

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of July 8, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Scott Gengler, Judy Gilmour, Matt Kellogg (Vice-Chairman), and Matthew Prochaska (Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Adam Theis, Mark Caldwell, Greg Stromberg, Patrick McCrimmon, and Kurt Buhle

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Gilmour, to amend the agenda by removing the item regarding 10 Ashlawn Avenue. Member Flowers made a motion, seconded by Member Gilmour to approve the agenda as amended. With a voice vote of five (5) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Gilmour made a motion, seconded by Member Flowers to approve the minutes of the June 24, 2019, special meeting. With a voice vote of five (5) ayes, the motion carried unanimously.

EXPENDITURE REPORT

Review of Expenditures from the Prior Month

The Committee reviewed the Expenditure Report.

PUBLIC COMMENT

Patrick McCrimmon spoke about a violation for operating a bed and breakfast without a special use permit in Boulder Hill. Mr. McCrimmon said his property was not a bed and breakfast, but a short-term rental. Only one (1) family or group stays at his property at a given time. He requested the Committee to consider allowing short-term rentals.

PETITIONS

19 – 11 – Dickson Valley Ministries

Mr. Asselmeier summarized the request.

Mark Caldwell, on behalf of Dickson Valley Ministries, is requesting a major amendment to their special use permit to repeal the site plan adopted by Ordinance 2014-05 and replace the site plan with the proposed site plan. The Petitioner desires this major amendment in order to have a long-range plan for their facilities and to provide more clarity to the site plan that was submitted in 2014.

The subject property is approximately one hundred sixty (160) acres in size and has a special use permit for a youth camp and retreat center. The use at the subject property was originally established in 1971. The subject property was zoned A-1 with a special use permit for a youth camp and retreat center following the 1974 Countywide rezoning.

The future land use map calls for this area to be agricultural, open space, and countryside residential. The adjacent zoning districts are A-1 and R-1. Zoning within one half (1/2) mile are A-1 and R-1.

Finnie Road is considered a scenic route and no trails are planned in the area.

There are floodplains and wetlands on the property. None of the proposed development is occurring in the floodplain or wetlands.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Dixon Valley Sedge Meadow INAI Site, Fox River INAI Site, Dickson Sedge Meadow Natural Heritage Landmark, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The Petitioner submitted an application for NRI. The LESA Score was 173 indicating a low level of protection.

Petition information was sent to Fox Township on March 26, 2019. Fox Township submitted comments on April 16, 2019. The Township requested the following:

1. Any encroachment onto the Finnie Road right-of-way close than one hundred and twenty-six feet (126') be required to obtain a traditional variance.
2. Any permits required for storm water management must be procured prior to the issuance of any building permit.
3. Fox Township Board and the Fox Township Highway Department reserve the right to approve or disapprove any overhead walkway on Finnie Road.

The Petitioner agreed with Fox Township's requests. The Petitioner submitted a revised site plan deleting the three (3') foot encroachment in Addition 1.

Petition information was sent to the Village of Millbrook on March 26, 2019. No comments were received.

Petition information was sent to the Sandwich Fire Protection District on March 26, 2019. No comments were received.

The existing zoning regulations on the property were established by Ordinance 2014-05. This ordinance repealed several pre-existing ordinances and combined the conditions and restrictions placed upon Dickson Valley Ministries into one (1) ordinance. The restrictions placed on the special use permit were:

1. The property can be utilized all year long.

2. At such time if the not-for-profit status is discontinued for any reason a new special use shall be applied for if the property is to be used for profit.
3. The number of over-night campers shall be limited to no more than 350 at any one time.
4. No more than 8 hook-ups for RV's.
5. The sign shall be in conformance with the standards of sign illumination as set forth in the Kendall County Zoning Ordinance and can be externally lit.

Ordinance 2014-05 also included a site plan, which the Petitioner wishes to amend. ZPAC met on this proposal on April 2, 2019. The Petitioner stated that the projected number of people onsite will not change from the 2014 projection which was an increase of forty percent (40%). Discussion occurred regarding a right-of-way dedication for Finnie Road. The suggestion was made to have right-of-way dedication within ten (10) years. The sign would encroach into the setback if a dedication occurred. If the plan was developed fully, the investment would be Four Point Five Million Dollars (\$4.5 Million). Development will not occur onsite near any protected area as identified in the EcoCat Report. ZPAC unanimously recommended approval of the proposal.

At the April 24, 2019, meeting of the Kendall County Regional Planning Commission, the Commission requested less detail on the Petitioner's site plan. At the May 22, 2019, meeting, the Petitioner submitted a site plan with several changes.

The proposed changes are follows:

1. Clarification on the conditional statement that total capacity is three hundred fifty (350) "overnight campers." This number is inclusive of as many as one hundred (100) day-only campers during the summer.
2. Clarification that the live-on-site staff needed in supporting the ministry is composed of as many as six (6) full-time, long-term families; currently this figure is five (5).
3. Clarification of staffing levels at twenty-four (24) single short-term, twelve (12) month program staff, and sixty-four (64) seasonal summer staff.
4. Development A, Day Camp Area, shall consist of a Multipurpose Field-house, various free standing decks for small group activities, at least two (2) open air camper pavilions, day camp specific activities, water activities (i.e. splash pad, or wading fountain), and combined septic field serving all new restrooms will also be located in this area.
5. Development B, Resident Camp Area, shall consist of five (5) year-round camper cabins; four (4) of which are new.
6. Development C, Activity Area, shall consist of an outdoor high ropes course, mini-golf course, ice rink pavilion, free standing decks for small groups and one (1) year-round camper cabin.
7. Development D, Entrance Parking, shall consist of welcome pavilions for day camp, a chapel in the woods, camper check-in area, and volunteer RV hook-ups. The Petitioner is also considering placing a freestanding office structure in this area.

8. Development E, Entrance Drive, shall consist of a new gatehouse for a controlled entrance and a multi-bay staff lodge garage near the Whitaker Lodge just outside the zone. Upgrades to the driveway and entrance will occur and the lighted sign will remain. Landscaping will be updated.
9. Development F, Maintenance Area, shall consist of a new shop and removal or remodel of the old shop.
10. Development G, Acorn Lodge Area, shall consist of a separate activities pavilion and separate program/meeting building.
11. Development H, North Activity Area, shall consist of primitive non-public campsites, no permanent structures, and a parking area off of Finnie Road. Experiential activities similar to, but not limited to, climbing tower(s), zip line(s), team activities, a high ropes course, and a pedestrian walkway over/under/across Finnie Road are planned for this area.
12. The Retreat Development Zone shall consist of a water filtration building or addition to the existing well and well house. A new building for recreation room, snack shop, and host offices. Within this zone, several buildings will have additions and/or remodels.
13. Addition 1, Director's Lodge, shall consist of an addition to the north end of the building. The current structure is one hundred twenty-six feet (126') offset from the road.
14. Addition 2, Chrouser Lodge, shall consist of an addition for dining space to the north or west.
15. Addition 3, Dickson Lodge, shall consist of additional meeting spaces, an addition of at least two (2) separate "leaders" rooms with restrooms, and remodel and add-on to program office for camp store.
16. Addition 4, Oulund Chalet, shall consist of remodeling to improve housing space and remodeling of restrooms.
17. Addition 5, Silver Fox Lodge, shall consist of an addition for new restrooms and an addition of added housing.
18. Addition 6, Sports Center, shall consist of a south addition for upgraded activities, remodels to restrooms, and development of an exterior high ropes courses or similar.
19. Addition 7, Acorn Lodge, shall consist of a remodel of the current lodge for updated plumbing and housing.

As noted on the proposed site plan, the final locations, sizes, and designs will be approved at the time of permitting and with the approvals of local regulatory bodies.

Also at the April meeting, the Commission was concerned about Fox Township's requests of the Petitioner. Fox Township clarified that they do not want a right-of-way dedication at this time, but they would like to be informed if a structure is constructed above or below Finnie Road. The Kendall County Regional Planning Commission recommended approval of the Petition with conditions with seven (7) members in favor and two (2) members absent.

The Kendall County Zoning Board of Appeals started a public hearing on this request on April 29, 2019. The matter was continued until the Petitioner submitted a revised site plan. The Kendall County Zoning Board of Appeals resumed the public hearing on July 1, 2019. Fox Township offered to work with the Petitioner for an improved at-grade crossing of Finnie Road, including lights. Clarification was provided regarding timeframe to complete the project; the development will occur as funding allows over at least the next decade. The Board issued a positive recommendation of the request with the conditions proposed by Staff with a 5-0 vote; two (2) members of the Board were absent.

Any new buildings would have to meet applicable building codes.

The Petitioner owns property on both sides of Finnie Road.

As noted on the proposed site plan, lighting will be intentionally left low.

The subject property is heavily wooded. As noted on the proposed site plan, the Petitioner considers the natural landscape important to their operations.

Stormwater permits will be required in certain cases as the proposal is implemented.

The Petitioner proposes to make adjustments to their wells and septic systems. These changes will be evaluated as the proposal is implemented. Electricity is already onsite.

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 existing special use has been in existence since the 1970s with no known complaints to the Planning, Building and Zoning Department. Provided the site is developed as proposed, the proposed use of the site will not be detrimental or endanger the public health, safety, morals, comfort or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use has been in existence at the subject property since the 1970s and no known issues exist which might cause injury to neighboring property owners or diminished property values.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Adequate utilities, access roads, points of ingress and egress, drainage, and other necessary facilities either exist on the site or are planned for in the proposed 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. The proposed special use permit amendment conforms to the applicable regulations of the A-1 Agricultural Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This statement is true.

Staff recommends approval of the proposed major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The conditions and restrictions of Ordinance 2014-05 shall remain in effect including the clarifications stated in the Site Plan attached to this Ordinance amending the existing special use permit.
2. The Site Plan attached as Exhibit A to Ordinance 2014-05 is hereby repealed and replaced with the attached Site Plan. The site shall be developed substantially in conformance with the attached Site Plan.
3. Any overpass or underpass over or below the Finnie Road right-of-way shall be approved by Fox Township. This restriction shall not include at-grade crossings of Finnie Road. (Added per Fox Township)
4. The operators of the use allowed by this special use permit shall follow applicable Federal, State, and Local laws related to the operation of this type of use. (Though not mentioned specifically, the Kendall County Stormwater Management Ordinance is one (1) of the local laws that must be followed; this should address Fox Township's concerns about stormwater regulations.)
5. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2014-05 could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions or restrictions or any of the conditions or restrictions contained in Ordinance 2014-05 are declared invalid by a court of competent jurisdiction, the remaining conditions and restrictions shall remain valid.
7. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this major amendment to an existing special use permit.

Mr. Asselmeier noted that the Dickson Valley Ministries did not use an attorney for this Petition. The ordinance will be corrected to reflect this fact.

Chairman Prochaska asked if it was normal for a township to give permission for the installation of an overpass or underpass. Mr. Asselmeier responded that, since the township maintains the road, the township has an interest in making sure the road is structurally sound and that their vehicles can travel on the road without any obstructions. If Dickson Valley installed an overpass or underpass, an amendment to the special use permit would not be required; applicable permits would be required. Discussion occurred regarding a box culvert that was removed and previously used for a trail. At-grade crossings are permitted without approval by Fox Township. Other than hiker signs, no distinctive signage exists.

Member Flowers asked about the need for a barrier between the hunting club and youth camp. Mr. Caldwell responded that no issues have existed in the last forty (40) years. The area is wooded and there is a fence in the area.

The plan will take at least ten (10) years to implement and some of the development will never occur because of funding. This proposal has everything that could happen on the property.

Member Kellogg made a motion, seconded by Member Gengler, to recommend approval of the amendment.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. The Petition will go to the County Board on July 16th.

19 – 12 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis

Mr. Asselmeier summarized the request.

JoAnn Bright-Theis would like to establish the Brighter Daze Farm and Events banquet facility at the subject property which is currently owned in a trust represented by her father, Robert Bright. The subject property is approximately thirty-eight acres (38) acres in size.

Crimmin Road is a major collector and scenic route. No trails are planned along the road.

A riverine wetland is located along the southwest edge of the subject property.

The adjacent land uses are agricultural related, farmsteads, religious, or forest preserve. The adjacent zonings are A-1. Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location, Millington Fen INAI Site, Fox River INAI Site, Millington Railroad Fen Natural Landmark, Tucker-Millington Fen Natural Preserve, and River Redhorse (*Moxostoma carinatum*). Negative impacts to the above are considered unlikely and consultation was terminated.

The NRI application was submitted on March 14, 2019. The LESA Score was 181 indicating a low level of protection.

Fox Township was emailed information on March 27, 2019. Fox Township submitted comments on April 16, 2019. In particular, Fox Township reiterated that the Township was a dry township; the Township disagreed with the functional classification of Crimmin Road contained in the Land Resource Management Plan; the Township requested a traffic study regarding the impact of the proposed venue on Crimmin Road, including the possibility of improvements to Crimmin Road necessitated by the proposed special use permit. On May 9, 2019, the Petitioner, Fox Township, and the Kendall County Planning, Building and Zoning Department held a conference call on the proposal. The Petitioner agreed to the dry regulations of the Township. The Township stated that they would not fight the functional classification of Crimmin Road in the Land Resource Management Plan. The Township stated that they (Fox Township) would request a traffic study from the Kendall County Highway Department. This study could result in a change of the speed limit on Crimmin Road to a speed less than the current fifty-five miles per hour (55 MPH), a

requirement the Petitioners post additional one-way directional signage within their property, and the possibility that Fox Township adopt an ordinance forbidding parking along Crimmin Road. "Venue Ahead" signage along Crimmin Road was discussed. Also, the possible dedication of right-of-way was discussed.

On June 14, 2019, Fox Township submitted updated comments which are included as Attachment 20. In particular, Fox Township requested:

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

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

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

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

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

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on May 22, 2019. At this meeting, the Petitioners agreed to layover until the June meeting to allow Fox Township to complete their research on this request. The Kendall County Regional Planning Commission reviewed the concerns expressed by Fox Township at their meeting on June 26, 2019. Commissioners felt that having the special use permit contingent on a traffic study and requiring the Petitioners to pay for improvements to Crimmin Road was unnecessary. Commissioners also agreed to allow events to be held on weekends instead of limiting events to Saturdays only. Discussion occurred regarding Fox Township's dry regulations and the consensus of the Commission was that Fox Township's dry regulations were not a zoning matter.

Commissioners recommended approval of the special use permit with the removal of the requirement of the contingency of the traffic study and allowing events to occur on other days of the weekend including Saturdays, but only one (1) event could occur each weekend. The vote was five (5) in favor and four (4) absent.

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

1. The last sentence of condition 10 was changed to read, "For events with music, all barn doors shall close by 7:00 p.m."
2. Condition 15, regarding the traffic study, should be deleted.
3. Condition 17 was changed to read, "The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to, Fox Township's laws, related to the operation of this type of business."

Member Clementi voted no because of concerns about public safety and the impacts to property values and enjoyment of neighbors.

The business plan for the proposed operations, building elevations, landscaping plan, parking illumination plan, and interior plan were provided.

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

An existing pond is located east of the horse barn.

The hours of operation will be Monday through Thursday from 9:00 a.m. until 10:00 p.m. and Friday and Saturday from 9:00 a.m. until Midnight. The facility would be open on the eve and day of all federal holidays. Tours of the facility for prospective customers by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st.

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

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

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

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

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

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

Portable bathrooms will be used for events.

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

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

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

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

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face east and the barn doors will remain closed after 7:00 p.m.

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

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

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, landscaping plan, and lighting plan. Proper buffering and noise controls

will be necessary to prevent noise from negatively impacting neighboring properties. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety, based on the information provided by the Petitioners. Member Clementi disagreed with this finding.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours and days of operation, and buffering within the ordinance granting the special use permit. Member Clementi and Chairman Mohr disagreed with this finding.

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

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The site conforms to the regulations of the A-1 Agricultural Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

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

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and parking illumination plan.
2. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
3. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
4. The subject parcel must maintain a minimum of five (5) acres.
5. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
6. Off-street parking, lighting and landscaping shall be provided in accordance with the

provisions of Section 11 of the Zoning Ordinance.

7. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property. (Last sentence added after discussion with Fox Township).

8. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.

9. 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.

10. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, barn doors shall close by 7:00 p.m. (Changed by ZBA).

11. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30). (Changed per Fox Township and KCRPC Meeting).

12. A new certificate of occupancy must be issued for the barn.

13. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way. (Added per Fox Township).

14. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road (Added per Fox Township).

~~15. A traffic study shall be conducted by the Kendall County Highway Department. (Deleted by~~

ZBA).

16. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws, including, but not limited to, Fox Township's laws, related to the operation of this type of business. (Changed at ZBA).
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 Gilmour asked about Fox Township's dry regulations. Mr. Asselmeier stated that the Petitioners have a disagreement with Fox Township regarding the scope of dry regulations. The Petitioners believe that alcohol can be served at events if the alcohol is not sold on the premises. Adam Theis acknowledged that Fox Township may litigate this issue.

Member Flowers asked about previous events. Mr. Theis responded that many events have been housed through Brighter Daze Farms related to horse events. The first banquet center related event was held on June 3rd. The CASA event was a fundraiser and the Petitioners did not charge for the space.

Discussion occurred regarding the evolution of the restriction containing days and hours of operation and number and times of events. This restriction grew out of compromises between the Petitioners and Fox Township. Mr. Theis anticipated more events at the beginning and end of the season and fewer events mid-season. Mr. Theis favored allowing patrons to come in the day before events for setup. The crowd has to be off the property within one (1) hour after closing.

Member Gilmour asked about the landscaping plan. Mr. Theis stated that all of the trees are mature and the berm is already in place. There are one hundred sixty-four (164) trees; two (2) trees were recently lost in a storm.

Discussion occurred regarding riding horses in the Millington Forest Preserve. There are no horse trails inside the Millington Forest Preserve. Mr. Theis promised to obtain any necessary permits for riding in the Millington Forest Preserve.

Member Kellogg expressed allowing the property to be divided into smaller parcels. Mr. Theis indicated that the property owners have no intentions of dividing the property.

Sales tax would be collected on the sale of ancillary items.

The barn is not air conditioned. Discussion occurred regarding closing the barn doors at 7:00 p.m. Questions were raised regarding enforcement. The Petitioners must follow noise regulations. The nearest neighbors are approximately nine hundred fifty feet (950') from the facility.

If a special use permit is not activated within two (2) years or ceases operations for a two (2) year period, the County Board may revoke the special use permit.

Discussion occurred whether rehearsal dinners on the night before a wedding and the wedding itself constituted two (2) events. Discussion occurred regarding capping the number of people at events.

Member Gilmour asked why events were held before the approval of the special use permit. Mr. Theis stated that they came across the business plan after they hosted a friend's wedding for free and they wanted to make money on future events.

No changes in access to the Millington Forest Preserve were foreseen.

Chairman Prochaska made a motion, seconded by Member Kellogg, to delete the restriction stating "the use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance" because this restriction is duplicative with a later restriction.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Chairman Prochaska made a motion, seconded by Member Kellogg, allow setup for events to occur starting at 9:00 a.m. on the day prior to an event as well as the day of the event.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Member Kellogg made a motion, seconded by Member Gengler, to delete the restriction pertaining to closing barn doors at 7:00 p.m.

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Member Kellogg made a motion, seconded by Member Gengler, to amend the restriction that states "the subject parcel must maintain a minimum of five (5) acres" to "the subject parcel must follow the site plan configuration with the exception of the right-of-way dedication."

The votes were as follows:

Yeas (5): Flowers, Gengler, Gilmour, Kellogg, and Prochaska
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Member Kellogg made a motion, seconded by Member Gengler, to allow the Petitioners to have one (1) additional event per weekend with a maximum of fifty (50) guests.

The votes were as follows:

Yeas (3): Gengler, Kellogg, and Prochaska
Nays (2): Flowers and Gilmour
Abstain (0): None
Absent (0): None

The motion carried.

Chairman Prochaska made a motion to add Wednesday if it is the eve of a Federal or State holiday to the definition of weekend. No second and no vote occurred on this motion.

Member Flowers made a motion, seconded by Member Kellogg, to recommend approval of the requested special use permit.

The votes were as follows:

Yeas (4): Flowers, Gengler, Kellogg, and Prochaska
Nays (1): Gilmour
Abstain (0): None
Absent (0): None

The motion carried. The Petition will go to the Committee of the Whole on July 11th.

The Committee recessed between 7:53 p.m. and 7:54 p.m.

NEW BUSINESS

Discussion of Bed and Breakfast and AirBnB Related Zoning Regulations

Mr. Asselmeier summarized the request.

Bed and breakfast establishments are special uses in the A-1, R-1, RPDs, and R-2 zoning districts.

It has to come to the attention of the Kendall County Planning, Building and Zoning Department that a property on Rock Creek Road was advertising on AirBnB. This establishment was also featured recently in an article in Glance Magazine.

Upon review of AirBnB's website, another property in Boulder Hill was advertised on the site. Bed and breakfast establishments are not allowed in the R-6 and R-7 zoning districts.

Both of the previously mentioned properties were sent notices to comply with the Kendall County zoning regulations.

Mr. Asselmeier noted that the County's definition of bed and breakfast does not require the owner to live on the property; the State's definition requires the owner to live on the premises. The County's regulation does not require food service.

Discussion occurred regarding the County's definition of hotel.

The consensus of the Committee was that the Department should prepare an amendment to the definition of hotel to encourage this type of use in order to maintain properties.

OLD BUSINESS

Update on 45 Cheyenne Court

Greg Stromberg stated that he is staining currently with the hope to be finished by the end of July. The stain is cured in the sun.

Zoning Ordinance Project Update

Mr. Asselmeier provided an update. He is currently working on a list of changes proposed by Teska Associates. The County paid Teska half of the cost at the beginning of the project and there is one (1) invoice waiting to be paid. The consensus of the Committee was to withhold paying Teska for additional invoices until the project is completed.

Update on Contract with Randy Erickson D.B.A. Erickson Construction Plumbing Inspection

Mr. Asselmeier reported that Mr. Erickson's fee would raise Ten Dollars (\$10) to cover the proposed insurance cost.

The consensus of the Committee was to approve the contract and raise the fee.

Member Kellogg left at this time (8:11 p.m.).

REVIEW VIOLATION REPORT

The Committee reviewed the Violation Report.

Approval to Forward to the Kendall County State's Attorney's Office a Violation of Section 11.05.A.1.b.ii of the Kendall County Zoning Ordinance (Prohibited Parking of a Trailer in the Front Yard Setback) at 54 Marnel Road

Mr. Asselmeier provided background on this case.

Member Gilmour made a motion, seconded by Member Flowers, to forward the complaint to the State's Attorney's Office.

The votes were as follows:

Yeas (4): Flowers, Gengler, Gilmour, and Prochaska

Nays (0): None

Abstain (0): None

Absent (1): Kellogg

The motion carried.

REVIEW NON-VIOLATION COMPLAINT REPORT

The Committee reviewed the report.

The Committee requested that the reports be printed in larger fonts.

UPDATE FROM HISTORIC PRESERVATION COMMISSION

Mr. Asselmeier reported that the Commission sent the amendments to the Historic Preservation Ordinance to the Illinois Historic Preservation Agency. The position responsible for viewing the changes is vacant; the Illinois Historic Preservation Agency hopes to fill the position later this summer. The Commission will also be nominating new officers at their next meeting.

REVIEW PERMIT REPORT

The Committee reviewed the report.

REVIEW REVENUE REPORT

The Committee reviewed the report. Revenues are higher year-to-date for fiscal year ending in 2019 compared to this point year-to-date in fiscal year ending in 2018.

CORRESPONDENCE

None

PUBLIC COMMENT

Patrick McCrimmon agreed with Member Kellogg's opinion regarding short-term rentals. He has had few problems with any tenants; tenants can be removed immediately under AirBnB's rules.

Kurt Buhle had concerns with Petition 19-12 and was disappointed by the decision to allow the barn doors to be opened. Noise was a significant concern. He was also concerned about the changes in days of operation and number of events.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

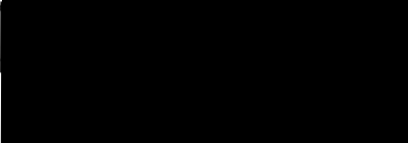
Member Flowers made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 8:21 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
JULY 8, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Patrick McCrinmon		
John R. Jones	-	-
Kurt P. Bahl		