

KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
May 2, 2016 – 7:00 p.m.
Unofficial until Approved

CALL TO ORDER- SPECIAL USE HEARING

At 7:21 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: John Sterrett, Senior Planner
In the audience: Brad Mathre, Mathre 1916 LLC

MINUTES

Mr. Werderich approved the February 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 uses.

PETITIONS

16-05 Brad and Treva Mathre d/b/a Mathre 1916 LLC

Request: Special Use to allow a banquet facility in an A-1 Zoning District

Location: 13889 Hughes Road in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a banquet facility on a 5 acre property at 13889 Hughes Road in Fox Township. The petitioners reside on the property. An existing 3,728 square foot barn structure will be used for banquets, primarily wedding receptions. A change of occupancy permit will be required for the barn structure. Thirty parking stalls will be provided to accommodate 25% of the maximum capacity of the structure. Mr. Sterrett explained that a banquet facility is required to have direct access onto an arterial roadway or a major collector roadway. Hughes Road is neither and therefore a variance was required and subsequently approved by the County's Zoning Board of Appeals to seek relief from this requirement. Staff is recommending approval of the special use request with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan prior to any event occurring
2. Parking stalls reserved for ADA access shall be paved with a hard surface
3. A change of occupancy permit shall be secured prior to any event occurring
4. Events shall occur from May thru the second full week of November
5. The maximum number of patrons for each event shall be limited to 120, including any vendors working on the property for an event
6. No new signage associated with the banquet facility shall be permitted
7. All regulations of the Kendall County Liquor Control Ordinance shall be followed
8. Food shall be provided only by licensed caterers
9. Employees shall be limited to individuals residing on the property
10. Hours of operation for an event shall be between 8:00am and 11:30pm
11. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access.
12. The banquet facility shall conform to the regulations of the Kendall County Health Department

13. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
14. No additional lighting shall be added unless a photometric and lighting plan has been approved by the PBZ Department
15. Noise regulations are as follows:

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

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

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

Staff recommends that an approval require that the results from the IDNR EcoCAT be submitted prior to action by the County Board.

Mr. Werderich opened the public hearing for audience members' comments.

There were no comments.

Mr. Werderich closed the public hearing for comments.

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 business narrative indicating that measures will be taken to ensure that the use of the banquet facility will not have a negative impact on public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The property is a sufficient distance from nearby residences thereby reducing the amount of adverse impacts from the use. No lighting additional lighting will be added in an effort to minimize negative impacts in the surrounding area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The Health Department is comfortable with the use of portable toilets based on the low intensity of the proposed use. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for banquets will

require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioners are seeking a variance with respect to the requirement for direct access onto an arterial roadway or a major collector roadway.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP indicates this property to maintained as agricultural and the primary use of the property will remain as an agricultural operation and residence.***

Mr. Werderich made a favorable recommendation with the above findings of fact and included the staff's recommendations.

The petition will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, May 9, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-17 Kevin Calder– Passed by County Board on February 16, 2016

16-01 Peter and Mary Bielby – Passed by County Board on February 16, 2016

NEW BUSINESS/OLD BUSINESS

Mr. Sterrett stated that there will be a special use hearing on May 31st.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 7:36 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner