

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE
Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
6:30 p.m.
Meeting Minutes of March 12, 2018

CALL TO ORDER

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

ROLL CALL

Committee Members Present: Lynn Cullick, Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jim Williams, David Lombardo, Jerry Lizalek, Laura Hubbard, Robert Delaney, Roger Singleton, Nate Howell, Timothy Moran, and Vicky Schnabel

APPROVAL OF AGENDA

Motion by Member Kellogg, seconded by Member Cullick, to approve the agenda as presented. With a voice vote of five ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Cullick, seconded by Member Kellogg, to approve the minutes of the February 13, 2018 meeting. With a voice vote of five ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Mr. Asselmeier noted that the legal publications line item was over sixty-two percent (62%) used. This line item funds notices of text amendments. The Department will look for other ways of cutting from other line items, but if the Committee continues doing text amendments, the Department may spend more than is budgeted.

Member Gryder asked about the Fox Metro project. Mr. Asselmeier reported that most of the expenditures related to Fox Metro were inspections after one inch (1") rainfalls. The money is paid out of the Fox Metro escrow account.

Motion by Member Cullick, seconded by Member Kellogg, to forward the claims to the Finance Committee. With a voice vote of five ayes, the motion carried.

PUBLIC COMMENT

None

PETITIONS

Petition 17-33-Kendall County Planning Building and Zoning Committee's Request for Text Amendments to Sections 4.19, 5.08, 6.07.G.2, 7.01, 8.02, 8.03, 10.01.C.27, 10.03.I and 13 of the Kendall County Zoning Ordinance Transferring the Authority to Hear Applications, Major

Amendments and Revocations of Special Use Permits from the Hearing Officer to the Kendall County Zoning Board of Appeals and Related Citation Amendments

Mr. Asselmeier reported that this the request to transfer the power and duties of the Hearing Officer to hear special use permit applications, applications for major amendments to special use permits, and non-owner initiated revocations of special use permits.

ZPAC, the Regional Planning Commission, and Zoning Board of Appeals recommended approval. Walter Werderich testified at the Zoning Board of Appeals hearing and said that he did not have an opinion on the matter. No townships submitted comments on the proposal.

If the proposal is adopted, the Hearing Officer would continue to exist for administrative adjudication reasons, but the Hearing Officer would no longer applications for special use permits.

Motion by Member Kellogg, seconded by Member Gilmour, to forward the petition to the County Board.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the County Board on March 21st.

Amended Petition 17-29-Kendall County Planning, Building and Zoning Committee's Request for a Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier summarized the request. The proposal increases the notification requirement to one thousand feet (1,000') for properties requesting a special use permit if the property is zoned A-1. Non A-1 zoned properties would only notify adjoining landowners. By practice, the County only requires that properties zoned A-1 notify neighbors up to five hundred feet (500').

ZPAC, the Regional Planning, and Zoning Board of Appeals recommended that the notification distance for A-1 zoned properties be five hundred feet (500'). No member of an advisory committee voted in favor raising the distance to one thousand feet (1,000'). The reasons were:

1. A one thousand foot (1,000') requirement was larger than neighboring counties (ZPAC).
2. The cost of Six Dollars and Seventy-Four Cents (\$6.74) to do the mailings to more people would be a burden to petitioners (ZPAC, RPC, ZBA).
3. The added time for the applicant to mail the notices (ZPAC).
4. The added time for Staff to process the additional green cards (ZPAC).
5. No method exists to notify everyone that thinks they should be notified (ZPAC)
6. Anyone could attend the hearing and the testimony of the person that received notice has equal weight as a person that did not receive the notice (ZBA).

7. Neighbors tell neighbors; social media allows neighbors to communicate and mailing the notice is not the only way neighbors find out about hearings (ZBA).

One member of the ZBA favored the proposal in agricultural areas, but did not see how the Department could separate an A-1 zoned area near residential use with an A-1 zoned property in the middle of agricultural lands.

Discussion occurred regarding the proper distance requirement and other methods, like signage, for notifying neighbors.

Motion by Member Davidson, seconded by Member Gryder, to recommend that the distance requirement be set at seven hundred feet instead of one thousand feet.

Yeas (2): Davidson and Gryder
Nays (3): Cullick, Gilmour, and Kellogg
Abstain (0): None
Absent (0): None

The motion failed.

Motion by Member Gilmour, seconded by Member Cullick, to recommend the distance be set at one thousand feet and that the proposal be forwarded to the Committee of the Whole.

Yeas (3): Cullick, Gilmour, and Kellogg
Nays (2): Davidson and Gryder
Abstain (0): None
Absent (0): None

The motion carried. This matter will go to the Committee of the Whole on March 15th.

Petition 18-06-Request from Laura Hubbard for a Conditional Use Permit to Hold a Seasonal Event on June 30, 2018 and September 29, 2018 at 7626 Ashley Road, Yorkville, Kendall Township

Mr. Asselmeier reported that Ms. Hubbard makes this request every year. She is rerouting traffic off of Route 126, but no other changes exist to her proposal. The Sheriff's Department expressed no concerns regarding this proposal.

Motion by Member Gryder, seconded by Member Gilmour, to approve of the conditional use permit as requested.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

NEW BUSINESS

Approval of a Resolution to Release All Claims on a Bank Account Owned by Whitetail Ridge Golf Club, LLC at First National Bank in the Amount of \$3,000.00 Pursuant to Condition 18 of Ordinance 2016-11 (Granting a Special Use Permit at 9111 Ashley Road in Kendall Township to Operate a Banquet Hall)

Mr. Asselmeier summarized the request. Whitetail Ridge Golf Club, LLC established a bank account at First National Bank in the amount of Three Thousand Dollars (\$3,000) as required by Ordinance 2016-11. The owner of 9092 Ashley Road has not submitted a request for an appraisal or proof that an appraisal occurred. Whitetail Ridge Golf Club, LLC has completed the requirement of the applicable restriction imposed by Ordinance 2016-11 and the County's claims could be withdrawn.

Vicky Schanbel, Ashley Road, expressed her concerns that the County was not adequately enforcing the provisions of the special use permit. Several Committee Members urged Ms. Schnabel to obtain the appraisal allowed by the special use permit. The appraiser is chosen by the Schanbels.

Motion by Member Gryder, seconded by Member Kellogg, to continue this matter to the April Planning, Building and Zoning Committee meeting. With a voice vote of five ayes, the motion passed unanimously.

OLD BUSINESS

Approval of Amendments to Petition 17-28 Pertaining to Outdoor Target Practice and Shooting Zoning Regulations

David Lombardo provided comments on the proposal. His recommendations focused on containment of projectiles on the range, sound control, insurance requirements, and land stewardship.

Members agreed to remove the requirement that the safety plan require everyone on the firing line to wear hearing protection and safety glasses.

Members did not specify if the hazardous waste plan needed to meet the requirements of the National Rifle Association, National Shooting Sports Foundation or U.S. Environmental Protection Agency.

Discussion occurred regarding range design. The phrase "based on surrounding conditions" was removed from the baffling requirement. Berm heights would be set at twenty feet (20') in height for a three hundred foot (300') range and for every three feet (3') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as example. The installation of baffling was changed from "shall" to "may be required based on the types of activities performed on the range" and language related to no blue sky over the firing line was added. The specifics of berm height shall be stated in the safety plan. No blue sky baffling would be costly.

Members agreed to remove the minimum acreage requirements; ranges must meet the setbacks of the zoning district.

Members agreed that a sign should be required based on firearm types based on the special use permit and the reference to velocity would be removed.

Members agreed to replace the certified range inspector with a qualified person. A qualified person or person with equivalent experience must be present at all times.

A cone was added to the list of ways to notify people that ranges were active. The specific size and dimension of the range flag was removed.

Access would be by gated entrance. Berming would substitute for fencing.

The direct access requirement instead of easement access was removed.

The noise exemption for powered lawn equipment was removed.

The distance from neighboring houses was removed and replaced with following the setback requirements.

Nate Howell was advised to contact Mr. Asselmeier regarding changes to their range's site plan.

The consensus of the Committee was that the County not be named additional insured.

Jerry Lizalek's suggestions regarding public and private ranges and open to the public be added to proposed sections t and u. Mr. Lizalek also suggested that "yard" be replaced with "on your own property" in definition of outdoor target practice and shooting ranges.

Motion by Member Gryder, seconded by Member Kellogg, to have Staff incorporate the changes in the proposal and to forward the changes to the State's Attorney's Office for review. With a voice vote of five ayes, the motion carried.

Discussion of Proposed Solar Panel Regulations for Offsite Consumption of Energy-Committee Could Initiate Text Amendments to the Zoning Ordinance

Mr. Asselmeier presented a table comparing the solar panel regulations of Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties. Mr. Asselmeier noted that DeKalb County amended their proposal in the preceding month by tightening restrictions.

Several Committee members wanted to get the process started. Due to the availability of incentives and the time required to adopt a text amendment, the argument was that this process should be started as soon as possible. The consensus was that the amended DeKalb County proposal should be used as a guide.

Motion by Member Gryder, seconded by Member Kellogg, to initiate a text amendment to the Kendall County Zoning Ordinance for solar panel regulations modeled on DeKalb County's more restrictive proposal. With a voice vote of five ayes, the motion carried.

Update on Bridge Issue at 13360 McKanna Road, Minooka (Bridge Owned by Mark Antos)

Mr. Asselmeier reported that neither the State's Attorney's Office nor the Planning, Building and Zoning Department received correspondence from Mr. Antos since Mr. Antos requested permission to complete the bridge by May 1st. The consensus of the Committee was to have the State's Attorney's Office ready to file paperwork in court if Mr. Antos fails to remove the low water crossing by May 1, 2018.

Request for Guidance RE: Conditional Use Permits

Mr. Asselmeier read his memo on the subject. He divided each conditional use into permitted or special use based on potential negative impacts to neighborhoods.

The consensus of the Committee was to lay this proposal over to the April meeting.

Discussion of Citation Writing Possibility

Mr. Asselmeier reported that the PBZ Department has not met with the State's Attorney's Office on this matter.

The consensus of the Committee was to lay this proposal over to the April meeting.

Planning, Building and Zoning Staffing Issues- Review and Recommendation of Senior Planner Assuming the Duties of the Zoning Administrator and Plat Officer

Mr. Asselmeier read his memo on the subject. Under the proposal, the Senior Planner would assume the duties of the Plat Officer. The consensus of the Committee was agreement with this proposal.

Planning, Building and Zoning Staffing Issues-Review and Recommendation of County Administrator Continuing the Duties of the Director of Planning, Building and Zoning Department

Mr. Asselmeier read his memo on the subject. Under the proposal, the County Administrator would continue the duties of the Director of the Planning, Building and Zoning Department. The consensus of the Committee was agreement with this proposal.

The Administration Office is working on the job descriptions for Planning, Building and Zoning Department Staff. After draft job descriptions are prepared, the proposed job descriptions will be sent to the Planning, Building and Zoning Committee for review.

REVIEW VIOLATION REPORT

The Committee reviewed the Violation Report.

Approval to Forward Violation of Inoperable Vehicle Ordinance at 93 Longbeach Road, Montgomery to Either the State's Attorney's Office or Hearing Officer

Mr. Asselmeier summarized the alleged violation.

Timothy Moran, property owner, explained his financial situation. He stated that it would take at least six (6) months for him to get the three (3) vehicles operational.

Chairman Davidson made a motion to give the owner six (6) months to remove the three (3) vehicles. The motion died for lack of a second.

Motion by Member Kellogg, seconded by Member Gryder, to forward the alleged violation to the State's Attorney's Office on September 10, 2018, if the violations have not been remedied.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Approval to Forward Violation of Inoperable Vehicle Ordinance at 190 Boulder Hill Pass to Either the State's Attorney's Office or Hearing Officer

Mr. Asselmeier summarized the alleged violation.

Motion by Member Gryder, seconded by Member Kellogg, to forward the alleged violation to the State's Attorney's Office.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the Non-Violation Report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

February 21, 2018 Event

Mr. Asselmeier provided the minutes from the February 21st event.

REVIEW PERMIT REPORT

The Committee reviewed the permit report. Mr. Asselmeier will check the Revenue Report to see where the Two Hundred Fifty Thousand Dollar (\$250,000) figure for the two (2) new homes originated.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

Churchill Club Stormwater Issue

Mr. Asselmeier read the emails on this matter.

Correspondence Related to Fields of Farm Colony Stormwater Issue

Mr. Asselmeier read the emails on this matter.

Correspondence Related to 45 Cheyenne Court

Mr. Asselmeier read the emails on this matter. The consensus of this Committee was to bring this issue back next month with a timeline from the owner.

PUBLIC COMMENT

Jim Williams, Boulder Hill, did not think the owner at 93 Longbeach will have the money in six (6) months. Mr. Williams asked about the process that occurs after a complaint is filed. Mr. Asselmeier explained the process. The Planning, Building and Zoning Department is a complaint driven department.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

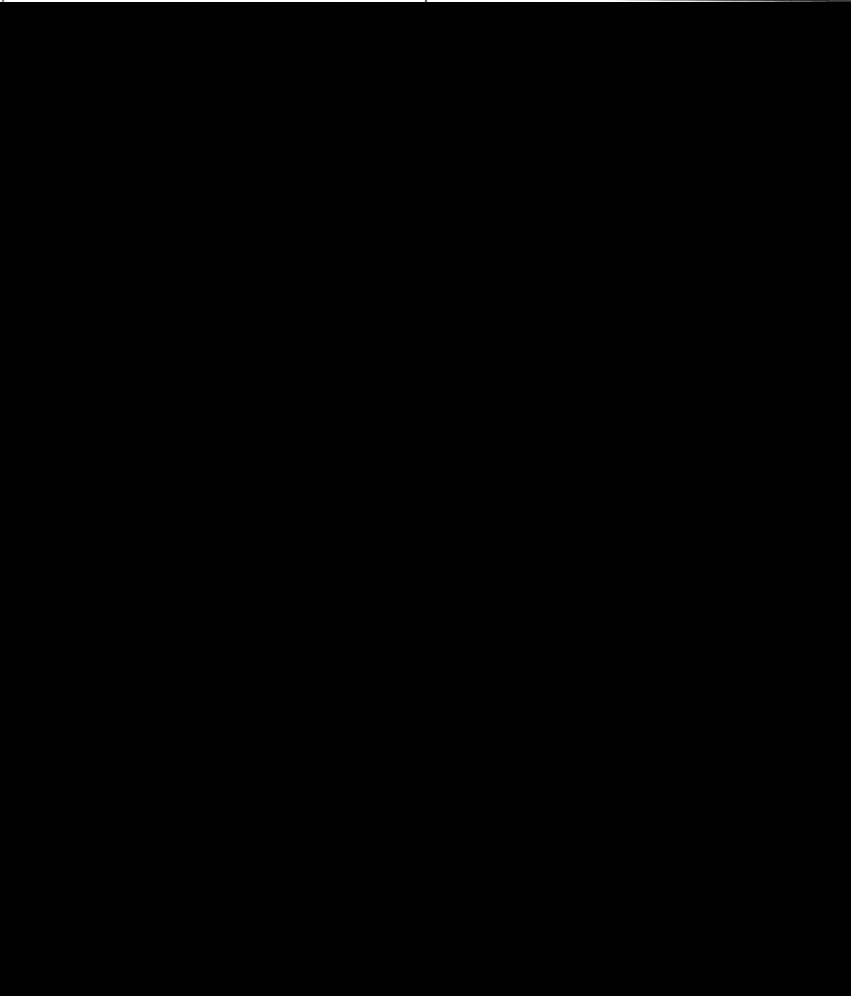
ADJOURNMENT

Member Kellogg motioned to adjourn, seconded by Member Gryder. With a voice vote of five ayes, Chairman Davidson adjourned the meeting at 9:24 p.m.

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

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MARCH 12, 2018**

NAME	ADDRESS	EMAIL ADDRESS
David Lombardo		
Laura Hubbard		
Jim Williams		
Robert Delaney		
Jerry Lizalek		
Roger Singleton		
Timothy J. Moore		