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

September 3, 2014 – 7:00 p.m. (WEDNESDAY)

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

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the July 28, 2014 Special use Hearing Officer Meeting

MINUTES: Approval of minutes from the July 28, 2014 Zoning Board of Appeals meeting

PETITIONS:

1. 14-25 Medical Cannabis Distribution Center
   Request Text Amendment
   Purpose Text Amendment to the Zoning Ordinance to allow Medical Cannabis Distribution Centers

2. 14-24 Divyesh Patel/ Council Court Motel
   Request Request a B-3 Special use for watchman’s quarters and Variance
   Location 1016 Route 30, Aurora
   Purpose Request a B-3 special use to build a watchman’s quarters and variance to setbacks for the home

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

4. 14-22 Clean-up and Restoration Services
   Request Text Amendment
   Purpose Text Amendment to the Zoning Ordinance to allow cleanup restoration services in various zoning districts

5. 14-23 DTG Investments LLC
   Request Request an A-1 Special use
   Location 3485 Route 126, Oswego
   Purpose Request an A-1 Special use to operate a cleanup restoration service

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- ZBA
14-11 Concrete Crushers- Approved at the 8.19.14 CB meeting
14-17 Medical Cannabis Cultivation Center text- waiting on the SAO, proposed to go to CB on 9.2.14
SUHO: 14-20 Peaceful Pathways Montessori School- Approved at the 8.19.14 CB meeting

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS & SPECIAL USE HEARING OFFICER- Next meeting on September 29, 2014 (1 Variance & 2 Special Uses)
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 is 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 Zoning Board of Appeals & SUHO 7.28.14 Page 5**
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 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
To: ZBA
Date: August 29, 2014
Re: Text Amendment – Medical Cannabis Dispensaries - Temporary (Petition 14-25)

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 also amend the Zoning Ordinance to allow medical cannabis dispensaries in the B-1, B-2 and B-3 Business Districts & the M-1 and M-2 Manufacturing districts as a special use only. Dispensaries will be prohibited in all other districts. Per the Statute only 1 dispensary will be permitted between Kendall and Grundy County.

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
Green are changes after the RPC meeting

PROPOSED TEXT to add to Sections 9.02.C, 9.03.C, 9.04.C (Business District – Special Use) and Section 10.01.C (Manufacturing- Special Use) of the Zoning Ordinance (Special Use in the B-1, B-2, B-3, M-1 & M-2 Districts)
Medical Marijuana Dispensaries - Temporary (Proposed to be repealed on January 1, 2018)

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

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

c. A map of the area surrounding the proposed dispensary, extending a minimum of 1,000 feet from the property line in all directions. The map must clearly demonstrate that the property line of the proposed dispensary is not located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home or part day child care facility. The map must clearly demonstrate that the dispensary is not in an area zoned for residential
use and identify the existing adjacent businesses. (From Department of Financial & Professional Regulations) nor within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park or forest preserve. (Staff has added this last part)

d. Shall meet and maintain compliance with State and local building, fire and zoning requirements or regulations. (From Department of Financial & Professional Regulations)

e. Elevation Plans shall be submitted. (Staff has added)

f. No outdoor storage will be permitted of any kind. (Staff has added)

g. Shall show where the secure enclosed loading/unloading bay will be located. (Staff has added)

h. Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the destruction and disposal of medical cannabis with the requirements set forth in 410 ILCS 13/1 et. Seq., Sec. 160 (From Statute) and Section 1290.450 of the rules.

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

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

k. A dispensing organization shall NOT produce or manufacture cannabis, allow consumption of cannabis at the dispensary, sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946, sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH, enter into an exclusive agreement with any cultivation center, operate drive through windows, transport cannabis to residences of registered qualifying patients or designated caregivers, operate if video surveillance equipment is inoperative, operate if the point of sale equipment is inoperative, operate if the State’s medical cannabis electronic verification system is inoperative and shall not have fewer than two people working at any time while the dispensary is open. (From Department of Financial & Professional Regulations)

l. Ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight. (From Department of Financial & Professional Regulations)

m. Ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance. (From Department of Financial & Professional Regulations)

n. A dispensary may operate between 6 a.m. and 8 p.m. local time. (From Department of Financial & Professional Regulations)

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

p. Signage shall comply with Section 12 of the Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a cultivation center. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque without text or graphics advertising or identifying the contents of the products contained within. (Staff has added, some language from Lake County)
q. A Security Plan shall be supplied to Kendall County. *(Staff added requirement for submittal)*

The ZPAC Committee brought up many concerns: fencing around back, bullet proof glass, employees access and security, lighting, video, etc. but did not propose any modifications at this time.

The RPC Committee made some modifications to the text and also recommended to ONLY allow it as a special use in the M-1 and M-2 districts which is reflected above.

Attachments:
1. Comparison Chart on surrounding county regulations
2. ZPAC meeting minutes on 7.7.14
3. RPC Meeting minutes on 7.23.14
4. RPC Meeting minutes on 8.27.14
<table>
<thead>
<tr>
<th>COUNTY/MUNICIPALITY</th>
<th>DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grundy County</td>
<td>No proposed text at this time (probably permitted in Industrial District)</td>
</tr>
<tr>
<td>Will County</td>
<td>Special use in Agricultural, Commercial and industrial districts</td>
</tr>
<tr>
<td>Kane County</td>
<td>Special use in Business Districts</td>
</tr>
<tr>
<td>DeKalb County</td>
<td>Permitted in their B-1 Business Conservation District</td>
</tr>
<tr>
<td>LaSalle County</td>
<td>Special use in B-2 Business District.</td>
</tr>
<tr>
<td>Lake County</td>
<td>Permitted in General Commercial, Limited Industrial &amp; Intensive Industrial</td>
</tr>
<tr>
<td>McHenry County</td>
<td>Conditional Use in the B-3 Zoning District.</td>
</tr>
<tr>
<td>Joliet</td>
<td>Special use in restricted business and B-3 general business districts</td>
</tr>
<tr>
<td>Yorkville</td>
<td>Special Use in the M-1 &amp; M-2 Manufacturing District</td>
</tr>
</tbody>
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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 an issue once Route 71 widens.

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

#14-21 David & Cathy Price
Planner Angela Zubko did an overview of the request stating the property is located at 9480 Walker Road at the southeast corner of Route 47 and Walker Road. The Petitioner is requesting approval of a Map Amendment to rezone a 1.25 acre parcel from A-1 (Agricultural) to B-3 (Highway Business District) to build a retail building. The zoning change is consistent with the County’s LRMP and the City of Yorkville’s future plan as well. Walker Road is designated as a major collector roadway; Route 47 is designated as an arterial roadway. There is a trail shown on the west side of Route 47 and the north side of Walker Road. Once rezoned, the petitioners will have to come back through the site plan review process which currently the goal is to have it back at ZPAC next month for the site plan review. Staff recommends approval.

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

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

Brian Jahp had no comments at this time.

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

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

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

#14-17 Medical Cannabis Cultivation Center text and Medical Cannabis Distribution Center
Planner Angela Zubko stated she has put together a memo about the background information on the Compassionate Use of Medical Cannabis Pilot Program Act that is scheduled to be repealed January 1, 2018. There are two separate text amendments so we will go over them one at a time, one for the cultivation centers and one for the dispensaries. Note they are called temporary due to this 2018 date. To 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. 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:

ZPAC Meeting Minutes 7.7.14
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 questions 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 to be a special use in the B-1, B-2, B-3, M-1 & M-2 Districts with 16 conditions and also asked and suggested some language with regards to an annual renewal fee? Planner Zubko pointed out the zoning requirements from the Statute and said she added the dispensary cannot be within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park or forest preserve. Planner Zubko quickly went through the proposed conditions. Planner Zubko stated she has not received a petition for a dispensary yet but only one would be permitted between Kendall and Grundy County, once again left up to the state.

Scott Gryder had a lot of similar concerns and would need a little more time to look at the dispensaries verse the cultivation center but this seems more like a pharmacy where you go and pick up your prescription. Planner Zubko stated she would assume, she has not read the details with regards to that but know that there are rules. For example, if the security system is down of the cash register the dispensary cannot sell at those times, they need to wait till everything is up and running and they will have some type of prescription card. There was also some discussion that the dispensary can sell from cannabis from any cultivation from Illinois but cannot sell any cannabis from another state.
Aaron Rybski stated he has very little to say about this as the Health Department is written out of the code. Mr. Shaw asked if the Health Department has an opinion on the matter. Mr. Rybski stated he would leave that up the Director Amaal. Planner Zubko stated she will work with Mr. Gryder asking the Health Department, Sheriff's office, States Attorney's Office and Highway Department on their stances.

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

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

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

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

#14-19 Prairie Leaf Farms, LLC
Planner Angela Zubko noted she is not why the petitioners are not in the audience but we will forward any discussion to them. Planner Zubko did an overview of the request stating the property is located at the southeast corner of Whitewillow and Church Road. The petitioners are requesting an A-1 Special Use Permit to operate a medical cannabis cultivation center. The materials provided have been mailed out to Lisbon Township, the Village of Lisbon and the Village of Minooka (even though they are more than the 1.5 mile requirement). The same background information that was discussed with the text amendment is on this report. The petitioner proposes to start with about 20 employees and ramp up to approximately 50 employees within 6 months of opening. As product demand increases, the workforce will be increased by adding more shifts. Staff is seeking more information on number of shifts and also why so many parking stalls are proposed. The petitioner proposed to have 80 parking stalls. Staff is waiting from the petitioner what type of parking lot it will be i.e. gravel, asphalt, etc. A photometric plan will also be needed but all the surrounding land it owned by Waste Management of Illinois, Inc. Church Road was vacated south of Whitewillow Road in 2007. Staff is waiting how this will handled, if it will be a private drive, gated off, etc. Whitewillow Road is a township County Road. Staff will defer to the County if ROW will be requested to be dedicated off Whitewillow Road. All deliveries will take place in an enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle. The petitioner proposes to have 3 bays to the production/processing area and 1 bay where they can drive into the warehouse (getting clarification as it's not clear on the drawing.) No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. The property will have 3 access drives off a private roadway/driveway from Whitewillow Road, two into the parking lot and one into the warehouse section of the building. The petitioner proposes to build a berm around the perimeter of the property. Staff is seeking clarification if they are having a berm and if so how high. There is no floodplain or wetlands on the property. The petitioner proposed to work to become a zero waste location, generating no landfill waste. They will accomplish this by grinding and shredding non-product and office waste into compost which will be used in gardens and shrubbery. Staff is seeking more information on this. The petitioners discuss in their business plan that security force required for the building and transportation of product will be hired from retired veterans from Vietnam, Iraq and Afghanistan duty. Staff is seeking more detailed information on the overall security of the site and building. The petitioner is proposing the building to meet pharmaceutical grade requirements and will be LEED (Leadership in Energy and Environmental Design) certified. They petitioner also proposes to meet certain management systems for quality, environmental, health and safety, food safety and security and food safety pre-requisites. The proposed building is to be located in the ROW of

ZPAC Meeting Minutes 7.7.14
**#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 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 area 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 permitting 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. This is why he suggests to not allowing 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.
Budd Wormley would like the new sheriff to look at this text. Planner Zubko stated she has not. Mr. Nelson asked when we need to have the Zoning law in place. Planner Zubko stated she is not sure but we don't currently have a petition. The Sheriff's office took a look at this text at ZPAC and had some concerns but no text was changed but their concerns are written on the memo. Ms. Wilson does not have the same concerns as we have liquor stores and pharmacies do not have bullet proof glass. She feels this is being blown way out of proportion and does not feel the need for all these extreme measures.

After much discussion Larry Nelson made a motion to continue this next month. Tom Casey seconded the motion. Mr. Nelson would like to hear the SAO comments. Ms. Wilson thinks we would all benefit if there is some source that could educate us.

Planner Zubko asked what everyone would like from staff in the next month. Mr. Nelson would like to see colored what the state statute and rules exist and what is extra and email that out. Ms. Wilson asked if staff can point to any references or authoritative sources regarding THC and cultivation of cannabis information. Planner Zubko will work with Mr. Stevenson to get some educational information on marijuana vs. medical cannabis, email out the Statute and rules.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-10 Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395- Passed at the 6.17.14 County Board meeting- Planner Zubko stated in the packet were the 10 conditions it passed with as some others changed after Plan Commission.

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS

OLD BUSINESS
Update on possible changes for Kendall & NaAuSay Township- Planner Zubko stated in the packet are the RPD provisions from the ordinance. At the last Ad-hoc meeting it was decided to modify these provisions to better suit what the townships are looking for and that basically is to modify the minimum and maximum lot sizes and possibly bonus density credits. Hopefully this will be ready to discuss at next month's Plan Commission meeting.

Planner Zubko stated she passed out a flyer from the IL Association of County Zoning Officials to put on a seminar that the County will pay for to help educate them on being on the Plan Commission.

Mr. Ashton stated this is Bill Lavine's last meeting as he is moving next month to North Carolina and thanked him for his time.

Mr. Lavine has stated it has been a joy working with this group and really enjoyed the fact that no grudges are held.

ADJOURNMENT
#14-25 Medical Cannabis Distribution Center
Planner Angela Zubko stated the cultivation center will on the County Board in September but now we're discussing the distribution centers. The back page shows what the surrounding Counties are doing and Planner Zubko stated last month we talked about bullet proof glass which is in the rules that bullet proof glass is needed.

Larry Nelson had some concerns still about dispensaries and people hanging around. There was some discussion why pharmacies cannot sell medical cannabis and the fact it's all cash. The Plan Commission would like to add condition 'l' back in that No dispensary shall be established in multiple use. Ms. Wilson had some discussion on condition e but was fine with the condition. With condition J is it covered by L? Also she's afraid it could be challenged. Planner Zubko stated I is state regulations. The group would like to delete J. She had a question on O, manger needs to be changed to manner. Add something about text and slang not being permitted.

Mr. Nelson is afraid it's going to start like riverboats and then grow into something big. There was discussion to only allow it as a special use in the M-1 or M-2 district.

Larry Nelson made a motion to approve the text as modified as a special use in the M-1 and M-2 districts. Claire Wilson seconded the motion. All were in favor and this text will be moved onto the Zoning Board of Appeals.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-20: Peaceful Pathways Montessori School: Approved at the 8.19 CB meeting
14-11: Concrete Crushers: Approved at the 8.19 CB Meeting

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS

OLD BUSINESS
Update on possible changes for Kendall & NaAuSay Township- Planner Zubko stated we had an ad-hoc meeting and it was decided we will have a meeting with developers and then a separate meeting with townships about what is selling or what they think will sell in the future. The meeting with the township will be about what's good and bad with the existing subdivisions. The special ad-hoc meeting will be at 7am at the Meadowhawk lodge on September 24th with the developers.

Mr. Ashton would like to add we need someone from Oswego, Big Grove and NaAuSay Township.

ADJOURNMENT
The next meeting will be on September 24, 2014. Larry Nelson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:35 p.m.

Submitted by,
Angela L. Zubko, Planning & Zoning Manager
DEPARTMENT OF PLANNING, BUILDING & ZONING
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(630) 553-4141 Fax (630) 553-4179

14-24
Divyesh Patel/ Council Court Motel
B-3 Special Use for Watchman’s quarters and a variance to the setbacks

SITE INFORMATION
PETITIONERS Divyesh Patel/ Council Court Motel
LAND OWNERS Jay Corp Hanuman
LOCATION On the northeast side of Route 30 - 0.06 miles north of Gastville Street
1016 Route 30, Aurora

TOWNSHIP Oswego

PARCEL # 03-12-100-003, 03-12-202-003 (Former railroad ROW); 03-01-376-005
(Former railroad ROW)
SIZE 4.2 Acres (Business really on 2.94 acres)

EXISTING LAND USE Business/ Council Court Motel
ZONING B-3 (Highway Business District) (Zoned B-3 after 1974 Countywide rezoning)

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<th>Land Use</th>
<th>Suburban Residential; Village of Oswego: Not shown on plan</th>
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<tr>
<td>Trails</td>
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<tr>
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REQUESTED ACTION Approval of a B-3 Special Use Permit to build a dwelling unit for a watchman and families including a caretaker.

APPLICABLE REGULATIONS §9.04.C.6 (B-3 Highway Business District Special Uses- Dwelling units for Watchmen and Families including a Caretaker)
§9.04.F (B-3 Highway Business District Yard Areas)
§13.04 (Variations)
§13.08 (Special Uses)

**SURROUNDING LAND USE**

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
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**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

**NATURAL RESOURCES INVENTORY**
An NRI is not applicable since the property is already zoned business and not agricultural.

**ACTION SUMMARY**

- **TOWNSHIP** (Oswego), this was mailed to Jim Detzler and George Hettrich on 7.29.14 and emailed to Gary Grosskopf.
- **MUNICIPALITY** (Oswego), emailed to Rod Zenner on 7.29.14
- **ZPAC** (8.4.14), there were no concerns, just noted that when the home is built a septic permit will be required. The Committee recommended approval.
- **RPC** (8.27.14), there was discussion that where the variance is requested there is Comed ROW to the north. Once they heard it was ROW there were no concerns. The Commission recommended approval.

**REQUESTED ACTION**

**GENERAL** Approval of a B-3 Special Use Permit to build a dwelling unit for a watchman and families including a caretaker. Mr. Patel would like to relocate his family to this site for better efficiency and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005.
VARIANCE
The petitioner would like to locate the home 5' from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet.

ACCESS
The property already has access off of Route 30; no new access will be needed.

FINDINGS OF FACT

VARIANCE
§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are 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. There is not much location that can be built on this property as the large open space is where the septic system is and the rest of the property used to the railway ROW.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Due to the ComEd ROW on the north, the vacated railway ROW to the east, Route 30 to the south this variance would not be applicable to any other property around.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. This motel has been here quite some time before 1973 and the current owner purchased it in the year 2000.

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. The variance would help keep the building further from any properties and closer to the ComEd ROW which will never be built on.

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 watchman's quarters will not impair an adequate supply of light and air to adjacent properties. It will not add any congestion on Route 30. The watchman's quarters will actually benefit the property values in the neighborhood as it will have 24 hour security on site.

SPECIAL USE
§ 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. A watchman's quarter will actually help the public health, safety, morals, comfort and general welfare having security on site.

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 petitioner is trying to locate the watchman’s quarters as far from any residents as possible with the motel that’s been in existence to be the buffer. This will help security on site and also inform the owners of what’s going on at all times on the site.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A driveway already exists to the property and a new septic field will be installed onsite.

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. This property is zoned commercial and used in a commercial capacity. The watchman’s quarter conform to the applicable regulations of the commercial district.

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 special use is consistent with the LRMP and municipal plans and policies as the property is zoned commercial and it’s always good to have a watchman’s onsite.

RECOMMENDATION  Staff recommends approval of the requested special use & variance to build a dwelling unit for a watchman and families including a caretaker.

ATTACHMENTS
1. ZPAC Meeting minutes on 8.4.14
2. RPC Meeting minutes on 8.27.14
3. Plat of Survey showing 2 possible locations where the dwelling will be located
With no further comments Scott Gryder made a motion, seconded by Megan Andrews to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-24 Divyesh Patel/Council Court Motel
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a b-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiency and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5' from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is the minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families.

Megan Andrews stated no NRI will be needed.

Brian Jahp has no comments at this time.

Aaron Rybski stated when they go through the process to submit the septic plans.

Scott Gryder has no comments.

With no further comments Aaron Rybski made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-19 Prairie Leaf Farms, LLC
Planner Angela Zubko stated as you can tell from your packets she has tried to contact the petitioner a few times and have not heard back from them since July 8, 2014 so this petition will stay tabled.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
14-11 Concrete Crushers- PBZ on 8.11.14
14-12 Central Limestone – continued at 7.23.14 Plan Commission till we hear from township
14-17 Medical Cannabis Cultivation Center text and medical cannabis distribution center- Split into 2 petitions, the cultivation center will be heard by PBZ on 8.11.14
14-20 Peaceful Pathways Montessori School- PBZ on 8.11.14
14-21 David & Cathy Price- Withdrawn due to IDOT ROW
14-25 Medical Cannabis Distribution Centers- separated from Petition 14-17 and continued till next month for more information at Plan Commission

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on September 2, 2014 (TUESDAY)
With no further business to discuss Megan Andrews made a motion, seconded by Scott Gryder to adjourn the meeting at 9:22 a.m. The motion carried.
The ZPAC did not have many concerns, the Health Department will be meeting with the petitioner to discuss the septic system and they have met with the building department and know their concerns.

Greg Dady introduced himself and stated ServePro will have a 7 year lease. Countryside Landscaping will be leasing the building till December and then ServePro will be utilizing the entire building. Mr. Ashton asked about signage and if 2 signs will be on the property at the same time. The petitioner stated no since Countryside Landscaping will be out in December and the sign taken down and a sign strickly for ServePro.

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

#14-24 Divyesh Patel/Council Court Motel
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a B-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficient and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5’ from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families. Mr. Patel is in attendance for any questions.

At ZPAC there were no concerns and a septic permit will be required during the building permit process.

Larry Nelson asked how do we prevent them from renting out the house in the future. Planner Zubko stated it’s the definition of watchman’s quarters.

Ms. Wilson had a question about the variance of the lot line and what was to the north, Planner Zubko stated the Comed ROW is to the north.

With no further comments Tom Casey made a motion, seconded by Claire Wilson to approve the special use and forward the petition onto the SUHO meeting in August. All were in favor and the motion carried.
Central Limestone Company, Inc.
Rezone from M-2 to M-3 and a special use for an asphalt and concrete plant

SITE INFORMATION
PETITIONERS Central Limestone Company, Inc.
ADDRESS 16805 Quarry Road, Morris
LOCATION On the southwest corner of Joliet Road and Route 47
TOWNSHIP Lisbon
PARCEL # 08-28-300-002
SIZE 10 acres out of the 150.17 acre parcel

EXISTING LAND USE Mining

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

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

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

APPLICABLE REGULATIONS
§10.03 (M-3 Zoning)
§10.03.B.1 (M-3 Special Uses)
§13.07 (Amendments)
§13.08 (Special Uses)
SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>M-3</td>
<td>Potential Mining</td>
<td>M-3</td>
</tr>
<tr>
<td>South</td>
<td>Mine</td>
<td>M-2</td>
<td>Mining</td>
<td>M-2; A-1</td>
</tr>
<tr>
<td>East</td>
<td>Com Ed Easement</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>West</td>
<td>Mine</td>
<td>M-2</td>
<td>Mining</td>
<td>M-2, M-3SU; Lisbon</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: Aux Sable Creek INAI Site

IDNR staff did contact the petitioner and terminated consultation and concluded that adverse effects are unlikely.

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

ACTION SUMMARY
TOWNSHIP (Lisbon)
The township Plan Commission and township Board met on August 12th. They had some concerns on truck traffic and recommended approval.

MUNICIPALITY (Lisbon)
Jay Beckendorf stated this petitioner will not need to be heard by the Village. The Village did have some concerns on truck traffic and more accidents and would like to see some type of berming along Quarry road maybe not now but in the future.

ZPAC (7.7.14)
The committee made a favorable recommendation and had some concerns about hours of operation, setbacks and bathroom facilities. The Health Department looked up the requirements and they are permitted to have porta-potties on site.

RPC (7.25.14 & 8.27.14)
Eight people from the public showed up at the first meeting and some concerns discussed were truck traffic, berming, dust, smell and lighting. It was continued at that time to hear the townships concerns as their meeting was August 12th. The Plan Commission discussed it again on the 27th of August and there was discussion about dust and the petitioner is willing to install a berm to the south of the operation and it will be a condition on the approving special use. The Commission made a favorable recommendation with some changes.

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

The plants are both portable and most likely will relocate after the Route 47 project but the purpose of this special use is to allow concrete and asphalt plants in the future. Currently they pull stone from this quarry and haul it to the site in Yorkville. With these plants being on site there will be no need to truck in materials as they will be generated from the quarry. Overall there may be about 30-50 more trucks then what’s currently coming out of the site. The estimate truck traffic is about 150-200 vehicles trips a day.
Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is an appropriate location as other mines are to the west and the property north is zoned for mining. The closest home to this site is about 1,300 feet (0.24 miles) southeast of this property.

**BUILDINGS AND STRUCTURES**

Any building or structure (unless specified in the mining operations permit) must be located 150’ from the centerline of the roadway and 50’ in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to note to the east is a Com Ed right of way so the east property line is considered a side lot line. A plat of survey was provided and shows where the asphalt plant is located. The scale is located 50’ from the property line so no variances will be needed.

**ACCESS**

Trucks will enter and exit the proposed site from Quarry Road. No access from Joliet Road is proposed.

**HOURS OF OPERATION**

The hours of operation are anticipated to be open between the hours of 6am to 6pm during the weekdays. The plants will operate outside of those hours as may be required to perform governmental projects which require performance outside of those hours. It is anticipated that the plants will be operational from April 15\textsuperscript{th} through December 15\textsuperscript{th} depending on the weather.

**EMPLOYEES**

If both the asphalt plant and concrete plant are in operation, it is anticipated that there will be four to five employees. The applicant will designate an area for employee parking in proximity to each of the facilities.

**WASTE**

The subject site will not generate waste from the proposed operations.

**LIGHTING**

No new lighting is proposed other than safety lighting on the plants. The applicant will focus all such lighting in a downward direction to not shine onto adjacent properties.

**SIGNAGE**

No signs are proposed. However the applicant will post signage on the proposed site which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited.
SURROUNDING PROPERTIES

There is an existing berm that will shield the concrete plant but no additional berms, fences or tress are proposed along Quarry Road.

HEIGHT OF EQUIPMENT

The height of the silos for both the asphalt plant and concrete plant are less than 61 feet.

PLANT MOVEMENT

Staff has asked the petitioner to provide a narrative to describe the movements through the property from when the trucks come in to each machine till the trucks leave the property. The petitioner has provided the following response:

**Asphalt Plant**: The asphalt plant will be owned and operated by D Construction. The asphalt plant is a batch plant style asphalt plant, that is asphalt in batches are made as needed to go straight to work sites (rather than a plant which makes and stores asphalt for several days). In an asphalt plant, aggregates are put into a dryer and are dried and heated by drying with hot air. Once the aggregate is dried, it is fed via an elevator into a bin which separates aggregate by size. Once the aggregate is separated, the aggregate is mixed with the petroleum components which bind the product and creates what we know as "asphalt". The asphalt is then unloaded directly into trucks and delivered to the work. The benefit of the location of the proposed site is that the aggregate component of asphalt is produced in the quarry on the adjoining site. Trucking raw aggregate into the proposed site over public roads will not be required in most cases. Similarly, it is close to several significant upcoming projects which will help to minimize traffic.

**Concrete Plant**: The concrete plant will be owned and operated by Narvick Brothers. The concrete plant is a portable central mix batch plant style asphalt plant. The central mix batch plant will mix the ingredients required to form concrete before being loaded into the truck. The concrete plant will be portable. Cement or cement supplements are stored in a silo to insure that the materials are maintained at appropriate moisture levels. Aggregate and sand are placed in a hopper which transfers the material via a conveyor into a storage bin. The cement and cement supplements, aggregate and sand are then transferred to the central mixer where the components are mixed to create what we know as "concrete". The benefit of the location on the proposed site is that the aggregate component is produced in the quarry on the adjoining site. Trucking raw aggregate into the proposed site over public roads will not be required in most cases. Similarly, it is close to several significant upcoming projects which will help to minimize traffic.

ASPHALT PLANT

As you may or may not know the asphalt plant is currently up and running. This was due to miscommunication. This petition is to rectify any issues. Building permits were granted. A tour was set up for August 26th to get more information about the current and future plant. 38 people were invited to attend from all the various committees, the residents that filed location protection and residents that attended the last Plan Commission meeting. As of 8.20.14 eight people have RSVP'd to attend. Currently the asphalt plant has a 20 year lease with Central Limestone to locate on site.

CONCRETE PLANT

The concrete plant will be set up soon due to the Route 47 road construction. Under State Statute the County can give authority to set up a temporary plant for major road construction. The project is under the control of the Illinois Department of Transportation (IDOT) and the contract was issued by IDOT to the Narvick Brothers to perform on its existing agreement with D Construction to make and provide concrete for the construction work to repair Route 47, in Grundy County between Sherrill Road to I-80. The permit will terminate upon the completion of the project, no later than July 1, 2016 unless the special use is approved, then a plant...
can be sited there forever.

SITE TOUR (8.26.14)  Staff had a site visit with Barry Narvick (owner), Lonnie (site supervisor), 1 member from ZBA (Dick Whitfield), 1 member from Plan Commission (Bud Wormley), 3 residents and 1 potential Plan Commission member. There was discussion on possibly allowing an entrance further north on Quarry Road or an entrance off Joliet Road as that would mitigate a lot of the dust from the current truck movement on site. Also discussion took place of a berm along Quarry if possible. The owner informed us that they will be switching to natural gas soon which should help for the smell.

FINDINGS OF FACT  REZONING

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. Staff has answered as follows:

Existing uses of property within the general area of the property in question. This property and the property to the west is already being mined and the property to the north is zoned to mine. This zoning will make it conforming.

The Zoning classification of property within the general area of the property in question. The property to the north is shown on the LRMP as potential mining and the property to the west is already zoned for mining so the M-3 zoning is consistent with the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70’s. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. This mine has been in existence since the late 1800’s and the trends of development in the area are potential mining districts or are already mines.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.
SPECIAL USE
§ 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. An asphalt and concrete plant should not be any more dangerous than weekly mine blastings.

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. An asphalt and concrete plant noises will be consistent with the noises of a mine. The petitioner has proposed to install a berm to the south of this plant to help with noise and dust mitigation.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. An entrance already exists to this piece of property and there will be no utilities on this property except a generator.

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. Asphalt and concrete plants are consistent with being in the mining district.

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 special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an asphalt and concrete plant. This use will be used mainly for major road construction.

RECOMMENDATION
Staff recommends approval to rezone 10 acres from M-2 to M-3 and also a special use to operate an asphalt and concrete mixing plant with associated recycling facilities with the following conditions:

1. The applicant post signage which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited.
2. The hours of operation are from 6am to 6pm on weekdays and sometimes outside of those hours only for governmental projects in which proof of bid approval may be requested.
3. No semi truck parking over night is permitted on the property.
4. An earthen berm be placed on the southern portion of the rezoned property to help in noise and dust mitigation as shown on the site plan.

ATTACHMENTS
1. ZPAC Meeting minutes on 7.7.14
2. RPC Meeting minutes on 7.25.14
3. RPC Meeting minutes on 8.27.14
4. Plat of Survey
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
June 7, 2014 – Meeting Minutes

Planner Angela Zubko called the meeting to order at 9:00 a.m.

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

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

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

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

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

PETITIONS

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

Megan Andrews asked the petitioner if there are any structures currently or any soil disturbed in the northeast corner (the proposed location)? The petitioner’s attorney, Ken Carlson, stated the entire corner is currently a rock base and previously 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.

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

**ROLL CALL**

**Members Present:** Chair Bill Ashton, Bill Lavine, Tom Casey, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley

**Others present:** Planning & Zoning Manager Angela Zubko

**Members Absent:** Brian Leonard, Tim Sidles and 1 vacancy (Big Grove)

**In the Audience:** Attorney Daniel Kramer, Attorney Ken Carlson, Barry Narvick, Barry Stevenson, Bob & Sharon Friestad, Valerie Dobson, Wayne/Harold & Betty Schlappi, Doug Knudson, Dale Howard, County Board member Amy Cesich and County Board Chairman John Shaw

**APPROVAL OF AGENDA**

Planner Zubko just wanted to note before we start that Petition 14-21 for the David & Cathy Price rezoning of 9480 Walker Road has been withdrawn, if the petitioner request a rezoning in the future everyone would be notified again.

Tom Casey a motion to approve the agenda as written. Bill Lavine seconded the motion. All were in favor and the agenda was approved.

**APPROVAL OF MINUTES**

Budd Wormley made a motion to approve the minutes from May 28, 2014 meeting, Larry Nelson seconded the motion. All were in favor and the minutes were approved.

