

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING (HYBRID ATTENDANCE)**  
110 WEST MADISON STREET (109 WEST RIDGE STREET), THIRD FLOOR COURTROOM  
YORKVILLE, IL 60560  
**May 3, 2021 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

**ROLL CALL:**

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Karen Clementi

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Michele Morris, Kathryn Ivec, Don Rickard, Stanley Haseltine, Laura Denges (Attended Remotely), and Luke Robinson

Chairman Mohr swore in Michele Morris, Kathryn Ivec, Don Rickard, Stanley Haseltine, and Laura Denges.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 21-14 at 7:13 p.m.

**Petition 21 – 14 – Laura Denges**

**Request:** Special Use Permit to Operate a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises)

**PIN:** 08-09-200-003

**Location:** 9396 Plattville Road, Newark, Lisbon Township

**Purpose:** Petitioner Wants to Operate a Winery on the Property; Property is Zoned A-1 Agricultural

Mr. Asselmeier summarized the request.

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021. The LESA score was 199 indicating a low level of protection. The NRI was provided.

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion was provided.

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes were provided.

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on April 28, 2021. Discussion occurred about having an illuminated sign; the Petitioner indicated that she might like

to have an illuminated sign in the future. Discussion occurred about potentially annexing the property into the Village of Plattville; the Petitioner was open to consider annexation. The Commission was concerned about placing a burden on the Petitioner to preserve the red barn. The overflow parking area would be of a similar substance as the main parking area. The Petitioner stated that the red barn would be the only building used for the business and would be the only building that would not be considered agricultural exempt. Two (2) unisex bathrooms would be located inside the red barn. The Petitioner did not have any plans to have a rental space available for group meetings. The Petitioner indicated that she was evaluating the HVAC system inside the barn and a heating system would be installed in the barn at some point in the future. The Petitioner indicated that she was willing to work with the neighboring farmer regarding the spraying of the field; grapes would be planted away from the field. The Petitioner indicated that she hoped to plant grapes in the next two (2) or three (3) years and grapes need three (3) years in this area to produce good yields. The Petitioner explained the difference between blended and non-blended wines. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) Commissioner absent. The minutes of the meeting were provided.

According to the site plan, the Petitioner plans to operate the Gilted Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size. A picture of the barn was provided.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3<sup>rd</sup>) special use permit for this type of use in the unincorporated area.

According to the business plan, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall gravel parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated originally, but the Petitioner might want to install an illuminated sign in the future.

No additional landscaping is planned.

No information regarding noise control was provided.

The proposed Findings of Fact were 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. 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 and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.

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 created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.

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 property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.

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. This is true. The Petitioner is not requesting any variances.

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."

Staff recommended 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 site plan. An overflow parking lot may be installed east of the red barn.

2. The parking lot shown on the site plan shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no earlier than Noon and no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance outside the hours of operation. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated. If the owner(s) or operators(s) of the business allowed by this special use permit want to install an illuminated sign in the future, the owner(s) or operator(s) of the business allowed by this special use permit must secure a variance to allow the placement of an illuminated sign. An amendment to this special use permit shall not be required for the placement of an illuminated sign. (Last Sentence added after RPC Meeting).
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. 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.

14. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
15. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr opened the public hearing at 7:23 p.m.

Laura Denges, Petitioner, stated that she was looking forward to starting this family-owned business.

Chairman Mohr asked how many grapes would be grown the property. Ms. Denges responded that, at this time, the number was unknown. The grapes growing area would be about one (1) acre.

Chairman Mohr expressed concerns about the compatibility of growing grapes near other agricultural products due to the spraying of pesticides.

It was noted that a Right to Farm condition was included in the special use permit. Chairman Mohr asked if the Petitioner understood the Right to Farm Clause. Ms. Denges responded yes.

Chairman Mohr asked about outdoor events. Ms. Denges responded they may have small tables for tasting.

Chairman Mohr closed the public hearing at 7:27 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the Findings of Fact.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Clementi

The motion passed.

Member Fox made a motion, seconded by Member LeCuyer, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Clementi

The proposal goes to the Kendall County Planning, Building and Zoning Committee on May 10, 2021.

The Zoning Board of Appeals completed their review of Petition 21-14 at 7:29 p.m.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Cherry made a motion, seconded by Member Fox, to adjourn.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Mohr, Thompson, and Whitfield  
Nays (0): None  
Abstain (0): None  
Absent (1): Clementi

The motion passed.

The Zoning Board of Appeals meeting adjourned at 7:32 p.m.

The next hearing/meeting will be on June 28, 2021.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

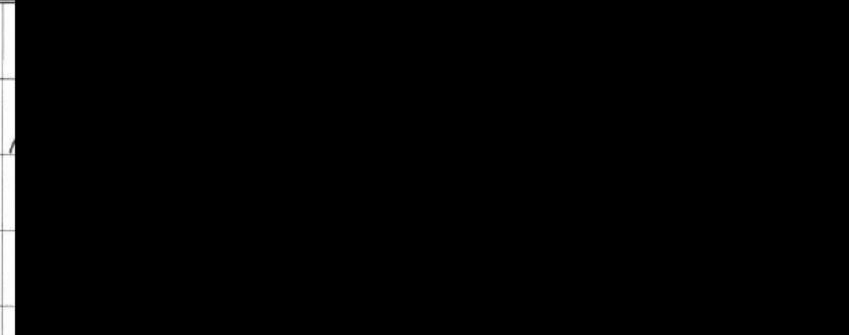
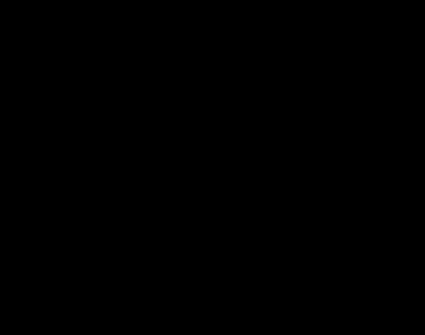
#### Exhibits

1. Memo on Petition 21-14 Dated April 29, 2021
2. Certificate of Publication for Petition 21-14 (Not Included with Report but on file in Planning, Building and Zoning Office)



**KENDALL COUNTY  
ZONING BOARD OF APPEALS  
MAY 3, 2021**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Don Rickman		
Stanley Haseltine		
Michele Morris		
Kathy Ives		



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 21-14**

**Laura Denges**

**A-1 Special Use Permit for Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises)**

**INTRODUCTION**

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan are included as Attachment 1. The plat of survey is included as Attachment 2. The site plan is included as Attachment 3. The aerial of the property is included as Attachment 4.

**SITE INFORMATION**

PETITIONER Laura Denges

ADDRESS 9396 Plattville Road

LOCATION Southeast Corner of Plattville Road and Route 47



TOWNSHIP Lisbon

PARCEL # 08-09-200-003

LOT SIZE 3.19 +/- Acres

EXISTING LAND USE Agricultural and Farmstead

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Agricultural
	Roads	Plattville Road is a County Maintained Major Collector.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION A-1 Special Use Permit for a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises)

APPLICABLE REGULATIONS Section 7:01.D.45 – A-1 Special Uses – Permits Sales of Wine by Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises

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	Agricultural (County) Commercial (Plattville)	A-1
South	Agricultural	A-1	Agricultural (County) Commercial (Plattville)	A-1
East	Agricultural	A-1	Agricultural (County) Commercial and Business Park/Office (Plattville)	A-1
West	Agricultural	A-1	Agricultural and Comed ROW (County) Commercial (Plattville)	A-1

**PHYSICAL DATA**

**ENDANGERED SPECIES REPORT**

EcoCat submitted on March 19, 2021, and consultation was terminated (see Attachment 1, Pages 19-21).

**NATURAL RESOURCES INVENTORY**

NRI application submitted on March 16, 2021 (see Attachment 1, Page 18). The LESA score was 199 indicating a low level of protection. The NRI Report is included as Attachment 8.

**ACTION SUMMARY**

**LISBON TOWNSHIP**

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning

Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

#### **VILLAGE OF PLATTVILLE**

The Village of Plattville was emailed information on March 23, 2021.

#### **LISBON-SEWARD FIRE PROTECTION DISTRICT**

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion is included as Attachment 9.

#### **ZPAC**

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes are included as Attachment 7.

#### **HPC**

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting are included as Attachment 10.

#### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on April 28, 2021. Discussion occurred about having an illuminated sign; the Petitioner indicated that she might like to have an illuminated sign in the future. Discussion occurred about potentially annexing the property into the Village of Plattville; the Petitioner was open to consider annexation. The Commission was concerned about placing a burden on the Petitioner to preserve the red barn. The overflow parking area would be of a similar substance as the main parking area. The Petitioner stated that the red barn would be the only building used for the business and would be the only building that would not be considered agricultural exempt. Two (2) unisex bathrooms would be located inside the red barn. The Petitioner did not have any plans to have a rental space available for group meetings. The Petitioner indicated that she was evaluating the HVAC system inside the barn and a heating system would be installed in the barn at some point in the future. The Petitioner indicated that she was willing to work with the neighboring farmer regarding the spraying of the field; grapes would be planted away from the field. The Petitioner indicated that she hoped to plant grapes in the next two (2) or three (3) years and grapes need three (3) years in this area to produce good yields. The Petitioner explained the difference between blended and non-blended wines. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) Commissioner absent. The minutes of the meeting are included as Attachment 11.

#### **GENERAL**

According to the site plan (see Attachment 3), the Petitioner plans to operate the Gilded Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size. A picture of the barn is included as Attachment 6.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey (see Attachment 2). The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3<sup>rd</sup>) special use permit for this type of use in the unincorporated area.

#### **BUSINESS OPERATION**

According to the business plan provided (see Attachment 1, Pages 2-13), the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

#### **BUILDING CODES**

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

#### **ENVIRONMENTAL HEALTH**

According to the site plan (see Attachment 3, Page 2), a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

#### **STORMWATER AND DRAINAGE**

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

#### **ROAD ACCESS**

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

## **PARKING**

The site plan shows one (1) fourteen (14) stall gravel parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

## **LIGHTING**

No additional lighting was planned as part of this project.

## **SIGNAGE**

The Petitioner plans to have a sign on Plattville Road. A picture of the sign is included as Attachment 5. No information was provided regarding sign dimensions or height. The sign will not be illuminated originally, but the Petitioner might want to install an illuminated sign in the future.

## **LANDSCAPING**

No additional landscaping is planned.

## **NOISE CONTROL**

No information regarding noise control was provided.

## **FINDINGS OF FACT**

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order 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 and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.***

*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 created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.***

*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 property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.***

*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. **This is true. The Petitioner is not requesting any variances.***

*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 request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3). An overflow parking lot may be installed east of the red barn.
2. The parking lot shown on the site plan (Attachment 3) shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the attached site plan (Attachment 3) is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the attached site plan (Attachment 3).
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no earlier than Noon and no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance outside the hours of operation. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the attached site plan (Attachment 3). The sign shall not be illuminated. **If the owner(s) or operators(s) of the business allowed by this special use permit want to install an illuminated sign in the future, the owner(s) or operator(s) of the business allowed by this special use permit must secure a variance to allow the placement of an illuminated sign. An amendment to this special use permit shall not be required for the placement of an illuminated sign. (Added after RPC Meeting).**
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan (Attachment 3). The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. 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.

14. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
15. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

#### **ATTACHMENTS**

1. Application Materials
2. Plat of Survey
3. Site Plan
4. Aerial
5. Sign
6. Barn Picture
7. April 6, 2021 ZPAC Meeting Minutes
8. NRI Report
9. April 8, 2021 Lisbon-Seward Fire Protection District Email
10. April 10, 2021 Kendall County Historic Preservation Commission Minutes (This Petition Only)
11. April 28, 2021 Kendall County Regional Planning Commission Meeting Minutes





**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Yorkville, IL • 60560  
 (630) 553-4141 Fax (630) 553-4179

**APPLICATION**

PROJECT NAME Winery FILE # 21-14

NAME OF APPLICANT <u>Laura Denges</u>		
CURRENT LANDOWNER/NAME(S) <u>Laura Denges &amp; Kenneth Loos</u>		
SITE INFORMATION ACRES <u>5.01</u>	SITE ADDRESS OR LOCATION <u>9396 Plattville Rd</u>	ASSESSOR'S ID NUMBER (PIN) <u>08-09-200-003</u>
EXISTING LAND USE <u>AG-1</u>	CURRENT ZONING <u>AG-1</u>	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT <u>Laura Denges</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
[REDACTED]	PRIMARY CONTACT FAX #	[REDACTED]
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>2/17/21</u>

FEE PAID: \$350.00 115800  
 CHECK #: 153 155

**RECEIVED**  
 MAR 22 2021  
 KENDALL COUNTY  
 PLANNING, BUILDING  
 & ZONING

<sup>1</sup> Primary Contact will receive all correspondence from County  
<sup>2</sup> Engineering Contact will receive all correspondence from the County's Engineering Consultants



# Business Plan



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## INTRODUCTION

Family Owned Winery Located just outside of Yorkville, IL. We are a small micro winery delivering true to grape flavor with ZERO Blend.

## EXECUTIVE SUMMARY

- Opportunity: We will be the only family owned Winery in Kendall County.
- Mission: To provide superior product with small business approach and deliver a sense of family thru product and venue.
- Solution: Comes from a small family wanting to bring fun and atmosphere that can only be provided by a product made from the heart.
- Market Focus: We will target all ages from 21 years and older to provide a venue that brings people to see and product that keeps them coming back.
- Competitive Advantage: We are the only family owned winery in Kendall County that will provide tastings on site and retail space. We also do not blend any of our products we are true to the grapes and fruit we use.
- Ownership: Laura Denges and Kenneth Loos
- Expected Return: Year 1=\$57k Year 2= \$110k Year 3= \$150k Growing year over year by 10% customer base and profitability.

## COMPANY OVERVIEW

Welcome to Gilted Edge Winery; a family owned local winery. Who specializes in fruit wines with unique flavors without blending. Each of our wines are true to the product we put in them. We do not blend any of our wines together. We are young produced wine that has great flavor right up front due to the non-blending of our wines. We product not only fruit wines but we stay true to the classics. Such as Merlot, Cabernet, Moscato, Riesling, Table Red and Table White. Each of our grape wines are 100% sourced from California and Washington vineyards. We ask for 100% chosen grape which gives us the purist wine on the market.

With the non-blending properties we are able to produce in smaller quantities to keep over head down and produce a large varies of wines throughout the year. We stand to produce monthly roughly 300 bottles of our top producing wines and those that are produced in March are set to be able to purchase in Aug of 2021.

With this great feature we are able to produce young wine that taste like we have aged it for 1 to 3 years. With the flavor we produce as the experts say "Wine only gets better with Age" which is so true our wine will be able to stand up to 10 years bottled in our corks and still provide lasting taste that you had from 1<sup>st</sup> day of bottling.

## BUSINESS DESCRIPTION

Gilted Edge Winery is a Micro Winery. Producing 12 different bottles of wine which is our staples in production. We will also produce up to 6 seasonal wines throughout the year. We consist of Fruit Wines and traditional wines. We are owned and operated by 2 sole investors myself and Kenneth Loos. We provide a family business experience local to the community and providing a source of Wine for the local community of family owned business. We look to stand out as the only Winery in the area of Yorkville providing a venue for tasting and onsite retail. We locally source all of our fruit in the area from Farmers Markets, Local retailers, and family owned business. We will also provide a small retail space where we stand to support other local businesses with an area to show off and sell their work.

We have source all of our seating from local area business such as Elburn, Aurora, Yorkville, and Morris to complete a tasting room and venue for our customers to come and visit and enjoy.

We will look to bring on board in the 1<sup>st</sup> year a Manager and servers that can help create the employees over time. The 1<sup>st</sup> year of operation will be a sourced from myself and Ken.

## MARKET ANALYSIS

Current market analysis shows we are the only winery to establish in the Yorkville area. We have one set of competition which is currently up for sale in Kendall County. Standing to make us the only winery and tasting room in the local area. Setting us up for success vs competition.

We have done our research by visiting local wineries in Illinois and surrounding states. We stand to bring a unique environment with a 100 year old dairy barn converted to our tasting and production room. Giving a rustic platform and sense of charm that we have yet to see on the market thru our travels.



## OPERATING PLAN

1<sup>st</sup> year plan: We will operate Friday Thru Sunday with limited hrs.

Friday- 5pm-9pm

Saturday 12p-8pm

Sunday 12p-4pm

We will not be serving any food at our location. We will be tasting room and retail center.

We will expand our hours of operation as business grows.

Payments done via credit or debit thru a credit card reader platform and with Cash.

We will use be using Square as our financial payment option and we will also be using QuickBooks for our book keeping portal as recommend by Legal.

We are focused on customers for repeat business and word of mouth. We will focus on local clients and social media outreach for further competitive edge.

Employees will be myself Laura Denges and Kenneth Loos.

We are working with Legal Zoom for all legal and tax advice.

## MARKETING AND SALES PLAN

We currently have a Website and Blog from the onset of our company. This website is updated monthly with new content and products we are launching.

We will also be using a Social Media presence via Instagram and Facebook for events and product launches

We will use our Website as a sale portal for online shopping and pick up at location where we can validate ID's for age.

We will as have small local retailers in our shop as well providing Wine like products for décor.

We will also construct a sign on the front of the property which faces RT47 for advertising. We will also be connecting with our customers via word of mouth marketing.

We plan to have a wine of the month club and special occasions gift baskets thru out the year focusing on Holidays and weddings

## FINANCIAL PLAN

We plan to open in Aug. of 2021. We are looking to Net Income in the first year of \$57K. We are looking to product around 1,000 gallons of wine in the first year doubling in year 2. Please see the break down In the sheet for Financial breakdown in Year 1.



Start Up Cost

Gilted Edge Winery

Revenue	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Estimate Product Sales	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 18,000.00
Less Sales Return & Discounts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Service Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 43,050.00
<b>Net Sales</b>													\$ 61,050.00
<b>Cost of Goods Sold</b>								\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (10,000.00)
<b>Gross Profit</b>													\$ 51,050.00
Expenses	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Salaries & Wages													n/a
Marketing/Advertising	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,200.00
Utilities	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 1,920.00
Website Expenses													\$ 60.00
Internet/Phone	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 720.00
Insurance													\$ 1,400.00
Legal/Accounting													\$ 450.00
Office Supplies	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 3,000.00
Permits													\$ 2,730.00
<b>Total Expenses</b>													\$ (11,880.00)
<b>Income Before Taxes</b>													\$ 39,170.00
<b>Income Tax Expenses</b>													\$ (4,551.00)
<b>Net Income</b>													\$ 34,619.00

Year 1 Annual Aug thru Dec.

**TRUSTEE'S DEED  
(ILLINOIS)**

File No. 20126087

THIS INDENTURE, made this 30<sup>th</sup> day of NOV, 2020 between Kathryn J. Penn, as Trustee under the provisions of a trust agreement dated June 24, 2013, and known as the Kathryn J. Penn Trust as to Parcel 1 and Kathryn J. Penn, married to Arthur Hiller, as to Parcel 2, Grantor, and Kenneth Loos and Laura Denges, Grantee(s) as Joint Tenants.

*→ AN UNMARRIED MAN  
→ AN UNMARRIED WOMAN*

WITNESSETH, that said Grantor(s) in consideration of the sum of Ten Dollars (\$10.00) receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor(s) as said Trustee(s), and of every other power and authority the Grantor(s) hereunto enabling, do(es) hereby convey and warrants unto the Grantee(s), in fee simple, the following described real estate, situated in the County of Kendall, State of Illinois, to-wit:

PARCEL 1: THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1820.00 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY AT RIGHT ANGLES TO SAID NORTH LINE, A DISTANCE OF 385.00 FEET; THENCE WESTERLY PARALLEL TO SAID NORTH LINE, A DISTANCE OF 397.00 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 385.00 FEET TO A POINT ON SAID NORTH LINE, SAID POINT BEING 397.00 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID NORTH LINE, 397.00 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF LISBON, KENDALL COUNTY, ILLINOIS

PARCEL 2: THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 88 DEGREES 14' 18" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 1820 94 FEET TO THE EAST LINE OF A TRACT (AS MONUMENTED) CONVEYED TO KATHRYN J PENN BY TRUSTEE'S DEED RECORDED JULY 19, 2010 AS DOCUMENT NUMBER 201000012473, THENCE SOUTH 01 DEGREE 45'42" EAST, ALONG SAID EAST LINE (AS MONUMENTED) BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, 385 0 FEET, THENCE SOUTH 88 DEGREE 14'18" WEST, ALONG THE SOUTH LINE OF SAID PENN TRACT (AS MONUMENTED) BEING PARALLEL WITH SAID NORTH LINE 397 0 FEET, THENCE NORTH 01 DEGREE 45'42" WEST, ALONG THE WEST LINE OF SAID PENN TRACT (AS MONUMENT) BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, 82 13 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING NORTH 01 DEGREE 45'42" WEST ALONG THE WEST LINE OF

SAID PENN TRACT (AS MONUMENTED), 257 0 FEET TO A SOUTHERLY LINE OF A TRACT CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION RECORDED MAY 14, 2014 AS DOCUMENT NUMBER, 201400006368, THENCE SOUTH 88 DEGREES 12'44" WEST, ALONG SAID SOUTHERLY LINE, 169 04 FEET, THENCE SOUTH 61 DEGREES 18'30" WEST, ALONG SAID SOUTHERLY LINE 103 67 FEET, THENCE SOUTH 00 DEGREE 14'11" EAST, ALONG ON EASTERLY LINE OF SAID DEPARTMENT OF TRANSPORTATION TRACT, 210 05 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, FROM THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 14'18" EAST, PARALLEL WITH SAID NORTH LINE, 267 06 FEET TO THE POINT OF BEGINNING IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Commonly known as: 9396 Plattville Rd, Newark, IL 60541

Permanent tax number: 08-09-200-003 08-09-200-006

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

This is not homestead property as it pertains to Arthur Hiller.

To have and to hold, the same unto said party of the second part, and to the proper use, benefit and behoove, forever, of said party of the second part.

This deed is executed by the part of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

Releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

BEGINNING, THENCE CONTINUING NORTH 01 DEGREE 45'42" WEST ALONG THE WEST LINE OF SAID PENN TRACT (AS MONUMENTED), 257 0 FEET TO A SOUTHERLY LINE OF A TRACT CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION RECORDED MAY 14, 2014 AS DOCUMENT NUMBER, 201400006368, THENCE SOUTH 88 DEGREES 12'44" WEST, ALONG SAID SOUTHERLY LINE, 169 04 FEET, THENCE SOUTH 61 DEGREES 18'30" WEST, ALONG SAID SOUTHERLY LINE 103 67 FEET, THENCE SOUTH 00 DEGREE 14'11" EAST, ALONG ON EASTERLY LINE OF SAID DEPARTMENT OF TRANSPORTATION TRACT, 210 05 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, FROM THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 14'18" EAST, PARALLEL WITH SAID NORTH LINE, 267 06 FEET TO THE POINT OF BEGINNING IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Commonly known as: 9396 Plattville Rd, Newark, IL 60541

Permanent tax number: 08-09-200-003 08-09-200-006

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

To have and to hold, the same unto said party of the second part, and to the proper use, benefit and behoove, forever, of said party of the second part.

This deed is executed by the part of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling. This deed is made subject to the liens of all trust deeds and/or mortgages upon said real estate, if any, recorded or registered in said county. Releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

IN WITNESS WHEREOF, Grantor, not individually, but as Successor Trustee aforesaid, has hereunto set her hand and seal the day and year first above written.

[Redacted Signature] Seal  
Kathryn J. Penn as Trustee, aforesaid

[Redacted Signature] Seal  
Kathryn J. Penn, aforesaid

State of Illinois, County of Will ss.

I, the undersigned, a Notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Kathryn J. Penn as Trustee as to Parcel 1 and Kathryn J. Penn as to Parcel 2, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act as such trustee, for the uses and purposes therein set forth.

Given under my hand and official seal, this 30<sup>th</sup> day of NOV, 2020.

Commission expires 6-5, 2022

[Redacted Signature] PUBLIC





This Instrument was prepared by:  
Wilco Title, LLC  
623 Rollingwood Drive  
Shorewood IL 60404

MAIL TO d

SEND SUBSEQUENT TAX BILLS TO:

Kenneth Loos & Laura Denges



MAIL TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Kendall County Soil & Water Conservation District

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3  
www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Laura Denaes Contact Person: Same  
Address: 9390 Plathville Rd  
City, State, Zip: Newark, IL 60541  
Phone Number: [REDACTED]  
Email: [REDACTED]

Please select: How would you like to receive a copy of the NRI Report?  Email  Mail

Site Location & Proposed Use

Township Name USBON Township \_\_\_\_\_ N, Range \_\_\_\_\_ E, Section(s) \_\_\_\_\_  
Parcel Index Number(s) \_\_\_\_\_  
Project or Subdivision Name A Number of Acres 5.01  
Current Use of Site Residential AG-1 Proposed Use Winery  
Proposed Number of Lots 1 Proposed Number of Structures 1  
Proposed Water Supply Well Proposed type of Wastewater Treatment Septic  
Proposed type of Storm Water Management \_\_\_\_\_

Type of Request

- Change in Zoning from \_\_\_\_\_ to \_\_\_\_\_
- Variance (Please describe fully on separate page)
- Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County

In addition to this completed application form, please including the following to ensure proper processing:

- Plat of Survey/Site Plan - showing location, legal description and property measurements
- Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
- If available: topography map, field tile map, copy of soil boring and/or wetland studies
- NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.  
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00  
\_\_\_\_\_ Additional Acres at \$18.00 each \$ \_\_\_\_\_  
Total NRI Fee \$ 375.00

NOTE: Applications are due by the 1<sup>st</sup> of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

[Signature] \_\_\_\_\_ Date 2/17/21  
Petitioner or Authorized Agent

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# \_\_\_\_\_ Date initially rec'd \_\_\_\_\_ Date all rec'd \_\_\_\_\_ Board Meeting \_\_\_\_\_  
Fee Due \$ \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ Over/Under Payment \_\_\_\_\_ Refund Due \_\_\_\_\_





*Applicant:* Laura Denges  
*Contact:* Laura Denges  
*Address:* [REDACTED]

*IDNR Project Number:* 2111763  
*Date:* 03/19/2021

*Project:* Winery  
*Address:* 9396 Plattville Rd, Newark

*Description:* Converting a 1900 dairy barn into winery

## Natural Resource Review Results

### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

**Consultation is terminated.** This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

*County:* Kendall

*Township, Range, Section:*  
 35N, 7E, 9



**IL Department of Natural Resources**  
**Contact**  
 Adam Rawe  
 217-785-5500  
 Division of Ecosystems & Environment

**Government Jurisdiction**  
 Building and Zoning Commission  
 Matt Asseimeier  
 111 West Fox Street  
 Yorkville, Illinois 60560

#### **Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

## **Terms of Use**

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

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IDNR Project Number: 2111763

**EcoCAT Receipt****Project Code** 2111763**APPLICANT****DATE**

Laura Denges  
 Laura Denges  
 9396 Plattville Rd  
 Newark, IL 60541

3/19/2021

**DESCRIPTION****FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

TOTAL PAID

\$ 127.81

Illinois Department of Natural Resources  
 One Natural Resources Way  
 Springfield, IL 62702  
 217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)

of the Zoning Ordinance outline Attachments 1, Page 22. The Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.* NO

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*That the special use will not be substantially injurious to the use and enjoyment of other properties 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.*

YES

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*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.*

YES

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*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* YES

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*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.*

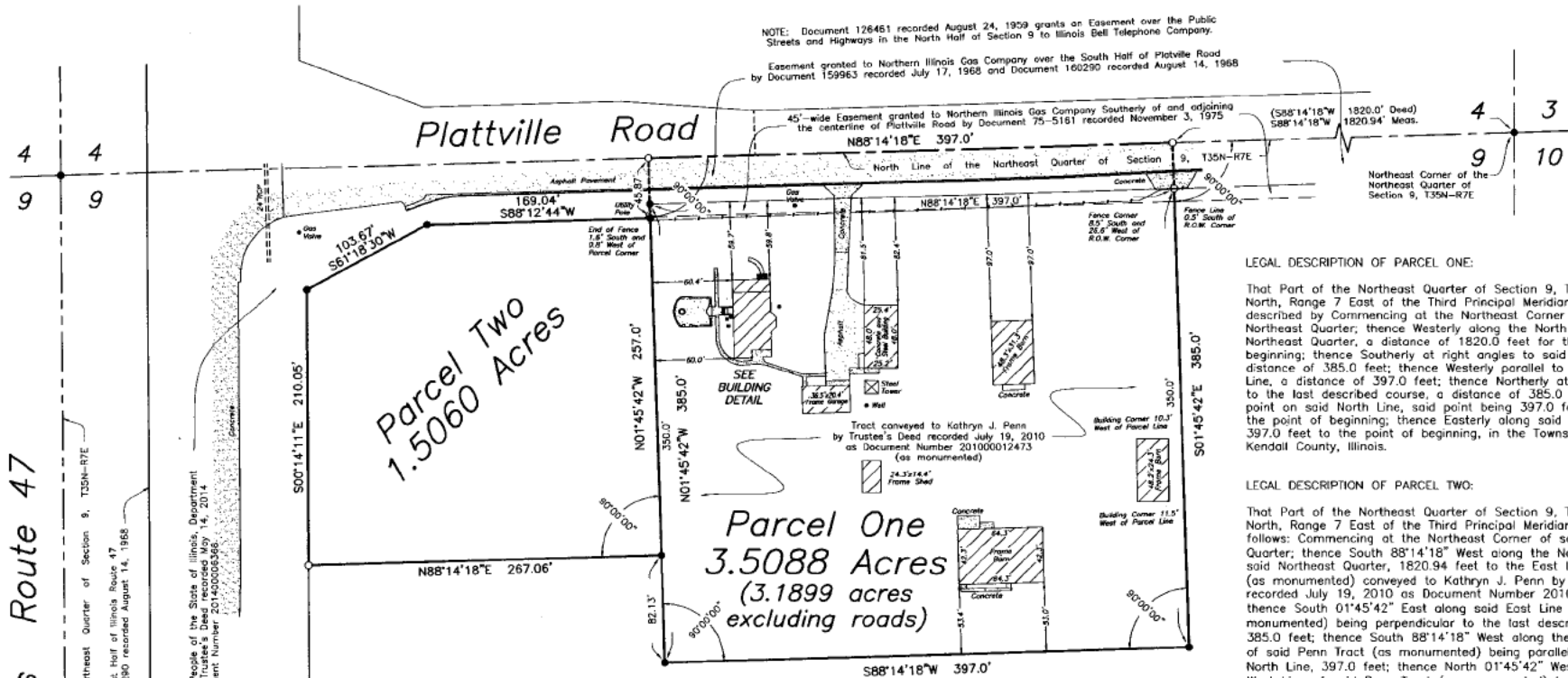
YES

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PLAT OF SURVEY OF  
PART OF THE NORTHEAST QUARTER OF SECTION 9, T35N-R7E, 3rd PM  
LISBON TOWNSHIP KENDALL COUNTY ILLINOIS

NOTE: Document 126461 recorded August 24, 1959 grants an Easement over the Public Streets and Highways in the North Half of Section 9 to Illinois Bell Telephone Company.  
Easement granted to Northern Illinois Gas Company over the South Half of Plattville Road by Document 159963 recorded July 7, 1968 and Document 160290 recorded August 14, 1968

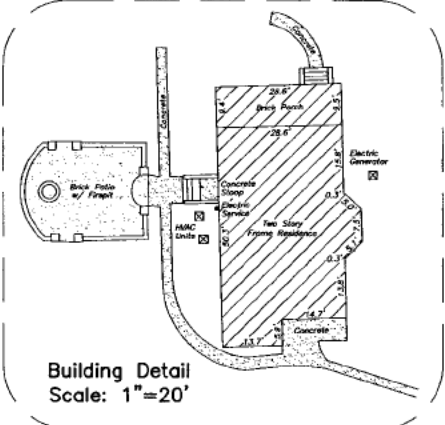


LEGAL DESCRIPTION OF PARCEL ONE:

That Part of the Northeast Quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian, being described by Commencing at the Northeast Corner of said Northeast Quarter; thence Westerly along the North Line of said Northeast Quarter, a distance of 1820.0 feet for the point of beginning; thence Southerly at right angles to said North Line, a distance of 385.0 feet; thence Westerly parallel to said North Line, a distance of 397.0 feet; thence Northerly at right angles to the last described course, a distance of 385.0 feet to a point on said North Line, said point being 397.0 feet Westerly of the point of beginning; thence Easterly along said North Line, 397.0 feet to the point of beginning, in the Township of Lisbon, Kendall County, Illinois.

LEGAL DESCRIPTION OF PARCEL TWO:

That Part of the Northeast Quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence South 88°14'18" West along the North Line of said Northeast Quarter, 1820.94 feet to the East Line of a Tract (as monumented) conveyed to Kathryn J. Penn by Trustee's Deed recorded July 19, 2010 as Document Number 201000012473; thence South 01°45'42" East along said East Line (as monumented) being perpendicular to the last described course, 385.0 feet; thence South 88°14'18" West along the South Line of said Penn Tract (as monumented) being parallel with said North Line, 397.0 feet; thence North 01°45'42" West along the West Line of said Penn Tract (as monumented) being perpendicular to the last described course, 82.13 feet for the point of beginning; thence continuing North 01°45'42" West along the West Line of said Penn tract (as monumented), 257.0 feet to a Southerly Line of a tract conveyed to the People of the State of Illinois, Department of Transportation recorded May 14, 2014 as Document Number 2013400006368; thence South 88°12'44" West along said Southerly Line, 169.04 feet; thence South 61°18'30" West along said Southerly Line, 103.67 feet; thence South 00°14'11" East along an Easterly Line of said Department of Transportation Tract, 210.05 feet to a line drawn Westerly, parallel with the North Line of said Northeast Quarter, from the point of beginning; thence North 88°14'18" East parallel with said North Line, 267.06 feet to the point of beginning, in Lisbon Township, Kendall County, Illinois.



