



**COUNTY OF KENDALL, ILLINOIS
COMMITTEE OF THE WHOLE
KENDALL COUNTY OFFICE BUILDING
County Board Rm 210; 111 W. Fox Street; Yorkville**

**Thursday, March 11, 2021 at 4:00PM
MEETING AGENDA**

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Scott Gryder (Board Chair), Matt Kellogg (Board Vice Chair), Amy Cesich, Brian DeBolt, Elizabeth Flowers, Scott Gengler, Judy Gilmour, Dan Koukol, Ruben Rodriguez, Robyn Vickers
- 3. Approval of Agenda**
- 4. Approval of Claims**
- 5. Department Heads and Elected Official Reports**
- 6. Old Business**
- 7. New Business**
 - *Fox Metro Water Reclamation District's Annual Report – Tom Muth, District Manager*
 - *Discussion of Petition 21 – 03 Request from Larry Nelson on Behalf of the L and P Nelson Trust 103 for a Major Amendment to the Special Use Permit Granted by Ordinance 2016-21 By Expanding the Uses (Banquet Facility, Nano Brewery, Micro Distillery, Year Round Seasonal Festival with Petting Zoo, Production and Sale of Sweet Cider) Allowed by Ordinance 2016-21 and Related Variances to the Property East of Creek Road and Removing the Maximum Building Number Requirement Contained in Ordinance 2016-21 at 3210 Creek Road (PINs: 01-16-300-007 and 01-21-100-005) in Little Rock Township*
 - *Discussion and Approval of an Amendment to the County Board Rules of Order Updating County Board Standing Committees*
- 8. Public Comment**
- 9. Questions from the Media**
- 10. Chairman's Report**
- 11. Review Board Action Items**
- 12. Executive Session**
- 13. Adjournment**

Microsoft Teams Meeting
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[+1 309-248-0701](#)
Phone Conference ID: 272 813 475#

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, February 11, 2021 at 4:00PM
Meeting Minutes**

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:02p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Scott Gryder	Here		
Dan Koukol	Here		
Matt Kellogg	Yes		
Robyn Vickers	Here		
Amy Cesich	Present		
Elizabeth Flowers	ABSENT		
Brian DeBolt	Here		
Scott Gengler	Here		
Judy Gilmour	Here		
Ruben Rodriguez	Here		

Others Present: Scott Koeppel, Andy Nicoletti, ASA James Webb

APPROVAL OF AGENDA – Member Kellogg made a motion to approve the agenda, second by Member Gengler.

Member Kellogg made a motion to amend the motion for approval of the agenda with the removal of Business Item 2, due to the petitioner’s withdrawal of his request, second by Member Cesich.

ROLL CALL VOTE FOR AMENDED MOTION

Member	Vote
Matt Kellogg	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Amy Cesich	Yes
Brian DeBolt	Yes
Judy Gilmour	Yes
Ruben Rodriguez	Yes
Scott Gryder	Yes
Dan Koukol	No

With members Kellogg, Vickers, Gengler, Cesich, DeBolt, Gilmour, Rodriguez, and Gryder voting aye, and Member Koukol voting no, the motion carried by a vote of 8-1.

ROLL CALL VOTE FOR INITIAL MOTION TO APPROVE THE AGENDA

Member	Vote
Dan Koukol	Yes
Matt Kellogg	Yes
Robyn Vickers	Yes
Scott Gengler	Yes
Amy Cesich	Yes
Brian DeBolt	Yes
Judy Gilmour	Yes
Ruben Rodriguez	Yes
Scott Gryder	Yes

With nine members preset voting aye, the motion carried by a vote of 9-0.

APPROVAL OF CLAIMS

- *Approval to Forward Claims to County Board for Final Approval* – Member Kellogg made a motion to forward the claims to the County Board for final approval, second by Member Cesich.

ROLL CALL VOTE

Member	Vote
Matt Kellogg	Yes
Ruben Rodriguez	Yes
Robyn Vickers	Yes
Amy Cesich	Yes
Brian DeBolt	Yes
Scott Gengler	Yes
Judy Gilmour	Yes
Scott Gryder	Yes
Dan Koukol	Yes

With nine members preset voting aye, the motion carried by a vote of 9-0.

DEPARTMENT HEADS AND ELECTED OFFICIAL REPORTS

Scott Koeppe/Administration – Mr. Koeppe reported on recent meetings he’s had with our Federal Lobbyist on the County’s potential projects of water resources and Metra extension into the County, and the formulation of a plan of execution for these projects.

OLD BUSINESS – None

NEW BUSINESS

- *Emergency Operations Plan (EOP) Update 2021* – Roger Bonuchi briefed the committee on the plan update deadline for submission to the state of March 15, 2021, the purpose of the plan that provides a concept of planning regarding any disaster or emergency, the recovery and the summary, the grant funding that is received, and the EOP Proclamation that allows the County Board Chair to authorize the inaction of the Emergency Management team and plan. **This item will be discussed at the February 16, 2021 County Board meeting.**

- *Discussion of Amended Petition 20-02 Request from Greg Dady on Behalf of DTG Investments, LLC for Text Amendments to the Kendall County Zoning Ordinance Adding Truck Parking Area or Yard Including Offices and Maintenance Facilities Provided that the Use has Direct Access to a Road Designated as a Major Collector or Higher in the County Land Resource Management Plan to the List of Special Uses in the A-1 District and Related Citation Corrections* – **This item was removed from the agenda because the petitioner pulled his request for amendment at this time.**

- *Discussion and Approval of Reappointment of Andy Nicoletti as Kendall County Chief Assessing Officer* – Member Koukol made a motion to forward to the County Board for approval, second by Member DeBolt.

ROLL CALL VOTE

Attendee	Vote
Dan Koukol	Yes
Matt Kellogg	Yes
Robyn Vickers	Yes
Amy Cesich	Yes
Brian DeBolt	Yes
Scott Gengler	Yes
Judy Gilmour	Yes
Scott Gryder	Yes
Ruben Rodriguez	Yes

With nine members present voting aye, the motion carried by a vote of 9-0.

PUBLIC COMMENT - None

QUESTIONS FROM THE MEDIA - None

CHAIRMAN'S REPORT – Chairman Gryder reminded the committee that the February 16th County Board meeting will be in the newly renovated County Board room.

REVIEW BOARD ACTION ITEMS – Chairman Gryder asked the committee to review the draft Board agenda for Tuesday, February 16, 2021.

