



## Planning and Zoning Board Agenda June 28, 2022 Room 102 – 7:00 P.M.

### **Call to Order and Roll Call**

**Public Comment:** For matters that are not on the agenda

### **Pending Applications:**

**1. Address:** 1245 Forest Avenue

**Case Number:** 22-021-CU-TA

The petitioner is requesting the following items: (i) a zoning text amendment to allow cannabis infuser use as a conditional use in the M-1 zoning district; (ii) a conditional use to allow a cannabis infuser to operate at 1245 Forest Avenue; and (iii) any other variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-20-400-031-0000 & 09-20-400-027-0000

**Petitioner:** Kate Nadolski, P.O. Box 1590, Des Plaines, IL 60017

**Owners:** 1245 Forest Holdings LLC, One Transam Plaza Drive, Suite 120, Oakbrook Terrace, IL 60181

**2. Address:** Citywide

**Case Number:** 22-023-TA

Petitioner City of Des Plaines is requesting zoning text amendments related to driveway and hard surface regulations, as well as any other zoning relief as may be necessary.

**PIN:** Citywide

**Petitioner:** City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

**Owner:** n/a

**Next Agenda:** July 26, 2022; *July 12, 2022 will be canceled*

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.



MEMORANDUM

Date: June 22, 2022  
To: Planning and Zoning Board (PZB)  
From: Samantha Redman, Associate Planner *SR*  
Cc: John T. Carlisle, AICP, Director of Community and Economic Development  
Subject: Zoning Text Amendments to Add “Cannabis Infuser” as a Conditional Use in the M-1 Zoning District and Conditional Use for Cannabis Infuser at 1245 Forest Avenue

**Issue:** The petitioner is requesting a text amendment to the Zoning Ordinance to allow “Cannabis Infuser” as a conditional use in the M-1 Limited Manufacturing District. The petitioner is also requesting a conditional use permit to allow a cannabis infuser facility to be located in the M-1 Limited Manufacturing District at 1245 Forest Avenue.

**PIN:** 09-20-400-027-0000 & 09-20-400-031-0000  
**Petitioner:** Kate Nadolski, P.O. Box 1590, Des Plaines, IL 60017  
**Owner:** 1245 Forest Holdings LLC, One Transam Plaza Drive, Suite 120, Oakbrook Terrace, IL 60181  
**Case Number:** #22-021-TA-CU  
**Ward Number:** #5, Alderman Carla Brookman  
**Existing Zoning:** M-1, Limited Manufacturing District  
**Surrounding Zoning:** North: C-3, General Commercial District  
South: C-4, Regional Shopping District  
East: R-1, Single Family Residential District  
West: C-3, Regional Shopping  
**Surrounding Land Uses:** North: Grocery Store  
South: Shopping Center  
East: Single Family Residences  
West: Restaurant

- Street Classification:** Forest Avenue is classified as a local street.
- Comprehensive Plan :** Industrial is the recommended use of the property
- Property/Zoning History:** The subject property was constructed in 1976 and has operated as a multi-tenant industrial facility throughout the history of the building. The site is currently zoned M-1 Limited Manufacturing, allowing for a variety of light manufacturing and associated services. Other tenants of the building are businesses that would fall under light manufacturing. Currently the cannabis infuser use is only permitted in the M-2 zoning district.

### TEXT AMENDMENT

- Project Description:** The petitioner, Kate Nadolski of Culinary Cannabis Company (formerly Mary Jane’s Incredible Edibles), is proposing to amend the Zoning Ordinance to add “Cannabis Infuser” as a conditional use in the M-1 Limited Manufacturing District. The petitioner is proposing to lease space from the property owner, which signed the application form and consents to the pursuit of the text amendment and conditional use. Currently cannabis users are permitted as a conditional use within the M-2 District under Section 12-7-4(G), and the use has an additional restriction limiting the location to parcels greater than 500 feet from any pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship. The proposed text amendment maintains this 500-foot minimum distance from sensitive uses, but expands the possibility of a conditional use to the M-1 Zoning District.

#### *What is a Cannabis Infuser?*

Cannabis infuser is defined in Section 12-13-3 as, “a facility licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to create a cannabis-infused product.” In other words, cannabis infusers use concentrated cannabis to combine with other products, including candies, foods, lotions, and other consumables. Infusing involves the incorporation of cannabis distillate, a concentrated cannabis into products for human consumption.<sup>1</sup> The cannabis distillate is previously prepared and provided to infusers by licensed cannabis growers and manufacturers and is not manufactured at infuser facilities.

#### *How are Cannabis Infusers Regulated?*

The Department of Agriculture Division of Cannabis Regulation licenses infuser operations in Illinois. All licensees are required to submit an application demonstrating how the proposed business will follow state cannabis regulations.<sup>2</sup> The Cannabis Regulation and Tax Act (410 ILCS 705) outlines requirements of cannabis business establishments. Infuser organization

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<sup>1</sup> Fuego, H. (2017, July 8). *Concentrate! Here's the Difference Between Shatter, Budder, Crumble and More*. Retrieved from Westword: <https://www.westword.com/marijuana/concentrate-heres-the-difference-between-shatter-budder-crumble-and-more-8437217>

<sup>2</sup> Cannabis Infuser Application and Exhibits. Illinois Department of Agriculture. Accessed at <https://www2.illinois.gov/sites/agr/Plants/Documents/Infuser%20Application%20and%20Exhibits%20Form.pdf>

requirements are included in 410 ILCS 705 Section 35-25 and require facilities to adhere to specific security, transportation, packaging and labeling, advertising, environmental safety, and other requirements.

### *Current Local Regulation*

Within the Zoning Ordinance, the purpose of the M-1 Limited Manufacturing District is, “to provide locations for light manufacturing uses and associated services.” (Section 12-7-4(D)(1)). Light manufacturing involves the assembly, fabrication and processing of goods entirely inside a building with limited disturbances from noise, odor, glare, or other health and safety hazards. Light manufacturing generally involves the fabrication of finished products from previously prepared materials and do not require extensive floor areas.

The cannabis infusing process fits within this definition of light manufacturing. Cannabis infusing does not involve the growing of cannabis flower or manufacturing of raw cannabis into a product. Limited noise and odor are associated with the infusing process, which regardless of district (e.g. M-1, M-2, etc.) is regulated both by Section 12-8-13 (Cannabis Business Establishment Use Standards) and Section 12-12-6 (Odor under Environmental Performance Standards). According to the petitioner’s project narrative, the machinery involved in the infuser process is estimated to be approximately as loud as a household blender. In addition, consumption or retail sales are not permitted at an infuser facility and delivery outside of a licensed cannabis business establishment is strictly prohibited.

The cannabis infuser use is currently only permitted within M-2 zoning districts through a conditional use permit. Revising the use table to allow cannabis infusers within the M-1 zoning district would expand the areas available for infuser businesses, which is a growing subsector of the industry. While the potential for the use would expand to M-1, no other changes are proposed.

Refer to the attached Proposed Text Amendment.

### **CONDITIONAL USE**

#### **Project Description:**

The following description and analysis assumes approval of the requested text amendments as submitted.

The petitioner is proposing a conditional use to allow a cannabis infuser in the M-1 Limited Manufacturing District at 1245 Forest Ave. Specifically the petitioner would lease Unit 9, a 2,791-square-foot space within a larger building (23,100 square feet) on two parcels (total property area of 69,982 square feet or 1.5 acres.) Other tenants on site include a wholesale bakery, a plastics fabricator, a security company, a drive-away service business, two transportation logistics companies and a screen printing and embroidery business. The property is located on Forest Avenue at the end of a cul-de-sac, adjacent to railroad tracks. The lot line fronting Forest Avenue is designated as the front, the south lot line is the rear, and the side lot lines are on the east and west. The attached Plat of Survey shows the existing site conditions. No railroad

crossings are located adjacent to the site; the closest railroad crossing is located approximately 0.2 miles to the south of the subject site. No crossing or additional alterations to the existing rail line are proposed.

In addition, the petitioner’s business was issued a cannabis infuser license by the Department of Agriculture Division of Cannabis Regulation on December 21, 2021. Renewal of the license will be required three months prior to its expiration in December 21, 2022. The petitioner does not anticipate any issues with the license renewal. The original license lists the name “Mary Jane’s Incredible Edibles” and the business address is in Franklin Park. The petitioner has stated the new name, The Culinary Cannabis Company, and the new address are required to be submitted to the state to update the license prior to beginning business operations. This site meets the location requirements of the proposed conditional use as it is more than 500 feet from any of the listed sensitive uses (e.g. pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship).

The proposed floor plan of the building includes an office, an infusing and packaging area, and the loading/unloading area inside the building (Refer to attached floor plan). The petitioner will be adding two rooms to the floor plan: a clean room and a security room. The clean room will be located at the entrance to the processing and manufacturing area and serves as a pre-production sanitation zone to prevent product contamination. The security room will include the safe for the building and storage for servers and other technical equipment for the facility. Access to the processing and manufacturing area will be restricted to employees with state ID cards. Plans may be revised further at time of building permit to meet all applicable City regulations.

The property has shared parking for tenants. Cannabis infuser uses are required to provide one space for every 1,000 square feet of gross floor area for infusing and packaging purposes, plus one space for every 250 square feet of gross floor area dedicated to office uses, plus one space for every 1,000 square feet of gross floor area dedicated to ancillary uses. The definition of “floor area” in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and up to 10 percent of storage areas to be excluded. Therefore, the floor area subject to the parking requirement for this 2,791-square-foot space would be 2,741 square feet.

Use	Floor Area	Required parking
Infusing and packaging	1,848.58 sf	2 spaces
Office	413.82 sf	2 spaces
Ancillary uses	437.03 sf	1 space
	Total	5 spaces

Pursuant to Section 12-9-7, five spaces will be required for this use. Sixty-six (66) total parking spaces and two accessible spaces are located on site. Based on the current tenants on the site, staff has determined a sufficient amount of parking would be available for this new use on the property. The parking area for the entire 1245 Forest complex was recently re-surfaced and re-stripped

through a building permit approved on April 27, 2022, yielding 66 total parking spaces including two handicap accessible spaces. Pursuant to Section 12-9-8, three accessible spaces are required for parking areas with 66 spaces. A condition of approval is recommended to add one additional accessible parking space.

Deliveries for cannabis business establishments are unique compared to other uses due to state regulations. Transport of product from the proposed facility to dispensaries is required to be completed in an unmarked vehicle, although personal vehicles may be used to deliver to dispensaries within a certain radius, as specified by state law.<sup>3</sup> Loading and unloading may not occur on an open loading dock, but an unmarked vehicle will pull into the garage of the facility and cannot unload until the garage door is completely closed.<sup>4</sup> According to the Project Narrative, deliveries are expected to occur one to two times a week during regular business hours. The facility is also required to have security cameras with 24-hour surveillance at all points of entry and exit, and any areas cannabis is stored, handled, transferred, or destroyed.

Cannabis business establishments are permitted to have one non-illuminated wall sign measuring 50 square feet. No electronic message board signs, temporary signs, or window signs are permitted. The applicant intends to locate one sign for their business establishment on site. State regulations limit what can appear on this sign.<sup>5</sup> Any future signage will be submitted and approved as a separate sign permit.

