

COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
COUNTY OFFICE BUILDING
County Board Room 210
Thursday, July 11, 2019 at 4:00 PM
AGENDA

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Scott Gengler, Tony Giles, Scott Gryder, Amy Cesich, Judy Gilmour, Matt Kellogg, Audra Hendrix, Matthew Prochaska, Robyn Vickers, Elizabeth Flowers
- 3. Approval of Agenda**
- 4. Old Business**
- 5. New Business**

From the Planning, Building & Zoning Committee:

- *Discussion of Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township*

- *Discussion of Petition 19-12-Request from Robert Bright on Behalf of Madison Trust and Castle Bank N A and JoAnn Bright-Theis for a Special Use Permit for a Banquet Center at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township; Property is Zoned A-1*

- 6. Public Comment**
- 7. Questions from the Media**
- 8. Chairman's Report**
- 9. Review Board Action Items**
- 10. Executive Session**
- 11. Adjournment**

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630- 553-4171, a minimum of 24-hours prior to the meeting time

COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
 Thursday, June 13, 2019

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:00p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Tony Giles	ABSENT		
Judy Gilmour	Here		
Scott Gryder	Here		
Audra Hendrix	Here		
Matt Kellogg	Yes		
Matthew Prochaska	Here		
Robyn Vickers	Yes		

Others present: Matt Asselmeier, Assistant State’s Attorney Leslie Johnson, Scott Koeppel

APPROVAL OF AGENDA – Motion made by Member Prochaska to approve the agenda with the amendment to remove the Planning, Building and Zoning Committee item “Discussion regarding forwarding to the State’s Attorney’s Office for enforcement a Violation of Section 10.01.A.2. of the Kendall County Zoning Ordinance (Required Fencing in the M Zoning Districts) at 790 Eldamain Road”, second by Member Kellogg. **With seven member’s present voting aye, the motion to approve the agenda carried by a vote of 7-0.**

OLD BUSINESS - None

NEW BUSINESS

Discussion of the July 2, 2019 County Board Meeting – Chairman Gryder led discussion on whether the meeting should be cancelled due to the 4th of July holiday. **There was verbal consensus by the committee to proceed with the July 2, 2019 County Board meeting.**

From the Finance Committee:

- *Discussion of the Approval of Bond Refinancing for G.O. Bonds Series 2010 and Series 2011 – Anthony Miceli, Speer Financial* – Mr. Miceli summarized the County’s outstanding debt, explained the purpose for each bond (the jail project, the County Office Building, and Courthouse Expansion), and opportunities to refinance bond series 2010 and 2011 on December 1, 2019.

Mr. Miceli stated that Municipal Bonds can only be refinanced within 90 days of their call date, which could be executed as early as September 2019. Mr. Miceli also reviewed the Refunding of Series 2010 and Series 2011, and the preliminary timetable for the sale and bond closing.

From the Planning, Building & Zoning Committee:

- *Discussion regarding forwarding to the State's Attorney's Office for enforcement a Violation of Section 10.01.A.2. of the Kendall County Zoning Ordinance (Required Fencing in the M Zoning Districts) at 790 Eldamain Road – Item removed from agenda*

From the Animal Control Committee

- *Discussion of the Approval of Ordinance Setting Animal Control Fees – Member Cesich informed the committee of the reason for increasing the fees by approximately twenty percent, allowing for the budgeting of mandatory minimum wage increases in the next few years, appropriate and healthy care of animals temporarily housed at the facility, and to replenish the depleting capital funds due to facility improvements, and updated software for substantial facility operation.*

From the Admin HR Committee:

- *Discussion of the Approval of Board Rules of Order-Consent Agenda – Member Prochaska informed the group about a change that was made in the Illinois Statutes a few years ago that allows County Boards to enact a Consent Agenda to expedite the handling of ministerial, routine, or non-controversial items. The County Board Chair, County Administrator, or a standing committee of the County Board may place items on the Consent Agenda. At the request of any County Board member an item shall be removed from the Consent Agenda. Approval of the Consent Agenda shall be done by a roll call vote of the County Board.*

PUBLIC COMMENT - None

QUESTIONS FROM THE MEDIA – None present

REVIEW BOARD ACTION ITEMS FOR June 18, 2019 – Chair Gryder asked the committee to review the draft County Board agenda.

ITEMS FOR THE JULY COMMITTEE OF THE WHOLE MEETING - None

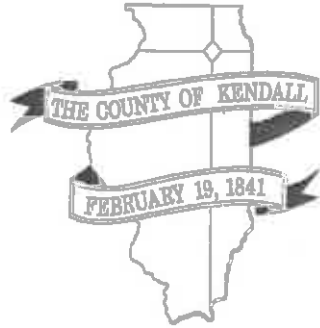
CHAIRMAN'S REPORT – Chair Gryder briefed the committee on continuing fundraising efforts being done for the Veterans Serenity Park in Oswego. There will be a fundraiser with door prizes, a silent auction and commemorative brick sales, held on August 10, from 7-10p.m. at the Kickers Club.

EXECUTIVE SESSION – Not needed

ADJOURNMENT – Member Hendrix made a motion to adjourn the meeting, second by Member Prochaska. **With seven members voting aye, the meeting was adjourned at 4:55p.m.**

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

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MEMORANDUM

To: Kendall County Committee of the Whole

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: June 11, 2019

Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

At their meeting on February 27, 2019, the Comprehensive Land Plan and Ordinance Committee suggested removing all of the mining area around the Village of Lisbon. That same evening, the Kendall County Regional Planning Commission voted to remove mining around the Village of Lisbon except for those areas already zoned for mining uses. These two (2) maps are attached to this memo.

At their meeting on June 10, 2019, the Planning Building and Zoning Committee voted 2-1 in favor of forwarding the proposal to the Committee of the Whole with a neutral recommendation.

Also attached to this memo are the proposed Future Land Use Map Incorporating the old Village of Lisbon Future Land Use Map's mining area, the old Village of Lisbon's Future Land Use Map, the new Village of Lisbon's Future Land Use Map, a map incorporating the Mining Area on the new Village of Lisbon's Future Land Use Map, a map showing sections 32 and 33 as mixed use business, and the existing Future Land Use Map for Lisbon Township.

If you have any questions, please let me know.

MHA

ENC: Mining Removed

Mining Removed Except Where Zoned

Proposed Future Land Use Map (Old Lisbon Map)

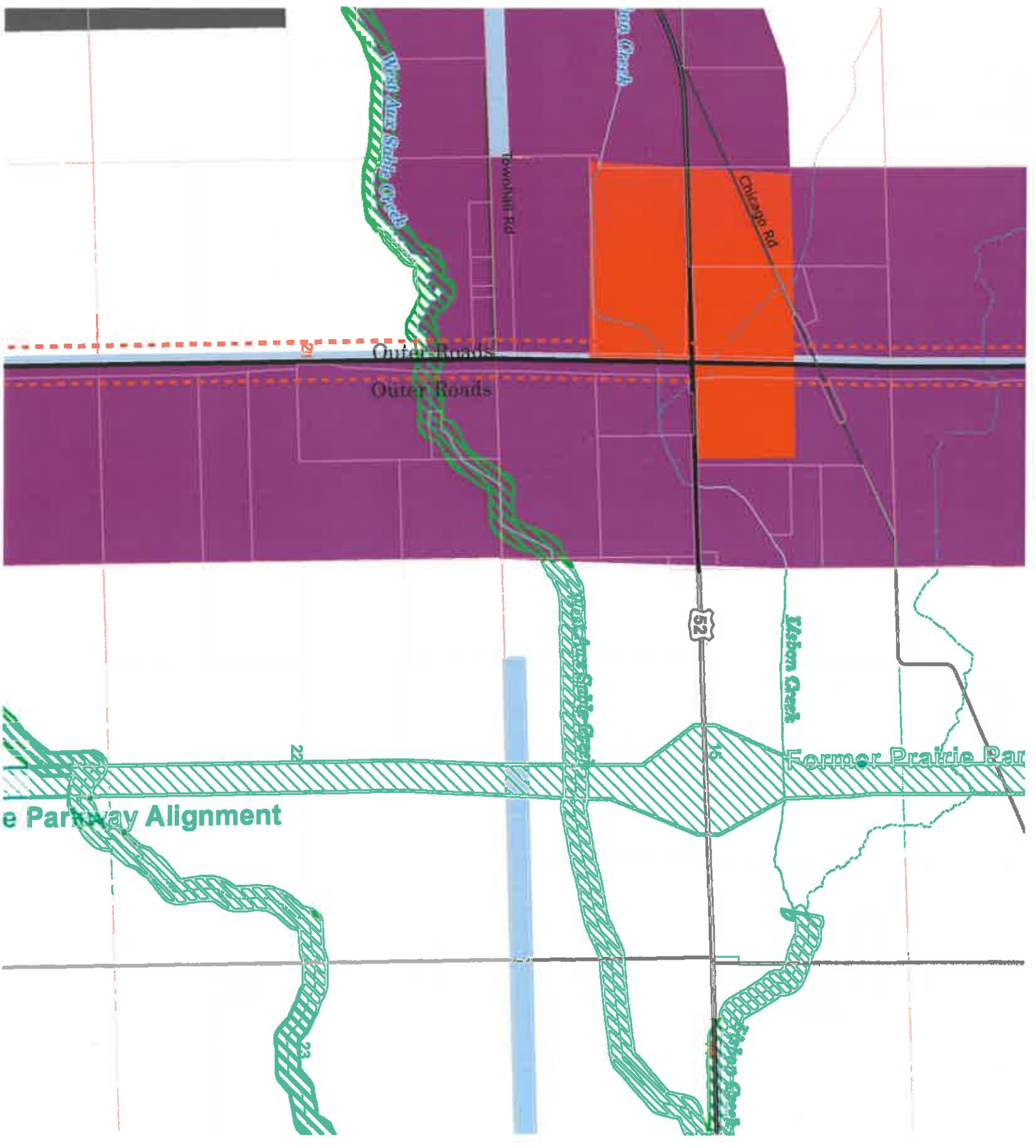
Proposed Future Land Use Map (New Lisbon Map)

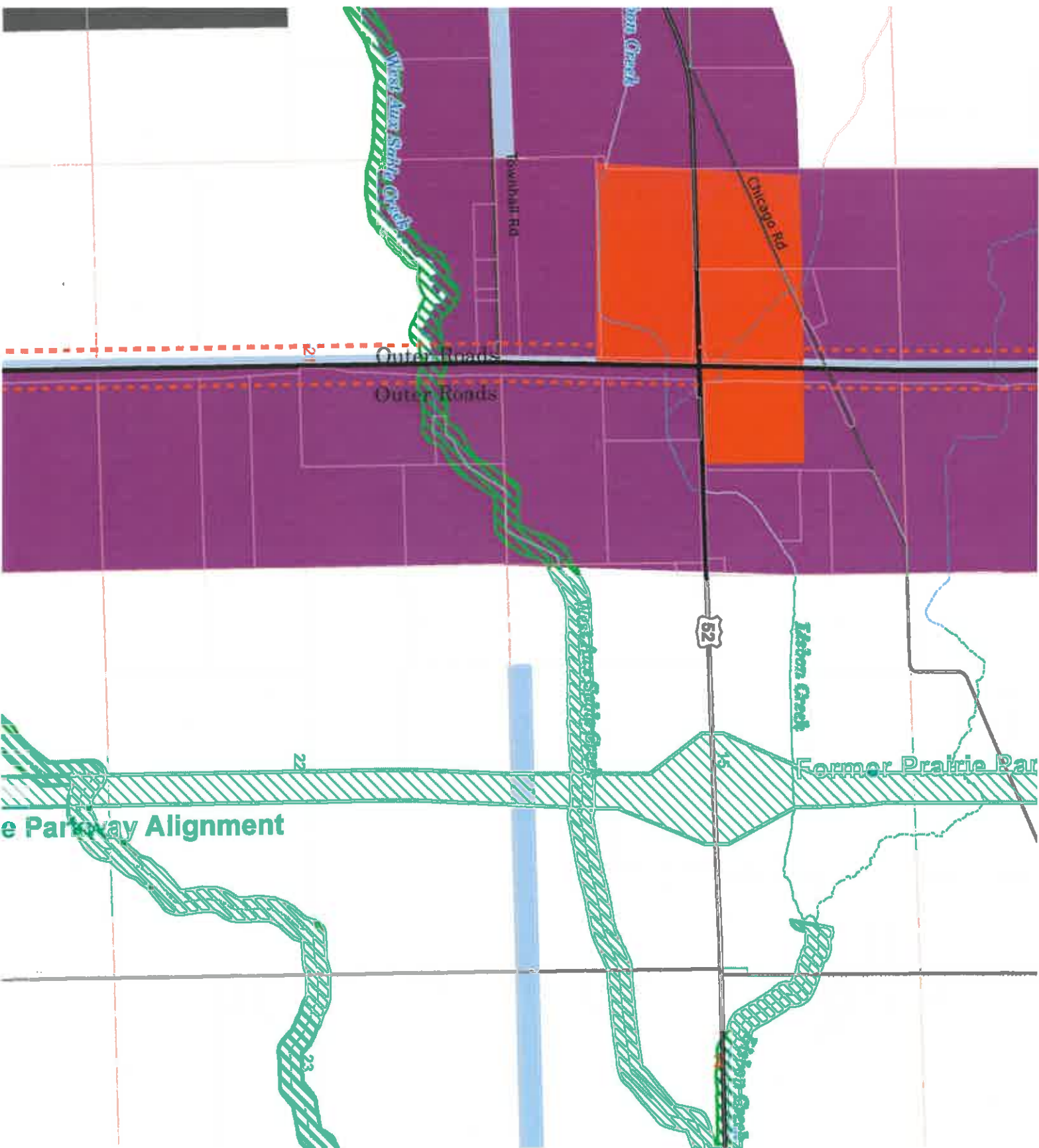
Mixed Use Business Map

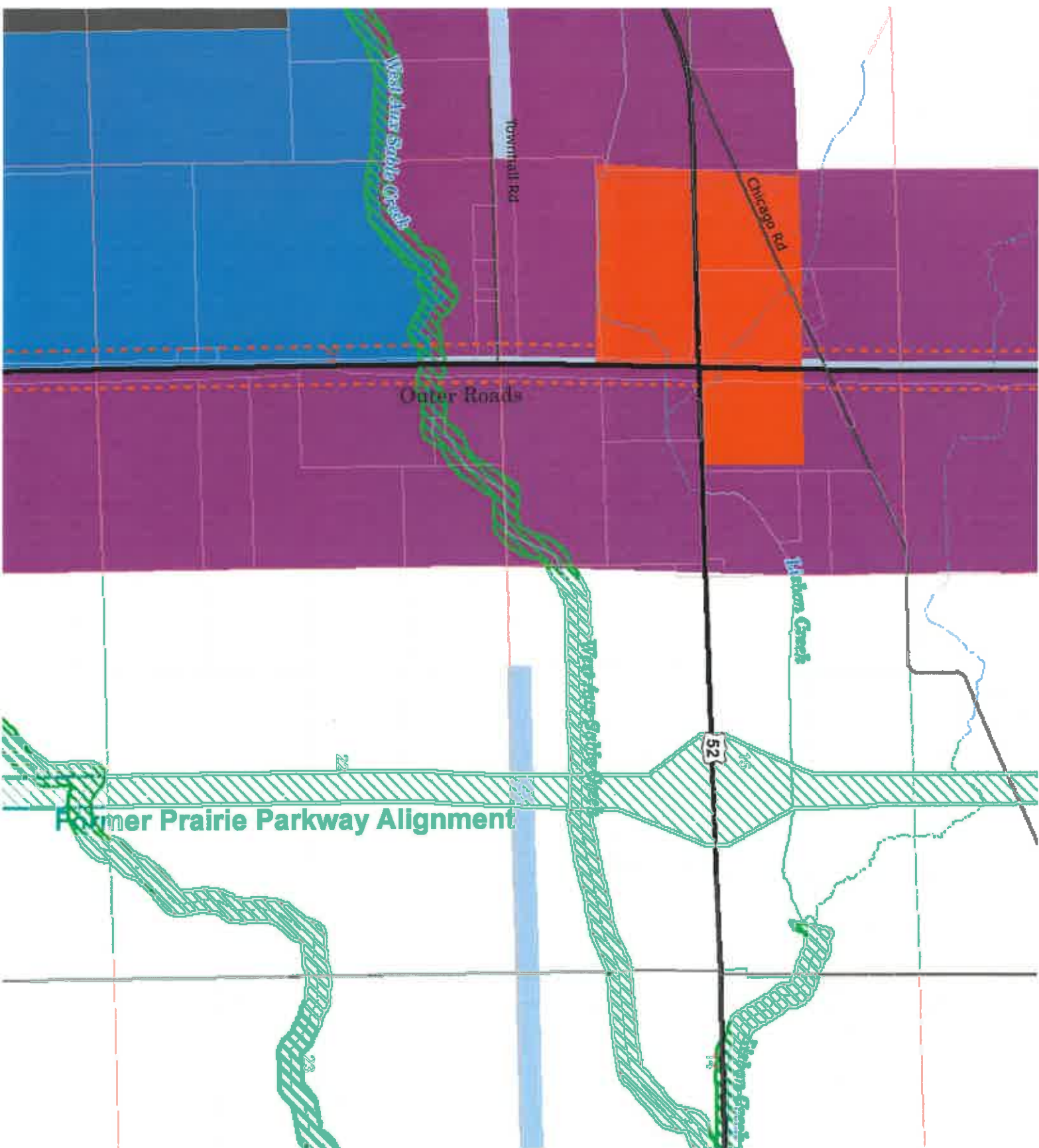
Old Lisbon Future Land Use Map

New Lisbon Future Land Use Map

Current Future Land Use Map for Lisbon Township







Palmer Prairie Parkway Alignment

Outer Roads

West Lake

Townhall Rd

Chicago Rd

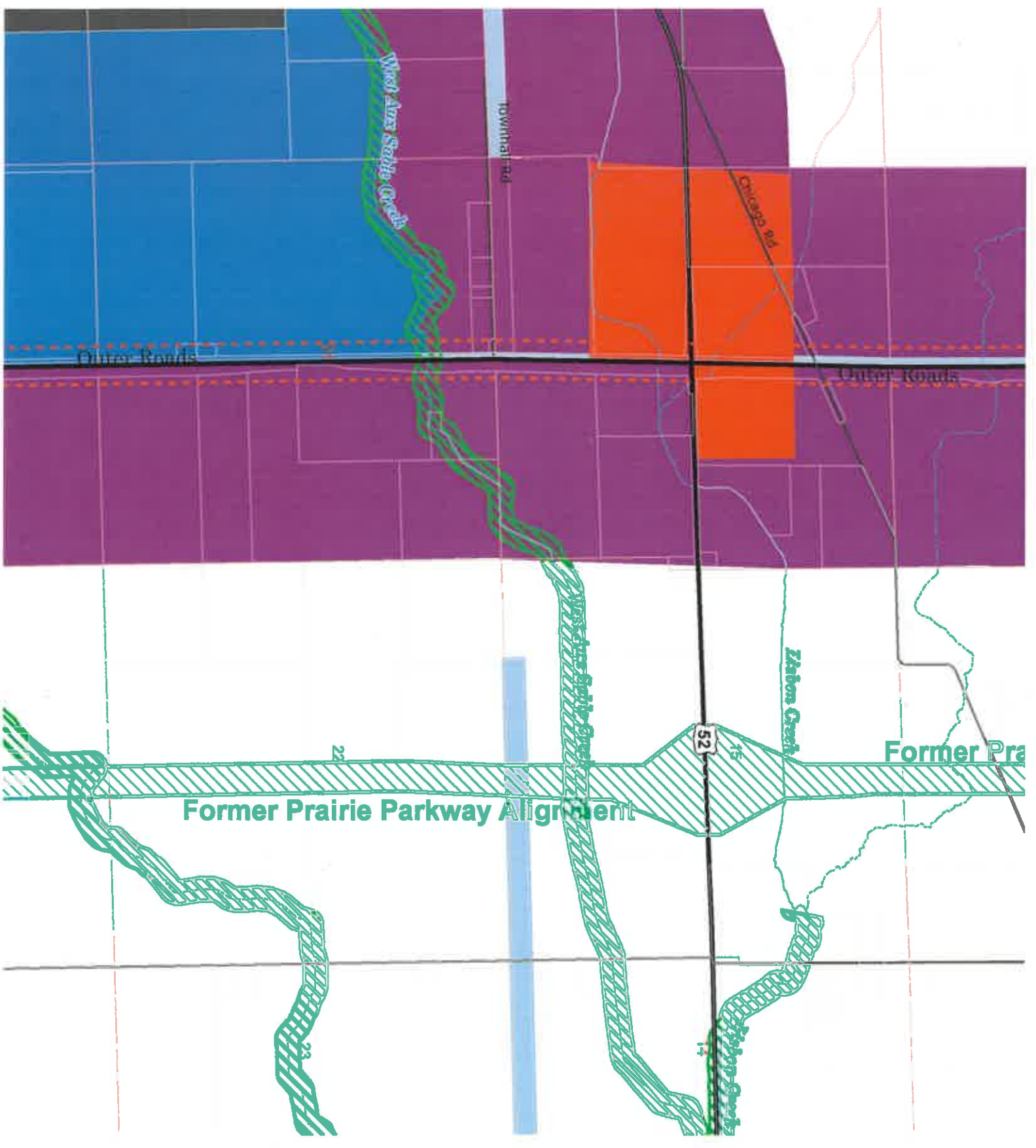
Wilson Creek

52

21

23

14



Former Prairie Parkway Alignment

West Lake Sebby Creek

Towhee Rd

Chicago Rd

Other Roads

Other Roads

Zibon Creek

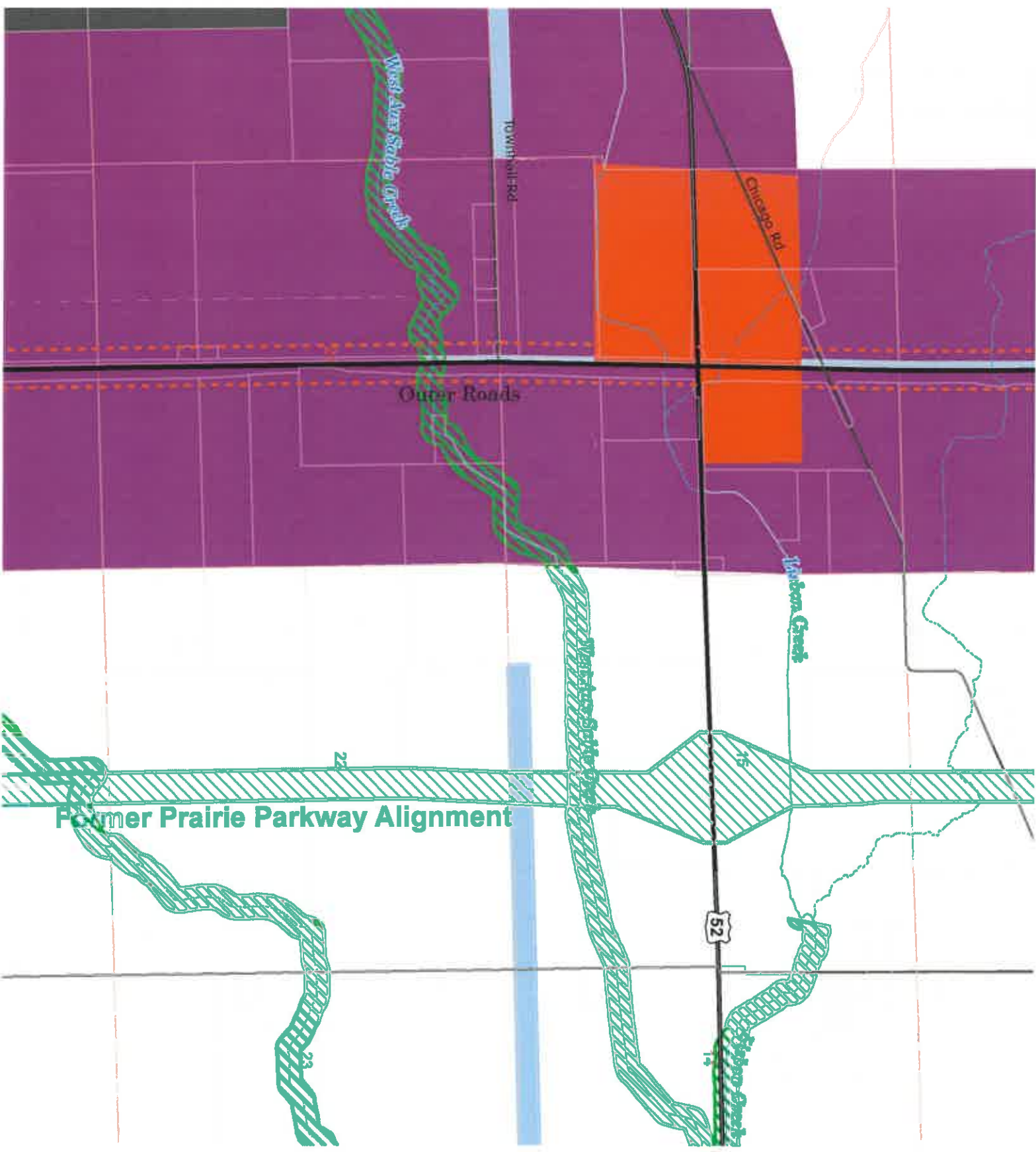
Former Prairie Parkway

52

22

14

23



Woods Area Stable Channel

Township Rd

Chicago Rd

Outer Roads

Johnson Creek

Former Prairie Parkway Alignment

52

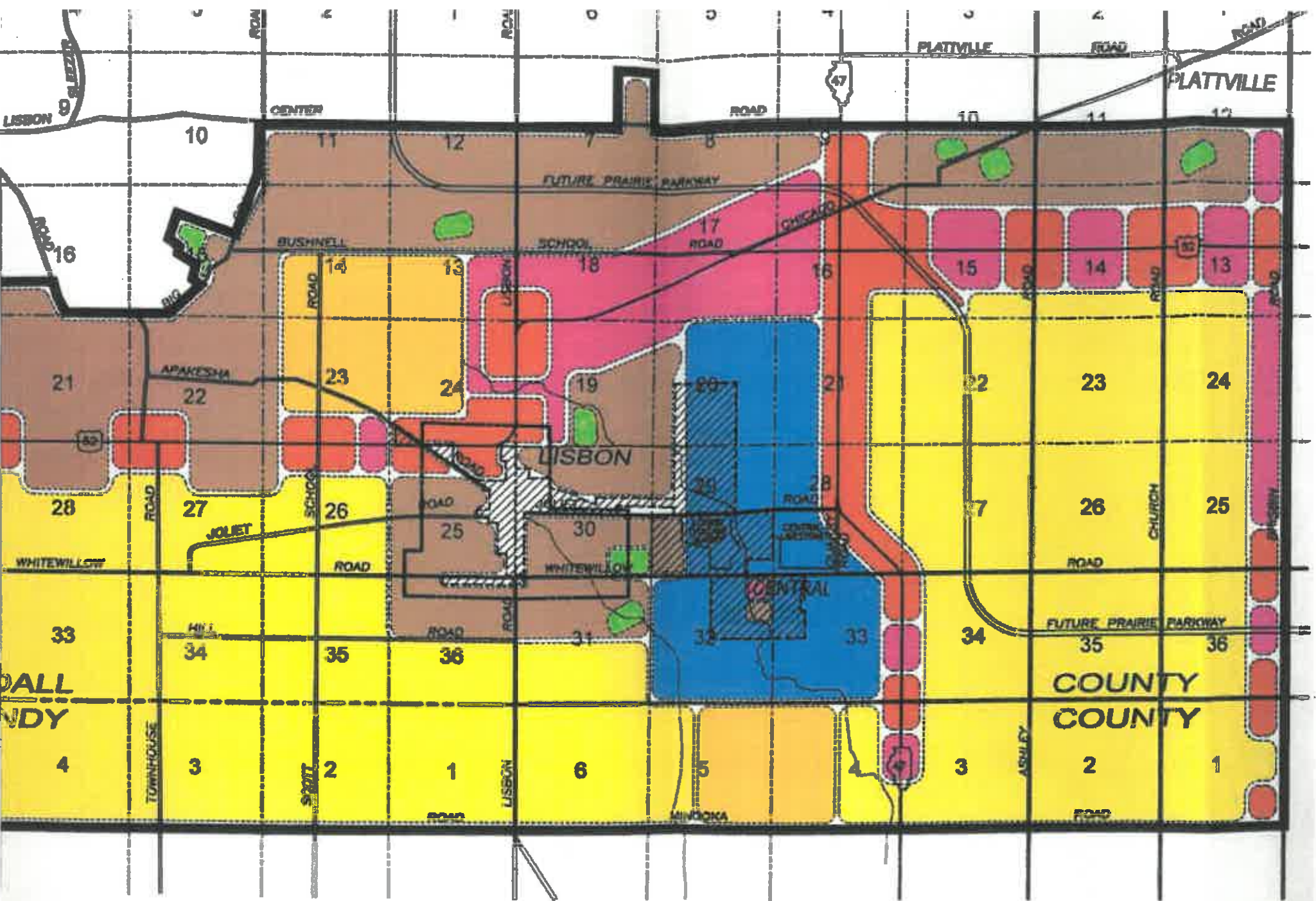
22

14

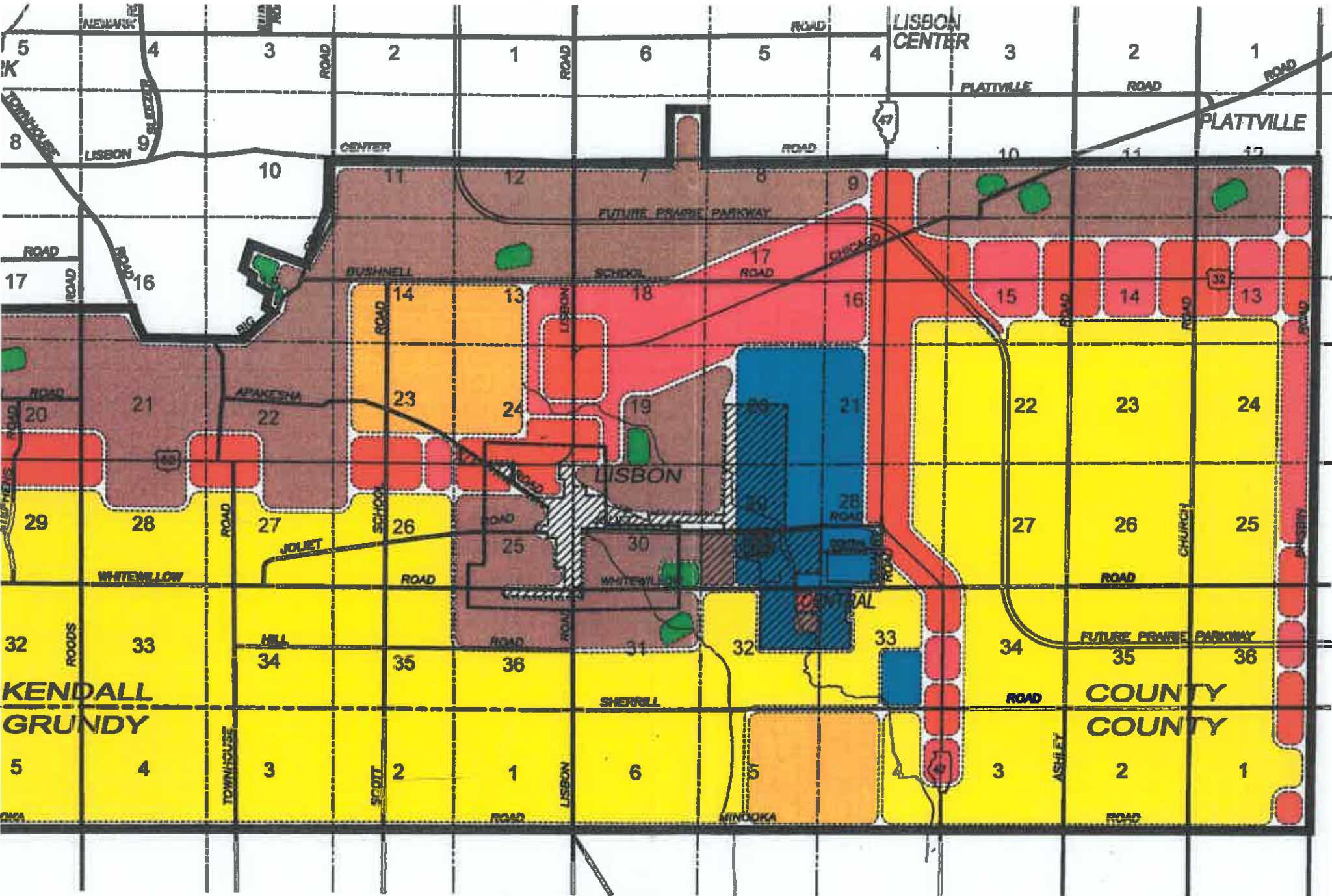
Little Creek

Wagon Creek

23



RANGE 6 EAST RANGE 7 EAST



RANGE 6 EAST RANGE 7 EAST

Proposed Prairie Parkway

Proposed Prairie Parkway

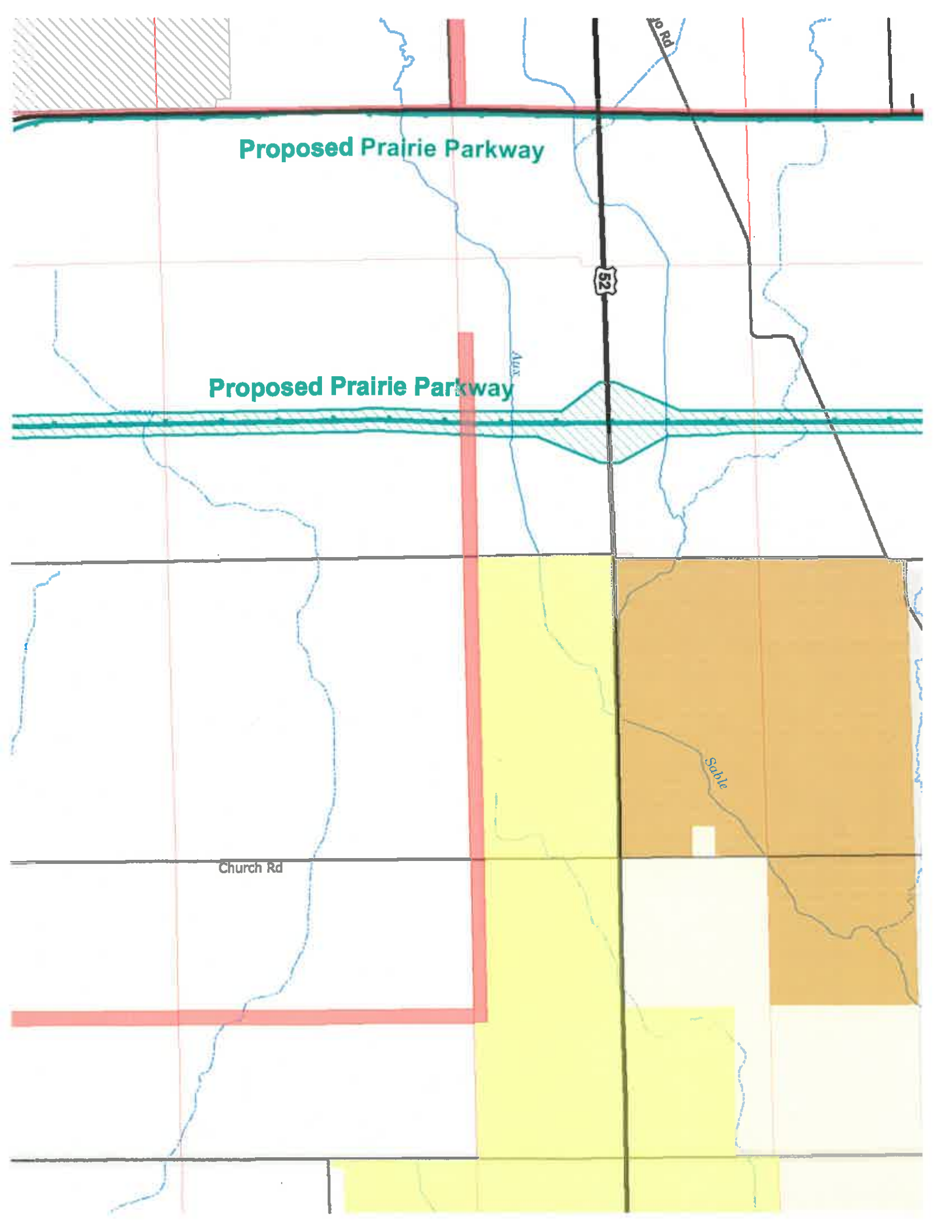
10 Rd

52

Aux

Sable

Church Rd



July 9, 2019

TO: Committee of the Whole - Kendall County Board

RE: Proposed LRP changes along Route 47, Lisbon Township

Thank you for removing a mining classification from the proposed LRP, except where it already is so zoned.

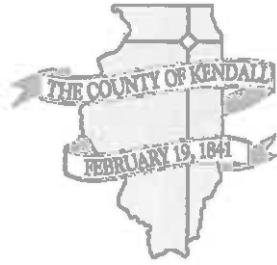
I continue to have concerns about what is proposed. The uses proposed along both sides of Rt 47 except at Rt 47 and Plattville Rd; Rt 47 and Rt 52, and Rt. 47 and Sherrill Rd intersections are, although a step down from the intense commercial uses at those intersections, still uses that generate a great deal of traffic and usually have lengthy hours of operation. As such, those uses would result in markedly increased traffic on connecting county and township roads almost 24/7. Besides being intrusive to those citizens already living in that part of the Township, such a sharp increase in traffic would seriously damage connecting County and Township roads and markedly increase those roads maintenance costs.

A determining factor in the decision to widen Rt. 47 was the supposition that it would carry long haul traffic around the fringes of the Chicago metropolitan area, connecting as it does I-80 at Morris with I-88 at Sugar Grove.

The proposed LRP for Route 47 would/could allow uses that generate dense short haul traffic, and very frequent curb cuts on 47, thus reducing carrying capacity of the route for long haul traffic and slowing the traffic flow to a crawl.

For all those reasons, I ask that the planning classifications along Rt 47 between the commercial nodes at the intersections cited above, be limited to office and low intensity (neighborhood) commercial uses.

Ruth Bell



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: July 8, 2019

Amount: N/A

Budget: N/A

Issue: Petition 19-12-Request from Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis for a Special Use Permit to Operate a Banquet Center at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township

Background and Discussion:

See Attached Memo

Record for Petition - <https://www.co.kendall.il.us/wp-content/uploads/Petition-19-12.pdf>

Committee Action:

ZPAC-Approval with Conditions (Guritz voted Present); KCRPC-Approval with Conditions; ZBA-Approval with Conditions (4-1); Fox Township-Multiple Concerns; Newark-No Comments; Newark Fire Protection-No Comments; PBZ Committee-Approval with Conditions (4-1)

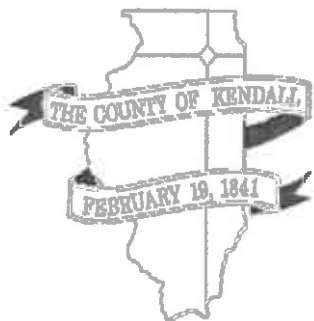
Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP

Department: Planning, Building and Zoning Department

Date: July 9, 2019



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 19-12

**Robert Bright on Behalf of the Madison Trust and Castle Bank
N A and JoAnn Bright-Thels
A-1 Special Use – Banquet Facility**

INTRODUCTION

JoAnn Bright-Thels would like to establish the BrighterDaze Farm and Events banquet facility at the subject property which is currently owned in a trust represented by her father, Robert Bright.

ACTION SUMMARY

FOX TOWNSHIP

Fox Township was emailed information on March 27, 2019. Fox Township submitted comments on April 16, 2019. In particular, Fox Township reiterated that the Township was a dry township; the Township disagreed with the functional classification of Crimmin Road contained in the Land Resource Management Plan; the Township requested a traffic study regarding the impact of the proposed venue on Crimmin Road, including the possibility of improvements to Crimmin Road necessitated by the proposed special use permit. On May 9, 2019, the Petitioner, Fox Township, and the Kendall County Planning, Building and Zoning Department held a conference call on the proposal. The Petitioner agreed to the dry regulations of the Township. The Township stated that they would not fight the functional classification of Crimmin Road in the Land Resource Management Plan. The Township stated that they (Fox Township) would request a traffic study from the Kendall County Highway Department. This study could result in a change of the speed limit on Crimmin Road to a speed less than the current fifty-five miles per hour (55 MPH), a requirement the Petitioners post additional one-way directional signage within their property, and the possibility that Fox Township adopt an ordinance forbidding parking along Crimmin Road. "Venue Ahead" signage along Crimmin Road was discussed. Also, the possible dedication of right-of-way was discussed.

On June 14, 2019, Fox Township submitted updated comments. In particular, Fox Township requested:

1. No parking on Crimmin Road.
2. A right-of-way dedication of forty-five feet (45') as measured from the centerline of Crimmin Road for the entire length of the subject property.
3. No sound greater than sixty-five (65) dBa as measured from the property line of the complaint.
4. The special use permit should be contingent on a completed traffic study with the Petitioner paying for any necessary construction caused by increased traffic on Crimmin Road.
5. A maximum of thirty (30) events per year with an operating season between April 1st and November 1st.
6. Saturday only events with a conclusion of no later than 10:00 p.m.
7. The Township believes inadequate parking is planned for the proposal.
8. No selling or serving of alcohol per Fox Township's dry regulations.

The Township also requested that the advisory bodies consider public safety when making their

recommendations.

NEWARK FIRE PROTECTION DISTRICT

Newark Fire Protection District was emailed information on March 27, 2019. To date, no comments have been received.

VILLAGE OF NEWARK

The Village of Newark was emailed information on March 27, 2019. To date, no comments have been received.

ZPAC

ZPAC reviewed this proposal at their meeting on April 2, 2019. The Health Department provided information about well monitoring. A site survey will be completed defining the location of the existing septic system. The equestrian business will continue at the property as a separate business. Discussion occurred regarding the planned realignment of Crimmin Road. ZPAC recommended approval with all but (1) member voting yes. One (1) member voted present.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on May 22, 2019. At this meeting, the Petitioners agreed to layover until the June meeting to allow Fox Township to complete their research on this request. The Kendall County Regional Planning Commission reviewed the concerns expressed by Fox Township at their meeting on June 26, 2019. Commissioners felt that having the special use permit contingent on a traffic study and requiring the Petitioners to pay for improvements to Crimmin Road was unnecessary. Commissioners also agreed to allow events to be held on weekends instead of limiting events to Saturdays only. Discussion occurred regarding Fox Township's dry regulations and the consensus of the Commission was that Fox Township's dry regulations were not a zoning matter. Commissioners recommended approval of the special use permit with the removal of the requirement of the contingency of the traffic study and allowing events to occur on other days of the weekend including Saturdays, but only one (1) event could occur each weekend. The vote was five (5) in favor and four (4) absent.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 1, 2019. John Vogt express concerns about noise and safety on Crimmin Road. Kurt Buhle expressed concerns about security, enforcement of the regulations, property values, noise, traffic safety, and the potential that this proposal could open the door to other non-agricultural uses in the area. Jeff Spang, Fox Township Supervisor, expressed concerns about alcohol regulations, the use of the property for non-banquet related events, and traffic safety. By a vote of four (4) in favor and one (1) opposed, the Board issued a positive recommendation for the proposal subject to the conditions proposed by Staff with the following changes:

1. The last sentence of Condition 9 was changed to read, "For events with music, all barn doors shall close by 7:00 p.m."
2. The Condition regarding the traffic study should be deleted.
3. Condition 15 was changed to read, "The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to, Fox Township's laws, related to the operation of this type of business."

PBZ

The Kendall County Planning, Building and Zoning Committee reviewed this proposal at their meeting on July 8, 2019. The Committee approved the following changes to the conditions of the special use permit:

1. The duplicative restriction regarding complying with all laws was removed.
2. Setup for events could start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event.

3. The condition that barn doors must be closed by 7:00 p.m. if an event has music was removed.
4. The requirement that the parcel maintain five (5) acres was changed to read that the parcel must follow the site plan configuration except for the right-of-way dedication.
5. The Petitioners can have one (1) additional event per weekend with a maximum of fifty (50) guests. (The vote was three (3) in favor and two (2) in opposition).
6. Discussion occurred regarding allowing events on Wednesdays if the Wednesday was the eve of a Federal or State holiday. However, this motion was not seconded and no vote occurred.

The Committee recommended approval by vote of four (4) in favor and one (1) in opposition.

FINDINGS OF FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

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 establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety, based on the information provided by the Petitioners. Member Clementi disagreed with this finding.

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 proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours and days of operation, and buffering within the ordinance granting the special use permit. Chairman Mohr and Member Clementi disagreed with this finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's site plan addresses utilities, drainage, and points of ingress and egress.

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 Zoning Board of Appeals. The site conforms to the regulations of the A-1 Agricultural Zoning District.

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. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

RECOMMENDATION

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the submitted Site Plan, Landscaping Plan, and Parking Illumination Plan.
2. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
3. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in Condition 12.
5. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
6. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
7. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
8. The noise regulations are as follows:

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

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

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
9. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
10. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. One (1) additional event may be held per weekend with a maximum of fifty (50) guests. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
11. A new certificate of occupancy must be issued for the barn.
12. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the

subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.

13. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
14. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
16. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
17. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The proposed ordinance is attached.

SITE INFORMATION

PETITIONER Robert Bright on Behalf of the Madison Trust and Castle Bank NA and JoAnn Bright
Theis

ADDRESS 10978 Crimmin Road, Newark

LOCATION Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road



TOWNSHIP Fox

PARCEL #s 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008

LOT SIZE 38.34 +/- Acres

EXISTING LAND USE Agricultural/Farmstead

ZONING A-1 Agricultural District

LRMP	Future Land Use	Agricultural
	Roads	Crimmin Road is a Major Collector Road and is also classified as a Scenic Route.
	Trails	None
	Floodplain/Wetlands	A riverine wetland is located along the southwest edge of the subject property.

REQUESTED ACTION A-1 Special Use to Operate a Banquet Facility

APPLICABLE REGULATIONS §7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

§ 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Wooded/Millington Forest Preserve	A-1	Rural Residential (Max 0.60 DU/Acre) and Forest Preserve	A-1
South	Agricultural/Religious	A-1	Agricultural	A-1
East	Millington Forest Preserve	A-1	Forest Preserve	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.60 DU/Acre)	A-1, A-1 SU, R-2, and R-3

The special use permit is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

- Millington Fen INAI Site
- Fox River INAI Site
- Millington Railroad Fen Natural Landmark
- Tucker-Millington Fen Natural Preserve
- River Redhorse (*Moxostoma carinatum*)

Negative Impacts to the above are considered unlikely and consultation was terminated.

NATURAL RESOURCES INVENTORY

The LESA Score was 181 indicating a low level of protection.

GENERAL

The Petitioners intend to establish the BrighterDaze Farm and Events banquet facility run by JoAnn Bright-Theis at the subject property. A special use permit is required to operate a banquet facility at the subject property.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

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

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

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

The subject property and proposed business meets the above requirements.

BUSINESS OPERATION

The business plan for the proposed operations was submitted. The site plan was submitted. The building elevations were submitted. The landscaping plan was submitted. The parking illumination plan was submitted. The interior plan was submitted.

According to the information provided to the County, the proposed banquet facility will utilize the existing approximately eight thousand (8,000) square foot barn for weddings and similar events. The maximum capacity will be approximately two hundred eighty (280) people, with one (1) additional employee. While banquets will occur inside the existing barn, prospective clients could use the exterior grounds for pictures and outdoor ceremonies. The interior of the barn is a converted arena with a concrete floor. The barn is approximately twenty-six feet (26') tall at its peak and ten feet (10') tall at the ends.

An existing pond is located east of the horse barn.

The original proposed hours of operation were Sunday through Thursday from 9:00 a.m. until 10:00 p.m. and Friday and Saturday from 9:00 a.m. until Midnight. The Petitioners agreed to change the hours of operation to Fridays, Saturdays, Sundays, Mondays, and Federal and State Holidays occurring on Thursdays and Tuesdays. Tours of the facility for prospective customers by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to an event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events would be capped at one (1) per weekend and thirty (30) for the operating season. The Petitioners could have one (1) additional event per weekend with a maximum of fifty (50) guests.

The proposed business would use local sub-contractors for uses on the site, including linens, decorations, food services, beverage services, bathroom services, and cleanup services. Because Fox Township is a dry township, no cash bars are allowed.

The proposed business would use luxury trailer bathrooms for events with the intention to have permanent restroom facilities by 2021. Restroom facilities will be located north of the barn by the parking area.

The dumpster shall be located next to the parking lot by the barn.

If approved, the Petitioners hope to start operations as quickly as possible.

Ancillary items, such as Brighter Daze shirts and glasses, may be sold on the premises.

BUILDING CODES

An updated Occupancy Permit will be required reflecting the change of use from a horse barn to a banquet facility.

ENVIRONMENTAL HEALTH

Portable bathrooms will be used for events. The Petitioners will be conducting a soil study to determine the appropriate location for a septic field.

ROAD ACCESS

The property fronts Crimmin Road. Fox Township expressed concerns regarding Crimmin Road which could be addressed through appropriate restrictions.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces will be located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

LIGHTING

Two (2) new lights are proposed for site. According to the parking illumination plan, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

SIGNAGE

One entrance and one exit sign will be installed on the property. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

LANDSCAPING

As shown on the proposed site plan, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

NOISE CONTROL

All music and noise shall originate inside the venue except for processional and recessionals at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face east.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

PREVIOUS EVENTS

According to information provided to the County, the Petitioners did not charge for events held previously on the property prior to June 1, 2019. On June 3, 2019, the Petitioners contacted the County and stated that they had an event on June 1, 2019, and charged a rental fee for this event. The Petitioners believed that the special use permit would be approved prior to the June 1st date and did not want to cancel the event.

ATTACHMENT

1. Proposed Ordinance

ORDINANCE NUMBER 2019-_____

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY ON A 38.34 ACRE +/- PARCEL LOCATED AT 10978 CRIMMIN ROAD ON THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 38.34 acres located at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Madison Trust and Castle Bank N A as represented by Robert Bright and JoAnn Bright-Theis has permission to operate a banquet facility on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about March 19, 2019, Petitioner filed a petition for a special use permit allowing the operation of a banquet facility at the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on June 6, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and two members of the public expressed concerns regarding the petition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 1, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit with conditions; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall

WHEREAS, this special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the Site Plan attached hereto as Exhibit C, Landscaping Plan attached hereto as Exhibit D, and Parking Illumination Plan attached hereto as Exhibit E.
 - B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
 - C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
 - D. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in condition L.
 - E. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
 - F. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
 - G. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - H. The noise regulations are as follows:

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

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

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

- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
 - J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. One (1) additional event may be held per weekend with a maximum of fifty (50) guests. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
 - K. A new certificate of occupancy must be issued for the barn.
 - L. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
 - M. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
 - N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - O. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
 - P. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
 - Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of July, 2019.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter of Section 30, that part of the Northeast Quarter of Section 31 and that part of the Northwest Quarter of Section 32, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter of Section 31; thence Southerly, along the East Line of said Northeast Quarter, 412.50 feet for a point of beginning; thence West, along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle of $88^{\circ}55'20''$ with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of $136^{\circ}30'40''$ with the last described course, measured counter-clockwise therefrom, 506.73 feet to the centerline of Crimmins Road; thence Northeasterly, along said centerline which forms an angle of $105^{\circ}18'51''$ with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northeasterly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, an arc distance of 1058.74 feet; thence Northeasterly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northeasterly, along said centerline being a curve to the left with a radius of 730.0 feet, an arc distance of 8.76 feet to the West Line of said Southwest Quarter of Section 29; thence Southerly, along said West Line, 22.82 feet; thence Southeasterly, along a line which forms an angle of $136^{\circ}53'45''$ with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of $148^{\circ}16'44''$ with the last described course, measured counter-clockwise therefrom, 889.54 feet to a point on a Southerly Line of a Tract conveyed to Robert A. Bright as Trustee of the Robert A. Bright Declaration of Trust by Trustee's Deed recorded as Document 9801248 on February 4, 1998; thence Southwesterly along said Southerly Line which forms an angle of $89^{\circ}59'40''$ with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northwesterly, along a line which forms an angle of $95^{\circ}37'45''$ with the last described course, measured counter-clockwise therefrom, 359.61 feet to a point on a line drawn Easterly, parallel with the North Line of said Northwest Quarter of Section 32, from the point of beginning and which is 607.20 feet from the point of beginning; thence Westerly, along said parallel line which forms an angle of $107^{\circ}48'12''$ with the last described course, measured clockwise therefrom, 607.20 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 38.3391 acres.

Exhibit B

FINDINGS OF FACT

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 establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety, based on the information provided by the Petitioners.

Member Clementi dissented with the above Finding and stated that the proposed special use permit would be detrimental and will endanger the public health.

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 proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours and days of operation, and buffering within the ordinance granting the special use permit.

Chairman Mohr and Member Clementi dissented with the above Finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's site plan addresses utilities, drainage, and points of ingress and egress.

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 Zoning Board of Appeals. The site conforms to the regulations of the A-1 Agricultural Zoning District.

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. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested special use permit with the conditions:

- A. The site shall be developed substantially in accordance with the attached Site Plan, Landscaping Plan, and Parking Illumination Plan.
- B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.

- C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. The subject parcel must maintain a minimum of five (5) acres.
- E. 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)
- F. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
- G. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
- H. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- I. The noise regulations are as follows:
 - Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.
 - Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.
 - EXEMPTION: Powered Equipment:** Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
- J. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, barn doors shall close by 7:00 p.m.
- K. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- L. A new certificate of occupancy must be issued for the barn.
- M. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- N. No patron or other entity associated with the business allowed by this special use permit shall

be allowed to park on Crimmin Road.

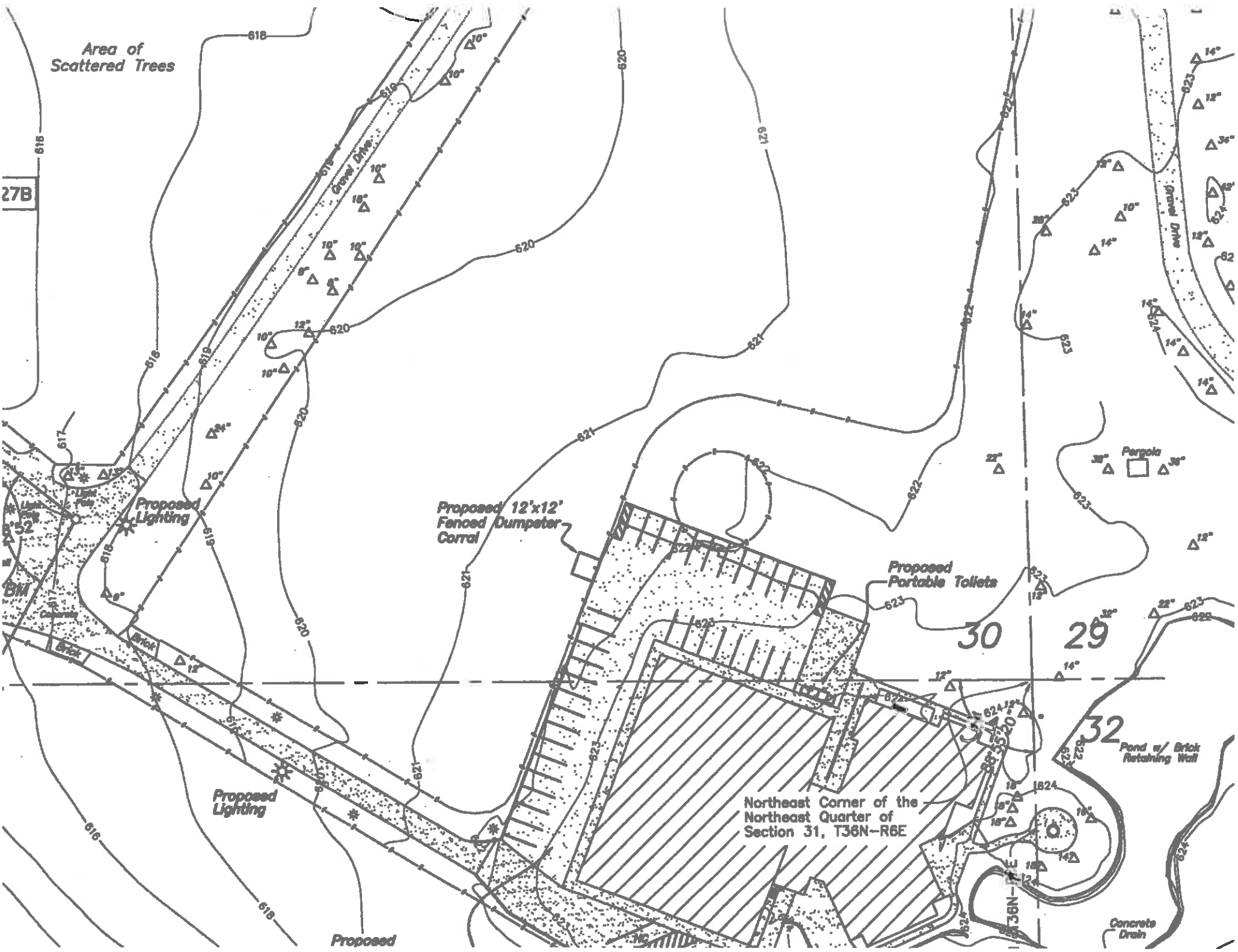
- O. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- P. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- Q. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- R. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of five (4) in favor, one (1) opposed, and two (2) absent.

July 1, 2019

Area of Scattered Trees

27B



Iron & Frame
Building
7967 sq ft

Wood of Area
Inventory 8/8

SLA
MH-25

6	4.9	4.0			
1	4.5	4.5	3.6	2.5	3
1	4.0	3.3	3.2	2.1	1.7
0	3.2	3.2	2.6	2.1	
2	2.4	2.5	2.3	2.0	
7	1.8	1.9	1.8		

12-1781
Frame Shed

Concrete
Drain

the pond
structure

new shed
& chimney