

ORDINANCE NUMBER 2024- 39

**MAJOR AMENDMENTS TO A SPECIAL USE PERMIT FOR A BANQUET FACILITY
GRANTED BY ORDINANCE 2015-06 BY CHANGING THE SITE PLAN, INCREASING
CAPACITY AT EVENTS, CHANGING THE OPERATING SEASON, INSTALLING
PERMANENT RESTROOM FACILITIES, AND ADDING SIGNAGE AT 1998 JOHNSON
ROAD, OSWEGO (PINS: 06-11-100-004, 06-11-100-008, AND 06-10-200-001)
IN NA-AU-SAY TOWNSHIP**

WHEREAS, Section 36-124 of the Kendall County Code permits the Kendall County Board to approve major amendments to existing special use permits and provides the procedure through which major amendments to existing special use permits are granted; 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 14.1 more or less acres located 1998 Johnson Road, Oswego (PINS: 06-11-100-004, 06-11-100-008, and 06-10-200-001) in Oswego Township. The legal description for the area proposed for major amendment to an existing special use permit is set forth in Exhibit A attached hereto and incorporated by reference, and the area proposed for map amendment shall hereinafter be referred to as “the subject property”; and

WHEREAS, on or about April 21, 2015, the major of the subject property was granted a special use permit for a banquet facility by the County Board through Ordinance 2015-06; and

WHEREAS, on or about April 8, 2019, minor amendments to the special use permit granted by Ordinance 2015-06 were approved by the Kendall County Planning, Building and Zoning Committee by lengthening the operating season and related amendments; and

WHEREAS, in 2020, 2021, 2022, and 2023, the Kendall County Planning, Building and Zoning Committee approved lengthening the operating season for the next successive year only; and

WHEREAS, the subject property is currently owned by the Peter J. Pasteris, Jr. Revocable Declaration of Living Trust as represented by Peter J. Pasteris, Jr. and Laurie Jo Pasteris and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about September 17, 2024, Petitioner’s representative filed a petition for major amendments to the existing special use permit at the subject property by amending the site plan to include the property identified by Parcel Identification Number 06-10-200-001 to the special use permit, replacing the existing tent with a permanent structure, replacing the mobile trailer restroom with permanent facilities, increasing the capacity for events to three hundred, changing the season of operation to year-round, and adding the ability to install signage in the future; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on October 3, 2024, due and proper notification to the Village of Plainfield on or about October 2, 2024, due and proper notification to Na-Au-Say Township on or about October 2, 2024, and due and proper notification to all property owners of record of properties located within seven hundred fifty feet of the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on October 28, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative 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 of the

requested major amendments and one member of the public testified in opposition of the requested major amendments to an existing special use permit; 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 October 28, 2024, 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 major amendment to an existing 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 County Zoning Ordinance; 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 are 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 an existing special use permit at the subject property subject to the following conditions and restrictions:
 - A. The Description and Site Plan attached to Ordinance 2015-06 are amended to incorporate the site plan attached hereto as Exhibit C. Further, if a conflict exists between the Description and Site Plan attached to Ordinance 2015-06 and the site plan attached hereto as Exhibit C, the site plan attached hereto as Exhibit C shall take precedent.
 - B. Condition 2 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

"A maximum of three hundred (300) persons with a ten percent (10%) tolerance at any one (1) time. Wait staff shall not be included in the capacity count."
 - C. Condition 7 of Ordinance 2015-06 is hereby repealed in its entirety.
 - D. Condition 8 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

"Events may be held year-round."
 - E. One (1) sign a maximum of eight feet (8') wide by two feet (2') high may be placed on top of a starting gate that is a maximum nine feet (9') high and fourteen feet (14') wide. The sign shall be

in the pasture. The sign shall not be illuminated.

- F. A photometric plan shall be submitted prior to the issuance of the building permit for the permanent building.
 - G. An ADA parking plan shall be submitted prior to the issuance of the building permit for the permanent building.
 - H. The remaining conditions and restrictions contained in Ordinance 2015-06 shall remain valid and effective.
 - I. 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.
 - J. If one or more of the above conditions or restrictions 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 covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses 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 this major amendment 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 19th day of November, 2024.

Attest:


Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg



Exhibit A

LEGAL DESCRIPTION:

The west 400.0 feet of the north 435.60 feet of a strip of land 54 rods (891.0 feet) wide off the west side of the northwest quarter of section 11, township 36 north, range 8 east of the third principal meridian, situated in Na-Au-Say Township, Kendall County, Illinois containing 4 acres.

The west 561.0 feet of the north 971.0 feet (except the west 400.0 feet of the north 435.60 feet, thereof) of a strip of land 54 rods (891.0 feet) wide off the west side of the northwest quarter of section 11, Township 36 north, range 8 east of the third principal meridian, situated in Na-Au-Say Township, Kendall County, Illinois containing 8.5052 acres.

And

That part of the East One-Half of the Northeast Quarter of Section 10, Township 36 North, Range 8, East of the Third Principal Meridian, described as follows: beginning at the Northeast Corner of Section 10, thence South 435.6 feet along the East line of Section 10; thence West 160 feet parallel with the North line of Section 10; thence North 435.6 feet parallel with the East line of Section 10; thence East 160 feet to the point of beginning; all in the Township of Na-Au-Say, Kendall County, Illinois.

Permanent Real Estate Index No.: 06-10-200-001

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-28 on October 28, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of five (5) in favor and zero (0) in opposition. Members Cherry and Whitfield were absent.

FINDINGS OF FACT-MAJOR AMENDMENT TO A SPECIAL USE PERMIT

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 original special use permit was established in 2015. The only complaints that were submitted since the establishment of the special use permit were noise related complaints and those complaints were addressed. The proposal still requires buildings to obtain applicable permits and the site may be subject to periodic inspections to confirm compliance with the special use permit. A Health Department approved septic system to replace temporary restroom facilities is proposed and the septic system would be better for public health than the temporary trailers.

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 amendments should not impact neighboring property owners. Restrictions are already in place regarding noise and public safety.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. No changes to the already approved ingress/egress or drainage are proposed. Utilities, other than the installation of a septic system approved by the County, shall remain unchanged.

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. This is true.

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 10-21 of the Kendall County Land Resource Management Plan which calls for "a strong base of agricultural, commerce and industry that provides a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents."

RECOMMENDATION

Approval, subject to the following conditions and restrictions:

1. The Description and Site Plan attached to Ordinance 2015-06 are amended to incorporate the site plan attached hereto as Exhibit C. Further, if a conflict exists between the Description and Site Plan attached to Ordinance 2015-06 and the site plan attached hereto as Exhibit C, the site plan attached hereto as Exhibit A shall take precedent.

2. Condition 2 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

“A maximum of three hundred (300) persons with a ten percent (10%) tolerance at any one (1) time. Wait staff shall not be included in the capacity count.”
3. Condition 7 of Ordinance 2015-06 is hereby repealed in its entirety.
4. Condition 8 of Ordinance 2015-06 is hereby repealed in its entirety and is replaced with the following:

“Events may be held year-round.”
5. One (1) sign a maximum of eight feet (8') wide by two feet (2') high may be placed on top of starting gate that is a maximum nine feet (9') high and fourteen feet (14') wide. The sign shall be in the pasture. The sign shall not be illuminated.
6. A photometric plan shall be submitted prior to the issuance of the building permit for the permanent building.
7. An ADA parking plan shall be submitted prior to the issuance of the building permit for the permanent building.
8. The remaining conditions and restrictions contained in Ordinance 2015-06 shall remain valid and effective.
9. 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.
10. If one or more of the above conditions or restrictions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
11. These major amendments to an existing special use permit shall be treated as covenants running with the land and are binding on the successors, heirs, and assigns as to the same special uses conducted on the property.

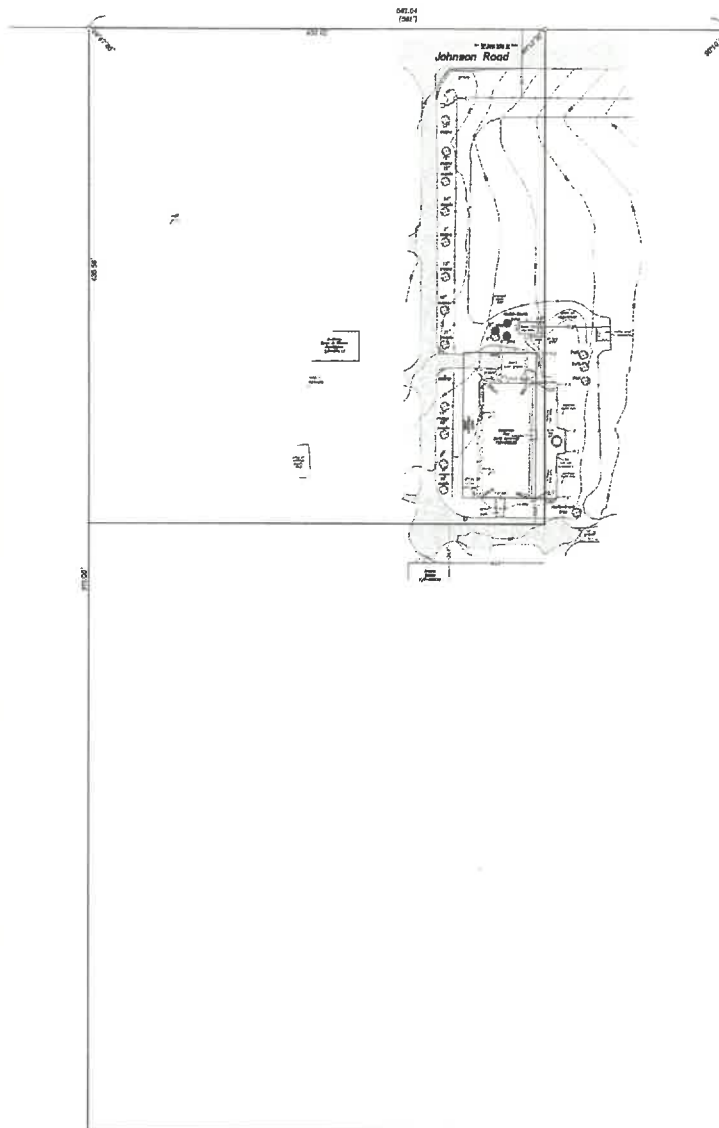
PLAT OF SURVEY & SITE PLAN

8.00 ACRES TRACT LYING WEST 561 FEET, NORTH 571 FEET IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 36, RANGE 8 EAST IN THE THIRD PRINCIPAL MERIDIAN, N.A.-A.U.-SAY TOWNSHIP, KENDALL COUNTY, ILLINOIS.
COMMONLY KNOWN AS 1988 JOHNSON ROAD, OSWEGO, ILLINOIS.

Vicinity Map
Not to Scale



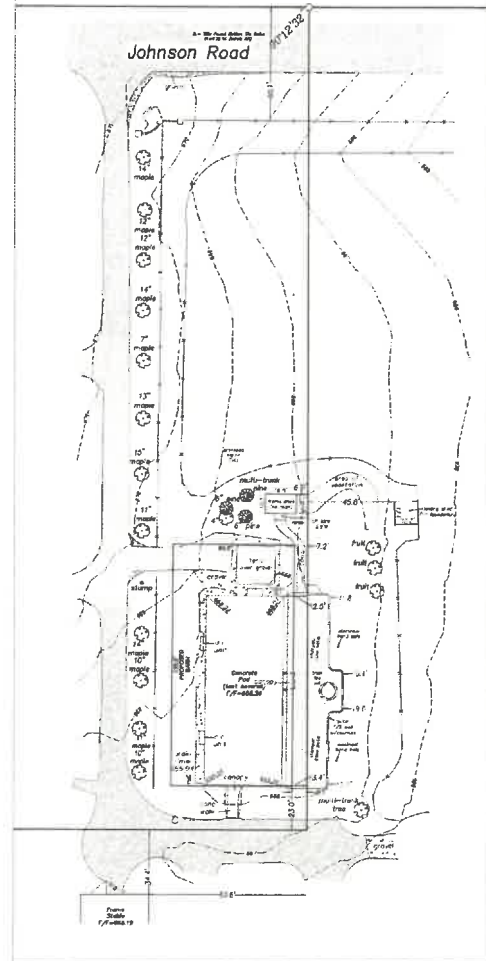
Subject Property



IMPROVEMENT DETAIL

561.04'
(561')

Scale: 1" = 80'



STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION AND 104-000022, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 17, 2024.

Eric C. Polak



Michel C. Enselaco, P.L.S. 2768, Exp. 11/30/2024
Eric C. Polak, P.L.S. 3818, Exp. 11/30/2024

TODD SURVEYING
Professional Land Surveying Services
"Cornerstone Surveying, PC"
750 John Street, Suite D
Marengo, IL 60150
Phone: 630-492-1309

Survey is only valid if original plat is shown in file.

Sheet: Peter Florio
Date: 9/27/2024
Project: 2024-0894

Scale: 1" = 50'
Offset: 1/4" = 50' (from line)
Offset: 1/2" = 100' (from line)
Offset: 3/4" = 150' (from line)
Offset: 1" = 200' (from line)
Offset: 1 1/4" = 250' (from line)
Offset: 1 1/2" = 300' (from line)
Offset: 1 3/4" = 350' (from line)
Offset: 2" = 400' (from line)
Offset: 2 1/4" = 450' (from line)
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