**Standards for Text Amendment:**

The following is a discussion of standards for zoning amendments from Section 12-3-7(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own. See also the petitioner’s responses to standards.

**1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;**

*Comment:* The 2019 Comprehensive Plan does not address cannabis use. However, the proposed amendment would not conflict with any existing goals, objectives or policies of the comprehensive plan.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

<sup>3</sup> 410 ILCS 705 Section 35-25. Infuser organization requirements; prohibitions

<sup>4</sup> 410 IL 705 Section 15-100. Security

<sup>5</sup> 410 ILCS 705 Section 55-20 restricts cannabis advertisements to depict any false or misleading information, any health, medicinal or therapeutic claims about cannabis, overconsumption of cannabis, actual consumption of cannabis, or appeals to any person under 21 years of age with cartoons, toys, animals, or any other characters, images or phrases.

**2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;**

Cannabis infuser uses are allowed in the M-2 zoning district. The proposed text amendment would expand available locations to M-1 zoned parcels to support the growing cannabis infuser subsector and the cannabis industry overall in the city.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;**

The proposed amendment is not anticipated to impact public facilities and available services but rather enhance economic development within Des Plaines. Infusers do not use a substantial amount of water or generate excessive waste products compared to other manufacturing uses.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and**

The proposed amendment will not have an adverse effect on property values throughout the City. The proposed use would provide additional economic opportunities for parcels zoned M-1 and support opportunities for a burgeoning industry within Illinois.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**5. Whether the proposed amendment reflects responsible standards for development and growth.**

The proposed text amendment works towards responsible standards for development and growth by contributing to the economic and employment needs of the community. Expanding the available zoning districts permitted to have this type of business creates additional opportunities for new businesses. As discussed in the petitioner’s response to standards, cannabis infusers have several state restrictions limiting where a business can be located. Expanding the available area for this use would support this industry in the city and the infuser subsector overall.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Conditional Use Findings:** The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own.

**1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:**

*Comment:* A text amendment request to add Cannabis Infuser as a use in the M-1 Zoning District is currently being requested. If this proposed text amendment is approved, Cannabis Infuser will be listed as a Conditional Use in the M-1 district, as specified in Section 12-7-3 of the Zoning Ordinance, as amended.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**2. The proposed Conditional Use is in accordance with the objectives of the City’s Comprehensive Plan:**

*Comment:* The 2019 Comprehensive Plan does not address cannabis use. However, the proposed amendment would not conflict with any existing goals, objectives, or policies of the comprehensive plan.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:**

*Comment:* The proposed Cannabis Infuser Conditional Use would provide a tenant for a vacant space in a multi-tenant manufacturing building. The use would be harmonious with the surrounding manufacturing and commercial businesses in the area and in close proximity to other cannabis businesses in the northwest suburbs of Chicagoland.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:**

*Comment:* The proposed use would not be hazardous or disturbing to the existing neighboring uses. The Police Department was consulted on this use and indicated they did not have any public safety concerns about this use at the property. Security cameras monitored 24/7 will be placed outside the location, as required by state cannabis regulations. All deliveries, including the drop off and pick up of cannabis, are required to be contained inside the existing building as required by state cannabis regulations. Thus, the use is contained inside an existing building and will not detract or disturb surrounding uses in the area.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

*Comment:* The subject property is within an existing commercial and manufacturing area that has direct access to essential public facilities and services. Staff has no concerns that the proposed use will not be adequately served with essential public facilities and services.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

*Comment:* The proposed use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The proposed use may improve the economic well-being of the community by providing additional economic development and employment opportunities to residents.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:**

*Comment:* All proposed activities for the cannabis infuser use would take place inside the building reducing any noise, smoke fumes, light, glare, odors, or other concerns. In addition, cannabis business establishments may be subject to periodic inspections of the premises to determine if any additional odor mitigation is required. Traffic will be limited to employees and up to two weekly deliveries of cannabis products. Pursuant to state regulations, deliveries are completed with sprinter vans or personal vehicles, depending on proximity to cannabis business establishments and must be entirely contained within a garage. No larger truck traffic will be generated by this use.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**8. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:**

*Comment:* The proposed use will not create an interference with traffic. No retail sales will occur on site and deliveries are anticipated to occur one to two times weekly. Delivery vehicles will be unmarked vans or personal vehicles, depending on proximity to dispensaries. No larger truck traffic will be generated by this use. Pursuant to state regulations, all deliveries will be entirely contained within the garage located in this unit.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:**

*Comment:* The subject property is within an existing building and thus would not result in the loss or damage of natural, scenic, or historic features. No new development is proposed for this site.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:**

*Comment:* The proposed cannabis infuser will comply with all applicable requirements as stated in the Zoning Ordinance. The use will follow the Cannabis Business Establishment requirements in Section 12-8-13 and the proposed text amendment for M-1 requires the site to be located 500 feet or greater from pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**PZB Procedure and Recommended Conditions:** Pursuant to Sections 12-3-4(E) and 12-3-7(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or disapproval of the proposed text amendments and conditional use. The City Council has final authority over both requests. The PZB should take two motions to consider each request individually. First, the Board should consider the text amendments, which may be recommended for approval *as submitted*, approval *as revised*, or denial.

Second, based on the outcome of the first motion, the Board can consider a recommendation regarding the conditional use. However, should the PZB recommend approval of the conditional use, staff suggest the following conditions for the conditional use request:

**Conditions of Approval:**

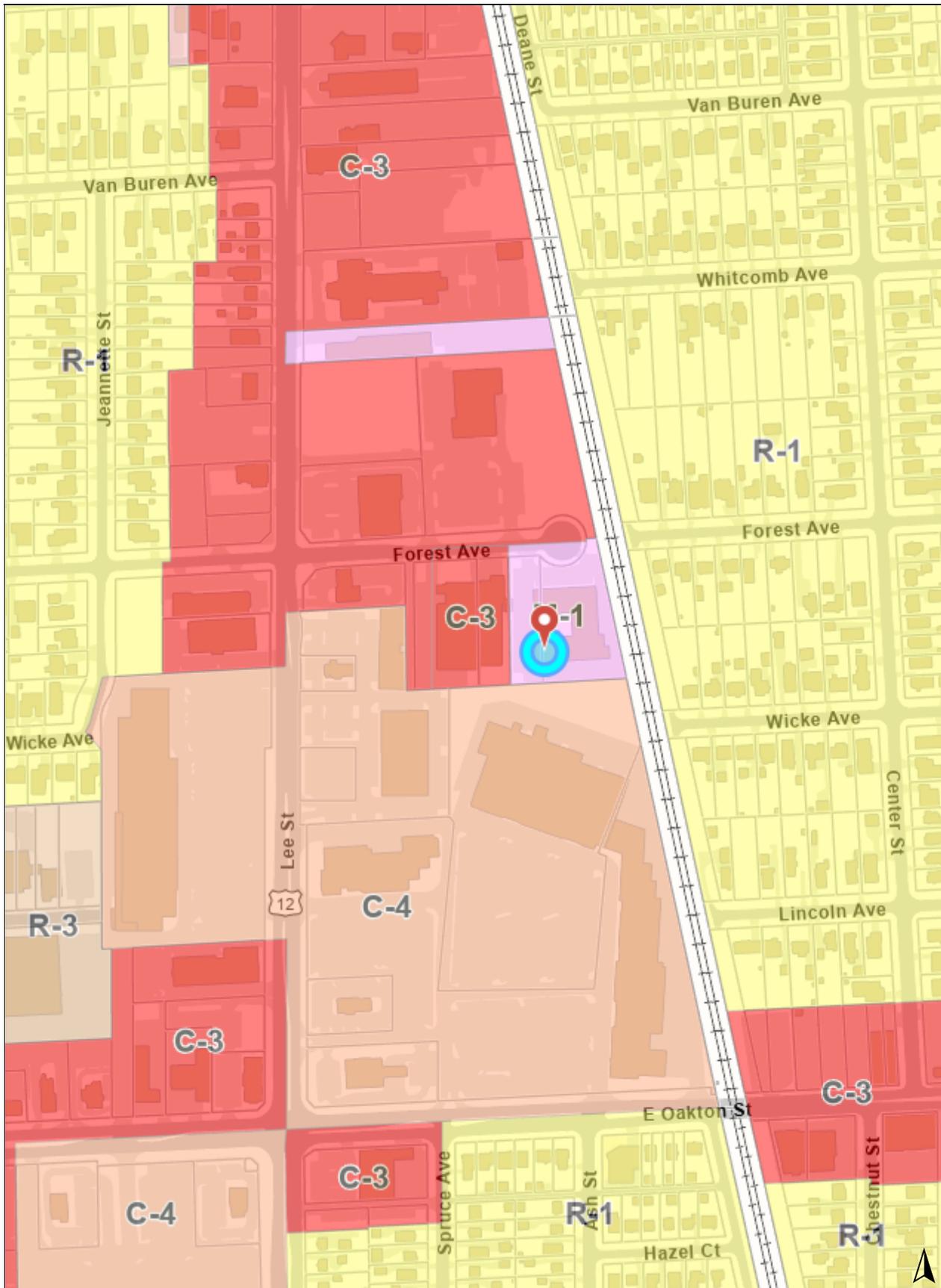
1. Plans may need to be revised further at time of building permit to meet all applicable City regulations.
2. One additional accessible parking space shall be striped in the existing parking lot of the building pursuant to Section 12-9-8.

**Attachments:**

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Proposed Text Amendment
- Attachment 4: Project Narrative and Responses to Standards
- Attachment 5: Plat of Survey/Site Plan

Attachment 6: Floor Plan

Attachment 7: License from Illinois Department of Agriculture



**Legend**

Zoning and Development

Zoning

- C-1: Neighborhood Shopping
- C-3: General Comm
- C-4: Regional Shop
- M-1: Limited Manufacturing
- R-1: Single Family Residential
- R-3: Townhouse Residential



