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, David Price and Attorney Daniel Kramer

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

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

PETITIONS
#14-12 Central Limestone Company, Inc.
Planner Angela Zubko did an overview of the request stating the petitioners are seeking approval to rezone 10 acres from M-2 to M-3 and also seeking a special use to operate an asphalt and concrete mixing plant with associated recycling facilities. This will be located on 10 acres of the 150 acre parcel. Central Limestone has a total of about 200 acres. It’s is located at the southwest corner of Joliet Road and Route 47. An endangered species report will be needed but the website was down last week. Planner Zubko will defer to the SWCD with respect to if an NRI will be needed. Planner Zubko stated she has not heard back from Lisbon Township or the Village of Lisbon yet with respect to comments. Staff is of the opinion this is an appropriate location since it is a manufacturing district. It is an appropriate location as other mines are to the west and the property north is zoned for mining. The closet home to this site is about 1,300 feet (0.24 miles) southeast of this property and Route 47 is also to the east which will be a 4 lane highway. Any building or structure must be located 150’ from the centerline of the roadway and 50’ in the side and rear yard from all property lines dividing lots held in separate ownership. Staff would like to note 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. 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.

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

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

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

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

#14-20 Peaceful Pathways Montessori School
Planner Angela Zubko did an overview of the request stating the property is located at 8250 Route 71 on the south side of Route 71 west of the Ravine Woos Subdivision. The site is about 7 acres and was originally approved in 2005 and limited to 24 students. In 2007 they petitioned to have 75 students and again in 2009 for up to 200 students. The petitioners are requesting a major amendment to their special use to modify their site plan to construct a 6,000 square foot (two classroom) building for the purpose of teaching and modify the existing parking lot the conditions. They will still have the maximum capacity of 200 students, the current site plan could not accommodate 200 students and it still will not. Planner Zubko will get the current and future amount of student from the petitioner before the Plan Commission meeting. Access already exists as a right in, right out. The current parking lot has 16 parking stalls. The proposed parking will be able to accommodate 30 parking stalls. The condition will remain that the existing gravel driveway shall be paved by May 15, 2017. Since the parking lot will be all new they must meet today’s size standards of 24’ wide drive aisles and 9’x20’ parking stalls. Also I am not sure how a fire truck would turn around in this area. The parking ratio would be based as this is a junior high. The requirements would be 1 parking stall per employee and 1 per each 20 students. That total would be 25 parking stalls required and 30 are proposed. The petitioner is seeking a variance to the 24’ drive aisle as it’s currently 20’ and there have been no issues to date. Staff recommends approval of the major amendment to the special use and went over the current and modified 6 conditions.

Scot Gryder had no comments at this time.

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

Brain Jahp had no comments at this time.

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

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

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

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

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

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

Brian Jahp had no comments at this time.

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

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

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

#14-17 Medical Cannabis Cultivation Center text and Medical Cannabis Distribution Center
Planner Angela Zubko stated she has put together a memo about the background information on the Compassionate Use of Medical Cannabis Pilot Program Act that is scheduled to be repealed January 1, 2018. There are two separate text amendments so we will go over them one at a time, one for the cultivation centers and one for the dispensaries. Note they are called temporary due to this 2018 date. To explain in the memo a little better in red it dictates where that came from whether it be from the Statute, rules and regulations or another ordinance. It nothing is notated in red staff has drafted that on their own. Staff plans to propose 4 definitions that are taken word for word straight from the Statute. First discussed was the text for cultivation centers that are proposed to be a special use in the A-1 and M-1 and M-2 Districts with 13 conditions. There was some discussion that only one cultivation center will be permitted between Kendall, Grundy and Will counties and that is up to the State so many can be approved and apply to the state but only one will be permitted. There was also discussion this HAS to take place in an enclosed building. After going through the proposed text staff asked two questions:
1. Should cultivation centers be enclosed by a high security fence or wall?
2. Should cultivation centers have an annual renewal fee?

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

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

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

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

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

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

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

Then we moved onto the text amendment for distribution centers where they will be selling the medical cannabis out of a building. Staff proposes it be a special use in the B-1, B-2, B-3, M-1 & M-2 Districts with 16 conditions and also asked and suggested some language with regards to an annual renewal fee? Planner Zubko pointed out the zoning requirements from the Statute and said she added the dispensary cannot be within 500 feet of the property line of a pre-existing residential zoning district, place of worship, park or forest preserve. Planner Zubko quickly went through the proposed conditions. Planner Zubko stated she has not received a petition for a dispensary yet but only one would be permitted between Kendall and Grundy County, once again left up to the state.

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

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

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

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

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

#14-19 Prairie Leaf Farms, LLC
 Planner Angela Zubko noted she is not why the petitioners are not in the audience but we will forward any discussion to them. Planner Zubko did an overview of the request stating the property is located at the southeast corner of Whitewillow and Church Road. The petitioners are requesting an A-1 Special Use Permit to operate a medical cannabis cultivation center. The materials provided have been mailed out to Lisbon Township, the Village of Lisbon and the Village of Minooka (even though they are more than the 1.5 mile requirement). The same background information that was discussed with the text amendment is on this report. The petitioner proposes to start with about 20 employees and ramp up to approximately 50 employees within 6 months of opening. As product demand increases, the workforce will be increased by adding more shifts. Staff is seeking more information on number of shifts and also why so many parking stalls are proposed. The petitioner proposed to have 80 parking stalls. Staff is waiting from the petitioner what type of parking lot it will be i.e. gravel, asphalt, etc. A photometric plan will also be needed but all the surrounding land it owned by Waste Management of Illinois, Inc. Church Road was vacated south of Whitewillow Road in 2007. Staff is waiting how this will handled, if it will be a private drive, gated off, etc. Whitewillow Road is a township County Road. Staff will defer to the County if ROW will be requested to be dedicated off Whitewillow Road. All deliveries will take place in an enclosed, secure area or loading/unloading dock out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle. The petitioner proposes to have 3 bays to the production/processing area and 1 bay where they can drive into the warehouse (getting clarification as it’s not clear on the drawing.) No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. The property will have 3 access drives off a private roadway/driveway from Whitewillow Road, two into the parking lot and one into the warehouse section of the building. The petitioner proposes to build a berm around the perimeter of the property. Staff is seeking clarification if they are having a berm and if so how 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 petition 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.

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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.

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. 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.

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. As part of the attachments to the report are a couple pages of preliminary comments (23 from Planner Zubko) and questions for the petitioner. She pointed out Stormwater will need to be provided for on this site due to the size of the building. Also as an attachment is their short business plan. Planner Zubko stated she will add more comments and them those to the petitioner as well.

Scott Gryder has the same concerns as staff and still does not think this should be permitted in the A-1 Agricultural district. Mr. Gryder would like to hear from the Sheriff’s office what their thoughts were on an agricultural district verse a higher density district like manufacturing.

Aaron Rybski will need to talk to the petitioner about the septic system and well. Planner Zubko stated once we receive better plans the cistern will be discussed. Mr. Rybski stated they need more information and looking into it.

Brian Jahp has the same comments like wanting a gated area before they go into the bays, wanting the whole facility to be fenced with barbed wire, no berms. He would like to hear more about their security plan.

Megan Andrews did receive the NRI but is seeking more information like the amount of acreage as what was described to her was a different location with an existing farmstead with buildings utilizing an existing septic and well. This confusing must be taken care of. A full NRI report will be required due to a site not utilized prior. Planner Zubko stated they may not have contacted her back due to the Prairie Parkway issue and possible

Fran Klaas stated the exhibits were hard to decipher. Since this would be off a private drive he does not have many comments and does not think any ROW will be needed along Whitewillow Road. However since they are proposing about 50 employees and 80 parking stalls he does not feel this is an agricultural use. Planner Zubko asked if Church is blocked off at all or open? Mr. Klaas stated the south end has a ditch so blocked off but the north end is open up as there is a house with a driveway. Planner Zubko stated she suggested possibly putting a gate at the north entrance to keep anyone else off the private drive. Mr. Klaas stated the petitioner probably would not like that for all the employees but does not have an opinion on it. Mr. Jahp stated they may be some field entrances that putting a gate up could effect.

Mr. John Shaw asked about the proposed berm. Planner Zubko stated they have indicated there would be a berm but have not shown any berms or heights. Mr. Shaw agrees a berm is not a good idea to help the
Sheriff’s office visually. Mr. Shaw asked about revealing ownership. Planner Zubko stated in the Statute and on her review comments it states 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. There was some discussion on the 20% and Planner Zubko stated that could be interpretation. Mr. Shaw stated there is much confusion with Waste Management and the Township as the township is suppose to be paid for maintaining that roadway and the township has not received any money to date. He just wanted everyone to know that is also an issue and concern. He also would like if there are gates that the Sheriff’s office can access the property by a lock box or something.

There was some discussion on the submittal and items that have been discussed but not shown on the plans. There was talk about a temporary building but not shown on the site and if they don’t have state approval they cannot start growing.

With no further comments Brian Jahp made a motion, seconded by Megan Andrews to table this petition due to a severe lack of information. This will be on the August 5, 2014 ZPAC agenda if the questions and comments from the comment letter are addressed and information provided. All were in favor and the motion carried, the petition is tabled.

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 In the packet are the final conditions that were placed on the land. They were modified quite a bit since ZPAC. 14-11 Concrete Crushers- Still on-going. Ad-hoc on 6.25.14 then back to Plan Commission. Planner Zubko stated in the packet was a memo from Teska and the plan is to move all the temporary uses into a new section in Section 4 (General Provisions) of the Zoning Ordinance.

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

ADJOURNMENT- Next meeting on August 4, 2014
With no further business to discuss Scott Gryder made a motion, seconded by Megan Andrews to adjourn the meeting at 10:38 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Planning & Zoning Manager