

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, September 25, 2019 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Bill Davis, Dave Hamman, Karin McCarthy-Lange, Larry Nelson (Secretary), Ruben Rodriguez (Vice-Chairman), Claire Wilson, and One Vacancy

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from July 24, 2019 Meeting (Pages 2-13)
Approval of Minutes from September 10, 2019 Special Meeting (Pages 14-19)

PETITIONS

1. **19 – 26 – Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant) (Pages 20-88)**
Request: Special Use Permit for a Landscaping Business
PINs: 09-13-400-006
Location: 276 U.S. Route 52, Seward Township
Purpose: Petitioners Want to Operate a Landscaping Business on the Subject Property; Property is Zoned A-1

2. **19 – 31 – Kendall County Planning, Building and Zoning Committee (Pages 89-129)**
Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses
Purpose: Proposal Repeals Previously Adopted Medical Cannabis Related Zoning Ordinances; Adds Definitions for Recreational Cannabis Related Uses; Adds Definitions for Medical Cannabis Related Uses; Designates the Zoning Districts Where Recreational and Medical Cannabis Uses May Occur by Special Use Permit with Restrictions; Updates Appendix 9 to Reflect the Addition of Recreational and Medical Cannabis Related Uses; Corrects Citation Errors to the Zoning Ordinance Caused by the Addition of Recreational and Medical Cannabis Related Uses

CITIZENS TO BE HEARD/PUBLIC COMMENT

NEW BUSINESS

1. Approval of Fiscal Year 2019/2020 Meeting Calendar (Page 130)

OLD BUSINESS

1. Update on Zoning Ordinance Project

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

- Petition 18-04 Lisbon Township LRMP Update
Petition 18-24 Flisk Special Use Permit Amendment at 17 Ashe Road
Petition 19-12 Special Use Permit for Banquet Center at 10978 Crimmin Road
Petition 19-25 Billboard and 34 and Hafenrichter

OTHER BUSINESS/ANNOUNCEMENTS

ADJOURNMENT Next Meeting on Wednesday, October 23, 2019

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved - Meeting Minutes of July 24, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Karin McCarthy-Lange and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

APPROVAL OF AGENDA

No objections were made regarding the agenda.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

PETITIONS

19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had no objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on July 29th.

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52. The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make

adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.
2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.
3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.
4. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6') in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).
6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.
7. Equipment and vehicles related to the business may be stored outdoors.

8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
9. No landscape waste generated off the property can be burned on this site.
10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
13. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
14. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.

Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitaes. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their due diligence on the matter.

Discussion occurred regarding installing a Menard's stockade type fence, six feet (6') in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.

Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28th Kendall County Regional Planning Commission agenda.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O'Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

NEW BUSINESS

None

OLD BUSINESS

Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

Update on Zoning Ordinance Project

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was defeated at the County Board and the motion to reconsider was also defeated at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

ADJOURNMENT

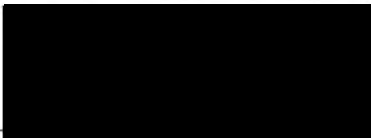
Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
LOZINN Schoenstedt	3260 Executive Dr. Sollet IL	Lschoenstedt@ reklawfirm.com
TYLER Zurliene		tzlandscaping@ gmail.com
Suzanne Cree		screezy191@sbcglobal.net

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved – Special Meeting Minutes of September 10, 2019 - 6:30 p.m.

Chairman Ashton called the meeting to order at 6:33 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (arrived at 6:40 p.m.), Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, and Claire Wilson (arrived at 6:39 p.m.)

Members Absent: Bill Davis

Staff Present: Matthew H. Asselmeier, Senior Planner, Scott Koeppel, County Administrator

Others Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg, Matthew Prochaska, Commander Jason Langston, Amy Cesich, Randy Cesich, Robyn Vickers, Dr. Amaal Tokars, Jackie Kowalski, Steve Gengler, Brad Blocker, and Katie Finlon

APPROVAL OF AGENDA

Commissioner Nelson made a motion, seconded by Commissioner McCarthy-Lange, to approve the agenda. With a voice vote of six (6) ayes, the motion passed unanimously.

PUBLIC COMMENT

None

NEW/OLD BUSINESS

Discussion and Possible Amendment to Petition 19-31-Request from the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

Mr. Asselmeier summarized the request.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Maps showing the potential location of cannabis uses were provided.

Townships were notified of this proposal and the September 10th meeting on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally.

Planning, Building and Zoning Committee Chairman Prochaska emphasized the importance of having some type of zoning in place by January 1, 2020, and the implications of not having zoning regulations in place by that date.

Member Kellogg explained the purpose of this meeting and that the proposal was intended to be a working document. Changes to the proposal are anticipated.

Commissioner Wilson arrived at this time (6:39 p.m.).

Commissioner Nelson suggested having a more restrictive regulation at the beginning because the difficulties of taking a use away at a later date. He expressed concerns regarding the ability of a cannabis related use going anywhere in the County, if no zoning regulations are in place. The regulations could be modified in the future

Commissioner Casey arrived at this time (6:40 p.m.).

Member Flowers expressed agreement with Commissioner Nelson's suggestions. She expressed opposition to co-location of cannabis uses.

Member Gilmour favor a minimum of distance of one thousand five hundred feet (1,500') from cannabis uses to other protected uses. Planning, Building and Zoning Committee Chairman Prochaska and Member Kellogg favored a one thousand foot (1,000') distance.

It was noted that Planning, Building and Zoning Committee members did not agree on a stand-a-lone building requirement for cannabis uses. Discussion occurred regarding potential odors and odors from other types of businesses.

Regional Planning Commission Chairman Ashton if there was any update from the State regarding regulations. Mr. Asselmeier responded that the Department of Agriculture has not released any information regarding its rule-making progress.

County Administrator Koeppel stated that infuser and transporter applications will not be available until January 1, 2020. Growing applications will be available October 1, 2019.

Discussion occurred regarding enforcement. Commission Hamman asked who was going to be oversee these regulations. Mr. Asselmeier responded that the Zoning Inspector will be responsible for enforcing Kendall County's specific zoning regulations and that the Sheriff's Department and other law enforcement agencies will

be responsible for those enforcement areas assigned to them. The two (2) main areas of zoning regulations were zoning districts where the uses might be allowed and distances from protected uses as determined by the local government.

Mr. Asselmeier summarized that ZPAC did not want cannabis uses in the B-3 district, they wanted greater security information, and they wanted the Sheriff's Department to have access to the security system of cannabis related uses. Commander Langston explained the Illinois regulations as they relate to security system access. The law uses the phrase "upon request" as it relates to access to security systems. Security systems would not be live feed. Facial recognition use was discussed, but was not specifically required in State law. Commander Langston explained that video records must be retained for ninety (90) days and as long as necessary in cases of loss or theft. The Sheriff's Department is not responsible for dictating where security cameras must be placed.

Discussion occurred about placing cannabis uses in the B-3 District and the impact of odors on neighboring retail businesses. Discussion occurred about placing a cannabis related business in the former Caterpillar property; this property is zoned M-2. Commander Langston explained the Sheriff's Department's concerns about placement of cannabis uses in the B-3 District.

Commissioner Wilson asked why the setback distances were different for each use. Mr. Asselmeier explained that the distances related to craft growers were based on the distance used for outdoor shooting ranges. For cultivation centers, the distance came from State law. For dispensing organizations, the distance from schools was from State law and the distance from residential uses was from the Illinois Municipal League's template ordinance. For the remaining cannabis uses, the distances came from the Illinois Municipal League's template ordinance.

Brad Blocker, Na-Au-Say Township Supervisor, pointed out that the special use reference section for A-1 was incorrect; it should be Section D and not Section C. He noted that craft growers cannot co-locate with dispensing organizations and infuser organizations in the A-1 because only craft growers were allowed in the A-1 and the two (2) uses were not allowed in the A-1. He questioned the logic of using the distance measurement for gun ranges; he favored using the distance requirement for craft breweries. Member Kellogg said one thousand feet (1,000') was used by counties in Colorado; gun ranges were not the reason the distance was proposed at one thousand feet (1,000').

Member Kellogg suggested adding setbacks from halfway houses and correctional facilities to the proposal.

Commissioner Wilson expressed concerns regarding a medical dispensing organization locating within two hundred fifty feet (250') from residential uses and residential zoned property.

Commissioner Wilson asked about the definition of adult and the possibility of having a business license revoked similar to a liquor license. According to State law, the legal age to buy cannabis products is twenty-one (21). Discussion has occurred at the County level of an ordinance similar to the Liquor Control Ordinance that restricts the number of cannabis related businesses in the County and establishes a license similar to a liquor license. Discussion occurred about the difficulty and amount of time necessary to revoke a special use permit compared to revoking a liquor license. There was uncertainty about whether or not the Sheriff's Department would do compliance checks with cannabis businesses similar to the checks they do for liquor establishments. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office for an opinion whether or not a County can

designate a person with similar powers as the liquor commissioner but for cannabis related business and if the County can restrict the number of cannabis businesses similar to the way the County restricts the number of liquor establishments.

The State will put licenses out for the first seventy-five (75) dispensaries on October 1, 2019. If someone is awarded a license on January 1, 2020, they will pursue securing necessary zoning permits at their property after the preliminary award. If they secure applicable zoning permits, then the State will grant final licensure in May 2020. The licenses will be awarded on a points system. A medical dispensary can be awarded a recreational license on January 1, 2020. There will be a total of three hundred (300) dispensary licenses by the end of 2021.

Dispensaries can sell paraphernalia. The special use permit can restrict the other products sold at the establishment.

Randy Cesich explained the procedure for entering a cannabis dispensary in Colorado, the layout of the store, and the visible security presence inside the facility.

Discussion occurred regarding the interconnection of dispensaries regarding cannabis purchases.

Discussion occurred regarding using credit cards to purchase cannabis. Cash was not the way to purchase cannabis.

Discussion occurred regarding increased crime in Colorado since the legalization of cannabis.

Member Flowers asked Dr. Tokars if the new regulations will assist with addressing the opioid crisis. Dr. Tokars responded that the new law does not add anything to existing medical cannabis availability.

Planning, Building and Zoning Committee Chairman Prochaska asked Dr. Tokars about second hand smoke from cannabis uses. Dr. Tokars responded that little research exists about the impact of second hand THC.

Commissioner Wilson asked about tests that law enforcement can use to identify people under the influence of cannabis similar to an alcohol breathalyzer test. Commander Langston responded that no tests were currently available in Illinois.

Discussion occurred regarding fencing requirements; barbed wire is not required in State law.

Steve Gengler, Kendall Township Supervisor, agreed with the Sheriff's Department regarding the B-3 District. They did not foresee cannabis uses in the B-3 District; they favored cannabis uses in the M-1 and M-2 Districts.

Commissioner Wilson asked about the impact of legalization of cannabis businesses on the black market. Commander Langston responded that the black market did not pay taxes for sales of cannabis and still existed.

Discussion occurred regarding the intergovernmental agreements for zoning and the potential of those municipalities to opt-out. Mr. Asselmeier responded that a municipality could still opt-out in the same way that the County's zoning might allow alcohol in a specific zoning district, but the township where a given property is located is dry. Townships cannot opt-out.

Discussion occurred regarding the procedures to opt-out and potentially opt-in at some point in the future.

Discussion occurred regarding the potential tax revenue. The County can levy a sales tax at a maximum three point seven five percent (3.75%) in the unincorporated areas and a maximum three percent (3%) in municipalities. Municipalities can impose a three percent (3%) sales tax. A dispensary would have to pay six percent (6%) sales tax if they located inside a municipality and both the municipality and the County levied the maximum sales tax. Commissioner Nelson asked if the County could still collect taxes on cannabis sales inside a municipality if the County opted-out. County Administrator Koeppel thought the County could collect sales tax, but he did not have a legal opinion on the subject. The consensus of both the Planning, Building and Zoning Committee and the Regional Planning Commission was to ask the State's Attorney's Office if the County can still levy a tax on cannabis related business inside a municipality if the County opted-out.

Mr. Asselmeier presented the timeline for adoption. The proposal goes to the Regional Planning Commission on September 25th, the Zoning Board of Appeals hearing on September 30th, the townships would have the month of October to review and file objections, the matter would go to the Planning, Building and Zoning Committee and County Board in November. There is a one (1) month space for leeway.

The opt-out question will be at the Committee of the Whole on September 12, 2019.

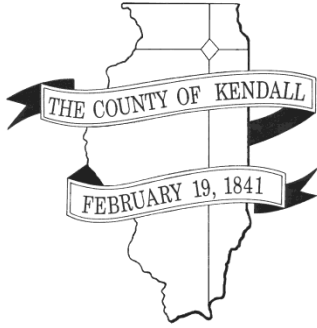
COMMENTS FROM PRESS

None

ADJOURNMENT

Commissioner McCarthy-Lange made a motion, seconded by Commissioner Rodriguez, to adjourn. With a voice vote of eight (8) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 19-26

**Edward and Robert Baltz on Behalf of Erb Properties, LLC
(Owner) and Thomas and Tyler Zurliene on Behalf of TZ
Landscaping, LLC (Tenant)**

A-1 Special Use – Landscape Operation

INTRODUCTION

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

Application material is included as Attachment 1 and an aerial of the property is included as Attachment 2.

SITE INFORMATION

PETITIONER Edward and Robert Baltz, on behalf of Erb Properties, LLC (Owner) and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC (Tenant)

ADDRESS 276 Route 52

LOCATION Approximately 0.25 Miles West of Line Road on the South Side of Route 52



TOWNSHIP Seward

PARCEL # 09-13-400-006

LOT SIZE 21.6 +/- acres (Total); Landscaping Business 10.8 +/- acres (Original) **3.12 +/- acres**
(Revised 9/18/19)

EXISTING LAND USE Farmstead/Agricultural

ZONING A-1 Agricultural District

LRMP	Existing Land Use	Farmstead/Agricultural
	Future Land Use	Commercial
	Roads	Route 52 is a State Highway classified as a Major Arterial Road.
	Trails	Joliet has a trail planned along Route 52.
	Floodplain/Wetlands	No floodplains or wetlands are present.

REQUESTED ACTION A-1 Special Use to operate a landscaping business

APPLICABLE REGULATIONS Section 7.01 D.28 – A-1 Special Uses – Permits Landscape Businesses with the following stipulations:

1. All vehicles, equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.
2. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use. (Amended 7/17/2007)
3. No landscape waste generated off the property can be burned on this site

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Farmstead/Agricultural/Residential	A-1	Suburban Residential (1.00 DU/Acre) and Public Institutional	A-1
South	Agricultural	A-1	Suburban Residential	A-1

East	Agricultural	A-1	Suburban Residential	A-1 and A-1 SU (Kendall County) A-1 (Will County)
West	Agricultural/Residential	A-1	Suburban Residential and Commercial	A-1, A-1 SU, and B-2

Pictures of the property are included as Attachments 3-11.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

The EcoCAT Report was submitted and consultation was terminated (See Attachment 1, Pages 15-18).

NATURAL RESOURCES INVENTORY

Application submitted on June 17, 2019 (See Attachment 1, Page 14). The LESA score was 214 indicating a medium level of protection. The NRI Report is included as Attachment 15.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent. The minutes of the Seward Township Planning Commission are included as Attachment 16 and the corrected minutes of the Seward Township Board meeting are included as Attachment 17.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the Sign Ordinance. The Village's email is included as Attachment 12.

CITY OF JOLIET

Petition information was sent to the City of Joliet on June 24, 2019. On June 24, 2019, the City of Joliet submitted an email saying they would not comment on this Petition and would honor their boundary agreement with the Village of Shorewood. The City's email is included as Attachment 13.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

ZPAC

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding

stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission. The minutes of this meeting are included as Attachment 14.

KCRPC

The Kendall County Regional Planning started their review of this proposal at their meeting on July 24, 2019. Discussion occurred regarding the nature, location, and timing of installation of fencing, berming, and plantings. Discussion also occurred regarding the location and timing for construction of a new pole barn on the building. The Petitioners requested a layover in order add greater specificity to their site plan and landscaping. The minutes of this meeting are included as Attachment 18.

On August 23, 2019, the Petitioners submitted a revised site plan, which is included as Attachment 19. Also on August 23, 2019, Staff responded with an email outlining several defects with the site plan and with additional questions. This email is included as Attachment 20. The matter was laid over until the September meeting.

On September 18, 2019, the Petitioners submitted another revised site plan, which is included as Attachment 21.

BUSINESS OPERATION

According to the information originally provided to the County in Attachment 1, Page 2, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

According to the information provided to the County in Attachment 21, the Petitioners will demolish crib on the east side of the property and construct a new sixty foot by one hundred twenty foot (60'X120') building at approximately the same location as the crib. The new building will be approximately thirty feet (30') feet off of the eastern property line. Restroom will be placed inside the building; portable restrooms will be used until completion of the new building. No date was provided regarding the demolition of the crib. The construction of the new building will occur within three (3) years of the landscaping business acquiring ownership of the property.

Attachment 21 also provided for encasements for sand, rock, gravel, soil, and mulch. The encasements will be ninety feet by fifteen feet (90'X15') and will be six feet (6') in height and will be installed by March 2020. Two (2) shipping containers will be onsite. The containers will each be eight feet by forty feet (8'X40'). A brick area will be thirty feet by thirty feet (30'X30'). A thirty foot by sixty foot (30'X60') debris area is also planned to store concrete waste, brick waste, grass clippings, and branches. This debris eventually be hauled offsite. The debris area will use the same type of encasements as the gravel, soil, and mulch area. A new gas area measuring ten feet by fifteen feet (10'X15') will be installed. Gravel will be placed in the row created by the buildings, containers, brick area, debris area, and gas tank area. The gas tank will be on a concrete slab.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

BUILDING CODES

Any new buildings constructed onsite will require building permits. If the existing buildings are going to be

used for storage and not repair of vehicles or office operations, no change in occupancy is required.

PUBLIC HEALTH

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The Petitioners plan to install restroom facilities in the new pole building and use portable restrooms until the new pole building is constructed. No information was provided regarding well and septic suitability for the new building.

ACCESS

The property fronts Route 52.

TRAILS

The City of Joliet's plans call for a trail along Route 52.

PARKING

The site plan shows parking east of the existing house. This parking area will need to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. The parking area will be forty-five feet by sixty feet (45'X60'). No customers will come to the property.

LIGHTING

Currently, one (1) pole light and one (1) exterior barn light are located on the property. The Petitioners plan to install security lights with the new building. No specifics about the lights was provided.

SIGNAGE

The Petitioners plan to install one (1) five foot by six foot (5'X6') sign north of the berm. No information was provided regarding the height of the sign.

SCREENING

According to Attachment 21, the Petitioners plan to install one hundred twenty-four (124) Techny Arborvite along the western, eastern, and southern portions of the site. The Arborvitae will be three feet (3') in height at the time of planting. They will be planted approximately ten feet (10') apart and will be fifteen to twenty feet (15'-20') from off the property line. They will grow approximately fifteen feet (15') in height. Planting will occur by October 2020.

None of the existing tree along Route 52 will be removed.

A berm three feet (3') in height and six feet (6') in width will be installed on each side of the row of trees. The berm will be made of dirt and seed. The berm will be installed by October 2020.

STORMWATER

The property drains to the southwest of the proposed business operations. The Petitioners did not provide any additional information regarding contours, drainage, or dimensions of impervious surface.

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **Provided that landscaping materials are properly stored, that appropriate screening is installed, that the well and septic systems are operational and sized to handle the proposed use, and that applicable building and stormwater permits are secured, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.***

That the special use will not be substantially injurious to the use and enjoyment of other property in the

immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.**

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). **The location of the well and septic field are unknown and the contours showing the drainage of the property were not provided.**

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **Provided the Petitioners comply with all applicable laws, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.**

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.**

RECOMMENDATION

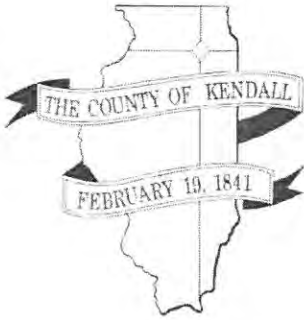
Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan (**Attachment 21**).
2. A new legal description showing area governed by the special use permit must be provided.
3. The gravel area shall be extended south from the location presently shown on the site plan to the area east of the debris storage
4. Any new structures constructed on the property shall not be considered for agricultural purposes and must secure applicable building permits.
5. Portable restrooms may be placed on the property immediately north of the proposed pole building. The portable restrooms must be removed by the end of 2023 or when the occupancy permit for the new pole building is issued, whichever occurs first.
6. One (1) business related five foot by six foot (5'X6') sign shall be allowed on the subject property as shown on the attached site plan. The sign will not be illuminated.
7. The parking area shown on the site plan shall be located to comply with the Kendall County Zoning Ordinance, shall be gravel, and shall be approximately forty-five feet by sixty feet (45'X60') in size.
8. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected on each side of the row of trees along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be six feet (6') wide at the base and shall be made of dirt and seed. The berm shall be installed by October 2020.
9. One hundred twenty-four (124) Techny Arborvitae shall be planted in substantially the locations shown on the attached site plan (a maximum twenty feet (20') off of the property line. The arborvitae shall be three feet (3') at the time of planting and shall grow to approximately fifteen feet (15'). The arborvitae shall be installed by October 2020. Damaged or dead arborvitae shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department.

10. Any materials associated with the landscaping business stored outdoors, including the debris area and brick area, must be stored with blocks on three sides of the materials in substantially the same locations as shown on the site plan. The encasements shall be ninety feet by fifteen feet (90'X15') and will be six feet (6') in height and must be installed by March 2020.
11. Equipment and vehicles related to the business may be stored outdoors.
12. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
13. No landscape waste generated off the property can be burned on this site.
14. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
15. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
16. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
17. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
18. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application (Including Site Plan and Petitioner's Findings of Fact)
2. Aerial
3. Looking Southwest from 52
4. Looking South from 52
5. Employee Parking
6. Storage Area North
7. Storage Area North Close Up
8. Storage Area Middle
9. Storage Area South
10. Southeast Barn
11. Looking East
12. 7-2-19 Village of Shorewood Email
13. 6-24-19 City of Joliet Email
14. 7-2-19 ZPAC Minutes
15. NRI Report
16. 7-22-19 Seward Township Planning Commission Minutes
17. 7-22-19 Seward Township Board Minutes (Corrected)
18. 7-24-19 Kendall County Regional Planning Commission Minutes
19. Revised Site Plan 8-23-19
20. 8-23-19 Email from Matt Asselmeier to Lorien Schoenstedt
21. Revised Site Plan 9-18-19



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME SUP - TZ Landscaping, LLC

FILE # 19-26

NAME OF APPLICANT		
TZ Landscaping, LLC		
CURRENT LANDOWNER/NAME(s)		
Ed Baltz		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
10.8	276 Rt. 52, Minooka, Illinois 60447	09-13-400-0006
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
agricultural	A-1	commercial
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Thomas Zurliene	[REDACTED]	tzlandscaping@gmail.com
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	[REDACTED]	Lschoenstedt@rcclawfirm.com
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT	[REDACTED]	DATE 4/23/19

FEE PAID: \$ 1155
 CHECK #: 1753

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

RECEIVED

JUN 20 2019

KENDALL COUNTY
 PLANNING, BUILDING & ZONING

PROPOSAL FOR BUSINESS PLAN
TZ LANDSCAPING, LLC
276 RT. 52
MINOOKA, ILLINOIS

HOURS OF OPERATION:

April-November
Monday – Saturday
6:00 AM – 8:00 PM

December-March
On call 24 hours a day 7 days a week
dependent on weather.

NUMBER OF EMPLOYEES: 2 owners and 8 full time employees during summer during peak season who work part-time during winter season.

DESCRIPTION OF BUSINESS: TZ Landscaping, LC is a privately owned landscaping company. The owners are Thomas Zurliene and Tyler Zurliene. They have been in business for 7 years serving Shorewood, Minooka, Channahon, Joliet, and Plainfield with their landscaping needs. We service lawns, install mulch and rock, clean up landscaping, install walkways, patios, retaining walls, plant trees and shrubs, install sod, and install drainage pipes in yards.

BUSINESS PLAN: Continue to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material such as mulch, rock, and gravel. The trucks will also be stores on the premises after hours of operation. The number of employees may increase to 12 - 15 in the next five years depending on community need for our services.

TZ Landscaping, LLC

Legal Description for 276 Rt. 52, Minooka, IL 60447

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE SOUTH 544 00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS



TRUSTEE'S DEED

201100019108

DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 11/17/2011 1:04 PM
TRSD: 52.00 RHSPS FEE: 10.00
PAGES: 7

THIS INDENTURE Made this 23rd day of September, 2011 between **FIRST MIDWEST BANK**, Joliet, Illinois, as Trustee or successor Trustee under the provision of a deed or deeds in trust, duly recorded and delivered to said Bank in pursuance of a trust agreement dated the 29th day of December, 1988, and known as Trust Number 5220, party of the first part and **ERB PROPERTIES, LLC**, of 26124 Seil Road, Shorewood, IL 60404, party of the second part.

WITNESSETH, that said party of the first part, in consideration of the sum of TEN and no/100, (\$10.00) Dollars and other good and valuable considerations in hand paid, does hereby convey and quit claim unto said party of the second part, all interest in the following described real estate, situated in Kendall County, Illinois, to-wit:

Legal Description attached hereto and made a part hereof

together with the tenement and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part and to the proper use, benefit and behoof of said party of the second part forever.

Subject to: Liens, encumbrances, easements, covenants, conditions and restrictions of record, if any; general real estate taxes for the year 2011 and subsequent; and

This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county given to secure the payment of money and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its Trust Officer and attested by its Trust Officer, the day and year first above written.

FIRST MIDWEST BANK, as Trustee as aforesaid,

By: _____

Trust Officer

Attest: _____

Trust Officer

Exempt under provisions of Paragraph 2
Section S1-45, Property Tax Code.

10/29/11
Date [Redacted]
Buyer, Seller or Representative [Redacted]

STATE OF ILLINOIS,
Ss:
COUNTY OF KANKAKEE _____

I, the undersigned, a Notary Public in and for said County, in the State aforementioned DO
HEREBY CERTIFY that Rosa Arias Angeles, Trust Officer of FIRST MIDWEST BANK, Joliet,
Illinois and Robert Lee, the attesting Trust Officer thereof, personally known
to me to be the same persons whose names are subscribed to the foregoing instrument as such Trust
Officer and the attesting Trust Officer respectively, appeared before me this day in person and
acknowledged that they signed and delivered the said instrument as their own free and voluntary act,
and as the free and voluntary act of said Bank, for the uses and purposes therein set forth; and the
said attesting Trust Officer did also then and there acknowledge that she as custodian of the
corporate seal of said Bank did affix the said corporate seal of said Bank to said instrument as her
own free and voluntary act, and as the free and voluntary act of said Bank for the uses and purposes
therein set forth.

GIVEN under my hand and seal this 28th day of October, A.D. 2011.



[Redacted]
Notary Public.

THIS INSTRUMENT WAS PREPARED BY
Peggy Regas
First Midwest Bank, Trust Division
2801 W. Jefferson St.
Joliet, IL 60435

PROPERTY ADDRESS
See Attached

AFTER RECORDING
MAIL THIS INSTRUMENT TO
Andrew C. Dystrup
822 Infantry Drive
Joliet, IL 60435

PERMANENT INDEX NUMBER
See Attached

MAIL TAX BILL TO
ERB Properties, LLC
26124 Seil Road
Shorewood, IL 60404

Buyer, Seller or Representative _____ Date _____

Exempt under provisions of Paragraph _____
Section S1-45, Property Tax Code.

**FIRST MIDWEST TRUST 5220
PROPERTIES**

KENDALL COUNTY

PARCEL 1:

AN UNDIVIDED 92.5% INTEREST IN THE NORTH HALF OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS.

Commonly known As: 1562 Jones Road, Minooka, IL

PIN No.: 09-11-300-001-0000

PARCEL 2:

THE NORTHWEST FRACTIONAL ONE-QUARTER OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE TOWN OF SEWARD, KENDALL COUNTY, ILLINOIS

PIN No.: 09-19-100-001

PARCEL 3:

THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN: EXCEPTING THEREFROM THE SOUTH 544.00 FEET OF THE WEST 480 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-14-100-006

PARCEL 4

THE NORTH 806.65 FEET OF THE WEST 1296.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE SOUTH 80.67 FEET THEREOF, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-13-400-006

COMMONLY KNOWN AS: 276 US HIGHWAY 52, SHOREWOOD, IL

LEGAL DESCRIPTION

PARCEL 5:

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF SEWARD, KENDALL COUNTY, ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACTS:

EXCEPTION TRACT A:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1477.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG THE SAID EAST LINE FOR A DISTANCE OF 150 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 150 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

EXCEPTION TRACT B:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1277.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ALONG SAID EAST LINE FOR A DISTANCE OF 200 FEET; THENCE DUE WEST FOR A DISTANCE OF 235 FEET; THENCE DUE SOUTH FOR A DISTANCE OF 200 FEET; THENCE DUE EAST FOR A DISTANCE OF 235 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF SEWARD, COUNTY OF KENDALL AND STATE OF ILLINOIS.

PARCEL II:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, LYING SOUTH OF THE INDIAN BOUNDARY LINE, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, LYING NORTH OF THE INDIAN BOUNDARY LINE ALL LYING WEST OF GROVE ROAD, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS.

PIN NO.: 09-18-200-004

A 92.5% UNDIVIDED INTEREST IN THE FOLLOWING PARCELS:

LEGAL DESCRIPTION OF PARCEL 6

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 444.50 feet for the point of beginning; thence Southerly, along said West Line, 551.94 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 821.68 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.96 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 823.82 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4247 acres.

LEGAL DESCRIPTION OF PARCEL 7

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 996.44 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 819.55 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 821.68 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3974 acres.

LEGAL DESCRIPTION OF PARCEL 8

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 1548.37 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet; thence Easterly, parallel with the North Line of said Southwest Fractional Quarter, 817.41 feet to the East Line of the West Half of said Southwest Fractional Quarter; thence Northerly, along said East Line, 551.95 feet to a line drawn Easterly from the point of beginning which is parallel with said North Line; thence Westerly, parallel with said North Line, 819.55 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.3704 acres.

LEGAL DESCRIPTION OF PARCEL 9:

That part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows:
Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line, 551.93 feet to the Southwest Corner of said Southwest Fractional Quarter; thence Easterly, along the South Line of said Southwest Fractional Quarter, 815.23 feet to the Southeast Corner of the West Half of said Southwest Fractional Quarter; thence Northerly, along the East Line of the West Half of said Southwest Fractional Quarter, 558.79 feet to a line drawn Easterly from the point of beginning which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 817.41 feet to the point of beginning in Seward Township, Kendall County, Illinois, and containing 10.4074 acres.

Commonly Known As: 41.99 Acres of Vacant Farmland US Rt. 52
Minooka, IL

PIN No.: Part of 09-18-300-001

Unofficial



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

Andrew C. Dystrup of 822 Infantry Drive, Joliet, IL _____, being duly sworn on oath, And further states that: (please check the appropriate box)

A. That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
B. That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

AFFLIANT further states that ___ he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 10th day of Nov, 20 11

Signature of Notary Public

Signature of Affiant



CORTINA, MUELLER & FROBISH, P.C.

ATTORNEYS AT LAW
124 W. Washington Street
Morris, IL 60450

Frank J. Cortina, Jr.
Joseph A. Mueller
Eric P. Frobish
Matthew J. Mueller
Jacob C. Lawson

Telephone: (815) 942-0635
Fax: (815) 942-0647
Real Est. Fax: (815) 941-9827
staff@cortinamueller.com

June 19, 2019

To Whom It May Concern:

Please be advised that I represent ERB Properties, LLC in the sale of their property located in Kendall County more specifically described under PIN No. 09-13-400-006. This letter shall serve as further consent to TZ Landscaping, Inc. and Tom and Tyler Zurliene to apply to Kendall County for a Special Use Permit for the operation of their landscaping business. If you need any additional information, please do not hesitate to contact the undersigned.

Thank you.



JC Lawson
Attorney for ERB Properties, LLC

JCL:nb

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant ERB Properties
Address 26124 Seil Rd. Shorewood, IL 60404
City _____ State _____ Zip _____

2. Nature of Benefit Sought Special Use Permit

3. Nature of Applicant: (Please check one)
- Natural Person (a)
 - Corporation (b)
 - Land Trust/Trustee (c)
 - Trust/Trustee (d)
 - Partnership (e)
 - Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
<u>EDWARD J. BALTZ</u>	[REDACTED]	<u>50%</u>
<u>ROBERT D. BALTZ</u>	[REDACTED]	<u>50%</u>

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

J.C. Lawson, 124 W. Washington St. Moline, IL - Attorney

VERIFICATION

I, J.C. Lawson, Attorney, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 19 day of June, A.D. 2019

(seal)

[REDACTED]
Notary Public



KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant TZ Landscaping, LLC
Address 276 Rt. 52
City Minooka State IL Zip 60447

2. Nature of Benefit Sought Special Use Permit

3. Nature of Applicant: (Please check one)
 Natural Person (a)
 Corporation (b)
 Land Trust/Trustee (c)
 Trust/Trustee (d)
 Partnership (e)
 Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

Limited Liability Company

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Thomas Zurliene	[REDACTED]	50%
Tyler Zurliene	[REDACTED]	50%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Thomas Zurliene, 25619 Roan Ln., Shorewood, IL 60404 - Co-Owner of TZ Landscaping, LLC

VERIFICATION

I, [REDACTED], being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 23 day of April, A.D. 2019

(seal)



[REDACTED]
Notary Public



Kendall County Soil & Water Conservation District

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: TZ Landscaping, LLC **Contact Person:** Thomas Zurliene
 Address: 276 Rt. 52
 City, State, Zip: Minooka, IL 60447
 Phone Number: () [redacted] () [redacted]
 Email: tzlandscaping@gmail.com tzlandscaping@gmail.com

Please select: How would you like to receive a copy of the NRI Report? Email Mail

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 13
 Parcel Index Number(s) 09-13-400-006
 Project or Subdivision Name _____ Number of Acres 10.8
 Current Use of Site Farm - AG 1 Proposed Use landscaping business
 Proposed Number of Lots 1 Proposed Number of Structures _____
 Proposed Water Supply WE 11 Proposed type of Wastewater Treatment _____
 Proposed type of Storm Water Management _____

Type of Request

Change in Zoning from _____ to _____
 Variance (Please describe fully on separate page)
 Special Use Permit (Please describe fully on separate page)
 Name of County or Municipality the request is being filed with: Kendall

In addition to this completed application form, please including the following to ensure proper processing:

- Plat of Survey/Site Plan – showing location, legal description and property measurements
- Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- If available: topography map, field tile map, copy of soil boring and/or wetland studies
- NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under	\$ <u>375.00</u>
<u>10</u> Additional Acres at \$18.00 each	\$ <u>108.00</u>
Total NRI Fee	\$ <u>483.00</u>

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

[redacted]
 Petitioner or Authorized Agent

6/17/19
 Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# _____ Date initially rec'd _____ Date all rec'd _____ Board Meeting _____
 Fee Due \$ _____ Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



1 of 3



Applicant: TZ Landscaping, LLC
Contact: Tom Zurliene
Address: 276 Rt. 52
 Minooka, IL 60447

IDNR Project Number: 1911969
Date: 06/17/2019

Project: TZ Landscaping
Address: 276 Rt. 52, Minooka

Description: Special Use Permit to use the 2 existing barns and garage on the premises. The area will be used for storing landscaping material.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

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.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:
 35N, 8E, 13



IL Department of Natural Resources Contact
 Kyle Burkwald
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 Kendall County
 Matthew Asselmeier
 111 West Fox Street
 Yorkville, Illinois 60560 -1498

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural

Attachment 1, Page 16

Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

Page 1 of 3



2 of 3 Find | Next

IDNR Project Number: 1911969



2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



3 of 3 End | Next

IDNR Project Number: 1911969



EcoCAT Receipt	Project Code 1911969
-----------------------	-----------------------------

APPLICANT	DATE
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TZ Landscaping, LLC
Frank Cservenyak

[REDACTED]

6/17/2019

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
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EcoCAT Consultation	\$ 125.00	\$ 2.94	\$ 127.94
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TOTAL PAID \$ 127.94

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
dnr.ecocat@illinois.gov

Please fill out the following findings of fact to the best of your capabilities. §13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. The storage of landscaping material in the existing barns and garage on the premises will not be detrimental to public health, safety, morals, comfort, or general welfare. Further, trucks are stored on the premises after business hours which will also not cause disruption.

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

The special use will have no negative affect on the use and enjoyment of other properties or diminish or impair property values. The use is an existing use and the business has operated on the property for 7 years. The proposed use will comply with all code requirements and does not adversely impact adjacent uses or properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

All utilities are adequate and access roads and points of ingress and egress are not impaired. All drainage is provided for. Emergency vehicles have access to and from the property.

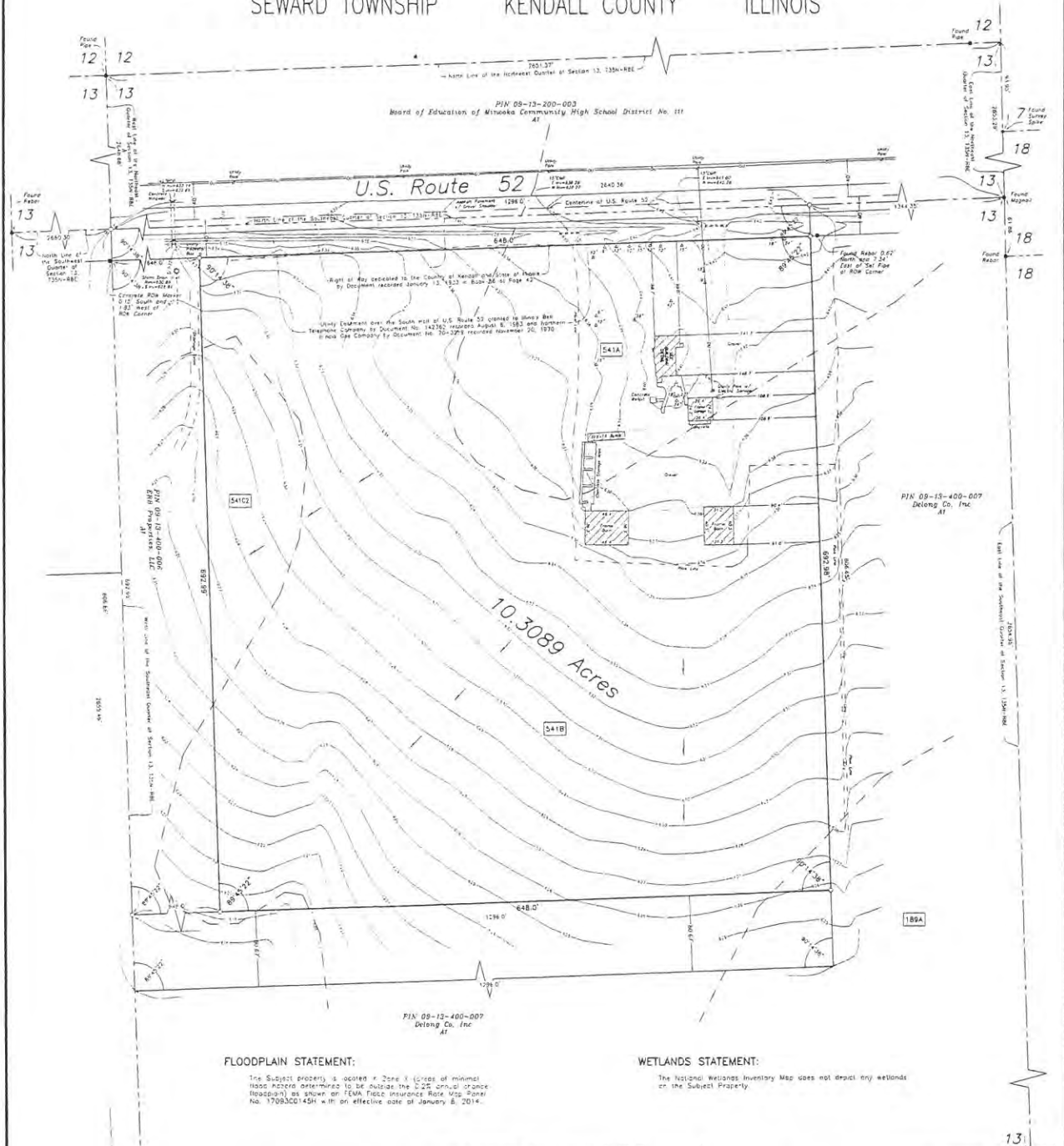
That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals The special use conforms to the application regulations of the district. The property is zoned

A-1 and the applicant requests to use the barn and storage for landscaping material and to allow trucks on the premises.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

The special use is in line with the purpose and objectives. Applicants will comply with all requirements and policies adopted by the County or other applicable municipal plans.

ZONING PLAT OF PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



FLOODPLAIN STATEMENT:
The Subject property is located in Zone X (Areas of minimal flood hazard determined to be outside the 1% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map, Panel No. 1709300145H with an effective date of January 8, 2014.

WETLANDS STATEMENT:
The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

DEVELOPER:
T.J. Landscaping, LLC
Thomas and Tyler Zurbene
1001 Layne Court
Shorewood, Illinois 60448

PROPERTY LOCATION:
PIN: 09-13-400-006
278 US Highway 52
Minooka, Illinois 60447

AREA TO BE REZONED:
10.3089 Acres

PRESENT ZONING:
A-1

PROPOSED ZONING:
A-1, SU



- SCALE 1"=50'**
- Indicates Iron Stake Found
 - Indicates Iron Stake Set
 - Indicates Concrete Right of Way Monument
 - Indicates Line of Fence
 - Indicates Overhead Utilities
 - Indicates Soil's Boundary
 - Indicates Tree Location and Diameter
 - Indicates Spot Elevation
 - Indicates Contour Elevation
 - Indicates Direction of Flow

LEGAL DESCRIPTION OF TRACT TO BE REZONED:
The East half of the North 80.665 feet of the West 1296.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the First Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.

SOILS (From Web Soil Survey)

189A	Marion Soil Loam, 0%-2% slopes
S41A	Graymont Silt Loam, 0%-2% slopes
S41B	Graymont Silt Loam, 2%-5% slopes
S41C	Graymont Silt Loam, 5%-10% slopes, eroded



PIN: 09-13-400-006

June 13, 2019

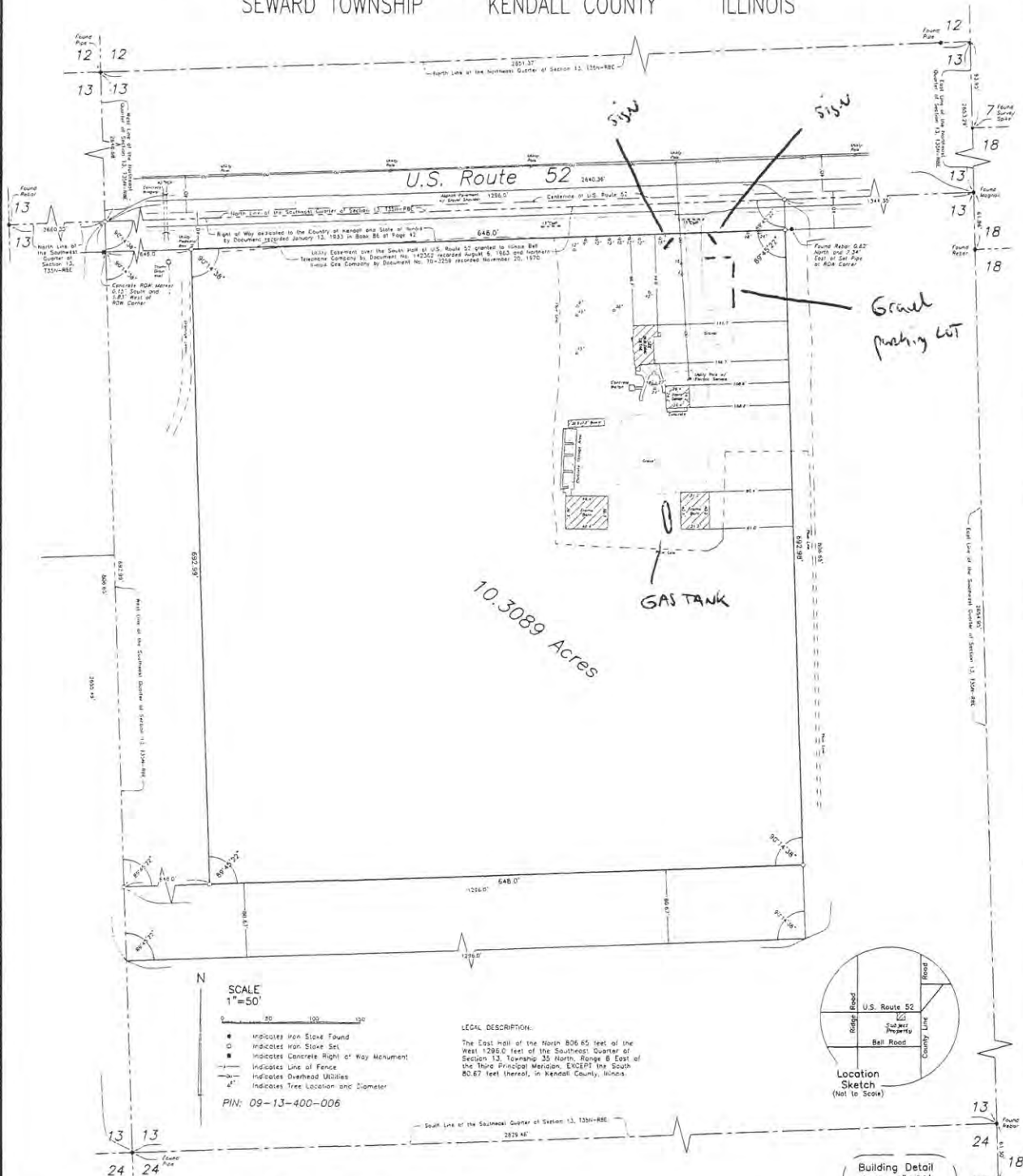
JOB NO.	19100
JOB NAME	ERB PROPERTIES
DWG FILE	19100S
REVISION DATE	

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic. #184-002775

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Attachment 1, Page 21

ALTA/ACSM LAND TITLE SURVEY PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R8E, 3rd PM SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS



SCALE
1"=50'

0 50 100 150

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Concrete Right of Way Monument
- Indicates Line of fence
- Indicates Overhead Utilities
- ⊙ Indicates Tree Location and Diameter

PIN: 09-13-400-006

LEGAL DESCRIPTION:
The East half of the North 80.65 feet of the West 1296.0 feet of the Southeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian, EXCEPT the South 80.67 feet thereof, in Kendall County, Illinois.



State of Illinois) SS
County of Kendall)
To: ERB Properties, LLC
Thomas and Tyler Zurlene
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 8, 9, and 11 of Table A thereof. The field work was completed on May 22, 2019.

Dated June 13, 2019 at Yorkville, Illinois

Phillip D. Young
Illinois Professional Land Surveyor No. 2676 (Expires 11/30/20)

- SURVEYOR'S NOTES:
- Regarding Item 2 of Table A: The Subject Property is commonly known as 276 US Highway 52, Minooka, Illinois 60447.
 - Regarding Item 3 of Table A: The Subject Property is located within Zone B (Areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map No. 17093C0145B with an effective date of January 8, 2014.
 - Regarding Item 4 of Table A: The area of the Subject Property is 445.055 sq./ft. (= 10.3086 acres).
 - Regarding Item 6(a) of Table A: The Subject Property has Kendall County Zoning A-1 (Agricultural District). No Zoning Report or Letter was furnished to the Surveyor.
 - Regarding Item 9 of Table A: There are no striped parking spaces on the Subject Property.
 - Regarding Item 11 of Table A: Underground utilities shown are based on surface improvements. The Surveyor will not be held responsible for the location of underground utilities.
 - The assessments shown are those shown on the recorded plat of subdivision and/or Chicago Title Insurance Company Commitment No. A43257-1900300 with an effective date of May 2016 and a printing date of May 29, 2019 transmitted from the Client to the Surveyor.
 - Stensora Oil Company, Pipeline established in a Document recorded January 6, 1947 in Book 102 at Page 403 lay approximately 1300 feet Southwest of the Subject Property.

JOB NO.	15100
JOB NAME	ERB PROPERTIES
DWG FILE	15100A
REVISION DATE	

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



THOUSANDS OF ACRES SOLD

Barrett & Brummel
Farmland & Commercial Real Estate

MARK J. BRUMMEL
Broker

Mobile: (312) 470-2200
Office/Fax: (312) 943-9999
Website: barrettbrummel.com
Email: mjbrummel@barrett.com

map center: 41° 30' 45.06, -88° 15' 38.1

0ft 210ft 420ft

13-35N-8E
Kendall County
Illinois



4/14/2019

Maps Provided By:

surety
CUSTOMIZED ONLINE MAPPING

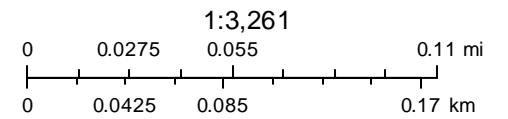
© AgriData, Inc. 2019 www.AgrIDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008. Soils data provided by University of Illinois at Champaign-Urbana.



June 20, 2019

- Arrow 100 — FromTo 400 — Tip 100
- Arrow 400 — Hook 100 — Tip 400
- FromTo 100 — Hook 400 — Road Names







Attachment 5 Employee Parking













Attachment 11 Looking East



Chrissie_Kelley

From: Chrissie_Kelley
Sent: Tuesday, July 2, 2019 8:31 AM
To: Matt Asselmeier
Subject: RE: Kendall County Zoning Petition 19-26

Importance: High

Matt,

In response to the submitted request for a Special Use to operate a Landscape Business at 276 Route 52, I offer the following:

1. While the Village's Future Land Use Plan calls for Commercial uses on the subject property, this use is industrial in nature as it is essentially a storage yard. They do not have employees onsite and they do not even have access to the house for restroom facilities. This use would be considered Business Park use in our Future Land Use Plan. As such, we are opposed to granting the Special Use as it is inconsistent with our Comprehensive Plan.
2. Per Kendall County's regulations, the operation of a business should be within an enclosed building. If this Special Use is granted with the ability to store materials outside, the Village would recommend installation of an 8-foot tall privacy fence to screen the storage of all materials stored outside.
3. The existing property lacks proper maintenance. For example, there is a large hole in the roof of the eastern barn and other dilapidation of the structures can be seen in the photographs. In fact, as a way to compensate for the lack of maintenance, the business has put at least one cargo container onsite. Additionally, there is a brush pile and other piles of debris throughout the property. The application states that this property has been occupied by the business for seven years but it appears that the property has been allowed to fall into disrepair. If this Special Use is granted, we would recommend that these property maintenance issues be addressed as a condition of approval.
4. It appears that there has been impervious area added since the business began operating at this location. If the Special Use were granted, the Village recommends evaluating the amount of impervious that has been added already plus the addition of compacted gravel for the parking lot to determine if detention or BMPs would be needed.
5. A double-sided sign could serve the purpose of creating exposure for the business from both directions on Route 52. The Village would oppose granting a variance for two signs, as no hardship has been presented.

In summary, the Village opposes granting the Special Use for a landscape storage yard at the subject property. However, if the County were to approve the Special Use, the Village recommends the following conditions: 1) install an 8-foot tall privacy fence to fully screen the materials being stored outside; 2) properly maintain the existing structures and clean up the debris on the property; and 3) ensure adequate stormwater management of existing and proposed impervious area. With regard to the sign variance, the Village opposes erecting two signs when a double-sided sign can serve the same purpose.

Please let me know if I can offer any clarifications.

Regards,

Kelley Chrissie, AICP
 Economic Development Director



Village of Shorewood

Matt Asselmeier

From: Schwarz, Michael <mschwarz@jolietcity.org>
Sent: Monday, June 24, 2019 4:02 PM
To: Matt Asselmeier
Cc: Jackson, Kendall B; Torri, James N; Bernhard, Jayne; Miller, Helen; dlambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us
Subject: [External]RE: Kendall County Zoning Petition 19-26
Attachments: Joliet-Shorewood Boundary Agreement Map.pdf; Ord. No. 16866.pdf

Matt,

Thank you for providing the attached notice of the proposed Kendall County Zoning Petition 19-26: Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property.

Although the subject property is located with 1.5-miles of the City of Joliet, the subject property is located outside of the City's extraterritorial planning area pursuant to the Joliet-Shorewood boundary agreement. The subject property is located on the Shorewood side of mutual planning boundary in this area, which extends from east to west along the a line located one-half mile north of and generally parallel to US Route 52 between County Line Road and Brisbin Road (IGA and map attached). Although the Joliet-Shorewood Boundary Agreement expired in 2014, City staff will honor the previous planning boundary line until a new boundary agreement is established. We do encourage Kendall County to carefully consider any potential impacts that the use may have on the watersheds in this area.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Mike

Michael J. Schwarz, AICP
Planning Director
City of Joliet, Planning Division
150 W. Jefferson St.
Joliet, IL 60432
Phone: (815) 724-4041
Email: mschwarz@jolietcity.org

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Monday, June 24, 2019 3:13 PM
To: Anne Vickery <home4728@gmail.com>; Jean Homerding (Seward Township) <home1519@yahoo.com>; Jessica Nelsen (Seward Township Plan Commission) <Jessicanelsen73@yahoo.com>; scasey1948@sbcglobal.net (Seward Planning Commission) <scasey1948@sbcglobal.net>; Sharleen Smith (Seward Township Clerk) <sharleensmith7@gmail.com>; Al Yancey <yanceya@minookafire.com>; Schwarz, Michael <mschwarz@jolietcity.org>; City Clerk <cityclerk@jolietcity.org>; dlambert@vil.shorewood.il.us; kchrisse@vil.shorewood.il.us
Subject: Kendall County Zoning Petition 19-26

To All:

Kendall County received a request for a special use permit for a landscaping business at 276 Route 52 in Seward Township.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 2, 2019 – Unapproved Meeting Minutes**

PBZ Committee Chairman Matthew Prochaska called the meeting to order at 9:01 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
Meagan Briganti – GIS
David Guritz – Forest Preserve
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Matthew Prochaska – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department

Audience:

Mr. Zurliene and Lorien Schoenstedt

AGENDA

Mr. Rybski made a motion, seconded by Ms. Andrews, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

MINUTES

Ms. Andrews made a motion, seconded by Mr. Guritz, to approve the April 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS

Petition 19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had not objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs were included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Guritz made a motion, seconded by Ms. Andrews, to recommend approval of renewing the special use permit as requested subject to the conditions proposed by Staff.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (3): Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

Petition 19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping (Tenant)

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019.

Petition information was sent to Seward Township on June 24, 2019.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52.

The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

Mr. Asselmeier asked why a sign variance was necessary. Mr. Zurliene responded the variance was needed to increase visibility of the business. Mr. Zurliene clarified that they did not want two (2) signs and will use a double-faced sign. He verbally withdrew the sign variance request.

Mr. Guritz questioned the parking location in relation to the road. Mr. Zurliene stated that parking lot will be relocated to meet regulations, with a fence and berming.

Mr. Asselmeier asked about the location of berming. Mr. Zurliene said berming will be placed along the front to block visibility from Route 52. Mr. Zurliene said they would construct a two to three foot (2'-3') berm with a fence on top of the berm, if a fence is required.

Mr. Asselmeier asked about runoff control and advised Mr. Zurliene to careful consider which restrictions he approves.

Mr. Rybski asked about new parking areas. Mr. Zurliene said the parking area will be moved to comply with the Zoning Ordinance.

Mr. Rybski asked if the location of the septic system was known. Mr. Rybski advised Mr. Zurliene to located the septic system. Mr. Rybski advised that the water well be protected.

Mr. Rybski advised that landscaping material cannot be hauled onto the site and burned.

Ms. Andrews said that the Kendall County Soil and Water Conservation District is working on the NRI Report.

The consensus of the Committee was to forward the proposal to the Kendall County Regional Planning Commission provided that the septic field is located, the sign variance request is withdrawn, and the berm height and fencing is determined.

Ayes (7): Andrews, Asselmeier, Briganti, Guritz, Langston, Rybski, and Prochaska
Nays (0): None
Present (0): None
Absent (3): Chismark, Holdiman, and Klaas

The motion passed. The proposal will go to the Kendall County Regional Planning Commission on July 24, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-28, pertaining to the Kendall County gun range zoning regulations, was approved by the County Board and provided a summary of the regulations.

Mr. Asselmeier reported that Petition 19-07, pertaining to the parking and storage of mobile homes, trailers, and RVs, was withdrawn by the Planning, Building and Zoning Committee.

Mr. Asselmeier reported that Petition 19-08, pertaining to a rezoning on property east of 8225 Galena Road, was approved.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was rejected at the County Board, but could be considered again in the future.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that someone wants to build a house at the corner of Sheridan Road and Route 71 and a change to the Land Resource Management Plan and a rezoning are required in order to permit the construction of a house at that location.

Mr. Asselmeier reported that he is reviewing the changes to the Zoning Ordinance identified by Teska Associates.

Mr. Asselmeier reported that the Department is waiting on guidance from the County Board regarding recreational marijuana zoning regulations.

CORRESPONDENCE

None

PUBLIC COMMENT

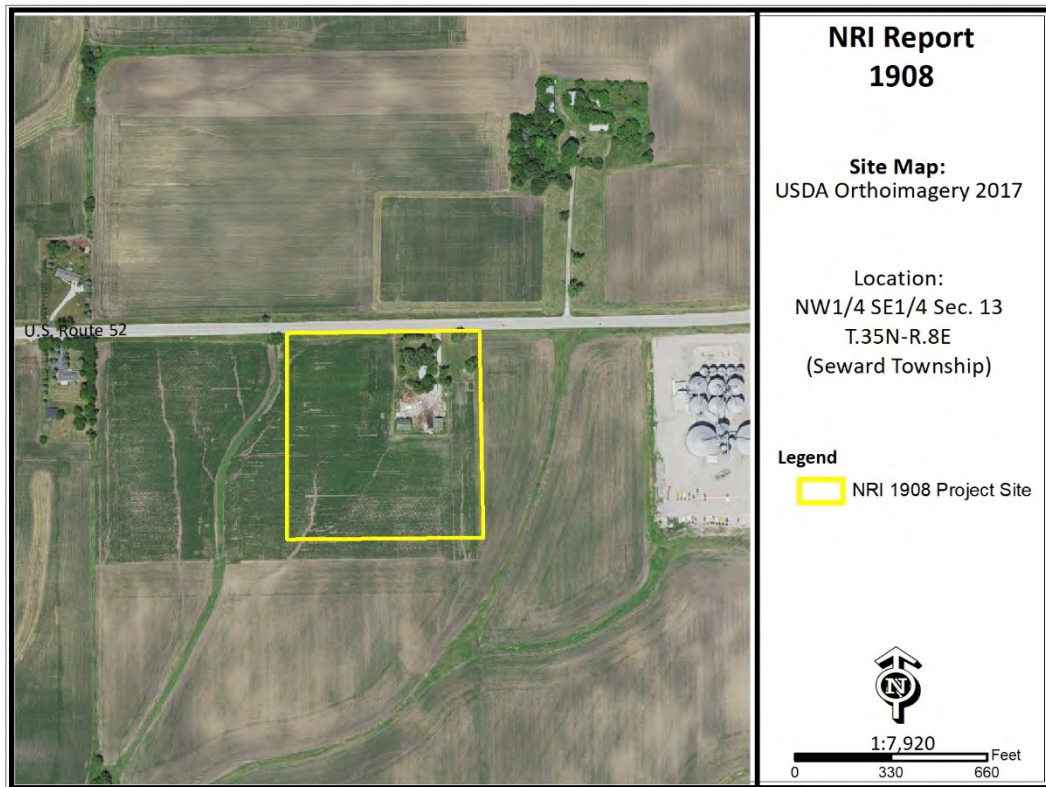
None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Langston to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:25 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

NATURAL RESOURCE INFORMATION (NRI) REPORT: 1908



July 2019

Petitioner: TZ Landscaping, LLC
Contact: Thomas Zurliene

Prepared by:



Kendall County Soil & Water Conservation District

7775A Route 47 • Yorkville, Illinois 60560
Phone: (630)553-5821 x3 • Fax: (630)553-7442
www.kendallswcd.org

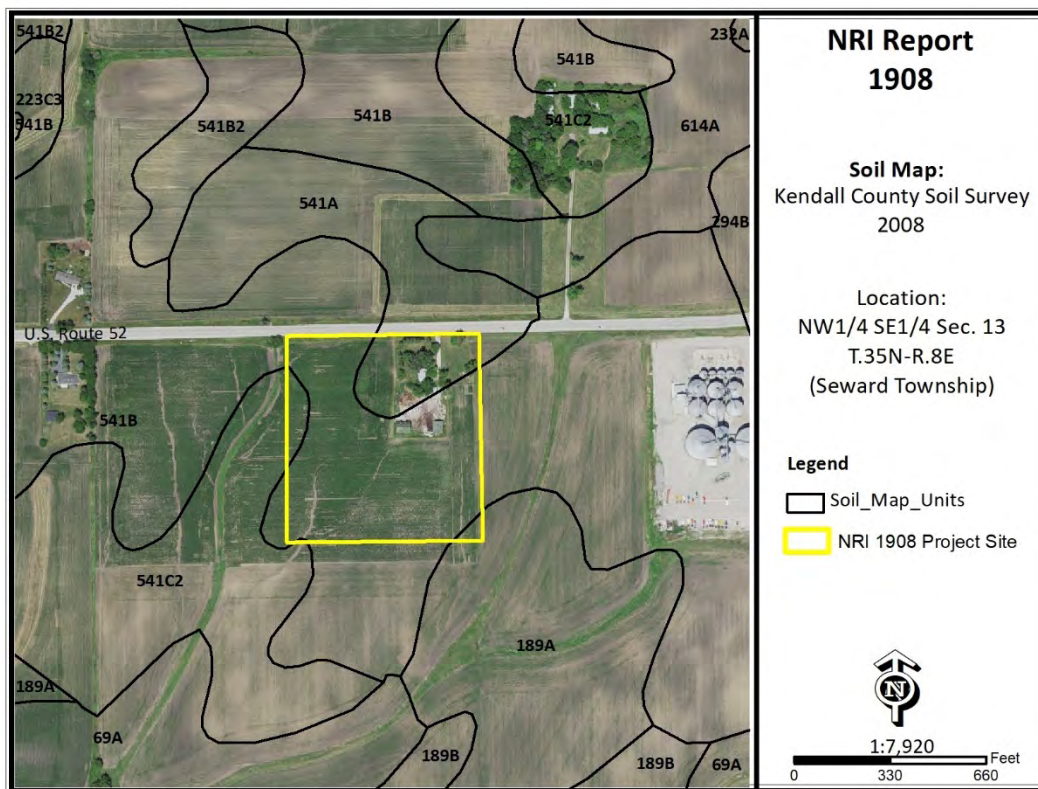
1908

Executive Summary

July 2019

Petitioner: TZ Landscaping, LLC**Contact Person:** Thomas Zurliene**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** NW¼ SE¼ Section 13, T.35N.-R.8E. (Seward Township) of the 3rd Principal Meridian**Project or Subdivision Name:** TZ Landscaping, LLC**Existing Zoning & Land Use:** A-1; Cropland, Farmstead with partial use as Landscaping Business**Proposed Zoning & Land Use:** Special Use Permit; Landscaping Business**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** N/A**Size of Site:** 10.3 acres**Land Evaluation Site Assessment Score:** 214 (Land Evaluation: 94 ; Site Assessment: 120)

Natural Resource Findings

Soil Map:**SOIL INFORMATION:**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

Table 1:

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
189A	Martinton silt loam, 0-2% slopes	Somewhat poorly drained	C/D	Non-hydric; Hydric inclusions likely	Prime Farmland
541A	Graymont silt loam, 0-2% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
541B	Graymont silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
541C2	Graymont silt loam, 2-5% slopes, eroded	Moderately well drained	C	Non-hydric	Prime Farmland

Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, none are classified as being a hydric soil. However, one soil type found onsite, 189A Martinton silt loam, is designated as likely to have hydric inclusions.

Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, all are designated as prime farmland.

Soil Limitations: Limitations for dwellings without basements, dwellings with basements, small commercial building, shallow excavations, lawns/landscaping and conventional septic systems.

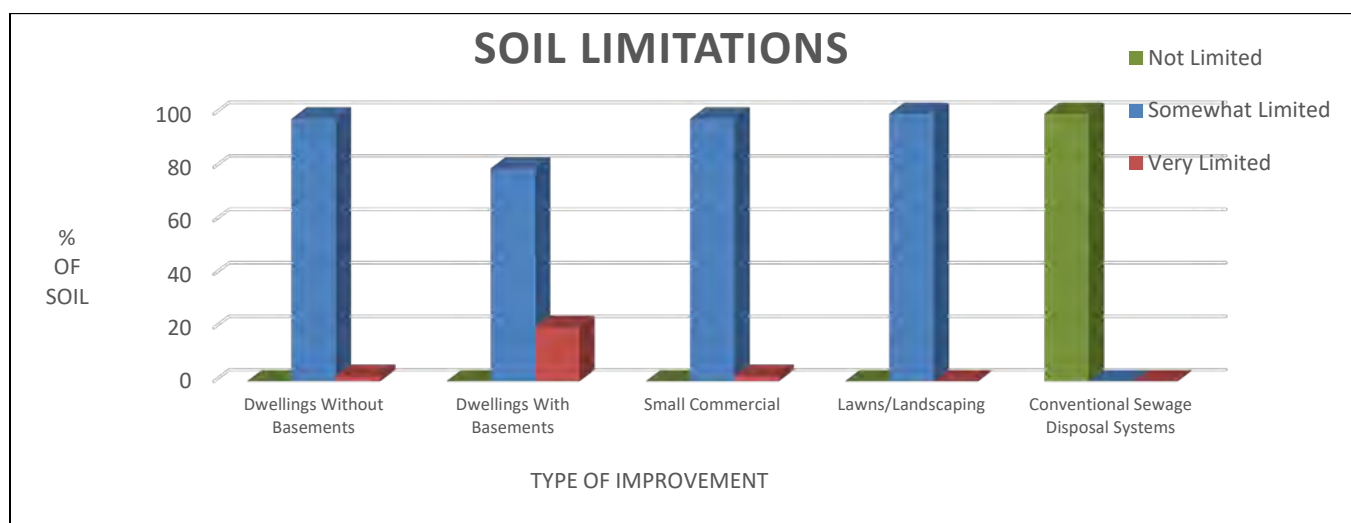
Table 2a:

Soil Type	Dwellings Without Basements	Dwellings With Basements	Small Commercial Building
189A	Very Limited	Very Limited	Very Limited
541A	Somewhat Limited	Very Limited	Somewhat Limited
541B	Somewhat Limited	Somewhat Limited	Somewhat Limited
541B2	Somewhat Limited	Somewhat Limited	Somewhat Limited

Table 2b:

Soil Type	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
189A	Very Limited	Somewhat Limited	Suitable
541A	Very Limited	Somewhat Limited	Suitable
541B	Somewhat Limited	Somewhat Limited	Suitable
541B2	Somewhat Limited	Somewhat Limited	Suitable

Septic Systems: The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026).



Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - ✓ The Land Evaluation score for this site is 94, indicating that this site is **currently well suited** for agricultural uses.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - ✓ The Site Assessment score for this site is 120.

The **LESA Score for this site is 214 which indicates a medium level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Wetlands: The U.S. Fish & Wildlife Service’s National Wetland Inventory map **does not indicate** the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

Floodplain: The parcel is not located within the floodplain.

Sediment and Erosion Control: Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner TZ Landscaping, LLC for the proposed landscaping business project (A-1 Special Use Permit request) within Kendall County located in Section 13 of Seward Township (T.35N-R.8E) of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 94 out of a possible 100 points indicating the soils are well suited for agricultural uses. The total LESA Score for this site is 214 which indicates a medium level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. Additionally, of the soils found onsite, 100% are classified as prime farmland.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 20.4% are very limited for dwellings with basements and shallow excavations while 1.9% of the soils are very limited for dwellings without basements and small commercial building. This information is based on the soil in an undisturbed state. Since the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within both the Illinois River Watershed and Aux Sable Creek subwatershed.

This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that the drainage tile survey completed on the parcel to locate the subsurface drainage tile be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


Chair

7/23/2019
Date

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

JULY 22, 2019

The Seward Township Plan Commission met on July 22, 2019 to review a request submitted to Kendall County by TZ Landscape, requesting a special use permit to operate a Landscape business at 276 Route 52. Members present included Rob Lombardo, Jessica Nelsen, Daniel Dugan and Suzanne Casey. Elaine Beutel was absent. Following the pledge to the Flag, Chairman Lombard commenced the discussion of the landscape business special use permit request.

Other documents available for committee review included a document from the Village of Shorewood summarizing their concerns regarding the granting of the permit for the proposed landscape business, as well a communication sent to Matt Asselmeier from the City of Joliet, also objecting to the approval.

A summary of the discussion by the Seward Township committee with the TZ Landscape representative present addressed the following issues:

- The burning of materials/spoils brought in from other property.
- The sound, organized management of the land/property, including recommendations for the berm at Route 52 and for the trees planted on the other 3 perimeter property lines.
- An organization of materials on the property, with proper storage available for said materials.
- The maintenance of buildings, so that the structures are not falling down and in need of major repair.
- Proper parking for employee vehicles available in an organized parking area of the property.
- Well and Septic were also questioned.

After a discussion, the TZ Landscape representative assured the committee that it was his intention to clean up the property and organize his daily operation with the necessary materials and planning, once he gained ownership of the property. He did not want to assume any of that until he knew he could own the property and operate his business from there with the necessary permit.

The Seward Township Board will be meeting at 7:30 Monday night, immediately following this meeting, and this recommendation will be provided to them.

Minutes of this meeting will be provided to Matt Asselmeier on Tuesday, July 23 for his use at the Regional Plan Commission meeting on Wednesday, July 24.

Minutes submitted by:

Suzanne Casey

July 22, 2019

STATE OF ILLINOIS
Kendall County
Town of Seward

A Special meeting of the Board of Trustees met at the office of the Town Clerk at Seward Town Hall on July 22, 2019. This meeting was to review a request by TZ Landscapers to open a business on 276 Route 52.

Present:

Mrs. Jean Homerding, Supervisor
Ms Sharleen Smith, Clerk
Mr. Tom Fleming, Trustee
Mr. Phil Chaney, Trustee
Mr. Jim Martin, Trustee

Absent: Dan Roberts, Trustee

Jean Homerding, Chairperson and Sharleen Smith, Clerk conducted the following business.

The Seward Township Special Meeting on July 22, 2019 meeting was called to order at 7:30 p.m. All Trustees were present except Dan Roberts. The Board met to discuss the recommendation from the Seward Township Plan Commission on TZ Landscapers to operate a business a 276 Route 52. A representative from TZ Landscapers was present to address concerns and questions. He indicated that once he was able to purchase the property (approximately 10 acres) and obtain the correct permits he would clean up the place, put up a berm on three sides with trees, take down 1 barn and replace it with a pole barn for storage of trucks. There will be 1 sign per Kendall County zoning rules. This will not be a retail business so there will be no customers creating a traffic problem on Route 52. Jim Martin made a motion to recommend the Special Use Permit and Phil Chaney seconded. All members voting Aye, motion carried.

Sharleen Smith will forward a copy of these minutes to Suzanne Casey of the Seward Township Plan Commission and to Matt Asselmeier of the Regional Plan Commission.

The Special session was adjourned at 7:41pm after a motion was made by Tom Fleming and seconded by Phil Chaney. All members voting Aye, motioned carried.

Attest
Sharleen Smith
Clerk

Attachment 18, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois

Unapproved - Meeting Minutes of July 24, 2019 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Bill Davis, Larry Nelson, Ruben Rodriguez, and Claire Wilson

Members Absent: Karin McCarthy-Lange and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner, Lorien Schoenstedt, Tyler Zurliene, and Suzanne Casey

APPROVAL OF AGENDA

No objections were made regarding the agenda.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Rodriguez, to approve the minutes of the June 26, 2019, meeting. With a voice vote of seven (7) ayes, the motion carried unanimously.

PETITIONS

19-25 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Group (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. Restriction Number 1 of the special use permit and Section 12.06.A.4 of the Zoning Ordinance require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the southeast corner of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

The property is approximately forty-three (43) acres in size.

The property is zoned M-2 with a special use permit for a billboard.

The County's Land Resource Management Plan calls for the property to be residential and the City of Aurora's Comprehensive Plan calls for the property to be commercial.

Route 34 is a State maintained highway and Hafenrichter is a local road maintained by Oswego Township. The City of Aurora has a trail planned along Hafenrichter.

There are no floodplains or wetlands in the area.

The adjacent land uses are industrial, commercial, residential, and agricultural. The zoning in the area is a mix of residential, commercial, and industrial. The future land uses in the area are also residential, commercial, and industrial.

The endangered species report was not required.

The NRI was not required.

Petition information was sent to Oswego Township on June 19, 2019, and the Oswego Township Highway Department had no objections.

Petition information was sent to the City of Aurora on June 19, 2019, and they had no objections.

Petition information was sent to Oswego Fire Protection District on June 19, 2019.

ZPAC reviewed the proposal at their meeting on July 2, 2019, and unanimously recommended approval.

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions.

The restrictions imposed by Ordinance 2017-14 include:

1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
2. The sign will not be illuminated.
3. The advertising on the sign is restricted to Pulte Group's residential development.
4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
9. The appearance of the signs was included as Exhibits A and B in Ordinance 2017-14.

Pursuant to Section 12.06.A.4 of the Zoning Ordinance, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

Since the sign is pre-existing, a building permit would not be required.

Access from an adjacent road is not applicable.

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

Parking regulations are not applicable.

The sign will not be illuminated.

Screening regulations are not applicable.

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

No easements are believed to be impacted by the proposed sign.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
3. The sign will not be illuminated.
4. The advertising on the sign is restricted to Pulte Group's residential development.
5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Wilson asked why this special use permit required renewal. Mr. Asselmeier responded that both the Kendall County Zoning Ordinance and Ordinance 2017-14 required two (2) year renewals of this type of special use permit.

No complaints regarding the sign have been received.

Member Wilson made a motion, seconded by Member Davis, to recommend approval of the requested special use permit renewal with conditions proposed by Staff.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, Casey, Davis, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (2): McCarthy-Lange and Shaw

The motion passed. This proposal will go to the Zoning Board of Appeals on July 29th.

19-26 Edward Baltz and Robert Baltz on Behalf of Erb Properties, LLC (Owner) and Thomas Zurliene and Tyler Zurliene on Behalf of TZ Landscaping, LLC (Tenant)

Mr. Asselmeier summarized the request.

Edward and Robert Baltz, on behalf of Erb Properties, LLC, and Thomas and Tyler Zurliene, on behalf of TZ Landscaping, LLC are requesting an A-1 Special Use to operate a landscaping business, Outdoorscapes, Inc., at the subject property located at 276 Route 52 in Seward Township.

In January 2019, a complaint was filed with the Planning, Building and Zoning Department that a landscaping business was operating at the subject property without a special use permit. The Petitioners desire to lawfully operate a landscaping business at the subject property.

TZ Landscaping, LLC wants to purchase the property from the current owners. The landscaping business currently does not have access to the house on the property.

The property is approximately twenty-two (22) acres in size and the landscaping business operates on approximately eleven (11) of those acres.

The property is zoned A-1 and is used as an agricultural/farmstead. The future land use of the property is commercial.

Route 52 is a State maintained highway. The City of Joliet has a trail planned along Route 52.

No floodplains or wetlands are present.

The adjacent land uses and zoning classifications are agricultural, with residential uses planned in the future.

A new Minooka School District High School was planned at the northeast corner of Route 52 and Line Road.

The A-1 SU to the east is for fertilizer sales and storage and the A-1 SU to the west is probably for an airstrip.

The EcoCAT Report was submitted and consultation was terminated.

The Natural Resource Inventory application was submitted on June 17, 2019. The LESA Score was 214 indicating a medium level of protection.

Petition information was sent to Seward Township on June 24, 2019. The Seward Township Planning Commission met on July 22, 2019. Discussion occurred regarding burning of material onsite, the placement of a berm along Route 52, the placement of trees along the east, west, and south sides, organization and storage of materials, maintenance of buildings, proper parking, and well and septic concerns. The Petitioner told the Commission that they will clean up the property. The Seward Township Planning Commission recommended approval with one (1) member absent. The Seward Township Board also met on July 22, 2019 and discussed similar concerns as the Seward Township Planning Commission. Discussion occurred regarding placing a berm on three (3) sides of the property and demolishing one (1) of the barns and replacing it with a new barn. The Seward Township Board recommended approval with one (1) member absent.

Petition information was sent to the Village of Shorewood on June 24, 2019. On July 2, 2019, the Village of Shorewood submitted objections to the proposal. They requested an eight foot (8') tall privacy fence to fully screen the materials stored outdoors, properly maintain the existing structures and cleanup debris, and ensure adequate stormwater management of existing and impervious surfaces. The Village opposed any variances to the sign ordinance.

Petition information was sent to the City of Joliet on June 24, 2019. They declined to submit comments per their boundary agreement with the Village of Shorewood.

Petition information was sent to the Minooka Fire Protection District on June 24, 2019. To date, no comments have been received.

ZPAC reviewed this proposal at their meeting on July 2, 2019. Greater specificity was needed regarding the location and size of berms and other screening. Concerns were expressed regarding stormwater runoff control. The Kendall County Health Department requested that the septic field be located. The Petitioners withdrew their request for a sign variance; they intend to install a two (2) sided sign. The consensus of ZPAC members was to forward the proposal to the Kendall County Regional Planning Commission.

According to the information provided to the County, TZ Landscaping, LLC will use the existing barns and garage on the subject property. They will store landscaping materials, including mulch, rock, and gravel on the property outside on the property. The company's trucks will be stored on the property after business hours inside one (1) of the two (2) buildings.

TZ Landscaping, LLC currently has two (2) owners and eight (8) full-time employees. These employees work part-time during the winter season. The number of employees could expand to fifteen (15) in the next five (5) years if the business grows as anticipated. No office personnel or sales employees shall report to the property for work related to the proposed use.

The hours of operation are 6:00 a.m. until 8:00 p.m., Monday through Saturday between April and November. The business is on-call twenty-four (24) hours per day every day between December and March.

TZ Landscaping, LLC has been in business for seven (7) years with customers in Shorewood, Minooka, Channahon, Joliet, and Plainfield.

Since the buildings are going to be used for storage and not repair of vehicles or office operations, no change in occupancy is required.

TZ Landscaping, LLC does not use the house that is currently on the property. There are no other sources of water on the property and no bathroom facilities outside of the house. Employees would have to go offsite for bathroom facilities. No customers are planned to come onto the property.

The property fronts Route 52. The City of Joliet's plans call for a trail along Route 52.

The site plan shows parking east of the existing house. This parking area will need to be moved at further south to comply with the one hundred fifty foot (150') setback requirement in the A-1 Zoning District. The parking area will be gravel. No customers will come to the property.

Currently, one (1) pole light and one (1) exterior barn light are located on the property. No additional lighting was proposed.

According to the site plan, two (2) signs are proposed. Per Section 12.08.A of the Kendall County Zoning Ordinance, only one (1) non-illuminated sign is allowed on the property. The sign can be a maximum of thirty-two (32) square feet. If the Petitioners desire more than one (1) sign, a variance will be required.

No berming or fencing is planned. Because the Petitioner plans to store materials outdoors, discussion will be needed regarding berming.

The property drains to the southwest of the proposed business operations.

The proposed findings of fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use will not be detrimental to or endanger the public, health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make

adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is shown as commercial on the future land use map. Provided that landscaping materials are properly stored and that appropriate screening is installed, the proposed use should not adversely impact adjacent uses.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Route 52 is a State maintained highway that can handle loads of at least seventy-three thousand two hundred eighty pounds (73,280 lbs.). The location of the septic field is unknown and no restroom facilities exist on the property. A restriction is required to ensure that landscaping debris does not create drainage problems.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided no sign variance is necessary, the proposed business and site plan conform to all other applicable regulations of the A-1 Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The LRMP encourages agriculture and agribusiness (Page 3-3). The proposed use is consistent with the purpose and objectives of the LRMP.

Staff recommends approval of the requested special use permit subject to the following conditions:

1. The site shall be developed substantially in accordance with the attached site plan with changes as outlined in the following conditions.
2. One (1) business related sign shall be allowed on the subject property in one (1) of the locations shown on the site plan. The sign will not be illuminated.
3. The parking area shown on the site plan shall be relocated to comply with the Kendall County Zoning Ordinance.
4. A berm three feet (3') in height as measured from the top of the berm to the base of the berm shall be erected along the northern portion of the property used for the special use allowed by this ordinance, except for the area used as ingress/egress. The berm shall be installed within sixty (60) days of the approval of this special use permit ordinance. (Area in white on site plan).
5. Within sixty (60) days of the approval of this special use permit, the owner and/or operator of the use allowed by this special use permit ordinance shall plant arborvitaes at least six feet (6') in height at the time of planting along the east, west, and south sides of the area used for the landscaping business to block the visibility of the operations from adjoining properties. The arborvitaes shall be planted in sufficient numbers to create a complete buffer within five (5) years of the approval of this special use permit. Damaged or dead arborvitaes shall be replaced on a timeframe approved by the Kendall County Planning, Building and Zoning Department. (Area in white on site plan).
6. Any materials associated with the landscaping business stored outdoors must be stored with blocks on three sides of the materials. Mr. Asselmeier referenced the picture included as Attachment 8 in the packet.
7. Equipment and vehicles related to the business may be stored outdoors.

8. Within sixty (60) days of the approval of this special use permit, the Petitioners shall supply the Kendall County Health Department with the locations of the existing well and septic systems on the property. This deadline may be extended by mutual agreement between the Petitioners and the Kendall County Health Department.
9. No landscape waste generated off the property can be burned on this site.
10. A maximum of fifteen (15) employees of the business allowed by this special use permit may report to this site for work. No employees shall engage in the sale of landscaping related materials on the property.
11. No customers of the business allowed by this special use permit shall be invited onto the property by anyone associated with the use allowed by this special use permit.
12. The hours of operation of the business allowed by this special use permit shall be Monday through Saturday from 6:00 a.m. until 8:00 p.m. between the months of April and November. The business allowed by this special use permit may operate at any time between the months of December and March.
13. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
14. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
15. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Petitioners requested that all recommendations with timeframes of sixty (60) days be extended to ninety (90) days because of the time needed to close on the purchase of the property.

Tyler Zurliene requested that the arborvitaes be three or four feet (3'-4') instead of six foot (6'). He noted that the current owner will not let them install any plants or berming. All plants, fences, and berming will be installed after closing. The closing date has not been finalized. Attorney Lorien Schoenstedt stated that the contract is executed, but is conditional on securing the proper zoning permits. The cost of the plants was the reason for wanting shorter plants. The total number of plants has not been determined.

Discussion occurred about the need for screening. The property is near the entrance to the County and some neighbors are in the vicinity.

Chairman Ashton asked who came up with the six foot (6') arborvitae condition. Mr. Asselmeier responded that condition came from a previous special use permit related to solar panels.

Member Davis asked about the linear footage of screening. The linear footage was approximately one thousand (1,000) linear feet.

Chairman Ashton asked if Mr. Zurliene favored the fence or arborvitaes. Mr. Zurliene responded that he would like to do his due diligence and see which option was more cost effective. The height and type of fence would be determined as part of the special use permit.

Member Casey stated that the property is an eyesore. Mr. Zurliene said that he plans to clean-up the property after he assumes ownership. Mr. Zurliene said that he did not originally think that he would be able to purchase the subject property.

Member Nelson asked if the junk on the property was owned by Mr. Zurliene. Mr. Zurliene responded that the junk around barns was from previous farmers. The shipping container is owned by Mr. Zurliene. The broken concrete is also owned by Mr. Zurliene. One (1) dumpster is for the tenants.

Discussion occurred regarding the deadline for installing a fence or arborvitaes. Several Commissioners wanted the deadline to be measured from the date of closing.

There are renters living on the property. Mr. Zurliene plans to evict the current tenants. The house will be rented.

Discussion occurred regarding restroom facilities. Mr. Zurliene stated that he plans to install porta-a-potties.

Member Casey pointed out that the Seward Township Planning Commission and the Seward Township Board disagreed on the placement of berms.

Member Wilson asked which building would be demolished and replaced. The crib shown in Attachment 10 would be removed. The new barn would not be constructed for another five (5) years.

Member Rodriguez asked about graveling the area. Mr. Zurliene responded that he intends to gravel the parking area after he assumes ownership of the property.

Suzanne Casey, Seward Township Planning Commissioner, stated the Commission recommended approval, but they had several concerns. She asked about running a business on the property and having someone living in the house. Mr. Asselmeier responded that someone living in the house is a permitted use in the A-1 Zoning District. Unless the property owner specifically gives up that use as part of the special use permit, the residential use could continue.

Ms. Casey expressed concerns regarding drainage of the property and the impact of a berm on the drainage of the area. The berm would be installed to improve the aesthetics of the area. Ms. Casey expressed concerns of having this use in close proximity to a future school and having the property look visually appealing. She advised Mr. Zurliene to consider the investment he is making and the maintenance responsibility he is undertaking if the special use permit is approved.

Member Wilson asked about the location of a farm and drainage in the area. Ms. Casey provided information about the farm and drainage in the area.

Chairman Ashton suggested a more detailed site plan showing the future development of the property. He suggested that the Petitioner layover this matter one (1) month to determine if they prefer a fence, berm arborvitae, or some combination. Ms. Schoenstedt stated they favor the fence option. Mr. Zurliene said they would do their due diligence on the matter.

Discussion occurred regarding installing a Menard's stockade type fence, six feet (6') in height along the east, west, and south sides. Discussion occurred regarding the trees along Route 52.

Discussion occurred regarding the timeline for assuming ownership on the property. Financing is secured. Closing could occur quickly. Ninety (90) days from the date of closing was agreed to be the deadline for installing berms, fencing, and/or arborvitae. Member Nelson made a suggestion that closing should occur within sixty (60) days of approval of the special use permit. Chairman Ashton suggested that the Petitioner be required to inform the Planning, Building and Zoning Department that closing occurred.

The Petitioner might have to remove vegetation in order to install a berm.

Member Davis requested a sample of the fencing and additional pictures of the trees along Route 52. Chairman Ashton requested a concept drawing of the sign for the business.

The Petitioner requested that the proposal be laid over until August meeting when an updated site plan will be submitted.

This matter will be on the August 28th Kendall County Regional Planning Commission agenda.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Suzanne Casey stated that several unpermitted businesses are occurring along Route 52 from O'Brien Road east to the County Line. Near Jughandle Road, there appears to be a banquet facility. She would like a stronger plan to control growth from Joliet and Shorewood.

Member Wilson asked if the County has a Junk and Debris Ordinance. Mr. Asselmeier responded yes and read the definition of junk and debris from Ordinance 19-12.

NEW BUSINESS

None

OLD BUSINESS

Update on Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township

Mr. Asselmeier reported that Vulcan Materials Company claimed that several parcels shown as unincorporated on the map are inside the Village of Lisbon. Vulcan provided a signed annexation agreement. The matter was referred back to the Planning, Building and Zoning Committee.

Update on Zoning Ordinance Project

Mr. Asselmeier reported that the document received from Teska had redlines over everything that was changed, including changes in fonts and margins. The Comprehensive Land Plan and Ordinance Committee reviewed Sections 1-3 at their meeting earlier in the evening. They will continue to review sections of the Zoning Ordinance at future meetings.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 19-11, amending the site plan for Dickson Valley Ministries, was approved by the County Board.

Mr. Asselmeier reported that Petition 19-13, pertaining to research and development home occupations, was defeated at the County Board and the motion to reconsider was also defeated at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the property owner at the corner of Sheridan Road and Route 71 was exploring their options regarding whether or not to rezone the property in order to be able to construct a house at the site.

A proposal regarding recreational marijuana zoning regulations will be presented in the next month. A special meeting may be required in order to have recreational marijuana zoning regulations in place by January 1, 2020.

ADJOURNMENT

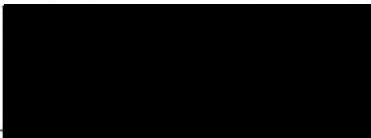
Member Wilson made a motion, seconded by Member Davis, to adjourn. With a voice vote of seven (7) ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:27 p.m.

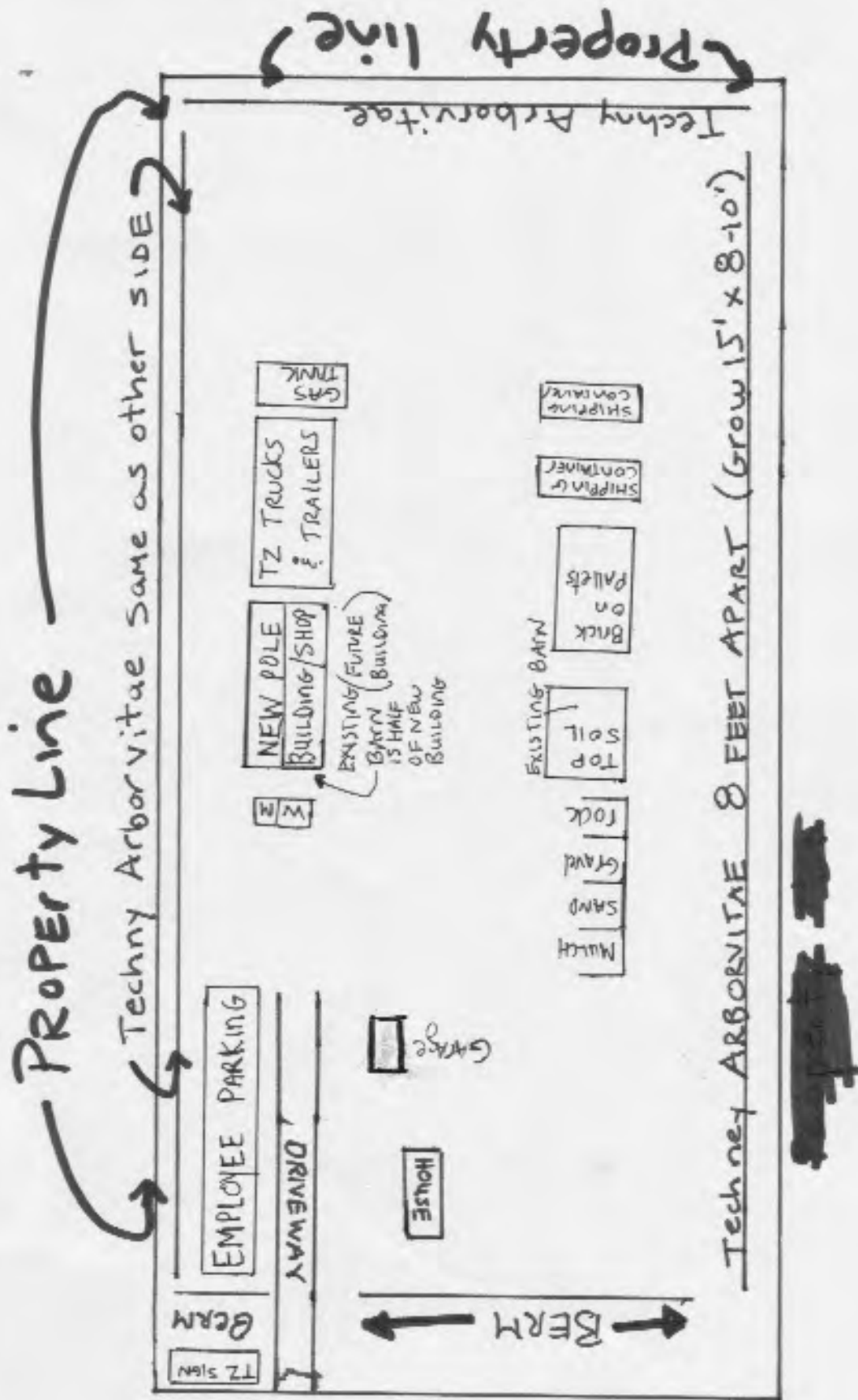
Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
LOZINN Schoenstedt	3260 Executive Dr. Sollet 12	Lschoenstedt@ reklawfirm.com
TYLER Zurliene		tzlandscaping@ gmail.com
Suzanne Cree		screezy191@sbcglobal.net



Matt Asselmeier

From: Matt Asselmeier
Sent: Friday, August 23, 2019 10:54 AM
To: 'Lorien E. Schoenstedt'
Cc: Carl Buck
Subject: RE: [External]FW: Drawing for TZ

Lorien:

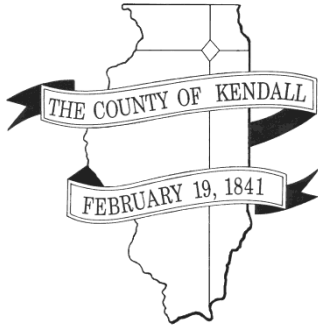
Per our conversation, the Kendall County Planning, Building and Zoning Department reviewed the updated site plan that you submitted today for the proposed special use permit at 276 Route 52 in Seward Township. The Department finds the revised plan to be deficient and requests the following information be added to the site plan or supplied to the Department in another manner:

1. A scale should be added to the site plan.
2. The dimensions of the portion of the property proposed for the special use permit submitted with the original application appear to be different than the revised site plan. Please clarify the area of the property that will be used for the proposed special use and, if necessary, update the legal description for the petition.
3. Please provide a definition of the berm including height, width, and composition.
4. Please provide the dimensions of the sign shown on the site plan.
5. Please state the height at the time of planting for the arborvitae shown on the plan.
6. Will a gap exist between the arborvitae and the berm?
7. Please provide a timeline for the installation of the berm and arborvitae.
8. Please verify that the employee parking area meets the setbacks contained in the Kendall County Zoning Ordinance. Please also confirm the material type of the parking area.
9. Please provide the dimensions of the mulch, sand, gravel, and rock storage areas.
10. There is an area identified as "top soil" ("existing barn") on the site plan. Please clarify if the top soil will be stored inside the existing barn.
11. Please provide the dimensions of the bricks on pallets area.
12. How many shipping containers are planned for the site? There is presently one shipping container on the property.
13. There are two squares marked "w" and "m". Are these restrooms?
14. There is a new pole building/shop shown on the plan. The site plan says that the existing barn is half of the new building. Please provide the dimensions of the new building and timeline for construction. Also, please clarify if that building will have restrooms.
15. There is an area identified as "TZ Trucks and Trailers." Please clarify if this area is planned to be a new building and the dimensions of the area.
16. Will any new pavement be added to the property? In particular, will the area from the mulch storage area south to the gas tank be paved in some way? What are the drainage plans for handling new pavement?
17. Will any additional lighting be placed on the property?
18. There is nothing on the plan indicating the placement of piles of landscaping waste. Please indicate placement of these piles if you plan to bring landscaping debris onto the property.
19. The Department has received several complaints that landscaping debris from other properties have been hauled onto the site and burned. Such burning is a violation of State law. Please respond to these allegations.

Because of the above defects, the August 28th meeting of the Kendall County Regional Planning Commission will be cancelled.

Please provide responses to the above defects by the closing of business on September 18, 2019.

If you have any questions, please let me know.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: September 18, 2019
Re: Petition 19-31-Request by the Kendall County Planning, Building and Zoning Committee for Text Amendments to the Kendall County Zoning Ordinance Pertaining to Recreational and Medical Cannabis Uses

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes are as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.
3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning

Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.

5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

At least one (1) Planning, Building and Zoning Committee member favored having cannabis uses in stand-alone buildings.

Townships were notified of this proposal and the September 10th meeting on August 28, 2019.

ZPAC met on this proposal on September 3, 2019. ZPAC issued a neutral recommendation and requested that information regarding surveillance, security, and security related structural requirements be added to the proposed amendment. ZPAC also requested that cannabis uses not be allowed in the B-3 District. The vote was five (5) in favor and one (1) in opposition. Fran Klaas said the County should not create zoning regulations for cannabis because it is illegal federally. The minutes of this meeting are attached.

On September 10, 2019, the Kendall County Regional Planning Commission and Planning, Building and Zoning Committee held a meeting. The changes made to the proposal were as follows:

1. Fix the incorrect section reference for craft growers (special uses in the A-1 is Section 7.01.D not Section 7.01.C as was found in the original proposal).
2. Clarify that craft growers may co-locate with dispensing organizations and infuser organizations in the M-1 and M-2 Districts only.

3. Clarify that dispensing organizations may co-locate with craft growers and infuser organizations in the M-1 and M-2 Districts and only with infuser organizations in the B-3 District.
4. Clarify that infuser organizations may co-locate with craft growers and dispensing organizations in the M-1 and M-2 Districts and only with dispensing organizations in the B-3 District.

Attached please find the proposed changes to the Kendall County Zoning Ordinance with changes proposed by ZPAC and with the changes made at the September 10th meeting.

Maps showing the potential location of cannabis uses are attached.

Information from Colorado regarding zoning regulations are also attached.

If you have any questions, please let me know.

MHA

ENCs.: Proposal (With ZPAC's Comments and Comments from 9-10-19 RPC and PBZ Meeting)
Maps
9-3-19 ZPAC Minutes
Information from Colorado

Cannabis Related Proposal
(ZPAC Comments in Blue-ZPAC Opposed Cannabis Uses in the B-3)
(Changes from September 10th PBZ and RPC Meeting)

1. Ordinances 2014-28 (Medical Cannabis Cultivation Centers), 2014-31 (Medical Cannabis Dispensing Organizations) and 2017-28 (Expiration Timeline for Medical Cannabis Related Uses Extended to July 1, 2020) are repealed in their entirety.
2. Section 3.02 of the Kendall County Zoning Ordinance is Amended by Adding the Following Terms in the Appropriate Places Alphabetically:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to

transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, as it may be amended from time-to-time, and regulations promulgated thereunder.”

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. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

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. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the definition from State law shall govern.

- 3. Section 7.01. ~~CD~~ (Special Uses in the A-1 District) and Section 10.01.C (Special Uses in the M-1 and M-2 Districts) are amended by adding the following:

Adult-Use Cannabis Craft Grower Subject to the Following Conditions:

- 1. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- 2. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing property zoned or used for residential purposes, unless the residential use is owned by the same owner as the Adult-Use Cannabis Craft Grower.
- 3. Facility may not be located within one thousand feet (1,000’) of the property line of a pre-existing forest preserve, public park, or place of worship.
- 4. **On properties zoned M-1 or M-2,** Adult-Use Cannabis Craft Growers may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Infuser Organizations or both.
- 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
- 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.

- g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
4. Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Cultivation Centers Subject to the Following Conditions:
1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 6. No outdoor storage is allowed.
 7. Electronic message boards and temporary signs are not allowed.
 8. Fences must be a minimum of eight feet (8') feet tall topped with barbed wire.
 9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Cultivation Centers Subject to the Following Conditions:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Compassionate Use of Medical Cannabis Program Act.
 5. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Anticipated number of employees and customers.
 - d. Anticipated parking demand and available parking supply.
 - e. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - f. Site design, including access points and internal site circulation.
 - g. Proposed signage plan.
 - h. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 6. No outdoor storage is allowed.
 7. Electronic message boards and temporary signs are not allowed.
 8. Fences must be a minimum of eight feet (8') feet tall topped with barbed wire.
 9. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
5. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Dispensing Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a

dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Cannabis Regulation and Tax Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized below in the same tenant space.

5. Onsite consumption of cannabis by the public shall not be allowed at Adult Use Cannabis Dispensing Organizations.
6. **On properties zoned M-1 or M-2**, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Craft Growers and Adult-Use Cannabis Infuser Organizations or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.
7. **On properties zoned B-3, Adult-Use Cannabis Dispensing Organizations may co-locate with Adult-Use Cannabis Infuser Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
8. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
9. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
10. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
11. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
12. Hours of operation are 6:00 a.m. until 8:00 p.m.
13. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
14. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
15. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.

Medical Cannabis Dispensing Organization Subject to the Following Conditions:

1. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers

- shall not be classified as a public or private school for purposes of this Section.
2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand feet (1,000') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. Onsite consumption of cannabis by the public shall not be allowed at Medical Cannabis Dispensing Organizations.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by State law.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 7. No flashing lights, search lights, spot lights, or other similar lighting systems may be used on the exterior of the building.
 8. Electronic message boards and temporary signs not allowed. Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.
 9. Hours of operation are 6:00 a.m. until 8:00 p.m.
 10. [The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.](#)
 11. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 12. In the event that the Compassionate Use of Medical Cannabis Program Act is amended, the more restrictive of the State or County Regulation shall apply.
6. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Infuser Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by an

infusing organization shall be devoted to the activities of the infusing organization as authorized by the Cannabis Regulation and Tax Act.

5. **On properties zoned M-1 or M-2, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations and Adult-Use Cannabis Craft Growers or both. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 6. **On properties zoned B-3, Adult-Use Cannabis Infuser Organizations may co-locate with Adult-Use Dispensing Organizations. In a co-location, the floor requirements listed above shall not apply, but the co-located establishments shall be the sole use of the tenant space.**
 7. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 8. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 9. **The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.**
 10. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 11. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
7. Section 9.04.C (Special Uses in the B-3, M-1, and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Processing Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. At least seventy-five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Cannabis Regulation and Tax Act.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.

6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), total square footage, security installations/security plan (including type of security system and plans to address operations when security and surveillance system malfunction) and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
 7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
8. Section 10.01.C (Special Uses in the M-1 and M-2 Districts) is amended by adding the following: Adult-Use Cannabis Transporting Organization Subject to the Following Conditions:
1. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 2. Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes.
 3. Facility may not be located within one thousand five hundred feet (1,500') of the property line of a pre-existing forest preserve, public park, or place of worship.
 4. The transporting organization shall be the sole use of the tenant space in which it is located and shall not transport any other products beside cannabis, unless specifically allowed by the Special Use Permit.
 5. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Cannabis Regulation and Tax Act.
 6. At the time of application, the Petitioner shall submit the following information:
 - a. A statement regarding the impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
 - b. Information on the proposed structure the facility will be located, including co-tenancy (if located in a multi-tenant building), (including type of security system and plans to address operations when security and surveillance system malfunction) total square footage, security installations/security plan and building code compliance.
 - c. Hours of operation.
 - d. Anticipated number of employees and customers.
 - e. Anticipated parking demand and available parking supply.
 - f. Anticipated traffic generation in the context of adjacent roadway capacity and access

- to such roadways.
 - g. Site design, including access points and internal site circulation.
 - h. Proposed signage plan.
 - i. Other criteria as may be necessary to determine Findings of Fact of the Special Use Permit application.
7. The Operator of the business allowed by the special use permit shall provide the Kendall County Sheriff's Office access to security system and security plans upon request by the Kendall County Sheriff's Office.
 8. The Petitioner shall file an affidavit with the County affirming compliance with the regulations contained in the Kendall County Zoning Ordinance.
 9. In the event that the Cannabis Regulation and Tax Act is amended, the more restrictive of the State or County Regulation shall apply.
9. Appendix 9-The Table of Uses is hereby amended to reflect the addition of these uses in the proper zoning districts.
 10. Any reference citation errors created by the addition of these definitions and uses to the Zoning Ordinance shall be corrected.
 11. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Zoning Map A1, A1-BP, A1-SU, A1-SU-PUD

KENDALL COUNTY

- 2019 -

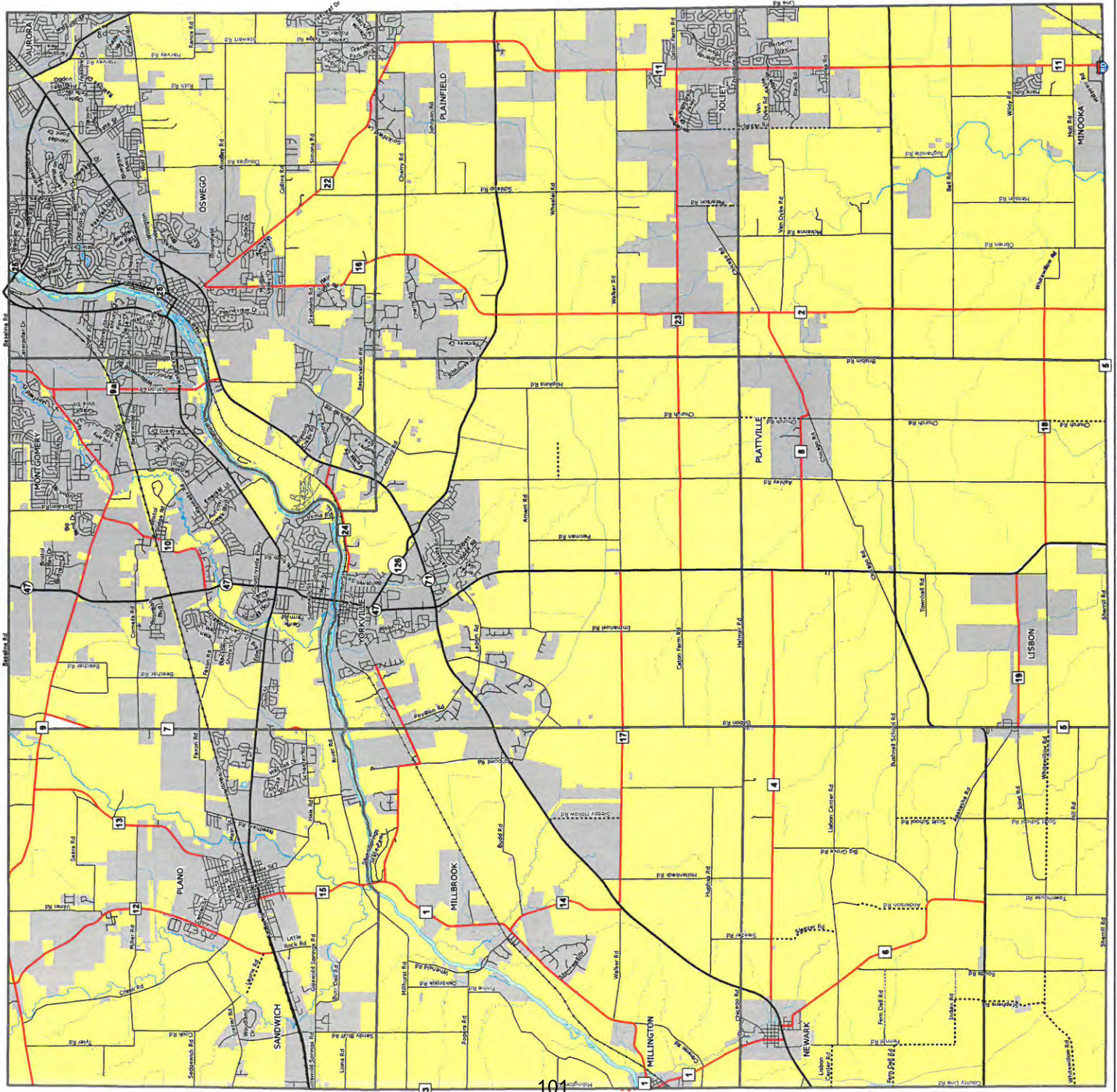
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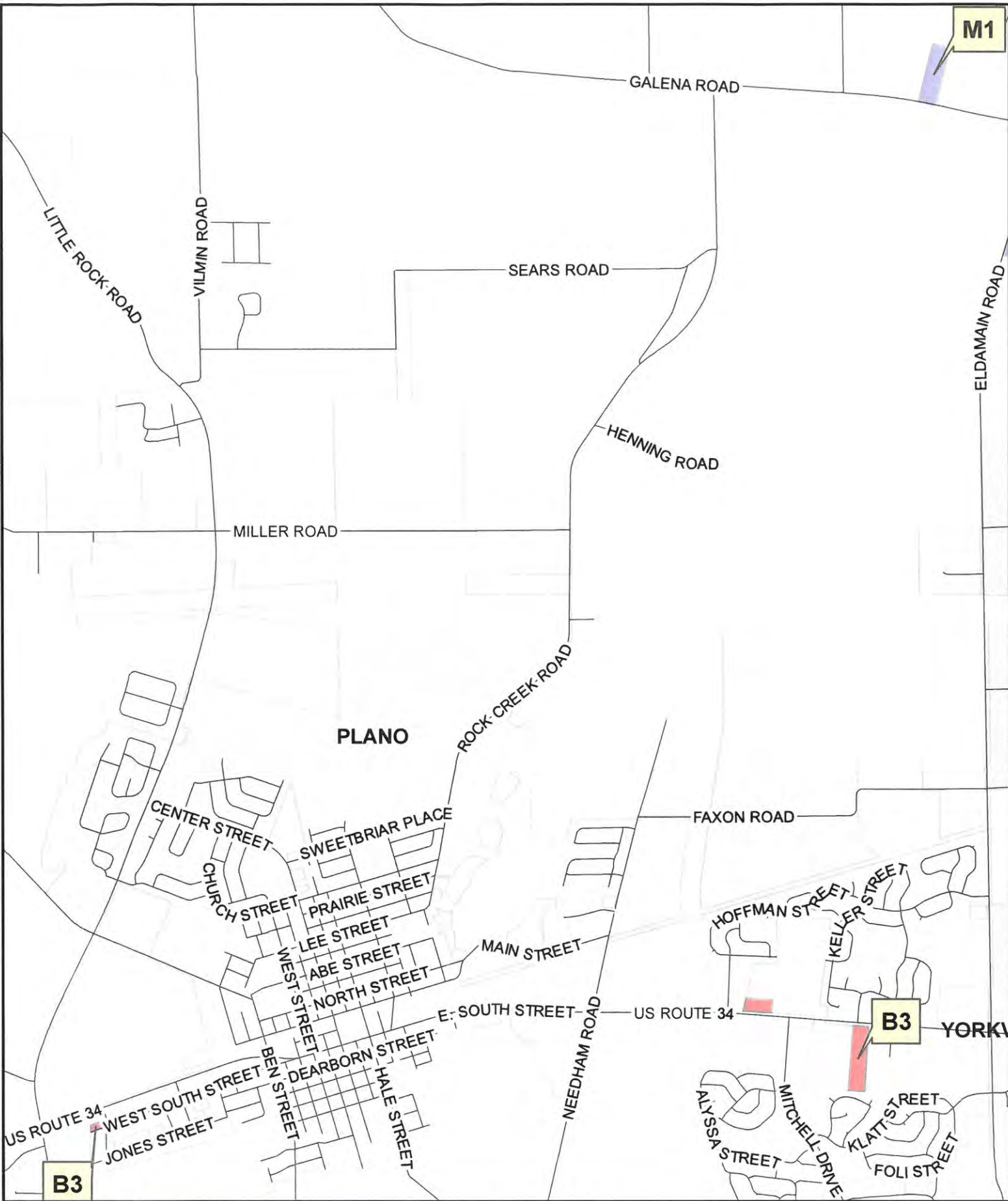
Legend

- ADJACENT COUNTY
- COUNTY
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- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- A1, A1-BP, A1-SU, A1-SU-PUD
- All Other Zoning/Municipalities



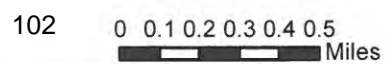
Kendall County GIS
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Yorkville, Illinois 60560-1408
402.234.4211



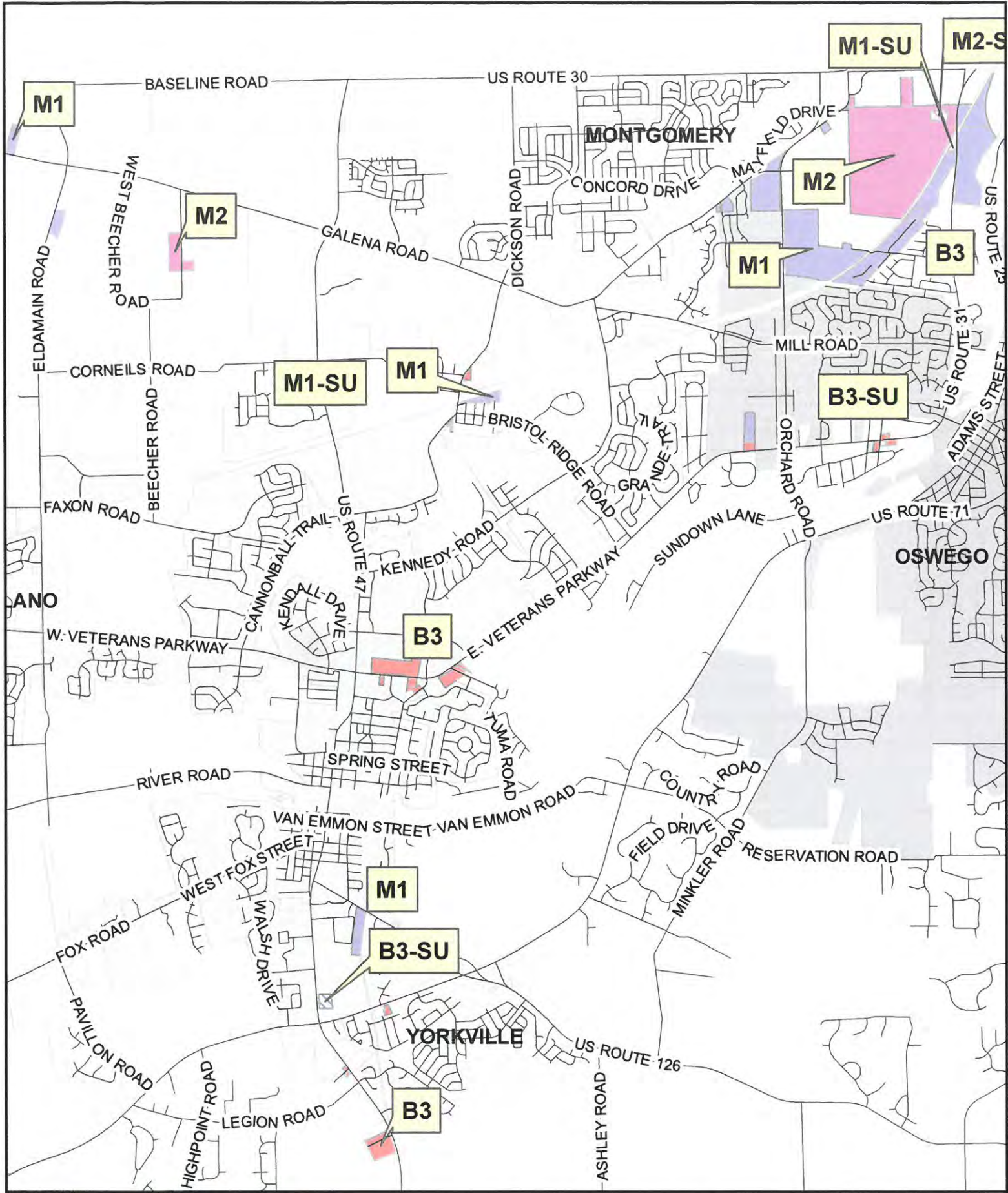


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Little Rock Township



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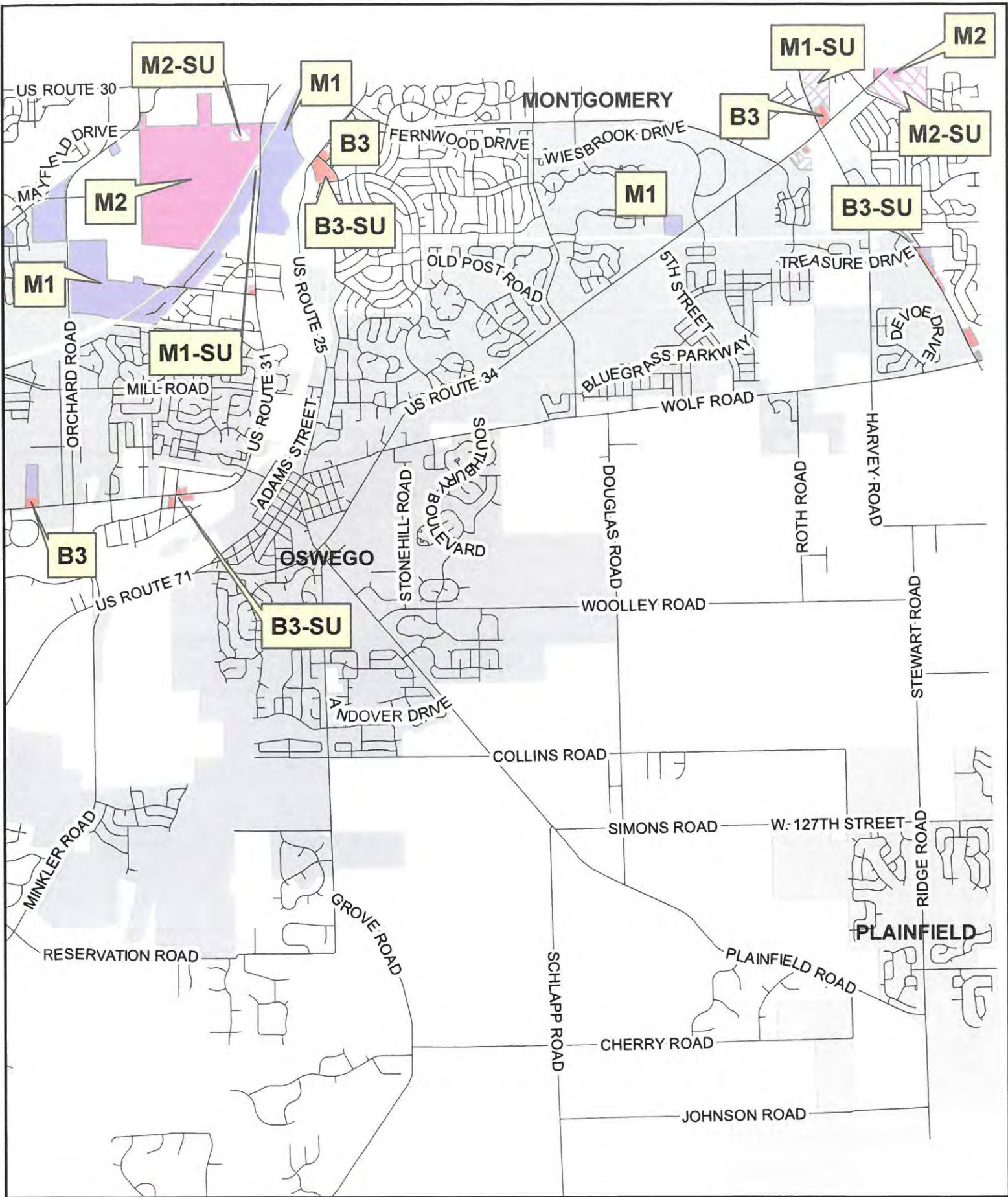


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Bristol Township



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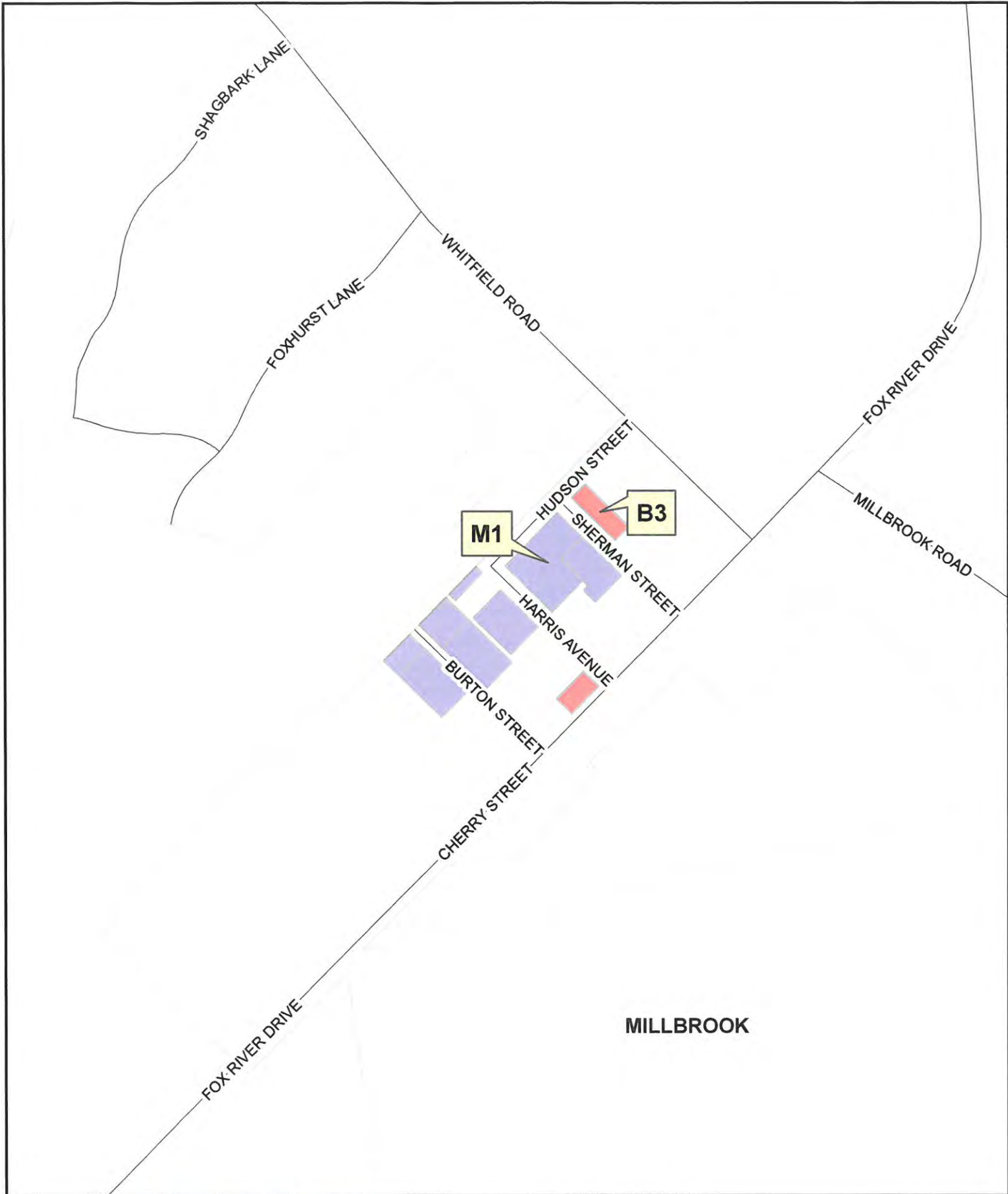


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Oswego Township



Created: 7/24/2019

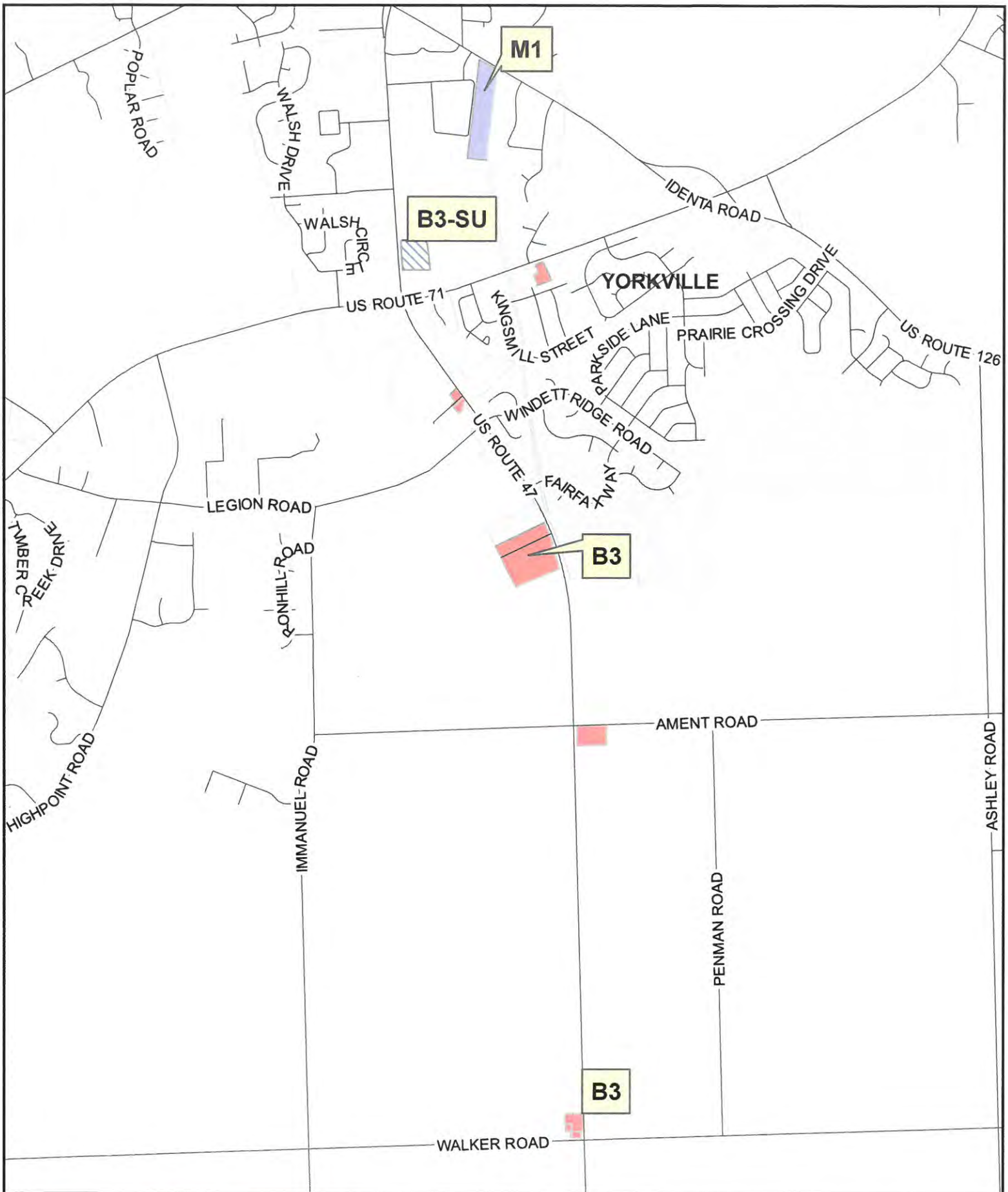


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Fox Township



Created: 7/24/2019



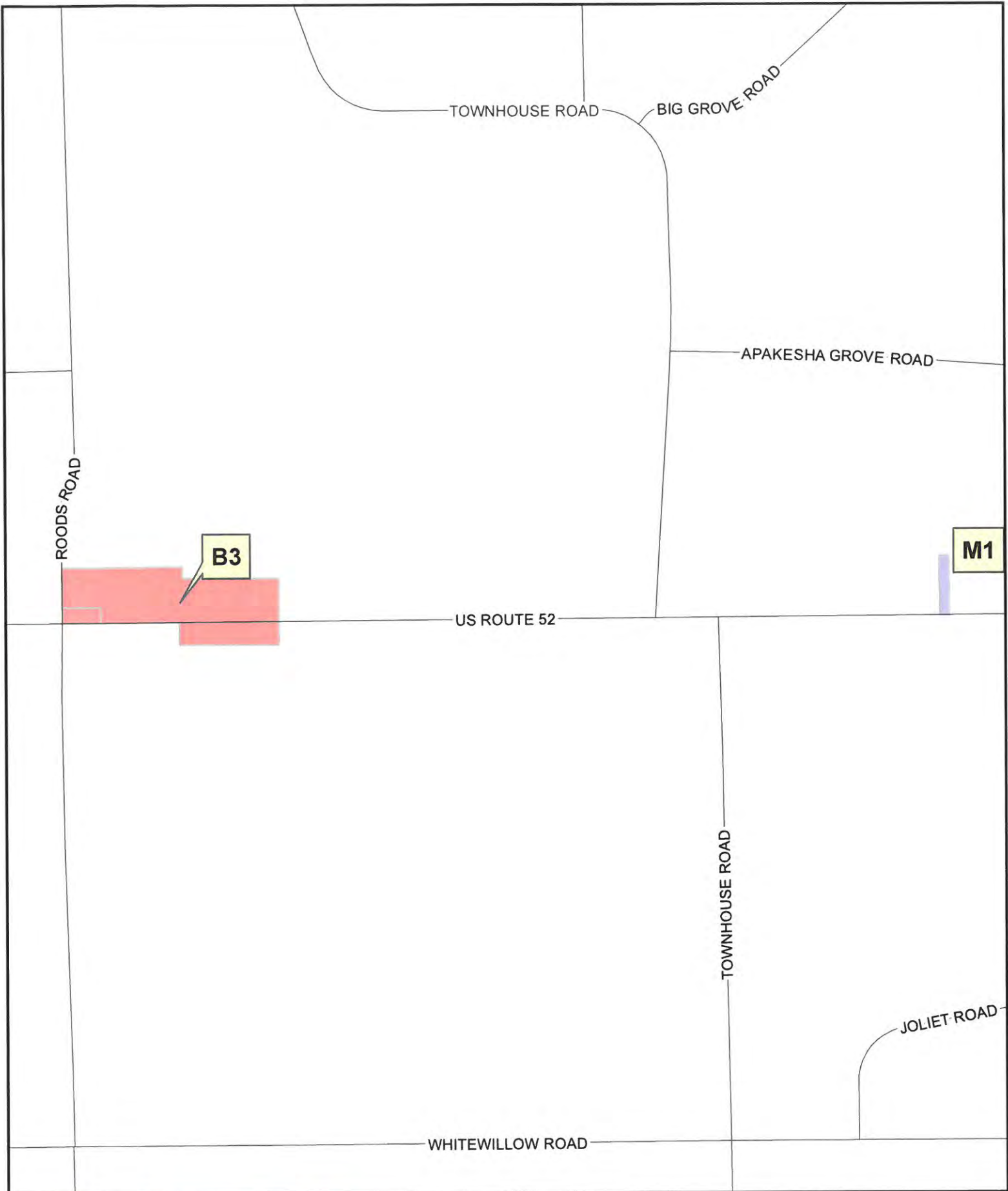
Kendall County GIS
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 Yorkville, Illinois 60560
 630.553.4212

Kendall Township

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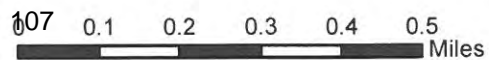


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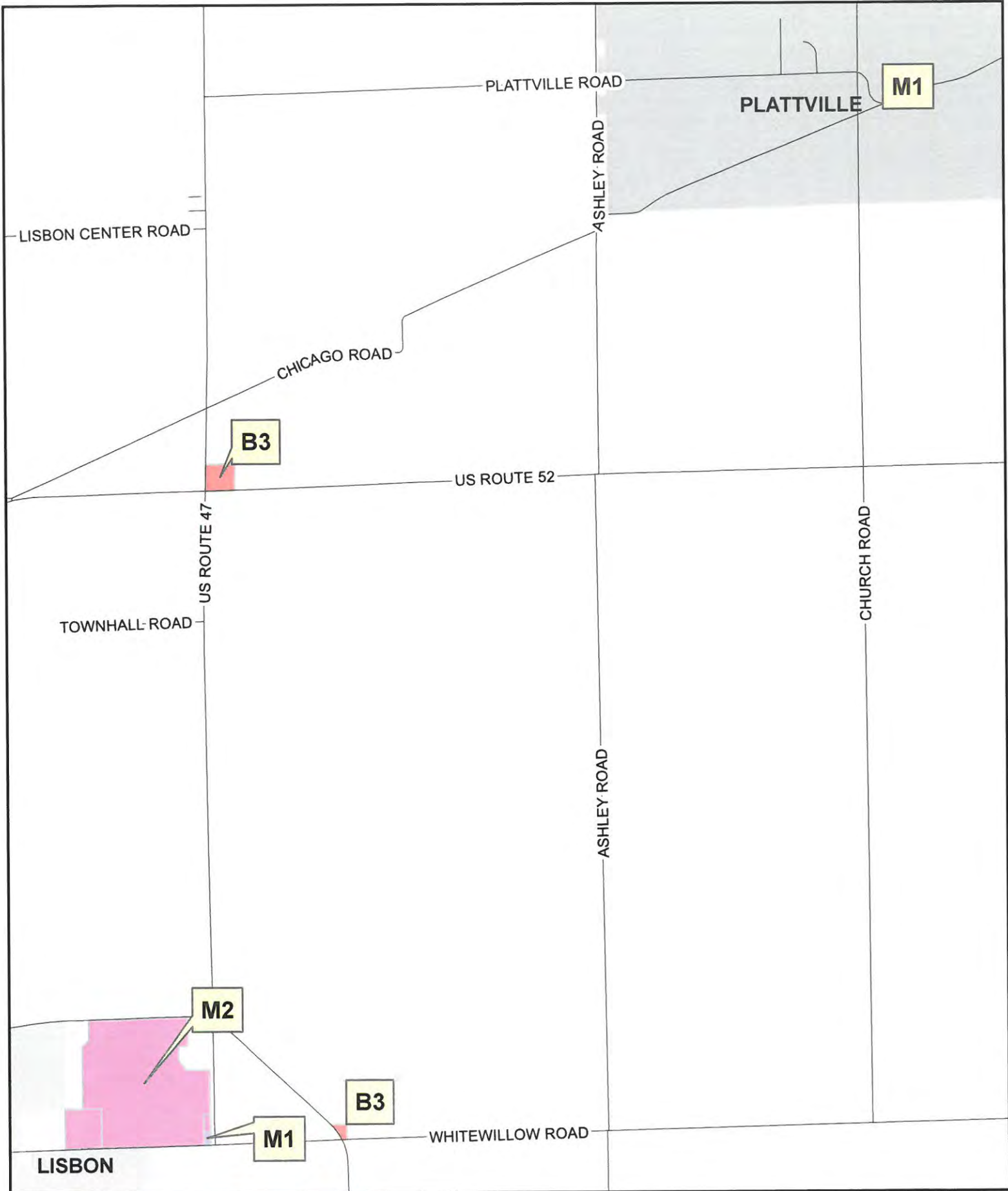


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Big Grove Township



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Lisbon Township



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Seward Township



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Buffers around Residential Buildings and Property Lines of Schools, Places of Worship, Day Cares, and Air Strips

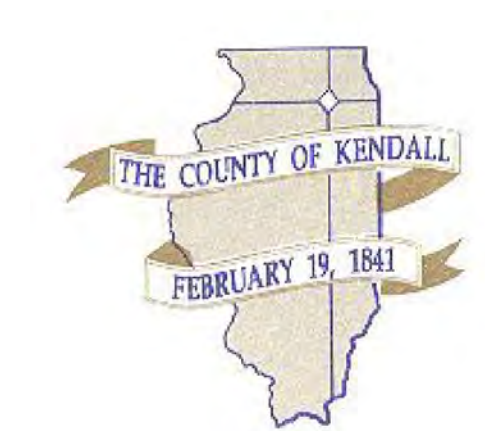
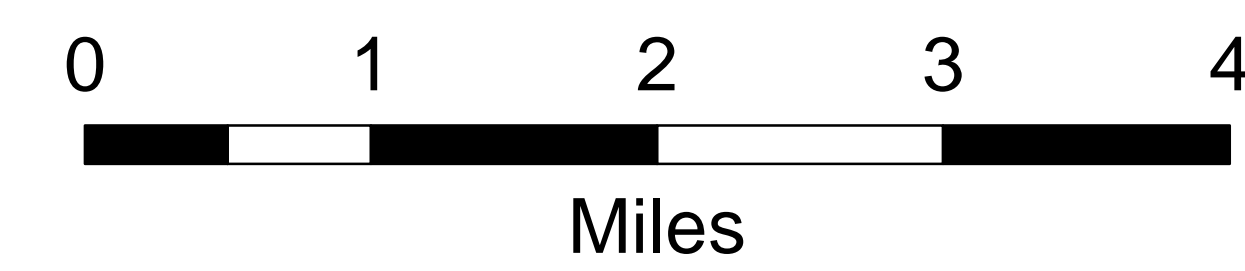
KENDALL COUNTY

- 2019 -

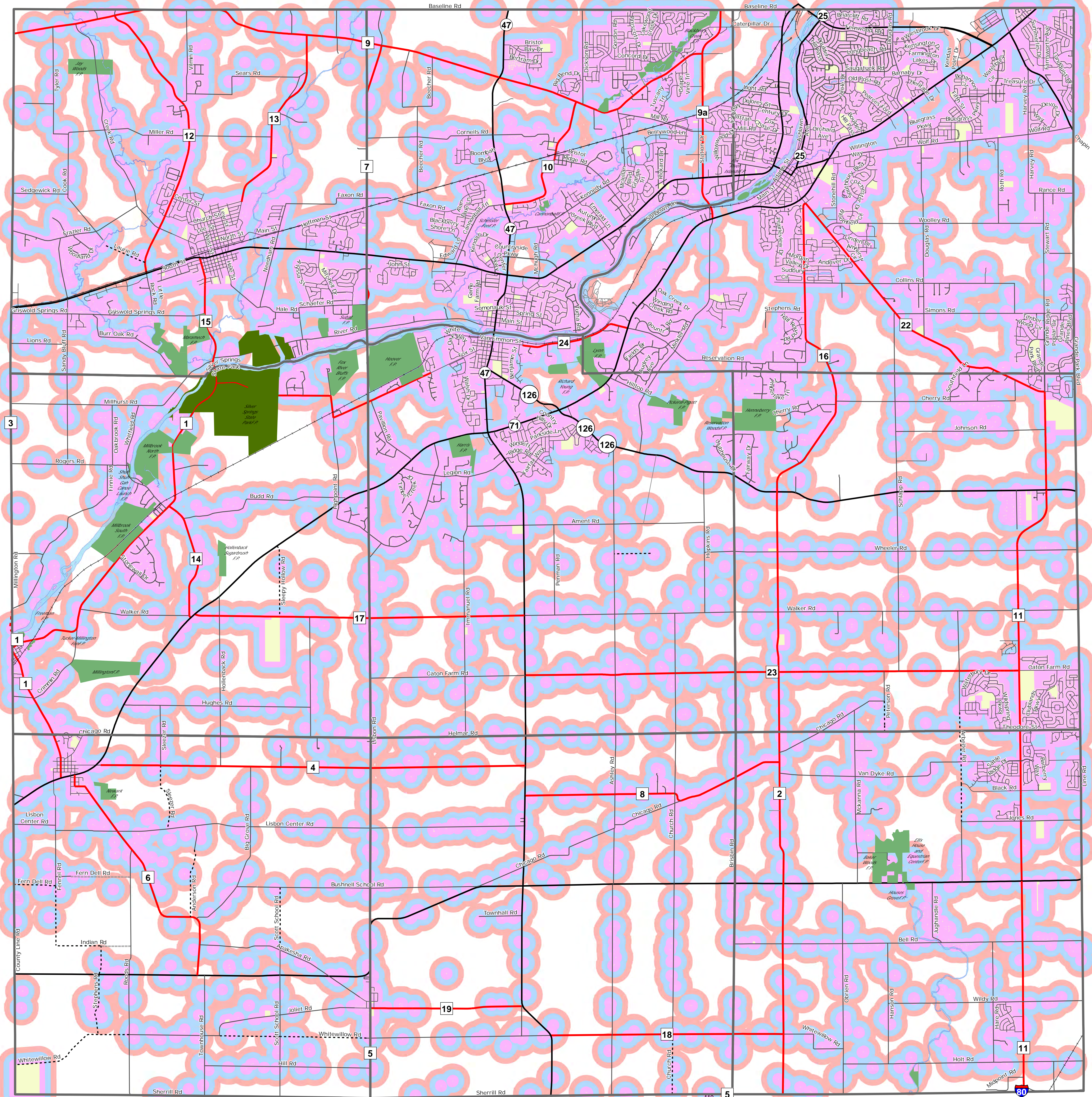
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Legend

- ADJACENT COUNTY
- COUNTY
- INTERSTATE
- STATE
- FEDERAL
- BITUMINOUS
- GRAVEL
- DIRT
- LOCAL
- RAILROAD
- POLITICAL TOWNSHIPS
- COUNTY FOREST PRESERVE
- STATE PARK
- CORPORATE BOUNDARIES
- 0 feet buffer
- 500 feet buffer
- 1,000 feet buffer
- 1,500 feet buffer



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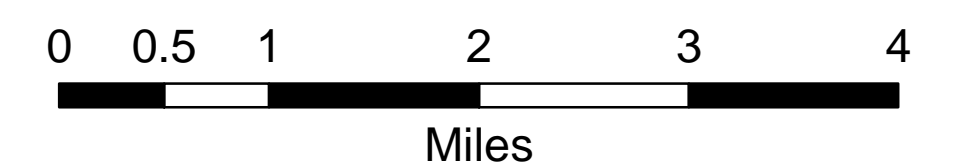
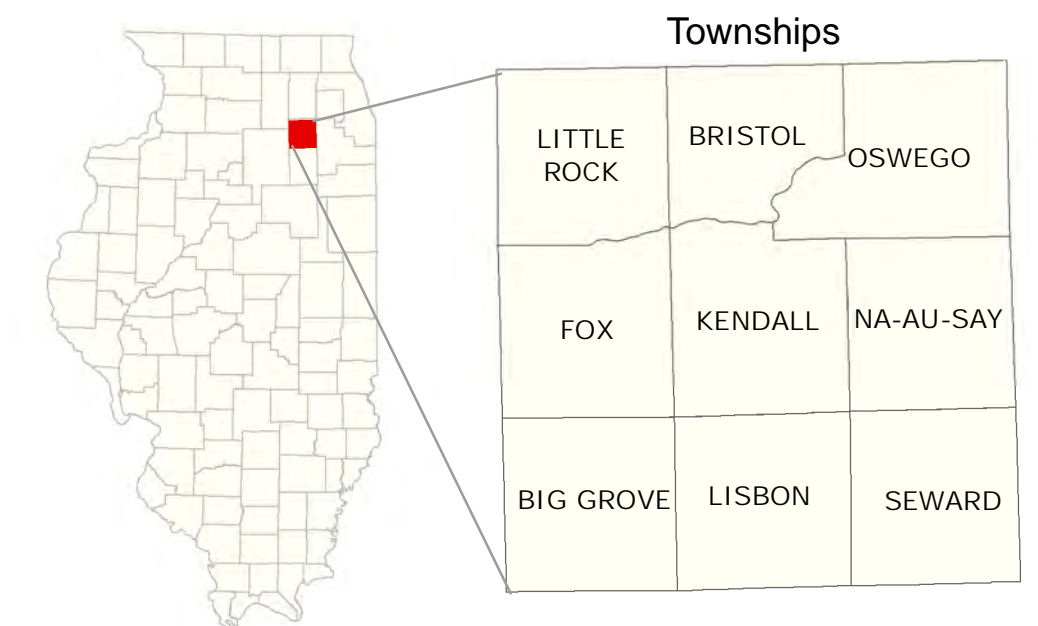
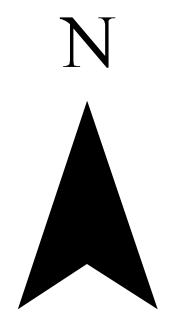


Distance from Corporate Boundaries, Residential Zoning, Forest Preserve Land, Parks, Medical Centers, Places of Worship, Schools, and Day Cares

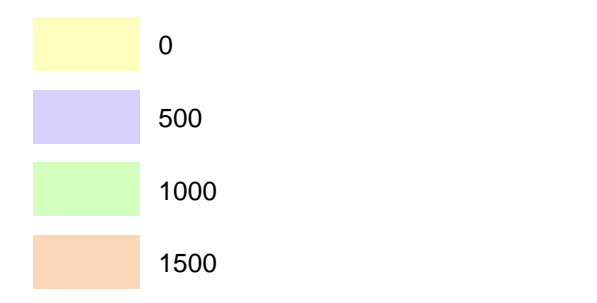
KENDALL COUNTY

- 2019 -

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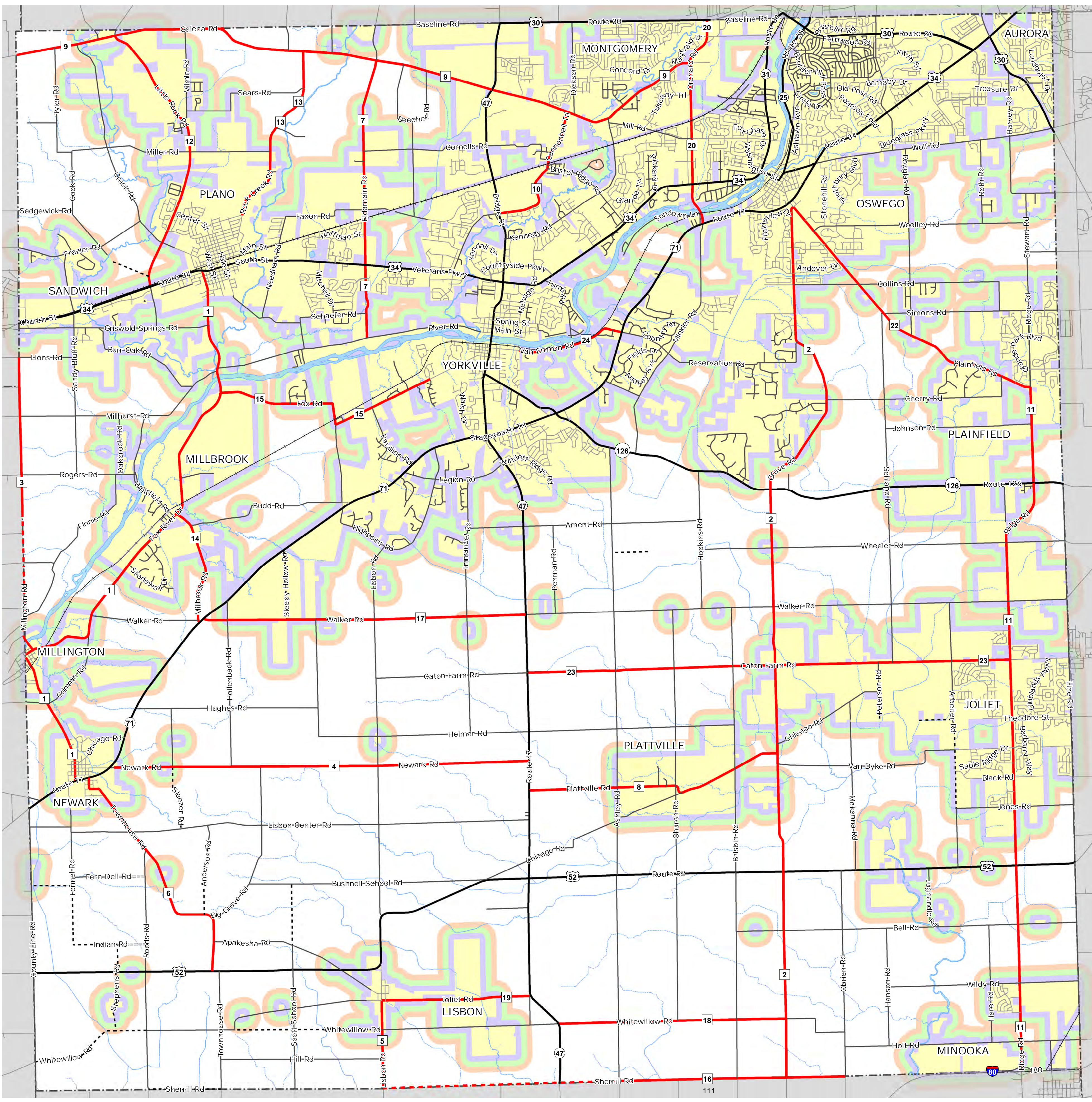


Distance in Feet



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Created: 08/14/2019

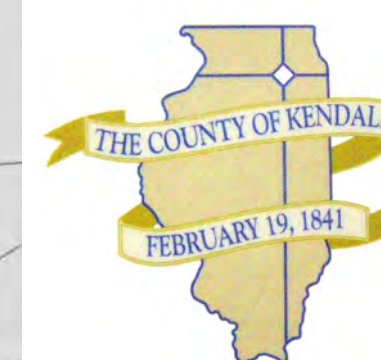
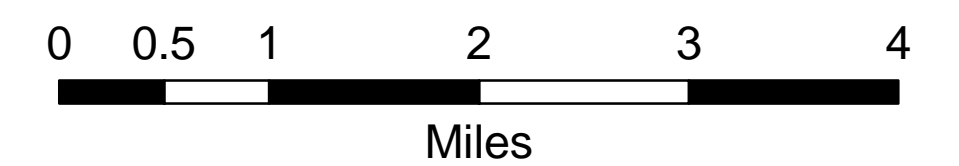
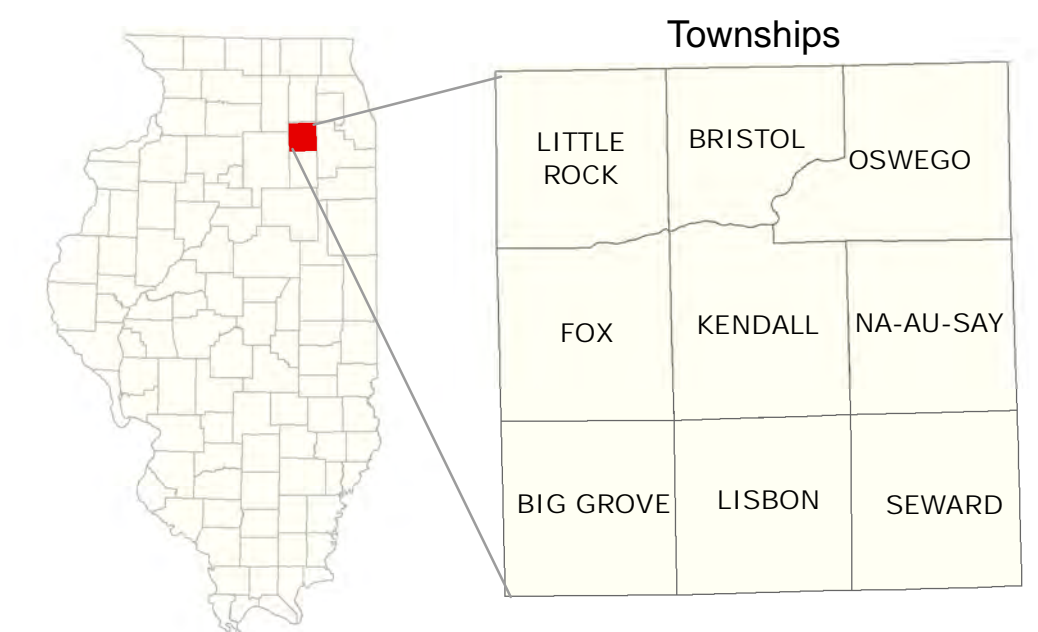
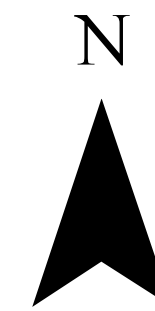


Schools and Day Cares

KENDALL COUNTY

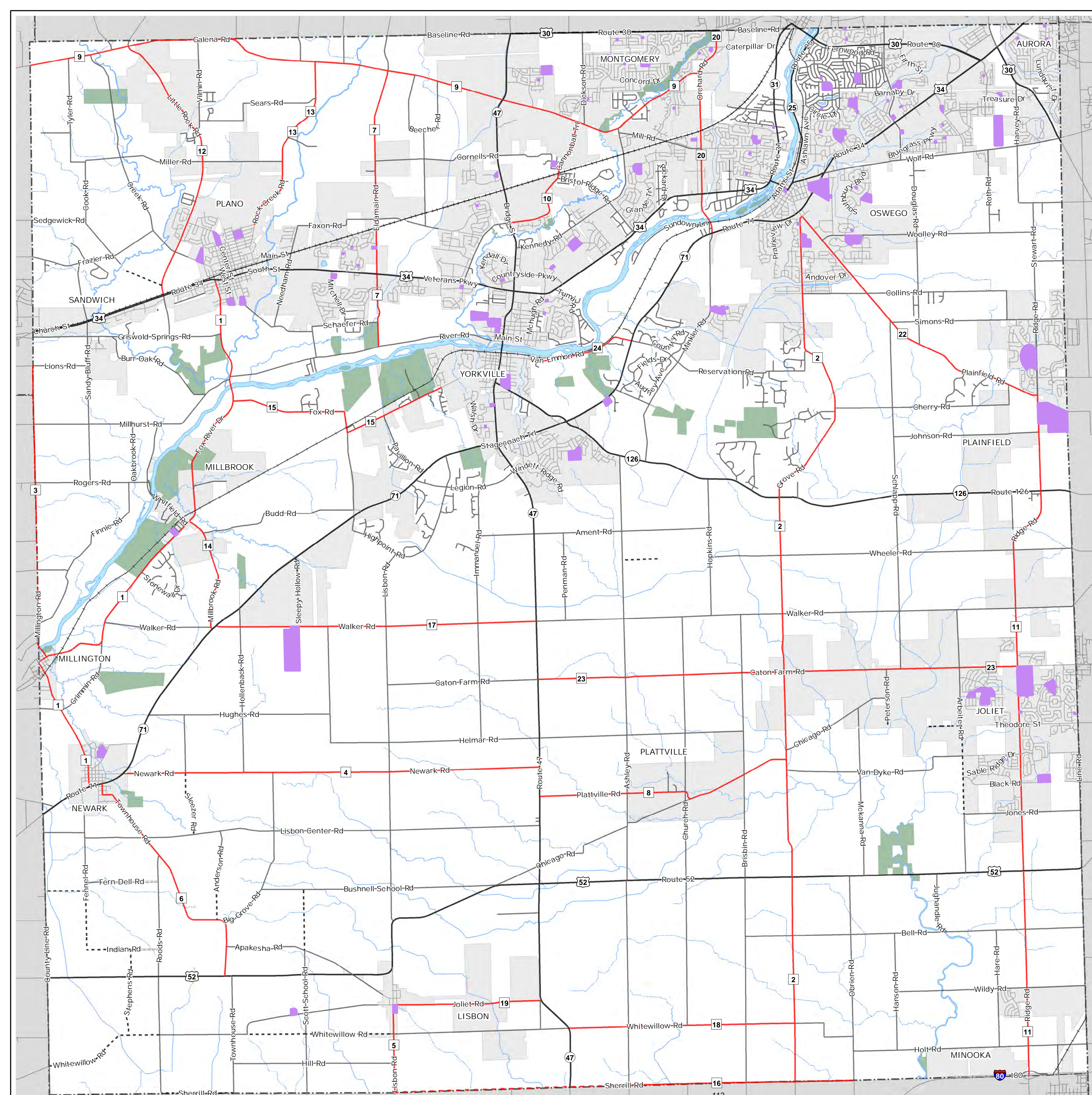
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Created: 08/22/2019



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 3, 2019 – Unapproved Meeting Minutes**

Senior Planner Chairman Matt Asselmeier called the meeting to order at 9:05 a.m.

Present:

Megan Andrews – Soil and Water Conservation District
Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff’s Department
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Matthew Prochaska – PBZ Committee Chair

Audience:

None

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented. With a voice vote of all ayes, the motion carried unanimously.

MINUTES

Mr. Guritz made a motion, seconded by Ms. Andrews, to approve the July 2, 2019, meeting minutes. With a voice vote of all ayes, the motion carried unanimously.

PETITIONS

Petition 19-31 Kendall County Planning Building and Zoning Committee

Mr. Asselmeier summarized the request.

Mr. Asselmeier noted that the intent of the Planning, Building and Zoning Committee was to have recreational and medical cannabis uses to have similar zoning requirements. In addition, this proposal only regulated the areas unique to County regulations; the proposal did not include restrictions already contained in State law.

On June 25, 2019, the Governor signed the Cannabis Regulation and Tax Act (Public Act 101-027). This Act legalized certain recreational cannabis uses and allowed County to enact reasonable zoning regulations related to these uses.

On August 9, 2019, the Governor signed an Act related to Banking-Cannabis Businesses (Public Act 101-363). Among other actions, this Act amended the Compassionate Use of Medical Cannabis Pilot Program Act by removing the expiration deadline of medical cannabis related uses and changing the location where medical cannabis dispensary may locate.

On August 26, 2019, the Kendall County Planning, Building and Zoning Committee voted to initiate text amendments to the Kendall County Zoning Ordinance pertaining to medical and recreational cannabis uses. The Committee wanted medical cannabis related use to be regulated similarly as recreational cannabis uses from a zoning perspective. The Committee also wanted to have these regulations in place by January 1, 2020.

In summary the changes were as follows:

1. The previously adopted zoning regulations for medical cannabis uses are repealed in their entirety.
2. Definitions of Adult-Use Cannabis Business Establishment, Adult-Use Cannabis Craft Grower, Adult-Use Cannabis Cultivation Center, Adult-Use Cannabis Dispensing Organization, Adult-Use Cannabis Infuser Organization or Infuser, Adult-Use Cannabis Processing Organization or Processor, Adult-Use Cannabis Transporting Organization or Transporter, Medical Cannabis Cultivation Center or Cultivation Center, and Medical Cannabis Dispensing Organization or Dispensing Organization or Dispensary were added to the Zoning

Ordinance. These definitions come from the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act.

3. Adult-Use Cannabis Craft Growers are proposed to be special uses in the A-1, M-1, M-2 Zoning Districts. They are to be at minimum one thousand feet (1,000') from the property lines of pre-existing public or private nursery schools, preschools, primary or secondary schools, day care centers, day care homes, residential care homes, pre-existing properties zoned or used for residential purposes, pre-existing forest preserves, public parks, and places of worship. This distance requirement is the same distance requirement for outdoor shooting ranges.
4. Adult-Use Cannabis Cultivation Centers and Medical Cannabis Cultivation Centers are proposed to be special uses in the M-1 and M-2 Zoning Districts and will be minimum two thousand five hundred feet (2,500') from the protected uses listed in number 3 previously. Medical Cannabis Cultivation Centers are currently special uses in the M-1 and M-2 Zoning Districts. The distance requirement was set by the Compassionate Use of Medical Cannabis Program Act.
5. Adult-Use Cannabis Dispensing Organizations and Medical Dispensing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand feet (1,000') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. Public Act 101-363 removed the distance requirements for Medical Dispensing Organizations. Onsite consumption of cannabis by the public is not allowed. Hours of operation will be from 6:00 a.m. until 8:00 p.m.
6. Adult-Use Cannabis Infuser Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
7. Adult-Use Cannabis Processing Organizations are proposed to be special use in the B-3, M-1, and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property.
8. Adult-Use Cannabis Transporting Organizations are proposed to be special use in the M-1 and M-2 Zoning Districts and will be at least one thousand five hundred feet (1,500') from the uses listed in number 3 previously except pre-existing properties used or zoned residentially. They can be at minimum two hundred fifty feet (250') from residentially used or zoned property. They can only transport cannabis unless allowed by the special use permit.
9. The proposal updates Appendix 9 to reflect the addition of cannabis related uses and correct citation errors caused by adding these uses to the Zoning Ordinance.

Maps showing the potential location of cannabis uses were provided.

The zoning related proposal is separate from the County's consideration of opting out of allowing recreational cannabis uses.

Commander Langston asked why some of the uses would be special uses in the B-3. Mr. Asselmeier responded that some Committee members felt some of the cannabis related uses should be in more trafficked areas.

Mr. Klaas expressed concerns about the negative impacts of the legalization of marijuana. He noted that marijuana is still illegal at the federal level. He noted that the federal government recognizes the potential exists for drug abuse with marijuana. He worried about the desensitizing impacts of drug use on kids. He expressed concerns regarding the ability of law enforcement entities to recognize people that are high or drunk. He did not want to be a party to any type of regulation or legalization of cannabis.

Commander Langston expressed his concerns regarding allowing cannabis uses in the B-3 District because it bolsters desensitization. He felt that the black market will thrive. He wanted to see clear description of security systems and security plans (the plans, how the plans are monitored, system backups, and structural requirements).

Discussion occurred regarding the County Board opting-out and the impacts of opting-out on the Zoning Ordinance.

Mr. Rybski noted that Dr. Tokars will be attending a future meeting on this topic.

Mr. Guritz noted that legalization could mean people consuming marijuana in the forest preserves and additional interesting behavior. Marijuana was still a noxious weed per State law.

Mr. Guritz made a motion, seconded by Commander Langston, to issue a neutral recommendation with a request that the proposal be amended to remove cannabis uses from the B-3 District and to add surveillance, security, and security related structural requirements to the proposed text amendment.

Ayes (5): Andrews, Asselmeier, Guritz, Langston, and Rybski
Nays (1): Klaas
Present (0): None
Absent (4): Briganti, Chismark, Holdiman, and Prochaska

The motion passed. There will be a special Planning, Building and Zoning Committee meeting on this topic on September 10, 2019 at 6:30 p.m. The proposal will go to the Kendall County Regional Planning Commission on September 25, 2019.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-04, pertaining to changes to the Future Land Use Map in Lisbon Township was rejected by the County Board.

Mr. Asselmeier reported that Petition 18-24, pertaining to the Flisk Special Use Permit Amendment at 17 Ashe Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-12, pertaining to a special use permit for a banquet center at 10978 Crimmin Road was approved by the County Board.

Mr. Asselmeier reported that Petition 19-25, pertaining to renewing a special use permit for a billboard at 34 and Hafenrichter was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Ms. Andrews to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:40 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Understanding the County Role in the Growing World of Legal Cannabis

Saturday, July 13, 1:45 PM – 3:00 PM | Bronze 2 & 3, Grand Salon | Bally's

Meeting Agenda

To date, ten states and the District of Columbia have legalized recreational usage of cannabis to some extent, with another 33 states having legalized medicinal usage in some form. Understanding what effect state legalization may have on your county and how best to prepare to navigate the fast-growing cannabis industry is vital. This session will provide county leaders with tangible examples of the successes, and pitfalls, of navigating cannabis legalization.

1:45 PM: Welcome, and Introductions

- **Hon. Rex Bohn**, Supervisor, Humboldt County, Calif.

1:50 PM: Panel Discussion

- **Chuck Callaway**, Police Director, Las Vegas Metropolitan Police Department
- **Jacqueline Holloway**, Director, Department of Business License, Clark County, Nev.
- **Eric Johnson**, Executive Director, Washington State Association of Counties
- **Jim Burack**, Director, Marijuana Enforcement Division, Colorado Department of Revenue

2:30 PM: Moderated Question and Answer

3:00 PM: Meeting Concludes

NACo staff contact: Brett Mattson, Legislative Assistant | bmattson@naco.org or 202.942.4234

Marijuana Licensing & Regulatory Framework

Collaboration Environment with all Relevant Agencies that Leverages Diverse Expertise from Regulators and the Industry

Involvement of the Industry, the Public, and the Green Ribbon Advisory Panel

Clearly Define the Role & Relationship of the Regulators

Goal is to be the GOLD STANDARD in the Marijuana Industry

Requirements to Submit Application
Special Use Permit from Comprehensive Planning
Registration Certificate from the Marijuana Enforcement Division
Secretary of State Business License
Certificate of Occupancy
Standard Operating Procedures (Including Security, Transportation, and Inventory)
Fees Paid
Complete Application

Requirements for Licensure
Air Quality Approval
Fire Department Approval
Background Check (for Example Agent Card from the State)
Advertising Approval
Financial Suitability (Performed by CCBL Audit Division)
On-Site Inspection
Code Conference

Best Practices

Creation of Cannabis Control Board
Prohibition of Consumption Lounges
Scheduled Courtesy Audits by CCBL Audit Division
Annual Submissions of Ownership Disclosure and Local Community Benefit Forms
Fee Structure is Reasonable for an Emerging Industry
Alignment of Regulation for Medical & Retail especially Co-Location
Open, Streamlined, Flexible, and Transparent Process

Lessons Learned

Collection of Marijuana Fees Including Construction of a Merchant Teller Room and Scheduled Appointments
Utilization of Marijuana Fees that were Earmarked for Homeless Families with Children Specifically Rapid Re-Housing
Acceptance of Applications in Electronic Form Instead of Paper Submissions
Greater than Expected Amount of Time Providing Formal & Informal Guidance Assure Compliance Standards
Marijuana Tracking System used by Licensees Lacked Maturity which Hindered Reporting and Compliance Requirements
Required Businesses that Supported Marijuana Establishments to Apply for a Marijuana Support Business thus Every Business that was in the Supply & Service Chain is Properly Licensed

NACo Conference Committee Notes

County Role in the Growing World of Legal Cannabis

Speaker #1: Chuck Calloway – NV Law Enforcement

- Cautionary Tales
 - Conflicting language in bill - transport proceeds vs. oz
 - PSA's/leaflets for tourists - what they can/can't do
 - Law enforcement advisory committee setup for training officers on what can/can't be enforced
 - Guidance for airport - dropboxes for people who think they can fly with it → only law enforcement can empty
 - Must have good relationship with cannabis industry and method to hold accountable
 - Illegal delivery and pop-ups – i.e. yoga & cannabis etc.
 - Laundering cash through ATM's at dispensaries → Banking pilot program for cannabis industry so they are not cash-only
 - Homeless dumpster diving behind airport, dispensaries, other cannabis businesses
 - Black market increase
 - Mailing cannabis

Speaker #2: Jacqueline Holloway – NV Business Licensing

- See Handout for more info
- Cautionary Tales
 - Don't accept incomplete applications
 - Odor control plan setup – structure of buildings for growhouses
 - Quarterly onsite inspections
 - Cannabis Control Board setup
 - Ownership disclosure forms annually – for any ownership % in business, look into financial background
 - Collaborative environment that is open, transparent, and flexible
 - Learn about cultivation/dispensary industry
 - Collection of Cannabis \$
 - 2.6 million quarterly
 - Must hand-count until purchase of gaming cash count machines (like the ones used in casinos)
 - Merchant teller room for turning in/picking up cash
 - Armored cart for moving cash

Speaker #3: Eric Johnson – WSACo

- WA had an unregulated medical system initially, so it took longer to harmonize medical and recreational
- Touring locations in legalized states to learn about industry is advisable
- Monitoring Impact of Legalization Report online, highlights below:
 - Grades 6-12 had **no** measurable changed use of cannabis
 - Adult consumption increase 14% annually, has since plateaued
 - Traffic violations/crashes with THC present have increased, but *does not necessarily mean they are under the influence while currently driving*
 - Traffic fatalities increased from 10 to 26% with THC in system
 - Drug only DUI arrests have increased 40%
 - 18/39 counties have more dispensaries than Starbucks
- 37.5% state tax with 4% going to cities/counties
- Land use – authority to ban via zoning
 - 6/39 counties have banned retail processing and production
 - Don't put growhouses in residential areas (odor)

Speaker #4: Jim Burack – CO Revenue and Enforcement

- Local gov homegrows, caregivers, and commercial are regulated as separate economies but effect each other
- Hemp = major issue because need to figure out what lane it's in:
 - cousins with marijuana, but separate commodity
 - looks similar to law enforcement, must be trained to distinguish between the two
 - alchemy of THC and CBD similar, but hemp has less %
- People, Places, Plants, Products
- Tracked, Taxed, Tested, Tagged
 - Successful equilibrium of supply and demand thanks to accurate tracking
 - 14 labs throughout the state for testing potency & setting limitations
 - No human animals/fruits for edibles to deter kids
- Numbers for 2018:
 - 1.5 billion in sales
 - 266 million state level revenue
 - 3,000 business licenses state level
 - ½ million pounds of flower and concentrate grown
- Major issues:
 - Social equity
 - High youth vaping rate – relationship between nicotine & THC
 - Publicly traded companies can own licensing
 - Illegal delivery & hospitality/clubs – not General Assembly, because local control

Do's and Don'ts for Cannabis Legalization



Do's

- A. Know that large quantities of high-quality cannabis will have a strong odor. (Think political nightmare).
- B. Realize that for some people marijuana will always be a schedule 1 drug.
- C. Listen (to everyone involved).
- D. Engage early and often with community and industry stakeholders TOGETHER.
- E. Develop relationships with key industry and community leaders who can help you communicate.
- F. Identify core regulatory goals, and work to accomplish them.
- G. Provide clear definitions and performance criteria for permits, inspections and enforcement.
- H. Have an enforcement plan in place at the same time you begin your permit process.
- I. Develop a robust inspection plan before permits are issued.
- J. Realize without the willingness to enforce, the permitting process is compromised.
- K. Be Creative, think outside the Box.
- L. Collaborate with state agencies.
- M. Evaluate your expected results and adjust based on actual results, be willing to adapt.
- N. Be specific where you want to allow and where you don't want cannabis operations.
- O. Assign experienced staff to lead the effort and train support staff early.
- P. Provide a complete list of required application materials.
- Q. Protect Prime Agricultural soils so that they may be returned to growing food crops.
- R. Seek agreement between State and Local jurisdictions on the definition of terms.
- S. Remember that cannabis is an agricultural commodity and subject to changes and impacts that affect production like any crop (weather, disease, insect pests)
- T. Collect fees upfront.

Don'ts

- 1. Don't allow cultivation of large quantities of high-quality cannabis in close proximity to residential areas (See A above).
- 2. Don't think taxing cannabis will solve all governmental economic problems.
- 3. Don't let adjoining jurisdictions be silent in the process of ordinance development. (Go talk directly to their governing body).
- 4. Do NOT accept incomplete applications.
- 5. Don't wing it...make it up as you go.
- 6. Don't expect to devise a solution that makes everybody happy.
- 7. Don't think leaders in the cannabis industry are dopes.
- 8. Don't assume all cannabis growers are wealthy.

Do's and Don'ts for Cannabis Legalization



COUNTY OF HUMBOLDT, CALIFORNIA

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Jacqueline R. Holloway
Director

Department of Business License

**Clark County
Green Ribbon Advisory Panel Recommendations**

Green Ribbon Panel Members:

Andrew Abboud, Antonio Alamo, John DiBella, Frank Hawkins, Andrew Jolley, Carmen F. Jones, Jay Matos, Brian Padgett, Scott Sibley, Howard Starr, Lucy Stewart, Chao-Hsiung Tung, Virginia Valentine, Armen Yemenidjian.

Facilitator:

David Ebersold

Background:

On February 21, 2017, the Board approved the creation of a Green Ribbon Advisory Panel (GRAP) to include twelve (12) representatives, comprised of representatives from the Nevada Retail Association (1), the Nevada Resort Association (1), Local Casino interests (2), Medical Marijuana Dispensaries (1), Medical Marijuana Cultivators (1) Medical Marijuana Cultivators not associated with a Medical Marijuana Dispensary (1), Medical Marijuana Laboratories (1), Medical Marijuana Production Establishments (1), Medical Marijuana Patient Advocates (1), Medical Marijuana Industry Associations (1) and the Nevada Gaming Control Board/Gaming Commission (1).

The intent of the Green Ribbon Advisory Panel is to make recommendations to the Board concerning Land Use and Business License code amendments for the regulation of recreational marijuana establishments in Unincorporated Clark County.

On March 8, 2017, the Board appointed twelve (12) members to the GRAP to represent the categories listed above.

Further, on March 21, 2017, the Board of County Commissioners appointed two (2) additional at-large members to the GRAP.

The Green Ribbon Advisory Panel met on the following dates at the Clark County Department of Building and Fire Prevention, Presentation Room at 4701 West Russell Road, Las Vegas Nevada 89118:

March 27, 2017

April 3, 2017

April 7, 2017

April 24, 2017

Each agenda item was properly noticed and posted at seven (7) locations including the Clark County website, www.clarkcountynv.gov. A transcript of each meeting will be made available, upon request.

Based on the meetings as noted above, the following document represents the Land Use and Business License recommendations that will be made to the Board of County Commissioners on May 2, 2017.

Representatives of the Nevada Gaming Commission and Board, Nevada Resort Association and Local Casino interests did not take a position on any items that facilitate the legalization of marijuana (medical and recreational).

**DRAFT RECOMMENDATIONS OF THE GREEN RIBBON
ADVISORY PANEL**

**LAND USE REQUIREMENTS AND BUSINESS LICENSING: KEY
CONCEPTS FOR THE LICENSE AND REGULATION OF RETAIL
MARIJUANA**

The Panel recommends:

1. A priority is to maintain the existing successful medical marijuana program while implementing the licensing and regulation of retail marijuana.

RECOMMENDATION NO. 1: Existing Medical Marijuana licensees in good standing will be offered the privilege of applying for a retail marijuana license at the existing licensed location or an alternative location if co-location is not permissible.

- Existing cultivation, production and laboratory medical marijuana establishments have obtained land use and public safety approvals and therefore can seamlessly onboard retail marijuana operations through land use and business license administrative processes. Medical marijuana dispensaries will require a new special use permit for retail marijuana sales.

RECOMMENDATION NO. 2: Hours of operation for medical marijuana establishments and retail marijuana establishments should remain from 7:00 a.m. to 3:00 a.m.

- Current land use code includes a sunset provision to take effect on January 1, 2018, that would revert hours of operation back to 6:00 a.m. to 10:00 p.m. as originally enacted. Panel recommends removal of sunset provision so hours of operation remain 7:00 a.m. to 3:00 a.m.

RECOMMENDATION NO. 3: A “Master Marijuana Business License” can streamline the application process for medical marijuana establishments to onboard retail marijuana operations under one license.

- The licensing and regulation of retail marijuana establishments within the existing framework for medical marijuana eliminates the need for two separate sets of regulations and operating requirements (such as transportation, delivery, security plans).

RECOMMENDATION NO. 4: Dispensaries with both medical and retail marijuana must accommodate a medical patient’s request for a confidential and private consultation within the available space.

*patients &
patient
advocates*

RECOMMENDATION NO 5: The patient cost of medical marijuana should be significantly less than the purchase price for retail marijuana. Initially in Clark County, retail marijuana establishments should operate under the same fee structure as existing medical marijuana establishments. Once permanent State regulations are in place, if medical marijuana does not cost significantly less than retail marijuana, strong consideration should be given to reducing fees for medical marijuana in order to lower the cost of medicine for the medical marijuana patients.

- Current Comprehensive Planning land use application fee structure:
 - \$5,000 for a Special Use Permit for the establishment of a new facility
 - \$2,500 for an Extension of Time

- Current Business License fee structure:
 - \$1,500 application fee.
 - \$500 for additional location under the same ownership.
 - \$250.00 flat fee for delivery between establishments with common ownership with no sale transactions can be amended as the fee for marijuana distributors.

- License fees: Quarterly fees based on gross revenue:
 - 1% of gross revenue not to exceed \$150,000 per quarter
 - 2% of gross revenue between \$150,000 – \$400,000
 - 3% of gross revenue over \$400,000

RECOMMENDATION NO. 6: Marijuana distribution licenses can be included in the Master Marijuana Establishment Category for existing medical marijuana licensees to allow for streamlined processing at County level.

- Proposed regulations from Nevada Department of Taxation would allow applications for marijuana distribution licenses by:
 - Licensed liquor wholesalers
 - Medical marijuana establishments holding registration certificates in good standing
 - Applicants currently transporting medical marijuana whose employees hold valid marijuana agent registration cards

2. A priority is the prohibition of delivery and consumption of marijuana within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee to comply with the Nevada Gaming Commission and Board's prohibition of any consumption and possession of marijuana on gaming properties.

RECOMMENDATION NO. 1: Delivery and consumption of retail marijuana to establishments within the Las Vegas Boulevard Gaming Corridor, H1 Zones and on the premises of any restricted or non-restricted gaming licensee should be prohibited.

- Licensed retail marijuana stores may deliver to a customer's residence which is consistent with proposed regulations by the State, provided that deliverers must demand and verify proof of age of recipient. Delivery is prohibited within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee.

RECOMMENDATION NO. 2: While we believe that the panel needs additional time to work cooperatively across all interests, we believe that the creation of a privileged license category for a marijuana consumption lounge after the State has begun to grant temporary retail licenses will accommodate marijuana tourism while preventing the consumption and possession of marijuana within the Las Vegas Boulevard Gaming Corridor, H1 Zones, and on the premises of any restricted or non-restricted gaming licensee.

3. A priority is the public health and safety of residents and tourists (especially children and medical marijuana patients) living and visiting Clark County.

RECOMMENDATION NO. 1: Until the passage of regulations for retail marijuana operations by the Nevada Department of Taxation, all operational requirements existing for medical marijuana establishments, where possible, should be maintained for the operation of retail marijuana establishments. Upon the passage of State legislation, the County shall adopt any additional regulations and requirements that may include, but not limited to:

- Packaging and labeling requirements
- Standardized dosing instructions and THC potency information
- Child proof protection by using child proof packaging or child proof exit bags.
- Educational information dispensed with product to include education on recreational use (start low, go slow).
- Cease production and sale of edible marijuana whose name maybe confusing to children. e.g., “girl scout cookies.”

RECOMMENDATION NO 2: Laboratories should employ testing protocols to ensure reliable results, including the measurement of levels of potency and microbials in products.

- The County shall adopt regulations for standardized dosing instructions and THC potency information for retail marijuana upon passage by the Nevada Department of Taxation.
- The County may conduct testing, such as round robin testing, to verify the effectiveness of testing protocols.
- All testing results should be readily accessible to the Business License Department.

RECOMMENDATION NO. 3: An education campaign should be developed cooperatively by various stakeholders in the industry to address the following:

- Medical problems associated with marijuana use including side effects of consuming marijuana with alcohol and other substances.
- Compliance with the prohibition of marijuana delivery and consumption within the Las Vegas Boulevard Gaming Corridor, HI Zones, and on the premises of any restricted or non-restricted gaming licensee, and the McCarran Aviation System.
- Visitors entering or leaving Clark County via the McCarran Aviation system and highways, to educate on the criminal penalties of failing to comply with regulations.
- Medical marijuana operators may continue their educational plans to medical marijuana patients and may expand their educational efforts to retail consumers.

4. A priority is the McCarran Aviation System's compliance with federal regulations.

RECOMMENDATION NO. 1: The McCarran Aviation System should provide amnesty boxes at locations for passengers prior to entering the secured areas of the airports, as well as at rental car returns.

RECOMMENDATION NO. 2: In order to comply with Federal regulations, Clark County should adopt an ordinance prohibiting the possession, distribution, and consumption of medical or retail marijuana within the McCarran Aviation system.

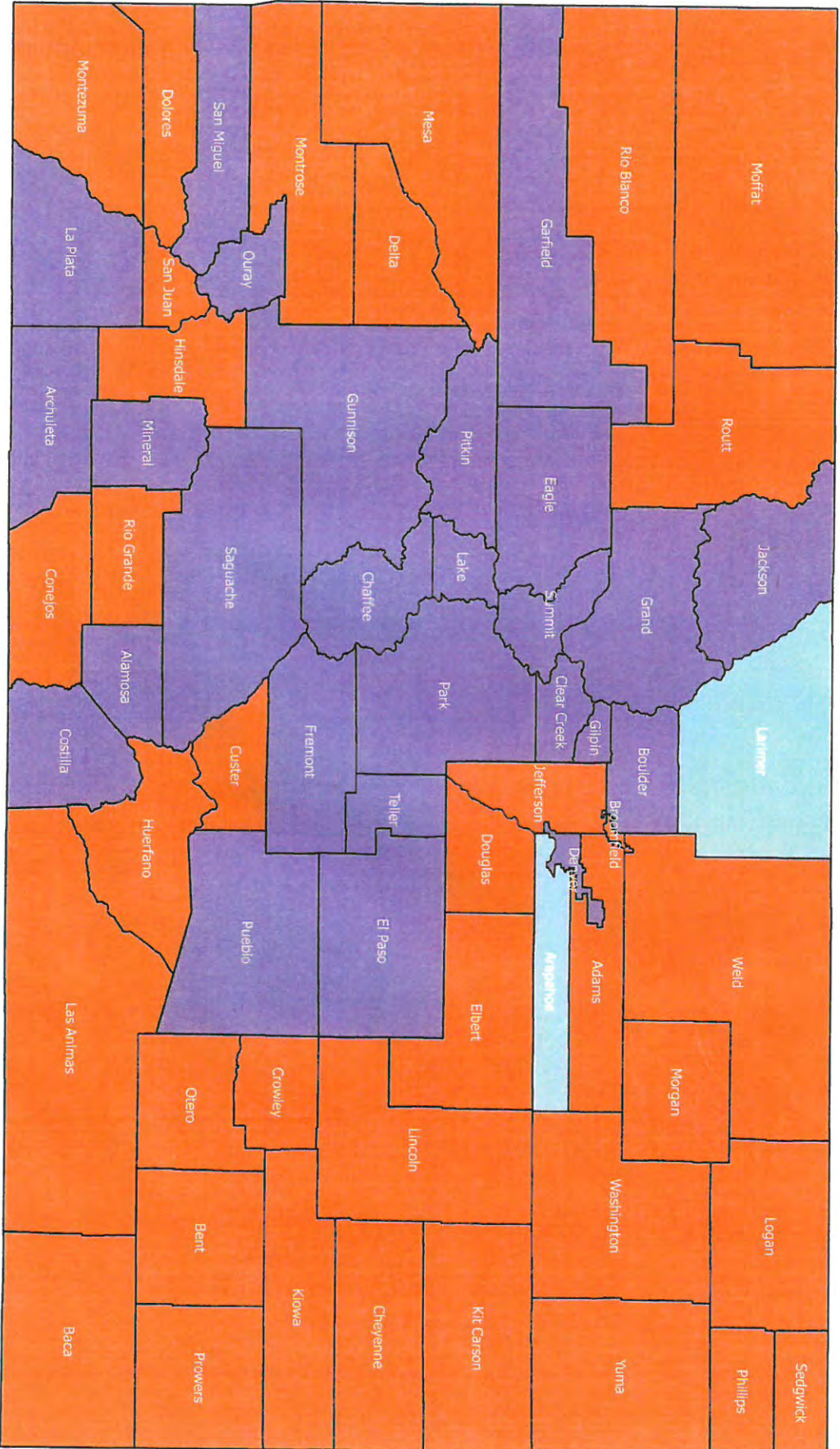
5. A priority is maintaining the positive image, quality, perception and appearance of our communities.

RECOMMENDATION NO. 1: The existing air quality standards should be extended to retail marijuana establishments and applications for retail marijuana business licenses should include an odor control plan to eliminate smell emanating outside of marijuana facilities.

RECOMMENDATION NO. 2: Retail marijuana establishments should maintain the same advertising rules and restrictions as required for medical marijuana establishments. Upon passage of any State legislation, the County shall adopt all additional regulations and requirements.

6. A priority is to continue the on-going dialogue and comprehensive collaboration of the Green Ribbon Advisory Panel, which may include the formation of sub-committees, to implement the priorities and recommendations contained herein.

County Regulatory Status - Medical Marijuana



Created by Trent Pinggenot for CCI For Information purposes ONLY. Please contact individual counties for specifics on their regulatory status.

Map Revision:
July 31, 2017

Listing of KCRPC Dates for 2020
7:00PM (4th Wednesday of the
Month Unless Otherwise Noted)

December 11, 2019 (Second Wednesday 7:00 pm)

January 22, 2020

February 1, 2020 (Annual Meeting 9am)

February 26, 2020

March 25, 2020

April 22, 2020

May 27, 2020

June 24, 2020

July 22, 2020

August 26, 2020

September 23, 2020

October 28, 2020

November 2020-No Meeting

December 9, 2020 (Second Wednesday 7:00 pm)