CALL TO ORDER
At 7:01 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay
In the audience: Larry & Pam Nelson, Andrew Bobbitt, Michael & Cheryl Harvey

A quorum was present to conduct business.

MINUTES
Scott Cherry motioned to approve the September 30, 2013 ZBA meeting minutes. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-27 Cheryl Harvey – Variance
Planner Zubko stated the property is located at 17418 Lisbon Center Road. The petitioner is requesting a variance to allow a grain bin to be located 35’ from the centerline of Lisbon Center Roadway. The current standard is 150’ from the centerline of the roadway, requesting a 115’ variance. Most of the land around is all farmland and in the packet there is a letter from Jeff Mathre, the Highway Commission, and he has no objections to the variance. Planner Zubko stated she has not received any calls with regards to this variance.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners propose to put it in that location due to the location of the driveway, barn and current utilities.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This variance could set precedence to other owners along the roadway if the roadway commissioner approves the variance.
That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The placement of the utilities was not done by the property owner.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The adjacent property to the north is farmland and a natural waterway so most likely nothing will be built across from this proposed bin.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Dick Thompson to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

### #13-28 Fox Valley YMCA – Variance

Planner Zubko stated the property is located at 3875 Eldamain Road at the northwest corner of Eldamain Road and Route 34. The petitioner is requesting a variance to the parking lot lighting to allow the parking lot lighting to be 28’ in height. The current maximum is 20’. The petitioner has a hardship for the fact that these lights were donated from the Yorkville School District so could not specify the height of the lights. Planner Zubko stated the petitioner has talked to every entity, Plano, Yorkville and the Highway Department and they would all welcome the lighting as that intersection is dark. In the packet is a proposed site plan but they will need to meet the photometric standards but wanted to give a visual. The YMCA might put the lighting in the center of the parking lot.

Mr. Whitfield asked why the standard is 20’ in the Zoning Ordinance. Planner Zubko stated we copied from another entity but we might want to re-visit it. This is the first time we really have had to use the lighting height standards since we re-wrote the Zoning Ordinance in 2008.

Mr. Nelson, Treasurer of the YMCA reiterated the requested variance and also not sure if the 20’ height in the Zoning Ordinance was really explored. Mr. Nelson just wanted to clarify we are not approving the site plan but the height.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The lighting was donated therefore the height could not be specified on the donations.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. There is limited B-4 Zoning within the unincorporated portions of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True. The lighting was donated and the height requirements were not known to whoever donated the lights.

That the granting of the variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. True. The lighting would help this area and create safety.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variation will actually provide light to the adjacent properties but will still need to meet the photometric standards of the Zoning Ordinance.

That the proposed variance complies with the spirit and intent of the restrictions imposed by this amended ordinance. This site is unique that it is on 2 major roadways in the County where no street lighting is currently provided, adding any lighting in this area would improve the property.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None

NEW BUSINESS
Review and approval of the 2014 scheduled meeting dates- Scott Cherry made a motion to approve the 2014 meeting dates, Tom LeCuyer seconded the motion. All were in favor.

OLD BUSINESS
Review of By-laws and approval of notification process change- All were in favor of the proposed changes and this will be voted on at the next meeting.

PUBLIC COMMENT- There were no members in the audience that wanted to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on January 27, 2014
Dick Whitfield made a motion to adjourn the ZBA meeting, Karen Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:16 p.m.
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
December 9, 2013 – 7:00 p.m.

CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:18 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich

In the audience: David Gravel (Green Organics Vice President), Jessie Sexton (Green Organics Manager), Attorney Gregg Ingemunson and Jeff Milroy

MINUTES
Wally Werderich motioned to approve the October 15, 2013 Special Use Hearing Officer Meeting minutes as written.

Chairman Werderich swore in all members of the audience that wished to talk about the special use.

PETITIONS
#13-26 Green Organics Inc.
Senior Planner Angela Zubko briefly explained the request of the petitioner, Green Organics Inc. is requesting a major amendment to their special use to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property. Nothing on the Kendall County side is changing; the parts that are changing are on the east in the City of Yorkville. The petitioners are going to continue maintaining the existing berms and plantings. The County along with some County Board members did a site visit including Megan Andrews and Planner Zubko to discuss the operation and the proposed changes. The petitioners went to the Bristol Township Board on December 4th where they tabled the petition till the January 8th meeting. Planner Zubko is working with the City of Yorkville to make cohesive conditions so they don’t have 2 sets of rules for the same property. Through the City of Yorkville they are amending their annexation agreement as this property is planned to be the Westbury subdivision. There is a stipulation that reads “the existing uses on the property may continue to operate as non-conforming uses until such time as a final plat is approved for the affected portion of the property.” The portion on Kendall County will remain. The city of Yorkville is going to impose a condition on ‘their side” that states something to the point that once a principal structure is within 1/8th of a mile or 660’ the operation must cease. The facility is also regulated through the IEPA and Green Organics, Inc. has a bond with the EPA if for some reason something happens and they shut the doors, the County or City would have no responsibility with any compost left on site. Also to note that Green Organics’ leases the property so have lease agreements with each owner. The facility was initially designed to process 150,000 cubic yards of source-separated landscape materials (brush, leaves, tree trimmings, and grass) into usable organic products such as high-quality soil amendments. The State of IL changed the legislation to allow composting facilities to take up to 10% of their volume in food scraps without changing the compost designation. The State of Illinois in conjunction with the EPA believes that percentage is an allowable
amount without having to go through the full citing requirements. So in 2010, the facility was permitted to accept food scraps for composting equaling at most 10% of the total allowed site volume. The petitioner has stated that typically they take fruit and vegetable materials with some breads, they are not allowed to take in truckloads of renderings or meat products, nor do they want to. They currently have not hit the full 10% allowable amount. The food scraps are mixed with the end product but kept in separate windrows.

In the packet it goes through the entire process when the material is brought on the site till it is hauled off as the product. As part of the request to reconfigure the site they are also seeking to increase the amount of permitted materials to 175,000 cubic yards as the new site plan will be more efficient. We are currently discussing host fees and whether the City of Yorkville should be receiving any. The County has been doing all the inspections and received 100% of the host fees since 1993 even though some of the property was annexed in 1998. Per the ILEPA permit, Green Organics is permitted to receive incoming materials at the facility between the hours of 7:00 am to 6:00 pm Monday through Saturday. Typically the site is closed by 4:00 pm. There is enough parking and signage that exists. Since the newer sites will be in the City of Yorkville we have asked their engineer to take a look at the proposed engineering instead of the County’s engineer. In the report are all the previous conditions from 2000, 2008 and today’s proposed conditions. Also Marlin Hartman from the County Health Department does go to the site regularly for inspections and has not had any issues.

Staff does recommend approval of the major amendment to their special use with Organics Inc. with the following conditions.

1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance:
   Composting of landscape waste and food waste, subject to the following:
   a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Park 830, Standards for compost facilities.
   b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
   c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day’s receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
   d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
   e. A locked gate shall restrict vehicle access during closed hours except that a “lock-box” shall allow access to emergency vehicles.
   f. 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.
   g. 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.
   h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
   i. 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.

j. Truck weights shall be limited to 73,280 pounds.
k. The operator shall provide weight receipts to Kendall County.
l. 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.
m. Other conditions as appropriate for the particular facility. (Amended 6/20/2006)

2. The site plan shall be kept on file as “Exhibit A” attached hereto
3. The facility operator shall maintain plantings on the berm and ditch as shown on “Exhibit B” attached hereto
4. The facility operator shall maintain the gate and landscaping as indicated on “Exhibit C” attached hereto
5. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on “Exhibit D”
6. The facility operator shall maintain a sampling schedule as shown on “Exhibit E” attached hereto
7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
8. This special use Ordinance shall expire on December 1, 2023 and the petition for renewal shall be made prior to July 1, 2023.
9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received they need to be submitted to the County Solid Waste Coordinator within 30 days.

Plan Commission wanted to add a condition with the definition of tailings, Planner Zubko is of the opinion this is not necessary as it is the overs/extras of the received materials.

Also the Plan Commission recommended approval subject to the township’s approval and request the same at this meeting.

Mr. David Gravel, Vice President of Green Organics, gave a little background/history on the facility. Mr. Werderich discussed the site changes and why they are changing. Mr. Gravel stated their leases are expiring on the southern fields and moving the site further north will make the site more efficient. Mr. Gravel went into the lease agreements and term with regards to years. The City of Yorkville side has a 5 year lease whereas the County side is a 10 year lease. There was brief discussion about the berm around the new area and landscaping to be placed on the berm.

Mr. Jeff Milroy is the property owner where Green Organics currently operates and wanted to say they have his support for the continued operation and voiced his concern about some of the conditions the City of Yorkville will be putting on the petition.

With no further testimony Walter Werderich closed the public hearing.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:
That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. The newer water park exists less than a mile away to the east and still there have been no complaints about affecting the area properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open.

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 special use conforms to all applicable regulations of the A-1 Special use 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. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

Wally Werderich made a favorable recommendation with the above findings of fact and the 9 conditions specified on the special use with one more condition to add the amount of landscape waste permitted (175,000 cubic yards). Mr. Werderich also agreed with Plan Commission that his recommendation is pending the townships approval.

Mr. Werderich had one more question on where the food scraps came from. Mr. Gravel stated it came come from grocery stores, breweries and some restaurants.

Mr. Milroy got back up and gave his story on why he brought the property.

NEW BUSINESS
Review and approval of the 2014 scheduled meeting dates- Wally Werderich approved the proposed meeting dates.
Review of By-laws and approval of notification process change- The by-laws were reviewed and agreed with
staff’s suggestions, this will be voted on at the next meeting.

**ADJOURNMENT** - Next meeting will be on January 27, 2014
Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:50 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary