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: Attorney Kelly Helland and Brian Watkins

CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: None
In the audience: Dale Howard and Berry Stevenson

A quorum was present to conduct business.

MINUTES for the SPECIAL USE HEARING OFFICER
Wally Werderich motioned to approve the June 2, 2014 Special Use Hearing Officer Meeting minutes as written.

MINUTES for the ZONING BOARD OF APPEALS
Donna McKay motioned to approve the June 30, 2014 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

Chairman Werderich explained how the meeting works and swore in all members of the audience that wished to talk about the special use.
Chairman Mohr swore in all that wished to talk.

PETITIONS
#14-20 Peaceful Pathways Montessori School
Planner Angela Zubko did an overview of the request stating the property is located at 8250 Route 71 on the south side of Route 71 west of the Ravine Woods Subdivision. The site is about 7 acres and was originally approved in 2005, limited to 24 students. In 2007 they petitioned to have 75 students and again in 2009 for up to 200 students. The petitioner's are requesting a major amendment to their special use to modify their site plan to construct around a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot and the conditions. They will still have the maximum capacity of 200 students, the current site plan could not accommodate 200 students and it still will not but will be close. Planner Zubko stated currently their enrollment is 105 students enrolled and with the new building it should allow for about
185 students. Access already exists as a right in, right out. During ZPAC some concerns over people turning left but when Route 71 is widened a left turn lane will be provided and the petitioner has a no turn left sign and also notifies that parents in their newsletters. The current parking lot has 16 parking stalls. The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today’s size standards of 24’ wide drive aisles and 9’x20’ parking stalls. The parking ratio would be based as a junior high. The requirements would be 1 parking stall per employee and 1 per each 20 students. That total would be 25 parking stalls required and 30 are proposed. 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. An NRI will not be needed as they completed one in 2009. Also the petitioner has talked to the Health Department and the septic is already properly sized to accommodate this new building. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions; there will be a total of 4 conditions. Staff would also note we can cross out condition 3b which talks about storm water, the petitioner has submitted the correct plans to prove storm water will not be needed.

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

Ms. Clementi asked if the petitioner has heard from the Fire Protection District. Mr. Watkins stated not yet but Planner Zubko stated the fire protection district is more concerned on the truck turnaround and not the drive aisle width.

Mr. Werderich asked when the school thinks they will hit 185 students. Mr. Watkins stated probably about 5 years if the enrollment stays the same as it has been in the past.

Mr. Mohr made sure the petitioner understands they really cannot add anymore students unless they acquire more property. The petitioner understands unless they annex into Yorkville and acquire sewer and water the current site is pretty much maximum capacity.

Mr. Werderich clarified what is currently paved. Mr. Watkins stated the only gravel is about 150’ on the driveway. Mr. Werderich asked if the City of Yorkville has provided any comments to date. Planner Zubko stated it will go through their 1.5 mile review and the meeting is August 12th, before our County Board meeting but Yorkville staff did not see any concerns.

Walter Werderich opened the meeting for the public hearing. With no testimony Walter Werderich closed the public hearing.

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. Staff 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 property is considered an amenity to the area by providing an additional educational resource for parents with children ages 15
months to 15 years old. Some improvements have already been made to the property including a right in and right out of the property and with the expansion of Route 71 a left turn lane will be added to help any traffic and safety concerns.

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 operation of a Montessori school during normal school hours should not diminish the residential usage of adjacent property. The subject site borders on Outlot “A” of the Ravine Woods subdivision. Adequate landscape buffering of the proposed parking area is provided by the existing woodland portions of the site which should shield Outlot “A” from views of the parking area. The increase in required parking is minimal and should not have an impact on surrounding areas.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The petitioners are currently working with the fire protection district but 20’ was the width of the driveway regulations back in 2007 and the fire department approved the site plan at the time. However, the petitioners are currently working with the fire protection district to make sure the current site plan will meet their needs. No new ingress or egress or drainage will be provided at this time.

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. The special use will conform to all other respects of applicable regulations except for the variance that is being requested on the drive aisle width.

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 existing use is consistent with the LRMP of rural residential as the petitioners still live on site and the site is almost at maximum capacity. Unless more land is acquired this is the build out of the site.

Wally Werderich made a favorable recommendation with the above findings of fact and the 4 conditions specified in the special use report including striking condition 3b.

Mr. Randy Mohr opened the meeting for the public hearing on the variance, with no testimony made, Chairman Mohr closed the public hearing and reviewed the Findings of Fact 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. It would add more impervious are that is really not necessary since it met the prior
regulations from 2007. The petitioners are trying to keep a residential character to the property and a 20’ drive aisle is already larger than a typical driveway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most other properties are not built yet and were not approved previously. Other petitioners can request a small drive aisle but staff most likely would not support it.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. There is not a true hardship but it met previous conditions and was already approved by the fire protection district in 2007.

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. To date there have been no issues with a 20’ drive aisle, therefore staff is of the opinion that should remain.

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. This variance will not change congestion on the public streets or impact any surrounding properties or values.

With no further suggestions or changes Karen Clementi made a motion, seconded by Dick Whitfield to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

NEW BUSINESS/ OLD BUSINESS
None

PUBLIC COMMENT: There were no members in the audience that wanted to comment.

ADJOUR SPECIAL USE HEARING OFFICER- Next meeting will be on September 3, 2014 (WEDNESDAY) Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:16 p.m.

CONTINUE THE ZONING BOARD OF APPEALS MEETING:
PETITIONS:
#14-11 Concrete Crushers
Planner Angela Zubko stated she has received a few phone calls about allowing concrete crushers on private property in conjunction with all the roadwork going on in the County. With that the following text amendment was prepared. Planner Angela Zubko stated she wanted to create a new section in the General Provisions section of the Zoning Ordinance that addresses temporary uses in all zoning districts (although not all temporary uses would be allowed in all zoning districts). Also add a fee of $100 for each temporary use on the fee list. The permit would be just like a conditional use that would just go through a staff review and if for some reason staff is not sure if it meets all the conditions or the petitioner does not agree with staff it can be taken to the PBZ Committee for approval or denial. On the memo there is a bunch of information on concrete crushing. Then you’ll notice all the red text is staff’s original recommendations and blue is text after the ad-
hoc committee meeting. 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.

At Plan Commission made a change in purple which was to modify the distance to a residential building and not occupied home. There was some discussion if 300 feet is too close to a business due to the noise and it was stated that if you put too many regulations they will just locate in the ROW instead of on private property and apply for a temporary use. Planner Zubko stated most of the time this will take place in the ROW but this is in case they would like it located on private property we have some rules and regulations. Planner Zubko also noted #6 is new for stockpiling dirt on private property for major roadway construction.

Ms. Clementi asked if who is in charge of the erosion control. Planner Zubko stated she is and our consulting engineer.

Mr. Mohr asked about the fees and why we do not charge a fee in the manufacturing district. Planner Zubko stated that as during the ZPAC meeting but everything has changed so everything is a temporary use and subject to the $100 fee in any district. Mr. Mohr made sure it was approved at Plan Commission. Planner Zubko stated yes, it went to ZPAC, then Plan Commission where it was tabled, then to Ad-hoc and back to Plan Commission who made a favorable recommendation and it is here today.

Mr. Randy Mohr opened the meeting for the public hearing on the variance, with no testimony; Chairman Mohr closed the public hearing.

With no further suggestions or changes Tom LeCuyer made a motion to approve as written, seconded by Karen Clementi to recommend approval and forward the petition onto the Planning, Building and Zoning Committee. With a roll call vote all were in favor.

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

Planner Angela Zubko stated she has put together a memo about the background information on the Compassionate Use of Medical Cannabis Pilot Program Act that is scheduled to be repealed January 1, 2018. There were two separate text amendments but Plan Commission tabled the distribution centers as they wanted a little more information and since we have not received any petitions we have a little more time to work on them. So tonight we’re going to just talk about cultivation centers. Note they are called temporary due to this 2018 date. To explain in the memo a little better in red it dictates where that 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.

Planner Zubko wanted to note most of the conditions come from the statute and the rules from the Department of Agricultural but decided to put them as conditions in our text in case the state did not enforce or look closely at some of the items. The County could then enforce them and take appropriate action. A lot of conditions are what is needed when a submittal is made. In blue at the end of the memo there is some blue text and those were suggested additions from the ZPAC committee for fencing and an annual fee (if legal). Planner Zubko stated that the ZPAC Committee brought up many concerns which some are reflected in the above added conditions and made a recommendation to **NOT allow this as a special use in the A-1**

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**District.** (Since there is a petition already submitted in the A-1 Agricultural district staff will leave it as it until the County Board votes on the text amendment and will make sure each Committee knows that recommendation.) Plan Commission made a 6-1 recommendation to **NOT allow this as a special use in the A-1 District as well.** The Committee also wanted to note that that there is a question about the legality at a federal level and also this is the beginning, there will be more and more in the future so to allow it in agricultural may be too broad, this can always be changed in the future if needed. There was discussion if we should allow it in the M-3 district but the Committee and staff decided against it since they are to be open pit mining or outside operations.

Mr. Mohr asked where most of the mining districts are located in the County. Planner Zubko stated most are by Lisbon but there are a few up in Oswego near Caterpillar and some manufacturing between Plano and Yorkville.

Ms. Clementi asked if Planner Zubko could summarize the concerns of the A-1 district. Planner Zubko stated basically they did not feel it was appropriate in the A-1 district for security reasons and since it’s in an enclosed building.

Planner Zubko stated she passed out some information about medical cannabis including an excerpt from the Statute. Planner Zubko stated this information was provided by a potential petitioner for a cultivation center in the A-1 agricultural district. He also attended the Plan Commission meeting and tried to explain why it should be a special use in the A-1 District for reasons like fumes and air quality in a manufacturing district and getting into the air ventilation systems of a cultivation center.

Mr. Whitfield asked why does it matter where this is located if there is security, video links and in an enclosed building under surveillance? There was brief discussion on security and agricultural verse manufacturing districts. Planner Zubko noted 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. Ms. McKay asked if they petitioner needed their own security? Mr. Mohr stated they do.

Planner Zubko went through some of the rules and discussed how many cultivation centers will be approved by the state and also mentioned the petitioners need to get zoning approval before applying to the state. There was some discussion on sales tax and real estate taxes.

Ms. Clementi asked if in condition n we can modify it to say a minimum of eight foot tall fence? All were in favor and Planner Zubko will modify the text. Ms. Clementi stated she is against the fee if we can get sales tax. There was discussion if the state allows recreational cannabis if this would apply and Planner Zubko stated this is temporary so we’d have to modify our text to allow that type of use. Ms. McKay feels this is against growing agricultural products like growing hemp.

Planner Zubko read from the statute that states the cultivation centers pays the sales tax and not the responsibility of the distribution center, there is sales tax involved.

Mr. Randy Mohr opened the meeting for the public hearing.

Ber Stevenson introduced himself and stated he owns a farm in the area. He stated it is his duty to try to get
the highest and best use for his property which is zoned agricultural. This will take place in a fully enclosed secure building or green houses. He stated the permit asks what the cultivation center can give back to the community. Mr. Stevenson stated sales tax and real estate is one way but even giving access for the Forest Preserve and residents through an easement donation agreement. He is advocating to permit this as a special use in the A-1 Agricultural district. Mr. Stevenson educated the Commission about medical cannabis and about THC and CBD. He also talked about how this helps different ailments/disease and children. He talked about how this product does not get you high, it heals you. He talked about how smoking it is not recommended but the oil form is the best use. He discussed the security will be every square inch and everyone will be on camera at all times. He also discussed how manufacturing districts are not energy efficient and would like to have wind turbines and solar energy which may not be permitted in the manufacturing district. There was some discussion on building a greenhouse for this use and compared them to current green house operations that are considered agricultural operations like the Orchid farm on Bell Road this is about a 96,000 square foot green house.

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

There was a brief discussion on the type of delivery vehicles. It was discussed more like vans, not semi trucks.

Karen Clementi made a motion to approve the text as written including the A-1 District with the 2 modifications suggested (min. fence height & keep condition O if sales tax is not collected), Dick Whitfield seconded the motion. With a roll call vote and Tom LeCuyer being the only no vote the text is approved. Mr. LeCuyer’s no vote was because he feels having it in an agricultural area is too broad, it needs more control.

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

**NEW BUSINESS/ OLD BUSINESS**

Planner Zubko stated she handed out a brochure on some commission training next week at Starved Rock and to please let her know if you’d like to attend as the County will pay for this training.

**PUBLIC COMMENT**: There were no members in the audience that wanted to comment.

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**: Next meeting will be on September 3, 2014 (Wednesday) Scott Cherry made a motion to adjourn the ZBA meeting, Tom LeCuyer seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:26 p.m.

Respectfully Submitted,

Angela L. Zubko
Planning & Zoning Manager & Recording Secretary