GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY AND A VARIANCE TO SECTION 7.01.D.10.A OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW A BANQUET FACILITY TO BE LOCATED OFF OF A NON-ARTERIAL OR NON-MAJOR COLLECTOR ROADWAY FOR A 10.0 ACRE +/- PARCEL LOCATED IN THE 5100 BLOCK OF SCHLAPP ROAD ON THE EAST SIDE OF SCHLAPP ROAD APPROXIMATELY 0.48 MILES SOUTH OF PLAINFIELD ROAD ON THE SOUTH TEN ACRES OF THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 03-34-100-024 IN OSWEGO TOWNSHIP

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variations and place conditions on variations and provides the procedure through which variations are granted; and

WHEREAS, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.10.a of the Kendall County Zoning Ordinance requires banquet facilities located in the A-1 Agricultural Zoning District to have direct access to an arterial roadway or major collector road as defined in the Land Resource Management Plan; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 10.0 acres located on the east side of Schlapp Road approximately 0.48 miles south of Plainfield Road (PIN: 03-34-100-024) in Oswego Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Specialty Oswego, LLC and Stuart and Paula Weihler are under contract to purchase the property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about December 21, 2018, Petitioner filed a petition for a Special Use Permit allowing the operation of a banquet facility at the subject property and a variance to Sections 7.01.D.10.a of the Kendall County Zoning Ordinance; and

WHEREAS, following due and proper notice by publication in the Beacon News not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on January 28, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s attorney presented evidence, testimony, and exhibits in support of the requested special use permit and variance and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit and variance with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated January 28, 2019, a true and correct copy of which is attached hereto as Exhibit B; and
WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit and variance with conditions; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.

2. The Kendall County Board hereby grants approval of Petitioner’s petition for a special use permit and variance allowing the operation of a banquet facility on the subject property subject to the following conditions:

   A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, the attached landscaping plan attached hereto as Exhibit D, and the attached lighting plan attached hereto as Exhibit E. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition B. Trees shall be a minimum five feet (5’) in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such location as to provide a complete screening within five (5) years of approval of this ordinance.

   B. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50’) as measured from the centerline of Schlapp Road.

   C. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.

   D. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.

   E. The subject parcel must maintain a minimum of five (5) acres.

   F. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

   G. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting
will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held.

H. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated.

I. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.

J. The 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.

K. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.

L. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional two (2) hours after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term “weekend” shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term “weekday” shall mean the other days of the week not included in the definition of “weekend.”

M. A new certificate of occupancy must be issued for all buildings.

N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County’s Right to Farm Clause.

O. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.

P. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road.

Q. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30’) strip of wild flowers and prairie grasses along the entire eastern property line.

R. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect “No Trespassing” signs near the eastern property line.
S. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

T. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.

U. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19th day of February, 2019.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder
Exhibit A

Legal Description

That Part of the Northwest Quarter of Section 34, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Northwest Quarter; thence Easterly, along the South Line of said Northwest Quarter, 660.0 feet; thence Northeasterly along a line which forms an angle of 116°06'03" with the last described course, measured clockwise therefrom, (said Northeasterly Line which if extended would intersect the North Line of said Northwest Quarter at a point which is 660.0 feet Westerly of the Northeast Corner of said Northwest Quarter), 609.24 feet; thence Westerly, parallel with the South Line of said Northwest Quarter, 932.37 feet to the West Line of said Northwest Quarter; thence Southerly, along said West Line, 547.13 feet to the point of beginning in Oswego Township, Kendall County, Illinois.
FINDINGS OF FACT-SPECIAL USE

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Petitioners plan to seek a variance from the Oswego Fire Protection District for sprinkler requirements. The Petitioners are agreeable to dedicating land for Schlapp Road right-of-way. The Kendall County Sheriff's Department has not submitted comments expressing concerns for public health and safety.

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 proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.

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 Zoning Board of Appeals. Provided that the variance is approved regarding distance to arterial and collector roads, the special use would conform to the applicable regulations of the district.

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. True, the proposed use in consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective “Encourage Agriculture and Agribusiness.”

FINDINGS OF FACT-VARIANCE

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The proposed banquet facility is approximately one half (1/2) mile from an arterial or major collector (Plainfield Road). In 2018, the County granted a similar variance for a banquet facility located approximately one point two (1.2) miles from an arterial roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns. The specific number of properties sharing similar characteristics is unknown.
Exhibit B

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners created the hardship by desiring to have a banquet facility at the subject property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff’s Department, Oswego Township, and the Oswego Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood provided the right-of-way dedication occurs and provided that the Petitioners secure applicable variances from the Oswego Fire Protection District.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.

RECOMMENDATION
The Kendall Zoning Board of Appeals unanimously recommends approval of the special use permit and variance subject to the following conditions and restrictions.

1. The site shall be developed substantially in accordance with the attached site plan, landscaping plan, and lighting plan. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition 2.

2. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.

3. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.

4. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.

5. The subject parcel must maintain a minimum of five (5) acres.

6. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)

7. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held. (Second and third sentences added at RPC.)

8. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated. (Signage size could be clarified.)

9. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
10. The 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.

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11. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.

12. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional one (1) hour after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend." (Petitioners will request additional hour from Planning, Building and Zoning Committee.)

13. A new certificate of occupancy must be issued for all buildings.

14. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County’s Right to Farm Clause.

15. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.

16. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road. (Added by ZBA)

17. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line. (Added by ZBA)

18. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line. (Added by ZBA)

19. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.

20. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.

21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
ARIELA™ 18 Architectural LED Area Luminaire
AR18 M2 Series Specification Data Sheet

Luminaire Data

| Weight | 24 lbs [10.9 kg] |
| EPA    | 0.55 ft² |

Ordering Information

Sample Catalog No. AR18 20M2 MV NW 3 DB 700 HSS

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Notes:
1. Black, Dark Bronze, White, Gray, or Natural Aluminum standard. Consult factory for other finishes.
2. Specified drive current is the factory set maximum drive current. Field adjustable current selector enables standard dimming to lower wattage drive currents only. Consult factory if wattage limits require a special drive current.
3. Flush mounted shield factory installed, also available for field installation. House Side Shield cuts light off at 1/2 mounting height behind luminaire.
4. Non-field adjustable drive current. Specify 350mA, 530mA or 700mA setting.
5. The FFA option enables full field adjustability from the specified drive current code to all drive currents available. This option is not DLC qualified.
6. Field adjustable current selector included to enable standard dimming to lower wattage drive currents only. Field changeable connectors included to enable connection to PCR7 (wireless node dimming is disabled by default).
7. Control-ready wired at factory for wireless node dimming. Supplied at maximum drive current. If lower drive current is required, consult factory.
8. Motion Sensor available with MV or HV. See L7 or L3 Lens coverage details on page 5. Consult factory for MS specified with ANSI 7-wire Photocontrol Receptacle. PCR option is required for On/Off control using light detection.
10. Specify Color (GY, DB, BK, WH, NA)
11. Specify MV (120-277V) or HV (347V or 480V)

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**Housing**
Die cast aluminum housing with universal mounting design allows for attachment to existing pole without re-drilling for retrofit applications. Aluminum housing provides passive heat-sinking of the LEDs and has upper surfaces that shed precipitation. Mounting provisions meet 3G vibration per ANSI C136.31-2010 Normal Application, Bridge & Overpass. Electrical components are accessed without tools and are mounted on removable power door.

**Light Emitting Diodes**
Hi-flux/Hi-power white LEDs produce a minimum of 90% of initial intensity at 100,000 hours of life based on IES TM-21. LEDs are tested in accordance with IES LM-80 testing procedures. LEDs have correlated color temperature of 3000K (WW), 4000K (NW), or 5000K (CW) and 70 CRI minimum. LEDs are 100% mercury and lead free.

**Field Adjustability**
LED drive current can be changed in the field to adjust light output for local conditions (not available with PCR7-CR option). The specified drive current code will be the factory set maximum drive current and field adjustments can only be made to available lower wattage drive currents. Select the FFA option if full field adjustability to all available drive currents (700mA max) is desired. The FFA option is not DLC qualified.

**Quality Control**
Every luminaire is performance tested before and after a 2-hour burn-in period. Assembled in the USA.

**Optical Systems**
Micro-lens optical systems produce IESNA Type 2, Type 3, Type 4 or Type 5 distributions and are fully sealed to maintain an IP66 rating. Luminaire produces 0% total lumens above 90° (BUG Rating, U=0). Optional house side shield (HSS) cuts light off at 1/2 mounting height behind luminaire. Optics may be rotated right or left with options ORR/ORL, respectively.

**Electrical**
Rated life of electrical components is 100,000 hours. Uses isolated power supply that is 1-10V dimmable. Power supply is wired with quick-disconnect terminals. Power supply features a minimum power factor of .90 and <20% Total Harmonic Distortion (THD). EMC meets or exceeds FCC CFR Part 15. Terminal block accommodates 6 to 14 gauge wire. Surge protection complies with IEEE/ANSI C62.41 Category C High, 20kV/10kA and ANSI C136.2-2015, 20kV/10kA.

**Controls**
3-Wire photocontrol receptacle (PCR) is available. ANSI C136.41 or 7-wire (PCR7) photocontrol receptacles are available. All photocontrol receptacles have tool-less rotatable bases. Wireless control module is provided by others.

**Finish**
Housing receives a fade and abrasion resistant polyester powder coat finish with 3.0 mil nominal thickness. Finish tested to withstand 5000 hours in salt spray exposure per ASTM B117. Finish meets scribe creepage rating 8 per ASTM D1654. Finish tested 500 hours in UV exposure per ASTM G154 and meets ASTM D523 gloss retention.

**Listings/Ratings/Labels**
Luminaires are UL listed for use in wet locations in the United States and Canada. DesignLights Consortium™ qualified product. Consult DLC QPL for Standard and Premium Classification Listings. International Dark Sky Association listed. Luminaire is qualified to operate at ambient temperatures of -40°C to 40°C.

**Photometry**
Luminaires photometrics are tested by certified independent testing laboratories in accordance with IES LM-79 testing procedures.

**Warranty**
10-year limited warranty is standard on luminaire and components. 5-year limited warranty on luminaires and components with a motion sensor.

**Standards**
Luminaire complies with:
- Other: FCC 47 CFR, IEC 60598, ROHS II, UL 1449, UL 1598

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### Performance Data 3000K (WW)

All data nominal. IES files are available at leotek.com.

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**Notes:**

1. Normal tolerance ± 10% due to factors including distribution type, LED bin variance, driver variance, and ambient temperatures.

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