CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the May 2, 2016 Special use Hearing Officer Meeting

PETITIONS:
1. 16-09 Joe Gomoll
   Request A-1 Special Use
   Location 10151 Lisbon Road, Fox Township
   Purpose Special Use for the production and sale of items utilizing crops grown on site and in combination with crops grown off site as well as ancillary items and products related to crops and products produced on site in the A-1 District

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
16-05 – Brad and Treva Mathre d/b/a Mathre 1916 LLC – Approved by the County Board on May 17, 2016

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING
CALL TO ORDER - SPECIAL USE HEARING
At 7:21 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: Brad Mathre, Mathre 1916 LLC

MINUTES
Mr. Werderich approved the February 1, 2016 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
16-05 Brad and Treva Mathre d/b/a Mathre 1916 LLC
Request: Special Use to allow a banquet facility in an A-1 Zoning District
Location: 13889 Hughes Road in Fox Township

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 was required and subsequently approved by the County’s Zoning Board of Appeals 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. 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.

Staff recommends that an approval require that the results from the IDNR EcoCAT be submitted prior to action by the County Board.

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

There were no comments.

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. True. The petitioner has submitted a business narrative indicating that measures will be taken to ensure that the use of the banquet facility 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.

Mr. Werderich made a favorable recommendation with the above findings of fact and included the staff’s recommendations.

The petition will be moved onto the Planning, Building, and Zoning Meeting Committee Monday, May 9, 2016 at 6:30pm.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
15-17 Kevin Calder – Passed by County Board on February 16, 2016
16-01 Peter and Mary Bielby – Passed by County Board on February 16, 2016

NEW BUSINESS/OLD BUSINESS
Mr. Sterrett stated that there will be a special use hearing on May 31st.

ADJOURNMENT – Mr. Werderich adjourned the Special Use Hearing Officer meeting at 7:36 p.m.

Respectfully Submitted,
John H. Sterrett
Senior Planner
Petition 16-09  
Joe Gomoll  
A-1 Special Use – Production and Sale of items utilizing crops grown on site and in combination with crops grown off site as well as ancillary items and products related to crops and products produced on site

SITE INFORMATION
PETITIONER     Joe Gomoll
ADDRESS         10151 Lisbon Road
LOCATION        West side of Lisbon Rd; 300' south of Walker Road

TOWNSHIP       Fox
PARCEL #        04-25-200-008; -009
LOT SIZE        15.22 acres
EXITING LAND USE Agricultural/Single Family Residential
ZONING         A-1 Agricultural District
LRMP

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<th>Land Use</th>
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<td>Trails</td>
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<td>Floodplain/ Wetlands</td>
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REQUESTED ACTION
A-1 Special Use for production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises as well as the tasting of and wholesale or retail sale of items produced on site and the sales of ancillary items and products related to crops and products produced on site.

APPLICABLE REGULATIONS
Section 7.01.D.32 (Special Use)
Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.

Section 13.08 – Special Use Procedures

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>
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PHYSICAL DATA
ENDANGERED SPECIES REPORT
No record of state-listed threatened or endangered species.

NATURAL RESOURCES INVENTORY
No NRI report needed.

ACTION SUMMARY
FOX TOWNSHIP
No comments have been received from Fox Township.

UNITED CITY OF YORKVILLE
The United City of Yorkville had no objections

ZPAC (5.3.16)
The ZPAC had no issues and made a favorable recommendation onto the Plan Commission.

KCRPC (5.25.16)
The Plan Commission forwarded the petition onto the Hearing Officer with a favorable recommendation with a condition to be added restricting cars from being parked along Lisbon Road.

GENERAL
The petitioner Joe Gomoll is requesting an A-1 Special Use to operate a road side stand out of an existing 4,800 square foot building occupying 1,000 square feet for retail space. Items that will be offered for sale include agricultural products produced on site in addition to products grown off-site as well as ancillary products such as bee keeping equipment, soaps, candles, antiques, and home décor.

APPLICABLE REGULATIONS
While roadside stands are considered permitted uses in the A-1 Agricultural District, they are limited to only 600 square feet of gross floor area and only for the retail sale of items produced on site. Per Section 7.01.D32, a special use may be sought for the production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. The tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site.

Furthermore, the total retail sales area on site within the building shall not exceed 1,000 square feet and the sales area shall be set back at least ninety (90) feet from the center line of all adjacent roads with a minimum parking area for five (5) cars. Seasonal outdoor displays are also permitted.

BUSINESS OPERATION
The petitioners have provided details regarding the operation of the roadside stand. The operation will have no employees and will be open eight (8) hours a day, 1-3 days per week. The petitioner intends for the roadside stand to be open throughout the year for each season. The petitioner has begun working with the Health Department on producing and selling sweet cider and anticipates selling sweet cider in fall 2016. The petitioner has indicated the possibility of producing and selling hard cider as a future endeavor. Fox Township is a dry township and therefore the County cannot issue a liquor license to sell hard cider or any other type of alcohol.

STRUCTURE
A Change of Occupancy permit will be required for the portion of the structure being used for the retail sales area. 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
The petitioner is working closely with the Health Department. The petitioner will operate through a temporary permit in 2016 as they are getting the business off the ground. Health Department staff will be available for consultation and will provide inspection as part of that permit.
PARKING
Section 7.01.D.32 requires that at least five (5) parking stalls be provided for the roadside stand locate at least ninety (90) from the centerline of all adjacent roadways. The petitioner is proposing four (4) 9’x20’ parking stalls and one (1) 16’x20’ parking stall reserved for ADA accessibility. These stalls will be located 130’ from the centerline of Lisbon Road in compliance with the above referenced section. There is ample space next to the building if additional parking is needed for overflow.

LIGHTING/SIGNAGE
No new lighting is proposed on the property. The petitioner has indicated that signage will limited to a single sign at the store front.

ACCESS
Two points of access onto Lisbon Road exist with no additional points of access proposed.

CONCLUSION
The proposed use is permitted as special use in the A-1 District with the required conditions outlined above and the proposed use complies with all conditions.

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
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured for the portion of the structure that will be used for a retail sales area within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the special use shall be installed
6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider
8. All parking shall be on the property and no parking shall occur within any public roadway right-of-way

ATTACHMENTS
1. Findings of Fact
2. ZPAC Minutes 5.3.16
3. Business Plan - prepared by the petitioners
4. Proposed Site Plan
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. True. The petitioner has submitted a business narrative indicating that measures will be taken to ensure that the use 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 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 allowing a temporary permit for the sale of sweet cider. The portion of the structure that is proposed to be used for retail sales area 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 petitioner has provided a site plan that complies with the requirements for the proposed use.

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 and the property will remain as an agricultural operation and residence.
Senior Planner John Sterrett called the meeting to order at 9:00 a.m.

Present:
Scott Gryder – PBZ Committee Chair
Fran Klaas – Highway Department
David Guritz – Forest Preserve
Commander Mike Peters – Sheriff’s Office
Aaron Rybski – Health Department
Megan Andrews – Soil & Water Conservation District
John Sterrett – PBZ Department

Absent:
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department

Audience: Joe Gomoll; Attorney Dan Kramer; Ron Walker

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

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

PETITIONS
#16-09 – Joe Gomoll
Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use for the production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises and as well as the sales of ancillary items and products related to crops and products produced on site. The property is located at 10151 Lisbon Road in Fox Township. The petitioner will be operating the use out of an existing 4,800 square foot structure and utilizing 1,000 square feet of retail space. Five (5) parking stalls are proposed to meet the requirements of the zoning ordinance for this type of use. 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
2. Parking stalls reserved for ADA access shall be paved with a hard surface and identified as such
3. A change of occupancy permit shall be secured within sixty (60) days upon approval of the special use
4. All proposed signage shall comply with Section 12 of the Zoning Ordinance
5. No lighting associated with the use shall be installed
6. No alcohol shall be offered for retail sale on the property until such time that a liquor license is permitted to be issued in Fox Township and until said liquor license has been approved by Kendall County. All regulations of the Kendall County Liquor Control Ordinance shall be followed.
7. A temporary permit from the Health Department shall be secured prior to the sale of sweet cider

Mr. Rybski reiterated the provision for a temporary permit from the Health Department and that as the business grows the Health Department will provide information on any additional requirements. Mr. Klaas stated that if there any future additional ROW required along Lisbon Road that parking and building are setback far enough.

Mr. Gryder made a motion, seconded by Mr. Rybski, to forward the petition onto the May 25th Regional Plan Commission. With a voice vote of all ayes, the motion carried.
Business Plan for Gomoll Farm Storefront Operation

Summary of Business:

To assist in the marketing and sale of all agricultural products grown on the property, it has been determined that a Farm Stand is required. Historically, the agricultural products have been taken off the premise and marketed and sold at open / farmer’s markets in the surrounding area. However, it would be much more cost effective, and productive to have a point of sale on the premise. Current agricultural products available for sale include apples, vegetables, stone fruit, eggs, and honey.

Pending approval from the Kendall County Health department, sweet cider will be available as early as Fall 2016. Hard cider production and sales would be a future endeavor driven by market demand.

Christmas trees are planned for 2020 and beyond.

A portion (1000 sqft) of pole building is to be allocated to the retail space needed to display, market, and complete the sale. The remainder of the building will continue to be used for equipment storage and farm operations.

In addition to the current agricultural products produced on-site, it is the intention to augment sales with ancillary products, such as bee keeping equipment, soaps, candles, home décor, and possibly other local growers’ produce.

Although initially a two season storefront, the intention will be to eventually provide something for each season of the year.

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<th>Season</th>
<th>Offerings</th>
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</thead>
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<tr>
<td>Spring</td>
<td>Garden Plants, Fruit Trees, Honey, Eggs</td>
</tr>
<tr>
<td>Summer</td>
<td>Garden Produce, Fruit, Honey, Eggs</td>
</tr>
<tr>
<td>Fall</td>
<td>Apples, Cider, Honey, Eggs</td>
</tr>
<tr>
<td>Winter</td>
<td>Christmas Trees, Cider, Honey, Eggs</td>
</tr>
</tbody>
</table>

Employees:

None, this is a family run operation, with zero employees.

Hours of Operation:

1-3 days per week during peak seasons. To include at least one day over the weekend. It is expected hours would be limited to a maximum 8 hours on any given day. (i.e. 8-5).

Signage:

Signage would be limited to a single sign at the store front in compliance with the local sign ordinances.

Access:

Access will be gained from Lisbon Rd via a dedicated u-shaped drive that will provide both an entrance and exit from the building.

Parking:
Parking will be available in front of the building. There is ample space to expand parking if needed, however it is not expected any more than 5 slips would be required.

**Conditional Use until Approved.**

Kendall county ordinance allows the sale of agricultural products grown on premise without a special use permit. However, in anticipation of growing the operation to include the other products mentioned above (e.g. bee keeping equipment, soaps, candles, home décor, antiques, etc.) a special use permit is being applied for.

**Storefront Configuration:**