ITEMS FOR THE FEBRUARY 16, 2021 COUNTY BOARD AGENDA

- *Approval to Forward Claims to County Board for Final Approval*

ITEMS FOR THE MARCH 2, 2021 COUNTY BOARD AGENDA

- *Approval of Reappointment of Andy Nicoletti as Kendall County Chief Assessing Officer*

EXECUTIVE SESSION – Not Needed

ADJOURNMENT - Member Kellogg made a motion to adjourn the meeting, second by Member Cesich.

ROLE CALL VOTE

Board Member	Vote
Gilmour, Judy	Yes
Gryder, Scott	Yes
Koukol, Dan	Yes
Kellogg, Matt	Yes
DeBolt, Brian	Yes
Rodriguez, Ruben	Yes
Vickers, Robyn	Yes
Cesich, Amy	Yes
Gengler, Scott	Yes

With nine members present voting aye, the meeting adjourned at 4:50p.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant and Recording Secretary



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

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Petition 21-03

**Larry Nelson on Behalf of the L and P Nelson Trust 103
Major Amendment to Existing A-1 Special Use for Banquet
Facility, Micro Distillery, Nano Brewery, Production and Sale
of Sweet Cider, Year Round Seasonal Festival with Petting Zoo,
and Related Variances Granted by Ordinance 2016-21**

INTRODUCTION

In October 2016, the Kendall County Board granted a special use permit for a banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider, and related variances at 15888 Frazier Road in Little Rock Township.

The Petitioner, Larry Nelson on Behalf of the L and P Nelson Trust 103, would like to expand the operations allowed by the special use permit in 2016 to the adjacent property on the east side of Creek Road. In addition to the structures already allowed, the Petitioner would like to construct some parking areas and thirty thousand (30,000) square feet of additional buildings on the east side of Creek Road. The Petitioner would like the conditions and variances previously approved in 2016 to apply to the expanded uses on the east side of Creek Road. The Petitioner would also like to remove the requirement setting the number of buildings at three (3); no non-agricultural building would be larger than ten thousand (10,000) square feet in size.

EXISTING SPECIAL USE PERMIT CONDITIONS

The conditions from Ordinance 2016-21 are as follows:

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 two hundred twenty-five (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 11:30 pm 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 Department.
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 necessary for the maintenance of property is exempted from the noise regulations between the hours of 7:00 a.m. and 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 shall 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.
 12. There shall be a maximum of three (3) new buildings, with a maximum size of ten thousand (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. 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 thirty feet (30') from the right-of-way of Frazier Road.
 15. 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.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

The variances from Ordinance 2016-21 are as follows:

1. 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).
2. The retail sales areas may exceed one thousand (1,000) square feet, but shall not exceed ten thousand (10,000) square feet per building.
3. That parking be allowed within thirty feet (30') of the Frazier Road right-of-way (reduced from the one hundred foot (100') agricultural setback).

PROPOSED AMENDMENTS

The proposed conditions for the amendment to the special use permit are as follows:

1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:

- a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan. No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
 4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
 5. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
 6. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 7. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
 8. 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.
 9. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

At their meeting on March 8, 2021, the Planning, Building and Zoning Committee voted to remove the following condition by vote of four (4) in favor and one (1) in opposition:

1. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.

The draft ordinance, as amended by the Planning, Building and Zoning Committee, is included as Attachment 1. Ordinance 2016-21 is included as Attachment 2.

ACTION SUMMARY

LITTLE ROCK TOWNSHIP

Little Rock Township was emailed information on January 19, 2021. The Township reviewed this proposal at their meeting on February 17, 2021. Overall, the Township was in favor of the proposal, but had concerns regarding the well and septic for the expansion area, the protocol for the people mover, and safety signage along Creek Road. As of the date of this memo, the Township is working on a letter officially stating their position.

LITTLE ROCK FOX FIRE PROTECTION DISTRICT

Little Rock Fox Fire Protection District was emailed information on January 19, 2021.

CITY OF PLANO

The City of Plano was emailed information on January 19, 2021. The Plano Planning Commission reviewed this proposal at their meeting on February 15, 2021. They recommended approval of the proposal on the condition that a traffic study of the intersection of Creek Road and Little Rock Road occur. The Plano City Council met on February 22, 2021, and concurred with the Plano Planning Commission's opinion. Plano's comment letter is included as Attachment 3.

ZPAC

ZPAC reviewed this proposal at their meeting on February 2, 2021. Discussion occurred regarding patrons crossing Creek Road to access amenities and facilities on the west of Creek Road. The Petitioner indicated that some form of people mover would be used to transport people across Creek Road. No pedestrian crossings were foreseen. The Petitioner noted that development of the property on the east side of Creek Road would take several years. ZPAC recommended approval of the proposal with a vote of eight (8) in favor and zero (0) in opposition; two (2) members of the Committee were absent.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on February 24, 2021. One (1) neighbor, Robert Long, stated that he was concerned about noise and the preservation of the Little Rock Creek watershed, but was generally in favor of the proposal. The Petitioner stated that they would abide by the County's noise regulations. The Petitioner was unsure if outdoor music would occur at the property as part of banquets. The Petitioner requested that the noise regulations apply only to the homes in existence at the time of the issuance of the special use permit. The Kendall County Regional Planning Commission recommended approval of the proposal with the conditions proposed by Staff and the amendment regarding the noise regulations as requested by the Petitioner by a vote of eight (8) in favor and zero (0) in opposition, one (1) Commissioner recused himself.

ZBA

The Kendall Zoning Board of Appeals held a public hearing on this proposal on March 1, 2021. The Petitioner provided a history of the review of the project by other boards. Information was provided regarding the impacts of temperature and need for adequate land to make the business successful. The Petitioner noted that the City of Plano already zoned a nearby property as commercial and listed uses that were allowed by Plano in that zoning district. The Petitioner's opinion was that some of these uses would generate more noise and traffic than the proposed expansion. The Petitioner reiterated his request that the noise regulations apply only to those homes in existence or permitted at the time of the issuance of the special use permit. Other than the Petitioner's son, no other members of the public testified at the public hearing. The Zoning Board of Appeals recommended approval of the proposal with the conditions proposed by Staff and the clarification of the noise regulations as requested by the Petitioner by a vote of seven (7) in favor and zero (0) in opposition.

PBZ

The Planning, Building and Zoning Committee reviewed this proposal at their meeting on March 8, 2021. Discussion occurred regarding the noise regulations and traffic study. As mentioned previously, the Committee voted to remove the Petitioner's requested amendment regarding the noise regulations. The Committee voted to recommend approval of the Petition as amended by a vote of five (5) in favor and zero (0) in opposition and that the proposal be forwarded to the Committee of the Whole.

RECOMMENDATION

Staff recommends approval of the requested amendment to special use permit granted by ordinance 2016-21 and the variances approved by Ordinance 2016-21 subject to the following conditions and restrictions listed previously.

APPROVED FINDINGS OF FACT-SPECIAL USE PERMIT

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 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. Conditions were included in the original special use permit ordinance 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 Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

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 Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement "... of locally owned businesses."

APPROVED FINDINGS OF FACT-VARIANCES

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, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is 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 Petitioner did not create the setback requirements or access requirements.

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 are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

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 proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

SITE INFORMATION

PETITIONER Larry Nelson on Behalf of the L and P Nelson Trust 103

ADDRESS 3210 Creek Road

LOCATION East Side of Creek Road at the T-Intersection Created by Creek and Frazier Roads



TOWNSHIP Little Rock

PARCEL #S 01-16-300-007 and 01-21-100-005

LOT SIZE Expansion Area is 30.99 +/- Acres; Original Area is 45.85 +/- Acres

EXISTING LAND USE Agricultural and Woody's Orchard

ZONING A-1 Agricultural District and A-1 Special Use

LRMP	Current Land Use	Agricultural and Woody's Orchard
	Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre) and Countryside Residential (Max 0.33 Du/Acre)
	Roads	Creek Road is a township maintained Local Road.
	Trails	The County has a trail planned along Creek Road north of Frazier Road.
	Floodplain/Wetlands	The 100-Year Floodplain of Little Rock Creek is located on the far east and south sides of the property. A freshwater forested shrub wetland is located on the east side of the subject property. The proposed uses are outside of the floodplain and wetland.

REQUESTED ACTION Major Amendment to an Existing A-1 Special Use Permit for a Banquet Hall, Nano Brewery, Micro Distillery, Seasonal Festival with Petting Zoo, and Production and Sale of Sweet Cider with Variances

- APPLICABLE REGULATIONS**
- Section 7:01.D.12 – A-1 Special Uses – Permits Banquet Facilities with Certain Conditions**
 - Section 7:01.D.12.a – Requires Banquet Facilities to be Located on an Arterial or Major Collector Road**
 - Section 7:01.D.32 – A-1 Special Uses – Permits Micro Distilleries with Certain Conditions**
 - Section 7:01.D.32.a – Requires Micro Distilleries to be Located on Major Collector of Higher Roads**
 - Section 7:01.D.33 – A-1 Special Uses – Permits Nano Breweries with Certain Conditions**
 - Section 7:01.D.33.a – Requires Nano Breweries to be Located on Major Collector of Higher Roads**
 - Section 7:01.D.45 – A-1 Special Uses – Permits Production and Sale of Sweet Cider with Certain Conditions Including Setting a Maximum Building Square Footage at One Thousand (1,000) Square Feet.**
 - Section 7:01.E.10 – A-1 Conditional Uses – Permits Seasonal Festivals with Petting Zoos with Certain Conditions**
 - Section 7:01.E.10.i – Forbids the Sale of Alcohol at Seasonal Festivals**
 - Section 7:01.E.10.j – Limits Seasonal Festivals to One (1) Event Per Year**
 - Section 7:01.E.10.k – Limits Seasonal Festivals to Ninety (90) Consecutive Calendar Days**
 - Section 7:01.G.2.b – Parking Not Allowed in Front Yard Setback Which is One Hundred Feet (100') from the Right-of-Way Line**
 - Section 13:04 – Variance Procedures**
 - 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	Rural Estate Residential (Max 0.45 DU/Acre)	A-1 and R-3
South	Agricultural	A-1	Commercial	A-1
East	Agricultural/Wooded Outlot of Residential Subdivision	A-1 (County) AG-1 (Plano)	Open Space/Low Density Residential (Max 2.25 DU/Acre)/General Business (Plano)	A-1 (County) AG-1, F-1, R-5, B-2, and B-5

				(Plano)
West	Agricultural/Residential	A-1 and A-1 SU	Agricultural/Countryside/Residential (Max 0.33 DU/Acre)/Commercial	A-1 and A-1 SU

The A-1 special uses to the west are for Woody's Orchard and communication uses.

Unit 6 of Lakewood Springs and Unit 2 of Woodwind Subdivision are located near the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on January 5, 2021, and consultation was terminated.

NATURAL RESOURCES INVENTORY

The LESA Score was 188 indicating a low level of protection.

ATTACHMENTS

1. Draft Ordinance
2. Ordinance 2016-21
3. February 23, 2021 City of Plano Letter

ORDINANCE NUMBER 2021-_____

**MAJOR AMENDMENT TO THE SPECIAL USE PERMIT FOR A BANQUET FACILITY,
NANO BREWERY, MICRO DISTILLERY, YEAR ROUND SEASONAL FESTIVAL WITH
PETTING ZOO, PRODUCTION AND SALE OF SWEET CIDER AND RELATED VARIANCES
GRANTED BY ORDINANCE 2016-21 AND REMOVING THE MAXIMUM BUILDING
REQUIREMENT AT 3210 CREEK ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION
NUMBERS 01-16-300-007 AND 01-21-100-005 IN LITTLE ROCK TOWNSHIP**

WHEREAS, Section 13:08.O of the Kendall County Zoning Ordinance permits the Kendall County Board to approved major amendments to existing special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:04 of the Kendall County Zoning Ordinance provides the procedure through which variances are granted; 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 30.99 +/- acres located at the intersection of Creek Road and Frazier Road and is currently addressed as 3210 Creek Road (PINs: 01-16-300-007 and 01-21-100-005), in Little Rock 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, on October 18, 2016, the Kendall County Board approved Ordinance 2016-21 granting a special use permits allowing the operation of banquet facility, nano brewery, micro distillery, year round seasonal festival with petting zoo, production and sale of sweet cider and related variances on the portion of the subject property west of Creek Road; and

WHEREAS, the subject property is owned by L and P Nelson Trust and is represented by Larry Nelson and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about January 14, 2021, Petitioner filed a petition for a Major Amendment of an Existing Special Use Permit by expanding the uses and variances allowed by Ordinance 2016-21 to the portion of the property located on the east side of Creek Road and removing the maximum building requirement contained in Ordinance 2016-21 for the property located on the west side of Creek Road; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on February 4, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on March 1, 2021, at 7:00 p.m., in the Kendall County Historic Courthouse at 109 W. Ridge Street in Yorkville at which the Petitioner and Petitioner’s son presented evidence, testimony, and exhibits in support of the requested Major Amendment to an Existing Special Use Permit and zero members of the public asked questions or testified in favor or testified in opposition to the request; 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 Major Amendment to an Existing Special Use Permit with restrictions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated March 1, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

State of Illinois
County of Kendall

Zoning Petition
#21-03

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 Major Amendment to an Existing Special Use Permit; 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 County Zoning Ordinance; and

WHEREAS, this special use permit and variances shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special uses 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 Major Amendment to an Existing Special Use Permit granted by Ordinance 2016-21 subject to the following conditions and restrictions:
 - A. The subject property shall be developed substantially in accordance with the site plan attached hereto as Exhibit C. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
 - B. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 1. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 2. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the site plan attached hereto as Exhibit C. No individual building shall be larger than ten thousand (10,000) square feet.
 - C. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
 - D. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.

State of Illinois
County of Kendall

Zoning Petition
#21-03

- E. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
 - F. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - G. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
 - H. 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.
 - I. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. This special use permit and variances 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.
 - 4. 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 Major Amendment to an Existing 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 March, 2021.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

LEGAL DESCRIPTION OF 30.9927-ACRE ZONING TRACT LYING EAST OF CREEK ROAD:

That Part of Sections 16 and 21, Township 37 North, Range 6 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of Section 20, Township and Range aforesaid; thence Southerly along the West Line of said Section 20, 330.3 feet; thence South 41°40' East, 312.2 feet to the center line of vacated Sedgewick Road; thence North 88°09'00" East along the center line of said vacated Sedgewick Road, 5796.01 feet to the center line of Creek Road; thence North 09°26'52" West along said center line of Creek Road, 591.65 feet; thence Northwesterly along said center line, being a curve to the left with a radius of 1494.95 feet and a chord bearing of North 14°29'40" West, an arc distance of 263.36 feet to the Southerly Line of a Tract conveyed to Barbara Yundt by Trustee's Deed recorded as Document No. 81-843 on March 11, 1981; thence South 87°39'00" East along said Southerly Line of the Yundt Tract, 575.0 feet for a point of beginning; then continuing South 87°39'00" East along said Southerly Line of the Yundt tract, 910.0 feet; thence South 19°16'54" West, 658.0 feet; thence South 11°36'04" West, 1037.0 feet; thence South 40°01'20" East, 639.14 feet to the center line of Little Rock Creek; thence South 48°30'00" West, along said center line, 82.0 feet; thence South 29°58'17" West, along said center line, 179.23 feet to the center line of Creek Road; thence North 44°01'24", along said center line, 745.32 feet; thence North 44°54'15" West, along said center line, 514.15 feet; thence Northwesterly, along said center line, being a curve to the right with a radius of 875.40 feet and a chord bearing of North 36°38'03" West, an arc distance of 252.71 feet to the intersection of the center line of Frazier Road and the center line of Creek Road; thence continuing Northwesterly along the last described course and said Creek Road center line, being a curve to the right with a radius of 875.40 feet, and a chord bearing of North 27°02'41" West, an arc distance of 40.32 feet to the Easterly Extension of the North Line of Fraizer Road; thence North 55°49'05" East along said Easterly Extension of the North Line of Fraizer Road, 555.60 feet to a line drawn South 09°26'52" East from the point of beginning; thence North 09°26'52" West, 935.73 to the point of beginning, all in Little Rock Township, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on March 1, 2021, by a vote of seven (7) in favor and zero (0) in opposition.

FINDINGS OF FACT-SPECIAL USE PERMIT

§ 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.

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 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. Conditions were included in the original special use permit ordinance 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 Creek Road at the intersection with Frazier Road. Site plan, stormwater management plans, and appropriate Health Department regulations will be reviewed and approved prior to construction for all commercial improvements.

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 Petitioner was granted variances in the original special use permit ordinance. The Petitioner would like those variances extended to cover the special use expansion area.

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 6-34 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents" through the encouragement ". . . of locally owned businesses."

FINDINGS OF FACT-VARIANCES

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations.

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, Creek Road is a well maintained Township Road which frequently accommodate truck traffic from the nearby Hillside Nursery. Commercial uses are called for in the vicinity of the subject property on the Future Land Use Maps for both Kendall County and City of Plano.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is 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 Petitioner did not create the setback requirements or access requirements.

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 are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare.

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 proposed variances will not impair the supply of light or air to neighboring properties. Since 2016, the Petitioner has demonstrated no increased congestion on public streets by the uses allowed by the special use permit. There will be no increase in the danger of fire and no negative impacts to property values are foreseen.

RECOMMENDATION

Approval subject to the following conditions and restrictions:

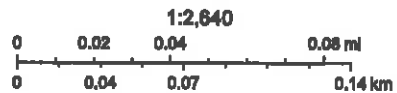
1. The subject property shall be developed substantially in accordance with the concept plan. The site plan for the property on the west side of Creek Road shall be governed by the concept plan attached to Ordinance 2016-21.
2. The uses and variances previously allowed by Ordinance 2016-21 shall be allowed on and applicable to the subject property with the following exceptions:
 - a. Condition 5 of Ordinance 2016-21 shall not be applicable to the subject property. ADA accessible parking spaces shall be installed in locations and numbers required by Federal law and with a surface required by Federal law.
 - b. Condition 12 of Ordinance 2016-21 shall not be applicable to the subject property. Instead, there shall be a maximum of thirty thousand (30,000) square feet of additional buildings constructed on the subject property in substantially the locations shown on the concept plan (Attachment 2). No individual building shall be larger than ten thousand (10,000) square feet.
3. Condition 12 of Ordinance 2016-21 shall be modified for the West Side of Creek Rd property to read: "there may be a maximum of thirty thousand (30,000) square feet of additional non-agricultural exempt buildings constructed on the property. No individual, non-agricultural exempt building shall be larger than ten thousand (10,000) square feet."
4. Condition 3 of Ordinance 2016-21 shall be interpreted as variances to Sections 7:01.E.10.i, 7:01.E.10.j, and 7:01.E.10.k of the Kendall County Zoning Ordinance regarding the hours of operation, number, and days of operation of seasonal festivals for the subject property and the property governed by Ordinance 2016-21.
5. Condition 8 of Ordinance 2016-21 shall be interpreted to apply only to those receiving residential lands with home constructed or permitted (under construction) on them as of the date of the issuance of this major amendment to an existing special use permit.
6. Condition 9 of Ordinance 2016-21 shall be interpreted as a variance to Section 7:01.E.10.d of the Kendall County Zoning Ordinance to allow the sale of alcohol at seasonal festivals.
7. The owners of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

8. The owners of the uses allowed by this special use permit amendment agree to follow all applicable Federal, State, and Local laws governing these types of uses.
9. 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.
10. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.



January 7, 2021

- Kendall County Address Points
- Parcels
- parcel
- Kendall County FEMA FIRM Panels
- 2018 Contours
- Contour
- Index Line
- USA Wetlands
- Marine
- Estuarine
- Pastoral
- Riverine
- Lacustrine



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 Source: US Fish and Wildlife Service, Esri



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DEBBIE
GILLETTE
KENDALL COUNTY, IL

RECORDED: 10/28/2016 3:31 PM
VRI#: 52.00 RMSPS-FEE: 12.00
PAGE: 2

State of Illinois
County of Kendall

Zoning Petition
#16-25

ORDINANCE # 2016-21
GRANTING A SPECIAL USE AND VARIANCES FOR
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT
15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP

Mailed to and Prepared by:
Jeff Wilkins
111 West Fox Street
Yorkville, IL 60543



SEAL



Jeff Wilkins
Kendall County Administrator

Subscribed and sworn to before me

This 28 day of October, 2016



Notary Public

ORDINANCE NUMBER 2016 - 21

GRANTING A SPECIAL USE AND VARIANCES FOR
THE BLUFFS, INC., D/B/A CIDER CREEK LOCATED AT
15888 FRAZIER ROAD IN LITTLE ROCK TOWNSHIP

WHEREAS, THE L&P Nelson Trust 103 has filed a petition for a Special Use within the A-1 Agricultural District for a 45.8-acre property located at the southwest corner of Creek Road and Frazier Road. The street address is 15888 Frazier Road (PIN# 01-20-400-006 and 005), in Little Rock Township; and

WHEREAS, said property is legally described as:

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.

WHEREAS, said property is zoned A-1 Agricultural and shown primarily as commercial on the Kendall County Future Land Use Plan; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider, hard cider, wine, jams and wine jams. The petition also includes a request for variances from the following zoning code requirements:

- 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 and;

WHEREAS, all special use and variance procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer and the Zoning Board of Appeals, both on October 3rd, 2016; and

WHEREAS, the findings of fact for the Special Use were approved as follows:

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:

- 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).

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.

WHEREAS, the findings of fact for the Variances were approved as follows:

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.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Special Use Hearing Officer and the Zoning Board of Appeals and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit for the operation of a banquet hall, nano-brewery, a micro-distillery, a year around seasonal festival, a petting zoo, and production and sale of sweet cider in accordance to the submitted Concept Plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

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 Department.
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 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 (including County Liquor Control) rules and regulations shall apply.
10. A waste management plan shall 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.
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. 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.
15. 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.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking

State of Illinois
County of Kendall

Zoning Petition
#16-25

this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 18th day of October, 2016.

Attest:



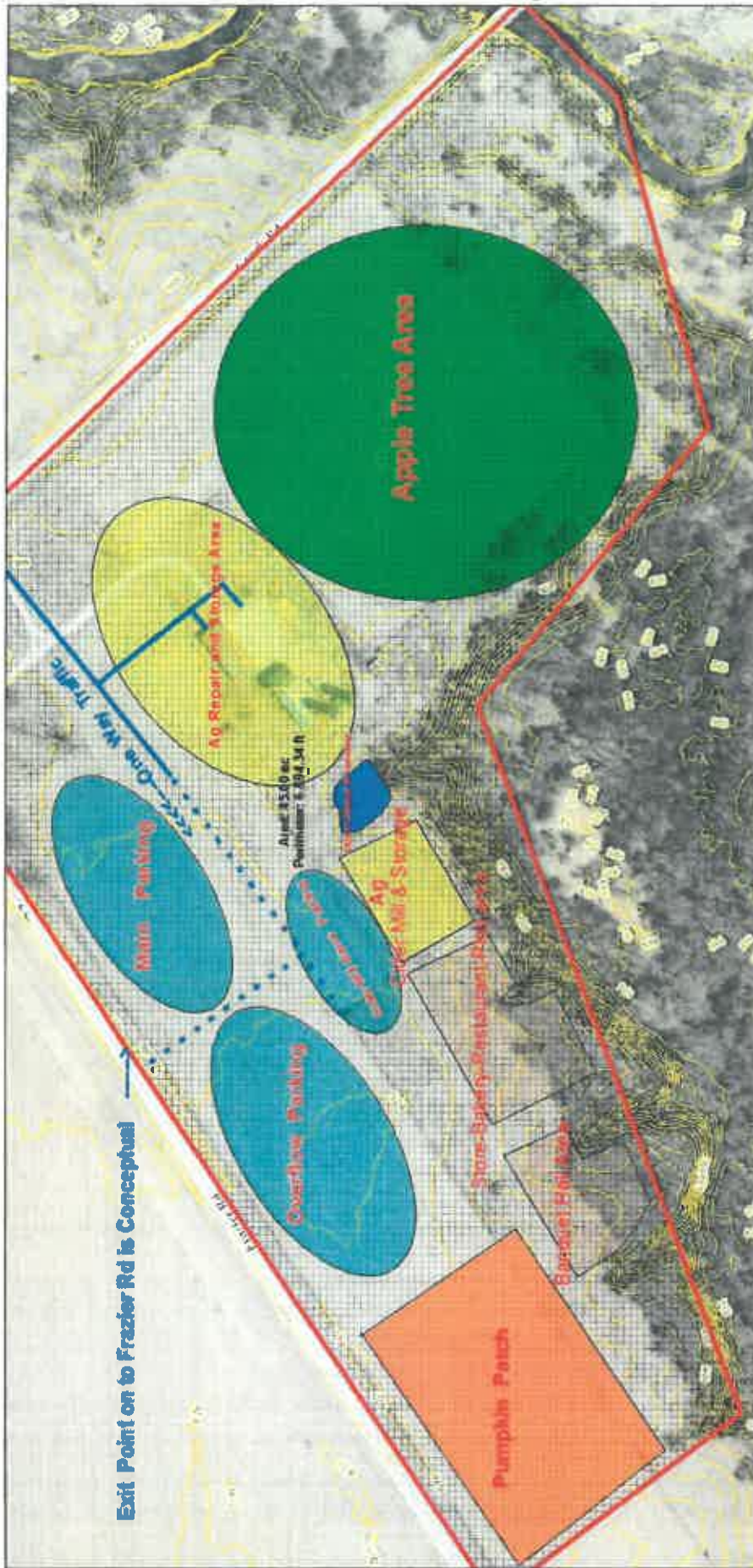
John A. Shaw
Kendall County Board Chairman



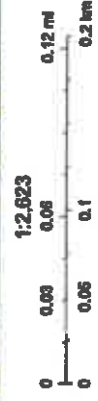
Debbie Gillette
Kendall County Clerk

POOR COPY
RECORDER'S OFFICE
NOT RESPONSIBLE

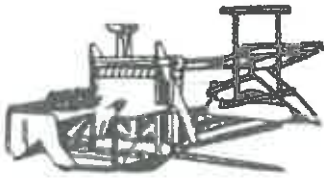
Concept planning of Cider Creek site



September 8, 2016
Road Names



Cider Creek Sept 8 2016
Cider Creek



Birthplace of the Harvester

**City Clerk (630) 552-8275
City Treasurer (630) 552-8823**

Attachment 3, Page 1
CITY OF PLANO

**17 E. Main St.
Plano, Illinois 60545**

Mayor 630-552-3210

**Fax (630) 552-8292
www.cityofplanoil.com**



**Public Works (630) 552-7000
Building & Zoning (630) 552-8425**

February 23, 2021

**Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60506**

RE: Kendall County Petition 21-03

Dear Mr. Asselmeier:

I have been authorized, on behalf of the City of Plano, to inform you of the City's positive recommendation for the granting of Petition 21-03, an amendment to a Special Use permit (Kendall County Ordinance #2016-21).

Along with this positive recommendation, the City of Plano recommends that in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety.

For your information, I have attached a copy of the draft minutes of the Plan Commission meeting of February 15, 2021 when this matter was discussed.

Sincerely,

[Redacted signature]

**Thomas J. Karpus, R.A., ALA
Director Building, Planning, & Zoning
City of Plano**

**CITY OF PLANO
MINUTES OF PLAN COMMISSION / ZBA
February 15, 2021**

1. A special meeting of the Plan Commission / Zoning Board of Appeals was called to order at 7:00 pm by Chairman Cara Brummel at City Hall.

2. Roll Call:

Members in Attendance: C. Oleson, E. Oleson, Brummel, Carter, Droysen

Absent: Kahl, Dreisilker

There was a quorum.

Also present:

Staff: Tom Karpus, Director, Building, Planning, & Zoning

Guests: Alderman Mulliner, Alderman Johns, Matt Asselmeier - Kendall County Planner, Larry Nelson – Woody's, Doug Nelson – Woody's, Michael Skinner.

3. Approval of Minutes

Motion by Carter, second by C. Oleson to approve minutes of November 2, 2020 meeting as submitted.

Voting Aye: Carter, C. Oleson, E. Oleson, Droysen, Brummel – carried unanimously.

4. Public Comment

Michael Skinner, 1920 Pauline Place, spoke against the Kendall County Petition 21-03, he feels granting the petition will result an increase in noise, traffic, an impaired drivers on local roads.

**5. Kendall County Petition #21-03: Amendment to existing Special Use Permit
Kendall County Ordinance 2016-21**

Larry Nelson, representing the petitioner (Woody's Orchard), explained the petition for the amendment to the existing County Special Use permit. The amendment adds the 30 +- acres of property on the east side of Creek Road to the existing special use.

In response to the public comments, Mr. Nelson stated that they had been extremely careful in arranging the entrance drives and parking so there would be no backups or parking on or along the public roads. He also stated that they already had a County liquor license and he was not aware of any issues.

Doug Nelson, representing the petitioners, spoke regarding the noise limitations already imposed by the existing special use. The owners are very aware of any potential noise issues, and they are under the impression that traffic noise, especially truck noise from

the nursery is more prevalent than anything Woody's is doing. He was not aware of any complaints regarding noise emanating from Woody's.

Chairman Brummel asked for staff comments. Karpus said the City has annexed and zoned the northwest corner of Little Rock and Creek Roads as B-5, Service Business District. Further, the Future Land Use map of the City's Comprehensive Plan shows commercial uses continuing along Creek Road, so this use (Woody's) seems consistent with City of Plano planning.

However, the City has long held that the intersection of Little Rock and Abe Street / Creek Road needs to be improved upon. It is a commonly held opinion that traffic along Little Rock Road is moving too fast, and with the Lakewood Springs Club subdivision building again, and potentially more traffic, it should be recommended that the County should look at safety improvements at that intersection.

C. Oleson mentioned that the site lines from the exit of the eastern property northwards along Creek Road could be affected by corn crops, but it was agreed this was a matter for County and Township planning to address.

Droysen questioned as to how pedestrian traffic between the western and eastern portions of the property would be handled as this involves crossing Creek Road. Larry Nelson stated that foot traffic would not be allowed, patrons wanting to access activities on the "other" side would be taken across via "people movers" operated by Woody's staff.

There being no further questions or comment. A motion was made by Droysen to recommend Kendall County grant the amendment to the Special Use Permit (Ordinance 2016-21) and in granting the amendment, the County should further study the intersection of Little Rock and Creek Roads, in the light of the growth in the immediate area, for the purpose of insuring traffic safety. Second by E. Oleson.

Voting Aye: Droysen, E. Oleson, Carter, C. Oleson, Brummel – carried unanimously.

6. Public Comment: None

7. Adjournment

Motion to adjourn by Carter, second by E. Oleson. Unanimous "aye" vote to adjourn. Meeting was adjourned at 8:15 p.m. by Chairman Brummel.

Prepared by: Tom Karpus, Director, Building, Planning, & Zoning

1. Standing Committees:

- 1. Administration / HR**
- 2. Economic Development**
- 3. Facilities Management**
- 4. Finance**
- 5. Highway**
- 6. PBZ**
- 7. Combination of Animal Control and Health & Environment. Rename the new committee to "Health & Community Services"**

2. As needed – Labor & Grievance

3. Eliminate Law, Justice, & Legislation. (The reports given at LIL can be given at a COW or Board Meeting.)

4. Make an effort to equally distribute the membership on the 7 standing committees.

XII. STANDING COMMITTEES

- A. The Standing Committees of the Board shall consist of five members each. The County Board Chairman shall designate which county offices are assigned to these committees. Committees are to be appointed every two years with Board approval. (Amended 11/18/2008, 06/19 /2012)

All standing committees shall be appointed by the Chairman at the first Adjourned Meeting after the Organizational meeting on the first Monday in December. Such members shall remain members of the respective committees at the pleasure of the Chairman. Further, should a vacancy exist in any Committee, the Chairman of the Board shall have the authority to fill such vacancy, subject to the approval of the County Board.

All Standing Committees of the Board shall include Public Comment on the meeting agenda and follow the Regular & Special Board meeting rules for Public Comment (Section III E.) (Amended 4/3/2019)

Such standing committees shall be as follows (see current Committee assignments in attachment):

1. HIGHWAY:

This committee shall be responsible for the oversight and review of planning, acquisition, construction, improvement, modification and maintenance of the County's infrastructure, such as, but not limited to, roads, bridges, rights of way, water systems, and resource recovery systems. This committee shall be responsible for oversight and review of infrastructure to insure the health, safety and welfare of the citizens of the County.

~~This committee shall report to the Budget and Finance Committee for: 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) and overseeing any revenue receipts and making recommendations for expenditures on behalf of the Highway Department. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman. (Amended 11/18/2008)~~

2. FACILITIES MANAGEMENT:

This committee shall be responsible for the overall operation, maintenance, scheduling and improvements to existing county buildings, owned or leased and county owned properties. They shall recommend to the County Board for approval and/or action those contracts, leases, purchases or other instruments necessary to accomplish the orderly functioning of County

facilities. ~~This committee shall report to the Budget and Finance Committee for: 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) and overseeing any revenue receipts and making recommendations for expenditures on behalf of the Facilities Management Department.~~ Responsibilities also include those duties and projects assigned by the Committee of the Whole and County Board Chairman. (Amended 11/18/2008)

~~3. LAW, JUSTICE AND LEGISLATION:~~

~~This Committee shall be the County Board's liaison to the County Sheriff's Office, KenCom (including E 911 system), E.M.A. (Emergency Management Agency), Coroner, Judiciary, State's Attorney's Office, the Circuit Clerk of the Court, Public Defender and Probation/Combined Court Services. They shall review, analyze examine and recommend for approval ordinances requested by the Sheriff's Office. This committee shall report to the Budget and Finance Committee on behalf of the Sheriff, E.M.A., KenCom, Coroner, Judiciary, State's Attorney's Office, the Circuit Clerk of the Court, Public Defender and Probation/Combined Court Services. This committee shall report to the Budget and Finance Committee for: 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) and overseeing any revenue receipts and making recommendations for expenditures. In addition, this committee shall also monitor legislation proposed at the State and Federal level that may impact the operation of the Kendall county Government, including coordinating with regional and statewide associations. Responsibilities also include those projects and duties assigned by Committee of the Whole and County Board Chairman. (Amended 3/7/2017)~~

4.

~~3.~~

ECONOMIC DEVELOPMENT:

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This committee shall be responsible for the oversight and control of the county's economic growth and development. They shall be responsible for economic needs of the County and other units of government located within the County. They shall employ and supervise such staff as established and provided for by the County Board. They shall act as the county's liaison to various state and federal agencies and programs dealing with local economic issues. They shall be responsible for making reports to the County Board regarding grants and programs, applications and progress. They shall be responsible for the preparation of necessary documents and data as may be required by governmental agencies, units of local government or local developers. ~~This committee shall report to the Budget and Finance Committee for: 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) and overseeing any revenue receipts and making recommendations for expenditures.~~

Responsibilities also include those projects and duties assigned by the Committee of the Whole or County Board Chairman.

45. ADMINISTRATION – HUMAN RESOURCES:

This committee shall be responsible for the developments, implementation, oversight, adherence and administration of County personnel and policies. They shall oversee the County insurance needs and make recommendations to the County Board for action, modification or renewal of county insurance programs. They shall be responsible for the preparation and dissemination of information about progress, growth, development, operation and services available in the County to the media, press and public. ~~This committee shall report to the Budget and Finance Committee for 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) oversee any revenue receipts and make recommendations for expenditures.~~ Responsibilities also include those projects and duties assigned by the Committee-of-the-Whole and County Board Chairman.

This Committee also meets as needed to discuss the activities of the County Offices and Departments involved in the tax cycle and geographic information system (GIS). The Committee shall be the County Board's liaison to the Tax Board of Review, County Treasurer, County Clerk, Chief County Assessing Officer, Administration, Technology and GIS. The Committee provides an opportunity to make certain that the activities involved in the tax cycle are coordinated and that the County Board is aware of the priorities, and needs of the Treasurer, County Clerk, Chief County Assessing Officer, Administration, Technology and GIS. (Amended 11/18/2008)

65. PLANNING, BUILDING AND ZONING:

This committee shall be responsible for the preparation, examination, review and analysis of the County comprehensive plan, including land use needs and requirements; for the review, modification and administration of the County's land use plans, zoning and mapping and platting ordinances. Responsible for the review, modification and recommendation to the County Board for the amendment to County construction guidelines, building codes and standards and zoning amendments and the review of all proposals for development within the County. Responsible for the review of all changes or modifications involving agricultural lands or flood plains and the supervision of the enforcement of county ordinances pertaining to land use and buildings. ~~This committee shall report to the Budget and Finance Committee for 1) analysis, review and preparation of budget recommendations; 2) monitoring the monthly financial operations in accordance with the approved budget; 3) oversee any revenue receipts and make recommendations for expenditures.~~ This buildings This committee

shall be the County Board's liaison to the Building and Zoning Committee. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.

~~7.~~

~~6.~~

BUDGET AND FINANCE:

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This committee is responsible for making recommendations concerning County fiscal policies and administration, including overall coordination of the annual County budget. The committee shall examine, review, analyze and where appropriate and necessary make recommendations concerning the annual budget. They shall prepare with the County Board Chairman, the annual appropriation and levy ordinance. They shall review all internal and external audits of all County departments and offices of all elected County officials. They shall also review, recommend the disposition of state, federal and agency grant requests and the appropriation of salaries of all County employees, appointed officials and office holders. They shall review all matters of real estate, taxation, and finances for the purpose of generating new services for the County. They shall generate, in conjunction with the County Treasurer's office, monthly and year-to-date income statements, revenue projections, expense statements and projections, projected surpluses or shortfalls. They shall be responsible for all purchasing and inventory controls. This committee shall oversee the Chief County Assessing Officer and department. This committee shall review and evaluate the performance of the Chief County Assessing Officer. Responsibilities also include those projects and duties assigned by the Committee of the Whole and County Board Chairman.

~~8. ANIMAL CONTROL:~~

~~This committee shall be responsible for policies guiding the operations of the Animal Control department and facility.~~

~~97. LABOR & GRIEVANCE COMMITTEE~~

~~This committee shall be responsible for oversight of all collective bargaining contract negotiations for Kendall County. This committee shall provide recommendations and reports for union matters to the County Board. They shall also conduct employee grievance hearings as may be required and forward hearing findings to the County Board Chairman, department heads and elected officials, as appropriate. This committee shall only meet on an as needed basis. Responsibilities also include those projects and duties assigned by the Committee-of-the-Whole and County Board Chairman. (Amended 06/19/2012, Res. 2012-29)~~

~~849. HEALTH & ENVIRONMENT- COMMUNITY SERVICES COMMITTEE~~

This committee shall be responsible for review and oversight of relevant health and environmental matters in Kendall County, Illinois. They shall be responsible for the preparation and dissemination of information about current health and environmental issues and resources in the County to the County Board, the media and the public. ~~This committee shall be responsible for policies guiding the operations of the Animal Control department and facility.~~ Responsibilities also include those duties and projects assigned by the Committee of the Whole and County Board Chairman. (Amended 06/19_/2012, ~~DATE, Res. 2012-29~~)

911. COMMITTEE-OF-THE-WHOLE:

This committee shall be responsible for: preparation of the County Board Meeting Agenda; consideration of County Board Chairman appointments; review matters affecting Board policies and rules; examination of State and Federal legislation; recommendations for the judicial and legal needs of the County; relations and negotiations with labor, personnel, union and collective bargaining groups; hearings on the issuance of County licenses; review matters not specifically assigned to other committees. The committee shall serve as the communication link between the County Board Chairman, the County Board, and the Standing Committees.

1012. SPECIAL COMMITTEE ASSIGNMENTS:

The County Board Chairman shall appoint liaisons to various boards and committees including, but not limited to, the Community 708 Mental Health Board, the Housing Authority Board, the KenCom Executive Board, and the Board of Health, with the advice and consent of the County Board. ~~The same per diem rules specified in Section XVI A, PER DIEM apply for appointed Board members.~~ (Amended 11/07/2006, 06/19_/2012, Res. 2012-29)

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XIII. COMMITTEE VACANCIES

- A. Whenever any member of any committee is either temporarily or permanently unable to perform the duties of such appointment due to resignation, death, disability, illness, or absence, the Chairman of the County Board may declare such position vacant and appoint another member to fill the vacancy, subject to the approval of the County Board. If the vacancy is temporary and not permanent, the appointment shall terminate once the incumbent member is able to return to perform the duties of the committee assignment. If a member misses three (3) consecutive meetings, the County Board Chairman may replace that member either permanently or temporarily, subject to the approval of the County Board. (Amended 11/07/2006, 06/19/2012, Res. 2012-29 __)

XIV. COMMITTEE POWERS

- A. The various elected officials and department heads, in addition to the County Board staff, shall provide such assistance, information and support to the standing committees and to the Board as a whole as shall be required by said committees or by the Board. Information required by the Board or any of its standing committees shall be provided upon request of any board member or board staff. The staffing for the standing committees shall be provided by the County Board staff. All County Board Committees, in the exercise of their oversight and legislative functions and powers, shall have the right to summon employees and to review those documents and records necessary or helpful in the exercise of such responsibilities. Willful failure to respond to a written request issued to a County employee or appointed department head by a Board Committee shall be sufficient cause to authorize the Committee to apply to the County Board Chairman for an order of the failure of the employee to appear and to request an immediate redress of said grievance. Moreover, it shall be the policy of the County Board that the County Board staff shall be made available in their respective areas of expertise to the elected County officers and to the various department heads, to the extent that the said request is not in conflict with the priorities assigned by the County Board.
- B. All Committees and Committee Chairmen shall be appointed by the Chairman of the County Board with approval of County Board. Each Committee Chairman shall appoint their committee vice chairman. (Amended 11/18/2008)
- C. Meetings of all Committees may be held on a regular meeting date and place or may be called by three (3) days notice by the Committee Chairman or a majority of the Committee. When called, a copy of said notice shall be sent to the Office of Administrative Services.
- D. Any Board Member is welcome and encouraged to attend Committee meetings other than Committees to which the Board Member is assigned. A Committee Chairman has the option of appointing other Board Members to meet the minimum level required for a quorum. If a Board Member is appointed to meet the Committee quorum, the Board Member is entitled ~~to collect a per diem and to vote for the~~

duration of the meeting. (Amended 12/15/2009)

- E. The Committee Chairman shall designate a recorder to keep minutes of each meeting and shall file a copy thereof with the Clerk on or before the next regular County Board meeting date.

XVI. COUNTY BOARD MEMBERS SALARY AND PER DIEM

- A. The salary of the County Board members, excluding the County Board Chairman, shall be established by resolution of the County Board. (Amended 06/19/2012, Res. 2012-29)

~~B. A County Board member may collect a per diem for attending County Board meetings and assigned County Board Committee meetings (as assigned pursuant to Sections XII and XIII above). A County Board member may also collect a per diem for attending meetings of other organizations for which the County Board member has been assigned to and approved to attend by the County Board. A per day or per diem compensation covers the entire 24 hours in a day. A County Board member who attended a meeting of the County Board as well as one or more other qualifying meetings on the same day may only receive one per diem of the amount established by resolution of the County Board. If the member he attended two or more qualifying meetings on the same day, the member may receive only one per diem of the amount established by resolution of the County Board. (Amended 10/15/2002; 06/19/2012, Res. 2012-29)~~

XVIII. MILEAGE REIMBURSEMENT AND HEALTH INSURANCE

- A. The County Board Chairman and County Board members are allowed mileage ~~reimbursements to attend committee meetings, subcommittee meetings, County Board meetings, county business meetings, seminars, conferences, and for~~ out of county travel for meetings assigned by the County Board Chairman. The mileage reimbursement rate is the same rate set by the Internal Revenue Service for mileage deductions.
- B. The type of coverage and cost of Health Insurance for the County Board Chairman and the County Board members may be established by resolution of the County Board. (Amended 06/19/2012, Res. 2012-29)