

ORDINANCE NUMBER 2009 - 18

**GRANTING A SPECIAL USE for a
Farm Market, Garden Shop, Bakery, Winery, Corn Maze & Fall Festival to
KELLER FARMS**

WHEREAS, The Keller Family has filed a petition for a Special Use within the A-1 Agricultural Zoning District for the operation of a farm market and garden shop pursuant to Section 7.01.D.25 (Special Uses-Retail sales yards for agricultural products not grown on the premises) of the Kendall County Zoning Ordinance; a bakery pursuant to Section 7.01.D.23 (Special Uses-Bakeries) of the Kendall County Zoning Ordinance; a corn maze and fall festival pursuant to Section 7.01.E.3 (Conditional Uses-Corn Mazes) of the Kendall County Zoning Ordinance; a winery pursuant to Section 7.01.D.23 (Special Uses – Production of wine) of the Kendall County Zoning Ordinance for a 360 acre property located at the southeast corner of Schlapp Road and Johnson Road, commonly known as 7426 Schlapp Road (PIN# 06-10-100-003; 06-10-100-005; 06-10-100-005; 06-10-200-006), in Na-Au-Say Township, as legally described in “Exhibit A”; and

WHEREAS, said petition is to allow the operation of a farm market, garden shop, bakery, winery, corn maze, and fall festival; and

WHEREAS, the Kendall County Regional Plan Commission has recommended approval for the amount of proposed parking stalls, 346, for the site to accommodate the proposed operation; and

WHEREAS, the Kendall County Regional Plan Commission has recommended approval for the absence of lighting for the parking area as required in Section 11.02.F.12 of the Zoning Ordinance; and

WHEREAS, the Kendall County Regional Plan Commission has recommended approval for the parking area to be improved with a gravel and grass surface instead of a hard surface however, all handicapped accessible stalls shall be improved with a hard surface as required in Section 11.02.F.2; and

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 May 26, 2009; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, the special use shall be treated as a covenant running with the owners and its heirs; and

WHEREAS, any minor change or modification to the Special Use that does not modify the original intent, purpose, or need for the Special Use, shall be submitted to and reviewed by the Planning,

Building, & Zoning Department who shall forward the request for change or modification to the Planning, Building & Zoning Committee. The Committee may return the matter to ZPAC and/or Plan Commission for further consideration and findings or forward the matter to the full County Board to grant, deny, or return the requested change or modification to the Committee for further consideration and findings, and


NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit per section § 7.01.D.25 (A-1 Special Uses- Retail sales yards for agricultural products not grown on the premises); 7.01.D.23 (Special Uses-Bakeries, Winery); 7.01.E.3 (Conditional Uses-Corn Mazes) to permit the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Group Exhibit "B" attached hereto and incorporated herein, subject to the following conditions:

1. The above recitals are incorporated herein by reference.
2. All existing structures that will be used for any facet of the operation will need a change of occupancy permit.
3. Any new structures will require a building permit.
4. All structures to be used for public use must comply with the 2006 IBC, 2006 International Mechanical Code, 2005 National Electrical Code, Illinois State Plumbing Code, and the Illinois Accessibility Code. Compliance shall be met prior to the release of any Occupancy Permit.
5. A Site Development permit will be required prior to the construction of the parking area
6. Stormwater management shall be designed to incorporate BMPs and green infrastructure
7. The ability to commence the operation of the winery shall only be permitted contingent on approval from Na-Au-Say Township, the County of Kendall, and any other required licensing body for a liquor license.
8. The Fall Festival and Corn Maze events shall be permitted to exceed six consecutive days in duration.

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

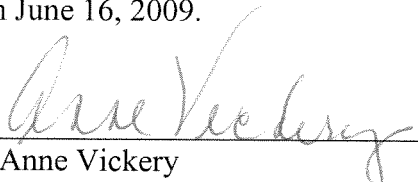
IN WITNESS OF, this ordinance has been enacted on June 16, 2009.

Attest:



Debbie Gillette

Kendall County Clerk



Anne Vickery
Kendall County Board Chairman

