KENDALL COUNTY
REGIONAL PLANNING COMMISSION
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, July 23, 2014 – 7:00 p.m.

CALL TO ORDER
ROLL CALL: Bill Ashton (Chair), Tom Casey, Bill Lavine, Brian Leonard, Larry Nelson, Vern Poppen, Tim Sidles, Claire Wilson, Budd Wormley and vacancies (Big Grove Township, Oswego Township & NaAuSay Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of minutes from the May 28, 2014 meeting

PETITIONS
NOTE: Petition 14-21 David & Cathy Price rezoning of 9480 Walker Road has been withdrawn

1. 14-12 Central Limestone Company, Inc.
   Request Rezone and request a special use
   Location 16805 Quarry Road, Morris
   Purpose Rezone 10 acres from M-2 to M-3 and request a special use to operate an asphalt and concrete plant.

2. 14-20 Peaceful Pathways Montessori School
   Request Major Amendment to their Special Use
   Location 8250 Route 71, Yorkville
   Purpose Major Amendment to their Special Use to modify their site plan

3. 14-11 Concrete Crushers
   Request Text Amendment
   Purpose Text Amendment to the Zoning Ordinance to allow concrete crushing as a conditional use and permitted use in some districts
   NOTE: Tabled last month so need a motion to take it off table before discussion

4. 14-17 Medical Cannabis Cultivation Center text and Medical Cannabis Distribution Center
   Request Text Amendment
   Purpose Text Amendment to the Zoning Ordinance to allow Medical Cannabis Cultivation Centers and Distribution Centers

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-10 Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395- Passed at the 6.17.14 County Board meeting

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS
OLD BUSINESS
Update on possible changes for Kendall and NaAuSay Township

ADJOURNMENT Next regularly scheduled meeting on Wednesday, August 27, 2014
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois

Meeting Minutes of May 28 2014
(Unofficial until Approved)

Chairman Bill Ashton called the meeting to order at 7:02 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Bill Lavine, Brian Leonard, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Tom Casey, Tim Sidles and 1 vacancy (Big Grove)
In the Audience: James Hill, Attorney Julie Swanson Haggard, John McGinnis, Doc & Ginny Gregory and Mike Burgin

APPROVAL OF AGENDA
Budd Wormley made a motion to approve the agenda as written. Brian Leonard seconded the motion. All were in favor and the agenda was approved

APPROVAL OF MINUTES
Budd Wormley made a motion to approve the minutes from April 23, 2014 meeting, Tom Claire Wilson seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#14-10 Plano Rotary, Plano Boy Scout Troup 71 & the Plano American Legion Post 395
Planner Angela Zubko did an overview of the request stating the property is located at 1701 Little Rock Road on the west side of Little Rock Road 2.75 miles north of Route 34. The petitioners are requesting a major amendment to their special use to update their site plan and modify all the existing conditions. The petitioners were granted a special use for a recreational camp in 2004 and also a variance to the private road standards for setbacks and the required paving materials. Our setbacks have changed since so a variance to the setbacks is no longer needed but they will keep the variance for the materials from CA-6 to recycled asphalt. We have also updated our regulations with regards to recreational campgrounds which they meet 4 of the 5 requirements. They currently would not meet the 20 acre minimum lot size standard so they will be considered legal non-conforming due to size. For access to the site the petitioners are proposing a locked gate access point off of Little Rock Road. Back in 2004 there was a proposed access point from the proposed subdivision to the southwest which may never be built. If it does ever get platted or built the special use can be re-evaluated at that
time. The petitioner proposes to install a minimum of 10’ access road with two bypass areas (pullovers) staggered along the drive to accommodate cross traffic and minimize the area devoted to off-street parking. The petitioner proposes to install a galvanized steel wire fence attached to steel posts. The posts will be located at ten (10) foot intervals. The far western edge of the property has floodway and floodplain but there are currently no plans to construct anything near the floodway. In the packet are the current conditions, conditions the petitioner will abide by on their property and staff recommended conditions. The city of Plano did not have any comments regarding this petition and the Little Rock Township will be discussing this at their next meeting on June 14th at 8am. Staff recommends approval of the requested major amendment to their special use with the following conditions:

1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamborees are prohibited.
2. Motor homes, travel trailers or pop ups are not permitted.
3. The number of occupants is limited to a maximum of fifty (50) at any one time.
4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.
5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.
6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (pullovers) staggered along the access drive to accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles.
7. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.
8. The special use will be reviewed annually in the years 2015, 2016 & 2017. If there have been no operational issues affecting the adjoining property owners, as well as ascertaining the adherence to the various other conditions, and the County Board is satisfied with the petitioner’s adherence to these conditions, the next schedule for review after 2017 will be 2020 and every three (3) years after in perpetuity.
9. The operations shall conform to all appropriate Codes and Ordinances of the IL Department of Public Health and the Kendall County Health Department.
10. Adequate directional signage must be throughout the property.
11. Maximum continuous stay shall not exceed 90 days.

Mr. Lavine had a question about 3 nights in a row and no jamborees if that is restricting themselves. Mr. John McGinnis, one of the petitioners stated there is a better facility across from the Farnsworth house for any training, this is more for primitive camping.

Ms. Wilson asked about the condition about no structures and asked for clarification on what type of structures would help with education. Mr. James Hill, another petitioner stated they are not sure what is considered a structure by the Counties definition and it
could be something identifying flora or fauna that is covered. Mr. Hill stated they want to stay within the confines of the trust and uses. Ms. Wilson asked if the public can access the site. Mr. Hill stated only if they get permission from the Rotary as it will be a locked gate. Mr. Leonard asked about the safety during tornados, Mr. Hill stated it would be as if any other sites. There was brief discussion about deleting condition 8 and the petitioners stated the owners are agreeable to deleting that condition. Condition 8 will be deleted. Ms. Wilson asked about the condition on signage, Mr. Hill stated they will be using the purple paint law to stop from trespassing and directional signage for safety.

Mr. Ashton opened it up to the audience for questions for comments. Virginia Gregory asked if the gates will be locked or the road paved. Mr. Hill stated the gates will always be locked and the road will not be paved but ground asphalt and gravel.

Mr. Lavine asked if this would be handicapped accessible. Mr. Hill stated that is the plan to make the best accommodations they can without taking down any trees.

With no further suggestions or changes Bill Lavine made a motion, seconded by Larry Nelson to recommend approval deleting condition 8 and forward the petition onto the Hearing officer with the remaining staff’s recommendations. A roll call vote all were in favor.

#14-11 Concrete Crushers
Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared:

Proposed to be a conditional use in the A-1 Agricultural and all business districts. ($100 fee)
Proposed to be a permitted use in all manufacturing districts. (no fee)

Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project as long as the following conditions are met:

a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
b. The operation shall be located a minimum of seven hundred and fifty (750) feet from any occupied single family residence/townhome/duplex.
c. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit.
d. The operation shall produce product only for the specific parcel for which the conditional use is permitted. For operations constructed to support a major road project, the plant shall be located adjacent to the roadway.
e. Hours of operation must be stated on the conditional use permit in the A-1 agricultural and business districts only.

Temporary Stockpiling of dirt on private property:
   a. Erosion control measures must be in place
   b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

Ms. Wilson is concerned about the concrete crushing and letter b with regards to business’ or daycares or any other commercial use. She is also concerned about the renewals and if they are bad neighbors would it be renewed? There was discussion on denying the permit and if staff cannot say no. Mr. Nelson would only like to this to be along state highways. Ms. Wilson would like to change the last condition to original state. There was much discussion on the distance from structures.

Planner Zubko would like to add parameters for denial of a renewal for both permits.

Mr. Nelson made a motion to table this, have Teska & Associates take a look at this and continue this to next month after ad-hoc. Vern Poppen seconded the motion. All were in favor and Planner Zubko will get the proposed text to Teska & Associates as a starting point to review.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-06 Reinert Fox Road Subdivision- Passed at the 5.20.14 County Board meeting

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS- Discussion on some issues NaAuSay Township is having regarding parkway trees- Planner Zubko stated some of the townships have had some issues with parkway trees. The subdivision regulations require 1 tree per 40' of roadway so most lots have 2 to 3 trees per lot. The concern is the maintenance and liability of those trees and owners planting more trees in the parkway and the townships being responsible. The township is also worried about roots ruining the roadway. Ms. Wilson stated sometimes the covenants discuss the parkway and who's maintaining that. Maybe that is the way to solve this issue.

OLD BUSINESS
ADJOURNMENT
The next meeting will be on June 25, 2014, Bill Lavine will be absent next month. Claire Wilson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:28 p.m.

Submitted by,
Angela L. Zubko, Planning & Zoning Manager

KCRPC Meeting Minutes from 5.28.14
Central Limestone Company, Inc.
Rezone from M-2 to M-3 and a special use for an asphalt and concrete plant

**SITE INFORMATION**

**PETITIONERS** Central Limestone Company, Inc.

**ADDRESS** 16805 Quarry Road, Morris

**LOCATION** On the southwest corner of Joliet Road and Route 47

**TOWNSHIP** Lisbon

**PARCEL #** 08-28-300-002

**SIZE** 10 acres out of the 150.17 acre parcel

**EXISTING LAND USE** Mining

**ZONING** Current: M-2, M-3 SU (Shooting range and future mining) and A-1 Agricultural Ordinance 1963-01: Part rezoned from A-1 to M-3 (Heavy Industrial District) Ordinance 1967-03: Part rezoned from A-1 to M-3 (Manufacturing) Ordinance 1972-09: 30 acres rezoned from A-1 to M-3 (Industrial District) 1974 Countywide rezoning: M-2 (Matches what is currently zoned M-2)

**LRMP**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Mining &amp; Potential Mining; Village of Lisbon: Commercial &amp; Mining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Joliet Road is considered a major collector road; Quarry Road is considered a minor collector road</td>
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<tr>
<td>Trails</td>
<td>None</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is no floodplain on the subject site</td>
</tr>
</tbody>
</table>

**REQUESTED ACTION** The petitioners are seeking approval to rezone 10 acres from M-2 to M-3 (Aggregate Materials Extraction, Processing and site reclamation) and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities.

**APPLICABLE REGULATIONS**

- §10.03 (M-3 Zoning)
- §10.03.B.1 (M-3 Special Uses)
- §13.07 (Special Uses)

**SURROUNDING LAND USE**

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<tr>
<td>North</td>
<td>Agricultural</td>
<td>M-3</td>
<td>Potential Mining</td>
<td>M-3</td>
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<tr>
<td>South</td>
<td>Mine</td>
<td>M-2</td>
<td>Mining</td>
<td>M-2; A-1</td>
</tr>
</tbody>
</table>

\[G:\REPORTS\2014-14-12 Central Limestone (Rezoning and Special use Asphalt and Concrete Plant)\RPC (7.15.14).docx\]
Prepared by Angela L. Zubko, Planning & Zoning Manager
PHYSICAL DATA
ENDANGERED SPECIES REPORT
The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:
Aux Sable Creek INAI Site

An IDNR staff member will evaluate this information and contact you within 30 days (by August 9, 2014) to request additional information or to terminate consultation if adverse effects are unlikely.

NATURAL RESOURCES INVENTORY
An NRI will not be necessary unless the petitioner or staff would find the report and associated LESA score helpful. The original soil profile has been disturbed and is no longer present on site.

ACTION SUMMARY
TOWNSHIP
(Lisbon)
The township does not meet until August 12th.

MUNICIPALITY
(Lisbon)
This was emailed to Jay Beckendorf on 7.2.14. Staff has not heard when they will be meeting but did have some questions on truck traffic and expected truck amounts.

REQUESTED ACTION
GENERAL
The petitioners are seeking approval to rezone 10 acres from M-2 to M-3 (Aggregate Materials Extraction, Processing and site reclamation) and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities.

Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is an appropriate location as other mines are to the west and the property north is zoned for mining. The closest home to this site is about 1,300 feet (0.24 miles) southeast of this property and Route 47 is also to the east which will be a 4 lane highway.
BUILDINGS AND STRUCTURES
Any building or structure (unless specified in the mining operations permit) must be located 150' from the centerline of the roadway and 50' in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to note the east is a Com Ed right of way so the east property line is considered a side lot line. Staff is awaiting a plat of survey showing where the asphalt plant is located to make sure it complies with setbacks and no variances will be needed. A new plat has been provided and the scale is located in the 50' setback, a variance will be needed to keep it in this location. Staff has asked the petitioner if there is any way to move the equipment west after this season but before next season starts.

ACCESS
Staff is waiting for the petitioner to explain where access will be located.

HOURS OF OPERATION
Staff is waiting for the petitioner to state what the hours of operation will be for the concrete plant and the asphalt plant. The asphalt plant will sometimes need to be open at night due to IDOT roadway projects.

WASTE
Staff has asked about any waste generated on site and if there is how it will be handled.

LIGHTING
Staff has asked the petitioner if any new lighting is proposed and if there is safety lighting if it could be shielded as to not shine onto adjacent properties.

SIGNAGE
Staff has asked the petitioner if any signage will be proposed and if so, what the sizes would be and asked if they will be lit.

SURROUNDING PROPERTIES
Staff has asked if any berthing or fencing is proposed or provided on site and to show that on the site plan. There is an existing berm that will shield the concrete plant.

HEIGHT OF EQUIPMENT
Staff has asked what the tallest heights of the equipment will be for both plants.

PLANT MOVEMENT
Staff has asked the petitioner provide drawings to show the movements through the property from when the trucks come in to each machine till the trucks leave the property.

ASPHALT PLANT
As you may or may not know the asphalt plant is currently up and running. This was due to miscommunication. This petition is to rectify any issues.

RECOMMENDATION
At this time staff would recommend to continue this petition until the next Plan Commission meeting on August 27th to allow for all to hear the township and surrounding residents’ comments. Also this will allow sometime to set up a meeting on site to discuss the operation.

ATTACHMENTS
1. ZPAC Meeting minutes on 7.7.14
2. Plat of Survey
Planner Angela Zubko called the meeting to order at 9:00 a.m.

**Present:**
Megan Andrews – Soil & Water Conservation District
Scott Gryder – PBZ Member
Fran Klaas- County Highway Department
Aaron Rybski – Health Department
Brian Jahp – Sheriff’s Office
Angela Zubko – PBZ Planning & Zoning Manager

**Absent:**
Greg Chismark – Wills Burke Kelsey
Brian Holdiman- Building Inspector
Jason Petit- Forest Preserve

Also present: County Board Member John Shaw, petitioners Barry Narvick, Attorney Ken Carlson, Attorney Daniel Kramer & David Price

**AGENDA**
Planner Zubko stated she is going to modify the agenda since the petitioner for item 3 is not in attendance yet. So the order will be 1, 4, 5, 2 and 3. A motion was made by Scott Gryder to approve the agenda as modified, Megan Andrews seconded the motion. All were in favor and the motion carried.

**MINUTES**
Brian Jahp made a motion, seconded by Scott Gryder, to approve the May 5, 2014 meeting minutes as amended. All were in favor and the motion carried.

**PETITIONS**

**#14-12 Central Limestone Company, Inc.**
Planner Angela Zubko did an overview of the request stating the petitioners are seeking approval to rezone 10 acres from M-2 to M-3 and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities. This will be located on 10 acres of the 150 acre parcel. Central Limestone has a total of about 200 acres. It’s is located at the southwest corner of Joliet Road and Route 47. An endangered species report will be needed but the website was down last week. Planner Zubko will defer to the SWCD with respect to if an NRI will be needed. Planner Zubko stated she has not heard back from Lisbon Township or the Village of Lisbon yet with respect to comments. Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is an appropriate location as other mines are to the west and the property north is zoned for mining. The closet home to this site is about 1,300 feet (0.24 miles) southeast of this property and Route 47 is also to the east which will be a 4 lane highway. Any building or structure must be located 150’ from the centerline of the roadway and 50’ in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to note the east is a Com Ed right of way so the east property line is considered a side lot line. Staff is awaiting a plat of survey showing where the asphalt plant is located to make sure it complies with setbacks and no variances will be needed. Staff is seeking more information if the petitioners would like anymore access points to the property; there is already access off of Quarry Road. Staff will be working with the petitioner on some conditions to be added to the special use permit including what the hours of operation will be for the concrete plant and the asphalt plant. The asphalt plant will sometimes need to be at night due to IDOT roadway projects. Before Plan Commission the petitioner will get Planner Zubko more detailed drawings of where the asphalt plant is located and the proposed concrete plant location.
Fran Klaas stated this is a great location for both plants and did not have any other comments or concerns.

Megan Andrews asked the petitioner if there are any structures currently or any soil disturbed in the northeast corner (the proposed location)? The petitioner’s attorney, Ken Carlson, stated the entire corner is currently a rock base and previously stripped and showed the ALTA survey of the property. Mr. Carlson also stated no new access points are proposed. Ms. Andrews stated that a NRI will not be needed.

Brain Jahp as if any explosives will be kept on site? The petitioner stated no explosives will be on site for these operations.

Aaron Rybski asked about bathrooms or needing water. He stated a septic system will need virgin ground, untouched. The Petitioners stated a mechanical collection system is proposed for human waste and pumped out of the holding tank. He asked the petitioner stay in touch and contact the Health Department to discuss this. The petitioner stated there will be 2 employees at each plant and have port potties on site now. Mostly truck drives will be on site. Mr. Rybski stated due to the small amount of employees a non-community water supply will not be needed and the petitioners are not meeting the requirements to need routine sampling. Mr. Rybski looked up the new code and stated a holding tank sounds like it would be permitted but to still contact their office.

Scott Gryder asked about the hours of operation. Mr. Carlson stated besides special roadway projects that might need the plant to be open 24 hours the hours most likely would be 6am to 6pm. Mr. Gryder also inquired about the setback from Quarry Road. Mr. Carlson stated the buildings would meet all setbacks. Planner Zubko stated it’s a 50’ setback from Com Ed as there is a 50’ strip before Quarry Road. The next site plan will show where the asphalt plant structures are currently located with an exact measurement.

With no further comments or discussion Aaron Rybski made a motion, seconded by Scott Gryder to approve the rezoning and special use and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

**#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 Woos Subdivision. The site is about 7 acres and was originally approved in 2005 and 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 a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot a 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. Planner Zubko will get the current and future amount of student from the petitioner before the Plan Commission meeting. Access already exists as a right in, right out. 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. Also I am not sure how a fire truck would turn around in this area. The parking ratio would be based as this is 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. The petitioner is seeking a variance to the 24’ drive aisle as it’s currently 20’ and there have been no issues to date. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions.

Scot Gryder had no comments at this time.

Aaron Rybski stated they have already been contacted by the owner and have already looked at the septic and well on site and will double check but think it is already properly sized to accommodate this new building.

ZPAC Meeting Minutes 7.7.14
14-20
PEACEFUL PATHWAYS MONTESSORI SCHOOL
Major Amendment to an A-1 Special Use

SITE INFORMATION

PETITIONERS  Brian Watkins d/b/a Peaceful Pathways Montessori School – Represented by Attorney Daniel Kramer

ADDRESS  8250 Route 71, Yorkville

LOCATION  South side of Route 71 – west of Ravine Woods

TOWNSHIP  Kendall

PARCEL #  05-03-200-021

SIZE  7.06 Acres

EXISTING LAND USE  Single-Family Residence; A-1 Special Use Permit for a Montessori School

ZONING  A-1 Agricultural with a Special Use Permit for a school

Ordinance #2009-05: Amend special use to allow up to 200 students and modify site plan.

Ordinance # 2007-19: Amend special use to allow up to 75 students.

Ordinance # 2005-60: Approval of an A-1 Special Use to operate a pre-school facility and allow owners to live on site. Limited to 24 students.

LRMP

<table>
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<tr>
<th>Land Use</th>
<th>County LRMP: Suburban Residential (max 1.00 du/buildable acre); United City of Yorkville: Open Space, Estate Neighborhood</th>
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<tbody>
<tr>
<td>Roads</td>
<td>State Route 71 is classified as an Arterial Roadway and a Scenic Route</td>
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<tr>
<td>Trails</td>
<td>A regional trail is shown on the north side of Route 71</td>
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</table>

REQUESTED ACTION  The petitioner is seeking a major amendment to the existing A-1 Special Use for their Montessori School to modify the site plan to construct a 6,000 square...
foot- two classroom- building for the purpose of teaching and modify the existing parking lot.

APPLICABLE § 7.01.D (A-1 Agricultural Special Uses)
REGULATIONS § 11.01 (Parking Regulations)
§ 13.08 (Special Uses)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
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<th>Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Dog Kennel, Richard Young F.P.</td>
<td>A-1 SU; Forest Preserve</td>
<td>Suburban Residential</td>
<td>A-1 SU; A-1; R-3 PUD</td>
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<td>South</td>
<td>Residential Stormwater</td>
<td>RPD-3; A-1</td>
<td>Suburban Residential</td>
<td>RPD-3; A-1</td>
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<tr>
<td>East</td>
<td>Residential (Ravine Woods)</td>
<td>RPD-3</td>
<td>Suburban Residential</td>
<td>RPD-3; A-1</td>
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<td>West</td>
<td>Agriculture</td>
<td>A-1</td>
<td>Suburban Residential</td>
<td>A-1SU; A-1</td>
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PHYSICAL DATA

ENDANGERED SPECIES REPORT

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:
Fox River INAI Site
Yorkville Seep INAI Site

An IDNR staff member will evaluate this information and contact you us within 30 days (by August 1, 2014) to request additional information or to terminate consultation if adverse effects are unlikely.

NATURAL RESOURCES INVENTORY

An NRI will not be needed since one was performed prior.

ACTION SUMMARY

TOWNSHIP (Kendall) The township is going to discuss is at their meeting on 7.15.14 (packets are going out today).

MUNICIPALITY (Yorkville) Emailed to the City of Yorkville on 7.1.14

REQUESTED ACTION
GENERAL  The petitioner is seeking a major amendment to the existing A-1 Special Use for their Montessori School to modify the site plan to construct a 6,000 square foot two classroom building for the purpose of teaching and modify the existing parking lot.

SINGLE FAMILY HOME  A home exists on site that the petitioner currently lives in and will continue to live in.

STUDENTS  The special use approved in 2009 was up to 200 students. Staff is seeking how many students there are currently and how many can be accommodated due to the new building.

SIGNAGE  A sign already exists on the property.

ACCESS  The property already has a right turn lane into the property and also enough space to make a left or right hand turn out of the property onto Route 71. Some concerns have come up about people still making a left turn lane into the property but that may be alleviated with the widening of Route 71.

PARKING  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. Also we are working with the fire protection district to make sure a fire truck can turn around in this area. The parking ratio would be based on 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.

VARIANCE REQUEST  The petitioner proposes to request a variance to the drive aisle standards. The Zoning Ordinance states that parking lot drive aisles must be a minimum of 24' and the petitioner proposes it to be 20' wide. Also there is one section where it is one way and 12' wide and staff is checking to see if the fire department could really make that turnaround.

STORMWATER  While staff does not feel storm water detention/retention will be needed she has requested the architect show how much impervious area exists and how much will be added due to the changes.

RECOMMENDATION  Staff recommends approval of the requested major amendment to their special use with the same following conditions and modifications:

1. Limit student enrollment to no more than two-hundred (200) and ten (10) fifteen (15) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students would require hiring of additional employees necessitating installation of additional off-street parking spaces, such alterations shall require review and approval of necessary permits for review and approval by PBZ staff without the need.
Fran Klaas stated this is a great location for both plants and did not have any other comments or concerns.

Megan Andrews asked the petitioner if there are any structures currently or any soil disturbed in the northeast corner (the proposed location)? The petitioner’s attorney, Ken Carlson, stated the entire corner is currently a rock base and previously striped and showed the ALTA survey of the property. Mr. Carlson also stated no new access points are proposed. Ms. Andrews stated that a NRI will not be needed.

Brain Jahp as if any explosives will be kept on site? The petitioner stated no explosives will be on site for these operations.

Aaron Rybski asked about bathrooms or needing water. He stated a septic system will need virgin ground, untouched. The Petitioners stated a mechanical collection system is proposed for human waste and pumped out of the holding tank. He asked the petitioner stay in touch and contact the Health Department to discuss this. The petitioner stated there will be 2 employees at each plant and have port potties on site now. Mostly truck drives will be on site. Mr. Rybski stated due to the small amount of employees a non-community water supply will not be needed and the petitioners are not meeting the requirements to need routine sampling. Mr. Rybski looked up the new code and stated a holding tank sounds like it would be permitted but to still contact their office.

Scott Gryder asked about the hours of operation. Mr. Carlson stated besides special roadway projects that might need the plant to be open 24 hours the hours most likely would be 6am to 6pm. Mr. Gryder also inquired about the setback from Quarry Road. Mr. Carlson stated the buildings would meet all setbacks. Planner Zubko stated it's a 50’ setback from Com Ed as there is a 50’ strip before Quarry Road. The next site plan will show where the asphalt plant structures are currently located with an exact measurement.

With no further comments or discussion Aaron Rybski made a motion, seconded by Scott Gryder to approve the rezoning and special use and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

**#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 Woos Subdivision. The site is about 7 acres and was originally approved in 2005 and 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 a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot a 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. Planner Zubko will get the current and future amount of student from the petitioner before the Plan Commission meeting. Access already exists as a right in, right out. 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. Also I am not sure how a fire truck would turn around in this area. The parking ratio would be based as this is 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. The petitioner is seeking a variance to the 24’ drive aisle as it’s currently 20’ and there have been no issues to date. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions.

Scott Gryder had no comments at this time.

Aaron Rybski stated they have already been contacted by the owner and have already looked at the septic and well on site and will double check but think it is already properly sized to accommodate this new building.
Brain Jahp had no comments at this time.

Megan Andrews stated an NRI was previously done on this site and so no new NRI will be needed. She had one comment outside her SWCD capacity but there have been quite a few issues/accidents with people still turning left into the site even though there is a no left turn sign on site. It the owner could maybe let the parents know or reiterate it is not permitted that would be greatly appreciated.

Fran Klaas agrees with Megan Andrews comments and has the same concerns but mentioned this may disappear or not be an issue once Route 71 widens.

With no further comments Scott Gryder made a motion, seconded by Brian Jahp to approve the major amendment to the special use and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

**#14-21 David & Cathy Price**

Planner Angela Zubko did an overview of the request stating the property is located at 9480 Walker Road at the southeast corner of Route 47 and Walker Road. The Petitioner is requesting approval of a Map Amendment to rezone a 1.25 acre parcel from A-1 (Agricultural) to B-3 (Highway Business District) to build a retail building. The zoning change is consistent with the County's LRMP and the City of Yorkville's future plan as well. Walker Road is designated as a major collector roadway; Route 47 is designated as an arterial roadway. There is a trail shown on the west side of Route 47 and the north side of Walker Road. Once rezoned, the petitioners will have to come back through the site plan review process which currently the goal is to have it back at ZPAC next month for the site plan review. Staff recommends approval.

Scott Gryder asked about the future building and if we have heard from the township yet with regards to this petition. Planner Zubko stated she has not heard from the township yet but the petitioner has tried to contact the township to move the driveway to the east. The Petitioner stated IDOT took a clip from the corner which is where the driveway is currently located. The petitioner stated he also would maybe like a barn type structure with a business out of it.

Aaron Rybski discussed the water supply and sewage disposal system so worried about the location of those systems and the amount of employees. This can be looked at in further detail at the site plan review.

Brian Jahp had no comments at this time.

Megan Andrews stated an executive summary will be needed on the site and directed him to the application on the website.

Fran Klaas talked about IDOT's roadway projects and is afraid IDOT has not acquired the appropriate amount of ROW yet so he might want to contact them ASAP as they may take half his property. There was brief discussion the petitioner has only owned the property for 6 months. There was also discussion that the property is only 200' wide and IDOT may way 150' of it.

With no further comments Aaron Rybski made a motion, seconded by Scott Gryder to approve the rezoning and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

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

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 are two separate text amendments so we will go over them one at a time, one for the cultivation centers and one for the dispensaries. Note they are called temporary due to this 2018 date.
to amend the special use.

2. Existing gravel driveway shall be paved with asphalt no later than May 15,
2017 or once the student enrollment exceeds 150, whichever occurs first.

3. Prior to the issuance of a building permit for Phase One of the new
structure, the following must be completed:
   a. Review and approval from the Health Department regarding
      existing and proposed well and sanitary disposal systems and their
      ability to handle the anticipated student amount.
   b. Review and approval if a storm water permit will be required
      Approval of a Site-Development permit for the construction of the
      classroom structure.
   c. Approval from the Illinois Department of Transportation regarding
      the proposed access improvements to provide safe and efficient
      access entering and exiting the facility for a student enrollment of
      200. The required access improvements shall be installed and
      completed in conjunction with the proposed site improvements.

4. Prior to the issuance of a building permit for Phase Two of the new
structure, the following must be completed:
   a. Submission of a parking plan depicting a total of twenty (20)
      parking stalls which would include the dimensions of the stalls
      (depth and width) and the dimensions of the drive aisles.

5. No-Occupancy Permit shall be issued for Phase One of the new classroom
building until all required access improvements have been completed.

6. Development of Phase 2 addition shall be done in conformance with the
controlling site plan and building elevations attached hereto and made a
part hereof as Group Exhibit “BA”.

ATTACHMENTS
1. Ordinance # 2005-60: Approval of an A-1 Special Use to operate a pre-school facility and allow
owners to live on site. Limited to 24 students.
2. Ordinance # 2007-19: Amend special use to allow up to 75 students.
3. Ordinance #2009-05: Amend special use to allow up to 200 students and modify site plan.
4. Development/Site Plans
ORDINANCE NUMBER 2005 - 0

GRANTING SPECIAL USE
8250 ROUTE 71
BRIAN WATKINS D/B/A PEACEFUL PATHWAYS MONTESSORI SCHOOL

WHEREAS, Brian Watkins d/b/a Peaceful Pathways Montessori School filed a petition for a Special Use within the A-1 district, for property located at 8250 Route 71 in Kendall Township; and

WHEREAS, said petition is to allow the operation of a pre-school facility at the site, which is primarily used for the residential needs of the petitioner; and

WHEREAS, said property is zoned A-1 Agricultural and the request is allowable upon issuance of a Special Use Permit per § 7.01.D.25 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as follows:

That pt of the NE ¼ of Section 3, T 36 N, R 7 E of the 3rd PM described as follows: Commencing at the intersection of the N line of Section 3, T and R aforesaid, with the center line of Illinois State Route No. 71; thence SW’ly along said center line, being a curve to the right with a radius of 3906.34’, an arc distance of 1438.0’ for the point of beginning; thence continuing SW’ly along said center line curve, 515.60’; thence SE’ly along a line forming an angle of 59° 50’ 41” with the chord of the last described course (measured clockwise therefrom) 340.0’; thence NE’ly along a line forming an angle of 78° 36’ 10” with the last described course (measured clockwise therefrom) 625.64’; thence NW’ly 515.60’ to the point of beginning in Kendall Township, Kendall County, Illinois and containing 7.000 more or less.

And

That pt of the NE ¼ of Section 3, T 36 N, R 7 E of the 3rd PM described as follows: Commencing at the intersection of the N line of Section 3, T and R aforesaid, with the center line of Illinois State Route No. 71, said point being on a curve, said curve being convex SE’ly and having a radius of 3906.34’, with a chord that bears S 37° 54’ 25” W, a distance of 1438.52’; thence SW’ly along the arc of said curve, 1456.60’; thence S 34° 56’ 32” E, 50.33’, said point being on the S ROW line of Illinois State Route No. 71; thence continuing S 34° 56’ 32” E, 465.30’, thence S 51° 00’ 46” W, 369.94’ to a point on the W’ly line of Outlet “A” in Ravine Woods Subdivision thereof recorded October 14, 2004 as Document Number 200400028832; thence continuing S 51° 01’ 04” W, 246.70’ to the point of beginning; thence N 28° 24’ 12” W, 489.27’ to a point on the S line of State Route 71, 10.09 to a point; thence NE’ly to a point of beginning, in Kendall Township, Kendall County, Illinois.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Special Use zoning permit for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Exhibit “A” attached hereto and incorporated herein, subject to the following conditions:
1. Limit student enrollment to no more than twenty-four (24).
2. No certificate of occupancy for the special use shall be issued by the County until the access entrance is improved to the standards of the Illinois Department of Transportation.
3. No certificate of occupancy for the special use shall be issued by the County until the petitioner installs a new water well to replace the existing spring-fed well per the instructions of the County Department of Environmental Health.
4. No certificate of occupancy for the special use shall be issued by the County until the petitioner improves the existing gravel driveway to a two-lane width.
5. A “right-to-kennel” clause is to be added to the property deed that alerts the property owner of the presence of a commercial kennel across Route 71 from the proposed special use.
6. Any signage in conjunction with the proposed special use will not be illuminated.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on November 15, 2005.

Attest:

[Signature]

John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk
ORDINANCE NUMBER 2007-19

AMENDING AN EXISTING SPECIAL USE (ORDINANCE 2005-60) for an INCREASE IN MAXIMUM ALLOWABLE STUDENTS FROM 24 TO 75 to BRIAN WATKINS, d/b/a PEACEFUL PATHWAYS MONTESSORI SCHOOL

WHEREAS, Brian Watkins, d/b/a Peaceful Pathways Montessori School, has filed a petition for an amendment to an existing Special Use (Ordinance 2005-60) within the A-1 Agricultural Zoning District for expansion of a school and daycare facility pursuant to Section 7.01.D.27 of the Kendall County Zoning Ordinance for property on the south side of Route 71 – west of Ravine Woods, commonly known as 8250 Route 71 in Kendall Township, as legally described in “Exhibit A”; and

WHEREAS, said petition is to allow for an increase in the maximum allowable student enrollment from the current 24 students, to a maximum of 75 students; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to permit the use indicated in the recitals section of this Ordinance subject to the following conditions:

1. Limit student enrollment to no more than seventy-five (75) and six (6) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students which would require hiring of additional employees necessitating installation of additional off-street parking spaces. Such alterations shall require review and approval of necessary permits for review and approval by PBZ staff without the need to amend the special use.

2. No certificate of occupancy for the special use shall be issued by the County until the petitioner improves the existing gravel driveway to a two-lane width.

3. Existing gravel driveway shall be paved with asphalt within ten (10) years of the date of the adoption of this ordinance.

4. A “right-to-kennel” clause is to be added to the property deed that alerts the property owner of the presence of a commercial kennel across Route 71 from the proposed special use.

5. Any signage in conjunction with the proposed special use will not be illuminated.

6. Prior to issuance of a building permit for the new structure review and approval of the existing and proposed well and sanitary waste disposal systems shall be obtained from the Health Department.

7. No building or Site Development Permits are to be issued until such time as comments have
been received from the Illinois Department of Transportation regarding any improvements required to provide safe and efficient access entering and exiting facility. Any required improvement shall be installed and completed in conjunction with the proposed site improvements. No Occupancy Permit shall be issued for new classroom building until such time as any and required access improvements have been completed.

8. Development of the site and buildings shall be done in conformance with the controlling site plan and building elevations attached hereto and made a part hereof as Group Exhibit “B”.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on May 15, 2007.

Attest:

John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk
EXHIBIT

PARCEL ONE:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3906.54 FEET, AN ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE, 555.60 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES 50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 640.0 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 625.64 FEET; THENCE NORTHWESTERLY 515.80 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.000 ACRES OF LAND MORE OR LESS.

P.I.N.: 05-03-200-013

PARCEL TWO:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71, SAID POINT BEING ON A CURVE, SAID CURVE BEING CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3906.54 FEET, WITH A CHORD THAT BORES SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1448.66 FEET; THENCE SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 465.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 46 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAYNE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400028822; THENCE CONTINUING SOUTH 51 DEGREES 01 MINUTES 04 SECONDS WEST, 264.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

P.I.N.: 05-03-200-027
ORDINANCE NUMBER 2009-05

AMENDING AN EXISTING A-1 SPECIAL USE FOR
BRIAN WATKINS, d/b/a PEACEFUL PATHWAYS MONTESSORI SCHOOL
(ORDINANCE 2005-60 and ORDINANCE 2007-19) for an
INCREASE IN MAXIMUM ALLOWABLE STUDENTS FROM 75 TO 200

WHEREAS, Brian Watkins, d/b/a Peaceful Pathways Montessori School, has an existing Special Use to operate a Montessori School within the A-1 Agricultural Zoning District pursuant to Section 7.01.D.27 of the Kendall County Zoning Ordinance for property on the south side of Route 71 – west of the Ravine Woods Subdivision, commonly known as 8250 Route 71 in Kendall Township (PIN# 05-03-200-021), as legally described in “Exhibit A”; and

WHEREAS, said amendment to the Special Use is pursuant to Ordinance 2005-60 approved by the Kendall County Board on November 15, 2005 and subject to the conditions attached to said ordinance; and

WHEREAS, an amendment to this Special Use was granted to allow an increase is the maximum student enrollment from twenty-four (24) to seventy-five (75) and to allow the construction of a classroom structure pursuant to Ordinance 2007-19 approved by the Kendall County Board on May 15, 2007 and subject to the conditions attached to said ordinance; and

WHEREAS, Peaceful Pathways has filed an amendment to the Special Use granted in Ordinance 2005-60 within the A-1 Agricultural Zoning District to increase the maximum student enrollment from seventy-five (75) to 200; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on February 24, 2009; and

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to permit the use indicated in the recitals section of this Ordinance subject to the following conditions:

1. Limit student enrollment to no more than two-hundred (200) and ten (10) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students would require hiring of additional employees necessitating installation of additional off-street parking spaces, such alterations shall require review and approval of necessary permits for review and approval by
PBZ staff without the need to amend the special use.

2. Existing gravel driveway shall be paved with asphalt no later than May 15, 2017 or once the student enrollment exceeds 150, whichever occurs first.

3. Prior to the issuance of a building permit for Phase One of the new structure, the following must be completed:
   a. Review and approval from the Health Department regarding existing and proposed well and sanitary disposal systems and their ability to handle the anticipated student amount.
   b. Approval of a Site Development permit for the construction of the classroom structure.
   c. Approval from the Illinois Department of Transportation regarding the proposed access improvements to provide safe and efficient access entering and exiting the facility for a student enrollment of 200. The required access improvements shall be installed and completed in conjunction with the proposed site improvements.

4. Prior to the issuance of a building permit for Phase Two of the new structure, the following must be completed:
   a. Submission of a parking plan depicting a total of twenty (20) parking stalls which would include the dimensions of the stalls (depth and width) and the dimensions of the drive aisles.

5. No Occupancy Permit shall be issued for Phase One of the new classroom building until all required access improvements have been completed.

6. Development of Phase 2 shall be done in conformance with the controlling site plan and building elevations attached hereto and made a part hereof as Group Exhibit “B”.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 17, 2009.

Attest:

Anne Vickery
Kendall County Board Chairman

Debbie Gillette
Kendall County Clerk
EXHIBIT

PARCEL ONE:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS
FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF
SECTION 2, TOWNSHIP AND RANGE Aforesaid, WITH THE CENTER LINE OF
ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER
LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3908.54 FEET, AN
ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE
CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE, 555.60 FEET;
THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES
50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE
(MEASURED CLOCKWISE THEREFROM) 540.0 FEET; THENCE NORTHEASTERLY
ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS
WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM)
629.64 FEET; THENCE NORTHWESTERLY 516.60 FEET TO THE POINT OF
BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND
CONTAINING 7.000 ACRES OF LAND MORE OR LESS.
P. I. N.: 05-03-200-013

PARCEL TWO:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE
7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY,
ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH
LINE OF SECTION 2, TOWNSHIP AND RANGE Aforesaid, WITH THE CENTER LINE OF
ILLINOIS STATE ROUTE NO. 71, SAID POINT BEING ON A CURVE, SAID CURVE BEING
CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3908.54 FEET, WITH A CHORD
THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF
1438.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1446.68
FEET; THENCE SOUTH 34 DEGREES 58 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID
POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71;
THENCE CONTINUING SOUTH 34 DEGREES 58 MINUTES 32 SECONDS EAST, 485.30 FEET;
THENCE SOUTH 51 DEGREES 00 MINUTES 48 SECONDS WEST, 360.94 FEET TO A POINT
ON THE WESIERY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF
RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400026822; THENCE
CONTINUING SOUTH 51 DEGREES 00 MINUTES 04 SECONDS WEST, 264.70 FEET TO THE
POINT OF BEGINNING; THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST,
489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71; THENCE
SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT;
THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL
COUNTY, ILLINOIS.
P. I. N.: 05-03-200-027
To: KCRPC  
Date: July 8, 2014  
Re: Text Amendment – Concrete crushing and stockpiling of dirt and concrete (Petition 14-11)  

Proposed text changes:  

Rather than repeat the standards in each allowed zoning district, staff recommends creating a new section (4.19) in the General Provision Section that addresses Temporary Uses in all Zoning Districts (although not all temporary uses would be allowed in all zoning districts). Also include a fee of $100 for temporary uses on fee list.

Delete Section 7.01.F of the Zoning Ordinance (Agricultural Temporary Uses Permitted)  
F. TEMPORARY USES PERMITTED  
   Upon application and issuance by the Zoning Administrator of a permit thereof, the following uses may be operated as temporary uses. The Zoning Administrator may require that a site plan be submitted with the application to provide a means of evaluating compliance with Ordinance requirements. Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

Put into new Section 4.19 (General Provision Section  
4.19. TEMPORARY USES PERMITTED  
   Upon application and issuance by the Zoning Administrator of a permit thereof, the following uses may be operated as temporary uses. The Zoning Administrator may require that a site plan be submitted with the application to provide a means of evaluating compliance with Ordinance requirements.  
   An owner seeking an approval of a permitted temporary use shall submit an application for a temporary use to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request for a temporary use to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator or his/her deputies in the review of a temporary use to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests. (From Special Use Minor Amendment section 13.08.N)  
   Any permitted temporary use may be treated as a special use (per the procedures contained in Section 13.07) if the stated time limit is to be exceeded.

   1-4 were moved from Section 7.01.F (Agricultural Temporary Uses Permitted) and modified in red  
   1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.
2. Concrete ready-mix or asphalt concrete plants, when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District.
   a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
   b. The plant shall be located a minimum of one thousand (1,000) feet from any occupied principal structure.
   c. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit. The operator of the facility shall guarantee the proper removal of all facilities with good and sufficient security as approved by the Zoning Administrator.
   d. The plant shall produce product only for the specific parcel for which the temporary use is permitted. For plants constructed to support a major road project, the plant shall be located adjacent to the roadway.

3. Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district provided that:
   a. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation.
   b. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods.

4. Trailers or mobile homes may be used for residential purposes only during the construction of a residence and must be removed within thirty (30) days of obtaining a certificate of occupancy or completion of construction. In no case shall a trailer or mobile home be permitted to remain on the premises for more than two years.

5. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:
   a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
   b. The operation shall be located a minimum of seven hundred and fifty (750) feet from the lot line of any occupied single family residence/townhome/duplex nor a minimum of three hundred (300) feet from the lot line from retail businesses.
c. All facilities placed or located on the site shall be removed and the site restored to its original clean and vegetated condition within the time frame of the permit.

d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan be located adjacent to the roadway.

e. Hours of operation must be 7am-5:30pm Monday thru Saturday unless otherwise requested. Stated on the temporary conditional use permit in the A-1 Agricultural and business districts only.

6. Temporary Stockpiling of dirt on private property when necessary and incidental to a major construction project:

a. Erosion control measures must be in place

b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

4.12 Performance Standards – Any use established in a Manufacturing District after the effective date of this comprehensive amendment shall be so operated as to comply with the performance standards set forth in Title 35 of the Illinois Administrative Code and Administered by the Illinois Pollution Control Board (www.ipcb.state.il.us) the standards adopted by the Illinois Air Pollution Control Board dated April 14, 1972; and the State Water Pollution Control Board dated March 7, 1972. No use lawfully established on the effective date of this comprehensive amendment shall be so altered or modified as to conflict with, or further conflict with these performance standards.

Delete Section 10.0 F. Performance Standards in Manufacturing Districts as it is covered in the General Provisions section (4.12). – It had the same wording as 4.12 above.

Attachments:
1. ZPAC Minutes on 5.5.14
2. KCRPC Minutes on 5.28.14
3. Ad hoc Minutes on 6.25.14
With no further comments Phil Smith made a motion, seconded by Amy Cesich to approve the major amendment to the special use and forward the petition onto the Plan Commission meeting in May. All were in favor and the motion carried.

Mr. John Shaw wanted clarification on the neighbor concerns. Mr. Smith stated he wanted to try to prevent any problems with the neighbors.

**#14-11 Concrete Crushers**

Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared:

Proposed to be a conditional use in the A-1 Agricultural and all business districts. ($100 fee)  
Proposed to be a permitted use in all manufacturing districts. (no fee)

Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project as long as the following conditions are met:

- Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.
- The operation shall be located a minimum of seven hundred and fifty (750) feet from any occupied single family residence/townhome/duplex.
- All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit.
- The operation shall produce product only for the specific parcel for which the conditional use is permitted. For operations constructed to support a major road project, the plant shall be located adjacent to the roadway.
- Hours of operation must be stated on the conditional use permit in the A-1 agricultural and business districts only.

Temporary Stockpiling of dirt on private property:

- Erosion control measures must be in place
- Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

Aaron Rybski if they are going to do concrete crushing or stockpiling they must stay a certain distance from wells and septic systems. If the septic system is close he suggests roping off the septic system. Planner Zubko will work with Mr. Rybski on adding a condition about septic systems and wells.

Phil Smith had no comments at this time.

Megan Andrews thought it was well written and looked like conditions on erosion control and restoring the site.

Amy Cesich liked the text amendment as the County Board has been approached a few times with regards to this.

Mr. Shaw asked what are the underlying districts this would be permitted. Ms. Cesich handed Mr. Shaw a copy of the proposed text amendment.

With no further comments Phil Smith made a motion, seconded by Aaron Rybski to approve the text amendment and forward the petition onto the Plan Commission meeting in May. All were in favor and the motion carried.

ZPAC Meeting Minutes 5.5.14
stated they are not sure what is considered a structure by the Counties definition and it could be something identifying flora or fauna that is covered. Mr. Hill stated they want to stay within the confines of the trust and uses. Ms. Wilson asked if the public can access the site. Mr. Hill stated only if they get permission from the Rotary as it will be a locked gate. Mr. Leonard asked about the safety during tornados, Mr. Hill stated it would be as if any other sites. There was brief discussion about deleting condition 8 and the petitioners stated the owners are agreeable to deleting that condition. Condition 8 will be deleted. Ms. Wilson asked about the condition on signage, Mr. Hill stated they will be using the purple paint law to stop from trespassing and directional signage for safety.

Mr. Ashton opened it up to the audience for questions for comments. Virginia Gregory asked if the gates will be locked or the road paved. Mr. Hill stated the gates will always be locked and the road will not be paved but ground asphalt and gravel.

Mr. Lavine asked if this would be handicapped accessible. Mr. Hill stated that is the plan to make the best accommodations they can without taking down any trees.

With no further suggestions or changes Bill Lavine made a motion, seconded by Larry Nelson to recommend approval deleting condition 8 and forward the petition onto the Hearing officer with the remaining staff’s recommendations. A roll call vote all were in favor.

#14-11 Concrete Crushers
Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared:

Proposed to be a conditional use in the A-1 Agricultural and all business districts. ($100 fee)
Proposed to be a permitted use in all manufacturing districts. (no fee)

Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project as long as the following conditions are met:

a. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

b. The operation shall be located a minimum of seven hundred and fifty (750) feet from any occupied single family residence/townhome/duplex.

c. All facilities placed or located on the site shall be removed and the site restored to a clean and vegetated condition within the time frame of the permit.

d. The operation shall produce product only for the specific parcel for which the conditional use is permitted. For operations constructed to support a major
road project, the plant shall be located adjacent to the roadway.

   e. Hours of operation must be stated on the conditional use permit in the A-1 agricultural and business districts only.

Temporary Stockpiling of dirt on private property:
   a. Erosion control measures must be in place
   b. Each such permit shall be valid for a period of not more than one (1) year and shall not be renewed for more than two (2) successive periods at the same location.

Ms. Wilson is concerned about the concrete crushing and letter b with regards to business’ or daycares or any other commercial use. She is also concerned about the renewals and if they are bad neighbors would it be renewed? There was discussion on denying the permit and if staff cannot say no. Mr. Nelson would only like to this to be along state highways. Ms. Wilson would like to change the last condition to original state. There was much discussion on the distance from structures.

Planner Zubko would like to add parameters for denial of a renewal for both permits.

Mr. Nelson made a motion to table this, have Teska & Associates take a look at this and continue this to next month after ad-hoc. Vern Poppen seconded the motion. All were in favor and Planner Zubko will get the proposed text to Teska & Associates as a starting point to review.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-06 Reinert Fox Road Subdivision- Passed at the 5.20.14 County Board meeting

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS-
Discussion on some issues NaAuSay Township is having regarding parkway trees - Planner Zubko stated some of the townships have had some issues with parkway trees. The subdivision regulations require 1 tree per 40' of roadway so most lots have 2 to 3 trees per lot. The concern is the maintenance and liability of those trees and owners planting more trees in the parkway and the townships being responsible. The township is also worried about roots ruining the roadway. Ms. Wilson stated sometimes the covenants discuss the parkway and who’s maintaining that. Maybe that is the way to solve this issue.

OLD BUSINESS

ADJOURNMENT
The next meeting will be on June 25, 2014, Bill Lavine will be absent next month. Claire Wilson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:28 p.m.
be buying in municipalities. Ms. Wynne stated now that we’re in a downtime we should fix or change the plans. Mr. Wehrli stated there is a new process which starts with soil conditions. The plan is for Planner Zubko to work with Teska on bringing some changes to the Zoning Ordinance back next month with regards to the minimum lot sizes for RPD’s and maximum lot sizes.

4. **Concrete crushing and temporary stockpiling of dirt—discussion on revisions**
   Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on property in conjunction with all the roadwork going on in the County. Planner Zubko stated 90% of the time these will probably be in the ROW which is permitted by right but the plan was IF it was proposed on private property the County would have some rules and regulations in place. Planner Zubko stated she gave her proposed text to Teska and they have put together a memo. Pete discussed some of the research and proposed text. Teska proposed to put all temporary uses from the Agricultural district be moved to Section 4 of the Zoning Ordinance. Mr. Nelson is concerned about putting this by a commercial business and affecting them. The ad-hoc committee would like hours to be stated Monday thru Saturday unless otherwise requested. Must be 300’ from a business district. This will continue through the process.

5. **Other New Business—None**

**Adjournment:**
The next meeting will be July 23, 2014. Jeff Wehrli made a motion to adjourn the meeting. Scott Gryder seconded the motion. All were in favor and the meeting was adjourned at 6:24 p.m.

Respectfully submitted,
Angela L. Zubko
Planning & Zoning Manager
To: KCRPC
Date: July 15, 2014
Re: Text Amendment – Medical Cannabis Cultivation Centers- Temporary and Medical Cannabis Dispensaries- Temporary (Petition 14-17)

BACKGROUND:
The State of Illinois recently approved the Compassionate Use of Medical Cannabis Pilot Program Act. That law legalizes the cultivation, transportation, sale, possession and use of medical cannabis in Illinois.

The new law may result in a request to site dispensaries and cultivation centers within unincorporated Kendall County. Section 140 of the Act authorizes Kendall County to enact reasonable zoning regulations covering medical cannabis cultivation centers and dispensing organizations.

The attached proposed text amendment will amend the Zoning Ordinance to allow medical cannabis cultivation centers in the A-1 Agricultural District, the M-1 and M-2 Manufacturing districts as a special use only. Cultivation Centers will be prohibited in all other districts.

This text amendment will also amend the Zoning Ordinance to allow medical cannabis dispensaries in the B-1, B-2 and B-3 Business Districts & the M-1 and M-2 Manufacturing districts as a special use only. Dispensaries will be prohibited in all other districts.

The Pilot program act is scheduled to be repealed on January 1, 2018

Red is just depicting where items have come from (i.e. Statute, rules and regulations, other ordinance or if nothing is in red staff has drafted that language).
Blue are changes after the ZPAC meeting

Proposed definitions to add to Section 3.02 of the Zoning Ordinance
MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. (From Statute)

ENCLOSED, LOCKED FACILITY. A locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients. (From Statute)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the
Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

MEDICAL CANNABIS INFUSED PRODUCT. A food, oils, ointments, or other products containing usable cannabis that are not smoked. (From Statute)

PROPOSED TEXT to add to Sections 7.01.D (Agricultural District- Special Use) and Section 10.01.C of the Zoning Ordinance (Special Use in the A-1, M-1 & M-2 Districts)

Medical Cannabis Cultivation Centers - Temporary (Proposed to be repealed on January 1, 2018)

a. All Medical Cannabis Cultivation Centers shall comply with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto, and as amended. It shall be registered with the Illinois Department of Agricultural.

b. Shall comply with the distance requirements set for in 410 ILCS 130/1 et seq. (May not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.) (From Statute) A location map demonstrating it meets this condition is required.

c. All cultivation of cannabis for distribution to a registered dispensing organization shall take place in an enclosed, locked facility. (From Statute)

d. Shall meet all federal, State and local building, zoning and fire codes and all local ordinances. (From proposed rules)

e. A Cultivation Center shall have appropriate security measures, in accordance with State regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis. A Security Plan shall be supplied to Kendall County.

f. Elevation Plans shall be submitted.

g. No outdoor storage will be permitted of any kind.

h. Shall show the location of the enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle. (From proposed rules)

i. Any area within the cultivation center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, Sanitary Food Preparation Act, and Food Handling Regulation Enforcement Act. (From proposed rules)

j. Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set for in 410 ILCS 13/1 et. Seq. Sec. 180 (From Statute) and Section 1000.460 of the rules.

k. The County Board may condition a special use permit to require the permitted organization to defend or indemnify the County from legal action arising out of its operation. (City of Joliet Ordinance)

l. Signage shall comply with Section 12 of the Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a cultivation center.

m. It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a cultivation center.

n. An eight (8) foot tall fence with barbed wire on top will be required.

o. Every cultivation center shall expire annually, on the date it was issued by the state. Provided it is in compliance with the Ordinance the registration holder may renew during the month preceding the expiration date by requesting a renewal and paying the
required renewal fee of $TBD. The renewal fee is to recoup some expenses to the
Sheriff’s office. The fee should be submitted to the Kendall County Sheriff’s office each
year from the date of the issued date from the State. Staff shall consider the Cultivation
Centers history of compliance with standards, rules and regulations promulgated under
the Act, the number and severity of any violations and the correction of violations,
penalties, or other enforcement actions. (The State’s Attorney’s office is looking into if
this is permitted as a condition)

The ZPAC Committee brought up many concerns which some are reflected in the above added
conditions.

The ZPAC Committee 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.)

**PROPOSED TEXT to add to Sections 9.02.C, 9.03.C, 9.04.C (Business District- Special
Use) and Section 10.01.C of the Zoning Ordinance (Special Use in the B-1, B-2, B-3, M-1
& M-2 Districts)**

Medical Marijuana Dispensaries- Temporary (Proposed to be repealed on January 1, 2018)

a. All dispensaries shall comply with the Compassionate Use of Medical Cannabis Pilot
Program Act (410 ILCS 130/1 et seq.) and all rules and regulations adopted in
accordance thereto, and as amended.

b. May not be located within 1,000 feet of another dispensary or cultivation center unless a
variance is granted in compliance with section 1000.70 from the Department of
Agriculture. (From proposed rules)

c. A map of the area surrounding the proposed dispensary, extending a minimum of 1,000
feet from the property line in all directions. The map shall clearly demonstrate that the
property line of the proposed dispensary is not located within 1,000 feet of the property
line of a pre-existing public or private preschool or elementary or secondary school or
day care center, day care home, group day care home, part day child care facility (From
Statute) nor within 500 feet of the property line of a pre-existing residential zoning
district, place of worship, park or forest preserve.

d. Shall meet and maintain all State and local building, fire and zoning requirements or
regulations. (From proposed rules)

e. Elevation Plans shall be submitted.

f. No outdoor storage will be permitted of any kind.

g. Shall show where the secure enclosed loading/unloading bay will be located and out of
public sight.

h. Cannabis waste shall be stored, secured, locked and managed in accordance with State
regulations for the destruction and disposal of medical cannabis with the requirements
set for in 410 ILCS 13/1 et. Seq. Sec. 180 (From Statute) and Section 1290. 450 of the
rules.

i. No dispensary shall be established in multiple use or tenant property or on a site that
shares parking with other uses.

j. Parking shall be located in an area which is visible from a public road or private road that
is accessible to the public. It cannot be screened from the roadway with vegetation,
fencing or other obstructions.

k. A dispensing organization shall **NOT** produce or manufacture cannabis, allow
consumption of cannabis at the dispensary, sell cannabis unless it is pre-packaged and
labeled in accordance with the law (code?), enter into an exclusive agreement with any
cultivation center, operate drive through windows, transport cannabis, operate if video
surveillance equipment is inoperative, operate if the point of sale equipment is
inoperative, operate if the State’s medical cannabis electronic verification system is inoperative.

l. Ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight. **(From proposed rules)**

m. Ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance. **(From proposed rules)**

n. A dispensary may operate between 6 a.m. and 8 p.m. local time. **(From proposed rules)**

o. No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.

p. Signage shall comply with Section 12 of the Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a cultivation center. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphics advertising or identifying the contents of the products contained within.

Do we want distribution centers to have an annual renewal fee? Every dispensary shall expire annually, on the date it was issued by the state. Provided it is in compliance with the Ordinance the registration holder may renew during the month preceding the expiration date by requesting a renewal and paying the required renewal fee of $50,000. The renewal fee is to recoup some expenses to the Sheriff’s office. The fee should be submitted to the Kendall County Sheriff’s office each year from the date of the issued date from the State. Staff shall consider the Dispensing Organization’s history of compliance with standards, rules and regulations promulgated under the Act, the number and severity of any violations and the correction of violations, penalties, or other enforcement actions. **(The State’s Attorney’s office is looking into if this is permitted as a condition)**

The ZPAC Committee brought up many concerns: fencing around back, bullet proof glass, employees access and security, lighting, video, etc.

**Attachments:**

1. ZPAC meeting minutes on 7.7.14
Brain Jahp had no comments at this time.

Megan Andrews stated an NRI was previously done on this site and so no new NRI will be needed. She had one comment outside her SWCD capacity but there have been quite a few issues/accidents with people still turning left into the site even though there is a no left turn sign on site. It the owner could maybe let the parents know or reiterate it is not permitted that would be greatly appreciated.

Fran Klaas agrees with Megan Andrews comments and has the same concerns but mentioned this may disappear or not be an issue once Route 71 widens.

With no further comments Scott Gryder made a motion, seconded by Brian Jahp to approve the major amendment to the special use and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

**#14-21 David & Cathy Price**

Planner Angela Zubko did an overview of the request stating the property is located at 9480 Walker Road at the southeast corner of Route 47 and Walker Road. The Petitioner is requesting approval of a Map Amendment to rezone a 1.25 acre parcel from A-1 (Agricultural) to B-3 (Highway Business District) to build a retail building. The zoning change is consistent with the County’s LRMP and the City of Yorkville’s future plan as well. Walker Road is designated as a major collector roadway; Route 47 is designated as an arterial roadway. There is a trail shown on the west side of Route 47 and the north side of Walker Road. Once rezoned, the petitioners will have to come back through the site plan review process which currently the goal is to have it back at ZPAC next month for the site plan review. Staff recommends approval.

Scott Gryder asked about the future building and if we have heard from the township yet with regards to this petition. Planner Zubko stated she has not heard from the township yet but the petitioner has tried to contact the township to move the driveway to the east. The Petitioner stated IDOT took a clip from the corner which is where the driveway is currently located. The petitioner stated he also would maybe like a barn type structure with a business out of it.

Aaron Rybski discussed the water supply and sewage disposal system so worried about the location of those systems and the amount of employees. This can be looked at in further detail at the site plan review.

Brian Jahp had no comments at this time.

Megan Andrews stated an executive summary will be needed on the site and directed him to the application on the website.

Fran Klaas talked about IDOT’s roadway projects and is afraid IDOT has not acquired the appropriate amount of ROW yet so he might want to contact them ASAP as they may take half his property. There was brief discussion the petitioner has only owned the property for 6 months. There was also discussion that the property is only 200’ wide and IDOT may way 150’ of it.

With no further comments Aaron Rybski made a motion, seconded by Scott Gryder to approve the rezoning and forward the petition onto the Plan Commission meeting in July. All were in favor and the motion carried.

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

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 are two separate text amendments so we will go over them one at a time, one for the cultivation centers and one for the dispensaries. Note they are called temporary due to this 2018 date.

ZPAC Meeting Minutes 7.7.14
To explain in the memo a little better in red it dictates where that 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. First discussed was the text for cultivation centers that are proposed to be a special use in the A-1 and M-1 and M-2 Districts with 13 conditions. There was some discussion that only one cultivation center will be permitted between Kendall, Grundy and Will counties and that is up to the State so many can be approved and apply to the state but only one will be permitted. There was also discussion this HAS to take place in an enclosed building. After going through the proposed text staff asked two questions:

1. Should cultivation centers be enclosed by a high security fence or wall?
2. Should cultivation centers have an annual renewal fee?

Fran Klaas asked if the statute requires the County to adopt some type of regulations. Planner Zubko stated yes we need to adopt reasonable zoning laws and read what the statute states. Mr. Klaas wanted to note that Whitewillow Road is a County highway, not a township as stated in the packet so he does have some concern on the access to the site and vacated Church Road. Planer Zubko stated that will be discussed more with the actual petition. Mr. Klaas had no comments on the text.

Megan Andrews stated this is a little out of her expertise so will defer to staff’s expertise with regards to the text.

Brian Jahp stated he has some concerns about employee theft, the type of employees hired (whether background checks are performed or not), robberies, needs good security and worried they will be down there often taking reports. Planner Zubko asked if he suggested a high security fence about 8’ tall? Mr. Jahp agreed and also have video, barb wire, lights. The Committee agreed an eight (8) foot barbed wire fence would be best. Planner Zubko stated the state has a ton of rules and regulations including a lot on security, it’s hard to go over everything as they are quite detailed.

Aaron Rybski stated most of this is taken out of the Health Department’s hands EXCEPT for the bathrooms, sewage disposal and water the Health Department would be in charge of.

Scott Gryder has some concerns. One item is this is a schedule 1 federal narcotic so they cannot use banks so cash will be carried out of the facility so that brings up another security concern. Also there has been some discussion on only allowing it as a special use in the M-1 and M-2 districts and not in the agricultural districts. Scott would suggest not permitting it in the A-1 districts as a special use. There was some discussion on distances away and farm homes are not zoned residential so that’s a concern. The rest of the Committee agreed so that recommendation will be passed on. Safety and security is a huge concern. Mr. Gryder does like the idea of an annual fee to recoup some costs that may incur for security issues.

Mr. Shaw had some question about the schedule 1 narcotics and security.

With no further comments or discussion the Committee decided to forward the petition onto the July Plan Commission meeting with comments and additions but did not make a recommendation. However they would like to note the additions of changes to include only allowing it in the manufacturing district, a fencing requirement and an annual renewal fee.

Then we moved onto the text amendment for distribution centers where they will be selling the medical cannabis out of a building. Staff proposes it be a special use in the B-1, B-2, B-3, M-1 & M-2 Districts with 16 conditions and also asked and suggested some language with regards to an annual renewal fee? Planner Zubko pointed out the zoning requirements from the Statute and said she added the dispensary cannot be within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park or forest preserve. Planner Zubko quickly went through the proposed conditions. Planner Zubko stated she has not received a petition for a dispensary yet but only one would be permitted between Kendall and Grundy County, once again left up to the state.
Scott Gryder had a lot of similar concerns and would need a little more time to look at the dispensaries verse the cultivation center but this seems more like a pharmacy where you go and pick up your prescription. Planner Zubko stated she would assume, she has not read the details with regards to that but know that there are rules. For example, if the security system is down of the cash register the dispensary cannot sell at those times, they need to wait till everything is up and running and they will have some type of prescription card. There was also some discussion that the dispensary can sell from cannabis from any cultivation from Illinois but cannot sell any cannabis from another state.

Aaron Rybski stated he has very little to say about this as the Health Department is written out of the code. Mr. Shaw asked if the Health Department has an opinion on the matter. Mr. Rybski stated he would leave that up the Director Amaal. Planner Zubko stated she will work with Mr. Gryder asking the Health Department, Sheriff’s office, States Attorney’s Office and Highway Department on their stances.

Brian Jahp still has the same security concerns, where the trucks are coming in and out, if it’s inside or just at a loading dock, lighting, video, etc. Planner Zubko stated her understanding is that it would be a bay that is pulled into. Mr. Jahp would like to see a fence they would need to through first for extra security and understand a fence cannot be in the front. Mr. Jahp also brought up employee entrances, bullet resistance glass, employees safety and theft? He would like to see if set up like a 24 hour gas station in Chicago where there is a tray and safety glass and that’s it.

Megan Andrews stated she has no comments until an actual petition is submitted.

Fran Klaas had some personal comments but nothing related to county highways. There was discussion there will be a lot more DUI’s as people will be driving on the roadways under the influence.

With no further comments or discussion the Committee decided to forward the petition onto the July Plan Commission meeting with comments and additions but did not make a recommendation. However they would like to note the additions of changes to include only allowing it in the manufacturing district, a fencing requirement and an annual renewal fee of $50,000. (This fee was thrown out there but not really much discussion).

#14-19 Prairie Leaf Farms, LLC
Planner Angela Zubko noted she is not why the petitioners are not in the audience but we will forward any discussion to them. Planner Zubko did an overview of the request stating the property is located at the southeast corner of Whitewillow and Church Road. The petitioners are requesting an A-1 Special Use Permit to operate a medical cannabis cultivation center. The materials provided have been mailed out to Lisbon Township, the Village of Lisbon and the Village of Minooka (even though they are more than the 1.5 mile requirement). The same background information that was discussed with the text amendment is on this report. The petitioner proposes to start with about 20 employees and ramp up to approximately 50 employees within 6 months of opening. As product demand increases, the workforce will be increased by adding more shifts. Staff is seeking more information on number of shifts and also why so many parking stalls are proposed. The petitioner proposed to have 80 parking stalls. Staff is waiting from the petitioner what type of parking lot it will be i.e. gravel, asphalt, etc. A photometric plan will also be needed but all the surrounding land it owned by Waste Management of Illinois, Inc. Church Road was vacated south of Whitewillow Road in 2007. Staff is waiting how this will handled, if it will be a private drive, gated off, etc. Whitewillow Road is a township County Road. Staff will defer to the County if ROW will be requested to be dedicated off Whitewillow Road. All deliveries will take place in an enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle. The petitioner proposes to have 3 bays to the production/processing area and 1 bay where they can drive into the warehouse (getting clarification as it’s not clear on the drawing.) No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. The property will have 3 access drives off a private roadway/driveway from Whitewillow Road, two into the parking lot and one into the warehouse section of the building. The petitioner proposes to build a berm around the perimeter of the property. Staff is seeking clarification if they are having a berm and if so how
1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamborees are prohibited.
2. Motor homes, travel trailers or pop ups are not permitted.
3. The number of occupants is limited to a maximum of fifty (50) at any one time.
4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.
5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.
6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (pullovers) staggered along the access drive to accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles. Allow passing zone 1 to be moved up the 150’ setback line to help cost. The ultimate plan is to follow Attachment #1.
7. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.
8. The operation shall conform to all appropriate Codes and Ordinances of the Illinois Department of Public Health and the Kendall County Health Department.
9. Adequate directional signage must be throughout the property.
10. The property owner and the petitioner are to submit evidence of liability insurance of sufficient coverage to fully indemnify the adjoining property owners for any liability, property damage, injury, and/or death to livestock covering any person on the subject property at any time as a result of use of the property as a campsite. Said insurance policy shall specifically hold Kendall County, Illinois & Little Rock Township harmless in any legal action pertaining to this use and fully reimburse Kendall County, Illinois for any expenses incurred in any legal action pertaining to this use, whether or not Kendall County, Illinois is subsequently severed from any legal action that may issue from said use. Said policy shall indicate that the owner of the parcel, as well as the petitioner, will accept full contractual terms and conditions for financial responsibility for any damages, injuries, death, etc. which may ensue as a result of the use of the property as a campsite. When said insurance is obtained, a copy of the policy’s declaration page shall be mailed to the Kendall County Office of Planning, Building and Zoning. No activity covered by this special use permit shall occur prior to receipt of the aforementioned evidence of insurance.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.
b. Fifty feet (50') from the right-of-way or access easement on all township or private roadways, with the following exception: Where lots comprising fifty percent of the frontage on the same side of the street within the same block as the subject property are developed, and the developed properties have front yards that vary from one another not more than 10 feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage of the subject property. However, in no case shall a front yard of more than fifty feet be required. (AMENDED 8/17/04)

2. Side Yard. A side yard on each side of the zoning lot of not less than fifty feet, and where a side yard adjoins a street, the minimum width shall be fifty feet.

3. Rear Yard. A rear yard of not less than fifty feet.

F. Lot Coverage. No more than ten (10) percent of the area of the zoning lot may be occupied by buildings and structures, including accessory buildings.

G. Maximum Building Height. No building or structure shall be erected or structurally altered to exceed the following heights:

1. One-family detached dwellings: Forty (40) feet and not more than two and one-half stories providing such maximum may be waived through the normal variation procedure as provided in Section 13.04 of this Zoning Ordinance.

2. Other non-residential permitted or conditional buildings and structures shall not exceed forty-five (45) feet and not more than three stories in height.

3. Special Uses: Maximum height limitations shall be specified with the granting of a Special Use permit.

8.03 RPD-1 RESIDENTIAL PLANNED DEVELOPMENT - ONE

RPD-1. This district applies to all developments lying within the Contiguous Growth Area or Rural Transition identified in the Land Resource Management Plan. Such developments must meet the following standards:
A. Density. Base density of 0.33 dwelling units per acre of buildable acreage
(excluding any density bonuses as permitted under Section 8.03 C Density
Incentives), provided that not less than 30% of the total acreage of the property is
designated as open space. To determine the permitted number of dwelling units,
the buildable area of the site shall be multiplied by the sum of the base density,
plus any applicable density bonuses.

B. Maximum Density. Maximum density, including all density bonuses as provided
in Section 8.03 C, shall not exceed 0.45 dwelling units per acre of buildable land
(0.33 dwelling units per buildable acre base density, plus maximum incentive of
0.12 dwelling units per buildable acre\(^1\)). Provision of multiple amenities shall not
entitle the applicant to a density which exceeds the maximum density of 0.45
dwelling units per buildable acre. Regardless of the application of density
bonuses, at least 30% of the total acreage must still be designated as open
space.

C. Density Incentives. The following density incentives may be used to increase
development density up to the permitted maximum density in each RPD District.
Provision of multiple amenities shall not entitle the applicant to a density which
exceeds the maximum density for the applicable RPD District. Regardless of the
application of density bonuses, at least 30% of the total acreage must still be
designated as open space.

1. Provision of public access to open space areas (bonus not to exceed 0.03
dwelling units per buildable acre\(^1\)). Some examples would include trails
(walking or bike), sidewalks, etc.

2. Innovative detention/retention facilities or sewage disposal methods
(bonus not to exceed 0.04 dwelling units per buildable acre\(^1\)). The
following are examples of improvements which may qualify for a density
bonus:
   a. Significant use of native vegetation such as prairies and wetlands
to retain water.
   b. Integration of natural land forms, existing soil filtration
characteristics and natural landscaping into the drainage plan, in

\(^1\) Subject to approval by the County Board.
order to enhance water quality while reducing or eliminating
stormwater runoff and the attendant flooding and erosion.
c. Provision of alternatives to detention basins such as stormwater
infiltration in naturalized swales, native prairie landscapes and
gently sloped depressional areas through the development.

3. Secondary open space that is substantially more than the minimum size
otherwise required for storm water detention or through park dedication
requirements (bonus not to exceed 0.07 dwelling units per buildable acre
1).

4. Provision of recreational amenities, beyond minimum standards
established in the subdivision ordinance, including but not limited to: a golf
course, ball fields, playground equipment, tennis courts, basketball courts,
swimming pool, hiking and bicycling paths (beyond those designated on
the County Transportation Plan), community centers, and exceptional
landscape improvements such as native or natural plantings (bonus not to
exceed 0.01 dwelling units per buildable acre1).

5. Offsite and perimeter road improvements or an ownership and
maintenance fund for management of open space in addition to those
needed to provide adequate access solely for the proposed development
(bonus not to exceed 0.03 dwelling units per buildable acre1).

6. Conservation of traditional rural architecture reminiscent of Kendall
County's agricultural heritage, preservation of historical structures, or
design of new structures which reflect these architectural themes (bonus
not to exceed 0.01 dwelling units per buildable acre2).

7. Enhancement or expansion of an existing wetland or creation of a new
wetland beyond that required for compliance with Army Corps of
Engineers Section 404 Permit requirements (bonus not to exceed
0.01 dwelling units per buildable acre1).

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1 Subject to approval by the County Board.
2 As determined by the County Board or as identified in a local historic preservation plan.
D. Lot Size. Due to the existing soils types which are prevalent throughout Kendall County, a minimum lot size of 45,000 will be required if the subdivision design contemplates the use of traditional septic leach fields and individual wells up to a maximum lot size of 130,000 sq. ft. Lot sizes of less than 45,000 sq. ft. down to a minimum size of 20,000 sq. ft. may be considered under one or more of the following circumstances:

1) The developer can demonstrate to the satisfaction of the Kendall County Health Department and Planning, Building and Zoning Department that each lot has been appropriately sized to provide:
   a) An adequate area of undisturbed and unencumbered soils within each lot that can support a primary and secondary area for a conventional septic drainfield which complies with the schedule for sizing of septic envelopes as specified in the Kendall County Subdivision Regulations, and
   b) Sufficient buildable area outside the septic envelope to allow construction of a standard single-family residential dwelling which complies with all applicable setbacks and height bulk requirements of the corresponding RPD Zoning District, and which meets the required setbacks and separation requirements between the sewage disposal system(s) and potable water supply system(s).

2) A centralized on-site wastewater treatment and disposal system is contemplated meeting the requirements of all applicable state and local government agencies.

3) A community well is proposed to serve the individual lots within the proposed development provided the developer has demonstrated that the individual lots comply with the requirements as stated under Section 8.03.D.1 herein.

E. Lot Width. Lot width shall not be less than one hundred (100) feet measured at the front building setback.

F. Permitted Uses.

1. Accessory Uses. Accessory uses, structures, and buildings shall be permitted provided such uses, structures or buildings comply with the regulations of Section 4.05.