KENDALL COUNTY
ZONING BOARD OF APPEALS & SPECIAL USE HEARING OFFICER
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

September 3, 2013 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the July 29, 2013 Zoning Board of Appeals meeting

SPECIAL RECOGNITION- Scott Cryder & Bill Ford

PETITIONS:
1. 13-21 Miguel A Saltijeral Jr.
    Request     Variance
    Location    7126 Roberts Court
    Purpose     Request a variance to allow a 6' wrought iron fence in the front yard setback

2. 13-16 Small Poultry & Small animal Processing Plant
    Request     Text Amendment
    Purpose     Text Amendment to allow a poultry processing plant as a special use in the A-1 district, check the language of slaughtering in other sections and add some definitions

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None- last month was just a variance

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on October 28, 2013

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Bill Ford, Hearing Officer

MINUTES: Approval of minutes from the January 28, 2013 & February 21, 2013 Special use Hearing Officer Meeting

PETITIONS:
1. 13-17 Maly Poultry Processing Plant
    Request     A-1 Special Use
    Purpose     Special use for a Small Poultry & Small animal Processing Plant
    Location    16895 Lisbon Center Road

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on October 29, 2012
CALL TO ORDER
At 7:05 p.m., Senior Planner Angela Zubko called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay and Randy Mohr (Chairman)
In the audience: Mark and Karen Craig, Jeff Rugg and Brad Cass.

A quorum was present to conduct business.

MINUTES
Dick Whitfield motioned to approve the July 1, 2013 ZBA meeting minutes as amended. Karen Clementi seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-20 Bradley Cass/ Michael Tracy
Planner Zubko went through the report stating the location of the petition and that the petitioner is requesting 2 variances for a new detached garage. The petition would like to exceed the 15’ maximum height requirement to 17’ and also allow the detached accessory structure building to have a footprint larger than 70% of the principle structure. The detached accessory structure will be 960 square feet and the current house is a total of 992.25 square feet, 97% of the size of the principle structure. Section 4.05.F states: FOOTPRINT OF ACCESSORY BUILDINGS. Any detached accessory building must have a footprint no larger than 70% of the principal structure if located in the R5, R6 or R7 zoning districts. If you take a look at the plat of survey it shows what’s currently on the property. The owner has applied for a demolition permit for the existing frame garage, patio and screened in porch as depicted below. Once the screened porch will be demolished the home will be 992.25 square feet. The petitioner meets all other requirements including hard surface coverage. Therefore staff recommends approval of the two variances with the one condition that that current patio, screened porch and detached garage must be demolished before the building permit for the new detached garage can be released.

Ms. Clementi asked if the current structures are in disrepair. Mr. Brad Cass stated yes the back room/screened porch has taken on water before and was not a permitted structure so not to code. The same thing for the garage, there’s mold and would like to fix any previous issues. Ms. Clementi asked why the garage needed to be this big. Mr. Brad Cass stated they currently have 2 cars and 1 truck so wanted to make sure all the cars fit in the garage.

Mr. Brad Cass just wanted to add that most likely he will not need a 17’ height variances but was advised to ask for it as he thought the roof would be at about 15’8” but wanted to be sure he met the building code requirements for the pitch of the roof and depending on the foundation.
No audience members wanted to testify, with no further testimony, Planner Zubko closed the testimony and reviewed the Findings of Fact 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 principle structure is small which makes it impossible to build a two car garage. In order to have the roof at a 2:12 pitch to meet building codes it needs a height variance.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The petitioner is demolishing 3 items to construct a two car detached garage, most people would probably not wish to do that.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The house was built before the petitioner bought making this a 992 square foot home.

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 variances 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. These variations will not impair an adequate supply of light and air 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.

Ms. Clementi is in favor of any Boulder Hill resident that’s trying to improve their property. Karen Clementi approved staff’s findings of fact as written, Dick Whitfield seconded the motion. All were in favor of approving the findings of fact.

With no further questions Karen Clementi made a motion, seconded by Dick Whitfield to approve the two variances with staff’s recommendations. With a roll call vote all were in favor of the two variances with staff’s recommendation.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES-**
13-11 Any text related to guns or target practice- approved with changes shown in the packet in blue
13-15 Subdivision Control Ordinance- approved as is
12-03 Land Cash Ordinance- approved with very minor changes

**NEW BUSINESS-** None

**OLD BUSINESS-**
Planner Zubko stated the fence variance will be discussed at the next meeting along with the text for poultry and small animal processing plants.

PUBLIC COMMENT: None

ADJOURNMENT
Scott Cherry made a motion to adjourn the ZBA meeting, Tom LeCuyer seconded the motion. Planner Zubko adjourned the Zoning Board of Appeals meeting at 7:19 p.m. The next meeting will be on September 3, 2013.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
SITE INFORMATION
PETITIONER Miguel A. Saltijeral Jr.
ADDRESS 7126 Roberts Court
LOCATION Lot 25 of the Grove Estates Subdivision
TOWNSHIP NaAuSay
PARCEL # 06-08-101-011
LOT SIZE 1.01 acres (44,074 square feet)
EXITING LAND USE Single Family Home
ZONING RPD-2 Residential Planned Development for the Grove Estates Subdivision (Ordinance 2006-37)

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Rural Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Roberts Court is classified as a local street</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
</tr>
</tbody>
</table>

REQUESTED ACTION Request for a variance to build a fence that will be wrought iron in appearance 6' (five feet) in height in the front yard.

APPLICABLE REGULATIONS §4.14.A.2 (Fences) §13.04 (Variations)

SURROUNDING LAND USE
Location | Adjacent Land Use | Adjacent Zoning | LRMP | Zoning within ¼ Mile
----------|-------------------|-----------------|------|----------------|
North     | Residential       | RPD-2           | Rural Residential | RPD-2 |
South     | Residential       | RPD-2           | Rural Residential | A-1 & RPD-2 |
East      | Residential       | RPD-2           | Rural Residential | A-1 & RPD-2 |
West      | Residential       | RPD-2           | Rural Residential | A-1 & RPD-2 |

REQUESTED ACTION GENERAL Section 4.14.A.2 of the Zoning Ordinances states you can only a decorative or open fences, which do not exceed four feet (4') in height, are allowed in a front yard. (The front yard is a yard lying between the roadway right-of-way line and the nearest line of the building). The petition is requesting a variance for a 6' fence to enclose their lot in the Grove Estates Subdivision. It is already built but since Lots 22 and 23 came in for a variance to their fence the petition is cleaning up this property.
FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are 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. Other properties have fenced in their whole lot and as long as the Homeowners Association is fine with the fence height there should not be an issue.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This might be a variation requested throughout the subdivision.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship but would like a fence around their entire property.

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. Adding a fence will not impair any of the above items and will not impact the roadway.

RECOMMENDATION

Staff would recommend approval of the variance to build a fence that will be wrought iron in appearance 6' (six feet) in height in the front yard.

ATTACHMENTS

1. Plat of Survey
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
MEMORANDUM

To: ZBA
From: Angela L. Zubko, Senior Planner
Date: August 28, 2013
Re: Text Amendment – Poultry Processing Plant and slaughter houses (Petition 13-16)

Petition 13-17 directly relates to this text amendment.

Section 3.02 Definitions:
SLAUGHTER HOUSE. An establishment where animals are butchered for food.

Add definitions to Section 3.02:
SMALL POULTRY AND SMALL ANIMAL PROCESSING PLANT. Operations in which the carcasses of slaughtered poultry are defeathered, eviscerated, cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Poultry and small animals are defined as chickens, turkeys, ducks, geese, guinea, squab (pigeons up to one month old), small game birds such as quail, pheasant, and partridge and rabbits.

RENDERING. A process that collects, cooks and processes bodies or parts of bodies of dead animals, poultry or fish, or used cooking grease and oils, for the purpose of salvaging hides, wool, skins or feathers, and for the production of animal, poultry, or fish protein, blood meal, bone meal, grease or tallow and converts it into stable, value-added materials. Rendering can refer to any processing of animal products into more useful materials or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Section 10.01.B.19 M-1 LIMITED MANUFACTURING DISTRICT- Permitted Uses & Section 10.02.B M-2 HEAVY INDUSTRIAL DISTRICT- Permitted Uses
Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:
Poultry and rabbits - slaughtering.

Section 10.02.C.8 M-2 HEAVY INDUSTRIAL DISTRICT- Special Uses
Slaughter House

Proposed language for Section 7.01.D, A-1 Agricultural District- Special Uses
Small Poultry & Small animal Processing Plant subject to the following conditions:
a. A maximum of 21,000 units a week. Kelly Kramer will provide chart if still requested
b. Facilities (the unloading area) must be located at least 400' from any principle structure.
c. No rendering may take place on the site.
d. Live animals may be held on the site for no more than twenty-four (24) hours.
e. All slaughtering/processing permitted only in an enclosed building.
f. The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
3. In no event can poultry produced be sold for retail or wholesale to restaurants, grocery stores, or middleman, such as distributors, wholesalers or jobbers.

h. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.

i. All Applicable Federal, State and County rules and regulations shall apply.

j. Other such conditions as approved by the County Board.

k. Waste, by-products or any decomposable residue which results from the slaughter of animals must be kept in a sealed container and picked up within 48 hours.

l. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)

m. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.

n. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.

Just for Info:
The United Stated Department of Agriculture (USDA) and World Organization for Animal Health regulates most slaughterhouses in the United States. Meats raised for human consumption that are regulated by the USDA are cattle, buffalo, sheep, goats, deer, horses, pigs, ratites (flightless birds) and poultry. Additionally, the USDA regulates personnel employed by slaughterhouses, as well as pre-slaughter methods used in the production of meat for human consumption.

Good description of the process:

**Receiving areas**
The inlet to the plant is normally designed in such a way that fluctuations in bird deliveries can be dealt with adequately. This is necessary since the processing capacity has a fixed maximum. At regular intervals birds are unloaded onto the holding areas and attached by their feet to a conveyor belt, transported to the slaughter area.

**Slaughtering and packing**
The birds are suspended from the conveyor after which the following actions take place:
- Stunning;
- Killing and bleeding by cutting the jugular veins;
- Collection of blood. The conveyor travels through a blood collection tunnel at a preselected travelling speed;
- Scalding. To loosen the feathers, the birds are held in water of temperatures ranging from 50 °C to 60 °C;
- Deféathering. Feathers are mechanically abraded from the scalded birds, usually by rotating rubber fingers. Removed feathers drop in underlying troughs;
- Washing. The defeathered carcasses receive a spray wash prior to evisceration;
- Opening of the carcass by cutting manually;
- Inspection of the viscera;
- Evisceration, removal of head, feet and viscera;
- Sorting of the viscera to recover heart, liver and gizzard;
- Final washing to remove blood and to loosen tissues;
- Chilling of the carcasses in a waterbath;
- Draining;
- Grading, weighing and packing; and
- Chilling and freezing.

**Waste water:**
- Scalding tanks containing settleable residues and feathers. Approximately 8 litres of wastewater per bird are produced as a result of overflow (0.6 - 3.1 kg BOD per ton of LWK).
- Chilling. Chiller overflow is high to prevent bacterial contamination (0.4-2.5 kg BOD per ton of LWK);
- The final wash water contains blood and tissue (0.7 kg BOD per ton of LWK);
- Whole bird washing after defeathering (0.06 kg BOD per ton of LWK)
- Defeathering; The underlying troughs are flumed to collect the feathers.
- General plant clean-up; up to 50% of the BOD can come from cleaning operations.

**Solid waste:**
- Feathers recovered from the flume water of the collecting troughs;
- Head, feet and viscera.

*Red are staff’s suggestions
Purple are changes after Plan Commission*

**Attachments:**
1. ZPAC meeting minutes on 7.1.13
2. Ad-hoc meeting minutes on 7.24.13
3. KCRPC meeting minutes on 8.28.13
Planner Angela Zubko called the meeting to order at 9:01 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Aaron Rybski – Health Department
Fran Klaas - County Highway Department
Phil Smith – Sheriff’s Office
Amy Cesich – PBZ Member
Angela Zubko – PBZ Senior Planner

Absent:
Greg Chismark – Wills Burke Kelsey
Jason Petit- Forest Preserve

Also present:
Attorney Daniel Kramer
Alan & Mary Maly (Petitioners)
Darrell Poundstone (Renwick and Associates, in Ottawa)

AGENDA

A motion was made by Amy Cesich to approve the agenda, Fran Klaas seconded the motion. All were in favor and the motion carried.

MINUTES

Aaron Rybski made a motion, seconded by Fran Klaas, to approve the June 3, 2013 meeting minutes. All were in favor and the motion carried.

PETITIONS

#13-16 Poultry processing plant and slaughtering
Planner Zubko stated this is the text amendment to allow a poultry processing plant as a special use in the A-1 district and check the language of slaughtering in other sections. This text amendment directly relates to Petition 13-17. Planner Zubko stated she thought about changing the language of slaughter houses as that is not commonly used anymore but decided to keep it as that’s the language the state still uses. The text will be talked about more at Ad-hoc at the end of the month but they wanted it to go to ZPAC to get their comments and also hear from the Health Department. Planner Zubko read through the conditions and the following suggestions were made:
Condition h might be too limiting especially for small shops like in Lisbon
Condition m might also be too hard for some people to adhere to.

To help aid in the discussion on the text Planner Zubko went through Petition 13-17 at this time:

#13-17 Maly Poultry Processing Plant
Planner Zubko stated the petitioners; Alan & Mary Maly are requesting approval of an A-1 special use to operate a poultry and small animal processing plant. The property is located at 16895 Lisbon Center Road on the north side of Lisbon Center road about 0.3 miles east of Fennel Road. The petitioners own about 125 acres of land and are requesting 27 acres of it for the special use. The petitioners have stated that all processing will take place in enclosed buildings and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees. Once again staff has many questions the petitioners will be answering at ad-hoc or before ad-hoc to help aid in a decision to recommend
approval of the special use. Some of the questions were about wastewater, who has authority, unloading of the chickens, how garbage will be handled, deliveries and inspections.

Attorney Daniel Kramer introduced himself and the owners/future operators of the property. Mr. Kramer wanted to talk a little about the text. He thought 20 acres might be a hindrance for small processing like Lisbon. Mr. Kramer asked if it’s 200’ from the property line or from where the processing will take place? These don’t affect this special use but possible others that exist. Mr. Kramer stated near Thanksgiving or Christmas they might do more than 3,000 but on an average day probably will do way less than 3,000 chickens. Holiday hours might vary and quantities. As long as there is some flexibility they do not see an issue with putting the amount of chickens in the Special use. With regards to regulations it is the IL Department of Agriculture and the USDA, they only oversee the processing and machinery, not building. Building and water is all under local authorities.

Mr. Kramer briefly discussed about the Village of Newark concern about annexing the property and having to take ownership of the roadways. They will be going to the Village of Newark’s meeting on July 10th but does not think there will be any issues. They have also notified the township and talked to the road commission and no issues have been brought up to date.

Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything.

Alan & Mary Maly came up to the podium to help aid with questions. Mrs. Mary Maly stated with regards to waste, it really depends on volume but definitely pick up on a regular basis. If they have a large quantity of chickens it could be on a daily basis. It would be in a covered trash cans stored inside the building. Blood, feathers and bones are separated and disposed of. Due to the location of the site they will not be using anything on their fields but it’s possible to compost everything and spread onto fields.

Darrell Poundstone with Renwick and Associates (consulting engineer out of Ottawa) stated with regards to the BOD’s (biochemical oxygen demand), the expected BOD’s to come through the waste water system is about 1/3 of what you’d see coming out of a small restaurant. The petitioners will be using a standard underground septic system that will be to the northeast of the property. The exact location will not be determined until the soil borings are competed.

Mr. Rybski asked if it was going to be a combined system with regards to bathrooms and the washout/clean up from the operation. The reason he asked is because EPA has rules and restrictions with regards to slaughtering operations. Domestic waste is permitted by the health department but not the other waste. The petitioner said ideally they would like to combine them but whatever the regulations are they will follow. There is a 6” well on site and they are already talking to a well contractor. On the concept plan the engineer is showing detention on the downstream sides of the property. The USDA does have standards for the building. State inspected facilities can sell only within state and the USDA permits interstate. USDA facilities have inspector at all times. There was talk about deliveries and the petitioner stated that a semi truck holds 30,000 chickens. They expect to have people with flatbeds/hay wagons or car haulers that hold about 1,000 chickens. In an average transport you can fit about 8-10 chickens per coop. The petitioners will bring in an example to ad-hoc to help educate. With regards to operations they might want to look at 5:30am due to heat, typically you slaughter from 6-10am. The petitioners stated that typically January to April are the slowest times of years. Typically pick up is from about 2-4pm. If they want the chickens frozen they would typically pick up the next day.

Planner Zubko stated it seems like conditions a, b, c, h, j and m need to be looked at further. Mr. Klaas suggested maybe making a weekly average so there is some give and take in the regulations.
Petition 13-16
With no further discussion Megan Andrews made a motion, seconded by Aaron Rybski to forward the petition with the suggestion changes and recommend approval to the Plan Commission. All were in favor.

Petition 13-17
With no further discussion Phil Smith made a motion, seconded by Amy Cesich to forward the petition and recommend approval to the Plan Commission. All were in favor.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-08 ZPAC Definition- changes are shown in the packet, approved on June 18th
13-13 Steven & Lori Seeler- approved as is on June 18th

Going to Board on July 16th:
12-03 Land Cash Ordinance
13-11 Any text related to guns or target practice
13-15 Subdivision Control Ordinance

PUBLIC COMMENT- There were no audience members to comment.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on August 5, 2013
With no further business to discuss Fran Klaas made a motion, seconded by Aaron Rybski to adjourn the meeting at 9:53 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Senior Planner
KENDALL COUNTY AD HOC ZONING
ORDINANCE COMMITTEE

Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of July 24, 2013

Present: Larry Nelson (Chairman), Bill Ashton, Scott Gryder, Jeff Wehrli and Dan Koukal (on Mr. Shaw’s behalf)
Members absent: Elizabeth Flowers and John Shaw
Others present: Mike Hoffman from Teska Associates, Senior Planner Angela Zubko, Attorney Kelly Kramer, Alan and Mary Maly and Darrel Poundstone with Renwick and Associates.

Chairman Larry Nelson called the meeting to order at 5:00 p.m.

1. APPROVAL OF MINUTES
   Jeff Wehrli made a motion to approve the minutes from June 26, 2013. Bill Ashton seconded the motion. All agreed and the meeting minutes were approved.

2. Review of Poultry Processing text and slaughtering in the Zoning Ordinance
   Planner Zubko stated in the packet is the proposed text amendment. Planner Zubko wanted to take a field trip outside as the Maly’s brought a trailer with coups to hold about 200 chickens. Each coup can hold about 10-12 chickens in each coup. Seeing the trailer was quite helpful. There was talk about doing a weekly average for chickens instead of 3,000 chickens a day. Mr. Maly stated Arthur used to do about 4,000 chickens a day and has just reduced it down to about 2,500 a day due to a death in the family and some other issues with the operation.

   Mr. Gryder went through some of the text and questions from ZPAC. There was brief discussion about the size of the property and maybe just the distance from a principle residence will cover it. Also with regards to h and being sold wholesale should this stay in the text. Mr. Koukal asked about their waste plan. The Maly’s said the rendering company will pick up the trash daily and the garbage will stored in covered trash can. Mr. Ashton stated his only concerns are the waste, odors and about the roadway. The township roadway did not have concerns over trailers using the roadways. The group went one by one through the conditions and have come up with the following:
Small Poultry & Small animal Processing Plant subject to the following conditions:
   a. A maximum of 21,000 units a week. Kelly will provide chart
   b. Facilities (the unloading area) must be located at least 400' from any principle structure.
   c. No rendering may take place on the site.
   d. Live animals may be held on the site for no more than twenty-four (24) hours.
   e. All slaughtering/processing permitted only in an enclosed building.
   f. The number of hours and days of operation as specified in Special Use Permit to be determined by the County Board.
   g. In no event can poultry produced be sold for retail or wholesale to restaurants, grocery stores, or middlemen, such as distributors, wholesalers or jobbers.
   h. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
   i. All Applicable Federal, State and County rules and regulations shall apply.
   j. Other such conditions as approved by the County Board.
   k. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
   l. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
   m. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
   n. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.

Add a definition for small poultry and small animal processing plant.
Also add a definition for rendering.

Mr. Ashton wanted to discuss the shooting range and the township is stating they did not receive notice. The suggestion is to send to the townships by certified mailing from now on.

**Adjournment:**
The next meeting will be August 28, 2013. Jeff Wehrli made a motion to adjourn the meeting. Bill Ashton seconded the motion. All were in favor and the meeting was adjourned at 6:40 p.m.

Respectfully submitted,
Angela L. Zubko
Senior Planner
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of August 28, 2013
(Unofficial until Approved)

Chairman Bill Ashton called the meeting to order at 7:04 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Tom Casey, Bill Lavine, Vern Poppen, Tim Sidles, Claire Wilson, Walter Werderich, Budd Wormley and 1 vacancy (Big Grove)
Others present: Senior Planner Angela Zubko
Members Absent: Larry Nelson
In the Audience: Mary & Alan Maly, Desiree Edwards, Jody Osmund, Alice marks, Tina Suomi, Mathew Marks, Darrell Poundstone, Attorney Kelly Helland & Randy Mohr.

APPROVAL OF AGENDA
Claire Wilson made a motion to approve the agenda as written. Budd Wormley seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF MINUTES
Claire Wilson made a motion to approve the minutes from June 26, 2013, Bill Lavine seconded the motion. All were in favor and the minutes were approved.

SPECIAL RECOGNITION
Chairman Bill Ashton wanted to present Randy Mohr with a recognition award for 21 years on the Plan Commission and thanked him for his time. Randy is now on the Zoning Board of Appeals. The audience applauded.

PETITIONS
#13-16 Poultry processing plant and slaughtering
Planner Zubko stated this is the text amendment to allow a small poultry and small animal processing plant as a special use in the A-1 district. Planner Zubko went through the memo and stated we are looking to add a definition of a small poultry and small animal processing plant and rendering. Planner Zubko went through all 14 conditions proposed. She stated the process to process chickens is at the end of the memo. She also stated she visiting a poultry processing plant and thought it was quite efficient, they had about 25 employees and about 2,500 chickens a day.

To help aid in the discussion on the text Planner Zubko went through Petition 13-17 at this time and stated all the same conditions are placed on the special use.
#13-17 Maly Poultry Processing Plant
Planner Zubko stated the petitioners; Alan & Mary Maly are requesting approval of an A-1 special use to operate a small poultry and small animal processing plant. The property is located at 16895 Lisbon Center Road on the north side of Lisbon Center road about 0.3 miles east of Fennel Road. The petitioners own about 125 acres of land and are requesting 27 acres of it for the special use. The Big Grove Township board made a unanimous recommendation in favor of the petition. Planner Zubko has received a letter from the Village of Newark Trustees saying they reviewed the information and support the endeavor. The petitioners have stated that all processing will take place in enclosed buildings and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees. They do meet all the setback requirements. Staff has requested to start discussions with our consulting engineer with regards to their 2 proposed detention areas. There is an existing driveway the petitioner proposes to use. This road will be the jurisdiction of Big Grove Township Road Commissioner who I have spoken to and he did not feel this would be an issue. Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything. In an average transport you can fit about 8-10 chickens per coop. The picture in the report can hold about 200 chickens. The petitioner proposes to be open from 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process Turkeys. The petitioners have stated that typically January to April are the slowest times of the year. Also typically the chickens will be dropped off in the morning, slaughtering typically takes place between 6-10am, then the customer picks up their processed chickens between 2-4pm. If the customer wants the chickens frozen they would typically pick them up the next day. The petitioner has stated they plan to have waste removed on a regular basis and have already been contacted by a rendering company in Joliet that will deal with the waste. Also it will be kept in sealed containers and picked up within 48 hours. For the well and septic there will be a combined effort. The IL EPA and the US Department of Agriculture are in charge of the water and waste from the animal by-products. Our Health department is in charge of the waste from the toilets and hand washing instead. The IDPH (IL Department of Public Health) will regulate the well used for the processing plant. No sign is proposed at this time, if a sign is installed at a later date it must comply with the sign regulations in Section 12 and requires a building permit. Parking lot lighting will be needed unless a variance is requested. The parking lot will mainly be used by employees. The Zoning Administrator may grant an exception to agricultural (A-1) zoned properties with low traffic volume to not asphalt the parking lot. The petitioners request the parking lot be gravel instead of asphalt and staff is in support. The building inspector has not provided comments on this petition yet. We are waiting to see if the Department of Agricultural
will be inspecting the buildings and do not know if the petitioner will be requesting inspections or going to apply as Agriculturally exempt. This property will be a USDA facility so a USDA employee will be on site when the operation is open. In the packet is an email from Jody and Beth Osmund in support of this proposed facility. There is another letter of support from the Illinois Stewardship Alliance. Also in the packet is a site plan and elevations of the proposed building. Staff is comfortable with this request and recommends approval with the 15 listed conditions.

Ms. Wilson asked why this use would be limited to not allow retail or wholesale to restaurants or middlemen. Planner Zubko stated that was something from ad-hoc and they wanted it to be more local and not allow retail on site.

Bill Lavine wanted to clarify the process and retail condition. The Commission might need to clarify this condition or take it out so we are protecting them to make sure they are not in violation.

Jody Osmund wanted to clarify the condition as well to state the petitions will not engage in retail sale as he’s a farmer and does distribute his chickens to sell and will be using this facility.

Desiree Edwards asked if the special use follows the land or owners. Mr. Ashton stated it would only be for this parcel.

Mr. Ashton asked if the number they process recorded by the USDA? Mr. Maly stated they have to keep something called total records in the books for the USDA. Every chicken that comes in has to be recorded into the books including daily tallies. There was discussion if year logs need to be given to Planner Zubko? Planner Zubko stated she thought if there was a question she could ask for the logs or tell them to prove how many chickens a week or year they are producing. The petitioners were fine with whatever condition was placed on the ordinance.

Tom Marks asked what facility Planner Zubko visited. Planner Zubko stated she visited Central Illinois Poultry Processing in Arthur which is also a USDA site. There was discussion that the Undesser’s is not a USDA site.

Mathew Marks owns property around this property. He stated he has talked to many neighbors and this is the first time he’s heard about this. He asked the legal way to notify the neighbors. Mr. Ashton stated it’s the adjacent land owners (from the special use), in the paper and a public hearing sign. Mr. Marks stated the public hearing sign is quite small to read. Mr. Marks passed out a map showing surrounding homes and wanted to know what this special use will mean for the area. Mr. Ashton stated anything in the town of Newark, Kendall County does not have any control over. Anything in Big Grove Township on the comprehensive plan shows the area will remain agricultural. This is a special use in the A-1 Agricultural district. Planner Zubko stated
this will look like an agricultural operation. Mr. Marks also had concerns about lighting on site. Mr. Marks asked what would happen if there were protests on site. He also asked about landscaping and the driveway. Mr. Ashton stated the Sheriff’s office would have to deal with protestors if needed. Mr. Marks also stated a lot of the neighbor’s have concrete driveways and would like to keep aesthetics of the neighborhood. He was also concerned about having commercial on the site or setting precedence. His last questions was about the environment and impacts. Mr. Lavine stated the soils were tested with the Natural resource inventory and the IL database was access to see if there were any endangered species (which there are none.)

Mr. Marks asked what the Plan Commission’s obligations are here, Mr. Lavine stated it is to weigh both sides of the issue and take a vote to recommend approval or recommend denial to the County Board. Mr. Ashton stated he understands what he’s saying and whether it’s a poultry processing plant verse any other farm operation.

Mr. Randy Mohr stated if we want to put condition ‘g’ it should only be on the special use and not the text. He also stated there’s been a turkey processing plant for over 35 years and there has never been a protest.

Jody Osmund wanted to discuss the appropriateness of the scale and its community. It will help preserve farms on a less industrial scale. His farm has produced about 3,000 birds and travels to Arthur for processing. Their farm will be more viable with a close processing plant. He supports this small-scale type of production and their endeavors.

Alice Marks who owns the property right next door has a couple concerns and passed out a paper listing her concerns. Some concerns were how it would affect her property values? She feels maybe we’re underestimating the traffic to this property due to employees and farmers dropping off their chickens. She asked if maybe the customers can use Fennel Road instead of Townhouse Road. She’s concerned about the possibility of contamination to her well. She also is worried what is will look like as it would be right out her window. Lighting at night is a concern and signage. Mr. Ashton stated the lighting could not spill over onto the next property and the sign could only be a maximum of 32 square feet.

Matt Marks stated he has a 6-horse trailer that cannot make a turn from Fennel onto Lisbon Center Road. He just wanted to mention that could be an issue. Mr. Ashton stated that would be up to the road commissioner.

Desiree Edwards asked a question about annexation with regards to the sewers. Attorney Kramer stated there is no discussion about annexation and does not believe the sewers could even accommodate this site.

Ms. Kramer wanted to state with this being a special use another land owner could not use this petition as precedence if it is approved. It’s very specific to this property. Also the 30 employees is in the future, 5-15 is ideal at this time. She also stated there is a lot
of traffic on Townhouse Road. She also feels because this is a USDA site there are a lot more regulations then typically on a barn or other type of facility.

Mr. Casey asked about waste, Ms. Kramer stated it would be kept inside until picked up.

Mr. Sidles asked if there was any discussion on the parking lot or screening. Ms. Kramer stated currently they do not have a fence or anything proposed but she can discuss it with her clients.

Mr. Sidles asked planner Zubko about noise. Planner Zubko stated the only noise would be chickens that are waiting to be slaughtered.

Ms. Wilson is encouraged about the possible employment and helping the surrounding farmers. She thinks this fits in and will be un-obtrusive to the neighbors.

Petition 13-16 recommendation
Ms. Wilson recommended approval of the text amendment with the deletion of condition ‘g’. Mr. Werderich seconded the motion. With a roll call vote all were in favor of the text amendment as modified.

Mr. Ashton asked how many cars a day do the petitioners propose. Mr. Maly stated in 5 years they could be at maximum capacity with 30 employees. There could be 6-8 customers a day. Probably a maximum of 80 trips total a day including supplies, customers and employees. Mr. Ashton is asking due to possibly paving the apron of the driveway. Ms. Wilson does not see the need for pavement at the end of the driveway. She does recommend in the interest of being a good neighbor to possibly put something into the plans for asphalt between the parking lot and neighbors. Mr. Maly thought about berming around some of the property. Mr. Sidles would like something in writing for something to be done but keep it pretty open. There was talk about adding a condition about asphalt at the end of the driveway within 5 years. Ms. Kramer stated her clients have not discussed it at length but it is not something her petitioners would like to do. Lisbon Center Road is a tar and chip roadway and the majority of the traffic is going to be cars except the rendering truck most likely. Ms. Osmond has been to the Arthur plant and has not seen it being an issue. Tom Marks stated if the petitioners will work with them they can be very good neighbors.

Petition 13-17 recommendation
Claire Wilson made a motion to approve petition 13-17 subject to the modified conditions with are the modification of number 7 to state in no event can poultry produced be sold for retail or wholesale by the processor on the processing site and add a condition that within 5 years, 50’ of the driveway must be minimum tar and chipped. Tom Casey made a second. With a roll call vote all were in favor.
CALL TO ORDER
At 7:04 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

This will be a joint meeting due to the nature of the petitions.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Scott Cryder, Karen Clementi, Tom LeCuyer and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay
In the audience: Commander Robert Wollwert and Sheriff Richard Randall

A quorum was present to conduct business.

CALL TO ORDER
At 7:05 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Bill Ford

MINUTES
Scott Cryder motioned to approve the December 3, 2012 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in Senior Planner Zubko, Commander Robert Wollwert and Sheriff Richard Randall.

PETITIONS
#13-01 Outdoor Commercial Sporting Activity
Planner Zubko stated this petition has to do with the Kendall County Sheriff’s Office. They are looking into putting an outdoor shooting range out at the Central Limestone Quarry. The petition first started off with using the same definition of an outdoor commercial sporting activity from the A-1 Agricultural district with conditions and now has morphed into a Kendall County Government Agency and other law enforcement shooting range in an M-2 or M-3 District as a special use with conditions to be set and approved by the County Board. The reasoning is the Plan Commission felt guns and ranges should be discussed more thoroughly at ad-hoc but this will keep the petition going for the Sheriff’s office. With those changes staff suggests putting the following language in the M-2 and M-3 district as a special use:

Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board. We will discuss some conditions staff and the Plan Commission suggested on the next petition.
Mr. Cryder asked why we never hear from the townships anymore. Planner Zubko stated she is not sure and has also reached out to the townships to introduce herself and also let them know about the petition process and to please contact staff.

Mr. Randall talked about the new range with higher berms and a safer operation for their shooting range. They will be at this property for about 25 years.

The Zoning Board decided to also discuss the actual petition before recommending the text. See below for the vote for the text amendment.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range

Planner Zubko stated the petitioner would like to rezone a 17 acre property from M-2 to M-3 and also requests a special use for a Kendall County Governmental Agency and other law enforcement shooting range. Central Limestone has been at this site since the late 1800’s and the County Zoning regulations have changed so much that M-2 was for mining at one point. Staff suggested rezoning the portion of the property for the shooting range to M-3 so they can get a special use for the shooting range. The plan is to have a small parking lot at the far north end and shoot south. It will only take up about 1/3 that parcel on the west. The reason we are reasoning the whole pin number is because the petition is not sure exactly where the berms will be built and also this clears up that whole parcel which will eventually be mined. There’s a lot of good information in the ZPAC meeting minutes from Commander Wollwert like the IL EPA does not control shooting ranges and does not get involved until the range is inactive and then the lead that remains in the backstop becomes hazardous waste that does have to be dealt with. The IL EPA directed Mr. Wollwert to a specific region of the federal EPA because even nationwide the federal EPA does not have a specific set of guidelines but they did direct him to Region 2 which has put together a best practices manual that is being evaluated now with regards to the construction plans. The manual has specific recommendations for which type of material is best. For example what type of materials to use for the backstop so you can sift out the bullets when needed for clean-up. The state recommends a berm of at least 30’ tall for the backstop for recruit training so their backstop on the south will be a minimum of 30’ tall. The berms will be constructed out of clean fill from Route 47 and Route 34 widening project and the backstop might be 50’ tall instead of 30’. The shooting range they use now is currently inspected yearly by the Law Enforcement Training and Standards Board and has never had a problem passing their inspections and would continue that process at the new site. The intent for the new range is to limit it to only the sheriff’s office at least at the beginning stages. Mr. Wollwert is in attendance for any questions.

The request to rezone to M-3 is consistent with the County’s Zoning Ordinance for mining and the LRMP and since the text amendment was moved forward by the Plan Commission staff would recommend approval with the following conditions:

1. Minimum of a 30’ backstop
2. Hours are limited from 7am to 8pm
3. Water and drainage plans must be approved by Kendall Counties Consulting engineer
4. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
5. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance
6. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance

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7. All applicable State, Federal, County and EPA rules and regulations shall be adhered to.
8. No activity shall leave the boundaries of the site.
9. Shall contact and meet all requirements of the Kendall County Health Department.
10. The best practices manual provided from the Region 2 office of the EPA shall be used as a guide.
11. Gated entrance
12. The Sheriff’s office must keep a list of persons that want to be notified 48 hours in advance of shooting or training and notify them.
13. Appropriate signage as determined by the Zoning Office be secured around the perimeter of the property.

Ms. Clementi asked if the neighbors had any concern. Commander Wollwert stated some members attended the Plan Commission meeting last week and any concerns they had were met in added conditions.

Mr. Ford asked about the gated entrance. Commander Wollwert stated there will be berms along the front entrance, no fence but will have the gate and appropriate signage. Mr. Wollwert stated they also have field officers looking for people on the roadways. Mr. Ford asked about lighting. Commander Wollwert stated if they had night shooting it would be temporary lights. There was some discussion about notifying the public that wanted to be notified 48 hours in advance of shooting. The Sheriff’s office would know about 95% of the days they plan to shoot in January of each year that they could get out to the public. There was discussion how often the range would be used.

Mr. Randall would like to amend condition number 12 to write something along the lines to exempt gun testing or shooting more than 2 hours they will be notified 48 hours in advance. The special use hearing officer was fine with the exemption of gun testing.

#13-01 Kendall County Government Agency and other law enforcement Shooting Range
Hearing no testimony, Chairman Mohr closed the testimony.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the PBZ meeting next week.

#13-02 Rezoning and Special Use for a Kendall County Government Agency and other law enforcement Shooting Range
With no further testimony, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a map amendment as follows:

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. Staff has answered as follows:

Existing uses of property within the general area of the property in question. The property to the east and west of this property is already being mined and someday this property will be mined as well.
The Zoning classification of property within the general area of the property in question. The property to the north and south are shown on the LRMP as potential mining and to the east and west is already zoned for mining so the M-3 zoning is consistent with the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is currently zoned M-2 which was the zoning for mining back in the 70's. The land suitability is good for mining just the M-2 district is no longer the district for mining, the M-3 Zoning District is intended for mining.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. This mine has been in existence since the late 1800's and the trends of development in the area are potential mining districts or are already mines.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This land fits more with the purpose and objectives in the M-3 District which is to establish regulations and standards for surface mining operations and to provide for conservation and reclamation of lands affected by surface mining in order to restore them to optimum future productive use. Aggregate materials extraction, processing and site reclamation shall be determined and permitted in compliance with standards as set forth herein. The M-2 intent no longer fits the future use of this property which ultimately is to be mined.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the map amendment with the above findings of fact. With a roll call vote all were in favor and the map amendment was approved and will be on the next PBZ Committee agenda.

Special Use Hearing Officer Ford 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. An outdoor shooting range should not be any more dangerous than weekly mine blastings and eventually this property will also be mined.

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. An outdoor shooting range noises will be consistent with the noises of a mine. The petitioner is making adequate provisions for appropriate buffers and the shooting with take place towards the south. The berm will be a minimum of 20’ tall and probably will be taller than that which will also help to block the noise.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A curb cut already exists to this piece of property and there will be no utilities on this property. Proper drainage is already being designed for and there will be a berm around the special use which will hold the water on their own site.

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. Assuming the text amendment passes to allow this type of use in the M-3 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP and municipal plans and policies as the ultimate goal is to eventually be a mine but in the meantime used for an outdoor shooting range. This specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons.

Bill Ford made a favorable recommendation with the above staff’s findings of fact except for the last finding of fact be amended to add ‘this specific use is for a compelling governmental function i.e. public safety for training and qualifications of law enforcement officers as it pertains to appropriate weapons’ and the 13 conditions on the special use.

ADJOURNMENT
Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 7:45 p.m.

#13-03 Other Plat Process (Vacation, Dedication, Etc.)
Planner Zubko stated that back on January 18, 2011 County Board approved changes to the review process in the Zoning Ordinance and on March 15, 2011 County Board approved changes to the subdivision control ordinance including the preliminary and final plat process. During those changes a process for Other plats (Vacation, Dedication, etc.) was never created in the Subdivision Control Ordinance. Therefore staff would like to create a section for that process. The reason this has come up is because people are looking to buy 2 lots in a subdivision and combine the lots into 1 to build a house in the middle and there typically are easements down the middle of the lots and building setback lines. As you can see we made an exemption for County and Township roadways as they have a different process to go through.

Hearing no testimony, Chairman Mohr closed the testimony.
With no further suggestions or changes Scott Cryder made a motion, seconded by Scott Cherry to approve the text amendment. With a roll call vote all were in favor and the text amendment will go to the next PBZ meeting.

**#13-04 Micro-batch Distillery**

Planner Zubko stated this petition relates to a Petition for Three Angels Brewing LLC. The petition will only be heard from the special use hearing officer at a later date. They would like to amend their special use to also allow micro/craft distilling. Kendall County does not have this category in the Zoning Ordinance so staff would like to create a definition in Section 3 of the Zoning Ordinance and also allow it as a special use in the A-1 and B-3 district and allow it as a permitted use in the M-1 and M-2 Districts. Staff proposes a definition and the text with 6 following conditions:

1. **If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.**
2. **Locally grown inputs shall be used to the greatest extent possible.**
3. **The number of hours permitted to operate shall be on the approving ordinance.**
4. **Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.**
5. **All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.**
6. **Shall contact & meet all requirements of the Kendall County Health Department.**

The proposed definition is: **MICRO DISTILLERY or CRAFT DISTILLERY:** A facility that produces alcoholic beverages in quantities not to exceed fifteen thousand (15,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. If state law changes the quantities the definition should reflect those changes.

Hearing no testimony, Chairman Mohr closed the testimony.

There was some discussion about the operation and how it would run. There was discussion about waste management plan. The ZBA would like to add a condition that a waste management plan should be submitted to the Kendall County Health Department.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment as approved. With a roll call vote all Scott Cherry voted no and the other 5 were in favor. Mr. Cherry does not feel comfortable and feels there are too many unanswered questions. The text amendment will go to the PBZ meeting next week.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES:**
None (there was only 1 variance at the last meeting)

**NEW BUSINESS**
None

**OLD BUSINESS**

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Review and approval of the REVISED 2013 meeting dates- Planner Zubko stated some of the dates previously approved are not the week after the Plan Commission and therefore not in the correct sequence. Scott Cherry made a motion to approve the 2013 schedule as revised, Tom LeCuyer seconded the motion. All were in favor and the revised 2013 schedule was approved.

**PUBLIC COMMENT:**
There were no members in the audience to comment.

**ADJOURNMENT**
Karen Clementi made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:10 p.m. The next meeting will be on April 1st unless we need to hold a special meeting late in March as Planner Zubko will be absent March 4th.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560

February 21, 2013 – 7:00 p.m.

CALL TO ORDER
At 7:00 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Chairman Bill Ford
Also present was: Senior Planner Angela Zubko
Members in the audience: Boyd Ingemunson and Jason Leslie

Mr. Ford sworn in everyone that is going to testify.

PETITIONS

#13-05 Three Angels Brewing LLC & Angels Share Distilling LLC
Planner Zubko stated Three Angels Brewing is a nano brewery that is located at the northeast corner of Caton Farm Road and Ashley Road. The site is a total of 40 acres with about 1 acre being used for the nano brewery and petitioning to also have a micro/craft distillery with a tasting room and retail sales. The petitioners have already talked to the township about their concerns with having a micro distillery on the property and their main concerns are to not have special or large events on site and what the hours of operation. They will still operate the nano brewery and have a special use for Ag labor housing which is where the bee-keeper currently resides. The property does contain enough landscaping and parking. There is signage already on the property. They do have access from Ashley Road by a mechanical gate which will be closed during non hours. The petitioner will need to renovate the existing barn for the operation since it will be open to the public. This renovation will require a building permit and will be subject to all applicable codes and regulations of the Bristol-Kendall Fire Protection District and Commercial Building Code. The petitioners are also already working with the Health Department and working on a liquor license.

The text amendment was approved by the County Board on February 19th so at this time staff would recommend approval of the proposed micro distillery/ craft distillery and also allow retail sales with the following conditions:

1. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. Locally grown inputs shall be used to the greatest extent possible
   c. The number of hours permitted to operate shall be on the approving ordinance.
   d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
   e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
   f. Shall contact & meet all requirements of the Kendall County Health Department.
   g. A waste management plan should be submitted to the Kendall County Health Department

2. Hours for the public must be closed by 9pm.
3. Maximum amount of 50 vehicles to be parked on site at one time.

There was discussion at the Plan Commission about the 20 cars, the Plan Commission decided to up it to 50 vehicles.

Mr. Ford asked a few questions about where on the property this is going to take place and about the tasting room. Mr. Leslie talked about people coming to taste and walk the grounds a little. They’re also looking to do some food. There was talk that Mr. Leslie and Mr. Boyd plan on making some bourbon and have to store the barrels in separate storage that needs to be bonded. That would not be located in the barn at this time but on the same property. There was some discussion on the liquor licensing through the County.

With no further testimony, SUHO Ford closed the testimony and reviewed the Findings of Fact.

§ 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 craft distillery will take place in a barn on a large piece of property and limited to the number of hours they can be open. It shall not 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 entire operation will take place within an existing barn and should not be visible to other 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 Ashley Road which has a mechanical gate which will be closed unless the operation is open. The petitioner has been working with the County Health Department and also working on acquiring a liquor license for the property. All required rules and regulations must be followed.

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. A building permit will be required for improvements and remodeling that occurs within the existing structure. Any configurations to the structure may be subject to required improvements at the discretion of the Bristol-Kendall Fire Protection District. A liquor license will be required for the manufacturing and selling of spirits.

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 review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-04) that will permit craft/micro distilleries as a special use in the A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.

Bill Ford made a favorable recommendation to the special use. This will be forwarded onto the PBZ Committee on Monday, February 25, 2013.
NEW BUSINESS
None

OLD BUSINESS
None

PUBLIC COMMENT
None

ADJOURNMENT
Bill Ford adjourned the Special use Hearing Office Meeting and 7:14pm.

Respectfully Submitted,
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(630) 553-4141 Fax (630) 553-4179

13-17
MALY POULTRY PROCESSING
A-1 SPECIAL USE

SITE INFORMATION
PETITIONERS Alan & Mary Maly
ADDRESS 16895 Lisbon Center Road
LOCATION On the north side of Lisbon Center Road about 0.32 miles east of Fennel Road

TOWNSHIP Big Grove
PARCEL # 07-08-100-011
SIZE 27 Acres of a 124.77 total acres
EXISTING LAND USE Agricultural/Farming
ZONING A-1 Agricultural

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Agricultural; Village of Newark: ?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Lisbon Center Road is a Big Grove Township Roadway and is designated as a local rural road</td>
</tr>
<tr>
<td>Trails</td>
<td>There are no trails shown for this area</td>
</tr>
<tr>
<td>Other</td>
<td>There are no wetlands or floodplain on this property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION The petitioner is requesting approval of an A-1 Special Use Permit to operate a Small Poultry & Small animal Processing Plant.

APPLICABLE Pet. 13-16 (Text amendment to allow this as a special use in the A-1 district)
REGULATIONS § 11.00 Off-street Parking and Loading
§ 13.08 of the Zoning Ordinance(Special Uses)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ¼ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural/Farming</td>
<td>A-1</td>
<td>Agricultural</td>
<td>Newark &amp; A-1</td>
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<tr>
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<td>Agricultural/Farming</td>
<td>A-1</td>
<td>Agricultural</td>
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<td>Agricultural/Farming</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1; LaSalle County</td>
</tr>
</tbody>
</table>

PHYSICAL DATA

ENDANGERED SPECIES REPORT
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.

NATURAL RESOURCES INVENTORY
The NRI indicates that 67.4% of the soils on this site are soils that are classified as being prime farmland and the most agronomically productive. 100% of the soils are very limited for local roads and streets; and 15.9% are very limited for shallow excavation. The site is located within the Fox River Watershed and Roods Creek Subwatershed. A drainage tile survey is recommended to be completed on the parcel.

Land Evaluation: 90
Site Assessment: 113
TOTAL: 203
Level of Protection: Medium

ACTION SUMMARY

TOWNSHIP (Big Grove)
It was discussed at the July 16, 2013 Big Grove Township Board and received an unanimous recommendation in favor of the petition.

MUNICIPAL (Village of Newark)
Received a letter dated August 5, 2013 stating the Village of Newark Trustees reviewed the information and support the endeavor.

ZPAC (7.1.13)
At the time of ZPAC there were a lot of open ended questions but they still made a favorable recommendation.

RPC (8.28.13)
The Plan Commission made a favorable recommendation and added a condition that within 5 years, 50' of the driveway must be a minimum of tar and chipped and modified the condition to not allow retail sales on site instead of the previous wording.

REQUESTED ACTION

GENERAL
The petitioner is requesting approval of an A-1 Special Use Permit to operate a small Poultry & Small animal Processing Plant.

The petitioner has stated that all processing will take place in enclosed buildings. They are projecting to process a maximum of 3,000 chickens per day. They also will have a maximum of 30-35 employees.
SETBACKS
From the proposed site plan all setbacks will be met for the building and parking lot.

STORMWATER DETENTION
Staff has requested to start discussions with our consulting engineer with regards to their 2 proposed detention areas.

ACCESS/ROADWAY
This road will be the jurisdiction of Big Grove Township Road Commissioner who I have spoken to and he did not feel this would be an issue. Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything.

TRANSPORTATION
In an average transport you can fit about 8-10 chickens per coop. The transport below can hold about 200 chickens.

HOURS OF OPERATION
The petitioner proposes to be open from 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process Turkeys. The petitioners have stated that typically January to April are the slowest times of the year. Also typically the chickens will be dropped off in the morning, slaughtering typically takes place between 6-10am, then the customer picks up their processed chickens between 2-4pm. If the customer wants the chickens frozen they would typically pick them up the next day.
WASTE
The petitioner has stated they plan to have waste removed on a regular basis and have already been contacted by a rendering company in Joliet that will deal with the waste. Also it will be kept in sealed containers and picked up within 48 hours.

WATER/SEPTIC
The EPA and USDA will be in charge of the wastewater for animal products and the Health Department will be in charge of domestic waste and water. The IDPH will also regulate the well used for processing. Also staff is concerned about the waterway that runs on this property and if that could be contaminated in the future from this operation but that will be looked at more carefully while reviewing the engineering drawings.

SIGNAGE
No sign is proposed at this time, if a sign is installed at a later date it must comply with the sign regulations in Section 12 and requires a building permit.

LIGHTING
Parking lot lighting will be needed unless a variance is requested.

PARKING
The parking will mainly be used for employees as typically people will drop off their live chickens and pick up the processed chickens later that day. The Zoning Administrator may grant an exception to agricultural (A-1); R1, R2, and R3 single family; and community service uses from this provision where such uses generate low traffic volume. Handicapped parking stalls within the A-1 district shall be improved with a permanent, concrete, unit paver or asphalt surface and shall also provide a hard surface to the entrance of the structure a minimum of 6 feet wide. The petitioners request the parking lot be gravel instead of asphalt and staff is in support.

BUILDING CODES
The building inspector has not provided comments on this petition yet. We are waiting to see if the Department of Agricultural will be inspecting the buildings and do not know if the petitioner will be requesting inspections or going to apply as Agriculturally exempt.

FINDINGS OF FACT
§ 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. If the conditions are adhered to the establishment, maintenance, and operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The entire operation will take place within a building and the unloading area must be at least 400' from any principle structure on an adjoining lot. The zoning in the general area is agricultural which this process fits in with that classification.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.
special use will be utilizing the existing driveway and drainage will be closely evaluated when the engineering drawings are assessed.

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 EPA, Illinois Department of Health, Kendall County Health Department and the Kendall County Building Department all have jurisdiction over different aspects of the special use and the regulations must be followed and adhered to.

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 review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-16) that will permit a small Poultry & Small animal Processing Plant as a special use in the A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.

RECOMMENDATION

Staff is comfortable with this request and recommends approval. If approved, Staff recommends the following conditions be placed on the controlling ordinance approving the A-1 Special Use:

1. A maximum of 21,000 units a week.
2. Facilities (the unloading area) must be located at least 400' from any principle structure.
3. No rendering may take place on the site.
4. Live animals may be held on the site for no more than twenty-four (24) hours.
5. All slaughtering/processing permitted only in an enclosed building.
6. The hours of operation are to be 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process turkeys.
7. In no event can poultry produced be sold for retail or wholesale by the processor on the processing site.
8. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
9. All Applicable Federal, State and County rules and regulations shall apply.
10. Other such conditions as approved by the County Board.
11. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
12. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
13. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
14. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.
15. Engineering drawings including stormwater must be approved before a building permit can be released.
16. Within 5 years, 50' of the driveway must be a minimum of tar and chipped.
Attachments:
1. ZPAC Meeting minutes on 7.1.13
2. RPC Meeting minutes on 8.28.13
3. Letter of support from Jody & Beth Osmund
4. Letter of support from the Illinois Stewardship Alliance
5. Letter from Alice Marks with her concerns
6. Map made by Mathew Marks showing what's in the area.
7. Site Plan
8. Preliminary Concept Elevations
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 1, 2013 – Meeting Minutes

Planner Angela Zubko called the meeting to order at 9:01 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Aaron Rybski – Health Department
Fran Klaas – County Highway Department
Phil Smith – Sheriff’s Office
Amy Cesich – PBZ Member
Angela Zubko – PBZ Senior Planner

Absent:
Greg Chismark – Wills Burke Kelsey
Jason Petit- Forest Preserve

Also present:
Attorney Daniel Kramer
Alan & Mary Maly (Petitioners)
Darrell Poundstone (Renwick and Associates, in Ottawa)

AGENDA

A motion was made by Amy Cesich to approve the agenda, Fran Klaas seconded the motion. All were in favor and the motion carried.

MINUTES

Aaron Rybski made a motion, seconded by Fran Klaas, to approve the June 3, 2013 meeting minutes. All were in favor and the motion carried.

PETITIONS

#13-16 Poultry processing plant and slaughtering
Planner Zubko stated this is the text amendment to allow a poultry processing plant as a special use in the A-1 district and check the language of slaughtering in other sections. This text amendment directly relates to Petition 13-17. Planner Zubko stated she thought about changing the language of slaughter houses as that is not commonly used anymore but decided to keep it as that’s the language the state still uses. The text will be talked about more at Ad-hoc at the end of the month but they wanted it to go to ZPAC to get their comments and also hear from the Health Department. Planner Zubko read through the conditions and the following suggestions were made:
Condition h might be too limiting especially for small shops like in Lisbon
Condition m might also be too hard for some people to adhere to.

To help aid in the discussion on the text Planner Zubko went through Petition 13-17 at this time:

#13-17 Maly Poultry Processing Plant
Planner Zubko stated the petitioners; Alan & Mary Maly are requesting approval of an A-1 special use to operate a poultry and small animal processing plant. The property is located at 16895 Lisbon Center Road on the north side of Lisbon Center road about 0.3 miles east of Fennel Road. The petitioners own about 125 acres of land and are requesting 27 acres of it for the special use. The petitioners have stated that all processing will take place in enclosed buildings and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees. Once again staff has many questions the petitioners will be answering at ad-hoc or before ad-hoc to help aid in a decision to recommend

ZPAC Meeting Minutes 7.1.13
approval of the special use. Some of the questions were about wastewater, who has authority, unloading of the chickens, how garbage will be handled, deliveries and inspections.

Attorney Daniel Kramer introduced himself and the owners/future operators of the property. Mr. Kramer wanted to talk a little about the text. He thought 20 acres might be a hindrance for small processing like Lisbon. Mr. Kramer asked if it's 200' from the property line or from where the processing will take place? These don't effect this special use but possible others that exist. Mr. Kramer stated near Thanksgiving or Christmas they might do more than 3,000 but on an average day probably will do way less than 3,000 chickens. Holiday hours might vary and quantities. As long as there is some flexibility they do not see an issue with putting the amount of chickens in the Special use. With regards to regulations it is the IL Department of Agriculture and the USDA, they only oversee the processing and machinery, not building. Building and water is all under local authorities.

Mr. Kramer briefly discussed about the Village of Newark concern about annexing the property and having to take ownership of the roadways. They will be going to the Village of Newark's meeting on July 10th but does not think there will be any issues. They have also notified the township and talked to the road commission and no issues have been brought up to date.

Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything.

Alan & Mary Maly came up to the podium to help aid with questions. Mrs. Mary Maly stated with regards to waste, it really depends on volume but definitely pick up on a regular basis. If they have a large quantity of chickens it could be on a daily basis. It would be in a covered trash cans stored inside the building. Blood, feathers and bones are separated and disposed of. Due to the location of the site they will not be using anything on their fields but it's possible to compost everything and spread onto fields.

Darrell Poundstone with Renwick and Associates (consulting engineer out of Ottawa) stated with regards to the BOD's (biochemical oxygen demand), the expected BOD's to come through the waste water system is about 1/3 of what you'd see coming out of a small restaurant. The petitioners will be using a standard underground septic system that will be to the northeast of the property. The exact location will not be determined until the soil borings are competed.

Mr. Rybski asked if it was going to be a combined system with regards to bathrooms and the washout/clean up from the operation. The reason he asked is because EPA has rules and restrictions with regards to slaughtering operations. Domestic waste is permitted by the health department but not the other waste. The petitioner said ideally they would like to combine them but whatever the regulations are they will follow. There is a 6" well on site and they are already talking to a well contractor. On the concept plan the engineer is showing detention on the downstream sides of the property. The USDA does have standards for the building. State inspected facilities can sell only within state and the USDA permits interstate. USDA facilities have inspector at all times. There was talk about deliveries and the petitioner stated that a semi truck holds 30,000 chickens. They expect to have people with flatbeds/hay wagons or car haulers that hold about 1,000 chickens. In an average transport you can fit about 8-10 chickens per coop. The petitioners will bring in an example to ad-hoc to help educate. With regards to operations they might want to look at 5:30am due to heat, typically you slaughter from 6-10am. The petitioners stated that typically January to April are the slowest times of years. Typically pick up is from about 2-4pm. If they want the chickens frozen they would typically pick up the next day.

Planner Zubko stated it seems like conditions a, b, c, h, j and m need to be looked at further. Mr. Klaas suggested maybe making a weekly average so there is some give and take in the regulations.
Petition 13-16
With no further discussion Megan Andrews made a motion, seconded by Aaron Rybski to forward the petition with the suggestion changes and recommend approval to the Plan Commission. All were in favor.

Petition 13-17
With no further discussion Phil Smith made a motion, seconded by Amy Cesich to forward the petition and recommend approval to the Plan Commission. All were in favor.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-08 ZPAC Definition- changes are shown in the packet, approved on June 18th
13-13 Steven & Lori Seeler- approved as is on June 18th

Going to Board on July 16th:
12-03 Land Cash Ordinance
13-11 Any text related to guns or target practice
13-15 Subdivision Control Ordinance

PUBLIC COMMENT: There were no audience members to comment.

OLD BUSINESS: None

NEW BUSINESS: None

AJOURNMENT: Next meeting on August 5, 2013
With no further business to discuss Fran Klaas made a motion, seconded by Aaron Rybski to adjourn the meeting at 9:53 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Senior Planner
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Meeting Minutes of August 28, 2013
(Unofficial until Approved)

Chairman Bill Ashton called the meeting to order at 7:04 pm.

ROLL CALL
Members Present: Chair Bill Ashton, Tom Casey, Bill Lavine, Vern Poppen, Tim Sidles, Claire Wilson, Walter Werderich, Budd Wormley and 1 vacancy (Big Grove)
Others present: Senior Planner Angela Zubko
Members Absent: Larry Nelson
In the Audience: Mary & Alan Maly, Desiree Edwards, Jody Osmund, Alice marks, Tina Suomi, Mathew Marks, Darrell Poundstone, Attorney Kelly Helland & Randy Mohr.

APPROVAL OF AGENDA
Claire Wilson made a motion to approve the agenda as written. Budd Wormley seconded the motion. All were in favor and the agenda was approved.

APPROVAL OF MINUTES
Claire Wilson made a motion to approve the minutes from June 26, 2013, Bill Lavine seconded the motion. All were in favor and the minutes were approved.

SPECIAL RECOGNITION
Chairman Bill Ashton wanted to present Randy Mohr with a recognition award for 21 years on the Plan Commission and thanked him for his time. Randy is now on the Zoning Board of Appeals. The audience applauded.

PETITIONS
#13-16 Poultry processing plant and slaughtering
Planner Zubko stated this is the text amendment to allow a small poultry and small animal processing plant as a special use in the A-1 district. Planner Zubko went through the memo and stated we are looking to add a definition of a small poultry and small animal processing plant and rendering. Planner Zubko went through all 14 conditions proposed. She stated the process to process chickens is at the end of the memo. She also stated she visiting a poultry processing plant and thought it was quite efficient, they had about 25 employees and about 2,500 chickens a day.

To help aid in the discussion on the text Planner Zubko went through Petition 13-17 at this time and stated all the same conditions are placed on the special use.
Maloy Poultry Processing Plant

Planner Zubko stated the petitioners; Alan & Mary Maloy are requesting approval of an A-1 special use to operate a small poultry and small animal processing plant. The property is located at 16895 Lisbon Center Road on the north side of Lisbon Center Road about 0.3 miles east of Fennel Road. The petitioners own about 125 acres of land and are requesting 27 acres of it for the special use. The Big Grove Township board made a unanimous recommendation in favor of the petition. Planner Zubko has received a letter from the Village of Newark Trustees saying they reviewed the information and support the endeavor. The petitioners have stated that all processing will take place in enclosed buildings and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees. They do meet all the setback requirements. Staff has requested to start discussions with our consulting engineer with regards to their 2 proposed detention areas. There is an existing driveway the petitioner proposes to use. This road will be the jurisdiction of Big Grove Township Road Commissioner who I have spoken to and he did not feel this would be an issue. Most people will be bringing chickens in small trailers. For parking they would request tar and chip or pavers instead of asphalt. They do not anticipate a retail outlet or anything. In an average transport you can fit about 8-10 chickens per coop. The picture in the report can hold about 200 chickens. The petitioner proposes to be open from 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process Turkeys. The petitioners have stated that typically January to April are the slowest times of the year. Also typically the chickens will be dropped off in the morning, slaughtering typically takes place between 6-10am, then the customer picks up their processed chickens between 2-4pm. If the customer wants the chickens frozen they would typically pick them up the next day. The petitioner has stated they plan to have waste removed on a regular basis and have already been contacted by a rendering company in Joliet that will deal with the waste. Also it will be kept in sealed containers and picked up within 48 hours. For the well and septic there will be a combined effort. The IL EPA and the US Department of Agriculture are in charge of the water and waste from the animal by-products. Our Health department is in charge of the waste from the toilets and hand washing instead. The IDPH (IL Department of Public Health) will regulate the well used for the processing plant. No sign is proposed at this time, if a sign is installed at a later date it must comply with the sign regulations in Section 12 and requires a building permit. Parking lot lighting will be needed unless a variance is requested. The parking lot will mainly be used by employees. The Zoning Administrator may grant an exception to agricultural (A-1) zoned properties with low traffic volume to not asphalt the parking lot. The petitioners request the parking lot be gravel instead of asphalt and staff is in support. The building inspector has not provided comments on this petition yet. We are waiting to see if the Department of Agricultural

KCRPC Meeting Minutes from 8.28.13

2
will be inspecting the buildings and do not know if the petitioner will be requesting inspections or going to apply as Agriculturally exempt. This property will be a USDA facility so a USDA employee will be on site when the operation is open. In the packet is an email from Jody and Beth Osmund in support of this proposed facility. There is another letter of support from the Illinois Stewardship Alliance. Also in the packet is a site plan and elevations of the proposed building. Staff is comfortable with this request and recommends approval with the 15 listed conditions.

Ms. Wilson asked why this use would be limited to not allow retail or wholesale to restaurants or middlemen. Planner Zubko stated that was something from ad-hoc and they wanted it to be more local and not allow retail on site.

Bill Lavine wanted to clarify the process and retail condition. The Commission might need to clarify this condition or take it out so we are protecting them to make sure they are not in violation.

Jody Osmund wanted to clarify the condition as well to state the petitions will not engage in retail sale as he’s a farmer and does distribute his chickens to sell and will be using this facility.

Desiree Edwards asked if the special use follows the land or owners. Mr. Ashton stated it would only be for this parcel.

Mr. Ashton asked if the number they process recorded by the USDA? Mr. Maly stated they have to keep something called total records in the books for the USDA. Every chicken that comes in has to be recorded into the books including daily tallies. There was discussion if year logs need to be given to Planner Zubko? Planner Zubko stated she thought if there was a question she could ask for the logs or tell them to prove how many chickens a week or year they are producing. The petitioners were fine with whatever condition was placed on the ordinance.

Tom Marks asked what facility Planner Zubko visited. Planner Zubko stated she visited Central Illinois Poultry Processing in Arthur which is also a USDA site. There was discussion that the Undesser’s is not a USDA site.

Mathew Marks owns property around this property. He stated he has talked to many neighbors and this is the first time he’s heard about this. He asked the legal way to notify the neighbors. Mr. Ashton stated it’s the adjacent land owners (from the special use), in the paper and a public hearing sign. Mr. Marks stated the public hearing sign is quite small to read. Mr. Marks passed out a map showing surrounding homes and wanted to know what this special use will mean for the area. Mr. Ashton stated anything in the town of Newark, Kendall County does not have any control over. Anything in Big Grove Township on the comprehensive plan shows the area will remain agricultural. This is a special use in the A-1 Agricultural district. Planner Zubko stated
this will look like an agricultural operation. Mr. Marks also had concerns about lighting on site. Mr. Marks asked what would happen if there were protests on site. He also asked about landscaping and the driveway. Mr. Ashton stated the Sheriff’s office would have to deal with protestors if needed. Mr. Marks also stated a lot of the neighbor’s have concrete driveways and would like to keep aesthetics of the neighborhood. He was also concerned about having commercial on the site or setting precedence. His last questions was about the environment and impacts. Mr. Lavine stated the soils were tested with the Natural resource inventory and the IL database was access to see if there were any endangered species (which there are none.)

Mr. Marks asked what the Plan Commission’s obligations are here, Mr. Lavine stated it is to weigh both sides of the issue and take a vote to recommend approval or recommend denial to the County Board. Mr. Ashton stated he understands what he’s saying and whether it’s a poultry processing plant verse any other farm operation.

Mr. Randy Mohr stated if we want to put condition ‘g’ it should only be only on the special use and not the text. He also stated there’s been a turkey processing plant for over 35 years and there has never been a protest.

Jody Osmund wanted to discuss the appropriateness of the scale and its community. It will help preserve farms on a less industrial scale. His farm has produced about 3,000 birds and travels to Arthur for processing. Their farm will be more viable with a close processing plant. He supports this small-scale type of production and their endeavors.

Alice Marks who owns the property right next door has a couple concerns and passed out a paper listing her concerns. Some concerns were how it would affect her property values? She feels maybe we’re underestimating the traffic to this property due to employees and farmers dropping off their chickens. She asked if maybe the customers can use Fennel Road instead of Townhouse Road. She’s concerned about the possibility of contamination to her well. She also is worried what is will look like as it would be right out her window. Lighting at night is a concern and signage. Mr. Ashton stated the lighting could not spill over onto the next property and the sign could only be a maximum of 32 square feet.

Matt Marks stated he has a 6-horse trailer that cannot make a turn from Fennel onto Lisbon Center Road. He just wanted to mention that could be an issue. Mr. Ashton stated that would be up to the road commissioner.

Desiree Edwards asked a question about annexation with regards to the sewers. Attorney Kramer stated there is no discussion about annexation and does not believe the sewers could even accommodate this site.

Ms. Kramer wanted to state with this being a special use another land owner could not use this petition as precedence if it is approved. It’s very specific to this property. Also the 30 employees is in the future, 5-15 is ideal at this time. She also stated there is a lot
of traffic on Townhouse Road. She also feels because this is a USDA site there are a lot more regulations then typically on a barn or other type of facility.

Mr. Casey asked about waste, Ms. Kramer stated it would be kept inside until picked up.

Mr. Sidles asked if there was any discussion on the parking lot or screening. Ms. Kramer stated currently they do not have a fence or anything proposed but she can discuss it with her clients.

Mr. Sidles asked planner Zubko about noise. Planner Zubko stated the only noise would be chickens that are waiting to be slaughtered.

Ms. Wilson is encouraged about the possible employment and helping the surrounding farmers. She thinks this fits in and will be un-obtrusive to the neighbors.

Petition 13-16 recommendation
Ms. Wilson recommended approval of the text amendment with the deletion of condition 'g'. Mr. Werderich seconded the motion. With a roll call vote all were in favor of the text amendment as modified.

Mr. Ashton asked how many cars a day do the petitioners propose. Mr. Maly stated in 5 years they could be at maximum capacity with 30 employees. There could be 6-8 customers a day. Probably a maximum of 80 trips total a day including supplies, customers and employees. Mr. Ashton is asking due to possibly paving the apron of the driveway. Ms. Wilson does not see the need for pavement at the end of the driveway. She does recommend in the interest of being a good neighbor to possibly put something into the plans for asphalt between the parking lot and neighbors. Mr. Maly thought about berming around some of the property. Mr. Sidles would like something in writing for something to be done but keep it pretty open. There was talk about adding a condition about asphalting the end of the driveway within 5 years. Ms. Kramer stated her clients have not discussed it at length but it is not something her petitioners would like to do. Lisbon Center Road is a tar and chip roadway and the majority of the traffic is going to be cars except the rending truck most likely. Ms. Osmond has been to the Arthur plant and has not seen it being an issue. Tom Marks stated if the petitioners will work with them they can be very good neighbors.

Petition 13-17 recommendation
Claire Wilson made a motion to approve petition 13-17 subject to the modified conditions with are the modification of number 7 to state in no event can poultry produced be sold for retail or wholesale by the processor on the processing site and add a condition that within 5 years, 50' of the driveway must be minimum tar and chipped. Tom Casey made a second. With a roll call vote all were in favor.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Jody and Beth Osmund

Cedar Valley Sustainable Farm CSA

1985 N. 3609th Road

Ottawa, IL 61350

July 31, 2013

Angela Zubko
Senior Planner
Kendall County Regional Planning Commission
111 West Fox Street
Room 203
Yorkville, IL 60560-1098

Dear Ms Zubko:

We write to you today in support of the poultry processing plant special use permit application of Al and Mary Maly of Ferndell Farm in Newark, IL.

Cedar Valley Sustainable Farm is a community supported agriculture enterprise that delivers locally raised beef, chicken, pork, and eggs to approximately 200 families a month. Currently, all of our poultry (approximately 2000 birds) are processed by Central Illinois Processing in Arthur Illinois (a 3 ½ hour one-way drive from our Ottawa, IL farm) as it is the only USDA inspected facility in the state that accepts birds from independent producers.

The extreme distance to the processor and limits to the Arthur facility’s capacity makes expansion of poultry operations in northern Illinois very challenging despite ever increasing demand for locally grown poultry. We know of farms near the Wisconsin border that make a five hour one-way trip to Arthur for processing.

The Maly’s plant would be a good first step in addressing the poultry processing bottleneck in Illinois. With the Newark plant, Cedar Valley Sustainable Farm’s distance to processing would be one tenth of what it is now. Given the close proximity to processing, we WILL expand production numbers and processing frequency, and we are confident that existing poultry operations in this part of the state will do the same. Also, it is likely that other producers will emerge as the time/distance challenge is removed.

Obviously, a new poultry processing plant will benefit local producers. It will be a boon to Newark and the Kendall county as well – 20+ new jobs and a number of ancillary economic multipliers. On average, five to twelve poultry producers will travel to the plant each day. While their birds are processed, they will refuel trucks at local stations, eat at local restaurants, and purchase goods at local businesses. I know that Cedar Valley Sustainable farm spends $100 plus in Arthur with each processing trip. Surely, $2500 - $6000 per week in spending would help the local economy.

Lastly, we would like to point out the appropriateness of the scale the Maly’s project (3,000 birds per day). Rather than a mega-plant processing 200,000 birds a day and straining water, power, road, and community resources, this plant will be humane to employees, animals, the community, and the environment. It will, also, make small poultry operations like ours more sustainable and foster rural businesses in northern Illinois.
Sincerely,

Jody & Beth Osmund

Farmers

Jody & Beth Osmund
Cedar Valley Sustainable Farm CSA
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Angela Zubko  
Senior Planner  
Kendall County Regional Planning Commission  
111 West Fox Street  
Room 203  
Yorkville, IL 60560-1098

Dear Ms Zubko:

I am writing you today in support of the poultry processing plant special use permit application of Al and Mary Maly of Ferndell Farm in Newark, IL. The Maly’s proposed processing plant would mean significant economic development for the community and region, both directly and indirectly.

Illinois Stewardship Alliance (ISA) is a state-wide non-profit organization that promotes the growth of local food systems and sustainable agriculture. As an organization interested in the development of community-based food systems, we strongly support the creation and expansion of the infrastructure, such as a poultry processing plant, that is necessary for local food systems to grow. Demand for locally produced food, including poultry, is growing.

Currently, Central Illinois Processing in Arthur, Illinois is the only United States Department of Agriculture (USDA) inspected facility in the state that processes poultry from independent producers. The lack of poultry processing facilities in the state creates a bottleneck and significant barrier to meeting the demand for local food. Farms all across northern Illinois are currently driving six to ten hours round-trip to Arthur to have their birds processed, cutting into already slim profit margins and consuming limited time and resources that could otherwise be reinvested in expanding production to meet the ever increasing demand. In addition to the direct impact on those poultry producers traveling to Arthur, a poultry processing plant in Newark would create new jobs associated with its construction and operation. Additionally, the poultry producers that travel to Newark to take advantage of the plant with likely be spending additional money at local businesses.

Large processing plants that are processing an average of 200,000 birds a day have significant impacts on local infrastructure, straining water, power, sewer, waste disposal and road systems in the community. At an average of 3,000 birds per day, the Maly’s proposed poultry processing plant is of a scale that is appropriate and consistent with the values of local community-based food systems and will not have the kind of significant negative impacts on local resources and infrastructure associated with large facilities.

For the reasons enumerated above I urge the Kendall County Planning Commission to support the poultry processing plant special use permit application of Al and Mary Maly of Ferndell Farm in Newark, IL.

Sincerely,

Wes King  
Interim Executive Director

WWW.ILSTEWARDS.ORG  
230 BROADWAY STREET, SUITE 300, SPRINGFIELD, IL 62701  
PHONE: (217) 528-1563  
FAX: (217) 528-4274
Concerns regarding the proposed chicken processing facility on Lisbon Center Rd, Newark, IL

I am the property owner directly to the east of the proposed chicken plant. I have several concerns listed in order of importance to me.

1---How will this affect my future property value? I am concerned that rezoning will set a precedent for future rezoning and eventually the surrounding property will lose its country flavor.

2---What is the possibility of contamination to my well?

3---Increased traffic on a lightly traveled road. Right now during the day there may be 3-5 cars per hour and most of it is local farmers. I read there will be 30 employees and about 5-6 farmers visiting the site daily to drop off and pick up chickens. If entrance to the facility is 1 car and exit is counted as a second car trip that would be at least 50 more cars driving on Lisbon Center Rd. per day. I am assuming not every employee will be working each day and that they will not be leaving the property to find lunch or to run an errand to Walgreens, etc. I understand the farmers will come early in the morning and return in the afternoon. That would be 4 car passes per farmer or 20/day. Total extra cars driving on Lisbon Center Rd. would be 70 extra cars per day on that small road. I also understand that there will be daily dumpster pick up. Perhaps employees and farmers could be encouraged to approach the property from Fennel Rd instead of Townhouse Rd in order to avoid as many residential areas as possible.

4---What will I be looking at from my kitchen window and back yard deck? The picture I saw on line of the proposed structure would be similar to a large barn. I am fine with that but could not determine where the parking area will be. I would hope it would be on the west side of the building so it is not facing my home. Will the parking area be screened with evergreens? If my large tree line remains healthy I probably would not see the facility during the summer months but in the winter when the trees are barren of leaves I would have full view from the back of my house.

5---What will the parking lot lighting be like? How bright?

6---Will signage to the property be low profile?

Thank you for considering my concerns with this proposed project. I hope to have a good working relationship with the owners of the property to resolve any problems that may present themselves in the future with regard to this property and project.

Alice Marks

16675 Lisbon Center Road, Newark, IL

Cell -1-630-738-2370 Land line 1-630-323-2370