

**KENDALL COUNTY**  
**SPECIAL USE HEARING OFFICER**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**May 31, 2016 – 7:00 p.m.**  
**Unofficial until Approved**

**CALL TO ORDER- SPECIAL USE HEARING**

At 7:00 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: John Sterrett, Senior Planner  
In the audience: Joe Gomoll

**MINUTES**

Mr. Werderich approved the May 2, 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**

**16-09 Joe Gomoll**

**Request:** Special Use to allow the production and sale of items utilizing crops grown on site and in combination with crops grown off site as well as ancillary items and products related to crops and products produced on site

**Location:** 10151 Lisbon Road in Fox Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to A-1 Special Use for 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 as well as the tasting of and wholesale or retail sale of items produced on site and the sales of ancillary items and products related to crops and products produced on site at the property at 10151 Lisbon Road in Fox Township. Retail sales will take place out of an existing 4,800 square foot building occupying 1,000 square feet for retail space.

The petitioners have provided details regarding the operation of the roadside stand. The operation will have no employees and will be open eight (8) hours a day, 1-3 days per week. The petitioner intends for the roadside stand to be open throughout the year for each season. The petitioner has begun working with the Health Department on producing and selling sweet cider and anticipates selling sweet cider in fall 2016. The petitioner has indicated the possibility of producing and selling hard cider as a future endeavor. Fox Township is a dry township and therefore the County cannot issue a liquor license to sell hard cider or any other type of alcohol.

A Change of Occupancy permit will be required for the portion of the structure being used for the retail sales area. The purpose of this permit is to evaluate the structure for proper ingress/egress, occupant load, life safety and health. Compliance with 2012 IBC existing structure provisions must be met. The petitioner is working closely with the Health Department. The petitioner will operate through a temporary permit in 2016 as they are getting the business off the ground. Health Department staff will be available for consultation and will provide inspection as part of that permit.

Section 7.01.D.32 requires that at least five (5) parking stalls be provided for the roadside stand locate at least ninety (90) from the centerline of all adjacent roadways. The petitioner is proposing four (4) 9'x20' parking stalls and one (1) 16'x20' parking stall reserved for ADA accessibility. These stalls will be located 130' from the centerline of Lisbon Road in

compliance with the above referenced section. There is ample space next to the building if additional parking is needed for overflow. No new lighting is proposed on the property. The petitioner has indicated that signage will be limited to a single sign at the store front. Two points of access onto Lisbon Road exist with no additional points of access proposed.

Mr. Sterrett stated that as a future endeavor the petitioner is interested in producing and selling hard cider. The selling of this hard cider at retail would require a Kendall County Liquor License. Fox Township is a dry township and therefore a liquor license cannot be obtained.

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

1. The property shall be developed in substantial compliance with the submitted site plan
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured for the portion of the structure that will be used for a retail sales area within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the special use shall be installed
6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider
- 8.

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 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 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 allowing a temporary permit for the sale of sweet cider. The portion of the structure that is proposed to be used for retail sales area will**

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. **The petitioner has provided a site plan that complies with the requirements for the proposed use.**

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **This special use is consistent with the LRMP and the 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 including the recommendation from the Plan Commission.

The petition will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, June 13, 2016 at 6:30pm.

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

**16-05 – Brad and Treva Mathre – A-1 Special Use for a Banquet Facility** – Approved by the County Board on May 17, 2016.

#### NEW BUSINESS/OLD BUSINESS

Mr. Sterrett stated that the Plan Commission will continue discussion on a special use at their June meeting and there will be a special use hearing next month.

**ADJOURNMENT-** Mr. Werderich adjourned the Special Use Hearing Officer meeting at 7:14 p.m.

Respectfully Submitted,  
John H. Sterrett  
Senior Planner