COUNTY OF KENDALL, ILLINOIS

COMMITTEE OF THE WHOLE COUNTY OFFICE BUILDING



- 1. Call to Order and Pledge of Allegiance
- 2. Roll Call: Robyn Vickers, Elizabeth Flowers, Tony Giles, Scott Gryder, Amy Cesich, Judy Gilmour, Matt Kellogg, Audra Hendrix, Matthew Prochaska
- 3. Approval of Agenda
- 4. Old Business
- 5. New Business
 - ➤ Waubonsee College Small Business Development Center Presentation Harriet Parker, SBDC Coordinator
 - Discussion and Approval of a 30-day extension of the Settlement Agreement for the Payment of Interest Attributable to Delinquent Taxes in Yorkville SSA 2004-107

From the PBZ Committee:

- Discussion of Petition 19-21 Request from the Kendall County Planning, Building and Zoning Committee for Amendments to the Kendall County Land Cash Ordinance by Updating the School Enrollment Figures, Fair Market Value Calculation, and Related Tables
- Discussion of Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township
- Discussion of Petition 19-12-Request from Robert Bright on Behalf of Madison Trust and Castle Bank N A and JoAnn Bright-Theis for a Special Use Permit for a Banquet Center at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township; Property is Zoned A-1
- 6. Public Comment
- 7. Ouestions from the Media
- 8. Chairman's Report
- 9. Review Board Action Items
- 10. Executive Session
- 11. Adjournment

COUNTY OF KENDALL, ILLINOIS COMMITTEE OF THE WHOLE

Thursday, July 11, 2019

CALL TO ORDER AND PLEDGE OF ALLEGIANCE - The meeting was called to order at 4:00p.m. by County Board Chair Scott Gryder, who led the Pledge of Allegiance to the American Flag.

ROLL CALL

Attendee	Status	Arrived	Left Meeting
Amy Cesich	-	4:09p.m.	6:15p.m.
Elizabeth Flowers	ABSENT		
Scott Gengler	Here		
Tony Giles	ABSENT		
Judy Gilmour	Here		6:19p.m.
Scott Gryder	Here		
Audra Hendrix	Here		
Matt Kellogg	Yes		
Matthew Prochaska	ABSENT	,	
Robyn Vickers	Here		

Others present: Matt Asselmeier, Assistant State's Attorney Leslie Johnson, Scott Koeppel

APPROVAL OF AGENDA – Motion made by Member Gilmour to approve the agenda with moving Public Comment before the New Business section, second by Member Hendrix. With six member's present voting aye, the motion to approve the agenda carried by a vote of 6-0.

OLD BUSINESS - None

PUBLIC COMMENT — Kristen Friestad thanked committee members for the changes that have already been made, and voiced her concerns regarding the proposed Petition 18-04, specifically about protecting good rock, good soil and good water.

Scott Wallin asked the committee to vote no for proposed Petition 18-04 and voiced his concerns to deterioration to landscape, semi-truck traffic, and affects on soil and ag land.

Kurt Buhle distributed his concerns about the proposed Petition 19-12, and the increased traffic on Crimmins Road, the noise, alcohol use on the property, and land values because of the venue events.

Jeff Spang, Fox Township Supervisor, explained that there had been a number of changes since they had agreements or understandings, specifically the elimination of the door closure issue from the Special Use requirement, increased noise concerns, the numbers of events allowed per year from 30 to 60, and the use of alcohol on the property since Fox

Township is a dry Township, and prohibits the sale of alcohol at the venue. Mr. Spang informed the committee of past and future events that are advertising the sale of alcohol. Mr. Spang stated that Fox Township no longer supports the Special Use Permit now that changes have been made to it.

NEW BUSINESS

From the Planning, Building & Zoning Committee:

Discussion of Petition 18-04 Request from the Kendall County Regional Planning Commission for Amendments to the Land Resource Management Plan for Properties Located Near Route 47 in Lisbon Township — Matt Asselmeier briefed the committee on the proposed amendments, reviewed the plan, the maps, the purpose of each parcel, the benefit for Fox and Lisbon Townships, and a call from Vulcan Mining Company regarding two parcels that they state were annexed into the Village of Lisbon in 2008, but have only an unsigned annexation agreement as proof. Vulcan will continue to research their allegation, and search the records for a signed agreement. Member Hendrix made a motion to send the item back to the Planning, Building and Zoning Committee for further discussion and review, second by Member Vickers.

Roll Call: Amy Cesich – yes, Scott Gengler – yes, Judy Gilmour – yes, Scott Gryder – yes, Audra Hendrix – yes, Matt Kellogg – yes, Robyn Vickers – yes. With seven members in agreement, the motion carried.

Discussion of Petition 19-12-Request from Robert Bright on Behalf of Madison Trust and Castle Bank N A and JoAnn Bright-Theis for a Special Use Permit for a Banquet Center at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township; Property is Zoned A-1 – Mr. Asselmeier stated that ZPAC reviewed the request and recommended approval with conditions, with Member Guritz voting present. The Kendall County Regional Planning Commission recommended approval with conditions, with five members present and four members absent. The Zoning Board of Appeals approval on a vote on 4-1 with Member Clementi voting no with concerns about safety on Crimmin Road and some of the conditions proposed concerning noise. The PBZ Committee recommended approval with conditions, by a 4-1 vote. Matt Kellogg and Matt Asselmeier reviewed some of the changes made by the Planning, Building and Zoning Committee at their July 8, 2019 meeting. The committee asked ASA Johnson about the serving and sale of alcohol in a dry township, and asked her to research the issues.

Jeff Spang reported that Fox Township had located the original records, and showed the original record event in the 1939 handwritten by the clerk, the wording of the referendum, to the Zoning Board of Appeals committee.

Mr. Spang will take a photo of the ledger book, and will forward it on to

Mr. Asselmeier for distribution to Board members. Further discussion on serving alcohol by renters of the venue, the sale of alcohol by the venue, and what would be considered a violation.

Adam Theis of Brighter Days Farm explained his understanding of the laws concerning the serving of alcohol in Fox Township, discussions at the Fox Township meetings, and the venues providing space for a licensed caterer to serve alcohol to guests at their venue. Member Hendrix stated this would be a violation since Fox Township had codified it. Mr. Theis explained that he wasn't aware that the township had codified it a few days ago. Mr. Spang stated that the venue does not have the Special Use permit at this time, and they are operating outside of their Ag-1 zoning.

Discussion on the land sold to the Kendall County Forest Preserve District years ago, and their holding equestrian events inside the Forest Preserve without a permit. Member Gilmour stated there are no authorized horse trails in that preserve. Member Gilmour also expressed concerns about increased traffic on Crimmins Road, and the potential use of alcohol at events.

Member Gilmour made a motion to send the item back to the Planning, Building and Zoning Committee, second by Member Hendrix.

Roll Call: Member Cesich – yes, Member Kellogg – yes, Member Vickers – yes, Member Hendrix – yes, Member Gengler – yes, Member Gilmour – yes, Member Gryder – yes. With seven members voting aye, the motion carried.

JoAnn Bright-Theis informed the committee that when they sold the property to the KC Forest Preserve District, that they had an understanding with former Forest Preserve District Director Jason Petit, that they could continue to use the trails in the Forest Preserve after the sale. Ms. Bright-Theis did not have knowledge of a written agreement stating this continued use.

QUESTIONS FROM THE MEDIA - None

REVIEW BOARD ACTION ITEMS FOR July 16, 2019 – Chair Gryder asked the committee to review the draft County Board agenda. Members requested that items G be removed from the Consent agenda and placed under the Planning, Building and Zoning Committee; item H be removed from the Consent agenda and sent back to the Planning, Building and Zoning Committee; and that item I be removed from the Consent agenda and placed under the Highway Committee.

The committee also removed the Administration HR Committee, the Facilities Management Committee, and the Health & Environment Committee from the Standing

Committee Reports section, and the Juvenile Justice Council, UCCI and Board of Health reports from the Special Committee Reports section.

ITEMS FOR THE JULY COMMITTEE OF THE WHOLE MEETING - None

CHAIRMAN'S REPORT - None

EXECUTIVE SESSION – Member Gryder made a motion to enter into Executive Session for the purpose of the collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (SILCS 120/2 2), second by Member Hendrix.

ROLL CALL: Amy Cesich – yes, Matt Kellogg – yes, Robyn Vickers – yes, Audra Hendrix – yes, Scott Gengler – yes, Judy Gilmour – yes, Scott Gryder – yes

With seven members present voting aye, the committee entered into Executive Session at 5:02p.m.

ADJOURNMENT – Member Cesich left the meeting at 6:15p.m. and Member Gilmour left the meeting at 6:19p.m. Therefore, with only five members in attendance, the meeting was ended for lack of quorum to conduct business at 6:20p.m.

Respectfully Submitted,

Valarie McClain Administrative Assistant and Recording Secretary





Illinois Small Business Development Center

At Waubonsee Community College

Illinois Small Business Development Center (SBDC)

- Located in Downtown Aurora campus, 18 S. River St.
 - We also meet at the client business or other Waubonsee campus locations, as needed
- Funded by SBA, DCEO, and Waubonsee Community College
 - One of 30 SBDC's located throughout Illinois
- No-Cost, unlimited one-on-one assistance (English and Spanish)
- Small business workshops, research tools and databases





SBDC Services – Entrepreneurs

- "Readiness" assistance
 - Business plan and financial projections
 - Marketability and positioning
 - Financing strategies and options
- "How To" assistance
 - Choosing a business structure
 - Certification and licensing
 - Industry rules/regulations
- Resource referrals





SBDC Services - Small Business

- Strategic planning
- Infrastructure (Accounting, HR, SOP's)
- Financial literacy, forecasting and analysis
- Pricing and sales forecasting
- Marketing strategies

- Patent, trademark and copyright questions
- Growth and expansion planning
- Buying or selling
- Succession planning
- Resource referrals





SBDC Workshops and Events

- Starting Your Business
- Marketing Basics
- Social Media/Internet Marketing
- Small Business Tax Workshop
- Intellectual Property

- Mastermind Groups
- Veteran's Workshop
- SBA Lenders Forum





SBDC Impact 2018-2019

Economic Impact

- 270 clients served
- 588 workshop attendees
- 10 new business starts
- 88 jobs created
- 60 jobs retained
- \$33M debt and equity financing

Client profile

- 60% of clients are established businesses
- Most are 20 employees for fewer; \$1M Sales or less





SBDC Keys to Success

Partnerships

- Waubonsee Community College
- Accion Chicago
- Fox Valley Entrepreneurship Center
- EDO's, Chambers and Banks
- PTAC and ITC

Experts

- All advisors have direct small business experience
- We contract with expert resources to meet client need

Client Relationship

- Trusted
- Long term



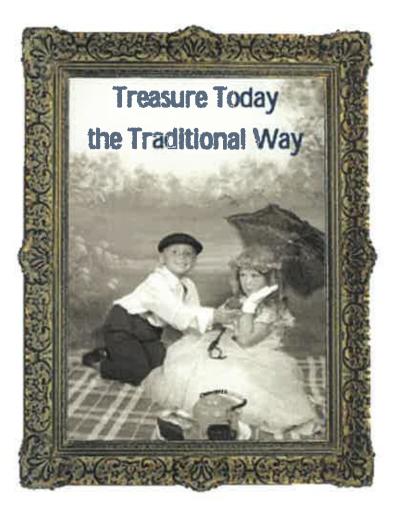


Meet some of our clients



Treasure Breads

- Co-owned by sisters Geneva and Rena Pedersen
- Started in 2007 baking gourmet sweet breads in the kitchen at Chapel on the Green in Yorkville
- SBDC provided growth and scalability planning, and helped transition baking to a contract kitchen
- Today they produce about 1,000 loaves of bread/week



More Polish Pottery

- Rebecca Gengler, owner
- Opened in Big Rock in 2011
- Retail destination for visitors from 42 states
- SBDC helped Rebecca expand from retail into wholesale
- Rebecca built and opened a new 6,000 square foot retail showroom/wholesale shipping facility, and is now the largest reseller of polish pottery in the US.





Flower Basket

- Colleen Hardekopf, owner
- Purchase building and moved to downtown Aurora in 2009
- Worked with SBDC on business plan for financing to purchase and rehab new building
- Despite 35 years in business, declares, "My business plan has changed the way I do business."





Contact Information

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Aurora, IL 60506
(630) 906-4143
sbdc@waubonsee.edu

www.waubonsee.edu/sbdc





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August 13, 2019

VIA EMAIL ONLY

Mr. Scott Koeppel
Kendall County Administrator
111 West Fox Street
Yorkville, IL 60560
skoeppel@co.kendall.il.us

VIA EMAIL ONLY

Mr. Eric Weis
Kendall County State's Attorney
807 West John Street
Yorkville, IL 60560
EWeis@co.kendall.il.us

RE: Raintree Special Service Area

Gentlemen,

Unfortunately, despite best efforts, it is possible that the closing on the purchase of the lots in Raintree may not occur prior to September 1, 2019. The closing has been delayed by complications in the purchase of the Bonds. Scott Guerard believes that the issues will be resolved soon, but possibly not in time to meet the dates set forth in the Settlement Agreement and Court Order.

As you will recall, the Agreement with the County and the State's Attorney and the Court Order each contained a condition that the closing on the lots must occur on or before September, 1, 2019 and that the \$550,000 payable to the County, together with the back taxes, must be paid by October 1, 2019.

On behalf of the Owners and contract purchases, we are requesting the cooperation of the State's Attorney and that the County Board request that the State's Attorney work with us to complete the amendments to the Agreement and the court order to extend the date set for closing on the lots by a period of thirty (30) days each. The County payment and tax payment dates would not change.

Rick Murphy and I will be available to attend the Committee of the Whole meeting to answer any questions. If the County Board and State's Attorney are receptive, we would

prepare the paper work necessary to address the question at the August 27, 2019 County Board meeting and to thereafter request that the Court amend its Order.

Very Truly Yours,

MAHONEY, SILVERMAN & CROSS, LLC

By: <u>/s/ David J. Silverman</u>

David J. Silverman

DJS/mc

THE COUNTY OF KENDALL FEBRUARY 19, 1841

DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 13, 2019

Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

At their meeting on February 27, 2019, the Comprehensive Land Plan and Ordinance Committee suggested removing all of the mining area around the Village of Lisbon. That same evening, the Kendall County Regional Planning Commission voted to remove mining around the Village of Lisbon except for those areas already zoned for mining uses.

At their meeting on June 10, 2019, the Planning Building and Zoning Committee voted 2-1 in favor of forwarding the proposal to the Committee of the Whole with a neutral recommendation.

On July 11, 2019, Vulcan Materials Company contacted the Kendall County Planning, Building and Zoning Department and stated four (4) properties shown on the maps as unincorporated had been annexed into the Village of Lisbon. The County had no record of this annexation. At their meeting later that day, the Committee of the Whole voted to forward the proposal back to the Planning, Building and Zoning Committee. On July 16, 2019, Vulcan Materials Company provided Kendall County with an annexation agreement dated March 24, 2008, annexing the properties in question into the Village of Lisbon. To the Planning, Building and Zoning Department's knowledge, this document had not been recorded. On August 12, 2019, the Village of Lisbon contacted the Kendall County Planning, Building and Zoning Department and stated that they intended to record the document. Attached please find revised proposal showing the Vulcan properties inside the Village of Lisbon.

At their meeting on July 30, 2019, the Planning, Building and Zoning Committee voted to forward the proposal back to the Committee of the Whole by a vote of five (5) in favor and zero (0) in opposition.

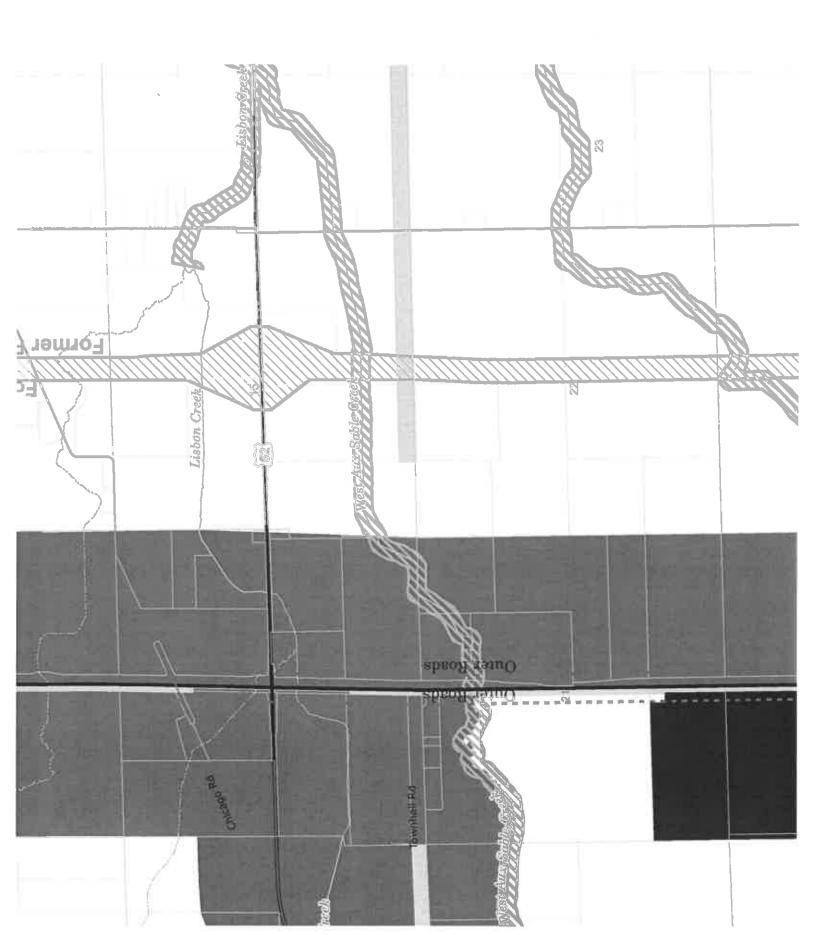
Also, attached please find comments submitted by Ruth Bell on July 30, 2019, after the Planning, Building and Zoning Committee meeting.

If you have any questions, please let me know.

MHA

ENC: Proposed Future Land Use Map with Vulcan Properties Inside Lisbon

7-30-19 Ruth Bell Comments



July 30, 2019

TO: Planning Building and Zooning Committee

RE: Proposed LRP changes along Route 47, Lisbon Township

As I have in the past, I ask you to remove the Mining classification from the proposed LRP changes. Extensive Mining is inappropriate use in this excellent agricultural area and close to Village of Lisbon and Central residential area.

I am concerned about what is proposed along both sides of Rt. 47 except at Rt. 47 and Rt. 52, Rt. 47 and Plattville Rd., and Rt. 47 and Sherrill Rd. intersections. What is being proposed along Rt. 47 between those commercial intersections will generate a great deal of traffic and have lengthily hours of operation. As such, those proposed uses will result in markedly increased traffic on connecting county and township roads almost 24/7. Besides being intrusive to those citizens already living in Lisbon township, such a sharp increase in traffic will seriously damage connecting County and Township roads, greatly increasing maintenance costs for those roads.

A determining factor in the State's decision to widen Rt. 47 was the supposition that it would carry long haul traffic around the Chicago metropolitan area, connecting as it does I-80 in Morris with I-88 at Sugar Grove.

The proposed LRP for Rt. 47 will allow uses that generate dense short haul traffic and frequent curb cuts, resulting in reduced carrying capacity on the highway for long haul traffic and slowing traffic flow to a crawl.

For all those reasons I ask that planning classifications along Rt.47 between the commercial nodes at the intersections cited above be limited to office and low-intensity (neighborhood) commercial uses.



Kendall County Agenda Briefing

Committee: Planning, Building and Zoning

Meeting Date: July 8, 2019

Amount: N/A
Budget: N/A

Issue: Petition 19-12-Request from Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis for a Special Use Permit to Operate a Banquet Center at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township

Background and Discussion:

Record for Petition - https://www.co.kendall.ll.us/wp-content/uploads/Petition-19-12.pdf

At their meeting on July 11, 2019, the Committee of the Whole referred this proposal back to the Planning, Building and Zoning Committee because of concerns related to Fox Township's dry regulations and a question regarding ordinance enforcement related to previous events at the property.

At their meeting on July 30, 2019, the Planning, Building and Zoning Committee unanimously approved requiring the north and south barn doors be closed by 7:00 p.m. at events with music (Condition I). The Committee approved removing the language of allowing an additional event per weekend with less than fifty (50) people (Condition J) by a vote of three (3) In favor and one (1) in opposition. The Committee approved forwarding the amended proposal to the Committee of the Whole by a vote of two (2) in favor and one (1) in opposition.

The draft ordinance and Fox Township's reasons for opposition are attached.

Committee Action:

ZPAC-Approval with Conditions (Guritz voted Present); KCRPC-Approval with Conditions; ZBA-Approval with Conditions (4-1); Fox Township-Objection Issued on July 22, 2019; Newark-No Comments; Newark Fire Protection-No Comments; PBZ Committee-Approval with Conditions (4-1 July 8, 2019 vote)

Staff Recommendation:

Approval with Conditions

Prepared by: Matthew H. Asselmeier, AICP

Department: Planning, Building and Zoning Department

Date: July 9, 2019 (Revised July 31, 2019)

ORDINANCE NUMBER 2019-____

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY ON A 38.34 ACRE +/- PARCEL LOCATED AT 10978 CRIMMIN ROAD ON THE PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP

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

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

<u>WHEREAS</u>, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 38.34 acres located at 10978 Crimmin Road (PINs: 04-29-300-010, 04-29-300-012, 04-30-400-007, 04-30-400-012, 04-30-400-013, 04-30-400-018, 04-30-400-019, 04-31-200-013, 04-32-100-006, and 04-32-100-008) in Fox Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property."; and

<u>WHEREAS</u>, the subject property is currently owned by Madison Trust and Castle Bank N A as represented by Robert Bright and JoAnn Bright-Theis has permission to operate a banquet facility on the subject property and shall hereinafter be referred to as "Petitioner"; and

<u>WHEREAS</u>, on or about March 19, 2019, Petitioner filed a petition for a special use permit allowing the operation of a banquet facility at the subject property; and

<u>WHEREAS</u>, following due and proper notice by publication in the Kendall County Record on June 6, 2019, the Kendall County Zoning Board of Appeals conducted a public hearing on July 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and two members of the public expressed concerns regarding the petition; and

<u>WHEREAS</u> based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated July 1, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

<u>WHEREAS</u>, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested special use permit with conditions; and

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

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

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

- 1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
- 2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit allowing the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The site shall be developed substantially in accordance with the Site Plan attached hereto as Exhibit C, Landscaping Plan attached hereto as Exhibit D, and Parking Illumination Plan attached hereto as Exhibit E.
 - B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.
 - C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
 - D. The subject parcel must follow the site plan configuration with the exception of the right-of-way dedication listed in condition L.
 - E. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
 - F. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
 - G. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - H. 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.

- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
- J. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day prior to the event and 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- K. A new certificate of occupancy must be issued for the barn.
- L. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- M. No patron or other entity associated with the business allowed by this special use permit shall be allowed to park on Crimmin Road.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- P. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- Q. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

<u>IN WITNESS OF</u>, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 27th day of August, 2019.

Attest:	
Kendall County Clerk	Kendall County Board Chairman
Debbie Gillette	Scott R. Gryder

Exhibit A LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Ouarter of Section 29, that part of the Southeast Ouarter of Section 30, that part of the Northeast Quarter of Section 31 and that part of the Northwest Quarter of Section 32, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter of Section 31; thence Southerly, along the East Line of said Northeast Ouarter, 412.50 feet for a point of beginning; thence West, along a line which is parallel with the North Line of said Northeast Quarter and which forms an angle of 88°55'20" with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of 136°30'40" with the last described course, measured counter-clockwise therefrom, 506.73 feet to the centerline of Crimmins Road: thence Northeasterly, along said centerline which forms an angle of 105°18'51" with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northeasterly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, an arc distance of 1058.74 feet; thence Northeasterly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northeasterly, along said centerline being a curve to the left with a radius of 730.0 feet, an arc distance of 8.76 feet to the West Line of said Southwest Quarter of Section 29; thence Southerly, along said West Line, 22.82 feet; thence Southeasterly, along a line which forms an angle of 136°53'45" with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of 148°16'44" with the last described course, measured counter-clockwise therefrom, 889.54 feet to a point on a Southerly Line of a Tract conveyed to Robert A. Bright as Trustee of the Robert A. Bright Declaration of Trust by Trustee's Deed recorded as Document 9801248 on February 4, 1998; thence Southwesterly along said Southerly Line which forms an angle of 89°59'40" with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northwesterly, along a line which forms an angle of 95°37'45" with the last described course, measured counter-clockwise therefrom, 359.61 feet to a point on a line drawn Easterly, parallel with the North Line of said Northwest Quarter of Section 32, from the point of beginning and which is 607.20 feet from the point of beginning; thence Westerly, along said parallel line which forms an angle of 107°48'12" with the last described course, measured clockwise therefrom, 607,20 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 38.3391 acres.

Exhibit B

FINDINGS OF FACT

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 establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties. The Kendali County Sheriff's Department has not submitted comments expressing concerns for public health and safety, based on the information provided by the Petitioners.

Member Clementi dissented with the above Finding and stated that the proposed special use permit would be detrimental and will endanger the public health.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise, light created from the proposed use, and increased traffic. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours and days of operation, and buffering within the ordinance granting the special use permit.

Chairman Mohr and Member Clementi dissented with the above Finding.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner's site plan addresses utilities, drainage, and points of ingress and egress.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. The site conforms to the regulations of the A-1 Agricultural Zoning District.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use in consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Recommendation

The Kendall County Zoning Board of Appeals recommends approval of the requested special use permit with the conditions:

- A. The site shall be developed substantially in accordance with the attached Site Plan, Landscaping Plan, and Parking Illumination Plan.
- B. Permanent restroom facilities shall be installed by 2021. When the permanent restroom facilities are installed, the portable bathrooms shown on the attached site plan shall be removed.

- C. A maximum of two hundred eighty (280) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. The subject parcel must maintain a minimum of five (5) acres.
- E. 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)
- F. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the Zoning Ordinance.
- G. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. Any signage provided will not be illuminated. The owners of the business allowed by this special use permit may install additional non-illuminated traffic directional signs not shown on the approved site plan within their property.
- H. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- I. 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.

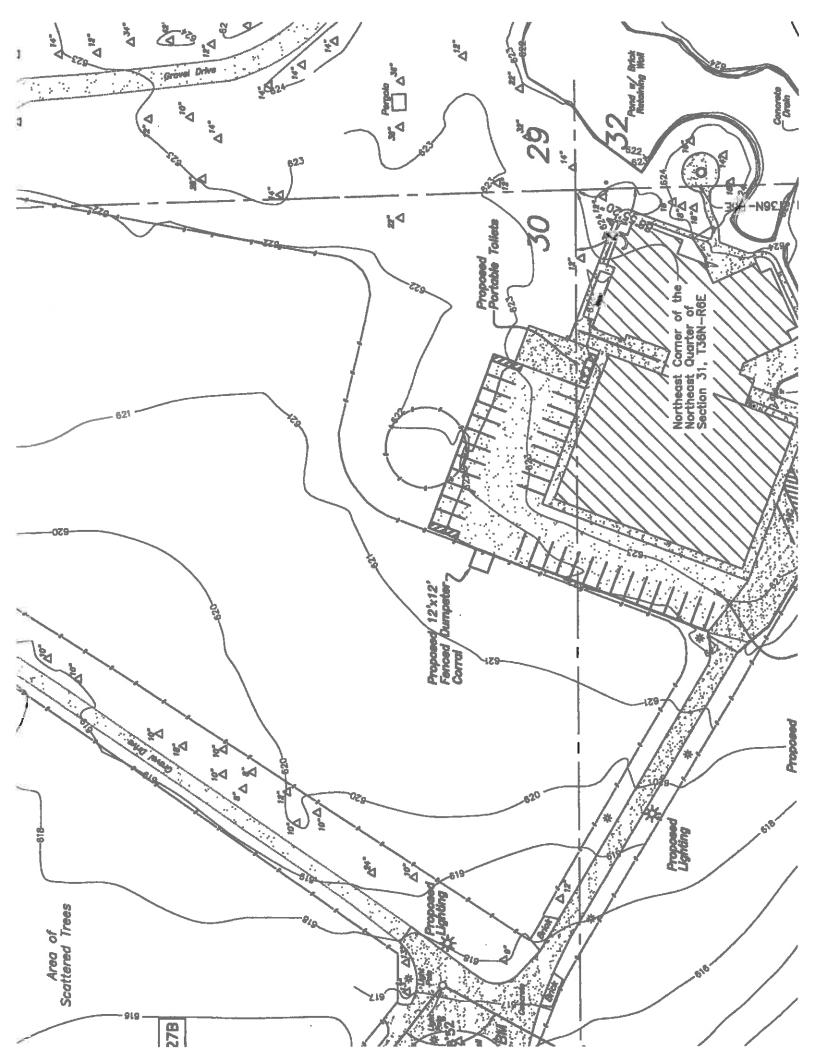
EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

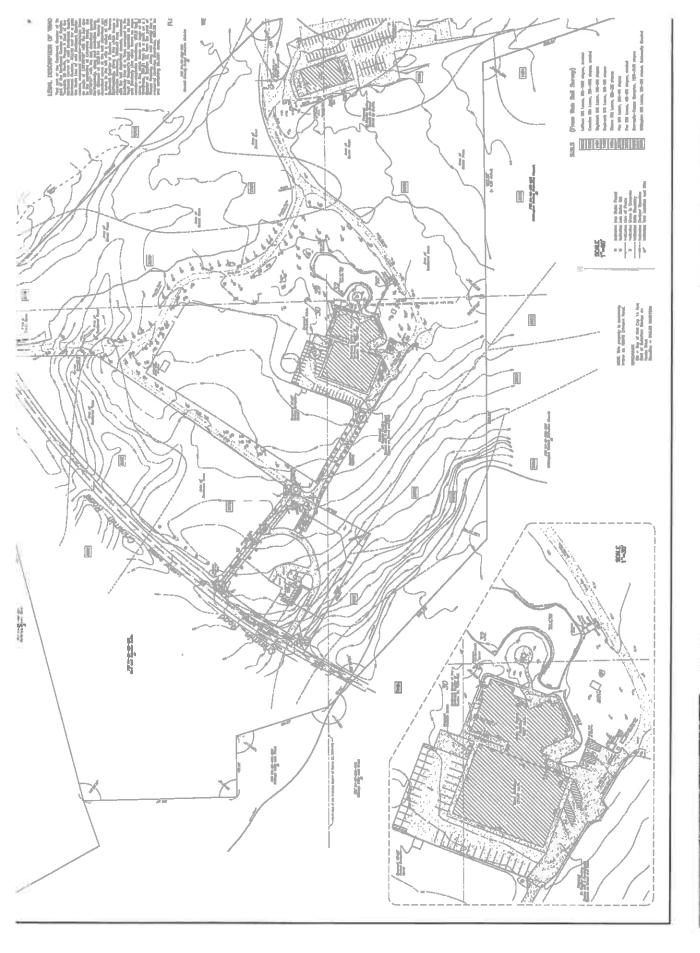
- J. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, barn doors shall close by 7:00 p.m.
- K. Events shall be held on weekends only and shall conclude by 10:00 p.m. Only one (1) event per weekend may occur. For the purposes of this special use permit, weekends shall be Fridays, Saturdays, Sundays, Mondays, and any Federal or State Holiday falling on a Thursday or Tuesday. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. Setup for events would start at 9:00 a.m. on the day of the event and customers would have one (1) hour to vacate the premises after the conclusion of the event. The facility would close on November 1st and reopen April 1st. The number of events per year shall be capped at thirty (30).
- L. A new certificate of occupancy must be issued for the barn.
- M. Within ninety (90) days of the approval of this special use permit ordinance, the owners of the subject property shall dedicate a strip of land along the entire western boundary of the property at a depth of forty-five feet (45') as measured from the centerline of Crimmin Road to Fox Township to be used as Crimmin Road right-of-way.
- N. No patron or other entity associated with the business allowed by this special use permit shall

- be allowed to park on Crimmin Road.
- O. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- P. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws including, but not limited to Fox Township's laws, related to the operation of this type of business.
- Q. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- R. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The Kendall County Zoning Board of Appeals issues this recommendation by a vote of four (4) in favor, one (1) opposed, and two (2) absent.

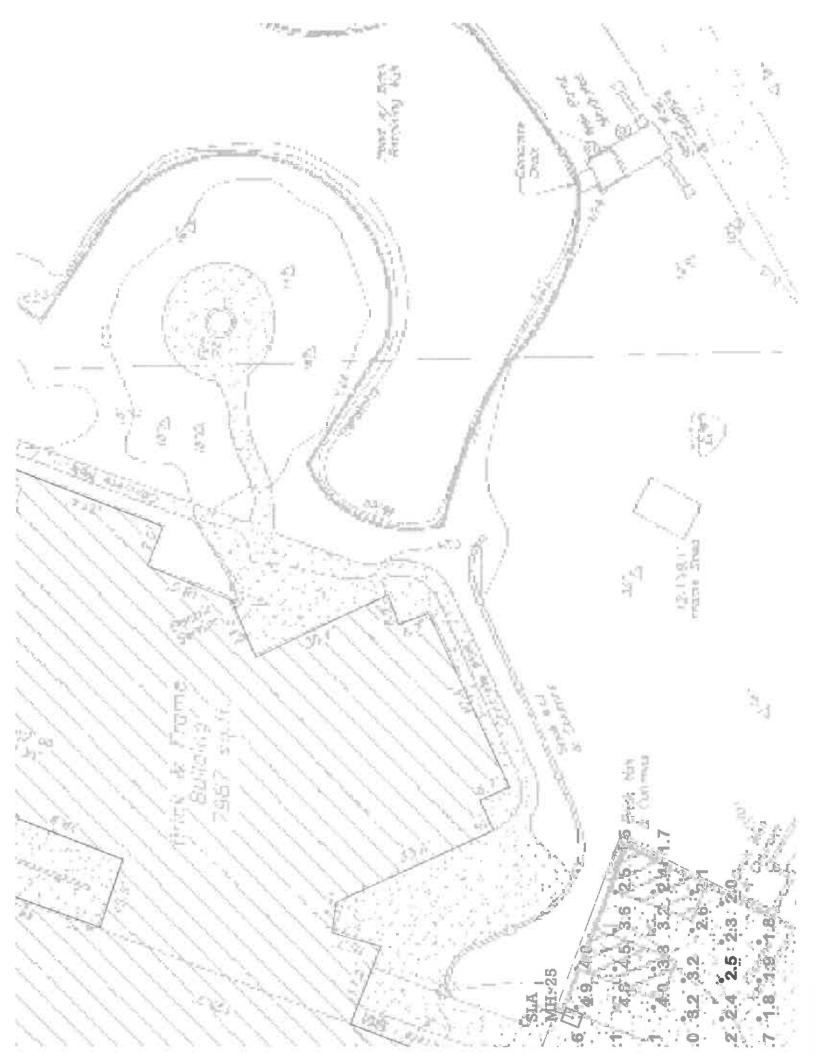
July 1, 2019





Notes: 1) (166)Trees Ranging from 3" — 36"





Fox Township

Jeff Spang • Supervisor P.O. Box 418 - 8495 Fox River Drive Milibrook, IL 60536 Telephone 630-553-5904 ext 2



July 26, 2019

Kendall County Board 111 Fox Street Yorkville, Illinois 60560

Ref: Special Use Permit Petition #19-12

Dear Board Members.

In the beginning of this process, Fox Township entered into good-faith discussions with this petitioner. The impacts that Fox Township are concerned about were discussed and amenable solutions were agreed to. Along the way, several of the agreements were changed by members of boards, committees, or the petitioner in direct disagreement with Fox Township. Fox Township Board of Trustees met on July 22, 2019 and discussed the issues presented here. The Board of Trustees voted unanimously to withdraw our support for and to now formally object to this zoning change due to the changes made in the permit without Fox Township's opportunity to rebut. With the changes made to the request, Fox Township hereby notices the Kendall County Board and the petitioner that we are now formally objecting to the change of use proposed by this petition. We hereby revoke our prior approval for the following reasons:

- 1) Three adjacent landowners have contacted Fox Township through the Supervisor and stated objection to this plan due to noise, traffic, safety, and the disruption of the rural atmosphere that these residents reasonably believe will occur with this zoning change. Names of the local residents are available upon request.
- 2) Actions by the petitioner continue to be aggressive and egregious in nature. The petitioner has held many events in the past which are not permitted in an A1 zoning district. The statement made by the petitioner in the KCRPC meeting and other meetings that no public events had been held is false. The petitioner advertised and held a public event on October 20th, 2018 (see attachment 1) where they rented booths out (charged fees for) to crafters and vendors in direct violation of A1 permitted uses. Alcohol was sold and served at this event in direct violation of Fox Township "No Alcohol Rule" which is well known and has been in effect for over 80 years. Several weddings were also held at which the sale and serving of alcohol was conducted in direct violation of Fox Township's "No Alcohol Rule". Cash bars at weddings held on this site are promoted on the Brighter Daze Facebook page (see attachment 2). On April 27th, 2019, petitioners hosted a charity event in which signature drinks were sold along with a cash bar being utilized. A "Killer Cocktail Hour" was also promoted on social media advertising (see attachment 3). A brief internet

- search for Brighter Daze Farm reveals offerings that are in direct conflict with local regulations and demonstrates how long this facility has operated in violation of its current zoning classification.
- 3) This petition refers to the zoning change to allow a banquet center. It takes careful reading to realize the intention is to operate an Event Center without defining or limiting the types of events being considered. Wording is used to allow 280 guests to attend along with 1 additional employee. It is not reasonable to expect that one employee can manage a function with 280 guests. Security, food service, beverage service, bathroom service, and clean up service are all services the petitioner has stated they will provide.
- 4) The petitioner has stated publicly that they intend to serve alcohol at these events even after Fox Township has repeatedly informed the petitioner that Fox Township is a "dry" township.
- 5) Fox Township believes the impacts of an Event Center with 280 guests and additional support staff, in conjunction with holding 60 events per season would result in extensive improvements to Crimmins Road being required in order to handle the traffic volumes generated. No discussion has taken place regarding who will bear the cost if improvements are found to be necessary. This is the reason Fox Township requested the Special Use be contingent upon the findings of a Traffic Study which addresses all facets of the venue's impact on the road. Members of the KCRPC publicly stated that they "felt that having the special use permit contingent on a traffic study and requiring the petitioners to pay for the improvements to Crimmins Road was unnecessary". Fox Township does not have the financial resources to improve this road without budgeting over a period of several years. Fox Township also believes that it is not the responsibility of the township residents to improve infrastructure to benefit private enterprises.
- 6) Fox Township has requested a statement, "The Sale and Serving of Alcohol is prohibited in Fox Township" be included as a condition of the special use request. Including this statement puts all parties on notice and allows suspension of the special use upon violation of this clause. It is a tool to ensure compliance and is more cost effective that litigation. Fox Township disagrees with the KCRPC that "Fox Township's Dry Regulations are not a zoning matter". Quite to the contrary, A1 zoning does not currently permit business uses that sell and serve alcohol. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness".
- 7) In the original discussion between the petitioner and Fox Township, it was agreed to limit the number of events to 30 per season between April 1st and November 1st of each year. Subsequently, as the petition made its way through the permitting process, this number was increased 100% to 60 events per season without the input of Fox Township. Other pre-negotiated limits were also eased. The agreement between the petitioners and Fox Township limited the events to one per weekend, held on Saturdays only. The current draft of the special use now allows two events per weekend and defines weekends as Friday, Saturday, Sunday, Monday, and any Thursday or Tuesday on which a Federal or State holiday falls. Fox Township asserts that

- this use is too intense to preserve the peace, safety, comfort, or general welfare of the area.
- 8) Petitioners had agreed to close the barn doors during events at 7pm and to keep them closed until the conclusion of the events in order to minimize noise from the venue. This restriction was removed by the PBZ without discussion with Fox Township. This is the same board that unilaterally increased the number of events by 100%.
- 9) Fox Township believes that 109 parking spaces is inadequate for a use that allows 280 guests, additional employees, and sub-contractors providing linens, decorations, food services, beverage services, bathroom services, and cleanup services. These are all services the petitioner has listed in the request.
- 10)In Findings of Fact, Fox Township disagrees with several findings of the ZBA:
 - a. The special use WILL be detrimental to or endanger the public health, safety, and general welfare. The ZBA states in Exhibit B, first paragraph, that proper buffering and noise controls will be required yet they eliminate the requirement to close venue doors at 7PM to ensure lower noise levels.
 - b. If this use is granted, this site will no longer conform to the stated regulations of the A1 Zoning district. It will be more in line with an entertainment venue found in business zoning classifications.
 - c. This type of use also does not conform to the Kendall County Land Resource Management Plan objective to "Encourage Agriculture and Agribusiness". Banquet Facilities and Event Centers are not agriculture or agribusiness.

It is germane to the discussion to include the following comments:

- 1) Fox Township has requested that it be named specifically in the special use request as a party that has authority to make rules that must be followed in the operation of this special use permit. At this point, Fox Township is so named in item (O) of the special use permit. We thank you for this consideration.
- 2) While the following is not specifically a part of the special use request, it should be noted this petitioner is advertising in their Trail Ride business that they "have over 400 acres of trails" for use by customers(see attachment 4). This petition states the size of the facility property is 38,34 acres. It is Fox Township's belief that the aforementioned "400 acres of trails" are in part or in total inclusive of the Millington Forest Preserve. This forest preserve does appear to have been opened to the public.

Fox Township respectfully requests that the Kendall County Board deny the special use request for the above mentioned reasons. If it is determined that the majority of the data provided in this letter can be resolved, the Fox Township Board will reconsider our position and response to this permit.

Fox Township Board of Trustees

Brighter Daze Farm - Fall Harvest Vendor Fair

Est, drink, & Shop over 40 vendors and craftsmen in your community!

Woodsmirkens, farmer's market, weakling, food, customidestyne, animal, weakling, and event vendors







Fur Angels Sanctuary







color



Young LIVING











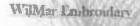


Lather of Life











Gina's Drab 2 Fab Art







Jerry Bannister Photography



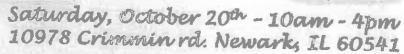








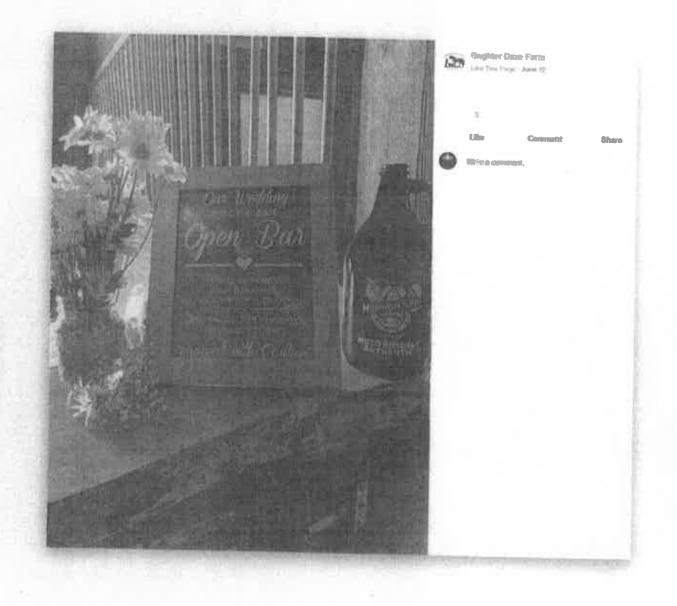




Representation of just some of the vendors attending. Vendors are subject to change and not guaranteed to be present based on their molitolity



Light II



tlof E

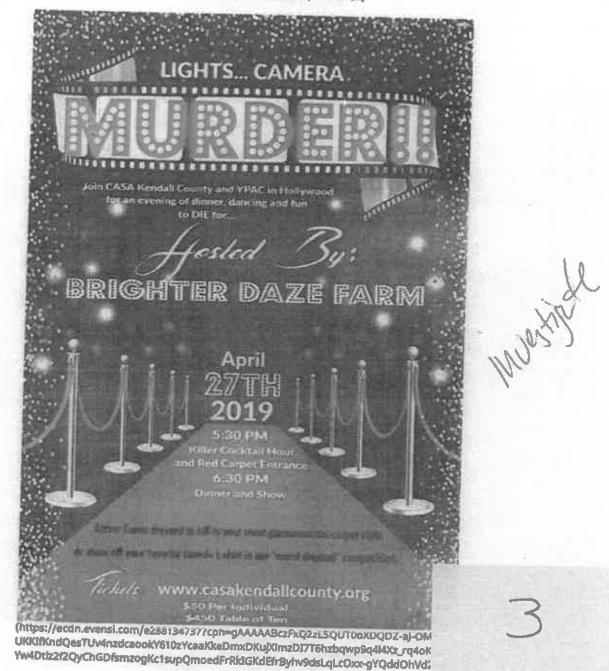
EVENT Muse Musicar Mystery Dinner

Saturday 27 April 2019 5:30 PM >> Saturday 27 April 2019 10:30 PM

ENDED

IN

Oswego (https://www.evensi.us/illinois/oswego) > CASA Kendali County (https://www.evensi.us/page/casa-kendali-county/10005743568) > Murder Mystery Dinner (https://www.evensl.us/murder-mystery-dinner-brighter-daze-farm/288134737)



https://www.evensi.us/murder-mystery-dinner-brighter-daze-farm/288134737

MORE INFO

About

63

Most natural environment for horses and we have 400 acres of trails!

We provide an all natural, laid back environment for both horse and rider. Horses are allowed unlimited pasture time and only come into our heated barns in extreme weather or due to injury. Stalls and pastures are equipped with automatic water systems so they are never thirsty.

We have over 400 acres of trails to enjoy that lead through wooded ravines and beautiful hay fields where we grow our own hav!

We are luck to have a great group of people who love to ride and have fun!

General Information

BrighterDaze Farm is the trail riders paradise. There are miles of trails covering more than 400 acres of land that wind through the forest, hay meadows, creeks, and ravines. There is an abundance of wildlife to enjoy, like deer, owls, blue heron, and much more.

Located in Newark, IL, just off Rt.71 (10 min from Yorkville, 30 min from Plainfield) our heated barns offer either 10'x12' or 10'x14' stalls with the option of using a common tack room or a private tack room. All boarders have access to the 126'x60' heated arena, wash rack with hot water, outdoor round pen, and of course the trails.

The lounge includes sitting area with a TV, breakfast bar, kitchen, and bathroom with a shower. Care taker resides on premises. We take pride in providing quality care and understanding your horse as an individual. Horses are turned out on spacious grass pastures every day, after morning grain, and brought in every evening and grained again. Each pasture has a shelter and automatic waters.

We provide bedding (aspen gold), grain, (safe choice) and hay (grown on the farm). We will also distribute any grain and/or supplements (premeasured) purchased by owner to the owner's specifications.

If you have any questions please call JoAnn Bright, owner/manager at 630 774 0042, email us at info@brighterdazefarm.com, or check us out at <u>brighterdazefarm.com</u> categories

Sports & Recreation · Wedding Planning Service · Pet Service