

ORDINANCE NUMBER 2016-07

GRANTING SPECIAL USE WITH A VARIANCE FOR THE PROPERTY AT
13889 HUGHES ROAD IN FOX TOWNSHIP

WHEREAS, Bradley and Treva Mathre, d/b/a Mathre 1916, LLC, have filed a petition for a Special Use with a variance within the A-1 Agricultural Zoning District for a 5.0 acre property located on the north side of Hughes Road, 0.5 mile east of Hollenback Road, commonly known as 13889 Hughes Road (PIN# 04-35-100-002), in Fox Township; and

WHEREAS, said property is legally described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 221.0 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 156.5 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 79.75 FEET, THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 24 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 156 FEET; THENCE SOUTH PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 180.50 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 163.11 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 10 SECONDS WEST PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 414.80 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 50 SECONDS WEST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 627.70 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 414.87 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS.

WHEREAS, said property is currently zoned A-1 Agricultural; and

WHEREAS, said petition is to obtain an A-1 Special Use Permit to operate a banquet facility; and

WHEREAS, section 7.01 D.10 stipulates that a banquet facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan; and

WHEREAS, the proposed banquet facility is not located on a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan; and

WHEREAS, the petitioner has sought relief from this requirement by applying for a variance to the required roadway designation; and

WHEREAS, all variance procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Zoning Board of Appeals on May 2,

2016; and

WHEREAS, the findings of fact were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **The property is currently located on a roadway not designated as either an arterial roadway or a major collector roadway.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The requirement for direct access onto an arterial roadway or a major collector roadway is unique only to A-1 Agricultural properties that are to be used as a banquet facility and not a standard requirement for other A-1 Agricultural district uses.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The designation as a non-arterial and non-collector roadway is from the Transportation Plan of the County's Land Resource Management Plan***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The use of the property, and the traffic generated from such use, will not have a negative impact on the roadway. The County Engineer of the Highway Department has stated that Hughes Road is adequate to handle this type of use.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The propose use will generate a relatively low volume of traffic that will typically occur only one day each week and only during the months between May and November. Restrictions have been placed on the controlling special use ordinance to ensure the volume of traffic from the use remains low and that no additional points of access are being sought.***

WHEREAS, the proposed banquet facility meets all other requirements set forth in section 7.01 D.10; and

WHEREAS, all special use procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.J of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on May 2, 2016; and

WHEREAS, the findings of fact were approved as follows:

*That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. **True. The petitioner has submitted a business narrative indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on 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 property is a sufficient distance from nearby residences thereby reducing the amount of adverse impacts from the use. No lighting additional lighting will be added in an effort to minimize negative impacts in the surrounding area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The Health Department is comfortable with the use of portable toilets based on the low intensity of the proposed use. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for banquets will require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The petitioners are seeking a variance with respect to the requirement for direct access onto an arterial roadway or a major collector roadway.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This special use is consistent with the LRMP indicates this property to maintained as agricultural and the primary use of the property will remain as an agricultural operation and residence.

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit with a variance to operate a banquet facility and to allow said banquet facility to be located on a non-arterial and non-major collector roadway in accordance to the submitted Zoning Sketch included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan prior to any event occurring
2. A change of occupancy permit shall be secured prior to any event occurring
3. Events shall occur from May thru the second full week of November
4. The maximum number of patrons for each event shall be limited to 120, including any vendors working on the property for an event
5. No new signage associated with the banquet facility shall be permitted
6. All regulations of the Kendall County Liquor Control Ordinance shall be followed
7. Food shall be provided only by licensed caterers
8. A maximum of two employees, not including employees residing on the property
9. Hours of operation for an event shall be between 8:00am and 11:30pm
10. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access.

11. The banquet facility shall conform to the regulations of the Kendall County Health Department
12. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
13. No additional lighting shall be added unless a photometric and lighting plan has been approved by the PBZ Department
14. Noise regulations are as follows:

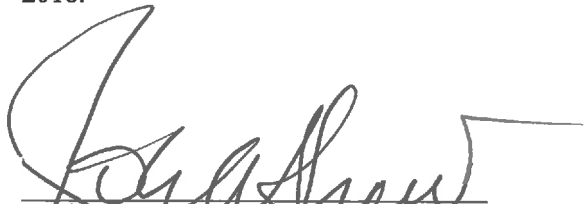
Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of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

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

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17th day of May, 2016.



John A. Shaw
Kendall County Board Chairman

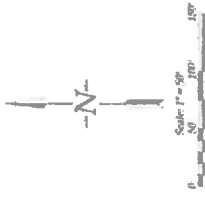
Attest:



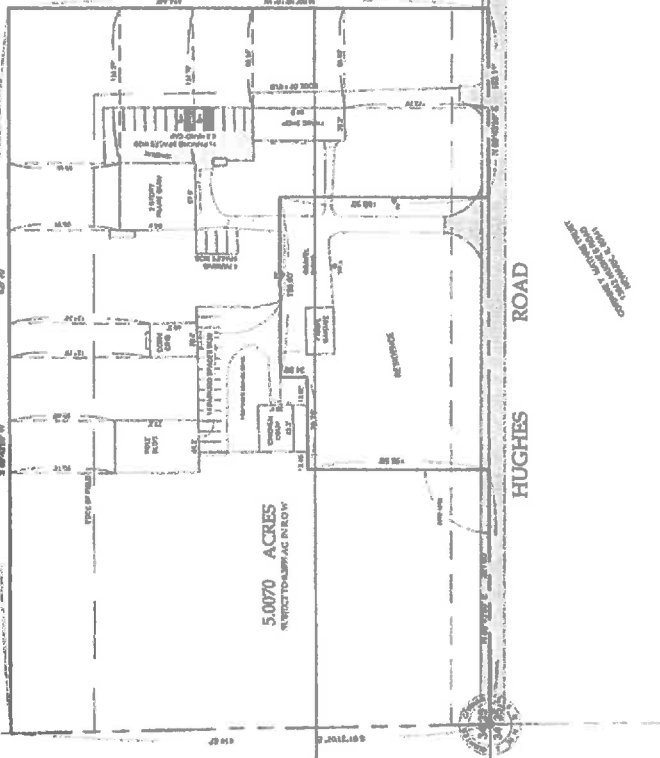
Debbie Gillette
Kendall County Clerk

EXHIBIT "A"

ZONING SKETCH



LEGAL DESCRIPTION
 THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 24 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 222.0 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 79.75 FEET; THENCE EAST PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 24 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 156 FEET; THENCE SOUTH PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 180.50 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS WEST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 87.70 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE SOUTH 10 DEGREES 21 MINUTES 07 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 101.00 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS.



1987 ILLINOIS ROAD
 CONSTRUCTION ACT
 605 ILCS 5/1-2
 605 ILCS 5/1-3
 605 ILCS 5/1-4

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 NO PART OF THIS DOCUMENT
 MAY BE REPRODUCED OR
 TRANSMITTED IN ANY FORM
 OR BY ANY MEANS
 WITHOUT THE WRITTEN
 PERMISSION OF RBAC

RENDERED BY: [Signature]
 STATE OF ILLINOIS
 COUNTY OF KENDALL

THIS IS TO CERTIFY TO THE CLERK OF THE COUNTY AND THE PUBLIC THAT I, [Signature], DEPUTY CLERK OF THE COUNTY OF KENDALL, ILLINOIS, HAVE RECEIVED AND FILED THE ABOVE DESCRIBED ZONING SKETCH AND THAT THE SAME IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE COUNTY OF KENDALL, ILLINOIS. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL AT THE COURTHOUSE IN THE CITY OF KENDALL, ILLINOIS, THIS [Date] DAY OF [Month], 2008.



COPY 1 SENT BY MAIL TO [Name], 1100 N. STATE ST., CHICAGO, IL 60610

REGISTERED PROFESSIONAL LAND SURVEYOR
 REGISTRATION NUMBER 1100 2008

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rbac
RB & ASSOCIATES, INC.
 CONSULTING
 1411 N. STATE STREET
 PLANO, IL 60142
 (800) 552-7432
 www.rb-associates.com