

Michael J. Cassady
Village Manager



Phone: 847/818-5300
Fax: 847/392-6022
mcassady@mountprospect.org

Village of Mount Prospect

OFFICE OF THE VILLAGE MANAGER
50 South Emerson Mount Prospect, Illinois 60056
www.mountprospect.org

June 12, 2019

Prestige Feed Products, LLC
Attn: Mr. Joe Pesoli
431 Lakeview Court, Suite # A
Mount Prospect, IL 60056

RE: Notice of Violation and Imminent Legal Action

Dear Mr. Pesoli,

This letter shall constitute notice that your business, Prestige Feed Products, LLC, is operating in violation of the Village of Mount Prospect Village Code. Prestige Feed Products, LLC, has been previously informed of the violations, yet continues to violate Village Code provisions.

Your business is located in the Kensington Business Park. Under Chapter 14 Zoning, Article VI Zoning Districts, Section 14.602 Zoning Map, this area is designated as being within an L-1 District ("Limited Industrial District)." In section 14.604, the Land Use Tables set out the permitted or conditional uses for each zoning district. According to the Village's Land Use Tables, an L-1 "Limited Industrial District" allows for "Manufacturing, Light" as a permitted use. However, an L-1 "Limited Industrial District" allows for "Manufacturing, Heavy" only as a conditional use. The definitions of "Manufacturing, Light" and "Manufacturing, Heavy" are set out in Article XXIV: Definitions.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that do not create noise, smoke, fumes, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes that do not require extensive floor areas or land areas. "Light manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

MANUFACTURING, HEAVY: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing". Heavy manufacturing generally includes processing and fabrication of large or bulky products made from extracted or raw materials and processes that require extensive floor areas or land area for the fabrication and/or incidental storage of the products. "Heavy manufacturing" shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use.

We draw your attention to the "Manufacturing, Heavy" definition, which includes processing of goods that have significant impacts on the use and enjoyment of adjacent property in terms of fumes and odors. The Village is in receipt of numerous complaints from nearby residential and commercial property owners expressing concerns about odors and fumes emitted from your business. Staff has corroborated a level of odor that would be disruptive to the normal enjoyment of the adjacent neighborhoods.

The odors created by Prestige Products, LLC bring the use within the definition of "Manufacturing, Heavy." Prestige Products, LLC has not been issued a conditional use permit for this use and, therefore, is limited to "Manufacturing, Light" uses. Thus, the business operates in violation of the Village Code.

Additionally, Mount Prospect Village Code, Chapter 14 Zoning, I-1 Limited Industrial District, Section 2104 Bulk Regulations, Subsection (G) provides that:

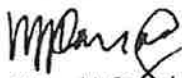
The release of odorous matter from any industrial district across residence or business district boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold level. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.

Section 11.3401 Nuisances states "No business, occupation or activity, licensed under this code or not, shall be conducted or operated so as to constitute a nuisance or so as to amount to a nuisance in fact."

Once again, complaints from nearby residential and business areas, along with the Village staff's inspections, evidence violation of these Village ordinances by Prestige Products, LLC.

The continued operation of your business is an ongoing violation of the Village Codes provisions cited above. We are aware that you are in the process of designing an environmental scrubbing solution to eliminate the current discharge of odors resulting from the dehydration process. We request that processing operations cease immediately until the odor concern is resolved. If the business continues to operate without regard to its violation of Village Code provisions, we will be forced to take further legal action. I can meet with you and your team on Thursday, June 13 or Friday, June 14 to discuss this violation and our request to cease operations. Your assistance in this matter is appreciated.

Sincerely,



Michael J. Cassidy
Village Manager
Village of Mount Prospect