AGENDA

May 2, 2016 – 7:00 p.m.

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the February 1, 2016 Special use Hearing Officer Meeting

PETITIONS:
1. **16-05 Brad and Treva Mathre d/b/a Mathre 1916 LLC**
   - Request: A-1 Special Use
   - Location: 13889 Hughes Road, Fox Township
   - Purpose: Special Use to operate a banquet facility

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
15-17 – Kevin Calder – A-1 Special Use – Landscape Operation – 9923 Walker Road, Kendall Township
   - Approved by County Board on February 16, 2016
16-01 – Peter and Mary Bielby – A-1 Special Use – Kennel Operation – 8573 Fox River Drive, Fox Township
   - Approved by County Board on February 16, 2016

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING
CALL TO ORDER- SPECIAL USE HEARING

At 7:00 p.m., Special Use Hearing Officer Walter Werderich called the Special Use Hearing to order.

ROLL CALL

Member present: Walter Werderich, Special Use Hearing Officer
Staff Present: John Sterrett, Senior Planner
In the audience: Peter Bielby, Mary’s Pooch Pad, Ltd, of 8573 Fox River Drive; Mary Bielby, Mary’s Pooch Pad, Ltd, of 8573 Fox River Drive; David Toftoy of 15876 Hughes Road; Jeanette Nicosia of 8700 Wilcox Court; Loren Williams of 8755 Wilcox Court; Larry Dalton of 9198 Chatham Place; Jean Cook of 412 Deerfield Drive in Oswego; Julie Dieter of 14574 Budd Road; Susan Gullic of 20 South Evanslawn in Aurora; Alex Scarpetta of 801 South Bridge Street in Yorkville; Sheila Smieszkal of 15982 Stonewall Drive; Robert Featherson of 8800 Wilcox Court; Andrea Schwebke of 502 Majestic Lane in Oswego; Clemente Garcia, Hardscape Group Landscaping, Inc.

MINUTES

Mr. Werderich approved the July 27, 2015 Special Use Hearing Officer Meeting minutes as written.

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

PETITIONS

1. 16-01 Peter and Mary Bielby
Request: Special Use to allow a kennel in an A-1 Agricultural District
Location: 8573 Fox River Drive, Fox Township
Purpose: To permit a Special Use in the A-1 District to operate a kennel

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a dog kennel at 8573 Fox River Drive in Fox Township and use an existing 2,900 square foot structure to keep the dogs contained during night time hours and nap time. Mr. Sterrett explained that the Zoning Ordinance permits kennels in the A-1 District as special uses provided that the kennel facility is located at least 250’ from all residentially zoned properties and properties identified on the LRMP as residential and at least 150’ from all non-residentially zoned properties and properties identified on the LRMP as non-residential. The proposed kennel structure meets those setback requirements with the exception of the property line to the southwest. The kennel structure is only 25’ from the property line and therefore the petitioners sought a variance from the Zoning Board of Appeals. The ZBA approved the variance request with the condition that the approval is contingent on the approval of the special use application. The kennel operation will include overnight boarding and dog daycare. The number dogs will be limited to no more than twelve (12) at a time. All dogs will be kept in the existing 2,900 square foot structure between the hours of 6:00pm and 7:00am. A play area will be provided for the dogs towards the northwestern portion of the property. The petitioner is in the process of obtaining a Kennel Operator’s license through the Illinois Department of Agriculture. The petitioner does not have immediate plans for employees other than those currently residing on the property.

Mr. Sterrett stated that the Regional Plan Commission recommended approval at their meeting on January 27, 2016 with the following recommendations:
1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any one time.
2. All dog waste shall be kept in a lidded container and shall be removed from the property no less than one (1) time every seven (7) days
3. No exterior lighting associated with the dog kennel operation shall be permitted
4. Fencing shall be maintained on the property to enclose all dogs
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property

The Plan Commission further recommended that the special use ordinance stipulate that the special use run with the property owner and not run with the property.

Petitioners Mary and Peter Bielby of 8573 Fox River Drive provided photos of the property including some aerial views demonstrating the location of the existing six foot privacy fence so the southwest of the proposed kennel structure and described where they will be constructing an additional six foot high fence further from roadway to help mitigate concerns regarding noise. Mr. Bielby stated that the sound will need to travel uphill when leaving the property to the roadway. Werderich reviewed the photos and the petitioners depicted where the dog play area will be located. Ms. Bielby explained how the operation will work including an assessment of the dog, playtime outside, feedings, and nap time. Ms. Bielby stated that she would be fine with the additional six foot privacy fence be added as a condition.

