MINUTES

KENDALL COUNTY

ZONING BOARD OF APPEALS MEETING

111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210) YORKVILLE, IL 60560

August 28, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:01 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick

Whitfield

Members Absent: Jillian Prodehl

Staff Present: Matthew Asselmeier, AICP, CFM, Director

Others Present: Dan Nagel, Jeff Milroy, Jesse Sexton, and Bob Davidson

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the May 1, 2023, hearing/meeting and July 31, 2023, gathering.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

The Zoning Board of Appeals started their review of Petition 23-24 at 7:01 p.m.

Petition 23 – 24 – Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Request: Renew the Special Use Permit Granted by Ordinance 2004-43 and Renewed by

Ordinance 2021-17 Allowing the Placement of an Outdoor Advertising Sign (Billboard) at

the Subject Property

PIN: 03-01-127-006

Location: Northeast Corner of the Intersection of U.S. Route 34 and Hafenrichter (Farnsworth) in

Oswego Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Billboard; Property is Zoned M-2

Chairman Mohr opened the public hearing at 7:02 p.m.

No members of the public testified at the public hearing.

Staff's memo was entered into the record without objection.

Chairman Mohr closed the public hearing at 7:02 p.m.

Member Whitfield made a motion, seconded by Member Thompson, to approve the findings of fact and recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Abstain (0): None Absent (1): Prodehl

The motion passed.

The proposal goes to the Planning, Building and Zoning Committee on September 11, 2023.

The Zoning Board of Appeals completed their review of Petition 23-24 at 7:03 p.m.

The Zoning Board of Appeals started their review of Petition 23-26 at 7:03 p.m.

Petition 23 – 26 – Jeffery D. Milroy on Behalf of Milroy Farms, LLC

Request: Renew a Special Use Permit for a Composting Facility

PIN: 02-08-100-006

Location: 1270 E. Beecher Road, Bristol in Bristol Township

Purpose: Petitioner Wishes to Renew Special Use Permit for Composting Facility; Property is

Zoned A-1 with a Special Use Permit

Chairman Mohr swore in Dan Nagel, Jeff Milroy, Jesse Sexton, and Robert Davidson at this time.

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

The application materials, Ordinance 2014-04, the plat of survey, business plan, including the original submitted site plan and landscaping plan, and the decommissioning plan were provided.

On August 17, 2023, the Petitioner submitted a revised site plan, which was provided.

The original submitted site plan and the revised site plan do not match the approved site plan on file with the Illinois Department of Natural Resources. This site plan was provided.

The property is located at 1270 E. Beecher Road.

The property is just under forty (40) acres in size.

The County's Future Land Use Map calls for the western end of the property to be Mixed Use Business and the eastern part of the property to be Suburban Residential. Yorkville's plan calls for the property to be Estate/Conservation Residential.

E. Beecher Road is a Local Road maintained by Bristol Township.

There is a proposed trail along E. Beecher Road.

There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

The adjacent land use to the west is Manufacturing. The other adjacent land uses are Agricultural.

The adjacent properties are zoned A-1, A-1 SU, M-2 and M-3 SU in the County. The adjacent properties inside Yorkville are zoned R-2 Planned Unit Development and R-2, R-4, and B-3 Planned Unit Development.

The County's Future Land Use Map calls for the area to be Suburban Residential, Mixed Use Business, and Urban Area. Yorkville Future Land Use Map calls for the area to be Estate/Conservation Residential.

The zoning districts within one half (1/2) mile in the County are A-1, A-1 SU, M-1, M-2, and M-3 SU. Inside Yorkville, there are a variety of residential planned unit developments.

The A-1 SU to the south was for gravel mining. The M-3 SU to the west was for asphalt production.

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the

ground or removes flowering plants be done between October 1st and April 1st. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented; the information was provided.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Bristol Township on July 19, 2023. No comments were received.

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

- 1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
- 2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
- 3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
- 4. The submission of a detailed decommissioning plan.
- 5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff had concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were provided.

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

The August Yorkville Economic Development Committee and Planning and Zoning Commission meetings were cancelled. The proposal was reviewed at the Yorkville City Council meeting on August 8, 2023, with no comments, and was reviewed again at the August 22, 2023, Yorkville City Council meeting. The Yorkville City Council recommended approval of the proposal. A memo from the United City of Yorkville on the steps they would take to address odor complaints was provided.

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023. No comments were received.

The Kendall County ZPAC reviewed the proposal at their meeting on August 1, 2023. Discussion occurred regarding odor control measures. The Committee did not believe that using an olfactometer, as Yorkville recommended, was practical. The Committee favored requiring the operator of the business allowed by the special use permit to track wind daily, avoid turning the windrows when the wind was blowing to populated areas, and adding an amendment to the windrows in cases when turning was necessary and the wind was blowing towards populated areas. The Committee expressed little concern regarding the Illinois Department of Natural Resource's recommendation related to the Rusty Patch Bumble Bee. The Committee was concerned about runoff. Discussion occurred regarding the definition of food scraps; food scraps were collected from grocery stores and include items that were composted at homes. A recommendation regarding equipment at the property being classified as non-agricultural was removed. ZPAC recommended approval of the proposal with the removal of the condition related to the classification of equipment and add a requirement requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 23, 2023. Discussion occurred regarding the tipping fee; this fee is set in the host agreement. Discussion occurred related to bonding and the decommissioning plan. The bonding figure and the decommissioning plan must be approved by the State. Discussion occurred related to odors; few residential land uses were located nearby even though the properties inside Yorkville were zoned residential. A neighboring property owner in Yorkville plans to install solar panels on their property. Discussion occurred regarding food scraps; a maximum of ten percent (10%) of the materials collected at the property could be food scraps per State regulations. Discussion occurred regarding tracking wind speed and direction; the Petitioner was opposed to the restriction related to not turning windrows or

adding amendments to the materials when the wind was blowing towards populated areas. The Kendall County Regional Planning Commission recommended approval of the proposal with the revised site plan (Attachment 4A) as the official site plan by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

- 1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
- 2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- 3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- 4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- 5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- 10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- 11. The operator shall provide weight receipts to Kendall County.

- 12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
- 13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

The original site plan showed several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

The revised site plan showed thirty-two (32) windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

Bulk agent storage areas separate the east and west windrow areas.

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

As noted in the Decommissioning Plan, the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

One (1) approximately four hundred twenty (420) square foot office trailer is shown on the plan near the southeast corner of the site.

After the ZPAC meeting, the Petitioners indicated that they may install another building on the property. On the revised site plan, one (1) sixty foot by eighty foot (60'X80') building was shown. This structure was twenty-four feet (24') tall. The building would be used for storage of equipment. The final location of the building was undetermined.

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit based on the original site plan. WBK submitted comments in a letter dated July 15, 2023, which was provided. To date, Staff is waiting for comments from the Petitioner regarding WBK's comments. The revised site plan was sent to WBK on August 24, 2023. To date, no comments were received.

As mentioned previously, the submitted site plans did not match the site plan on file with the Illinois Department of Natural Resources. The State has not evaluated the impact of the proposed site plans on the Surface Water Management Plan presently on file with the State.

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

ZBA Meeting Minutes 8.28.23

According to the revised site plan, one (1) gravel parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. The total number of park stalls was seven (7). The parking stalls did not meet the minimum depth requirement of twenty feet (20') as outlined in Section 11:02.F.4 of the Kendall County Zoning Ordinance.

The site plan shows one (1) truck turn around area.

No information was provided regarding lighting. Because of the small number of parking spaces, a photometric plan was not required.

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to the original site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the original site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan (Attachment 4, Page 2), the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

No landscaping information was provided on the revised site plan.

Per the business plan, noise levels cannot exceed Illinois Pollution Control Board standards.

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

This is the only property to have a special use permit for a composting facility in unincorporated Kendall County.

The proposed findings of fact were as follows:

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the Illinois EPA and inspected regularly by the Health Department and they have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

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 makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.

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 or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.

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 Zoning Board of Appeals. This is true; no variances are requested, if the parking stalls depth are corrected.

The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

Staff recommended approval of the requested renewal subject to the following conditions and restrictions, even though no phasing plan has been submitted outlining when the old, State approved site plan is phased out and the new site plan is brought online. The general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the

Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:

- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- j. The operator shall provide weight receipts to Kendall County.
- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.

- Implement strategies to manage potential odor issues such as maintaining proper carbon tonitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- 2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass and food waste). (Amended after ZPAC)
- 3. The site shall be developed substantially in accordance with the site plan provided that the parking stalls conform to the requirements of the Kendall County Zoning Ordinance and the owners of the business allowed by the special use permit may erect one (1) building a maximum of sixty foot by eighty foot (60'X80') in size with a maximum height of twenty-four feet (24') on the property, and the site plan shall be kept on file as "Exhibit A" attached hereto. (Amended at RPC)
- 4. A fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary to the east. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping. (Amended at RPC)
- 5. The facility operator shall maintain existing plantings on the berm and ditch.
- 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.

- 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
- 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.
- 12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1st.
- 13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
- 14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entireties.
- 15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. (Deleted at ZPAC)
- 16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
- 18. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
- 19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
- 20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 21. The property owner and operator of the business allowed by this special use permit shall follow

all applicable Federal, State, and Local laws related to the operation of this type of business.

- 22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member LeCuyer asked if a bond existed for the decommissioning of the site. Mr. Asselmeier said that the bond listed in the decommissioning plan is on file with the State. The bond amount was Sixty Thousand Dollars (\$60,000).

Chairman Mohr asked if all of Staff's questions had been answered. Mr. Asselmeier responded that no phasing plan existed and the various plans required by the State, including a Surface Water Management Plan, have not been submitted. Mr. Asselmeier noted that the Petitioner might not obtain approval for the proposed site plan from the State, which would require the Petitioner to go through the amendment process in the future.

Member Fox asked how the amount of materials brought onto the property was tracked. Mr. Asselmeier responded that a log is tracked based on the number of truck loads hauled onto the property. They are supposed to stop accepting material when they reach the maximum allowed, including all materials allowed for collection.

Chairman Mohr requested that the phone number of the County's Solid Waste Coordinator be added to a sign. He mentioned an instance from a few years ago when residents call him and complained, because they did not have the phone number for the Solid Waste Coordinator. He referred the complaint to the Planning, Building and Zoning Department, at the time. He felt the addition of the phone number would help track complaints.

Chairman Mohr opened the public hearing at 7:29 p.m.

Dan Nagel asked what entity was going to move the pile of material presently on his property inside Yorkville. Mr. Asselmeier said the moving of the pile was not the County's concern.

Mr. Nagel asked if Green Organic's permit had been pulled. Mr. Asselmeier responded that the County does not enforce regulations inside Yorkville; Yorkville enforces regulations inside its corporate limits. The Petitioner has to comply with the site plan on file with the County and the stormwater permit in the unincorporated area. He explained the timeline for removing the materials by the end of 2023. The material could be used for the berms, depending on the stormwater permit; it is already composted material.

Jeff Milroy, Petitioner, explained where the material would be placed. The materials are used by Scotts Lawn Care, organic farmers, and individual buyers. They might do bagging in the future. A phasing plan cannot be provided until the cure pile issue is resolved. He asked for the agreement between the parties on the Yorkville side of the operation, but had not received it.

Mr. Asselmeier said the height and number of piles would likely be controlled by the stormwater permit.

The State regulates the surface water management, which will be impacted by the layout of the site.

Discussion occurred whether or not the cure pile would be incoming material or considered transferred from the other portion of the site. The material would tie up the site for two or three (2-3) years.

Chairman Mohr suggested the Petitioner have legal assistance on the special use renewal.

Discussion occurred regarding the existing site plan and proposed site plan in relation to the cure pile.

There is no bond with the County; the State controls the bond.

Bob Davidson, Rob Roy Drainage District, said the drainage district was man-made. He provided a history of activity in the district. He explained that a sixty foot (60') right-of-way from the center of water line on both sides was established by court decree in 2017. He noted efforts to preserve the quality of water and control the amount of water put into the district. Without objection, the court document was entered into the record. Mr. Davidson requested that the stormwater stay on the property.

The Board reviewed the site plan in relation to the right-of-way. A portion of the detention pond was likely within the right-of-way. Mr. Milroy was unaware of the right-of-way. Discussion occurred regarding the need for the pond, in general.

The consensus of the Board was to request an updated site plan reflecting the right-of-way.

Chairman Mohr recessed the public hearing at 8:06 p.m.

The Board weighed the option of issuing a recommendation and the potential for the Petitioner to go through the amendment process.

Chairman Mohr asked the Petitioner if they were agreeable to a continuance. This would give the Petitioner time to amend the site plan and make a determination about the pile of material on the property inside Yorkville.

The consensus of the Board was to continue the public hearing until October 2, 2023.

Discussion occurred regarding the use of funds from the host agreement.

The Petitioner was advised to obtain a copy of the right-of-way easement from the Recorder of Deeds Office to determine what could be placed in the right-of-way.

The ponds stay after decommissioning, only the buildings need to be removed.

Member LeCuyer made a motion, seconded by Member Fox, to continue the public hearing to October 2, 2023.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Abstain (0): None Absent (1): Prodehl

The motion passed.

The public hearing will reconvene on October 2, 2023.

The Zoning Board of Appeals completed their review of Petition 23-26 at 8:28 p.m.

NEW BUSINESS/OLD BUSINESS

Village of Plainfield Community Visioning Workshops

The Board reviewed the flyer for the Plainfield community visioning workshops.

Mr. Asselmeier said that the United City of Yorkville will have an open house regarding their proposed unified development ordinance on August 31, 2023, from 5:00 p.m. until 7:00 p.m. at Yorkville City Hall.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-17, and 23-19 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier said Petition 23-26 was the only agenda item for the October 2, 2023, hearing/meeting, unless a variance is applied for by September 1, 2023.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Whitfield to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:29 p.m.

The next regularly scheduled hearing/meeting will be on October 2, 2023.

Respectfully submitted by,

ZBA Meeting Minutes 8.28.23

Matthew H. Asselmeier, AICP, CFM

Director

Exhibits

- 1. Memo on Petition 23-24 Dated July 26, 2023
- 2. Certificate of Publication and Certified Mail Receipts for Petition 23-24 (Not Included with Report but on file in Planning, Building and Zoning Office)
- 3. Memo on Petition 23-26 Dated August 24, 2023
- 4. Certificate of Publication and Certified Mail Receipts for Petition 23-26 (Not Included with Report but on file in Planning, Building and Zoning Office)
- 5. Rob Roy Drainage District Right-Of-Way Court Orders



KENDALL COUNTY ZONING BOARD OF APPEALS AUGUST 28, 2023

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

NAME	ADDRESS	SIGNATURE
		DonNagel
JOFF MILLO		
	349	

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS

In the matter of Rob Roy)		FILED IN OPEN COURT
Drainage District in the County of Kendall and State of Illinois)	75 - MC - 1	MAY 10 2017
)		ROBYN INGEMUNSON GROUT CLERK KENDALL CO.

ORDER ESTABLISHING RIGHT OF WAY OF THE DRAINAGE DISTRICT

On Petition to Establish the Right of Way of the Drainage District, and the Court having heard evidence and being duly advised in the premises, this Court finds as follows:

- 1. That this Court has jurisdiction over the subject matter and parties to this matter.
- The court recognizes the necessity of the existence of the right of way in order for the Drainage District to perform its duties of maintenance to the channel and its facilities.
- 3. A right of way as and in the size set forth in Group [Exhibit B] Proposed District Right-of-Way Illustration dated March 30, 2016 to perform recurring annual maintenance work as well as access for inspection of the same is hereby established. The Drainage District shall use its best efforts to record said right of way in against the properties contained on the Group [Exhibit B] Properties with Channel Right-of-Way roll dated March 27, 2017.
- 4. Said right of way is hereby enforceable to all parcels and landowners as set forth herein on the attached Group [Exhibit B] Properties with Channel Right-of-Way roll dated March 27, 2017.

Dated this 16 day of May 2017

Honorable

M'Ada

Kyle J. Emkes Dodd & Maatuka Attorneys at Law 303 S. Mattis, Ste. 201 Champaign, IL 61821 (T) 217-356-9500 OR 217-337-0700 (FAX) 217-355-1358 kyle@madelaw.net

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS

		FILED IN OPEN COURT
In the matter of Rob Roy Drainage District in the County)	MAY 08 2017
of Kendall and State of Illinois) 75 - MC - 1	ROBYN INGEMUNSON

AMENDED EXHIBIT "B" TO PETITION TO ESTABLISH RIGHT OF WAY OF THE DRAINAGE DISTRICT (March 20, 2017 Maps)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Group [Exhibit B] to the "Petition To Establish Right of Way of the Drainage District" filed on April 21, 2016, by replacing said Group [Exhibit B] with the attached Proposed District Right-of-Way Illustration dated March 30, 2016 and Properties with Channel Right-of-Way dated March 27, 2017.

Respectfully submitted:

Rob Roy Drainage District in the County of Kendall and State of Illinois,

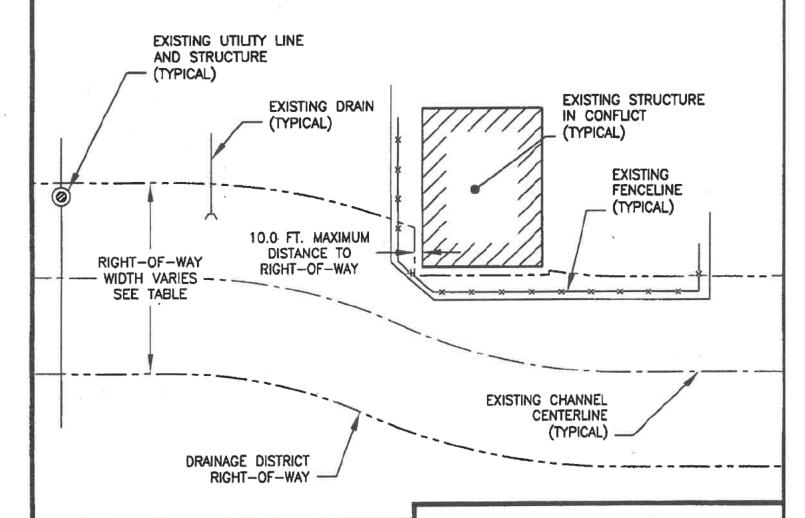
BY: Its Attorney, Kyle J. Emkes

Dodd & Maatuka Attorneys at Law 303 S. Mattis, Ste. 201 Champaign, IL 61821 (T) 217-356-9500 (FAX) 217-355-1358 kyle@madelaw.net

PROPOSED DISTRICT RIGHT - OF - WAY

NOTE:

AREAS OF ENCROACHMENT BY EXISTING STRUCTURES SHALL BE ACCOMMODATED BY ALTERING THE RIGHT-OF-WAY IN THE MANNER INDICATED BELOW



RIGHT-OF-WAY WIDTH CENTERED UPON CHANNEL

MAIN CHANNEL	120 FEET
NORTHWEST BRANCH	120 FEET

NO SCALE

ROB ROY DRAINAGE DISTRICT KENDALL COUNTY, ILLINOIS



BERNS, CLANCY AND ASSOCIATES
ENGINEERS • SURVEYORS • PLANNERS
405 EAST MAIN STREET - POST OFFICE BOX 755
URBANA, ILLINOIS 81803-0755

PHONE: (217) 384-1144 - FAX: (217) 384-3356

SHEET 1 OF 1 DATE: 033016 JOB: 6527

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS

			FILED IN OPEN COURT
In the matter of Rob Roy Drainage District in the County)		MAY 08 2017
of Kendall and State of Illinois)	75 - MC - 1	ROBYN INGEMUNSON

AMENDED EXHIBIT "B" TO PETITION TO ESTABLISH RIGHT OF WAY OF THE DRAINAGE DISTRICT (March 20, 2017 Maps)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Group [Exhibit B] to the "Petition To Establish Right of Way of the Drainage District" filed on April 21, 2016, by replacing said Group [Exhibit B] with the attached Proposed District Right-of-Way Illustration dated March 30, 2016 and Properties with Channel Right-of-Way dated March 27, 2017.

Respectfully submitted:

Rob Roy Drainage District in the County of Kendall and State of Illinois,

BY: Its Attorney, Kyle J. Emkes

Dodd & Maatuka
Attorneys at Law
303 S. Mattis, Ste. 201
Champaign, IL 61821
(T) 217-356-9500
(FAX) 217-355-1358
kyle@madelaw.net

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Properties with Channel Right-of-Way Rob Roy Drainage District



Page 1 of 2 March 27, 2017

SEC 19-37-7, 21.13 TR LYING S FAXON	19-37-7	60542	P	NORTH AURORA	181 S LINCOLNWAY	KELAKA LLC.	02-19-200-008
	19.37-7	60560	-	YORKVILLE	1894 WALSH DR	CRUISE DOLORES LIVING TRUST	02-19-200-007
SEC 19-37-7 12.16 ACS LYG S FAXON RD	19-37-7	60560	P	YORKVILLE	1894 WALSH DR	CRUISE, WAYNE UV TRUST & CRUSIE	02-19-200-005
SEC. 19-37-7, NE 1/4 NE 1/4	19-37-7	60173	P	SCHAUMBURG	80 REMINGTON RD.	YORKVILLE MEADOWS LLC, C/O SHERRIE CHIOU	02-19-200-002
SECS. 18 & 20-37-7	19-37-7	60560	=	YORKVILLE	11159 FAXON RD	TRUST	02-19-200-001
SEC 19-37-7 191,31 ACS	19-37-7	60542	7	NORTH AURORA	181 S LINCOLNWAY	KELAKA LLC,	02-19-100-011
RR PROPERTY IN SEC 17-37-7	17-37-7	76161-0089	ᅻ	FORT WORTH	PO BOX 961089	BN&SF RAILWAY CO PROPERTY TAX DEPARTMENT	02-17-501-001
RR CITY OF YORKVILLE	17-37-7	60188	-	CAROL-STREAM	23W567 PINE DR	PAPENDICK, SCOTT D	02-17-300-008
	17-37-7	60173	F	SCHAUMBURG	80 REMINGTON RD.	YORKVILLE MEADOWS LLC, C/O SHERRIE CHIOU	02-17-300-007
	17-37-7	60560	-	YORKVILLE	11159 FAXON RD	TRUST	02-17-300-002
SEC 17-37-7, NW 1/4 SW 1/4	17-37-7	60560	Ē	YORKVILLE	2622 BEECHER RD	JOHNSTON, ROBT & ALTHEA ET AL	02-17-300-001
SEC 17-37-7, W 1/2	17-37-7	60181	F	TERRACE	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-17-100-005
SEC 17-37-7,NW 1/4 NW 1/4	17:37-7	60654	=	CHICAGO	303 W OHIO ST STE #3101	MEYER, JOHN	02-17-100-004
	9-37-7	60446	-	ROMEOVILLE	175 SOUTH HIGHPOINT DRIVE	GALENA & 47 LLC.	02-09-100-019
PT NW 1/4 SEC, 9-37-7, COM NW COR SEC 09-37-7, S 100.89 TO SLY ROW GALENA RD, SE 526.67 ALG SLY ROW, SW 853.73" TO W LN SD SEC, N 846.28" TO PQB	9-37-7	60560	7	AORKVILLE	110 W MADISON ST	KENDALL COUNTY FOREST PRESERVE 1	02-09-100-010
1.415 AC TR LYG WLY RT 47 & SLY GALENA RD, SEC 9-37-7	9-37-7	61350	7	OTTAWA	700 E NORRIS DR	STATE OF IL DEPT OF TRANS	02-09-100-009
SEC. 9-37-7, NW 1/4 NW 1/4	9-37-7	60540	=	NAPERVILLE	401 S MAIN ST STE 300	GALENA & 47 LLC, %MARQUETTE CO	02-09-100-001
	8-37-7	10003	¥	NEW YORK	129 E 10TH ST #9	CHICAGO WB INVESTORS LLC.	02-08-400-004
29.65 AC TR LYG W RT 47 SW1/4 SEC 8-37-7, CITY OF YORKVILLE	8-37-7	60560	=	YORKVILLE	1107 S BRIDGE ST STE D	TEQUILA SUNRISE ENTERPRISES LLC, % SCOTT BRUMMEL BRUMMEL REALTY	02-08-400-003
SEC. 8-37-7. SW 1/4 SE 1/4	8-37-7	60545	7	PLANO	10417 CORNEIL RD	MCARTHUR JAMES B & VIRGINIA TR &.	02-08-400-002
SEC 8 & 17-37-7 23.58 ACS DOC 89-2491 PT SW SEC 8-37-7 PT NW SEC 17-37-7 LYG N OF RD	8-37-7	60545	F	PLANO	10791 CORNIELS RD	BENNETT, GARY L & BETTY'S	02-08-300-012
SEC,17-37-7 2.92 ACS	8-37-7	60545	F	PLANO	10711 CORNEILS RD	WALLIS, LARRY A & EDNA MAE	02-08-300-010
SEC.17-37-7 DOC.87-1552	8-37-7	60545	72	PLANO	10791 CORNEILS RD	BENNETT, GARY & BETTY	02-08-300-008
_	8-37-7	7632	E	ENGLEWOOD	930 SYLVAN AVE STE 110	ORKVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	02-08-200-013
1.67 AC TR LYG SW 1/4 SEC 4-37-7. W OF RT 47, CITY OF YORKVILLE	4-37-7	60540	#	NAPERVILLE	401 S MAIN ST STE 300	GALENA & 47 LLC, %MARQUETTE CO	02-04-300-024
45.07 AC TR LYG NW1/4 & SW1/4 SEC 4-37-7, CITY OF YORKVILLE	4-37-7	60523	p	OAK BROOK	2025 WINDSOR DR	ADVOCATE HEALTH AND HOSPITALS CORP. SSLINKMAN, JAMES	02-04-300-018
7.59 AC TR LYG SW1/4 SEC 4-37-7, CITY OF YORKVILLE	4-37-7	60560	2	YORKVILLE	6321 WALKER ROAD	KONICEK, DALE L	02-04-300-017
31.11 AC TR LYG SW11/4 SEC 4-37-7, N OF GALENA RD, CITY OF YORKVILLE	4-37-7	60540	F	NAPERVILLE	401 S MAIN ST STE 300	GALENA & 47 LLC, %MARQUETTE CO	02-04-300-010
106.23 AC TREYGN % SEC 4-37-7, LYGE & WRT 47, CITY OF YORKVILLE	4.37-7	54424	¥	DEERBROOK	N5119 HWY H	SCHRAMM, DONALD E	02-04-100-007
SEC. 4-37-7 34.66 NW 1/4	4-37-7	60175	7	SAINT CHARLES	3N982 WALT WHITMAN RD	GUPTA, DOLLY	02-04-100-006
SEC. 4-37-7, NW 1/4	4-37-7	60181	2	TERRACE	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-04-100-004
SEC. 4-37-7, NW 1/4	4-37-7	60181	2	TERRACE	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-04-100-002
WOODS NORTH UNIT #4 (EXC ROW TAKEN 16-05734)	25-37-6	60305	2	RIVER FOREST	815 PARK	4334 ELDAMAIN FARM LLC	01-25-400-008
	Section Township Range	Zip	State	City	Address	Name of Owner	Parcel Number

30-37-7 SEC 30-37-7DOC.87-4831 '	30-37-7	60305	=	RIVER FOREST	1425 N JACKSON	4334 ELDAMAIN FARM LLC, % MARIANA SOLARI	02-30-300-004
30-37-7 SEC 30-37-7, NW 1/4 SW 1/4 *-	30-37-7	60545	F	PLANO	406 CORRI LN	HENKER-BECK FARMS	02-30-300-001
OUT LOT 1 FOX HILL UNIT 1 (EXC ROW TAKEN 16-10468) CITY OF YORKVILLE.	30-37-7	60423	_	FRANGFORT	9404 W CORSAIR	DRESDEN, PAUL R	02-30-101-003
30-37-7 9.08 TR LYG NW 1/4 SEC 3-37-7 OF FOX HILLSUB UNIT 7	30-37-7	60545	=	PLANO	4378 ELDAMAIN RD	LETTERLE MARLO	02-30-100-018
SEC 30-37-7 AN IRREG 4.58 AC TR LYG W 1/2 NW 1/4, S & W OF FOX HILL UNIT 1 . & E ELDAMAIN RD CITY OF YORKVILLE	30-37-7	60423	=	FRANKFORT	PO BOX 1356	ORESDEN, PAUL R	02-30-100-012
20-37-7 SEC. 20-37-7 60.86 AC TR LYG N FAXON CITY OF YORKVILLE	20-37-7	60173	F	SCHAUMBURG	80 REMINGTON RD.	CHIQU	02-20-100-011
SEC. 20-37-7, AN IRREG TR IN NW COR NW 1/4, LYG W OF ROB ROY CRK, CITY OF YORKVILLE	20-37-7	60173	-	SCHAUMBURG	80 REMINGTON RD.	CHIOU	02-20-100-001
19-37-7 SEC 19-37-7 IRR 203-31 AC TR LT 11 S1/2	19-37-7	60044	-	LAKE BLUFF	405 E. SHERIDAN RD	DREW DANIELS	02-19-400-006
19-37-7 SEC 19-37-7, E 1/2 SW 1/4	19-37-7	60044	F	LAKE BLUFF	405 E. SHERIDAN RD	DANIELS	02-19-300-006

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS FILED IN OPEN COURT

In the matter of Rob Roy)		MAY 10 2017
Drainage District in the County of Kendall and State of Illinois)	75 - MC - 1	ROBYN INGEMUNSON CIRCUIT CLERK RENDALL CO.
	í		

ORDER ANNEXING LANDS INTO THE BOUNDARIES OF DRAINAGE DISTRICT

On Petition for the annexation of certain lands into Rob Roy Drainage District, and the Court having heard evidence and being duly advised in the premises, this Court finds as follows:

- 1. That this Court has jurisdiction over the subject matter and parties to this matter.
- 2. This Court hereby approves the Current Financial Report of the Commissioners as set forth in [Exhibit D].
- 3. That the lands contained in [Exhibit B] are hereby annexed into and included within the boundaries of the of the Rob Roy Drainage District as set forth in the map of boundaries of the Rob Roy Drainage District as set forth in [Exhibit C].

Dated this 101 day of May, 201

Honorable _

Kyle J. Emkes
Dodd & Maatuka
Attorneys at Law
303 S. Mattis, Ste. 201
Champaign, IL 61821
(T) 217-356-9500 OR 217-337-0700
(FAX) 217-355-1358
Kyle@madelaw.net

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT KENDALL COUNTY, ILLINOIS

FILED IN OPEN COURT

In the matter of Rob Roy Drainage District in the County of Kendall and State of Illinois

75 - MC - 1

MAY 08 2017 ROBYN INGEMUNSON CIRCUIT CLERK KENDALL CO.

AMENDED EXHIBIT "B" TO PETITION TO ANNEX LAND INTO THE BOUNDARIES OF DRAINAGE DISTRICT (Amended Annexation Roll Dated May 5, 2017)

Now Come the Commissioners of the above District, by and through their attorneys, Dodd & Maatuka, and seek to amend Exhibit "B" to the "Petition To Annex Land Into the Boundaries Of Drainage District" filed on April 21, 2016, by replacing said Exhibit "B" with the Annexation Roll, dated May 5, 2017.

Respectfully submitted:

Rob Roy Drainage District in the County of Kendall and State of Illinois

BY/Its Attorney, Kyle J. Emkes

Dodd & Maatuka Attorneys at Law 303 S. Mattis, Ste. 201 Champaign, IL 61821 (T) 217-356-9500 (FAX) 217-355-1358 kyle@madelaw.net

01-24-400-006 Parcel Number

Name of Owner

Address.

Cig

State

Zip

Section Townshi p Range

Legal Description

Rob Roy Drainage District



PENHONERS
Page 1 of 10 May 5, 2017

1550 HECHT OR 1550 HECHT OR 1550 HECHT OR 4255 ELDAMAIN RD 4255 ELDAMAIN RD 815 PARK N5119 HWY H 2950 CANNONBALL TRL 2950 CANNONBALL TRL 2950 CHICAGO RD	HT OR HT OR WAIN RD	HT OR HT OR HT OR WAIN RD WAIN RD WAIN RD TH ST TH ST	HT OR BARTLETT IL HT OR BARTLETT IL WAIN RD PLANO IL WH DEERBROOK WI STH ST EVERGREEN PARK IL	HT OR BARTLETT IL HT OR BARTLETT IL WAIN RD PLANO IL WAIN RD PLANO IL WAIN RD PLANO IL NONBALL TRL BRISTOL IL STH ST EVERGREEN PARK IL
	BARTLETT BARTLETT PLANO PLANO RIVER FOREST DEERBROOK BRISTOL BRISTOL EVERGREEN PAR	ETT ETT FOREST FOREST REEN PARK	ETT IL ROOK IL	ETT IL 60103 25 ETT IL 60103 25 ETT IL 60545 25 FOREST IL 60545 25 ROOK WI 54424 4 REEN PARK IL 60805 4

SEC. 7-37-7. E 1/3 OF SE 1/4	7.37.7	60512	7	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501.	02-07-400-004
SEC. 7-37-7, CENTER 1/3 OF SE 1/4	7-37-7	60512	7	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501,	02-07-400-003
SEC, 7-37-7, W 1/2 SE 1/4	7-37-7	60512	7	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501,	02-07-400-002
SEC. 7-37-7, W 1/2 SE 1/4	7-37-7	60181	F	TERRACE	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-07-400-001
SEC 7-37-7, NE 1/4 SW 1/4	7-37-7	60512	7	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501.	02-07-300-002
PT NE X SEC 7-37-7, COM NE 1/4 NE X, S 458.19, W 884.29 FOR PCB, E 349.43, S 1951.29, W 807.29, A 484.01, W 137.17, N 941.30, NELY 113.72, ELY 1408.19, S 80, W 864.29, S 378.19 TO POB & PT COM NE X NE X, S 80, W 578.19 TO POB, W 288.10, S 378.19, E 288.10,	1-16-1	60507	F	AURORA	695 RTE 34	TWO STAR ENTERPRISES LLC.	02-07-200-015
SEC 7-37-7 COM NE COR SEC 7 S 80' TO POB S 378.19, W 578.19 N 378.19 E 578.19 TO POB	7-37-7	60507	7	AURORA	695 ROUTE 34	COUNTY CONCRETE INC	02-07-200-013
SEC.7-37-7 DOC.74-1789	7-37-7	60543	7	OSWEGO	32 BOAT LN	SCHULTZ, KATHERINE % DANIEL SCHULTZ	02-07-200-010
SEC.7-37-7 DOC, 74-1789	7-37-7	60512	F	BRISTOL	1010 W BEECHER RD	SCHULTZ THOMAS V & MARILEE	02-07-200-009
SEC 7-37-7, SE 1/4 NE 1/4	7-37-7	60543	F	OSWEGO	32 BOAT LN	SCHULTZ, KATHERINE % DANIEL SCHULTZ	02-07-200-008
SEC. 7-37-7, CENTER 1/3 OF NE 1/4	7-37-7	60181	2	OAK BROOK TERRACE	THREE LINCOLN CENTRE 4TH.	COMMONWEALTH EDISON	02-07-200-003
SEC. 7-37-7, NW 1/4 NE 1/4	7-37-7	60543	7	OSWEGO	32 BOAT LN	SCHULTZ, KATHERINE % DANIEL SCHULTZ	02-07-200-001
SEC.7-37-7 DOC.87-1698	7-37-7	60512	=	BRISTOL	1327 W BEECHER RD	AUER, MARY	02-07-100-008
SEC.7-37-7 DOC.87-1698	7-37-7	60512	F	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501,	02-07-100-007
SEC. 7-37-7, NORTH 1/4 OF NW 1/4	7-37-7	60512	F	BRISTOL	69 E. HIGHLAND OR	HAGEMANN	02-07-190-002
SEC. 8-37-7, SE 1/4 SE 1/4	6-37-7	60503	=	AURORA	695 RTE 34	TWO STAR ENTERPRISES LLC.	02-06-400-008
SEC. 8-37-7, SW 1/4 SE 1/4	6-37-7	60512	2	BRISTOL	1327 W BEECHER RD	AUER, WARY	02-08-400-005
SEC. 6-37-7 E 1/3 OF SE 1/4	6.37.7	60512	-	BRISTOL	11018 GALENA RD	RIOS, GILDARDO E & RITA J	02-06-400-004
SEC. 8-37-7, E 1/3 OF SE 1/4	6-37-7	60543	7	OSWEGO	32 BOAT LM	SCHULTZ, PAUL & ANGELINE & M HANKES % P SCHULTZ	02-06-400-003
SEC. 8-37-7, NW 1/4 SE 1/4	6-37-7	60543	F	OSWEGO	32 BOAT LN	% P SCHULTZ	02-08-400-001
143,51ACTR(DOC 90-1733) LYG S1/Z SEC.6-37-7, COM SW COR SE, W 2255,11 NE1149,27, W443', NE TO CL GALENA RD, SE 2442', SW TO POB (EXC ROW TAKEN 03-07828) (EXC ROW TAKEN 12-07232)	6-37-7	60512	-	BRISTOL	9274 GALENA RD	ROSENWINKEL FAMILY TRUST ET AL 501,	02-08-300-011
SEC. 8-37-7, NE 1/4 NE 1/4	6-37-7	60543	7	OSWEGO	32 BOAT LN	SCHULTZ, KATHERINE % DANIEL SCHULTZ	02-06-200-003
SEC, 8-37-7, NE 1/4 NE 1/4	6-37-7	60560	F	YORKVILLE	6321 WALKER ROAD	KONICEK, DALE L	02-06-200-002
SEC. 8-37-7, NE 1/4 NE 1/4	8-37-7	60181	F	TERRACE	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-06-200-001
SEC. 8-37-7 PT NW 1/4 265-41 LYG N GALENA RD	6-37-7	60545	=	PLANO	11843 GALENA RD	KONICEK FAMILY LTD PARTNERSHIP	02-06-100-009
1.37 AC TRILYG SE % SEC 5-37-7 CITY OF YORKVILLE	5-37-7	60512	7	BRISTOL	10318 GALENA RD	BRISTOL VENTURES LLC,	02-05-400-020
1.20 AC TRILYG SE & SEC 5-37-7 CITY OF YORKVILLE	5-37-7	37856	Z	FALL BRANCH	415 MOULTON GREEN RD	MOMSEN FIELDS, MARY	02-05-400-019
8,08 AC TRILYG SE X SEC 5-37-7 CITY OF YORKVILLE	5-37-7	37656	Į-	FAIL BRANCH	415 MOULTON GREEN RD	MOMSEN FIELDS, MARY	02-05-400-018
TI SE A SEC 9-51-7, COM SE COR SID SEC, N 818,97 TO CITY LN GALEMA RO, SE 1355,71 FOR POB, SE 371, SW 315, NW 371, NE 315 TO POB, CITY OF YORKWILLE	5-37-7	60512	7	BRISTOL	10292 GALENA RO	UNDESSER, RICHARD A JR & ANN MARIE	02-05-400-013
3.93 AC TRLYG SE X SEC 5-37-7, CITY OF YORKVILLE	5-37-7	60512	F	BRISTOL	10328 GALENA RD	UNDESSER, JOHN F & CYNTHIA K	02-05-400-012
PT NW ¼, PT NE ¼ & PT SE ¼ SEC 5-37-7, LYG N OF GALENA RD, CITY OF YORKVILLE	.5-37-7	60560	7	YORKVILLE	8321 WALKER ROAD	KONICEK, DALE L	02-05-400-010
15.16 AC TR LYG NE1/4 & SE1/4 SEC 5-37-7, CITY OFFORKVILLE	5-37-7	80523	=	OAK BROOK	2025 WINDSOR DR	WSLINGWAN, JAMES	02-05-400-009
SEC, 5-37-7, 3.35 AC TR LYG IN SE 1/4 OF SE 1/4, S OF GALENA RD, CITY OF YORKVILLE	5-37-7	07632	Ę	ENGLEWOOD	830 SYLVAN AVE STE 110	YORKVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	02-05-400-005

02-17-400-009	02-17-400-007	02-17-390-006	02-17-390-005	02-17-390-003	02-17-390-002	02-17-390-001	02-17-300-008	02-17-300-007	02-17-300-004	02-17-228-012	02-17-226-011	02-17-226-010	02-17-226-009	02-17-228-008	02-17-226-006	02-17-226-004	02-17-226-003	02-17-226-001	02-17-201-002	02-09-100-022	02-08-400-004	02-08-200-022	02-08-200-018	02-08-200-015	02-08-200-013	02-08-200-011	02-08-200-009
CORN HOLDINGS LLC, % W.G. GOSSELIN	TRUSTEE	TRG VENTURE TWO LLC, %ROANDKE GROUP LLC	POST-CONSUMPTION TRUST, % WHISPERING MEADOW LTD PARTNER	TRG VENTURE TWO LLC,	PATTERMANN, RYAN & MORGAN	CITY OF YORKVILLE	PAPENDICK, SCOTT D	YORKVILLE MEADOWS LLC, C/O SHERRIE CHIQU	COMMONWEALTH EDISON	WEBER, BRIAN P & AMELIA K	WEBER, BRIAN P & AMELIA K	SUEN, CHEING-MEI LIVING TRUST %SUEN LAI-CHERNG & CHEING-MEI	CHICAGO TITLE LAND TRUST COMPANY, % L B ANDERSEN CONSTRUCTION INC	KNAUF DENNIS W & JULIE A	WEBER, BRIAN P & AMELIA K	LIMITED HOLDINGS I.C	OLIN, GLEN E	LIMITED HOLDINGS LLC	CZING, FLORIAN DEC TRUST	CASTLE BANK TRUST,	CHICAGO WB INVESTORS LLC,	BRISTOL VENTURES LLC.	BRISTOL VENTURES INC	BRISTOL VENTURES LLC.	ORKVILLE LOAN ASSOCIATES, % KENNEDY FUNDING	SCOTT BRUMMEL, BRUMMEL REALTY	TEQUILA SUNRISE ENTERPRISES LLC, % SCOTT BRUMMEL, BRUMMEL REALTY
2S 550 HEATON PARK	3201 CANNONBALL TRL	428 MAIN STE UNIT D	5999 NEW WILKE RD STE 504	2392 MORSE AVE	2898 MCMURTIE CT	800 GAME FARM RD	23W567 PINE OR	80 REMINGTON RD.	THREE LINCOLN CENTRE 4TH	2127 STATE RTE 47	2127 STATE RTE 47	1906 MORGAN CIR	104 S WYNSTONE PKWY	2239 N RTE 47	2127 STATE RTE 47	2595 OGDEN AVE	2215 A RTE 47	2595 OGDEN AVE	231 PEARL ST	10735 CHICAGO RD	129 E 10TH ST #9	10318 GALENA RD	10328 GALENA RD	10318 GALENA RD	016 BLS BAY NYATUS 008	1107 S BRIDGE ST STE D	1107 S BRIDGE ST STE D
BATAVIA	YORKVILLE	EL SEGUNDO	ROLLING MEADOWS	IRVINE	YORKVILLE	YORKVILLE	CAROL STREAM	SCHAUMBURG	TERRACE	YORKVILLE	YORKVILLE	NAPERVILLE	NORTH BARRINGTON	YORKVILLE	YORKVILLE	YORKVILLE	YORKVILLE	USUE	MONTGOMERY,	WATERMAN	NEW YORK	BRISTOL	BRISTOL	BRISTOL	ENGLEWOOD	YORKVILLE	YORKVILLE
F	7	ŝ	F	\$	P	2	P	P	F	7	2	P	7	r	Ē,		F	F	FF	F	3	7	F	F	٤	٦	F
60510	60560	90245	60008	92614	60560	60560	60188	60173	60181	80560	60560	80565	60010	60580	80560	60560	60560	60532	60538	80556	10003	60512	60512	60512	7632	60560	60560
17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	17-37-7	9-37-7	8-37-7	8-37-7	8-37-7	8-37-7	8-37-7	8-37-7	8-37-7
COM SE COR SEC 17-37-7 N 120' TO POB N TO S ROW BN RR SWLY ALG ROW 1100' ML SWLY 1450' ML ELY TO POB	SEC 17-37-7, SE 1/4 SE 1/4		PT LT 301 WHISPERING MEADOWS UNIT 4, COM W COR SD SUB, NELY ALG CURVE 29,24, NE 81,77, NE 39,27, NW 357,11, NW 114,02, NW 17,94 FOR POB, NW 50,17, SW 284,78, NW 169,27, NW 201,79, NW 240,4, NW 105,25 TO S/LN RR/ROW, SW 739,48, SE 128,37, SW 225,06, SE 148	LOT 220 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	LOT 219 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	LOT 300 WHISPERING MEADOWS UNIT 4 (PARK SITE) CITY OF YORKVILLE		_	SEC 17-37-7, N OF RR	PT NW 'X SEC 18-37-7 & PT NE 'X SEC 17-37-7, COM PT INT 2007 N OF SILN NE 'X NE 'X SEC 17 & WILW TAKEN 90-07280, WLY 280, N 280, E 283-41 TO SD WLY ROWALN, S ALG ROW 201.78 TO POB (EXC PT LYG IN SEC 18-37-7)		SEC. 17-37-7 25.49 ACS DOC 89-2288 PT E1/Z NE - BEG 66,03' E NW COR, S 1350.85', E659,84', N816.29', E347.87' N539.67', W TO POB	SEC. 17-37-7 2.05 ACS DOC 89-2288 PT E1/2 NE - BEG NW COR. \$1350.35', E 68.01', N1350.85', W66.03' TO POB	LT 1 FISHER'S SUB DOC 88-4011 (EX PT TAKEN FOR RD AS IN 90-7284)	SEC, 17-37-7 DOC, 87-2678	SEC 17-37-7, NE 1/4	SEC 17-37-7, NE 1/4	SEC 17-37-7(ROW TAKEN 07-7481) (EXC ROW TAKEN 91-20138)	SEC 17-37-7,NW 1/4 NW 1/4 SEC 17-37-7 5.00 ACS DOC 89-5908 N495.19 E440 NW NE	OF YORKVILLE	96.59 AC TRLYG WRT 47 SEC 3-37-7	1.52 TRILYGINE X-SEC 8-37-7 CITY OF YORKVILLE	2.91 AC TR LYG NE & SEC 8-37-7, CITY OF YORKVILLE	8.29 AC TR LYG S GALENA RD & W RT 47 NE1/4 SEC 5 & 8-37-7 CITY OF YORKVILLE	62.93 AC TRILYG S GALENA RD & W RT 47 NE1/4 SEC 8-37-7 CITY OF YORKVILLE	42.72 AC TR LYG S GALENA RD & W RT 47 NE1/4 SEC 8-37-7	3.28 AC TR LYG S GALENA RD & W RT 47 NE 1/4 SEC 8-37-7

LOT 258 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2845 MCMURTRIE WAY	KAHLE, KRYSTAL D 8, MADDEN, ANDREW J	02-17-453-003
LOT 257 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-453-002
LOT 258 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-453-001
LOT 232 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	=	YORKVILLE	2773 GOLDENROD DR	HAWKER, ERIC A & JENNIFER D	02-17-452-010
LOT 231 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	80560	=	AOBIONILE	2779 GOLDENROD DR	GARGO, JERRY D & GAIL A	02-17-452-009
LOT 230 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	80560	-	YORKVILLE	2867 MCMURTRIE WAY	CIMINO, JOSEPH &, BICE, SARAH J	02-17-452-008
LOT 229 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	YORKVILLE	2871 MCMURTRIE WAY	FERNANDEZ, GREGORY & SUSAN MARIE	02-17-452-007
LOT 228 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	75010	×	CARROLLTON	5000 PLANO PKWY	FEDERAL HOME LOAN MORTGAGE CORP. % HOMESTEPS ASSET SERVICES	02-17-452-006
LOT 227 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	=	YORKVILLE	2754 ALAN DALE LN	BRADFORD, JENNIFER M & WILLIAM J	02-17-452-005
LOT 228 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	=	YORKVILLE	2744 ALAN DALE LN	WINDSOR, JONATHAN ALLIE, CAJIGAS WINDSOR, DANA & CAJIGAS, MARIA	02-17-452-004
LOT 223 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	YORKVILLE	2883 MCMURTRIE CT	DUY, PATRICK MICHAEL & MARIBEL	02-17-451-003
LOT 222 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Š	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-451-002
LOT 221 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60580	P	YORKVILLE	2891 MCMURTRIE CT	CRISSIE, RICHARD CARY	02-17-451-001
LOT 203 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	P	YORKVILLE	2806 MCMURTRIE WAY	OLSON, JEFFREY & REGINA	02-17-450-017
LOT 204 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-016
LOT 205 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ß	BRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-015
LOT 208 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ç	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-014
LOT 207 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	82614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-450-013
LOT 208 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-450-012
LOT 209 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	72	YORKVILLE	2842 MCMURTRIE WAY	MCCOY, BARBARA A	02-17-450-011
LOT 210 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	AORKVILLE	2848 MCMURTRIE WAY	FERRONE, LAWRENCE J & ANA V	02-17-450-010
LOT 211 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Š	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-009
LOT 212 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ß	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-008
LOT 213 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	80560	F	AORIVILLE	2868 MCMURTRIE WAY	MILLER, ERIC M, KATHLEEN M & SYLVIA J	02-17-450-007
LOT 214 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Š	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-008
LOT 215 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-450-005
LOT 216 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Ş	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-004
LOT 217 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ß	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-450-003
LOT 218 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	PORKVILLE	2892 MCMURTRIE CT	MEEKS, TIMOTHY D JR	02-17-450-002
LOT 299 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60126	F	ELMHURST	P O BOX 497	WHISPERING MEADOWS COMMUNITY ASSOCIATION, % REAL ESTATE INVESTOR SERVICE	02-17-450-001

Amended Annexation Roll Rob Roy Drainage District

LOT 199 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-490-004
LOT 200 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92814	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-490-003
LOT 201 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-490-002
LOT 202 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	=	YORKVILLE	2768 MCMURTRIE WAY	COOK, MARK &, KUTELLA, LAUREN	02-17-490-001
LOT 279 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-454-008
LOT 280 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-454-007
LOT 281 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	3	TRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-454-006
LOT 282 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-454-005
LOT 283 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	=	YORKVILLE	2792 ELDEN OR	GRANDCHAMP, GARY JR	02-17-454-004
LOT 284 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-454-003
LOT 285 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-454-002
LOT 286 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Ş	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-454-001
LOT 25 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	P	YORKVILLE	2782 GOLDENROD DR	GROFF, ANTHONY & DIANA	02-17-453-022
LOT 254 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	- 80580	P	AOSKANTE	2778 GOLDENROAD DR	IRVINE, RICHARD T & MEUSSA A	02-17-453-021
LOT 253 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-453-020
LOT 252 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	80580	P	YORKVILLE	2768 GOLDENROD DR	KRAWCZYK, ANDREA J &, GREEN, J RYAN	02-17-453-019
LOT 251 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	P	YORKVILLE	2758 GOLDENROD DR	VISCOGLIOSI, JOSEPH P & CORRINE A	02-17-453-018
LOT 250 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	2	YORKVILLE	2752 GOLDENROD DR	BANUELOS, EDWARDO & SUSANNA	02-17-453-017
LOT 249 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	P	YORKVILLE	2742 GOLDENROD DR	ACKERMAN, NIELS M & SHELLEY L	02-17-453-016
LOT 248 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	89102	₹	LAS VEGAS	2810 W CHARLESTON BLVD STE	WILMINGTON SAVINGS FUND SOCIETY FSB 2810 W CHARLESTON BLVD STE	02-17-453-015
LOT 247 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2728 GOLDENROD DR	ACEVEDO, RODOLFO & ESTHER	02-17-453-014
LOT 248 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2724 GOLDENROD DR	COOK, KATHERINE RENEE & KEVIN	02-17-453-013
LOT 245 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	PLINNBOA	2710 GOLDENRON DR	L OSTATINA VILIAN	02-17-453-012
LOT 286 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2735 ELDEN DR	THOMPSON, SAMJEL M & MEGAN L	02-17-453-011
LOT 265 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ς	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-453-010
LOT 264 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	80560	F	MORKVILLE	2751 ELDEN DR	WAYNE, BRIAN M & BONNIE A	02-17-453-009
LOT 263 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	ŕ	YORKVILLE	2761 ELDEN DR	KOUTNY, WILLIAM J & DEBRA A	02-17-453-008
LOT 262 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	ř	YORKVILLE	2765 ELDEN DR	SPAGNOLI, BRIAN S & BRIDGET	02-17-453-007
LOT 261 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	7	MORKVILLE	2771 ELDEN DR	MILLER, JERRY W & KATHY L	02-17-453-006
LOT 260 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	37V 3SLOW 2622	TRG VENTURE TWO LLC.	02-17-453-005
LOT 259 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92814	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-453-004

71.84 AC TR LYG SW1/4 SEC 18-37-7	18-37-7	60543	7	OSWEGO	6110 ROUTE 71	STONE STONE	02-18-300-003
41.82 AC TR LYG NW1/4 SW1/4 SEC 18- 37-7	18-37-7	60543	2	OSWEGO	6110 ROUTE 71	HAMMAN, DON & CAROL %FOX RIDGE STONE	02-18-300-002
SEC. 18-37-7 (ROW TAKEN 05-25833 LESS 0.14 AC)	18-37-7	80543	P	OSWEGO	8110 ROUTE 71	HAMMAN, DON & CAROL %FOX RIDGE STONE	02-18-300-001
SEC 18-37-7, NE 1/4 NE 1/4	18-37-7	60654	7	CHICAGO	303 W OHIO ST STE #3101	MEYER, JOHN	02-18-200-004
SEC 18-37-7 (EXC ROW TAKEN 34-03809)	18.37.7	2000	=	TERRACE	PL SPECHER RD	FORTHER IEFEREY A & IENNIEER	02-18-200-001
199.70 AC TRLYG NW K&SW K&W K NE K & W K SE K SEC	18-37-7	60181	F	OAK BROOK	THREE LINCOLN CENTRE 4TH	COMMONWEALTH EDISON	02-18-100-006
48,83 AC TR LYG NE1/4 NW1/4 SEC 18-37-7 (ROW TAKEN 05-	18-37-7	60545	F	PLANO	13351 B FAXON RO	FIVEHILC	02-18-100-003
LOT 289 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	Ş	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-492-003
LOT 269 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-492-002
LOT 287 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2725 ELDEN DR	COOVER, TOBIN L & JÉNNIFER L	02-17-492-001
LOT 278 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	2	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-491-020
LOT 277 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKVILLE	2726 ELDEN DR	SKARR, RONALD H &, MEYER, KERIN A	02-17-491-019
LOT 276 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	F	YORKWILLE	2724 ELDEN DR	BELL, JOHNNY C III & DIANE M	02-17-491-018
LOT 275 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-491-017
LOT 274 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92814	3	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-018
LOT 273 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	60560	ř	YORKWILLE	2702 ELDEN	MARTINO, THOMAS J & ANDREA C	02-17-491-015
LOT 272 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRMNE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-014
LOT 285 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	S	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-009
LOT 294 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92814	\$	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-491-008
LOT 283 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-007
LOT 292 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	ς	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-006
LOT 291 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-005
LOT 290 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-004
LOT 289 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	\$	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-003
LOT 288 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	\$	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-002
LOT 287 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	\$	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-491-001
LOT 183 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-490-010
LOT 194 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92814	\$	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-490-009
LOT 195 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-490-008
LOT 198 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	\$	RVINE	2392 MORSE AVE	TRG VENTURE TWO LLC,	02-17-490-007
LOT 197 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-490-006
LOT 198 WHISPERING MEADOWS UNIT 4 CITY OF YORKVILLE	17-37-7	92614	δ	IRVINE	2392 MORSE AVE	TRG VENTURE TWO LLC.	02-17-490-005

LOT 23 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	20-37-7	60560		YORKVILLE	2282 IROQUOIS LN	NIEWOLD, JERRY F & CAROLE J TR	02-20-128-011
	30.07	ancen .	†	VADIA	200		
LOT 25 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	20-37-7	60560	=	YORKVILLE	2302 IROQUOIS LN	LENKE, TODO W & SWEEZER-LENKE AMY	02-20-126-010
LOT 28 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	20-37-7	60560	7	YORKVILLE	2322 IROQUOIS LN	PETERSEN, MICAHEL G & ANTONETTE M	02-20-126-009
		60560	P	YORKVILLE	2342 IROQUOIS LN	PARRATORE, STACY	02-20-126-008
	20-37-7	60560	F	YORKVILLE	2384 IROQUOIS LN	DEANGELIS, KAREN A	02-20-128-007
_	20-37-7	60580	-	YORKVILLE	2388 IROQUOIS LN	PEDERSEN, ROGER D & ARLENE	02-20-128-006
_		60560	F	YORKVILLE	2388 IROQUOIS LN	INGEMUNSON, ROBYN M	02-20-126-005
_	20-37-7	60560	F	YORKVILLE	2392 IROQUOIS LN	MELINDA M	02-20-126-004
	7-10-02	60560	F	YORKVILLE	2394 IROQUOIS UN	OV & V	02-20-126-003
1	106.	60360	-	YORKVILLE	2396 IROQUOIS LN	SHELDON, ROD	02-20-126-002
TOT SE STEINGRIDGE ONLY ACTIVE	326	00000	+	TORRAILLE	ZISO IXOCOCOS EN	LI, ZHAOWEI	
TOT 34 SOLVES BIDGE LINE 3 CITY OF YORKALLE	20-3/-/	00000	-	AOKKVILLE	1004 WESTERN LN	KYLYNS RIDGE HOMEOWNERS ASSN	02-20-125-023
INTERNATION NINGE ON A CITY OF	1	ODCOO	-	YORKVILLE	1832 CANYON IRL	KYLYNS RIDGE HOMEOWNERS ASSN	02-20-125-022
LOT IN VIETNO WINDS ONLY OF THE	1	00000	-	YORKVILLE	ZZUI (KOQUOIS UN	GROS, JEFFREY C & NANCY J	120-221-02-20
TOT TO THE PROPERTY OF THE PROPERTY OF	1	00104	-	WAYNE	ANBJO MAGNULIA LA	EERNEST, TODO W	02-20-125-020
LOT IN THE BIRCH WIT SCHOOL	45	90000	ļ	TORNAIGE	ZZ41 IXCOCOCIO CN	DELGADO, NOBERT & ELIZABETH	A10-521-02-20
LOT 12 KM YNG BINGE HINT 2 CITY OF	77.7	2000	-	TORNALLE	STATE OF THE PARTY	GARRY CAN MO AMORY A	B10-571-02-20
LOS SE CONTROL DE LINIT SOUTH OF TORNAILE	20-01-1	DOCOG	-	YORKVILLE	ZZB1 IROUUGIS CN	STANEK, LILLIAN IR	02-20-125-017
TOT 15 PAY VANC BINGS HAIT 3 CITY OF	100	COCCOO	+	TORNALLE	ZSOT INCOLOGIS LIN	KICHER, JAMES P& CAROL J	02-20-125-016
TOT 14 KM YNS BINGS INIT OCTYOF	200	20000	-	NO SOLIT	202 1200000000	FACTOR, ITOMAS & CARROLL	010-01-02-20
LOT 13 KM YMS RIDGE HAIT 2 CITY OF	20.27.7	ansan	=	TORNAILE	SAL INCOLUCION IN	VANUERMIDE, DONALD I & AMIT L	P10-21-02-20
TOT 12 KYLVING BIDGE HAIT 2 CITY OF YORKHILE	20-07-7	DOCOO	-	TORNAITE	Z381 IROCUOIS LN	GASKA, KIMBERLY	02-20-125-013
TOTAL PORTE BENEFICIAL SOLL OF	2007	00000	F	TORKNILLE		SOUSZKO, ALFREUA	02-20-125-012
TOT SAFETY STORE INTO SCITA OF YORKING	2007-1	00000	-	TORNALIE	COS INCUCIONIN	BOCKE, DAVID A & MYRWA T	110-21-02-20
LOT BINT YNG BIDGE UNIT 2 CITY OF Y	20-37-7	DOCOO	-	TORNAILE	Z385 IROQUOIS LN	LANGE, ALAN K & DIANE M	02-20-125-010
FOLL WITH SUCCESSION SOURCE CONTRACTOR CONTR	20-3/-/	DOCUO	-	YURKVILLE	Z387 IROQUOIS LN	BAKEL, SEAN A & CARAL	02-20-125-009
LOT 2 KYLYNS BIRGE UNIT 2 CHY OF Y	20-3/-1	60560	-	YORKVILLE	Z389 IROQUOIS LN	ARCH, LOUIS A	02-20-125-008
LOT S KYLTNO RIDGE ONLY A CHIT OF	20-3/-/	00500	F	YORKVILLE	2391 IROQUOIS LN	BENNETT, RONALD W & BEVERLY R	02-20-125-007
LOI 4 KYLYNS KIUGE UNIT 2 CHTY OF	20-37-7	60560	F	YORKVILLE	2393 PROQUOIS LN	COONEY, BRIAN PATRICK & JULIE LYNN	02-20-125-008
LOT 3 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		60560	F	YORKVILLE	2395 IROQUOIS LN	KELLY, BRIAN D & CHERILYN M	02-20-125-005
LOT 2 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		60560	=	YORKVILLE	2397 IROQUOIS LN	CHILECLI, KEVIN A & SARAH J	02-20-125-004
LOT 1 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	20-37-7	60560	F	YORKVILLE	2399 IROQUOIS LN	ZWIER, MICHAEL H & LISA L	02-20-125-003
LOT 139 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE (EXC ROW TAKING 04-35449	20-37-7	60560	F	YORKVILLE	800 GAME FARM RD	UNITED CITY OF YORKVILLE	02-20-125-002
SEC. 20-37-7 60.86 AC TR LYG N FAXON CITY OF YORKVILLE	20-37-7	60173	F	SCHAUMBURG	80 REMINGTON RD.	CHIOU	02-20-100-011
SEC 20-37-7, SE 1/4 NW 1/4	20-37-7	60560	F	YORKVILLE	10702 FAXON RD	YABSLEY, FRANCIS G II & PHYLLIS A	02-20-100-005
SEC 19-37-7 IRR 203.31 AC TR LT 11 S1/2	19-37-7	60044	F	LAKE BLUFF	405 E. SHERIDAN RD	DREW DANIELS	02-19-400-006
000 1900 11.000 117.00	2	3	ŀ	CANE BEATT	ACO E. OTENEDAY NO	DREW DANIELS	C00-008-61-20
SEC 19-37-7 SW 1/4 SE 1/4	10.77.7	200	=	AKE BI HEE	OR IS CHEDIDAN BO	LASALLE NATIONAL BANK, %	200 000
1.21.AC TR COM INT NUN RT 34 & WILN SW 1/4., N 600, E 148, 600, W 148 (EXC ROW TAKEN 02-31117) (EXC ROW TAKEN 16-17056) CITY OF YORKVILLE	19-37-7	60545	F	PLANO	2108 ROCK CREEK RD	OLD 2ND NATIONAL BANK, % SVITSKI MARK & LEANN	02-19-300-018
SEC 19-37-7 COM INT W LN SEC CAL RT 34 E ALG CALN 503.76" FOR POB; CONT E ALG CALN 134" TO PT OF CURVE; E ALG CURVE 275.36", N 388.32",W 404.14",S 317.64" TO N ROW RT 34, S 50" TO POB, CITY OF YORKVILLE	19-37-7	60558	F	WESTERN SPRINGS	202 RUGLEY RD	CMP PROPERTIES & DEVELOPMENT	02-19-300-014
PT SW 1/4 SEC 19-37-7 COM INT CAL RT34 WITH W LN SEC, E913.44",N2548.58", W 1030.92", S TO POB, (EXC W148" S600" & COM INT WILN & CAL RT34, E503.76" FOR POB, E409.36", N388.32" W404.14", S 387,64" TO POB,REMAINDER 02-19-300-011	19-37-7	60542	7	NORTH AURORA	181 S LINCOLIVIVAY	KELAKA LLC,	02-19-300-013
SEC 19-37-7, E 1/2 SW 1/4	19-37-7	80044	F	LAKE BLUFF	405 E. SHERIDAN RD	DANIELS	02-19-300-006
SEC 19-37-7 191.31 ACS	19-37-7	60542	7	NORTH AURORA	181 S LINCOLNWAY	KELAKA LLC,	02-19-100-011
37.91 AC IN LYG SE 1/4 SEC 18-37-7	18-37-7	60543	Ē	OSWEGO	6310 ROUTE 71	STONE	02-18-400-004
270+ 10 TB 1 VC SEW SEC 18 27 7	1					HAMMAN, DON & CAROL SFOX RIDGE	94-10-100-001
SEC 18-37-7 NE 1/4 SE 1/4	18-37-7	60560	=	A HANBOAL	2822 REECHER RO	I PULLETON BORT & ALTHE ET AL	100 Mr 0: 00

Amended Annexation Roll Rob Roy Drainage District

LOT 38 KENDALL MARKETPLACE CITY OF YORKVILLE	20-37-7	60062	=	NORTHBROOK	707 SKOKIE BLVD STE 800	GLOBAL INC	02-20-352-008
LOI SENEMENT NEWS TO THE STATE OF THE STATE	20-31-1	29000	F	NONTHBROOK	707 SKOKIE BLVD STE 600	GLOBAL INC	02-20-352-005
TOT TO THE PROPERTY AND THE PROPERTY OF YORK O			,	200000		GLOBAL INC	02-20-352-004
TOT AN KENDALI MARKETPLACE CITY OF YORKVILLE	30.97.7	carcia		- Constitution of the cons		GLOBAL INC	
LOT 41 KENDALL MARKETPLACE CITY OF YORKVILLE	20-37-7	60062	P	NORTHBROOK	707 SKOKIE BLVD STE 600	KENDALL HOLDINGS I LLC, % GREENWOOD	02-20-352-003
LOT 42 KENDALL MARKETPLACE CITY OF YORKVILLE	20-37-7	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	KENDALL HOLDINGS I LLC, % GREENWOOD	02-20-352-002
PT LT 43 KENDALL MARKETPLACE CITY OF YORKVILLE	20-37-7	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	GLOBAL INC	02-20-352-001
C) 90 KTLYN 3 NIDGE ONL 1 30 BD CIT I OF 1 CHANGE	20-3/-/	60560	F	YORKVILLE	903 WESTERN LN	RADAK ANDREW	02-20-327-004
LT 91 KYLYNS RIDGE UNIT 1 SUBD CITY OF YORKVILLE		60560	7	YORKVILLE	923 WESTERN LN	REEDER, CHRISTOPHER & MEUSSA	02-20-327-003
LT 92 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60580	F	YORKVILLE .	943 WESTERN LN	EROMAN, THOMAS M & LISA T	02-20-327-002
ILT 83 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	=	YORKVILLE	983 WESTERN LN	PITSTICK BRIAN M& MICHELLE H	02-20-327-001
YORKVILLE	20-37-7	60560	=	YORKVILLE	800 GAME FARM RD	UNITED CITY OF YORKVILLE	02-20-326-007
IT 138 KYLYN'S BIDGE UNIT 1 SUBD (PARK) CITY OF	20-31-1	60560	F	YORKVILLE	904 WESTERN LN	DONELSON, ALEX C & BRIDGET I	02-20-326-006
IT 84 KYLYN'S RIEGE ONLY SCHOOL CHY OF YORKVILLE	20-37-7	60560	F	YORKVILLE	924 WESTERN LN	SHIPLEY, MARK E & CATHLEEN A	02-20-326-005
LT 83 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	F	YORKVILLE	944 WESTERN LN	COHEN, VICKI L	02-20-326-004
LT 82 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	Ē	YORKVILLE	984 WESTERN LN	KIESLING ANDREW S & KASIE LH	02-20-326-003
LT 81 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE		80580	7	YORKVILE	ORA WESTERNIN	PUPPLEVELL INCOMPT A GROOM A	02-20-326-001
LT 80 KYLYN'S RIDGE UNIT 1 SUBD		60560	F	YORKVILE	1004 WESTERN IN	DOOR THE THOTAY DE DOON K	02-20-325-010
LOT 1/3 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	20-37-7	90500	F	TORRAILLE	1044 WESTERN LN	EBERHARDT, DENISE M	02-20-325-009
LOT 79 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		20500	F	TORNVILLE	1004 WESTERN LN	FERGUSON, AMY	02-20-325-008
LOT 78 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		00500	-	YORKVILLE	1084 WESTERN LN	BEACH, BRADLEY R	02-20-325-007
LOT 78 KYLYNS RIDGE UNIT 2 CITY OF YORKYLLE	20-37-7	80560	7	YORKVILLE	1104 WESTERN LN	ALLWAY, JEREMY J & RACHELM	02-20-325-006
LOT 75 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE	п¬ч	60560	7	YORKWILLE	1124 WESTERN LN	MAY, KEVIN M & JENNIE M	02-20-325-005
LOT 74 KYLYNS; RIDGE UNIT 2 CITY OF YORKVILLE		60580	2	YORKVILLE	1144 WESTERN LN	HEWLETT JEFFREY & NANCY	MUSCE-00-20
LOT 73 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		60560	F	YORKVILLE	1164 WESTERN LN	GILSTRAP TODO A & NANCI E	100-20-00-20 100-20-00-20
-7 LOT 72 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		60560	-	YORKVILLE	1184 WESTERN LN	TESCH MICHAEL & SARAH	02-20-325-001
LOT 71 KYLYNS RIDGE UNIT 2 CITY OF YORKVILLE		60560	ř	A I INVIGO	B34 CANTON IXL		02-20-177-008
LT 110 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-07-7	OCCUPANT OF THE PARTY OF THE PA	ŀ	YORKVILLE	844 CANYON TRL	E & DAVID	02-20-177-007
LE 100 KYLYNSRIDGE UNIT 1 SUBDICITY OF YORKVILLE	20-3/-/	60560	-	YORKVILLE	884 CANYON TRL		02-20-177-006
LI 107 KYLYNO KIDGE ONI 1 SCIED CITY OF YORKYILE		02815	2	RIVERSIDE	10 TRIPPS LN		02-20-177-005
LT 106 KYLYN'S RIDGE UNIT 1 SUBDICITY OF YORKVILLE	20-37-7	60560	=	YORKVILLE	884 CANYON TRL	IOHN F & KRISTA S	02-20-177-004
LT 105 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	P	YORKVILLE	894 CANYON TRI	ENC	02-20-177-003
LT 104 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	F	YORKVILLE	902 CANYON TRL	BONESS JAY D& STEPHANIE J	00-20-177.00
YORKVILLE	20-37-7	60560	7	YORKVILLE	PO BOX 133	KYLYNS RIDGE HOMEOWNERS ASSN	02-20-177-001
LI 115 KYLYNG RIDGE (MIT 1 SUBD (DETENTION) CITY OF	20-31-1	00000	F	YORKVILLE	833 CANYON TRL	, JERAD & BRITTANY	02-20-176-012
LT 118 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKYILE	20-37-7	60560	F	YORKVILLE	843 CANYON TRL	LLY W	02-20-178-011
LT 117 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	80560	F	YORKVILLE	853 CANYON TRAIL	MIE E JR	02-20-176-010
LT 118 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	20-37-7	60560	F	YORKVILLE	863 CANYON TR.	OLD SECOND NATIONAL BANK OF AUXORA	02-20-176-009
ET 18 ATLING MIDGE ONLY 1 GOOD OF THE TOTAL	10-10-1	60560	F	YORKVILLE	873 CANYON TRL		02-20-176-008
LT 120 KYLYNS RIDGE UNIT 1 SUBDICITY OF YORKVILLE	4	60442	=	MATTAHIAM	18025 S DIANE WAY	MAYHALL MATTHEW W & CATHY L	02-20-176-007
YORKVILLE	1	60560	=	YORKVILLE	PO BOX 133	KYLYNS RIDGE HOMEOWNERS ASSN	02-20-176-006
LT 138 KYLYN'S RIDGE UNIT 1 SUBD (RETENTION) CITY OF	1			CONTRACT	Sep Christian Se	SCHRAEDER, DAVID B & IPTANT	02-20-176-005
LT 121 KYLYN'S RIDGE UNIT 1 SUBDICITY OF YORKVILLE	20:37-7	80560	= =	TORNATE	891 CANYON TRI		02-20-178-004
T 122 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	-	ODCOO	-	TORKVILLE	893 CANYON I RL		02-20-178-003
LT 124 KYCING KIDGE ONIT I SUBDICITY OF YORKVILLE	1	60560	F	YORKVILLE	895 CANYON TRL	WW	02-20-178-002
LT 125 KYLYN'S RIDGE UNIT 1 SUBD CITY OF YORKVILLE	1	60560	F	YORKVILLE	903 CANYON TRL	ROSSAERT-FUNKHOUSER STEPHANIE	02-20-176-001
LOT I WHISPERING MEADOWS UNIT I CIT OF TORANICLE	20-37-7	60126	=	ELMHURST	P O BOX 497	TOR	02-20-175-001
AT THE PROPERTY OF A PROPERTY	'					ALIMINOW	00.00 101.010
LT 94 KYLYN'S RIDGE UNIT 1 SUBDICITY OF YORKVILLE	20-37-7	80560	7	YORKVILLE	2142 HIGH RIDGE LN	RACE RICHARDS & NINA C	010151-00-0

-	90305	P	RIVER FOREST	1425 N JACKSON	4334 ELDAMAIN FARM LLC. % MARIANA	02-30-300-004
30-37-7	6054	7	PLANO	406 CORRI LN	HENKER-BECK FARMS	07:-30-300-001
30-37-7	6049	F	HOMER GLEN	12046 FLINT OR	GCM PROPERTIES LLC.	02-30-203-017
30-37-7	6056	F	AORKVILLE	800 GAME FARM RD	UNITED CITY OF YORKVILLE	02-30-203-002
30-37-7	6004	-	LAKE BLUFF	405 E. SHERIDAN RD	CHICAGO TITLE LAND.	02-30-200-021
30-37-7	6010	-	BARTLETT	1550 HECHT RD	QUALIFIED INTERMEDIARY OF SOIL, % 111	02-30-100-015
20-37-7	60062	_	NORTHBROOK	707 SKOKIE BLVD STE 600	KENDALL HOLDINGS I LLC, % GREENWOOD	02-20-360-004
20-37-7	6006	7	NORTHBROOK	707 SKOKIE BLVO STE 800	KENDALL HOLDINGS I LLC, % GREENWOOD	02-20-380-003
20-37-7	6006	F	NORTHBROOK	707 SKOKIE BLVD STE 600	KENDALL HOLDINGS I ILC. % GREENWOOD	02-20-380-002
20-37-7	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 800	KENDALL HOLDINGS I LLC, % GREENWOOD	02-20-380-001
20-37-7	80580	=	YORKVILLE	800 GAME FARM RD	UNITED CITY OF YORKVILLE	02-20-372-003
20:37	60560	F	YORKVILLE	884 WESTERN LN	DAFFENBURG, BRET A & JULIE A	02-20-372-002
Н	60560	F	YORKVILLE	884 WESTERN LN	RODDAN, STEVEN & WENDY	02-20-372-001
Н	60560	=	YORKVILLE	803 CANYON TRL	PEREZ, ADRIAN &, KAURICH, BRITTANY	02-20-371-002
20-37	60560	7	YORKVILLE	823 CANYON TRL	ž	02-20-371-001
20-37	60560	=	YORKVILLE	824 CANYON TRL		02-20-370-004
20-37-7	60560	7	YORKVILLE	804 CANYON TRL		02-20-370-003
+	80580	7	YORKYILLE	BB3 WESTERN LN	NA	00-075-00-00
+	80512	=	BRISTOL	PO BOX 12		HUNDENG-CO
20-37-7	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	ILDINGS I LLC, % GREENWOOD	02-20-354-006
20-37-7	60062	72	NORTHBROOK	707 SKOKIE BLVD STE 600	ALDINGS I LLC, % GREENWOOD	02-20-354-005
20-37	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	LDINGS I LLC, % GREENWOOD	02-20-354-004
20-37	60062	7	NORTHBROOK	707 SKOKIE BLVD STE 600)LDINGS LLC, % GREENWOOD	02-20-354-003
20-37-7	60062	=	NORTHBROOK	707 SKOKIE BLVD STE 800	ALDINGS I LLC, % GREENWOOD	02-20-354-002
20-37	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	ILDINGS I LLC, % GREENWOOD	02-20-354-001
20-37	80062	=	NORTHBROOK	707 SKOKIE BLVD STE 600	LDINGS I LLC, % GREENWOOD	02-20-352-010
20-37	60062	÷	NORTHBROOK	707 SKOKIE BLVD STE 800	ILDINGS I LLC. % GREENWOOD	02-20-352-009
20-37-	60062	F	NORTHBROOK	707 SKOKIE BLVD STE 600	DILDINGS I LLC, % GREENWOOD	02-20-352-008
20-37	60062	7	NORTHBROOK	707 SKOKIE BLVO STE 800	ALDINGS I LLC, % GREENWOOD	02-20-352-007
			60062 2 60062 2	1 60062 2 2 2 2 2 2 2 2 2	MORTHBROOK IL 60062 2 60062 60062 2 60062 2 60062 2 60062 2 60062 2 60062 2 60062 2 60062 2 60062 2 60062 2 60062	707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60062 2 707 SKOKIE BLVD STE 600 MORTHBROOK IL 60560 3 864 WESTERN LU YORKWILLE IL 60560 3 707 SKOKIE BLVD STE 600 MORTHBROOK IL



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-24

Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

M-2 Special Use – Renewal of a Special Use Permit for an OffPremise Advertising Sign at the Northeast Corner of Route 34 and Hafenrichter (Farnsworth)

INTRODUCTION

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

SITE INFORMATION

PETITIONER Dave Hamman on Behalf of KEKA Farms, LLC and Pulte Home Corporation

ADDRESS No Address Has Been Assigned to the Sign

LOCATION Northeast Corner of Route 34 and Hafenrichter (Farnsworth)



TOWNSHIP Oswego

PARCEL # 03-01-127-006

LOT SIZE 42.89 acres (Sign is on the southwest corner.)

EXITING LAND Agricultural

USE

ZONING M-2 Heavy Industry District with a Special Use Permit (Off-Premise Sign)

LRMP

Land Use	County: Commercial and Suburban Residential (Max 1 DU/Acre) City of Aurora: Commercial
Roads	Route 34 is maintained by IDOT Hafenrichter/Farnsworth is a Local Road Maintained by Oswego Township.
Trails	Aurora has a trail planned along Hafenrichter.
Floodplain/ Wetlands	There are no wetlands or floodplain on the property.

REQUESTED ACTION

Renewal of the Special Use Permit Awarded by Ordinance 2004-43 Granting a Special Use Permit for an Off-Premise Advertising Sign at the Subject Property

APPLICABLE REGULATIONS

Section 12:06.A - Signs - General Standards

Section 12:12 – Signs – Special Use Signs: Commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

Section 13:08 - Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Industrial	M-2 SU	Low Density Residential (0-5 du/acre) (Aurora)	Aurora, Kane County, DuPage County and M-2 SU in Unincorporated Kendall County
South	Commercial/Residential	Aurora (B-2(S), R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Commercial (Aurora)	Aurora and R-3 in Unincorporated Kendall County
East	Agricultural/Residential	Aurora (R-1(S) and R-5(S))	Low Density Residential (0-5 du/acre) and Medium Density Residential (6-10 du/acre) (Aurora)	Aurora and Will County
West	Residential	Aurora (R-5(S))	Commercial, Light Industrial and Industrial (Aurora)	Aurora, A-1, M-1 SU, and B-3 in Unincorporated Kendall County

PHYSICAL DATA

ENDANGERED SPECIES REPORT

Not Required

NATURAL RESOURCES INVENTORY

Not Required

ACTION SUMMARY

OSWEGO TOWNSHIP

Petition information was sent to Oswego Township on June 21, 2023.

CITY OF AURORA

Petition information was sent to the City of Aurora on June 21, 2023. The property owner has been in annexation negotiations with the City of Aurora. The sign will likely be removed if the property is annexed.

OSWEGO FIRE PROTECTION DISTRICT

Petition information was sent to Oswego Fire Protection District on June 21, 2023.

ZPAC

ZPAC reviewed the proposal at their meeting on July 5, 2023. ZPAC recommended approval of the renewal by a vote of seven (7) in favor and zero (0) in opposition. The minutes of the meeting are included as Attachment 7.

RPC

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on July 26, 2023. The Kendall County Regional Planning Commission recommended approval of the renewal by a vote of six (6) in favor, zero (0) in opposition, and one (1) abstain. The minutes of the meeting are included as Attachment 8.

GENERAL INFORMATION

The sign is twelve feet by sixteen feet (12' X 16') in size. There will be fourteen feet (14') from the ground to the top of the sign. Renderings of the sign and the petitioner's application (including lease, findings of fact, and site plan) are included as Attachment 1.

The petitioner desires to renew the special use permit awarded by Ordinance 2004-43 and renewed by Ordinance 2017-14 with no changes in restrictions. Ordinance 2004-43 is included as Attachment 2, Ordinance 2017-14 included as Attachment 3, Ordinance 2019-22 is included as Attachment 4, and Ordinance 2021-17 is included as Attachment 5.

The restrictions imposed by Ordinance 2021-17 include:

- 1. The sign shall look substantially in the form as shown in the attached Exhibit.
- 2. The sign shall be located substantially in the location depicted on the attached Site Plan.
- 3. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 4. The sign will not be illuminated.
- 5. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.

- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Pursuant to Section 12:06.A.4, real estate and development signs may be located offsite for a period not to exceed two (2) years, provided a special use permit is issued.

A picture of the sign is included as Attachment 6.

BUILDING CODES

Since the sign is pre-existing, a building permit would not be required.

ACCESS

Not Applicable

TRAILS

A trail is planned along Hafenrichter. However, the City of Aurora has not previously requested a right-of-way dedication.

PARKING

Not Applicable

LIGHTING

The sign will not be illuminated.

SIGNAGE

Not Applicable

SCREENING

Not Applicable

STORMWATER

No portion of the property is in a flood area and no wetlands exist on the property. No stormwater issues are anticipated by the proposal.

EASEMENTS

No easements are believed to be impacted by the proposed sign.

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other 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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other ZBA Memo – Prepared by Matt Asselmeier – July 26, 2023

Page 4 of 5

facilities.

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 Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

RECOMMENDATION

If approved, Staff recommends the following conditions be included in the approving special use ordinance:

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

- 1. Application (Including Renderings, Site Plan, and Applicant's Findings of Fact)
- 2. Ordinance 2004-43
- 3. Ordinance 2017-14
- 4. Ordinance 2019-22
- 5. Ordinance 2021-17
- 6. Picture of Sign
- 7. July 5, 2023, ZPAC Minutes (This Petition Only)
- 8. July 26, 2023, Kendall County Regional Planning Commission Minutes

Attachment 1, Page 1



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME	FILE #:	
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NAME OF APPLICANT (Includin	ng First, Middle Initial, and Last Name)	
Taylor Scott	2000 0 - 100 00 00 00 00 00 00 00 00 00 00 00 00	
CURRENT LANDOWNER/NAME	E(s)	
Dave Hamman		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 42.39	SE corner of Hafenrichter and Route 34	PIN 03-01-127-006
EXISTING LAND USE	CURRENT ZONING LAND CLASS M2	SIFICATION ON LRMP
REQUESTED ACTION (Check Al	ll That Apply):	
X_SPECIAL USE	MAP AMENDMENT (Rezone to)	VARIANCE
ADMINISTRATIVE VARIAN	CE A-1 CONDITIONAL USE for:	SITE PLAN REVIEW
TEXT AMENDMENTPRELIMINARY PLAT	RPD (Concept; Preliminary; Final) FINAL PLAT	ADMINISTRATIVE APPEALOTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIA		
PRIMARY CONTACT Taylor Scott	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
N/A	N/A	N/A
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
N/A	N/A	N/A
COUNTY STAFF & BOARI	SIGNING THIS FORM, THAT THE PROPERTY D/COMMISSION MEMBERS THROUGHOUT THE LISTED ABOVE WILL BE SUBJECT TO ALL CO	HE PETITION PROCESS AND THAT
BEST OF MY KNOWLEDG ABOVE SIGNATURES. TH	ORMATION AND EXHIBITS SUBMITTED ARE T BE AND THAT I AM TO FILE THIS APPLICATION HE APPLICANT ATTESTS THAT THEY ARE FR ENDALL COUNTY AS OF THE DATE OF THE A	I AND ACT ON BEHALF OF THE EE OF DEBT OR CURRENT ON PPLICATION.
SIGNATURE OF APPLICA	DocuSigned by:	DATE 5/31/2023
	FEE PAID:\$	
	CHECK #:	

¹Primary Contact will receive all correspondence from County ²Engineering Contact will receive all correspondence from the County's Engineering Consultants

14' TO TOP OF SIGN

12



10" X 64" MDO PRICE PATCH WHITE VINYL COPY ON BACKGROUND PAINTED RONAN DARK BLUE

16" X 16' MDO INFO PATCH WHITE VINYL COPY ON BACKGROUND PAINTED RED

LINCOLN CROSSING: 12' X 16' DOUBLE-SIDED INFORMATIONAL BILLBOARD REFACE
3/8" MDO W/ VINYL COPY & DIGITALLY PRINTED DETAIL
BACKGROUND PAINTED RONAN DARK BLUE- MOUNTED TO EXISTING WOOD COLUMNS
LOCATED AT FARNSWORTH & OGDEN (FORMERLY READING "MEADOW RIDGE")



426 W. FIFTH AVENUE NAPERVILLE, IL 60563 PH: 630-357-2300 FAX: 630-357-3977 DATE: FEBRUARY 26, 2022 signs@signsnownaperville.com





BILLBOARD LEASE AGREEMENT

Lessee:

Pulte Home Corporation 1900 E. Golf Road, Suite 300

Schaumburg, IL 60173

Contact: Heather Lawson, Director of Marketing

Ph: 847.230.5400 (main) ext. 5334

Fax: 847.969.9395

Lessor:

NGH Farms, LLC

Attn: Dave Hamman



Ph:

Fax 1:

Fax 2:

Sign Location:

Northeast Corner of Farnsworth and Ogden avenues, in unincorporated

Kendall County, Illinois

Sign Information:

12' X 16' double face sign

Terms of Contract

- 1. Sign owner to maintain sign structure.
- Contract term of 12 months from the date of signed contract. Renewable for additional time as needed and agreed upon by Lessee and Lessor.
- Advertiser and property owner have a mutual cancellation policy with 30 days written notice.
- 4. Rent: \$800.00 per month payable monthly for double face sign. Installation and maintenance of faces shall be the sole responsibility of Lessee during the duration of the lease agreement. Agreement is null & void if sign location is deemed illegal.

I HAVE READ AND UNDERSTAND THE LEASE AGREEMENT STATED ABOVE

AUTHORIZED SIGNATURES

DocuSigned by:		
Signature of Pulte Home Corporation	Signature of Lessor	
11/2/2022		
Date	Date	

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

welfare. The sign will not impact the items listed above.
That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.
The sign will not impact the items listed above or any adjacent uses. Note: the sign is not and will
never be illuminated.
That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Not applicable for the sign.
That the appoint use shall in all other respects conform to the applicable regulations of
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 Zoning Board of Appeals To the best of my knowledge, the special use for the sign does conform to regulations.

May 31, 2023

KEKA Farms, LLC Dave Hamman

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

Planning, Building & Zoning Department:

On behalf of KEKA Farms LLC, I am writing this letter to grant permission/approval to Pulte Homes to renew the special use permit for the sign located on my property at Hafenrichter and Route 34 (PIN 03-01-127-006).

Sincerely,

Dave Hamman, Manager

03-01-200-012

03-01-127-004

Zoning Petition

State of Illinois County of Kendall

ORDINANCE NUMBER 2004 - <u>43</u> GRANTING SPECIAL USE SOUTHEAST CORNER OF HAFENRICHTER AND ROUTE 34

<u>WHEREAS</u>, Centex Homes filed a petition for a Special Use within the M-2 district, for property generally located at the intersection of Hafenrichter and Route 34 in Oswego Township; and

<u>WHEREAS</u>, said petition is to allow an off-premise advertising sign, as provided in Sections 12.11 and 12.12 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is zoned M-2: Manufacturing; and

WHEREAS, said property is legally described as follows:

Part of the north half of Section 1, Township 37 North, Range 8 East of the Third Principal Meridian in Oswego Township Kendall County Illinois

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer; and

<u>WHEREAS</u>, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

<u>NOW, THEREFORE, BE IT ORDAINED</u>, that the Kendall County Board hereby grants approval of a SPECIAL USE PERMIT to permit an off-premise advertising sign on the subject parcel as depicted in Group Exhibits "A" and "B" attached hereto and made a part hereof, subject to the following conditions:

- 1. The sign will be removed or Centex Homes will apply to renew their special use in three years from the date of this ordinance.
- 2. The sign will not be illuminated; and
- 3. The advertising on the sign is restricted to Centex Homes' developments.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on December 21, 2004,

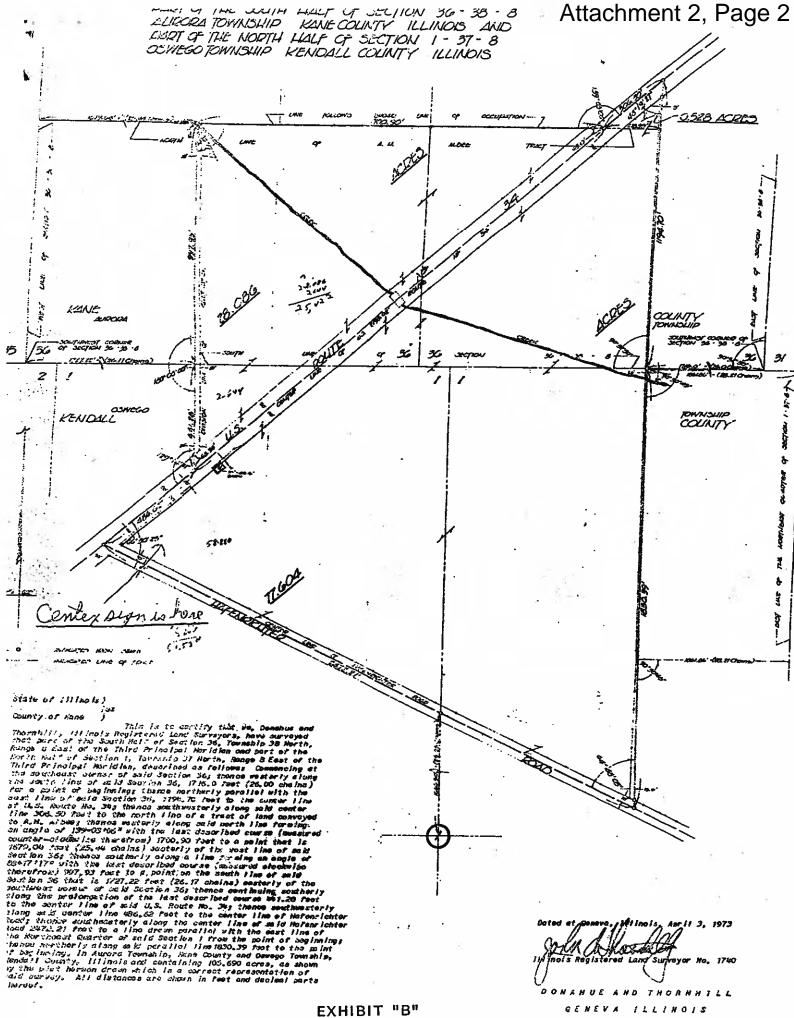
Attest:

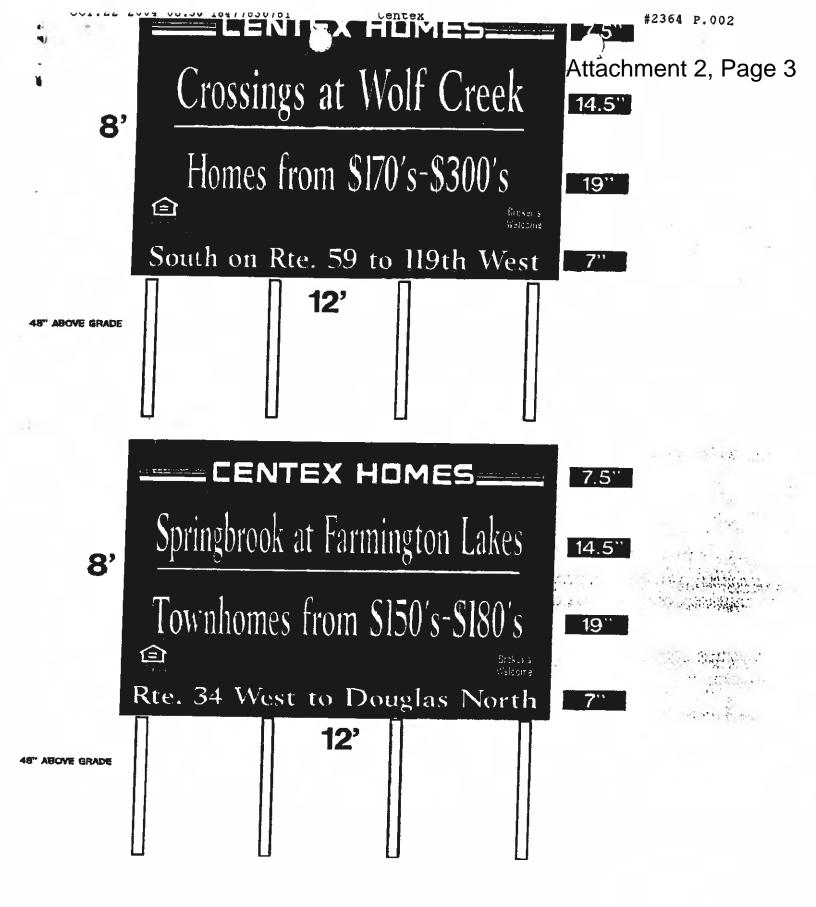
John A Church

Kendall County Board Chairman

Paul Anderson

Kendall County Clerk





Zoning Petition #17-19

ORDINANCE NUMBER 2017 - 14

GRANTING A SPECIAL USE PERMIT FOR

THE RENEWAL OF A SPECIAL USE PERMIT FOR A COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL IDENTIFIED AS 03-01-127-006 AND REVOKING THE SPECIAL USE PERMIT FOR A COMMERCIAL OFF-PREMISE ADVERTISING STRUCTURE (BILLBOARD) ON THE PARCEL IDENTIFIED AS 03-01-127-004 LOCATED AT THE CORNER OF ROUTE 34 AND HAFENRICHTER (FARNSWORTH) IN OSWEGO TOWNSHIP

<u>WHEREAS</u>, the Kendall County Board granted a special use permit for a commercial off-premise advertising structure at the corner of Route 34 and Hafenrichter (Farnsworth) by Ordinance 2004-43 on December 21, 2004; and

<u>WHEREAS</u>, Ordinance 2004-43 granted a special use permit for the properties identified by Parcel Identification Numbers 03-01-127-006 and 03-01-127-004; and

WHEREAS, Ordinance 2004-43 required that the special use be renewed every three years; and

<u>WHEREAS</u>, the Pulte Group representing Dave Hamman petitioned for the renewal of the special use permit allowed by Ordinance 2004-43; and

<u>WHEREAS</u>, the petitioners propose to retain the sign on the parcel identified by Parcel Identification Number 03-01-127-006 and to revoke the special use permit on the parcel identified by Parcel Identification Number 03-01-127-004; and

<u>WHEREAS</u>, said property is currently zoned M-2 Heavy Industrial District with a special use permit for a commercial off-premise advertising structure; and

WHEREAS, said property is legally described as:

PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN OSWEGO TOWNSHIP KENDALL COUNTY, ILLINOIS

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on August 28, 2017; and

WHEREAS, the Findings of Fact were approved 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. Provided that the sign is placed in a location in compliance with Section 12 of the Kendall County Zoning Ordinance, the special use will not be detrimental to or endanger the public

Zoning Petition #17-19

health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other 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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED</u>, the Kendall County Board hereby grants approval of a special use zoning permit to for the placement of a commercial off-premise advertising structure on the parcel identified by Parcel Identification Number 03-01-127-006 in accordance to the submitted Site Plan included as "Exhibit A and Exhibit B" attached hereto and incorporated herein subject to the following conditions:

- 1. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 2. The sign will not be illuminated.

Zoning Petition #17-19

- 3. The advertising on the sign is restricted to Pulte Group's residential development.
- 4. The special use permit awarded by Ordinance 2004-43 to the property identified by Parcel ID Number 03-01-127-004 for an off-premise advertising structure is revoked with the adoption of this ordinance.
- 5. The owners of the off-premise advertising structure allowed by this special use permit shall obtain a building permit for the structure.
- 6. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 7. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

IN WITNESS OF, this ordinance has been enacted on September 19, 2017.

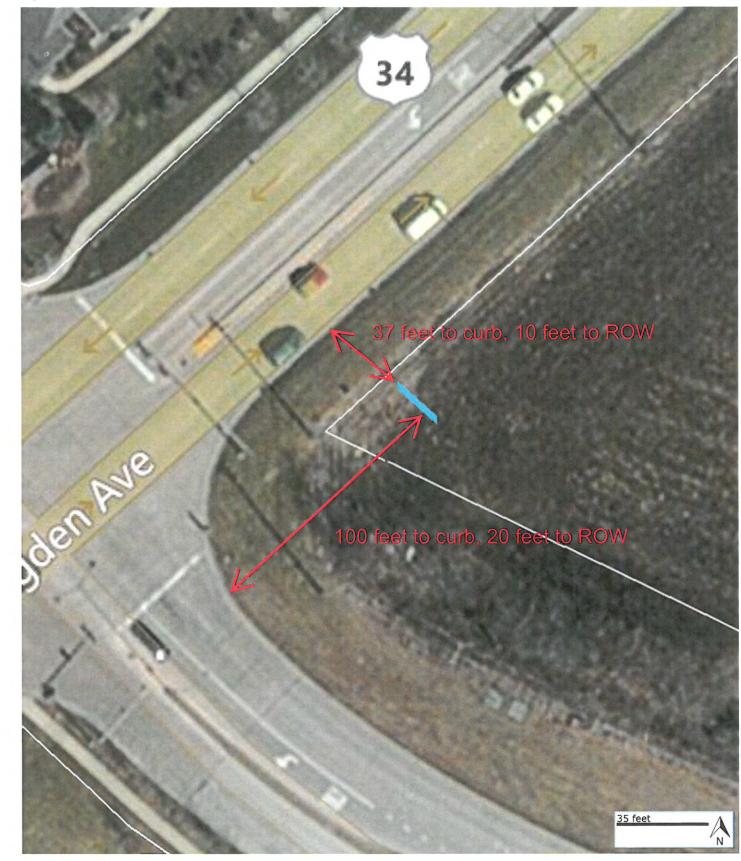
Attest:

Debbie Gillette

Kendall County Clerk

Scott R. Gryder

Kendall County Board Chairman





(a) 192 SQ. FT. Jeerbrook Right on Barrington Left on Hafenrichter **MODEL NOW OPEN** Left on Farnsworth (866) 214-0520 Pulte.com/Deerbrook 192" **自** Then Left on Hafenrichter Jeerbrook **Right on Barrington MODEL NOW OPEN** (866) 214-0520 Pulte.com/Deerbrook 192" 12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora. Facing Farnsworth

sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Sign is not illuminated. Sign is 12' tall with 2' tall posts= 14' from ground to top of Bronze and Digital Vinyl. MDO Mounted to 2 White Wooden 10" x 10" columns. 3/8" MDO Painted Ronan Dark Blue w/White Vinyl Copy.

12"x192" Single Sided Model Now Open Patch

Approval Signature

Phone, 630-357-2300 Fax, 630-357-3977 **JIGNSTOW** 426 W. Fifth Ave. Naperville, IL. 60563

signsnow215@gmail.com

Zoning Petition #19-25

ORDINANCE NUMBER 2019- 22

ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S. ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006) IN OSWEGO TOWNSHIP

<u>WHEREAS</u>. Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, make amendments to existing special use permits, and place conditions on special use permits and provides the procedure through which special use permits are issued and amended; and

<u>WHEREAS</u>, Section 12.12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.93 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Group and shall collectively hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

<u>WHEREAS</u>, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #1 of Ordinance 2017-14 and Section 12.06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

<u>WHEREAS</u>, on or about June 14, 2019, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2017-14; and

<u>WHEREAS</u>, following due and proper notice by publication in the Beacon-News on June 30, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 29, 2019, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

Zoning Petition #19-25

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 29, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested renewal to an existing special use permit with conditions; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

- The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Group's residential development.
 - F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
 - G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.

Zoning Petition #19-25

- H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- The Zoning Administrator and other appropriate County Officials are hereby authorized and directed
 to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing
 special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of August, 2019.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

Scott R. Gryder

Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1,TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE

Attachment 4, Page 5

NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

FINDINGS OF FACT

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other 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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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 Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested renewal to an existing special use permit with the following conditions:

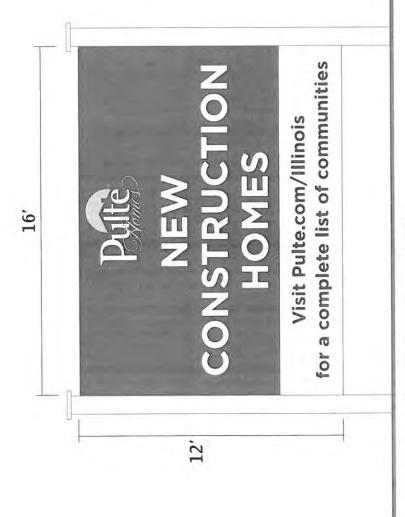
- The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval
 ordinance.
- 2. The sign will be removed or Pulte Group (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Group's residential development.
- The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Attachment 4, Page 7

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

July 29, 2019

12'x16' Double Sided Informational Billboard. NE Corner OF Fransworth & Ogden In Aurora.



Sign is not illuminated. Sign is 12' tall with 2' tall posts = 14' from ground to top of sign. Sign is 16' wide. 3/8" MDO Painted Ronan Dark Blue w/ White, Duranodic Bronze and Digital Vinyl.

3/8" MDO Painted Ronan Dark Blue w/White, Light Grey & Digital. 12'x16' Double Sided Billboard Re-face.

Approval Signature

Phone, 630-357-2300 Signs@SignsNowNaperville.com VIGILAND 426 W. Fifth Ave. Naperville, IL. 60563





Zoning Petition #21-24

GRANTING A RENEWAL TO A SPECIAL USE PERMIT GRANTED BY ORDINANCE 2004-43 ON PROPERTY ZONED M-2 HEAVY INDUSTRIAL DISTRICT FOR AN OUTDOOR ADVERTISING SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF U.S. ROUTE 34 AND HAFENRICHTER (FARNSWORTH) (PIN: 03-01-127-006) IN OSWEGO TOWNSHIP

<u>WHEREAS</u>. Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, make amendments to existing special use permits, and place conditions on special use permits and provides the procedure through which special use permits are issued and amended; and

<u>WHEREAS</u>, Section 12:12 of the Kendall County Zoning Ordinance permits the placement of outdoor advertising structures and off-premise advertising signs as a special use permit with certain restrictions in the M-2 Heavy Industrial Zoning District; and

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the M-2 Heavy Industrial Zoning District and consists of approximately 42.9 acres located at the southeast corner of the intersection of U.S. Route 34 and Hafenrichter (Farnsworth) (PIN: 03-01-127-006) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, the subject property is currently owned by KEKA Farms, LLC and is represented by Dave Hamman and the owner leases the property to Pulte Home Corporation and shall collectively hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on December 21, 2004, the Kendall County Board approved Ordinance 2004-43 granting a special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #1 of Ordinance 2004-05 required that the special use granted by said ordinance be renewed every three years;

<u>WHEREAS</u>, on September 19, 2017, the Kendall County Board approved Ordinance 2017-14 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, on August 27, 2019, the Kendall County Board approved Ordinance 2019-22 granting a renewal of the special use permit for the placement of an outdoor advertising sign (billboard) on the subject property with conditions; and

<u>WHEREAS</u>, Condition #2.C of Ordinance 2019-22 and Section 12:06.A.4 of the Kendall County Zoning Ordinance require special use permits for such signs to be renewed every two years; and

<u>WHEREAS</u>, on or about June 3, 2021, Petitioner filed a petition for renewal of the special use permit granted by Ordinance 2004-05 and renewed by Ordinance 2019-22; and

WHEREAS, following due and proper notice by publication in the Beacon-News on July 6, 2021, the Kendall

State of Illinois Zoning Petition
County of Kendall #21-24

County Zoning Board of Appeals conducted a public hearing on August 2, 2021, at 7:00 p.m. in the County Office Building at 111 W. Fox Street in Yorkville, at which evidence, testimony, and exhibits in support of the requested renewal to an existing special use permit was presented and zero members of the public testified in favor or in opposition to the request; and

<u>WHEREAS</u>, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval with conditions of the renewal to an existing special use permit as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 2, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval with conditions of the requested renewal to an existing special use permit; and

<u>WHEREAS</u>, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

<u>NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,</u> as follows:

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a renewal to an existing special use permit allowing the placement of an outdoor advertising structure (billboard) on the subject property subject to the following conditions:
 - A. The sign shall look substantially in the form as shown in Exhibit C attached hereto.
 - B. The sign shall be located substantially in the location depicted on the Site Plan attached hereto as Exhibit D.
 - C. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
 - D. The sign will not be illuminated.
 - E. The advertising on the sign is restricted to Pulte Home Corporation's residential development.

Zoning Petition #21-24

- F. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- G. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This renewal to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.
- 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 17th day of August, 2021.

Attest:

Kendall County Clerk

Debbie Gillette

Kendall County Board Chairman

Scott R. Gryder

Exhibit A

Legal Description

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34: THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A" 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS

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AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 2, 2021, by a vote of four (4) in favor and zero (0) in opposition. Members Cherry, LeCuyer, and Whitfield were absent.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

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. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other 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. **True**, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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 Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

RECOMMENDATION

Approval subject to the following conditions:

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.

Attachment 5, Page 7

- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Approval Signature

3/8" MDO Painted Ronan Dark Blue w/White, Red & Digital Vinyl.

12'x16' Double Sided Billboard Re-face.

Phone, 630-357-2300 Fax, 630-357-3977 TIGNSTOW 426 W. Fifth Ave. Naperville, IL. 60563

Signs@SignsNowNaperville.com

Exhibit C

Attachi Fahilos, Page 9 34 curb, 10 feet to ROW Iden Ave 100 feet to curb, 20 feet to ROW Pulte confirms this sign is still in the same location as it was in 2019 35 feet





ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) July 5, 2023 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department (Arrived at 9:02 a.m.)
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC Fran Klaas – Highway Department

Audience:

Karen Clementi

PETITIONS

<u>Petitions 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)</u>

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the northeast corner of the intersection of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

Mr. Asselmeier provided a picture of the billboard and an aerial showing the location of the billboard.

Mr. Guritz made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley

Nays (0): None Abstain (0): None

Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 26, 2023.

Member Briganti arrived at this time (9:02 a.m.).

PUBLIC COMMENT

Mr. Asselmeier reported that an application to renew the special use permit for a composting facility at 1270 E. Beecher was received.

ADJOURNMENT

Mr. Rybski made a motion, seconded by Commander Langston, to adjourn.

ZPAC Meeting Minutes 07.05.23

Attachment 7, Page 2

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:10 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP, CFM Director

Encs.



KENDALL COUNTY ZONING & PLATTING ADVISORY COMMITTEE JULY 5, 2023

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)	
KarenClementi Fox Meho wro	682 A State Re31 85 wego + 7 60543	kclementi@ formeto	, 0,0
		4	

Attachment 8, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of July 26, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:01 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben

Rodriguez, and Claire Wilson

Members Absent: Tom Casey, Bob Stewart, and Seth Wormley

Staff Present: Matthew H. Asselmeier, Director

Others Present: None

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Hamman, to approve the agenda. With a voice vote of seven (7) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member Nelson, to approve the minutes of the April 26, 2023, meeting. With a voice vote of seven (7) ayes, the motion carried.

PETITION

<u>Petition 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home</u> Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

He provided a description of the sign, the site plan showing the location of the sign, and a current picture of the sign.

The proposed Findings of Fact were:

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. Provided that the sign remains at its current location, the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the public.

That the special use will not be substantially injurious to the use and enjoyment of other 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. True, the proposed special use will not negatively impact adjoining properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This requirement is not applicable because the proposed special use does not require utilities, access roads, points of ingress and egress, drainage or other facilities.

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 Zoning Board of Appeals. True, the proposed special use shall conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed special use is consistent with the purposes and objectives of the Land Resource Management Plan.

If approved, Staff recommended the following conditions be included in the approving special use ordinance:

- 1. The rendering of the sign and map depicting the location of the sign shall be Exhibits in the approval ordinance.
- 2. The sign will be removed or Pulte Home Corporation (or their successors) will apply to renew their special use in two (2) years from the date of approval of this ordinance by the County Board.
- 3. The sign will not be illuminated.
- 4. The advertising on the sign is restricted to Pulte Home Corporation's residential development.
- 5. The off-premise advertising structure allowed by this special use permit shall follow all applicable Federal, State and Local laws related to this type of use including, but not limited to, the distance from property line requirements of the Kendall County Zoning Ordinance.
- 6. Failure to comply with the above regulations and restrictions could result in the revocation of the special use permit.
- 7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Rodriguez made a motion, seconded by Member Nelson, to recommend approval of the special use permit.

The votes were as follows:

Ayes (6): Ashton, Bernacki, McCarthy-Lange, Nelson, Rodriguez, and Wilson

Nays (0): None

Absent (3): Casey, Stewart, and Wormley

Abstain (1): Hamman

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on July 31, 2023.

Member Hamman thanked everyone for attending and supporting the request. He said discussions were underway to annex the property to Aurora.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-17, and 23-19 were approved by the County Board.

Discussion occurred regarding removing the phone numbers of the township highway commissioners from the Subdivision Control Ordinance.

Discussion occurred regarding noise complaints from houses built after a special use permit was issued.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the composting facility on Beecher Road had applied to renew their special use permit. This would be the only agenda item for the August meeting, assuming the unresolved issues were addressed at ZPAC.

Mr. Asselmeier reported that the owner of 1038 Harvey Road had applied for annexation to the Village of Oswego. The hearings would likely occur in September or October.

The emergency escape plan was discussed.

The winery on Plattville Road opened recently.

A Gas-N-Wash opened in Joliet at Caton Farm and Ridge Roads in Na-Au-Say Township.

Discussion occurred regarding solar panel regulations, including farmland preservation, stormwater regulations, one point five (1.5) municipal mile review, bonding requirements, and concerns about fires related to batteries and related building codes.

Discussion occurred regarding silica sand quarries and the lack of reclamation bonds.

ADJOURNMENT

Member Rodriguez made a motion, seconded by Member Hamman, to adjourn. With a voice vote of seven (7) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:30 p.m.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Director



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203 Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-26 Jefferey D. Milroy on Behalf of Milroy Farms, LLC A-1 Special Use Permit for Composting of Landscape and Food Waste

INTRODUCTION

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

The application materials are included as Attachment 1. Ordinance 2014-04 is included as Attachment 2. The plat of survey is included as Attachment 3. The business plan, including the original submitted site plan and landscaping plan, is included as Attachment 4. The decommissioning plan is included as Attachment 5.

On August 17, 2023, the Petitioner submitted a revised site plan, included as Attachment 4A.

The original submitted site plan and the revised site plan do not match the approved site plan on file with the Illinois Department of Natural Resources. This site plan is included as Attachment 9.

SITE INFORMATION

PETITIONERS: Jefferey D. Milroy on Behalf of Milroy Farms, LLC

ADDRESS: 1270 E. Beecher Road, Bristol

LOCATION: East Side of E. Beecher Road Approximately 0.5 Miles South of Galena Road on the

East Side of the Road



Approved Special Use in 2014



Proposed Special Use Area

Township: Bristol

PARCEL: 02-08-100-006

LOT SIZE: 40 +/- Acres

EXISTING LAND Agricultural/Composting Facility

USE:

LRMP:

ZONING: A-1 with a Special Use Permit

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Future Land Use	Suburban Residential (Max. 1.00 DU/Acre) and Mixed Use Business Along Beecher Road (County) Estate/Conservation Residential (Yorkville)
Roads	E. Beecher is a Local Road maintained by Bristol Township.
Trails	There is a proposed trail on E. Beecher Road.

Floodplain/	There are no floodplains on the property. There is a wetland on the	
Wetlands	extreme northwest corner of the property.	

REQUESTED Special Use Permit for a Composting Facility ACTIONS:

APPLICABLE Section 7:01.D – A-1 Special Uses
REGULATIONS: Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1 (County)	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1 (County) R-3 Planned Unit Development (Yorkville)
South	Agricultural	A-1 SU and M-2 (County)	Suburban Residential and Mixed Use Business (County) Estate/Conservation Residential (Yorkville)	A-1 SU and M-2 (County)
East	Agricultural	R-2 Planned Unit Development and R-2, R-4, B-3 Planned Unit Development (Yorkville)	Urban Area (County) Estate/Conservation Residential (Yorkville)	Various Residential Planned Unit Developments (Yorkville)
West	Manufacturing	M-2 and M-3 SU (County)	Suburban Residential and Mixed Use Business (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, M-1, M-2, and M-3 SU (County)

The A-1 SU to the south was for gravel mining. The M-3 SU to the west was for asphalt production.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1st and April 1st. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented, see Attachment 1, Pages 19-25.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

NATURAL RESOURCES INVENTORY

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection, see Attachment 1, Pages 12-18.

ACTION SUMMARY

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township on July 19, 2023.

UNITED CITY OF YORKVILLE

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

- 1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
- Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
- 3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
- 4. The submission of a detailed decommissioning plan.
- 5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were included as Attachment 6.

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

The August Yorkville Economic Development Committee and Planning and Zoning Commission meetings were cancelled. The proposal was reviewed at the Yorkville City Council meeting on August 8, 2023, with no comments, and was reviewed again at the August 22, 2023, Yorkville City Council meeting. The Yorkville City Council recommended approval of the proposal. A memo from the United City of Yorkville on the steps they would take to address odor complaints was included as Attachment 10.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023.

ZPAC

The Kendall County ZPAC reviewed the proposal at their meeting on August 1, 2023. Discussion occurred regarding odor control measures. The Committee did not believe that using an olfactometer, as Yorkville recommended, was practical. The Committee favored requiring the operator of the business allowed by the special use permit to track wind daily, avoid turning the windrows when the wind was blowing to populated areas, and adding an amendment to the windrows in cases when turning was necessary and the wind was blowing towards populated areas. The Committee expressed little concern regarding the Illinois Department of Natural Resource's recommendation related to the Rusty Patch Bumble Bee. The Committee was concerned about runoff. Discussion occurred regarding the definition of food scraps; food scraps were collected from grocery stores and include items that were composted at homes. A recommendation regarding equipment at the property being classified as nonagricultural was removed. ZPAC recommended approval of the proposal with the removal of the condition related to the classification of equipment and add a requirement requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were included as Attachment 8.

RPC

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 23, 2023. Discussion occurred regarding the tipping fee; this fee is set in the host agreement. Discussion occurred related to bonding and the decommissioning plan. The bonding figure and the decommissioning plan must be approved by the State. Discussion occurred related to odors; few residential land uses were located nearby even though the properties inside Yorkville were zoned residential. A neighboring property owner in Yorkville plans to install solar panels on their property. Discussion occurred regarding food scraps; a maximum of ten percent (10%) of the materials collected at the property could be food scraps per State regulations. Discussion occurred regarding tracking wind speed and direction; the Petitioner was opposed to the restriction related to not turning windrows or adding amendments to the materials when the wind was blowing towards populated areas. The Kendall County Regional Planning Commission recommended approval of the proposal with the revised site plan (Attachment 4A) as the official site plan by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were included as Attachment 11.

GENERAL INFORMATION

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

- 1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
- 2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- 3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- 4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- 5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

- 7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- 9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- 10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- 11. The operator shall provide weight receipts to Kendall County.
- 12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
- 13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

BUSINESS OPERATIONS

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

The original site plan (Attachment 4, Page 3) showed several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

The revised site plan (Attachment 4A) shows thirty-two windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

Bulk agent storage areas separate the east and west windrow areas.

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

As noted in the Decommissioning Plan (Attachment 5), the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

BUILDINGS AND BUILDING CODES

One (1) approximately four hundred twenty (420) square foot office trailer is shown on the plan near the southeast corner of the site.

After the ZPAC meeting, the Petitioners indicated that they may install another building on the property. On the revised site plan (Attachment 4A), one (1) sixty foot by eighty foot (60'X80') building was shown. This structure was twenty-four feet (24') tall. The building would be used for storage of equipment. The final location of the building was undetermined.

ENVIRONMENTAL HEALTH

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the business plan (Attachment 4, Page 6).

Though not shown on the site plan, a dumpster is located on the property. The business plan (Attachment 4, Page 2) notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

STORMWATER

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit based on the original site plan. WBK submitted comments in a letter dated July 15, 2023, included as Attachment 7. To date, Staff is waiting for comments from the Petitioner regarding WBK's comments. The revised site plan was sent to WBK on August 24, 2023. To date, no comments were received.

As mentioned previously, the submitted site plans did not match the site plan on file with the Illinois Department of Natural Resources. The State has not evaluated the impact of the proposed site plans on the Surface Water Management Plan presently on file with the State.

ACCESS

Per the site plan (Attachment 4, Page 3), the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the revised site plan (Attachment 4A), one (1) gravel parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. The total number of park stalls was seven (7). The parking stalls did not meet the minimum depth requirement of twenty feet (20') as outlined in Section 11:02.F.4 of the Kendall County Zoning Ordinance.

The site plan shows one (1) truck turn around area.

LIGHTING

No information was provided regarding lighting. Because of the small number of parking spaces, a photometric plan was not required.

SIGNAGE

According to the business plan (Attachment 4, Page 4), one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

SECURITY

According to the original site plan (Attachment 4, Page 3), there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan (Attachment 4, Pages 1 and 5) references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

LANDSCAPING

Per the original site plan (Attachment 4, Page 3), one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan (Attachment 4, Page 2), the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

No landscaping information was provided on the revised site plan (Attachment 4A).

NOISE CONTROL

Per the business plan (Attachment 4, Page 1), noise levels cannot exceed Illinois Pollution Control Board standards.

ODORS

The business plan (Attachment 4, Page 2) references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

RELATION TO OTHER SPECIAL USES

This is the only property to have a special use permit for a composting facility in unincorporated Kendall County.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the Illinois EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

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 makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.

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 or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.

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 Zoning Board of Appeals. This is true; no variances are requested, if the parking stalls depth are corrected.

The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

RECOMMENDATION

Staff recommends approval of the requested renewal subject to the following conditions and restrictions, even though no phasing plan has been submitted outlining when the old, State approved site plan is phased out and the new site plan is brought online. The general conditions and restrictions would be as follows:

- The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.

- h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- j. The operator shall provide weight receipts to Kendall County.
- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- Implement strategies to manage potential odor issues such as maintaining proper carbon tonitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass and food waste). (Amended after ZPAC)
- 3. The site shall be developed substantially in accordance with the site plan (Attachment 4A) provided that the parking stalls conform to the requirements of the Kendall County Zoning Ordinance and the owners of the business allowed by the special use permit may erect one (1) building a maximum of sixty foot by eighty foot (60'X80') in size with a maximum height of twenty-four feet (24') on the property, and the site plan shall be kept on file as "Exhibit A" attached hereto. (Amended at RPC)
- 4. A fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary to the east. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping. (Amended at RPC)
- 5. The facility operator shall maintain existing plantings on the berm and ditch.
- 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" (Attachment 4, Pages 4 and 5) attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" (Attachment 4, Page 6) attached hereto dated March 11, 2008.
- 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
- 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
- 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan (Attachment 5) as described in Exhibit D. The operator shall assume all of the responsibilities assigned

- to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.
- 12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1st.
- 13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
- 14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entireties.
- 15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. (Deleted at ZPAC)
- 16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
- 18. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
- 19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
- 20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

ATTACHMENTS

- 1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
- 2. Ordinance 2014-04
- 3. Plat of Survey
- 4. Business Plan (Including Original Site Plan)
- 4A. Revised Site Plan Submitted August 17, 2023
- 5. Decommission Plan
- 6. Pre-Application Emails with United City of Yorkville
- 7. July 15, 2023, WBK Comment Letter
- 8. August 1, 2023, ZPAC Meeting Minutes

- IDNR Approved Site Plan
 August 10, 2023, Yorkville Memo
 August 23, 2023, Kendall County Regional Planning Commission Meeting Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560 Fax (630) 553-4179 (630) 553-4141

FILE #:

APPLICATION

Ed. 1841	PROJECT NAME Milroy Fa	rms LLC	FILE #:
ITTINO12	Kendall 0	Composting Permit	
NAME OF APPLICANT (Inclu Jefferey D. Milroy	ding First, Middle Initial, and Last N	ame)	
CURRENT LANDOWNER/NAI Milroy Farms LLC	ME(s)		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ON	ASSESSOR'S ID NUMBER (PIN)
ACRES 39.8752	1270 E. Beecher Road, Bri	stol Township, IL	02-08-100-006
EXISTING LAND USE Composting Special Use	CURRENT ZONING A1 Special Use		FICATION ON LRMP nixed business and west side is rural nitial
REQUESTED ACTION (Check	All That Apply):		
X_SPECIAL USE	MAP AMENDMENT (F	Rezone to)	VARIANCE
ADMINISTRATIVE VARIA	ANCE A-1 CONDITIONAL US	SE for:	SITE PLAN REVIEW
TEXT AMENDMENT PRELIMINARY PLAT	RPD (Concept; FINAL PLAT	Preliminary; Final)	ADMINISTRATIVE APPEAL _ OTHER PLAT (Vacation, Dedication, etc.)
X AMENDMENT TO A SPEC	CIAL USE (X Major; Minor)		
PRIMARY CONTACT Jefferey Milroy	PRIMARY CONTACT MA	AILING ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE	# PRIMARY CONTACT FA	AX#	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT	ENGINEER MAILING AL	DDRESS	ENGINEER EMAIL
Jefferey Milroy			
ENGINEER PHONE#	ENGINEER FAX#		ENGINEER OTHER # (Cell, etc.)
COUNTY STAFF & BOA	RD/ COMMISSION MEMBERS	THROUGHOUT THE	N QUESTION MAY BE VISITED BY E PETITION PROCESS AND THAT RRESPONDANCE ISSUED BY
BEST OF MY KNOWLED ABOVE SIGNATURES.	FORMATION AND EXHIBITS OF AND THAT I AM TO FILE THE APPLICANT ATTESTS TO KENDALL COUNTY AS OF THE	THIS APPLICATION A HAT THEY ARE FRE	AND ACT ON BEHALF OF THE E OF DEBT OR CURRENT ON
SIGNATURE OF APPLIC	:ANT	See.	DATE 6/29/202
	FEE PAID:\$		
	CHECK #:		

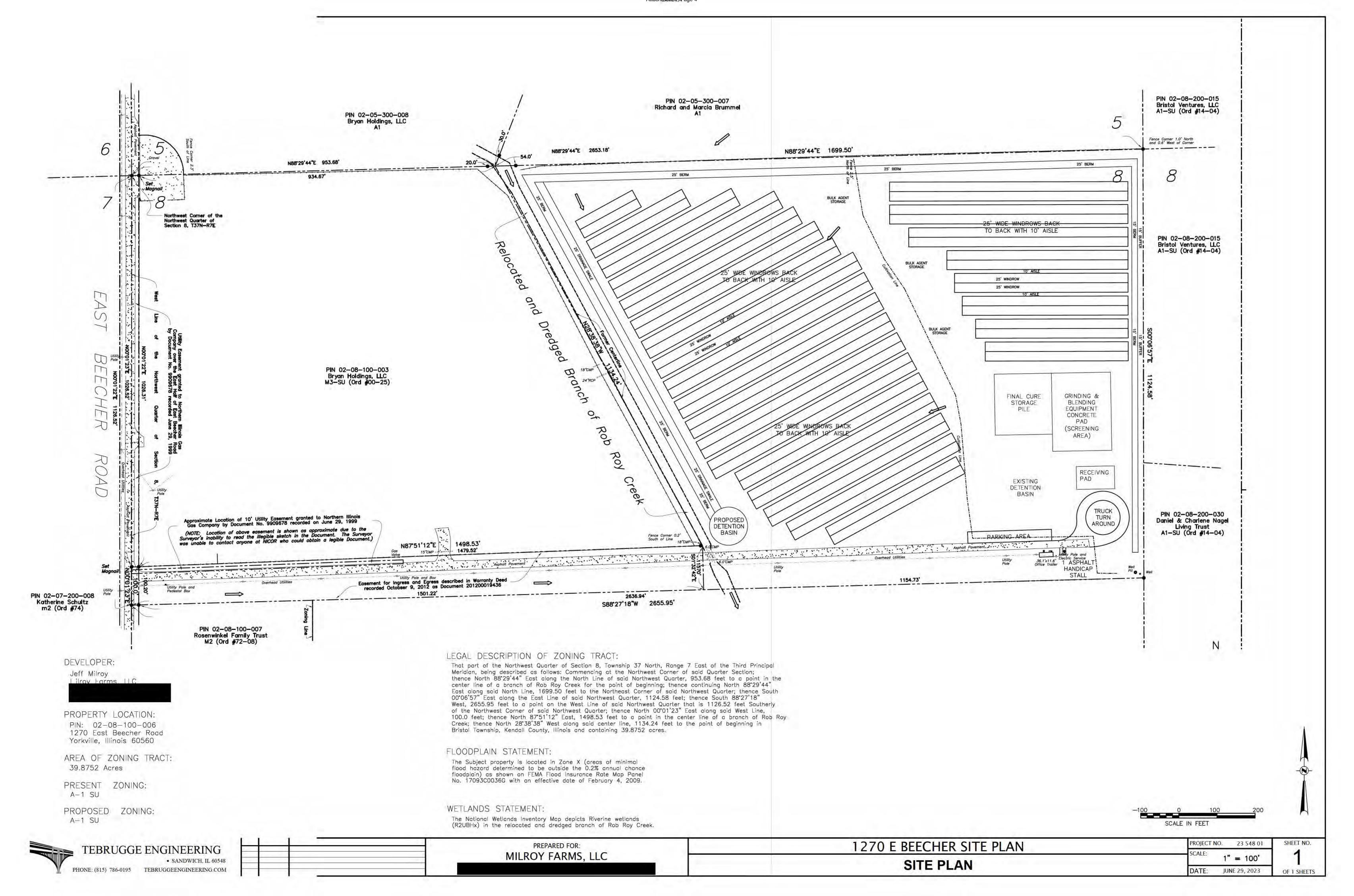
¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Detailed Description Of Proposed Use Business Plan

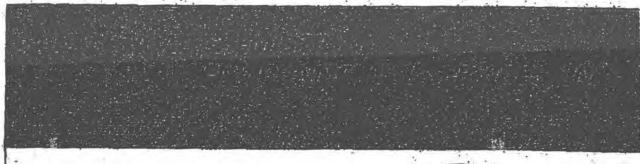
- 1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance: Composting of landscape waste and food waste, subject to the following:
- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- j. Truck weights shall be limited to 73,280 pounds.
- k. The operator shall provide weight receipts to Kendall County.

- I. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- m. Other conditions as appropriate for the particular facility. (Amended 6/26/2023)
- n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
- Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
- 2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
- 3. The site plan shall be kept on file as "Exhibit A" attached hereto.
- 4. The facility operator shall maintain existing plantings on the berm and ditch.
- 5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
- 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
- 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.









March 11, 2008

Mr. Joseph Mazza



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested ence per year in May in accordance with your current permit.

The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not he sitate to contact us.

Regards,

Terese M. Laciak
President

EXHIBIT C

TML/cab

cc: Steven B. Curatti, Director of Environmental Health, Kendall County

Legal Description of Milroy Farms LLC Parcel

Parcel 02-08-100-006

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence north 88° 29 '44" East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North 88° 29 '44" East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00° 06' 57" East along the East Line of said Northwest Quarter, 1124.58 feet; thence South 88° 27' 18" West, 2655.95 feet to a point on the West line of said Northwest Quarter; that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North 00° 01' 23" East along said West line, 100.0 feet; thence North 87° 51' 12" East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North 28° 38' 38" West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois.





WARRANTY I

Prepared by: Craig Hasenbalg

Dickson & Hasenbalg

GRANTOR:

AURORA BLACKTOP, INC.

Subsequent Tax Bills To:

MILROY FARMS, LLC . JEff MILROY

201200018002

DEBBIE GILLETT KENDALL COUNTY, IL

RECORDED: 9/19/2012 12:29 PM WD: 916.75 RHSPS FEE: 10.00 PAGES: 4

THE GRANTORS, AURORA BLACKTOP, INC., an Illinois corporation, under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State where the following described real estate is located, of the Village of Bristol, County of Kendall, and State of Illinois, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid, and other good and valuable consideration, receipt of which is hereby duly acknowledged, conveys and warrants to GRANTEE: MILROY FARMS, LLC, an Illinois limited liability company, LL RIGHT, TITLE AND INTEREST IN whose mailing address is:

AND TO the following described real estate to-wit:

Legal description attached hereto as Exhibit A

Parcel Identification No: 02-08-100-006

Commonly known as: 39.8752 Acres, Farmland, located in Bristol Township, Kendall County, IL

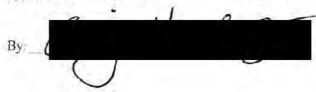
Together with the hereditaments, tenoments and appurtenances thereunto belonging.

This Deed and conveyance is subject to easements and restrictions of record, if any, roadways, rights of adjoining owners to the uninterrupted flow of any streams which may cross the land, right of way for drainage tiles, ditches, feeders, and laterals, and general taxes for the year 2012 and subsequent.

TO HAVE AND TO HOLD the same unto said Grantee, and its or its heirs and assigns forever hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

day of Augu 2012

AURORA BLACKTOP, INC., an Illinois Corporation



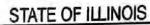


STATE OF ILLINOIS	4
) \$8
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that CRAIS NASENBALG me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

OFFICIAL SEAL
JOHN F GINOCCHIO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIREMONIANS

p.\home\pc\craig\abt.auction\geneva construction\deed.parcet.2.docx





SEP. 19.12

KENDALL COUNTY

REAL ESTATE TRANSFER TAX

00578,50

FP 103035

COUNTY OF KENDALL
REAL ESTATE TRANSFER JAX
\$ 289.25

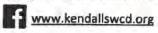
KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

Nature of Benefit Sought Special Use Permit Nature of Applicant: (Please check one) Natural Person (a) Corporation (b) Land Trust/Trustee(c) Trust/Trustee (d) Pertnership (e) Joint Venture (f) If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant: If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land rust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in mofits and losses or right to control such entity: NAME ADDRESS INTEREST efferey D Milroy	Nature of Benefit Sought Special Use Permit Nature of Applicant: (Please check one) Natural Person (a) Corporation (b) Land Trust/Trustee(c) Trust/Trustee (d) Partnership (e) Joint Venture (f) If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant: If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each berson or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or lan roofits and losses or right to control such entity: NAME ADDRESS INTEREST efferey D Milroy Jame, address, and capacity of person making this disclosure on behalf of the applicant:	Applicant Milroy F	ailis LLC	
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7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



TANION.	AL RESOURCE INFORMATION (NE	I) REPORT APPLICATION
Petitioner: Milroy Farms LLC		
Address:	Contact Perso	n: Jefferey Milroy
City, State		
Phone Nu		4
Email: _		
	In .	
Flease select: How	would you like to receive a copy or the NRI	Report? L'Email Mail
Site Location & Proposed Use		
Township Name Bristol Town		N, Range R7E E, Section(s) 8
Parcel Index Number(s) 02-08	-100-006	
Project or Subdivision Name N	Ailroy Farms Composting Permit	Number of Acres 39.87
Current Use of Site A-1 Special		A-1 Special Use
Proposed Number of Lots N/A	Proposed Num	ber of Structures N/A
Proposed Water Supply Well	(existing) Proposed type	of Wastewater Treatment N/A
Proposed type of Storm Water	Management Retention Pond (existing)	7) 33-33-33-33-33-33-33-33-33-33-33-33-33-
Type of Request		
Change in Zoning from		
Change in Zoning from		
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July 13, 2023

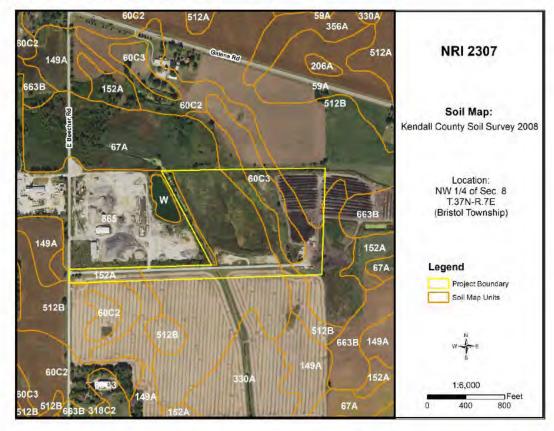
Jefferey Milroy



The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for a special use permit renewal petition on parcel 02-08-100-006 filed with Kendall County. The site is an existing EPA composting facility that accepts yard and food waste from the surrounding area. The petitioner is proposing an approximate 17-acre expansion of the composting operation on the western half of the parcel with the addition of a future detention basin. The project site is located at 207 E Beecher Rd, Bristol, IL 60512 in the northwest quarter of Section 8, Township 37N (Bristol Township), Range 7E of the 3rd Principal Meridian. The site is zoned A1-SU Agricultural Special Use. After reviewing the application and supporting documents, it was determined that a *full NRI Report is not necessary at this time* for the proposed project.

The Kendall County SWCD has reviewed the 39.87-acre project site and would like to note the following natural resource considerations:

• The site currently contains an existing 17-acre composting area, detention basin, truck turn-around, and parking area. According to the property owner, the site is tile drained.





• The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The exhibit above shows the soil map, and the table below shows the soil map units that are present within the project site. Please note this information does not replace the need for site specific soil testing.

Soil Map Unit	Acreage	Percent of Parcel
60C2 La Rose silt loam, 5-10% slopes, eroded	5.1	12.9%
60C3 La Rose clay loam, 5-10% slopes, severely eroded	4.7	11.8%
67A Harpster silty clay loam, 0-2% slopes	18.5	46.4%
152A Drummer silty clay loam, 0-2% slopes	2.3	5.7%
512B Danabrook silt loam, 2-5% slopes	7.8	19.5%
865 Pits, gravel	1.5	3.8%

• Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses. The table below shows the soil limitations for uses including food-processing waste, farm and garden composting, and shallow excavations. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

Soil Type	Food-Processing Waste	Farm & Garden Composting Facility	Shallow Excavations
60C2 &	Very Limited:	Somewhat Limited:	Very Limited:
60C3	Dense layer; Slow water	Slope; Low strength;	Depth to saturated zone;
	movement; Depth to	Wetness; Low precipitation;	Dusty; Unstable
	saturated zone	Extreme soil temperatures	excavation walls
67A	Very Limited:	Very Limited:	Very Limited:
	Ponding; Depth to	Low strength; Wetness;	Ponding; Depth to
	saturated zone; Leaching	Ponding; Low precipitation;	saturated zone; Dusty;
		Seepage	Unstable excavation walls
152A	Very Limited:	Very Limited:	Very Limited:
	Ponding; Depth to	Low strength; Wetness;	Ponding; Depth to
	saturated zone; Leaching;	Ponding; Low precipitation	saturated zone; Dusty;
	Slow water movement		Unstable excavation
			walls; Too clayey
512B	Somewhat Limited:	Somewhat Limited:	Somewhat Limited:
	Depth to saturated zone;	Low strength; Wetness;	Depth to saturated zone;
	Slow water movement	Slope; Extreme soil	Dusty; Unstable
		temperatures; Low	excavation walls
		precipitation	
865	N/A	N/A	N/A

- The information provided in the table below provides further detail regarding the following:
 - Drainage Class: Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
 - O Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a





- moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.
- Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, two are hydric (67A Harpster silty clay loam and 152A Drummer silty clay loam) and three are non-hydric (60C2 La Rose silt loam, 60C3 La Rose clay loam, and 512B Danabrook silt loam).
- O Prime Farmland: Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, three are designated as prime farmland (67A Harpster silty clay loam, 152A Drummer silty clay loam, and 512B Danabrook silt loam). Two of the soils are designated as farmland of statewide importance (60C2 La Rose silt loam and 60C3 La Rose clay loam), and one is designated as non-prime farmland (865 Pits, gravel).

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation	Prime Farmland
60C2 & 60C3	Moderately Well Drained	С	Non-Hydric	Farmland of Statewide Importance
67A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
152A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
512B	Moderately Well Drained	С	Non-Hydric	Prime Farmland
865	N/A	N/A	N/A	Not Prime Farmland

- The information provided in the table below provides further detail regarding soil water features:
 - Surface Runoff: Surface runoff refers to the loss of water from an area by flow over the land surface.
 Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).
 - O Water Table: Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.
 - Ponding: Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration indicated as brief means ponding typically occurs for a period of 2-7 days. Frequency indicated as non means ponding is not possible and frequent means that it occurs, on average, more than once in 2 years (chance of ponding is more than 50% in any year).
 - Flooding: Flooding is temporary inundation of an area caused by overflowing stream, runoff from adjacent slopes, or tides. Water standing for short periods after rainfall or snowmelt is not considered flooding. Water standing in swamps and marshes is considered ponding rather than flooding.



Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60C2	High	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
60C3	Medium	February – April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
67A	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
152A	Negligible	January – May Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	January – May Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
512B	Low	February – April Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
865	N/A	N/A	N/A	N/A

- This site is located on slopes of approximately 0-10%. The site lies within the Fox River Watershed (Rob Roy Creek sub watershed).
- Based on an in-office review of the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map
 (FIRM) for Kendall County, Community Panel No. 17093C0030G (effective date February 4, 2009), it does not
 appear that this parcel is located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood
 hazard. Additionally, based upon review of the U.S. Fish & Wildlife Service's National Wetlands Inventory Map, a
 riverine waterway (tributary to Rob Roy Creek) is present along the western edge of the project site. To determine
 the presence of wetlands, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers,
 should determine the exact boundaries and value of the wetlands.
- If construction is to occur onsite, a soil erosion and sediment control plan should be prepared and implemented in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor



selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale.

Land Evaluation Computation

Soil Type	Soil Type Value Group Relative Value			Product (Relative Value x Acres)		
60C2	60C2 5 82			418.2		
60C3	6	69	4.7	324.3		
67A	2 94		18.5	1,739.0		
152A	1	100	2.3	230.0		
512B	2	94	7.8	733.2		
865	865 8 0		1.5	0.0		
Totals			39.9	3,444.7		
LE Calculation			(Product of relative value / Total Acres)			
			3,444.7 / 39.9 = 86.3			
LE Score			LE = 86			

The Land Evaluation score for this site is 86 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses since the Land Evaluation score is above 80.

Site Assessment Computation

Α.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	10
	2. Current land use adjacent to site. (30-20-15-10-0)	15
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	10
	4. Size of site. (30-15-10-0)	15
В.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or	10
	municipal comprehensive land use plan. (20-10-0)	
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	89

The Site Assessment score for this site is 89 out of a possible 200 points. The Land Evaluation value (86) is added to the Site Assessment value (89) to obtain a LESA Score of 175. The table below shows the level of protection for the proposed project site based on the LESA Score.

LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION		
<mark>0-200</mark>	Low		
201-225	Medium		
226-250	High		
251-300	Very High		



The overall LESA Score for this site is 175 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact our office at (630) 553-5821 extension 3.

Sincerely,



Alyse Olson Resource Conservationist

CC Jefferey Milroy, Milroy Farms LLC

Matt Asselmeier, Kendall County Planning, Building, & Zoning

Robert Walker, Bristol Township







06/22/2023

2317170

IDNR Project Number: 2317303

Date:

Alternate Number:

Applicant: Jeff Milroy Contact: Jeff Milroy

Address:

Jen Milloy

Project: Milroy Farms Composting

Address: 1270 East Beecher Road, Yorkville

Description: Special use permit renewal for operating a compost facility.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Mottled Sculpin (Cottus bairdii)

Rusty Patched Bumble Bee (Bombus affinis)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kendall

Township, Range, Section:

37N, 7E, 5 37N, 7E, 8

IL Department of Natural Resources Contact

Kyle Burkwald 217-785-5500

Division of Ecosystems & Environment



Government Jurisdiction

Kendall County
Matthew Asselmeier
111 West Fox Street
Yorkville, Illinois 60560

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

- 1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
- 2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
- 3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.





EcoCAT Receipt

Project Code 2317303

APPLICANT	DATE
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Jeff Milroy Jeff Milroy 6/22/2023

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81

TOTAL PAID \$ 127.81

Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702 217-785-5500 dnr.ecocat@illinois.gov



JB Pritzker, Governor • Natalie Phelps Finnie, Director One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

June 23, 2023

Jeff Milroy Milroy Farms

RE: **Milroy Farms Composting Consultation Program** EcoCAT Review #2317303 **Kendall County**

Dear Mr. Milroy:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural* Areas Preservation Act [525 ILCS 30/17], and Title 17 Illinois Administrative Code Part 1075.

The proposed action consists of operating a compost facility in Yorkville, IL.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

State Listed

Mottled Sculpin (*Cottus bairdii*)

State and Federally Listed

Rusty Patched Bumblebee (Bombus affinis)

Due to the project scope and proximity to protected resources the Department recommends the following actions be taken to avoid adversely impacting listed species in the vicinity of the project:

Rusty Patched Bumblebee

- 1) The Department recommends that work which disturbs the ground or may remove flowering plants be done between October 1 and April 1 to avoid potential impacts.
- 2) If these dates cannot be accommodated, the Department recommends a Rusty Patched Bumble Bee survey be performed by a qualified biologist.
 - a) Survey results and methods should be forwarded to the Department for review and concurrence.

Please note that due to the federal status of the Rusty Patched Bumblebee, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

The Department also offers the following conservation measures be considered to help protect native wildlife and enhance natural areas in the project area:

If temporary or permanent lighting is required, the Department recommends the following lighting recommendation to minimize adverse effects to wildlife:

- All lighting should be fully shielded fixtures that emit no light upward.
- Only "warm-white" or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) should be used to minimize blue emission.
- Only light the exact space with the amount (lumens) needed to meet facility safety requirement.
- If LEDs are to be used, avoid the temptation to over-light based on the higher luminous efficiency of LEDs.

Milroy Farms Composting, Consultation #2317303

If erosion control blanket is to be used, the Department also recommends that wildlife-friendly plastic-free blanket be used around wetlands and adjacent to natural areas, if not feasible to implement project wide, to prevent the entanglement of native wildlife.

Please contact me with any questions about this review. Sincerely,

Kyle Burkwald **Impact Assessment Section** Division of Real Estate Services and Consultation Office of Realty & Capital Planning Illinois Department of Natural Resources One Natural Resources Way Springfield, IL 62702 Kyle.Burkwald@Illinois.gov

Phone: (217) 785-4984

Matt Asselmeier

From:

Burkwald, Kyle < Kyle.Burkwald@Illinois.gov>

Sent:

Friday, July 14, 2023 11:10 AM

To:

Matt Asselmeier

Cc:

Seth Wormley; Latreese Caldwell; Hayes, Bradley

Subject:

[External]RE: 1270 E Beecher, Bristol Township, Kendall County

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

Apologies for the delay, I recently accepted a new position within the Department and am no longer a part of the Impact Assessment section.

However, to answer your questions, the recommendations are not required to be adhered to by law, they are best recommendations to avoid a Take of the listed species. Failure to adhere though may result in an increased likelihood of a Take of an endangered species as defined in Part 1075 of the *Illinois Endangered Species Act*.

If you have any further questions or concerns please contact Brad Hayes.

Sincerely, Kyle Burkwald Illinois Department of Natural Resources Division of Forestry Mobile: (217) 299-7324 Desk: (217) 785-4984

From: Matt Asselmeier < masselmeier@kendallcountyil.gov>

Sent: Friday, July 14, 2023 10:48 AM

To: Burkwald, Kyle <Kyle.Burkwald@Illinois.gov>

Cc: Seth Wormley <swormley@kendallcountyil.gov>; Latreese Caldwell <LCaldwell@kendallcountyil.gov>

Subject: [External] RE: 1270 E Beecher, Bristol Township, Kendall County

Kyle:

Did you have an opportunity to review this email?

Thanks,

Matthew H. Asselmeier, AICP, CFM Director Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179 Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. An experienced operator, Jesse C. Sexton, will be managing operations and running the site.

The operation is permitted and controlled by the EPA and inspected by the health department and they

have not found anything to endanger the public health, safety, morals, comfort or general welfare during

Jesse C. Sexton's tenure.

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

The new management team of Jesse C. Sexton, William J. Coleman, Jefferey D Milroy, and Lilianna D. Milroy will incorporate as the new site operator. Jesse is well known to neighbors and local officials and ran the site without complaints regarding odors, debris, or dust. The site will be run orderly and squared away. No other operator will be assigned to this operation without approval of the management team.

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 or roadways to the property. They will use
the current access point onto Beecher Road which has a gate which will be closed unless the operation
is open. Any new proposed detention basins will be provided under the Storm-water permit application.
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 Zoning Board of Appeals
The special use conforms to all applicable regulations of the A-1 Special use district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

State of Illinois County of Kendall Zoning Petition #13-26

ORDINANCE NUMBER 2014 - DY

GRANTING A MAJOR AMENDMENT TO A SPECIAL USE FOR GREEN ORGANICS INC. AT 1270 EAST BEECHER ROAD

WHEREAS, Green Organics, Inc., Milroy Farms LLC and Bristol Ventures LLC has filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 58 acre property located on the east side of Beecher Road about 0.5 miles south of Galena Road, commonly known as 1270 E. Beecher Road, (PIN# 02-08-100-006, part of PIN# 02-08-200-015, part of PIN# 02-08-200-018, part of PIN# 02-08-200-019 and part of PIN# 02-08-200-022), in Bristol Township; and

<u>WHEREAS</u>, said petition is to amend their existing special use permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property; and

<u>WHEREAS</u>, said property is currently zoned A-1 Agricultural with an existing Special Use for operation for a landscape waste composting site; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for as Ordinance 1993-19 on October 19, 1993; and

<u>WHEREAS</u>, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 1997-13 on August 19, 1997; and

<u>WHEREAS</u>, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2000-18 on April 18, 2000; and

<u>WHEREAS</u>, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2008-17 on May 20, 2008; and

WHEREAS, the Zoning Administrator and/or deputies did grant the petitioner a minor amendment to the existing special use to allow the facility to begin accepting and processing food waste as Ordinance 10-25-11 on October 25, 2011; and

WHEREAS, said special uses will continue on the property; and

WHEREAS, said property is legally described as:

PARCEL I

THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS:

State of Illinois County of Kendall Zoning Petition #13-26

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 953,68 FEET TO A POINT IN THE CENTER LINE OF A BRANCH OF THE ROB ROY CREEK FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE 1699,46 FEET TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 0 DEGREES 07 MINUTES 06 SECONDS EAST ALONG THE EAST LINE OF SAID QUARTER SECTION 1124.58 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 18 SECONDS WEST 2655.97 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION THAT IS 1126.52 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 0 DEGREES 01 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE 100.00 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 12 SECONDS EAST 1498.53 FEET TO A POINT IN THE CENTER OF SAID ROB ROY CREEK; THENCE NORTH 28 DEGREES 38 MINUTES 38 SECONDS WEST ALONG SAID CREEK, 1134.24 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS PIN: 02-08-100-006

PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 36 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 187.01 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 39 SECONDS EAST, 332.00 FEET; THENCE SOUTH 71 DEGREES 34 MINUTES 14 SECONDS EAST, 463.00 FEET; THENCE SOUTH 45 DEGREES 09 MINUTES 49 SECONDS EAST, 58.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 15 SECONDS WEST, 356.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 46 SECONDS WEST, 541.26 FEET TO A POINT ON A LINE 400.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 14 MINUTES 06 SECONDS EAST, ALONG SAID LINE, 171.42 FEET; THENCE ALONG THE SOUTH LINE OF A PARCEL OF LAND WITH PARCEL IDENTIFICATION NUMBER 02-08-200-015 FOR THE NEXT FOUR CALLS; SOUTH 83 DEGREES 45 MINUTES 54 SECONDS WEST, 130.42 FEET, MORE OR LESS; SOUTH 86 DEGREES 27 MINUTES 54 SECONDS WEST, 65.30 FEET; NORTH 08 DEGREES 04 MINUTES 41 SECONDS WEST, 23.88 FEET; NORTH 87 DEGREES 04 MINUTES 28 SECONDS WEST, 202.52 FEET, MORE OR LESS, TO A POINT 850.00 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AS MEASURED ALONG THE WEST LINE THEREOF; THENCE NORTH 01 DEGREE 14 MINUTES 06 SECONDS WEST, ALONG SAID WEST LINE, 850.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS, AND CONTAINING 13.72 ACRES, MORE OR LESS.

<u>WHEREAS</u>, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on December 9, 2013; and

WHEREAS, the findings of fact were approved as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

State of Illinois Zoning Petition
County of Kendall #13-26

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

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The special use conforms to all applicable regulations of the A-1 Special use district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

<u>WHEREAS</u>, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

<u>WHEREAS</u>, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinances #93-17, #97-13, #00-18, #08-17 and #10-28-11 in their entirety and hereby grants approval of a major amendment to their existing special use zoning permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville subject to the following conditions:

- 1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance:
 - Composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
 - b. Operational personnel shall be present on site during all hours which the facility is

State of Illinois County of Kendall Zoning Petition #13-26

open for the receipt of landscape waste.

- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

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

- i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- j. Truck weights shall be limited to 73,280 pounds.
- k. The operator shall provide weight receipts to Kendall County.
- 1. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- m. Other conditions as appropriate for the particular facility. (Amended 6/20/2006)
- 2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass)
- 3. The site plan shall be kept on file as "Exhibit A" attached hereto
- 4. The facility operator shall maintain plantings on the berm and ditch.
- 5. The facility operator shall maintain the gate and landscaping as indicated on "Exhibit B" attached hereto
- 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 8. This special use Ordinance shall expire on December 1, 2023 and the petition for renewal shall be made prior to July 1, 2023.
- 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are

Attachment 2, Page 5

State of Illinois Zoning Petition
County of Kendall #13-26

received they need to be submitted to the County Solid Waste Coordinator within 30 days.

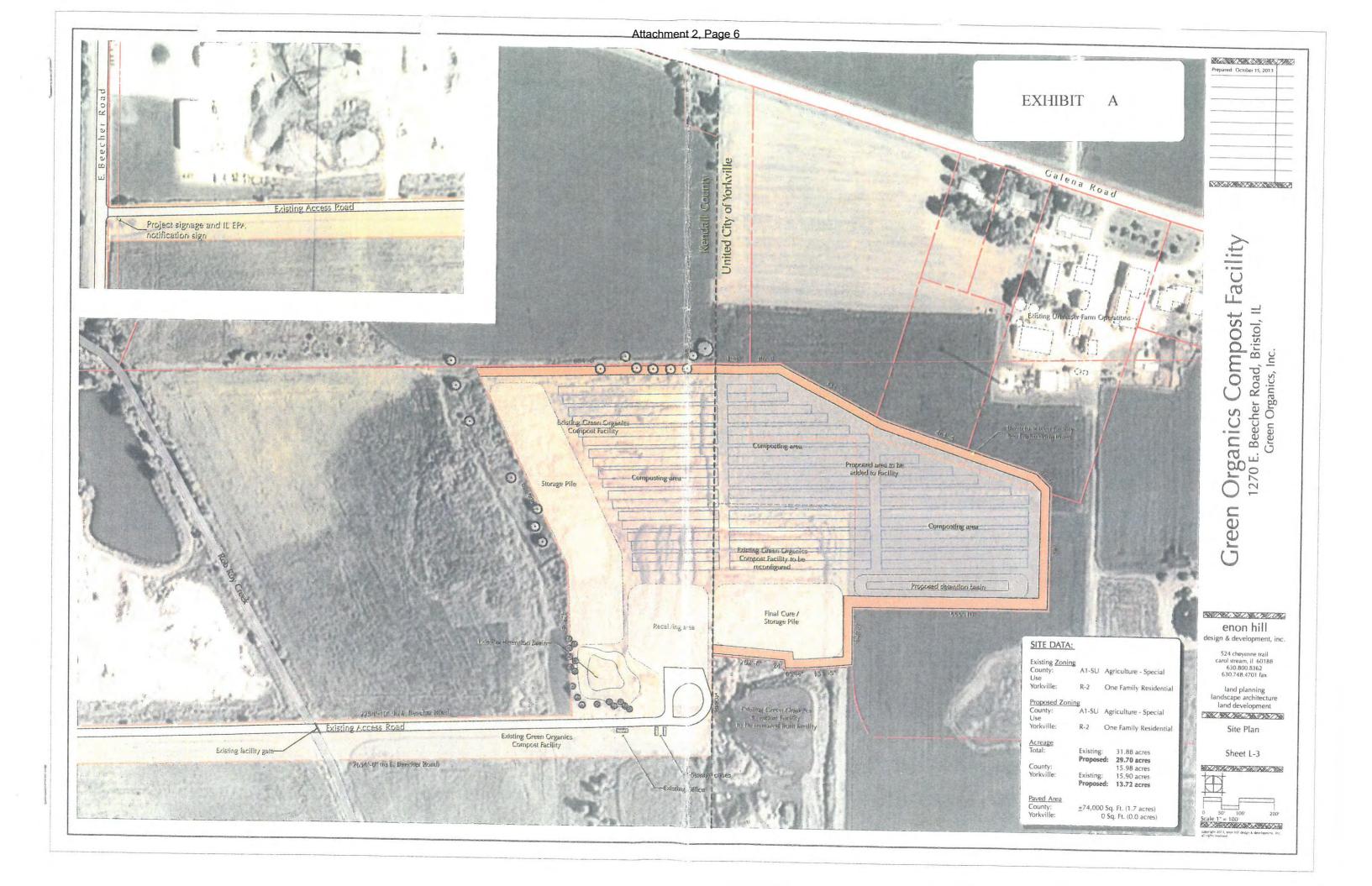
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 19th, 2014.

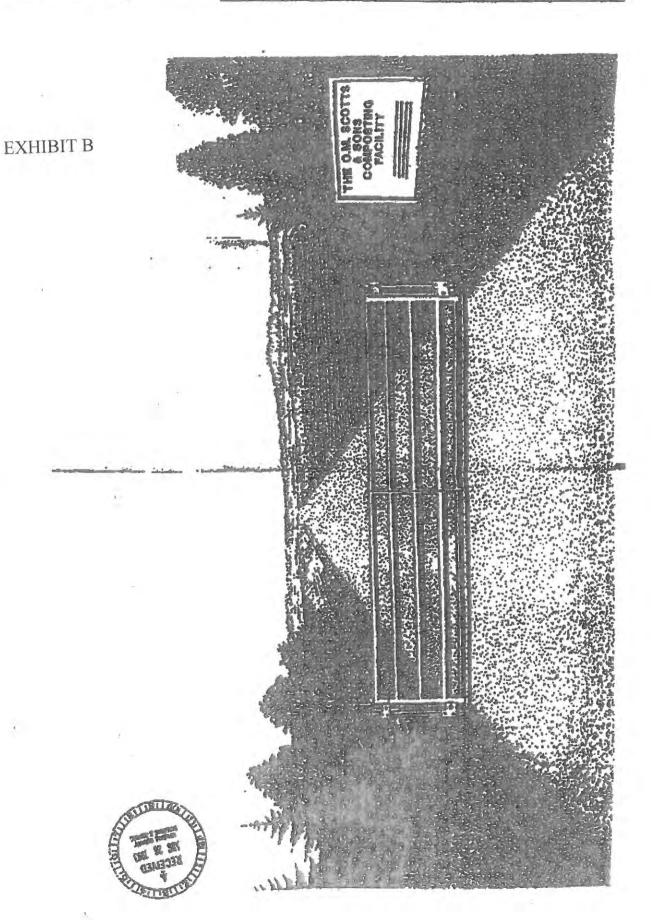
Attest:

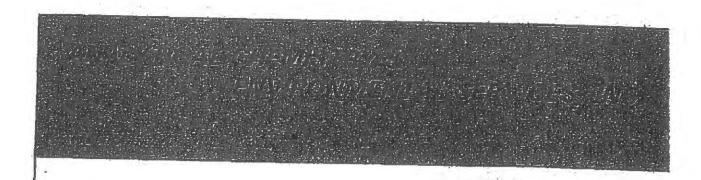
Debbie Gillette Kendall County Clerk

Kendall County Board Chairman



70//





March 11, 2008

Mr. Joseph Mazza Green Organics 290 Main Place Carol Stream, H. 60188



You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

1. "我就我就是

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

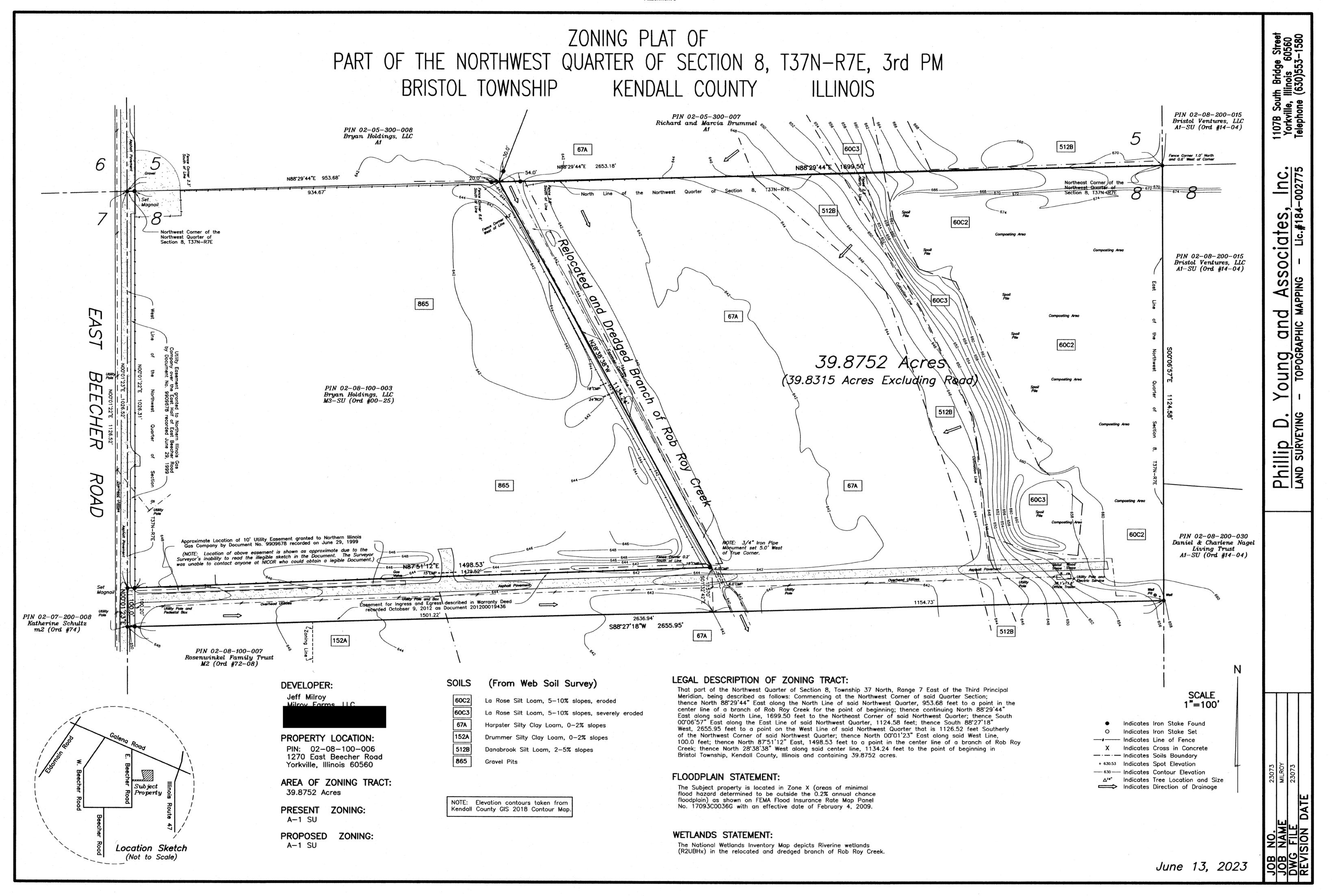
Terese M. Laciak

President

EXHIBIT C

TML/cab

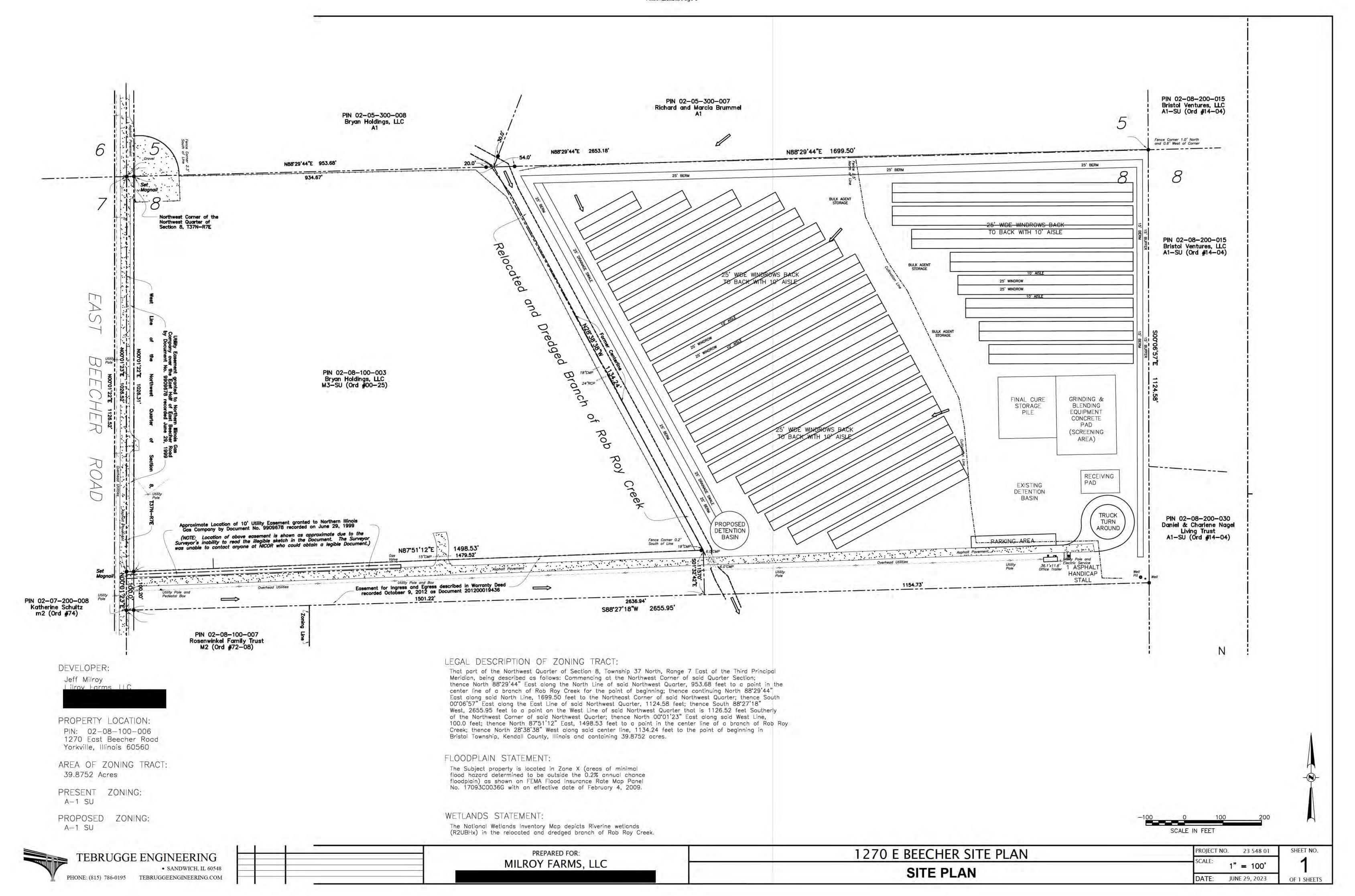
cc: Steven B. Curatti, Director of Environmental Health, Kendall County



Detailed Description Of Proposed Use Business Plan

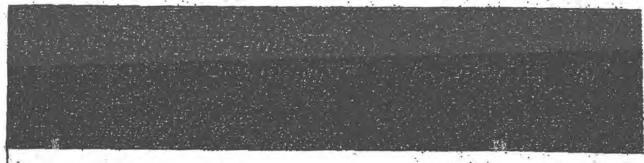
- The facility shall comply with the conditions as they are listed in the applicable sections
 of the Kendall County Zoning Ordinance: Composting of landscape waste and food
 waste, subject to the following:
- a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
- b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- j. Truck weights shall be limited to 73,280 pounds.
- k. The operator shall provide weight receipts to Kendall County.

- I. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- m. Other conditions as appropriate for the particular facility. (Amended 6/26/2023)
- n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
- Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
- 2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
- 3. The site plan shall be kept on file as "Exhibit A" attached hereto.
- 4. The facility operator shall maintain existing plantings on the berm and ditch.
- 5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
- 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
- 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.









March 11, 2008

Mr. Joseph Mazza



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

and areas passing water to analyze to

The well at the site is tested ence per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not he sitate to contact us.

Regards,

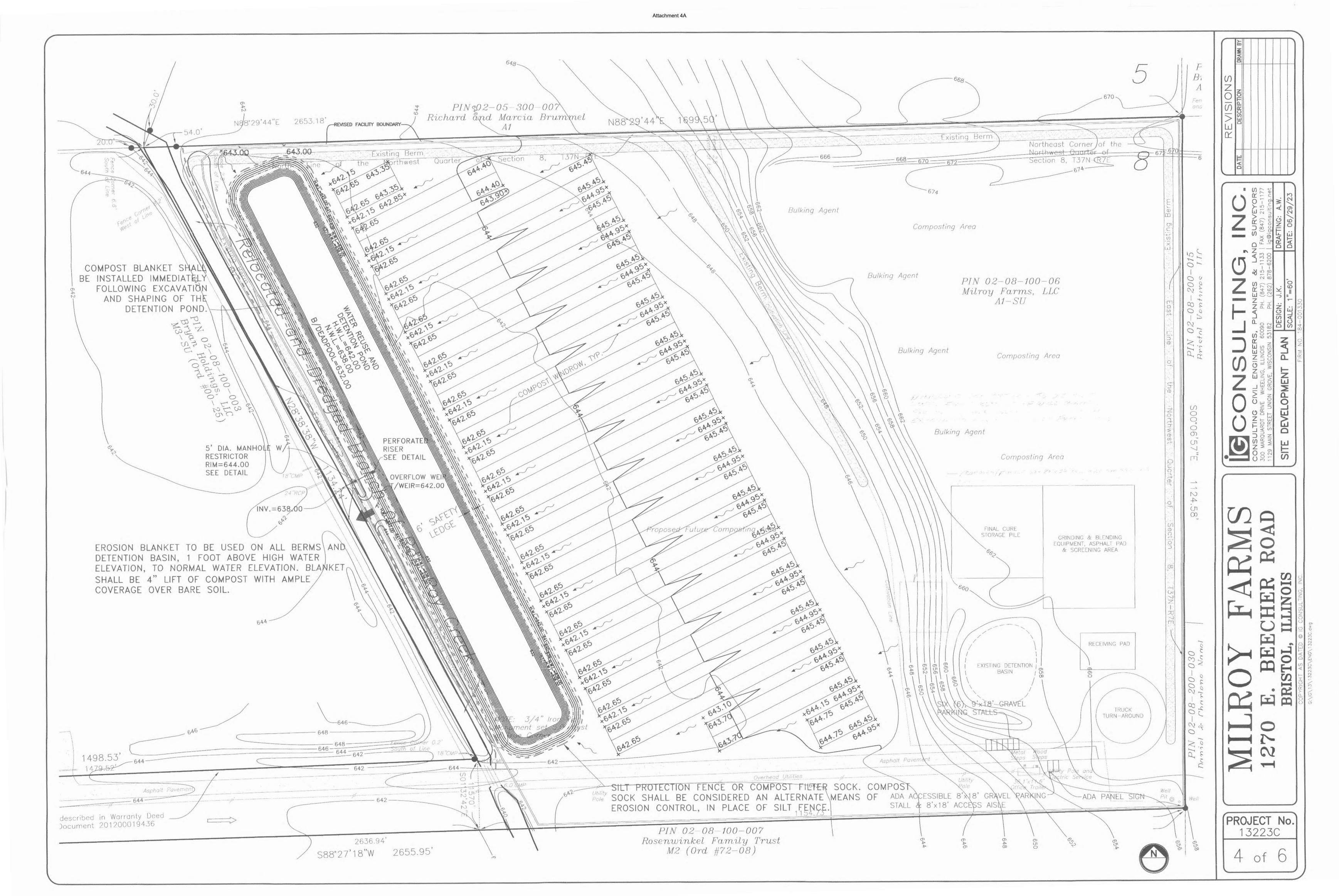
Tomas M. Laniela

Terese M. Laciak President

EXHIBIT C

TML/cab

cc: Steven B. Curatti, Director of Environmental Health, Kendall County



Green Organics, Inc. Kendall County, Illinois Yard Debris Composting Facility Normal and Pre-Mature Closure Plan

The information contained herein describes the procedures and activities to perform normal closure of the Green Organics yard debris composting facility located at 1270 E. Beecher Rd. in Bristol Illinois 60512. Both normal and pre-mature closures are limited by the amount of time needed for complete composting of material (item 1). Complete composting takes no less than three months. During this time, composted debris will be shipped and sold to customers as before. Thus, these figures are a maximum cost of closure and a pre-mature closure plan is not any different from a normal closure plan. The land would be used for the farming of food crops or seeded, as necessary. The description and cost for each procedure/activity is defined below:

Description	Quantity	Unit	Unit Cost	Cost	Time to Complete	Comments
Complete composting and removal of remaining material	43000	су	\$0.65	\$28,000	3 months	Assume three months operation to complete compost. Assume 50% of material - sold from facility and 50% of material shipped to customer (i.e. pay for hauling)
Disposal of non-compostables	10	су	\$30	\$300	1 day	Assumes one dumpster. Includes cost to haul and dispose at licensed landfill facility
Regrade and level composting oad for farming	23	acre	\$1,00 0	\$23,000	.5 months	Assumes regrading to original elevations
Seeding - Class 7 Seed	23	acre	\$300	\$7,000	.25 months	Includes seeding and erosion control
Return control of land to owners for farming	1	LS	\$1,00	\$1,000	.5 months	
Total				\$60,000	4.25 months	

Yard debris or cured compost that cannot be removed from the site will be prepared for incorporation into the soil at the site, and, incorporated into the soil in accordance with State of Illinois Regulations for application of yard waste for agricultural use. The incorporation rate will not exceed the amount specified for the grasses or crops planted on the site.

Grading and leveling of the soil will be performed in accordance with agricultural Best Management Practices (BMP) to minimize soil erosion and/or soil loss.

All structures, signs and equipment used in the composting operation and for closure of the site will be removed once closure has been completed. Green Organics will notify the Illinois EPA of the closure within ninety days of the beginning of closure activities, or sooner if required by law. Once closure had been completed, Green Organics will notify the Illinois EPA within five business days that the closure has been completed.

Matt Asselmeier

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>

Sent: Friday, June 9, 2023 9:57 AM

To: Matt Asselmeier

Cc: Latreese Caldwell; Seth Wormley; bolson@yorkville.il.us; Michelle Lagrotta; Peter Ratos

Subject: RE: [External]RE: Green Organics Question

Good Morning Matt,

Thanks for the follow-up. Please see the responses to your questions below in green.

From: Matt Asselmeier < masselmeier@kendallcountyil.gov>

Sent: Friday, June 9, 2023 8:28 AM

To: Krysti Barksdale-Noble <knoble@yorkville.il.us>

Cc: Latreese Caldwell < LCaldwell@kendallcountyil.gov>; Seth Wormley < swormley@kendallcountyil.gov>; Bart Olson

<BOIson@yorkville.il.us>; Michelle Lagrotta <mlagrotta@gkwwlaw.com>

Subject: RE: [External]RE: Green Organics Question

Krysti:

Here are my comments/questions/responses to your concerns:

- 1. Do you have any specific description of what you would like to see in the landscape buffer (i.e. types of vegetation, height of vegetation, replacement schedule, etc.)?
 - Yes, ideally it would be a buffer similar to the City's transition yard between non-residential and residential which is a thirty foot (30') wide buffer yard with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees and three (3) ornamental trees per one hundred (100) linear feet of buffer yard. I know 30 feet might not be possible, but somewhere in the realm of 15-30 feet.
- 2. If we require them to install vegetation, the County will likely give them a deadline to plant the required vegetation. The timing of the issuance of the special use permit and the amount of landscaping required to be installed will play a role in determining the length of the deadline.
- 3. The County does not have specific standards based on odor. The applicant would have to follow applicable IEPA and federal regulations. Understood.
- 4. Does Yorkville own an ASTM certified field olfactometer? Yes. Pete Ratos can provide you or Brian the specs. I would have to check to see if any County department owns such a device. OK.
- 5. IEPA regulations require the existence of an odor control plan. We could require that a dedicated odor control plan be submitted as part of a special use permit application. Please do.
- 6. While I am not opposed to having the notification and violation procedures that you propose, these are not the normal procedures that the County uses for violation notification/correction/enforcement. I do have concerns that someone could accuse the County of having different investigative and due process procedures for one type of special use permit compared with other special uses. Understood, but we have received multiple complaints in the past and have a detailed procedure for notice and violation in place was helpful in gaining compliance. I would also say that each special use is different and the nature of the special use criteria warrant conditions made on a case-by-case basis.
- 7. I am not opposed to having a detailed decommissioning plan with the items you requested for inclusion. Great.
- 8. I am not opposed to a requirement of notification of operation management change and contact information updated annually. We likely would set a deadline for notifying the County of changes and set an annual deadline (i.e. July 1st) of updating contact information. Understood.

- 9. In any conditions included in the special use permit, we likely will use the phrase "operators of the use allowed by the special use permit" rather than naming a specific entity like Green Organics or Midwest Materials.

 Understood.
- 10. Has anyone associate with the property contacted Yorkville regarding this special use permit renewal? No one has been in contact with me directly. The property owners and several of the consultants they appear to be working with were advised to contact Yorkville as part of their due diligence prior to submitting a special use permit application.
- 11. Does Yorkville have any desire to annex this property? Undetermined at this time. Would be a City Council policy decision. One of the conversations with the applicant indicated they were considering placing community solar panels on the property. Also, they indicated that the requested renewal of the special use permit might be 10 years. Interesting. In all likelihood, Yorkville will become home rule in the next 10 years and Yorkville might have greater regulatory power over this type of use as a home rule municipality compared to the powers granted to a non-home rule county.
- 12. Does Yorkville need any easements or right-of-way dedications as part of the special use permit? Undetermined. I will check with the City Engineer. When do you anticipate having a submittal?
- 13. Do you have any objections if I share the information in these emails with the prospective applicant? No, I do not.

Thanks,

Matthew H. Asselmeier, AICP, CFM Director Kendall County Planning, Building & Zoning 111 West Fox Street Yorkville, IL 60560-1498

PH: 630-553-4139 Fax: 630-553-4179

From: Krysti Barksdale-Noble < knoble@yorkville.il.us>

Sent: Thursday, June 8, 2023 5:41 PM

To: Matt Asselmeier < masselmeier@kendallcountyil.gov >

Cc: Latreese Caldwell < LCaldwell@kendallcountyil.gov >; Seth Wormley < swormley@kendallcountyil.gov >;

bolson@yorkville.il.us; Michelle Lagrotta < mlagrotta@gkwwlaw.com>

Subject: RE: [External]RE: Green Organics Question

Hello Matt,

Thank you for the email. Yes, there are a few concerns the City has if the special use is renewed by the County. They are as follows:

- 1. Buffering from adjacent City parcels
 - a. The City is interested seeing landscape buffering along the eastern boundary of the County parcels to ensure future development on the City's side is screened as much as possible.
- 2. Does the County have performance standards regarding odors?
 - a. The City has strict performance standards and response time to complaints regarding odor and has specific language in the settlement agreement that we would like to see added as part of the County's special use conditions. They are:
 - i. Method of Odor Testing: The method used to perform any such odor testing will be by measuring and quantifying the odor in the ambient air in the area/location within the City of Yorkville that the complaint stems from using an ASTM certified portable odor detecting and measuring device known as a field olfactometer.
 - ii. <u>Notification</u>: No later than two (2) business days after performing any such odor testing, the County will send Green Organics and Midwest written notice of its findings including the

Attachment 6, Page 3

following information: the date and time the complaint was made; the area/location within the City of Yorkville that the complaint stems from; the outdoor temperature, wind condition, and ambient air reading from an ASTM certified field olfactometer device measured in said area/location on the date the complaint was made and as close to the time of the complaint as reasonably possible; and all such other information that is relevant to the complaint and the County's investigation of the same.

- iii. <u>Violation</u>: In the event that the field olfactometer device measurement from any such odor testing exceeds that threshold set forth in the ASTM Standard of Practice E679-91, Green Organics and/or Midwest shall take steps to immediately correct the conditions that are causing the odor. Additionally, within five (5) business days of receiving written notice of the County's findings, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.
 - In the event that any County Ordinance violation or any such complaint received by the County is related to conditions other than odor, Green Organics and/or Midwest shall take steps to immediately correct any such conditions that are determined reasonably to be a violation of the City's ordinances.
 - Within seven (7) days of receiving any such complaint/potential County Ordinance violation, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.
- b. City's Performance Standards for odor can be found here:
 https://library.municode.com/il/yorkville/codes/code of ordinances?nodeId=TIT10ZO CH13MADI ART CPEST 10-13C-4OD
- 3. Require a detailed decommissioning plan (site plan, timing of decommissioning, restoration plans, etc.) because the plans the City has received for decommissioning are not detailed.
- 4. Notification of operation management change and contact information updated annually.

Hope this helps. Let me know if you need any clarification of the information provided herein.

Best Regards,

Krysti J. Barksdale-Noble, AICP

(she/her)
Community Development Director
United City of Yorkville



651 Prarie Point Drive Yorkville, Illinois 60560 (630) 553-8573 (630) 742-7808

www.yorkville.il.us

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>

Sent: Thursday, June 8, 2023 2:14 PM

To: Krysti Barksdale-Noble < knoble@yorkville.il.us>

Cc: Latreese Caldwell <LCaldwell@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; Bart Olson



July 15, 2023

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

Subject:

1270 E Beecher Road

WBK Project 19-102.BN

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:

- Stormwater Management Permit prepared by Jeff Milroy dated June 29, 2023 received July 6, 2023.
- Site Plan prepared by Tebrugge Engineering dated June 29, 2022, and received July 6, 2023.
- Plat of Survey prepared by Phillip D Young and Associates dated June 13, 2023 and received July 6, 2023.

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit. Based on the information provided with this submittal these comments may not be comprehensive and should only be considered the initial review response to documents provided.

- 1. Provide a project narrative addressing drainage impacts and permit requirements.
- 2. Determine off-site flows tributary to the property and how they will be conveyed and facilitated by the project.
- 3. Significant drainage area is tributary to the north line of the project. Utilize streamstats to determine tributary area, design flow values for 100 year event and whether the flow is contained within the banks of the existing channel or result in overbank flooding. The limits of 100 year event conveyance is necessary to determine the adequacy of the proposed plan.
- 4. Provide a grading plan for the proposed swale drainage features noted on the plan.

- 5. Provide a cross section and design water surface elevations for proposed swales. Provide drainage calculations supporting the design of drainage swales.
- Provide a landscape or restoration plan for the swales based on swale flow velocities.
- 7. Provide a grading and landscape plan for the screening berms denoted on the plan.
- 8. USACE determination of creek jurisdiction is necessary prior to County permit approval.
- 9. Depict the existing stormwater basin on the property and describe how the proposed project will impact the basin. Identify existing and proposed tributary areas.
- 10. Provide a grading plan for the proposed detention basin as well as a utility plan and outlet details. Provide hydrograph routing for the basin to determine adequacy of the design.
- 11. Define the surface for parking areas and other "pads" denoted on the plans. Provide dimensions for all parking, pads, truck access routes noted on the plan.
- 12. Clarify if the asphalt creek crossing is existing or proposed. Also clarify if drainage culverts are existing or proposed. Verify the ability of the roadway and culvert facilities to convey 100 year flows within banks or result in an overbank flooding condition.
- 13. Depict erosion control measures. Determine if an NPDES NOI is necessary.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Greg Chismark PE
WBK Engineering, LLC

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC) August 1, 2023 – Unapproved Meeting Minutes

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department Meagan Briganti – GIS Department Fran Klaas – Highway Department Alyse Olson – Soil and Water Conservation District Aaron Rybski – Health Department Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Karen Milroy, Jeff Milroy, and Marlin Hartman

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the July 5, 2023, meeting minutes.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petitions 23-26 Jeffery D. Milroy on Behalf of Milroy Farms, LLC

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property.

Green Organics is no longer associated with the property.

The application materials, Ordinance 2014-04, plat of survey, business plan, including the site plan and landscaping plan, and decommissioning plan were provided.

The property is located at 1270 E. Beecher Road.

The property is just under forty (40) acres in size.

The County's Future Land Use Map calls for the western end of the property to be Mixed Use Business and the eastern part of the property to be Suburban Residential. Yorkville's plan calls for the property to be Estate/Conservation Residential.

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E. Beecher Road is a Local Road maintained by Bristol Township.

There is a proposed trail along E. Beecher Road.

There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

The adjacent land use to the west is Manufacturing. The other adjacent land uses are Agricultural.

The adjacent properties are zoned A-1, A-1 SU, M-2 and M-3 SU in the County. The adjacent properties inside Yorkville are zoned R-2 Planned Unit Development and R-2, R-4, and B-3 Planned Unit Development.

The County's Future Land Use Map calls for the area to be Suburban Residential, Mixed Use Business, and Urban Area. Yorkville Future Land Use Map calls for the area to be Estate/Conservation Residential.

The zoning districts within one half (1/2) mile in the County are A-1, A-1 SU, M-1, M-2, and M-3 SU. Inside Yorkville, there are a variety of residential planned unit developments.

The A-1 SU to the south was for gravel mining. The M-3 SU to the west was for asphalt production.

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1st and April 1st. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection. The NRI was provided.

Petition information was sent to Bristol Township on July 19, 2023.

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

- 1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
- Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to
 the property owner/business operator within two (2) business days of findings, and a requirement that the
 property owner/business operator respond within five (5) business days of receiving the notice with corrective
 action steps. Yorkville's performance standards related to odor were submitted to the County.
- 3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
- 4. The submission of a detailed decommissioning plan.
- 5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were provided.

Attachment 8, Page 3

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023.

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

- 1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
- 2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- 3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- 4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- 5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- 9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- 10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- 11. The operator shall provide weight receipts to Kendall County.
- 12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
- 13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

Attachment 8, Page 4

The site plan shows several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

Bulk agent storage areas separate the east and west windrow areas.

The site plan shows one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

As noted in the Decommissioning Plan, the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

One (1) approximately four hundred twenty (420) square foot office trailer is shown on the plan near the southeast corner of the site.

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan (Attachment 4, Page 2) notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale.

The Petitioners submitted an application for a stormwater management permit. WBK submitted comments in a letter dated July 15, 2023, which was provided. Staff was waiting for comments from the Petitioner regarding WBK's comments.

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

According to the site plan, one (1) parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. No information was provided regarding the total number of parking stalls.

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The site plan shows one (1) truck turn around area.

No information was provided regarding lighting. Because of the small number of parking spaces, a photometric plan was not required.

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to the site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan, the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

Per the business plan, noise levels cannot exceed Illinois Pollution Control Board standards.

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

This is the only property to have a special use permit for a composting facility in unincorporated Kendall County.

Before preparing a Findings of Fact, Staff would like to review the stormwater information, pest control plan, and odor control plan and obtain comments from ZPAC members.

Staff would like additional information before issuing a recommendation. The general conditions and restrictions would be as follows:

- 1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
 - The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.

- f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- j. The operator shall provide weight receipts to Kendall County.
- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- I. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- 2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass). The Petitioner would like to take in food waste.
- 3. The site shall be developed substantially in accordance with the site plan and the site plan shall be kept on file as "Exhibit A".
- 4. As noted on the site plan, a fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping.
- 5. The facility operator shall maintain existing plantings on the berm and ditch.
- 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B". The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" dated March 11, 2008.
- 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
- 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
- 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to

the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.

- 12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1st.
- 13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
- 14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entireties.
- 15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. The Petitioner was opposed to this condition.
- 16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
- 18. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 19. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 20. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 22. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Chairman Wormley asked which conditions, besides the condition classifying vehicles and equipment as non-agricultural, did the Petitioner have objections. Mr. Asselmeier responded that the Petitioner opposed the request by the Health Department to measure wind direction and speed daily, the Illinois Department of Natural Resources requirements related to the Rusty Patch Bumble Bee, and Yorkville's odor measurement and compliance requirements.

Chairman Wormley felt that odor control measures should be implemented. He felt that using an olfactometer would be difficult. He was in favor of removing the non-agricultural vehicle classification requirement. He was in favor of having the wind speed and direction monitoring requirement.

Mr. Rybski recommended paying attention to odor. The most common complaint was odor complaints after further development occurred in the area. He said the easiest way to control odor was to monitor wind speed and direction and behave accordingly.

Chairman Wormley explained the impact of the closure of the facility.

Ms. Olson asked if the monitoring of wind speed and direction occurred at the subject facility. Mr. Rybski responded that wind speed and direction were monitored at the subject property. Mr. Rybski noted that wind speeds and direction can change guickly so monitoring alone would not solve all of the problems.

Marlin Hartman, Kendall County Solid Waste Coordinator, provided a history of the property. He said amendments could be added to the materials. These amendments cost money; monitoring the wind did not cost money. He noted that complaints related to odors stopped when the operators tracked the wind and avoided turning windrows when the wind was blowing towards Yorkville; there has not been an odor complaint in the last three (3) years. He said that if the facility was

operating, there probably would be dust complaints. He would like to see the conditions related to water truck and wind tracking be included in the special use permit.

Mr. Klaas noted that the only place in the County identified as area occupied by the Rusty Patch Bumble Bee was the southern approach of the new Eldamain Road bridge. He was skeptical about the location of the Rusty Patch Bumble Bee.

Mr. Klaas noted the quality of the Rob Roy Creek south of the subject property. He asked about runoff and questioned the size of the detention pond. He felt the detention pond was too small. He asked about the definition and amount of food scrap. Mr. Asselmeier provided WBK's comments and runoff items should be addressed in the stormwater management permit. Karen Milroy described food scraps that would be accepted; items that would normally be composted by residents.

Ms. Milroy explained that composting is a science and wind considerations is not the factor to consider when addressing odors. Chairman Wormley asked for suggestions for managing odors. Ms. Milroy explained the activities of previous operators. She expressed concerns about not being able to turn the windrows, if winds were blowing from the wrong direction.

Mr. Hartman discussed food waste in landfills. He favors allowing the Petitioner to receive food waste. The site is allowed to accept ten percent (10%) food waste per their permit from the Illinois Environmental Protection Agency. He discussed the importance of mixing the materials to avoid getting bugs and rodents. He emphasized the importance of watching the wind. Knowing the direction of wind also helps the Petitioner in cases of unfounded odors. He discussed the addition of amendments to the composting materials at times when winds were blowing towards populated areas; there was a cost to adding odor amendments.

Food scraps were collected from grocery stores or restaurants. Discussion occurred regarding quality control for food scraps and contamination of materials. Deliveries must be inspected.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the proposal with the conditions proposed by Staff with the amendment requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions and remove the requirement relate to the classification of equipment as non-agricultural.

Ms. Olson asked about inclusion of the comments from WBK Engineering. Mr. Asselmeier responded that a condition existed related to complying with applicable regulations and the stormwater permit would be an applicable regulation. He also discussed complying with the site plan on file with the State and the Petitioner's permit with the Illinois Environmental Protection Agency.

Mr. Klaas favored the Petitioner tracking wind conditions.

Jeff Milroy, Petitioner, discussed existing regulations related to wind. Wind directions have to be considered when turning windrows. He also discussed the impact of adding amendments to the materials.

The votes were follows:

Ayes (6): Asselmeier, Briganti, Klaas, Olson, Rybski, and Wormley

Nays (0): None Abstain (0): None

Absent (4): Chismark, Guritz, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on August 23, 2023.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

The Committee reviewed the building evacuation plan.

ZPAC Meeting Minutes 08.01.23

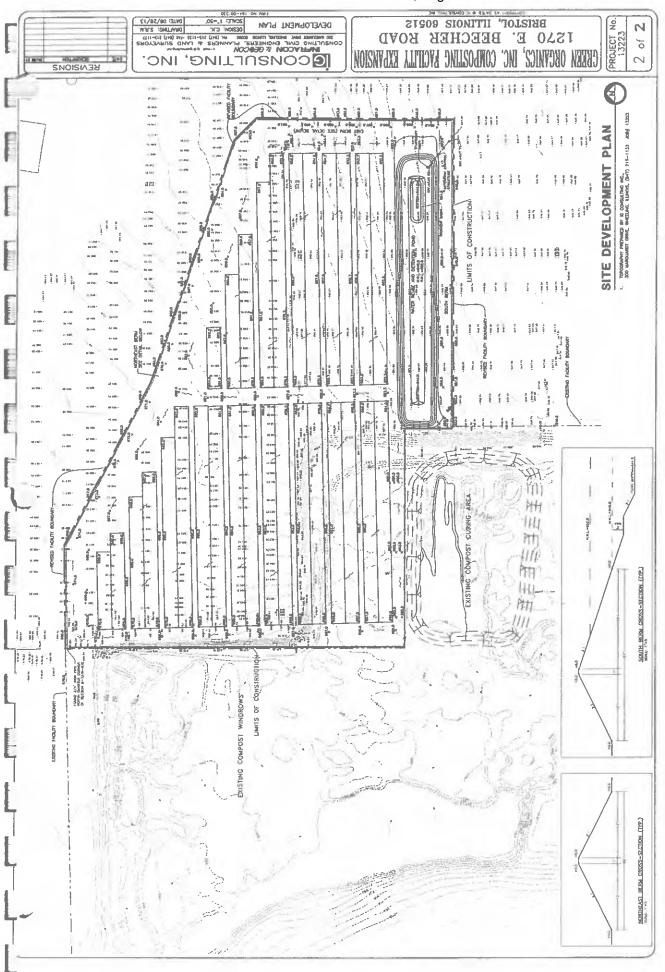
ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Klaas, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:59 a.m., adjourned.

Respectfully Submitted, Matthew H. Asselmeier, AICP, CFM Director





Memorandum

To: City Council

From: Krysti J. Barksdale-Noble, Community Development Director

CC: Bart Olson, City Administrator

Date: August 10, 2023

Subject: PZC 2023-11- Kendall County Petition 23-26

Milroy Farm – 1270 E. Beecher Road - 1.5 Mile Review (Special Use)

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioner, Jefferey D. Milroy on behalf of Milroy Farms, LLC, is requesting to renew its current special use permit, approved in 2014, for the operation of a compost facility on approximately 39.87 acres in unincorporated Kendall County. The current special use authorization is set to expire in Kendall County on December 1, 2023. If approved, the new special use will expire on December 1, 2033. The petitioner is not seeking to continue the compost facility on the adjacent (east) approximately 18-acre parcel located within Yorkville's corporate boundary, which was required to be decommissioned on or by March 2, 2024, per a Settlement Agreement with the City. Additionally, the petitioner states the compost facility will not be run by the previous operator, Green Organics. The subject property is located at 1270 E. Beecher Road which is generally located on the east side of E. Beecher Road and approximately 0.5 miles south of Galena Road.

STAFF COMMENTS

Staff has reviewed the request for special use renewal for the compost facility and still has some specific concerns related to the odor control regulations. **Staff would recommend** that in the event the City of Yorkville receives an odor complaint, the City can reach out directly to the property owner and Kendall County's Solid Waste Coordinator and receive a response in writing as to how the odor will be/was mitigated within seven (7) business days.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

This item was scheduled to be discussed at the August 9, 2023 Planning and Zoning Commission meeting. However, this meeting was unable to be held due to a lack of quorum, therefore, no recommendation or objection to the special use request was provided.

ATTACHMENTS

- 1. PZC Memorandum
- 2. Application with Attachments

Attachment 11, Page 1 KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of August 23, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:10 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Larry Nelson, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey, Dave Hamman, Karin McCarthy-Lange, and Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Director

Others Present: Jeff Milroy, Jesse Sexton, and Dan Nagel

APPROVAL OF AGENDA

Member Wilson made a motion, seconded by Member Bernacki, to approve the agenda. With a voice vote of six (6) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Wilson, to approve the minutes of the July 26, 2023, meeting. With a voice vote of six (6) ayes, the motion carried.

Member Bernacki noted that the Gas-N-Wash on Caton Farm Road and Ridge is presently under construction and not open.

PETITION

Petition 23-26 Jeffery D. Milroy

Mr. Asselmeier summarized the request.

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

The application materials, Ordinance 2014-04, the plat of survey, the business plan, including the site plan and landscaping plan, and the decommissioning plan were provided.

On August 17, 2023, the Petitioner submitted a revised site plan, which was provided. The Petitioner admitted that this site plan was a working copy and not necessarily the final version of the proposal.

The original submitted site plan and the revised site plan do not match the approved site plan on file with the Illinois Department of Natural Resources. This site plan was provided.

The property is located at 1270 E. Beecher Road.

The property is just under forty (40) acres in size.

The County's Future Land Use Map calls for the western end of the property to be Mixed Use Business and the eastern part of the property to be Suburban Residential. Yorkville's plan calls for the property to be Estate/Conservation Residential.

E. Beecher Road is a Local Road maintained by Bristol Township.

There is a proposed trail along E. Beecher Road.

There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

The adjacent land use to the west is Manufacturing. The other adjacent land uses are Agricultural.

The adjacent properties are zoned A-1, A-1 SU, M-2 and M-3 SU in the County. The adjacent properties inside Yorkville are zoned R-2 Planned Unit Development and R-2, R-4, and B-3 Planned Unit Development.

The County's Future Land Use Map calls for the area to be Suburban Residential, Mixed Use Business, and Urban Area. Yorkville Future Land Use Map calls for the area to be Estate/Conservation Residential.

The zoning districts within one half (1/2) mile in the County are A-1, A-1 SU, M-1, M-2, and M-3 SU. Inside Yorkville, there are a variety of residential planned unit developments.

The A-1 SU to the south was for gravel mining. The M-3 SU to the west was for asphalt production.

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1st and April 1st. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey should be conducted by a qualified biologist, with the results forwarded to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented. The EcoCat Report was provided.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Bristol Township on July 19, 2023. No comments were received.

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

- 1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
- 2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
- 3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
- 4. The submission of a detailed decommissioning plan.
- 5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were provided.

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

The August Yorkville Economic Development Committee and Planning and Zoning Commission meetings were cancelled. The proposal was reviewed at the Yorkville City Council meeting on August 8, 2023, with no comments, and was reviewed again at the August 22, 2023, Yorkville City Council meeting. The Yorkville City Council recommended approval of the proposal. A memo from the United City of Yorkville on the steps they would take to address odor complaints was provided.

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023. No comments were received.

The Kendall County ZPAC reviewed the proposal at their meeting on August 1, 2023. Discussion occurred regarding odor control measures. The Committee did not believe that using an olfactometer, as Yorkville recommended, was practical. The Committee favored requiring the operator of the business allowed by the special use permit to track wind daily, avoid turning the windrows when the wind was blowing to populated areas, and adding an amendment to the windrows in cases when turning was necessary and the wind was blowing towards populated areas. The Committee expressed little concern

regarding the Illinois Department of Natural Resource's recommendation related to the Rusty Patch Bumble Bee. The Committee was concerned about runoff. Discussion occurred regarding the definition of food scraps; food scraps were collected from grocery stores and include items that were composted at homes. A recommendation regarding equipment at the property being classified as non-agricultural was removed. ZPAC recommended approval of the proposal with the removal of the condition related to the classification of equipment and add a requirement requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

- 1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
- 2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
- 3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
- 4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
- 5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
- 6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
- 8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
- 9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
- 10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
- 11. The operator shall provide weight receipts to Kendall County.

- 12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
- 13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

The original site plan showed several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

The revised site plan showed thirty-two windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

Bulk agent storage areas separate the east and west windrow areas.

Both site plans show one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

As noted in the Decommissioning Plan, the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

One (1) approximately four hundred twenty (420) square foot office trailer is shown on the plan near the southeast corner of the site.

After the ZPAC meeting, the Petitioners indicated that they may install another building on the property. On the revised site plan, one (1) sixty foot by eighty foot (60'X80') building was shown. This structure was twenty-four feet (24') tall. The building would be used for storage of equipment. The final location of the building was undetermined.

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, KCRPC Meeting Minutes 8.23.23

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site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the business plan.

Though not shown on the site plan, a dumpster is located on the property. The business plan notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale. The revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit. WBK submitted comments in a letter dated July 15, 2023, which was provided. Staff was waiting for comments from the Petitioner regarding WBK's comments. At the Petitioner's request, the revised site plan was not sent to WBK.

As mentioned previously, the submitted site plans did not match the site plan on file with the Illinois Department of Natural Resources. The State has not evaluated the impact of the proposed site plans on the Surface Water Management Plan presently on file with the State.

Per the site plan, the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

According to the revised site plan, one (1) gravel parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. The total number of park stalls was seven (7). The parking stalls did not meet the minimum depth requirement of twenty feet (20') as outlined in Section 11:02.F.4 of the Kendall County Zoning Ordinance.

The site plan shows one (1) truck turn around area.

No information was provided regarding lighting. Because of the small number of parking spaces, a photometric plan was not required.

According to the business plan, one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

According to original the site plan, there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan KCRPC Meeting Minutes 8.23.23

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references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the original site plan, one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan, the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

No landscaping information was provided on the revised site plan.

Per the business plan, noise levels cannot exceed Illinois Pollution Control Board standards.

The business plan references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

This is the only property to have a special use permit for a composting facility in unincorporated Kendall County.

The proposed Findings of Fact were as follows:

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

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 makes adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.

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 or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed KCRPC Meeting Minutes 8.23.23

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unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.

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 Zoning Board of Appeals. This is true; no variances are requested.

The special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

Staff would like confirmation that the revised site plan will be the final version of the controlling site plan for the property. Staff would also like to see a phasing plan by which the old, State approved site plan is phased out and the new site plan is brought online. The general conditions and restrictions would be as follows:

- 1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.

- j. The operator shall provide weight receipts to Kendall County.
- k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
- 1. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
- m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
- 2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings, grass and food waste). (Amended after ZPAC)
- 3. The site shall be developed substantially in accordance with the site plan and the site plan shall be kept on file as "Exhibit A" attached hereto.
- 4. As noted on the site plan, a fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6'') in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping.
- 5. The facility operator shall maintain existing plantings on the berm and ditch.
- 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lockbox" shall allow access to emergency vehicles.
- 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
- 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
- 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
- 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
- 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the

- business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.
- 12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1st.
- 13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
- 14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entireties.
- 15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment. (Deleted at ZPAC)
- 16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if required by law.
- 17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
- 18. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
- 19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
- 20. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
- 21. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- 22. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- 23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 24. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Nelson asked about the tipping fee. Mr. Asselmeier said the tipping fee was in the host agreement. Member Nelson wanted to make sure that the Petitioners were current on the tipping fee and he would like to see a requirement in the special use permit stating that they had to be current on tipping fee payments.

Member Bernacki asked if a deadline existed for the decommissioning plan. Mr. Asselmeier said the decommissioning plan was in the packet and explained the process for amending the decommissioning plan.

Member Wilson asked if a bond would be posted to guarantee the decommissioning plan. Mr. Asselmeier responded the bonding requirements were set and posted by the State. Discussion occurred regarding updating the bond figures in the decommissioning plan. The property owner was ultimately responsible for cleaning up the property. The State controls approving the dollar amounts in the decommissioning plan.

Jeff Milroy, Petitioner, discussed the decommissioning plan for the use on the Yorkville portion of the operations and related legal settlements. He will update the decommissioning plan when the State permit is transferred to him; he did not have a copy of the legal agreement between Yorkville and Green Organics.

Discussion occurred regarding surrounding land uses in relation to odors. Mr. Asselmeier said that Yorkville submitted a request regarding procedures and methods for addressing odor complaints.

Dan Nagel explained that the adjoining properties in Yorkville were zoned residential. He intended to use a portion his property for a solar field. The composting business will operate in the County only and not inside Yorkville. The solar field will create a buffer between residential uses and the composting facility.

Member Wilson asked about the acceptance of food scraps. The Petitioner would be taking in food scraps per the IEPA guidelines, which was up to ten percent (10%) of the materials collected. Member Nelson asked about the definition of food scraps. Jesse Sexton, Operator of the Facility since 1999, explained the types of food scraps that would be accepted, no meat or dairy would be accepted. Concerns about attracting rodents and pest were unfounded.

Member Bernacki asked about tracking wind speed and direction. Mr. Sexton said they do monitor wind, but, if the facility was operated correctly, odor would not be an issue. Mr. Milroy disagreed with the condition requiring avoiding turning the windrows when the wind was blowing towards populated areas; he did not oppose tracking the wind generally. Mr. Milroy questioned the meaning of populated area. Discussion occurred about maintaining a wind log in relation to complaints. Mr. Milroy explained when the IEPA wanted piles turned in relation to wind. Mr. Sexton explained the timing and rationale for turning windrows in relation to temperature for decomposition.

Member Wilson asked what percentage of the site would be used for composting operations. The response was seventy-five percent (75%).

Member Wormley stated that he was not in favor of not allowing the turning of windrows when the winds were blowing towards populated areas because the restriction could negatively impact the operations of the business and create additional odor problems. He also noted the service provided by the business allowed by the special use permit. He also expressed his support for existing businesses.

Member Wormley made a motion, seconded by Member Nelson, to recommend approval of the renewal of the special use permit. Chairman Ashton asked which site plan would be the controlling plan. Mr. Milroy explained the history of developing the site plan. Discussion occurred regarding amending special use permits. Mr. Milroy also explained some site work that will occur at the property. Member Wormley withdrew is original motion and Member Nelson withdrew his second.

Member Wormley made a motion, seconded by Member Nelson, to recommend approval of the renewal of the special use permit using the revised site plan as the controlling site plan.

Mr. Nagel discussed drainage related to the Rob Roy Creek Drainage District and getting the District's KCRPC Meeting Minutes 8.23.23 Page 11 of 12

equipment near the Creek.

The Petitioner would still need to comply with IEPA requirements related to the site plan.

The new building would not be an agricultural exempt building.

The votes were as follows:

Ayes (6): Ashton, Bernacki, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (4): Casey, Hamman, McCarthy-Lange, and Rodriguez

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on August 28, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Village of Plainfield Community Visioning Workshops

Commissioners reviewed the flyer for the workshops. Member Bernacki planned to attend the Wednesday workshop. If necessary, the Commission might a pass resolution related to Plainfield's proposal.

Member Nelson would like to review the Future Land Use Maps for Minooka and Shorewood.

Joliet has not been actively updating their Comprehensive Plan.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of six (6) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:12 p.m.

Respectfully submitted by, Matthew H. Asselmeier, AICP, CFM Director

Encs.



KENDALL COUNTY REGIONAL PLANNING COMMISSION AUGUST 23, 2023

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
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Memorandum

To: City Council

From: Krysti J. Barksdale-Noble, Community Development Director

CC: Bart Olson, City Administrator

Date: August 10, 2023

Subject: PZC 2023-11- Kendall County Petition 23-26

Milroy Farm – 1270 E. Beecher Road - 1.5 Mile Review (Special Use)

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioner, Jefferey D. Milroy on behalf of Milroy Farms, LLC, is requesting to renew its current special use permit, approved in 2014, for the operation of a compost facility on approximately 39.87 acres in unincorporated Kendall County. The current special use authorization is set to expire in Kendall County on December 1, 2023. If approved, the new special use will expire on December 1, 2033. The petitioner is not seeking to continue the compost facility on the adjacent (east) approximately 18-acre parcel located within Yorkville's corporate boundary, which was required to be decommissioned on or by March 2, 2024, per a Settlement Agreement with the City. Additionally, the petitioner states the compost facility will not be run by the previous operator, Green Organics. The subject property is located at 1270 E. Beecher Road which is generally located on the east side of E. Beecher Road and approximately 0.5 miles south of Galena Road.

STAFF COMMENTS

Staff has reviewed the request for special use renewal for the compost facility and still has some specific concerns related to the odor control regulations. **Staff would recommend** that in the event the City of Yorkville receives an odor complaint, the City can reach out directly to the property owner and Kendall County's Solid Waste Coordinator and receive a response in writing as to how the odor will be/was mitigated within seven (7) business days.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

This item was scheduled to be discussed at the August 9, 2023 Planning and Zoning Commission meeting. However, this meeting was unable to be held due to a lack of quorum, therefore, no recommendation or objection to the special use request was provided.

ATTACHMENTS

- 1. PZC Memorandum
- 2. Application with Attachments