CALL TO ORDER
The meeting was called to order by Chairman Scott Gryder at 6:33 p.m.

ROLL CALL
Present: Chairman Scott Gryder, Amy Cesich, Lynn Cullick (6:34), Vice-Chair Judy Gilmour and Jeff Wehrli
Absent: None
Also present: Planning & Zoning Manager: Angela Zubko, Administrator Jeff Wilkins & Code Enforcement Officer Brian Holdiman
In the audience: Attorney Daniel Kramer, Brian Watkins and Ber Stevenson

APPROVAL OF AGENDA
Judy Gilmour made a motion to approve the agenda as written, Amy Cesich seconded the motion. All agreed and the motion was approved.

APPROVAL OF MINUTES
Jeff Wehrli made a motion to approve the minutes from June 9, 2014. Judy Gilmour seconded the motion. All agreed and the minutes were approved.

EXPENDITURE REPORT (handed out at meeting)
Amy Cesich made a motion to approve the expenditure report in the amount of $18,904.00 and forward it onto the Finance Committee, Lynn Cullick seconded the motion. With a roll call vote all in attendance agreed and the motion was approved.

PETITIONS-
#14-20 Peaceful Pathways Montessori School
Planner Angela Zubko did an overview of the request stating the property is located at 8250 Route 71 on the south side of Route 71 west of the Ravine Woods Subdivision. The site is about 7 acres and was originally approved in 2005, limited to 24 students. In 2007 they petitioned to have 75 students and again in 2009 for up to 200 students. The petitioners are requesting a major amendment to their special use to modify their site plan to construct around a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot and the conditions. They will still have the maximum capacity of 200 students, the current site plan could not accommodate 200 students and it still will not but will be close. Planner Zubko stated currently their enrollment is 105 students enrolled and with the new building it should allow for about 185 students. Access already exists as a right in, right out. During ZPAC some concerns over people turning left but when Route 71 is widened a left turn lane will be provided and the petitioner has a no turn left sign and also notifies that parents in their newsletters. The current parking lot has 16 parking stalls. The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today’s size standards of 24’ wide drive aisles and 9’x20’ parking stalls. The parking ratio would be based as a junior high.
The requirements would be 1 parking stall per employee and 1 per each 20 students. That total would be 25 parking stalls required and 30 are proposed. An EcoCat has been completed and IDNR has contacted the petitioner and has no concerns. An NRI will not be needed as they completed one in 2009. Also the petitioner has talked to the Health Department and the septic is already properly sized to accommodate this new building. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions; there will be a total of 3 conditions. Planner Zubko also wanted to note she handed out a revised site plan due to the drive aisle being modified slightly on the eastern edge for the fire protection district.

Attorney Daniel Kramer and Brian Watkins had no addition to staff’s report and here to answer any questions.

The ZPAC, Plan Commission and hearing officer made a favorable recommendation with some changes to the conditions which have been reflected in the report and the Zoning Board of Appeals approved the variance request for the drive aisle width.

With no further suggestions or changes Amy Cesich made a motion, seconded by Judy Gilmour to recommend approval of the major amendment to the special use and forward the petition onto the next County Board meeting. With some discussion Ms. Cesich stated she attended the Plan Commission and they did have much discussion.

All were in favor and this will be forwarded to the full County Board.

**#14-11 Concrete Crushers**

Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on private property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared. Planner Angela Zubko stated she wanted to create a new section in the General Provisions section of the Zoning Ordinance that addresses temporary uses in all zoning districts (although not all temporary uses would be allowed in all zoning districts). Also add a fee of $100 for each temporary use on the fee list. The permit would be just like a conditional use that would just go through a staff review and if for some reason staff is not sure if it meets all the conditions or the petitioner does not agree with staff it can be taken to the PBZ Committee for approval or denial. On the memo there is a bunch of information on concrete crushing. Then you’ll notice all the red text is staff’s original recommendations, blue is text after the ad-hoc committee meeting and purple are the minor changes after Plan Commission. The other conditions that are just in black are other temporary uses that were moved from the agricultural section of the Zoning Ordinance but the text did not change. Staff recommends approval of the text amendment. Planner Zubko also mentioned the changes to the performance standards.

