KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 • Fax (630) 553-4179
AGENDA

July 7, 2014 - 9:00 a.m.

CALL TO ORDER

ROLL CALL:  County Board: Member from PBZ Committee; County Highway: Fran Klaas; Engineering Consultant: Greg Chismark; County Health: Aaron Rybski; Forest Preserve: Jason Pettit; SWCD: Megan Andrews; Sheriff: Phil Smith; PBZ: Angela Zubko

APPROVAL OF AGENDA

MINUTES: Approval of minutes from the May 5, 2014 ZPAC meeting.

PETITIONS:
1. 14-12 Central Limestone with D Construction
   Request: Rezone and request a special use
   Location: 16805 Quarry Road, Morris
   Purpose: Rezone from M-2 to M-3 and request a special use to operate an asphalt and concrete plant.

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

3. 14-19 Prairie Leaf Farms, LLC
   Request: Request an A-1 Special use to operate a medical cannabis cultivation center
   Location: Southeast Corner of Whitewillow & Church Road, Minooka
   Purpose: Request a special use to operate a medical cannabis cultivation center in an enclosed building

4. 14-20 Peaceful Pathways Montessori School
   Request: Major Amendment to their Special Use
   Location: 8250 Route 71, Yorkville
   Purpose: Major Amendment to their Special Use to modify their site plan

5. 14-20 David & Cathy Price
   Request: Rezone
   Location: 9480 Walker Road, Yorkville
   Purpose: Rezone from A-1 Agricultural to B-3 (Highway Business District)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
14-10 Plano Rotary, Plano Boy Scout Troop 71 & Plano American Legion Post 395- Passed on 6.17.14
14-11 Concrete Crushers- Still on-going. Ad-hoc on 6.25.14 then back to Plan Commission

PUBLIC COMMENT

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT- Next meeting on August 4, 2014
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
May 5, 2014 – Meeting Minutes

Planner Angela Zubko called the meeting to order at 9:10 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Amy Cesich – PBZ Member
Aaron Rybski – Health Department
Phil Smith – Sheriff’s Office
Angela Zubko – PBZ Planning & Zoning Manager

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

Also present: County Board Member John Shaw and petitioner James Hill

AGENDA
A motion was made by Phil Smith to approve the agenda, Megan Andrews seconded the motion. All were in favor and the motion carried.

MINUTES
Megan Andrews made a motion, seconded by Amy Cesich, to approve the April 7, 2014 meeting minutes as amended. All were in favor and the motion carried.

PETITIONS
#14-10 Plano Rotary, Plano Boy Scout Troup 71 & the Plano American Legion Post 395
Planner Angela Zubko did an overview of the request stating the property is located at 1701 Little Rock Road on the west side of Little Rock Road 2.75 miles north of Route 34. The petitioners are requesting a major amendment to their special use to update their site plan and modify all the existing conditions. The petitioners were granted a special use for a recreational camp and 2004 and also a variance to the private road standards for setbacks and the required paving materials. Our setbacks have changed since so a variance to the setbacks is no longer needed but they will keep the variance for the materials from CA-6 to recycled asphalt. We have also updated our regulations with regards to recreational campgrounds which they meet 4 of the 5 requirements. They currently would not meet the 20 acre minimum lot size standard so they will be considered legal non-conforming due to size. For access to the site the petitioners are proposing a locked gate access point off of Little Rock Road. Back in 2004 there was a proposed access point from the proposed subdivision to the southwest which may never be built. If it does ever get platted or built the special use can be re-evaluated at that time. The petitioner proposes to install a minimum of 10’ access road with two bypass areas (pullovers) staggered along the drive to accommodate cross traffic and minimize the area devoted to off-street parking. The petitioner proposes to install a galvanized steel wire fence attached to steel posts. The posts will be located at ten (10) foot intervals. The far western edge of the property has floodway and floodplain but there are currently no plans to construct anything near the floodway. In the packet are the currently conditions, conditions the petitioner will abide by on their property and staff recommends approval of the requested major amendment to their special use with the following conditions:
1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamboorees are prohibited.
2. Motor homes, travel trailers or pop ups are not permitted.
3. The number of occupants is limited to a maximum of fifty (50) at any one time.

ZPAC Meeting Minutes 5.5.14
4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.

5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.

6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (pullovers) staggered along the access drive to accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles.

7. The petitioner shall implement a fire/woodland management plan to be reviewed and approved by the Fox-Little Rock Fire protection district, the Kendall County Forest Preserve and the County Extension Service. (Do we want this to be a condition?)

8. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.

9. The special use will be revised annually in the years 2015, 2016 & 2017. If there have been no operational issues affecting the adjoining property owners, as well as ascertaining the adherence to the various other conditions, and the County Board is satisfied with the petitioner's adherence to these conditions, the next schedule for review after 2017 will be 2020 and every three (3) years after in perpetuity.

10. All standards of the Health Department are met in accordance with the requirements set forth in the most recent version of the Kendall County Food Establishment Sanitation Ordinance.

11. Must seek approval from the Fire and police departments. (Can probably delete this as well)

12. Adequate directional signage must be throughout the property.

13. Maximum continuous stay shall not exceed 90 days.

Amy Cesich, County Board member, had no questions at this time.

Ms. Andrews stated no NRI or executive summary will be needed due to fact that no buildings are being proposed on the site. Ms. Andrews also suggested using the Department of Natural Resources as a good resource for the woodland management plan.

James Hill, one of the petitioners stated the woodland plan was to make sure they are cognizant if taking out any trees they will be replacing them with a proper specie.

Commander Phil Smith is more concerned with the surrounding property owners. Planner Zubko stated they will be required to notify them for the next couple meetings. Mr. Hill stated they have kept most of the conditions due to previous neighbor concerns and understand their concerns. They hope the proposed conditions will alleviate any issues.

Aaron Rybski just wanted to clarify there will be no structures on site. Mr. Rybski asked about bathroom facilities or showers. Mr. Hill stated no showers but bathrooms might be proposed in the future. It really depends if the site is utilized. Mr. Rybski asked how the waste will presently be handled. Mr. Hill stated the day camps will not be there for an extended period of time and for campers they will have to utilize a dug pit or outhouse. Mr. Rybski stated he will check with the state regulations with regards to an outhouse.

Planner Zubko asked for a consensus if we should eliminate conditions 7 and 11? All the members deferred to Planner Zubko with eliminating these conditions.

Mr. Rybski will email Planner Zubko the overall language to revise condition number 10.
With no further comments Phil Smith made a motion, seconded by Amy Cesich to approve the major amendment to the special use and forward the petition onto the Plan Commission meeting in May. All were in favor and the motion carried.

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

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

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

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

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

Temporary Stockpiling of dirt on private property:

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

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

Phil Smith had no comments at this time.

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

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

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

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

ZPAC Meeting Minutes 5.5.14
REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
14-06 Reinert Fox Road Subdivision- Proposed to be on the 5.20.14 County Board agenda

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on June 2, 2014
With no further business to discuss Phil Smith made a motion, seconded by Aaron Rybski to adjourn the meeting at 9:45 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Planning & Zoning Manager
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-12

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 About 10 acres out of the 150.17 acre parcel

EXISTING LAND USE Mining

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

LRMP

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

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

APPLICABLE REGULATIONS

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

SURROUNDING LAND USE

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<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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<td>Mining</td>
<td>M-2; A-1</td>
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</table>
PHYSICAL DATA
ENDANGERED SPECIES REPORT
Will need to submit an Endangered Special Report (website was down)

NATURAL RESOURCES INVENTORY
Need to check with the SWCD to see if an executive summary will be needed, no additional buildings are proposed at this time.

ACTION SUMMARY
TOWNSHIP (Lisbon)
This was mailed to Richard Mickelson & James Horton on 7.2.14
MUNICIPALITY (Lisbon)
This was emailed to Jay Beckendorf on 7.2.14

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

Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is an appropriate location as other mines are to the west and the property north is zoned for mining. The closest home to this site is about 1,300 feet (0.24 miles) southeast of this property and Route 47 is also to the east which will be a 4 lane highway.

BUILDINGS AND STRUCTURES
Any building or structure (unless specified in the mining operations permit) must be located 150’ from the centerline of the roadway and 50’ in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to
note to 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.

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

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

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

**RECOMMENDATION**
Staff recommends approval of the requested rezoning from M-2 to M-3 and approval of a special use permit with the following conditions:
1. Conditions will need to be added.

**ATTACHMENTS**
1. Plat of Survey
LEGAL DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 28, Township 35 North, Range 2 East of the Third Principal Meridian, County of Kendall, and State of Illinois, described as follows:

Commencing at the northeast corner of the Southwest Quarter of said Section 28, and Component North 89° 56' 43" West along the north line of the Southwest Quarter of said Section 28 for a distance of 83.33 feet; thence South 00° 51' 30" West 43.85 feet to the center line of Joliet Road being the POINT OF BEGINNING; thence South 00° 51' 30" West 1082.33 feet; thence North 89° 56' 43" West 457.00 feet; thence North 54° 17' 03" West 257.04 feet; thence North 00° 51' 30" East 276.50 feet; thence South 89° 56' 30" East 155.97 feet; thence North 00° 51' 30" East 320.84 feet to the center line of Joliet Road; thence South 89° 56' 43" East along said center line for a distance of 418.03 feet to the point of beginning, located in Kendall County, Illinois.
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 204
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
MEMORANDUM

To: ZPAC
Date: July 7, 2014
Re: Text Amendment — Medical Cannabis Cultivation Centers—Temporary and Medical Cannabis Dispensaries—Temporary (Petition 14-17)

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

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

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

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

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

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

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

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.
MEDICAL CANNABIS INFUSED PRODUCT. A food, oils, ointments, or other products containing usable cannabis that are not smoked. (From Statute)

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

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

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

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

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

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

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

f. Elevation Plans shall be submitted.

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

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

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

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

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

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

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

Do we want cultivation centers to be enclosed by a high security fence or wall?
Do we want cultivation centers to have an annual renewal fee?
PROPOSED TEXT to add to Sections 9.02.C, 9.03.C, 9.04.C (Business District- Special Use) and Section 10.01.C of the Zoning Ordinance (Special Use in the B-1, B-2, B-3, M-1 & M-2 Districts)

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

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

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

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

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

e. Elevation Plans shall be submitted.

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

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

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

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

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

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

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

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

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

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

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

Do we want cultivation centers to have an annual renewal fee?

a. Every dispensary shall expire annually, on the date it was issued. Provided it is in compliance with the Ordinance the registration holder may renew during the month preceding the expiration date by requesting a renewal and paying the required renewal fee. *(From proposed rules)* Staff shall consider the Dispensing Organization's history of compliance with standards, rules and regulations promulgated under the Act, the number and severity of any violations and the correction of violations, penalties, or other enforcement actions. *(From proposed rules-switched staff with division)*
SITE INFORMATION
PETITIONERS Prairie Leaf Farms, LLC, main contact: Randy Block
LAND OWNERS Waste Management of Illinois, Inc.
LOCATION On the southeast corner of Whitewillow and Church Road
TOWNSHIP Lisbon
PARCEL # 08-36-100-004 (59.5 acres)
SIZE 20 Acres
EXISTING LAND USE Agricultural (Old proposed landfill site)
ZONING A-1 Agricultural

LRMP

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<th>Land Use</th>
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<tr>
<td>Roads</td>
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<td>The building is proposed in the Prairie Parkway Corridor</td>
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<tr>
<td>Trails</td>
<td>There is a trail proposed along the Prairie Parkway Corridor</td>
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<tr>
<td>Floodplain/Wetlands</td>
<td>There is no floodplain or wetlands</td>
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REQUESTED ACTION Approval of an A-1 Special Use Permit to operate a medical cannabis cultivation center.
APPLICABLE REGULATIONS

§7.01.D (A-1 Agricultural Special Uses)
§11.01 (Parking Regulations)
§12.08 (Agricultural Sign Regulations)
§13.08 (Special Uses)
Petition 14-17 (Proposed text amendment to Zoning Ordinance to permit a medical cannabis cultivation center as Special Uses in the A-1 District)

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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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 was applied for.

ACTION SUMMARY

MUNICIPALITY (Lisbon)
Legally we do not have to notify the Village as it is more than 1.5 miles from their planning boundaries. Emailed to Jay Beckendorf on 6.25.14

MUNICIPALITY (Minooka)
Legally we do not have to notify the Village as it is more than 1.5 miles from their planning boundaries. Emailed to Steve Thornton on 6.25.14

REQUESTED ACTION

GENERAL
Approval of an A-1 Special Use Permit to operate a medical cannabis cultivation center.

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

There are rules that are mandated from the Department of Agriculture, the Department of Financial and Professional Regulation, Department of Public Health and Department of Revenue. Each set of rules from the Department of Agriculture and Department of Financial and Professional Regulation are about 100 pages and
go into full detail on submittal to the state and rules and regulations that must be followed.

EMPLOYEES 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.

PARKING 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.

R.O.W. 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 Road. Staff will defer to the township if ROW will be requested to be dedicated.

DELIVERIES 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.)

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 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.

FENCING/BERMS 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.

FLOODPLAIN There is no floodplain or wetlands on the property.

WASTE 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.

SECURITY 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.

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.

IDOT PRAIRIE PARKWAY The proposed building is to be located in the ROW of the proposed Prairie Parkway. Staff has requested the petitioner contact IDOT for more information. The following were comments from IDOT:
1. The ALTA Survey needs to show the Prairie Parkway Corridor Protection limits (recorded 11/27/2007 Doc # 34218 Kendall Co). The ALTA scan was difficult to read but I did not see any mention of the PP Corridor.

2. The plans/sketches showing the buildings and other improvements also need to show the limits of the PP Corridor.

3. If the landowner/developer is incurring development costs or will build any improvements within the PP Corridor, then they must notify IDOT D3 according to 605 ILCS 5/4-510.

LOCAL DONATIONS
The petitioner proposes that local schools will receive a portion of profits to fund drug awareness programs and other programs as deemed appropriate. Also the petitioner proposes that the local fire department and police department will receive a portion of profits to fund programs deemed critical by these entities.

BUSINESS PLAN
The business plan envisions the following steps:
1. Temporary greenhouse built on property to start growing mother product.
2. Construction of administration building and greenhouse ranges.
3. Populate greenhouses.
4. Earn management system certifications.
6. Use extracted product to make medical cannabis consumables for sale to licenses.
7. Sanitize greenhouse range and repopulation with product.

CONCLUSION
There is currently no use category for a medical cannabis cultivation center in the County's zoning ordinance. Petition #14-17 contains a proposed amendment to the text of the zoning ordinance that will provide a category for such a use. The proposed definitions to add are as follows:

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

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

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

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

The proposed conditions of a medical cannabis cultivation center are as follows:

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

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

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

d. Shall meet all federal, State and local building, zoning and fire codes and all local ordinances.

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

f. Elevation Plans shall be submitted.

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

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

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

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

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

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

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

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

1. Must meet all the conditions of the text amendment (list all conditions):

ATTACHMENTS
1. List of Questions/comments to the petitioner.
2. Business Plan
3. Site Plan
4. Floor Plan
5. Plat of Survey of Whole property
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 • Fax (630) 553-4179

14-19
Prairie Leaf Farms, LLC
A-1 Special Use- Medical Cannabis Cultivation Center

As of July 1, 2014- will receive the remaining comments by July 11th.

Randy Block
1001 Woodrush Lane
Darien, IL 60561
Phone: 630-292-9002
Email: blockga55@aol.com

DRAFT REVIEW LETTER #1

The following are comments/questions generated by staff on the above mentioned project.

We have received the following information: Application, Detailed Description of Proposed use, Proof of application to SWCD, Legal Description (for 225 acres), Site Plan, Endangered Species Report (on property now shown to be used), findings of fact, plat of survey, Proof of Ownership, drawing showing 3 parcels, Site plan, floor plan, plan showing nearest home

SITE PLAN
1. How many acres are you requesting the Special Use to be located on? That is what I will need the legal description for, not all the land you are proposing to buy. (The application has 25 acres and the wrong pin)
2. Who’s signature is on the application?
3. Per Statute: whether the petitioner or applicant is a corporation, and if so, the correct names and addresses of all officers and directors of the corporation and of all stockholders or shareholders owning any interest in excess of 20% of all of the outstanding stock or shares of the corporation & whether the petitioner or applicant, or his or her principal, is a partnership, joint venture, syndicate, or an unincorporated voluntary association, and if so, the names and addresses of all partners or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.
4. Please contact Steve Andrews with IDOT to discuss where the building is proposed as it is in the pathway of the recorded Prairie Parkway. His phone number is 815-434-8460 or Steve.Andrews@illinois.gov
5. As we previously discussed a photometric plan will need to be submitted before July 16th, 2014
6. Just an FYI, I re-did your Eco Cat with the actual location of the building, same results.
7. Elevations will need to be provided by July 16th or pictures of what it will look like.
8. There is a drawing from Harbour Engineering, what will take place in Parcel 1-3? Also is this showing the closest house?
9. What is the 50’ setback depicting?
10. Previously I was informed a berm will be installed in this 50’ setback, if so how tall?
11. Previously I was informed crops are to be planted for food banks in parcel 1 and 2, is that still true?
12. Can I please get a larger site plan and floor plan, I need to check the size of the parking stalls, and calculate areas.
13. Is the parking to be gravel, asphalt, concrete?
14. Parking lot lighting needs to be shown as well on the plan.
15. What type of security measures are to be in place?
16. Where did you come up with 80 parking stalls?
17. From the small colored drawing it looks like there are 3 entrances off vacated Church Road proposed, is that accurate? This will probably be answered when I get a larger site plan.
18. Church Road was vacated on the west of this property, is there some maintenance agreement or locked
gate proposed at the intersection up at Whitewillow?
19. Where will the temporary green house be located and why do you need a temporary green house? What is the proposed construction time of the proposed building?
20. For the amount of employees you say approximately 50 within 6 months, is that 50 at once or during different shifts? How many shifts are proposed, 3?
21. For the waste will the grinding take place inside the building or outside? If outside, where?
22. Are any signs proposed? If so how large and will they be lit?
23. Since storm water detention will be needed, a storm water permit along with a $1,250 fee needs to be submitted ($50 application fee, $1,200 escrow amount). Also please sign the Engineering consultants fee page included with the special use application.

ENGINEERING CONSULTANTS- WBK
1. Stormwater Detention/retention will be required. Please contact Greg Chismark at WBK at 630-443-7755 for more information or visit: http://www.co.kendall.il.us/planning-building-zoning/planning-and-zoning/stormwater-management-permit/

HIGHWAY DEPARTMENT
1. Church Road was vacated in 2007.

KENDALL COUNTY FOREST PRESERVE
Waiting for comments

KENDALL COUNTY HEALTH DEPARTMENT
Waiting for comments

GIS MAPPING
The legal description is for pins 08-36-100-004 (59.5 acres); 08-35-200-002 (157.06 acres); 08-35-200-003 (5 acres)

SOIL & WATER CONSERVATION DISTRICT
An NRI has been applied for.

KENDALL COUNTY SHERIFF’S OFFICE
Waiting for comments

LISBON-SEWARD FIRE PROTECTION DISTRICT
Waiting for comments

LISBON TOWNSHIP
Waiting for comments

LISBON TOWNSHIP ROAD COMMISSIONER
Waiting for comments

SCHOOL DISTRICTS #201, #90 & #18
Waiting for comments

BUILDING DEPARTMENT
Waiting for comments

MUNICIPALITIES- Lisbon & Minooka (more than 1.5 miles away)
Waiting for comments

IDOT
1. The ALTA Survey needs to show the Prairie Parkway Corridor Protection limits (recorded 11/27/2007 Doc # 34218 Kendall Co). The ALTA scan was difficult to read but I did not see any mention of the PP Corridor.
2. The plans/sketches showing the buildings and other improvements also need to show the limits of the PP Corridor.
3. If the landowner/developer is incurring development costs or will build any improvements within the PP Corridor, then they must notify IDOT D3 according to 605 ILCS 5/4-510.

Please feel free to contact me with any questions or comments you might have.

Sincerely,

Angela L. Zubko
Planning & Zoning Manager | Kendall County Department of Planning, Building & Zoning
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630.553.4139 | Fax: 630.553.4179
Prairie Leaf Farms Cultivation Farm Business Plan

The Illinois Department of Agriculture has determined to start a pilot program for:

The Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130)

It is the desire of Prairie Leaf Farms, LLC ('PLF') to meet all of the requirements, as stipulated in the Illinois Medical Cannabis Act, and become one of twenty one growers of medical cannabis for the State of Illinois.

The property desired for this farm is located at the southeast corner of White Willow Road and Church Road in unincorporated Kendall County, Illinois.

By asking for a zoning "special use" designation on this property, the property will always meet the legal requirements required for a Medical Cannabis Cultivation farm, into the future.

The PLF Cultivation Farm has been designed to meet current medical material projections and has been design in a manner to expand and meet future growth on a scale of 300 %.

The building is designed to meet pharmaceutical grade requirements and will be LEED certified. The cultivation farm will design and implement the following management systems: ISO 9001 Quality, ISO 14001 Environmental, OSHAS 18001 Health and Safety, FSSC 22000 Food Safety and Security and TS22002 Food Safety Pre-requisites. Each of these certificates will be issued by a third party certifying body, based on meeting all specific management system requirements.

By building multiple ranges for growing medical cannabis, a constant stream of product will be available as the ranges will bear product three times per year. The strains desired for cultivation are specific to the medical needs for those who have a need and license for use.

The end product will be used to make oils and waxes used to manufacture edible products for consumption.

The business plan envisions the following steps:

1. Temporary greenhouse built on property to start growing mother product.
2. Construction of administration building and greenhouse ranges.
3. Populate greenhouses.
4. Earn management system certifications.
6. Use extracted product to make medical cannabis consumables for sale to licenses.
7. Sanitize greenhouse range and repopulate with product.
In addition it is the desire of the PLF Cultivation Farm to include the community in the benefits of allowing this location to be used.

Employee headcount will start at 20 and ramp up to approximately 50 employees within 6 months of opening. The average salary will be $15.00 per hour for the hourly workforce. Benefits will include; medical, retirement and vacation. As product demand increases, the workforce will be increased by adding more shifts. The workforce will be recruited from local area and receive very generous hourly compensation and benefits.

The local schools will receive a portion of profits to fund drug awareness programs and other programs as deemed appropriate.

The local Fire Department and Police Department will receive a portion of profits to fund programs deemed critical by these entities.

The security force required for building and transportation of product will be hired from retired veterans from Vietnam Iraq and Afghanistan duty.

The facility will work to become a zero waste location, generating no landfill waste.

This will be accomplished by grinding and shredding non-product and office waste into compost. Which will be use in gardens and shrubbery.

At all times the PLF Cultivation Farm will meet and/or exceed all regulatory requirements by federal, state and local authorities.

The PLF Cultivation Farm wishes to thank you for your consideration on this zoning request.
14-20
PEACEFUL PATHWAYS MONTESSORI SCHOOL
Major Amendment to an A-1 Special Use

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

ADDRESS 8250 Route 71, Yorkville

LOCATION South side of Route 71 – west of Ravine Woods

TOWNSHIP Kendall

PARCEL # 05-03-200-021

SIZE 7.06 Acres

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

ZONING A-1 Agricultural with a Special Use Permit for a school
Ordinance #2009-05: Amend special use to allow up to 200 students and modify site plan.
Ordinance # 2007-19: Amend special use to allow up to 75 students.
Ordinance # 2005-60: Approval of an A-1 Special Use to operate a pre-school facility and allow owners to live on site. Limited to 24 students.

LRMP

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

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

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

SURROUNDING LAND USE

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

PHYSICAL DATA

ENDANGERED SPECIES REPORT

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

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

NATURAL RESOURCES INVENTORY

The Petitioner will need to contact the Soil & Water Conservation District to see if an NRI or executive summary will be needed.

ACTION SUMMARY

TOWNSHIP (Kendall) Mailed to David Matlock and emailed to Marty Schwartz
MUNICIPALITY (Yorkville) Emailed to the City of Yorkville on 7.1.14

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

SIGNAGE  A sign already exists on the property.

ACCESS  The property already has a right turn lane into the property and also enough space to make a left or right hand turned out of the property onto Route 71.

PARKING  The current parking lot has 16 parking stalls. The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today’s size standards of 24’ wide drive aisles and 9’x20’ parking stalls. Also 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.

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

1. Limit student enrollment to no more than two-hundred (200) and ten (10) fifteen (15) full-time employees. However, in the event State or Local requirements or any other requirements, regarding the number of instructors to serve the number of students would require hiring of additional employees necessitating installation of additional off-street parking spaces, such alterations shall require review and approval of necessary permits for review and approval by PBZ staff without the need to amend the special use.

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

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

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

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

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

ATTACHMENTS

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

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

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

4. Development/Site Plans
ORDINANCE NUMBER 2005 - 60

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

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

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

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

WHEREAS, said property is legally described as follows:

That pt of the NE ¼ of Section 3, T 36 N, R 7 E of the 3rd PM described as follows: Commencing at the intersection of the N line of Section 3, T and R aforesaid, with the center line of Illinois State Route No. 71; thence SW’ly along said center line, being a curve to the right with a radius of 3906.44', an arc distance of 1438.00' for the point of beginning; thence continuing SW’ly along said center line curve, 355.60'; thence SE’ly along a line forming an angle of 99° 50’ 41” with the chord of the last described course (measured clockwise thereafter) 548.00'; thence NE’ly along a line forming an angle of 78° 10” 10” with the last described course (measured clockwise thereafter) 625.64'; thence NW’ly 535.68’ to the point of beginning in Kendall Township, Kendall County, Illinois and containing 7,600 more or less.

AND

That pt of the NE ¼ of Section 3, T 36 N, R 7 E of the 3rd PM described as follows: Commencing at the intersection of the N line of Section 3, T and R aforesaid, with the center line of Illinois State Route No. 71, said point being on a curve, said curve being convex SE’ly and having a radius of 3906.54', with a chord that bears S 37° 54’ 21” W, a distance of 1438.52'; thence SW’ly along the arc of said curve, 1446.68'; thence S 34° 50’ 32” E, 56.33'; said point being on the S ROW line of Illinois State Route No. 71; thence continuing S 34° 56’ 32” E, 465.30'; thence S 51° 00’ 46” W, 369.94' to a point on the W’ly line of Outlet "A" in Revive Woods Subdivision thereof recorded October 14, 2004 as Document Number 200400928832; thence continuing S 51° 01’ 04” W, 264.70’ to the point of beginning; thence N 28° 24’ 12” W, 483.27’ to a point on the S line of State Route 71, 10.00 to a point; thence SE’ly to a point of beginning, in Kendall Township, Kendall County, Illinois.

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

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

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

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

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

Attest:

John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk
State of Illinois  
County of Kendall  

ORDINANCE NUMBER 2007 - 19 

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attest:

[Signature]

Paul Anderson
Kendall County Clerk

[Signature]

John A. Church
Kendall County Board Chairman
EXHIBIT

PARCEL ONE:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3906.54 FEET, AN ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE, 555.60 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES 50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 540.0 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 625.64 FEET; THENCE NORTHEASTERLY 515.60 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7,000 ACRES OF LAND MORE OR LESS.

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

PARCEL TWO:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; SAID POINT BEING ON A CURVE, SAID CURVE BEING CONVEX SOUTHEASTERLY AND HAVING A RADIUS OF 3906.54 FEET, WITH A CHORD THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1448.98 FEET; THENCE SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 485.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 48 SECONDS WEST, 380.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400028622; THENCE CONTINUING SOUTH 51 DEGREES 01 MINUTES 04 SECONDS WEST, 284.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

P.I.N.: 05-03-200-017
ORDINANCE NUMBER 2009-05

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attest:

Anne Vickery
Kendall County Board Chairman

Debbie Gillette
Kendall County Clerk
EXHIBIT

# A

DATE

PARCEL ONE:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 3908.54 FEET, AN ARC DISTANCE OF 1438.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHWESTERLY ALONG SAID CENTER LINE CURVE, 558.60 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES 50 MINUTES 41 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 540.0 FEET; THENCE NORTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 78 DEGREES 38 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 625.64 FEET; THENCE NORTHEASTERLY 518.60 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.000 ACRES OF LAND MORE OR LESS.

P. I. N.: 06-03-200-013

PARCEL TWO:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SECTION 2, TOWNSHIP AND RANGE AFORESAID, WITH THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; SAID POINT BEING ON A CURVE, SAID CURVE BEING CONVEX SOUTHWESTERLY AND HAVING A RADIUS OF 3908.54 FEET, WITH A CHORD THAT BEARS SOUTH 37 DEGREES 54 MINUTES 25 SECONDS WEST, A DISTANCE OF 1438.42 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 1448.68 FEET; THENCE SOUTH 34 DEGREES 50 MINUTES 32 SECONDS EAST, 50.33 FEET, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE CONTINUING SOUTH 34 DEGREES 56 MINUTES 32 SECONDS EAST, 485.30 FEET; THENCE SOUTH 51 DEGREES 00 MINUTES 46 SECONDS WEST, 360.94 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT A IN RAVINE WOODS SUBDIVISION THEREOF RECORDED OCTOBER 14, 2004 AS DOCUMENT NUMBER 200400028802; THENCE CONTINUING SOUTH 51 DEGREES 15 MINUTES 04 SECONDS WEST, 294.70 FEET TO THE POINT OF BEGINNING; THENCE NORTH 28 DEGREES 24 MINUTES 12 SECONDS WEST, 489.27 FEET TO A POINT ON THE SOUTH LINE OF STATE ROUTE 71; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF STATE ROUTE 71, 10.00 FEET TO A POINT; THENCE SOUTHEASTERLY TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

P. I. N.: 06-03-200-037
SITE DATA:
EXISTING ZONING: A-1 SU
- LOT SIZE: 379,406.5 SQ. FT. (0.441 AC.)

BUILDING AREA:
EXISTING BUILDING: (1,020 SQ. FT.) OSMANITE FROM REDEVELOPMENT
PROPOSED BUILDING: (5,500 SQ. FT.)

PARKING DATA:
EXISTING DATA:
- NUMBER OF REGULAR PARKING STALLS: 15
- TOTAL NUMBER OF EXISTING STALLS: 16

PROPOSED DATA:
- NUMBER OF REGULAR PARKING STALLS: 29
- NUMBER OF ADA ACCESSIBLE STALLS: 3
- TOTAL NUMBER OF PROPOSED STALLS: 32
- TYPICAL PARKING WIDTH: 9.7 FT.
- TYPICAL PARKING LENGTH: 16.5 FT.
- TYPICAL ISLE WIDTH: 10.7 FT.
SITE INFORMATION
PETITIONER David & Cathy Price

LOCATION At the southeast corner of Route 47 and Walker Road

TOWNSHIP Kendall

PARCEL # 05-28-200-001

EXISTING LAND USE Residence

ZONING A-1 Agricultural

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Commercial; Yorkville: Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Walker Road is designated as a major collector roadway; Route 47 is designated as an arterial roadway</td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>Trail shown on the west side of Route 47 and the north side of Walker Road</td>
<td></td>
</tr>
</tbody>
</table>

FUTURE LAND USE PLANS
The requested zoning change to B-3 is consistent with the County’s Land Resource Management Plan and the City of Yorkville’s Future Land Use Plan.

PURPOSE OF DISTRICTS
Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.

REQUESTED ACTION
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 strip center.

APPLICABLE REGULATIONS
§ 9.04 of the Zoning Ordinance (Business District)
§ 13.07 of the Zoning Ordinance (Amendments)
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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<tbody>
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<td>North</td>
<td>Agricultural</td>
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<td>Commercial</td>
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<tr>
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</tr>
<tr>
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<td>Route 47/</td>
<td>A-1</td>
<td>Commercial</td>
<td>A-1; B-3</td>
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<tr>
<td></td>
<td>Agricultural</td>
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</tr>
</tbody>
</table>

PHYSICAL DATA

Endangered Species Report
Natural Resources Inventory

The Petitioner will need to submit an Endangered Species Report
The NRI Application will need to be submitted to the Kendall County Soil & Water Conservation District

ACTION SUMMARY

Township (Kendall) Emailed information to Ken Walker & Marty Schwartz on 7.2.14
Municipal (Yorkville) Emailed information to Krysti on 7.2.14

STAFF ANALYSIS

Proposed Use

The petitioners have indicated they intend to construct a retail strip center on the parcel if the map amendment request is approved. If approved the petitioner will need to go through the site plan review process when the plan is complete.

Lot Size

The County’s Zoning Ordinance states that every lot or tract of land upon which a building is erected or maintained shall have an area of not less than
10,000 square feet and a width of not less than 100 feet.

Recommendation: Staff would recommend approval of the requested Map Amendment to rezone the parcel from A-1 (Agricultural) to B-3 (Highway Business District).

Attachments:
1. Plat of Survey
1. The property will be restricted to primitive (wilderness) tent camping and educational day camps. Scout Jamborees are prohibited.

2. Motor homes, travel trailers or pop ups are not permitted.

3. The number of occupants is limited to a maximum of fifty (50) at any one time.

4. No permanent structure will be built with the exception of structures as may be required to protect the life, health, safety or continue educational experience of the persons utilizing the premises.

5. Access to the property would be restricted by a locked gate at the entrance off Little Rock Road.

6. The petitioner shall construct the access drive (Attachment #1) and parking lot layout (Attachment #2) to provide a minimum of two twenty to twenty-five (20-25) foot wide bypass areas (pullovers) staggered along the access drive to accommodate cross traffic and minimize the area devoted to off street parking. These would be in accordance with the setbacks per the existing Kendall County Ordinances and allow for access and turn-around of emergency vehicles. Allow passing zone 1 to be moved up the 150' setback line to help cost. The ultimate plan is to follow Attachment #1.

7. Acquire any permits that may be required by the Kendall County Building or Kendall County Health Department.

8. The operation shall conform to all appropriate Codes and Ordinances of the Illinois Department of Public Health and the Kendall County Health Department.

9. Adequate directional signage must be throughout the property.

10. The property owner and the petitioner are to submit evidence of liability insurance of sufficient coverage to fully indemnify the adjoining property owners for any liability, property damage, injury, or death to livestock covering any person on the subject property at any time as a result of use of the property as a campsite. Said insurance policy shall specifically hold Kendall County, Illinois & Little Rock Township harmless in any legal action pertaining to this use and fully reimburse Kendall County, Illinois for any expenses incurred in any legal action pertaining to this use, whether or not Kendall County, Illinois is subsequently severed from any legal action that may issue from said use. Said policy shall indicate that the owner of the parcel, as well as the petitioner, will accept full contractual terms and conditions for financial responsibility for any damages, injuries, death, etc. which may ensue as a result of the use of the property as a campsite. When said insurance is obtained, a copy of the policy's declaration page shall be mailed to the Kendall County Office of Planning, Building and Zoning. No activity covered by this special use permit shall occur prior to receipt of the aforementioned evidence of insurance.

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

TO: Angela Zubko, Planning & Zoning Manager
FROM: Mike Hoffman, AICP, PLA
DATE: June 18, 2014

SUBJECT: Temporary Concrete Crushing Regulations

As requested, we have reviewed relevant zoning regulations regarding temporary concrete crushing facilities including the draft prepared by staff and ordinances of other communities and counties. The draft regulations prepared by staff were clearly on-track. We have suggested some minor revisions below based on our research.

Zoning Trends
This is clearly a case where the industry is ahead of zoning regulations. While concrete recycling has been around for a long-time, the availability of portable equipment has increased the efficiency and economic viability of the process by greatly reducing transportation costs. While many ordinances have provisions for the traditional fixed-location concrete recycling facilities, few ordinances address temporary facilities. The table at the end of this memorandum outlines a quick summary of our research (note the Cottonwood, AZ. example was provided by Angela).

It is our understanding that concrete recycling for roadway projects often occurs within the roadway right-of-way during the construction process as a permitted activity. We would also note that Section 7.00F of the Kendall County Zoning Ordinance already provides for concrete ready-mix or asphalt concrete plants as a temporary use in the Agricultural District. A concrete crushing facility would seem a similar use from a zoning perspective.

Recommendations
Starting from the draft contained in the May 20th, 2014 Memorandum prepared by staff, we have outlined a potential approach to address the issue based on our research. Rather than repeat the standards in each allowed zoning district, we recommend creating a new section 4.19 in the General Provision Section that
addresses Temporary Uses in all Zoning Districts (although not all temporary uses would be allowed in all zoning districts).

Proposed to be a conditional use in the A-1 Agricultural and all business districts.
Proposed to be a permitted use in all manufacturing districts.

Add the Following Section 4.19 under General Provisions (taken from Section 7.00F in the Agricultural District – which can be eliminated if this new section is created). Note that new proposed text is shown in red. Text in blue is also new as proposed by staff last month.

4.19. TEMORARY USES PERMITTED

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

1. Christmas Tree Sales; each permit shall be valid for a period of not more than sixty (60) days in any Agricultural or Business District.

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

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

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

5. Portable Concrete Crushing, Screening and Stockpiling of Dirt, Crushed Concrete and RAP (recycled asphalt pavement), when necessary and incidental to a major construction project in any Agricultural, Business or Manufacturing District as long as the following conditions are met:
   a. Each such permit shall be valid for a period of not more than one (1) year and shall not be
renewed for more than two (2) successive periods at the same location.
b. The operation shall be located a minimum of seven hundred and fifty (750) feet from the lot line of any occupied single family residence/townhome/duplex. 300' from business.
c. All facilities placed or located on the site shall be removed and the site restored to its original condition a clean and vegetated condition within the time frame of the permit.
d. The operation shall have hard surface road frontage. If located in an Agricultural District, the operation must have frontage onto an arterial or major collector roadway as depicted on the Kendall County Land Resource Management Plan be located adjacent to the roadway.
e. Hours of operation must be stated on the temporary/conditional use permit in the A-1 agricultural and business districts only.

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

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

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

See temp Uses in sect 4.19 m Aj Min. B 2023