Mr. Werderich opened the public hearing for audience members’ comments.

David Toftoy of 15876 Hughes Road stated he owns a lot in the Estates of Millbrook and believes that the Plan Commission did not properly address the concerns of noise and is concerned with the dogs barking in unison and the impact it will have on selling property and enjoyment of the property. Jeanette Nicosia of 8700 Wilcox Court raised concerns regarding noise, property values, and impact on natural wildlife. Ms. Nicosia stated that a petition signed by 29 residents opposing the special use was submitted. Mr. Werderich acknowledged this was included in the staff report. Ms. Nicosia questioned what type of dogs would be on the property. Ms. Bielby explained how the assessment would occur with dogs and the playtime outdoors. Mr. Werderich explained how amendments to special uses would work and the need to go back through the process if an amendment is made. Mr. Sterrett explained how special uses are enforced by the conditions that are placed on them. Loren Williams of 8755 Wilcox Court stated he has safety concerns about the dogs possibly jumping over the fence and concerns of the lack of dog runs proposed. Ms. Bielby responded to this concern by explaining the assessment process and working with the dog owner to determine the dog’s behavior. Ms. Bielby also explained that she will be licensed by the State’s Department of Ag as a kennel operator and will have annual inspections from the state. Mr. Williams stated that property values are also a concern. Larry Dalton of 9198 Chatham Place asked about the process for creating a special use ordinance for the kennel. Mr. Werderich explained that the County Board will make the final determination and will pass an ordinance with conditions. Jean Cook of 412 Deerfield Drive in Oswego spoke in support Ms. Bielby’s previous operations and stated the extra care that Ms. Bielby gives to dogs. Julie Dieter of 14574 Budd Road spoke in support of Ms. Bielby’s experience with dogs and supported her proposed operation. Susan Gullic of 20 South Evanslawn in Aurora spoke to support Ms. Bielby and describe her past positive experience with her. Alex Scarpetta of 801 South Bridge Street in Yorkville spoke in support of Ms. Bielby’s assessment process with dogs based on past experiences at her previous location and the engagement she has with the dogs. Rich Duter of 32 Countryside Estates in Sandwich and Kristen Duter of 32 Countryside Estates spoke of their positive experiences with Ms. Bielby taking care of their dog. Sheila Smieszkal of 15982 Stonewall Drive raised concerns such as noise, property values, and safety including dogs possibly jumping over the fence. Ms. Bielby explained how dogs would be assessed for this and that jumping dogs are out on a long lead unable to jump. Extreme jumpers may not be
out in the play area or possibly not even allowed to be on the property. Robert Featherson of 8800 Wilcox Court stated he does not believe noise will be an issue and does not believe property values will be affected. Andrea Schwebke of 502 Majestic Lane in Oswego spoke in support Ms. Bielby’s experience with dogs.

Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

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 petitioner has submitted plans, including a waste management plan, indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on 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 ensure 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 location of the structure for the proposed kennel and the location of the outdoor play area for the dogs maintain the required distance from nearby residential districts and structures. Fencing will be provided to enclosure dogs in the play area and a substantial amount of existing landscaping and wooded areas provide screening from adjacent properties and the roadway. No lighting associated with the dog kennel operation is proposed and no signage will be constructed.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The petitioners will be working with the Health Department to ensure all potential plumbing upgrades will comply with Health Department guidelines. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for the dog kennel facility has been determined as an agriculturally exempt structure and will not require a building permit. All ADA parking requirements will be provided.

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 petitioners have been granted a variance with respect to the setback distance of the kennel structure to the southwest property line. The Zoning Board of Appeals granted the request on November 2, 2015.

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 is consistent with the LRMP indicates this property to maintained as open space and no additional development is occurring on the property with the request. The property will still be used as a residence for the owners/operators of the dog kennel.

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

1. No more than twelve (12) dogs associated with the kennel operation shall be kept on the property at any one time.
2. All dog waste shall be kept in a lidded container and shall be removed from the property no less than one (1) time every seven (7) days
3. No exterior lighting associated with the dog kennel operation shall be permitted
4. Fencing shall be maintained on the property to enclose all dogs including a six foot privacy fence to be located in the rear of the proposed kennel structure and will span across the width of the property.
5. Employees shall be limited to individuals residing on the property
6. All dogs shall be kept within the kennel between the hours of 6:00pm and 7:00am daily.
7. A reserved parking sign for ADA compliance shall be installed for one parking space on the asphalt parking area.
8. No signage shall be permitted on the property
9. The special use is granted for Peter and Mary Bielby only and shall not be treated as a covenant running with the land.
10. The special use shall be subject to an annual inspection by the PBZ Department for compliance with these conditions.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

2. 15-17 Kevin Calder
Request: Special Use to allow a landscaping business in an A-1 Zoning District
Location: 9923 Walker Road in Kendall Township
Mr. Sterrett summarized the zoning request, which is a request for a special use to operate a landscaping business on a 5 acre agriculturally zoned property at 9923 Walker Road in Kendall Township. The business, Hardscape Group Landscaping, Inc., will have six employees with one of the employees living in the house on site. The property has access to a county highway as identified on the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280lbs. The applicant has indicated that most of the trucks and equipment associated with the landscape operation will be kept outdoors. There is, however, some existing landscaping along the perimeter of the property that provides some screening from the roadway and adjacent properties. Clemente Garcia, owner of Hardscape Group Landscaping, Inc., has indicated that they are going to be adding additional evergreen species to the front of the property to provide further screening. The petitioner has submitted a waste disposal plan to address landscape waste. The waste will be delivered directly to Fox Stone Company.

The Plan Commission recommended approval of the special use request with the following recommendations:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. A waste management plan be incorporated into the controlling special use

Mr. Werderich opened the public hearing for comments. There being no comments, Mr. Werderich closed the public hearing for comments.

Mr. Werderich reviewed the following Findings of Fact for the special use:

*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 petitioner has submitted plans, including a landscape waste management plan, indicating that no landscape waste will be brought back to the property and will be disposed of off-site. Landscaping operations are a consistent special use within the Agricultural Zoning District.*

*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 property maintains a substantial distance from residential structures. All equipment and vehicles associated with the landscape business will be kept either within existing buildings or on an existing gravel area screened with landscaping from adjacent properties and the roadway. The petitioner has stated that additional evergreen species will be installed along the front of the property to provide additional screening.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. No new construction is being proposed on the site for the use and will not require additional drainage or stormwater infrastructure.

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 petitioners will be working with the Health Department to ensure all potential septic system upgrades for the existing house will comply with Health Department guidelines. Existing accessory structures will be used for storage only and not for workspace.

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 is consistent with the LRMP as it somewhat compatible with rural residential development. The residential characteristics of the property are being maintained and any future office use on the property for the special use is anticipated to occur within the residential structure with a change of occupancy.

Mr. Werderich made a favorable recommendation with the above findings of fact and included the following conditions in his recommendation:

1. No landscape waste generated off site may be burned at the subject property
2. No retail sales shall be permitted on the property
3. A Change in Occupancy Permit must be secured prior to the conversion of the dwelling unit from a residence to an office structure
4. No more than six (6) employees shall be permitted
5. Additional landscape screening shall be installed along the front of the property
6. Existing accessory structures on the property shall be used for storage only
7. Signage shall be permitted on the property subject to the sign regulations of the A-1 Agricultural District
8. Landscape waste shall be disposed of off-site at a permitted waste facility.

This will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, February 8, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-11 Rhonda Miller/Strong Tower of Refuge Ministries – Passed by County Board on August 18, 2015
15-12 Dan Koukol – Passed by County Board on August 18, 2015

NEW BUSINESS/OLD BUSINESS

2016 Special Use Hearing Schedule – Mr. Sterrett provided the 2016 schedule for the Special Use hearings.

ADJOURNMENT- Mr. Werderich adjourned the Special Use Hearing Officer meeting at 8:41 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner
Petition 16-05
Treva and Brad Mathre d/b/a Mathre 1916 LLC
A-1 Special Use – Banquet Facility

SITE INFORMATION
PETITIONER    Treva and Brad Mathre d/b/a Mathre 1916 LLC
ADDRESS       13889 Hughes Road
LOCATION      North side of Hughes Rd; ½ mi east of Hollenback Rd; 1 mi west of Helmar Rd

TOWNSHIP      Fox
PARCEL #       Pt. 04-35-100-002
LOT SIZE       5.0 acres; Overall property is 80 acres
EXITING LAND USE Agricultural/Single Family Residential
ZONING        A-1 Agricultural District

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Hughes Road is a township road classified as a non-Collector Road</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
</tr>
<tr>
<td>Floodplain/ Wetlands</td>
<td>None</td>
</tr>
</tbody>
</table>
REQUESTED ACTION  
A-1 Special Use to operate a banquet facility. Variance to operate a banquet facility without direct access to a major collector roadway or an arterial roadway

APPLICABLE REGULATIONS  
Section 7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be located in the A-1 District with approval of a Special Use provided that the banquet meets certain conditions including direct access to a road designated either as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

Section 13.08 – Special Use Procedures  
Section 13.04 – Variations

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural/Farmstead</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
</tbody>
</table>

PHYSICAL DATA

ENDANGERED SPECIES REPORT  
None received. Required prior to RPC

NATURAL RESOURCES INVENTORY  
No NRI report needed.

ACTION SUMMARY

FOX TOWNSHIP  
No comments have been received from Fox Township.

UNITED CITY OF YORKVILLE  
The City’s Plan Commission will review the petition at their May meeting.

ZPAC (4.5.16)  
Brian Holdiman stated a change of occupancy permit to ensure basic life safety requirements for the barn structure is required. Per written comments from the Health Department, portable toilets are
acceptable. Commander Peters stated that the condition regarding noise cannot be enforced by the Sheriff’s Office since the property is zoned as Agricultural and therefore not subject to the County’s Noise Ordinance. The Sheriff’s Office can assist with the investigation of any noise complaint. Fran Klaas stated that there is little traffic on Hughes Road and that the proposed use will not have an impact on the roadway. The Committee recommended that employees outside of those living on the property should be permitted. The Committee voted unanimously to forward the petition onto the Plan Commission with a favorable recommendation.

KCRPC (4.27.16)
The Plan Commission will meet on Wednesday, April 27th. A summary of the meeting will be provided prior to the ZBA Hearing.

GENERAL
The petitioners, Brad and Treva Mathre, d/b/a Mathre 1916, LLC, are requesting an A-1 Special Use to operate a banquet facility at the subject property and use an existing 3,728 square foot barn structure. This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

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.

BUSINESS OPERATION
The petitioners have provided details regarding the operation of the banquet facility. The facility will primarily be used for weddings beginning in May and ending in early November each year. There will be no employees other than the petitioners. The petitioners live on the property and the principal use of the property will remain as a residence. The hours of operation for the day before an event will be from 12:00pm to 11:30pm and from 8:00am to 11:30pm the day of the event. A list of recommended food vendors will be provided to clients. Alcohol will not be served or encouraged. Small amounts of wine or champagne for toasts will be permitted. No cash bar or kegs will be permitted. No alcohol shall be brought on the premises. No sale of any alcohol will occur.
BARN STRUCTURE
The petitioner will utilize an existing 3,728 square foot barn structure for the banquet events. A Change of Occupancy permit will be required for the structure. The purpose of this permit is to evaluate the structure for proper ingress/egress, occupant load, life safety and health. Compliance with 2012 IBC existing structure provisions must be met.

ENVIRONMENTAL HEALTH
With the current business proposal, portable toilets will be permitted for sewage. If the business expands and intensifies, the petitioner will need to put together a plan for a more permanent solution that will lead to a large scale septic system to comply with Health Department requirements. The Health Department encourages the petitioners to work with them early in this process. With respect to water, the well does not qualify as a non-community water source and therefore does not need to be brought into this program. It is strongly recommended by the Health Department that the supply is sampled for nitrates and coliform bacteria. There are no major concerns regarding food since the petitioner will be use outside caterers.

PARKING
The proposed use is considered a place of assembly and is required to provide parking stalls in an amount at least 25% of the maximum capacity of the banquet facility structure. Per the building code, the maximum capacity of the structure is 120 persons and will therefore require thirty (30) parking stalls, two (2) of which must be reserved for ADA access.

The petitioner has indicated on their site plan that fourteen (14) 9’x20’ parking stalls will be placed on the east side of the building on an existing concrete surface. Fourteen (14) 9’x20’ parking stalls will be placed further west of the building over existing gravel. Additional gravel will be added to this parking area. Two (2) 16’x20’ parking stalls will be reserved for ADA access. These stalls shall be constructed with a hard surface. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access. The petitioner has indicated that the large field to the west of the parking area can be used for overflow parking if needed.
LIGHTING/SIGNAGE
The petitioner has indicated that no new signage associated with the business operation will be installed on the property. Staff recommends that a condition be placed on the controlling special use ordinance reflecting this. No new lighting is proposed on the property. Exterior lighting on the barn structure and the rear of the house currently exists to illuminate the parking areas.

ACCESS
Section 7.01.D.10.a states that a banquet facility shall direct access onto either an arterial road or a major collector road. A variance to this requirement will be required from the County’s Zoning Board of Appeals since the property does not have direct access onto either an arterial road or a major collector road. Hughes Road is classified as a local township road. Hughes Road has direct access to State Route 71, which is an arterial roadway. The property is two (2) miles from State Route 71. The property is located 1.5 miles from Walker Road, a major collector road. Hughes Road is accessible from Walker Road through Helmar Road. During the ZPAC meeting, Fran Klaas, the County Highway Engineer, stated that he does not have concerns regarding the amount of traffic that will be generated from the proposed use.

CONCLUSION
The proposed banquet facility use is permitted as special use in the A-1 District with the required conditions outlined above. The proposed use complies with all conditions with the exception of the access onto either an arterial road or a major collector road. The petitioners will be seeking a variance from the County’s Zoning Board of Appeals to the condition requiring direct access onto either an arterial roadway or a major collector roadway.

RECOMMENDATION
If approved, staff recommends the following conditions, as well as any recommended conditions from the Hearing Officer, be placed on the special use:
1. The property shall be developed in substantial compliance with the submitted site plan prior to any event occurring
2. A change of occupancy permit shall be secured prior to any event occurring
3. Events shall occur from May thru the second full week of November
4. The maximum number of patrons for each event shall be limited to 120, including any vendors working on the property for an event
5. No new signage associated with the banquet facility shall be permitted
6. No alcohol sales and no cash bar shall be permitted and all regulations of the Kendall County Liquor Control Ordinance shall be followed
7. Food shall be provided only by licensed caterers
8. A maximum of two employees, not including employees residing on the property
9. Hours of operation for an event shall be between 8:00am and 11:30pm
10. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access.

11. The banquet facility shall conform to the regulations of the Kendall County Health Department

12. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event

13. No additional lighting shall be added unless a photometric and lighting plan has been approved by the PBZ Department

14. 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.

ATTACHMENTS
1. Findings of Fact
2. Detailed Description of proposed use - prepared by the petitioners
3. ZPAC Meeting Minutes
4. RPC Minutes – To be distributed prior to ZBA Hearing
5. Proposed Site Plan
§ 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. True. The petitioner has submitted a business narrative indicating that measures will be taken to ensure that the use of the kennel operation will not have a negative impact on 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 property is a sufficient distance from nearby residences thereby reducing the amount of adverse impacts from the use. No lighting additional lighting will be added in an effort to minimize negative impacts in the surrounding area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No new points access roads or points of ingress and egress are being provided as they are not necessary for the requested use. The Health Department is comfortable with the use of portable toilets based on the low intensity of the proposed use. The additional gravel for parking does not require additional drainage or stormwater infrastructure. The structure that is proposed to be used for banquets will require a change of occupancy permit for basic life safety requirements. All ADA parking requirements will be provided.

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 petitioners are seeking a variance with respect to the requirement for direct access onto an arterial roadway or a major collector roadway.

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 is consistent with the LRMP indicates this property to maintained as agricultural and the primary use of the property will remain as an agricultural operation and residence.
Detailed description of purposed use:

The business plan for Mathre 1916 is to provide an events/wedding venue to clients looking for a rustic setting. The season of operations will begin in May of each year through early November of each year.

Mathre 1916 will maintain a strict “Family Friendly Facility.” This is primarily our home, and we expect persons renting the barn for any occasion to respect the property as such. Our intensions are to have a few events or wedding receptions throughout the open season. Basically, we are providing a barn structure including tables, chairs, and linens. Myself, Treva Mathre will be on site for each event providing “Day Of” floor plans, timelines, and to make sure everything goes as planned by and for the client. There are no other employees. Hours of operation would be the day before the event from 12:00 noon until 11:30 p.m., and on the day of the event 8:00 a.m. until 11:30 p.m. Other than that, a list of recommended vendors will be provided to each client.

Alcohol is not served or encouraged at Mathre 1916. Small amounts of wine or champagne for toasts will be permitted. Beyond these parameters, details must be provided by the client and agreed to by Mathre 1916. No cash bar or kegs will be permitted; no alcohol shall be brought on the premises or consumed except that which has been provided by the event organizer/licensed caterer. No minors may be served alcohol, and no alcohol may be consumed outdoors by any guest in any event at any time.

This year - 2016 is one of trial and error. If the scheduled events/receptions prove to be profitable, manageable, and not an overwhelming endeavor, the future business plan is to grow accordingly while keeping the homestead intact. This is a family farm that has been in our family for over 100 years. We have no intentions of changing that. This business is to supplement our income as farmers.
Senior Planner John Sterrett called the meeting to order at 9:01 a.m.

Present:
Scott Gryder – PBZ Committee Chair
Fran Klaas – Highway Department
David Guritz - Forest Preserve
Brian Holdiman- PBZ Department
Commander Mike Peters – Sheriff’s Office
John Sterrett – PBZ Department

Absent:
Aaron Rybski – Health Department
Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC

Audience: Treva Mathre, Mathre 1916 LLC

AGENDA
Mr. Gryder made a motion, seconded by Mr. Gurtiz, to approve the agenda as written. With a voice vote of all ayes the motion carried.

MINUTES
Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the January 5, 2016 meeting minutes as written. With a voice vote of all ayes the motion carried.

PETITIONS
#16-05 – Brad and Treva Mathre d/b/a Mathre 1916 LLC.
Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a banquet facility on a 5 acre property at 13889 Hughes Road in Fox Township. The petitioners reside on the property. An existing 3,728 square foot barn structure will be used for banquets, primarily wedding receptions. A change of occupancy permit will be required for the barn structure. Thirty parking stalls will be provided to accommodate 25% of the maximum capacity of the structure. Mr. Sterrett explained that a banquet facility is required to have direct access onto an arterial roadway or a major collector roadway. Hughes Road is neither and therefore a variance is required to seek relief from this requirement. Staff is recommending approval of the special use request with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan prior to any event occurring
2. Parking stalls reserved for ADA access shall be paved with a hard surface
3. A change of occupancy permit shall be secured prior to any event occurring
4. Events shall occur from May thru the second full week of November
5. The maximum number of patrons for each event shall be limited to 120, including any vendors working on the property for an event
6. No new signage associated with the banquet facility shall be permitted
7. No alcohol sales and no cash bar shall be permitted and all regulations of the Kendall County Liquor Control Ordinance shall be followed
8. Food shall be provided only by licensed caterers
9. Employees shall be limited to individuals residing on the property
10. Hours of operation for an event shall be between 8:00am and 11:30pm
11. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access.
12. The banquet facility shall conform to the regulations of the Kendall County Health Department
13. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event
14. No additional lighting shall be added unless a photometric and lighting plan has been approved by the PBZ Department.

15. 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.

Mr. Holdiman explained that a change of occupancy permit will be required. Commander Peters stated that the County’s Noise Ordinance would not apply to this property because it is zoned A-1. Commander Peters explained that the Sheriff’s Office could assist with the investigation into noise violations but enforcement action cannot be taken from the Sheriff’s Office. Mr. Guritz pointed out possible noise issues that occur with banquet facilities. The Committee discussed the difference between conditions on a special use regulating noise versus the County’s established Noise Ordinance.

Ms. Mathre stated that there will be no retail sale of alcoholic beverages and that wedding parties will be required to obtain a licensed caterer. Ms. Mathre also expressed a desire to have two employees to help with events. Mr. Holdiman shared comments from the Health Department including that portable toilets will be acceptable in the first year of operation based on the low intensity of the proposed use. If the use intensifies then the need for a remodel permit to add bathrooms of the building will need to be reviewed. Mr. Klaas stated that Hughes Road has very little traffic and that the traffic generated from the proposed use will not have an impact on the roadway.

Mr. Klaas made a motion, seconded by Mr. Guritz, to forward the petition onto the April 27th Regional Plan Commission. With a voice vote of all ayes, the motion carried.

**REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Mr. Sterrett reviewed the petitions that were approved by the County Board including:

15-17 – Kevin Calder – A-1 Special Use – Landscape Operation – 9923 Walker Road, Kendall Township
16-01 – Peter and Mary Bielby – A-1 Special Use – Kennel Operation – 8573 Fox River Drive, Fox Township
16-02 – Fox Metro Water Reclamation District – Stormwater Management Ordinance Variance – Fee-in-Lieu of Stormwater Detention – 682 Route 31, Oswego Township

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**ADJOURNMENT**

Mr. Gryder made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:22am, adjourned.