

ORDINANCE NUMBER 2013 - 07

GRANTING SPECIAL USE FOR
10842 ASHLEY ROAD
ANGELS SHARE DISTILLING LLC

WHEREAS, Boyd Ingemunson & Jason Leslie d//b//a as Three Angels Brewing, LLC & Angels Share Distilling LLC have filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 40 acre property located at the northeast corner of Ashley Road and Caton Farm Road commonly known as 10842 Ashley Road, (PIN# 05-26-300-002), in Kendall Township, owned by Patrick Harbour; and

WHEREAS, said petition is to amend their existing special use permit to operate a micro distillery/ craft distillery, have a tasting room and allow retail sales on site; and

WHEREAS, said property is currently zoned A-1 Agricultural with two existing Special Uses for a living quarters for an on-site agricultural employee granted on September 21, 2004 as Ordinance #2004-25 and for the operation of a nano brewery granted on November 15, 2011 as Ordinance #2011-30; and

WHEREAS, said special uses will continue on the property; and

WHEREAS, said 40 acre property is legally described as:

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 26, TOWNSHIP 36 NORTH,
RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL TOWNSHIP,
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, and recommendation for approval by the Special Use Hearing Officer on February 21, 2013; and

WHEREAS, the findings of fact were approved as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a **special use**. Staff has answered 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 craft distillery will take place in a barn on a large piece of property and limited to the number of hours they can be open. It shall not 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 entire operation will take place within an existing barn and should not be visible to other properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Ashley Road which has a mechanical gate which will be closed unless the operation is open. The petitioner has been working with the County Health Department and also working on acquiring a liquor license for the property. All required rules and regulations must be followed.

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. A building permit will be required for improvements and remodeling that occurs within the existing structure. Any configurations to the structure may be subject to required improvements at the discretion of the Bristol-Kendall Fire Protection District. A liquor license will be required for the manufacturing and selling of spirits.

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. The review and action to be taken on the special use petition will coincide with a proposed text amendment (Petition 13-04) that will permit craft/micro distilleries as a special use in the A-1 District. The special use proposal will comply with all proposed conditions attached to the proposed text amendment.

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 micro distillery/ craft distillery, have a tasting room and allow retail sales on site subject to the following conditions:

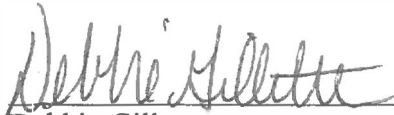
1. Must meet all the conditions of the text amendment:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. Locally grown inputs shall be used to the greatest extent possible
 - c. The number of hours permitted to operate shall be on the approving ordinance.
 - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.

- e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - f. Shall contact & meet all requirements of the Kendall County Health Department.
 - g. A waste management plan should be submitted to the Kendall County Health Department
2. Hours for the public must be closed by 9pm.
 3. Maximum amount of 50 vehicles to be parked on site at one time.

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 March 7, 2013.

Attest:



Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman