

KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
July 7, 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: Attorney Dan Kramer; Ron Walker; Dave Walker; Attorney Gregg Ingemunson; Tom Schnabel, Jr.; Vicky Schnabel; Jessica Frieders; Lauren Munson; Laurie Daniels; Ken Daniels

MINUTES

Mr. Werderich approved the May 31, 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

16-10 Whitetail Ridge LLC

Request: Special Use to operate a banquet facility in the A-1 Agricultural District

Location: 9111 Ashley Road in Kendall Township

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use from Whitetail Ridge LLC to operate a banquet facility at the subject property and has indicated that all existing structures on the property will be used. This type of use is permitted as a special use on an A-1 property with certain conditions. The petitioners have indicated that the property will be used primarily for weddings but that other events may take place including bridal and baby showers. It is anticipated that 40-50 weddings will occur from Mid-April to Mid November on Fridays, Saturdays, and some Sundays from 3:00pm to 12:00am. Food and beverage will be catered by Whitetail Ridge. No alcohol sales will take place on the property and no liquor license will be sought.

The large rounded roof barn will be used for dining service and dancing with an outside ceremony area located in the northwest corner of the property. The smaller wood framed barn will be an alternate site for ceremonies. Rest rooms and food prep will take place in the steel barn to the south. The current owners of the property will reside in the two-story framed house until a new residence can be found. A portion of the downstairs of the house will be used as a bridal room and an office to meet with clients. The petitioner is proposing one (1) directional sign for each of the two (2) access points. These signs are exempt from requirements of Section 12 of the Zoning Ordinance except for the maximum square footage of six (6) feet and maximum height of two and one-half (2.5) feet. The petitioner has indicated that an existing silo may be used for signage along Ashley Road. This would be considered a wall sign and may not exceed thirty-two (32) square feet in size. A proposed free-standing sign is identified on the site plan. If the petitioner chooses to install a free-standing sign rather than a wall sign, the maximum size may not exceed (32) square feet and may not exceed eight (8) feet in height from surrounding grade to the tallest point of the sign. Only one sign, however, is permitted on the property, excluding directional signage.

Mr. Sterrett stated that the petition received a favorable recommendation from the ZPAC Committee. The City of Yorkville had no objections to the petition. Kendall Township voted 3-2 to recommend approval of the petition with the following recommended conditions:

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

The Regional Plan Commission discussed the petition on June 22nd and a motion was made to recommend approval of the petition with the inclusion of staff's conditions as well as including the right-to-farm clause in the ordinance and prohibiting music from being played outside and incorporating the conditions from the Township. The motion failed 0-6 and the petition received an unfavorable recommendation from the Plan Commission.

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

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

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

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

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

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

Mr. Werderich asked for the petitioner to present information.

Attorney Daniel J. Kramer representing Whitetail Ridge LLC explained the special use request and provided exhibits to the Hearing Officer. Mr. Kramer stated the special use is an opportunity to preserve historic farm structures on the property. The petitioner is agreeable to all the conditions recommended by staff as well as the conditions recommended by the Township. Mr. Kramer reviewed existing banquet facilities that were approved by the County and their proximity to other residential areas. Mr. Kramer explained that this type of use is permitted through a special use.

Mr. Werderich expressed concern about the hours of operation. Mr. Kramer explained that receptions typically end at 11:00pm and that it is anticipated that on average there will be 150-180 people on a regular basis.

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

Attorney Gregg Ingemunson representing the property owners across the street stated that the proposed use is an intense commercial use in an agricultural area and that it fits more with a commercial zoning district. Mr. Ingemunson stated that the use will affect the safety and morals of the general welfare and that it is not compatible with the County's Land Use Plan.

Tom Schnabel, Jr., 9092 Ashley Road is concerned about how the proposed use will change the character of the area with the number and size of the events occurring on the property as well as traffic generated from the use.

Vicky Schnabel, 9092 Ashley Road, has concerns about the distance from the banquet facility to her family's house and believes that April through November is a long season for weddings to take place on the property. Holding events on Sundays will have an impact on the quality of life. Ms. Schnabel is also concerned about the alcohol on the property and the noise generated from the property.

Jessica Frieders lives nearby and has concerns over the traffic, noise, and multiple events taking place each weekend.

Lauren Munson lives on Walker Road and is concerned about this type of use locating in an actively farmed area. Ms. Munson is also concerned about how events and guests will be managed to ensure nothing gets out of control.

Lori Daniels, 9111 Ashley Road, stated she thought the County and surrounding neighbors would be supportive of this type of use.

Ken Daniels, 9111 Ashley Road, stated that living in an agricultural area it is to be expected that properties will be developed and uses will change.

Mr. Kramer provided closing remarks and described other existing banquet facilities in the County that the County has approved. Other developments in agricultural district have much larger impacts on surrounding areas than the proposed use.

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

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The petitioner's overtures to build a berm and install evergreen trees as well as keeping the open area undeveloped are appreciated. The portion of the property used for the banquet facility, however, is not a sufficient distance from the nearby residences. This will inhibit enjoyment of the surrounding properties. The proposed use will adversely impact the adjacent uses and is not compliant with the surrounding area.

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

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

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This special use is consistent with the LRMP and the agricultural character of the property will remain.

Mr. Werderich made an unfavorable recommendation of the petition with the above findings of fact.

The petition will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, July 11, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-09 – Joe Gomoll – A-1 Special Use for Production and sale of items produced both on site and off site as well as ancillary items – 10151 Lisbon Road, Fox Township – Approved by the County Board on June 21, 2016

NEW BUSINESS/OLD BUSINESS

Mr. Sterrett stated that there will be two special use petitions next month.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:37 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner
Special Use Hearing - July 7, 2016