

ORDINANCE NUMBER 2016 - 11

GRANTING A SPECIAL USE AT
9111 ASHLEY ROAD IN KENDALL TOWNSHIP TO OPERATE A BANQUET HALL

WHEREAS, Whitetail Ridge Golf Club, LLC, has filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 17.0 acre property located on the west side of Ashley Road, 1.75 miles south of State Route 126, commonly known as 9111 Ashley Road (PIN# 05-22-200-002), in Kendall Township; and

WHEREAS, said property is legally described as:

THE NORTH 985.0 FEET OF THE EAST 751.82 FEET OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

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

WHEREAS, said petition is to obtain a Special Use Permit to operate a banquet hall; and

WHEREAS, the proposed banquet hall meets the 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 a recommendation by the Special Use Hearing Officer on July 7, 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. The petitioner's proposed use of the property will have a detrimental effect on the nearby property owners. The surrounding properties are rural in nature and as such the proposed use of the property is commercial. The scope of the operation compared to other petitions approved by the County is much larger and would not coexist with the surrounding properties. This will have a negative impact on the quality of life for the property owners in the surrounding area.

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 petitioner's overtures to build a berm and install evergreen trees as well as keeping the open area undeveloped are appreciated. The portion of the property used for the banquet hall, however, is not a sufficient distance from the nearby residences. This will inhibit enjoyment of the surrounding properties. The proposed use will adversely impact the adjacent uses and is not compliant with 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 access roads or points of ingress and

gress are proposed. The petitioner has begun to work with the Health Department to ensure well and septic requirements are met. All food will be catered eliminating the need for a commercial kitchen on the property. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structures that are proposed to be used as part of the banquet use 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 including parking.

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 agricultural character of the property will remain.

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; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use permit to operate a banquet hall in accordance to the submitted plan included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The property shall be developed in substantial compliance with the submitted plan
2. A change of occupancy permit shall be secured for all buildings associated with the banquet hall use prior to events occurring on site
3. The maximum number of patrons for events shall be limited to 225, including any vendors working on the property for an event
4. No alcohol shall be sold at retail on the property and all regulations of the Kendall County Liquor Control Ordinance shall be followed
5. Food shall be provided only by licensed caterers
6. A maximum of eight (8) full time employees are permitted at the subject property during catered events. This restriction shall not apply to catering staff at the subject property.
7. All events shall end no later than 12:00am
8. Lighting shall comply with Section 11 02.F.12 of the Zoning Ordinance
9. Parking reserved for ADA accessibility shall be marked and constructed with a hard surface
10. The banquet hall shall conform to the regulations of the Kendall County Health Department
11. Events consisting of twenty-five (25) patrons or more are permitted to occur not more than sixty (60) days during a calendar year.
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. One (1) non-illuminated sign, either a wall sign or a free-standing sign, shall be permitted on the property and shall comply with the sign requirements of Section 12 of the Kendall County Zoning Ordinance.
14. No music shall occur outside the confines of any structure on the property with the exception of processional and recessional music for a wedding ceremony.

15. The petitioner, and its successors, heirs, and assigns of the property, acknowledge Kendall County's "Right to Farm Clause" which states that Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by A-1 Agricultural zoning. The petitioner, and its successors, heirs, and assigns of the property, acknowledge that they are aware that normal agricultural practices may result in smells, dust, sights, noise, and unique hours of operations that are not typical in other zoning areas.
16. Evergreen trees shall be installed north of the buildings
17. A berm shall be constructed along Ashley Road
18. The petitioner shall submit to the County within sixty (60) days of the approval of this special use ordinance a bond of \$3,000 to ensure the completion of an appraisal of the property located at 9092 Ashley Road. If the property owner at 9092 Ashley Road does not request and complete an appraisal of the property at 9092 Ashley Road within one (1) year of the approval of this special use ordinance, the bond shall be released to the petitioner. If the property located at 9092 Ashley Road is sold within fifteen (15) years of the approval of this special use ordinance at a price less than what is stated in the aforementioned appraisal, the petitioner, and its successors, heirs, and assigns of the property, will financially compensate the property owners of 9092 Ashley Road the difference between the sale price and the appraisal.
19. Noise regulations are as follows:

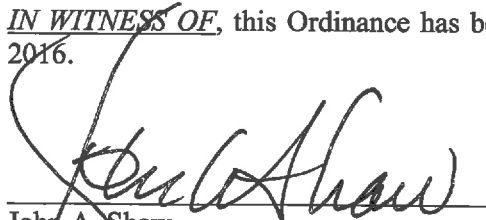
Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of 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 19th day of July, 2016.


John A. Shaw
Kendall County Board Chairman

Attest:


Debbie Gillette
Kendall County Clerk