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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 22-23**

**16895 Lisbon Center Road**

**Revocation of Special Use Permit for a Small Animal and Small Poultry Processing Plant**

**INTRODUCTION AND BACKGROUND**

On November 19, 2013, the Kendall County Board granted a special use permit for a small animal and small poultry processing plant at the subject property. Ordinance 2013-20 is included as Attachment 1.

Ordinance 2013-20 required the site to be developed in accordance to a site plan. Condition 14 required fifty feet (50') of the driveway to be tar and chipped within five (5) years of the approval of the special use permit. Condition 19 required the site to be assessed as industrial for tax purposes.

The Petitioner does not want to tar and chip the driveway and they do not want the property to be assessed as industrial; the property has not been assessed as industrial.

On October 14, 2022, the Petitioner submitted a request for voluntary revocation of the special use permit. This request is included as Attachment 2.

The draft revocation ordinance is included as Attachment 3.

The subject property is zoned A-1. If the special use permit is revoked, the property will retain its A-1 zoning classification.

**RECOMMENDATION**

Staff recommends approval of the proposed special use permit revocation.

**ATTACHMENTS**

1. Ordinance 2013-20
2. Revocation Request
3. Draft Revocation Ordinance

State of Illinois  
County of Kendall

Zoning Petition  
#13-17

**ORDINANCE NUMBER 2013 - 20**

**GRANT A SPECIAL USE AT 16895 LISBON CENTER ROAD  
FOR A SMALL POULTRY & SMALL ANIMAL PROCESSING PLANT THAT IS  
USDA APPROVED**

WHEREAS, Alan and Mary Maly have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 27 acre property located at 16895 Lisbon Center Road, (PIN #07-08-100-011), in Big Grove Township, and;

WHEREAS, said petition is to allow the operation of a small poultry and small animal processing plant; and

WHEREAS, petition #13-16 was approved the same day as a text amendment to allow such a use as a special use in the A-1 Agricultural district; and

WHEREAS, said petitioners stated this will be a USDA facility and conform to the rules and regulations to operate and USDA facility; and

WHEREAS, said property is legally described as:

THAT PART OF SUB LOT 4 IN SECTION 8, TOWNSHIP 35 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN, WITH BEARINGS AND GRID DISTANCES REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83 (2011), MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A RECOVERED SURVEY NAIL LOCATED AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 59 SECONDS EAST 2,131.17 FEET ON THE WEST LINE OF SAID SECTION 8 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 03 MINUTES 59 SECONDS EAST 974.00 FEET ON SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID SUB LOT 4; THENCE NORTH 89 DEGREES 15 MINUTES 00 SECONDS EAST 1,207.47 FEET ON THE SOUTH LINE OF SAID SUB LOT 4 TO THE WEST LINE OF THE EAST 350.00 FEET OF SAID SUB LOT 4; THENCE NORTH 01 DEGREES 03 MINUTES 30 SECONDS WEST 974.00 FEET ON SAID WEST LINE; THENCE SOUTH 89 DEGREES 15 MINUTES 00 SECONDS WEST 1,207.60 FEET PARALLEL WITH THE SOUTH LINE OF SAID SUB LOT 4 TO THE POINT OF BEGINNING, CONTAINING 27.00 ACRES, MORE OR LESS; SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

WHEREAS, 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 September 3, 2013 & October 15, 2013; and

WHEREAS, the findings of fact were approved as follows (on September 3, 2013 & October 15, 2013):

State of Illinois  
County of Kendall

Zoning Petition  
#13-17

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **If the conditions are adhered to the establishment, maintenance, and operation of the special use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The testimony has shown that the process as outlined by the petitioners will be a state of the art operation, there will be a USDA employee on site during the operations and ensure the public health and safety and monitoring of the employees and premises.***

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

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

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The EPA, Illinois Department of Health, Kendall County Health Department and the Kendall County Building Department all have jurisdiction over different aspects of the special use and the regulations must be followed and adhered to.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-16) that will permit a small Poultry & Small animal Processing Plant as a special use in the A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.***

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

WHEREAS, 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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of an A-1 Agricultural special use to operate a small poultry and small animal processing plant as indicated on the submitted Site Plan included as "Exhibit A" attached hereto and incorporated

State of Illinois  
County of Kendall

Zoning Petition  
#13-17

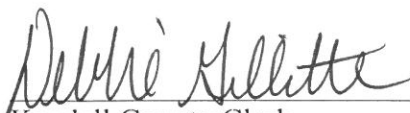
herein subject to the following conditions:

1. A maximum of 21,000 units a week. All animals are counted as 1 (one) animal unit except turkeys and geese are counted as 4.5 animal units.
2. Facilities (the unloading area) must be located at least 400' from any principle structure.
3. No rendering may take place on the site.
4. Live animals may be held on the site for no more than twenty-four (24) hours.
5. All slaughtering/processing permitted only in an enclosed building.
6. The hours of operation are to be 5:30am to 6pm Monday thru Friday except additional Saturdays in October and November to process turkeys.
7. In no event can poultry produced be sold for retail or wholesale by the processor on the processing site.
8. All Applicable Federal, State and County rules and regulations shall apply.
9. Waste, by-products or any decomposable residue which results from the slaughtering of animals must be kept in a sealed container and picked up within 48 hours.
10. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
11. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
12. Performance Standards. All activities shall conform to the performance standards set forth in section 10.01.G.
13. Engineering drawings including stormwater must be approved before a building permit can be released.
14. Within 5 years, 50' of the driveway must be a minimum of tar and chipped.
15. Kendall County staff will have access to the log books kept in house to verify the limits are being maintained with regards to how many animals are processed weekly.
16. A certificate of occupancy will be required and copies of the EPA or IEPA, IDPH and USDA permits supplied at the time of application for the building permit.
17. On the north side of the parking lot a 3-4 foot in height berm with landscape to 100% opacity must be provide to shield the car head lights.
18. The well must be drilled to a depth around 600' into the deeper sandstone and case off the upper aquifer.
19. This site will be assessed as industrial per the Supervisor of Assessments.

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 by the Kendall County Board this 19<sup>th</sup> day of November, 2013.

Attest:



Kendall County Clerk  
Debbie Gillette

  
Kendall County Board Chairman  
John Shaw

October 6, 2022

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

~~I we~~, Mary Maly <sup>am</sup> are the owners at 16895 Lisbon Center Road  
(First & Last Name) (Address of property)

On November 19, 2013, the property was granted a special use (Ordinance 2013-20). The special use granted in 2013 was granted for the operation of small animal and small poultry processing plant.

Pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, ~~we~~ <sup>I</sup> hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, we acknowledge that no public hearing shall be conducted for revocation of the special use. ~~We~~ <sup>I</sup> understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, ~~we~~ <sup>I</sup> hereby waive ~~my~~ <sup>our</sup> right to a public hearing and formally request the above-referenced special use be removed from my property.

  
(Signature)

10/14/2022  
(Date)

Mary Maly  
(Printed Name)

Attest:   
Notary Public



State of Illinois  
County of Kendall

Zoning Petition  
#22-23

**ORDINANCE NUMBER 2022-\_\_\_\_\_**

**REVOKING A SPECIAL USE PERMIT FOR A SMALL POULTRY AND SMALL ANIMAL  
PROCESSING PLANT GRANTED BY ORDINANCE 2013-20 AT 16895 LISBON CENTER  
ROAD (PIN: 07-08-100-011) IN BIG GROVE TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13:08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural District and consists of approximately 63.8 +/- acres and is identified by Parcel Identification Number 07-08-100-011, also known as 16895 Lisbon Center Road, in Big Grove 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

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 2013-20 on the subject property on November 19, 2013, for a small poultry and small animal process plant; and

WHEREAS, Mary Maly, on behalf of the Mary D. Maly Living Trust, is the owner of record of the subject property and shall hereinafter be referred to as “The Petitioner”; and

WHEREAS, The Petitioner no longer desires the special use permit and has stated in a letter as provided in attached Exhibit “B” that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

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

1. The Kendall County Board hereby revokes the special use permit for a small poultry and small animal process plant granted by Ordinance 2013-20 and revokes Ordinance 2013-20 in its entirety.
2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2013-20.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15<sup>th</sup> day of November, 2022.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder

Exhibit A Legal Description

THAT PART OF SUB LOT 4 IN SECTION 8, TOWNSHIP 35 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN, WITH BEARINGS AND GRID DISTANCES REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD 83 (2011), MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A RECOVERED SURVEY NAIL LOCATED AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE SOUTH 01 DEGREES 03 MINUTES 59 SECONDS EAST 2,131.17 FEET ON THE WEST LINE OF SAID SECTION 8 TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 03 MINUTES 59 SECONDS EAST 974.00 FEET ON SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID SUB LOT 4; THENCE NORTH 89 DEGREES 15 MINUTES 00 SECONDS EAST 1,207.47 FEET ON THE SOUTH LINE OF SAID SUB LOT 4 TO THE WEST LINE OF THE EAST 350.00 FEET OF SAID SUB LOT 4; THENCE NORTH 01 DEGREES 03 MINUTES 30 SECONDS WEST 974.00 FEET ON SAID WEST LINE; THENCE SOUTH 89 DEGREES 15 MINUTES 00 SECONDS WEST 1,207.60 FEET PARALLEL WITH THE SOUTH LINE OF SAID SUB LOT 4 TO THE POINT OF BEGINNING, CONTAINING 27.00 ACRES, MORE OR LESS; SITUATED IN THE TOWNSHIP OF BIG GROVE IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.



Exhibit B

October 6, 2022

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

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[Redacted Signature]

(Signature)

10/14/2022  
(Date)

Mary Maly  
(Printed Name)

Attest: [Redacted Signature]

Notary Public