Print Date: 6/23/2022

**Notes**

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



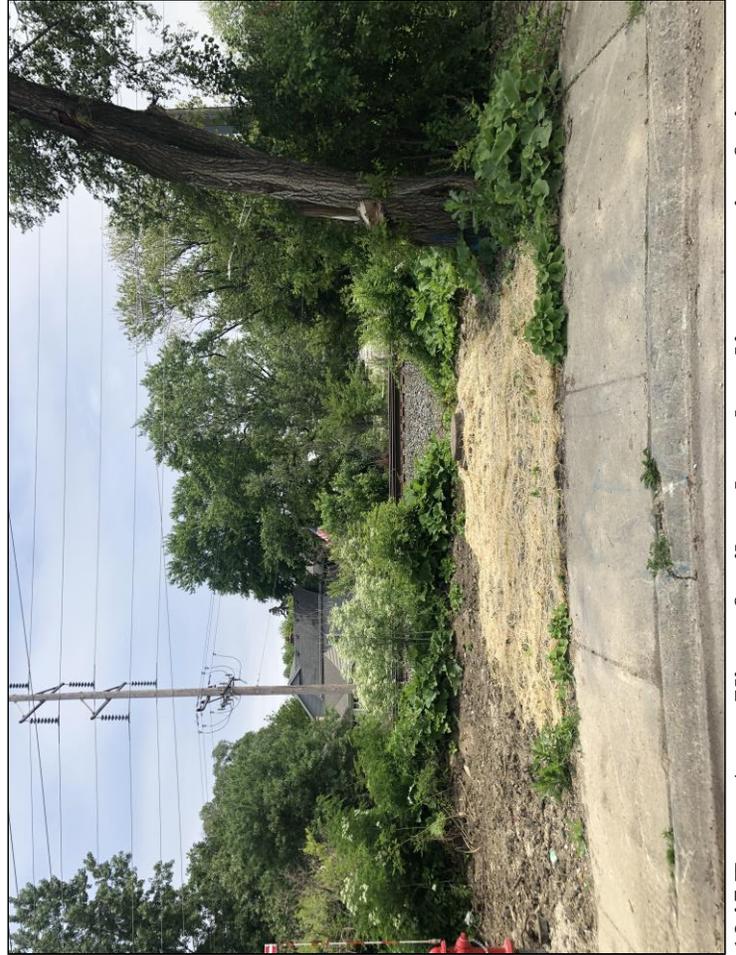
1245 Forest Ave – Public Notice Signs



1245 Forest Ave – Looking South at Front of Subject Property



1245 Forest Ave – Looking at rear loading dock of unit 9



1245 Forest Ave – View of railroad tracks adjacent to site, facing east

G. Manufacturing Use Matrix:

TABLE 5

MANUFACTURING DISTRICTS USE MATRIX

P = Permitted use

C = Conditional use permit required

Uses	M-1	M-2	M-3
Uses	M-1	M-2	M-3
Accessory uses and structures	P	P	P
Animal hospitals		C	
Auto body repair	P	P	
Auto filling station	P	P	
Auto service repair	P	P	
Brewery	C	P	P
Cannabis Cultivation Center		C <sup>5, 6</sup>	
Cannabis Dispensaries		p <sup>5</sup>	
Cannabis Craft Grower		C <sup>5</sup>	
Cannabis Processor		C <sup>5</sup>	
Cannabis Infuser	<u>C<sup>5</sup></u>	C <sup>5</sup>	
Car wash		C	
Commercial indoor recreation	C	C	
Commercial motor vehicle sales and leasing	C	C	
Commercial outdoor recreation	C	C	
Commercial shopping center		C	
Commercial storage		P	
Commercial truck parking lot		C	
Contractor's storage yard		C	
Distillery	C	P	P
Distribution facilities		P	P
Domestic pet service	C <sup>1,2,3</sup>	C <sup>1,2,3</sup>	
Food processing establishment	C	P	
Grocery retail	C	C	
Leasing agents, vehicles	C	P	
Livery service		C	
Manufacturing - heavy		P	
Manufacturing - light	P	P	P
Manufacturing service establishments	C	P	
Motor vehicle sales		P	
Offices	P	P	P
Outdoor bulk material facility		C <sup>4</sup>	

Planned developments	C	C	C
Public utilities	C	P	
Radio transmitting towers, public broadcasting	C	C	C
Recycling center	C	C	
Research, testing and development industries	P	P	P
Restaurants:			
Class A		C	
Class B		P	
Retail goods establishments	C	C	
Schools, commercial	P	C	
Shooting range, indoor		C	
Trade contractors	P	P	
Vehicle towing		C	
Warehouse	C	P	P
Wholesale goods establishments	C	P	

Notes:

1. All domestic pet services shall be at least 300 feet from any residential dwelling.
2. Outdoor kennels are not allowed.
3. Outdoor runs are allowed.
4. Outdoor bulk material storage shall only be allowed on the 1200 and 1300 blocks of East Golf Road. All outdoor storage areas shall be completely screened with either a solid masonry or wood fence and no outdoor materials shall exceed the height of the solid fence.
5. No cannabis business establishment shall be located within 500 feet of any pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship. All minimum distance requirements shall be measured from zoning lot line to zoning lot line.
6. Any cannabis cultivation center may not be located less than 2,500 feet away from existing public or private pre-schools, elementary or secondary schools, childcare centers, day care homes, group day care homes, part day childcare facilities, or any parcel zoned for residential use. This minimum distance shall be measured from zoning lot line to zoning lot line to the specified uses.

**Culinary Cannabis Company's City of Des Plaines Location Application,**  
**Proposed Text Amendment**  
**&**  
**Project Narrative**

**Requested Location Address: 1245 Forest Ave. Des Plaines, IL**

***Des Plaines Application Standards***

We have read and believe we abide by all of the regulations listed under Conditional Use in the City of Des Plaines. Our business will conform to any and all stated city regulations and which may develop pursuant to the recommendations of the Planning & Zoning Commission during our time of residence. Note: we are happy to share our complete business plan upon request.

***Overview***

There are many reasons we would like to locate our company in Des Plaines. For starters, the location is not only convenient to both owners, but Des Plaines is familiar to us! For over a decade, David has been employed as a professor at Oakton Community College which in a serendipitous and cutting edge move issued by that same institution, Oakton became the first college IN THE NATION to offer a Cannabis Curriculum and Certificate that students can participate in to immerse themselves into the field. And with cannabis being a fast growing industry, we could think of no better place to start our operation. In fact, as part of our application that was ultimately accepted and resulted in us being granted a license, we were required to talk about how we would "give back to our community" if we were to be granted a license. When asked, we specifically stated that it is our full intention to not only work with the college foundation at Oakton to create grants and scholarships for those who have been disproportionately impacted by the enforcement of cannabis law (AKA Equity Applicants), but that we would also work hard to create an incubator program that would allow students to gain first hand knowledge and skills in running their own infusion operations. In fact, David was even told by the department chair in a non-binding conversation, that if he were to be granted an infusion license and got his facility going, that Oakton would be "very willing" to consider making him a tenured professor in the Cannabis department at Oakton.

Whether or not the offer comes to pass, as a licensee we are required by law to fulfill all of the promises we made in our application as a condition of licensure. Furthermore, it is written in the law that failure to reasonably adhere to the promises and projections that we made could result in a revocation of our license.

Oakton College is a Community college. The students who attend, for the most part, are from the surrounding areas. We believe that our public private partnership with Oakton is going to serve as a magnet in this very hot industry that will ultimately produce students who will want to start their own businesses close to home and who will also both pay taxes and create jobs ad infinitum. It is therefore highly likely that if our application were to be granted that the path we carve out together will be followed by many and bring countless resources to the City of Des Plaines in the years to come.

### ***What Is an Infuser?***

In Illinois, the cannabis seed-to-sale process breaks down to three areas that include

1) Craft Grow Operations are those who grow and harvest cannabis. They will produce pre-roll joints, vape pens etc. that will be brought to market. However, as per the law, a noteworthy portion (30%?) of their production is required to be earmarked as distillate (aka tincture) that is then sold to infusion operations. Distillate has the consistency of honey and is similar in its coloration as well. If you've ever seen a vape pen, distillate is "the juice" inside of it in its rawest form. That distillate is the product that our company will purchase to be infused into our products. By law, there will be no cannabis flower in the facility and we must produce items using cannabis in distillate form.

2) Infusion Operations are who we are! Most people know infusion operations by the products they produce. So for example cookies, brownies, rice krispie treats, gummies, etc. but there are many other products that can be infused as well! For example, lotions, heating pads for pain, and a whole host of other things can be made. But what's most important to know is that Infusers either take or make things with regular ingredients and infuse a very controlled amount of distillate into that product which results in the product becoming a "cannabis infused" or "green" product. The machines used for such operations typically utilize a 110 standard electric line and all machines are inspected by Underwriter Laboratories (UL) or an equivalent. Once the product is fully infused, a lot number is given to it (for recall purposes) and the finished items are used to fulfill the orders that are placed by the dispensary.

We are not public facing and selling to the public directly is prohibited. The machinery is light manufacturing and we therefore find the 1245 Forest property to be the perfect location for us. There is no odor, and very little noise. It would not be unreasonable to compare the noise level we expect to emit in our facility to be similar in volume to that of a blender in your home kitchen. Since this organization is B2B only, we do not imagine, anticipate or have any reason to expect any notable increase in traffic from what the area sees today beyond the few employee cars that would appear on a regular basis.

3) A Dispensary operation is what every municipality knows and wants to attract because it's in the limelight and serves as a touchpoint for all legal cannabis purchases in Illinois. Dispensaries sell cannabis and cannabis products to the public. Dispensaries are also required by law to allocate at least 30% of their shelf space to other competitors who wish to have their products carried there.

### ***A Quick Bit About Our Company***

We received licensure on 12/21/2021, a 1 year and 9 month wait after the submission of our application. Founded by the brother-sister combination of Kate and David Nadolski, our company is one of the only companies out there who is a true equity company. An equity applicant is a designation by the state which mapped out areas in the state that have been "disproportionately impacted by the prohibition and enforcement of cannabis laws. In it, the law

states that if you have been born and raised in one of the designated areas that have suffered by enforcement of drug laws, if you have ever been incarcerated for any cannabis related charges, or if a member of your immediate family has been incarcerated for cannabis, then the enforcement of these laws has impacted your family, your ability to earn income and therefore renders you as an “equity applicant”.

As fortune would have it (or not), Kate’s husband was incarcerated for cannabis at one time earlier in his life. It has absolutely affected his ability to generate income and therefore Kate has been verified as an “Equity Applicant”. Additionally, as Kate is the majority shareholder of our company and is a woman, she is also considered to be a minority applicant. This has been verified by the state and gave us an instant 20% bonus in our application. We are also eligible for DCEO startup money having been approved for a minimum of \$20,000 and a maximum of \$250,000. As the only financial contributors to our company, we intentionally are looking for a small location so we can extend the little funds we have.

Dave works by day in the credit card processing industry and by night as an Adjunct Professor of Speech and Communication at Oakton Community College, the only current US college offering a degree in cannabis business. Ironically, the State requires an outreach program. The program we developed is based around further educating the future generation of cannabis business owners. This will draw future entrepreneurs to our location in your municipality and help Des Plaines to become a magnet for the industry in the midwest.

Kate is the Strategic Procurement and Marketing Manager of an industrial ingredient distributor. For the past 12 years Kate has been following food markets, negotiating with refiners, and supplying many of the US food manufacturers (such as Hostess, Tootsie Roll, Frito Lay, etc) with thousands of pounds of bulk ingredients they need to manufacture the products that go into grocery stores. With this knowledge of food safety, network of major food manufacturers, and Advisory Board consisting of a Food Scientist, FDA Facility Auditor, Pharmacist, among other professionals, we believe that we have all the tools to bring success to our organization, the local community, and potentially nationwide, should the law come to pass.

Dave and Kate are also known for being members of Oakton Community College’s OMG Improvisation Comedy Troupe, (who has performed at the Des Arts Festival in the past) on top of our start up efforts. Kate is doing this, along with her full time job all while raising a 14 year old girl and a 3 year old boy. Dave has a cat.

### ***A Quick Note on Our Name Change***

Originally founded as Mary Jane’s Incredible Edibles, we operated under that name for the better part of 2.5 years. Everything changed when we received a cease and desist from Edible Arrangements who claimed that our use of the combined words “Incredible Edibles” was a copyright violation and therefore needed to be changed. Within a week we had a new name and are now referred to as The Culinary Cannabis Company. This will explain why that difference exists. It is important to note that if we are to be given the green light by Des Plaines,

we are required to submit any address or name change information to the state. Once we do that, there will be unification in our company name going forward.

***Proposed Text Amendment to Amend the M-1 to include "cannabis infuser" as a conditional use***

A cannabis infuser use is not presently a permitted or conditional use in M-1 (Light Manufacturing), but the use will be allowed as a conditional use if the text amendment associated with the application is processed.

***Status Quo***

Currently the real estate market is very difficult for the newest licensees to break into in part because of the extremely strict laws surrounding where one is allowed to locate. Most people are unaware of the fact that we are required to find a location according to the following standards. The property must be:

- 1) Affordable
- 2) Located in a community that is cannabis friendly
- 3) Is between 500-1500 feet away from a church depending on the municipality
- 4) Is between 500-1500 feet away from a school depending on the municipality
- 5) Is between 500-1500 feet away from a park depending on the municipality
- 6) Owned outright. There must be no liens or mortgages or anything FDIC
- 7) The Owner cannot own a business that depends on revolving credit backed by the FDIC
- 8) Owned by someone who is willing to sign a letter of consent, stating that they fully understand to and agree to hosting a cannabis business in their facility
- 9) good stewards to our communities as a condition of maintaining our license

As you can imagine, the aforementioned rules make finding a cannabis space next to impossible to locate. So if Des Plaines were to open up another zone for potential applicants, such a move could open up further opportunities for those who are looking to get into the business. In short, our application represents an opportunity for Des Plaines to be one of the more friendly municipalities for cannabis in Chicagoland. With dispensary applicants about to be released and another round of potential license holders about to start looking for locations, we believe that if the city grants us the ability to locate in an M2 zone that more businesses will consider Des Plaines because they have more options.

Finally, with Oakton College being the first cannabis certificate program in the nation, one can only assume that the most educated among the new applicants will have been home grown through Oakton's cannabis program because Oakton is in fact, a community college. So why risk the swath of Des Plaines Preferring applicants going somewhere other than Des Plaines? This is especially true when we see that this business category is notorious for building wealth, roots and creating endless growth in a community of their choice. Why not Des Plaines?!

In our opinion, especially with a redone landmark downtown theatre, and a casino right next door, Des Plaines possessed the potential to become known as the Green Mile of Chicago. In fact, they can even end the Green Mile at McDonalds if only to ironically end yet another cannabis journey as so many often do. Craft grow, infusion, dispensaries and transportation agencies aside, we believe that operating infusion facilities in particular in an M-2 Zone in Des Plaines makes sense.

### ***The Text Amendment***

According to what has been legally outlined on [the Des Plaines website, section 12-3-7](#) of the law is as follows:

A. Purpose: The purpose of this section is to provide standards and procedures for making amendments to the text of this title and the zoning map that are of general significance or application. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

The pretext set for an amendment states that one is allowed to “make adjustments necessary in light of changed conditions or changes in public policy”. Since Illinois passed the recreational cannabis law, we believe that the exact conditions have been met to warrant a text amendment. We further assert that conditions have changed in terms of property availability because the state took excessive time in its granting of such licenses. We therefore believe that we meet both criteria and that the grounds for an amendment is justified.

Currently, Cannabis Infusion in the City of Des Plaines is allowed in an M2 zone. We believe it to also be appropriate to allow Infusion to take place in an M1 Zone too. And since this particular property we are seeking this amendment is separated from residents by a railroad track and also happens to comply with Note 5 which states “No cannabis business establishment shall be located within 500 feet of any pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship. All minimum distance requirements shall be measured from zoning lot line to zoning lot line. purpose of these zones are clearly meant for light manufacturing, which is exactly what we are planning to do”. We believe this amendmendment to be an appropriate use of this property and this zone. Additionally if granted, our set precedent will both pave the way for others and create a great opportunity upon which the city of Des Plaines can embrace.

Finally, we wanted to address the items [in section 12-3-7-E](#), and issue our **responses to each consideration in red**. The law states:

E. Standards For Amendments: The determination to amend the text of this title or the zoning map is a matter committed to the sound legislative discretion of the city council and is not controlled by any one standard. In making their determination, however, the city council should, in determining whether to adopt or deny, or to adopt some modification of the planning

and zoning board's recommendation, consider, among other factors, the following: (Ord. Z-8-98, 9-21-1998; amd. Ord. Z-29-15, 10-5-2015)

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council;  
In objective 3 Economic Development is discussed and we are convinced that not only will we bring more employees to Des Plaines, but also maintain that if we are granted a text amendment that the precedent will be set for others to follow which will lead to more and more companies coming to Des Plaines to do the same. Allowing the light manufacturing process of cannabis infusion in the M-1 zone will bring new entrepreneurs to this area as well as draw others, due to the ability to self transit to state certified facilities within 3 miles. Our environmental plan is in accordance with the objectives of the cities comprehensive plan to develop companies that are green and helpful for the environment. We believe that we are developing in the spirit of this principle. While we may not be directly addressing objective 7 for Water Management, our business plan calls for very little water and is again found in our environmental plan whose link is above.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

Cannabis infusing, in practice, fits within the definition of Manufacturing, Light in the Des Plaines Zoning Ordinance. It runs parallel with the parameters set forth by the village because no process we plan to undergo will create noise beyond the sound of a kitchen blender. Our processes do not involve smoke, fumes, or predictable odors. There is no glare involved, nor are there any health or safety concerns because we are building with the goal of becoming immediately FDA compliant if/when cannabis becomes nationally legal. Our facilities are food grade and even involve a scrub room as the only means to get into or out of the infusion area. Absent the fact that none of the concerns stated in the statute apply to our planned processes inside the building, it certainly should not be a concern for any activities occurring outside the building.

In fact, according to Illinois State law, cannabis infusers must purchase the cannabis material in an extracted format. These distillates and isolates are previously prepared materials by State Certified Craftgrowers. The extracted product is then further processed for consumption, either topical or edible and all are to be shipped in very specifically designed sealed containers.. In addition to that, state law also requires the inspection and approval of the facility for production prior to launch to ensure it is safe for public consumption and in line with all public health laws. The law also dictates that all the loading and unloading of materials must be in an enclosed area with the manufacturing floor and inventory storage only key card accessible with State issued ID cards. They require craftgrow and infusers to be discrete, limiting the signage and public facing opportunities. So when the ordinance states, "Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas", it's easy to see that we are doing exactly that.

In short, Cannabis Infusion follows the definition of light manufacturing in the sense that it is completely enclosed and activity is limited to within the premises, out of sight; it requires / utilizes previously prepared materials, and it is State authorized regarding public safety. Allowing the light manufacturing process of cannabis infusion in the M-1 zone will bring new entrepreneurs to this area as well as draw others, due to the ability to self transit to state certified facilities within 3 miles.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Our current operation plans, in line with other infusers, do not require the use of water in our production beyond cleaning our equipment. Our machines all operate on a standard 110v line. Our current planned manufacturing process utilizes a mixer (much like one used at in-home kitchen) a PCET2A a machine that pumps the material from the mixing bowl to a plastic sleeve (much like a ketchup packet) seals it and cuts it to be portion controlled. As you can imagine the noise is limited and the odor is non-existent. Please note that all processes are State approved to ensure public safety in practices and consumption.

Regarding traffic, by law we only will sell to dispensaries and other State certified infusers. As such the general public will have no draw and as such we do not anticipate a growth in traffic flow. In line with other infusers, we expect deliveries to occur 1-2 times a week. Infuser operations do not typically have a substantial number of employees; our particular operation plans to have under ten employees for the foreseeable future and our planned hours of operation are Monday-Friday from 8:30a-5p. Infusers do not have notable increases in traffic by delivery vehicles or by vehicles of employees. Furthermore, when it comes to impeding traffic, semi trucks are not used for shipping, who are notorious for blocking traffic. Instead, state law mandates that all delivery vehicles will be unmarked sprinter vans and the like, in general. Infusers are allowed to use our personal vehicles if delivering to any dispensaries within a 3 mile radius as per state law. Finally, state law mandates that all transfer on and off of all delivery vehicles take place in a locked, enclosed garage where the delivery vehicle pulls in, the door is shut and locked, the loading or unloading takes place and the vehicle is on its way. So we won't even have gapers. Therefore with none of the factors associated with increased traffic pertaining to infusing operations, there is no reason to believe any of the outlined concerns will come to fruition."

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Cannabis infusing processes do not involve smoke, fumes, or predictable odors. There is no glare involved, nor are there any health or safety concerns because we are building with the goal of becoming immediately FDA compliant if/when cannabis becomes nationally legal. Our facilities are food grade and even involve a scrub room as the only means to get into or out of the infusion area. Absent the fact that none of the concerns stated in the statute apply to our

planned processes inside the building, it certainly should not be a concern for any activities occurring outside the building.

5. Whether the proposed amendment reflects responsible standards for development and growth. (Ord. Z-8-98, 9-21-1998)

Currently, Cannabis Infusion in the City of Des Plaines is allowed in an M2 zone. We believe it to also be appropriate to allow Infusion to take place in an M1 Zone too. We believe this amendment to be an appropriate use of this property and this zone. Additionally if granted, our set precedent will both pave the way for others and create a great opportunity upon which the city of Des Plaines can embrace.

Currently the real estate market is very difficult for the newest licensees to break into in part because of the extremely strict laws surrounding where one is allowed to locate. Most people are unaware of the fact that we are required to find a location according to the following standards. The property must be:

- 1) Affordable
- 2) Located in a community that is cannabis friendly
- 3) Is between 500-1500 feet away from a church depending on the municipality
- 4) Is between 500-1500 feet away from a school depending on the municipality
- 5) Is between 500-1500 feet away from a park depending on the municipality
- 6) Owned outright. There must be no liens or mortgages or anything FDIC
- 7) The Owner cannot own a business that depends on revolving credit backed by the FDIC
- 8) Owned by someone who is willing to sign a letter of consent, stating that they fully understand to and agree to hosting a cannabis business in their facility
- 9) good stewards to our communities as a condition of maintaining our license

As you can imagine, the aforementioned rules make finding a cannabis space next to impossible to locate. So if Des Plaines were to open up another zone for potential applicants, such a move could open up further opportunities for those who are looking to get into the business. In short, our application represents an opportunity for Des Plaines to be one of the more friendly municipalities for cannabis in Chicagoland. With dispensary applicants about to be released and another round of potential license holders about to start looking for locations,

we believe that if the city grants us the ability to locate in an M1 zone that more businesses will consider Des Plaines because they have more options.

**Our Request to Have a Special Use Permit Granted to Us**

A copy of our State Issued License can be found [by clicking here](#).

**Standards for Conditional Use**

- 1) *The proposed conditional use is in fact a conditional use established within the specific zoning district involved;*

Yes. The M1 is designated for light manufacturing and our equipment falls within that definition. We therefore believe that this designation is appropriate for the operation we are proposing.

- 2) *The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title*

First, when looking at objective 2 in the comprehensive plan organization, we were able to address in the next question we will address below. In short, we are not going to alter the outer building and are in alignment with other light manufacturers in the area. We therefore believe we will be in harmony with our surroundings. In objective 3 Economic Development is discussed and we are convinced that not only will we bring more employees to Des Plaines, but also maintain that if we are granted a text amendment that the precedent will be set for others to follow which will lead to more and more companies coming to Des Plaines to do the same. Additionally, in terms of objective 6 of Diversity and Culture, we are taking several steps to include equity, diversity and inclusion in our company's dna. The hiring agency we will be working with specifically deals with equity applicants and therefore they will have the first overview when it comes to bringing on additional employees. We are also reaching out to minority business owners to work and will award business to them as the need arises. As previously mentioned in our environmental plan, it is in accordance with the objectives of the cities comprehensive plan to develop companies that are green and helpful for the environment. We believe that we are developing in the spirit of this principle. While we may not be directly addressing objective 7 for Water Management, our business plan calls for very little water and is again found in our environmental plan whose link is above.

- 3) *The proposed conditional use is designed, constructed, operated, and maintained so as to be a harmonious and appropriate in appearance with the existing or intended character of the general vicinity*

There will be no alterations to the outer shell of the building. Further, we will be operating alongside the other white manufacturers and we know this because the property is zoned as a such. Besides security measures (cameras, sensors etc.) we will not alter any outside structure.

- 4) *The proposed conditional use is not hazardous or disturbing to existing neighborhood uses*

We have coordinated all waste disposal to be handled through an agreement with eco-labs. That said, we do not expect any hazardous material to be emitted or worked with at our facility beyond materials that are used for cleaning the equipment. We do not believe there will be any notable increases in traffic by delivery vehicles or by vehicles of employees. We only plan on having vehicles stopped by a few times a week and the vehicles that deal will be unmarked sprinter vans in general. We are allowed to use our personal vehicles if we are delivering to any dispensaries within a 3 mile radius as per state law. We plan on starting with two employees and growing from there. We do not expect to exceed 10 employees on location at this time and we expect that growing to that number will take 2-3 years to achieve.

- 5) *The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;*

Our company plans to use the existing infrastructure with the building. We do not expect any additional stresses on the infrastructure with our business and plan to operate only within existing infrastructure.

- 6) *The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;*

There are no additional requirements necessary for the full implementation of our business.

- 7) *The proposed conditional use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;*

Our current planned manufacturing process utilizes a mixer (much like one used at in-home kitchen) a PCET2A a machine that pumps the material from the mixing bowl to a plastic sleeve (much like a ketchup packet) seals it and cuts it to be portion controlled. As you can imagine the noise is limited and the odor is non-existent. Please note that all processes are State approved to ensure public safety in practices and consumption.

Regarding traffic, by law we only will sell to dispensaries and other State certified infusers. As such the general public will have no draw and as such we do not anticipate a growth in traffic flow.

Part of our business plan is the employment of EcoLab, a company dedicated to ensuring environmentally safe procedures and products in regards to cleaning and manufacturing in the food industry. This organization will help us to stay in compliance with environmental and legislative changes.

In regards to odor, as previously mentioned, we are required by State law to produce using cannabis distillate or isolate, an extracted format in which the product is concentrated and carries less odor (think vanilla extract).

No smoke, fumes, or glares are present in this manufacturing process. The proposed location is compliant with all fire safety standards.

- 8) *The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;*

Though it may change, we expect deliveries to occur 1-2 times a week. We also plan on having under ten employees for the foreseeable future and our planned hours of operation are Monday-Friday from 8:30a-5p. Therefore there will not be any notable increases in traffic by delivery vehicles or by vehicles of employees. Furthermore, when it comes to impeding traffic, we won't even use semi trucks for shipping who are notorious for blocking traffic. Instead, state law mandates that all delivery vehicles will be unmarked sprinter vans and the like, in general. We are allowed to use our personal vehicles if we are delivering to any dispensaries within a 3 mile radius as per state law. Finally, we plan on starting with two employees and growing from there. We do not expect to exceed 10 employees on location at this time and we expect to grow into that number over the course of 2-3 years. Finally, state law mandates that all transfer on an off of all delivery vehicles take place in a locked, enclosed garage where the delivery vehicle pulls in, the door is shut and locked, the loading or unloading takes place and the vehicle is on its way. So we won't even have gapers. Therefore with none of the factors associated with increased traffic pertaining to how we are setting up our operation, there is no reason to believe any of the outlined concerns will come to fruition.

- 9) *The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and*

Correct. We will have no impact on the natural, historic or scenic features of Des Plaines.

10) *The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested*

Yes. We were granted full licensure by the state of Illinois on 12/21/2021. We were only able to gain the license if we were able to adhere to all requests and getting a license was very competitive.

Originally founded as Mary Jane's Incredible Edibles, we operated under that name for the better part of 2.5 years. Everything changed when we received a cease and desist from Edible Arrangements who claimed that our use of the combined words "Incredible Edibles" was a copyright violation and therefore needed to be changed. Within a week we had a new name and are now referred to as The Culinary Cannabis Company. This will explain why that difference exists. It is important to note that if we are to be given the green light by Des Plaines, we are required to submit any address or name change information to the state. Once we do that, there will be unification in our company name going forward.

About three months prior to the expiration of our license (12/21/2022), the state will notify us that we are up for renewal. At that time, we will pay the state the required fee for renewal and expect the status of our license to be maintained. Renewal is annual.

Finally, it is important to note that the reason we have a different address on our license is because when we originally applied for licensure, we believed we were going to locate our operations in Franklin Park. But because of the COVID-19 pandemic and the subsequent delays within the state to grant licensure, by the time we officially had received our license, we learned that the property we had planned on had been leased to someone else and at 2.5 years later, once we received notification of our license we learned it was no longer available.

***Environmental Impact***

A copy of our accepted Environmental Plan can be found [by clicking here](#).

***Property Usage***

Aside from employees using their own personal vehicles to go to and from work, the only other expected alteration to the status quo will be the arrival and departure of contracted, unmarked vehicles that will transport our product to dispensaries throughout Illinois. As per the law, these vehicles will pull into the garage, the garage door will close and once the vehicle is fully enclosed and secure, the loading/unloading of the vehicle will occur. It is important to note that the garage is in a secured area and even if criminals were to gain access to it, they would not have access to the rest of the facility. Our business is required to have no signage indicating it is a cannabis facility, and security backed cameras are also required to be placed inside and out of the facility should we be granted special use. As per state regulations, the premises shall be monitored through security cameras that are manned by a security agency.

***Delivery Frequency/Employees/Hours of Operation***

Though it may change, we expect deliveries to occur 1-2 times a week. We also plan on having under ten employees for the foreseeable future and our planned hours of operation are Monday-Friday from 8:30a-5p.

***Floor Plan***

The floor plan for our facility and the proposed changes we wish to make can be found [by clicking here.](#)

***Plat of Survey***

The plat of survey for our facility can be found [by clicking here.](#)

Finally, we understand that all cannabis business are subject to the use standards of 12-8-13: [https://codelibrary.amlegal.com/codes/desplainesil/latest/desplaines\\_il/0-0-0-8361](https://codelibrary.amlegal.com/codes/desplainesil/latest/desplaines_il/0-0-0-8361). We do not plan on having a sign for the business. Should we change our minds, the sign will be made in accordance with state and municipal laws. Thank you for your consideration and we look forward to continuing to work and play in Des Plaines.

## Exhibit I: Environmental Plan

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## Exhibit I: Environmental Plan

In the pages that follow, please see the organization's environmental impact approach through two major points of analysis. First, our plan to minimize our carbon footprint; environmental impact through reusing, recycling and reducing resource needs for the production of cannabis-infused products; And second, describing plans for the use of alternative energy wherever possible, and the organization's approach to treatment of wastewater, run off, and the treatment of exchanged air.

Furthermore in 2013, David Nadolski, one of the company's founders, volunteered for an organization called OFA which is now called Organizing for Action who decided to grant him a fellowship. It was through OFA, that David was given the unique opportunity to be trained by former Vice President of the United States Al Gore to become a speaker for his newly formed organization called The Climate Reality Project. It was during this training, that David really began to understand the depth of devastation our environment was going through and found his voice to become an eloquent weapon as a lecturer on the truth about the environment. While much time has passed, the lessons that David learned resulted in not only several speeches in front of both the public and elected representatives, but their impact is and will be felt in the philosophical approach taken in Mary Jane's Incredible Edibles. We realize that opening an Exhibit with a paragraph such as this is unconventional, but we thought it important to let you know the depth and level of our organization's commitment to making the world a better place.

First, our plan to minimize our carbon footprint centers around creating a relationship with [www.carbonfund.org](http://www.carbonfund.org). We wish to associate ourselves with this site in particular because it is the first carbon neutral label in the United States. Essentially, Carbonfree states it best on their website when they tell us that, "The Carbonfree® Product Certification is a meaningful, transparent way for you to provide environmentally-responsible, carbon neutral products to your customers. By determining a product's carbon footprint, reducing it where possible and offsetting remaining emissions through our third-party validated carbon reduction projects". They do this through what they call a "Life Cycle Assessment" where they determine our Product Carbon Footprint and areas where we can improve. MJIE likes this accrediting organization because they perform quarterly spot checks for those they certify and MJIE's carbon neutrality will be reassessed annually. In other words, they will keep us accountable for the products we plan to bring to market. We believe that our association and certification as a carbon free company will have a trickle down effect in the industry and ideally lead to a carbon free precedent that will be set. The product carbon footprint report in our assessment shall include an assessment of all greenhouse gases required by the UNFCCC/Kyoto Protocol and the applicable standard(s) at the time the product inventory is being compiled and converted to CO2 equivalents(CO2e). These GHGs currently are: Carbon Dioxide (CO2) Methane (CH4) Nitrous Oxide (N2O) Hydrofluorocarbons (HFCs) Perfluorocarbons (PFCs) Sulphur Hexafluoride (SF6), and Nitrogen Trifluoride (NF3) Biomass CO2 emissions.

**Other parts of the certification include** a product life cycle assessment emissions boundaries. The GHG emissions resulting from processes listed below always are included in the assessment so we feel this partnership will be comprehensive in its nature. The evaluated factors include the following:

### **Raw Materials**

Extraction or primary production of raw materials (mineral extraction; fossil fuel extraction, purification and refining); Extraction and primary processing of raw materials for packaging. While MJIE is not legally allowed to extract, we can seek out suppliers who are conscious about their carbon and in doing so can spread this certification precedent throughout the industry.

### **Agriculture**

Energy used to manufacture fertilizers and other agrochemicals; Emissions of nitrous oxide and methane from soil which include Methane emissions from livestock and manure. Again, we won't do this but are committed to seeking out those who do.

### **Manufacturing**

Manufacturing processes and chemicals used in processing; Manufacturing/processing of materials used in product; Manufacturing of the product; Manufacturing and processing of packaging materials. While we will explain it in more detail below, MJIE plans to partner up with EcoLab who is an industry leader in this area with solutions we believe will adhere to carbon certification standards.

### **Transportation, Distribution and Storage**

Raw materials to manufacturing sites; Transportation of product and materials between manufacturing sites; Finished products to retail outlets; Refrigeration and refrigerants used up to the retail outlet; Transportation of packaging goods. MJIE is outsourcing the transportation aspect of our business and will seek out licensed and approved cannabis transportation companies who have a fuel efficient or electric vehicle fleet.

### **Use Phase\***

Emissions arising from the use or life of the product. \* The product use phase must be included unless justification for use phase exclusion that is compliant with one or more of the standards is presented to Carbonfund.org and written consent is given by Carbonfund.org to exclude use phase from the assessment, on a limited case-by-case basis. With the types of products MJIE intends to make we believe this will be the easiest requirement to meet.

## **Disposal and Recycling**

Disposal and recycling of product. In addition, other activities may be sources of emissions, and may be included in the footprint analysis on a voluntary basis. These may include, but are not limited to: Manufacturing of physical infrastructure or machinery used in manufacture and delivery of products (e.g. embodied energy in factory equipment and vehicles); Management operations/offices not directly involved in manufacturing processes or logistics; Storage of products in retail outlets.

Again, we are proud to be partnering with Eco Lab for all of our disposal needs. This is a company that is both certified and currently working with the primary tenant of the building. We are confident they will dispose of our waste in a proper manner and in accordance to our Carbonfree certification. At the end of this document we have included some supplemental information on EcoLab.

## **GHG emissions reduction plans**

Product carbon footprint reports should be used to help identify and target GHG savings and GHG reduction opportunities in the product supply chain. Carbonfund.org requires business partners with registered Carbonfree® Products to annually provide a GHG emissions reduction plan for all registered Carbonfree® Products. Elements of a product's GHG emissions reduction plan should include targets for annual product GHG emission reductions and progress towards achieving these targets, and should include an assessment of changes to areas in the product's life cycle that may have affected the product's carbon footprint, including but not limited to:

- a) changes in processes, equipment, technology and/or transportation methods due to improvements or upgrades made by the reporting organization;
- b) selection and/or changes to suppliers in any stage of the product's life cycle;
- c) deliberate and verifiable process improvements made by reporting organization and/or suppliers;
- d) improvements in the use stage and in the end-of-life stage achieved through improved product design or an improved end-of-life procedure.

Beyond carbon, MJIE feels that one of the best ways to be good to the environment is to Reduce, Reuse and Recycle (our second point). On the Reduce end of things, MJIE will reach out to ComEd upon granted licensure and enroll in their Project Green program where ComEd assesses small businesses and proposes multiple ways a business can save in its energy costs. Details of the program can be found here

<https://www.comed.com/WaysToSave/ForYourBusiness/Pages/SmallBusiness.aspx>

Additionally, MJIE also plans to enroll in ComEd's Building Optimization Program so that we can retrofit our building to be as energy efficient as possible.

Wherever possible, Mary Jane's Incredible Edibles is committed to reusing wherever we can and also plan to use recycled materials whenever available. This will appear throughout the decisions we make when it comes to packaging of products in particular, but also will apply to waste that comes from our offices as we plan to enroll in the recycling plan our municipality offers.

## **RECYCLING & PACKAGING**

Chicago's recycling rate of 9 percent is abysmal and falls well below the 34 percent national average. Currently recycling in Chicago is not mandatory, helping lead to low rates of waste diversion.

Process Description Recycling opportunities in the cannabis industry are similar to those in other warehouse-based industries. The exceptions to this are the packaging and universal waste recycling. Packaging from inbound materials, waste generated during operations and employee waste are the main sources of recyclable materials. Recyclable materials shall be separated from other waste streams and picked up by a recycling service provider to achieve environmental benefits.

The current individual film for our packaging is non-recyclable due to the inner foil lining; however, it is lightweight material and therefore requires less fuel to ship, reducing the associated emissions. As we develop new product lines and add SKUs, when possible we will select packaging that is made from recycled content and is recyclable and/or compostable, such as recycled PET plastics, recycled HDPE or cardboard. If exit packaging is necessary, the organization will attempt to offer a reusable type of package and encourage customers to return them to the dispensary for MJIE to collect and to reuse whenever possible.

Best Practices Make sure recyclables are clean, dry, and separated from solid waste items like plastic bags, waxed paper, broken glass and packaging that looks like cardboard but is actually plastic (meal packaging, receipts, coffee cups, etc.). The company will Co-locate recycling bins with all trash receptacles and include signage for all bins, ideally using photos of acceptable items for each bin.

Now that we have demonstrated the plan to minimize the organization's carbon footprint, environmental impact through reducing, reusing and recycling and limiting resource needs for the production of the cannabis-infused products, we are going to shift gears and describe our plans to use alternative energy wherever possible, and our approach to treatment of wastewater, run off, and our treatment of exchanged air.

## **BEYOND EFFICIENCY**

As previously stated, the organization plans to enroll in ComEd's Building Optimization Program and Project Green so that we can retrofit our building to be as energy efficient as possible.

The limitation of our resource needs is a key part of our strategy in our production of cannabis-infused products. In addition to the aforementioned ComEd programs, MJIE would like to take it a step further and plans to participate in the green energy supply ComEd Offers called Community Solar.

#### Off Site Alternative Energy Supply

An alternative option for companies looking to reduce the environmental footprint associated with their facility's electricity use is to explore off-site energy supply opportunities. For Illinois facilities served by ComEd Energy, the primary program that the organization plans to engage with is called The Community Solar program. According to ComEd's Website, this allows "Through subscription-based community solar, customers (to) subscribe to a portion of the electricity generated and receive credits on their bill for the solar energy produced by the community solar generating system. In Illinois, customers can subscribe up to 110% of their last 12 months of usage – receiving credits on their bill and taking advantage of solar energy without having to install panels of their own". We see this as a great opportunity to expand solar in Illinois while also saving money on our electric bill. And because any entity with a ComEd account can benefit from this arrangement, we find it important to assist in the evolution of this portion of the clean energy industry so that it can grow.

#### Runoff, Wastewater and Our Treatment of Exchanged Air

Similar to our stated philosophy above, the organization feels that the best way to ensure that any water runoff we may generate is safe, would be to implement "best practices" in our operations. These practices include but are not limited to:

- Working hand in hand with EcoLab to use cleaning products as directed, diluting concentrated products according to the intended cleaning purpose on the label.
- Using environmentally friendly cleaners such as those rated with Green Seal, Eco Logo or Safer Choice.
- Using water nozzles for any cleaning operations to avoid excess water use.
- Not dumping any liquids into storm drains

For the extremely small amounts of runoff generated by our facility, we want to make it safe. We feel that the best practices listed above will accomplish that goal. And as for wastewater, we feel that the sustainability impacts of prudent quality water use include: 1) Economic Competitiveness – The introduction of water use efficiency measures can lower operational costs by reducing direct resource purchase (i.e., lower volume = lower cost). 2) Community Relations – By proactively integrating water use efficiency techniques and effluent water quality monitoring, a cannabis infusion operation can demonstrate the commitment to integrated resource management and community partnering. 3) Environmental Impact – Water and energy are inextricably linked, as there is a significant amount of energy embedded in the water supply due to factors intrinsic to the water and energy infrastructure. Water and wastewater utilities account for approximately 5 percent of overall U.S. electricity use, resulting in significant Greenhouse Gas Emissions. As such, introducing efficiencies in water use and quality can result in quantifiable reductions in GHG emissions and watershed impact therein. That said,

MJIE intends to use very little water in its infusion processes and are planning on utilizing the existing bathrooms and sinks for the building. Except for cleaning our machines, MJIE's use of water will likely be very minimal. Still, coming in with a plan to approach 1, 2 and 3 as stated above is where our minds are and we very much plan to be good stewards of the environment.

Finally, the husband of the company President is certified in HVAC and will be directly engaging in our buildout within an existing warehouse structure. Though the HVAC system in the tentative location is relatively new, we intend for him to inspect all HVAC elements in this building and implement any recommendations he may have to make sure that our air quality and exchange adheres to all OSHA rules and regulations. And because of the nature of our location our energy use for heating and air conditioning is predicted to be lower than the average business.

In this Exhibit I report, MJIE's comprehensive environmental plan was presented through an approach that was broken down in two major ways. First, Mary Jane's Incredible Edibles provided and demonstrated our plan to minimize our carbon footprint, our environmental impact through reducing, reusing and recycling and through limiting the resources we will need for the production of cannabis-infused products. Secondly, we described our plans to proactively and purposefully reduce our energy needs while also actively participating in alternative energy and the appropriate ComEd plans wherever possible, before finally addressing our approach to treatment of runoff, wastewater and our treatment of exchanged air. We feel strongly that these are logical steps and well thought out partnerships that will allow MJIE to be mindful in approach when it comes to the environment and thoroughly believe that in the combination of all of these elements, we will mitigate our environmental impact and in doing so, make the world a happier and healthier place.

**Resources:**

Comed.com

<https://www.comed.com/WaysToSave/ForYourBusiness/Pages/Incentives.aspx#>

Cannabis Environmental Best Practices

<https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/EQ/MJ%20Sustainability/Draft%20Cannabis%20Environmental%20BMP%20Guide.pdf>

**APPENDIX A: Ecolab Intent to Service**

**Intent to Sell / Service**

This document is to show in good faith the proposed relationship between Mary Jane's Incredible Edibles, LLC and their supplier, Ecolab F&B.

This is not a binding contract, yet a demonstration of the intended commerce if a license is granted to Mary Jane's.

Kate Nadolski      Kate Nadolski  
President / CEO Mary Jane's Incredible Edibles, LLC

03.31.2020  
Date

*Joseph Leopanto* Joseph Leopanto, Account Manager  
Name and Title of Officer of Supplying Organization

03.31.2020  
Date

[www.maryjanesincredibleedibles.com](http://www.maryjanesincredibleedibles.com)



A Chicago female owned llc.

## APPENDIX B - Ecolab's Environmental Excellence Brochure

### Awards and Recognition

We are proud to be recognized by many organizations for our innovation, service and commitment to operating responsibly and sustainably while meeting the needs of our customers.



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### About

#### SUMMARY

This summary provides highlights of Ecolab's 2016 Corporate Sustainability Report, focused on where we have the greatest impact on the world: our customers, our operations and the communities in which we live.

Ecolab's comprehensive 2016 Corporate Sustainability Report, for reporting period January 1 through December 31, 2016, is available at [www.ecolab.com/sustainability](http://www.ecolab.com/sustainability). The report has been completed in alignment with the guidelines of the Global Reporting Initiative's G4 framework.

In keeping with our commitment to transparency and disclosure, Ecolab responds to the Dow Jones Sustainability Index, RobecoSAM Sustainability Assessment and the Carbon Disclosure Project's Carbon, Water and Supply Chain surveys. In addition, we are a signatory of the United Nations Global Compact and CEO Water Mandate and file an annual Communication on Progress as part of those commitments.

The customer impact stories included in this summary are supported by comprehensive case studies.

#### MATERIALITY

At Ecolab, sustainability is core to our business strategy of delivering solutions that help companies around the world achieve great results and operate more sustainably. The work we do matters, and the way we do it matters to our employees, customers, investors and communities.

The parameters of our 2016 Corporate Sustainability Report have been established based on a strategic assessment of the issues that our stakeholders care most about, are of greatest relevance to our business strategy and impact our ability to deliver on our promise to make the world cleaner, safer and healthier. This approach to materiality aligns with our corporate sustainability strategy to address some of the world's most pressing and complex challenges through our own operations and the solutions we provide to customers.

#### WATER SCARCITY SOURCES

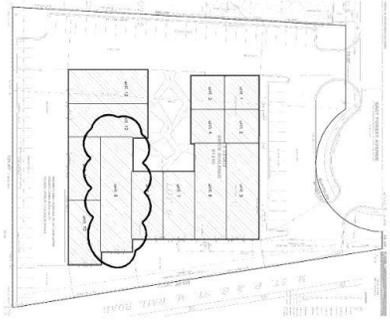
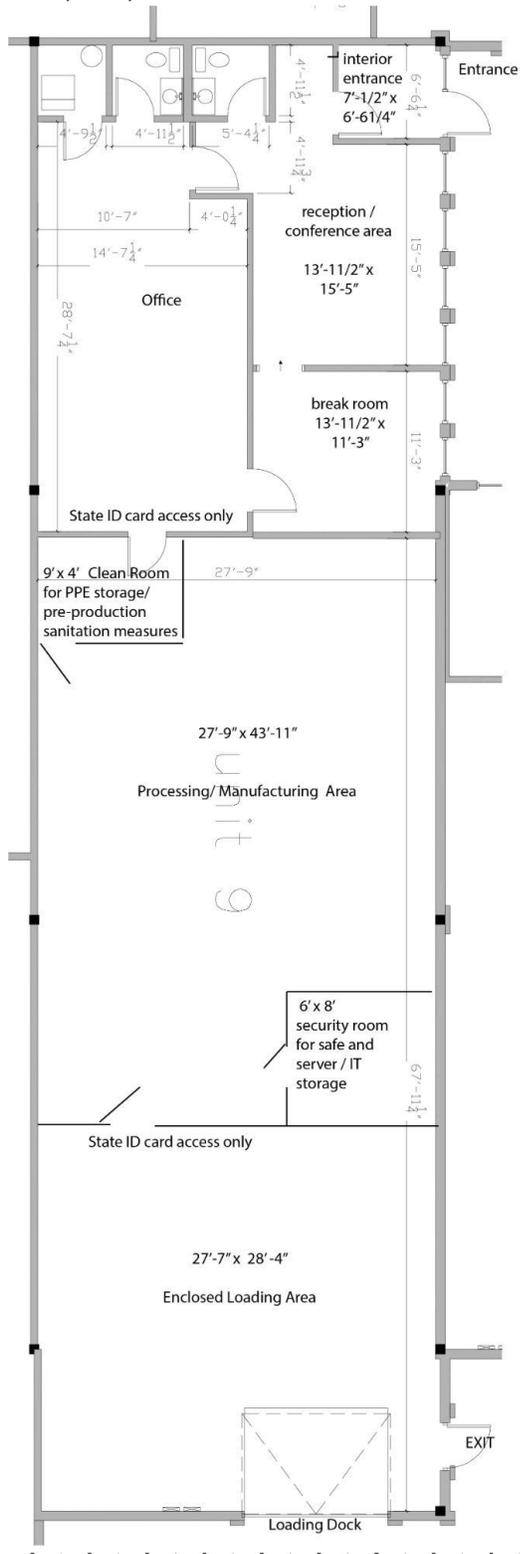
1. "The United Nations World Water Development Report," World Water Development Report/United Nations Educational, Scientific and Cultural Organization, UNESCO, 2015. Web, 26 May 2016.
2. Horn, John. "The Emerging Middle Class in Developing Countries." Brookings Institute (June 2011). World Bank. Web, 26 May 2016.
3. Nishal, Sapfira, and Vivary Lucia Leita. "A Blue Revolution: Growth and Sustainability of America's Merit (VIRA) 2." 44. River Revolution Global Water of America Merit (VIRA), 07 Nov. 2012. Web, 26 Apr. 2017. <<http://www.riverblue.com/Publishing-applications/pdf/01100/riverblueevolutionglobalwater.pdf>>.
4. Nishal, Sapfira, and Vivary Lucia Leita. "A Blue Revolution: Growth and Sustainability of America's Merit (VIRA) 2." 40. River Revolution Global Water of America Merit (VIRA), 07 Nov. 2012. Web, 26 Apr. 2017. <<http://www.riverblue.com/Publishing-applications/pdf/01100/riverblueevolutionglobalwater.pdf>>.

Ecolab's Comprehensive Sustainability 2016

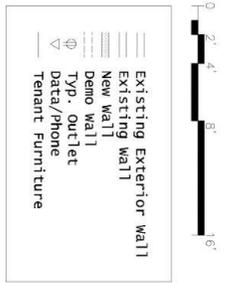
39



**Response to Official Review Letter**  
**1. a) & b) see below**



Location Key  
 1/4\"/>



**EXHIBIT A**

This document is a graphic representation of the premises only. Verification of any dimensions and/or improvements shall be the responsibility of the tenant. This plan is approved for construction. Alterations to this plan may delay and may increase the cost of the building and will be responsibility of the tenant.

Approved By: \_\_\_\_\_ Tenant Representative  
 Date: \_\_\_\_\_  
 Approved By: \_\_\_\_\_ Landlord Representative  
 Date: \_\_\_\_\_

**Mary James Incredible Edibles LLC**  
**1245 E. FOREST AVE. UNIT 9**  
**DES PLAINES, IL 60018**

UNIT NUMBER: AS NOTED  
 DATE: 06-14-2022

SCALE: 1/4\"/>
 PROJECT: SK1A

**ddl.**  
**DDL PROPERTY, LTD.**

SK1A

**DEPARTMENT OF AGRICULTURE**

**Division of Cannabis Regulation**

**License #:** 2108011042-IN  
**Effective Date:** August 1, 2021  
**Expiration Date:** July 31, 2022

**Licensee:** Mary Jane's Incredible  
Edibles LLC  
**Facility Location:** 10600 Seymour Ave, Franklin,  
60131

Licensee is hereby authorized to operate under the Infuser License as provided in their application and any Illinois Department of Agriculture approved modification and/or alteration at the address above in compliance with the Cannabis Regulation and Tax Act (410 ILCS 705) and associated rules.





**David C. Akema**  
**Division Manager**  
**Division of Cannabis Regulation Illinois**  
**Department of Agriculture**

## *INFUSER LICENSE*

MEMORANDUM

Date: June 23, 2022

To: Planning and Zoning Board (PZB)

From: Jonathan Stytz, AICP, Senior Planner 

Cc: John T. Carlisle, AICP, Director of Community and Economic Development 

Subject: Zoning Text Amendments Regarding Residential Driveways and Residential Walkways

**Issue:** Consider the following Zoning Ordinance amendments: (i) simplify residential driveway regulations pursuant to Section 12-9-6.B.3 (R-1, R-2 Districts and single-family detached dwellings) regarding maximum driveway widths, setbacks from front entryways, and distance from lot lines; (ii) clarify and simplify residential driveway, walkway, and patio regulations pursuant to Section 12-7-1.C (Permitted Obstructions in Required Yards); (iii) revise the “patio” term definition pursuant to Section 12-13-3 to differentiate from a residential walkway; and (iv) define “residential walkway,” also pursuant to Section 12-13-3.

**PIN:** Citywide

**Petitioner:** City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

**Case Number:** #22-023-TA

**Project Summary:** The City of Des Plaines is applying for various zoning text amendments to address residential driveway and residential walkway issues that have arisen during 2022.

**Updating Residential Driveway Width & Setback Regulations for R-1 and R-2 Zoned (and Additional Single-Family Detached) Properties**

The City wants to simplify driveway existing driveway regulations to provide residents in the R-1 Single Family Residential district, R-2 Two Family Residential district, and lawfully-established single family dwellings in other districts additional flexibility in how they design their driveways, specifically in regard to driveway width and design. The Community and Economic Development Department has identified these rules as confusing and difficult to meet for many building permit applicants. The Zoning Ordinance, which establishes the City’s off-street parking rules, currently restricts driveway width and design based on the size of the garage (i.e., number of cars) and, depending on the size of the garage, the garage *door width* as denoted in Table 1.

**Table 1: Existing Driveway Width Regulations based on Garage Size**

Garage Size	1-Car	2-Car	3 or more-car
Maximum Driveway Width	20 feet	Garage door width plus 2.5 feet on each side	Garage door width plus 2.5 feet on each side

***Driveway Width Regulations***

Currently properties that have a one-car attached or detached garage are limited to a flat 20 feet in width. Properties with two or more car garages are allowed driveways as wide as the garage door width plus 2.5 feet on each side. As such, properties with larger garages that can house two or more vehicles are permitted additional driveway width whereas properties with one-car garages are allowed less driveway width. However, it is important to note that the 2.5-foot-allowance on either side of the garage door cannot currently be combined. Thus, only up to 2.5 feet of width could be added on either side of the garage door, not five feet on one side or any other delimitation. There are many front doors, foot stoop areas, or other natural or built objects that are close to or directly abutting the garage door that often encroach into the space where the 2.5-foot-extension could be placed, thus limiting the overall driveway width. For example, a residence with a raised front stoop located one foot away from the garage door would only be able to install an additional foot of driveway width on this side of the garage instead of the allowed 2.5-foot-expansion area, often resulting in oddly shaped or less functional driveway surfaces that do not adequately serve the property owner. Similarly, permit review for properties with two or more car garages are more involved and take longer to process as the garage width and garage door setback distance from the sides of the garage needs to be determined in order to confirm the driveway proposal meets the code requirements.

Consequently, staff has proposed amending this portion of the code to remove the 2.5-foot-expansion area regulation in its entirety for two or more car garages and permitting a flat driveway width for these R-1 and R-2-zoned properties (and properties with lawfully-established single family dwellings) from the garage to the street based on the garage size. Properties with two-car garages would be allowed a maximum driveway width of 23 feet and properties with three or more car garages would be allowed a maximum width of 26 feet.

***Driveway Setback Regulations***

The Zoning Ordinance also limits driveway design based on its setback distance from property lines (minimum of two feet required) and setback distance from the front entryway of a residence (minimum of 6 feet required). The existing minimum two-foot-setback regulation between the driveway and the property line is intended to improve driveway design on both a functional and aesthetic level. However, when read literally, the current regulation applies only when the driveway is accessing a garage in the rear yard; that is not the intent. For multiple years, staff has interpreted both this restriction and allowance – because, otherwise, driveways would not be permitted in the required side/rear yards at all – to apply to *all* driveways accessing a garage. Moreover, for properties with rear alleys and driveways accessing detached garages from the rear property line, these driveways are technically not permitted by this regulation.

As multiple driveway designs result from varying property types (i.e., interior versus corner lots) and sizes, staff recommends adjusting this regulation to apply to all residential driveways in the R-1 and R-2 districts (and properties with lawfully-established single family dwellings), regardless of the location of the driveway, for added clarity and consistency city-wide. The proposed amendments also clarify that driveways that require access to garages through a property line can pass through that lot line and thus be located within that required yard.

The existing minimum six-foot-setback regulation between the driveway and the front door/landing area leading to the front door is intended to provide an appropriate separation distance for safety and functional reasons. However, there are many residences throughout the City that have a front door and landing area leading to a front door in close proximity to existing driveways (i.e. existing nonconformities). For many

residences where the front entryway is close to or directly abutting a driveway, the code limits the ability of these homeowners from fully expanding their driveways to the maximum width and often results in non-functional or oddly shaped driveway designs. Thus, staff is proposing to remove this regulation in its entirety for all driveways in the R-1 district, R-2 district, and properties with lawfully-established single family dwellings.

Please see the attached Proposed Driveway Text Amendments for all proposed changes to the driveway regulations for R-1 and R-2 zoned properties (and properties with lawfully-established single family dwellings).

### **Adding Residential Walkway Definition and Amending Walkway Width Regulations**

#### ***New “Residential Walkway” term***

The City is also looking to define and adjust regulations for walkways within residential districts. While the terms “sidewalk” and “walkway” are found throughout the Zoning Ordinance, there is currently no definition for a walkway, leading to ambiguity and confusion for hard surfaces that may resemble a larger surface, such as a patio, but are labeled as sidewalks or walkways. In addition, staff has dealt with a handful of permit requests or situations where the use of a surface characterized as a walkway is not solely for pedestrian access (i.e., storage of receptacles). A hard surface is currently defined as a walkway if it is four feet or less in width, but there is no clear definition available in Section 12-13-3. Thus, staff proposes adding a definition for residential walkways to add clarity and consistency.

#### ***Amended Walkway Width and Setback Regulations***

Staff is also proposing amendments related to walkway width permitted on residential properties. Section 12-7-1.C of the Zoning Ordinance currently limits walkway width to four feet, regardless of whether the walkway is located in a required yard (front, side, corner-side, or rear) *or within the buildable area* (i.e., outside of the required yards). Staff has received several permit requests for walkways in excess of the four feet wide for a variety of different reasons. There are also properties that have existing walkways in excess of four feet in width. For these reasons and to help allow additional design flexibility for pedestrian access, staff is proposing to adjust the walkway width regulations in Section 12-7-1.C based on the walkway’s location on the property. Walkways located within the required side yard will still be restricted to four feet in width. However, walkways located within the front, corner-side, or rear yard will be allowed up to six feet of width. The restriction within the buildable area, or outside of a required yard, would be removed. In staff’s opinion it is both onerous and inconsistent with the purpose of Section 12-7-1.C., which is to regulate permitted obstructions in required yards. In addition, staff is also proposing to adjust the required setback distance between a walkway and a property line. The Zoning Ordinance currently requires walkways to be setback a minimum of two feet from all property lines. However, there are many examples of properties with insufficient space on the property (e.g., narrow side yard) to install a walkway width that is functional while also complying with this two-foot-setback regulation. Thus, staff is proposing to reduce the required walkway setback distance from a property line from two feet to one foot.

### **Revising Patio Definition and Clarifying Patio Regulations Related to Walkway Connections**

#### ***Revised Patio Definition***

Given the proposed amendments to walkways in the previous section, staff is also looking to amend the definition of a patio, which would be in conflict with the new widths permitted for residential walkways. Pursuant to Section 12-13-3, a patio is defined as “a hard surface larger than four feet by four feet (4’x4’) that is not connected to a driveway, parking pad, or other hard surface that is connected to a street or alley.” Thus, staff has proposed amending this definition to remove the size qualifications specified within but retaining the restrictions on the placement and use of a patio surface. Moreover, the revised patio definition will still

require patio surfaces to be separated from a parking area or driveway surface as currently regulated in Section 12-7-1.C of the Zoning Ordinance and prohibit the parking or storage of vehicles on a patio surface.

### ***Clarifying Patio Regulations Related to Walkway Connections***

The Zoning Ordinance currently requires patio surfaces to be separated a minimum of three feet from all parking area and driveway surfaces. There is an allowance for a walkway, not in excess of the maximum walkway width (currently four feet), to connect to and diverge from a patio surface in order to provide a paved pedestrian access to another hard surface like a driveway. However, this is not clearly identified in Section 12-7-1.C. under patios. As a result, the proposed amendments would update the existing table in Section 12-7-1.C under patios to clarify this allowance.

### **Proposed Amended Sections**

All proposed amendments related to driveways are contained in Attachment 1, and all proposed amendments related to other hard surfaces are contained in Attachment 2. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context.

### **Standards for Zoning Ordinance Text Amendment:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided.

#### **1. Whether the proposed amendments are consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;**

The Comprehensive Plan calls for the preservation and enhancement established single-family neighborhoods. The proposed amendments help continue this vision by providing residents alternative ways to improve their properties.

#### **2. Whether the proposed amendments are compatible with current conditions and the overall character of existing development;**

The amendments help simplify existing driveway, patio, and walkway regulations for additional clarity and easier compliance for uses city-wide. Similarly, the amendments will allow additional design flexibility to make future hard surface proposals more practical with existing conditions and ultimately more compatible with the character and nature of Des Plaines than the current rules provide. In some cases, the proposed amendments could lead to the reduction of existing nonconformities on properties in violation of current regulations.

#### **3. Whether the proposed amendments are appropriate considering the adequacy of public facilities and services available;**

The amendments intend to clarify and simplify existing regulations to promote more effective use of property for parking facilities, pedestrian access, and recreation. In relation to driveways and residential walkways, the amendments allow for greater flexibility in design but still regulate the size of these hard surfaces to limit impervious surfaces on properties.

#### **4. Whether the proposed amendments will have an adverse effect on the value of properties throughout the jurisdiction; and**

The proposed amendments, if they have any impact, are likely to improve property values by fostering a reasonable way to design off-street parking areas and pedestrian access throughout the site. This, in turn,

shall also lead to a more stream-lined permit review that could indirectly encourage property owners to make improvements to their properties.

**5. Whether the proposed amendments reflect responsible standards for development and growth.**

The amendments are based in thoughtful considerations of development trends and existing conditions throughout the City. The amendments also respond to issues encountered by City staff.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-7 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above-mentioned amendments. City Council has final authority on the proposal.

If the PZB wishes, it may consider two separate motions for the issues addressed, with the first motion covering driveway amendments and the second for the patio and residential walkway amendments.

**Attachments:**

Attachment 1: Proposed Driveway Amendments

Attachment 2: Proposed Hard Surface Amendments related to Walkways and Patios



**12-9-6: SPECIFICATIONS FOR OFF STREET PARKING AND OUTSIDE STORAGE AREAS:**

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B. Access:

3. The following provisions apply to driveways located within the R-1 and R-2 districts and lots in any other zoning district that is improved with a lawfully established single-family detached dwelling:

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b. Subject to subsections B3d and B3e of this section, the maximum width of each driveway shall be as follows:

(1) For properties improved with a single-family detached dwelling and a single-car wide garage or carport (either detached or attached), the maximum driveway width is 20 feet, provided the driveway meets the following standards:

~~\_\_\_\_\_ (A) No portion of said driveway is located within six feet of the front entranceway or landing area leading to the entranceway.~~

~~\_\_\_\_\_ (B) No rocks, gravel or stone mulch abut any portion of the driveway.~~

(2) For properties improved with a single-family detached dwelling and a two-car wide garage or carport (either detached or attached), the maximum driveway width measured at the property line abutting the roadway or public alley is 23 feet, which driveway may expand gradually to a width 2.5 feet past each side of the garage door(s); provided, however, the driveway must meet the following standards:

~~\_\_\_\_\_ (A) No portion of said driveway is located within six feet of the front entranceway or landing area leading to the entranceway.~~

~~\_\_\_\_\_ (B) No rocks, gravel or stone mulch abut any portion of the driveway.~~

(3) For properties improved with a single-family detached dwelling and a three-car wide garage or carport (either detached or attached), the maximum driveway width measured at the property line abutting the roadway or the public alley is 26 feet, which driveway may expand gradually to a width 2.5 feet past each side of the garage door(s); provided, however, the driveway must meet the following standards:

~~\_\_\_\_\_ (A) No portion of said driveway is located within six feet of the front entranceway or landing area leading to the entranceway.~~

~~\_\_\_\_\_ (B) No rocks, gravel or stone mulch abut any portion of the driveway.~~

(4) A property improved with a single-family detached dwelling and no garage or carport will be allowed a maximum driveway width of 20 feet, provided, however, the driveway must meet the following standards:

~~(A) No portion of said driveway shall be located within six feet of the front entranceway or landing area leading to the entranceway.~~

~~(B) No rocks, gravel or stone mulch abut any portion of the driveway.~~

~~(C)~~ **(A) The total length of the driveway measured from the property line shall not exceed 40 feet and shall contain evergreen shrubs not exceeding three feet in height along the entire exterior edge of the driveway.**

~~(D)~~ **(B) The driveway meets the setback required by subsection B.3.h of this section.**

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h. Driveways accessing rear yard garages are permitted **within all required yards**, the side or rear yard setback **but shall be** no closer than two feet from a side or rear property **lot** line, unless the driveway is shared **or requires access through that lot line**. This requirement may be altered by the zoning administrator through the site plan review process **pursuant to Section 12-3-6, "Variations."**

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j. **No rocks, gravel or stone mulch shall abut any portion of the driveway.**

Additions are **bolded and double-underlined**; Deletions are struck through

## Proposed Hard Surface Amendments

### 12-7-1: GENERAL DISTRICT REGULATIONS:

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C. Permitted Obstruction In Required Yards: The following structures and uses shall be permitted in the following required yards:

	Required Yards			
	Front	Side	Rear	Corner-Side
Patios:	NP	P	P	NP
Must be separated from a driveway / parking area by a minimum of 3 feet				
<b><u>A patio may be connected to another hard surface by a residential walkway that diverges from the patio and the other hard surface.</u></b>				
May be located no closer than 5 feet from side and rear lot lines				
**	**	**		
<b><u>Residential</u></b> Walkways:	P	P	P	P
All walkways, whether within a required yard or the buildable area, can be no more than 4 feet wide				
<b><u>Any portion of a residential walkway located within a required side yard shall not exceed 4 feet in width. A residential walkway located in the front, rear, or corner-side yard is permitted to be up to 6 feet in width.</u></b>				
<b><u>Walkways must diverge and be separate from another hard surface, except for small, immediately adjacent pads for refuse containers or mechanical equipment.</u></b> be separated from a driveway by a minimum of 3 feet (with the exception of a perpendicular connection)				
May be located no closer than <b><u>1 foot</u></b> 2 feet from the side lot lines				
**	**	**		

**12-13-3: DEFINITION OF TERMS:**

For the purposes of this title, the following terms shall have the following meanings:

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~~PATIO: A hard surface larger than four feet by four feet (4'x4') that is not connected to a driveway, parking pad, or other hard surface that is connected to a street or alley.~~

**PATIO: A dust-free, impervious hard surface constructed at finished grade, separate from an off-street parking area, driveway or other hard surface, that is designed and intended for outdoor recreational purposes for people and not for the parking or storage of vehicles.**

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**RESIDENTIAL WALKWAY: A dust-free, impervious hard surface constructed at finished grade that connects with and diverges from other dust-free hard surfaces, structures, and other yard features to provide paved pedestrian access on a residential property.**

Additions are **bolded and double-underlined**; Deletions are struck through