SCALE  
1"=60'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence

NOTE: This property is commonly known as 9396 Plattville Road

State of Illinois }  
County of Kendall }

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plot hereon drawn which is a representation of said survey. Field work completed November 30, 2020. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated December 1, 2020 at Yorkville, Illinois

Phillip D. Young  
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/22)



Illinois Route 47

West Line of the Northeast Quarter of Section 9, T35N-R7E  
Easement granted to Northern Illinois Gas Company over the East Half of Illinois Route 47 by Document 159963 recorded July 7, 1968 and by Document 160290 recorded August 14, 1968

Tract conveyed to the People of the State of Illinois, Department of Transportation by Trustee's Deed recorded May 14, 2014 as Document Number 2013400006368

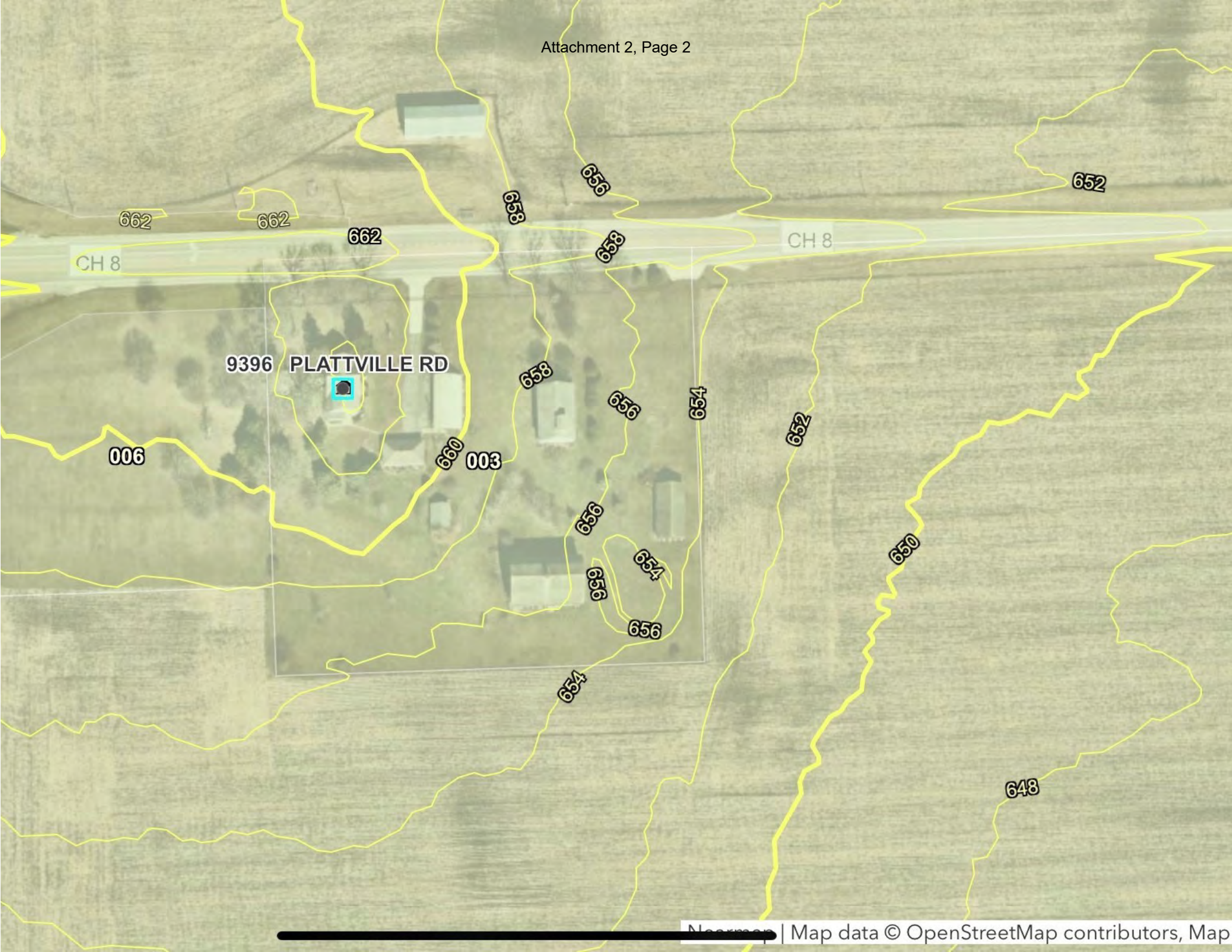
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1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

Phillip D. Young and Associates, Inc.  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 20371  
JOB NAME PENN  
DWG FILE 20371











Plattville  
KS

parking

field

septic

septic

garbage



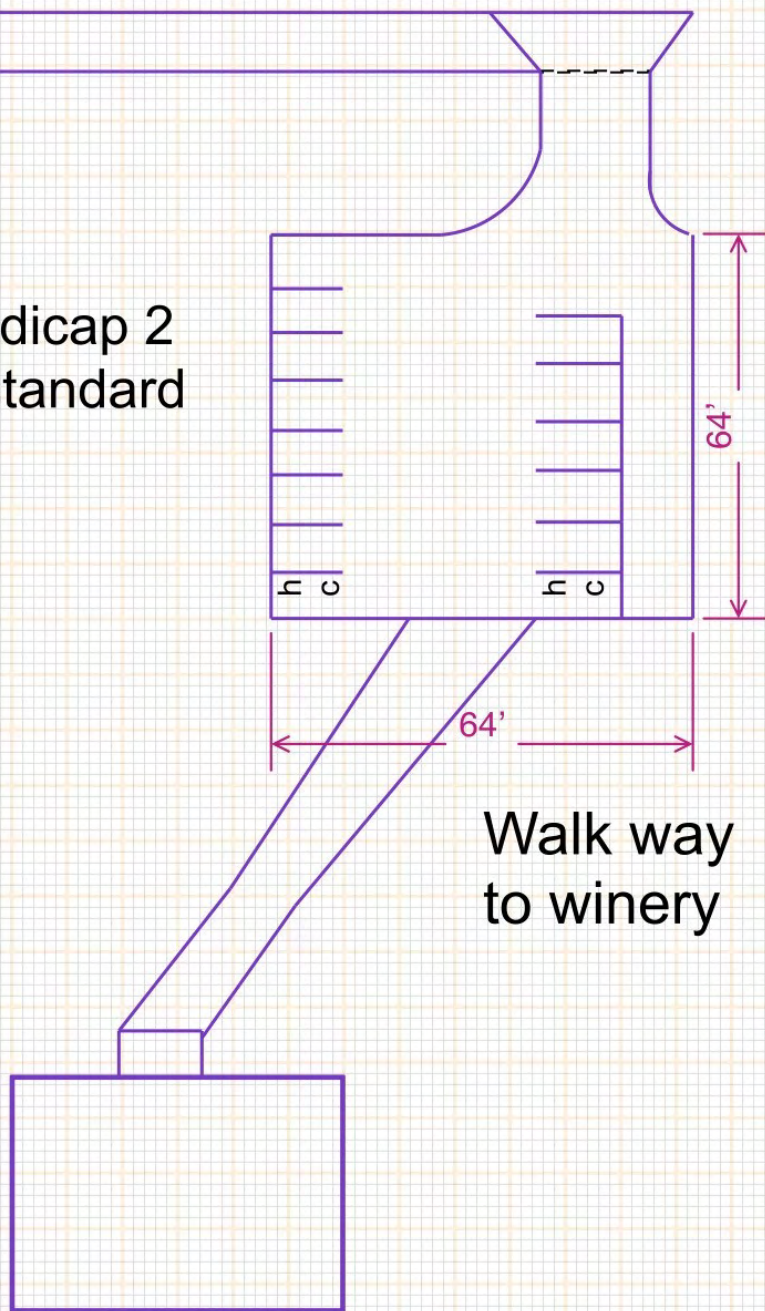


Plattville Rd

Handicap 2  
12 standard

Parking Lot


Walk way  
to winery





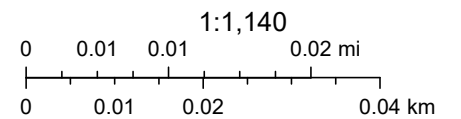


March 22, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.



GILTED EDGE  
WINERY

WHERE THE EDGE MEETS NO LIMITS





03/23/2021 08:34

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
April 6, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Scott Gengler – PBZ Committee Chair  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department (Attended Remotely)  
Alyse Olson – Soil and Water Conservation District (Attended Remotely)  
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS  
Greg Chismark – WBK Engineering, LLC  
David Guritz – Forest Preserve

Audience:

Laura Denges (Attended Remotely)

**AGENDA**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski  
Nays (0): None  
Abstain (0): None  
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

**MINUTES**

Mr. Holdiman made a motion, seconded by Mr. Klaas, to approve the March 2, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski  
Nays (0): None  
Abstain (0): None  
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

**PETITIONS**

**Petition 21-14 Laura Denges**

Mr. Asselmeier summarized the request.

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021.

Lisbon Township was emailed information on March 23, 2021.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021.

According to the site plan, the Petitioner plans to operate the Gilted Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3<sup>rd</sup>) special use permit for this type of use in the unincorporated area.

According to the business plan provided, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.



According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated.

No additional landscaping is planned.

No information regarding noise control was provided.

Before issuing a recommendation, Staff would like comments from ZPAC members, Lisbon Township, Lisbon-Seward Fire Protection District, and the Village of Plattville.

The following were the proposed conditions and restrictions for this special use permit:

1. The site shall be developed substantially in accordance with the site plan.
2. The parking lot shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance after 9:00 p.m. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated.
10. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.

11. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
12. 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.
13. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
14. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
15. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
16. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
17. 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.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about restrooms. Laura Denges, Petitioner, said that well and septic would be installed and restrooms would be installed near the retail space.

Mr. Rybski discussed the well, septic, and food permits required. Mr. Rybski requested a visit with the Petitioner to discuss these matters.

Discussion occurred regarding total occupancy of the barn. Mr. Holdiman responded that, based on the Building Code, the maximum occupancy would be sixty (60) people. The Petitioner planned to have between twenty (20) and forty (40) people on the property at a given time.

Discussion occurred regarding overflow parking. If another area was designed for parking, an amendment to the special use permit would be required.

The Petitioner hoped to operate from March through December.

The Petitioner agreed that the business would not open before Noon any day of the week.

The Petitioner plans to grow grapes on the property. Initially, the wines would be sourced from out of state.

Mr. Asselmeier made a motion, seconded by Mr. Klaas, to recommend approval of the Petition with the addition to setting the start of operations at Noon to the list of conditions.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski  
Nays (0): None  
Abstain (0): None  
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on April 28, 2021.

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

Mr. Asselmeier reported that Petition 21-03 pertaining to Woody's Orchard was approved at the County Board.

**OLD BUSINESS/NEW BUSINESS**

None

**CORRESPONDENCE**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Klaas made a motion, seconded by Mr. Holdiman, to adjourn.

The votes were as follows:

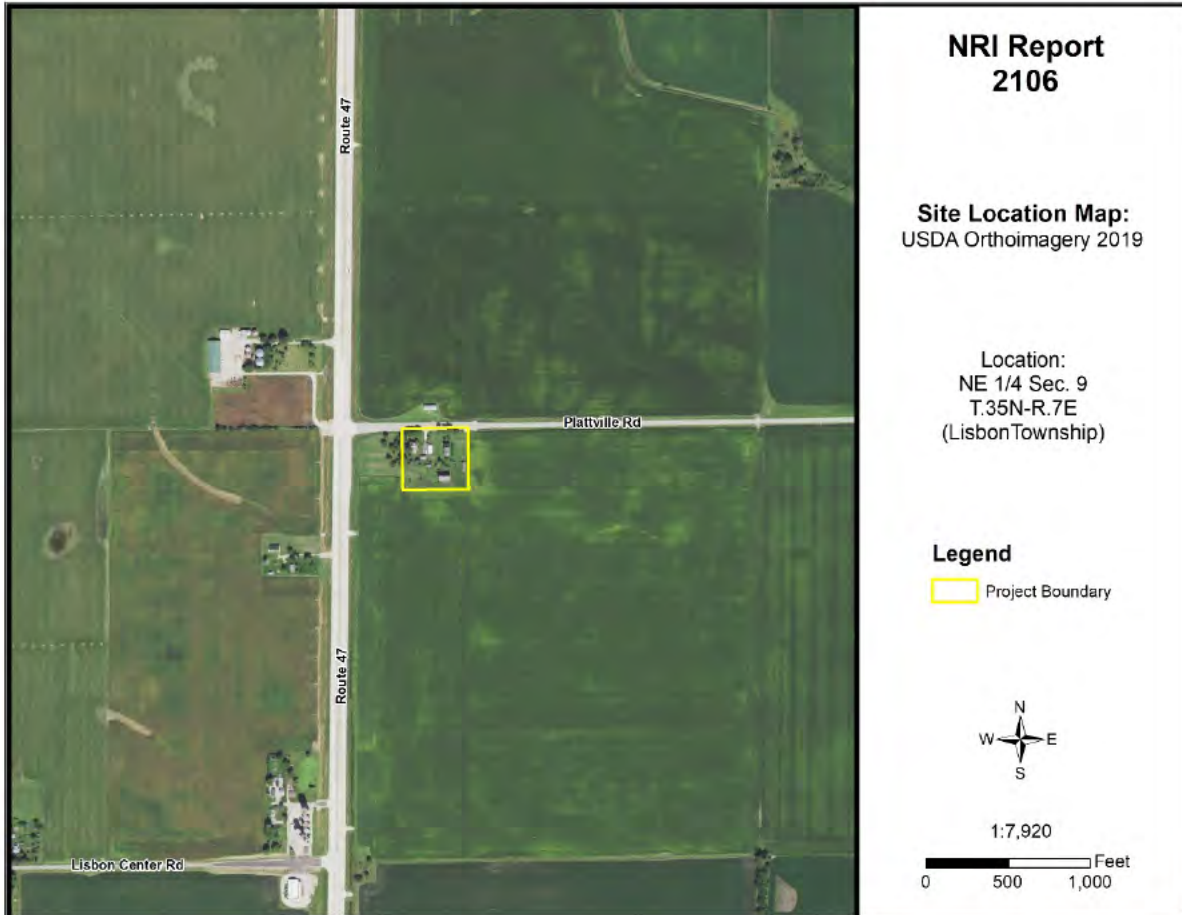
Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski  
Nays (0): None  
Abstain (0): None  
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The ZPAC, at 9:20 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2106



Apr. 2021      Petitioner: Gilted Edge Winery  
Contact: Laura Denges

Prepared By:



7775A Route 47  
Yorkville, Illinois 60560  
Phone: (630) 553-5821 x3  
Fax: (630) 553-7442  
[www.kendallswcd.org](http://www.kendallswcd.org)

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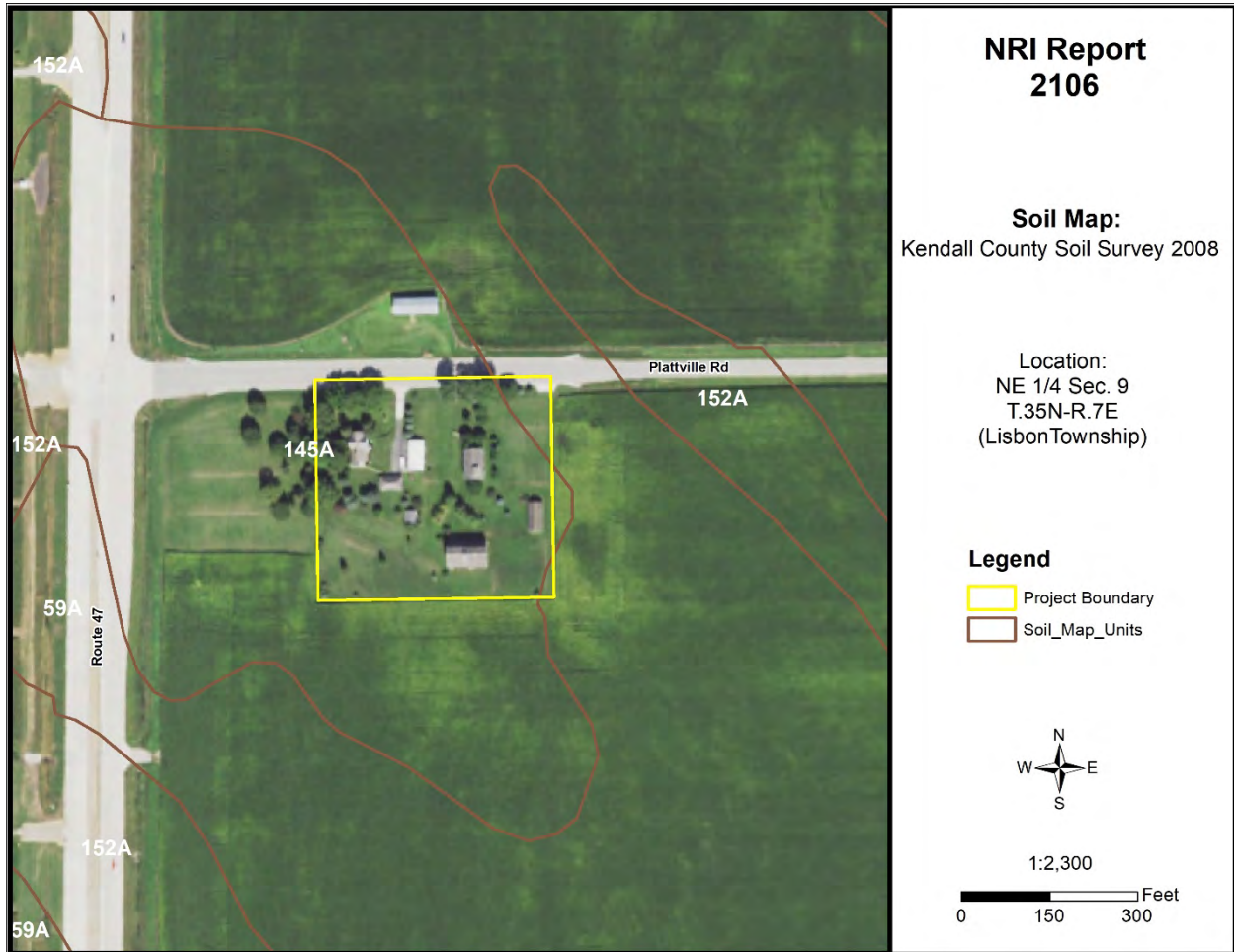
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## **EXECUTIVE SUMMARY**

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Natural Resource Information Report Number	#2106
Petitioner	Gilted Edge Winery
Contact Person	Laura Denges
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 9, T.35N.-R.7E. (Lisbon Township) of the 3 <sup>rd</sup> Principal Meridian
Project or Subdivision Name	Gilted Edge Winery
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	A-1 Special Use; Rural Residence & Winery
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 3.5 acres
Land Evaluation Site Assessment Score	199 (Land Evaluation: 94; Site Assessment: 105)

**NATURAL RESOURCE CONSIDERATIONS**



**Figure 1: Soil Map**

**SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

**Table 1: Soils Information**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
59A	Lisbon silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric	Prime Farmland
145A	Saybrook silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland

**Hydrologic Soil Groups** – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils** – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, none are classified as being a hydric soil.

**Prime Farmland** – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, 100% are designated as prime farmland.

**Soil Water Features** – Table 2 gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

**Table 2:** Water Features

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
59A	Low	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
145A	Low	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None



**Surface Runoff** – Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The surface runoff classes are identified as: negligible, very low, low, medium, high, and very high.

**Months** – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

**Water Table** – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

**Ponding** – Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

**Flooding** – Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration is expressed as brief (2 to 7 days) and frequent meaning that it is likely to occur often under normal weather conditions.

## SOIL LIMITATIONS

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation,

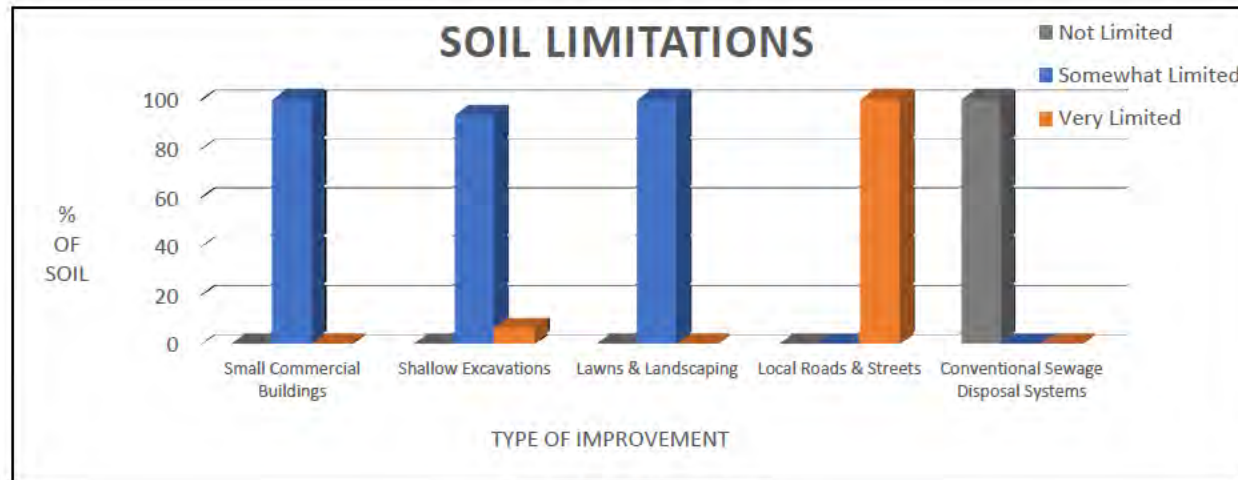
special design, or expensive installation procedures; poor performance and high maintenance can be expected.

**Conventional Septic System Rating Criteria** – The factors considered for determining suitability include the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils that are deemed unsuitable for installation of an on-site sewage disposal system, per the Kendall County Subdivision Control Ordinance, may necessitate the installation of a non-conventional onsite sewage disposal system. If the scope of the project may include the use of on-site septic systems please consult with the Kendall County Health Department – Environmental Health Services located at 811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026.

Limitations are listed below for small commercial buildings, shallow excavations, lawns and landscaping, local roads & streets (paved and unpaved), and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

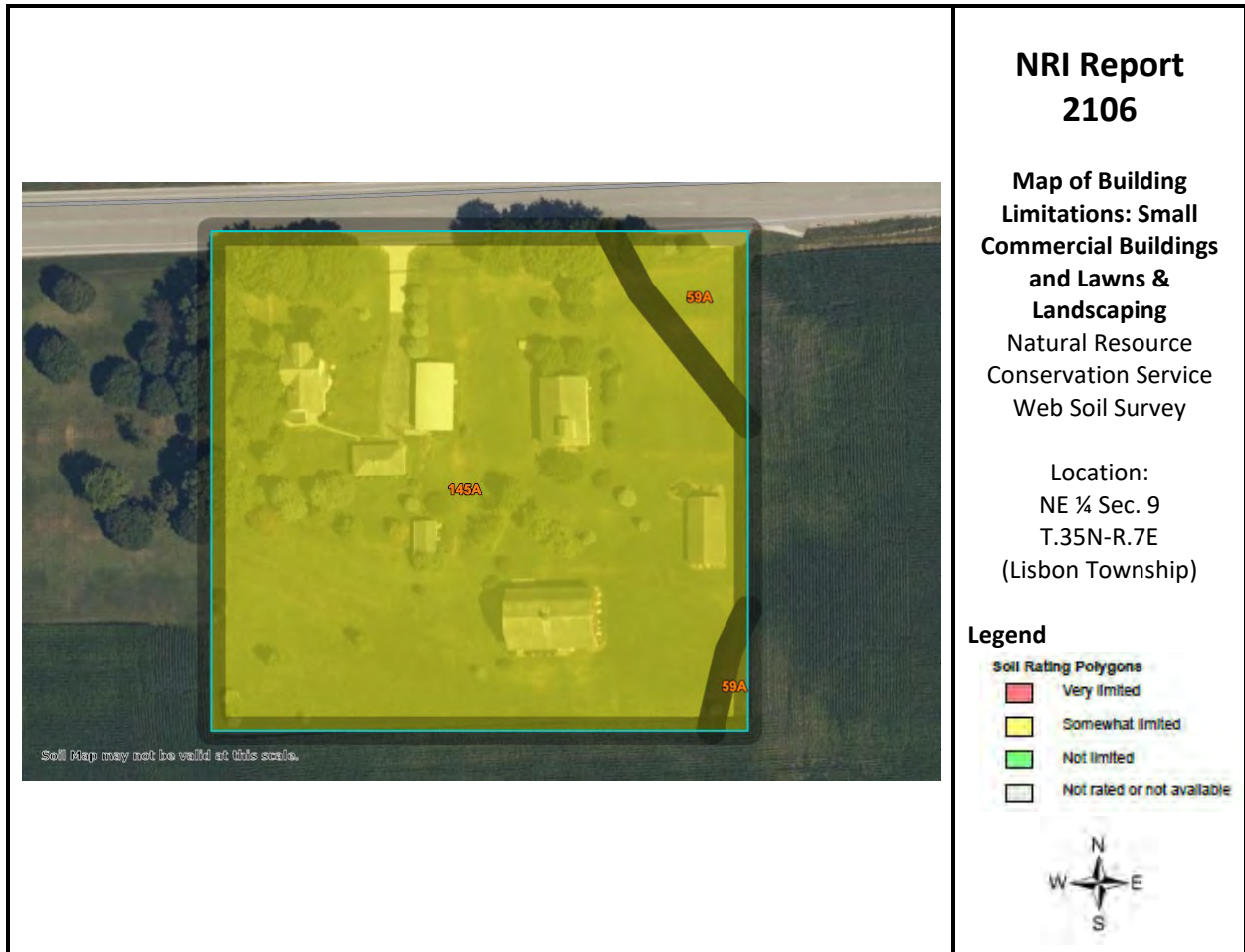
**Table 3:** Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Road & Streets (Paved & Unpaved)	Onsite Conventional Sewage Systems	Acres	%
59A	<b>Somewhat Limited:</b> Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Depth to saturated zone; Dense layer; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty	<b>Very Limited:</b> Frost action; Low strength; Depth to saturated zone; Shrink-swell	<b>Suitable</b>	0.2	6.4%
145A	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Unstable excavation walls; Dusty	<b>Somewhat Limited:</b> Dusty	<b>Very Limited:</b> Frost action; Low strength; Shrink-swell	<b>Suitable:</b>	3.3	93.6%
<b>% Very Limited</b>	<b>0%</b>	<b>6.4%</b>	<b>0%</b>	<b>100%</b>	<b>0%</b>		



**Figure 2:** Soil Limitations

**Building Limitations Maps:**



**Figure 3A:** Map of Building Limitations – Small Commercial Buildings and Lawns & Landscaping

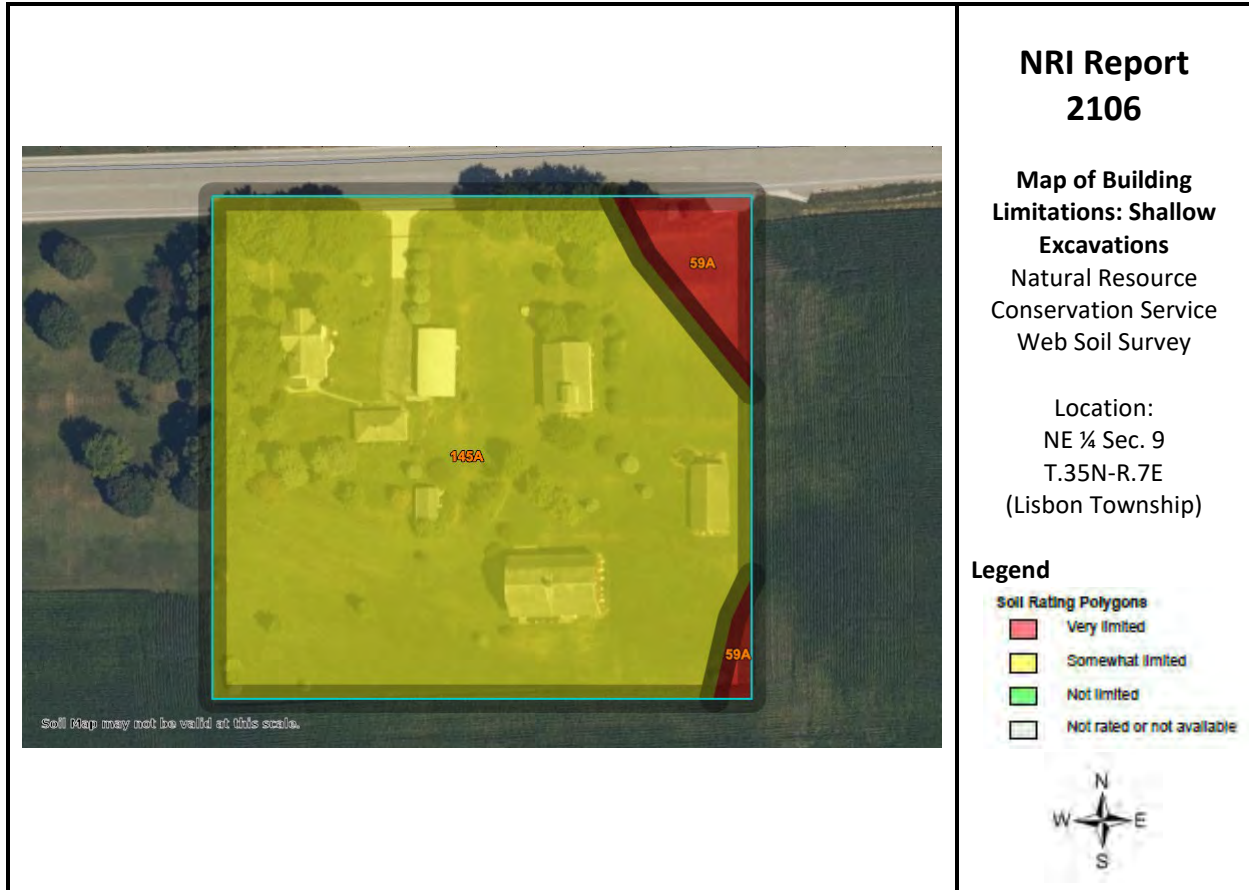
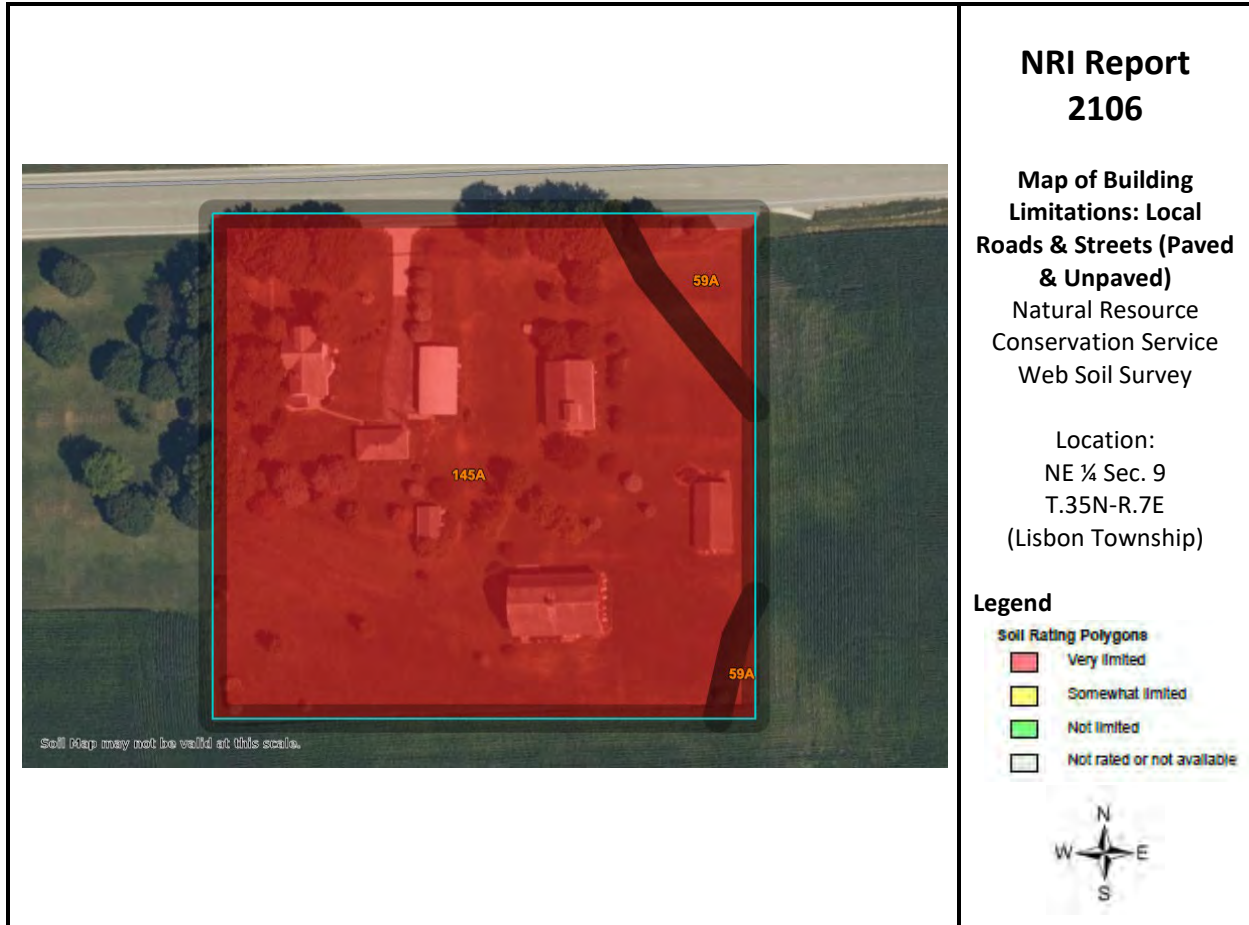
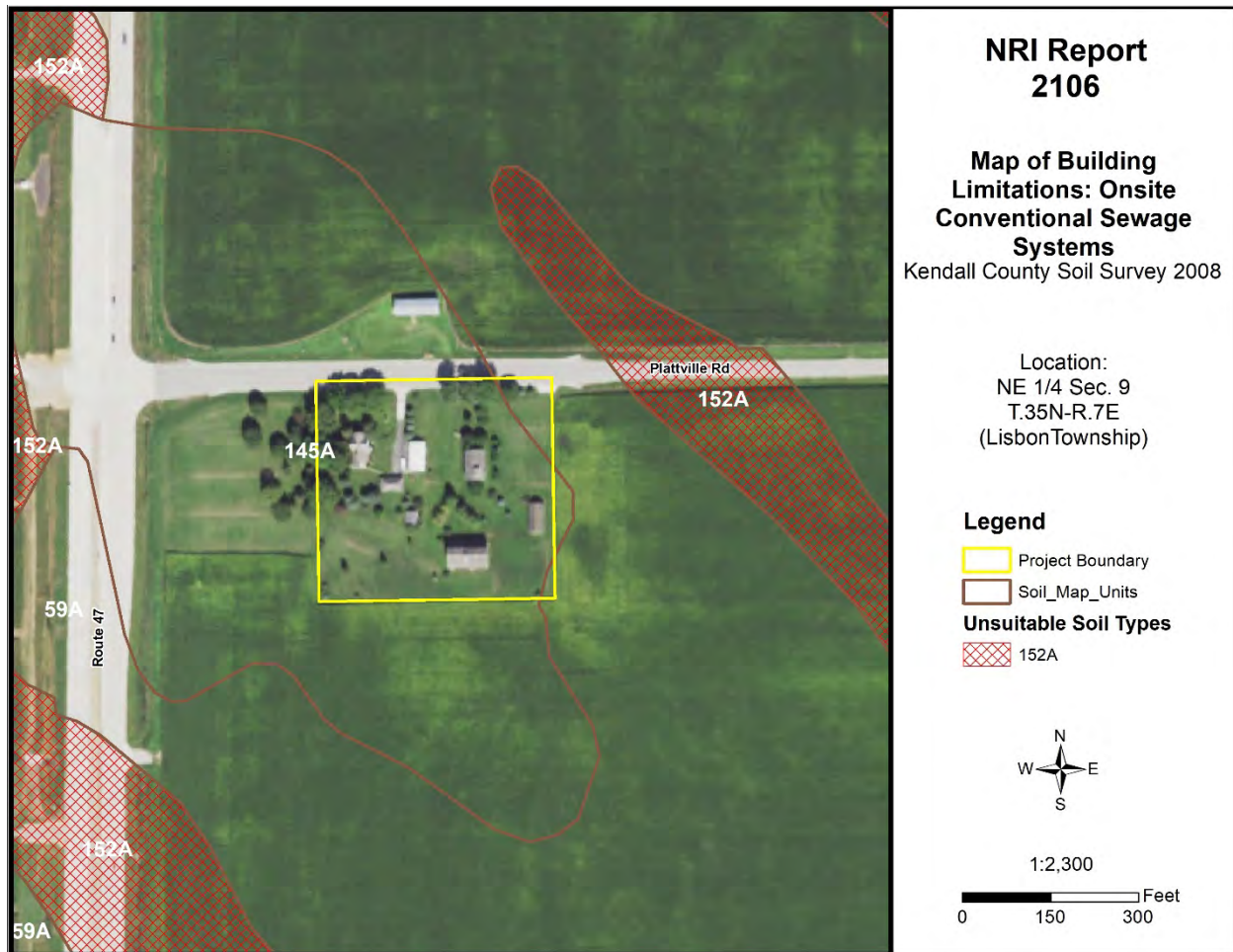


Figure 3B: Map of Building Limitations – Shallow Excavations



**Figure 3C:** Map of Building Limitations – Local Roads & Streets (Paved & Unpaved)





**Figure 3D:** Map of Building Limitations – Onsite Conventional Sewage System

### KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation value accounts for 1/3 of the total score and is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 4A:** Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
59A	2	94	0.2	18.8
145A	2	94	3.3	310.2
<b>Totals</b>			<b>3.5</b>	<b>329</b>
<b>LE Calculation</b>			(Product of relative value / Total Acres) 329 / 3.5 = 94	
<b>LE Score</b>			<b>LE = 94</b>	

The Land Evaluation score for this site is 94, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

**Table 4B:** Site Assessment Computation

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	<b>Site Assessment Score:</b>	<b>105</b>

The Site Assessment score for this site is 105. The Land Evaluation value (94) is added to the Site Assessment value (105) to obtain a LESA Score of 199 out of a possible 300. The table below shows the level of protection for the proposed project site based on the LESA Score.

**Table 5:** LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

**Land Evaluation Value: 94 + Site Assessment Value: 105 = LESA Score: 199**



The **LESA Score for this site is 199, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

### WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map does not indicate the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

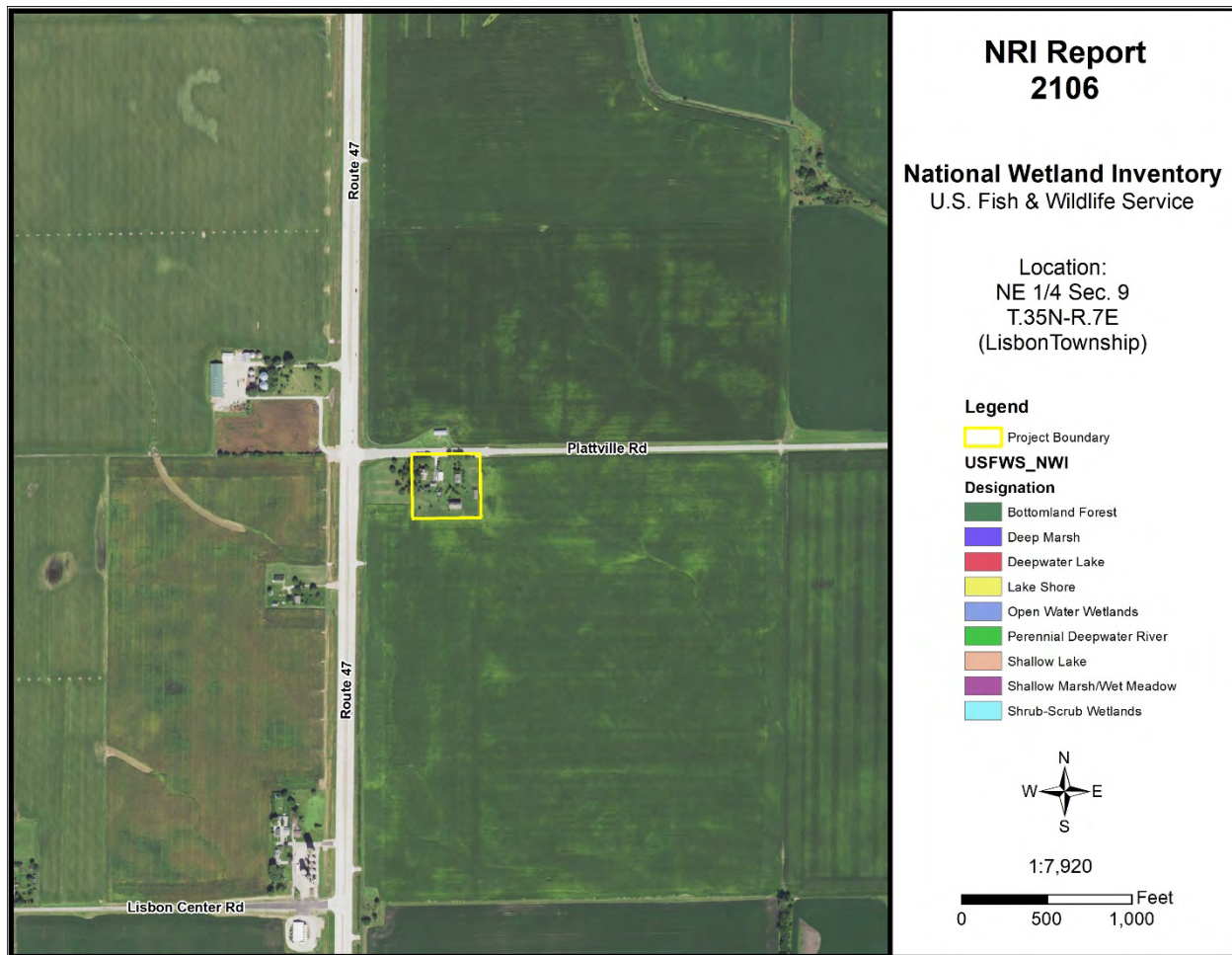


Figure 4: Wetland Map – USFWS National Wetland Inventory

### FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0125G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map,

the parcel is not located within the floodplain or floodway and is considered an area of minimal flood hazard.

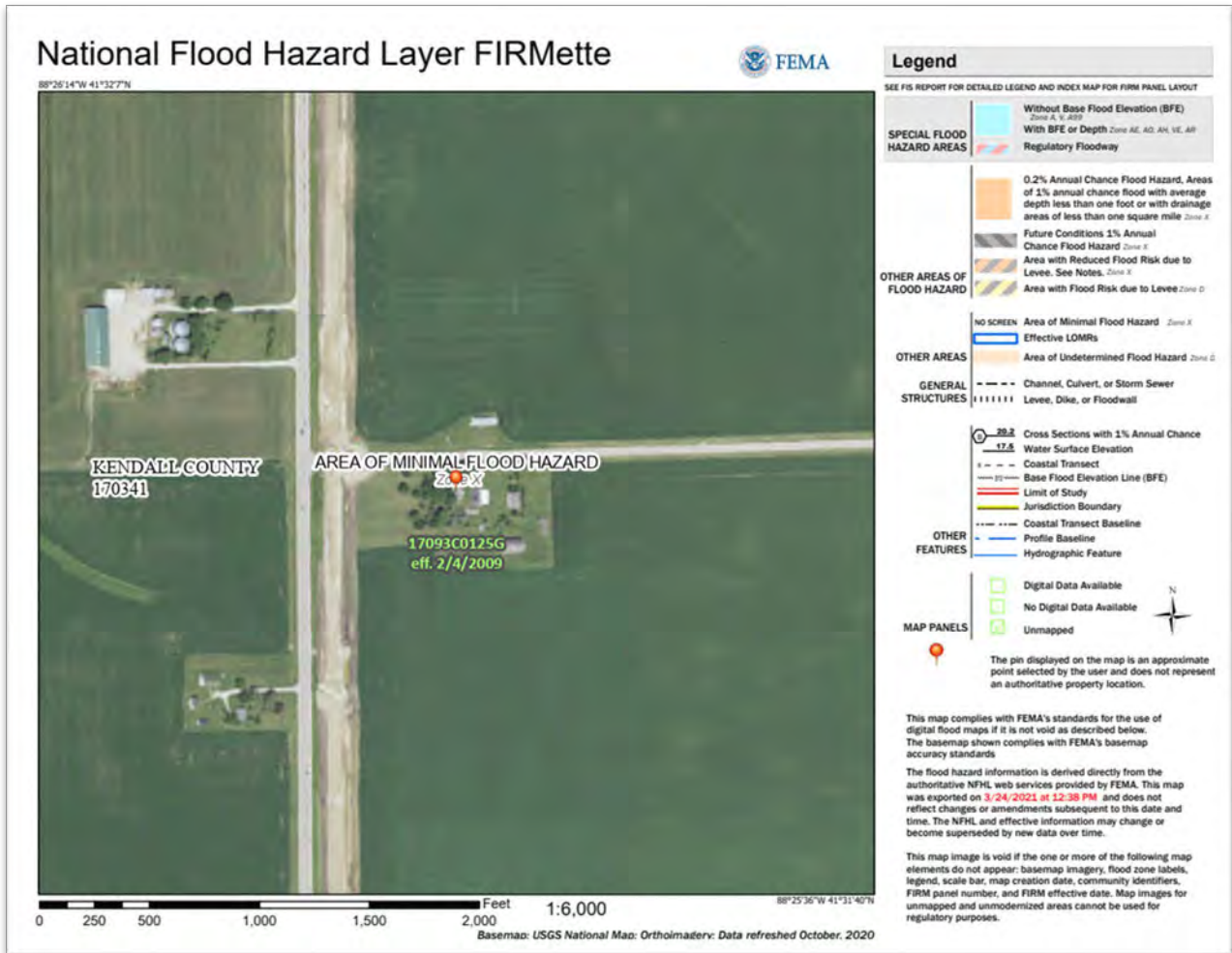


Figure 5: FEMA Floodplain Map

**SEDIMENT AND EROSION CONTROL**

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.



**LAND USE FINDINGS**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner Laura Denges for the proposed Gilted Edge Winery (A-1 Special Use Permit request) located in Lisbon Township of Kendall County in the NE ¼ of Section 9, Township 35N, and Range 7E of the 3<sup>rd</sup> Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are designated as prime farmland. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 94 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 199 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads and streets (paved and unpaved), 6.4% are very limited for shallow excavations, and 0% are very limited for small commercial buildings and lawns & landscaping. The remaining soils are classified as either somewhat limited or not limited for these types of developments. Additionally, 100% of the soils appear to be suitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Upper Illinois River Watershed and the West Branch Aux Sable Creek/Lisbon Creek sub watershed. If development should occur on this site, a soil erosion and sediment control plan should be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that a drainage tile survey be completed on the parcel to locate subsurface drainage tile. That survey should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the Land Developers take into full consideration the limitations of the land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

  
SWCD Board Representative

4/12/21  
Date

**Matt Asselmeier**

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**From:** Tim Wallace [REDACTED]  
**Sent:** Thursday, April 8, 2021 10:09 AM  
**To:** Matt Asselmeier  
**Subject:** [External]Re: Kendall County Zoning Petition 21-14

Matt, the fire department has no objections, we would like to do a site inspection for any life safety hazards, exit signs, fire extinguishers, ect. Any questions feel free to call my cell phone, [REDACTED] thanks, Tim Wallace

Attachment 10, Page 1  
**KENDALL COUNTY**  
**Historic Preservation Commission**  
*Kendall County Historic Courthouse*  
*Third Floor Courtroom (Hybrid Meeting)*  
*109 W. Ridge Street, Yorkville, Illinois*  
**6:30 p.m.**  
**April 19, 2021-Unofficial Until Approved**

**CALL TO ORDER**

Chairman Jeff Wehrli called the meeting to order at 6:30 p.m.

**ROLL CALL**

Present: Eric Bernacki (Secretary), Elizabeth Flowers (Vice-Chairwoman) (Attended Remotely), Kristine Heiman (Attended Remotely), and Jeff Wehrli (Chairman)

Absent: None

Also Present: Matt Asselmeier (Senior Planner), Laura Denges (Attended Remotely), and June McCord (Attended Remotely)

**NEW BUSINESS**

*Recommendation on Petition 21-14, Request from Laura Denges for a Special Use Permit to Operate a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises) on A-1 Zoned Property at 9396 Plattville Road (PIN: 08-09-200-003) in Lisbon Township; Petitioner Wishes to Convert a Circa 1900 Barn for Wine Tasting/Sales*

Chairman Wehrli asked if the Petitioner planned to make changes to the inside of the barn. Laura Denges, Petitioner, responded that she built interior walls, but have not made any structural changes to the barn. Her wish was to preserve the barn as much as possible because she would like to keep the rustic atmosphere of the property. The walls are insulated with a drywall frame.

Member Heiman asked about exterior renovations. Ms. Denges responded that exterior renovations included replacing some windows. The windows were previously replaced and the new windows would similar to the ones that were replaced. An entry door would also be added where the double doors were located. The structure would remain the same.

Member Flowers asked about the roofing material. Ms. Denges responded that the roof is a slate tile roof original to the property.

Chairman Wehrli asked Mr. Asselmeier if there was anything the Commission could do to assist the Petitioner. Mr. Asselmeier responded the Petitioner could apply to landmark the property or apply for historic tax credits since the property will be used for a commercial purpose.

Member Bernacki asked about timing for requesting financial incentives. Mr. Asselmeier responded, based on the Petitioner's proposed plans for the property, the timing was not sensitive.

Chairman Wehrli made a motion, seconded by Member Bernacki to recommend approval of the special use permit on the condition that the barn is preserved as discussed.

The votes were as follows:

Yeas (4): Bernacki, Flowers, Heiman, and Wehrli  
Nays (0): None  
Absent (0): None  
Abstain (0): None

The motion carried.

This matter will go to the Kendall County Regional Planning Commission on April 28, 2021.

Plattville Mayor June McCord attended the meeting during the next agenda item and left the meeting without providing comments regarding the special use request.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Chairman Wehrli made a motion, seconded by Member Bernacki, to adjourn.

The votes were as follows:

Yeas (4): Bernacki, Flowers, Heiman, and Wehrli  
Nays (0): None  
Absent (0): None  
Abstain (0): None

The motion carried.

The Historic Preservation Commission adjourned at 7:16 p.m.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Attachment 11, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

*Kendall County Historic Courthouse*  
*Third Floor Courtroom*  
*110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois*

**Unapproved - Meeting Minutes of April 28, 2021 - 7:00 p.m. (Hybrid Meeting)**

Chairman Ashton called the meeting to order at 7:02 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Tom Casey (Started Attending Remotely at 7:04 p.m.), Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Claire Wilson (Attended Remotely), and Seth Wormley

**Members Absent:** Bob Stewart

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Laura Denges (Attended Remotely) and Luke Robinson (Attended Remotely)

**APPROVAL OF AGENDA**

Member Rodriguez made a motion, seconded by Member Wilson, to approve the agenda.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (3): Casey, Hamman, and Stewart

The motion carried.

**APPROVAL OF MINUTES**

Member Wilson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the March 24, 2021, meeting.

Member Casey started attending remotely at this time (7:04 p.m.).

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

The motion carried.

**PETITIONS**

**Petition 21-14 Laura Denges**

Mr. Asselmeier summarized the request.

Member Hamman arrived at this time (7:06 p.m.).

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.



The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road. There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021. The LESA score was 199 indicating a low level of protection. The NRI was provided.

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion was provided.

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes were provided.

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

According to the site plan, the Petitioner plans to operate the Gilded Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size. A picture of the barn was provided.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3<sup>rd</sup>) special use permit for this type of use in the unincorporated area.

According to the business plan, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall gravel parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated.

No additional landscaping is planned.

No information regarding noise control was provided.

The proposed Findings of Fact were 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. 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 and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.

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 created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.

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 property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.

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. This is true. The Petitioner is not requesting any variances.

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."

Staff recommended approval of the request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. An overflow parking lot may be installed east of the red barn.
2. The parking lot shown on the site plan shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no earlier than Noon and no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance outside the hours of operation. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated.
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. 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.

14. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
15. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
18. 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.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Nelson suggested that Petitioner be allowed to have a lighted sign because the hours of operation will have the business open after dark.

Member Nelson asked if the Petitioner was agreeable to annex the property, or at least the portion of the property where sales occurred, into the Village of Plattville. Laura Denges, Petitioner, responded that she would not be opposed to annexation, but she would like more information. Member Nelson did not want the Petitioner to pay any costs associated with the annexation. Member Wilson expressed concerns regarding the Village of Plattville implementing property taxes in the future. Members Nelson and Wilson favored Plattville offering less restrictive zoning regulations for the business than if the property remained in the unincorporated area.

Member Casey asked if there had been a proposal for a bed and breakfast at this property in the past. Chairman Ashton responded that the request had been for a wedding venue. The property does not presently have any special use permits and the previous request was not connected to this request.

Member Wilson expressed concerns about the request that the barn be preserved. This request was not the same as listing the property on the National Register of Historic Places. Member Wilson expressed concerns about burdening the Petitioner with this type of requirement.

Member Wilson questioned the requirement regarding agricultural exempt structures. Mr. Asselmeier clarified the restriction applies only to buildings where the proposed use would occur. As proposed, the use would only apply to the one (1) barn. The other buildings on the property would remain agricultural exempt unless the winery use expanded to those structures in the future.

Mr. Asselmeier stated that the reason the special use was required was because the Petitioner planned to make and sell wine using grapes not grown on the premises. If the Petitioner sold wine using grapes grown the premises, a special use permit would not be required and the use would be exempt from zoning as an agricultural purpose.

Ms. Denges explained that the main (red) barn was divided into two (2) areas, a retail area and tasting room area and a fermenting and bottling area. None of the other buildings on the property would be used for any business related activities, including business related storage.

Member Wilson asked where the bathrooms would be located. Ms. Denges responded that two (2) unisex bathrooms would be located inside the red barn, just off the retail space area.

Member Wilson asked if a group meeting space area would be located on the premises. Ms. Denges responded having that type of meeting space was not her intention.

Member Rodriguez asked if the barn would be insulated. Ms. Denges responded that a heating system would be installed; they were still looking at the HVAC system. Ms. Denges believed that the barn was well insulated. A heating system would be installed in the barn at some point in the future.

The barn was not served with a septic system; that system will be installed per the site plan.

Chairman Ashton asked about the timeline for planting grapes on the property. Ms. Denges responded that grapes were a three (3) year project because of the time needed to get good yields. She hoped to plant within the next two (2) or three (3) years.

Chairman Ashton asked about the impact of spraying impacting the grapes. Ms. Denges stated that she talked to the neighboring farmer. She stated that growing grapes in this area is not always successful; that was why they were importing grapes from the west coast. The grape growing area would be away from the field.

Member Wilson asked about the overflow parking area. Ms. Denges responded that the overflow parking area would be installed east of the barn. The parking lot would be limestone compact of the same type as the main parking area.

Member Rodriguez asked about blend wines. Ms. Denges explained the various types of wines; there wine would not be blended which is unique in this market. Merlots produced on premises will be made from one hundred percent (100%) merlot grapes.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the requested special use permit.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (1): Stewart

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on May 3, 2021.

**CITIZENS TO BE HEARD/ PUBLIC COMMENT**

None

**NEW BUSINESS**

**Appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee**

Chairman Ashton announced the appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee.

**OLD BUSINESS**

None

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

Mr. Asselmeier reported that Petitions 20-32, 21-06, 21-08, and 21-10 were approved at the County Board. Petition 21-07 was withdrawn, but the Petitioner indicated that she would reapply.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier said the Commission's meetings will be held in the County Board Room at 111 W. Fox Street starting with the next meeting. There are no Petitions for the May meeting.

Member Casey expressed concerns regarding the large pile of material at 195 Route 52. Mr. Asselmeier explained the investigation that has occurred at the property. Discussion occurred regarding the potential fire hazard of the mulch pile.

**ADJOURNMENT**

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley  
Nays (0): None  
Absent (1): Stewart

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:48 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner