KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING & SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
September 3, 2013 – 7:00 p.m.

CALL TO ORDER
At 8:06 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present:  Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: None
In the audience: Mary & Alan Maly, Matthew Marks, Tom Marks, Peter Renz, Carol Henderson, Bill Regan, Darrell Poundstone, Donald Hartman, Attorney Kelly Helland and Walter Werderich.

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the July 29, 2013 ZBA meeting minutes.  Tom LeCuyer seconded the motion.  All were in favor and minutes were approved.

SPECIAL RECOGNITION
Chairman Randy Mohr wanted to present Scott Cryder and Bill Ford with a recognition award for 9 years & 18 years respectively on the Zoning Board of Appeals and thanked them for their time.  The audience applauded.

Chairman Mohr explained the process and this meeting to the new members of the audience.

PETITIONS
#13-21 Miguel A. Saltijeral Jr. – Variance
Planner Zubko stated the property is located on lot 25 in the Grove Estates Subdivision.  The petitioner is requesting a variance to their existing fence that is wrought iron in appearance and 6’ (six feet) in height in the front yard.  This fence variance is cleaning up the property since lots 22 and 23 recently received the same variance.

Chairman Mohr opened the meeting for public testimony.

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.  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.

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

**#13-16 Poultry processing plant and slaughtering**

Planner Zubko stated this is a 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 are at the end of the memo. She also stated she visited the Central IL Poultry Processing plant in Arthur, IL and thought it was quite efficient, they had about 25 employees and processed about 2,500 chickens a day. Also the smell was minimal and only at the unloading area which is why condition b is worded the way it is worded. Condition g was deleted at the Plan Commission as they felt that should be specified on the special use and not part of the text amendment. The concerns that were brought up during the Plan Commission meeting was more related to the special use condition but staff feels the concerns are met with relation to the text amendment. The concerns brought up was the notification process, which I will bring up at the end under new business, traffic, noise, the property values in the area, lighting, possible protests, landscaping, driveway construction, commercial retail on the site, possible water contamination, appearance, signage and waste.

Mr. Mohr stated he thinks letter g should be kept in but re-word it to state it must be decided and specified in the special use. It will state Poultry produced to be sold for retail or wholesale sale shall be specified in the special use as a condition.

Chairman Mohr swore in all members of the audience that wished to talk about the text amendment to allow a poultry processing plant as a special use in the A-1 Agricultural District.

Chairman Mohr opened the meeting for public testimony.
Donald Hartman had a few questions about a processing plant and had some other concerns that will be discussed during the special use discussion.

Ms. Clementi stated there are other things in the special use that are not conditions in the special use, is that something we need to discuss or is it specific to that particular special use? Planner Zubko stated the ‘extra’ conditions are specific to that location.

Chairman Mohr had a short discussion on public notice for this meeting and the Plan Commission with the audience.

Chairman Mohr closed the public hearing.

With no further suggestions or changes Karen Clementi made a motion, seconded by Dick Thompson to approve the text amendment as modified. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES** - None- last month was just a variance

**NEW BUSINESS**
Planner Zubko wanted to get the opinion of the Zoning Board of Appeals on notification. How it currently is handled are the people that are with 500’ of the special use are notified not the overall property. Plan Commission is thinking of changing their by-laws to have it be the overall property and not smaller parcel that’s being rezoned or a special use. Planner Zubko is also checking with the SAO if there is a legal opinion on the matter. The Zoning Board of Appeals agreed they do not feel the intent was not to notify themselves so Planner Zubko will look into changing it and bring it to the next meeting.

**OLD BUSINESS**
None

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

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS** - Next meeting will be on October 28, 2013
Dick Whitfield made a motion to adjourn the ZBA meeting, Donna McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 8:30 p.m.
CALL TO ORDER - SPECIAL USE HEARING OFFICER
At 8:30 p.m., Chairman Bill Ford called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Bill Ford

MINUTES
Bill Ford motioned to approve the January 28, 2013 & February 21, 2013 Special Use Hearing Officer Meeting minutes as written.

Chairman Ford swore in all members of the audience that wished to talk about the petition including the special use for a small poultry and small animal processing plant.

PETITIONS
#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 building and projecting to process a maximum of 3,000 chickens a day. They will also employ about 30-35 employees probably in about 5 years. 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 inside. 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. 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 and must be built to USDA standards. 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 and I just received and passed out a letter from Richard Durbin from the United States Senate in support and urging to give this application serious consideration. 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 16 listed conditions. Also near the back of the packet is a list of concerns from Alice Marks and a map showing some homes in the area. As mentioned earlier some concerns that were brought up at the Plan Commission meeting where: traffic, noise, the property values in the area, lighting, possible protests, landscaping, driveway construction, commercial retail on the site, possible water contamination, appearance, signage and waste. At the Plan Commission condition 16 was added that states that within 5 years, 50’ of the driveway must be a minimum of tar and chipped. Staff agrees with this condition. There was also discussion from the Plan Commission of a fence on the east side of the property or some type of landscaping but they did not want to put it as a condition at this time.

Attorney Kelly Helland stated the USDA employee/inspector will be onsite whenever the operation is open and every bird will be logged that comes through the site so the staff could inspect the 21,000 average per week is being abided for. Also the petitioners would be amendable to putting up some landscaping and screening along the parking lot and other locations that might be visible to the neighbors. The elevation of the building being proposed is an agricultural façade and fits in with the surrounding area and agricultural area. They do not feel the plant will have detrimental effect to the neighbors as the operation will be completely enclosed. Just to reiterate the petitioners are not looking to seek any retail on site. They are requesting a positive recommendation.

Chairman Ford asked what the function of the USDA function is. Attorney Helland stated he inspects the cleanliness and oversee any bacterial infections. Mary Maly stated they inspect every bird to make sure they are not diseased and also look at the trailers they are brought in to makes sure they’re hygienic and makes sure the site is clean. Mr. Ford asked about the process and how the waste products will be contained. Ms. Maly stated the birds are unloaded and kept in the unloading area until processing, in a shaded area to be less stressful on the birds. Once they are removed from the transport coup they are shackled, stunned, and conveyed over a trough to bleed out (which is collected and disposed of properly). The birds are then put into a scaler to loosen their feathers, then into a tumbler to remove the feathers. The birds are then hung on a separate conveyor system where the organs are removed and various stages and the bird is washed out. Then the birds are put in a chilled tank for a few hours. Once that is completed then they are packaged and put into refrigerator storage or freezer space. The organs are either saved to be packaged or in another barrel to be removed for waste products. Mr. Ford asked what will be different with this facility verse the Arthur facility. Alan Maly stated the Arthur plant was built over 15 years ago and they are Amish so they do a lot of things that need to conform to their religion. So this plant will be more up to date, will have lighting in their facility, use less water and have a little more modern machinery in this facility. Mr. Ford asked about the drain
system. Mr. Maly stated there will be a main drain system and a separate drain for the wash down that contains harsh chemicals. Darren Poundstone stated the IL EPA will be regulating the process and permitted it. The Illinois Department of Agricultural is deciding if they also want to have a say but the minimum will be the IL EPA. There is a permit for construction and a permit for operation with the EPA. Mr. Ford asked about the water creek on site and Mr. Poundstone stated there is a swale on the property that is dry most of the time on the property. Mr. Ford asked about the well and the petitioner stated there is an existing well on site they plan to use. The EPA also requires sampling, quarterly he believed. Mr. Ford asked if there are any problems with smell. Attorney Helland stated she did not think this would be a problem since everything is done indoors. Planner Zubko stated the only area that smelled in Arthur was the unloading area which is why there is a condition it must be 400’ from a principle residence. Mr. Ford asked about the rendering company and asked if they pull into the building or how that works. Ms. Maly stated in Arthur they pick it up outside, at this facility they are not sure if it will be done inside or outside but it will only be in sealed containers.

At this time Mr. Ford opened up the public hearing with the following testimony heard:

Bill Regan is a resident of Newark and feels all residents of Newark should have been notified and is concerned about traffic. Ms. Helland said the majority of the traffic will be employee traffic and the chickens typically come from small farmers at about 200-1000 at a time. The Maly’s stated it would most likely be scattered like 1,000 chickens from 1 farmer, 500 from another and 200 from a couple more. All the chickens are scheduled; you cannot just show up and expect your chickens to be processed. They are also looking into organic processing which that would take a different day or time of the day vs. regular chickens vs. rabbits. Ms. Maly stated they are expecting around 40 trips a day, more employee traffic than farmers.

Peter Renz is also a Newark resident and has a couple questions. He asked about the odor and asked about the vented ridge roof, the well on site and concerns about the septic and retention, truck traffic and if they are going to sit there during the process, traffic overall, customers and how many, what if there is no USDA approval, disease prevention, fire prevention and is the building going to be sprinkled, when did rabbits come in? The parking lot and regards to spills and what they are going to do. He also stated why not expand the Undessors’ site as that’s poultry processing? Mr. Ford stated that is a totally separate location and up to the petitioners.

Attorney Helland stated with regards to the fire department they have not decided if it will be sprinkled yet or not. The onsite well might need to be dug deeper but that will be looked at. There will be no discharge into a sewer system. As far as the roadway goes the road is tar and chipped and does not foresee any more traffic than the current grain trucks. Some farmers may sit on site and some may wait. Planner Zubko wanted to clarify the text amendment was for the small poultry and small animal processing plant and the Maly’s are going above and beyond to have a USDA facility so they can still run without being a USDA facility.

Carol Henderson stated the road was graveled when she moved there and tar and chipped it recently, she is concerned about truck traffic. She is against this special use, she’s about a ¼ mile from this property on Fennel. She’s also concerned about the smell and worried about rats.

Matthew Marks stated he owns numerous properties around this facility. His concerns are traffic, noise, odors and this being more commercial than other types of farm. One question is are any overnight stays permitted? On the open venting have they done circulation numbers yet? He stated semi trucks will not be able to make
the turn from Fennel to Lisbon Center Road. Fennel Road is done 2-3 times per season so this will affect the road conditions. He had some questions about the lighted cupola, is it decorate? With regards to outdoor lighting are shields going to be used so it is shining downwards. He brought up landscaping and asked if there is a landscaping plan? He asked about the existing trees along the drive and if they will stay? He stated all the adjacent properties have decorative landscaping and nice entranceway. Mr. Marks asked if an entrance light will be put it so people do not drive by and miss the site. He thought garbage should be removed daily and understood that would increase the traffic. Mr. Ford stated he understood a USDA employee will be on site at all time and the process will be regulated on a day to day process. Attorney Helland stated no overnight guests will be permitted. No calculations have been done yet with regards to the open venting. With regards to the existing trees they will stay and no formal landscape plan has been drawn yet. The lighting in the cupola will be decorative and will have shields on their lights and there is no proposed parking lot lighting. With regards to waste the petitioners plan to remove it every day, the text amendment states within 48 hours for a day buffer in case it is not picked up or if there is a holiday. The petitioners do not have plans to light any signs at the driveway at this time.

Don Hartman stated a lot of the existing neighbors did not know this is going on and feels more notification needs to take place. Another concern is the traffic.

Tom Marks lives next to this property and would like to see a landscape plan approved. He is of the opinion the paved drive needs to be sooner than five years.

Planner Zubko asked Attorney Kramer if they went to any Village of Newark meetings or if the talks were internally with staff. Attorney Kramer said no formal meetings were held, they only talked to staff, no hearing was held at the Village of Newark.

Matthew Marks started hearing rumors about this plant about a year ago and did not receive information from the Village of Newark. Planner Zubko stated for the record the County received this application May 28, 2013 so we were not aware of this for a year.

Alice Marks’ letter was put on the record.

Attorney Kelly Helland wanted to submit in evidence the mechanical systems. She also stated she feels this will have very little impact compared to some other agricultural business permitted by right and not going to store ammonia on site. This will also add about 30 jobs in the next 5-10 years and also provide a service to local farmers and businesses.

With no further testimony Bill Ford closed the public hearing.

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. 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. The testimony has shown that the process as outlined by the petitioners will be a state of the art operation, there will be a USDA employee on site during the operations and ensure the public health and safety and monitoring of the employees and premises.

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. The 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.

Bill Ford made a favorable recommendation with this petition, with the above modified findings of fact and the 16 conditions specified on the special use. Mr. Ford wanted to state he is of the opinion 5 years is too long of a time.

ADJOURNMENT
Chairman Bill Ford adjourned the Special Use Hearing Officer meeting at 10:00 p.m.

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