**PETITIONS**

Mr. Ashton state again that Petition 14-21 for the David & Cathy Price rezoning of 9480 Walker Road has been withdrawn

**#14-12 Central Limestone Company, Inc.**

Planner Angela Zubko did an overview of the request stating the petitioners are seeking approval to zone 10 acres from M-2 to M-3 and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities. This will be located on 10 acres of the 150 acre parcel. Central Limestone has a total of about 200 acres. It is located at the southwest corner of Joliet Road and Route 47. An endangered species report is completed and the Illinois Natural Heritage Database shows the Aux Sable Creek INAI Site is in the vicinity of the project location, they
might contact the petitioner for more information. An NRI will not be necessary unless the petitioner or staff would find the report and associated LESA score helpful. The original soil profile has been disturbed and is no longer present on site. Planner Zubko stated she has talked to Lisbon Township and their next meeting will be August 12th and Planner Zubko talked to the mayor of Lisbon and his questions are on truck traffic and expected truck traffic. Planner Zubko would like to know if the asphalt is running at full capacity, and if not, how many trucks are expected per day, also how many trucks for the concrete plant. Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is also appropriate as other mines are to the west and the property north is zoned for mining. The closet home to this site is about 1,300 feet (0.24 miles) southeast of this property, Quarry Road is to the east and a little further east is Route 47. Any building or structure must be located 150’ from the centerline of the roadway and 50’ in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to note to the east is a Com Ed right of way so the east property line is considered a side lot line. Staff has received and reviewed the plat of survey showing where the asphalt plant is located and they do meet the 50’ setback requirement. No new access points are being proposed at this time. The trucks will enter and exit the proposed site from Quarry Road. The applicant will post signage on the proposed site which advises drivers that travel on Joliet Road west of the intersection of Joliet Road and Quarry Road is prohibited. The proposed hours of operation for both plants will be 6am to 6pm during weekdays. The plants will operate outside of those hours as may be required to perform projects on governmental projects. It is anticipated that the plants will be operational from April 15th to December 15th (depending on weather). The subject site will not generate waste from the proposed operations. The petition has stated no new lighting is proposed other than lighting on the plants. The applicant will focus all such lighting in a downward direction. The applicant also has stated no new signs are proposed at this time. Staff has asked if berming or fencing is proposed or provided on site. There is an existing berm that will shield the concrete plant. The petition has stated no additional berms, fences or trees are proposed along Quarry Road. Planner Zubko asked the petitioner what are the heights of the tallest equipment for both plants are? The petitioner has stated the height of the silos for both the asphalt plant and the concrete plant are less than 61 feet. Planner Zubko asked the petitioner to explain how each plant works and they provide the following information:

Asphalt Plant: The asphalt plant will be owned and operated by D Construction. The asphalt plant is a batch plant style asphalt plant, that is asphalt in batches are made as needed to go straight to work sites (rather than a plant which makes and stores asphalt for several days). In an asphalt plant, aggregates are put into a dryer and are dried and heated by drying with hot air. Once the aggregate is dried, it is fed via an elevator into a bin which separates aggregate by size. Once the aggregate is separated, the aggregate is mixed with the petroleum components which bind the product and creates what we know as “asphalt”. The asphalt is then unloaded directly into trucks and delivered to the work. The benefit of the location of the proposed site is that the aggregate component of asphalt is produced in the quarry on the adjoining site. Trucking raw aggregate into the proposed site over
public roads will not be required in most cases. Similarly, it is close to several significant upcoming projects which will help to minimize traffic.

Concrete Plant: The concrete plant will be owned and operated by Narvick Brothers. The concrete plant is a portable central mix batch plant style asphalt plant. The central mix batch plant will mix the ingredients required to form concrete before being loaded into the truck. The concrete plant will be portable. Cement or cement supplements are stored in a silo to insure that the materials are maintained at appropriate moisture levels. Aggregate and sand are placed in a hopper which transfers the material via a conveyor into a storage bin. The cement and cement supplements, aggregate and sand are then transferred to the central mixer where the components are mixed to create what we know as “concrete”. The benefit of the location on the proposed site is that the aggregate component is produced in the quarry on the adjoining site. Trucking raw aggregate into the proposed site over public roads will not be required in most cases. Similarly, it is close to several significant upcoming projects which will help to minimize traffic.

Planner Zubko also asked where the employees park? The petitioner stated if both the asphalt plant and the concrete plant are in operation, it is anticipated that there will be four (4) to five (5) employees and the applicant anticipates designating an area for employee parking in proximity to each of the facilities.

Planner Zubko stated that at this time staff would recommend to continue this petition until the next Plan Commission meeting on August 27th to allow us to hear the township and surrounding residents’ comments. Also this will allow sometime to set up a meeting on site to discuss the operation and invite anyone interested. Planner Zubko stated an updated site plan was passed out today which shows where the asphalt plant is located.

Bill Lavine asked why the asphalt plant is up and running. Planner Zubko stated they received the proper building permits and was of the opinion it was a grandfathered use but was told otherwise by the States Attorney’s Office. Mr. Lavine also inquired about the Health Department and the holding tanks. Planner Zubko stated the Health Department looked up the regulations during the meeting and confirmed holding tanks is permitted.

Claire Wilson asked about dust generation on the site and smell and would like to hear information if it will produce lots of dust and odors and if mitigation needs to be looked at.

Bill Ashton asked if berms would be required due to being M-3. Mr. Nelson stated he would have to re-read but is of the opinion it was only for a quarry and not required for asphalt plants. Mr. Wilson stated since it is a special use can we request it as a condition? Planner Zubko stated yes it could be a condition placed on the approving ordinance. This will be confirmed before the next meeting that a berm is not required. Mr. Nelson stated since they will not be scrapping off the overburden to get to the limestone they would need to truck in dirt for a berm.

Ms. Wilson asked if there is anything we’d want to shield this from an aesthetic point of view? There is ComEd easement and a roadway and then agricultural field. Mr. Nelson stated he is not sure what
is to be gained. Mr. Ashton stated the grain bins are pretty tall out there as well. Ms. Wilson stated there really are not many houses out there for right across from this operation. Mr. Nelson stated this is why there is a mining district out there so everyone is aware it’s a mining district and to expect quarries and other activities like this. So if you buy or build a house there it is a buyer beware, and know mining would be there are there is noise, trucks, dust and smells out there. Mr. Wormley stated a shooting range was approved on the same property to the west.

Mr. Nelson stated with all the construction this is an appropriate location. There was a brief discussion on the closest plants which is Yorkville for concrete and Joliet for asphalt.

Attorney Ken Carlson came up to the podium with Barry Narvick to answer some of the questions. Barry is the president of Central Limestone and a principal of Narvick Brothers, who will own and operate the concrete plant. They do not perceive there to be any greater impact from these operations for dust and there are state standards that need to be complied with. Central Limestone is diligent with providing a dust control program and it will be the same for these plants. With regards to smell concrete does not have a smell. Asphalt has a smell but unfortunately that is the product society has decided to build roads out of. The asphalt will come out of the silo into the bed of a trailer and leave the site, not sit on site like other sites. The asphalt plant and concrete projects 30-50 trucks per day for both plants so about 200 trips a day. The good thing is the materials are coming out of the mine and not being trucked in separately. Mr. Narvick stated sometime in the future they would like to manufacture sand but do not currently.

Planner Zubko asked the petitioner if they knew where the Route 47 project will move the roadway to. Mr. Budd Wormley thought further east. That was confirmed by the petitioner that the intersection will move further east.

Mr. Wormley asked if the asphalt is trucked in and if there is storage on site for that? The petitioner stated it is stored on site and believes it is delivered as needed per day.

Mr. Ashton asked if they will be doing any grinding with the old asphalt. The Petitioner believed they do which would qualify for recycling.

At this time Mr. Ashton opened it up to the public for comments.

Bob Friestad who lives across from this property would like to see berms and thought they were required. He stated the asphalt plant does smell and there are about 5-6 houses the smell will effect. Mr. Friestad has concerns over truck traffic and one morning on a Saturday about 30-40 trucks an hour were going up and down Quarry Road. Also the trucks that currently use the asphalt plant use the south entrance the quarry uses and goes back north but wondered if they could enter closer to the plant. Mr. Friestad asked how long the plant will be there? Planner Zubko stated it would be a permanent fixture. Mr. Ashton had a question about the previous asphalt plant and if he lived there at the time? Mr. Friestad stated yes they moved there in 1957 but after the roadway project was completed it was removed. Mr. Nelson verified Mr. Friestad bought his property knowing the quarry and a temporary asphalt plant was there? Mr. Friestad stated he did but as soon as Route 47 was completed the asphalt plant was removed.
Valarie Dobson stated the light does affect her into her bedroom window. She is not aware of an asphalt plant in Kendall County for at least 25 years. She asked if there will be another entrance on 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
Chairman Bill Ashton called the meeting to order at 7:00 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Tom Casey, Larry Nelson, Vern Poppen, Claire Wilson and Budd Wormley
Others present: Planning & Zoning Manager Angela Zubko
Members Absent: Brian Leonard, Tim Sidles and 2 vacancies (Oswego Township & Big Grove Township)
In the Audience: Attorney Daniel Kramer, Attorney Ken Carlson, Barry Narvick, Bob, Sharon & Scott Friestad, Greg Dady and County Board Chairman John Shaw

APPROVAL OF AGENDA
Larry Nelson a motion to approve the agenda as written. Bud Wormley seconded the motion. All were in favor and the agenda was approved

APPROVAL OF MINUTES
Bud Wormley made a motion to approve the minutes from July 23, 2014 meeting, Vern Poppen seconded the motion. All were in favor and the minutes were approved.

PETITIONS
#14-12 Central Limestone Company, Inc.
Planner Angela Zubko stated last month this was discussed here and we continued it till the township could have their hearing which the township Plan Commission and township board made a favorable recommendation to approve the rezoning and special uses. Planner Zubko stated we did take a tour yesterday and learned the asphalt plant will be hooking up to natural gas shortly which would reduce the smell and little and also talked about having an entrance off Joliet Road or Quarry Road to help mitigate dust that travels southeast of the truck traffic at the quarry. Mr. Narvick talked to ComEd today and they want level ground so no berm in the comed property. Ms. Wilson asked what the benefit of a berm along Quarry Road would be. Mr. Narvick stated to reduce dust and it was suggested by a neighbor. Another suggestion was to put a berm going east and west by the existing barn in the southeast corner of the property. That berm would help reduce noise from the back-up beepers. Mr. Narvick’s concern about the berm is safety so really would not like a berm along Quarry Road. Mr. Ashton asked if anyone from the audience wanted to speak. Scott Friestad apologized for not being here last month but since the plant has been running the dust and noise has increased.
immensely. The mining noise is very little and the dust is very little within the last 2-3 years as everything is in the pit. Mr. Friestad would like a berm along Quarry Road and put a condition for the berm. Planner Zubko read the 4 conditions that were placed on the ordinance last month. There was discussion on number 4 about access off of Joliet Road. Ms. Wilson stated if there is an entrance off of Joliet Road would there be the potential of having the trucks enter and exit off Joliet Road. Planner Zubko stated the quarry trucks will always use Quarry Road. The chairman asked the petitioner if they are fine with the first 3 conditions proposed. The petitioner does not have an issue and willing to include a berm at the southeast part of the proposed rezoning and put that as a condition on the special use. We will eliminate condition 4 and add the berm.

Larry Nelson made a motion to approve the rezoning and special use for the 1st 3 conditions and add a condition for an earthen berm that runs east and west at the bottom of the rezoning site and to work with the neighbors on the height. Claire Wilson asked about plantings but Mr. Carlson stated the survivability of the plants will be difficult. Bud Wormley seconded the motion. With a roll call vote all were in favor and this will move onto the next ZBA/SUHO meeting next weekend.

#14-22 Clean-up and Restoration Services

Planner Angela Zubko stated that Servpro is looking to open up a franchise in the County and currently staff is of the opinion it really does not fall into a current category in the Zoning Ordinance. Therefore staff is proposing the following text amendment. SERVPRO of Kendall County provides the following services: residential and commercial restoration services for water damage, fire damage, disaster, storm and flood damage and mold damage. They also perform biohazard remediation like sewage cleanup, crime scene cleanup and/or vandalism cleanup. Staff proposes it to be a Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

If this is on agricultural land it shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

Clean-up and restoration services with the following conditions:

a) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.

b) No materials that are brought in can be burned on this site.

c) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).

d) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

The ZPAC commented allowing this is Agricultural districts might be good in one location but not another, he’s kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses.
LEGAL DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 35, Township 25 North, Range 7 East, in the Town of Galena, County of Kendall, and State of Illinois, described as follows:

Commencing at the northeast corner of Section 35, thence North 89° 30' 30" West along the north line of the Southwest Quarter of said Section 35 for a distance of 83.63 feet; thence South 0° 31' 30" West 43.63 feet to the center line of Juliet Road being the POINT OF BEGINNING; thence South 0° 31' 30" West 397.64 feet; thence North 89° 30' 30" West 667.00 feet; thence North 34° 17' 37" West 257.04 feet; thence North 00° 31' 30" East 216.35 feet; thence South 89° 30' 30" East 667.00 feet to the southeast corner of a four-lane plant; thence South 89° 48' 17" East along said corner line for a distance of 419.32 feet to the point of beginning, located in Kendall County, Illinois.
MEMORANDUM

To: ZBA
Date: August 29, 2014
Re: Text Amendment – Clean-up and Restoration Services (Petition 14-22)

SERVPRO is looking to open up a franchise in the County and currently staff is of the opinion it really does not fall into a current category in the Zoning Ordinance. Therefore staff is proposing the following text amendment. SERVPRO of Kendall County provides the following services: residential and commercial restoration services for water damage, fire damage, disaster, storm and flood damage and mold damage. They also perform biohazard remediation like sewage cleanup, crime scene cleanup and/or vandalism cleanup.

Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

Clean-up and restoration services with the following conditions:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   c) All operations are to take place inside an enclosed structure.
   d) No materials that are brought in can be burned on this site.
   e) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   f) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

Please review and provide Staff with comments during the meeting. Should you have any questions prior to the meeting, please contact me at 630-553-4139.

Attachments:
   1. ZPAC Meeting minutes on 8.4.14
   2. RPC Meeting minutes on 8.27.14
Planner Angela Zubko called the meeting to order at 9:01 a.m.

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

Absent:
Fran Klaas- County Highway Department
Greg Chismark – Wills Burke Kelsey
Brian Holdiman- Building Inspector
Jason Petit- Forest Preserve

Also present: Divyesh Patel and Greg Dady

AGENDA
A motion was made by Aaron Rybski to approve the agenda as written, Scott Gryder seconded the motion. All were in favor and the motion carried.

MINUTES
Planner Zubko stated she noticed the date on the minutes was wrong and needed to be corrected. Scott Gryder made a motion, seconded by Brian Jahp, to approve the July 7, 2014 meeting minutes as amended. All were in favor and the motion carried.

PETITIONS

#14-22 Clean-up and Restoration Services
Planner Angela Zubko stated that Servpro is looking to open up a franchise in the County and currently staff is of the opinion it really does not fall into a current category in the Zoning Ordinance. Therefore staff is proposing the following text amendment. SERVPRO of Kendall County provides the following services: residential and commercial restoration services for water damage, fire damage, disaster, storm and flood damage and mold damage. They also perform biohazard remediation like sewage cleanup, crime scene cleanup and/or vandalism cleanup. Staff proposes it to be a Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

Clean-up and restoration services with the following conditions:
   a) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   b) No materials that are brought in can be burned on this site.
   c) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   d) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

Staff recommends approval of the text amendment.

Megan Andrews, Brian Jahp and Aaron Rybski had no questions or comments at this time.
Scott Gryder thinks allowing this is Agricultural districts might be good in one location but not another, he’s kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses.

With no further comments or discussion Megan Andrews made a motion, seconded by Aaron Rybski to approve the text amendment and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-23 DTG Investments LLC
Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. There property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown below. It is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:
1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Megan Andrews stated no new NRI will be needed.

Brian Jahp has no comments at this time.

Aaron Rybski had some questions on the septic systems and would like to meet with the petitioner. The use is changing and they will be washing and sanitizing of different items that will be taking place, the Health Department requests meeting the petitioner to make sure all concerns are taken care of.

Scott Gryder asked if the special use will run with the owner or land? Planner Zubko stated typically everyone wants to have it run with the land but any new petitioner will need to follow the exact same use or come back through the process.

Greg Dady introduced himself and stated ServePro will have a 7 year lease so there is no plan to leave. He stated they can try to figure out gallons per day based on the existing usage in Oswego. He will look into the septic for the Health Department.
immensely. The mining noise is very little and the dust is very little within the last 2-3 years as everything is in the pit. Mr. Friestad would like a berm along Quarry Road and put a condition for the berm. Planner Zubko read the 4 conditions that were placed on the ordinance last month. There was discussion on number 4 about access off of Joliet Road. Ms. Wilson stated if there is an entrance off of Joliet Road would there be the potential of having the trucks enter and exit off Joliet Road. Planner Zubko stated the quarry trucks will always use Quarry Road. The chairman asked the petitioner if they are fine with the first 3 conditions proposed. The petitioner does not have an issue and willing to include a berm at the southeast part of the proposed rezoning and put that as a condition on the special use. We will eliminate condition 4 and add the berm.

Larry Nelson made a motion to approve the rezoning and special use for the 1st 3 conditions and add a condition for an earthen berm that runs east and west at the bottom of the rezoning site and to work with the neighbors on the height. Claire Wilson asked about plantings but Mr. Carlson stated the survivability of the plants will be difficult. Bud Wormley seconded the motion. With a roll call vote all were in favor and this will move onto the next ZBA/SUHO meeting next weekend.

**#14-22 Clean-up and Restoration Services**

Planner Angela Zubko stated that Servpro is looking to open up a franchise in the County and currently staff is of the opinion it really does not fall into a current category in the Zoning Ordinance. Therefore staff is proposing the following text amendment. SERVPRO of Kendall County provides the following services: residential and commercial restoration services for water damage, fire damage, disaster, storm and flood damage and mold damage. They also perform biohazard remediation like sewage cleanup, crime scene cleanup and/or vandalism cleanup. Staff proposes it to be a Special Use in the A-1 (Agricultural District) and Permitted in the B-3 (Highway Business District), M-1 (Limited Manufacturing) & M-2 Districts (Heavy Industrial District).

If this is on agricultural land it shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

Clean-up and restoration services with the following conditions:

a) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.

b) No materials that are brought in can be burned on this site.

c) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).

d) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

The ZPAC commented allowing this is Agricultural districts might be good in one location but not another, he’s kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses.
Larry suggested that for only Ag districts to have it along an major state route or arterial roadway. Ms. Wilson asked if we have restrictions on burning in the County? Larry explained the rules of the County and Planner Zubko stated she added it to be safe as landscape business’ seem to have an issue. The petitioner, Greg Dady stated they have never burned currently and have no issue with burning. Mr. Ashton brought up an incinerator and if that’s burning.

With no further comments Larry Nelson made a motion with the 1 change, seconded by Tom Casey to recommend approval and forward the text onto the Zoning Board of Appeals. Ms. Wilson if we should consider all operations are inside in an enclosed structure. Larry Nelson made an amended motion with that change. With all in favor the motion carried.

#14-23 DTG Investments LLC
Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown it is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.
SITE INFORMATION

PETITIONERS: DTG Investments LLC

LANDOWNERS: Triple B South LLC (Current location of Countryside Landscaping)

LOCATION: 3485 Route 126, Oswego on the north side of Route 126, 0.45 miles west of Schlapp Road

TOWNSHIP: NaAuSay

PARCEL #: 06-09-400-005

SIZE: 5.93 Acres

EXISTING LAND USE: Landscape Business

ZONING: A-1 SU Agricultural Special Use (Ordinance 2007-10: Special use for a Landscape Business)

LRMP

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<tbody>
<tr>
<td>Roads</td>
<td>Route 126 is a major arterial roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>There is a trail proposed along the south side of Route 126</td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There is floodplain on the north end of the property (Zone A - no base flood elevation determined)</td>
</tr>
</tbody>
</table>

REQUESTED ACTION: Approval of an A-1 Special Use Permit to operate a cleanup restoration business.

APPLICABLE REGULATIONS:

§7.01.D (A-1 Agricultural Special Uses)

§11.01 (Parking Regulations)
SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within 1/2 Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>West</td>
<td>Ag implement sales</td>
<td>A-1 SU</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
</tbody>
</table>

PHYSICAL DATA

ENDANGERED SPECIES REPORT
The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

NATURAL RESOURCES INVENTORY
An NRI is not required as no new structures will be built on site.

ACTION SUMMARY

TOWNSHIP (NaAuSay)
They will be on the township board’s agenda on September 8th. A preliminary discussion has taken place and the township will most likely recommend approval.

MUNICIPALITY (Oswego)
Emailed to Rod Zenner on 7.28.14, have not heard back from.

ZPAC (8.4.14)
The ZPAC Committee had some concerns over the septic system and requested to meet with the petitioner; they were not too concerned as the property already has a triple basin. The Committee made a favorable recommendation.

RPC (8.27.14)
The Plan Commission made some modifications to the text amendment which is also reflected in this petition. There was some discussion that Countryside Landscaping will operate out of this facility till December and then in January ServPro will be utilizing the entire building. The Committee made a favorable recommendation.

REQUESTED ACTION

GENERAL Approval of an A-1 Special Use Permit to operate a cleanup restoration business

BACKGROUND
SERVPRO is currently operating out of 3 separate buildings in the Stonehill Industrial Park in Oswego, IL and would like a larger building. This will make the business more efficient and in one location. Servpro will be renting from DTG Investments LLC. How the operation works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence.
EMPLOYEES
There are about 18 employees that will park on site. The employees will be parking behind the building.

PARKING
All commercial vehicles will be parking inside the building and employees will be the only ones parking outside the building.

R.O.W.
Staff will defer to IDOT if ROW will be requested to be dedicated at this time. IDOT has stated no ROW will be requested at this time.

STORAGE
There will be no outdoor storage except the employee vehicle. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this.
SIGNAGE  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.

ACCESS  The property currently has 2 access points off of Route 126, the east entrance will be used by the business and already blacktopped and the west entrance is primarily used for the farmhouse.

FARMHOUSE  The farmhouse will be rented most likely to people working on the property.

FLOODPLAIN  There is floodplain on the property as shown below. It is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway.

BUILDING  No new buildings are proposed at this time. The petitioner has contacted the Oswego Fire Protection District and the District has stated the building already exists and is being used in a manner that is similar in nature to how the new tenant will be using it so it's a change in occupancy and no sprinklers will be required. The petitioner has met with the building inspector and a change of occupancy/remodel permit would be required. A licensed architect or engineer would need to evaluate the building for life safety, egress, and state plumbing code.
requirements (including required floor drains and triple basins) based upon the new
occupancy and provide an evaluation report. Stamped drawing would be required
for remodel of the existing loft into office space.

BUSINESS PLAN
Countryside landscaping will stay in the building for a little and the plan is to
eventually have SERVPRO utilize the entire building.

FINDINGS OF FACT
§ 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 was previously used for a landscaping
business and this new use will be less noticeable as everything takes place
inside the buildings including storage of the vehicles.

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, landsca
ing, 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 site will not be modified in any way and is surrounded
by farmland and a special use for ag implement sales next door to the east.

That adequate utilities, access roads and points of ingress and egress,
drainage, and/or other necessary facilities have been or are being provided.
Nothing is being modified on this site and access already exists.

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. Assuming the text amendment passes to allow this
type of use in the A-1 district it will conform to all applicable 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
special use is consistent with the LRMP.

CONCLUSION
There is currently no use category for a cleanup restoration service in the County's
zoning ordinance. Petition #14-22 contains a proposed amendment to the text of
the zoning ordinance that will provide a category for such a use with the following
conditions:

Clean-up and restoration services with the following conditions:

a. If zoned A-1 Agricultural the facility shall have direct access to a road
designated as a major collector (or higher) on the County Land

b) All commercial vehicles are to be stored inside an accessory
structure when not in use unless outdoor storage is screened from
adjacent and surrounding properties and screening and storage is
shown on the approving site plan.

c) All operations are to take place inside an enclosed structure.

d) No materials that are brought in can be burned on this site.

e) All signage shall comply with the provisions of Section 12 of the
Kendall County Zoning Ordinance (Sign Regulations).

f) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

RECOMMENDATION

Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions be placed on the special use, if approved:

1. Must meet all the conditions of the text amendment:
   a) All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   b) All operations are to take place inside an enclosed structure.
   c) No materials that are brought in can be burned on this site.
   d) All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   e) Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

ATTACHMENTS

1. ZPAC Meeting minutes on 8.4.14
2. RPC Meeting minutes on 8.27.14
3. Plat of Survey
Scott Gryder thinks allowing this is Agricultural districts might be good in one location but not another, he's kind of concerned. Planner Zubko stated because everything has to be in enclosed buildings that would make it hard for most businesses.

With no further comments or discussion Megan Andrews made a motion, seconded by Aaron Rybski to approve the text amendment and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

**#14-23 DTG Investments LLC**

Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown below. It is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Megan Andrews stated no new NRI will be needed.

Brian Jahp has no comments at this time.

Aaron Rybski had some questions on the septic systems and would like to meet with the petitioner. The use is changing and they will be washing and sanitizing of different items that will be taking place, the Health Department requests meeting the petitioner to make sure all concerns are taken care of.

Scott Gryder asked if the special use will run with the owner or land? Planner Zubko stated typically everyone wants to have it run with the land but any new petitioner will need to follow the exact same use or come back through the process.

Greg Dady introduced himself and stated ServePro will have a 7 year lease so there is no plan to leave. He stated they can try to figure out gallons per day based on the existing usage in Oswego. He will look into the septic for the Health Department.

ZPAC Meeting Minutes 8.4.14
With no further comments Scott Gryder made a motion, seconded by Megan Andrews to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-24 Divyesh Patel/Council Court Motel
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a b-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiently and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5’ from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families.

Megan Andrews stated no NRI will be needed

Brian Jahp has no comments at this time.

Aaron Rybski stated when they go through the process to submit the septic plans.

Scott Gryder has no comments.

With no further comments Aaron Rybski made a motion, seconded by Brian Jahp to approve the special use and forward the petition onto the Plan Commission meeting in August. All were in favor and the motion carried.

#14-19 Prairie Leaf Farms, LLC
Planner Angela Zubko stated as you can tell from your packets she has tried to contact the petitioner a few times and have not heard back from them since July 8, 2014 so this petition will stay tabled.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
14-11 Concrete Crushers- PBZ on 8.11.14
14-12 Central Limestone – continued at 7.23.14 Plan Commission till we hear from township
14-17 Medical Cannabis Cultivation Center text and medical cannabis distribution center- Split into 2 petitions, the cultivation center will be heard by PBZ on 8.11.14
14-20 Peaceful Pathways Montessori School- PBZ on 8.11.14
14-21 David & Cathy Price- Withdrawn due to IDOT ROW
14-25 Medical Cannabis Distribution Centers- separated from Petition 14-17 and continued till next month for more information at Plan Commission

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on September 2, 2014 (TUESDAY)
With no further business to discuss Megan Andrews made a motion, seconded by Scott Gryder to adjourn the meeting at 9:22 a.m. The motion carried.
Larry suggested that for only Ag districts to have it along an major state route or arterial roadway. Ms. Wilson asked if we have restrictions on burning in the County? Larry explained the rules of the County and Planner Zubko stated she added it to be safe as landscape businesses' seem to have an issue. The petitioner, Greg Dady stated they have never burned currently and have no issue with burning. Mr. Ashton brought up an incinerator and if that's burning.

With no further comments Larry Nelson made a motion with the 1 change, seconded by Tom Casey to recommend approval and forward the text onto the Zoning Board of Appeals. Ms. Wilson if we should consider all operations are inside in an enclosed structure. Larry Nelson made an amended motion with that change. With all in favor the motion carried.

#14-23 DTG Investments LLC

Planner Angela Zubko did an overview of the request stating the property is located at 3485 Route 126 where Countryside Landscaping is currently. The property is about 5.93 acres and the petitioner is requesting an A-1 Special use to operate a cleanup restoration business. Everything will take place inside the building and no new buildings are proposed at this time. Currently Servepro operates out of 3 separate buildings in the Stonehill Industrial Park in Oswego and would like a larger building to make the business more efficient and in one location. Servepro will be renting from DTG Investments LLC. How the operation roughly works is the business is called, employees go out to the home, collect or go through the destroyed belongings and bring it back to the site or throw out on site. The employees wash, clean, sterilize and store the items inside the closed building and also do repairs/construction on the home. Once the original site is back to its original condition the items are returned back to the owner. The service has small vans/pick-up trucks but do not own any semi trucks. Semi trucks have been used once and that was in the flood of 2013 there was so many items it was trucked in, that is a rare occurrence. There are about 18 employees that will park on site. The employees will be parking behind the building. All commercial vehicles will be parking inside the building due to the equipment inside the vans and employees will be the only ones parking outside the building. IDOT has stated no ROW will be required along Route 126. There will be no outdoor storage except the employee vehicles. Also the petitioner knows nothing shall be placed in the floodway. Also staff has asked if any drains or catch basins exist in the building currently or if any will be installed. Stamped architectural drawings will be needed to verify this. The farmhouse will be rented most likely to people working on the property. There is floodplain on the property as shown it is considered Zone A which means no flood elevation has been determined; therefore this is considered all Floodway. The petitioner is aware no storage or parking shall take place in the floodway. Countryside landscaping will stay in the building for a little and the plan is to eventually have SERVPRO utilize the entire building. An Endangered special report has been completed and there are no records of threatened or endangered species. Assuming the proposed text amendment is approved by the County Board; Staff would recommend approval and the following conditions are placed on the special use, if approved:

1. Must meet all the conditions of the text amendment (list all conditions)
2. No outdoor storage except employee cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.
The ZPAC did not have many concerns, the Health Department will be meeting with the petitioner to discuss the septic system and they have met with the building department and know their concerns.

Greg Dady introduced himself and stated ServePro will have a 7 year lease. Countryside Landscaping will be leasing the building till December and then ServePro will be utilizing the entire building. Mr. Ashton asked about signage and if 2 signs will be on the property at the same time. The petitioner stated no since Countryside Landscaping will be out in December and the sign taken down and a sign strictly for ServePro.

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

**#14-24 Divyesh Patel/Council Court Motel**
Planner Angela Zubko did an overview of the request stating the property is located at 1016 Route 30 about 0.06 miles north of Gastville Street. The petitioner is requesting a B-3 special use to build a dwelling unit for a watchman and families. The petitioner, Divyesh Patel owns 4.2 acres and the business is really on 2.94 acres. Mr. Patel would like to relocate his family to this site for better efficiently and to keep an eye on his business. This motel has been here since about 1973 and Mr. Patel has owned the property since 2000. There were actually 2 more buildings on this property to the east of the circle driveway but they were demolished in 2005. The petitioner will be requesting a variance as he would like to locate the home 5' from the northern property line and when built would demolish the existing shed. The side and/or rear lot line setback is a minimum of twenty (20) feet. As you will see on the plat 2 different locations are proposed but clearly only 1 location will be built on. The Special Use will be for anywhere on the property. An endangered species report has been completed and no threatened or endangered species exists on the property. An NRI is not applicable since the property is already zoned business and not agricultural. Staff recommends approval of the special use to build a dwelling unit for a watchman and families. Mr. Patel is in attendance for any questions.

At ZPAC there were no concerns and a septic permit will be required during the building permit process.

Larry Nelson asked how do we prevent them from renting out the house in the future. Planner Zubko stated it’s the definition of watchman’s quarters.

Ms. Wilson had a question about the variance of the lot line and what was to the north, Planner Zubko stated the Comed ROW is to the north.

With no further comments Tom Casey made a motion, seconded by Claire Wilson to approve the special use and forward the petition onto the SUHO meeting in August. All were in favor and the motion carried.

**#14-25 Medical Cannabis Distribution Center**
Planner Angela Zubko stated the cultivation center will on the County Board in September but now
we're discussing the distribution centers. The back page shows what the surrounding Counties are doing and Planner Zubko stated last month we talked about bullet proof glass which is in the rules that bullet proof glass is needed.

Larry Nelson had some concerns still about dispensaries and people hanging around. There was some discussion why pharmacies cannot sell medical cannabis and the fact it's all cash. The Plan Commission would like to add condition 'l' back in that No dispensary shall be established in multiple use. Ms. Wilson had some discussion on condition e but was fine with the condition. With condition J is it covered by L? Also she's afraid it could be challenged. Planner Zubko stated I is state regulations. The group would like to delete J. She had a question on O, manger needs to be changed to manner. Add something about text and slang not being permitted.

Mr. Nelson is afraid it's going to start like riverboats and then grow into something big. There was discussion to only allow it as a special use in the M-1 or M-2 district.

Larry Nelson made a motion to approve the text as modified as a special use in the M-1 and M-2 districts. Claire Wilson seconded the motion. All were in favor and this text will be moved onto the Zoning Board of Appeals.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-20: Peaceful Pathways Montessori School: Approved at the 8.19 CB meeting
14-11: Concrete Crushers: Approved at the 8.19 CB Meeting

CITIZENS TO BE HEARD/ PUBLIC COMMENT- None

NEW BUSINESS

OLD BUSINESS
Update on possible changes for Kendall & NaAuSay Township- Planner Zubko stated we had an ad-hoc meeting and it was decided we will have a meeting with developers and then a separate meeting with townships about what is selling or what they think will sell in the future. The meeting with the township will be about what's good and bad with the existing subdivisions. The special ad-hoc meeting will be at 7am at the Meadowhawk lodge on September 24th with the developers.

Mr. Ashton would like to add we need someone from Oswego, Big Grove and NaAuSay Township.

ADJOURNMENT
The next meeting will be on September 24, 2014. Larry Nelson made a motion to adjourn the meeting, Vern Poppen seconded the motion. All were in favor and the meeting was adjourned at 8:35 p.m.

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

KCRPC Meeting Minutes from 8.27.14