CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:04 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich
In the audience: Attorney Daniel Kramer and Peter & Laurie Pasteris

MINUTES
Wally Werderich motioned to approve the February 2, 2015 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
#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 was provided since there are future buildings proposed. According to the Zoning Ordinance a banquet hall can be operated if the following are met:

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. There are noise regulations

The petitioner meets most of them except number one, Johnson Road is designated as a minor collector roadway therefore they received permission from the township highway commissioner to use the roadway. 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:

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) 60 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.

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 some concerns which all were addressed by addition conditions. The concerns were that the fire protection district be 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. Since then the petitioner has talked to the fire protection district and received approval from the township.

The Plan Commission recommended approval as well and agreed with the petitioner this will be a low impact use. There was no audience members that spoke and there was one letter that was read in opposition that is in the packet tonight.
Attorney Daniel Kramer introduced himself and his clients. He stated a banquet facility sounds large but this will be low use and will be using a tent. The property is about 7 acres and discussed they received approval from all the meetings. 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. Peter and Laurie have an active horse farm so will have security making sure their animals are safe. The township recommended approval.

Mr. Werderich verified the petitioner did contact the Village of Plainfield and the fire protection district but have not heard back from the Village. They have talked to the fire protection district on future requirements if they construct a building. Mr. Werderich asked about the parking plan and how it works with rain. Attorney Kramer stated it has to be really bad weather so the parking lot will be like at the County Fairgrounds so the ground is dense and doesn’t get too mushy. If a huge rain event happens they’re looking for remote parking like churches nearby or the Keller Farmstand. Mr. Pasteris stated the topography of his land does not have water standing as it runs south to the creek. Mr. Werderich asked about retail sales, Planner Zubko stated some of the conditions came from Emerson so just keeping it the same in case they’d like to sell something. Mr. Werderich did see the letter and response to Old Second Bank and have not heard back. Mr. Kramer stated they have not heard back from the trust, they have talked to the owners so it might be a trust officer.

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 planner 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.

Wally Werderich made a favorable recommendation with the above findings of fact and the 9 conditions that staff has recommended. This will be moved onto the PBZ Committee next Monday at 6:30pm.

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

None

ADJOURNMENT- Next meeting will be on April 27, 2015. Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:21 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary