

ORDINANCE NUMBER 2015 - 11

GRANTING AN A-1 SPECIAL USE AT
4819 Route 52 , MINOOKA
TO OPERATE A FALL FESTIVAL, CORN MAZE, BAKERY, FARM MARKET
AND SIMILAR ACTIVITIES

WHEREAS, Gary and Linda Heap have filed a petition for a Special Use within the A-1 Agricultural Zoning District for a 158.75 acre property located at the northeast corner of Route 52 and Grove Road, commonly known as 4819 Route 52, (PIN # 09-17-100-002), in Seward Township; and

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 fall festival, corn maze, bakery, farm market and similar activities. Such activities may include weddings and receptions, live entertainment, train ride, Christmas tree sales, corporate events, zombie paintball hunt, and indoor and outdoor storage related to these operations.; and

WHEREAS, said property is legally described as:

THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING OUT THE FOLLOWING: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 17, AND RUNNING THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 642.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 90 DEGREES 00 MINUTES EAST ALONG SAID SOUTH LINE OF THE NORTHWEST QUARTER A DISTANCE OF 195.00 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 56 SECONDS EAST ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 17 A DISTANCE OF 278.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES WEST A DISTANCE OF 195.00 FEET; THENCE SOUTH 00 DEGREES 45 MINUTES 56 SECONDS WEST A DISTANCE OF 278.00 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS CONTAINING 1.245 ACRES, MORE OR LESS), IN KENDALL COUNTY, ILLINOIS.

WHEREAS, all 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 June 1, 2015; 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 special use has been in operation since around 2003 and no complaints have been received. They have, and will continue to coordinate any traffic issues with the Kendall County Sheriff's office.***

*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 has been used for this use for some time now and the property in the area is agricultural.***

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A new entrance is proposed to be added on Grove Road which will help reduce traffic issues turning onto and off of Route 52. They are coordinating with the Kendall County Highway Department on this new entrance.

*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 requesting two variances regarding parking but it's in keeping with the agricultural district. Given the seasonal nature of the special use, the first variance waives the requirement to provide lighting of the parking lot. The second variance allows parking to within ten (10') feet of the right-of-way on Grove Road and Route 52. Section 11.0 of the Zoning Ordinance does not allow parking within a required front yard, but given the seasonal nature of this special use parking in the front yard shall be permitted.***

*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 as it shows this corner to be commercial.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the 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; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a banquet hall on their property for special events in accordance to the submitted Description included as “Exhibit A” and the submitted Site Plan included as “Exhibit B” attached hereto and incorporated herein subject to the following conditions:

1. A maximum of 1,500 persons at any one time. If additional attendance is anticipated in the future, the owner shall obtain a minor amendment to the special use to verify that adequate parking and traffic management will be provided.
2. All events must be catered unless approved by the Health Department.
3. Compliance with applicable building codes and Americans with Disabilities Act accessibility provisions and securing of the required permits associated with any proposed remodeling, alteration, construction or expansion of existing and proposed structures on the premises.
4. The ability to commence the operation of a beer garden, winery or any alcohol sales shall only be permitted contingent on approval from Seward Township, the County of Kendall, and any other required licensing body for a liquor license.
5. The Fall Festival and Corn Maze events shall be permitted to exceed six consecutive days in duration.
6. Adequate parking on site shall be provided in such a way that no on-street parking is necessary. Parking shall be setback a minimum of 10’ from the right-of-way of both Route 52 and Grove Road. Four paved handicap parking spaces will be provided near the ticket booth(building #3 on the site plan)
7. The operator shall have adequate waste receptacles and toilet facilities on site as determined and approved by the Department of Health and Human Services
8. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services
9. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
10. Noise levels must comply with the Kendall County Noise Ordinance 13-18 (residential noise requirements in the ordinance shall apply to this special use).
11. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff’s Office.
12. Events will be throughout the year and not held to any consecutive day standard.
13. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted.
14. All signage shall comply with Section 12.00 of the Zoning Ordinance

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 on June 16, 2015.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman