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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

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**Petition 21-26****Robert Bright on Behalf of the Madison Trust and Castle Bank  
N A and JoAnn Bright-Theis****Major Amendment to A-1 Special Use for a Banquet Facility****INTRODUCTION**

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions.

The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year. In particular, the Petitioners would like to make the following changes:

1. Divide the building allowed for events into Event Space A with approximately nine thousand six hundred (9,600) square feet, Event Space B with approximately two thousand nine hundred (2,900) square feet, and the remaining approximately seven thousand two hundred forty-two (7,242) square feet into non-project space not used for events.
2. Event Space A would have a maximum two hundred eighty (280) guests and Event Space B would have a maximum sixty (60) guests. Only (1) event would take place at a given time and total allowable number of guests shall not exceed two hundred eighty (280). The present maximum number of guests is two hundred eighty (280).
3. Remove the requirement that the north and south barns doors close by 7:00 p.m. at events with music.
4. Remove the requirement that events can be held on weekends only.
5. Remove the cap on the number of events per year at the property; the cap is thirty (30) events.
6. Change the concluding time of events from 10:00 p.m. to 11:00 p.m. The requirement that customers have one (1) hour to vacate the premise upon the conclusion of an event would be retained. The Petitioners originally requested that events end at Midnight; the time was changed at the Regional Planning Commission meeting.
7. Originally, the Petitioners requested that Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. On October 7, 2021, they submitted an email requesting that Event Space A close on November 15<sup>th</sup> and reopen April 15<sup>th</sup> to accommodate events rescheduled because of the COVID-19 pandemic. Event Space B may operate year round.
8. Setup for events would occur at 9:00 a.m. on the day of the event.
9. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. This requirement is unchanged.
10. Originally, the landscaping plan shall be amended to include the planting of twelve (12) cedar trees. The Petitioners would instead like to plant six (6) white pine trees and six (6) blue spruce trees. The trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.

11. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit. This condition was added at the Zoning Board of Appeals hearing.

The draft ordinance, including the site plan, original landscaping plan, and revised landscaping plan, is attached.

The minutes of all meetings and other materials associated with this Petition can be found at <https://www.co.kendall.il.us/home/showpublisheddocument/20679/637636608620100000>.

## **ACTION SUMMARY**

### **FOX TOWNSHIP**

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of dividing the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events conclude at 11:00 p.m. with allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic.

### **NEWARK FIRE PROTECTION DISTRICT**

No comments received.

### **VILLAGE OF NEWARK**

No comments received.

### **ZPAC**

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. An email stating that the Petitioners applied for septic permit is included with the rest of the materials online.

### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. The Petitioners agreed to change the end time of events from Midnight to 11:00 p.m. Guests would still have one (1) hour to leave the property. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's opinion on the proposal. Kurt Buhle stated that he moved to

the area for peace and quiet; the banquet facility was not a quiet operation. He stated that the north barn doors were currently not closed, events were occurring during the non-operating time of the year, and events were occurring after 10:00 p.m. John Vogt expressed concerns about noise and increase traffic. Robert Bright invited everyone, including his neighbors, onto the subject the property and that installing the sound system was on the priority list. Members Rodriguez and Wormley visited the subject property. Member Nelson suggested planting additional evergreen type trees in addition to the plantings required by the landscaping plan. The Petitioners were agreeable with this suggestion. Member Wilson suggested installing a fence in addition to the evergreens. The Kendall County Regional Planning Commission recommended approval of the Petition with the requirement that the Petitioners submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting. The vote was eight (8) in favor and zero (0) in opposition with two (2) members absent. Member Wilson made a motion to add the fencing requirement, but that motion died for lack of second.

### **ZBA**

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 2, 2021. The Petitioners reiterated their reasons for requesting the amendments. Chairman Mohr and Member Clementi expressed concerns that the Petitioners were not following the existing regulations regarding hours of operation and having the barn doors closed. The Petitioners provided an updated landscaping plan and stated that the new trees would be planted by November 30, 2021. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's recommendations. Steve Knutson, as a private resident, felt that the Petitioners have not been following the existing regulations completely and neighbors should be given a right to have at least a few nights of quiet. Kurt Buhle expressed concerns regarding the Petitioners not following existing regulations; he was also concerned about noise, traffic, safety, security, and property values. The Kendall County Zoning Board of Appeals recommended approval of the request by vote of four (4) in favor and zero (0) in opposition with three (3) members absent subject to the following conditions:

1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall at the time of planting and shall be planted by November 30, 2021.
3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.

10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

#### **PBZ COMMITTEE**

The PBZ Committee reviewed this proposal at their meeting on September 13, 2021. A letter from the Petitioners' Attorney was provided explaining why the barn doors were open after the allotted time and why an event continued after 10:00 p.m. Updated information on the septic system had not been provided. The Committee voted to forward the proposal to the Committee of the Whole with a neutral recommendation in order to obtain the input of the other County Board members by a vote of five (5) in favor and zero (0) in opposition.

#### **COUNTY BOARD**

The County Board reviewed this proposal at their meeting on October 19, 2021. The matter was forwarded to the Planning, Building and Zoning Committee until the septic system issues could be addressed. An email stating that the septic tank was installed and meet code is attached.

#### **STAFF RECOMMENDATION**

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided as requested.
2. The landscaping plan referenced in Condition 2.A is amended to include the amended landscaping provided at the Zoning Board of Appeals hearing. The twelve (12) cedar trees or six (6) white pine and six (6) blue spruce trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.
3. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
4. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit.
5. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 15<sup>th</sup> and reopen April 15<sup>th</sup>. Event Space B may operate year round.
6. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
7. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the



special use permit.

8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

#### **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 Kendall County Zoning Board of Appeals did not make a finding of this fact. Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.*

*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 will 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 cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive 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 approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. Finding approved by all members present.*

*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. Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.*

*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 is 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." Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.*

#### **SITE INFORMATION**

PETITIONER Robert Bright on Behalf of the Madison Trust and Castle Bank NA and JoAnn Bright Theis

ADDRESS 10978 Crimmin Road, Newark

**LOCATION** Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road



TOWNSHIP Fox

PARCEL #s 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, 04-31-200-014, 04-32-100-006, and 04-32-100-008

LOT SIZE 38.34 +/- Acres

EXISTING LAND USE      Agricultural/Farmstead/Banquet Facility

**ZONING** A-1 Agricultural District with a Special Use Permit for a Banquet Facility

LRMP	Future Land Use	Agricultural
	Roads	Crimmin Road is a Major Collector Road and is also classified as a Scenic Route.
	Trails	None
	Floodplain/ Wetlands	A riverine wetland is located along the southwest edge of the subject property.

REQUESTED ACTION	Major Amendment to A-1 Special Use to Operate a Banquet Facility
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**APPLICABLE REGULATIONS** §7:01 D.12 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

## § 13:08 – Special Use Procedures and Procedure for Approving Major Amendments to Existing Special Uses

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Wooded/ Millington Forest Preserve	A-1	Rural Residential (Max 0.65 DU/Acre) and Forest Preserve	A-1
South	Agricultural/Religious	A-1	Agricultural	A-1
East	Millington Forest Preserve	A-1	Forest Preserve	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre)	A-1, A-1 SU, R-2, and R-3

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

**PHYSICAL DATA****ENDANGERED SPECIES REPORT**

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site  
 Millington Railroad Fen Natural Landmark  
 Tucker-Millington Fen Natural Preserve  
 River Redhorse (*Moxostoma carinatum*)

Consultation was terminated

**NATURAL RESOURCES INVENTORY**

The LESA Score was 181 indicating a low level of protection.

**GENERAL**

Ordinance 2019-23, included as Attachment 2, placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

## **BUILDING CODES**

An updated Occupancy Permit will be required reflecting the change of use.

## **ENVIRONMENTAL HEALTH**

The Petitioners were working with Environmental Health regarding the size of the septic system.

## **ROAD ACCESS**

The property fronts Crimmin Road.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

## **LIGHTING**

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

## **SIGNAGE**

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

## **LANDSCAPING**

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue. At the Zoning Board of Appeals hearing, the Petitioners submitted a revised landscaping plan showing the planting of twelve (12) additional cedar trees that will be approximately twelve feet (12') in height at the time of planting. The Petitioners changed the landscaping plan to from cedar trees to six (6) white pine and six (6) blue spruce trees.

## **NOISE CONTROL**

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings, and control of the sound system, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

## **ATTACHMENTS**

1. Draft Ordinance
2. Ordinance 2019-23
3. October 27, 2021 Rybski Email

**ORDINANCE NUMBER 2021-\_\_\_\_\_**

**GRANTING MAJOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR A BANQUET FACILITY GRANTED BY ORDINANCE 2019-23 BY DIVIDING THE BUILDING ALLOWED TO BE A BANQUET FACILITY INTO SEPARATE EVENTS SPACES, SETTING THE MAXIMUM CAPACITIES OF THE EVENT SPACES, SETTING THE DAYS OF AND HOURS OF OPERATION FOR THE EVENT SPACES, AMENDING THE LANDSCAPING PLAN, AND REMOVING THE REQUIREMENT THAT THE BARN DOORS BE CLOSED BY 7:00 P.M. AT EVENTS WITH MUSIC 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, 04-31-200-014, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, place conditions on special use permits, amend special use permits, and provides the procedure through which special use permits are granted and amended; and

WHEREAS, Section 7:01.D.12 of the Kendall County Zoning Ordinance permits the operation of banquet halls as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, 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, 04-31-200-014, 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

WHEREAS, on August 27, 2019, the Kendall County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility with restrictions at the subject property; and

WHEREAS, Condition 2.A of Ordinance 2019-23 established a landscaping plan at the subject property; and

WHEREAS, Condition 2.C of Ordinance 2019-23 set the maximum number of guests in attendance at a banquet center related event at two hundred eighty (280); and

WHEREAS, Condition 2.I of Ordinance 2019-23 required that the north and south barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, Condition 2.J of Ordinance 2019-23 established the hours of operation, a season of operation, and set a maximum number of events allowed at the subject property at thirty (30);

WHEREAS, 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

WHEREAS, on or about June 22, 2021, the Petitioner’s representative filed a petition for a major amendment to Ordinance 2019-23 which granted a special use permit allowing the operation of a banquet facility at the

subject property by dividing the building allowed to be a banquet facility into separate event spaces, setting the maximum capacities of the event spaces, setting the days of and hours of operation for the event spaces, and removing the requirement that the barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on July 15, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on August 2, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested major amendments to an existing special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and one member of the public expressed concerns regarding the requested major amendments; and

WHEREAS, 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 major amendments to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 2, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, 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 neutral recommendation of the requested major amendments to an existing special use permit; and

WHEREAS, 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 County Zoning Ordinance; and

WHEREAS, these major amendments to an existing 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 major amendments to the special use permit granted by Ordinance 2019-23 which allowed for the operation of a banquet facility on the subject property subject to the following conditions:
  - A. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on building diagram attached hereto as Exhibit C.
  - B. The landscaping plan referenced in Condition 2.A of Ordinance 2019-23 is amended to include the amended landscaping attached hereto as Exhibit D. The twelve (12) cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.

- C. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:  
“A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests on the property for banquet center events shall not exceed a total of two hundred eighty (280) guests.”
- D. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:  
“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. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit.”
- E. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:  
“Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment and may occur at any time. Setup for events in either event spaces 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. Event Space A would close on November 15<sup>th</sup> and reopen April 15<sup>th</sup>. Event Space B may operate year round.”
- F. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
- G. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
- H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. These major amendments to an existing 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.
4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these major amendments to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16<sup>th</sup> day of November, 2021.

Attest:

\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder



Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 2, 2021. Members Cherry, LeCuyer, and Whitfield were absent.

### FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

*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 Kendall County Zoning Board of Appeals did not make a finding of this fact. Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.*

*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 will 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 cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive 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 approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. Finding approved by all members present.*

*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. Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.*

*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 is 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." Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.*

### RECOMMENDATION

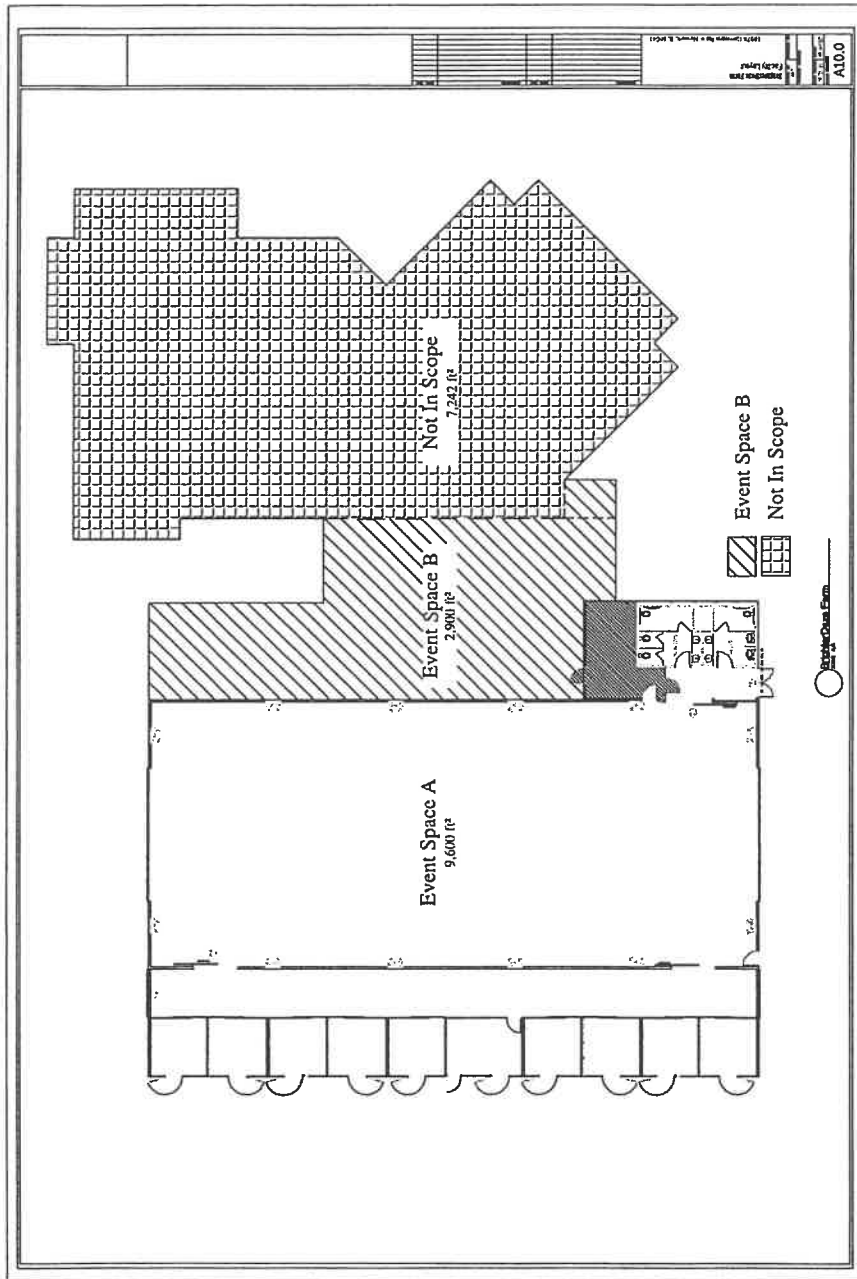
Approval by vote of four (4) in favor and zero (0) in opposition subject to the following conditions:

1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall

at the time of planting and shall be planted by November 30, 2021.

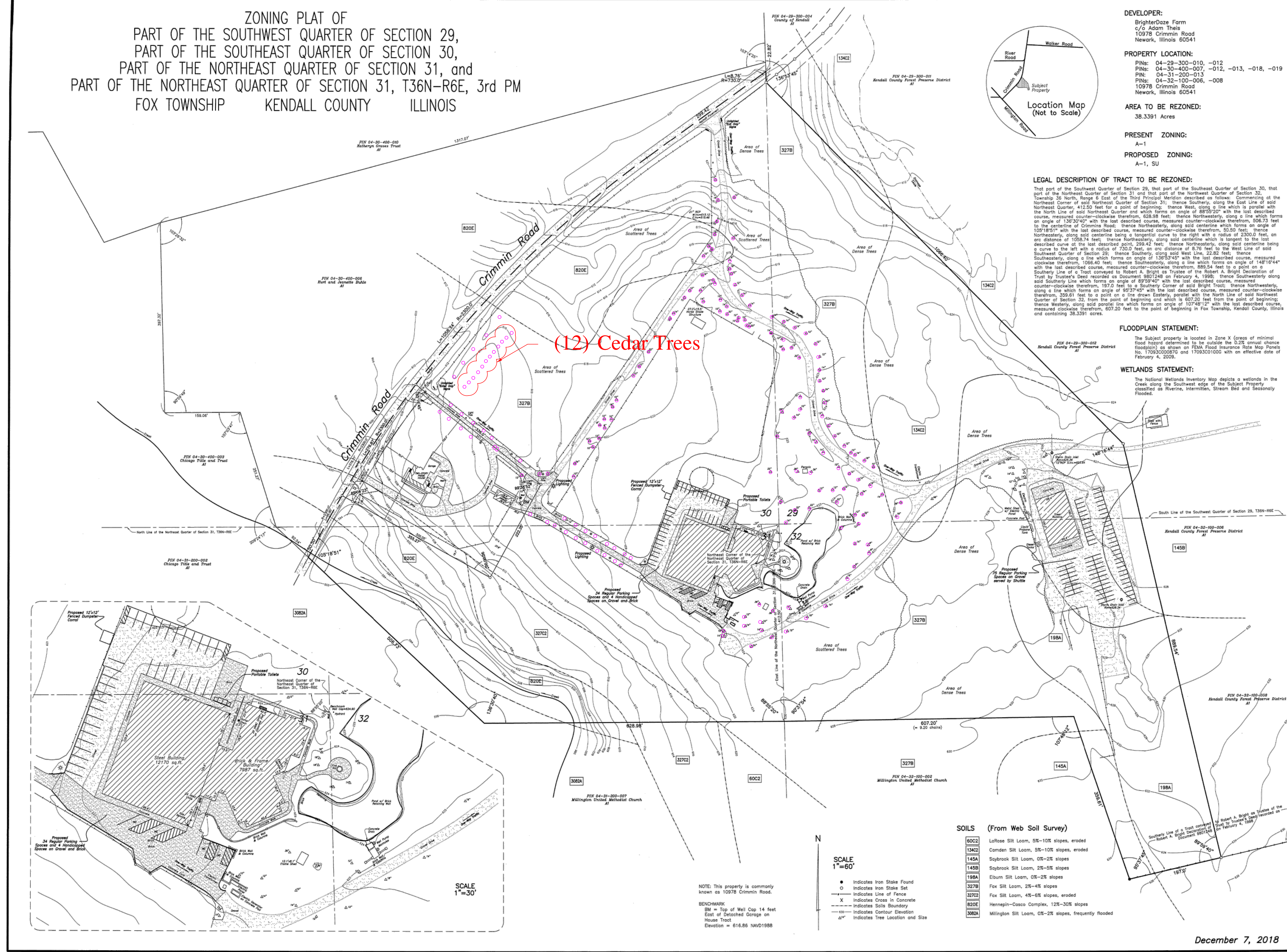
3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Exhibit C





ZONING PLAT OF  
PART OF THE SOUTHWEST QUARTER OF SECTION 29,  
PART OF THE SOUTHEAST QUARTER OF SECTION 30,  
PART OF THE NORTHEAST QUARTER OF SECTION 31, and  
PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM  
FOX TOWNSHIP KENDALL COUNTY ILLINOIS



DEVELOPER:  
BrighterDaze Farm  
c/o Adam Theis  
10978 Crimmins Road  
Newark, Illinois 60541

PROPERTY LOCATION:  
PINs: 04-29-300-010, -012  
PINs: 04-30-400-007, -012, -013, -018, -019  
PINs: 04-31-200-013  
PINs: 04-32-100-006, -008  
10978 Crimmins Road  
Newark, Illinois 60541

AREA TO BE REZONED:  
38.3391 Acres

PRESENT ZONING:  
A-1

PROPOSED ZONING:  
A-1, SU

LEGAL DESCRIPTION OF TRACT TO BE REZONED:  
That part of the Southwest Quarter of Section 29, that part of the Southwest Quarter 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 Quarter, 412.50 feet to 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, 508.73 feet to the centerline of Crimmins Road; thence Northerly, along said centerline which forms an angle of 105°18'51" with the last described course, measured counter-clockwise therefrom, 50.50 feet; thence Northerly, along said centerline being a tangential curve to the right with a radius of 2300.0 feet, on an arc distance of 1058.74 feet; thence Northerly, along said centerline which is tangent to the last described curve at the last described point, 299.42 feet; thence Northerly, along said centerline being a curve to the left with a radius of 730.0 feet, on 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 Southerly, along a line which forms an angle of 136°33'45" with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southerly, 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 Southerly, along said Southerly Line which forms an angle of 89°39'40" with the last described course, measured counter-clockwise therefrom, 197.0 feet to a Southerly Corner of said Bright Tract; thence Northerly, along a line which forms an angle of 89°39'40" 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 Northeast 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.

FLOODPLAIN STATEMENT:  
The Subject property is located in Zone X (Areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panels No. 17093C00087D and 17093C01000D with an effective date of February 4, 2009.

WETLANDS STATEMENT:  
The National Wetlands Inventory Map depicts a wetlands in the Creek along the Southwest edge of the Subject Property classified as Riverine, Intermittent, Stream Bed and Seasonally Flooded.

SOILS (From Web Soil Survey)

60C2	LoRosa Silt Loom, 5%-10% slopes, eroded
134C2	Camden Silt Loom, 5%-10% slopes, eroded
145A	Soybrook Silt Loom, 0%-2% slopes
145B	Soybrook Silt Loom, 2%-5% slopes
198A	Elburn Silt Loom, 0%-2% slopes
327B	Fox Silt Loom, 2%-4% slopes
327C2	Fox Silt Loom, 4%-6% slopes, eroded
820E	Hennepin-Casco Complex, 12%-30% slopes
3082A	Millington Silt Loom, 0%-2% slopes, frequently flooded

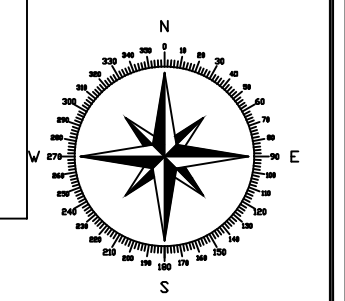
NOTE: This property is commonly known as 10978 Crimmins Road.

BENCHMARK  
BM = Top of Well Cap 14 feet East of Detached Garage on House Tract  
Elevation = 616.86 NAVD1988

Philip D. Young and Associates, Inc.  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

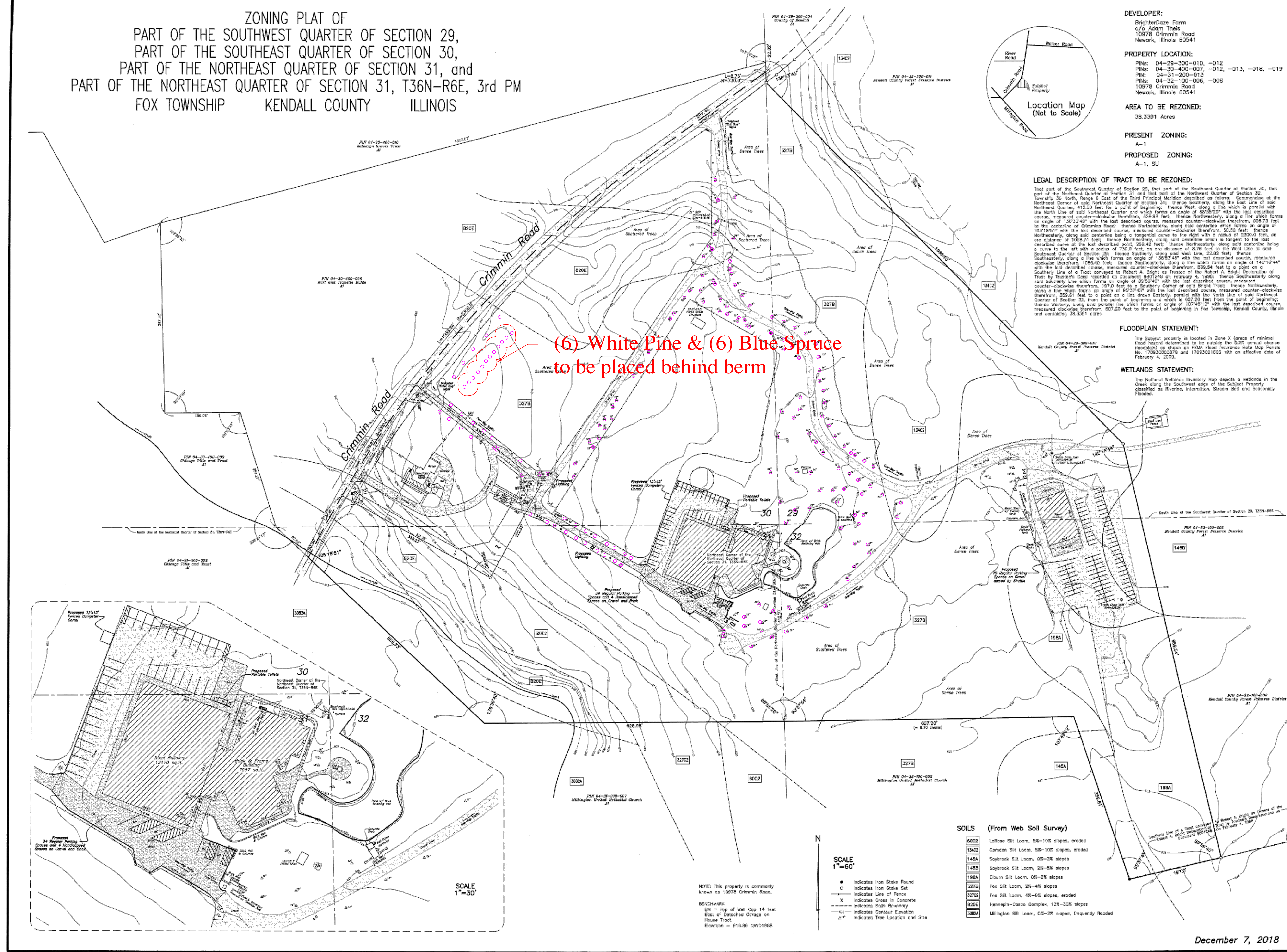
10978 South Bridge Street  
Yorkville, Illinois 60550  
Telephone (630)553-1580

JOB NO.	18127
JOB NAME	BRIGHTERDAZE FARM
DATE	10/17/18
REVISION	





ZONING PLAT OF  
PART OF THE SOUTHWEST QUARTER OF SECTION 29,  
PART OF THE SOUTHEAST QUARTER OF SECTION 30,  
PART OF THE NORTHEAST QUARTER OF SECTION 31, and  
PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM  
FOX TOWNSHIP KENDALL COUNTY ILLINOIS



10177 BRIGHTERDAZE FARM 10177	Philip D. Young and Associates, Inc. LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775	
	11078 South Bridge Street Yorkville, Illinois 60550 Telephone (630)553-1580	
	DATE ISSUED: 07/29/21	
	SHEET NUMBER: 1.0	

10177 BRIGHTERDAZE FARM 10177	BrighterDaze Farm Landscaping Plan	
	10978 Crimmins Rd • Newark, IL 60541	
	DATE ISSUED: 07/29/21	
	SHEET NUMBER: 1.0	



ORDINANCE NUMBER 2019-23

**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**

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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.

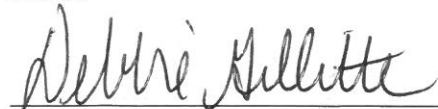
**EXEMPTION:** Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00)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



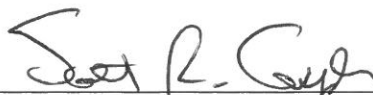
- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
  - 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

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

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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 Kendall 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 is 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

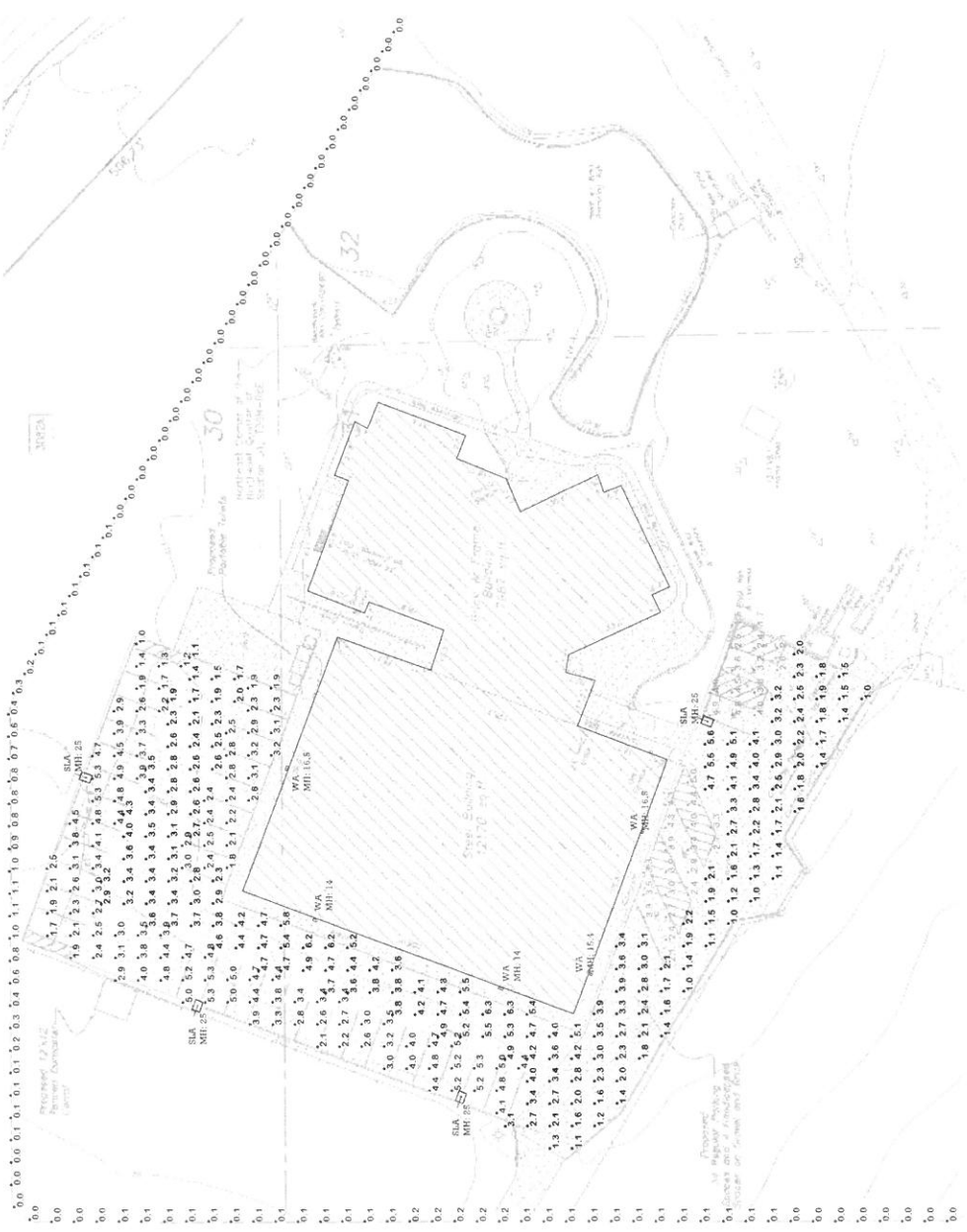
The Kendall County Zoning Board of Appeals issues this recommendation by a vote of four (4) in favor, one (1) opposed, and two (2) absent.

July 1, 2019









Luminaire Data		Symbol		Manufacturer		Description		Lum. Lumens		LdF		Lum. Watts	
Label	Qty												
SLA	4			PHILIPS GARDCO		ECF-S-841-LA-NW-G2-3		23936		0.850		205.9	
WA	5			PHILIPS STONCO		LPW32-7		6910		0.850		70.5	

Calculation Values									
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min		
Handicap Spaces (Orange)	Illuminance	Fc	3.32	5.0	1.5	2.21	3.33		
Parking Spaces (Blue)	Illuminance	Fc	3.40	5.3	1.0	3.40	5.30		
Property Line (Green)	Illuminance	Fc	0.17	1.1	0.0	N/A	N/A		
Traffic Lanes (Black)	Illuminance	Fc	3.07	6.3	1.0	3.07	6.30		
All Hardscapes	Illuminance	Fc	3.24	6	1	3.24	6.00		

- NOTES:
- The calculated results of this lighting simulation represent a prediction of system performance and are not guaranteed.
  2. All results may vary from the anticipated performance and are subject to means and conditions which are beyond the control of DB Lighting Consultation.
  3. Illumination values shown (in foot-candles) are horizontal at grade level based on Mounting Height marked MH=??
  4. Calculation points are on an 8' x 8' spacing

Scale: 1 inch= 20 Ft.  
DB Lighting Consultation (DBLC) assumes no responsibility for any errors in the EES files, background images, or other information provided to DBLC to be used in these calculations.  
Actual or measured results may vary due to manufacturer tolerances, component malfunctions, obstructions, varying surface reflectance and other field conditions.  
The owner assumes all responsibility for compliance with local, state, and federal codes and regulations.



## **Matt Asselmeier**

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**From:** Aaron Rybski  
**Sent:** Wednesday, October 27, 2021 3:37 PM  
**To:** Matt Asselmeier  
**Cc:** Scott Koeppel; Scott Gengler  
**Subject:** RE: November 8 PBZ Committee Meeting

Hello Matt,

This afternoon, the septic system for Brighter Daze was installed and it meets code, thereby correcting the problem and bringing it into compliance with local and state private sewage disposal law. This system also is sized to accommodate the additional load they are proposing in their expanding operation so they are ready for that as well.

The paperwork will be completed by our inspectors shortly and the permit will be closed out.

Do you know if the PBZ board is still interested in having me come in now that the issue is resolved?

Thank you.

A.R.



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 21-26****Robert Bright on Behalf of the Madison Trust and Castle Bank  
N A and JoAnn Bright-Theis****Major Amendment to A-1 Special Use for a Banquet Facility****INTRODUCTION**

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions.

The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year. In particular, the Petitioners would like to make the following changes:

1. Divide the building allowed for events into Event Space A with approximately nine thousand six hundred (9,600) square feet, Event Space B with approximately two thousand nine hundred (2,900) square feet, and the remaining approximately seven thousand two hundred forty-two (7,242) square feet into non-project space not used for events.
2. Event Space A would have a maximum two hundred eighty (280) guests and Event Space B would have a maximum sixty (60) guests. Only (1) event would take place at a given time and total allowable number of guests shall not exceed two hundred eighty (280). The present maximum number of guests is two hundred eighty (280).
3. Remove the requirement that the north and south barns doors close by 7:00 p.m. at events with music.
4. Remove the requirement that events can be held on weekends only.
5. Remove the cap on the number of events per year at the property; the cap is thirty (30) events.
6. Change the concluding time of events from 10:00 p.m. to 11:00 p.m. The requirement that customers have one (1) hour to vacate the premise upon the conclusion of an event would be retained. The Petitioners originally requested that events end at Midnight; the time was changed at the Regional Planning Commission meeting.
7. Originally, the Petitioners requested that Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. On October 7, 2021, they submitted an email requesting that Event Space A close on November 15<sup>th</sup> and reopen April 15<sup>th</sup> to accommodate events rescheduled because of the COVID-19 pandemic. Event Space B may operate year round.
8. Setup for events would occur at 9:00 a.m. on the day of the event.
9. Tours of the facility for prospective customers shall be by appointment and could occur outside the listed hours of operation. This requirement is unchanged.
10. The landscaping plan shall be amended to include the planting of twelve (12) cedar trees. The cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021. This condition was added at the Zoning Board of Appeals hearing.
11. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by

the owners of the business allowed by the special use permit. This condition was added at the Zoning Board of Appeals hearing.

The draft ordinance, including the site plan and landscaping plan, is attached.

The minutes of all meetings and other materials associated with this Petition can be found at <https://www.co.kendall.il.us/home/showpublisheddocument/20679/637636608620100000>.

The Petitioners also requested that the attached pictures be included with the memo to show that the property is wooded and secluded.

## **ACTION SUMMARY**

### **FOX TOWNSHIP**

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of dividing the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events conclude at 11:00 p.m. with allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic.

### **NEWARK FIRE PROTECTION DISTRICT**

No comments received.

### **VILLAGE OF NEWARK**

No comments received.

### **ZPAC**

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. An email stating that the Petitioners applied for septic permit is included with the rest of the materials online.

### **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. The Petitioners agreed to change the end time of events from Midnight to 11:00 p.m. Guests

would still have one (1) hour to leave the property. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's opinion on the proposal. Kurt Buhle stated that he moved to the area for peace and quiet; the banquet facility was not a quiet operation. He stated that the north barn doors were currently not closed, events were occurring during the non-operating time of the year, and events were occurring after 10:00 p.m. John Vogt expressed concerns about noise and increase traffic. Robert Bright invited everyone, including his neighbors, onto the subject the property and that installing the sound system was on the priority list. Members Rodriguez and Wormley visited the subject property. Member Nelson suggested planting additional evergreen type trees in addition to the plantings required by the landscaping plan. The Petitioners were agreeable with this suggestion. Member Wilson suggested installing a fence in addition to the evergreens. The Kendall County Regional Planning Commission recommended approval of the Petition with the requirement that the Petitioners submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting. The vote was eight (8) in favor and zero (0) in opposition with two (2) members absent. Member Wilson made a motion to add the fencing requirement, but that motion died for lack of second.

### **ZBA**

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 2, 2021. The Petitioners reiterated their reasons for requesting the amendments. Chairman Mohr and Member Clementi expressed concerns that the Petitioners were not following the existing regulations regarding hours of operation and having the barn doors closed. The Petitioners provided an updated landscaping plan and stated that the new trees would be planted by November 30, 2021. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's recommendations. Steve Knutson, as a private resident, felt that the Petitioners have not been following the existing regulations completely and neighbors should be given a right to have at least a few nights of quiet. Kurt Buhle expressed concerns regarding the Petitioners not following existing regulations; he was also concerned about noise, traffic, safety, security, and property values. The Kendall County Zoning Board of Appeals recommended approval of the request by vote of four (4) in favor and zero (0) in opposition with three (3) members absent subject to the following conditions:

1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall at the time of planting and shall be planted by November 30, 2021.
3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.

9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

### **PBZ COMMITTEE**

The PBZ Committee reviewed this proposal at their meeting on September 13, 2021. A letter from the Petitioners' Attorney was provided explaining why the barn doors were open after the allotted time and why an event continued after 10:00 p.m. Updated information on the septic system had not been provided. The Committee voted to forward the proposal to the Committee of the Whole with a neutral recommendation in order to obtain the input of the other County Board members by a vote of five (5) in favor and zero (0) in opposition.

### **STAFF RECOMMENDATION**

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided as requested.
2. The landscaping plan referenced in Condition 2.A is amended to include the amended landscaping provided at the Zoning Board of Appeals hearing. The twelve (12) cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.
3. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
4. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit.
5. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 15<sup>th</sup> and reopen April 15<sup>th</sup>. Event Space B may operate year round.
6. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
7. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

## 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 Kendall County Zoning Board of Appeals did not make a finding of this fact. Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.*

*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 will 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 cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive 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 approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. Finding approved by all members present.*

*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. Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.*

*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 is 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." Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.*

## SITE INFORMATION

PETITIONER Robert Bright on Behalf of the Madison Trust and Castle Bank NA and JoAnn Bright Theis

ADDRESS 10978 Crimmin Road, Newark

**LOCATION** Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road



TOWNSHIP Fox

PARCEL #s 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, 04-31-200-014, 04-32-100-006, and 04-32-100-008

LOT SIZE 38.34 +/- Acres

EXISTING LAND USE	Agricultural/Farmstead/Banquet Facility

**ZONING** A-1 Agricultural District with a Special Use Permit for a Banquet Facility

LRMP	Future Land Use	Agricultural
	Roads	Crimmin Road is a Major Collector Road and is also classified as a Scenic Route.
	Trails	None
	Floodplain/ Wetlands	A riverine wetland is located along the southwest edge of the subject property.

REQUESTED ACTION	Major Amendment to A-1 Special Use to Operate a Banquet Facility
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**APPLICABLE REGULATIONS** §7:01 D.12 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

## § 13:08 – Special Use Procedures and Procedure for Approving Major Amendments to Existing Special Uses



**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Wooded/ Millington Forest Preserve	A-1	Rural Residential (Max 0.65 DU/Acre) and Forest Preserve	A-1
South	Agricultural/Religious	A-1	Agricultural	A-1
East	Millington Forest Preserve	A-1	Forest Preserve	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre)	A-1, A-1 SU, R-2, and R-3

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

**PHYSICAL DATA****ENDANGERED SPECIES REPORT**

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site  
 Millington Railroad Fen Natural Landmark  
 Tucker-Millington Fen Natural Preserve  
 River Redhorse (*Moxostoma carinatum*)

Consultation was terminated

**NATURAL RESOURCES INVENTORY**

The LESA Score was 181 indicating a low level of protection.

**GENERAL**

Ordinance 2019-23, included as Attachment 2, placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

## **BUILDING CODES**

An updated Occupancy Permit will be required reflecting the change of use.

## **ENVIRONMENTAL HEALTH**

The Petitioners were working with Environmental Health regarding the size of the septic system.

## **ROAD ACCESS**

The property fronts Crimmin Road.

## **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

## **LIGHTING**

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

## **SIGNAGE**

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

## **LANDSCAPING**

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue. At the Zoning Board of Appeals hearing, the Petitioners submitted a revised landscaping plan showing the planting of twelve (12) additional cedar trees that will be approximately twelve feet (12') in height at the time of planting. The planting of the cedar trees will occur in the fall of 2021.

## **NOISE CONTROL**

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings, and control of the sound system, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

## **ATTACHMENTS**

1. Draft Ordinance
2. Ordinance 2019-23
3. Five Pictures

**ORDINANCE NUMBER 2021-\_\_\_\_\_**

**GRANTING MAJOR AMENDMENTS TO THE SPECIAL USE PERMIT FOR A BANQUET FACILITY GRANTED BY ORDINANCE 2019-23 BY DIVIDING THE BUILDING ALLOWED TO BE A BANQUET FACILITY INTO SEPARATE EVENTS SPACES, SETTING THE MAXIMUM CAPACITIES OF THE EVENT SPACES, SETTING THE DAYS OF AND HOURS OF OPERATION FOR THE EVENT SPACES, AMENDING THE LANDSCAPING PLAN, AND REMOVING THE REQUIREMENT THAT THE BARN DOORS BE CLOSED BY 7:00 P.M. AT EVENTS WITH MUSIC 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, 04-31-200-014, 04-32-100-006, AND 04-32-100-008 IN FOX TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits, place conditions on special use permits, amend special use permits, and provides the procedure through which special use permits are granted and amended; and

WHEREAS, Section 7:01.D.12 of the Kendall County Zoning Ordinance permits the operation of banquet halls as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, 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, 04-31-200-014, 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

WHEREAS, on August 27, 2019, the Kendall County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility with restrictions at the subject property; and

WHEREAS, Condition 2.A of Ordinance 2019-23 established a landscaping plan at the subject property; and

WHEREAS, Condition 2.C of Ordinance 2019-23 set the maximum number of guests in attendance at a banquet center related event at two hundred eighty (280); and

WHEREAS, Condition 2.I of Ordinance 2019-23 required that the north and south barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, Condition 2.J of Ordinance 2019-23 established the hours of operation, a season of operation, and set a maximum number of events allowed at the subject property at thirty (30);

WHEREAS, 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

WHEREAS, on or about June 22, 2021, the Petitioner’s representative filed a petition for a major amendment to Ordinance 2019-23 which granted a special use permit allowing the operation of a banquet facility at the

subject property by dividing the building allowed to be a banquet facility into separate event spaces, setting the maximum capacities of the event spaces, setting the days of and hours of operation for the event spaces, and removing the requirement that the barn doors be closed by 7:00 p.m. at events with music; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on July 15, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on August 2, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested major amendments to an existing special use permit and zero members of the public testified in favor, one member of the public testified in opposition, and one member of the public expressed concerns regarding the requested major amendments; and

WHEREAS, 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 major amendments to an existing special use permit with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 2, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, 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 neutral recommendation of the requested major amendments to an existing special use permit; and

WHEREAS, 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 County Zoning Ordinance; and

WHEREAS, these major amendments to an existing 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 major amendments to the special use permit granted by Ordinance 2019-23 which allowed for the operation of a banquet facility on the subject property subject to the following conditions:
  - A. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on building diagram attached hereto as Exhibit C.
  - B. The landscaping plan referenced in Condition 2.A of Ordinance 2019-23 is amended to include the amended landscaping attached hereto as Exhibit D. The twelve (12) cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021.

- C. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:  
“A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests on the property for banquet center events shall not exceed a total of two hundred eighty (280) guests.”
  - D. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:  
“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. Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit.”
  - E. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:  
“Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment and may occur at any time. Setup for events in either event spaces 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. Event Space A would close on November 15<sup>th</sup> and reopen April 15<sup>th</sup>. Event Space B may operate year round.”
  - F. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
  - G. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
  - H. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
- 3. These major amendments to an existing 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.
  - 4. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect these major amendments to an existing special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 19<sup>th</sup> day of October, 2021.

Attest:

---

Kendall County Clerk  
Debbie Gillette

---

Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on August 2, 2021. Members Cherry, LeCuyer, and Whitfield were absent.

### FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications.

*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 Kendall County Zoning Board of Appeals did not make a finding of this fact. Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.*

*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 will 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 cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive 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 approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. Finding approved by all members present.*

*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. Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.*

*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 is 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." Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.*

### RECOMMENDATION

Approval by vote of four (4) in favor and zero (0) in opposition subject to the following conditions:

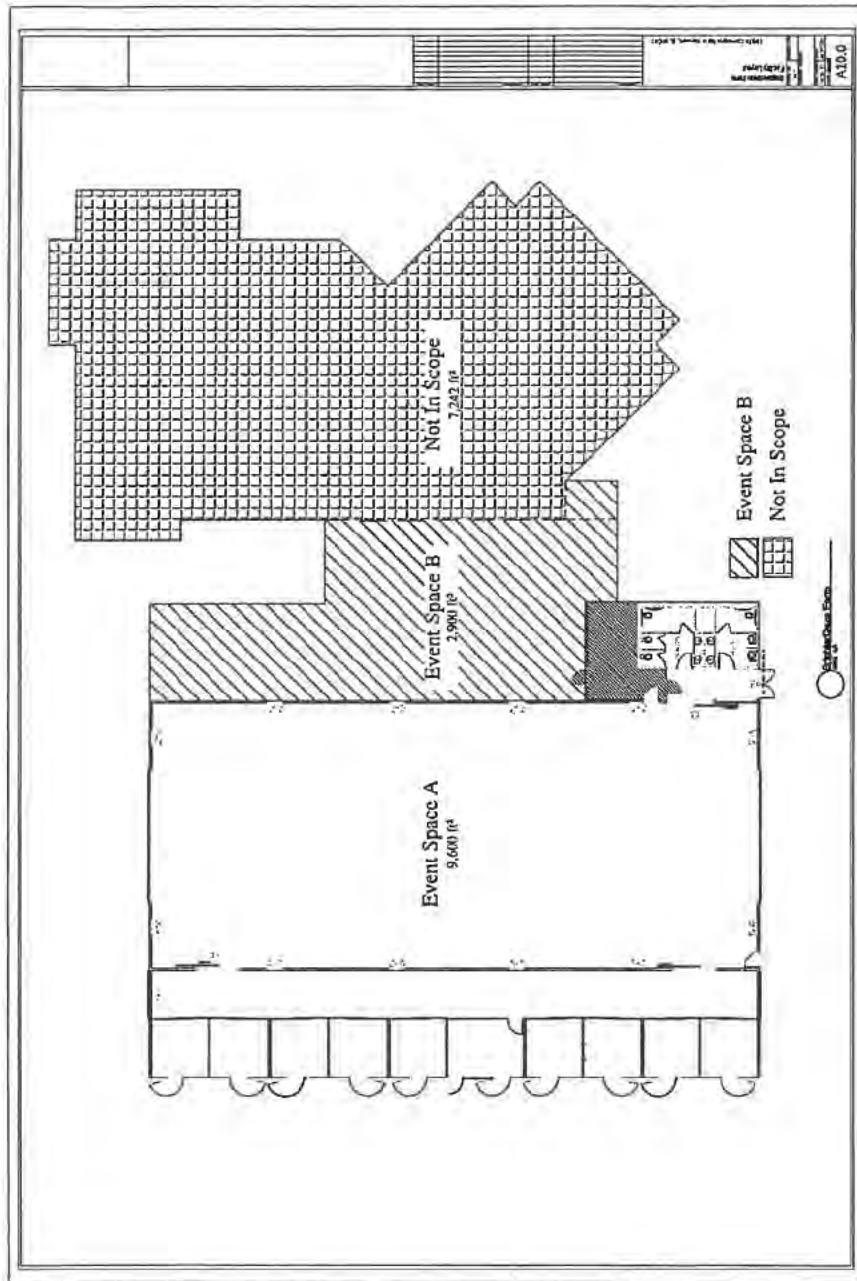
1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall



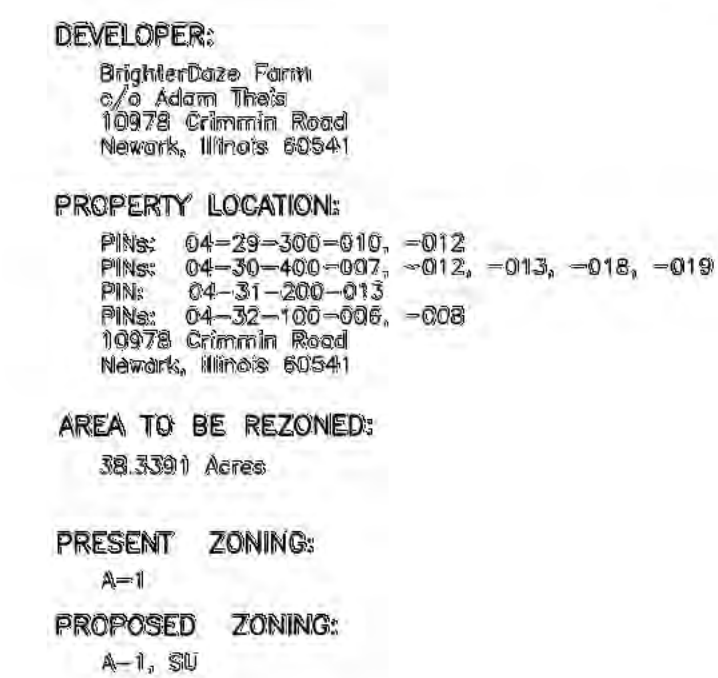
at the time of planting and shall be planted by November 30, 2021.

3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Exhibit C







**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING — TOPOGRAPHIC MAPPING — Lic.#184-002775  
11078 South Bridge Street  
Yorkville, Illinois 60550  
Telephone (630) 553-1580

Client revised 12/07/18 per Client comments dated 12/06/18 regarding parking spaces;

JOB NO.	18197
JOB NAME	BRIGHTLEDGE FARM
DWG FILE	18197
DESIGNER	

**BrighterDaze Farm**  
**Landscaping Plan**

10978 Crimmins Rd • Newark, IL 60541

DRAWN BY <b>ART</b>	CHECKED BY
PROJECT NUMBER	
DATE ISSUED <b>07/29/21</b>	SCALE <b>N/A</b>
SHEET NUMBER <b>1.0</b>	





201900012306

DEBBIE GILLETTE  
RECORDER - KENDALL COUNTY, IL

RECORDED: 8/29/2019 07:43 AM  
ORDI: 48.00 RHSPS FEE: 10.00  
PAGES: 11

State of Illinois  
County of Kendall

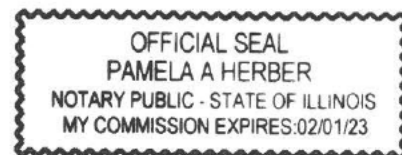
Zoning Petition  
#19-12

**ORDINANCE # 2019-23**

**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**

Mailed to and Prepared by:  
Matthew Asselmeier  
111 West Fox Street Rm. 203  
Yorkville, IL 60560

SEAL



Subscribed and sworn to before me  
This 28<sup>th</sup> day of August, 2019

Matthew Asselmeier  
Kendall County Senior Planner

Notary Public

ORDINANCE NUMBER 2019-23

**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**

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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.

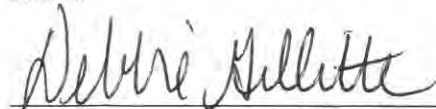
Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point 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.

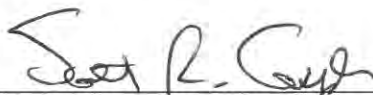
- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
  - 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

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

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder



Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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 Kendall 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 is 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

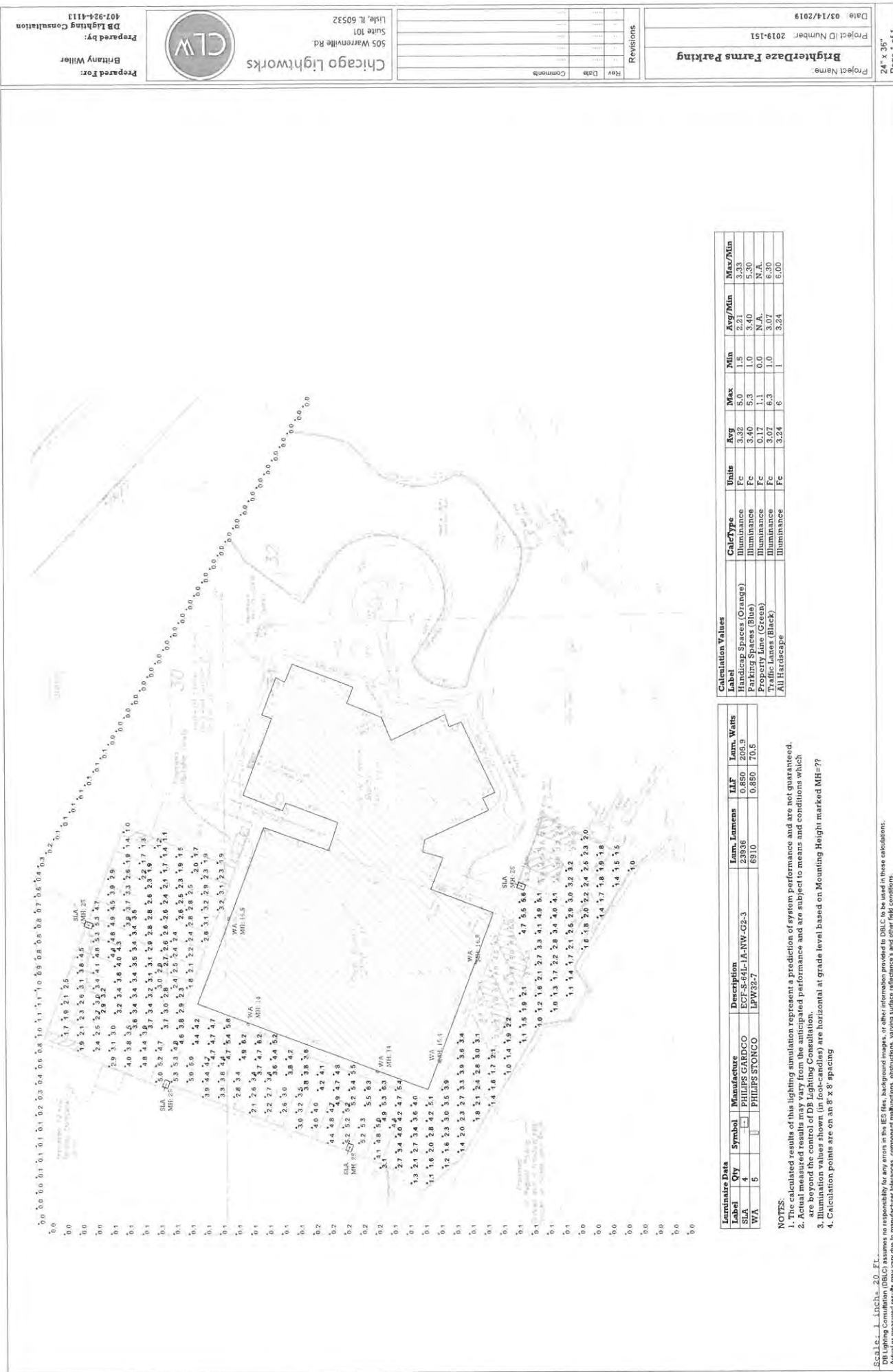
July 1, 2019





[illegible]

END OF



Calculation Values									
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min		
Handicap Spaces (Orange)	Illuminance	Fc	3.32	5.0	1.5	2.21	3.33		
Parking Spaces (Blue)	Illuminance	Fc	3.40	5.3	1.0	3.40	5.30		
Property Line (Green)	Illuminance	Fc	0.17	1.1	0.0	N/A	N/A		
Traffic Lanes (Black)	Illuminance	Fc	3.07	6.3	1.0	3.07	6.30		
All Hardscapes	Illuminance	Fc	3.24	6	1	3.24	6.00		

Luminaires Data		Symbol	Manufacturer	Description	LAUF	Lum. Lumens	Lum. Watts
Label	Qty	4	PHILIPS GARDGO	ECF-S-64L-1A-NW-G2-3	0.850	23936	205.9
WA	5		PHILIPS STONCO	LPW32-7	0.850	6910	70.5

- NOTES
- The calculated results of this lighting simulation represent a prediction of system performance and are not guaranteed.
  - Actual or measured results may vary due to manufacturer tolerances, component malfunctions, obstructions, varying surface reflectance and other field conditions.
  - Illumination values shown (in foot-candles) are horizontal at grade level based on Mounting Height marked MH=??
  - Calculation points are on an 8' x 8' spacing

Scale: 1 inch = 20 Ft.

DB Lighting Consultation (DBLC) assumes no responsibility for any errors in the EES files, background images, or other information provided to DBLC to be used in these calculations. The owner assumes all responsibility for compliance with local, state, and federal codes and regulations.























**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 and 210***

***111 W. Fox Street, Yorkville, Illinois***

**6:30 p.m.**

**Meeting Minutes of September 13, 2021 – Unofficial until Approved**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol (Arrived at 6:31 p.m.), and Robyn Vickers

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Adam Theis, JoAnn Bright-Theis, Boyd Ingemunson, Dan Kramer, Peter Pasteris, Greg Dady, and Bob Baish

**PUBLIC COMMENT**

None

**PETITIONS**

*Petition 21-26 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis*

Mr. Asselmeier summarized the request.

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials and Ordinance 2019-23 were provided.

The property was approximately thirty-eight (38) acres in size.

Crimmin Road was a Major Collector Road and is also classified as a Scenic Route. There were no trails planned in the area.

A riverine wetland was located along the southwest edge of the subject property.

The adjacent land uses were agricultural, religious, and the Millington Forest Preserve.

The adjacent zoning districts were A-1.

The Future Land Use Map called for the area to be Rural Residential, Agricultural, and Forest Preserve.

The nearby zoning districts were A-1, A-1 SU, R-2, and R-3.

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property was provided.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site

Millington Railroad Fen Natural Landmark

Tucker-Millington Fen Natural Preserve

River Redhorse (*Moxostoma carinatum*)

EcoCat related materials were provided, including notice of consultation termination.

The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of dividing the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events concluded at 11:00 p.m. with guests allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use. The minutes of the July 6, 2021, meeting were provided. The summary of the July 21, 2021, meeting was provided.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic. The unapproved minutes of this meeting were provided.

Newark Fire Protection District was emailed information on June 24, 2021. No comments were provided.

The Village of Newark was emailed information on June 24, 2021. No comments were provided.

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the

septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of this meeting and an email stating that the Petitioners applied for septic permit was provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. The Petitioners agreed to change the end time of events from Midnight to 11:00 p.m. Guests would still have one (1) hour to leave the property. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's opinion on the proposal. Kurt Buhle stated that he moved to the area for peace and quiet; the banquet facility was not a quiet operation. He stated that the north barn doors were currently not closed, events were occurring during the non-operating time of the year, and events were occurring after 10:00 p.m. John Vogt expressed concerns about noise and increase traffic. Robert Bright invited everyone, including his neighbors, onto the subject the property and that installing the sound system was on the priority list. Members Rodriguez and Wormley visited the subject property. Member Nelson suggested planting additional evergreen type trees in addition to the plantings required by the landscaping plan. The Petitioners were agreeable with this suggestion. Member Wilson suggested installing a fence in addition to the evergreens. The Kendall County Regional Planning Commission recommended approval of the Petition with the requirement that the Petitioners submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting. The vote was eight (8) in favor and zero (0) in opposition with two (2) members absent. Member Wilson made a motion to add the fencing requirement, but that motion died for lack of second. The minutes of the meeting were provided.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 2, 2021. The Petitioners reiterated their reasons for requesting the amendments. Chairman Mohr and Member Clementi expressed concerns that the Petitioners were not following the existing regulations regarding hours of operation and having the barn doors closed. The Petitioners provided an updated landscaping plan and stated that the new trees would be planted by November 30, 2021. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's recommendations. Steve Knutson, as a private resident, felt that the Petitioners have not been following the existing regulations completely and neighbors should be given a right to have at least a few nights of quiet. Kurt Buhle expressed concerns regarding the Petitioners not following existing regulations; he was also concerned about noise, traffic, safety, security, and property values. The Kendall County Zoning Board of Appeals recommended approval of the request by vote of four (4) in favor and zero (0) in opposition with three (3) members absent subject to the following conditions:



1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall at the time of planting and shall be planted by November 30, 2021.
3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The minutes of the hearing were provided.

Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

As noted in the application materials, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. The Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners were requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance **at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.**
- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers.

The Petitioners have no plans to change the site plan or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, J, and the landscaping plan to include more evergreen type trees, the Petitioners do not propose any other changes to the requirements of the special use permit.

Member Gilmour asked if the restrooms had been installed per condition B. Mr. Asselmeier responded, to his knowledge, yes.

Member Koukol asked how long the special use permit has been in existence and how many events they have had on the property. Boyd Ingemunson, Attorney for the Petitioners, provided a history of the special use permit. The special use permit was granted in 2019. The Petitioners felt that certain restrictions in the special use permit were unreasonable compared to other special use permits for similar facilities.

Member Koukol reviewed Mr. Ingemunson's letter of September 7, 2021.

Member Koukol asked about the number of events. Mr. Ingemunson said the Petitioners were limited to thirty (30) events per year.

Member Vickers noted that the events outlined in the letter occurred since the last Planning, Building and Zoning Committee meeting.

An updated Occupancy Permit will be required reflecting the change of use.

The Petitioners were working with Environmental Health regarding the size of the septic system.

The property fronts Crimmin Road.

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue. The Petitioners submitted a revised landscaping plan showing the planting of twelve (12) additional cedar trees that will be approximately twelve feet (12') in height at the time of planting. The planting of the cedar trees will occur in the fall of 2021.

All music and noise shall originate inside the venue except for processional and recessional at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners will also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings and control of the sound system, the Petitioners believed noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

The Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The Kendall County Zoning Board of Appeals did not make a finding of this fact. **Chairman Mohr and Member Thompson voted for a positive finding and Members Clementi and Fox voted for a negative finding.**

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 will 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 cannot be mitigated by establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit. **Chairman Mohr and Members Clementi and Fox voted for the negative finding and Member Thompson voted for a positive 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 approved site plan

from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress. **Finding approved by all members present.**

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. **Members Clementi, Fox, and Thompson voted for the positive finding and Chairman Mohr voted for a negative finding.**

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 is 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." **Chairman Mohr and Members Clementi and Fox voted for the positive finding and Member Thompson vote for a negative finding.**

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on Attachment 1, Page 5.
2. The landscaping plan referenced in Condition 2.A is amended to include the amended landscaping provided at the Zoning Board of Appeals hearing. **The twelve (12) cedar trees shall be approximately twelve feet (12') in height at the time of planting. The trees shall be planted by November 30, 2021. (Added at ZBA)**
3. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
4. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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. **Musicians and disc jockeys shall be required to plug into a sound system provided and controlled by the owners of the business allowed by the special use permit. (Added at ZBA)**
5. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
6. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.

7. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

The draft ordinance was provided.

Member Flowers left at this time (6:53 p.m.).

Member Koukol asked if the intention of the additional trees was to muffle sound. Mr. Asselmeier responded yes.

Member Gilmour asked if any of the additional trees were planted. Mr. Asselmeier responded that he did not believe any of the additional trees had been planted. The deadline to plant the trees has not passed.

Member Flowers returned at this time (6:54 p.m.).

Member Koukol made a motion, seconded by Member Gilmour, to forward the proposal to the October Committee of the Whole with a positive recommendation.

Member Flowers asked about the septic system. Chairman Gengler said that he has not heard from the Health Department.

Chairman Gengler noted the economic activity generated by wedding venues and the neighbor's concerns.

Member Flowers left at this time (6:57 p.m.).

Chairman Gengler noted that the Petitioners live on the property. The major issues were noise and traffic.

Member Koukol noted that people play music outdoors every weekend near his house. He encouraged neighbors to work together to handle issues.

Member Flowers returned at this time (7:00 p.m.).

Member Gilmour asked if the Petitioners favored closing the barn doors at 7:00 p.m. Mr. Ingemunson noted the health and safety of patrons. Customers wanted the doors open. Neither of the barns face the neighbors across Crimmin Road. There have been no founded noise complaints at the property.

Member Gilmour asked about stopping events at 10:00 p.m. Mr. Ingemunson stated the Petitioners favored stopping events at 11:00 p.m. with patrons given one (1) hour to vacate the premises. He stated that he would discuss the 10:00 p.m. closure with the Petitioners.

Mr. Ingemunson noted pointed the speakers downward and the planting of additional trees as methods to soften noise levels.



Mr. Ingemunson said that he was not aware of the neighbors discussing the matter with the Petitioners.

The proposed ordinance called for events to end by midnight, which was the original proposal.

Member Koukol expressed concerns about closing the facility too early in the evening.

Member Vickers made a motion, seconded by Member Flowers, to amend the original motion to send the proposal to the October Committee of the Whole meeting with a neutral recommendation to give other County Board members the opportunity to weigh-in on the proposal. With a voice vote of five (5) ayes, the motion for the amendment carried.

With a voice vote of five (5) ayes, the original motion as amended carried.

The proposal goes to the Committee of the Whole on October 14, 2021, with a neutral recommendation to allow the other County Board members to weigh-in.

### **ADJOURNMENT**

Member Koukol made a motion, seconded by Member Vickers, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 9:43 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

[illegible]

# Ingemunson Law Offices Ltd.

759 John St. Unit A  
Yorkville, IL 60560  
Ph (630) 553-5622  
Fx (630) 553-7958  
Gregg Ingemunson  
Boyd Ingemunson

September 7, 2021

Matt Asselmeier  
Kendall County Planning, Building, and Zoning  
111 W. Fox St.  
Yorkville, IL 60560

Re: Brighter Daze

Dear Matt,

I have had a chance to investigate the alleged special use violation which was recently reported to your office pertaining to an event over the weekend of August 20-21. First, I checked with the Sheriff's Department and was informed that there was not an official written report generated. After speaking with my clients they do acknowledge that the barn doors were open past 7 p.m. and the event did go longer than 10 p.m.


My clients have had problems with the local hotels and their scheduling of transportation from the events. This is exactly what happened on this occasion. Holiday Inn in Yorkville was over an hour and a half late for the transportation from the reception. My clients made a decision to keep the reception going as opposed to severely inconveniencing the guests by having them wait for a long period of time in the parking lot. My clients did close down any serving of alcohol at 10 p.m. I have attached documentation from Holiday Inn acknowledging their error.

The issue with the barn doors is becoming more and more of an untenable and unreasonable restriction. The interior barn is not air-conditioned and on hot and humid evenings it can become very unpleasant for the guests. This was exactly the case on this occasion. Further, customers are more and more conscious of air circulation due to the ongoing pandemic and keeping those doors open to promote air flow is protecting the health and welfare of all occupants.

My clients continue to monitor the decibel levels at the property line for all events and have not violated the county's noise ordinance. Upon investigation with the Sheriff's office it does not appear that a deputy measured the decibel level on the night in question. If you have any additional proof that the sound levels exceeded those allowed by the County please provide.

Once again the reason that we have petitioned to have these unreasonable restrictions removed is their inability to effectively operate their business and provide the best possible experience for their customers. My clients will continue to proactively monitor and minimize any negative impact to surrounding land owners. Thank you for your attention to this matter.

Sincerely,

  
Boyd Ingemunson



Rogue Barrister [REDACTED]

**Fwd: \*\*[EXTERNAL]\*\* Shuttle Experience/Appreciation for your business**

1 message

Theis, Adam <[REDACTED]>  
To: Boyd Ingemunson <[REDACTED]>  
Cc: Joann Bright <[REDACTED]>

Thu, Aug 26, 2021 at 7:43 AM

Adam R Theis

Begin forwarded message:

**From:** Brenda LeSure <[REDACTED]>  
**Date:** August 25, 2021 at 10:10 AM  
**To:** "Theis, Adam" <[REDACTED]>  
**Subject:** \*\*[EXTERNAL]\*\* Shuttle Experience/Appreciation for your business

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Adam,

Thank you so much for your email. I would like to first thank you for all of the business you sent our way. On the behalf of Holiday Inn Express and Suites in Yorkville, we greatly appreciate the 10 plus weddings you sent our way. It's been an absolute pleasure working with you and your family.

I also would like to take this time to apologize for the inconvenience of your business hours. Here at the Holiday Inn Express, we strive daily to provide the best service to those who we are in partnership with. I can assure you and your family that this would never happen again.

It's important that our clients/guests are aware of the round trip distance. It is 40 minutes there and back but this does not include loading and unloading the guests.

The bride and groom are to schedule drop offs and pick up times they would like our shuttle to run.

This past experience has allowed us to be more adamant about communicating with the bride and groom in order to avoid this from happening in the near future.

Again, we appreciate your business and we are looking forward to working with you in the future.

Best regards

--

Brenda LeSure

**Manager**

Holiday Inn Express & Suites, Yorkville  
[REDACTED]

**MINUTES – UNOFFICIAL UNTIL APPROVED**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)  
YORKVILLE, IL 60560  
**August 2, 2021 – 7:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:04 p.m.

**ROLL CALL:**

Members Present: Karen Clementi, Cliff Fox, Randy Mohr, and Dick Thompson

Members Absent: Scott Cherry, Tom LeCuyer, and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Adam Theis, JoAnn Bright-Theis, Steve Knutson, Kurt Buhle, and Scott Gengler

Chairman Mohr swore in Adam Theis, JoAnn Bright-Theis, Steve Knutson, and Kurt Buhle.

**PETITIONS**

The Zoning Board of Appeals started their review of Petition 21-26 at 7:09 p.m.

**Petition 21 – 26 – Robert Bright on Behalf of the Madison Trust and Castle Bank N A and JoAnn Bright-Theis**

Request: Major Amendments to the Special Use Permit for a Banquet Facility Granted by Ordinance 2019-23 by Dividing the Building Allowed to be a Banquet Facility into Separate Event Spaces, Setting the Maximum Capacities of the Event Spaces, Setting the Days of and Hours of Operation for the Event Spaces, and Removing the Requirement that the Barn Doors be Closed by 7:00 p.m. at Events with Music

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, 04-31-200-014, 04-32-100-006, and 04-32-100-008

Location: 10978 Crimmin Road, Newark, Fox Township

Purpose: Petitioners Wish to Amend the Existing Special Use Permit; Property is Zoned A-1 with a Special Use Permit

Mr. Asselmeier summarized the request.

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials and Ordinance 2019-23 were provided.

The property was approximately thirty-eight (38) acres in size.

Crimmin Road was a Major Collector Road and is also classified as a Scenic Route. There were no trails planned in the area.

A riverine wetland was located along the southwest edge of the subject property.

The adjacent land uses were agricultural, religious, and the Millington Forest Preserve.

The adjacent zoning districts were A-1.

The Future Land Use Map called for the area to be Rural Residential, Agricultural, and Forest Preserve.

The nearby zoning districts were A-1, A-1 SU, R-2, and R-3.

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property was provided.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site

Millington Railroad Fen Natural Landmark

Tucker-Millington Fen Natural Preserve

River Redhorse (*Moxostoma carinatum*)

EcoCat related materials were provided, including notice of consultation termination.

The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of dividing the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events concluded at 11:00 p.m. with allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor

and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use. The minutes of the July 6, 2021, meeting were provided. The summary of the July 21, 2021, meeting was provided.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic. The unapproved minutes of this meeting were provided.

Newark Fire Protection District was emailed information on June 24, 2021. No comments were provided.

The Village of Newark was emailed information on June 24, 2021. No comments were provided.

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of this meeting and an email stating that the Petitioners applied for septic permit was provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. The Petitioners agreed to change the end time of events from Midnight to 11:00 p.m. Guests would still have one (1) hour to leave the property. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's opinion on the proposal. Kurt Buhle stated that he moved to the area for peace and quiet; the banquet facility was not a quiet operation. He stated that the north barn doors were currently not closed, events were occurring during the non-operating time of the year, and events were occurring after 10:00 p.m. John Vogt expressed concerns about noise and increase traffic. Robert Bright invited everyone, including his neighbors, onto the subject the property and that installing the sound system was on the priority list. Members Rodriguez and Wormley visited the subject property. Member Nelson suggested planting additional evergreen type trees in addition to the plantings required by the landscaping plan. The Petitioners were agreeable with this suggestion. Member Wilson suggested installing a fence in addition to the evergreens. The Kendall County Regional Planning Commission recommended approval of the Petition with the requirement that the Petitioners



submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting. The vote was eight (8) in favor and zero (0) in opposition with two (2) members absent. Member Wilson made a motion to add the fencing requirement, but that motion died for lack of second. The minutes of the meeting were provided.

Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

As noted in the application materials, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. The Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners were requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance ~~at a~~

~~banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.~~

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers.

The Petitioners have no plans to change the site plan or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, J, and the landscaping plan to include more evergreen type trees, the Petitioners do not propose any other changes to the requirements of the special use permit.

An updated Occupancy Permit will be required reflecting the change of use.

The Petitioners were working with Environmental Health regarding the size of the septic system.

The property fronts Crimmin Road.

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.



One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue. The Petitioners submitted a revised landscaping plan showing the planting of twelve (12) additional cedar trees that will be approximately twelve feet (12') in height at the time of planting. The planting of the cedar trees will occur in the fall of 2021.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners will also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings and control of the sound system, the Petitioners believed noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The 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 the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.

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 establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.

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 approved site plan from Ordinance 2019-23 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 is 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."

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown in the application materials.
2. The landscaping plan referenced in Condition 2.A is amended to include the amended landscaping provided at the Zoning Board of Appeals hearing.
3. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
4. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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.
5. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
6. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
7. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.

8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr opened the public hearing at 7:21 p.m.

Adam Theis explained the requested changes. He noted the sound control changes and the landscaping changes. He stated that the property has not received any citations. He stated that the company has been managed successfully and can respond to the growth in the industry. He explained the division of the space and the reasons for the amendments.

Chairman Mohr stated that this was the only Petition that he received a phone call after approval in his ten (10) years on the Zoning Board. He stated that the barn doors were not being closed during events presently. He questioned if the Petitioners will follow new rules in the future, if they were not following the existing rules. Mr. Theis stated that they have always followed the noise regulations and, when the doors were open, they felt that it was a life safety issue. Member Clementi echoed Chairman Mohr's comments. Mr. Theis stated they would like the doors open to take advantage of the beauty of the property and the breeze from the south. Mr. Theis further stated that they have always followed the noise regulations; he noted the new investments in the sound system.

Member Clementi asked how many events have occurred at the property since the special use permit was issued. Mr. Theis responded thirty (30).

Member Clementi questioned noise mitigation practices. Mr. Theis noted the addition of vegetation on the berm.

Member Clementi asked about the hours of operation. Mr. Theis stated they followed the current regulations.

Mr. Asselmeier asked when the trees would be installed. JoAnn Bright-Theis felt that November 30<sup>th</sup> would be ideal in order to save the most money when buying trees.

Steve Knutson, Fox Township Planning Commission Chairman, explained his background and experience on the Evanston Planning Commission. He noted that the Fox Township Planning Commission had two (2) meetings regarding this Petition. He explained that neighbors reported several examples of non-compliance in terms of hours of operation and season of operation.

Chairman Mohr asked why the Fox Township Board did vote on the proposal. Mr. Knutson said that the Commission did vote on various aspects of the requests. Mr. Asselmeier stated that a township board speaks for the Township, but a township planning commission can submit recommendations. Townships cannot formally object to special use permit requests.

Steve Knutson, as a private resident, noted that the existing ordinance has been in existence for two (2) years. The Fox Township Planning Commission recommended approval of the division of the space. The reason for the recommendation for one (1) event per weekend was to give neighbors the opportunity to have one (1) quiet night. Mr. Knutson felt that compliance with the existing regulations was sketchy.

Kurt Buhle expressed his concerns that the Petitioners were not following the existing regulations. He questioned whether or not the Petitioners would follow new rules. He expressed concerns about events going to 11:00 p.m. every night because he was unsure how the change would impact his sleep. He was



concerned about the impact of the new sound system on noise. He was concerned how the proposal would impact property values by having a commercial business in an agricultural area. He was also concerned about safety, security, and traffic. Noise and music was an issue.

Mr. Asselmeier explained the procedure for investigating noise complaints.

Chairman Mohr asked about alcohol regulations. Mr. Asselmeier stated that Fox Township has not reported to the County any violations of township regulations.

Chairman Mohr closed the public hearing at 7:40 p.m.

Mr. Asselmeier noted that State law required the concurrent vote of four (4) members to rule in favor of the applicant.

The Board reviewed the Findings individually.

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 the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.

Member Clementi stated that noise was detrimental to the public health by negatively impacting the ability of neighbors to get a good night's sleep.

The votes were as follows:

Ayes (2):	Mohr and Thompson
Nays (2):	Clementi and Fox
Abstain (0):	None
Absent (3):	Cherry, LeCuyer, and Whitfield

The motion failed. A finding was not made for this fact.

Chairman Mohr felt the plan that was put in place was a good plan, but the question was is the plan being implement.

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 establishing

restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.

The votes were as follows:

Ayes (1): Thompson  
Nays (3): Clementi, Fox, and Mohr  
Abstain (0): None  
Absent (3): Cherry, LeCuyer, and Whitfield

The motion failed. The finding will be made in the negative.

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 approved site plan from Ordinance 2019-23 addresses utilities, drainage, and points of ingress and egress, and the Petitioners have submitted a permit for the septic system.

The votes were as follows:

Ayes (4): Clementi, Fox, Mohr, and Thompson  
Nays (0): None  
Abstain (0): None  
Absent (3): Cherry, LeCuyer, and Whitfield

The motion passed.

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.

The votes were as follows:

Ayes (3): Clementi, Fox, and Thompson  
Nays (1): Mohr  
Abstain (0): None  
Absent (3): Cherry, LeCuyer, and Whitfield

The motion passed.

Chairman Mohr felt that the use could become more of a business use than an agricultural 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. True, the proposed use is 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."

The votes were as follows:

Ayes (3): Clementi, Fox, and Mohr

Nays (1): Thompson  
Abstain (0): None  
Absent (3): Cherry, LeCuyer, and Whitfield

The motion passed.

Member Clementi made a motion, seconded by Member Fox, to recommend approval of the requested special use permit subject to the following conditions:

1. The building shall be divided as requested by the Petitioners.
2. The landscaping plan shall be amended to reflect the planting of the twelve (12) cedar trees as shown on the revised landscaping plan. The trees shall be approximately twelve feet (12') tall at the time of planting and shall be planted by November 30, 2021.
3. As requested by the Petitioners, the maximum number of guests in Event Space A shall be two hundred eighty (280) and the maximum number of guests in Event Space B shall be sixty (60). There shall be only one (1) event on the property at a given time and the total allowable number of guests shall not exceed two hundred eighty (280) guests.
4. The Petitioners' request that the barn doors be open after 7:00 p.m. be denied.
5. A condition should be added requiring musicians and disc jockeys to plug into a sound system provided and controlled by the business owners.
6. Events in either space should conclude by 10:00 p.m. on weekdays and 11:00 p.m. on weekends with customers given one (1) hour to vacate the premises. Tours of the facility shall be by appointment. The definition of weekend and weekday would not change from the existing ordinance.
7. As requested by the Petitioners, setup for events in either space would start at 9:00 a.m. on the day of the event.
8. As requested by the Petitioners, Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
9. As requested by the Petitioners, the cap on the number of events per weekend and the cap on the number events in a season should be removed.
10. All other conditions and restrictions in Ordinance 2019-23 shall remain effective.
11. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
12. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.



The votes were as follows:

Ayes (4): Clementi, Fox, Mohr, and Thompson  
Nays (0): None  
Abstain (0): None  
Absent (3): Cherry, LeCuyer, and Whitfield

The motion passed.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, August 9, 2021.

The Zoning Board of Appeals completed their review of Petition 21-26 at 8:03 p.m.

#### **PUBLIC COMMENTS**

Mr. Asselmeier said there are two (2) Petitions for the August meeting, a rezoning on the south of Route 52 west of Jughandle Road and a rezoning on the west side of Jughandle Road south of Route 52.

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member Clementi made a motion, seconded by Member Fox, to adjourn.

With a voice vote of four (4) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

The next hearing/meeting will be on August 30, 2021.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

#### **Exhibits**

1. Memo on Petition 21-26 Dated July 30, 2021
2. Certificate of Publication for Petition 21-26 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Revised Landscaping Plan

[illegible]



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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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### Petition 21-26

**Robert Bright on Behalf of the Madison Trust and Castle Bank  
N A and JoAnn Bright-Theis**

**Major Amendment to A-1 Special Use for a Banquet Facility**

#### INTRODUCTION

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials are included as Attachment 1. Ordinance 2019-23 is included as Attachment 2.

#### SITE INFORMATION

**PETITIONER** Robert Bright on Behalf of the Madison Trust and Castle Bank NA and JoAnn Bright Theis

**ADDRESS** 10978 Crimmin Road, Newark

**LOCATION** Approximately 0.54 Miles South of the Intersection of Fox River Drive and Crimmin Road on the East Side of Crimmin Road



**TOWNSHIP** Fox

**PARCEL #s** 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, 04-31-200-014, 04-32-100-006, and 04-32-100-008



LOT SIZE 38.34 +/- Acres

EXISTING LAND USE Agricultural/Farmstead/Banquet Facility

ZONING A-1 Agricultural District with a Special Use Permit for a Banquet Facility

LRMP	Future Land Use	Agricultural
	Roads	Crimmin Road is a Major Collector Road and is also classified as a Scenic Route.
	Trails	None
	Floodplain/ Wetlands	A riverine wetland is located along the southwest edge of the subject property.

REQUESTED ACTION Major Amendment to A-1 Special Use to Operate a Banquet Facility

APPLICABLE REGULATIONS §7:01 D.12 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

§ 13:08 – Special Use Procedures and Procedure for Approving Major Amendments to Existing Special Uses

#### **SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural/Wooded/ Millington Forest Preserve	A-1	Rural Residential (Max 0.65 DU/Acre) and Forest Preserve	A-1
South	Agricultural/Religious	A-1	Agricultural	A-1
East	Millington Forest Preserve	A-1	Forest Preserve	A-1
West	Agricultural/Farmstead	A-1	Rural Residential (Max 0.65 DU/Acre)	A-1, A-1 SU, R-2, and R-3

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property is included as Attachment 3.

#### **PHYSICAL DATA**

##### **ENDANGERED SPECIES REPORT**

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site

Millington Railroad Fen Natural Landmark  
Tucker-Millington Fen Natural Preserve  
River Redhorse (*Moxostoma carinatum*)

Consultation was terminated; EcoCat related materials are included as Attachment 1, Pages 39-41 and Page 43.

#### **NATURAL RESOURCES INVENTORY**

The LESA Score was 181 indicating a low level of protection. The NRI report is included as Attachment 1, Pages 28-38.

#### **ACTION SUMMARY**

##### **FOX TOWNSHIP**

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of divided the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events concluded at 11:00 p.m. with allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use. The minutes of the July 6, 2021, meeting are included as Attachment 4. The summary of the July 21, 2021, meeting is included as Attachment 8.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic. The unapproved minutes of this meeting are included as Attachment 5.

##### **NEWARK FIRE PROTECTION DISTRICT**

Newark Fire Protection District was emailed information on June 24, 2021.

##### **VILLAGE OF NEWARK**

The Village of Newark was emailed information on June 24, 2021.

##### **ZPAC**

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of this meeting are included as Attachment 6. An email stating that the Petitioners applied for septic permit is included as Attachment 7.

## **RPC**

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 28, 2021. The Petitioners agreed to change the end time of events from Midnight to 11:00 p.m. Guests would still have one (1) hour to leave the property. Steve Knutson, Fox Township Planning Commission Chairman, explained the Commission's opinion on the proposal. Kurt Buhle stated that he moved to the area for peace and quiet; the banquet facility was not a quiet operation. He stated that the north barn doors were currently not closed, events were occurring during the non-operating time of the year, and events were occurring after 10:00 p.m. John Vogt expressed concerns about noise and increase traffic. Robert Bright invited everyone, including his neighbors, onto the subject the property and that installing the sound system was on the priority list. Members Rodriguez and Wormley visited the subject property. Member Nelson suggested planting additional evergreen type trees in addition to the plantings required by the landscaping plan. The Petitioners were agreeable with this suggestion. Member Wilson suggested installing a fence in addition to the evergreens. The Kendall County Regional Planning Commission recommended approval of the Petition with the requirement that the Petitioners submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting. The vote was eight (8) in favor and zero (0) in opposition with two (2) members absent. Member Wilson made a motion to add the fencing requirement, but that motion died for lack of second. The minutes of the meeting are included as Attachment 9.

## **GENERAL**

As noted in Attachment 2, Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

As noted on Attachment 1, Page 5, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. As noted on Attachment 1, Pages 3-4, the Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners are requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance ~~at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.~~
- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers which can be found on Attachment 1, Page 6.

The Petitioners have no plans to change the site plan or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, J, and the landscaping plan to include more evergreen type trees, the Petitioners do not propose any other changes to the requirements of the special use permit.

#### **BUILDING CODES**

An updated Occupancy Permit will be required reflecting the change of use.

#### **ENVIRONMENTAL HEALTH**

The Petitioners were working with Environmental Health regarding the size of the septic system.

#### **ROAD ACCESS**

The property fronts Crimmin Road.

#### **PARKING AND INTERNAL TRAFFIC CIRCULATION**

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

#### **LIGHTING**

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

#### **SIGNAGE**

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

#### **LANDSCAPING**

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

#### **NOISE CONTROL**

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings, and control of the sound system, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

## FINDINGS OF FACT

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on major amendments to existing special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*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 the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.***

*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 establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.***

*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 approved site plan from Ordinance 2019-23 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 is 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

Staff recommends approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on Attachment 1, Page 5.
2. The landscaping plan referenced in Condition 2.A is amended to include the amended landscaping provided at the Zoning Board of Appeals hearing.
3. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.



4. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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.
5. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by 11:00 p.m. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
6. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
7. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
8. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

#### **ATTACHMENTS**

1. Application Materials
2. Ordinance 2019-23
3. Aerial
4. July 6, 2021 Fox Township Planning Commission Minutes
5. July 12, 2021 Fox Township Board Minutes
6. July 6, 2021 ZPAC Minutes (This Petition Only)
7. July 12, 2021 Email from the Kendall County Health Department
8. July 21, 2021 Fox Township Planning Commission Meeting Summary
9. July 28, 2021 Kendall County Regional Planning Commission Meeting Minutes (This Petition Only)



# DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560  
(630) 553-4141 Fax (630) 553-4179

## APPLICATION

PROJECT NAME Brighter Daze Farms

FILE # 21-26

<b>NAME OF APPLICANT</b>		
Robert Bright and JoAnn Bright-Theis		
<b>CURRENT LANDOWNER/NAME(s)</b>		
Madison Trust and Castle Bank NA		
<b>SITE INFORMATION</b>		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
38.34 Acres	10978 Crimmins Rd. in Fox Township	04-29-300-010 and more
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
Agricultural	A-1	Agricultural
<b>REQUESTED ACTION (Check All That Apply):</b>		
<input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to <input type="checkbox"/> ) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD ( <input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE ( <input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor)		
<b><sup>1</sup>PRIMARY CONTACT</b>	<b>PRIMARY CONTACT MAILING ADDRESS</b>	<b>PRIMARY CONTACT EMAIL</b>
Boyd Ingemunson	[REDACTED]	[REDACTED]
<b>PRIMARY CONTACT PHONE #</b>	<b>PRIMARY CONTACT FAX #</b>	<b>PRIMARY CONTACT OTHER # (Cell, etc.)</b>
[REDACTED]	[REDACTED]	[REDACTED]
<b><sup>2</sup>ENGINEER CONTACT</b>	<b>ENGINEER MAILING ADDRESS</b>	<b>ENGINEER EMAIL</b>
n/a	n/a	n/a
<b>ENGINEER PHONE #</b>	<b>ENGINEER FAX #</b>	<b>ENGINEER OTHER # (Cell, etc.)</b>
n/a	n/a	n/a
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
<b>SIGNATURE OF APPLICANT</b>		<b>DATE</b>
[REDACTED]		6/22/21

FEE PAID: \$ 115.00  
CHECK #: [REDACTED]

<sup>1</sup>Primary Contact will receive all correspondence from County

<sup>2</sup>Engineering Contact will receive all correspondence from the County's Engineering Consultants

RECEIVED  
JUN 22 2021  
KENDALL COUNTY  
PLANNING, BUILDING  
& ZONING

PROPOSED AMENDMENTS TO SPECIAL USE

Original Conditions

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.

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 the building. 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30).

Proposed Amended Conditions:

C. A maximum of two hundred eighty (280) guests shall be allowed to be in attendance within event space A at a given time. A maximum of sixty (60) guests shall be allowed to be in attendance within event space B at a given time. There shall only be one event taking place at a given time and the total allowable guests shall not exceed a total of two hundred (280) guests.

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 the building.

J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event space B may operate year round.





### **Mission Statement (Event Space "B")**

BrighterDaze Farm is committed to offering an exclusive and memorable experience for our customer's event. BrighterDaze is the ideal setting for anyone looking for a beautiful, private and spacious venue. We provide an 2,900 square foot event space that can accommodate intimate weddings of approximately (60) people. We understand that everyone has a different idea of perfect; that's why we allow our customers the opportunity to customize the finest details of their event.

### **Business Plan**

#### **Hours of Operation:**

Monday – Thursday: 9:00 AM – 10:00 PM

Friday – Saturday: 9:00 AM – 12:00 PM

Holiday Schedule: Open on the Eve and Day of all Federal Holidays

Open Year Round

Event Tours scheduled by appointment by appointment only outside hours of operation

Event Setup begins at 9:00 AM CST the day of event

Customers are to "vacate" the property 1 hour after conclusion of event

#### **# of Employees: 1**

Event Setup & Cleanup Plans: BDF to utilize local sub-contracting services for all applicable trades to include but not limited to: Table(s), chair(s), linens, decorations (flowers, center-pieces, etc), food, beverage(s), bathrooms and cleanup services.

NO CASH BARS allowed

Bathrooms: Onsite.

Max Occupancy: 60 people

Venue Information: 2,900 sq ft Intimate Event Space

Noise Control: All music/noise to originate from within venue at all times with the exception of processional(s)/recessional(s).

Sound not to exceed 65 dB (7:00 AM – 10:00 PM)

Sound not to exceed 55 dB (10:00 PM – 7:00 AM)

BrighterDaze Farm has mature trees located on the property to facilitate dampening the sound.

Distance from Venue to Crimmin Rd = 700'

Setback from Crimmin Rd to neighbors residence = 200'

Parking Plan: One-Way Traffic Pattern to be utilized during business hours

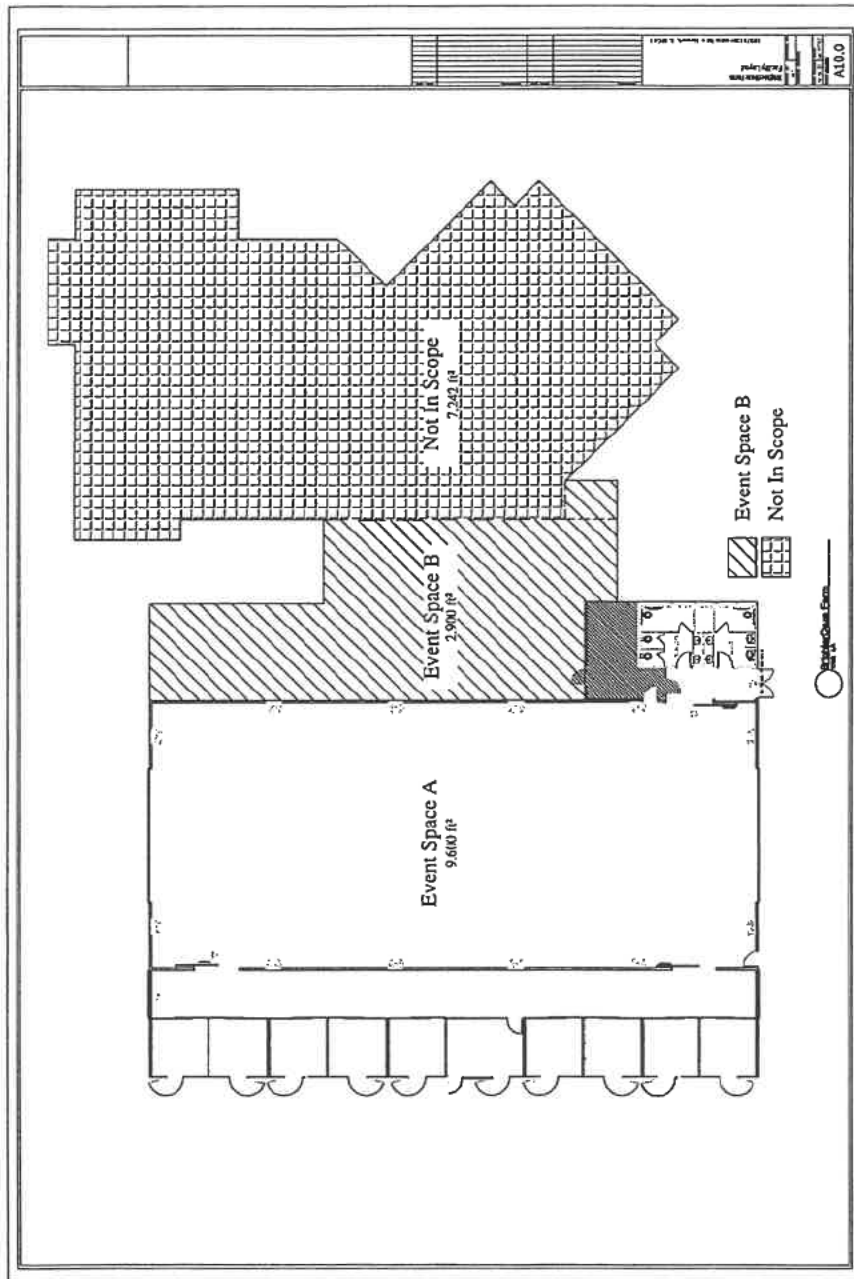
34 Regular Parking Spaces + 4 Handicapped Spaces (Venue)

75 Regular Parking Spaces (Remote)

Lighting to be "off" 1 hour after conclusion of event

Sale of Ancillary Items

BDF reserves the right to sell ancillary items such as sweaters, shirts, cups/glasses, etc





Comparison A-1 Special Uses for Banquet Facilities

	Brighter Daze	Northfork	Ashley Farms	Mathre 1916	Harvest Moon
operation calendar	April 1 <sup>st</sup> - November 30	May 1 <sup>st</sup> - November 15	year round	May thru 2 <sup>nd</sup> full week of November	May 1 <sup>st</sup> - October 31 <sup>st</sup>
# of Events	30	No limit	60	No limit	No more than 4 events in a 7 day period
Days of Operation	Friday - Monday Mon or Thurs if federal holiday	No limit	No limit	No limit	No limit
Music Restrictions	- No music outside building - Barn Doors closed by 7 p.m.	No Restriction	No music outside building	No Restriction	- No music outside building - No bands
Event end time	10:00 p.m	No Restriction	12:00 a.m.	11:30 p.m.	12:00 a.m.

## Exhibit A

## LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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.

**CHICAGO TITLE INSURANCE COMPANY****COMMITMENT NO.** [REDACTED]

ORIGINATING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Chicago Title Company, LLC 2000 West Galena, Suite 105 Aurora, IL 60506 Main Phone: (630)892-3775 Email: auroraescrow@ctt.com	Chicago Title and Trust Company 2000 West Galena, Suite 105 Aurora, IL 60506 Main Phone: (630)892-3775 Main Fax: (630)892-9241

Issued By: Daniel J. Kramer  
1107A S. Bridge St.  
Yorkville, IL 60560

**SCHEDULE A****ORDER NO.** [REDACTED]

Property Ref.: Vacant land, Newark, IL 60541

1. Effective Date: September 20, 2017
2. Policy or Policies to be issued:
  - a. ALTA Owner's Policy 2006  
Proposed Insured: Madison Trust Company, Custodian FBO Robert A. Bright M1507085  
Policy Amount: \$250,000.00
  - b. ALTA Loan Policy 2006  
Proposed Insured: First National Bank, its successors and/or assigns as their respective interests may appear  
Policy Amount: \$390,000.00
3. The estate or interest in the land described or referred to in this Commitment is:  
Fee Simple
4. Title to the estate or interest in the land is at the Effective Date vested in:  
First National Bank of Omaha, DeKalb Illinois, (formerly known as Castle Bank, a division of First National Bank of Omaha) as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Nuber 2526, as to parcels 1 and 2  
Madison Trust Company, Custodian FBO Robert A. Bright M1507085 as to parcel 3

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE A**  
(continued)

5. The land referred to in this Commitment is described as follows:

**PARCEL 1:**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, THAT PART OF THE SOUTHEAST QUARTER 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 QUARTER, 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 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS 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 DEGREES 18 MINUTES 51 SECONDS 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 DEGREES 53 MINUTES 45 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 1066.40 FEET; THENCE SOUTH SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 16 MINUTES 44 SECONDS 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 DEGREES 59 MINUTES 40 SECONDS 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 DEGREES 37 MINUTES 45 SECONDS 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 DEGREES 48 MINUTES 12 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 607.20 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, 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 QUARTER, 233.54 FEET

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE A**  
(continued)

FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY, ALONG SAID EAST LINE, 178.96 FEET; THENCE WESTERLY, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS 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 DEGREES 18 MINUTES 51 SECONDS 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 500.21 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 105.22 FEET TO THE POINT OF BEGINNING;

AND ALSO EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, 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 QUARTER, 412.50 FEET; THENCE WESTERLY, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS 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 DEGREES 18 MINUTES 51 SECONDS 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 500.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 105.22 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 31, WHICH IS 233.54 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 233.54 FEET TO SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 112 DEGREES 15 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 341.46 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 160 DEGREES 32 MINUTES 46 SECONDS WITH THE LAST

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE A**  
(continued)

DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 451.82 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 33.0 FEET TO THE POINT OF BEGINNING; ALL IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

**PARCEL 2:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, 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 QUARTER, 412.50 FEET; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS 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 DEGREES 18 MINUTES 51 SECONDS 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 500.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH IS RADIAL TO SAID LAST DESCRIBED CURVE, 575.07 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 109 DEGREES 41 MINUTES 44 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 140.52 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 100 DEGREES 39 MINUTES 04 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 230.0 FEET; THENCE EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 148 DEGREES 24 MINUTES 34 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 105.22 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 31 WHICH IS 233.54 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE, 233.54 FEET TO SAID NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 112 DEGREES 15 MINUTES 30 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 341.46 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 160 DEGREES 32 MINUTES 46 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 451.82 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF

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ALTA Commitment (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE A**  
(continued)

33.0 FEET TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

**PARCEL 3:**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 30 AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, 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 QUARTER, 412.50 FEET; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER AND WHICH FORMS AN ANGLE OF 88 DEGREES 55 MINUTES 20 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 628.98 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 136 DEGREES 30 MINUTES 40 SECONDS 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 DEGREES 18 MINUTES 51 SECONDS 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 96.90 FEET; THENCE CONTINUING ALONG SAID CENTERLINE AND THE LAST DESCRIBED COURSE BEING A CURVE TO THE RIGHT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 279.87 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 85 DEGREES 16 MINUTES 45 SECONDS WITH THE CHORD OF THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 336.0 FEET; THENCE SOUTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 99 DEGREES 38 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 64.05 FEET; THENCE SOUTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 92 DEGREES 26 MINUTES 37 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 273.94 FEET; THENCE NORTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 79 DEGREES 20 MINUTES 56 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 33.58 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 79 DEGREES 20 MINUTES 56 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 239.11 FEET; THENCE NORTHEASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 92 DEGREES 26 MINUTES 37 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 57.63 FEET; THENCE NORTHWESTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF 99 DEGREES 38 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 361.78 FEET TO SAID CENTERLINE OF CRIMMINS ROAD; THENCE SOUTHEASTERLY, ALONG SAID CENTERLINE, BEING A NON-TANGENTIAL CURVE TO THE LEFT WITH A RADIUS OF 2300.0 FEET, AN ARC DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING

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**CHICAGO TITLE INSURANCE COMPANY**

**COMMITMENT NO.** [REDACTED]

**SCHEDULE A**  
(continued)

IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

**END OF SCHEDULE A**

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE B**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

**General Exceptions**

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. **We should be furnished a properly executed ALTA statement and, unless the land insured is a condominium unit, a survey if available. Matters disclosed by the above documentation will be shown specifically.**
7. **Note for Information: The coverage afforded by this commitment and any policy issued pursuant hereto shall not commence prior to the date on which all charges properly billed by the company have been fully paid.**

**A Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.**

**B 8. Taxes for the years 2017.**

Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-29-300-007-0000 (1 of 12)

Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.

(affects part of parcel 1)

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE B**  
(continued)

- C 9. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-29-300-010-0000 (2 of 12)  
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.  
(affects part of parcel 1)
- D 10. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-29-300-012-0000 (3 of 12)  
Note: Taxes for the year 2016 amounting to \$2,033.16 are paid of record.  
(affects part of parcel 1)
- E 11. Taxes for the years 100.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-30-400-007-0000 (4 of 12)  
Note: Taxes for the year 2016 amounting to \$89.30 are paid of record.  
(affects part of parcel 1)
- F 12. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-30-400-011-0000 (5 of 12)  
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.  
(affects part of parcel 1)

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ALTA Commitment (06/17/2005)





CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. 1 [REDACTED]

**SCHEDULE B**  
(continued)

## G 13. Taxes for the years 2017.

Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-32-100-006-0000 (6 of 12)

Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.

(affects part of parcel 1)

## H 14. Taxes for the years 2017.

Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-32-100-008-0000 (7 of 12)

Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.

(affects part of parcel 1)

## I 15. Taxes for the years 2017.

Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-30-400-012-0000 (8 of 12)

Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.

(affects parts of parcels 2 and 3)

## J 16. Taxes for the years 2017.

Taxes for the years 2017 are not yet due or payable.

Permanent Tax No.: 04-30-400-013-0000 (9 of 12)

Note: Taxes for the year 2016 amounting to \$5952.78 are paid of record.

(affects parts of parcels 2 and part of parcel 3)

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COMMITMENT NO. 1 [REDACTED]

## CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B  
(continued)

- K 17. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-30-400-014-0000 (10 of 12)  
Due to the \$150 exclusion law, 35 ILCS 200/18-40, there is no amount due for the 2016 tax year.  
(affects part of parcel 2)
- L 18. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-31-200-013-0000 (11 of 12)  
Note: Taxes for the year 2016 amounting to \$18.20 are paid of record.  
(affects part of parcel 3)
- M 19. Taxes for the years 2017.  
Taxes for the years 2017 are not yet due or payable.  
Permanent Tax No.: 04-31-200-014-0000 (12 of 12)  
Note: Taxes for the year 2016 amounting to \$6,973.78 are paid of record.  
(affects part of parcel 2)
- N 20. Mortgage dated December 20, 2011 and recorded January 12, 2012 as Document No. 201200000710 made by Castle Bank, a Division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha to secure an indebtedness in the amount of \$900,000.00.  
Modification of Mortgage recorded April 25, 2013 as Document No. 201300008721.  
(affects parcels 1 and 2)
- O 21. Assignment of Rents recorded January 12, 2012 as Document No. 201200000711 made by Castle Bank, a Division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha.  
(affects parcels 1 and 2)

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ALTA Commitment (08/17/2006)



COMMITMENT NO. [REDACTED]

## CHICAGO TITLE INSURANCE COMPANY

## SCHEDULE B

(continued)

- P 22. Mortgage dated December 20, 2011 and recorded January 12, 2012 as Document No. 201200000712 made by Castle Bank, a division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha to secure an indebtedness in the amount of \$500,000.00.
- (affects parcel 2)
- Q 23. Assignment of Rents recorded January 12, 2012 as Document No. 201200000713 made by Castle Bank, a division of First National Bank of Omaha as Trustee under Trust Agreement dated November 15, 2006 and known as Trust Number 2526 to First National Bank of Omaha.
- (affects parcel 2)
- AE 24. If work has been performed on the Land within the last six months which may subject the Land to liens under the mechanics lien laws, the Company should be furnished satisfactory evidence that those who have performed such work have been fully paid and have waived their rights to a lien. If evidence is not provided or is unsatisfactory, this commitment/policy will be subject to the following exception:
- Any lien, or right to a lien, for services, labor or material, heretofore or hereafter furnished, imposed by law, and not shown by the Public Records.
- The Company reserves the right to add additional items or make further requirements after review of the requested documentation.
- AB 25. Information should be furnished establishing whether any written agreement has been entered into by and between any party and a broker for the purposes of buying, selling, leasing or otherwise conveying any interest in the Land described herein. If such an agreement has been entered into, satisfactory evidence should be furnished establishing that the compensation agreed upon in such agreement has been paid and the broker's lien, or right to a lien, for such amount has been extinguished. In the event said evidence is not furnished, our policy(ies), when issued, will be subject to the following exception:
- Any lien, or right to a lien, imposed by law under the provisions of the Commercial Real Estate Broker Lien Act for compensation agreed upon by a broker and the broker's client or customer under the terms of a written agreement entered into for the purposes of buying, selling, leasing, or otherwise conveying any interest in the Land described in Schedule A.
- AC 26. The Company should be furnished a statement that there is no property manager employed to manage the Land, or, in the alternative, a final lien waiver from any such property manager.

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COMMITMENT NO. [REDACTED]

## CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B  
(continued)

AF 27. The Company should be furnished the following:

- a) A Certification of Trust executed by the trustee in accordance with 760 ILCS 5/8.5, together with excerpts of the trust agreement and amendments thereto relating to the designation of trustees and the power of the trustee to act in the current transaction, or
- b) In the alternative, the trustee, in his or her sole discretion, may deliver to the Company a full copy of the trust agreement together with all amendments thereto.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

S 28. Terms, powers, provisions, and limitations of the Trust under which title to the Land is held.

T 29. The Land described in Schedule A either is unsubdivided property or constitutes part of a subdivided lot. As a result, a Plat Act Affidavit should accompany any conveyance to be recorded. In the alternative, compliance should be had with the provisions of the Plat Act (765 ILCS 205/1 et seq.)

AD 30. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.

U 31. Rights of the public, the state of Illinois and the municipality in and to that part of the land, if any, taken or used for road purposes. Affects part of the land lying in Crimmin Road in survey dated Jan 5, 1998 by James M. Olson, surveyor no. 2253.

V 32. Rights of way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.

W 33. Rights of owners of land bordering on the streams in respect to the water and use of the surface of said body of water.

X 34. Easement granted June 9, 1964 and recorded July 21, 1964 as document 145640 by Crimmins, et al to Illinois Power Company, its successors and assigns, the right and easement for public utilities purposes as described therein, together with the right of ingress and egress thereto for said purposes. Said easement was assigned to Northern Illinois Gas Company, its successors and assigns, by instrument recorded March 3, 1966 as document 151253.

Y 35. Encroachment of the fence located mainly on the land onto the property North and adjoining by approximately 3.2 feet and along the West line measuring 255.45 feet by approximately 1.3 feet in section 30, land onto the property Southwesterly and adjoining by approximately 16.4 feet and the property Southerly and adjoining by approximately 19.4 feet in section 31 and onto the property South and adjoining by approximate 8.5 feet and onto the property East and adjoining by approximate 7.5 feet in section 28; onto property North and adjoining by approximate 20.5 feet in section 29; as shown on plat of survey number 2253 prepared by Illinois Professional Land Surveyer dated January 5, 1998.

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CHICAGO TITLE INSURANCE COMPANY

COMMITMENT NO. [REDACTED]

**SCHEDULE B**

(continued)

- Z 36. Easement in favor of Nicor Gas, and its/their respective successors and assigns, to install, operate and maintain all equipment necessary for the purpose of serving the land and other property, together with the right of access to said equipment, and the provisions relating thereto contained in the grant recorded/filed as document no. 2000004172.  
(see instrument for affects)
- AA 37. Terms and provisions of a Kendall County Health Department Well Variance recorded October 19, 2004 as Document No. 200400029156.  
(For further particulars, see record.)
- AG 38. All endorsement requests should be made prior to closing to allow ample time for the company to examine required documentation.  
(This note will be waived for policy).
- AH 39. Note for additional information: the "**Kendall**" county recorder requires that any documents presented for recording contain the following information:
- A. The name and address of the party who prepared the document;
  - B. The name and address of the party to whom the document should be mailed after recording;
  - C. All permanent real estate tax index numbers of any property legally described in the document;
  - D. The address of any property legally described in the document;
  - E. All deeds should contain the address of the grantee and should also note the name and address of the party to whom the tax bills should be sent.
  - F. Any deeds conveying unsubdivided land, or, portions of subdivided land, may need to be accompanied by a properly executed "plat act affidavit."
- AI 40. For residential property only:  
A provision for inflation coverage will be added to the owner's policy. This enhancement can automatically increase the amount of the owner's policy. For additional information, please contact your local underwriter.

**END OF SCHEDULE B**

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**CHICAGO TITLE INSURANCE COMPANY**

**COMMITMENT NO.** [REDACTED]

**SCHEDULE B**  
(continued)

**Title Insurance Agent:**

Daniel J. Kramer  
1107A S. Bridge St.  
Yorkville, IL 60560  
Phone: (630)553-9500  
Fax: (630)553-5764

\_\_\_\_\_  
Authorized Signatory

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COMMITMENT NO. [REDACTED]

## CHICAGO TITLE INSURANCE COMPANY

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the Insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org>.

## END OF CONDITIONS

## 1031 EXCHANGE SERVICES

If your transaction involves a tax deferred exchange, we offer this service through our 1031 division, IPX1031. As the nation's largest 1031 company, IPX1031 offers guidance and expertise. Security for Exchange funds includes segregated bank accounts and a 100 million dollar Fidelity Bond. Fidelity National Title Group also provides a 50 million dollar Performance Guaranty for each Exchange. For additional information, or to set-up an Exchange, please call Scott Nathanson at (312)223-2178 or Anna Barsky at (312)223-2169.

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# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Madison Trust Company FBO Robert Bright M1507085.  
 Address 401 East 8th Street Suite 200P  
 City Sioux Falls State SD Zip 57103
2. Nature of Benefit Sought Special Use Permit
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☐ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:  
Self-Directed IRA
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:
- | NAME          | ADDRESS    | INTEREST |
|---------------|------------|----------|
| Robert Bright | [REDACTED] | 100%     |
|               |            |          |
|               |            |          |
|               |            |          |
|               |            |          |
6. Name, address, and capacity of person making this disclosure on behalf of the applicant.  
Shaine Timmins, 401 East 8th Street, Suite 200P, Sioux Falls, SD 57103, Authorized Signer for Madison Trust Company

## VERIFICATION

- I, Shaine Timmins, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 19th day of March, A.D. 2019

(seal)

[REDACTED]  
Notary Public

CHAYA TOVA SLATER  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01SL6348808  
 Qualified In Rockland County  
 My Commission Expires 10-03-2020





## CORPORATE RESOLUTION

*This resolution remains in effect until you receive notice that it has been revoked or receive a new form.*

I. Organization Information

- a. Name of Organization: Madison Trust Company, Inc.
- b. Organization Type: Trust Company serving as IRA Custodian
- c. Corporate Headquarters: 401 E. 8<sup>th</sup> Street, Suite 200P, Sioux Falls, SD 57103
- d. Telephone Number: 800-721-4900

II. This resolution is an authorization to act on behalf of Madison Trust Company's accounts.

III. Authorized Signatories:

The Individuals who sign below are authorized to:

- a. Sign any documents related to assets held by Madison Trust Company's accounts.
- b. Invest and redeem the assets held by Madison Trust Company's accounts.
- c. Obtain account information and give instructions for the purchase, sale, exchange, transfer or assets or securities held by Madison Trust Company's accounts.
- d. Establish access to Madison Trust Company's accounts online or through any other electronic or telephonic system.
- e. Engage in any other action regarding the assets held by Madison Trust Company's accounts.

The number of signatures required on a document is one (1).

**Name of authorized signatories:**

E. Brian Finkelstein, Chairman

Mervyn Klein, CEO

Daniel Gleich, President



Dated: 02/20/2018

Dated: 02/20/2018

Dated: 02/20/2018



**Additional Persons who can conduct transactions:**

The individuals listed below are authorized to sign Transfer Authorizations, Re-registration Confirmations, Assignment of Notes, and any documents related to assets on behalf of Madison Trust Company's accounts.

Charles Knopf

Alexa Holzberg

Aidy Markowitz

Tova Slater

Maggie Borchardt

Amanda Pillitteri

Anne McBride

Brittany Bordeaux

Elizabeth Frasciello

Jim Riswold

Nick Talarico

Xiomara Rodriguez

Seth Bergida

Shaine Timmins

Liam Stewart

Ian Robertson

Zachary Croan

The individuals listed below are authorized to sign IRA LLC Operating Agreements on behalf of Madison Trust Company's accounts.

Charles Knopf

Alexa Holzberg

Aidy Markowitz

Tova Slater

Maggie Borchardt

Amanda Pillitteri

Shaine Timmins

Ian Robertson

Elizabeth Frasciello

Joel Galkin

Mark Weissman

Kathleen Christman

Laurah Boswell

Anne McBride

Liam Stewart

Brittany Bordeaux

Zachary Croan



**Certification and Indemnification:**

The undersigned signatories of Madison Trust Company hereby certify that:

- Each of the authorized signatories listed below is authorized by resolution of the board of directors to act on behalf of the organization in connection with any of the Madison Trust Company accounts.
- Madison Trust Company agrees to indemnify and hold harmless any investment company, its officers, employees and agents from and against all losses, claims and expenses (including attorney's fees) incurred by the investment company for relying in good faith upon the information provided in this resolution and for action on instructions believed by the investment company to have originated from any authorized signatory or additional authorized person listed above.
- This resolution remains in full force and effect until revoked by an authorized signatory of Madison Trust Company. Any revocation will not affect any liability resulting from transactions initiated before the investment company has had a reasonable amount of time to act upon the revocation.

The undersigned are authorized to certify this information on behalf of Madison Trust Company and confirm that these provisions conform to the charter or other organizing document of Madison Trust Company.

**Authorized Signatories:**

E. Brian Finkelstein, Chairman

Mervyn Klein, CEO

Daniel Gleich, President



Dated: 02/20/2018

Dated: 02/20/2018

Dated: 02/20/2018

# KENDALL COUNTY DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Bright & Entheising Events  
 Address 10978 Crimmin Rd  
 City Newark, IL 60541 State IL Zip 60541
2. Nature of Benefit Sought Special Use Permit
3. Nature of Applicant: (Please check one)  
☐ Natural Person (a)  
☒ Corporation (b)  
☐ Land Trust/Trustee (c)  
☐ Trust/Trustee (d)  
☐ Partnership (e)  
☐ Joint Venture (f)
4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:  

Event Venue
5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
JoAnn Bright-Theis		25%
Adan Theis		25%
Nicola Bright		25%
Robert Bright		25%

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

JoAnn Bright-Theis 10978 Crimmins Rd Newark, IL 60541

## VERIFICATION

I, \_\_\_\_\_, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

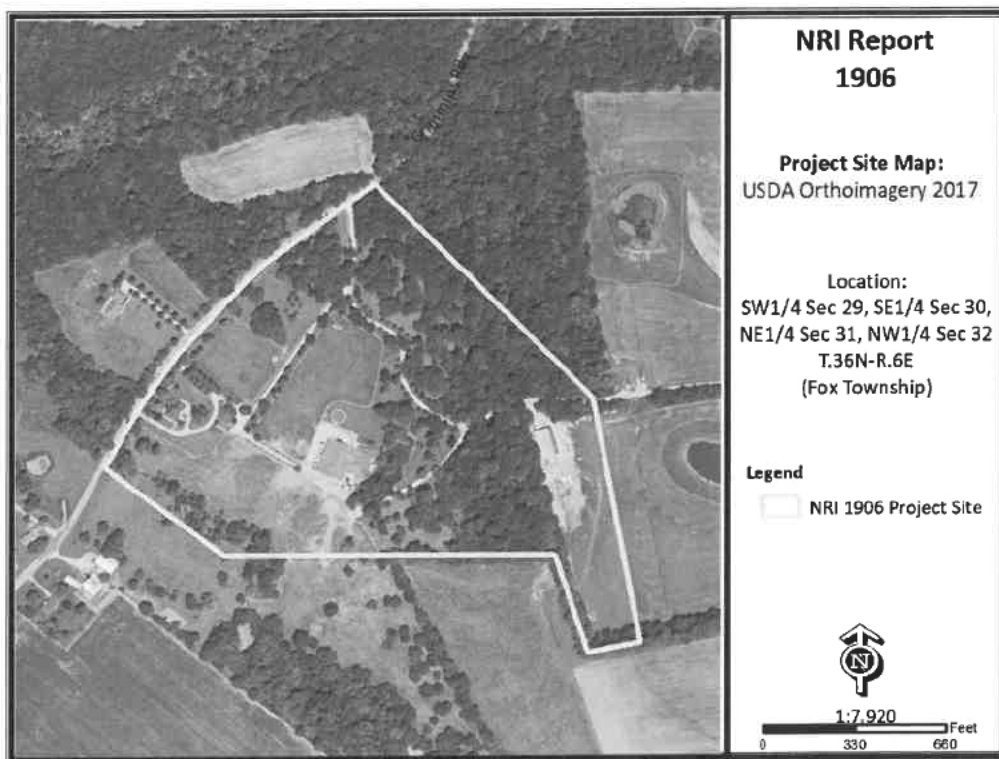
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

(seal)

\_\_\_\_\_  
Notary Public



# NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: 1906



April 2019

Petitioner: Robert Bright  
Contact: JoAnn Bright-Theis

Prepared by:



**Kendall County Soil & Water  
Conservation District**

7775A Route 47 • Yorkville, Illinois 60560

Phone: (630)553-5821 x3 • Fax: (630)553-7442

[www.kendallswcd.org](http://www.kendallswcd.org)

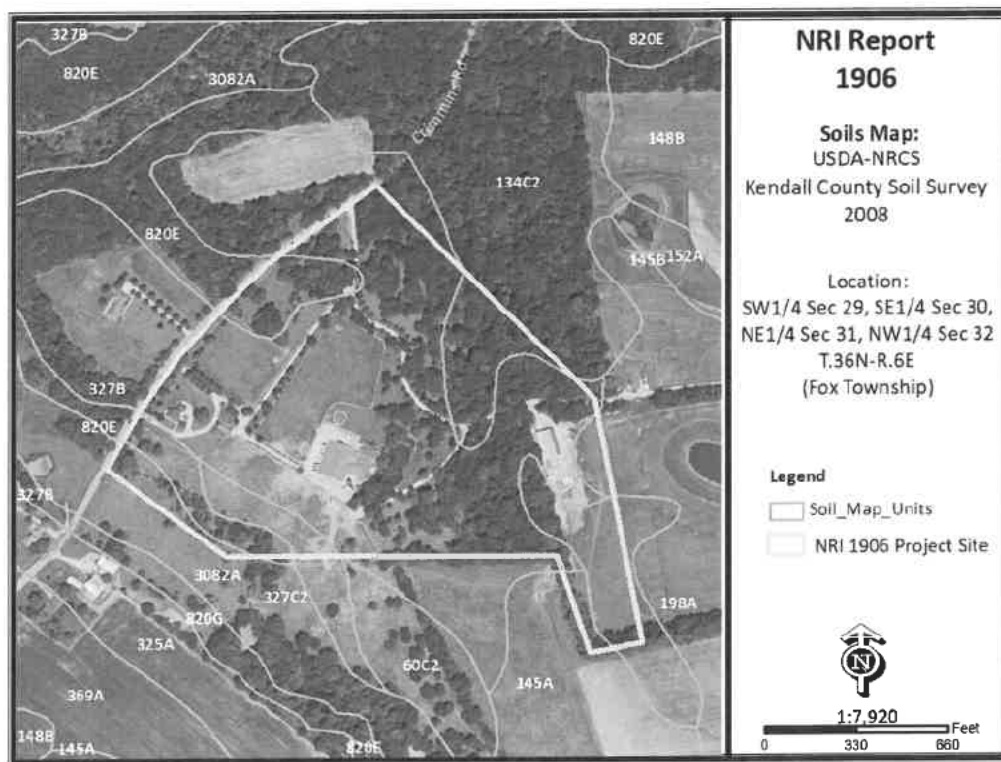
1906

## Executive Summary

April 8, 2019

**Petitioner:** Robert Bright**Contact Person:** JoAnn Bright-Theis**County or Municipality the petition is filed with:** Kendall County**Location of Parcel:** SW¼ Section 29, SE ¼ Section 30, NE ¼ Section 31 & NW ¼ Section 32 T.36N.-R.6E. (Fox Township), 3<sup>rd</sup> Principal Meridian in Kendall Co., IL**Project or Subdivision Name:** Not Provided**Existing Zoning & Land Use:** A-1; Residential, Barn with Paddock areas, Wooded**Proposed Zoning & Land Use:** A-1 Special Use; Banquet Center**Proposed Water Source:** Well**Proposed Type of Sewage Disposal System:** Septic**Proposed Type of Storm Water Management:** N/A**Size of Site:** 38.3acres**Land Evaluation Site Assessment Score:** 181 (Land Evaluation: 78; Site Assessment: 103)

## Natural Resource Considerations

**Soil Map:****SOIL INFORMATION:**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; please refer to onsite soil test results for planning/engineering purposes):

**Table 1:**

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
134C2	Camden silt loam, 5-10% slopes, eroded	Well drained	B	Non-hydric	Statewide Importance
145A	Saybrook silt loam, 0-2% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
145B	Saybrook silt loam, 2-5% slopes	Moderately well drained	C	Non-hydric	Prime Farmland
198A	Elburn silt loam, 0-2% slopes	Somewhat poorly drained	B/D	Non-hydric Hydric Inclusions likely	Prime Farmland
327B	Fox silt loam, 2-4% slopes	Well drained	B	Non-hydric	Prime Farmland
327C2	Fox silt loam, 4-6% slopes, eroded	Well drained	B	Non-hydric	Prime Farmland
820E	Hennepin-Casco complex, 12-30% slopes	Hennepin: Well drained Casco: Somewhat Excessively drained	Hennepin: C Casco: B	Non-hydric	Non-prime
3082A	Millington silt loam, 0-2% slopes, frequently flooded	Poorly drained	B/D	Hydric	Prime Farmland (if drained and protected from flooding or not frequently flooded during growing season)

**Hydrologic Soil Groups:** Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- ✓ **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- ✓ **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- ✓ **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- ✓ **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

**Hydric Soils:** A soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile. Of the soils found onsite, 3082A Millington silt loam is identified as a hydric soil and, 198A Elburn silt loam is denoted as having the potential for hydric inclusions.

**Prime Farmland:** Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, six are designated as prime farmland one is classified as being of statewide importance.

Table 2:

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
134C2	Medium	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
145A	Low	February - April Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8'	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
145B	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
198A	Low	January - May Upper Limit: 1.0'-2.0' Lower Limit: >6.0'	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
327B	Low	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
327C2	Medium	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
820E	Hennepin: Very High Casco: High	January - Dec Upper Limit: -- Lower Limit: --	January - Dec Surface Water Depth & Duration: -- Frequency: None	January - Dec None
3082A	Negligible	January - May Upper Limit: 0.0'-1.0' Lower Limit: >6.0' June, Nov, Dec: Upper Limit: -- Lower Limit: --	January - May Surface Water Depth & Duration: 0.0'-0.5'; Brief Frequency: Frequent June, Nov, Dec: Surface Water Depth & Duration: - Frequency: None	January - May Brief, Frequent June, Nov, Dec Brief, Frequent

**Surface Runoff:** Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover. Indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal).

**Ponding:** Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

**Flooding:** Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration expressed as brief is 2 to 7 days and a frequent frequency means that it is likely to occur often under normal weather conditions.

#### **SOIL LIMITATIONS:**

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.



- ✓ **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- ✓ **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design or installation; fair performance and moderate maintenance can be expected.
- ✓ **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures; poor performance and high maintenance can be expected.

Conventional Septic System Rating Criteria:

The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. Soils that are deemed unsuitable for installation of an on-site sewage disposal system per the Kendall County Subdivision Control Ordinance may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact: Kendall County Health Department located at 811 W. John Street, Yorkville, IL; (630)553-9100 ext. 8026.

Limitations are listed below for dwellings with basements, dwellings without basements, small commercial building, shallow excavations, lawns/landscaping and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

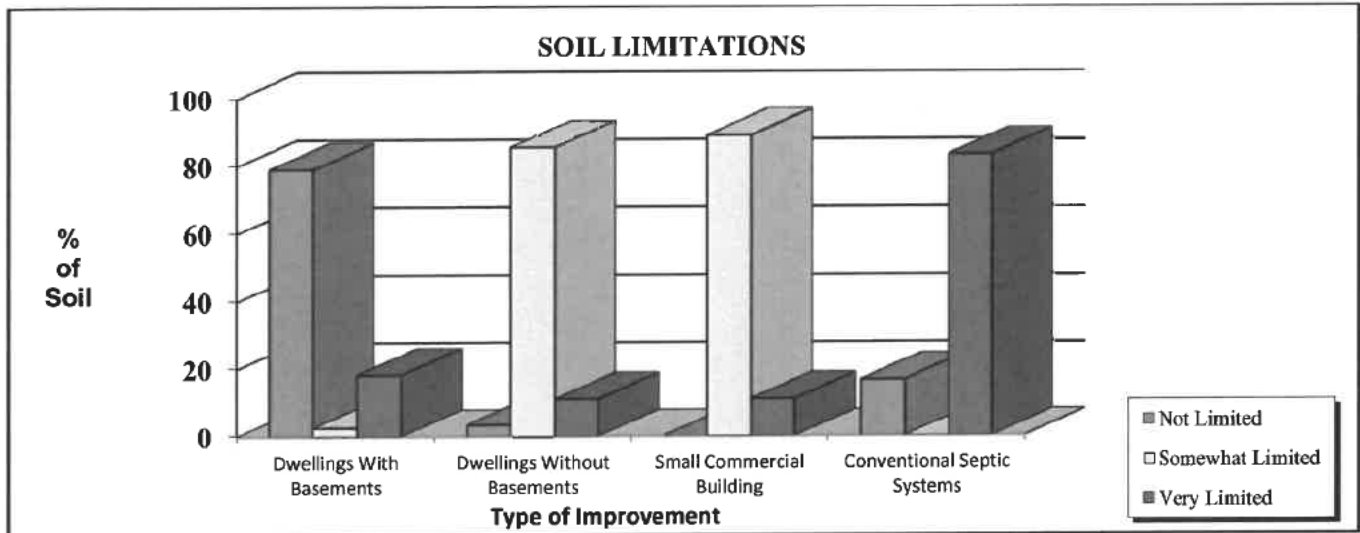
**Table 3a: Building Limitations**

Soil Type	Dwellings without Basements	Dwellings with Basements	Small Commercial Building	Onsite Conventional Sewage Disposal System
134C2	<b>Somewhat Limited:</b> Shrink-swell	<b>Not Limited</b>	<b>Somewhat Limited:</b> Slope, Shrink-swell	<b>Suitable</b>
145A	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Shrink-swell	<b>Suitable</b>
145B	<b>Somewhat Limited:</b> Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone	<b>Somewhat Limited:</b> Shrink-swell	<b>Suitable</b>
198A	<b>Somewhat Limited:</b> Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Depth to saturated zone; Shrink-swell	<b>Somewhat Limited:</b> Depth to saturated zone; Shrink-swell	<b>Suitable</b>
327B	<b>Somewhat Limited:</b> Shrink-swell	<b>Not Limited</b>	<b>Somewhat Limited:</b> Shrink-swell	<b>Unsuitable:</b> Gravel
327C2	<b>Not Limited</b>	<b>Not Limited</b>	<b>Somewhat Limited:</b> Slope	<b>Unsuitable:</b> Gravel
820E	<b>Very Limited:</b> Slope	<b>Very Limited:</b> Slope	<b>Very Limited:</b> Slope	<b>Unsuitable:</b> Gravel
3082A	<b>Very Limited:</b> Ponding; Flooding; Depth to saturated zone	<b>Very Limited:</b> Ponding; Flooding; Depth to saturated zone; Shrink-swell	<b>Very Limited:</b> Ponding; Flooding; Depth to saturated zone	<b>Unsuitable:</b> Frequently Flooded

**Table 3b: Building Limitations**

Soil Type	Shallow Excavations	Lawns & Landscaping
134C2	<b>Somewhat Limited:</b> Dusty, Unstable excavation walls	<b>Somewhat Limited:</b> Dusty
145A	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty
145B	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty, Unstable excavation walls	<b>Somewhat Limited:</b> Dusty
198A	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Depth to saturated zone; Dusty
327B	<b>Somewhat Limited:</b>	<b>Somewhat Limited:</b>

	Dusty; Unstable excavation walls	Dusty
327C2	<b>Somewhat Limited:</b> Dusty; Unstable excavation walls	<b>Somewhat Limited:</b> Dusty
820E	<b>Hennepin:</b> <b>Very Limited:</b> Slope; Dusty; Unstable excavation walls <b>Casco:</b> <b>Very Limited:</b> Slope; Unstable excavation walls; Dusty	<b>Hennepin:</b> <b>Very Limited:</b> Slope; Low exchange capacity; Dusty <b>Casco:</b> <b>Very Limited:</b> Slope; Dusty; Droughty
3082A	<b>Very Limited:</b> Ponding; Depth to saturated zone; Flooding; Dusty; Unstable excavation walls	<b>Very Limited:</b> Ponding; Flooding; Depth to saturated zone; Dusty



#### Building Limitations Maps:

Figure 2a: Dwellings With Basements

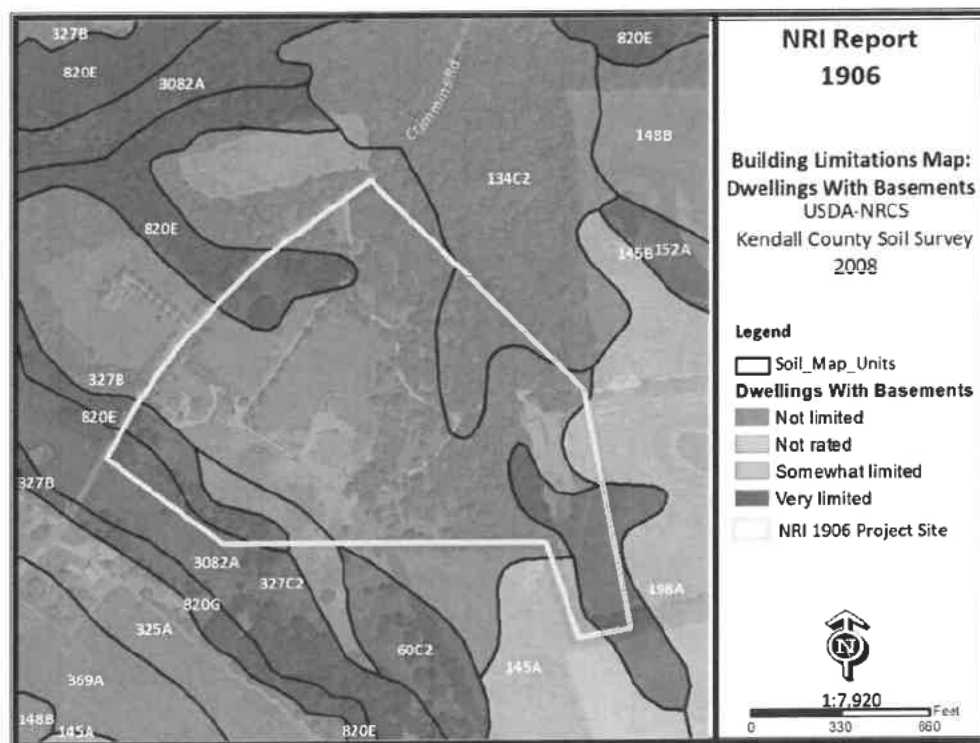


Figure 2b: Dwellings Without Basements

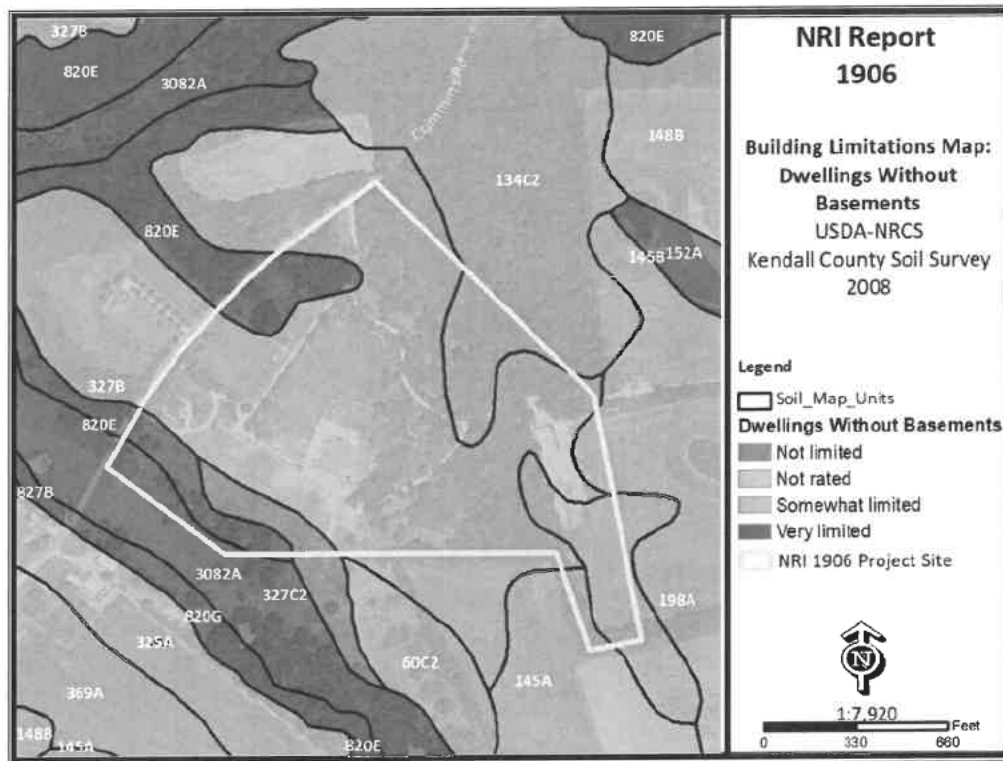


Figure 2c: Small Commercial Building

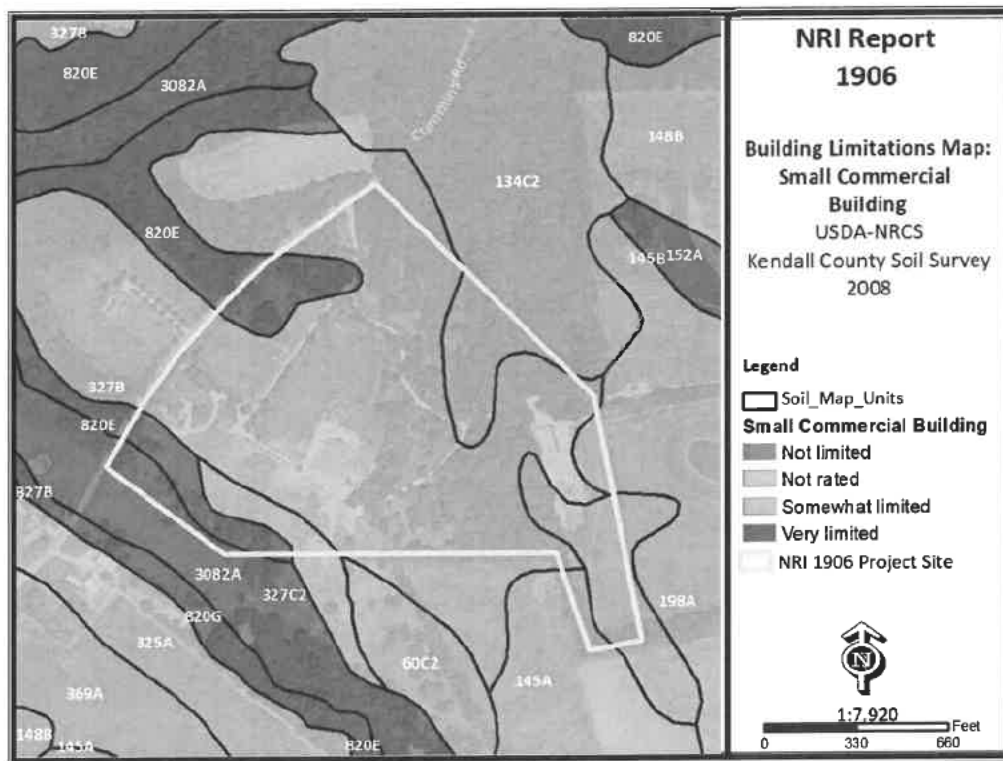


Figure 2d: Shallow Excavations

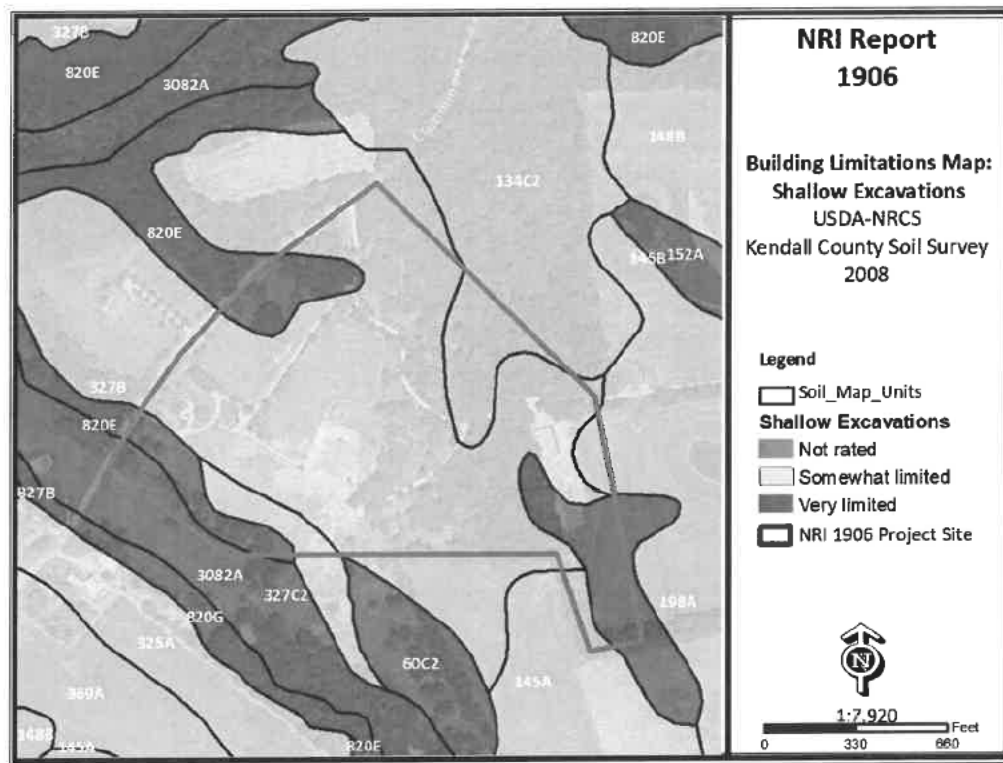
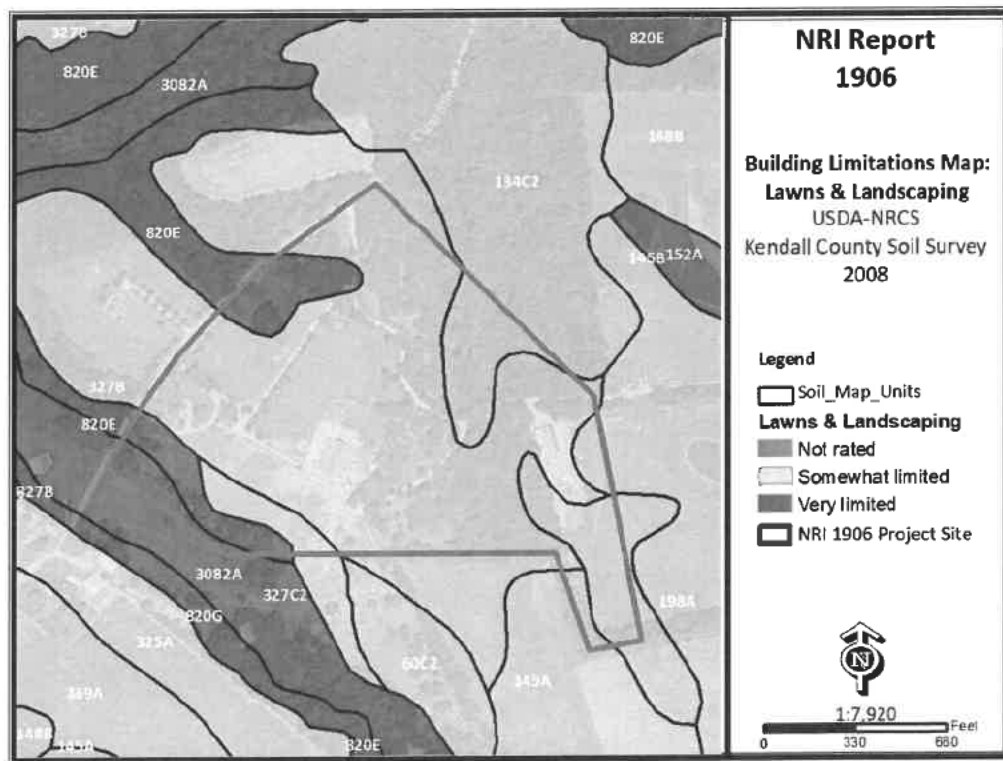


Figure 2e: Lawns &amp; Landscaping





**Kendall County Land Evaluation and Site Assessment (LESA):**

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

**Table 4a: Land Evaluation Computation**

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
134C2	5	82	2.6	213.2
145A	2	94	0.4	37.6
145B	2	94	0.6	56.4
198A	1	100	2.8	280.0
327B	4	79	26.4	2085.6
327C2	4	79	1.3	102.7
820E	7	47	3.7	173.9
3082A	4	79	0.5	39.5
<b>Totals</b>			<b>38.3</b>	<b>2988.9</b>
<b>LE Score</b>		<b>LE= 2988.9/38.3</b>		<b>LE = 78</b>

The Land Evaluation score for this site is **78**, indicating that this site is not predominately prime farmland well suited for agricultural production.

**Table 4b: Site Assessment Computation**

<b>A.</b>	<b>Agricultural Land Uses</b>	<b>Points</b>
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current use adjacent to site. (30-20-15-10-0)	20
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	10
<b>B.</b>	<b>Compatibility / Impact on Uses</b>	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
<b>C.</b>	<b>Existence of Infrastructure</b>	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	<b>Site Assessment Score:</b>	<b>103</b>

**Land Evaluation Value: 78 + Site Assessment Value: 103 = LESA Score: 181**

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High



**Sediment and Erosion Control:** Development on this site should include an erosion and sediment control plan in accordance with local, state and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<http://www.aiswcd.org/illinois-urban-manual/>) for appropriate best management practices.

#### **LAND USE OPINION:**

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Robert Bright at the request of their contact JoAnn Bright-Theis for the proposed A-1 Special Use petition project. This parcel is located in portions of Sections 29, 30, 31 & 32 in Fox Township (T.36N.-R.6E. of the 3<sup>rd</sup> Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 78 out of a possible 100 points indicating the soils found on the project site are not predominately prime farmland well suited for agricultural production. The overall LESA Score for this site is 181 which indicates a low level of protection for the proposed project site. Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production and is an important resource to Kendall County; of the eight soil types identified onsite, six are designated as prime farmland, one is designated as farmland of statewide importance and one is not indicated as either. A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile; one soil type found onsite, 3082A Millington silt loam is designated as a hydric soil and one soil type, 198A Elburn silt loam has the potential to have hydric inclusions.

For proposed land uses, soils can have potential limitations. This report indicates, if the following uses were to be included as part of future site development or expansion, that for soils located on the parcel, 83.3% are unsuitable for onsite conventional septic systems, 80.1% of the soils are very limited for shallow excavations, 78.8% are very limited for onsite conventional septic systems, 18.3% are very limited for dwellings with basements and shallow excavations, and 11% are very limited for dwellings without basements, small commercial building and lawns/landscaping. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, since the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Clear Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

\_\_\_\_\_

04/08/12  
Date



**Applicant:** Robert Bright  
**Contact:** JoAnn Bright-Theis  
**Address:** 10978 Crimmin Rd  
 Newark, IL 60541

**IDNR Project Number:** 2114879  
**Date:** 06/16/2021

**Project:** Major Amendment to Existing Special Use Permit  
**Address:** 10978 Crimmins Rd., Newark

**Description:** Applicant is seeking an expansion of the allowed number of events and operating days

### Natural Resource Review Results

#### Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site  
 Millington Railroad Fen Natural Heritage Landmark  
 Tucker-Millington Fen Nature Preserve  
 River Redhorse (*Moxostoma carinatum*)

**An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.**

#### Location

The applicant is responsible for the accuracy of the location submitted for the project.

**County:** Kendall

**Township, Range, Section:**

36N, 6E, 30  
 36N, 6E, 31  
 36N, 6E, 32



**IL Department of Natural Resources**  
**Contact**  
 Adam Rawe  
 217-785-5500  
 Division of Ecosystems & Environment

**Government Jurisdiction**  
 Kendall County Board  
 Matt Asselmeier  
 111 W. Fox St.  
 Yorkville IL, Illinois 60560

#### **Disclaimer**

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.



IDNR Project Number: 2114879

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IDNR Project Number: 2114879

**EcoCAT Receipt****Project Code** 2114879**APPLICANT****DATE**Robert Bright  
JoAnn Bright-Theis  
[REDACTED]

6/16/2021

DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81

TOTAL PAID \$ 127.81

Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, IL 62702  
217-785-5500  
[dnr.ecocat@illinois.gov](mailto:dnr.ecocat@illinois.gov)

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

*That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.* the amendment to the special use will not be detrimental to or endanger the public health,  
safety, morals, comfort, or general welfare

*That the special use will not be substantially injurious to the use and enjoyment of other properties 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 amendment to the special use will not be substantially injurious to the use of other properties in the  
immediate vicinity. All provisions provided in the original special use ordinance shall continue in full force  
and effect to ensure that the use does not adversely impact adjacent uses and is compatible with 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.*

All necessary utilities, roads, drainage, and necessary facilities have previously been provided

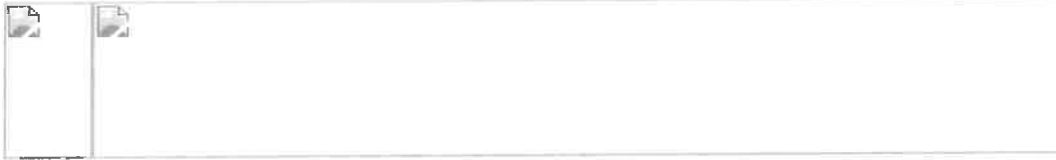
*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals* The amendment to the special use conforms to the applicable regulations for an Agricultural

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.*

The amendment to the special use is consistent with the purpose and objectives of the Land Resource

Management Plan



## Search EcoCAT Consultations




Project Number	Project Name	Date Received	Applicant	Jurisdiction	File Status	Results	Measures Adopted	City *	County	TRS **
2114879	Major Amendment to Existing Special Use Permit	6/16/2021	Robert Bright	Kendall County Board	Closed	<u>Consultation</u> <u>Termination</u> Terminated Closed		Newark	Kendall	36N6E30 36N6E31 36N6E32

\* Information in the city field was entered by applicants and has not been proofed or validated by IDNR. The existence of mis-spelled city names may reduce the number of projects found when you search by city.

\*\* Sorting by this field may list repeats for projects that fall into more than one TRS.



State of Illinois  
County of Kendall

Zoning Petition  
#19-12

ORDINANCE NUMBER 2019-23

**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**

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

State of Illinois  
County of Kendall  
County Zoning Ordinance; and

Zoning Petition  
#19-12

WHEREAS, 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.

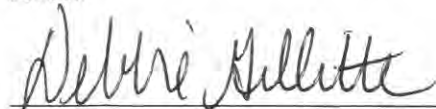
State of Illinois  
County of Kendall

Zoning Petition  
#19-12

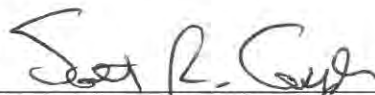
- I. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings. For events with music, the north and south barn doors shall close by 7:00 p.m.
  - 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

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

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF ROBERT BRIGHT TRACT (38.3391 Acres):

That part of the Southwest Quarter of Section 29, that part of the Southeast Quarter 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 Quarter, 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  $88^{\circ}55'20''$  with the last described course, measured counter-clockwise therefrom, 628.98 feet; thence Northwesterly, along a line which forms an angle of  $136^{\circ}30'40''$  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  $105^{\circ}18'51''$  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  $136^{\circ}53'45''$  with the last described course, measured clockwise therefrom, 1066.40 feet; thence Southeasterly, along a line which forms an angle of  $148^{\circ}16'44''$  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  $89^{\circ}59'40''$  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  $95^{\circ}37'45''$  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  $107^{\circ}48'12''$  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 Kendall 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 is 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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

DEVELOPER: Brightstar Farm  
120 Adams Road  
Nash, Illinois 62441

PROPERTY LOCATION:  
Pct. 04-29-200-010 -012  
Pct. 04-30-200-007 -012  
Pct. 04-31-200-008 -009  
Pct. 04-32-200-000 -008  
Nash, Illinois 62441

AREA TO BE REZONED:  
38.334 Acres

PRESENT ZONING: A-1  
PROPOSED ZONING: A-1, SU

[illegible]

FLOODPLAIN STATEMENT:

The Subject property is located in Zone 1 (range of medium) flood hazard determined to be inside the 0.2% annual chance flood (100 year) as shown in FEMA Flood Insurance Rate Map 17040-01-10000M70 and is subject to medium and severe flood damage. 17040-01-10000M70

WETLANDS STATEMENT:

The National Wetlands Inventory Map depicts an additional 11,749 acres, along the Southwest edge of the Subject Property, occupied by Papyrus, Submerston, Common Reed and Sagothra (Phragmites).

1. The first part of the paper is a review of the literature on the effects of the 1997 Asian financial crisis on the economies of the Asian countries. It shows that the crisis had a significant negative impact on the growth of the Asian economies, and that the impact was more severe in the countries that had a higher degree of financial liberalization.

198 6-1-87, 6-1-88  
Kendall (Twenty Percent Argonite System)

1438

PG 24-27-00-208  
Shady Ford Police Dist

Handwritten notes on a map fragment:

- Top left: "Lumber Co. & Lumber Co." (repeated twice)
- Bottom left: "Lumber Co. & Lumber Co." (repeated twice)

December 7, 2018

December 7, 2018

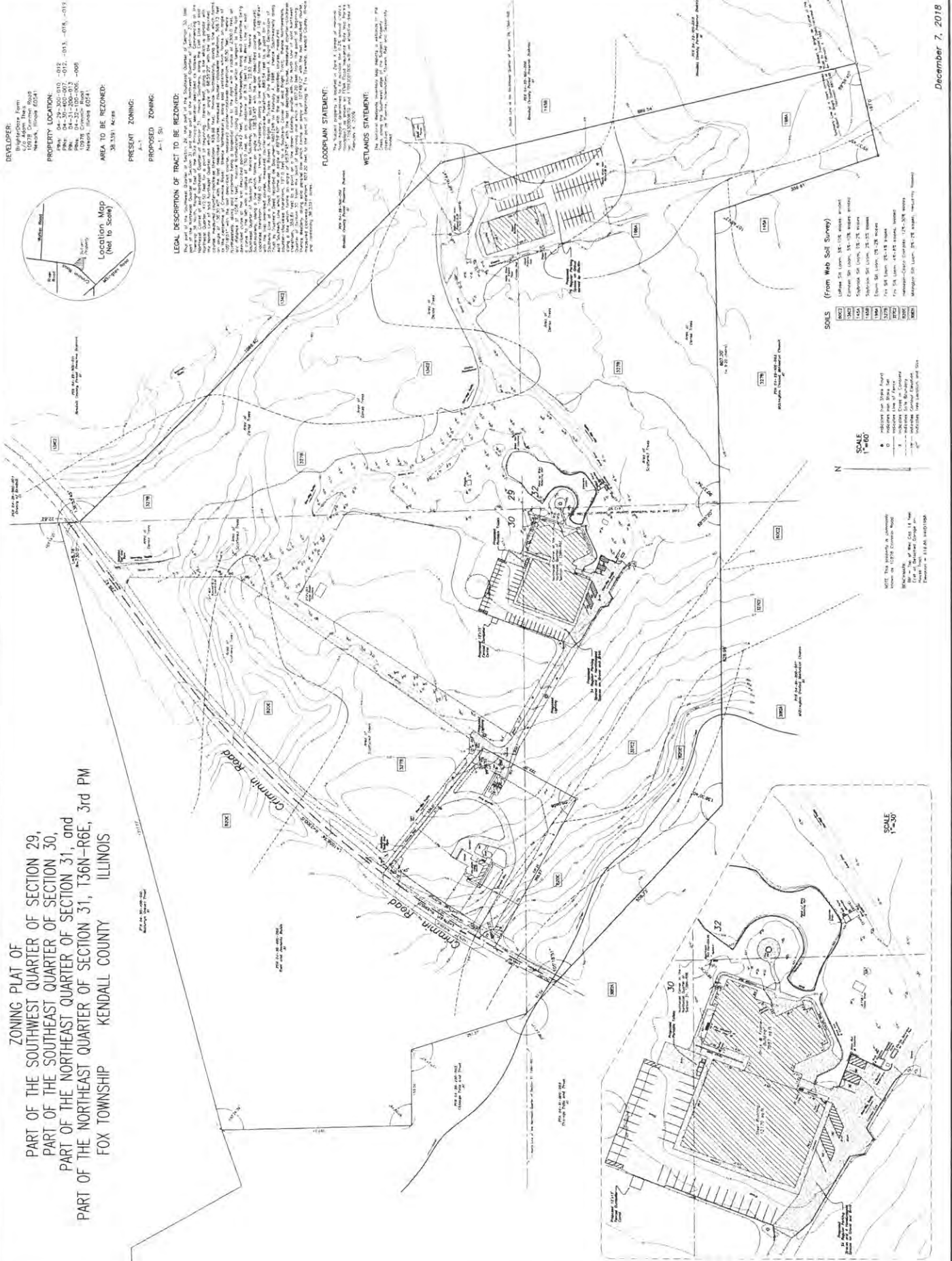
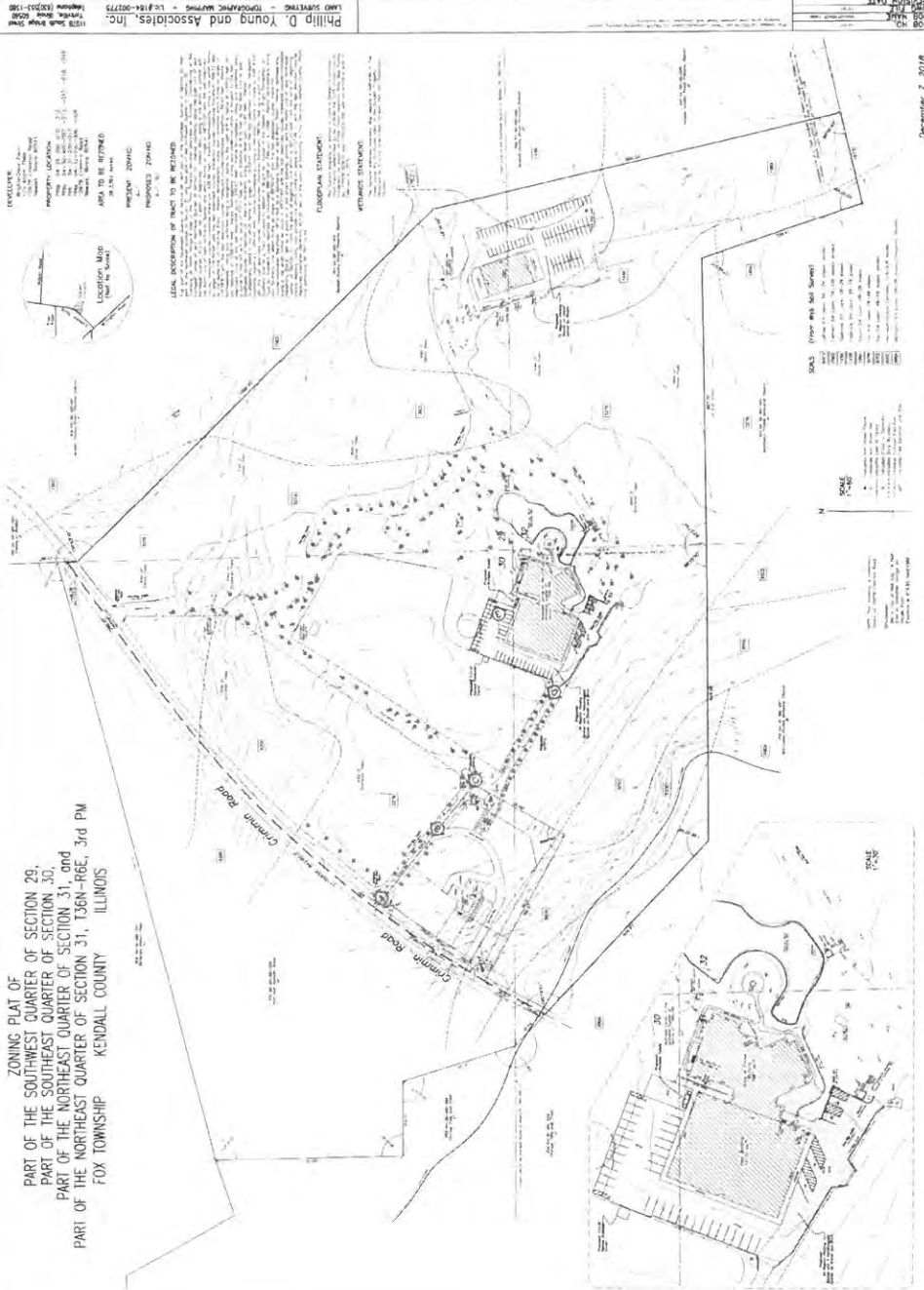




Exhibit D

ZONING PLAT OF  
PART OF THE SOUTHWEST QUARTER OF SECTION 29,  
PART OF THE SOUTHWEST QUARTER OF SECTION 30,  
PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM  
PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM  
FOX TOWNSHIP KENDALL COUNTY ILLINOIS



B Main Entrance Drive



C Middle Drive



D Main Drive



E NE View



A Main Entrance

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

Brighter Daze Farm Landscaping Plan  
SCALE: NOT TO SCALE



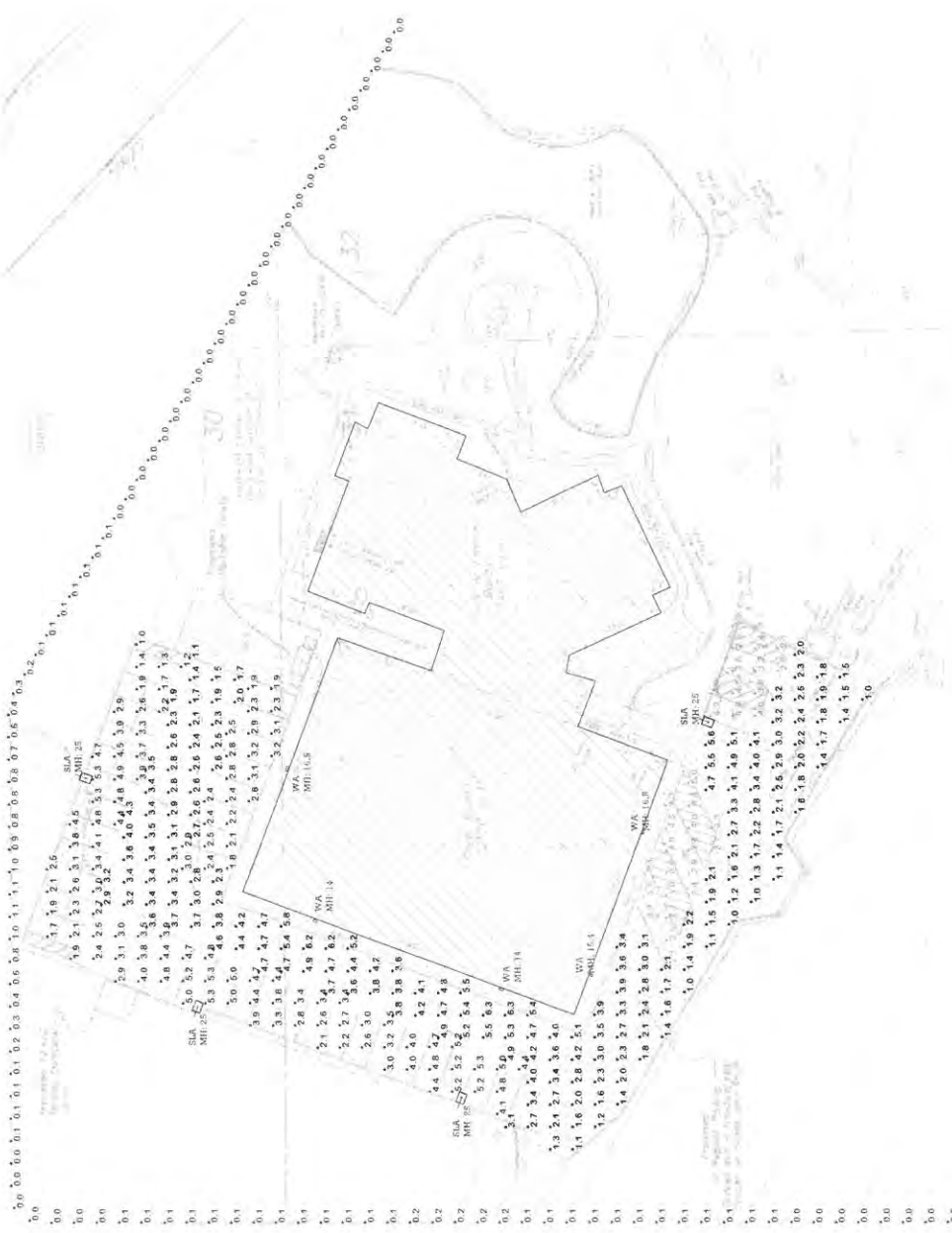
1.0

Brighter Daze Farm  
Landscaping Plan  
10978 Cummings Rd • Newkirk, IL 60541

NO.	DATE	DESCRIPTION
1	12/7/18	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		

Philip D. Young and Associates, Inc.  
1023 South Main Street  
Mendota, Illinois 61250  
TEL: 815-695-1000  
FAX: 815-695-1001  
WWW.PDYA.COM

ENDSIDE



Luminaires Data		Symbol	Manufacturer	Description	Lum. Lumens	LMF	Lum. Watts
Label	Qty		PHILIPS GARDGO	ECF-S-64L-1A-NW-G2-3	23936	0.850	205.9
WA	5		PHILIPS STONCO	LPW32-7	6910	0.850	70.5

- NOTES
- The calculated results of this lighting simulation represent a prediction of system performance and are not guaranteed.
  - Actual results may vary from the anticipated performance and are subject to means and conditions which are beyond the control of DB Lighting Consultation.
  - Illumination values shown (in foot-candles) are horizontal at grade level based on Mounting Height marked MH=??
  - Calculation points are on an 8' x 8' spacing

Calculation Values						
Label	CalcType	Units	Avg	Max	Min	Avg/Min
Handicap Spaces (Orange)	Illuminance	Fc	3.32	5.0	1.5	2.21
Parking Spaces (Blue)	Illuminance	Fc	3.40	5.3	1.0	3.40
Property Line (Green)	Illuminance	Fc	0.17	1.1	0.0	N/A
Traffic Lanes (Black)	Illuminance	Fc	3.07	6.3	1.0	3.07
All Hardscapes	Illuminance	Fc	3.24	6	1	3.24



Scale: 1 inch = 20 Ft.  
DB Lighting Consultation (DBLC) assumes no responsibility for any errors in the EES files, background images, or other information provided to DBLC to be used in these calculations.  
Actual or measured results may vary due to manufacturer tolerances, component malfunctions, obstructions, varying surface reflectance and other field conditions.  
The owner assumes all responsibility for compliance with local, state and federal codes and regulations.



# Attachment 3



June 22, 2021

 Kendall County Address Points  Kendall County Forest Preserves

Parcels

Ownership Parcel

1:5,760

0 0.04 0.07 0.14 mi

0 0.05 0.1 0.2 km

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Kendall County Web GIS  
View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.

# **Fox Township Planning Commission**

## **Special Meeting Minutes**

**July 6, 2021**

Fox Township Planning Commission was called to order by Meeting Facilitator Chair Stephen Knutson at 7:00 P.M. Committees present were Vice Chair Gayle Roberts, and Members Jeff Christensen, John Jurca, and Terry Luxmore. Also Present Boyd Ingemunson Lawyer Repeating the Bright Family.

Call to order was opened by Knutson.

Knutson open the meeting by having Ingemunson giving a presentation about the Amendments that the Brights are requesting to be changed. Currently the Event Space is only allowed 30 events per year. The Following is info on the current Events both past and present requested by the committee.

- There were 8 Weddings for 2020
- There has been 6 Weddings already for 2021 and 18 More are Booked for the Rest of the Current year.
- Standard Wedding ends at 10 P.M. If this Amendment is passed the Bright family said they would charge an additional \$2000 to their customers to extend the party past 10 P.M.
- The Bright family said their goal was to have 60 events as their goal using both the bigger and smaller space.
- 12-15 Events were lost in revenue due to their current restrictions.

Knutson then opened the floor to the neighbors.

Neighbor John opened by saying he was concerned about the Noise. The Barn doors are not being closed. The music is increasingly becoming louder. He is concerned about property value in that the reason they moved out to the country was for the quiet. He also is concerned that if the amendment is approved in this short amount of time that they will request more again soon and ask when does it stop.

Neighbors Kurt and Jeanette are also concerned. Their comments were the current rules are not being followed. They said that the barn doors are never shut. The music can be heard inside their house. They are concerned about having events during the week because of this. Police were called and the Police informed them that there is nothing they can do but inform the Zoning Committee. They also commented that the current hours are not being enforced and that they were already going 1 to 2 hours after the current time. They were also concerned with safety because many cars are getting lost and turning around in their driveway.



The comments from the Planning Commission were as followed.

They want to double check to see what the current rules are for the other Venues in Fox Township.

They wanted to know if we could specify maybe having the smaller venue with 40 people or less allowed during the week and the larger one on the Weekend nights.

They would also still want to put a limit of events allowed per year.

The extend hours were also questioned on when the cut off our is given then how long after that are they allowed to be open for cleanup. Also, could there be earlier hours for weekdays or later for weekends.

There was also question on how the ordinance are going to be self-enforced.

Ingemunson commented afterward that the family is willing to change and admen some of the Petition in order to help with the decision. He would make some changes and forward them to us.

Meeting adjourned at 9:19 P.M.

Respectfully Submitted.

Rachel Toftoy

Fox Township Clerk

The next Fox Township Planning me is scheduled for Tuesday August 17<sup>th</sup> at 7:00 P.M.

The Kendall County Zoning Board meeting is at the Assessors Office in Yorkville on August 2<sup>nd</sup>.

# **Attachment 5**

## **Fox Township Board Meeting**

**July 12, 2021**

Fox Township Board was called to order by Township Supervisor Randy Seggebruch at 7:00 P.M. Seggebruch led the Pledge of Allegiance. Trustee's present were Supervisor Seggebruch, Township Clerk Rachel Toftoy, and Township Trustees Tim Hoots, Sarah Spang, Bruce Monkemeyer, Jennifer Henze. Also, present was Township Road Commissioner Brad Mathre, and Fox Township Assessor Richard Whitefield. A quorum was established.

Motion to approve the agenda for the July 12, 2021, motion was made Monkemeyer and was seconded by Spang. Motion Carried.

Motion for approve the minutes from the June 14, 2021, motion was made by Henze, and was seconded by Hoots. Motion Carried.

Motion to approve the minutes for the June 28, 2021 Special Meeting, motion was made by Henze, and was seconded by Spang. Motion Carried.

Deputy Briars from The Kendall County Sheriff's Department reported they are having a National Night Out on 8/3/2021 from 6-9pm in Yorkville, IL.

Public Comments followed. Jackie Kowalski from the Village of Millbrook introduced herself. Boyd Ingemunson the Lawyer representing Brighter Days, introduced himself and incourgaged the Board to ask him questions regarding the new changes.

Board Comments followed. The Board Concerns were for the Brighter Days Changes were as followed.

Are the Current Rules Being Followed?

Likes that the speakers and being pointed downward.

They were concerned with the extended times requested.

They were concerned with the Number of Days they would have Guest in the Larger Building, but no concerns with more days available for guest in the Smaller Building.

They were concerned that they keep the noise the level previously approved.

They also were concerned about the traffic of guest getting lost and turning around in neighbor's driveways. Ingemunson says that Brighter Days is working on clear signage to help with this.

A motion to approve payment of all bills presented by Hoots and Seconded by Monkemeyer.  
Roll Call- Spang YES, Henze YES, and Seggebruch YES, Motion Passed.

The next meeting of The Fox Township Board will be held August 9, 2021, at 7:00 P.M.

A motion to adjourn the meeting was made by Hoots and seconded by Spang.

Meeting adjourned at 7:43 P.M.

Respectfully Submitted.

Rachel Toftoy

Fox Township Clerk

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
July 6, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Scott Gengler – PBZ Committee Chair  
Brian Holdiman – PBZ Department  
Sgt. Scott Moran – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS  
Greg Chismark – WBK Engineering, LLC  
Fran Klaas – Highway Department  
David Guritz – Forest Preserve

Audience:

Boyd Ingemunson and JoAnn Bright-Theis

**PETITIONS**

**Petition 21-26 Robert Bright on Behalf of Castle Bank NA and JoAnn Bright-Theis**

Mr. Asselmeier summarized the request.

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials and Ordinance 2019-23 were provided.

The property was approximately thirty-eight (38) acres in size.

Crimmin Road was a Major Collector Road and is also classified as a Scenic Route. There were no trails planned in the area.

A riverine wetland was located along the southwest edge of the subject property.

The adjacent land uses were agricultural, religious, and the Millington Forest Preserve.

The adjacent zoning districts were A-1.

The Future Land Use Map called for the area to be Rural Residential, Agricultural, and Forest Preserve.

The nearby zoning districts were A-1, A-1 SU, R-2, and R-3.

The special use permit is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property was provided.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site  
Millington Railroad Fen Natural Landmark



Tucker-Millington Fen Natural Preserve  
River Redhorse (*Moxostoma carinatum*)

EcoCat related materials were provided.

The LESA Score was 181 indicating a low level of protection. The NRI report was provided

Fox Township was emailed information on June 24, 2021.

Newark Fire Protection District was emailed information on June 24, 2021.

The Village of Newark was emailed information on June 24, 2021.

Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

As noted in the application materials, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. The Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners are requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests ~~shall be allowed~~ in attendance ~~at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.~~
- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers.

The Petitioners have no plans to change the site plan, landscaping plan, or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, and J, the Petitioners do not propose any other changes to the requirements of the special use permit.

An updated Occupancy Permit will be required reflecting the change of use.

The Petitioners were working with Environmental Health regarding the size of the septic system.

The property fronts Crimmin Road.

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processions and recessions at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building.

With the combination of distance and plantings, the Petitioners believe noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The 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 the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.

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 establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.

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 approved site plan from Ordinance 2019-23 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 is 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."

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown on Attachment 1, Page 5.
2. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
3. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:
  - 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.
4. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
5. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
6. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Rybski noted that the Petitioners were working with the Kendall County Health Department to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. Mr. Rybski requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. Mr. Ingemunson did not object to the condition be added to the list of conditions.

Mr. Gengler asked if the Petitioners wanted to have live music events at the property. Boyd Ingemunson, Attorney for the Petitioners, responded that live music events occur ancillary to banquet center events. The Petitioners have no intention of having stand-alone live music events. Live music events could occur inside the building.

Mr. Ingemunson noted that the Petitioners wanted to have events year-round at the property.

Mr. Rybski noted that the well qualified as a non-community well and must follow the rules of that program.

Mr. Rybski made a motion, seconded by Ms. Olson, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Holdiman, Moran, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Briganti, Chismark, Guritz, Klaas

The motion carried.



The proposal goes to the Kendall County Regional Planning Commission on July 28, 2021.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Holdiman made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:18 a.m., adjourned.

Respectfully Submitted,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

**Matt Asselmeier**

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**From:** Aaron Rybski  
**Sent:** Monday, July 12, 2021 10:34 AM  
**To:** Matt Asselmeier  
**Subject:** Petition 21-26 Brighter Daze

Hello,

I am passing along word that a permit to repair the septic system for Brighter Daze has been secured. As such, they have met the condition that we were putting in as part of their approval/recommendation from ZPAC. They are settling in on a contractor and they likely will be completing the repair in the coming weeks.

If you have any questions, please let me know.

A.R.

Proposed Amendments to Special Use  
Brighter Daze Banquet Facility  
1097 Crimmins Road, Newark, Illinois  
Fox Township Plan Commission  
Report

July 12, 2012

The Fox Township Plan Commission met in Millbrook to review the Bright family request for their Special Use Amendment. This is a report from that meeting, prepared for the Fox Township Board of Trustees.

A Special Use Permit for a Banquet Facility at this property was granted August 27, 2019.

1. Petitioners ask to create a new indoor SPACE B for year around use. Maximum number of guests will be 60.

Plan Commission recommends approval of indoor facility request. SPACE B may be used on weekends and week days. There shall be no limit on the number of events per year in the small indoor space. Existing Special Use Ordinance limits the number of events on the property to one event per day.

2. Petitioners ask that the two pair of large barn doors be allowed to be open during large events (280 guests) after 7:00 pm. When large doors are closed there are two smaller doors that may remain open. The point of closing the barn doors is to reduce the sound of music. Neighbors present at the meeting, report noncompliance of door closing at prior events.

Plan Commission recommends that large barn doors be closed at 7:00 pm on large event nights.

3. Petitioners ask that event conclusion time be changed from 10:00 pm to midnight. Neighbors present at the meeting, report noncompliance of prior closing time.

Plan Commission recommends that week night events of only 60 guests be concluded by 10:00 pm, and that all guest leave the property before 11:00pm. (The Plan Commission understands conclusion means the bar is closed and the music stops.)

Plan Commission recommends that large weekend events be concluded by 11:00 pm, and that guests leave the property before midnight. (Weekends include holidays and the evening before a holiday.)

4. Petitioners ask that limit of one large event per weekend be changed to permit two large events per weekend. Petitioners ask to increase number of large events.

Plan Commission recommends that large events (280 guests) remain limited to one per weekend. Existing Special Use Permit limits season for large events from April 1 to November 1. There are 30 weekends during this season.

5. Plan Commission, and neighbors present at the meeting, had questions about Special Use Ordinance enforcement. The single time one of the neighbors had called the Sheriff, the event in question was over before the Sheriff arrived.

Matt Asselmeier, Kendall County Planner, was present at the meeting and reviewed Special Use Ordinance enforcement. The first step is to call the Sheriff, who makes a report to the County. Non compliance may result in Citations. Repeated violations over a period of time could cause the Special Use Permit to be revoked by the County Board. Of the 238 Special Use Permits issued in recent history, only two Permits have been revoked.

6. Plan Commission Chairman, Steve Knutson, acknowledges that the Petitioners desire to maximize the economic return on their property, and the neighbors concern about property values are in conflict. A banquet facility is a permitted Special Use within Agriculture zoning. Adjoining neighbors expect to enjoy the rural quality of their property. The petitioners want to grow their business. Compromise is never comfortable.



Attachment 9, Page 1  
**KENDALL COUNTY**  
**REGIONAL PLANNING COMMISSION**

*Kendall County Office Building*  
*Rooms 209 and 210*  
*111 W. Fox Street, Yorkville, Illinois*

**Unapproved - Meeting Minutes of July 28, 2021 - 7:00 p.m.**

Chairman Ashton called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Members Present:** Bill Ashton, Roger Bledsoe, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

**Members Absent:** Tom Casey and Dave Hamman

**Staff Present:** Matthew H. Asselmeier, Senior Planner

**Others Present:** Boyd Ingemunson, JoAnn Bright-Theis, Adam Theis, Steve Knutson, Kurt Buhle, Jeanette Buhle, John Vogt, and Robert Bright

**PETITIONS**

**Petition 21-26 Robert Bright on Behalf of the Madison Trust and Castle Bank N A and Jo-Ann Bright-Theis**

Mr. Asselmeier summarized the request.

On August 27, 2019, the County Board adopted Ordinance 2019-23 which granted a special use permit for a banquet facility at 10978 Crimmin Road. The special use permit included seventeen (17) conditions. The Petitioners would like to change their use of the approximately nineteen thousand seven hundred (19,700) square foot building to allow for smaller events and allow for events throughout the year.

The application materials and Ordinance 2019-23 were provided.

The property was approximately thirty-eight (38) acres in size.

Crimmin Road was a Major Collector Road and is also classified as a Scenic Route. There were no trails planned in the area.

A riverine wetland was located along the southwest edge of the subject property.

The adjacent land uses were agricultural, religious, and the Millington Forest Preserve.

The adjacent zoning districts were A-1.

The Future Land Use Map called for the area to be Rural Residential, Agricultural, and Forest Preserve.

The nearby zoning districts were A-1, A-1 SU, R-2, and R-3.

The special use permit to the west is for the operation of a fur-bearing animal farm.

Based on the aerial of the site, there are six (6) homes within a half mile of the subject property.

An aerial of the property was provided.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Millington Fen INAI Site

Millington Railroad Fen Natural Landmark

Tucker-Millington Fen Natural Preserve

River Redhorse (*Moxostoma carinatum*)

EcoCat related materials were provided, including notice of consultation termination.

The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

The Fox Township Planning Commission reviewed this Petition at their meetings on July 6, 2021, and July 21, 2021. The Fox Township Planning Commission recommended in favor of divided the space and setting the maximum number of guests for Event Space A at two hundred eighty (280) and sixty (60) for Event Space B. They recommended against deleting the requirement that the barn doors close at 7:00 p.m. They recommended that weekday events conclude by 10:00 p.m. with guests allowed one (1) extra hour to vacate the property; weekend events concluded at 11:00 p.m. with allowed one (1) extra hour to vacate the property. They defined weekends as Fridays and Saturdays. They recommended keeping the maximum number of large events at thirty (30) per year and the small event space be available to rent on weekends on an unlimited basis. The above recommendations were approved unanimously of the three (3) Commissioners in attendance on July 21<sup>st</sup>. The Commission also recommended that the smaller event space be available to rent on weekdays on an unlimited basis by a vote of two (2) in favor and one (1) in opposition; two (2) Commissioners were absent. The Commissioner that voted no felt that allowing an unlimited number of events at the property would transform the property from a primarily agricultural use to a primarily non-agricultural business use. The minutes of the July 6, 2021, meeting were provided.

The Fox Township Board reviewed this proposal at their meeting on July 12, 2021. The Township Board had concerns regarding whether or not the Petitioners were following the current restrictions, the direction of speakers, extending the hours of operation, extending the operating season, noise level, and traffic. The unapproved minutes of this meeting were provided.

Newark Fire Protection District was emailed information on June 24, 2021.

The Village of Newark was emailed information on June 24, 2021.

ZPAC reviewed this proposal at their meeting on July 6, 2021. The Health Department noted that the Petitioners were working with them to ensure that the septic system was sized appropriately. The septic system was severely undersized. There has not been a failure of the septic system. The septic system has been mapped and a design was proposed. The Health Department requested a condition in the special use permit stating that the Petitioners shall submit an application and secure a permit for the septic system renovation with the Kendall County Health Department before approval of the amendment by the County Board. A permit could be secured in one (1) or two (2) weeks. The Petitioners did not object to the condition be added to the list of conditions. The Health Department also noted that the well qualified as a non-community well and must follow the rules of that program. Discussion occurred regarding having live music events at the property. Live music events have

occurred ancillary to other banquet center events and can occur inside the building. ZPAC recommended approval of the requested amendments by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of this meeting and an email stating that the Petitioners applied for septic permit was provided.

Ordinance 2019-23 placed the following restrictions on the special use permit for a banquet facility at the subject property:

- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. 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.

As noted in the application materials, the Petitioners would like to divide the nearly nineteen thousand seven hundred (19,700) square foot building into Event Space A with nine thousand six hundred (9,600) square feet, Event Space B with two thousand nine hundred (2,900) square feet, and the remaining seven thousand two hundred forty-two (7,242) square feet as non-project space. The Petitioners would like to utilize Event Space B year-round for smaller events.

In order to accommodate this proposed change in business operations, the Petitioners were requesting the following changes to the special use permit (changes marked in red):

- C. A maximum of two hundred eighty (280) guests **shall be allowed** in attendance ~~at a banquet center related event may be on the subject property at a given time within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.~~
- 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 1<sup>st</sup> and reopen April 1<sup>st</sup>. The number of events per year shall be capped at thirty (30). Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.~~

The Petitioners provided a comparison of certain restrictions on banquet centers.

The Petitioners have no plans to change the site plan, landscaping plan, or parking illumination plan approved as part of Ordinance 2019-23. Also, other than Conditions C, I, and J, the Petitioners do not propose any other changes to the requirements of the special use permit.

An updated Occupancy Permit will be required reflecting the change of use.

The Petitioners were working with Environmental Health regarding the size of the septic system.

The property fronts Crimmin Road.

According to the site plan approved with Ordinance 2019-23, patrons will enter the property through the driveway north of the existing house. Traffic will drive southeast along the one (1) way driveway to the existing barn, a distance of approximately seven hundred feet (700'). There are thirty-four (34) parking spaces and four (4) additional handicapped accessible parking spaces by the barn. An additional seventy-five (75) parking spaces are located east of the barn and will be accessible via a gravel driveway; these parking spaces will be served by shuttle. Traffic will exit the property through a one (1) way driveway leading to the north end of the property.

Two (2) new lights were proposed for the site. According to the parking illumination plan approved with Ordinance 2019-23, no light will leave the property. All lights will be turned off within one (1) hour of the conclusion of events.

One entrance and one exit sign are shown on the site plan attached to Ordinance 2019-23. The signs will be approximately four hundred thirty-two (432) square inches. Neither sign will be illuminated.

As shown on the site plan attached to Ordinance 2019-23, the site contains approximately one hundred sixty-six (166) trees of varying heights encircling the venue.

All music and noise shall originate inside the venue except for processional and recessional at weddings. The facility shall follow the noise regulations for banquet facilities. Speakers will face inside the building and speakers on the ceiling will be pointed downward. The Petitioners will also require disc jockeys to plug into the venue's sound system so the Petitioners can control the noise level.

With the combination of distance, plantings and control of the sound system, the Petitioners believed noise will not be an issue.

Since the issuance of the special use permit in 2019, the Kendall County Sheriff's Department has responded to one (1) noise complaint at the property. The Sheriff's Department responded to the complaint, but the decibel level was not confirmed to be in violation of the special use permit.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The 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 the site plan, landscaping plan, and lighting plan approved as part of Ordinance 2019-23.

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 establishing restrictions related to the number of guests allowed on the property, the days and hours of operation, and buffering within the ordinance granting the special use permit and major amendment to the special use permit.

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 approved site plan from Ordinance 2019-23 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 is 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."

Staff recommended approval of the requested major amendment to an existing special use permit subject to the following conditions and restrictions:

1. The approximately nineteen thousand seven hundred (19,700) square foot building shall be divided in substantial the way shown in the application materials.
2. Condition 2.C of Ordinance 2019-23 shall be deleted and replaced with the following:
  - C. A maximum of two hundred eighty (280) guests shall be allowed in attendance within Event Space A at a given time. A maximum of sixty (60) guests shall be allowed in attendance within Event Space B at a given time. There shall only be one (1) event taking place at a given time and the total allowable guests shall not exceed a total of two hundred eighty (280) guests.
3. Condition 2.I of Ordinance 2019-23 shall be deleted and replaced with the following:

- 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.
4. Condition 2.J of Ordinance 2019-23 shall be deleted and replaced with the following:
  - J. Events in either event spaces shall conclude by Midnight. Tours of the facility for prospective customers shall be by appointment. Setup for events in either event spaces 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. Event Space A would close on November 1<sup>st</sup> and reopen April 1<sup>st</sup>. Event Space B may operate year round.
5. All other conditions and restrictions contained in Ordinance 2019-23 shall remain effective.
6. Failure to comply with one or more of the above conditions or restrictions or the conditions and restrictions contained in Ordinance 2019-23 could result in the amendment or revocation of the special use permit.
7. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Boyd Ingemunson, Attorney for the Petitioners, explained the history of the business. He explained the table comparing the conditions on the Petitioners' special use permit with the special use permit for other banquet facilities. He stated that the restrictions regarding the number of events, event end time, and season of event were unique to the Petitioners' special use permit. He noted that no violations have occurred and the sound level was constantly monitored. The speakers were in the ceiling and pointed downward.

Member Rodriguez stated that he visited the subject property. He was very impressed by the venue. He said that the Petitioners turned on the music at a high level and they took a sound reading at the street. Noise from passing vehicles was louder than the sound from the sound system. He encouraged all Commissioners to visit the property. He also noted the breeze inside the building with the open barn doors.

Member Wilson asked if the spaces were air conditioned. Mr. Ingemunson responded that Event Space B is basically a large living room and Event Space A is basically a barn.

Member Wilson asked about the use of the space not included in either event space. Mr. Ingemunson responded that is a private living area.

Member Wilson expressed concerns about noise if events last until Midnight.

Member Wilson asked about fire suppression. Mr. Ingemunson responded that the Petitioners have complied with applicable fire codes. Member Wilson asked about the number exits. Mr. Ingemunson responded that, in addition to the barn doors, there were exit doors adjacent to the barn doors. Adam Theis said there were three (3) separate entrances.

Mr. Theis clarified that the Petitioners were changing the proposal to have events end at 11:00 p.m. and patrons given one (1) hour to vacate the property.

Member Wilson asked if any other noise suppression systems exist beside the control of the speakers. Mr. Theis stated that the barn was insulated and there were several walls. The property also has several trees and a berm.

Member Nelson asked if any speakers were located outside the barn. Mr. Ingemunson said no amplified music would originate outside the building.

Member Wilson asked if events were catered. Mr. Ingemunson responded that events were catered.

Steve Knutson, Chairman of the Fox Township Planning Commission, stated that the Commission did not agree with all of the amendments. He noted that the existing special use permit has not been in existence for a long period of time. He expressed concerns regarding potential violations of the existing special use permit. Ending events at 11:00 p.m. compared to Midnight would be favorable.

Kurt Buhle stated he moved to the area for the peace and quiet and it is not quiet during the events. He was concerned about the impact of the proposal on land value because of the increase in noise and traffic. He was also concerned that future amendments would be proposed. He has not witnessed the north barn doors closed. The Petitioners have had events after closing season. Several events have gone after 11:00 p.m. He has called the Sheriff one (1) time because of excessive noise. No noise reading occurred when he called the Sheriff because the event had ended. Member Wilson encouraged Mr. Buhle to obtain decibel readings. Mr. Buhle purchased his property in 2012.

John Vogt expressed concerns about noise. He noted traffic usually comes and goes to the north. He would be agreeable to having the south barn doors open. He said events have lasted until 11:00 p.m. He has lived in the area for forty (40) years. He moved here for the peace and quiet and that is not the case. He also believed that his property values have been negatively impacted unless someone with a companion business wanted to purchase his property.

Jeanette Buhle asked Member Rodriguez if the barn windows were open during his visit. Member Rodriguez responded yes. Discussion occurred about the type of the new sound system. Ms. Buhle said they previously heard the noise from the property inside their house. She also noted the small number of trees blocking the barn. She would like to have the conditions in the special use followed and they will call the Sheriff in the future every time there is a violation.

Mr. Ingemunson stated that the Petitioners were going to install additional pine trees. Neither barn door is aimed at the Buhle property.

Robert Bright invited everyone, including his neighbors, to tour the property. Installing the sound system was on the priority list.

Discussion occurred regarding the existing approved landscaping plan. Member Nelson suggested planting evergreens, like a whispering pine or Colorado blue spruce. Mr. Theis was agreeable to adding more trees to the landscaping plan. Member Rodriguez noted that a large number of large trees were located on the property. JoAnn Bright-Theis was agreeable to adding evergreens. Member Nelson discussed the impact of banquet facilities on ambient noise as measured with a decimeter. Member Wilson suggested installing a sound barrier fence in addition to the evergreens.

Member Wormley expressed his support for the proposal and the planting of additional trees. He was concerned about having the barn doors closed on hot days because of the collection of heat.

Mr. Knutson reiterated the short history of the operation of this business. He was concerned about non-compliance with the existing regulations.



Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the Petition with the requirement that the Petitioners submit a landscaping plan with evergreen type trees planted and a timeframe for planting the evergreens. The landscaping plan should be submitted prior to the Kendall County Planning, Building and Zoning Committee meeting.

Member Wilson made a motion to amend the previous motion to require the installation of a fence as a sound barrier in addition to the evergreens. The motion died for lack of a second.

The votes on the original, un-amended motion were as follows:

Ayes (8): Ashton, Bledsoe, McCarthy-Lange, Nelson, Rodriguez, Stewart, Wilson, and Wormley

Nays (0): None

Absent (2): Casey and Hamman

Abstain (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on August 2, 2021.

### **ADJOURNMENT**

Member Rodriguez made a motion, seconded by Member Wilson, to adjourn. With a voice of eight (8) ayes, the motion carried.




The Kendall County Regional Planning Commission meeting adjourned at 8:10 p.m.

Respectfully submitted by,  
Matthew H. Asselmeier, AICP, CFM  
Senior Planner

Enc.

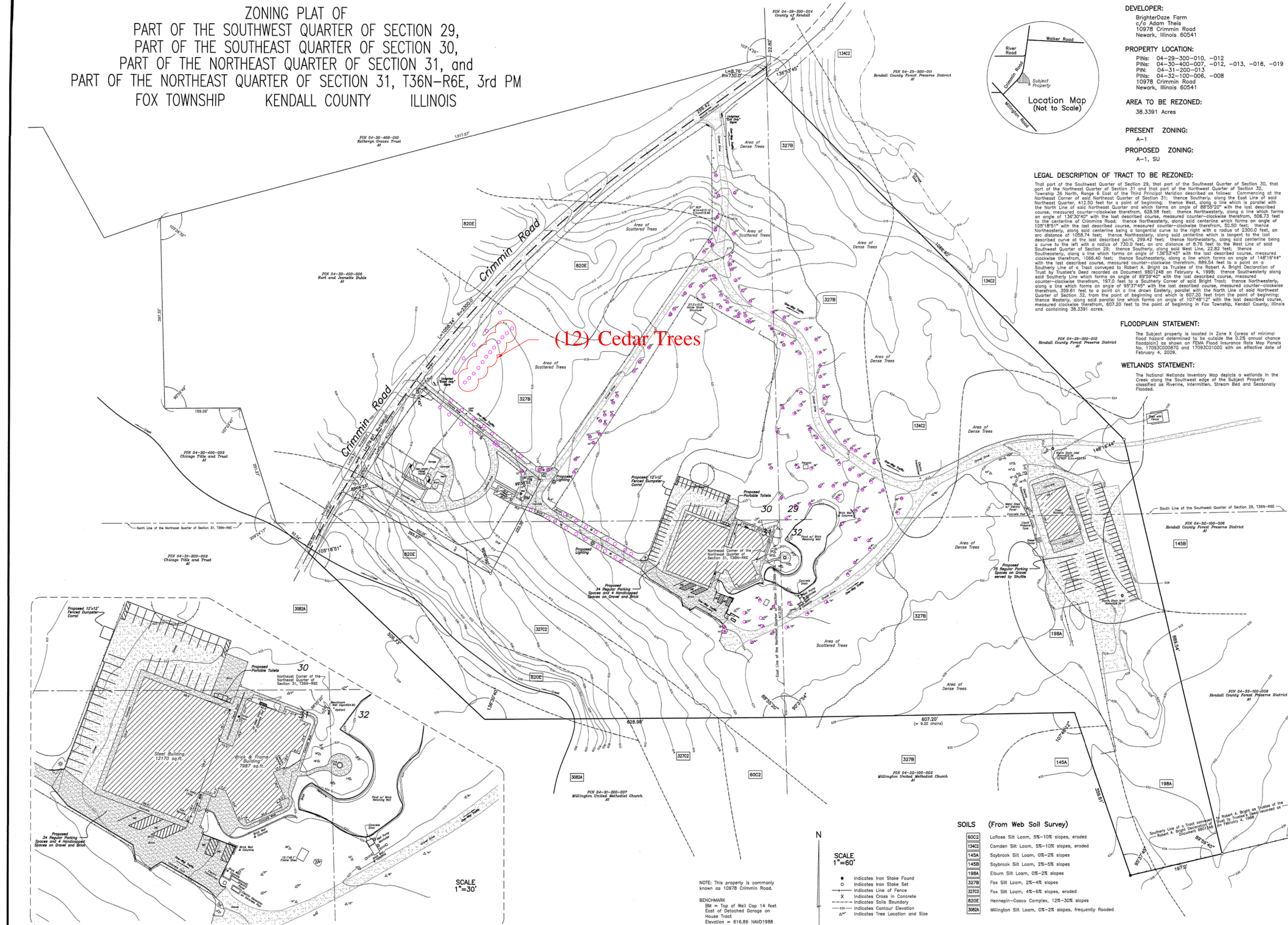
**KENDALL COUNTY  
REGIONAL PLANNING COMMISSION  
JULY 28, 2021**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Boud Ingemansen		
		
STEVE KNUTSON		
KURT BUEHE		
John Voyle		
James Burke		
		
		



ZONING PLAT OF  
PART OF THE SOUTHWEST QUARTER OF SECTION 29,  
PART OF THE SOUTHEAST QUARTER OF SECTION 30,  
PART OF THE NORTHEAST QUARTER OF SECTION 31, and  
PART OF THE NORTHEAST QUARTER OF SECTION 31, T36N-R6E, 3rd PM  
FOX TOWNSHIP KENDALL COUNTY ILLINOIS



DEVELOPER

DEVELOPER:  
BrighterDaze Farm  
c/o Adam Theis  
10978 Crimmin Road  
Newark, Illinois 60541

PROPERTY LOCATION:

**PROPERTY LOCATION:**  
 PINs: 04-29-300-010, -012  
 PINs: 04-30-400-007, -012, -013, -018, -019  
 PIN: 04-31-200-013  
 PINs: 04-32-100-006, -008  
 10978 Crimmin Road  
 Newark, Illinois 60541

AREA TO BE REZONED:

AREA TO BE RE  
38.3391 Acres

PRESENT ZONING:

PRESENT  
A-1

PROPOSED ZONING:

PROPO  
A-1

LEGAL DESCRIPTION OF TRACT TO BE REZONED:

[illegible]

FLOODPLAIN STATEMENT:

**FLOODPLAIN STATEMENT:**

The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panels No. 17093C00087G and 17093C0100G with an effective date of February 4, 2009.

WETLANDS STATEMENT:

The National Wetlands Inventory Map depicts a wetlands in the Creek along the Southwest edge of the Subject Property classified as Riverine, Intermittent, Stream Bed and Seasonally Flooded.

SOILS (From Web Soil Survey)

60C2	LaRose Silt Loam, 5%–10% slopes, eroded
134C2	Camden Silt Loam, 5%–10% slopes, eroded
145A	Saybrook Silt Loam, 0%–2% slopes
145B	Saybrook Silt Loam, 2%–5% slopes
198A	Eburn Silt Loam, 0%–2% slopes
327B	Fox Silt Loam, 2%–4% slopes
327C2	Fox Silt Loam, 4%–6% slopes, eroded
802A	Hennepin-Casco Complex, 12%–30% slopes
820E	Millington Silt Loam, 0%–2% slopes, frequently flooded

SCALE  
1"=60'

SCALE  
1"=60'

● Indicates Iron Stake Found

- Indicates Iron Stake Found
- Indicates Iron Stake Set

—, — Indicates Line of Fence  
X Indicates Cross in Concrete

— Indicates Soils Boundary  
— 630 — Indicates Contour Elevation  
● Indicates Tree Location

NOTE: This property is commonly known as 10978 Crimmin Road.

BENCHMARK  
BM = Top of Well Cap 14 feet  
East of Detached Garage on  
House Tract  
Elevation = 616.86 NAVD1988

December 7, 2018

**Phillip D. Young and Associates, Inc.**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775  
1107B South Bridge Street  
Yorkville, Illinois 60560  
Telephone (630)553-1580

Plot revised 12/07/18 per Client comments dated 12/06/18 regarding parking spaces,

JOB NO.	18197
JOB NAME	BRIGHTDAZE FARM
DWG FILE	18197
REVISION	DATE

BrighterDaze Farm  
Landscaping Plan

DRAWN BY ART	CHECKED BY
PROJECT NUMBER	

DATE ISSUED	SCALE
07/29/21	N/A
SHEET NUMBER	

1.0

