

---

**KENDALL COUNTY**  
**PLANNING, BUILDING & ZONING COMMITTEE MEETING**  
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179  
**AGENDA**

---

Tuesday, October 11, 2016 – 6:30 p.m.

CALL TO ORDER

ROLL CALL: Lynn Cullick, Bob Davidson, Scott Gryder (Chair), Judy Gilmour (Vice-Chair) and Jeff Wehrli

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from the September 19, 2016 meeting

EXPENDITURE REPORT- Recommend Approval of claims to the Finance Committee in an amount not to exceed \$25,000

PUBLIC COMMENT

PETITIONS

- 1. 16-21 High Grove Subdivision**  
Request: Zoning Map Amendment  
Location: West side of Grove Road, 1 mile north of U.S. Route 52, Seward Township  
Purpose: To rezone 9.9 acres from RPD-2 (Residential Planned Development -Two) to R-2 (Single-Family Residential)
- 2. 16-21 High Grove Subdivision**  
Request: Preliminary and Final Plat of Subdivision  
Location: West side of Grove Road, 1 mile north of Route 52, Seward Township  
Purpose: Request for approval of a Preliminary and Final Plat of Subdivision for a four (4) lot residential subdivision
- 3. 16-25 The Bluffs, Inc. d/b/a Cider Creek**  
Request: A-1 Special Use with Variances:  
A. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to a road designated as a major collector (or higher) – neither Creek Road or Frazier Road are collectors  
B. The retail sales areas on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.  
C. That parking be allowed within the 100’ agricultural setback.  
Location: 15888 Frazier Road, Little Rock Township  
Purpose: Request for a Special Use in the A-1 Agricultural District to allow a banquet hall, a nano-brewery, a micro-distillery, a year around seasonal festival, and production and sale of sweet cider

NEW BUSINESS

OLD BUSINESS

1. Senior Planner Search

UPDATE FOR HISTORIC PRESERVATION COMMISSION

1. Discussion with Historic Preservation Groups in Kendall County

REVIEW PERMIT REPORT

REVIEW REVENUE REPORT

CORRESPONDENCE

EXECUTIVE SESSION

ADJOURNMENT

**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 September 19, 2016**

**CALL TO ORDER**

The meeting was called to order by Chairman Gryder at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Chairman Scott Gryder, Jeff Wehrli, Judy Gilmour, Lynn Cullick (arrived at 6:32), and Bob Davidson (arrived at 6:32)

Committee Members Absent: None

Also Present: Jeff Wilkins, County Administrator; Mike Janusek, Teska Associates, Inc.; Attorney Kelly Kramer; Tom and Suzanne Casey; Bob Schneider, Stor-Mor, Inc.; Attorney Mike Mattingley

**APPROVAL OF AGENDA**

Ms. Gilmour 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. Gilmour, to approve the minutes from August 8, 2016. With a voice vote of all ayes, the motion carried.

**EXPENDITURE REPORT**

The Committee reviewed the claims listing. Mr. Wehrli made a motion, seconded by Ms. Cullick, to forward the claims to the Finance Committee in the amount of \$1,650. With a voice vote of all ayes, the motion carried.

**PUBLIC COMMENT**

None

**PETITIONS**

**16-17 Scott Lasky**

**Request:** Plat of Vacation

**Location:** Lots 3 and 4 of the Bright Oaks Subdivision, Kendall Township

Mr. Janusek summarized the request, which is a request for a plat of vacation to vacate a ten (10) foot public utility and drainage easement between two lots. There are no utilities currently present in the easement. The property owner wishes to combine the two lots and build a home in the middle of the two lots. The five (5) foot easement to the north of lots 3 and 4 will remain, as will the ten (10) foot easement to the east of lot 3.

Greg Chismark, the County's stormwater consultant, confirmed that the topographical survey and grading plan show no impact on drainage. ZPAC recommended the plat of vacation for approval on September 6, 2016.

Staff recommends approval of the proposed plat of vacation to allow the consolidation of lots 3 and 4 of the Brighton Oaks Subdivision.

Chairman Gryder requested a motion to approve the plat of vacation. Mr. Wehrli made a motion, seconded by Ms. Cullick. The motion carried unanimously, 5-0.

### **16-18 LRMP Amendment – Kendall County**

**Request:** Amendment to Land Use Plan

**Location:** The northwest intersection of State Route 31 and Light Road in Oswego Township. Mr. Janusek summarized the request, which is an amendment to the Future Land Use Plan to identify the subject area as commercial. The Future Land Use Plan of the LRMP currently shows the subject area as suburban residential.

The subject area is 10.5 acres and currently consists of B-1, B-2, and B-3 zoning with the existing uses of a gas station, commercial strip mall, a self-service storage facility, a decommissioned water treatment facility, and a stormwater detention facility.

Staff is of the opinion that given the existing zoning classifications and commercial uses in this area that the County's Land Use plan be amended to reflect commercial development for consistency with the existing zoning and uses.

A public hearing on August 24, 2016 at the RPC recommended the LRMP amendment for approval by the County Board.

Mr. Davidson raised a question of whether adjacent residences to the west would be impacted by an amended Land Use plan reflecting commercial.

Mr. Schneider of Stor-Mor, Inc. explained the history of the area as commercial, and his ownership of Stor-Mor, Inc. since 2001, as well as his future plans for development. His expansion would be consistent with the trend of development, and the special use of outdoor storage would be appropriately screened and landscaped.

Chairman Gryder requested a motion to approve the amendment to the Land Use plan. The motion was made by Ms. Cullick and seconded by Ms. Gilmour. The motion carried 5-0.

### **16-20 Stor-Mor, Inc.**

**Request:** Zoning map amendment

**Location:** 1317 Route 31, Oswego Township

Chairman Gryder requested a motion for the rezoning of 3.2 acres from B-1 (Local Shopping District) to B-2 (General Business District). The motion for approval of the zoning map amendment was made by Ms. Gilmour, seconded by Mr. Wehrli.

Mr. Wilkins stated the zoning map amendment from B-1 to B-2 would allow for outdoor storage under a special use permit. The B-1 district does not permit indoor self-service storage either by right or special use. The B-2 district allows for an indoor self-service storage facility as a conditional use and allows for outdoor storage as a special use.

Chairman Gryder requested roll call for the zoning map amendment. The motion carried 4-1, with Mr. Davidson dissenting.

**16-20 Stor-Mor, Inc.**

**Request:** Special Use

**Location:** 1317 Route 31, Oswego Township

Motion to approve the special use was made by Ms. Cullick and seconded by Ms. Gilmour.

Mr. Janusek summarized the findings of fact that Staff prepared for the special use procedures. The site plan shows appropriate fencing and landscape that ensures the special use will not endanger the public health, safety, morals, comfort, or general welfare. The use and enjoyment of other properties will not be impaired. Once again, landscaping and fencing will be appropriate. Additionally, security lighting will comply with the provisions of Section 11.02.F.12 of the Zoning Ordinance. No new points of ingress or egress will be added. The stormwater management permit is under review, and Oswego Fire Protection Department has begun to review the site plan. The petitioners have provided a site plan that complies with the requirements for the proposed use including parking, and the special use is consistent with the proposed change to the LRMP to include commercial in the area.

Mr. Schneider stated that the outdoor storage will be restricted to RVs, boats and similar vehicles that are in running order. He also stated that residential neighbors were supportive of his expansion in previous public meetings.

Chairman Gryder requested roll call for the special use. The motion carried unanimously, 5-0.

**16-21 High Grove Subdivision**

**Request:** Zoning Map Amendment

**Location:** West side of Grove Road, 1 mile north of U.S. Route 52, Seward Township

Motion for approval of the zoning map amendment was made by Ms. Cullick, seconded by Mr. Wehrli.

Mr. Janusek summarized the request, which includes rezoning 9.9 acres from RPD-2 (Residential Planned Development – Two) to R-2 (Single-Family Residential). In 2006, the land was rezoned from A-1 to RPD-2 for the proposed High Grove Subdivision that included 48 single-family homes clustered around pockets of open space. The plan was approved, but the final plat was never recorded, thus voiding the approval.

Since, Joliet Park District has acquired 97 of the 109 acres of the RPD-2 zoned area. Regarding the zoning map amendment, all procedures required by the County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and a recommendation for approval by the ZBA on August 29, 2016.

The petitioners attorney, Kelly Kramer, stated that given the Joliet Park District will develop the park using a State of Illinois OSLAD grant, the property will always remain open space. The petitioners are requesting approval for the October 4, 2016 County Board Meeting. Per Mike Hoffman, information from the zoning plat needs to be included on the Preliminary and Final Plat before the County Board can grant its approval.

The petitioner, Tom Casey, presented the site plan including the park, access road, and four lots.

Mr. Wilkins asked if the petitioners could have left the zoning as RPD-2. Ms. Kramer explained that because the amendment is for less than 10 acres (9.9), the zoning must be changed, as the minimum acreage for an RPD-2 zone is 10 acres.

Mr. Davidson stated that the minimum width of the road must be 66 feet. There is some confusion over whether the final plat shows 40 feet or 60 feet of easement for the private road. Suzanne Casey stated that one of the changes that came about from previous meetings was to increase the road width.

Mr. Davidson asked what type of drainage feature would go alongside the road and Ms. Kramer stated that swales will flank both sides of the road.

The narrow strip of land to the north (1.87 acres) will go to petitioner's farmstead property. It is not a buildable parcel.

Chairman Gryder invited the objector's attorney to address the committee. Mr. Mattingley stated that the Feece's own both the A-1 and R-1 parcels to the south of the proposed rezoning. Their objection means that re-zoning will require a three-fourth majority vote by the County Board for approval.

The Feece's objections are as follows:

1. There is no guarantee that Joliet Park District will keep the property as a passive park. There is a concern about parking, lighting, screening, security, and that the objectors will be forced to cope with impacts from ball parks and soccer fields.
2. The objectors are concerned with the security of the park and insufficient lighting.
3. There is a concern over density.
4. The orientation of the houses will change the character of the area.
5. How the additional 26 feet of right of way affect the size of the lots on the plat.

Mr. Davidson raised concerns over maintenance of the private road by the Park District. There was some discussion of the Park District's development phasing for the project. Ms. Casey the maintenance agreement of the access road is in the sale of contract with the Park District. Ms. Gilmour and Mr. Wilkins requested the maintenance conditions from the sale from the petitioners for the Committee's review.

Mr. Wilkins stated that any development outside of passive uses on the proposed the park would be within the County's jurisdiction and require proper procedures and permitting.

Chairman Gryder confirmed with Staff that the original RPD plan would have developed 48 homes on 109 acres, a density of .44 dwelling units per acre, compared to the current proposal of 4 homes on 9.9 acres, a density of .40 dwelling units per acre.

Mr. Wehrli asked to see the conditions of the private drive maintenance, as well as how it relates to gating of the park entry at night.

Ms. Cullick amended her motion for approval of the zoning map amendment to, instead, send the petition to the October 11 PBZ Committee with the proper documentation. The motion was seconded by Ms. Gilmour. Chairman Gryder asked for a roll call on the motion made. Lynn Cullick – Yes; Bob Davidson – Yes; Scott Gryder – Yes; Judy Gilmour – Yes; Jeff Wehrli – Yes. With a vote of 5-0, the motion carried.

### **16-21 High Grove Subdivision**

**Request:** Preliminary and Final Plat of Subdivision

**Location:** West side of Grove Road, 1 mile north of U.S. Route 52, Seward Township

Chairman Gryder requested a motion to forward 16-21 High Grove Subdivision preliminary and final plat subdivision to the October 11 PBZ Committee meeting. The motion was made by Ms. Cullick and seconded by Ms. Gilmour. With a voice vote of all ayes, the motion carried.

### **NEW BUSINESS**

Senior planner search will run through September

### **OLD BUSINESS**

None

### **UPDATE FOR HISTORIC PRESERVATION**

The group is having difficulty finding enough members to make decisions. Mr. Wehrli is interested in meeting with town representatives in order to find the needed members within those communities.

### **REVIEW PERMIT REPORT**

None

### **REVIEW REVENUE REPORT**

None

### **CORRESPONDANCE**

None

### **EXECUTIVE SESSION**

None

### **PUBLIC COMMENT**

Ms. Casey made a statement expressing frustration with the PBZ Department after dealing with the department on multiple projects and experiencing multiple delays.

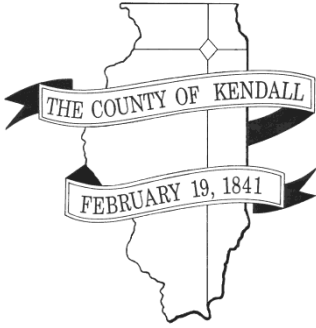
The Committee further discussed the High Grove Subdivision petition.

## **ADJORNMENT**

Chairman Gryder requested a motion to adjourn. The motion was called by Mr. Wehrli, seconded by Ms. Cullick. With a voice vote all all ayes, Chairman Gryder adjourned the meeting at 7:55 p.m.

Minutes prepared by Mike Janusek





**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**Petition 16-21  
High Grove Subdivision  
Zoning Map Amendment – RPD-2 (Residential Planned  
Development) to R-2 (Single-Family Residential)**

**SITE INFORMATION**

PETITIONER Tom and Suzanne Casey d/b/a Bean Homestead, LLC

ADDRESS Grove Road

LOCATION West side of Grove Road, approximately 1 mile north of U.S. Route 52, Seward Township (PIN 09-07-200-024)

**Note:**  
*Items in red italics  
have been  
updated from the  
9/19/16 staff  
report*



TOWNSHIP Seward

PARCEL # Pt PIN 09-07-200-024

SIZE 9.9 acres

EXITING LAND USE Agricultural

ZONING RPD-2 (Residential Planned Development – Two)  
Current: RPD-2 (High Grove Subdivision)  
Ordinance 2006-42A: Concept & Preliminary Plat  
Ordinance 2006-43A: Rezone from A-1 to RPD-2  
Ordinance 2006-44: Final Plat

Ordinance 2006-45: SSA  
 Ordinance 2006-46: Back-up SSA

LRMP	Land Use	Rural Residential (Max Density 0.65 DU/Ac)
	Roads	Grove Road is a County Road classified as a Major Collector Roadway
	Trails	Proposed Multi-Use Trail on West side of Grove Road per City of Joliet's Comprehensive Plan
	Floodplain/ Wetlands	None

**REQUESTED ACTION** Zoning Map Amendment to rezone from RPD-2 (Residential Planned Development – Two) to R-2 (Single-Family Residential)

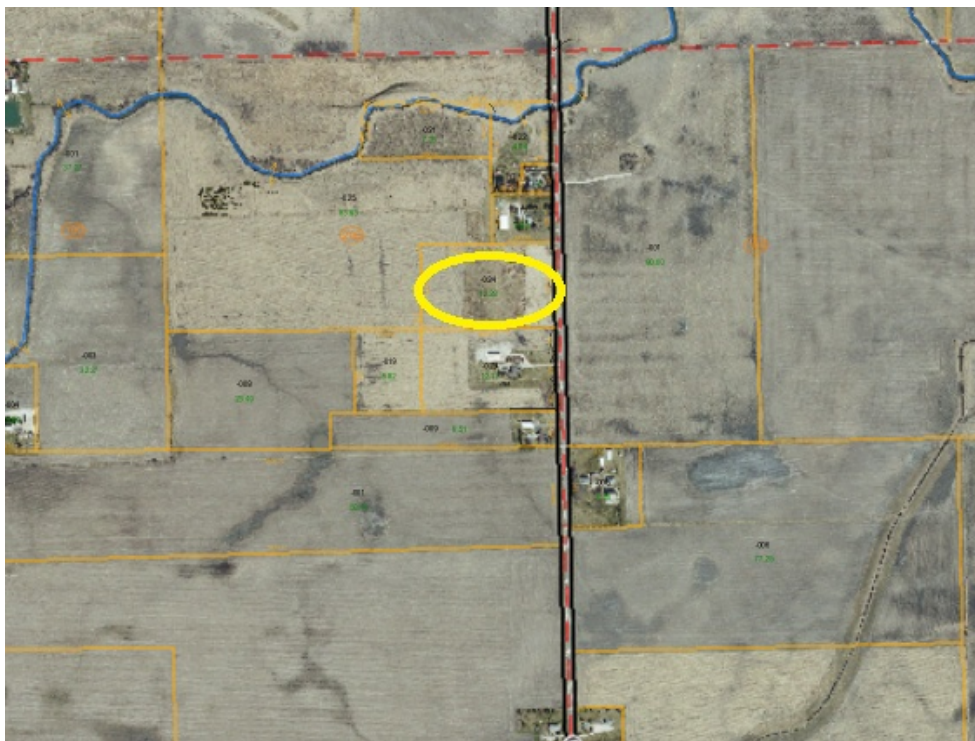
Preliminary Plat of Subdivision

Final Plat of Subdivision

**APPLICABLE REGULATIONS** § 8.07 of the Zoning Ordinance (R-2 – Single Family Residential)  
 § 13.07 of the Zoning Ordinance (Amendments)  
 §7.00- §7.04 (Subdivision Control Ordinance- Procedure for Approval & Requirements for Preliminary & Final Plats)  
 §10.00.H of the Subdivision Regulations (Private drive standards)

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Residential	A-1; RPD-2	Rural Residential	A-1
South	Residential	A-1	Rural Residential	A-1; R-1
East	Agricultural	A-1	Rural Residential	A-1
West	Agricultural	RPD-2	Rural Residential	RPD-2; A-1



**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

*The EcoCAT Report indicated that The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.*

**ACTION SUMMARY**

**SEWARD TOWNSHIP**

Seward Township approved the request at their August 8, 2016 meeting

**VILLAGE OF PLATTVILLE**

The Village of Plattville is the nearest municipality to the subject site. The Village is within 1½ miles of the proposed development. The Village acknowledged receiving the petition however no comments have been received.

**ZPAC (8.2.16)**

The ZPAC Committee made a favorable recommendation.

**KCRPC (8.24.16)**

The KCRPC made a favorable recommendation on the zoning map amendment request.

**ZBA (8.29.16)**

The ZBA made a favorable recommendation (7-0) on the zoning map amendment request. Mr. and Mrs. Troy Feece, owners of the property immediately to the south raised several concerns (addressed in meeting minutes and in staff comments below). The Feece's have filed a written protest to the rezoning, and as they own more than 20% of the frontage immediately adjoining the site, a favorable vote of three-fourths of all the members of the County Board shall be required to approve the request.

**PBZ (9.19.16)**

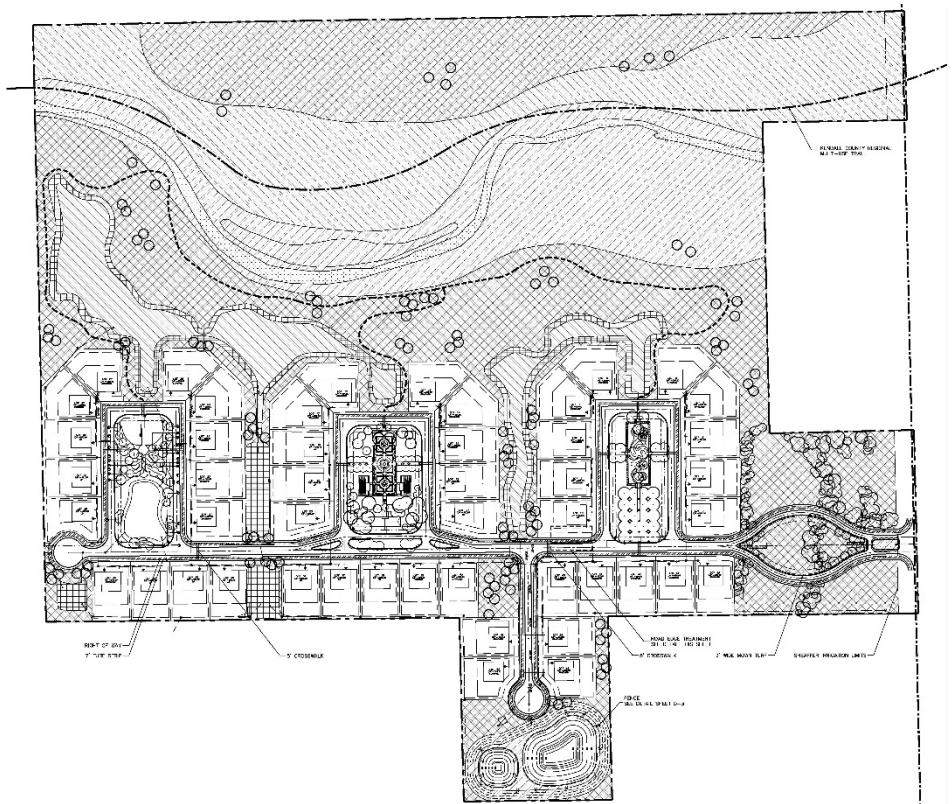
*The PBZ Committee requested the applicant resolve a number of issues and return to the Oct. 11<sup>th</sup> PBZ meeting.*

**GENERAL**

This is a Zoning Map Amendment request to rezone 9.9 acres from RPD-2 to R-2 Single Family Residential and a request for approval of a preliminary and final plat of subdivision for four (4) residential lots to be served by a private drive off of Grove Road.

The High Grove Subdivision was approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109-acre tract of land. The approved plan is illustrated to the right. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Their plan is to develop a passive park

on the site (a copy of their proposed plan is attached). Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential. The approximately 2 remaining acres on the north side of the proposed subdivision will remain in the Casey family



and used with their existing property to the north – with no access allowed from Grove Road for the remaining property.

### MAP AMENDMENT

The petitioner is requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109-acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre.

### ISSUES RAISED BY OBJECTORS

At the public hearing, the property owner to the south, through their attorney Michael Mattingly, raised four issues. These issues are underlined below, along with staff comments on each.

1. Concern that the property owned by the Joliet Park District could be developed for homes in the future. Attorney Kramer noted at the public hearing that the Park District used Open Space Land Acquisition and Development (OSLAD) funds from the State of Illinois to help purchase the property. Assuming that is accurate, the land will be required to remain available for public recreational use permanently. The following language was contained in a grant agreement for a project that Teska worked on in Seneca: "Land acquired with funding assistance from the OSLAD program shall be operated and maintained in perpetuity for public outdoor recreation use."
2. Concern regarding what happens to the remaining approximately 2 acres north of the subdivision, and if another home could be built on it. The parcel to the north is very long and narrow, approximately 90' wide and 934' deep, and clearly would not be a buildable lot. The plat is labeled to indicate that no access will be provided from Grove Road. In addition, Attorney Kramer noted that this property would just be used by the Casey's, who own the property to the north.
3. Concern that other homes along Grove Road front the street, but the homes built on the lots in this subdivision will have a different orientation (two homes will likely back to the Feece property). This is a true statement. However, if you look at the original approved High Point subdivision, a total of five home lots would have backed to the Feece property as opposed to two under the current proposal.
4. Concern regarding density, and what would have been permitted if the property was developed under Agricultural Zoning. Attorney Mattingly stated that his client understood that if the property was not developed as approved in the RPD-2 High Grove Subdivision, agricultural zoning criteria would apply. He noted that per his calculations, that would mean a maximum of two single-family home permits for this parcel and the larger parcel purchased by the Joliet Park District. At the Public Hearing, Mr. Kramer noted that in previous discussions with Angela Zubko (when she was Senior Planner), they had calculated that four total permits would be allowed. However, in checking through files, we found a note from Angela suggesting only two permits would be possible under Agricultural Zoning. In staff's opinion, the issue is not relevant. The property is already planned for residential on the LRMP, and zoned RPD-2 – not Agriculture. The proposed density is below the maximum allowed density in the LRMP.
5. Concern regarding the use of the planned park. A sketch of the proposed park is attached. The plan is for a passive park that will include natural areas (prairie, woodland, wetlands, etc.), trails, a dog park, a nature playground, picnic shelter, a nature center, restrooms and parking.

### PRELIMINARY PLAT/FINAL PLAT

The petitioner has contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. *The Preliminary/Final Plat has been revised as requested by staff in our last memo. A grading plan is also required in the Subdivision Ordinance, and was submitted on 10/6/2016. This separate document is needed to evaluate proposed drainage, and to identify if there is a need to add any additional drainage easements to the plat. From our preliminary review it appears that no additional easements will be needed. WBK has provided a review (see attached). From this review, it is clear that additional grading coordination is needed between the Park District and this subdivision.*

**LOT SIZE**

Four residential lots are proposed on the Preliminary and Final Plat. Each of the four lots has a lot size of 94,207 square feet, exceeding the minimum lot size requirement of 90,000 square feet of the R-2 district.

**ROW/ACCESS**

Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. The County Highway Department requested an additional fifteen (15) feet of ROW be dedicated on the west side of Grove Road for future widening both on the 9.9 acres to be developed and the remaining 2.1 acres outside of the development. The County Highway Department has also requested that a “no access easement” be recorded along Grove Road on lots 1 and 2 and the 2.1 acres outside the development. The enclosed Preliminary and Final Plat reflects these revisions.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 40' (originally proposed at 33', but widen at the request of the County Highway Department). *In addition, 10' easements are provided on each side of Lot 5, thus totaling a width of 60' to accommodate the road, drainage and utilities.* Private drives serving three or more residential lots must demonstrate that the site could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. A maximum distance for a shared private drive serving three or more residential lots from a public road ROW is 500'. The proposed private drive is longer than 500' to allow for access to the park to the west. This private roadway is to be constructed and maintained by the Joliet Park District. *A copy of the agreement regarding road construction and maintenance is included in this packet.*

**EASEMENTS**

A proposed ten (10) foot public utility and drainage easement is located along the front *and rear* of the proposed lots.

**WELL/SEPTIC LOCATION**

The Preliminary and Final Plat must include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. *This information is now shown on the Plat, and the proposed septic envelop has been increased from 10,000 to approximately 20,000 square feet based on the recommendation of the County Health Department.*

**STORMWATER**

This is a single family land use with less than five (5) residential structures and is not required to provide stormwater detention. *A grading plan and field tile survey have been provided* to determine adequate drainage for the proposed site improvements as well as determine impacts to Grove Road and upstream/downstream owners. Compliance with the erosion control requirements must also occur.

**CONCLUSION**

The rezoning of the subject property from RPD-2 (Residential Planned Development – Two) to R-2 (Single-Family Residential) is consistent with the County’s Land Use Plan as well as the Village of Plattville and City of Joliet. The density of the proposed four lot residential subdivision will be under the maximum requirements and less than what was proposed in the original 48 lot development. *The Preliminary and Final Plat has been revised per staff direction* for conformance with the County’s Subdivision Ordinance.

**RECOMMENDATION**

Staff recommends approval of the zoning map amendment from RPD-2 to R-2. *Staff also recommends approval of the proposed preliminary and final plat with one caveat – that the issues raised by WBK shall be addressed prior to final County Board action.*

**ATTACHMENTS**

- 1. Findings of Fact
- 2. Zoning Plat
- 3. Preliminary and Final Plat
- 4. ZPAC Minutes 8.2.16
- 5. KCRPC Minutes 8.24.16
- 6. ZBA Minutes 8.29.16
- 7. Grove Road Park Plan
- 8. Road Agreement
- 9. Review letter from WBK

## ZBA FINDINGS of FACT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a **map amendment**. Staff have answered as follows:

*Existing uses of property within the general area of the property in question.* **The existing uses of property within the area of this property are agricultural and residential.**

*The Zoning classification of property within the general area of the property in question.* **The zoning classifications within the general area consist of A-1 Agricultural with 97 acres to the north and west zoned as RPD-2.**

*The suitability of the property in question for the uses permitted under the existing zoning classification.* **The property will be developed per the restrictions of the county's subdivision control ordinance and a preliminary and final plat of subdivision have been recommended for approval by the County's regional plan commission.**

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.* **The trend of development in the area has residential zoning that would allow for a denser development. The requested zoning, however, will have less density and allow for more open space.**

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* **The rezoning to R-2 is consistent with the County's Land Use Plan in the area as rural residential with a maximum density of 0.65 dwelling units per acre.**

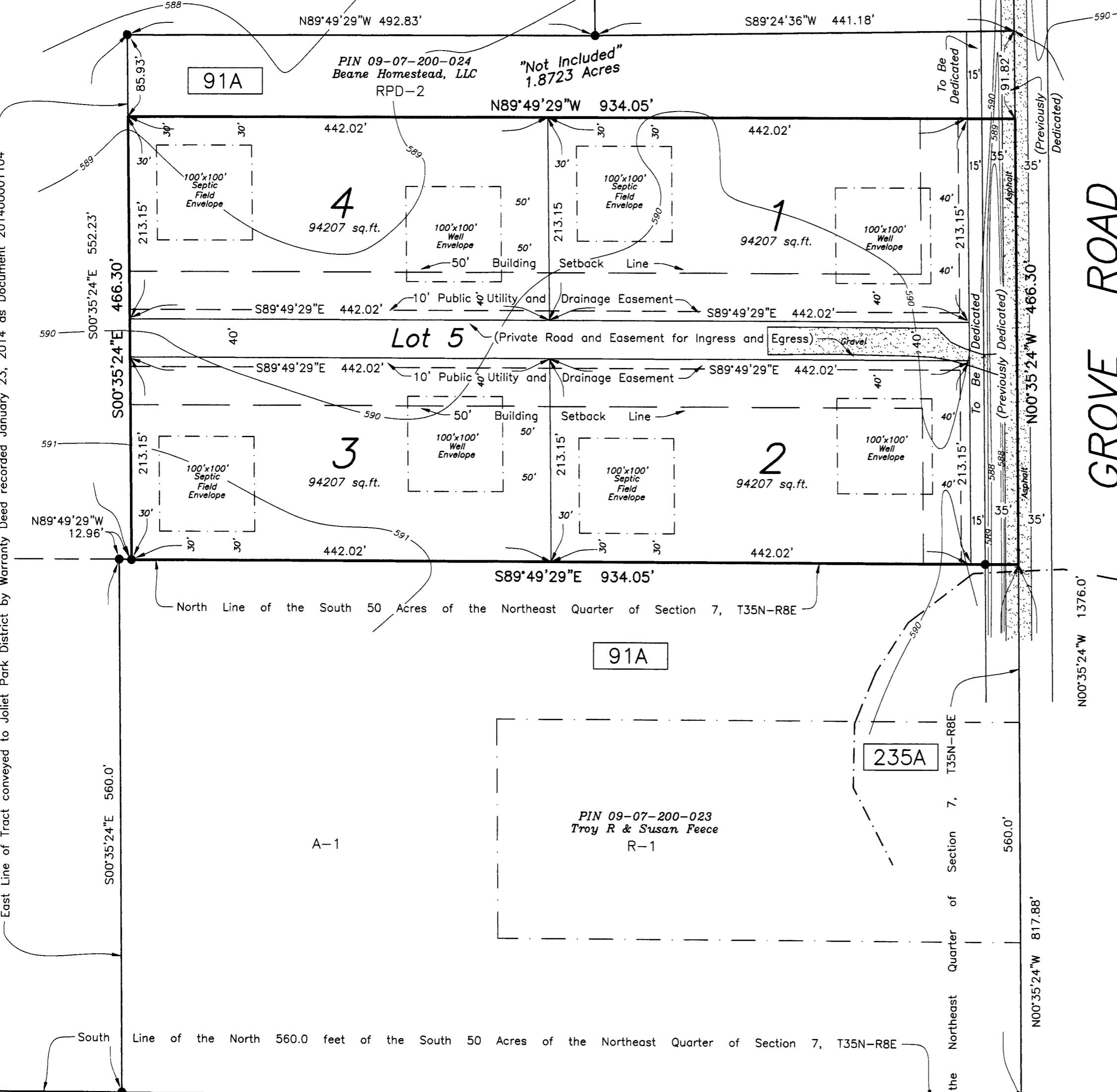
**ZONING PLAT OF  
PART OF THE NORTHEAST QUARTER OF SECTION 7, T35N-R8E  
SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS**

N

PIN 09-07-200-025  
Joliet Park District  
RPD-2

PIN 09-07-200-017  
Jean Nette Beane Living Trust  
A-1

SCALE  
1"=100'



- Indicates Iron Stake Found
  - Indicates Iron Stake Set
  - Indicates Line of Fence
  - - - Indicates Soils Boundary
  - Indicates Contour Elevation
- NOTE: This property is vacant.

PIN 09-08-100-001  
Charles Anzelec, Jr.  
A-1

**DEVELOPER:**  
Beane Homestead, LLC  
13217 Grove Road  
Minooka, Illinois 60447

**AREA TO BE REZONED:**  
435508 Sq.Ft. = 9.9979 Acres

**PRESENT ZONING:**  
RPD-2 (Rural Planned Development)

**PROPOSED ZONING:**  
R-2 (Residential District)

**P.I.N.**  
09-07-200-024

NOTE: Direct access from Lots 1 and 2 to Grove Road and the 1.8723-acre tract North of Lots 1 and 2 is prohibited. Lots 1 and 2 may only access Grove Road through Lot 5 (Private Road and Easement for Ingress and Egress).

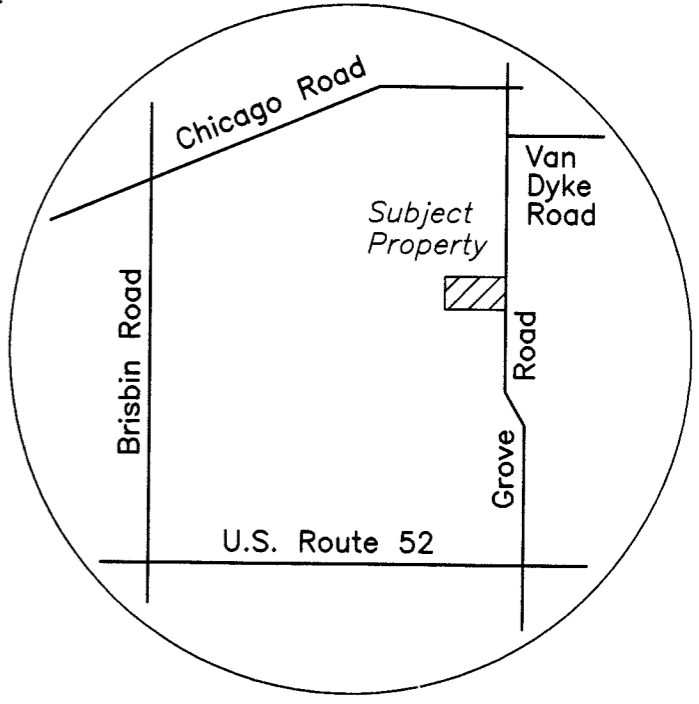
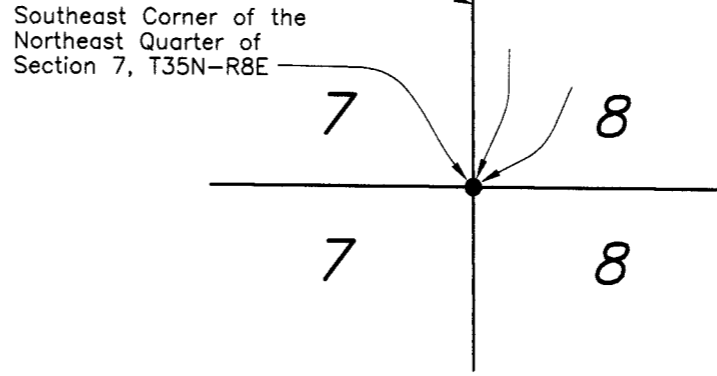
NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0140H with an effective date of January 8, 2014.

**Soil Type  
(USDA/NRCS - Kendall County, 2015)**

91A	Swygart Silty Clay Loam, 0%-2% slopes Drainage: Somewhat Poorly Hydric: H Subgroup: Aaquic Argiudolls Order: Mollisols
235A	Bryce Silty Clay, 0%-2% slopes Drainage: Poorly Hydric: H Subgroup: Typic Haplaquolls Order: Mollisols

**LEGAL DESCRIPTION OF TRACT TO BE REZONED:**

That Part of the Northeast Quarter of Section 7, Township 36 North, Range 8 East of the Third Principal Meridian, described as follows:  
Commencing at the Southeast Corner of said Northeast Quarter;  
thence North 00°35'24" West, along the East Line of said Northeast Quarter, 817.88 feet to the Northeast Corner of the South 50 Acres of said Northeast Quarter (as monumented) for the point of beginning;  
thence North 00°35'24" West, along said East Line, 466.30 feet; thence North 89°49'29" West, 934.05 feet to the East Line of a Tract conveyed to the Joliet Park District by Warranty Deed recorded January, 23, 2014 as Document 201400001104; thence South 00°35'24" East, along said East Line, 446.30 feet to said North Line of the South 50 Acres of the Northeast Quarter (as monumented); thence South 89°49'29" East, along said North Line, 934.05 feet to the point of beginning in Seward Township, Kendall, County, Illinois.



LOCATION SKETCH  
Not to Scale

Revised August 22, 2016

JOB NO.	16157
JOB NAME	HIGHGROVE
DWG FILE	16157B

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

PRELIMINARY AND FINAL PLAT OF  
**HIGHGROVE**  
 SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS

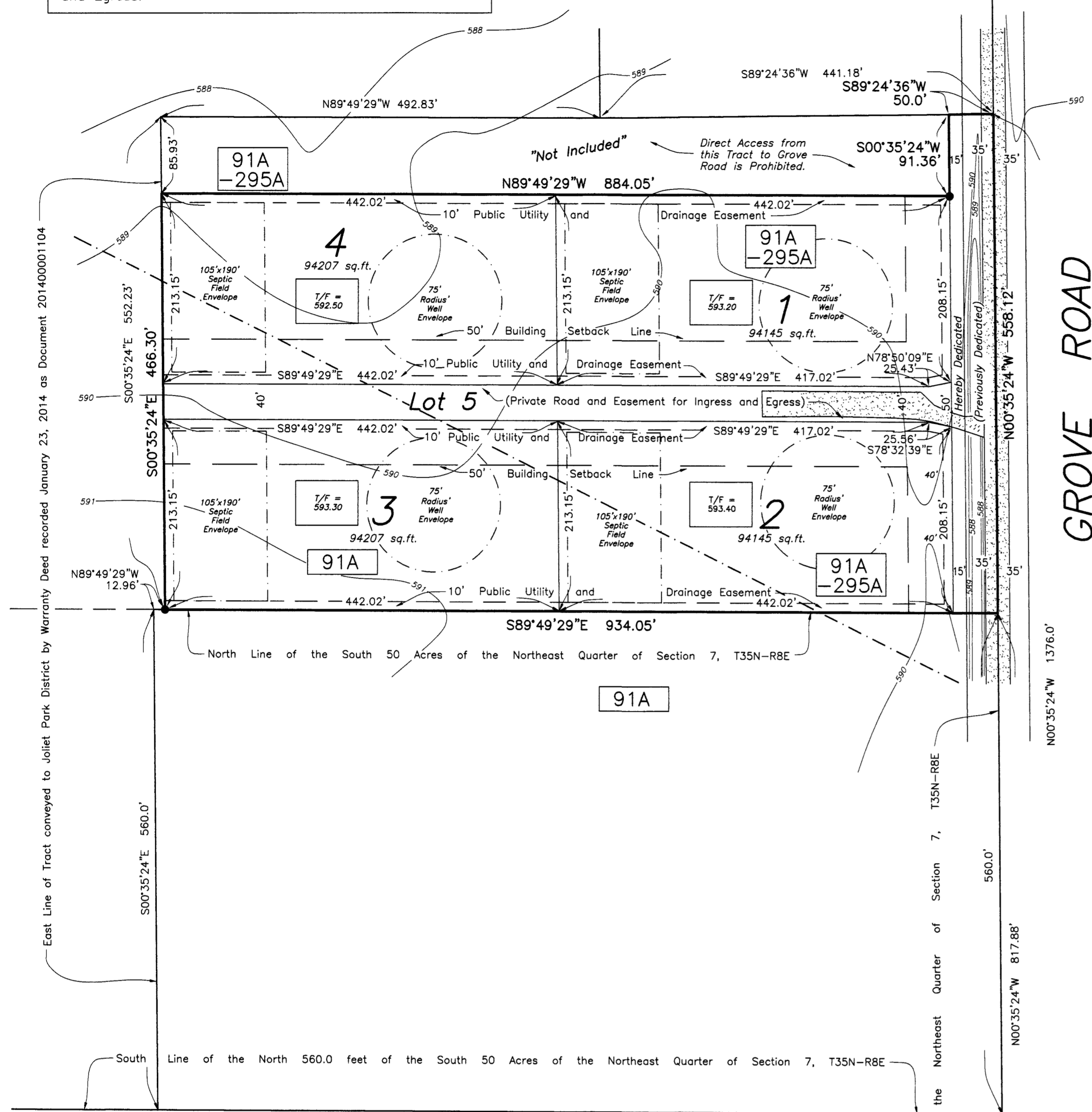
**NOTICE OF FEES:**  
 All Lots as delineated in the above Plat are subject to payments of fees pursuant to the Land Cash Ordinance of Kendall County as administered by the Kendall County Building and Zoning Office, and is a covenant running with the land. A recordable receipt will be issued upon payment of such fees. The building permit applicant shall pay the Land Cash contribution and the Kendall County Highway Fee at the time of applying for each building permit.

**NOTE:** Direct access from Lots 1 and 2 to Grove Road is prohibited. Lots 1 and 2 may only access Grove Road through Lot 5 (Private Road and Easement for Ingress and Egress).

**SCALE**  
 1"=100'

- Indicates Concrete Monument Set
  - 3/4"x 24" Iron Pipe set at all other Lot Corners, Angle Points and Points of Curvature.
  - - - Indicates Soils Boundary
  - Indicates Contour Elevation
- NOTE:** Bearings are based on a local coordinate system.
- P.I.N. 09-07-200-024

**KENDALL COUNTY RIGHT-TO-FARM STATEMENT**  
 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 zoning indicator -- A-1 or Ag Special Use. Anyone constructing a residence or near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise and unique hours of operations that are not typical in other zoning areas.



**Soil Type - USDA/NRCS (Putnam Soil Testing 09/29/2016)**

- 91A** Swyget Silty Clay Loam, 0%-2% slopes  
 Drainage: Somewhat Poorly  
 Septic Field Limitations: Severe
- 295A** Mokena Silt Loam, 0%-2% slopes  
 Drainage: Poorly  
 Septic Field Limitations: Severe

CITY OF JOLIET CITY COUNCIL  
 State of Illinois }  
 County of Will } SS  
 Approved by the City Council of the City of Joliet, Illinois, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Mayor  
 \_\_\_\_\_  
 County Clerk

**AREA TABLE**

Lot 1	94145 sq.ft. = 2.1613 acres
Lot 2	94145 sq.ft. = 2.1613 acres
Lot 3	94207 sq.ft. = 2.1627 acres
Lot 4	94207 sq.ft. = 2.1627 acres
Lot 5	35485 sq.ft. = 0.8145 acre
Road	27889 sq.ft. = 0.6403 acre
<b>Total</b>	<b>440078 sq.ft. = 10.1028 acres</b>

CITY OF JOLIET PLAN COMMISSION  
 State of Illinois }  
 County of Will } SS  
 Approved by the Plan Commission of the City of Joliet, Illinois, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 City of Joliet Plan Commission, Chairman

**PLAT AND ZONING COMMITTEE CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS  
 Approved by the Plat and Zoning Committee, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Plat and Zoning Committee, Chairman

**COUNTY BOARD CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS  
 Approved by the County Board of Kendall County, Illinois, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Chairman of County Board  
 \_\_\_\_\_  
 County Clerk

**VILLAGE OF PLATTVILLE PLAN COMMISSION**  
 State of Illinois }  
 County of Kendall } SS  
 Approved by the Plan Commission of the Village of Plattville, Illinois this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Village of Plattville Plan Commission, Chairman

**VILLAGE OF PLATTVILLE VILLAGE COUNCIL**  
 State of Illinois }  
 County of Kendall } SS  
 Approved by the Village Council of the Village of Plattville, Illinois, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Mayor  
 \_\_\_\_\_  
 County Clerk

**COUNTY RECORDER CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS  
 This Instrument No. \_\_\_\_\_ was filed for record in the Recorder's Office of Kendall County, aforesaid, on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ at \_\_\_\_\_ o'clock \_\_\_M.  
 \_\_\_\_\_  
 Kendall County Recorder

**COUNTY HEALTH DEPARTMENT**  
 State of Illinois }  
 County of Kendall } SS  
 Issuance of building permits shall be subject to lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable state and local rules and regulations.  
 Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Kendall County Health Department

**PUBLIC UTILITY EASEMENT PROVISIONS:**  
 An easement for serving the subdivision and other property with natural gas, electric and communications service is hereby reserved for and granted to COMMONWEALTH EDISON, SBC-AMERITECH, CABLE TELEVISION FRANCHISE, NICOR AND GRANTEEES, their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in conjunction with underground transmission and distribution of natural gas and electricity, sounds, signals in, over, under, across, along and upon the surface of the property shown within the dashed lines on the plat and marked "Public Utility Easement", the property designated in the Declaration of Condominium and/or on this plat as "Common Elements", and the property designated on the plat for streets and alleys, whether public or private, together with the right to install required service connections over or under the surface of each lot and common area or areas to serve improvements, thereon, or on adjacent lots, and common areas or areas, the right to cut, trim or remove trees, bushes and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over grantee's facilities or in, upon or over the property within the dashed lines marked "Public Utility Easement" without the prior written consent of grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 605/2(a), as amended from time to time.  
 The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole or in part to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as "outlots", "common elements", "open spaces", "open area", "common ground", "parking and common area". The terms "common area or areas" and "Common Elements" includes real property physically occupied by a building, Service Business District or structures such as a pool or retention pond, or mechanical equipment.  
 Relocation of facilities will be done by Grantees at cost of Grantor/Lot Owner, upon written request.

**DRAINAGE EASEMENT AND DETENTION EASEMENT PROVISIONS:**  
 An easement is hereby reserved for and granted to the County of Kendall, Illinois, and its successors and assigns over all of the areas marked "Drainage Easement" and "Detention Easements" on the plat hereon drawn for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain, and operate storm sewers and the storm water detention ponds, together with any and all necessary manholes, catch basins, connections, ditches, swales and other structures and appurtenances as may be deemed necessary by said County upon, along, under and through said indicated easement, together with the right of access across the property for necessary men and equipment to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants on the easements that interfere with the operation of the sewers or other utilities. No permanent buildings shall be placed on said easement. No changes to the topography or storm water management structures within the easement area shall be made without the express written consent of said County, but the same may be used for the purposes that do not then or later interfere with the aforesaid rights. The owner of the property shall remain responsible for the maintenance of the storm water detention pond and appurtenances.

**SURVEYOR'S CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS  
 This is to certify that I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., at the request of the administrator of the land described hereon, have surveyed, subdivided and platted the land shown hereon to be hereinafter known as "Highgrove, Seward Township, Kendall County, Illinois", being a Subdivision of Part of the Northeast Quarter of Section 7, Township 35 North, Range 8 East of the Third Principal Meridian in Seward Township, Kendall County, Illinois, more particularly described as follows:

That Part of the Northeast Quarter of Section 7, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence North 00°35'24" West, along the East Line of said Northeast Quarter, 817.88 feet to the Northeast Corner of the South 50 Acres of said Northeast Quarter (as monumented) for the point of beginning; thence North 00°35'24" West, along said East Line, 558.12 feet to a point which is 1376.0 feet Northerly of the Southeast Corner of said Northeast Quarter; thence South 89°24'36" West, perpendicular to said East Line, 50.0 feet; thence South 00°35'24" East, parallel to said East Line, 91.36 feet; thence North 89°49'29" West, 884.05 feet to the East Line of a Tract conveyed to the Joliet Park District by Warranty Deed recorded January 23, as Document 201400001104; thence South 00°35'24" East, along said East Line, 446.30 feet to said North Line of the South 50 Acres of the Northeast Quarter (as monumented); thence South 89°49'29" East, along said North Line, 934.05 feet to the point of beginning in Seward Township, Kendall, County, Illinois.

I also certify that the above described property lies within 1-1/2 miles of the corporate limits of the Village of Plattville and the City of Joliet, both of which have adopted and properly filed an Official Plan and are exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code as Amended.

I also certify that no part of the property above described lies within a special flood hazard area as identified by the Federal Emergency Management Agency based on Flood Insurance Rate Map Panel No. 17093C0140H with an effective date of January 8, 2014.

I also certify that the attached plat is in compliance with Chapter 109 of the Illinois Revised Statutes, that all subdivision exterior monuments have been set, that all interior monuments will be set within 12 months of the recording of this plat, and that all dimensions are shown in feet and decimal parts thereof.

This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated \_\_\_\_\_, 20\_\_\_ at Yorkville, Illinois

Phillip D. Young  
 Illinois Professional Land Surveyor No. 2678 (Expires 11/30/16)

**COUNTY ENGINEER CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

I, \_\_\_\_\_ County Engineer of Kendall County, do hereby certify that the annexed plat has been examined by me and found to comply with the highway requirements as set forth in the regulations governing plats of subdivided land adopted by the County Board of Kendall County, Illinois.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Kendall County Engineer

**TOWNSHIP HIGHWAY COMMISSIONER CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

I, \_\_\_\_\_ do hereby certify that all matters pertaining to the highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Seward Township Highway Commissioner

**OWNER'S AND SCHOOL CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

This is to certify that I, Suzanne J. Beane Casey am the manager of Beane Homestead, LLC, which is the owner of the property described in the attached Surveyor's Certificate have caused the same to be surveyed and subdivided as indicated for the uses and purposes therein set forth, and do hereby acknowledge and adopt the same under the style and title of "Highgrove, Seward Township, Kendall County, Illinois". I also certify that all of the property hereon described is located within the boundaries of Minoaka Community Consolidated School District 201.

Dated at \_\_\_\_\_, Illinois this \_\_\_ day of \_\_\_\_\_, 20\_\_\_

Suzanne J. Beane Casey, manager  
 Beane Homestead, LLC  
 13217 Grove Road  
 Minoaka, Illinois 60447

**NOTARY'S CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

I, \_\_\_\_\_ a Notary Public in and for the County and State aforesaid, to hereby certify that Suzanne J. Beane Casey, who is personally known to me to be the same person whose name is subscribed to the foregoing Owner's and School Certificate, appeared before me this day, in person, and acknowledged that she signed and delivered the annexed plat as her own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Notary Public  
 My commission expires \_\_\_\_\_

**COUNTY CLERK CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

This is to certify that I, \_\_\_\_\_ County Clerk for the County aforesaid, do hereby certify that there are no delinquent general taxes, no unpaid current taxes, no unpaid forfeiture taxes and no redeemable tax sales against any of the real estate described in the foregoing certificates.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 County Clerk

**PLAT OFFICER CERTIFICATE**  
 State of Illinois }  
 County of Kendall } SS

Approved this \_\_\_ day of \_\_\_\_\_, 20\_\_\_  
 \_\_\_\_\_  
 Plat Officer

JOB NO.	16157
JOB NAME	HIGHGROVE
DWG FILE	16157A3
REVISION DATE	10/06/2016

**Phillip D. Young and Associates, Inc.**  
 LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775  
 1107B South Bridge Street  
 Yorkville, Illinois 60560  
 Telephone (630)553-1580



**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
August 2, 2016 – Meeting Minutes**

Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:

Scott Gryder – PBZ Committee Chair (Arrived)  
Fran Klaas – Highway Department  
Jason Langston – Sheriff's Office  
Aaron Rybski – Health Department  
Megan Andrews – Soil & Water Conservation District  
John Sterrett – PBZ Department

Absent:

David Guritz- Forest Preserve  
Brian Holdiman- PBZ Department  
Greg Chismark – WBK Engineering, LLC

Audience: Attorney Dan Kramer; Attorney Kelly Helland

**6-21 - High Grove Subdivision -Zoning Map Amendment - RPD-2 to R-2**

Mr. Sterrett outlined the request for a zoning map amendment for the property on the west side of Grove Road, approximately 1 mile north of Route 52 in Seward Township. The petitioners, Tom and Suzanne Casey, are requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109 acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre. The property was originally approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109 acre tract of land. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential.

Ms. Andrews made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

### **16-21 – High Grove Subdivision – Preliminary and Final Plat of Subdivision**

Mr. Sterrett explained that the petitioner's have contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. Additional information that should be included on the Preliminary Plat. Four residential lots are proposed on the Preliminary and Final Plat. Each of the four lots has a lot size of 97,379 square feet. These lot sizes meet the minimum lot size requirement of 90,000 square feet of the R-2 district. Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. An additional twenty-five (25) feet of ROW should be dedicated on the west side of Grove Road for future widening. This additional right-of-way dedication should be identified on the Preliminary and Final Plat. This dedication will alter the proposed lot sizes for lots 1 and 2.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 33'. Private drives serving three or more residential lots must demonstrate that the site could not otherwise be preserved if a public road was provided such as significant trees, topography, water features, historic sites, rural character, etc. It is staff's understanding that the private road has an easement for ingress and egress granted to the Joliet Park District for access to a future park site. A maximum distance for a shared private drive serving three or more residential lots from a public road ROW is 500'. Staff recommends the Preliminary and Final Plat be revised to indicate lot 5 containing the private road be extended no more than 50' from the edge of the future dedicate road right-of-way to serve the four (4) residential lots. A proposed ten (10) foot public utility and drainage easement is located along the front of the proposed lots. Section 9.04 of the Subdivision Control Ordinance requires utility and drainage easements be provided at the rear of all residential lots and along the side lot lines where required. Such utility easement shall be a minimum five (5) feet wide, ten (10) feet on the rear of each lot or a minimum to maintain the utility or drainage function of the property in accordance with the size and depth of utility or drainage route. The Preliminary and Final Plat should be revised to reflect these required easement locations and sizes.

The Preliminary and Final Plat must include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. Soil classifications were included on a submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. A soil analysis is required as part of the preliminary plat. Topography for the site has been included on the submitted Zoning Plat. This information should also be included on the Preliminary and Final Plat. Information should also be included to show the intent of surface drainage. Mr. Klaas recommended that an additional 15' of ROW be dedicated on the west side of Grove Road with Additional dedication of 15' along Grove Road including the 2 acres to the north outside of the proposed development to total a 50' right-of-way

Recording of a no access easement along Grove Road on lots 1 and 2 and the 2 acres to the north outside of the proposed development. Mr. Klaas also recommended that the private road lot be revised with a width of forty (40) feet rather than thirty-three (33) feet.

Mr. Rybski stated that a soil analysis is needed and should be submitted to the Health Department for review. Septic envelopes and soils classifications should also be included on the Preliminary Plat.

Mr. Klaas made a motion, seconded by Mr. Gryder, to forward the petition onto the Plan Commission with a favorable recommendation. With a voice vote of all ayes, the motion carried.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unofficial Meeting Minutes of August 24, 2016**

Chairman Bill Ashton called the meeting to order at 7:00 pm.

**ROLL CALL**

Members Present: Bill Ashton, Claire Wilson (arrived at 7:02pm), Tom Casey, Budd Wormley, Larry Nelson, Roger Bledsoe, and Angela Zubko

Staff present: John Sterrett, Senior Planner

Members Absent: John Shaw and Vern Poppen

In the Audience: Robert Schneider; Attorney Dan Kramer; Suzanne Casey

**APPROVAL OF AGENDA**

Ms. Zubko made a motion, seconded by Mr. Nelson, to approve the agenda with continuing petition 16-14 Robert Delaney to the September Plan Commission meeting at the request of the petitioner. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Ms. Zubko made a motion, seconded by Ms. Wilson, to approve the July 27, 2016 with amending the time of adjournment to 9:59pm. With a voice vote of all ayes, the motion carried.

**PETITIONS**

**16-18 LRMP Amendment**

The Kendall County Planning, Building, and Zoning Department was approached by a property owner located at the northwest corner of State Route 31 and Light Road regarding a proposed expansion of an existing indoor self-service storage facility. The expansion would consist of the construction of a 8,400sf self-service storage building as well as a proposed outdoor storage area. The existing facility is zoned as B-2 (General Business) with a special use to operate the indoor self-service storage facility. The special use was granted for the indoor self-service storage facility in 1976. The parcel immediately to the south of the existing facility, where the expansion is proposed, is zoned as B-1 (Local Shopping). The B-1 district does not permit indoor self-service storage facilities nor does it allow outdoor storage either by right or by special use. The B-2 district allows for an indoor self-service storage facility as a conditional use and allows for outdoor storage as a special use. The property owner therefore will need to seek a rezoning of the current B-1 zoned property to B-2 for this expansion.

When reviewing proposed zoning map amendments, the County's Land Use Plan is taken into consideration to determine the proper zoning and uses for a specific area. The County's Land Use Plan currently identifies the subject area at the northwest corner of State Route 31 and Light Road as suburban residential (max density 1.00 du/acre). The existing zoning in the subject area consists of a mix of commercial zoning: B-1 (Local Shopping), B-2 (General Business), B-3 (Highway Commercial) with the existing uses of a gas station, a commercial strip mall, the self-service storage facility, a decommissioned water treatment facility, and stormwater detention facilities to serve these commercial uses. The area totals 10.5 acres.

Staff is of the opinion that given the existing zoning classifications and existing commercial uses in this area that the County's Land Use plan be amended to reflect commercial development for consistency with existing zoning and uses.

Mr. Nelson made a motion, seconded by Ms. Zubko, to open the public hearing.

No Comments from the public.

M. Nelson made a motion, seconded by Ms. Zubko, to close the public hearing.

Mr. Nelson made a motion, seconded by Ms. Wilson, to approve the LRMP Amendment. With a voice vote of all ayes, the motion carried.

### **16-20 – Stor-Mor, Inc. – Zoning Map Amendment – B-1 to B-2**

Mr. Sterrett outlined the request for a zoning map amendment for the property at 1317 Route 31 in Oswego Township. Stor Mor Inc is requesting a zoning map amendment to rezone the 3.2 acre property from B-1 to B-2 to allow for an expansion of the enclosed self service storage facility and to allow outdoor storage. The county's Land Use Plan identifies this area as Suburban Residential. A rezoning of this property will require an amendment to the County's Land Use Plan to allow for commercial development. The County's Regional Plan Commission discussed this potential change at their June and July meetings and will hold a public hearing on the amendment in August. The existing zoning classifications and land uses in the area are consistent with a commercial category and would benefit from a change in the land use plan to accommodate any future commercial redevelopment at the intersection.

Mr. Nelson made a motion, seconded by Ms. Zubko, to recommend approval of the zoning map amendment. Mr. Sterrett called the roll. With all present members voting aye, the motion carried.

### **16-20 – Stor-Mor, Inc. – B-2 Special Use – Outdoor Storage and Enclosed Self-Service Storage**

Mr. Sterrett outlined the request for a special use for an outdoor storage as well as enclosed self-service storage for the property at 1317 Route 31 in Oswego Township. Stor Mor Inc intends to construct a 8,400sf enclosed self-storage facility just south of the three existing buildings. In addition to this enclosed structure, twenty-nine (29) angled parking stalls are proposed for RV storage outdoors. Staff notes that the drive aisle leading to twelve (12) of these parking stalls is a dead end and the angled parking stalls will require any vehicle stored to be backed out completely down the access aisle. Prior to construction, approval from the Oswego Fire Protection District should be received that this dead end access drive will not require a turnaround for emergency vehicles.

To address the screening of the outdoor storage area from adjacent properties, the petitioner is proposing to install emerald green arborvitae along the south and west property line. Evergreen trees along a portion of the east property line will be installed to screen from State Route 31. The storage area will be completely fenced in. The petitioner has indicated that no vehicle will be accepted to store on site that is not in working condition. The hours of operation would remain the same as they are currently for the existing self-service storage facility which has office hours of 8:00am to 5:00pm and gate hours of 7:00am to 7:00pm.

If the Land Use plan is amended to commercial for the subject parcel and immediately surrounding properties and approval is granted for the zoning map amendment request from B-1 to B-2, staff recommends the following conditions be placed on the controlling ordinance for the especial use:

The property will be developed in accordance with the site plan

A building permit shall be secured prior to construction of the proposed storage building

A stormwater management permit shall be secured prior to the development of the property  
The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties.

Office hours of operation shall be limited to 8:00am to 5:00pm and gate hours of operation shall be limited to 7:00am to 7:00pm

No more than twenty-nine (29) vehicles may be stored on site at a time

All vehicles stored on site shall be located within a designated stall

All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance

Ms. Zubko made a motion, seconded by Mr. Bledsoe, to recommend approval of the special use request with staff's recommendations subject to submittal of a revised landscape plan. Mr. Sterrett called the roll. With all present members voting aye, the motion carried.

### **16-21 – High Grove Subdivision – Zoning Map Amendment – RPD-2 to R-2**

Mr. Casey informed Chairman Ashton that he will recuse himself from discussion on this petition. Mr. Sterrett outlined the request for a zoning map amendment for the property on the west side of Grove Road, approximately 1 mile north of Route 52 in Seward Township. The petitioners, Tom and Suzanne Casey, are requesting a zoning map amendment to rezone the 9.9 acres from RPD-2 to R-2. The County Land Use Plan identifies this area as Rural Residential with a maximum density of 0.65 dwelling units per acre. With a proposed four (4) lot subdivision, the property will have a density of 0.40 dwelling units per acre. This is less than the proposed density of the original 48 lot development on the 109 acre tract of land. The Village of Plattville's Comprehensive Plan identifies this area as low density residential with a maximum density equivalent to the County of 0.65 dwelling units per acre. The City of Joliet identifies this area as residential with a maximum density of 2.5 dwelling units per acre. The property was originally approved in 2006 as a 48 lot single family home subdivision with lots of open space on an overall 109 acre tract of land. The final plat of subdivision was not recorded thus voiding the approval. Since that time the Joliet Park District has acquired 97 of the 109 acres from the petitioners. Of the remaining 12 acres from the original development, the petitioner is requesting to rezone 9.9 acres to R-2 Single-family Residential.

Mr. Nelson made a motion, seconded by Ms. Zubko, to recommend approval of the zoning map amendment. Mr. Sterrett called the roll. With all present members voting aye, the motion carried.

### **16-21 – High Grove Subdivision – Preliminary and Final Plat of Subdivision**

Mr. Casey informed Chairman Ashton that he will recuse himself from discussion on this petition. Mr. Sterrett explained that the petitioner's have contemporaneously submitted a Preliminary and Final Plat for a four (4) lot subdivision. Each of the four lots has a lot size of 94,207 square feet. These lot sizes meet the minimum lot size requirement of 90,000 square feet of the R-2 district. Grove Road currently has a seventy (70) foot right-of-way. As a major collector roadway, 120' of right-of-way is required. An additional fifteen (15) feet of ROW will be dedicated on the west side of Grove Road for future widening as well as a no access strip easement along lots 1 and 2 and the 2.1 acres north of the proposed development.

The four (4) lots are proposed to be served by a private road within proposed lot 5 having a width of 40'. It is staff's understanding that the private road has an easement for ingress and egress granted to the Joliet Park District for access to a future park site. Attorney Dan Kramer, representing the petitioner's stated that the Joliet Park District will construct and maintain the drive.

The Preliminary and Final Plat include the location and orientation of septic system envelopes on each individual residential lot as well as the location of well envelopes on each individual residential lot. Soil classifications are currently being reviewed by the Health Department.

Ms. Zubko made a motion, seconded by Ms. Wilson, to recommend approval of the preliminary and final plat of subdivision. With a voice vote of all ayes, the motion carried.

**OLD BUSINESS**

**16-14 Robert Delaney – Outdoor Gun Range**

No discussion. Continued to September.

**NEW BUSINESS**

None

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

16-16 – Jensen- Request for a special use to operate a landscaping business in the A-1 district was approved by the County Board on August 16, 2016.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Nelson made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion carried. The Regional Plan Commission meeting adjourned at 7:45 pm.

Respectfully submitted by,  
John H. Sterrett, Senior Planner

**MINUTES (UNOFFICIAL)**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**August 29, 2016 – 7:00 p.m.**

**CALL TO ORDER**

At 7:00 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

**ROLL CALL**

Members present: Randy Mohr, Karen Clementi, Tom LeCuyer, Donna McKay, Scott Cherry, Dick Whitfield, and Dick Thompson

Members absent: None

Staff present: Mike Hoffman, Teska Associate, Inc

Public: Dan Kramer, Tom Casey, and Suzanne Casey - High Grove Subdivision Petitioner, Mike Mattingley (Attorney for the Feece's), and Troy Feece - Legal objectors to High Grove Subdivision, and Robert Schneider - Store-Mor, Inc.

**MINUTES**

Mr. Whitfield, second by Mr. Thompson, moved to approve the May 2, 2016 meeting minutes. With a voice vote of all ayes, the motion was approved.

**PETITIONS**

**16-20 Stor-Mor, Inc. (Bob Schneider)**

Request: Zoning Map Amendment

Location: 1317 State Rte 31, Oswego Township

Purpose: To rezone 3.2 acres from B-1 (Local Shopping District) to B-2 (General Business District)

Chairman Mohr opened the public hearing.

Mike Hoffman reviewed the staff report. Bob Schneider reviewed his plan, including proposed landscaping to buffer the outside storage area. Mr. Hoffman requested, and Mr. Schneider agreed, to provide a copy of the proposed landscape plan to be attached to the special use ordinance.

After discussion by the Commission, Chairman Mohr closed the public hearing.

Ms. McKay made a motion to recommend approval of rezoning from B-1 to B-2, including the findings of fact as presented by staff. Ms. Clementi seconded.

The motion was approved: voted 7-0.

### **16-21 High Grove Subdivision**

Request: Zoning Map Amendment

Location: West side of Grove Road, 1 mile north of U.S. Route 52, Seward Township

Purpose: To rezone 9.9 acres from RPD-2 (Residential Planned Development -Two) to R-2 (Single-Family Residential)

Chairman Mohr opened the public hearing. Mike Hoffman summarized the staff report. He also noted a legal objection filed by the property owner to the south, Troy and Susan Feece that was filed 8/29/2016. As the Feece's own move than 20% of the property boundary, a ¾ vote of the County Board will be required to adopt the zoning change.

Mr. Kramer presented the case for the petitioner.

Mike Mattingly, representing Troy and Susan Feece, noted their legal objection and raised several concerns. First, they were concerned about the RPD2 zoning on the remainder of the original High Grove project – land now mostly owned by the Joliet Park District. Their concern was the property could still be sold for development. Second, they were concerned about what will happen on the remaining 1.87 acres on the north side of the proposed plat. Third, they were concerned about density and home orientation. They were told at one time that the property would revert back to agricultural use if the RPD subdivision was not developed – which in their opinion would mean no more than two additional homes. They are also concerned about the orientation of the new homes, as two homes will likely back onto their property. Existing homes face Grove Road. Attorney Kramer noted that the Park District was unlikely to sell the property, and offered an exhibit showing their plan for the 97-acre park. He noted that the park acquisition was partially funded through the State of Illinois's Open Space Land Acquisition and Development (OSLAD) program.

Mike Hoffman noted that a stipulation with such funding is the land be reserved permanently for open space use. Mr. Kramer noted that the 1.87 acres to the north was being retained by the Casey family, and would be used with their existing property to the north (no access would be allowed from Grove Road).

Regarding density, Mr. Kramer testified that the PBZ office had previously calculated that they would be able to get 4 allocation lots if this were developed with Agricultural zoning, but in consultation with the PBZ office all agreed that rezoning to R2 was the best course of action.

Commissioner Clementi asked how long the Feece's had owned the property to the south, and Troy Feece noted they bought the property about 3 years ago.



Chairman Mohr reviewed each of the 5 staff's findings. The findings of fact are as follows:

*Existing uses of property within the general area of the property in question. **The existing uses of property within the area of this property are agricultural and residential.***

*The Zoning classification of property within the general area of the property in question. **The zoning classifications within the general area consist of A-1 Agricultural with 97 acres to the north and west zoned as RPD-2.***

The suitability of the property in question for the uses permitted under the existing zoning classification. **The property will be developed per the restrictions of the county's subdivision control ordinance and a preliminary and final plat of subdivision have been recommended for approval by the County's regional plan commission.**

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. **The trend of development in the area has residential zoning that would allow for a more dense development. The requested zoning, however, will have less density and allow for more open space.***

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The rezoning to R-2 is consistent with the County's Land Use Plan in the area as rural residential with a maximum density of 0.65 dwelling units per acre.***

Each item was approved unanimously.

Ms. McKay made a motion to recommend approval of rezoning from RPD-2 to R-2. Mr. Whitfield seconded.

The motion was approved: voted 7-0.

#### **REVIEW PETITIONS THAT WENT TO COUNTY BOARD**

None

#### **NEW BUSINESS/OLD BUSINESS**

None

#### **PUBLIC COMMENT**

None

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Chairman Mohr requested a motion to adjourn the Zoning Board of Appeals meeting. Mr. Whitfield made a motion to adjourn. Mr. Cherry seconded the motion. With a voice vote of all ayes, the motion carried. Chairman Mohr adjourned the Zoning Board of Appeals meeting at 7:59 p.m.

Minutes prepared by Michael Goers, edited by Mike Hoffman

**MINUTES**  
**KENDALL COUNTY**  
**SPECIAL USE HEARING OFFICER**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**August 29, 2016 – 7:00 p.m.**  
**Unofficial until Approved**

**CALL TO ORDER- SPECIAL USE HEARING**

At 8:03p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

**ROLL CALL**

Member present: Walter Werderich, Special Use Hearing Officer

Staff Present: Mike Hoffman, Teska Associates, Inc

In the audience: Robert Schneider

**MINUTES**

Mr. Werderich approved the August 1, 2016 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting will be conducted and swore in all members of the audience that wished to speak about the special use.

**PETITIONS**

**16-20 Stor-Mor, Inc. (Bob Schneider)**

Request: Special Use for a storage facility in the B-2 Zoning District

Location: 1317 State Rte 31, Oswego Township

Purpose: Request for approval of a special use to operate an enclosed self-service storage facility and an outdoor storage facility

Mike Hoffman summarized the case, and listed off the recommendation conditions proposed by staff:

- The property will be developed in accordance with the site plan
- A building permit shall be secured prior to construction of the proposed storage building
- A stormwater management permit shall be secured prior to the development of the property
- The outdoor storage and expansion of the enclosed self-service storage facility shall be effectively screened from adjacent properties.
- Office hours of operation shall be limited to 8:00am to 5:00pm and gate hours of operation shall be limited to 7:00am to 7:00pm
- No more than twenty-nine (29) vehicles may be stored on site at a time
- All vehicles stored on site shall be located within a designated stall
- All lighting shall comply with Section 11 of the Kendall County Zoning Ordinance

Mr. Werderich opened the public hearing for audience comment. He noted that he was in attendance at the preceding ZBA Hearing, and heard the applicant's presentation.

There were no comments.

Mr. Werderich closed the public hearing.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*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. True. The petitioner has submitted a site plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including fencing and appropriate landscape screening.*

*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. Adequate landscaping screening will be provided to effectively screen the proposed use from adjacent residential properties. The only lighting being added to the property is security lighting on the structures and will comply with the provisions of Section 11.02.F.12 of the Zoning Ordinance to ensure adjacent properties are not impacted by any glare.*

*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 submitted stormwater detention plans for review for approval of a stormwater management permit. The Oswego Fire Protection District has begun to review the site plan.*

*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 petitioners have 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 proposed change to the LRMP to include commercial in the area.*

Mr. Werderich said the proposed special use meets the required findings of fact he rules accordingly. His recommendation is to approve the special use with the noted conditions, including the more detailed landscape plan presented at the ZBA hearing, and that the petition move forward to the PBZ committee .

#### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

**16-16 – Jensen – A-1 Special Use – Landscaping Business – 7225 Caton Farm Road, Kendall Township – Approved by the County Board on August 16, 2016**

# GROVE ROAD PARK



## NATURAL AREAS

Trees, shrubs and prairie plants have been established on many parts of the site. To enhance and expand on these areas, selective removal along with new plantings would be done. Distinctive areas including wetlands, lowland prairie, upland prairie and savannah.



## TRAILS AND BOARDWALK

Building off the existing mulched trails, new loops are created to bring users to the many different natural areas found on the site.



## SHELTER

A community picnic shelter allows users to find a place in the shade or invite the family out for a gathering.



## NATURE PLAYGROUND PODS

Multiple playground areas along the trail with a nature based theme.



## FITNESS STATIONS

Workout stations that offer programmed exercise outdoors while walking along the trail.



# JOLIET PARK DISTRICT

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF KENDALL    )

**DRIVEWAY AND ROADWAY,  
INGRESS AND EGRESS EASEMENT**

NOW COMES BEANE HOMESTEAD, LLC of the Township of Seward, County of Kendall, State of Illinois, who in consideration of the mutual Covenants and Conditions contained herein, and in consideration of the vacation voluntarily by Joliet Park District of the easement previously granted under Document #201400001107 filed in the office of the Recorder of Deeds in Kendall County, Illinois on January 23, 2014 mutually agrees as follows with the Joliet Park District:

WHEREAS, BEANE HOMESTEAD, LLC is the owner of record of the following described real estate attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, JOLIET PARK DISTRICT and BEANE HOMESTEAD, LLC previously agreed in a Driveway and Roadway Ingress and Egress Easement recorded as Document #201400001107 recorded on January 23, 2014 to create an access driveway and roadway ingress and egress easement permitting the BEANE HOMESTEAD, LLC and its successors and assigns and the JOLIET PARK DISTRICT the use of a driveway or private roadway to be constructed on the southerly sixty-six feet (66’) of the real property described in Exhibit “B”; and

WHEREAS, both parties hereto agree to vacate the driveway and roadway ingress and egress easement set out in Document #201400001107; and

WHEREAS, each party has deemed it to be in their mutual best interest to relocate said driveway and roadway ingress and egress easement as depicted on Exhibit "C" which is attached hereto and incorporated herein by reference which is a Joliet Park District Concept Plan for the improvement of a park district facility to the west and adjoining of the access easement said drawing being dated April 28, 2016; and

WHEREAS, the parties hereto are entering into this new Easement Agreement to provide mutual and reciprocal access for a driveway and roadway ingress and egress easement between them and to apportion the installation costs and maintenance obligations therefore and ensure proper access for both parties to their respective parcels of real property; and

WHEREAS, it is the intent of this easement to become effective immediately upon execution by the proper representatives of BEANE HOMESTEAD, LLC on September 26, 2016 and approval of the JOLIET PARK DISTRICT and execution thereof:

NOW THEREFORE the parties hereto agree as follows:

- 1) RECITALS: The parties hereto agree that the recitals stated above are sufficient consideration to support the mutual execution of this Driveway and Roadway, Ingress and Egress Easement; the vacation of the earlier Driveway and Roadway, Ingress and Egress Easement recorded as Document #201400001107 recorded in the office of the Kendall County Recorder of Deeds on January 23, 2014; and to support the future dedication and conveyance of the private roadway of what will become Lot 5 of a Resubdivision of High Grove Subdivision from BEANE HOMESTEAD, LLC to the JOLIET PARK DISTRICT.

All of the covenants and conditions contained above shall be binding conditions and contract obligations of all parties hereto.

- 2) GRANT OF EASEMENT: Now comes BEANE HOMESTEAD, LLC of the Township of Seward, County of Kendall, State of Illinois who in consideration of the above described Covenants, Conditions, and Recitals hereby grants a sixty foot (60') driveway and roadway ingress and egress easement to JOLIET PARK DISTRICT for the construction of what ultimately will become a private roadway on said easement between the parties hereto.
  - a) The JOLIET PARK DISTRICT shall have the right to immediately accept bids for the construction of the roadway to be installed as a driveway and roadway on said private ingress and egress easement, and shall construct the actual roadway surface of twenty-four foot (24') in width pursuant to the Kendall County Private Road Standards, and applicable engineering drawings that have been prepared by JOLIET PARK DISTRICT.
  - b) BEANE HOMESTEAD, LLC of the Township of Seward, County of Kendall, State of Illinois reserves to and for itself and its successors and assigns an easement for ingress and egress purposes and for extension of utilities such as gas, electric, cable tv, or otherwise necessary for the construction of four (4) residences to on each side of said private roadway easement which will connect their driveways to the hard surface roadway/driveway being constructed by JOLIET PARK DISTRICT.
  - c) JOLIET PARK DISTRICT shall be solely responsible for the cost of the improvement of said ingress and egress easement which will consist of a



twenty-four foot (24') wide hard surface drive, ditches on each side of the hard surface drive for drainage; and culverts or other conveyances under the roadway to permit the drainage that generally flows from the south and both off and on-site to the north to the creek area on land owned by JOLIET PARK DISTRICT adjacent to the easement area.

- 3) FUTURE CONVEYANCE BY BEANE HOMESTEAD, LLC: Immediately upon approval of a Final Plat of Subdivision for the Resubdivision of High Grove Subdivision by the County of Kendall and the recording of the Final Plat by representatives of BEANE HOMESTEAD, LLC with the Kendall County Recorder of Deeds, it shall be the irrevocable obligation of BEANE HOMESTEAD, LLC as Grantor to convey by General Warranty Deed to JOLIET PARK DISTRICT what is being designated as Lot 5 of High Grove Subdivision, in the attached Exhibit "D". The Deed shall be transferred free of any mortgages, liens and unpermitted exceptions.
- 4) MAINTENANCE OF EASEMENT: The exclusive obligation of maintenance of said easement will be by the JOLIET PARK DISTRICT. All parties hereto have acknowledged both for themselves and their successors, heirs, and assigns that neither the County of Kendall nor Seward Township shall have any obligation to assume ownership or maintenance of the easement or ultimate private road.
- 5) BINDING EFFECT: This easement shall be binding upon the successors, heirs, and assigns of all parties hereto. The easement shall further be considered as a covenant running with the land.

- 6) SEVERABILITY: In the event any portion of this Easement Agreement becomes unenforceable or violates any statute or ordinance, the remaining terms thereof shall remain in full force and effect.
- 7) TERMINATION OF EASEMENT: Upon approval and recording of a Final Plat of Subdivision creating Lot 5 of High Grove Subdivision, and a recording of a Deed from BEANE HOMESTEAD, LLC as Grantor to JOLIET PARK DISTRICT as Grantee of Lot 5 of High Grove Subdivision, this Easement Agreement shall automatically terminate as an easement, but the specific terms thereof providing for utility access, ingress and egress to the four (4) lots, cost of installation of the easement and all improvements including hard surface roadway and drainage ditches, maintenance in the future, and the obligation to convey shall survive this Agreement and shall be the binding obligation of the parties hereto and their successors and assigns.
- 8) UTILITY ACCESS: It is the intention of all parties hereto that the granting of the easement not only shall provide for the private roadway/hard surface drive but also shall allow for the extension of normal utilities for the four (4) lots anticipated to be developed as single family residential lots in high grove subdivision and for utility extension purposes by JOLIET PARK DISTRICT to serve their park district property and any improvements thereon.

IN WITNESS WHEREOF, the parties have executed this Agreement the dates indicated below their signatures.

BEANE HOMESTEAD, LLC

By:

[Signature]  
SUZANNE CASEY, Authorized Manager

[Signature]  
THOMAS CASEY, Authorized Manager

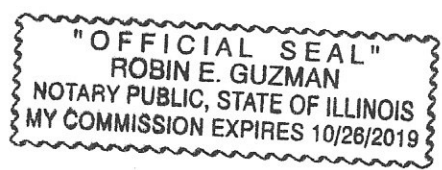
Dated: Oct 4, 2016

STATE OF ILLINOIS        )  
  ) ss.  
COUNTY OF KENDALL    )

I, the undersigned, a Notary Public in and for and residing in said County, in the State of Illinois, DO HEREBY CERTIFY THAT SUZANNE CASEY and THOMAS CASEY, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 4<sup>th</sup> day of October, 2016,  
2016.

[Signature]  
Notary Public



JOLIET PARK DISTRICT

By:

Tom Carstens

Authorized Representative

Dated: 10-3-2016

STATE OF ILLINOIS )  
Kendall ) ss.  
COUNTY OF Will )

I, the undersigned, a Notary Public in and for and residing in said County, in the State of Illinois, DO HEREBY CERTIFY THAT Tom Carstens, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed, and delivered the said instrument as he free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 3<sup>rd</sup> day of October, 2016.



Theresa L. Talarico  
Notary Public

Prepared by and return to:  
Law Offices of Daniel J. Kramer  
1107A S. Bridge St.  
Yorkville, IL 60560  
630-553-9500

October 6, 2016

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

Subject: Review of High Grove Subdivision  
Kendall County (WBK Project 16-100F)

Dear Mr. Holdiman:

Wills Burke Kelsey Associates, Ltd. has completed a review of the Grove Road Site Access for the Joliet Park District in Kendall County. The following material was provided to us for review:

- High Grove subdivision Civil Site Grading Plan prepared by Tebrugge Engineering dated October 6, 2016 and received October 6, 2016
- Preliminary and Final Plat of Highgrove prepared by Phillip D. Young and Associates, Inc. dated October 6, 2016 and received October 6, 2016.

These documents have been reviewed for conformance with the Kendall County Stormwater Ordinance. The following comments require resolution prior to our recommendation for final approval:

1. These plans need to be coordinated with the Joliet Park District Grove Road Access plans.
  - a. Clarify who is constructing the roadway; Joliet Park District or petitioner. If elements of the plan are constructed by others or depicted on other plan sets make reference to those plans sets and construction by others. Indicate these elements with a different line style / type. This also includes drainage culverts and field tile replacement.
  - b. The roadway drainage ditch at the west end does not match the JPD plans. Currently they do not anticipate roadway drainage as part of their plans. Please resolve.
  - c. Existing topography between the JPD plans and this plan does not match.
  - d. It appears the roadway is anticipated to be crowned but the JPD plans do not indicate a crowned section.
2. The pavement centerline profile should be at 0.5% minimum to facilitate drainage.

3. Indicate removal of the existing field tile on Lot 4.
4. Indicate re-routing of the existing field tile which transects Lots 1 & 2. It is preferred that replacement tile be constructed with the roadway / initial construction activities. Coordinate with the JPD plans.
5. Provide calculations to justify the proposed 15" diameter driveway culverts for Lots 3 & 4.

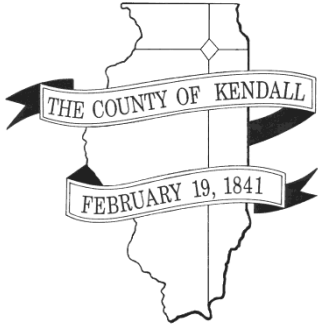
The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's 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.

Sincerely,

Greg Chismark, P.E.  
Municipal Practice Principal

CC: Joe Tebrugge – Tebrugge Engineering



**DEPARTMENT OF PLANNING, BUILDING & ZONING**  
 111 West Fox Street • Room 203  
 Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**Petition 16-25**  
**The Bluffs, Inc. d/b/a Cider Creek**  
**A-1 Special Use – Banquet Hall, Seasonal Festival**

**SITE INFORMATION**

**PETITIONER** L and P Nelson Trust 103

**ADDRESS** 15888 Frazier Road, Plano

**LOCATION** South side of Frazier Road, west of Creek Road



**TOWNSHIP** Little Rock

**PARCEL #** 01-20-400-005 and -006 (the proposed 45.85-acre special use covers only a portion of these PIN's – the submitted Alta Survey shows a total ownership of 165.25 acres)

**LOT SIZE** 45.85 acres

**EXITING LAND USE** Agricultural

**ZONING** A-1 Agricultural District

<b>LRMP</b>	<b>Land Use</b>	Commercial and Countryside Residential
	<b>Roads</b>	Both Creek Road and Frazier Roads are under Little Rock Township Jurisdiction
	<b>Trails</b>	A trail is proposed along Frazier Road

Floodplain/ Wetlands	Most of the site is just outside of the Little Rock Creek Floodplain. However, the far eastern portion of the property is within the 100- year floodplain. A Freshwater Forested Shrub Wetland also exists just south (but outside) of the subject property.
-------------------------	--

**REQUESTED ACTION**

A-1 Special Use to allow a banquet hall, a nano-brewery, a micro-distillery, a year-round seasonal festival with petting zoo, and production and sale of sweet cider and variances for:

- A. That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to a road designated as a major collector (or higher) – neither Creek Road or Frazier Road are collectors
- B. The retail sales areas on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
- C. That parking be allowed within the 100’ agricultural setback.

**APPLICABLE REGULATIONS**

Section 7.01 D.10 (Banquet Halls), D.29 (Micro-distillery), D.30 (Nano-brewery) D-42 (Production and sale of sweet cider) – A-1 Special Uses – and Section 7.01E – 1.j.xv (seasonal festivals – requested to treat as special use to allow year around activity – A-1 Conditional Use.

Section 11.02.F.7 – No parking is allowed in required front yard setback (100’ in A-1 District)

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	Agricultural (and Rural Estate east of Creek Rd.)	A-1
South	Agricultural	A-1	Suburban Residential	A-1
East	Agricultural	A-1	Commercial and Urbanized (in Plano)	A-1 (residential in Plano)
West	Agricultural/Radio Station	A-1	Countryside Residential	A-1 (A-1 SU for radio station)



## **PHYSICAL DATA**

The property generally drains north to south towards Little Rock Creek. The land is fairly gently sloping near Frazier Road, and a significant drop in topography occurs along the heavily wooded creek bluff near the limits of the subject site. A double row of evergreen trees has recently been planted along both Creek Road and Frasier Road which will provide a significant buffer once the trees mature.



## **ENDANGERED SPECIES REPORT**

No Endangered or Threatened Species have been identified in the vicinity of the project area. (EcoCat report attached)

## **NATURAL RESOURCES INVENTORY**

LESA score of 173, suggesting a low level of protection.

## **ACTION SUMMARY**

### **LITTLE ROCK TOWNSHIP**

Little Rock Township reviewed the proposal at both the Zoning Board and Township Board levels, and both voted unanimously to support the petition. The Township Road Commissioner, Richard Wade Jr., was present at both meetings, and was also in favor of the request and was comfortable with the proposed access points and circulation.

### **CITY OF PLANO**

Petition information was sent to the City of Plano 8.24.16, and the City responded that they saw no problem with the proposed development.

### **LITTLE ROCK/FOX FIRE PROTECTION DISTRICT**

LRFFPD has no objections as long as the roadways are 'commercial' in nature and maintain turning radiuses suitable for standard straight trucks.

### **ZPAC**

The project was reviewed at the September 6<sup>th</sup>. The project was recommended to move forward, with a request for submission of a concept plan (which was done and is included in this packet). The Health Department suggested the applicant should work closely with them to address septic system requirements early on to avoid potential problems. The need for a variance from the parking setback requirements was identified, and the application was amended to include that request.

### **RPC**

The Regional Planning Commission (RPC) reviewed the proposed special use at their September 28<sup>th</sup>, 2016 meeting. The project was recommended for approval with a number of conditions (noted latter in this staff report). A number of residents, primarily living along Creek Road. Their concerns were for increased traffic, hours of operation, and lighting.

**ZBA**

The Zoning Board of Appeals conducted a public hearing and reviewed the requested variances at their October 3<sup>rd</sup>, 2016 meeting and recommend approval.

**SHO**

The Special Use Hearing Officer conducted a public hearing on the proposed special use on October 3<sup>rd</sup>, 2016 and recommended approval with the conditions outlined in the staff memorandum, with two changes:

1. Condition #8a as outlined in the staff report be changed to comply with the County ordinance relating to noise; and
2. Exclude condition #14 from the staff report entirely.

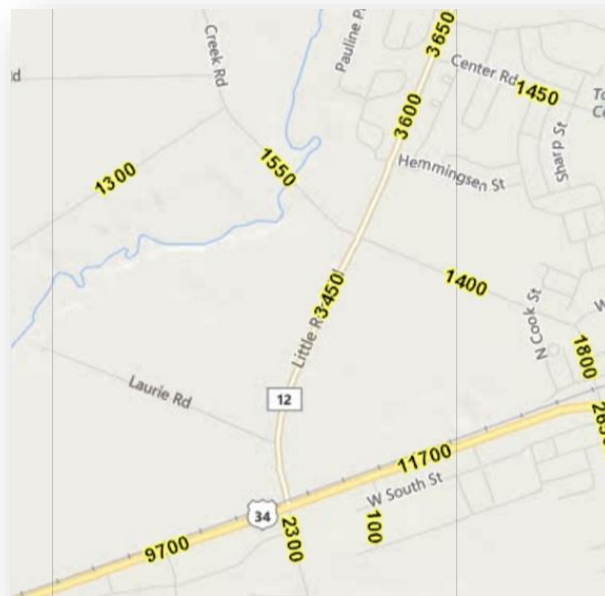


*Oblique View Looking North*

**GENERAL**

The L&P Nelson Trust #103 is requesting an A-1 Special Use to operate a U-Pick Orchard offering commodities grown on and off the site, food produced from the commodities along with other food and refreshments, entertainment and activities will also be provided. Specific uses will include a banquet hall, a micro distillery, a nano-brewery, production and sale of sweet cider, and a year-round seasonal festival. As these special uses are addressed under different sections of the code, each is listed separately below, along with their conditions.

The Land Resource Management Plan was amended in 2015 to show commercial use along the south side of Creek Road between Little Rock Road and Frazier Road. While the proposed uses clearly have an agricultural theme, they also are clearly commercial in nature and will attract commercial traffic – particularly during seasonal events or for functions at the proposed banquet facility. As illustrated on the right, traffic is relatively light on surrounding roads today, with an Average Daily Traffic (ADT) of 1,550 on Creek Road and 1,300 ADT on Frazier Road. There is clearly capacity on the local roads to accommodate additional traffic. To-date, several barn-like structures have been (re) constructed on the property, as well as an improved access drive from Creek Road. Five-hundred apple trees have been planted to-date, with another 4,500 trees planned to be added in Spring, 2017.



2016 Traffic Counts per IDOT

At our request, the applicant has provided a conceptual plan to show the general layout of proposed activities. The circulation plan is for cars to enter from Creek Road and exit onto Frazier Road. This approach has been reviewed and approved by the Little Rock Township Road commissioner, who has jurisdiction over these roadways. The applicant noted in their ZPAC presentation that what they are planning is similar to the Kuiper’s Family Farm near Maple Park - <http://www.kuipersfamilyfarm.com/>. **Activities planned for Cider Creek include apple picking, a pumpkin patch, a store and bakery, kids activities such as a petting zoo and train, and a cider mill with a nano-brewery and micro-distillery. A banquet facility is also planned in the future.** Build-out is anticipated to take several years, with the orchard and cider mill coming first (Spring, 2017), followed by the store latter in 2017 and the banquet facility in 2018.

The zoning code has a number of conditions outlined for each of the requested special uses, and these are summarized on the following pages.

Banquet Hall

Banquet Halls are permitted subject to the following conditions:

Condition	Comments
a. <b>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>	Neither Creek or Frazier Roads are arterial or collector roadways – and a variance is requested from this requirement. Both roads are in good condition, are used by semi’s coming from the nearby Hinsdale Nursery, and the Township Road Commissioner has no objections.
b. <b>The subject parcel must be a minimum of 5 acres.</b>	The almost 46-acre site far exceeds the minimum parcel area.
c. <b>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)</b>	This should be listed as a condition of approval. No details have been provided. The banquet facility is planned for a latter phase.

Condition	Comments
<p>d. <b>Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.</b></p>	<p>This should be listed as a condition of approval, and can be reviewed when a site plan is submitted for the banquet hall. A significant landscape buffer is already in place around the periphery of the property.</p>
<p>e. <b>All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.</b></p>	<p>This should be listed as a condition of approval. No details have been provided.</p>
<p>f. <b>Retail sales are permitted as long as the retail sales will be ancillary to the main operation.</b></p>	<p>Retail sales are planned (bakery, apples, cider, seasonal gifts, etc.)</p>
<p>g. <b>The noise regulations are as follows:</b></p> <p><b>Day Hours:</b> 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.</p> <p><b>Night Hours:</b> 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.</p> <p><b>EXEMPTION: Powered Equipment:</b> 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</p>	<p>This should be listed as a condition of approval. The applicant has stated they will comply with whatever regulations are in place.</p>



### Micro-Distillery

A micro-distillery is permitted subject to the following conditions:

<b>Condition</b>	<b>Comments</b>
<b>a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.</b>	Neither Creek or Frazier Roads are major collector roads (see notes under Banquet Hall)
<b>b. Locally grown inputs shall be used to the greatest extent possible.</b>	The petitioner will have approximately 5000 trees, and intends to use crops grown on-site. However, some apples will likely be brought in to extend the season and provide variety.
<b>c. The number of hours permitted to operate shall be on the approving ordinance.</b>	The petitioner should identify proposed hours, and if acceptable, should be written into the ordinance.
<b>d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.</b>	Parking and lighting shall be addressed at the time a site plan is provided.
<b>e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.</b>	This should be a required condition.
<b>f. Shall contact &amp; meet all requirements of the Kendall County Health Department.</b>	This should be a required condition.
<b>g. A waste management plan should be submitted to the Kendall County Health Department</b>	This should be a required condition.

### Nano-Brewery

Nano Breweries are permitted subject to the following conditions:

<b>Condition</b>	<b>Comments</b>
<b>a. The facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.</b>	Neither Creek or Frazier Roads are major collector roads. (see notes under Banquet Hall)
<b>b. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.</b>	This should be a required condition.
<b>c. Locally grown inputs shall be used to the greatest extent possible, with production utilizing crops grown on the same property or in combination with crops grown off-site.</b>	The applicant should detail their plans for acquiring brewing crops.
<b>d. Any tasting or sale of beer shall be subject to the Kendall County Liquor Control regulations.</b>	This should be a required condition.

### Production and Sale of Sweet Cider

Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises is permitted as a special use subject to the following conditions:

Condition	Comments
The tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.	A condition should require appropriate licenses and permits.
The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.	The applicant has requested the ability to have a larger retail sales area, although a specific size has not yet been provided. The proposed location for the retail sales building far exceeds the setback requirement.

Year Around Seasonal Festival

Seasonal festivals are generally handled as a conditional use. However, as this facility is proposed to operate year-round, it is required to seek a special use. The following table details the conditions required for seasonal festivals.

Condition	Comment
i. Adequate parking on site shall be provided in such a way that no on-street parking is necessary	Exact parking requirements will be evaluated as specific site plans are submitted. However, the concept plan provided appears to show adequate areas for on-site parking.
ii. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office	No homes are within 150' of the subject property. In fact, no existing homes are within ½ mile of the proposed operations.
iii. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services	Specific requirements are unknown at this time, but the applicant has stated they will comply with code requirements.
iv. No alcohol shall be sold on the premises	They do plan to sell alcohol on-site.
v. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services	This should be a condition of approval.
vi. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.	This should be a condition of approval.
vii. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property	This should be a condition of approval.
viii. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.	This should be a condition of approval.
ix. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday	This should be a condition of approval.

Condition	Comment
x. <b>Events shall be permitted once a year unless otherwise approved by the PBZ Committee</b>	Applicant has requested ability to operate events all year.
xi. <b>Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year</b>	Applicant has requested ability to operate events all year.
xii. <b>Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.</b>	This should be discussed with applicant since activities are planned year-round.
xiii. <b>All signage shall comply with Section 12.00 of the Zoning Ordinance</b>	This should be a condition of approval.
xiv. <b>All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line</b>	This should be a condition of approval.

**HEALTH CODES**

The petitioner has not provided details for any of the proposed uses. These items must be evaluated and permitted through the Kendall County Health Department prior to construction.

**BUILDING CODES**

Any future buildings will need to be evaluated by the Building Department for determination of any required building permits.

**ACCESS**

The property is at the corner of Creek Road and Frazier Road. A concept plan has been submitted showing an entrance from Creek Road and an exit onto Frazier Road. The existing access location has been approved by the Township Road Commissioner, and appears well located given topography and sight lines.

**PARKING**

As the plans are conceptual at this point, specific parking requirements are difficult to calculate. However, the concept plan shows three sizable areas for parking. The smaller area by the cider mill could potentially accommodate in the range of 50 cars, and the main and overflow lots could – based on their area, accommodate well over 1,000 cars.

**LIGHTING**

No information has been provided regarding proposed lighting.

**SIGNAGE**

No information has been provided regarding proposed signage.

**PUBLIC COMMENTS**

Mr. and Mrs. Scott Francis Cosentino of 2490 Creek Road submitted a letter in opposition to the project on September 13, 2016. They also attend the public hearings and submitted an additional letter on October 4<sup>th</sup>, 2016 (attached). This second letter requested a reduction in the hours of operation. One other resident came into the office to review the application, and stated they may attend the meetings and hearings, but provided no formal comment. Approximately ten residents attending the meeting of the RPC on September 28<sup>th</sup>, and a number of residents also attended the ZBA and SHO Hearings on October 3<sup>rd</sup>. Their comments can be found in the meeting minutes.

## RECOMMENDATION

The proposed uses are consistent with the LRMP, will help to celebrate the agricultural heritage of Kendall County, and is a clear positive from an economic development perspective drawing visitors and tourists from throughout the region. At this time, the nearest neighbors are over a ½ mile away, and the site has a significant landscape buffer planted to provide screening should additional development occur in the area. Given these factors, we recommend approval subject to the following conditions. Numbers 1-11 are as recommended for approval by the Regional Planning Commission. Numbers 12-16 are additional conditions based on further staff review.

1. The property shall be developed in substantial compliance with the submitted concept plan
2. The maximum number of patrons for banquets shall be limited to 225, including any vendors working on the property for a banquet.
3. No event activity shall start earlier than 7:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday. Banquets may end no later than midnight.
4. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance
5. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface adjacent to the proposed retail store/bakery
6. Any food prepared or sold on site, shall conform to the regulations of the Kendall County Health
7. Retail sales are permitted provided that the retail sales will be ancillary to the main operation. Such sales may occur year around.
8. Noise generated by non-agricultural activities on-site shall comply with the following:
  - a. 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 residential property line of the complainant.
  - b. 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 residential property line of the complainant.
  - c. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is

### Variances Requested for this Special Use

1. Facility is located on Township Roads which are not designated as a collector or arterial roadway.
2. The retail store may be larger than 1,000 sq. feet ( current limitation for a facility producing and selling sweet cider) .
3. Alcohol will be sold on the site of a seasonal festival.
4. Parking will be located within the 100' agricultural setback ( existing evergreen buffer of at least 30' already in place)
5. Events may occur year-around, and are not limited to a 90-day window ( seasonal events) .



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

9. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
10. A waste management plan should be submitted to and approved by the Kendall County Health Department prior to operation of the micro-distillery
11. The petting zoo shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
12. There shall be a maximum of three new buildings, with a maximum size of 10,000 square feet each, for the banquet hall, bakery/retail store, and other commercial uses. This maximum number of buildings excludes agricultural buildings such as barns or sheds.
13. Signs shall comply with sign standards for Business Districts in the Kendall County Zoning Ordinance (Section 12.10), and may only be externally illuminated.
- ~~14. Events may occur throughout the year and not held to any consecutive day standard. However, any outdoor music events or festivals generating sixty-five (65) dBA or more at the property line of this special use shall be limited to a total of 10 days within a calendar year. Notice shall be provided to the Kendall County PBZ Department prior to each outdoor music event as described above. Outdoor musical performances shall end by 10pm. (this condition was removed from the Special Use Hearing Officers recommendation. Staff had previously suggested this given past experience with outdoor music events such as those at Hideaway Lakes)~~
15. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of 30' from the right-of-way of Frazier Road.
16. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.

## **ATTACHMENTS**

1. Draft Findings of Fact
2. Description of proposed use - prepared by the petitioners
3. EcoCat Report
4. Concept Plan
5. Letters of Objection
6. Minutes (ZPAC, RPC, ZBA, SHO)

**Special Use Findings of Fact  
Cider Creek – 16-25**

*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. **True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.***

*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. Adequate landscaping screening has been planted along Frazier Road and Creek Road. Conditions have been included that will regulate noise, lighting, and sanitation provisions.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store. The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.***

*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 petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:***

- b) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
- c) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
- d) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).

*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 commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.***

## Variance Findings of Fact Cider Creek – 16-25

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

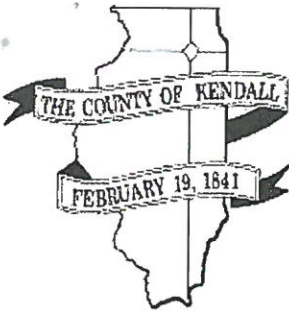
*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* **While the subject property is not on an existing collector road, both Frazer Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.**

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* **True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.**

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* **The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.**

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* **The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.**

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* **The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.**




**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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

**APPLICATION**

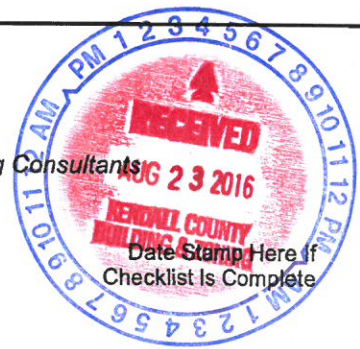
PROJECT NAME Cider Creek FILE #: 16-25

<b>NAME OF APPLICANT</b>		
<u>L + P Nelson Trust 103</u>		
<b>CURRENT LANDOWNER/NAME(s)</b>		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
<u>45 +/-</u>	<u>15888 Frazier Rd</u>	<u>PIN 01-20-400-006+005</u>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
<u>A</u>	<u>A</u>	<u>A + Commercial</u>
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input checked="" type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>A-SU</u> )	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
<u>Larry Nelson</u>	<u>16524 Frazier Rd Plano</u>	<u>Larry.Nelson.WSPY</u>
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER #(Cell, etc.)</b>
	<u>60545</u>	<u>@Gmail.com</u>
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
<u>same</u>		<u>630-247-9301</u>
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b> <u>8/23/16</u>

FEE PAID: \$ 1255.00  
 CHECK #: 1071

<sup>1</sup>Primary Contact will receive all correspondence from County  
<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

Last Revised: 9.18.12  
 Map Amendment



Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

*Existing uses of property within the general area of the property in question.*

Ag - Ag wholesale sales, transportation, commercial, school

*The Zoning classification of property within the general area of the property in question.*

Ag, commercial, residential

*The suitability of the property in question for the uses permitted under the existing zoning classification.*

The requested A-SU is within the existing zoning classification A-1

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.*

The trend of development has been for A to Business and Residential including the Plano high school campus and a Business node just south adjoining the property.

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.*

The LRMP of Kendall County shows much of the 45 acres as Commercial/Business.

## Cider Creek

Cider Creek will be developed over a number of years as a hybrid use of agriculture, entertainment, food and family fun. Typically known as a U Pick Orchard, offering commodities grown on and off the site, food produced from the commodities along with other food and refreshments, entertainment and activities will also be provided.

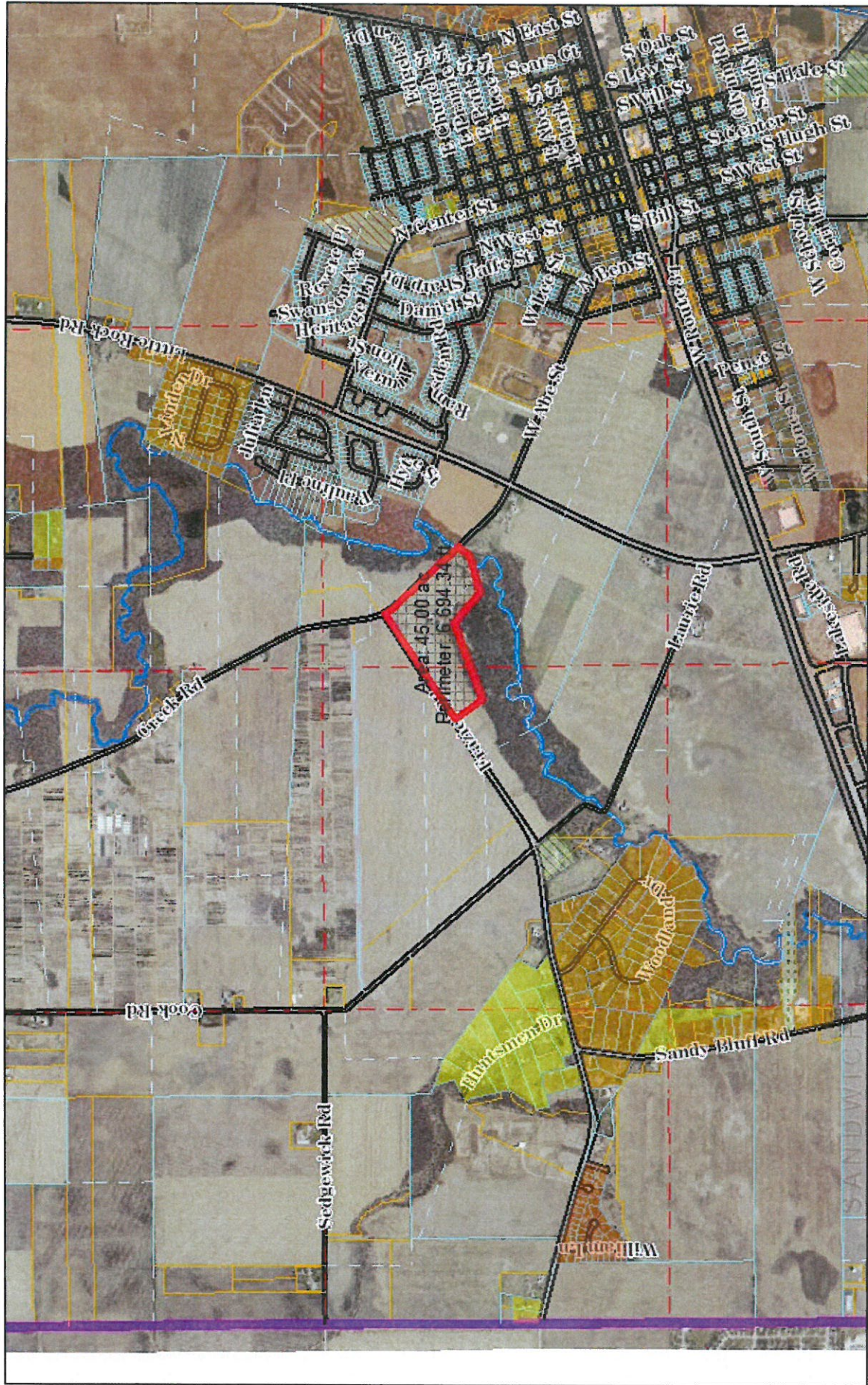
We are requesting A-1 SU of the 45 acre parcel in the application to Permit Section 7.01 D – Ag Special Uses Permitted; D-10 Banquet Halls, D-29 Micro Distillery; D-30 Nano Breweries; and D-42 (which is labeled as 32 (duplicated)) Production and sale of sweet cider (with the restriction of “Total retail area not to exceed 1,000 square feet” removed) and “E Conditional Use” as provided in JXV – to be a year round usage and removing restrictions IV, IX, X, XI.

Additionally, we are requesting a variance from the requirement the facility be located on a major collector or arterial roadway and if needed a variance removing restrictions on D-42 “retail area not to exceed 1,000 sq feet”, and the restriction on “E Conditional Use” J to be year round usage and removing restrictions IV, IX, X, XI.




Note: Cider Creek is a dba of The Bluffs, Inc., an Illinois corporation owned by the Nelson family.



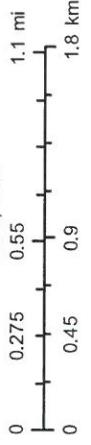
# Area Map Cider Creek



August 23, 2016

-  Agricultural-Building Permit
-  Agricultural-Special Use
-  Agricultural-Special Use-Planned Unit Development

1:34,156



Kendall County Illinois GIS

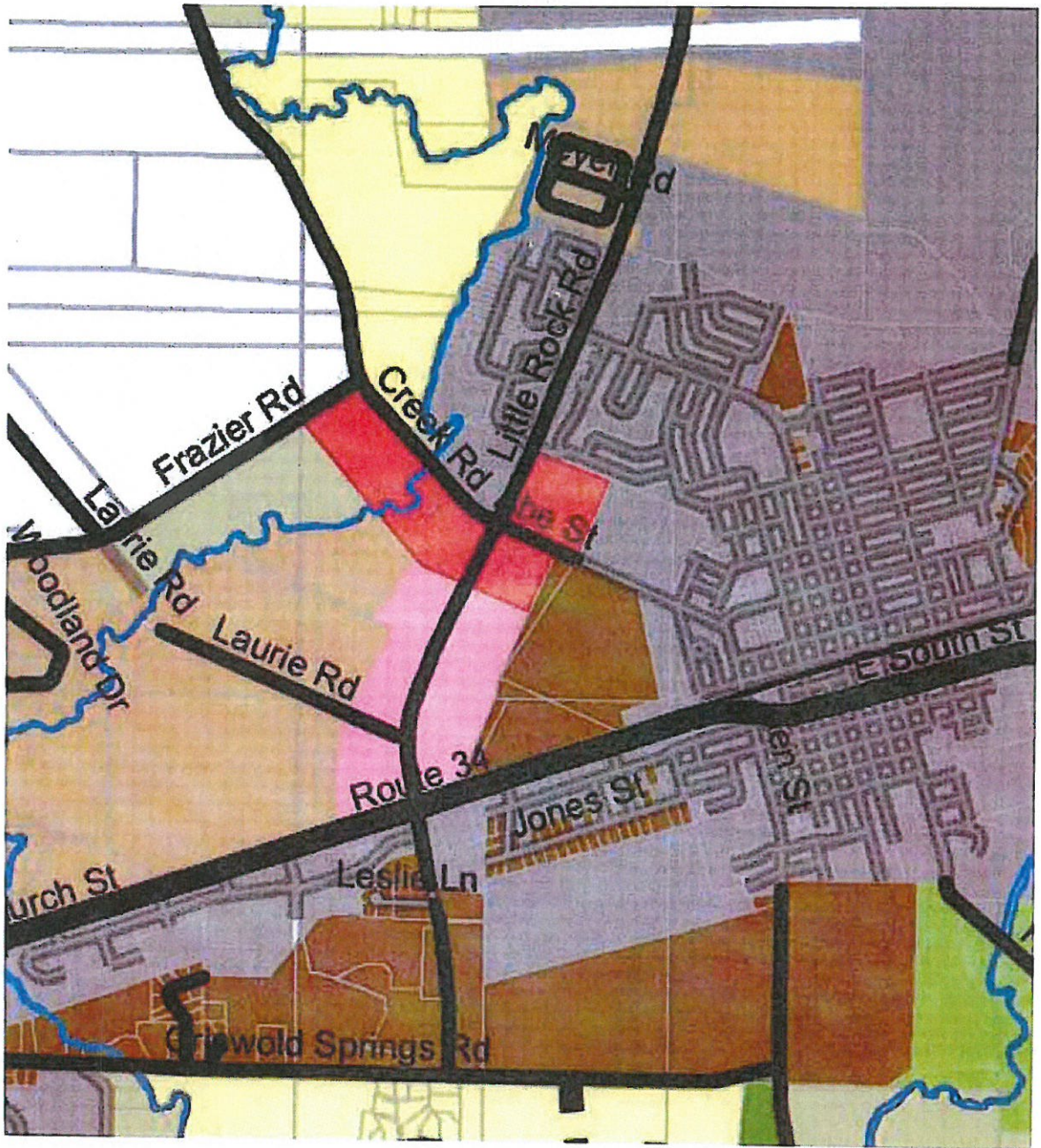




August 22, 2016

LEGAL DESCRIPTION OF 45.8486-ACRE TRACT TO BE REZONED:

That Part of the East Half of Section 20 and that Part of the West Half of Section 21, Township 37 North, Range 6 East of the Third Principal Meridian described as follows: Beginning at the intersection of the centerlines of Frazier Road and Creek Road; thence South 55°49'05" West, along said centerline of Frazier Road, 1980.0 feet; thence South 37°40'55" East, 537.0 feet; thence North 68°19'05" East, 1250.0 feet; thence South 51°40'55" East, 616.0 feet; thence North 72°41'29" East, 607.87 feet to the centerline of Little Rock Creek; thence North 38°00'00" East, along said centerline, 106.0 feet; thence North 29°00'00" East, along said centerline, 104.0 feet to said centerline of Creek Road; thence North 44°01'24" West, along said centerline, 745.32 feet; thence North 44°54'15" West, along said centerline, 514.15 feet; thence Northwesterly, along said centerline being a tangential curve to the right with a radius of 875.40 feet, an arc distance of 252.71 feet to the point of beginning in Little Rock Township, Kendall County, Illinois.



*Applicant:* Larry Nelson  
*Contact:* Same  
*Address:* 16524 Frazier rd  
Plano, IL 60545

*IDNR Project Number:* 1702024  
*Date:* 08/24/2016

*Project:* cider  
*Address:* 15888 Frazier rd, Plano IL

*Description:* A to A-su

---

### Natural Resource Review Results

---

*This project was submitted for information only. It is not a consultation under Part 1075.*

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

#### Location

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

*County:* Kendall



*Township, Range, Section:*  
37N, 6E, 20

37N, 6E, 21

#### **IL Department of Natural Resources**

##### **Contact**

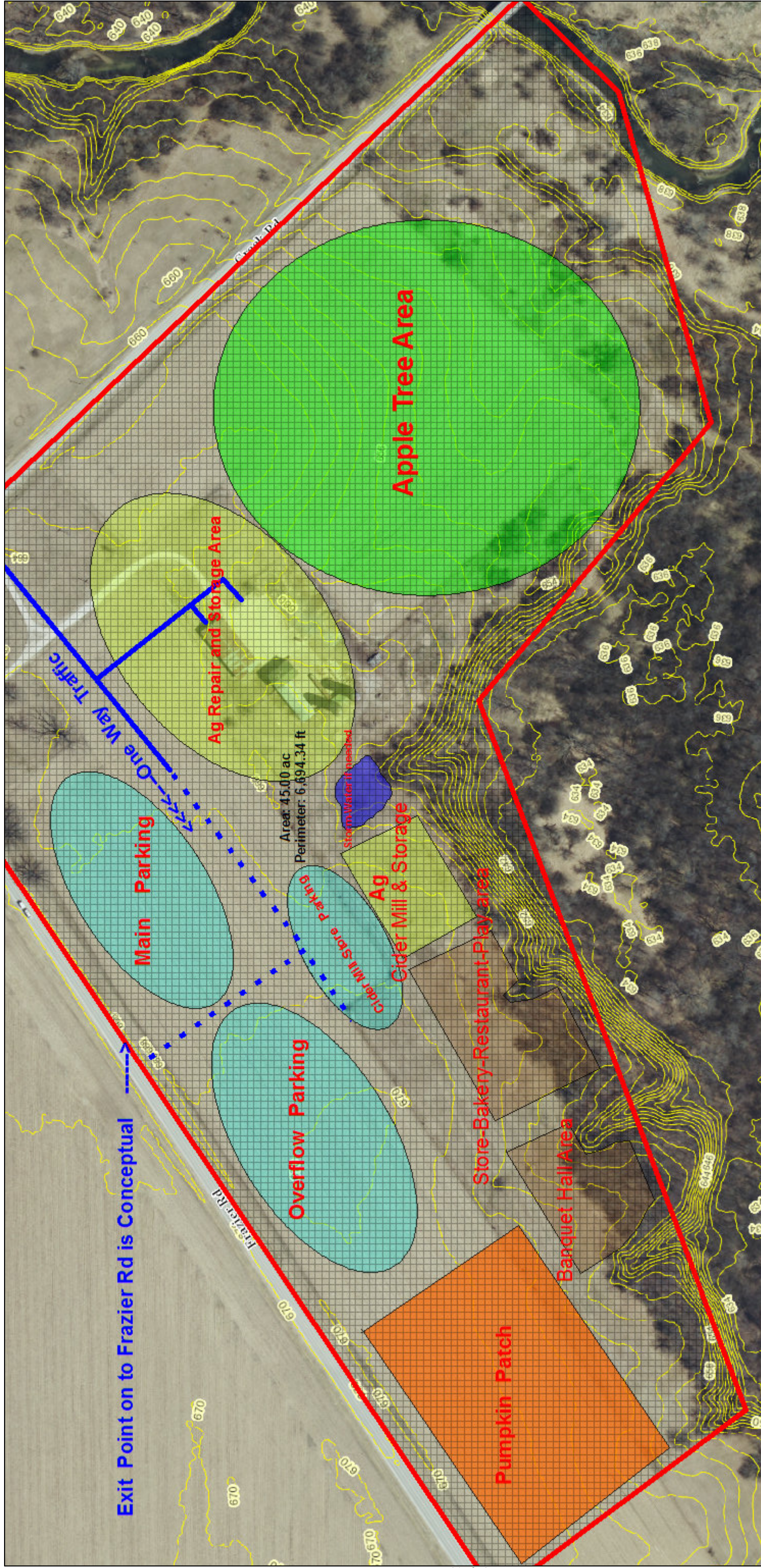
Impact Assessment Section  
217-785-5500  
Division of Ecosystems & Environment

---

#### **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.

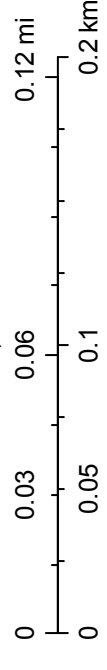
# Concept planning of Cider Creek site



September 6, 2016

Road Names

1:2,623



Kendall County Illinois GIS



BCH

09-13-16

Kendall County Planning Commission  
Kendall County Special Use Hearing Officer  
Kendall County Zoning Board of Appeals

To whom it concerns:

We are 100% opposed to petition #16-25. We have major concerns and do not want to see the project move forward.

We do not want to see or deal with any additional traffic. There is too much traffic on Creek Rd as it stands now. Furthermore, regarding the banquet hall...we are not interested in having excess noise from the banquet hall facility or any additional traffic. Not to mention the intoxicated people coming and going, which have the potential do damage to our property.

Regarding the retail portion of petition #16-25 we are 100% opposed to that as well.

We do not want the zoning changed to retail. What happens when this facility goes belly up in 3 years? Now we have to deal with the potential of another retailer coming in? Absolutely unacceptable.

As you all know, Creek rd is a historic stagecoach trail with great history and beauty. We would like to keep it that way. Peaceful and quite.

Best Regards,

Mr. & Mrs. Scott Francis Cosentino  
2490 Creek Rd  
Plano, IL 60545

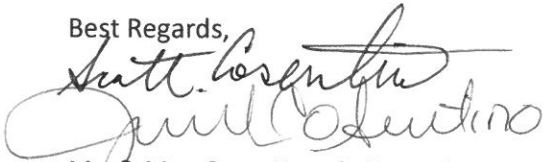
10-04-16

Kendall County Planning Commission  
Kendall County Special Use Hearing Officer  
Kendall County Zoning Board of Appeals

After attending the last two meetings on September 28<sup>th</sup> and most recently on October 3<sup>rd</sup> we now have a full scope of what the Nelson Family is trying to accomplish. As I stated on the record last night, we have no problem with the growing or selling of apples and pumpkins, along with the conditions specified at last night's meeting.

What we do have concerns with if the hours of operation for the banquet and retail facilities selling products. We are formally asking the hours of operation on every Sunday (year round), for the entire facility, be limited to 8:00am-8:00pm. We are also asking that there be no outdoor bands, concerts or DJ's, year round.

Best Regards,

A handwritten signature in cursive script, appearing to read "Scott Francis Cosentino". The signature is written in black ink and is positioned above the printed name.

Mr. & Mrs. Scott Francis Cosentino  
2490 Creek Rd  
Plano, IL 60545

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
September 6, 2016 – Meeting Minutes**

Mike Hoffman called the meeting to order at 9:01 a.m.

Present:

Scott Gryder – PBZ Committee Chair  
Fran Klaas – Highway Department  
Aaron Rybski – Health Department  
David Guritz- Forest Preserve  
Mike Hoffman- Teska  
Brian Holdiman- PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC  
Megan Andrews – Soil & Water Conservation District  
Mike Peters- Sheriff's Office

Audience: Larry Nelson, Doug Nelson, and Jenny Beckman

**AGENDA**

Mr. Guritz made a motion, seconded by Mr. Klaas, to approve the agenda. With a voice vote of all ayes the motion carried.

**MINUTES**

Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the August 2, 2016 meeting minutes With a voice vote of 5-0 ayes and with Mike Hoffman abstaining, the motion carried.

**PETITIONS**

**Petition 16-17 – Scott Lasky**

Mike Hoffman summarized the petition, noting the request to consolidate two lots in the Brighton Oaks Subdivision to allow a home to be built across the lot line. The proposed plat of vacation has been reviewed by Greg Chismark, who was comfortable with the proposal. The easement was for drainage, and a new grading plan has been provided which accommodates the drainage without need for the easement. Fran Klaas asked if there were any utilities in the easement. Hoffman noted there were not.

Mr. Klaas made a motion, seconded by Mr. Gryder to recommend approval and move on to PBZ. Approved unanimously via voice vote.

**Petition 16-25 – The Bluffs, Inc. d/b/a Cider Creek**

Mike Hoffman summarized the petition, which is a request for an A-1 Special Use to allow a banquet hall, nano-brewery, micro-distillery, a year round seasonal festival, and production and sale of sweet cider on a 45 acre parcel just west of Plano at the southwest corner of Frazier Road and Creek Road. Mr. Nelson then introduced himself and described the proposed development. He noted that he would provide a conceptual sketch showing the general location of proposed activities on the site. He also noted he planned to present the case to the Little Rock Plan Commission on Sept. 7<sup>th</sup>, 2016.

Klaus asked since the project was near Plano, why the City did not want to annex it. Mr. Nelson responded that he had discussed the project with City staff, and they felt that given proposed uses it was more appropriate within the County. Mr. Hoffman noted that there was an e-mail in the file providing confirmation that Plano was comfortable with the special use request. He also noted that the Fire District also approved, provided the main access drive is designed to accommodate fire trucks.



Mr. Rybski suggested that the applicant work closely with the Health Department to address septic system requirements early on to avoid potential problems. Mr. Guritz asked about endangered species given proximity to Little Rock Creek. Mr. Nelson noted that the EcoCat report showed no endangered species on the 45 acre development site.

Mr. Klaas suggested site distances should be checked with drive entrances. Mr. Nelson suggested that he had reviewed with the Township Road Commissioner and they were o.k. with the proposed locations.

Mr. Holdiman noted that the Fire District was deferring to the County on fire code requirements, and that a parking setback variance may be needed given the 100' setback required in AG Districts. Mr. Nelson noted he would like to include that variance request in his application.

Mr. Gryder moved to recommend the proposal be moved on to RPC, second by Mr. Klaas. Approved 6-0

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

16-16 Chris and Megan Jensen – A-1 Special Use to operate a landscape business – Approved by County Board 8.16.16

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Gryder made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:42 am, adjourned.

**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION**

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

**Unofficial Meeting Minutes of September 28, 2016**

Chairman Bill Ashton called the meeting to order at 7:00 pm.

**ROLL CALL**

Members Present: Bill Ashton, Claire Wilson, Tom Casey, Budd Wormley, Larry Nelson, Roger Bledsoe

Staff present: Mike Hoffman, Teska Associates, Inc.

Members Absent: John Shaw and Angela Zubko

In the Audience: Suzanne Casey, Bill Kennedy, Jen and Zak Beckman, Doug Nelson, Jim Swanson, Scott & Jenny Cosentino, Barb Yurdt, Mel Traharne, Mike Bold, Chris Griffin, Gary Carlson, Chet Herrin, William McGrath (see attached sign-in sheet)

**APPROVAL OF AGENDA**

Mr. Wormley made a motion, seconded by Mr. Casey. With a voice vote of all ayes, the motion carried.

**APPROVAL OF MINUTES**

Ms. Wilson made a motion, seconded by Mr. Bledsoe, to approve the August 24, 2016 minutes. With a voice vote of all ayes, the motion carried.

Mr. Nelson recused himself for the next item on the agenda at 7:05pm.

**PETITIONS**

**16-25 The Bluffs, Inc. d/b/a Cider Creek**

Mr. Hoffman briefly reviewed the case, summarizing the staff memorandum. Mr. Nelson, as the petitioner, then reviewed their property ownership (approximately 160 acres), the relationship to the County LRMP, and the proposed concept plan. He noted that they hoped to begin the cider mill and storage building this fall/winter, with construction of the store/bakery in mid-2017 and construction of the banquet facility following in 2018. They plan to plant an additional 4,500 apple trees in spring of 2017, which combine with the existing 500 trees will total 5,000 trees. He noted that the soils perc well, and he is aware of the need to comply with County Health Department regulations. He also suggested that the U-Pick operation could open as early as fall of 2017.

Ms. Wilson asked about the size of the proposed banquet facility. Mr. Nelson suggested it would not be more than 10,000 square feet, and food would be catered. He noted that most music would be inside the building. Ms. Wilson also asked about the location of restroom facilities. Mr. Nelson noted that they would be provided within the store and the banquet facility. He also noted that some portable restrooms may be used near the orchard for convenient access during seasonal events. Ms. Wilson asked about the size of the store, which Mr. Nelson suggested in the 6,000 to 10,000 square foot range. He also noted that alcoholic beverages produced at the site would be apple products – they have no plan to brew beer. He also noted that the petting zoo would be located in front of the bakery/store, and he noted that they plan to have a train ride as well.

Mr. Wormley asked about the number of wells, and Mr. Nelson replied that only one well was planned. Mr. Wormley also asked about the need for grease interceptors and holding tanks. Mr. Nelson noted he was aware

of the requirements, and would work with the County Health Department, including to design the system to handle surges in demand.

Mr. Casey asked about alcohol sales. Mr. Nelson noted they will need to get all appropriate federal, state, and County permits. He noted that they do not plan to sell open liquor (ie. no alcoholic drinks at the restaurant), but will have tastings and will sell packaged products of goods produced on-site that customers can take home to enjoy. Mr. Casey also asked about waste products from the cider press. Mr. Nelson noted there would be minimal waste, and what waste that is produced would be collected and used for fertilizer on nearby farm property.

Ms. Wilson asked about signs. Mr. Nelson noted they plan to have a sign near the corner of Frazier and Creek Roads, and they would like to follow the commercial sign regulations. The sign would be externally illuminated.

Chair Ashton then opened the floor to public comments. Mike Bond said his concerns centered around the hours of operation, traffic, and lighting. In particular, he was concerned about increased traffic late at night after events or banquets. Mr. Nelson noted that his desired store hours would be 7am till midnight, with the banquet facility open until whatever time the liquor license allowed, maybe 1:00am. He also suggested he anticipated most traffic coming and going from the site would take Creek Road to Little Rock Road, then either go north towards Galena Road or south to Route 34.

Chris Griffin asked about a proposed bike trail along Frazier Road as depicted on the County trail plan. Mr. Nelson noted that he was supportive of a trail, and was willing to provide a 10' easement to the Forest Preserve District in the future if they were to build a trail.

Gary Carlson asked about potential stormwater run-off caused by the new buildings and parking. He also was concerned about the size of septic field required for the banquet facility. Mr. Nelson noted that they would follow County requirements for both stormwater management and provision of adequate septic facilities.

Chet Herrin expressed a concern about increased traffic by drivers on Creek Road after they had consumed alcohol at a banquet. Mike Bond expressed a similar concern. Mr. Nelson noted that, given the trash he picks up regularly along Frazier Road that is already a problem on local streets.

Mike Bond asked if pavers were considered. Mr. Nelson said yes, but given cost for both installation and maintenance he decided against that approach.

Scott Cosentino expressed concern for increased traffic on Creek Road. He also asked about the proposed restaurant, and if it could be turned into a steak house or other type of restaurant. Mr. Nelson noted the restaurant was focused on providing bakery items, and perhaps other items during events. It is not intended to be a regular restaurant. To maintain the agricultural character of the area, they are not seeking commercial zoning.

Discussion ensued regarding the hours of operation, the maximum number of buildings, and the time frame of development. Mr. Hoffman noted that the Heap Pumpkin Farm had hours established as 9am till 10pm Monday-Wednesday, with hours extended until 11:30pm for Thursday-Sunday.

Mr. Wormley motioned, seconded by Ms. Wilson, to approve the proposed special use with the conditions noted in the staff report and the following changes:

1. Delete #12 – Sheriff's Department has advised that provision is not needed.

2. Add a restriction that there would be a maximum of three new buildings of a maximum of 10,000 sq. ft. each.
3. Add a provision that signs will be governed by the commercial sign regulations (not the agricultural regulations).
4. Hours of operation shall be between 7am and 10pm Monday-Wednesday, and until 11:30pm Thursday-Sunday. Banquets may operate until midnight.

By roll call vote the motion was approved 5-0 (Mr. Nelson abstained)

Mr. Nelson rejoined the Commission at 8:59pm

;  
**OLD BUSINESS**

**16-14 Robert Delaney – Outdoor Gun Range**

No discussion. Continued to October.

**NEW BUSINESS**

Mr. Hoffman noted that Parkview Christian Academy was interested in developing athletic fields on a property along the west side of Route 47 north of Ament Road. He noted the property is illustrated for commercial use on the County's LRMP, and he is seeking direction from the Commission regarding the appropriateness of the proposed use and if the applicant should pursue zoning as an Agricultural Special Use or as a B-4 Commercial Use.

Jedd Davis with Parkview explained Parkview's need for fields and interest in the property. He noted that they had begun conversations with IDOT regarding a potential curb-cut onto Route 47. He mentioned he had also had a positive initial conversation with the Yorkville City Administrator, and that Parkview was open to partnering with the Park District or other organizations regarding the use of the facility.

Ms. Wilson asked about potential lighting, restrooms, and other improvements. Mr. Davis noted that they may at some point want to light the football field, and that they would likely include a restroom/concession building. He noted the plans were conceptual at this point, and they were open to shifting and reconfiguring improvements. Ms. Wilson suggested shifting the football field to the northwest corner of the site behind the IDOT facility to help block future lights.

Mr. Wormley asked if they considered locating on Ament Road rather than along Route 47, as he felt Route 47 was more valuable as commercial property. Mr. Davis noted they had explored that option, but the property owner was only interested in selling this area along Route 47.

General consensus of the Commission was that this was an appropriate use, and that Parkview Christian Academy should consider a petition to change the zoning to B-4 Commercial Recreation to accommodate the proposed private athletic fields.

Ms. Wilson raised a concern regarding events and shooting at the Ellis Forest Preserve. In her opinion, the facility should either seek a special use or cease operations. She mentioned a letter she had received from a neighbor in the area. She noted that the tent used for events is located on the edge of the property, and she often hears of concern regarding noise. It was suggested by Mr. Nelson that she suggest the neighbor file a formal complaint with the Planning, Building and Zoning Department.

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**OCTOBER 3, 2016 – 7:00 p.m.**

**CALL TO ORDER**

At 7:00 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

**ROLL CALL**

Members present: Randy Mohr, Karen Clementi, Tom LeCuyer, and Dick Thompson.

Members absent: Donna McKay, Scott Cherry, and Dick Whitfield.

Staff present: Pete Iosue, AICP, Teska Associates, Inc.

Public: Mel Traharne (Traharne Family Farm), Scott and Jenny Cosentino, Anthony Perro, Larry Nelson and Doug Nelson (petitioner).

**MINUTES**

Mr. LeCuyer, seconded by Mr. Thompson, moved to approve the August 29, 2016 meeting minutes. With a voice vote of all ayes, the motion was approved.

**PETITIONS**

**16-25 The Bluffs, Inc. d/b/a Cider Creek (Larry Nelson)**

Request: Variances related to Special Use – Banquet Hall, Seasonal Festival.

Location: 15888 Frazier Road, Plano

Purpose: A-1 Special Use to allow a banquet hall, a nano-brewery, a micro-distillery, a year-round seasonal festival with petting zoo, and production and sale of sweet cider.

Chairman Mohr opened the public hearing and swore in all members of the audience that wished to speak about the variances.

Pete Iosue summarized the petition and reviewed the staff report.

Larry Nelson (petitioner) presented a summary of the project. Mr. Whitfield and Mr. Mohr clarified that cider processing would not be conducted for outside customers, and selling would occur primarily on-site but may involve bringing in more apples if/when necessary.

Questions from the audience (Scott Cosentino and Anthony Perro) were focused on the potential increase in traffic, the sale of alcohol, screening of the property, noise, hours of operation, and the proximity to existing residential uses.

Ms. Clementi questioned the proposed noise limits as compared to the current County ordinance.

Chairman Mohr closed the public hearing.

Chairman Mohr reviewed the Findings of Fact as pertaining to the variance requests:

1. *That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.* While the subject property is not on an existing collector road, both Frazer Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.
2. *That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.
3. *That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.
4. *That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.* The surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.
5. *That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.* The Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.

All of the Findings of Fact were approved by a vote of 4-0, except for Finding #5 which was approved 3-

1. Ms. Clementi disagreed with the traffic counts as presented by the petitioner.

Mr. LeCuyer motioned to approve the variances as requested, seconded by Ms. Clementi. The motion to approve the requested variances was approved 4-0.

#### **REVIEW PETITIONS THAT WENT TO COUNTY BOARD**

None

#### **NEW BUSINESS/OLD BUSINESS**

Mr. Iosue highlighted potential petitions that may be before the Board at the next meeting.

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**SPECIAL USE HEARING OFFICER**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**OCTOBER 3, 2016 – 7:00 p.m.**

**CALL TO ORDER**

At approximately 8:00 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

**ROLL CALL**

Member present: Walter Werderich, Special Use Hearing Officer.

Staff present: Pete Iosue, AICP, Teska Associates, Inc.

Public: Mel Traharne (Traharne Family Farm), Scott and Jenny Cosentino, Anthony Perro, Larry Nelson and Doug Nelson (petitioner).

**MINUTES**

Mr. Werderich approved the August 29, 2016 Special Use Hearing Officer Meeting minutes as written.

Mr. Werderich introduced himself and explained how the meeting would be conducted and swore in all members of the audience that wished to speak about the Special Use.

**PETITIONS**

**16-25 The Bluffs, Inc. d/b/a Cider Creek (Larry Nelson)**

Request: Special Use – Banquet Hall, Seasonal Festival

Location: 15888 Frazier Road, Plano

Purpose: A-1 Special Use to allow a banquet hall, a nano-brewery, a micro-distillery, a year-round seasonal festival with petting zoo, and production and sale of sweet cider.

Mr. Werderich opened the public hearing.

Mr. Iosue summarized the case and the difference between the previous Zoning Board of Appeals meeting and the Special Use officer for the benefit of the audience. Mr. Iosue summarized the details of the staff report as previously discussed.

Larry Nelson requested previous testimony be adopted to this hearing, and provided additional exhibits and maps for reference (four additional exhibits).

Doug Nelson demonstrated usage of a sound meter and provided sound levels as determined on the site.

Mr. Werderich asked the petitioner questions relating to sound levels, number of expected customers, size of the facilities, maximum production of cider, and parking capacity.

Mr. Werderich opened the hearing to public comments.

Public questions focused on who is permitted to file an official objection, details of what types of festivals could be allowed, hours of operation, and traffic concerns.

Mr. Werderich closed the public hearing. Mr. Wederich noted that due to the changing nature of the County that this is a difficult case, but that it generally complies with the LRMP. Mr. Werderich reviewed the following Findings of Fact for the Special Use:

1. *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.* True. The petitioner has submitted a concept plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare including landscape screening and a one-way traffic flow.
2. *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. Adequate landscaping screening has been planted along Frazier Road and Creek Road. Conditions have been included that will regulate noise, lighting, and sanitation provisions.
3. *That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.* The project will have a one-way circulation system, with vehicles entering from Creek Road and exiting onto Frazier Road as illustrated on the attached Concept Plan. A site plan, storm water management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements (banquet hall, bakery/restaurant/store. The Little Rock/Fox Fire Protection District has approved the proposed one-way road network.
4. *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 petitioners have provided a concept plan that complies with the requirements for the proposed use including parking. Modifications to code requirements include:
  - a) That a Banquet Hall, Micro-Distillery, Nano-Brewery shall have direct access to Creek Road and Frazier Road (neither of which is designated as a collector or higher on the County's Transportation Plan)
  - b) The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed 10,000 square feet per building.
  - c) That parking be allowed within 30' of the Frazier Road right-of-way (reduced from the 100' agricultural setback).



5. *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 commercial use illustrated on the Future Land Use Plan within the County's LRMP. The agricultural nature of this facility is consistent with the overall character of the area.

Mr. Werderich agreed that the proposed Special Use meets each of the required Findings of Fact as listed above, and provided a favorable recommendation with the conditions outlined in the staff report, with the following changes:

1. Condition #8a as outlined in the staff report be changed to comply with the County ordinance relating to noise; and
2. Exclude condition #14 from the staff report entirely.

**REVIEW PETITIONS THAT WENT TO COUNTY BOARD**

None

**NEW BUSINESS/OLD BUSINESS**

Mr. Iosue highlighted potential petitions that may be before the Board at the next meeting.

**PUBLIC COMMENT**

None

**ADJOURNMENT OF THE SPECIAL USE HEARING OFFICER**

Mr. Werderich adjourned the Special Use Hearing Officer meeting at approximately 8:53 p.m.

*\* Minutes prepared by Pete Iosue, Teska Associates, Inc.*