Planner Zubko stated most of the time this will take place in the ROW but this is in case they would like it located on private property we have some rules and regulations. Planner Zubko also noted #6 is new for stockpiling dirt on private property for major roadway construction.

With no further suggestions or changes Amy Cesich made a motion, seconded by Lynn Cullick to recommend approval of the text amendment and forward the petition onto the next County Board meeting.

Mr. Wehrli wanted to modify the language for number 2 to delete concrete after asphalt concrete plants. For numbers 2, 3 5 and 6 add language to include the Health Department and roping off the septic system. Also change number 2 to say the original condition.
Ms. Gilmour would like to see the 750’ buffer a little larger. Ms. Zubko stated most of the time this will be in the ROW therefore there would be no buffer. Ms. Gilmour also had a comment on stockpiling of dirt and wanted to make sure she understood it correctly.

Mr. Wehrli would like to see the times regulated under 2 and 6 with the language from number 5 and instead of ‘requested’ change it to ‘permitted.’

All were in favor and this will go to the next County Board meeting.

**#14-17 Medical Cannabis Cultivation Center text**

Planner Angela Zubko stated she has put together a memo about the background information on the Compassionate Use of Medical Cannabis Pilot Program Act that is scheduled to be repealed January 1, 2018. There were two separate text amendments but Plan Commission tabled the distribution centers as they wanted a little more information and since we have not received any petitions we have a little more time to work on them. So tonight we’re going to just talk about cultivation centers. Note they are called temporary due to this 2018 date. To explain in the memo a little better in red it dictates where that condition came from whether it be from the Statute, rules and regulations or another ordinance. It nothing is notated in red staff has drafted that on their own. Staff plans to propose 4 definitions that are taken word for word straight from the Statute. There were no questions about these 4 definitions. There was some discussion on the pilot program and ending date.

Planner Zubko wanted to note most of the conditions come from the statute and the rules from the Department of Agricultural but decided to put them as conditions in our text in case the state did not enforce or look closely at some of the items; the County could then enforce them and take appropriate action. A lot of conditions are what is needed when a submittal is made. At the end of the memo there is some blue text and those were suggested additions from the ZPAC committee for fencing and an annual fee (if legal). Planner Zubko stated that the ZPAC Committee brought up many concerns which some are reflected in the above added conditions and made a recommendation to **NOT allow this as a special use in the A-1 District.** (Since there is a petition already submitted in the A-1 Agricultural district staff will leave it as it until the County Board votes on the text amendment and will make sure each Committee knows that recommendation.)

Plan Commission made a 6-1 recommendation to **NOT allow this as a special use in the A-1 District as well.** The Committee also wanted to note that that there is a question about the legality at a federal level and also this is the beginning, there will be more and more in the future so to allow it in agricultural may be too broad, this can always be changed in the future if needed. There was discussion if we should allow it in the M-3 district but the Committee and staff decided against it since they are to be open pit mining or outside operations. The one no vote was because he does not feel having it in an agricultural area will be a detriment if it’s controlled. He feels we are making too much out of it.

The Zoning Board of Appeals made a 6-1 recommendation to approve the text amendment **including the agricultural district** with the modification to the fencing and if sales tax are not collected keep condition o. The one no vote was the member was of the opinion the A-1 district should not be permitted as it’s too broad and more control is needed. There was a lot of discussion about if it matters where the location will be if there is security, video links and in an enclosed building under surveillance? There was brief discussion on security and agricultural verse manufacturing districts and having it in a manufacturing district could be worse because of all the movement, trucks and people in the area, so a lack of security.
Planner Zubko read from the statute that states the cultivation centers pay the sales tax and not the responsibility of the distribution center, there is sales tax involved.

There was discussion if these people can grow something else besides medical cannabis in the greenhouses during and after the operation? Planner Zubko stated she doesn’t know why not. If this really does go away in 2018 we have a large greenhouse already built.

Planner Zubko received a memo from the SAO today basically stated we cannot have an annual fee, we cannot charge tipping fees and we cannot require the security feed to the Kendall County Sheriff’s Office so that will need to be modified in the text, we would have to eliminate condition o. Planner Zubko also suggests getting rid of condition m as I am not sure if we care if anything else is produced on site, if we do please keep in.

Planner Zubko discussed the different hand-outs that were passed out tonight and stated the Department of Agricultural stated today the application window will probably be from September 8 through September 22nd, more details will follow.

Ms. Gilmour asked if the DEA is against legalizing medical cannabis or just cannabis as that is 2 different things.

Mr. Wehrli would like to only see medical cannabis grown and no other products at the same time. Mr. Wehrli does not think the A-1 district is such a bad idea or location.

Ber Stevenson introduced himself and stated he owns a farm in the area. He stated it is his duty to try to get the highest and best use for his property which is zoned agricultural. This will take place in a fully enclosed secure building or green houses. He stated the permit application asks what the cultivation center can give back to the community. Mr. Stevenson stated sales tax and real estate is one way but even giving access for the Forest Preserve and residents through an easement donation agreement to the creek might be another way. He is advocating permitting this as a special use in the A-1 Agricultural district. Mr. Stevenson educated the Commission about medical cannabis and about THC and CBD. He also talked about how this helps different ailments/disease and children. He talked about how this product does not get you high, it heals you. He talked about how smoking it is not recommended but the oil form is the best use. He discussed the security will be every square inch and everyone will be on camera at all times. He also discussed how manufacturing districts are not energy efficient and would like to have wind turbines and solar energy which may not be permitted in the manufacturing district. Mr. Gryder brought up money and that banks cannot be used. Mr. Stevenson said it is a problem and they will be handling cash but there is a movement through the administration to loosen the rules up with banks and to solve that issue. Mr. Wehrli stated the other side of the cash is to go robbed an armored car instead of the cultivation center. Ms. Cesich asked the benefits to allow one in the County. Planner Zubko stated real estate taxes, employment and sales tax. There was some discussion on how much parking in an agricultural district. Planner Zubko stated at the ZBA there was some discussion on building a greenhouse for this use and compared them to current greenhouse operations that are considered agricultural operations like the Orchid farm on Bell Road this is about a 96,000 square foot greenhouse. Mr. Wehrli stated if there is a live stream to the State would the petitioner provide it? Mr. Stevenson stated definitely.

Ms. Gilmour asked if Mr. Gryder is opposed to the A-1 Agricultural district? Mr. Gryder stated yes. He is in favor of the M-1 and M-2. Ms. Cesich thinks greenhouses and agricultural and sees both sides, possibly the agricultural area could be safer and a controlled environment, cleaner air, cleaner water, these plants are
genetically altered for medical purposes so is in favor in keeping it in A-1 as well. Ms. Gilmour agrees with Mr. Gryder on not allowing this in an agricultural building and enclosed but does think we need to find out a little more about the law. Mr. Holdiman stated if this is in an agricultural area they would be ag exempt from building permits. Ms. Gilmour thinks the security would be better not in an agricultural area, Mr. Stevenson did not think security will be an issue. Ms. Cullick is wrestling with the different districts at this point. Mr. Wehrli feels this group has beat this up enough so Mr. Wehrli made a motion to forward this onto the Committee of the Whole. Lynn Cullick seconded the motion. This will go to COW on Thursday.

PUBLIC COMMENT - None

NEW BUSINESS

Approval of a refund to David Price in the amount of $500 for Petition 14-21 to rezone 9480 Walker Road withdrawn due to future ROW taking - Planner Zubko stated in the packet was a little write up on the petition but after the petitioner talk to IDOT they withdrew their petition. Staff recommends a full refund as little time was spent on this petition. Jeff Wehrli made a motion seconded by Lynn Cullick to approve a refund to David Price in the amount of $500.

Request for a refund to Ron Wehrli in the amount of $2,343.57 for the land cash value at 17P Ashe Road from a 4 bedroom to 3 bedrooms on building permit number 01-2014-107 - Brian Holdiman stated in the packet is a write up of the request for a refund for the land cash value from a 4 bedroom to 3 bedroom, in your packet is the floor plan showing a loft. They applied for a 4 bedroom home but would like to change it a 3 bedroom home. Amy Cesich made a motion seconded by Lynn Cullick for the approval for a refund with discussion. Ms. Gilmour asked if the septic is sized for a 4 bedroom, Mr. Holdiman stated yes it’s sized for a 4 bedroom. Mr. Wehrli is abstaining. There was discussion that there is no definition on bedrooms or studies or lofts. With a roll call vote of 0-4 to deny the refund.

Intergovernmental Agreement with the Village of Millbrook - Planner Zubko stated this is our yearly agreements with Millbrook and Plattville. There was some discussion on work for them. There were no zoning petitioners in the last year and very few building permits and inspections, maybe 2 permits in Millbrook and none in Plattville. Mr. Wehrli thinks the push was to get them on their own but if it doesn’t take them extra time or money so it is really not a big deal. Judy Gilmour made a motion, seconded by Jeff Wehrli to approve the intergovernmental agreement with the Village of Millbrook. All were in favor and the agreement will be forwarded onto the full County Board.

Intergovernmental Agreement with the Village of Plattville - Judy Gilmour made a motion, seconded by Jeff Wehrli to approve the intergovernmental agreement with the Village of Plattville. All were in favor and the agreement will be forwarded onto the full County Board.

8 month budget report - Planner Zubko stated in the packet if a review for 8 months, everything should be around 25% remaining to be on track. Planner Zubko wondered if the Committee would support going over the conference and training line item to take another Communities of Excellence class at Waubonsee College. It would put us over about $700 in that line item. She also wanted to point out our revenues are up which is the last sheet in the packet the building fees were estimated to be $40,000 and the Zoning fees at $7,500 and we are currently at $46,000 and $9,000 and more permits and petitions are coming in. The Committee approves Angela taking the class. Mr. Wehrli stated we’re looking at a $4,000 increase as a whole and the personal is the contracts, contractual will be decreasing, reducing the commodities, capital the same and the other is an increase is to include a meeting minute taker. Mr. Wehrli asked about ad-hoc zoning and Planner Zubko stated the chair wanted to keep it as is if we need Teska for contractual work. Ms. Cesich asked if doing the meeting minutes is a hardship. Mr. Gryder stated she really needs another staff.
Mr. Gryder stated Planner Zubko and himself went to the NaAuSay Township Board meeting.

Mr. Gryder wanted to talk briefly on the drainage districts, there was some discussion on the point of the districts and what is it.

**UPDATE ON HISTORIC PRESERVATION**- Planner Zubko stated the Committee has had a hard time getting a quorum as there were three (3) vacancies but now we only have 1 vacancy so should be able to meet regularly again. The last meeting minutes are in the packet.

**UPDATE ON CMAP LAND USE COMMITTEE MEETING**- Planner Zubko stated the meeting minutes are in the packet and also a review of the LTA grants if anyone was interested to see who is submitting. The County has applied for the grant this year and has received an interview with CMAP.

**PROJECT STATUS REPORT**- Reviewed
**PERMIT REPORT**- Reviewed
**REVENUE REPORT**- Reviewed
**CORRESPONDENCE** – None
**EXECUTIVE SESSION**- None

**ADJOURNMENT**- Next meeting will be on September 8, 2014
Lynn Cullick made a motion to adjourn the meeting. Amy Cesich seconded the motion. All agreed. Chairman Gryder adjourned the meeting at 8:23 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager