

ORDINANCE NUMBER 2016-08

**GRANTING SPECIAL USE FOR THE PROPERTY AT
10151 LISBON ROAD IN FOX TOWNSHIP**

WHEREAS, Joe Gomoll has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 15.22 acre property located on the west side of Lisbon Road, 300 feet south of Walker Road, commonly known as 10151 Lisbon Road (PIN# 04-25-200-008; 04-25-200-009), in Fox Township; and

WHEREAS, said property is legally described as:

THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTH 01 DEGREES 20 MINUTES 22 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 25, FOR A DISTANCE OF 417.97 FEET; THENCE CONTINUING SOUTH 01 DEGREES 20 MINUTES 22 SECONDS EAST ALONG SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 25, FOR A DISTANCE 302.30 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES 20 MINUTES 22 SECONDS EAST ALONG SAID EAST LINE OF THE NORTHEAST QUARTER OF SECTION 25, FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 56 SECONDS WEST ALONG A LINE BEING PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 405.00 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 22 SECONDS EAST ALONG A LINE BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 57.13 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 56 SECONDS WEST ALONG A LINE BEING PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 85.00 FEET; THENCE NORTH 01 DEGREES 20 MINUTES 22 SECONDS WEST ALONG A LINE BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 123.00 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 56 SECONDS EAST ALONG A LINE BEING PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 85.00 FEET; THENCE SOUTH 01 DEGREES 20 MINUTES 22 SECONDS EAST ALONG A LINE BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 55.86 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 56 SECONDS EAST ALONG A LINE BEING PARALLEL TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 25, FOR A DISTANCE OF 405.00 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 for the production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the sales of ancillary items and products related to crops and products produced on site; 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 31, 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 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 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 allowing a temporary permit for the sale of sweet cider. The portion of the structure that is proposed to be used for retail sales area 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 petitioner has provided a site plan that complies with the requirements for the proposed use.***

*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 and 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 finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit for the production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the sales of ancillary items and products related to crops and products produced on site 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
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured for the portion of the structure that will be used for a retail sales area within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the special use shall be installed
6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider
8. All parking shall be on the property and no parking shall occur within any public roadway right-of-way

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 21st day of June, 2016.



John A. Shaw
Kendall County Board Chairman

Attest:



Debbie Gillette
Kendall County Clerk

