



## Community Development Department

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June 8, 2016

Kane County Government Center  
Development & Community Services Department  
719 Batavia Avenue  
Geneva, IL 60134  
Attn: Keith Berkhout

**RE: Windy Acres Planned Unit Development Amendment - 37W446 Fabyan Parkway (P.I.N. 12-17-100-018)**

Dear Mr. Berkhout:

Please accept this letter as the City of Geneva's review comments for the proposed planned unit development amendment for Windy Acres, 37w446 Fabyan Parkway. It appears the subject property is currently part of a planned unit development and the property owner is requesting to add seasonal entertainment, group events and alcohol to the list of uses.

The City of Geneva supports and respects the locally grown products produced by Windy Acres and appreciates their agriculture contributions but has some concerns with expanding this farm operation to be an event venue adjacent to residences, schools and a cemetery. The serving of alcohol and the hosting of events has a high potential to interrupt the solemnity of a funeral or the typical residential tranquility expected on the rural fringe. While much of the application references the farm movement and healthy lifestyles, it is unclear how adding alcohol and non-farm related events such as weddings, family reunions and "corporate parties" will further these goals or qualifies as "agriculturally-related". It seems that the expansion of the planned unit development uses is more related to generating income than furthering the farm movement.

Below the City of Geneva has addressed the pertinent Findings of Fact:

- 1) How does your proposed use relate to the existing uses of property within the general are of the property in question.

Typical farm operations and a living farm are compatible with the surrounding uses. Creating an event venue with a beer garden and music adjacent to a cemetery, middle schools and single family residences will most likely result in complaints being filed

about the volume of the music disturbing the peace or the normal activities for those existing uses. At the very least, the City of Geneva would like to see the City of Geneva's Noise Control Ordinance (see attached) adopted for the Planned Unit Development so the noise from the events does not disrupt the cemetery or nearby Geneva residences. The creation of an event venue with alcohol being served on the rural fringe is not typical and is not what area residences were expecting when they purchased their homes in this area. It is not clear who will monitor the number of persons or cars entering Windy Acres for an event. Will the events be RSVP only? If an event became more popular than expected, it is doubtful that off-duty Sheriff's Department personnel will be standing by to help control the event.

- 2) How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

The purpose and intent of the F2 District, "...is to provide for the proper location and regulation of agriculturally related sales, services, processing, research, warehousing and marketing activities and other related uses that are dependent upon, or closely allied to, the agricultural industry. The proposed new uses seem incompatible and inconsistent with the existing zoning classification. The special uses listed for the F2 District also do not contemplate this type of use in this district. Furthermore, the type of uses being proposed were not envisioned by the existing planned unit development and therefore require an amendment to the planned unit development.

- 3) How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?

It appears that the 2040 Plan shows the property as Institutional/Open Space, which seems to be consistent with farming and a cemetery but less as a private event complex. If recommended for approval, Windy Acres should be required to extend a bikepath across their property in compliance with Geneva's Bikeway Implementation Plan to provide connectivity for the region. Also if approved, the Windy Acres access point should be a shared access with easements in accordance with the adopted Fabyan Parkway Intergovernmental Agreement between Batavia, Geneva and Kane County.

- 4) Explain how 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 City of Geneva is concerned that a private concert or party use will detract from the comfort and general welfare of the neighboring residents and could disrupt the solemnity of funerals taking place on the adjacent property. The City of Geneva would recommend relocating the seasonal entertainment area to the west side of the property and directing the sound toward Fabyan Parkway.

- 5) Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity?

The City of Geneva is concerned that a private event or party use will deprive residents of the enjoyment of their space if the music and/or traffic becomes a

nuisance. The presence of 250 people with access to alcohol and music is likely to disrupt the use and enjoyment of residents' back yards and the continued nuisance is likely to reduce the property value of adjacent single-family residences.

- 6) Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property?

The granting of this special use in this location will most likely act as a deterrent to the contemplated expansion of the cemetery directly east of the planned stage area. As currently proposed, the seasonal entertainment area is situated in close proximity to single family homes in Geneva. To be friendlier to the surrounding community, the seasonal entertainment area should be relocated to the west side of the owner's residence and directed south and west toward the cell tower to affect the fewest number of people. The parking lots could then be located along the east side of the property.

- 7) Will the special use conform to the regulations of the district in which it is located?

As previously mentioned, if recommended for approval, much stricter regulations should apply to the Windy Acres PUD. Having off-duty officers is a good traffic measure but the applicant should always have officers to manage the traffic after any event with over 100 people present at one time. Second, Geneva's Noise Control Ordinance should be adopted for this property because the affected surrounding residential and education uses are located in Geneva and not unincorporated Kane County.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Paul Evans  
City Planner

Attachment: Geneva Noise Control Ordinance Section 5-3-4 Noise Levels Between Properties

CC: Joel Strassman, City of Batavia  
Mary McKittrick, City Administrator  
Stephanie Dawkins, Assistant City Administrator  
David DeGroot, Community Development Director  
Rich Babica, Director of Public Works  
Eric Passarelli, Police Chief  
Steve Olson, Fire Chief  
Cathleen Tymoszenko, Director of Economic Development

5-3-4: - NOISE LEVELS BETWEEN PROPERTIES:

A. It shall be unlawful to project a sound or noise excluding noise emanating from cars, trucks or motorcycles from one property into another, which exceeds the limiting noise spectra set forth in this subsection, with the classification of land being by use. Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.

NOISE LEVELS FOR USE DISTRICTS

Maximum permissible sound pressure level (dB) of sound emitted to any of the following use districts:

<u>Hours</u>	<u>Residential</u>	<u>Commercial</u>	<u>Industrial</u>
Between 7:00 A.M. and 10:00 P.M.	65	84	85
Between 10:00 P.M. and 7:00 A.M.	60	79	80

Residential: All single-family and multi-family dwelling units under R1, R2, R3, R4, R5, R6, R7, RR and RE zoning districts.

Commercial: All business and commercial uses under B1, B2, B3, B3(E) B4, B5, B6 and GO and all nonresidential special uses granted under R1 through R4 zoning districts.

Industrial: All industrial uses including uses under OR, I1 and I2.

(1975 Code § 17-33; amd. 2003 Code)

B. The measurement of such sound or noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American National Standards Institute, or its successor. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system prior to the time of any noise measurement and thereafter. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

C.

The slow meter response of the sound level meter shall be used in order to best determine that the average amplitude does not exceed the limiting noise spectra set forth in subsection A of this section.

- D. The measurement shall be made at the property line of the property on which such noise is received, five feet (5') aboveground, but such measurement shall not be made closer than twenty five feet (25') from such noise source.
- E. In the case of an elevated or directional sound or noise source, compliance with the noise limits is to be maintained at any elevation at the boundary, but not closer than twenty five feet (25') from said noise source.

(1975 Code § 17-33)