CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of Minutes from the June 5, 2017, Special Use Hearing Officer Meeting (Pages 2-8)

PETITION:
1. 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 Illinois Route 47 and U.S. 52 in Lisbon Township
   Purpose: Special Use Permit would Allow Prospective Lessee to Operate a Grain Storage Business at the Subject Property (Pages 9-40)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
None

Update on Petitions
1. 16-14 Delaney Gun Range
2. 17-09 Semper Fi Land, Inc.

NEW BUSINESS:

OLD BUSINESS:

PUBLIC COMMENT:

ADJOURN SPECIAL USE HEARING - Next Hearing August 28, 2017

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.
CALL TO ORDER- SPECIAL USE HEARING
At 7:55 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; Scott Koeppel Acting Interim Director of Planning, Building and Zoning; Michael Goers, PBZ Intern; and County Board Member Matthew Prochaska
In the Audience: Robert Velazquez (the Petitioner) and Jim Menard

MINUTES
Mr. Werderich approved the April 3, 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
17-09  Semper Fi Land, Inc. (Robert Velazquez)
Request: Special Use Permit to Operate a Landscape Waste Composting Facility
Location: 1996 Cannonball Trail (On the East Side of Cannonball Trail Approximately 0.5 Miles South of Galena Road; PIN: 02-15-101-003), Bristol Township
Purpose: Petitioner Desires to Operate a Landscape Waste Composting Facility at the Property.

Mr. Asselmeier summarized the case and listed the recommended conditions proposed by Staff:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.

2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.

3. The hours during which landscape waste may be received shall be 7:00am to 3:00pm (not 7:00 pm as originally proposed by the petitioner) Monday through Friday. The petitioner does not wish to have Saturday hours. Processing operations shall cease after each day’s receipts have been processed and placed in windrows, not to exceed three (3) additional hours.

4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards or 65 dBA between 7:00am and 10:00pm and 55 dBA between 10:00pm and 7:00am as measured from the
property line on receiving residential lands. This restriction shall not apply to noise generated from maintenance vehicles. The petitioner agrees that the stricter noise regulations shall apply in cases of conflict.

5. A locked gate shall restrict vehicle access during closed hours except that a “lock-box” shall allow access to emergency vehicles.

6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling. Water sampling shall occur at least one (1) time annually.

7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling. Soil sampling shall occur at least one (1) time annually.

8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.

9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.

10. Truck weights shall be limited to 73,280 pounds.

11. The operator shall provide weight receipts to Kendall County on a monthly basis.

12. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner’s permission.

13. Tub grinders located on the property shall operate between the hours of 9:00am and 3:00pm, Monday through Friday.

14. The owner of the business allowed by this special use permit shall reside on the premises as his/her primary residence.

15. Waste collected on the site shall be clean landscape waste only; no food scrap waste shall be collected onsite.

16. The facility will be permitted to take in a maximum 26,000 cubic yards annually.
17. One (1) non-illuminated sign, measuring no larger than 4 foot X 8 foot, stating the name of the business, hours of operation, contact information of the owner, types of material accepted and any other information required for posting by any agency authorized to regulate the business allowed by this special use permit may be placed on the property.

18. The site plan shall be kept on file as Exhibit A attached to the ordinance approving the special use permit.

19. No piles of materials shall be stacked higher than twenty (20) feet.

20. The petitioner shall plant Mission Arborvitae trees along the eastern, southern and southwestern property lines. When planted the trees shall be 5 feet in height and shall provide a complete buffer from the east, south, and southwest within 5 years of planting. The location of the trees shall be included on the site plan. The petitioner shall maintain the existing tree line and shall replace trees as quickly as possible if they die or are severely damaged.

21. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility allowed by this special use permit.

22. If the business allowed by this special use permit receives any violations or citations from the Illinois Environmental Protection Agency, the business shall submit notifications of violations or citations to the Kendall County Solid Waste Coordinator within 30 days of receipt.

23. All vehicles and equipment with wheels shall be stored entirely within an enclosed structure when the business allowed by this special use permit is closed.

24. Upon approval of the special permit, but prior to the commencement of operations, the petitioner shall enter into a Host Agreement with Kendall County. A valid host agreement shall be required for the duration of the special use permit awarded by this ordinance.

25. The business allowed by this special use permit shall obtain a performance bond in the amount of the Illinois Environmental Protection Agency (IEPA) permitted closure cost estimate with the penal sum of the performance bond payable to either Kendall County or the IEPA. This bond shall be secured prior to the commencement of operations.

26. The owner of the business allowed by this special use permit shall pave with asphalt the driveway used by the business from Cannonball Trail east for a distance of thirty (30) feet of the driveway. The portion of the driveway that is paved with asphalt shall be maintained in good condition during the duration of the special use permit (This restriction was added at the Kendall County Regional Planning Commission meeting.)

27. The business allowed by this special use permit shall follow all applicable federal, state, and local laws related to the operation of the business.
28. The special use permit awarded by this ordinance shall be considered separate from the special use permit awarded by Ordinance 2012-23. Nothing in the special use permit awarded for a composting of landscape waste business removes any obligations the property owner may have as it relates to the requirements of Ordinance 2012-23.

29. 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.

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

Mr. Asselmeier stated that the United City of Yorkville submitted a memo and request that upon such time any new residential dwelling unit is permitted for construction and occupancy is established for at least sixty (60) days in the City of Yorkville within one-eighth (1/8) mile of the subject property, the United City of Yorkville will notify the owner/operator to establish a timeframe for closure of the composting facility within three (3) years and require a closure plan be developed and submitted to the City and IEPA in compliance with Section 830.213 Standards for Compost Facilities of the Illinois Environmental Protection Agency. A diagram showing the one-eighth (1/8) mile radius was also included.

Staff believes that the proposed restrictions will reduce any conflicts that may arise between the proposed use and adjoining land uses. Staff acknowledged that no proposed restriction completely resolves potential odor issues that may arise if the proposed business is not operated correctly.

Mr. Werderich opened the public hearing for audience comment.

Mr. Velazquez, Bristol, stated he does not believe that odor will be concern because he will turn the windrows on a consistent basis.

Mr. Werderich asked about the types of material that will be composted. Mr. Velazquez responded one type will be yard waste will be made into compost. Wood waste will be made into mulch.

Mr. Werderich asked about the proportion of compost and mulch. Mr. Velazquez responded that approximately 25% would be compost and 75% would be mulch.

Mr. Werderich asked about daily and weekly operations. Mr. Velazquez said that operations would vary, maybe one (1) day per week.

Mr. Werderich asked about number and size of vehicles. Mr. Velazquez said that vehicles would be one (1) ton dump trucks, six wheelers, or semi-trucks. Three-five (3-5) trucks per day were anticipated; this figure was on the high end.

Mr. Werderich asked about how the petitioner would investigate the condition of the grass delivered to the property. Mr. Velazquez said that he would be collecting other yard waste in addition to grass.
expressed his concerns regarding odors. The majority of yard waste taken to the property would be produced by Semper Fi.

Mr. Werderich asked about inspection procedures for material brought to the site. Mr. Velazquez responded that the yard waste could not be mixed with anything, must be clean yard waste; the material will be visually inspected. Then, the material will be dumped and moved.

The Bristol Ridge development surrounds the property and is within the United City of Yorkville. There are homes within one-eighth (1/8) of mile. Yorkville’s proposed restriction would not apply to existing homes or to home that were not occupied, like show homes.

Mr. Werderich asked if any mechanism existed to quantify odors. Mr. Asselmeier responded that, to his knowledge, no measurement system existed to measure odors.

Mr. Werderich asked if the petitioner had any objections regarding Yorkville’s recommendations. Mr. Velazquez responded that he is open to Yorkville’s request; he is not completely agreeable with the request to close within three (3) years as outlined in Yorkville’s request. Mr. Werderich expressed concerns about the lack of final agreement between the petitioner and Yorkville.

Jim Menard, Oswego, represented the property owner surrounding the subject property. His biggest concerns were odor and signage. The property was purchased to develop residential, not for farming. He requested that Yorkville’s recommendations be included in the restrictions.

Discussion occurred regarding the Bristol Ridge site plan. As currently proposed, Bristol Ridge contains four hundred twenty (420) residential units.

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 8:25 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 establishment, maintenance and operation of the proposed business allowed by the special use permit could be detrimental to the public health and safety if appropriate restrictions are not implemented to monitor soil and water for contamination. The petitioner has plans to monitor the site for vectors. Odors could come from the site and negatively impact nearby properties if the waste is not properly turned.

*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. Provided appropriate buffering is established along the south, east, and southwest property lines, the operations of the business shall not be visible to adjoining properties. Odors could negatively impact the enjoyment of residential neighbors of their property. The petitioner plans to live on the property and, by so doing, will experience the same negative impacts, if any arise, that the neighbors experience as they relate to odors or vectors.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities and roads already exist and the petitioner plans to construct a gravel road to improve ingress and egress. The petitioner’s drainage plan is adequate for the proposed use.

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 types of materials gathered onsite, the size of the proposed operations and the ability of the property to revert to other agricultural uses if the business proposed by the special use ceases operations.

Mr. Werderich said the proposed special use meets the required Findings of Fact. Accordingly, his recommendation is to approve the special use as proposed with thirty-one (31) restrictions, including Yorkville’s restriction on closure plan when residential development occurs.

This proposal shall go before the Planning, Building and Zoning Committee at their June 12, 2017 meeting.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Mr. Werderich asked about the status of the proposed gun range on Church Road. Mr. Asselmeier responded that the proposal is at the PBZ Committee; the petitioner has not submitted a lead management plan.

NEW BUSINESS/OLD BUSINESS
There are no completed applications for special use permits for the July 3rd hearing.

PUBLIC COMMENT
None

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:30 p.m.
Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits:
1. Staff Report Dated May 26, 2017
2. Publication Notice and Mailing to Neighbors (not included with the minutes, but on file)
3. 5-19-17 Memo from United City of Yorkville Including One-Eighth (1/8) Mile Aerial
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>
<tbody>
<tr>
<td>Roads</td>
<td>Illinois Route 47 and U.S. 52 are Arterial Roads</td>
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<tr>
<td>Trails</td>
<td>A Multi-Use Trail is Shown along Illinois Route 47</td>
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<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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<tr>
<td>Location</td>
<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>
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<td>East</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>
</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
Contact: Tyler Meyer
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
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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 [mailto:dburroughs@...]
Sent: Tuesday, July 11, 2017 4:23 PM
To: Matt Asselmeier
Cc: Greg Chismark (chismarkg@...); 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. [redacted]
Dir. [redacted]
Fax [redacted]
www.eeiweb.com

Supporting the Communities
We Work and Live In

From: Tyler Meyer
Sent: Tuesday, July 11, 2017 4:14 PM
To: David Burroughs [mailto:dburroughs@...]
Subject: Flood Elevation Report - P17021

Dave

Attached is the floodplain report for P17021

Tyler Meyer, E.I.
Project Engineer
<table>
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<tr>
<th>Label</th>
<th>Solve For</th>
<th>Friction Method</th>
<th>Roughness Coefficient</th>
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<td>Manning Formula</td>
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<th>Elevation Range</th>
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<td>612.00 to 620.62 ft</td>
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<th>Critical Slope (ft/ft)</th>
<th>Velocity (ft/s)</th>
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<td>0.02346</td>
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<th>Specific Energy (ft)</th>
<th>Froude Number</th>
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<td>0.10</td>
<td>5.63</td>
<td>0.49</td>
<td>Subcritical</td>
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</table>
FLOODPLAIN ELEVATION
CROSS SECTION
Cross Section for 100YR ELEV

Project Description
Friction Method: Manning Formula
Solve For: Normal Depth

Input Data
Channel Slope: 0.00500 ft/ft
Normal Depth: 5.41 ft
Discharge: 852.00 ft³/s

Cross Section Image
## Cross Section for 500YR ELEV

### Project Description

- **Friction Method**: Manning Formula
- **Solve For**: Normal Depth

### Input Data

<table>
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<tr>
<th>Parameter</th>
<th>Value</th>
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<tr>
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<tr>
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<td>5.53 ft</td>
</tr>
<tr>
<td>Discharge</td>
<td>1092.00 ft³/s</td>
</tr>
</tbody>
</table>

### Cross Section Image

![Cross Section Image](image_url)
Matt Asselmeier

From: Greg Chismark [mailto:]
Sent: Thursday, July 13, 2017 7:57 AM
To: David Burroughs; Matt Asselmeier
Cc: CO-Elburn, Thomas Knief
Subject: RE: Flood Elevation Report - P17021

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
P: 630.584.1800 Fax: 630.843.7006
www.wbkeengineering.com | Mediating the Built & Natural Environments | Part of the Mno-Bmadsen Family

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From: David Burroughs [mailto:]
Sent: Tuesday, July 11, 2017 4:23 PM
To: Matt Asselmeier <masselmeier@co.kendall.il.us>
Cc: Greg Chismark <cch__@__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  
Sent: Thursday, July 13, 2017 10:21 AM  
To: Greg Chismark  
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.  
Dir.  
Fax  
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

KCRPC Meeting Minutes 7.26.17  Page 3 of 3