KENDALL COUNTY
ZONING BOARD OF APPEALS & SPECIAL USE HEARING OFFICER
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

July 28, 2014 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS TO BE HELD JOINTLY WITH SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES:

1. Approval of minutes from the June 2, 2014 Special use Hearing Officer Meeting
2. Approval of minutes from the June 30, 2014 Zoning Board of Appeals meeting

PETITIONS:
1. 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

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-10 Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395- Passed on the 6/17/14 County Board Meeting

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on September 3, 2014

CONTINUE THE ZONING BOARD OF APPEALS MEETING:

PETITIONS:
1. 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

2. 14-17 Medical Cannabis Cultivation Center
   Request Text Amendment
   Purpose Text Amendment to the Zoning Ordinance to allow Medical Cannabis Cultivation Centers

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on September 3, 2014
CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich
In the audience: James Hill

MINUTES
Wally Werderich motioned to approve the March 3, 2014 Special Use Hearing Officer Meeting minutes as written.

Chairman Werderich swore in all members of the audience that wished to talk about the special use.

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 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 operations shall conform to all appropriate Codes and Ordinances of the IL Department of Public Health and the Kendall County Health Department.

9. Adequate directional signage must be throughout the property.

10. Maximum continuous stay shall not exceed 90 days.

The ZPAC and Plan Commission both made a favorable recommendation with some changes to the conditions which have been reflected.

Mr. Hill did not have any comments at this time.
Mr. Walter Werderich opened up the public hearing to the audience members.

With no testimony Walter Werderich closed the public hearing. Mr. Werderich asked if there will be specific campsites or primitive and who will utilize this property. Mr. Hill stated strictly primitive and by anyone that will follow the rules by their Board. There was brief discussion on the Trans Canada Pipeline easement and the impact on this property if any. Mr. Werderich asked about the parking and passing lanes to make sure he is envisioning correctly. Mr. Hill stated the turnaround is wide enough for a school bus or a fire truck. Mr. Werderich asked about the jamborees, Mr. Hill stated there would be no jamborees but the property would strictly be used for outings. Mr. Hill’s definition of a jamboree is with hundreds of scouts and multiple troops. Mr. Hill explained the trust and the conditions on the trust that they are to follow. Mr. Werderich also requested the petitioner explain the purple paint law the state has enacted. Mr. Werderich had no further questions at this time.

Mr. Hill asked if they could change the parking and maybe allow parking up front temporarily but the long term plan would be what is shown in the report. Planner Zubko stated this should not be a problem and we will include that as a condition that the passing zone would move up to 150’ marker to meet setback rules. Mr. Hill asked about the campground wording and the State of Illinois Health Department. Planner Zubko stated she will work with the petitioner on this issue.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The Petitioner has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The Plano Rotary Club Trust 1 was
formed only for the purpose to benefit the community, and has proved to be a very safe and people focused organization.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The Plano Rotary Trust 1 has had great relationships with all neighbors, never causing any negative situations.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is a primitive camp ground and no structures are proposed to be built at this time. An entrance with a culvert has been put in and an access road is proposed to be built in the future.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Plano Rotary Trust 1 has had been in the county for awhile with no problems in following regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Plano Rotary Trust 1 has worked with many local agencies on resource management and other plans and continues to follow through and work within them.

Wally Werderich made a favorable recommendation with the above findings of fact and the 10 conditions specified on the special use including 1 more condition regarding the temporary parking area to change location.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
**14-10 Dickson Valley Ministries: Passed on 3.19.14**

**NEW BUSINESS** - None

**OLD BUSINESS**
Vote on changes to the By-laws regarding the notification process- Planner Zubko stated in the packet are the by-laws the Zoning Board of Appeals has passed. Mr. Werderich approved the by-laws as proposed and approved by the Zoning Board of Appeals.

**ADJOURNMENT** - Next meeting will be on July 28, 2014
Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:27 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
CALL TO ORDER
At 7:05 p.m., Vice-Chairman Donna McKay called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman) (7:07), Karen Clementi, Tom LeCuyer, Vice Chair Donna McKay, Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Scott Cherry
In the audience: Paul Kellogg

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the April 28, 2014 ZBA meeting minutes with the minor correction on page four to change ‘our’ to ‘or.’ Dick Thompson seconded the motion. All were in favor and minutes were approved.

PETITIONS
#14-16 – Paul Kellogg- Variances
Planner Zubko stated the property is located at 107 Tealwood Road in the Boulder Hill subdivision about 0.05 miles east of Winrock Road on the north side of Tealwood Road. The petitioner is requesting two variances to construct a driveway that will be closer than the 5’ minimum to the lot line and an attached garage/addition that will be 27’ from the rear property line, the minimum is 30’ from the rear property line. The driveway will be located 2.7’ from the westerly lot line.

Staff would just like to note this property does meet the 40% impervious area as well as the stone patio is actually considered pervious and not impervious due to water being able to penetrate through. The total impervious area with the new garage and new driveway will be 3,114 square feet, 3,209 would be at 40%. No other buildings or impervious area will be permitted on this property at this time.

The petitioner has stated they will not really use this garage or driveway all the time as it will store items like an antique car and items not used daily so the snow removal and closeness to the neighbor should not be impacted too much. The garage does meet the side yard setback of 5.7’ (10% of the lot width).

Staff would recommend approval of the variances to construct a driveway that will be 2.7’ from the westerly property and an addition that will be 27’ from the rear property line.

Ms. Clementi asked if planner Zubko heard from any neighbors. Planner Zubko stated no neighbors have contacted her about these variances.
Chairman Mohr swore in anyone interested in talking about this petition.

Chairman Mohr opened the meeting for public testimony. With no testimony made, Chairman Mohr closed the testimony.

Donna McKay asked about the petitioner’s shape of their lot. The petitioner, Mr. Kellogg, stated his property is a pie shape.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subdivision was platted before setbacks existed so most of the properties already to not meet today’s setbacks or are close to the property lines, like the house to the west.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already do not meet the standard regulations but were built before the regulations existed.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The driveway already does not meet the 5’ minimum that was created after the house was built and the petitioners are trying to add value to their home by adding on another garage.*

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar. The neighbor to the west would be most impacted and they have not voiced any concerns to date.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed location of the attached structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.*

With no further discussion Dick Whitfield made a motion, seconded by Karen Clementi to approve the findings of fact as written. All were in favor and the findings of fact were approved.

Donna McKay made a motion to approve the variances, Tom LeCuyer seconded the motion, with a roll call vote all were in favor and the variances were passed.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES:** None

**NEW BUSINESS:** None
OLD BUSINESS - None

PUBLIC COMMENT - There were no members in the audience to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS - Next meeting will be on July 28th, 2014 where there will be a text amendment for medical cannabis cultivation centers and dispensaries. This meeting will be held jointly with the Special use Hearing Officer. There was brief discussion on the State rules, regulations and statutes.

Karen Clementi made a motion to adjourn the ZBA meeting, Dick Whitfield seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:22 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
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>
<thead>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>State Route 71 is classified as an Arterial Roadway and a Scenic Route</td>
</tr>
<tr>
<td>Trails</td>
<td>A regional trail is shown on the north side of Route 71</td>
</tr>
</tbody>
</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 6,600 square
foot - two classroom - building for the purpose of teaching and modify the existing parking lot.

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

**SURROUNDING LAND USE**

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP Zoning</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>
</tr>
<tr>
<td>South</td>
<td>Residential Stormwater</td>
<td>RPD-3; A-1</td>
<td>Suburban Residential</td>
<td>RPD-3; A-1</td>
</tr>
<tr>
<td>East</td>
<td>Residential (Ravine Woods)</td>
<td>RPD-3</td>
<td>Suburban Residential</td>
<td>RPD-3; A-1</td>
</tr>
<tr>
<td>West</td>
<td>Agriculture</td>
<td>A-1</td>
<td>Suburban Residential</td>
<td>A-1SU; A-1</td>
</tr>
</tbody>
</table>

**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 IAIn Site Yorkville Seep IAIn Site

An IDNR staff did contact the petitioner and has terminated the consultation stating adverse effects are unlikely.

**NATURAL RESOURCES INVENTORY**

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

**ACTION SUMMARY**

**TOWNSHIP**
(Kendall) The township met on 7.15.14 and have no objections to the major amendment to the special use.

**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 6,600 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. Currently about 105 students are enrolled and when they build this addition they will be able to enroll about 185 students.

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 turned out of the property onto Route 71. Some concerns have come up about people still making a left turn lane into the property but will be alleviated with the widening of Route 71. A left turn lane will be provided but until then the petitioner will keep notifying the parents in their newsletters.

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 to amend the special use.

2. Existing gravel driveway (not including the parking stalls) 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.
   d. 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. ZPAC Meeting minutes on 7.7.14
5. RPC Meeting minutes on 7.23.14
6. Development/Site Plans
ORDINANCE NUMBER 2005 - 60

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 3964.54’; an arc distance of 1438.0’ for the point of beginning; thence contolling SW‘ly along said center line curve, 555.60’; thence SE‘ly along a line forming an angle of 99° 50’ 41” with the chord of the last described curve (measured clockwise therefrom) 440.0’; thence NE‘ly along a line forming an angle of 78° 36’ 19” with the last described curve (measured clockwise therefrom) 255.46’; thence NW‘ly 535.60’ 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 3964.54’; with a chord that bears S 37° 54’ 23” W, a distance of 1438.52’; thence SW‘ly along the arc of said curve, 1446.68’; 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, 366.94’ to a point on the W‘ly line of Outlet “A” in Raceway Woods Subdivision thereof recorded October 14, 2004 as Document Number 2004000928823; thence continuing S 51° 01’ 04” W, 266.70’ to the point of beginning; thence N 28° 24’ 12” W, 489.77’ to a point on the S line of State Route 71, 10.00 to a point; thence SE‘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:  

Paul Anderson  
Kendall County Clerk

John A. Church  
Kendall County Board Chairman
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:

Paul Anderson
Kendall County Clerk

John Church
Kendall County Board Chairman
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 80 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) 625.64 FEET; THENCE NORTHWESTERLY 515.60 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 SOUTHWESTERLY 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, 1445.84 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 48 SECONDS WEST, 350.94 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, 204.70 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.: 05-03-200-047
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 in 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

# A

DATE

PARCEL ONE:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FALLS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE ABORESAID, 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 3806.54 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 56 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) 825.64 FEET; THENCE NORTHEASTERLY 515.60 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 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FALLS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 8, TOWNSHIP AND RANGE ABORESAID, 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 3806.54 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 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 48 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVNE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400028822; 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
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.

ZPAC Meeting Minutes 7.7.14
Joliet Road? She stated the truck estimates are incorrect, D Construction employs over 1,000 people, own 165 semi's and each truck holds 22 tons of asphalt and there could be several hundred trucks a day. There will be a lot of truck traffic. She also touched on the government road contracts and how the night hours could affect her and her neighbors. Also she is worried about accidents and road closures and would love to see a stop light on Route 47.

Mr. Ashton asked about the truck traffic and mentioned the materials are not being trucked in so it is kind of a wash and they would haul limestone out of there anyway. Ms. Dobson's concerned the trucks are going to be parked there and there is no traffic light at Route 47. She feels something needs to be regulated for the truck traffic because everything will be concentrated at this site. Mr. Larry asked if the quarry was there when she moved in and she stated yes. She also mentioned she's lived there 12 years and the truck traffic has doubled or tripled.

The petitioner has stated there will be no Narvick or D Construction trucks parked on site. Also the petitioner has stated no new access point off Joliet Road is proposed that does not already exist. The Petitioner is fine with putting a condition no semi's can park over night. The attorney stated the plan is to make both plants permanent. There is an immediate need but hope the need is there in the future.

Mr. Nelson asked about the sales tax? There was a brief conversation.

Bill Lavine made a motion to continue this to the August 27th meeting and in the interim consideration be giver to make a recommendation for the County Board to petition IDOT about to take a look at traffic control at that particular intersection (Route 47 and Joliet Road) and also add an amendment that there will be no overnight parking of semi’s on the property. Tom Casey seconded the motion. All were in favor.

Planner Zubko stated the Village of Lisbon stated the petitioners do not need to go to their meeting as they feel the County meetings and township meeting will be enough.

Claire Wilson would like to look at the berming requirements and check the Zoning Ordinance.

**#14-20 Peaceful Pathways Montessori School**

Planner Angela Zubko did an overview of the request stating the property is located at 8250 Route 71 on the south side of Route 71 west of the Ravine Woods Subdivision. The site is about 7 acres and was originally approved in 2005 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 around a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot and the conditions. They will still have the maximum capacity of 200 students, the current site plan could not accommodate 200 students and it still will not. Planner Zubko stated currently their enrollment is 105 students enrolled and with the new building it should allow for about 185 students. Access already exists as a right in, right out. During ZPAC some concerns over people turning left was brought up but when Route 71 is widened a left turn lane will be provided and the petitioner has a no turn left sign and also notifies that parents in their newsletters. The current parking lot has 16 parking stalls.
The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today's size standards of 24' wide drive aisles and 9'x20' parking stalls. The parking ratio would be based as a junior high. The requirements would be 1 parking stall per employee and 1 per each 20 students. That total would be 25 parking stalls required and 30 are proposed. The petitioner is seeking a variance to the 24' drive aisle as it's currently 20' and there have been no issues to date and the petitioner is working with the Bristol Kendall Fire Protection District to make sure a fire truck can get in and out of the site. An EcoCat has been completed and IDNR has contacted the petitioner and has no concerns. A new NRI will not be needed as they completed one in 2009. Also the petitioner has talked to the Health Department and the septic is already properly sized to accommodate this new building. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions.

Mr. Nelson verified the reason for this amendment is to allow a building and modify the parking lot, Planner Zubko stated that is correct.

Mr. Lavine stated the original was for a preschool and wanted to be run out of the house? Mr. Kramer verified that is correct and it has morphed and now teaches preschool up to eighth grade. Mr. Lavine stated the first special use ordinance granted had a few conditions he had a few questions on. Once was about the driveway and an occupancy permit, was that complete? Mr. Kramer stated it used to be a 10' private drive. Mr. Lavine also asked about the right-in and right-out and asking if it conforms to IDOT standards. There was some discussion on the parking ratio and Mr. Lavine read it incorrectly.

Mr. Larry Nelson asked why do we require asphalt? Mr. Lavine also asked about pervious surfaces like brick pavers so water can run through. Planner Zubko stated those are permitted and asphalt has been a condition since 2007, if the Commission would like we could eliminate that condition but we typically make other petitioners abide by putting in asphalt in the future. Mr. Poppen stated only the driveway has to been asphalt and not the parking stalls, Planner Zubko agreed and will make sure the condition reads that way.

Ms. Wilson hates adding conditions that cause burden to the petitioner (referring to the asphalt). She asked if the petitioner would like to keep it gravel. Attorney Kramer stated they are not requesting it and do not object to asphalt.

Mr. Ashton asked what the ultimate capacity is since it's come back three times now? Attorney Kramer stated right about 200 students, anymore they would need to acquire more land or move to a commercial site. Mr. Kramer also stated the petitioners still live on site.

With no further comments Budd Wormley made a motion, seconded by Vern Poppen to recommend approval and forward the petition onto the Zoning Board of Appeals and Hearing officer with staff's recommendations. With a roll call vote all were in favor.

**#14-11 Concrete Crushers**
Planner Angela Zubko stated last month this was tabled and some modifications have occurred since
To: ZBA
Date: July 24, 2014
Re: Text Amendment – Concrete crushing and stockpiling of dirt and concrete (Petition 14-11)

**Information on Concrete Recycling:**

When structures made of concrete are demolished or renovated, concrete recycling is an increasingly common method of utilizing the rubble. Concrete was once routinely trucked to landfills for disposal, but recycling has a number of benefits that have made it a more attractive option in this age of greater environmental awareness, more environmental laws, and the desire to keep construction costs down.

Concrete aggregate collected from demolition sites is put through a crushing machine. Crushing facilities accept only uncontaminated concrete, which must be free of trash, wood, paper and other such materials. Metals such as rebar are accepted, since they can be removed with magnets and other sorting devices and melted down for recycling elsewhere. The remaining aggregate chunks are sorted by size. Larger chunks may go through the crusher again. After crushing has taken place, other particulates are filtered out through a variety of methods including hand-picking and water flotation.

Crushing at the actual construction site using portable crushers reduces construction costs and the pollution generated when compared with transporting material to and from a quarry. Large road-portable plants can crush concrete and asphalt rubble at up to 600 tons per hour or more. These systems normally consist of a rubble crusher, side discharge conveyor, screening plant, and a return conveyor from the screen to the crusher inlet for reprocessing oversize materials. Compact, self-contained mini-crushers are also available that can handle up to 150 tons per hour and fit into tighter areas. With the advent of crusher attachments - those connected to various construction equipment, such as excavators - the trend towards recycling on-site with smaller volumes of material is growing rapidly. These attachments encompass volumes of 100 tons/hour and less.

**Uses of recycled concrete**

Smaller pieces of concrete are used as gravel for new construction projects. Sub-base gravel is laid down as the lowest layer in a road, with fresh concrete or asphalt poured over it. The US Federal Highway Administration may use techniques such as these to build new highways from the materials of old highways. Crushed recycled concrete can also be used as the dry aggregate for brand new concrete if it is free of contaminants. Also, concrete pavements can be broken in place and used as a base layer for an asphalt pavement through a process called rubblization.

Larger pieces of crushed concrete can be used as riprap revetments, which are "a very effective and popular method of controlling streambank erosion."
With proper quality control at the crushing facility, well graded and aesthetically pleasing materials can be provided as a substitute for landscaping stone or mulch.

Wire gabions (cages), can be filled with crushed concrete and stacked together to provide economical retaining walls. Stacked gabions are also used to build privacy screen walls (in lieu of fencing).

Benefits
There are a variety of benefits in recycling concrete rather than dumping it or burying it in a landfill.
- Keeping concrete debris out of landfills saves landfill space.
- Using recycled material as gravel reduces the need for gravel mining.
- Using recycled concrete as the base material for roadways reduces the pollution involved in trucking material.

Comments from the Highway Department
With all the planned improvements to State Highways in Kendall County over the next few years; and considering that more and more projects will try to recycle every bit as much material as is possible, I think the County should quickly address whether stockpiling dirt and aggregates, as well as crushing concrete is allowed, and under what conditions.

It is my opinion that the County should take a very relaxed position on this, i.e., let the contractors do this in as many places as reasonably possible, with the least restrictions. My reasons include the fact that we want to encourage recycling, so we should give contractors every opportunity to do that. We also must represent the taxpayer; and if contractors are forced to make long hauls to recycle or stockpile materials, it will simply drive the price up for everyone.

Proposed text changes:
Red is text proposed by staff
Blue are changes after ad-hoc
Purple are changes after RPC

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 residential building occupied single family residence, townhome, duplex and/or 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 a 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
4. KCRPC Minutes on 7.23.14
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:

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.

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.
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
The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today’s size standards of 24’ wide drive aisles and 9’x20’ parking stalls. The parking ratio would be based as a junior high. The requirements would be 1 parking stall per employee and 1 per each 20 students. That total would be 25 parking stalls required and 30 are proposed. The petitioner is seeking a variance to the 24’ drive aisle as it’s currently 20’ and there have been no issues to date and the petitioner is working with the Bristol Kendall Fire Protection District to make sure a fire truck can get in and out of the site. An EcoCat has been completed and IDNR has contacted the petitioner and has no concerns. A new NRI will not be needed as they completed one in 2009. Also the petitioner has talked to the Health Department and the septic is already properly sized to accommodate this new building. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions.

Mr. Nelson verified the reason for this amendment is to allow a building and modify the parking lot, Planner Zubko stated that is correct.

Mr. Lavine stated the original was for a preschool and wanted to be run out of the house? Mr. Kramer verified that is correct and it has morphed and now teaches preschool up to eighth grade. Mr. Lavine stated the first special use ordinance granted had a few conditions he had a few questions on. Once was about the driveway and an occupancy permit, was that complete? Mr. Kramer stated it used to be a 10’ private drive. Mr. Lavine also asked about the right-in and right-out and asking if it conforms to IDOT standards. There was some discussion on the parking ratio and Mr. Lavine read it incorrectly.

Mr. Larry Nelson asked why do we require asphalt? Mr. Lavine also asked about pervious surfaces like brick pavers so water can run through. Planner Zubko stated those are permitted and asphalt has been a condition since 2007, if the Commission would like we could eliminate that condition but we typically make other petitioners abide by putting in asphalt in the future. Mr. Poppen stated only the driveway has to been asphalt and not the parking stalls, Planner Zubko agreed and will make sure the condition reads that way.

Ms. Wilson hates adding conditions that cause burden to the petitioner (referring to the asphalt). She asked if the petitioner would like to keep it gravel. Attorney Kramer stated they are not requesting it and do not object to asphalt.

Mr. Ashton asked what the ultimate capacity is since it’s come back three times now? Attorney Kramer stated right about 200 students, anymore they would need to acquire more land or move to a commercial site. Mr. Kramer also stated the petitioners still live on site.

With no further comments Budd Wormley made a motion, seconded by Vern Poppen to recommend approval and forward the petition onto the Zoning Board of Appeals and Hearing officer with staff’s recommendations. With a roll call vote all were in favor.

#14-11 Concrete Crushers
Planner Angela Zubko stated last month this was tabled and some modifications have occurred since
last month. The first major change is to create a new section in the General Provisions section of the Zoning Ordinance that addresses temporary uses in all zoning districts (although not all temporary uses would be allowed in all zoning districts). Also add a fee of $100 for each temporary use on the fee list. The permit would be just like a conditional use that would just go through a staff review and if for some reason staff is not sure if it meets all the conditions or the petitioner does not agree with staff it can be taken to the PBZ Committee for approval or denial. On the memo all the blue is new text that the Plan Commission has not seen yet and the red was previously discussed. The other conditions that are just in black are other temporary uses that were moved from the agricultural section of the Zoning Ordinance. Staff recommends approval of the text amendment. Planner Zubko also mentioned the changes to the performance standards.

Larry Nelson made a motion to un-table the petition, Vern Poppen seconded to un-table the petition. All were in favor so this can be discussed.

Mr. Ashton asked about crushing concrete if that is part of the special use for the concrete plant or need a temporary permit? Planner Zubko stated yes that is considered the recycling materials so it would be permitted with the special use.

There was discussion on the distances to single family residents, townhomes/duplex and the commission decided to change it to residence. There was also discussion on occupied verse foreclosed, verse abandoned so made it residential structure.

Ms. Wilson stated these make a lot of noise so maybe 300 feet is too close to a business. There was discussion if you put too many regulations they will just locate in the ROW instead of on private property and apply for a temporary use. The Commission would like to change it to residential building.

With no further suggestions or changes Larry Nelson made a motion with the suggested changes, seconded by Tom Casey to recommend approval and forward the petition onto the Zoning Board of Appeals. With a roll call vote all were in favor.

#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 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 noted in red staff has drafted that on their own. Staff plans to propose 4 definitions that are taken word for word straight from the Statute. There were no questions about these 4 definitions.

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 15 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
DEPARTMENT OF PLANNING, BUILDING & ZONING  
111 West Fox Street • Room 204  
Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179  
MEMORANDUM  

To: ZBA  
Date: July 24, 2014  
Re: Text Amendment – Medical Cannabis Cultivation Centers- 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.  

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.)

The RPC Committee made a 6-1 recommendation to NOT allow this as a special use in the A-1 District as well. The Committee also wanted to note that that there is a question about the legality at a federal level and also this is the beginning, there will be more and more in the future so to allow it in agricultural may be too broad, this can always be changed in the future if needed.

Attachments:

1. ZPAC meeting minutes on 7.7.14
2. RPC meeting minutes on 7.23.14
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 Amael. 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
last month. The first major change is to create a new section in the General Provisions section of the Zoning Ordinance that addresses temporary uses in all zoning districts (although not all temporary uses would be allowed in all zoning districts). Also add a fee of $100 for each temporary use on the fee list. The permit would be just like a conditional use that would just go through a staff review and if for some reason staff is not sure if it meets all the conditions or the petitioner does not agree with staff it can be taken to the PBZ Committee for approval or denial. On the memo all the blue is new text that the Plan Commission has not seen yet and the red was previously discussed. The other conditions that are just in black are other temporary uses that were moved from the agricultural section of the Zoning Ordinance. Staff recommends approval of the text amendment. Planner Zubko also mentioned the changes to the performance standards.

Larry Nelson made a motion to un-table the petition, Vern Poppen seconded to un-table the petition. All were in favor so this can be discussed.

Mr. Ashton asked about crushing concrete if that is part of the special use for the concrete plant or need a temporary permit? Planner Zubko stated yes that is considered the recycling materials so it would be permitted with the special use.

There was discussion on the distances to single family residents, townhomes/duplex and the commission decided to change it to residence. There was also discussion on occupied verse foreclosed, verse abandoned so made it residential structure.

Ms. Wilson stated these make a lot of noise so maybe 300 feet is too close to a business. There was discussion if you put too many regulations they will just locate in the ROW instead of on private property and apply for a temporary use. The Commission would like to change it to residential building.

With no further suggestions or changes Larry Nelson made a motion with the suggested changes, seconded by Tom Casey to recommend approval and forward the petition onto the Zoning Board of Appeals. With a roll call vote all were in favor.

#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 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. There were no questions about these 4 definitions.

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 15 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.

Mr. Nelson asked why would we want to approve this in an agricultural are if it is more of a manufacturing project? Planner Zubko stated at 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.)

Mr. Lavine asked how the state can go against federal law, aren’t we complicit if we establish an ordinance for this text. That would probably be left to the SAO to answer. Also if we don’t have a special use how can they apply? Planner Zubko stated we have a lot of text amendments that go simultaneously with the proposed special use. There was discussion why we even have to allow this text? Planner Zubko stated the Statute states: a unit of local government may enact reasonable zoning ordinances or resolutions. We have to provide for it somewhere.

Mr. Lavine does not feel it is appropriate in an agricultural district, Mr. Nelson and Mr. Wormley agree. It should be in manufacturing districts. Mr. Lavine thinks it should be in a manufacturing district and agree with the hefty fee, if legal. There was a discussion if it should be in the M-3 district and the consensus was not to add it into the M-3 district.

Bill Lavine made a motion to approve the text amendment for cultivation centers and only allow it as a special use in the manufacturing districts and wanted to note that there is a question about the legality at a federal level. Mr. Nelson seconded the motion.

Mr. Nelson stated this is the beginning, there will be more and more in the future so to allow it in agricultural may be too broad, this can always be changed in the future if needed.

Before the vote Mr. Ashton asked if anyone from the audience wanted to speak.

Barry Stevenson introduced himself and stated he owns 300 acres on Griswold Springs and Burr Oak Road. He would like to put a cultivation site on that property in green houses. Mr. Nelson stated off Burr Oak Road would be more appropriate instead of Griswold Springs Road. Mr. Stevenson stated he has talked to many investors and feels this would be the highest and best use for the property. He stated the permit asks what the cultivation center can give back to the community. Mr. Stevenson stated giving access for the Forest Preserve and residents through an easement donation agreement could be done so access will be provided to the Little Rock Creek. It will be in secured and locked green houses. He is advocating to permit this as a special use in the A-1 Agricultural district. Mr. Stevenson educated the Commission about medical cannabis. He talked about how this product does not get you high, it heals you. He talked about putting this into a manufacturing district is a bad idea due to air quality in industrial areas getting into a cultivation center building.

Mr. Ashton stated it is noted Mr. Stevenson would like to keep it in agricultural areas.

With a roll call vote and Tom Casey being the only no vote the petitioner is approved. Mr. Casey’s no vote was because he does not feel having it in an agricultural area will be a detriment if it’s controlled.
He feels we are making too much out of it. Mr. Nelson is not so concerned right now but it might be changed in the future. Mr. Nelson asked what the SAO thought about this. Planner Zubko stated they will be asked before the Board meeting on their stance.

There was discussion on allowing this in agricultural areas vs. manufacturing and compared them to current green house operations are that considered agricultural operations like the Orchid farm on Bell Road.

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 added 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.

Mr. Nelson stated this should not be in a B-1, B-2 or B-3 districts. There was some discussion this is like a pharmacy. Mr. Lavine said if this a legal drug what is wrong with it being in a business district next to a Target or Walgreens. Mr. Nelson would like to see it out of a pharmacy instead of a standalone store. Mr. Casey would like to ask Mr. Stevenson to come back up and explain the high and low side a little further. Mr. Casey asked about the process. Mr. Stevenson stated you start with a genetic strain with a CBD count instead of a high THC count. It’s more similar to hemp and not marijuana. Mr. Stevenson stated it is made into an oil, you can drink it, put it in a capsule, put it into food; you can still smoke it but they do not recommend it since it’s a medicine. A medicine in a vial, completely different then everything else you’ve heard about. Mr. Stevenson suggests the Commission read the cannabis act.

Mr. Nelson stated the only place with similar restrictions being located so far from churches, day cares, schools, etc. is for adult uses, which is in manufacturing districts, not in commercial district. Which is why he suggests to not allow it in commercial districts. Ms. Wilson asked if we need all these restrictions if it is a prescription? There was some discussion on what members saw in San Francisco.

Planner Zubko said in an effort to move this along can we please discuss the actual conditions instead of districts at this moment.

Ms. Wilson asked about condition j. and condition k if staff made those up or where those conditions came from. Planner Zubko will look into it but thought it was from the rules. Ms. Wilson stated if these are like pharmacies why would we be so strict? We would not require a pharmacy to have bullet proof glass or fencing, or have parking in the front. She feels it’s singling them out and too restrictive.