

**KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE**
*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of July 11, 2016*

CALL TO ORDER

The meeting was called to order by Vice Chair Judy Gilmour at 6:30 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick, Chairman Scott Gryder (Arrived at 6:50pm), Jeff Wehrli, Judy Gilmour, and Bob Davidson (Arrived at 6:40pm)

Committee Members Absent: None

Also present: County Board Member Matt Prochaska; Amaal Tokars, Executive Director Health and Human Services; John Sterrett, Senior Planner; Jeff Wilkins, County Administrator; Attorney Dan Kramer; Ron Walker; Dave Walker; Attorney Gregg Ingemunson; Tom Schnabel, Jr.; Vicky Schnabel; Jessica Gabel Frieders; Lori Daniels; Ken Daniels; and Rick Munson.

APPROVAL OF AGENDA

Ms. Cullick made a motion, seconded by Mr. Wehrli, to approve the agenda as written. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Wehrli made a motion, seconded by Ms. Cullick, to approve the minutes from June 13, 2016. With a voice vote of all ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims listing. Ms. Cullick made a motion, seconded by Mr. Wehrli, to forward the claims to the Finance Committee in the amount of \$2,301.87. With a voice vote of all ayes, the motion carried.

PUBLIC COMMENT

Attorney Gregg Ingemunson, representing the property owners who live across the street from the subject property in Petition 16-10 spoke in opposition to Petition 16-10 for a banquet facility as a special use in the A-1 Agricultural District. Mr. Ingemunson stated there are factors that courts review for special uses and believes Petition 16-10 does not meet these factors. Mr. Ingemunson stated that the hearing officer provided an unfavorable recommendation on the petition.

Ron Walker, one of the petitioners for Petition 16-10, stated that the proposed use on the property cannot operate for more than 60 days during a year per Health Department codes. Mr. Walker explained their intent to maintain and create a venue location for farm type weddings and the positive impact of the use. Mr. Walker explained his preparation with putting the special use application together. Mr. Walker spoke of other venues similar to the proposed use.

Tom Schnabel, Jr. of 9092 Ashley Road stated that previously approved wedding reception venues consisted of the operator of the venue living on the property. Mr. Schnabel stated that the proposed use in Petition 16-10 is a high impact use and there is concern regarding the amount of parking, the noise, and the multiple events taking place in one day. Mr. Schnabel asked for an unfavorable recommendation.

Vicky Schnabel of 9092 Ashley Road stated she is against Petition 16-10. Ms. Schnabel stated that it is undesirable to live across from the proposed use in Petition 16-10 and believes the character of the area will change and have a negative impact on the properties. The noise level is of concern as well as the traffic generated from the proposed use. The headlights leaving the property are of concern as well. Ms. Schnabel is concerned with the horseshoe drive located on her property being used by patrons. Ms. Schnabel asked the Committee to deny Petition 16-10.

Jessica Gabel Frieders stated that she lives on property that abuts the subject property in Petition 16-10. Ms. Frieders stated concerns with traffic generated from the proposed use on the negative impacts it may have on the surrounding farming community.

Dave Walker, one of the petitioners for Petition 16-10, stated that they understood the need for receiving approval and understood that residents lived directly across the street from the subject property. Mr. Walker described improvements that will be taking place on the buildings to repair them. Mr. Walker stated that there is a demand for having outdoor weddings on farm properties.

Lori Daniels of 9111 Ashley Road is the current owner of the subject property in Petition 16-10. Ms. Daniels was under the assumption that the County and surrounding property owners would be glad to see the property and its buildings preserved and maintained.

Ken Daniels of 9111 Ashley Road commented that Petition 16-10 is similar to other banquet facilities that have been approved previously by the County. Mr. Daniels explained the history of the property and the historic significance.

Rick Munson of 8647 Walker Road is concerned with the receptions taking place as part of the proposed special use in Petition 16-10. The noise associated with the proposed use and the duration of the events is of concern.

PETITIONS

16-10 Whitetail Ridge LLC

Request: Special Use

Location: 9111 Ashley Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request from Whitetail Ridge LLC for an A-1 Special Use to operate a banquet facility at 9111 Ashley Road in Kendall Township. This type of use is permitted as a special use on an A-1 property with certain conditions that must be met. Those conditions include the following:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.

- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge Golf Club. No alcohol sales will take place on the property and no liquor license will be sought.

Several existing structure are located on the property. The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-

standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett stated that the petition received a favorable recommendation from the ZPAC Committee on May 3, 2016. The Plan Commission for the City of Yorkville had no objections to the petition when it was reviewed on May 11, 2016. The City of Yorkville's City Council had no objections to the petition when it was reviewed on May 24, 2016.

Mr. Sterrett explained that the Regional Plan Commission initially discussed the petition on May 25, 2016 and continued the matter to allow the Kendall County Township Board an opportunity to provide comments. During the RPC meeting, there were several concerns raised from nearby property owners regarding the negative impacts from the proposed use. The Kendall Township Board voted 3-2 on June 21, 2016 to recommend approval of the petition with the following recommended conditions attached to the approval:

1. Installation of evergreen trees north of the buildings
2. Construction of a berm along Ashley Road
3. Strict enforcement of hours of operation
4. Provide adequate lighting

The Regional Plan Commission reviewed the petition again on June 22, 2016 and heard concerns from nearby residents regarding potential negative impacts from the proposed use including, noise, traffic, consumption of alcohol, and the incompatibility of the use in an agricultural area. A motion was made to recommend approval of the petition with the inclusion of staff's conditions as well as including the right-to-farm clause in the ordinance and prohibiting music from being played outside, with the exception of processional and recessional music for wedding ceremonies, and incorporating the conditions recommended from the Township. The motion failed 0-6 and the petition received an unfavorable recommendation from the Plan Commission citing concerns of the potential negative impacts this use will have on surrounding properties.

During the public hearing on July 7, 2016, there were several concerns raised from nearby residents regarding the proposed use. Mr. Sterrett explained that the Hearing Officer gave an unfavorable recommendation and that with this recommendation the following Findings of Fact were made by the Hearing Officer:

*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 petitioner's proposed use of the property will have a detrimental effect on the nearby property owners. The surrounding properties are rural in nature and as such the proposed use of the property is commercial. The scope of the operation compared to other petitions approved by the County is much larger and would not coexist with the surrounding properties. This will have a negative impact on the quality of life for the property owners in the surrounding area.***

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 petitioner's overtures to build a berm and install evergreen trees as well as keeping the open area undeveloped are appreciated. The portion of the property used for the banquet facility, however, is not a sufficient distance from the nearby residences. This will inhibit enjoyment of the surrounding properties. The proposed use will adversely impact the adjacent uses and is not compliant with the surrounding area.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **No new access roads or points of ingress and egress are proposed. The petitioner has begun to work with the Health Department to ensure well and septic requirements are met. All food will be catered eliminating the need for a commercial kitchen on the property. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structures that are proposed to be used as part of the banquet use will require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.***

*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 petitioner has provided a site plan that complies with the requirements for the proposed use including parking.***

*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 special use is consistent with the LRMP and the agricultural character of the property will remain.***

If approved, staff recommends the following conditions, as well as any recommended conditions from the KCRPC, be placed on the special use:

1. The property shall be developed in substantial compliance with the submitted site
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 280, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance
9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
12. One (1) sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning

Ordinance.

13. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

Staff further recommends that the Right-to-Farm Clause be included within the special use ordinance and that all music be kept indoors, with the exception of wedding processional and recessional music, which shall be permitted to occur outside during wedding ceremonies. Staff also recommends that consideration should be given to the recommendations from the Township with respect to the planting of evergreen trees and the construction of a berm along Ashley.

The Committee discussed the reasons for the unfavorable recommendation from the Plan Commission including the differences between this proposed use and other approved banquet facilities, the potential intense use of the property, and the concerns from the surrounding property owners.

Attorney Dan Kramer, representing Whitetail Ridge LLC, presented the petition. Mr. Kramer stated that a banquet facility is permitted as a special use in the A-1 Agricultural District and that while business zoning districts do allow for banquet facilities, these are permitted without any conditions able to be put on by the County. Mr. Kramer has stated that the petitioner is not opposed to any conditions being recommended by the staff and is not opposed to the conditions recommended by the Township. Mr. Kramer stated that there will not be any outdoor receptions and receptions will take place inside. Only wedding ceremonies may occur outside. The hayfield on the southern portion of the property will remain in case there is ever additional parking that is needed for the use. Mr. Kramer stated that it is anticipated the most patrons that will be able to fit in the reception building will be 200. Mr. Kramer stated that the drive on the property will be one way to prevent exiting cars from using the drive to the north near the property across the street. Mr. Kramer stated the noise will not exceed the maximums set in the noise regulations condition with the receptions being kept indoors. Mr. Kramer stated that the petitioners are experienced with their existing operation at Whitetail Ridge subdivision. Mr. Kramer stated that the petitioner's suggested including the Right to Farm Clause within the ordinance to address any

concerns from nearby farm operations about complaints from the proposed use. Mr. Kramer described the other type of banquet facilities and their proximity to residential areas that have been approved by the County Board. The petitioner has suggested that an economic security condition be included in the ordinance that would allow the property owners across the street to obtain an appraisal now before the use begins, submit it to the County, and record a condition that states for the next fifteen years if the property owners sell the property at a price less than what is in the appraisal, then the petitioner will pay the property owners the difference.

The Committee asked Mr. Kramer to address the unfavorable findings of fact that the Hearing Officer had given this petition with his unfavorable recommendation. Mr. Kramer stated that one of the findings found that the use would have a negative impact on surrounding properties but Mr. Kramer believes only one property owner may be affected and disagrees with this finding due to the setback distance from the residence across the street. Mr. Kramer stated he disagrees with the second finding about an economic impact on the surrounding area because no appraisal was given at the hearing and that other development could potentially occur in the area.

Questions were raised regarding the need for the “right-to-farm” clause in the ordinance. Mr. Kramer stated this is to prevent the petitioner from objecting to any agricultural activity in the area that may affect their proposed use. There was some concern from the Committee regarding the previous unfavorable recommendations from the Plan Commission and Hearing Officer as well as the split vote from the Township. Mr. Sterrett explained the requirements for a special use permit and that the County Board has the ability to put conditions on a special use that they see necessary to ensure the special use meets the requirements of the County’s requirements. Mr. Wilkins asked the petitioner if they would be willing to lower the maximum amount of patrons permitted on site from 280 to 200 based on information presented. Mr. Walker stated that the building may be able to accommodate between 200 and 225 patrons and is comfortable with limiting the amount to 225. The petitioner is also comfortable with adding a condition restricting any outdoor music occurring on the property during a reception. The recommendations from the Township constructing a berm along Ashley Road and installing evergreen trees is also a condition the petitioner is fine with. The proposed sign on the property will be non-illuminated, per the petitioner. Mr. Sterrett explained that special uses run with the land unless otherwise stated in the specific ordinance.

Mr. Wehrli made a motion, seconded by Ms. Cullick, to recommend approval of the petition with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan
2. A change of occupancy permit shall be secured for all buildings associated with the banquet facility use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 225, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) employees
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance

9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet facility shall conform to the regulations of the Kendall County Health Department
11. Events consisting of twenty-five (25) patrons or more are permitted to occur not more than sixty (60) days during a calendar year.
12. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
13. One (1) non-illuminated sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning Ordinance.
14. No music shall occur outside the confines of any structure on the property with the exception of processional and recessional music for a wedding ceremony.
15. The petitioner, and its successors, heirs, and assigns of the property, acknowledge Kendall County's "Right to Farm Clause" which states that Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by A-1 Agricultural zoning. The petitioner, and its successors, heirs, and assigns of the property, acknowledge that they are aware that normal agricultural practices may result in smells, dust, sights, noise, and unique hours of operations that are not typical in other zoning areas.
16. Evergreen trees shall be installed north of the buildings
17. A berm shall be constructed along Ashley Road
18. Economic protection be provided for the property across the street by way of an appraisal of the property across the street guaranteeing that the future sale price of the property across the street will be no less than the amount in the appraisal.
19. Noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

Exemption: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The Committee asked if the property owners across the street were comfortable with any of the added conditions being placed on the proposed special use. Attorney Ingemunson stated that there is no way the property owners can agree to this type of use given the intense nature of the

use even with the added conditions and that no matter what conditions are placed on the ordinance the use will still have an impact on their property because of the frequency of events, the noise, quality of life, and the value of the property. Mr. Kramer stated that because of Health Department limitations, there will be no more than 60 days in a calendar year where there are 25 people or more where the property is being used for events. Dr. Tokars of the Health Department explained that when a use has more than 60 events consisting of 25 people or more on the property in a calendar year, it qualifies for the non-community well program.

Ms. Schnabel stated the added conditions will still not address the added traffic on Ashley Road or the noise from the property and still feels the use is going to have a detrimental impact on weekends between April and November.

Dave Walker stated that there are 300 days where there will be no events taking place on the property and that on days when there are a receptions taking place everyone will be out of the property by midnight.

Mr. Gryder asked for a roll call on the motion made. Jeff Wehrli – Aye; Lynn Cullick – Aye; Bob Davidson – Aye; Scott Gryder – Aye; Judy Gilmour – No.

The petition will be on the County Board agenda for Tuesday, July 19, 2016 at 9:00am.

NEW BUSINESS

None

OLD BUSINESS

Update – Ordinance review with Health Department (water supply, on-site wastewater treatment, food protection)

Staff from the Health Department and the PBZ Department have been meeting to discuss proposed changes to the Health Department’s ordinances regarding water supply, on-site wastewater treatment, and food protection. Dr. Tokars went over the changes made in the ordinances and that the State’s Attorney is currently reviewing the ordinances. Once the review is done, the ordinances then go to the State for review. Following the State review, the ordinances go to the County Board for action. This is an opportunity for the PBZ Committee to begin reviewing the changes ahead of action taken by the County Board. The Committee reviewed the hearing appeals process. The Committee will continue the review of the ordinances and discuss the topic again at a future date once the State’s Attorney and Stat of Illinois has completed reviewing the ordinances.

UPDATE ON HISTORIC PRESERVATION

Mr. Sterrett stated the Committee will meet next week and will have an election of officers.

UPDATE ON CMAP LAND USE COMMITTEE MEETING

Mr. Wilkins provided an update on the dues and membership for CMAP.

PROJECT STATUS REPORT - The Committee reviewed the project status report.

PERMIT REPORT-The Committee reviewed the permit report.

VIOLATION REPORT-None

REVENUE REPORT-The committee reviewed the revenue report.

CORRESPONDENCE – None

EXECUTIVE SESSION - None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Cullick made a motion, seconded by Mr. Wehrli, to adjourn the meeting. With a voice vote of all ayes, the motion carried. Chairman Gryder adjourned the meeting at 6:59 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner