CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the February 2, 2015 Special use Hearing Officer Meeting

PETITIONS:

1. 15-02 Peter & Laurie Pasteris
   Request  A-1 Special Use
   Location  1998 Johnson Road, Oswego
   Purpose  Request an A-1 Special Use to hold special events/banquet hall on their property

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
14-39 River’s Edge Fellowship - Passed by County Board on 2.17.15
14-42 Sybert Landscaping - Passed by County Board on 2.17.15 (site plan changed)

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER– Next meeting on April 27, 2015
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
February 2, 2015 – 7:00 p.m.

CALL TO ORDER - SPECIAL USE HEARING OFFICER
At 7:00 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich
In the audience: Frank Johnson, John Gallo, Andrew Sybert, C.W. & Brenda Dickey, David Dickinson, William Richards, John & Geri Ryan, Bob Moser, William & Priscilla Richards, Kevin Mehnert & Tom and Sandy Rohrbacher
Did not sign in: Patti Kraus, Carey & Janet Porter & James Manzo

MINUTES
Wally Werderich motioned to approve the September 29, 2014 Special Use Hearing Officer Meeting minutes as written.

Chairman Werderich introduced himself and explained how the meeting will be conducted. He then swore in all members of the audience that wished to talk about the special uses.

PETITIONS
#14-39 River’s Edge Fellowship
Planner Zubko stated the River’s Edge Fellowship is requesting approval of a B-3 special use permit for a place of worship and other related uses. This would be located between the Dollar General and the liquor store in the Boulder Hill Marketplace on Boulder Hill Pass just east of Route 25. They would be operating out of a 4,800 square foot location in the strip mall. The parking lot already exists and should be sufficient for the uses in the complex and the use would fit in with the uses in the area. River’s Edge currently holds Sunday services at 9:30am and Wednesday Bible Studies at 6:30pm. They are a congregation of approximately fifty people with the desire to grow to a maximum of one hundred people. They also do limited community outreach events such as feeding the poor and needy, supporting other local ministries, partnering with other area churches for broader outreach and service events and in the future possibly host a Boulder Hill food pantry as well as a safe haven for transients during the day. Staff recommends approval of the special use and to add one condition onto the approving ordinance which is that the special use runs with the tenant and not with the land.

The ZPAC Committee had no objections and recommended approval. This is the same location where the YARN Foundation was but that also ran with the tenant so once they left the special use left. The Plan Commission recommended approval and no one in the audience voiced any concerns. Frank Johnson, the pastor is in attendance if there are any questions or comments.

Frank Johnson introduced himself and didn’t have anything to add.
Mr. Werderich asked where the group currently meets which is the civic center. Mr. Werderich asked how they picked this location. Mr. Johnson has been looking for a property for awhile and once the YARN Foundation moved out he approached the property owner.

Mr. Walter Werderich opened up the public hearing to the audience members.

With no testimony Walter Werderich closed the public hearing.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows: § 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The Petitioner 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. We believe the presence of River’s Edge Fellowship would help improve the public health, safety, comfort and general welfare of the Boulder Hill 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. Our desire, by being present in the Boulder Hill market, would be to not hinder or disrupt any business, office or residence but to be a benefit to all. We feel that fuller occupancy of the center would increase the traffic flow for existing businesses as well as increase the property value as a whole.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is an existing shopping/professional center therefore all these considerations are already in place.

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. We wholeheartedly agree to adhere to and respect all applicable regulations.

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 permit will be consistent with the uses in the strip center.

Wally Werderich made a favorable recommendation with the above findings of fact and the 1 condition that staff has recommended. This will be moved onto the PBZ Committee next Monday at 6:30pm.
#14-42 Sybert Landscaping

Planner Zubko stated Sybert Landscaping is requesting approval of an A-1 special use permit to operate a landscape business with outdoor storage of vehicles, equipment and bulk materials associated with a landscape business. The applicant will be living in the house on the property. This property is for sale right now and the sale is contingent on the special use zoning. The property is located at 655 Woolley Road and is on the north side of Woolley Road, 0.15 miles west of Stewart Road. All the buildings exist and they do not plan on any new structures or buildings; they did get approval from the township in November as the petitioner needed permission from the road commission to have this type of business on a minor roadway. The township road commission recommended approval for the petitioners to apply with three conditions: no retail sales allowed on site, no vehicle with GVWR over 36,000 lbs. & no loading or landscape equipment between the hours of 9pm to 6am. The township does not need to hear the petition again so they’re all set with the township. During ZPAC it was asked why the township put a weight restriction since all roadways have a limit of 80,000 lbs so they deleted that condition. Sybert landscaping is a small family-owned and operated lawn care and landscaping company with no retail sales nor does it meet with its customers at its location. The business currently operates out of Romeoville, Illinois. If they acquire this site and special use the operation will move from Romeoville but the offices will stay out in Romeoville. The applicant’s parents started the company in 1979 and the applicant is the manager of the business. They employ about 6 employees including the applicant, two foremen and three laborers. The crews all ride together in two vehicles to work every day. The work force arrives at 7am; load company trucks and disperse to job sites returning at the end of the day. The hours of operation are from 7am to 5:30pm Monday through Friday with an occasional Saturday. They operate from mid April through mid November doing lawn service and then from November through March the trucks are placed offsite and stored on their snow plot lots. There is plenty of room on the north side of the lot for parking and storage of vehicles. They also propose a 6’ fence to enclose all the equipment and the proposed 6’ berm by the landscape materials has been eliminated due to the neighbors’ opposition. The water currently drains west. There were many concerns about drainage so the petitioner stated he would add a pond to capture some of the water and slowly release it naturally but the neighbors opposed that idea so the petitioner will not be putting in a pond. The petitioner does propose to haul away their landscape waste but we did put a condition if they do bring waste back to the site they can only have a limit of 1 semi load. At the last meeting we discussed waste and typically if the waste is not dropped off at the end of the day to a recycling facility it will come back to the site but stay in the truck. The only time it will be dumped on site is if it rains and they exceed the weight capacity but if that happens it definitely will be gone within a week. Staff will also place a condition that no landscape waste generated off the property can be burned on this site. The petitioners have stated the main route to their clients will be east on Woolley Road, South on Stewart Road, east on 119th Street to reach Route 30. This would be the main route in and out of this location to reduce the amount of traffic. No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. The property currently has an access point off of Woolley Road which would remain the same. Staff would like to point out this is Sybert landscaping and not Siebert landscaping which is a much larger company. Staff is of the opinion this use fits in with the activities taking place near this site and also is of the opinion there could be much worse neighbors then a landscape business on this site. Staff will not make a recommendation at this time to hear if any other concerns are brought up at the public hearing, however if approved staff would recommend the following conditions be placed on the special use:

1. No landscape waste generated off the property can be burned on this site.
2. No loading or unloading of landscape equipment between the hours of 9pm and 6am.
3. No retail sales/business allowed on site.
4. Restrict the amount of landscape waste that could be stored on site at any one time on the ground to 1 semi load. That 1 semi load must be removed within 1 week. Landscape waste can be contained in the bed of a truck but also must be removed within 1 week.
5. The fence must be installed within 6 months of the approval date of the special use.

The Plan Commission had about 15 people in attendance in which 8 people spoke opposing the special use. Their main concerns were water drainage, grading, landscape waste, rodents, traffic, property values, chemicals, pesticides, pollution, water draining into the ephemeral pond, dust, fuel storage, expansion of the business and the fact that a business is going into a horse community. The Plan Commission recommended denial with a 2-3 vote. The 3 no votes were due to drainage concerns, concerns about overland drainage as well as grading. Also they felt the use as described is too intense for a 3 acre lot. This was a private airstrip at one time and the Pheasant Drive homes are what caused the water issues. One member had mixed feelings since there is a nursery nearby but feels this is too intense. The last no vote agreed with the others that maybe the trend is becoming more business-like and it would be more suited as a one or two employee operation and not this type of use in a quasi-residential area, it’s too intense and there could be traffic issues.

John Gallo introduced himself and Andy Sybert. Mr. Gallo stated they have a few things to present, he stated Andy would reside in the home with their family and the northern section would be fenced in and used for the business. The ZPAC and staff recommended approval with some conditions which his client agrees with. Also the township recommended approval. Last week was the Plan Commission which was the first time the neighbors could voice their concerns, there are some items his client cannot address but feels they have addressed most of the concerns. They are not required to do a detention pond and will not put one in. They will add just a little gravel to park the trucks but do not plan to affect the overland drainage. They will put a 6’ fence all the way around the perimeter of the northern part of the property. They have addressed the waste issue and added the condition it will be removed within a week. Some other concerns with chemicals, fuel tanks and pesticides they will comply with the A-1 Agricultural district rules. He handed in a map showing the A-1 agricultural zoning lots and where special uses were in the surrounding property. The current owners ran a business on this site until 2006 and stored the amusement rides at this site and on the weekends have 20-30 employees going in and out all weekend long. Next door to the east is a towing company, Rocket Towing and the overhead shows there are tow trucks and a fenced in area where they store vehicles and some additional vehicles. Abutting the property is a business called R & M Oswego Landscaping Inc. they operate a nursery and landscape business and have some pictures of that property with bulk storage, trucks parked on the property and fuel tanks. The next business is north of the property which is Arborville Turf and Landscaping which is a landscape business as well. They have their website and registration and pictures of their business which storage of equipment, trailers with no fencing. The next business is east of this property, South Pacific Drywall Company with pictures of their trucks. Harmony Hills Equestrian is a special use for their business and Prairie Equestrian which is west with fuel tanks, piles of manure surrounding their business and no screening of their property as well. Based upon the proposed special use this is a lot less intensive and fits in with the other businesses in the area. There could be more, this is just what the petitioner has observed in the last week.

Mr. Werderich asked what the daily operation would look like. Mr. Sybert introduced himself and gave a little background of the business and went over a daily day. They come in at 7am, gone by 7:15am till about 4:30-5pm every day. They load all the equipment the night before or the morning. During winter the plows are left
on the plow sites, the employees will not come to this site. Mr. Werderich asked about their equipment. Mr. Sybert stated everything is inside trailers so not left outside. Mr. Werderich asked at this site what is brought to the property and taken from the property. Mr. Sybert stated typically they will go grab the mowers and lawn clippings are brought back to the property but kept on the site. Nursery stock is bought the night before but left on the trailers. Sometimes mulch is delivered directly to the site. Mr. Werderich asked about chemicals and water run-off. Mr. Sybert stated he tries to keep as much as possible organic. If chemicals are on site it would be inside the trailers. Mr. Werderich asked about the traffic impact. Mr. Sybert stated 2 trucks with 2 trailers which leave once in the morning and come back at night.

Mr. Walter Werderich opened up the public hearing to the audience members.

Tom Rohrbacker stated 33 years ago this was horse country and there are two horse barns nearby worth a lot of money. The neighbors have stated they complained and the County did not do anything with regards to some businesses nearby. He is of the opinion a retention pond is useless on 3 acres.

William Richards have a few questions, Mr. Gallo stated this is a small business not associated with Siebert landscaping but the Sybert website states they have over 100 contracts, toll way mowing, Homer Glen mowing, Romeoville vacant lots and a 25 acre housing development. If this is a small business, that’s a lot of contracts. Arborville Turf and landscaping is out of business and the equipment is for sale. Arborville operated for 21 years at this site. EPA will get involved with the yard waste. The water is running from the west to the south.

Janet Porter lives closest to the property in question and closest to the business. Her backyard floods and her family plays in the yard and the business will be right next door. She is not comfortable with the business there and the noise it will produce, items being delivered, etc. She asked about storage of chemicals and if they are in the trailers will that leak. She also has some pictures of her property and how big that ephemeral pond gets. Lights from the trucks and noise are her concern. The other business’ have buffers around them and not up to the property line. She showed Mr. Werderich her pictures from her home. She asked the petitioner who is buying the property and what the special use permit is for. The petitioners have stated the business will run with the owners and not stay with the property. This will be stated if the special use is approved.

Pricilla Richards opposing this special use for a couple reasons: storage of materials outside. She is against having a berm and the amount of fill that would be brought in to build a berm. The berm will also alter the flow of drainage. A lot of traffic and weight will destroy the roadways, can be combustible at anytime, the waste will have a bad smell, who will monitor the amount of waste on the site at one time? Also having waste on the property will bring rodents, mosquitoes or varmints which could be a hazard to the public. She opposes this special use permit as it will be a health risk, be detrimental to the health of local residents, impair property values, will be a heavy burden on the access roads, traffic could be a potential safety hazard, and will diminish the residents’ enjoyment of their properties. Mr. Gallo clarified there is no inside storage and there is no berm being requested anymore. Mrs. Richards stated with regards to Rocket Towing they only have 1 employee and Arborville is being sold and has a part time employee.
James Manzo would like to talk on behalf of the neighbors. There are other business’ but are not making it a special use permit, they live on the property. The special permit gives the neighbors a right to speak about the use. Maybe in a couple years he has 20-30 employees which is a concern.

Robert Moser lives to the northeast of this property. He would like to see the equipment in a building and thinks more property is needed to run this business. He is of the opinion it’s hurting the neighborhood and property values.

David Dickinson asked about the conditions for a special use permit, who’s going to make sure they’re adhered to and followed. His other concern is about paving for the parking of the trucks and what will be done about leakage to make sure it won’t leak into the ground water. Mr. Gallo stated Mr. Sybert repairs his trucks regularly.

Kevin Mehnert has a few questions, today it is 6 employees but what are the plans for growth? Mr. Sybert stated in 5-10 years he doesn’t plan on getting large. He does have 4 kids that get on the bus at 7:05 so has some worries about equipment and the safety of his children. Also how can he guarantee the character of the employees. The last is about property values and if there is any potential to devalue the properties in the area. Mr. Sybert stated with respect to safety that is paramount for his crew and pushes that trait on his employees. His employees have been there for 15 years, 17 years and 2 that are 3-4 years so they’ve been long term employees and screen the employees.

Patti Kraus lives on Pheasant drive and have two issues, of the three acres they are using about 1 acre for the business. She would like to see this in an industrial area.

Carry Porter lives north of this property, his concern is the ability to expand past what he is proposing. With bulk storage typically there is a skid steer that operates on the property and that would be a concern with noise. They would like to cap the number of employees.

John Ryan would like to clarify that there are 2 horse businesses in the area but Harmony Hills is on 10 acres and Grand Prairie is on 32 acres.

Tom Rohrbacker thinks if he is offered more business they will not turn it down.

Geri Ryan asked what kind of mulch will be stored there.

Mr. Richards stated there is nothing about fuel storage. Mr. Werderich stated in the presentation today he will abide by A-1 regulations.

With no further testimony Walter Werderich closed the public hearing.

Mr. Gallo will try to make this brief, since the last meeting most items have been addressed, going through some of the comments it is horse country but they are A-1. The other business’ claim there is only 1 employee but not sure if that’s true. All of the waste is recycled so there should be no EPA issues. Storage outside is being requested; the berm is out, the weight limits are permitted by the township. They wanted to do the right thing by applying for the special use and not waiting for complaints like some businesses may have done.
They agree to the five conditions and all special use permits come with conditions which is how the staff and County can keep track on how to comply with the ordinances. Mr. Sybert stated the mulch will be a recycled material and will smell like horse manure or burnt wood and dissipates within a couple days and done.

Mr. Werderich thanked everyone for coming.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:
§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The Petitioner 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 current uses of the subject property include a residence; an amusement rides business and outdoor storage. The special use permit will allow for a landscaping business to operate on the subject property. Considering the existing uses, the special use will be detrimental to and endanger the public health, safety, morals, comfort or general welfare. This is a 3 acre property and in an area that is quasi-residential use and this use will right next to a residential area. The current property does not comply with not being detrimental.

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 subject property is surrounded by farmland and property used both as a residence and as a commercial business. The petitioners will be using the property as a residence and as a landscaping business which is compatible with agricultural farming. The zoning classification with the general area is still agricultural.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. All the utilities, access roads and drainage already exist for this site.

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 buildings already exist and the petitioner is not requesting any variances.

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 permit will not be consistent with the County’s LRMP in that the subject property will be used in a more intense nature with the surrounding properties.

Wally Werderich made an unfavorable recommendation with the above findings of fact. This will move onto the next PBZ meeting on Monday, February 9th at 6:30pm.
We'll take a 2 minute break.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**
14-23 DTG Investments LLC- Passed by County Board on 10.7.14
14-26 Critter Care- Passed by County Board on 10.21.14

**NEW BUSINESS/OLD BUSINESS**
Review and approve 2015 meeting dates- Walter Werderich made a motion to approve the meeting dates for 2015 except he will be absent on March 30th.

**ADJOURNMENT**- Next meeting will be on March 2, 2015. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 8:28 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
15-02
Peter & Laurie Pasteris
A-1 Special Use

SITE INFORMATION

PETITIONERS
Peter & Laurie Pasteris

LOCATION
1998 Johnson Road, Oswego; on the south side of Johnson Road, 1 mile east of Schlapp Road, 1.45 miles west of Ridge Road

TOWNSHIP
NaAuSay Township

PARCEL #
06-11-100-004 & 06-11-100-008

SIZE
12.5 Acres

EXISTING LAND USE
Farmhouse, pasture & farmland

ZONING
A-1 Agricultural

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<td>Roads</td>
<td>Johnson Road is a minor collector roadway</td>
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<tr>
<td>Trails</td>
<td>There is a trail proposed along the south side of the roadway. Please contact Plainfield for dedication request.</td>
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<tr>
<td>Floodplain/Wetlands</td>
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REQUESTED ACTION
Approval of an A-1 Special Use Permit to operate a banquet hall on their property for special events.

APPLICABLE REGULATIONS
§7.01.D.42 (A-1 Agricultural Special Uses- Veterinary Establishment)
§11.01 (Parking Regulations)
§12.08 (Agricultural Sign Regulations)
§13.08 (Special Uses)
SURROUNDING LAND USE

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PHYSICAL DATA

ENDANGERED SPECIES REPORT The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

NATURAL RESOURCES INVENTORY An executive summary will be provided since there are future buildings proposed.

ACTION SUMMARY

TOWNSHIP (NaAuSay) The township Plan Commission met March 12, 2015 and received an unanimous vote in favor of the project. They appeared at the March 16, 2015 Township Board meeting and received a unanimous approval.

MUNICIPALITY (Plainfield) Sent to Plainfield on 2.20.15, have not heard back.

ZPAC 3.3.15 The petitioner was requested to contact the Fire Protection District to make sure they do not have concerns; the Sheriff's office had some safety and noise concerns. A couple conditions have been added and they committee recommended approval.

RPC 3.25.15 The Plan Commission recommended approval and there was discussion this will be a low impact use not utilized every weekend.

REQUESTED ACTION

GENERAL Approval of an A-1 Special Use Permit to operate a banquet hall on their property for special events. According to our Zoning Ordinance:

Banquet Halls are permitted subject to the following conditions:

a. 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.

b. The subject parcel must be a minimum of 5 acres.

c. 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)

d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.

e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.

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

g. 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.

ROADWAY Since Johnson Road is not a major collector or arterial roadway. The petitioner must get approval from the NaAuSay Township roadway commissioner. Permission was granted from the Roadway Commissioner.

PLAN The petitioner has shown where they would like to construct a concrete pad this summer and keep up a seasonal tent from May 1st to November 15th at the size of 40' x 80' and also a barn with future bathrooms. This also seems to be the same location as the parking.

EMPLOYEES The petitioners have stated everything would be done through a catering company which will staff their own employees.

NUMBER OF PEOPLE The petitioner has stated they would like to have a maximum of 200 guests at one time.

PARKING The petitioner has stated the guest will park in the hayfield no matter what the weather conditions are and if the crop is in.
R.O.W.  Staff will defer to the Township if ROW will be requested to be dedicated at this time.

TRAIL  Staff will defer to the Village of Plainfield if a trail easement will be requested to be dedicated at this time.

SIGNAGE  No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit.

ACCESS  The property currently has an access point off of Johnson Road which is the same access they propose to use for the special events.

STORMWATER  Since there are no proposed improvements a stormwater permit is not required.

FINDINGS OF FACT  § 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 special use will not be detrimental or 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 petitioner is not proposing to change the site but have a temporary tent up during events therefore keeping with the residential and agricultural character of the neighborhood.

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 at this time and no new roadways or drainage to the property. They will be adding a septic in the future, park on the hayfield and will use the current access point onto Johnson Road.

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 only regulation they do not meet is that it must be located on a major or arterial roadway but they have received permission from the township road commissioner. All other regulations will conform.

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 will not be every weekend so most of the time it will just be residential uses and not events.

RECOMMENDATION  Staff would recommend approval and the following conditions be placed on the special use, if approved:

1. The principal use of the property is for residential purposes and/or farming.
2. A maximum of 200 persons at any one time
3. All events must be catered unless approved by the Health Department.
4. 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.
5. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
6. 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.
7. Porta Johns (and other temporary bathroom facilities) need to be removed within 2 business days after each event.
8. Events can run from May 1st through November 15th and the temporary tent can be erect from May 1st through November 15th.
9. Entities having jurisdiction may inspect the property annually including but not limited to the Planning, Building Zoning Department, Health Department, sheriff's office and fire protection district in order to ensure that conditions of the special use permit are still being met and that the permit is still applicable for the operation.

**ATTACHMENTS**

1. Description of business
2. Hand drawing of proposed building locations
3. ZPAC Meeting Minutes on 3.3.15
4. RPC Meeting Minutes on 3.25.15
5. Letter opposing from Old 2nd Bank
6. Letter from Attorney Kramer addressing Old 2nd Bank concerns
Petitioners desire to on a short term basis, set up a tent and provide rural weddings, with an open side yard space and portable bathroom trailer.

The long range plan would include pouring a concrete slab on the area indicated in the attached drawing, and creating a more permanent site for a year round tent and possible multi-season wedding events on an intermittent basis.

Attached detailed plan:

1. The Site would be used to hold private weddings.

2. No food would be produced on-site, all events would be catered.

3. The existing well head and septic would be protected in the open field area keeping cars limited to parking on an existing hay field, and having the area cordoned off where the well and septic field are located.

4. If a permanent facility was sought to be constructed and the special use expanded provision for an additional permanent septic field and Health Department approval would be obtained prior to commencing any permanent type site improvements

5. Petitioners have met with the Kendall County Health Department (Aaron Rybski) who has indicated that portable bathrooms for intermittent use would satisfactory under the Kendall County and State of Illinois Health Code as long as permanent improvements were not constructed.
1. The short-range plan is to set up a tent on the open side yard with portable trailer bathroom off to the side between old storage garage and concrete. This will take place on the cut has field on the east side of house.

2. The long-range plan (assuming things go well) is to pour a concrete pad for a 40x70 ft. seasonal tent that will stay up from April-October. This is located on the edge of the hayfield off the main drive. A small barn will be constructed next to the pad that will include very nice men and women bathrooms. It will serve as a mini-salon to the farm. A Septic system separate from our house will be installed for the facility and will be free of traffic/cars.
ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
March 3, 2015 – Meeting Minutes

#15-02 Peter & Laurie Pasteris
Planner Zubko stated Peter & Laurie Pasteris are requesting approval of an A-1 special use permit to operate a banquet hall on their property for special events. The applicants do live in the house on the property. The property is located at 1998 Johnson Road and is on the south side of Johnson Road, 1 mile east of Schlapp Road and 1.45 miles west of Ridge Road. There is a trail proposed along the south side of the roadway and Planner Zubko suggests contacting Plainfield for a dedication request. There is no record of State-listed threatened or endangered species in the vicinity of the project location. For the NRI an executive summary will be provided since there are future buildings proposed. The Soil and Water Conservation Meeting is next Monday night, March 9th. According to the Zoning Ordinance a banquet hall can be operated if the following are met:

1. 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.
2. The subject parcel must be a minimum of 5 acres.
3. 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)
4. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
5. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
6. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
7. There are noise regulations

The petitioner meets most of them except number one, Johnson Road is designated as a minor collector roadway therefore a variance will have to be requested. Also they must get approval from the NaAuSay Township highway commissioner. The proposed site plan shows a temporary tent and temporary bathrooms will be placed about 200’ from Johnson Road northwest of the house. For a long term plan the petitioner has shown where they would like to construct a concrete pad to keep up a tent from April to October at the size of 40’ x 80’ and also a barn with future bathrooms. This also seems to be the same location as the parking. Staff would like to know how many employees the petitioner plans to have or will it all be through a catering business with their employees? The petitioner has not suggested a number of people so staff has started with a number of 100 as a condition. The petitioner has stated the guest will park in the hayfield but what if it’s muddy or if the crop is in? Also there is a fence blocking the hayfield for 350’, the guests won’t park near the north circular drive? No signage is proposed at this time, if they would like to have a sign they would need to comply with Section 12 of the Zoning Ordinance and apply for a building permit. No hours of operation have been proposed. The property currently has an access point off of Johnson Road which is the same access they propose to use for the special events. Staff would recommend approval and the following conditions be placed on the special use, if approved:

1. The principal use of the property is for residential purposes and/or farming.
2. A maximum of 100 persons at any one time
3. All events must be catered unless approved by the Health Department.
4. 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.
Planner Zubko would also like to note this is in NaAuSay Township so this is a dry township so alcohol cannot be sold on the premises.

Attorney Daniel Kramer introduced himself and introduced his clients. He stated it's a nice farnette with fencing and a barn. They've had a number of requests to host weddings on the farm. It's planned to be a low intense business. Also they will be parking on the hay even if the crop is in. If this takes off they will erect a more permanent structure. They'd like to pour the pad soon to have a hard surface floor. They have talked to the Health department about temporary bathrooms and do have a large oversized well. If they build bathrooms they will need a new septic system. Mr. Kramer would like the number of people raised to 200 people and fine with the other conditions. There will be no kitchen on site, it would all be catered.

Brian Holdiman stated if anyone has talked to the local fire protection district? Mr. Kramer stated they are going to the NaAuSay township board this month. Mr. Holdiman wanted to make sure they talk to the fire district as there is a fine line for temporary versus permanent. Mr. Holdiman asked if they could comply with the noise ordinance.

Judy Gilmour sought some clarification on the parking in the hay field. Ms. Gilmour asked if they've had any comments from neighbors? Mrs. Pasteris' stated they have talked to a couple and only expect occasional events.

(Started recording)

Aaron Rybski stated he has talked to the petitioner awhile ago and this will be very infrequent. He would like the porta-johns as a condition that they need to be removed within 2 business days after the event.

Ms. Judy Gilmour asked about the tent and if it's removed after each event. Mr. Kramer stated after the pad is poured they would like to keep it up and even till the pad is poured. Mr. Holdiman asked if we could put a condition from Memorial Day to Labor day for the tent to be up, May 1 to November 15. There was a brief discussion on temporary versus permanent and how often the events will be held.

Mike Peters has a few concerns about neighbors and the safety of the events. The noise with the neighbors is the most realistic concern. He explained the noise regulations and how it's measured at the neighbor’s property line. Maybe position the speakers away from the neighbors. Also safety of having 100 to 200 people is a concern as sometimes problems arise. They have not planned to have any security at this time. Mrs. Pasteris plans to have staff walking around making sure there are no problems.

Fran Klaas wanted to confirm they are using the same access points. The petitioner stated yes they're using the existing drives. Mr. Klaas asked Mr. Rybski why the state is against port a potties. Mr. Rybski stated if it's to be used in a more permanent manner they'd like permanent bathrooms.

With no further comments Fran Klaas made a motion, seconded by Judy Gilmour to approve the special use and forward the petition onto the next Plan Commission meeting. All were in favor and the motion carried.
#15-02 Peter & Laurie Pasteris
Planner Zubko stated Peter & Laurie Pasteris are requesting approval of an A-1 special use permit to operate a banquet hall on their property for special events. The applicants do live in the house on the property. The property is located at 1998 Johnson Road and is on the south side of Johnson Road, 1 mile east of Schlapp Road and 1.45 miles west of Ridge Road. There is a trail proposed along the south side of the roadway and Planner Zubko suggests contacting Plainfield for a dedication request. There is no record of State-listed threatened or endangered species in the vicinity of the project location. For the NRI an executive summary will be provided since there are future buildings proposed. According to the Zoning Ordinance a banquet hall can be operated if the following are met:

8. 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.
9. The subject parcel must be a minimum of 5 acres.
10. 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)
11. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
12. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
13. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
14. There are noise regulations

The petitioner meets most of them except number one, Johnson Road is designated as a minor collector roadway therefore a variance will have to be requested. Also they must get approval from the NaAuSay Township highway commissioner. The proposed site plan shows a temporary tent and temporary bathrooms will be placed about 200’ from Johnson Road northwest of the house. For a long term plan the petitioner has shown where they would like to construct a concrete pad to keep up a tent from May to November 15th at the size of 40’ x 80’ and also a barn with future bathrooms. The petitioner has stated the guest will park in the hayfield even if a crop is in. The property currently has an access point off of Johnson Road which is the same access they propose to use for the special events. Staff would recommend approval and the following conditions be placed on the special use, if approved:

5. The principal use of the property is for residential purposes and/or farming.
6. A maximum of 200 persons at any one time
7. All events must be catered unless approved by the Health Department.
8. 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.
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.

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.

11. Porta Johns need to be removed within 2 business days after an event.
12. Events and the temporary tent can be erect from May 1st through November 15th.
13. Entities having jurisdiction may inspect the property annually including but not limited to the Planning, Building Zoning Department, Health Department, sheriff’s office and fire protection district.

Planner Zubko would also like to note this is in NaAuSay Township so this is a dry township so alcohol cannot be sold on the premises.

The ZPAC Committee had many concerns which all were addressed by addition conditions. The concerns were that the fire protection district has been contacted, the number of people, noise (the location of speakers was suggested), port a potties, the dates the tent can be up and parking. Also getting approval from the township and road commissioner.

Attorney Daniel Kramer introduced himself and introduced his clients. The petitioner is unaware of where this property is located as Old Second is not an owner they notified. The concerns have been addressed at the ZPAC Committee meeting. He stated it’s a nice farmette with fencing and a barn. They’ve had a number of requests to host weddings on the farm and would like to have 3 or 4 a year at the beginning. It’s planned to be a low intense business. They will be putting up and taking down the tent at the beginning as it’s cheaper to do it that way until they get more steady business. Attorney Kramer discussed noise and will stay in the parameters of the ordinance. Peter and Laurie have an active horse farm so will have security making sure their animals are safe. The township recommended approval.

Planner Zubko stated the trust is the owner directly west of this property.

Mr. Ashton asked if they’ve talked to the Plainfield Fire Protection District, Mr. Kramer stated yes and they just need to contact them when the tent is erected, if it was new structures there would be conditions.
Ms. Wilson asked if the weddings will become more frequent then the 2-3 a year? Mr. Pasteris is looked to do this on a small scale and to make it work probably have about 5-6 a year. The reason she asks that this seems like a burdensome task to remove the porta johns and then bring them back. The Attorney stated they're really easy as they're on a trailer and if they were left it would leave an odor. The tent will no longer be in the northwest corner of the property, everything will be in the future location.

Mr. Casey asked how many horses are they, he stated 2 are his and 3 are other people's. Mr. Wormley asked about Johnson Road, Mr. Pasteris stated it is tar and chip. Mr. Wormley asked about garbage, they owner stated they would have a larger dumpster and it gets picked up on Monday.

No one from the audience had any comments or questions.

Claire Wilson made a motion to approve the special use with staff's recommended conditions, Budd Wormley seconded the motion. With a roll call vote all were in favor and this will move onto the next SUHO meeting a week from Monday.
March 29, 2015

Angela Zubko
Planning and Zoning Manager
Kendall County Building and Zoning Department
Kendall County Office Building
111 West Fox Street
Yorkville, IL 60560

Re: Petition #15-02

Dear Ms. Zubko:

Please be advised that Old Second National Bank, as Trustee, owns the unimproved farm land immediately adjacent to, and to the west of, the land that is the subject of the above-captioned petition. As Trustee, Old Second National Bank has a fiduciary duty to protect the land from adverse consequences that might occur from actions taken by neighboring landowners.

As we understand it, the petitioners are seeking an A-1 Special Use to allow the construction of a “seasonal tent facility” that will be used for special events. They are also seeking a variance to operate the events off a minor collector roadway.

Old Second National Bank, as Trustee, objects to the granting of the Special Use and variance for the following reasons:

- Traffic congestion that will occur along a road that is not designed for transporting the number of vehicles that this facility will attract.
- The lack of aesthetic appeal of a “tent facility” versus that of a permanent facility.
- The real risk that attendees of these special events will find their way onto our land. These incursions can cause real damage to our property, as well as raise the cost of our liability insurance. This will be especially true in the early days when the line at the porta-potty is long.
- The noise that this facility will produce when operating. This will affect future use, as well as short-term, if we choose to include livestock in our operation.
- There is a high probability that parking will spill out of the lot and onto the road. This will interfere with farm machinery that traverses the road in the same part of the year that the tent facility will operate.
March 19, 2015
Page Two

While our land is currently being farmed we, as Trustee, must look to the future. At some point in time, developing the property with personal residences may be feasible. Certainly, the problems just enumerated would cause a diminution in the value of our property for residential purposes.

Sincerely,

Christopher Barry, J.D.
Senior Vice President and
Senior Trust Counsel
March 26, 2015

Christopher Barry, J.D.
Senior Vice President and Senior Trust Counsel
Old Second Wealth Management
37 South River Street
Aurora, IL 60506

RE: Zoning Petition 15-02

Dear Mr. Barry

I represent the Petitioner on the Special Use seeking approval for an outdoor wedding facility.

Although your letter was dated March 29, 2015 the Hearing actually was last night on March 25, 2015 so I am sure it is a misdate on the letter. I regret that we did not have an opportunity to either speak or answer some of your questions ahead of time. But in an endeavor to keep good neighborly relations I am going to do so now. At least one of the beneficiaries of your Trust contacted my clients directly in the past few weeks and when they explained exactly what they were proposing to do on their property he said he had no objection whatsoever. I don’t know if his mind was changed, or if he gave you direction to send your letter prior to that meeting. I would ask that you confirm his discussion with my clients as well.

With regard to the questions you raised, they have been considered by what is known as the Zoning and Platting Advisory Committee which is all of the Kendall County Governmental Department Heads that affect traffic, public health, zoning, and the like.

Going by your bullet points I will answer as follows:

1. Traffic Congestion: On days that there are weddings there certainly would be more traffic than is normally accustomed on Johnson Road. However they anticipate a very light volume of using the outdoor facilities for dates. In this first year of operation if they have three functions they would feel very successful and in future years if they had 6 to 10 they would likewise feel very successful. The
number of cars would be of course at the limited time coming in for the wedding and leaving and my clients would provide traffic direction.

2. Aesthetic Appeal: The white wedding tent that they would use on a current basis would be taken down after the events unless they occurred close together. There is an economy scale of renting as opposed to buying a tent and you simply can’t rent it and leave it up for a long duration unless you have number of functions. They are actually quite attractive and we have two similar facilities located in Kendall County one on Grove Road and one actually in the City of Plan in residential neighborhood and we have no neighbors complain about the detraction from quality of life. You have probably seen them at wedding functions yourself with the windows and the sides when they are down and do not present an unattractive appearance.

3. Trespassers: The property that is to be used for this Special Use if you go on a google earth the County Real Estate Tax Department colored maps you will see it is a high-class thoroughbred horse farm with beautiful white fencing, a high-end residence, a perfectly maintained barn, hay pasture fields, and manicured lawn. If anybody has a desire not to create a negative financial value to property or harm the aesthetics it is my clients who live and will continue to reside and operate the venue right on-site.

My clients further own thoroughbred race horses that are of substantial value. They will have their own security present at events to make sure not only that there are not trespassers on any adjoining non-owned property but to make sure wedding guests stay within the area that is used for the reception and wedding ceremony itself. They have a substantial risk in maintaining the proper decorum at site because of the horses that cannot brooke any interference and because of a swimming pool they have on-site and they certainly don’t want anyone falling into a pool and having an incident.

As to the claim that there would be long lines at a port-o-potty, that is just absolutely not true. The clients plan on renting the portable trailer systems that have bathrooms that would put many high-end residences to shame, that are used for such events. The trailer comes in shortly before the event and is removed immediately the day after for emptying and sanitizing. It would not be the days of the green or yellow port-o-potties you see on a construction site that would sit out there for a summer and create odor and aesthetic views. I have been to several country weddings like this where these movable trailers have been brought in and again they present no problem whatsoever and usually have enough facilities that there is not a long line at all.

4. Noise: Kendall County has a rather strict Noise Control Ordinance that allows decibel readings of only 65 decibels at the property line of the applicant’s property. In other words if you took your telephone it has an app and someone like myself who has a rather loud voice speaks into it I will usually register about
85 decibels on that app. The simple method of turning speakers within the tent for DJ’s or music played at wedding will keep the decibel reading below 65 at the lot line. If you question that again it’s from actual experience where the County goes out and tests as do the municipalities and we have done so in a similar venue inside of municipalities where the lot lines are much closer to the public street and can easily meet the 65 decibel level.

You would hear a higher decibel level at your property of your client from a farm tractor going by or a very loud pick-up truck.

5. Parking on Public Road: Johnson Road is tar and chip road with a hard surface, but it would not be conducive with a ditch system to parking wedding traffic. We have more than enough parking facilities lined up in the hay field which would be used for parking and my clients intend to totally valet park in other words they will not once somebody pulls into the driveway for the event allow them to proceed into the hay field it will be with the valet doing so. There is more than enough parking for the amount of patrons that will be the limit on our facilities. There is absolutely no parking as a condition of the proposed special use to be permitted on Johnson Road.

In fact if there is inclement weather which would have to be an awful down pour to be prevent parking on the hay field, my clients have made arrangements for a remote shuttling to a common parking lot off-site.

6. Interference with Farming Operation: Actually we do not believe that there would be interference with farming operations. The season where people generally are married outdoors are in are warmer summer months. With the large farm machinery on the adjacent vacant farm land, usually the farmers are in on the early part of April and there are minimum farming operations going on between then and fall harvest. Again there is a possibility we could have function there when the fall harvest is going on, but at the time of day that the functions would generally be on a Saturday and for a limited period of time we do not see it interfering with farm traffic whatsoever.

Hopefully these responses put your client somewhat at ease and if they would like to meet with Mr. and Mrs. Pasteris who are along time residents they would be most happy to sit down with them and show them their detailed plans including pictures of the lavatory facilities and so on.

Conversely if you wish to speak with me I likewise would be happy to attempt to answer any questions you have.
Very truly yours,

Daniel J. Kramer

Daniel J. Kramer,  
Attorney at Law

DJK/cth

Enclosures