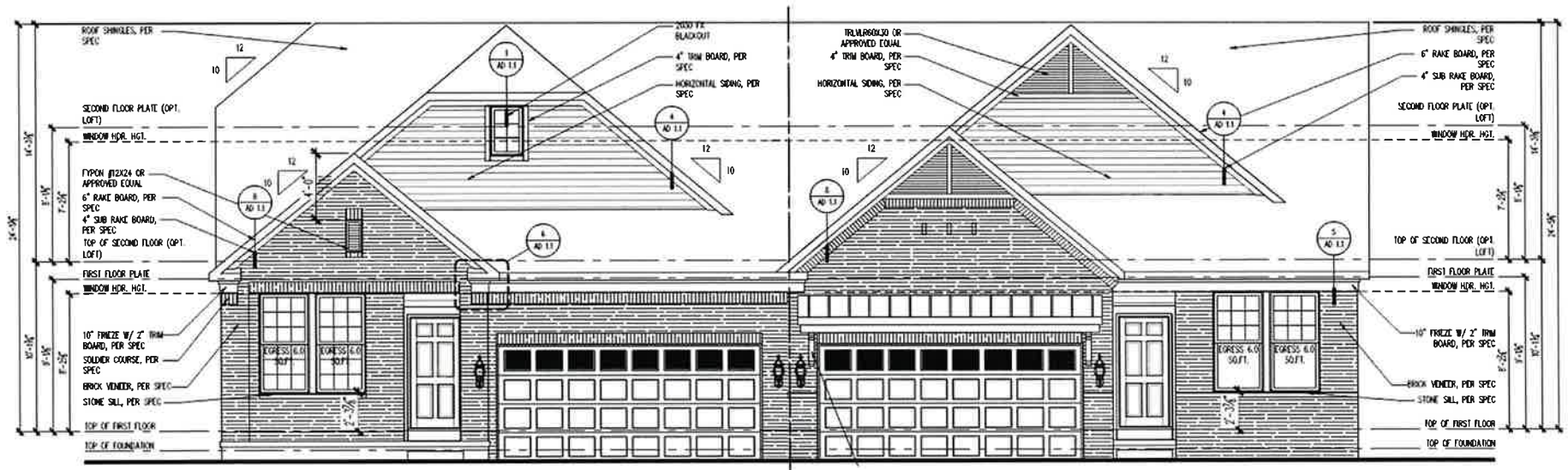
Front Elevation B – Base Plan

Note: The Front Plane of One Garage Door shall be stepped/offset 2' in front of the plane of the other garage door. (Not Depicted Above)

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COMMUNITY DEVELOPMENT
DEPT

Provence Duplex

Exhibit E-8



Front Elevation C – Base Plan

Note: The Front Plane of One Garage Door shall be stepped/offset 2' in front of the plane of the other garage door. (Not Depicted Above)

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Provence Duplex



Side Elevation – Base Plan w/ Optional Sunroom

Exhibit E-9

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Provence Duplex



Side Elevation – w/ Optional Café Bay

Exhibit E-10

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DEPT

Provence Duplex



Side Elevation – w/ Optional Café Bay and Optional Loft

Exhibit E-11

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Provence Duplex



w/ Optional Sunroom

Base Plan

Rear Elevation

Exhibit E-12

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COMMUNITY DEVELOPMENT
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Provence Duplex



w/ Optional Sunroom and Optional Loft

w/ Optional Loft

Rear Elevation

Exhibit E-13

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COMMUNITY DEVELOPMENT
DEPT



Color Package 119

VW-119-W-M

Shingle Roofing
CertainTeed
Architectural
Moire Black

Shingle Roofing
CertainTeed
3-Tab
Moire Black

Horizontal /
Board & Batten /
Shake Siding
Charcoal Smoke

Shutters
Black

Windows
White

Trim
Glacier White

Brick Veneer
Brick Craft
Wabash

Metal Roof
Mastic Metals
Terra Bronze

Entry Door
*Black of Night
SW 6993*

Garage Doors
CloPay
White

Gutters & Fascia
Glacier White

Color Package 126

VW-126-W-M

Shingle Roofing
CertainTeed
Architectural
Moire Black

Shingle Roofing
CertainTeed
3-Tab
Moire Black

Horizontal /
Board & Batten /
Shake Siding
Storm

Shutters
Black

Windows
White

Trim
Glacier White

Brick Veneer
Brick Craft
Signature Blend

Metal Roof
Mastic Metals
Terra Bronze

Entry Door
*Tricorn Black
SW 6258*

Garage Doors
CloPay
White

Gutters & Fascia
Glacier White

Exhibit E-14



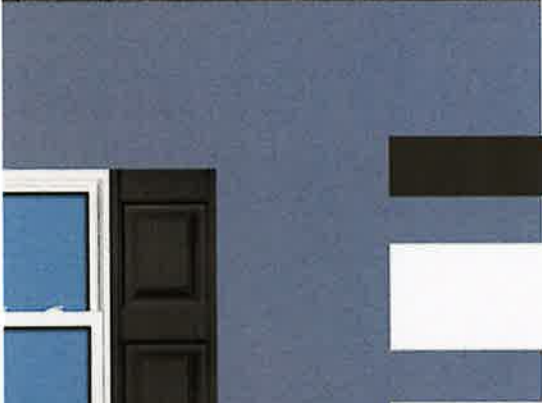





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NOV 09 2023
COMMUNITY DEVELOPMENT
DEPT

Exhibit E-15



Color Package 125

VW-125-W-M

Shingle Roofing CertainTeed Architectural <i>Weathered Wood</i>		
Shingle Roofing CertainTeed 3-Tab <i>Weathered Wood</i>		Metal Roof Mastic Metals <i>Terra Bronze</i>
Horizontal / Board & Batten / Shake Siding <i>Harbor Blue</i>		Entry Door <i>Seabkin</i> SW 7675
Shutters <i>Tuxedo Gray</i>		Garage Doors CloPay <i>White</i>
Windows <i>White</i>		Gutters & Fascia <i>Glacier White</i>
Trim <i>Glacier White</i>		Manufactured Stone Coronado Stone <i>Honey Ledge</i> <i>Palomino</i>
Brick Veneer Brick Craft <i>Country Road</i>		Stone Veneer Arriscraft <i>Citadel</i> <i>French Country</i>
		

Elevation and Color Package Assignments

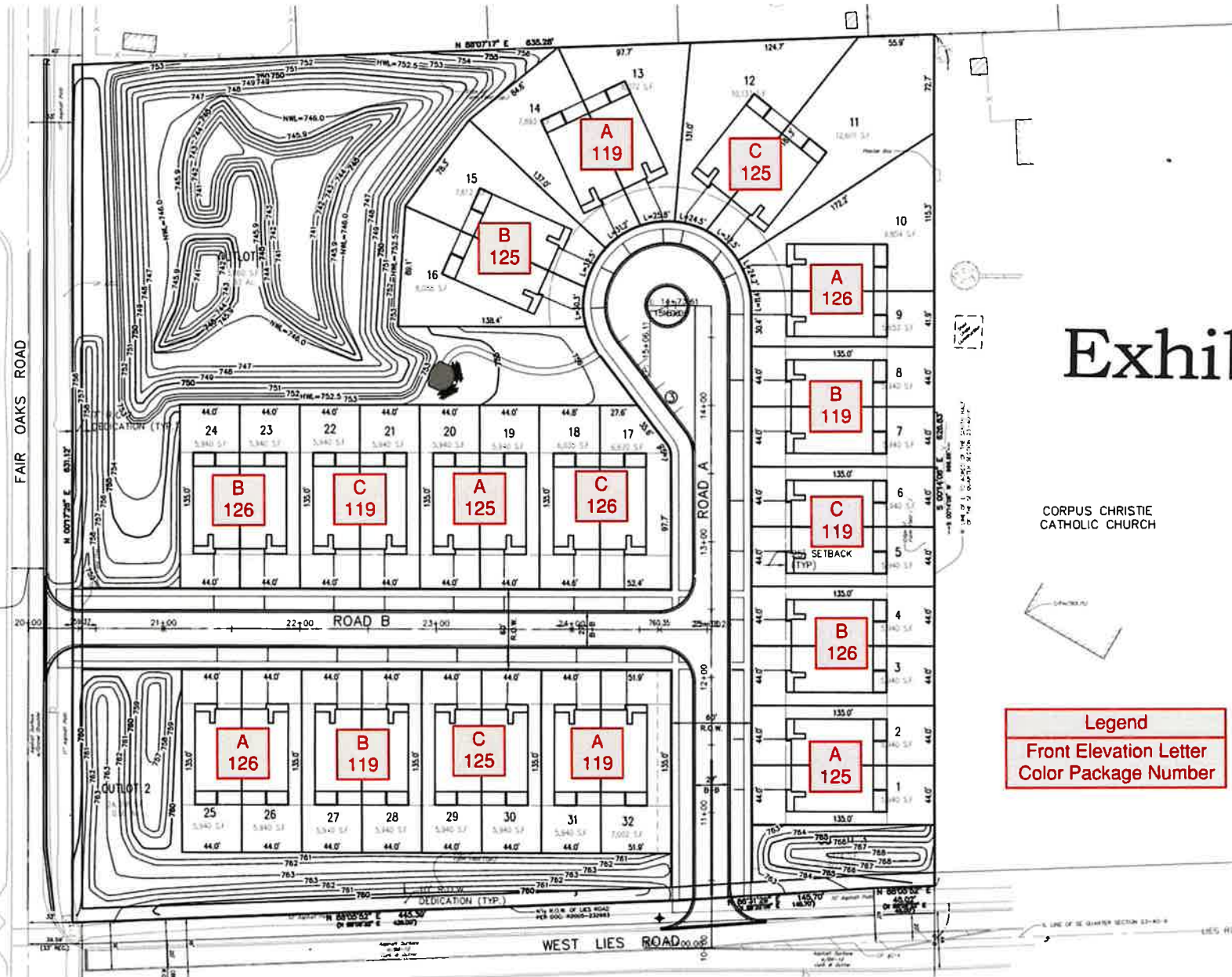


Exhibit E-16

Village of Carol Stream Plan Commission/Zoning Board of Appeals

STAFF REPORT
November 13, 2023

TO:
Chairperson and Plan Commissioners

FROM:
Community Development Department

CASE MANAGER:
Bravo Berisha, Assistant Planner

ACTION REQUESTED:
The applicant is requesting approval of the following:

- A Zoning Map Amendment, in accordance with Section 16-8-4 (N) of the UDO
- A Special Use Permit for Auto Repair and Service, in accordance with Section 16-3-11 (E) of the UDO
- A Special Use Permit for Outdoor Storage, in accordance with Section 16-3-11 (E) of the UDO
- A Variation to Reduce On-Site Parking, in accordance with Section 16-5-2 (C) of the UDO
- A Variation to allow a fence to be located in the front yard, in accordance with Section 16-5-8 (F)(2) of the UDO

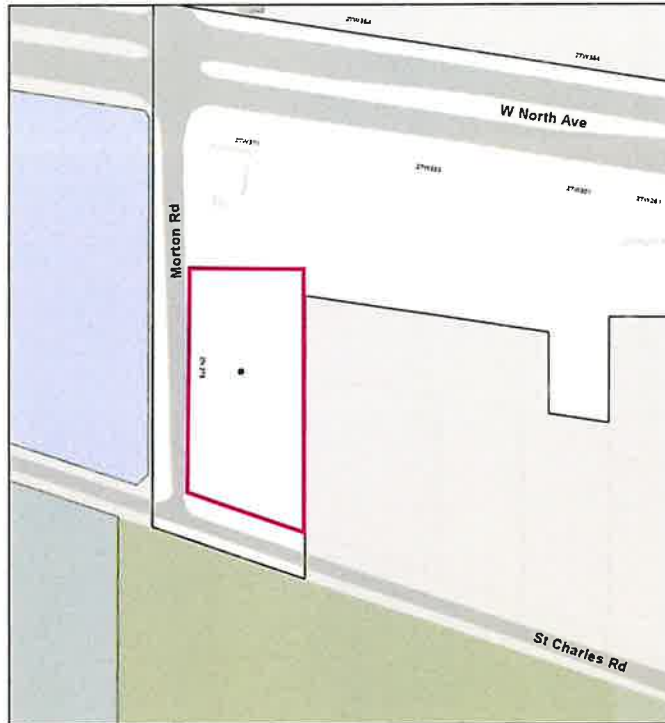
APPLICANT/ CONTACT:
Robert McNees
McNees & Associates, LLC
195 Hiawatha Drive
Carol Stream, IL 60188



CASE #: 23-0035

LOCATION: 2N275 Morton Rd

PROJECT NAME: CIE Properties, LLC



LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN DESIGNATION
Subject Property	B-3 General Business District	Vacant	Industrial
North	B-3 General Business District	Restaurant (North Ave Pub & Grill)	Corridor Commercial
South	Unincorporated DuPage County R-3 Residence District	Public Park (Glasshage! Fields Park)	Public Park
East	Unincorporated DuPage County O Office District	Industrial (Seven Hill Express Inc)	Industrial
West	Winfield St. Charles Road Corridor Planned Development District	Warehouse/Distribution facility (Amazon Distribution)	Corridor Planned Development District

The 2.26 acre property highlighted above is located at the northeast corner of St. Charles Road and Morton Road.

Site Assessment

COMPREHENSIVE PLAN DESIGNATION:

The subject property is designated for future industrial uses and based on the surrounding properties, this designation would be most appropriate. The proposed truck repair facility and outdoor storage would fit within the Industrial District.

AERIAL PHOTOGRAPH:



Project Summary

ATTACHMENTS:

Attached for review is the General Application, General Variation Application, Fence Variation Application, Special Use Application, Map Amendment Application, Cover Letter from McNees & Associates received August 21, 2023, Public Notice, Site Plan (Exhibit A), Existing Conditions and Demolition Plan (Exhibit B), Grading and Drainage Plan (Exhibit C), Auto Turn Details Plan (Exhibit D), Building Plan (Exhibit E), Landscape Plan (Exhibit F), and Elevations (Exhibit G1 – G4).

BACKGROUND:

Robert McNees, Attorney with McNees & Associates, on behalf of CIE Properties, also known as CIE Transport, requests approval of the following items associated with the development of a CIE Transport truck repair and storage facility at the northeast corner of St. Charles Road and Morton Road:

- A Zoning Map Amendment to rezone the property from B-3 to I Industrial District
- A Special Use Permit for Auto Repair and Service
- A Special Use Permit for Outdoor Storage
- A Variation to Reduce On-Site Parking
- A Variation to allow a fence to be located in the front yard

As stated in the submitted cover letter, McNees & Associates represents the company CIE Properties, also known as CIE Transport. CIE Transport is a trucking company with one location currently at 300 Park Blvd Suite 335, Itasca, IL. CIE Transport would like to relocate to Carol Stream. The subject property consists of a 2.26 acre parcel. In the northeast corner of the site, there will be a 7,350 square foot building, of which 4,470 square feet will be devoted to two truck repair bays. The rest of the building will consist of office space. On the property, there will be a parking lot with 47 parking stalls for trucks and eight parking stalls for employees, including one accessible stall.

Staff Analysis

ZONING MAP AMENDMENT

The applicant is seeking to rezone the property from the B-3 General Business District to the I Industrial District. Factors to be considered in determining the appropriate zoning classification for the property include the recommendation of the Comprehensive Plan's Future Land Use Map, the current and future use of the property, the zoning and use of properties in the surrounding area, and the Village's development objectives for the area.

With respect to the Comprehensive Plan Future Land Use Map, the Map recommends industrial uses for this parcel, and due to the fact that there are existing industrial uses on the east and

west side, staff believes this designation would be most appropriate. The Comprehensive Plan states that Industrial uses “constitute one quarter of the community’s total land,” and that “the Village should support its stable industrial sector, recognizing its enormous contribution to the local and regional economy in terms of generating revenue and creating jobs that pay at least middle-class wages.” The use of the property as a truck repair and storage facility fits within the Industrial designation and objectives of the Comprehensive Plan, and complements the area nicely.

As stated in the UDO, the I Industrial District is established “to provide for industrial and manufacturing uses which may be intensive in nature. This district is intended to accommodate uses that require extensive exterior movement of trucks, vehicles, goods, or other exterior operations.” As aforementioned, Industrial zoning for the subject property would be consistent and compatible with the surrounding properties, and would provide the most logical use for the subject property. Therefore, staff supports the subject property being rezoned to the I Industrial District.

SPECIAL USE PERMITS FOR AUTO REPAIR & SERVICE AND OUTDOOR STORAGE

As previously stated, special use permits for Auto Repair and Service and Outdoor Storage are being requested. According to the UDO, Auto Repair and Service is defined as, “A facility that conducts light automobile maintenance activities such as engine tune-ups, lubrication, and minor repairs and shall not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and body work, are conducted.”

- The site is proposed to be developed with a repair facility and truck parking lot. The building will be 7,350 square feet and will have two service bays. The rest of the development will be dedicated to truck and trailer parking. There will be 47 parking stalls for the trucks. Access to the lot will be provided on St. Charles Road and Morton Road.
- The parking lot will utilize pavers, to allow rainwater to percolate into the ground, and will be screened by eight foot tall privacy fencing on all sides.
- The repair facility will be open from 7 am to 6 pm, Monday through Saturday. There will be seven full-time employees. There will not be onsite security, however, there will be surveillance cameras for monitoring the site. The repair facility and parking lot will only be used by CIE trucks and trailers, and spaces will not be rented out and only trucks and trailers will be stored on the lot. The applicant anticipates that the lot will be less than 50% occupied at all times.
- The building will be constructed with smooth, pre-cast concrete and will have a white and blue color scheme. The two service bays will be on the west side and there will be channel letter signage on the west and south sides. All rooftop units will be screened by the roofline.
- There will be foundation landscaping on the west and south sides of the building. Additional landscaping will be installed on the north side of the property, adjacent to the North Avenue Pub & Grill and on the west and south sides of the property. Landscaping on the west and south sides will consist of shrubs and grasses. The Engineering Department has made the applicant aware that a watermain line will be installed along the west and south sides of the property sometime in the future. The applicant has agreed to replace all landscape material

that will be damaged or removed by the watermain project, and this will be a condition of approval.

- Staff had initial concerns about truck movements within the lot, however, the applicant has provided a truck turning plan, which staff has reviewed and can support.

Staff supports the Special Use requests, and believes the truck repair facility and outdoor storage are appropriate within the Industrial District and should not have negative impacts on surrounding properties. For consistency, staff also recommends that conditions of approval for the project include standard conditions that have been established for truck/trailer storage and/or repair businesses. These conditions include:

- Trucks shall not be allowed to back into the property from Morton Road or St. Charles Road
- All truck repairs will be conducted inside the facility only
- Trucks and trailers shall only park in designated parking spaces, and not block access nor be parked or stored in drive aisles or the automobile parking lot along Morton Road
- Sleeping in trailers or cabs shall not be allowed
- There shall be no truck washing taking place on the site
- Only trucks and trailers owned and operated by CIE Transport shall be allowed to be stored on the property, and the storage of recreational vehicles, materials, and other equipment shall not be allowed on the property

SPECIAL USE FINDINGS OF FACT

The Plan Commission's recommendation regarding the requested Special Use requests must be based on the evaluation criteria set forth in the UDO. As stated in §16-8-4 (L) of the UDO, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

1. Is deemed necessary for the public convenience at the location.

The development of the property with a modern truck repair facility and parking lot will be considered a public convenience at the subject location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed development is designed and will operate in a safe manner, and should not be 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.

The surrounding area has a mix of industrial, commercial, and park uses. While the proposed use will generate truck traffic, it will not be excessive, and the business should not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the area.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Surrounding properties are already developed. As such, there should be no impact on the normal and orderly development and improvement of surrounding properties.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities, access roads, drainage and other public improvements will be constructed with the proposed development.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The project is expected to conform to all applicable codes and requirements.

VARIATIONS – PARKING AND FENCING

The applicant is requesting variations from the following provisions in the UDO:

Parking Variation

Section 16-5-2 (C) of the UDO states that Office uses require one parking space for every 250 square feet of net floor area, and Repair and Service uses require one parking space for every 500 square feet of net floor area, along with one space per service bay. The submitted plans show net floor areas of 4,470 square feet for the repair and service space and 2,880 square feet for the office space. The repair and service area will require 11 parking spaces, and the office area will require 12 parking spaces, for a total of 23 required parking spaces, per the UDO. The plans indicate a total of eight parking spaces will be provided; therefore, a Variation to reduce onsite parking by allowing the truck parking spaces to serve as automobile spaces has been requested. It is not uncommon for truck storage lots to utilize parking in this manner. Staff has reviewed the request and due to the fact that there is a surplus of truck parking spaces and only seven full-time employees, staff supports this Variation.

Business	Area of Use*	Code Requirement	Spaces Required
CIE Transport Building (7,350 sq ft GFA)			
2,880 sq ft of net office space	Office Space	1 space per 250 sq ft of NFA	12 spaces
4470 sq ft of net repair and service space	Repair and Service Space	1 space per 500 sq ft of NFA + 2 service bays	11 spaces
Parking Spaces Required:			23 spaces
Parking Spaces Provided:			8 spaces
Parking Spaces for Trucks:			47 spaces

Fencing Variation

The applicant proposes to install an eight-foot tall privacy fence along the west side of the property, along Morton Road, and the south side of the property, along St. Charles Road. The west side and the southwest corner are considered the front yard of the property. Section 16-5-8 (F)(2) of the UDO states that fences are not allowed to be located in the front yard of a property. The proposed privacy fence requires approval of a Variation. Staff can support the Variation request, and agrees that it is necessary because it will screen the truck parking lot. Staff also agrees that the fence should be a privacy fence and should be eight feet in height.

VARIATION FINDINGS OF FACT

With regard to any variation, the Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon the evidence presented to it in the following case, as per Section 16-8-4 (K) of the Carol Stream Unified Development Ordinance:

1. The requested variations arise from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action.

The property is oriented in a way that necessitates the use of a privacy fence along the front yard for screening purposes. Also, an increase in automobile parking spaces is not required due to the surplus of truck parking spaces that can be used for automobile parking when trucks are not on the property.

2. The variations to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property.

The essential character of the surrounding neighborhood is highly varied, with commercial, industrial, and park uses in the immediate vicinity. The proposed development will have a greatly improved design when compared to the current vacant use of the property. In addition, the proposed privacy fencing along the property will provide additional screening and security measures for the development.

3. The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.

Privacy fencing is necessary along the front of the property and the required number of automobile parking spaces is not necessary due to the surplus of truck parking spaces.

4. The variations are the minimum action necessary to alleviate the hardship and observes the spirit of this UDO.

The requested variations are necessary to create a functional site for CIE Transport, and the proposed privacy fencing located along the front yard of the property will not have negative impacts on surrounding properties or impact visibility of motorists and will observe the spirit of the UDO.

5. The variations desired will not adversely affect the public health, safety, or general welfare or impair the purposes or intent of this UDO or the comprehensive plan.

It is not believed that the requested variations will have an adverse effect on public health, safety, or general welfare, and meets the intent of the UDO and Village Comprehensive Plan by bringing a high quality and attractively designed development into the community.

RECOMMENDATION

Staff has reviewed the proposed requests, and is supportive of the project. Therefore, Staff recommends approval of the following items: Zoning Map Amendment to rezone the property to the I Industrial District, Special Use Permit for Auto Repair and Service, Special Use Permit for Outdoor Storage, Variation to Reduce On-Site Parking, and a Variation to allow a fence to be located in the front yard, for CIE Transport at 2N275 Morton Road, Case No. 23-0035, subject to the following conditions:

1. That all improvements, including but not limited to the parking lot, fencing and landscaping, must be built, installed, and maintained in accordance with the attached plans and exhibits;
2. That the landscape materials must be installed as shown on the attached landscape plan, and that all materials shall 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 materials damaged or destroyed by the Village's future watermain project along Morton Road and St. Charles Road will be replaced by the property owner;
4. That trucks backing into the site from St. Charles Road and Morton Road will be strictly prohibited;
5. That trucks and trailers shall only park in designated parking spaces, and not block access nor be parked or stored in drive aisles or the automobile parking spaces;
6. That sleeping in trucks, outdoor maintenance and servicing of trucks, and outdoor washing of trucks and trailers will be strictly prohibited;
7. That parking spaces will not be leased or rented out to third-party logistics companies or private truck drivers;
8. That any other outdoor storage, other than trucks and trailers, will be strictly prohibited;
9. That if any ground-mounted or roof mounted mechanical and utility equipment is installed, said equipment shall be screened per requirements of the UDO;
10. That the applicant acknowledges that revisions to the plans may be necessary as determined during final engineering review, which may result in additional design and construction costs; and
11. That the site and business must be maintained and operated in accordance with all State, County and Village codes and regulations.

T:\Planning New\Planning\Plan Commission\Staff Reports\2023 Staff Reports\23-0053 CIE Properties, LLC SUP VAR REZ 2N275 Morton R.docx



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AUG 21 2023

COMMUNITY DEVELOPMENT
DEPT

Do Not Write in This Space

Date Submitted: 8-21-23
Fee Submitted: \$1,640.00
File Number: 23-0035
Meeting Date: _____
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 C.I.E. Properties, LLC Phone 630-422-3141
 Address 904 S. Roselle Rd., Schaumburg, IL 60193 Fax _____
 E-Mail Address louie@cietransport.net
 (required)
 Name of Attorney Robert A. McNees Phone 630-665-8811
 (if represented)
 Address 195 Hiawatha Dr., Carol Stream, IL 60188 Fax 630-665-5260
 Name of Owner Ilirjan Seidini Phone 224-535-1889
 (required if other than applicant)
 Address 300 Park Blvd., Itasca, IL 60143 Fax _____
 Name of Architect Gino Romozzi Phone 847-707-2453
 (if applicable)
 Address 117 S. Cook St., Ste 275, Barrington, IL 60010 Fax _____
2. *Common Address/Location of Property 2N275 Morton Road, Carol Stream, IL 60188
3. Requested Action: (check all that apply)
- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input type="checkbox"/> Planned Development – Preliminary | <input checked="" type="checkbox"/> 2 Special Use Permit (requires Form C) |
| <input type="checkbox"/> Shared Parking Facility | <input checked="" type="checkbox"/> X Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Text Amendment (requires Form D2) |
| | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action rezoning from B-3 to I-Industrial; special use permit for truck repair facility
and open storage of truck tractors and truck trailers

4. Fee Schedule: (Check all that apply)

Total Application Fee: \$ 1,640.00

	Annexation approvals:	
	New development	\$2,000
	Other	\$800
	Annexation Agreement Amendment	\$800
	Appearance fee for approvals required by the UDO but not listed herein	\$500
	Courtesy Review	\$240
	Development Staff Review	\$640
	Easement Encroachment	\$300
	Gary/North Avenue Corridor Review:	
	New or replacement monument sign	\$500
	One discipline (site design, architecture or landscaping)	\$500
	Two disciplines	\$1,000
	Three disciplines	\$1,500
	New development	\$1,500
	Outdoor Dining Permit	\$120
	Planned Development:	
	Existing Planned Development, minor change	\$500
	Existing Planned Development, major change	\$1,000
	New Planned Development	\$1,500
X	Rezoning (Zoning Map Amendment)	\$640
	Shared Parking Facility Permit	\$500
	Site Plan Review	\$640
	Special Use:	
X	First	\$800
X	Each additional	\$200
	Special Use Amendment	\$800
	Staff Adjustment	\$240
	Subdivision:	
	Major	\$700
	Minor	\$400
	Temporary Building, Structure or Use	\$120
	Temporary Waiver to the Code of Ordinances	\$120
	Text Amendment:	
	Building Codes	\$240
	Unified Development Ordinance	\$640
	Variation:	
	First	\$640
	Each additional	\$200
	Zoning verification letter	\$80

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 notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed 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 that 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. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

Ilirjan Sejdini, Manager

Print Name



Signature

Aug 18, 2023

Date



Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188
630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org ▪ website: www.carolstream.org

GENERAL VARIATIONS

Please see Section 16-8-4(K) of the Unified Development Ordinance (UDO) to learn more about Variations.

In accordance with the applicable statutes of the State of Illinois, no variation shall be made by the Village Board except after a Public Hearing is held before the Zoning Board of Appeals.

Both the Zoning Board of Appeals and Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Unified Development Ordinance (UDO) and if there is a practical difficulty of hardship in carrying out the strict letter of the regulations of the UDO.

The Zoning Board of Appeals shall make findings based upon evidence presented on the following conditions: (Please respond to each of these standards in writing below as it relates to your request.)

1. The requested Variation arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional actions.

The proposed use for this property is to serve as CIE Transport's relocated headquarters and to provide CIE with repair facility for CIE vehicles only. The maximum number of individuals that will be occupying the building, including both office personnel and truck repair personnel, is seven (7). The number of truck parking spaces exceed both the number of trucks and trailers in the Illinois area that CIE currently own and operate, as well foreseeable future additional ones. If additional vehicle parking is needed from time to time for building personnel, CIE personnel can use a couple of the truck parking spaces. Truck drivers will park their personal vehicles in the truck parking spaces when they pick up a truck to use for work.

2. That the Variation to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property.

The mix of truck parking spaces and building personnel parking spaces won't have any impact on the character of the neighborhood or adjacent property. The parking variation will not impair the use or development of adjacent property.

3. That the conditions of a Variation will constitute of an unnecessary physical hardship (not economic hardship), in which the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards.

The number of personnel occupying the small building is reasonably not expected to change.
There will be fluctuations in the truck/trailer parking needs, which is why applicant is devoting the majority of the parking area to truck/trailer parking.

4. The Variation is the minimum action necessary to alleviate the hardship and observes the spirit of this UDO

The requested parking variation is tailored to the needs of CIE's business, as opposed to the UDO formulas applicable to a broad spectrum of approved uses in the zoning district. CIE's parking variation request reasonably tailors the design of the parking spaces to the size of the building, the use of the building and the occupancy load of the building. It observes the spirit of the UDO with respect to CIE's proposed use.

5. The Variation desired will not adversely affect the public health, safety, or general welfare or impair the purposes or intent of this UDO or the Comprehensive Plan.

The parking variation won't affect the public health, safety, or general welfare.
The parking variation doesn't impair the purposes or intent of the UDO, or the comprehensive plan.

6. Other pertinent information or reason for the request.
-
-
-
-



FORM B-3

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

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e-mail: communitydevelopment@carolstream.org • website: www.carolstream.org

FENCE VARIATION

Please see Section 16-8-4(K) of the Unified Development Ordinance (UDO) to learn more about Fence Variations.

In accordance with the applicable statutes of the State of Illinois, no variation shall be made by the Village Board except after a Public Hearing is held before the Zoning Board of Appeals.

Both the Zoning Board of Appeals and Village Board must decide if the requested variation is in harmony with the general purpose and intent of the UDO and if there is a practical difficulty of hardship in carrying out the strict letter of the regulations of the UDO.

The Zoning Board of Appeals may vary the provisions of the Fence Code after making findings based upon the evidence presented with regards to the following conditions: (Please respond to each of the following as it relates to your request.)

- 1. An exceptional situation related to topography, surroundings or conditions of a specific piece of property, or by reason of exceptional narrowness or shallowness.

Although Village Code does not contemplate fencing in the front yard, the orientation of the subject property, the length of frontage along Morton Rd., and the proposed use of the vast majority of the property for parking of trucks & trailers, create the need to install fencing between the truck parking lot and Morton Rd., hence the requested fence variation.

- 2. Difficulties or particular hardship in the way of carrying out the strict letter of the Fence Standards.

Security purposes and visual screening purposes warrant the requested fence variation.

- 3. The fence will not impair an adequate supply of light and air to adjacent property.

The proposed fencing along Morton Rd. will not impair the supply of light and air to adjacent property.

4. The fence will not endanger the public safety.

The proposed fencing along Morton Rd. will not endanger public safety.

5. The fence will not unreasonably diminish or impair established property values within the surrounding area.

The proposed fencing along Morton Rd. will not diminish or impair established property values within the surrounding area.

6. The fence will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the village.

The proposed fencing along Morton Rd. will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Village.

7. Other pertinent information or reason for the request.



FORM C

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AUG 21 2023

COMMUNITY DEVELOPMENT DEPT

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

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e-mail: communitydevelopment@carolstream.org • website: www.carolstream.org

SPECIAL USE APPLICATION

Uses designated under the various zoning districts herein as special uses are so classified because they may have site-specific impacts that require the discretionary review of the Plan Commission and Village Board. Each special use request must be reviewed based on its unique character, with consideration being given to the proposals impact upon neighboring properties. (Please address each of the following standards as it relates to your request.)

No special use shall be recommended by the Plan Commission nor approved by the Village Board, unless the special use:

1. Is deemed necessary for public convenience at the location.

The proposed truck repair facility will provide a very convenient location for the repair of trucks near a high-volume divided highway, greatly used by trucks and tractor trailers. Outdoor storage of trucks and trailers is a necessary ancillary use to the repair facility.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The facility will be conducted in compliance with all applicable regulations. The back truck parking area will be well screened by fencing and landscaping in accordance with municipal requirements.

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.

The facility will fit in well with the properties in the immediate vicinity, particularly to the east along St. Charles Road. Truck repair facilities are permitted uses in both B-3 and I zones. The use won't impact the value of neighboring properties.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

As proposed, the facility will not impede the development of surrounding properties.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities, access roads, and necessary community facilities are already in place. Drainage concerns will be addressed through the use of paver bricks in the parking lot to comply with applicable storm water regulations.

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 Village Board.

The proposal conforms to applicable regulations of I zoning, except as may be modified by the Village Board.

7. Other pertinent information or reason for request.
-
-



FORM D-1

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188
630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org ▪ website: www.carolstream.org

MAP AMENDMENT

Please see Section 16-8-4(N) of the Unified Development Ordinance (UDO) to learn more about Map Amendments.

In accordance with the applicable statutes of the State of Illinois, an amendment shall be granted or denied by the Village Board only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the Village Board.

The decision to amend the Official Zoning Map is a matter of legislative discretion that is not controlled by any single review criterion. In making recommendations and decisions on Map Amendments, the Plan Commission and Village Board must consider all relevant factors, including at minimum the following criteria: (Please respond to each of these standards in writing below as it relates to your request.)

1. The existing uses and zoning of nearby property.

North: North Avenue Pub & Grill, 27W3371 North Ave., Carol Stream, zoned B-3;
West: Amazon warehouse facility, Winfield;
South: Glasshagel Fields Park, Winfield Park District Facility
East: light industrial uses with outdoor storage of trucks, trailers and equipment in unincorporated DuPage County

2. The extent to which property values are diminished by the current zoning classification.

This property has minimal exposure to traffic and is not appropriate for B-3 zoning. It's property value is diminished because it is not zoned for its highest and best use - industrial, based on neighboring uses.

3. The extent to which the diminishment of property value of the applicant promotes the health, safety, morals or general welfare of the public.

The proposed use serves a significant public need - truck and trailer repair and storage. The location for the use is just off North Ave., a major truck thoroughfare and distant from residential neighborhoods. It takes non-productive vacant land and puts it to sound use.

4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner.

There is no foreseeable future demand for this vacant land being developed as zoned, commercial. There is too little visibility. The public gains by putting this vacant land to a productive use - a truck repair facility, close to a major thoroughfare, North Ave.

5. The suitability of the subject property for the zoned purposes.

The vacant property will be developed in accordance with applicable regulations and is topographically well suited to a small truck repair facility with outdoor storage for trucks and trailers.

6. The length of time the property has been vacant as zoned considered in the context of land development in the area.

This property has always been vacant land. Development of neighboring properties is light industrial, not commercial uses, especially as this property does not front North Ave.

7. Community need for the use proposed by the applicant.

Products upon which the community relies require delivery trucks and trailers. The trucks and trailers require repair facilities, which are sorely needed to see that trucks and trailers are repaired promptly.

8. Other pertinent information or reason for the request.

Carol Stream's Comprehensive Plan calls for this property to be zoned industrial.

August 21, 2023

By Hand Delivery

RECEIVED

AUG 21 2023

COMMUNITY DEVELOPMENT
DEPT

Robert A. McNees
Attorneys at Law
195 Hiawatha Drive
Carol Stream, IL 60188

Phone (630) 665-8811
Fax (630) 665-5260

Village of Carol Stream
The Mayor, Board of Trustees & Plan Commission
500 N. Gary Ave.
Carol Stream, IL 60188

Re: Proposed Rezoning of 2N 275 Morton Rd., Carol Stream, Illinois.

Dear Sirs and Madams:

Please be advised that I represent Applicant, C.I.E. Properties, LLC, owner of the vacant lot located at 2 N 275 Morton Rd., Carol Stream, Illinois.

The subject property consists of 2.269 acres. A topographical survey of the subject property is attached.

Applicant proposes to construct a one story, 23 foot tall, 7,350 square foot truck repair facility with offices on the subject property, as depicted on the attached site plan on the northernmost portion of the property, for use by its affiliate, CIE Transport, Inc. 4,470 sq ft would be devoted to 2 truck repair bays. 2,880 sq ft would be used for CIE offices. The offices would be in the northernmost part of the building, closest to the rear parking lot of the North Ave. Pub & Grill property. The building floor plan is attached. Elevations showing the exterior of the building are attached.

Access would be by one driveway west onto Morton Rd. directly to the west of the building, and one driveway south to St. Charles Road. Along the west side of the northerly part of the building, the office portion of the building, there would be 5 passenger parking spaces, including one handicapped space. 3 additional passenger parking spaces will be located just to the south of the Morton Rd. entrance. Looped striping will be used for the passenger vehicle spaces, but not for parking for truck tractors or trailers. In the rear of the property there would be 47 truck/trailer parking spaces. The site planning depicting the improvements are attached.

The parking lot would utilize pavers, to allow rainwater to percolate through to the ground, so that there would not need to be a stormwater detention facility on site.

The back truck parking area would be screened to the south and west by 6'-8' tall cedar wood fencing or chain link with vertical inserts, together with appropriate landscaping, in accordance with Village ordinances. A revised landscaping plan has been attached. Lighting shall be in accordance with Village ordinance requirements. A photometric site plan is attached.

No monument sign is proposed. Signage would be on the building façade only.

All repairs would be conducted inside the building. No repairs will be conducted outside. No truck washing would take place outside in the parking lot. Truck washing would take place elsewhere.

One of the challenges the trucking industry faces is how to quickly service and repair trucks and trailers to get them back on the road. The trucks are very expensive and financing costs continue to run, during the time trucks are down for repairs. There aren't enough truck repair facilities in the area to meet the demand. Furthermore, providing spaces to park trucks and trailers during down time is increasingly difficult. Applicant's current location in Itasca doesn't serve his current needs, much less future growth. Applicant intends to use this facility to consolidate these functions into one location.

Approximately 7 full time employees would work at this facility. Truck tractor and trailer repairs and maintenance would only be for CIE Transport vehicles and equipment, not third parties. When truck drivers are driving CIE equipment, they would leave their passenger vehicles in the truck parking lot. Currently CIE has 50 drivers and 51 trailers and 42 trucks. Not all of the drivers, trucks & trailers are in state.

Applicant anticipates that the rear lot will be less than 50% occupied. Additional spaces for tractors and containers are needed for a variety of reasons. It takes 1-2 weeks after a new truck is delivered for the following steps: securing registrations from the Illinois Secretary of State, installing equipment for CIE Transport to monitor the trucks' usage, and securing a new driver for the truck. If a trucker leaves CIE Transport's employment, there will be a lag time to obtain a new driver. Sometimes the repair facility has to order parts and the parts are delayed in getting to the repair facility.

Along North Avenue, both to the east and to the west, recent development trends feature logistics warehouses, and industrial uses, which rely on trucks and tractor trailers to move products. A significant advantage to the subject property as a truck repair facility is that it is located in close proximity to North Ave., a significant trucking route with access to the interstate highway system.

To the south of the subject property across St. Charles Rd., is Glasshagel Fields Park, a Winfield Park District facility. To the west, in Winfield, is an Amazon warehouse facility. To the east, along the north side of St. Charles Rd. are light industrial uses with outdoor storage of trucks and trailers in unincorporated DuPage County. To the north is North Avenue Pub & Grill, 27W 371 North Ave., zoned B-3 in Carol Stream.

This property is currently zoned B-3. The Comprehensive Plan calls for industrial uses on the property.

Applicant requests that the property be rezoned to I-Industrial zoning with such variances and special use permits as are necessary to construct the proposed truck repair facility. Please note that a truck repair facility would also be allowed under B-3 zoning, but due to the amount of requested outdoor storage for trucks & trailers, it is applicant's understanding that the Village requires industrial zoning. A special use permit is required for truck repairs and for outdoor storage of trucks. It is Applicant's understanding that variances are not needed for the omission of landscape islands in the truck parking lot and for not looping parking spaces in the truck parking lot.

Enclosed please find Form A, General Application, signed by owner, Form D-1 seeking a map amendment (rezoning from Business B-3 to Industrial-I) and Form C seeking a special use permit for truck repairs and outdoor storage of trucks.

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DEPT

Attorneys at Law

Also enclosed please find a copy of the most recent recorded deed to the subject property, reflecting that Applicant is the owner of the property. Kevin Cox, of Forefront Properties, 15450 Summit Ave., Suite 150, Oak Brook Terrace, Illinois 60181 (773-844-2499; kc@forefrontproperties.com) has been owner's developer interfacing with staff on this project.

Finally, enclosed please find payment of fees applicable to the above applications:

\$ 640.00	Rezoning / Map Amendment
\$ 800.00	Special Use Permit (truck repair facility)
<u>\$ 200.00</u>	Special Use Permit (open storage of truck tractors & truck trailers)
\$1,640.00	


Upon the Village accepting the filing of this application, I will file a Land Use Opinion Report Application with the Kane-DuPage Soil and Water Conservation District.

Applicant would greatly appreciate the Village's prompt review and approval of Applicant's requests.

If you require anything further, or if questions arise regarding this application package, please do not hesitate to call.

Very Truly Yours,

MCNEES & ASSOCIATES, LLC

By: 
Robert A. McNees

RAM/ram

Enc.


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 October 25, 2023 and the last publication of the notice was made in the newspaper dated and published on October 25, 2023. 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 October 25, 2023.

Examiner Publications, Inc.

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

Subscribed and sworn to before me this 25 day of October, A.D. 2023.

Notary Public



LEGAL NOTICE

PUBLIC NOTICE

FILE #23-0035

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, November 13, 2023 at 6:00 p.m. to consider an application from CIE Properties, LLC for the following actions:

A Zoning Map Amendment to rezone the property from B-3 General Business District to I Industrial District, in accordance with Section 16-8-4 (N) of the Carol Stream Unified Development Ordinance;

A Special Use Permit for Auto Repair, in accordance with Section 16-3-11 (E) of the Carol Stream Unified Development Ordinance;

Special Use Permit for Outdoor Storage, in accordance with Section 16-3-11 (E) of the Carol Stream Unified Development Ordinance;

A Variation to Reduce On-Site Parking, in accordance with Section 16-5-2 (C) of the Carol Stream Unified Development Ordinance; and

A Variation to install a fence in the front yard, in accordance with Section 16-5-8 (F)(2) of the Village of Carol Stream Unified Development Ordinance

For the property located at 2N275 Morton Road (PIN 01-36-400-027).

The hearing will be held in-person and via a web conference meeting. The web conference will allow the

public to view the meeting online or listen to the meeting.

Join from a PC, Mac, iPad, iPhone or Android device by using the following URL:

<https://us02web.zoom.us/join?pwd=U02GKS6OS0nxys1RJTm9A>

Or join by phone: Dial (for higher quality, dial a number based on your current location):

+1 312 626 6799 or +1 301 715 8592 or +1 646 558 8656

Webinar ID: 822 0733 9907

International numbers available:

<https://zoom.us/j/adsnXEZQfK>

Those members of the public wishing to be heard with respect to this matter must attend in-person, or complete the public comment form at <http://carolstre.am/pc> by 4:00 p.m. the day of the public hearing. The public may also provide written comments prior to the public hearing by submitting them to Bravo Berisha, Assistant Planner, 500 N. Gary Ave., Carol Stream, IL 60188, or may provide email comments by sending them to bberisha@carolstream.org. Comments must be provided by 4:00 p.m. the day of the public hearing. The application is available for public inspection on the Village's website at www.carolstream.org and under the "Development Projects" button. 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, are requested to contact the ADA Coordinator at 630-671-6250.

As published in *The Examiner* October 25, 2023. 1025

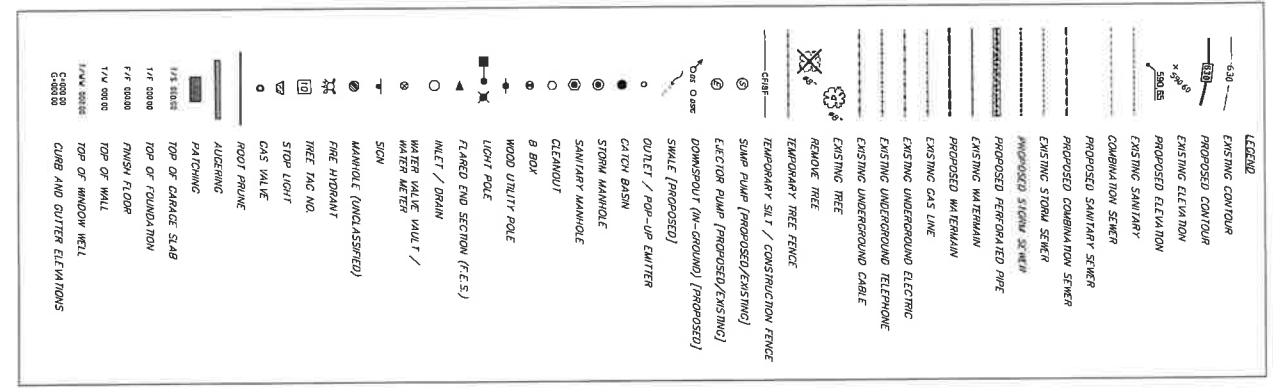
LOCATION OF UNDERGROUND UTILITIES WHERE NOT SUBSTANTIATED BY PHYSICAL EVIDENCE ARE TAKEN FROM RECORDS NORMALLY CONSIDERED RELIABLE. NO RESPONSIBILITY FOR THEIR ACCURACY IS ASSUMED BY THE SURVEYOR.

FOR LOCATION OF BURIED CABLE CALL J.U.L.I.E. @ 1-800-892-0123 BEFORE DIGGING

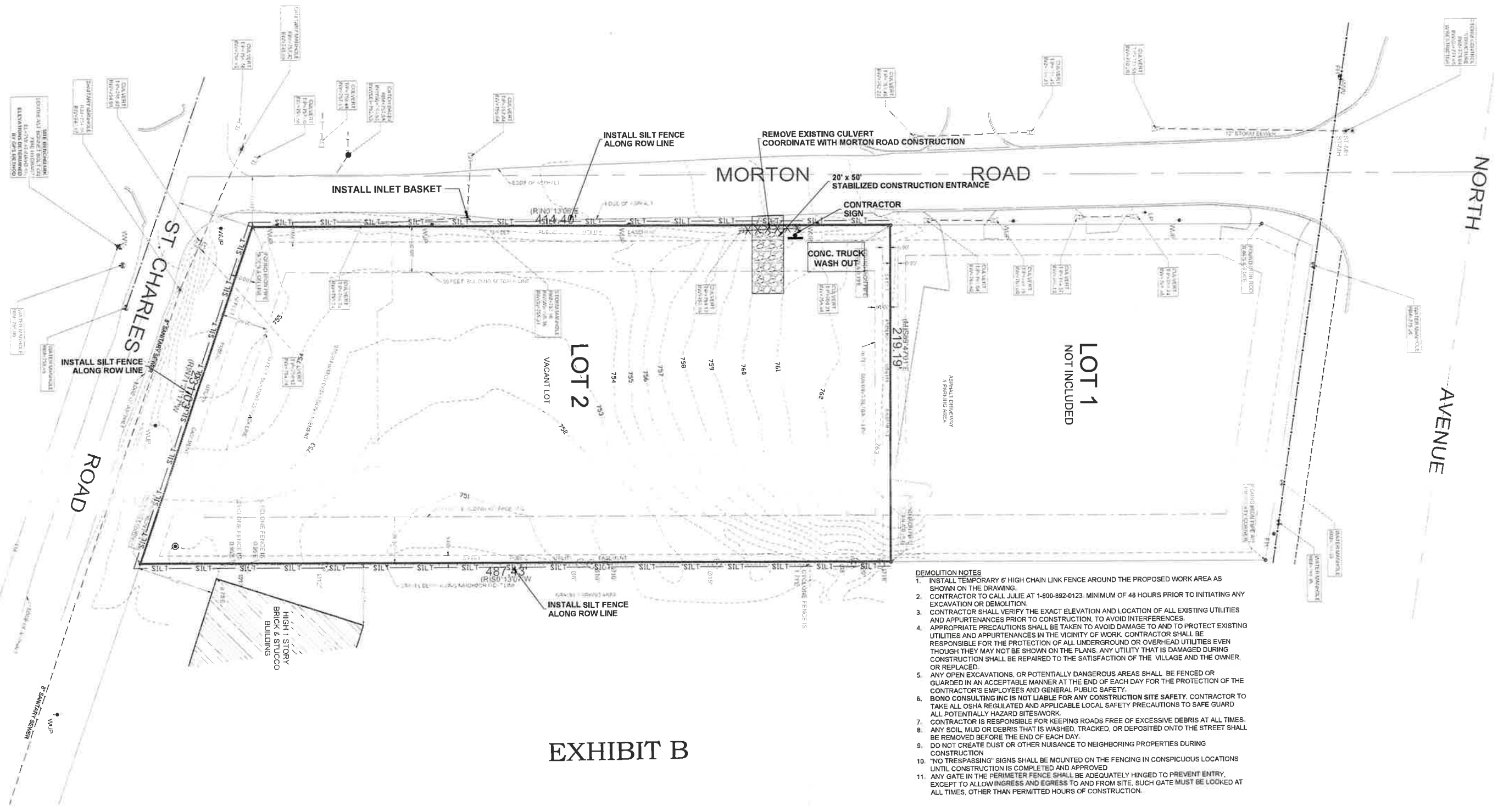
LOCATIONS OF EXISTING UTILITY SERVICES ARE BASED ON VISUAL OBSERVATIONS. CONTRACTOR MUST CONFIRM LOCATION AND CONDITION OF ALL UTILITY SERVICES TO REMAIN.

SOIL EROSION AND SEDIMENTATION CONTROL NOTES:

1. Install row silt fence prior to any earth disturbing activities.
2. Contractor to install construction entrance.
3. Contractor to install inlet filters in existing and proposed structures.
4. Contractor to remove any mud tracked onto existing pavement every night.
5. A concrete washout should be provided on-site. Concrete cannot be washed out into the public right-of-way or storm sewer system.



SURVEY BY:
UNITED SURVEY SERVICE, LLC
 CONSTRUCTION AND LAND SURVEYORS
 7710 CENTRAL AVENUE, RIVER FOREST, IL 60305
 TEL.: (847) 299-1010 FAX: (847) 299-5887
 E-MAIL: USURVEY@USANDCS.COM



- DEMOLITION NOTES**
1. INSTALL TEMPORARY 6' HIGH CHAIN LINK FENCE AROUND THE PROPOSED WORK AREA AS SHOWN ON THE DRAWING.
 2. CONTRACTOR TO CALL J.U.L.I.E. AT 1-800-892-0123. MINIMUM OF 48 HOURS PRIOR TO INITIATING ANY EXCAVATION OR DEMOLITION.
 3. CONTRACTOR SHALL VERIFY THE EXACT ELEVATION AND LOCATION OF ALL EXISTING UTILITIES AND APPURTENANCES PRIOR TO CONSTRUCTION, TO AVOID INTERFERENCES.
 4. APPROPRIATE PRECAUTIONS SHALL BE TAKEN TO AVOID DAMAGE TO AND TO PROTECT EXISTING UTILITIES AND APPURTENANCES IN THE VICINITY OF WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UNDERGROUND OR OVERHEAD UTILITIES EVEN THOUGH THEY MAY NOT BE SHOWN ON THE PLANS. ANY UTILITY THAT IS DAMAGED DURING CONSTRUCTION SHALL BE REPAIRED TO THE SATISFACTION OF THE VILLAGE AND THE OWNER, OR REPLACED.
 5. ANY OPEN EXCAVATIONS, OR POTENTIALLY DANGEROUS AREAS SHALL BE FENCED OR GUARDED IN AN ACCEPTABLE MANNER AT THE END OF EACH DAY FOR THE PROTECTION OF THE CONTRACTOR'S EMPLOYEES AND GENERAL PUBLIC SAFETY.
 6. BONO CONSULTING INC IS NOT LIABLE FOR ANY CONSTRUCTION SITE SAFETY. CONTRACTOR TO TAKE ALL OSHA REGULATED AND APPLICABLE LOCAL SAFETY PRECAUTIONS TO SAFE GUARD ALL POTENTIALLY HAZARDOUS SITES/WORK.
 7. CONTRACTOR IS RESPONSIBLE FOR KEEPING ROADS FREE OF EXCESSIVE DEBRIS AT ALL TIMES.
 8. ANY SOIL, MUD OR DEBRIS THAT IS WASHED, TRACKED, OR DEPOSITED ONTO THE STREET SHALL BE REMOVED BEFORE THE END OF EACH DAY.
 9. DO NOT CREATE DUST OR OTHER NUISANCE TO NEIGHBORING PROPERTIES DURING CONSTRUCTION.
 10. "NO TRESPASSING" SIGNS SHALL BE MOUNTED ON THE FENCING IN CONSPICUOUS LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND APPROVED.
 11. ANY GATE IN THE PERIMETER FENCE SHALL BE ADEQUATELY HINGED TO PREVENT ENTRY, EXCEPT TO ALLOW INGRESS AND EGRESS TO AND FROM SITE. SUCH GATE MUST BE LOCKED AT ALL TIMES, OTHER THAN PERMITTED HOURS OF CONSTRUCTION.

EXHIBIT B

DATE	REVISIONS	ISSUE	PROJECT STAFF
09/15/2022	1. PER LAND SURVEYORS	1. PER LAND SURVEYORS	PROJECT MANAGER: [Name]
09/15/2022	2. PER LAND SURVEYORS	2. PER LAND SURVEYORS	PROJECT ENGINEER: [Name]
09/15/2022	3. PER LAND SURVEYORS	3. PER LAND SURVEYORS	PROJECT ENGINEER: [Name]
09/15/2022	4. PER LAND SURVEYORS	4. PER LAND SURVEYORS	PROJECT ENGINEER: [Name]
09/15/2022	5. PER LAND SURVEYORS	5. PER LAND SURVEYORS	PROJECT ENGINEER: [Name]

BCI
 BONO CONSULTING
 CIVIL ENGINEERS
 A BONO & PALMER ENGINEERS COMPANY
 180 BOND STREET, SUITE 305
 MAPLEVIEW, IL 60343
 TEL: (847) 299-1010
 FAX: (847) 299-5887
 WWW.BONOCONSULTING.COM

EXISTING TOPOGRAPHY, DEMOLITION AND EROSION CONTROL PLAN
 PROPOSED TRUCK FACILITY
 2N275 MORTON RD., CAROL STREAM, IL, 60185

PROJECT NO.:	22314
BASE FILE:	
SHEET FILE:	
ISSUE DATE:	SEP 15, 2022
SCALE:	1"=30'
SHEET NUMBER	C-1

EARTHWORK AND GRADING

- All earthwork shall be done in accordance with the state of Illinois, "Standard Specifications for Road and Bridge Construction," latest edition and "Supplemental Specifications and Recurring Special Provisions," latest edition. Included in this work, but not necessarily limited to the following are: cleaning, stripping and stockpiling of topsoil, mass grading and fine grading of the site and roadways, excavation of unsuitable materials and excavation of detention ponds, landscape mound construction, and miscellaneous topsoil spread and seeding.
- Any earthwork summaries provided by the engineer are intended to be used as a guide for the contractor in determining the scope of the completed project. It is the responsibility of the contractor to determine all material quantities and appraise themselves of all site conditions. The contract price submitted by the contractor shall be considered as lump sum for the complete project. No claims for extra work will be recognized unless ordered in writing by the owner.
- The initial establishment of erosion control procedures shall be installed by the contractor prior to the start of mass grading.
- All grading operations are to be supervised and inspected by the owner's engineer or their representative. All testing, inspection, and supervision of soil quality, unsuitable soil removal and its replacement, and other soils related operations shall be entirely the responsibility of the soils engineer. No undercut shall be performed or claims for extra work without authorization by the owner and documentation by the soils engineer.
- Clearing shall consist of the removal and disposal of all obstructions such as trees, hedges, fences, walls, accumulations of rubbish of whatever nature, and all logs, shrubs, brush, grass, weeds, and other vegetation and stumps. These items shall be performed whenever they occur within the street right of ways, and within the limits of construction. Trees to be saved shall be identified by the Engineer on the

- construction plans. All trees, except those designated to be saved, and all stumps shall be cut and legally disposed of. Trees, stumps, and hedges within the limits of construction shall be removed completely. Trees designated to be saved as indicated on the plans, or as directed by the engineer, shall be protected in accordance with the procedures outlined in Article 201.05 of the "Standard Specifications for Road and Bridge Construction."
- Strip topsoil down to firm subbase, stockpile quantity necessary for landscaping, and remove other materials from the site.
- Excavation shall consist of the excavation, removal, and satisfactory disposal or placement and compaction of all materials taken from within the site for the construction of embankments, subgrade, subbase, shoulders, intersections, ditches, waterways, entrances, approaches and incidental work, and the removal and satisfactory disposal of unstable and unsuitable materials and their replacement with satisfactory materials where required.
- After stripping and excavating to the proposed subgrade level, as required the building and parking areas should be proof-rolled with a loaded, tandem-axle dump truck or similar rubber tired vehicle, loaded with at least 9 tons per axle. Proof-rolling aids in providing a firm base for compaction of fills, and help to delineate soft, loose, or disturbed areas that may exist below subgrade level. Proof-rolling is especially important to help evaluate the surficial stability of existing fill soils that may be left in place below floor slabs and pavements. Soils which are observed to rut or deflect excessively (more than 1 inch) under the moving load should either be scarified and re-compacted with a smooth drum vibratory roller for granular soils, a sheeps foot roller for cohesive soils, or undercut and replaced with properly compacted and documented structural fill. The proof-rolling and undercutting activities should be observed and documented by a representative of the geotechnical engineer and should be performed during a period of dry weather. In addition to proof-rolling, the subgrade soils should be scarified and compacted to at least 90 percent of the Modified

- Proctor maximum dry density ASTM D 698 for a depth of at least 8 inches below the surface.
- Where encountered loose sands should be re-compacted with a vibratory roller. Clay subgrade soils can be easily disturbed by construction activities and are sensitive to moisture. Therefore, extra care should be used to avoid disturbing these soils during construction activities. If the soils become unstable during construction, or if near surface soft subgrade soils are encountered, it is recommended that coarse aggregate be placed on the subgrade until a stable base for compaction of fill is achieved. Typically, 12 to 24 inches of coarse aggregate are required depending on the consistency of the subgrade. The coarse aggregate should consist of clean, crushed stone gravel between 1/4 and 3/8 inches in size. The coarse aggregate should be spread in a max. of 12-inch layers and consolidated with compaction equipment until it is "locked" in place.
- Topsoil excavation shall consist of the removal and stockpiling, or placing on fill slopes or placing in mounds, of the uppermost layers of organic soil. Topsoil shall be stockpiled on the areas as shown on the plans or as directed by the engineer.
- Topsoil respread shall consist of placing a minimum of a four (4) inch layer of topsoil over the unpaved areas within the construction limits.
- 6" topsoil & sod shall be placed on all disturbed areas within the right of way.
- Refer to the landscape plans for additional information on ground cover & planting requirements.
- Embankment shall be placed in accordance with Section 205 of the "Standard Specifications for Road and Bridge Construction." All embankments located within structural fill areas shall be constructed to a minimum 95% of the modified proctor density (ASTM D1557). Embankments located in non-structural fill areas shall be constructed to a minimum of 90% of the modified proctor density (ASTM D1557).
- Completed grading (finished fine grade) for all proposed improvements shall be within a tolerance of plus or minus one-tenth (0.1) feet of design subgrade elevations.

- The subgrade for the proposed streets and pavement areas shall be proof-rolled by the contractor in the presence of the Village engineer and soils engineer. Any unstable areas encountered shall be removed and replaced as directed by the Village engineer and soils engineer. Any unstable areas shall be documented by the soils engineer.
- It shall be the responsibility of the contractor to remove from the site any and all materials and debris which results from their construction operations at no additional expense to the owner.
- When in the opinion of the soils engineer, unsuitable soil conditions are encountered within utility trenches which require the removal of unsuitable materials below the depth of the bedding specified, the contractor shall obtain approval by the owner and the owner's engineer prior to removing the unsuitable soils and replace the material with granular compacted bedding material as directed by the soils engineer and the Village. The depth of the removal and replacement shall be documented by the owner's engineer and witnessed by the contractor.

This work, when approved by the owner and owner's engineer, will be measured and paid for at the contract unit price per cubic yard in place for unsuitable soil which price shall include the removal and off-site disposal of unsuitable soil, the additional bedding material, and all labor, materials and equipment required to perform the work as specified.

The contractor shall be responsible for hiring and scheduling a qualified testing firm for all soil testing. This shall be included in the cost of work.

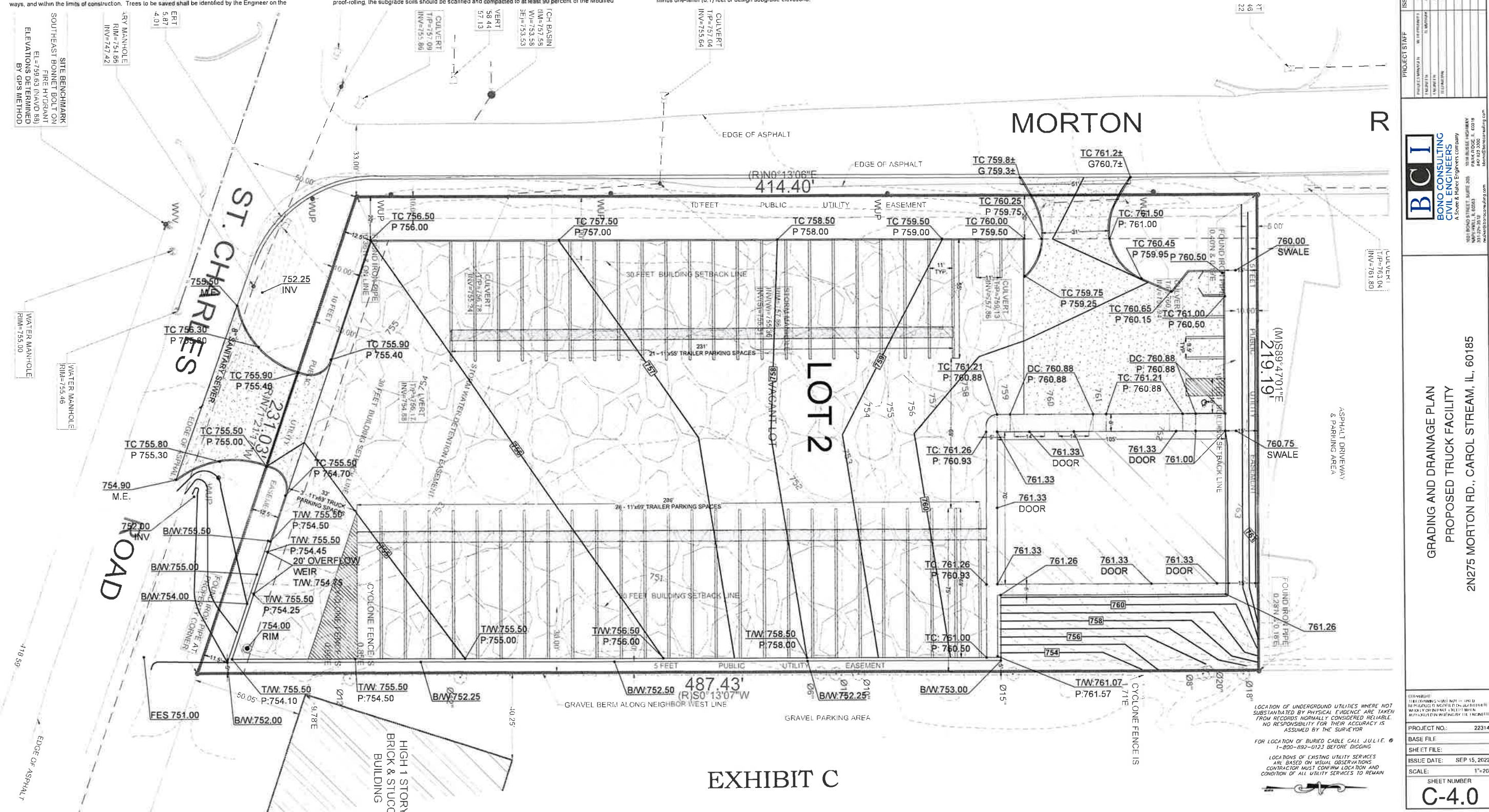


EXHIBIT C

LOCATION OF UNDERGROUND UTILITIES WHERE NOT SUBSTANTIATED BY PHYSICAL EVIDENCE ARE TAKEN FROM RECORDS NORMALLY CONSIDERED RELIABLE. NO RESPONSIBILITY FOR THEIR ACCURACY IS ASSUMED BY THE SURVEYOR.

FOR LOCATION OF BURIED CABLE CALL JULIE @ 1-800-892-0123 BEFORE DIGGING.

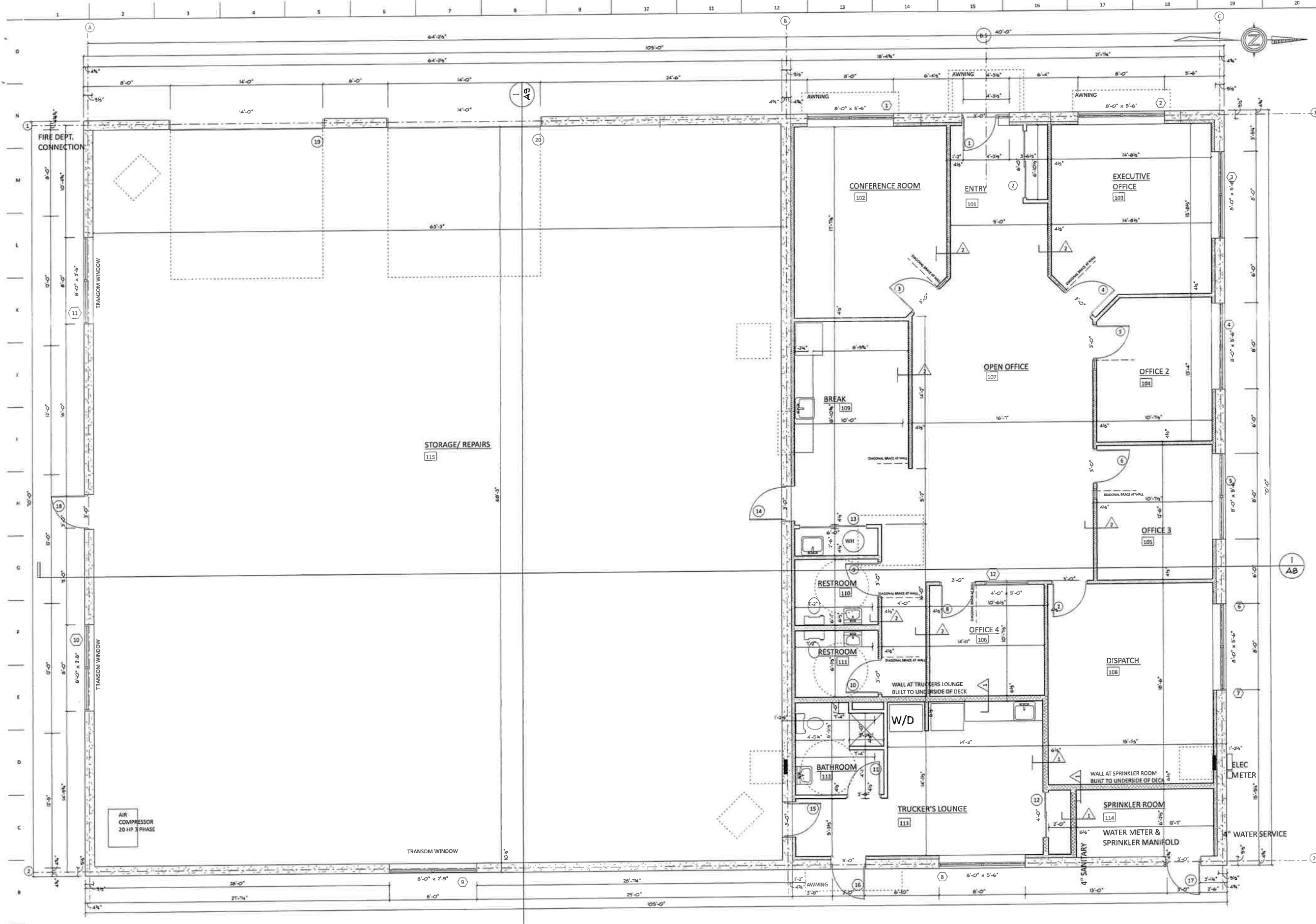
LOCATIONS OF EXISTING UTILITY SERVICES ARE BASED ON VISUAL OBSERVATIONS. CONTRACTOR MUST CONFIRM LOCATION AND CONDITION OF ALL UTILITY SERVICES TO REMAIN.

DATE	REVISIONS	PROJECT STAFF	ISSUE
SEP 15, 2022	1	DESIGNED BY: J. L. ...	1
SEP 15, 2022	2	CHECKED BY: ...	2
SEP 15, 2022	3	APPROVED BY: ...	3
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SEP 15, 2022	100	DATE PLOTTED: ...	100



GRADING AND DRAINAGE PLAN
PROPOSED TRUCK FACILITY
 2N275 MORTON RD., CAROL STREAM, IL, 60185

PROJECT NO:	22314
BASE FILE:	
SHEET FILE:	
ISSUE DATE:	SEP 15, 2022
SCALE:	1"=20'
SHEET NUMBER:	C-4.0



BUILDING PLAN SCALE: 1/4" = 1'-0"

EXHIBIT E

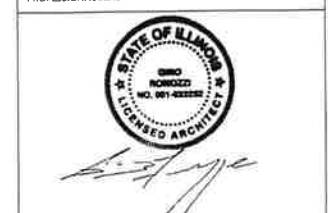
GR GINO ROMOZZI - ARCHITECT

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 ROMOZZI@GMAIL.COM

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ISSUED DATE	ISSUED FOR
05.30.23	REVIEW
09.22.23	REVIEW

MM.DD.YYYY REVISION #

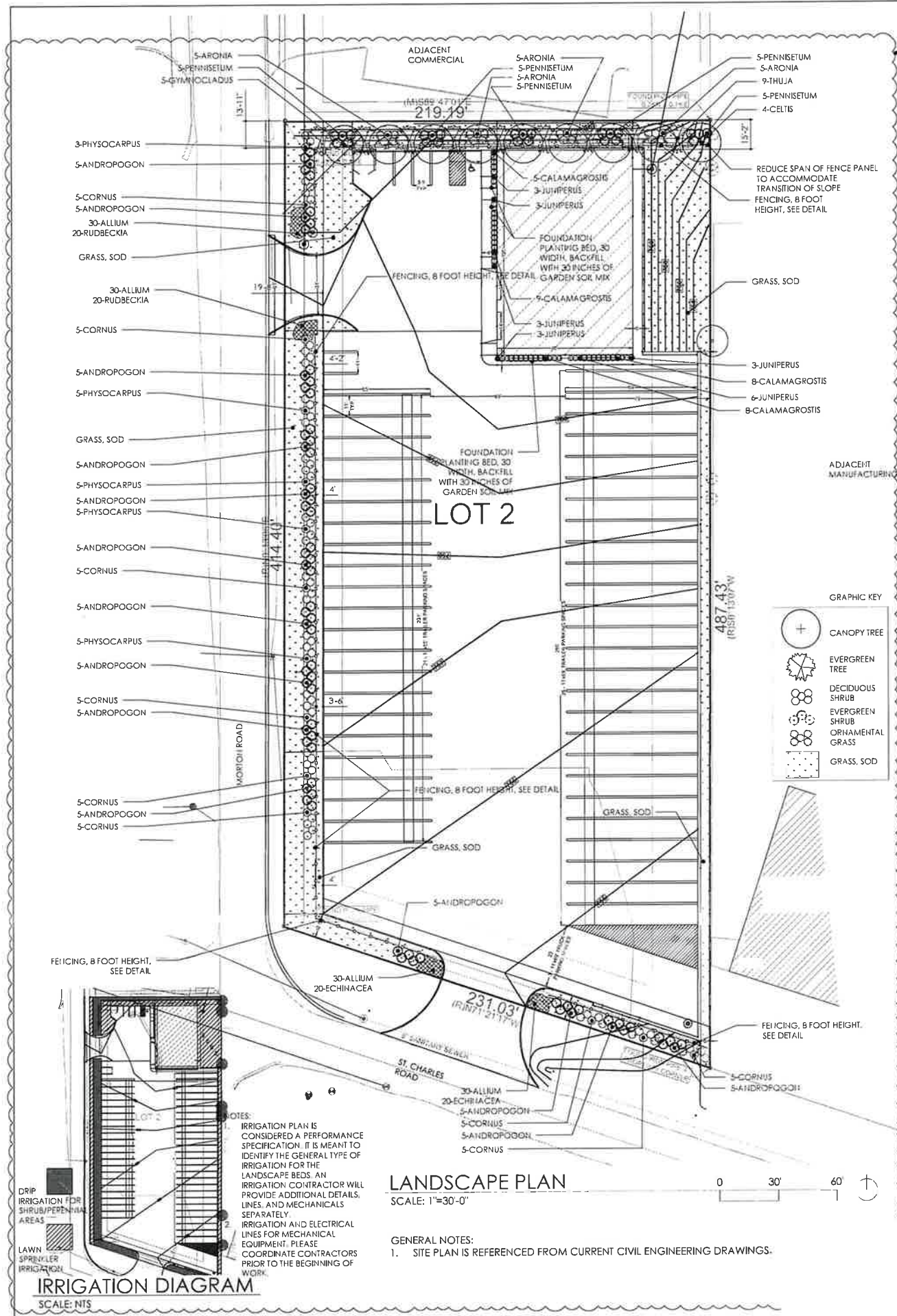


PROJECT
 CIE TRANSPORT
 2N275 MORTON ROAD
 CAROL STREAM, IL
 60185

S25	Project No.
	Drawn By
	Checked By
	Discipline
	Drawing No.

A4

Drawing Name
BUILDING PLAN



LANDSCAPE PLAN

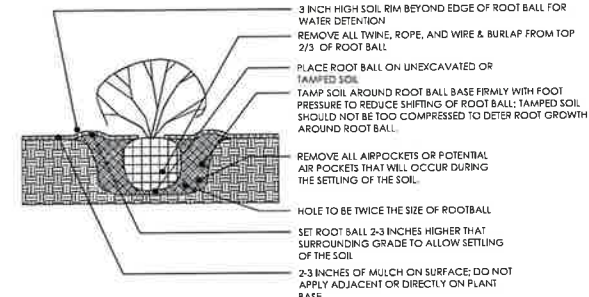
SCALE: 1"=30'-0"

GENERAL NOTES:
 1. SITE PLAN IS REFERENCED FROM CURRENT CIVIL ENGINEERING DRAWINGS.

EXHIBIT F

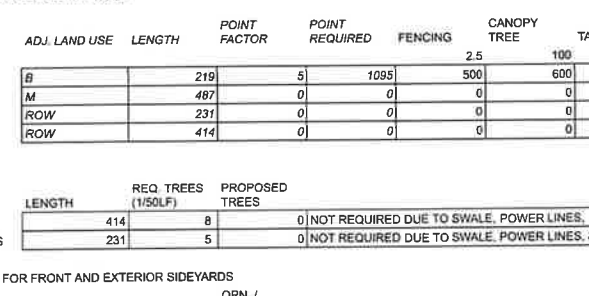
EVERGREEN TREE DETAIL

SCALE: 1/4"=1'-0"



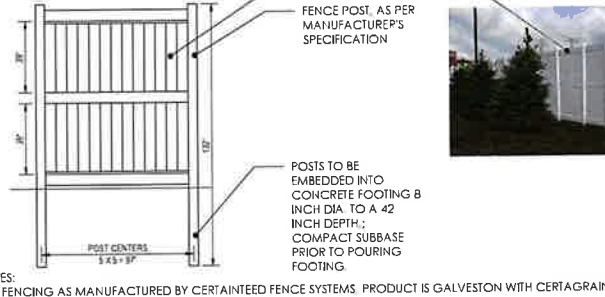
SHRUB DETAIL

SCALE: 1/4"=1'-0"



DECIDUOUS TREE DETAIL

SCALE: 1/4"=1'-0"



VINYL FENCE DETAIL, 8 FOOT HT.

SCALE: NOT TO SCALE



LANDSCAPE YARD CALCULATIONS

LOCATION	ADJ. LAND USE	LENGTH	POINT FACTOR	POINT REQUIRED	FENCING	CANOPY TREE	TALL SHRUBS	PROPOSED TOTAL POINTS
NORTH	B	219	5	1095	500	600	0	1100
EAST	M	487	0	0	0	0	0	0
SOUTH	ROW	231	0	0	0	0	0	0
WEST	ROW	414	0	0	0	0	0	0

LOCATION	LENGTH	REQ. TREES (1/50LF)	PROPOSED TREES
MORTON	414	8	0 NOT REQUIRED DUE TO SWALE, POWER LINES, & FUTURE CONSTRUCTION
ST. CHARLES	231	5	0 NOT REQUIRED DUE TO SWALE, POWER LINES, & FUTURE CONSTRUCTION

LOCATION	LENGTH	REQ. TREES (1/100LF)	ORN / EVERGREEN TREE (1/100LF)	SHRUBS (10/25FL)
MORTON	330.5	3	0	132 TREES NOT REQUIRED DUE TO SWALE, POWER LINES, & FUTURE CONSTRUCTION
ST. CHARLES	231	2	0	92 TREES NOT REQUIRED DUE TO SWALE, POWER LINES, & FUTURE CONSTRUCTION

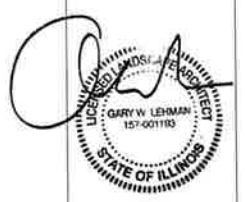
LOCATION	LENGTH	REQ. TREES	REQ. SHRUBS
NORTH	219	18	44 TYPE C
EAST	487	5	0 NOT REQUIRED. DUE TO SPATIAL CONSTRAINTS

PARKING AREA MEETING REVIEW REQUIREMENTS

FOUNDATION PLANTING MEETING REVIEW REQUIREMENTS

PLANT SCHEDULE

Botanical Name	Common Name	Quantity	Size	Condition	Notes
Shade Trees					
<i>Celtis occidentalis</i>	Hackberry	4	3" caliper	B&B	
<i>Gymnocladus dioica</i>	Kentucky Coffee Tree	5	3" caliper	B&B	
Evergreen Trees					
<i>Thuja occidentalis</i> 'Green Giant'	Green Giant Arborvitae	9	8 foot height	B&B	
Shrubs					
<i>Aronia melanocarpa</i>	Chokeberry	20	3 foot height	B&B	
<i>Cornus sericea</i>	Redtwig Dogwood	45	3 foot height	B&B	
<i>Physocarpus opulifolius</i>	Ninebark	23	3 foot height	B&B	
Evergreen Shrubs					
<i>Juniperus horizontalis</i>	Creeping Juniper	21	2 foot height	B&B	
Perennials and Grasses					
<i>Allium cernuum</i>	Knocking Onion	120	1 gallon		
<i>Andropogon gerardii</i>	Big Bluestem	40	5 gallon		
<i>Calamagrostis acutiflora</i>	Karl Foerster Grass	30	5 gallon		
<i>Echinacea purpurea</i>	Purple Coneflower	40	1 gallon		
<i>Pennisetum glyptostroboides</i>	Fountain Grass	25	5 gallon		
<i>Rudbeckia hirta</i>	Black-eyed Susan	40	1 gallon		



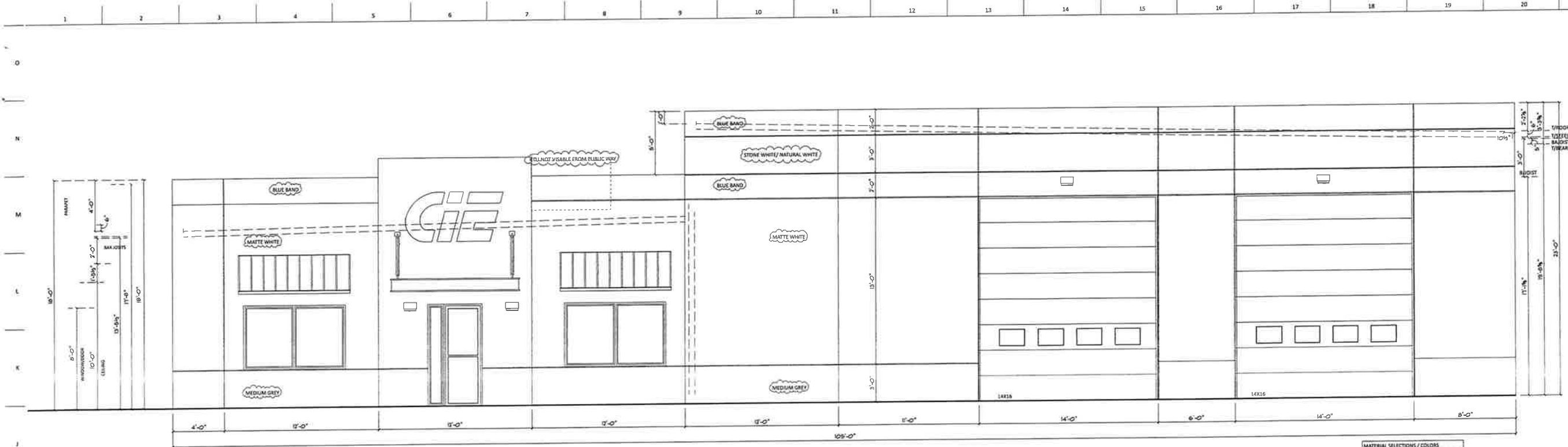
DRAWING HISTORY

DATE	ISSUE	PROJECT STAFF



PRELIMINARY LANDSCAPE PLANS
 2N275 MORTON ROAD
 CAROL STREAM, ILLINOIS

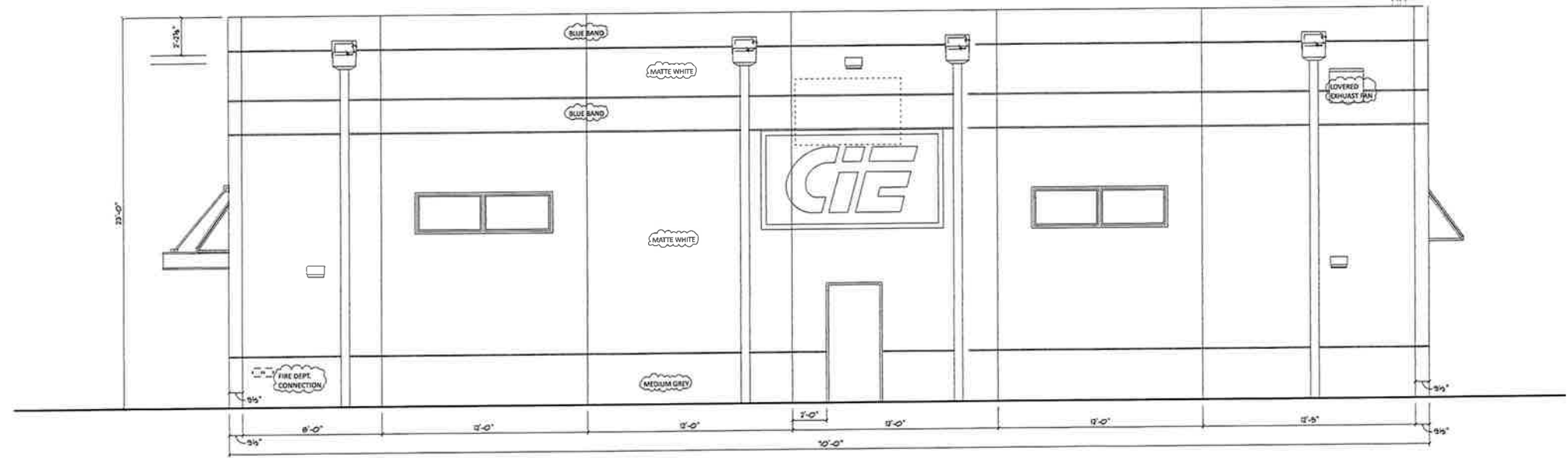
PROJECT NO.: 23017
 ISSUE DATE: OCT. 18, 2023
 SCALE: SEE DRAWING
 SHEET NUMBER: L1



WEST ELEVATION

SCALE: 1/4" = 1' - 0"

MATERIAL SELECTIONS / COLORS
 PRE-CAST CONCRETE - SMOOTH - PAINTED
 SIGNAGE - CUSTOM - BLUE
 AWNINGS - ALUMINUM / STEEL - BLACK
 OVERHEAD DOORS - ALUMINUM - WHITE
 WINDOWS - ALUMINUM - BLACK



SOUTH ELEVATION

SCALE: 1/4" = 1' - 0"

GR GINO ROMOZZI - ARCHITECT

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ISSUED DATE	ISSUED FOR
05.30.23	REVIEW
09.22.23	REVIEW

MM.DD.YYYY REVISION #

PROFESSIONAL SEAL



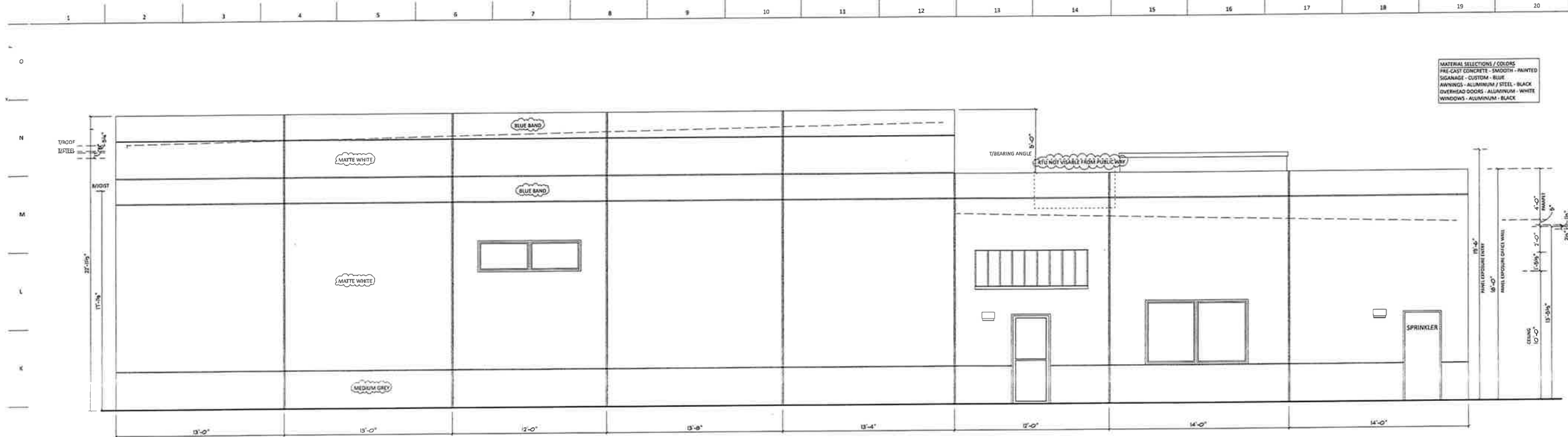
PROJECT
 CIE TRANSPORT
 2N275 MORTON ROAD
 CAROL STREAM, IL
 60185

525	Project No.
	Drawn By
	Checked By
Discipline	Drawing No.

A6

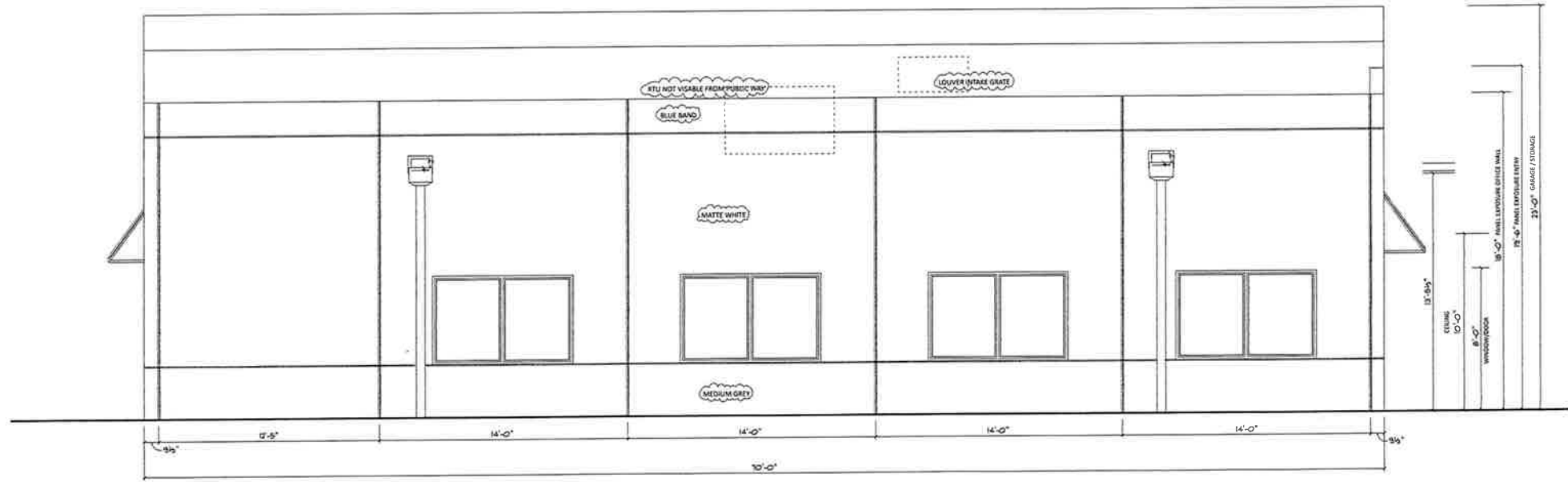
Drawing Name
 BUILDING ELEVATIONS

EXHIBIT G1



EAST ELEVATION

SCALE: 1/4" = 1' - 0"



NORTH ELEVATION

SCALE: 1/4" = 1' - 0"

MATERIAL SELECTIONS / COLORS
 PRE-CAST CONCRETE - SMOOTH - PAINTED
 SIGMAGE - CUSTOM - BLUE
 FININGS - ALUMINUM / STEEL - BLACK
 OVERHEAD DOORS - ALUMINUM - WHITE
 WINDOWS - ALUMINUM - BLACK

GR GINO ROMOZZI - ARCHITECT

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05.30.23	REVIEW
09.22.23	REVIEW

MM.DD.YYYY REVISION #

PROFESSIONAL SEAL



PROJECT
 CIE TRANSPORT
 2N275 MORTON ROAD
 CAROL STREAM, IL
 60185

525	Project No.
	Drawn By
	Checked By
Discipline	Drawing No.

A7

Drawing Name
BUILDING ELEVATIONS

EXHIBIT G2



WEST ELEVATION
SCALE : 1/4" = 1'-0"



SOUTH ELEVATION
SCALE : 1/4" = 1'-0"

EXHIBIT G3



2N275 MORTON ROAD
CAROL STREAM, IL. 60185

SEPTEMBER 24, 2023

GR GINO ROMOZZI - ARCHITECT

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BARRINGTON, IL 60010
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ROMOZZI@GMAIL.COM



EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT G4



2N275 MORTON ROAD

CAROL STREAM, IL. 60185

SEPTEMBER 24, 2023

GR GINO ROMOZZI - ARCHITECT

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BARRINGTON, IL 60010

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ROMOZZI@GMAIL.COM

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

STAFF REPORT

November 13, 2023

TO:
Chairperson and Plan
Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
The applicant is requesting
approval of the following:

- A zoning text amendment to limit the number of adult-use cannabis dispensaries, in accordance with Section 16-8-4 (M) of the UDO

APPLICANT/ CONTACT:
Mr. Dev Patel
Veltiste IL
414 Parkview Place
Burr Ridge, IL 60527



CASE #: 23-0038
PROJECT NAME: Veltiste IL

A request has been submitted from the owner and operator of the recently approved adult-use cannabis dispensary at 720 E. North Avenue, to limit the number of cannabis dispensaries in Carol Stream to one dispensary.

Please review the staff report and submitted documents for additional information.

Project Summary

ATTACHMENTS:

Attached for review is the General Application, Text Amendment Application, Public Notice, and Articles from the Applicant (Exhibit A).

BACKGROUND:

Mr. Dev Patel, Chief Executive Officer with Veltiste IL, requests approval of a text amendment to the Unified Development Ordinance (UDO), to limit the number of adult-use cannabis dispensaries in Carol Stream to one dispensary. In May 2023, Mr. Patel received approval of a Special Use Permit for a dispensary at 720 E. North Avenue in the former Playoff's building. Renovations continue on the property, and it is anticipated that the dispensary will open by the end of the year.

Staff Analysis

ZONING TEXT AMENDMENT

In 2019 the PC/ZBA and Village Board approved special use code language for cannabis dispensaries, and in 2023, additional code language was approved including updated use-specific standards for dispensaries and distance requirements. While a brief discussion occurred on placing a “cap” or limit on the number of dispensaries allowed in Carol Stream, the PC/ZBA and Board decided not to include a dispensary limit in the use-specific standards and allow the market to dictate the number of dispensaries that may wish to open in the community.

As described in the submitted zoning text amendment application, the applicant believes a limit to the number of dispensaries will be a proactive measure to guard against inherent market forces associated with the cannabis industry. The applicant has provided several articles regarding the cannabis industry in other states, including California, Colorado, and Michigan, where dispensaries have closed due to a saturated market. In addition, the applicant states that other communities in Illinois have approved dispensary limits or caps to deter an inundation of dispensaries.

While staff understands the applicant's concerns, we do not believe that a dispensary cap or limit is warranted, and that competition allows for stronger and more robust business enterprises. There are other types of businesses that are regulated by the State of Illinois, including businesses that serve alcohol, businesses with video gaming devices, and daycare centers, which are subject to market demands and seem to be able to survive the competition. Staff has also discussed the proposed dispensary limit with the Village attorney, who advises against such a limit since the Village does not impose limits on other special uses. Therefore, staff does not support the

requested limit to allow only one cannabis dispensary. Staff wishes to point out two items to the PC/ZBA:

- Several communities surrounding Carol Stream currently prohibit adult-use cannabis dispensaries, including Wheaton, Bloomingdale, and Glen Ellyn. These prohibitions may be the reason why Carol Stream receives a large number of inquiries for dispensaries.
- Staff is currently reviewing two submittals for adult-use cannabis dispensaries. One dispensary is proposed near the northwest corner of Geneva Road and Schmale Road, and the other dispensary is proposed near the southwest corner of North Avenue and County Farm Road. Both proposed locations are more than 1,500 feet away from the approved dispensary on North Avenue, or any other dispensaries in nearby communities or in unincorporated DuPage County.

TEXT AMENDMENT FINDINGS OF FACT

The Plan Commission’s recommendation regarding the requested text amendment must be based on the evaluation criteria set forth in the UDO. As stated in §16-8-4 (M) of the UDO, no text amendment shall be recommended by the Plan Commission nor approved by the Village Board unless the text amendment:

1. Will be consistent with the purpose of the UDO and the village comprehensive plan.

An economic development directive of the Comprehensive Plan is to “support existing and attract new commercial development.” The applicant is concerned that multiple dispensaries in Carol Stream will negatively affect his dispensary on North Avenue. However, staff believes that market factors and existing use-specific regulations for dispensaries in the UDO, including distance requirements, will determine potential dispensary locations (both in town and within surrounding areas).

2. Will not adversely affect the public health, safety, or general welfare.

Staff does not believe a limit of one cannabis dispensary will adversely affect the public health, safety, or general welfare of the community, but a limit or cap has not been the standard practice for business enterprises or special uses in Carol Stream.

3. Will be necessary because of changed or changing social values, new planning concepts, or other social, technological, or economic conditions in the areas affected.

The applicant states that the cannabis industry is highly regulated, and a limit to the number of dispensaries in Carol Stream will control the potential number of vacant storefronts in the community. Staff does not wish for any business to close, but we also believe that competition is a regular component of business operations. Staff believes that multiple dispensaries in the community may be acceptable as long as use-specific regulations are adhered to.

RECOMMENDATION

Staff has reviewed the proposed request and does not believe that a limit of one dispensary in town is warranted. Therefore, staff recommends denial of a zoning text amendment to limit the number of adult-use dispensaries to one for Veltiste II, Case No. 23-0038. Should the PC/ZBA wish to recommend approval of the text amendment, the language shown in red text below would be appropriate.

§ 16-4-9 ADULT USE AND MEDICAL CANNABIS DISPENSING ORGANIZATION.

Adult use and medical cannabis dispensing organizations shall be permitted as special uses and shall meet the following provisions:

(16) *Other standards.*

(a) All dispensing organizations shall abide by all other applicable state and village regulations and requirements. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act, and shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate, local, state and national bodies charged with the regulation of adult-use or medical cannabis business establishments and shall adhere to all governing local, state and national codes and regulations.

(b) Principal use. The cannabis dispensing organization is allowed as a principal use only and not allowed as an accessory use or temporary use as defined within the Unified Development Ordinance.

(c) A maximum of one (1) adult-use cannabis dispensing organization may operate within the village pursuant to a special use permit.



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Do Not Write in This Space
Date Submitted: 9-8-2023
Fee Submitted: \$640
File Number: 23-0038
Meeting Date: 10/23/23
Public Hearing Required:

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 Veltiste IL Phone 630.345.0847
 Address 414 Parkview Pl Burr Ridge, IL 60527 Fax _____
 E-Mail Address dev@veltise.com
 (required)
 Name of Attorney N/A Phone _____
 (if represented)
 Address _____ Fax _____
 Name of Owner N/A Phone _____
 (required if other than applicant)
 Address _____ Fax _____
 Name of Architect N/A Phone _____
 (if applicable)
 Address _____ Fax _____

2. *Common Address/Location of Property _____

3. Requested Action: (check all that apply)
- | | |
|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input type="checkbox"/> Planned Development – Preliminary | <input type="checkbox"/> Special Use Permit (requires Form C) |
| <input type="checkbox"/> Shared Parking Facility | <input checked="" type="checkbox"/> Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Site Plan Review | <input checked="" type="checkbox"/> Text Amendment (requires Form D2) |
| | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action Adoption of a text amendment to limit the permissible number of adult use and medical cannabis dispensing organizations to no more than 1.

4. Fee Schedule: *(Check all that apply)* Total Application Fee: \$ 640

	Annexation approvals:	
	New development	\$2,000
	Other	\$800
	Annexation Agreement Amendment	\$800
	Appearance fee for approvals required by the UDO but not listed herein	\$500
	Courtesy Review	\$240
	Development Staff Review	\$640
	Easement Encroachment	\$300
	Gary/North Avenue Corridor Review:	
	New or replacement monument sign	\$500
	One discipline (site design, architecture or landscaping)	\$500
	Two disciplines	\$1,000
	Three disciplines	\$1,500
	New development	\$1,500
	Outdoor Dining Permit	\$120
	Planned Development:	
	Existing Planned Development, minor change	\$500
	Existing Planned Development, major change	\$1,000
	New Planned Development	\$1,500
	Rezoning (Zoning Map Amendment)	\$640
	Shared Parking Facility Permit	\$500
	Site Plan Review	\$640
	Special Use:	
	First	\$800
	Each additional	\$200
	Special Use Amendment	\$800
	Staff Adjustment	\$240
	Subdivision:	
	Major	\$700
	Minor	\$400
	Temporary Building, Structure or Use	\$120
	Temporary Waiver to the Code of Ordinances	\$120
	Text Amendment:	
	Building Codes	\$240
X	Unified Development Ordinance	\$640
	Variation:	
	First	\$640
	Each additional	\$200
	Zoning verification letter	\$80

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 notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed 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 that 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. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

Dev Patel

Print Name

Dev Patel

Signature

August 29, 2023

Date

Revised 11/22



FORM D-2

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Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188
630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org • website: www.carolstream.org

TEXT AMENDMENT

Please see Section 16-8-4(M) of the Unified Development Ordinance (UDO) to learn more about Text Amendments.

In accordance with the applicable statutes of the State of Illinois, an amendment shall be granted or denied by the Village Board only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the Village Board.

Proposed Text Amendments that satisfy all of the review criteria may be approved. The Plan Commission and Village Board shall consider the following criteria in their review of Text Amendments: (Please respond to each of these standards in writing below as it relates to your request.)

1. The amendment must be consistent with the purpose of this UDO and the Village Comprehensive Plan.

Please see the attached.

2. The amendment must not adversely affect the public health, safety, or general welfare.

Please see the attached.

3. The amendment is necessary because of changed or changing social values, new planning concepts, or other social, technological, or economic conditions in the areas affected.

Please see the attached.

1. The amendment must be consistent with the purpose of this UDO and the Village Comprehensive Plan.

The proposed amendment is consistent with both of the UDO and the Village Comprehensive Plan. As to the UDO, the proposed amendment is intended to benefit the public health, safety, and general welfare of the community by placing a limitation on the number of cannabis adult use and medical dispensing organizations that can operate within the Village. Applicant will expand on the benefits of this limitation in items 2 and 3 below. Further, the proposed amendment is consistent with the Village Comprehensive Plan because it is a minor adjustment to ordinances that were recently passed. This is not an overhaul of marijuana zoning or a request to place marijuana operations in areas not already approved by the Village. Instead, this is a request for an express limitation on the number of retail stores permitted, which is a long-term plan to ensure the stable, continued operations of the retailers that have invested into Carol Steam, which in turn will create higher property value, a safer overall environment, and increased municipal revenue.

2. The amendment must not adversely affect the public health, safety, or general welfare.

Limitation on the number of retail cannabis stores will not adversely affect the public, safety or general welfare of the community. Lowering the number of stores will limit the risk of empty storefronts. The reality is that cannabis is a highly regulated, and therefore highly expensive, business to operate. As a result, these businesses are forced to operate on thin margins. Further, these businesses operate in an unpredictable market that is subject to great fluctuations in supply and demand. These inherent business risks can result in stores being unable to continue operations. If Carol Steam does not limit the number of permitted stores, there will be a rush of applicants that will end up self-cannibalizing each other, leaving empty storefronts in their wake. The proliferation of empty commercial storefronts is believed to encourage further civil disobedience and create the potential for crime. But at a minimum, it has the potential to lower property values and be an eyesore for the community.

3. The amendment is necessary because of changed or changing social values, new planning concepts, or other social, technological, or economic conditions in the areas affected.

Applicant believes this change is a proactive measure to guard against the inherent market forces dominating this regulated industry specifically designed to protect Carol Steam's economic interests and overall commercial environment. This change would be proactive in Carol Stream, but as explained below, a similar change in other states is now be too late.

Several states adopted legalized cannabis before Illinois and the experience in these locations provides a roadmap of expectations. In Michigan, store closings are a common

occurrence. For example, one of Michigan's largest retailers, [closed 4 stores due to market saturation](#),¹ including a store in Southfield, Michigan, which has a population of nearly double Carol Stream. A smaller city, Big Rapids, Michigan, saw [5 stores close in less than a year](#).² And the Applicant's attorney is a resident of Kalamazoo, Michigan, and has personally witnessed several stores close, rebrand, or simply never finish development.

In Colorado, retail sales of cannabis have dropped 17% from 2022 and stores have been closing ["left and right."](#)³ The perfect storm of too much supply, not enough demand, plunging prices, and increased competition has simply created too much of a burden for these business to continue. Closings were so common that Colorado media published an article called ["Denver's Saddest Dispensary Closings of 2022..."](#)⁴

In California, industry experts are predicting an ["extinction event"](#)⁵ that will likely close hundreds of retail stores. This event is likely based on a change in tax law that requires California retail stores to be current in taxes to continue operations. Currently, it is estimated that over \$600 million in back taxes are owed. And these taxes are owed because the retailers simply cannot generate sufficient revenue given the market conditions, including oversaturation.

On August 22, 2023, the Boston Globe published an article title ["Pot prices have tanked. Dispensaries are closing. Is a great crash coming?"](#)⁶ As expected, the article tells the story of the pressures retailer face from all angles that simply makes continued operations impossible.

Applicant acknowledges that a hard cap on a specific land use is rare. For example, there is no hard cap on the number of bookstores or ice cream parlors. But those are not regulated industries. Cannabis retailers face specific, real, and inherent pressures that cannot be ignored. But, when these licenses are first available, entrepreneurs throw caution to the wind and believe they can beat the odds. And as a result, without a cap, too many stores will open. Those stores will create intense competition, spreading out the available revenue to an amount so low that continued operations are impossible. This is not a "protection" of a business more than the acknowledgement that supply and demand of a regulated product, one that is subject to high barriers to entry and extremely unfavorable tax treatment, creates a unique business environment.

And while a cap on traditional land uses is rare, caps are common on cannabis retail operations, including within Illinois. It permits a municipality to take a "wait and see" approaching to a new land use. This approach lets the regulated market mature without

¹ Attached as Exhibit 1.

² Attached as Exhibit 2.

³ Attached as Exhibit 3.

⁴ Attached as Exhibit 4.

⁵ Attached as Exhibit 5.

⁶ Attached as Exhibit 6.

negative consequences to the municipality. And Illinois municipalities such as Woodridge, Bollingbrook, Naperville, North Riverside, and Orland Hills have each adopted a cap.

Applicant believes this is a smart, responsible method of allowing this new land use. And this is highlighted by the fact that cannabis sales in Illinois, despite new stores opening every year, have remained relatively stable. Records produced by the State of Illinois indicate that since 2021, monthly sales have largely plateaued.⁷ In other words, Illinois residents have set the market on how much marijuana is purchased and that number is not increasing. More stores will not cause that number to go up. Instead, it will simply increase the risk that businesses will not be able to survive.

Finally, the State of Illinois decided a cap on 500 stores was appropriate and in the best interests of the state. This is indicative of the intent behind a cap that permits new businesses, but also sets a baseline environment for their continued successes operating in a newly regulated market.

Applicant respectfully requests Carol Steam adopt the proposed text amendment and limit the number of cannabis retail operations within its limits.

⁷ Attached as Exhibit 7.

Certificate of the Publisher

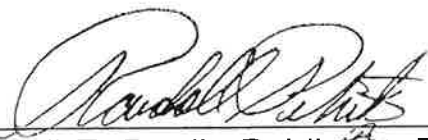
Examiner Publications, Inc. certifies that it is the publisher of The Examiner of Carol Stream. The Examiner of Carol Stream is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village 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 October 4, 2023 and the last publication of the notice was made in the newspaper dated and published on October 4, 2023. 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 October 4, 2023.

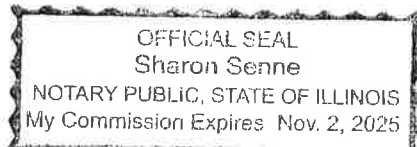
Examiner Publications, Inc.

By: Publisher


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

Subscribed and sworn to before me this 4 day of October, A.D. 2023.

Notary Public





LEGAL NOTICE PUBLIC NOTICE FILE #23-0038

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, October 23, 2023 at 6:00 p.m. to consider an application from Velliste IL for the following actions:

A Zoning Text Amendment to limit the number of adult use cannabis dispensaries in Carol Stream, in accordance with Section 16-8-4 (M) of the Carol Stream Unified Development Ordinance

The hearing will be held in-person and via a web conference meeting. The web conference will allow the public to view the meeting online or listen to the meeting.

Join from a PC, Mac, iPad, iPhone or Android device by using the following URL:
https://us02web.zoom.us/join/register/WN_OWJc7BylTh26aKRqCVD6eQ

Or join by phone: Dial (for higher quality, dial a number based on your current location):

+1 312 626 6799 or +1 301 715 8592 or +1 646 558 8656

Webinar ID: 883 3488 3428

International numbers available:
<https://zoom.us/j/88334883428>

Those members of the public wishing to be heard with respect to this matter must attend in-person, or complete the public comment form at <http://carolstre.am/pc> by 4:00 p.m. the day of the public hearing. The public may also provide written comments prior to the public hearing by submitting them to Tom Farace, AICP, Planning & Economic Development Manager, 500 N. Gary Ave., Carol Stream, IL 60188, or may provide email comments by sending them to tfarace@carolstream.org. Comments must be provided by 4:00 p.m. the day of the public hearing. The application is available for public inspection on the Village's website at www.carolstream.org, and under the "Development Projects" button. 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, are requested to contact the ADA Coordinator at 630-871-6250.

As published in The Examiner October 4, 2023. 1004

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EXHIBIT 1

EXHIBIT A

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Giant Michigan marijuana retailer closes 4 stores in realignment

By [MJBizDaily Staff \(https://mjbizdaily.com/about-us/staff\)](https://mjbizdaily.com/about-us/staff)



July 12, 2022 - Updated July 12, 2022

Lume employees reportedly were told that the shuttered stores – in Bay City, Cheboygan, Christmas and Southfield – had experienced sales declines.

“This realignment is a key part of our strategy to maintain and strengthen our position as Michigan’s leading cannabis retailer,” Lume President Doug Hellyar told Marquette TV station WLUC, which serves the state’s Upper Peninsula.

“We remain absolutely committed to growing and deepening our retail footprint in communities across Michigan,” Hellyar added.

The Troy-based company, which employs roughly 1,000, said its stores would number 32 after the closures and additional openings.

Employees who worked at the Lume stores being closed will have the opportunity to apply for positions at other company stores in Michigan.

One Lume employee told Michigan News Time that employees were notified (<https://michigannewstime.com/a-major-marijuana-retailer-in-michigan-has-closed-four-stores/54156/>) Monday of the store closures and told it was because of lower sales.

A Lume retail executive told MJBizMagazine last year that his mandate was to help increase the number of stores to 100 (<https://mjbizdaily.com/digital-issues/july-2021/?paged=62>) by 2025.



(<https://mjbizdaily.com/craft-cannabis-firm-atlantic-cultivation-buying-tantalus-labs/>) 1:53

Craft cannabis firm Atlantic Cultivation buying insolvent Tantalus brand (<https://mjbizdaily.com/craft-cannabis-firm-atlantic-cultivation-buying-tantalus-labs/>)



(<https://mjbizdaily.com/south-dakota-medical-marijuana-card-demand-prompts-regulatory-concerns/>)

South Dakota medical marijuana card demand prompts regulatory concerns (<https://mjbizdaily.com/south-dakota-medical-marijuana-card-demand-prompts-regulatory-concerns/>)



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Cannabis cultivator Clever Leaves

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EXHIBIT 2

BURNED OUT: Big Rapids cannabis market shows signs of oversaturation

Kate Carlson - January 29, 2023

3:57



Reshma Saujani. **Courtesy Calvin College**

5 dispensaries close in city within last 12 months

5 dispensaries close in city within last 12 months

BIG RAPIDS — Five cannabis dispensaries have closed in the city of Big Rapids over the past year, raising questions about whether the city of nearly 9,000 people is an early example of market oversaturation.

City officials have adopted an open policy for cannabis retailers by avoiding capping the number of cannabis businesses that can operate within the city limits. As a result, the number of dispensaries in the city blossomed to as many as 14 retail storefronts since cannabis sales first started in the city in March 2020.

However, the local market has experienced its share of churn.

The latest to exit was Grand Rapids-based, vertically integrated cannabis company **Fluresh LLC**, which closed a dispensary at 520 S. Third Ave. in Big Rapids earlier this month, only three months after opening. Other dispensaries to close their doors in the city over the past year include **Wellflower**, **Mother Nurtures**, **KKind** and **Alluvion Cannabis Co.**

3:57



Shoran Reid Williams, general counsel and chief regulatory officer at Fluresh, said the decision to shutter the Big Rapids location so quickly stemmed from the local market saturation and several other contributing factors.

"Five other retail locations opened their doors at the same time we did, and the market could not sustain that much supply — it just could not," Reid Williams said.

The company, which operates a dispensary in Grand Rapids, found that adding a second retail location in Big Rapids proved to be a "logistical nightmare" and wasn't profitable, Reid Williams said.

Fluresh purchased the Big Rapids building from Mother Nurtures, a dispensary that operated in the location before closing in January 2022. According to a statement at the time, Mother Nurtures closed the business because of the effects of inflation and COVID-19, the competitive nature of the local cannabis industry and high cost of owning a dispensary.

For Fluresh, the short-lived foray into the Big Rapids retail market helped the company adjust its market strategy, Reid Williams said.

"At the end of the day, what we decided is we are a wholesale flower company. In order to effectively do that, we didn't really want to compete with our customers," Reid Williams said. "We decided to have just one retail location. We were going to open another one in Adrian by our grow operation, but instead we are focusing on our singular (Grand Rapids) location to better decide what customers want."

Building a brand was not as important when recreational cannabis was first legalized, but it has become an essential factor for companies to remain in business, said Ben Wrigley, partner at Cascade Township-based **CannaLex Law**.

As well, many of the early entrants in the industry likely did not understand all the risks, which led to a string of dispensaries closing across the state, Wrigley said.

"Many of the early operators overpaid for the location they're at, and maybe they were not top business people," Wrigley added. "Everyone complains there aren't enough communities opted in, but if you're open right now, the last thing you want is those surrounding places to opt in."

Wrigley contends that if more neighboring states start legalizing recreational cannabis, the rate of Michigan dispensaries closing will only increase.

Despite the market challenges in Big Rapids, the city has experienced a steady stream of interest from people wanting to open up new cannabis businesses, said Paula Priebe, the city's former community development director. Before taking a position at the city of Walker at the end of 2022, Priebe worked for Big Rapids for five years and oversaw much of the cannabis licensing process during her tenure.

3:57



"We see some of the businesses close, and usually a new business will come in those spaces. That has happened a few times," Priebe said. "These are primarily vacant storefronts to start with and they have been renovated very nicely. They're in most cases phenomenal renovations that are activating buildings in disrepair. That makes it more likely that a new business could come, even in another industry."

Aside from one instance, Priebe said all of the cannabis businesses in Big Rapids renovated older buildings to open in the city.

She thinks Big Rapids' uncapped market for cannabis businesses still makes sense, despite the current uncertainty.

"Ultimately, it's not the city's role to decide what businesses do and do not move forward," Priebe said. "The city doesn't limit the number of hair salons you can open. It's up to you or people in the industry to decide whether it's a good option to take. That held true my whole time there."

Kate Carlson

Kate Carlson is a reporter covering commercial real estate and development trends across West Michigan for Crain's Grand Rapids Business. She has been covering the commercial real estate market in the region since 2020. Email Kate at kate.carlson@crain.com.

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EXHIBIT 3

NEWS > MARIJUANA • News

6:20

Colorado's cannabis industry has fallen on hard times. What does the future hold?



Too much supply, not enough demand, plunging prices, a lack of cannabis tourism and more put pressure on marijuana market



Äkta hashishins CJ Polk, left, and Michael Marrero prepare rosin in the marijuana infused products manufacturing hash lab in Carbondale on Thursday, May 18, 2023. The rosin, converted without solvents like butane, is used to make the gummies, vape cartridges, and dab oil that is sold by the äkta brand. "It really is the purest way to consume cannabis," said Renee Grossman, owner of äkta and High Q. (Kelsey Brunner/Special to The Denver Post)



By MEGAN HILLIANT ROYANTON | mroyanton@denverpost.com | The

6:20



The heyday of marijuana sales in Colorado — back in 2020 when recreational and medical sales topped out at a combined \$226 million — is a distant memory, as the state's dispensaries struggle through an economic downturn, with sales plummeting and small businesses foundering.

"The market's just bad. It's bad right now," said 29-year-old Val Tonazzi, who works in cannabis sales. "There's businesses closing, left and right."

In March, Colorado's [total medical marijuana sales](#) were about \$17 million — around \$5 million less than last March. Retail marijuana sales racked up to \$122 million, but that's still a \$17 million drop from March 2022.

It's an improved outlook from February when medical marijuana sales dipped to their lowest point since retail sales began — around \$15 million. And sales for both recreational and medical weed totaled to over \$139 million, which is the highest it's climbed to since last October.

But times have changed since the COVID-19 pandemic — [now officially over](#) — which gave the cannabis industry a boost as customers stocked up on edibles and joints to enjoy under lockdown.

Instead, in 2023, Colorado's cannabis entrepreneurs face a perfect storm of problems: too much supply, not enough demand, plunging prices, heightened competition in other states, the allure of black market weed, a lack of cannabis tourism and more. That's on top of the shaky economic forecast for the rest of the year, even though [inflation is steadily slowing](#).



6:20



Calie Clark smokes cannabis from a bong with her husband, left in glasses, and friends at JAD's Mile High Smoke, the first cannabis lounge in the state, in Denver on Friday, April 29, 2022. (Photo by Eli Imadali/Special to The Denver Post)

In recent years, several of Colorado's neighbors have legalized [recreational marijuana](#), including New Mexico in 2021, Montana in 2020 and Arizona that same year.

With weed sales plummeting, career opportunities in the industry are growing scarce. Colorado ranked as the No. 2 state for [cannabis job losses](#) in the past year, with more than 10,000 eliminated, according to the Vangst Jobs Report.

As of February, Colorado only occupied the No. 6 spot on the list of America's top cannabis job markets, with almost 28,000 related positions. It fell behind California, Michigan, Illinois, Florida and Massachusetts.

Earlier this year, marijuana giant [Curaleaf](#) shuttered its operations in Colorado, along with California and Oregon. "We believe these states will represent opportunities in the future, but the current price compression caused by a lack of meaningful enforcement of the illicit market prevent us from generating an acceptable return on our investments," CEO Matt Darin said.

Nationwide, the marijuana industry's [share of real estate acquisitions](#) is taking a hit. Realtors "are seeing a decline in commercial property purchases by marijuana industry-related businesses and a corresponding increase in leasing



6:20



Renee Grossman, owner of High Q, in her Carbondale location on Thursday, May 18, 2023. "This industry right now has too much of everything," explained Grossman. "There's too much marijuana, too much product, and it just has to rationalize." (Kelsey Brunner/Special to The Denver Post)

And business owners of smaller chains, like Renée Grossman, find themselves especially at risk. In 2013, she founded High Q: five retail stores in the Colorado mountain towns of Silt, Carbondale, Snowmass Village, Parachute and Cedaredge.

Eventually, she merged the businesses into Hava Companies, and expanded into cultivation and manufacturing in 2020. Now, Grossman is watching the state's industry grapple with an oversupply, softening demand and lack of capital.

6:20



"There's too many stores, there's too much cultivation, there's too many products," she said in a phone interview. "Right now, all the investors are sitting on the sidelines, and kind of waiting to time the bottom — and nobody knows exactly when that's going to happen."

As she and other entrepreneurs have tried to weather the storm, Grossman was forced to move forward with a significant round of layoffs last year. She said other businesses in "cash crunches" can't pay their bills.

"Most companies I know are losing money, or they've shut down and scaled back," she said. "A lot of companies that are my size or smaller are really feeling the burn."

Grossman anticipates that mergers may eventually need to take place, "so we can compete more effectively with the larger chains."



6:20



Beth Bice of Charlotte, N.C., smokes a joint on the bus during a marijuana tour hosted by My 420 Tours in Denver on Dec. 6, 2014. Bice saw a video advertising the tours and said, "lets go to Colorado." During the day, tourists visited La Conte's grow facility, La Conte's Clone Bar & Dispensary, Native Roots dispensary and Illuzions Glass Gallery. (Photo By Craig F. Walker / The Denver Post)

Big marijuana brands

Even some of the big players in Colorado's cannabis industry aren't immune to the changing tides.

As Americans brace for a potential recession this year, "the general public is pinching pennies, and we've seen it firsthand," said Buck Dutton, vice president of marketing at Native Roots Cannabis Company.

For example, performance in April — a traditionally strong month for cannabis, according to Dutton — fell flat.

As Colorado contends with new legal markets in other states, "people don't see the need to travel here to spend their 4/20 with us," he said. "The only expectation that it lived up to is that we thought it was going to be bad."

At Native Roots, he described the average basket order as down, with customers buying fewer products and visiting less often.



6:20



Packaged cannabis is ready for the upcoming opening of Verts Neighborhood Dispensary in Golden on Tuesday, March 28, 2023. (Photo by Hyung Chang/The Denver Post)

Meanwhile, edibles company Wana Brands is running business as usual, with expansions set in new states and no layoffs, said chief marketing officer Joe Hodas. He largely attributes that to the company never taking on debt or outside investment.

But the broader Colorado market is facing problems right now because it's competing within three separate industries, Hodas said. The first is the regulated marijuana industry and its issue of price compression, while the second is the black market, which doesn't tax consumers.

Finally, there's the gray market, which consists of hemp products, along with Delta-8 and Delta-9 products — unregulated, hemp-derived cannabinoids.

A [measure](#) heading to the governor's desk would empower the regulation of intoxicating hemp-derived products in the Colorado market, with Chuck Smith of cannabis business alliance Colorado Leads calling it a "major policy issue that many states will be grappling with for years to come."

Hodas acknowledged the bill as "a good step in the right direction, but we're still competing with Delta-8 and Delta-9 products."



6:20



Matt Eidson, cultivation technician at Fat Face Farms cultivation facility, checks on marijuana plants in the vegetative room in Denver on Jan. 14, 2020. At the time, prices had hit a 3-year high, but sales across the state have dropped since. (Photo by Helen H. Richardson/The Denver Post)

“Colorado is the ghost of Christmas future”

In Denver, Excise and Licenses Executive Director Molly Duplechian pointed to another potential problem.

The agency, which regulates Colorado’s largest cannabis market in terms of stores, is “working hard to educate the industry on the importance of our safe storage rules for product and cash to be in a locked safe overnight to reduce opportunities for burglaries, which can be especially devastating to smaller operators.”

The city is home to [319 stores](#), as of Wednesday.

For Truman Bradley, executive director of the Marijuana Industry Group, “Colorado is the ghost of Christmas future.”

When cannabis is first legalized in a state, it starts with a boom, with demand initially outweighing supply, he said in a phone interview. As the market matures, then equilibrium is reached.

In a message to Colorado legislators, Bradley said, "It's critical that lawmakers understand that decade No. 2 of legalization needs to look fundamentally different from decade No. 1."

On the federal level, nationwide legalization could remedy some of these challenges by easing hefty tax burdens, he added.

6:20

Bradley sees a bright spot for the industry: the consumers. And some of them aren't immediately jarred by the trouble facing the marijuana industry.



"I just know weed is cheap right now — like, really cheap," said 23-year-old Caroline Smith, whose favorite dispensary is Golden Meds. Even with the unpredictability of the economy, "I'd buy it either way."

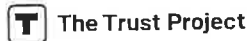
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 Megan Ulu-Lani Boyanton - Staff portraits in The Denver Post studio on October 6, 2022. (Photo by Eric Lutzens/The Denver Post)

Megan Ulu-Lani Boyanton | Business Reporter

Megan Ulu-Lani Boyanton joined The Denver Post in January 2022 as a business reporter, focusing her coverage on social inequities in business.

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EXHIBIT 4

Denver's Saddest Dispensary Closings of 2022

Some store closures hurt more than others.

By Thomas Mitchell December 27, 2022



The Clinic's four dispensaries, all located in the Denver area, are now LivWell stores. **The Clinic**

Colorado's marijuana industry had a rough go in 2022, with prices and dispensary sales dropping at rates not seen since recreational sales began almost nine years ago. The tough times led to a number of business takeovers over the past year, with **Colorado cannabis business acquisitions crossing \$600 million** by the fall, even before several more big deals were announced.

The Clinic, Colfax Pot Shop, Drift, Emerald Fields, Euflora, Green Man Fine Cannabis, Green Tree Medicinals, LivWell Enlightened Health, Lightshade, Smokin Gun Apothecary and Urban Dispensary were just some of the metro dispensaries to close or change hands in 2022. There were more deals involving growing operations, extractors or infused-product manufacturers.

Fewer independent owners and more consolidation are sad developments across the board, but some business closures hurt more than others. Here are the five dispensary closings that hit the hardest in 2022:

The Clinic

Four metro locations

The Clinic was one of Colorado marijuana's stars when recreational sales began in 2014, when it already operated multiple dispensaries; a genetics company, the Bank; and an extraction firm, the Lab. Strains like Tangie and Kosher Kush were mainstays in stashes across the state as the Clinic racked up awards and lucrative partnerships. In recent years, however, the Clinic's public presence quieted, with rumors of a sale surfacing on social media in the fall.

The rumors were true. **PharmaCann Inc.**, the company that owns **LivWell Enlightened Health** dispensaries, announced it was buying the Clinic and its four remaining stores in September. All of the dispensaries have since been rebranded as LivWell locations, which now total 26 across the state.

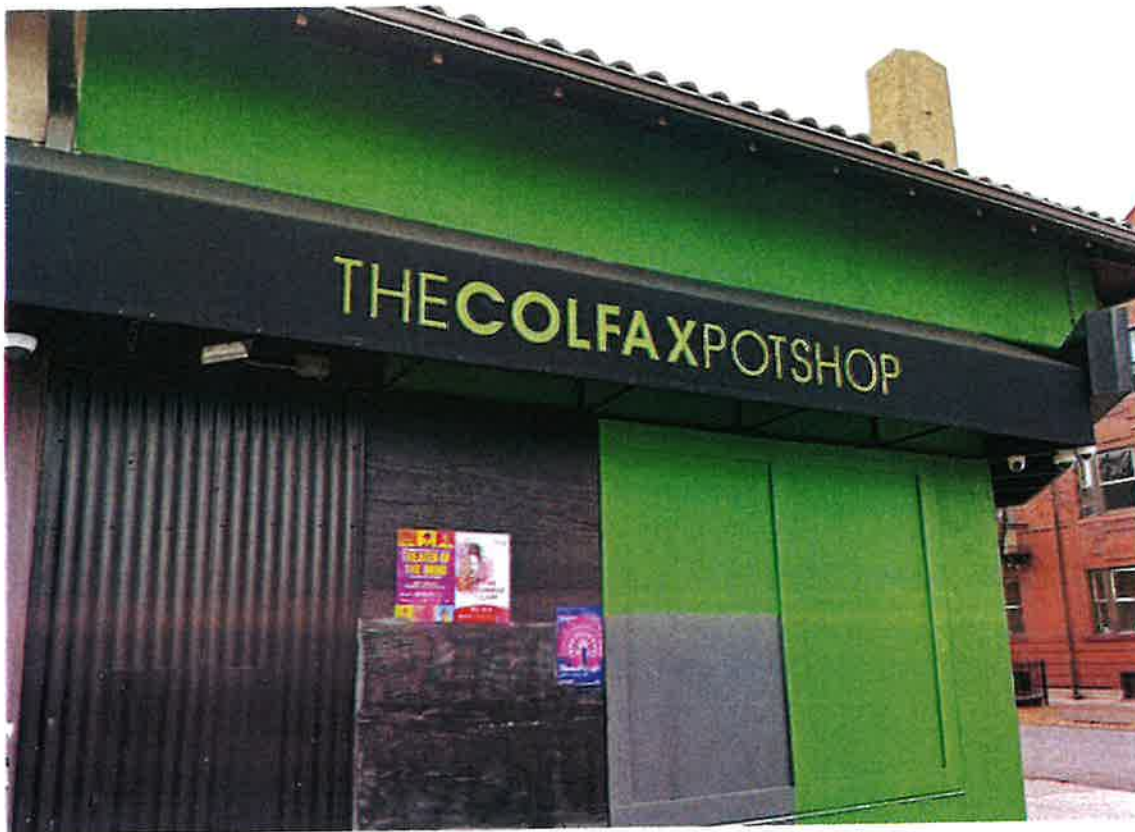
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Urban Dispensary reopened as Emerald Fields in June. Scott Lentz

Urban Dispensary **2675 West 38th Avenue**

Another longtime dispensary open since the medical-only days, Urban Dispensary sold to **Schwazze**, a multi-state marijuana ownership group based in Denver, after thirteen years of marijuana sales in the Sunnyside neighborhood. The \$3.2 million package included the store, as well as a 7,200-square-foot indoor growing warehouse. After the purchase took place in June, Schwazze quickly converted the old Urban Dispensary into an Emerald Fields, **another dispensary brand that Schwazze acquired** at the beginning of 2022.



The Colfax Pot Shop was open on East Colfax Avenue since 2010. **Thomas Mitchell**

The Colfax Pot Shop **1500 East Colfax Avenue**

We were never huge fans of the Colfax Pot Shop, where the prices and selection were average, at best. But even so, the store's simple, blunt name always held a soft spot in our hearts, and the green building was something of a mainstay on the corner of East Colfax Avenue and Humboldt Street. The Colfax Pot Shop had operated there for over twelve years before its owners sold the business over the summer to Cannabis Corp, a marijuana business group that also owns the **Joint by Cannabis**, a northwest Denver dispensary.



Mile High Green Cross, closed in May after thirteen years on Broadway. Thomas Mitchell

Mile High Green Cross 852 Broadway

You could always count on a good flower selection and daily deals at Mile High Green Cross, which had operated in Capitol Hill since 2009. But then the dispensary alerted customers that it would be closing in May. Unlike other dispensary closures, this wasn't from an acquisition: The store's owner, a Salida-based marijuana ownership group named **Pure Greens**, decided to shut down Mile High Green Cross in order to focus on **La Conte's Clone Bar & Dispensary**, another dispensary that Pure Greens owns blocks away at 105 East Seventh Avenue.



TweedLeaf operated seven stores across Colorado before shutting down. Thomas Mitchell

Buddy Boy and TweedLeaf Seven locations each

Buddy Boy and TweedLeaf each had seven stores, as well as a lot of employees. Within two months of each other, both companies abruptly closed with little notification to their workers. According to Denver and state tax officials, both Buddy Boy and TweedLeaf had been shut down without public warning because of six-figure bills owed for outstanding sales taxes. Buddy Boy closed all of its stores in June, and TweedLeaf did the same in August, with owners of both businesses blaming declining sales. Neither business has reopened, although dispensaries with different names have opened at former TweedLeaf-owned locations in Boulder and Denver.

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THOMAS MITCHELL has written about all things cannabis for *Westword* since 2014, covering sports, real estate and general news along the way for publications such as the *Arizona Republic*, Inman and Fox Sports. He's currently the cannabis editor for westword.com.

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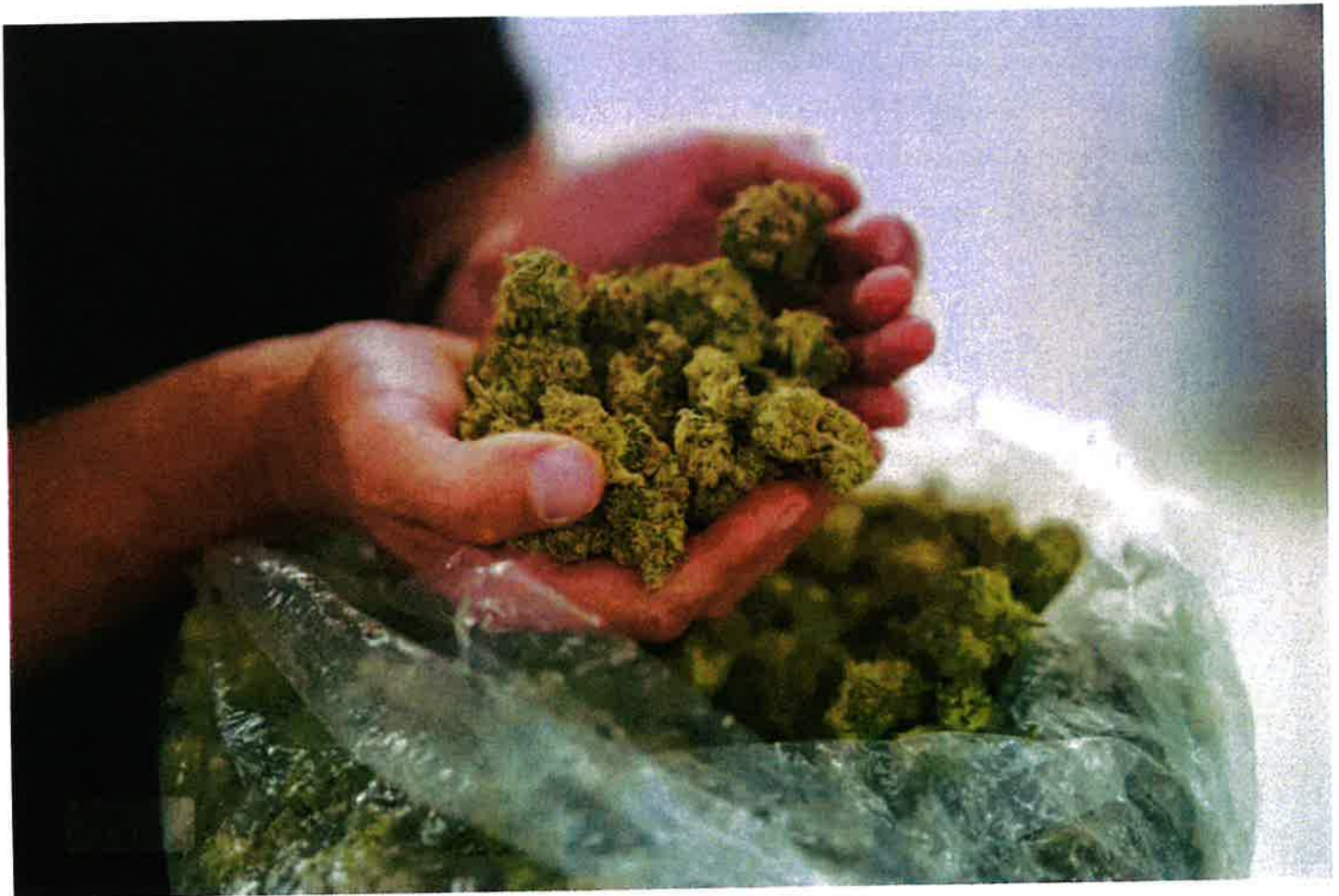
CANNABIS

California pot industry facing 'extinction event'

Industry insiders are warning that hundreds of pot shops could go out of business this year

By **Lester Black**

Updated May 23, 2023 1:02 p.m.



FILE: Legal cannabis pictured at a Southern California cannabis farm.
The Washington Post / Contributor

California's pot industry could be on the verge of an "extinction event," with pot shops going out of business as they miss tax payments and sink under millions of dollars of debt.



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Debt problems have plagued the industry for years — a 2022 report estimated that the industry was collectively sitting on over \$600 million in debt — but a change in tax law that took effect this year has stakeholders worried the mounting debt bubble will finally become fatal. A San Francisco politician introduced a law this year in the state legislature that would crack down on pot businesses that don't pay their debts.

State law recently shifted the burden for paying cannabis excise taxes from distributors to retailers, with the first tax payments due May 1. Retailers have historically had the most trouble paying their bills, and it appears that many shops lack the cash to pay their state excise taxes, according to new state tax data obtained by SFGATE.

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"I've been in the weed game, so I've seen a lot of cycles. But this will have a real impact. ... The extinction event is when the government wants its taxes, and no one can pay it," Jamalian said.

The entire cannabis supply chain has faced a chronic debt problem: Farmers report never getting paid for thousands of dollars in product, distributors say retailers don't pay them and have started blacklisting some shops, and even the federal government is getting stiffed. An analysis done last fall by Green Market Report found that 10 of the largest pot companies in the country owed over \$500 million combined in unpaid taxes.

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These debt problems have attracted scrutiny from lawmakers. Assemblymember Phil Ting, a Democrat from San Francisco, proposed a bill this year that would require pot businesses to pay

Over 13% of California's retailers, or 265 pot shops, failed to make any tax payment by the May 1 deadline, according to the California Department of Tax and Fee Administration. Those businesses are now facing a 50% penalty on the taxes they owe, which could be a death blow to many shops.

And the number of shops affected could climb higher. The state agency said it's still processing 581 tax returns, which could include retailers that failed to pay.

Michelle Mabugat, a cannabis attorney at the Greenberg Glusker firm in Los Angeles, told SFGATE she expects debt problems to shut down many shops in the state.

"There's a debt bubble that's been building over the last few years that's getting close to bursting," Mabugat said. "I do anticipate a lot of retailers going out of business this year, just like we saw a lot of cultivators go out of business last year."

Ali Jamalian, the owner of Sunset Connect, a cannabis manufacturer in San Francisco, said he's seen pot shops with over \$500,000 in unpaid bills, and he expects the new tax structure to cause an "extinction event" for pot shops in the state.

their cannabis suppliers for any transactions worth \$5,000 or more within 15 days or face a penalty. Ting blamed the problem on federal prohibition, which blocks pot entrepreneurs from accessing the loans that are typically used to maintain cash flow at other businesses.

"For years, restrictions at the federal level have left our state's legal cannabis operators with limited options for financing and capital. This has led to a severe debt bubble across the supply chain from cultivators all the way through to the retailers," Ting said in a news release.

The proposed law is supported by associations representing distributors and manufacturers but has been opposed by some cannabis retailers in the state. It's on the agenda for the House Appropriations Committee's May 18 meeting.

Without traditional bank loans, pot companies have turned to issuing loans to each other by selling products on credit. Pot farms often give products to distributors and retailers with no money down but with the expectation that they will be paid later, usually within 30 or 60 days.

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California's pot retailers are struggling to pay their bills.
Denise Truscello/Getty Images for MedMen

But the retailers frequently take months to pay — if they pay at all. Some California retailers are holding more than a million dollars in debt to other pot businesses, according to Brett Gelfand, the managing partner of CannaBiz Collects, a cannabis-focused debt collection agency.

“We’re seeing the same debtors over and over again. Sometimes we have 20 different clients submitting their claims against the same debtor, so the debtor is drowning in debt,” Gelfand said.

Ting’s bill would specifically target these repeat offenders by creating a system that tracks and penalizes companies that don’t pay their cannabis suppliers.

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These debt-ridden retailers are now at risk of going out of business thanks to the state’s recent tax payment change. The state’s decision to shift tax payments from distributors to retailers both removed a form of financing — retailers were using excise tax collections as a way to finance their businesses — and created a big penalty for cash-strapped retailers.

Mabugat said retailers had been “hoping and praying” that they would come up with more cash before they had to pay the excise taxes. But with the May 1 deadline past, hundreds of pot shops were unable to come up with the money and could be headed toward failure.

As Mabugat said: “That kind of financing model, if you can even call it that, is a really easy way to go upside down fast.”

May 18, 2023 | Updated May 23, 2023 1:02 p.m.



By **Lester Black**



Lester Black is SFGATE's contributing cannabis editor. He was born in Torrance, raised in Seattle, and has written for FiveThirtyEight.com, High Country News, The Guardian, The Albuquerque Journal, The Tennessean, and many other publications. He was previously the cannabis columnist for The Stranger.

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Pot prices have tanked. Dispensaries closing. Is a great crash coming?

It's been five years since Massachusetts' first recreational marijuana shops opened. All hasn't been going entirely according to plan.

By **Erick Trickey** Updated August 22, 2023, 5:40 a.m.



IMAGES FROM ADOBE STOCK; GREG KLEE/GLOBE STAFF ILLUSTRATION

To Kobie Evans, one year in the marijuana business can seem like seven. “In the industry, we talk about cannabis in dog years,” he says, “because things change so quickly.”

It's been five years (but seems like more) since [Massachusetts' first recreational marijuana shops opened](#) in November 2018, leading to traffic jams and two-hour waits. And it's been 3½ years since the winter of 2020, when Evans opened [Pure Oasis](#) on Blue Hill Avenue in Dorchester. "We were the [first recreational cannabis dispensary](#) 18:00 [open](#) in a major city on the East Coast," he says proudly, and "the first minority [recreational] dispensary on the East Coast." 

A lot has changed since those early days. This June, when Evans and his co-owner opened a second Pure Oasis in Boston's Financial District, the vibe was totally different than all those dog-years ago. And he's nervous.

"It's actually very, very scary," Evans says. "When everyone was speculating about the industry, back in 2016, '17, '18, we all had these high hopes and all these grand expectations." Now, he says, "The reality is setting in that there isn't this pot of gold at the end of the rainbow."

For one, [retail marijuana prices in the state have plummeted](#) by more than half over the past two years, from an average \$13.92 per gram in July 2021 to \$6.21 this summer. Meanwhile, retail licenses in Boston — super-hard to get in the early years of legalization, requiring acrobatic twirls through a web of red tape — are now flying out the doors at the rate of about one every month, according to figures from the state's Cannabis Control Commission, which oversees the industry.

"Customers have a lot of options," Evans says. "You're selling a commodity, meaning that they can go to five different dispensaries and get the exact same product." Pure Oasis is getting as much foot traffic as it ever has — but where a customer might've spent \$60 per visit in 2020, that total is now more like \$45.

Pure Oasis spent \$1 million building out its new, high-rent location. "Where we are downtown, I can expect five to nine dispensaries to open," Evans says. "With competition, high rents, and a lot of options, as well as not as many people working in

Downtown Crossing [post-pandemic], you're going to start to see retail establishments in areas like this close, because it's just not sustainable."

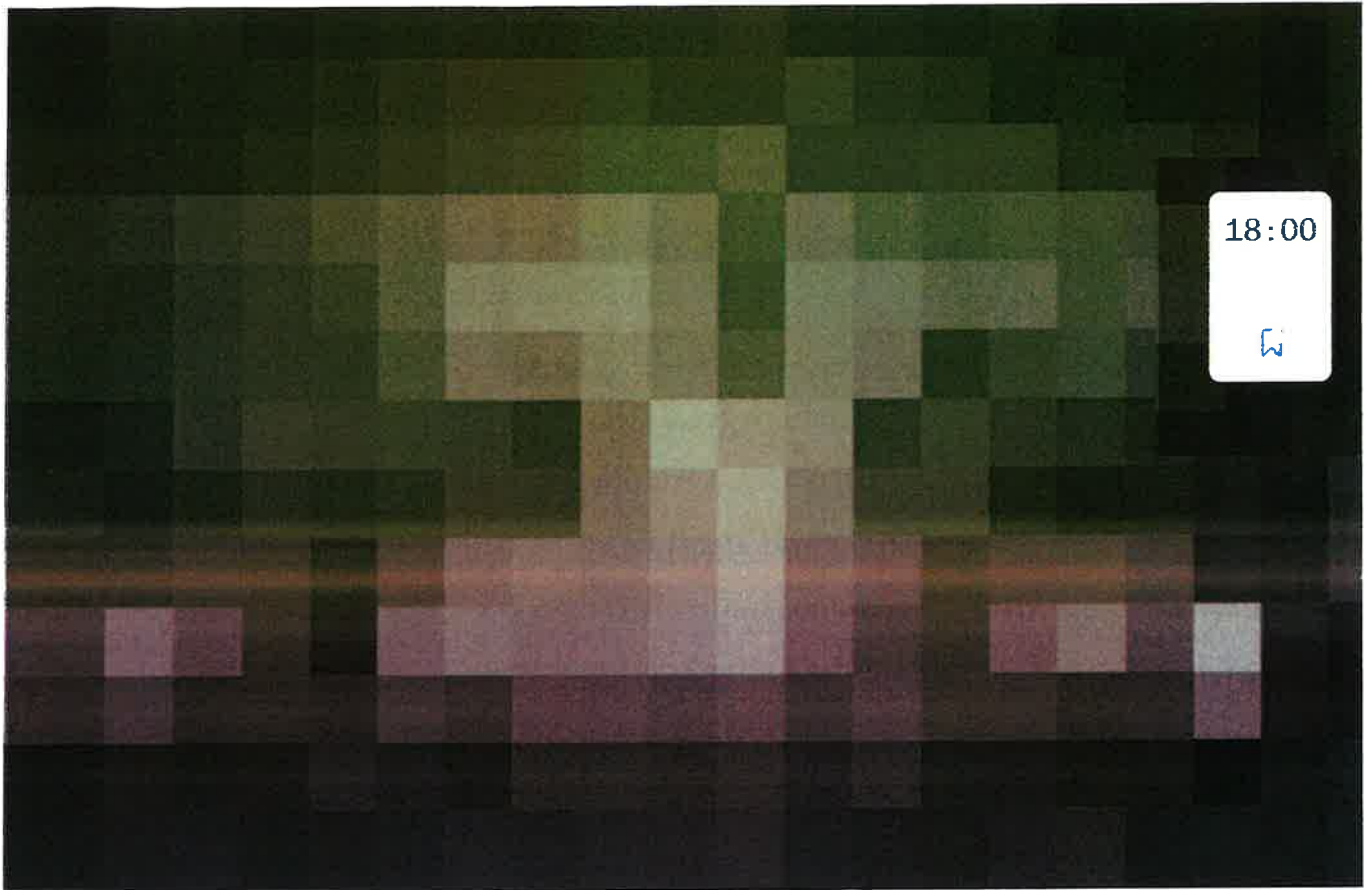
All across the state, marijuana businesses are feeling the squeeze. Competition is fierce. The state now has more than 300 recreational marijuana stores, with more than 18:00 would-be businesses in the pipeline.

Low prices and intense competition are great news for customers, of course — they're enjoying a stoner's market, full of cheap, varied ways to get high. But Massachusetts' pot price plunge is part of a national trend scuttling some entrepreneurs' hopes of prosperity. *Cannabis Business Times*, a national trade magazine, is filled with dire headlines, such as "[Dispatches From the Failing Cannabis Economy](#)" and "[California Cannabis Operators in Peril as American Dream Turns to Nightmare](#)."

In Massachusetts, the industry is still growing overall. But a national cannabis company called Trulieve announced it was pulling out of the state this year, citing, in part, market pressures. Those pressures show no sign of easing up, and the challenges may be even worse for small businesses, newcomers getting licenses years after their competitors, and minority-owned businesses.

The 2016 ballot measure that legalized pot made a bold promise: that the state would "promote and encourage full participation" in the industry by those harmed in the war on drugs. But efforts to help "social equity" applicants took a long time to launch, giving bigger companies a head start.

A drug that promises a carefree high now means high anxiety for its growers and sellers. "So what you can do is work very hard to eke out our own niche in the market, and have our own brand identity, and fight for every client," Evans says. "And then just cross our fingers."



Kobie Evans at Pure Oasis on Blue Hill Avenue. In 2020, it became the first recreational dispensary to open in Boston. JARED CHARNEY/FOR THE BOSTON GLOBE

“Doctors smoke it, nurses smoke it, judges smoke it, even lawyers too,” Peter Tosh sang in 1976, after leaving Bob Marley and the Wailers, “so you’ve got to legalize it.”

Massachusetts did just that, and now we’re living Tosh’s dream — and the long-held dream of every ganja-lover, joint-clipping hippie, giggling Cheech & Chong fan, weed-celebrating hip-hop star, green-thumbed grower, Amsterdam cafe tourist, and joker-smoker-midnight-toker.

Marijuana is now on sale from city storefronts, suburban strip malls, and small-town main streets, from North Adams to Provincetown (plus on the islands). The options are overwhelming: pre-rolled joints, loose flower, vapes, tinctures, gummies, candies, concentrates, lotions, and THC-infused sparkling water. Your friendly neighborhood

budtenders are more than happy to talk you through all of them, to match a product to your intended mood.

In 2020-21, an estimated 1.5 million Massachusetts adults used marijuana at least once a year, according to the federal government's National Survey on Drug Use and Health. That's 27 percent of adults — up from 19 percent in 2015-2016, just before legalization. It's still a lot less than the 56 percent who'd had at least one alcoholic drink in a month, but the numbers are growing.

One couple I know keeps a jar of edibles on their liquor shelf. Another friend buys vape cartridges, for walking her dog and relaxing. Another stashes a rainbow of edibles in a kitchen cupboard, including a dark chocolate sea salt bar and six types of gummies for a range of target moods, such as “bliss,” “uplift,” and “excite.”

Highway billboards across the state hawk cannabis dispensaries; on stretches of the Massachusetts Turnpike, it can feel like it's all that's being advertised. “Why not? It's legal!” says an ad along VFW Parkway, for a West Roxbury shop called UpTop. Stores seem to vie with each other for the most creative names, from pot puns (The Verb is Herb in Easthampton, Seagrass in Salem, and Hadleaf Cannabis in Hadley) to hints at the bliss that awaits (Dazed Cannabis in Holyoke and OMG Cannabis in Fitchburg). One store name, Kush Groove in Cambridge, crosses a marijuana strain with the name of a 1985 hip-hop film.

Step inside a cannabis dispensary, and you'll likely see bright white walls, tasteful pastels, blond wood, and glassy minimalism. They typically look simple and uncluttered — so legitimate, so legal. (“Where are the crunky pot shops?” a friend asked.)

At Pure Oasis' new downtown store, on the ground floor of an office tower from 1905, the entryway's wall looks like a hanging garden, completely covered with bright-green plastic leaves, clover, and long grass. A security guy checks my ID with decidedly un-Bostonian friendliness.

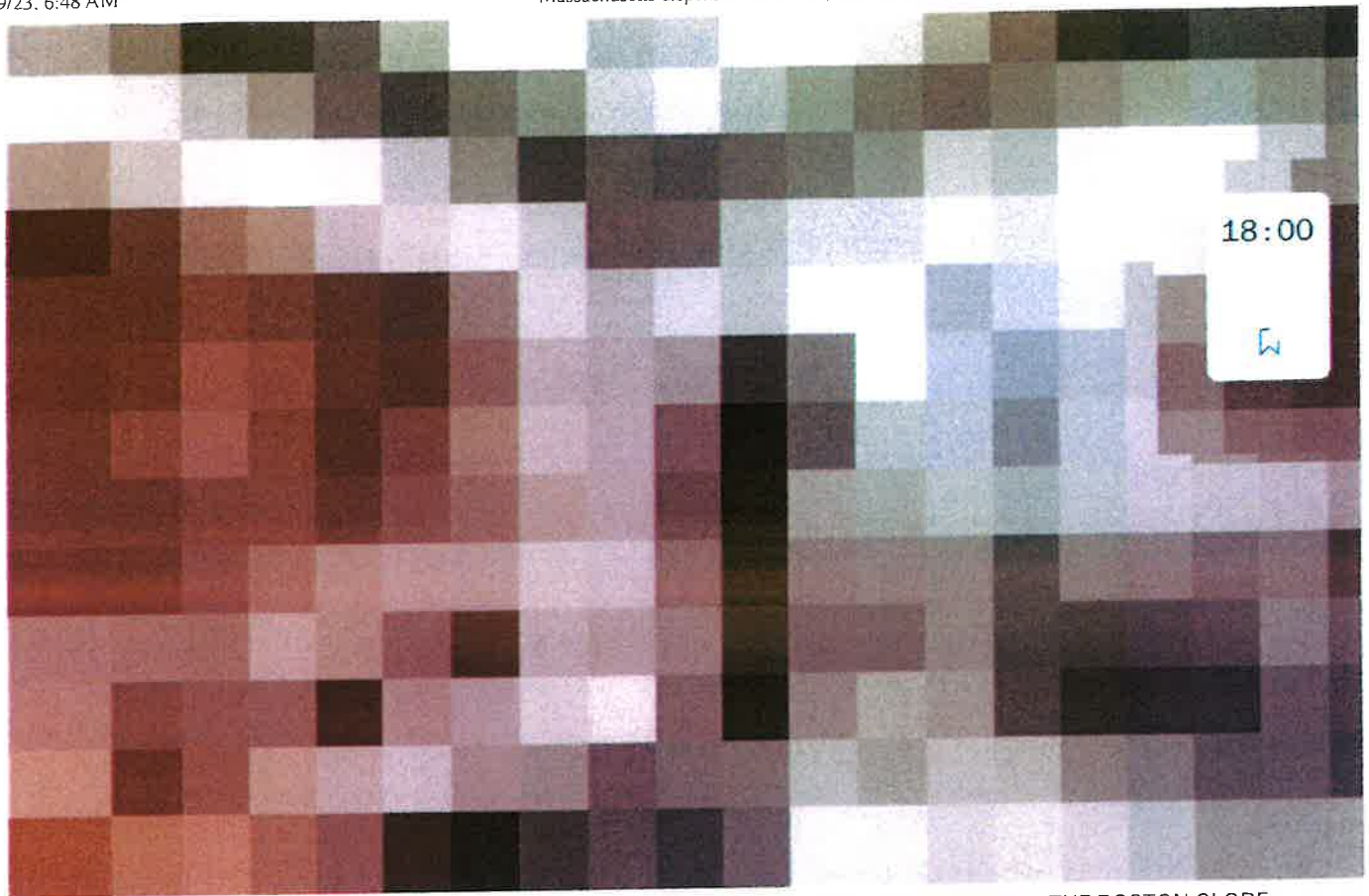
Inside, an equally friendly saleswoman greets me and asks what I'm looking for. Something to help me sleep, I say. She leads me to a touchscreen and talks me through the menu.

18:00

The saleswoman recommends Bedtime Betty's, a cannabis fruit chew, with dose cannabinoids THC, CBD, and CBN. It's part of the Betty's Eddies line from the Massachusetts-based company MariMed. The saleswoman says she has insomnia, but when she takes a Bedtime Betty and goes to bed 30 minutes later, she's "out like a light in 10 minutes, until morning." I choose the raspberry creme chews and head for the counter. There, about 10 workers, each in a black T-shirt adorned with the Pure Oasis logo, are chatting, mostly among themselves. I'm one of only three customers — although it is 3 p.m. on a Monday — and my cashier tells me the rush is around 7 p.m.

She rings up my 10-chew package: \$16.99, plus \$3.40 in state and local taxes — that works out to a low, low price of \$2.04 per high. Before the cashier staples the Bedtime Betty's into a discreet paper bag, she lets me know I have chosen wisely.

"Betty's a great lady," she says.



Tito Jackson in the rooftop area of his new Boston dispensary, Apex Noire. JARED CHARNEY/FOR THE BOSTON GLOBE

Tito Jackson, the former Boston city councilor, greets me on the ground floor of [Apex Noire](#), his new recreational cannabis dispensary on State Street, near Faneuil Hall. Six years out of office, Jackson has translated his political skill into savvy marketing. “We are Boston’s — as well as the world’s — first seven-story, full-service, experiential cannabis dispensary, edible factory, and roof-deck bar and lounge,” he says with a smile.

Behind the first-floor counter, boxes of product — Jedi Kush 1G Dablicator, Bubby’s Choco Chip Bites, Hashables Tropical Typhoon — lie in plastic bins. Up the stairs, a digital screen announces registration for “Follow the Bliss,” a “cannabis-infused improv class” offered with nearby Improv Asylum. The building used to house the Japanese restaurant Kamakura, a victim of the pandemic. The kitchen in the basement will soon start producing edibles. Jackson bought the restaurant’s liquor license and plans to open a bar on the sixth and seventh floors.

Jackson and his employees wear black baseball jerseys with “Apex” stitched in red across the chest, in the Red Sox font. “Apex” for the pinnacle, “the top tier” of service, he says; and “Noire” for Black, because, “in the state of Massachusetts, people of color have been disproportionately jailed” for marijuana. 18:00

Jackson says he was the first Massachusetts elected official to [endorse marijuana legalization](#) (in a *Boston Business Journal* story that, coincidentally, ran on 4/20/2010). He also cites an American Civil Liberties Union study that found that in 2014, six years after the state decriminalized possession of small amounts of marijuana, Black people in Massachusetts were still more than three times more likely than white people to be arrested for possessing marijuana, and seven times more likely to be arrested for selling it.

“

‘If you allow your cannabis business to look, feel, and approach this industry like a liquor store, and you’re a smaller operator, then you’ve lost.’

Tito Jackson, a former Boston city councilor and owner of a new downtown dispensary



Now, 80 percent of Apex Noire’s employees are people of color, Jackson says, and about 25 percent have a criminal record. “We give opportunities for those folks to participate in an industry [where] they may have been an early adopter,” he says. “Now it’s legal, and those who got locked up should not be locked out.”

Even with all of Jackson’s political savvy, it took years to open Apex Noire. Jackson got a hold of this building in 2020, but Apex Noire didn’t debut until this year, with a January soft opening and an April grand-opening block party that attracted more than 2,000 people. The logo on his jersey’s sleeve says “Est. 2020” because he wants to commemorate how hard it was to acquire financing, navigate Massachusetts and Boston cannabis regulations, and actually open.

Jackson began exploring cannabis entrepreneurship [after losing the 2017 Boston mayor's race](#) to Marty Walsh. A financial partnership with an out-of-state company fell through, so he pieced together additional financing slowly, from family and friends. He says he had host community agreements — local licenses from the city — in three **18:00** places before opening on State Street.

Raising capital is the toughest part for cannabis entrepreneurs, Jackson says, *especially* for entrepreneurs of color. Another challenge is identifying a building — and paying rent, maybe for years, while seeking licenses and making no sales. To open Apex Noire, Jackson needed a host community agreement, a state provisional license, state approval of architectural drawings, building permits, a “post-provisional license inspection,” a “final” state license granting permission to bring product on site, a “post-final-license inspection,” and, finally, permission to commence operations.

“It’s a walk in the valley of death,” Jackson says, “and a walk of faith.”

Now that other shops have opened, Apex Noire has to thrive in a competitive downtown market. Three other dispensaries, including Evans’ new Pure Oasis store, are within an eight-minute walk. That’s why Jackson aims to sell Apex Noire as a destination with its own character. He needs to.

“The lifeblood is being able to create your own brand, your own experience and value, beyond simply the offer of the product,” he says. “If you allow your cannabis business to look, feel, and approach this industry like a liquor store, and you’re a smaller operator, then you’ve lost.”

“

‘It’s a little bit of an arms race. We all carry similar products. Some folks will drive past you if they can get it a dollar or two cheaper. So, people are price matching or trying to beat each others’ prices.’

Matt Yee, COO of a Northampton dispensary

If you judge only by the billboards, you might think Massachusetts is saturated with pot shops. But that's only true in some places: Parts of the state have lots of dispens 18:00 other parts have relatively few.



Cities and towns that wrote pot-friendly rules right away now host lots of competition, and the market is figuring out who'll survive. But places like Boston slow-walked their cannabis regulations at first. That's why the downtown market is only really heating up now.

By contrast, Northampton, one of the state's 420-friendliest towns, originally put no cap on the number of marijuana dispensaries it approved. At times, the city has chosen not to levy a community impact fee, which can reach as high as 3 percent of sales.

Now, Northampton is the first Massachusetts city to see multiple recreational dispensaries close. Two multistate operators, The Source and Trulieve, shuttered their stores there in the past year. The Source, based in Nevada, cited the "specific business environment in Northampton." [Trulieve closed all three of its Massachusetts dispensaries](#), and will close its Holyoke manufacturing plant (where a [worker died in 2022 from occupational asthma](#) due to exposure to ground cannabis). The Florida-based company said its assets were "impaired due to the competitive environment" in Massachusetts.

Enlite Cannabis Dispensary opened in Northampton in November 2021. The company's chief operating officer, Matt Yee, says competition there is fierce. "In our downtown core, we have about six dispensaries all within walking distance," he says. "It's a little bit of an arms race. We all carry similar products. Some folks will drive past you if they can get it a dollar or two cheaper. So, people are price matching or trying to beat each others' prices."

As marijuana prices have fallen nationwide, the cannabis market in some Western states has crashed. Colorado, which legalized pot in 2012, lost 28 percent of its cannabis jobs in 2022, according to the [Vangst Jobs Report](#), an industry analysis. California, which approved legalization in 2016 (like Massachusetts), lost 13 percent last year. 18:00

That hasn't happened yet in Massachusetts. The cannabis industry added 1,158 jobs last year, for a total of 28,370 — the fifth-most cannabis jobs of any state, according to the Vangst report. But that's a much smaller increase than in 2021, when Massachusetts added 11,112 jobs. The slowdown points to a question: Could an actual crash happen here?

“No, not to the degree you're seeing elsewhere,” says Frank Colombo, the director of data analytics for [Viridian Capital Advisors](#), a cannabis investment firm. One reason, he says, is that some national cannabis companies have either pulled out of Massachusetts or reduced their presence here. “That's probably why you see stabilization of pricing in Massachusetts,” he says. In fact, recently, it's even “up a little bit.”

Each state's marijuana market is different, because each state has set very different rules for the industry, Colombo explains. While California has allowed nearly unlimited cultivation, leading to a massive oversupply, Massachusetts has set limits on how much any one cultivator can grow. Also, no single company can operate more than three recreational dispensaries here, which means it's harder for big, multistate operators to dominate the market.

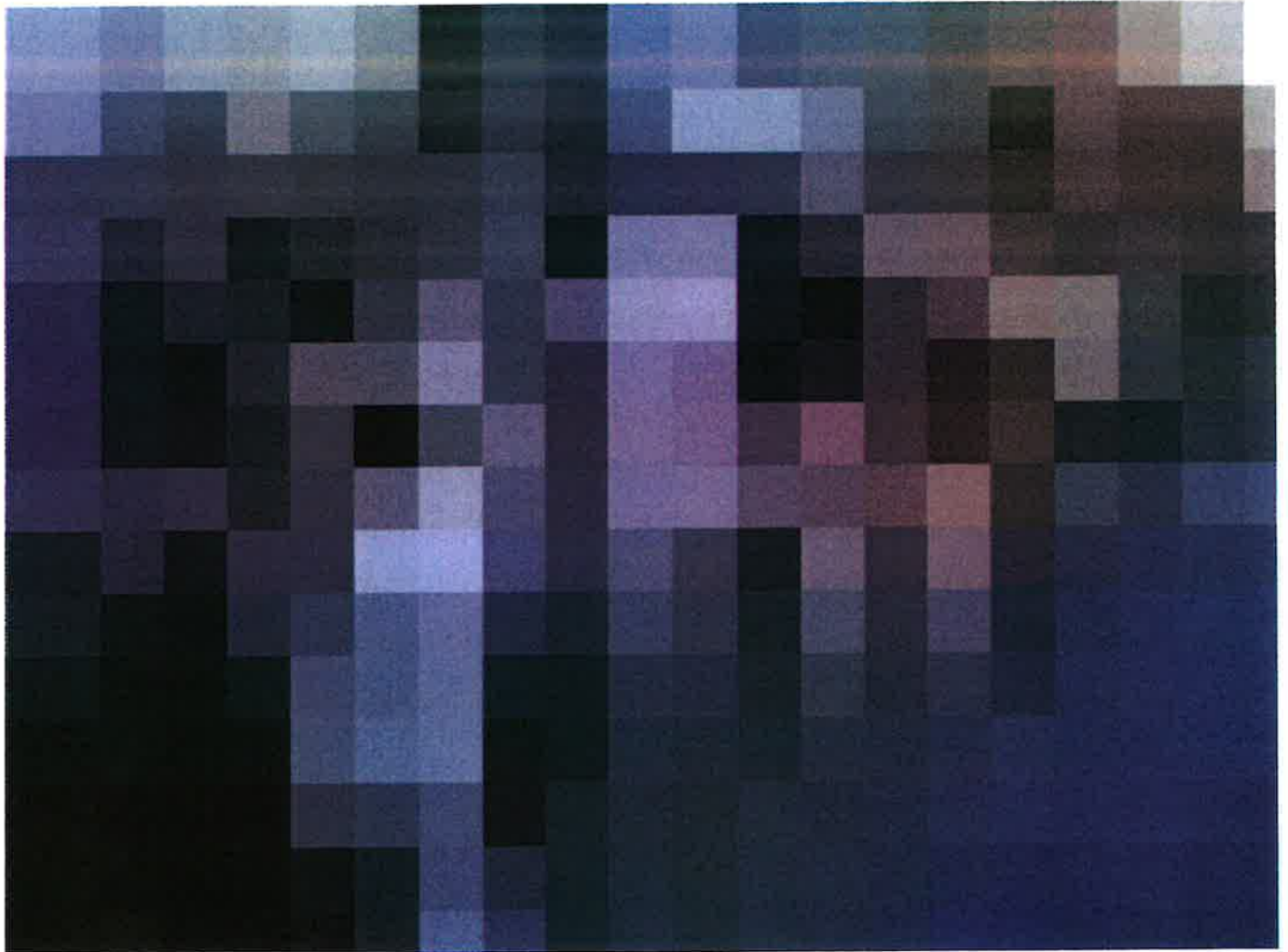
“Because of the three-dispensary limit, Massachusetts is under-dispensaried,” says Colombo, who lives on Cape Cod. Colorado now has more than 600 recreational dispensaries to Massachusetts' more than 300, even though Colorado's population is slightly smaller. By the end of 2022, Denver alone had 178 cannabis retail stores; as of this summer, Boston has 24.

“The dispensaries in Massachusetts that are doing the best are in locations where there's only one or two dispensaries,” Colombo says, “so they have much less pricing pressure on

them.”

Still, with prices low and inflation driving up the cost of doing business, marijuana companies will have to be lean to survive here. “I think that it’s going to require careful management of costs,” Colombo says. “You need to be pretty brutal about how many people do we really need to have [working] at this dispensary?”

11:18:00



A line outside Brookline’s New England Treatment Access in 2019, during the early days of recreational legalization. MATTHEW J. LEE/GLOBE STAFF

Success in Massachusetts’ marijuana industry has been hard to achieve for the people legalization was supposed to help most: residents of places harmed by the war on pot and people with drug convictions. Though that goal was in the law from the beginning,

disadvantaged applicants didn't get much support in the early years. Now, they're entering a market where pressure is building and profit margins have thinned.

The Cannabis Control Commission has created equity programs, intending to give disadvantaged populations a boost. But the state rolled out the programs slowly. Meanwhile, bigger companies got a head start in Massachusetts by opening dispensaries after the 2012 legalization of medical marijuana. They were among the first companies to add recreational dispensaries in 2018 and 2019, while local entrepreneurs were just getting started.

Payton Shubrick opened [6 Brick's](#), now one of four recreational dispensaries in Springfield, in September 2022. The shop leans into its status as a local, minority-owned business, selling T-shirts that read, "Support Black-owned businesses" and "Buy weed from Black women."



Shubrick's competitors so far are multistate operators, including one less than a mile away. "They were able to market themselves with a ton of billboards that line the highways," she says. "We had to figure out more grass-roots efforts, as I didn't have a large budget."

Shubrick sent team members out around town wearing 6 Brick's T-shirts. Marijuana companies aren't allowed to pass out fliers — what if they left one on a car of someone under 21? — but if someone asks about the store, Shubrick says, then employees can offer information.

The state did give social-equity candidates a head start in marijuana delivery, setting aside the first round of licenses for people from historically disadvantaged populations. But delivery companies have complained that the state's strict regulations have made it extremely hard for their businesses to succeed.

Chris Fevry cofounded [Your Green Package](#), which began marijuana deliveries in the Boston area in July 2021. "There's been multiple times during that two-year journey

where we almost went out of business,” he says. Your Green Package has survived by cutting staff, trimming its delivery areas, and going into wholesale distribution services for other cannabis companies. “If we hadn’t expanded to provide distribution services,” he says, “we wouldn’t exist today.” 18:00

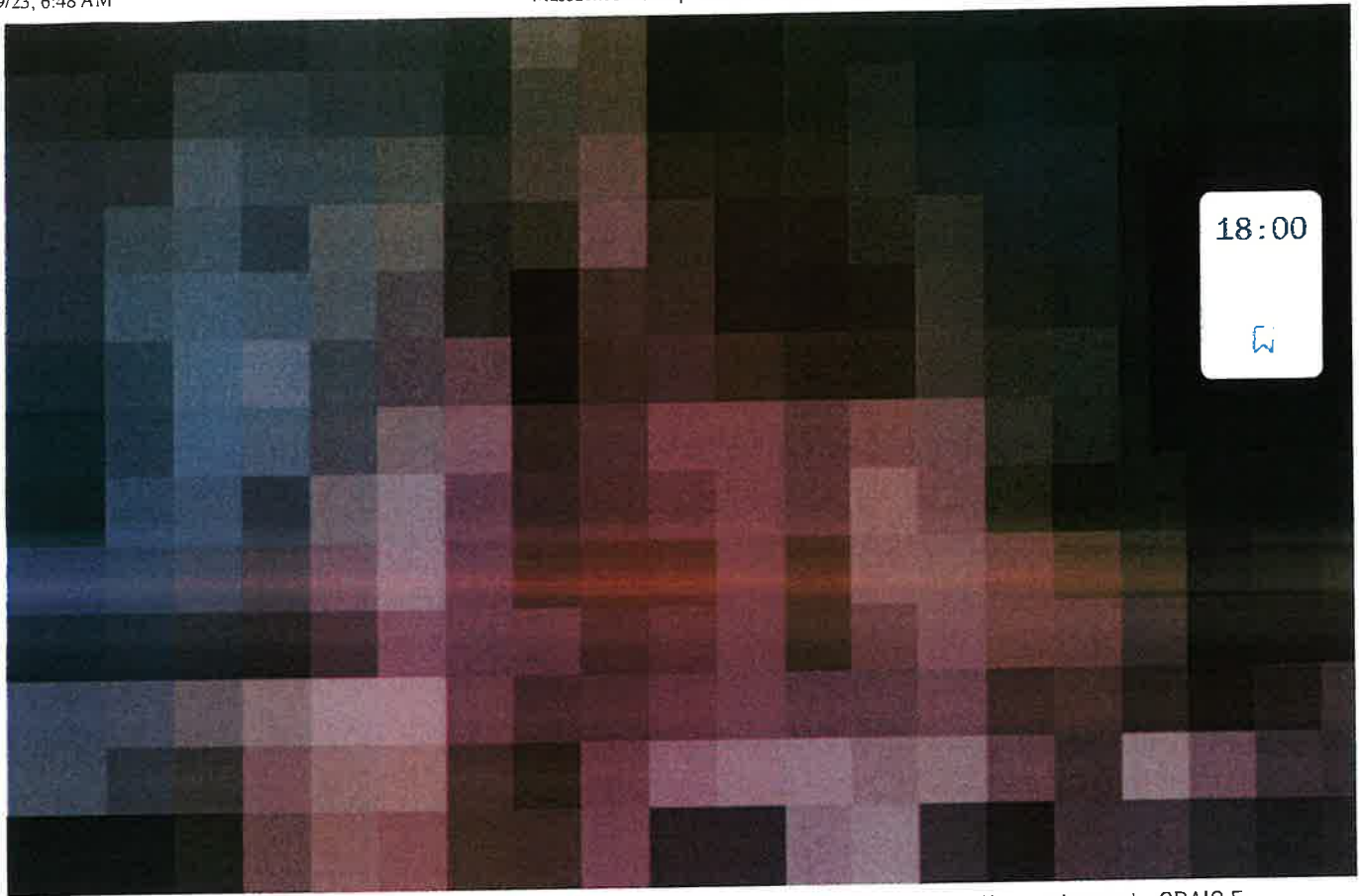
The last frontier for the state’s marijuana industry is “social consumption”: Amsterdam pot cafes and other places where people could use marijuana in public.  



Fevry, like other delivery operators, wants the state to repeal its rule [that two drivers have to go out on every marijuana run](#). Since delivery vehicles carry cash and pot, the fear was they’d be targets of thefts, but that’s proven to be an overblown anxiety, he says. “In most cases, the driver is not carrying much product or cash at all.” Most of Your Green Package’s transactions are made with debit cards and the delivery cars are unmarked.

A state law passed last year, meanwhile, aims to help social-equity marijuana companies: It requires cities and towns to consider equity questions when approving local licenses. It also calls for establishing a loan fund to help companies run by people from disenfranchised backgrounds. This money would come from the state marijuana tax, which collected \$157 million in 2022. But the fund isn’t up and running yet.

Critics say such help, seven years after legalization and still counting, is coming too late. “They can never make that up,” says Shaleen Title, a former Cannabis Control Commission member who often advocated for disadvantaged businesses. “It’s not really fair competition when one segment started years later.”



Dinner at Mary's owner Sam Kanter, photographed in 2020, wants to open a social-consumption restaurant. CRAIG F. WALKER/GLOBE STAFF

The last frontier for the state's marijuana industry — and perhaps its last big chance to include people harmed by the war on drugs — is “social consumption”: Amsterdam-style pot cafes and other places where people could use marijuana in public. Proponents envision restaurants with cannabis-infused sauces and meals, movie theaters and concert clubs, and canna-yoga.

The first shot at social consumption licenses would also go to disadvantaged entrepreneurs. But many fear a repeat of the delivery dilemma. They think the state's draft regulations for consumption sites will make it hard to succeed. For instance, the draft rules would prohibit smoking indoors, though they would allow vaping.

“We live in New England,” says Matt Yee, of [Enlite Cannabis](#), who'd like to open a cannabis consumption lounge. “To ask people to smoke a joint outside in January is not a very favorable look.”

Sam Kanter operates [Dinner at Mary's](#), a Boston-based [catering and meal-kit company](#) that offers cannabis-infused olive oil with its meals. Kanter officially only sells the food, offering the olive oil free of charge; state law allows people to give small amounts of marijuana as a gift. She wants to open a social-consumption restaurant in Cambridge Somerville. Though she doesn't qualify as a social-equity entrepreneur, she has lined up who does: a man who served time for marijuana trafficking.

"It will be New England-inspired fare," Kanter says. "It will be American, very seasonal. We will have traditional appetizers and entrees. We'll have full dosage control" — from cannabis-infused sauces, served on the side.

But the draft regulations (which the Cannabis Control Commission is still considering) don't allow a cannabis-related restaurant, Kanter says: They would only allow the serving of shelf-stable edibles. She says she's talking with the CCC commissioners about rewrites to the proposed rules.

If social consumption rules prove workable, Tito Jackson could be well positioned to start a cannabis lounge at Apex Noire, even if the requirement to only smoke outside sticks. The building he's leasing came with a retractable glass roof.

Up on the seventh floor, Jackson presses a button, and the roof hums and rolls back, revealing a gorgeous, up-close view of the Custom House Tower. For now, the space is earmarked for Apex Noire's forthcoming bar serving beer, wine, and cocktails. In the future, it could instead be an ideal spot for smoking a joint with friends. "I don't think there's any location in this state that has the kind of foresight that this place actually has," he says.

Jackson says he's interested in opening a social consumption lounge, though "it depends on the regulatory environment." If social consumption doesn't prove workable, he can stick with alcohol. (He doesn't expect Massachusetts, or any state, to allow alcohol and pot consumption in the same space.)

“There’s something called a third place,” Jackson says, as a breeze and seagull cries enter the lounge. “You’ve got your home, you’ve got your work. But now, especially in this hybrid environment, a lot of deals and connectivity happen at a lounge, at a bar, or coffee shop. I really look at this as being the premier third place in the cannabis sphere banking on it. 18:00



Erick Trickey is enterprise editor at the nonprofit newsroom The New Bedford Light and a lecturer in the Boston University department of journalism. Send comments to magazine@globe.com.

Correction: Because of reporting errors, an earlier version of this story undercounted recreational marijuana dispensaries in Massachusetts. More than 300 are open, and more than 180 are in the pipeline. It has also been updated to correct the number of recreational stores in Boston; there are 24. The Globe regrets the errors.

[Show 239 comments](#)

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EXHIBIT 7

Adult Use Cannabis Sales Figures Released for April 2023

News Release – Tuesday, May 2, 2023

Adult Use Cannabis Sales Figures Released for April 2023

2023

MONTH	ITEMS SOLD	IN-STATE RESIDENT SALES	OUT-OF-STATE RESIDENT SALES	SALES TOTAL
January	3,079,621	\$91,820,903.30	\$36,117,116.55	\$127,938,019.85
February	2,911,925	\$89,724,533.02	\$30,764,036.89	\$120,488,569.91
March	3,289,301	\$101,080,949.24	\$33,709,432.53	\$134,790,381.77
April	3,367,602	\$99,561,394.90	\$32,429,107.93	\$131,990,502.83

2022

MONTH	ITEMS SOLD	IN-STATE RESIDENT SALES	OUT-OF-STATE RESIDENT SALES	SALES TOTAL
January	2,645,046	\$81,991,809.30	\$35,259,950.43	\$117,251,759.72
February	2,586,830	\$79,750,084.46	\$34,242,961.60	\$113,993,046.06
March	3,007,699	\$90,391,353.23	\$40,568,767.43	\$130,960,120.66
April	3,102,233	\$90,928,278.73	\$40,854,378.54	\$131,782,657.26

May	3,044,806	\$88,824,672.00	\$40,979,345.72	\$129,804,017.72
June	3,023,145	\$86,685,388.39	\$40,123,518.63	\$126,808,907.02
July	3,251,062	\$92,155,002.40	\$43,503,289.06	\$135,658,291.46
August	3,063,423	\$88,309,118.85	\$41,132,196.95	\$129,441,315.80
September	3,092,880	\$89,501,115.33	\$41,184,007.26	\$130,685,122.59
October	3,102,804	\$90,884,540.32	\$40,662,490.54	\$131,547,030.86
November	3,068,223	\$91,250,864.09	\$39,241,860.83	\$130,492,724.92
December	3,446,978	\$102,460,209.38	\$41,439,616.92	\$143,899,826.30
Totals:	36,435,129	\$1,073,132,436.48	\$479,192,383.91	\$1,552,324,820.37

2021

MONTH	ITEMS SOLD	IN-STATE RESIDENT SALES	OUT-OF-STATE RESIDENT SALES	SALES TOTAL
January	1,898,064	\$63,745,077.18	\$25,068,795.60	\$88,813,872.78
February	1,724,610	\$57,907,195.55	\$22,834,446.29	\$80,741,641.84
March	2,317,315	\$75,744,092.53	\$33,405,263.45	\$109,149,355.98
April	2,463,056	\$79,909,284.92	\$35,052,383.30	\$114,961,668.22
May	2,512,093	\$79,559,545.00	\$36,820,803.01	\$116,380,348.01
June	2,513,676	\$79,190,074.69	\$36,384,666.58	\$115,574,741.27
July	2,802,124	\$85,426,028.21	\$42,368,192.28	\$127,794,220.50

August	2,702,230	\$81,275,830.72	\$40,657,711.51	\$121,933,542.23
September	2,702,260	\$81,686,864.69	\$40,030,844.82	\$121,717,709.51
October	2,757,354	\$81,212,423.15	\$42,162,949.29	\$123,375,372.44
November	2,769,211	\$81,722,303.46	\$39,026,643.26	\$120,748,946.72
December	3,180,944	\$95,634,565.57	\$42,363,394.54	\$137,896,859.11
Totals:	30,342,937	\$943,013,285.67	\$436,176,093.93	\$1,379,088,278.61

2020

MONTH	ITEMS SOLD	IN-STATE RESIDENT SALES	OUT-OF-STATE RESIDENT SALES	SALES TOTAL
January	972,045	\$30,611,632.22	\$8,636,208.61	\$39,247,840.83
February	831,600	\$25,615,371	\$9,189,701.01	\$34,805,072.01
March	812,203	\$27,096,931.23	\$8,805,611.99	\$35,902,543.22
April	818,954	\$29,735,650.41	\$7,524,847.47	\$37,260,497.89
May	989,179	\$34,095,756.45	\$10,221,629.26	\$44,317,385.72
June	994,545	\$35,256,165.45	\$12,390,271.80	\$47,646,437.25
July	1,270,063	\$44,749,787.69	\$16,207,193.72	\$60,956,981.41
August	1,359,311	\$46,749,971.04	\$17,213,875.86	\$63,963,846.90
September	1,426,166	\$49,790,699.44	\$17,857,662.70	\$67,648,362.14
October	1,557,880	\$54,708,538.09	\$20,569,662.06	\$75,278,200.15

November	1,556,817	\$54,536,551.74	\$20,662,793.59	\$75,199,344.33
December	1,896,941	\$63,490,405.77	\$23,367,492.50	\$86,857,898.27
Totals:	14,485,704	\$496,437,460.53	\$172,646,950.57	\$669,084,410.12

**These figures do not include taxes collected. Those figures will come from the Illinois Department of Revenue.*

Related Articles

Pritzker Administration Expands Access to Self-Administered Contraceptives

Thursday, May 11, 2023

April 2023 Enforcement Report

Tuesday, May 9, 2023

Updated IDFPF Statement on Recent Court Rulings About Mifepristone

Monday, May 1, 2023

March 2023 Enforcement Report

Thursday, April 27, 2023

Village of Carol Stream Plan Commission/Zoning Board of Appeals

STAFF REPORT

November 13, 2023

TO:
Chairperson and Plan
Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
The applicant is requesting
approval of the following:

- North Avenue Corridor Review, in accordance with Sections 16-3-7 and 16-15-16 (E) of the UDO

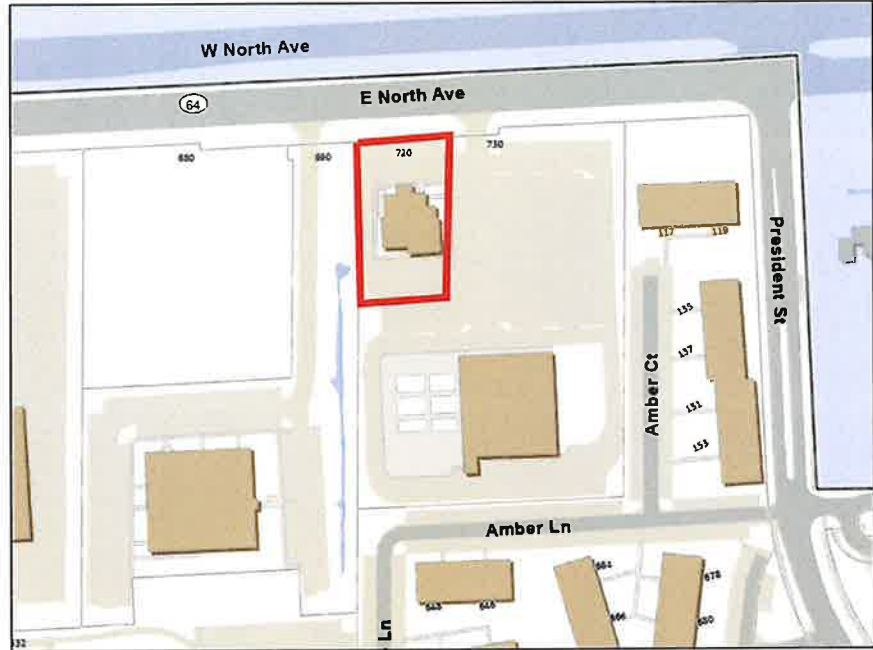
APPLICANT/ CONTACT:
Mr. Dev Patel
720 E. North Avenue
Carol Stream, IL 60188



CASE #: 23-0042

LOCATION: 720 E. North Avenue

PROJECT NAME: Veltiste IL / BisaLina Cannabis



LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN DESIGNATION
Subject Property	B-3 General Business District	Commercial (Adult-Use Cannabis Dispensary)	Corridor Commercial
North	Village of Glendale Heights Industrial Planned Development	Industrial (Vacant)	Industrial
South	B-3 General Business District	Commercial (Jubilee Furniture)	Corridor Commercial
East	B-3 General Business District	Commercial (Jubilee Furniture parking lot)	Corridor Commercial
	R-4 General Residence District	Multi-Family Residential (Renaissance at Carol Stream)	Multi-unit Residential
West	O-S Office-Service District	Commercial (Dynamic MD truck repair facility, multi-tenant office building)	Corridor Commercial
	I Industrial District		

The property highlighted above is located on the south side of North Avenue and west of President Street.

Site Assessment

COMPREHENSIVE PLAN DESIGNATION:

The subject property is designated for corridor commercial uses according to the Village's 2016 Comprehensive Plan. The cannabis dispensary fits within this designation.

AERIAL PHOTOGRAPH:



Project Summary

ATTACHMENTS:

Attached for review is the General Application, Cover Letter dated October 24, 2023, Proposed Exterior Building Elevations (Exhibit A), Previously Approved Exterior Building Elevations (Exhibit B), and Sampling of North Avenue Building Facades (Exhibit C).

BACKGROUND:

Mr. Dev Patel, Chief Executive Officer with Veltiste IL, requests North Avenue Corridor (NAC) Review approval for façade modifications for the adult-use cannabis dispensary at 720 E. North Avenue. In May 2023, approval was granted for a cannabis dispensary in the former Playoff’s building. The applicant anticipates completing renovations and opening the dispensary by the end of the year. The dispensary was initially going to be called “Fuego Cannabis,” and contained a red branding color on the upper portions of the north, east, and west facades of the building. The applicant has now rebranded the business as “BisaLina Cannabis,” with a new color motif of purple and gold. The applicant proposes to paint the entire north façade, and half of the east and west facades, purple with gold accent or trim colors. NAC Review is required for the façade modifications.

Staff Analysis

NORTH AVENUE CORRIDOR REVIEW

As illustrated in the attached sampling of building facades along the NAC, the Village has allowed businesses to utilize colors and other architectural features to provide visual identification and branding. Typically, colors have been used in tandem with architectural building features, such as awnings or trim, or in the case of gas stations, canopies over fueling pumps. As such, staff was supportive of the red color on the upper portion of the building facades to denote the “Fuego” brand, and staff would be supportive of replacing the previously approved red color motif with the revised purple and gold color motif and the upper portions of the north, east, and west building facades. However, staff is not supportive of painting the entire north façade facing North Avenue, and the northernmost halves of the east and west facades.

Provisions in the UDO discuss architectural design and colors for buildings along the NAC, and under the use-specific standards for cannabis dispensaries. These include the following:

§ 16-3-7 OVERLAY DISTRICT.

(C) Gary Avenue and North Avenue Corridor Overlay District - GAC and NAC

(1) Purpose. The Gary Avenue and North Avenue Corridors and the development within them are major factors influencing the visual and environmental quality of the village. At full development, the Corridor will contain the village's Town Center, other retail nodes, significant industrial and employment concentrations, public institutions, recreational facilities and residential development. Due to the intensity of these land uses, Gary Avenue and North Avenue represent the heart of the village, as well as a prominent image to those passing through the community. The purpose of the Gary Avenue and North Avenue Corridors is to:

(a) Create a unified, harmonious and high-quality visual environment throughout the Gary Avenue and North Avenue Corridors, thereby identifying them as special areas with a unique identity within the village and the region;

(b) Promote high-quality design through improved development standards within the Corridors. These standards, which govern site planning, building design, and landscaping will

enable the village to enhance what otherwise might result in aesthetically and economically lower quality strip development;

(c) Foster a distinctive and positive image for the village and for the Gary Avenue and North Avenue Corridors which function as principal gateway into the village; and

(d) Protect and enhance wetlands and other significant natural resources through use of careful site design, protective easements, sensitive alignment and design of roadways and utilities, incorporation of natural features, landscaping and massing of trees.

§ 16-4-9 ADULT USE AND MEDICAL CANNABIS DISPENSING ORGANIZATION.

(A) Submission requirements and criteria.

(9) Exterior appearance. The exterior appearance of the building of a dispensing organization shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

§ 16-5-16 GAC AND NAC OVERLAY DISTRICTS.

(E) Architectural design. This section provides architectural regulations and guidelines to the Plan Commission, village staff and owners and occupants of land along Gary Avenue and North Avenue in order to promote the objectives of the Gary Avenue and North Avenue Overlay Districts regulations.

(1) Multi-tenant, mixed-used developments shall be constructed with compatible materials and design characteristics including building material, roof lines, color and landscaping.

(2) Each building in B-1, B-2 or B-3 Zoning Districts shall have a pedestrian arcade or canopy fronting the store for shade, identity and pedestrian scale. Arcades should visually and/or physically link retail and office functions within a shopping center to protect pedestrian patrons of the center.

(3) Design improvements shall be compatible with the existing built and natural environments. New materials shall be the same or complement existing materials.

(4) Monotony shall be avoided within projects and between a project and its surroundings. Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, signage, height, roof-line and setback. Facades of buildings shall incorporate such design features as changes in materials, color, fenestration or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the building and its views from public ways.

As highlighted above, NAC and use-specific provisions in the UDO allow for colors to be displayed on buildings, as long as said colors are part of a harmonious design along the corridor and are compatible with the existing building's architecture and scale. Staff believes that utilizing the purple and gold color motif along the upper portions of the north, east, and west building facades will allow the business to "brand" the building in an appropriate manner with its architecture, along with updating the color motif on the existing monument sign along North Avenue. However, painting the purple and gold color motif along the three building facades in their entirety will detract from the architecture of the building, potentially overwhelm motorists along

North Avenue, and not be in keeping with a unified appearance along the Corridor. As such, staff cannot support the applicant's request.



Playoff's Front Elevation



Previously Approved Front Elevation along North Avenue



Proposed Front Elevation along North Avenue

RECOMMENDATION

Staff has reviewed the request for the updated color motif, but cannot support painting the entire north, east, and west building facades. Therefore, staff recommends denial of the North Avenue Corridor Review for BisaLina Cannabis, at 720 E. North Avenue, Case No. 23-0042.



RECEIVED

OCT 25 2023

COMMUNITY DEVELOPMENT
DEPT

Do Not Write in This Space

Date Submitted: 10-25-23

Fee Submitted: \$ 500.00

File Number: 23-0042

Meeting Date: 11/13/23

Public Hearing Required: N

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 DEV PATEL Phone _____
 Address 720 E NORTH AVE. CAROL STREAM, IL 60188 Fax _____
 E-Mail Address dev@veltiste.com
 (required)
 Name of Attorney N/A Phone _____
 (if represented)
 Address _____ Fax _____
 Name of Owner SAME AS APPLICANT Phone _____
 (required if other than applicant)
 Address _____ Fax _____
 Name of Architect DANIELA FITZGERALD, FITZGERALD APD Phone (312) 724-7400
 (if applicable)
 Address 125 N HALSTED, STE.400, CHICAGO, IL 60661 Fax _____
2. *Common Address/Location of Property 720 E NORTH AVE. CAROL STREAM, IL 60188
3. Requested Action: (check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input checked="" type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input type="checkbox"/> Planned Development – Preliminary | <input type="checkbox"/> Special Use Permit (requires Form C) |
| <input type="checkbox"/> Shared Parking Facility | <input type="checkbox"/> Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Text Amendment (requires Form D2) |
| | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action REQUEST FOR APPROVAL OF COLORS USED ON ELEVATIONS
OF EXISTING BUILDING LOCATED IN THE GARY/NORTH CORRIDOR ZONE

4. Fee Schedule: *(Check all that apply)* Total Application Fee: \$ 500

	Annexation approvals:	
	New development	\$2,000
	Other	\$800
	Annexation Agreement Amendment	\$800
	Appearance fee for approvals required by the UDO but not listed herein	\$500
	Courtesy Review	\$240
	Development Staff Review	\$640
	Easement Encroachment	\$300
	Gary/North Avenue Corridor Review:	
	New or replacement monument sign	\$500
X	One discipline (site design, architecture or landscaping)	\$500
	Two disciplines	\$1,000
	Three disciplines	\$1,500
	New development	\$1,500
	Outdoor Dining Permit	\$120
	Planned Development:	
	Existing Planned Development, minor change	\$500
	Existing Planned Development, major change	\$1,000
	New Planned Development	\$1,500
	Rezoning (Zoning Map Amendment)	\$640
	Shared Parking Facility Permit	\$500
	Site Plan Review	\$640
	Special Use:	
	First	\$800
	Each additional	\$200
	Special Use Amendment	\$800
	Staff Adjustment	\$240
	Subdivision:	
	Major	\$700
	Minor	\$400
	Temporary Building, Structure or Use	\$120
	Temporary Waiver to the Code of Ordinances	\$120
	Text Amendment:	
	Building Codes	\$240
	Unified Development Ordinance	\$640
	Variation:	
	First	\$640
	Each additional	\$200
	Zoning verification letter	\$80

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 notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed 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 that 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. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

Dev Patel
Print Name


Signature

October 24, 2023
Date

Revised 11/22



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October 24, 2023

Planning Commission Board and Zoning Board
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL 60188

**RE: Request for Approval of Exterior Color Scheme for Existing Building
720 E North Avenue, Carol Stream, IL 60188 / BisaLina**

Dear Planning Commission Board and Zoning Board of Appeals,

This letter has been prepared as part of the appearance review submission for 720 E North Ave. Our firm has worked with Dev Patel the building and business owner of the new cannabis dispensary which was recently issued a special use permit for this location. Since that permit was issued, this new business brand name and color scheme has evolved and changed. We are seeking approval to update the façade colors to reflect the new brand.

The chosen colors of purple and gold, which we intend to display prominently on the main facade, and partly on west and east facades, are significant to the brand, BisaLina. These colors are not just an abstract choice but a representation of brand identity, playing a key role in ensuring that BisaLina is identified and associated with them. Moreover, the consistent use of these colors across all the anticipated establishments throughout Illinois will aid in solidifying the brand's market presence.

We wish to bring to your attention well known and similar businesses like "Cookies," that have successfully integrated their primary brand colors into their building exteriors throughout the country. This marketing strategy has demonstrated its effectiveness in enhancing businesses' appeal and recognition. By maintaining consistency with BisaLina's brand colors, our goal is to develop a unified visual identity that resonates strongly with the target audience.

We have taken into account the existing features of the building at 720 E North Avenue, integrating them into our design. The existing building has an EIFS façade on the North Ave side of the building. This portion of the façade provides a canvas for a two-color paint scheme that had been used to highlight the brand vision of BisaLina and assist in achieving a harmonious blend of the existing building elements and new colors. Please note that the existing brick walls on the sides and rear of the building will remain and will be painted in a neutral shade of gray.

We recognize the significance of complying with local regulations and guidelines of the Gary/North Corridor concerning building aesthetics and respectfully ask for your review of our suggested color scheme. We believe that our color choice will enhance the aesthetic appeal of the building. The drawings showing proposed exterior appearance are included in our submittal.

Thank you for considering our request. We look forward to receiving your approval so that we may proceed with construction and bring a new business to Carol Stream.

Should you require any additional information or have any questions, please do not hesitate to contact the design team at Fitzgerald APD at (312) 724-7400.

Sincerely,
FITZGERALD ARCHITECTURE PLANNING DESIGN

A handwritten signature in black ink, appearing to read 'Daniela S.A. Fitzgerald', is written over a horizontal line.

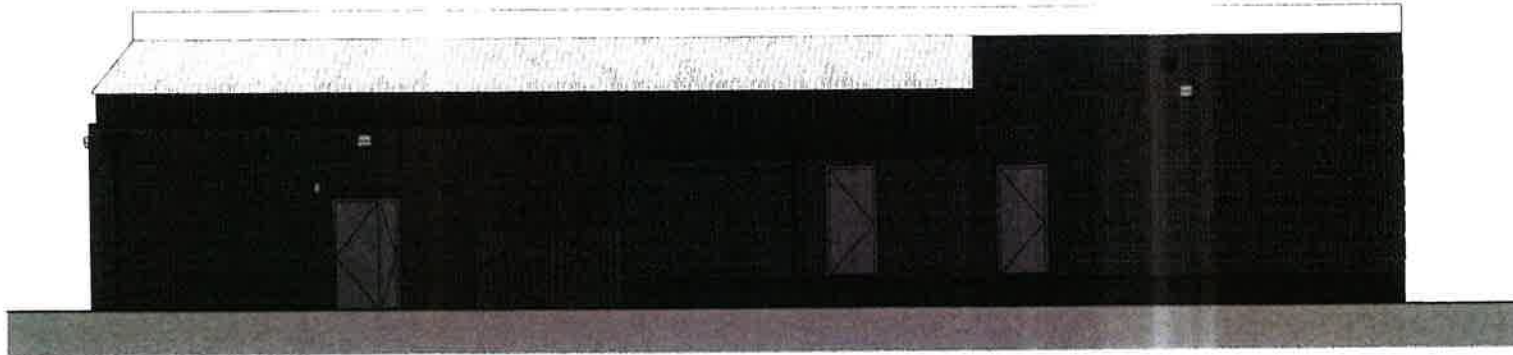
Daniela S.A. Fitzgerald, AIA, LEED AP, NCARB

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OCT 24 2023
COMMUNITY DEVELOPMENT
DEPT

SPECIAL USE PERMIT ITEM 9: EXTERIOR APPEARANCE



FRONT (NORTH) ELEVATION

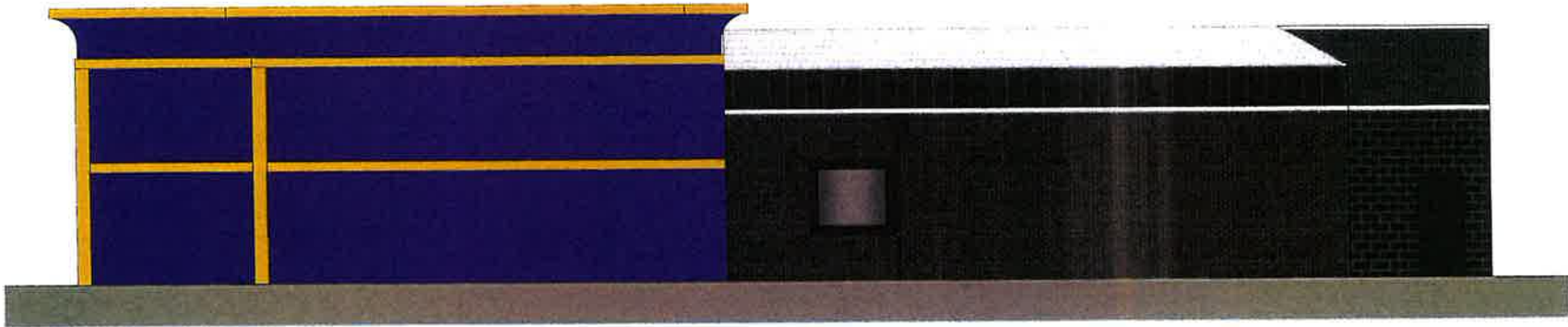


REAR (SOUTH) ELEVATION

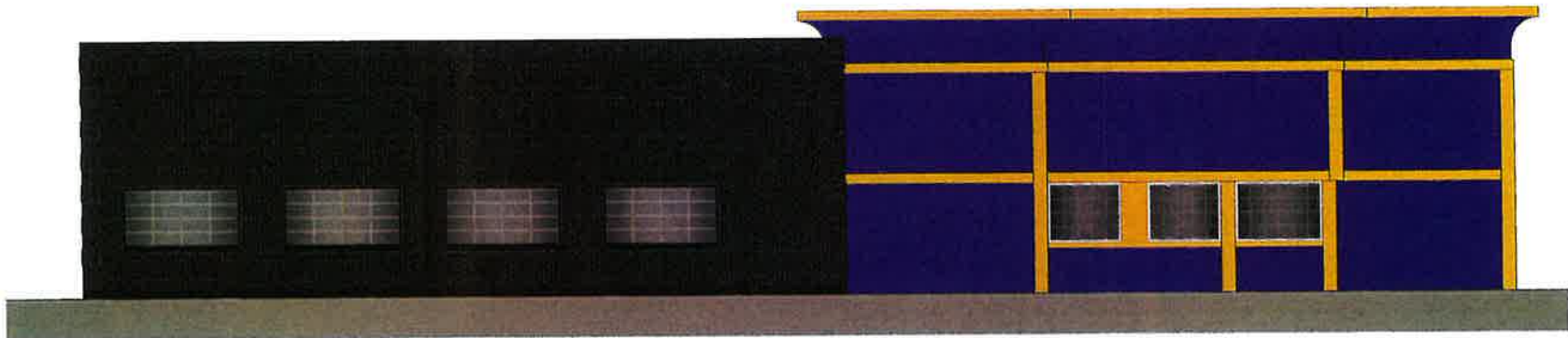
BISALINA CANNABIS
720 E NORTH AVE. CAROL STREAM, IL

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SPECIAL USE PERMIT ITEM 9: EXTERIOR APPEARANCE



WEST ELEVATION



EAST ELEVATION

BISALINA CANNABIS
720 E NORTH AVE. CAROL STREAM, IL

PREVIOUSLY APPROVED BUILDING ELEVATIONS

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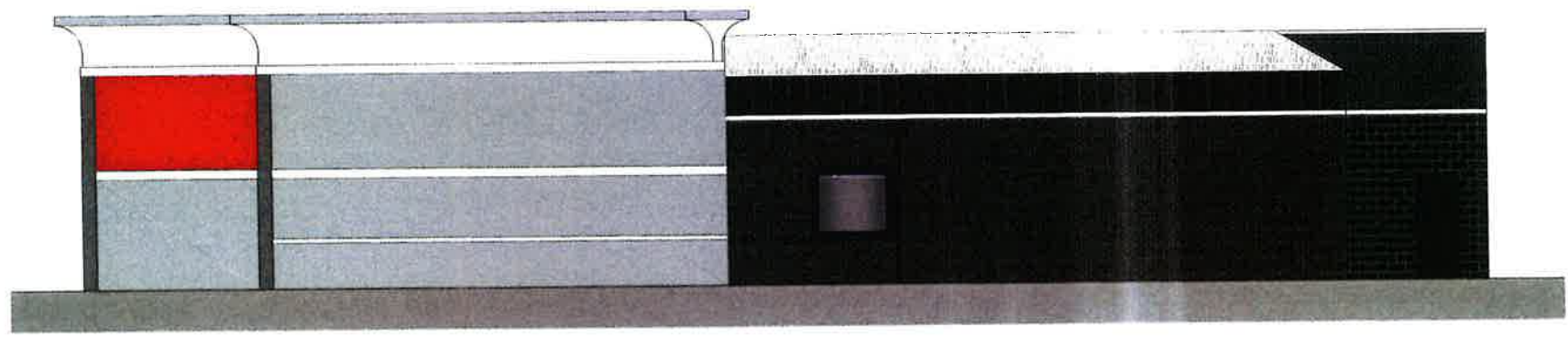
FRONT (NORTH) ELEVATION

EXHIBIT B

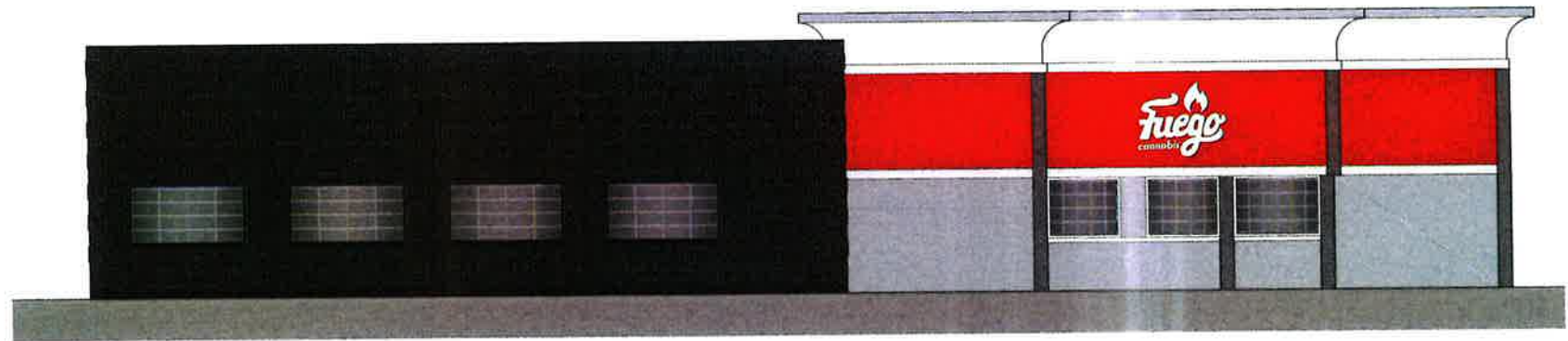
720 E NORTH AVE. CAROL STREAM, IL

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DEPT

PREVIOUSLY APPROVED BUILDING ELEVATIONS



WEST ELEVATION



EAST ELEVATION

FUEGO CANNABIS
720 E NORTH AVE. CAROL STREAM, IL

EXHIBIT C

North Avenue Building Façade Examples (Case 23-0042)





