CALL TO ORDER- SPECIAL USE HEARING
At 7:27 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

ROLL CALL
Member Present: Walter Werderich, Special Use Hearing Officer
Staff Present: Matthew Asselmeier, AICP, Senior Planner
In the Audience: Robert Davidson, David Burroughs and Jeff Neisler

MINUTES
Mr. Werderich approved the June 5, 2017 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting will be conducted.

Mr. Werderich swore in all members of the audience that wished to speak about the proposed special use.

PETITION
17-20 CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)
Request: Special Use Permit to Operate a Grain Storage Operation
Location: 14676 Route 47, Newark (PIN: 08-16-400-007) Southeast Corner of the Intersection of Illinois Route 47 and U.S. 52, Lisbon Township
Purpose: Prospective Lessee Desires to Operate a Grain Storage Operation at the Property.

Mr. Asselmeier summarized the case. CHS desired to lease the paved area from NGH Farms, LLC for three (3) years with a five (5) year option. Staff is still waiting on the Natural Resource Inventory. The Kendall County Regional Planning Commission reviewed the proposal and expressed concerns regarding traffic circulation on Illinois Route 47 and on the property. Mr. Asselmeier stated that the site plan shows the current ingress/egress from Illinois Route 47. After the widening of Illinois Route 47 is completed, a new ingress/egress point will be created south of the existing access point with a dedicated left turning lane for south bound traffic. The petitioners intend to maintain both ingress/egress points. The northern access point will be right-in, right-out. The Kendall County Regional Planning Commission recommended that the special use permit be valid for a period of one (1) year. The proposed use is a permitted use only in the M-2 Heavy Industrial District. He listed the recommended conditions proposed by Staff:

1. A building permit shall be secured for the new shelter shown on Attachment 1. The building shall not qualify for agricultural exemption.

2. The new building shown on Attachment 1 shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.
3. Containers shall not remain outdoors on the property overnight except in the case of mechanical breakdown of trucks or trailers. In the event of mechanical breakdown of trucks or trailers, the owners of the business allowed by this special use permit shall remove the impacted containers within twenty-four (24) hours.

4. Containers shall not be stacked or racked.

5. Containers shall not be separated from chassis except for temporary repair or emergency and for no longer than twenty-four (24) hours.

6. No containers shall be stored within the required setbacks.

7. No parking of vehicles shall occur within the required setbacks.

8. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.

9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Werderich opened the public hearing for audience comment at 7:50 p.m.

Mr. Burroughs presented an exhibit, a copy of the Illinois Department of Transportation’s access plans for the corner of Illinois Route 47 and U.S. 52. Mr. Werderich accepted the exhibit as Petitioner’s Exhibit 1. The pink entrance will be the new entrance and the green entrance is the existing entrance.

Mr. Werderich asked if the proposed one (1) year duration of the special use permit was to rectify concerns regarding traffic flow. Mr. Asselmeier responded that the site plan would change after the completion of Illinois Route 47. The Kendall County Regional Planning Commission had concerns regarding the difference between the proposed site plan and the site plan that would exist after the completion of Illinois Route 47.

Mr. Werderich asked the petitioners how they envision the traffic situation. Mr. Neisler stated he did not believe traffic congestion on Illinois Route 47 will occur. Some traffic backups could occur.

Mr. Werderich asked why the lease was for only three (3) years. Mr. Neisler responded that he believes this will be a long-term lease; the property owners are not ready to sell the land at the present time.

Mr. Werderich asked about the floodplain issues. Mr. Asselmeier said that Lisbon Creek runs through the property and the proposal will not impact the waterway. However, the County’s stormwater consultant wanted a restriction related to elevation of the one hundred (100) year event water surface. Mr. Burroughs stated that the proposed building will be constructed two feet (2’) above the calculated one hundred (100) year event water surface elevation.
Mr. Davidson talked about the other facilities that currently engage in similar business activities and the traffic flow around these businesses. He has not heard any complaints regarding traffic flow related to these businesses.

Mr. Asselmeier noted that the petitioner submitted green cards and proof of publication of the notice of the hearing and are on file.

Mr. Werderich closed the public hearing at 7:52 p.m.

Mr. Werderich reviewed the following Findings of Fact for the special use and made the following findings:

**FINDINGS OF FACT**

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.* The proposed business allowed by the special use permit is an agricultural related operation using agricultural structures already onsite. Provided the new shelter is constructed to code, no threats to the public health and safety are anticipated. Traffic backups on south bound Illinois Route 47 could occur if the turn lane is not installed on a timely basis.

*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. CHS is leasing the paved area only from the petitioners. The proposed use will not change the existing use of the property greatly; the use will be a more intense grain storage operation in an agricultural area. The proposed use fits in with other agricultural uses in the area.

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.* Adequate utilities are onsite. If construction on Illinois Route 47 is delayed, traffic congestion could arise if the left turn lane on south bound Illinois Route 47 is not installed in a timely manner. After the installation of the turning lane, no access issues are foreseen. The petitioners agreed to a construction restriction regarding the placement of the proposed shelter building in relation to the waterway onsite.

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer.* True, the 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 use is consistent with agricultural
uses outlined in the Land Resource Management Plan because of the nature of the proposed business and building allowed by the special use permit.

Mr. Werderich said the proposed special use meets the required Findings of Fact. Accordingly, his recommendation is to approve the special use as proposed subject to the following restrictions:

1. A building permit shall be secured for the new shelter shown on Attachment 1. The building shall not qualify for agricultural exemption.

2. The new building shown on Attachment 1 shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.

3. Containers shall not remain outdoors on the property overnight except in the case of mechanical breakdown of trucks or trailers. In the event of mechanical breakdown of trucks or trailers, the owners of the business allowed by this special use permit shall remove the impacted containers within twenty-four (24) hours.

4. Containers shall not be stacked or racked.

5. Containers shall not be separated from chassis except for temporary repair or emergency and for no longer than twenty-four (24) hours.

6. No containers shall be stored within the required setbacks.

7. No parking of vehicles shall occur within the required setbacks.

8. The business allowed by this special use permit shall secure certificates of occupancy for all structures existing and planned for the site prior to the commencement of operations.

9. The special use permit granted by this ordinance shall be effective for one (1) year commencing on the date of approval of this ordinance. Upon the conclusion of the one (1) year timeframe, the special use permit shall cease. The petitioner may apply to renew the special use permit prior to the expiration of the special use permit if they provide an updated site plan and traffic pattern at the time of the application submission. (The renewal fee of One Thousand, One Hundred Fifty-Five Dollars ($1,155) shall be waived.)

10. The business allowed by this special use permit shall comply with all applicable Federal, State and Local laws related to the operation of this type of business.

11. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.

12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
This proposal shall go before the Planning, Building and Zoning Committee at their August 7, 2017 meeting.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None

UPDATE ON PETITIONS
Mr. Asselmeier reported that the Delaney Gun Range petition and Semper Fi Land, Inc. petition were withdrawn.

NEW BUSINESS/OLD BUSINESS
Mr. Asselmeier reported that, pending recommendations from ZPAC and the Kendall County Regional Planning Commission, there will be two (2) special use petitions at the August hearing.

PUBLIC COMMENT
None

ADJOURNMENT. Mr. Werderich adjourned the Special Use Hearing Officer meeting at 7:54 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits:
1. Staff Report Dated July 27, 2017
2. Publication Notice and Mailing to Neighbors (not included with the minutes, but on file)
3. Petitioner’s Exhibit 1-IL 47 Pavement Marking and Signing Plans
INTRODUCTION
CHS, Inc., on behalf of property owner NGH Farms, LLC, submitted a petition for a special use permit to operate a grain storage and shipping business at 14676 Route 47. CHS, Inc. would like to lease the property from NGH Farms, LLC for three (3) years to operate the proposed business.

SITE INFORMATION
PETITIONER CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)
ADDRESS 14676 Route 47, Newark
LOCATION Southeast Corner of the Intersection of Illinois Route 47 and U.S. 52
TOWNSHIP  Lisbon
PARCEL #  08-16-400-007
LOT SIZE  26.5 +/- acres
EXITING LAND USE  Agricultural
ZONING  A-1 Agricultural District

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Agricultural Village of Lisbon: Commercial and Mixed Use Business</th>
</tr>
</thead>
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<tr>
<td>Roads</td>
<td>Illinois Route 47 and U.S. 52 are Arterial Roads</td>
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</tr>
<tr>
<td>Trails</td>
<td>A Multi-Use Trail is Shown along Illinois Route 47</td>
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</tr>
<tr>
<td>Floodplain/ Wetlands</td>
<td>Lisbon Creek Runs Through the Property</td>
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REQUESTED ACTION  A-1 Special Use to Operate a Grain Storage Business

APPLICABLE REGULATIONS  Section 7.01 D.21 – A-1 Special Uses – Permits Grain Storage Facilities as a Special Use

Section 13.08 – Special Use Procedures

<table>
<thead>
<tr>
<th>SURROUNDING LAND USE</th>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within ½ Mile</th>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural/Farming</td>
<td>B-3 (Highway Business) and A-1 (Agricultural)</td>
<td>Agricultural and Prairie Parkway Overlay (County) Commercial (Lisbon)</td>
<td>B-3 and A-1 (County)</td>
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<td>South</td>
<td>Agricultural/Farming</td>
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<td>Agricultural (County) Commercial and Agricultural (Lisbon)</td>
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<td>West</td>
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<td>A-1 (Agricultural)</td>
<td>Agricultural and Commonwealth Edison ROW (County) Mixed Use Business and Mining (Lisbon)</td>
<td>A-1 (County)</td>
<td></td>
</tr>
</tbody>
</table>
PHYSICAL DATA

ENDANGERED SPECIES REPORT
EcoCAT Report submitted and consultation was terminated; see Attachment 3.

NATURAL RESOURCES INVENTORY
Application was submitted 6.28.17. To date, the application remains under review.

ACTION SUMMARY

LISBON TOWNSHIP
Petition information was sent to Lisbon Township on 6.30.17. Lisbon Township discussed this petition on 7.11.17, but did not submit any comments.

VILLAGE OF LISBON
Petition information was sent to the Village of Lisbon 6.30.17. To date, no comments received from the Village of Lisbon.

ZPAC
ZPAC reviewed this proposal at their meeting on 7.11.17. The minutes of this meeting are included as Attachment 10. ZPAC unanimously recommended approval of the proposal.

KENDALL COUNTY REGIONAL PLANNING COMMISSION
The Kendall County Regional Planning Commission reviewed this petition on 7.26.17. The Kendall County Regional Planning Commission expressed concerns regarding the new ingress/egress point on Route 47 after the road construction is completed. They would like an updated site plan reflecting the ingress/egress and showing the traffic flow on the property. Significant discussion occurred regarding potential traffic concerns on Route 47. The Kendall County Regional Planning Commission unanimously recommended approval of the proposal with two (2) new conditions. The minutes of this meeting are included as Attachment 15.

BUSINESS OPERATION
The petitioner provided information of business operations; this document is Attachment 2. According to this information, CHS will deliver and receive corn and soybeans at the property via truck. CHS will send the corn and soybeans to market from the location via “grain hopper” trailer or “container” trailer. “Container” units are not intended to stay on the property for long periods of time. The petitioner indicated that containers and trucks will not be disconnected.

As part of their operations, CHS plans to construct a load out shelter at a cost of approximately Thirty Thousand Dollars ($30,000). The shelter is approximately eight hundred (800) square feet in size and might be removed after the lease expires.

CHS will lease the site for an initial period of three (3) years.

In the application materials, the petition stated that the anticipated hours of operation are Monday-Friday from 7:30 a.m. until 5:00 p.m. Saturdays and Sundays from 7:30 a.m. until Noon during harvest. At the ZPAC meeting, the petitioners indicated that no set hours of operation would exist during harvest. As a co-op, they would be open for business to meet the needs of their member farmers.

If the special use permit is secured, CHS hopes to start operations September 1st.

BUILDING CODES
The site currently has five (5) structures, a scale and scale house, three (3) grain bins, and one (1) dryer building. These structures were permitted for personal use only. An occupancy inspection and change of occupancy permit for the scale house would be required, if the special use permit was approved.

A proposed shelter approximately eight hundred (800) square feet in size is proposed. Any new structures constructed would be required to follow applicable building codes.
ACCESS
The property fronts Illinois Route 47. There will be a dedicated left turn lane on southbound Illinois Route 47 to access the property. A portion of the apron may be asphalted as part of the Illinois Route 47 widening project.

TRAILS
A multi-use trail is planned along Route 47. Staff believes that adequate right-of-way exists in this area for the proposed trail.

PARKING
CHS will provide parking to a maximum two (2) employees onsite.

ODORS
No new odors are foreseen.

LIGHTING AND SECURITY
Presently three (3) lights are located on the dryer building and six (6) lights are located on scale house. No additional lighting is planned.

Several security cameras are located on the scale house building.

SIGNAGE
No signage presently exists onsite. The petitioners are considering placing a sign on the premises. Per Chapter 12 of the Zoning Ordinance, the sign would be a maximum thirty-two (32) square feet in size and would not be illuminated. Directional signs located on the property are exempt from the signage calculations.

SCREENING
No fencing or buffer is planned for the property.

STORMWATER
Lisbon Creek runs through the property. The County’s stormwater engineer reviewed this proposal and the petitioner agreed to the request mentioned in the stormwater related correspondence; see Attachments 11-14.

UTILITIES
The proposed new shelter will have single phase electricity. No water facilities will be placed in the building.

The existing well is located to the northwest of the scale house. The existing septic field is under the pavement north of the scale house; there is a bathroom inside the scale house.

RELATION TO OTHER SPECIAL USE PERMITS
Two properties (9512 Helmar Road and 60 U.S. Route 52) have special use permits for some form of grain storage. Applicable restrictions from these special use permits to the subject property could include:

1. Permanent storage of containers shall be prohibited.
2. Containers shall not be stacked or racked.
3. Containers shall not be separated from chassis except for temporary repair or emergency.
4. No containers may be stored in the required setbacks.
5. No parking shall be permitted in the required setbacks.
6. A routing system that includes radio communication between trucks shall be developed that facilitates the movement of containers onto Illinois Route 47 and which prevents the stopping or idling of containers on the roadway (Not applicable due to turning lane).
7. The septic field shall be physically protected from the encroachment of vehicles (Not applicable because the septic field is already in place).
8. Direction signage placement (Not applicable due to turning lane on Route 47).
9. Photometric plan (Not applicable; no additional lighting is planned).
10. Building permits must be obtained for structures proposed to be built on the property (the property will not qualify for an agricultural exemption building permit).
FINDINGS OF FACT
That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The proposed business allowed by the special use permit is an agricultural related operation using agricultural structures already onsite. Provided the new shelter is constructed to code, no threats to the public health and safety are anticipated. Traffic backups on south bound Illinois Route 47 could occur if the turn lane is not installed on a timely basis.

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. CHS is leasing the paved area only from the petitioners. The proposed use will not change the existing use of the property greatly; the use will be a more intense grain storage operation in an agricultural area. The proposed use fits in with other agricultural uses in the area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities are onsite. If construction on Illinois Route 47 is delayed, traffic congestion could arise if the left turn lane on south bound Illinois Route 47 is not installed in a timely manner. After the installation of the turning lane, no access issues are foreseen. The petitioners agreed to a construction restriction regarding the placement of the proposed shelter building in relation to the waterway onsite.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. True, the 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 use is consistent with agricultural uses outlined in the Land Resource Management Plan because of the nature of the proposed business and building allowed by the special use permit.

RECOMMENDATION
Staff recommends approval of the proposed special use as described in Attachment 1 subject to the following conditions:

1. A building permit shall be secured for the new shelter shown on Attachment 1. The building shall not qualify for agricultural exemption.

2. The new building shown on Attachment 1 shall be elevated to at least one foot (1’) above the calculated one hundred (100) year event water surface elevation.

3. Containers shall not remain outdoors on the property overnight except in the case of mechanical breakdown of trucks or trailers. In the event of mechanical breakdown of trucks or trailers, the owners of the business allowed by this special use permit shall remove the impacted containers within twenty-four (24) hours.

4. Containers shall not be stacked or racked.

5. Containers shall not be separated from chassis except for temporary repair or emergency and for no longer than twenty-four (24) hours.

6. No containers shall be stored within the required setbacks.
7. No parking of vehicles shall occur within the required setbacks.

8. The business allowed by this special use permit shall secure certificates of occupancy for all structures existing and planned for the site prior to the commencement of operations. *(Kendall County Regional Planning Commission Recommendation)*

9. The special use permit granted by this ordinance shall be effective for one (1) year commencing on the date of approval of this ordinance. Upon the conclusion of the one (1) year timeframe, the special use permit shall cease. The petitioner may apply to renew the special use permit prior to the expiration of the special use permit if they provide an updated site plan and traffic pattern at the time of the application submission. *(The Kendall County Regional Planning Commission recommends that the renewal fee of One Thousand, One Hundred Fifty-Five Dollars ($1,155) be waived.)* *(Kendall County Regional Planning Commission Recommendation)*

10. The business allowed by this special use permit shall comply with all applicable Federal, State and Local laws related to the operation of this type of business. *(Recommendation added by Staff after Kendall County Regional Planning Commission Meeting)*

11. Failure to comply with the above restrictions and conditions shall be interpreted as a violation of the Zoning Ordinance of Kendall County and could result in the revocation of the special use permit or other legal actions.

12. 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. Zoning Sketch and Site Plan
2. Site Operations
3. EcoCat
4. Applicant’s Findings of Fact
5. Aerial
6. Subject Property Picture
7. Ditch Looking South
8. Ditch Looking North
9. Driveway
10. ZPAC Minutes 7.11.17
11. Chismark Letter 7.10.17
12. Burroughs Email 7.11.17
13. Chismark Email 7.13.17
14. Chismark Email 7.14.17
15. Kendall County Regional Planning Commission Minutes 7.26.17
14676 Route 47- Description of Proposed Use

CHS-Elburn will utilize the existing site and facilities as they are today – as a country grain elevator. CHS-Elburn and its customer/owners (area farmers) will deliver corn and soybeans to the grain elevator via truck. CHS-Elburn will then direct the grain out of the elevator to be delivered to a destination location – processor, export, etc. Delivery to a destination location will also be via truck – either via a "grain hopper" trailer or a cargo "container" trailer. CHS-Elburn expects the majority of the grain leaving the elevator to be loaded on to a "container" trailer bound for export due to the proximity to the Joliet rail yards. To load the "container" units, CHS-Elburn intends to utilize a portable torpedo type auger system. This will not be an attachment to property. CHS-Elburn also intends to improve the property to provide cover "load out shelter" for this function. Estimated cost for improvement “shelter” to be approx. $30,000 with potential to be removed after 3-year lease has expired or not renewed. CHS-Elburn does not anticipate any short or long term storage of “container” units. “Container” units will remain attached to trailer with full anticipation they will continue in transit to destination.

CHS-Elburn will lease the site.

Hours of operation:  
M-F 7:30 to 5pm
Saturday 7:30 to Noon during Harvest (October/November)
Sunday 7:30 to Noon during Harvest (October/November)

Likely for only a few Sundays.

Parking:

We anticipate only 1 to 2 employees on site. Will utilize ample parking that exists. Will not deviate current site.
Applicant: Engineering Enterprises  
IDNR Project Number: 1712608  
Contact: Tyler Meyer  
Date: 06/28/2017  
Address: 52 Wheeler Road  
Sugar Grove, IL 60554  
Project: 14676 Route 47  
Address: 14676 Route 47, Newark

Description: CHS-Elburn intends to improve the property by constructing a "load out shelter" to improve processing and exporting for the grain elevator. The load out shelter will be approximately 20' x 40'.

**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, 7E, 16

**IL Department of Natural Resources**

Contact
Keith Shank
217-785-5500
Division of Ecosystems & Environment

**Government Jurisdiction**

IL Environmental Protection Agency
Amy Dragovich
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 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.

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.
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 Hearing Officer 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 facility is an existing agricultural/grain storage operation. The proposed load out building is to modernize the facility and make it more efficient and it will not change the operation of the site and therefore, 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 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 proposed load out building is to modernize the facility and make it more efficient and it will not change the operation of the site. The area surrounding the facility will still be used for growing crops and therefore the special use will not be substantially injurious to the use and enjoyment of the other properties in the immediate vicinity nor diminish or impair property values within the neighborhood.

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

The site has been used for several years as a grain storage facility and has adequate access to IL Route 47. The current access will not be changed and the load out building is an upgrade for the operation of the site so it will improve the efficiency of the grain storage operation.

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

The grain storage facility has been in operation at this location for several years and conforms to the applicable regulations of the A-1 zoning district. The load out building is an upgrade for the operation of the site and will improve the efficiency of the grain storage operation.

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 growing of crops and a grain storage facility are acceptable uses in the A-1 Zoning District and are therefore consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County Plans and policies for this area.
Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:
Fran Klaas – Highway Department
Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff’s Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Tom Knief and David Burroughs

AGENDA
Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES
Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the June 6, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITION
17-20 CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner) – Special Use Permit to Operate a Grain Storage Facility at 14676 Route 47, Newark (PIN: 08-16-400-007) Southeast Corner of Illinois Route 47 and U.S. 52 in Lisbon Township
Mr. Asselmeier provided a summary of this proposed special use permit. CHS desires to construct a shelter approximately eight hundred (800) square feet in size at a cost of approximately Thirty Thousand Dollars ($30,000) at the subject property for their operations. The shelter might be removed when the three (3) year lease expires.

Mr. Asselmeier said the petitioners will have to obtain a building permit and are not considered agriculturally exempt.

Mr. Klaas asked why the special use was necessary. Mr. Asselmeier stated the Zoning Ordinance required a special use when a grain storage business is more of an industrial scale and not for an onsite farming operation.

No concerns were expressed regarding the paving material. The apron may be paved as part of the IL 47 widening project.

Ms. Andrews asked if any other buildings were planned for the site. The petitioners responded that no other buildings besides the proposed shelter and existing buildings are planned for the site. The petitioners said they are only leasing the paved area.

The petitioners agreed to the restriction that all containers shall stay connected to chassis. The petitioners also agreed to no overnight storage of the containers.

Mr. Asselmeier read Mr. Chismark’s letter. The petitioners are working on obtaining the flow numbers from IDOT to address Mr. Chismark’s concerns.
Signage could be placed per the County’s Ordinances. A thirty-two square (32) foot sign would be allowed per the Zoning Ordinance. The sign cannot be illuminated.

Since this business operation is a co-op, the petitioners could not guarantee that they will not be working before or after the hours of operation listed in the proposal. Therefore, the consensus was that hours of operation not be included as a restriction because no residential uses are near the site.

Mr. Rybski expressed concerns about the septic system being located under the driveway area.

Deputy Commander Langston asked about additional traffic. No additional traffic is planned that could not be handled by the existing roads. Mr. Klaas encouraged the applicants to restrict their traffic to State highways and not drive on County highways when the containers are full due to weight restrictions.

Mr. Klaas made a motion, seconded by Ms. Andrews, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on July 26th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case and the Semper Fi, Inc Case were withdrawn by the petitioners.

Mr. Asselmeier reported one (1) special use permit renewal application is being finalized.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.
July 10, 2017

Mr. Matt Asselmeier
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject:  CHS Inc and NGH Farms (Route 47 / Lisbon Creek)
Kendall County (WBK Project No. 16-0100)

Dear Mr. Asselmeier:

Wills Burke Kelsey Associates, Ltd. (WBK) has reviewed the information submitted for the subject petition. WBK received the following information via e-mail:

- ZPAC Agenda and Special Use petition No. 17-20 including project narrative and site plans.

We have no objection to consideration of this special use conditioned on resolution of the following issue.

- The drainage way (Lisbon Creek) adjacent to the proposed building is of a concern relative to the proposed building. It is recommended that the engineer establish a 100 year water surface elevation in the adjacent channel to ensure the building is elevated and protected. Although the creek is not floodplain the tributary area the site is approximately 7.5 square miles.

Please do not hesitate to contact me directly with any questions or comments at (630) 443-7755.

Sincerely,

Greg Chismark, P.E.
Municipal Practice Principal
WBK Engineering, LLC.
Matt Asselmeier

From: David Burroughs [Burroughs.David@...
Sent: Tuesday, July 11, 2017 4:23 PM
To: Matt Asselmeier
Cc: Greg Chismark (Chismark.Greg@...); CO-Elburn, Thomas Knief
Subject: FW: Flood Elevation Report - P17021
Attachments: P17021 Flood Elevation Report.pdf; Waterway Information IDOT 66B84.pdf

Matt,

The attached report is in response to Greg Chismark’s comments from yesterday. I was able to recover the stormwater design from IDOT (see attached) and they had calculated a discharge from the culvert under IL Route 47 of 852 CFS for the 100 year storm event and 1,092 CFS for the 500 year storm. I then created a cross-section at the proposed building location and determined the high water level (HWL) from the 100 year and 500 year storm event at 917.41 and 917.43. The proposed elevation of the building is at 919.30 so almost 2’ higher than both storm events. Let me know if you have any further comments.

Thanks,

David R. Burroughs, P.E.
Senior Vice President

Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554
Tel.
Dir.
Fax (\nwww.eeiweb.com

Supporting the Communities
We Work and Live In

From: Tyler Meyer
Sent: Tuesday, July 11, 2017 4:14 PM
To: David Burroughs
Subject: Flood Elevation Report - P17021

Dave

Attached is the floodplain report for P17021

Tyler Meyer, E.I.
Project Engineer
### Irregular Section (P17021 Flood Elevation Model.fm8) Report

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<th>Roughness Coefficient</th>
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</table>

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<td>5.63</td>
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Cross Section for 100YR ELEV

Project Description

Friction Method: Manning Formula
Solve For: Normal Depth

Input Data

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<tr>
<th>Channel Slope</th>
<th>Normal Depth</th>
<th>Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00500 ft/ft</td>
<td>5.41 ft</td>
<td>852.00 ft³/s</td>
</tr>
</tbody>
</table>

Cross Section Image

T/F = 619.30
HWL = 617.41
Project Description

Friction Method: Manning Formula
Solve For: Normal Depth

Input Data

- Channel Slope: 0.00500 ft/ft
- Normal Depth: 5.53 ft
- Discharge: 1092.00 ft³/s

Cross Section Image
Dave,

Thanks. This report and the detail are perfect. I appreciate your quick response. The only comment I have is the basis for the channel slope at 0.5%. The culvert under IL 47 is at 0.2% and the Streamstats data indicates a slightly flatter slope. If you have information to verify the 0.5% then just note that. If not, quickly run the channel at 0.2% and see what that does to the water surface elevation. I suspect it will work fine but that may be a better representation of freeboard.

Thanks,
Greg

---

Greg Chismark P.E.
Municipal Practice Principal

WBK Engineering, LLC
116 West Main Street, Suite 201, St. Charles, Illinois 60174
www.wbkengineering.com | Mediating the Built & Natural Environments | Part of the Mno-Bmadsen Family

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---

From: David Burroughs [mailto:dburroughs@co.kendall.il.us]
Sent: Tuesday, July 11, 2017 4:23 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Greg Chismark <gchismark@co.kendall.il.us>, CO-Elburn, Thomas Knief <tknief@co.kendall.il.us>
Subject: FW: Flood Elevation Report - P17021

Matt,

The attached report is in response to Greg Chismark’s comments from yesterday. I was able to recover the stormwater design from IDOT (see attached) and they had calculated a discharge from the culvert under IL Route 47 of 852 CFS for the 100 year storm event and 1,092 CFS for the 500 year storm. I then created a cross-section at the proposed building location and determined the high water level (HWL) from the 100 year and 500 year storm event at 917.41 and 917.43. The proposed elevation of the building is at 919.30 so almost 2' higher than both storm events. Let me know if you have any further comments.

Thanks,

David R. Burroughs, P.E.
Senior Vice President

Engineering Enterprises, Inc.
Thank you Dave. All looks good on this.
Greg

---

From: David Burroughs [mailto:David.Burroughs@EEIWEB.COM]
Sent: Thursday, July 13, 2017 10:21 AM
To: Greg Chismark <mailto:Greg.Chismark@WbKEngineering.com>
Subject: FW: 14676 Route 47 Newark - Flood Elevation Report

Greg,

Here is the calculation for a 0.2% slope. The slope of 0.50% was calculated using the average distance between the bounding contours shown on the topo. But either way we are well above the 100 year flood elevation.

David R. Burroughs, P.E.
Senior Vice President

---

Engineering Enterprises, Inc.
52 Wheeler Road
Sugar Grove, IL 60554
Tel. [redacted]
Dir. [redacted]
Fax [redacted]
www.eeiweb.com
Chairman Ashton called the meeting to order at 7:01 p.m.

ROLL CALL
Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Budd Wormley and Angela Zubko
Staff Present: Matthew H. Asselmeier, Senior Planner
Members Absent: Roger Bledsoe and Claire Wilson
In the Audience: David Burroughs and Jeff Neisler

APPROVAL OF AGENDA
Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES
Mr. Wormley made a motion, seconded by Mr. Casey, to approve the June 28, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITION
17-20 CHS, Inc. (Prospective Lessee) and NGH Farms, LLC (Current Owner)
Mr. Asselmeier summarized the request. CHS, Inc. desires to lease the paved area from the current owners for a period of three (3) years. CHS, Inc. would like to construct an approximately eight hundred (800) square foot shelter on the north side of the dryer building. The anticipated cost of the shelter is approximately Thirty Thousand Dollars ($30,000) and the shelter could be removed at the end of the lease. CHS, Inc. will deliver and receive corn and soybeans by truck at the property. The crops will be sent to market via “grain hopper” trailer or “container” trailer.

The area around the subject property is used agriculturally and all of the adjoining properties are zoned A-1 with the exception of the property to the north which is zoned B-3.

Neither Lisbon Township nor the Village of Lisbon submitted comments regarding this proposal. ZPAC unanimously recommended approval of the proposal.

The existing structures on the property were allowed for personal use only; discussion occurred regarding change of occupancy.

Chairman Ashton asked about the relocation of the ingress/egress point to the south property line; the site plan does not show this information. Mr. Burroughs said a revised site plan showing the new ingress/egress point does not exist.
Mr. Nelson asked why the entire property would be granted a special use. The petitioner said that they would only lease the paved area. Mr. Asselmeier noted that any amendments to the site plan would have to be approved by the County.

Mr. Wormley asked if the area by the creek would be farmed. Mr. Neisler said that everything that is farmed today will continue to be farmed.

No access off of U.S. 52 is planned.

Extensive discussion occurred regarding the routing of trucks onsite. There will be a left turn lane on southbound Route 47 after construction is finished. Concerns about traffic backups on Route 47 were expressed by several Commissioners; Commissioners desired a site plan that more accurately explained the traffic flow. The petitioners said that staging would occur onsite; the scale situation will be a bottleneck. Trucks will circle to get weighed, dump their loads or obtain their loads, get weighed again and then circle the property again to leave.

Mr. Rodriguez asked about the number of trucks backed up on Route 47. Mr. Neisler said that trucks would not be backed up on Route 47, if CHS was doing its job. Mr. Neisler said that they would try to schedule drop-offs and pick-ups to reduce the chance of backups.

Mr. Neisler said that the facility can dump ten thousand (10,000) bushels per hour. Intake will be reduced depending on moisture content of crops and ability of dryer.

Mr. Casey asked where the grain that they plan to receive currently goes. Who were they taking business from? Grainco was the consensus answer.

Discussion occurred regarding having the special use go with the land, with a specific entity or for a set timeframe. Mr. Asselmeier advised that a timeframe be set instead of connecting the special use permit with a certain entity or owner. The consensus was that a one (1) year timeframe would be appropriate given the construction on Route 47 and the potential changes to the site plan. The application fee should be waived.

The petitioners said that they hoped to be operational by September 1st; they would start working on the property at the beginning of September. The lease is subject to obtaining approval of the special use permit.

Mr. Asselmeier stated that according to County Highway Engineer Fran Klaas the Route 47 project should be completed in fall or winter 2018.

Mr. Wormley asked how much time would elapse from the time trucks enter the property to the time they leave. Mr. Neisler responded three (3) minutes.

Discussion occurred regarding the ticket delivery system.

Ms. Zubko made a motion to recommend approval of the petition with the addition of the following restrictions:

1. The business allowed by this special use permit shall secure certificates of occupancy for all structures existing and planned for the site prior to the commencement of operations.

2. The special use permit granted by this ordinance shall be effective for one (1) year commencing on the date of approval of this ordinance. Upon the conclusion of the one (1) year timeframe, the special use
permit shall cease. The petitioner may apply to renew the special use permit prior to the expiration of the special use permit if they provide an updated site plan and traffic pattern at the time of the application submission. (The Kendall County Regional Planning Commission recommends that the renewal fee of One Thousand, One Hundred Fifty-Five Dollars ($1,155) be waived).

Mr. Nelson seconded the motion.

The representatives from CHS agreed to the addition of the above proposed restrictions.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wormley and Zubko (7)
No – None
Absent – Bledsoe and Wilson (2)
The motion passed. This proposal will go to the Special Use Hearing Officer on July 31, 2017 at 7:00 p.m.

OLD BUSINESS
Letter to Kendall County State’s Attorney’s Office RE: Forest Preserve Compliance with the Kendall County Zoning Ordinance
Mr. Asselmeier presented a letter from State’s Attorney Eric Weis stating that forest preserves are exempt from local zoning regulations and Mr. Weis considers this matter closed. Mr. Nelson will email Mr. Asselmeier the Attorney General’s opinion referenced in Mr. Weis’ letter; Mr. Asselmeier will email the opinion to the other Commissioners.

NEW BUSINESS
Mr. Asselmeier stated that, pending the outcome of the ZPAC meeting, there will be three (3) petitions on the August agenda.

The Commission requested Staff to investigate an alleged banquet facility on U.S. 52 between Jughandle Road and Arbeiter Road.

Discussion occurred about evaluating the number and type of special uses in the A-1 Zoning District.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
None

OTHER BUSINESS/ANNOUNCEMENTS
The Commission’s concerns for the property on Ashley Road south of Plattville and the swimming pool at the house on Grove Road north of Chicago Road were discussed.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
None

ADJOURNMENT
Mr. Wormley made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:14 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner
KENDALL COUNTY
ZONING BOARD OF APPEALS &/or HEARING OFFICER

July 31, 2017

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

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<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>Don Kramer</td>
<td>1107 A S Broadway, Yorkville, Ill</td>
<td></td>
</tr>
<tr>
<td>David Burroughs</td>
<td>52 Wheeler Rd, Sugar Grove, IL</td>
<td></td>
</tr>
<tr>
<td>Jeff Nailer</td>
<td>206 North St, New Paul, IN</td>
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